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Floor Debate  
March 21, 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-SIXTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR DONNA GOLTRY OF THE WESTRIDGE UNITED METHODIST CHURCH AND THE TRINITY UNITED CHURCHES IN MADISON, NEBRASKA, SENATOR SCHEER'S DISTRICT. PLEASE RISE.

PASTOR GOLTRY: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR GOLTRY. I CALL TO ORDER THE FORTY-SIXTH 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 FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS, MR. PRESIDENT.

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

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS THEY'VE EXAMINED AND ENGROSSED LB467, LB467A, LB754, LB754A,

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LB794, LB817, LB867, LB867A, LB906, LB934, LB934A, LB1082, LB1082A, LB1092, AND LB1109, ALL OF THOSE REPORTED CORRECTLY ENGROSSED. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1101-1102.) [LB467 LB467A LB754 LB754A LB794 LB817 LB867 LB867A LB906 LB934 LB934A LB1082 LB1082A LB1092 LB1109]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MATT WILLIAMS WOULD LIKE US TO ANNOUNCE THAT THE COOKIES BEING DISTRIBUTED ON THE FLOOR TODAY ARE IN CELEBRATION OF THE BIRTH OF MABEL, THE DAUGHTER OF JEREMIAH AND SHELLY BLAKE OF SENATOR WILLIAMS' STAFF. CONGRATULATIONS TO THE BLAKE FAMILY AND SENATOR WILLIAMS' STAFF. MEMBERS, WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR475 AND LR476. WE'LL NOW PROCEED TO THE AGENDA, SELECT FILE BUDGET BILLS. MR. CLERK. [LR475 LR476]

CLERK: MR. PRESIDENT, LB956. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER192, LEGISLATIVE JOURNAL PAGE 1013) [LB956]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB956]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB956. [LB956]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB956]

CLERK: SENATOR MELLO WOULD MOVE TO AMEND WITH AM2614. (LEGISLATIVE JOURNAL PAGE 1088.) [LB956]

PRESIDENT FOLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON AM2614. [LB956]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AM2614 MAKES A FEW SMALL TECHNICAL CHANGES TO THE MAINLINE DEFICIT APPROPRIATIONS BUDGET BILL. FIRST, AM2614 INCREASES THE FISCAL YEAR

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2016-17 APPROPRIATION FOR THE PAROLE PROGRAM CASH FUND TO THE BOARD OF PARDONS TO THE BOARD OF PAROLE FOR PROGRAM 358 TO AID IN CARRYING OUT THE PROVISIONS OF LB598 WHICH WE PASSED LAST LEGISLATIVE SESSION. SECOND, IT INSERTS A CAP ON ONE OF THE TRANSFER PROVISIONS IN THE MAINLINE BUDGET BILL, A \$10 MILLION CAP TRANSFER TO THE DIVISION OF CHILD WELFARE...CHILD WELFARE PROGRAM IN THE DIVISION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THIRD, IT SPECIFIES THAT AN UNEXPENDED GENERAL FUND APPROPRIATION BALANCE EXISTS ON JUNE 30, 2016, LESS THE CERTIFIED ENCUMBRANCES IN PROGRAM 389, THE ADULT PAROLE ADMINISTRATION SHALL BE APPROPRIATED TO THE BOARD OF PARDONS AND THE BOARD OF PAROLE, PROGRAM 358, THE BOARD OF PAROLE IN THE DEPARTMENT OF CORRECTIONAL SERVICES. AND FINALLY, IT INSERTS INTENT LANGUAGE TO REQUIRE THE TOURISM COMMISSION TO ESTABLISH CRITERIA AND EVALUATION SURROUNDING POTENTIAL LARGE-SCALE TOURISM PROJECTS AND REQUIRE A REPORT TO THE APPROPRIATIONS COMMITTEE BY THE END OF 2016. THIS LANGUAGE WAS LANGUAGE THAT WAS AN OMISSION ON MY END, THAT WAS WORKED ON BY THE TOURISM COMMISSION, BY SENATOR STINNER DURING THE PROCESS, AS WELL AS SENATOR MORFELD AND IT WAS INADVERTENTLY LEFT OUT IN THE ADVANCEMENT TO GENERAL FILE. WITH THAT, COLLEAGUES, I'D URGE THE BODY TO ADOPT AM2614. THANK YOU, MR. PRESIDENT. [LB956 LB598]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. (DOCTOR OF THE DAY INTRODUCED.) DEBATE IS NOW OPEN ON AM2614. SENATOR GROENE, YOU'RE RECOGNIZED. [LB956]

SENATOR GROENE: I STAND IN SUPPORT OF AM2614. BUT THE REAL REASON I STOOD IS, AS I SAID BEFORE ON THE BUDGET, I THINK THE PUBLIC NEEDS A LITTLE DEBATE ON THIS \$4.4 MILLION...\$4.4 BILLION BUDGET. I SEE HERE THAT WE HAD SOME SIGNIFICANT GENERAL FUND ITEMS THAT WERE CHANGED: WATER LITIGATION FUND, WE GAVE THE ATTORNEY GENERAL DEPARTMENT \$308,000 ONE YEAR, AND \$922,000, NEXT TO \$1 MILLION THE NEXT YEAR. THERE HAVE BEEN CHANGES IN TEEOSA OVER THE...WE GOT EXPANDED LEARNING COMMUNITY OPPORTUNITY GRANTS THAT'S BEEN ADDED INTERIM. HOMESTEAD EXEMPTION MONEY HAS BEEN CHANGED, BUDGETED \$71 (MILLION), IT'S GOING TO BE \$71.3 (MILLION). AND THESE ARE ALL MAJOR CHANGES. THAT'S WHY WE WERE SENT HERE, TO DO BUDGETS. I WROTE IN MY COLUMN FOR MY LOCAL PAPER ABOUT HOW IF I WOULDN'T HAVE STOOD UP IN THE ORIGINAL...ON GENERAL FILE AND DISCUSSED THE BUDGET AND FORCED DEBATE FOR AT LEAST AN HOUR AND 45 MINUTES THERE WOULDN'T HAVE BEEN ANY ON A \$4.4

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BILLION BUDGET. PRIOR TO THAT, WE'D SPENT SIX HOURS DEBATING MOUNTAIN LION HUNTING. AFTER THAT, WE SPENT OVER TWO HOURS DEBATING RIGHTS OF PROSTITUTES. AND WHEN PEOPLE ASK ME WHY DO YOU WANT TO BE DOWN THERE, I SAID I REALLY DON'T KNOW ANYMORE. I SAID I UNDERSTAND. IF YOU DON'T UNDERSTAND, FELLOW SENATORS, THE TRUMP PHENOMENON, THE SANDERS PHENOMENON, IT'S THIS. IT'S THIS: SIX HOURS ON MOUNTAIN LIONS, NOTHING ON A \$4.4 BILLION BUDGET DEBATE UNLESS I WOULD HAVE STOOD UP AND BROUGHT UP SOME ISSUES. NOT THAT I'M PATTING ON MY BACK, BUT THAT'S WHY I CAME DOWN HERE. THERE'S BEEN MAJOR CHANGES TO THIS BUDGET. I'M NOT...THERE'S NOTHING WRONG WITH IT. THAT'S THE PROCESS OF BUDGETING. SENATOR MELLO HAS DONE A WONDERFUL JOB GUIDING THIS WHOLE SYSTEM THROUGH. IT'S LIKE HERDING CATS OR EVEN WORSE. HE'S BEEN A VERY GOOD CHAIRMAN. DISAGREE WITH POLITICS A LITTLE BIT, BUT HE'S...I ALWAYS TELL HIM HE'S A KENNEDY DEMOCRAT. AND NOW HE'S PROBABLY, BESIDES REAGAN, THE ONLY FISCAL CONSERVATIVE PRESIDENT WE'VE HAD IN A WHILE. BUT THE FACT IS THIS, WE NEED TO DEBATE THIS. THIS IS A MODERN ERA. WE'RE ON TELEVISION. WE'RE ON THE COMPUTER. THE OLD DAYS OF DOING THINGS IN THE BACK ROOM AND THEN LEAVING IT THERE AND MAKING THE DEALS SHOULD BE OVER WITH. THE PEOPLE ARE DEMANDING IT. THAT'S WHY TRUMP IS WHERE HE'S AT. THAT'S WHY SANDERS IS WHERE HE'S AT. WE NEED TO START DEBATING THESE ISSUES, BORING AS THEY ARE. IT SEEMS THAT NOBODY IN ELECTED OFFICE WANTS TO FIX THE POTHOLES ANYMORE; THAT'S TOO BORING. FIX THE SANITATION SYSTEM; THAT'S BORING. THEY WANT TO BE VENTURE CAPITALISTS AND HAVE...MAKE SURE A COMPANY COMES TO TOWN. WE WANT TO TALK ABOUT HUNTING MOUNTAIN LIONS OR WE WANT TO TALK ABOUT PROSTITUTION AND OR WE WANT TO GIVE FREE STUFF AWAY IN FOOD STAMPS. BUT WHEN IT COMES TO THE BORING STUFF OF DEBATING A BUDGET, NO, NOBODY WANTS TO DO THAT. LET'S JUST GET IT OVER WITH SO WE CAN GET BACK TO THE MORE ROMANTIC STUFF, THE MORE FUN STUFF. AND, THEREFORE, TRUMP GETS VOTES; SANDERS GETS VOTES. THAT'S THE WAY I SEE IT. I'VE ONLY BEEN HERE GOING ON, WHAT--90 PLUS 45 DAYS--135 DAYS OF MY LIFE. SO I HAVEN'T CHANGED MY ATTITUDE OF BEING A TAXPAYER YET. I HAVEN'T GONE TO THAT MANY LOBBYIST FUNCTIONS OR SAT DOWN WITH THEM THAT OFTEN AND BEEN CONVINCED OF OTHER ISSUES. BUT IN THE FUTURE, WHOEVER I VOTE FOR CHAIRMAN OF THE BUDGET COMMITTEE IS GOING TO MAKE SURE THERE'S GOING TO BE A... [LB956]

PRESIDENT FOLEY: ONE MINUTE. [LB956]

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SENATOR GROENE: ...A DEBATE. AND HE'S GOING TO HAVE TO GIVE ME A COMMITMENT THAT THIS STUFF STOPS, THIS...SOME OF THESE THINGS, THE SPENDING...BUYING THINGS OUT OF OUR SAVINGS INSTEAD OF IN THE BUDGET PROCESS. BUT I'M ONLY ONE SENATOR AND I'M UP-FRONT ABOUT WHAT I BELIEVE. SO HOPEFULLY WE HAVE SOME CHANGES IN THE FUTURE. NOT CRITICIZING ANYBODY FOR DOING WHAT THEY PASSED, THAT FOLLOW THE RULES. BUT SOMEBODY...SOMETIMES YOU NEED TO SHINE A LIGHT ON THINGS. THANK YOU, MR. PRESIDENT. [LB956]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I CAN UNDERSTAND THE YOUNGSTER'S FRUSTRATION. THAT HAPPENS WHEN YOU'RE YOUTHFUL, WHEN YOU HAVE EXPERIENCE AND YOU'RE IN THE PROCESS OF BECOMING SEASONED, BUT YOU HAVE TO JUST PRESS RIGHT ON. AND WHAT I DO IS TO PICK THE ISSUES THAT ARE IMPORTANT FROM MY PERSPECTIVE. WHEN THERE ARE MATTERS ABOUT WHICH EVERYBODY WILL SPEAK, I DON'T NEED TO TALK ABOUT THAT. BUT THOSE PERSONS, THOSE ISSUES THAT I DEEM IMPORTANT, WHICH ARE MARGINALIZED OR PUSHED ASIDE, I WILL TAKE WHATEVER TIME I NEED TO DISCUSS THOSE MATTERS. AND I DO FEEL THAT WHAT HAPPENS TO MOUNTAIN LIONS IS VERY IMPORTANT, AND I WILL CONTINUE TO TALK ABOUT IT. DO I CARE ABOUT THESE LITTLE OUTFITS THAT DETERMINE WHAT YOU'RE GOING TO DO WITH WATER AND BUILD DAM PROJECTS AND SO FORTH? NOT AT ALL. THERE ARE PLENTY OF PEOPLE WHO WILL TALK ABOUT THAT. I DON'T CARE ONE WAY OR THE OTHER, JUST LIKE A LOT OF PEOPLE DON'T CARE ABOUT THE MOUNTAIN LIONS. THEY DON'T CARE ABOUT HUNGRY CHILDREN. THERE ARE PEOPLE WHO WILL TALK ABOUT DISABILITY. THERE ARE PEOPLE WHO WILL TALK GENERALLY ABOUT MENTAL HEALTH. AND IT'S GOOD THAT THAT IS DONE, BUT THAT PROVIDES A CONTEXT. THERE ARE REAL PEOPLE, REAL CHILDREN WHO ARE SUFFERING UNNECESSARILY BECAUSE THE LEGISLATURE REFUSES TO ENACT LEGISLATION THAT WILL MEET THEIR NEEDS. I HAVE HEARD OUTLANDISH STATEMENTS MADE ON THIS FLOOR, SUCH AS--CHRISTIANS SAY THIS STUFF--THE BIBLE SAYS WE SHOULD DO THIS BUT NOT THE GOVERNMENT. THEN THEY WANT TO PUT RELIGION IN GOVERNMENT. HERE THEY BRING THEIR RELIGION ON THE FLOOR OF THE LEGISLATURE EVERY MORNING. BUT THEY DON'T WANT THEIR RELIGION TO BE CALLED INTO QUESTION WHEN IT'S TIME TO DO SOMETHING BASED ON WHAT THEY TALK ABOUT IN THEIR RELIGION. THAT'S WHY I TALK ABOUT THEIR RELIGION AND I SAY "THEIRS" BECAUSE IT'S NOT MINE. I DID NOT WRITE THE

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"BIBBLE." I DON'T WRITE THE COMMENTARIES ON THE "BIBBLE." BUT I READ IT. THERE WAS A FELLOW, HE WAS A GREEK. HE CREATED AN ENTIRE PANTHEON OF GODS. SOME OF THEM HAVE GREEK NAMES. PARALLEL GODS ARE GIVEN ROMAN NAMES. BUT THEIR GODS ARE AS GOOD AS ANYBODY ELSE'S. NONE OF THEM ANSWER. NONE OF THEM PAY ATTENTION. AND PEOPLE CREATE ALL OF THOSE GODS IN THEIR OWN IMAGE. I LOOKED AT HOW MANY TIMES THE NAME OF JESUS IS INVOKED. JESUS IS THE ONE WHO SAID IF YOU LOVE ME, YOU WILL KEEP MY COMMANDMENTS. THAT'S WHAT JESUS SAID. AND WHEN JESUS HAD THE MATTER PUT SQUARELY TO HIM, HE SAID THERE ARE TWO COMMANDMENTS AND IN THOSE YOU FIND ALL OF THE LAW AND THE PROPHETS, SO DON'T RUN DOWN THOSE TEN THAT MOSES SUPPOSEDLY GOT AT THE TOP OF MOUNT SINAI WRITTEN, SOME ROMANTICISTS SAY, BY THE FINGER OF GOD. HERE'S WHAT JESUS SAID. THE FIRST AND GREAT COMMANDMENT FOR YOU WHO CALL YOURSELVES RELIGIOUS, LOVE THE LORD THY GOD WITH ALL THY HEART, MIND, AND STRENGTH. THAT TAKES CARE OF THE SUPERNATURAL. THEN HERE COMES THE HARD PART THAT YOU'RE NOT GOING TO DO. HE SAID THE SECOND IS LIKE UNTO IT. LOVE YOUR NEIGHBOR AS YOURSELF. [LB956]

PRESIDENT FOLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: YOU ALL DISREGARD THAT. SO HE TRIED TO UNDERLINE IT WITH WORDS IN THE SAME WAY I USE RED INK TO UNDERLINE CERTAIN PASSAGES WITH THE HANDOUTS I GIVE YOU. HE CHASTISED YOU. HE ASKED YOU CHRISTIANS HOW YOU CAN YOU SAY YOU LOVE GOD WHOM YOU HAVE NOT SEEN AND HATE YOUR BROTHER WHOM YOU HAVE SEEN? SO YOU ALL GET UP HERE, YOU STIR UP DUST, YOU RAISE CAIN, YOU TALK ABOUT RELIGIOUS LIBERTY. BUT WHEN YOU TALK ABOUT IT, IT'S TO PUT YOU IN A POSITION TO DISCRIMINATE AGAINST OTHERS AND HIDE BEHIND A WALL OR VEIL OF RELIGION AND MY JOB IS TO SPLIT THAT VEIL AND I SHALL DO IT. AND I DON'T PERSONALLY CARE WHAT ANYBODY ON THIS FLOOR THINKS, JUST LIKE PEOPLE ON THIS FLOOR DON'T CARE WHAT I THINK. IT DEPENDS ON HOW MUCH DRIVE WE HAVE AS TO HOW MUCH SPEAKING WE WILL DO AND THE ISSUES WE WILL COVER. THANK YOU, MR. PRESIDENT. [LB956]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS, AND YOU ARE NEXT IN THE QUEUE SO YOU MAY CONTINUE. [LB956]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, I RECEIVED A LETTER FROM A WOMAN IN SCOTTSBLUFF. SHE SAID THAT THE NEWSPAPER

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OUT THERE TOOK A POLL ON THE BILL I HAVE THAT WILL ALLOW PEOPLE TO MAKE A DECISION AS TO HOW THEY WILL LEAVE THIS WORLD WITH THE WILLING ASSISTANCE OF A DOCTOR. ONE HUNDRED PEOPLE WERE ASKED--I THINK THE NEWSPAPER WAS CALLED THE SCOTTSBLUFF STAR-HERALD--100 PEOPLE WERE ASKED; 61 SUPPORTED THE BILL 39 DID NOT. IF THE WORLD-HERALD, IF THE LINCOLN JOURNAL STAR WOULD CONDUCT POLLS, COMMISSION THOSE POLLS, THEY WOULD FIND A SIMILAR BREAKDOWN. A MAJORITY WILL FAVOR THAT BILL BECAUSE THE PEOPLE OUT THERE HAVE EXPERIENCED SITUATIONS WHERE RELATIVES AS CLOSE AS MOTHERS AND FATHERS, SOMETIMES A GRANDPARENT, SOMETIMES AN UNCLE, AN AUNT, EVEN A BROTHER OR A SISTER. AND AT THAT TIME IT RINGS VERY HOLLOW FOR THESE RELIGIOUS PEOPLE TO TELL THEM, WELL, GOD WANTS YOU TO SUFFER BECAUSE HE SAYS IN UNMERITED SUFFERING THERE IS VIRTUE. BUT THEY DON'T SUFFER. IF THEY GET A HAIRCUT...HEADACHE, THEY TAKE AN ASPIRIN. IF THEY GET A TOE ACHE, THEY WANT TO TAKE TYLENOL OR SOME OTHER SUBSTANCE. THEY FEEL THAT'S ALL RIGHT FOR THEM. BUT THEN THEY CAN COLDLY, CRUELLY, CALLOUSLY SAY THAT SOMEBODY WHO IS SUFFERING THE EXCRUCIATING AGONY OF CANCER, WHICH IS RAVAGING THEIR BODY AND TAKING THEIR LIFE, HOUR BY HOUR, MINUTE BY MINUTE, SECOND BY SECOND, AND BECAUSE IT'S NOT THEM, THEY CAN SAY, WELL, THE BIBLE SAID...THEY DON'T FIND THAT IN THE BIBLE. WELL, THE CHURCH SAYS. LET PEOPLE MAKE THEIR DECISION. SENATOR GROENE WAS DISTRESSED BECAUSE PEOPLE DISCUSSED MOUNTAIN LIONS FOR A GOOD PERIOD OF TIME. THAT'S BECAUSE I'M GOING TO MAKE THEM DO IT AND WE'RE GOING TO DISCUSS IT SOME MORE. WHEN IT CAME TO HELMETS, THERE WERE PEOPLE TALKING ABOUT FREEDOM. AND SOMEBODY TOLD ME THAT SENATOR EBKE HAD MADE A REMARK ABOUT SOMETHING I HAD SAID ABOUT MY RIGHT TO DIE BILL AND THAT THE DIFFERENCE IS THAT HELMETS INVOLVED THE PERSON WHO IS RIDING THE MOTORCYCLE AND MY BILL INVOLVES FORCING OTHERS TO PARTICIPATE IN THIS ACTIVITY. SHE HASN'T READ THE BILL. NOBODY IS FORCED TO DO ANYTHING. EVERYBODY ACTS VOLUNTARILY--EVERYBODY. THERE IS NO COMPULSION. THERE IS NO COERCION. AND IF ANY OF THOSE FORCES ARE FOUND TO HAVE BEEN BROUGHT TO BEAR ON AN INDIVIDUAL, THERE ARE SEVERE PENALTIES. NO DOCTOR IS COMPELLED TO DO ANYTHING CONTRARY TO HIS OR HER HIPPOCRATIC OATH. BUT I DON'T HEAR PEOPLE STAND ON THIS FLOOR AND TALK ABOUT DOCTORS WHO OVERPRESCRIBE OPIOIDS AND THEIR FRIENDS PROBABLY GET SOME AND MAYBE THEY DO. THAT IS WHERE YOU FIND THE VIOLATION OF THE HIPPOCRATIC OATH BECAUSE YOU ARE PUTTING PEOPLE ON A PATH THAT WILL LEAD THEM NOT ONLY TO THOSE OPIOIDS BUT TO OTHER ACTIVITIES TRYING TO GET OTHER DRUGS ON THE STREET BECAUSE THEY CANNOT AFFORD THOSE

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MEDICATIONS THAT THE PHARMACEUTICALS PUT OUT THERE. THERE IS A BURGEONING INDUSTRY IN KEEPING PEOPLE WHO ARE SUFFERING ALIVE FOR A LONG TIME. [LB956]

PRESIDENT FOLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: YOU ALL HAVE NOT EVER DEALT WITH A FAMILY, OBVIOUSLY, WHO HAD AN ELDERLY RELATIVE WHO WAS SENT INTO A, THEY CALL IT, ASSISTED-LIVING FACILITY. THEY'RE BUILDING A HUGE ONE ON HIGHWAY 370. AND THEY'RE LIKE CONFINEMENT FEEDING FACILITIES. THEY WAREHOUSE OLD PEOPLE AND AFTER THEY HAVE BEEN DRAINED OF ALL THEIR ASSETS, IT'S HIT THE ROAD, JACK, AND DON'T YOU COME BACK NO MORE, NO MORE, NO MORE, NO MORE UNTIL YOU GOT MONEY. AND NOBODY CARES WHAT HAPPENS TO THESE OLD PEOPLE. THERE IS A LUCRATIVE INDUSTRY IN OLD PEOPLE AS LONG AS THEY'VE GOT SOMETHING. AND WHO CARES WHERE THEY GO WHEN THEY NO LONGER HAVE THE MONEY TO PAY THOSE EXTRAVAGANT, EXTORTION-LIKE AMOUNTS, TO HAVE ONE OF THOSE WHOM THEY LOVE AND FEEL AN OBLIGATION TOWARD TAKEN CARE OF? [LB956]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR CHAMBERS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB956]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WELL, I WILL AGREE WITH SENATOR GROENE THAT I THINK THIS BILL IS VERY IMPORTANT AND SHOULD BE DISCUSSED A LITTLE BIT MORE ON THE FLOOR. I WILL DISAGREE WITH SENATOR CHAMBERS, I DO ENJOY LISTENING TO EVERYONE'S OPINION ON EVERY BILL THAT'S OUT HERE AND I ENJOY HIS. I JUST DON'T ALWAYS AGREE WITH HIM, THAT'S THE PROBLEM. BUT WE CAN HAVE PHILOSOPHICAL DIFFERENCES. BUT BY LISTENING TO THE DISCUSSION ON THE FLOOR HERE, IT'S MY TIME TO I GUESS HEAR WHY SOME PEOPLE ARE SUPPORTING SOME SPENDING HERE AND THERE AND WHAT THEIR REASONS ARE BEHIND IT AND IN THE OVERALL PICTURE OF HOW THE STATE IS GOING TO OPERATE INTO THE FUTURE. ARE WE GOING TO ATTEMPT TO HOLD SPENDING DOWN SO THAT WE CAN HOLD DOWN TAXES? IS THAT OUR PRIORITY? OR IS OUR PRIORITY TO KEEP FUNDING DIFFERENT PROJECTS? I, FOR ONE, WAS A LITTLE DISAPPOINTED THAT THE REVENUE COMMITTEE...THE APPROPRIATIONS COMMITTEE DIDN'T SET ASIDE MAYBE MORE MONEY FOR PROPERTY TAX RELIEF. BUT WE SENT THE COMMITTEE THERE TO DO THEIR JOB, THEY SENT IT OUT, AND IT'S UP TO ME NOW TO DEAL WITH IT. AND THAT'S SOMETHING I THINK EACH ONE OF US HAS



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OUR PET PROJECT SOMEWHERE OR SOME BUDGET ITEM THAT WE'D LIKE TO SEE REDUCED OR INCREASED, SOME OF US JUST LIKE TO SEE CUTS. BUT WE ALL HAVE OUR PASSION ABOUT SOMETHING. WE GET HERE AND YOU LEARN THE BREADTH AND WIDTH OF WHAT WE HAVE TO DEAL WITH AND THE DIFFERENT ISSUES THAT ARE OUT THERE AND THE NEEDS THAT ARE OUT THERE AND IT'S DIFFICULT TO BALANCE THAT OUT. I, FOR ONE, THINK WE HAVE TO HAVE SUSTAINABLE GROWTH. WE CANNOT EXCEED WHAT WE TAKE IN. AND THAT'S ONE THING GOOD ABOUT NEBRASKA AND THE BALANCED BUDGET. I LIKE THAT. BUT NOW IS THE TIME TO HAVE THE DISCUSSION. I, FOR ONE, FEEL WE NEED TO FOCUS MORE ON PROPERTY TAXES, WHAT WE'VE ALL BEEN TALKING ABOUT. IT'S WHAT THE GOVERNOR HAS BEEN TALKING ABOUT AND YET THERE'S REALLY NOT MUCH MONEY SET ASIDE FOR THAT. BUT THAT'S AN ARGUMENT WE CAN HAVE COMING DOWN THE ROAD. WE'LL FIND A WAY TO GET SOME FUNDING DONE OR WE'LL WORK ON IT. THAT'S WHAT WE DO UP HERE. AND SO THIS BILL SHOULDN'T BE A SLAM DUNK, SEND IT ON. WE SHOULD HAVE TO THINK ABOUT IT. WE SHOULD HAVE TO THINK ABOUT THE LONG-TERM CONSEQUENCES OF WHAT WE DO. SO I WELCOME THE DISCUSSION, EVEN IF WE WANT TO TALK ABOUT MOUNTAIN LIONS. BUT I'M JUST KIND OF DIFFERENT IN THAT WAY. YOU MIGHT LEARN SOMETHING. THANK YOU, MR. PRESIDENT. [LB956]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SENATOR GROENE, YOU'RE RECOGNIZED. [LB956]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS, WITH EXPERIENCE AND WHITE HAIR, I'VE LEARNED NOT TO ASSUME WHAT SOMEBODY MEANT. I SAID WE SPENT SIX HOURS DEBATING MOUNTAIN LIONS; I DIDN'T SAY IT WAS GOOD OR BAD. I SAID WE SPENT TWO HOURS DEBATING THE RIGHTS OF PROSTITUTES; I DIDN'T SAY IT WAS GOOD OR BAD. I JUST SAID IN COMPARISON TO A \$4.4 BILLION BUDGET, WE SPENT AN HOUR AND 45 MINUTES. HERE'S SOME THINGS THE PUBLIC DON'T KNOW. HERE'S SOME...DOES THE PUBLIC KNOW THAT OUR MEDICAID EXPENSES WENT DOWN 4.6...\$4,674,000 BECAUSE THE FEDERAL GOVERNMENT HAS STEPPED UP A LITTLE BIT AND PAID A LITTLE BIT MORE OF THEIR SHARE. THAT'S IN THE BUDGET. THE CURRENT BIENNIUM BUDGET ENACTED LAST SESSION WAS BASED ON A FEDERAL MEDICAID ASSISTANCE PERCENTAGE OF 51.16 PERCENT MATCHING RATE FOR 2016 AND THE ESTIMATED ONE IS 51.57 PERCENT. THAT'S ABOUT 0.4 PERCENT, AND THAT'S QUITE A BIT OF MONEY, \$4 MILLION. IN OCTOBER 2016...IT IS NOW KNOWN THAT THE 2017 MATCH WILL BE 51.85 PERCENT, ANOTHER LITTLE BIT OF AN INCREASE OF 0.28 PERCENT. THAT'S GOOD NEWS THAT THE FEDERAL GOVERNMENT, OUR FEDERAL TAX DOLLARS ARE COMING BACK HERE FOR

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SOMETHING WE ARE...EXPENDITURES. NOW DON'T EQUATE ME SAYING THAT TO MEDICAID EXPANSION, PLEASE, LATER ON. ANYWAY, AND HERE'S ANOTHER ONE. HERE'S SOMETHING WE ADDED: INCREASED AID TO FEDERALLY QUALIFIED HEALTH CENTERS. THE COMMITTEE INCLUDED AN ADDITIONAL ONE-TIME APPROPRIATION OF \$1 MILLION, FEDERALLY QUALIFIED HEALTH CLINICS TO BE SPLIT UP BETWEEN SEVEN CLINICS. THE BILL ASKED FOR \$5 MILLION. THEY'RE GOING TO SPLIT UP \$1 MILLION, A LITTLE BIT OF GOOD FISCAL CONSERVATISM BY THE COMMITTEE. HERE'S ANOTHER ONE. VACANCY SAVINGS, WE CAN'T KEEP OUR GUARDS IN OUR PRISONS BUT IT HELPS OUR BUDGET BECAUSE WE LOSE ON AN AVERAGE 23 PERCENT OF THEM. SO BECAUSE WE...THAT TIME BETWEEN WHEN THEY QUIT AND WHEN WE HIRE SOMEBODY, WE SAVE SALARY. SO IT SAVED \$4.2 MILLION BECAUSE WE DON'T PAY THE GUARDS ENOUGH AND THEY QUIT. WELL, THAT'S SOME GOOD NEWS. LET'S SEE. VETERINARY DIAGNOSTIC CENTER, LOWER COST. IN THE 2012 SESSION, FUNDING WAS PROVIDED FOR THE DESIGN AND CONSTRUCTION OF A VETERINARY DIAGNOSTIC CENTER, FAVORABLE CONSTRUCTION COSTS, WE'VE SAVED SOME MONEY. THAT'S GOOD. DOES ANYBODY IN NEBRASKA KNOW THAT? THAT'S MAJOR CHANGES, A LOT OF MONEY IN OUR BUDGET. BUT WE'RE GOING TO SPEND A LOT OF TIME ON \$10 MILLION THAT HAS ALREADY BEEN DECIDED WHERE IT'S GOING TO GO, WHICH BILLS ARE GOING TO GET THE \$10 MILLION, OF WHAT'S LEFT FOR THE FLOOR. AND I JUST MENTIONED \$15 MILLION OR \$20 MILLION THERE, CHANGES TO THE BUDGET WHICH WE DIDN'T THINK NEEDED TO BE DEBATED. SO ANYWAY, IN THE FUTURE, AS LONG AS I'M HERE, I'M GOING TO KEEP TRYING TO DEBATE THE BUDGET. AND AS I LEARN MORE I'LL TRY TO GET INFORMATION A LITTLE SOONER FROM THE COMMITTEE, WHICH I THINK WE NEED TO, SO THAT THE REST OF US KNOW ABOUT THESE SAVINGS OR EXPENDITURES THAT WERE ADDED TO THE BUDGET BECAUSE GETTING IT ABOUT A WEEK OR LESS PRIOR TO THE HEARING IS A LOT OF INFORMATION, A LOT OF INFORMATION. AND THIS IS VERY WELL PUT TOGETHER BY OUR FISCAL OFFICE, BY THE WAY. IT'S WRITTEN IN LAYMAN'S TERMS. IT'S VERY GOOD INFORMATION. IT WOULD JUST BE NICE TO BE ABLE TO GET IT TWO WEEKS AHEAD OF DEBATE. MAYBE THE NEXT SPEAKER, THAT'S ONE OF THE THINGS WHEN YOU DECIDE TO VOTE FOR ONE, MAYBE WE'LL PUT THE BUDGET A LITTLE BIT FURTHER BACK IN THE DEBATE CYCLE SO THAT WE GOT MORE... [LB956]

PRESIDENT FOLEY: ONE MINUTE. [LB956]

SENATOR GROENE: ...TIME, THE COMMITTEE HAS MORE TIME TO GET THIS STUFF OUT TO US. BUT THAT'S JUST ANOTHER MAJOR DECISION WE HAVE TO MAKE AS WE VOTE FOR FOLKS FOR SPEAKER AND COMMITTEE HEARINGS. BUT ANYWAY, I

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JUST THOUGHT MAYBE THE PEOPLE IN NEBRASKA NEEDED TO KNOW SOME OF THESE FACTS IN THIS BUDGET BECAUSE THE PRESS CAN'T COVER IT ALL. THEY EXPECT US TO SHARE WITH THEM AS WE REPRESENT THEM WHAT WE DO HERE. THANK YOU. [LB956]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR CHAMBERS, YOU'RE RECOGNIZED. THIS IS YOUR THIRD OPPORTUNITY, SENATOR. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, WHEN I LOOK UP ON THE BOARD, WE'RE DISCUSSING AN AMENDMENT OFFERED BY SENATOR MELLO, SO THIS WOULD BE MY THIRD TIME SPEAKING ON THAT AMENDMENT. THEN WE WILL HAVE THE BILL. BUT I'M GOING TO DISCHARGE A DUTY THAT I HAVE AS THE SENIOR MEMBER. ON GENERAL FILE, I HAD SOME REASONS THAT WOULD KEEP ME AND EVERYBODY ON THE BUDGET, ALTHOUGH THEY WOULDN'T HAVE BEEN ON IT FOR THE SAME REASON I WOULD HAVE BEEN. I WAS GOING TO TALK ABOUT GAME AND PARKS AND THAT WAS GOING TO BE THE BASIS FOR ME DISCUSSING ALL OF THE BUDGET BILLS. BUT I WAS PREVAILED UPON TO ALLOW THINGS TO TAKE THEIR COURSE BECAUSE THERE WAS VERY LITTLE PERTAINING TO GAME AND PARKS THAT WOULD MAKE ANY DIFFERENCE AND I GUESS IT WAS KNOWN THAT I'D FIND A WAY TO DISCUSS WHAT I WANT TO DISCUSS ANYWAY. BUT IN VIEW OF WHAT SENATOR GROENE HAS STATED, I BELIEVE I'M GOING TO KEEP US ON THIS BILL FOR SOME TIME, BUT I'M GOING TO DISCUSS WHAT I WANT TO DISCUSS. AND WE WILL SEE WHAT SENATOR GROENE WANTS TO DISCUSS GIVEN ADDITIONAL TIME. AND I DON'T MIND TAKING TIME. I HANDED OUT A RHYME THIS MORNING AND IN THE LEFT-HAND MARGIN I QUOTED A LYRIC FROM A SONG: OH, THE DAYS DWINDLE DOWN TO A PRECIOUS FEW. WE ARE IN THAT ZONE AS FAR AS SOME PEOPLE ARE CONCERNED, BUT NOT REALLY IN IT AS FAR AS I'M CONCERNED. THERE'S NOT THE FEELING OF DESPERATION YET. WHEN THAT FEELING REALLY STRIKES, YOU CAN ALMOST SMELL IT. YOU CAN LOOK AROUND, YOU CAN SEE IT BECAUSE AT THAT TIME, IT'S NOT THAT SENATORS HAVE SUDDENLY COME TO A KNOWLEDGE OF THE TRUTH ABOUT WHAT A SINCERE, COMPETENT, DEDICATED LAWMAKER WILL DO, BUT THERE'S A SPECIFIC ITEM OF INTEREST TO THEM AND THAT'S WHAT THEY THINK MIGHT NOT GO. I TELL PEOPLE EVERY SESSION THERE'S NOTHING I HAVE BEFORE THE LEGISLATURE THAT MEANS SO MUCH TO ME THAT I'LL SHUT UP JUST TO GET IT BECAUSE I'LL COME BACK. YOU ALL ARE THE ONES, A BUNCH OF YOU, TO GET ROUSTED OUT OF HERE. WHY, I'M THE ONLY ONE WHO CAME BACK FROM TERM LIMITS, OLDER THAN I WAS WHEN I LEFT BUT NO LESS DETERMINED TO DO WHAT I THINK I OUGHT TO DO. I DON'T TELL YOU ALL HOW TO CONDUCT YOUR AFFAIRS ON THIS FLOOR. I TRY TO REASON WITH YOU AND

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PERSUADE YOU BY SHOWING YOU A BETTER WAY, BUT THE BETTER WAY IS NOT OFTEN TAKEN. A POET WROTE A POEM AND THERE WAS SOMETHING ABOUT THE ROAD LESS TRAVELED. AND WHAT ROAD IS IT, MY GOOD FRIEND, "BROTHER" BLOOMFIELD, THAT HAS MANY PEOPLE ON IT? THE ROAD TO PERDITION IS WIDE AND MANY THERE BE THAT TRAVEL IT. THAT'S IN THE "BIBBLE." SO WHEN YOU SEE A WHOLE LOT OF PEOPLE GOING SOMEWHERE, YOU PROBABLY OUGHT TO GO THE OTHER DIRECTION, UNLESS YOU'RE APPROACHING AN OILFIELD. IF YOU SEE EVERYBODY ON AN OILFIELD RUNNING A CERTAIN DIRECTION, DON'T EVEN ASK WHAT'S GOING ON. YOU RUN THAT DIRECTION AND TRY TO RUN FASTER THAN THEY'RE RUNNING BECAUSE SOMETHING VERY UNTOWARD HAS HAPPENED... [LB956]

PRESIDENT FOLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...OR IS IN THE PROCESS OF HAPPENING. BUT WE'RE GOING TO STAY ON THIS BILL. I'M GOING TO TALK ABOUT MOUNTAIN LIONS. I'M GOING TO TALK ABOUT PEOPLE HAVING THE RIGHT TO DIE ON THEIR OWN TERMS. AND I'M GOING TO TALK ABOUT THE WAREHOUSING AND THE THROWING AWAY OF OLD PEOPLE. I DON'T MEAN MYSELF. I'M OLD BUT NOT LIKE AMERICANS GET OLD WHERE I SIT ALL DAY AND IF I'M ABLE TO DO ANYTHING PHYSICALLY, I LOSE IT BECAUSE I'M FILLED WITH REGRET. I'M FULL OF SORROW, MOROSENNESS, MELANCHOLIA BECAUSE OF THINGS I OUGHT TO HAVE DONE THAT I DIDN'T DO, THINGS THAT I OUGHT NOT TO HAVE DONE THAT I DID, KNOWINGLY IN BOTH INSTANCES. [LB956]

PRESIDENT FOLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: THAT IS NOT AFFECTING ME. THANK YOU, MR. PRESIDENT. [LB956]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON AM2614. [LB956]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AS I MENTIONED IN MY OPENING, AM2614 IS SIMPLY A CLEANUP, TECHNICAL CHANGES TO THE UNDERLYING BILL, ITEMS THAT WERE IDENTIFIED BY THE LEGISLATIVE FISCAL OFFICE IN CHANGING WHERE SOME APPROPRIATIONS GET TRANSFERRED TO WITHIN THE BIENNIUM AS WELL AS INTENT LANGUAGE

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REGARDING THE TOURISM COMMISSION. WITH THAT, I URGE THE BODY TO ADOPT AM2614. THANK YOU, MR. PRESIDENT. [LB956]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE DEBATE ON AM2614. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB956]

CLERK: 39 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB956]

PRESIDENT FOLEY: AM2614 IS ADOPTED. BEFORE WE CONTINUE WITH ADDITIONAL DEBATE ON THE BUDGET BILL, SPEAKER HADLEY HAS REQUESTED SOME TIME. SPEAKER HADLEY. [LB956]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I HAVE A COUPLE, TWO OR THREE ANNOUNCEMENTS. FIRST, JUST TO REFRESH YOUR MEMORY, WE WILL BE STARTING AT 9:00 EVERY MORNING FROM HERE ON OUT. WE'LL STAND AT EASE FOR LUNCH WHEN LUNCH IS PROVIDED. NOW, A GOOD...A POINT THAT I WANT YOU TO REMEMBER, WHEN WE'RE STANDING AT EASE, WE DO NOT HAVE 10 OR 15 MINUTES AFTER THE TIME THAT WE SAY WE'RE COMING BACK JUST TO MILL AROUND. IF WE SAY WE'RE STANDING AT EASE FOR 20 MINUTES AND YOU HAVE AN OPEN AMENDMENT OR AN OPEN BILL AND YOU'RE NOT ON THE FLOOR TO TALK ABOUT IT, IT GOES AWAY, OKAY? WE'LL GO TO 7:00. IS THAT ETCHED IN STONE? NO. IT MEANS THAT AROUND 7:00, I'LL MAKE A JUDGMENT OF WHERE WE'RE AT, IF WE CAN MOVE A BILL BY STAYING AN EXTRA 15 MINUTES, WE WILL. BUT WE'RE GOING TO TRY AND MAKE SURE THAT AROUND 7:00 WE'LL MAKE THAT KIND OF JUDGMENT. I HANDED OUT...SOMEONE, TWO PEOPLE THANKED ME ON THE WAY IN THAT I WAS GONE ON FRIDAY SO YOU COULD MOVE SOME BILLS. SO THIS WILL BE THE FINAL SPEECH. I'M TURNING IN MY RESIGNATION AFTER THIS, THIS MORNING, BUT I CAN'T FIGURE OUT WHO TO TURN IT IN TO. BUT ANYWAY, THE SHEET, RIGHT NOW, IF YOU LOOK ON "BILLS ON GENERAL FILE" FOR PRIORITY BILLS, IT SAYS 44. ADD TWO TO THAT BECAUSE WE HAVE TWO SENATOR PRIORITY BILLS THAT ARE ON SELECT FILE THAT HAVEN'T BEEN HEARD YET. ADD TWO TO IT BECAUSE WE HAD TWO BILLS THAT EITHER HAVE BEEN OR WILL BE VOTED OUT OF COMMITTEE THAT ARE NOT INCLUDED, SO YOU'RE AT 48. THAT'S 48 GENERAL...PRIORITY BILLS TO BE HEARD, AND JUST SO YOU KNOW, WE HAVE 11 DAYS LEFT THAT WE CAN HEAR GENERAL FILE BILLS. BECAUSE OF OUR RULES ON LAYOVER DAYS AND SUCH AS THAT AND WHEN WE

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HAVE TO GET THINGS TO THE GOVERNOR, WE HAVE 11 DAYS LEFT. THEN THE 48, THEN I'M GOING TO ADD PLUS X. THAT X IS THE NUMBER OF BILLS THAT YOU AS A BODY WANT TO PUT ON TO THE PRIORITY BILLS AND DEBATE BILLS THAT DO NOT HAVE A PRIORITY BUT ARE HUNG ON TO OTHER PRIORITY BILLS. I DON'T KNOW HOW MANY THOSE ARE. I DON'T KNOW HOW MUCH TIME THEY WILL TAKE BECAUSE I HAVE NO CONTROL OVER THOSE. BUT THERE WILL BE BILLS THAT ARE ADDED AS AMENDMENTS TO PRIORITY BILLS THAT GO FORWARD. I BELIEVE...I WAS TRYING TO REMEMBER, I DO NOT BELIEVE IN THE LAST SEVEN YEARS I'VE BEEN HERE THAT WE HAVE NOT CLEANED THE SLATE ON PRIORITY BILLS, MEANING THAT EVERY PRIORITY BILL HAD A CHANCE TO BE HEARD ON GENERAL FILE. I HAVE SERIOUS DOUBTS THAT THAT WILL CONTINUE THIS YEAR. SO I WILL USE MY BEST JUDGMENT AS TO WHEN WE SCHEDULE BILLS AND WHEN WE GO FORWARD. BUT TIME--SENATOR CHAMBERS WAS RIGHT--TIME IS OF THE ESSENCE AT THIS POINT IN TIME WHEN YOU HAVE THE POTENTIAL OF 48 PRIORITY BILLS AND 11 DAYS TO WORK ON THEM. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. MR. CLERK. [LB956]

CLERK: MR. PRESIDENT, SENATOR MELLO WOULD MOVE TO AMEND LB956 WITH AM2657. (LEGISLATIVE JOURNAL PAGE 1103.) [LB956]

PRESIDENT FOLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON AM2657. [LB956]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. THIS IS SIMPLY A ONE-WORD CHANGE IN THE BILL IN ONE AGENCY, THE HISTORICAL SOCIETY. IT'S ACCOUNTED FOR IN THE GREEN SHEET, ACCOUNTED FOR IN THE BUDGET BOOK. IT SIMPLY WAS ACTUALLY TRANSFERRING THE APPROPRIATION INSTEAD. IT WAS GIVING AUTHORITY UNDER CASH FUNDS INSTEAD OF GENERAL FUNDS. SO SIMPLY IT'S A CLEANUP MEASURE THE FISCAL OFFICE CAUGHT ON FRIDAY AND SO IT'S A SEPARATE AMENDMENT JUST FOR POSTERITY'S SAKE. YOU CAN SEE IT'S ON PAGE 10, LINE 17. IT'S ACCOUNTED FOR IN ALL OF OUR ACCOUNTING PRACTICES, SIMPLY AN OVERSIGHT DURING THE BILL DRAFTING PROCESS. WITH THAT, I URGE THE BODY TO ADVANCE AM2657 TO LB956. THANK YOU, MR. PRESIDENT. [LB956]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. DEBATE IS NOW OPEN ON AM2657. SENATOR GROENE, YOU'RE RECOGNIZED. [LB956]

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SENATOR GROENE: THANK YOU, MR. SPEAKER. JUST WANTED TO LET THE PUBLIC KNOW ABOUT A COUPLE OF MAJOR CHANGES HERE ALSO THAT SENATOR MELLO MENTIONED IN THE INTRODUCTION OF LB956. I STAND IN AGREEMENT WITH AM2657, FIRST. BUT YOU KNOW, THIS IS A MAJOR CHANGE, UNIVERSITY OF NEBRASKA STATE COLLEGE CONSTRUCTION PROJECTS. WE GAVE THEM \$11 MILLION A YEAR TO FIX UP THEIR MAINTENANCE ON THEIR BUILDINGS, THE UNIVERSITY, AND \$1.1 MILLION TO THE COLLEGES. BUT THAT WAS GOING TO SUNSET IN 2019-20 FISCAL YEAR. BUT THE APPROPRIATIONS COMMITTEE DECIDED TO ADD TEN YEARS ON TO THAT. SO WHOEVER IS GOING TO BE CHAIRMAN AND MEMBERS OF THAT COMMITTEE ARE GOING TO AUTOMATICALLY HAVE \$11 MILLION TO FUND FOR MAINTENANCE. THIS IS CONSIDERATION THAT THE UNIVERSITY THOUGHT THEY NEEDED \$22 MILLION, AND I'VE ALWAYS THOUGHT MAYBE IF YOU'RE GOING TO PUT SOMEBODY'S NAME ON A BUILDING THROUGH YOUR FOUNDATION YOU OUGHT TO MAKE SURE THEY HAVE A SINKING FUND THAT TAKES CARE OF THE MAINTENANCE ON IT, TOO, BUT THAT'S ANOTHER QUESTION. BUT THE PUBLIC OUGHT TO KNOW FOR THE NEXT 11, 12 YEARS WE'RE GOING TO PUMP ABOUT \$13 MILLION INTO MAINTENANCE ON OUR COLLEGE CAMPUSES, YOU KNOW, THE SAME COLLEGE, UNIVERSITY THAT WANTS TO HIRE THEIR PEOPLE PRIVATELY. MONEY IS NICE, THOUGH. ALSO THERE WAS ANOTHER ONE, INCREASE IN AID, ONE TIME, COMMUNITY COLLEGES, LB852 THAT WAS PUT IN THERE THAT'S GOING TO COST ANOTHER \$1 MILLION. AND I'M LOOKING AT THE PROPERTY TAXES THAT THE COMMUNITY COLLEGES HAVE CHARGED OVER THE LAST DECADE. THEY'RE BY FAR THE HIGHEST INCREASE. THEY'VE GONE UP 129 PERCENT IN THE PROPERTY TAXES THEY'VE TAKEN FROM THE PROPERTY TAXPAYER. IN 2015, THEY COLLECTED \$204.5 MILLION; TEN YEARS PRIOR IT WAS \$89.2 (MILLION). YES, THAT'S TRUE, FOLKS: \$204.5 (MILLION) IN 2015; IN 2005, IT WAS \$89.2 (MILLION). BUT THE STATE, WE BELIEVE, HAS TO GIVE THEM MORE AID ALSO BECAUSE WHAT WE WERE GIVING THEM WAS NOT ENOUGH. I AM NOT GOING TO FILIBUSTER THIS THING. I AM JUST POINTING OUT SOME THINGS I THINK TAXPAYERS OUGHT TO KNOW THAT'S IN OUR BUDGET AND THEY OUGHT TO HEAR IT ON THE FLOOR OF THE LEGISLATURE. I APPRECIATE SENATOR CHAMBERS SAYING HE'S HELPING ME ON THIS BUT I THINK HE'S GETTING EVEN FOR OTHER PAST THINGS WHICH HE STATED EARLIER AND MORE POWER TO HIM. I'VE TOLD FOLKS BACK HOME WITHOUT SENATOR CHAMBERS I WOULDN'T BE ABLE TO DO WHAT I DO RIGHT NOW BECAUSE THE THUMB OF THE POLITICS, THE THUMB OF THE GOOD OLD BOY WOULD BE ON ME HARD THAT I COULD NOT STAND UP, OR THE FRESHMAN SENATOR COULD NOT SPEAK THEIR MIND IF IT WASN'T FOR WHAT SENATOR CHAMBERS HAS DONE ON THE FLOOR. LESS GOVERNMENT IS GOOD. I DON'T KNOW IF THAT'S BAD NEWS OR GOOD NEWS,

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SENATOR HADLEY SAYING THAT A LOT OF BILLS MIGHT NOT GET HEARD. AND BY THE WAY, HE DOES A WONDERFUL JOB, TOO, AND I HOPE HIS PREDECESSOR (SIC) ALLOWS FOR OPEN DEBATE ALSO AND DON'T GO BACK TO THE GOOD OLD DAYS WHERE THE THUMB IS PUT ON THE SENATORS. SO THIS WILL PROBABLY BE THE LAST THING...TIME I STAND UP UNLESS SENATOR CHAMBERS JABS ME IN THE RIBS AGAIN. BUT (LAUGH)...BUT, NO, THE PEOPLE NEED TO KNOW THESE THINGS. I HAVE...MAYBE SENATOR MELLO WOULD EXPLAIN TO US WHY WE NEED TO GIVE MORE STATE AID TO COMMUNITY COLLEGES IN LIEU OF THE-- AND THERE'S PROBABLY A GOOD REASON BUT I WOULD LIKE TO KNOW IT; THE PUBLIC WOULD LIKE TO KNOW IT--IN LIEU OF THE FACT THAT THEIR PROPERTY TAXES HAVE SKYROCKETED 129 PERCENT, WHY WE NEED TO GIVE THEM MORE STATE AID. BUT THAT'S UP TO HIM IF HE WANTS TO ANSWER THAT. THANK YOU, MR. PRESIDENT AND SPEAKER HADLEY. [LB956 LB852]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I DO INTEND TO SPEAK MORE TODAY. I LOOK ON THE AGENDA AND THERE ARE SOME ACTIVITIES WE WON'T EVEN BEGIN UNTIL 6:00. SO WE'RE GOING TO BE HERE ANYWAY AND IT WILL GIVE ME A CHANCE TO SHOW HOW LONG I CAN OPERATE ON THE FLOOR AND I CAN DO IT ON ANY BILL THAT COMES BEFORE US. NOW THERE IS A WAY YOU CAN SILENCE ME. GIVE ME MY BILL OUT OF THE JUDICIARY COMMITTEE THAT RELATES TO A PERSON HAVING THE RIGHT TO MAKE A CHOICE ABOUT HOW HE OR SHE WILL LEAVE THIS WORLD. THAT'S ALL I SAY. PUT IT OUT HERE. YOU'RE NOT OBLIGED TO VOTE FOR IT. WHEN I MAKE DEALS, I'M NOT LIKE DONALD TRUMP, WHERE SOME THINGS THAT ARE GOING TO HAPPEN ANYWAY, I JUMP IN JUST BEFORE IT HAPPENS AND SAY I WORKED THAT OUT. AND I DON'T FORMULATE THOSE WHERE I GET EVERYTHING MY WAY IN THE SENSE OF HAVING TO REACH THE ULTIMATE GOAL. WHAT I WANT TO HAVE MY WAY IS TO GET THAT BILL OUT HERE AND SINCE IT PROBABLY WON'T, THEN I'M GOING TO DISCUSS IT ON OTHER BILLS. THE ISSUE IS GOING TO BE DISCUSSED THIS SESSION, AGAIN AND AGAIN. EVERY TIME SENATOR HADLEY SPEAKS, I THINK THAT COMMERCIAL IT TALKED ABOUT IN E.F. HUTTON: WHEN E.F. HUTTON SPEAKS, SILENCE FALLS OVER THE ROOM AND EVERYBODY LISTENS. WHEN SENATOR HADLEY SPEAKS, I'VE NOTICED THAT THERE IS A NOTICEABLE DIMINISHMENT IN THE NOISE LEVEL. AND SENATOR HADLEY HAS SOMETHING TO SAY GENERALLY THAT IS OF SIGNIFICANCE TO



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EVERYBODY. THE REASON I SAY GENERALLY, SOMETIMES HE MIGHT SPEAK ON A BILL AND BE ON THE SIDE OTHER THAN MINE, THEN THAT'S NOT OF MUCH CONSEQUENCE. BUT WHEN HE'S DISCUSSING THE DUTIES THAT HE HAS AS SPEAKER AND THE PROCESS HE'S TRYING TO IMPLEMENT, I PAY CLOSE ATTENTION BUT THAT DOESN'T MEAN THAT I WILL FOLLOW WHAT HE WANTS TO SEE DONE. AND HE KNOWS THAT NOT EVERYBODY IS GOING TO FOLLOW. FOR EXAMPLE, TO SHOW HOW MUCH I LISTEN, HE SAID THAT WE'RE GOING TO GO UNTIL 7:00 AND THAT'S NOT WRITTEN IN STONE. IF A BILL IS BEFORE US AND MAYBE THERE'S A CHANCE TO MOVE IT IN TEN MINUTES, WE'LL STAY. AND I WOULD ADD A CAVEAT, IF IT CANNOT BE MOVED--HE SAID 15 MINUTES--IF IT CANNOT BE MOVED IN 15 MINUTES, WE OUGHT TO STAY FIVE HOURS BECAUSE WE CAN STAY HERE UNTIL MIDNIGHT. BUT ONE MINUTE AFTER MIDNIGHT, A NEW LEGISLATIVE DAY STARTS REGARDLESS OF WHAT THE LEGISLATURE MAY SAY AND THAT'S IN THE CONSTITUTION. I DOUBT THAT THE MEMBERS OF THIS BODY COULD STAY HERE ON A CONSISTENT BASIS FOR THE REMAINING DAYS OF THIS SESSION UNTIL MIDNIGHT, BUT MAYBE THEY CAN. BUT HERE'S WHY THEY WON'T. NOTHING IS THAT IMPORTANT TO THEM. YOU KNOW WHY I MENTIONED THAT WHEN WE GET INTO THE REAL POSTERIOR PORTIONS OF THE SESSION, SENATORS WILL BECOME NERVOUS ABOUT THE LESSENING OF TIME? THEY WILL HAVE A BILL. THAT BRINGS ME TO SOMETHING I OFTEN TELL PEOPLE WHO CALL ME WITH A PROBLEM. THE PROBLEM OFTEN PERTAINS TO MISTREATMENT AT THE HANDS OF POLICE. AND I TELL THEM THAT FOR YEARS I HAD A CALL-IN PROGRAM ON PUBLIC TELEVISION, WHATEVER IT'S CALLED, AND PEOPLE WOULD CALL IN. AND I WOULD SAY OVER AND OVER, WHEN THE WOLF IS HOWLING FAR AWAY OR EVEN NEXT-DOOR BUT THE WOLF IS NOT ON YOUR DOORSTEP, ALL YOU DO IS SAY THANK GOODNESS IT'S NOT ME. THEN WHEN THE WOLF SITS ON YOUR DOORSTEP, THAT'S WHEN YOU WANT EVERYBODY TO COME TO YOUR AID. THAT'S WHEN YOU... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...CALL ME AND I WILL TELL YOU THAT IN THE SAME WAY THAT WHEN THE WOLF WAS ON SOMEBODY ELSE'S DOORSTEP YOU DID NOT PAY ATTENTION, THE WOLF ON YOUR DOORSTEP IS NOT GOING TO BE PAID ATTENTION TO BY OTHERS. SO WHAT GOES AROUND DOES COME AROUND, BUT NOBODY IS VERY MUCH INTERESTED UNTIL IT COMES AROUND. I'M ONE OF THOSE PEOPLE WHO WILL BE INTERESTED WHEN THE PROBLEM FOR SOMEBODY IS SO FAR AWAY THAT IT'S A CLOUD THE SIZE OF A MAN'S HAND. THAT'S ONE OF THOSE EXAMPLES FROM THE "BIBBLE." I DO THAT A LOT BECAUSE I KNOW IT'S BRAND NEW TO A LOT OF PEOPLE HERE BECAUSE NOBODY READS IT, BUT I DO.

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AND IN THE SAME WAY THAT EXAMPLES FROM GREEK AND ROMAN MYTHOLOGY ARE OF VALUE, THINGS FROM CHRISTIAN AND HEBREW MYTHOLOGY ARE OF VALUE. THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. WHAT SENATOR HADLEY, OUR SPEAKER, POINTED OUT WITHOUT CALLING THAT IS A FLAW IN THE PRIORITY BILL SYSTEM. MANY BILLS THAT HAVE NO PRIORITY DESIGNATION TAKE ONE ON BY BEING ATTACHED TO A PRIORITY BILL. NOW THAT IS NOT WHAT THE ORIGINAL INTENT OF THE PRIORITY BILL SYSTEM WAS, AND I WAS HERE WHEN IT WAS ORIGINATED. IT WAS TO SEE IF SOME METHODOLOGY COULD BE PUT IN PLACE WHERE EVERY SENATOR MIGHT HAVE A CHANCE TO HAVE HIS OR HER MOST IMPORTANT BILL CONSIDERED BY THE BODY. IF IT HAD TO COME UP IN THE ORDINARY COURSE OF EVENTS, IT MAY BE HELD UP IN COMMITTEE. THERE MAY BE A LOT OF OTHER BILLS ALREADY ON GENERAL FILE IN FRONT OF IT. BUT BY HAVING A PRIORITY LIST AS THE SESSION MOVED ON, THAT LIST WOULD BE CONSIDERED AND GIVEN A PRIORITY ITSELF OVER THE REGULAR BUSINESS OF THE SESSION AND THOSE ARE THE BILLS THAT WOULD BE TAKEN. BUT WHEN OTHER NONPRIORITY BILLS CAN BE ADDED TO PRIORITY BILLS THEN THE PRIORITY BILL SYSTEM HAS BEEN DILUTED. SO IF I SEE SOME OF THOSE THINGS HAPPENING--I'M NOT GOING TO SAY WHEN I WILL START DOING IT--I WILL CHALLENGE, NOT ON THE BASIS OF GERMANENESS, ANY OF THESE BILLS THAT ARE TO BE ADDED, ADDED TO THE CHRISTMAS TREE. AND IF NECESSARY, SOMETIMES YOU HAVE TO CUT DOWN THE CHRISTMAS TREE. THERE'S A BOOK OF...A VERSE IN THE "BIBBLE" THAT SAYS THE AX IS LAID AT THE ROOT OF THE TREE. THE AX IS LAID AT THE ROOT OF THE TREE. SO THERE CAN BE SOME FLAILING, WAILING, AND A LOT OF WAILING BEFORE THE SESSION IS OVER. AND WHEN WE GET TO THIS POINT, THE LEGISLATURE HAS BEEN DELIVERED INTO MY HANDS. THE LEGISLATURE HAS BEEN DELIVERED INTO MY HANDS. I DON'T CARE WHAT THE BILL IS. IF I FEEL LIKE TALKING, I'M GOING TO. IF SENATOR MELLO HAS OTHER AMENDMENTS THAT HE WANTS TO OFFER TO HIS BILL, I HAVE A MOTION THAT I WILL MAKE BUT NOT BEFORE THOSE AMENDMENTS HAVE BEEN CONSIDERED. THEN HE CAN RETIRE TO WHEREVER CHAIRPERSONS OF THE APPROPRIATIONS COMMITTEE RETIRE TO AND CONTEMPLATE WHAT MAY HAPPEN ON THE NEXT BUDGET BILL. SENATOR GROENE MENTIONED ME POKING HIM IN THE RIBS AND MAYBE HE'LL SPEAK. I DON'T WANT TO MAKE OR PROVOKE ANYBODY TO SPEAK. IF THEY CHOOSE NOT TO SPEAK, DON'T SPEAK. BUT I'M GIVING THE OPPORTUNITY FOR ANYBODY WHO

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HAS ANY CONCERN ABOUT THE BUDGET BILLS TO EXPRESS THOSE CONCERNS NOT IN THE CHARGED, FRANTIC ENVIRONMENT THAT MIGHT OCCUR IF THIS BILL WERE ON THE FIRST STAGE OF DEBATE, BUT IN A MORE CALM, RELAXED, EASYGOING ENVIRONMENT AND WE'RE GOING TO BE HERE A LONG TIME TODAY. WE'LL GET SOME THINGS DONE THAT PEOPLE WANT. BUT IF I'M NOT GOING TO GET WHAT I WANT, WHY SHOULD I BE CONCERNED ABOUT YOU GETTING WHAT YOU WANT? SHOULDN'T THE RULE WORK BOTH WAYS? IF I HAVE A TEN-FOOT POLE AND I SAY I'M GOING TO KEEP YOU TEN FEET AWAY FROM ME, THEN YOU SAY,... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...WELL, THE CONSOLATION IS THAT AT THE SAME TIME YOU'LL BE TEN FEET AWAY FROM ME ALSO, MEANING THAT A TEN-FOOT POLE HAS TWO ENDS. AS A MATTER OF FACT, ANYTHING THAT IS GIVEN A LENGTH AND IT'S STRAIGHT HAS TWO ENDS. AND FOR THOSE RELIGIOUS PEOPLE WHO SAY GOD IS ALL POWERFUL, THAT'S NOT TRUE. GOD CANNOT CREATE A STICK SIX INCHES LONG THAT HAS ONLY ONE END. GOD ITSELF CANNOT DO THAT. WHY DO I SAY ITSELF? I DON'T USE OFTEN A PRONOUN. BUT IF I DO, MAYBE IT WOULD BE THE FEMININE PRONOUN BECAUSE THAT WHICH BRINGS LIFE IS THE FEMININE. AND THE FEMININE IS THE ONE THAT HAS TO SPEND A LOT OF TIME GIVING TO THAT WHICH IS GOING TO BE PRODUCED AS A LIVING... [LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: ...BEING--THANK YOU. [LB956]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE NEXT IN THE QUEUE AND THIS IS YOUR THIRD TIME. [LB956]

SENATOR CHAMBERS: HE SAID WITH A SIGH OF RELIEF, BUT BEHIND IT A FEELING OF DREAD REGARDING WHAT IS INEVITABLY TO COME. WHEN YOU SEE THAT THREATENING CLOUD THAT'S THICK AND IT BEGINS TO FLUFF SO THAT THE BOTTOM LOOKS LIKE SHEEP UPSIDE DOWN, THAT IS THE KIND OF CLOUD THAT HAS BEEN KNOWN TO SPAWN TORNADOES. SO IF THERE HAD BEEN HOT SUN AND CLOUDS BLEW ACROSS THE SUN AND WHEN THE SUN'S DIRECT LIGHT WAS OBSCURED, THERE WAS A COOLING THAT OCCURRED AND THERE WAS A ZEPHYR--A SMALL, GENTLE, LITTLE BREEZE. YOU WOULD SAY THANK GOODNESS, BUT THEN YOU'D SEE THOSE CLOUDS THICKEN, DARKEN, AND

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YOU'D SAY, WHAT IS GOING TO HAPPEN NOW? SO THERE'S NO WAY TO PREDICT THE WEATHER. PEOPLE TRY. IF THEY SAY ON ALL THE TELEVISION STATIONS RAIN--DON'T GET YOUR UMBRELLA, GO OUT IN SHIRTSLEEVES. IF THEY SAY SHIRTSLEEVE WEATHER, PLENTY OF SUNSHINE, WE'RE GOING TO HAVE HIGH TEMPERATURES--GRAB YOUR UMBRELLA. AT ANY RATE, THINGS ARE GOING TO HAPPEN TODAY. AND FROM MY SIDE, I'M THE ONLY ONE WHO KNOWS WHAT I INTEND TO DO, BUT I CANNOT PREDICT WITH CERTITUDE WHAT OTHERS ARE GOING TO DO, EXCEPT THAT THEY WILL GET TIRED. THEIR NERVES WILL FRAY. THEY'LL BECOME VERY CONCERNED. BUT THERE'S A LESSON IN ALL OF THIS. IF YOU FEEL ANY TENSION, IF IT REACHES THE POINT OF DEPRESSION BECAUSE SOMETHING YOU WANT TO GET IS NOT GOING TO BE OBTAINED, YOU ARE HURTING YOURSELF. YOU'RE NOT HURTING ME. YOU NEED TO LET ALL THOSE THINGS GO. YOU HAVE A MIND WHICH ALLOWS YOU TO THINK IF YOU USE IT. IF YOU ARE IN ONE OF THOSE MOODS, SENATOR McCOLLISTER, THAT YOU KNOW WILL SAP YOUR STRENGTH, YOUR ENERGY, AND YOUR ENTHUSIASM, THAT'S WHERE YOUR BRAIN COMES IN AND CONTROLS THE EMOTIONS AND YOU THINK YOUR WAY OUT OF THAT. NOTHING IS CHANGED FROM THE TIME YOU WERE DELIRIOUSLY HAPPY. THE CHANGE IS STRICTLY WITHIN YOU AND THAT WHICH IS WITHIN YOU, YOU HAVE TOTAL POWER TO CONTROL. BUT MOST PEOPLE CANNOT SUMMON THE WILL TO DO IT. MOST PEOPLE WILL NOT THINK ABOUT DOING IT. AND TO TAKE WHAT SEEMS LIKE AN ILLOGICAL LEAP, THAT'S WHY THEY HAVE SO MANY PROBLEMS, BECAUSE THEY DO NOT GENERATE WITHIN THEMSELVES THE ATTITUDE THEY OUGHT TO HAVE TOWARDS SELF. YOU SHOULD LOVE YOURSELF MORE THAN ANYTHING AND ANYBODY. YOU DON'T NEED ANYBODY TO AFFIRM YOU, CONFIRM YOU, OR GIVE YOU PERMISSION TO BE. BUT MOST PEOPLE ARE CONDITIONED TO BE CONFORMISTS AND THEY GO ALONG. AND PEOPLE THEY DON'T LIKE AND WHO DON'T LIKE THEM ARE THE ONES THEY WILL TRY TO IMPRESS THE MOST, WHICH IS INSANE. BUT THAT'S THE WAY PEOPLE OPERATE. THERE ARE OTHER INDIVIDUALS WHO STUDY HUMAN CONDUCT VERY CAREFULLY. THEY ARE CALLED ADS MAKERS. THEY DETERMINE WHAT IT IS GOING TO TAKE TO MAKE YOU PURCHASE THEIR PRODUCT AND THEY ARE SUCCESSFUL TO A MARKED DEGREE. IT'S NOT THAT THEY ARE MAGICIANS. IT'S NOT THAT THEY HAVE AN INHERENT OR INTRINSIC ABILITY TO READ PEOPLE. THEY PRACTICE READING PEOPLE. WHATEVER YOU PRACTICE DOING, YOU BECOME BETTER AT IF YOUR PRACTICE IS INTENTIONAL AND CONSCIOUSLY DONE. [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

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SENATOR CHAMBERS: IF YOU DO THE SAME THING BY ROTE, THEN YOU'RE IN A RUT. YOU'RE ROBOTIC. YOU'RE MECHANICAL. YOU'RE AN AUTOMATON. BUT YOU'RE NOT A THINKING BEING. THOSE WHO THINK ARE IN SHORT SUPPLY, BUT THEY KNOW HOW TO PICK INDIVIDUALS WHOM IF THEY CAPTURE WILL BE ABLE TO REACH THE MULTITUDES AND BEFORE YOU KNOW IT, THEY'RE ALL BEING FUNNELED TO THIS ONE PERSON BEHIND THE SCENES. AND WHEN THAT PERSON SPEAKS THE WORD GOES OUT IN REVERSE AND SPREADS OUT AND EVERYBODY OUT THERE IS SAYING THE SAME THING. THEY WILL ENCOURAGE PEOPLE TO WEAR CLOTHING AND SAY IT MAKES YOU UNIQUE, YET THEY TELL YOU THIS IS WHAT EVERYBODY IS WEARING. HOW ARE YOU GOING TO BE UNIQUE IF YOU'RE WEARING WHAT EVERYBODY WEARS BECAUSE YOU DON'T THINK? MY JOB IS TO STIR UP PURE MINDS AND IMPURE MINDS, BUT TO BRING THEM TO THE POINT OF THINKING. THEN THEY WILL ACCEPT WHAT I SAY IS THE TRUTH, WHICH IT OBVIOUSLY IS. THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR MELLO WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF THE AMENDMENT. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB956]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB956]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB956]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECOMMIT LB956 TO THE APPROPRIATIONS COMMITTEE. [LB956]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR RECOMMIT MOTION. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. (SINGING) "DOWN AND DOWN I GO, ROUND AND ROUND I GO, IN A SPIN, LOVING THE SPIN I'M IN, UNDER THAT OLD BLACK MAGIC CALLED" ERNIE CHAMBERS. SO WE'RE GOING TO SPEND SOME TIME HERE TODAY. BUT BEFORE SENATOR MELLO HAS A HISSY FIT, I'M GOING TO ASK HIM A QUESTION. [LB956]

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SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB956]

SENATOR MELLO: OF COURSE. [LB956]

SENATOR CHAMBERS: SENATOR MELLO, I DIDN'T HEAR YOU. [LB956]

SENATOR MELLO: OF COURSE. [LB956]

SENATOR CHAMBERS: OH, THANK YOU. SEE, WHEN I WAS IN THE MILITARY, THEY WOULD TELL YOU SOUND OFF AND YOU'D DO IT AND THEY'D SAY I COULDN'T HEAR YOU. THAT MEANS YOU HOLLER LOUDER. SENATOR MELLO, HOW MUCH TIME DO YOU THINK I COULD TAKE ON THIS BILL IF I CHOSE? [LB956]

SENATOR MELLO: YOU COULD TAKE A CONSIDERABLE AMOUNT OF TIME, SENATOR CHAMBERS, IF YOU'D LIKE TO. [LB956]

SENATOR CHAMBERS: WELL, CONSIDERABLE IS VERY INDEFINITE. THERE WAS A GUY ON THE WITNESS STAND AND HE WAS BEING ASKED ABOUT AN INDIVIDUAL'S INJURY AND THE INDIVIDUAL HAD BEEN STRUCK WITH A STONE. AND THEY SAID, WELL, CAN YOU GIVE ME THE SIZE OF THE STONE? HE SAID, WELL, IT WAS SIZABLE. HE SAID, WELL, WAS IT LARGE OR SMALL? HE SAID, WELL, IT WAS LARGISH. HE SAID, THAT DOESN'T HELP ME. COMPARE IT TO SOMETHING SO I'LL KNOW HOW LARGE IT WAS. HE SAID IT WAS ABOUT THE SIZE OF A LUMP OF CHALK. NONE OF THE ANSWERS HAD ANY SPECIFICITY, BUT EVERY ANSWER WAS A RESPONSE TO THE QUESTION. SENATOR MELLO, IF YOU CAN, IN TERMS OF HOURS, HOW MANY HOURS TODAY DO YOU THINK I COULD TAKE ON THIS BILL IF I CHOSE TO? [LB956]

SENATOR MELLO: SENATOR CHAMBERS, KNOWING WE'RE GOING TO MOVE ON THE AGENDA AT 6:00, I THINK BETWEEN NOW AND 6:00, WITH THE 20-MINUTE STAND AT EASE, GIVE OR TAKE, YOU COULD GO ALMOST CLOSE TO SEVEN HOURS AND 45 MINUTES, I WOULD SAY, OR SOMEWHERE ALONG THOSE LINES, OR MAYBE SEVEN HOURS AND 35 MINUTES MAYBE IS MORE ALONG THE LINES, FOR THE DAY AT LEAST. [LB956]

SENATOR CHAMBERS: AND, SENATOR MELLO, I WOULDN'T HAVE TO DO IT ONLY WITH DELAYING MOTIONS. I COULD GO INTO THE BILL AND OFFER AMENDMENTS, COULDN'T I? [LB956]

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SENATOR MELLO: YOU ARE CORRECT. [LB956]

SENATOR CHAMBERS: SENATOR MELLO, NOW LET'S PRETEND JUST YOU AND I ARE HAVING THIS COLLOQUY. IF IT WERE UP TO YOU, HOW MUCH TIME WOULD YOU GRANT ME RATHER THAN SAY, JUST BE QUIET NOW, AS A COMPROMISE BETWEEN MY TAKING SEVEN HOURS AND MY STOPPING RIGHT NOW, WHICH IS PROBABLY WHAT EVERYBODY WANTS? HOW MUCH TIME WOULD YOU BE WILLING TO GRANT ME MAXIMUM? [LB956]

SENATOR MELLO: (LAUGH) SENATOR CHAMBERS, THAT'S A QUESTION THAT THERE'S NO EASY ANSWER FOR, I THINK. I THINK RIGHT NOW WITH YOUR RECOMMIT TO COMMITTEE MOTION, I BELIEVE YOU'VE GOT...I THINK YOU'RE ON YOUR OPENING, SO TO SOME EXTENT YOU AT LEAST HAVE ANOTHER TWO TIMES TO DISCUSSION AS WELL AS A CLOSING, SO THAT'S 15 MINUTES. AND DEPENDING IF YOU TAKE IT TO A VOTE, NO DOUBT YOU COULD DO AN...OFFER A RECONSIDERATION MOTION. THAT WOULD THEN TAKE US BACK AT LEAST ANOTHER 25 MINUTES IN REGARDS TO A 10-MINUTE OPENING, AND THREE 5 MINUTES...TWO 5 MINUTES AND A 5-MINUTE CLOSING. I WOULD HOPE THAT NO MORE...YOU WOULD NOT WANT TO SPEAK NO MORE ON THIS BILL IN REGARDS TO THIS PRIORITY MOTION OF AT LEAST GETTING ANOTHER 40 MINUTES IN, SO TO SPEAK, OF DEBATE ASSUMING YOU WOULD RECONSIDER YOUR RECOMMIT MOTION. [LB956]

SENATOR CHAMBERS: SENATOR MELLO, YOU HAVE DEFINED AND DESCRIBED AND EXPLAINED FOR MY COLLEAGUES HOW TIME CAN BE TAKEN, HOW MUCH TIME CAN BE TAKEN, AND THE ONLY QUESTION IS WHETHER OR NOT THE ONE TAKING THE TIME HAS THE STAMINA OR THE INGENUITY OR THE WHEREWITHAL TO FILL THAT TIME. SENATOR MELLO, THIS IS WHERE YOU'RE GOING TO HAVE TO DO SOME SPECULATING. DO YOU THINK IT'S MY INTENTION TO TAKE SEVEN HOURS ON THIS BILL? [LB956]

SENATOR MELLO: I DO NOT, SENATOR CHAMBERS, BELIEVE IT'S YOUR INTENTION TO TAKE THE MAINLINE BUDGET BILL SEVEN HOURS TODAY. [LB956]

SENATOR CHAMBERS: YOU'RE CORRECT. NOW I DON'T...THERE ARE PROBABLY PEOPLE HERE WHO WERE IN THE ARMY. THERE ARE SOME WHO WERE IN THE AIR FORCE, BUT THEY'RE, YOU KNOW...THEY ARE LIKE OFFICE WORKERS. BUT HERE'S WHAT YOU DO WHEN YOU'RE USING WHAT YOU CALL A MORTAR. IT HAS A VERY LARGE, HEAVY BASEPLATE WITH LITTLE PRONGS THAT SIT IN THE

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GROUND AND THE MORTAR IS REALLY A TUBE. AND THEN YOU DROP THIS PROJECTILE INTO THE TUBE AND IT FIRES. SO YOU TRY TO BRACKET YOUR TARGET. THE FIRST TIME YOU ESTIMATE HOW FAR IT IS AND YOU SHOOT BEYOND IT. THE NEXT TIME YOU SHOOT NOT THAT FAR. AND YOU CONTINUE, UNLESS YOU CAN ZERO IN RIGHT AWAY, MOVING BACKWARD AND FORWARD UNTIL FINALLY YOU DROP RIGHT ON THE TARGET. NOW YOU'VE SET THE OUTER LIMIT OF SEVEN, WHICH IS NOT GOING TO BE. NOW THE CLOSER LIMIT WOULD BE FOR ME TO DISCUSS THIS PROPOSAL THAT I HAVE HERE ON MY OPENING AND STOP, WHICH I ASSURE YOU IS NOT GOING TO BE THE CASE. SO LET'S MOVE BACKWARDS. DO YOU THINK I WILL TAKE SIX HOURS? [LB956]

SENATOR MELLO: NO. [LB956]

SENATOR CHAMBERS: DO YOU THINK I WILL TAKE FIVE HOURS? [LB956]

SENATOR MELLO: NO. [LB956]

SENATOR CHAMBERS: DO YOU THINK I WILL TAKE FOUR HOURS? [LB956]

SENATOR MELLO: I HOPE NOT. [LB956]

SENATOR CHAMBERS: YOU'RE GETTING SHAKY. DO YOU THINK I WILL TAKE THREE HOURS? [LB956]

SENATOR MELLO: NO. [LB956]

SENATOR CHAMBERS: DO YOU THINK I'LL TAKE TWO HOURS? PERHAPS? [LB956]

SENATOR MELLO: I WOULD SAY, SENATOR CHAMBERS, IT WOULD NOT SHOCK ME THAT YOU WOULD WANT TO DISCUSS THIS UNTIL THE NOONHOUR. [LB956]

SENATOR CHAMBERS: AND THAT'S ALL THAT I WILL ASK YOU, SENATOR MELLO, EXCEPT THIS. HOW MUCH TIME DO I HAVE, MR. SPEAKER? [LB956]

SPEAKER HADLEY: 4:00. [LB956]



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SENATOR CHAMBERS: SENATOR MELLO, YOU, I KNOW, ARE VERY COGNIZANT OF WHAT I HAD SUGGESTED I WOULD DO--SOME PEOPLE CALLED IT THREATENING-- I HAD SUGGESTED I WOULD DO WITH THE BUDGET BILL BECAUSE OF MY VENDETTA WITH GAME AND PARKS. WHO STOOD ON THIS FLOOR AND PERSUADED ME, BASED ON THE WAY EVENTS TURNED OUT, TO DO OTHERWISE? [LB956]

SENATOR MELLO: THAT WOULD BE MYSELF. [LB956]

SENATOR CHAMBERS: AND HOW DID YOU ACHIEVE THAT? [LB956]

SENATOR MELLO: I BELIEVE, SENATOR CHAMBERS, I ASKED YOU OR CALLED ON YOUR BETTER ANGELS TO PREVAIL TO YOU TO LOOK FOR OTHER MECHANISMS OF BILLS THAT INVOLVED THE GAME AND PARKS COMMISSION TO HAVE THE DISCUSSION AND DEBATE IN REGARDS TO YOUR MOUNTAIN LION BILL THAT'S IN NATURAL RESOURCES COMMITTEE, AND AS I THINK ALSO MENTIONED, THAT I AND I KNOW MANY OTHERS WOULD SUPPORT YOUR PROPOSAL TO ELIMINATE THE MOUNTAIN LION HUNTING PROVISION THAT'S ALLOWED UNDER CURRENT LAW IF THAT WAS ABLE TO COME OUT TO THE LEGISLATURE. [LB956]

SENATOR CHAMBERS: AND I ACCEPTED THAT BECAUSE, DROPPING THE REFERENCE TO ANGELS, YOU REASONED WITH ME, DIDN'T YOU? [LB956]

SENATOR MELLO: I TRIED TO, YES. [LB956]

SENATOR CHAMBERS: AND YOU WERE SUCCESSFUL, WEREN'T YOU? [LB956]

SENATOR MELLO: I HOPE SO, YES. [LB956]

SENATOR CHAMBERS: AND THAT'S ALL I WILL ASK YOU. HERE IS ONE THING BECAUSE I MEDITATED ON WHAT HAPPENED THAT DAY. AND SENATOR MELLO DID SAY THAT THERE WERE OTHERS WHO WOULD SUPPORT MY BILL IF IT CAME OUT. I CAN'T GET IT OUT OF THAT COMMITTEE, BUT I OFFERED IT AS AN AMENDMENT AND I GOT NEXT TO NO SUPPORT. SO WHEN I WAS REASONED WITH AND I RESPONDED IN A WAY THAT PEOPLE WOULD CONSIDER POSITIVE, I LOST EVERYTHING. ON THAT BILL THAT SENATOR McCOLLISTER HAD WAS A MOTION OF MINE TO AMEND IT TO ADD MY BILL THAT WOULD HAVE TERMINATED THE AUTHORITY OF GAME AND PARKS TO SET A HUNTING SEASON FOR MOUNTAIN

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LIONS AND THE BODY CHOSE NOT TO VOTE FOR IT. ONCE BITTEN, TWICE WISE. I WILL NOT SAY PEOPLE SHOULD NOT TRY TO REASON WITH ME. THERE ARE PEOPLE ON THIS FLOOR, AND I COULD SAY ALMOST TO A CERTAINTY HOW THEY WILL VOTE ON A PARTICULAR BILL. BUT I STILL MAY TRY TO REASON WITH THEM BECAUSE I DON'T KNOW HOW THINGS ARE GOING TO TURN OUT. SCROOGE HAD EVEN SAID THAT THIS GHOST THAT HE SAW COULD HAVE BEEN A PIECE OF UNDIGESTED PORK, A BIT OF...OR A SPOT OF MUSTARD. IN OTHER WORDS, HE WAS IMAGINING THINGS. WELL, MAYBE SOMEBODY HAD A BIT OF UNDIGESTED PORK OR OTHER LOBBYIST FEEDINGS THAT WAS PUTTING THEM IN A BAD MOOD, AND IF BODILY FUNCTIONS OPERATED PROPERLY AND THE OBSTRUCTION WAS REMOVED, MAYBE THEN THEIR BRAIN... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...AT THE TOP END COULD TAKE OVER AND THEY WOULD NOT BE RULED BY WHAT WAS HAPPENING AT THE NETHER END OF THE ANATOMY. SO I WILL CONTINUE TO TRY TO DO THAT BUT I'VE GOT TO TALK JUST A LITTLE WHILE LONGER BECAUSE IF I DO NOT SPEAK, THE STONES WOULD SPEAK OUT. AND SINCE THE STONES ARE OUTDOORS AND WE'RE NOT GOING TO STAND AT EASE TO GO OUT THERE AND SEE IF THEY'RE SPEAKING, I'M GOING TO HAVE TO SPEAK FOR MYSELF AND THE STONES. THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. IF I WERE A BETTING MAN, I WOULD WAGER THAT NOBODY THOUGHT THINGS WERE GOING TO HAPPEN TODAY AS THEY ARE HAPPENING. LIFE IS FULL OF UNEXPECTED OCCURRENCES, BUT MY WISHES REMAIN INTACT. SO, I DECIDED TO GIVE YOU ALL A GOOD DOSE OF THE "BIBBLE" TODAY. SENATOR WATERMEIER, ONCE THERE WAS A SOWER LIKE THAT FELLOW UP ON TOP OF THIS BUILDING. AND HE WENT FORTH TO SOW. HE SOWED HIS SEEDS. SOME FELL ON ROCKY GROUND. SOME FELL ON THORNY GROUND. SOME FELL ON GOOD GROUND. THE SEED THAT FELL ON THE ROCKY GROUND, BECAUSE THE COVERING OF EARTH WAS THIN, SPRUNG UP BUT IT DIED BECAUSE IT HAD NO DEPTH FOR THE ROOTS. THAT WHICH FELL ON THE THORNY GROUND GREW, BUT THEN THE THORNS CHOKED IT OUT AND IT DID NOT PRODUCE. THOSE THAT FELL ON THE GOOD GROUND GREW, FLOURISHED, AND PRODUCED WHAT THOSE SEEDS WERE SUPPOSED TO PRODUCE. AND THEN THE

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ONE WHO GAVE THAT STORY WENT ON TO DISCUSS THE TYPES OF PEOPLE EACH ONE OF THOSE TYPES OF SOIL REPRESENTED. ONE OF THEM--AND I PARAPHRASE--THE ROCKY GROUND WHERE THERE'S NOT MUCH DEPTH, EVERY WIND OF DOCTRINE WILL MOVE THEM. RUSH LIMBAUGH SAYS DO IT THIS WAY, THEY GO WITH HIM. DONALD TRUMP SAYS DO IT THAT WAY, THEY GO WITH HIM. SOMEBODY INVOKES RONALD REAGAN AND THEY GO THAT WAY. SO THEY'RE MOVED BY EVERY WIND OF DOCTRINE. THE THORNY GROUND REPRESENTS THOSE PEOPLE WHO HAVE GOOD NOTIONS, GOOD THOUGHTS, GOOD INTENTIONS, BUT BEFORE THEY CAN BRING ANYTHING TO FRUITION, THEY ARE OVERWHELMED BY THE CARES OF THE WORLD. THEY LOSE THEIR WAY AND THEY DON'T ACHIEVE THEIR END. THE GOOD GROUND, THOSE ARE THE PEOPLE WHO NOT ONLY ARE ABLE TO THINK, REASON, AND UNDERSTAND, BUT TO CHART A COURSE DESIGNED TO PRODUCE A DESIRED AND GOOD RESULT, AND THEY STAY WITH IT UNTIL THEY REACH THEIR END. I'M NOT THE ROCKY GROUND, EXCEPT THAT I'M HARD. I'M NOT THE THORNY GROUND, EXCEPT THAT I CAN STING AND MAKE PEOPLE UNCOMFORTABLE. BUT I WOULD SAY THAT I AM THE GOOD GROUND. AND IT'S MY JOB AS THE GOOD GROUND TO LEARN THE MESSAGE OF THE SOWER. THIS LEGISLATURE IS THICK WITH MEMBERS. I HAVE A PRETTY GOOD IDEA OF WHICH KIND OF SOIL EACH MEMBER IS BECAUSE I WATCH YOU ALL, I STUDY YOU. YOU'D BE SURPRISED AT THE LITTLE THUMBNAIL SKETCH I'VE WRITTEN ABOUT EACH ONE OF YOU, WHICH YOU'LL NEVER SEE. BUT I DON'T KNOW, IN A SPECIFIC SITUATION, HOW YOU'RE GOING TO RESPOND TOTALLY. SOMETIMES WE MAY START OUT AND SOMEBODY IS ROCK SOLID AGAINST SOMETHING. THEN, FOR VARIOUS REASONS, MAYBE THEY LISTEN AND THEIR MIND CHANGES, MAYBE THEY FEEL PRESSURE... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...FROM OTHERS WHO HAVE INTERESTS THAT ARE BEING CAST ASIDE AND THEY'RE PRESSURED FROM OUTSIDE, OR MAYBE WITHIN THEY HAVE SOMETHING THEY WANT TO DO. AND THE MORE TIME THAT PASSES, THERE IS A DIMINISHING OF THE CHANCE THAT THEY WILL GET WHAT THEY WANT. SO WHAT I HAVE TO DO IS TRY TO CREATE THAT ENVIRONMENT WHERE PEOPLE WILL SEE THAT IT'S BETTER TO WORK WITH ME THAN TO WORK AGAINST ME. I'M THE EASIEST PERSON IN THE WORLD TO GET ALONG WITH. NOBODY CAN TREAT ME BETTER THAN I WILL TREAT THAT PERSON. HOWEVER, IF SOMEBODY WANTS TO WITHSTAND ME OR, AS THEY SAY, STAND UP TO ME, OR AS THEY DID ON SENATOR McCOLLISTER'S BILL, PUT ME IN MY PLACE, THEN THEY HAVE OUTLINED THE RULES THAT WE'RE GOING TO FOLLOW. AND ON

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THAT DAY THEY DID PREVAIL. AND SENATOR McCOLLISTER WAS PRAISED BY...  
[LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: ...GAME AND PARKS. THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB956]

SENATOR CHAMBERS: AND I BELIEVE THIS IS MY THIRD TIME? [LB956]

SPEAKER HADLEY: THIS IS YOUR SECOND TIME. [LB956]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, WHAT SENATOR McCOLLISTER ACHIEVED WAS SOMETHING THAT MAYBE HE WILL REGRET LATER BECAUSE OF WHAT HE HAD TO DO TO ACHIEVE IT. AND WHAT YOU ALL DID IN HELPING TO PUSH HIM OUT THERE TO END THE DISCUSSION FOR THAT DAY MAY BE ONE OF THOSE PLANTS THAT WILL BEAR A BITTER FRUIT. I DON'T FUNCTION ON THE BASIS OF WHAT HAPPENS ONE DAY. I KNOW THAT THERE WILL BE ANOTHER DAY. AND ALTHOUGH IT WAS THE TITLE OF A BOOK OR MAYBE A MOVIE, IT WAS IN THE "BIBBLE" WHERE THE WORDS ARE FOUND: THE SUN ALSO RISES BUT IT ALSO SETS. SO IF IT'S SUNNY FOR YOU TODAY, THERE'S GOING TO BE A NIGHTFALL AND I HAVE TO SHOW YOU HOW DETERMINED I AM. MAYBE IT WON'T MATTER TO YOU. THOSE OF YOU WHO ARE NOT COMING BACK CAN TAKE SOLACE IN THE FACT THAT YOU WON'T HAVE TO EVER GO THROUGH THIS AGAIN. BUT BY THE SAME TOKEN, THERE MAY BE SOMETHING YOU WANT TO DO, SOME WHAT PEOPLE CALL LEGACY THAT YOU WANT TO LEAVE. BUT IN THE SAME WAY THAT THINGS ARE NOT UNDER MY CONTROL HERE--I CANNOT DETERMINE THE OUTCOME OF A VOTE--THERE ARE THINGS NOT UNDER YOUR CONTROL AND I'M ONE OF THOSE THINGS. BUT HERE'S WHAT YOU CAN DO. I'M GOING TO TELL YOU HOW TO DEFEAT ME FOR THE REST OF THE SESSION. IT GETS KIND OF QUIET. I'M GOING TO TELL YOU AND IT'S GUARANTEED TO WORK EVERY TIME. LET ALL 48 OF THE REST OF YOU VOTE AS A BLOCK ON EVERYTHING ELSE THAT COMES BEFORE US. LET EVERYTHING ELSE THAT COMES UP HAVE 48 VOTES AND YOU'LL WIN, WHENEVER YOU GET TO THE POINT WHERE YOU CAN CAST A VOTE. BUT IF THAT POINT DOESN'T COME VERY OFTEN, YOU WILL WIN PYRRHIC VICTORIES. YOU WILL WIN INDIVIDUAL LITTLE VICTORIES, BUT YOU WON'T WIN THE WAR. I DON'T KNOW THAT YOU ALL HAVE MAPPED OUT IN YOUR MIND WHAT CONSTITUTES THE WAR THIS SESSION,

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BUT I HAVE FROM MY POINT OF VIEW. AND I'M NOT GOING TO TELL YOU WHAT IT IS. THEY HAD WHAT THEY CALL ONCE A GHOST BATTALION AND WHAT THEY DID WAS, THE AMERICANS, THEY USED AMPLIFICATION OF MILITARY NOISES AND TRICKED THE GERMANS INTO THINKING THAT THE GERMANS HAD STUMBLED ON A POSSIBLE NIGHT INVASION THAT THE AMERICANS HAD TRIED TO KEEP HIDDEN. AND THAT'S WHAT WAS RESPONDED TO, BUT THAT WAS NOT WHERE THE PEOPLE WERE. THAT WAS WHAT'S KNOWN AS A DIVERSION. AND IN THE MILITARY, THEY CALL THE TERM "SURPRISE." IF THEY'RE LOOKING FOR YOU TO COME BY AIR, YOU COME BY WATER. IF THEY'RE LOOKING FOR YOU TO COME BY WATER, YOU COME BY AIR. IF THEY'RE GOING TO CUT BOTH OF THOSE OFF, THEN COME BY LAND. AND SOMETIMES, BECAUSE THEY SAY THIS IS WHAT THEY WILL EXPECT ME TO EXPECT THEM TO DO SO I WON'T GO THIS WAY, THEN YOU GO WHERE THEY EXPECTED YOU TO COME. BUT THEY REJECTED IT BECAUSE THEY DID THAT CONVOLUTED OVERTHINKING THAT YOU EXPECT ME TO DO THIS, YOU EXPECT ME TO EXPECT YOU TO EXPECT ME TO DO THIS, AND BY THE TIME THEY GET THROUGH, THEY'RE CONFUSED. SO YOU JUST DO WHAT YOU SET OUT TO DO IN THE FIRST PLACE. [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: SINCE IT'S ALL SPECULATIVE, YOU MIGHT SUCCEED AND YOU MIGHT NOT. BUT YOUR ODDS ARE 50/50. YOU HAVE AS GOOD A CHANCE OF SUCCEEDING AS NOT, BUT YOU ALSO HAVE AS GOOD A CHANCE AT FAILING AS NOT. SO I INTEND TO DO SOME MORE DISCUSSING, AND I HOPE YOU FIND IT INTERESTING, ENLIGHTENING, AND THAT IT MIGHT SOFTEN YOUR HARD HEARTS SO THAT YOU WILL SEE THIS STRUGGLING ELDERLY GENTLEMAN IS SIMPLY TRYING TO DO HIS JOB AND YOU WILL REMOVE IMPEDIMENTS FROM HIS PATH. THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR RECOMMIT TO COMMITTEE MOTION. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, WE HAVE NOT BEEN HERE FOR TWO HOURS. IT PROBABLY SEEMS LIKE IT WAS LONGER THAN THAT. IT'S 10:23. WE OFFICIALLY WERE TO START AT 9:00. BUT BECAUSE OF THE DELAYS THAT OCCUR, THERE WERE SOME MINUTES PAST 9:00 BEFORE WE GOT STARTED. DO YOU SEE HOW TIME AND ITS PASSAGE REALLY ARE RELATIVE CONCEPTS? AND EINSTEIN IS THE ONE WHO GAVE THE

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EXAMPLE TO ESTABLISH IT SO THAT ANY- AND EVERYBODY COULD UNDERSTAND. HE SAID THAT IF YOU ARE SPENDING TIME WITH A BEAUTIFUL WOMAN, AN HOUR MAY SEEM LIKE A MINUTE, BUT IF YOU ARE SITTING ON A RED HOT STOVE, A SECOND MAY SEEM LIKE AN ETERNITY. SO IT DEPENDS ON WHAT YOU'RE DOING THAT MAKES THE PASSAGE OF TIME SEEM TO HAVE A GREAT AMOUNT OF RAPIDITY OR IT TO BE PLODDING ALONG AS IS HAPPENING THIS MORNING. THERE'S AN ACTIVITY CALLED REVENGE. BY WAY OF REVENGE, YOU OBTAIN VENGEANCE. BUT THE ONE WHO MADE YOU ALL SAID, VENGEANCE IS MINE, I WILL REPAY, SAYETH THE LORD. WHY WOULD YOUR LORD SAY THAT? BECAUSE YOUR LORD MADE YOU. YOUR LORD KNOWS HOW YOU WERE MADE AND VENGEANCE IS SUCH A SWEET, DELECTABLE THING, THAT IF HUMAN BEINGS ENGAGED IN IT, THEY WOULD BECOME ADDICTED TO IT AND RUN RAMPANT, RUN AMOK, AND THAT'S SPELLED A-M-O-K. NOTHING IRRITATES ME SO MUCH AS WHEN I SEE IT SPELLED A-M-U-C-K; IT'S A-M-O-K, AND EVEN IN HEADLINES THEY MISSPELL IT. I DON'T KNOW WHAT EDITORS ARE PAID FOR. BUT AT ANY RATE, VENGEANCE IS MINE, SAYETH THE LORD. I PERIODICALLY WILL EXPLAIN WHERE TRUE POWER LIES. TRUE POWER DOES NOT LIE IN BEING ABLE TO CARRY OUT A DEATH SENTENCE, TO KILL. TRUE POWER DOES NOT LIE IN PRONOUNCING A DEATH SENTENCE, TO SAY SOMEBODY SHALL DIE. THE ULTIMATE IN POWER IS THE ONE WHO IS ABLE TO GRANT MERCY, THE ONE WHO IS ABLE TO SAY THAT DEATH WAS PRONOUNCED, DEATH IS ON THE VERGE OF BEING CARRIED OUT, BUT I WILL STAY THE HAND OF DEATH AND THE ONE WHO WAS TO DIE SHALL NOT DIE BUT SHALL LIVE. THE ONE WHO CAN GRANT CLEMENCY IS THE ONE WHO HAS THE ULTIMATE POWER. MERCY IS THE MOST IMPORTANT AND NOBLE FEATURE OF A PERSON'S CHARACTER IF THAT PERSON HAS THAT TRAIT. SO I CAN INFLICT DEATH ON THE SESSION OR I CAN GRANT CLEMENCY. AND YOU ALL DON'T LIKE HEARING ME TALK LIKE THAT BECAUSE THAT MEANS I GOT SOME KIND OF CONTROL. I'M NOT BEING CONTROLLED. I HAVE SOME KIND OF CONTROL AND I'M SAYING WHAT I CAN CHOOSE TO DO OR WHAT I CAN REFRAIN FROM DOING. AND I CAN DO IT WHEN I WANT TO ON MY OWN TERMS AND IT'S NOT LIKED. AND YOU KNOW WHY I DO THIS PERIODICALLY? I'M NOT GOING TO TELL YOU RIGHT NOW. [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: I'M GOING TO OFFER ANOTHER MOTION AND SHOW YOU THAT SENATOR MELLO KNOWS ME QUITE WELL, EVEN THOUGH SHAKESPEARE SAID, WHO KNOWS ME WELL, TOO WELL, DO TH KNOW ME ILL. I'M TRYING TO DEBATE WHAT I OUGHT TO DO THIS MORNING AND IT'S NOT AS EASY AS IT MIGHT SEEM. BUT I'VE JUST ABOUT MADE UP MY MIND. MR. PRESIDENT, WHEN I

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STOP, I'M GOING TO ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE AND I SHALL DO SOME THINKING. I WOULD ASK MY SEATMATE SENATOR STINNER WHAT HE THINKS I OUGHT TO DO, BUT I DON'T TRUST HIS JUDGMENT (LAUGHTER) BECAUSE I KNOW HIM TOO WELL. [LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB956]

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. [LB956]

CLERK: 24 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB956]

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 WILLIAMS, SENATOR BOLZ, SENATOR SCHNOOR, SENATOR BAKER, SENATOR KUEHN, SENATOR GLOOR, SENATOR SEILER, SENATOR DAVIS, SENATOR SCHILZ, SENATOR COASH, SENATOR KINTNER, SENATOR JOHNSON, SENATOR GROENE, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR KUEHN, THE HOUSE IS UNDER CALL. MR. CLERK, THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB956]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1103-1104.) 0 AYES, 42 NAYS, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: THE RECOMMIT TO COMMITTEE MOTION IS DEFEATED. I RAISE THE CALL. [LB956]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE TO RECOMMIT. [LB956]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED ON YOUR MOTION. [LB956]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I BET THERE WILL BE NOBODY WHO WILL RUN THE TABLE LIKE THAT AGAIN. I RAN THE TABLE. SEE, YOU ALL THINK I'M COMING BY LAND AND I'M COMING BY WATER. I GOT WHAT I WANTED TO GET. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WE HAVE A NUMBER OF BILLS ON THE AGENDA WHICH I DON'T THINK ARE CONTROVERSIAL. THERE ARE SOME WHICH ARE GOING TO BE VERY CONTROVERSIAL. BUT IN ORDER FOR ME NOT TO BECOME BORED MYSELF, ALL I HAVE TO DO IS TAKE TWO HOURS WITH EACH BILL. I DON'T HAVE TO STAY ON ONE BILL ALL DAY. NOW, IF THIS WAS ONE OF THOSE BAD BILLS, I'D HAVE TO JUST LINGER AND LINGER AND LINGER AND LET IT LINGER AND LINGER AND LINGER. I HAVEN'T DECIDED WHETHER TO HEED WHAT SENATOR MELLO SAID OR NOT. THE ONLY THING THAT MAKES THESE BILLS DIFFERENT FROM OTHERS IS THAT THEY ARE THE BUDGET BILLS. BUT YOU WILL BE SURPRISED AT HOW MUCH SWAY SENATOR GROENE HAS WITH ME. I LISTENED TO SENATOR GROENE THIS MORNING. AND ALTHOUGH SENATOR GROENE SOMETIMES SOUNDS VERY GRUFF AND VERY GO GET 'EM, HE'S REALLY A SOFTY INSIDE. SO I HAVE TO CREATE OPPORTUNITIES IN KEEPING WITH MY SELF-DESIGNATED TITLE OF DEFENDER OF THE DOWNTRODDEN BY CREATING FOR HIM THE OPPORTUNITY TO SAY AS MUCH AS HE COULD WANT TO SAY ON THESE BILLS WITHOUT BEING THE VILLAIN. UNLIKE ME, SENATOR GROENE IS SENSITIVE TO WHAT PEOPLE THINK ABOUT HIM. I DETECT AN INCLINATION ON OCCASION FOR HIM TO TRY TO BE CONCILIATORY JUST SO PEOPLE WON'T THINK THAT HE'S JUST BEING MEAN. BUT IF WHAT YOU DO CAUSES PEOPLE TO THINK THAT YOU'RE MEAN, LET THEM THINK ANYTHING THEY WANT TO BECAUSE THEY'RE NOT GOING TO THINK IT VERY LONG. SHORT ATTENTION SPANS, BUT THAT'S NOT IT; THERE JUST IS NOT THE INTEREST BECAUSE IT TAKES TOO MUCH ENERGY. AROUND HERE, WE ARE EACH ABLE TO DO WHATEVER WE WANT TO DO. THE QUESTION IS WHETHER WE WILL DO IT OR IF WE WILL BE COWED INTO QUITTING BEFORE WE EVEN START. IF PEOPLE HAVE NO INTEREST IN MOVING IN THE DIRECTION YOU WANT TO MOVE, WHY SHOULD YOU HAVE AN INTEREST IN MOVING THE DIRECTION THEY WANT TO MOVE WHEN IT'S OBVIOUS THAT YOU'RE NOT GOING IN THE SAME DIRECTION? IF YOU WERE GOING IN THE SAME DIRECTION, THEY WOULD EITHER MOVE WITH YOU OR YOU VOLUNTARILY WOULD MOVE WITH THEM. YOU GOT TO THINK THESE THINGS THROUGH. WE ONLY HAVE UNTIL APRIL 20. THAT'S ROUGHLY 30 CALENDAR DAYS. YOU MEAN TO TELL ME YOU CANNOT BE STRONG FOR 30 CALENDAR DAYS? AND YOU DON'T EVEN HAVE TO BE THAT BY YOURSELF. YOU LET THERE BE AN ISSUE THAT I'M CONCERNED ABOUT, LIKE THAT IDIOTIC, SO-CALLED RIGHT-TO-FARM THING. YOU'LL SEE SOMETHING WHEN WE GET TO THAT, IF AND WHEN WE GET TO IT. I'M GOING TO HAVE A LOT TO SAY ABOUT THE RIGHT THAT RELIGIOUS PEOPLE FEEL



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THEY HAVE TO DISCRIMINATE AGAINST OTHERS ON THE BASIS OF A RELIGIOUS BELIEF. INSANITY, CRAZINESS, NOT ONLY IS THIS LEGISLATURE MOVING IN THAT DIRECTION BUT OTHERS HAVE ALREADY DONE SO. THAT IDIOTIC STATE CALLED GEORGIA HAD AN IDIOTIC LEGISLATURE THAT PASSED WHAT THEY CALL A RELIGIOUS LIBERTY BILL. IT WAS SO SPITEFUL, SO HATEFUL, SO BIGOTED THAT THE NATIONAL FOOTBALL LEAGUE SAID THAT WITH THAT KIND OF ATTITUDE, THE SUPER BOWL MAY NOT BE PLAYED IN THEIR CITY. THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION RESPONDED VERY NEGATIVELY. BUSINESSES THAT WERE MEMBERS OF THE FORTUNE 500 DID THE SAME. BUT THOSE HARDHEADED IGNORAMUSES IN THEIR LEGISLATURE, MOVED BY THESE RELIGIOUS NUTS AND ZEALOTS, PUT SOMETHING LIKE THAT BEFORE THE GOVERNOR. BUT THE GOVERNOR HASN'T SIGNED IT YET AND THE GOVERNOR IS LISTENING TO WHAT THESE BIG SHOTS ARE SAYING. THE BUSINESSES LOCATED THERE, THE ACTIVITIES THEY WANTED TO COME THERE, AND THE IDIOTIC POSITION GEORGIA HAS BEEN PLACED IN AND NEBRASKA IS MOVING IN THAT DIRECTION TOO. YOU WANT TO HAVE ALL THESE SWIMMING MEETS, WORLD-CLASS SWIMMING MEETS, COLLEGE WORLD SERIES AND NEBRASKA IS BECOMING KNOWN AS ONE OF THE MOST BIGOTED STATES IN THE UNION, ONE OF THE MOST BACKWARD STATES IN THE UNION, HIDING BEHIND SO-CALLED RELIGIOUS LIBERTY--CRAZINESS. PEOPLE GET IN THEIR LITTLE-BITTY CORNER AND THEY THINK THAT'S THE ENTIRE WORLD. BUT WHEN YOU CAN START PROVOKING BUSINESSPEOPLE WHO ORDINARILY ARE VERY CONSERVATIVE AND DO NOT WANT TO GET INVOLVED IN ANY KIND OF CONTROVERSY, TO COME OUT STRONGLY AGAINST A STATE'S LEGISLATURE AND ITS POLITICAL LEADERS, THINGS HAVE REACHED A SORRY TURN. AND IT'S NOT BECAUSE THESE BIG SHOTS ARE MORAL. IT'S NOT BECAUSE THEY'RE ETHICAL. WHY, JONATHAN WINTERS WAS TALKING ONE TIME IN A MOVIE, IT'S A MAD, MAD, MAD, MAD WORLD. THEY FOUND ALL THIS MONEY AND WERE TALKING ABOUT HOW THEY DON'T HAVE TO PAY TAXES, AND JONATHAN WINTERS SAID, WELL, YOU KNOW, EVEN THOUGH BUSINESSPEOPLE, EVEN THOUGH THEY LIE, CHEAT, AND STEAL, THEY PAY TAXES. HE THOUGHT THERE WAS AT LEAST ONE THING THEY DO. WELL, THEY LIE, CHEAT, STEAL, AND DON'T PAY TAXES IF THEY DON'T HAVE TO. AND THERE'S BEEN AN EXPOSE OF DONALD TRUMP WHICH SHOWED ALL THOSE SO-CALLED BIG DEALS HE MADE WERE NOT LIKE HE SAID AT ALL AND HE GOT LARGE AMOUNTS OF MONEY FROM HIS DADDY, WHO WAS RICH, JUST LIKE YOUR GOVERNOR'S DADDY IS RICH AND MADE THE FORTUNE AND NOT GOVERNOR RICKETTS. BUT HE'S THE ONE WHO TAKES THAT NEGATIVE ATTITUDE TOWARD THE POOR, TOWARD THOSE WHO ARE ILL. NOT ONLY DOES HE HAVE THE MONEY TO GO TO CHICAGO TO HAVE HIS KNEE TAKEN CARE OF, BUT HE CAN COME BACK TO NEBRASKA AND GET SOME OF THAT PAID FOR UNDER THE EMPLOYEES

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INSURANCE PLAN. SO WHY SHOULD HE BE CONCERNED THAT THESE WORKING PEOPLE MAKE TOO MUCH TO BE ON MEDICAID BUT NOT ENOUGH TO GET SOME OF THOSE SUBSIDIES UNDER THE AFFORDABLE CARE ACT? WHAT DOES HE CARE? AND THERE ARE RURAL HOSPITALS CLOSING--CLOSING. AND I HEARD SOMEBODY ON THE OTHER DAY TALK, MAYBE IT WAS SENATOR GROENE, HOW RURAL PEOPLE HELP EACH OTHER. WE HELP EACH OTHER. WE STICK TOGETHER. AND THE RURAL SENATORS IN THIS BODY ARE ASSISTING IN THE CLOSING OF RURAL HOSPITALS. AND RURAL HOSPITALS SERVE A DIFFERENT FUNCTION, I'VE BEEN TOLD, FROM THAT SERVED BY HOSPITALS IN LARGER AREAS. THEY ARE LIKE AN ANCHOR TO A COMMITTEE...COMMUNITY. THERE ARE JOBS THAT HAVE AN IMPACT ON THE ECONOMY OF THAT TOWN. BUT THOSE HOSPITALS--THIS IS NOT SPECULATING--THEY ARE CLOSING. THE WORLD-HERALD DID A VERY, VERY LENGTHY REPORT ON WHAT'S HAPPENING IN THE RURAL AREAS. WHY SHOULD I CARE ABOUT RURAL PEOPLE WHEN THE RURAL SENATORS DON'T? YOU LOOK AT THEM AS HILLBILLIES, YOU LOOK AT THEM AS HICKS, YOU LOOK AT THEM AS THROWAWAY PEOPLE. THEIR CHILDREN ARE SICK AND YOU DON'T CARE. THEY'RE WORKING HARD AND THEY'RE WORKING IN THE RURAL AREA, BUT THEY ARE NOT MAKING ENOUGH TO GET THE SUBSIDIES MADE AVAILABLE UNDER AFFORDABLE CARE. AND YOU ALL HAVE THE NERVE TO COME AND STAND ON THIS FLOOR AND TALK ABOUT THE RURAL COMMUNITY. THEN THE GOVERNOR TALKS ABOUT GIVING FARMERS AND RANCHERS BREAKS BUT NOT... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...THE PEOPLE WHO NEED--THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: I'M SORRY, SENATOR CHAMBERS? [LB956]

SENATOR CHAMBERS: I THOUGHT YOU SAID TIME. [LB956]

SPEAKER HADLEY: NO, I SAID ONE MINUTE. [LB956]

SENATOR CHAMBERS: OH. OKAY, I'LL TAKE THAT MINUTE AND THEN I'LL... [LB956]

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SPEAKER HADLEY: YOU'RE NEXT IN THE QUEUE, SO YOU CAN JUST CONTINUE ON. [LB956]

SENATOR CHAMBERS: OKAY, THANK YOU. AND I'M ON A ROLL NOW BECAUSE I THINK I'M SAYING SOMETHING THAT PEOPLE ON THIS FLOOR OUGHT TO UNDERSTAND. YOU KNOW, THEY PUFF UP, THEY RUN FOR THESE OFFICES. I'VE HEARD SENATOR KINTNER CONDEMN PEOPLE ABOUT SAYING ONE THING WHEN THEY'RE RUNNING AND DOING SOMETHING ELSE HERE. I LISTEN TO THESE RURAL SENATORS AND HOW LITTLE REGARD THEY HAVE FOR THE PEOPLE OUT THERE. THEY HATE SENATOR OBAMA...GOVERNOR...PRESIDENT OBAMA MORE THAN THEY LOVE THEIR RURAL CONSTITUENTS. THEY HATE PRESIDENT OBAMA MORE THAN THEY LOVE CHRIST. AND THEY WILL TRANSLATE THAT HATRED INTO DEPRIVING PEOPLE OF WHAT THEY NEED RIGHT NOW. [LB956]

SPEAKER HADLEY: YOU'RE ON YOUR OWN TIME. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT--AND YOU ALL'S TIME AND I'M GOING TO TAKE SOME MORE OF IT. THESE ARE NEEDS THAT YOUR PEOPLE HAVE RIGHT NOW, AND DO YOU CARE? NOT AT ALL. BUT THEN YOU LET SOME BIG RANCHERS, BIG FARMERS COME IN HERE. YOU KNOW WHAT SOME PEOPLE TOLD ME HAPPENED WITH SOME OF THIS LAND THAT THESE FARMERS HAD? THEY BREAK IT UP INTO SECTIONS, CERTAIN AMOUNTS, AND GIVE IT TO PEOPLE IN THEIR NAME THEN EVERYBODY GETS A BREAK, THINGS THAT I HADN'T EVEN THOUGHT OF, BUT SEE, I'M NOT RICH. I HAVEN'T FOUND, LIKE DONALD TRUMP TALKED ABOUT, WAYS TO BEAT THE SYSTEM LIKE ALL BUSINESSPEOPLE DO. BUT THEY PUT UP A PITIFUL MOUTH AND COME DOWN HERE AND THEY'RE GETTING BIG FEDERAL SUBSIDIES AND THEN THEY WANT TO DENY MEDICAL CARE TO THE PEOPLE NOT SITUATED AS THEY ARE. SO IF THEY GOT SICK, COULD THEY COME TO YOUR HOUSE AND BEG YOU TO PAY FOR A PRESCRIPTION? NO, YOU'D CALL THE SHERIFF. YOU DON'T WANT ALL THESE RIFFRAFF COMING TO YOUR PROPERTY AND KNOCKING ON YOUR DOOR. THEY'RE NOT YOUR CHILDREN. YOU DON'T HAVE TO TAKE CARE OF THEM. YOU'RE NOT REQUIRED TO. AND THAT'S WHAT'S HAPPENING IN THE STATE OF NEBRASKA: LOW WAGES; NOT THE BEST OF EDUCATION; A CORRUPT PRISON SYSTEM; A GOVERNOR WHO FEELS THAT BECAUSE HE AND HIS FAMILY ARE RICH AND HAVE PLENTY TO EAT, MEDICAL CARE THAT THEY CAN PURCHASE VERY EASILY, SO THEY SLAM THE DOOR ON OTHERS. THAT'S THE KIND OF STATE NEBRASKA IS. CAN YOU IMAGINE WHAT COULD BE DONE IN A STATE THAT HAS A POPULATION OF ONLY ABOUT 1,800,000 PEOPLE, WHICH MAY BE LAND-RICH, AS FARMERS LIKE TO SAY, AND CASH-POOR? BUT THERE IS THE WHEREWITHAL IF THE WILL COULD BE FOUND

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TO GIVE EVERYBODY IN THIS STATE A DECENT STANDARD OF LIVING, AN UPWARD, OPTIMISTIC OUTLOOK ON LIFE, AND YOUNG PEOPLE WOULD STAY HERE BECAUSE THEY'D BE A PART OF SOMETHING THAT IS GROWING, SOMETHING THAT IS ALIVE, NOT THAT IS TOP-HEAVY WHERE BIG FARMERS AND BIG RANCHERS AND BIG BUSINESSES CAN GET EVERYTHING AND THE ONES WHO ARE IN THE MIDDLE CANNOT EVEN GET MEDICAL COVERAGE WHEN THERE ARE HUNDREDS OF MILLIONS OF DOLLARS AVAILABLE AND THE GOVERNOR SAYS, WELL, IN THREE YEARS THIS MAY NOT HAPPEN. WELL, IN THREE YEARS THE STOCK THAT YOU MAY BE INVESTING IN MAY TANK BUT THAT DOESN'T STOP YOU FROM DOING THAT. EVERY EXCUSE THEY CAN FIND TO HURT THOSE MORE WHO ARE ALREADY HURTING. SENATOR GARRETT IS GOING TO TRY TO GET SOMETHING DONE WITH MEDICAL CANNABIS. I DON'T KNOW HOW HE'LL VOTE ON EXTENDING THE REACH OF MEDICAID, PROVIDING MEDICAL COVERAGE, BUT HE OUGHT TO. HE TOLD US A LOT ABOUT HOW THESE SPECIFIC PEOPLE--AND A LOT OF THEM ARE IN HIS DISTRICT--SUFFER BECAUSE A MEDICINAL PRODUCT IS NOT AVAILABLE. BUT THAT'S THE WOLVES WHO ARE IN HIS YARD. BUT THE WOLVES IN OTHER PEOPLE'S YARD MAY NOT MAKE ANY DIFFERENCE. YOU WON'T FIND OTHER PEOPLE STANDING ON THIS FLOOR TALKING ABOUT THE INTERESTS OF POOR WHITE PEOPLE LIKE THE ONLY BLACK MAN HERE. SOME WHITE PEOPLE WILL SAY SOMETHING, BUT THEY'RE VERY CAREFUL HOW THEY SAY IT. THESE ARE YOUR BROTHERS AND SISTERS. THEY LOOK LIKE YOU. [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: YOU WANT THEM TO MARRY SOMEBODY WHO LOOKS LIKE YOU. BUT YOUR CHILDREN DON'T WANT TO BE LIKE YOU. THEY'RE AWARE OF YOUR ATTITUDE. YOU ARE THE ONES WHO DRIVE THEM OUT OF NEBRASKA, YOUR ATTITUDE. THEN THEY HEAR THIS HYPOCRITICAL STUFF ABOUT, WELL, WHAT WILL WE LEAVE FOR OUR CHILDREN TO PAY WAY DOWN THE LINE? WELL, WHAT ABOUT THE CHILDREN WHO ARE HERE RIGHT NOW THAT YOU ARE NOT ONLY IGNORING BUT CREATING A HARDSHIP FOR? SO THEN YOU STAND ON THE FLOOR AND SPEAK GREAT-SWELLING WORDS, PRETTY-SOUNDING PHRASES, BUT THE PEOPLE OUT THERE LIVING KNOW THAT THERE'S NOTHING BEHIND IT ALL. YOU HAVE THESE PRAYERS EVERY MORNING THAT MEAN NOTHING. YOU INVOKE RELIGION TO ALLOW YOU TO DISCRIMINATE AND YOU THINK THAT IS GOING TO CAUSE YOUNG PEOPLE TO RESPECT YOU? IT MAKES THEM REJECT EVERYTHING THAT YOU OFFER BECAUSE YOU, THE HYPOCRITES, VIOLATE IT EVERY DAY IN YOUR CONDUCT. [LB956]

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SPEAKER HADLEY: TIME, SENATOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED, AND THIS IS YOUR SECOND TIME. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. NEBRASKA RHYMES WITH ALASKA. THAT'S PROBABLY THE MOST SIGNIFICANT THING YOU CAN SAY. WHAT ABOUT NEBRASKA IS GREAT? YOU USED TO HAVE CONAGRA. THEY GOT TIRED OF YOU AND LEFT. CABELA'S--THEY WERE GROVELING IN HERE TRYING TO GIVE CABELA'S TAX INCENTIVES AND BREAKS TO OPEN A STORE IN SARPY COUNTY AND I STOPPED IT. AND CABELA'S OPENED THERE ANYWAY. YOU'RE PUSHOVERS. THEY GET THESE CRAZY RELIGIOUS NOTIONS AND THEY CAN GET PEOPLE IN NEBRASKA TO OFFER THEM. AND THE ONES WHO OFFER THEM DON'T EVEN UNDERSTAND THEM. AND YOU WANT PEOPLE TO HAVE RESPECT FOR YOU? YOU SHOULD BE AN EXAMPLE OF WHAT YOU TALK ABOUT. YOUNG PEOPLE ARE NOT STUPID AND THEY CAN SEE THROUGH ALL OF THIS. AND A FEW OF THEM READ AND THEY KNOW THE POWER THAT A LEGISLATURE DOES HAVE. THEY KNOW THERE ARE BAD THINGS HAPPENING TO CITIZENS IN THIS STATE WHICH DON'T HAVE TO HAPPEN. BUT YOU HAVE PEOPLE WHO HAVE PLEDGED LOYALTY TO A PARTICULAR PARTY THAT HAS NO RESPECT FOR THEM. IF THE REPUBLICAN PARTY RESPECTED YOU ALL, THEY WOULDN'T TREAT YOU LIKE THE FOOLS THEY DO. THEY POP THEIR FINGER AND YOU JUMP. HERE'S THE WAY THEY SAY IT IN THE STREET. WHEN I SAY YOU JUMP, YOU JUMP. WELL, THE WAY THE REPUBLICAN PARTY HAS IT, IT'S NOT A SITUATION WHERE THEY SAY YOU JUMP AND YOU ASK, HOW HIGH? THEY SAY JUMP, YOU JUMP AND YOU SAY, IS THIS HIGH ENOUGH, BOSS? IS THIS HIGH ENOUGH? AND YOU THINK YOU'RE WORTHY OF RESPECT? YOU NEED MORE PEOPLE LIKE ME ON THIS FLOOR WHO WILL TELL YOU WHAT YOU ARE AND WHAT YOU HAVE BECOME. I CAN PREDICT HOW YOU ALL ARE GOING TO VOTE. I CAN PREDICT HOW YOU ALL ARE GOING TO VOTE. I KNOW WHAT COLOR LIGHT IS GOING TO COME UP ON THAT BOARD. YOU ALL KNOW ALSO. AND I OUGHT TO START WRITING IT DOWN, GET ONE OF THOSE LITTLE CARDS AND CHECK IN THE WAY YOU'RE GOING TO VOTE WHEN THE VOTES COME UP. AND IF I KNOW, YOU KNOW OTHERS KNOW WHO PAY MORE ATTENTION TO POLITICS THAN I DO. YOU TALK ALL THIS STUFF BUT THEN ULTIMATELY YOU'RE GOING TO FALL INTO THAT RUT AND DO WHAT YOU ARE TOLD YOU HAD BETTER DO. AND THEN YOU DO IT. THEN YOU TALK ABOUT FREEDOM. DON'T EVEN KNOW HOW YOU SOUND BASED ON WHAT YOU DO. AND WHEN YOU DECIDE TO INVOKE FREEDOM, TALK ABOUT TRANSPARENCY. I TOLD SENATOR GARRETT HOW THE FIRST THING OUT OF HIS MOUTH ON A BILL AFTER ALL THAT NONTRANSPARENCY ON SENATOR MURANTE'S BILL, I THINK IT WAS A BILL THAT SENATOR CRAWFORD HAD, AND HE TALKED ABOUT TRANSPARENCY. THAT'S WHAT YOU ALL DO. YOU DON'T EVEN REMEMBER FROM ONE BILL TO THE

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OTHER WHAT YOU SAY. THEN YOU GET UPSET WITH ME WHEN I POINT OUT THE DISCONNECT. WELL, STOP DISCONNECTING IT. I DON'T CAUSE THE DISCONNECT. I JUST CALL ATTENTION TO IT AND MAYBE YOU'LL BE MORE CAREFUL THE NEXT TIME. YOU GIVE YOUR ENEMY A STICK TO BEAT YOU WITH AND I DON'T MEAN IN THIS INSTANCE ME AS YOUR ENEMY, PEOPLE OUT THERE WHO LISTEN AND SAY, WHAT ARE THOSE FOOLS... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...TALKING ABOUT? THEY SAY ONE THING ON THIS AND THEN THEY TURN RIGHT AROUND AND DO THE OPPOSITE BECAUSE YOU'RE FOLLOWING THE ORDERS AS THEY'RE GIVEN TO YOU AND YOU DON'T HAVE A PLAN AND A PROGRAM OF YOUR OWN THAT WOULD VINDICATE YOUR OWN ETHICS, YOUR OWN INTEGRITY, YOUR OWN MORAL RECTITUDE. YOU'RE HERE TO CARRY OUT THE WISHES OF A POLITICAL PARTY THAT HAS CONTEMPT FOR YOU. THE LEGISLATURE IS RIDICULED. LEGISLATORS ARE RIDICULED. THESE RICH PEOPLE YOU TRY TO HELP, YOU THINK THEY'RE GOING TO INVITE YOU TO THEIR HOUSE? WHICH ONE IN HERE WILL EVER BE THE KING OF AKSARBEN? AS IF YOU'D WANT TO BE THAT, BUT YOU'LL NEVER BE THAT. THEY LOOK DOWN ON YOU. BUT YOU THINK BY LICKING THE BOOT THAT KICKS YOU, YOU'RE GOING TO GET SOME RESPECT. YOU DON'T EVEN RESPECT EACH OTHER. YOU DON'T RESPECT YOURSELVES AND YOU KNOW IT. WHY DON'T WE... [LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: ...TURN NEBRASKA...THAT WAS...? [LB956]

SPEAKER HADLEY: SENATOR, THIS WILL BE YOUR CLOSING ON YOUR MOTION TO RECONSIDER. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHAT I'M DOING COULD BE A WASTE OF TIME IF THE ONLY ONES I WAS TALKING TO ARE THOSE SITTING IN THIS CHAMBER OR SOMEWHERE IN ANOTHER PART OF THE BUILDING LISTENING. I'M NOT EVEN TALKING TO YOU ALL. YOU ALL ARE JUST A BACKDROP. I WAS SURPRISED AT HOW MANY PEOPLE DO FOLLOW WHAT WE SAY. SENATOR GROENE IS STARTING TO GET THAT FEELING BECAUSE HE WAS TRYING TO VINDICATE HIMSELF THIS MORNING BY HIS MEA CULPAS TO HIS CONSTITUENTS ABOUT WHAT HE TRIED TO DO AND COULDN'T GET DONE. EVERY NOW AND THEN SOMEBODY ELSE WILL STAND UP

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AND TRY TO SAY SOMETHING TO THOSE WHO MIGHT BE WATCHING. BUT THEY HAVE A CONTINUUM ALONG WHICH WE DO THINGS AND THEY CAN FORM A JUDGMENT. I KNOW HOW HARSHLY I'M JUDGED BY PEOPLE IN THIS STATE, BUT IT DOESN'T MAKE ME ANY DIFFERENCE BECAUSE THE DIFFERENCE BETWEEN ME AND YOU ALL, THEY KNOW WHAT I'M GOING TO DO, WHAT I'M GOING TO SAY, WHO I'M GOING TO STAND FOR, AND WHO I'M GOING TO SUPPORT: THOSE WHO HAVE NO FRIENDS, THE OUTCASTS, THE ONES WHO HAVE NO VOICE, THE ONES WHO ARE DISCOUNTED, THE THROWAWAY PEOPLE. THEY KNOW THAT'S WHERE I'M GOING TO BE. AND THEY KNOW WHERE I'M NOT GOING TO BE--OVER THERE SPONGING AND MOOCHING WITH THE LOBBYISTS WHICH YOU ALL ARE GOING TO DO EVERY DAY FROM NOW ON. AND I SAID BEFORE AND I'LL SAY IT AGAIN, THE SPEAKER GAVE YOU ALL A BREAK BECAUSE THE RESOLUTION THAT I OFFERED THAT SAID LOBBYISTS SHOULD NOT BE ABLE TO FEED YOU ALL AT THE TROUGH IN THIS BUILDING WHEN WE'RE IN SESSION, AND THAT RESOLUTION WILL NOT EVEN COME UP. TALK ABOUT HOW YOU CAN SKEW THE GAME. AND I KNOW THE SPEAKER CAN DO THAT. THAT'S WHAT GOES ALONG WITH THAT POSITION. YOU PROTECT THESE SENATORS WHO, IF THEY HAD TO STAY HERE WITHOUT EATING, WOULD NOT STAY AND IF THEY LEFT, THEY WOULDN'T COME BACK. HE KNOWS THAT AND HE DOESN'T WANT YOU TO BE EMBARRASSED BECAUSE HE KNOWS WHAT YOU ARE. I KNOW WHAT YOU ARE AND YOU KNOW WHAT YOU ARE. THAT'S WHY YOU WILL NOT DARE HIM TO BRING THAT RESOLUTION OUT HERE AND MAKE YOU MAKE A PUBLIC VOTE AND TAKE A PUBLIC STAND. AND YOU WANT TO SAY, I'M NOT GOING TO BE INFLUENCED BY A DINNER? WELL, MAYBE SOMEBODY WON'T BUY YOU WITH A DINNER OR A MEATLOAF SANDWICH AND A NECK BONE SANDWICH, BUT THEY MAKE YOU FEEL OBLIGED. AND AS LONG AS THEY FEED YOU, THEY KNOW THEY CAN CONTROL YOU. YOU OUGHT TO HAVE TOO MUCH PRIDE. THEN YOU STAND ON THIS FLOOR. SENATOR GROENE TALKED ABOUT GIVING AWAY FREE STUFF. WELL, HE TAKES FREE STUFF. I THINK HE EATS OFF THE LOBBYISTS. HE DOESN'T PAY THEM THE VALUE OF THAT. YOU KNOW SENATOR KINTNER CONDEMNS PEOPLE. AND YOU ALL VOTE AGAINST THINGS THAT WOULD HELP THE POOR. AND THEN BEFORE THIS DAY IS OVER, YOU'RE GOING TO BE OVER THERE SUCKING THIS UP FROM THE LOBBYISTS AT THE TROUGH WHERE THEY LAUGH AT YOU. THEY MOCK YOU. THEY OUGHT TO WHISTLE, GET ONE OF THOSE TRIANGLES WITH A METAL THING AND BEAT IT LIKE THEY DO IN THE OLD WEST. DINNER TIME, COME AND GET IT. SOOEY, IS THAT WHAT YOU CALL HOGS WHEN YOU WANT TO FEED THEM? ISN'T THIS SOMETHING? THIS IS THE NEBRASKA LEGISLATURE. THE CONSTITUTION CREATED THE LEGISLATURE AS ONE OF THE BRANCHES OF GOVERNMENT. ALL OF THE LEGISLATIVE POWER REPOSES IN THIS BODY. [LB956]

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SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ANYTHING NOT PROHIBITED BY THE CONSTITUTION, WE CAN DO. WE CAN SEE THAT THE HUNGRY ARE FED. WE CAN SEE THAT THE HOMELESS HAVE SHELTER. WE CAN SEE THAT THE SICK ARE MINISTERED TO. THOSE WHO NEED PROTECTION FROM AN UNJUST CRIMINAL JUSTICE SYSTEM CAN LOOK TO US. THAT'S THE WAY IT WAS INTENDED TO BE, BUT IT'S NOT LIKE THAT. AND WE SPEND TIME DOING WHAT EDGAR ALLAN POE WROTE IN HIS POEM ABOUT THE BELLS, WHAT THIS GHOUL DOES, TO ROLL ON THE HUMAN HEART A STONE. THAT'S WHAT THIS LEGISLATURE IS GOOD AT DOING: NOT STANDING UP TO THOSE WHO CAN FIGHT BACK BUT HARMING THOSE WHO NEED OUR HELP, THE ONES THAT WE HAVE... [LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: ...AN OBLIGATION TO HELP. I WOULD ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB956]

SPEAKER HADLEY: THERE'S BEEN A REQUEST FOR...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. [LB956]

CLERK: 25 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB956]

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 HANSEN, SENATOR WILLIAMS, SENATOR BURKE HARR, SENATOR RIEPE, SENATOR SCHNOOR, SENATOR BOLZ, SENATOR MELLO, SENATOR SEILER, SENATOR COASH, SENATOR LARSON, SENATOR KINTNER, AND SENATOR BLOOMFIELD, THE HOUSE IS UNDER CALL. SENATOR BOLZ, SENATOR RIEPE, SENATOR HANSEN, IF YOU WOULD CHECK IN. YES. [LB956]

SENATOR CHAMBERS: MAY I ACCEPT THAT AS THE VOTE ON MY MOTION?  
(LAUGHTER) [LB956]

SPEAKER HADLEY: I'M SORRY? [LB956]



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SENATOR CHAMBERS: THAT'S ALL RIGHT. SO AM I. [LB956]

SPEAKER HADLEY: DENIED. MR. CLERK, THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB956]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1104-1105.) 2 AYES, 41 NAYS, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: THE MOTION FAILS. I RAISE THE CALL. [LB956]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO BRACKET LB956 UNTIL APRIL 20, 2016. [LB956]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR BRACKET MOTION. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IN ADDITION TO MAKING A POINT, I'D LIKE THESE FORAYS TO RESULT IN SOME INSTRUCTION WHETHER YOU WANT TO RECEIVE IT OR NOT. WHEN YOU FIRST CAME HERE YOU DIDN'T EXPECT WHAT'S HAPPENING TO HAPPEN. WHEN SENATOR MELLO AND I HAD OUR COLLOQUY, THERE WAS A RAY OF HOPE THAT WAS ALLOWED TO SEEP IN, BUT YOU CAN SEE NOW THAT THAT HAS GONE A-GLIMMERING. NOW FATALISM HAS SET IN. YOU ARE RESIGNED TO MY TAKING SOME TIME. THAT WAS NOT YOUR FEELING OR YOUR CONVICTION WHEN I FIRST STARTED, BUT NOW YOU ACCEPT YOUR FATE AND THERE'S NOTHING YOU CAN DO ABOUT IT. WILL I ONLY GO UNTIL TROUGH TIME? "TROUGH TIME" IS ANOTHER WAY OF SAYING THAT "CAPTAIN HUNGRY" AND "LIEUTENANT LUNCH HUNTER" WILL BE RELEASED TO GO OVER THERE AND EAT WHERE THE LOBBYISTS ARE GOING TO FEED THEM. IF JUST ONE DAY THE SENATORS COULD FIND THE FORTITUDE, WHICH THEY CAN'T, TO SAY WE'RE NOT GOING TO EAT OFF THE LOBBYISTS, BUT IT'S JUST TOO GOOD TO PASS UP. SO IF MY COLLEAGUES WHO COMPRISE COLLECTIVELY ONE OF THE THREE BRANCHES OF GOVERNMENT CANNOT RESIST THE LURE OF LOBBYISTS' FREE FOOD, HOW CAN YOU CONDEMN PEOPLE WHO ARE ADDICTED TO DRUGS, WHO ARE ADDICTED TO HEROIN, TO METHAMPHETAMINE, MARIJUANA, CIGARETTES, LIQUOR? YOU WILL LOOK DOWN YOUR NOSE AT OTHERS WHO HAVE A FAILING WHICH DOES HAVE A HOLD ON THEM, THEN YOU ARE ADDICTED TO THE FREE FOOD THAT THE LOBBYISTS GIVE YOU. YOU CANNOT EVEN BE SHAMED OUT OF DOING IT. LOOK HOW I DRESS. I DRESS LIKE A WORKING PERSON. LOOK HOW

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YOU DRESS. YOU WEAR SUITS. YOU WEAR NECKTIES. YOU GIVE THE OUTER APPEARANCE OF PEOPLE WHO HAVE STATUS, WHO HAVE SOME PRIDE, SOME SELF-RESPECT AND PERSONAL DIGNITY. BUT I, THE WORKING MAN, WILL NOT LOWER MYSELF TO MOOCH AND SPONGE AND LEECH AND EAT OFF THOSE WHO HAVE CONTEMPT FOR US. BUT ALL OF YOU, OR MOST OF YOU, IN YOUR FINERY YOU WILL CARRY YOUR SUIT-WEARING CARCASS OVER THERE AND SPONGE OFF THE LOBBYISTS AND NOT FEEL ANY SHAME. WHAT DO YOU THINK THE LOBBYISTS ARE DOING RIGHT NOW WHILE I TALK LIKE THIS? LAUGHING AND SAYING, I HOPE THEY DON'T LISTEN TO HIM. WHY DO YOU THINK THE LOBBYISTS FEED YOU? YOU THINK THEY LIKE YOU? DO THEY INVITE YOU TO THEIR HOUSE? DO THEY INVITE YOU TO MEET THEIR CHILDREN IF THEY HAVE CHILDREN? OTHER THAN A POLITICAL CONTEXT WHERE THEY'RE TRYING TO INFLUENCE YOU, YOUR PATHS DON'T CROSS. YOU DON'T SPEND ANY TIME TOGETHER. AND SENATOR HAAR/HARR POINTED OUT THAT IT'S NOT THE KING OF AK-SAR-BEN, IT'S THE KING OF QUIVIRA--THAT'S THE IMAGINARY, THE MAKE-BELIEVE KINGDOM--WHERE THESE OLD WHITE MEN PUT ON THESE FUNNY-LOOKING CLOTHES AND INVARIABLY WILL BE PAIRED WITH A YOUNG WHITE WOMAN. THE OLD WHITE MAN AND THE YOUNG WHITE WOMAN, THAT'S WHAT YOU SHOW ME, THEN YOU GET MAD WHEN I BRING IT UP. WHAT MESSAGE ARE YOU TRYING TO CONVEY? YOUNG WHITE WOMEN ARE TROPHIES, THEY'RE TRINKETS, THEY'RE TO BE PLAYED WITH, TOYED WITH, USED, USED UP, THEN THROWN AWAY. THEN THESE DODDERING OLD WHITE MEN WILL GET UP THERE AND CARRY OUT THE TABLEAU: THE OLD WHITE MAN AND THE YOUNG WHITE WOMAN. I WONDER HOW THE WIVES OF SOME OF THESE OLD FOOLS FEEL. MAYBE THEY WERE PUT OUT TO PASTURE A LONG TIME AGO AND NOW THEY HAVE BEEN WITH THIS OLD FOOL FOR SO LONG THEY JUST HAVE TO GO ALONG WITH THE PROGRAM AND SWALLOW IT. I'M JUST DISCUSSING ON THIS FLOOR WHAT OTHER PEOPLE MAY THINK ABOUT AND KNOW ABOUT. ISN'T THAT WHAT WE'RE SUPPOSED TO DO AS MEMBERS OF THE LEGISLATURE? ARE WE NOT TO COMMENT ON WHAT'S GOING ON IN THE SOCIETY AROUND US? SHOULD WE NOT SHOW THAT WE'RE AWARE OF WHAT PEOPLE ARE SEEING, WHAT OUR CONSTITUENTS ARE EXPERIENCING, THE INFLUENCE THAT HAVE A BEARING ON THE THOUGHT PATTERNS, THE CONDUCT OF OUR CONSTITUENTS? IS THAT THE PROPER EXAMPLE FOR OUR... YOUR YOUNG WOMEN TO BE SHOWN? I CAN SAY OUR YOUNG WOMEN. ALL THESE PEOPLE ARE MY CHILDREN, ALL MY CHILDREN. AND IF ONE OF YOU OFFENDS AGAINST ONE OF THESE, MY CHILDREN, IT WERE BETTER FOR YOU THAT A MILLSTONE WERE HANGED ABOUT YOUR NECK AND YOU BE DROWNED IN THE DEPTH OF THE SEA. NOW, IN CASE SENATOR GARRETT THINKS THAT BECAUSE I'M SAYING WHAT I'M SAYING THAT I WON'T SUPPORT HIS CANNABIS BILL, OH, I'M GOING TO SUPPORT THAT. I

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HOPE WE GET A CHANCE. I HAD A CHANCE TO SEE A LITTLE GIRL WHO WAS WEARING A HELMET, AND SHE HAS ONE OF THESE DOGS THAT PEOPLE ARE ALLOWED TO TAKE WHERE THEY CAN'T GO OTHER PLACES. AND THEY MIGHT CALL THEM SERVICE DOGS OR SOMETHING LIKE THAT. I WOULDN'T PUT THAT TITLE ON THEM. IF THOSE DOGS WERE HUMAN BEINGS OR IF THE CHURCH BELIEVED IN GRANTING SAINTHOOD TO OTHER THAN HUMAN DEVILS WITH TWO FEET, THEY WOULD SAINT SOME OF THESE ANIMALS WHO GIVE TO THOSE CHILDREN WHAT ADULTS AND HUMAN BEINGS CANNOT. YOUNG PEOPLE HAVE SEEN TOO MUCH AND SUFFERED TOO MUCH AT THE HANDS OF ADULTS, BUT AN ANIMAL IS ALWAYS WHAT IT IS AND IS WHAT IT SEEMS TO BE. AND CHILDREN HAVE TO WONDER, IS THIS ADULT WHAT HE OR SHE SEEMS TO BE? AM I GOING TO WIND UP BEING HURT BY THIS GROWN PERSON? AND IT SHOULDN'T BE THAT WAY. IF THERE WERE ANY GROUP IN A SOCIETY WHO COULD FEEL SAFE, WHO COULD FEEL PROTECTED, IT SHOULD BE THE CHILDREN, BUT THAT'S NOT THE CASE. THEY ARE ABUSED BY PEOPLE FROM THE POPE ON DOWN, AND NOT JUST IN THE CATHOLIC CHURCH, CHURCHES EVERYWHERE. SOME GUY WHO WAS A DEACON OR SOMETHING IN A BLACK CHURCH WAS SENT AWAY FOR A PERIOD OF TIME NOT TOO LONG AGO FOR HAVING INAPPROPRIATE CONTACT WITH A YOUNG GIRL. THAT'S WHAT THEY HAVE COME TO EXPECT. AND THIS KING AND QUEEN OF QUIVIRA CARRY OUT AND PROJECT THAT NOTION. SO THE LITTLE GIRL, IF SHE COULD TALK TO US, WOULD BE CRYING AND BEGGING AND PLEADING AND TRYING TO MELT HEARTS MADE OF STONE, BUT TEARS WILL NOT MELT STONE. AND SHE WOULD HOPE THAT IF YOU SAW HER PAIN YOU WOULD WANT TO ALLEVIATE IT, BUT THAT WOULDN'T BE THE CASE. SO YOU KNOW WHAT SHE HAS TO DO? SHE HAS TO LEAVE THESE CHRISTIANS, SO CALLED, WHO PRAY EVERY MORNING AND THEN SLAM THE DOOR IN HER FACE AND SAID, I DIDN'T MAKE YOU HAVE SEIZURES. AND YOU KNOW WHERE SHE HAS TO GO? NOT TO CHURCH, NOT TO THE PREACHER, BUT TO A DOG,... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...SEEK SOLACE FROM A DOG, WHICH IS ALWAYS THERE, WHICH CAN BE RELIED ON NOT TO BITE, NOT TO SNARL, NOT TO RUN AWAY AND LEAVE HER IN HER AGONY. THEY'VE SAID THAT ANIMALS APPARENTLY HAVE THE ABILITY TO EXPERIENCE WHAT IS CALLED IN HUMAN BEINGS EMPATHY. THEY CAN BECOME AWARE THAT A HUMAN BEING IS IN PAIN AND WILL RESPOND ACCORDINGLY. WHEN GROWN ADULTS SEE A CHILD IN PAIN, IT BRINGS OUT ANOTHER FEELING. IT'S CALLED SADISM, WHERE THOSE WHO ARE HURTING ARE TO BE MADE TO HURT MORE, A GOVERNOR WHO COULD PAY FOR

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THE BEST MEDICAL CARE IF ANYTHING HAPPENED TO HIS CHILDREN BUT HE SAYS THESE CHILDREN ARE NOT GOING TO HAVE A CHANCE. [LB956]

SPEAKER HADLEY: TIME, SENATOR. YOU'VE HEARD THE OPENING ON THE MOTION TO BRACKET. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. THE GOVERNOR, THE ATTORNEY GENERAL, BOTH OF WHOM BOAST ABOUT BEING MEN OF FAITH WHO BELIEVE IN SOMETHING OR OTHER, I KNOW THE GOVERNOR HAS FAITH IN MONEY, THE ATTORNEY GENERAL HAS FAITH IN POLITICAL INTRIGUE, BUT DO THEY HAVE FAITH IN SOMETHING THAT IS GOING TO CAUSE THEM TO FEEL A PARENT'S GRIEF WHEN HIS OR HER CHILD IS SUFFERING AGONY AND WILL WITHHOLD THE MEANS OF GIVING THAT CHILD SOME RELIEF? THAT'S WHAT THE GOVERNOR AND THE ATTORNEY GENERAL ARE BUSY DOING. THEY SPENT A LOT OF TIME TRYING TO PROCURE DEATH DRUGS FROM A DRUG-DEALING THIEF AND LIAR IN INDIA. THEY SPENT TAXPAYER MONEY--\$54,000--CIRCUMVENTING THE STANDARD PROTOCOL THAT THE STATE USES IN MAKING PURCHASES. YOU DON'T PAY MONEY UNTIL YOU PROCURE THE GOODS AND/OR SERVICES THAT ARE THE SUBJECT OF THAT CONTRACT. BUT THEY DIDN'T EVEN HAVE A CONTRACT. THEY TOOK THE WORD OF A KNOWN THIEF AND LIAR. HE DID NOT DELIVER THE GOODS AND HE SAID, I'M NOT GOING TO GIVE YOUR MONEY BACK, TRY TO GET IT FROM ME, BUT LET'S NOT HAVE HARD FEELINGS, WHEN YOU GET SOME MORE MONEY YOU WANT TO SPEND COME DEAL WITH ME AGAIN. AND THE GOVERNOR AND THE ATTORNEY GENERAL DID THAT AND WERE WILLING TO VIOLATE FEDERAL LAW TO DO IT. BUT WHEN IT COMES TO PROVIDING SOME MEDICINAL RELIEF TO CHILDREN, BOTH OF THEM, HARDER THAN FLINT, THEY WOULD MAKE SCROOGE, WHO IS DESCRIBED AS THIS GRASPING, STINGY, HARD-AS-FLINT INDIVIDUAL, THEY'D MAKE HIM SEEM LIKE A BLEEDING HEART. SCROOGE DIDN'T CLAIM TO BE A MAN OF FAITH LIKE THESE HYPOCRITES DO. AND I BET BOTH OF THEM, IF THEY WENT TO CHURCH AND THE SUBJECT WAS GOING TO BE HOW JESUS DEALT WITH LITTLE CHILDREN, OH, THEY'D HAVE PLENTY TO SAY--YEAH, I BELIEVE, I AGREE WITH JESUS, THAT'S THE WAY WE DO CHILDREN. BUT JESUS HAD SOME DISCIPLES WHO WERE JUST LIKE GOVERNOR RICKETTS AND ATTORNEY GENERAL DOUGLAS PETERSON. THEY WANTED HIS ATTENTION, BUT INSTEAD HE WAS GIVING IT TO LITTLE CHILDREN. AND THEY SAID, NOW HERE'S THE MAN, HE'S FED THOUSANDS, HE'S RAISED DEAD PEOPLE FROM DEATH, AND THESE LITTLE CHILDREN ARE ALL OVER HIM, IN THE WAY. THEY TOLD THE PARENTS GET THOSE KIDS AWAY FROM HERE AND TRIED TO SHOO THE LITTLE CHILDREN. AND JESUS SAID, HOLD ON, YOU DON'T KNOW WHAT SPIRIT YOU ARE OF, YOU

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SEE THESE LITTLE CHILDREN THAT YOU WANT TO RUN AWAY FROM HERE; UNLESS YOU, YOU HARDHEARTED HYPOCRITES, BECOME LIKE THESE LITTLE CHILDREN, YOU WILL NOT MAKE IT INTO HEAVEN, FOR OF SUCH AS THESE CHILDREN ARE IS THE KINGDOM OF GOD THAT YOU CLAIM TO WORSHIP. THAT'S WHAT HE TOLD THEM, LEAVE THESE CHILDREN ALONE, AND THAT'S WHEN HE TOLD THEM, SUFFER THE LITTLE CHILDREN TO COME UNTO ME AND FORBID THEM NOT. [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: INSTEAD THEIR ATTITUDE WAS, BRING THE CHILDREN TO ME AND I WILL MAKE THEM SUFFER AND I WILL DELIGHT IN THEIR SUFFERING. BUT YOU PUT RICKETTS AND PETERSON, THE ATTORNEY GENERAL AND THE GOVERNOR, IN CHURCH AND THEY WOULD TALK ABOUT HOW LITTLE CHILDREN ARE TO BE LOVED, ARE TO BE NURTURED, ARE TO BE TREASURED. EVEN WHAT THE PEOPLE DO ON THIS FLOOR, IF IT'S A FETUS, IF IT'S A ZYGOTE, IF IT'S AN EMBRYO, HERE THEY COME. BUT WHEN WE HAVE CHILDREN, LIVE CHILDREN, HUNGRY, RAGGED, HOMELESS, THEN THEY BECOME VERY HARDHEARTED AND SAY, WELL, GOD IS PUNISHING THEM. GOD HAS GOT NOTHING TO DO WITH ANY OF IT. IT'S ON YOU. YOU HAVE THE WHEREWITHAL. YOU ARE THE STEWARDS. YOU'RE THE ONES... [LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: ...WHO ARE GRANTED THIS POWER. THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, THIS BILL THAT WE'RE ON RELATES TO SPENDING MONEY. AND SENATOR GROENE TALKED ABOUT SOME OF THE THINGS THAT THE MONEY IS GOING TO BE SPENT FOR AND WHAT HE SAID CAN SPEAK FOR ITSELF. BUT I BET THERE'S NOT AN OVERABUNDANCE OF MONEY BEING SPENT TO BENEFIT CHILDREN. AND I'LL BET IF WE COME TO ANYTHING FOR THAT, WE'LL HAVE PEOPLE STANDING ON THIS FLOOR SAYING, WELL, YOU WANT TO GIVE AWAY FREE STUFF, DON'T YOU? OTHER PEOPLE MAKE MONEY AND YOU WANT TO TAKE THEIR MONEY AND GIVE IT TO SOMEBODY ELSE. THEN THEY'LL GO AND EAT

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THE LOBBYISTS' FOOD, TAKING FREE FOOD FROM THE LOBBYISTS. THEY DON'T SEE THE DISCONNECT, AND THEN THEY SAY A PRAYER IN HERE EVERY MORNING. WHO ARE THEY PRAYING TO? WHO LISTENS TO THEM? AND THEY WERE TOLD, DON'T CALL ME LORD, LORD, AND DON'T DO WHAT I TELL YOU TO DO; I'VE TOLD YOU, FEED THE HUNGRY, DON'T FORGET THE PEOPLE WHO ARE IN PRISON. THE POPE DIDN'T FORGET THEM. THE POPE WENT WHERE PRISONERS WERE. HE EVEN WASHED THE FEET OF PRISONERS, AND HE ALLOWED WOMEN PRISONERS TO BE THERE ALSO. THERE WAS NOBODY BENEATH HIS NOTICE BECAUSE THE ONE THAT HE PROFESSES TO SERVE HAD THAT ATTITUDE TOWARD ALL PEOPLE. AND HE BELIEVES, FROM WHAT HE HAS SAID AND THE WAY HE CONDUCTS HIMSELF, HE IS TO SHOW BY HIS EXAMPLE THE WAY THIS ONE THAT HE SAYS HE WORSHIPS WANTS PEOPLE TO BE TREATED. AND HE SHOWS IT NOT BY HOMILIES, NOT BY SERMONS, BUT BY HIS OWN CONDUCT. AND HOW CAN HE CONDUCT HIMSELF IN THE WAY OF THE ONE HE SAYS HE WORSHIPS IF HE WILL NOT GO AROUND AND AMONG THE PEOPLE WHOM THIS ONE HE SAYS HE WORSHIPS HAS SO MUCH CONCERN FOR? SO HE GOES WHERE THE PEOPLE ARE WHO NEED TO BE MINISTERED TO. HE DOESN'T HAVE THE POWER TO TAKE A FEW LITTLE FISH AND A FEW LOAVES OF BREAD AND FEED ALL THE HUNGRY PEOPLE. BUT HE CAN TRY TO USE HIS VOICE AND ANY INFLUENCE HE HAS TO PERSUADE THOSE WHO DO HAVE FOOD, WHO DO HAVE BREAD, WHO ARE AROUND THOSE WHO ARE HUNGRY AND IN NEED AND GET THEM OF THEIR GREAT ABUNDANCE TO SHARE IT WITH THOSE WHO HAVE NOTHING. SO HE'S SHOWING BY HIS EXAMPLE, AND THAT'S WHAT HE WAS INSTRUCTED TO DO. BUT UNFORTUNATELY, THOSE WHO SAY THEY FOLLOW HIM AND THE ONE THAT HE SAYS HE FOLLOWS WILL NOT DO THOSE THINGS. IN THIS LEGISLATURE IT WOULD NOT COST ANY OF US ONE PENNY TO DO THE THINGS THAT WE TOOK AN OATH TO DO. BUT WHEN WE GET TO THE REAL WORLD, THERE ARE PEOPLE ON THIS FLOOR WHO WILL TALK ABOUT YOU'RE LEAVING ALL THESE DEBTS FOR CHILDREN YET UNBORN, BUT THEY HAVE NO USE FOR THE CHILDREN WHO ARE HERE AND TALK ABOUT PEOPLE GETTING FREE STUFF. ARE THEY TELLING ME THAT EVERYTHING THEY'VE GOT, THEY PRODUCED IT ON THEIR OWN WITHOUT HELP FROM ANYBODY, WITHOUT BENEFIT FROM ANYBODY? THE ROADS THEY DRIVE, DID THEY BUILD THOSE ROADS? NO. BUT THEY'RE SO HARDHEARTED WHEN THEY COME HERE BECAUSE THEY'RE LOOKING FOR... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...APPROVAL AND POLITICAL ADVANTAGE. SO THOSE WHO IT IS OUR DUTY AND RESPONSIBILITY TO HELP, THEY'LL BE TOLD, WELL, THE GOVERNMENT IS NOT SUPPOSED TO DO THAT. BUT THE GOVERNMENT IS

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SUPPOSED TO GIVE FARMERS A BREAK, GIVE RANCHERS A BREAK, AND THEY'RE ALREADY GETTING GOVERNMENT SUBSIDIES. I HAVEN'T HEARD ANY OF THEM TALK ABOUT THAT WHEN THEY'RE CONDEMNING THOSE WHO GET FREE STUFF. AND THOSE GOVERNMENT SUBSIDIES COMPRISE TAXES THAT OTHER PEOPLE PAY. OTHER PEOPLE'S TAXES ARE TAKEN TO GIVE THESE FARMERS AND THESE RANCHERS AND EVEN THESE BIG BUSINESSES FREE STUFF. BUT THEY WILL DO WHAT THEY CAN TO GET MORE LAWS TO TAKE MORE FROM OTHERS TO GIVE FREE STUFF TO THE BIG SHOTS WHO OUGHT TO BE SHARING WHAT THEY HAVE, BUT THEY WANT MORE AND MORE AND MORE. [LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: SENATOR GROENE, YOU ARE RECOGNIZED. [LB956]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I FIGURED SINCE WE'RE GOING TO SPEND THIS TIME, AND I HAVE BEEN DOING A LITTLE BIT MORE RESEARCH ON THIS COMMUNITY COLLEGE EXPENDITURE IN THE BUDGET, MIGHT AS WELL LEARN SOMETHING. SO I LOOKED UP LB852, WHICH THE APPROPRIATION IS OF A MILLION DOLLARS. IT WAS ORIGINALLY FOR \$6 MILLION AND THE WHOLE BILL BASICALLY SAID THE APPROPRIATION SHALL BE USED TO ASSIST THE COMMUNITY COLLEGE AREAS IN MEETING INCREASES IN THEIR CORE OPERATING BUDGET EXPENSES. SO AGAIN I LOOKED AT THE PROPERTY TAXES. THEY'VE GONE UP FROM \$89.2 MILLION IN '05 TO \$204.5 MILLION JUST IN THE LAST YEAR THAT'S RECORDED, '14-15, IN THE LATEST REVENUE DEPARTMENT REPORT. IT'S GONE UP 10.4 PERCENT, FROM \$185.2 MILLION TO \$204.5 MILLION IN PROPERTY TAXES. THAT'S A 10.4 PERCENT INCREASE IN ONE YEAR. WELL, IT WOULD HAVE TO BE IF YOU'RE GOING TO GO UP 129 PERCENT OVER TEN YEARS. THAT'S A \$19.3 MILLION INCREASE. ALSO, IN THE BUDGET IT'S ONE OF THE HIGHEST INCREASES OF STATE AID TO LOCAL GOVERNMENTS. THEY GOT A 3 PERCENT INCREASE IN THEIR FUNDING, FROM \$95 MILLION TO \$100 MILLION, OVER THE TWO-YEAR PERIOD, WHICH IS 3 PERCENT. IN FACT, IN OUR STATE AID TO LOCAL GOVERNMENT, IT'S THE HUGEST INCREASE BESIDES COMMUNITY-BASED JUVENILE SERVICES, WHICH IS MINOR--SENATOR CHAMBERS SAID ABOUT CHILDREN--\$6.3 MILLION TOTAL VERSUS \$100 MILLION. SO, SENATOR MELLO, WOULD YOU ANSWER A QUESTION? [LB956 LB852]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB956]

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SENATOR MELLO: OF COURSE. [LB956]

SENATOR GROENE: FIRST, I WANT TO THANK YOU FOR TAKING THE APPROPRIATION ASKING FROM \$6 MILLION TO \$1 MILLION IN THE COMMITTEE. BUT WHY ANY MONEY WITH THOSE KIND OF INCREASES IN THE ORIGINAL BUDGET PLUS THE PROPERTY TAXES? COULD YOU TELL ME WHY THE COMMITTEE DECIDED THEY NEEDED MORE MONEY? [LB956]

SENATOR MELLO: WELL, SENATOR GROENE, I'LL GIVE YOU A LITTLE HISTORICAL PERSPECTIVE BECAUSE YOU WEREN'T HERE DURING THE GREAT RECESSION WHERE COMMUNITY COLLEGES WERE HELD FLAT OVER ALMOST A FOUR-YEAR PERIOD AND, THUS, ALL OF THEIR INCREASES WAS ESSENTIALLY PUT ON PROPERTY TAXES AND ON TUITION. YOU JUST REFERENCED THE 3 PERCENT INCREASE IN THIS BIENNIUM, WHICH THE COMMITTEE DID HAVE A DISCUSSION WITH. BUT SIMILAR TO THE CONVERSATIONS, NO DOUBT, THAT YOU AND OTHERS HAVE IN THE EDUCATION COMMITTEE, WHATEVER THE STATE DOES FOR COMMUNITY COLLEGES THROUGH STATE AID HAS A DIRECT CORRELATION TO THEIR PROPERTY TAX LEVY AND TO THEIR TUITION INCREASES OR WHERE THEIR TUITION IS SET. SO TO SOME EXTENT, WE HAD AN ONGOING CONVERSATION THAT, YES, THERE WAS A \$6 MILLION REQUEST THAT WAS TO BE ONGOING. THE REALITY IS FISCALLY WE WEREN'T ABLE OBVIOUSLY TO REALLY CONSIDER THAT AMOUNT THIS YEAR. [LB956]

SENATOR GROENE: EXCUSE ME. [LB956]

SENATOR MELLO: WE DID A \$1 MILLION ONE-TIME APPROPRIATION TO TRY TO ADDRESS WHAT WE SAW WERE SOME ONGOING OPERATION NEEDS. [LB956]

SENATOR GROENE: THANK YOU. I'VE GOT ANOTHER QUESTION. DID THE COMMITTEE, WAS IT GIVEN THE INFORMATION? DID THEY KNOW THAT PROPERTY TAX RECEIPTS FOR COMMUNITY COLLEGES IS SKYROCKETING FASTER THAN ANY OTHER...THE CITIES OR COUNTIES OR TOWNSHIPS? THEY HAD \$19.3 MILLION JUST THE PREVIOUS YEAR IN INCREASE IN PROPERTY TAXES. [LB956]

SENATOR MELLO: SENATOR GROENE, WE HAD A PRETTY LENGTHY CONVERSATION IN THE COMMITTEE ABOUT THE IMPACT PROPERTY TAXES, AND I WOULD ARGUE TO SOME EXTENT NOT ALL COMMUNITY COLLEGE DISTRICTS HAD THAT INCREASE--AND YOU'RE WELL AWARE OF THAT. [LB956]



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SENATOR GROENE: YES. [LB956]

SENATOR MELLO: AND WE HAD A FAIRLY LENGTHY CONVERSATION. THERE ARE SOME DISTRICTS IN THE STATE THAT HAVE SEEN MUCH LARGER VALUATION INCREASES THAN OTHERS. AND WE KNOW TO SOME EXTENT THERE'S AN ONGOING CONVERSATION AND DISCUSSION THAT NEEDS TO BE HAD IN RESPECT TO THEIR FUNDING FORMULA MOVING FORWARD. [LB956]

SENATOR GROENE: THANK YOU. THANK YOU, SENATOR MELLO. I'M A BIG SUPPORTER OF COMMUNITY COLLEGES. MY WIFE AND SOME OF MY CHILDREN WENT TO IT. I DID NOT. BUT THERE SEEMS TO BE A MOVEMENT IN THE COMMUNITY COLLEGE TO MAKE A COLLEGE EXPERIENCE INSTEAD OF A PLACE TO JUST GET AN EDUCATION. AND THE MORE MONEY YOU THROW AT THEM, THE MORE THEY'RE GOING TO SPEND, THE MORE THEY'RE GOING TO TRY TO TURN IT INTO FRAT HOUSES AND ATHLETICS INSTEAD OF THE SINGLE MOTHER WHO JUST WANTS TO GET AN EDUCATION REASONABLE. ANYWAY, JUST...SENATOR CHAMBERS POKED ME. YES, SENATOR CHAMBERS, I EAT SOME OF THE LOBBY FOOD, MAINLY SO I CAN FATTEN UP SO THAT WHEN YOU DO POKE ME IN THE RIBS IT DOESN'T HURT SO BAD. [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR GROENE: THE OTHER THING IS I DO NOT EVER...I MADE A DECISION. I NEVER GO TO A LOBBY WHERE IT'S A TAX-FUNDED GROUP, ONLY FREE ENTERPRISE BECAUSE IT MAKES NO SENSE TO ME. IF YOU'RE GOING TO GET A FREE LUNCH, MAKE SURE YOU AIN'T PAYING FOR IT. IF YOU GO TO ONE OF THE SCHOOL LOBBIES AND STUFF, YOU'RE PAYING TAXES, YOU'RE PAYING FOR YOUR OWN LUNCH. THAT DOESN'T MAKE MUCH SENSE, DOES IT? SO IF IT'S LOBBY MONEY, IF THE LOBBYIST GROUP THAT'S USING MY TAX DOLLARS, YOU PROBABLY WON'T SEE ME THERE IN THE FUTURE. BUT IF IT'S FREE ENTERPRISE AND I CAN GET A FREE LUNCH, I PROBABLY MIGHT DO THAT. ALSO, SENATOR CHAMBERS, I'VE NEVER TAKEN A DIME FROM A LOBBYIST IN MY LIFE AND NEVER WILL. I'D RATHER BE HOME WITH THE FAMILY THAN TO SELL MY SOUL TO BE DOWN HERE WITH YOU. THANK YOU. [LB956]

SPEAKER HADLEY: TIME, SENATOR GROENE. SENATOR CHAMBERS, YOU'RE RECOGNIZED AND THIS IS YOUR CLOSE. [LB956]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I HAD THOUGHT THAT MAYBE I WOULD END WHAT I'M DOING AT THE NOONHOUR, BUT SENATOR GROENE JUST BEARDED THE LION IN HIS DEN, SO TO SPEAK, SO I'M NOT SURE HOW LONG I'M GOING TO DO THIS. BUT I WAS GIVEN AN ARTICLE AND AN EDITORIAL ABOUT THESE STATES WHO HAVE THESE KIND OF SO-CALLED RELIGIOUS RIGHTS TO DISCRIMINATE. BUT WITHOUT HAVING SEEN THEM, I HAVE PREPARED FOUR AMENDMENTS THAT I'M HAVING DRAFTED RIGHT NOW TO CALL NEBRASKA AND THIS LEGISLATURE WHAT THEY REALLY ARE. IT'S GOING TO GIVE YOU ALL AN OPPORTUNITY TO VOTE OPENLY FOR DISCRIMINATION BASED ON YOUR RELIGION. AND IT'S GOING TO SAY FRANKLY WHAT IT IS YOU BELIEVE. I WAS GOING TO WAIT UNTIL THEY'RE PRINTED IN THE JOURNAL, BUT HERE'S ONE OF THE AMENDMENTS, AND THIS WOULD GO TO SENATOR KOLTERMAN'S EXECRABLE BILL AND THAT BILL IS LB975: IT IS THE POLICY OF THE STATE OF NEBRASKA TO RECOGNIZE, PROTECT, AND HOLD INVIOLETE THE SACRED GOD-GIVEN RIGHT OF ANY PERSON TO DISCRIMINATE IN ANY AND EVERY MANNER AGAINST ANY PERSON OR PERSONS BASED ON SINCERELY HELD RELIGIOUS BELIEFS. THE ASSERTION OF SUCH SINCERELY HELD RELIGIOUS BELIEFS STANDING ALONE IS SUFFICIENT TO ENTITLE SUCH BELIEVER TO INVOKE THE PROTECTION AND IMMUNITY GRANTED BY THIS SECTION AND THE SINCERITY OF SUCH BELIEFS MAY NOT BE CHALLENGED IN ANY JUDICIAL OR OTHER PROCEEDING WHATSOEVER. THIS RELIGION-BASED IMMUNITY IS ABSOLUTE. GOD BLESS AMERICA. THAT'S ONE AMENDMENT. ANOTHER AMENDMENT I'M GOING TO OFFER, AND I'M GOING TO NEED SOME MORE TIME THIS AFTERNOON IN VIEW OF WHAT WE'RE GETTING INTO. THIS WOULD GUT THE BILL AND THIS WOULD BE SUBSTITUTED BECAUSE IT COVERS EVERYTHING: THE LEGISLATURE HEREBY ASSERTS, DECLARES, PROCLAIMS, AND AVOWS THAT EACH, EVERY, AND ALL MEMBERS OF THE SO-CALLED LGBT COMMUNITY--LESBIAN, GAY, BISEXUAL, TRANSGENDER--ARE FOR PURPOSES OF LAW NEITHER PERSONS, RESIDENTS, NOR CITIZENS IN THE SAME MANNER AND TO THE SAME EXTENT AS ARE ANY AND ALL OTHERS WHO ARE NOT MEMBERS OF SUCH COMMUNITY. BEING BEYOND THE PALE FOR PURPOSES OF LAW, MEMBERS OF SUCH LGBT COMMUNITY HAVE NO RIGHTS UNDER THE LAW WHICH ANY NONMEMBER OF SUCH COMMUNITY IS BOUND TO RESPECT. SEE DRED SCOTT DECISION WRITTEN BY SUPREME COURT CHIEF JUSTICE ROGER B. TANEY. MEMBERS OF SUCH LGBT COMMUNITY HAVE TWO PRIVILEGES: (A) TO RETURN TO THE CLOSET AND STAY OUT OF SIGHT; AND (B) TO REMAIN SILENT. GOD IS LOVE. GOD BLESS AMERICA. AND I'M GOING TO NEED MORE TIME THAN I HAVE RIGHT NOW TO READ TWO PROPOSALS WHICH PROBABLY WOULD GO INTO EVEN MORE DETAIL AND ONE OF THEM IS A CONSTITUTIONAL AMENDMENT TO SHOW WHAT THIS RACIST, BIGOTED, HATEFUL, HYPOCRITICAL LEGISLATURE

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REALLY IS. AND I WANT TO PUT IT ON THE RECORD. AND IF THAT BILL COMES OUT HERE, I'M GOING TO GET A VOTE ON EVERY ONE OF THESE, BECAUSE I'M NOT GOING TO WITHDRAW THEM. AND I WILL TAKE ALL OF THE TIME THAT'S AVAILABLE MYSELF. [LB956 LB975]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: AND I WILL TALK ABOUT OTHER BILLS. THE HATEFULNESS THAT THESE RELIGIOUS HYPOCRITES BRING AND INTRODUCE TO THIS LEGISLATURE CANNOT GO WITHOUT BEING CHALLENGED. YOU THINK THAT I WAS FEROCIOUS IN DEFENDING MOUNTAIN LIONS. WELL, LET ME SHOW YOU HOW I FEEL WHEN I'M DEFENDING MY BROTHERS AND MY SISTERS. AND THAT DESIGNATION ON THE FEMALE SIDE, ON THE MALE SIDE WILL EMBRACE ALL PEOPLE REGARDLESS OF HOW THEY HAVE BEEN CATEGORIZED OR LABELED, BASED ON RACE, EVEN RELIGION, GENDER, NATIONALITY, ETHNICITY. THEY ARE ALL HUMAN BEINGS, AND I WILL STAND AGAINST EVERY CHURCH... [LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: YOU SAID TIME? [LB956]

SPEAKER HADLEY: TIME, YES. [LB956]

SENATOR CHAMBERS: ALL RIGHT. I WANT A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB956]

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. [LB956]

CLERK: 21 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB956]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER SHALL RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS WATERMEIER, SCHEER, WILLIAMS, CRAWFORD, BURKE HARR, BOLZ, SCHNOOR, KUEHN, GLOOR, MELLO, SCHILZ, COASH, JOHNSON, KOLTERMAN, GROENE, AND

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BLOOMFIELD, LINDSTROM, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR GLOOR, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB956]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1105.) 0 AYES, 44 NAYS, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: THE MOTION TO BRACKET FAILS. I RAISE THE CALL. [LB956]

CLERK: SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN. [LB956]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED ON YOUR RECONSIDERATION MOTION. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. NOW THIS IS THE PROPOSED CONSTITUTIONAL AMENDMENT I'M GOING TO OFFER TO SENATOR KOLTERMAN'S BILL. IF I SEEM VERY ANGRY, I AM. IF I SEEM BITTER, I AM. IF I SEEM TO BE MOCKING, I AM. IF I'M TAUNTING, I AM. AM I CONDEMNING? I AM. AM I CRITICIZING? I AM. DO I FEAR WHAT ANY CHURCH OR CHURCH PEOPLE CAN DO? I DON'T. DO I CARE WHAT THEY TRY TO DO? NOT IN THE LEAST. THERE CAN BE SO MUCH HATEFULNESS DIRECTED TOWARD PEOPLE AND THEN THEY'RE GOING TO GET UPSET WITH MY MERE WORDS? WHY, THEY MUST BE OUT OF THEIR MINDS IF THEY'VE GOT A MIND. AND THAT HAT SHOULD BE PULLED OUT AND PUT ON THE HEAD OF THE ONE IT FITS. SECTION 1: AMERICA IS A CHRISTIAN NATION. SECTION 2, AND THIS WOULD GO TO THE NEBRASKANS: IT BEING TRUE THAT CHRISTIANITY IS SYNONYMOUS WITH INTOLERANCE AND DISCRIMINATION BASED ON SINCERELY HELD RELIGIOUS BELIEFS AND THAT FREEDOM OF RELIGION IS GUARANTEED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION, THE LEGISLATURE SHALL ENACT NO LAW THAT IN ANY MANNER IMPEDES OR PROHIBITS ANY PERSON, GROUP, OR ORGANIZATION FROM DISCRIMINATING IN ANY FORM, FASHION, OR MANNER WHATSOEVER AGAINST ANY PERSON, GROUP, OR ORGANIZATION WHEN SUCH DISCRIMINATION IS BASED ON SINCERELY HELD RELIGIOUS BELIEFS. THE ASSERTION OF SUCH BELIEFS STANDING ALONE IS SUFFICIENT TO SATISFY THE REQUIREMENTS OF THIS SECTION AND MAY NOT BE CHALLENGED IN ANY JUDICIAL OR OTHER PROCEEDINGS OF ANY KIND WHATSOEVER. THIS GUARANTEE IS ABSOLUTE. SECTION 3: ANY PURPORTED LAW ENACTED BY THE

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LEGISLATURE IN CONTRAVENTION OF SECTION 2 IS VOID AB INITIO--THAT'S A LEGAL TERM THAT MEANS FROM THE BEGINNING. ANY PERSON IN ANY MANNER AGGRIEVED AS A RESULT OF ANY SUCH VOID ENACTMENT SHALL BE ENTITLED TO LAWYER FEES AND OCTUPLE DAMAGES. SECTION 4: ANY MEMBER OF THE LEGISLATURE WHO SHALL VOTE TO ENACT SUCH A VOID PROPOSAL SHALL BE AMENABLE TO IMPEACHMENT. SECTION 5: APPROPRIATE ARTICLES OF IMPEACHMENT SHALL BE DRAFTED BY 12 JUDGES OF THE DISTRICT COURT SELECTED AT RANDOM BY THE CHIEF JUSTICE OF THE SUPREME COURT AND SHALL BE TRIED BY THE SUPREME COURT IN THE MANNER SET FORTH HEREIN FOR IMPEACHMENT OF ALL CIVIL OFFICERS. SECTION 6: IN THE EVENT THAT A MAJORITY OF THE MEMBERS OF THE LEGISLATURE SHALL BE IMPEACHED, CONVICTED, AND REMOVED FROM OFFICE, THE LEGISLATURE, IF IN SESSION, SHALL BE IMMEDIATELY ADJOURNED SINE DIE AND SHALL REMAIN OUT OF SESSION UNTIL AFTER THE SECRETARY OF STATE SHALL PROVIDE FOR THE ELECTION OF NEW MEMBERS IN DISTRICTS REPRESENTED BY MEMBERS WHO HAVE BEEN REMOVED FROM OFFICE. SUCH ELECTIONS SHALL BE HELD ON THE FIRST TUESDAY FOLLOWING THE 90th DAY FROM THE DATE OF REMOVAL OF THE LAST AFFECTED MEMBER. NO PRIMARY, BUT ONLY A GENERAL ELECTION SHALL BE HELD AT WHICH THE PERSON RECEIVING THE HIGHEST NUMBER OF VOTES IN EACH DISTRICT SHALL BE DECLARED THE WINNER BY THE SECRETARY OF STATE, WHO SHALL CERTIFY THE ELECTION RESULTS AND NOTIFY EACH PERSON WHO IS ELECTED. SECTION 7: THE SECRETARY OF STATE SHALL NOTIFY THE REMAINING MEMBERS OF THE LEGISLATURE WHO WERE NOT REMOVED AND THE NEWLY ELECTED MEMBERS OF THE DATE WHEN THE LEGISLATURE SHALL CONVENE FOR THE PURPOSE OF ORGANIZING ITSELF IN THE MANNER OF PRIOR LEGISLATURES AND PROCEEDING TO FUNCTION AS THE DULY CONSTITUTED LEGISLATURE OF THE STATE AS SET FORTH IN THIS CONSTITUTION. SECTION 8: THE DATE OF THE CONVENING OF THE LEGISLATURE SHALL BE THE FIRST TUESDAY AFTER THE 30th DAY FOLLOWING THE NOTIFICATION OF THE MEMBERS BY THE SECRETARY OF STATE AS REQUIRED BY SECTION 7. THAT WOULD BE A PROPOSED AMENDMENT TO THE CONSTITUTION TO GIVE THOSE RACISTS WHO VOTED FOR TERM LIMITS TO GET ME OUT OF HERE THE OPPORTUNITY TO SHOW THEIR HATRED FOR OTHERS AND THEIR ACKNOWLEDGMENT THAT THEIR RELIGION IS BIGOTRY. THIS WOULD BE A GUTTING OF SENATOR KOLTERMAN'S BILL BECAUSE IT WOULD DO EVERYTHING HE WANTS AND WHAT OTHERS WANT, BUT YOU'LL SEE THAT NOT ONLY DO THOSE WHO WANT TO DISCRIMINATE ON THE BASIS OF RELIGION GET COVERAGE, OTHERS WHO CANNOT CLAIM RELIGION ARE TAKEN CARE OF, TOO, SO WE HAVE EQUALITY BEFORE THE LAW. SECTION...FIRST OF ALL, YOU STRIKE ALL THE PROVISIONS, GUT THAT BILL. SECTION 1: A PERSON, GROUP, OR ORGANIZATION SHALL BE IMMUNE FROM ANY

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ACTION BY THE STATE OR ANY POLITICAL SUBDIVISION FOR ANY ACT OR ACTS OF DISCRIMINATION--I PAUSED TO TURN ON MY LIGHT--FOR ANY ACT OR ACTS OF DISCRIMINATION OF ANY TYPE OR KIND WHATSOEVER AGAINST ANY PERSON, GROUP, OR ORGANIZATION IF SUCH DISCRIMINATION IS BASED ON SINCERELY HELD RELIGIOUS BELIEFS. THE ASSERTION OF SUCH BELIEFS STANDING ALONE IS SUFFICIENT TO SATISFY THE REQUIREMENTS OF THIS SECTION AND MAY NOT BE CHALLENGED IN ANY JUDICIAL OR OTHER PROCEEDINGS OF ANY KIND WHATSOEVER. THIS IMMUNITY IS ABSOLUTE. THEN WHAT ABOUT THOSE WHO ARE NOT RELIGIOUS BUT THEY WANT TO DISCRIMINATE? THEY'RE TAKEN CARE OF TOO. SECTION 2: ANY PERSON, GROUP, OR ORGANIZATION SHALL BE GRANTED ABSOLUTE IMMUNITY FROM ANY ACTION BY THE STATE OR ANY POLITICAL SUBDIVISION FOR ANY ACT OR ACTS OF DISCRIMINATION OF ANY TYPE OR KIND WHATSOEVER AGAINST ANY PERSON, GROUP, OR ORGANIZATION IF SUCH PERSON, GROUP, OR ORGANIZATION PRIOR TO COMMITTING ANY ACT OR ACTS OF DISCRIMINATION AGAINST ANY PERSON, GROUP, OR ORGANIZATION HAS OBTAINED FROM THE SECRETARY OF STATE A LICENSE DENOMINATED "LICENSE TO DISCRIMINATE" BEARING THE OFFICIAL SEAL OF THE STATE OF NEBRASKA AND VALID FOR ONE YEAR FROM THE DATE OF PURCHASE. SECTION 3: THE COST OF SUCH LICENSE SHALL BE DETERMINED BY THE SECRETARY OF STATE BASED ON REASONABLE ADMINISTRATIVE COSTS OF THE PROGRAM, BUT IN NO CASE SHALL THE COST EXCEED \$33. IF THE MAXIMUM COST OF \$33 FAILS TO COVER REASONABLE ADMINISTRATIVE COSTS AS DETERMINED BY THE SECRETARY OF STATE, THE LEGISLATURE SHALL MAKE A DEFICIT APPROPRIATION TO THE OFFICE OF SECRETARY OF STATE EARMARKED TO ERASE SUCH DEFICIT AND DENOMINATED "DEFICIT APPROPRIATION TO THE LICENSE TO DISCRIMINATE PROGRAM" WHICH IS HEREBY CREATED AND INTO WHICH SHALL BE DEPOSITED ALL REVENUE DERIVED FROM SALE OF LICENSES HEREIN DESCRIBED. AND YOU'LL SEE THAT I COVERED EVERYBODY. NOT EVERYBODY MAY HAVE BEEN RELIGIOUS WHEN THEY STARTED. SECTION 4: ANY PERSON HOLDING A VALID LICENSE TO DISCRIMINATE WHO DEVELOPS SINCERELY HELD RELIGIOUS BELIEFS WHICH LEAD TO THE NECESSITY TO DISCRIMINATE AGAINST ANY PERSON, GROUP, OR ORGANIZATION IN ORDER TO CONFORM TO SUCH NEWLY ACQUIRED SINCERELY HELD RELIGIOUS BELIEFS SHALL BE ENTITLED TO CLAIM FROM THE OFFICE OF SECRETARY OF STATE A PRORATED REFUND OF THE COST PAID FOR ANY SUCH LICENSE, CALCULATED ON THE BASIS OF HOW MUCH TIME REMAINED FOR SUCH LICENSE TO BE VALID ON THE DATE WHICH LICENSE HOLDER CAME INTO POSSESSION OF SUCH SINCERELY HELD RELIGIOUS BELIEFS ON WHICH SAID DISCRIMINATION IS GROUNDED. SUCH PRORATED REFUNDS SHALL BE MADE, NO QUESTIONS ASKED. SUCH PERSON HOLDING SUCH NEWLY ACQUIRED SINCERELY

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HELD RELIGIOUS BELIEFS SHALL THENCEFORTH BE ENTITLED TO THE IMMUNITY GRANTED BY SECTION 1. I'M BEING AS SERIOUS AS YOU ALL ARE. YOU WANT TO DISCRIMINATE? LET'S NOT HIDE IT. LET'S PUT IT OUT THERE AND SAY WHAT IT IS. LET THESE VICIOUS, INTOLERANT BIGOTS BE WILLING TO SAY WHAT THEY ARE. I'M WILLING TO SAY WHAT I AM. I'M AGAINST ALL THIS BIGOTRY WHETHER IT'S BASED ON RELIGION, RACE, OR ANYTHING ELSE. EVERYBODY IN THIS STATE, WHETHER CITIZEN OR NOT, EVERY HUMAN BEING IS ENTITLED TO BE TREATED WITH DIGNITY AND RESPECT. AND WHEN THE LAW IS BEING PASSED, THEY'RE ATTEMPTING TO PASS IT, THAT SAYS THESE OPERATIONS THAT SENATOR KOLTERMAN IS TRYING TO PROTECT CAN DISCRIMINATE BASED ON RELIGION AND YET HOLD STATE CONTRACTS... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...PAID FOR WITH PUBLIC MONEY, SENATOR KOLTERMAN IS SAYING THAT THOSE WHO ARE DISCRIMINATED AGAINST MUST PAY TAXES THAT SUBSIDIZE THESE COMPANIES THAT ARE GOING TO DISCRIMINATE AGAINST THEM. WHAT COULD BE MORE SKEWED? WHAT COULD BE MORE IRRATIONAL? WHAT COULD BE MORE UN-AMERICAN IF YOU BELIEVE IN WHAT THE THINGS ARE THAT ARE SAID ABOUT AMERICA ARE TRUE? YOU PAY TAXES, AND YOUR TAX MONEY PAYS TO SUBSIDIZE A GROUP THAT WILL DISCRIMINATE AGAINST YOU. SENATOR KOLTERMAN'S BILL DOESN'T SAY, "AND THOSE WHO WILL BE DISCRIMINATED AGAINST SHALL BE GRANTED A REBATE ON THEIR TAXES, A CREDIT ON THEIR TAXES," NONE OF THAT. SO THE REST OF THIS SESSION WE'RE GOING TO GO DEEP INTO SOME OF THESE VERY SERIOUS ISSUES. [LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON THE RECONSIDERATION MOTION. (VISITORS INTRODUCED.) SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB956]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WANT TO THANK SENATOR CHAMBERS FOR DOING WHAT HE'S DOING THIS MORNING. IT KEEPS US FROM GETTING TO A LOT OF OTHER NONSENSE THAT'S COMING DOWN THE LINE. I SEE MORE BAD THINGS ON THE AGENDA THAN I SEE GOOD THINGS, SO CARRY

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ON, GOOD SOLDIER. I YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB956]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:35. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. AND WHAT SENATOR BLOOMFIELD SAID HAS BEEN SAID BY MANY PEOPLE OUTSIDE THE LEGISLATURE. NOT ONLY DO MY EFFORTS STOP INDIVIDUAL BAD PIECES OF LEGISLATION, BUT IT STOPS OTHER BAD LEGISLATION FROM BEING CONSIDERED WHICH WILL BE VOTED THROUGH WHERE ONE HAND WASHES THE OTHER. I HAD STATED EARLIER, IN VIEW OF WHAT SENATOR BLOOMFIELD HAS OPENED THE FIELD FOR ME TO DISCUSS, THAT THE CONCEPT OF PRIORITY BILLS HAS BEEN HIJACKED AND TURNED INTO SOMETHING ELSE. YOU DON'T NEED TO PRIORITIZE A BILL. YOU CAN PRIORITIZE ONE BILL THAT YOU WANT, THEN OTHER BILLS THAT HAVE NOT BEEN PRIORITIZED CAN BE GIVEN THAT PRIORITY STATUS BY BEING AMENDED INTO A PRIORITY BILL. I'M NOT GOING TO DO THIS ON EVERY BILL, BUT WHEN I SEE THE "CHRISTMAS TREE" COMING ALONG, AS I STATED, I WILL CHALLENGE THOSE BILLS AND THERE WILL BE A DISCUSSION OF THOSE ATTEMPTS TO ADD OTHER BILLS TO THESE PRIORITY BILLS. AND WE WILL HAVE THE OPPORTUNITY TO DISCUSS THEM OR YOU WILL HAVE THE OPPORTUNITY TO LISTEN TO ME DISCUSS THEM OR YOU'LL HAVE THE OPPORTUNITY TO GO IN THE CLOSET, WHEREVER YOU GO, AND KEEP SILENT. BUT YOUR SILENCE WILL NOT MUZZLE ME, AND I HAVE THE STAMINA, I ASSURE YOU, TO CARRY OUT WHAT I'M SAYING. BUT SINCE NOTHING IN THE FUTURE IS KNOWN WITH CERTITUDE, LET ME PUT IT THIS WAY. I BELIEVE, I AM CONVINCED, I HAVE THE CONVICTION THAT I HAVE THE STAMINA AND THE FORTITUDE TO CARRY THROUGH ON WHAT I HAVE SAID THAT I WILL DO. THERE ARE PEOPLE OF MY COMPLEXION WHO WERE TAKEN OUT AND LYNCHED. THEY HAD A ROPE PUT AROUND THEIR NECK AND THEY WERE HANGED BECAUSE THEY HAD THE TEMERITY TO TRY TO VOTE, JUST TO TRY TO PARTICIPATE IN DEMOCRACY WHICH AMERICANS TELL EVERYBODY AROUND THE WORLD IS WHAT MAKES AMERICA GO AROUND, BUT NOT FOR PEOPLE OF MY COMPLEXION. SO HERE I AM TODAY. THERE MIGHT BE PEOPLE WHO WOULD LIKE TO PUT A ROPE AROUND MY NECK, BUT THAT'S NOT GOING TO HAPPEN TO ME JUST FOR ME SAYING THE THINGS THAT I THINK OUGHT TO BE SAID. NONE OF US KNOWS WHETHER SOME FOOL OR OTHER OUT THERE MIGHT TRY TO DO SOMETHING BAD TO US, BUT I WILL NOT BE LIKE THE MAN DESCRIBED BY SOLOMON AS THE ONE WHO FLEES WHEN NO ONE PURSUES, THAT HE HEARS THE CRACKLING OF A LEAF AND HE SAYS A LION IS IN THE STREETS. THAT'S NOT THE WAY I WILL LIVE, AND IT IS NOT THE WAY I WILL DIE.



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AND SPEAKING OF DYING, I WANT TO GIVE OTHER PEOPLE THE OPPORTUNITY TO LEAVE THIS WORLD WITH DIGNITY, NOT IN A SITUATION WHERE THEY CANNOT SWALLOW, THEY CANNOT EAT FOOD, THEY CANNOT DRINK WATER, THEY CANNOT ELIMINATE WASTE,... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...THEY DEVELOP ODORS WHICH OCCUR, WHEN THEY SPEAK THOSE ODORS ARE EMITTED. ALL OF THEIR DIGNITY IS GONE. ON TOP OF THAT, THEY ARE SUFFERING EXCRUCIATING PAIN THAT NEVER RELENTS. AND THERE ARE OTHER PEOPLE WHO DON'T KNOW THEM, WHO DON'T CARE ABOUT THEM, WHO WOULD NOT COME WHERE THEY ARE, WHO SAYS, WELL, BECAUSE OF MY BELIEFS, YOU SHOULD HAVE TO GO THROUGH EXACTLY WHAT YOU'RE GOING THROUGH BECAUSE I SAID YOU SHOULD. I'LL FIGHT AGAINST THAT AND I INTEND TO DO IT THIS SESSION. THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB956]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I'M CONCERNED ABOUT MY COLLEAGUE BEHIND ME, SO I'M GOING TO HELP HIM OUT A LITTLE BIT SO HE DOESN'T GET TIRED. I'M A LITTLE CONCERNED I'M GAINING ON HIM IN AGE, AND SO I FEEL HIS PAIN. SENATOR MELLO HAD THE LOOK HERE THAT LIKE MAYBE BEFORE HE CAME UP HERE HE THOUGHT I SHOULD ASK HIM SOME QUESTIONS, YOU KNOW, AND SO I THOUGHT I'D LOOK THROUGH THE BOOK A LITTLE BIT AND THE BUDGET. AND ON PAGE 33 WE TALK ABOUT THE SITE BUILDING AND DEVELOPMENT FUND TRANSFER. AND I'LL READ A LITTLE BIT OF IT HERE AND THEN I HOPE HE CAN ANSWER SOME QUESTIONS MAYBE. NOW THE APPROPRIATIONS COMMITTEE IS RECOMMENDING A ONE-TIME \$4 MILLION TRANSFER FROM THE GENERAL FUND TO THE SITE AND BUILDING FUND, AND IT'S TO BE CARRIED OUT, AND THAT WAS TO BE CARRIED OUT IN '15-16 I GUESS. THE SITE AND BUILDING FUND IS ADMINISTERED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT. IT WAS CREATED IN 2011 IN THE PURPOSE OF PROVIDING FINANCIAL ASSISTANCE FOR INDUSTRIAL SITE AND BUILDING DEVELOPMENT. THE FOLLOWING ACTIVITIES ARE ELIGIBLE. THERE'S LAND AND BUILDING ACQUISITION, BUILDING CONSTRUCTION, REHAB, SITE PREPARATION, INFRASTRUCTURE DEVELOPMENT IMPROVEMENTS, ENGINEERING AND DESIGN TECHNICAL ASSISTANCE, PREAPPROVED COSTS NECESSARY FOR THE DEVELOPMENT OF INDUSTRY-READY SITES. THE FUND RECEIVES

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APPROXIMATELY \$2,300,000 IN ANNUAL INCOME FROM A 25 CENT ALLOCATION FROM THE DOCUMENTARY STAMP PROCEEDS AND IS CURRENTLY FULLY COMMITTED TO ELIGIBLE PROJECTS. SO ADDITIONAL PROJECT APPLICATIONS EXCEED THE AMOUNT OF FUNDING AVAILABLE FOR ALLOCATION ON AN ANNUAL BASIS. AND BASED UPON THE INTEREST IN THE USAGE OF THE FUND, A ONE-TIME GENERAL FUND ALLOCATION IS RECOMMENDED TO HELP FACILITATE THE FUNDING OF ADDITIONAL PROJECTS. SO WOULD SENATOR MELLO YIELD TO A QUESTION? [LB956]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB956]

SENATOR MELLO: OF COURSE. [LB956]

SENATOR FRIESEN: SO WHAT KIND OF BACKLOG ARE WE LOOKING AT THERE? HOW MANY DOLLARS? [LB956]

SENATOR MELLO: WELL, SENATOR FRIESEN, I THINK THE ORIGINAL BILL REQUESTED \$25 MILLION IN THE SENSE THAT EVERY YEAR SO FAR THAT WE'VE HAD THE FUND THERE'S BEEN A BACKLOG OF PROJECTS REQUESTED THAT THE FUND CAN NEVER FULLY MEET, SO TO SPEAK. SO EVERY SINGLE YEAR THERE'S MORE THAN ENOUGH PROJECTS THAT GET SUBMITTED APPLICATIONS AND THOSE PROJECTS ESSENTIALLY GET HELD OVER, SO TO SPEAK, TO THE NEXT YEAR UNLESS A PROJECT FALLS OFF THE LIST. SO TO SOME EXTENT, THE ORIGINAL REQUEST WAS OBVIOUSLY THEY BELIEVED AT THE HEARING...WE HAD A NUMBER OF PEOPLE WHO CAME IN BEHALF OF ECONOMIC DEVELOPERS ACROSS THE STATE, PRIMARILY RURAL ECONOMIC DEVELOPERS WHO CAME, WHO EMPHASIZED THAT THIS \$4 MILLION WILL BE UTILIZED VERY QUICKLY IN THE FIRST YEAR. IT'S SIMPLY A MATTER OF GETTING THE APPROPRIATION AND GETTING IT OPEN FOR APPLICATIONS. [LB956]

SENATOR FRIESEN: SO WHAT KIND OF RETURN ON INVESTMENT DO WE LOOK AT HERE BY INVESTING \$4 MILLION? WHAT'S THE RATE OF RETURN THAT WE SEE? [LB956]

SENATOR MELLO: WELL, THAT'S A GREAT QUESTION, SENATOR FRIESEN, AND WITHOUT SOME OF THESE NUMBERS EXACTLY IN FRONT OF ME...I CAN GET THEM FOR YOU OFF THE MIKE, BECAUSE SOME OF THE MATERIALS I HAVE IN MY OFFICE. WE KNOW FROM THE APPLICATION PROCESS THAT THERE IS A MINIMUM DOLLAR-FOR-DOLLAR MATCH IN A LOCAL COMMUNITY TO EVEN APPLY FOR

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THIS FUNDING. SO WE AT LEAST KNOW FOR EVERY DOLLAR THE STATE PUTS IN, IT WILL BE MATCHED AT LEAST BY A DOLLAR LOCALLY FROM LOCAL GOVERNMENTS, PHILANTHROPIC GROUPS, OR THE BUSINESS COMMUNITY IN REGARD TO THE SITE DEVELOPMENT FUND. MY UNDERSTANDING, IF I'M NOT MISTAKEN, IS THAT IT'S CLOSER TO \$6 TO \$7 RETURN ON INVESTMENT FOR EVERY DOLLAR THE STATE PUTS INTO THIS FUND IN PART TO...BASED ON WHAT THEY'VE SEEN OVER THE LAST FOUR YEARS OF APPLICATIONS, THE DOLLAR AMOUNT OF INVESTMENTS THAT HAVE BEEN YIELDED FROM THE APPLICATIONS OVER THAT FOUR- TO FIVE-YEAR PERIOD WELL EXCEEDED THAT \$6 TO \$7 COST BENEFIT OR RETURN ON INVESTMENT, SO TO SPEAK. AND THERE'S AN ISSUE THAT TO SOME EXTENT ISN'T REALLY...WE'RE NOT ABLE TO REALLY, SO TO SPEAK, QUANTIFY WITH SOME OF THE MATERIALS THAT THEY GAVE US AT THE HEARING ON THE BILL WHICH REALLY INVOLVES THE INCREASED VALUATION OF PROPERTY IN COMMUNITIES WHERE THIS FUND IS DEVELOPED AND UTILIZED. IT WAS DISCUSSED CONSIDERABLY AT THE APPROPRIATIONS COMMITTEE HEARING ON THE BILL, THE IMPACT OF TAKING AN UNDEVELOPED SITE, DEVELOPING THE SITE WITH THIS FUNDING AND BRINGING IN A NEW DATA CENTER,... [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR MELLO: ...BRINGING IN A NEW MANUFACTURING FACILITY IN A COMMUNITY. THE INCREASED VALUATION THAT NOW COMES TO THAT COMMUNITY WITH THE USE OF THIS SITE FUND HAS AN IMMENSE OPPORTUNITY AND WHAT...IT'S SEEN IMMENSE RESULTS, I SHOULD SAY, ON INCREASING VALUATIONS WITH THAT CITY, WHICH GENERATES MORE PROPERTY TAXES FOR THOSE CITIES. [LB956]

SENATOR FRIESEN: SO ARE COUNTIES ELIGIBLE TO ACCESS THESE FUNDS ALSO? [LB956]

SENATOR MELLO: SENATOR FRIESEN, I CAN'T OFF THE TOP OF MY HEAD TELL YOU IF COUNTIES ARE ELIGIBLE TO APPLY FOR IT. NORMALLY IT'S IN CONJUNCTION WITH CITIES AND BUSINESSES THAT ARE NORMALLY APPLYING FOR IT SINCE, TO SOME EXTENT, THAT'S WHERE THE PROPERTY NORMALLY IS. BUT I COULD DOUBLE CHECK WITH THE FISCAL OFFICE AND FIND OUT MORE ON THE APPLICATION PROCESS AND GET THAT TO YOU. [LB956]

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SENATOR FRIESEN: THANK YOU, SENATOR MELLO. THANK YOU, MR. PRESIDENT.  
[LB956]

SPEAKER HADLEY: THANK YOU, SENATOR FRIESEN. SENATOR CHAMBERS,  
YOU'RE RECOGNIZED. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE  
LEGISLATURE, I'D LIKE TO ASK SENATOR MELLO A QUESTION. [LB956]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD TO A QUESTION? [LB956]

SENATOR MELLO: OF COURSE. [LB956]

SENATOR CHAMBERS: SENATOR MELLO, BELIEVE IT OR NOT, I'M LOOKING AT  
THE COMMITTEE STATEMENT ON THIS BILL, AND WHEN IT GIVES...IT SAYS,  
"VERBAL TESTIMONY: PROPONENTS...GARY (PHONETICALLY) OR JERRY  
(PHONETICALLY)? HOW DO YOU PRONOUNCE HIS NAME, GARY (PHONETICALLY)  
OR JERRY (PHONETICALLY)? [LB956]

SENATOR MELLO: IT'S JERRY (PHONETICALLY) OLIGMUELLER. [LB956]

SENATOR CHAMBERS: OKAY, FROM THE GOVERNOR'S OFFICE. [LB956]

SENATOR MELLO: THE DEPARTMENT OF ADMINISTRATIVE SERVICES BUDGET  
DIRECTOR, CORRECT. [LB956]

SENATOR CHAMBERS: OPPONENTS: NONE. NEUTRAL: NONE. WAS THIS THE ONLY  
PERSON WHO TESTIFIED ON THIS BILL? [LB956]

SENATOR MELLO: SENATOR CHAMBERS, WHICH HAS TRADITIONALLY  
OCCURRED THROUGH THE LEGISLATIVE PROCESS IS THE SPEAKER INTRODUCES  
THE GOVERNOR'S BUDGET BILLS THAT SIMPLY SERVE AS THE GOVERNOR'S  
VEHICLE TO THE COMMITTEE. IN MOST RECENT YEARS, WE'VE HAD VERY FEW  
PEOPLE TESTIFY ON THE GOVERNOR'S BUDGET PROPOSAL AS A WHOLE. WE DO  
HAVE A NUMBER OF PEOPLE WHO COME AND TESTIFY ON INDIVIDUAL AGENCY  
BUDGET REQUESTS WHEN WE DO THOSE AGENCY REQUESTS INDIVIDUALLY

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INSTEAD OF COMING IN ON BEHALF OF LB956, THE MAINLINE BUDGET BILL, ITSELF. [LB956]

SENATOR CHAMBERS: SO WHERE WOULD ANYBODY SEE IN THE RECORD OTHER TESTIFIERS ON ANY ASPECT OF THE BUDGET BILL? [LB956]

SENATOR MELLO: WE HAVE PUT SOMETHING ON-LINE, SENATOR CHAMBERS. THERE'S A DOCUMENT LISTED UNDER THE COMMITTEE REPORTS, UNDER THE APPROPRIATIONS COMMITTEE. THERE'S ESSENTIALLY A SHEET THAT WALKS THROUGH EVERYTHING, THAT GOES THROUGH EVERYONE WHO'S TESTIFIED, AT LEAST, I SHOULD SAY, ON BILLS, SO TO SPEAK, SENATOR CHAMBERS. WE DON'T DO A FULL DOCUMENTATION THAT IS INCLUDED WITH THE BUDGET OF EVERYONE WHO HAS TESTIFIED ON AGENCY REQUESTS. AS FAR AS I KNOW, WE'VE NEVER DONE THAT IN MY TIME IN THE LEGISLATURE, PROVIDED A DOCUMENT THAT...OF EVERYONE WHO TESTIFIED ON AGENCY REQUESTS. THAT INFORMATION IS PROVIDED TO THE CLERK FOR PERMANENT RECORDS OF THE APPROPRIATIONS COMMITTEE WORK. BUT IF YOU GET ON-LINE, YOU CAN SEE THE REPORT WE DID. WE STARTED WHEN I BECAME CHAIRMAN OF DOING A REPORT OF ALL OF THE DIFFERENT BILLS THAT COME TO THE COMMITTEE, EVERYONE WHO TESTIFIES ON THOSE BILLS, SIMILAR TO WHAT YOU SEE ON A TRADITIONAL COMMITTEE STATEMENT FOR BILLS IN OTHER COMMITTEES. [LB956]

SENATOR CHAMBERS: NOW, SENATOR MELLO, YOU USE THIS TERM "ON-LINE." WHAT LINE IS THIS THAT A PERSON GETS ON? BECAUSE I'M NOT FAMILIAR WITH THAT. [LB956]

SENATOR MELLO: SENATOR CHAMBERS, IT'S ON THE LEGISLATURE'S WEB SITE, NEBRASKALEGISLATURE.GOV. UNDER THE COMMITTEE SECTION YOU'LL SEE COMMITTEE REPORTS. YOU CAN CLICK ON THE APPROPRIATIONS COMMITTEE AND YOU'LL SEE THE APPROPRIATIONS COMMITTEE BUDGET RECOMMENDATIONS HANDOUT THERE THAT HAS ALL OF THE BILLS THAT WERE HEARD IN FRONT OF THE COMMITTEE AND WHETHER OR NOT THE COMMITTEE TOOK ACTION ON THOSE SPECIFIC BILLS. [LB956]

SENATOR CHAMBERS: NOW, WHEN I ASK A QUESTION TO HAVE SOMETHING EXPLAINED AND THE EXPLANATION CONTAINS A TERM THAT I DON'T UNDERSTAND, I HAVE TO PURSUE IT FURTHER. YOU SAID THE LEGISLATURE'S WEB SITE? [LB956]

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SENATOR MELLO: CORRECT. [LB956]

SENATOR CHAMBERS: WOULD I LOOK IN THE CORNERS UNDERNEATH THE BALCONY AND IN OTHER PLACES AND FIND SPIDER WEBS OR COBWEBS OR JUST WHERE WOULD THESE WEBS THAT BELONG TO THE LEGISLATURE BE FOUND? WOULD THEY BE IN THE CHAMBER OR IN INDIVIDUAL SENATORS' OFFICES OR JUST WHERE? [LB956]

SENATOR MELLO: WELL, I KNOW, SENATOR CHAMBERS, SOME HAVE CALLED THEM THE "INTERWEBS," SO TO SPEAK, ON THIS FLOOR BEFORE. BUT I THINK IT'S ACTUALLY...IT'S THROUGH THE INTERNET ACTUALLY IS WHERE THIS WEB SITE IS LOCATED. NEBRASKALEGISLATURE.GOV IS WHERE WE STORE A NUMBER OF GOOD REPORTS REGARDING THE APPROPRIATIONS COMMITTEE WORK, INCLUDING VACANCY REPORTS IN DIFFERENT STATE AGENCIES AS WELL AS OUR BIENNIAL BUDGET REPORTS ALSO. [LB956]

SENATOR CHAMBERS: AND NOW A THIRD TERM IS INTRODUCED WHICH I'M NOT FAMILIAR WITH: "INTER" AND "NET." "INTER" MEANS AMONG OR BETWEEN; "INTRA" MEANS WITHIN. SO WHAT KIND OF NET IS THIS AND WHO WIELDS IT? IS THAT ONE THAT THEY USED TO USE IN THE OLD DAYS WHERE IF YOU THOUGHT SOMEBODY WAS DANGEROUS, PEOPLE WOULD COME AND THEY'D PUT A NET ON THEM AND TAKE THEM AWAY? [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: OR JUST WHAT IS THE LEGISLATURE'S INTERNET? [LB956]

SENATOR MELLO: UNFORTUNATELY, SENATOR CHAMBERS, THAT'S NOT WHAT THE INTERNET IS. IT IS IN NO WAY, SHAPE, OR FORM A PHYSICAL NET THAT, SO TO SPEAK, CAPTURES INDIVIDUALS AND HOLDS THEM IN A CERTAIN PLACE. I THINK TO SOME EXTENT WE ALL KNOW WHAT THE INTERNET IS. TO TRY TO, TO SOME EXTENT, GO OVER THE DETAILS, THE HISTORY, WHO INVENTED IT, AND HOW MUCH IT'S UTILIZED MAY BE BEST SERVED FOR A MUCH LENGTHIER CONVERSATION THAN TODAY. [LB956]

SENATOR CHAMBERS: BUT WHEN YOU SAY WE ALL UNDERSTAND THESE THINGS, THAT "ALL" DOES NOT INCLUDE ME. WOULD YOU AGREE? [LB956]

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SENATOR MELLO: YES, IT DOES (LAUGH). [LB956]

SENATOR CHAMBERS: WELL, I DON'T KNOW WHAT ANY OF THESE...I DON'T KNOW HOW TO GET ACCESS TO ANY OF THIS. SO FOR THOSE PEOPLE WHO ARE SITUATED AS I AM, THIS INFORMATION, PRACTICALLY SPEAKING, IS NOT AVAILABLE, IS IT? [LB956]

SENATOR MELLO: THAT IS ACTUALLY...I WOULD SAY THAT'S NOT COMPLETELY TRUE, SENATOR CHAMBERS. [LB956]

SPEAKER HADLEY: TIME, SENATOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I SEE I'M NOT GOING TO GET ANYWHERE WITH THIS WITNESS. IT'S LIKE A PERSON BEING CALLED TO THE STAND AND ON EVERY QUESTION AN INVOCATION OF THE FIFTH AMENDMENT OCCURS, SO YOU'RE NOT GOING TO GET ANYWHERE. I'M NO CLOSER TO THE TRUTH NOW THAN I WAS WHEN I STARTED, SO MAYBE I'LL JUST LEAVE THIS BILL ALONE WITH ONE CAVEAT: WHEN I COME BACK THIS AFTERNOON, I THINK, INSTEAD OF OFFERING MOTIONS, I WILL OFFER SOME AMENDMENTS. AND I'M GOING TO COUNT UP THE NUMBER OF SECTIONS THERE ARE TO THIS BILL AND JUST OFFER A MOTION TO STRIKE EACH SECTION. AND LET ME TELL YOU WHAT THAT'S BASED ON. WHEN WE WERE DISCUSSING THE RULES--AND I PAY ATTENTION--WE WERE TOLD THAT WHEN IT COMES TO THE BUDGET BILL, THERE WON'T BE ANY DIVISION OF THE QUESTION ALLOWED BUT ANYBODY WHO WANTED TO COULD OFFER A SEPARATE MOTION ON ANY SECTION OF THE BUDGET BILL. AND I BELIEVE IN INVOKING RULES NOT JUST BY DISCUSSING THEM, AS I AM NOW, BUT GIVING EXAMPLES. SO I DON'T KNOW IF I WILL START WITH SECTION 1 AND TAKE EVERY OTHER SECTION OR MAYBE TAKE THEM SEQUENTIALLY AS THEY WOULD FALL ON A NUMBER SCALE. BUT EVERYTHING THAT I AM DOING, I'M DOING WITHIN THE RULES, WITHIN THE CONTEMPLATION OF THOSE WHO ADOPTED THE RULES. AND I DON'T VOTE IN FAVOR OF ADOPTING THE RULES. BUT I AM BOUND BY THE RULES, SO RIGHT NOW WE WILL...I GUESS THE LOBBYISTS ARE BEING KEPT WAITING, WHICH I THINK IS GOOD. AND I DON'T KNOW WHEN THE SPEAKER IS GOING TO RELEASE THOSE CHOMPING AT THE BIT TO RUN OVER THERE AND SLURP UP WHAT THE LOBBYISTS WILL GIVE THEM SO THEY'LL HAVE THE STRENGTH TO COME BACK HERE THIS AFTERNOON AND CONDEMN THOSE WHO ARE TRYING TO GET FREE THINGS TO GIVE TO OTHERS WHEN THEY'RE TRYING TO FIND SOME WAY TO HELP THOSE WHO CANNOT HELP

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THEMSELVES IN ONE OF THE RICHEST COUNTRIES IN THE WORLD, A COUNTRY THAT BOASTS ABOUT ITS COMPASSION, ONE THAT BOASTS ABOUT HUMAN DIGNITY, HUMAN RIGHTS, AND WILL GO SO FAR AS TO CONDEMN OTHER COUNTRIES, SUCH AS CUBA, FOR WHAT THE ONES IN THIS COUNTRY CALL VIOLATION OF HUMAN RIGHTS. AND THE ONES WHO CROAK THE LOUDEST ABOUT THAT ARE BUSY TRYING TO TAKE CONSTITUTIONAL RIGHTS AWAY FROM BLACK PEOPLE, NATIVE AMERICANS, POOR WHITE PEOPLE WHO WOULD VOTE THEM OUT OF OFFICE. SO THEY'RE IN OFFICE BECAUSE THEY HAVE INFRINGED ON THE RIGHTS OF CERTAIN GROUPS TO VOTE AND THEY WANT TO STAY THERE SO THAT THEY CAN CONDEMN OTHER COUNTRIES FOR NOT DOING WHAT AMERICA SAYS OUGHT TO BE DONE IN THAT COUNTRY, BUT WHAT IS NOT DONE IN AMERICA. AND SOMEBODY HAS AN OBLIGATION TO TALK ON THESE THINGS AND I'M GOING TO ASSUME MINE. IF I WAS PAYING ATTENTION AND HEARD CORRECTLY, THE SPEAKER SAID THAT YOU ALL WERE GOING TO STAND AT EASE FOR A PERIOD OF TIME. I DON'T KNOW IF WE NEED TO STAND AT EASE FOR YOU ALL HAVEN'T BEEN WORKING. I'M THE ONE WHO HAS BEEN DOING ALL THE WORK AND I'M NOT READY TO GO ANYWHERE AND STAND AT EASE. NOW I STAND ALL THE TIME AND I'M AT EASE WHEN I STAND, BUT I'M WORKING AND PREPARED TO WORK. [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: AND I APPRECIATE THE FACT THAT SENATOR BLOOMFIELD GAVE ME SOME TIME SO I DON'T HAVE TO USE UP EVERY OPPORTUNITY THAT I'M ALLOWED UNDER THE RULES TO BE ON MY OWN TIME DISCUSSING SOMETHING THAT OUGHT TO BE OF INTEREST TO ALL OF US. BUT WHEN WE COME BACK FROM STANDING AT EASE--I DON'T KNOW WHEN THE SPEAKER IS GOING TO ALLOW YOU TO DO THAT AND IF HE'S GOING TO WAIT UNTIL I GET THROUGH DOING WHAT I'M DOING--I'M GOING TO FIND OUT HOW LONG YOU ALL CAN GO WITHOUT EATING, ALTHOUGH YOU'LL PROBABLY FIND A WAY TO SLIP OUT AND GO OVER THERE BECAUSE YOU KNOW THAT I WILL ROLL ON LIKE OLD MAN RIVER. YOU CAN GO OVER THERE, SLURP UP THE FOOD, COME BACK HERE "URPING" AND BURPING, AND THEN PRETEND THAT YOU'VE BEEN AT YOUR POST THE WHOLE TIME. BUT YOU WILL HAVE BEEN ACCEPTING FREE THINGS WHILE ON OTHER OCCASIONS WHILE WE'RE WORKING, TAKING THE MONEY OF OTHER PEOPLE TO GIVE IT OVER TO AGENCIES THAT WOULD DISCRIMINATE AGAINST THOSE PEOPLE. [LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]



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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: YOU ARE NOW RECOGNIZED TO CLOSE ON YOUR RECONSIDERATION MOTION. [LB956]

SENATOR CHAMBERS: YOU MEAN EVEN WITH SENATOR...I WAS SPEAKING ON SENATOR BLOOMFIELD'S TIME. [LB956]

SPEAKER HADLEY: IT'S STILL YOUR CLOSE, SENATOR. [LB956]

SENATOR CHAMBERS: OKAY. WELL, I GUESS I BETTER GET AN AMENDMENT DRAFTED WHILE I'M CLOSING. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, LET'S JUST BE GLAD WE HAD THIS TIME TO SPEND TOGETHER. AND I'M NOT GOING TO BURN ANY BRIDGES BECAUSE YOU ALL ARE GOING TO STAY WITH ME. YOU'RE GOING TO BE RIGHT HERE WITH ME. YOU KNOW WHAT I WOULD DO WERE I SITTING WHERE YOU ALL ARE SITTING AND I WERE MYSELF STILL BUT SOMEBODY WAS HOLDING FORTH IN THE WAY THAT I AM? FIRST OF ALL, I WOULDN'T BE SITTING BUT STANDING. I'D LET THAT PERSON TALK. I WOULDN'T EVEN SAY ANYTHING. AND I WOULD SEE IF THAT PERSON WAS FULL OF WIND. BUT IF I WERE SITTING...OR STANDING AND SAW A SIGN OF WEAKNESS SHOWN, THEN I MIGHT COME TO THE AID OF THAT PERSON. SO WILL THERE BE A SIGN OF WEAKNESS SHOWN BY THE SPEAKER ALLOWING YOU ALL TO GO OVER THERE AND SLURP UP THE LOBBYISTS' FOOD? DOES THAT MAKE HIM AN AIDER AND ABETTOR OF "MOOCHERDOM"? "LEECHISM"? "SPONGISM"? I DON'T REALLY KNOW. I HAVEN'T DONE THE RESEARCH ON IT YET. BUT I KNOW ONE THING: YOU ALL ARE WILLING TO ACCEPT HANDOUTS. I'D RATHER SEE YOU ACCEPT AN UP-FRONT, HONEST POLITICAL BRIBE THAN BE LIKE SOME PANHANDLER ON THE CORNER WITH A CUP SAYING, GIVE ME A NICKEL, GIVE ME A DIME, GIVE ME A PORK CHOP SANDWICH, GIVE ME A NECK BONE SANDWICH, GIVE ME A MEATLOAF SANDWICH. HAVE YOU NO DIGNITY? IS THIS WHAT THE LEGISLATURE OF THE STATE OF NEBRASKA HAS FALLEN TO? YOU DON'T EVEN GET ANYTHING WORTH ANYTHING. BUT I KNOW YOU DON'T WANT TO OFFEND THE LOBBYISTS. YOU WANT TO BE COURTEOUS AND NOT KEEP THEM WAITING. BUT YOU DON'T MIND DOING THINGS THAT ARE DETRIMENTAL TO THE PEOPLE OF THIS STATE, REFRAINING FROM DOING THINGS THAT WOULD BENEFIT PEOPLE IN THIS STATE. AND WHEN THERE IS A RICH MAN SITTING IN THE GOVERNOR'S CHAIR, BEHAVING AS THOUGH EVERYBODY IS SITUATED AS HE AND HIS FAMILY ARE...AND HE DIDN'T CREATE THAT WEALTH. HIS DADDY DID AND HIS DADDY GAVE HIM EVERYTHING HE'S GOT. AND HIS DADDY KICKED HIM OUT OF

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AMERITRADE AND PUT HIM IN POLITICS BECAUSE HE WAS HURTFUL TO THE BUSINESS. AND NOW HE'S OVER THERE IN HIS POMPOSITY SAYING THAT HE HATES THE AFFORDABLE CARE ACT AND THREE YEARS DOWN THE LINE SUCH AND SUCH MAY NOT BE AVAILABLE. I'VE NEVER HEARD ANYTHING SO PREPOSTEROUS AND STUPID FROM ANYBODY WHO SAT IN THAT OFFICE BEFORE. THREE YEARS DOWN THE LINE, THEREFORE, PEOPLE WILL STAY WITHOUT MEDICAL COVERAGE IN NEBRASKA BECAUSE SOME SELF-CENTERED, POMPOUS, RICH, WHITE REPUBLICAN, SPOILED, IS GOING TO SAY, I DON'T LIKE PRESIDENT OBAMA. [LB956]

SPEAKER HADLEY: ONE MINUTE. [LB956]

SENATOR CHAMBERS: SO LET THE RURAL HOSPITALS CLOSE AND THOSE CHUCKLEHEADS IN THE LEGISLATURE WILL GO ALONG WITH IT AND LET THEM CLOSE. THAT SEEMS TO BE THE SCENARIO, BUT I WILL NOT BE A SILENT PARTNER IN IT. AND I ALSO WILL NOT BE SPONGING AND MOOCHING OFF THE LOBBYISTS. THAT'S WHAT PEOPLE ARE JUST WAITING FOR NOW, TO LEAVE HERE AND FLEE OVER TO WHEREVER THEY EAT. NOW I'VE PASSED BY, GOING THROUGH THE HALL, AND GUESS WHAT ROOM IS ADJACENT TO WHERE THEY EAT AND IS SEPARATED ONLY BY A DOOR? THE TOILET. [LB956]

SPEAKER HADLEY: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: THEY EAT RIGHT NEXT-DOOR TO THE TOILET. I WANT A ROLL CALL VOTE AFTER A CALL OF THE HOUSE. [LB956]

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. [LB956]

CLERK: 22 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB956]

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 CRAIGHEAD, SENATOR WATERMEIER, SENATOR FOX, SENATORS HOWARD, MORFELD, SCHNOOR, KUEHN, LARSON, HUGHES, KINTNER, AND

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BLOOMFIELD, THE HOUSE IS UNDER CALL. SENATOR MORFELD, IF YOU WOULD CHECK IN, PLEASE. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB956]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1106.) 3 AYES, 42 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER. [LB956]

SPEAKER HADLEY: THE MOTION TO RECONSIDER FAILS. MR. CLERK FOR ITEMS. [LB956]

CLERK: I DO, MR. PRESIDENT. STUDY RESOLUTIONS: SENATOR JOHNSON, LR498; SENATOR CAMPBELL, LR499. A CONFIRMATION REPORT FROM THE... (LEGISLATIVE JOURNAL PAGES 1106-1107.) [LR498 LR499]

SPEAKER HADLEY: THE HOUSE IS STILL UNDER CALL. [LB956]

CLERK: ...TRANSPORTATION COMMITTEE. SENATOR BURKE HARR WOULD LIKE TO PRINT AMENDMENTS TO LB889. JUDICIARY COMMITTEE REPORTS LB975 TO GENERAL FILE WITH AMENDMENTS. AND, MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB1105A, LB790, LB909, LB731, LB814, LB814A, LB784, LB942, LB726, LB813, LB924, LB770, LB770A, LB875, LB948, LB725, LB680, LB680A, LB823, LB865, LB1002, AND LB1086 ALL TO SELECT FILE, SOME OF WHICH HAVE ENROLLMENT AND REVIEW AMENDMENTS ATTACHED. MR. PRESIDENT, REVENUE WILL HAVE AN EXECUTIVE SESSION AT 1:00 IN ROOM 2022. (LEGISLATIVE JOURNAL PAGES 1107-1113.) [LB889 LB975 LB1105A LB790 LB909 LB731 LB814 LB814A LB784 LB942 LB726 LB813 LB924 LB770 LB770A LB875 LB948 LB725 LB680 LB680A LB823 LB865 LB1002 LB1086]

SPEAKER HADLEY: THANK YOU, MR. CLERK. WE WILL NOW STAND AT EASE. WE WILL RETURN AT 12:40 AND WE WILL TAKE UP ANY ITEMS AT THAT POINT IN TIME. WE WILL START IMMEDIATELY AT 12:40. I RAISE THE CALL.

EASE

SPEAKER HADLEY: WE WILL NOW RETURN FROM STANDING AT EASE. MR. CLERK.

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CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO AMEND WITH FA97. (LEGISLATIVE JOURNAL PAGE 1115.) [LB956]

MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO ADJOURN UNTIL MARCH 22 AT 9:00 A.M.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED...I HAVE BEEN TOLD I AM THE ONLY ONE THAT CAN ADDRESS THIS MOTION. I WOULD HOPE THE BODY WOULD VOTE THIS MOTION DOWN. QUESTION IS, SHALL WE ADJOURN? ALL THOSE IN...

SENATOR CHAMBERS: CALL OF THE HOUSE AND A ROLL CALL VOTE.

SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: 19 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL.

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, EBKE, WATERMEIER, MORFELD, HOWARD, KEN HAAR, SULLIVAN, COOK, BOLZ, KUEHN, SEILER, KOLOWSKI, SCHILZ, LARSON, MURANTE, HUGHES, KINTNER, KOLTERMAN, FRIESEN, HILKEMANN, GROENE, GARRETT, BLOOMFIELD, THE HOUSE IS UNDER CALL. SENATORS FOX, MORFELD, KEN HAAR, BOLZ, MURANTE, KOLTERMAN, HILKEMANN, AND GARRETT, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, WE CANNOT FIND SENATOR HAAR. WOULD YOU LIKE TO PROCEED OR WOULD YOU LIKE TO WAIT?

SENATOR CHAMBERS: GET HIM.

SPEAKER HADLEY: PARDON ME?

SENATOR CHAMBERS: CAN'T WE SEND THE STATE PATROL TO GET HIM? BUT I WON'T DO THAT AND I WILL GO FORWARD NOW.

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SPEAKER HADLEY: OKAY. BODY, THE QUESTION BEFORE YOU IS FA97 (SIC), WHICH IS TO ADJOURN THE BODY UNTIL 9:00 TOMORROW. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. [LB956]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1114.) 3 AYES, 40 NAYS, MR. PRESIDENT, TO ADJOURN.

SPEAKER HADLEY: THE MOTION TO ADJOURN FAILS. I RAISE THE CALL. MR. CLERK.

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO AMEND WITH FA97. [LB956]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I DECIDED TO GET INTO THE BILL ITSELF. THIS IS A MOTION TO STRIKE SECTION 1 OF THIS BILL. THE BILL IS LB956. NOW, THE SPEAKER MADE IT VERY CLEAR WE WERE GOING TO START RIGHT AT 12:40 AND HE EMPHASIZED IT TO ME IN CASE I WAS OCCUPIED AND DIDN'T HEAR IT AND I TOLD HIM I WOULD BE HERE. BUT I DETERMINED I WAS NOT GOING TO BE HERE ALONE. AND I WASN'T GOING TO LET MY COLLEAGUES GET AWAY WITH BEING OVER THERE SPONGING OFF THE LOBBYISTS WHEN WE SHOULD BE HERE WORKING. SO I TAKE THAT VOTE TO BE AN OVERWHELMING LANDSLIDE VOTE IN FAVOR OF ME CONTINUING TO DO WHAT I DO. YOU HAD A CHANCE TO BAIL OUT AND YOU DIDN'T WANT TO. YOU WANT ME TO STAY HERE AND KEEP DOING WHAT I'M DOING. AND I THINK I HAVE KIND OF AN OBLIGATION TO OBLIGE MY COLLEAGUES WHEN SUCH A LARGE OR, BEYOND LARGE, AN OVERWHELMING NUMBER VOTE FOR ME TO STAY HERE AND CONTINUE. WHAT I'M DOING IS UNDER THE RULES. SOME PEOPLE THINK THEY CAN THWART ME BY THE THINGS THAT WILL THWART OTHER PEOPLE. THE SPEAKER SAID WE'D BE HERE AT 12:40. I WAS HERE PROBABLY AROUND 12:35 BECAUSE I'M THE FIRST ONE UP. BUT I COULD DELAY BEYOND 12:40. WE DIDN'T START RIGHT AT 12:40, DID WE? SO SOME THINGS ARE NOT WRITTEN IN STONE, ALTHOUGH THEY MAY SEEM TO BE, MIGHTN'T THEY? WE DID IN A SENSE START ACTIVITIES BECAUSE MY MOTION WASN'T PROCESSED OR PUT UP THERE UNTIL THE HOUR HAD ARRIVED WHEN THE SPEAKER WANTED US TO BE HERE. AND I'M TRYING TO FACILITATE THE SPEAKER'S AGENDA. I'M TRYING TO FACILITATE THE PROCESS PROCEEDING. AND

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NOW THAT YOU'RE ALL HERE AND WANT ME TO CONTINUE, I WILL. BUT BEFORE DOING THAT, I GOT SOME GOOD NEWS. YOU ALL HAVE AN ATTORNEY GENERAL WHO IS A RELIGIOUS ZEALOT. HE HAD ONE OF HIS FLUNKIES WRITE AN OPINION FOR SENATOR KOLTERMAN AND THIS FLUNKY USED TO WORK FOR AN ORGANIZATION WHERE HE WAS PROLIFE, AGAINST A WOMAN HAVING AN ABORTION, AND IN FAVOR OF THESE CHURCHES AND HE'S THE ATTORNEY GENERAL'S CHIEF DEPUTY NOW. AND THE ATTORNEY GENERAL DOESN'T KNOW MUCH ABOUT THE LAW OR DOESN'T CARE MUCH ABOUT THE LAW OR IS A POLITICIAN OR JUST BLIND. BUT HE IN OKLAHOMA WANTED THE U.S. SUPREME COURT TO STOP COLORADO FROM HAVING LEGALIZED MARIJUANA, SAYING THAT THEY HAD FOUND A LOOPHOLE IN THE FEDERAL LAW BECAUSE MARIJUANA IS ON A CERTAIN LIST. AND YOUR DUMB ATTORNEY GENERAL WAS DRAGGED INTO IT BY SOME FOOL IN OKLAHOMA TO TELL THE SUPREME COURT, NOW, YOU TELL THAT THIRD STATE WE DON'T LIKE WHAT THEY'RE DOING BECAUSE PEOPLE IN OUR STATE ARE USING DRUGS, SO TELL COLORADO TO STOP. AND SOME PEOPLE SAID, WELL, WHY DON'T YOU JUST DEAL WITH THE LAWBREAKERS IN YOUR OWN STATE? BUT THEY'RE SO ARROGANT, DOUGLAS PETERSON, YOUR ATTORNEY GENERAL, IS SUCH A RELIGIOUS ZEALOT THAT THEY TOOK IT TO THE U.S. SUPREME COURT AND ON A 6-2 VOTE THE SUPREME COURT SAID, IN MORE COURTEOUS LANGUAGE THAN I WOULD, GO TAKE A POWDER. BUT THIS IS WHAT WAS SAID. "THE U.S. SUPREME COURT ON MONDAY DENIED NEBRASKA AND OKLAHOMA'S PROPOSED LAWSUIT AGAINST COLORADO'S LEGAL MARIJUANA LAWS. THE 6-2 VOTE MEANS THE NATION'S HIGHEST COURT WILL NOT RULE ON THE INTERSTATE DISPUTE, AND COLORADO'S LEGAL CANNABIS MARKET IS SAFE--FOR NOW. BECAUSE THE SUPREME COURT HAS PASSED ON THE CASE, NEBRASKA AND OKLAHOMA COULD NOW TAKE IT TO A FEDERAL DISTRICT COURT IF THEY CHOOSE (TO), LAW EXPERTS SAY. THE STATES HAVE NOT YET SAID HOW OR IF THEY WILL MOVE FORWARD WITH A SIMILAR SUIT IN ANOTHER COURT." THEY GOING TO BE FOOLS AND JACKASSES TWICE? AND ULTIMATELY, THEY'RE GOING TO WIND UP BACK AT THE SUPREME COURT TELLING THE SUPREME COURT, MAKE COLORADO STOP DOING WHAT THEY'RE DOING BECAUSE WE IN OKLAHOMA AND NEBRASKA CAN'T TAKE CARE OF WHAT'S HAPPENING IN NEBRASKA AND OKLAHOMA. AND THE SUPREME, THE JUDGES JUST LOOKED AT THEM, SAID, FOOL, QUOTING--AND THIS IS THE WAY THEY START, THEY DON'T JUST USE LANGUAGE ON THEIR OWN--QUOTING A TELEVISION ICON KNOWN AS MR. T, FOOL, WHAT YOU'RE TALKING ABOUT IS WHAT'S HAPPENING IN YOUR STATE, DON'T YOU HAVE A LAW ENFORCEMENT MACHINERY, CAN'T YOU DEAL WITH LAWBREAKERS IN YOUR STATE? YEAH, BUT, YOUR HONOR...WELL, WE DON'T WANT TO HEAR IT, JUST GET OUT OF HERE. BUT THAT'S NOT THE WAY THEY DO THINGS THERE, BUT ALMOST.

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HERE IS WHAT IS A DIRECT QUOTE. THE COMPLAINT, ON ITS FACE...AND THIS IS FROM CLARENCE THOMAS, WHO HAD NOT SPOKEN A WORD IN TEN YEARS UNTIL THAT GUY WHO IS THE WORST JUDGE SINCE ROGER B. TANEY DIED. "THE COMPLAINT, ON ITS FACE, PRESENTS A 'CONTROVERS[Y] BETWEEN TWO OR MORE STATES' THAT THIS COURT ALONE HAS AUTHORITY TO ADJUDICATE," SUPREME COURT JUSTICE CLARENCE THOMAS WROTE IN THE DISSENTING OPINION. "THE PLAINTIFF STATES HAVE ALLEGED SIGNIFICANT HARMS TO THEIR SOVEREIGN INTERESTS CAUSED BY ANOTHER STATE. WHATEVER THE MERIT OF THE PLAINTIFF STATES' CLAIMS, WE SHOULD LET THIS COMPLAINT PROCEED FURTHER RATHER THAN DENYING LEAVE WITHOUT SO MUCH AS A WORD OF EXPLANATION." THEY DIDN'T EVEN EXPLAIN IT BECAUSE THE DUMBBELLS SHOULD HAVE UNDERSTOOD IT. THAT'S WHAT GOES ON AND THAT'S WHAT MAKES YOUR STATE LOOK FOOLISH. YOU'VE GOT AN ATTORNEY GENERAL DOING THIS CRAZY STUFF, TRYING TO SUE COLORADO BECAUSE THEY HAVE LEGALIZED MARIJUANA. AND HE WAS ADVISING THE GOVERNOR AND THE ATTORNEY AND THE HEAD OF THE CORRECTIONS DEPARTMENT TO BRING ILLEGAL DRUGS INTO THIS STATE THAT WOULD VIOLATE FEDERAL LAW. THAT'S WHAT YOUR ATTORNEY GENERAL WAS DOING--DUMB AS A POST. THEN THEY WROTE THIS LONG, LONG OPINION THAT THEY GAVE TO POOR SENATOR KOLTERMAN. NOW I'M NOT GOING TO ACCUSE SENATOR KOLTERMAN OF ANYTHING, SO I WOULD LIKE TO ASK HIM A QUESTION IF HE WOULD ANSWER. [LB956]

SENATOR COASH PRESIDING

SENATOR COASH: SENATOR KOLTERMAN, WILL YOU YIELD? [LB956]

SENATOR KOLTERMAN: YES, I WOULD. [LB956]

SENATOR CHAMBERS: SENATOR KOLTERMAN--AND REMEMBER, THE LORD IS WATCHING--DID ANYBODY SUGGEST THAT YOU SEEK THAT OPINION FROM THE ATTORNEY GENERAL? [LB956]

SENATOR KOLTERMAN: I SOUGHT IT ON MY OWN OPINION SIMPLY BECAUSE I WAS ASKED. I WAS TRYING TO VERIFY WHAT SENATOR MORFELD HAD REQUESTED WAS INACCURATE. [LB956]

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SENATOR CHAMBERS: HERE IS WHAT I'M ASKING YOU. DID SOMEBODY SUGGEST TO YOU THAT YOU SEEK AN ATTORNEY FROM THE...AN OPINION FROM THE ATTORNEY GENERAL ON THIS, YES OR NO? [LB956]

SENATOR KOLTERMAN: NO, THAT WAS MY IDEA. [LB956]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, IT'S KNOWN THE KIND OF PEOPLE THAT THIS ATTORNEY GENERAL HAS SURROUNDED HIMSELF WITH. THAT OPINION COULD HAVE BEEN WRITTEN BY A TURKEY BECAUSE IT WAS FULL OF GOBBLEDEGOOK. AND WHEN YOU SEE THE ATTORNEY GENERAL SUCKERED BY OKLAHOMA INTO GOING INTO THE U.S. SUPREME COURT TO ATTACK COLORADO, THAT SHOWED ON A NATIONAL SCALE HOW STUPID HE IS. CONTINUING, "JUSTICE SAMUEL A. ALITO JR. JOINED THOMAS IN DISSENTING." SO EVEN IF THAT GUY WHO JUST KICKED THE BUCKET WAS STILL THERE, THEY WOULDN'T HAVE BEEN ABLE TO STOP THIS FROM GOING FORWARD. THERE WERE SIX VOTES TO KICK THE THING OUT. AND SKIPPING OVER HERE, WHICH SHOWS WHERE EVEN THE ADMINISTRATION WAS OPPOSED TO THIS, "ENTERTAINING THE TYPE OF DISPUTE AT ISSUE HERE--ESSENTIALLY THAT ONE STATE'S LAWS MAKE IT MORE LIKELY THAT THIRD PARTIES WILL VIOLATE FEDERAL AND STATE LAW IN ANOTHER STATE--WOULD REPRESENT A SUBSTANTIAL AND UNWARRANTED EXPANSION OF THIS COURT'S ORIGINAL JURISDICTION,' U.S. SOLICITOR GENERAL DONALD VERRILLI JR. WROTE IN HIS BRIEF TO THE COURT." THAT'S REPRESENTING THE UNITED STATES GOVERNMENT. THIS WHOLE THING WAS SILLY AND IT OUGHT NOT TO HAVE BEEN DONE. BUT WHEN YOU GET THESE ZEALOTS, THEY WILL TRY TO MISUSE AND ABUSE THE COURT SYSTEM TO TRY TO HAVE THEIR WAY, MAKE A MOCKERY OF JUSTICE, A MOCKERY... [LB956]

SENATOR COASH: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...OF THE LAW. AND THE ATTORNEY GENERAL SHOULD HAVE HAD MORE SENSE THAN TO DO SOMETHING LIKE THIS. AND IF HE JUST WANTED TO GO TO COURT, HE SHOULD HAVE FILED SOME ACTION IN FEDERAL COURT TO OVERTURN THE RULING BY THE FDA THAT THESE ILLEGAL DRUGS COULD NOT BE BROUGHT INTO AMERICA, SODIUM THIOPENTAL, TO CARRY OUT EXECUTIONS. IT WAS MISLABELED ANYWAY. IT'S NOT A KILLING DRUG. AND THAT'S WHAT DOUGLAS PETERSON, THE ATTORNEY GENERAL, DID. AND THAT OLD RICH WHITE GUY OVER THERE IN THE OFFICE, THE RICH, SPOILED BRAT... [LB956]



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SENATOR COASH: TIME, SENATOR. SENATOR MELLO, YOU'RE RECOGNIZED.  
[LB956]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I'M GOING TO HAVE TO RESPECTFULLY STAND IN OPPOSITION TO FA97 IN PART BECAUSE OF WHAT FA97 DOES. IT STRIKES THE DEFINITION OF THE APPROPRIATION PERIOD OF THE UNDERLYING BILL. COLLEAGUES, WHAT ESSENTIALLY THIS AMENDMENT WOULD DO WOULD ELIMINATE ALL REFERENCES TO WHAT A FISCAL YEAR MEANS AND, THUS, GIVE, I WOULD SAY, TO SOME EXTENT STATE GOVERNMENT A LITTLE CHAOS OR SO MUCH UNCERTAINTY WE WOULDN'T KNOW HOW TO OPERATE, SO TO SPEAK, AND WHEN A FISCAL YEAR STARTS IF WE DO NOT HAVE IT LAID OUT IN THE BUDGET BILL ITSELF. SO I UNDERSTAND SENATOR CHAMBERS PUT THIS AMENDMENT IN TO BE ABLE TO CONTINUE A DEBATE AND DISCUSSION ON ITEMS THAT HE WANTS TO DISCUSS. BUT OBVIOUSLY I DO NOT SUPPORT FA97 IN PART DUE TO THE MASSIVE UNCERTAINTY WE WOULD SEE BY THE ELIMINATION OF THE DEFINITION OF THE APPROPRIATION PERIODS LAID OUT IN LB956 AS IT HAS BEEN AMENDED ON GENERAL FILE. WITH THAT, I'D URGE THE BODY TO NOT SUPPORT FA97. THANK YOU, MR. PRESIDENT. [LB956]

SENATOR COASH: THANK YOU, SENATOR MELLO. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I KNOW HOW TO SMOKE MY COLLEAGUES OUT TOO. THIS AMENDMENT WAS CALCULATED BECAUSE I READ SOME PARTS OF THIS BILL THAT IS BEFORE US. AND EVERYTHING SENATOR MELLO SAID IS ABSOLUTELY CORRECT, WHICH MEANT THAT MY VERY INNOCENT-SOUNDING PROPOSAL WENT TO THE JUGULAR AS FAR AS THIS BILL IS CONCERNED. AND I'M GOING TO DO THAT ON OTHER BILLS. BUT SENATOR MELLO AND I HAD A DISCUSSION DURING THE INTERIM WHEN WE WERE STANDING AT EASE. WHAT HE SAID MAKES A LOT OF SENSE. BUT THAT DOESN'T MEAN THAT I WILL ACCEPT IT AND ACT ON IT BECAUSE A LOT OF THINGS ARE SAID ON THIS FLOOR THAT MAKE SENSE AND THEY ARE REJECTED OVERWHELMINGLY BY THE BODY. BUT HE'S DOING THE RIGHT THING BY OFFERING RATIONAL, LOGICAL REASONS AS TO WHY A CERTAIN COURSE OUGHT TO BE LAID ASIDE AND A DIFFERENT, MORE--IN HIS OPINION--APPROPRIATE COURSE PURSUED. I DID ASSURE HIM OF THIS, THAT I'M NOT GOING TO DO THIS FOR THE WHOLE AFTERNOON. AND THERE CAN BE SOME DISCUSSION AS TO WHEN AFTERNOON ENDS AND SOMETHING ELSE

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WHICH FOLLOWS BEGINS. SO I WOULD LIKE TO ASK SENATOR WILLIAMS A QUESTION OR TWO IF HE WOULD YIELD. [LB956]

SENATOR COASH: SENATOR WILLIAMS, WILL YOU YIELD? [LB956]

SENATOR WILLIAMS: I WOULD. [LB956]

SENATOR CHAMBERS: SENATOR WILLIAMS, YOU'VE HEARD THE TERM "AFTERNOON," CORRECT? [LB956]

SENATOR WILLIAMS: YES, I HAVE. [LB956]

SENATOR CHAMBERS: CAN YOU TELL THE PERIOD WHEN AFTERNOON BEGINS AND THE PERIOD AT WHICH IT ENDS AND SOMETHING ELSE BEGINS? [LB956]

SENATOR WILLIAMS: I THINK THAT'S SUBJECT TO INTERPRETATION, BUT TO ME IT'S ALWAYS BEEN 6:00 P.M. THAT'S WHEN I'VE ALWAYS THOUGHT AFTERNOON ENDS AND EVENING BEGINS. [LB956]

SENATOR CHAMBERS: THANK YOU VERY MUCH. I'D LIKE TO ASK SENATOR MELLO A QUESTION. [LB956]

SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB956]

SENATOR MELLO: OF COURSE I WILL. [LB956]

SENATOR CHAMBERS: SENATOR MELLO, WOULD YOU LIKE TO GIVE YOUR VIEW OF WHEN AFTERNOON ENDS? AND SENATOR WILLIAMS GAVE US THE NEXT PERIOD, WHICH WOULD BE EVENING, WHEN EVENING COMMENCES. HE SAID 6:00. WHAT DO YOU SAY? YOU THINK HE'S WRONG? [LB956]

SENATOR MELLO: (LAUGH) SENATOR CHAMBERS, I WANTED TO SAY SOMETHING ELSE, BUT I WON'T. I USUALLY LOOK AT 5:00 AS THE END OF THE AFTERNOON AND THE BEGINNING OF THE EVENING. [LB956]

SENATOR CHAMBERS: AND IF WE COMPROMISE, WE COULD SAY AROUND 5:30. [LB956]

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SENATOR MELLO: OR WE COULD SAY 1:10 AS A COMPROMISE. [LB956]

SENATOR CHAMBERS: SEE, NOW THAT IS A NEGOTIATOR. THAT IS A NEGOTIATOR. WHY WOULD YOU ACCEPT A LAMB IF YOU CAN GET THE RAM? AND SENATOR MELLO IS GOING FOR THE RAM. HE WON'T GET THE RAM, BUT HE'LL GET A LITTLE MORE THAN THE LAMB. THERE ARE A FEW MORE THINGS THAT I WANT TO SAY AND I'M GOING TO SAY THEM BECAUSE THEY HAVE A BEARING ON HOW WE DO BUSINESS AROUND HERE. THE GOVERNOR SENDS WHAT I CONSIDER TRASH LEGISLATION OVER HERE AND PEOPLE JUMP AND ACCEPT IT. I'M NOT GOING TO. AND ALL THIS TALK OF THESE REDUCTIONS IN PROPERTY TAX, I'M NOT EVEN GOING TO INFORM MYSELF ON WHAT THE FORECAST HAS BEEN OF THE REVENUE THAT WILL COME IN. I'M NOT GOING TO INFORM MYSELF ON ANY CASH FUNDS, ON THE RAINY-DAY FUND, OR ANYTHING ELSE. [LB956]

SENATOR COASH: ONE MINUTE. [LB956]

SENATOR CHAMBERS: I'M JUST GOING TO LOOK AT THE BILLS AND WE'RE GOING TO TALK AND TALK AND TALK. HE MIGHT GET HIS WAY, BUT HE'S GOING TO WORK FOR IT THIS SESSION. I DID NOT TOUCH ANY OF THESE BILLS ON GENERAL FILE, BUT BECAUSE THEY ESCAPE UNSCATHED THERE DOESN'T MEAN THEY WON'T BE DEALT WITH SUBSEQUENTLY. [LB956]

SENATOR COASH: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE AND MY GOOD FRIEND, SENATOR MELLO, WHAT I WOULD LIKE TO READ INTO THE RECORD IS WHAT I SEE IN THIS BILL AS THE NUMBER OF SECTIONS. I WOULD SAY THAT THE FINAL SECTION EMBRACES THESE WORDS, "SINCE AN EMERGENCY EXISTS, THIS ACT TAKES EFFECT WHEN PASSED AND APPROVED ACCORDING TO LAW." THAT IS ON PAGE 55 OF THE BILL AND IT'S SECTION NUMBER 74. SO IF I WERE TO OFFER A MOTION TO STRIKE EACH SECTION, AS SENATOR MELLO EARLY ON--NOT TODAY--HAD SAID WAS AVAILABLE, TO GET A DISCUSSION OF THE BILL AS ANYBODY WANTED IT, 10 TIMES 74 WOULD BE 740 MINUTES. AND IF THERE ARE 60 MINUTES IN ONE HOUR, 60 WILL GO INTO 740 MORE THAN TEN TIMES. SO IF WE STAYED HERE TEN MORE HOURS, THAT WOULD PUT US RIGHT NEAR MIDNIGHT. AND I THINK THE ROLLING STONES OR SOMEBODY SANG A SONG CALLED "RIGHT AROUND MIDNIGHT" (SIC). BUT I'VE TOLD SENATOR MELLO THAT'S NOT WHAT I'M GOING TO DO. BUT IT CAN BE DONE. AND YOU ALL COME HERE SET IN YOUR MIND OF

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WHAT YOU'RE GOING TO DO LIKE YOU PUT ME IN MY PLACE ON SENATOR McCOLLISTER'S BILL. AND YOU HAD EVERYTHING YOUR WAY THAT DAY BECAUSE I ALLOWED YOU TO HAVE EVERYTHING YOUR WAY THAT DAY. AND SENATOR MELLO WAS ONE OF THE REASONS. HE, ON THIS FLOOR, GOT ME TO BACK AWAY FROM WHAT I SAID I WAS GOING TO DO. WE HAD A PRIVATE CONVERSATION TODAY AND EVERYTHING IS FLUID. BUT HE DID GET OUT OF ME THAT I WOULD NOT TAKE THE WHOLE AFTERNOON. NOW I AGREED TO A COMPROMISE ALREADY. SENATOR WILLIAMS SAID AFTERNOON IS OVER AT 6:00, SENATOR MELLO SAID AT 5:00 AND, BEING SOLOMON-LIKE, I SAID, WE'LL SAY 5:30. THAT TAKES A HALF HOUR FROM SENATOR WILLIAMS AND GIVES SENATOR MELLO THAT HALF HOUR OF BENEFIT. NOW HOW CAN YOU FIND A BETTER COMPROMISE THAN THAT? AND I GET NOTHING OUT OF IT. I'M ALTRUISTIC, JUST DOING IT FOR THE SAKE OF THE PROCESS. YOU ALL DIDN'T THINK YOU WERE GOING TO HAVE TO COME BACK IN HERE AS EARLY AS YOU DID, DID YOU? I HAVE WAYS OF GETTING EVEN. YOU ALL CAN OUTVOTE ME ON EVERYTHING, BUT I WILL JUST WAIT AND BIDE MY TIME. HERE IS WHY CHILDREN HAVE AN ADVANTAGE OVER ADULTS. THEY DON'T HAVE A LOT OF THINGS TO THINK ABOUT. ADULTS DO. AND WHILE THEY'RE DOING ONE THING, THEY'LL SAY SOMETHING AND THEN FORGET THEY SAID IT. BUT THE CHILD DOESN'T FORGET BECAUSE, AS SHIRLEY TEMPLE RESPONDED WHEN THEY ASKED HER HOW COULD SHE REMEMBER ALL THOSE THINGS AS A LITTLE GIRL, SHE SAID, WELL, MY LITTLE BRAIN WAS EMPTY, SO YOU COULD FILL IT WITH A LOT OF THINGS. LITTLE CHILDREN WILL REMEMBER BECAUSE THEY DON'T HAVE AS MANY THINGS TO FOCUS ON. AND THEY'LL FOCUS ON WHAT AN ADULT SAYS THAT PERTAINS TO THAT WHICH INTERESTS THE CHILD. PEOPLE CAN LEARN FROM CHILDREN. INSTEAD OF SOLOMON SAYING, GO TO THE ANT, THOU SLUGGARD, CONSIDER HER WAYS AND BE WISE, SOMEBODY COULD HAVE SAID, PAY ATTENTION TO THE WAY LITTLE CHILDREN OPERATE. AND YOU'LL NOT ONLY BE WISE, YOU'LL BE HONEST, YOU'LL BE COMPASSIONATE, AND YOU WILL KEEP YOUR WORD AND NOT TELL A CHILD YOU'RE LYING WHEN THE CHILD REMEMBERED WHAT YOU SAID AND YOU DIDN'T REMEMBER WHAT YOU SAID SO YOU ACCUSE THE CHILD OF LYING WHEN THE CHILD TOLD THE TRUTH... [LB956]

SENATOR COASH: ONE MINUTE. [LB956]

SENATOR CHAMBERS: ...AND YOU WERE THE ONE WHO FAILED. BUT SINCE YOU'RE AN ADULT AND YOU'LL SAY IT'S THAT WAY BECAUSE I SAID IT'S THAT WAY, YOU SET A PRINCIPLE THAT THAT CHILD WILL CONDUCT LIFE ACCORDING TO. GROWN PEOPLE SAY WHATEVER THEY WANT TO AND IT'S THAT WAY BECAUSE THEY SAY IT IS EVEN IF THEY'RE LYING. AND CHILDREN KNOW GROWN

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PEOPLE LIE AND I KNOW THEY LIE. SO WHEN IT COMES TO SOME OF THE THINGS THAT HAPPEN HERE, I FOLLOW THE PATHWAY THAT THE CHILD WOULD. I REMEMBER THESE THINGS. AND I KNOW THAT WHAT'S HAPPENING TODAY WILL NOT BE THE WAY IT'S GOING TO HAPPEN EVERY DAY. I CANNOT CONTROL EVERYTHING THAT HAPPENS ON THIS FLOOR, BUT I'LL BET I CAN CONTROL HOW TIME IS SPENT MORE THAN ANYBODY ELSE BECAUSE NOBODY ELSE HAS THE BACKBONE TO DO WHAT I'M DOING. THEY CAN BE SO ANGRY THEY COULD BITE A NAIL IN TWO, BUT THEY'LL SIT THERE AND SWALLOW SPIT AND NOT SAY ANYTHING. NOT I, SAID THE FLY WITH A STY ON HIS EYE. [LB956]

SENATOR COASH: TIME. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB956]

SENATOR COASH: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. [LB956]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND I'M DEBATING WHETHER I OUGHT TO JUST MOVE RIGHT TO SECTION 2 OR IF I OUGHT TO RECONSIDER. BUT I THINK, TO GIVE US A CHANCE TO HAVE A LITTLE VARIETY, I WILL NOT MOVE TO RECONSIDER. I WILL MOVE TO STRIKE SECTION 2. AND I DIDN'T EVEN TELL SENATOR MELLO HOW MANY OF THESE I INTENDED TO OFFER. BUT WHEN I'M TALKING FOR THE MOUNTAIN LIONS, MOCK, SCOFF, AND TAUNT BECAUSE, AS THE SONG SAYS, (SINGING) MY DAY WILL COME. AND I WON'T TELL WHEN YOU THAT DAY IS HERE, BUT THIS IS NOT THAT DAY. THIS IS JUST PART OF IT. AND I CAN TALK AND TALK AND TALK. AND I'M CERTAINLY WITHIN THE RULES BY ANY STRETCH OF THE IMAGINATION BECAUSE THESE AMENDMENTS WILL GO DIRECTLY TO THE BILL AND ANYTHING I ATTEMPT TO DO WITH THIS BILL IS GERMANE TO THIS BILL. SOMEBODY TOLD ME THAT THERE WERE PROBABLY BILLS ON HERE THAT I HAVE AN INTEREST IN SEEING MOVE FORWARD AND THAT'S TRUE. BUT THAT INTEREST IS NOT SO OVERWHELMING THAT I WILL LAY ASIDE WHAT I THINK IS IMPORTANT. ARE YOU GOING TO GIVE ME MY MOUNTAIN LION BILL? ARE YOU? I'D LIKE TO CALL ON SENATOR MELLO IF HE WILL ANSWER A QUESTION. [LB956]

SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB956]

SENATOR MELLO: OF COURSE. [LB956]

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SENATOR CHAMBERS: SENATOR MELLO, ARE YOU GOING TO LOBBY YOUR COLLEAGUES TO HELP ME GET MY MOUNTAIN LION BILL OUT HERE OR IS THAT NOT SOMETHING YOU WANT TO COMMIT YOURSELF TO ONE WAY OR THE OTHER? [LB956]

SENATOR MELLO: SENATOR CHAMBERS, AS YOU WELL KNOW, I HAVE MOST SENATORS APPROACH ME ON A NUMBER OF BILLS OF THEIR OWN TO SEE WHAT I CAN DO TO BE HELPFUL ON, PARTICULARLY WHEN IT HAS AN IMPACT FISCALLY TO THE STATE. SINCE YOUR MOUNTAIN LION BILL DOES NOT HAVE A SIGNIFICANT FISCAL IMPACT, I DON'T PROBABLY CARRY NEAR AS MUCH WEIGHT AS MEMBERS OF THE NATURAL RESOURCES COMMITTEE WOULD IN THAT ISSUE. BUT AS I'VE TOLD YOU BEFORE, I'VE SUPPORTED YOUR BILL IN PRIOR LEGISLATIVE SESSIONS. AND IF IT COMES OUT THIS SESSION, I WOULD SUPPORT IT AS WELL. [LB956]

SENATOR CHAMBERS: THANK YOU, SENATOR MELLO, VERY WELL STATED. MOST OF WHAT'S ON THAT COMMITTEE YOU NAMED IS...THEY HAVE WEIGHT, BUT IT'S DEAD WEIGHT, AND I TOLD THEM WHEN I WAS THERE ON ANOTHER BILL. SO WE'RE JUST DOING THAT. I'M SPEAKING. YOU ALL ARE JUST SITTING THERE UNABLE TO DO ANYTHING. BUT YOU COULD MOVE TO ADJOURN AND VOTE TO ADJOURN AND THAT WOULD SHUT ME UP FOR TODAY. I'LL MAKE A DEAL WITH YOU. IF SOMEBODY WILL MOVE TO ADJOURN AT 1:15 AND YOU, INDEED, VOTE TO ADJOURN AT 1:15, I WILL NOT TAKE THIS MUCH TIME ON ANOTHER BILL THIS SESSION. NOW WHEN 1:15...I'M GOING TO SEE WHAT HAPPENS. AND I JUST HAVE A FEELING THAT YOU ALL DON'T WANT TO DEAL, YOU DON'T WANT TO BARGAIN. I'D LIKE TO ASK SENATOR HILKEMANN A QUESTION. [LB956]

SENATOR COASH: SENATOR HILKEMANN, WILL YOU YIELD? [LB956]

SENATOR HILKEMANN: YES, I'LL YIELD. [LB956]

SENATOR COASH: ONE MINUTE. [LB956]

SENATOR CHAMBERS: SENATOR HILKEMANN, WOULD YOU AGREE TO ADJOURN AT 1:15 IF BY SO DOING I WOULDN'T DO THIS AT ALL FOR THE REST OF THE SESSION? [LB956]

SENATOR HILKEMANN: FOR THE REST OF THE SESSION? [LB956]

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SENATOR CHAMBERS: UM-HUM. [LB956]

SENATOR HILKEMANN: I WOULD TAKE THAT OFFER. [LB956]

SENATOR CHAMBERS: YOU WOULD DO IT? [LB956]

SENATOR HILKEMANN: I WOULD. [LB956]

SENATOR CHAMBERS: THANK YOU, SENATOR HILKEMANN. THAT'S ALL I HAVE OF YOU. IF...CAN I GET A SHOW OF HANDS, HOW MANY OF YOU WOULD VOTE TO ADJOURN? THIS DOESN'T MEAN I WILL NOT DISCUSS ANY OTHER BILL, BUT I WILL NOT DO ON ANY BILL, OTHER THAN A COUPLE OF THEM, (LAUGHTER) WHAT I'M DOING. SENATOR HILKEMANN IS WISE. HE KNEW WHAT HE WAS DOING. HE'S NOT JUST A WISE GUY, HE IS A WISE MAN. AND I THINK MAYBE IT WASN'T UPPERMOST IN HIS MIND, BUT HE KNEW THERE PROBABLY WOULD BE A COUPLE OF BILLS OUT THERE... [LB956]

SENATOR COASH: TIME, SENATOR. [LB956]

SENATOR CHAMBERS: NOW THAT WAS MY OPENING. THAT WAS TEN MINUTES? [LB956]

SENATOR COASH: THAT WAS YOUR CLOSING. [LB956]

SENATOR CHAMBERS: OH, OKAY. THEN I WILL ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB956]

SENATOR COASH: MEMBERS, THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB956]

ASSISTANT CLERK: 24 AYES, 2 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB956]

SENATOR COASH: HOUSE IS UNDER CALL. SENATORS PLEASE RECORD YOUR PRESENCE. UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER, RECORD YOUR PRESENCE. UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS SULLIVAN, SCHEER,

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WATERMEIER, GLOOR, BOLZ, RIEPE, STINNER, DAVIS, SMITH, MURANTE, BRASCH, AND SCHUMACHER, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATOR WATERMEIER, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. MEMBERS, THE QUESTION FOR THE BODY IS, SHALL FA97 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK, PLEASE READ THE ROLL. [LB956]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1115.) VOTE IS 1 AYE, 42 NAYS, MR. PRESIDENT. [LB956]

SENATOR COASH: FA97 IS NOT ADOPTED. RAISE THE CALL. [LB956]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT MOTION, SENATOR CHAMBERS WOULD MOVE TO AMEND WITH FA98. (LEGISLATIVE JOURNAL PAGE 1115.) [LB956]

SENATOR COASH: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR FLOOR AMENDMENT. [LB956]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS AMENDMENT IS DESIGNED TO STRIKE SECTION 2 FROM THE BILL. AND I'M GOING TO READ SECTION 2, THEN ASK SENATOR MELLO A VERY RELEVANT QUESTION. "SEC. 2. APPROPRIATION LANGUAGE. THERE ARE HEREBY APPROPRIATED, FOR FY 2015-16 AND FY 2016-17, THE SUMS SET FORTH IN THIS ACT TO EACH AGENCY FOR EACH PROGRAM FROM THE RESPECTIVE FUNDS FOR THE GENERAL OPERATIONS OF STATE GOVERNMENT, POSTSECONDARY EDUCATION, CAPITAL CONSTRUCTION, AND STATE AID, EXCEPT AS OTHERWISE APPROPRIATED." I WOULD LIKE TO ASK SENATOR MELLO A QUESTION. [LB956]

SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB956]

SENATOR MELLO: YES. [LB956]

SENATOR CHAMBERS: SENATOR MELLO, CAN YOU GIVE ME ONE EXCEPTION OF MONEY BEING APPROPRIATED OTHER THAN THESE MAJOR ITEMS THAT WERE SPECIFIED? THE LANGUAGE I'M LOOKING AT, IT LISTS THESE VARIOUS ENTITIES "EXCEPT AS OTHERWISE APPROPRIATED." CAN YOU THINK OF ANYTHING THAT



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WAS OTHERWISE APPROPRIATED AS OPPOSED TO WHAT WAS APPROPRIATED FOR THE GENERAL OPERATION OF STATE GOVERNMENT, POSTSECONDARY EDUCATION, CAPITAL CONSTRUCTION, AND STATE AID? [LB956]

SENATOR MELLO: NO. [LB956]

SENATOR CHAMBERS: THANK YOU. DO YOU THINK THERE WAS ANYTHING OTHERWISE APPROPRIATED BUT YOU JUST CAN'T RECALL RIGHT NOW? [LB956]

SENATOR MELLO: NO. THERE COULD HAVE BEEN, SENATOR CHAMBERS, BUT, NO, NOT OFF THE TOP OF MY HEAD. [LB956]

SENATOR CHAMBERS: BUT NOTHING SIGNIFICANT. THANK YOU. NOW, WHILE YOU'RE STANDING, I WOULD LIKE TO ASK YOU A QUESTION. WHAT DOES STATE AID REFER TO? [LB956]

SENATOR MELLO: STATE AID REFERS TO ANY AID THAT THE STATE GIVES OUT DIRECTLY TO POLITICAL SUBDIVISIONS AND/OR IN SOME CASES WE CLASSIFY STATE AID TO INDIVIDUALS. [LB956]

SENATOR CHAMBERS: WHAT ABOUT TO EDUCATION? [LB956]

SENATOR MELLO: EDUCATION IS...PUBLIC SCHOOL DISTRICTS ARE POLITICAL SUBDIVISIONS. COMMUNITY COLLEGES ARE POLITICAL SUBDIVISIONS. CITIES, COUNTIES ARE POLITICAL SUBDIVISIONS. NATURAL RESOURCE DISTRICTS ARE POLITICAL SUBDIVISIONS. SO, YES, THOSE ALL WOULD QUALIFY, QUOTE UNQUOTE, FOR STATE AID. [LB956]

SENATOR CHAMBERS: ARE YOU AWARE THAT IN MOST POLITICAL DISCUSSIONS, OR MANY OF THEM, WHEN THE TERM STATE AID IS MENTIONED, PEOPLE THINK THAT REFERS TO AID TO PUBLIC EDUCATION? [LB956]

SENATOR MELLO: CORRECT, YES. [LB956]

SENATOR CHAMBERS: AND THAT HAS COME TO ALMOST MEAN THAT IN THE MINDS OF A LOT OF PEOPLE. [LB956]

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SENATOR MELLO: YOU'RE RIGHT. [LB956]

SENATOR CHAMBERS: THANK YOU. AND THE...THANK YOU, SENATOR MELLO. THE REASON I WANTED TO GET THAT INTO THE RECORD, WHEN YOU SAY STATE AID, YOU'RE NOT JUST TALKING ABOUT AID TO SCHOOLS. SO IF I WERE TO SAY I'M NOT IN FAVOR OF STATE AID. I THINK IT OUGHT TO BE CUT 50 PERCENT, THE FIRST THING SOMEBODY WOULD SAY TO ME, WELL, WHAT ABOUT THE SCHOOLS IN YOUR DISTRICT? AND I'D SAY, I'M NOT TALKING ABOUT SCHOOLS. THEY'D SAY, WELL, YOU SAID STATE AID. AND THEN I WOULD DO THE INFORMING AND ENLIGHTENING, AS SENATOR MELLO JUST DID FOR US. AND I'D VENTURE TO SAY THAT THERE ARE OTHERS ON THIS FLOOR WHO, WHEN THEY HEAR THE TERM STATE AID, AUTOMATICALLY THINK IT'S REFERRING TO PUBLIC EDUCATION. WE HAVE IMPROVED THE EDUCATION OF SOME PEOPLE. I DECIDED THAT ON ANY OF THESE AMENDMENTS THAT I OFFER, IF THERE IS ANYTHING OF VALUE THAT CAN BE DERIVED BY AT LEAST TOUCHING ON SOME OF THE LANGUAGE THAT WOULD BE STRICKEN WERE MY AMENDMENT TO BE ADOPTED, WHICH WILL NOT HAPPEN, THEN THAT CAN BE DONE FOR WHOEVER WOULD BENEFIT FROM IT. IF I HAD AGREED TO ACCEPT WHAT SENATOR HILKEMANN SAID, WHICH WAS TO ACCEPT THE OFFER THAT I MADE, YOU ALL WOULD NOT HAVE AGREED TO RECESS AT 1:15 OR ADJOURN AND I KNOW THAT. BUT SOMETIMES IT'S GOOD TO LIGHTEN THE MOOD A BIT. WHEN I SAID I'M NOT GOING TO DO THIS FOR THE WHOLE AFTERNOON, I DID NOT HAVE IN MIND TO GO UNTIL EVENING COMES. BUT AT ANY POINT WHEN WE STARTED, IT WAS ALREADY SUBSEQUENT TO NOON, SO IT WAS AFTER NOON ALREADY. SO IF I WERE TO STOP AT ANY POINT, THEN I WOULD HAVE DEALT WITH THIS IN THE WAY THAT I HAD SAID. I WOULD OFFER SENATOR MORFELD A CHANCE TO MAKE A DEAL, BUT I DON'T THINK HE'D WANT TO MAKE IT. LET ME SEE IF HE WOULD YIELD TO A QUESTION OF A PRELIMINARY TYPE. [LB956]

SENATOR COASH: SENATOR MORFELD, WILL YOU YIELD? [LB956]

SENATOR MORFELD: YES, I WILL. [LB956]

SENATOR CHAMBERS: SENATOR MORFELD, HOW LONG HAVE YOU BEEN IN THE LEGISLATURE? [LB956]

SENATOR MORFELD: ONE AND A HALF LONG YEARS. [LB956]

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SENATOR CHAMBERS: SO, AND IT SEEMS LONGER THAN THAT, DOESN'T IT?  
[LB956]

SENATOR MORFELD: SURE DOES, SENATOR. [LB956]

SENATOR CHAMBERS: WHEN THAT LADY WHO WROTE TO KILL A MOCKINGBIRD WAS DESCRIBING THE LITTLE TOWN, SHE TALKED ABOUT THESE SUMMER AFTERNOONS AND EACH DAY HAD 24 HOURS, BUT IT SEEMED LIKE MORE. THAT'S THE WAY THIS SEEMS, ISN'T IT? SO, SEE, LITERATURE KIND OF PLAYS TO WHAT IS REAL. YOU WOULD BE CONSIDERED A FRESHMAN SENATOR. IS THAT TRUE? [LB956]

SENATOR MORFELD: YES, SENATOR. [LB956]

SENATOR CHAMBERS: WOULD IT BE A COUP IF A FRESHMAN SENATOR COULD DELIVER THE BODY FROM A DRAGON? [LB956]

SENATOR MORFELD: IT WOULD BE QUITE THE COUP. [LB956]

SENATOR CHAMBERS: SENATOR MORFELD, IF I WOULD AGREE TO STOP WHAT I'M DOING AT 2:00, WOULD YOU LIKE TO SEE THAT HAPPEN? [LB956]

SENATOR MORFELD: I'D BE OPEN TO ALL KINDS OF DIFFERENT POTENTIAL OPPORTUNITIES TO SEE THAT HAPPEN. [LB956]

SENATOR CHAMBERS: WOULD YOU LIKE TO SEE IT HAPPEN AT 1:55? [LB956]

SENATOR MORFELD: CERTAINLY. [LB956]

SENATOR CHAMBERS: HOW ABOUT 1:50? [LB956]

SENATOR MORFELD: THAT SOUNDS GREAT, TOO, SENATOR. [LB956]

SENATOR CHAMBERS: HOW ABOUT 1:45? [LB956]

SENATOR MORFELD: EVEN BETTER. [LB956]

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SENATOR CHAMBERS: HOW ABOUT 1:40? [LB956]

SENATOR MORFELD: I'D LIKE THAT A LOT. [LB956]

SENATOR CHAMBERS: HOW ABOUT 1:30? [LB956]

SENATOR MORFELD: THAT SOUNDS GOOD TO ME. [LB956]

SENATOR CHAMBERS: IS THAT YOUR BID? [LB956]

SENATOR MORFELD: YES. [LB956]

SENATOR CHAMBERS: SAY IT. IS THAT YOUR BID? [LB956]

SENATOR MORFELD: THAT'S MY BID. [LB956]

SENATOR CHAMBERS: SOLD TO THE FRESHMAN SENATOR. THANK YOU, MR. PRESIDENT. I WOULD WITHDRAW THAT MOTION. [LB956]

SENATOR COASH: FA98 IS WITHDRAWN. [LB956]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB956]

SENATOR COASH: RETURNING TO DISCUSSION ON LB956, SENATOR MELLO, YOU'RE RECOGNIZED. SENATOR MELLO WAIVES. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. SENATOR SCHUMACHER WAIVES. SENATOR HANSEN FOR A MOTION. [LB956]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB956 TO E&R FOR ENGROSSING. [LB956]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB956 IS ADVANCED. NEXT ITEM, MR. CLERK. [LB956]

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CLERK: MR. PRESIDENT, THE NEXT BILL IS LB957. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER191, LEGISLATIVE JOURNAL PAGE 1013.) [LB957]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB957]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB957. [LB957]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB957]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB957]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB957]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB957 TO E&R FOR ENGROSSING. [LB957]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB957 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB957]

CLERK: SENATOR, LB981. I HAVE NO AMENDMENTS TO THE BILL. [LB981]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB981]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB981 TO E&R FOR ENGROSSING. [LB981]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB981 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB981]

CLERK: SENATOR, LB960 DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER193, LEGISLATIVE JOURNAL PAGE 1013.) [LB960]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB960]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB960. [LB960]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE AMENDMENTS ARE ADOPTED. [LB960]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB960]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB960]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB960 TO E&R FOR ENGROSSING. [LB960]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB960 ADVANCES. NEXT ITEM, MR. CLERK. [LB960]

CLERK: LB960A, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB960A]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB960A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB960A TO E&R FOR ENGROSSING. [LB960A]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB960A DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB960A]

CLERK: SENATOR, LB843, FIRST OF ALL, HAS ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER195, LEGISLATIVE JOURNAL PAGE 1043.) [LB843]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB843]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB843. [LB843]

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SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB843]

CLERK: SENATOR BURKE HARR WOULD MOVE TO AMEND WITH AM2670. (LEGISLATIVE JOURNAL PAGE 1116.) [LB843]

SENATOR COASH: SENATOR HARR, YOU'RE RECOGNIZED TO OPEN ON AM2670. [LB843]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I BELIEVE...I HAVEN'T CHECKED, I BELIEVE I HAVE TWO AMENDMENTS FILED HERE. NOPE, I ONLY HAVE ONE. I'LL GET THE SECOND ONE UP IN A SECOND. WHAT WE'RE LOOKING TO DO HERE IS VERY SIMPLE. WE CURRENTLY, IF AN INDIVIDUAL IS ON THE STREET HYPOTHETICALLY...AND THIS HAS TO DO WITH THE IMMUNITY CLAUSE ON SEX TRAFFICKING AND WITH PROSTITUTION. CURRENTLY IF THERE IS AN INDIVIDUAL ON THE STREET--AND SENATOR CHAMBERS AND I TALKED ABOUT THIS IN THE FIRST ROUND--POLICE OFFICERS, WHILE CANNOT GIVE IMMUNITY, THEY CAN DECIDE WHETHER TO ARREST A PERSON OR NOT TO ARREST A PERSON. IF THEY DON'T ARREST THEM, IT'S THE SAME AS IMMUNITY. BUT LET'S PRETEND AN INDIVIDUAL DOES GET ARRESTED. AT THE NEXT STAGE A PROSECUTOR CAN DECIDE WHETHER TO PRESS CHARGES OR NOT PRESS CHARGES, AND IF THEY DON'T THERE IS NO CRIME AND IT'S THE SAME AS IMMUNITY. THE PROBLEM IS WHAT HAPPENS AS THE STATUTE IS CURRENTLY WRITTEN AND AMENDED IS IT STATES IF A POLICE OFFICER BELIEVES THAT THE INDIVIDUAL IS PART OF SEX TRAFFICKING THEY CAN GRANT IMMUNITY. WELL, NOWHERE ELSE IN STATUTE DO WE ALLOW POLICE OFFICERS TO DO THAT AND THERE'S NO ENFORCEMENT. WHAT HAPPENS IF A POLICE OFFICER SAYS, NOPE, I DON'T BELIEVE THEY'RE PART OF SEX TRAFFICKING? WHAT'S THE ENFORCEMENT MECHANISM? ONE. TWO, WHAT IS A POLICE OFFICER SUPPOSED TO LOOK TO? IS IT, THERE ARE LEVELS OF...THERE ARE BURDENS OF PROOF. THERE'S BEYOND A REASONABLE DOUBT WHICH IS THE VERY HIGHEST, WHICH IS WHAT YOU HAVE WHEN YOU GO TO TRIAL. THERE IS PREPONDERANCE OF THE EVIDENCE WHICH MEANS MORE LIKELY THAN NOT. AND THERE ARE OTHERS. AND SO THE QUESTION IS, WHAT LEVEL OF PROOF? AND IF A POLICE OFFICER DOES GRANT IMMUNITY AND SOMEONE QUESTIONS IT LATER, WHAT HAPPENS? WHO IS THE POLICE OFFICER REPORTABLE TO? NOW OUR A.G. SIGNED OFF ON THIS AND TO BE QUITE FRANK, I'M A LITTLE DISAPPOINTED. I THOUGHT HE WAS SMARTER THAN THAT BECAUSE THIS IS RIPE FOR CORRUPTION. NOW IF WE DON'T WANT TO PROSECUTE SOMEONE FOR BEING A MEMBER OF SEX TRAFFICKING, I GET THAT. I AM FOR THAT, IF THEY ARE A

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VICTIM OF SEX TRAFFICKING. BUT THERE ARE WAYS TO GO ABOUT DOING THIS TO MAKE SURE THAT IT IS DONE IN A JUDICIAL AND PROPER MANNER SO THAT THE PROCESS IS NOT RIPE FOR CORRUPTION. WHAT COULD HAPPEN IF THIS BILL PASSED IS YOU COULD HAVE A CORRUPT POLICE OFFICER, WOMAN GETS...I'M GOING TO SAY HYPOTHETICALLY A WOMAN IS A VICTIM OF A SEX CRIME...TRADE...TRAFFICKING. POLICE FIND THEM. THE WOMAN SAYS, HEY, YOU KNOW JOHNNY, MY PIMP. THE POLICE OFFICER LETS HER GO. NEVER TURNS IN JOHNNY AND MAYBE THAT POLICE OFFICER GETS MONEY FROM THE PIMP, MAYBE THEY DON'T. WHERE'S THE ACCOUNTABILITY? THERE'S NO BUILT-IN ACCOUNTABILITY. THAT PERSON JUST GOES FREE. AND IF SOMEONE WENT AFTER THE OFFICER WHAT WOULD HAPPEN? WELL, SHE SAID SHE WAS PART OF A SEX TRAFFICKING RING. NO, WE HAVE RULES AND WE HAVE PROCEDURES FOR A REASON. AND THAT'S WHAT I AM TRYING TO BRING UP. INSTEAD OF HAVING THE POLICE OFFICER, WHO IS NOT TRAINED TO MAKE THESE DECISIONS, WHO DOESN'T UNDERSTAND MAYBE ALL THE CIRCUMSTANCES, MAKE THAT DECISION, MY FIRST AMENDMENT SAYS THE JUDGE MAKES THAT DECISION. SO THAT'S THE FIRST THING. AND THEN MY SECOND AMENDMENT LAYS OUT THE PROCEDURE SO THERE IS AN ORDERLY FASHION, SO THERE IS ACCOUNTABILITY, SO WE KNOW WHAT IS THIS WOMAN ALLEGING--AGAIN, MAYBE A LITTLE SEXIST BY CALLING IT A WOMAN--WHAT IS THIS VICTIM ALLEGING AND WHAT IS THE PROCESS. NOW THERE'S ALREADY AN AFFIRMATIVE DEFENSE, BUT THAT DOESN'T COME INTO PLAY UNTIL YOU GO TO TRIAL. WHAT MY AMENDMENT WOULD DO, IT'S A PRETRIAL MOTION SO YOU DON'T HAVE TO GO TO TRIAL, SO THAT IT'S SIMPLER TO SAY HERE ARE THE CRITERIA, HERE'S WHAT YOU LOOK TO DO IF YOU IN FACT ARE GOING TO SAY THAT YOU ARE AND IF YOU ARE IN FACT A VICTIM OF SEX TRAFFICKING. YOU KNOW, WHEN SOMEONE KILLS SOMEONE AND THEY SAY SELF-DEFENSE, WE DON'T JUST SAY, OH, IT'S SELF-DEFENSE, GO ON YOUR WAY, POLICE OFFICER MADE A DECISION, NO CHANCE TO FOLLOW UP, YOU GET IMMUNITY. NO, WE DON'T. THERE IS A PROCEDURE AND THERE IS A PROCESS. THAT'S WHAT WE ARE TRYING TO DEVELOP HERE. THAT'S THE PURPOSE OF THESE TWO AMENDMENTS. I WOULD ASK FOR YOUR SUPPORT ON AM2670 AND THEN I'LL FOLLOW UP WITH AN ADDITIONAL AMENDMENT. I'M SORRY THEY'RE IN TWO DIFFERENT FORMS, AMENDMENTS. QUITE FRANKLY, I DIDN'T THINK WE WOULD COME TO SELECT THIS QUICKLY AND I DIDN'T KNOW SENATOR CHAMBERS WOULD BE SPEAKING AS LONG AS HE DID THIS MORNING. AND SO AS I WAS DEVELOPING THIS, I DID IT IN TWO SEPARATE AMENDMENTS. SO I APOLOGIZE. BUT I WOULD ASK FOR YOUR GREEN VOTE ON AM2670 WHICH IS THE FIRST PART WHICH LAYS OUT THAT A JUDGE MAKES THIS IS DECISION, NOT A POLICE OFFICER. THANK YOU. [LB843]



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SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: THANK YOU, SENATOR HARR, FOR YOUR OPENING ON YOUR AMENDMENT. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB843]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I STAND IN OPPOSITION TO BOTH AM2670 OF SENATOR HARR'S AS WELL AS HIS UPCOMING AMENDMENT. I'VE BEEN WORKING DIRECTLY WITH ATTORNEY GENERAL PETERSON AND COUNTY ATTORNEYS JOE KELLY AND DON KLEINE IN DOUGLAS COUNTY. AND EVEN AS OF THIS MORNING, I CHECKED. THEY DO NOT WANT AMENDMENTS ON THIS BILL. THEY ARE OKAY WITH THIS BILL AS IT IS WRITTEN. AND AGAIN, WHAT IS HAPPENING IS A WHOLE NEW SEA CHANGE OF THE WORLD OF HUMAN TRAFFICKING. HUMAN TRAFFICKING, PEOPLE WHO ARE TRAFFICKED ARE VICTIMS. WHEN THEY ARE GOING TO COURT...THEY NEVER GET TO THE POINT WHERE THEY GO TO COURT AND PLEAD HUMAN TRAFFICKING. SO WHAT'S HAPPENING IS THAT LAW ENFORCEMENT NEEDS AN ABILITY TO DEAL WITH VICTIMS OF TRAFFICKING. AND SO ATTORNEY GENERAL PETERSON HAS CREATED AN ENTIRE STRATEGIC PLAN. HE'S WORKING WITH LAW ENFORCEMENT AND GOING ACROSS THE STATE TO TRAIN LAW ENFORCEMENT ON HOW TO DEAL WITH VICTIMS OF HUMAN TRAFFICKING. AND WE ARE TALKING ABOUT VICTIMS WHO ARE TORTURED, WHO ARE ABUSED. THIS IS A DESPICABLE CRIME. AND SENATOR HARR WANTS TO CONTINUE TO PUNISH PEOPLE WHO ARE VICTIMS OF HUMAN TRAFFICKING AND THAT'S WHAT THIS DOES. FURTHERMORE, THE LAW THAT WE PASSED LAST YEAR THAT SENATOR SCHEER BROUGHT FOR ATTORNEY GENERAL PETERSON ALSO IS INVALIDATED UNDER SENATOR HARR'S AMENDMENT. IT WOULD CHANGE IT...RIGHT NOW AND WHAT WE DID LAST YEAR WAS MAKE IT SO THAT MINORS WOULD AUTOMATICALLY GO TO SERVICES. THE GOAL IS TO SEND VICTIMIZED PEOPLE TO SERVICES. AND THIS BILL ALSO IS AN ATTEMPT TO GET THOSE THAT ARE TRAFFICKED, WHETHER ADULTS OR CHILDREN, TO SERVICES SO THAT WE CAN GO AFTER THE TRUE CRIMINAL, THE TRUE CRIMINAL. THE PIMP, THE TRAFFICKER, THE PURCHASER, THOSE ARE THE TRUE CRIMINALS. AND AS WE HEARD LAST YEAR...AS WE HEARD PREVIOUSLY ON GENERAL FILE, WE HAD A PERSON THAT TESTIFIED ABOUT THE FACT THAT THERE WAS A PERSON THAT WAS ARRESTED 146 TIMES AND THEIR TRAFFICKER WAS ARRESTED ZERO TIMES. LAW ENFORCEMENT NEEDS HELP. I AM WORKING STRONGLY AND WHOLEHEARTEDLY WITH ATTORNEY GENERAL PETERSON. I ADMIRE THE WORK HE'S DOING. WE'VE GOTTEN THE WOMEN IN THIS BODY TO SIGN ON TO THIS BILL AND BE COSPONSORS. I ASK YOU TO VOTE DOWN BOTH THIS AMENDMENT THAT SENATOR HARR HAS BROUGHT AND THE NEXT ONE THAT'S COMING UP. AGAIN,

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THERE IS NO PROBLEM WITH THE UNDERLYING BILL. IF YOU DON'T BELIEVE THAT THE HUMAN...THE TRAFFICKED PERSON IS A VICTIM, THEN I GUESS WE HAVE TO KEEP GOING AND KEEPING THINGS AS THEY ARE BECAUSE THAT'S WHAT SENATOR HARR'S BILL DOES. WE NEED TO TREAT THESE TRAFFICKED INDIVIDUALS AS THE VICTIMS THEY ARE, HELP THEM...THEY ARE DETAINED AND THEY WILL THEN GET SERVICES. SO AGAIN, I ASK THAT YOU VOTE DOWN AM2670. THANK YOU, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. THOSE IN THE QUEUE ARE SENATORS KINTNER, SEILER, BURKE HARR, SCHUMACHER, AND OTHERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB843]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. WOULD SENATOR HARR YIELD TO A QUESTION OR TWO? [LB843]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD? [LB843]

SENATOR HARR: YES, I WOULD. [LB843]

SENATOR KINTNER: SENATOR HARR, THIS LOOKS LIKE A GET-OUT-OF-JAIL-FREE CARD IF THE VICTIM/PROSTITUTE IS SAVVY ENOUGH TO KNOW THE LAW, IS THAT CORRECT? [LB843]

SENATOR HARR: WITH MY AMENDMENT OR AS CURRENTLY DRAFTED? [LB843]

SENATOR KINTNER: WELL, AS CURRENTLY DONE, THE THING THAT YOU'RE TRYING TO FIX. [LB843]

SENATOR HARR: WELL, I WOULD SAY, YOU KNOW, SENATOR PANSING BROOKS IS EXACTLY RIGHT. THESE INDIVIDUALS, IN CERTAIN CIRCUMSTANCES, YES, ARE VICTIMS OF CRIME. BUT THE QUESTION IS, HOW DO WE BUILD IN ACCOUNTABILITY TO MAKE SURE WE SEPARATE THE WHEAT FROM THE CHAFF? THIS IS IN NO MEANS AN ATTEMPT TO REVICTIMIZE THE VICTIM. WHAT IT IS, IS TRYING TO DETERMINE IF YOU ACTUALLY ARE A VICTIM OF SEX TRAFFICKING OR IF YOU JUST SAY, I WAS SEX TRAFFICKED, OFFICER, YOU'VE GOT TO LET ME GO, I GOT IMMUNITY, SEE YOU LATER. [LB843]

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SENATOR KINTNER: NOW I AM ASSUMING THAT YOU'RE SPEAKING AS A FORMER PROSECUTOR WHO'S SEEN THINGS LIKE THIS. AND BASED UPON YOUR EXPERIENCE, YOU THINK THIS NEEDS TO BE TIGHTENED UP, IS THAT CORRECT? [LB843]

SENATOR HARR: THAT IS CORRECT. I'M TRYING TO TIGHTEN IT UP. THAT IS VERY RIGHT, YES. [LB843]

SENATOR KINTNER: HAVE YOU LOOKED AT OTHER STATES? WHAT ARE OTHER STATES DOING? [LB843]

SENATOR HARR: I HAVE LOOKED AT OTHER STATES AND IT'S ACROSS THE MAP. I ACTUALLY TOOK THIS AMENDMENT FROM VERMONT. AND SO WE ARE...I KNOW, I KNOW, WHEN YOU'RE WITH VERMONT. BUT VERMONT'S IS ACTUALLY EVEN MORE RESTRICTIVE THAN OURS BECAUSE IT ONLY COMES INTO EFFECT FOR POSTCONVICTION RELIEF. THIS IS DISMISSAL OF THE CHARGE UP-FRONT. BUT I TOOK THIS VERBATIM, ALMOST VERBATIM FROM VERMONT LAW. [LB843]

SENATOR KINTNER: SO WHAT THIS DOES IS IT KEEPS THE BILL, THE LAW, POTENTIAL LAW IN PLACE, THE BILL WE'RE TALKING ABOUT KEEPS IT PRETTY MUCH WHERE IT IS. IT JUST TIGHTENS IT UP ON THIS ONE AREA. [LB843]

SENATOR HARR: YEP. THE UNDERLYING BILL IS VERY WELL INTENTIONED. THERE ARE INDIVIDUALS OUT THERE WHO ARE VICTIMS OF SEXUAL TRAFFICKING AND WE DON'T WANT TO REVICTIMIZE THEM. BUT WHAT WE DON'T WANT IS FOR EVERY PERSON OUT THERE, WHETHER A VICTIM OF SEX TRAFFICKING OR NOT, TO GO TO A POLICE OFFICER AND SAY, HEY, I'M A VICTIM OF SEX TRAFFICKING. AN OFFICER WOULD HAVE NO IDEA WHAT BURDEN OF PROOF. IT DOESN'T STATE IN THE CURRENT AMENDMENT, IN THE CURRENT BILL WHAT BURDEN OF PROOF. SO A WOMAN SAYS, OR AN INDIVIDUAL WORKING IN PROSTITUTION SAYS, I'M A VICTIM. OKAY, OFFICER LOOKS AT IT AND SAYS, YEP, YOU'RE IMMUNE, SEE YOU LATER, GO ON YOUR WAY. DOESN'T HAVE TO COOPERATE IN PROSECUTION, DOESN'T HAVE TO TURN IN WHO THEIR JOHN IS OR WHO'S TRAFFICKING THEM IS. THERE IS NO SUCH REQUIREMENT IN THE BILL AS DRAFTED. SO INSTEAD WHAT WE DO IS WE LAY OUT...THEY HAVE TO LAY OUT IN PARTICULARITY INCLUDING COPIES OF DOCUMENTATION SHOWING THAT THE...IS ENTITLED TO RELIEF MEANING THAT THEY ARE IN FACT A VICTIM OF SEX TRAFFICKING. SENATOR PANSING'S BILL IS VERY WELL INTENDED AND WHAT SHE IS TRYING TO GET AT IS EXACTLY WHAT I THINK WE ARE ALL TRYING

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TO GET AT, WHICH IS TO MAKE SURE THAT THOSE INDIVIDUALS WHO ARE VICTIMS OF SEX TRAFFICKING ARE IN FACT LET GO BECAUSE THEY ARE VICTIMS. [LB843]

SENATOR KINTNER: ALL RIGHT. OKAY. THANK YOU. MR. PRESIDENT, IF I HAVE ANY TIME LEFT, I WILL YIELD IT TO SENATOR PANSING BROOKS BECAUSE WE'VE BEEN TALKING ABOUT HER BILL. [LB843]

SPEAKER HADLEY: 1:20, PANSING BROOKS. [LB843]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR KINTNER. I'D JUST LIKE TO SAY THAT RIGHT NOW THE ATTORNEY GENERAL IS TEACHING LAW ENFORCEMENT HOW TO RECOGNIZE HUMAN TRAFFICKING. THEY ARE WORKING SIGNIFICANTLY IN GOING OUT ACROSS THE STATE TO DEAL WITH LAW ENFORCEMENT TO HELP THEM TO UNDERSTAND WHAT'S NECESSARY. SO LAW ENFORCEMENT HAS THE ABILITY TO ARREST AND DETAIN SOMEBODY WHO IS EITHER...THAT THEY THINK IS EITHER A PROSTITUTE OR BEING HUMAN TRAFFICKED. AND THEN WHILE THEY HAVE THEM DETAINED, THEY ASK THEM QUESTIONS. THEY FIND OUT WHAT'S HAPPENING IN THEIR LIVES. [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR PANSING BROOKS: AND--THANK YOU, MR. PRESIDENT--IT'S CLEAR THAT THIS IS NOT A GET-OUT-OF-JAIL-FREE CARD. WHAT THIS IS, IS IT'S A WAY TO KEEP THOSE WHO ARE VICTIMS FROM BEING FURTHER VICTIMIZED AS TRAFFICKED PEOPLE. AND IT'S JUST...IT'S AMAZING TO ME TO HAVE TO SIT HERE AND TALK ABOUT, OH, IT'S NECESSARY TO CONTINUE PUNISHING THESE VICTIMS OF TRAFFICKING. SO THANK YOU VERY MUCH FOR YOUR TIME, SENATOR KINTNER. AND THANK YOU, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER AND SENATOR PANSING BROOKS. SENATOR SEILER, YOU'RE RECOGNIZED. [LB843]

SENATOR SEILER: MR. SPEAKER, MEMBERS OF THE UNICAMERAL, WOULD SENATOR BURKE HARR OPEN HIMSELF FOR QUESTIONS? [LB843]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD TO A QUESTION? [LB843]

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SENATOR HARR: YES, I WILL YIELD TO THE CHAIR OF JUDICIARY. [LB843]

SENATOR SEILER: LET ME ASK YOU, ON YOUR AMENDMENT, DOES IT DO AWAY WITH THE FIRST PART OF THE DEFENSE OF IMMUNITY? [LB843]

SENATOR HARR: NO, IT DOES NOT DO...WELL, IT CHANGES IT FROM INSTEAD OF THE POLICE OFFICER--WHO MAY OR MAY NOT RECEIVE TRAINING, WHO MAY OR MAY NOT HAVE ALL THE EVIDENCE AVAILABLE TO HIM OR HER--TO A JUDGE, WHO WOULD THEN BE...YOU WOULD HAVE THE ABILITY TO HAVE A DEFENSE ATTORNEY AND A PROSECUTOR, IF THEY SO THOUGHT NECESSARY, TO HEAR ALL THE EVIDENCE. SO IT DOES CHANGE IT FROM A POLICE OFFICER TO A JUDGE. [LB843]

SENATOR SEILER: OKAY. HOW ABOUT THE AFFIRMATIVE DEFENSE, IS YOUR AM2665 CHANGING THAT PROCEDURE? [LB843]

SENATOR HARR: NO. YOU STILL HAVE AN AFFIRMATIVE DEFENSE. IF THESE TWO AMENDMENTS WOULD GO THROUGH IT WOULD BE A PRETRIAL MOTION. AND IF THE JUDGE FOUND THAT IN FACT THE INDIVIDUAL WAS A VICTIM OF SEXUAL TRAFFICKING, THEY WOULD HAVE IMMUNITY AND THE CHARGES WOULD HAVE TO BE DISMISSED. BUT EVEN IF A JUDGE FINDS AGAINST THE INDIVIDUAL, THEY COULD STILL USE IT AS AN AFFIRMATIVE DEFENSE IN A TRIAL. [LB843]

SENATOR SEILER: THAT'S THE PART THAT I'M A LITTLE CONFUSED ON. YOU HAVE THE IMMUNITY UP-FRONT, AND IF THAT DOESN'T SELL THEN YOU CAN STILL USE THE DEFENSE. [LB843]

SENATOR HARR: YEP, YOU GET TWO BITES AT THE APPLE. [LB843]

SENATOR SEILER: OKAY. [LB843]

SENATOR HARR: REALLY YOU GET FOUR BITES AT THE APPLE IF YOU THINK ABOUT IT. YOU GET, IF YOU CAN CONVINC AN OFFICER; OFFICERS ALWAYS DISCRETION WHETHER TO TAKE SOMEONE IN OR NOT. IF THAT INDIVIDUAL DETERMINES THAT THEY'RE A VICTIM OF SEX TRAFFICKING AND DOESN'T WANT TO ARREST THEM, THEY DON'T HAVE TO. THEN YOU HAVE A PROSECUTOR WHO UPON FILING OF THE CHARGES AFTER READING THE POLICE REPORTS CAN MAKE A DECISION. AND THEN STILL YOU HAVE A CHANCE AND THIS IS WHERE

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YOU, IN FRONT OF A JUDGE, A PRETRIAL MOTION. AND THIS NOW WE ACTUALLY HAVE ENFORCEABILITY. WHEN IT'S JUST UP TO A POLICE OFFICER AND THEY DON'T GRANT IMMUNITY, THERE'S NO ENFORCEABILITY. AND THEN WE...IF YOU FAIL THERE, YOU CAN STILL USE IT AND TRY TO CONVINCING A JURY OF YOUR PEERS THAT IN FACT YOU WERE A VICTIM OF SEX TRAFFICKING. SO YOU START WITH A POLICE OFFICER, PROSECUTOR, JUDGE, AND THEN A TRIAL BY YOUR PEERS. [LB843]

SENATOR SEILER: THANK YOU, SENATOR. THAT'S THE PROCEDURE I WANTED YOU TO LAY OUT. THANK YOU VERY MUCH. [LB843]

SENATOR HARR: THANK YOU. [LB843]

SENATOR SEILER: I HAVE NOTHING FURTHER, SENATOR. I YIELD TO THE FLOOR. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR SEILER. SENATOR BURKE HARR, YOU ARE RECOGNIZED. [LB843]

SENATOR HARR: THANK YOU. I WANT EVERYONE...THIS IS NOT A PERSONAL ATTACK ON ANYONE. THIS IS ABOUT RULE OF LAW AND WE HAVE TO BE VERY, VERY CAREFUL WHEN, WHERE, AND HOW WE GIVE IMMUNITY. AND WHEN WE DO, WE HAVE TO MAKE SURE THERE IS BUILT-IN ACCOUNTABILITY. THAT'S WHAT THIS IS ABOUT. NO ONE IS DENYING THAT SEX TRAFFICKING IS GOING ON. NO ONE IS DENYING THAT WHAT HAPPENS TO THESE VICTIMS IS HORRIBLE, IT'S UNBELIEVABLE. YOU WOULD LOVE TO BE ABLE TO SAY THIS IS ONLY HAPPENING...THAT ONLY PEOPLE DOING THIS ARE ISIS, THE SEX TRADE OVER IN THIRD-WORLD COUNTRIES. BUT IT'S HAPPENING HERE. THERE'S NO IF, ANDS, OR BUTS ABOUT IT. AND I APPLAUD SENATOR PANSING BROOKS FOR BRINGING THIS LEGISLATION AND BRINGING THIS TO OUR ATTENTION. BUT THAT BEING SAID, MAYBE I AM, INSTEAD OF SENATOR CHAMBERS, I AM THE SENATOR WITHOUT A HEART. THAT COULD BE. BUT WE HAVE TO BE RATIONAL ABOUT THIS AND WE HAVE TO MAKE SURE THAT IF WE ARE GOING TO GIVE THIS GREAT POWER TO INDIVIDUALS, THAT THERE IS BUILT-IN ACCOUNTABILITY. OUR PROSECUTORS ARE ELECTED. IF THEY START ABUSING THEIR IMMUNITY THAT THEY GIVE IN DETERMINING WHETHER TO FILE OR NOT FILE CHARGES, THEY'RE GOING TO GET EITHER RECALLED OR THEY AREN'T GOING TO WIN REELECTION. OUR POLICE OFFICERS CAN'T BE RECALLED. THEY DON'T HAVE THE TRAINING. THEY DON'T HAVE THE OVERSIGHT, NOT AN INDICTMENT OF THEM. I'M HAPPY TO

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HEAR THAT THE A.G. IS ALREADY GOING AROUND DOING THE TRAINING. HOWEVER, THE REQUIREMENT FOR THAT TRAINING OR ANY TRAINING BEFORE YOU GIVE THIS LEVEL OF IMMUNITY IS NOT IN THE BILL. IF IT WERE IN THERE, MAYBE I WOULD HAVE A LITTLE BETTER FEELING ABOUT THIS BILL, THAT MAYBE WE CAN TRUST OUR OFFICERS. OUR LAW ENFORCEMENT OFFICERS ARE GOOD PEOPLE AND THEY'RE TRYING TO DO THE RIGHT THING. BUT HERE'S A DIRTY LITTLE SECRET. THEY DON'T ALWAYS HAVE ALL THE INFORMATION. THEY MAY NOT KNOW EVERYTHING THAT'S GOING ON. AND IT'S ALSO, THEY'RE IN THE FIELD, IT CAN BE IN THE HEAT OF BATTLE. LET'S DO THIS IN A SOUND, RATIONAL MANNER. LET'S HAVE THE REQUIREMENTS LAID OUT. LET'S HAVE THE BURDEN OF PROOF LAID OUT SO WE KNOW WHAT THAT VICTIM HAS TO PROVE AND BY WHAT LEVEL. RIGHT NOW WE DON'T KNOW IF AN OFFICER...I DON'T KNOW WHAT THE ENFORCEMENT IS, TO BE HONEST. IF AN OFFICER REFUSES TO GIVE THE IMMUNITY OUT IN THE FIELD, WHAT HAPPENS? I DON'T KNOW WHAT THE ENFORCEMENT IS. CAN THAT INDIVIDUAL TURN AROUND AND SUE THE CITY? I DON'T KNOW. DO THEY BRING A MOTION? I DON'T KNOW. THESE ARE HONEST QUESTIONS THAT I DON'T HAVE THE ANSWERS TO. I'M NOT THE ATTORNEY GENERAL. MAYBE HE HAS ANSWERS THAT I DON'T. BUT I THINK WE HAVE TO BE VERY CAREFUL WHEN WE GIVE THIS IMMUNITY. I ALSO THINK WE NEED TO BE VERY CAREFUL WHEN WE THROW PEOPLE'S NAMES AROUND, OKAY? YOU MAY HAVE SPOKEN TO INDIVIDUALS. THAT DOES NOT MEAN THEY HAVE SIGNED OFF. AND SO BE VERY, VERY CAREFUL WHEN YOU THROW NAMES AROUND. WHAT I WILL TELL YOU IS I HAVE SPOKEN TO INDIVIDUALS AND THEY WILL TELL ME THAT WHILE THE INTENTION IS GOOD--AND THESE ARE PROSECUTORS--THE INTENTION IS GOOD, WE NEED TO DO IT IN A PROPER MANNER. THAT'S WHAT I AM TRYING TO DO. HOW DO WE RECOGNIZE THIS? HOW DO WE HAVE RULE OF LAW? HOW DO WE MAKE SURE THAT THE VICTIM IS TRULY A VICTIM BECAUSE HERE'S WHAT HAPPENS. IF EVERYONE STARTS DOING THIS, THE EXCEPTION BECOMES THE RULE, PEOPLE GET UPSET, AND WE'RE CALLED BACK TO SESSION--MAYBE A SPECIAL SESSION, MAYBE NOT--TO DEAL WITH... [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR HARR: ...THIS SITUATION TO SAY HOW IN THE WORLD DID YOU EVER VOTE FOR A BILL WHERE THERE'S (A) NO ENFORCEABILITY, AND (2) EVERYONE JUST SAYS I'M A VICTIM OF SEXUAL TRAFFICKING? DOES THE BURDEN SHIFT? DOES THE LAW ENFORCEMENT OFFICER THEN HAVE TO PROVE OR LET THE PERSON GO? I DON'T KNOW. I JUST DON'T KNOW. THIS AS CURRENTLY DRAFTED OPENS UP MORE QUESTIONS THAN IT ANSWERS. ALL I'M TRYING TO DO IS TO

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CREATE CERTAINTY SO EVERYBODY KNOWS WHAT IS AND IS NOT EXPECTED OF THEM. THANK YOU, MR. SPEAKER. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR BURKE HARR. THOSE IN THE QUEUE: SENATOR SCHUMACHER, MORFELD, CHAMBERS, SCHILZ, COOK, AND OTHERS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB843]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. AS WITH ALL THINGS WHERE WE ATTEMPT TO ENFORCE MORAL JUDGMENTS ON PEOPLE'S BEHAVIOR WHEN THERE'S A HIGH DEMAND FOR THE BEHAVIOR, SUPPLIES WILL DEVELOP. AND IN THIS CASE, THE SUPPLY CHAIN THAT DEVELOPS IS A REAL NASTY ONE AND A LOT OF PEOPLE GET HURT BY THIS SUPPLY CHAIN. WHAT SENATOR PANSING BROOKS IS ATTEMPTING TO DO IS DEAL WITH THE PEOPLE WHO GET HURT. WHAT SENATOR HARR IS ATTEMPTING TO DO IS SHOW THE CONSEQUENCES OF THE WAY THAT THE BILL CURRENTLY PROPOSES TO DEAL WITH THE PEOPLE THAT GET HURT, WHAT THOSE CONSEQUENCES COULD BE AND HOW WE MIGHT MITIGATE THEM SOMEWHAT. FUNCTIONALLY, IF YOU READ THE BILL AS IT IS, UNAMENDED, A LAW ENFORCEMENT OFFICER CAN MAKE A DETERMINATION WHETHER TO SAY TO SOMEONE THEY'RE IMMUNE. THAT'S NOT MAKING A DETERMINATION TO SAY I WON'T ARREST YOU, I'LL LOOK THE OTHER WAY; BUT YOU'RE IMMUNE FROM THE LAW. IT'S UNCLEAR WHETHER THAT LAW ENFORCEMENT OFFICER'S DETERMINATION IS BINDING ON THE LAW ENFORCEMENT OFFICER IN THE NEXT STATE...EXCUSE ME, IN THE NEXT CITY. IS IT JUST FOR THE INCIDENT THAT THE LAW ENFORCEMENT OFFICER PICKED THE INDIVIDUAL UP FOR, OR IS IT FOR ALL TIMES THAT THAT INDIVIDUAL MIGHT BE PICKED UP FOR? WHAT IS THE PROCEDURE? ALL VERY, VERY UNCLEAR IN THE PROPOSED LAW, THE BOTTOM LINE OF WHICH IS IF YOU READ IT LITERALLY, THOUGH, IT CAN VERY WELL BE ARGUED THAT IT'S ONCE A LAW ENFORCEMENT OFFICER MAKES THAT DETERMINATION, THE PERSON IS IMMUNE FROM THE PROSTITUTION LAW. AND I THINK PROBABLY SENATOR PANSING BROOKS'S GUESSTIMATE, THAT THAT'S IN EXCESS OF 95 PERCENT OF THE PEOPLE IN THE BUSINESS, THAT MEANS THAT WE'VE BASICALLY SAID THAT THE LAW DOESN'T APPLY TO 95 PERCENT OF THE PEOPLE IN THE BUSINESS, TANTAMOUNT TO A LEGALIZATION OF PROSTITUTION WITHOUT APPROPRIATE LICENSING, MEDICAL STANDARDS, TAXATION, OR ANYTHING ELSE WHICH MAY BE A BETTER WAY TO GO ABOUT THE WHOLE PROBLEM IF WE REALLY WANT TO DEAL WITH IT OTHER THAN SURROUNDING OURSELVES WITH THE MORALITIES OF THE SITUATION. I THINK THAT SENATOR HARR BY SAYING IT'S A COURT DETERMINATION, BECAUSE COURT DETERMINATIONS ARE WIDESPREAD AND THEY'RE WELL THOUGHT OUT, IS A



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GOOD IDEA UNLESS WE WANT TO BASICALLY LEGALIZE IT IN 95 PERCENT OF THE CASES. AND I THINK HIS SECOND AMENDMENT IS AN EVEN BETTER IDEA THAT WILL WORK PROBABLY EVEN BETTER AND BE USED MORE OFTEN THAN THE FIRST. IT IS ALSO A SITUATION WHERE WE REMOVE THE TEMPTATION OF CORRUPTION IN LAW ENFORCEMENT BY PROSTITUTION ORGANIZATIONS TO FIND POLICEMEN THAT WILL MAKE THE DECLARATION THAT THIS PERSON IS IMMUNE FROM THE LAW. THIS IS A BILL FROM THE HEART, BUT IN CRIMINAL LAW THE HEART DOESN'T GOVERN. DEFENDANTS ARE ENTITLED TO THE RULE OF LAW. AND AS SUCH, THEY CAN MAKE MOTIONS ON THE TECHNICALITIES OF THINGS. THEY CAN CREATE LITIGATION AND UNCERTAINTY. AND SENATOR HARR'S AMENDMENTS DO GO A LONG WAY IN CLEARING UP THE MECHANICAL PROBLEMS OF LAW. NOW IS THE PROBLEM GOING TO BE FIXED WITH SENATOR HARR'S AMENDMENT AND LB843? NO, NOT AT ALL. THERE'S STILL...THE TRADE IS GOING TO GO ON. THE TRAFFICKING IS GOING TO CONTINUE TO GO ON BECAUSE IT'S HIGHLY PROFITABLE AND THERE'S A HIGH DEMAND FOR IT AND IT'S BEEN GOING ON FOR YEARS AND YEARS AND YEARS AND MILLENNIA. SO WE'RE NOT GOING TO FIX MUCH WITH THIS, BUT WE WON'T CREATE A BIGGER MESS BY NOT HAVING A PROPER... [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR SCHUMACHER: ...PROCEDURE EITHER. SO I WOULD ENCOURAGE ADOPTION OF BOTH OF SENATOR HARR'S AMENDMENTS AS THEY ARE POSTED HERE AND THEN ADOPTION OF THE UNDERLYING BILL AS CHANGED. I DON'T THINK I CAN SUPPORT IT UNLESS IT IS CHANGED BECAUSE IT'S WAY TOO MUCH DISCRETION AND POWER IN THE HANDS OF THE LAW ENFORCEMENT OFFICER UNDER VERY UNCERTAIN PROCEDURES. THANK YOU. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB843]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. I RISE IN OPPOSITION TO SENATOR HARR'S AM2670, AND I'LL HAVE TO CHECK OUT HIS SECOND AMENDMENT BEFORE I MAKE JUDGMENT ON THAT. I JUST WANT TO RESPOND TO A FEW DIFFERENT POINTS HERE. FIRST, SENATOR HARR BROUGHT UP THAT PROSECUTORS ARE ELECTED. WELL, SO ARE THE PEOPLE THAT HIRE THE POLICE OFFICERS. THAT'S THE MAYOR. AND OFTENTIMES, THESE PROSECUTORS THAT ARE ACTUALLY PROSECUTING ARE AGENTS OF THE ACTUAL PROSECUTOR THAT'S ELECTED, MUCH LIKE POLICE OFFICERS. SO THERE'S BUILT-IN

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ACCOUNTABILITY ON THE OTHER LEVEL OF LAW ENFORCEMENT AS WELL. SECOND, ONE OF THE THINGS THAT SENATOR HARR NOTED WAS THAT CURRENTLY, EVEN UNDER HIS AMENDMENT, OFFICERS STILL HAVE THE DISCRETION OF WHETHER OR NOT TO CHARGE SOMEBODY OR NOT WHICH PROVES OUR POINT THAT, EVEN UNDER HIS AMENDMENT, OFFICERS CAN DO THE SAME THING THAT WE'RE TALKING ABOUT RIGHT NOW, WHICH IS HAVING THE DISCRETION--AND THEY'RE GENERALLY THE PEOPLE IN THE BEST POSITION TO HAVE THAT DISCRETION--ON WHETHER OR NOT THESE INDIVIDUALS ARE BEING TRAFFICKED OR NOT. ALSO, WE ALREADY PROVIDE THE ABILITY TO HAVE IMMUNITY IN CERTAIN CASES IN OTHER INSTANCES. I BROUGHT THIS UP LAST WEEK. THE PERFECT EXAMPLE IS LB439. THAT WAS THE BILL LAST SESSION WHERE WE ALLOWED YOUNG FOLKS WHO ARE RESPONDING TO AN ALCOHOL MEDICAL EMERGENCY TO NOT TO BE CHARGED WITH AN MIP IF THEY CALL FOR MEDICAL EMERGENCY AND THEY STICK AROUND AND COOPERATE WITH LAW ENFORCEMENT FOR THEM AND THE PERSON NEEDING HELP OR JUST THEMSELVES. WE GIVE OFFICERS THAT DISCRETION TO MAKE THAT CALL. THIS IS NO DIFFERENT THAN THAT. I WOULD ALSO NOTE THAT WHILE WE CAN MAKE THE ARGUMENT THAT IT'S NO DIFFERENT BETWEEN ALLOWING THE POLICE OFFICER TO DO THIS AND...OR IT IS DIFFERENT, I GUESS, BY ALLOWING THE POLICE OFFICER TO BE ABLE TO DECIDE WHETHER OR NOT THIS PERSON HAS IMMUNITY AS OPPOSED TO THE PROSECUTOR, IS THAT WE ARE FAILING TO REALIZE THE HIGHLY COERCIVE NATURE THAT THESE PIMPS HAVE OVER THESE INDIVIDUALS THAT ARE BEING TRAFFICKED, THAT BY THE TIME THEY GET BOOKED FOR THIS, GO TO JAIL, USUALLY THEY'RE ALREADY AT THE WHIMS OF THEIR PIMP BECAUSE THEIR PIMP IS THE ONE THAT'S BAILING THEM OUT OR PROVIDING FINANCIAL RESOURCES FOR THEM TO GET OUT BECAUSE IT'S ONLY PROFITABLE FOR THE PIMP IF THEY'RE OUT ON THE STREETS. SO WE CAN TALK ABOUT PROCESS AND BEST PRACTICES AND ALL OF THAT, BUT THE BOTTOM LINE IS THAT THE POLICE OFFICER IS OFTENTIMES IN THE BEST POSITION TO UNDERSTAND WHETHER OR NOT TRAFFICKING IS GOING ON. AND IF THEY DON'T FEEL AS THOUGH TRAFFICKING IS GOING ON THEN IT CAN GO TO THE PROSECUTOR. AND UNDER THIS, I DO BELIEVE THAT THE PROSECUTOR CAN PROBABLY DECIDE WHETHER OR NOT TO LET THEM OUT OR NOT AS IS, OR CHARGE, BECAUSE THEY HAVE THAT DISCRETION AS WELL IF THEY FELT AS THOUGH THE POLICE OFFICER WAS WRONG IN THE FIRST PLACE. THE BOTTOM LINE IS THE SYSTEM THAT WE HAVE LAID OUT IS A SYSTEM THAT WE'VE LAID OUT IN OTHER WAYS LIKE IN LB439. AND IF WE'RE GOING TO TALK ABOUT POLICE OFFICERS BEING CORRUPT AND ALL THIS OTHER NONSENSE THEN IF THE POLICE OFFICER IS CORRUPT, WE HAVE A LOT MORE TO WORRY ABOUT ON WHETHER OR NOT WE'RE GRANTING IMMUNITY ON THE FRONT END. THIS

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DOESN'T PREVENT A CORRUPT POLICE OFFICER FROM BEING MORE CORRUPT OR GIVE THEM ANY LESS OR MORE POWER BECAUSE POLICE OFFICERS CAN ALREADY DECIDE AND HAVE THE DISCRETION OF WHETHER THEY WANT TO CHARGE THEM WITH THE CURRENT UNDERLYING CRIME. THE BILL AS DRAFTED IS SOUND. IT FOLLOWS A PROCESS THAT'S ALREADY PUT IN PLACE. AND I URGE YOU TO OPPOSE THE AMENDMENTS. THANK YOU. [LB843 LB439]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB843]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD UNDERSCORE WHAT SENATOR MORFELD HAS ALREADY SAID. WHAT HAPPENS IN THE REAL WORLD IS THAT AN OFFICER CAN SEE A PERSON DO SOMETHING WRONG, PUT THE GRABS ON THE PERSON, THEN LET HIM GO. THAT CAN BE DONE RIGHT NOW. AND IN SOME CASES, IT IS DONE RIGHT NOW. WHAT SENATOR HARR IS TALKING ABOUT IS SOMETHING THAT YOU CANNOT TOUCH WITH THE LAW UNLESS YOU CHANGE THE PREROGATIVES OF POLICE OFFICERS. OFFICERS ARE NOT REQUIRED TO MAKE AN ARREST EVERY TIME THEY SEE A LAW VIOLATED. THIS HAPPENS ESPECIALLY ON HIGHWAYS WHERE THEY WILL TELL YOU THAT IF TRAFFIC IS MOVING AT A CERTAIN RATE, EVEN IF IT IS ABOVE THE SPEED LIMIT BUT THAT'S THE FLOW, NOBODY IS GOING TO GET STOPPED UNLESS THIS PERSON IS MOVING IN AND OUT AND DOING SOMETHING THAT DISRUPTS THE FLOW OF TRAFFIC. THEY ARE TO FACILITATE THE MOVEMENT OF TRAFFIC AND THEY KNOW THAT THERE ARE PEOPLE EXCEEDING THE LIMIT. THERE ARE PROSECUTORS WHO HAVE TOLD POLICE OFFICERS, DON'T BRING ME A SPEEDING CASE FOR ANYBODY GOING TEN MILES OR LESS OVER THE SPEED LIMIT, DON'T EVEN BRING IT, WHICH MEANS HE'S TELLING THE OFFICER, IF YOU SEE THE LAW VIOLATED, FORGET IT UNLESS IT'S TO A CERTAIN EXTENT. THESE PEOPLE ARE TALKING ABOUT THINGS THAT ARE NOT REAL. THEY'RE ALSO THE ONES WHO WOULD PROBABLY TELL YOU, WELL, THE LAW CANNOT CHANGE HOW PEOPLE BELIEVE. LAWS ARE AIMED AT BEHAVIOR. AND WHAT IS BEING ATTEMPTED BY THIS LEGISLATION IS TO TAKE A NEW APPROACH TO TRY TO ADDRESS A PROBLEM WHICH IS JUST NOW REACHING A LEVEL THAT THE PUBLIC IS AWARE THAT IT EXISTS. THERE IS NO MAGIC BULLET THAT IS GOING TO CURE EVERYTHING THAT WE SEE WRONG, EVEN IN THE REALM OF TRAFFICKING. BLACKSTONE WAS THE ONE WHO SAID THAT IT IS MORE DESIRABLE TO LET TEN GUILTY ESCAPE THAN THAT ONE INNOCENT PERSON SUFFER. THEY SAY THAT, BUT THEY DON'T MEAN IT. I'M CONCERNED ABOUT INNOCENT PEOPLE. AND IF YOU HAVE BAD PEOPLE AND THEY'RE COMMITTING THESE KIND OF OFFENSES, YOU'RE GOING TO GET THEM

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IN THE NET EVENTUALLY. BUT BECAUSE THERE ARE INNOCENT WOMEN AND MALES WHO GET CAUGHT UP IN THIS TRAFFICKING, MAKE SURE THAT SOMEBODY WHO HAS BEEN VICTIMIZED IS NOT VICTIMIZED AGAIN. IF SENATOR HARR WOULD TALK ABOUT SOMEBODY WHO'S IN PROSTITUTION AND THIS PERSON GETS ARRESTED AGAIN AND AGAIN, THEN EVENTUALLY SOMETHING IS GOING TO STICK. BUT HERE IS WHAT YOU NEED TO LOOK AT IF YOU CAN CLEAR YOUR MIND OF EVERYTHING ELSE THAT HAS BEEN SAID. THIS LANGUAGE THAT SENATOR HARR IS TRYING TO CHANGE DOES NOT PREVENT AN OFFICER FROM MAKING AN ARREST. THE CURRENT LAW RIGHT NOW, UNTOUCHED BY SENATOR PANSING BROOKS'S LEGISLATION, SAYS THAT A PERSON MAY BE DETAINED FOR INVESTIGATIVE PURPOSES. THE ONE WHO IS GOING TO DO THE DETAINING IS THE POLICE OFFICER. THAT'S THE CURRENT LAW AND THE CURRENT LAW SAYS THAT IF AFTER THAT OFFICER'S INVESTIGATIVE LOOK AT IT... [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR CHAMBERS: ...THE PERSON SHOULD BE RELEASED, THE PERSON IS RELEASED AND IN EFFECT HAS IMMUNITY RIGHT THEN AND THERE. WHAT HE'S OFFERING DOESN'T CHANGE ANYTHING EXCEPT THAT IT TAKES AWAY THE EFFORT BEING PUT FORTH TO SEPARATE THESE PEOPLE WHO ARE TRAFFICKED FROM THOSE WHO ARE INVOLVED IN WHAT IS CONSIDERED TRADITIONAL PROSTITUTION. IF YOU ARE GOING TO DO AWAY WITH IT, DON'T PLAY GAMES. KILL THE BILL. THEY'RE TRYING TO MAKE IT LOOK LIKE YOU ARE DOING SOMETHING WHEN IN EFFECT YOU ARE KILLING THE BILL. I DISAGREE WITH COUNTY ATTORNEY DON KLEINE ON SEVERAL THINGS, BUT FOR HIM TO SUPPORT A BILL LIKE THIS, AND HE IS MENTIONED BY MANY, MANY PEOPLE AS THE GOLD STANDARD IN PROSECUTION. AND HE AGREES THIS IS THE PATH TO FOLLOW. YOU CANNOT LAY OUT SOMETHING IN THE BEGINNING THAT'S GOING TO COVER EVERYTHING AND BE PERFECT. THIS IS THE PROPER COURSE AND I'M OPPOSED TO BOTH OF THOSE AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB843]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. I WAS WONDERING IF SENATOR PANSING BROOKS WOULD ANSWER A QUESTION. [LB843]

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SPEAKER HADLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD TO A QUESTION? [LB843]

SENATOR PANSING BROOKS: YES. [LB843]

SENATOR SCHILZ: THANK YOU. SENATOR, AS WE SIT HERE AND WE TALK AND WE HEAR THAT THE TERM THAT EVERYONE IS WONDERING ABOUT IS...AND IF I UNDERSTAND THE BILL CORRECTLY, IT TALKS ABOUT LAW ENFORCEMENT OFFICER. CAN YOU TELL ME WHAT YOU SEE AS THE DEFINITION OF THAT? OR IS THERE A DEFINITION OF LAW ENFORCEMENT OFFICER? OR IS THAT SOMEBODY THAT HAS A BADGE OR DOES IT GO BEYOND THAT? CAN YOU EXPLAIN THAT FOR ME? [LB843]

SENATOR PANSING BROOKS: IT'S WRITTEN TO BE AND IS PART OF THE BILL TO BE THE ENFORCEMENT OFFICER WHO DETAINS OR PICKS UP THE TRAFFIC VICTIM OR...AND/OR PROSTITUTE. [LB843]

SENATOR SCHILZ: OKAY, AND THEN... [LB843]

SENATOR PANSING BROOKS: NOT AND. [LB843]

SENATOR SCHILZ: RIGHT. AND THEN EXPLAIN THIS TO ME AS WELL. AND WE'VE HEARD THE WORD "IMMUNITY" PUSHED AROUND HERE A LITTLE BIT. IF WE'RE TALKING ABOUT SOMEBODY THAT WOULD BE DETAINED OR WHATEVER FOR PROSTITUTION, THAT THEN THE POLICE OFFICER WOULD THEN SAY THAT, HEY, THIS PERSON IS BEING TRAFFICKED AND SO THAT HAPPENS. WOULD THAT BE THE END OF IT, OR HOW DOES THAT WORK? [LB843]

SENATOR PANSING BROOKS: NO, WHAT HAPPENS IS THAT THEY DETERMINE THAT THERE ARE INDICATORS THAT WOULD SHOW THAT THIS PERSON HAS BEEN TRAFFICKED. AND THEY GET TO DETAIN THEM FOR QUESTIONING AND TRYING TO FIGURE THAT OUT. THEN THE ENTIRE PLAN, AND IF YOU READ THE ATTORNEY GENERAL'S STRATEGIC PLAN, THEY WILL THEN BRING IN ALL THE SERVICE AGENCIES INCLUDING THE SALVATION ARMY THAT HAS A COMPLETE CONNECTION TO THE STATE ON HUMAN TRAFFICKING AND BRINGING IN THESE PEOPLE. THE PROBLEM IS THAT AS IT IS RIGHT NOW, THE TRAFFICKED VICTIM PLEADS, THE PIMP PICKS THEM UP FROM JAIL, AND THEY'RE BACK ON THE STREET WITHOUT SERVICES. THIS IS WHAT'S HAPPENING IN OUR STATE. IT

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HAPPENS AGAIN AND AGAIN. SO WHAT LAW ENFORCEMENT IS SAYING, WHAT THE COUNTY ATTORNEYS ARE SAYING AND THE A.G. IS SAYING IS THAT THERE HAS TO BE SOME SORT OF TRUST BUILT WITH THE VICTIMS SO THAT THEY CAN MAKE A CONNECTION, THEY CAN PICK UP THE PIMPS AND THE TRAFFICKERS AND PROVIDE SERVICES TO THESE WOMEN WHO ARE IN SIGNIFICANT NEED. [LB843]

SENATOR SCHILZ: THANK YOU. AS THEN AS WE LOOK AT THIS, LET'S SAY THAT THERE WAS A DETERMINATION BY THE POLICE OFFICER THAT THESE PEOPLE, WHOEVER IT WOULD BE, ARE BEING TRAFFICKED. AND THEN AS THEY START GOING THROUGH THE SERVICES AND THINGS LIKE THAT, THEY WOULD FIND OUT THAT, HEY, MAYBE THIS ISN'T NECESSARILY THE CASE? IS THERE ANY RECOURSE IF THAT WOULD HAPPEN? LET'S SAY THAT THEY... THAT THE PERSON WHO WAS CLAIMING TO HAVE BEEN TRAFFICKED UNDERSTANDS HOW TO MANIPULATE THE SYSTEM AND COULD GET THERE. WOULD THEN THE PROSECUTOR BE ABLE TO AMEND THE CHARGES TO THAT PERSON, OR HOW DOES THAT WORK? [LB843]

SENATOR PANSING BROOKS: ABSOLUTELY, THEN THEY ARE CHARGED WITH PROSTITUTION. OR IF UNDER THE EXAMPLE THAT SENATOR HARR MENTIONED, IF THEY LET THEM ON THE STREET AND THEN PICK THEM UP AGAIN AND THEY SAY, OH, WELL I'VE BEEN TRAFFICKED, WELL, IF THERE'S NO PROOF OR INDICATION OR ANY KIND OF THING OTHER THAN THE FACT THAT SOMEBODY IS TRYING TO, QUOTE, SCAM THE SYSTEM, THEN THEY WILL BE CHARGED WITH PROSTITUTION. AND THEY CAN LATER PROVE AS AN AFFIRMATIVE DEFENSE UNDER THE BILL OF LB843 THAT... THEY STILL HAVE ONE MORE CHANCE TO PROVE THAT THEY WERE TRAFFICKED IF THAT'S THE CASE. BUT OTHERWISE, THEY CAN PERFECTLY WELL CHARGE WITH PROSTITUTION... [LB843]

SENATOR SCHILZ: THANK YOU, SENATOR. [LB843]

SENATOR PANSING BROOKS: ...AND WILL. [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. [LB843]

SENATOR PANSING BROOKS: THANK YOU. [LB843]

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SPEAKER HADLEY: THANK YOU, SENATOR SCHILZ. SENATOR COOK, YOU'RE RECOGNIZED. [LB843]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I AM SO GLAD THAT MY FRIEND SENATOR SCHILZ CLARIFIED ONCE AGAIN THAT WE CAN PUNISH PROSTITUTION, THE SUPPLY SIDE OF PROSTITUTION IN THE STATE OF NEBRASKA. I COULD BARELY SLEEP OVER THE WEEKEND WONDERING IF A HUMAN-TRAFFICKED CHILD CAN STILL BE PUNISHED FOR BEING COERCED INTO SELLING HER OR HIS BODY. WHAT WE HAVEN'T TALKED ABOUT AT ALL, AND I WOULD HAVE TALKED ABOUT IT LAST WEEK, BUT I WAS SICK AND THE CONVERSATION WOULD HAVE MADE ME MORE SICK, IS THE IDEA THAT, ONCE AGAIN, IT'S KIND OF THE WAY THINGS GO AROUND HERE I'VE NOTICED, WE TALK A LOT ABOUT THE SUPPLY SIDE. WHAT ABOUT THE DEMAND? IN SENATOR PANSING BROOKS'S OPENING ARGUMENT, I'LL CALL IT, SHE MADE REFERENCE TO THE LARGE GATHERINGS OF NEBRASKANS AND VISITORS THAT SUPPLY THE DEMAND. BUT, YOU KNOW, THE WHOLE TIME WE HAVE BEEN TALKING ABOUT THIS ISSUE WITH SENATOR MCGILL, WITH SENATOR SCHEER, I'VE HEARD PRECIOUS LITTLE REFERENCE TO WHAT HAPPENS TO THE JOHNS, WHICH IS WHY I'M GOING TO ASK MY FRIEND, BURKE HARR, THAT QUESTION. WILL SENATOR BURKE HARR YIELD TO A QUESTION? [LB843]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD TO A QUESTION? [LB843]

SENATOR HARR: YES, I WILL. [LB843]

SENATOR COOK: THANK YOU, SENATOR HARR. SO HERE WE ARE WITH SENATOR PANSING BROOKS'S BRAND-NEW LAW IN PLACE IN THE GREAT STATE OF NEBRASKA, WITH OR WITHOUT YOUR AMENDMENT TODAY. WHAT HAPPENS TO THE JOHN AT THE DISCOVERY IN FLAGRANTE, OR HOWEVER THESE TRANSACTIONS ARE DISCOVERED? WHAT HAPPENS TO HIM? I WILL GO AHEAD AND SAY "HIM." [LB843]

SENATOR HARR: OKAY. NOTHING CHANGES. YOU CAN STILL GO AFTER HIM. [LB843]

SENATOR COOK: WHAT HAPPENS TO HIM AT THAT TIME OF TRANSACTION? WE'RE TALKING IN THIS BILL ABOUT WHAT HAPPENS, POTENTIALLY, TO THE HUMAN TRAFFICKED, THE PERSON. WHAT HAPPENS TO THE CLIENT? [LB843]

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SENATOR HARR: THE VICTIM. YEAH, WE'LL CALL IT THE JOHN. [LB843]

SENATOR COOK: YEAH. [LB843]

SENATOR HARR: THE JOHN CAN STILL BE PROSECUTED AND SHOULD BE PROSECUTED. NOTHING WOULD CHANGE THERE. YOU CAN STILL PROSECUTE THE JOHN. [LB843]

SENATOR COOK: OKAY. WHAT HAPPENS? I'M A LAYPERSON WHEN IT COMES TO THIS. SO WE ARE THERE, OTHER THAN WHAT I MIGHT SEE ON TELEVISION, THEY ARE DISCOVERED... [LB843]

SENATOR HARR: THEY ARE ARRESTED. [LB843]

SENATOR COOK: ...IN ENOUGH OF AN ACT TO QUALIFY, WHAT HAPPENS? [LB843]

SENATOR HARR: TO QUALIFY, THE VICTIM, WE'LL CALL IT THE VICTIM, FOR SEX TRAFFICKING, AND THE JOHN, THEN IF THERE IS ENOUGH TO BRING CHARGES ON BOTH OF THEM, IF THE VICTIM IS A VICTIM OF SEX TRAFFICKING, THEN THAT PERSON IS...AS CURRENTLY DRAFTED, WOULD BE ALLOWED TO GO FREE AND COULD NEVER, EVER, EVER BE PROSECUTED IF THE POLICE OFFICER GAVE IMMUNITY, EVEN IF IT LATER WAS DETERMINED TO BE WRONG, BECAUSE IMMUNITY IS FOREVER. THE JOHN WOULD THEN BE PROSECUTED. YES, IMMUNITY IS FOREVER. THE JOHN IS THEN, UNLESS IT'S USE IMMUNITY OR IF IT'S USED TO...THEY'RE FOUND LYING LATER, BUT I DON'T WANT TO GO INTO THOSE DETAILS, BUT THE JOHN WOULD BE PROSECUTED UNDER...HOPEFULLY, TO THE FULLEST EXTENT OF THE LAW, INCLUDING, I KNOW, IN CERTAIN AREAS OF OMAHA, THE JOHNS' NAMES ARE THEN MADE PUBLIC AND PUT ON BOARDS SO THAT EVERYONE KNOWS WHO THEY ARE AND WHERE THEY LIVE. [LB843]

SENATOR COOK: ALL RIGHT. THANK YOU, SENATOR HARR. I WANT TO CONTINUE THIS LINE, NOT SO MUCH...EXCEPT FOR THE REST OF THIS FIVE-MINUTE PERIOD, NOT FOR THE REST OF THE DEBATE, BUT KIND OF LIKE PROPERTY TAXES, KIND OF LIKE A LOT OF THINGS THAT TEND TO DOMINATE OUR CONVERSATION HERE. WHAT WE DON'T SEEM TO EVER... [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]



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SENATOR COOK: DID YOU SAY ONE MINUTE? [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR COOK: WHAT WE DON'T SEEM TO EVER GET TO IS THE SIDE OF THE TRANSACTION WHERE THE DEMAND IS CREATED. IN WEST VIRGINIA, THERE HAVE BEEN EFFORTS TO SORT OF DRY UP THE PRACTICE BY GOING BEYOND SIMPLY PUNISHING AND LOOKING AT EACH SIDE EQUITABLY. IN WEST VIRGINIA, REPEAT OFFENSES BY JOHNS ARE PUNISHED MORE SEVERELY THAN REPEAT OFFENSES BY PROSTITUTES. WITH THAT I WILL YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR COOK. (VISITORS INTRODUCED.)  
SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB843]

SENATOR PANSING BROOKS: I JUST WANT TO RISE TO SAY THAT THE WORK WE DID LAST YEAR, COLLEAGUES, WITH SENATOR SCHEER'S BILL, IS CHANGED NOW AND WITH HIS AMENDMENT FOR A CHILD, WE WILL HAVE TO CHARGE AND DETAIN, AND NOT UNTIL THERE'S BEEN A MOTION TO DISMISS, WHICH IS TOTALLY CONTRARY TO WHAT WE HAVE DONE AND ARGUED FOR LAST YEAR WHICH WAS TO GIVE SERVICES TO THE JUVENILE. AND AGAIN, MY BILL IS TO ALSO PROVIDE SERVICES TO THE PERSON WHO IS A VICTIM OF HUMAN TRAFFICKING. AND I SPOKE THIS MORNING WITH THE A.G., AND HE ALSO SPOKE WITH DON KLEINE THIS MORNING, OUT OF DOUGLAS COUNTY, AND THEY WANT TO RETAIN THE UNDERLYING BILL. SO I ASK FOR A RED VOTE AGAINST AM2670. THANK YOU, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR HARR, YOU'RE RECOGNIZED. [LB843]

SENATOR HARR: THANK YOU. FOLKS, IN THE COURT OF LAW THERE IS SOMETHING CALLED HEARSAY, IT'S CALLED HE SAID/SHE SAID...OR IT'S CALL HE SAID THAT HE SAID. NOT ADMISSIBLE. THERE IS A REASON IT'S NOT ADMISSIBLE. THINK ABOUT WHEN YOU WERE A KID AND YOU PLAYED THE GAME CALLED TELEPHONE. REMEMBER THAT? YOU ALL SIT IN A CIRCLE AND YOU WHISPER FROM ONE EAR TO THE NEXT SOMETHING AND THE MESSAGE GETS "MUNGLED." THAT IS WHAT IS HAPPENING HERE. I THINK WE'VE GOT TO BE CAREFUL ABOUT THROWING PEOPLE'S NAMES AROUND. LET'S DEBATE THE ISSUES IN FRONT OF US. THE A.G. SAYS HE WANTS TO SET UP SERVICES. GREAT. HE CAN DO THAT

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NOW. NOTHING IN THIS BILL OR MY AMENDMENT WOULD PREVENT HIM FROM DOING WHAT HE WANTS TO DO. AND I ENCOURAGE HIM TO DO THAT. NOTHING. WHAT THIS BILL DOES IS ACTUALLY GIVES THAT VICTIM AN ADDITIONAL RIGHT. RIGHT NOW POLICE OFFICER CAN CHOOSE NOT TO ARREST SOMEBODY. IS THAT IMMUNITY? NO. BUT GOOD LUCK IF THE POLICE OFFICER DOESN'T ARREST SOMEONE TO GET THAT IN FRONT OF THE COURTS. THAT IMMUNITY MEANS THAT EVEN IF IT IS LATER FOUND OUT THAT THAT PERSON WAS LYING OR WRONG, THEY HAVE ALREADY BEEN GIVEN IMMUNITY AND WE CAN'T PROSECUTE ON THAT CASE. OKAY? TWO, YOU STILL HAVE THE PROSECUTOR, THEY CAN DECIDE WHETHER SHE WANTS TO PROSECUTE OR NOT. WHAT I ADD IS AN ADDITIONAL LEVEL AND AN ADDITIONAL SAFEGUARD THAT SAYS IF THIS PERSON, THIS VICTIM...AND LET US NOT STEREOTYPE AND CALL IT A WOMAN. MEN ARE ABUSED. OKAY? AND I AM SICK AND TIRED OF THAT NOT COMING OUT. MEN ARE ABUSED AS WELL. THEY ARE VICTIMS. OKAY? SO, NOW IS THAT PERSON LESS BELIEVABLE BECAUSE IT'S A MALE? I DON'T KNOW. YOU TELL ME. MAYBE A POLICE OFFICER DOESN'T LIKE THE FACT THAT A MALE IS BEING INVOLVED IN SODOMY AND DOESN'T GRANT THAT IMMUNITY. WHATEVER. WE DON'T HAVE ANY BURDEN OF PROOF OF WHAT NEEDS TO BE PROVED TO THAT POLICE OFFICER. SENATOR PANSING BROOKS, WOULD YOU YIELD TO A QUESTION? [LB843]

SPEAKER HADLEY: SENATOR PANSING BROOKS, WILL YOU YIELD TO A QUESTION? [LB843]

SENATOR PANSING BROOKS: YES, I WILL. [LB843]

SENATOR HARR: THANK YOU. QUICK QUESTION FOR YOU. WHAT IS THE LEVEL OF PROOF THAT THAT VICTIM OF SEXUAL TRAFFICKING HAS TO PROVE OR SHOW TO A POLICE OFFICER? [LB843]

SENATOR PANSING BROOKS: IT TALKS ABOUT...DO YOU WANT ME TO READ THAT PORTION OF THE BILL TO YOU? IT JUST TALKS ABOUT IF THE OFFICER...AND THIS IS ACCORDING TO WHAT IS GOING ON ACROSS THE COUNTRY, MY FRIENDS, ON ALL THIS, BUT...IT SAYS: IF THE ENFORCEMENT OFFICER DETERMINES AFTER A REASONABLE DETENTION FOR INVESTIGATIVE PERSONS, THAT A PERSON SUSPECTED OF OR CHARGED WITH A VIOLATION OF THIS ACT IS A PERSON ENGAGING IN THOSE ACTS AS A DIRECT RESULT OF BEING TRAFFICKED...BEING VICTIM AS DEFINED IN 28-830, SUCH PERSON SHALL BE IMMUNE FROM PROSECUTION FOR A PROSTITUTION OFFENSE. [LB843]

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SENATOR HARR: THANK YOU. IS THAT BEYOND A REASONABLE DOUBT? [LB843]

SENATOR PANSING BROOKS: IT IS NOT. [LB843]

SENATOR HARR: OKAY. IS IT PREPONDERANCE OF THE EVIDENCE? [LB843]

SENATOR PANSING BROOKS: IT IS NOT PART OF THE EVIDENCE OR THE TRIAL.  
[LB843]

SENATOR HARR: WELL, I JUST...I DON'T KNOW, I MEAN, IS AN OFFICER SUPPOSED TO BELIEVE MORE LIKELY THAN NOT THAT THE INDIVIDUAL WAS INVOLVED IN SEX TRAFFICKING OR WHAT IS THE OFFICER SUPPOSED TO BELIEVE? [LB843]

SENATOR PANSING BROOKS: HOW DOES AN OFFICER CHARGE FOR A DRUG CRIME? HOW DOES AN OFFICER PULL SOMEBODY IN AND DETERMINE WHETHER OR NOT...THEY MAKE A DECISION BASED ON THE PREPONDERANCE OF THE FACTS AND WHAT IS GOING ON AROUND THEM AND THEY MAKE A DECISION.  
[LB843]

SENATOR HARR: OKAY. OKAY, BUT THERE IS A DIFFERENCE. ONE IS YOU ARE ARRESTED AND THEN YOU ARE TRIED AND IT HAS TO BE...IT'S A HIGH LEVEL-- BEYOND A REASONABLE DOUBT. HERE THAT OFFICER IS LETTING THAT INDIVIDUAL GO FREE AND THEY MAY... [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR HARR: THANK YOU. MY QUESTION IS, IF THAT OFFICER SAYS, 75 PERCENT OF ME BELIEVES THIS INDIVIDUAL IS A MEMBER OF THE SEX TRAFFICKING, 25 PERCENT SAYS I'M NOT SURE, DO WE LET THEM GO? DO WE LET THAT VICTIM GO? WE DON'T KNOW. WE DON'T KNOW, FOLKS. IT IS NOT SPELLED OUT. PREPONDERANCE OF THE EVIDENCE IS WHAT YOU'LL FIND IN MY AMENDMENT. WE NEED TO PROVIDE SERVICES, NO IFS, ANDS, OR BUTS ABOUT IT. WE NEED TO FIND A WAY TO BREAK THAT CYCLE, NO IFS, ANDS, OR BUTS ABOUT IT. THAT'S WHAT THIS DOES. JUST LETTING THAT...HOLDING THAT PERSON, YOU CAN HOLD THAT PERSON RIGHT NOW, PROVIDE THOSE SERVICES UNDER THE CURRENT LAW, AND THEN LET THEM GO, NOT CHARGE THEM, DECIDE THAT MAYBE THEY AREN'T...FOR WHATEVER REASON, NOT TO CHARGE THEM. SENATOR PANSING BROOKS'S BILL DOES NOTHING. ALL THESE

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PROGRAMS, THESE WRAP-AROUND SERVICES AREN'T PART OF THE BILL. THEY'RE CANDIES AND NUTS, RIGHT? THEY'RE WISHES. AND I HOPE THEY HAPPEN BUT THEY AREN'T PART OF IT AND IT'S NOT BUILT INTO THE LAW. [LB843]

SPEAKER HADLEY: TIME, SENATOR. [LB843]

SENATOR HARR: THANK YOU. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB843]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. WOULD SENATOR MORFELD YIELD TO SOME QUESTIONS? [LB843]

SENATOR MORFELD: YES. [LB843]

SPEAKER HADLEY: SENATOR MORFELD, WILL YOU YIELD? [LB843]

SENATOR SCHUMACHER: THANK YOU, SENATOR MORFELD. SENATOR MORFELD, LET'S JUST SAY YOU'RE A GOOD-LOOKING YOUNG MAN AND YOU ARE WORKING THE STREETS. [LB843]

SENATOR MORFELD: HOW SO? [LB843]

SENATOR SCHUMACHER: YOU'RE WORKING FOR SELLING YOUR BODY. OKAY? [LB843]

SENATOR MORFELD: OH, GREAT. [LB843]

SENATOR SCHUMACHER: AND "OFFICER" BURKE HARR PICKS YOU UP. AND "OFFICER" HARR HAS A DISCUSSION WITH YOU, TAKES YOU DOWN TO THE STATION, TALK A LITTLE BIT. AND YOU REALLY CONVINCED HIM THAT YOU HAD A REAL TOUGH GO OF IT IN LIFE AND THAT YOU WERE TRAFFICKED AND THAT YOU GOT INTO THE LIFESTYLE YOU'RE IN, AND YOU, IN FACT, ARE A VICTIM OF TRAFFICKING. AND "OFFICER" HARR JUST HAS THIS FEELING ABOUT YOU THAT YOU ARE THAT. NOT NECESSARILY ANYTHING IN WRITING THAT YOU GAVE HIM OR ANY PICTURES OR ANYTHING, BUT YOU JUST...YOU REALLY CONVINCED HIM

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OF THIS. AND SO "OFFICER" HARR, READING THIS LAW, SAYS, WELL, I'VE GOT THE POWER TO GRANT YOU IMMUNITY. AND HE SAYS, SON, YOU HAVE IMMUNITY; I'M GOING TO CUT YOU LOOSE. MY FIRST QUESTION IS, IS SENATOR HARR'S JUDGMENT BINDING ON "OFFICER" FRIESEN WHEN HE PICKS YOU UP ON THE OTHER SIDE OF THE STREET? [LB843]

SENATOR MORFELD: I DON'T BELIEVE IT WOULD BE. [LB843]

SENATOR SCHUMACHER: THEN WHY IS THE WORD "IMMUNITY" USED? IF IT'S JUST A DISCRETIONARY, I'M GOING TO LET YOU GO, SON, BECAUSE I FEEL SORRY FOR YOU, THAT IS NOT IMMUNITY. IMMUNITY SAYS YOU ARE IMMUNE FROM THE LAW. THAT'S A LEGAL DEFINITION. [LB843]

SENATOR MORFELD: BUT ONLY IF THE OFFICER FINDS THAT YOU MEET THE CRITERIA OF BEING TRAFFICKED. [LB843]

SENATOR SCHUMACHER: YEAH, AND HE DID. "OFFICER" HARR DID. [LB843]

SENATOR MORFELD: OKAY. [LB843]

SENATOR SCHUMACHER: AND HE'S GIVEN YOU IMMUNITY FROM PROSECUTION. [LB843]

SENATOR MORFELD: GREAT. [LB843]

SENATOR SCHUMACHER: SO YOU'RE SAYING THAT IMMUNITY IS ONLY GOOD AS TO THAT OFFICER. ANY OTHER OFFICER, YOU ARE NOT IMMUNE FROM. [LB843]

SENATOR MORFELD: THAT IS THE NATURE OF OUR LAW ENFORCEMENT SYSTEM IS THERE'S (INAUDIBLE). [LB843]

SENATOR SCHUMACHER: NO, NOT...SO AS YOU SAY IT, ALL IT IS IS "OFFICER" HARR'S DECLINED TO ARREST YOU OR DECLINED TO WRITE YOU UP. THAT IS DIFFERENT THAN IMMUNITY FROM PROSECUTION. IMMUNITY FROM PROSECUTION SAYS YOU CAN'T BE PROSECUTED FOR PROSTITUTION. [LB843]

SENATOR MORFELD: OKAY. [LB843]

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SENATOR SCHUMACHER: SO, MY QUESTION IS, AGAIN, IS THAT GOOD ON "OFFICER" FRIESEN? DOES HE... [LB843]

SENATOR MORFELD: NOT IN THAT INDIVIDUAL CASE, NO, IT'S NOT, BECAUSE "OFFICER" FRIESEN COULD COME TO A DIFFERENT CONCLUSION DEPENDING ON THE FACTS. [LB843]

SENATOR SCHUMACHER: SO THEN IT'S NOT IMMUNITY. THE WORD "IMMUNITY" IS THE WRONG WORD, IS THAT NOT CORRECT? [LB843]

SENATOR MORFELD: I DISAGREE WITH YOU BUT WE CAN... [LB843]

SENATOR SCHUMACHER: WHAT IS YOUR DEFINITION OF IMMUNITY FROM PROSECUTION? [LB843]

SENATOR MORFELD: MY DEFINITION OF IMMUNITY...AND IT DOES NOT SAY IMMUNITY FROM PROSECUTION, I DON'T BELIEVE, I'LL HAVE TO PULL UP THE AMENDMENT HERE. IT JUST SAYS THAT THEY'RE SIMPLY IMMUNE...CAN YOU REPEAT IT? THANK YOU. [LB843]

SENATOR SCHUMACHER: "...SHALL BE IMMUNE FROM PROSECUTION FOR A PROSTITUTION OFFENSE..." [LB843]

SENATOR MORFELD: YEAH. [LB843]

SENATOR SCHUMACHER: "SHALL BE IMMUNE," WHAT IS YOUR DEFINITION THEN OF THAT? [LB843]

SENATOR MORFELD: WELL, I WILL HAVE TO PULL UP THE DEFINITION OF IMMUNITY, BUT FOR ME, MY DEFINITION... [LB843]

SENATOR SCHUMACHER: MAYBE I CAN HELP YOU BECAUSE THE DICTIONARY, I PULLED IT UP. "OFFICIALLY GRANTED EXEMPTION FROM LEGAL PROCEEDINGS" IS THE DEFINITION OF IMMUNITY. [LB843]

SENATOR MORFELD: YES. AND THAT IS WHAT THE INTENT OF THE BILL IS. [LB843]

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SENATOR SCHUMACHER: OKAY. SO IF YOU ARE EXEMPT FROM LEGAL PROCEEDINGS REGARDING PROSTITUTION, IS THAT ONLY GOOD AS TO A CASE THAT MIGHT BE MADE BY SENATOR HARR? OR IS IT GOOD STATEWIDE? [LB843]

SENATOR MORFELD: I BELIEVE IT WOULD BE ONLY GOOD BY THE CASE MADE BY SENATOR HARR. [LB843]

SENATOR SCHUMACHER: SO IT ISN'T IMMUNITY FROM PROSECUTION. [LB843]

SENATOR MORFELD: WELL, I DO BELIEVE IT IS IMMUNITY FROM PROSECUTION. IT JUST DEPENDS ON THE CASE. OBVIOUSLY, SENATOR, YOU CAN GO AND COMMIT ONE CRIME, BE FOUND IMMUNE TO IT, BUT YOU CAN GO COMMIT ANOTHER CRIME AND NOT BE FOUND IMMUNE TO IT. IT'S CASE BY CASE. [LB843]

SENATOR SCHUMACHER: BUT THIS IS IMMUNITY. [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR SCHUMACHER: THIS DOESN'T SAY IMMUNITY FROM THAT CHARGE. IT SAYS IMMUNITY FROM PROSECUTION FOR A PROSTITUTION OFFENSE. [LB843]

SENATOR MORFELD: OKAY. [LB843]

SENATOR SCHUMACHER: NEXT, HOW LONG IS SENATOR HARR...OR "OFFICER" HARR BOUND BY HIS DETERMINATION THAT YOU ARE IMMUNE? HOW LONG DOES HE HAVE TO FEEL SORRY FOR YOU? [LB843]

SENATOR MORFELD: IT IS NOT DEFINED IN STATUTE. [LB843]

SENATOR SCHUMACHER: OKAY, SO WE DON'T KNOW. [LB843]

SENATOR MORFELD: WE CAN CERTAINLY DEFINE IN STATUTE FOR YOU, IF YOU'D LIKE, SENATOR. [LB843]

SENATOR SCHUMACHER: WELL, THAT'S WHAT WE'RE WRITING, WE'RE WRITING A STATUTE. [LB843]

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SENATOR MORFELD: OKAY. [LB843]

SENATOR SCHUMACHER: WHAT IF "OFFICER" HARR WRITES A MEMO AND GIVES IT TO YOU AND SAYS MR. MORFELD IS IMMUNE FROM PROSECUTION BECAUSE I FOUND HIM TO BE A VICTIM OF TRAFFICKING? IS THAT PROOF FOR THE NEXT GUY THAT PICKS YOU UP? [LB843]

SENATOR MORFELD: IT COULD BE. [LB843]

SENATOR SCHUMACHER: OKAY, SO "OFFICER" HARR CAN ISSUE, BASICALLY, A LICENSE. [LB843]

SENATOR MORFELD: I DID NOT SAY THAT. YOU SAID THAT. [LB843]

SENATOR SCHUMACHER: BUT HE COULD. [LB843]

SENATOR MORFELD: I DON'T AGREE WITH THAT, BUT THAT COULD BE YOUR OPINION. [LB843]

SENATOR SCHUMACHER: OKAY. SO YOU'RE SAYING "OFFICER" HARR'S OPINION HAS NO BINDING EFFECT ON ANYTHING EXCEPT (INAUDIBLE)? [LB843]

SPEAKER HADLEY: TIME, SENATOR. [LB843]

SENATOR MORFELD: IT HAS A BINDING EFFECT ON HIM. [LB843]

SPEAKER HADLEY: TIME, SENATOR. [LB843]

SENATOR MORFELD: THANK YOU. [LB843]

SENATOR SCHUMACHER: THANK YOU. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB843]



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SENATOR MORFELD: THANK YOU, MR. SPEAKER. IN BETWEEN DISCUSSION HERE, I HAD A DISCUSSION WITH SENATOR HARR, ALSO SENATOR PANSING BROOKS, AND SENATOR COASH. AND HE'S SUBMITTED A FLOOR AMENDMENT WHICH I THINK WILL ALLEVIATE THE CONCERNS OF ALL THE DIFFERENT PARTIES HERE, AS FAR AS I CAN TELL. OBVIOUSLY, WE CAN HAVE DEBATE ON THAT. WHAT THE AMENDMENT DOES IS IT KEEPS IMMUNITY BEING PROVIDED BY THE LAW ENFORCEMENT IN THERE AND ADDS "OR A JUDGE." SO IT ALLOWS FOR IMMUNITY TO BE DECIDED BY EITHER THE LAW ENFORCEMENT OFFICER OR THE JUDGE. THAT WAY IT'S FLEXIBLE AS TO THE CIRCUMSTANCES. AND SENATOR PANSING BROOKS AND I HAVE AGREED, AND I'LL LET HER SPEAK FOR HERSELF, TO ALSO ACCEPT SENATOR HARR'S SECOND AMENDMENT. I THINK THAT THIS STRIKES A BALANCE WITH THE DIFFERENT CONCERNS THAT HAVE BEEN PRESENTED IN THE BODY TODAY. AND I THINK IT'S A GOOD COMPROMISE TO MOVE FORWARD. AND I URGE YOU TO ACCEPT SENATOR COASH'S FLOOR AMENDMENT AND ALSO SENATOR HARR'S SECOND AMENDMENT. THANK YOU. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB843]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I DON'T CARE HOW MANY PEOPLE SAY WHATEVER THEY'RE SAYING, THEY ARE NOT LOOKING AT THIS STEP BY STEP AS THEY SHOULD. THE OFFICER DOES NOT PROSECUTE ANYBODY. THE ONE WHO PROSECUTES IS THE COUNTY ATTORNEY. IF THE FACTS ESTABLISH THAT THIS PERSON IS BEING TRAFFICKED, THE COUNTY ATTORNEY CANNOT, UNDER THE LAW, PROSECUTE THAT PERSON. THE OFFICER CAN MAKE THE ARREST WHETHER YOU HAVE THIS LANGUAGE OR NOT. WITHOUT THIS LANGUAGE, WITHOUT SENATOR PANSING BROOKS'S AMENDMENT, RIGHT NOW THE OFFICER CAN DETAIN SOMEBODY FOR INVESTIGATIVE PURPOSES. IF THE OFFICER DETERMINES THAT THE PERSON SHOULD BE LET GO, THE PERSON IS LET GO. THIS IDEA OF IMMUNITY WAS ALREADY IN THE LAW WITH REFERENCE TO YOUNGER PEOPLE. THAT LANGUAGE WAS MADE A PARALLEL PROVISION WHEN IT CAME TO THOSE ABOVE A CERTAIN AGE. THE CONCEPT OF THE LAW ENFORCEMENT OFFICER BEING INVOLVED IS THERE ALREADY. THE ONE THAT DETERMINES WHETHER SOMEBODY IS PROSECUTED IS THE COUNTY ATTORNEY, NOT THE POLICE OFFICER. THE POLICE OFFICER CANNOT GRANT IMMUNITY. EVEN IF THE OFFICER STOPS SOMEBODY AND DECIDES TO LET THAT PERSON GO, THAT DOES NOT PREVENT THE PERSON FROM BEING PROSECUTED BECAUSE THE OFFICER DOES NOT PROSECUTE ANYWAY. EVEN IF THE COP SEES SOMEBODY COMMIT A COLD-BLOODED

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MURDER, THAT PERSON IS NOT PROSECUTED BY THE OFFICER. THAT PERSON IS ARRESTED. EVEN WITHOUT ANYTHING BEING DONE, THE COUNTY ATTORNEY HAS FULL UNTRAMMELLED DISCRETION TO DECIDE WHETHER A PERSON WILL BE CHARGED. ALL A PROSECUTOR HAS TO SAY IS, I DO NOT BELIEVE I CAN GET A CONVICTION, I'M NOT GOING TO CHARGE, AND NOBODY CAN ORDER A PROSECUTOR TO CHARGE ANYBODY. THE PROSECUTOR VIRTUALLY HAS ABSOLUTE DISCRETION AS TO WHETHER TO CHARGE SOMEBODY. PROSECUTION DOES NOT OCCUR BY THE POLICE, AND I AM SURPRISED THAT SENATOR HARR AND SENATOR SCHUMACHER ARE CONFUSING YOU ALL BY SUGGESTING THAT THE OFFICER HAS SOMETHING TO DO WITH PROSECUTION. THEY'RE TALKING ABOUT ARREST. THE FACT THAT ONE OFFICER ARRESTS A PERSON AND LETS THAT INDIVIDUAL GO HAS NO BEARING ON WHETHER ANOTHER OFFICER WILL MAKE AN ARREST. ALL OF THIS IS GOING TO BE FUNNELED TO ME, THE PROSECUTOR. AND NO MATTER WHAT ANY COP OR ANY GROUP OF COPS HAVE SAID, I CAN REFUSE TO PROSECUTE. WHAT THIS DOES IS RECOGNIZE SOMETHING THAT HERETOFORE HAS NOT RECOGNIZED BY THE LAW. TRAFFICKING IS A NEW CONCEPT THAT'S BEING RECOGNIZED AND IT'S BEING DEALT WITH IN THIS FASHION. THAT WHEN THESE FACTS EXIST, EVEN IF YOU HAVE A VINDICTIVE PROSECUTOR, THE COP IS NOT EVEN IN IT. THIS PERSON IS NOW FACING A PROSECUTOR. AND IF THESE FACTS ARE THERE AND THE PROSECUTOR SAYS, I'M GOING TO CHARGE YOU AND TAKE YOU TO TRIAL ANYWAY, THE DEFENSE ATTORNEY CAN SHOW THAT THERE'S NO BASIS FOR THIS PERSON TO BE CHARGED. AND IF THEY CONTINUE TO HAVE THAT PERSON UNDER ARREST, THE WRIT OF HABEAS CORPUS MEANS THAT YOU ARE ILLEGALLY HOLDING SOMEBODY, LET THE PERSON GO. [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR CHAMBERS: THERE ARE WRITS RIGHT NOW AVAILABLE. IT'S FRUSTRATING FOR ME TO HEAR PEOPLE TRAINED IN THE LAW SAYING THESE THINGS WHICH THEY KNOW ARE NOT TRUE. NO COP PROSECUTES ANYBODY. THE CHIEF OF POLICE DOES NOT PROSECUTE ANYBODY, ONLY THE COUNTY ATTORNEY. AND THEY'RE GOING TO KEEP BEFUDDLING YOU AND SAYING THE SAME THINGS OVER AND OVER. WELL, IF THIS COP CATCHES THEM AND LETS THEM GO, ANOTHER COP CAN CATCH HIM AND DOESN'T HAVE TO LET HIM GO. YOU'RE NOT TALKING ABOUT IMMUNITY FROM ARREST. THAT'S NOT EVEN WHAT YOU'RE TALKING ABOUT. ANY COP CAN ARREST ANYBODY THE COP WANTS TO. EVEN IF YOU'RE NOT DOING ANYTHING, A COP CAN ARREST YOU. THAT'S KNOWN AS A FALSE ARREST OR A PRETEXTUAL ARREST, AND AT A LATER POINT IT IS DEALT WITH, BUT THE COP CAN ARREST ANYBODY HE WANTS TO...OR SHE.

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THAT'S THE REALITY. THEY DON'T KNOW THE LAW. THEY FORGOT EVERYTHING THEY LEARNED IN LAW SCHOOL OR THEY ARE DELIBERATELY MISLEADING. AND I HOPE IT'S THE FORMER THAT THEY FORGOT. THERE'S A DIFFERENCE BETWEEN MAKING AN ARREST AND PROSECUTING. NO COP PROSECUTES. [LB843]

SPEAKER HADLEY: TIME, SENATOR. [LB843]

SENATOR CHAMBERS: WAS THAT MY THIRD TIME? [LB843]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED. SENATOR HARR, THAT WOULD BE YOUR CLOSING. SO, SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB843]

SENATOR CHAMBERS: MR. PRESIDENT, I'M GOING TO TRY TO TAKE IT SLOWLY. AND I'M NOT GOING TO PUT ANY MOTIONS ON SENATOR PANSING BROOKS'S BILL. YOU HAVE PEOPLE TRAINED IN THE LAW. YOU KNOW...THESE PEOPLE TRAINED IN THE LAW KNOW WHAT AN ARREST IS. IF A LAW ENFORCEMENT OFFICER STOPS YOU AND HOLDS YOU AND YOU ARE NOT FREE TO LEAVE, YOU ARE UNDER ARREST WHETHER THE OFFICER USES THOSE WORDS OR NOT. THE FACTS ARE LOOKED AT. AND IF THE OFFICER SAYS, I DIDN'T TELL THIS PERSON HE OR SHE WAS UNDER ARREST, AND THE PERSON SAID, I ASKED YOU COULD I GO AND YOU SAID NO, THEN THAT PERSON, INDEED, WAS UNDER ARREST. AND IF THERE WAS NOT PROBABLE CAUSE, THAT AMOUNTS TO A FALSE ARREST. THE PERSON IS RELEASED AND THEN CAN TAKE WHATEVER REMEDIAL ACTION HE OR SHE CHOOSES. HABEAS CORPUS: PRODUCE THE BODY. THAT'S A WRIT THAT IS AVAILABLE SO IF YOU ARE BEING ILLEGALLY, UNLAWFULLY, OR INAPPROPRIATELY HELD, YOU FILE THAT AND THE COURT LOOKS AT THE FACTS. AND IF THERE'S NOT A BASIS TO HOLD YOU, THE JUDGE ORDERS YOUR IMMEDIATE RELEASE. THESE LAWYERS KNOW THAT. NO LAW ENFORCEMENT OFFICER PROSECUTES ANYBODY. PROSECUTION IS IN THE HANDS OF THE COUNTY ATTORNEY. IF YOU HAVE A CITY PROSECUTOR, IT'S IN THE HANDS OF THE CITY PROSECUTOR. POLICE OFFICERS CAN WRITE ANYTHING THEY WANT TO IN THEIR REPORT AND THE PROSECUTOR CAN REFUSE TO PROSECUTE. THE OFFICER CAN SAY WE HAVE 13 WITNESSES, THE PROSECUTOR CANNOT BE FORCED TO PROSECUTE AND A JUDGE WILL NOT ORDER THE PROSECUTOR TO FILE CHARGES, BECAUSE THE PROSECUTOR CAN SAY THERE ARE PROBLEMS WITH THE WITNESSES, PROBLEMS WITH THE IDENTIFICATION, AND IF THIS WENT TO TRIAL, I DON'T BELIEVE I CAN GET A CONVICTION. AND IT'S BASED ON WHAT

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THAT PROSECUTOR SAYS THAT HE OR SHE BELIEVES ABOUT THE ABILITY TO GET A CONVICTION. SOME PEOPLE DON'T KNOW WHAT TRIGGERS THE ACTION OF A PROSECUTOR'S OR HIS OR HER USE OF DISCRETION. THE STATUTE MAKES IT CLEAR, IF THE PROSECUTOR DOESN'T FEEL THAT A CONVICTION CAN BE OBTAINED, THE PROSECUTOR DOESN'T HAVE TO PROSECUTE. THE COP DOESN'T DETERMINE ANYTHING. THE COP, WITH OR WITHOUT SENATOR HARR'S AMENDMENT, CAN MAKE AN ARREST. WITH OR WITHOUT HIS AMENDMENT, THAT PERSON CAN BE DETAINED FOR INVESTIGATIVE PURPOSES. NONE OF THAT HAS BEEN CHANGED. THE MATTER COMES DOWN TO WHEN YOU GET TO A POINT, HOWEVER LONG OR SHORT A TIME IT TAKES, WHEN YOU GET TO A POINT WHERE A PROSECUTOR IS GOING TO FILE THIS CHARGE, THEN THE FACTS WILL SHOW THAT BASED ON WHAT CONSTITUTES TRAFFICKING, THIS PERSON WAS BEING TRAFFICKED AND THAT NOW IS BEFORE A JUDGE, WITHOUT HIS AMENDMENT, THEN THE JUDGE SAYS THIS CANNOT GO FORWARD, THIS PERSON IS IMMUNE FROM PROSECUTION BECAUSE NOW THERE IS A DISTINCTION MADE. THE ACTIVITY IS THE SAME--SEXUAL ACTIVITY. BUT ON THE LEFT-HAND SIDE IT BEARS THE LABEL PROSTITUTION. ON THE RIGHT SIDE IT BEARS THE LABEL TRAFFICKING. THE ACTIVITY IS THE SAME. THEY NOW BIFURCATE IT. THIS SEXUAL ACTIVITY IS NOT ONLY ONE THING. YOU HAVE, BECAUSE OF ADVANCEMENTS IN UNDERSTANDING, NOW BIFURCATED THIS VERY CONDUCT AND OVER HERE IT IS STILL CRIMINAL, IT'S CALLED PROSTITUTION. THAT DOESN'T MEAN YOU'LL PROVE THE CASE, BUT THAT CAN BE CHARGED. [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR CHAMBERS: OVER HERE YOU HAVE TRAFFICKING; THE SAME CONDUCT, THE FACTS ARE DIFFERENT. THE FACTS DETERMINE WHAT THIS IS GOING TO BE CALLED. AND IF IT IS TRAFFICKING BASED ON THE CIRCUMSTANCES, THEN THAT PERSON CANNOT BE PROSECUTED. IF THE PROSECUTOR TRIES TO DO IT ANYWAY, THEN IT CANNOT GO FORWARD. WHEN YOU SAY IMMUNE TO PROSECUTION OR FROM PROSECUTION, IT DOESN'T MEAN A PROSECUTOR WILL NOT MISBEHAVE. PROSECUTORS SHOULDN'T COMMIT, BASED ON THEIR ETHICS, PROSECUTORIAL MISCONDUCT, BUT THEY DO. TO SAY THAT SOMEBODY CAN'T DO IT DOESN'T MEAN THEY'RE INCAPABLE OF PLACING THE ACT, IT MEANS THAT UNDER THE LAW THAT ACT HAS NO VALIDITY, NO BASIS, AND IT IS THE SAME AS IF IT DOESN'T EXIST. [LB843]

SPEAKER HADLEY: TIME, SENATOR. [LB843]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR HARR, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB843]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I LISTENED TO SENATOR CHAMBERS. AND WHILE I DON'T AGREE WITH EVERYTHING HE SAID, I WILL AGREE WITH HIM ON ONE THING. THE LANGUAGE HERE ISN'T THAT CLEAR AS FAR AS WHAT IS THE PROCESS, WHAT CAN HAPPEN, WHAT CAN'T HAPPEN, WHO NEEDS TO...WHO THIS IMMUNITY...WHO MAKES THE DETERMINATION ABOUT IMMUNITY. IS IT THE POLICE OFFICER? IS IT THE PROSECUTOR? DO WE NEED TO HAVE A JUDGE DO IT? AND SO, AS SENATOR MORFELD SAID EARLIER, WE'VE WORKED OUT A COMPROMISE. I'LL TELL YOU, IT IS NOT EVERYTHING I WANTED, BUT THAT'S WHAT A COMPROMISE IS. IT'S NOT EVERYTHING, I'M SURE, SENATOR PANSING BROOKS WANTS. BUT THAT'S WHAT A COMPROMISE IS. WE HAVE A LOT OF IMPORTANT ISSUES FACING US. AND WHILE THIS IS IMPORTANT, I FEEL AS THOUGH WE DON'T NEED TO SPEND A LOT OF TIME ON THIS. I WANT TO THANK SENATOR COASH, SENATOR MORFELD FOR WORKING OUT A COMPROMISE THAT WILL ADDRESS...PROVIDE SOME MORE CERTAINTY. LISTENING TO SENATOR CHAMBERS, IT IS INTERESTING, I'M NOT SURE WHO...IF IT'S THE LAW ENFORCEMENT OFFICER OR THE PROSECUTOR THAT PROVIDES THE IMMUNITY. HE SOMEWHAT CONVINCED ME OF THAT, WHICH MEANS MAYBE THERE IS SOMETHING WRONG WITH THE WAY THE BILL IS DRAFTED. BUT YOU GO TO WAR WITH THE ARMY YOU HAVE. AND SO I AM GOING TO PULL AM2670 AND THEN I'M GOING TO ASK FOR YOUR SUPPORT ON THE FOLLOWING AMENDMENT. AND THEN SENATOR COASH HAS AN AMENDMENT AFTER THAT. AND I WOULD ASK FOR YOUR SUPPORT ON THAT. AND WHAT IT WILL DO...WELL, I WILL ADDRESS THAT ISSUE IN MY OPENING, MY NEXT...WITH THAT, MR. SPEAKER, I WOULD ASK TO WITHDRAW AM2670. [LB843]

SPEAKER HADLEY: SO ORDERED. MR. CLERK. [LB843]

CLERK: MR. PRESIDENT, SENATOR BURKE HARR WOULD MOVE TO AMEND WITH AM2665. (LEGISLATIVE JOURNAL PAGE 1116.) [LB843]

SPEAKER HADLEY: SENATOR HARR, YOU ARE RECOGNIZED TO OPEN. [LB843]

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SENATOR HARR: THANK YOU, MR. SPEAKER. SORRY, I DIDN'T MEAN TO SPEAK OVER YOU. THIS IS THE COMPROMISE WE'VE WORKED OUT IS WE'VE ADDED, ON PAGE 2 OF THE AM2335: IF A LAW ENFORCEMENT OFFICER OR JUDGE DETERMINES; PROVIDES A LITTLE MORE CERTAINTY. BUT THE QUESTION IS UNDERLYING OF WHO MAKES THE DETERMINATION OF THE SEX TRAFFICKING IN THE FIRST PART. I DON'T KNOW IF A POLICE OFFICER DETERMINES THERE'S SEX TRAFFICKING, WHO GRANTS THE IMMUNITY? SENATOR CHAMBERS, THAT'S A GREAT QUESTION. THE WAY I INTERPRET IT, IT'S NOT DISHONEST, IS THAT POLICE OFFICER WOULD PROVIDE THE IMMUNITY. THE WAY YOU INTERPRET IT IS THE COUNTY ATTORNEY OR CITY PROSECUTOR WOULD DO THAT. I DON'T KNOW. BUT WHAT I WILL TELL YOU IS THAT I WANT TO THANK THE INDIVIDUALS. WHAT THIS DOES IS PROVIDE CERTAINTY SO THAT IF THERE IS AN INDIVIDUAL WHO IS A VICTIM, WHETHER HE OR SHE IS GRANTED IMMUNITY BY THE POLICE OFFICER OR BY THE COUNTY ATTORNEY, OR NOT GRANTED IMMUNITY, AND FEELS THAT THEY WERE, IN FACT, A VICTIM, WE LAY OUT A PROCEDURE, A PROCESS, AND BURDENS OF PROOF SO THAT EVERYONE KNOWS WHAT IS EXPECTED OF THEM; SO EVERYONE CAN SAY--AM I A VICTIM? AM I NOT A VICTIM? WHAT IS THE PREPONDERANCE...BY PREPONDERANCE OF THE EVIDENCE AND IS ADDITIONAL THAT YOU HAVE TO HAVE SOME DOCUMENTATION? THE JUDGE CAN STILL DISMISS IT IF THEY DON'T FEEL YOU'VE MET THAT BURDEN. BUT NOW WE AT LEAST HAVE SOME CERTAINTY. AS I STATED EARLIER, I AM NOT A LEGAL SCHOLAR. I RIPPED THIS STRAIGHT FROM THE STATE OF VERMONT. I TOOK THIS FROM ANOTHER STATE. AND THAT WAS FOR POSTCONVICTION RELIEF. SO WITH THAT, I'M GOING TO ASK FOR YOUR SUPPORT FOR AM2665 AND THEN SENATOR COASH'S AMENDMENT AFTER THAT. THANK YOU, MR. SPEAKER. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. YOU'VE HEARD THE OPENING ON THE AMENDMENT. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB843]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR HARR A QUESTION. [LB843]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD? [LB843]

SENATOR HARR: YES, I WILL. [LB843]

SENATOR CHAMBERS: SENATOR HARR, DID YOU EXAMINE THE POSTCONVICTION LAW IN VERMONT? [LB843]

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SENATOR HARR: YES, I DID. [LB843]

SENATOR CHAMBERS: NOW, WHAT MUST A PERSON ESTABLISH IN ORDER TO OBTAIN POSTCONVICTION RELIEF IN VERMONT? [LB843]

SENATOR HARR: THIS IS A MOTION, ACTUALLY, TO VACATE BY A VICTIM OF HUMAN TRAFFICKING. AND IT STATES...AND IT'S (SECTION) 2658 AND IS PART OF THE (VERMONT) TRAFFICKING VICTIMS PROTECTION ACT. AND IT STATES: A PERSON CONVICTED OF PROSTITUTION IN VIOLATION OF 2632, WHICH IS THEIR EQUIVALENT OF OUR (SECTION) 28-830, MAY FILE A MOTION TO VACATE THE CONVICTION IF IT WAS OBTAINED AS A RESULT OF A PERSON HAVING BEEN A VICTIM OF HUMAN TRAFFICKING. THE MOTION SHALL BE IN WRITING, DESCRIBE THE SUPPORTING EVIDENCE WITH PARTICULARITY, AND INCLUDE COPIES OF ANY DOCUMENTS SHOWING THAT THE MOVING PARTY IS ENTITLED TO RELIEF UNDER THIS SECTION. AND THEN IT GOES ON FROM THERE: THE COURT SHALL GRANT THE MOTION IF IT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT: (A) THE MOVING PARTY WAS CONVICTED OF PROSTITUTION IN VIOLATION OF THIS SECTION; (B) THE CONVICTION WAS OBTAINED AS A RESULT OF THE MOVING PARTY'S HAVING BEEN A VICTIM OF HUMAN TRAFFICKING. AND THEN IT GOES ON TO SAY: IF THE MOTION IS GRANTED, THE COURT SHALL VACATE THE CONVICTION, STRIKE THE ADJUDICATION OF GUILT, AND EXPUNGE THE RECORD OF THE CRIMINAL PROCEEDINGS. [LB843]

SENATOR CHAMBERS: SENATOR HARR, UNDER THIS LAW...UNDER THE SENATOR PANSING BROOKS'S LANGUAGE, AN OFFICER CAN MAKE AN ARREST. AND LET'S SAY THAT WE'VE REACHED THE POINT WHERE A DECISION IS GOING TO BE MADE. THE OFFICER MAKES THE ARREST AND CHARGES THE PERSON WITH PROSTITUTION. [LB843]

SENATOR HARR: OKAY. [LB843]

SENATOR CHAMBERS: THE COUNTY ATTORNEY LOOKS AT IT AND DETERMINES THAT THIS PERSON HAS BEEN A VICTIM OF TRAFFICKING. YOU DON'T HAVE A JUDGE INVOLVED AT ALL. [LB843]

SENATOR HARR: NOPE. [LB843]

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SENATOR CHAMBERS: AND NOW BECAUSE TRAFFICKING IS BEING RECOGNIZED IN NEBRASKA LAW, THE PROSECUTOR WOULD LOOK AT THIS STATUTE AND HE'D SAY THIS PERSON CANNOT BE PROSECUTED UNDER THIS GROUP...THIS SET OF FACTS, THIS PERSON CANNOT BE PROSECUTED. THAT'S A DECISION MADE BY THE COUNTY ATTORNEY, NOT THE POLICE OFFICER. THE POLICE OFFICER WILL NEVER GET THE PERSON TO THE COUNTY ATTORNEY IF HE OR SHE GRANTS WHAT YOU CALL IMMUNITY BECAUSE NO ARREST WILL BE MADE. SO THE IMMUNITY FROM PROSECUTION APPLIES ONLY WITH THE COUNTY ATTORNEY. IT APPLIES ONLY IF A PERSON IS IN A POSITION TO HAVE A CHARGE FILED BY THE COUNTY ATTORNEY AND IT HAS NOTHING TO DO WITH AN ARREST. THIS DOES NOT SAY THAT THE OFFICER HAS THESE FACTS,... [LB843]

SENATOR HARR: THAT'S WHERE YOU AND I DISAGREE...OH. [LB843]

SENATOR CHAMBERS: ...REVIEWS THEM AND CANNOT MAKE AN ARREST. THE OFFICER CAN MAKE AN ARREST EVEN IF HE OR SHE KNOWS THAT THE PERSON WAS TRAFFICKED. THIS DOESN'T GO TO WHETHER AN OFFICER CAN ARREST OR NOT. YOU ALL ARE BLURRING TWO THINGS. THE ARREST WHERE THE PERSON IS TAKEN INTO CUSTODY AGAINST HIS OR HER WILL AND IS NOT FREE TO LEAVE, THAT IS A SEPARATE, DISCRETE ACTION BY LAW ENFORCEMENT. THE NEXT STEP IS WHEN THE PROSECUTOR EXAMINES THE FACTS. AND IF THE PROSECUTOR DETERMINES THE PERSON HAS BEEN TRAFFICKED, THERE IS NOTHING ELSE THAT CAN BE CONSIDERED AT ALL. THE STATUTE COMES INTO PLAY AUTOMATICALLY AND IT'S OVER. IT'S NO ARGUMENT ABOUT WHETHER THE POLICE GRANTED IMMUNITY. A COP CANNOT DETERMINE THAT A PROSECUTOR WILL NOT PROSECUTE. ONCE THE OFFICER MAKES THE ARREST AND BRINGS A CHARGE, THE ALLEGATION IS WHAT THE COP MAKES. THE PROSECUTOR REVIEWS THE PAPERWORK AND THEN DECIDES THERE'S NO PROSECUTION. [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR CHAMBERS: THAT'S THE WAY IT IS NOW. [LB843]

SENATOR HARR: THAT'S WHERE YOU AND I DISAGREE. [LB843]

SENATOR CHAMBERS: BUT THIS IS TAKING IT EVEN FURTHER AND SAYING THE PROSECUTOR CANNOT PROSECUTE WHEN THIS SERIES OF FACTS WILL BE THERE. EVEN IF THE PROSECUTOR WOULD LIKE TO CALL IT PROSTITUTION, WHEN



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THESE FACTS ARE THERE, THE PROSECUTOR CAN CALL IT WHATEVER HE WANTS TO, BUT HE CANNOT PROSECUTE. IF HE DECIDES TO DO IT ANYWAY, THAT'S WHERE YOU GET THE COURT INVOLVED BECAUSE THE DEFENSE LAWYER FILES AN ACTION TO HAVE THAT THROWN OUT. AND IT'S NOT VACATING, BECAUSE THERE HAS BEEN NO JUDGMENT ENTERED. [LB843]

SENATOR HARR: WELL, THIS IS...AGAIN, THIS IS BASED ON VERMONT. I SAID THIS IS DIFFERENT THAN VERMONT. [LB843]

SENATOR CHAMBERS: THAT IS WHY I WANTED YOU TO HEAR THAT SOMEBODY HAS BEEN CONVICTED AND SENTENCED. [LB843]

SENATOR HARR: YES. [LB843]

SENATOR CHAMBERS: WE'RE TALKING ABOUT WHERE THERE'S BEEN NO CONVICTION, THERE'S BEEN NO TRIAL, THERE'S BEEN NO COURT ACTION WHATSOEVER. AND WHEN YOU TAKE WHAT APPLIES TO A GOOSE AND TRY TO APPLY IT TO A COW, YOU DON'T GET THE SAME THING. YOU ALL DON'T EVEN CARE, BUT I'M GOING TO KEEP TALKING AS LONG AS YOU GOT IT HERE AND I'M GOING TO KEEP PUTTING IT IN THE RECORD. POSTCONVICTION IS NOT THE SAME AS PRETRIAL OR EVEN PRECHARGE. [LB843]

SPEAKER HADLEY: TIME, SENATOR. [LB843]

SENATOR HARR: YEAH. [LB843]

SENATOR CHAMBERS: THANK YOU. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.)  
SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB843]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I WAS WONDERING IF SENATOR HARR WOULD BE WILLING TO ANSWER SOME QUESTIONS. [LB843]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD? [LB843]

SENATOR HARR: YES, I WILL. [LB843]

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SENATOR PANSING BROOKS: THANK YOU. I WAS WONDERING IF...WITH THE AMENDMENT THAT WE'VE DISCUSSED, THAT SENATOR COASH IS BRINGING, YOU'VE GOT THAT IF LAW ENFORCEMENT OFFICER OR A JUDGE DETERMINES, AFTER A REASONABLE DETENTION FOR INVESTIGATIVE PURPOSES, THAT A PERSON SUSPECTED OR CHARGED OF A VIOLATION IS A PERSON ENGAGING IN THOSE ACTS AS A DIRECT RESULT OF BEING A TRAFFICKING VICTIM. IS THAT YOUR INTENT THAT...WHAT IS YOUR INTENT WITH THAT AGREEMENT TO ADD A JUDICIAL DETERMINATION? EITHER A LAW ENFORCEMENT OFFICER DETERMINES OR COURT DETERMINES. [LB843]

SENATOR HARR: THANK YOU. AND THANK YOU FOR ASKING ME A QUESTION AND LETTING ME ANSWER. SO WHAT I WOULD SAY IS THAT THE INTENT HERE IS THERE IS IMMUNITY GRANTED, BUT THERE IS NO BURDEN SET UP. WE DON'T KNOW...WE SAY WE GIVE IMMUNITY. SENATOR CHAMBERS SAYS ONLY PROSECUTORS CAN GIVE IT. I'M NOT QUITE SURE IF A PROSECUTOR OR A POLICE OFFICER CAN GIVE THAT IMMUNITY. BUT LET'S JUST, FOR THE SAKE OF ARGUMENT, ASSUME THE COUNTY ATTORNEY IS THE ONLY ONE THAT CAN GIVE THAT IMMUNITY. ALL RIGHT. NOW THE COUNTY ATTORNEY MAY NOT BELIEVE THAT THE VICTIM IS A VICTIM OF SEX TRAFFICKING, FOR WHATEVER REASON. THEY MAY, BECAUSE AS IT'S CURRENTLY WRITTEN, IT'S...THEY MAY INTERPRET IT AS BEYOND A REASONABLE DOUBT THAT THEY HAVE TO PROVE IT. WE DON'T KNOW. SO WHAT I PROVIDE IS SOME RULES AND PROCEDURES AND SOME FORMALITY THAT SAYS, OKAY, IF YOU WANT TO TAKE IT TO A JUDGE AND SAY THAT YOU ARE A VICTIM, HERE IS A PROCESS, AND IT IS BY PREPONDERANCE OF THE EVIDENCE THAT YOU HAVE TO PROVE, WHICH MEANS MORE LIKELY THAN NOT, WHICH IS A LOWER BURDEN THAN BEYOND A REASONABLE DOUBT. AND YOU DON'T HAVE TO GO TO TRIAL EITHER. [LB843]

SENATOR PANSING BROOKS: OKAY. SO WHAT I'M ASKING YOU IS, YOU'VE LEFT IN IT THAT IF A LAW ENFORCEMENT OFFICER DETERMINES...THESE OFFICERS ARE REACTING TO SITUATIONS WHERE PIMPS AND ALL SORTS OF OTHER PEOPLE ARE FLEEING THE AREA, THEY'VE GOT TO RESPOND QUICKLY. AND SO IF THEY CAN OFFER SOMETHING TO THE TRAFFICKED VICTIM AND SAY, PLEASE GIVE US INFORMATION, WE WANT TO GET YOU SERVICES, WE WILL NOT CHARGE YOU, DO YOU HAVE A PROBLEM WITH THAT? [LB843]

SENATOR HARR: WELL, SENATOR CHAMBERS IS ARGUING THAT, IN FACT, THE OFFICER CAN'T GIVE THAT IMMUNITY. THE DETERMINATION... [LB843]

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SENATOR PANSING BROOKS: NO, THE STATE...WE'VE ALREADY... [LB843]

SENATOR HARR: ...IS MADE BY THE OFFICER, BUT THE COUNTY ATTORNEY THEN MAKES THAT DETERMINATION WHICH IS MADE, MAYBE NOT AT THE SCENE, BUT LATER ON. [LB843]

SENATOR PANSING BROOKS: NO, THE STATE...WE ALREADY DISCUSSED LAST WEEK THAT THE STATE IS GIVING THAT IMMUNITY NOW. [LB843]

SENATOR HARR: BUT WHO IS THE STATE? [LB843]

SENATOR PANSING BROOKS: WE ARE. [LB843]

SENATOR HARR: SO IS THAT THE LAW ENFORCEMENT OR IS THAT THE PROSECUTOR? [LB843]

SENATOR PANSING BROOKS: IT IS THE LEGISLATURE DETERMINING THAT IF LAW ENFORCEMENT DECIDES THAT IF SOMEBODY IS TRAFFICKED, THAT THEY CAN START QUESTIONING THEM, PROVIDE SERVICES, AND MOVE FORWARD, AND GET INFORMATION ON THE PIMP AND THE... [LB843]

SENATOR HARR: AND THEY CAN DO THAT NOW TOO. NOTHING STOPS LAW ENFORCEMENT OR A COUNTY ATTORNEY FROM DOING THAT RIGHT NOW. [LB843]

SENATOR PANSING BROOKS: NO, THEY ARE ALL CHARGING WITH PROSTITUTION, THEY'RE DETAINING, THEY'RE ARRESTING. THE PIMP IS PAYING... [LB843]

SENATOR HARR: NOT NECESSARILY. [LB843]

SENATOR PANSING BROOKS: EXCUSE ME. THE PIMP IS PAYING FOR THE RELEASE AND THEN THE VICTIM, THE HUMAN TRAFFICKING VICTIM GOES RIGHT BACK TO WORKING THE STREETS BECAUSE THEY'RE UNDER THE CONTROL OF THE PIMP. SO IF YOU AREN'T AGREEING TO THAT, THEN I DID NOT UNDERSTAND THE DEAL THAT YOU WERE MAKING AND I'M GOING TO HAVE TO RECONSIDER THAT, OR WE CAN TALK AGAIN OFF THE MIKE. BUT THIS DOESN'T SOUND LIKE WHAT WE

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AGREED TO AT ALL. SO, SENATOR CHAMBERS, I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS IF HE WOULD LIKE, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: YOU'RE YIELDED 1:00, SENATOR CHAMBERS. [LB843]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M SPEAKING ONLY FOR THE RECORD; SO THAT PEOPLE WHO UNDERSTAND THE LAW CAN LOOK AT WHAT WE HAVE SAID AND DETERMINE WHO IS CORRECT, NOT WITH INTERPRETING OR ANYTHING LOOKING AT THE LANGUAGE. EVERYBODY TRAINED IN THE LAW KNOWS THAT THE ONLY ONE WHO CAN MAKE A DETERMINATION AS TO WHETHER THERE WILL BE A PROSECUTION IS THE PROSECUTOR. IF A PROSECUTOR CHOOSES NOT TO CHARGE, THE JUDGE CANNOT ORDER THAT PROSECUTOR TO CHARGE. HERE'S WHAT THE JUDGES CAN DO--THEY CAN CONVENE A GRAND JURY, APPOINT A SPECIAL PROSECUTOR, AND HAVE THAT ACTIVITY EXAMINED TO SEE IF ANOTHER SPECIAL PROSECUTOR WOULD PROSECUTE. BUT THEY CANNOT FORCE A PROSECUTOR TO CHARGE ANYBODY WITH ANYTHING. AND THAT'S WHERE YOU'RE BEING... [LB843]

SPEAKER HADLEY: TIME, SENATOR. [LB843]

SENATOR CHAMBERS: ...MISLED BY THESE PEOPLE. THANK YOU, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS AND SENATOR CHAMBERS. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB843]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I PITY THE POOR JUDGE THAT HAS TO READ THIS LEGISLATIVE HISTORY AND MAKE ANY SENSE OUT OF IT. BUT NOW ON THIS PARTICULAR AMENDMENT, AM2665, WOULD SENATOR HARR YIELD TO A COUPLE QUESTIONS? [LB843]

SENATOR HARR: YES, I WILL. [LB843]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD? [LB843]

SENATOR HARR: YES. [LB843]

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SENATOR SCHUMACHER: SENATOR HARR, THIS AMENDMENT CONTEMPLATES THAT SOMEBODY WAS PICKED UP. THE OFFICER HAD AN INTERVIEW IN SOME DETENTION WITH THE ALLEGED PROSTITUTE AND COMES TO THE DETERMINATION THAT THE PROSTITUTE WAS A VICTIM OF TRAFFICKING AND SHALL BE IMMUNE FROM PROSECUTION. THE COUNTY ATTORNEY THEN GETS AHOLD OF A REPORT AND DISAGREES WITH THE OFFICER'S CONCLUSION AND THUS PROCEEDS TO FILE A CHARGE OF PROSTITUTION. OKAY? [LB843]

SENATOR HARR: OKAY. [LB843]

SENATOR SCHUMACHER: NOW WE'RE BEFORE THE COURT. AND THE PROSTITUTE FILES A PIECE OF PAPER THAT SAYS, I WANT TO DISMISS THIS BECAUSE I WAS TRAFFICKED. AND IT'S IN WRITING AND IT HAS SOME SUPPORTING EVIDENCE, MAYBE SOME PICTURES OR SOMETHING ELSE. OKAY. NOW THE JUDGE HOLDS A HEARING. IS THAT WHAT YOU ARE CONTEMPLATING HERE? [LB843]

SENATOR HARR: IT IS. [LB843]

SENATOR SCHUMACHER: OKAY. NOW AT THE HEARING, IT SAYS THAT THE QUESTIONS BEFORE THE COURT ARE TWOFOLD. NUMBER ONE, WAS THE PROSTITUTE CHARGED WITH PROSTITUTION WHEN THEY SHOULDN'T HAVE BEEN BECAUSE THE OFFICER FOUND THEM TO BE IMMUNE? THAT IS THE FIRST PART, CORRECT? [LB843]

SENATOR HARR: ARE YOU LOOKING AT C...? [LB843]

SENATOR SCHUMACHER: I'M LOOKING AT LINE 13. [LB843]

SENATOR HARR: THIRTEEN, YEP. YEP, I SEE WHAT YOU'RE SAYING. [LB843]

SENATOR SCHUMACHER: THAT IS THE FIRST QUESTION. [LB843]

SENATOR HARR: OKAY. [LB843]

SENATOR SCHUMACHER: WAS THIS PERSON CHARGED WITH PROSTITUTION DESPITE WHAT THE OFFICER THOUGHT? AND IF THE COURT SAYS YES, THEN THE WORD IS "AND"...NOW, THE CHARGE WAS OBTAINED AS A RESULT OF THE

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MOVING PARTIES HAVING BEEN TRAFFICKING VICTIM AS DEFINED IN THIS SECTION. SO NOW THE JUDGE HAS TO DECIDE ON HIS OR HER OWN WHETHER HE AGREES WITH THE POLICE OFFICER. IS THAT CORRECT? [LB843]

SENATOR HARR: THAT IS HOW I INTERPRET IT. [LB843]

SENATOR SCHUMACHER: OKAY. SO REALLY, IF WE ADOPT YOUR AMENDMENT HERE, PROSECUTOR IS STILL FREE TO CHARGE, AND THE DEFENDANT IS FREE TO FILE YOUR MOTION. AND IN THE END, THE JUDGE HAS GOT TO AGREE THAT THE PERSON WAS TRAFFICKED. IN THAT EVENT, WHY DO WE NEED, AT ALL, THE LANGUAGE ON PAGE 2 OF...I GUESS IT'S THE BILL...ANYWAY, THE LANGUAGE THAT SAYS IF THE LAW ENFORCEMENT OFFICER DETERMINES. BECAUSE IN THE END, THE OFFICER'S DETERMINATION DOESN'T MEAN ANYTHING IF THE JUDGE DOESN'T AGREE WITH IT. DO WE EVEN NEED THIS CHANGE IN THE LAW? DOESN'T YOUR AMENDMENT TAKE CARE OF IT TOTALLY? [LB843]

SENATOR HARR: NO, BECAUSE WHAT WOULD HAPPEN ORIGINALLY IS THAT IF A LAW ENFORCEMENT OFFICER...AND THIS IS WHERE THE CONFUSION IS BECAUSE I HEAR TWO DIFFERENT PARTIES ADVOCATING FOR THE BILL MAKING TWO DIFFERENT ARGUMENTS AS FAR AS WHO CAN GRANT THE IMMUNITY. AND I THINK I AGREE WITH SENATOR CHAMBERS THAT THE IMMUNITY IS GRANTED BY THE COUNTY ATTORNEY. AND IF THAT IS TRUE, THEN YOU HAVE A SITUATION WHERE AN OFFICER SAYS THIS INDIVIDUAL IS A VICTIM OF SEX TRAFFICKING. THEY MAKE THAT DETERMINATION. THE COUNTY ATTORNEY SAYS, I DON'T AGREE WITH IT. AND SO THEN THAT INDIVIDUAL HAS THE ABILITY, ALMOST LIKE AN APPEAL, TO FILE A MOTION. NOW, THE OTHER VERSION... [LB843]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: ONE MINUTE. [LB843]

SENATOR HARR: ...THAT I'M NOT SURE OF IS SENATOR PANSING BROOKS'S INTERPRETATION WHERE SHE SAYS THE OFFICER GIVES THE IMMUNITY. BUT IF THE OFFICER GIVES THE IMMUNITY, THEN YOU'D NEVER GET TO THIS. [LB843]

SENATOR SCHUMACHER: RIGHT, WHICH IS THE TROUBLESOME, CONFUSING MESS THAT WE ARE IN, BECAUSE THE LAW THAT WE ARE PASSING SAYS, IF THE LAW ENFORCEMENT DETERMINES A PERSON WAS A VICTIM OF TRAFFICKING,

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PERSON SHALL BE IMMUNE FROM PROSECUTION, END OF STORY. THE COUNTY ATTORNEY CAN'T SAY, OH, I DISAGREE, BECAUSE IF THE OFFICER SAYS, I FELT THAT...I MADE THAT DETERMINATION, SIR, MR. COUNTY ATTORNEY, THE COUNTY ATTORNEY IS STUCK WITH THE DETERMINATION. IT DOESN'T SAY THE COUNTY ATTORNEY SHALL REVIEW, IN HIS DISCRETION, OR HER DISCRETION, SHALL GRANT IMMUNITY. IT DOESN'T SAY THAT. WE ARE MAKING A MESS HERE, FOLKS. THANK YOU. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR HARR AND SENATOR SCHUMACHER. SENATOR HARR, YOU ARE RECOGNIZED. [LB843]

SENATOR HARR: I DIDN'T GET MY LIGHT OFF SOON ENOUGH. THAT IS A VERY STRONG ARGUMENT MADE BY SENATOR SCHUMACHER AND IT FOLLOWS THE LOGIC OF SENATOR CHAMBERS WHICH THEN LEADS TO THE QUESTION OF, WHAT ARE WE DOING HERE, FOLKS? WE'RE LETTING LAW ENFORCEMENT OFFICERS, WHO MAY KNOW ALL THE FACTS, WHO MAY NOT KNOW ALL THE FACTS, MAKE A DETERMINATION. AND WHILE THEY CANNOT GRANT THE IMMUNITY, THEIR DECISION IS THE SAME AS GRANTING IMMUNITY BECAUSE THE PROSECUTOR IS REQUIRED TO GIVE THAT IMMUNITY. LET ME JUST SAY, THIS, WHAT'S GOING ON RIGHT NOW, RIGHT HERE, IS WHAT FLOOR DEBATE IS SUPPOSED TO BE. I WANT TO SAY I HAVE BEEN ENLIGHTENED. WE'RE ACTUALLY HAVING A CONVERSATION. WE ARE NOT YELLING AT EACH OTHER. WE'RE ASKING QUESTIONS AND WE'RE LEARNING. SO I WANT TO THANK THE LEARNED "PROFESSORS," CHAMBERS AND SCHUMACHER, TO MY LEFT, BECAUSE NOW I UNDERSTAND WHAT THIS BILL IS MEANT TO DO. SO IN A SENSE SENATOR PANSING BROOKS IS CORRECT, THE OFFICER GRANTS THE IMMUNITY. AND SENATOR CHAMBERS IS CORRECT, ONLY THE COUNTY ATTORNEY CAN GRANT IMMUNITY. BUT WHAT WE'RE PASSING SAYS WHATEVER THAT LAW ENFORCEMENT OFFICER DECIDES, THAT COUNTY ATTORNEY SHALL BE BOUND BY THAT. THAT IS PRECEDENCE, FOLKS. THINK ABOUT THAT. AND I AM NOT SURE IF THAT IS WHAT WE WANT TO DO. I HAVE TO THINK ABOUT THAT MYSELF. I'M KIND OF TALKING ON THE FLY HERE. I HAVE A PROBLEM WITH THAT. I WOULD LIKE...BECAUSE, BY THE WAY, POLICE OFFICER CAN ALREADY DO THAT. THEY CAN SIT THERE AND DECIDE YOU'RE A VICTIM OF SEX TRAFFICKING, I AM NOT GOING TO ARREST YOU, I'M GOING TO LET YOU GO, GO ON, GO BACK ON THE STREET. THEY CAN MAKE THAT DETERMINATION ON THE STREET, THEY CAN MAKE IT IN THE BACK SEAT OF A POLICE CAR, THEY CAN MAKE IT AT THE JAIL WHEN THEY DECIDE NOT TO SUBMIT THE REPORTS TO THE PROSECUTOR. SO THOSE RIGHTS ALREADY EXIST TODAY. SO I'M NOT SURE NOW WHAT WE'RE DOING, OTHER THAN WE'RE BINDING PROSECUTORS BY DETERMINATION OF

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LAW ENFORCEMENT. THAT'S ALL THIS DOES. THE WONDERFUL PROGRAMS THAT WE TALKED ABOUT WHERE THE A.G. IS GOING AROUND THE STATE TRAINING LAW ENFORCEMENT, THAT'S A GOOD THING. THEY CAN ALREADY DO THAT; HE ALREADY IS DOING THAT. THE WRAP-AROUND PROGRAMS THAT WE ARE PROVIDING TO THESE VICTIMS, WE CAN ALREADY DO THAT. WE HAVE WELLSPRING IN OMAHA; SALVATION ARMY RUNS IT. IT IS AN ABSOLUTELY PHENOMENAL PROGRAM, THE WAY IT TURNS AROUND PEOPLE'S LIVES. I WOULD RECOMMEND ANYONE GO VISIT IT. IT IS TRULY INSPIRING; ALREADY HAPPENING. SO THEN THE QUESTION BECOMES, WHAT ARE WE DOING? WE'RE TYING THE HANDS OF LAW ENFORCEMENT WHO MAY WANT TO HAVE A...MAY NOT BELIEVE THAT OFFICER, MAY NOT BELIEVE THAT VICTIM. TOO BAD. IF YOU DON'T BELIEVE THAT VICTIM,... [LB843]

SENATOR SCHEER: ONE MINUTE. [LB843]

SENATOR HARR: ...IF YOU THINK THAT HE OR SHE IS NOT A VICTIM OF SEX TRAFFICKING BUT THE OFFICER DOES, THAT COUNTY ATTORNEY'S HANDS ARE TIED. SO WE HAVE A REAL PROBLEM HERE; SOMETHING THAT WARRANTS FURTHER CONVERSATION, MORE DIALOGUE TO DETERMINE HOW DO WE WANT TO DO THIS, IF THIS IS, IN FACT, WHAT WE WANT TO DO. WE CURRENTLY, THE WAY THE PROCESS WORKS, IS...AND I'LL TALK MORE BECAUSE I'M ABOUT READY TO...WELL, I'LL SAVE THAT FOR MY NEXT TIME ON THE MIKE, BUT WE ARE FACING AN INTERESTING POLICY QUESTION HERE. AND I LOOK FORWARD TO HEARING FROM OTHERS AS FAR AS WHAT THEY BELIEVE IS THE RIGHT OR WRONG COURSE OF ACTION. THANK YOU, MR. PRESIDENT. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR HARR. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB843]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M GOING TO JUST ERASE, FOR THE PURPOSE OF THIS DISCUSSION, EVERYTHING I'VE SAID AND TRY TO START AT A POINT WHERE EVERYBODY CAN UNDERSTAND. FIRST OF ALL, WHEN I SAY AN OFFICER CAN OR CANNOT MAKE AN ARREST, I MEAN PURSUANT TO LAW. AN OFFICER PHYSICALLY CAN TAKE ANYBODY INTO CUSTODY, BUT I MEAN IN A LEGAL SENSE; DON'T LEAVE, SENATOR HARR. HERE'S THE QUESTION THAT I AM GOING TO ASK. FIRST OF ALL, WE KNOW THAT AN OFFICER CAN ARREST SOMEBODY IF THEY HAVEN'T DONE ANYTHING, BUT I'M PUTTING IT ONLY IN THE CONTEXT OF WHERE A CRIME HAD BEEN COMMITTED AND THERE'S PROBABLE CAUSE. NOW,



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AN OFFICER CAN ARREST ONLY FOR A CRIME. WOULD YOU AGREE WITH THAT?  
[LB843]

SENATOR SCHEER: SENATOR HARR, WOULD YOU PLEASE YIELD? [LB843]

SENATOR HARR: AN OFFICER CAN ARREST, AS YOU STATE, PROBABLE CAUSE THAT A CRIME HAS BEEN COMMITTED AND PROBABLE CAUSE THAT THAT INDIVIDUAL COMMITTED THE CRIME. [LB843]

SENATOR CHAMBERS: BUT WE'RE DEALING WITH A CRIME, CORRECT? [LB843]

SENATOR HARR: NO, NOT NECESSARILY. [LB843]

SENATOR CHAMBERS: NOW...THEN I'M GOING TO SAY IT...I WILL TELL YOU ALL, AN OFFICER CANNOT LEGALLY ARREST ANYBODY UNLESS A CRIME HAS BEEN COMMITTED AND THIS PERSON IS SUSPECTED OF HAVING COMMITTED IT. THE OFFICER CANNOT ARREST SOMEBODY FOR NOT HAVING CUT HIS OR HER GRASS, FOR NOT HAVING DONE THINGS THAT ARE NOT CRIMINAL. AN ARREST INVOLVES A CRIME. SO, AN OFFICER CAN ARREST ONLY FOR A CRIME. TRAFFICKING IS NOT A CRIME. BEING TRAFFICKED IS NOT A CRIME. IF THIS PERSON HAS BEEN TRAFFICKED, THAT PERSON, HE OR SHE, CANNOT BE LEGALLY ARRESTED. IF THE OFFICER LOOKS AT A SITUATION AND IS UNSURE, THE OFFICER CAN TAKE THAT PERSON INTO A SET OF CIRCUMSTANCES DESCRIBED BY THE WORD "DETAINED." YOU'RE NOT ARRESTED, BUT FOR A REASONABLE PERIOD OF TIME, WHICH IS BRIEF, FOR AN INVESTIGATION. DURING THIS TIME, IF THE OFFICER DECIDES THAT THE PERSON WAS A VICTIM OF TRAFFICKING, THE OFFICER CANNOT LEGALLY ARREST THAT PERSON BECAUSE NO CRIME WAS COMMITTED. THE OFFICER IS NOT GRANTED IMMUNITY. THE OFFICER SIMPLY HAS DONE WHAT AN OFFICER WOULD DO IN ANY SITUATION WHERE THERE IS NO CRIME. IF THIS PERSON WAS THOUGHT TO HAVE COMMITTED A CRIME, EVEN IF ONE WAS COMMITTED, BUT THERE IS NOTHING THAT CONNECTS THIS PERSON TO THE CRIME, THEN THE OFFICER LETS THE PERSON GO. IT DOESN'T COME BEFORE THE PROSECUTOR TO DETERMINE WHETHER THERE IS GOING TO BE A PROSECUTION OR NOT. SO HOWEVER WAY YOU CUT IT, IF THE OFFICER IS TAUGHT WHAT TRAFFICKING MEANS, MISTAKENLY TAKES A PERSON INTO CUSTODY AND IS GOING TO CHARGE THAT PERSON WITH PROSTITUTION, BUT, AS THIS INVESTIGATION OCCURS DURING THIS BRIEF PERIOD OF DETENTION, THAT THE PERSON WAS TRAFFICKED, THEN THE OFFICER IS NOT GRANTING IMMUNITY FROM PROSECUTION. PROSECUTION IS NOT EVEN ON THE TABLE BECAUSE NO

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CRIME WAS COMMITTED. THERE IS NOT ANY WAY THAT AN OFFICER CAN GRANT SOMEBODY IMMUNITY FROM PROSECUTION. LET'S SAY THAT THE OFFICER DOES ARREST A PERSON AND WRITES THE REPORT AND SAYS THIS PERSON COMMITTED PROSTITUTION. THAT OFFICER DID NOT EVEN CONSIDER THAT TRAFFICKING WAS INVOLVED. [LB843]

SENATOR SCHEER: ONE MINUTE. [LB843]

SENATOR CHAMBERS: IF THE OFFICER BELIEVES THERE WAS TRAFFICKING, THAT PERSON WILL NOT BE PLACED UNDER ARREST BUT WILL BE LET GO. THE ONLY TIME YOU TALK ABOUT PROSECUTION IS IF A MATTER IS PRESENTED TO THE COUNTY ATTORNEY. THE OFFICER, IF HE OR SHE IS NOT SURE, THEN THE ARREST IS MADE AND THE PERSON IS CHARGED WITH PROSTITUTION. THE OFFICER DOESN'T SAY, I THINK THIS PERSON HAS COMMITTED...HAS BEEN TRAFFICKED. THE OFFICER CHARGES PROSTITUTION. THAT IS WHEN THE COUNTY ATTORNEY LOOKS AT IT AND WITHOUT EVEN THIS LEGISLATION, IF IT'S NOT AN ACT OF PROSECUTION, THE PROSECUTOR DOESN'T CHARGE. IT IS AS SIMPLE AS THAT. HE OR SHE REFUSES TO FILE A CHARGE. BUT KEEP THIS IN MIND, AN OFFICER MAY ARREST ONLY IF A CRIME HAS BEEN COMMITTED. BEING TRAFFICKED IS NOT A CRIME, THEREFORE, THE OFFICER CAN MAKE NO ARREST. SO THEY NEVER GET TO THE PROSECUTOR. [LB843]

SENATOR SCHEER: TIME, SENATOR. [LB843]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR LARSON, YOU ARE RECOGNIZED. [LB843]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF AM2665 AND LB843. I GUESS IT IS FRUSTRATING WHEN WE HEAR CERTAIN PEOPLE CONTINUALLY STAND UP ON BILLS A NUMBER OF TIMES AND SPEAK OUT TO THINGS WITH NO DEFINED PROBLEMS OR LITTLE-TO-NO SOLUTIONS, TRYING TO NITPICK THEM TO DEATH AND CREATING RIDICULOUS HYPOTHETICALS THAT THIS COULD HAPPEN OR THAT COULD HAPPEN AND CALL IT DANGEROUS LANGUAGE WHEN IT'S NOT. THIS ISN'T DANGEROUS LANGUAGE. WE CAN ALL CREATE SOME RIDICULOUS HYPOTHETICAL TO EVERY ONE OF OUR BILLS AND SAY THIS IS GOING TO BRING DOWN THE ENTIRE SYSTEM. AM2665 AND LB843 DON'T DO THAT. COLLEAGUES, I JUST WOULD LIKE TO SAY I AM CONCERNED AT

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THE NUMBER OF TIMES THAT WE ARE CONTINUING TO SEE THIS AND IT IS UNWARRANTED. THIS IS A GOOD BILL THAT NEEDS TO MOVE FORWARD WITH AM2665. LET'S MOVE PAST THAT, MOVE PAST, AS I SAID, PEOPLE CREATING HYPOTHETICALS IN THEIR MIND. WE CAN ALL CREATE SOME SITUATION ON EVERY BILL THAT THIS IS WRONG OR THIS IS THE WRONG LANGUAGE. THEY'VE DONE THEIR WORK ON THIS, AND I AM PLEASED TO SUPPORT AM2665 AND LB843 AND I'D ENCOURAGE YOU TO DO THE SAME. THANK YOU. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR LARSON. SENATOR COASH, YOU ARE RECOGNIZED. SENATOR COASH WAIVES. SENATOR HARR, YOU ARE RECOGNIZED. [LB843]

SENATOR HARR: THANK YOU, MR. SPEAKER...OR MR. PRESIDENT. SO I FIND THE SITUATION WHERE I KIND OF GOT MYSELF INTO...BACKED MYSELF INTO A CORNER AND I'M TRYING TO FIGURE OUT HOW DO WE SOLVE THIS PROBLEM. AND LOOKING AT IT, AND I HAVEN'T HAD A CHANCE TO TALK TO THE OTHER INDIVIDUALS IS MAKING A DETERMINATION, "SHALL." THERE SHALL...IF LAW ENFORCEMENT OFFICER DETERMINES AFTER REASONABLE DETENTION FOR INVESTIGATIVE PERSON, THAT PERSON SUSPECTED OF OR CHARGED WITH A VIOLATION OF THIS SECTION IS ENGAGED...PERSON ENGAGED IN THOSE ACTS AS A DIRECT RESULT OF BEING TRAFFICKED, SUCH PERSON SHALL BE IMMUNE FROM PROSECUTION. THAT IS THE PROBLEM. WE TAKE AWAY THE DISCRETION OF THE PROSECUTOR--THE PERSON WE ELECTED TO MAKE THOSE DETERMINATIONS. SENATOR CHAMBERS TALKS ABOUT IN ORDER TO BE ARRESTED, THERE HAS TO BE A CRIME AND PROBABLE CAUSE THAT THIS PERSON COMMITTED THE CRIME. THAT IS ACCURATE BUT NOT COMPLETE BECAUSE THE OTHER PART OF THAT STORY IS THEY HAVE TO HAVE REASONABLE BELIEF THAT A CRIME WAS COMMITTED, AND REASONABLE BELIEF THAT THIS IS THE INDIVIDUAL. WHAT IS THE DIFFERENCE? IT'S WHAT WE TALKED ABOUT EARLIER--HYPOTHETICAL. A PERSON IS INVOLVED IN PROSTITUTION, A SEXUAL ACT ON ANOTHER INDIVIDUAL. IF THEY DO IT ON THEIR OWN, IT IS PROSTITUTION, IT'S A CRIME. ANOTHER SITUATION, THEY ARE FORCED TO DO IT. SAME ACT, IT'S THE INTENT. IT IS NO LONGER A CRIME; THEY ARE A VICTIM. SIMILARLY, AN ABUSED SPOUSE...WELL, NO, THAT'S NOT...WELL, IS BEING BEATEN NEARLY TO DEATH AND THEY KILL THE ABUSER IN SELF-DEFENSE. IN ONE CASE, IF IT IS PREPLANNED AND THERE IS NO CURRENT ABUSE GOING ON AND THEIR LIFE IS NOT THREATENED AT THAT MOMENT, IT IS MURDER; IT'S A CRIME, PREMEDITATED. IN THE OTHER, IT IS NOT A CRIME. AND THERE IS A DETERMINATION THAT IS MADE. IN BOTH SITUATIONS, THAT INDIVIDUAL IS ARRESTED. A LOT OF THE CRIMES WE HAVE ON OUR BOOKS ARE INTENT,

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MEANING, DID THE PERSON INTEND TO COMMIT THAT CRIME? DID THEY HAVE KNOWLEDGE OR FORESIGHT OF WHAT THEY WERE DOING? AND IT IS HARD, YOU KNOW, AS A PROSECUTOR, AS A JUROR, YOU CAN'T OPEN UP SOMEONE'S BRAIN, CUT OFF THE TOP, LOOK INSIDE AND SAY, WHAT WAS THAT PERSON, STUDY THEIR BRAIN, WHAT WERE THEY THINKING AT THE TIME THEY COMMITTED THAT CRIME? THE WORLD OF LAW ENFORCEMENT, THE WORLD OF THE STREET IS NOT BLACK AND WHITE. IT IS GRAY. AND THAT'S WHY WE TALK ABOUT WE'D RATHER SEE TEN INNOCENT PEOPLE GO FREE THAN ONE GUILTY. AND WE HAVE BUILT-IN PROCEDURES THAT PROTECT THE INDIVIDUAL, BUT THAT ALSO PROTECT SOCIETY. WE HAVE TO BE VERY, VERY CAREFUL WHEN WE GIVE LAW ENFORCEMENT THE EFFECT OF IMMUNITY. SENATOR CHAMBERS IS EXACTLY RIGHT. ONLY THE COUNTY ATTORNEY CAN GRANT THAT IMMUNITY. BUT THE LANGUAGE WE HAVE DRAFTED SAYS IF THE LAW ENFORCEMENT MAKES THAT DETERMINATION, SHALL, COUNTY ATTORNEY SHALL. THAT IS HOW YOU CAN READ THAT. I AGREE WITH HIM NOW. [LB843]

SENATOR SCHEER: ONE MINUTE. [LB843]

SENATOR HARR: THANK YOU. I THINK WHAT WE NEED TO DO IS HAVE "MAY" TO GIVE THAT DISCRETION, BECAUSE THE COUNTY ATTORNEY MAY KNOW MORE THAN THE LAW ENFORCEMENT OFFICER--MAY NOT, BUT MAY. AND IF THEY DO, THEY MAY DECIDE THAT THAT INDIVIDUAL IS MANIPULATING THE SYSTEM AND THAT WHATEVER THEY ARE SAYING IS NOT TRUSTWORTHY AND THE PROSECUTOR SHOULD GO ON FORWARD WITH THE PROSECUTION. AND IF THERE IS A DISAGREEMENT, THEN WE HAVE THE APPEAL PROCESS WHICH IS AM2665. THAT IS WHAT I'M LOOKING FOR. I'M GOING TO, MAYBE, STEP ASIDE AND TALK TO THE OTHER INDIVIDUALS AND SEE IF THEY AGREE WITH ME. NOT A GOOD WAY TO MAKE LEGISLATION, ON THE FLY, BUT IT IS ALSO, AS I STATED EARLIER, KIND OF EXCITING TO HAVE VALID DEBATE AND TO LEARN AS WE DEBATE AND NOT JUST TALK AT EACH OTHER. SO, THANK YOU, MR. PRESIDENT. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR HARR. SENATOR CHAMBERS, YOU ARE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB843]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I WISH THAT SENATOR LARSON WERE STILL HERE. I THINK THAT WAS HIM BABBLING BACK THERE, WASN'T IT? [LB843]

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SENATOR SCHEER: SENATOR LARSON, WILL YOU YIELD? SENATOR LARSON, WILL YOU YIELD? [LB843]

SENATOR LARSON: SURE. [LB843]

SENATOR CHAMBERS: SENATOR LARSON, YOU SAID AM2665 IS A GOOD AMENDMENT, DIDN'T YOU? [LB843]

SENATOR LARSON: I SAID I SUPPORTED SENATOR HARR'S AMENDMENT, YES. [LB843]

SENATOR CHAMBERS: YOU SAID IT WAS A GOOD AMENDMENT. [LB843]

SENATOR LARSON: OKAY. [LB843]

SENATOR CHAMBERS: AND YOU SAID IT'S A GOOD BILL. WOULD YOU EXPLAIN THAT AMENDMENT TO ME, PLEASE? WHAT DOES IT DO? [LB843]

SENATOR LARSON: I THINK SENATOR HARR WOULD BE A BETTER ONE TO EXPLAIN IT TO YOU, SENATOR CHAMBERS. I CAN'T GO INTO THE DETAIL THAT HE CAN, OBVIOUSLY, SINCE IT'S NOT MY AMENDMENT. I LISTENED TO HIS OPENING, IT SOUNDED REASONABLE, AND I SUPPORT IT. [LB843]

SENATOR CHAMBERS: DO YOU UNDERSTAND THE AMENDMENT? [LB843]

SENATOR LARSON: AGAIN, I'M NOT A LAWYER AND I COULD EXPLAIN IT TO A CERTAIN EXTENT, BUT I WOULD PROBABLY...IF YOU WANT TO KNOW WHAT IT DOES, I WOULD RECOMMEND THAT YOU ASK HIM. HE INTRODUCED IT, SENATOR CHAMBERS. [LB843]

SENATOR CHAMBER: DO YOU UNDERSTAND THE AMENDMENT? YES OR NO. [LB843]

SENATOR LARSON: SENATOR CHAMBERS... [LB843]

SENATOR CHAMBERS: THANK YOU. YOU SEE WHAT YOU ARE DEALING WITH. AND EVERY TIME SOMEBODY POPS UP LIKE THAT, BECAUSE HE'S GOT A BURR

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UNDER HIS BLANKET, I'M GOING TO SHOW THAT HE DOESN'T EVEN KNOW WHAT HE IS TALKING ABOUT. HE DOESN'T UNDERSTAND THE BILL. HE'S NOT TRAINED IN THE LAW. AND YOU CAN SEE ALL THESE PEOPLE, SOME OF THEM WITH LEGAL TRAINING, DISCUSSING IT, THEN HE'S GOING TO SAY IT IS A GOOD BILL AND HE DOESN'T KNOW WHAT IT MEANS AND THAT I CAN ASK SENATOR HARR. SENATOR HARR, UNLESS SENATOR LARSON IS A VENTRILOQUIST DUMMY, AND THE VENTRILOQUIST IS SENATOR HARR, AND SENATOR LARSON'S MOUTH WAS MOVING AND THE WORDS COMING OUT OF IT WERE PUT BY SENATOR HARR, THEN I WOULD ASK SENATOR LARSON TO EXPLAIN WHAT HE SAID IS SO GOOD ABOUT THIS AMENDMENT. HE DOESN'T UNDERSTAND THE AMENDMENT. HE DOESN'T EVEN KNOW WHAT IT SAYS. HE DOES NOT UNDERSTAND THE LAW. HE DOES NOT UNDERSTAND WHAT IT SAYS. HE IS MAD BECAUSE I GOT SOME OF HIS BAD BILLS KILLED. AND HE OUGHT TO PICK A BETTER FORUM TO MAKE HIS LITTLE ADOLESCENT TANTRUM. BUT IF HE STANDS UP HERE AND CHALLENGES ME ON WHAT IS KNOWN ABOUT THE LAW, THEN I'M GOING TO LET HIM SPEAK AND PRODUCE IT. AND LET SOMEBODY TRY TO FEED HIM RIGHT QUICK WHAT THE LAW MEANS, AND HE'LL LOOK EVEN MORE FOOLISH. THIS IS A VERY SERIOUS MATTER. AND THERE ARE PEOPLE SERIOUSLY TRYING TO COPE WITH IT. AND THERE ARE LEGITIMATE DIFFERENCES OF AGREEMENT AS TO WHAT IS THE WAY TO SAY WHAT EVERYBODY INTENDS OUGHT TO BE DONE. TO SIMPLIFY THAT, TRAFFICKING IS BEING RECOGNIZED NOW AS SOMETHING THAT HAPPENS. IT CAN LOOK LIKE PROSTITUTION. BUT, UNDER CERTAIN CIRCUMSTANCES, THAT SAME ACT IS NOT PROSTITUTION; THIS ACT IS TAKEN OUTSIDE OF THE CRIMINAL LAW, AND WHEN SOMEBODY HAS BEEN VICTIMIZED, HE OR SHE OUGHT NOT BE PROSECUTED. THAT'S THE WHOLE THING IN A NUTSHELL. SOMEBODY WHO HAS BEEN VICTIMIZED BY TRAFFICKING SHOULD NOT BE PROSECUTED. THE LANGUAGE CHOSEN WAS DESIGNED TO ACHIEVE THAT END. I TAKE SENATOR PANSING BROOKS AT HER WORD WHEN SHE SAYS THE ATTORNEY GENERAL AND THESE OTHERS HAVE LOOKED AT IT. THEY DIDN'T ASK ME TO WRITE THE BILL. IF SOMEBODY BRINGS A BILL, AND I WOULD LIKE TO SEE SOMETHING DONE, AND WHAT THEY PRESENT IS NOT GOING TO NOT DO THAT... [LB843]

SENATOR SCHEER: ONE MINUTE. [LB843]

SENATOR CHAMBERS: ...I DON'T SPEND A LOT OF TIME TRYING TO TELL THEM WRITE IT THIS WAY INSTEAD OF THAT WAY. I TRY TO CHANGE BILLS WHEN WHAT IS SAID IN THE BILL DOESN'T DO WHAT THE INTRODUCER SAYS IT IS GOING TO DO. OR EVEN IF IT DOES, I DISAGREE WITH IT AND I'LL FIGHT THAT TOOTH AND NAIL, AS I KILLED OFF SOME OF SENATOR LARSON'S BAD BILLS. HE DIDN'T EVEN KNOW SOME THINGS ABOUT THE AGENCY IN LAS VEGAS THAT DETERMINES

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WHETHER THERE SHOULD BE A GAMBLING LICENSE GRANTED OR NOT AND WHY AN ENTITY WOULD NOT SEEK A GAMBLING LICENSE. BUT I UNDERSTAND THOSE THINGS. I DON'T EVEN DISCUSS THINGS WITH HIM. BUT WHEN IT COMES UP TO HIM MAKING THE KIND OF ALLEGATION THAT HE DID, I JUST WANT TO SHOW WHAT IT IS WORTH--NOTHING. HE DOESN'T EVEN KNOW WHAT HE IS TALKING ABOUT. AND NOBODY IS GOING TO PAY ATTENTION TO IT. BUT THOSE KIND OF THINGS SHOULD NOT BE ALLOWED TO GO WITHOUT BEING CHALLENGED. AND IF SOMEBODY, NOT JUST SENATOR LARSON, BRINGS THAT TO ME, I'M GOING TO ADDRESS IT AND DEAL WITH IT. [LB843]

SENATOR SCHEER: TIME, SENATOR. [LB843]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE WISHING TO SPEAK, SENATOR HARR, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB843]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. SO WE'RE KIND OF IN A PRECARIOUS SITUATION HERE. I THOUGHT I HAD A DEAL WITH SENATOR PANSING BROOKS. I'M NOT SURE IF I STILL DO...LOOKING AT HER. DO I, SENATOR PANSING BROOKS? OKAY. I'M NOT SURE. SO I'M IN A PRECARIOUS SITUATION. I PULLED MY PREVIOUS AMENDMENT THINKING WE HAD A DEAL. AND THIS AMENDMENT CREATED THE ISSUE THAT SENATOR SCHUMACHER BROUGHT UP. I THINK SENATOR COASH IS COMING WITH ANOTHER AMENDMENT THAT, HOPEFULLY, WILL RECTIFY THE SITUATION. THIS IS THE PROBLEM WITH DRAFTING BILLS ON SELECT. IT'S FUN TO HAVE THE DIALOGUE AND TO LEARN. THE PROBLEM IS SOMETIMES YOU GOT TO MAKE A DECISION AND WE'RE WORKING ON IT ON THE FLY. BUT I AM THINKING WE PROBABLY HAVE AN ANSWER WITH SENATOR COASH'S NEW AMENDMENT. WITH THAT, I WOULD ASK FOR YOUR SUPPORT ON AM2665. IT WOULD THEN...SENATOR COASH'S AMENDMENT, THAT I HAVEN'T SEEN, BUT I TRUST HIM, WOULD DOVETAIL NICELY INTO THAT. AND I'M HOPING WE HAVE A SOLUTION WHERE WE CAN TREAT VICTIMS OF PROSTITUTION THROUGH TRAFFICKING AND PROSTITUTES WHO DO IT VOLUNTARILY, DIFFERENTLY, AND MAKE SURE...AND FAIRLY, AND MAKE SURE THAT THERE ARE PROPER RULES AND PROCEDURES SO THAT WE CAN MAKE A CALM, RATIONAL DETERMINATION BETWEEN THE TWO. AS I STATED, I WOULD ASK FOR YOUR SUPPORT ON AM2665. THANK YOU, MR. PRESIDENT. [LB843]

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SENATOR SCHEER: THANK YOU, SENATOR HARR. THE QUESTION IS, SHALL THE AMENDMENT TO LB843 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO? RECORD, MR. CLERK. [LB843]

CLERK: 32 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF SENATOR HARR'S AMENDMENT. [LB843]

SENATOR SCHEER: THE AMENDMENT IS ADOPTED. [LB843]

CLERK: MR. PRESIDENT, SENATOR COASH WOULD MOVE TO AMEND...SENATOR, I HAVE FLOOR AMENDMENT, FA100, IN FRONT OF ME. (LEGISLATIVE JOURNAL PAGE 1117.) [LB843]

SENATOR SCHEER: SENATOR COASH, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB843]

SENATOR COASH: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, COLLEAGUES. FA100 SIMPLY HAS TWO WORDS, "OR JUDGE," FOLLOWING LAW ENFORCEMENT, GIVING THE BENCH ALSO, AS WELL AS LAW ENFORCEMENT, THE DISCRETION ON THIS ISSUE. I'VE TALKED TO SENATOR HARR ABOUT THIS. THIS GIVES AN ADDED LAYER OF PROTECTION, WHICH I THINK IS WARRANTED AT THIS TIME. I WOULD URGE YOUR SUPPORT OF FA100. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR COASH. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB843]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT. WOULD SENATOR COASH YIELD TO A QUESTION? [LB843]

SENATOR SCHEER: SENATOR COASH, WOULD YOU PLEASE YIELD? [LB843]

SENATOR COASH: YES. [LB843]

SENATOR SCHUMACHER: THE FACT THAT WE NOW HAVE THE POLICE OFFICER AND THE COURT INVOLVED, THIS IS NOT TAKEN AWAY FROM THE COUNTY ATTORNEYS' EXISTING POWER TO GRANT IMMUNITY, IS IT? IT'S JUST ADDING A



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JUDGE AND A LAW ENFORCEMENT OFFICER TO THOSE WHO MAY GRANT THIS...HAVE THIS POWER. [LB843]

SENATOR COASH: YES. RIGHT NOW, UNDER THE CURRENT AMENDMENT THAT WE ARE DEBATING, IT IS ONLY IN THE POWER OF LAW ENFORCEMENT TO GRANT THIS POWER AND NOW WE ARE ADDING THE JUDGE TO THAT. [LB843]

SENATOR SCHUMACHER: RIGHT. AND THE COUNTY ATTORNEY ALREADY HAD THE POWER TO BEGIN WITH, RIGHT? AND WE'RE NOT TAKING THAT AWAY FROM HIM, RIGHT? [LB843]

SENATOR COASH: I WOULD AGREE. [LB843]

SENATOR SCHUMACHER: THANK YOU. NOTHING FURTHER. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR COASH AND SENATOR SCHUMACHER. SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB843]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. I'D LIKE TO ASK SENATOR COASH A QUESTION IF I COULD. [LB843]

SENATOR SCHEER: SENATOR COASH, WOULD YOU PLEASE YIELD? [LB843]

SENATOR COASH: YES, I WILL. [LB843]

SENATOR McCOLLISTER: SO THEN IS THE POLICE OFFICER, DOES HE HAVE ABSOLUTE AUTHORITY TO OFFER IMMUNITY? OR WILL THERE...THE COUNTY ATTORNEY OR THE JUDGE HAVE THE ABILITY TO REVIEW AND PERHAPS NEGATE THAT OFFER OF IMMUNITY? [LB843]

SENATOR COASH: THE POLICE OFFICER, RIGHT NOW, HAS THAT...UNDER THE CURRENT AMENDMENT HAS THAT ABILITY. WITH FA100 WE ARE ADDING THE JUDGE AS SECOND ENTITY THAT HAS THAT ABILITY. [LB843]

SENATOR McCOLLISTER: SO, FROM WHAT I THINK I'M HEARING, YOU ARE SAYING THAT THE POLICE OFFICER CAN GRANT ABSOLUTE IMMUNITY THAT CAN'T BE

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RETRACTED BY ANY OTHER JUDICIAL FUNCTION OR PERSON IN THE PROCESS?  
[LB843]

SENATOR COASH: NO. [LB843]

SENATOR McCOLLISTER: THANK YOU. THANK YOU, MR. PRESIDENT. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR COASH AND SENATOR McCOLLISTER.  
SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB843]

SENATOR CHAMBERS: MR. PRESIDENT, I'M GOING TO READ WHAT...BUT THEN, I  
DON'T KNOW WHERE WE ARE NOW, BECAUSE YOU ADOPTED SENATOR HARR'S  
AMENDMENT. BUT IF THIS IS THE POINT WHERE THEY ARE PUTTING IT, IT  
WOULD BE IF THE LAW ENFORCEMENT OFFICER OR JUDGE DETERMINES.  
APPARENTLY THAT IS NOT WHERE THIS AMENDMENT WOULD GO. IS THAT  
RIGHT? WHAT ARE YOU AMENDING HERE? ARE YOU AMENDING AM2335? OR IS IT  
AMENDING WHAT SENATOR HARR GOT THEM TO ADOPT? [LB843]

SENATOR SCHEER: SENATOR CHAMBERS, ARE YOU ASKING SENATOR COASH?  
[LB843]

SENATOR CHAMBERS: I'LL ASK SENATOR COASH THAT. [LB843]

SENATOR SCHEER: SENATOR COASH, WOULD YOU YIELD? [LB843]

SENATOR COASH: YES, I WILL. AND THE ANSWER TO YOUR QUESTION, SENATOR  
CHAMBERS, IS I AM AMENDING THE COMMITTEE AMENDMENT, AM2335. I'M NOT  
AMENDING THE AMENDMENT THAT WAS JUST PASSED BROUGHT BY SENATOR  
HARR. [LB843]

SENATOR CHAMBERS: SO THEN ON LINE 5 IT WOULD SAY, "IF THE LAW  
ENFORCEMENT OFFICER OR JUDGE DETERMINES, AFTER A REASONABLE  
DETENTION FOR INVESTIGATIVE PURPOSES." THE JUDGE IS NOT GOING TO  
DETAIN ANYBODY. OR HERE IS THE CORRELATIVE, YOU'RE MAKING THE TWO  
THE SAME. THE JUDGE DOES NOT DETAIN ANYBODY. THE JUDGE DOES NOT  
INVESTIGATE ANYBODY. SO WHEN YOU ARE TRYING TO FIND A WAY TO QUICKLY  
DO SOMETHING...I UNDERSTAND WHAT SENATOR...I THINK I UNDERSTAND WHAT  
HE IS TRYING TO GET AT BECAUSE THEY'VE TALKED ABOUT PUTTING THE JUDGE

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IN THE MIX. I STILL SAY THIS IS NOT GOING TO CHANGE ANYTHING THAT AN OFFICER DOES. IT'S NOT GOING TO CHANGE THE AUTHORITY THAT AN OFFICER HAS. THE OFFICER HAS NO AUTHORITY WITH OR WITHOUT ANY OF THIS LANGUAGE TO GRANT IMMUNITY FROM PROSECUTION. THE ONLY THING AN OFFICER HAS DISCRETION IN IS WHETHER TO MAKE AN ARREST OR NOT TO MAKE AN ARREST. IF THE OFFICER MAKES AN ARREST, THE OFFICER MUST WRITE A REPORT, THEN THE OFFICER IS OUT OF IT. IT'S LIKE I'M THE QUARTERBACK, I THROW THE BALL TO SENATOR McCOLLISTER. I NO LONGER HAVE A ROLE TO PLAY. HE IS THE WIDE RECEIVER OR A CORNER OR ANY OTHER OFFENSIVE PLAYER WHO IS ALLOWED TO CATCH A PASS. ONCE I RELEASE THE BALL I'M OUT OF IT. THE LAW ENFORCEMENT OFFICER HAS NO AUTHORITY TO GRANT IMMUNITY. IMMUNITY ATTACHES TO NOTHING THAT AN OFFICER DOES. THE PRACTICAL REALITY IS THAT AN OFFICER MAY CHOOSE TO ARREST OR CHOOSE NOT TO ARREST. IF THE OFFICER MAKES AN ARREST, A REPORT IS FILLED OUT AND THE PROSECUTOR DECIDES WHETHER OR NOT A CHARGE IS BROUGHT. MANY TIMES THE PROSECUTOR WILL NOT BRING A CHARGE. BUT THAT'S A DECISION MADE SOLELY BY THE PROSECUTOR. EVEN WITH THIS LANGUAGE, THAT ORIGINALLY WAS SENATOR PANSING BROOKS'S AMENDMENT, THE OFFICER DOES NOT GRANT IMMUNITY. THE OFFICER STILL MAY MAKE AN ARREST. WITH THIS LANGUAGE, THE OFFICER MAY DETAIN FOR INVESTIGATIVE PURPOSES. BUT YOU'RE NOW SAYING THAT A JUDGE MAY DETAIN SOMEBODY. SO, SENATOR GROENE, I'M "JUDGE" CHAMBERS, WHICH YOU ALL WOULDN'T WANT... [LB843]

SENATOR SCHEER: ONE MINUTE. [LB843]

SENATOR CHAMBERS: ...TO HAPPEN. BUT ACTUALLY THERE ARE MANY JUDGES' CHAMBERS DOWNTOWN, BUT NONE OF THEM NAME A PERSON. AND I SEE SENATOR GROENE AND I SAY I THINK I'M GOING TO DETAIN HIM FOR INVESTIGATIVE PURPOSES. I HAVE NO AUTHORITY TO DO THAT AS A JUDGE. SO I'M NOT GOING TO GO OVER MY TIME, BUT I THINK THIS NEEDS TO BE DISCUSSED A LITTLE FURTHER. THANK YOU, MR. PRESIDENT. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR COASH AND SENATOR CHAMBERS. SENATOR HARR, YOU ARE RECOGNIZED. SENATOR HARR WAIVES. SENATOR GROENE, YOU ARE RECOGNIZED. [LB843]

SENATOR GROENE: ALL RIGHT, I CAN PLAYACT TOO. THANK YOU, MR. PRESIDENT. I'M SITTING IN A JURY AND I JUST LISTENED TO A WHOLE BUNCH OF

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LAWYERS. THIS IS ONE OF THE WORST LAWS I EVER HEARD. HOW COULD A JUDGE RULE ON THIS THING? SOMEBODY WALKS IN AND SAYS, WELL, I GOT IMMUNITY FROM THE POLICE OFFICER FOR PROSTITUTION, BUT HE ALSO ARRESTED ME FOR STEALING THE JOHN'S BILLFOLD. NOW THE PROSECUTOR SAYS, WELL, YOU ARE A PROSTITUTE, BUT I CAN'T CHARGE YOU WITH PROSTITUTION BECAUSE THIS OFFICER GAVE YOU IMMUNITY, OR I CAN'T DO ANY OF IT BECAUSE I'M NOT A JUDGE. I'M SITTING IN THE MIDDLE HERE AND I CAN'T DO ANYTHING. IT'S THE POLICE OFFICER AND THE JUDGE THAT CAN DO THIS. SO WHAT DOES THE PROSECUTOR DO ACCORDING TO THIS LAW? THIS IS WHAT I'M HEARING. I'M ALSO HEARING THAT IF YOU ARE AN ENTREPRENEURIAL PERSON AND YOU WANT TO BE A PROSTITUTE AND YOU OPEN UP A...PUT YOUR SHINGLE ABOVE YOUR DOOR, YOU CAN BE ARRESTED FOR PROSTITUTION BECAUSE YOU ARE ON YOUR OWN. I'M ALSO HEARING THAT IF YOU ARE A PROSTITUTE, BUT YOU CLAIM YOU HAVE A JOHN, THEREFORE, YOU'RE TRAFFICKING, YOU CAN NEVER BE PROSECUTED FOR PROSTITUTION BECAUSE YOU ARE NOT A PROSTITUTE, YOU ARE SOMEBODY BEING TRAFFICKED. SENATOR HARR, WOULD YOU ANSWER A QUESTION? [LB843]

SENATOR SCHEER: SENATOR HARR, WOULD YOU YIELD, PLEASE? [LB843]

SENATOR HARR: YES, I WILL. [LB843]

SENATOR GROENE: I'M SITTING IN THE JURY ROOM, DECIDING ON THIS CASE. WHERE AM I WRONG IN ANYTHING I SAID? [LB843]

SENATOR HARR: WHAT'S THAT? [LB843]

SENATOR GROENE: DID I SAY ANYTHING WRONG OR DID YOU LISTEN, "JUDGE"? [LB843]

SENATOR HARR: I WAS OFF...IN A SIDEBAR WITH ANOTHER INDIVIDUAL, I'M SORRY. [LB843]

SENATOR GROENE: I SAID IF AN OFFICER ARRESTED...GAVE IMMUNITY TO A PROSTITUTE BECAUSE SHE HAD A PIMP BUT HE ARRESTED HER BECAUSE SHE STOLE THE JOHN'S BILLFOLD, NOW THAT GOES TO THE PROSECUTOR AND HE SAYS, WELL, YOU'RE A PROSTITUTE, I'M GOING TO CHARGE YOU WITH

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PROSTITUTION, TOO, AND THE PROSTITUTE'S LAWYER SAYS, NO, I GOT IMMUNITY FROM THE OFFICER. [LB843]

SENATOR HARR: THE WAY THE LAW STATES IS THAT THE INDIVIDUAL SHALL BE IMMUNE FROM PROSECUTION FOR A PROSTITUTION OFFENSE. SO IF THEY STOLE THE JOHN'S WALLET, YOU COULD STILL CHARGE THEM FOR STEALING THE JOHN'S WALLET. [LB843]

SENATOR GROENE: CAN THE PROSECUTOR CHARGE HER FOR PROSTITUTION IF THE POLICE OFFICER DIDN'T SAY YOU ARE IMMUNE? [LB843]

SENATOR HARR: IF THE POLICE OFFICER DID NOT, YES, YOU COULD, EVEN IF YOU WERE A VICTIM OF SEX TRAFFICKING. [LB843]

SENATOR GROENE: SO NOW WE'RE GIVING A POLICE OFFICER THE ABILITY OF A JUDGE TO GIVE A FINDING ON A CASE. [LB843]

SENATOR HARR: WELL, POSSIBLY, POSSIBLY. WHAT YOU COULD DO IS, THE COUNTY ATTORNEY COULD NOT...OR CITY ATTORNEY COULD NOT CHARGE FOR THE UNDERLYING PROSTITUTION OFFENSE, BUT THEY COULD CHARGE FOR THE THEFT OF THE WALLET. [LB843]

SENATOR GROENE: UNLESS THE POLICE OFFICER DID NOT GIVE IMMUNITY, THEN THEY COULD... [LB843]

SENATOR HARR: YEAH, UNLESS THEY DID NOT GIVE IMMUNITY. AND EVEN THEN THE CITY ATTORNEY OR COUNTY ATTORNEY COULD GIVE...COULD DECIDE NOT TO CHARGE. [LB843]

SENATOR GROENE: ONE MORE QUESTION, COULD ANY PROSTITUTE WHO CLAIMS THEY'VE GOT A PIMP EVER BE PROSECUTED AGAIN IN THE STATE OF NEBRASKA BECAUSE...ISN'T THAT UNDER THE DEFINITION OF BEING A TRAFFICKED, BECAUSE YOU HAVE A PIMP? [LB843]

SENATOR HARR: IF THE OFFICER BELIEVED THAT THE...IT'S NOT EVEN REASONABLY BELIEVED...IT'S JUST THAT THE OFFICER...OH, YEAH, IT'S JUST...THE PERSON ENGAGED IN...AS A RESULT OF SEX TRAFFICKING. SO IT'S NOT EVEN A REASONABLE BELIEF, IT'S JUST A BELIEF. [LB843]

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SENATOR GROENE: SO THE ONLY PROSTITUTES WE CAN PROSECUTE IN THE STATE OF NEBRASKA IS THE INDEPENDENT ONES THAT DON'T HAVE A HANDLER. [LB843]

SENATOR HARR: AS I READ THIS, THAT WOULD BE CORRECT. [LB843]

SENATOR GROENE: THANK YOU, SENATOR HARR. AND I'M NOT EVEN A LAWYER, FOLKS. I'M GLAD I DIDN'T WASTE THE TIME IN LAW SCHOOL, IT'S EASIER TO FIGURE IT OUT THIS WAY. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR HARR AND SENATOR GROENE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB843]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, A PERSON CANNOT BE ARRESTED ON REASONABLE BELIEF. WHEN AN OFFICER SEEKS TO GET A WARRANT, AND THAT'S WHERE WE'RE TALKING ABOUT THIS OTHER STUFF, IF A COP OBSERVES CONDUCT THAT HE THINKS...HE OR SHE THINKS IS A CRIME, THE OFFICER CAN MAKE AN ARREST. THEN IT IS SORTED OUT LATER. BUT THERE MUST HAVE BEEN PROBABLE CAUSE TO BELIEVE THAT A CRIME HAD BEEN COMMITTED. LET'S SAY THAT A PERSON IS RUNNING OUT OF A STORE, AND A PERSON THAT THE OFFICER THINKS IS A MANAGER OR AN EMPLOYEE IS CHASING THAT PERSON SAYING, STOP, STOP, WELL, THE OFFICER CAN APPREHEND THE ONE BEING PURSUED. BUT IF UPON INVESTIGATION, AND IT TAKES NONE, THE OFFICER IS TOLD THIS LADY LEFT HER DRIVER'S LICENSE AND I WAS TRYING TO CATCH HER TO GIVE HER THE LICENSE, THEN WHAT LOOKED LIKE A CRIME TO THE OFFICER WAS NOT AND NO ARREST IS MADE. BUT THE OFFICER MUST BELIEVE THAT THE CRIME HAS BEEN COMMITTED. IF AN ARREST IS MADE AND THERE IS NO PROBABLE CAUSE, IT IS THROWN OUT. THAT IS WHEN THE OFFICER OBSERVES SOMETHING. IF AN OFFICER GOES TO A JUDGE TO GET AN ARREST WARRANT, THE OFFICER MUST PRESENT PROBABLE CAUSE. AND THE OFFICER, BASED ON OATH WHERE YOU SWEAR, OR AFFIRMATION WHERE BECAUSE YOU DON'T BELIEVE IN SWEARING, YOU AFFIRM, AND THAT CARRIES THE SAME LEGAL SIGNIFICANCE AND CONSEQUENCES. BUT YOU'RE GETTING FAR AFIELD. I'D LIKE TO ASK SENATOR PANSING BROOKS A QUESTION FOR MY EDIFICATION. [LB843]

SENATOR SCHEER: SENATOR PANSING BROOKS, WOULD YOU PLEASE YIELD? [LB843]

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SENATOR PANSING BROOKS: YES, I WILL. [LB843]

SENATOR CHAMBERS: SENATOR PANSING BROOKS, IS THERE A DEFINITION IN THE STATUTE CURRENTLY OF WHAT CONSTITUTES BEING TRAFFICKED OR BEING A VICTIM OF TRAFFICKING? [LB843]

SENATOR PANSING BROOKS: YES. THERE IS A WHOLE PORTION OF THE BILL...OF THE NEBRASKA STATUTES. WE'VE PASSED THOSE LAST YEAR AND BEFORE. [LB843]

SENATOR CHAMBERS: I'M NOT WRITING THE BILL. IF I WERE WRITING THE BILL, I WOULD HAVE WRITTEN IT DIFFERENTLY. OTHER PEOPLE ARE WORKING TOGETHER TO TRY TO GET IT DONE. IT'S NOT A BILL THAT I DISAGREE WITH, SO I'M NOT GOING TO THE MAT TO KILL IT. I DON'T THINK AS IT'S WRITTEN IT POSES THE PROBLEMS THAT SENATOR HARR HAS MENTIONED. BUT I DON'T BELIEVE THAT SENATOR COASH'S AMENDMENT HELPS AT ALL. IT PUTS THE OFFICER AND THE JUDGE ON THE SAME BASIS. AND BY JOINING THE TWO WITH "OR," IT'S LIKE SAYING SENATOR CHAMBERS OR SENATOR WILLIAMS MAY DO THIS OR WHATEVER IT IS. THIS WOULD SAY A JUDGE MAY DETAIN A PERSON FOR A REASONABLE PERIOD OF TIME FOR INVESTIGATIVE PURPOSES, WHICH A JUDGE MAY NOT DO. IF YOU DO PUT THAT IN THE BILL, IT IS UNCONSTITUTIONAL. A JUDGE CANNOT DO IT. SO WHEN YOU ARE HASTENING TO TRY TO MAKE SOMETHING BETTER, IF YOU'RE GOING TO INVOLVE A JUDGE, YOU HAVE TO DO IT DIFFERENTLY. THIS IS NOT THE POINT AT WHICH IT SHOULD BE DONE. YOU COULD SIMPLY STATE THAT TO BE TRAFFICKED DOES NOT CONSTITUTE A CRIME. THEN YOU'RE RIGHT WHERE YOU ARE WITH THIS WHERE AN OFFICER MAY MISTAKENLY TAKE SOMEBODY INTO CUSTODY. IF THE PERSON SHOWS THAT I WAS BEING TRAFFICKED, THEN THE COP SHOULD RELEASE THE PERSON. REALISTICALLY, THAT IS WHAT SHOULD HAPPEN. IF THE COP DOES NOT WANT TO RELEASE THE PERSON, BUT WRITES OUT THE REPORT AND TAKES IT TO THE COUNTY ATTORNEY,... [LB843]

SENATOR SCHEER: ONE MINUTE. [LB843]

SENATOR CHAMBERS: ...THE COUNTY ATTORNEY WOULD SEE THAT THE FACTS INDICATE THAT THIS PERSON WAS BEING TRAFFICKED, THEREFORE, PROSTITUTION WAS NOT INVOLVED AND THE CHARGE IS DISMISSED AND THAT IS THE END OF IT. MAYBE OTHER THINGS OUGHT TO BE DONE TO HELP THAT PERSON WHO IS BEING TRAFFICKED, BUT WE'RE TALKING ABOUT THE CRIMINAL

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LAW AND THE CRIMINAL PROCESS AND THE CRIMINAL LAW PROCESS. AND IT IS NOT INVOLVED WITH GETTING PEOPLE HELP OR ASSISTANCE UNLESS YOU WRITE SOMETHING INTO THE LAW WITH AN ENTIRE DIFFERENT STRUCTURE. ALL WE'RE TALKING ABOUT HERE IS THAT SOMEBODY WHO HAS BEEN TRAFFICKED CANNOT BE CONVICTED OF PROSTITUTION. YOU CANNOT REALLY STOP A PROSECUTOR FROM CHARGING SOMEBODY. YOU HAVE TO TAKE REMEDIAL ACTION SOMEWHERE ELSE, BUT THE PROSECUTOR CAN CHARGE ANYBODY HE OR SHE CHOOSES AND THAT IS IT. IT WOULD BE EASY TO HAVE SOMETHING THROWN OUT IF THE CHARGE WERE INVALID. [LB843]

SENATOR SCHEER: TIME, SENATOR. [LB843]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR HARR, YOU ARE RECOGNIZED. [LB843]

SENATOR HARR: THANK YOU, MR. PRESIDENT. I JUST WANT TO, AS WE GO THROUGH, I STARTED LOOKING AT SOME OF WHAT THE OTHER STATES DO. AND I HEARD EARLIER THAT OURS IS BASED ON...THIS DRAFT IS BASED ON MISSISSIPPI. SO I PULLED UP THE MISSISSIPPI STATUTE ON SEX TRAFFICKING AND I JUST WANT TO READ IT INTO THE RECORD. IT IS MISSISSIPPI CODE ANNOTATED 97-29-51, SECTION (3), WHICH IS PROSTITUTION; MISDEMEANOR PROCURING SERVICES OF PROSTITUTION; FELONY PROMOTING PROSTITUTION; AND PENALTIES. PART (3) STATES: IF IT IS DETERMINED THAT A PERSON SUSPECTED OF OR CHARGED WITH PROMOTING PROSTITUTION IS A TRAFFICKED PERSON, AS DEFINED, THAT FACT SHALL BE CONSIDERED A MITIGATING FACTOR IN THE PROSECUTION OF THAT PERSON FOR PROSTITUTION--MITIGATING, NOT IMMUNITY--AND THE PERSON SHALL BE REFERRED TO APPROPRIATE RESOURCES FOR ASSISTANCE. IF THE PERSON IS UNDER THE AGE OF 18, WHO MEETS THE DEFINITION OF A TRAFFICKED PERSON, THE MINOR IS IMMUNE FROM PROSECUTION FOR PROMOTING PROSTITUTION AS A JUVENILE OR...BUT THERE IS A DIFFERENCE, WE ALREADY HAVE THAT, FOLKS. WE ALREADY GAVE THAT IMMUNITY TO MINORS LAST YEAR. WE ARE NOW EXTENDING IT ON TO ADULTS. AND WE AREN'T DOING WHAT MISSISSIPPI DID. SO WE HAVE TO BE VERY CAREFUL. SENATOR CHAMBERS LIKES TO SAY WORDS MATTER. WE ARE MAKING THESE AMENDMENTS, THERE IS A LOT GOING ON IN THE BACKGROUND RIGHT NOW, BUT I DID GET TO LISTEN TO SENATOR CHAMBERS. I AGREED TO THIS FLOOR AMENDMENT BECAUSE I THOUGHT, AS I STATED EARLIER, WE DON'T



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NEED TO WASTE...WE HAVE A LOT OF IMPORTANT ISSUES. WHILE THIS IS IMPORTANT, THERE ARE A LOT OF OTHER ISSUES. LET'S STRIKE A DEAL AND LET'S MOVE ON. IT IS A COMPROMISE. EVERYONE MAY NOT BE HAPPY, BUT EVERYONE GETS A LITTLE SOMETHING. WELL, SENATOR CHAMBERS IS RIGHT THAT FA100 IS PROBABLY UNCONSTITUTIONAL. AND I APOLOGIZE, I WAS THINKING ON THE FLY, AND I AGREED TO IT. I WILL VOTE FOR IT IF IT COMES TO A VOTE BECAUSE THAT IS THE DEAL I MADE. BUT I'M AFRAID, FOLKS, THAT BECOMES A POISON PILL AND DESTROYS THE WHOLE BILL. AGAIN, WE ARE HAVING DIALOGUE ON THE FLOOR. IT IS NICE TO SEE, SOMETIMES MESSY; FOR THOSE OF YOU WATCHING AT HOME YOU KNOW THE OLD SAYING, YOU DON'T WANT TO SEE LAW OR SAUSAGE. YOU'RE SEEING SAUSAGE MADE RIGHT NOW ON THE FLOOR AND ON THE FLY. IT MAY NOT BE THE BEST WAY, BUT WE'RE GOING TO COME OUT WITH A BILL THAT IS BETTER AND THAT IS STRONGER. AND SO THANK YOU FOR YOUR PATIENCE WHILE WE WORK THROUGH THIS AND TRY TO FIGURE SOMETHING OUT. THANK YOU, MR. PRESIDENT. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR HARR. SENATOR CHAMBERS, YOU ARE RECOGNIZED. AND, SENATOR CHAMBERS, THIS IS YOUR THIRD TIME. [LB843]

SENATOR CHAMBERS: MR. PRESIDENT, SINCE SENATOR COASH WANTS TO PULL HIS AMENDMENT, I'M NOT GOING TO SPEAK NOW, SO I WANTED TO MAKE THAT CLEAR. I'LL GET OUT OF THE WAY SO HE CAN DO WHAT HE WANTS TO DO. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR COASH, YOU ARE WELCOME TO CLOSE ON YOUR AMENDMENT. [LB843]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'M GETTING A LITTLE WEARY HERE. I WAS ASKED TO DRAFT THIS AMENDMENT AND THEN IT WAS CALLED A POISON PILL BY THE FOLKS THAT ASKED ME TO DRAFT IT. BUT THAT IS WHAT WE'RE DOING HERE, WE ARE WORKING THROUGH THESE ISSUES. I FILED ANOTHER AMENDMENT BEHIND THIS THAT ADDRESSES A DIFFERENT PORTION OF THIS BILL. IT MAY HELP, FOLKS, IT MAY NOT. WHAT I'VE AGREED TO DO IS PULL THIS AMENDMENT. AND I'M JUST GOING TO OPEN ON MY NEXT AMENDMENT. THANK YOU. [LB843]

SENATOR SCHEER: WITHOUT OBJECTION, SO PULLED. MR. CLERK. [LB843]

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CLERK: SENATOR, I DON'T HAVE ANOTHER AMENDMENT. [LB843]

SENATOR COASH: IT MAY NOT BE READY YET. [LB843]

CLERK: MR. PRESIDENT, SENATOR COASH WOULD MOVE TO AMEND WITH FLOOR AMENDMENT, FA101. (LEGISLATIVE JOURNAL PAGE 1117.) [LB843]

SENATOR SCHEER: SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB843]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, FA101 ADDS TO THE COMMITTEE AMENDMENT ON LINE 2, IF THE LAW...I'M JUST GOING TO READ THE SECTION: IF A LAW ENFORCEMENT OFFICER DETERMINES AFTER REASONABLE DETENTION FOR INVESTIGATION PURPOSES THAT A PERSON SUSPECTED OF OR CHARGED WITH A VIOLATION OF (1) OF THE SECTION IS (A) A PERSON ENGAGED IN THOSE ACTS AS A DIRECT RESULT OF BEING TRAFFICKED VICTIM AS DEFINED IN SECTION 28-830, SUCH PERSON SHALL NOT BE DETAINED BY LAW ENFORCEMENT FOR THE PROSTITUTION OFFENSE. MAY HAVE MISSED A WORD HERE OR THERE, BUT THAT IS THE GIST OF FA101. COLLEAGUES, TAKE A LOOK AT THIS. SENATOR SCHUMACHER HAS MADE SOME GOOD POINTS AS WE'VE GONE THROUGH THIS DEBATE ABOUT THE ROLE OF THE JUDICIARY AND THE ROLE OF LAW ENFORCEMENT. WHAT WE'RE TRYING TO PRESERVE HERE IS SOME FRONT-END ABILITY OF LAW ENFORCEMENT TO MAKE A DETERMINATION OF WHETHER OR NOT A VICTIM, SOMEONE WHO IS PICKED UP UNDER THIS IS A VICTIM OR NOT, AND WE WANT TO RETAIN THAT. WITH THAT I WILL YIELD THE BALANCE OF MY TIME TO SENATOR SCHUMACHER, SHOULD HE SO CHOOSE. THANK YOU, MR. PRESIDENT. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR COASH. SENATOR SCHUMACHER, YOU HAVE 8:20. [LB843]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. A LOT OF THE HEARTBURN ABOUT THIS AMENDMENT HAS CENTERED AROUND THE WORDS "IMMUNE FROM PROSECUTION," BECAUSE THOSE ARE BIG WORDS WHEN YOU'RE STARTING TALKING ABOUT CRIMINAL LAW. THEY CAN, VERY POSSIBLY, BE CONSTRUED AS BEING...APPLYING TO MORE THAN JUST THE ARRESTING OFFICER, TO APPLYING TO OTHER OFFICERS, OTHER JURISDICTIONS, TO BINDING COUNTY ATTORNEYS, TO BINDING COURTS. "IMMUNE" IS A BIG WORD. WHAT SENATOR COASH'S AMENDMENT DOES IS, BASICALLY, SAYS THAT

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IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN SUBJECTED TO TRAFFICKING, THEN THAT OFFICER...AND I THINK THE WORDS ARE--THEN THE PERSON SHALL BE RELEASED BY THE ARRESTING OFFICER. AND THE PERSON IS THEN FREE TO GO. THAT DOES NOT BIND THE COUNTY ATTORNEY; THAT DOES NOT BIND OTHER OFFICERS. IT DOES, ESSENTIALLY, WHAT COULD BE DONE TODAY, BUT DOES IT IN A FORMAL MANNER. AND I DID LIKE SOMETHING THAT SENATOR HARR JUST READ FROM, I BELIEVE IT WAS MISSOURI LAW OR THE TENNESSEE LAW, MISSOURI LAW (SIC-MISSISSIPPI), IN WHICH IT SAID THAT THE VICTIM WILL BE REFERRED TO COUNSELING SERVICES OR TO ASSISTANCE SERVICES OR SOMETHING LIKE THAT. I THINK SENATOR HARR MAY BE ABLE TO FIND THE EXACT LANGUAGE. IF WE FIND...IF WE PASS THIS AMENDMENT, IF THAT'S THE WAY THE BODY WANTS TO GO, THEN I WOULD SUGGEST ONE...ANOTHER VERY SHORT AMENDMENT ADDING THAT LANGUAGE THAT WHEN THEY'RE RELEASED THEY'RE ALSO REFERRED TO SOME HELP. BUT THIS IS A GOOD AMENDMENT. IT GETS RID OF THE REAL PROBLEMATIC THING ABOUT IMMUNITY, AND IT ALSO LEAVES...IN THE AMENDMENT THAT WE PASSED JUST A LITTLE EARLIER, MAKING IT CLEAR THAT A JUDGE...IF A JUDGE LATER ON, IF THE PERSON IS CHARGED, FINDS THAT THE PERSON WAS A VICTIM OF TRAFFICKING, THE JUDGE CAN, AT THAT POINT, DISMISS THE CHARGES ON A MOTION TO DISMISS BASED UPON A PREPONDERANCE OF THE EVIDENCE. I THINK THIS...THIS WILL, MAYBE, MOVE US ON AND THAT WE CAN MAKE THE BILL A WHOLE LOT BETTER BY ADDING THAT WHEN THEY'RE RELEASED THEY'RE REFERRED TO HELP. BUT LET'S SEE IF THIS ONE FLIES. THANK YOU. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR COASH AND SENATOR SCHUMACHER. SENATOR SCHUMACHER, I'M ASSUMING THAT YOU ARE NOT WAITING IN THE QUEUE? SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB843]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO THE FLOOR AMENDMENT, FA101. COLLEAGUES, I WORKED INTENSELY WITH THE A.G.'S OFFICE AND THE COUNTY ATTORNEYS. THIS BILL RECOGNIZES THAT PEOPLE WHO ARE TRAFFICKED ARE VICTIMS OF A CRIME. THE LANGUAGE WAS SUGGESTED BY THE A.G. AND THE COUNTY ATTORNEY'S OFFICE, BOTH SUPPORTED THE AMENDMENT WHICH I HAD PRIOR TO THE COMMITTEE HEARING. THEY CAME IN NEUTRAL BECAUSE THEY WANTED TO MAKE SURE THAT THIS LANGUAGE WAS WHAT WAS USED. SO THIS IS THE PROBLEM WITH DOING THINGS ON THE FLY. WE HAVE HAD NO VOTES AGAINST THIS ALL THE WAY THROUGH THE COMMITTEE HEARINGS, NO ONE CAME AND SPOKE AGAINST IT. THE A.G. AND THE COUNTY ATTORNEYS DIDN'T SPEAK AGAINST IT. SENATOR

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SCHUMACHER IS SAYING, WELL, IT WOULD BE REALLY GOOD TO PUT IN SUGGESTIONS ABOUT HOW TO HANDLE THESE TRAFFICKED VICTIMS. WELL, FIRST OFF, IF YOU WORK WITH THE A.G. AND THE COUNTY ATTORNEYS AND ALL THE PEOPLE THAT WE'RE WORKING WITH IN THE JUDICIARY COMMITTEE, THEY DON'T WANT ALL OF THESE RULES SET FORTH IN STATUTE BECAUSE THEY MIGHT CHANGE NEXT YEAR. THE A.G.'S OFFICE HAS ALREADY SET FORTH IN THEIR STRATEGIC PLAN, I DON'T KNOW IF YOU'VE READ IT, WHAT THEY PLAN TO DO; HOW THEY INTEND TO WORK WITH PEOPLE WITHIN THE COMMUNITY, ALL OF THE NONPROFITS THAT ARE HELPING VICTIMS OF TRAFFICKING. SO, AGAIN, SENATOR HARR, I HAVE THE STATUTES. I HAVE COPIES FROM EVERY STATE ABOUT WHAT IS HAPPENING ON HUMAN TRAFFICKING LAWS IN EACH OF THE STATES. SENATOR HARR QUOTED MISSISSIPPI. I'M NOT SURE WHAT HE'S... WHICH LAW HE WAS QUOTING, BUT THE 2016 LAW THAT I HAVE SAYS, IF IT IS DETERMINED THAT A PERSON SUSPECTED OF OR CHARGED WITH ENGAGING IN PROSTITUTION IS ENGAGING IN THOSE ACTS AS A DIRECT RESULT OF BEING TRAFFICKED PERSON AS DEFINED IN SECTION 97, THAT PERSON SHALL BE IMMUNE FROM PROSECUTION FOR PROSTITUTION AS A JUVENILE OR ADULT-- EXACT SAME THING. THANK YOU, SENATOR HARR, FOR BRINGING THIS MISSISSIPPI LAW TO LIGHT. IT'S EXACTLY WHAT WE ARE DOING. AND, IN FACT, WHEN I TALKED WITH THE COUNTY ATTORNEYS AND THE A.G., THEY SAID MISSISSIPPI WAS PART OF THE GOLD STANDARD THAT THEY WERE BASING THIS LAW AND THIS AMENDMENT, THE ORIGINAL AMENDMENT, ON. THAT PERSON SHALL BE IMMUNE FROM PROSECUTION FOR PROSTITUTION AS A JUVENILE OR ADULT--IT'S EXACTLY WHAT WE ARE TRYING TO DO HERE. SO, MY FRIENDS, I WOULD ASK THAT YOU VOTE DOWN FA101 AND VOTE GREEN ON LB843. THANK YOU VERY MUCH, MR. PRESIDENT. AND IF...I THINK THAT'S ALL. THANK YOU. [LB843]

SENATOR SCHEER: THANK YOU, SENATOR PANSING BROOKS. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB843]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO FA101 FOR MANY OF THE REASONS THAT SENATOR PANSING BROOKS DISCUSSED. THIS IS LANGUAGE THAT WAS CLEARED BY THE ATTORNEY GENERAL'S OFFICE AND I BELIEVE SOME OTHER INDIVIDUALS THAT DEAL WITH PROSECUTION. AND WHILE I RESPECT SENATOR SCHUMACHER AND SENATOR HARR, I DON'T THINK THE IMMUNITY ISSUE IS ALL THAT PROBLEMATIC. THESE ARE DECISIONS THAT LAW ENFORCEMENT OFFICERS MAKE EVERY DAY, WHETHER OR NOT TO CHARGE SOMEBODY, AND WHETHER OR NOT THERE IS A BASIS TO CHARGE THEM OR NOT. WE CAN CALL IT IMMUNITY, WE CAN CALL IT SOMETHING ELSE. THE FACT OF

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THE MATTER IS, IS THAT I BELIEVE THE LANGUAGE THAT WAS ORIGINALLY AMENDED WITH THE COMMITTEE AMENDMENT, ONTO THIS BILL, WAS WELL VETTED BY THE ATTORNEY GENERAL'S OFFICE AND OTHER INDIVIDUALS, AND IS ACCEPTABLE LANGUAGE. I ALSO HAVE SOMEWHAT OF A VESTED INTEREST IN THIS BECAUSE LB843 HAS ONE OF MY BILLS ON IT THAT PROVIDES CRITICAL SERVICES...AND I WANT TO REMIND FOLKS, THAT BILL PROVIDES CRITICAL SERVICES TO VICTIMS OF SEXUAL ASSAULT AND ENSURING THAT THEY ARE NOT CHARGED AFTER THEY HAVE BEEN SEXUALLY ASSAULTED FOR THE MEDICAL FEES INVOLVED WITH THE EXAMINATION FOLLOWING A SEXUAL ASSAULT. SO THIS BILL IS NOT JUST ABOUT SENATOR PANSING BROOKS'S ISSUE ANYMORE, IT ALSO INCLUDES SOME CRITICAL SERVICES AND A CRITICAL FUND FOR VICTIMS OF SEXUAL ASSAULT. SO I WANT TO KEEP THAT IN MIND THAT REGARDLESS OF WHAT HAPPENS WITH THIS FLOOR AMENDMENT, THE UNDERLYING BILL ALSO HAS SOME VERY IMPORTANT PROVISIONS TO PROVIDE SERVICES TO VICTIMS OF SEXUAL ASSAULT. THAT BEING SAID, I AM GOING TO VOTE AGAINST FA101. I WOULD ENCOURAGE ALL OF YOU TO DO THE SAME. THE LANGUAGE IN THE UNDERLYING BILL IS LANGUAGE THAT WAS VETTED BY THE ATTORNEY GENERAL'S OFFICE AND BY THE INDIVIDUALS THAT WOULD BE PROSECUTING RIGHT NOW THESE FOLKS, OR NOT PROSECUTING. SO I ASK THAT YOU VOTE DOWN FA101 AND ADVANCE LB843. THANK YOU. [LB843]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR BURKE HARR, YOU ARE RECOGNIZED. [LB843]

SENATOR HARR: THANK YOU, MR. SPEAKER. SENATOR MORFELD, WOULD YOU YIELD TO A QUESTION? [LB843]

SPEAKER HADLEY: SENATOR MORFELD, WILL YOU YIELD? [LB843]

SENATOR MORFELD: YES. [LB843]

SENATOR HARR: THANK YOU, SENATOR. SO IF WE VOTE DOWN FA101, WHAT HAPPENS WITH MY UNDERLYING AMENDMENT THAT WAS JUST PASSED, AM2665? [LB843]

SENATOR MORFELD: WELL, IT STAYS ON THE BILL, SENATOR. [LB843]

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SENATOR HARR: OKAY. WHERE WOULD THE ENFORCEABILITY OF THAT BE?  
[LB843]

SENATOR MORFELD: WELL, IF SOMEBODY WAS ACTUALLY CHARGED, THEY WOULD BE ABLE TO HAVE THE ABILITY TO MOTION TO THE JUDGE, UNDER YOUR AMENDMENT, TO DISMISS THE CHARGE. [LB843]

SENATOR HARR: OKAY. THANK YOU, SENATOR MORFELD. NOT SURE I AGREE WITH THAT INTERPRETATION. I SUPPORT FA101. I SUPPORT THE SPIRIT OF THE COMPROMISE THAT I STRUCK. WHAT I WAS LOOKING TO DO, FOLKS, IS WE HAVE A PROBLEM IN THIS STATE. AND IT IS EMBARRASSING AND IT'S SOMETHING THAT I AM PROUD THAT SENATOR PANSING BROOKS, SENATOR MORFELD, AND OUR ATTORNEY GENERAL ARE ADDRESSING--HUMAN TRAFFICKING. BUT JUST ADDRESSING THE ISSUE ISN'T ENOUGH. YOU HAVE TO DO IT IN A GOOD WAY. YOU HAVE TO DO IT IN A WAY WHERE YOU GET THE RESULTS THAT YOU WANT. AND JUST GRANTING IMMUNITY WILLY-NILLY IS NOT THAT WAY. TYING THE HANDS OF OUR COUNTY ATTORNEYS IS NOT THAT WAY. WHAT WE ARE LOOKING TO DO HERE TODAY IS GOOD LEGISLATION, NOT BAD. THE MISSISSIPPI CODE THAT I WAS CITING, I RECEIVED FROM OUR LEGISLATIVE RESEARCH OFFICE AND IT SAYS THIS DOCUMENT IS CURRENT THROUGH THE FIRST OF 2016, FIRST SESSION, AND IT DOES NOT GIVE IMMUNITY. SO I'M NOT SURE WHERE THE MISINTERPRETATION BETWEEN MYSELF AND SENATOR PANSING BROOKS IS. WHAT I CAN TELL YOU IS THAT WE HAVE TO ADDRESS THIS ISSUE. I THINK WHAT SENATOR COASH DOES, I WANT TO THANK HIM FOR HIS HARD WORK ON FINDING A COMPROMISE. WE HAVE TO FIND A WAY TO ADDRESS THIS PROSTITUTION ISSUE AND THE SEX TRAFFICKING ISSUE. AND THEY ARE DIFFERENT. AND YOU MAY NOT KNOW AT THE TIME OF ARREST WHICH ONE IT IS. AND THAT IS WHY IT IS NOT THAT A CRIME WAS COMMITTED, IT IS THAT YOU BELIEVE A CRIME WAS COMMITTED, AND YOU BELIEVE THIS PERSON IS THE PERSON, YOU HAVE PROBABLE CAUSE TO BELIEVE THIS PERSON DID THE ACT. THERE IS A DIFFERENCE. THERE IS A DIFFERENCE. AND THAT IS WHERE SENATOR CHAMBERS AND I DISAGREE. I PROSECUTED FOR FIVE AND A HALF YEARS, I KNOW WHAT THE ETHICAL DUTIES OF A PROSECUTOR ARE. IF THEY BELIEVE THIS INDIVIDUAL, IN THEIR HEART, IS A VICTIM OF SEX TRAFFICKING AND NOT GUILTY OF A CRIME, YOU HAVE A DUTY, A DUTY NOT TO CHARGE THAT INDIVIDUAL. SO THIS IMMUNITY ISN'T NECESSARY BECAUSE YOU ALREADY...PROSECUTORS ALREADY HAVE THAT DUTY. IT'S IN EVERY DAY WHEN YOU CHARGE INDIVIDUALS, YOU HAVE TO BELIEVE. AND IT IS NO LONGER JUST PROBABLE CAUSE, THAT'S FOR ARREST. YOU HAVE TO BELIEVE BEYOND A REASONABLE DOUBT THAT THIS PERSON DID THE CRIME, REASONABLE BELIEF

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THAT A CRIME WAS COMMITTED AND BEYOND A REASONABLE DOUBT THAT THAT INDIVIDUAL COMMITTED THE CRIME. THAT'S THE BURDEN ON A PROSECUTOR. IT IS A HEAVY YOKE THAT THEY BEAR. BUT THERE IS A REASON WHY WE DO THAT. WE CAN'T NOW TIE THEIR HAND...ONE HAND BEHIND THEIR BACK AND SAY, OH, BY THE WAY, EVEN IF YOU DO BELIEVE A CRIME WAS COMMITTED AND THIS PERSON DID IT... [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR HARR: ...OFFICER SO-AND-SO OVER HERE SAID HE DOESN'T BELIEVE YOU. HE DOESN'T BELIEVE A CRIME WAS COMMITTED AND WE HAVE TO GIVE IMMUNITY. LET'S NOT TIE LAW ENFORCEMENT OR OUR PROSECUTOR'S HANDS. LET'S GIVE THEM THE TOOLS THAT THEY ALREADY HAVE TO ADDRESS THE ISSUE OF SEX TRAFFICKING. LET'S TRUST THOSE INDIVIDUALS THAT WE ELECTED TO DO THE RIGHT THING. THAT IS WHAT FA101 DOES, AND I WOULD ASK FOR YOUR SUPPORT. THANK YOU. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. SENATOR COASH, YOU ARE RECOGNIZED. [LB843]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, I WANTED TO CLARIFY ON MY OPENING; I DIDN'T HAVE THE AMENDMENT RIGHT IN FRONT OF ME, SO I'M GOING TO RETRACT THAT STATEMENT AND MAKE SURE IT IS CLEAR FOR THE RECORD THAT WHAT FA101 DOES IS IT ADDS THAT SUCH PERSON SHALL BE RELEASED BY THE ARRESTING OFFICER, WHICH I THINK IS AN APPROPRIATE TERM, RELEASED, BECAUSE IN THE EXISTING LANGUAGE, LINE 6 OF THE AMENDMENT IS DETAINED. SO FOR THAT REASON, I WANTED TO JUST TAKE A BRIEF MOMENT TO CLARIFY THAT--EXISTING LANGUAGE SAYS THEY'LL BE DETAINED WITH FA101; IF THEY ARE SUSPECTED OF BEING VICTIMS OF TRAFFICKING, THEY WILL BE RELEASED. THAT IS WHAT FA101 DOES. THANK YOU, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR COASH. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB843]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I HAD STATED EARLIER THAT IF I HAD WRITTEN THE BILL IT WOULD HAVE BEEN DIFFERENT. FIRST OF ALL, IF I WERE DRAFTING SOMETHING LIKE THIS, I WOULD HAVE GONE TO THE LEGISLATION THAT RELATES TO

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TRAFFICKING AND HAD MADE ANY MODIFICATIONS THAT SHOULD BE THERE. I CAN UNDERSTAND SOMEBODY GOING ALONG WITH THE ATTORNEY GENERAL BECAUSE THEY HAVE A WAY SOMETIMES OF COMING IN AT THE LAST MINUTE AND TORPEDOING A BILL. BUT THIS AMENDMENT, I THINK, TAKES CARE OF THE MATTER. FIRST OF ALL, WHAT THE ATTORNEY GENERAL DID WAS TO FIND A STATUTE THAT USED THE WORD "IMMUNITY." THE STATUTE THAT HE CHOSE RELATED TO THOSE UNDER 18. AND THAT LAW, ON THE BOOKS RIGHT NOW, AND I'M PARAPHRASING IT, SAYS THAT WHEN YOU'RE TALKING ABOUT PROSTITUTION, IF A PERSON UNDER 18 IS DETAINED FOR INVESTIGATIVE PURPOSES, THEN THIS PERSON, WHERE PROSTITUTION IS CONCERNED, SHALL NOT BE CHARGED WITH PROSTITUTION, IS IMMUNE FROM ARREST...FROM PROSECUTION. BUT THEN IT REFERS TO THE SECTION OF STATUTE THAT TELLS HOW THIS JUVENILE SHOULD BE PROCESSED. AND IF YOU GO TO THAT SECTION, YOU SEE THAT THE JUVENILE IS NOT TURNED LOOSE, BUT A JUVENILE MAY BE TAKEN INTO TEMPORARY CUSTODY BY ANY PEACE OFFICER WITHOUT A WARRANT OR ORDER OF THE COURT WHEN A JUVENILE HAS VIOLATED A STATE LAW OR MUNICIPAL ORDINANCE IN THE PRESENCE OF THE OFFICER...AND IT GOES ON TO LIST THE VARIOUS THINGS. BUT THEN IT TALKS ABOUT HOW THE JUVENILE IS TO BE DEALT WITH, NOT SIMPLY RELEASED. SO WHEN YOU PUT INTO THE CONTEXT OF WHAT THIS BILL IS SAYING, EVEN WITH THE AMENDMENT HERE, IT WOULD READ IN THIS FASHION: A PERSON ENGAGING IN THOSE ACTS AS A DIRECT RESULT OF BEING A TRAFFICKING VICTIM AS DEFINED IN SECTION 28-830, SUCH PERSON SHALL BE RELEASED BY THE ARRESTING OFFICER...AND THAT'S IT. IF THE PERSON IS A VICTIM OF TRAFFICKING, THERE WILL BE NO ARREST. IF THE OFFICER IS CONVINCED THAT THE PERSON IS A VICTIM OF TRAFFICKING, THE OFFICER RELEASES THE PERSON. THE PERSON NEVER COMES BEFORE THE COUNTY ATTORNEY. HERE'S THE WAY THE PERSON WOULD COME BEFORE THE COUNTY ATTORNEY, AND THIS WOULD BE THE CASE EVEN WITH SENATOR PANSING BROOKS'S AMENDMENT. IF THE OFFICER BELIEVES THE PERSON COMMITTED PROSTITUTION, THAT PERSON IS ARRESTED, CHARGED, AND TAKEN DOWNTOWN. THE PROSECUTOR LOOKS AT THE REPORT, AND IF THE FACTS DON'T JUSTIFY A PROSTITUTION CHARGE, THE PERSON IS RELEASED. BUT NO ISSUE OF TRAFFICKING EVEN COMES UP, BECAUSE IF THE OFFICER IN THE FIRST INSTANCE, DURING THIS PRELIMINARY INVESTIGATION IF YOU WANT TO CALL IT THAT, DETERMINES THAT THE PERSON IS A VICTIM OF TRAFFICKING, THE PERSON IS RELEASED, AND THAT'S THE END OF IT. THAT'S THE END OF IT. THE OFFICER IS NOT GRANTING IMMUNITY. THERE'S NOTHING ABOUT THE PROSECUTOR MAKING THE PERSON IMMUNE BECAUSE OF WHAT THE STATUTE SAYS. THE TRAFFICKED INDIVIDUAL WILL NEVER BE BEFORE THE PROSECUTING ATTORNEY. THIS IS WHERE YOU ALLOW THE OFFICER TO MAKE



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THAT DECISION. AND IF THE DECISION IS THAT THE PERSON IS A VICTIM OF TRAFFICKING, THE PERSON IS RELEASED AND SHE OR HE CAN GO THEIR OWN WAY AND THAT ENDS IT. [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR CHAMBERS: IF THERE ARE OTHER ACTIVITIES, THEY'RE NOT LAW ENFORCEMENT IN NATURE. OTHER STATUTES WOULD HAVE TO BE PUT IN PLACE TO REQUIRE OR MANDATE OR SUGGEST SOME OTHER DISPOSITION AS IS DONE RIGHT NOW WITH JUVENILES WHO ARE CHARGED WITH PROSTITUTION. THEY ARE NOT PROSECUTED FOR IT. THEY ARE TREATED IN OTHER WAYS AND HHS IS INVOLVED AND SO FORTH. SO I THINK THE ATTORNEY GENERAL MADE A MISTAKE BY PUTTING THIS LANGUAGE IN THIS SECTION OF STATUTE. THAT OFFICE DOES NOT DO GOOD LEGAL WORK, BUT I THINK WHAT THEY WERE TRYING TO DO WAS A WORTHWHILE THING. BUT SOMETIMES YOU CANNOT PUT NEW WINE IN OLD BOTTLES BECAUSE...AND THEY HAD... [LB843]

SPEAKER HADLEY: TIME, SENATOR. [LB843]

SENATOR CHAMBERS: THANK YOU. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB843]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT. JUST BRIEFLY, IT'S MY INTENTION, IF THIS PASSES, AND THIS SAYS THAT IF THE OFFICER FINDS THAT THE PERSON IS A VICTIM OF TRAFFICKING THEY SHALL BE RELEASED, TO ADD THE LANGUAGE THAT SENATOR HARR READ FROM THE MISSOURI (SIC-MISSISSIPPI) LAW THAT SAID SHALL BE RELEASED AND REFERRED TO APPROPRIATE RESOURCES SO THAT WE COMPLETE THE PICTURE THAT OUR FOCUS HERE IS NOT TO PROSECUTE, BUT TO HELP PEOPLE WHO ARE THE VICTIMS OF SEX TRAFFICKING. THANK YOU. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB843]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, FOR THE SAKE OF MY SEATMATE, SENATOR STINNER, AND IF YOU REMOVE THE "T"

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YOU WOULD HAVE SENATOR "SINNER" AND HE AND I WOULD BE EXACTLY ALIKE, BUT I HAVE TO FINISH BY GIVING MY BIBLE LESSON FOR TODAY. JESUS GAVE A PARABLE AND HE SAID THAT YOU SHOULD NOT PUT NEW WINE IN OLD BOTTLES, AND WHAT WAS REFERRED TO ARE THESE SKINS THAT WERE USED TO CARRY WINE. IF THE SKIN WAS OLD, THAT MEANT IT HAD ALREADY STRETCHED AS MUCH AS IT COULD. AND IF YOU PUT NEW WINE, THAT WHICH HADN'T BEEN TOTALLY FERMENTED INTO IT, THE FERMENTING PROCESS WOULD PUT ADDITIONAL STRESS ON THAT SKIN AND IT WOULD BURST. AND THE GOOD WINE, TO QUOTE MY FELLOW SENATOR, "BROTHER" WILLIAMS, WOULD BE WASTED AND SPILLED ON THE GROUND. WHAT THE ATTORNEY GENERAL TRIED TO DO WAS PUT WINE IN AN OLD BOTTLE. HE TRIED TO TAKE EXISTING STATUTE RELATING TO JUVENILES AND MAKE IT APPLY TO ADULTS. HE SHOULD HAVE GONE, IN MY OPINION, TO THE SECTIONS OF STATUTE THAT RELATE TO TRAFFICKING. AND IF YOU NEEDED TO EMPHASIZE THAT A PERSON WHO IS VICTIMIZED BY TRAFFICKING SHOULD NOT BE PROSECUTED. YOU COULD SAY IT THERE AND YOU WOULDN'T HAVE TO EVEN USE THE WORD "IMMUNITY." WHAT THE ATTORNEY GENERAL DID WAS PUT IT IN A SECTION OF STATUTE WHERE IT GRANTS JUVENILES IMMUNITY FROM PROSECUTION, BECAUSE AS A JUVENILE THEY'RE NOT GOING TO BE HANDLED AS THOUGH THIS WAS A CRIME, BUT IN ANOTHER METHOD. THE ATTORNEY GENERAL SIMPLY TOOK THAT WORD "IMMUNITY," RELATING TO JUVENILES, AND APPLIED IT TO ADULTS, AND IT CREATED THE CONFUSION THAT WE HAVE WORKED OUR WAY THROUGH. BUT I THINK, AS SENATOR HARR TOUCHED ON, IT INDICATED THAT WHERE THERE ARE VERY SERIOUS DISAGREEMENTS, AND THEY ARE DEALING WITH AN ISSUE ABOUT WHICH PEOPLE HAVE STRONG FEELING, EVEN IN THE CHARGED ENVIRONMENT OF DEBATE ON THE FLOOR, IT MAY TAKE SOME TUSSLING, SOME PULLING, TURNING, GIVING AND TAKING, BUT EVENTUALLY AN ACCORD CAN BE REACHED. AND THAT WHICH IS INTENDED TO BE ACHIEVED WILL BE CLOTHED IN LANGUAGE THAT WILL ACHIEVE IT. I THINK THIS AMENDMENT DOES, BECAUSE IT SIMPLY SAYS THAT IF AN OFFICER COMES UPON A SITUATION WHERE HE OR SHE THINKS PROSTITUTION IS OCCURRING, UNDER THE LAW THERE CAN BE DETAINING FOR A REASONABLE PERIOD OF TIME. IF THE OFFICER DETERMINES THAT THIS IS A VICTIM WHO IS TRAFFICKED, THAT PERSON CAN BE RELEASED. BUT THAT DOESN'T HAVE TO BE THE END OF IT. IF THE OFFICER BECOMES AWARE OF THE PIMP OR THE TRAFFICKER, AN ARREST CAN BE MADE OF THAT PERSON ON THE BASIS OF WHAT HAD HAPPENED TO THIS TRAFFICKING VICTIM. BUT USUALLY IF THE TRAFFICKING VICTIM OR EVEN THE PROSTITUTE IS APPROACHED BY LAW ENFORCEMENT, THE PIMP TAKES A POWDER AND IS GONE. I PERSONALLY BELIEVE THAT IF THIS IS THE SECTION OF STATUTE THAT IS TO BE AMENDED, THIS LANGUAGE DOES WHAT EVERYBODY WANTS TO SEE

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DONE, EVEN IF THEY DON'T REALIZE IT RIGHT NOW. FORGET WHAT THE ATTORNEY GENERAL DID, IT WAS A POOR JOB OF LAWYERING. I WAS TRYING TO BRING A SILK PURSE OUT OF A SOW'S EAR, BUT YOU'LL NOTICE I OFFERED NO AMENDMENTS. I SAID IT WAS NOT MY BILL. I WOULD TRY TO WORK WITH THOSE WHO WANTED TO MAKE IT WHAT THEY WANTED IT TO SAY. BUT IF IT WERE MINE, I WOULD HAVE WRITTEN IT A DIFFERENT WAY. I DIDN'T WRITE IT A DIFFERENT WAY. [LB843]

SPEAKER HADLEY: ONE MINUTE. [LB843]

SENATOR CHAMBERS: I BELIEVE THE WAY IT IS BEING WRITTEN NOW WILL ACHIEVE THE END THAT IS INTENDED. A PERSON WHO IS A VICTIM OF TRAFFICKING, AND AN ARRESTING...A POTENTIALLY ARRESTING OFFICER DOES TAKE THAT PERSON INTO CUSTODY, DETERMINES THAT HE OR SHE IS A VICTIM, THE OFFICER RELEASES THAT PERSON, JUST AS IS DONE NOW. BUT IT WAS FELT, WHEN THIS LANGUAGE WAS ORIGINALLY BROUGHT IN THIS BILL, THAT SOMETHING SPECIFIC HAD TO BE PUT THERE TO MAKE IT CLEAR THAT THE POLICY OF THE STATE WOULD NOT BE TO FURTHER VICTIMIZE THESE PEOPLE BY PROCESSING THEM BY WAY OF AN ARREST AND CHARGING THEM WITH SOMETHING THAT THEY NEVER HAD DONE IN THE FIRST PLACE. THANK YOU, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR COASH, YOU'RE RECOGNIZED TO CLOSE ON YOUR FLOOR AMENDMENT. [LB843]

SENATOR COASH: THANK YOU, MR. PRESIDENT. WHAT THIS AMENDMENT DOES, AS I MENTIONED IN MY OPENING, IS IT FOLLOWS ALONG THE LINES OF ONCE A PERSON IS DETAINED, IF IT IS DEEMED THAT THEY'RE A VICTIM OF TRAFFICKED, THAT THEY SHALL BE RELEASED. THAT'S WHAT THIS AMENDMENT DOES. THANK YOU, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADOPTION OF FA101. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? THERE HAS BEEN A REQUEST TO PUT THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THE HOUSE IS UNDER CALL (SIC). RECORD, MR. CLERK. [LB843]

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CLERK: 35 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB843]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS WATERMEIER, HOWARD, BOLZ, GLOOR, KINTNER, AND HILKEMANN. SENATOR GLOOR, THE HOUSE IS UNDER CALL. SENATOR HARR, HOW DID YOU WISH TO PROCEED? ROLL CALL VOTE, MR. CLERK. [LB843]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1117.) 22 AYES, 8 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB843]

SPEAKER HADLEY: THE AMENDMENT FAILS. RAISE THE CALL. [LB843]

CLERK: I HAVE NOTHING FURTHER AT THIS TIME, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: SENATOR PANSING...OKAY. IS THERE FURTHER DEBATE ON THE ADVANCEMENT OF LB843? SEEING NONE, SENATOR HANSEN FOR A MOTION. [LB843]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB843 TO E&R FOR ENGROSSING. [LB843]

SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB843 ADVANCES. RAISE THE CALL. ITEMS FOR THE RECORD? [LB843]

CLERK: I DO, MR. PRESIDENT. SENATOR KOLOWSKI WOULD LIKE TO PRINT AN AMENDMENT TO LB902; SENATOR LARSON TO LB83. COMMUNICATION FROM THE SPEAKER TO THE CLERK DIRECTING LR497 TO REFERENCE COMMITTEE; REFERENCE REPORT FROM REFERENCE COMMITTEE. MR. PRESIDENT, ENROLLMENT AND REVIEW REPORTS LB567, LB684, LB887, LB736, LB679, LB891, LB881, LB1101, LB1080, LB899, LB895, LB1039, LB677, LB978, LB877, LB1050, LB1075, LB973, LB712, LB902, LB694, LB908, LB908A, LB1010, LB913, LB1011, AND LR381, ALL REPORTED TO SELECT FILE, SOME OF WHICH HAVE ENROLLMENT AND REVIEW AMENDMENTS ATTACHED. I HAVE A HEARING NOTICE FROM THE HEALTH AND HUMAN SERVICES COMMITTEE AND GENERAL AFFAIRS CONFIRMATION HEARINGS. AND NEW RESOLUTION: LR500, BY SENATOR MELLO; THAT WILL BE

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LAI D OVER, MR. PRESIDENT. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1118-1127.) [LB902 LB83 LB567 LB684 LB887 LB736 LB679 LB891 LB881 LB1101 LB1080 LB899 LB895 LB1039 LB677 LB978 LB877 LB1050 LB1075 LB973 LB712 LB902 LB694 LB908 LB908A LB1010 LB913 LB1011 LR497 LR381 LR500]

SPEAKER HADLEY: MR. CLERK, THE NEXT ITEM.

CLERK: MR. PRESIDENT, LB1081. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER194, LEGISLATIVE JOURNAL PAGE 1044.) [LB1081]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED. [LB1081]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1081. [LB1081]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE AMENDMENTS ARE ADOPTED. MR. CLERK. [LB1081]

CLERK: SENATOR MELLO WOULD MOVE TO AMEND WITH AM2606. (LEGISLATIVE JOURNAL PAGE 1098.) [LB1081]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED ON AM2606. [LB1081]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AM2606 CONTAINS PROVISIONS OF LB701 AS IT WAS AMENDED AND ADVANCED BY THE HEALTH AND HUMAN SERVICES COMMITTEE. THE AMENDMENT WOULD ELIMINATE TWO SUNSET PROVISIONS UNDER THE PUBLIC ASSISTANCE STATUTES RELATING TO EDUCATION WORK REQUIREMENTS. NEBRASKA LAW CURRENTLY ALLOWS CERTAIN EDUCATIONAL OPPORTUNITIES TO COUNT TOWARDS CORE WORK REQUIREMENTS FOR THE PURPOSES OF THE SELF-SUFFICIENCY CONTRACT UNDER THE AID TO DEPENDENT CHILDREN, BETTER KNOWN AS THE ADC PROGRAM. EDUCATIONAL OPPORTUNITIES, LIKE VOCATIONAL TRAINING, ASSOCIATE'S AND BACHELOR'S DEGREE WORK, GED CERTIFICATION, AND ADULT BASIC EDUCATION, ARE KEY FOR FAMILIES WORKING TO MOVE OUT OF POVERTY AND ULTIMATELY TRANSITION OFF STATE PUBLIC BENEFITS. WITH THE PASSAGE OF LB842, INTRODUCED BY THEN-SENATOR JOHN HARMS IN 2012 AND

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THEN SIGNED BY GOVERNOR DAVE HEINEMAN, THE ORIGINAL SEPTEMBER 30, 2012, SUNSET FOR THIS POLICY WAS EXTENDED THROUGH DECEMBER 31 OF 2016. LB701 WAS ADVANCED UNANIMOUSLY FROM THE HEALTH AND HUMAN SERVICES COMMITTEE AND RECEIVED NO OPPOSITION DURING THE PUBLIC HEARING. TESTIFIERS DURING THE HEARING SPOKE TO THE RESULTS NEBRASKA HAS SEEN REGARDING FAMILIES CHOOSING AND COMPLETING EDUCATION, MOVING OFF OF THE ADC PROGRAM, AND THE POSITIVE OUTCOMES THIS POLICY HAS BEEN CREATING FOR NEBRASKA'S FAMILIES AND CHILDREN. AM2606 DOES NOT CALL FOR ANY NEW POLICY CHANGE. IT WOULD, HOWEVER, SOLIDIFY THE PUBLIC BENEFIT REFORMS SUPPORTED BY PREVIOUS LEGISLATURES AND PREVIOUS GOVERNORS. IT WOULD REMOVE TWO SUNSET PROVISIONS THAT DOES NOT HAVE A GENERAL FUND IMPACT. COLLEAGUES, I'D URGE THE ADOPTION OF AM2606. THANK YOU, MR. PRESIDENT. [LB1081 LB701]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING TO THE AMENDMENT. SEEING NO ONE IN FILE, SENATOR...WAIVES CLOSING. QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1081]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB1081]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB1081]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB1081]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1081]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1081 TO E&R FOR ENGROSSING. [LB1081]

SPEAKER HADLEY: QUESTION IS THE ADOPTION...OR THE ADVANCEMENT TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. IT IS ADVANCED. MR. CLERK. [LB1081]

CLERK: SENATOR, LB894. E&R AMENDMENTS HAVE BEEN ADOPTED. AMENDMENT BY SENATOR HOWARD WAS ADOPTED TO THE BILL, AN AMENDMENT BY SENATOR KRIST, AN AMENDMENT BY SENATOR CHAMBERS, AN

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AMENDMENT BY SENATOR COASH. SENATOR SCHUMACHER WOULD MOVE TO AMEND, MR. PRESIDENT, AM2629. (LEGISLATIVE JOURNAL PAGE 1076.) [LB894]

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

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. THIS CAME UP ON MY RADAR SCREEN IN READING THE BILL, PARTICULARLY THE LANGUAGE IN THE E&R AMENDMENT, ER181, ON PAGE 18, AS A TREMENDOUS UNFUNDED MANDATE TO THE COUNTIES. IT IS THE COUNTIES THAT PAY FOR COURT-APPOINTED COUNSEL, AND THEY PAY FOR IT WITH PROPERTY TAX REVENUE. LET ME READ YOU THE LANGUAGE AS IT IS PROPOSED BY LB894, AND THEN READ YOU THE OLD LANGUAGE WHICH IS BEING REPLACED. THIS IS A SIMPLE...IT'S LIKE AN EYE TEST: BETTER? WORSE? BETTER? WORSE? OKAY, THIS IS THE PROPOSED LANGUAGE, "WHEN ANY JUVENILE COURT PETITION," THAT'S WHAT'S FILED BY THE COUNTY ATTORNEY WHEN HE WANTS TO BRING A CHILD BEFORE THE COURT FOR THE COURT'S GOVERNANCE, "WHEN ANY JUVENILE COURT PETITION IS FILED ALLEGING JURISDICTION OF A JUVENILE PURSUANT TO SUBDIVISIONS (1), (2), (3)(b), OR (4) OF SECTION 43-247," AND THAT IS BASICALLY FOR BEING...DOING BAD BEHAVIOR, BE IT AS LOW AS A TRAFFIC OFFENSE OR TRUANCY ALL THE WAY THROUGH TO A FELONY, SO WHENEVER A JUVENILE PETITION IS FILED, "COUNSEL SHALL BE APPOINTED FOR SUCH JUVENILE," PERIOD. WHEN ONE IS FILED, THEY GET A COURT-APPOINTED ATTORNEY AT COUNTY TAXPAYER EXPENSE. WELL, I THINK WE COULD PROBABLY ALL AGREE THAT IF LIFE WERE UNLIMITED RESOURCES, HAVING AN ATTORNEY AT YOUR SIDE AT ALL TIMES WOULD REALLY BE A GREAT THING FOR EVERYTHING--WELL, MAYBE NOT--BUT THAT THOSE ATTORNEYS COST MONEY. NOW, READ THE OLD LANGUAGE. WE'RE GOING TO READ IT NOW WITH THE OLD LANGUAGE: WHEN ANY JUVENILE SHALL BE BROUGHT WITHOUT COUNSEL BEFORE THE JUVENILE COURT, THE COURT SHALL ADVISE THE JUVENILE AND HIS OR HER PARENT OR GUARDIAN OF THEIR RIGHT TO RETAIN COUNSEL AND SHALL INQUIRE OF SUCH JUVENILE AND HIS OR HER PARENT OR GUARDIAN AS TO WHETHER THEY DESIRE TO RETAIN COUNSEL. THE COURT SHALL INFORM SUCH JUVENILE AND HIS OR HER PARENT OR GUARDIAN OF SUCH JUVENILE'S RIGHT TO COUNSEL AT COUNTY'S EXPENSE IF NONE OF THEM IS ABLE TO AFFORD COUNSEL. IF THE JUVENILE OR HIS OR HER PARENT OR GUARDIAN DESIRES TO HAVE COUNSEL APPOINTED FOR SUCH JUVENILE, OR THE PARENT OR GUARDIAN OF SUCH JUVENILE CANNOT BE LOCATED, THE COURT SHALL...AND THE COURT SHALL ASCERTAIN THAT NONE OF THE PERSONS ARE ABLE TO AFFORD AN ATTORNEY, THE COURT SHALL FORTHWITH APPOINT

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AN ATTORNEY TO REPRESENT THE JUVENILE FOR ALL PROCEEDINGS BEFORE THE JUVENILE COURT, EXCEPT THAT IF AN ATTORNEY IS APPOINTED TO REPRESENT SUCH JUVENILE, AND THE COURT LATER DETERMINES THAT A PARENT OF SUCH JUVENILE IS ABLE TO AFFORD AN ATTORNEY, THE COURT SHALL ORDER THE PARENT OR JUVENILE TO PAY FOR SERVICES OF THE ATTORNEY TO BE COLLECTED IN THE SAME MANNER AS PROVIDED BY LAW. IF THAT PARENT WILLFULLY REFUSES TO PAY SUCH SUMS, THE COURT MAY HOLD THEM FOR CONTEMPT AND ISSUE EXECUTION AGAINST...AT THE REQUEST OF THE APPOINTED ATTORNEY OR THE COUNTY ATTORNEY ON...OR THE COURT WITHOUT A REQUEST. SO BASICALLY, RIGHT NOW WHAT HAPPENS IS THAT IF THE CHILD IS BROUGHT BEFORE THE COURT WITHOUT AN ATTORNEY, THE JUDGE GOES THROUGH THAT PROCEDURE: ADVISES THEM OF THEIR RIGHT TO AN ATTORNEY, ASCERTAINS IF THEY CAN AFFORD ONE; IF THEY WANT ONE AND CAN'T AFFORD, IT'S COURT APPOINTED AT COUNTY EXPENSE; IF THEY WAIVE THE RIGHT TO AN ATTORNEY OR THEY DON'T WANT AN ATTORNEY, THEN THEY BASICALLY ARE ASKED WHETHER OR NOT THEY'RE GUILTY OF, IN MOST CASES, A MINOR OFFENSE--HAVING A CAN OF BEER, STEALING A LIPSTICK, WHATEVER--AND THE CASE PROCEEDS ON. WHAT WE ARE SAYING HERE, THAT EVEN IN THE CASE OF THE AFFLUENZA KID--PLENTY OF MONEY AND EVERYTHING ELSE--THE TAXPAYERS WILL PICK UP THE TAB. AS A PRACTICAL MATTER, IN OMAHA AND LINCOLN THEY HAVE VERY ACTIVE DIVERSION PROGRAMS THAT ARE WELL FUNDED. THEY HAVE A PUBLIC DEFENDER THAT'S CAPABLE OF HANDLING THESE THINGS. AND THEY CAN AND AS A MATTER OF PRACTICE THEY FOUND IT AT A LOCAL LEVEL EFFICIENT TO JUST APPOINT THE ATTORNEY. THAT'S NOT THE CASE IN OTHER COMMUNITIES. IN OTHER COMMUNITIES, THE DIVERSION PROGRAMS ARE NOT SUFFICIENTLY FUNDED. THEY ARE NOT LARGE ENOUGH TO HANDLE THE AVERAGE CAN OF BEER CASE. THEY...AND IT JUST...AND SOME OF THEM DON'T EVEN HAVE DIVERSION PROGRAMS. AS A RESULT, THE COUNTY COURT, JUVENILE COURT IS USED AS A DIVERSION PROGRAM. THAT'S HOW JUVENILE COURT WAS SET UP TO BE, TO DIVERT PEOPLE OUT OF THE ADULT COURTS. AND AS A PRACTICAL MATTER, THE CAN OF BEER AND SHOPLIFTED LIPSTICK CASES ARE TAKEN TO JUVENILE COURT. THE JUDGE ASCERTAINS FROM THE JUVENILE WHETHER THEY WANT AN ATTORNEY AND, ALSO, WHETHER OR NOT THEY ADMIT TO THE USUALLY MINOR OFFENSE, AND PROCEEDS TO TELL THEM TO PICK UP GARBAGE IN THE COUNTY, IN THE PUBLIC PARK, OR SOMETHING LIKE THAT, AND MAYBE SEE A COUNSELOR. IF THIS IS IMPOSED ON THE COUNTIES, WE CAN EXPECT SEVERAL THOUSAND NEW CASES TO HAVE ATTORNEYS APPOINTED AND THE PUBLIC TO BE RESPONSIBLE FOR THOSE ATTORNEYS IN THE ONES THAT THEY ALREADY WOULD PAY FOR BY THE PARENTS--A BIG TAB. NOW, IF WE WERE SENDING A CHECK ALONG WITH THIS, I



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MIGHT BE SINGING A DIFFERENT TUNE. IF WE SEND A CHECK FOR A COUPLE HUNDRED, \$300, WHATEVER IT WOULD COMPUTE OUT TO BE TO COVER TWO, THREE HOURS OF ATTORNEY WORK TO SIT DOWN WITH A CAN OF BEER AND FIND OUT...THE KID WITH THE CAN OF BEER AND FIND OUT WHETHER OR NOT THEY ARE GUILTY AND GO TO THE HEARING WITH THEM AND HOLD THEIR HANDS AND DO THOSE KIND OF THINGS, IF WE WERE SENDING A CHECK IT MIGHT BE FINE. BUT YOU KNOW WHAT? WE DON'T WANT TO SEND A CHECK, BECAUSE THE CHECK IS GOING TO BE IN THE ORDER OF SEVEN FIGURES OR MORE. AND WE'RE EXPECTING THE COUNTIES TO PICK IT UP. WE HAVE NO PROPOSAL. THERE'S NOTHING HERE THAT WOULD APPROPRIATE SOME MONEY. AND MOST LIKELY, IF WE'D HAVE A SEVEN-FIGURE APPROPRIATION ATTACHED TO THIS, IT WOULD HAVE SOME DIFFICULTY GETTING OUR APPROVAL. THAT'S NOT HERE. WE ARE TELLING, TELLING, THE COUNTY OFFICIALS TO GO AHEAD AND DO THIS AND WE ARE MANDATING THEY DO IT AND WE ARE MANDATING NECESSARILY THAT THEY PAY THE BILL. ALSO, WHEN YOU HAVE A CASE WHERE THERE'S AN ATTORNEY ON THE OTHER SIDE, THE ATTORNEY IS DUTY-BOUND TO SPEND AN HOUR OR TWO OR THREE REPRESENTING THE CHILD. THAT MEANS A COUNTERBALANCING SPENDING OF TIME BY THE COUNTY ATTORNEY'S OFFICE, AN HOUR OR TWO OR THREE TALKING WITH THE ATTORNEY ON THE OTHER SIDE, PROVIDING THEM WITH REPORTS, GOING TO HEARINGS. AND THAT ISN'T EVEN COMPUTED IN THIS, THE ADDITIONAL COST. THIS IS A VERY SIMPLE QUESTION FOR THE BODY, IF...WHETHER THE OLD WAY OF DOING THINGS, FOR WHICH WE HAVE HEARD NO DEMONSTRATIVE HARM IN THE SMALLER COUNTIES, IS BETTER THAN FORCING EVERYBODY ACROSS THE STATE TO APPOINT AN ATTORNEY IN EVERY CASE, NO MATTER HOW INSIGNIFICANT, NO MATTER WHETHER IT WAS A TRAFFIC INFRACTION OR A STICK OF...OR A TUBE OF LIPSTICK SHOPLIFTED. THIS IS SUBSTANTIAL ADDITIONAL COST. AND SINCE IT IS AN UNFUNDED MANDATE, I AM OPPOSED TO IT. AND I WOULD SUGGEST WE JUST SIMPLY GET RID OF THE BILL EXCEPT FOR THE FACT THE BILL DOES HAVE OTHER PROVISIONS WHICH ARE DESIRABLE. THE AMENDMENT GOES A LITTLE BIT...AFFECTS SOME OTHER PAGES, BUT IT'S BASICALLY INTENDED, ON WHAT IT AFFECTS ON OTHER PAGES, TO MAKE IT CONSISTENT WITH THE REINSTATEMENT OF THE OLD LANGUAGE ON PAGE 18 OF THE E&R AMENDMENT. IF YOU'RE FOR UNFUNDED MANDATES, THEN I SUPPOSE THIS WORKS. WHETHER IT'S A WISE APPROPRIATION OF RESOURCES, CONSIDERING ALL THE OTHER DEMANDS OF SOCIETY, THAT'S ANOTHER QUESTION. BUT IF YOU BELIEVE THAT THE OLD SYSTEM IS WORKING, UNFUNDED MANDATES ARE WRONG, THEN AM2629 IS SOMETHING YOU SHOULD CONSIDER VOTING FOR. [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

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SENATOR SCHUMACHER: THANK YOU. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. YOU'VE HEARD THE OPENING ON THE AMENDMENT. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB894]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I TALKED ON THIS BILL WHEN IT WAS ON GENERAL FILE. THE COMMENTS THAT SENATOR SCHUMACHER MADE RESONATED WITH ME-- UNFUNDED MANDATES. CURRENTLY DOUGLAS COUNTY IS DOING THIS OF THEIR OWN VOLITION, MY UNDERSTANDING. I'VE HAD SEVERAL CONVERSATIONS WITH SENATOR PATTY PANSING BROOKS ON THIS, TRYING TO COME UP WITH A COMPROMISE. THAT WAS THE WAY THAT WE ALLOWED IT TO MOVE THROUGH GENERAL FILE ON TO SELECT, THAT WE WOULD TRY TO COME UP WITH A COMPROMISE. I'M NOT A LAWYER BUT I HAVE LEARNED A LOT ABOUT JUVENILE COURT. THERE ARE THREE IN THE STATE: DOUGLAS, SARPY, AND LANCASTER COUNTY. AND AS I SAID, DOUGLAS COUNTY IS FUNDING THIS ON THEIR OWN, AND THAT'S GOOD. I'M GLAD THEY ARE. THEY UNDERSTAND THEY HAVE A PROBLEM. BUT WHAT NECESSARILY WORKS IN THE METROPOLITAN AREAS ISN'T NECESSARY IN GREATER NEBRASKA. I'VE TALKED TO MY JUDGES FROM THE 44th DISTRICT SPECIFICALLY ABOUT THIS LANGUAGE THAT SENATOR SCHUMACHER IS TALKING ABOUT, AND THEY DON'T SEE THAT IT'S AN ISSUE FOR US IN GREATER NEBRASKA. ONE OF THEM COMMENTED, THIS LOOKED LIKE A SOLUTION IN SEARCH OF A PROBLEM. THIS IS...IT MAY SAVE MONEY IN JUVENILE COURT. I'M NOT GOING TO ARGUE THAT FACT, BUT LET THE JUVENILE COURTS DO IT. LET THOSE JUDICIAL DISTRICTS THAT ARE SEEING THE PROBLEM IMPLEMENT IT THEMSELVES. WE DON'T HAVE TO PUT THIS IN STATUTE IN ORDER TO MAKE EVERYBODY IN THE STATE DO THE SAME THING THAT THEY NEED TO DO TO SOLVE A PROBLEM IN DOUGLAS, LANCASTER, AND SARPY COUNTIES. SENATOR SCHUMACHER TALKED ABOUT THE WAY THE ORIGINAL LANGUAGE WAS AND IT MAKES A LOT OF SENSE TO ME THAT, IF THE PARENTS HAVE THE MEANS, THEY SHOULD BE THE ONES PAYING THE BILL. IF WE CHANGE THE LANGUAGE, THE PROPERTY TAXPAYER IS ON THE HOOK FOR ALL OF IT. WHERE IS THE OPPORTUNITY THIS...TO MAKE THE PARENTS PAY, TO FOOT THE BILL IF THEY CAN AFFORD IT? NOW IF THEY CAN'T, I UNDERSTAND. SOMEONE NEEDS TO PROVIDE A DEFENSE, AND THERE IS A DEFENSE PROVIDED. BUT FOR MINOR INFRACTIONS, EXCESSIVE SPEED, M.I.P., I DON'T BELIEVE THAT A COURT-APPOINTED ATTORNEY NEEDS TO BE THE FIRST THING THAT WE DO FOR THOSE KIDS. YES, THEY PROBABLY DO NEED SOMEONE TO HELP THEM POINT OUT THE ERROR OF THEIR WAYS, BUT THAT'S THEIR PARENT'S JOB. THAT'S NOT OUR JOB. AND I'VE SAID BEFORE, THE LESSONS THAT STING ARE THE ONES THAT YOU

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REMEMBER. AND IF YOU GET HAULED INTO COURT FOR MINOR IN POSSESSION, AND, YEAH, YOUR PARENTS ARE MAD AND YOU'RE SCARED AND THERE'S CONSEQUENCES, YOU'RE PROBABLY NOT GOING TO DO IT AGAIN. BUT IF YOU GOT SOMEONE THERE HOLDING YOUR HAND SAYING, IT'S ALL RIGHT, JOHNNY, IT'S ALL RIGHT, SUSIE, WE'RE GOING TO GET YOU THROUGH THIS AND THERE'S NOT GOING TO BE MUCH OF A CONSEQUENCE, WHAT DID YOU LEARN? WHAT HAS THE SYSTEM TAUGHT YOU? IF YOU WORK IT, YOU CAN GET THROUGH IT. I'M SUPPORTING AM2629. THANK YOU VERY MUCH. [LB894]

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

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, THERE'S A COUPLE OF CLARIFICATIONS I WANT TO MAKE AS IT PERTAINS TO LB894. IN MY SEVEN, NOW EIGHT YEARS AT THE LEGISLATURE, I HAVE NEVER FOUND A COUNTY WHO WAS UNWILLING TO COME IN FRONT OF ANY COMMITTEE AND SAY, IF YOU DO THIS, THIS IS AN UNFUNDED MANDATE. I'VE HEARD IT FOR EIGHT YEARS IN THE JUDICIARY COMMITTEE. I'VE HEARD IT THROUGH OTHER COMMITTEES. THE COUNTIES HAVE NO PROBLEM COMING IN AND TELLING THIS LEGISLATURE, AS THEY SHOULD, WHEN AN ACTION WE ARE ABOUT TO TAKE IS GOING TO COST THEM MORE MONEY. LOOK AT THE COMMITTEE STATEMENT ON LB894. NO COUNTIES CAME. AND THEY KNEW ABOUT IT. AND THIS ISN'T AN ISSUE WHERE, OH, WELL, WE WERE JUST LOOKING AT IT AND WE THOUGHT MAYBE IT WOULDN'T HAPPEN. NO, THEY KNEW. THEY ALWAYS KNOW. WOULD SENATOR MURANTE YIELD TO A QUESTION? [LB894]

SPEAKER HADLEY: SENATOR MURANTE, WOULD YOU YIELD? [LB894]

SENATOR MURANTE: YES. [LB894]

SENATOR COASH: THANK YOU, SENATOR MURANTE. AS CHAIR OF THE GOVERNMENT COMMITTEE, HAVE YOU SEEN COUNTIES COME IN AND TALK ABOUT BILLS THAT WOULD BE VIEWED AS AN UNFUNDED MANDATE IN FRONT OF YOUR COMMITTEE? [LB894]

SENATOR MURANTE: YES. [LB894]

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SENATOR COASH: THANK YOU. THEY COME FREQUENTLY TO THIS BODY. BUT THEY DID NOT COME WITH REGARD TO LB894. AND I THINK I KNOW WHY. BECAUSE WHEN THEY LOOK AT AN INITIATIVE LIKE THIS AND THEY SAY, OH, MY GOSH, WE HAVE SOME COUNTIES WHO ARE ALREADY DOING THIS, LET ME CALL MY COUNTERPART IN THAT COUNTY AND SEE WHY THEY MADE THE DECISION TO DO IT, AND WHEN THEY CALLED THE COUNTIES WHO WERE DOING THIS, THIS IS THE ANSWER THAT THEY GOT: WE FOUND WHEN WE GAVE COUNSEL TO THESE YOUNG OFFENDERS, THEY GOT THEIR CASES CLOSED SOONER; THAT SAVED US MONEY. THAT HAS BEEN THE EXPERIENCE IN COUNTIES WHERE COURT-APPOINTED COUNSEL IS MATTER OF PROCEDURE. JUVENILE IS CHARGED. HE GOES IN FRONT OF THE COURT. THE COURT SAYS, I'M GOING TO MAKE SURE YOU UNDERSTAND YOUR RIGHTS. ONE OF THE THINGS THAT SENATOR HUGHES TALKED ABOUT WAS THE...AND I DON'T WANT TO PUT WORDS IN HIS MOUTH BUT I WAS LISTENING ABOUT JUSTICE, RIGHT, AND ABOUT WE NEED TO MAKE SURE THAT THEY UNDERSTAND THIS IS SERIOUS. AND I DON'T DISAGREE WITH THAT. BUT WE ALSO HAVE TO MAKE SURE THAT THAT JUVENILE'S RIGHTS ARE PROTECTED, BECAUSE IT IS SERIOUS. IT IS A SERIOUS THING TO HAVE A CRIME ON YOUR RECORD. IT'S A SERIOUS THING TO BREAK THE LAW. THERE SHOULD BE CONSEQUENCES FOR THAT. I WOULD HAZARD TO SAY THAT AT THE VERY LEAST WE COULD ALL AGREE THAT ADULTS UNDERSTAND THE CONSEQUENCES OF THEIR ACTIONS MUCH MORE READILY THAN A CHILD UNDERSTANDS THE CONSEQUENCES OF THEIR ACTIONS AND YET, FOR ADULTS, WE MAKE SURE THAT THEY HAVE COUNSEL. BUT FOR A CHILD, WHO DOESN'T...WHO MAY NOT UNDERSTAND THE CONSEQUENCES OF PLEADING GUILTY, WHAT DOES THAT MEAN--I WANT TO BE A TEACHER SOMEDAY--IF I PLEAD GUILTY TO THIS CHARGE? THEY DON'T HAVE ANYBODY THERE TO SAY, IF YOU PLEAD GUILTY TO THIS, IF YOU DON'T... [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR COASH: ...LET US WORK WITH YOU ON THIS CHARGE, BEING A TEACHER SOMEDAY IS OUT OF THE REALM OF POSSIBILITY. THE STAKES ARE HIGH WHEN YOU COMMIT A CRIME AS A CHILD BECAUSE IT CAN IMPACT YOU FOR THE REST OF YOUR LIFE. THAT IS THE REASON THAT I SUPPORT LB894. THANK YOU, MR. PRESIDENT. [LB894]

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

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SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I SUPPORT AM2629. I THINK IT DOES BRING THE COST FACTOR INTO FOCUS HERE A LITTLE BIT. AND THERE ARE SOME COUNTIES WHO DO NOT DO THIS AS A HABIT, AND THEIR COSTS ARE GOING TO RISE CONSIDERABLY, IF I UNDERSTAND THE NUMBERS CORRECTLY. WE JUST DID A LITTLE BIT OF AN INQUIRY IN HALL COUNTY. THEY HAD 581 CASES IN JUVENILE COURT LAST YEAR. AND SO WHAT THEY DID WAS THEY JUST TOOK 200 OF THE CASES AND JUST KIND OF RAN THROUGH THEM AND JUST TO SEE ONCE WHO WAS REPRESENTED BY AN ATTORNEY AND WHO WAS NOT. AND ON THE AVERAGE THEY HAD 57 CASES WHERE THEY HAD AN ATTORNEY APPOINTED, WHERE THEY WORKED WITH THEM. AND SO THOSE COSTS CAME OUT TO ABOUT \$535 PER CASE, NOT A VERY HIGH LEGAL COST IF YOU ASK ME, FAIRLY SIMPLE. BUT THEN WHEN YOU LOOK AT THE OTHER CASES, THERE WERE PROBABLY ABOUT 241 CASES THAT...WITHOUT A PUBLICLY FUNDED COUNSEL. AND SO SUDDENLY THAT BALLOONS UP TO \$128,000 IN PROJECTED COSTS. AND A LOT OF THOSE CASES, WHEN YOU LOOK THROUGH THEM ON THE DATA I GOT, I MEAN THE PARENT WAS THERE AND IT WAS A MINOR CASE. IT WAS REACHED QUICKLY. AND IF IT WOULD HAVE BEEN LIKE MY PARENTS, YOU WOULD HAVE GONE THERE, YOU WOULD HAVE PLEADED GUILTY, AND YOU WOULD HAVE GONE HOME. THEY DIDN'T REALLY QUESTION THE INNOCENCE PART OF IT. WE WERE GUILTY. BUT WHEN PARENTS ARE THERE AND ABLE TO SPEAK FOR THEIR CHILDREN, THERE IS SOME RESPONSIBILITY OF PARENTS. AND IF A PARENT THINKS THAT THEY SHOULD HIRE A LAWYER, IF THEY CAN AFFORD IT, I THINK THEY SHOULD PAY FOR IT. AND THERE ARE OPTIONS IN THE BILL TO ALLOW THEM IF THEY CANNOT AFFORD IT. I DON'T HAVE A PROBLEM WITH THEM BEING AFFORDED AN ATTORNEY. THAT'S NOT A PROBLEM. THERE ARE CONSEQUENCES SOMETIMES FOR JUVENILES. I AGREE. THOSE CASES LATER ON IN LIFE CAN BE SERIOUS, BUT WE ALSO AS PARENTS NEED TO I GUESS IMPRESS UPON OUR CHILDREN EARLY ON THAT THERE ARE CONSEQUENCES WITH THEIR DECISIONS. AND SO I LOOK AT THE COST OF THIS, AND IT IS AN UNFUNDED MANDATE. WE CONTINUALLY, CONSTANTLY DO THIS. WE GO THROUGH BILLS AND I CAN JUST SEE DOWN THE ROAD, I MEAN I CAN SEE WHY IT'S HAPPENED IN THE PAST. IT'S GOING TO HAPPEN IN THE FUTURE. BUT IF WE WERE GOING TO PAY FOR THIS, AND IF PARENTS I THINK NEED TO PAY FOR IT, IF THEY CAN, SO THERE IS A COST HERE, BUT I DON'T THINK IT SHOULD BE BORNE BY THE TAXPAYERS. AND SO I SUPPORT THE AMENDMENT, AND I'LL SUPPORT THE BILL WITH THE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB894]

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

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHUMACHER, FOR BRINGING THIS AMENDMENT. WHAT IT DOES IS MAKE WHAT I PERCEIVE TO BE A BAD BILL A LITTLE BETTER. JOHNNY GOES OUT AND GETS CAUGHT DRINKING ALCOHOL. I DON'T KNOW WHY THE COUNTY SHOULD HAVE TO PAY FOR JOHNNY'S DEFENSE. IF HE CAN AFFORD THE ALCOHOL, HE COULD PROBABLY AFFORD THE LAWYER. BUT SENATOR COASH SAID THAT HE DIDN'T SEE IT AS AN UNFUNDED MANDATE BECAUSE THE COUNTIES DIDN'T COME IN CRYING THAT IT WAS AN UNFUNDED MANDATE. THEY DON'T CATCH EVERYTHING, PARTICULARLY THE ONES FURTHER AWAY FROM THE CAPITOL. SO AGAIN, THANK YOU, SENATOR SCHUMACHER. I WILL BE SUPPORTING THE AMENDMENT. BUT EVEN WITH THE AMENDMENT, I PROBABLY WON'T SUPPORT THE BILL. THANK YOU, MR. PRESIDENT. [LB894]

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

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. FIRST OFF, THIS BILL IS HIGHLY IMPORTANT TO ME. I THINK IT'S PROBABLY ONE OF THE MOST SIGNIFICANT THINGS THAT WE CAN DO IS TO PROTECT THOSE IN OUR SOCIETY THAT ARE MOST VULNERABLE. AND I WOULD ARGUE THAT SOME OF THE MOST VULNERABLE PEOPLE IN OUR SOCIETY ARE CHILDREN. TO EXPECT THEM TO UNDERSTAND A LEGAL PROCESS IS FOLLY. OUR LEGISLATURE IN 2008 PAID FOR A STUDY OF THE JUVENILE JUSTICE SYSTEM. AND THE NUMBER TWO CORE RECOMMENDATION THAT CAME OUT OF THAT STUDY SAID GREATER ACCESS TO ATTORNEYS FOR JUVENILES. IN THE STUDY, IT TALKED ABOUT ONE CHILD WHO SAID, WELL, THE JUDGE TOLD ME THIS, THIS, AND THIS, AND I DIDN'T UNDERSTAND WHAT THIS, THIS, AND THIS WAS. THEY COULDN'T EVEN RECOUNT WHAT IT WAS. THESE WERE PEOPLE THAT CAME FROM ALL OVER THE COUNTRY TO GO TO COURTROOMS. ATTORNEYS ARE IMPORTANT, MY FRIENDS, BECAUSE THEY HELP MAKE SURE THAT THE CHILD'S DUE PROCESS RIGHTS ARE PROTECTED. THEY MAKE SURE TO HOLD THE STATE TO A BURDEN OF PROOF. ATTORNEYS ADVOCATE FOR FAIR DISPOSITION OF A CASE. AND THEY PROTECT THE INTERESTS OF THE CHILD. WHEN THIS BILL WAS ON GENERAL FILE, WE TALKED ABOUT THE FACT THAT JUVENILE COURT IS DIFFERENT THAN ADULT COURT. IN JUVENILE COURT, SENATOR SCHUMACHER LIKES TO TALK ABOUT THAT CAN OF BEER AND THAT SOMEBODY IS GOING TO GET A LAWYER FOR A CAN OF BEER. THAT'S NOT WHY THEY GET THE LAWYER. THEY GET THE LAWYER BECAUSE THE CHILD MAY HAVE THROWN A ROCK THROUGH THE SCHOOL WINDOW. THEY'RE NOT GOING TO BED AT NIGHT WHEN THEY'RE...OR THEY'RE RUNNING AWAY AT NIGHT WHEN THEY'RE NOT SUPPOSED TO AND THEIR

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PARENTS CAN'T CONTROL THEM, AND THEN THEY GET CAUGHT WITH A CAN OF BEER. AND AT THAT POINT, UNDER THE JUVENILE JUSTICE SYSTEM, ALL THE JUVENILE JUDGES HAVE THE ENTIRE PANOPLY OF REMEDIES. THEY HAVE EVERY REMEDY AVAILABLE. THEY CAN PUT THEM OUT OF HOME FOR THAT CAN OF BEER. THEY CAN PUT THEM INTO DETENTION FOR THAT CAN OF BEER. SO AT THAT POINT, WHEN A CHILD COULD BE PLACED IN DETENTION FOR ANYTHING, IT DOESN'T MAKE SENSE NOT TO HAVE REPRESENTATION FOR THOSE KIDS. IT WAS SUPPORTED UNANIMOUSLY IN COMMITTEE. IT WAS SUPPORTED UNANIMOUSLY ON GENERAL FILE. THERE ARE DIVERSIONS ALL OVER. NACO CAME IN HERE AND WAS NEUTRAL. WE HAVE FEW CHILDREN IN OUR STATE WHO CAN SATISFY THE REQUIREMENT THAT THEY KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY ARE PLEADING. WHAT'S HAPPENING IS THE CHILDREN ARE COMING INTO COURT, THEY'RE PLEADING, AND WHEN THEY'RE WAIVING A RIGHT TO ATTORNEY, THAT'S NOT THAT THEY'RE WAIVING HELP FROM SOMEBODY. THEY'RE JUST BASICALLY PLEADING GUILTY. THEY DON'T UNDERSTAND EVEN WHAT IT IS. WE HAVE...IN THE STUDY IT TALKS ABOUT THE FACT THAT THEY DID A STUDY OF 156 KIDS, AND ONLY 1 KNEW WHAT A LAWYER IS OR WHAT THEY DO. NOW THAT'S RIDICULOUS. BUT THESE KIDS ARE SUPPOSED TO UNDERSTAND WHAT A LAWYER DOES. AND I WORKED ALL WEEKEND TRYING TO TALK TO SENATOR SCHUMACHER AND TRYING TO FIGURE OUT AN AMENDMENT, AND I DID PROPOSE TRYING TO HANDLE HAVING THE PARENTS PAY IF THEY'RE ABLE TO. THE REASON WE TOOK THAT OUT... [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR PANSING BROOKS: ...INITIALLY...THANK YOU, MR. PRESIDENT...IS BECAUSE WE THOUGHT, SINCE THE PARENT DOESN'T HAVE THE RIGHT TO WAIVE, IT'S NOT FAIR FOR THE PARENT TO HAVE TO PAY. I CAME BACK WITH AN AGREEMENT SAYING THAT I WOULD DO THAT. SENATOR SCHUMACHER TURNED THAT AGREEMENT DOWN, TODAY EVEN. SO AGAIN, FRIENDS, I'M ASKING THAT YOU VOTE DOWN AM2629. IT'S IMPORTANT THAT THOSE WHO ARE MOST AT RISK BE ABLE TO BE REPRESENTED AND HAVE SOMEBODY EXPLAINING AND HELPING THEM WITH WHAT'S GOING ON. THE JUDGES, THE PROSECUTORS, THEY ARE NOT THERE OR UNDER ANY PROFESSIONAL DUTY TO REPRESENT THE CHILD. THERE IS NO REQUIREMENT THAT THE JUDGE REPRESENT THE CHILD. SO PLEASE, VOTE FOR LB894, VOTE DOWN SENATOR SCHUMACHER'S BILL (SIC). IT TAKES AWAY PART OF THE RIGHT TO HAVE AN ATTORNEY, AND I ASK THAT YOU VOTE THAT DOWN FOR ME. THANK YOU, MR. PRESIDENT. [LB894]

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SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB894]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE LEGISLATURE. IT IS UNCONTROVERTED THAT THIS IS AN UNFUNDED MANDATE. I WOULD NOT BE RAISING THESE ISSUES WERE WE SENDING A CHECK ALONG WITH THIS IN ORDER TO PAY FOR COUNSEL. THE EXISTING LANGUAGE IN LB894 TAKES OUT THE PROVISIONS REGARDING COUNSEL AND PAYMENT FOR COUNSEL BY THE PARENTS, TAKES OUT THE RIGHT OF THE CHILD TO WAIVE AN ATTORNEY WITHOUT FIRST TALKING TO AN ATTORNEY. AND, YES, SENATOR PANSING BROOKS AND I DID HAVE DISCUSSIONS OVER THE WEEKEND. AND WHERE THEY HUNG UP WAS ON SOMETHING VERY SIMPLE. SENATOR PANSING BROOKS WANTED AN ATTORNEY TO BE APPOINTED TO ADVISE THE KID WHETHER HE SHOULD HAVE AN ATTORNEY. WELL, THAT DOESN'T WORK, BECAUSE NO ATTORNEY WORTH HIS SALT, KNOWING THAT HE'S GOT THE COUNTY ON THE HOOK FOR THE FEES, IS GOING TO STICK HIS LIABILITY INSURANCE OUT AND TELL THE KID, LOOK, SON, GO DOWNTOWN, GO BEFORE THE JUDGE WITHOUT ME, ADMIT THE ALLEGATIONS, EVERYTHING IS GOING TO BE COOL AND FINE. HE'S NOT GOING TO DO IT, PARTICULARLY IF HE KNOWS HE SAYS THE OPPOSITE THING, HE'S GOING TO GET THREE HOURS OF TIME. AND I'M TOLD, AT LEAST IN MY COUNTY, WE'RE TALKING AROUND \$100 AN HOUR, THREE HOURS OF TIME TO READ THROUGH A POLICE REPORT--WHICH HE'S OBLIGATED TO DO AND HE CERTAINLY CAN'T TELL THE KID NOT TO HAVE AN ATTORNEY BEFORE HE READS THE POLICE REPORT--GO TO THE ADJUDICATION HEARING, GO TO THE HEARING WHERE THE KID IS...WHAT THEY CALL DISPOSITION AFTER THEY HAVE A PROBATION OFFICE REVIEW, WHERE THE JUDGE LOOKS OVER THE KID'S RECORDS AND, IN A TYPICAL CASE, WILL SENTENCE THE CHILD TO SOME TYPE OF PUBLIC SERVICE WORK AND TELL THEM TO BEHAVE FOR THE NEXT FEW MONTHS OR YEARS. SO BASICALLY, THE IDEA THAT WE WERE CLOSE TO AN AGREEMENT EVAPORATED WITH THE FACT THAT YOU HAD TO HAVE AN ATTORNEY TO DECIDE IF YOU WERE GOING TO HAVE AN ATTORNEY. WE HAVE YET TO HEAR OF ANY ATROCITIES BEING COMMITTED IN OUTSTATE NEBRASKA BECAUSE PEOPLE IMPROPERLY WAIVED ATTORNEYS. IN THOSE CASES, AND I THINK WE HAVE TO TRUST OUR JUDICIAL SYSTEM, OUR JUDGES, IN THOSE CASES WHERE THERE IS A SERIOUS OFFENSE, WHERE THE JUDGE SERIOUSLY AND THE COUNTY ATTORNEY SERIOUSLY REALIZES THAT THERE MAY BE OUT-OF-HOME PLACEMENT OR DETENTION, THAT THERE MAY BE SERIOUS CONSEQUENCES, THOSE KIDS END UP WITH ATTORNEYS. BUT IN A STANDARD CASE WHERE THE JUVENILE COURT IS BEING USED AS A DIVERSION PROGRAM AND WHERE THE OUTCOME IS VIRTUALLY CERTAIN AND WHERE IT'S A MINOR



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OFFENSE OF MINOR IN POSSESSION OR MINOR SHOPLIFTING THEFT OR MINOR TRAFFIC OFFENSES, TO REQUIRE, TO MANDATE THAT THE PROPERTY TAXPAYER PAY FOR AN ATTORNEY REGARDLESS OF MEANS OF PAYING OF THE PARENTS, REGARDLESS OF THE CHILD'S AND THE PARENTS' DESIRE TO JUST GET IN THERE, ADMIT THE CAN OF BEER AND GET IT OVER WITH, THAT'S WRONG. UNFUNDED MANDATES ARE SOMETHING WE ALL SWEAR ARE REALLY BAD THINGS AND HERE WE'RE LOOKING AT THE CLEAREST EXAMPLE OF AN UNFUNDED MANDATE THAT I THINK I'VE SEEN CERTAINLY THIS YEAR AND MAYBE IN MY ENTIRE TIME DOWN HERE. [LB894]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: ONE MINUTE. [LB894]

SENATOR SCHUMACHER: THIS IS A SEVEN-FIGURE COMMITMENT THAT WE ARE MAKING FOR THE TAXPAYERS OF OUTSTATE NEBRASKA, THE NON-SARPY, LANCASTER, AND DOUGLAS COUNTY GROUP. IF YOU WANT TO DO IT AT A LOCAL LEVEL, IF A LOCAL JUDGE WANTS TO INSIST ON COURT-APPOINTED COUNSEL FOR EVERYBODY IN THE JUVENILE COURT, HE'S GOT THAT AUTHORITY RIGHT NOW. BUT WHAT WE HAVE NOW IS WORKING. THERE IS NO NEED TO MESS WITH IT, ABSENT SOME COMPELLING ARGUMENT, WHICH WE HAVEN'T HEARD, AND THERE IS ABSOLUTELY NO NEED FOR AN UNFUNDED MANDATE. IF WE BELIEVE SENATOR PANSING BROOKS'S ARGUMENT, THEN LET'S GET OUT THE CHECKBOOK AND LET'S LOOK AT WRITING A SEVEN-FIGURE CHECK AND REIMBURSING OR SENDING A FEE ALONG TO HELP THE COUNTY COVER THIS. WE'VE HEARD WAY TOO MUCH ABOUT PROPERTY TAX RELIEF TO NOW GO DOWN THE PATH OF UNFUNDED MANDATES. THANK YOU. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR HUGHES, SENATOR CAMPBELL, SENATOR MORFELD, SENATOR SCHEER, AND SENATOR CHAMBERS. SENATOR HUGHES, YOU ARE RECOGNIZED. [LB894]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. JUST A COUPLE OF THINGS: JUST BECAUSE THIS CAME OUT OF COMMITTEE WITH NO OPPOSITION OR WITHOUT ANY DISSENTING VOTES, I THINK WE SPENT QUITE A LITTLE TIME EARLIER TODAY ON LB843. THERE WAS QUITE A DISCUSSION AND QUITE AN OPPORTUNITY TO MAKE THAT LEGISLATION BETTER, EVEN THOUGH THERE WAS NOT A LOT OF DISCUSSION IN COMMITTEE. THE PROBLEM WITH GOVERNMENT IS

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WHEN WE WRITE A LAW ONE SIZE HAS TO FIT ALL. AND THIS IS CLEARLY A CASE WHERE ONE SIZE DOESN'T FIT ALL CLEAR ACROSS THE STATE OF NEBRASKA. THERE ARE JUVENILE COURTS IN THREE OF OUR LARGEST COUNTIES, AND THAT'S FINE, I'M NOT COMPLAINING ABOUT THAT BECAUSE THEY HAVE CERTAINLY A MUCH HEAVIER CASELOAD. AND I THINK THAT'S GREAT THAT THEY HAVE LAWYERS DEDICATED TO JUVENILE LAW THAT UNDERSTAND THAT. BUT IN OUTSTATE NEBRASKA, IN GREATER NEBRASKA WHERE WE DON'T HAVE THAT CASELOAD, THE EXPERTISE CERTAINLY ISN'T THERE. AND TRYING TO MANDATE THAT YOU HAVE SOMEONE ON CALL EVERY TIME A JUVENILE SHOWS UP IS JUST IMPRACTICAL. DOUGLAS COUNTY IS DOING THIS NOW WITHOUT BEING MANDATED BY THE STATE, AND PICKING UP THE TAB, AND THEY FEEL THEY'RE SAVING MONEY. THAT'S GREAT. I'M HAPPY FOR THEM. I THINK OTHER COUNTIES OR JUDICIAL DISTRICTS, IF YOU WANT TO GO TO THAT POINT, IF THEY FEEL THIS IS IN THEIR BEST INTEREST AND THE COUNTIES SIGN OFF, THE PEOPLE THAT ARE GOING TO PAY THE BILL, LET THEM DO IT. LET'S NOT MANDATE IT. DOUGLAS COUNTY HAS FIGURED OUT THIS IS IN THEIR BEST INTEREST, AND APPARENTLY, FROM WHAT I'M HEARING FROM MY URBAN COLLEAGUES, IT'S WORKING. LET THE OTHER COUNTIES LOOK AND WATCH AND ANALYZE. AND IF THEY SEE THAT IT'S IN THEIR BEST INTEREST IN THEIR JUVENILE CASES, LET THEM HANDLE IT. HIRE GOOD PEOPLE AND LET THEM DO THEIR JOB. THANK YOU, MR. PRESIDENT. [LB894 LB843]

SENATOR WATERMEIER: THANK YOU, SENATOR HUGHES. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB894]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO THE AMENDMENT BEFORE US, AM2629. AND I WANT TO TALK A LITTLE BIT ABOUT COUNTY GOVERNMENT. HAVING SPENT 16 YEARS THERE ON THE COUNTY BOARD, I CAN TELL YOU THAT ONE OF THE MOST IMPORTANT THINGS THAT I USED TO TEACH WHEN I WENT TO JUNIOR HIGHS AND HIGH SCHOOLS WAS THAT COUNTY GOVERNMENT HAS NO POWER OTHER THAN WHAT IS GIVEN AND LEGISLATED BY US, THE LEGISLATURE. AND THAT IS BECAUSE COUNTIES, FOR YEARS AND YEARS AND YEARS AND YEARS, HAVE BEEN CONSIDERED AS AN ARM OF THE STATE. IN OTHER WORDS, WE HAVE 93 COUNTIES. THEY CARRY OUT, THEY ISSUE MARRIAGE LICENSES, THEY RUN THE DISTRICT COURT, AND ON AND ON, AND ALL THE DUTIES THAT YOU SEE IN A COUNTY. THEY COLLECT THE TAXES. THEY HELP WITH THE DMV ON REGISTRATION OF CARS. SO WHEN WE START TALKING ABOUT COUNTY MANDATES, ANY LEGISLATION THAT WE PUT FORWARD HERE IN WHICH WE ARE SAYING THIS NEEDS TO BE DONE, WE SEE THE TRUE PURPOSE IN THIS, AS THE PARTNER OR THE ARM OF STATE

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GOVERNMENT, COUNTIES CARRY THAT OUT. NOW, IN 16 YEARS THERE WERE TIMES WHEN WE FELT THE MANDATE NEEDED TO HAVE MONEY WITH IT BUT, I'M HERE TO SAY, NOT EVERY TIME. AND WE WATCHED THE LEGISLATURE LIKE A HAWK AND MADE SURE, YOU KNOW, WE KNEW WHAT WAS GOING ON, AND WHAT BILLS WERE ASKED FOR, AND WHO WAS ASKING FOR MONEY. AND I THINK YOU'RE NOT SEEING THE DOORS POUNDED DOWN BY COUNTIES BECAUSE IT'S MY UNDERSTANDING THAT THEY SUPPORT THE BILL AND THAT THEY DO UNDERSTAND THAT SOMETIMES WE HAVE A MORAL AND ETHICAL RESPONSIBILITY AS THE STATE AND AS A COUNTY WHO CARRIES OUT FOR US THE JUVENILE JUSTICE IN THE STATE, THAT WE HAVE THAT MORAL DUTY TO PROVIDE REPRESENTATION FOR THESE YOUNG PEOPLE. AND I WOULD TRULY GUESS THAT IN THE DISCUSSIONS IN THE COUNTIES, THEY DIDN'T REALLY SEE THIS AS A HUGE FINANCIAL MANDATE. WHAT THEY MAY HAVE SEEN IT, AS MORE OF A MORAL AND ETHICAL MANDATE TO HELP ENSURE THAT YOUNG PEOPLE GET THE JUSTICE AND THE REPRESENTATION THAT ADULTS MAY. I UNDERSTAND FROM SENATOR PANSING BROOKS THAT SHE IS PROPOSING AN AMENDMENT THAT IF A PARENT IS ABLE TO PAY, THEY WOULD PAY FOR THIS REPRESENTATION. I THINK THAT'S A GREAT STEP FORWARD AND THE COUNTIES WOULD APPRECIATE THAT. AND IT WOULD SHOW, IT SEEMS TO ME, TO THE YOUNG PERSON THAT THE CONSEQUENCES HERE HAVE TO BE MET AT TIMES WHEN THAT PARENT CAN AFFORD TO DO IT. COLLEAGUES, IF THE COUNTIES DID NOT WANT TO DO THIS AND FELT IT WAS A HUGE FINANCIAL STRESS ON THEM, THEY'D BE HERE. THE OTHER PART THAT WE ALL NEED TO UNDERSTAND IS THAT THEY HAVE THE STRUCTURE. WHETHER IT'S A SEPARATE JUVENILE COURT OR THE DISTRICT COURT, THEY ARE SET UP TO RUN AND ADMINISTER A GREAT PART OF OUR JUSTICE SYSTEM. [LB894]

SENATOR WATERMEIER: ONE MINUTE. [LB894]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. SO PLEASE THINK TWICE BEFORE YOU'RE THINKING THIS IS MILLIONS OF DOLLARS OF MANDATE. BELIEVE ME, THEY'LL BE DOWN. BUT FOR THIS, I THINK THEY SEE THE JUVENILE JUSTICE ISSUE AS FAR MORE COMMANDING. THANK YOU, MR. PRESIDENT. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR CAMPBELL. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB894]

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SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO AM2629 BECAUSE IT ESSENTIALLY GUTS THE PURPOSE OF THE BILL. I THINK IT'S IMPORTANT TO ALSO BALANCE THE DIFFERENT COSTS INVOLVED WITH THE SYSTEM. IF WE GET YOUTH, THAT SHOULDN'T BE IN THE SYSTEM, INTO THE SYSTEM, THAT'S GOING TO COST A WHOLE LOT MORE IN THE LONG RUN THAN IF WE JUST PROVIDED ADEQUATE REPRESENTATION IN THE FIRST PLACE. SECOND, IT'S IMPORTANT TO MAKE SURE THAT WE HAVE ADEQUATE REPRESENTATION WHEN PEOPLE'S LIFE, LIBERTY, AND RIGHTS ARE AT RISK, WHETHER THEY'RE YOUNG PEOPLE OR ADULTS. THESE AREN'T PUBLIC NAPPING BENCHES THAT WE'RE TALKING ABOUT, COLLEAGUES. THIS SHOULDN'T BE SOMETHING THAT IS SEEN AS A, WELL, THAT SOUNDS LIKE THAT WOULD BE KIND OF A NICE THING. WHEN IT COMES TO PROVIDING JUSTICE AND DEFENSE, AND SOMETIMES DEFENSE FROM PERHAPS OVERREACH OF CERTAIN CRIMINAL CHARGES, WE SHOULD MAKE SURE THAT EVERYONE HAS THE RIGHT TO COUNSEL. THAT'S ONE OF OUR FUNDAMENTAL CONSTITUTIONAL RIGHTS. I THINK THAT AS WE LOOK AT THIS, WE HAVE TO KEEP THAT IN MIND THAT, YES, WHILE IT MAY BE A LITTLE BIT MORE EXPENSIVE FOR THE COUNTIES, WHICH I HEARD THAT THEY CAME IN SUPPORT OR NEUTRAL, BUT AT THE VERY LEAST IT DIDN'T SOUND LIKE THEY CAME IN, IN HARD OPPOSITION TO THIS. WE ALSO HAVE TO KEEP THE CONSTITUTIONAL RIGHTS OF ALL OF OUR CITIZENS, WHETHER THEY'RE 18 AND OVER OR 18 AND YOUNGER. AND WE HAVE TO REALIZE THAT WE NEED TO MAKE SURE THAT PEOPLE HAVE REPRESENTATION, BECAUSE GETTING A YOUNG PERSON IN THE SYSTEM COSTS A WHOLE HECK OF A LOT MORE IN THE LONG RUN THAN PROVIDING THEM ADEQUATE LEGAL COUNSEL, WHICH THEY MAY BE FOUND TO BE GUILTY OR THEY MAY NOT. BUT IN ANY CASE, THEY DESERVE ADEQUATE LEGAL COUNSEL. AND I'LL TELL YOU, FROM THE NUMBERS THAT I'VE SEEN IN THE JUDICIARY COMMITTEE, DISPROPORTIONATELY, YOUTH THAT ARE INVOLVED IN THE SYSTEM COME FROM LOWER INCOME BACKGROUNDS WHO LIKELY WILL NOT HAVE THE FAMILY RESOURCES TO BE ABLE TO PROVIDE ADEQUATE REPRESENTATION. AND I'VE TALKED TO PARENTS BEFORE ABOUT THAT IN MY DISTRICT WHERE THEY'VE SAID, LISTEN, WELL, YOU KNOW, JOHNNY OR JILL GOT IN TROUBLE AND WE DIDN'T HAVE MONEY TO HIRE A GOOD ATTORNEY, SO, YOU KNOW, THEY JUST WENT THROUGH THE SYSTEM. AND LOOKING BACK ON IT, SURE WOULD HAVE BEEN NICE TO HAVE ADEQUATE LEGAL REPRESENTATION. WE NEED TO MAKE SURE THAT ALL OF OUR CITIZENS, REGARDLESS OF THEIR AGE, HAVE ADEQUATE LEGAL PROTECTION WHEN IT COMES TO THEIR RIGHTS TO BE FREE AND THEIR RIGHTS TO HAVE ADEQUATE LEGAL REPRESENTATION. I URGE YOU TO OPPOSE AM2629. THANK YOU. [LB894]

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SENATOR WATERMEIER: THANK YOU, SENATOR MORFELD. MR. CLERK FOR AN ANNOUNCEMENT. [LB894]

CLERK: MR. PRESIDENT, SENATOR PANSING BROOKS WOULD MOVE TO AMEND SENATOR SCHUMACHER'S AMENDMENT WITH AM2654. (LEGISLATIVE JOURNAL PAGE 1128.) [LB894]

SENATOR WATERMEIER: SENATOR PANSING BROOKS, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE AMENDMENT. [LB894]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. WELL, I'VE PUT IN AN AMENDMENT THAT I HAD OFFERED ORIGINALLY WHEN I WAS TRYING TO WORK WITH SENATOR SCHUMACHER TO HAVE THE PARENTS THAT ARE ABLE TO AFFORD IT TO PAY FOR THAT ATTORNEY. SO I HAVE RUN THIS BILL, THIS AMENDMENT, ALREADY I'VE RUN IT BY NACO, THE NEBRASKA ASSOCIATION OF COUNTY OFFICIALS. THEY ARE IN SUPPORT OF THIS AMENDMENT. IF IT'S ADOPTED, IT FIXES WHAT SENATOR SCHUMACHER IS TRYING TO DO, AND I WILL THEN SUPPORT SENATOR SCHUMACHER'S AMENDMENT AS WELL. BUT I'M ASKING THAT YOU SUPPORT MY AMENDMENT, AM2654, WHICH REQUIRES THAT PARENTS WHO ARE ABLE TO PAY DO SO. AND THEN YOU CAN SUPPORT SENATOR SCHUMACHER'S BILL, AND THEN PLEASE SUPPORT THE UNDERLYING LB894 WHICH, YOU MAY ALL HAVE FORGOTTEN, IS THE JUDICIARY COMMITTEE'S PRIORITY BILL. AND THIS BILL HAS TO DO WITH A LOT MORE THAN THE RIGHT TO AN ATTORNEY. IT HAS TO DO WITH A SOLITARY CONFINEMENT STUDY ACROSS THE STATE. IT HAS TO DO WITH THE MINIMUM AGE AT WHICH A CHILD CAN BE CHARGED AND PUT INTO THE JUVENILE JUSTICE SYSTEM. IT HAS TO DO WITH THE GUARDIAN AD LITEM...IT HAS TO DO WITH SENATOR HOWARD'S ALTERNATIVES TO DETENTION. AND IT ALSO HAS A PART IN IT WITH SENATOR KRIST'S BILL ON A GUARDIAN AD LITEM DIVISION. SO THIS IS FAR MORE THAN MY SPECIFIC BILL. THIS BILL CAME OUT UNANIMOUSLY SUPPORTED AND ALL THE UNDERLYING BILLS WERE UNANIMOUSLY SUPPORTED IN THE COMMITTEE HEARING. SO I ASK THAT YOU SUPPORT MY AMENDMENT THAT WILL HELP. IT'S MY WAY OF TRYING TO FIND SOME COMMON GROUND THAT THE PARENTS WILL PAY, EVEN THOUGH THERE ARE INSTANCES WHERE...I MEAN, THE PARENTS DO NOT HAVE THE RIGHT TO WAIVE IT ACTUALLY, BUT THEY CAN PAY IF THEY'RE ABLE. AND THEN YOU CAN ADOPT SENATOR SCHUMACHER'S BILL AND THEN MY UNDERLYING BILL, LB894, THE JUDICIARY COMMITTEE'S PRIORITY BILL. THANK YOU, MR. PRESIDENT. [LB894]

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SENATOR WATERMEIER: THANK YOU, SENATOR PANSING BROOKS. MEMBERS, YOU HAVE HEARD THE OPENING ON THE AMENDMENT TO THE AMENDMENT. FLOOR IS NOW OPEN FOR DEBATE. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR SCHEER, SENATOR CHAMBERS, SENATOR PANSING BROOKS, SENATOR GROENE, AND SENATOR SCHUMACHER. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB894]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. WOULD SENATOR SCHUMACHER YIELD, PLEASE? [LB894]

SENATOR WATERMEIER: SENATOR SCHUMACHER, FOR A QUESTION? [LB894]

SENATOR SCHUMACHER: YES, I WILL. [LB894]

SENATOR SCHEER: SENATOR, HAVE YOU HAD A CHANCE TO LOOK AT THE AMENDMENT, THE NEW AMENDMENT? [LB894]

SENATOR SCHUMACHER: YES, I HAVE. [LB894]

SENATOR SCHEER: AND I MEAN I DON'T HAVE SKIN IN THE GAME OTHER THAN I'M LIKE A NUMBER OF US THAT FEEL THAT PARENTS THAT CAN AFFORD TO PROVIDE THAT TYPE OF SERVICE TO AN INDIVIDUAL SHOULD BE DOING SO. SO I GUESS I'M ASKING YOU, BECAUSE YOU HAD BROUGHT THE FIRST AMENDMENT, IS THAT WHAT THIS AMENDMENT THEN DOES, SO I KNOW FROM A SUPPORTIVE BASIS WHERE AT LEAST I'M AT. [LB894]

SENATOR SCHUMACHER: THIS AMENDMENT IN ITS FIRST LINE STRIKES THE MEAT OF MY AMENDMENT AND SUBSTITUTES IN THERE LANGUAGE, PUTTING THE BILL BACK IN ITS ORIGINAL FORM, SAYING EVERYBODY HAS GOT TO HAVE AN ATTORNEY. EVEN IF THE KID AND HIS PARENTS DON'T AGREE, DON'T WANT ONE, EVERYBODY HAS GOT ONE, AFFORD IT OR NOT AFFORD IT. AND THEN ONCE EVERYBODY IS FORCED TO HAVE AN ATTORNEY, THE PARENTS WILL PICK UP THE BILL. SO IN ONE RESPECT, IT SHIFTS A FRACTION OF IT TO THOSE PEOPLE WHO HAVE THE MONEY. WHETHER THEY WANT ONE OR NOT, WHETHER THEIR KID WANTS ONE OR NOT, THEY'RE GOING TO HAVE ONE APPOINTED AND THE PARENTS ARE GOING TO PAY THE BILL. TO THE EXTENT THE PARENTS ARE PROPERTY TAXPAYERS, THEY'LL PAY THE BILL TOO. BUT I'D BE FINE WITH SAYING THE PARENTS PAY THE BILL BUT NOT IN GUTTING THE REST OF THE

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AMENDMENT, WHICH IS WHAT AM2654 DOES IN ITS FIRST SENTENCE WHEN IT STRIKES THE TWO PROVISIONS OF AM2629 THAT SAYS, LOOK, IT'S UP TO...LET'S REINSTATE THE OLD LANGUAGE AND GO BACK TO THE OLD RULES AND WHERE NO ONE IS FORCED TO HAVE OR PAY FOR AN ATTORNEY. [LB894]

SENATOR SCHEER: SENATOR, IS THERE...IN THE UNDERLYING BILL OR THE AMENDMENTS, IS THERE A LIST OF WHAT OFFENSES A JUVENILE HAS TO HAVE REPRESENTATION FOR? OR HOW WOULD I KNOW WHAT OFFENSES SOMEBODY WOULD BE REQUIRED TO, REGARDLESS IF THEY WANTED TO HAVE ONE? [LB894]

SENATOR SCHUMACHER: OKAY. IF ANYBODY IS INTERESTED IN THAT, YOU LOOK AT SECTION 43-247, THAT'S WHAT THE BILL SAYS, AND THAT IS TRAFFIC OFFENSES, IT'S FELONIES, IT'S MISDEMEANORS OF EVERY FLAVOR, IT'S INFRACTIONS OF CITY ORDINANCES. IT IS EVEN THINGS LIKE TRUANCY AND HABITUALLY BEING DISOBEDIENT. SO IT'S THE ENTIRE SPECTRUM OF BEING A BAD KID. [LB894]

SENATOR SCHEER: SO IF I HAD A CHILD THAT GOT A SPEEDING TICKET, HE WAS SPEEDING...OR SHE. I GUESS I SHOULDN'T BE SPECIFIC. I'VE GOT BOTH AND I THINK THEY ARE EQUALLY BAD DRIVERS. SO IF THEY WERE CAUGHT FOR SPEEDING, REGARDLESS IF I OR THEY WANTED AN ATTORNEY FOR THAT SPEEDING TICKET, THEY WOULD STILL BE FORCED OR I WOULD BE FORCED TO PROVIDE AN ATTORNEY FOR THE MINOR? [LB894]

SENATOR SCHUMACHER: IF IT WAS IN JUVENILE COURT, YES. [LB894]

SENATOR SCHEER: OKAY. THANK YOU, MR. PRESIDENT. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHEER AND SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB894]

SENATOR CHAMBERS: MR. PRESIDENT, THESE DISCUSSIONS ARE ALWAYS INTERESTING TO ME. ANY OTHER TIME PEOPLE ON THIS FLOOR TALK ABOUT THE CHILDREN, THE DEBTS AND BILLS THEY'RE GOING TO HAVE TO PAY, AND YOU DON'T WANT THAT. AND THEY SAY THAT BECAUSE THERE'S A PROGRAM THEY DO NOT WANT TO FUND THAT THE STATE OUGHT TO FUND. HOW MANY TIMES A STATEMENT HAS BEEN MADE ON THIS FLOOR WHEN WE'RE TALKING ABOUT ORDINARY POINTS OF BILLS: I'M NOT A LAWYER. YOU ALL SAY IT. YOU

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GROWN MEN AND WOMEN SAY, I'M NOT A LAWYER, I DON'T KNOW HOW TO ANSWER THAT QUESTION. WELL, YOU BROUGHT THE BILL. BUT I'M NOT A LAWYER. I DON'T KNOW WHAT THAT MEANS. BUT ALL OF A SUDDEN, THESE CHILDREN UNDERSTAND THE LAW. THIS IS SO HYPOCRITICAL. WHY DON'T YOU SAY YOU'LL SACRIFICE CHILDREN AND EVERYBODY SO THESE PENNY-PINCHING COUNTIES WON'T HAVE TO ASSUME THE DUTIES AND RESPONSIBILITIES THEY HAVE? AND THEN THE COUNTIES COME HERE AND WANT MONEY, WANT THE RIGHT OR POWER TO DO CERTAIN THINGS. BUT WHEN IT COMES TO THE CHILDREN, YOU CAN CUT THEM OFF BECAUSE THEY DON'T HAVE A SPOKESPERSON, NO VOICE. I'M NOT A LAWYER. I HEARD THAT SOMETIME TODAY EVEN: WELL, I'M NOT A LAWYER. AND YOU ASK A CHILD, DO YOU WAIVE YOUR RIGHT TO A LAWYER? AND THE CHILD DOESN'T KNOW WHAT YOU'RE TALKING ABOUT. ASK SOME OF THESE TEACHERS WHO HAVE THESE CHILDREN IN CLASS AND HOW LITTLE THEY UNDERSTAND OF WORDS AND LANGUAGE. YOU ALL SUDDENLY ARE GOING TO DUMMY UP AND FORGET REALITY BECAUSE YOU SAY IT'S GOING TO COST SOME MONEY. YOU OUGHT TO BE ASHAMED OF YOURSELVES, BUT YOU HAVE NO SHAME, NOT WHEN IT COMES TO SACRIFICING THE CHILDREN. BUT A FETUS? YOU'RE UP IN ARMS. WHERE ARE THOSE PEOPLE WHO COME TO THE JUDICIARY COMMITTEE AND THEY'RE CONCERNED ABOUT A FETUS OR EVEN A ZYGOTE, WHERE TWO CELLS ARE TOGETHER, AND THEY'RE VERY CONCERNED ABOUT THAT, THEIR MORALITY, WHAT GOD REQUIRES. WELL, THE ZYGOTE GOES THROUGH A STAGE. ARISTOTLE TOOK THE DEVELOPMENT OF A CHICKEN AND LAID OUT SOME PRINCIPLES THAT ARE EVEN CONSIDERED VALID TODAY, THE STAGE OF DEVELOPMENT. BUT ONCE THE EGG HATCHED, YOU HAD A CHICKEN AND EVERYBODY KNEW THAT AND AGREED. SO WHEN A CHILD EMERGES LIVE FROM THE BIRTH CANAL, YOU HAVE A FULL-FLEDGED HUMAN BEING AND ALL OF A SUDDEN, THOSE WHO WERE SO CONCERNED BEFORE HAVE NO INTEREST ANYMORE. CRIMES AND MISDEEDS ARE CREATED BY THIS LEGISLATURE. CHILDREN ARE TRICKED, THEY'RE BULLIED BY ADULTS. THEY'RE SEXUALLY ABUSED BY ADULTS, RELIGIOUS PEOPLE, TEACHERS, PARENTS, STRANGERS. CHILDREN ARE FAIR GAME EVERYWHERE. THEN YOU'RE GOING TO SAY THAT THEY UNDERSTAND WHAT THEIR RIGHTS ARE. JUDGES MIGHT TELL THEM, OR A PROSECUTOR: WELL, YOU KNOW, THOSE WHO GO AHEAD AND GO ALONG WITH THIS, THEY GET THEIR CASE HEARD AND THEY... WHATEVER IS GOING TO BE DONE, THEY GET THAT DONE QUICKLY AND IT'S NOT AS HARD ON THEM. AND I KNOW THAT CHILDREN ARE TOLD THINGS LIKE THAT. SOME ADULTS ARE EVEN TRICKED. BUT THE CHILDREN DON'T COUNT AND THEY DON'T MEAN ANYTHING. [LB894]

SENATOR WATERMEIER: ONE MINUTE. [LB894]



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SENATOR CHAMBERS: I THINK THAT MAYBE JONATHAN SWIFT WAS NOT JOKING WHEN HE WROTE A MODEST PROPOSAL AND SAID THAT THE ENGLISH PEOPLE OUGHT TO EAT IRISH CHILDREN. THEY'D CUT DOWN THE EXCESS POPULATION AND THEY'D GIVE THE ENGLISH PEOPLE SOME NEW DELICACIES. AND PEOPLE SAID, OH, THAT'S A VERY, VERY PENETRATING ESSAY. BUT YOU LOOK AT THE WAY CHILDREN ARE MISUSED AND ABUSED IN THIS SOCIETY AND NOW THE LEGISLATURE IS BEING ASKED OFFICIALLY AND FORMALLY TO GO ALONG. MAYBE I STOPPED TALKING TOO SOON BECAUSE NOW ALL THESE OTHER BAD BILLS ARE GOING TO COME IN WHERE YOU WANT TO DO SOMETHING FOR THE COUNTIES. PROBABLY, I'M NOT GOING TO SAY FOR SURE BECAUSE I DON'T KNOW WHAT THEY'LL COME IN HERE FOR, BUT I'M GOING TO LOOK AT THE STATEMENTS AND ANYTHING THAT THE COUNTIES WANT OR NACO OR THAT WILL BENEFIT A COUNTY. IF IT'S SOMETHING THEY WANT, I'LL FIGHT IT AND YOU ALL WILL GIVE ME A WHOLE LOT OF HOURS. MAYBE THAT'S WHAT I'LL DO. YOU CARE MORE ABOUT THAT THAN YOU DO THESE CHILDREN. [LB894]

SENATOR WATERMEIER: TIME, SENATOR. THANK YOU, SENATOR CHAMBERS. SENATOR GROENE, YOU ARE RECOGNIZED. [LB894]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I CALLED MY LINCOLN COUNTY'S WELL-RESPECTED JUVENILE JUDGE. HE'S BEEN IN HIS SEAT FOR 15-20 YEARS. HE WAS OUR COUNTY ATTORNEY BEFORE THAT. HE SAID HE CALLED SENATOR PANSING BROOKS'S OFFICE BACK WHEN HE READ ABOUT THIS BILL AND HIS FIRST WORD OUT OF HIS MOUTH TO HER AIDE WAS, REALLY? IF SOMEBODY EGGS A CAR, YOU'RE GOING TO ASSIGN THEM A LAWYER? HE SAID, REALLY? THE MAJORITY OF HIS CASES WITH JUVENILES ARE M.I.P., CRIMINAL MISCHIEF--EGGING CARS--AND SHOPLIFTING OR MINOR THEFT. THAT'S THE THREE HE HANDLES THE MOST. I SAID, WHAT DO YOU DO WITH THEM? HE SAID, PROBATION; GIVE THEM A STERN LECTURE AND WE GIVE THEM PROBATION. I SAID, WHAT IF THEY HAD A LAWYER? THEY'D GET PROBATION, BECAUSE THE EVIDENCE IS PRETTY SOLID WHEN THEY'RE PICKED UP WITH A CAN OF BEER. HERE'S AN INTERESTING THING I FOUND OUT. I DIDN'T REALIZE THIS. POSSESSION OF CIGARETTES IS A CLASS IV MISDEMEANOR. IF YOU'RE PICKED UP WITH MARIJUANA, IT'S JUST AN INFRACTION. IT'S NOT EVEN A MISDEMEANOR. THAT'S WHERE WE'VE GONE IN THIS SOCIETY. BUT I SAID, WELL, WHAT HAPPENS WHEN YOU GET A YOUTH--HERE'S SOMETHING THAT HASN'T BEEN SAID--THAT YOU BELIEVE NEEDS A LAWYER? HE SAID, I HAVE THE POWER TO APPOINT A LAWYER. HE SAID, I DO IT ALL THE TIME. HE SAID, IF I CAN SENSE THERE'S SOMETHING GOING ON WITH THE FAMILY, IF I CAN SENSE THAT THIS KID NEEDS A LAWYER, WE GET HIM...I APPOINT A LAWYER. THE SYSTEM WORKS. I HAVEN'T

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HAD ONE PARENT COME TO ME AND SAY, MY CHILD, I WISH WE COULD HAVE HAD A LAWYER. I HAVEN'T HAD A JUDGE ASK ME, I WISH THOSE KIDS COULD HAVE LAWYERS. I HAVEN'T HAD MY COUNTY ATTORNEY. WE'RE PRETTY GOOD...YOU KNOW, WE'RE BLUE COLLAR. WE HAVE OUR SHARE OF CRIME. WE'RE USUALLY PICKED AS ONE OF THE TRIALS ON NEW HHS PROGRAMS AND PROBATION. REALLY, THIS SEEMS LIKE AN ATTORNEY JOBS PROGRAM. WE DON'T HAVE A PROBLEM HERE. I KNOW MY JUDGE. I KNOW ALL MY JUDGES. THEY WANT TO HELP THESE KIDS. YOU WOULD THINK THIS WAS MEXICO AND THEY'RE GONNA THROW THEM IN THE SLAMMER IN THE BASEMENT THERE AND LOCK THEM UP AND THEN SELL THEM FOR SEX SLAVES. OUR LEGAL SYSTEM WANTS TO HELP THESE KIDS. THEY DO IT THAT WAY. THEY'RE HELPING THE PARENTS. THEY'RE HELPING THE KIDS BECAUSE THIS IS, LIKE SENATOR HUGHES SAID, THIS IS AN AWAKENING FOR A LOT OF THEM. THEY GET PROBATION. NINETY PERCENT OF THEM TURN OUT JUST FINE, PROBABLY MORE THAN THAT. YOU START THROWING THEM INTO THE SYSTEM WHERE YOU GOT TO HIRE A LAWYER AND THEN YOU HAVE...YOU GOT TO GET ASSIGNED A DATE, YOU'RE GOING TO HAVE A HEARING AND THEN ANOTHER HEARING, THEN 100 BUCKS AN HOUR IS WHAT MY JUDGE SAID THEY'D PAY THE ATTORNEYS THAT THEY ASSIGN. THIS IS A PROBLEM LOOKING...A SOLUTION LOOKING FOR A PROBLEM. I HAVEN'T SEEN IT. HAVE ANY OF YOU GUYS HAD CALLS FROM YOUR PARENTS AND PEOPLE SAYING, WE NEED TO GET LAWYERS FOR KIDS? THE SYSTEM WORKS. THE SYSTEM WORKS. THE JUDGES KNOW WHERE TO PUT THEM. THEY RECOGNIZE WHAT THE CHILD NEEDS. THEY GIVE THEM PROBATION. THEY TELL THEM TO STRAIGHTEN UP, CHANGE THEIR LIFE, AND WE GO ON WITH LIFE. NOBODY IS GOING TO NOT GET INTO MED SCHOOL BECAUSE THEY HAD AN M.I.P. WHEN THEY WERE 16 ANYMORE. THEY'RE NOT GOING TO GET IT IF THEY GET MARIJUANA BECAUSE IT'S ONLY AN INFRACTION. IT ISN'T EVEN A MISDEMEANOR. SO LET'S JUST ADOPT SENATOR SCHUMACHER'S AMENDMENT AS IS. [LB894]

SENATOR WATERMEIER: ONE MINUTE. [LB894]

SENATOR GROENE: SENATOR SCHUMACHER SAYS THERE'S SOME GOOD STUFF IN THIS BILL. I'M GOING TO TAKE HIS WORD FOR THAT. BUT WE NEED TO GET RID OF THIS. THIS IS GOING TO COST MY COUNTY A LOT OF MONEY. AND WHY DIDN'T...THE JUDGES DON'T COME DOWN. THIS IS ABOUT THE COURT SYSTEM. THIS WASN'T ABOUT NACO. THIS IS ABOUT THE COURT SYSTEM. THE JUDGES AREN'T GOING TO COME DOWN AND TESTIFY. COUNTY ATTORNEYS AREN'T GOING TO COME DOWN AND TESTIFY. BUT THIS IS A MESS. WE DON'T NEED IT. I GOT FAITH IN THE SYSTEM THE WAY IT WORKS AND I BELIEVE OUR JUDICIARY

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SYSTEMS ARE TRYING TO HELP THESE KIDS. WE DON'T NEED TO THROW MORE LAWYERS INTO THE MIX AND STIR IT UP. THANK YOU. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR GROENE. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB894]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. SENATOR SCHEER ASKED A FAIR QUESTION WITH REGARD TO WHAT KIND OF OFFENSES ARE WE GOING TO FORCE ATTORNEYS ON PEOPLE RIGHT NOW, EVEN IF THEY WANT TO WAIVE, EVEN IF IT'S A MINOR THING. THESE ARE THE OFFENSES THAT ARE DEFINED IN THAT LAW: ANY ACT OTHER THAN A TRAFFIC OFFENSE--TRAFFIC OFFENSES WE'RE TALKING LATER--WHICH WOULD CONSTITUTE A MISDEMEANOR OR AN INFRACTION UNDER THE LAWS OF THIS STATE, OR A VIOLATION OF ANY CITY OR VILLAGE ORDINANCE. NUMBER TWO IS ANY JUVENILE WHO HAS COMMITTED AN ACT WHICH WOULD BE A FELONY. NUMBER THREE IS...(3)(b) IS ANY JUVENILE WHO, BY REASON OF BEING WAYWARD OR HABITUALLY DISOBEDIENT, IS UNCONTROLLABLE BY HIS PARENT, GUARDIAN, OR CUSTODIAN, WHO DEPORTS HIMSELF OR HERSELF AS TO INJURE OR ENDANGER SERIOUSLY THE MORALS OF HIMSELF OR HEALTH OF HIMSELF, HERSELF, OR OTHERS, OR WHO'S HABITUALLY TRUANT FROM SCHOOL OR WHO'S MENTALLY ILL AND DANGEROUS. AND NUMBER FOUR IS ANY JUVENILE WHO HAS COMMITTED AN ACT WHICH WOULD CONSTITUTE A TRAFFIC OFFENSE AS DEFINED IN 43-245. I THEN LOOKED UP WHAT 43-245 SAYS AND IT SAYS THAT A TRAFFIC OFFENSE MEANS ANY NONFELONIOUS ACT IN VIOLATION OF A LAW OR AN ORDINANCE REGULATING VEHICULAR OR PEDESTRIAN TRAFFIC-- JAYWALKING--WHETHER DESIGNATED A MISDEMEANOR OR A TRAFFIC INFRACTION. SO JUST ABOUT ANY KIND OF BAD BEHAVIOR, NO MATTER HOW MINUSCULE, WE'RE GOING TO SAY HAS TO HAVE AN ATTORNEY. AND SENATOR GROENE, YOU CAN TELL HE TALKED TO A JUDGE WHO KNEW HIS STUFF BECAUSE MOST OF THE OUTSTATE CASES THEY USE JUVENILE COURT AS A DIVERSION PROGRAM. THEY'VE GOT A MINIMAL FINE, MINIMAL PENALTY OF CLEANING UP THE PARK OR SOMETHING LIKE THAT, THAT THEY IMPOSE. THEY'RE RAPIDLY PROCESSED WITH NO JEOPARDY TO THE CHILD. MOM AND DAD ARE THERE, AND THE JUDGES REALLY KNOW WHEN THEY'VE GOT A SERIOUS CASE. AND THEY, TO PROTECT THEMSELVES...AND THEY UNDERSTAND THEIR DUTY IS TO PROTECT THE JUVENILE. THEY ARE, IN ALL JUVENILE CASES WHERE A JUVENILE IS BEFORE THEM, SORT OF THE GODFATHER WITH A LOT OF AUTHORITY. AND THEY KNOW WHEN TO PROTECT THE RECORD, TO PROTECT THEMSELVES, WHERE IT'S A SERIOUS MATTER, WHERE THEY MAY TAKE THEM OUT OF THE HOME, SEND THEM OFF TO SOME STATE AGENCY IN SOME

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DETENTION, THAT THEY NEED AN ATTORNEY AND THEY HAVE THE RIGHT TO APPOINT. LIKE IT OR NOT, THAT'S THE RIGHT OF THE COURTS, JUST AS IN DOUGLAS COUNTY THOSE JUDGES HAVE DECREED THAT EVERYBODY WILL HAVE ONE. IN SMALLER COUNTIES, THEY LOOK AT IT ON A...HAVE THE CONVENIENCE OF LOOKING AT IT MORE ON A CASE-BY-CASE SITUATION. IF A KID SAYS, I WANT AN ATTORNEY, KID DOESN'T HAVE ANY MONEY, HE GETS AN ATTORNEY UNDER THE EXISTING LAW. NO NEED TO CHANGE IT. NO NEED TO SADDLE, ON A TRAFFIC OFFENSE, THE PARENTS WITH PAYING FOR CONSULTING AN ATTORNEY, NO NEED AT ALL. AND WE'RE NOT TALKING ABOUT ABUSING KIDS. WE'RE NOT TALKING ABOUT KIDS GOING WITHOUT. WE ARE TALKING ABOUT SIMPLY USING THE JUVENILE COURTS AS A DIVERSION MECHANISM FROM THE CRIMINAL SYSTEM. AND DIFFERENT THINGS, AS SENATOR HUGHES POINTED OUT, ONE SHOE DOES NOT FIT ALL. THIS IS A SHOE THAT IF IT FITS IN A COUNTY IN A JUDICIAL DISTRICT, THEY'VE GOT THE AUTHORITY TO DO NOW. IF IT DOESN'T FIT, WE SHOULD NOT MAKE IT AN UNFUNDED MANDATE WHERE WE TELL THEM WHAT TO DO. IT IS VERY SIGNIFICANT THAT WE'RE NOT OFFERING TO SEND A CHECK FOR WHAT IS GOING TO BE A SEVEN-FIGURE BILL. [LB894]

SENATOR WATERMEIER: ONE MINUTE. [LB894]

SENATOR SCHUMACHER: AND WE SIMPLY SHOULDN'T BE DOING THAT. UNFUNDED MANDATES AT THIS STAGE OF THE GAME WITH THIS PROPERTY TAX HEADACHE THAT WE'RE PLAYING WITH ARE THINGS WE SHOULD NOT DO. AND WE SHOULD NOT BE FORCING PEOPLE TO HAVE ATTORNEYS ON TRAFFIC OFFENSES AND PEDESTRIAN VIOLATIONS AND ANY OTHER LITTLE CITY ORDINANCE OR VIOLATION, LETTING THE DOG GO LOOSE, THE KIDS' PUPPY GO LOOSE, ATTORNEY TO DEFEND IT. WE NEED, I THINK, IN THE BIG PICTURE TO HAVE MORE DIVERSION PROGRAMS, MORE DIVERSION FUNDING, BUT THAT ISN'T PRACTICAL IN SMALL COUNTIES WITH LOW VOLUME. AND THEY DON'T HAVE THEM. AND WHAT COUNTY ATTORNEYS WILL DO, MARK MY WORD, IN THESE OTHER CASES IS SIMPLY DEFER PROSECUTION AND GO ON WITH LIFE AND THERE WILL BE NO ATTENTION PAID TO THE JUVENILE. THAT WOULD NOT BE A GOOD OUTCOME, BUT IT MAY VERY WELL BE AN UNINTENDED CONSEQUENCE OF LB894 UNLESS WE AMEND IT. THANK YOU. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB894]

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SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. AGAIN, I RISE IN SUPPORT OF AM2654. YOU KNOW, WHAT WE'RE TALKING ABOUT, MY FRIENDS, IS A CONSTITUTIONAL RIGHT. CHILDREN HAVE A RIGHT TO COUNSEL, BUT IT'S NOT HAPPENING RIGHT NOW. I HOPE YOU'VE TAKEN A PEEK AT THE INFORMATION SHEET THAT I PASSED OUT THAT VOICES FOR CHILDREN ATTEMPTED TO CREATE OR DID CREATE. AND IT TALKS ABOUT, IN ONE DISTRICT IN OUR STATE, CHILDREN ARE REPRESENTED 94 PERCENT OF THE TIME, IN DISTRICT 7 THEY'RE REPRESENTED 35 PERCENT OF THE TIME. SO WE HAVE JUSTICE BY GEOGRAPHY, WHICH SEEMS TOTALLY UNREASONABLE TO ME. MAYBE SOME OF MY COLLEAGUES ARE PERFECTLY FINE WITHOUT REPRESENTATION FOR THEIR CHILDREN. BUT I WANT TO READ YOU THE SUPREME COURT CASE, A QUOTE FROM GAULT. AND IN GAULT THEY SAID: THE JUVENILE NEEDS THE ASSISTANCE OF COUNSEL TO COPE WITH PROBLEMS OF LAW, TO MAKE SKILLED INQUIRY INTO THE FACTS, TO INSIST UPON REGULARITY OF THE PROCEEDINGS, AND TO ASCERTAIN WHETHER HE HAS A DEFENSE AND TO PREPARE AND SUBMIT IT. THE CHILD REQUIRES THE GUIDING HAND OF COUNSEL AT EVERY STEP IN THE PROCEEDINGS AGAINST HIM. MY COLLEAGUE SENATOR SCHEER MISSED SOME OF THE DISCUSSION ABOUT THE FACT THAT JUDGES CAN CHARGE OR USE ANY REMEDY AVAILABLE TO THEM FOR ANY CASE. SO IF A CHILD HAS A BEER CAN...A BEER AND THEY DECIDE TO CHARGE HIM, YES, THEY CAN PUT HIM OUT OF HOME FOR THAT. THE MERE RISK THAT A CHILD WOULD BE TAKEN OUT OF THEIR HOME FOR WHATEVER A JUDGE DECIDES IS NOT WORTH THE RISK THAT THEY ARE NOT REPRESENTED BY AN ATTORNEY. IF YOU THINK THAT CHILDREN SHOULD MANEUVER THE ENTIRE CRIMINAL JUSTICE SYSTEM WITHOUT AN ATTORNEY, I ASK, WHICH ONE OF YOU WOULD BE WILLING TO MANEUVER THE CRIMINAL JUSTICE SYSTEM WITHOUT AN ATTORNEY? IF YOU DO THAT, I DON'T THINK YOU'RE VERY WISE. I WOULD NOT GO INTO THE JUSTICE SYSTEM WITHOUT AN ATTORNEY AND I'M AN ATTORNEY. IT'S VERY IMPORTANT TO UNDERSTAND THE PROCESS, THE PROCEDURES, WHAT'S HAPPENING. AND HERE WE HAVE A CASE...WE HAVE AN ENTIRE NOTEBOOK. THIS IS THE ENTIRE REPORT THAT THE LEGISLATURE FUNDED IN 2008. THE REPORT CAME OUT IN 2009 WITH THEIR CORE RECOMMENDATION OF JUVENILES HAVING WAY MORE ACCESS. MAY I ASK SENATOR FRIESEN A QUESTION? [LB894]

SENATOR WATERMEIER: SENATOR FRIESEN FOR A QUESTION. [LB894]

SENATOR FRIESEN: YES, YOU MAY. [LB894]

SENATOR PANSING BROOKS: SENATOR FRIESEN, DO YOU THINK IT'S APPROPRIATE THAT THE KIDS IN OMAHA, BECAUSE OF WHERE THEY LIVE, HAVE

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COUNSEL, AND THE KIDS IN YOUR DISTRICT DON'T AUTOMATICALLY HAVE A RIGHT TO COUNSEL? [LB894]

SENATOR FRIESEN: I GUESS THAT DOESN'T BOTHER ME A LOT, NO. [LB894]

SENATOR PANSING BROOKS: OKAY. WHY DOES THAT NOT BOTHER YOU? [LB894]

SENATOR FRIESEN: I GUESS IT'S PROBABLY BECAUSE THINGS ARE DONE DIFFERENTLY IN DIFFERENT COUNTIES AND I DON'T SEE THE ISSUE, I GUESS, THAT MAYBE THEY HAVE IN OMAHA. SO I WON'T QUESTION WHAT THEY'RE DOING. I'LL ACCEPT IT. BUT IN OUR AREA, I JUST DON'T THINK IT'S CALLED FOR TO HAVE AN ATTORNEY. [LB894]

SENATOR PANSING BROOKS: HAVE YOU HEARD...THANK YOU, SENATOR FRIESEN. HAVE YOU HEARD OF CASES WHERE SOMEONE IS NOT REPRESENTED APPROPRIATELY? HOW DO YOU THINK THAT THE CHILD HAS REPRESENTATION? IS THE JUDGE JUST SUPPOSED TO TELL THEM WHAT THEY'RE SUPPOSED TO DO? [LB894]

SENATOR WATERMEIER: ONE MINUTE. [LB894]

SENATOR FRIESEN: I THINK THE PARENTS HAVE A RESPONSIBILITY THERE ALSO AND IF... [LB894]

SENATOR PANSING BROOKS: THE PARENTS OFTEN HAVE A DIFFERENT INTEREST THAN THE CHILD. AND THAT'S WHY THE SUPREME COURT OF THE UNITED STATES HAS GIVEN CHILDREN AND STATED THAT CHILDREN ARE TO HAVE A RIGHT TO COUNSEL. WE'RE NOT ARGUING WHETHER THEY SHOULD HAVE IT OR NOT. WE'RE ARGUING ABOUT MAKING SURE THAT IT'S HAPPENING, AND IT'S NOT HAPPENING ACROSS THE STATE. PLEASE LOOK AT WHAT I JUST PASSED OUT. JUDICIAL DISTRICT 7, 35 PERCENT OF THE KIDS HAVE AN ATTORNEY; JUDICIAL DISTRICT 4, WHICH IS DOUGLAS COUNTY, THEY HAVE A RIGHT TO AN ATTORNEY 94 PERCENT OF THE TIME. AND THAT'S NOT JUST BECAUSE EVERY SINGLE KID IN OMAHA IS SO MUCH WORSE THAN EVERY SINGLE KID IN DISTRICT 7. IT'S JUST NOT TRUE. KIDS ARE GETTING CHARGED WITH A WIDE RANGE OF INFRACTIONS AND FELONIES AND ALL SORTS OF DIFFERENT CHARGES, JUST LIKE IN OMAHA,... [LB894]

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SENATOR WATERMEIER: TIME, SENATORS. [LB894]

SENATOR PANSING BROOKS: ...ACROSS THE STATE. THANK YOU, MR. PRESIDENT. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR PANSING BROOKS AND SENATOR FRIESEN. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB894]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I GUESS THE FIRST THING I WANT TO CLEAR UP HERE IS THE MISCONCEPTION THAT COUNTIES HAVE CONTACTED ME, OR ANYONE ELSE HERE I DON'T THINK. I AM THE ONE THAT REQUESTED THE INFORMATION. THE COUNTIES HAVE NOT APPROACHED ME IN ANY WAY AND OPPOSED THIS OR SUPPORTED IT, EITHER ONE. THERE'S BEEN NO CONTACT WHATSOEVER IN THAT RESPECT. I JUST MADE AN INQUISITION I GUESS INTO SOME DATA AND SO THAT WAS MY REQUEST AND THAT'S WHAT I'M USING. IT DIDN'T HAVE ANYTHING TO DO WITH THE COUNTIES, THE COUNTY ATTORNEYS, OR ANYTHING ELSE. I GUESS FROM MY STANDPOINT, I LOOK AT IT LIKE FOR SOME OF THESE MINOR OFFENSES THAT DO NOT HAVE LASTING CONSEQUENCES FOR CHILDREN, AND IF YOU WANT TO GET REALLY PERSONAL, I HAVE NAVIGATED THE JUVENILE JUSTICE SYSTEM BY MYSELF. IT WAS A LEARNING EXPERIENCE. WE CAN LEAVE IT AT THAT. BUT FOR THOSE CONSEQUENCES THAT ARE NOT LASTING, I FAIL TO SEE WHY WE WOULD REQUIRE AN ATTORNEY. YOU'RE RIGHT. WHEN WE'RE TALKING CONSEQUENCES OR THINGS WHERE A JUVENILE COULD HAVE LASTING EFFECT IN THEIR ABILITY TO DO THINGS, I WOULDN'T ARGUE THAT THEY SHOULD BE REPRESENTED. BUT IN THE END, ALSO, THERE ARE PARENTS WHO SHOULD BE ABLE TO MAKE THAT CHOICE IF THEY'RE ABLE TO. AND FOR THOSE WHO DON'T HAVE PARENTS WHO CARE, I GUESS I HAVE THE BEST INTEREST OF MY CHILD IN MIND AND IT WOULD BE...IT JUST DEPENDS ON THE SITUATION. IT WOULD BE MY DECISION, IT SHOULD BE, WHETHER OR NOT HE SHOULD HAVE AN ATTORNEY AT THAT TIME, I THINK. THERE ARE CASES, I'M SURE, WHERE A JUDGE COULD RULE OTHERWISE. BUT I AM LOOKING OUT FOR THE BEST INTEREST OF MY CHILDREN, AND I THINK THAT'S SOMETHING WE HAVE LOST. WE HAVE PARENTS WHO ARE NOT, BUT THEY COULD BE HELD ACCOUNTABLE IN DIFFERENT WAYS. THANK YOU, MR. PRESIDENT. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR FRIESEN. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB894]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, WHY IN THE WORLD WOULD THE STATE CONSTITUTION MANDATE THAT THERE BE A PUBLIC EDUCATION SYSTEM? WHY SHOULDN'T PARENTS TAKE CARE OF IT THEMSELVES? THEY'RE TOO DUMB. AND I'M LISTENING TO WHAT'S BEING SAID RIGHT HERE RIGHT NOW. THERE ARE PEOPLE WHO CAN TAKE CARE OF THEIR CHILDREN, WHO CAN LOOK OUT FOR THEIR CHILDREN. THERE'S AN EXPRESSION, "IN LOCO PARENTIS," WHERE SOMEBODY WHO IS CONNECTED WITH THE GOVERNMENT STANDS IN THE PLACE OF A PARENT BECAUSE THE PARENTS ARE NOT DOING FOR THOSE CHILDREN WHAT OUGHT TO BE DONE. YOU ALL KNOW THIS. I DON'T THINK THERE'S ANYTHING I CAN SAY TO MAKE YOU CHANGE YOUR MIND. IF YOU DON'T CARE ABOUT YOUR CHILDREN NOW, YOU'RE NOT GOING TO CARE BASED ON ANYTHING I SAY. SENATOR GROENE TALKS TO A JUDGE OR SOME JUDGES WHERE HE LIVES AND HE EXTRAPOLATES AND APPLIES IT TO EVERY JUDGE IN THE STATE: THEY ALL TAKE CARE OF THESE CHILDREN; THEY ALL WANT THE BEST FOR THEM; THEY'RE NOT GOING TO DO THIS; THEY'RE NOT GOING DO THAT. HE DIDN'T TALK TO ANYBODY OR CONDUCT ANY SURVEY. THEY TELL HIM ANYTHING. AND IF HE SHOWS THE ATTITUDE WHEN HE TALKS TO THOSE PEOPLE WHAT HE SHOWS HERE, THEY'LL JUST SAY WHAT THEY THINK HE WANTS TO HEAR, BECAUSE HE'S NOT GOING TO EXPLORE OR EXAMINE ANYTHING. THAT'S THE WAY IT IS ON THIS FLOOR. I WATCH WHAT YOU ALL DO HERE. YOU DON'T KNOW WHAT THE LAW IS! AND IT'S NOT THE OFFENSE. IT'S THE COURTROOM, THE ENVIRONMENT OF THE COURTROOM, THE PRESSURE THAT IT PUTS ON EVEN GROWN PEOPLE WHEN THEY HAVE A VERY MINOR CHARGE AGAINST THEM. COURTS ARE NOT FRIENDLY PLACES. JUDGES KNOW IT, PROSECUTORS KNOW IT, EVERYBODY KNOWS IT. TALK TO ANYBODY WHO HAS TO GO TO COURT. BUT YOU DON'T CARE! AND A CHILD IS NOT SUPPOSED TO FEEL ADRIFT AND ALONE AND THREATENED IN A SITUATION WHERE YOU ALL DO. AS BIG AND AS OLD AND AS SINFUL AS YOU'VE BEEN, AND YOU DON'T WANT TO CONFRONT THAT, BUT LET THE CHILD GO. I CAN'T UNDERSTAND YOU ALL. I THOUGHT YOU ALL WERE THE MASTER RACE AND I COULD LEARN SOMETHING BY COMING DOWN HERE AND FUNCTIONING AROUND ALL THESE WHITE PEOPLE, LEARN HOW TO TREAT CHILDREN, LEARN HOW TO PROTECT CHILDREN, LEARN HOW TO DO THOSE THINGS THAT I READ ABOUT IN GRADE SCHOOL. AND IN THE BOOKS I READ, EVERYBODY WAS WHITE AND WHITE PEOPLE ONLY DID GOOD THINGS. AND THEY WANT TO WHITEN UP AND SANITIZE THE TEXTBOOKS NOW SO THE WRONGFUL, DIRTY, ROTTEN THINGS THAT WHITE PEOPLE DID WON'T BE EVEN TAUGHT IN SCHOOL BECAUSE THEY HAVE TO MAKE AMERICA EXCEPTIONAL, NOT BY AMERICA IN FACT BEING EXCEPTIONAL BUT LYING ABOUT WHAT AMERICANS ACTUALLY DID. AND HERE WE ARE TALKING ABOUT THESE



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CHILDREN. AND I HAD MENTIONED SENATOR GROENE. SENATOR GROENE, I'D LIKE TO ASK YOU A QUESTION OR TWO IF YOU WOULD YIELD. [LB894]

SENATOR WATERMEIER: SENATOR GROENE FOR A QUESTION. [LB894]

SENATOR GROENE: YES, I WOULD, MR. PRESIDENT. [LB894]

SENATOR CHAMBERS: SENATOR GROENE, HOW MANY JUDGES DID YOU TALK TO WHO BROUGHT YOU TO THE CONCLUSIONS THAT YOU EXPRESSED TO US HERE NOT LONG AGO? [LB894]

SENATOR GROENE: I TALKED TO THE ONE THAT I REPRESENT IN LINCOLN COUNTY. [LB894]

SENATOR CHAMBERS: OKAY, THAT'S ONE. HOW MANY OTHERS? [LB894]

SENATOR GROENE: THAT'S IT, THE ONE THAT I CARE ABOUT AND HOW HE HANDLES MY SITUATION IN MY DISTRICT. [LB894]

SENATOR CHAMBERS: OH, YOUR SITUATION IN YOUR DISTRICT? [LB894]

SENATOR GROENE: IN YOUR DISTRICT, SIR, YOU ALREADY HAVE REPRESENTATION FOR YOUR CHILDREN. [LB894]

SENATOR CHAMBERS: YOU HAD MADE... YOU HAD MADE... YOU HAD USED THE TERM IN THE PLURAL. AND I'M GLAD THAT THE CHILDREN HAVE BETTER REPRESENTATIVES IN THAT DISTRICT THAN THE CHILDREN WHERE YOU LIVE HAVE. AND IF YOU PAID ATTENTION, YOU'D SEE THERE'S A ROTTEN JUDGE THAT I'VE BEEN TRYING TO GET RID OF. I DON'T JUST GO ALONG WITH THESE JUDGES. I'M NOT A PIECE OF WOOD AND THEY CAN TELL ME ANYTHING. [LB894]

SENATOR WATERMEIER: ONE MINUTE. [LB894]

SENATOR CHAMBERS: YOU THINK THEY'RE GOING TO TELL YOU: I DON'T LOOK OUT FOR THESE CHILDREN; I DON'T DO THIS; I DON'T DO THAT? SENATOR GROENE DOESN'T KNOW THE LAW. I COULD MENTION A VERY SIMPLE POINT OF LAW THAT MIGHT BE USED IN JUVENILE COURT AND HE'D SAY, WELL, I'M NOT A

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LAWYER. AND HE'D BE TELLING THE TRUTH. YOU DON'T EXPECT HIM TO KNOW THOSE THINGS THAT PERTAIN TO THE LAW. THAT'S WHAT THOSE TRAINED IN THE LAW ARE SUPPOSED TO DO. BUT YOU DON'T WANT THE CHILDREN TO HAVE IT, BUT YOU WOULD WANT IT. AND I'VE HEARD YOU SAY, I'M NOT A LAWYER. DON'T LET ME HEAR THAT IN HERE AGAIN, BECAUSE WHOEVER SAYS THAT I'M GOING TO RIDICULE, MOCK YOU EVERY WAY THAT I CAN THINK OF. YOU DON'T KNOW, YOU DON'T KNOW, YOU'RE NOT A LAWYER. YOU OUGHT TO KNOW THE LAW. YOU KNOW ENOUGH TO DENY A LAWYER TO CHILDREN. THEY KNOW. THEY KNOW ENOUGH TO GIVE UP A RIGHT TO REPRESENTATION, SO YOU SAY. HOW DO YOU THINK THESE TEACHERS TRICK THESE YOUNG KIDS, BOYS AND GIRLS, INTO SEXUAL ENCOUNTERS? YOU THINK THE CHILDREN UNDERSTAND WHAT'S HAPPENING TO THEM? YOU THINK THEY KNOW THAT THIS IS A WOLF IN SHEEP'S CLOTHING, PLAYING LIKE HE OR SHE CARES ABOUT ME,... [LB894]

SENATOR WATERMEIER: TIME, SENATOR. [LB894]

SENATOR CHAMBERS: ...KNOWING THAT I HAVE PROBLEMS AT HOME AND HE'S OR SHE'S GOING TO FILL IN? THANK YOU, MR. PRESIDENT. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS AND SENATOR GROENE. SENATOR KOLOWSKI, YOU ARE RECOGNIZED. [LB894]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. BEEN LISTENING TO THIS FOR THE LAST HOUR AND A HALF AND I HAVE NOT HEARD ONE THING SAID CONCERNING EDUCATION, CONCERNING SCHOOLS. WOULD SENATOR PANSING BROOKS STAND FOR A QUESTION, PLEASE? [LB894]

SENATOR PANSING BROOKS: (MICROPHONE MALFUNCTION) YES. [LB894]

SENATOR WATERMEIER: SENATOR PANSING BROOKS FOR A QUESTION. [LB894]

SENATOR PANSING BROOKS: YES. THANK YOU. [LB894]

SENATOR KOLOWSKI: THANK YOU, SENATOR PANSING BROOKS. MY QUESTION IS ONE OF WHERE IS...WHAT IS THE ROLE OF THE SCHOOLS, THE ROLE OF EDUCATION, WITH ASSISTING WITH THE SITUATION WITH STUDENTS? I HAD STUDENTS THAT HAD MANY DIFFERENT LAW ENFORCEMENT ENCOUNTERS, WEARING ANKLE BRACELETS TO SCHOOL, DOING THE THINGS THAT THEY WERE

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NOT SUPPOSED TO BE DOING BUT GOT CAUGHT DOING THOSE. AND I HAD A SCHOOL RESOURCE OFFICER AS WELL AS COUNSELORS FROM THE DISTRICT AS WELL AS THE BUILDING THAT WORKED WITH STUDENTS. DO YOU HAVE...IS THERE PART OF A MASTER PLAN WHERE SCHOOLS WOULD PLAY A ROLE IN THIS WHOLE SPECTRUM AS WELL, PLEASE? [LB894]

SENATOR PANSING BROOKS: I'M NOT QUITE SURE WHAT YOU'RE ASKING, BUT PART OF WHAT'S HAPPENED WITH THE NUMBER OF JUVENILES THAT ARE BEING ARRESTED IS THE ZERO TOLERANCE POLICY OF THE SCHOOLS. AND SO WHAT WOULD NORMALLY HAVE BEEN A SCHOOLYARD FIGHT IS NOW GETTING CHARGED AS AN ASSAULT. SO EVERYONE IS PLAYING INTO THIS AND WE HAVE MANY STUDIES THAT SHOW THE DETRIMENT TO GETTING INTO THE CRIMINAL JUSTICE SYSTEM. IF A CHILD IS CHARGED AND GOES INTO THE CRIMINAL JUSTICE SYSTEM, THEY ARE FOUR TIMES AS LIKELY TO DROP OUT AS ANOTHER STUDENT. [LB894]

SENATOR KOLOWSKI: I UNDERSTAND THAT. AND THAT'S ALL THE MORE REASON FOR SCHOOL INVOLVEMENT OR SCHOOL PEOPLE TO BE INVOLVED AS FAR AS THE COUNSELING AND ALL THE REST WITH THE STUDENT IN THEIR PARTICULAR CASE. SENATOR SCHUMACHER, WOULD YOU STAND FOR A QUESTION, PLEASE? [LB894]

SENATOR WATERMEIER: SENATOR SCHUMACHER FOR A QUESTION. [LB894]

SENATOR SCHUMACHER: YES, I WILL. [LB894]

SENATOR KOLOWSKI: THANK YOU, SIR. ANY COMMENT ABOUT THE STUDENT QUESTION OR THE SCHOOL ROLE IN THIS WHOLE PACKAGE THAT WE'RE TALKING ABOUT FOR THE LAST HOUR AND A HALF? [LB894]

SENATOR SCHUMACHER: WELL, I DON'T THINK THERE'S A DIRECT LINKAGE ON EDUCATION ABOUT ATTORNEYS OR RIGHTS BETWEEN THE SCHOOL AND THE COURT, AT LEAST IN THE OFFICIAL PROCEEDING. CERTAINLY I THINK THAT THE SCHOOL SHOULD HAVE, AS PART OF THEIR CIVICS CLASSES, DISCUSSIONS, VIBRANT DISCUSSIONS OVER THE VALUE OF THE USE OF ATTORNEYS AND HOW A JUVENILE COURT SYSTEM WORKS AND HOW THE CRIMINAL COURT SYSTEM WORKS. [LB894]

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SENATOR KOLOWSKI: I CERTAINLY UNDERSTAND THAT AND CONCUR WITH THAT. BUT AS FAR AS THE SCHOOL PERSONNEL BEING INVOLVED WITH THE INDIVIDUAL, HELPING THE FAMILY, HELPING THE STUDENT, DO YOU SEE ANY CONNECTIONS THERE THAT WE SHOULD DO A BETTER JOB WITH? [LB894]

SENATOR SCHUMACHER: WELL, OFTENTIMES WHEN A COURT HAS A...A COURT HAS PRETTY BROAD JURISDICTION AS TO WHAT TO DO WITH A JUVENILE. AND IT'S MY UNDERSTANDING SOME COURTS DO SAY, WELL, JUVENILE, YOU'VE BEEN INVOLVED WITH DOING SOME NAUGHTY THINGS; YOUR SCHOOL HAS GOT A PROGRAM FOR THIS, THAT, OR THE OTHER THING; OR GO SEE YOUR COUNSELOR, I WANT A REPORT FROM THE COUNSELOR. IT'S KIND OF ANCILLARY TO USING THE PROBATION DEPARTMENT OR DIVERSION AUTHORITIES. [LB894]

SENATOR KOLOWSKI: THANK YOU, MR. SCHUMACHER. APPRECIATE THAT. I'D LIKE TO GIVE THE REST OF MY TIME TO SENATOR CHAMBERS, PLEASE. THANK YOU. [LB894]

SENATOR WATERMEIER: SENATOR CHAMBERS, 1:30. [LB894]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KOLOWSKI. AND WHILE I WASN'T HERE, YOU KNOW WHAT THE LEGISLATURE DID? IT, IN EFFECT, CRIMINALIZED TRUANCY. CHILDREN WIND UP GOING INTO THE JUVENILE JUSTICE SYSTEM. PARENTS ARE INSULTED, THEY ARE THREATENED. SOME PEOPLE ARE THREATENED WITH JAIL BECAUSE THE LEGISLATURE IS CREATING MORE CRIMINALIZATION OF ORDINARY CHILDREN BEHAVIOR AND PUTTING THEM IN THE COURT SYSTEM. THEN THE LEGISLATURE, WHICH CREATED ALL THESE OFFENSES IN THE FIRST PLACE, SAY THEY DON'T NEED A LAWYER. [LB894]

SENATOR WATERMEIER: ONE MINUTE. [LB894]

SENATOR CHAMBERS: THEY DO NEED A LAWYER. SENATOR GROENE POINTED OUT THAT PEOPLE IN THE AREA WHERE I LIVE HAVE REPRESENTATION. THAT'S WHAT I WANTED FOR THE CHILDREN IN HIS DISTRICT. HIS DISTRICT CAN'T HAVE AS GOOD A REPRESENTATIVE AS THE CHILDREN IN MY DISTRICT HAVE. THERE IS ONLY ONE OF ME. BUT I'M TRYING TO SHARE IT AS MUCH AS I CAN BY LONG DISTANCE, TRY TO PREVAIL ON THEIR REPRESENTATIVE TO GIVE TO THEM WHAT I WANT FOR MINE. THAT'S WHY I SAY ALL CHILDREN ARE MY CHILDREN. WHAT I WANT FOR MINE IS WHAT I WANT FOR EVERYBODY'S CHILD, WANT FOR EVERY

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CHILD. AND I CANNOT SIT BACK AND SAY, WELL, THIS IS GOING TO BE TOO EXPENSIVE OR INCONVENIENT, WHEN IT'S NOT GOING TO BE EITHER ONE OF THOSE. IT'S JUST THAT CHILDREN DON'T COUNT AND THEY ARE THROWAWAY. BUT NOT TO ME. THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR KOLOWSKI. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS, SENATOR KOLOWSKI, SENATOR SCHUMACHER, AND SENATOR PATTY PANSING BROOKS. NEXT IN THE QUEUE, SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB894]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, FELLOW MEMBERS OF THE NEBRASKA LEGISLATURE. WHAT A GREAT, INTERESTING AFTERNOON, AND IT POINTS OUT AGAIN THAT ALL THE EASY STUFF HAS BEEN DONE AND WE'RE HERE TRYING TO LOOK AT THOSE ISSUES THAT ARE DIFFICULT AND MAKE SENSE OF THEM IN A SHORT AMOUNT OF TIME. I DON'T THINK ANYONE WOULD DISAGREE THAT WE PAY SPECIAL ATTENTION IN THIS BODY TO VULNERABLE PEOPLE, AND THERE IS NO ONE THAT COULD BE CONSIDERED MORE VULNERABLE THAN OUR JUVENILES. JUVENILES ARE VULNERABLE FOR A LOT OF REASONS BUT PRIMARILY BECAUSE THEY LACK THE ABILITY TO MAKE THEIR OWN JUDGMENTS. AND WE DEPEND ON PEOPLE TO HELP THEM, ADVICE FROM PROFESSIONALS, ADVICE FROM THOSE PEOPLE THAT ARE IN THE JUVENILE JUSTICE SYSTEM AND KNOW THE LAW, KNOW THE CONSEQUENCES, AND KNOW WHAT CAN HAPPEN. I WAS TAKEN BACK A LITTLE BIT WITH A STATEMENT THAT WAS MADE BY SOMEONE EARLIER ABOUT A CONVICTION FOR CERTAIN THINGS CHANGING THE COURSE OF LIFE FOR THAT INDIVIDUAL BECAUSE THEY COULD NO LONGER PURSUE THAT FORM OF EDUCATION AND JOB PERFORMANCE BECAUSE OF THAT CONVICTION. I SAW THAT HAPPEN SEVERAL TIMES WHEN I'VE ATTENDED COURT IN DAWSON COUNTY, ESPECIALLY WITH DRUG CHARGES AND ALCOHOL CHARGES WITH YOUNG PEOPLE. WE'VE TALKED ALSO A LOT ABOUT MANDATING AND WHETHER THIS BILL WOULD BE MANDATING TO OUR COUNTIES AGAIN. AND I WOULD REMIND EVERYONE THAT THE MANDATE HERE IS FROM THE U.S. CONSTITUTION. AND I WOULD ARGUE THAT THE MANDATE IS ALREADY THERE, THAT DENYING SOMEBODY REPRESENTATION, WHETHER THEY BE AN ADULT OR A JUVENILE, SIMPLY DOESN'T CUT IT IN OUR SOCIETY. WITH THAT SAID, I THINK IT'S TIME TO GATHER UP OUR THOUGHTS, THINK ABOUT WHERE WE NEED TO GO LONG TERM WITH THESE ISSUES. AND BASED ON THAT, I CERTAINLY SUPPORT SENATOR PANSING BROOKS'S AM2654 AND ALSO THEN SENATOR SCHUMACHER'S AM2629. THE COMBINATION OF THESE TOGETHER GIVE US THE SITUATION WHERE THERE

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WILL BE REPRESENTATION. AND YET, IF A PARENT CAN AFFORD TO PAY FOR THAT, THEY WILL BE ASKED TO DO SO. THANK YOU, MR. PRESIDENT. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR WILLIAMS. SENATOR GROENE, YOU ARE RECOGNIZED. [LB894]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. YOU TALK ABOUT RURAL AND YOU TALK ABOUT URBAN. THAT BAD JUDGE THAT SENATOR CHAMBERS TALKED TO IS, I THINK, IN DOUGLAS COUNTY. THAT COUNTY GIVES LEGAL ASSISTANCE TO EVERY SINGLE JUVENILE, SO DOES LANCASTER COUNTY. SO BAD JUDGE? APPARENTLY, THE ASSIGNED PUBLIC DEFENDER FOR THAT JUVENILE IN DOUGLAS COUNTY ISN'T DOING THEIR JOB. IF THIS WAS THE ANSWER, THAT ASSIGNED ATTORNEY WOULD OVERCOME THAT BAD JUDGE. SO HERE AGAIN WE GOT THE TWO MOST-POPULATED COUNTIES, LANCASTER AND DOUGLAS COUNTY, DO THIS ALREADY ON THEIR OWN. THE COUNTY ATTORNEY OFFICE DOES. SO WHAT THIS IS, IS A DICTATE TO THE 12 OR 15 SENATORS AND THEIR CONSTITUENTS THAT THEY GOT TO DO WHAT DOUGLAS AND LANCASTER COUNTY DOES. BUT YET NOBODY IN OUR AREA COMPLAINED: PARENTS, CHILDREN, JUDGES, COUNTY ATTORNEYS. THIS IS A DICTATE TO RURAL NEBRASKA, ANOTHER ONE. I DON'T UNDERSTAND WHY WE HAVE A PROBLEM HERE. IF YOU'RE A SENATOR FROM LINCOLN OR DOUGLAS COUNTY, YOU'RE ALREADY DOING IT. YOU'RE REPRESENTING YOUR PEOPLE AND IT'S ALREADY BEING DONE THERE. SO WHY ARE YOU BRINGING A BILL TO FORCE IT ON RURAL NEBRASKA? WE TAKE CARE OF OUR OWN. IT'S A DIFFERENT CULTURE. IT'S A RITE OF PASSAGE TO GET IN TROUBLE OUT THERE--THROW SOME EGGS, GO OUT WITH YOUR BUDDIES AND DRINK SOME BEER. YOU GET CAUGHT. YOU LEARN YOUR LESSON. YOU GO ON WITH LIFE. THE JUDGE LOOKS AT YOU STERNLY, TELLS YOU YOU'RE GOING TO BE ON PROBATION. THE COACH SAYS YOU'RE SITTING. YOU LEARNED YOUR LESSON; YOU GO ON WITH IT. YOU'RE NOT DEALING WITH A LAWYER SCARING YOU BECAUSE, MORE THAN THE JUDGE, BECAUSE HE'S TELLING YOU ALL THESE OPTIONS YOU GOT TO MAKE. WE'VE GOT LINCOLN AND OMAHA SENATORS TELLING US WHAT TO DO IN RURAL NEBRASKA. THAT'S ALL THIS BILL DOES BECAUSE IT WILL NOT AFFECT LANCASTER AND DOUGLAS COUNTIES. IT'S ALREADY IN PLACE. IT'S CALLED LOCAL CONTROL. I TALKED TO NACO. HE SAID, WELL, YOU KNOW, OUR BIGGEST COUNTIES, THEY DIDN'T THINK IT WAS A BIG PROBLEM WITH THIS BILL BECAUSE THEY'RE ALREADY DOING IT. THAT'S WHY WE KIND SIT AT THE MEETING WE HAD ABOUT IT, IT WASN'T REALLY A CONCERN. AND REALLY? SOME OF OUR RURAL COUNTIES WITH 1,000 PEOPLE IN IT REALLY HAVE TIME, THREE COMMISSIONERS HAVE TIME TO PAY ATTENTION TO THIS, ALL THESE

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1,000 BILLS GOING ON IN LINCOLN? I DON'T THINK SO. HERE WE GO AGAIN. WE'RE SIMPLE FOLK OUT IN THE RURAL, IN THE HILLS. WE NEED TO BE TAKEN CARE OF. WE DON'T KNOW HOW TO TAKE CARE OF OUR KIDS. WE DON'T KNOW HOW TO DO JUVENILE JUSTICE. YOU'RE GOING TO FORCE IT ON US. SO MY FRIENDS IN THE URBAN COUNTIES THAT HAVE ANY COMMON SENSE, PLEASE VOTE AM2629 THROUGH AND ACTUALLY VOTE DOWN LB894. QUIT TELLING US HOW TO LIVE OUR LIVES. YOU'RE ALREADY DOING IN YOUR COUNTIES. IT'S ALREADY HAPPENING. YOU WOULD HAVE HEARD SOME OF THE TESTIMONY HERE THAT ALL THESE KIDS IN DOUGLAS AND LANCASTER COUNTY DON'T HAVE ATTORNEYS. THEY DO. THEY DO HAVE ATTORNEYS THEIR COUNTY ATTORNEYS ALREADY APPOINT, THEY ALREADY APPOINT. AND AS FAR AS I ASKED ONE OF THE ATTORNEYS FROM THE JUDICIARY DEPARTMENT, I SAID, WELL, HASN'T SOMEBODY SUED THROUGH THE SUPREME COURT KIDS NOT GETTING LAWYERS, THEY'RE NOT HUMANS? HE SAID, OF COURSE THEY HAVE. THEY HAVE A RIGHT TO A LAWYER. IF THEY ASK FOR A LAWYER, THEY HAVE A RIGHT TO IT. AND THE JUDGE, IN MOST CASES, IF HE THINKS THEY NEED A LAWYER, THEY GET ONE. HE APPOINTS ONE. THERE'S NOT A CRISIS HERE. THERE'S NOT A PROBLEM. [LB894]

SENATOR WATERMEIER: ONE MINUTE. [LB894]

SENATOR GROENE: BUT IT SOUNDS GOOD. AND, SENATOR CHAMBERS, THANK GOD I'M NOT A LAWYER BECAUSE HALF OF YOU GUYS ARE WRONG EVERY DAY IN THE COURTHOUSE. AND I SEEN FIVE OF YOU FIGHTING OVER THE LAST BILL AND NONE OF THEM COULD AGREE. APPARENTLY, BEING A LAWYER DON'T MAKE YOU AN EXPERT ON THE LAW EITHER. I'M GOING TO MAKE SURE IF I EVER AM IN TROUBLE, I'M GOING TO TRY TO TELL MY LAWYER TO PUT ALL LAWYERS ON MY JURY BECAUSE THERE AIN'T NONE OF THEM COULD AGREE WITH EACH OTHER, AND FOR SURE I'D BE DECLARED INNOCENT OR MISTRIAL. THANK YOU. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR GROENE. SENATOR CHAMBERS, YOU ARE RECOGNIZED AND THIS IS YOUR THIRD TIME ON THE AMENDMENT TO THE AMENDMENT. [LB894]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, PEOPLE WATCHING US IN RURAL NEBRASKA, I DON'T JUDGE ALL YOU ALL BY SENATOR GROENE AND WHAT HE SAYS. WE TAKE CARE OF OUR OWN. YOU TRYING TO TELL US WHAT TO DO. WE KNOW WHAT TO DO. AND

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YOU'VE DONE A PRETTY POOR JOB OF IT. YOU'RE A PRODUCT OF RURALISM OR WHATEVER IT IS. YOU ALL DON'T HAVE TO LOOK AT HIM AND LOOK...LOOK AT ME. I'M A GROWN MAN. I'M NOT A CHILD. AND THEY CAN GET AWAY WITH RAISING THEIR VOICE AND LOOKING UGLY AT CHILDREN. AND PEOPLE IN THE RURAL AREAS, THEY NEED SOMEBODY TO LOOK AFTER THEM. IF I WAS LIKE HIM, I WOULD SAY IN DOUGLAS COUNTY WE'VE GOT OURS; FORGET YOU RURAL PEOPLE. BUT IT'S NOT THE RURAL ADULTS. IT'S THE CHILDREN. THIS IS WHAT IS MEANT WHEN IT SAYS THE FATHERS ATE SOUR GRAPES AND THE CHILDREN'S TEETH ARE SET ON EDGE. THE CHILDREN ARE THE ONES WHO SUFFER. IF YOU HAD TO GO TO COURT, YOU WOULD GET A LAWYER. THESE CHILDREN CANNOT SAY ANYTHING. AND A LOT OF THEM ARE ABUSED IN THE RURAL AREAS. BUT SENATOR GROENE DOES NOT KNOW THAT MY TITLE IS NOT DOUGLAS COUNTY SENATOR. IT'S NOT OMAHA SENATOR. IT IS STATE SENATOR. AND THAT WAS DONE BECAUSE IT'S KNOWN THAT NOT EVERY PART OF THE STATE IS GOING TO HAVE SOMEBODY INTELLIGENT ENOUGH OR SENSITIVE ENOUGH OR SENSIBLE ENOUGH TO LOOK OUT FOR THOSE PEOPLE. THEY SHOULDN'T BE CURSED WITH INADEQUATE REPRESENTATION BECAUSE THEY HAPPEN TO BE BORN IN A RURAL AREA WITH PEOPLE WITH A "HICKIFIED," HILLBILLY MENTALITY AND SAY, THE CHILDREN DON'T NEED ANYTHING! I DIDN'T WEAR NO SHOES WHEN I WAS COMING UP. BY GOD, I WALKED TO SCHOOL IN THE WINTERTIME AND IT WAS UPHILL BOTH WAYS, AND LOOK AT ME. I SAY, UH-HUH, AND LOOK AT YOU; THAT'S WHY THESE CHILDREN NEED A BREAK. ONE OF THEM WILL SAY, I'M A SELF-MADE MAN. I'D SAY THAT RELIEVES THE ALMIGHTY OF AN AWESOME RESPONSIBILITY. I LISTEN TO YOU. AND I SEE WHAT KIND OF PROBLEMS SOME CHILDREN HAVE. I OUGHT TO SHOW YOU ALL SOME OF THE LETTERS THAT I GET FROM YOUR CHILDREN. IT'S NOT WHERE THESE CHILDREN LIVE THAT CAUSES THEM TO DO THIS, THAT, OR THE OTHER. IT'S THE ENVIRONMENT THAT IS CREATED BY THE ADULTS AND THE ATTITUDE THE ADULTS SHOW THESE CHILDREN. WHEN THEY GET OUT FROM THOSE LITTLE-BITTY "HICKIFIED" TOWNS WHERE WE TAKE CARE OF OUR OWN, AND THEY KICK THE TRACES AND THEY GO TO THE UNIVERSITY AND THEY GO WILD, JUST LIKE THEY SAY PREACHER'S KIDS WILL DO, THOSE ARE NOT WILD KIDS. NOTHING IS WRONG WITH THEM. THEY BEHAVE THE WAY YOUNG PEOPLE DO. YOU LOCK UP AN ANIMAL IN A CAGE, LOCK THAT ANIMAL UP AND BAIT THAT ANIMAL. THEN OPEN THE CAGE DOOR. IF IT'S A BLACK PANTHER, YOU THINK HE'S GOING TO JUST SIT THERE AND PURR? HE'LL COME FORTH RAGING. AND YOU WOULD GET OUT OF THE WAY BECAUSE YOU KNOW YOU PROVOKED IT. AND THESE CHILDREN SHOULD NOT HAVE TO CONTEND WITH THAT. PEOPLE DON'T LIKE TO DEAL WITH ME ON THIS FLOOR BECAUSE I'M NOT GOING TO TAKE LOW LIKE CHILDREN AND COWARDS THAT THEY MAY BE USED TO BULLYING AND TAKING



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ADVANTAGE OF. SO WHAT DO THEY DO? THEY DECIDE TO WALK OUT. AND MAYBE ONE OF THESE DAYS A CHILD IS GOING TO PICK UP ONE OF THOSE GUNS IN THE HOUSE, LIKE THEY'VE DONE IN RURAL AREAS IN OTHER PARTS OF THE COUNTRY. YEAH, THERE HAVE BEEN A LOT OF SHOOTINGS OF PARENTS BY CHILDREN IN RURAL AREAS USING THOSE GUNS THAT THEY WERE TAUGHT TO USE. SO YOU THINK THOSE WERE VICIOUS, EVIL CHILDREN? CHILDREN COME HERE WITH A CLEAN SLATE AND ADULTS WRITE ON THAT SLATE, THE CHURCHES, THE SCHOOLS, THE PARENTS, THE TOWNSFOLK. THEY HEAR THE BACKBITING,... [LB894]

SENATOR WATERMEIER: ONE MINUTE. [LB894]

SENATOR CHAMBERS: ...THE GOSSIPING, THE CONDEMNING OF OTHER PEOPLE AROUND THE CORNER AND DOWN THE STREET. AND EVEN PEOPLE ON THIS FLOOR SAY, WELL, IN A SMALL TOWN, YOU KNOW EVERYBODY KNOWS EVERYBODY AND EVERYBODY KNOWS EVERYBODY'S BUSINESS. THEY TELL EVERYBODY'S BUSINESS AND IT'S ONE OF THE WORST PLACES TO BE. THEN SENATOR GROENE IS GOING TO LIONIZE IT BECAUSE THE CHILDREN DON'T HAVE ANYTHING IN THE WAY OF PROTECTION IN THE COURTS. THEY DON'T HAVE ANYTHING TO LOOK FORWARD TO. SO I'LL TELL YOU WHAT. WHEN THOSE TAX BILLS COME HERE TRYING TO FORCE RURAL PEOPLE'S WAYS ON THE CITY BY SAYING GIVE TAX BREAKS TO THESE FARMERS AND RANCHERS, WATCH ME. I'M GOING TO SHOW YOU HOW CITY PEOPLE CAN REJECT ALL OF THAT. WHY SHOULD CITY PEOPLE PAY MORE SO FARMERS AND RANCHERS, WHO ARE RICH ANYWAY, DON'T HAVE TO PAY TAXES? WHY, THAT'S PREPOSTEROUS. LET THERE BE A RURAL SPLIT AND LET US SEE WHO COMES OUT ON TOP. BUT THE OTHER SENATORS IN OMAHA WON'T HAVE TO DO IT, BECAUSE THEY KNOW I WILL DO IT. AND THEY HAVE SOME FEAR IN THEM, SO THEY SIT BACK AND QUIETLY CHEER,... [LB894]

SENATOR WATERMEIER: TIME, SENATOR. [LB894]

SENATOR CHAMBERS: ...BUT THEY WON'T SAY ANYTHING. THANK YOU, MR. PRESIDENT. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS. SENATOR MURANTE, YOU ARE RECOGNIZED. [LB894]

SENATOR MURANTE: QUESTION. [LB894]

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SENATOR WATERMEIER: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB894]

CLERK: 28 AYES, 0 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB894]

SENATOR WATERMEIER: DEBATE DOES CEASE. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT TO THE AMENDMENT. [LB894]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. COLLEAGUES, I JUST ASK THAT YOU SUPPORT AM2654 AND THEN VOTE FOR SCHUMACHER'S BILL. I'VE ADDED THIS AMENDMENT. ORIGINALLY ASKED TO OFFER IT TO FIND SOME COMMON GROUND THIS WEEKEND. IT WAS REJECTED. SO NOW I'M ADDING IT IN ANYWAY IN AN ATTEMPT TO MAKE THIS GO FASTER, IN AN ATTEMPT TO MAKE THOSE WHO DIDN'T...WHO FELT THAT THE COUNTIES SHOULDN'T HAVE TO PAY FOR THE WHOLE AMOUNT TO MAKE IT SO THAT THE PARENTS WILL PAY IF THEY'RE ABLE. AGAIN, WE'RE TALKING ABOUT A CHILD'S CONSTITUTIONAL RIGHT TO AN ATTORNEY. IT'S NOT HAPPENING ACROSS THE STATE, AS YOU LOOK AT THE GRAPHIC THAT I PASSED OUT. AND, MY FRIENDS, THIS IS A JUDICIARY COMMITTEE PRIORITY BILL AND IT HAS A NUMBER OF THINGS IN IT. SO I ASK THAT YOU VOTE FOR AM2654 THAT WILL HELP PARENTS PAY FOR THE BILL. THANK YOU, MR. PRESIDENT. [LB894]

SENATOR WATERMEIER: THANK YOU, SENATOR PANSING BROOKS. MEMBERS, THE QUESTION IS, SHALL THE AMENDMENT TO THE AMENDMENT TO LB894 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL YOU VOTED? RECORD, MR. CLERK. [LB894]

CLERK: 26 AYES, 7 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR PANSING BROOKS'S AMENDMENT. [LB894]

SENATOR WATERMEIER: THE AMENDMENT TO THE AMENDMENT IS ADOPTED. SPEAKER HADLEY, YOU ARE RECOGNIZED. [LB894]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, THIS IS OUR FIRST TIME OF USING A CONCEPT THAT I'M GOING TO BE USING A LOT IN THE NEXT THREE WEEKS, WHICH MEANS THAT AT A CERTAIN TIME OR A TIME CERTAIN WE

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WILL BE GOING TO A DIFFERENT PART OF THE AGENDA. I WILL BE DOING THAT A LOT THE NEXT THREE WEEKS. WE GET THOSE BILLS THAT I DEEM IMPORTANT, TO BE SURE THAT WE HEAR THEM ON THE FLOOR AND ACT ON THEM. SO WE WILL BE GOING TO THE 6:00 SECTION. IF WE GET... WE HAVE FOUR BILLS THERE. IF WE GET DONE WITH THOSE, WE COME BACK TO THE AGENDA. AND THEN AROUND 7:00, I WILL LOOK AND SEE WHERE WE'RE AT AND WHAT WE CAN... WHETHER WE CAN GET ANYTHING DONE IN A FAIRLY SHORT PERIOD OF TIME OR NOT. THANK YOU, MR. PRESIDENT.

SENATOR WATERMEIER: THANK YOU, MR. SPEAKER. MR. CLERK, ITEMS FOR THE RECORD?

CLERK: THANK YOU, MR. PRESIDENT. AMENDMENTS TO BE PRINTED: SENATOR CHAMBERS, A SERIES OF AMENDMENTS TO LB975; SENATOR SCHUMACHER TO LB910; SENATOR LARSON TO LB1105; SENATOR HUGHES TO LB894. A MOTION TO WITHDRAW LR497 BY SENATOR WATERMEIER. JUDICIARY REPORTS LB861 TO GENERAL FILE. GUBERNATORIAL APPOINTMENT LETTERS. AND A NEW RESOLUTION: SENATOR MELLO OFFERS LR501; THAT WILL BE LAID OVER, MR. PRESIDENT. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1128-1135.) [LB975 LB910 LB1105 LB894 LR497 LB861 LR501]

SENATOR WATERMEIER: THANK YOU, MR. CLERK. WE'LL MOVE TO THE NEXT ITEM ON THE AGENDA. MR. CLERK.

CLERK: MR. PRESIDENT, LB1083 WAS A BILL INTRODUCED BY SENATOR WILLIAMS. (READ TITLE.) INTRODUCED ON JANUARY 20, REFERRED TO THE EXECUTIVE BOARD FOR PUBLIC HEARING, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL AT THIS TIME, MR. PRESIDENT. [LB1083]

SENATOR WATERMEIER: THANK YOU, MR. CLERK. SENATOR WILLIAMS, YOU ARE RECOGNIZED TO OPEN ON LB1083. [LB1083]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. YOU HEARD A DISCUSSION EARLIER ON THE MIKE THAT 6:00 WAS EVENING TIME, SO I SHOULD SAY "GOOD EVENING" IF YOU LOOK AT THE BOARD. WE'VE TALKED A LOT TODAY ABOUT MANY ITEMS OF IMPORTANCE. BUT I STILL GO BACK TO WHEN I'M IN MY DISTRICT--AND I THINK WHEN MANY OF YOU ARE IN YOUR DISTRICT--WE GET ASKED, WHAT ARE YOU GOING TO DO ABOUT MY TAXES? ALL THESE OTHER ISSUES HAVE SIGNIFICANT IMPLICATIONS, BUT THE

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QUESTION ALWAYS COMES BACK TO, AGAIN, WHAT ARE YOU GOING TO DO ABOUT MY TAXES? WELL, WE ARE ALL AWARE THAT IF NEBRASKA IS GOING TO SUCCEED AND WE'RE GOING TO LOOK AT THIS ISSUE, WE NEED TO GROW: GROWING JOBS, GROWING PEOPLE, GROWING OUR TAX BASE, AND GROWING OPPORTUNITIES. GROWTH IS NOT EASY AND IT TAKES A LONG-TERM STRATEGIC PLAN AND COMMITMENT. I BELIEVE THE LEGISLATURE CAN, AND SHOULD, BE INVOLVED WITH DRIVING THIS TYPE OF EFFORT. OFTENTIMES OUR PLANS FOR GROWTH HAVE INCLUDED FOCUSING ON ATTRACTING NEW BUSINESSES TO OUR STATE. IN RECENT YEARS, HOWEVER, IT HAS BEEN DEMONSTRATED THAT WORKING WITH EXISTING BUSINESSES CAN BE A SIGNIFICANT CATALYST FOR ECONOMIC GROWTH. HELPING FIND WAYS TO ENCOURAGE AND SUPPORT INTERNAL GROWTH IS THE GOAL OF LB1083. IF NEBRASKA IS TO SUCCEED IN INCREASING THE NUMBER AND DIVERSITY OF HIGH-WAGE JOBS IN OUR STATE, A KEY FOCUS SHOULD BE ON IMPROVING OUR ENTREPRENEURIAL SYSTEM. I'VE HEARD IT DESCRIBED AS ECONOMIC GARDENING VERSUS ECONOMIC HUNTING. THIS EFFORT IS NOT NEW TO THE LEGISLATURE. IN 2010, THE LEGISLATURE CREATED THE INNOVATION AND ENTREPRENEURIAL TASK FORCE LED BY SIX SENATORS, SEVERAL OF WHICH ARE STILL IN THE BODY TODAY. THE PLANNING COMMITTEE HAS ALSO STUDIED ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT. TODAY WE ARE ASKING THE LEGISLATURE TO TAKE THE NEXT STEP. LB1083 WOULD ADOPT THE NEXT GENERATION BUSINESS GROWTH ACT, WHICH IS FOCUSED ON THE ROLE THAT INNOVATION AND ENTREPRENEURSHIP PLAY IN NEBRASKA'S ECONOMY. THE BILL WOULD CREATE A TASK FORCE OF SIX SENATORS TO DEVELOP A STATEWIDE STRATEGIC PLAN TO CULTIVATE ENTREPRENEURSHIP AND INNOVATION IN NEBRASKA. THE STRATEGIC PLAN WOULD INCLUDE FIVE ELEMENTS: (1) AN INVENTORY OF EXISTING STATE-SPONSORED AND LOCALLY SPONSORED PROGRAMS AND RESOURCES THAT ARE TARGETED TO SMALL BUSINESS, MICROENTERPRISES, AND ENTREPRENEURIAL ENDEAVORS; (2) AN ECONOMIC IMPACT ANALYSIS OF THE EXISTING PROGRAMS UNDER THE NEBRASKA BUSINESS INNOVATION ACT; (3) AN OVERVIEW OF THE BEST PRACTICES USED BY OTHER STATES; (4) A REVIEW OF PREVIOUSLY ISSUED STATEWIDE STRATEGIC PLANS FOCUSED ON HIGH-GROWTH BUSINESS; AND (5) POLICY OPTIONS FOR THE LEGISLATURE TO CONSIDER. THE TASK FORCE WITH THE CONSULTATION OF THE EXECUTIVE BOARD WOULD EMPLOY A NONPROFIT ORGANIZATION TO ASSIST WITH THE DEVELOPMENT OF THE STRATEGIC PLAN. FUNDING FOR THE DEVELOPMENT OF THIS STRATEGIC PLAN IN THE AMOUNT OF \$75,000 WOULD COME FROM THE COMMUNITY DEVELOPMENT ASSISTANCE ACT. AND A REMINDER THAT THE COMMUNITY DEVELOPMENT ASSISTANCE ACT WAS ADOPTED IN OUR STATE CLEAR BACK IN 1895 AND HAS BEEN WORKING OVER THAT PERIOD OF TIME WITH GRANTS TO NONPROFIT ORGANIZATIONS IN

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COMMUNITIES ALL ACROSS OUR STATE. WE WERE FORTUNATE ENOUGH A NUMBER OF YEARS AGO TO USE ONE OF THESE IN GOTHENBURG FOR A SIGNIFICANT PROJECT. THE FUND CURRENTLY, AS IT EXISTS, HAS CREDITS AVAILABLE UP TO \$350,000 EACH YEAR. THESE CREDITS ARE CURRENTLY NOT GENERALLY ALL BEING USED; IN FACT, THEY HAVE NOT ALL BEEN USED IN ANY YEAR IN RECENT HISTORY. SO WE ARE ASKING TO JUST USE \$75,000 OF THESE FUNDS THIS ONE TIME, ONE YEAR. AND IT IN MOST EVERYBODY'S JUDGMENT WOULD NOT DISCOURAGE OR STOP ANY OTHER PROJECTS THAT WOULD BE NEEDED TO USE THESE TAX CREDITS FOR. AFTER THE TASK FORCE GETS TO WORK, THE FINAL REPORT WOULD BE DUE BY DECEMBER 1 AND THE BILL WOULD SUNSET ON JANUARY 1, 2017. THE HEARING WAS BEFORE THE EXEC BOARD, THERE WAS NO OPPOSITION TESTIMONY, AND THIS BILL WAS VOTED OUT OF COMMITTEE ON A 9-0 VOTE. I WILL AGAIN ASK EVERYONE TO SUPPORT LB1083 AS WE MOVE FORWARD. THANK YOU, MR. PRESIDENT. [LB1083]

SENATOR WATERMEIER: THANK YOU, SENATOR WILLIAMS. MEMBERS, YOU'VE HEARD THE OPENING ON LB1083. SENATOR MELLO, YOU ARE RECOGNIZED. [LB1083]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I STAND IN STRONG SUPPORT OF SENATOR WILLIAMS' LB1083 ON BEHALF OF I THINK THE TWO OTHER EXISTING MEMBERS IN THE BODY, SENATOR SCHILZ AND SPEAKER HADLEY. THE THREE OF US SERVED ON THE INITIAL, ORIGINAL INNOVATION AND ENTREPRENEURSHIP TASK FORCE BACK IN 2010 THAT DEVELOPED AN INITIAL ROAD MAP TO PROVIDE THE STATE AND PROVIDE THE LEGISLATURE A BLUEPRINT TO ADDRESS TALENT INITIATIVES IN THE STATE, LOOKING AT WAYS TO ADDRESS WHAT WE KNOW IS A LACK OF INNOVATION AND ENTREPRENEURIAL ECOSYSTEMS ACROSS THE STATE. AND WHAT WE HAVE IN FRONT OF US AS SENATOR WILLIAMS' GREAT BILL ESSENTIALLY IS A REVISION OF THAT BLUEPRINT, KNOWING THAT THE LEGISLATURE AND THE GOVERNOR-- FORMER GOVERNOR HEINEMAN--HAD PASSED A NUMBER OF INITIATIVES THAT CAME FROM THOSE BLUEPRINTS, THAT IT'S ONLY ADEQUATE TIME THAT WE NOW CONSIDER A NEW BLUEPRINT, SO TO SPEAK, MOVING FORWARD TO SEE WHAT CAN BE DONE TO ENHANCE TALENT IN OUR STATE, TO ENHANCE ENTREPRENEURISM IN OUR STATE, AS WELL AS LOOKING AT THOSE HIGH-GROWTH, HIGH-WAGE START-UP COMPANIES THAT WE KNOW FROM MOST RECENT REPORTS NEBRASKA IS STARTING TO ATTRACT. BUT WE STILL HAVE A LONG WAYS TO GO. SO THE UNDERLYING BILL, I GIVE AN AWFUL LOT OF KUDOS TO SENATOR WILLIAMS. IT WAS A GREAT HEARING IN THE EXECUTIVE BOARD

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AND I URGE THE BODY TO JOIN US IN ADVANCING LB1083. THANK YOU, MR. PRESIDENT. [LB1083]

SENATOR WATERMEIER: THANK YOU, SENATOR MELLO. SENATOR SULLIVAN, YOU ARE RECOGNIZED. [LB1083]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND GOOD EVENING, COLLEAGUES. I THINK THIS IS A FINE IDEA, BUT I DO HAVE SOME QUESTIONS FOR SENATOR WILLIAMS IF HE WOULD YIELD. [LB1083]

SENATOR WATERMEIER: SENATOR WILLIAMS, FOR A QUESTION? [LB1083]

SENATOR WILLIAMS: CERTAINLY. [LB1083]

SENATOR SULLIVAN: THANK YOU. FIRST OF ALL, YOU REFERRED AND MENTIONED THE LEGISLATIVE PLANNING COMMITTEE IN YOUR OPENING COMMENTS. HOW DOES THIS EFFORT INTERPLAY, OR MAYBE IN SOME WAYS EVEN DUPLICATE, WHAT THE LEGISLATIVE PLANNING COMMITTEE IS DOING? [LB1083]

SENATOR WILLIAMS: I DON'T THINK THERE IS A DUPLICATION, SENATOR SULLIVAN. THEY ARE LOOKING AT EXISTING PROGRAMS THAT ARE THERE. THIS STUDY WOULD GO MUCH BROADER THAN THAT IN LOOKING AT THE ECONOMIC IMPACT FROM WHAT WE CAN FIND OUT FROM OTHER STATES. AND THEN ALSO THERE'S AN EDUCATION COMPONENT OF THIS TO GO OUT TO THE COMMUNITIES TO HELP THEM UNDERSTAND WHAT COULD BE AVAILABLE. SO HOPEFULLY THE STRATEGIC PLAN WOULD GIVE US A ROAD MAP AND GUIDE US FOR THESE KIND OF ENTREPRENEURIAL GROWTH ACTIVITIES IN THE FUTURE. [LB1083]

SENATOR SULLIVAN: HOW ARE THE MEMBERS SELECTED, THE SIX THAT WILL BE...SIX SENATORS? [LB1083]

SENATOR WILLIAMS: THE SELECTION PROCESS WOULD BE THE SAME AS WAS DONE IN 2010, AND THEY WOULD BE APPOINTED BY THE EXEC BOARD. [LB1083]

SENATOR SULLIVAN: AND WHAT ABOUT THE NONPROFIT ENTITY THAT YOU'RE GOING TO INTERACT WITH? HOW IS THAT SELECTED? [LB1083]

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SENATOR WILLIAMS: THAT WOULD BE SELECTED BY THE TASK FORCE THEMSELVES. WE HAVE SOME OPPORTUNITIES TO USE SOME PEOPLE THAT HAVE EXPERIENCE IN THIS. BUT WE HAVE DRAFTED THE BILL IN SUCH FORM THAT WE WOULD SEEK SEVERAL PEOPLE THAT MAY OR SEVERAL ORGANIZATIONS THAT WOULD FIT UNDER THE CRITERIA OF LB1083 TO BE CONSIDERED FOR THE PROCESS. [LB1083]

SENATOR SULLIVAN: SO DOES THE \$75,000 GO TO PROVIDING AN HONORARIUM OR CONSULTING FEE FOR THIS NONPROFIT GROUP? [LB1083]

SENATOR WILLIAMS: WE WOULD BE HIRING THE NONPROFIT GROUP TO CONDUCT THE STUDY AND PRESENT US WITH A STRATEGIC PLAN AND ALLOCATING \$75,000 FOR THAT PURPOSE. [LB1083]

SENATOR SULLIVAN: THANK YOU, SENATOR WILLIAMS. AND AS I SAID WHEN I FIRST STOOD UP, I THINK THIS IS A FINE IDEA. I JUST WANT TO MAYBE THROW OUT A COUPLE...I WOULDN'T EVEN CALL THEM CAUTIONARY NOTES, BUT SUGGESTIONS, BECAUSE THIS IS A SOMETHING THAT A LOT OF ENTITIES ARE CONCERNED ABOUT, ALL THE WAY FROM THE RURAL FUTURES INSTITUTE AND, NEED I DARESAY, SOMETHING THAT I TRIED TO CREATE, THE NEBRASKA COUNCIL FOR EDUCATIONAL SUCCESS, THAT DID NOT MEET WITH SUCCESS OUT HERE. BUT GOING FORWARD, THE GOVERNOR'S NEW ITERATION OF THE P-16 INITIATIVE, WHICH IS THE EDUCATION AND WORK FORCE ROUND TABLE, ARE LOOKING AT THE SAME KINDS OF THINGS. SO I THINK IT WOULD SERVE THIS GROUP WELL TO JUST INTERACT OR AT LEAST MAKE YOURSELVES AWARE OF SOME OF THE THINGS OUT THERE. AND I KNOW, SENATOR WILLIAMS, YOU WON'T DO THIS, BUT DON'T FORGET ABOUT RURAL NEBRASKA IN THIS WHOLE CONVERSATION, EVEN NEBRASKA'S SMALLEST COMMUNITIES, BECAUSE I THINK THERE ARE SOME POSSIBLE GEMS AND POSSIBILITIES ALL ACROSS OUR STATE, EVEN IN SOME VERY SMALL RURAL COMMUNITIES, THAT COULD INVIGORATE AND DO SOME REALLY GOOD THINGS FOR OUR STATE IN THE TOTALITY. SO THANK YOU AND GOOD LUCK WITH YOUR EFFORTS. [LB1083]

SENATOR WATERMEIER: THANK YOU, SENATOR SULLIVAN AND SENATOR WILLIAMS. SENATOR GROENE, YOU ARE RECOGNIZED. [LB1083]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I JUST BEEN LOOKING THIS OVER AND I GOT A LOT OF PROBLEMS I GUESS WITH REDUNDANCY. WE HAVE THE UNL INNOVATION CAMPUS. LAST YEAR I THINK WE UPPED SOME ANGEL

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INVESTMENT TAX CREDITS WHERE SUCCESSFUL PEOPLE IN THE STATE SEARCH, AND I WOULD THINK THAT THEY WOULD BE PRETTY GOOD AT VETTING WHICH BUSINESSES THEY WOULD INVEST IN FOR THEIR TAX CREDITS. WE HAVE THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT THAT'S THROUGH THE EXECUTIVE BRANCH. I DON'T SEE ANY COORDINATION HERE WITH THEM. I SEE WHO TESTIFIED FOR IT. SENATOR WILLIAMS, WOULD YOU TAKE A QUESTION? [LB1083]

SENATOR WATERMEIER: SENATOR WILLIAMS, FOR A QUESTION? [LB1083]

SENATOR WILLIAMS: CERTAINLY. [LB1083]

SENATOR GROENE: DID ANYBODY BRING YOU THIS BILL? [LB1083]

SENATOR WILLIAMS: I WORKED WITH SENATOR MELLO ON THIS CONCEPT OF ECONOMIC DEVELOPMENT. AND AS YOU WOULD KNOW, I'VE BEEN INVOLVED WITH ECONOMIC DEVELOPMENT, IN PARTICULAR, RURAL ECONOMIC DEVELOPMENT, FOR MANY YEARS, AND HAVE ALWAYS LOOKED AT THE FACT THAT IT IS EASIER... [LB1083]

SENATOR GROENE: THANK YOU. [LB1083]

SENATOR WILLIAMS: THANK YOU. [LB1083]

SENATOR GROENE: I STILL...I UNDERSTAND WHAT YOU'RE SAYING, BUT I DON'T KNOW IF YOU RESEARCHED WITH THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT THAT WE HAVE AND THAT WE FUND IF THEY WERE ALREADY DOING SOME OF THIS STUFF; OR SOME OF THE VENTURE CAPITALISTS, THAT THEY'RE ALREADY DOING THIS. WE HAVE THE ADVANTAGE ACT THAT APPARENTLY IS BRINGING...EVERYBODY SAYS BRINGING EVERYBODY AND THEIR DOG INTO THE STATE TO DO BUSINESS. WE HAVE LOW UNEMPLOYMENT. WE ARE A STATE OF 1.8 MILLION PEOPLE. WE HAVE ONE UNIVERSITY SYSTEM THAT SEEMS TO, WITH THE INNOVATION CAMPUS, SEEMS THEY HAVE THE ANSWERS. WE'VE GOT TO WATCH OURSELVES BECAUSE WHY WE'RE A HIGH-TAX STATE IS THE REDUNDANCY OF THINGS WE DO. AND THESE SIX SENATORS THAT WE APPOINT, HOW DO WE KNOW THEY KNOW ANYTHING ABOUT STARTING A BUSINESS? OR WHY IS THEIR OPINION HIGHER THAN THE FREE MARKET ITSELF WHO CAN DECIDE? WE FORGOT THAT WE'RE A FREE MARKET SOCIETY AND IT



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PICKS WINNERS AND LOSERS AND IT BRINGS THEM TO OUR STATE OR NOT TO OUR STATE. SEVENTY-FIVE THOUSAND DOLLAR PRICE ON THIS AND IT SEEMS TO GO TO A CONSULTANT, SO I REALLY DON'T KNOW WHAT THE SENATORS ARE DOING. WHY DON'T WE GIVE THE STATE DEPARTMENT OF ECONOMIC DEVELOPMENT \$75,000 AND TELL THEM TO DO A STUDY FOR US? THAT WOULD BE SIMPLER. WHY DO SIX SENATORS NEED TO BE INVOLVED? I WOULD URGE EVERYBODY TO VOTE NO ON LB1083. SEEMS REDUNDANT TO ME OF OTHER INITIATIVES THAT WE DO IN THIS STATE, AND WE'VE GOT LOW UNEMPLOYMENT HERE, NOT BECAUSE WE HAVE ECONOMIC DEVELOPMENT PLANS, BECAUSE WE HAVE A WORK ETHIC AND WE ARE INNOVATORS IN NEBRASKA, DON'T NEED SIX SENATORS HELPING OUT. THANK YOU. [LB1083]

SENATOR WATERMEIER: THANK YOU, SENATOR GROENE AND SENATOR WILLIAMS. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB1083]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. FIRST OF ALL, I WANT TO APPLAUD SENATOR WILLIAMS FOR BRINGING THIS BILL TO US. WE'RE TRYING TO GROW NEBRASKA AND THAT MEANS ALL OF NEBRASKA AND I'M DEFINITELY FOCUSED ON RURAL ECONOMIC DEVELOPMENT. I'VE TALKED ABOUT THAT A LITTLE BIT IN THE AG COMMITTEE, ONE OF THE PRIORITY BILLS THAT I DID NOT NEED TO BRING OUT BECAUSE I DID GET SOME OF THE DEPARTMENTS TOGETHER AND TALK ABOUT RURAL ECONOMIC DEVELOPMENT AND THEY'RE AGREEING THEY NEED TO WORK TOGETHER. I THINK THERE IS SOME REDUNDANCY IN WHAT WE HAVE OUT THERE BECAUSE WE'VE GOT...I MEAN I'LL TALK ABOUT THE RURAL AREA, BUT IT DOES FIT MOST OF THE STATE, OF COURSE. RURAL FUTURES INSTITUTE, THE MAIN STREET PROGRAM WHICH I'M INVOLVED WITH, THE EXTENSION PROGRAM, DED, DEPARTMENT OF AG--AND THERE ARE MORE--WE'VE GOT A LOT OF NONPROFITS OUT THERE THAT ARE WORKING TOO. BUT I THINK THE IMPORTANT PART OF LB1083 IS LOOKING BACK AT WHAT WE HAVE AND SEE WHAT STILL APPLIES AND HOW IT MIGHT FIT INTO A NEW PROGRAM OUT THERE. ONE THING THAT I THINK WE HAVE TO LOOK AT IN OUR SMALL BUSINESS IS RETENTION, RETENTION OF THOSE BUSINESSES, SUCCESSION PLANNING IN THOSE BUSINESSES. AND WITH A NEW DED DIRECTOR, I FEEL THIS IS GOING TO BE IMPORTANT INFORMATION FOR THAT PERSON TO LOOK AT OR THAT DEPARTMENT TO LOOK AT AND SEE HOW IT FITS, AS WE KNOW ONE PLAN DOESN'T FIT EVERYBODY. AND THINGS IN CERTAIN PARTS OF NEBRASKA, RURAL AREA, DOES NOT FIT WITH SOME THINGS EVEN IN THE EASTERN PART OF RURAL NEBRASKA. SO I APPLAUD THE INTRODUCTION OF LB1083 AND DEFINITELY WILL SUPPORT IT. THANK YOU, MR. PRESIDENT. [LB1083]

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SENATOR WATERMEIER: THANK YOU, SENATOR JOHNSON. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB1083]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. SENATOR SULLIVAN RAISED THE SAME THING THAT CAME TO MIND WHEN I FIRST BEGAN LISTENING TO SENATOR WILLIAMS AND THIS BILL. A LOT OF THE STRATEGIC TYPE OF PLANNING AND THINKING HAS BEEN DONE FOR THE LAST...I GUESS IT'S BEEN EIGHT, TEN YEARS BY THE PLANNING COMMITTEE. AND IT WOULD SEEM TO ME THAT NOT HAVING SOME COORDINATION BETWEEN THE PLANNING COMMITTEE AND WHAT IT ENVISIONS LONG TERM FOR NEBRASKA AND THIS TASK FORCE, OR WHOEVER IS GOING TO TAKE ON THIS FUNCTION, IS PROBABLY A MISSED OPPORTUNITY. SENATOR WILLIAMS, WILL YOU YIELD TO A QUESTION? [LB1083]

SENATOR WATERMEIER: SENATOR WILLIAMS, FOR A QUESTION? [LB1083]

SENATOR WILLIAMS: CERTAINLY. [LB1083]

SENATOR SCHUMACHER: SENATOR WILLIAMS, THIS REFERS TO A NONPROFIT ORGANIZATION THAT WILL BE SELECTED, BUT NO MECHANISM FOR SELECTING THIS ORGANIZATION, NO BIDDING PROCESS. HAS A NONPROFIT ORGANIZATION ALREADY BEEN DESIGNATED OR DO WE KNOW WHO THIS IS GOING TO BE ALREADY? [LB1083]

SENATOR WILLIAMS: WE DO NOT KNOW. THERE HAS BEEN ONE ORGANIZATION THAT HAS BEEN TALKED TO AND IS INTERESTED IN DOING IT, BUT I BELIEVE THAT SHOULD WAIT UNTIL THE TASK FORCE IS APPOINTED. AND THE TASK FORCE SHOULD BE INVOLVED WITH THAT SELECTION. [LB1083]

SENATOR SCHUMACHER: IS THAT A NEBRASKA-BASED ORGANIZATION? [LB1083]

SENATOR WILLIAMS: THE ONE THAT HAS SHOWN INTEREST? [LB1083]

SENATOR SCHUMACHER: YES. [LB1083]

SENATOR WILLIAMS: YES. [LB1083]

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SENATOR SCHUMACHER: OKAY. I ASSUME THAT'S A CHAMBER OF COMMERCE OR A SIMILAR INSTITUTION, A PRIVATE INSTITUTION? [LB1083]

SENATOR WILLIAMS: IT'S A 501(c)(3). [LB1083]

SENATOR SCHUMACHER: OKAY, THAT WOULD BE A PRIVATE INSTITUTION. [LB1083]

SENATOR WILLIAMS: YEP. [LB1083]

SENATOR SCHUMACHER: OKAY. AND WE'RE GOING TO PAY THEM \$75,000 TO COME UP WITH THESE CONCLUSIONS? [LB1083]

SENATOR WILLIAMS: YES. [LB1083]

SENATOR SCHUMACHER: OKAY. [LB1083]

SENATOR WILLIAMS: WELL, WE ARE ALLOCATING UNDER THE BILL \$75,000. I WOULD ASSUME THAT'S WHAT THEY WOULD COME BACK WITH, BUT THEY COULD COME BACK WITH A BID FOR LESS. [LB1083]

SENATOR SCHUMACHER: OKAY. THANK YOU, SENATOR WILLIAMS. I WOULD ENCOURAGE WHOEVER IS ON THIS COMMITTEE TO SERIOUSLY LOOK AT SOME TYPE OF INTEGRATION WITH THE WORK THAT'S BEEN DONE ON THE PLANNING COMMITTEE. SEVENTY-FIVE THOUSAND DOLLARS IS NOT A WHOLE LOT OF MONEY. THIS COMMITTEE MAY COME UP WITH SOMETHING THAT IS HELPFUL AND SOMETHING THAT IS INNOVATIVE, BUT WE'VE HAD SEVERAL OF THESE TYPES OF EFFORTS. WE'VE GOT ALL KINDS OF INCENTIVE PROGRAMS THAT NOW WE'RE APPARENTLY EXTENDING FOR ANOTHER TWO OR THREE YEARS BEYOND THE FORMER EXTENSION OF THEM. AND IT WOULD APPEAR TO ME THAT IF THIS WERE A GREAT DEAL MORE MONEY, WE'D HAVE TO GIVE IT A LOT MORE SERIOUS CONSIDERATION AND DEBATE. BUT I SUSPECT ANYTHING CAN HELP AT THIS POINT. WE CERTAINLY ARE LAGGING IN THE AREA OF ENTREPRENEURSHIP, OF FINANCE, OF TRYING TO BUILD ANY NEW 21st CENTURY BUSINESSES IN THE STATE, SO I SUPPOSE THIS CAN'T HURT ANYTHING. THANK YOU. [LB1083]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER AND SENATOR WILLIAMS. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB1083]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR GROENE WOULD YIELD TO A QUESTION? [LB1083]

SENATOR WATERMEIER: SENATOR GROENE, FOR A QUESTION? [LB1083]

SENATOR GROENE: YES, I WILL. [LB1083]

SENATOR BLOOMFIELD: THANK YOU, SENATOR GROENE. HOW LONG HAVE YOU BEEN IN THIS LEGISLATIVE BODY? [LB1083]

SENATOR GROENE: HOW MANY DAYS HAVE I BEEN SENTENCED TO THIS DARK ROOM? NINETY DAYS LAST YEAR AND I'M GOING ON 50 I THINK THIS YEAR. [LB1083]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. HAVE YOU NOT YET REALIZED THAT FREE NEBRASKANS CAN'T DO ANYTHING WITHOUT THE GOVERNMENT TELLING THEM HOW TO DO IT? [LB1083]

SENATOR GROENE: I'M STARTING TO UNDERSTAND THAT, SIR. I UNDERSTAND THAT FREE MARKETS HAVE NO PLAY IN THE SUCCESS OF THE ECONOMIC DEVELOPMENT OF THIS STATE. IT'S ALWAYS STARTED AND SEEDS BY GOVERNMENT, THE WAY I UNDERSTAND HOW THE STATE OPERATES. [LB1083]

SENATOR BLOOMFIELD: THANK YOU. THAT WILL BE THE END OF MY QUESTIONS. [LB1083]

SENATOR GROENE: I JUST GOT THAT LECTURE IN THE BACK OF THE ROOM. [LB1083]

SENATOR BLOOMFIELD: (LAUGH) COLLEAGUES, IT WAS...I ASSUME SENATOR CHAMBERS WILL REMEMBER EVERETT DIRKSEN. HE WAS A SENATOR I BELIEVE FROM ILLINOIS OR INDIANA. BACK WHEN PEOPLE WORRIED ABOUT MILLIONS OF DOLLARS, HE SAID, YOU SPEND A MILLION HERE AND A MILLION THERE, AND PRETTY SOON YOU'RE TALKING REAL MONEY. NOW IT'S BILLIONS. BUT TO MY MIND, \$75,000 IS STILL A PRETTY GOOD CHUNK OF CHANGE THAT I REALLY DON'T THINK WE NEED TO SPEND. SO I GUESS I'LL NOT BE SUPPORTING LB1083. I THINK WE HAVE ENOUGH INITIATIVES GOING AROUND ALREADY. THREE

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PERCENT UNEMPLOYMENT, I DON'T THINK WE'RE DOING TOO BAD. THANK YOU, MR. PRESIDENT. [LB1083]

SENATOR WATERMEIER: THANK YOU, SENATOR BLOOMFIELD AND SENATOR GROENE. SENATOR DAVIS, YOU ARE RECOGNIZED. [LB1083]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF THIS BILL. I THINK IT'S A GOOD IDEA. I COME FROM RURAL NEBRASKA. AND I CERTAINLY AM GOING TO ASK SENATOR WILLIAMS A FEW QUESTIONS IN A MINUTE. BUT I'D LIKE TO JUST SORT OF REFUTE A FEW THINGS THAT HAVE BEEN SAID AND ADDRESS SOME ISSUES THAT I THINK ARE PERTINENT. YES, WE HAVE A 3 PERCENT UNEMPLOYMENT RATE. YES, WE HAVE A LOT OF HARDWORKING PEOPLE. DO WE HAVE A PROBLEM IN NEBRASKA? WE DO, AND THE PROBLEM IS IN RURAL NEBRASKA WHERE DEPOPULATION CONTINUES TO BE OUR NUMBER-ONE MOST SERIOUS PROBLEM. ECONOMIC DIVERSIFICATION IS AN IMPORTANT TOOL FOR OUR STATE AND THIS IS THE WAY WE'RE GOING TO DO IT IS BY HAVING STUDY GROUPS AND ENGAGE SENATORS FROM IN HERE WHO CAN WORK THE POLICY, FIGURE OUT WHAT NEEDS TO BE DONE, AND IMPLEMENT THAT. SO I RISE IN SUPPORT BUT I'D LIKE TO ASK SENATOR WILLIAMS A FEW QUESTIONS IF HE WOULDN'T MIND. [LB1083]

SENATOR WATERMEIER: SENATOR WILLIAMS, FOR A QUESTION? [LB1083]

SENATOR WILLIAMS: YES. [LB1083]

SENATOR DAVIS: SENATOR WILLIAMS, YOU'VE HEARD WHAT I SAID ABOUT RURAL PARTICIPATION AND SENATOR SULLIVAN MADE REFERENCE TO THIS TOO. WHAT KIND OF...DO YOU HAVE ANY ASSURANCE THAT WE'LL HAVE GOOD RURAL REPRESENTATION ON THIS COMMITTEE? [LB1083]

SENATOR WILLIAMS: I THINK WE CAN CERTAINLY ASK THAT THE EXEC BOARD LOOK HARD AT APPOINTING RURAL SENATORS. I WOULD CERTAINLY MAKE THAT REQUEST OF THEM. [LB1083]

SENATOR DAVIS: THANK YOU, SENATOR WILLIAMS. WELL, I APPRECIATE THAT, I JUST WANTED TO GET THAT ON THE RECORD THAT I THINK THAT'S A VERY KEY PART OF WHAT WE'RE TRYING TO DO IF WE'RE GOING TO HAVE...ENSURE SUCCESS. THANK YOU, MR. PRESIDENT. [LB1083]

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SENATOR WATERMEIER: THANK YOU, SENATOR DAVIS AND SENATOR WILLIAMS. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB1083]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M FLUMMOXED. WHY SHOULD THERE BE RURAL REPRESENTATION? THESE ARE GROWN PEOPLE. THE CHILDREN DON'T NEED REPRESENTATION IN COURT. I TOLD YOU HOW QUICK YOU'D COME BACK HERE, YOU GROWN PEOPLE, AND WANT SOMEBODY TO REPRESENT YOU. WHY DON'T YOU GET OUT THERE AND DO IT FOR YOURSELVES? ALWAYS GOT YOUR HAND OUT: HELP ME, HELP ME, HELP ME. IS SENATOR GROENE ANYWHERE NEAR SO HE CAN GET TO HIS MIKE? I'D LIKE TO ASK SENATOR GROENE A QUESTION OR TWO, IF HE WILL RESPOND, BECAUSE HE MADE REFERENCE TO SOMETHING THAT I WOULD LIKE TO EXPLORE. [LB1083]

SENATOR WATERMEIER: SENATOR GROENE, FOR A QUESTION? [LB1083]

SENATOR GROENE: YES. [LB1083]

SENATOR CHAMBERS: SENATOR GROENE, YOU SAID SOMETHING ABOUT THE FREE MARKET SYSTEM. BRIEFLY, WHAT DOES THAT MEAN, THAT GOVERNMENT STAYS OUT OF THE WAY AND LET THE MARKET ADJUST ITSELF AND DO WHAT MARKETS ARE SUPPOSED TO DO? [LB1083]

SENATOR GROENE: FREE MARKETS DECIDE IF THERE'S A CUSTOMER BASE AND IT REACTS TO IT. [LB1083]

SENATOR CHAMBERS: OH, BUT IT'S NOT TALKING ABOUT THE GOVERNMENT TELLING PEOPLE WHAT TO DO OR REGULATING BUSINESSES OR GIVING HANDOUTS. IT'S NOT...IT DOESN'T INCLUDE THAT, DOES IT? [LB1083]

SENATOR GROENE: NO, IT DOESN'T. AND MIND, YOU HAVE REGULATIONS, NEVER SAID YOU DON'T. WHAT I SAID IS THE MARKET DECIDES IF THERE'S A VENTURE THAT IS WORTH PURSUING; IF THERE'S A PROFIT TO BE MADE, IT WILL DECIDE. GOVERNMENT DOESN'T NEED TO PUT SEED MONEY INTO IT TO DO IT. [LB1083]

SENATOR CHAMBERS: WELL, WHY DOES THE GOVERNMENT PUT SO MUCH MONEY INTO THE ETHANOL INDUSTRY, AND THAT THERE ARE SENATORS FROM FARM STATES WHO ARE TRYING TO COMPEL A CERTAIN AMOUNT OF ETHANOL

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TO BE MIXED INTO THE GASOLINE OF OTHER COMPANIES? WHY ARE THEY... WHY DO THOSE PEOPLE WHO TALK ABOUT THE FREE MARKET IN THE RURAL AREAS WANT TO FORCE THE GOVERNMENT TO FORCE THE ONES WHO PRODUCE OIL AND GASOLINE TO PUT THE FARM PEOPLE'S PRODUCT IN THEIR GASOLINE? ISN'T THAT VIOLATING THE FREE MARKET PRINCIPLE? [LB1083]

SENATOR GROENE: I'M TRYING TO DECIDE IF THAT'S A LECTURE OR A QUESTION. [LB1083]

SENATOR CHAMBERS: I SAID...I ASKED YOU A QUESTION. I RAISED MY VOICE. IS THAT THE FREE MARKET SYSTEM IN OPERATION? [LB1083]

SENATOR GROENE: I NOTICED YOU RAISED YOUR VOICE. YOU GOT, KIND OF LIKE ME, YOU'VE GOT THE SAME PROBLEM: YOU'RE VERY PASSIONATE. [LB1083]

SENATOR CHAMBERS: I DON'T HAVE A PROBLEM, MY FRIEND, I MAKE PROBLEMS. [LB1083]

SENATOR GROENE: BUT ANYWAY, SIR, I DON'T...WOULDN'T WANT TO BLAME THE FARMERS FOR THAT. I THINK THAT INITIATIVE CAME FROM THE PEOPLE WHO WANT TO SAVE THE PLANET AND GET RID OF FOSSIL FUELS... [LB1083]

SENATOR CHAMBERS: OKAY. [LB1083]

SENATOR GROENE: ...IF YOU TRACE IT, THE HISTORY OF IT. [LB1083]

SENATOR CHAMBERS: OKAY. [LB1083]

SENATOR GROENE: THE FARMERS TOOK...FREE MARKET TOOK ADVANTAGE OF IT, YES, THEY DID, BUT THAT INITIATIVE DIDN'T COME FROM THE FARMERS. [LB1083]

SENATOR CHAMBERS: SENATOR GROENE, I WAS HERE IN THE YEAR WHEN...WAY BACK WHEN IT WAS CALLED "GASOHOL." AND THE FARMERS CAME HERE AND THEY WANTED TO INCREASE THE AMOUNT THEY GOT FOR A BUSHEL OF CORN. SEE, I WAS HERE AND I PAID ATTENTION. ADM, THESE OTHER COMPANIES, THEY CAN'T MAKE IT IN ETHANOL ON THE BASIS OF ETHANOL. ETHANOL USES

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PETROLEUM PRODUCTS TO PRODUCE AND TRANSPORT ETHANOL. IF ETHANOL IS SO GOOD, IF IT CAN PAY ITS OWN WAY, IF IT GENERATES SO MUCH ENERGY, WHY DOES NOT ETHANOL AT THIS LATE STAGE GENERATE ENOUGH ENERGY TO PRODUCE ITS OWN PRODUCTS AND NOT USE ANY PETROLEUM PRODUCTS? BECAUSE THEY ARE MOOCHERS AND SPONGERS. THEY ARE BEGGARS. THEY CAN'T MAKE IT ON THEIR OWN. THEY ALWAYS ARE LOOKING FOR A HANDOUT. THEY WANT TO FARM, BUT THEY WANT PEOPLE WHO PAY TAXES SOMEPLACE ELSE TO SUBSIDIZE THEIR FARMS. THAT'S WHAT THE GROWNUPS WANT, AND THEN THE CHILDREN SHOULD NOT HAVE REPRESENTATION IN COURT. THEY ALWAYS ARE LIKE THAT,... [LB1083]

SENATOR WATERMEIER: ONE MINUTE. [LB1083]

SENATOR CHAMBERS: ...ME, ME, ME, FORGET THE CHILDREN, WHICH I WON'T DO. AND I DON'T THINK THERE OUGHT TO BE ANY RURAL REPRESENTATION ON THIS TASK FORCE. THEY DON'T NEED IT. OTHER PEOPLE WILL LOOK OUT FOR THEM. YOU GOT GOOD PEOPLE IN THIS LEGISLATURE. THEY LOVE RURAL PEOPLE. THEY'LL DO THE JOB. YOU DON'T TRUST THE PEOPLE WHO WOULD BE ON THE TASK FORCE TO LOOK OUT FOR THE RURAL PEOPLE? OR DO RURAL PEOPLE THINK THEY CAN REPRESENT THEIR INTEREST BETTER THAN OTHERS OR ON THEIR OWN? WELL, CHILDREN CANNOT REPRESENT THEMSELVES. AND I JUST LISTENED TO THESE SENSITIVE RURAL PEOPLE TELL ME WHY CHILDREN DON'T NEED REPRESENTATION IN COURT. AND RIGHT AFTER WE GET THROUGH TALKING ABOUT THAT, HERE WE COME WITH SOMETHING LIKE THIS AND THE FIRST THING THE RURAL PEOPLE WANT TO SAY IS, ARE WE GOING TO HAVE REPRESENTATION? YOU SHOULD GET THE SAME REPRESENTATION YOU THINK THESE CHILDREN IN RURAL AREAS OUGHT TO HAVE IN COURT, WHICH IS NONE. [LB1083]

SENATOR WATERMEIER: TIME, SENATOR. SENATOR, YOU ARE NEXT IN THE QUEUE. [LB1083]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I WASN'T EVEN GOING TO SAY ANYTHING ELSE THIS EVENING, BUT THEN THEY PROVOKED ME. THEY FORGET WHAT THEY JUST GOT THROUGH TALKING ABOUT, BUT I DON'T FORGET BECAUSE THE PROBLEMS OF THE CHILDREN ARE ONGOING. WHY SHOULD YOUNG PEOPLE GROW UP AND WANT TO STAY IN A PLACE LIKE THIS? WHY? THEY LOOK ALL AROUND THEM. WHAT DO THEY SEE? IT'S CERTAINLY NOT INSPIRATIONAL IN MY OPINION. AND FROM SOME OF THE CALLS THAT CAME TO



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MY OFFICE WHILE WE WERE TALKING ABOUT THIS, ABOUT VERY SERIOUS PROBLEMS THAT SOME FAMILIES HAD AND THEY COULDN'T GET ANY HELP AT ALL IN THE COURTS OR ANYWHERE ELSE, AND SOME JUDGES WERE INVOLVED, WHY DO THEY CALL ME--THEY DON'T LIVE IN MY COMMUNITY--BECAUSE THEY KNOW THAT I BELIEVE THAT WITH THE DESIGNATION "STATE SENATOR," I SHOULD HAVE A CONCERN AND AN INTEREST IN WHAT HAPPENS TO ANYBODY IN THIS STATE AND THOSE OUTSIDE THIS STATE. ARTIFICIAL LINES DRAWN ON MAPS TO DEMARCATATE WHO IS WHOM AND WHERE IS WHERE, AND THOSE LINES DETERMINE THE REACH OF MY CONCERN, IT DOESN'T WORK THAT WAY WITH ME. AND I WILL NOT BLAME RURAL YOUNG PEOPLE FOR THE FOOLS THAT THE OLDER PEOPLE HAPPEN TO BE ON OCCASION. I'M SURE, IF THEY HAD A CHOICE, THEY WOULD HAVE CHOSEN DIFFERENT RELATIVES, BUT THEY HAD NO CHOICE. THEY HAD TO TAKE THE HAND THEY WERE DEALT AND TRY TO DO THE BEST THEY CAN WITH IT. AND THEY GET A CHANCE TO LISTEN TO WHAT IS SAID ON THIS FLOOR. WHAT HAPPENS TO THEM WHEN THEY'RE LITTLE CHILDREN, VERY IMPRESSIONABLE, VULNERABLE, TRUSTING PEOPLE, DON'T KNOW HOW TO FIGHT, CAN'T FIGHT, AND THEN ARE SET UPON AND MISTREATED. AND THEN WE HAVE GROWN MEN STANDING IN HERE SAYING THEY DON'T NEED REPRESENTATION. I'D RATHER BE LIKE ME ANY DAY IN THE WEEK THAN LIKE YOU ALL ARE ON A YEAR OF SUNDAYS. I'M GLAD I DON'T HAVE A HEART BECAUSE I HAVE TO RELY ON MY BRAINS. AND MY BRAINS TEACH ME THINGS THAT YOUR HEART DOES NOT TEACH YOU. YOU CAN TALK ABOUT HEART AND FEELING, BUT YOU DON'T ACT ON IT. MY BRAIN TELLS ME THAT WHEN I BECOME AWARE OF A PROBLEM AND I HAVE THE WHEREWITHAL TO HELP SOLVE IT, I HAVE AN OBLIGATION THAT GOES ALONG WITH THAT KNOWLEDGE AND THAT ABILITY TO HELP: TO HELP. THAT'S WHAT MY BRAIN TELLS ME THE BRAIN EXISTS FOR. AND THE BRAIN IS IN MY HEAD, NOT IN MY HANDS, BECAUSE THE BRAIN IS THE NERVE CENTER AND EXPLAINS TO MY HANDS HOW TO DO WHAT OUGHT TO BE DONE, AND MY HANDS DO IT. AND I LISTEN, AS I'M LISTENING ON THIS BILL. A HANDOUT IS WHAT IT AMOUNTS TO, TO HELP SOME PEOPLE MAKE SOME MONEY. BUT THE CHILDREN GET LEFT IN THE LURCH AND DON'T COUNT, UNLESS WE'RE CALLED TO SOME KIND OF EVENT WHERE CHILDREN ARE THE SUBJECT AND WE'VE BEEN ASKED TO SPEAK. AND THEN WE TALK ABOUT THE CHILDREN: THEY'RE VULNERABLE, THEIR MINDS AREN'T COMPLETELY DEVELOPED, THEIR SENSE OF RIGHT AND WRONG IS NOT COMPLETELY DEVELOPED, AND THEY OUGHT TO BE SHOWN CONSIDERATION DUE TO THEIR LACK OF YEARS, EXPERIENCE, AND SO FORTH. [LB1083]

SENATOR WATERMEIER: ONE MINUTE. [LB1083]

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SENATOR CHAMBERS: AND PEOPLE WILL SAY, OOH, THEY SURE ARE SENSITIVE DOWN THERE. YEAH, THEY KNOW HOW TO TALK AND PULL THE WOOL OVER YOUR EYES AND BAMBOOZLE YOU, TRICK YOU, FOOL YOU, AND THAT'S WHAT IT'S ALL ABOUT. WE COULD DO SO MUCH IN THIS LEGISLATURE AND WON'T DO ANYTHING. IF IT WASN'T FOR THE FEDERAL GOVERNMENT CRACKING THE WHIP, I TREMBLE FOR WHAT CONDITION POOR PEOPLE WOULD BE IN, IN THIS STATE. THE RICH PEOPLE WOULD HAVE PLENTY. THE FARMERS AND THE RANCHERS, THEY'VE GOT PLENTY NOW AND THEY'RE BEGGING MORE THAN ANYBODY ELSE: GIMME, GIMME, GIMME, I DON'T WANT TO PAY TAXES, THE GOVERNMENT IS THIS, THE GOVERNMENT IS BAD, BUT I WANT THE GOVERNMENT TO TAKE CARE OF ME. AND WHITE MEN ARE UPSET BECAUSE THE GOVERNMENT IS NOT TAKING CARE OF THEM NOW IN THE WAY THEY THINK THE GOVERNMENT OUGHT TO TAKE CARE OF THEM. AND THAT'S WHY THEY'RE ANGRY. THAT'S WHY THEY'RE FOLLOWING DONALD TRUMP. AND THAT'S WHY HE TELLS THEM, YOU LAZY, NO-GOOD MOOCHERS, WHEN I GET IN, THE GOVERNMENT IS GOING TO TAKE CARE OF YOU LIKE IT ALWAYS TOOK CARE OF YOU. [LB1083]

SENATOR WATERMEIER: TIME, SENATOR. SENATOR WILLIAMS, YOU... [LB1083]

SENATOR CHAMBERS: WAS THAT MY THIRD TIME? [LB1083]

SENATOR WATERMEIER: TIME, SENATOR. SENATOR WILLIAMS, YOU ARE RECOGNIZED TO CLOSE ON LB1083. [LB1083]

SENATOR CHAMBERS: (MICROPHONE MALFUNCTION) MY LIGHT IS ON. [LB1083]

SENATOR WATERMEIER: I'M SORRY, SENATOR CHAMBERS, IT WASN'T ON WHEN I RECOGNIZED SENATOR WILLIAMS TO CLOSE ON HIS BILL. [LB1083]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND THANK YOU ALL FOR PARTICIPATING IN THIS DISCUSSION. I APPRECIATE THE COMMENTS AND THE QUESTIONS FROM THE VARIOUS SENATORS ON LB1083. THERE WERE A COUPLE OF TERMS THAT WERE THROWN OUT, REAL MONEY AND FREE MARKETS, AND I CAN GUARANTEE YOU I'VE WORKED WITH BOTH ALL MY LIFE. THE IDEA OF LB1083 IS TO HELP OUR STATE GROW, GROW INTERNALLY, AND NOT JUST GROW IN RURAL AREAS BUT GROW ACROSS THE STATE. WE HAVE A SITUATION THAT, UNLESS WE ARE ABLE TO GROW OUR STATE, WE WILL CONTINUALLY BE TALKING ABOUT HOW ARE WE GOING TO FIX THE TAX SITUATION. SO I WOULD ENCOURAGE YOU TO STAND BEHIND LB1083, WHICH USES A POOL OF EXISTING

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TAX CREDITS WHICH ARE NOT BEING USED CURRENTLY, SHIFTS THAT MONEY OVER FOR A ONE-TIME \$75,000 ALLOCATION AND USES THAT TO CREATE A STRATEGIC PLAN THAT CAN HELP US FOCUS ON THOSE ITEMS THAT WILL ALLOW US TO GROW. GROWTH WON'T COME FROM HANDOUTS. GROWTH WILL COME FROM A FOCUSED STRATEGIC PLAN. AGAIN I WOULD REMIND YOU THAT THE NINE-MEMBER EXECUTIVE BOARD HEARD THIS BILL AND VOTED IT OUT OF THE EXECUTIVE COMMITTEE WITH NO DISSENTING VOTES. I WOULD ASK FOR YOUR GREEN VOTE ON LB1083. THANK YOU, MR. PRESIDENT. [LB1083]

SENATOR WATERMEIER: MEMBERS, YOU'VE HEARD THE CLOSING ON LB1083. THE QUESTION IS THE ADVANCEMENT OF LB1083 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB1083]

CLERK: 32 AYES, 1 NAY ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB1083]

SENATOR WATERMEIER: THE BILL DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB1083]

CLERK: LB742 IS A BILL ORIGINALLY INTRODUCED BY SENATOR HANSEN. (READ TITLE.) INTRODUCED ON JANUARY 6 OF THIS YEAR, REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE, MR. PRESIDENT. [LB742]

SENATOR WATERMEIER: SENATOR HANSEN, YOU ARE RECOGNIZED TO OPEN ON LB742. [LB742]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE TODAY TO INTRODUCE LB742. THIS BILL WOULD UPDATE STATUTES THAT REFERENCE COUNTY POPULATION THRESHOLDS OF 300,000 AND INCREASE THOSE THRESHOLDS TO 400,000. IT WOULD ALSO ADD LANGUAGE CLARIFYING THAT THESE THRESHOLDS REFERENCE THE POPULATION AS MEASURED AT THE MOST RECENT FEDERAL DECENNIAL CENSUS, AS WELL AS GIVING A SIX-MONTH WINDOW FOR COMPLIANCE WHEN THAT THRESHOLD IS CROSSED FOR CERTAIN SECTIONS, AS RECOMMENDED BY BILL DRAFTERS. THIS BILL IS BASED ON THE FINDINGS OF LR196, AN INTERIM STUDY I INTRODUCED LAST YEAR AND WAS CONDUCTED BY...DURING THE INTERIM. LB742 AND THE LR196 INTERIM STUDY CAME FROM A CONVERSATION I HAD WITH REPRESENTATIVES OF LANCASTER COUNTY EARLY

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LAST SESSION REGARDING THE IDEA TO RAISE CERTAIN THRESHOLDS FOR CERTAIN SIZES OF COUNTY, SPECIFICALLY, THOSE OF 300,000 TO 400,000. BY MOST ESTIMATES, LANCASTER COUNTY WILL ASSUREDLY HAVE 300,000 IN POPULATION BY THE 2020 CENSUS. RAISING THOSE THRESHOLDS AND CLARIFYING WHEN THE POPULATION COUNTS WOULD APPLY WOULD CONTINUE THE CURRENT REQUIREMENTS AND ENSURE THEY STAY THE SAME FOR ALL COUNTIES. THIS BILL WOULD AMEND A VARIETY OF SECTIONS ON A VARIETY OF TOPICS BY EITHER RAISING THE FLOOR OR CEILING, DEPENDING HOW YOU LOOK AT IT, OF A DIFFERENT COUNTY POPULATION THRESHOLD. THEY VARY FROM THE TYPES OF NOTICE UNDER THE NOXIOUS WEED CONTROL ACT, THE DEFINITION OF CLASS I AND CLASS II COUNTIES FOR BRANCH BANKING, SEVERAL PROVISIONS RELATED TO THE DISTRICTS AND ELECTIONS OF COUNTY BOARD MEMBERS, THRESHOLDS UNDER THE SHERIFF'S OFFICE MERIT COMMISSION ACT AND THE SHERIFF'S DEPUTIES ACT, UPDATES IN THE CIVIL SERVICE SYSTEM ACT, THE BOARD OF TRUSTEES UNDER THE COUNTY HOSPITAL ACT, THE APPOINTMENT OF ELECTION JUDGES AND INSPECTORS, AND SERVICES OF ELECTRONIC DATA PROCESSING FEES FOR COUNTY TREASURERS ARE AGAIN SOME OF THE SECTIONS IMPACTED BY THE BILL. MY INTENT IS NOT TO CHANGE ANY OF THESE PROVISIONS IN PRACTICE, ONLY TO UPDATE THE ENABLING POPULATION THRESHOLDS AS THEY CURRENTLY APPLY TO THE COUNTIES OF NEBRASKA. BILLS SUCH AS THIS ARE NECESSARY FOR COUNTIES BECAUSE, UNLIKE MUNICIPALITIES THAT ARE BROKEN INTO CLEAR CLASSES SUCH AS FIRST-CLASS CITIES OR PRIMARY-CLASS CITIES, COUNTIES ARE NOT BROKEN INTO ANY SUCH NEAT CATEGORIES. INSTEAD, THERE ARE A VARIETY OF SECTIONS THAT USE A VARIETY OF DIFFERENT POPULATION THRESHOLDS THAT BREAK THE COUNTIES INTO AD HOC CATEGORIES. OTHER BILLS HAVE BEEN BROUGHT IN RECENT YEARS TO ADDRESS SIMILAR ISSUES. FOR EXAMPLE, LAST YEAR WE AS A BODY PASSED LB126 WHICH RAISED THE THRESHOLD FOR A CATEGORY OF COUNTY EMPLOYEE RETIREMENT PLANS THAT WAS ALSO SET AT 300,000. THIS BILL ADVANCED FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE WITH 7 AYES AND 1 ABSENT AND HAS NO FISCAL IMPACT ON THE STATE. WITH THAT, I WOULD LIKE TO ASK THE BODY TO ADVANCE LB742 TO SELECT FILE AND I LOOK FORWARD TO YOUR GREEN VOTES ON THE BOARD. THANK YOU, MR. PRESIDENT. [LB742 LR196 LB126]

SENATOR WATERMEIER: THANK YOU, SENATOR HANSEN. MR. CLERK, FOR AN AMENDMENT. [LB742]

CLERK: SENATOR HANSEN WOULD MOVE TO AMEND WITH AM2649.  
(LEGISLATIVE JOURNAL PAGES 1135-1136.) [LB742]

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SENATOR WATERMEIER: SENATOR HANSEN, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO LB742. [LB742]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AM2649 IS A SIMPLE AMENDMENT. IT KEEPS SECTION 9 AND 10 OF THE BILL AT THE 300,000 POPULATION THRESHOLD WHILE STILL INCLUDING THE CLARIFYING LANGUAGE THAT THE PROVISIONS OF THE THRESHOLD APPLIES ONLY AFTER THE NEXT FEDERAL DECENNIAL CENSUS. THESE SECTIONS APPLY TO DEFINITIONS OF THE CIVIL SERVICE COMMISSION. THIS REPRESENTS A COMPROMISE MY OFFICE WORKED OUT WITH LANCASTER COUNTY AND THEIR EMPLOYEE REPRESENTATIVES. TO MY UNDERSTANDING, THE TRANSITION TO CIVIL SERVICE COMMISSION HAS BEEN AN ELEMENT OF NEGOTIATIONS IN THE PAST. ADOPTING THIS AMENDMENT WOULD CLARIFY WHEN THE TRANSITION WOULD OCCUR AND YET STILL ALLOW MULTIPLE YEARS FOR ANY FURTHER DISCUSSIONS OR CHANGES. WITH THAT, I WOULD LIKE TO ASK THE BODY FOR THEIR GREEN VOTE ON AM2649. THANK YOU, MR. PRESIDENT. [LB742]

SENATOR WATERMEIER: THANK YOU, SENATOR HANSEN. MEMBERS, YOU'VE HEARD THE OPENING ON THE AMENDMENT AND THE LB742. SEEING NO ONE IN THE QUEUE TO SPEAK, SENATOR HANSEN, YOU ARE RECOGNIZED. SENATOR HANSEN WAIVES CLOSING ON THE AM2649 TO LB742. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED, NAY. RECORD, MR. CLERK. [LB742]

CLERK: 35 AYES, 0 NAYS ON ADOPTION OF SENATOR HANSEN'S AMENDMENT. [LB742]

SENATOR WATERMEIER: THE AMENDMENT IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR HANSEN, YOU'RE RECOGNIZED TO CLOSE. [LB742]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE ONLY AGAIN TO ASK THE BODY TO ADVANCE LB742 TO SELECT FILE AND WOULD LIKE TO THANK SPEAKER HADLEY SPECIFICALLY FOR MAKING IT A SPEAKER PRIORITY BILL. THANK YOU, MR. PRESIDENT. [LB742]

SENATOR WATERMEIER: THANK YOU, SENATOR HANSEN. MEMBERS, THE QUESTION IS THE ADVANCEMENT OF LB742 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB742]

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CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB742.  
[LB742]

SENATOR WATERMEIER: THE BILL DOES ADVANCE. MR. CLERK. [LB742]

CLERK: MR. PRESIDENT, LB837 IS A BILL BY SENATOR SCHEER. (READ TITLE.)  
INTRODUCED ON JANUARY 8 OF THIS YEAR, REFERRED TO THE BANKING,  
COMMERCE AND INSURANCE COMMITTEE, ADVANCED TO GENERAL FILE. AT  
THIS TIME I HAVE NO AMENDMENTS TO THE BILL. [LB837]

SENATOR WATERMEIER: SENATOR SCHEER, YOU ARE RECOGNIZED TO OPEN ON  
LB837. [LB837]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. FIRST I'D LIKE TO THANK AS  
WELL SPEAKER HADLEY FOR THE PRIORITY DESIGNATION FROM THE SPEAKER.  
THIS BILL WOULD AMEND THE MANNER IN WHICH PREMIUM TAXES ARE  
COMPUTED AND PAID BY SURPLUS LINES LICENSEES WHEN THEY PLACE  
NONADMITTED PROPERTY AND CASUALTY INSURANCE. CURRENTLY WHEN  
NONADMITTED INSURANCE COVERERS RISK SOLELY IN NEBRASKA ON BEHALF  
OF AN INSURED WHOSE HOME STATE IS NEBRASKA, THE PREMIUM TAXES IN  
NEBRASKA IS COMPUTED AT NEBRASKA'S 3 PERCENT RATE. WHEN A  
NONADMITTED INSURANCE COVERS RISK BOTH LOCATED IN AND OUT OF  
NEBRASKA, THEN FOR THE PORTION OF THE INSURANCE ATTRIBUTED TO THE  
IN-STATE RISK, THE PREMIUM TAX IS COMPUTED AT THE NEBRASKA RATE OF 3  
PERCENT. AND FOR THE PORTION OF THE INSURANCE ATTRIBUTABLE TO OUT-  
OF-STATE RISK, THE PREMIUM TAX IS COMPUTED AT THE RATE APPLICABLE IN  
THE STATE IN WHICH IT IS LOCATED. THESE AMOUNTS ARE PAID TO OUR  
DIRECTOR OF INSURANCE. UNDER THE BILL THIS PROCESS IS STREAMLINED.  
THE FOCUS SHIFTS TO THE HOME STATE OF THE INSURER. THE SURPLUS  
LICENSEE WOULD COLLECT AND PAY THE DIRECTOR A SUM BASED ON THE  
TOTAL GROSS PREMIUMS CHARGED FOR THE SURPLUS LINE'S INSURANCE  
PROVIDED BY THE LICENSEE ON BEHALF OF THE INSURED WHOSE HOME STATE  
IS NEBRASKA. THE SUM PAYABLE WOULD BE 3 PERCENT OF THE PREMIUMS FOR  
THE INSURANCE THAT COVERS THE RISK ANYWHERE IN THE UNITED STATES.  
THIS IS THE ONE RATE FOR RISK ANYWHERE WHEN THE INSURANCE HOME  
STATE IS NEBRASKA. THE BILL WOULD ALSO ELIMINATE PROVISIONS WHICH  
AUTHORIZE DIRECTOR OF INSURANCE TO ENTER INTO NONADMITTED  
INSURANCE MULTISTATE AGREEMENTS TO FACILITATE THE COLLECTION,  
ALLOCATION, AND DISTRIBUTION OF PREMIUM TAXES ATTRIBUTED TO THE

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PLACEMENT OF NONADMITTED INSURANCE. THOSE PROVISIONS WERE ENACTED IN 2011 AT THE URGING OF THE DIRECTOR WHO HAS TOLD US THAT THEY WERE NECESSARY TO ADDRESS THE FEDERAL NONADMITTED REINSURANCE REFORMAT. THE LEGISLATURE PUT IN PLACE OUR CURRENT SYSTEM OF PREMIUM TAX BASED ON LOCATION RISK IN ANTICIPATION OF A COMPACT BEING FORMED AMONG STATES TO SHARE THE REVENUE. SUBSEQUENTLY IT BECAME CLEAR THAT THE DIRECTOR...TO THE DIRECTOR THAT THE COMPACT WAS NOT IN THE BEST INTEREST OF NEBRASKA, SURPLUS LINES LICENSEES, AND BUSINESS THAT MUST UTILIZE SURPLUS LINES INSURANCE. NEBRASKA WITHDREW FROM THE COMPACT BEFORE IT BECAME EFFECTIVE. CURRENTLY NEBRASKA IS AMONG ONLY FIVE STATES THAT HAVE NOT MOVED TO THE HOME STATE OF THE INSURED APPROACH EMBRACED BY THIS BILL. THE OTHER FOUR ARE HAWAII, MASSACHUSETTS, NEW HAMPSHIRE, AND VERMONT. THIS IS...THERE IS A FISCAL NOTE SHOWING A GENERAL FUND IMPACT. A PORTION OF THE PREMIUM TAX IS PAID TO THE GENERAL FUND. TO DETERMINE THE EXACT AMOUNT OF THE IMPACT BY ITS NATURE IS VERY SPECULATIVE. UNDER THE BILL, IF THE INSURANCE HOME STATE IS NEBRASKA, WE WOULD TAX NONADMITTED INSURANCE RISK ANYWHERE IN THE UNITED STATES AT OUR RATE OF 3 PERCENT. IF A GIVEN RISK IS IN A STATE WHERE THE PREMIUM TAX IS MORE THAN 3 PERCENT, OUR TAKE WILL GO DOWN. BUT IF THE RISK IS IN A STATE WHERE THE PREMIUM TAX IS LESS THAN 3 PERCENT, OUR TAKE WILL GO UP. IT'S A TOTALLY FLUID SITUATION. THE BILL WOULD BECOME EFFECTIVE ON JANUARY 1, 2017, TO GIVE THOSE CONCERNED TIME TO TAKE TO GET GEARED UP TO THE NEW SYSTEM. THE BILL WAS ADVANCED BY BANKING, COMMERCE AND INSURANCE COMMITTEE ON A VOTE OF 7 YES AND 1 NOT AT PRESENT. I WOULD URGE THE SUPPORT OF LB837 TO BE ADVANCED. THANK YOU, MR. PRESIDENT.  
[LB837]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHEER. MEMBERS, YOU'VE HEARD THE OPENING ON LB837. THE FLOOR IS OPEN FOR DEBATE. SEEING NO ONE IN THE QUEUE, SENATOR SCHEER WAIVES CLOSING ON LB837. THE QUESTION IS, SHALL LB837 BE ADOPTED AND ADVANCED TO E&R INITIAL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED, NAY. RECORD, MR. CLERK.  
[LB837]

CLERK: 37 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT.  
[LB837]

SENATOR WATERMEIER: THE BILL DOES ADVANCE. MR. CLERK. [LB837]

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CLERK: MR. PRESIDENT, LB465 IS A BILL ORIGINALLY INTRODUCED BY SENATOR BURKE HARR. (READ TITLE.) INTRODUCED IN JANUARY, AT THAT TIME REFERRED TO THE GOVERNMENT COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. I DO HAVE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM802, LEGISLATIVE JOURNAL PAGE 807, FIRST SESSION, 2015.) [LB465]

SENATOR WATERMEIER: THANK YOU, MR. CLERK. SENATOR BURKE HARR, YOU'RE RECOGNIZED TO OPEN ON LB465. [LB465]

SENATOR HARR: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, IN 2014 I INTRODUCED LR538, AN INTERIM STUDY TO EXAMINE ISSUES SURROUNDING THE IMPLEMENTATION OF ELECTRONIC NOTARY SYSTEM. MY OFFICE RESEARCHED THIS ISSUE WITH OTHER INTERESTED PARTIES AND LOOKED AT HOW OTHER STATES HAD IMPLEMENTED SYSTEMS IN THEIR STATE. CURRENTLY, ABOUT 20 STATES HAVE E-NOTARY LAWS AND REGULATIONS. AS A RESULT, I INTRODUCED LB465 IN 2015, THE FIRST YEAR OF THIS SESSION, TO ESTABLISH AN ELECTRONIC NOTARY SYSTEM IN OUR STATE. IT IS MODELED PRIMARILY AFTER THE SYSTEM AND LAW IN NORTH CAROLINA. UNDER THE SYSTEM ESTABLISHED IN LB465, AN INDIVIDUAL WOULD HAVE TO REGISTER WITH THE SECRETARY OF STATE, PAY CERTAIN FEES, TAKE A COURSE OF INSTRUCTION, AND PASS AN EXAMINATION FOR SUCH A COURSE IN ORDER TO BECOME AN ELECTRONIC NOTARY PUBLIC. THE ACT ALSO PRESCRIBES WHAT ACTIONS CAN BE PERFORMED BY AN ELECTRONIC NOTARY PUBLIC AND DIRECTS THE SECRETARY OF STATE TO ADOPT AND PROMULGATE RULES AND REGULATIONS TO ENSURE THE INTEGRITY, SECURITY, AND AUTHENTICITY OF E-NOTARIZATIONS IN ACCORDANCE WITH THIS ACT. THIS BILL WOULD ALLOW NEBRASKA TO TAKE ADVANTAGE OF TECHNOLOGY THAT IS MOVING ACROSS THE COUNTRY AND THE GLOBE. E-NOTARIZATION SIMPLY ALLOWS A NOTARY PUBLIC TO NOTARIZE DOCUMENTS ELECTRONICALLY THROUGH THE USE OF DIGITAL SIGNATURE AND NOTARY SEAL. LB465 LISTS WHICH ACTS WOULD BE ALLOWED TO BE PERFORMED BY AN ELECTRONIC NOTARY PUBLIC, AND IT ALSO MAKES IT CLEAR THAT THE ACT CANNOT BE PERFORMED IF THE SIGNER OF THE ELECTRONIC DOCUMENT IS NOT IN THE PHYSICAL PRESENCE OF THE E-NOTARY PUBLIC. SINCE THIS BILL WAS INTRODUCED, THE SECRETARY OF STATE HAS SHARED SOME SUGGESTIONS FOR POTENTIAL CHANGES TO THE BILL. AS A RESULT, THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE ADVANCED LB465 TO GENERAL FILE LAST SESSION WITH AM802. AMONG THE CHANGES, WHICH I WILL GET TO IN A SECOND ON AM802, IS THAT IT PROVIDES FOR REGULATION OF THE E-NOTARY TECHNOLOGY PROVIDER WHO WILL SELL THE SOFTWARE TO A REALTOR OR SOMEONE ELSE WHO WANTS TO BE AN E-



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NOTARY. AND THE ORIGINAL \$50 DOLLAR FEE HAS BEEN REPLACED BY A PROVISION WHICH ALLOWS THE SECRETARY OF STATE TO ESTABLISH A FEE THROUGH RULES AND REGULATIONS NOT TO EXCEED \$100. THERE'S ALSO FOLLOWING THAT AM2628, WHICH EXTENDS THE EFFECTIVE DATE FROM 2016 TO 2017 TO ALLOW THE SECRETARY OF STATE TO PROMULGATE THE RULES AND REGULATIONS, AND I WILL EXPLAIN THOSE IN GREATER DETAIL AS WE GET TO EACH ONE. THANK YOU, MR. PRESIDENT. [LB465]

SENATOR WATERMEIER: THANK YOU, SENATOR BURKE HARR. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE GOVERNMENT COMMITTEE. SENATOR MURANTE, AS THE CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB465]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD EVENING. THE COMMITTEE AMENDMENT BEFORE YOU HAS FOUR MAIN PROVISIONS. FIRST, IT CLARIFIES THAT THE ELECTRONIC NOTARY PUBLIC ACT TAKES PRECEDENCE OVER THE UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT IN CERTAIN INSTANCES. SECOND, IT CLARIFIES THE DEFINITION OF AN ELECTRONIC NOTARY SOLUTION PROVIDER. THE COMMITTEE AMENDMENT ALSO ESTABLISHES A CAP ON THE FEE CHARGED TO COVER THE COST OF ADMINISTRATION AT \$100. FOURTH, IT ESTABLISHES THE TECHNOLOGY USED TO PERFORM AN ELECTRONIC NOTARIAL ACT WILL BE PROVIDED BY AN ELECTRONIC NOTARY SOLUTION PROVIDER AS APPROVED BY THE SECRETARY OF STATE. AND FINALLY, THE COMMITTEE AMENDMENT MAKES SEVERAL TECHNICAL CHANGES AND PLACES AN OPERATIVE DATE OF JULY 1, 2016, WHICH I BELIEVE SENATOR HARR HAS AN AMENDMENT TO ADDRESS. I URGE YOUR SUPPORT OF THE COMMITTEE AMENDMENT AND YOUR SUPPORT OF LB465. THANK YOU, MR. PRESIDENT. [LB465]

SENATOR WATERMEIER: THANK YOU, SENATOR MURANTE. MR. CLERK, FOR AN AMENDMENT. [LB465]

CLERK: MR. PRESIDENT, SENATOR BURKE HARR WOULD MOVE TO AMEND COMMITTEE AMENDMENTS, AM2628. (LEGISLATIVE JOURNAL PAGE 1046.) [LB465]

SENATOR WATERMEIER: SENATOR BURKE HARR, TO OPEN ON THE AMENDMENT TO THE COMMITTEE AMENDMENT. [LB465]

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SENATOR HARR: THANK YOU, MR. PRESIDENT. AS I STATED EARLIER, THIS EXTENDS THE EFFECTIVE DATE BY ONE YEAR. THE PURPOSE IS TO GIVE THE SECRETARY OF STATE THE ABILITY TO PROMULGATE RULES AND REGULATIONS SO THAT WHEN WE DO HAVE AN EFFECTIVE DATE OF AND IMPLEMENTATION OF THIS BILL, THAT WE WILL BE ABLE TO HIT THE GROUND RUNNING. I WOULD ASK FOR YOUR SUPPORT ON AM2628. [LB465]

SENATOR WATERMEIER: MEMBERS, YOU'VE HEARD THE AMENDMENT...THE OPENING TO THE AMENDMENT TO THE COMMITTEE AMENDMENT. SEEING NO ONE IN THE QUEUE, SENATOR BURKE HARR, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. HE WAIVES CLOSING. THE QUESTION IS, SHALL THE AMENDMENT TO THE COMMITTEE AMENDMENT TO LB465 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB465]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB465]

SENATOR WATERMEIER: THE AMENDMENT IS ADOPTED. THE FLOOR IS NOW OPEN FOR DEBATE ON THE COMMITTEE AMENDMENT. SEEING NONE, SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS...THE QUESTION IS THE DEBATE...EXCUSE ME. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT TO LB465. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB465]

CLERK: 36 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB465]

SENATOR WATERMEIER: THE COMMITTEE AMENDMENT IS ADOPTED. SENATOR HARR...EXCUSE ME, SENATOR GROENE, YOU ARE RECOGNIZED ON THE BILL. [LB465]

SENATOR GROENE: DIDN'T PLAN ON TALKING ABOUT THIS, BUT THIS IS THE ONE I VOTED NO OUT OF COMMITTEE. SPEAKER ASKED ME IF IT WAS...WHY I DID IT, BECAUSE HE WANTED TO PUT IT ON GENERAL FILE FOR...IT WAS JUST THE BASIC PRINCIPLE WHERE WE KEEP BEING TOLD WHEN WE DO ELECTRONIC IT SAVES MONEY, SAVES MONEY BECAUSE WE DON'T NEED TO MAIL IT. AND THEN ABOUT TWO YEARS DOWN THE ROAD, ALL OF A SUDDEN THEY PUT A FEE ON THE FOLKS WHO WANT A HARD COPY MAILED TO YOU. AND IT WAS MY POINT THAT PRETTY SOON DOWN THE ROAD THE FOLKS WHO DO NOT WANT TO DO IT

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ELECTRONICALLY WILL PROBABLY START GETTING BILLED FOR THE STATEMENTS THAT THEY USED TO GET AS PART OF THE SERVICE OFFERED. THAT WAS THE ONLY REASON: I WAS MAKING A POINT. BUT OTHERWISE IT MAKES SENSE FOR FOLKS FURTHER OUT. TESTIMONY SAID A LOT OF BUYERS ARE ACROSS THE COUNTRY, ACROSS THE WORLD ANYMORE AND IT'S EASIER TO SEND THESE PAPERWORK BY ELECTRONICALLY THAN IT IS BY HARD COPY. AND SO ANYWAY, I'M GOING TO SUPPORT LB465. BUT YOU'RE WONDERING WHY I VOTED NO, THAT WAS THE REASON. THANK YOU. [LB465]

SENATOR WATERMEIER: THANK YOU, SENATOR GROENE. SEEING NO ONE IN THE QUEUE, SENATOR BURKE HARR, YOU'RE RECOGNIZED TO CLOSE ON LB465. [LB465]

SENATOR HARR: JUST QUICKLY, KNOWING THAT THIS IS ALL THAT STANDS BETWEEN US AND RECESS, JUST WANT TO ASK FOR YOUR SUPPORT. I WANT TO THANK SENATOR GROENE FOR THOSE WORDS. I ALSO WANT TO THANK THE SECRETARY OF STATE'S OFFICE FOR THEIR HARD WORK AND WILLINGNESS TO WORK OUT SOME OF THE KINKS THAT WE HAD IN THIS. THEY WERE, AS ALWAYS, PROFESSIONAL AND GREAT TO WORK WITH, SO I WANT TO THANK THEM. AND I WOULD ASK FOR YOUR SUPPORT ON LB465. [LB465]

SENATOR WATERMEIER: THANK YOU, SENATOR BURKE HARR. MEMBERS, THE QUESTION IS THE ADVANCEMENT OF LB465 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB465]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB465. [LB465]

SENATOR WATERMEIER: THE BILL DOES ADVANCE. MR. CLERK, NEXT ITEM. [LB465]

CLERK: LB465A, MR. PRESIDENT, IS A BILL BY SENATOR BURKE HARR. (READ TITLE.) [LB465A]

SENATOR WATERMEIER: SENATOR BURKE HARR, YOU'RE RECOGNIZED TO OPEN ON LB465A. [LB465A]

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SENATOR HARR: THANK YOU, MR. PRESIDENT. THIS IS THE A BILL THAT GOES TO LB465, AND IT IS ALSO ALL THAT STANDS BETWEEN US AND RECESS, SO I WOULD ASK FOR YOUR SUPPORT. [LB465 LB465A]

SENATOR WATERMEIER: MEMBERS, YOU'VE HEARD THE OPENING TO LB465A. THOSE IN THE QUEUE WISHING TO SPEAK, SENATOR HUGHES, YOU ARE RECOGNIZED. [LB465A]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB465A. BUT I WOULD LIKE TO REMIND MY COLLEAGUES HOW FEW THE DAYS ARE WE HAVE LEFT, HOW MUCH WE GOT DONE TODAY. I THINK THERE'S GOING TO BE AN ADJOURNMENT MOTION COMING. I WOULD CERTAINLY LIKE YOU TO CONSIDER VOTING AGAINST THAT. LET'S STAY AND DEAL WITH A FEW MORE BILLS. I THINK IN THE LONG RUN IT WILL BE...WE WILL BE WELL SERVED. THANK YOU. [LB465A]

SENATOR WATERMEIER: THANK YOU, SENATOR HUGHES. SEE NO ONE IN THE QUEUE, SENATOR BURKE HARR, YOU'RE RECOGNIZED TO CLOSE. [LB465A]

SENATOR HARR: JUST TO BE CLEAR, THAT'S VOTE AGAINST THE RECESS, NOT AGAINST THE BILL. THANK YOU. [LB465A]

SENATOR WATERMEIER: THE QUESTION IS THE ADVANCEMENT OF LB465A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB465A]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE MOTION TO ADVANCE LB465A. [LB465A]

SENATOR WATERMEIER: THE BILL DOES ADVANCE. RETURNING BACK...ITEMS, MR. CLERK? [LB465A]

CLERK: I DO HAVE AN ITEM, MR. PRESIDENT, AN AMENDMENT TO BE PRINTED TO LB1038 FROM SENATOR GARRETT. (LEGISLATIVE JOURNAL PAGE 1137.) [LB1038]

MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CRAIGHEAD WOULD MOVE TO ADJOURN THE BODY UNTIL TUESDAY, MARCH 22, AT 9:00 A.M.

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SENATOR WATERMEIER: MEMBERS, YOU'VE HEARD THE MOTION TO ADJOURN THE BODY TO TOMORROW MORNING AT 9:00 A.M. THERE'S BEEN A REQUEST FOR A BOARD VOTE. MR. CLERK. ALL THOSE IN FAVOR SAY AYE; THOSE OPPOSED, NAY. HAVE ALL THOSE VOTED? WE STAND ADJOURNED. RECORD, MR. CLERK.

CLERK: 21 AYES, 16 NAYS, MR. PRESIDENT, TO ADJOURN.

SENATOR WATERMEIER: WE ARE ADJOURNED.