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Floor Debate
March 29, 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 FIFTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS REVEREND JONATHAN RIPKE OF THE IMMANUEL LUTHERAN CHURCH IN HOOPER, NEBRASKA, SENATOR BRASCH'S DISTRICT. PLEASE RISE.

REVEREND RIPKE: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, REVEREND RIPKE. I CALL TO ORDER THE FIFTIETH 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.

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

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CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB1093A, LB1110, AND LB1110A TO SELECT FILE. I ALSO HAVE AN APPOINTMENT FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGARDING AN APPOINTMENT TO THE STEM CELL ADVISORY COMMITTEE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1243-1244.) [LB1093A LB1110 LB1110A]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN THE FOLLOWING LEGISLATIVE RESOLUTIONS: LR491, LR500, LR501, LR503, AND LR505. MEMBERS, THE KOLACHES BEING DISTRIBUTED ON THE FLOOR TODAY TO ALL SENATORS, STAFF, SERGEANTS AT ARMS ARE IN COMMEMORATION OF SENATOR KRIST'S BIRTHDAY. HAPPY BIRTHDAY, SENATOR KRIST. MR. CLERK, WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, SELECT FILE APPROPRIATION BILL. [LR491 LR500 LR501 LR503 LR505]

CLERK: MR. PRESIDENT, LB1093A. I HAVE NO AMENDMENTS. SENATOR KUEHN, WOULD YOU MOVE LB1093A, PLEASE, SENATOR? SENATOR HANSEN IS EXCUSED. [LB1093A]

PRESIDENT FOLEY: SENATOR KUEHN, YOU'RE RECOGNIZED FOR A MOTION. [LB1093A]

SENATOR KUEHN: MR. PRESIDENT, I MOVE LB1093A TO E&R FOR ENGROSSING. [LB1093A]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB1093A ADVANCES. PROCEEDING TO AGENDA WITH GENERAL FILE, 2016 COMMITTEE PRIORITY BILL. MR. CLERK. [LB1093A]

CLERK: MR. PRESIDENT, LB1032 IS A BILL ORIGINALLY INTRODUCED BY SENATOR McCOLLISTER. (READ TITLE.) THE BILL WAS INTRODUCED JANUARY 19; REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE FOR PUBLIC HEARING. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2473 LEGISLATIVE JOURNAL PAGE 941.) [LB1032]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. MEMBERS, PLEASE COME TO ORDER. SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO OPEN ON LB1032. [LB1032]

SENATOR McCOLLISTER: GOOD MORNING, MR. PRESIDENT; AND GOOD MORNING, MEMBERS OF THE BODY. I'M HERE TODAY TO INTRODUCE LB1032, THE TRANSITIONAL HEALTH INSURANCE PROGRAM ACT, ALSO KNOWN AS T-HIP. BUT BEFORE DOING SO, CONSIDER THE FOLLOWING: EARLIER THIS MONTH, THE BODY ADVANCED LB960 BY AN OVERWHELMING VOTE OF 43-0. THE BILL WAS SPONSORED BY SENATOR JIM SMITH AT THE REQUEST OF THE GOVERNOR. THE BILL CONTAINED THE FOLLOWING ELEMENTS: THE INFRASTRUCTURE FUND WILL ACCELERATE CAPITAL IMPROVEMENT PROJECTS THROUGHOUT THE STATE; SUPPORTERS OF THE BILL EMPHASIZED BETTER HIGHWAY SAFETY AN IMPROVED TRANSPORTATION SYSTEM PROVIDES. CAN I HAVE THE GAVEL, MR. PRESIDENT? THE COUNTY BRIDGE MATCH PROGRAM--ITS PURPOSE IS TO PROMOTE INNOVATIVE SOLUTIONS AND PROVIDE ADDITIONAL FUNDING TO ACCELERATE THE REPAIR AND REPLACEMENT OF COUNTY BRIDGES. IT UTILIZED AS AN INNOVATIVE FUNDING MECHANISM IN WHICH THE STATE AND THE COUNTIES JOINTLY FUND PROJECTS THROUGHOUT THE STATE. THE ECONOMIC OPPORTUNITY PROGRAM, THE PURPOSE OF THIS PROGRAM IS TO FINANCE TRANSPORTATION IMPROVEMENTS TO ATTRACT AND SUPPORT NEW BUSINESSES AND BUSINESS EXPANSIONS. THE BILL AS AMENDED TAKES AN INITIAL \$500 MILLION FROM THE RAINY DAY ACCOUNT TO FINANCE THE PROGRAM ON A REVOLVING FUND BASIS. ON THE SURFACE, LB1032, THE TRANSITIONAL HEALTH INSURANCE PROGRAM, AND LB960 HAVE SIMILAR OBJECTIVES AND SIMILAR COSTS: \$500 MILLION VERSUS \$63 MILLION COST TO THE STATE. BUT IN FACT THE TWO BILLS ARE IN FACT...ARE THEY ANALOGOUS? ARE THEY REALLY SIMILAR? NOT AT ALL. ONE BILL DEALS WITH STEEL AND CONCRETE WHILE THE OTHER BILL DEALS WITH 97,000 LIVING, BREATHING, WORKING, POOR NEBRASKANS. ONE BILL DEALS WITH HIGHWAY SAFETY, WHILE THE OTHER BILL AVERTS 550 CORNHUSKER DEATHS WITH EXPANDED MEDICAID COVERAGE. ONE BILL UTILIZES A COST-SHARING ARRANGEMENT BETWEEN THE COUNTIES AND THE STATE, WHILE THE OTHER BILL BRINGS IN A WHOPPING \$1.8 BILLION OF OUR FEDERAL TAX DOLLARS. ONE BILL SUPPORTS NEW BUSINESSES AND BUSINESS EXPANSIONS, WHILE THE OTHER BILL CREATES 10,000 JOBS, REENERGIZES RURAL HOSPITALS, AVERTS \$142 MILLION IN BANKRUPTCIES, AND SIGNIFICANTLY INCREASES STATEWIDE ECONOMIC ACTIVITY. ARE THE BILLS REMOTELY SIMILAR IN EFFECT? NOT IN THE LEAST. WILL LB1032 HAVE THE SAME LEVEL OF SUPPORT FROM THIS BODY? PROBABLY NOT. OVER THE LAST FEW WEEKS, THIS BODY HAS HEARD MUCH ABOUT THE BETTER ANGELS OF OUR

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NATURE AND THE GOLDEN RULE REGARDING RELATIONS AMONG MEMBERS. IN A WIDER APPLICATION OF THE GOLDEN RULE, HOW CAN WE TURN OUR BACKS ON 97,000 FELLOW NEBRASKANS? MORE SIMPLY PUT, HOW CAN WE TURN OUR BACKS ON OUR NEIGHBORS WHEN THE REMEDY IS SO EASY? IF NOT LB1032 THIS YEAR, HOW? IF NOT LB1032 THIS YEAR, WHEN? THANK YOU, MR. PRESIDENT. [LB1032 LB960]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. (DOCTOR OF THE DAY INTRODUCED.) AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB1032]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. IT'S LIKE DEJA VU ALL OVER AGAIN. THIS QUOTE FROM A FAMOUS YANKEE CATCHER IS WHAT MANY OF YOU MAY BE THINKING ON LB1032. BUT LET ME RECAP A LITTLE HISTORY FOR YOU BEFORE GETTING INTO THE BILL AND THE AMENDMENT. THE FIRST BILL OF MEDICAID EXPANSION...AND I WISH SENATOR COASH WAS HERE BECAUSE HE HAS TAUGHT THE SESSION ABOUT BUZZWORDS THAT SEND PEOPLE INTO CORNERS AND HE USED MEDICAID EXPANSION AS THAT BUZZWORD. THE FIRST BILL, LB577, WOULD HAVE CALLED FOR A STATE PLAN AMENDMENT ONLY AND IT WOULD HAVE PUT THE UNINSURED INTO THE TRADITIONAL MEDICAID. THE NEXT BILL, LB887, STARTED TO SPLIT BETWEEN THOSE IN TRADITIONAL MEDICAID AND THOSE IN THE PRIVATE OPTION. IT ALSO DELINEATED IN GREAT DETAIL HEALTH POLICY THAT NEEDED TO BE LOOKED AT IF WE WERE GOING TO DO THIS BECAUSE IT WAS THE FIRST TIME THAT WE USED A WAIVER. THERE ARE TWO DIFFERENT WAYS THAT YOU CAN PUT THIS KIND OF PROPOSAL FORWARD. ONE IS THROUGH A STATE PLAN AMENDMENT AND ONE IS THROUGH AN 1115 WAIVER. LAST YEAR IN LB472, WE DEFINITELY WENT FOR AN 1115 WAIVER AND WE SPLIT OUT THE PEOPLE BETWEEN TRADITIONAL AND PRIVATE OPTION AND WE ALSO SIMPLIFIED OUR DISCUSSION IN TERMS OF HEALTH POLICY. AND EVERY TIME WE HAVE DISCUSSED MEDICAID EXPANSION, I'VE HEARD COMMENTS. WELL, WHY DON'T YOU LOOK AT PRIVATE INSURANCE? WHY DON'T WE PUT PEOPLE IN THE MARKETPLACE? LB1032 DOES THAT FROM 0 PERCENT TO 138 PERCENT IS IN THE MARKETPLACE. SO THEN I HEARD, WELL, WHAT IF THE FEDS GOES BELOW 90 PERCENT? IN LB1032, THE PROGRAM TERMINATES. WELL, WOULDN'T IT BE HARD ON FUTURE LEGISLATORS BECAUSE THEY'LL HAVE TO KICK PEOPLE OFF? IT AUTOMATICALLY ENDS. AN 1115 WAIVER, BY ITS NATURE OF THE FEDERAL GOVERNMENT, REQUIRES A THREE-YEAR PILOT AND THEN IT HAS TO BE EVALUATED. IT HAS TO BE EVALUATED AND WE HAVE PUT IN BY AN

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OUTSIDE CONSULTANT. THEN I HEARD FROM PEOPLE, WELL, WE WANT TO MAKE SURE PEOPLE HAVE SKIN IN THE GAME. WE WANT THE PEOPLE, THE RECIPIENTS TO DO THIS. WE NOW HAVE THAT IN LB1032 IN PAYING A PREMIUM AND A MONTHLY CONTRIBUTION. THEN I HEARD FROM PEOPLE OVER THE LAST THREE YEARS, WELL, IF YOU JUST WAIT FOR, WAIT FOR THE SUPREME COURT TO MAKE A DECISION. THEY DID. WAIT TO SEE IF OTHER STATES PARTICIPATE. THIRTY-TWO NOW PARTICIPATE IN MEDICAID EXPANSION. WELL, WHY DON'T YOU WAIT UNTIL YOU HAVE THE RESULTS FROM THE OTHER STATES? WE ARE BEGINNING TO HAVE THOSE--REPORT AFTER REPORT AFTER REPORT. AND WHY DON'T YOU...WELL, WHY DON'T YOU WAIT AND SEE WHAT OTHER PLANS? WE HAVE WAITED FOR THREE YEARS AND THE ONLY PLANS THAT HAVE COME FORWARD ARE THOSE THAT THE SUPPORTERS HAVE PUT FORWARD. THEN PEOPLE SAID, WELL, LOOK AT OTHER STATES, MAKE SURE WE'RE NOT DOING SOMETHING STRANGE. WE LOOKED AT ARKANSAS, INDIANA, COLORADO, IOWA, AND ON AND ON AND ON. WHAT YOU HAVE IN LB1032 IS THE MOST CONSERVATIVE PLAN TO DATE. AND IF YOU TAKE TIME TO READ THE EVALUATION FROM ARKANSAS OF THE STEPHEN GROUP, YOU WILL SEE THAT SOME OF THEIR SUGGESTIONS THAT THEY ARE PROPOSING FOR ARKANSAS ARE ALREADY IN THIS BILL. WE HAVE A WORK REQUIREMENT IN THE BILL BECAUSE THAT'S SOMETHING PEOPLE ASKED FOR. YOU CAN'T REQUIRE THEM TO WORK, BUT YOU CAN REQUIRE A REFERRAL TO VARIOUS EDUCATION. AND WE HAVE GOOD, PROVEN HEALTH POLICY IN PATIENT-CENTERED MEDICAL HOMES. WE HAVE DISTRIBUTED TO YOU A SECTION-BY-SECTION BREAKDOWN OF THE BILL, AND IN THAT IS CONTAINED WHAT IS IN THE AMENDMENT. THE AMENDMENT TO LB1032 SUNSETS THE TRADITIONAL HEALTH INSURANCE PROGRAM AID AFTER THREE YEARS AND REQUIRES DHHS TO NOTIFY PARTICIPANTS OF THE TERMINATION, ENSURES NO APPEALS TO THE LOSS OF ELIGIBILITY DUE TO THIS TERMINATION. IT REQUIRES DHHS TO HIRE A CONSULTANT TO ANALYZE THE PERFORMANCE, REVENUE, AND SAVINGS OF THE ACT SIX MONTHS PRIOR TO THE LEGISLATION ENDING. AND IT APPROPRIATES \$63 MILLION FROM THE HEALTH CARE CASH FUND TO THE TRANSITIONAL HEALTH INSURANCE PROGRAM. I WANT TO SAY THAT MANY OF YOU--AND I WOULD REALLY LIKE YOU ALL TO LISTEN TO THIS--MANY OF YOU IN THIS BODY HAVE SAID PRIVATELY TO THE SUPPORTERS OF THIS BILL, WE KNOW THERE'S A PROBLEM. WE KNOW WE HAVE UNINSURED PEOPLE WHO NEED HEALTHCARE. WE HAVE BROUGHT FORWARD THE MOST CONSERVATIVE PLAN IN THIS COUNTRY IN LB1032. WE HAVE TRIED TO ADDRESS QUESTIONS, CONCERNS, AND SUGGESTIONS. POTENTIALLY 97,000 NEBRASKANS ARE WAITING FOR OUR ANSWER. THANK YOU, MR. PRESIDENT. [LB1032 LB472]

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PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING ON LB1032 AND THE COMMITTEE AMENDMENT. MR. CLERK. [LB1032]

CLERK: MR. PRESIDENT, SENATOR CAMPBELL, I HAD AM2528 AS AN AMENDMENT TO THE COMMITTEE AMENDMENTS, BUT I HAVE A NOTE YOU WISH TO WITHDRAW THAT, SENATOR. [LB1032]

SENATOR CAMPBELL: THANK YOU, MR. CLERK. YES, I DO WISH TO WITHDRAW. [LB1032]

PRESIDENT FOLEY: WITHOUT OBJECTION, THAT AMENDMENT IS WITHDRAWN. DEBATE IS NOW OPEN ON THE BILL AND COMMITTEE AMENDMENTS. SENATOR MELLO, YOU'RE RECOGNIZED. [LB1032]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I RISE IN STRONG SUPPORT OF THE COMMITTEE AMENDMENT AM2473 AND THANK MY TWO COLLEAGUES, SENATOR McCOLLISTER FOR INTRODUCING LB1032 AND SENATOR CAMPBELL FOR WORKING WITH THE TWO OF US OVER THE LAST SEVEN MONTHS TO CRAFT A POLICY, COLLEAGUES, THAT YOU HAVE BEEN ASKING FOR. AS SENATOR CAMPBELL MENTIONED, THE LAST THREE YEARS THERE HAS BEEN A CONSIDERABLE AMOUNT OF FLOOR DEBATE BROUGHT FORWARD IN RESPECTS TO CONCERNS THAT THE TRADITIONAL MEDICAID PROGRAM HAS, SO TO SPEAK, IN REGARDS TO TAKING THIS OPTIONAL POPULATION WHO FALL IN THE COVERAGE GAP. WITH THE ADOPTION OF THE COMMITTEE AMENDMENT, AM2473, WHAT WE SEE THEN IS A PILOT PROJECT FOR THREE YEARS BASED OFF OF NOT JUST THE ARKANSAS MODEL AS IT'S BEEN SO WIDELY REPORTED, BUT THE INDIANA MODEL AS WELL, WHICH IS THE MOST CONSERVATIVE MODEL THEN PUT FORWARD ACROSS THE COUNTRY TO PROVIDE HEALTH INSURANCE TO THE OVER 97,000 NEBRASKANS WHO CURRENTLY DO NOT HAVE HEALTH INSURANCE. PART OF THE REASON THAT I'VE BECOME, I THINK, A MUCH BIGGER BELIEVER IN THIS CONCEPT AND MODEL THAT WE HAVE IN FRONT OF US, COLLEAGUES, IS DUE TO SOME OF THE FISCAL CONCERNS THAT SOME OF YOU HAVE RAISED AS WELL AS GOVERNOR RICKETTS HAS RAISED IN LIGHT OF WHAT WOULD BE HELD, SO TO SPEAK, MOVING FORWARD WITH THIS POPULATION IN RESPECTS TO THE STATE BUDGET. AS DRAFTED, AM2473 DOES NOT USE GENERAL FUND DOLLARS TO COVER THE COST OF THIS THREE-YEAR PILOT PROJECT. IT DOES USE THE EVER-INCREASING MONEY GOING INTO THE HEALTH CARE CASH FUND TO COVER ANY POTENTIAL

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SHORTFALL OVER THAT THREE-YEAR PERIOD. BUT IT DOES NOT IMPACT TRADITIONAL MEDICAID, IT DOES NOT IMPACT THE STATE BUDGET, AND IT UTILIZES WHAT I WOULD SAY IS THE ONE MAIN FOCUS OF THE HEALTH CARE CASH FUND WHICH IS TO PROVIDE HEALTHCARE TO THE UNINSURED AND THOSE NEBRASKANS WHO NEED IT. SO AS WE START DISCUSSING, POTENTIALLY, THE FISCAL IMPACTS OF THIS PILOT PROJECT, BE VERY WELL AWARE, I'M LOOKING FORWARD TO YOUR QUESTIONS, LOOKING FORWARD TO FACTS AND THE DISCUSSIONS AROUND THIS COMMITTEE AMENDMENT AND WHAT IT ACTUALLY DOES IN COMPARISON TO WHAT WE KNOW IDEOLOGICAL GROUPS ARE SAYING IT MAY OR MAY NOT DO. MORE IMPORTANTLY, COLLEAGUES, THERE IS A COUPLE OTHER COMPONENTS THAT NEED TO BE CLARIFIED AS WE START OFF TODAY'S DEBATE. GOOD PEOPLE CAN DISAGREE ON WHETHER OR NOT WE WANT TO PROVIDE HEALTH INSURANCE TO THE UNINSURED. I SPOKE WITH A NUMBER OF YOU OFF THE MIKE OVER THE LAST COUPLE WEEKS AND I CONSIDER YOU FRIENDS, I CONSIDER YOU GOOD COLLEAGUES, WE AGREE ON A LOT OF ISSUES AND I UNDERSTAND YOU JUST MAY NOT AGREE WITH THIS POLICY OPTION THAT'S IN FRONT OF YOU. BUT, COLLEAGUES, THE ISSUE WILL NOT GO AWAY. NOT MOVING FORWARD ON THE MOST CONSERVATIVE POLICY OPTION TO ADDRESS THE UNINSURED IN THE COUNTRY, COLLEAGUES, DOES NOT MAKE 97,000 NEBRASKANS LEAVE OUR STATE TO GO FIND HEALTH INSURANCE SOMEWHERE ELSE. THEY WILL CONTINUE TO WORK THEIR LOW-WAGE JOBS. THEY'LL CONTRIBUTE TO PAY TAXES. THEY'LL CONTRIBUTE TO LIVE IN OUR NEIGHBORHOODS. AND I REMIND YOU, THEY'LL, PRIMARILY THE UNINSURED, LIVE IN MY NEIGHBORHOOD, IN SENATOR FOX'S NEIGHBORHOOD IN SOUTH OMAHA--NUMBER ONE AND NUMBER THREE IN REGARDS TO THE MOST UNINSURED LEGISLATIVE DISTRICTS IN THE STATE. SO THIS ISSUE IS PERSONAL BECAUSE THESE ARE MY NEIGHBORS, THESE ARE MY FRIENDS, THESE ARE PEOPLE I GO TO FAMILY FARE AND HY-VEE AND GO GROCERY SHOPPING WITH. THEY'RE THE ONES WHO ARE CHECKING OUT MY GROCERIES. THEY'RE THE ONES WHO ARE DOING THE LAWN CARE IN THE NEIGHBORHOOD. THEY'RE THE ONES WHO ARE WORKING THE RETAIL OUTLETS IN SOUTH OMAHA. AND RIGHT NOW THEY DON'T HAVE HEALTH INSURANCE AND THEY DON'T MAKE ENOUGH MONEY TO BUY HEALTH INSURANCE. SO OUTSIDE OF WHAT I THINK IS A FISCALLY RESPONSIBLE COMMITTEE AMENDMENT ADDRESSING WHAT WE KNOW IS A SIGNIFICANT ISSUE FACING THE STATE, THERE'S A MORAL AND A HUMAN PERSPECTIVE ON THIS ISSUE, THAT THIS ISSUE HAS RISEN TO THE LEVEL OF IMPORTANCE THAT WE CAN NO LONGER TURN A BLIND EYE... [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

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SENATOR MELLO: ...NOT SIMPLY TO THE ECONOMIC IMPACT OF A FEDERAL-STATE PARTNERSHIP OF PROVIDING PRIVATE HEALTH INSURANCE TO THE UNINSURED, BUT THE IMPACT IT HAS ON PEOPLE'S DAY-TO-DAY LIVES. AND SOMETHING YOU MAY...I MAY TALK A LITTLE BIT MORE ABOUT IS THE IMPACT IT HAS ON PEOPLE WHO ARE IN NEED OF BEHAVIORAL HEALTH AND BEHAVIORAL HEALTHCARE AND BEHAVIORAL HEALTH SERVICES. RIGHT NOW, THE STATE SPENDS \$85 MILLION A YEAR, COLLEAGUES, ON AID FOR BEHAVIORAL HEALTH SERVICES TO OUR BEHAVIORAL HEALTH REGIONS AND BEHAVIORAL HEALTH PROVIDERS. NINETY-THREE PERCENT OF THAT POPULATION WOULD BE COVERED UNDER LB1032 AS IT'S AMENDED BY AM2473. NINETY-THREE PERCENT OF THE POPULATION WHERE WE'RE SPENDING 100 PERCENT GENERAL FUND DOLLARS ON FOR BEHAVIORAL HEALTH WOULD BE COVERED UNDER THIS BILL. COLLEAGUES, THAT HAS A DRAMATIC IMPACT NOT JUST ON THE INDIVIDUAL RECEIVING THAT CARE, BUT THE HEALTHCARE PROVIDERS WHO ARE PROVIDING THAT BEHAVIORAL HEALTHCARE, WHICH IS WHY THEY UNDERSTAND THE NEED TO PROVIDE HEALTH INSURANCE TO THE UNINSURED. [LB1032]

PRESIDENT FOLEY: TIME, SENATOR. [LB1032]

SENATOR MELLO: ONE MINUTE OR TIME? [LB1032]

PRESIDENT FOLEY: THAT WAS TIME, SENATOR. [LB1032]

SENATOR MELLO: WOULD APPRECIATE THE ONE MINUTE NEXT TIME. THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: I DID GIVE THE ONE-MINUTE WARNING. THANK YOU, SENATOR MELLO. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB1032]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT, FELLOW SENATORS, AND NEBRASKANS. I WANT TO ADDRESS THE CONCERNS REGARDING LB1032 AND THE UNDERLYING PHILOSOPHY BEHIND HEALTHCARE SERVICES. I WANT TO ACKNOWLEDGE THE IMPORTANCE OF HEALTHCARE AND HOW HEALTHCARE INSURANCE CAN FACILITATE THE ACCESS TO THAT CARE. I ACKNOWLEDGE THAT SOME OF OUR FELLOW NEBRASKANS DO NOT HAVE HEALTH INSURANCE, SOME BY CHOICE AND OTHERS BY SITUATION, GENERALLY FINANCIAL OR IMMIGRATION STATUS. I ACKNOWLEDGE WE NEED TO ADDRESS THE MANY CHALLENGES OF HEALTHCARE--ITS QUALITY, ITS ACCESS, AND ITS AFFORDABILITY. I STAND IN OPPOSITION TO LB1032 NOT BECAUSE I DO NOT

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UNDERSTAND WE HAVE NEBRASKAN NEIGHBORS IN NEED OF HEALTHCARE SERVICES THAT ARE PROVIDED WITH CONSISTENCY IN A MEDICAL HOME, BUT BECAUSE AS LEGISLATORS, WE HAVE A FIDUCIARY RESPONSIBILITY TO THE FINANCIAL SOLVENCY OF THE STATE. LB1032 FAILS TO MEET THAT FINANCIAL SOLVENCY CHALLENGE NOT JUST OVER THREE YEARS, BUT FOR AN UNFORESEEN NUMBER OF YEARS INTO THE FUTURE. WE MUST FIND A SOLUTION OR SOLUTIONS, A FIX OR FIXES THAT ARE SUSTAINABLE TO STAND THE TEST OF TIME. THE LEGISLATION IN FRONT OF YOU DOES NOT MEET THAT STANDARD. WE NEED TO ADDRESS ONE CORE QUESTION: IS HEALTHCARE A RIGHT? IF WE CONTEND HEALTHCARE IS A RIGHT, TO HOW MUCH HEALTHCARE IS EACH CITIZEN ENTITLED? IS EACH OF US ENTITLED TO HEALTH INSURANCE IF WE HAVE LED A LIFE OF BAD HABITS AND ADDICTIONS? ARE WE ENTITLED TO THE LATEST AND BEST PHARMACEUTICALS? ARE WE EACH ENTITLED TO A LIVER TRANSPLANT AFTER YEARS OF ALCOHOL ABUSE? WHAT ABOUT TWO TRANSPLANTS OR ANY OTHER SOPHISTICATED MEDICAL PROCEDURE? MAYBE THE MOST IMPORTANT QUESTION IS, SHOULD MEN BE ALLOWED A LIFETIME OF VIAGRA? WHAT IS OUR RIGHT TO HEALTHCARE AND WHO WILL DECIDE WHAT THE LIMITS OF THOSE RIGHTS ARE? CAN ALL OF THESE RIGHTS BE FINANCIALLY SUSTAINED? THESE DEMANDS FOR RIGHTS TO BE MET WILL QUICKLY RESULT IN RATIONING OF HEALTHCARE AND HEALTHCARE DELIVERY WITH LONG WAITS AND DENIALS. HEALTHCARE AS A RIGHT IS YET TO BE DEFINED WHERE IT IS SUSTAINABLE. PRESIDENT OBAMA, IN 2009, STATED IN A MEETING WITH HIS DEMOCRATIC CAUCUS, WE CANNOT EXPAND MEDICAID UNTIL WE FIX MEDICAID. WE CANNOT CONTINUE TO PUT MORE PEOPLE INTO A BROKEN SYSTEM. DID I NOTE THIS WAS PRESIDENT OBAMA IN 2009? WE SAY REFORM MUST COME BEFORE EXPANSION AND YET TODAY, THIS VERY DAY, WE STAND TO ADD MORE LIVES INTO A BROKEN HEALTHCARE SYSTEM. PRESIDENT OBAMA CALLED THE ACCOUNTABLE CARE ORGANIZATION...OR ACT, HEALTHCARE REFORM. IT HAD ABSOLUTELY NOTHING TO DO WITH HEALTHCARE REFORM AND WAS A FAILED EFFORT TO REFORM HEALTHCARE INSURANCE. THE ROOTS OF UNIVERSAL HEALTH INSURANCE ARE ANCHORED IN THE PRESIDENCY OF THEODORE ROOSEVELT--YES, THEODORE ROOSEVELT, NOT FRANKLIN ROOSEVELT. SO IT'S AN ISSUE WE HAVE ATTEMPTED TO CONQUER FOR MANY YEARS. IN THE END, WE MUST COME TO AN AMERICAN WAY TO REFORM HEALTHCARE DELIVERY AND THE VEHICLE TO PAY FOR THAT, OUR NEW DELIVERY MODEL. THE LEGISLATION UNDER DISCUSSION, LB1032... [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

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SENATOR RIEPE: ...IS NOT--THANK YOU, SIR--IS NOT THAT REFORM MODEL AND IS NOT AFFORDABLE AND IS NOT SUSTAINABLE. WE NEED A MODEL THAT PROVIDES FOR ENGAGEMENT OF THE INDIVIDUAL, THE EMPLOYER, AND THE GOVERNMENT, A DELIVERY MODEL THAT IS ACCESSIBLE AND AFFORDABLE AND BASED ON EVIDENCE-BASED, BEST-PRACTICE MEDICAL CARE. MR. PRESIDENT, THE NEXT TIME AT THE MIKE, I WILL ADDRESS THE CRITICAL-ACCESS HOSPITAL ISSUE HAVING NUMEROUS YEARS IN HEALTH ADMINISTRATION, SOME OF THAT IN A RURAL MARKET. THANK YOU, SIR. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1032]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. SEEMS LIKE WE WERE JUST HERE JUST TALKING ABOUT THIS. MY FIRST YEAR, MY SECOND YEAR, MY THIRD YEAR WE HAVE BLOCKED THIS. NOW WE'RE BEING TOLD THIS IS THE MOST CONSERVATIVE APPROACH TO MEDICAID EXPANSION THAT THERE IS AND I WOULD NOT DISAGREE WITH THAT. BUT DOES IT PASS THE TEST OF SUSTAINABILITY THAT WE LOOK FOR WHEN WE PASS SIGNIFICANT LEGISLATION IN NEBRASKA? AND I WOULD SAY THIS, THE FACT THAT WE DEFEATED MEDICAID EXPANSION IN THE PAST, THE FACT THAT SENATOR SCHILZ AND SENATOR McCOY AND MYSELF AND OTHER SENATORS WHO HAVE LEFT THIS BODY STOPPED IT IS WHY WE HAVE THIS RIGHT HERE THAT THEY'RE CALLING THE MOST CONSERVATIVE APPROACH TO MEDICAID EXPANSION. THINK ABOUT THIS. WHAT THEY TRIED TO IMPOSE UPON THE STATE WAS FLAT OUT "OBAMACAID" AND YOU CAN CALL IT NOTHING ELSE. AND THE FACT THAT WE STOPPED IT IS WHY WE'RE EVEN TALKING ABOUT SOMETHING THAT HAS INSURANCE IN IT. NOW OF COURSE, WHEN YOU BUY EVERYONE INSURANCE AT \$600 A MONTH TIMES 12 MONTHS TIMES 100,000 PEOPLE, OR WHATEVER IT IS, THEN WE START TO RUN INTO PROBLEMS AND THEN IT STARTS TO BREAK DOWN. BUT I DO WANT TO SAY THIS, THE SENATORS THAT HAVE WORKED ON THIS HAVE WORKED HARD AND I SOMETIMES WISH THAT SOME OF THE MEMBERS MORE IN LINE WITH MY IDEOLOGY WORKED AS HARD SOMETIMES BECAUSE I...THEY HAVE WORKED AND WORKED AND WORKED ON THIS AND THEY'VE PUSHED IT AROUND AND MOVED IT AND SHOVED IT AND SQUEEZED IT TO GET WHAT WE HAVE TODAY. AND I WILL CERTAINLY TAKE A LITTLE BIT OF CREDIT THAT WE HAVE WHAT WE HAVE TODAY BECAUSE WE STOPPED THE FLAT OUT "OBAMACAID" SCHEMES OF THE PAST. A COUPLE THINGS WE DO KNOW, MR. PRESIDENT. WE DO KNOW THAT WHENEVER YOU EXPAND MEDICAID, NO MATTER WHAT FORM, THERE IS ALWAYS A LOT MORE PEOPLE THAN YOU THINK. THEY'RE SICKER THAN YOU THINK. IT COSTS MORE THAN YOU THINK. AT NO

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TIME EVER HAS ANY EXPANDED MEDICAID COME IN UNDER BUDGET AND HAVE LESS PEOPLE THAN THEY PROJECTED--EVER, ZERO. IT'S ALWAYS MORE PEOPLE THAN YOU THINK. IT'S ALWAYS MORE EXPENSIVE THAN YOU THINK. IF YOU LOOK AT OHIO, \$2.9 BILLION OVER BUDGET; WASHINGTON, STATE OF WASHINGTON, \$2.3 BILLION HIGHER; ILLINOIS, \$1 BILLION MORE; KENTUCKY, THEY'RE NOT A BIG STATE, \$1.8 BILLION OVER BUDGET IN THE FIRST 18 MONTHS; AND MONTANA WAS OVER BUDGET THE DAY IT BEGAN. THEY NEVER HAD A CHANCE TO GET THEIR HEAD ABOVE WATER. THEY WENT RIGHT DOWN UNDER WATER AND THEY NEVER CAME UP FOR A BREATH IN MONTANA. BASED UPON THE HISTORY OF WHAT WE KNOW ABOUT MEDICAID, WE CAN EXPECT THAT IN THIS STATE. NOW LET ME GIVE YOU ANOTHER STATISTIC. ON TRADITIONAL MEDICAID, IT'S 31,000 PERCENT MORE EXPENSIVE THAN THAT THEY PROJECTED IN 1966. LET ME PUT THAT IN PERSPECTIVE. IT'S NOT 300 PERCENT MORE. IT'S NOT 3,000 PERCENT MORE. IT'S NOT 13,000 PERCENT MORE. [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR KINTNER: IT'S 31,000 PERCENT MORE THAN THEY PROJECTED. YOU ARE ASKING THE STATE OF NEBRASKA TO HITCH OUR TRAIN TO A FEDERAL GOVERNMENT THAT HAS A HISTORY OF COST OVERRUNS, BANKRUPTCY, POORLY-RUN PROGRAMS, AND YOU'RE ASKING US TO HITCH OUR TRAIN TO THAT AND IN THREE YEARS, MAYBE WE CAN UNHITCH IT. AND I THINK THAT'S ONE OF THE MOST UNREALISTIC THINGS I'VE EVER BEEN ASKED TO BELIEVE. I DO APPRECIATE THAT PEOPLE HAVE WORKED HARD ON THIS. I TRULY BELIEVE THEY WANT TO HELP PEOPLE. I DON'T DOUBT THAT FOR A SECOND. BUT THE WAY WE'RE GOING TO HELP PEOPLE IS WAIT UNTIL WE GET A NEW PRESIDENT AND GET A WAIVER THAT MEANS SOMETHING. IT'S NOT A THREE-YEAR WAIVER; IT'S A PERMANENT WAIVER. MAYBE WE'LL HAVE A PRESIDENT THAT GIVES US A BLOCK GRANT AND LET'S US FIGURE IT OUT OURSELVES BECAUSE WE CAN DO SOMETHING PRETTY GOOD IN NEBRASKA IF THE... [LB1032]

PRESIDENT FOLEY: TIME, SENATOR. [LB1032]

SENATOR KINTNER: ...FEDERAL GOVERNMENT IS NOT RIDING ON OUR BACK. THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB1032]

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SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I STAND IN SUPPORT OF LB1032 AND THE HEALTH COMMITTEE AMENDMENTS, AM2473. COLLEAGUES, I'VE BEEN INVOLVED IN WORKING TO COVER THESE NEBRASKANS FOR THE PAST FOUR YEARS SINCE I'VE BEEN HERE. IN THESE FOUR YEARS I'VE ALSO HAD THE PRIVILEGE OF BEING ON THE HEALTH AND HUMAN SERVICES COMMITTEE. SO I'VE BEEN AT THE HEARINGS EACH YEAR WHILE PEOPLE COME IN AND TALK ABOUT HOW IMPORTANT THIS COVERAGE WILL BE FOR THEIR LIVES, FOR GETTING BACK TO WORK, FOR STARTING SMALL BUSINESSES. OF ALL THOSE STORIES, ONE STORY STANDS OUT IN PARTICULAR AND IT'S A WOMAN NAMED AMANDA. AND AMANDA HAS COME TO TESTIFY EVERY YEAR. IN THE FIRST THREE YEARS, AMANDA CAME TO TALK TO US ABOUT HOW EXPENSIVE HER MEDICATIONS WERE, HOW MUCH SHE WANTED TO GET BACK TO WORK, AND HOW WORRIED SHE WAS THAT IF HER HEALTH NEEDS WERE NOT MET, SHE WOULD BE DISABLED AND THEN WOULD COST MORE AND IT WOULD COST MORE FOR US TO TAKE CARE OF HER HEALTH CONDITIONS. WELL, UNFORTUNATELY, WHEN SHE DID COME THIS FOURTH YEAR, SHE DOES NOW QUALIFY FOR MEDICAID BECAUSE THE CONDITIONS HAVE WORSENERED. SO I STAND IN SUPPORT OF LB1032 FOR AMANDA AND FOR THE 97,000 NEBRASKANS WHO WANT TO WORK AND WANT TO CONTRIBUTE TO THE STATE AND NEED HELP; AND FOR THE OVER 20,000 NEBRASKANS WHO NEED MENTAL HEALTHCARE AND SUBSTANCE ABUSE CARE AND WE'VE TALKED ON THIS FLOOR MANY TIMES ABOUT THE MENTAL HEALTH CRISIS THAT WE HAVE. AND LB1032 GIVES US AN OPPORTUNITY TO TACKLE THOSE ISSUES. COLLEAGUES, I'VE WORKED ON THIS FOR FOUR YEARS NOT BECAUSE I HAVE SOME IDEOLOGICAL OR PARTISAN COMMITMENT TO SOLVING THIS PROBLEM THROUGH MEDICAID NECESSARILY. THIS PAST INTERIM I WANT TO GIVE A LOT OF CREDIT AND KUDOS TO PLATTE INSTITUTE WHO SAID WE'RE TIRED OF JUST SAYING NO, WE WANT TO LOOK FOR OTHER SOLUTIONS. AND I APPRECIATE THAT THEY BROUGHT IN AN EXPERT, THEY HELD A WORKSHOP. THEY INVITED ME AND ASKED ME IF WE CAN FIND ANOTHER WAY TO COVER THESE PEOPLE, WILL YOU BE ON BOARD? WOULD YOU BE WILLING TO WORK WITH US? ABSOLUTELY. BUT, COLLEAGUES, THERE IS NO OTHER SOLUTION. FEDERALLY QUALIFIED HEALTH CLINICS CANNOT PERFORM CHEMOTHERAPY, ALL RIGHT? WE HAVE...PEOPLE LIKE AMANDA WITH COMPLEX MEDICAL CONDITIONS CANNOT GET THOSE CONDITIONS MANAGED IN THE ER. PEOPLE HAVE BEEN LOOKING FOR OTHER SOLUTIONS. DON'T YOU THINK ALL THOSE OTHER REPUBLICAN GOVERNORS IN ALL THOSE OTHER STATES HAVE BEEN RACKING THEIR BRAINS TO FIGURE OUT IF THERE'S SOME OTHER SOLUTION AND THERE SIMPLY IS NOT. THERE IS NOT ANOTHER WAY TO COVER THIS POPULATION BESIDES THE OPPORTUNITY AFFORDED TO US IN LB1032. ON TOP OF COVERING THE POPULATION, THERE'S ALSO NO OTHER WAY

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TO SECURE \$1.8 BILLION OF FEDERAL INVESTMENT IN OUR STATE. THERE'S NO OTHER WAY TO DO THAT AND THAT IS A LOT OF INVESTMENT IN OUR STATE, COLLEAGUES. THIS IS AFFORDABLE. WE HAVE \$63 MILLION THAT ARE NEEDED FOR THIS PILOT STUDY IN OUR CASH HEALTH FUND. THIS IS MONEY FOR OUR STATE TO INVEST IN HEALTH NEEDS OF THE STATE AND, COLLEAGUES, I CANNOT THINK OF A BETTER WAY FOR US TO INVEST THOSE FUNDS RIGHT NOW THAN TO INVEST THEM IN THIS PILOT PROJECT. LET'S GET HEALTHCARE FOR OVER 97,000 NEBRASKANS, INCLUDING OVER 20,000... [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR CRAWFORD: ...NEBRASKANS WHO NEED MENTAL HEALTHCARE, INCLUDING THE OVER 1,500 IN MY OWN DISTRICT WHO NEED HEALTHCARE. LET'S PROVIDE CARE FOR THESE NEBRASKANS. IF SOMETHING HAPPENS AND THE FEDERAL MONEY GOES AWAY, WE WILL AT LEAST HAVE GOTTEN THEM HEALTHCARE FOR A COUPLE OF YEARS. IF THERE'S A NEW PRESIDENT AND BLOCK GRANTS BECOME AVAILABLE, THEN WE WILL HAVE ALREADY LAID THE GROUND WORK FOR AN INFRASTRUCTURE IN OUR STATE TO TAKE FULL ADVANTAGE OF THOSE BLOCK GRANTS WHEN THEY BECOME AVAILABLE. COLLEAGUES, THERE'S NO OTHER SOLUTION AND NO EXCUSE. LET'S PASS LB1032 THIS YEAR. THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB1032]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD MORNING. AND, YES, WE ARE ONCE AGAIN TALKING ABOUT MEDICAID EXPANSION HERE IN NEBRASKA AND I BELIEVE IT IS THE FOURTH TIME. AND AS HAVING BEEN THROUGH THIS THAT MANY TIMES AND HAVING DEALT WITH THIS, I CAN'T THINK OF ANY REASON WHY THE VOTES WOULD CHANGE ALL THAT MUCH. BUT BEYOND THAT, WHAT I'D LIKE TO TALK ABOUT IS A LITTLE BIT WHAT I'VE BEEN THINKING ABOUT AND WHAT OTHERS HAVE TALKED ABOUT ON HOW TO MOVE FORWARD ON SOME OF THESE CONTENTIOUS ISSUES WITH SUCH A SHORT TIME LEFT IN THE SESSION. AND AS I THINK ABOUT IT, I THINK IT MAKES SENSE TO ALLOW PEOPLE TO OPEN UP ON THEIR BILLS. I THINK IT MAKES SENSE TO ALLOW COMMITTEE AMENDMENTS AND THINGS LIKE THAT TO GET ENTERED IN TO MAKE SURE THAT WE LOOK AT THAT. I THINK THAT OTHER COMMITTEE MEMBERS SHOULD HAVE AN OPPORTUNITY TO SPEAK. BUT THEN ON A LOT OF THESE ISSUE, ESPECIALLY THE ONES WE'VE BEEN OVER

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BEFORE AND TALKED ABOUT BEFORE--MEDICAID EXPANSION, OTHER ISSUES, BIG ISSUES LIKE THAT--WE SHOULD TAKE A TEST VOTE UP FRONT AND FIND OUT IF WE ARE CLOSE OR NOT BECAUSE THERE'S NO REASON TO TAKE THESE THINGS SIX HOURS IF WE DON'T NEED TO. AND I THINK THAT EVERYBODY THAT'S SITTING HERE TODAY WOULD AGREE WITH THAT. IT DOESN'T MEAN THAT YOUR ISSUE ISN'T IMPORTANT NECESSARILY, BUT IT DOES BETTER RESPECT THIS BODY'S TIME TO MAKE SURE THAT WE'RE GETTING THROUGH AS MANY OF THOSE IMPORTANT ISSUES AS POSSIBLE. AND IF THE VOTE IS CLOSE THEN ABSOLUTELY PEOPLE SHOULD HAVE THE OPPORTUNITY TO MOVE FORWARD. BUT IF THE VOTE IS NOT CLOSE, THEN WE PROBABLY NEED TO TAKE A STEP BACK, REEVALUATE, AND MOVE ON TO THE NEXT THING. THAT'S JUST SOMETHING THAT I WAS THINKING ABOUT AND I THINK IT DOES MAKE SENSE AND I THINK IT MAKES SOME REALLY GOOD SENSE IN THE FACT THAT WE DON'T HAVE A LOT OF TIME. IN FACT, MAYBE THAT'S THE WAY TO DO IT ON EVERY BILL AS IT COMES OUT OF THE GATE AT THE BEGINNING OF SESSION, IN THE MIDDLE OF SESSION, OR WHEREVER. JUST A THOUGHT FROM A GUY THAT WON'T BE AROUND IN ANOTHER TEN DAYS AND THAT'S SEEMING MORE AND MORE OKAY ALL THE TIME. BUT I WILL SAY I CANNOT SUPPORT LB1032, ALTHOUGH I UNDERSTAND THE IMPORTANCE OF THE ISSUE. I UNDERSTAND THE REASONS FOR FOLKS WANTING TO FIND SOLUTIONS. THANK YOU, MR. PRESIDENT.
[LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB1032]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, AS I LISTEN TODAY AND AS I'VE LISTENED TO THE ARGUMENTS AGAINST MEDICAID EXPANSION FOR THE LAST FOUR YEARS AND TWO YEARS OF THOSE THAT I HAVE NOW SERVED IN THIS BODY, I AM CONVINCED REALLY ONLY OF ONE THING, THAT SOME--AND I SAY SOME--IN THIS BODY HAVE CONTINUOUSLY PLACED POLITICAL EXPEDIENCY AND PLATITUDES OVER THE BEST INTERESTS OF NEBRASKANS WHEN IT COMES TO THEIR HEALTH. HOWEVER, WE CAN CHANGE THAT TODAY. IN RESPONSE TO SENATOR SCHILZ'S COMMENTS, I CAN UNDERSTAND THE NEED TO MOVE ON TO OTHER ISSUES, BUT I CANNOT THINK OF ANY MORE IMPORTANT ISSUE TO DEBATE IN THIS BODY THAN THE HEALTH OF NEBRASKANS BECAUSE IT IMPACTS EVERYTHING ELSE WE DO IN THIS BODY. THE 2,396 PEOPLE IN MY DISTRICT THAT FALL WITHIN THE MEDICAID GAP AND ARE STRUGGLING TO PAY FOR THEIR MEDICAL BILLS EVERY DAY DESERVE A LONG DEBATE. THEY DESERVE AFFORDABLE HEALTHCARE--NOT FREE HEALTHCARE, BUT SIMPLY AFFORDABLE HEALTHCARE. WE CAN VOTE TO

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PROVIDE CRITICAL ASSISTANCE TO WORKING NEBRASKANS. NEBRASKANS WHO COULD CARE LESS ABOUT HOW MANY OF US FEEL ABOUT PRESIDENT OBAMA, BUT SIMPLY WANT TO BE ABLE TO AFFORD HEALTHCARE FOR THEIR FAMILY. AND FOR FOUR YEARS I'VE LISTENED TO THE ARGUMENTS AGAINST EVERY MEDICAID EXPANSION BILL INTRODUCED. THE ARGUMENTS CHANGE EVERY YEAR AND ARE TAILORED SIMPLY TO OPPOSE A POLITICALLY POLARIZED POLICY AND PROVIDE NO MEANINGFUL SOLUTIONS. LB1032 IS THE MOST CONSERVATIVE FREE-MARKET MEDICAID PROPOSAL IN THE COUNTRY AND YET PEOPLE DO NOT PROVIDE ANY ALTERNATIVE SOLUTIONS WHO ARE OPPOSED. THE ARGUMENTS THAT MANY HAVE MADE AGAINST MEDICAID EXPANSION INCLUDE THAT WE CANNOT TRUST THE FEDERAL GOVERNMENT TO FULFILL THEIR OBLIGATION, THE FUNDING STREAM IS NOT GUARANTEED BEYOND SEVERAL YEARS, AND GOVERNMENT SPENDING IS OUT OF CONTROL. I LOOK FORWARD TO THE DAY THAT MANY OF US MAKE THE SAME ARGUMENTS AGAINST OTHER FEDERAL PROGRAMS THAT PROVIDE FUNDING FOR ROADS, FARMS, MEDICARE, AND ECONOMIC DEVELOPMENT. I HAVE YET TO HEAR THEM AND I DOUBT I EVER WILL. WHAT DOES IT SAY ABOUT US WHEN THIS LEGISLATURE WILL ALMOST UNANIMOUSLY INVEST MILLIONS IN ROADS BUT NOT THE PEOPLE THAT BUILD THEM? I KNOCKED TOO MANY DOORS WHERE THE PEOPLE I AND YOU REPRESENT MADE DECISIONS ON WHETHER TO MAKE HOME PAYMENTS OVER MEDICAL PAYMENTS, DECLARE BANKRUPTCY EVEN THOUGH THEY HAD MEDICAL INSURANCE AND PAID FOR IT, CRIED TO ME AT THEIR DOORS BECAUSE THEY WEREN'T ABLE TO PROVIDE FOR THEIR FAMILIES IN THE WAY THAT THEY WANTED TO BECAUSE OF THE MEDICAL BILLS AND BECAUSE THEY FELL WITHIN THE GAP. AND IT IS A PROBLEM THAT THIS BODY HAS THE POWER TO RESOLVE TODAY AND WE SHOULD. THIS IS THE MOST CONSERVATIVE MEDICAID EXPANSION PROPOSAL IN THE COUNTRY. WHAT MORE DO OPPONENTS WANT? OUR EARS ARE OPEN. IF YOU WISH TO GUARANTEE THAT THE FEDERAL GOVERNMENT FULFILL THEIR OBLIGATIONS, REDUCE GOVERNMENT SPENDING, AND EXTEND FUNDING OBLIGATIONS TO THE STATES, THEN I SUGGEST YOU RUN FOR CONGRESS. BUT DO NOT DENY WORKING NEBRASKANS AFFORDABLE HEALTHCARE. IF YOU WISH TO MAKE A STATEMENT TO THE FEDERAL GOVERNMENT AND PRESIDENT OBAMA, THEN HOLD A PRESS CONFERENCE. BUT DO NOT DENY AFFORDABLE HEALTHCARE TO WORKING NEBRASKANS. IF YOU WISH TO FIND A BETTER WAY TO PROVIDE HEALTHCARE, THEN INTRODUCE A BILL OR CALL YOUR CONGRESSMAN, BUT DO NOT DENY WORKING NEBRASKANS AFFORDABLE HEALTHCARE. COLLEAGUES, IT IS TIME TO ACT. PASS LB1032. [LB1032]

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PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. BEFORE PROCEEDING WITH ADDITIONAL DEBATE, SENATOR KRIST, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LB1032]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND, COLLEAGUES, JUST A REMINDER, WE'RE GOING TO SET A LINE IN THE SAND, 4:00, 4:00 THIS AFTERNOON DEADLINE FOR INTERIM STUDY RESOLUTIONS. IF YOU COULD HAVE THOSE IN BY 4:00, IT WOULD BE GREAT. THE CLERK WILL NEED TO READ THEM IN AND THEN WE CAN CALL IT A DAY. ANYTHING LATER THAN THAT YOU'LL HAVE TO TALK TO THE CLERK DIRECTLY TO HAVE IT PUT IN THERE. THANK YOU. THANKS FOR YOUR ATTENTION. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. (VISITORS INTRODUCED.) ITEMS FOR THE RECORD? [LB1032]

CLERK: THANK YOU, MR. PRESIDENT. ENROLLMENT AND REVIEW REPORTS LB1094, LB744, LB947, LB886, LB886A, AND LB774A TO SELECT FILE, SOME WITH E&R AMENDMENTS. TWO STUDY RESOLUTIONS: LR529 AND LR530. AND I HAVE AN EXPLANATION OF VOTE, MR. PRESIDENT, FROM SENATOR KOLOWSKI (RE LB956, LB957, LB981, LB1109, LB83). THAT'S ALL THAT I HAVE. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1244-1247.) [LB1094 LB744 LB947 LB886 LB886A LB774A LR529 LR530 LB956 LB957 LB981 LB1109 LB83]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. PROCEEDING NOW WITH DEBATE, SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB1032]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I RISE TO SUPPORT AM2473 AND LB1032. AND JUST TALKING FROM PERSONAL EXPERIENCE, A COUPLE YEARS AGO I HAD A MILD HEART ATTACK AND WHEN I RECEIVED THE BILL FOR THAT, IT WAS ENORMOUS. IT'S WAY OUT OF PROPORTION TO ANYTHING ELSE IN MY LIFE. AND LUCKILY I'M OLD ENOUGH THAT I HAD MEDICARE TO COVER THAT KIND OF COST. BUT THERE ARE PEOPLE IN MY DISTRICT THAT I'VE TALKED TO WHO WEREN'T OLD ENOUGH TO BE COVERED BY MEDICARE, WERE WORKING MINIMUM WAGE JOBS, AND OWED THE KIND OF MONEY YOU WERE TALKING, TENS OF THOUSANDS OF DOLLARS, BECAUSE OF MEDICAL CARE. AND I CAN'T EXPRESS TO YOU HOW IMPORTANT IT IS IN MY LIFE TO KNOW THAT I HAVE MEDICAL CARE COVERED, THE KIND OF PEOPLE WE'RE TALKING ABOUT THAT WOULD BE COVERED BY EXPANDED MEDICAID AND I BELIEVE DESERVE TO BE COVERED BY EXPANDED MEDICAID

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ARE THE WORKING POOR. AND THEY HAVE TWO CHOICES. ONE IS TO GO TO THE EMERGENCY ROOM AND THEN THE HOSPITAL PICKS UP THE BILL EVENTUALLY, OR TO JUST EXIST IN POOR HEALTH. I'VE HEARD THIS AS WELL FOR YEARS AND YEARS. I WANT TO THANK THE PEOPLE WHO HAVE WORKED ON THIS TO COME UP WITH THE CURRENT LAW AND I RECOMMEND TO THE BODY THAT WE SHOW OUR COMPASSION, ACTUALLY, AND PASS AM2473 AND LB1032. AND I'D LIKE TO GIVE THE REST OF MY TIME, SHOULD HE WANT IT, TO SENATOR McCOLLISTER. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. SENATOR McCOLLISTER, 2:40 IF YOU CARE TO USE IT. SENATOR McCOLLISTER. SENATOR McCOLLISTER, YOU'VE BEEN YIELDED 2:40 IF YOU CARE TO USE IT. [LB1032]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. WITH SUCH COMPELLING ARGUMENTS FOR PASSAGE OF LB1032, WHAT OBJECTIONS COULD ANYBODY POSSIBLY HAVE? THE EXPENDITURE OF STATE DOLLARS WILL CROWD OUT CATEGORIES LIKE ROADS, EDUCATION, AND WELFARE FOR CHILDREN--NOT SO. THE VERY MODEST EXPENDITURE OF MONEY FROM THE HEALTHCARE CASH FUND WON'T EVEN COME CLOSE TO DEPLETING THE FUND, WHICH HAS STEADILY GROWN BY \$20 MILLION TO \$30 MILLION PER YEAR TO THE CURRENT BALANCE OF \$461,000 (SIC). SECOND ARGUMENT, NEBRASKANS CAN'T ALWAYS COUNT ON THE FEDERAL GOVERNMENT TO PAY ITS 90 PERCENT SHARE--NOT SO. MILLIONS OF NEBRASKANS COUNT ON THE FEDERAL GOVERNMENT TO PAY SOCIAL SECURITY, MEDICARE, AND MEDICAID THAT HAVE BEEN MADE WITHOUT INTERRUPTION FOR 50 YEARS. NEBRASKANS RECEIVED \$653 MILLION IN FEDERAL STIMULUS FUNDS FOR FISCAL YEARS '80-89 AND THROUGH 2010-2011. THE TOTAL INCLUDED \$358 MILLION OF MEDICAID MATCH, \$52 MILLION OF GENERAL STABILIZATION FUNDS THAT WERE USED FOR CORRECTIONS, \$234 MILLION FOR EDUCATION STABILIZATION, AND \$10 MILLION FOR CHILD CARE ASSISTANCE. [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR McCOLLISTER: GET THIS, IN 2014, NEBRASKA FARMERS RECEIVED MORE THAN \$800 MILLION IN CROP SUBSIDIES. IN THE LAST FISCAL YEAR, FEDERAL FUNDS ACCOUNTED FOR 32 PERCENT OF STATE APPROPRIATIONS. TO ARGUE THE FEDERAL GOVERNMENT CAN'T OR WON'T PAY ITS GUARANTEED COST OF THE TRANSITIONAL HEALTH INSURANCE PROGRAM IS DISINGENUOUS AND IS WITHOUT FOUNDATION. THANK YOU, MR. PRESIDENT. [LB1032]

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PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR HOWARD, YOU'RE RECOGNIZED. [LB1032]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I, AS NO SURPRISE TO ANYONE, RISE IN SUPPORT OF LB1032 AND AM2473. WHEN I WAS GROWING UP, MY MOTHER WAS A WIDOW AND SO I HAD TWO AUNTIES, MY AUNT KATHY AND MY AUNT MARY, WHO...THEY KIND OF POOLED THEIR RESOURCES. THERE WERE ABOUT SIX OR SEVEN OF US KIDS. AND SO THEY WOULD TAKE US OUT TO ELWOOD, NEBRASKA, AND WE WOULD SPEND A LOT OF TIME TOGETHER. AND MY AUNT KATHY AND MY AUNT MARY AND MY MOM WERE AT ONE POINT IN TIME ALL SOCIAL WORKERS. AND SO THEY REALLY INSTILLED IN US KIDS--ME, CARRIE, SARAH, AND ROYA AND ERICA--THIS SENSE THAT WE HAD TO DO THE RIGHT THING FOR EVERYDAY FOLKS. AND I FEEL A LITTLE BIT LIKE A SEVEN-YEAR-OLD AT A BALLET RECITAL BECAUSE MY AUNT MARY IS ACTUALLY HERE TODAY WHICH IS REALLY EXCITING FOR ME. WHEN I THINK ABOUT REGULAR CITIZENS THOUGH, I KNOW WE'RE HAVING A BROAD CONVERSATION ABOUT INDIVIDUALS WHO ARE UNINSURED, BUT I WANT TO HAVE A CONVERSATION ABOUT REGULAR CITIZENS WHO ARE PAYING THEIR INSURANCE PREMIUMS BECAUSE OUR CONSTITUENTS ARE BEING CRUSHED BY INCREASING PREMIUMS IN THEIR INSURANCE PLANS. AND LB1032 WILL BE THE ONLY STEP THAT WE WILL TAKE TO ADDRESS PREMIUMS IN THE STATE OF NEBRASKA THIS YEAR. I REFER BACK TO THE OPTUMAS REPORT WHICH WAS COMMISSIONED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES USING \$40,000 OF TAXPAYER MONEY. AND ON PAGE 13, THEY NOTE THE EXTERNAL IMPACTS OF EXPANSION. THEY SAY: MEDICAID EXPANSION CAN HAVE MANY IMPACTS OUTSIDE OF THE DIRECT COST PAID FOR SERVICES PROVIDED TO NEWLY ELIGIBLE INDIVIDUALS. REDUCTIONS IN UNCOMPENSATED CARE OR CARE FOR UNINSURED INDIVIDUALS COULD RESULT IN LESS COST-SHIFTING TOWARDS COMMERCIAL PAYORS. PAYING HIGHER, COMMERCIAL LEVELS OF REIMBURSEMENT FOR THE NEWLY ELIGIBLE POPULATION COULD FURTHER REDUCE THE COST SHIFT DYNAMIC. THE INFLUX OF A LARGE NUMBER OF LIVES INTO THE HEALTH INSURANCE EXCHANGE COULD HELP STABILIZE PREMIUMS BY PROVIDING A LARGER BASE OF LIVES, AND COULD ALSO ENTICE ADDITIONAL CARRIERS TO COMPETE FOR BUSINESS IN NEBRASKA. WHEN I READ THAT REPORT COMMISSIONED BY THE DEPARTMENT, PAID FOR BY TAXPAYER MONEY, IT TELLS US THAT LB1032 IS OUR ONLY OPTION TO STOP THE CRUSHING WEIGHT OF INCREASED PREMIUMS FOR OUR CONSTITUENTS. IF WE DON'T PASS THIS BILL, WE'VE DONE NOTHING TO HELP OUR CONSTITUENTS WHO ARE PAYING PREMIUMS EVERY DAY. I'D ALSO LIKE TO TAKE A MOMENT TO ADDRESS THE ISSUE OF WHETHER OR NOT FEDERAL FUNDING WILL BE THERE. MARTHA STODDARD WROTE AN ARTICLE IN

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THE OMAHA WORLD-HERALD ON MONDAY WHERE, AND I QUOTE, OPPONENTS INCLUDE GOVERNOR RICKETTS, OPPONENTS OF LB1032, WHO HAS MADE IT A PRIORITY THIS YEAR TO BLOCK ANY MEDICAID EXPANSION. HE AND HIS PREDECESSOR, DAVE HEINEMAN, HAVE FOUGHT EVERY PROPOSAL TO EXPAND MEDICAID COVERAGE. BOTH SAY IT IS UNAFFORDABLE AND A LONG-TERM BUDGET DANGER BECAUSE THE FEDERAL GOVERNMENT MIGHT NOT KEEP ITS PLEDGE TO FOOT MOST OF THE COST. LATER IT SAYS, TAYLOR GAGE, THE GOVERNOR'S SPOKESMAN SAYS THAT HIS ADMINISTRATION IS COMMITTED TO ADDRESSING MENTAL HEALTH AND SUBSTANCE ABUSE BECAUSE THE GOVERNOR RECENTLY SIGNED LB471 TO CREATE A PRESCRIPTION-DRUG MONITORING PROGRAM TO HELP ADDRESS SUBSTANCE ABUSE IN NEBRASKA. NOW, COLLEAGUES, AS MOST OF YOU KNOW, THAT BILL WAS PERSONALLY AND PROFESSIONALLY VERY IMPORTANT TO ME AND I VERY MUCH APPRECIATE THE GOVERNOR'S SUPPORT. HOWEVER, I WOULD LIKE TO NOTE THAT LB471 IS COMPLETELY FEDERALLY FUNDED WITH \$500,000 FROM THE FEDERAL GOVERNMENT. IF WE CAN'T TRUST THAT THE FEDERAL GOVERNMENT WILL FOLLOW THROUGH ON LB1032, HOW CAN WE TRUST THEY WOULD FOLLOW THROUGH ON LB471? WITH THAT, I WOULD URGE THE BODY'S ADOPTION OF AM2473 AND LB1032. THANK YOU, MR. PRESIDENT. [LB1032 LB471]

PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. MR. CLERK. [LB1032]

CLERK: MR. PRESIDENT, I'VE RECEIVED A PRIORITY MOTION. SENATOR BLOOMFIELD WOULD MOVE TO BRACKET THE BILL UNTIL APRIL 20 OF 2016. [LB1032]

PRESIDENT FOLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO OPEN ON YOUR BRACKET MOTION. [LB1032]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'LL BE VERY BRIEF IN MY OPENING HERE. IT'S BEEN MENTIONED BEFORE THAT WE SHOULD HAVE A TEST VOTE SOME LITTLE TIME IN. WELL, WE'RE SOME LITTLE TIME IN AND THE DEBATE ON THE BRACKET MOTION WILL GET US A LITTLE FURTHER IN. SO LET THE DEBATE BEGIN ON THE BRACKET MOTION AND HOPEFULLY WE'LL HAVE AN ANSWER BEFORE TOO LONG. THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. CONTINUING WITH DEBATE ON THE PENDING MOTIONS AND AMENDMENTS, SENATOR McCOY, YOU'RE RECOGNIZED. [LB1032]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE THIS MORNING OPPOSED TO LB1032 AND IN SUPPORT OF THE BRACKET MOTION THAT WAS JUST FILED BY SENATOR BLOOMFIELD. OBVIOUSLY, MY LIGHT WAS ON PRIOR TO THAT. BUT I DO WANT TO TALK ABOUT WHERE WE ARE NOT JUST HERE IN NEBRASKA, BUT ACROSS THE COUNTRY WITH THE ISSUE OF MEDICAID EXPANSION. AS MANY OF YOU PROBABLY ALSO DO, I QUITE OFTEN LOOK TO ARTICLES IN THE WASHINGTON POST NEWSPAPER TO GAUGE WHERE THINGS ARE IN WASHINGTON, A LOT OF OTHER NEWS OUTLETS. BUT IT HASN'T BEEN MENTIONED, I DON'T BELIEVE, THIS MORNING AND I THINK IT'S ALTOGETHER TIMELY THAT WE TALK ABOUT THE CONGRESSIONAL BUDGET OFFICE REPORT THAT WAS JUST ISSUED LAST THURSDAY. SO JUST AS WE WERE GETTING READY TO LEAVE FOR THE EASTER WEEKEND, THE CBO RELEASED A NEW REPORT THAT THE WASHINGTON POST HAD A VERY LENGTHY ARTICLE ON AT THE END OF LAST WEEK ABOUT THE RISING COST OF IMPLEMENTING THE AFFORDABLE CARE ACT AND THE BIGGEST REASON THAT THAT CHANGE IN COST IS BECAUSE OF ADDITIONAL ENROLLEES IN MEDICAID THROUGH MEDICAID EXPANSION IN THE STATES HAVE CHOSEN DO THAT. A COUPLE OF STARTLING NUMBERS FROM THIS ARTICLE, AND I WOULD ENCOURAGE YOU TO SEEK THIS ARTICLE OUT, TO SEEK THIS REPORT OUT FROM THE CBO BECAUSE IT'S VERY TROUBLING--VERY, VERY TROUBLING, COLLEAGUES. THE REPORT TALKS ABOUT THAT THE INCREASE IN COST OF THE AFFORDABLE CARE ACT BECAUSE OF ADDITIONAL ENROLLEES IN MEDICAID WILL INCREASE BY \$110 BILLION JUST THIS YEAR IN 2016 ACCORDING TO THE CBO. AND I JUST THINK THAT THAT'S AN ADDITION OVER LENGTH OF YEARS, IT CLIMBS EVEN BEYOND THAT. I THINK THAT'S INCREDIBLY TROUBLING. THIS ARTICLE GOES ON AND THE REPORT...THE ARTICLE GOES ON TO TALK ABOUT MEDICAID EXPANSION IN THE VARIOUS STATES, THOSE THAT HAVE CHOSEN, WHETHER THEY BE UNDER REPUBLICAN GOVERNORS OR NOT, TO EXPAND MEDICAID IN THOSE STATES INCLUDING OURS UP TO THIS POINT. THE GREAT STATE OF NEBRASKA HAS CHOSEN NOT TO EXPAND MEDICAID. IT TALKED ABOUT THAT THIS NEW EVIDENCE PROVES THE POINT WHICH MANY OF US HAVE BEEN SAYING, NOW THE FOURTH TIME, AS IT'S BEEN SAID, THAT WE'VE DEALT WITH THIS ISSUE, THAT THE COSTS AREN'T CONTROLLABLE AND THAT THEY AREN'T EVEN PREDICTABLE. THAT'S JUST TROUBLING. AND SENATOR MORFELD--AND I RESPECT HIS OPINION, AS WE ALL HAVE THEM HERE ON THE FLOOR--JUST SAID HE DIDN'T...HE WASN'T SURE HOW IT WOULD APPEAR THAT WE'RE PRIORITIZING...LET ME REPHRASE THIS. I'M PARAPHRASING WHAT HE SAID, OF COURSE. BUT HE SAID IN EFFECT THAT WE'RE NOT...THERE ARE MEMBERS OF THE BODY--I GUESS I'D BE ONE OF THOSE MEMBERS--WHO SAY THAT...OR WHO AREN'T PRIORITIZING THE HEALTHCARE OF SOME NEBRASKANS. WELL, COLLEAGUES, WHAT I PRIORITIZE IS THIS--WE HAVE

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TO MAKE BUDGET-BALANCING DECISIONS. AND WE CAN ALL AGREE TO DISAGREE ON THAT. BUT HERE'S THE BUDGET-BALANCING DECISIONS I'VE CHOSEN TO MAKE IN THE PAST... [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR McCOY: ...AND I'LL MAKE AGAIN THIS YEAR. [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR McCOY: AND THAT IS THIS--ROBUST, HEALTHY, ADEQUATE, AND GROWING FUNDING FOR K-12, HIGHER EDUCATION, ROADS AND INFRASTRUCTURE, AND TAX CUTS ARE A HIGHER PRIORITY THAN THE EXPANSION OF MEDICAID IN MY MIND. THAT'S THE CHOICE I CHOOSE TO MAKE. WE ALL HAVE THAT SIMILAR CHOICE. THAT'S THE FUTURE OF OUR STATE, NOT AN ILL-ADVISED MEDICAID EXPANSION PROGRAM THAT REALLY DOESN'T ADDRESS THE COST OF HEALTHCARE. IT REALLY JUST ADDRESSES THE ACCESS TO HEALTHCARE. THAT'S WHY I VOTED NO ON MEDICAID EXPANSION IN THE PAST. THAT'S WHY I'LL DO SO AGAIN THIS YEAR. THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB1032]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT AND MEMBERS. FIRST OF ALL, I NEED TO CORRECT THE RECORD. I INDICATED THE HEALTH CARE CASH FUND HAD A BALANCE OF \$461,000--NOT SO, IT'S \$461 MILLION. WHAT OTHER OBJECTIONS COULD PEOPLE HAVE TO PASSING LB1032? BECAUSE THE ACA HAS SO MANY FLAWS SINCE ITS PASSAGE, THE PROGRAM ISN'T WORTHY OF FURTHER IMPLEMENTATION BY THE STATES--NOT SO. NEARLY ALL FEDERAL PROGRAMS INCLUDING SOCIAL SECURITY, MEDICARE AND MEDICAID HAD ROLL-OUT ISSUES THAT WERE RECTIFIED OVER TIME. THE ACA AND HEALTH EXCHANGES HAVE IRONED OUT IMPLEMENTATION PROBLEMS TO THE POINT THAT SOME STATES LATER ELECTED TO UTILIZE THE FEDERAL EXCHANGE PROGRAM. HOWEVER, I SINCERELY BELIEVE THE HEALTHCARE AND THE ACA NEEDS REFORM AND I'LL SUPPORT THAT AFTER PASSAGE OF LB1032. SECONDLY, POOR PEOPLE IN THE HEALTHCARE GAP ARE UNWORTHY AND DESERVE THE SPOTTY QUALITY HEALTHCARE COVERAGE THAT THEY CURRENTLY RECEIVE--NOT SO. TWO-THIRDS OF THE 97,000 UNINSURED ARE THE WORKING POOR OF NEBRASKA,

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AND OF THAT NUMBER, 50 PERCENT LIVE IN RURAL AREAS. OUR UNINSURED FELLOW NEBRASKANS ARE THE PEOPLE WHO WORK AT ONE OR MORE JOBS IN RETAIL STORES, THE FAST FOOD INDUSTRY, AGRICULTURE, AND CONSTRUCTION. DO THESE HARDWORKING NEBRASKANS REALLY DESERVE TO BE SEEN AS...TREATED AS LESSER BEINGS? THIRDLY, THE WORKING POOR ALREADY RECEIVE HEALTHCARE BY MEANS OF HOSPITAL EMERGENCY FACILITIES, UNFORTUNATELY. HOWEVER, THIS TYPE OF CARE ONLY DEALS WITH EMERGENCY SITUATIONS AND REALLY DOESN'T DEAL WITH THE CHRONIC HEALTH PROBLEMS THAT MANY OF US HAVE. CHEAPER AND BETTER CARE IS PROVIDED WITH AN ONGOING TREATMENT BY PRIMARY HEALTHCARE PROVIDERS WHO GENERALLY ARE NOT AVAILABLE TO PEOPLE WITHOUT SOME FORM OF INSURANCE. LAST YEAR WHEN I MET WITH MEMBERS OF THE BODY, PROFESSIONALS, MEDICAL PROFESSIONALS, BUSINESS LEADERS, AND LOCAL OFFICIALS THROUGHOUT NEBRASKA IN COMMUNITIES THROUGH THE STATE, I HEARD CONSISTENTLY WE NEED TO HAVE A MARKET-DRIVEN SOLUTION WHERE PEOPLE CONTRIBUTE TO THE COST OF THEIR CARE, WHERE WE INCLUDE INNOVATION IN OUR SYSTEM, AND WHERE INDIVIDUALS TRANSITION TO STANDING ON THEIR TWO FEET THROUGH BETTER HEALTHCARE AND INCREASED EMPLOYABILITY. WE NEED A PLAN THAT IS FISCALLY SUSTAINABLE, WHICH LB1032 IS. THIS INPUT FORMED THE FOUNDATION OF LB1032, SO I WOULD ENCOURAGE YOU TO DEFEAT THE BRACKET MOTION AND PASS THE AMENDMENTS AND LB1032. THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR BAKER, YOU'RE RECOGNIZED. [LB1032]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I, TOO, HAD MY LIGHT ON BEFORE THE BRACKET MOTION SO I'M GOING TO SAY WHAT I WAS GOING TO SAY BEFORE THAT. I GREW UP ON A FARM IN YORK COUNTY. MY FATHER DIED WHEN I WAS 14. IT WAS SHORTLY BEFORE HARVEST TIME. ONE DAY A HUGE NUMBER OF NEIGHBORS CAME IN AND HARVESTED OUR CROP FOR US. I HAVE A BROTHER WHO'S A YEAR OLDER THAN I AND WE PROBABLY COULD HAVE GOT THE JOB DONE BUT WE PROBABLY WOULD HAVE HAD TO BEEN OUT OF SCHOOL FOR A MONTH. BUT NEIGHBORS CAME FORWARD AND HELPED US OUT. THAT'S WHAT NEBRASKANS DO. THEY STEP UP TO HELP THEIR NEIGHBORS WHO ARE IN DISTRESS. IN 1964, A TORNADO ONE-HALF MILE WIDE SWEEP ALL ACROSS YORK COUNTY. DEBRIS WAS STREWN THROUGHOUT FARMS. AGAIN, NEIGHBORS CAME IN AND HELPED OUT. IN ADDITION TO THAT, A LARGE GROUP OF MENNONITES FROM KANSAS CAME UP WITH TRACTORS, WAGONS AND DID THE WORK OF PICKING UP ALL THE DEBRIS THROUGHOUT THE PLACE. THAT'S WHAT PEOPLE

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DO. THEY STEP UP TO HELP OTHERS IN DISTRESS. IN 2004, AN F4 TORNADO SWEEPED THROUGH SOUTHERN LANCASTER COUNTY AND STRUCK THE NORRIS SCHOOL DISTRICT CAMPUS. THERE WAS BALLAST STONES, GLASS, ALL KINDS OF THINGS THROUGHOUT THE PLAYGROUND AND ALL OVER THE GROUNDS. THERE WAS NO WAY TO GET RID OF THAT EXCEPT FOR PEOPLE TO PICK UP PIECE BY PIECE. WE HAD A VOLUNTEER DAY. OVER A THOUSAND PEOPLE SHOWED UP TO HELP BECAUSE THAT'S WHAT NEBRASKANS DO. THEY STEP UP TO HELP PEOPLE IN DISTRESS. RIGHT NOW WE HAVE PEOPLE WHO ARE UNABLE TO PROVIDE PROPER HEALTHCARE FOR THEIR FAMILIES. I WOULD SUGGEST TO YOU THAT THOSE PEOPLE ARE IN DISTRESS: 90,000 PEOPLE ACROSS THE STATE, MORE THAN 800 IN MY DISTRICT 30. I DON'T KNOW HOW MANY OF YOU HAD A CHANCE TO SEE 60 MINUTES SUNDAY NIGHT, BUT THERE WAS A SEGMENT THAT DEALT WITH THIS EXACTLY AND I WISH EVERYBODY COULD HAVE SEEN THAT. IN FACT, YOU COULD PROBABLY GO BACK AND LOOK AT THAT. WE TEND TO DISPARAGE THOSE PEOPLE WHO DON'T HAVE HEALTH INSURANCE COVERAGE, EVEN THOUGH THEY'RE WORKING. IT MUST BE THAT THEY HAD BAD HABITS, MUST BE THEY'RE LAZY, MUST BE THEY'VE MADE POOR CHOICES ALONG THE WAY. YOU SHOULD HAVE SEEN THE 60 MINUTES SEGMENT. THERE WAS A LADY WITH DIABETES, HAD SERIOUS NEEDS TO TAKE CARE OF THAT SITUATION. SHE WAS WORKING TWO JOBS, BUT HAD NO INSURANCE. THE THEME OF THIS PARTICULAR 60 MINUTES SEGMENT, THERE WAS MOTOR HOMES GOING AROUND PROVIDING CARE PERIODICALLY TO THOSE PEOPLE WHO DIDN'T HAVE ANY OTHER WAY OF GETTING PRESCRIPTION DRUGS OR RECEIVING ANY KIND OF HEALTHCARE. THAT'S ALL THEY HAD. BY THE TIME THE 60 MINUTES SEGMENT AIRED, AT LEAST TWO OF THOSE PEOPLE HAD ALREADY DIED FOR REASONS THAT PROBABLY WOULD HAVE BEEN PREVENTABLE IF THEY WOULD HAVE HAD PROPER HEALTHCARE. SO I WOULD SUGGEST TO YOU THAT WE HAVE PEOPLE IN DISTRESS NOT BECAUSE THEY'RE LOUYS, BECAUSE THEY'VE LIVED BAD LIVES--SOMETIMES JUST MISFORTUNE. NOT EVERYBODY HAD AN OPPORTUNITY TO GET A GOOD EDUCATION. NOT EVERYBODY HAS GOOD, EMPLOYABLE SKILLS. THOSE PEOPLE WOULD GLADLY HAVE A JOB THAT WOULD PAY THEIR INSURANCE FOR THEM. [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR BAKER: IT'S NOT THAT THEY DON'T WANT TO WORK, IT'S JUST THEY'RE DOING THE VERY BEST THEY CAN. AND I WOULD SUGGEST TO YOU MAYBE IT'S TIME FOR US TO STEP UP AND HELP THOSE PEOPLE IN DISTRESS. THANK YOU. [LB1032]

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PRESIDENT FOLEY: THANK YOU, SENATOR BAKER. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB1032]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT; GOOD MORNING, MEMBERS. MY COMMENTS WILL ECHO SOME OF THE COMMENTS THAT HAVE ALREADY BEEN MADE AND SPEAK TO SOME OF THE COMMENTS THAT HAVE ALREADY BEEN MADE. MEMBERS, THE CHALLENGE WITH THIS, AS SENATOR CAMPBELL POINTED OUT AS AN EXAMPLE, IS WHO'S PROPOSING OPTIONS? WHAT ARE WE DOING TO CONTROL MEDICAID EXPENDITURES? WHAT ARE WE DOING TO, IN FACT, PROVIDE SOME DEGREE OF COVERAGE? IF YOU LOOK AT THE NUMBER ON MY LAPEL AND IF YOU LOOK AT THE SHEET THAT WAS HANDED OUT, MY DISTRICT, RURAL COMMUNITY, FOURTH-LARGEST IN TERMS OF PEOPLE WHO FIT THE CATEGORY OF FOLKS WHO UNCOVERED BY INSURANCE, NOT ELIGIBLE FOR MEDICAID. IT'S A HUGE NUMBER, I SHOULD KNOW. I RAN THE HOSPITAL IN THE COMMUNITY AND HELPED ESTABLISH THE CHARITABLE CLINIC THAT STILL EXISTS IN THAT COMMUNITY. AND NOW THE LEVEL OF TRYING TO PROVIDE COVERAGE FOR THE POPULATION IS HIGH ENOUGH THAT WE HAVE A FEDERALLY QUALIFIED HEALTH CENTER. SO THERE ARE TWO, FOR WANT OF A BETTER TERM, FREE OR REDUCED COST CLINICS SUPPORTED BY CHARITABLE CONTRIBUTIONS AND TAX DOLLARS IN THE COMMUNITY THAT ARE TRYING TO FILL THE GAP. DON'T KID YOURSELF. WE STILL ARE PAYING FOR THE CARE OF THIS SEGMENT OF THIS POPULATION. THESE EXPENSES DON'T EXIST WITHIN A VACUUM. MANY OF YOU WILL NOT KNOW I WAS IN OPPOSITION OF MEDICAID EXPANSION THE FIRST TIME THIS CAME UP AND HELPED WITH THE FILIBUSTER BECAUSE I DID NOT BELIEVE THAT IT WAS, IN FACT, A SUITABLE WAY TO ADDRESS THE PROBLEM. IT WAS HOPEFUL THAT GIVING PEOPLE AN INSURANCE CARD, WHICH IS WHAT MEDICAID IS, WOULD AUTOMATICALLY RESULT IN THEIR HAVING ACCESS, AS WELL AS IMPROVED HEALTHCARE--NOT TRUE. AND SO THE PROPONENTS WENT BACK TO WORK, ASKED ME TO GET INVOLVED. AND WHAT GOT INCORPORATED INTO MEDICAID THEN AND SINCE HAS BEEN A FOCUS ON CHRONIC DISEASE MANAGEMENT, PATIENT-CENTERED MEDICAL HOME, INITIATIVES THAT HAVE OPERATED AND THAT WE HAVE PUSHED FORWARD AND THAT I HAVE CARRIED THROUGH INTERIM RESOLUTIONS IN THE YEARS SINCE I'VE BEEN DOWN HERE THAT NOW ARE INCORPORATED IN THE MEDICAID PROGRAM OVERALL. THE NEW CONTRACTING FOR MEDICAID FOCUSES ON SOMETHING OTHER THAN, AS HAS BEEN POINTED OUT HERE, JUST PEOPLE HAVING COVERAGE. AND AS A RESULT OF JUST HAVING COVERAGE DOESN'T MEAN THEY'LL BE BETTER. WE ARE, IN FACT, MAKING CHANGES. MEDICAID IS, IN FACT, MAKING CHANGES IN THE WAY THAT IT DELIVERS SERVICES TO THAT POPULATION THAT IT SERVES. LET ME GO BACK TO THE ISSUE OF THE COSTS

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THAT ARE IN THE SYSTEM. AS YOU KNOW, I NOW HEAD UP THE REVENUE COMMITTEE. I DON'T SPEND THE AMOUNT OF TIME I DID THE FIRST SIX YEARS DOWN HERE ON HEALTH ISSUES. I'M NO LONGER ON HEALTH AND HUMAN SERVICES COMMITTEE. BUT SOMETHING HAS BECOME VERY OBVIOUS TO ME AND THAT IS I'M ALL FOR ROADS. THE ROADS TAX CAME OUT OF MY COMMITTEE WITH MY SUPPORT LAST YEAR. I'M ALL ABOUT K-12 FUNDING, THOSE ARE PRIORITIES, AND TAX CUTS. ALL OF THOSE THINGS HAVE OCCURRED IN THE PAST THREE YEARS. AND IN FACT, MOST OF THE FOCUS ON THOSE THINGS HAVE OCCURRED IN MULTIPLE YEARS. BUT WE'VE DONE VERY LITTLE WITH MEDICAID. AND, FOLKS, THERE'S AN INCREASING DRUM BEAT THAT'S HAPPENING WITHIN CITIES AND STATES THAT POINT OUT THE FACT THAT ALL POLICIES ARE HEALTH POLICIES. I CHALLENGE ANYBODY OTHER THAN MAYBE SENATOR MELLO TO TELL US WHAT HAS BEEN THE RATE OF MEDICAID INCREASE THAT WE'VE BUDGETED FOR EVERY YEAR THAT WE'VE DOWN...THOSE OF US WHO HAVE BEEN DOWN HERE FOR EIGHT YEARS, FOR FOUR YEARS...FOR FOUR BUDGET CYCLES. WHAT HAS BEEN THE RATE OF MEDICAID INCREASE? FRANKLY, WE JUST SIGN THE CHECK. WHAT DO WE DO TO CONTROL THOSE EXPENDITURES? [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR GLOOR: AND DO WE NOT THINK IT HAS AN IMPACT ON OUR LONG-TERM ABILITY TO FUND ROADS OR TO FUND K-12 EDUCATION OR TO PROVIDE TAX CUTS? ABSOLUTELY. BUSINESS AND INDUSTRY IS NOW STARTING TO RECOGNIZE THIS WITHIN THIS STATE WITH A FOCUS ON TRYING TO MAKE NEBRASKA ONE OF THE HEALTHIEST STATES IN THE NATION. THEY'RE NOT DOING THAT JUST FOR ALTRUISTIC PURPOSES, ALTHOUGH THERE MAY BE PART OF THAT IN THERE. THEY RECOGNIZE GOOD HEALTH AND CONTROLLING HEALTH EXPENDITURES HAS AN IMPACT ON THEIR ABILITY TO OPERATE EFFECTIVE AND PROFITABLE BUSINESSES. PEOPLE CONTACT US ALL THE TIME AND SAY REDUCE THE COST OF GOVERNMENT. OUR TWO BIGGEST EXPENDITURES: K-12 AND MEDICAID. THIS PROGRAM WILL HELP US CONTROL THOSE EXPENSES AT THE SAME TIME THAT IT HAS A FOCUS ON PROVIDING THAT ADDITIONAL COVERAGE. THESE ARE HARD DECISIONS. THEY'RE NOT GOING TO GET ANY EASIER THAN THIS. FOR THOSE OF YOU WHO COME BACK NEXT YEAR TO TAKE A LOOK AT THE BUDGET, TAKE A LOOK AT YOUR MEDICAID EXPENDITURES AND ASK THE QUESTION, WHAT ARE WE DOING TO CONTROL OUR MEDICAID EXPENDITURES IN THIS STATE? [LB1032]

PRESIDENT FOLEY: TIME, SENATOR. [LB1032]

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SENATOR GLOOR: THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB1032]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB1032 AND THE UNDERLYING AMENDMENT, AM2473, AND AGAINST THE MOTION TO BRACKET. I WANT TO TALK TO NEBRASKANS NOW. I THINK THE PEOPLE ON THE FLOOR HAVE SEEMED TO HAVE MADE UP THEIR MINDS AND SEEM IMMOVEABLE ON SOME THINGS THAT I THINK ARE IMPORTANT FOR OUR STATE. MY FRIENDS IN NEBRASKA, THIS ISSUE IS ONE THAT AFFECTS OUR FAMILY, OUR FRIENDS, OUR NEIGHBORS. AND TO PRETEND THAT WE AREN'T PAYING FOR THIS HEALTHCARE IS PATENTLY ABSURD. WE'RE PAYING TWICE. WE'RE PAYING FOR THE CHARITY CARE IN THE HOSPITALS THAT WE HAVE TO HELP FUND IN OUR COUNTY DOLLARS, AND WE'RE ALSO PAYING BY THE DOLLARS THAT WE PAID TO...OUR FEDERAL DOLLARS THAT WE PAY TO OTHER STATES THAT WE HAVE EXPANDED MEDICAID. SO I WANT YOU TO UNDERSTAND, FELLOW NEBRASKANS, THAT YOU ARE PAYING FOR THIS. AND THE WAY...THE DOLLARS THAT WE'RE PAYING ARE WAY MORE EXPENSIVE. WHEN WE START TO CHOOSE WINNERS AND LOSERS, I BELIEVE THAT WE ALL LOSE. IF YOU LOOK AT WHAT'S HAPPENING NATIONALLY RIGHT NOW, THERE'S A GREAT DEAL OF ANGER DUE TO THE PROLIFERATION OF HAVES AND HAVE-NOTS AND DUE TO THE DIMINISHING SIZE OF OUR MIDDLE CLASS. I'VE HEARD TODAY THAT THERE ARE PEOPLE WHO HAVE NO INSURANCE DUE TO WHAT AMOUNTS TO THEIR BAD ACTS, THEIR BAD HABITS, THEIR ADDICTIONS. THAT JUST...THAT DISCUSSION WILL JUST MAKE MANY NEBRASKANS JUST ANGRY LIKE WE HAVE DONE NATIONALLY. WE'RE LOSING, FELLOW NEBRASKANS, OVER \$1 BILLION. WHAT COULD THOSE DOLLARS DO FOR OUR STATE? HOW ABOUT PROPERTY TAX RELIEF? HOW ABOUT SUPPORT FOR EDUCATION? HOW ABOUT CORRECTION REFORM? A BILLION DOLLARS, NOW I KNOW AND YOU KNOW, NEBRASKA, THAT WE HAVE PEOPLE IN HERE WHO HAVE MADE A STAND POLITICALLY. BUT REALLY, WHEN WE HAVE SO MANY PEOPLE COMING TO US ABOUT THEIR PROPERTY TAXES AND THE MONEY THAT THEY WANT RELIEF FROM THE TAXES THAT ARE BEING IMPOSED UPON THEM AND YET WE'RE UNWILLING TO INJECT \$1 BILLION INTO OUR STATE? IT JUST DOESN'T MAKE SENSE. WE SHOULD BE PAST THE PALAEOLITHIC BELIEF THAT ADDICTIONS AND MENTAL HEALTHCARE ARE DUE TO SOME UNWILLINGNESS TO PICK YOURSELF UP BY THE BOOT STRAPS, TO GET BETTER, TO GET GOING, GET WORKING. WE ALL KNOW THAT'S NOT TRUE. AND WE NEED TO DO BETTER. I AGREE WITH SENATOR McCOY. EDUCATION AND INFRASTRUCTURE AND JOBS ARE REALLY IMPORTANT FOR US. BUT I THINK HE'S MISSING ONE POINT. IN OUR HOMES, WE DO FIGHT FOR THE

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EDUCATION OF OUR KIDS AND GET THEM PREPARED AND READY TO GO TO SCHOOL. AND WE DO WORK ON THE INFRASTRUCTURE OF OUR HOMES AND MAKE SURE THAT IF THERE'S A LEAK IN THE ROOF WE'RE GOING TO FIX IT SO IT DOESN'T DESTROY THE HOUSE MORE. OR IF THE DRIVEWAY IS FALLING APART, WE MAKE SURE TO FIX IT SO THAT WE CAN GET IN AND OUT OF OUR DRIVES TO BE ABLE TO GO TO WORK EVERY DAY AND TO COME HOME. AND OUR JOBS ARE IMPORTANT, MAKING SURE THAT WE'RE ALL ABLE TO WORK AND BRING HOME MONEY AND SALARY FOR OUR FAMILIES. BUT WE MISSED ONE POINT. HOW ABOUT THE HEALTHCARE OF OUR FAMILY MEMBERS? I DARE SAY THAT EVERY ONE OF YOU, IF YOU HAVE A SICK CHILD, WOULD DROP EVERYTHING,... [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR PANSING BROOKS: ...EVERYTHING TO HELP THAT CHILD. I BELIEVE...I'D PUT UP WITH A LEAKING ROOF IF I HAD TO IF I HAD TO CHOOSE BETWEEN THE DOLLARS FOR MY CHILD AND HIS HEALTHCARE VERSUS THE CHILD...VERSUS THE LEAKING ROOF. SO WE HAVE A RESPONSIBILITY, NEBRASKANS, TO HELP OUR NEIGHBORS, TO DO UNTO OTHERS, TO USE OUR DOLLARS TO STRENGTHEN THE LIVES OF ALL NEBRASKANS. I ASK YOU AS YOU WALK IN YOUR COMMUNITY OR YOU SIT AT THE DINING TABLE WITH YOUR FAMILIES, PLEASE LOOK IN THE EYES OF THE INDIVIDUALS WITH WHOM YOU...WHOSE PATHS CROSS YOURS. WHICH NEBRASKAN DESERVES LESS HEALTHCARE THAN YOU? WHICH WORKING NEBRASKAN WOULD YOU SAY, YOU JUST DESERVE TO GO AHEAD AND STRUGGLE IN YOUR ILLNESS. I TRULY DON'T BELIEVE THAT YOU BELIEVE THAT AND WE CAN DO BETTER. WE CAN BE NEBRASKA NICE. AND I'D LIKE TO THANK SENATOR McCOLLISTER AND ESPECIALLY SENATOR CAMPBELL FOR HER YEARS OF... [LB1032]

PRESIDENT FOLEY: TIME, SENATOR. [LB1032]

SENATOR PANSING BROOKS: ...CARING FOR NEBRASKANS. THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB1032]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I GUESS I'D SAY TO MY COLLEAGUES AT THIS POINT, LET US HAVE AN OPPORTUNITY TO PROVE IT TO YOU. THAT IS WHY WE SAID LET'S DO A PILOT. LET'S DO AN 1115 WAIVER AND

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GIVE US THREE YEARS TO PROVE THAT THIS CAN WORK, TO LOOK FOR THE LONG-TERM SUSTAINABILITY FACTOR. CAN WE DO IT? CAN WE SEE JOBS COMING INTO NEBRASKA? THE KEARNEY PEOPLE ESTIMATED THAT OVER THE COURSE OF THIS, 10,000, 10,000 SUSTAINABLE JOBS WOULD COME INTO THE STATE. LET US HAVE AN OPPORTUNITY TO PROVE THAT THE STATE REVENUE WILL INCREASE AS WE ALSO SAW WITH THE KEARNEY PROFESSORS. AND LET US HAVE AN OPPORTUNITY TO SEE THE PROGRAMS, STATE PROGRAMS-- BEHAVIORAL HEALTH, IN CORRECTIONS, AIDS, PREGNANCY-- THAT WE CAN LOWER THE AMOUNT OF THE STATE DIME THAT WE'RE PUTTING INTO THESE PROGRAMS. WHAT IS INTERESTING TO ME IS THE LATEST STUDY THAT WE'VE HAD A CHANCE TO TAKE A LOOK AT IS IN COLORADO, A NEIGHBORING STATE. AND ACCORDING TO A REPORT COMMISSIONED BY THE COLORADO HEALTH FOUNDATION, MEDICAID EXPANSION HAS HAD A SIGNIFICANT POSITIVE IMPACT ON COLORADO'S ECONOMY. THE REPORT FOUND THAT THE STATE ADDED MORE THAN 30,000 JOBS AND RAISED ANNUAL HOUSEHOLD EARNINGS BY \$643. COLORADO ALSO SAW AN INCREASE OF \$3.8 BILLION TO THE ECONOMY DUE TO MEDICAID. THAT'S A SIGNIFICANT REPORT THAT HAS JUST COME OUT FROM COLORADO. AN OPPORTUNITY TO PROVE THAT WHAT WE SAY WORKS. IF IT DOESN'T, THEN IN THREE YEARS THE PROGRAM LAPSES. BUT TO SAY TO 97,000 NEBRASKANS, I'M SORRY, YOUR HEALTHCARE IS NOT AS IMPORTANT AS THE REST OF US. AND IF YOU'RE IN THE GAP, 0-100 PERCENT, YOU HAVE NO OTHER OPTION. YOU ARE NOT ELIGIBLE FOR SUBSIDIES ON THE EXCHANGE AND MOST LIKELY YOU DON'T HAVE THE INCOME TO AFFORD. PEOPLE SAY, WELL, SO MANY PEOPLE ARE GOING TO CLAMOR TO DO THIS. NEBRASKANS AREN'T LIKE THIS. RIGHT NOW, NEBRASKA IS ONE OF ONLY THREE STATES WHERE MEDICAID PARTICIPATION IN THIS STATE WENT DOWN. IN FACT, NEBRASKA IS 51st, 51st IN THE PERCENTAGE OF PEOPLE WHO ARE ELIGIBLE IN A STATE THAT DO NOT TAKE ADVANTAGE OF IT. THAT IS SIGNIFICANT. I WANT TO ALSO SAY THAT SO MUCH OF WHAT WE TALK ABOUT IS FACTS AND FIGURES, AND BOTH SIDES USE FACTS AND FIGURES, BUT THIS IS REALLY ABOUT PEOPLE. THIS IS REALLY ABOUT THE WORKING NEBRASKANS WHO SPENT EVERY DAY MAKING OUR ECONOMY BETTER. MY HUSBAND SAID TO ME THREE YEARS AGO THAT I WAS GOING ABOUT THIS ALL WRONG. AND HE SAID--AS WE ALL KNOW, HUSBANDS CAN POINT THINGS OUT LIKE THAT--AND SAID, WHAT YOU OUGHT TO BE DOING IS BILLING THIS AS AN ECONOMIC DEVELOPMENT BILL. [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR CAMPBELL: AT THAT POINT, WE WERE LOOKING AT \$2.8 BILLION IF WE DID ALL THE YEARS AND 10,000 SUSTAINABLE JOBS. IF SOMEBODY SHOWED UP

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AND GAVE US THE SAME KIND OF FIGURES FOR AN ECONOMIC DEVELOPMENT, DICK SAID, IT WOULD BE 49-0. BUT BECAUSE IT'S HEALTHCARE FOR NEBRASKANS, PEOPLE WHO NEED THAT HELP, WE GO, OH, YOU BETTER FIND A WAY TO FINANCE THIS. AND THAT'S WHY WE LOOKED AT THE HEALTH CARE CASH FUND BECAUSE IF ANYTHING, THE HEALTH CARE CASH FUND SHOULD BE USED FOR THE HEALTH OF ALL NEBRASKANS. THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SENATOR COOK, YOU'RE RECOGNIZED. [LB1032]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I RISE IN OPPOSITION TO THE BRACKET MOTION, IN SUPPORT OF AM2473 AND LB1032. THIS IS ALSO MY SENIOR YEAR IN THE LEGISLATURE AND THIS IS MY FOURTH TIME SUPPORTING A BILL THAT WOULD OFFER AN OPPORTUNITY FOR MEDICAL COVERAGE FOR WORKING NEBRASKANS. I AM PROUD TO REPRESENT LEGISLATIVE DISTRICT 13. THERE ARE 2,024 PEOPLE WHO COULD BENEFIT FROM THE PASSAGE OF THIS BILL PROPOSAL. THEY ARE GETTING UP AND GOING TO WORK EVERY DAY. WHAT THIS BILL WOULD DO IN ORDER THAT THEY CAN CONTINUE TO GET UP AND WORK AND SUPPORT THEMSELVES AND IDEALLY MOVE UP IN THE WORLD AND BE ABLE TO SUPPORT THEIR OWN HEALTH COSTS IS SUPPORTED IN THE LANGUAGE PUT FORWARD IN THIS BILL PROPOSAL TODAY. IT EMPHASIZES PERSONAL RESPONSIBILITY. MANY OF US OVER THE FOUR YEARS AND EVEN BEFORE THAT--I, TOO, SERVED ON HEALTH AND HUMAN SERVICES--HEARD THE HORROR STORIES OF PEOPLE SHOWING UP, USUALLY A LITTLE BIT TOO LATE TO MANAGE THEIR CHRONIC DISEASES IN THE EMERGENCY ROOM, THE MOST EXPENSIVE PLACE TO GET SERVICES. WHAT THIS BILL DOES IS SEVERAL THINGS SO THAT PEOPLE CAN MANAGE THEIR CHRONIC DISEASE OR MAYBE EVEN PREVENT THE ONSET OF CHRONIC DISEASES SUCH AS HIGH BLOOD PRESSURE, DIABETES. THESE DISEASES ARE RAMPANT WITHIN MY COMMUNITY. I SUPPORT LB1032 FOR THOSE REASONS. I WOULD ALSO LIKE TO POINT PEOPLE IN THE DIRECTION OF THE INFORMATION AVAILABLE THROUGH THE LEGISLATURE'S LONG-TERM PLANNING COMMITTEE. THERE HAVE BEEN SEVERAL REPORTS AND ANALYSES DONE ON THE CURRENT USE OF MEDICAID. I'M LOOKING AT ONE DATED FROM NOVEMBER OF 2015. IT'S ENTITLED "SOME MEASURES OF MEDICAID IN NEBRASKA." AND IF YOU'RE WONDERING ONCE AGAIN WHO THESE PEOPLE ARE, OTHER THAN YOUR HARDWORKING NEIGHBORS, YOU CAN FIND OUT ABOUT THE PEOPLE WHO ARE CURRENTLY ACCESSING MEDICAID: CERTAINLY NOT PEOPLE WHO ARE RESTING ON THEIR COUCHES AND BASEMENTS, BUT PEOPLE

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WHO ARE GETTING UP EVERY DAY AND GOING OUT TO WORK. WE NEED TO SUPPORT THEM AS THEY SEEK TO SUPPORT THEMSELVES AND THEIR FAMILIES. WITH THAT, MR. PRESIDENT, I WOULD LIKE TO YIELD THE BALANCE OF ANY TIME I HAVE TO SENATOR McCOLLISTER. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. SENATOR McCOLLISTER, 2:00 HAS BEEN YIELDED TO YOU. [LB1032]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR COOK. AS MOST OF YOU KNOW, THIS IS FOURTH ITERATION OF MEDICAID IN NEBRASKA AND WE CONTEND IT'S THE MOST CONSERVATIVE AND FISCALLY RESPONSIBLE MEDICAID PROGRAM THAT WE'VE ACTUALLY INTRODUCED IN NEBRASKA. I'M ABSOLUTELY SURE THAT AT SOME POINT WE'RE GOING TO REACH A TIPPING POINT ON MEDICAID EXPANSION IN NEBRASKA. WE'LL FINALLY REALIZE IT'S IN THE BEST INTEREST OF THE STATE AND THAT WE CAN, IN FACT, COUNT ON THE FEDERAL GOVERNMENT TO LIVE UP TO ITS OBLIGATIONS. IF NOT TODAY, WHEN WILL THAT TIPPING POINT OCCUR? WHAT NEEDS TO HAPPEN, A NEW PRESIDENT PERHAPS? MAYBE WE NEED TO HAVE SOME RURAL HOSPITAL IN NEBRASKA FAIL? BUT IN ANY CASE AT SOME POINT, WE NEED TO CONTINUE THIS CONSTRUCTIVE DISCUSSION WE'VE HAD ABOUT MEDICAID IN NEBRASKA AND THIS DISCUSSION NEEDS TO INCLUDE THE GOVERNOR. HE NEEDS TO ENGAGE WITH US IN A GOOD-FAITH EFFORT TO FIND A NEBRASKA SOLUTION FOR MEDICAID IN THIS STATE. [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR McCOLLISTER: A SOLUTION THAT'S RESPONSIBLE, A SOLUTION THAT FITS...THAT MEETS THE NEEDS OF NEBRASKA CITIZENS, AND A SOLUTION THAT WILL RESOLVE THE 97,000 NEBRASKANS THAT DON'T HAVE INSURANCE. THEY NEED HEALTHCARE AND WE SHOULD BE ON THE HOOK TO HELP THEM FIND THAT HEALTHCARE. THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB1032]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I'VE STUDIED THIS BILL FOR TWO YEARS NOW, SERVED ON THE HEALTH AND HUMAN SERVICES COMMITTEE AND I ELECTED NOT TO BRING IT OUT ON BOTH OCCASIONS. IT'S NOT THAT WE DON'T WANT TO COVER PEOPLE THAT DON'T HAVE HEALTHCARE.

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UNFORTUNATELY OR FORTUNATELY, HOWEVER YOU WANT TO LOOK AT IT, I'M IN THE INSURANCE BUSINESS AND I DEAL WITH THIS ON A DAILY BASIS IN MY BUSINESS. AND I HAVE EVER SINCE THE AFFORDABLE HEALTHCARE CAME INTO FORCE IN 2010. MY BIGGEST CHALLENGE WITH THIS WHOLE SITUATION IS THIS, I DEAL WITH PEOPLE EVERY DAY THAT COME WALKING INTO THE OFFICE AND THEY SAY, I NEED HEALTH INSURANCE. NOW THAT WE HAVE THE AFFORDABLE CARE ACT, THE ONLY TIME THEY CAN EVEN APPLY IS BETWEEN A CERTAIN PERIOD OF TIME TOWARDS THE END OF THE YEAR DURING OPEN ENROLLMENT. BUT WHEN THEY COME IN, THEY HAVE TO BRING THEIR FINANCIAL STATEMENTS AND THEY HAVE TO SHOW US HOW THEY QUALIFY. AND THEY GO...IT GOES ANYWHERE FROM 100 PERCENT OF POVERTY UP TO 400 PERCENT OF POVERTY IF THEY'RE ELIGIBLE FOR A SUBSIDY. AND SO WE TRY TO PLACE THOSE PEOPLE WHERE THEY FIT AND WE LOOK AT THE DIFFERENT OPTIONS THAT ARE AVAILABLE TO THEM. BUT THE CHALLENGE THAT I SEE IS, THOSE PEOPLE THAT ARE OUTSIDE OF THE 400 PERCENT OF POVERTY, THOSE PEOPLE THAT ARE MAKING A LIVING AND THEY'RE PAYING THE BILLS AND THEY'RE PAYING TAXES AND THEY'RE HARDWORKING NEBRASKANS JUST LIKE THOSE THAT AREN'T ELIGIBLE. WE HAVE A PROBLEM WITH THE HEALTHCARE DELIVERY SYSTEM IN THIS STATE AND IN THIS NATION. THE PROBLEM THAT WE HAVE IS WHEN CONGRESS PASSED THIS BILL, THEY MADE IT SO THAT ANYBODY UP TO 400 PERCENT OF POVERTY COULD GET A SUBSIDY AND THEY FORGOT THE PEOPLE ON THE BOTTOM END. AND SO UNTIL WE REALLY CORRECT THE PROBLEM ON THE FEDERAL LEVEL, WE'RE GOING TO BE FACING THIS PROBLEM YEAR IN AND YEAR OUT. SO AS AN EXAMPLE IN THIS PARTICULAR CASE, IF WE PASS THIS BILL, WE'RE GOING TO BE PASSING A BILL THAT ALLOWS US TO TAKE PEOPLE ALL THE WAY UP TO 138 PERCENT OF POVERTY. THEY'RE ALREADY ELIGIBLE IF THEY'RE BETWEEN 100 AND 138. SO THERE'S SOME DUPLICATION THERE. THE REAL ISSUE THOUGH IS IT'S NOT AFFORDABLE FOR EVERYBODY, NOT JUST THOSE THAT DON'T HAVE HEALTHCARE. EVERYBODY IS GETTING SOME SORT OF BENEFIT. WE'RE PAYING FOR IT BY PAYING INCREASED PREMIUMS, PROBABLY 13-14 PERCENT OF OUR PREMIUMS ARE INCREASED...A 14 PERCENT INCREASE BECAUSE OF THE UNINSURED. SO WE'RE PAYING FOR THOSE PEOPLE THAT ARE GOING TO THE EMERGENCY CARE. BUT FOR A FAMILY OF FOUR, I'LL JUST GIVE YOU AN EXAMPLE WHAT WE'RE UP AGAINST HERE, FOLKS. A FAMILY OF FOUR THAT THEY'RE ELIGIBLE, A PLAN FOR THEM FOR A \$6,000 DEDUCTIBLE WILL COST \$800 A MONTH. THAT'S NO SUBSIDIES. THAT'S \$9,600 A YEAR. THAT GIVES THEM THE ABILITY TO HAVE A \$6,000 DEDUCTIBLE. SO THEY CAN'T USE THEIR HEALTH INSURANCE UNTIL THEY GET TO \$6,000. AND FOR A FAMILY, IT'S \$12,000. SO WE'RE TALKING A MINIMUM OF \$15,000 BEFORE THEY CAN EVEN START TO COLLECT BENEFITS. SURE, THEY GET SOME ESSENTIAL HEALTH BENEFITS. THEY

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CAN GO IN ONCE A YEAR AND HAVE A MAMMOGRAPHY AND HAVE A PAP SMEAR AND GO GET YOUR BLOOD DRAWN AND HAVE A WELLNESS CHECKUP. BUT THEN THE OPPOSITE OF THAT IS TO BUY THE BEST PLAN ON THE MARKET AND THAT'S LIKE \$1,000 DEDUCTIBLE. THAT'S \$18,000 A YEAR, \$1,500 A MONTH. HOW MANY PEOPLE CAN AFFORD \$18,000 A YEAR IN PREMIUMS, THEN PAY THEIR DEDUCTIBLE? THEY'RE LOOKING AT \$20,000 BEFORE THEY CAN REALLY...THEY REALLY GET THE BENEFIT OF THE... [LB1032]

PRESIDENT FOLEY: ONE MINUTE. [LB1032]

SENATOR KOLTERMAN: ...HEALTH INSURANCE THERE. SO WHEN WE TALK ABOUT THIS PLAN, IT'S LITERALLY UNAFFORDABLE FOR EVERYONE. IT'S NOT JUST THE PEOPLE THAT ARE ON THE BOTTOM END. IT'S THE PEOPLE THAT ARE PAYING THE PREMIUMS THEMSELVES AS WELL. SO WHEN IT COMES TO THE TIME TO PAY THE BILLS, WE HAVE TO MAKE DECISIONS HERE. WE HAVE EDUCATION, WE HAVE PROPERTY TAXES, WE HAVE ROADS, WE HAVE CORRECTIONS. WHERE ARE WE GOING TO COME UP WITH THIS EXTRA MONEY? WHERE ARE WE GOING TO DO THIS? YEAH, MAYBE WE ARE PASSING ON SOME FEDERAL MONEY, BUT I WOULD ALSO TELL YOU THAT THAT FEDERAL MONEY IS OUR MONEY. I DON'T KNOW HOW MANY OF YOU PAY A CHECK EVERY QUARTER BUT I SEND A PRETTY NICE CHECK EVERY QUARTER TO THE FEDERAL GOVERNMENT. SO THAT'S NOT FREE MONEY COMING BACK TO US. THAT'S OUR MONEY, BUT IT'S NOT FREE. AND THE LAST TIME I CHECKED, THE FEDERAL GOVERNMENT WAS OUT OF MONEY. SO I JUST CAN'T SEE HOW WE CAN AFFORD TO PASS THIS BILL. I UNDERSTAND THE NEED. I'VE TALKED TO SENATOR McCOLLISTER, MY COLLEAGUES MELLO AND CAMPBELL. [LB1032]

PRESIDENT FOLEY: TIME, SENATOR. [LB1032]

SENATOR KOLTERMAN: I'D LIKE TO DO SOMETHING, BUT I DON'T KNOW HOW WE'RE GOING TO DO IT. THANK YOU. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1032]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I'D LIKE TO CALL THE QUESTION. [LB1032]

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PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? [LB1032]

SENATOR MORFELD: MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: SENATOR MORFELD. [LB1032]

SENATOR MORFELD: I CHALLENGE THE RULING OF THE CHAIR THAT THERE'S BEEN FULL AND FAIR DEBATE. [LB1032]

PRESIDENT FOLEY: SENATOR MORFELD, WOULD YOU APPROACH THE DESK, PLEASE? THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1032]

CLERK: 25 AYES, 14 NAYS TO CEASE DEBATE. [LB1032]

PRESIDENT FOLEY: DEBATE DOES CEASE. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO CLOSE ON YOUR BRACKET MOTION. [LB1032]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. AGAIN, I WILL BE VERY BRIEF. THIS IS A TEST VOTE THAT WE SAID WE NEEDED TO HAVE EARLY ON. THE TIME HAS COME TO TAKE THAT VOTE. BEAR IN MIND, THE IDEA THAT THE FEDERAL GOVERNMENT WILL ALWAYS LIVE UP TO ITS PROMISES IS NOT ACCURATE. ALL WE HAVE TO DO IS LOOK AT SPECIAL EDUCATION IN NEBRASKA WHERE THEY PROMISED 40 PERCENT AND ARE PAYING ABOUT 17 (PERCENT). THANK YOU, MR. PRESIDENT. [LB1032]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. MEMBERS, YOU'VE HEARD THE DISCUSSION ON...THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB1032]

CLERK: 42 AYES, 1 NAY TO PLACE THE HOUSE UNDER CALL, MR. PRESIDENT. [LB1032]

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PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE OF THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR LARSON, THE HOUSE IS UNDER CALL. ALL MEMBERS ARE PRESENT. THE QUESTION BEFORE US IS THE ADOPTION OF THE BRACKET MOTION. SENATOR BLOOMFIELD HAS REQUESTED A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK, PLEASE CALL THE ROLL. [LB1032]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1247.) 28 AYES, 20 NAYS, MR. PRESIDENT, TO BRACKET THE BILL. [LB1032]

PRESIDENT FOLEY: THE BRACKET MOTION IS ADOPTED. I RAISE THE CALL. ARE THERE ANY ITEMS FOR THE RECORD, MR. CLERK? [LB1032]

CLERK: THERE ARE, MR. PRESIDENT, IF I MAY. THANK YOU, MR. PRESIDENT. I HAVE A REFERENCE REPORT REFERRING GUBERNATORIAL APPOINTEE TO STANDING COMMITTEE FOR CONFIRMATION HEARINGS. A NEW RESOLUTION, LR531 BY SENATOR GLOOR. THAT WILL BE LAID OVER. AND, MR. PRESIDENT, A MOTION FROM SENATOR CHAMBERS WITH RESPECT TO LB1056. THAT WILL BE LAID OVER AT THIS TIME. THAT'S ALL I HAVE, MR. PRESIDENT. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1248-1249.) [LR531 LB1056]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. PROCEEDING NOW TO THE AGENDA, GENERAL FILE, 2016 SENATOR PRIORITY BILLS. MR. CLERK.

CLERK: MR. PRESIDENT, LB1012 IS A BILL ORIGINALLY INTRODUCED BY SENATOR MELLO. (READ TITLE.) INTRODUCED ON JANUARY 15 OF THIS YEAR, REFERRED TO THE URBAN AFFAIRS COMMITTEE FOR PUBLIC HEARING. COMMITTEE ADVANCED THE BILL TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM2253, LEGISLATIVE JOURNAL PAGE 708.) [LB1012]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB1012. [LB1012]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. LB1012 IS A BILL THAT WOULD ADOPT THE PROPERTY ASSESSED CLEAN ENERGY ACT. IN 2010, I BROUGHT, INITIALLY, LB1098, WHICH WOULD HAVE SIMILARLY

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HAVE BROUGHT PACE, BETTER KNOWN AS PACE FINANCING, TO THE STATE OF NEBRASKA. VARIOUS ISSUES WITH RESIDENTIAL MORTGAGE PRIORITY STATUS AND POTENTIAL FINANCIERS ENDED UP SIDELINING LB1098 IN 2010. AND UNTIL THIS PAST FALL, WHEN THE FHA ANNOUNCED IT HAD REACHED AN AGREEMENT WITH THE BANKING INDUSTRY, AND I'VE DECIDED TO BRING BACK THE CONCEPT AGAIN OF PACE IN LB1012. LB1012, AS WRITTEN, WOULD PROVIDE ENABLING LEGISLATION TO MUNICIPALITIES TO CREATE, BY CITY ORDINANCE, A SPECIAL DISTRICT KNOWN AS A CLEAN ENERGY ASSESSMENT DISTRICT. THE PURPOSE OF THE DISTRICT IS TO ENCOURAGE, ACCOMMODATE, AND PROVIDE A MEANS FOR PROPERTY OWNERS TO FINANCE ENERGY EFFICIENCY IMPROVEMENTS, SUCH AS RETROFITTING INSTALLATION OF RENEWABLE ENERGY IMPROVEMENTS IN RESIDENTIAL AND/OR COMMERCIAL PROPERTIES. LB1012 WOULD ALLOW MUNICIPALITIES TO ARRANGE FINANCING FOR RESIDENTIAL/COMMERCIAL PROPERTY OWNERS TO MAKE THESE ENERGY EFFICIENCY IMPROVEMENTS TO THEIR OWN PROPERTIES. PROPERTY OWNERS WOULD HAVE TO OPT INTO THE PROGRAM AND THE LOAN, INCLUDING THE INTEREST RATES AND ADMINISTRATIVE FEES, WOULD BE REPAID THROUGH THE PROPERTY OWNERS' PROPERTY TAX BILL OVER A LENGTH OF TIME, UP TO 20 YEARS. ELIGIBLE IMPROVEMENTS WOULD INCLUDE ANYTHING FROM INSTALLATIONS OR MODIFICATIONS TO REDUCE ENERGY CONSUMPTION, SUCH AS ENERGY-EFFICIENT WINDOWS, DOORS, UPGRADED HVAC SYSTEMS, WEATHER STRIPPING, ENERGY-EFFICIENT FIXTURES, AS WELL AS INSTALLATION AND MUCH MORE. AS WRITTEN, THE LANGUAGE IN LB1012 RESTRICTS UPDATES TO THE IMPROVEMENT THAT IS DESIGNED SPECIFICALLY TO REDUCE ENERGY CONSUMPTION. WHILE ENERGY EFFICIENCY IMPROVEMENTS CAN SIGNIFICANTLY DECREASE A PROPERTY'S ENERGY USE AND, THEREFORE, AN OWNER'S UTILITY BILLS, THEY OFTEN REQUIRE HIGH UP-FRONT COSTS TO INSTALL THOSE INSTALLATIONS. THIS IS A SIGNIFICANT HURDLE FOR MANY WORKING FAMILIES AND BUSINESS OWNERS ACROSS THE STATE OF NEBRASKA TO LOOK FOR TRADITIONAL FINANCING MECHANISMS. PROPERTY ASSESSED CLEAN ENERGY BONDS OR LOANS, BETTER KNOWN AS PACE, IS THE CONCEPT HELPS TO ELIMINATE THIS BARRIER BY ALLOWING PROPERTY OWNERS TO PAY FOR THE ENERGY EFFICIENCY IMPROVEMENTS THROUGH THEIR PROPERTY TAX BILL STATEMENTS ON A BIENNIAL OR ANNUAL BASIS. BECAUSE PROPERTY TAXES TRANSFER WITH THE PROPERTY WHEN IT IS SOLD, THE COSTS ASSOCIATED WITH THE ENERGY EFFICIENCY UPGRADES ARE REPAID OVER TIME BY THE PERSON BENEFITING FROM THE IMPROVEMENT--THE ACTUAL PROPERTY OWNER. THE ISSUE I SPOKE OF WITH LB1098 BACK IN 2010 WAS PRIMARILY THE LIEN STATUS OF A RESIDENTIAL PACE LOAN. FOLLOWING THE FHA'S ANNOUNCEMENT THIS PAST FALL, I'VE WORKED WITH A NUMBER OF

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STAKEHOLDERS, AS WELL AS REPRESENTATIVES FROM THE BANKING INDUSTRY, TO DRAFT THE BILL YOU HAVE IN FRONT OF YOU, AS WELL AS THE COMMITTEE AMENDMENT AND A FORTHCOMING AMENDMENT I HAVE TO THE COMMITTEE AMENDMENT. AS WRITTEN, LB1012 WOULD PROVIDE ANY MORTGAGE ON THE PROPERTY TO TAKE A PRIORITY IN THE CASE OF FORECLOSURE. FOLLOWING THE PUBLIC HEARING, THERE WAS STILL A SMALL NUMBER OF OUTSTANDING ISSUES THAT REMAINED, AND MY OFFICE HAS CONTINUED TO WORK WITH ALL THE INTERESTED PARTIES. I AM CONFIDENT TO SAY THAT EVERYONE INVOLVED WITH LB1012 HAS HAD THEIR CONCERN ADDRESSED IN THE FORTHCOMING AMENDMENT, AM2602, IN ADDITION TO THE COMMITTEE AMENDMENT, AM2253. ACROSS THE COUNTRY, PACE-ENABLING LEGISLATION HAS PASSED IN 32 OTHER STATES PLUS THE WASHINGTON, D.C., AREA. AND THERE ARE CURRENTLY 2,059 MUNICIPALITIES WITH ACTIVE PACE PROGRAMS. LB1012 IS GOOD FOR HOMEOWNERS AS WELL AS COMMERCIAL PROPERTY OWNERS BY NOT ONLY REDUCING THEIR ENERGY CONSUMPTION BUT ALSO, OBVIOUSLY, REDUCING THEIR ENERGY BILLS. ADDITIONALLY, LB1012 HAS THE POTENTIAL TO CREATE NEW JOBS AND NEW INDUSTRIES IN NEBRASKA BY INCREASING THE DEMAND ON THE CONSTRUCTION INDUSTRY, AS WELL AS THE HOME ENERGY UPGRADE INDUSTRY. A RECENT UNIVERSITY OF CALIFORNIA STUDY SHOWS THAT IF PACE WERE IMPLEMENTED WIDELY ACROSS THE UNITED STATES, IT COULD INFUSE MORE THAN \$280 BILLION IN THE ECONOMY DUE TO THE NUMBER OF FINANCING MECHANISMS AVAILABLE. THE SAME STUDY SHOWED POSITIVE ENVIRONMENTAL BENEFITS AS WELL RESULTING FROM PACE PROGRAMS ACROSS THE COUNTRY. LB1012 CREATES THE PROPERTY ASSESSED CLEAN ENERGY ACT BY ENABLING MUNICIPALITIES TO CREATE THESE DISTRICTS TO PROVIDE PROPERTY OWNERS A CHOICE THAT CURRENTLY IS NOT AVAILABLE TO THEM WHEN CONTEMPLATING SAVING UPGRADES TO THEIR HOME PROPERTY. WITH THAT, COLLEAGUES, I'D LIKE TO THANK CHAIRWOMAN CRAWFORD AND THE URBAN AFFAIRS COMMITTEE WHO VOTED THIS OUT ON A 5-0 VOTE. THE OTHER TWO MEMBERS OF THE COMMITTEE WHO DID NOT VOTE I'VE TALKED WITH, ARE SUPPORTIVE OF THE BILL, AND ALL OF THE COMMITTEE ARE COSPONSORS OF THE BILL, AS WELL AS I'D LIKE TO THANK SENATOR KEN HAAR FOR MAKING LB1012 HIS PRIORITY BILL FOR THIS UPCOMING SESSION. WITH THAT, I'D URGE THE BODY TO ADOPT LB1012, THE COMMITTEE AMENDMENT, AND MY FORTHCOMING AMENDMENT TO THE COMMITTEE. THANK YOU, MR. PRESIDENT. [LB1012]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. (VISITORS INTRODUCED.) AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE URBAN AFFAIRS

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COMMITTEE. SENATOR CRAWFORD, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON AM2253. [LB1012]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THE COMMITTEE AMENDMENT, AM2253, IS A WHITE COPY AMENDMENT THAT REPLACES THE BILL. THE AMENDMENT INCORPORATES A NUMBER OF CHANGES THAT WERE NEGOTIATED BY SENATOR MELLO AND HIS OFFICE WITH INTERESTED PARTIES, INCLUDING THE NEBRASKA BANKERS ASSOCIATION, THE NEBRASKA REALTORS ASSOCIATION, THE LINCOLN INDEPENDENT BUSINESS ASSOCIATION, AND MULTIPLE ORGANIZATIONS THAT ARE ENGAGED IN PACE FINANCING IN OTHER STATES. SENATOR MELLO HAS ANOTHER WHITE COPY AMENDMENT PENDING THAT MAKES ADDITIONAL CHANGES TO THE BILL. SO I WILL FOCUS ON THE MAJOR CHANGES CONTAINED IN THE COMMITTEE AMENDMENT THAT WILL REMAIN IN PLACE AFTER SENATOR MELLO'S AMENDMENT. FIRST, THE AMENDMENT ADDS DEFINED TERMS FOR "ASSESSMENT CONTRACT" AND "ENERGY-EFFICIENT RELATED ITEMS," AND ALLOWS ENERGY EFFICIENCY RELATED ITEMS TO BE FINANCED THROUGH PACE SO LONG AS THE COSTS OF EACH ITEM DOES NOT EXCEED 25 PERCENT OF THE TOTAL COSTS OF THE PROJECT. SECOND, THE AMENDMENT CLARIFIES WHEN APARTMENT BUILDINGS WOULD BE CLASSIFIED AS RESIDENTIAL PROPERTY OR COMMERCIAL PROPERTY UNDER THE ACT. APARTMENT BUILDINGS WITH MORE THAN FOUR UNITS WOULD BE CLASSIFIED AS COMMERCIAL PROPERTY, WHILE BUILDINGS WITH FOUR OR FEWER UNITS WOULD BE CLASSIFIED AS SINGLE-FAMILY RESIDENTIAL PROPERTY. THIRD, THE AMENDMENT BIFURCATES THE REQUIREMENTS FOR RESIDENTIAL PACE FINANCING AND NONRESIDENTIAL PACE FINANCING. SINCE SINGLE-FAMILY RESIDENTIAL PACE PROGRAMS MUST MEET PENDING GUIDELINES TO BE ISSUED BY THE FEDERAL HOUSING ADMINISTRATION AND THE FEDERAL HOUSING FINANCE AGENCY, THE AMENDMENT MAINTAINS THE REQUIREMENT THAT SINGLE-FAMILY RESIDENTIAL PACE LIENS ARE SUBORDINATE TO A FIRST MORTGAGE OR TRUST DEED. IN THE CASE OF NONRESIDENTIAL PROPERTY, PACE LIENS HAVE THE SAME PRIORITY AND STATUS AS A PROPERTY TAX LIEN, BUT THE PROPERTY OWNER MUST OBTAIN CONSENT AND SUBORDINATION AGREEMENT FROM EXISTING MORTGAGE HOLDERS AND TRUST DEED BENEFICIARIES BEFORE UTILIZING PACE FINANCING. FOURTH, THE AMENDMENT CHANGES THE REQUIRED ITEMS THAT MUST BE INCLUDED IN THE ORDINANCE CREATING THE CLEAN ENERGY ASSESSMENT DISTRICT AND PROVIDES GREATER DETAIL ON THE REQUIREMENTS OF THE ASSESSMENT CONTRACT BETWEEN THE MUNICIPALITY AND THE OWNER OF THE QUALIFYING PROPERTY. COPIES OF THE ASSESSMENT CONTRACTS MUST BE FILED WITH THE COUNTY ASSESSOR IN THE COUNTY IN

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WHICH THE PROPERTY IS LOCATED. FIFTH, THE AMENDMENT CLARIFIES THAT PACE ASSESSMENTS CAN ONLY BE SOUGHT FROM EITHER THE ORIGINAL OWNERS OR SUBSEQUENT PURCHASERS OF QUALIFYING PROPERTY SUBJECT TO AN ASSESSMENT CONTRACT, AND THAT THE PACE BONDS ISSUED ARE NOT GENERAL OBLIGATION BONDS AND SHALL ONLY BE SECURED BY PAYMENTS OF PACE ASSESSMENTS SUBJECT TO AN ASSESSMENT CONTRACT. SIXTH, THE AMENDMENT REQUIRES VOTER APPROVAL FOR ANY PACE BOND THAT EXCEEDS \$5 MILLION, WHICH WAS A CHANGE THAT WAS REQUESTED BY THE LINCOLN INDEPENDENT BUSINESS ASSOCIATION. FINALLY, THE AMENDMENT ALLOWS TWO OR MORE MUNICIPALITIES TO ENTER INTO AN AGREEMENT PURSUANT TO THE INTERLOCAL COOPERATION ACT FOR THE JOINT ADMINISTRATION OF THEIR PACE PROGRAMS. AS I NOTED EARLIER, SENATOR MELLO'S AM2602 IS A WHITE COPY AMENDMENT THAT WILL REPLACE THE COMMITTEE AMENDMENT. I WANT TO THANK SENATOR MELLO AND HIS STAFF FOR ALL THEIR WORK BRINGING TOGETHER THE INTERESTED PARTIES FOR THIS BILL AND FOR INCLUDING COMMITTEE LEGAL COUNSEL IN THOSE ONGOING DISCUSSIONS. I WOULD ASK FOR YOUR GREEN VOTE TO ADOPT AM2253 AND SENATOR MELLO'S FORTHCOMING AM2602, AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB1012]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: MR. CLERK FOR ANOTHER AMENDMENT? [LB1012]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR MELLO WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM2602. (LEGISLATIVE JOURNAL PAGE 1014.) [LB1012]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON AM2602. [LB1012]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AM2602 TO THE COMMITTEE AMENDMENT, AM2253, BECOMES THE NEW BILL AND REPRESENTS THE WORK FOLLOWING THE PUBLIC HEARING ON LB1012 TO WORK OUT ANY OF THE REMAINING ISSUES IN REMOVING OPPOSITION FROM THE BILL THAT WAS PRESENTED AT THE PUBLIC HEARING. THROUGHOUT THIS PROCESS, AS SENATOR CRAWFORD JUST DESCRIBED, WE'VE WORKED EXTENSIVELY TO TRY TO ADDRESS ANY CONCERNS THAT MAY HAVE BEEN BROUGHT FORWARD. WE WORKED WITH THE NEBRASKA BANKERS

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ASSOCIATION, PACE FINANCIERS, THE NEBRASKA REALTORS ASSOCIATION, THE NEBRASKA HOME BUILDERS ASSOCIATION, THE LINCOLN INDEPENDENT BUSINESS ASSOCIATION, ENERGY STUDIO. AND AS SENATOR CRAWFORD MENTIONED, WE ARE GRATEFUL TO HAVE THE URBAN AFFAIRS LEGAL COUNSEL INVOLVED IN THIS TO ASSIST, OBVIOUSLY, WITH THE DRAFTING AND CLARIFYING ANY COMPONENTS THAT NEEDED TO BE MADE WITH ANY OF THE AMENDMENTS TO THE BILL. THE REMAINING TECHNICAL ISSUES IN AM2602 THAT'S NOT INCLUDED IN THE COMMITTEE AMENDMENT INCLUDES THE ADDITION OF INDUSTRIAL PROPERTY AS AN ELIGIBLE PROPERTY FOR PACE FINANCING, DEFINITIONAL CHANGES DIFFERENTIATING THE DIFFERENCE BETWEEN HAZARDOUS AND NONHAZARDOUS BIOMASS, REQUIRES THAT RESIDENTIAL PACE PROGRAMS WILL COMPLY WITH DIRECTIVES OR GUIDELINES ISSUED BY THE FEDERAL HOUSING ADMINISTRATION OR THE FEDERAL HOUSING FINANCE AGENCY, CLARIFICATION THAT SHALL BE INCLUDED IN AN ASSESSMENT CONTRACT AND HOW THAT ASSESSMENT SHALL BE FILED WITH CORRESPONDING COUNTY OR REGISTER OF DEEDS. IT REWRITES SECTION 6 BY FURTHER BIFURCATING RESIDENTIAL AND NONRESIDENTIAL PACE. PRIMARILY THERE'S THREE SECTIONS. SECTION 6(1) PROVIDES THAT NONRESIDENTIAL PACE ASSESSMENTS BECOME A LIEN UPON BECOMING DELINQUENT, AND RESIDENTIAL PACE ASSESSMENTS CONSTITUTE A LIEN UPON THE INITIAL ANNUAL ASSESSMENT. SECTION 6(3)(b) CLARIFIES THAT NONRESIDENTIAL PACE LIENS HAVE THE SAME PRIORITY AND STATUS AS REAL PROPERTY TAX LIENS, NOT SPECIAL ASSESSMENTS. AND SECTION 6(4) PROVIDES THAT UPON THE TRANSFER OF OWNERSHIP OF THE PROPERTY WITH A PACE LIEN, THE NONDELINQUENT ANNUAL ASSESSMENTS ON THE PROPERTY SHALL CONSTITUTE AS THE LIEN ON THE PROPERTY. WE ALSO MAKE A CHANGE IN SECTION 7 WHICH ADDRESSES THE ISSUE BROUGHT UP BY THE LINCOLN INDEPENDENT BUSINESS ASSOCIATION. WE'VE INCLUDED A REQUIREMENT THAT A VOTE OF THE PEOPLE BEFORE PACE FINANCING CAN BE USED TO FINANCE PROJECTS ON ANY PUBLICLY OWNED BUILDINGS AND IT SETS A SINGLE BOND CAP AT \$5 MILLION. THERE'S ALSO CLARIFYING LANGUAGE THAT ENSURES THAT ANY BONDS MUST BE REVENUE BONDS AND NOT GENERAL OBLIGATION BONDS WITH ANY PACE FINANCING. COLLEAGUES, I'VE OUTLINED THE MAJOR TECHNICAL CHANGES HERE LAID OUT IN AM2602 TO THE COMMITTEE AMENDMENT, AM2253. I WANT TO REITERATE THE CHANGES BEFORE YOU REPRESENT MONTHS OF NEGOTIATION THROUGHOUT THE SESSION AND HAVE REMOVED ANY OF THE OPPOSITION TO THE BILL. LB1012 IS, ONCE AGAIN, ENABLING LEGISLATION TO MUNICIPALITIES TO CREATE THESE SPECIAL DISTRICTS THROUGH LOCAL CITY COUNCIL ORDINANCES, AND THE FINANCING IS PROVIDED TO AND ASSESSED ONLY TO THE PROPERTY OWNERS WHO DECIDE

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TO OPT IN TO THIS ACTUAL PROGRAM. WITH THAT, I URGE THE BODY TO ADOPT AM2602. THANK YOU, MR. PRESIDENT. [LB1012]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON AM2602. IS THERE ANYONE WISHING TO SPEAK? SEEING NO ONE IN THE QUEUE, SENATOR MELLO, YOU'RE...SENATOR MELLO WAIVES CLOSING ON HIS AMENDMENT. THE QUESTION BEFORE THE IS THE ADOPTION OF AMENDMENT, AM2602. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1012]

CLERK: 25 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB1012]

SPEAKER HADLEY: THE AMENDMENT TO THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR MELLO, YOU'RE RECOGNIZED. I'M SORRY. SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SENATOR CRAWFORD WAIVES CLOSING ON THE COMMITTEE AMENDMENT. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM2253. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1012]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB1012]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON YOUR...ON LB1012. [LB1012]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. ONCE AGAIN, I JUST WANT TO THANK THE URBAN AFFAIRS COMMITTEE FOR THEIR DILIGENT WORK ON LB1012, BOTH ON THE COMMITTEE AMENDMENT AS WELL AS ALLOWING THEIR LEGAL COUNSEL TO HELP US IN REGARDS TO THE NEGOTIATED AMENDMENT WITH ALL THE INTERESTED PARTIES THAT WE ADOPTED AND NOW HAS BECOME PART OF THE BILL. WITH THAT, I'D URGE URGE THE BODY TO ADVANCE LB1012. THANK YOU, MR. PRESIDENT. [LB1012]

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SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON LB1012. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF LB1012. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1012]

CLERK: 27 AYES, 0 NAYS ON THE ADVANCEMENT OF LB1012. [LB1012]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK. [LB1012]

CLERK: MR. PRESIDENT, LB1037 IS A BILL ORIGINALLY INTRODUCED BY SENATOR BRASCH. (READ TITLE.) IT WAS INTRODUCED ON JANUARY 19, AT THAT TIME REFERRED TO THE REVENUE COMMITTEE. IT WAS ADVANCED TO GENERAL FILE, MR. PRESIDENT. [LB1037]

SPEAKER HADLEY: SENATOR BRASCH, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB1037]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND GOOD MORNING, COLLEAGUES, AND GOOD MORNING TO THOSE WATCHING THIS MORNING. FIRST, I WANT TO THANK SENATOR KINTNER FOR PRIORITIZING THIS BILL. THIS BILL WAS BROUGHT TO ME BY THE DEPARTMENT OF REVENUE IN AN EFFORT TO CORRECT A DEFECT THAT HAS BECOME APPARENT IN THE CURRENT LAW USED TO ASSESS THE VALUE OF FARM SITES AND FARM HOMESITES LOCATED ON FARMSTEADS ACROSS NEBRASKA. YOU SHOULD HAVE BEEN GIVEN A MAP, A COLORED MAP WITH A KEY ON IT, AND THIS MAP SHOWS THE FARM HOMESITES' VALUES COUNTY BY COUNTY. AND YOU RECEIVED THOSE FROM THE PAGE THIS MORNING. AS YOU CAN SEE, FARMSTEADS LOCATED IN COUNTIES HEAVILY INFLUENCED BY NONAGRICULTURAL DEVELOPMENT HAVE MUCH HIGHER FARM HOMESITE VALUES THAN THOSE NOT LOCATED IN COUNTIES HEAVILY AFFECTED BY NONAGRICULTURAL DEVELOPMENT. RECENTLY, THERE HAS BEEN AN INCREASING TREND OF INDIVIDUALS FROM THE SUBURBS OR THOSE WHO LIVE IN URBAN PARTS TO MOVE OUT A WAYS, COMMUTE A BIT, AND LIVE AND RESIDE IN AREAS THAT HAVE BEEN TRADITIONALLY USED BY AGRICULTURE AND HORTICULTURE. SEVERAL DEVELOPERS HAVE ALSO DECIDED THAT THESE ARE GOOD PLACES TO BUILD RESIDENTIAL AREAS AND THAT'S...AND IT'S A WELCOME THING. HOWEVER, THERE IS A PROBLEM AND THE PROBLEM IS WHAT LB1037 INTENDS TO DO, AND THAT IS TO PROVIDE RELIEF FOR THOSE WHO ARE TRULY IN AGRICULTURAL PRACTICES AND WHO ARE BURDENED BY THE INCREASING MARKET VALUE CAUSED BY THIS SUBURBAN DEVELOPMENT. THOSE WHO HAVE MOVED CLOSE TO THE FARMS ARE NOT INDIVIDUALS

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ENGAGED IN FARMING PRACTICES. INSTEAD, THEY'RE BUILDING AND SELLING HOMES. AND THEY'RE TAKING A NICE LITTLE DRIVE TO THE CITY WHERE THEY MAY ENJOY A TRADITIONAL 8:00-TO-5:00 JOB OR PERHAPS WORKING REMOTELY FROM THEIR HOMES. BUT WHAT HAS RESULTED IS THAT THE VALUATIONS ON THE FARMSTEADS, ON THE HOMESITES HAVE BEEN STEEPLY AND RAPIDLY INCREASING OVER THE LAST SEVERAL YEARS. CURRENT PROVISIONS FOR SPECIAL VALUATION PROTECT AGRICULTURAL LANDOWNERS FROM INCREASING MARKET VALUE CAUSED BY SUBURBAN DEVELOPMENT BY ALLOWING AN ASSESSMENT THAT ONLY CONSIDERS THE AGRICULTURAL MARKET VALUE OF THE LAND. AND CURRENTLY, THESE PARCELS, THEY'RE NOT PROTECTED FROM INCREASED TAX BURDEN. THE PRACTICE IN SOME COUNTIES IS TO ASSIGN A LARGE PORTION OF THE PARCEL'S MARKET VALUE TO THOSE SITES WHICH CURRENTLY FALL OUTSIDE OF THE PROVISIONS DESIGNED TO PROTECT AGRICULTURAL LANDOWNERS FROM INCREASED TAX BURDEN. IN OTHER COUNTIES WITH SIMILAR MARKET RULE TRENDS, THE ASSESSORS HAVE ASSIGNED THE VALUE MORE EVENLY. HOWEVER, IT IS VERY INCONSISTENT AND A FLAW THAT THE DEPARTMENT OF REVENUE WOULD LIKE TO CORRECT SO THE ASSESSMENT PRACTICES THROUGHOUT THE ENTIRE STATE ARE UNIFORM AND DOES NOT NECESSARILY DEPEND ON THE ASSESSOR. AND THOSE FARMSTEADS THAT HAVE BEEN VALUED AT 100 PERCENT OF ITS MARKET VALUE WOULD NOW BE VALUED AT 75 PERCENT OF ITS MARKET VALUE. AND IF SPECIAL VALUATION APPLIES, THE SITE WOULD BE VALUED AT 75 PERCENT OF THE MARKET VALUE FROM AN AREA NOT INFLUENCED BY NONAGRICULTURAL FACTORS. ANOTHER MISCONCEPTION IS THAT THIS BILL APPLIES TO THE DWELLINGS AND OTHER IMPROVEMENTS. IT DOES NOT. I'M GOING TO GO OFF SCRIPT HERE FOR A MINUTE, AND ON THIS LINE, I JUST WANTED TO ADD THAT THE HOMES THAT EVERYONE RESIDES IN, WHETHER YOU'RE IN A SUBURBAN AREA, A CITY AREA, A FARM AREA, THE HOMES AND THE BUILDINGS ARE ALL TAXED AT A 100 PERCENT. AND WHAT WE'RE TALKING ABOUT HERE ARE THOSE WHO ARE ENGAGED IN...FOR THE PURPOSE OF FARMING--AND WHEN YOU LOOK AT THE BILL, YOU WILL SEE IT'S FOR THE PURPOSE OF AGRICULTURE--IT WILL BE AT 75 (PERCENT). AND THERE IS A DIFFERENCE HERE FOR THOSE WHO ARE ENGAGED IN AGRICULTURE. ONE VERY RECENT EXAMPLE IS THAT ON EASTER SUNDAY, FRIENDS OF OURS WHO ARE CALVING RIGHT NOW COULD NOT LEAVE HOME FOR EASTER DINNER BECAUSE THE CALVES WOULD BE DROPPING IN COLD MUD. AND SO THEY ARE REQUIRED, AND IT'S MORNING, NOON, NIGHT, IN THE MIDDLE OF THE NIGHT, THEIR FARM OPERATION IS THEIR LIFE. THEY WERE ON STANDBY TO RESCUE ANY LITTLE CALVES WHERE MAMA MIGHT HAVE TAKEN THEM OUT TO A REMOTE CORNER OF THE PASTURE, AND THEY ARE CONSTANTLY LIVING THEIR JOB. AND THIS IS SOMETHING THEY HAVE DONE FOR GENERATIONS.

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THAT'S ONE EXAMPLE. OTHERS OR MANY OF YOU REALIZE THAT WHEN YOU FARM AND YOU'RE BALING HAY, YOU DO IT IN THE MIDDLE OF THE NIGHT WHEN THE HAY IS STILL TACKY AND WET AND YOU'RE ABLE TO WATCH CONDITIONS. GOOD FRIENDS OF OURS ALSO WORK IN A FACTORY. WE HAVE SOME INDUSTRY AND BUSINESSES. AND WHAT THEY TRY TO DO IS CLOSE THE BUSINESS FOR A WEEK OR TWO WEEKS WHERE THEY DON'T HAVE PHONE CALLS COMING IN, E-MAILS TO RESPOND TO. THEY CAN SHUT DOWN SHOP AND EVERYONE CAN JUST FORGET ABOUT WORK AND ENJOY A WONDERFUL VACATION OR A GOOD EASTER SUNDAY OR OTHER HOLIDAY. THERE'S ALSO FARMERS THAT CHOOSE TO RETIRE, AND THEY MOVE TO TOWN BECAUSE THEY DON'T WANT TO WRESTLE WITH THE MUD AND SOMETIMES WITH SOME OF THE ELEMENTS OF DEPENDING ON A ROAD GRADER TO COME OUT AND PLOW YOUR LANE SO YOU CAN MOVE ABOUT. AND THEY TAKE THE BATON AND THEY HAND IT TO THE NEXT GENERATION. THERE IS A DIFFERENCE BETWEEN THE BUSINESS OF AGRICULTURE AND THE BUSINESS OF FARMING. I AM ONE WHO CAN TELL YOU, I HAVE LIVED AND LIVED BOTH LIVES. UNTIL I WAS 40, I WAS A MEMBER OF LIBA. I CHAIRED THE HOSPITALITY COMMITTEE FOR THE CITY OF LINCOLN'S VISITORS BUREAU. I WORKED AT PLACES THAT SHUT DOWN FOR VACATION. A FARMING OPERATION IS CONTINUOUS. AND WHAT WE'RE JUST TRYING TO DO IS WELCOME OUR URBAN NEIGHBORS; HOWEVER, THOSE WHO ARE THERE SHEERLY FOR THE PLEASURE BUT NOT FOR THE WORK AT HAND SHOULD BE TAXED DIFFERENTLY. I UNDERSTAND MY GOOD FRIEND AND COLLEAGUE, SENATOR SMITH--HIM AND I HAD A DISCUSSION OFF THE FLOOR--HE HAS AMENDMENTS HE WOULD...AND HE'LL EXPLAIN THOSE AMENDMENTS. SHOULD WE HAVE TIME, WE ALSO HAVE AN AMENDMENT THAT WE WOULD LIKE TO ADD AFTER CONVERSATIONS WITH ASSESSORS. COLLEAGUES, AGAIN, THIS IS A MATTER OF LOOKING AT CURRENT TRENDS IN HOUSING DEVELOPMENT, TRENDS IN TAXATION. THANK YOU, COLLEAGUES. AND THANK YOU, MR. SPEAKER. [LB1037]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. MR. CLERK. [LB1037]

CLERK: MR. PRESIDENT, I HAVE A SERIES OF AMENDMENTS. THE FIRST, SENATOR SMITH, I HAVE AM2690. (LEGISLATIVE JOURNAL PAGE 1249.) [LB1037]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1037]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THIS IS MY FIRST TIME ON THE MIKE THIS MORNING SO I JUST

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WANT TO TAKE A VERY BRIEF MOMENT BEFORE I GET INTO THE AMENDMENT AND SHOW SOME RESPECT FOR A GOOD FRIEND OF MINE THAT PASSED AWAY THIS WEEKEND. JERRY ANDERSON WAS A TREMENDOUS LEADER IN SARPY COUNTY. HE SERVED THE CITY OF PAPILLION VERY WELL AS A CITY COMMISSIONER, A CITY COUNCILMAN, AND HE WAS JUST A TREMENDOUS LEADER. I KNOW MANY OF MY COLLEAGUES, YOU PROBABLY SAW HIM IN YOUR OFFICE DURING THIS LAST SESSION AND THE SESSION BEFORE. HE WOULD COME DOWN, HE WOULD ADVOCATE FOR VETERANS' ISSUES. AND HE WAS JUST A GREAT NEBRASKAN, AND HE WORKED VERY HARD TO MAKE NEBRASKA A BETTER PLACE FOR EVERYONE AND ALSO SARPY COUNTY. AND OUR CONDOLENCES TO JERRY AND HIS FAMILY, TO LOUISE AND HIS CHILDREN AND GRANDCHILDREN. HE ALWAYS HAD LOTS OF PHOTOS TO SHARE OF HIS FAMILY AND HIS GRANDCHILDREN. I ENJOYED MY SATURDAY AFTERNOON VISITS WITH JERRY AND WE'RE GOING TO SORELY MISS JERRY. BUT THE ISSUE AT HAND IS AN AMENDMENT, AM2690. I DO HAVE ANOTHER AMENDMENT FOLLOWING THIS ONE. THIS IS THE AMENDMENT THAT I PREFER. AND I HAVE A GREAT DEAL OF RESPECT FOR SENATOR BRASCH. I UNDERSTAND THE SPIRIT IN WHICH SHE HAS BROUGHT THIS BILL. WE'VE HAD LOTS OF DISCUSSION ABOUT PROPERTY TAXES. WE'VE HAD LOTS OF DISCUSSION ABOUT THE BURDEN ON AGRICULTURAL BUSINESSES. WE HAVE NOT HAD SO MUCH DISCUSSION ABOUT THE BURDEN ON NONAGRICULTURAL BUSINESSES, AND I HOPE THAT WE WILL HAVE SOME OF THOSE DISCUSSIONS THIS WEEK AS WE VENTURE INTO THE DISCUSSION OF TAXES. BUT THE BILL THAT'S BEFORE US, I DID NOT SUPPORT THIS COMING OUT OF COMMITTEE. AGAIN, I RECOGNIZE THE SPIRIT IN WHICH SENATOR BRASCH HAS BROUGHT THIS BILL. IN COMMITTEE, THERE WERE MANY OF THE FARMERS FROM MY COUNTY, IN SARPY COUNTY, THAT WERE THERE ADVOCATING ON BEHALF OF THIS BILL. I'VE HAD SUBSEQUENT CONVERSATIONS WITH THEM. I UNDERSTAND WHY THEY ARE SUPPORTIVE OF THIS BILL. BUT LET ME PUT IT TO YOU SIMPLE. I'M A BUSINESS OWNER AND I OWN A BUSINESS IN DOUGLAS COUNTY. AND I PAY PROPERTY TAXES ON MY BUSINESS AND I PAY A LOT OF INCOME TAXES AND A LOT OF SALES TAXES. AND I PAY PROPERTY TAXES ON MY BUSINESS. BUT IF I HAPPEN TO WANT TO HAVE AN ACREAGE IN SARPY COUNTY, I ALSO HAVE TO PAY 100 PERCENT OF THE VALUATION ON THE PROPERTY TAX. THAT'S JUST THE WAY OUR LAW READS. AND TODAY THE SAME GOES FOR FARMLAND. IF IT IS CONSECUTIVE FARMLAND TO THE RESIDENTIAL PROPERTY AND THE FARMLAND, THE COUNTY ASSESSOR DETERMINES WHAT PART IS THE HOMESITE. AND THAT HOMESITE MAY HAVE A SWIMMING POOL. IT COULD HAVE A TENNIS COURT. WHO KNOWS WHAT IT HAS ON IT, AND NO ONE TAKES AWAY FROM A FARMER HAVING THOSE AMENITIES ON THEIR HOME PROPERTY. BUT TODAY THEY PAY 100 PERCENT ON THAT SECTION OF THEIR PROPERTY THAT IS

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STRICTLY FOR THEIR RESIDENTIAL USE. THIS BILL, THIS BILL WITHOUT MY AMENDMENT WOULD GIVE THE SAME EXEMPTION ON THE PROPERTY UNDERNEATH THAT HOMESITE AS THE EXEMPTION ON THE PRODUCTIVE FARMLAND. I STAND WITH MY RURAL COLLEAGUES. I'VE STOOD WITH YOU MANY, MANY TIMES SUPPORTING YOU IN YOUR EFFORTS TO IMPROVE THE WELL-BEING OF AGRICULTURAL BUSINESSES IN OUR STATE. THIS, COLLEAGUES, DOES NOT DO THAT. THIS, COLLEAGUES, DIVIDES US. WE HAVE BUSINESSES IN OUR STATE, WHETHER IT'S NON-AG OR AG BUSINESS, WE'RE BUSINESSES, AND BUSINESSES ARE HURTING, AND WE NEED TO DO WHAT WE CAN TO SUPPORT BUSINESSES. BUT WHAT WE'RE LOOKING AT WITH THIS UNDERLYING BILL DIVIDES US. IT PITS URBAN AGAINST RURAL. IT PITS AG BUSINESSES AGAINST NON-AG BUSINESS. IT MAKES ABSOLUTELY NO SENSE. I UNDERSTAND THE SPIRIT IN WHICH THIS BILL WAS BROUGHT. WHAT MY AMENDMENT DOES IS IT SAYS THAT FIRST ACRE ON THAT FARM SITE, THAT FIRST ACRE IS RESIDENTIAL. TAX IT LIKE YOU WOULD A RESIDENTIAL PROPERTY. THAT'S ONLY FAIR. THAT'S ONLY FAIR. I'M NOT A BIG TAX PERSON. I BELIEVE OUR PROPERTY TAXES ARE TOO HIGH. I HAPPEN TO DISAGREE WITH SOME OF MY COLLEAGUES AS TO WHAT ROLE THE LEGISLATURE HAS IN CONTROLLING PROPERTY TAXES. I BELIEVE WE SHOULD BE CONTROLLING INCOME TAXES TO MAKE ALL NEBRASKANS' LIVES BETTER. TO MAKE ALL BUSINESSES' LIVES BETTER SO THAT THEY CAN CREATE JOBS TO BE PRODUCTIVE AND TO GROW OUR STATE. LET'S STOP THIS DIVISIVE LANGUAGE, PITTING AGRICULTURE AGAINST NONAGRICULTURE BUSINESSES. PLEASE STAND WITH ME, COLLEAGUES, AND SUPPORT THIS AMENDMENT. IF THIS AMENDMENT IS ADOPTED, I WILL ACCEPT THAT UNDERLYING BILL. ANYTHING LESS THAN THIS AMENDMENT OR THE NEXT AMENDMENT, I PLAN ON FIGHTING THIS BILL. IT'S BAD LEGISLATION. THANK YOU, MR. PRESIDENT. [LB1037]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON AM2690. SENATOR BURKE HARR, YOU'RE RECOGNIZED TO SPEAK. [LB1037]

SENATOR HARR: THANK YOU, MR. SPEAKER. I RISE IN OPPOSITION TO THIS UNDERLYING BILL. I KNOW SOME PEOPLE ARE GOING TO LOOK AT THEIR GADGETS AND SAY, BUT YOU VOTED FOR IT OUT OF COMMITTEE, AND I DID. I THINK IT'S IMPORTANT WE HAVE THIS CONVERSATION ABOUT PROPERTY TAXES. I DON'T THINK THIS IS THE PROPER VEHICLE OR THE PROPER SOLUTION TO WHAT IS AILING OUR FRIENDS IN THE RURAL SECTOR. I LISTENED TO SENATOR BRASCH'S OPENING, AND SHE TALKED ABOUT THE BURDEN OF INCREASED VALUES. I ONLY WISH I HAD THAT BURDEN. WEALTH IS NOT A BAD THING, FOLKS. I KNOW WE'VE ALL HEARD THE MONTAGE, "MO MONEY, MO PROBLEMS."

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MAYBE THAT'S WHAT WE HAVE HERE. BUT I TAKE EXCEPTION TO THE LANGUAGE THAT OUR FRIENDS IN THE AGRICULTURE SECTOR WORKED HARDER THAN OTHERS. THERE ARE HARDWORKING FARMERS. THERE ARE ALSO HARDWORKING URBAN INDIVIDUALS. I AM A LAWYER BY TRADE. I HAVE HAD TO CANCEL FAMILY VACATIONS BECAUSE I HAVE TO SERVE MY CLIENTS. I UNDERSTAND SACRIFICES YOU MAKE FOR YOUR CAREER. THAT'S HOW YOU GET AHEAD. BUT I AM NOT HERE TODAY TO SAY THAT I SHOULD GET A BREAK ON MY HOME BECAUSE I HAD TO SACRIFICE MY VACATION. THE MORNING OF MY WEDDING, I HAD TO GO IN TO WORK. IT WAS NEW YEAR'S EVE, YEAR-END. WE HAD TO GET IT DONE THAT DAY. DOES THAT MEAN I DESERVE A TAX BREAK ON MY HOME? I DON'T SEE THE CORRELATION BETWEEN HARD WORK AND A TAX BREAK ON YOUR PROPERTY. I ALSO, WHEN WE DO TAXES, THERE...PROPERTY TAXES, IT'S BASE TIMES RATE. SENATOR SMITH'S AMENDMENT ADDRESSES THE RATE ISSUE. INSTEAD OF BEING VALUED AT 75 CENTS ON THE DOLLAR, IT WILL BE VALUED AT 100 (CENTS). BUT IT DOESN'T ADDRESS THE UNDERLYING ISSUE OF BASE. AND THERE IS SOMETHING WE HAVE CALLED THE CONSTITUTION AND THAT CONSTITUTION REQUIRES THAT THE VALUE OF THAT LAND BE AT LEAST 90-SOME PERCENT OF THE VALUE. AND WE ARE TAKING AN ARBITRARY NUMBER AND IT MAY NOT BE 90-SOME PERCENT. I HAVE A REAL QUESTION AS TO WHETHER THIS IS CONSTITUTIONAL OR NOT. I HAVE A SERIES OF QUESTIONS THAT I WOULD LIKE TO ASK SENATOR BRASCH. I HOPE I HAVE ENOUGH TIME. IF NOT, I WILL CONTINUE TO HIT MY LIGHT. I MAY EVEN ENTER A BRACKET MOTION OR A MOTION TO RECOMMIT. BUT THIS IS NOT THE SOLUTION. IF WE PASS THIS, I WILL TELL YOU, I CONSIDER THAT THE PROPERTY TAX RELIEF FOR OUR BROTHERS AND SISTERS IN RURAL NEBRASKA, AND WE DON'T HAVE TO DO ANY MORE. AND THE ANSWER OF COURSE IS, THIS IS NOT THE SOLUTION. IS THIS A PIECE? NO. THIS HELPS PEOPLE IN SARPY COUNTY AND THOSE CLOSE TO SUBURBAN AREAS, BUT IT DOESN'T HELP THOSE IN GREATER NEBRASKA THAT ARE NOT NEAR A SUBURBAN AREA. THIS IS...IT'S UNJUST AND IT'S UNCONSTITUTIONAL. I WILL ADDRESS THE UNJUSTNESS OF IT AND THE VAGUENESS THAT IS CREATED BY THIS BILL THE NEXT TIME I HIT MY LIGHT. BUT I APPRECIATE WHAT SENATOR SMITH IS TRYING TO DO, BUT IT'S NOT ENOUGH BECAUSE IT ONLY ADDRESSES ONE ISSUE, WHICH IS THE RATE. WE STILL HAVE A PROBLEM WITH THE BASE. THE FACT THAT WE ARE NOT TAKING THAT PROPERTY... [LB1037]

SPEAKER HADLEY: ONE MINUTE. [LB1037]

SENATOR HARR: ...FOR WHAT IT'S ACTUALLY WORTH. WE'RE TAKING IT FOR WHAT ARBITRARILY THE PROPERTY NEXT TO IT, WHICH IS BEING USED FOR A

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DIFFERENT PURPOSE, IS USED, AND THAT'S AG. THIS ISN'T BEING USED FOR AG. IT'S BEING USED FOR RESIDENTIAL. AND YET, WE WANT TO VALUE IT AS IT WERE AG. THAT'S CALLED A LEGAL FICTION. THE CONSTITUTION REQUIRES THAT WE GET ITS ACTUAL VALUE, NOT THE VALUE OF THE PROPERTY NEXT TO IT. SO IT CREATES SOME OTHER QUESTIONS, AND, LIKE I SAID, I'LL GET IT TO NEXT. I WANT TO THANK YOU FOR THE TIME. THANK YOU FOR LISTENING. THANK YOU, SENATOR BRASCH, FOR BRINGING THIS BILL. IT'S A GOOD ATTEMPT, BUT I THINK IT CREATES MORE QUESTIONS THAN IT ANSWERS. THANK YOU, MR. SPEAKER. [LB1037]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. THOSE IN THE QUEUE: SENATORS CHAMBERS, KINTNER, BRASCH, FRIESEN, AND OTHERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1037]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I THINK THIS IS A HORRENDOUS BILL. I DON'T THINK THERE'S ANYTHING THAT CAN MAKE IT RIGHT. IT'S AN ATTEMPT BY THESE SMALL AMENDMENTS TO MAKE A SILK PURSE OUT OF A SOW'S EAR. THERE IS A SPLIT BETWEEN RURAL AND URBAN INTERESTS. NOBODY IS MAKING IT. IT'S THERE. AND THE RURAL TAIL HAS BEGUN TO WAG THE URBAN DOG. THEY COME HERE WITH MORE AND MORE GIMME, GIMME, GIMME, AND THEY ARE OPPOSED TO ANYTHING THAT WILL BENEFIT PEOPLE IN THE AREAS THAT DON'T LIVE NEXT DOOR TO THEM OR DOWN THE STREET OR ACROSS THE FARMYARD. SO THE TIME THEY DIDN'T WANT TO SPEND ON THE OTHER BILL WE'LL SPEND ON THIS ONE. I DID NOT HAVE THE OPPORTUNITY TO SPEAK ON THE OTHER BILL. A LOT OF PEOPLE STOOD AND SPOKE AGAINST IT. THE ONES WHO WILL WANT TO COME HERE AND SAY, DO SOMETHING FOR AGRICULTURE, THIS KIND OF MESS THAT'S BEING PRESENTED HERE IS NOT SUSTAINABLE. THIS IS NOT A SUSTAINABLE WAY TO GET ANY KIND OF TAX REFORM. AND THE WORD I KEPT HEARING UP HERE WAS "SUSTAINABLE" WHEN THEY WERE REJECTING A BILLION DOLLARS OR MORE. THIS IS NOT SUSTAINABLE, AND EVERYBODY ON THIS FLOOR KNOWS IT. AND THE TIME TO BE NICE IS PAST. I DID HEAR SENATOR SCHILZ SAY SOMETHING ABOUT, IF THEIR VOTES ARE CLOSE, FIGHT; IF NOT, GO TO SOMETHING ELSE. NO, THAT'S NOT APPLYING TO EVERYBODY. I'M GOING TO TRY TO HAVE MY EDUCATION IMPROVED DURING THE REST OF THE SESSION. ALL THE BILLS THAT I HAVE QUESTIONS ABOUT, I'M GOING TO TAKE TIME TO ASK THOSE QUESTIONS. THERE WAS A POINT PRIOR TO CERTAIN THINGS SAID THIS MORNING WHEN I WAS GOING TO GO AHEAD AND REMAIN UNDER THE CLOUD OF IGNORANCE. BUT SINCE THERE ARE PEOPLE ON THIS FLOOR WHO KNOW SO MUCH MORE THAN I KNOW, WHO UNDERSTAND WHAT I UNDERSTAND GOOD THEY UNDERSTAND

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EVEN BETTER...I SHOULD SAY UNDERSTAND WELL, BUT YOU KNOW HERE WE'RE NOT CAREFUL ABOUT LANGUAGE. I USED TO TELL YOUNG PEOPLE, AND I STILL DO, THAT A LOADED BRAIN IS MORE POWERFUL THAN A LOADED GUN UNLESS YOU'RE IN A GUNFIGHT. AND THEN WOULD EXPLAIN, EVEN IN THAT SITUATION, HOW IF YOU HAVE A BRAIN AND USE IT, YOU MIGHT CAN PREVENT THE GUN PLAY. NOW I'M OF AN OPINION THAT MY LOADED WORDS ARE MORE POWERFUL THAN LOADED GUNS THAT KILL. PEOPLE WERE APPALLED AT WORDS THAT I SPOKE, BUT THEY EXPRESSED NO FEELING OF BEING APPALLED AT 15-YEAR-OLD KIDS GETTING GUNS AND PULLING ROBBERIES AND SHOOTING AT PEOPLE. THAT'S WHAT I FIND APPALLING. I FIND IT ABHORRENT, BOTH FROM THE GOVERNOR AND ON THE PART OF PEOPLE ON THIS FLOOR. THE WORD TO USE IS HYPOCRISY. I TOLD YOU ALL, MY WORDS AFFECT YOU MORE AND OFFEND YOU THAN YOU THINK HARSH, UNFAIR CONDUCT SHOULD OFFEND THE PEOPLE WHO ARE THE RECIPIENTS OR THE SUFFERERS OF IT. I'M LIKE THE CRICKET THAT WAS GOING TO BE CRUSHED BY THE EMPEROR. AND THE CRICKET WAS GIVEN A VOICE AND THE CRICKET SAID, WHY WILL YOU KILL ME? ALL I HAVE IS MY VOICE. AND THE EMPEROR LET HIM GO. ON THIS FLOOR, ALL I HAVE IS MY VOICE AND I'M GOING TO USE IT. AND I DON'T CARE WHAT THAT GOVERNOR SAYS, I DON'T CARE WHAT ANYBODY ON THIS FLOOR SAYS. I'M GOING TO DO... [LB1037]

SPEAKER HADLEY: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: ...MY BUSINESS IN THE WAY THAT I THINK I SHOULD. DO I CARE THAT WE HAVE TEN DAYS OR NINE OR HOWEVER MANY LEFT? NOT AT ALL. THAT, IN FACT, PLAYS INTO MY HANDS. YOU'RE GOING TO HAVE TO DO A LOT OF CALLING OF THE QUESTION TO GET DEBATE TERMINATED. AND WHEN YOU BRING BAD BILLS LIKE THIS, I'M GOING TO OFFER AMENDMENTS, AND I WILL USE MY TIME DISCUSSING MY AMENDMENTS. THE FIRST THING I THINK WAS GROSSLY UNFAIR WAS TO TREAT AGRICULTURE AS THOUGH IT'S SOMEHOW SACRED AND HOLY IN HOW HARD PEOPLE WORK. BUT AS SENATOR HARR POINTED OUT, THERE ARE PEOPLE IN CITIES WHO WORK ALSO. BUT SINCE WE'LL HAVE PLENTY OF TIME ON THIS BILL THIS MORNING AND THE REST OF THE DAY, I DON'T HAVE TO TRY TO SAY IT ALL THIS TIME, BUT I SHALL PUNCH MY LIGHT ON AGAIN. THANK YOU, MR. PRESIDENT. [LB1037]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1037]

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SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I ALSO WOULD LIKE TO THANK THE DEPARTMENT OF REVENUE FOR PUTTING THIS BILL TOGETHER AND TRYING TO ADDRESS A PROBLEM THAT FACES RURAL COUNTIES THAT ARE CLOSE TO URBAN CENTERS. NOW, FIRST OF ALL, WE'VE GOT TO GET A COUPLE THINGS STRAIGHT HERE. THIS BILL DOES NOT CREATE ANYTHING SPECIAL. IT DOESN'T CREATE BIG NEW EXEMPTIONS. WHAT IT DOES IS IT PUTS SOME GUARDRAILS DOWN; IS IT NARROWS OR IT MAKES THE GAP NARROW...MORE NARROW BETWEEN THE LOWEST ASSESSED VALUE AND THE HIGHEST ASSESSED VALUE. THE LOWEST ASSESSED VALUE UNDER THE HOUSE I THINK WAS LIKE \$600 AN ACRE. THE HIGHEST ASSESSED VALUE WAS SARPY COUNTY, AROUND \$60,000 OR SO. AND WHAT WE SEEK TO DO IS WE SEEK TO NARROW IT AND GET ALL THE COUNTIES TO BE A LITTLE CLOSER IN HOW THEY VALUE THAT LAND. THAT'S ALL IT DOES. NOW IF WE CAN DISPOSE OF SENATOR SMITH'S TWO AMENDMENTS, I'VE GOT AN AMENDMENT COMING UP AND WHAT I WANT TO DO IS AMEND THIS BILL TO MAKE SURE THAT ONLY FARMERS GET THIS. REMEMBER, IT'S NOT EASY BEING A FARMER. THESE ARE NOT EASY TIMES RIGHT NOW FOR FARMERS. THERE ARE TIMES WHEN IT GETS EASIER, TIMES IT GETS TOUGH. AND YOU KNOW FARMERS PRAY THAT SOME...YOU KNOW, THAT IT ALL EVENS OUT IN THE END. SO WHAT MY AMENDMENT DOES IS IT MAKES SURE THAT YOU'RE USING THE LAND FOR AGRICULTURE THAT ACTUALLY MAKES MONEY. SO IF YOU'RE SOME RICH GUY, YOU GOT 20 ACRES, YOU THROW A COUPLE GOATS OUT THERE AND SAY, HEY, WILD GRASS AND GOATS, I'M A FARMER; WELL, NOT SO QUICK. IF YOU'VE GOT LESS THAN 20 ACRES, WHAT YOU'LL HAVE TO DO IS YOU'LL HAVE TO SHOW THAT YOU MAKE INCOME OF AT LEAST \$1,500 TWO OF THE LAST THREE YEARS. YOU HAVE TO DO THAT BY SHOWING YOUR SCHEDULE E, AND IF YOU DO THAT, THEN YOU QUALIFY TO HAVE THE GROUND UNDER THE HOUSE TAXED AS AG LAND. SO IF YOU'RE KIND OF A RECREATIONAL, OCCASIONAL FARMER WITH A FEW PET GOATS, NOPE, IT'S NOT GOING TO BE DONE. SO THAT IS HOW THAT WOULD WORK. WE'VE GOT TO GET RID OF THESE TWO PESKY AMENDMENTS BY SENATOR SMITH AND THEN WE CAN DO THAT. THE OTHER THING I WANT TO ADDRESS, AS SENATOR CHAMBERS SAID, IT'S NOT SUSTAINABLE. LET ME SHOW YOU HOW SUSTAINABLE IT IS. IT WAS ESTIMATED IN SARPY COUNTY THAT IF THIS PASSED, IT WOULD TAKE OUT LESS THAN \$1 MILLION A YEAR. LET'S SAY IT'S \$1 MILLION. THAT'S BEFORE MY AMENDMENT, WHICH NAILS IT DOWN EVEN FURTHER. THAT'S ON \$292 MILLION OF REVENUE FROM PROPERTY TAXES. SO YOU'RE ABOUT A LITTLE BIT OVER A THIRD OF 1 PERCENT. I THINK THAT'S KIND OF SUSTAINABLE. SO ANYWAY, THAT'S WHAT IT IS. I JUST WANTED TO MAKE SURE WE EXPLAINED IT IN A WAY THAT MAKES SOME SENSE, IN A WAY THAT WAS SHORT AND A LITTLE BIT MORE

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CONCISE. AND SENATOR BRASCH OR I WOULD BE HAPPY TO ENTERTAIN ANY QUESTIONS YOU MIGHT HAVE ON THIS. THANK YOU, MR. PRESIDENT. [LB1037]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. MR. CLERK. [LB1037]

ASSISTANT CLERK: MR. PRESIDENT, PRIORITY MOTION: SENATOR CHAMBERS WOULD MOVE TO BRACKET THE BILL UNTIL APRIL 20, 2016. [LB1037]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR BRACKET MOTION. [LB1037]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, BEFORE I BEGIN, I'D LIKE TO ASK SENATOR MORFELD A QUESTION. [LB1037]

SPEAKER HADLEY: SENATOR MORFELD, WILL YOU YIELD TO A QUESTION? [LB1037]

SENATOR MORFELD: YES, I WILL. [LB1037]

SENATOR CHAMBERS: SENATOR MORFELD, HOW MUCH MONEY WAS INVOLVED IN THAT BILL THAT WAS UNCEREMONIOUSLY BRACKETED THAT WOULD HAVE MADE HEALTHCARE AVAILABLE TO PEOPLE WHO OTHERWISE WOULDN'T HAVE THAT AVAILABILITY? [LB1037]

SENATOR MORFELD: THAT MAY BE A BETTER QUESTION FOR SENATOR MELLO, BUT I BELIEVE IT WAS IN THE MILLIONS EACH YEAR. [LB1037]

SENATOR CHAMBERS: THANK YOU. IS SENATOR MELLO HERE? [LB1037]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD TO A QUESTION? [LB1037]

SENATOR MELLO: OF COURSE. [LB1037]

SENATOR CHAMBERS: AND, SENATOR MELLO, TODAY THERE'S NO NEED TO MOVE WITH HASTE BECAUSE WE HAVE NOTHING BUT TIME. WHAT WAS THE AMOUNT

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STATED OR DISCUSSED THAT WOULD BE AVAILABLE TO COVER THAT BILL THAT WAS JUST DISCUSSED AND WAS BRACKETED? [LB1037]

SENATOR MELLO: LB1032? [LB1037 LB1032]

SENATOR CHAMBERS: YES. [LB1037]

SENATOR MELLO: ACTUALLY, THE TOTAL AMOUNT, I THINK, OF COST TO THE STATE OVER THE THREE-YEAR PILOT WAS NEAR \$53 MILLION, WHICH THE BILL WOULD HAVE UTILIZED THE HEALTH CARE CASH FUND TO COVER THAT COST OVER A THREE-YEAR PERIOD AFTER GENERAL FUND SAVINGS, AND IT WOULD HAVE BROUGHT IN TO THE STATE'S ECONOMY CLOSER TO, I THINK, \$1.8, \$1.9 BILLION. [LB1037]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, MANY THINGS CAN BE DONE WITH NUMBERS AND FIGURES, CALCULATIONS. BUT IF THERE'S AN IDEOLOGICAL UNDERPINNING OF EVERYTHING THAT IS BEING DISCUSSED, IT DOESN'T MATTER WHETHER YOU USE NUMBERS, LETTERS, ARABIC NUMBERS, ROMAN NUMERALS, HIEROGLYPHICS, CUNEIFORM OR WHATEVER FORM OR METHODOLOGY WILL BE USED TO COMMIT TO MORE PERMANENCE THAN SPEECH WHATEVER IT IS YOU'RE TRYING TO PRESERVE. I'D LIKE TO ASK SENATOR BRASCH SOME QUESTIONS, IF SHE WILL RESPOND. [LB1037]

SPEAKER HADLEY: SENATOR BRASCH, WILL YOU YIELD? [LB1037]

SENATOR BRASCH: I WILL YIELD. [LB1037]

SENATOR CHAMBERS: SENATOR BRASCH, IS AGRICULTURE A BUSINESS OR JUST A PASTIME? [LB1037]

SENATOR BRASCH: IT IS NOT A PASTIME. [LB1037]

SENATOR CHAMBERS: IS IT A BUSINESS? [LB1037]

SENATOR BRASCH: A TYPE OF BUSINESS. [LB1037]

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SENATOR CHAMBERS: IS THE PURPOSE OF BUSINESS TO MAKE A PROFIT?
[LB1037]

SENATOR BRASCH: YES, WHEN POSSIBLE. [LB1037]

SENATOR CHAMBERS: WOULD A PERSON LIKE TO RECEIVE AS MUCH IN THE FORM OF PROFIT AS POSSIBLE FROM THE EXPENDITURE OF MONEY DESIGNED TO CREATE CONDITIONS FOR GENERATING THAT PROFIT? IN OTHER WORDS, WOULD THAT BUSINESS PERSON WANT THE BIGGEST BANG FOR THE BUCK POSSIBLE? [LB1037]

SENATOR BRASCH: NOT EVERYONE, NO. [LB1037]

SENATOR CHAMBERS: SO THEY'RE NOT TRYING TO REALLY MAKE AS MUCH MONEY AS THEY CAN MAKE IN BUSINESS. IS THAT WHAT YOU'RE SAYING? SOME PEOPLE DON'T WANT TO MAKE AS MUCH IN BUSINESS AS THEY CAN? [LB1037]

SENATOR BRASCH: THE FARMERS CONSIDER THEIR BUSINESS AN OPERATION.
[LB1037]

SENATOR CHAMBERS: IS IT TO MAKE MONEY? [LB1037]

SENATOR BRASCH: IF...TO STAY IN FARMING, YOU MUST MAKE SOME MONEY, YES. [LB1037]

SENATOR CHAMBERS: WELL, WHY DO YOU HESITATE? SO YOU MEAN THERE ARE FARMERS OUT THERE WHO COULD MAKE \$50 FROM X AMOUNT OF WORK BUT THEY ONLY WANT TO MAKE \$20 FROM THAT SAME X AMOUNT OF WORK? IS THAT WHAT YOU'RE TELLING ME? [LB1037]

SENATOR BRASCH: I DON'T BELIEVE ALL FARMING OPERATIONS ARE IDENTICAL. I CAN'T SPEAK FOR ALL FARMING OPERATIONS. [LB1037]

SENATOR CHAMBERS: I'M SPEAKING, PURPOSELY, IN A GENERAL WAY. [LB1037]

SENATOR BRASCH: OKAY. [LB1037]

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SENATOR CHAMBERS: FORGET INDIVIDUAL FARMS. FORGET WHETHER THEY CALL THEMSELVES FAMILY FARMS, CORPORATE FARMS, COOPERATIVES. FORGET ALL OF THAT. FARMING IS A BUSINESS. IS IT THEIR INTEREST, THOSE WHO ARE IN FARMING, TO MAKE AS MUCH PROFIT AS THEY CAN FROM THE LABOR THEY EXPEND? [LB1037]

SENATOR BRASCH: FARMING IS... [LB1037]

SENATOR CHAMBERS: THAT'S ALL RIGHT. THANK YOU. I DIDN'T MEAN TO ASK QUESTIONS THAT ARE SO DIFFICULT. AND I WOULD ASK THAT THE CONFERENCE BE CONDUCTED SOMEWHERE OTHER THAN RIGHT IN FRONT OF ME. DO YOU MIND, SENATORS? DO YOU ALL MIND NOT STANDING RIGHT IN FRONT OF ME? THANK YOU VERY MUCH. ORDINARILY, IT WOULDN'T MATTER TO ME BUT WE'RE PLAYING BY A DIFFERENT SET OF RULES FOR THE REST OF THE SESSION. MEMBERS OF THE LEGISLATURE, THIS BILL IS NOT GOOD BECAUSE THE ONE WHO HAS INTRODUCED IT DOES NOT EVEN UNDERSTAND THE PURPOSE OF FARMING AS A BUSINESS--IT'S NOT TO MAKE AS MUCH MONEY AS POSSIBLE. BUT OTHER PEOPLE IN FARMING DO HAVE THAT AS A GOAL. THEY WOULD NOT REJECT PROFIT ABOVE A CERTAIN LEVEL BECAUSE THEY HAVE ESTABLISHED FOR THEMSELVES ONLY THAT LEVEL OF PROFIT AND ANYTHING OVER THAT THEY'RE NOT GOING TO ACCEPT. THAT WOULDN'T HAPPEN IN FARMING. IT WOULDN'T HAPPEN IN GAMBLING. IT WOULDN'T HAPPEN ANY PLACE WHERE MONEY IS THE DRIVING FORCE AND FACTOR. PEOPLE CAN TRY TO CLOAK AGRICULTURE ANY KIND OF WAY THEY WANT TO, BUT IT IS NOT NOBLE. IT IS NOTHING OTHER THAN A WAY TO TRY TO MAKE MONEY. NOW, IF IT'S JUST A PASTIME AND YOU RAISE A FEW ANIMALS, A FEW CROPS TO FEED THOSE ANIMALS, BUT YOU'RE MAINLY THERE BECAUSE YOU LIKE THE RURAL SCENE, YOU LIKE THE FRESH AIR, UNLESS YOU HAVE A BIG FEEDLOT OR SOMETHING LIKE THAT, WITH THE WIND BLOWING THE WRONG WAY, OR A CATTLE...I MEAN A PIG OPERATION. THIS BILL TAKES THE POSITION THAT BUSINESS IN THE RURAL AREA IS TO BE GIVEN SPECIAL CONSIDERATION AND PROTECTION. PEOPLE ARE TO BE PRAISED AND LAUDED BECAUSE THEY'RE TRYING TO MAKE MONEY IN THAT MANNER. BUT IF SOMEBODY WANTS TO BUILD A FACTORY OR A COMMUNICATIONS SYSTEM, THEY ARE NOT NOBLE. THEY'RE JUST MONEYGRUBBERS. I'VE NOT HEARD ANYBODY TALK ABOUT AMAZON OR GOOGLE OR ANY OF THOSE OPERATIONS AS HAVING ANY SOCIAL VALUE IN TERMS OF THE ONES WHO ARE OPERATING IT GIVING OF THEIR LARGESS AND DOING IT BECAUSE THEY ARE HIGH-PRINCIPLED PEOPLE. IF IT SEEMS LIKE I'M NOT GOING ANYWHERE, THAT'S NOT TRUE. I'M JUST GOING TO TAKE A MORE LEISURELY APPROACH TODAY AND MAYBE OTHER DAYS. BUT YOU ONLY TOOK A

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SMALL AMOUNT OF TIME ON ONE OF THE BILLS WHICH, IN MY MIND, WAS MOST IMPORTANT THIS SESSION. IT WAS UNCEREMONIOUSLY DISPATCHED, BECAUSE YOU'D RATHER DO OTHER THINGS WITH YOUR TIME. SO I'M GOING TO MAKE USE OF THE TIME THAT YOU SAVED BY PREMATURELY DISPOSING OF THAT BILL. I'M GOING TO MAKE BETTER USE OF IT THAN I THINK ANYBODY ELSE ON THE FLOOR WILL MAKE OF IT BECAUSE I VALUE MYSELF MORE THAN I VALUE ANYBODY ELSE. I VALUE WHAT I DO MORE THAN MOST PEOPLE VALUE WHAT THEY DO. WE'LL HAVE THE OPPORTUNITY TO DISCUSS THESE LITTLE...THERE WAS A WORD THAT SENATOR KINTNER USED IN DISMISSING SENATOR SMITH'S INSIGNIFICANT AMENDMENTS. IT WASN'T IRRITATING. IT WASN'T PESTERING, I DON'T THINK. BUT AT ANY RATE, THEY'RE INSIGNIFICANT AND INCONSEQUENTIAL. AND AFTER YOU DISPOSE OF THOSE, THEN YOU'LL GET TO THE MEAT OF IT... [LB1037]

SPEAKER HADLEY: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: ...WHICH SENATOR KINTNER, A MEMBER OF THE BRAIN TRUST IN HERE, FEELS OUGHT TO BE THE CASE. I DIDN'T KNOW MY WORDS HAD SUCH POWER. BUT SINCE I KNOW WHAT THEY ARE, I WON'T SAY AS MANY OF THEM AS I USUALLY DO. MAYBE INSTEAD OF A "RAT TAT TAT TAT TAT," LIKE A MACHINE GUN, IT WILL BE MORE STACCATO. THERE WILL BE MORE SPACE BETWEEN EACH PULL OF THE TRIGGER, IF YOU DON'T MIND ME USING THIS ILLUSION, ESPECIALLY SINCE SO MUCH TIME IS GIVEN HERE ON BILLS TO PUT MORE GUNS EVERYWHERE SINCE THERE'S MORE WORSHIPING AT THE ALTAR OF THE NATIONAL RIFLE ASSOCIATION. AND FOR PEOPLE WHO DO THOSE THINGS, TO EXPRESS SHOCK OR BEING APPALLED AT WHAT I SAID BOGGLES THE MIND. SO LET'S ALL STOP TALKING ABOUT THE GUNS. [LB1037]

SPEAKER HADLEY: TIME, SENATOR. [LB1037]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1037]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON THE BRACKET MOTION. THOSE IN THE QUEUE ARE SENATORS BRASCH, FRIESEN, SMITH, DAVIS, BURKE HARR, AND OTHERS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB1037]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND THANK YOU TO THOSE WHO HAVE ENGAGED IN LISTENING TO THIS DEBATE THIS MORNING. AND SOME GREAT QUESTIONS HAVE BEEN ASKED. ONE, THE CONSTITUTIONALITY OF THIS,

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IT IS CONSTITUTIONAL. I CAN TAKE TIME TO READ IT TO EVERYONE ON THE FLOOR, WHICH I WILL NOT DO, BUT IF THAT WAS THE INTENT, I INVITE ANYONE TO COME HERE AND I CAN SHOW YOU HOW IT IS CONSTITUTIONAL, AND I HAVE POINTS ON THAT. AND AS FAR AS SENATOR SMITH'S CONCERNS ABOUT THIS DIVIDING PEOPLE AND BEING HOSTILE, ONE GROUP AGAINST ANOTHER, AND SENATOR CHAMBERS, URBAN VERSUS RURAL, I THINK IT IS IF YOU THINK IT IS, AND IF YOU MAKE THAT YOUR ISSUE. IN A RURAL COMMUNITY WE HAVE A FOUNDATION THAT WE HELPED BRING IN VALMONT. WE HAVE SMEALS. WE HAVE ALL KINDS OF EFFORTS TO HELP BRING INDIVIDUALS INTO OUR COMMUNITIES BECAUSE WE REALIZE THAT BUSINESSES ARE IMPORTANT, AND OUR STATE DOES. AND AS A MEMBER OF A RURAL COMMUNITY, I AM ONE WHO SUPPORTED HELPING TO FUND THE ZOO IN OMAHA. I ALSO HELPED VOTE ON HELPING KEEP WOODMEN HERE BECAUSE I DO BELIEVE WE ARE ONE STATE, THAT WE ARE NOT PEOPLE THAT LIVE AS AN ISLAND UNLESS YOU CHOOSE TO LIVE AS AN ISLAND. WHEN I OPENED, I SAID THAT THE REVENUE DEPARTMENT...AND I USED TO WORK AT THE REVENUE DEPARTMENT, WHERE I WOULD TALK TO TAXPAYER ASSISTANTS AND SEE WHERE PEOPLE MESS UP, WHERE THEY MAKE MISTAKES, WHERE THEY DON'T UNDERSTAND, WHAT ARE THE GREATEST PROBLEMS, WHAT ARE THE GREATEST ISSUES. THE TERC BOARD RECOGNIZES THIS IS AN ISSUE, THIS IS A PROBLEM. YOU SEE A SIMPLE MAP BEFORE YOU THAT OUTLINES THE PROBLEM. AND IT WAS SAID THIS WILL NOT ADDRESS THE BIG PICTURE OF THE THREE-LEGGED STOOL AND DISPROPORTIONATE TAXING, BUT WE CAN HELP WITH ONE PROBLEMATIC AREA BY DEFINING AGRICULTURAL AND HORTICULTURAL PURPOSES. IT'S NOT ROCKET SCIENCE. AND TO SAY THAT FARMERS ARE AGAINST BUSINESSES, MANY FARMERS DO WORK A SECOND SHIFT AT VALMONT OR ANOTHER, SMEALS, YOU NAME IT. THEY HOLD A SECOND JOB. AND AS FAR AS THE PURPOSE OF AGRICULTURE TO MAKE MONEY, IT GOES BACK GENERATIONS. THE PURPOSE IS FOR NUTRITION, FOR FOOD, FOR FUEL. AND I HAVE SEEN ARTICLES AT THE HISTORICAL SOCIETY AND FAMILY GENEALOGY WHERE FARMERS FIRST CAME HERE BARELY BREAKING THE SOD. THEY DID NOT SURVIVE. THEY STARVED. YOU KNOW, IT'S NOT ABOUT WHO HAS AND WHO HAS NOT. IT'S ABOUT WE ALL NEED TO EAT. AT THE END OF THE DAY, WE ALL NEED WATER, WE ALL NEED TO EAT IN SOME SHAPE OR FORM. AGRICULTURE HAS GROWN INTO MANY AREAS. AND WE DO NOT CONSIDER OURSELVES MORE NOBLE. I THINK WE CONSIDER OURSELVES HUMAN BEINGS WHO ARE LOOKING AT A TAX SYSTEM, NOT SINCE I GOT HERE BUT IT GOES BACK TO LATE SENATOR KREMER ON HOW... [LB1037]

SPEAKER HADLEY: ONE MINUTE. [LB1037]

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SENATOR BRASCH: ...WE ARE TAXING AG LAND. THIS IS NOT THE ENTIRE FORMULA, BUT THIS IS LOOKING AT ONE SIMPLE PIECE, ONE SIMPLE SEGMENT THAT WE COULD CORRECT STATUTES. WE COULD MAKE THIS A BETTER BILL AND NOT CAUSE A TIDAL WAVE ACROSS THE STATE. IT IS SAD TO HEAR COMMENTS ABOUT JUST...WE'RE PUTTING A LINE IN THE SAND. WE ALL WORK TOGETHER. I LISTEN TO EVERY PIECE OF LEGISLATION AND TRY TO DECIDE WHAT THE BIG PICTURE IS AT THE END OF THE DAY. I LOOK AT WAYS THAT WE CAN HELP EACH OTHER OUTSIDE OF LEGISLATION, NOT JUST INK AND PAPER, BUT WHAT WE CAN DO AS GOOD PEOPLE. AGAIN, SENATOR CHAMBERS HAS EVERY RIGHT TO RUN OUT THE CLOCK WITH WHATEVER HE CHOOSES TO SAY. [LB1037]

SPEAKER HADLEY: TIME, SENATOR. [LB1037]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. [LB1037]

SPEAKER HADLEY: (VISITORS INTRODUCED.) MR. CLERK FOR ANNOUNCEMENTS. [LB1037]

CLERK: MR. PRESIDENT, SOME ITEMS. THANK YOU. LR532, LR533, LR534, LR535, LR536, LR537, LR538, LR539 ARE ALL STUDY RESOLUTIONS. LR540 IS BY THE SPEAKER; THAT WILL BE LAID OVER. AND THEN LR541, LR542, LR543, LR544, LR545, LR546, LR547, LR548, LR549, LR550, AND LR551, AGAIN, STUDY RESOLUTIONS, ALL BE REFERRED TO THE BOARD. SENATOR KRIST HAS AN AMENDMENT TO LB1067 TO BE PRINTED. I HAVE A HEARING NOTICE FROM THE NATURAL RESOURCES COMMITTEE, CONFIRMATION HEARING NOTICE. THANK YOU, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1250-1264.) [LR532 LR533 LR534 LR535 LR536 LR537 LR538 LR539 LR540 LR541 LR542 LR543 LR544 LR545 LR546 LR547 LR548 LR549 LR550 LR551 LB1067]

SPEAKER HADLEY: THOSE IN THE QUEUE: SENATORS FRIESEN, SMITH, DAVIS, BURKE HARR, CHAMBERS, KINTNER, AND OTHERS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB1037]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. FIRST OF ALL, FOR SENATOR HARR'S RECORD, I WANT HIM TO KNOW THAT I DO WORK HARDER THAN HE DID. I DON'T HAVE TO CANCEL VACATIONS; WE DIDN'T TAKE ANY. (LAUGHTER) OKAY. NOW, SINCE DAY ONE, WHEN I'VE TALKED ABOUT PROPERTY TAX RELIEF, I HAVE CONSTANTLY SAID THAT I'M WILLING TO PAY 100 PERCENT OF THE VALUE OF MY

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HOME, MY BINS, MY BUILDINGS, MY BUILDING SITE. I DON'T WANT A CARVE OUT. I WILL PAY 100 PERCENT JUST LIKE EVERYONE ELSE. I'VE ALWAYS JUST TALKED ABOUT AG LAND PROPERTY. AND SO I'M HAVING A HARD TIME SUPPORTING SOMETHING LIKE THIS. MAYBE THERE'S SOME COUNTIES THAT DO HAVE SOME ISSUES; WE DO NOT. I AM MORE THAN HAPPY PAYING 100 PERCENT OF THE VALUE ON THE PLACE WHERE I LIVE. I DO NOT EXPECT ANY SPECIAL EXEMPTION. AG IS A BUSINESS. WE MAY BE A UNIQUE BUSINESS. I DON'T KNOW ABOUT THAT. I DO THINK IT IS A NOBLE CAREER TO CHOOSE. BACK IN THE '70s AND '80s WHEN THERE WAS NO PROFIT TO BE MADE, I ENJOYED FARMING JUST AS MUCH AS I DO NOW. AND I WOULD HAVE CONTINUED IT NO MATTER WHAT. SO I DO FEEL IT IS A LITTLE BIT OF A NOBLE CAUSE. WE DO FEED 155 PEOPLE, EACH OF US. SO I... WE DO OUR BEST. AND, NO, WE DON'T ALWAYS MAXIMIZE PROFIT. SOMETIMES WE DO WHAT'S BETTER FOR THE ENVIRONMENT IN ORDER TO PROTECT THAT LAND FOR THE NEXT GENERATION. SO WE ARE A BUSINESS. WE DO OPERATE AS A BUSINESS. WE TRY TO. IT IS UNIQUE AT TIMES AND IT'S A CHALLENGE. BUT WHEN I TALK ABOUT PROPERTY TAX RELIEF OR HOW WE ARE GOING TO ACCOMPLISH THAT, I STILL TALK ABOUT HOW WE FUND K THROUGH 12 EDUCATION AND HOW THERE NEEDS TO BE MORE STATE AID. I DON'T TALK ABOUT HOW WE'RE GOING TO CUT SOMEONE'S SPENDING OR ANYTHING ELSE. IT'S GOING TO BE A SHIFT OF SOME SORT. BUT OTHER THAN THAT, I'M STILL MORE THAN HAPPY TO PAY 100 PERCENT OF THE VALUE OF MY HOUSE, MY BUILDINGS, MY BINS FOR PROPERTY TAXES. THANK YOU, MR. PRESIDENT. [LB1037]

SPEAKER HADLEY: THANK YOU, SENATOR FRIESEN. SENATOR SMITH, YOU'RE RECOGNIZED. [LB1037]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND I ALWAYS ENJOY LISTENING TO SENATOR FRIESEN, NICE CALM VOICE TAKES ALL THE EMOTION OUT OF IT, VERY RATIONAL. AND I WAS A LITTLE BIT FIRED UP THIS MORNING AND I'M STILL A LITTLE BIT FIRED UP AND I'LL TELL YOU WHY I'M SO FIRED UP. IT'S TAX SEASON. GUESS WHAT I SPENT MY WEEKEND DOING. SO I'M REALLY, REALLY UPSET THIS MORNING BECAUSE GOVERNMENT CONTINUES TO TAKE MORE OF MY MONEY. AND IT'S NOT PROPERTY TAX THAT I WAS WORKING ON THIS WEEKEND. SO AS I HEADED OFF TO LINCOLN THIS MORNING, MY WIFE SAID, BOY, I'M GLAD YOU'RE LEAVING FOR LINCOLN TODAY. AND SHE SAYS, BUT I FEEL SORRY FOR THE FOLKS DOWN IN LINCOLN TODAY, BECAUSE SHE KNOWS HOW I AM DURING TAX SEASON EACH YEAR. AND SO HERE I AM, AND WE'RE TALKING ABOUT TAXES. SO, SENATOR KINTNER, CAN I ASK YOU A QUESTION ON THE MIKE, PLEASE? [LB1037]

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SPEAKER HADLEY: SENATOR KINTNER, WILL YOU YIELD TO A QUESTION?
[LB1037]

SENATOR KINTNER: CERTAINLY. [LB1037]

SENATOR SMITH: DO YOU HAVE YOUR GREEN COPY IN FRONT OF YOU? [LB1037]

SENATOR KINTNER: I GOT IT RIGHT HERE, GREEN COPY, YES. [LB1037]

SENATOR SMITH: OKAY. PAGE 3, LINE 4, CAN YOU READ LINE 4 THROUGH LINE 7
FOR ME? [LB1037]

SENATOR KINTNER: YES: FARM HOMESITE MEANS LAND CONTIGUOUS TO THE
FARM SITE WHICH INCLUDES INHABITABLE RESIDENCE...INHABITABLE
RESIDENCE AND IMPROVEMENTS USED FOR RESIDENTIAL PURPOSES WHICH IS
LOCATED OUTSIDE OF URBAN AREAS OR OUTSIDE A PLATTED AND ZONED
SUBDIVISION. [LB1037]

SENATOR SMITH: OKAY. THANK YOU, SENATOR KINTNER. SO YOU READ IN THERE
WHERE SENATOR KINTNER SAID THIS IS RESIDENTIAL PURPOSES. THIS
LANGUAGE IS IN THERE FOR A REASON. THIS, WHAT SENATOR KINTNER JUST
READ AND DESCRIBED, IS GOING TO BE...IS GOING TO RECEIVE THE SAME
FARMLAND EXEMPTION AS PRODUCTIVE FARMLAND. AND SENATOR KINTNER,
WHEN HE WAS ON THE MIKE A LITTLE BIT EARLIER, HE WAS TALKING ABOUT
THE MERITS OF THE BILL AND SUCH BUT HE REALLY DIDN'T COME DOWN TO
THE REAL PURPOSE OF THE BILL, AND THAT IS, UNDER THE RESIDENTIAL
PORTION OF A FARM HOMESITE, THEY WOULD GET THE SAME EXEMPTION AS
THE PRODUCTIVE LAND FROM THAT FARM. THAT'S JUST UNFAIR. IT'S UNFAIR FOR
ME AS A "NON-AG" BUSINESS OWNER AND IT'S UNFAIR FOR HOMEOWNERS
ACROSS OUR STATE. EVERYONE'S PROPERTY TAXES ARE TOO HIGH, EVERYONE'S.
THIS BILL SINGLES OUT, GIVES PREFERENCE TO OWNERS OF FARMS, NOT
OWNERS OF BUSINESSES, AND NOT JUST THE AVERAGE PERSON THAT OWNS A
HOME IN THE STATE OF NEBRASKA, THAT GOES TO WORK EVERY DAY AND THEY
PAY THEIR TAXES. AND SENATOR KINTNER STOOD ON THE MIKE AND HE SAYS,
IT'S NOT EASY BEING A FARMER. WELL, GUESS WHAT, IT'S NOT EASY BEING A
BUSINESS OWNER IN THIS STATE. IT'S NOT EASY BEING A RESIDENT IN THIS
STATE. YOU GO TO WORK EVERY DAY AND YOU PAY YOUR TAXES, AND THE
TAXES ARE TOO HIGH. BUT WE CAN'T GET INCOME TAX RELIEF IN THIS BODY.
AND WE PIT AGRICULTURE AGAINST NONAGRICULTURE. I DON'T CARE WHAT

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SENATOR BRASCH SAYS; THESE WORDS ARE DIVISIVE WHEN WE CONTINUE TO FOCUS DAY AFTER DAY AFTER DAY ON GIVING TAX ADVANTAGES TO AGRICULTURE BUSINESSES BUT NOT NON-AGRICULTURE BUSINESSES, AND I'M TIRED OF IT. SO, AGAIN, I BROUGHT A FRIENDLY AMENDMENT. IT WAS NOT UNFRIENDLY, IT WAS FRIENDLY. AND SENATOR KINTNER WANTED TO GET ON THE MIKE... [LB1037]

SPEAKER HADLEY: ONE MINUTE. [LB1037]

SENATOR SMITH: ...AND HE WANTED TO SAY DISPARAGING THINGS ABOUT MY AMENDMENT. IF SENATOR KINTNER IS WILLING TO SUPPORT THE AMENDMENT, I WILL NOT SUPPORT A BRACKET MOTION. BUT ANYTHING SHORT OF ONE OF MY AMENDMENTS, I WILL FIGHT TO KILL THIS BILL BECAUSE IT'S BAD LEGISLATION. THANK YOU, MR. PRESIDENT. [LB1037]

SPEAKER HADLEY: THANK YOU, SENATOR SMITH. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB1037]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I APPRECIATE THE PASSION THAT SENATOR SMITH DEMONSTRATES WITH HIS OPPOSITION TO THE BILL, WHICH I ALSO SHARE. I HAVE A LOT OF CONCERNS ABOUT THIS BILL AND I TOLD SENATOR BRASCH THAT WHEN WE HAD THE DISCUSSION IN THE REVENUE COMMITTEE ABOUT THE...WHAT I PERCEIVE TO BE A SPLITTING OF THE STATE IN MANY RESPECTS. AND LOOKING AT THE MAP, I THINK IT DEMONSTRATES EXACTLY WHERE THE PRESSURE CAME FROM FOR THIS BILL, WHY IT'S A BAD BILL TO BEGIN WITH. BUT FIRST OF ALL, LET'S REMEMBER THIS. AND SENATOR FRIESEN REFERRED TO IT EARLIER AND TALKED ABOUT IT I THINK IN AN ELOQUENT MANNER. I'M JUST LIKE HE IS. I'M PERFECTLY HAPPY TO PAY THE RESIDENTIAL VALUE OF THAT PROPERTY BECAUSE IT'S NO DIFFERENT. IT IS A RESIDENCE WHERE I LIVE. IT'S NO DIFFERENT THAN ANY OTHER RESIDENCE ANYWHERE IN THE STATE. JUST BECAUSE IT HAPPENS TO BE ON A FARM, IT'S STILL RESIDENTIAL. BUT IF WE'RE GOING TO DO SOMETHING FOR PROPERTY TAX RELIEF, WHICH WE NEED TO DO, THIS IS NOT THE SOLUTION. THIS PUTS URBAN AGAINST RURAL. ACTUALLY, IT PUTS SUBURBAN AGAINST RURAL, IN MY MIND, ALSO. SO JUST LOOK AT THAT MAP AND YOU CAN SEE THAT SARPY COUNTY, THAT'S WHERE THE PROBLEM SEEMS TO BE, \$56,000 THERE VERSUS AROUND \$1,200, I THINK, IN HOOKER COUNTY OR MAYBE LESS THAN THAT, MAYBE \$100. AND SO THERE WAS A STUDY, A LITTLE STUDY DONE ABOUT HOW THIS WOULD PLAY OUT ACROSS THE STATE. SO THIS IS GOING TO PRODUCE ABOUT A

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DOLLAR'S WORTH OF SAVINGS TO A RANCHER OUT IN HOOKER COUNTY. NOW, DO YOU THINK THAT IS PROPERTY TAX RELIEF? NO, WE'RE PICKING SPECIAL FOLKS HERE FOR SPECIAL DISPENSATION. AND THE OTHER THING THAT I THINK IS VERY IMPORTANT TO LOOK AT AND I HOPE THE BODY WILL LISTEN TO ME WHEN I SAY THIS, LOOK AT THE FISCAL NOTE. ONE AND A QUARTER MILLION DOLLARS TO THE TEEOSA FORMULA. NOW WHERE IS MOST OF THAT MONEY GOING TO GO? LOOK AT THE MAP AGAIN AND YOU'LL SEE THAT ALMOST ALL THE COUNTIES THAT ARE IN THE RED ON THAT MAP THAT SENATOR BRASCH HANDED OUT ARE EQUALIZED DISTRICTS. SO WE'RE GOING TO, AGAIN, ONE MORE TIME, SUBSIDIZE THE EQUALIZED DISTRICTS BY MAKING SPECIAL TAX FAVORS TO CERTAIN PEOPLE IN CERTAIN COUNTIES. I CAN'T SUPPORT THE BILL. I'M GOING TO SUPPORT THE BRACKET MOTION. I WANT PROPERTY TAX RELIEF MORE THAN ANYTHING. NEBRASKA NEEDS IT. WE NEED IT BADLY AND WE NEED IT FOR OUR AGRICULTURAL PRODUCERS. BUT THIS IS NOT THE WAY TO GO. AND I'M GOING TO MAKE ONE FINAL COMMENT. AS I SAID, I APPRECIATE SENATOR SMITH'S BEING WOUND UP ABOUT HIS INCOME TAX. BUT I'M GOING TO TELL YOU, THERE ARE A LOT OF PEOPLE THAT ARE ON FARMS AND RANCHES THAT DON'T EVEN HAVE ANY INCOME AND THEY STILL HAVE A BIG PROPERTY TAX BILL THEY HAVE TO PAY. YOU KNOW, I THINK EVERY ONE OF US HERE IN AGRICULTURE WOULD SAY, BRING ON THE INCOME TAX, WE'RE ALL HAPPY TO PAY IT BECAUSE WHEN YOU HAVE INCOME, YOU PAY IT. AND BELIEVE ME, I PAY A SIGNIFICANT AMOUNT OF INCOME TAX. BUT I DON'T RESENT IT BECAUSE IT'S MY OBLIGATION, MY DUTY TO SUPPORT THE STATE. WHAT I DO RESENT IS PROPERTY TAXES THAT ARE CONFISCATORY. THIS IS NOT THE SOLUTION. AND I URGE THE BODY TO VOTE FOR THE BRACKET MOTION. SENATOR SMITH'S AMENDMENT MAKES THE BILL A LITTLE BETTER, BUT IT'S STILL UNPALATABLE TO ME. THANK YOU, MR. PRESIDENT. [LB1037]

SPEAKER HADLEY: THANK YOU, SENATOR DAVIS. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB1037]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. WOULD SENATOR BRASCH YIELD TO A QUESTION? [LB1037]

SPEAKER HADLEY: SENATOR BRASCH, WILL YOU YIELD TO A QUESTION?
[LB1037]

SENATOR BRASCH: YES, I WILL. [LB1037]

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SENATOR HARR: THANK YOU, SENATOR. AS YOU KNOW, I VOTED FOR THIS IN COMMITTEE, AND I JUST WANT TO CLARIFY A COUPLE ISSUES. IF I DO NOT AGREE WITH THE VALUATION, I'M A FARMER, AND I DON'T AGREE WITH THE VALUATION ON MY FIRST ACRE, CAN I APPEAL THAT VALUATION? [LB1037]

SENATOR BRASCH: YES, YOU CAN. [LB1037]

SENATOR HARR: AND TO WHOM WOULD I APPEAL? [LB1037]

SENATOR BRASCH: YOU'D GO BEFORE THE TERC BOARD. [LB1037]

SENATOR HARR: OKAY. AND DO YOU KNOW, IS THIS GOING ON RIGHT NOW? [LB1037]

SENATOR BRASCH: YES, IT IS. [LB1037]

SENATOR HARR: OKAY. AND WHAT IS THE TERC BOARD RULING? ARE THEY RULING THAT THE VALUE IS WHAT THE ASSESSOR SAYS IT IS OR ARE THEY TRYING TO COME UP WITH IT, THAT IT'S VALUED AT THE VALUE OF THE ADJOINING AGRICULTURE LAND? [LB1037]

SENATOR BRASCH: I BELIEVE THE RULINGS ARE CASE PER CASE. I'M NOT CERTAIN. I COULD FIND OUT. [LB1037]

SENATOR HARR: OKAY. LET ME ASK YOU ANOTHER QUESTION. AND AS I UNDERSTAND IT, IF I AM A GENTLEMAN FARMER AND I HAVE 20 ACRES AND ON THE FIRST ACRE I HAVE MY NICE THIRD HOME THAT'S PROBABLY WORTH, LET'S SAY, A MILLION DOLLARS, AND UNDERNEATH THERE, THOUGH, I HAVE THE LAND AND I HAY IT TWICE A YEAR, OKAY? WHAT WOULD THE VALUE OF THE LAND UNDERNEATH MY MILLION DOLLAR HOUSE BE? WOULD IT BE THE VALUE OF THE ACRE OR WOULD IT BE THE VALUE OF THE HAY ADJOINING? [LB1037]

SENATOR BRASCH: THE HOUSE IS ALWAYS AT 100 PERCENT. [LB1037]

SENATOR HARR: I DIDN'T ASK THE HOUSE. I ASKED THE VALUE OF THE LAND UNDERNEATH IT. [LB1037]

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SENATOR BRASCH: THE LAND WOULD BE DETERMINED BY YOUR ASSESSOR.
[LB1037]

SENATOR HARR: OKAY. WOULD IT BE OF THE ADJOINING PROPERTY? IS THAT
HOW YOU UNDERSTAND THIS? [LB1037]

SENATOR BRASCH: YES. [LB1037]

SENATOR HARR: OKAY. AND WOULD IT BE, AS YOU CURRENTLY HAVE IT
DRAFTED, WOULD IT BE...MY MILLION DOLLAR HOUSE BE VALUED AT...THE
LAND UNDERNEATH MY MILLION DOLLAR HOUSE BE VALUED AT THE VALUE OF
WHATEVER THE HAYING IS NEXT TO IT, IS THAT CORRECT, UNDER MY
HYPOTHETICAL? [LB1037]

SENATOR BRASCH: NO. IT WOULD BE AT 75 PERCENT OF ITS MARKET VALUE.
[LB1037]

SENATOR HARR: OH, 75 PERCENT OF ITS MARKET VALUE. SO HOW IS THAT
CONSTITUTIONAL? IF WE HAVE TO MAKE THE VALUE OF THE LAND...WE DON'T
HAVE A SEPARATE CONSTITUTIONAL AMENDMENT FOR...WE HAVE IT FOR AG WE
CAN TREAT SEPARATELY, BUT WE DON'T HAVE RESIDENTIAL BEING TREATED
SEPARATELY. HOW DO WE DO THIS CONSTITUTIONALLY? [LB1037]

SENATOR BRASCH: LB1037 DEFINES FARM HOMESITES AND FARM SITES AS
AGRICULTURAL LAND, WHICH IS PERMITTED UNDER ARTICLE VIII, SECTION 1(4).
[LB1037]

SENATOR HARR: OKAY. WOULD YOU BE OPEN TO AMENDMENT THAT SAYS STATE
SENATOR'S LAND SHALL BE VALUED AS AGRICULTURE SO WE CAN GET IT AT 75
PERCENT AS WELL? [LB1037]

SENATOR BRASCH: MY RESPONSE IS, ARE YOU SERIOUS? NO, YOU AREN'T.
[LB1037]

SENATOR HARR: WELL, I DON'T KNOW. I MEAN WE'RE...YOU KNOW THIS IS...
[LB1037]

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SENATOR BRASCH: RIDICULOUS. [LB1037]

SENATOR HARR: WELL, WOW, OKAY. I AGREE THIS WHOLE BILL IS RIDICULOUS BECAUSE WE'RE CHANGING THE DEFINITION OF WHAT AGRICULTURE IS. THIS IS THE SAME PROBLEM I HAD LAST WEEK WHEN WE DID THE RIGHT TO FARM BILL. AND THAT'S WHY IT'S IMPORTANT THAT WE HAVE DEFINITIONS. SO WE'RE TAKING THE DEFINITION OF WHAT AG LAND IS AND WE'RE TURNING IT ON ITS HEAD AND WE'RE SAYING, WELL, IF YOU'RE A RESIDENT AND YOUR UNDERLYING OCCUPATION IS OWNERSHIP OF AGRICULTURAL LAND, THEN IT'S ONLY WORTH 75 PERCENT. BUT IF YOU ARE A RESIDENT AND YOUR UNDERLYING OCCUPATION IS ANYTHING ELSE, IT DOESN'T COUNT. AND I DON'T THINK THAT'S FAIR. IT SHOULDN'T BE BASED ON WHAT YOUR OCCUPATION IS. IN COMMITTEE I GAVE AN EXAMPLE WHERE I SAID YOU HAVE TWO BROTHERS. WE'LL CALL ONE MOSES AND THE OTHER ONE MUHAMMAD. AND THEY HAVE A FATHER... [LB1037]

SPEAKER HADLEY: ONE MINUTE. [LB1037]

SENATOR HARR: THANK YOU...WE'LL CALL ABRAHAM. MOSES HAS FARMLAND AND HE RENTS IT OUT AND HE LIVES IN THE COUNTRY. ABRAHAM HAS APARTMENT BUILDINGS AND LIVES ON THAT APARTMENT BUILDING IN THE CITY. THEY BOTH MAKE THEIR MONEY OFF OF RENTING THEIR PROPERTY OUT TO THIRD PARTIES. MOSES ONLY PAYS 75 PERCENT; ABRAHAM WOULD HAVE TO PAY 100 PERCENT. THEY MAKE THEIR MONEY THE SAME WAY. THE ONLY DIFFERENCE IS THE KIND OF FARM THEY OWN...THE KIND OF LAND THEY OWN. I DON'T THINK THAT'S FAIR. I UNDERSTAND WHAT THEY'RE TRYING TO DO HERE, BUT WE HAVE A PROCESS ALREADY. SHE MENTIONED IT. IT'S TERC. IF YOU DON'T LIKE THE VALUATION OF YOUR LAND, APPEAL IT. GO TO TERC. THAT'S WHY WE HAVE A SYSTEM. THEY WANT TO GO OUTSIDE THE SYSTEM THAT EVERYONE ELSE HAS AGREED TO USE AND CREATE THEIR OWN. I DON'T THINK THAT'S FAIR. THANK YOU, MR. SPEAKER. [LB1037]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1037]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, LOOKING AT THE COMMITTEE STATEMENT, BECAUSE THIS BILL CAME OUT OF THE REVENUE COMMITTEE IN THE WAY THAT IT DID, NO OPPOSITION, AND THERE HAD BEEN BILLS BEFORE THAT COMMITTEE DEALING WITH VARIOUS ASPECTS OF THE TAXING SYSTEM OR SYSTEMS, I ASSUMED

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INCORRECTLY THAT EVERYBODY WAS IN AGREEMENT WITH THIS BILL AS A GOOD THING; THAT IT FIT IN WITH AND MESHED WITH ALL OF THE DISCUSSIONS AND THE WORK BEING CONTEMPLATED WITH REFERENCE TO TAXING. THE BILLS THAT I'VE SEEN SO FAR I'M NOT GOING TO SUPPORT, BUT AT LEAST THEY'RE NOT SKEWED LIKE THIS ONE IS. I THINK WHAT OUGHT TO BE DONE WITH THIS BILL IS TO BRACKET IT. IN VIEW OF THE OPPOSITION I'VE HEARD EXPRESSED ALREADY BY PEOPLE WHO ARE INVOLVED IN AGRICULTURE, I'M NOT GOING TO TAKE A LOT OF TIME GIVING THE KIND OF ARGUMENTS I WOULD HAVE GIVEN. BUT THERE'S NO WAY THIS THING CAN BE SEEN AS ANYTHING OTHER THAN A WEDGE BETWEEN RURAL AND URBAN, AND BOTH OF THOSE TERMS MIGHT BLEED A BIT INTO EACH OTHER. BUT BECAUSE SOMETHING IS BEFORE US AND IT'S OF NO GREAT CONSEQUENCE, I'M GOING TO SAY SOME MORE THINGS ABOUT GUNS. IN THE NEWSPAPER AND ON TELEVISION, A 15-YEAR-OLD BLACK KID PULLED, THEY FEEL, TWO ROBBERIES. HE SHOT DURING ONE OF THE ROBBERIES AND I THINK WOUNDED SOMEBODY. IF THAT WAS A WHITE KID AND HE HAD DONE THIS IN A WHITE NEIGHBORHOOD, THE FIRST THING THEY'D SAY IS, WHERE DID HE GET THE GUN? WHERE DID THE GUN COME FROM? AND THEN, IF THERE WAS A PROLIFERATION OF THESE GUNS AMONG YOUNG WHITE GUYS IN A WHITE COMMUNITY AND THEY WERE USED AGAINST WHITE PEOPLE, THERE WOULD BE AN ENTIRELY DIFFERENT ATTITUDE TOWARD IT. IT WOULD COME CLOSER TO APPROXIMATING THE ALMOST EUPHORIC RESPONSE WHEN THESE MULTIDISCIPLINARY, MULTIDISCIPLINE LAW ENFORCEMENT AGENCIES GOT TOGETHER TO PUT A BIG CRIMP IN THE METHAMPHETAMINE ACTIVITY IN THE AREA, BECAUSE METHAMPHETAMINE AFFECTS WHITE PEOPLE. SO THEY ALL GOT TOGETHER, PUT THEIR HEADS TOGETHER, AND WENT TO THE SOURCE OF THE METHAMPHETAMINE, AND THEY'RE PROUD OF THEMSELVES. AND I'M SITTING IN A BLACK COMMUNITY, AFTER HAVING BEGGED AND PLEADED, CAJOLED, CRITICIZED, CONDEMNED THESE LAW ENFORCEMENT AGENCIES FOR NOT GOING TO THE SOURCE OF THESE GUNS, AND NOBODY CARES, NOBODY! THEN I MAKE A COMMENT ON THIS FLOOR THAT EVERYBODY HERE SHOULD HAVE UNDERSTOOD, AND IT GETS ON THE RADIO. THEN SENATOR KINTNER JUMPS UP, TATTLETALE: MS. TEACHER, YOU PUT...YOU MADE ME STAND IN THE CORNER. THEN I HAD TO BEAT THESE ERASERS AFTER SCHOOL. AND CHAMBERS CHEWED GUM IN CLASS AND YOU DIDN'T DO ANYTHING. SO TATTLETALE PREVAILED. ARE WE NOW GOING TO TATTLE? I DON'T CARE WHAT YOU DO WITH REFERENCE TO ME, BECAUSE I'M AN ADULT AND I SEE THAT AS CHILDREN BEING ADOLESCENT AND CHILDISH. BUT I'M GOING TO USE TIME TODAY AND MAYBE TOMORROW AND THE NEXT DAY TO DISCUSS THESE ISSUES THAT I SEE AS INVOLVING LITERALLY LIFE AND DEATH

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IN MY COMMUNITY. AND THE ONES WHO TOOK AN OATH AND ARE PAID...
[LB1037]

SPEAKER HADLEY: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: ...TO DO THE JOB ARE NOT DOING IT. I DON'T HAVE TO GET OUT HERE AND BEG COPS AND PLEAD WITH THEM AND PRAISE THEM WHEN THEY DO WHAT THEY'RE PAID TO DO. AND IN A WHITE COMMUNITY, THEY WOULD DO IT DIFFERENTLY. AND METHAMPHETAMINE IS THE PERFECT EXAMPLE OF WHAT THEY DO WHEN SOMETHING AFFECTS WHITE PEOPLE. AND WHEN I SAY WHITE, EVERYBODY WANTS TO SAY IT IS RACIST. I DON'T CARE WHAT YOU CALL IT! I'M GOING TO CHARACTERIZE IT AND IDENTIFY IT SO YOU KNOW WHAT I'M GOING TO TALK ABOUT, AND I'M GOING TO TALK ABOUT IT AND TALK ABOUT IT AND TALK ABOUT IT. THERE'S A NEW GUY, HEAD OF THE FBI IN OMAHA. I MIGHT BE CONTACT HIM, BE A WASTE OF TIME, BUT I MIGHT ON DOING SOMETHING ABOUT THE SOURCE OF GUNS AS THEY DID ABOUT THE SOURCE OF METHAMPHETAMINE JUST A FEW WEEKS AGO. THANK YOU, MR. PRESIDENT. [LB1037]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. MR. CLERK FOR ANNOUNCEMENTS. [LB1037]

CLERK: MR. PRESIDENT, ENROLLMENT AND REVIEW REPORTS LB935 TO SELECT FILE WITH AMENDMENTS. REVENUE COMMITTEE REPORTS LB958 TO GENERAL FILE WITH AMENDMENTS. AND I HAVE A MOTION TO BE PRINTED FROM SENATOR McCOY TO LB1032. THAT'S ALL THAT I HAD, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1265-1268.) [LB935 LB958 LB1032]

SPEAKER HADLEY: THE BODY WILL STAND AT EASE UNTIL 12:30. AT THAT TIME WE WILL START WITH SENATOR KINTNER, WILL BE THE FIRST ONE IN THE QUEUE. [LB1037]

EASE

SENATOR KRIST PRESIDING

SENATOR KRIST: RETURNING TO DISCUSSION ON LB1037, AM2690, AND THE MOTION BY SENATOR CHAMBERS, MO235, FOR BRACKET, THOSE WISHING TO

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SPEAK: SENATOR KINTNER, MORFELD, BRASCH, GROENE, SMITH, AND OTHERS.
SENATOR KINTNER, YOU ARE RECOGNIZED. [LB1037]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, I DON'T HAVE QUITE THE INCOME THAT SENATOR SMITH HAS BUT, YOU KNOW, I GET MAD WHEN I DO MY TAXES. YOU GO DOWN IN THE BASEMENT. IT'S ALL FULL OF SMOKE. THERE'S A BUNCH OF CIGAR BUTTS ALL OVER THE PLACE, AND ASHTRAYS, DIET COKE CANS AND DIET ROOT BEER CANS ALL OVER THE GROUND. AND IT'S NOT A VERY HAPPY PLACE AND MY WIFE TRIES NOT TO BE IN THE HOUSE ON TAX DAY, AT LEAST WHEN I'M DOING MY PART OF THE TAXES. BUT, YOU KNOW, WHEN I INITIALLY, BRIEFLY LOOKED AT SENATOR SMITH'S AMENDMENTS, AT FIRST I THOUGHT, WELL, JEEZ, THEY'RE GOING TO RAISE TAXES IF YOU DO THAT. MY LA SAID, NO, THEY'RE NOT GOING TO DO THAT. AND SO I...YOU KNOW, IF YOU'RE NOT GOING TO READ THE BILL, AT LEAST GO SPEAK TO THE AMENDMENT AUTHOR, AUTHOR OF THE BILL. AND I WENT OVER AND SPOKE TO SENATOR SMITH, AND I DO THINK THAT HIS AMENDMENTS ACTUALLY HELPED THE BILL. IT NARROWS IT. AND I DON'T THINK IT CONFLICTS WITH MY AMENDMENT. I THINK IT NARROWS IT A LITTLE BIT MORE AND MAKES SURE THAT WE ARE TREATING EVERYONE AS FAIR AS WE CAN WITHIN THE CONFINEMENTS AND THE PARAMETERS OF THE LAW. SO I DO SUPPORT SENATOR SMITH'S AMENDMENT. AND, YOU KNOW, I SHOULD HAVE TALKED TO HIM FIRST BECAUSE SENATOR SMITH GENERALLY HAS WORKED WITH ME ON BILLS AND USUALLY WHEN WE GET DONE WORKING TOGETHER EVERYTHING IS BETTER. SO I SUPPORT SENATOR SMITH'S AMENDMENT. I THINK THAT WE'VE GOT A PATH FORWARD HERE AND I WOULD CERTAINLY ENCOURAGE EVERYONE TO SUPPORT SENATOR SMITH'S AMENDMENT AND OPPOSE THIS BRACKET MOTION. AND WITH THAT, THANK YOU, MR. PRESIDENT. [LB1037]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB1037]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF THE BRACKET MOTION. AND I RISE IN SUPPORT OF THE BRACKET MOTION AND IN OPPOSITION OF THE BILL BECAUSE THERE ARE INDIVIDUALS IN MY DISTRICT, PARTICULARLY SINCE WE HAVE 2,400 OF THEM, WHO LACK HEALTH INSURANCE OR FALL WITHIN THE MEDICAID GAP WHO ALSO NEED TAX RELIEF, AND I BELIEVE THAT THIS BILL DISCRIMINATES AGAINST THEM AND OTHER RESIDENTIAL LANDOWNERS. IN ADDITION, IN RESPONSE TO SENATOR FRIESEN'S COMMENT ABOUT NEVER HAVING ANY VACATIONS, THIS CITY BOY ALSO NEVER HAD ANY VACATIONS. MY FAMILY WAS WORKING HARD AS WELL. I WOULD LIKE

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TO YIELD THE REMAINDER OF MY TIME TO SENATOR SMITH. THANK YOU.
[LB1037]

SENATOR KRIST: THANK YOU, SENATOR MORFELD. SENATOR SMITH, 4:19.
[LB1037]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR MORFELD, FOR YIELDING ME SOME TIME. A LITTLE BIT MORE CALM NOW, BUT I KNOW EVERYONE'S RETURNING FROM LUNCH, BUT I DID WANT TO JUST MAKE A COUPLE OF COMMENTS AND AGAIN I WANT TO MAKE CERTAIN THAT MY INTENT HERE IS CLEAR AND CORRECT. MY INTENT WAS NOT TO KILL THE BILL. MY INTENT IS TO MAKE CERTAIN THAT ALL RESIDENTIAL PROPERTY TAX OWNERS ARE TREATED FAIRLY AND AN ADVANTAGE IS NOT GIVEN TO ONE OVER ANOTHER. I DO BELIEVE THAT OUR PROPERTY TAXES ARE TOO HIGH IN OUR STATE. I BELIEVE THERE'S A LOT OF OTHER TAXES TOO HIGH IN OUR STATE. I DO NOT BELIEVE THAT AGRICULTURE, OUR BUSINESSES ARE GREEDY OR MONEYGRUBBERS OR ANYTHING OF THAT NATURE, NO MORE THAN ANY OTHER BUSINESS THAT'S IN BUSINESS TO MAKE A PROFIT IS. BUSINESSES ARE IN BUSINESS TO CREATE JOBS AND TO MAKE A PROFIT AND TO USE THOSE PROFITS TO REINVEST IN THEIR BUSINESSES. THAT'S HOW OUR ECONOMY WORKS AND THAT IS A GOOD THING. DESIRING TO MAKE A PROFIT IS NOT A BAD THING. AND IF THERE'S A BUSINESS OUT THERE THAT THINKS IT'S A BAD THING, EITHER THEY'RE NOT GOING TO BE IN BUSINESS OR MAYBE THAT'S NOT THE PURPOSE OF THEIR ROLE IS TO BE IN BUSINESS. WE DO NEED TAX RELIEF IN OUR STATE, AND WE'RE GOING TO HAVE FURTHER DISCUSSION THIS WEEK ABOUT TAX RELIEF, A LOT OF FOCUS ON PROPERTY TAX. WE NEED TO MAKE CERTAIN THAT WE ARE PROVIDING TAX RELIEF, REDUCING THE BURDEN OF GOVERNMENT ON ALL NEBRASKANS, NOT JUST PROPERTY TAX OWNERS. NOT ALL NEBRASKANS THAT PAY TAXES OWN PROPERTY, AND NOT ALL BUSINESSES OWN PROPERTY. SOME OF THEM RENT OR LEASE PROPERTY. SO HOW DO WE PROVIDE RELIEF FOR ALL OF OUR BUSINESSES IN THIS STATE SO THAT THEY CAN DO WHAT THEY DO BEST-- CREATE JOBS, CREATE WEALTH? AND I HOPE WE HAVE A BALANCED DISCUSSION THIS WEEK AND NOT LEAVE OUT ANY SEGMENT OF OUR STATE. WE NEED TO UNITE OUR STATE. WE DO NOT NEED TO DIVIDE ALONG URBAN-RURAL LINES OR ALONG LARGE AND SMALL BUSINESS LINES. AGAIN, I WANT TO THANK SENATOR BRASCH. I KNOW SHE'S A TRUE BELIEVER IN PROVIDING RELIEF TO OUR AGRICULTURAL PROPERTY TAX OWNERS. I ADMIRE SENATOR BRASCH FOR THAT. AND SENATOR BRASCH HAS STOOD WITH ME ON MANY, MANY OTHER BILLS TO HELP NEBRASKANS, AND I REALLY APPRECIATE THAT, SO I DID NOT WANT TO END THIS DISCUSSION AT ODDS WITH SENATOR BRASCH. AND, SENATOR

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KINTNER, I APPRECIATE YOUR COMMENTS AND IT DOES SOUND LIKE YOU UNDERSTAND WHAT I'M ATTEMPTING TO DO WITH MY AMENDMENT. AND WE HOPEFULLY WILL HAVE ADDITIONAL CONVERSATIONS THIS WEEK ABOUT TAXES. [LB1037]

SENATOR KRIST: ONE MINUTE. [LB1037]

SENATOR SMITH: SO WITH THAT, I'M GOING TO CONCLUDE MY REMARKS. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB1037]

SENATOR KRIST: THANK YOU, SENATOR SMITH AND SENATOR MORFELD. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB1037]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. AND I DO APPRECIATE THE UNDERSTANDING AND THE WORDS FROM MY COLLEAGUE, SENATOR SMITH, BECAUSE WE HAVE WORKED TOGETHER ON MANY ISSUES. AND I DO BELIEVE THAT HIS AMENDMENT HAS GOOD INTENT AND I UNDERSTAND THE REASON FOR IT. I WILL BE SUPPORTING THAT AMENDMENT, NOT THE BRACKET THAT SENATOR CHAMBERS HAS PROPOSED. I DO UNDERSTAND THAT ALL PEOPLE HAVE LABOR, HAVE JOBS. YOU KNOW, MY FATHER WORKED AT THE RAILROAD BECAUSE THAT'S THE ONLY PLACE THAT WOULD TAKE HIM WHEN HE DIDN'T SPEAK ENGLISH ORIGINALLY, AND BACK-WRENCHING, VERY DIFFICULT HEAVY LIFTING, TRULY. AND MY MOTHER, SHE PULLED RUBBER AT GOODYEAR HERE IN LINCOLN. SO, YES, I'M NOT SAYING THAT PEOPLE WHO DO NOT FARM DO NOT HAVE WORK THAT IS STRENUOUS. BUT I ALSO WITH THE INTENT OF THIS BILL WAS...MY MOTHER WAS NOT REQUIRED TO STAY AT GOODYEAR. SHE HAD A SHIFT TO GO TO, THE SAME WITH MY FATHER AT THE BURLINGTON NORTHERN SHOPS. BUT THAT DISCUSSION I BELIEVE DOES NOT HAVE MERIT HERE TODAY BECAUSE WHAT WE ARE TRYING TO DO IS TO CHANGE THIS STATUTE TO REFLECT AND HELP BETTER DEFINE AGRICULTURAL LAND FOR PURPOSES. AND I UNDERSTAND THE AMENDMENT THAT SENATOR SMITH WANTS TO ADD TO THIS. AS FAR AS COMMENTS BY SENATOR DAVIS, HE REPRESENTS HIS CONSTITUENCIES AND PERHAPS THEY ALL HAVE THAT SAME FEELING AS WELL. THIS WAS ONE STEP, ONE SMALL PORTION OF PROPOSED TAX RELIEF ON AG LAND. IT WAS NOT GOING TO NECESSARILY ADDRESS THE ENTIRE STATE. THAT IS OTHER LEGISLATION FOR ANOTHER DAY. AND THE COMMENTS THAT SENATOR FRIESEN HAD, AND AGAIN, YOU KNOW, HE BELIEVES, YOU KNOW, AS A FARMER THAT THE 100 PERCENT UNDER HIS BUILDINGS IS FINE, AND SO DID DAVIS, AND I'M CONFIDENT OTHERS

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DO AS WELL. BUT I DO KNOW THAT ACROSS THE STATE PEOPLE ARE ASKING FOR PROPERTY TAX RELIEF SO THAT THREE-LEGGED STOOL CAN ONCE AGAIN BE A THREE-LEGGED STOOL AND NOT A PEDESTAL. AS YOU KNOW, THE COMMENT THAT SENATOR CHAMBERS HAD ABOUT PROFIT, THE PROFIT THAT WE'VE SEEN HAS ALL TURNED INTO UPDATING BROKEN EQUIPMENT, EQUIPMENT THAT OTHER HOBBYISTS CALLED ANTIQUES AND FOR FUN. WE USED IT TO FARM. AND SLOWLY BUT SURELY, YOU KNOW, WE ARE TRYING TO USE TECHNOLOGY IN OUR FARMING OPERATIONS AND UPGRADE TO MATCH WHAT THE INDUSTRY REQUIRES. SO WITH THAT SAID, I WOULD LIKE YOU TO VOTE RED ON THE BRACKET AND TO VOTE GREEN FOR SENATOR SMITH'S AMENDMENT AND YOUR CONSIDERATION OF A GREEN VOTE FOR LB1037 AS WELL. THANK YOU. [LB1037]

SENATOR KRIST: THANK YOU, SENATOR BRASCH. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1037]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. BEFORE ANYBODY GETS CONFUSED, I DON'T THINK THIS BILL CAME FROM PRODUCTION AGRICULTURE. I LOOKED AT LINCOLN COUNTY AND IT'S \$5,000, A LITTLE OVER \$5,000 ON THE MAP THAT SENATOR BRASCH SUPPLIED. AG LAND IS ABOUT \$3,000 AN ACRE. THE AVERAGE FARMER WOULD PROBABLY SAVE ABOUT \$30 IN LINCOLN COUNTY ON THE HOME SITE. I LOOK AT SOME OF THE THESE OTHER COUNTIES, YOU'RE TALKING MAYBE \$100, \$150. I DON'T THINK THAT IS WHAT PRODUCTION AGRICULTURE IS AFTER. THAT SAID, I SUPPORT SENATOR SMITH'S AMENDMENT, THAT ACRE OF GROUND UNDER YOUR HOUSE. I DON'T KNOW WHY IT'S AN ACRE WHEN MOST RESIDENTIAL LOTS ARE 100 BY 150. AND THE FARMER PAYS FOR HIS OWN SEWER, HIS OWN WELL, HIS OWN ELECTRICITY THAT COMES IN, HAS TO PAY FOR THE TRANSFORMER WHEN THEY PUT A NEW ONE IN. SO THE VALUE OF THAT LAND, I DON'T KNOW WHY IT'S AN ACRE, IT SHOULD JUST A LOT LESS. IT SHOULD BE JUST AN AVERAGE HOUSE LOT. BUT THAT SAID, THIS IS MINOR. THIS IS NOT AN URBAN-RURAL SPLIT. THIS IS...PRODUCTION AGRICULTURE ISN'T WORRIED ABOUT THIS AT ALL. WHAT THEY'RE WORRIED ABOUT IS THE INEQUITY IN THE FUNDING OF OUR PUBLIC SCHOOLS, THE FACT THAT THEY ARE FUNDING THEIR SCHOOLS BASICALLY 100 PERCENT AS FAR AS STATE AND LOCAL TAXES, WHETHER URBAN DISTRICTS ARE GETTING A LARGE PERCENTAGE OF THEIR FUNDING FROM THE INCOME AND SALES TAXES. AND WHAT THE PRODUCTION AGRICULTURE IS CONCERNED ABOUT IS WHEN YOU LOOK AT THE BOTTOM LINE OF COST VERSES COMMERCIAL, THE PERCENTAGE OF COST OF PRODUCTION IS HIGHER FOR PROPERTY TAXES IN AGRICULTURE THAN THE OTHER COMMERCIAL BUSINESS IN THE STATE. THAT IS WHAT THEY'RE CONCERNED ABOUT. WE NEED TO ADDRESS THE INEQUITY IN FUNDING FOR OUR

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SCHOOLS BECAUSE, REMEMBER, IT'S THE STATE OF NEBRASKA'S RESPONSIBILITY TO SUPPLY FREE INSTRUCTION IN OUR COMMON SCHOOLS; IT'S NOT THE LOCAL PROPERTY TAXPAYER, URBAN OR CITY. THAT IS WHAT OUR PROBLEM IS. OUR PROBLEM IS NOT VALUATIONS. OUR PROBLEM IS THE MULTIPLIER THAT...TIMES THE VALUATION. THAT IS WHAT THE PROBLEM IS. THE PROBLEM IS HOW MANY DOLLARS IN TAXES WE PAY AND HOW FAST THEY'RE GOING UP JUST BECAUSE VALUATIONS ARE GOING UP, WHICH ARE NOT RELATED TO INCOME. THAT IS OUR PROBLEM. IF WE'RE GOING TO FIX SOMETHING AND EVERYBODY'S GOING TO BE ON THE SAME PLAYING FIELD, WE NEED TO FIX THE EQUATION THAT CAUSES SOME CITIZENS OF NEBRASKA TO COMPLETELY FUND THEIR SCHOOLS BASICALLY WITH THEIR PROPERTY TAXES WITH ABSOLUTELY NO HELP FROM THE INCOME AND SALES TAXES, THEY ALSO PAY TO THE STATE OF NEBRASKA. THAT'S WHAT THE PROBLEM IS. YES, THIS IS...I AGREE WITH SENATOR HARR. IF THERE'S SOME URBAN SENATORS MIGHT THINK WHEN THEY THINK PAROCHIAL ABOUT THEIR HOME AND THE AMOUNT OF TAXES THEY PAY THAT THAT'S THE BIG ISSUE WITH FARMING OR AGRICULTURE, IT IS NOT. THAT IS NOT IT. IT'S THE TOTAL BILL. IT'S THE TOTAL AMOUNT OF COST THAT WE BEAR IN AGRICULTURE AS THE COST OF OUR PRODUCTION COST AND THE FAIRNESS OF THE ISSUE OF WHO SHOULD BE FUNDING FAIRLY OUR PUBLIC SCHOOLS, BECAUSE THAT'S WHAT 60 TO 70 PERCENT OF OUR PROPERTY TAXES GO TOWARDS. THAT IS THE PROBLEM, AND THAT IS WHAT NEEDS TO BE ADDRESSED IN THIS BODY DOWN THE ROAD. AND AS FAR AS FARM, WE'VE TALKED A LOT ABOUT IT, SOME OF US, THEY'RE AGRICULTURE. EVERYBODY'S PROPERTY TAX...MY RAILROAD WORKERS ARE PAYING WAY TOO MUCH IN THEIR HOMES TOO. [LB1037]

SENATOR KRIST: ONE MINUTE. [LB1037]

SENATOR GROENE: BUT WE'VE DONE NOTHING ABOUT IT. WE GOT A BILL ON THE FLOOR IN SECOND READING WHERE WE'RE GOING TO GIVE \$2.7 MILLION IN BREAKS ON SALES TAXES TO ENTITIES. WE GOT ONE COMING UP WHERE WE'RE GOING TO GIVE SALES TAX...TUITION INCOME TAX BREAKS TO SOMEBODY WHO DECIDES TO TAKE A CAREER IN CHILDCARE. IT ALL STARTS ADDING UP. LAST YEAR WE GAVE \$16 MILLION TO PERSONAL PROPERTY OF BUSINESSES. MOST OF THAT WENT TO URBAN. THAT KEEPS ADDING UP: \$16 (MILLION) HERE, \$3 (MILLION) THERE, \$4 (MILLION) THERE. AND THEN WHEN WE ASK CAN WE SHIFT, CAN WE PUT SOME EMPHASIS BACK ON STATE AID TO EDUCATION, NO, WE CAN'T, WE DON'T HAVE THE MONEY, BECAUSE WE NICKEL AND DIME IT. I'LL STAND HERE AGAIN AND SAY I WILL NOT SUPPORT ANY BILL OR ANY TAX CREDIT. IT'S FOR EVERYBODY OR NOBODY. THAT'S THE ONLY WAY THIS BODY'S

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GOING TO GET ANYTHING DONE. LET'S TREAT EVERYBODY THE SAME. THANK YOU. [LB1037]

SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR SMITH. YOU'RE RECOGNIZED. SENATOR SMITH WAIVES. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB1037]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. WE'VE HAD A LOT OF SUBJECTS FILL INTO THIS DISCUSSION ON LB1037. WE'VE TALKED ABOUT RESIDENTS, THE HOUSE. EVERYBODY HOPEFULLY LIVES IN SOME SORT OF A HOUSE. SOME HAVE BUILT A, I GUESS, A SUITABLE HOUSE FOR...ON THE LIGHTER SIDE MAYBE OF THE COST, SOME HAVE BUILT EXTRAVAGANT ONES. I AGREE THERE'S SOME FARM HOMES OUT THERE THAT ARE PRETTY NICE. I DON'T BELIEVE THEY SHOULD BE TAXED ANY DIFFERENT THAN ANY OTHER RESIDENCE. RESIDENCES ARE RESIDENCES. FROM THAT STANDPOINT PROBABLY THE AMENDMENT TO THIS LB1037 FITS IN PRETTY WELL. AND THEN WE TALKED ABOUT LABOR A LOT. I AGREE THAT THE PEOPLE, THE FARMS RIGHT NOW ARE NOT WORKING AS HARD AS OUR PARENTS OR GRANDPARENTS DID. IT WAS VERY LABOR INTENSIVE THEN. THEIR TYPE OF LABOR TODAY IS DIFFERENT BECAUSE THEY'RE FARMING MORE GROUND, BIGGER EQUIPMENT, MORE TECHNOLOGY, MORE STRESS. THAT'S HOW THEY LABOR NOW, DIFFERENT THAN WHAT THEY DID BEFORE. SO TO COMPARE A FARMER'S LABOR TO A PERSON THAT'S IN AN OFFICE IN TOWN IS PRETTY MUCH OF A STRETCH. I DON'T EVEN KNOW FOR SURE WHY IT SHOULD BE PART OF THE DISCUSSION. WHEN I THINK OF TAXES ON LAND, I THINK OF PRODUCTION AGRICULTURE. I'M GOING TO...HOPEFULLY GET IT IN BY 4:00 TODAY. I'VE BEEN WORKING ON AN INTERIM STUDY WITH THE REVENUE COMMITTEE ON HOW WE VALUE AG LAND AND TIE IT CLOSER TO THE PRODUCTION OF THAT LAND AND THE VALUE THAT COMES OFF OF THAT. I THINK IT WILL BE MORE SUSTAINABLE WITH MY THOUGHTS ON IT SO WE DON'T HAVE THESE PEAKS AND VALLEYS THAT WE HAVE NOW, WE DON'T HAVE A LOT OF MONEY GOING TO SUPPORT SCHOOLS AND THEN ALL OF A SUDDEN IT DROPS OFF. I WANT MORE SUSTAINABILITY IN THE WAY WE VALUE AG LAND. I'M NOT SURE WHERE I AM ON THIS BILL YET. I WOULD VOTE FOR THE BRACKET JUST TO SIMPLY ALLOW US TO MOVE FORWARD. BUT IF WE CAN DISPOSE OF THAT AND WE'RE STILL IN THE BILL, THEN I THINK WE SHOULD BE READY TO VOTE. WITH THAT, I WOULD PROBABLY SUPPORT AM2690 AND LB1037. THANK YOU, MR. SPEAKER. [LB1037]

SENATOR KRIST: THANK YOU, SENATOR JOHNSON. SENATOR KINTNER, YOU'RE RECOGNIZED. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1037]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I GO DOWN TO MY OFFICE WHEN WE ARE SITTING AT EASE, OR WHATEVER ELSE IT'S CALLED WHEN WE'RE NOT UP HERE, AND I GOT SOME CALLS FROM FARMERS. THEY SAID THEY WERE IN AGRICULTURE IN OUTSTATE NEBRASKA, AS SOME PEOPLE CALL IT. AND THEY SAID I'M ON THE RIGHT TRACK ON THIS BILL; IT HAS NOTHING TO DO WITH THEM OR AGRICULTURE AS A WHOLE. BE ALL OF THAT AS IT MAY, WE HAVE NOT HAD A SERIOUS DISCUSSION YET THAT'S WITH LASER FOCUS ADDRESSING THE TAXING ISSUES. I DON'T AGREE WITH WHAT I'VE READ ABOUT IN THE PAPER IN TERMS OF WHAT IS GOING TO BE PRESENTED TO US. THERE MAY BE OTHERS WHO DISAGREE, BUT THAT'S WHAT THE DISCUSSION WILL CONCERN ITSELF WITH. THIS BILL WILL PUT A DEAD CAT ON THE LINE, SO TO SPEAK. IT'S OF NO GREAT CONSEQUENCE. IF IT DOESN'T PASS, NOBODY IS GOING OUT OF BUSINESS, NOBODY IS GOING TO LOSE ANYTHING. IT'S A FAVOR TO A FEW PEOPLE IN A RELATIVELY SMALL AREA. BUT WHEN YOU CHANGE STATUTE, YOU ARE CHANGING THE DEFINITION THAT APPLIES THROUGHOUT THE STATE AND IT BEGINS TO SOUR PEOPLE, SOME PEOPLE, ON HOW THE RURAL COMMUNITY, FARM COMMUNITY, AG COMMUNITY, WHATEVER TERM YOU WANT TO APPLY, WHINING FOR EVERY LITTLE THING THEY WANT. EVERYBODY'S SUPPOSED TO GIVE THEM EVERYTHING THEY WHINE ABOUT, EVEN WHEN IT'S JUST FOR A SMALL SECTOR. THE MISTAKE THAT WAS MADE, IN MY OPINION, IS TO SUGGEST THAT THE SMALL-AREA AG TAIL IS GOING TO WAG THE DOG OF THE STATE. THIS BILL CANNOT BE JUSTIFIED RATIONALLY. IF MY BRACKET MOTION DOES NOT SUCCEED, I'M GOING TO USE THIS BILL, AS I SUGGESTED EARLIER, TO TAKE SOME TIME. AND MAYBE SINCE OTHERS ARE GOING TO BE HERE, THERE MIGHT BE SOME DISCUSSION, SERIOUS DISCUSSION ABOUT TAXING. YOU CAN CALL IT THE PHILOSOPHY OF TAXATION, THE REALITIES OF TAXATION, THE POLITICS, THE IDEOLOGY, WHATEVER YOU WANT TO CALL IT, BUT IT HAS TO DO WITH THE STATE DERIVING REVENUE FROM SOMEWHERE OR SOMEWHERE IN ORDER TO CARRY OUT ITS FUNCTIONS. SOMEBODY IS GOING TO PAY. IT SOUNDS GOOD, WHETHER IN A CAMPAIGN OR JUST ARGUING ON THE FLOOR OF THE LEGISLATURE, TO SAY, I'M AGAINST TAXES, WE'RE GOING TO LOWER ALL TAXES. THAT'S FINE. I'M FOR EVERYBODY BEING RICH; EVERYBODY'S GOING TO BE RICH. NEITHER POSITION IS REALISTIC. THERE ARE PEOPLE WHO SAY DON'T PAY MUCH IN PROPERTY TAX. OTHERS SAY DON'T PAY MUCH IN INCOME TAX--OR IF YOU DO, DON'T REQUIRE THE CORPORATIONS TO PAY AND DON'T TOUCH THOSE WHO HAVE A LOT OF INCOME TOO MUCH. THE SALES TAX I AM OPPOSED TO, IT IS REGRESSIVE, MEANING THAT YOU CHARGE LITTLE ORPHAN ANNIE AT THE SAME RATE AS DADDY WARBUCKS, THE MULTIBILLIONAIRE WOULD PAY. AND I DON'T KNOW THAT ANYBODY COULD SAY THAT IS A FAIR TAX. [LB1037]

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SENATOR KRIST: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: BECAUSE THE INCOME TAX IS PROGRESSIVE OR GRADUATED OR, AGAIN, HOWEVER WAY YOU WANT TO CHARACTERIZE IT, IT AIMS AT SAYING THAT PEOPLE CONTRIBUTE ACCORDING TO THEIR ABILITY AND YOU CAN ALSO SAY ACCORDING TO WHAT THEY GAIN FROM THE GOVERNMENT. SO MY INTENT IS TO KILL THIS BILL. IT CAN EITHER BE DONE WITH THE DEATH OF A THOUSAND CUTS, OR MINUTES, OR WE CAN GO AHEAD AND BRACKET IT, BECAUSE I DON'T KNOW THAT IT HAS A BRIGHT FUTURE HERE. I'VE GOT TO BE HERE UNTIL MIDNIGHT TODAY ANYWAY, SO IT MAY AS WELL BE ON THIS BILL OR ANY OTHER BILL, MAKES ME NO DIFFERENCE. I THINK THOSE WHO ARE SERIOUSLY INTERESTED IN THE MATTERS RELATED TO TAXATION SHOULD GET THIS ONE OUT OF THE WAY. IT HAS NO BEARING, ACHIEVES NOTHING TOWARD MOVING TOWARD A GOAL OF CONSEQUENCE. THANK YOU, MR. PRESIDENT. [LB1037]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB1037]

SENATOR BRASCH: MR. PRESIDENT, I WOULD LIKE TO CALL THE QUESTION. I WOULD LIKE A CALL OF THE HOUSE, ROLL CALL VOTE IN REVERSE ORDER, PLEASE. [LB1037]

SENATOR KRIST: OKAY. LET'S DISPENSE WITH THE FIRST PART FIRST. THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO SEE FIVE HANDS. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1037]

ASSISTANT CLERK: 26 AYES, 0 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB1037]

SENATOR KRIST: DEBATE DOES CEASE. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR BRACKET MOTION. [LB1037]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, THE REALITY IS THAT THIS MOTION WILL FACILITATE THE PROCESS TODAY. THE ACTUALITY IS I DON'T CARE WHETHER IT'S VOTED UP OR DOWN. THE FIRST TIME AROUND I WILL BE NOT VOTING FOR OBVIOUS REASONS. AND WHETHER WE TAKE TIME ON A RECONSIDERATION OF THIS MOTION OR A MOTION TO RECOMMIT AND THEN A

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RECONSIDERATION MAKES ME NO DIFFERENCE WHATSOEVER. I SEE OTHER BILLS ON THIS AGENDA THAT, I ASSURE YOU, I WILL GIVE CONSIDERABLE TIME TO. I DON'T CARE IF WE SPEND THE REST OF THE SESSION ON THIS AGENDA. I WILL NOT BE THE ONE TO TAKE ALL OF THAT TIME ALONE. BUT WE'VE REACHED THE PART OF OUR TIME HERE WHERE PEOPLE ARE GETTING NERVOUS AND ANTSY. EARLY IN THE SESSION I MENTIONED, AND PERIODICALLY AS WE MOVED ALONG, THAT WE WOULD REACH A POINT WHERE TIME WAS SHORT AND A LOT OF ISSUES WOULD BE BACKED UP. I COULD MENTION SOME OF THE BILLS THAT I'M GOING TO SPEND TIME ON BUT I WON'T, AND I THINK THOSE WHO HAVE THESE BILLS KNOW WHICH BILLS THEY ARE. AND I'M NOT EVEN GOING TO LOOK AT ANYBODY WHO MIGHT HAVE ONE OF THOSE BILLS. ACTUALLY, THAT'S HARD TO DO. IT'S LIKE SAYING YOU'RE GOING TO THROW A ROCK AT A CROWD AND NOBODY WILL BE HIT. SO I JUST...I RETRACT THAT ABOUT NOT LOOKING AT ANYBODY WHO MAY HAVE A BILL. IN FACT, WHEN WE WERE IN THE ARMY, THEY TALK ABOUT SHOOTING AN AZIMUTH: YOU'RE HERE, YOU SEE SOMETHING THERE, AND THEN YOU DRAW A LINE. WELL, I COULD SHOOT AN AZIMUTH FROM HERE AND KNOCK OF TWO OF THEM RIGHT AWAY. SO THEY SHOULD FEEL GOOD ABOUT PUNISHING ME BY MAKING ME EXPEND ALL OF THAT ENERGY, ALL OF THAT EFFORT, AND GROW TIRED, MORE TIRED. THEN COMES EXHAUSTION FOR THE REST OF YOU BUT NOT ME. THIS IS THE TIME AND THE PART OF THE RACE WHERE IF YOU WERE ON A TRACK IT'S CALLED YOU'RE APPROACHING THE POINT WHERE YOU GIVE YOUR KICK. THAT'S WHAT YOU'VE SAVED UP ENERGY FOR, AND YOU'VE GOT THE ENERGY AND THE SPEED TO GET ACROSS THE FINISH LINE BEFORE ANYBODY ELSE. BUT IN THIS INSTANCE I DON'T WANT TO GET ACROSS THE FINISH LINE BEFORE ANYBODY ELSE. I DON'T WANT US TO REACH THE FINISH LINE. I DON'T WANT THIS SESSION TO END. THERE ARE SOME OF YOU WHO WON'T COME BACK HERE AND THAT COULD BE...NO, YOU ALL DON'T HAVE TO LOOK AT SENATOR BLOOMFIELD AND UNDERSTAND THOSE NONVERBAL MESSAGES THAT ARE DELIVERED, BUT HE KNOWS I UNDERSTAND EVERY ONE OF THEM. SO THAT I CAN MAKE IT CLEAR WHAT I'M TRYING TO DO, THIS MOTION WOULD IN EFFECT END THE LIFE OF THIS BILL FOR THIS SESSION. IF THAT HAPPENS, NOBODY IS GOING TO BE HARMED. IF IT DOESN'T HAPPEN, THEN WE CAN FORM A JUDGMENT AS WE GET DOWN THE LINE AS TO WHETHER THERE'S ANY HARM AND, IF SO, THE NATURE OF IT AND ON WHOM IT SHALL FALL. BUT I ASSURE YOU, I HAVE NOTHING PENDING THAT WILL MAKE ME CHANGE THE APPROACH THAT I'M GOING TO TAKE. AND I HAVE BILLS STILL OUT THERE THAT MEAN SOMETHING TO ME, BUT THEY DON'T MEAN MY LIFE. I'LL BE BACK NEXT SESSION, SHOULD I BE REELECTED, SHOULD I LIVE, SHOULD THE WORLD NOT COME TO AN END. NOW WHAT WILL YOU DO IS WHAT I'M INTERESTED IN SEEING. WE'RE GOING TO BE HERE THIS AFTERNOON ANYWAY. SO IF YOU WANT TO TALK

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ABOUT THIS BILL SOME MORE OR LISTEN TO ME, THAT'S FINE, BECAUSE REGARDLESS OF THE BILL THERE ARE OTHER SUBJECTS THAT I INTEND TO DISCUSS AND PUT ON THE RECORD. I EVEN HAVE AN ARTICLE, IF I CAN FIND IT, THAT SOMEBODY CALLED TO MY ATTENTION ABOUT SOME THINGS YOUR GOVERNOR SAID ABOUT ME. AND HE WAS HAVING HIS STAFF DO SOME RESEARCH I GUESS TO SEE IF I COULD BE ARRESTED OR PUT IN JAIL FOR WHAT I SAID THE OTHER DAY. THAT'S WHAT YOUR GOVERNORS DOING, THE PETTY LITTLE SPOILED BRAT. THAT'S WHAT HAPPENS WITH RICH PEOPLE. [LB1037]

SENATOR KRIST: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: THEY GET USED TO HAVING THEIR WAY. AND IF THERE'S NOT A LAW AGAINST THIS, IT OUGHT TO BE A LAW BECAUSE THEY WANT IT TO BE A LAW. AND THEN PEOPLE LIKE ME, AGAINST WHOM THEIR IRE IS DIRECTED, JUST GLORY IN THAT. WHEN MERELY BY EXISTING I CAN GIVE SO MUCH HEARTBURN TO SOMEBODY WHO DESERVES IT MORE THAN ANYBODY ELSE, THEN I WIN IN EVERY SENSE OF THE TERM, IF WE'RE TALKING ABOUT WINNING AND LOSING. ACTUALLY, WE'RE JUST TALKING ABOUT THE CONTINUUM OF LIFE, SOME UPS, SOME DOWNS, BUT LIKE "OLD MAN RIVER" IT CONTINUES TO FLOW UNTIL IT REACHES ITS END. THANK YOU, MR. PRESIDENT, AND I WILL ASK FOR A CALL OF THE HOUSE. [LB1037]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR BRASCH HAS ALREADY REQUESTED, SO YOU GUYS CAN SPLIT THE CREDIT. 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; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1037]

ASSISTANT CLERK: 39 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB1037]

SENATOR KRIST: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SCHNOOR, SENATOR LARSON, SENATOR KINTNER, PLEASE CHECK IN. THANK YOU. SENATOR SCHNOOR, PLEASE RETURN TO THE CHAMBER, THE HOUSE IS UNDER CALL. EVERYONE IS ACCOUNTED FOR. I UNDERSTAND, SENATOR BRASCH, YOU'RE ASKING FOR ROLL CALL IN REVERSE ORDER? [LB1037]

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SENATOR BRASCH: YES. [LB959]

SENATOR KRIST: THANK YOU VERY MUCH. MR. CLERK. [LB959]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1269.)
VOTE IS 20 AYES, 5 NAYS, MR. PRESIDENT, ON THE MOTION TO BRACKET. [LB959]

SENATOR KRIST: THE BRACKET MOTION FAILS. BEFORE WE LIFT THE CALL, LET ME JUST SAY CLEARLY, THE NEXT TIME I SEEING A FLYING PROJECTILE IN THIS CHAMBER, THAT PERSON, I WILL ASK THE RED COATS TO REMOVE THEM FROM THIS CHAMBER. I HOPE I MAKE MYSELF CLEAR. RAISE THE CALL. [LB959]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN. [LB1037]

SENATOR KRIST: SENATOR CHAMBERS, YOU'RE RECOGNIZED ON YOUR MOTION. [LB1037]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I DON'T THINK THERE ARE 33 VOTES HERE, SO THIS MEANS TO ME THAT YOU'RE GOING TO GIVE ME UNTIL 5:00 AT LEAST ON THIS BILL. THAT DOESN'T MEAN THAT I'LL BE THE ONLY ONE WHO HAS MOTIONS. SENATOR SMITH HAS AN AMENDMENT, AND MAYBE I'LL ATTEMPT TO AMEND HIS AMENDMENT. BUT AFTER WE GET THROUGH WITH ALL OF THAT, I CAN THEN TAKE TIME TO AMEND THE BILL. AND IF YOU WANT TO GIVE THE TIME, I ASSURE YOU, I'M MORE THAN HAPPY TO TAKE THE TIME. I'M GOING TO SAY THE SAME THINGS ON THIS BILL THAT I WOULD SAY ON ANOTHER BILL. BUT I THINK WHAT I SHOULD DO, SINCE I BROUGHT IT UP, IS TO READ AN ARTICLE THAT WAS BROUGHT TO MY ATTENTION WHILE EVERYBODY WAS AT EASE. IT'S FROM YESTERDAY'S...IT'S TODAY'S LINCOLN JOURNAL STAR, HEADLINED: RICKETTS, TOO, TAKES AIM AT CHAMBERS' TALK. GOVERNOR TELLS RADIO SHOW THAT THE OMAHA SENATOR'S "MOW EVERYBODY DOWN" REMARK WAS WAY OUT OF LINE. THIS IS FROM THE OMAHA WORLD-HERALD. "GOVERNOR PETE RICKETTS ON MONDAY JOINED IN THE CRITICISM OF A SHOOTING-RELATED COMMENT THAT OMAHA STATE SENATOR ERNIE CHAMBERS MADE DURING LEGISLATIVE DEBATE. CHAMBERS MADE THE REMARK LAST WEDNESDAY DURING CONSIDERATION OF A BILL TO BAN JOB DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY." JUST AN ASIDE, I INTEND TO OFFER A SIMILAR TYPE AMENDMENT TO VARIOUS BILLS THAT WILL COME BEFORE US TO PROLONG

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THAT DISCUSSION. AND SENATOR LARSON HAS LB821. THAT'S PROBABLY THE FIRST ONE I'M GOING TO OFFER IT TO. AND HE CAN SWEAT AND DECIDE, IF HE CAN, HOW I'M GOING TO MAKE IT TIE INTO HIS BILL. CONTINUING THE ARTICLE: AT ONE POINT CHAMBERS SAID THE DEBATE WAS SO UPSETTING THAT, IF HE WERE A WHITE MAN, HE WOULD HAVE BROUGHT IN A SEMIAUTOMATIC TO "MOW EVERYBODY DOWN." THEY LEFT OUT WHERE I SAID, IF I WAS UP HERE LISTENING, I'D HAVE BEEN THROWING THESE BOOKS AROUND. BUT WHAT IS THAT? THAT PALES TO INSIGNIFICANCE WHEN YOU CAN HAVE SOMETHING THAT IS REALLY FIERY. CONTINUING, "THE NEXT DAY, SPEAKER OF THE LEGISLATURE, GALEN HADLEY, CHASTISED CHAMBERS AND URGED ALL SENATORS TO USE THEIR WORDS CAREFULLY." THEY ALSO FAIL TO POINT OUT THAT THE SPEAKER WAS PUT ON THE SPOT BY SENATOR KINTNER WHO TATTLETALED. NOW I DON'T CARE WHETHER HE TATTLETALES. ANYBODY CAN TATTLE ON ME WHO WANTS TO. BUT THEY SHOULD HAVE PUT THAT IN, TOO, SO EVERYBODY WOULD KNOW HOW THIS REACHED THE LEVEL THAT IT DID. IT'S SHAKING THE VERY FOUNDATIONS OF THE UNIVERSE THAT IS ABOVE LINCOLN, NEBRASKA. AND THE GOVERNOR WAS ON THE RADIO, SO HE MADE THE MOST OF IT. CONTINUING WITH THE ARTICLE, "RICKETTS SPOKE OUT DURING HIS MONTHLY LIVE RADIO CALL-IN SHOW, IN RESPONSE TO A FREMONT CALLER WHO CALLED CHAMBERS 'PREJUDICED' AND HIS COMMENT 'AS BAD AS A TERRORISTIC THREAT FROM AN AVERAGE CITIZEN.'" WHOEVER THAT FREMONT CALLER IN IS IGNORANT. A THREAT IS DIRECTED AT SOMEBODY AND ONE OF THOSE "I'M GOING TO DO THIS TO YOU OR I WILL DO THIS TO YOU OR ELSE." IT WAS NOT A THREAT. HE NEEDS TO GO TO THE DICTIONARY. I'M GOING TO SEE HOW THE PEOPLE FROM FREMONT VOTE ON THE LEARNING COMMUNITY, BECAUSE THERE IS SOME LEARNING BADLY NEEDED OUT THERE. BUT HERE IS WHAT THE GOVERNOR SAID. "I AGREE WITH YOU 100 PERCENT"--THE GOVERNOR IS AS STUPID AS THE ONE WHO CALLED--"THE GOVERNOR SAID. 'THOSE COMMENTS WERE WAY OUT OF LINE. I VIEW COMMENTS LIKE THAT TO BE ABSOLUTELY DAMAGING TO THE FABRIC OF THE STATE.'" HE DIDN'T THINK IT WAS BAD TO SAY THAT HE WAS GOING TO PUT TOGETHER A COALITION AND PUT ME IN MY PLACE BEFORE HE EVEN GOT IN THE LEGISLATURE. NOW, SUPPOSE I SAID SOMETHING LIKE THAT ABOUT A WHITE PERSON, I'M GOING TO GET ALL THE BLACK PEOPLE TOGETHER AND WE'RE GOING TO PUT THAT WHITE GUY IN HIS PLACE. IT DIDN'T EVEN MAKE A RIPPLE, A WHITE GUY TALKING ABOUT A BLACK MAN. I DIDN'T HEAR HIM SAY ANYTHING ABOUT HIS FELLOW WHITE MAN, EVEN THOUGH HIS FAMILY GAVE MILLIONS OF DOLLARS TO STOP HIM. I'M TALKING ABOUT DONALD TRUMP. DONALD TRUMP RUNNING FOR THE PRESIDENCY OF THE UNITED STATES SAID AND MADE HIS HAND INTO THE FORM OF A PISTOL, SAID, I COULD STAND IN THE MIDDLE OF FIFTH AVENUE AND SHOOT SOMEBODY AND I WOULDN'T LOSE ANY

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SUPPORT. NOBODY ON THE FLOOR SAID ANYTHING ABOUT THAT EXCEPT ME. THE GOVERNOR DIDN'T SAY ANYTHING. THERE WAS NOT OUTRAGE ANYWHERE, WHAT WITH ALL THE SHOOTING AND HERE THIS GUY IS RUNNING FOR PRESIDENT AND HE SAYS THAT AND WHITE PEOPLE JUST HO-HUM. THEN ERNIE, JUST BEING ERNIE, MAKES A COMMENT THAT IF I WERE A WHITE GUY WHAT I'D DO...I'M NOT GOING TO SAY WHO DID IT, BUT ONE OF MY COLLEAGUES CALLED ME AND SAID, ERNIE, ARE YOU PLANNING TO TURN WHITE ANYTIME SOON? AND MY RESPONSE WAS, NOT IF I CAN HELP IT. SO NOT EVERYBODY THOUGHT THE SKY WAS FALLING AND BEHAVED ACCORDINGLY. "RICKETTS WENT ON TO SAY THAT IN AN AGE OF TERRORISM AND MASS SHOOTINGS, SUCH COMMENTS COULD INCITE VIOLENCE AND BE PERCEIVED AS THREATENING." NOT ANYBODY IN HERE FELT THREATENED, NOT ONE PERSON, AND IT WAS NOT A THREAT. BUT WHAT I FIND PARTICULARLY APPALLING ON THE GOVERNOR'S SIDE IS THAT HE DOESN'T WONDER WHERE 15-YEAR-OLD BLACK KIDS GET PISTOLS, NOT JUST THIS ONE KID BUT SEVERAL, AND HAVE BEEN INVOLVED IN SHOOTINGS, EVEN KILLINGS, AND THE GOVERNOR OPENED NOT HIS MOUTH. THAT I CONSIDER TO BE RACIST. IF HE'S CONCERNED ABOUT ALL PEOPLE, IF HE'S CONCERNED ABOUT THE SHOOTINGS, WHY IS HE NOT CONCERNED ABOUT SHOOTINGS THAT HAPPEN IN THE BLACK COMMUNITY? IS HE SUCH A GUN NUT THAT THE GUNS ARE ALL RIGHT IF THEY'RE USED JUST SO LONG AS THEY'RE USED BY BLACK PEOPLE AGAINST BLACK PEOPLE IN A BLACK COMMUNITY? WHITE PEOPLE AREN'T GOING TO SAY ANYTHING LIKE THIS. THEY'RE NOT GOING TO TALK ABOUT THIS. WHAT KIND OF A MAN WOULD I BE IF I DIDN'T STAND UP FORTHRIGHTLY AND SAY WHAT I'VE GOT TO SAY IN PUBLIC, IN FRONT OF EVERYBODY, AND CALL THE GOVERNOR AND POINT OUT HOW WRONG HE IS, HOW RACIST HE IS IN SHOWING CONCERN FOR WHITE PEOPLE BUT NOT BLACK PEOPLE? SO SINCE HE, THE GOVERNOR, DOESN'T SHOW THE CONCERN, I AS A BLACK MAN MUST SHOW THAT CONCERN. AND ALL I HAVE TO DO IS MAKE A COMMENT AND GET...NOT ALL WHITE PEOPLE, NOT EVEN ALL THE PEOPLE IN THIS CHAMBER, BUT GET THEM ALL UPSET. MAYBE IF I FIND ANOTHER STATEMENT THAT UPSETS THEM ENOUGH, THEY'LL SAY, MAYBE WE SHOULD LOOK INTO WHERE THOSE GUNS ARE COMING FROM THAT THOSE KIDS ARE GETTING; MAYBE IF THESE KIDS KNOW WHERE TO GET THESE GUNS, THE OMAHA POLICE SHOULD KNOW; AND MAYBE SINCE SOMETIMES WE SEE SHERIFF'S CARS IN THAT COMMUNITY, THE DOUGLAS COUNTY SHERIFF SHOULD KNOW; AND SINCE WE SEE STATE TROOPER CARS IN THAT COMMUNITY, MAYBE THE STATE PATROL SHOULD KNOW. YOU THINK ANY OF THIS WILL BE IN THE WHITE PEOPLE'S PAPER? THEY'VE NEVER DONE AN EDITORIAL ABOUT IT AND THEY NEVER WILL. THE WHITE MEDIA ARE OF, BY, AND FOR WHITE PEOPLE. BUT THIS IS MY BULLY PULPIT AND I SHALL USE IT IN THE WAY THAT I SEE FIT. AND IF YOU DON'T LIKE IT IN HERE YOU CAN

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LEAVE. YOU HAVE THAT PRIVILEGE. THAT'S YOUR PREROGATIVE. IF MY VOICE AND FACE COME ON YOUR TELEVISION SET, DON'T JUST TURN IT OFF. PICK UP A POT AND THROW IT THROUGH THAT SCREEN, AND THAT'S A WIN-WIN SITUATION. THEY DON'T SEE ME AND I JUST COST THEM SOME MONEY, THAT'S HOW STUPID THEY ARE, BUT CONTINUING. [LB1037 LB821]

SENATOR COASH PRESIDING

SENATOR COASH: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: THIS IS THE GOVERNOR, "HE ALSO TOLD THE CALLER THAT HE HAD STAFF LOOK INTO THE MATTER AND SAID THEY DETERMINED THAT CHAMBERS AND OTHER STATE SENATORS ARE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY FOR STATEMENTS THEY MAKE IN FLOOR DEBATE. THAT PROTECTION HAS BEEN PART OF THE NEBRASKA CONSTITUTION SINCE 1875." AND THE SUPREME...FEDERAL COURTS AND ALL COURTS HAVE SAID THAT DEBATE IN LEGISLATIVE ASSEMBLIES ARE ALL PRIVILEGED WHEN IT COMES TO ARREST AND SO FORTH. THANK YOU, MR. PRESIDENT. [LB1037]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS. MEMBERS, YOU'VE HEARD THE OPENING ON THE MOTION TO RECONSIDER. THOSE IN THE QUEUE: SENATORS KINTNER, HANSEN, CAMPBELL, AND OTHERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1037]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. AND, YOU KNOW, WE ARE...WE NEED TO CONCENTRATE ON WHAT THIS BILL IS. WE NEED TO KEEP COMING BACK TO EXACTLY WHAT THIS BILL IS. THIS BILL, WITH SENATOR SMITH'S AMENDMENT, JUST NARROWS IT DOWN A LITTLE BIT. IT MAKES SURE THAT WE'RE TREATING ALL PROPERTY PRETTY CLOSE TO THE SAME. THAT'S ALL WE'RE DOING HERE, THAT'S ALL WE'RE TALKING ABOUT. AND I THINK THAT'S THE IMPORTANT THING TO REMEMBER IS THIS IS JUST AN ATTEMPT; ORIGINAL OF THE BILL WAS AN ATTEMPT TO TRY TO JUST NARROW THE DIFFERENCES BETWEEN THE RURAL FARMERS THAT ARE NEAR DEVELOPMENT AND THE RURAL FARMERS THAT ARE FAR AWAY FROM DEVELOPMENT, AND THAT'S THE ORIGINAL INTENT OF THE BILL. THAT'S WHAT THE DEPARTMENT OF REVENUE AND PRO GOT TOGETHER AND WORKED ON. SENATOR SMITH FURTHER DEFINED IT A LITTLE BIT CLOSER, A LITTLE BIT MORE NARROW, AND THAT'S WHERE WE STAND TODAY WHEN WE GET TO SENATOR SMITH'S AMENDMENT, WHICH I FULLY SUPPORT. SO THAT'S WHAT WE'RE TALKING ABOUT HERE. THAT'S THE

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ISSUE AT HAND. AND, MR. PRESIDENT, IF I HAVE ANY REMAINING TIME, I WILL CERTAINLY GIVE IT TO SENATOR CHAMBERS. [LB1037]

SENATOR COASH: SENATOR CHAMBERS, YOU'VE BEEN YIELDED 3:30. [LB1037]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, ONCE AGAIN SENATOR KINTNER SHOWS ECUMENISM. DO YOU KNOW WHAT ONE OF THE MOST FAMOUS SLOGANS IS? "NEVER AGAIN," AND THAT IS ON BADGES, BUMPER STICKERS, BANNERS, AND IT WAS PUT THERE BY THE JEWISH PEOPLE BASED ON WHAT HAD HAPPENED TO THEM DURING THE NAZI TERROR OR HORROR OR HOLOCAUST THAT THAT SHOULD NEVER HAPPEN AGAIN. AS A BLACK MAN, I COULD SAY THAT ABOUT SLAVERY, JIM CROWISM, SEGREGATION, DISCRIMINATION. NOW THE CHATTEL SLAVERY HAS PASSED, VERY RELUCTANTLY, BUT THE JIM CROWISM, THE RACISM, THE WHITE SUPREMACY, THE DISCRIMINATION HAVE NEVER CEASED. SO IF I WERE TO PUT OUT A SLOGAN, IT WOULDN'T BE "NEVER AGAIN." IT WOULD HAVE TO BE "THIS MUST END IMMEDIATELY." BUT COMING FROM A BLACK MAN, THAT IS INTOLERABLE. BLACK PEOPLE ARE SUPPOSED TO ACCEPT EVERY SLIGHT, EVERY INSULT, EVERY DISCRIMINATION, ALL OF THESE THINGS, AND JUST BE GOOD SPORTS ABOUT IT, GO ALONG WITH THE PROGRAM, DON'T MAKE ANYBODY UNCOMFORTABLE. WELL, YOU STOP MAKING ME UNCOMFORTABLE AND I WILL RECIPROCATATE. BUT UNTIL THINGS ARE BETTER, I AM GOING TO ADDRESS THEM. AND IF IT MAKES WHITE PEOPLE UNCOMFORTABLE, THAT'S A SMALL PRICE TO PAY. MY WORDS MAKE YOU UNCOMFORTABLE? WHAT DO YOU THINK IS DONE TO ME WHEN I'M AWARE THAT RIGHT NOW, WHILE I SPEAK, THERE'S SOME BLACK MAN, WOMAN, OR CHILD BEING PHYSICALLY MISTREATED, OFTEN AT THE HANDS OF POLICE, OFTEN AT THE HANDS OF TEACHERS, OFTEN AT THE HANDS OF BOSSES AND SUPERVISORS? [LB1037]

SENATOR COASH: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: AND PEOPLE WANT TO PRETEND THAT THESE THINGS ARE NOT HAPPENING, BUT I'M NOT GOING TO LET IT GO BY WITHOUT COMMENT. AND AS FAR AS THE GOVERNOR, HE'S JUST ONE MAN WHO HAPPENED TO HAVE GOTTEN INTO OFFICE BECAUSE HE HAD A LOT OF MONEY AND THEY DIDN'T WANT HIM IN THE BUSINESS BECAUSE HE WAS HURTING IT. AND AS SOON AS HE GOT OUT OF THE BUSINESS, AMERITRADE, THEIR FORTUNES ROSE IMMEDIATELY. I EVEN SENT AN ARTICLE AROUND TO SHOW IT. THEY DIDN'T DRAW THE CONNECTION IN THE ARTICLE, BUT THAT WAS MORE THAN A COINCIDENCE.

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SOMETIMES THINGS THAT HAPPEN AT THE SAME TIME ARE COINCIDENTAL, BUT WITH THIS THERE'S A CAUSE-EFFECT RELATIONSHIP. WHEN YOU REMOVE THE CAUSE OF FAILURE AND SUCCESS COMES,... [LB1037]

SENATOR COASH: TIME, SENATOR. [LB1037]

SENATOR CHAMBERS: ...THEN YOU SEE THE CAUSAL RELATIONSHIP. THANK YOU, MR. PRESIDENT. [LB1037]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS AND SENATOR KINTNER. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB1037]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE TODAY FOR THE FIRST TIME. I HAD ACTUALLY BEEN IN THE QUEUE EARLIER ON LB1032 AND THE QUESTION HAD BEEN CALLED BEFORE I GOT A CHANCE. TODAY I WILL NOT BE SUPPORTING LB1037. BUT THE REASON I RISE AND THE REASON I REFERENCE LB1032 IS, BY MY COUNT, WE'VE ALREADY DISCUSSED THIS BILL FOR...AT A MINIMUM I WOULD SAY HALF AN HOUR LONGER THAN WE DISCUSSED MEDICAID EXPANSION THIS MORNING. IN FACT, THE QUESTION WAS CALLED BEFORE MANY PEOPLE SPOKE AT ALL. I WAS CERTAINLY IN THE QUEUE FOR MY FIRST TIME. I GUESS THAT WAS MY MISTAKE, CLICKING ON MY LIGHT ABOUT 9:30, THINKING WE'D GET TO ME. AND THEN HERE TODAY WE ARE HAVING THE SAME VOICES OVER AND OVER AGAIN AND WHEN WE GET TO A BRACKET MOTION, A TEST VOTE OF THE BILL, WE HAVE, BY THE VOTE COUNT, 23 NOT VOTING. I UNDERSTAND A BRACKET MOTION IS A TOUGH BILL, IT'S...SORRY, EXCUSE ME, BRACKET MOTION IS A TOUGH VOTE. IT'S TOUGH TO DO THAT TO YOUR COLLEAGUES SOMETIMES. BUT I WOULD IMPLORE OUR COLLEAGUES, IF WE'RE CONCERNED ABOUT TIME AND YOU'VE RAISED CONCERNS AND HESITATIONS AND FRANKLY DON'T PLAN ON VOTING FOR THE BILL IN ANY FORM, YOU KNOW, A PRESENT-NOT-VOTING HAS ITS PLACE, BUT I WOULD ENCOURAGE SOME OF MY COLLEAGUES TO STEP UP AND BE A LITTLE BIT MORE DECISIVE IN THE FUTURE, JUST LIKE WE WERE THIS MORNING WHEN WE DEALT WITH LB1032. THANK YOU, MR. PRESIDENT. AND WITH THAT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB1037 LB1032]

SENATOR COASH: SENATOR CHAMBERS, YOU'VE BEEN YIELDED 3:30. [LB1037]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, AND THANK YOU, MY YOUNG COLLEAGUE. I TELL YOU WHY I'M NOT GOING TO MENTION HIS NAME, I

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DON'T WANT HIM TO GET ANY THREATS FOR HAVING YIELDED TIME TO ME. BUT WHAT HE SAID IS EXACTLY ON POINT. AND IF WHAT HAD HAPPENED THIS MORNING, WHAT DID HAPPEN, HAD NOT HAPPENED, MY MOOD WOULD HAVE BEEN DIFFERENT. WHEN SENATOR McCOLLISTER BEGAN THAT DISCUSSION, HE FRAMED IT VERY WELL. THE MAJORITY IN THIS BODY CAN GIVE WHATEVER TIME IT TAKES AND DRAW MONEY FROM WHATEVER SOURCE. YOU'RE EVEN TAKING IT FROM SOME FUNDS TO BUILD SOME HIGHWAY THING. IF IT'S CONCRETE, BRICK, MORTAR, GLASS, STEEL, THEN YOU ALL ARE VERY, VERY ACCOMMODATING. BUT WHEN IT COMES TO REAL, LIVING, BREATHING HUMAN BEINGS, IT'S A DIFFERENT MATTER. THERE'S NO TIME FOR THAT. THE AMOUNT OF TIME GIVEN TO THAT BILL WAS CAPABLE OF BEING DESCRIBED OR BRANDED BY ONE WORD: INDECENT. I KNOW WHAT THE IDEOLOGICAL SLANT OF THIS BODY IS. ANYBODY WHO'S BEEN HERE VERY LONG KNOWS THAT. BUT THERE ARE SOME ISSUES THAT SHOULD GO BEYOND IDEOLOGY, AT LEAST WHEN IT COMES TO DISCUSSING THEM IN A SERIOUS FASHION. THOSE PEOPLE WITHOUT MEDICAL CARE CAN FEEL JUSTIFIABLY THEY WERE GIVEN SHORT SHRIFT. THE GOVERNOR, WHEN HE HAD A KNEE PROBLEM, COULD GO TO CHICAGO. HE'S GOT PLENTY OF MONEY. HE COULD HAVE FLOWN TO AUSTRALIA AND PLAYED WITH A KOALA BEAR AND EATEN A COCONUT IF THEY HAVE COCONUTS THERE, JUMPED ON A BOAT AND GONE AS FAR AS HE NEEDED TO, AND THEN HAVE SOMEBODY TAKE HIM ON A SPEEDBOAT BACK TO AUSTRALIA, GET ON AN AIRPLANE, FLY BACK TO CHICAGO, AND THEN COME BACK TO NEBRASKA, BECAUSE HE'S GOT PLENTY OF MONEY. THEN HE CAN JOKE ABOUT THE FACT THAT ANY ADDITIONAL COST WILL BE PAID FOR BY HIS STATE EMPLOYEE'S INSURANCE. THAT'S THE KIND OF GOVERNOR YOU ALL HAVE. [LB1037]

SENATOR COASH: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: YOU ALL ACCEPT THAT. I THINK IT IS DISGUSTING. I THINK IT IS CRUEL AND HATEFUL AND TOTALLY WAY OUT OF LINE. BUT IT SHOWS THAT HIS ORIENTATION IS DIFFERENT FROM MINE. THESE ARE THE KIND OF ISSUES THAT STAMP THE LEGISLATURE. LOOK HOW MUCH TIME WE'RE TAKING ON THIS THING THAT HAS NO MERIT WHATSOEVER, AND PEOPLE ARE COMFORTABLE. THEY'RE NOT UPSET ABOUT IT BECAUSE IT'S NOT GOING TO TOUCH THEM IDEOLOGICALLY WHERE THEY'VE SWORN A BLOOD OATH TO OPPOSE ANYTHING PRESIDENT OBAMA DID, EVEN IF IT MEANS HURTING THEIR WHITE CONSTITUENTS WHO CANNOT PROCURE MEDICAL COVERAGE. THAT IS WHAT I CALL GREAT HATRED, AND IT IS AIMED AT PRESIDENT OBAMA. AND SENATOR AND "SENATORESSES,"... [LB1037]

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SENATOR COASH: TIME, SENATOR. [LB1037]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1037]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB1037]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. WOULD SENATOR SCHUMACHER ENTERTAIN A QUESTION, PLEASE? [LB1037]

SENATOR COASH: SENATOR SCHUMACHER, WILL YOU YIELD? [LB1037]

SENATOR SCHUMACHER: YES, I WILL. [LB1037]

SENATOR CAMPBELL: SENATOR SCHUMACHER, I KNOW THAT YOU SERVE ON THE REVENUE COMMITTEE, AND THE PERSON WHO...LONE PERSON TO TESTIFY IN OPPOSITION TO THIS BILL BEFORE US WAS THE PLATTE COUNTY ASSESSOR. COULD YOU PROVIDE FOR ME SOME EXPLANATION AS TO WHAT HIS POINTS WERE? [LB1037]

SENATOR SCHUMACHER: I THINK THAT I CAN. IN FACT, I THINK HE SENT A LETTER SUMMARIZING HIS POSITION THAT I HAVE HERE SOMEWHERE IF I CAN JUST HAVE A SECOND TO LOOK FOR IT. DO YOU WANT ME TO READ THE LETTER? BECAUSE IT PROBABLY DOES A BETTER JOB THAN I CAN SUMMARIZING IT. [LB1037]

SENATOR CAMPBELL: THAT'D BE FINE, SENATOR. [LB1037]

SENATOR SCHUMACHER: I AM WRITING TO ADDRESS ISSUES WITH LB1037 WHICH I UNDERSTAND IS TO BE DEBATED IN THE VERY NEAR FUTURE, SOME BACKGROUND ON THE CURRENT VALUATION OF FARM HOME SITES AND FARM BUILDING SITES. AS YOU KNOW, FARMLAND IS VALUED AT 75 PERCENT OF MARKET VALUE. FARM HOME SITES AND FARM BUILDING SITES ARE VALUED AT 100 PERCENT OF MARKET VALUE, THE SAME AS ALL RURAL ACREAGES, WHICH IS HOW ALMOST ALL FARM HOME SITES AND FARM BUILDING SITES ARE SOLD NOW. LB1037 INTENDS TO CHANGE THIS VALUATION TO 75 PERCENT, THE SAME AS FARMLAND. IT MAKES NO SENSE TO ME TO VALUE THE LAND UNDER THE HOUSE AND BUILDINGS LESS THAN THE LAND UNDER THE HOUSE AND

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BUILDINGS OF AN ACREAGE. IT IS BEING USED THE SAME WAY, HAS THE SAME UTILITY AND THE SAME IMPROVEMENTS, SUCH AS SEPTIC SYSTEM AND WELL. ALMOST ALL FARMHOUSES AND IMPROVEMENTS ARE BROKEN OFF AND SOLD AS ACREAGES. THIS SCREAMS UNEQUAL TREATMENT TO ME. THE TAX SHIFT, IF THIS BILL PASSES, WOULD BE TO RESIDENTIAL, COMMERCIAL-INDUSTRIAL TAXPAYERS, AS WELL AS TO ALL FARM PROPERTIES THAT DO NOT HAVE HOUSES OR BUILDINGS ON THEM. AND IN OTHER WORDS, A FARMER WOULD GET A SMALL TAX BREAK ON ONE PARCEL WITH HIS HOUSE AND BUILDINGS BUT A TAX INCREASE ON ALL HIS OTHER FARMLAND. THIS IS TRULY ROBBING PETER TO PAY PETER. FINALLY, IN RURAL DISTRICTS THERE WOULD BE NO TAX SAVINGS TO SPEAK OF BECAUSE MOST OF ALL THE TAXPAYERS ARE FARMER/RANCHERS. THIS DOES NOT ADDRESS PROPERTY TAX PROBLEMS BUT ONLY CONFUSES THE ISSUE. THANK YOU FOR YOUR CONSIDERATION OF THE INFORMATION I HAVE PRESENTED TO YOU. TOM PLACZEK, PLATTE COUNTY ASSESSOR. [LB1037]

SENATOR CAMPBELL: THANK YOU, SENATOR SCHUMACHER, FOR READING THAT LETTER INTO THE RECORD. HAVING SERVED ON THE LANCASTER COUNTY BOARD OF EQUALIZATION FOR 16 YEARS, I AGREE WITH THE COUNTY ASSESSOR FROM PLATTE COUNTY AND WOULD NOT SUPPORT THE AMENDMENTS NOR THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB1037]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1037]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I NEED TO FINISH READING THAT ARTICLE, THEN I'M GOING TO HAVE A COMMENT ABOUT THE BILL AND THIS PROCESS. GOVERNOR RICKETTS HAD HAD HIS STAFF--THEY MUST BE DUMB, TOO--DO RESEARCH TO FIND OUT IF SOMETHING COULD BE DONE TO ME. ANYWAY, THEY FOUND OUT THAT IT COULDN'T. "THAT PROTECTION HAS BEEN PART OF THE NEBRASKA CONSTITUTION SINCE 1875. AS AN ALTERNATIVE, RICKETTS SUGGESTED..." LISTEN UP, EVERYBODY, THIS IS YOUR GOVERNOR SPEAKING. "AS AN ALTERNATIVE, RICKETTS SUGGESTED THE LEGISLATURE SHOULD CENSURE MEMBERS 'WHEN THEY USE THAT KIND OF LANGUAGE.'" I SAY LIKE THIS KIDS ON THE STREET: CENSURE ME? HE IS SUCH A SIMPLEMINDED PERSON. AND SINCE THAT'S THE KIND OF GAME HE WANTS TO PLAY, HIS HEAD AND MY CHIN CREATE A QUESTION. THEY SAY WHERE THERE IS A LOT OF ACTIVITY, GRASS WON'T GROW. LOOK AT ALL THE GRASS GROWING AROUND MY MOUTH, AND I TALK INCESSANTLY. NOW HIS HEAD IS AS SLICK AS A BILLIARD BALL, BUT

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THERE'S NO ACTIVITY THERE. SO HE OUGHT TO HAVE A THICK HEAD OF HAIR BECAUSE THERE'S NO ACTIVITY, AND I SHOULD HAVE A HAIR CLEAN AS A NEWBORN BABY'S BACK, BECAUSE THERE IS INCESSANT ACTIVITY. NOW THAT'S AN ALLEGORY, A METAPHOR. LET HIM PUT THAT IN HIS PABLUM AND SWALLOW IT. "ALTHOUGH LEGISLATIVE RULES PERMIT THE LAWMAKERS TO CENSURE A COLLEAGUE, IT APPEARS THAT HAS HAPPENED ONLY ONCE: IN 1955, SENATOR SAM KLAVER OF OMAHA WAS CONDEMNED ON A 37-2 VOTE FOR SEEKING COMPENSATION TO DEFEAT A BILL." AND HE VOTED TWICE. JUST KIDDING--I THINK I AM. "CHAMBERS DID NOT RETURN A MESSAGE MONDAY SEEKING COMMENT." I DIDN'T GET THE MESSAGE. I HAVE A PHONE THAT TAKES MESSAGES. I DIDN'T GET A MESSAGE TO TELL ME TO CALL BACK AND COMMENT ON WHAT THE GOVERNOR SAID. CONTINUING WITH THE ARTICLE, "THURSDAY, THOUGH, HE RESPONDED DEFIANTLY TO HADLEY'S CRITICISM. CHAMBERS SAID HE WOULD CONTINUE TO USE THE METAPHORS AND SIMILES HE FINDS APPROPRIATE TO A SITUATION. 'I SHALL CONTINUE TO EXPRESS MYSELF IN THE WAY I FIND MOST EFFECTIVE FOR THE BUSINESS AT HAND,' HE SAID. CHAMBERS AND RICKETTS HAVE TANGLED MULTIPLE TIMES BEFORE, NOTABLY OVER THE GOVERNOR'S ATTEMPTS TO CARRY OUT EXECUTIONS AND TO OVERTURN THE REPEAL OF THE DEATH PENALTY. CHAMBERS IS AN ARDENT DEATH PENALTY FOE." AND AS THE PAPERS POINTED OUT, I SAID HE LOST AND THE PAPER HAD IT AND HE LOST HARD. "LAST YEAR, THE GOVERNOR WAS AMONG THOSE CONDEMNING CHAMBERS WHEN THE VETERAN OMAHA SENATOR COMPARED POLICE TO THE ISLAMIC STATE." I DON'T KNOW IF HERE THEY MEAN VETERAN FROM THE MILITARY OR VETERAN BECAUSE I'VE BEEN IN HERE A LONG TIME, BUT IN EITHER CASE IT MAKES NO DIFFERENCE. "HE MADE THAT COMMENT DURING A PUBLIC HEARING AT WHICH A LEGISLATIVE COLLEAGUE SAID NEBRASKANS WANT TO BE ABLE TO CARRY HANDGUNS INTO BARS BECAUSE THEY ARE AFRAID OF CRIME AND TERRORISTS. CHAMBERS RESPONDED THAT RESIDENTS OF HIS NORTH OMAHA DISTRICT FEAR THE POLICE MORE THAN THEY DO EXTREMIST GROUPS SUCH AS THE ISLAMIC STATE." DOESN'T THAT MAKE SENSE TO YOU? ISIS DOESN'T THREATEN ME OR PEOPLE IN MY COMMUNITY. I'M TELLING YOU THE ONES WHO ARE THREATS IN MY COMMUNITY AND THE GOVERNOR DOESN'T RESPOND TO THAT. [LB1037]

SENATOR COASH: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: NOBODY IN A POSITION IN LAW ENFORCEMENT RESPONDS TO IT. WHERE DO THESE GUNS COME FROM? ISIS IS NOT SHOOTING PEOPLE IN MY COMMUNITY AND ISIS IS NOT GIVING GUNS TO THESE YOUNGSTERS. BUT I BELIEVE THE POLICE NOT ONLY KNOW, THEY MAY BE COMPLICIT. THEY CAN

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STOP METHAMPHETAMINE OPERATIONS BUT IN AN AREA AS SMALL AS OMAHA, AND EVEN SMALLER THAN THAT, NORTH OMAHA, CANNOT LOCATE THE SOURCE OF THESE GUNS. AND THAT'S SOMETHING THAT I HAVE TO CONTINUE DISCUSSING SINCE THE ISSUE HAS BEEN NOW MAGNIFIED BY THE PRINT MEDIA, BY THE RADIO, AND BY THE GOVERNOR'S MEGAPHONE. THEY SAID THAT SOME OF THOSE... [LB1037]

SENATOR COASH: TIME, SENATOR. [LB1037]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1037]

SENATOR COASH: SENATOR BRASCH, YOU'RE RECOGNIZED. [LB1037]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. SO WE'RE BACK TO THIS PLACE ONCE MORE. AND SENATOR CHAMBERS, HE HAD USED THE WORD "MOOD," THE MOOD HE WAS IN AT THIS POINT, AND HE'S CHOSEN TO TAKE AS MUCH TIME AS IT TAKES TO EXPOUND UPON HIS VIEWS, HIS PERCEPTION, THE GOVERNOR, THE MEDIA. HIS LIST, I BELIEVE, IS ENDLESS, I TRULY DO. I DON'T KNOW...I'M GOING TO SEE IF HE'LL YIELD TO A QUESTION. SENATOR, WILL YOU PLEASE YIELD? [LB1037]

SENATOR COASH: SENATOR CHAMBERS, WILL YOU YIELD? [LB1037]

SENATOR CHAMBERS: YES, I WILL. [LB1037]

SENATOR BRASCH: DO YOU BELIEVE THERE IS AN END TO THE MANY, MANY CONCERNS OF CURRENT ISSUES, PAST ISSUES, FUTURE ISSUES THAT WE COULD TALK ABOUT TODAY? [LB1037]

SENATOR CHAMBERS: NO, THERE IS NO END. [LB1037]

SENATOR BRASCH: THANK YOU. I HAVE NO OTHER QUESTIONS. COLLEAGUES, I HAVE A BILL BEFORE YOU, LB1037, WHICH WAS BROUGHT TO ME BY THE REVENUE DEPARTMENT ON BEHALF OF...WITH THIS MAP, AGAIN, THERE ARE 80 DIFFERENT COUNTIES, SOME OF THEM RED. SO LOOK AT THESE CLOSELY. IF YOU'RE TERM LIMITED, IT MAY NOT MATTER TO YOU. IF YOU'RE NOT TERM LIMITED, YOU MIGHT WANT TO TAKE A LOOK AT THIS BECAUSE, IF IT DOESN'T PASS TODAY, THIS ISSUE WILL COME BACK. IN THE SPIRIT OF COOPERATION AND

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IN THE SPIRIT OF UNDERSTANDING, I DID AGREE TO AM2690 THAT SENATOR SMITH PROPOSED TO BRING TWO WORLDS TOGETHER, URBAN AND RURAL, BY ENSURING THAT THE GROUND THAT SITS UNDER ANY BUILDINGS WHICH ARE TAXED AT 100 PERCENT WILL BE, ARE ALREADY, ANY HOUSES 100 PERCENT WILL BE ALREADY, WILL STAY, AND THAT GROUND WILL BE AT 100 PERCENT PER INPUT BY SOME RURAL COLLEAGUES HERE. PERHAPS THEY SAW THE MAP, THEY DIDN'T SEE THE MAP. I WOULD ENCOURAGE YOU TO LOOK AT THE MAP BECAUSE WE ARE REPRESENTING THOSE IN OUR DISTRICT. AND IF THERE IS A PATH TO FIND SOME COMPROMISE AND FIND SOME UNDERSTANDING AND MOVE THIS FORWARD, SO BE IT. BUT TO CHOOSE TO SPEND THE AFTERNOON TO TALK ABOUT WORLD AFFAIRS, TO BE CRITICAL OF OTHERS? THIS MORNING MY MOOD WAS OF CONCERN BECAUSE I SAW WHAT MY BILL FOLLOWED AND I KNEW IT WAS MOST LIKELY LENGTHY DEBATE. I, TOO, WAS IN THE QUEUE. BUT WE HAVE THE RULES. AS SENATOR CHAMBERS HAS TOLD US OVER AND OVER, THESE ARE THE RULES. WE PUT THEM THERE AND THOSE RULES WERE FOLLOWED. SO ARE YOU GOING TO LET YOUR MOOD STAND BETWEEN YOU AND THE SECOND HOUSE AND THE BUSINESS OF THE DAY? WE NEED TO MAKE TIME COUNT. IF YOU BELIEVE THAT THE TERC BOARD AND THE REVENUE DEPARTMENT ARE BOTH OFF BASE, THEY BROUGHT ME THIS BILL, THE REVENUE DEPARTMENT DID, TO TRY TO MAKE A CORRECTION IN A FLAW THEY SAW IN THE SYSTEM. TODAY IN GOOD FAITH I MADE A COMPROMISE AND AGREED TO AM2690. SENATOR SMITH SAID HE WOULD NOT SUPPORT THE BRACKET, WHICH HE DID NOT. HE WAS A NONVOTE. AND MANY OF YOU WERE A NONVOTE HERE. [LB1037]

SENATOR COASH: ONE MINUTE. [LB1037]

SENATOR BRASCH: PERHAPS YOU'RE NOT CONVINCED THAT THE REVENUE DEPARTMENT HAS ACCURATE FIGURES. PERHAPS YOU'RE NOT CONVINCED THAT OUR CONSTITUTION DOES STAND BEHIND AG LAND VALUES. BUT I WOULD LIKE TO CONVINCEN YOU THAT THIS TIME WE NEED TO MAKE COUNT. AND OVER A CUP OF COFFEE, OVER ANOTHER SOCIAL TIME WE CAN DISCUSS WORLD AFFAIRS AND WHO DID WHAT AND WHO DIDN'T DO WHAT, BUT TODAY I WOULD ENCOURAGE YOU TO VOTE FOR THE AMENDMENT, VOTE FOR THE BILL, AND NOT TO RECONSIDER. BUT IT IS TIME THAT WE HAVE A FULL AGENDA WITH SOME VERY IMPORTANT ISSUES THAT WE NEED TO ADDRESS. I SAY THAT RESPECTFULLY AND I DO ASK FOR YOU TO RECONSIDER WHAT YOU JUST VOTED ON AND NOT SENATOR CHAMBERS' MOTION TO RECONSIDER ON, BUT TO DO BE IT...TO PLEASE BE A GREEN VOTE FOR LB1037 AND AM2690. [LB1037]

SENATOR COASH: TIME, SENATOR. [LB1037]

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SENATOR BRASCH: THANK YOU. [LB1037]

SENATOR COASH: THANK YOU, SENATOR BRASCH. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB1037]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I KNOW SOME OF YOU MAY HAVE BEEN A LITTLE SURPRISED AT MY VOTE TO BRACKET THIS BILL, BEING AN AG SENATOR. THIS IS A TAX BREAK THAT PROBABLY WOULD HELP THE RURAL ECONOMY, BUT QUITE FRANKLY IT'S NOT A GOOD IDEA. THIS JUST PUTS A BIGGER WEDGE BETWEEN RURAL AND URBAN, IN MY OPINION, AND THIS DOES NOTHING TO SOLVE THE PROBLEM THAT WE HAVE WITH PROPERTY TAX IN THE STATE OF NEBRASKA. AND IT'S NOT JUST AGRICULTURAL, IT'S RESIDENTIAL AND COMMERCIAL. PART OF THE WAY THAT I'VE TRIED TO COME UP WITH TO EXPLAIN WHY AGRICULTURAL PROPERTY TAXES ARE SO OUT OF LINE, NOT ONLY THE TEEOSA FORMULA RELIES SO HEAVILY ON THAT. BUT SENATOR CHAMBERS IS A BARBER IN PAST LIFE, I THINK HE STILL IS, AND HE HAS A NUMBER OF CUSTOMERS THAT WOULD COME INTO HIS SHOP. MY AGRICULTURAL LAND, EVERY ACRE I HAVE IS LIKE ONE OF HIS CUSTOMERS THAT CAME INTO HIS BARBERSHOP. THE DIFFERENCE IS I HAVE TO PAY A TAX ON EACH OF MY ACRES EVERY YEAR WHETHER I RAISE ANYTHING ON THAT LAND OR NOT. IF SENATOR CHAMBERS WOULD HAVE TO PAY A TAX ON EACH OF HIS CUSTOMERS EVERY YEAR WHETHER THEY CAME IN TO HIM TO GET A HAIRCUT OR NOT, THEN WE WOULD NOT BE HAVING THIS DISCUSSION. THAT'S THE INHERENT DIFFERENCE BETWEEN AGRICULTURAL REAL ESTATE PROPERTY TAXES THAN ANYTHING ELSE. I'M OKAY WITH PAYING 100 PERCENT ON MY HOUSE WHERE I LIVE IN THE COUNTRY ON MY FARMLAND AND I'M OKAY WITH PAYING 100 PERCENT ON MY COMMERCIAL PROPERTY, MY SHOPS, AND MY GRAIN BINS. THAT'S ONLY FAIR. BUT TAXING AGRICULTURAL REAL ESTATE JUST BECAUSE IT'S THERE AND CANNOT FLEE THE STATE IS NOT RIGHT. WITH THAT, I'D LIKE TO YIELD THE REST OF MY TIME TO SENATOR GLOOR. [LB1037]

SENATOR COASH: SENATOR GLOOR, YOU'VE BEEN YIELDED 2:30. [LB1037]

SENATOR GLOOR: THANK YOU, SENATOR HUGHES. I VOTED TO GET THIS OUT OF MY REVENUE COMMITTEE. I'VE HAD SOME CONVERSATIONS WITH SENATOR SMITH ON AM2690. I BELIEVE AT THIS POINT IN TIME I AM IN SUPPORT OF SENATOR SMITH'S AM2690 AND OF COURSE THE UNDERLYING BILL, LB1037. JUST AS A PROCEDURAL REMINDER TO THE BODY, ASSUMING WE ADOPT AM2690, WE'LL HAVE A NEW FISCAL NOTE ON THIS BILL THAT WILL SHOW UP WHEN WE

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SEE IT ON SELECT FILE, AND I'M SORT OF RESERVING MY VOTE UNTIL I SEE WHAT THAT REVISED FISCAL NOTE DOES, WHICH I BELIEVE COULD LOWER THE DOLLARS INVOLVED ON THIS. ALTHOUGH THE IMPACT IS LIKELY TO BE MINIMAL, THIS IS AFTER ALL PROPERTY TAX. ITS EFFECT WOULD BE ON THE TEEOSA FORMULA, BUT THERE CERTAINLY WILL BE AN EFFECT ON LOCAL TAXING ENTITIES WITHIN COUNTIES. SO MY SUPPORT IS THERE. BUT AGAIN, I DO WANT TO REMIND THE BODY, ASSUMING THE AMENDMENT IS ADOPTED, THAT BEING AM2690, WE'LL GET A NEW FISCAL NOTE AND THAT WILL MAKE IT EASIER FOR ME TO ASSESS WHETHER MY SUPPORT WILL CONTINUE. I THINK, IF ANYTHING, IT MIGHT ENHANCE MY LEVEL OF SUPPORT. THANK YOU. AND THANK YOU AGAIN, SENATOR HUGHES. [LB1037]

SENATOR COASH: THANK YOU, SENATOR GLOOR AND SENATOR HUGHES. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1037]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I HAD SAID, AFTER READING THAT ARTICLE, I WOULD SAY SOMETHING ON THIS BILL AGAIN. THERE IS A WORD WHICH SHOULD BE TAKEN NOTE OF. IT'S "CONTEXT." THAT COULD BE CALLED AS THE CIRCUMSTANCES WITHIN WHICH SOMETHING OCCURS. THERE IS GOING TO BE, NO MATTER WHAT I DO OR ANYBODY ELSE DOES, SOME FOCUSED ATTENTION ON TAXING. AND WHEN I SAY FOCUSED, I DON'T MEAN EVERYBODY'S THOUGHT, EVERYBODY'S ARGUMENT, EVERYBODY'S IDEA, BUT THAT ISSUE WILL BE CENTER STAGE. THIS BILL DOES NOT CONTRIBUTE TO THAT AT ALL. IT'S NOT NEEDED. THE FACT THAT AN AGENCY CAME HERE INDICATES TO ME THAT THE GOVERNOR DICTATED THAT, AS HE DICTATED THAT HHS SEND ONE OF THE OFFICIALS OVER HERE TO SUPPORT AGENCIES THAT DISCRIMINATE AGAINST GAY AND LESBIAN PEOPLE AND GET STATE DOLLARS WHILE DISCRIMINATING. THE GOVERNOR SENT THEM OVER HERE TO TAKE THAT POSITION. THE GOVERNOR HAD PEOPLE OPPOSING THE BILL THAT WOULD OUTLAW DISCRIMINATION IN EMPLOYMENT AGAINST GAYS, LESBIAN, TRANSGENDER, AND BISEXUAL PEOPLE. THE GOVERNOR DID THAT. THE GOVERNOR HAS ON HIS STAFF A PERSON WHO IS VERY RABID IN BEING OPPOSED TO GAY AND LESBIAN PEOPLE AND I'M GOING TO DEAL WITH THAT ISSUE. HE IS ABLE TO DICTATE TO THE PEOPLE HE PUTS IN OFFICE AND TELLS THEM WHAT TO DO. SO NOW, WHEN THE HEAD OF A DEPARTMENT COMES OVER HERE AND SAYS SOMETHING, I DON'T SEE ANYTHING THAT MAKES THAT PERSON'S TESTIMONY CREDIBLE. SENATOR BRASCH BROUGHT A BILL FOR A PARTICULAR AND RELATIVELY SMALL INTEREST. THAT IS NOT SOMETHING THAT OUGHT TO BE DONE WHEN YOU KEEP SAYING YOU'RE GOING TO TALK ABOUT PROPERTY TAX. AND NATURALLY YOU'LL TALK ABOUT INCOME TAX AND SALES TAX. THIS BILL,

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IN MY OPINION, SHOULD NOT HAVE COME TO THE FLOOR FROM THE REVENUE COMMITTEE, BUT I'M NOT A MEMBER OF THAT COMMITTEE. THERE IS AT LEAST ONE BILL IN THE JUDICIARY COMMITTEE, WHERE I AM A MEMBER, WHICH DID NOT COME TO THE FLOOR. SO I FILED A MOTION TO PULL IT FROM COMMITTEE, WHICH IS MY PREROGATIVE. I DON'T STAND UP ON THIS FLOOR AND WHINE AND TATTLETALE. I DEAL WITH ISSUES. ALL WE DEAL WITH HERE, FORGETTING NOW THE POWER THAT WE HAVE TO LEGISLATE AND DO THINGS THAT WOULD BENEFIT PEOPLE, PEOPLE WHO NEED HELP AND CANNOT GET IT FROM THIS BODY, ASIDE FROM THAT POWER, ALL WE HAVE ARE WORDS. THE SLOGAN, IF YOU WANT TO CALL IT THAT, HAS ALWAYS BEEN: IF THERE IS SPEECH THAT YOU DO NOT LIKE, DO NOT SUPPRESS OR REPRESS THAT SPEECH; THERE SHOULD BE MORE SPEECH TO COUNTERACT IT. [LB1037]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: AND THAT'S WHAT I'M IN FAVOR OF DOING. I'VE NEVER STOOD ON THIS FLOOR AND SAID PEOPLE COULDN'T CRITICIZE OR ATTACK ME OR SAY WHATEVER THEY WANTED TO. BUT THEY HAD TO KNOW THAT WHEN THEY BRING SOMETHING, THEY'RE GOING TAKE SOMETHING AWAY BECAUSE I WILL RESPOND IN KIND. IS THIS MY THIRD TIME SPEAKING, MR. PRESIDENT? CAN YOU LET ME KNOW? [LB1037]

PRESIDENT FOLEY: IT IS NOT, SENATOR. [LB1037]

SENATOR CHAMBERS: THANK YOU. [LB1037]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB1037]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I WANTED TO TALK BRIEFLY ABOUT WHY I CHALLENGED THE RULING OF THE CHAIR. I DID NOT FEEL AS THOUGH THERE WAS FULL AND FAIR DEBATE, BEING AS THOUGH BY MY COUNT THERE ARE AT LEAST SIX OR SEVEN INDIVIDUALS THAT HAD NOT HAD THE OPPORTUNITY TO SPEAK YET. AND I HAD CONSULTED WITH CLERK OF THE LEGISLATURE BEFORE I MADE THAT CHALLENGE AND UNDERSTOOD THAT IT MAY OR MAY NOT BE IN LINE WITH OUR RULES. THAT BEING SAID, IN THE

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FUTURE I WOULD PARTICULARLY APPRECIATE THAT ON ISSUES, WHETHER OR NOT WE AGREE WITH THEM OR DO NOT AGREE WITH THEM, THAT BOTH THE CHAIR OR THE PRESIDENT SITTING UP THERE AND THE COLLEAGUES IN HERE RESPECT EVERYONE'S ABILITY TO BE ABLE TO FULLY DEBATE ISSUES THAT MATTER TO THEIR CONSTITUENTS. THAT DID NOT HAPPEN THIS MORNING AND THAT IS A SHAME WHETHER OR NOT YOU AGREE OR DISAGREE WITH LB1032. WE ALL HAVE PRIORITIES AND WE ALL HAVE BILLS AND WE ALL HAVE THINGS THAT WE CARE ABOUT. BUT THE PRESIDENT MOVING FORWARD WITH THAT MOTION AT THAT TIME WAS SHAMEFUL. IT WAS SHAMEFUL TO THE DEBATE THAT WE HAVE IN THIS BODY AND THE RESPECT THAT WE AFFORD MEMBERS TO BE ABLE TO REPRESENT THEIR CONSTITUENTS. SHAME ON YOU. THANK YOU, MR. PRESIDENT. [LB1037]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR RECONSIDERATION MOTION. [LB1037]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I FIND WAYS TO CONTINUE THE DISCUSSION. SINCE I'VE BEEN IN THE LEGISLATURE, I HAVE NEVER CALLED A QUESTION, NOT ONCE, EVEN ON A BILL OF MINE WHERE I HAD THE VOTES. I DO BELIEVE IN EXTENDED DEBATE. AND WHEN THERE ARE PEOPLE WHO WANT TO SPEAK, I DON'T CALL THE QUESTION. I USED TO WOULDN'T EVEN VOTE TO CALL THE QUESTION. BUT AS SENATOR MORFELD POINTED OUT, THAT ISSUE THIS MORNING WAS OF EXTREME IMPORTANCE, SO MUCH IMPORTANCE THAT THE GOVERNOR HAS BLUDGEONED PEOPLE, THE REPUBLICAN PARTY HAS BLUDGEONED PEOPLE, THE WHITE SUPREMACY THAT SAID IN CONGRESS, ANYTHING THAT PRESIDENT OBAMA BRINGS, WE'RE GOING TO OPPOSE, WE'RE GOING TO MAKE SURE HE DOESN'T GET ANYTHING DONE. AND THAT'S WHAT THEY SAID. BUT NOW PEOPLE WANT TO ACT LIKE THAT DIDN'T HAPPEN, LIKE THEY WANT TO PRETEND SLAVERY DIDN'T HAPPEN. THEY SAID THAT REGULARLY. WHEN HAVE YOU EVER SEEN A PRESIDENT DELIVERING A STATE OF THE UNION MESSAGE AND SOME GUY HOLLER, YOU LIE, YOU LIE! SUPPOSE I DID THAT TO THE GOVERNOR WHEN HE COMES HERE. BUT BECAUSE A WHITE MAN DID IT TO A BLACK PRESIDENT, WHITE PEOPLE THOUGHT IT WAS APPROPRIATE. THAT'S WHAT I SEE HAPPENING IN THIS COUNTRY AND I'M NOT GOING TO STAND HERE AND ACT LIKE I CAN BE COLLEGIAL AND KIND AND POLITE. YOU KNOW WHY YOU CAN BE POLITE? BECAUSE YOU'VE GOT THE NUMBERS. YOU DON'T HAVE TO STAND UP AND FIGHT FOR ANYTHING. YOU'VE ALREADY GOT IT. THAT'S WHAT THIS WHITE PRIVILEGE MEANS. AND BECAUSE YOU'VE BEEN PRIVILEGED ALL YOUR LIFE, YOU CAN'T UNDERSTAND ANYBODY WHO HAS TO FIGHT. I DON'T KNOW OF ANYBODY, AND

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I'M GOING TO BOAST, WHO HAS THE ABILITY THAT I HAVE, WHO WOULD HAVE WASTED 40 YEARS OF HIS LIFE DOWN HERE IN THIS PLACE FIGHTING THE WAY I HAVE FOUGHT, CLIMBING THE UNCLIMBABLE MOUNTAIN, FIGHTING THE UNWINNABLE FIGHT, OVER AND OVER AND OVER. AND AS FOR TAKING UP A GUN, IF I WAS GOING TO TAKE UP A GUN, I WOULD HAVE DONE THAT A LONG TIME AGO. THAT IS SO CRAZY AND SIMPLEMENTED. WHEN WHITE PEOPLE SEIZE ON A STATEMENT LIKE THAT, IT SHOWS HOW JUVENILE, ADOLESCENT, AND RACIST THEY ARE. I WATCH HOW YOU REACT WHEN WHITE PEOPLE SAY THINGS. THE GUY RUNNING FOR PRESIDENT TOLD HIS PEOPLE, KNOCK THE CRAP OUT OF HIM, KICK HIM, AND I'LL PAY YOUR LEGAL FEES. SUPPOSE I SAID THAT HERE. SUPPOSE I TOLD SENATOR MORFELD, SENATOR MORFELD, DO YOU SEE THE SPEAKER ABOUT TO MAKE A RULING YOU DON'T LIKE? GO UP THERE AND KNOCK THE CRAP OUT OF HIM AND I'LL DEFEND YOU. WHAT WOULD THE WHITE PEOPLE HAVE SAID THEN? WHAT DID THEY SAY WHEN DONALD TRUMP SAID IT? HUH? NOW, IF I WANTED TO MAKE A THREAT, SOMETHING THAT APPROXIMATES A THREAT, SUPPOSE I SAID I COULD STAND IN THIS AISLE AND SHOOT THE SPEAKER AND NOTHING WOULD HAPPEN. THERE WOULD BE OUTRAGE, PRETENDED OUTRAGE. SEE, THESE WHITE PEOPLE CANNOT FIND FAULT WITH WHAT I ACTUALLY DO AND SAY, SO THEY MANUFACTURE, THEY CREATE WHAT'S CALLED A STRAW MAN. THAT'S WHERE YOU ERECT SOMETHING AND THEN YOU KNOCK THAT DOWN AND YOU THINK YOU'VE SCORED A VICTORY. YOU ALSO OUGHT TO LOOK UP "STALKING HORSE" TO SEE WHAT A STALKING HORSE IS. NONE OF YOU, NOT ONE OF YOU, COULD FUNCTION IN THIS PLACE AS I HAVE DONE FOR 40 YEARS, 41 YEARS. YOU CAN'T EVEN STAND UP THE TIME THAT YOU SPEND HERE NOW. YOU SAY IT TAKES NOTHING TO DO WHAT I DO. YOU CAN SCARCELY TALK, SOME OF YOU, TEN MINUTES. [LB1037]

PRESIDENT FOLEY: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: AND YET I COME HERE AND SHALL CONTINUE TO DO IT DAY AFTER DAY BECAUSE YOU DON'T OWN ME. YOU WISH YOU DID. YOU WISH YOU COULD. YOU WISH I WOULD FOLD LIKE THE GOVERNOR CAN MAKE THE REST OF YOU FOLD, NOT ALL OF YOU BUT THE MAJORITY. IT WILL NEVER HAPPEN FOR ME. AND I'M GOING TO SAY WHAT I WANT TO SAY IN THE WAY THAT I WANT TO SAY IT. AND UNDER THE RULES, I'LL TAKE AS MUCH TIME AS I WANT TO TAKE. AND KEEP PROVOKING ME AND I'LL SHOW YOU WHAT I CAN DO. I CAN STAY TILL MIDNIGHT. YOU ALL WOULD GET ON THE SPEAKER AND SAY, WE DON'T WANT TO STAY HERE ALL THAT TIME, DO SOMETHING ABOUT HIM. AND HE'D SAY, YOU GO DO SOMETHING ABOUT HIM. WHO WILL BELL THE CAT? MR.

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PRESIDENT, I WILL ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE IN REVERSE ORDER. THANK YOU. [LB1037]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1037]

CLERK: 21 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB1037]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS COOK, SCHNOOR, BOLZ, BURKE HARR, MURANTE, LARSON, FRIESEN, HILKEMANN, WATERMEIER, THE HOUSE IS UNDER CALL. SENATOR KOLOWSKI, WOULD YOU CHECK IN, PLEASE. SENATORS SCHNOOR AND HILKEMANN, THE HOUSE IS UNDER CALL. ALL UNEXCUSED SENATORS ARE NOW PRESENT. THE QUESTION BEFORE US IS THE ADOPTION OF THE RECONSIDERATION MOTION. SENATOR CHAMBERS HAS REQUESTED A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK, PLEASE CALL THE ROLL. [LB1037]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1270.) 26 AYES, 5 NAYS TO RECONSIDER THE BRACKET MOTION, MR. PRESIDENT. [LB1037]

PRESIDENT FOLEY: THE RECONSIDERATION MOTION IS ADOPTED. I RAISE THE CALL. WE'RE NOW BACK ON TO THE BRACKET MOTION. SENATOR EBKE, YOU'RE RECOGNIZED. [LB1037]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I JUST WANTED TO MAKE A BRIEF COMMENT. SENATOR MORFELD GAVE A RATHER IMPASSIONED COMMENT A FEW MINUTES AGO ABOUT FAIR AND FULL DEBATE AND THE QUESTION OF CALLING THE QUESTION. I WOULD JUST SAY THAT IN INSTANCES WHERE IT'S PRETTY OBVIOUS THAT THERE ARE NOT THE VOTES TO BREAK CLOTURE, THAT THIS IS A PRECEDENT THAT WE'VE ALREADY SEEN THIS YEAR. LR35 WAS RECOMMITTED ON A CALL OF THE QUESTION AFTER JUST A LITTLE OVER AN HOUR OF DEBATE AND THERE WERE FIVE OR SIX PEOPLE WHO SAY, I DIDN'T ACTUALLY SEE THE LIST, BUT WHO SAY THEY WERE ACTUALLY IN THE QUEUE AT THE TIME. SO THIS ISN'T NEW. I DIDN'T OBJECT BECAUSE THE FILIBUSTER WAS OBVIOUSLY NOT

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GOING TO BE BROKEN AT THAT POINT. I THINK THIS MORNING'S VOTE SHOWS THE SAME THING. THANK YOU, MR. PRESIDENT. [LB1037 LR35]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1037]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. IT'S BY COINCIDENCE THAT I FOLLOW SENATOR EBKE. BEFORE I DROPPED THE BRACKET MOTION ON LB1032, WE'D HAD 150 PERCENT MORE DEBATE THAN DID MY PRIORITY BILL, LB900. SO IF WE'RE GOING TO CLAIM IT DIDN'T GET FULL AND FAIR DEBATE, WE'D BETTER GO BACK AND LOOK AT A LITTLE HISTORY. THE BRACKET MOTION WAS DROPPED ON LB900 AT A HALF HOUR, THE DIFFERENCE BEING LB900 HAD THE SUPPORT TO DEFEAT THE BRACKET MOTION. LB1032 DID NOT. WAS THERE ANY UNFAIRNESS IN WHEN THE MOTION WAS DROPPED? I DON'T THINK SO. THANK YOU, MR. PRESIDENT. [LB1037 LB1032 LB900]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON THE BRACKET MOTION. [LB1037]

SENATOR CHAMBERS: MR. PRESIDENT, JUST SO PEOPLE WILL UNDERSTAND WHAT WE'RE DOING, THIS NOW IS THE MOTION TO BRACKET THE BILL. IT IS CLEAR THAT THERE ARE NOT 33 VOTES HERE. ONE OF THE REASONS I WOULD RATHER NOT SPEND A LOT OF TIME ON THIS BILL, EVEN THOUGH THERE ARE OTHER BILLS I'LL SPEND TIME ON, IT CAN SKEW THE DISCUSSION THAT WE'RE DEFINITELY GOING TO HAVE ON TAXES FOR SURE. THAT'S NOT THE SAME WITH EVERY BILL THAT COMES BEFORE US. AND THAT'S ALL THAT I'M GOING TO SAY. BUT I WILL ASK FOR A CALL OF THE HOUSE. AND MAYBE WHEN WE CHECK IN, I'LL SEE THAT EVERYBODY IS STILL HERE, BUT I WILL ASK FOR THE CALL OF THE HOUSE AND ROLL CALL VOTE IN REVERSE ORDER. [LB1037]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1037]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB1037]

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PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR, THE HOUSE IS UNDER CALL. SENATORS SEILER AND SMITH, THE HOUSE IS UNDER CALL. ALL UNEXCUSED SENATORS ARE NOW PRESENT. MEMBERS, THE QUESTION BEFORE US IS THE ADOPTION OF THE BRACKET MOTION. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK, PLEASE CALL THE ROLL. [LB1037]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1270-1271.) 23 AYES, 10 NAYS, MR. PRESIDENT, TO BRACKET THE BILL. [LB1037]

PRESIDENT FOLEY: THE BRACKET MOTION IS NOT ADOPTED. I RAISE THE CALL. RETURNING NOW TO DEBATE ON LB1037 AND THE RELATED AMENDMENT, SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB1037]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. WELL, HERE WE ARE. WE KNOW THE VOTES AREN'T THERE. WE'RE ON BORROWED TIME--TICK TOCK, TICK TOCK. I WANT TO REITERATE WHAT SENATOR EBKE SAID EARLIER. WHAT ARE WE DOING HERE, FOLKS? IT'S TIME FOR THE ADULTS IN THE ROOM TO STAND UP AND REALIZE WHAT'S GOING ON. WOULD SENATOR BRASCH YIELD TO SOME QUESTIONS? [LB1037]

PRESIDENT FOLEY: SENATOR BRASCH, WOULD YOU YIELD, PLEASE? [LB1037]

SENATOR BRASCH: YES, I WILL YIELD. [LB1037]

SENATOR HARR: THANK YOU. SENATOR BRASCH, DO YOU BELIEVE YOU HAVE 33 VOTES? [LB1037]

SENATOR BRASCH: I'M NOT CERTAIN. [LB1037]

SENATOR HARR: OKAY. [LB1037]

SENATOR BRASCH: I'VE NOT BEEN VOTE COUNTING. [LB1037]

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SENATOR HARR: OKAY. WOULD YOU BE WILLING TO WAGER A BET? [LB1037]

SENATOR BRASCH: NO, I WOULD NOT. [LB1037]

SENATOR HARR: I WOULDN'T IF I WERE YOU EITHER. OKAY. LET ME ASK YOU A QUESTION. [LB1037]

SENATOR BRASCH: OKAY. [LB1037]

SENATOR HARR: WHAT KIND OF ODDS DO I NEED TO GIVE YOU? [LB1037]

SENATOR BRASCH: I BELIEVE WE OWE SENATOR SMITH A VOTE ON HIS AMENDMENT. I RESPECT THAT HE IN GOOD FAITH STOOD UP, ACKNOWLEDGED THAT THERE IS A PROBLEM. THIS IS NOT AN ENTIRE SOLUTION, BUT IN RESPECT TO SENATOR SMITH, I WOULD LIKE A VOTE ON HIS AMENDMENT. [LB1037]

SENATOR HARR: AND ONCE WE GET A VOTE ON SENATOR SMITH'S AMENDMENT, WOULD YOU BE WILLING TO RECONSIDER AT THAT POINT? [LB1037]

SENATOR BRASCH: POSSIBLY. I'M NOT...I WOULD LIKE TO SEE WHERE IT'S AT BECAUSE I BELIEVE HE MAKES IT A BETTER BILL. [LB1037]

SENATOR HARR: OKAY. OKAY, LET ME ASK YOU THIS THEN. I OWN A PIECE OF AGRICULTURAL LAND, 20 ACRES OR MORE, AND I HAVE MY FIRST ACRE. I'M GOING TO ACTUALLY ADDRESS MY ISSUES WITH THIS BILL AND WHY I THINK THIS IS BAD PUBLIC POLICY. IF I HAD ON...THERE ARE FOUR SIDES TO AN ACRE. ONE SIDE, WE'LL CALL IT THE SOUTH SIDE, IS A HIGHWAY. ON THE WEST SIDE I HAVE ROW CROPS AND THAT SELLS FOR \$10,000 AN ACRE. ON THE NORTH SIDE I HAVE A HOG CONFINEMENT OPERATION AND LET'S SAY THE VALUE OF THAT LAND UNDERNEATH IT IS \$20,000. AND TO THE EAST I HAVE PROPERTY THAT I USE FOR PASTURE AND IT'S ASSESSED AT--LET'S MAKE IT EASY--\$5,000. WHAT IS THE VALUE OF THAT FIRST ACRE OF LAND? [LB1037]

SENATOR BRASCH: I AM NOT AN ASSESSOR. I AM NOT THE TERC BOARD. AS YOU WERE... [LB1037]

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SENATOR HARR: NO, YOU'RE THE POLICYMAKER AND YOU'RE SAYING WE NEED TO...WE'RE GOING TO DECIDE HERE TODAY WHAT THAT FIRST ACRE IS WORTH AND IT'S WORTH THE VALUE OF THE ADJOINING PROPERTY. AND IF THERE ARE THREE DIFFERENT USES AND THREE DIFFERENT VALUES OF ADJOINING PROPERTY, HOW DO WE DETERMINE WHICH ONE TO USE? [LB1037]

SENATOR BRASCH: NOW SENATOR... [LB1037]

SENATOR HARR: GIVE THE ASSESSOR SOME GUIDANCE. [LB1037]

SENATOR BRASCH: SENATOR SMITH'S AMENDMENT SAYS THAT THE LAND UNDER THE BUILDINGS ON THE FARM SITE, NOT THE FARM HOMESITE, WILL BE TAXED AT 75 PERCENT OF MARKET VALUE. AND SENATOR SMITH'S AM2690 ONLY PROHIBITS THE FARM HOMESITE. AND YOUR SCENARIO, IT'S NOT ALL ENCOMPASSING OF ALL 80 DIFFERENT COUNTIES WITH DIFFERENT SITUATIONS. I CAN'T TELL YOU WHAT YOU'RE LOOKING FOR. [LB1037]

SENATOR HARR: OKAY. THANK YOU. THAT'S THE ANSWER I WAS LOOKING FOR. FOLKS, THAT'S THE PROBLEM. SHE HAS THE VALUE OF THE LAND AND SHE CAN'T TELL US WHAT IT'S WORTH. IF SHE DOESN'T KNOW AND SHE INTRODUCED THE BILL, HOW DO WE EXPECT A COUNTY ASSESSOR TO KNOW? THERE IS NO WAY TO KNOW. AND THEN WHO DO YOU APPEAL TO? TERC, IF YOU DON'T LIKE THAT VALUATION. GUESS WHAT? THAT'S WHAT WE ALREADY HAVE TODAY. [LB1037]

PRESIDENT FOLEY: ONE MINUTE. [LB1037]

SENATOR HARR: IF YOU DON'T LIKE THE VALUATION OF YOUR LAND, YOU GO TO TERC. I DON'T KNOW WHY WE FEEL THAT ONE PERSON WITH ONE TYPE OF OCCUPATION IS HIGHER, BETTER THAN EVERYBODY ELSE IN DETERMINING THE VALUE. I UNDERSTAND AGAIN WHAT SHE'S TRYING TO DO. SHE THINKS THAT FIRST ACRE IS OVERPRICED, AND MAYBE THERE IS A PROBLEM WITH THAT. BUT WHAT WE'RE DOING IS GOING OUTSIDE OF TERC, WHAT WE HOLD EVERY OTHER PROPERTY HOLDER IN THE STATE ACCOUNTABLE TO. SHE'S SAYING, YES, EVERYONE ELSE GOES TO TERC, FIRST PROPERTY, YOU'RE VALUED DIFFERENTLY. AND THEN IF YOU DON'T LIKE IT, YOU STILL CAN GO TO TERC, BUT WE'RE NOT EVEN SURE WHAT THE VALUE OR HOW THE ASSESSOR IS SUPPOSED TO APPRAISE OR VALUE THAT LAND UNDERNEATH THEM. AND THEN IT'S 75 PERCENT INSTEAD OF 100, OR MAYBE IT'S 100, NOT 75. THIS IS VERY CONFUSING. THAT'S WHY WHEN THE MOTION TO RECOMMIT COMES... [LB1037]

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PRESIDENT FOLEY: TIME, SENATOR. [LB1037]

SENATOR HARR: THANK YOU. [LB1037]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. MR. CLERK, ITEMS FOR THE RECORD? [LB1037]

CLERK: YES, MR. PRESIDENT. THANK YOU. I'VE GOT A SERIES OF STUDY RESOLUTIONS, LR552 THROUGH LR571, ALL STUDY RESOLUTIONS INTRODUCED BY INDIVIDUAL MEMBERS. (ALSO, AMENDMENTS TO LB774A AND LB774, LEGISLATIVE JOURNAL PAGES 1271-1284.) [LR552 LR553 LR554 LR555 LR556 LR557 LR558 LR559 LR560 LR561 LR562 LR563 LR564 LR565 LR566 LR567 LR568 LR569 LR570 LR571 LB774 LB774A]

MR. PRESIDENT, A PRIORITY MOTION, SENATOR CHAMBERS WOULD MOVE TO RECOMMIT LB1037 TO THE REVENUE COMMITTEE. [LB1037]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CHAMBERS, I'LL RECOGNIZE YOU IN JUST A SECOND. (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR BRACKET...ON YOUR RECOMMIT MOTION. [LB1037]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M HAVING SO MUCH FUN IT HAS TO BE A SIN, REALLY. AND IF THERE WERE PURITANS IN HERE, THEY'D SAY IT CERTAINLY IS. BUT, OBVIOUSLY, THE BODY WANTS TO CONTINUE. YOU KNOW THAT I'M GOING TO CONTINUE BRINGING THESE MOTIONS. AND AFTER THIS ONE, I HAVE A RECONSIDERATION MOTION. SO IF NOBODY WOULD SPEAK AT ALL, I CAN GOBBLE UP AT LEAST A HALF HOUR EASILY. AND THEN OTHER PEOPLE HAVE AMENDMENTS PENDING AND ALL I HAVE TO DO IS LOOK AT THEIR AMENDMENT AND SAY, STRIKE WHATEVER I WANT TO STRIKE FROM IT, AND THAT BECOMES MY AMENDMENT TO THEIR AMENDMENT AND I TAKE OVER AGAIN. IN OTHER WORDS, THEY CAPTURE THE HORSE. THEY BREAK THE HORSE, I HOPE BY MEANS OF A HORSE WHISPERER SO THEY DON'T USE CRUELTY. THEN THEY PUT A SADDLE ON THE HORSE AND A BRIDLE AND REINS AND THEN--THAT'S THEIR AMENDMENT--THEN I SAY, EXCUSE ME, PARDNER, I WANT TO RIDE YOUR HORSE. AND HE SAYS, YOU CAN'T DO THAT. I SAY, WELL, YOU HAVEN'T READ THE RULES. SO WHATEVER YOU PUT ON THIS BILL, I'M GOING TO TAKE IT AND MAKE IT MINE. YOU CANNOT OFFER AN AMENDMENT THAT IS UNAMENDABLE. NOW, AN AMENDMENT TO AN

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AMENDMENT CANNOT BE. BUT SENATOR BRASCH'S BILL DOESN'T HAVE AN AMENDMENT. SO ANY AMENDMENT THAT SOMEBODY OFFERS IS AMENDABLE. AND I'M JUST TELLING YOU WHAT IT IS I INTEND TO DO BECAUSE YOU HAVE SHOWN ME WHAT YOU WANT ME TO DO. I CAN DELIBERATELY MAKE SOME OF YOU SO ANGRY THAT YOU'LL VOTE AGAINST YOUR OWN INTEREST AND YOU'LL VOTE NO WHEN YOU OUGHT TO VOTE YES. BUT IT MAKES ME NO DIFFERENCE. I'M GOING TO STAY HERE AS LONG AS THE SPEAKER WANTS US TO BE HERE, AND PARTLY RESPONSIBLE FOR WHAT I'M DOING IS SENATOR KINTNER. YOU ALL PROBABLY THINK HE AND I ARE ANTAGONISTS ALL THE TIME. BUT I WAS WATCHING THE NEWS AND YOU KNOW WHAT SENATOR KINTNER SAID? HE EXPRESSED MY PHILOSOPHY, BUT HE WASN'T QUOTING ME. HE SAID, WE HAVE ALL THESE BAD BILLS, THESE BAD BILLS MUST BE STOPPED, IF WE STOP ALL THESE BAD BILLS AND GO HOME, THE PUBLIC WILL BE SERVED. I'M DOING WHAT SENATOR KINTNER SUGGESTED. AND I JUST TOLD HIM, HE DIDN'T REALIZE HE HAD THAT MUCH INFLUENCE OVER ME, BUT HERE I AM. THIS IS A BAD BILL. THE VOTES SHOW THAT IT'S A BAD BILL. AND I'M WILLING TO DO THE HARD, DRUDGE WORK OF STOPPING IT. AND REMEMBER THIS, BROTHERS AND SISTERS, FRIENDS, ENEMIES, AND NEUTRALS, THE MORE TIME WE SPEND ON THIS BILL, THE FEWER OTHER BAD BILLS WE CAN GET TO. SO I'M PREPARED TO STAY ON THIS BILL TILL THE COWS COME HOME, SO TO SPEAK. TEST ME TODAY AND SEE IF I CAN STAY ON THE FIRST BILL THAT WE REALLY DISCUSS AFTER A LONG WEEKEND. CAN I STAY ON THIS BILL AND TAKE THE FULL SIX HOURS? AND LET'S SAY THAT WE GO THE FULL SIX HOURS AND LET'S SAY YOU GET CLOTURE. THEN, WHEN THIS BILL COMES UP ON SELECT FILE, YOU'VE GOT TO GIVE ME FOUR MORE HOURS. SOMEBODY POSED THE QUESTION RHETORICALLY, WHAT ARE WE DOING HERE? THAT "WE" DOES NOT INCLUDE ME. BUT I'M GOING TO LET IT INCLUDE ME. WHAT WE ARE DOING IS GIVING TO SENATOR CHAMBERS THE TIME THAT HE SAID HE WANTS. SO IF SOMEBODY TELLS A PERSON THAT THEY'RE TALKING TO AND WANTS TO SHOW HOW ANGRY THEY ARE WITH ME WOULD TELL THAT PERSON, I WOULDN'T GIVE HIM THE TIME OF DAY. MAYBE THEY WOULDN'T GIVE ME THE TIME OF DAY, BUT THEY'LL GIVE ME MUCH TIME DURING THE DAY. I SEE MY GOOD FRIEND "JOHNNY" DOWN THERE. THAT'S WHAT I USED TO CALL HIM. SENATOR BLOOMFIELD, HE SOUNDS TO ME LIKE JOHNNY CASH. AND SENATOR BLOOMFIELD KNOWS I HAVE REGARD FOR JOHNNY CASH. I EVEN ON OCCASION HAVE CROONED A TUNE THAT HE CROONED, BUT NOT QUITE THE SAME WAY. BUT I'M NOT GOING TO DO THAT THIS AFTERNOON. I'M JUST GOING TO LET US SETTLE DOWN, BE CALM, TAKE A NICE, LEISURELY STROLL UNTIL THE TIME FOR THIS BILL HAS REACHED AN END. I DON'T KNOW HOW LONG WE'VE BEEN ON THIS BILL, BUT I HAD SPECULATED WHEN WE CAME BACK THAT YOU ARE GOING TO GIVE ME AT LEAST UNTIL 5:30. SO THAT MEANS I'VE GOT THREE HOURS AND

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SOME MINUTES...OR TWO HOURS AND SOME MINUTES. BUT AT ANY RATE, WE'RE GOING TO BE HERE AND I HAVE AMENDMENTS THAT I WILL OFFER. THESE ARE JUST DELAYING MOTIONS. BUT NOW TO GET BACK TO SOME OF THE THINGS THAT I WANT TO SAY SO THAT THE RECORD WILL NOT BE COMPLETELY BARREN, THERE IS NOBODY ON THIS FLOOR WHO COULD COME HERE WITH A SERIOUS ISSUE IN HIS OR HER DISTRICT SUCH AS THE ONE I DISCUSSED, YOUNG PEOPLE GETTING GUNS AND KILLING PEOPLE, AND I NOT DO WHAT I COULD TO HELP RECTIFY THAT PROBLEM. AND I HAVE WORKED ON ISSUES IN OTHER PEOPLE'S DISTRICT. THERE WAS ONE TIME, AND I DON'T REMEMBER THE DISTRICT THIS GUY WAS IN, HE HAD A LITTLE BABY WHO DIED AND WAS BURIED AND HE WAS VERY ATTACHED TO THAT CHILD. SO HE WENT UP AND HE DUG UP THE BODY AND HE TOOK IT TO THE HOSPITAL TO SEE IF THEY COULD RESUSCITATE HIS BABY. AND INSTEAD OF UNDERSTANDING WHAT HAD HAPPENED, HE WAS ARRESTED AND THE PROSECUTOR WAS GOING TO CHARGE HIM WITH DESECRATION OF A BODY OR SOMETHING LIKE THAT. AND I MADE SOME REMARKS ON THE FLOOR OF THE LEGISLATURE AND TO THE MEDIA THAT HERE WAS A MAN WHO, OBVIOUSLY, WAS TERRIBLY DISTRESSED. AND INSTEAD OF SHOWING THE UNDERSTANDING, THE COMPASSION APPROPRIATE IN THAT SITUATION, HE WAS TO BE PROSECUTED. NOBODY COULD GAIN FROM IT. EVEN IF HE WERE CONVICTED, EVEN IF HE WERE PUT IN JAIL, HOW WOULD THAT ADVANCE ANY PRINCIPLE THAT SOCIETY HOLDS DEAR? A COUPLE OF OTHER SENATORS MAY HAVE SAID SOMETHING, MAYBE THEY DIDN'T, BUT THE PROSECUTOR ANNOUNCED THAT HE CHANGED HIS MIND. NOBODY ASKED ME TO DO THAT. WE'RE NOT NOBLE WHEN ALL WE ARE IS BEING HUMAN. WE DON'T HAVE TO BE THANKED FOR IT AND IT DOESN'T MAKE US A HERO. BUT THAT SHOWS HOW CONCEPTS HAVE BEEN DILUTED, DIMINISHED, AND DEPRIVED OF MEANING. ANYBODY IS NOBLE NOW FOR DOING THE JOB HE OR SHE IS PAID TO DO. YOU ARE PAID TO DO A JOB AND THEN YOU'RE TOLD, BUT IF YOU DO IT, I'LL GIVE YOU SOME EXTRA MONEY. WELL, THE DEAL THAT YOU MADE, IF YOU'RE HONEST, IS TO DO THIS JOB TO THE BEST OF YOUR ABILITY AND NOT BECAUSE YOU'RE GOING TO HAVE SOMEBODY PAY YOU FOR DOING WHAT YOU AGREED TO DO AND WHAT THEY'VE PAID YOU TO DO. BUT IF SOCIETY CHANGES, THINGS CHANGE AND PEOPLE WILL USUALLY CHANGE ALONG WITH IT WHEN THEY'LL BE GIVEN SOME CHANGE. BUT NOT ME. I TELL YOU ALL, BEFORE I'M THROUGH ON ANYTHING THAT I'M UNDERTAKING, WHAT I'M DOING AND WHY. I WOULD JUST AS SOON TALK THE AFTERNOON ON THIS BILL BECAUSE IT MEANS WE WON'T GET TO ANOTHER BAD BILL. AND THEN WHEN WE GET TO THAT BAD BILL, TAKING FOREVER ON IT WILL STOP US FROM GETTING TO ADDITIONAL BAD BILLS. IF THE CLOCK HAS RUN OUT, IT MAKES ME NO DIFFERENCE WHATSOEVER. BUT IT WILL BE OF VALUE TO ME BECAUSE IT WILL MEAN I

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SUCCEEDED IN STOPPING SOME BILLS THAT I THINK ARE TRULY HURTFUL NOT ONLY TO OUR PROCESS OF LEGISLATING... [LB1037]

PRESIDENT FOLEY: ONE MINUTE. [LB1037]

SENATOR CHAMBERS: ...BUT TO SOCIETY AS A WHOLE. SENATOR KOLTERMAN HAS GOT A BILL LURKING DOWN THERE IN THE BUSHES, AND HE KNOWS IT, WHERE THEY WANT TO PROTECT THOSE WHO DISCRIMINATE, KNOW THEY DISCRIMINATE AND WANT TO PROTECT THEM AND SAY THAT THE ONES BEING DISCRIMINATED AGAINST HAVE TO CONTRIBUTE MONEY TO THE POT FROM WHICH TAX MONEY WILL BE DERIVED TO GIVE TO THOSE WHO ARE DOING THE DISCRIMINATING. HOW PERVERTED IS THAT? THIS IS AMERICA THAT PREACHES DEMOCRACY ALL OVER THE WORLD, THAT TELLS OTHER PEOPLE HOW TO LIVE, THAT TALKS ABOUT CHRISTIANITY, AND THEN THEY PULL SOME OF THIS. THEY WANT THEIR BRAND OF HATRED, BIGOTRY, AND INTOLERANCE TO BE SANCTIFIED. BUT IT WILL BE SANCTIFIED OVER MY STRENUOUS AND DRAWN-OUT OBJECTION AND I'M PREPARED TO SPEND HOWEVER MUCH TIME IT TAKES TO DEFEAT SENATOR KOLTERMAN'S BILL THAT'S OUT THERE IN THE WEEDS. [LB1037]

PRESIDENT FOLEY: TIME, SENATOR. [LB1037]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1037]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. MEMBERS, YOU'VE HEARD THE OPENING ON THE RECOMMIT MOTION. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1037]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. TO SENATOR HARR'S QUESTION, HOW DO YOU VALUE THAT? I'M LOOKING AT THIS MAP THAT SENATOR BRASCH PASSED OUT AND I'M STARTING TO WONDER HOW THEY DO IT TOO. YOU'VE GOT CUSTER COUNTY. I HAPPEN TO HAVE A LITTLE PROPERTY, ABOUT \$12,000 FOR THE LOT. YOU JUST GO NORTH, THE SAME TYPE OF PROPERTY IN BLAINE COUNTY, AND IT'S \$1,500. GO A LITTLE BIT TO THE EAST, TO LOUP COUNTY, IT'S \$5,500. I CAN SEE WHY THEM POOR SARPY COUNTY FOLKS ARE SCREAMING AND YELLING, BECAUSE OF THE COMMON LEVY PLUS THEIR LOT, THEIR ACRE IS \$56,228. YOU GO TO DOUGLAS COUNTY, IT'S \$25,000 LESS AT \$32,000 NOW. I COULDN'T TELL YOU WHERE THE COUNTY LINE IS BETWEEN THEM TWO COUNTIES. SAUNDERS' DROPS TO \$25,000. AND YOU GO SOUTH TO

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CASS COUNTY, IT'S \$18,300. SARPY IS THREE TIMES HIGHER. TO ME, IF YOU WANT TO KNOW HOW YOU VALUE IT, A FARMER BUYS OR SOMEBODY BUYS 50 ACRES, DOESN'T HAVE A HOME ON IT. THE VALUE OF THAT ACRE IS WHAT YOU PAID FOR IT. AND THEN YOU BUILD A HOME ON IT. YOU PUT YOUR OWN SEWER IN, YOUR SEPTIC TANK. YOU PUT YOUR OWN WELL IN. AND THEN ALL OF A SUDDEN THE ASSESSOR COMES OUT, AND YOU PAID \$6,000 AN ACRE, AND THE ASSESSOR TELLS YOU IN SARPY COUNTY IT'S \$56,000. WELL, LET ME TELL YOU WHAT THE RESALE VALUE ON MOST FARM HOMES ARE. IT'S THE COST OF A BULLDOZER TO PUSH IT IN BECAUSE WHOEVER BUYS IT PUSHES IN THE FARM PLACE AND FARMS OVER THE TOP OF IT. THAT'S THE CONSOLIDATION OF AGRICULTURE. I CAN SEE THE PROBLEM OF JUSTICE HERE BETWEEN COUNTIES ON HOW THEY VALUE THAT ACRE. NOW THAT'S A FAIRNESS ISSUE, BUT THAT'S NOT A PROPERTY TAX ISSUE BECAUSE...IT IS A PROPERTY TAX ISSUE, BUT IT'S MINOR. IT'S NOT SOMETHING PRODUCTION AGRICULTURE IS CONCERNED ABOUT. EVEN OUT IN MY COUNTY, LINCOLN COUNTY, IT'S \$5,000 AN ACRE. YOU GO TO PERKINS COUNTY TO THE WEST AND IT'S \$15,000. YOU GO TO THE NORTH AND IT'S \$4,000. YOU GO SOUTH, IF ANYBODY IS IN THE FRONTIER COUNTY, IT'S SOME PRETTY ROUGH FARM COUNTRY. THE LAND PROBABLY AVERAGES A COUPLE THOUSAND DOLLARS AN ACRE AND IT'S \$17,000. NOW I'D LIKE TO KNOW, MAYBE WE OUGHT TO LOOK INTO, HOW THESE ASSESSORS ARE DECIDING. SENATOR HARR SAID, WELL, YOU GO AND PROTEST. I THINK WHAT YOU DO IS VOTE AGAINST THIS ASSESSOR IN YOUR COUNTY, IN SARPY COUNTY, WHO IS PUTTING \$56,000 ON AN ACRE OF LAND UNDER THAT FARMHOUSE. THAT'S HOW YOU FIX THIS THING. BUT ANYWAY, THE REAL PROBLEM IN PROPERTY TAXES IS STATEWIDE AND WE ALL KNOW IT. WE'RE 49th IN THE NATION IN HOW WE HELP FUND OUR SCHOOLS, BUT WE GOT ALL SORTS OF MONEY FOR THE UNIVERSITY, WE GOT ALL SORTS OF MONEY TO GIVE NICKEL AND DIME TAX BREAKS TO AG SOCIETIES AND TO PERSONAL PROPERTY AND ALL OF A SUDDEN YOU GET A TAX CREDIT IF YOU DO THIS OR THAT. IT'S CALLED SOCIAL ENGINEERING, FOLKS, WHEN YOU DO THAT. BUT WE NEED TO STEP UP AS A LEGISLATURE AND FUND OUR SCHOOLS. THAT'S WHAT THE WHOLE PROBLEM IS. THAT'S WHAT THE WHOLE FIGHT BETWEEN URBAN AND RURAL IS WHEN IT BOILS DOWN TO IT; OTHERWISE, WE'RE JUST NEBRASKANS. BUT THAT'S WHERE THE FIGHT IS, THAT'S WHERE THE ARGUMENT IS. WHY DOES SOMEBODY GET THEIR INCOME AND SALES TAXES BACK TO FUND THEIR SCHOOLS AND SOMEBODY ELSE DOESN'T? THAT'S A COMPLETE, TOTAL FAIRNESS ISSUE AND THAT'S WHAT THE ARGUMENT IS ABOUT, NOT THE VALUATION. BUT ANYWAY, I CAN SEE WHERE SENATOR BRASCH CAME UP WITH THIS, WHY SOMEBODY WOULD BRING THIS ISSUE TO HER. THERE IS A WIDE, HUGE VARIANCE BETWEEN COUNTY LINES HERE AND IT MAKES NO SENSE. IF

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YOU COMPARE THE REAL ESTATE OR COMMERCIAL PROPERTIES OR FARM PROPERTY VALUATIONS,... [LB1037]

PRESIDENT FOLEY: ONE MINUTE. [LB1037]

SENATOR GROENE: ...YOU WOULDN'T COME UP WITH THAT BIG A DISPARITY BETWEEN SARPY AND DOUGLAS COUNTY OR SARPY AND CASS COUNTY. AS TO SENATOR CHAMBERS AND TALKING, I ALWAYS GO BACK TO WHAT MARK TWAIN SAID WHEN HE SAID, NO MAN'S LIFE, LIBERTY, PROPERTY IS SAFE WHILE THE LEGISLATURE IS IN SESSION. SAID THAT IN THE 1860s. IF WE WANT TO UPDATE THAT TO SENATOR KOLTERMAN'S BILL AND A FEW OTHERS, IT SHOULD SAY, NO MAN'S LIFE, LIBERTY, RELIGIOUS FREEDOM, PROPERTY IS SAFE WHILE THE LEGISLATURE IS IN SESSION. THAT SHOULD BE ADDED BECAUSE THAT'S...IF WE LET THIS LEGISLATURE DO SOME OF THE THINGS IT WANTS TO DO, YOUR RELIGION FREE FREEDOM IS AT STAKE, FOLKS. SO LET'S DEBATE THINGS. AND TO THE PUBLIC OUT THERE, WHY SOME PEOPLE HAVE NO VOTE, DON'T VOTE AT ALL, IS BECAUSE WE DON'T LIKE THE BILL AS IS. BUT IF WE COULD GET TO SENATOR SMITH'S AMENDMENT AND WE COULD VOTE THAT THROUGH, THEN I BECOME A YES VOTE. [LB1037]

PRESIDENT FOLEY: TIME, SENATOR. [LB1037]

SENATOR GROENE: THANK YOU. [LB1037]

PRESIDENT FOLEY: MR. CLERK. [LB1037]

CLERK: MR. PRESIDENT, I HAVE A UNANIMOUS CONSENT REQUEST. SENATOR BRASCH WOULD ASK UNANIMOUS CONSENT TO BRACKET HER BILL UNTIL APRIL 20, 2016. [LB1037]

PRESIDENT FOLEY: WITHOUT OBJECTION THE BILL IS BRACKETED. PROCEEDING ON WITH THE AGENDA, MR. CLERK. [LB1037]

CLERK: YES, SIR, MR. PRESIDENT, LB889. IT'S A BILL BY SENATOR MELLO. (READ TITLE.) INTRODUCED ON JANUARY 11 OF THIS YEAR, REFEREED TO THE REVENUE COMMITTEE. THE BILL WAS ADVANCE TO GENERAL FILE. I HAVE REVENUE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM2490, LEGISLATIVE JOURNAL PAGE 973.) [LB889]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB889. [LB889]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. LB889 CREATES THE SCHOOL READINESS TAX CREDIT, WHICH IS THE RESULTS OF THE WORK THIS PAST INTERIM TO IDENTIFY A SOLUTION TO THE HIGH COST OF QUALITY CHILDCARE AND IMPACT THE STATUS OF CHILDCARE WORK FORCE IN NEBRASKA. WITH NEARLY 75 PERCENT OF NEBRASKA CHILDREN WHO HAVE ALL AVAILABLE PARENTS IN THE WORK FORCE, HIGH-QUALITY CARE CAN BE OUT OF THE REACH FOR MOST WORKING FAMILIES DUE TO THE HIGH COST, AND CHILDCARE AS AN INDUSTRY HAS NEARLY A \$460 MILLION IMPACT ON NEBRASKA'S OVERALL ECONOMY. OVER THE PAST FEW YEARS, THIS LEGISLATIVE BODY HAS RECOGNIZED THE CRUCIAL ROLE EARLY CHILDHOOD EDUCATION PLAYS NOT ONLY AS A DETERMINANT FOR THE FUTURE OPPORTUNITY FOR AN INDIVIDUAL CHILD, BUT AS A KEY CONTRIBUTOR TO THE DEVELOPMENT OF NEBRASKA'S FUTURE WORK FORCE AND OVERALL ECONOMIC SUCCESS. THE INITIAL PACKAGE OF CREDITS IN THE GREEN COPY OF LB889 WAS INTRODUCED TO SUPPORT A HIGH-QUALITY CHILDCARE INDUSTRY THAT IS A KEY WORK SUPPORT FOR FAMILIES, THE BUSINESSES THAT EMPLOY THEM, AND ALSO THE HEALTHY DEVELOPMENT OF CHILDREN TO ENSURE THEY START SCHOOL READY TO LEARN. AS INTRODUCED, LB889 WAS A FULL PACKAGE OF CREDITS MODELED AFTER THE STATE OF LOUISIANA'S SUCCESSFUL SCHOOL READINESS TAX CREDIT PROPOSAL. AS TOUTED BY THE COFOUNDER OF THE ALLIANCE FOR EARLY CHILDHOOD FINANCE, QUOTE, THIS MODEL IS THE MOST COST EFFECTIVE AND SUCCESSFUL CHILDCARE QUALITY IMPROVEMENT STRATEGY EVER EXPERIENCED, END QUOTE. THIS MODEL RECOGNIZES CHILDCARE FOR THE UNIQUE INDUSTRY THAT IT IS AND THE CRITICAL ROLE IT PLAYS IN OUR STATE'S OVERALL ECONOMY FOR INDIVIDUAL FAMILY BUDGETS AND FOR ITS INFLUENCE IN THOSE CRITICAL BIRTH TO 5 YEARS. AS REPORTED BY THE BUFFETT EARLY CHILDHOOD INSTITUTE GALLUP SURVEY RESULTS JUST RELEASED THIS MORNING, QUOTE, NEBRASKANS DO NOT BELIEVE HIGH-QUALITY EARLY CARE AND EDUCATION IS AVAILABLE OR AFFORDABLE FOR ALL FAMILIES IN THE STATE. JUST 11 PERCENT OF NEBRASKA RESIDENTS STRONGLY AGREE THAT HIGH QUALITY EARLY CARE AND EDUCATION IS AVAILABLE TO EVERY FAMILY IN THE STATE, END QUOTE. IT ALSO SAID, QUOTE, NEBRASKANS WANT A GREATER INVESTMENT IN QUALITY EARLY CARE AND EDUCATION. TWO-THIRDS OR 67 PERCENT OF NEBRASKANS STRONGLY AGREE OR AGREE THAT THE STATE SHOULD MAKE EARLY CARE AND EDUCATION A HIGHER PRIORITY THAN IT IS TODAY, END QUOTE. RECOGNIZING THAT THE FISCAL PARAMETERS OF THIS CURRENT LEGISLATIVE SESSION ARE NOT CONDUCTIVE

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FOR THE FULL COMPREHENSIVE LOUISIANA MODEL THAT WAS INTRODUCED AS PART OF THE GREEN COPY VERSION OF LB889 FOR INCREASING ACCESS TO QUALITY CHILDCARE, AFTER THE HEARING I WORKED TO REVISE THE PROPOSAL AND BUILD A NEBRASKA-SPECIFIC STARTING POINT. WITH THE MAJOR CHANGES REFLECTED IN THE REVENUE COMMITTEE AMENDMENT, THE MODIFIED PROPOSAL WILL BE ESTIMATED TO BE ROUGHLY 88 PERCENT LESS THAN WHAT IS REFLECTED IN THE ORIGINAL GREEN COPY FISCAL NOTE. NOT ONLY WILL THE TAX CREDITS AMOUNT TO UNDER \$1 MILLION FOR THE FIRST YEAR AND UNDER \$2 MILLION FOR THE SECOND YEAR, THE COMMITTEE AMENDMENT ALSO INCLUDES A \$5 MILLION CAP EVERY YEAR AFTER, AS WELL AS A FIVE-YEAR SUNSET OF THE TAX CREDIT TO MEASURE ITS EFFECTIVENESS. CHAIRMAN GLOOR WILL SPEAK MORE TO AM2490, THE COMMITTEE AMENDMENT. AND TO PREVIEW A LITTLE BIT, WE'VE REDUCED THE FOUR CATEGORIES OF THE TAX CREDITS TO TWO CATEGORIES. AND THE LEGISLATURE WILL BE GIVEN THE OPPORTUNITY, AS I MENTIONED, TO REVIEW THE SUCCESS OF THESE CREDITS THROUGH A FIVE-YEAR SUNSET PROVISION AND OTHER CHANGES OBVIOUSLY WERE REDUCED AS PART OF THE BILL AFFECTING BOTH THE PROVIDER CREDIT AND THE WORK FORCE CREDIT TO REDUCE THAT FISCAL IMPACT. THE TWO CREDITS THAT DO REMAIN--THE WORK FORCE CREDIT AND THE PROVIDER CREDIT--WILL SUPPORT QUALITY CARE FOR CHILDREN AND INCREASE THE INCOME OF NEBRASKA'S EARLY CHILDHOOD PROFESSIONAL WORK FORCE. UNDER THE WORK FORCE CREDIT, EARLY CHILDHOOD PROFESSIONALS WOULD BE ELIGIBLE FOR A REFUNDABLE CREDIT BASED ON THE EDUCATIONAL LEVEL ATTAINED. THE HIGHER THE EDUCATIONAL LEVEL ATTAINED, THE HIGHER CREDIT AMOUNT. THE AMOUNTS ARE LISTED IN THE AMENDMENT AND CAN BE FOUND ON THE HANDOUT I JUST PASSED OUT. ALONG WITH SUPPORTING THE DEVELOPMENT OF EARLY CHILDHOOD PROFESSIONALS, SUPPORTING PROGRAMS THAT WORK TO PROVIDE HIGH-QUALITY CARE IS ANOTHER WAY TO BUILD A BETTER SYSTEM FOR NEBRASKA'S CHILDREN. THE CREDIT FOR CHILDCARE PROGRAMS WOULD BE A NONREFUNDABLE TAX CREDIT PROVIDED TO A CHILDCARE AND EDUCATION PROVIDER WHOSE PROGRAM PROVIDES SERVICES TO CHILDREN WHO PARTICIPATE IN THE CHILDCARE SUBSIDY PROGRAM PURSUANT TO SECTION 68-1202. THIS WOULD ELIMINATE...ALSO, THE COMMITTEE AMENDMENT ELIMINATES ANY PUBLICLY FUNDED PRE-K OR EARLY CARE PROGRAMS...100 PERCENT FUNDED PROGRAMS, I SHOULD SAY. THE CREDIT IS THE AMOUNT EQUAL TO THE AVERAGE MONTHLY NUMBER OF CHILDREN IN THE PROVIDER'S ELIGIBLE PROGRAM, MULTIPLIED BY AN AMOUNT BASED UPON THE QUALITY SCALE RATING OF THE PROGRAM. AGAIN, THE AMOUNTS ARE LISTED IN THE AMENDMENT THAT CAN BE FOUND IN THE HANDOUT THAT WAS JUST GIVEN TO EVERYONE. THE CREDITS ARE

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DIRECTLY ALIGNED WITH NEBRASKA'S STEP UP TO QUALITY RATING SYSTEM AND BEGIN IN TAXABLE YEAR 2017 WHEN THE QUALITY RATING SYSTEM IS MADE PUBLICLY AVAILABLE. THE SCHOOL READINESS TAX CREDIT ACT IS AN OPPORTUNITY TO LEVERAGE THE RATING SYSTEM NEBRASKA ALREADY HAS IN PLACE FOR FASTER AND STRONGER GROWTH AND THE QUALITY OF OUR EARLY CHILDHOOD SYSTEM. IN ADDITION TO THE PROPONENTS OF LB889 LISTED ON THE COMMITTEE STATEMENT, IT SHOULD BE NOTED THAT LB889 HAD RECEIVED SUPPORT FROM LAW ENFORCEMENT, RETIRED ADMIRALS AND GENERALS, AS WELL AS THE BUSINESS COMMUNITY IN HANDOUT LETTERS THAT I HAD THE PAGES PASS OUT A MOMENT AGO. I'D LIKE TO THANK CHAIRMAN GLOOR AND MEMBERS OF THE REVENUE COMMITTEE THEIR UNANIMOUSLY ADVANCING LB889 AS AMENDED. AND I LOOK FORWARD TO DISCUSSION THIS AFTERNOON ON THE FLOOR. WITH THAT, I URGE THE BODY TO ADVANCE LB889. THANK YOU, MR. PRESIDENT. [LB889]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. (VISITORS INTRODUCED.) AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE REVENUE COMMITTEE. SENATOR GLOOR, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO ON AM2490. [LB889]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, MEMBERS. THE AMENDMENT BECOMES THE BILL. IT REMOVES BOTH THE BUSINESS EXPENSE CREDIT AND THE INDIVIDUAL PARENT CREDIT. AS SENATOR MELLO MENTIONED, THAT TAKES THE FOUR DIFFERENT CREDITS DOWN TO TWO. IT CHANGES THE STAFF CREDIT BY REDUCING THE CREDIT AMOUNTS, INSERTING A FLOOR OR STARTING POINT FOR ELIGIBILITY BASED ON A MINIMUM CERTIFICATION, AND BY EXCLUDING CERTIFICATED TEACHING AND ADMINISTRATIVE STAFF FROM THE DEFINITION OF ELIGIBLE STAFF SO AS TO EXCLUDE SCHOOL DISTRICT STAFF. IT CHANGES THE PROGRAM CREDIT BY REDUCING THE CREDIT AMOUNTS, ELIMINATING ELIGIBILITY FOR STEP TWO PROGRAMS, AND IT ADDS OR OPERATES TO THE DEFINITION OF CHILDCARE AND EDUCATION PROVIDERS TO INCLUDE NONPROFIT CHILDCARE AND EDUCATION PROVIDERS. AS SENATOR MELLO MENTIONED, AND THIS IS SIGNIFICANT, AGAIN, BY WAY OF AMENDMENTS THAT HAVE COME OUT OF...THE AMENDMENT THAT COMES OUT OF COMMITTEE, THERE IS A FIVE-YEAR SUNSET IMPOSED ON THE CREDITS ALONG WITH A \$5 MILLION ANNUAL CAP. AND IT MAKES THE PROVIDER CREDIT NONREFUNDABLE. MEMBERS, WE APPRECIATE SENATOR MELLO WORKING WITH US. AS WE LOOKED AT THE BILLS THAT CAME BEFORE US THIS YEAR AND AS WE'VE TALKED ABOUT BEFORE VERY MISERLY IN TERMS OF THOSE BILLS THAT CAME OUT FROM A DOLLARS-AND-CENTS STANDPOINT, IT

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IS CLEAR THAT ONE OF THE PRIORITIES HAS BEEN WORK FORCE DEVELOPMENT ISSUES AND WE FELT THAT THIS WAS A MODEST EFFORT TOWARDS WORK FORCE DEVELOPMENT, ESPECIALLY IN THAT SEGMENT OF THE POPULATION THAT IS CHALLENGED WHEN IT COMES TO HIRING. I WOULD ASK FOR YOUR APPROVAL OF AM2490 AND THE UNDERLYING BILL, LB889. THANK YOU. [LB889]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. MR. CLERK. [LB889]

CLERK: MR. PRESIDENT, SENATOR BOLZ, I HAVE AM2572, SENATOR. (LEGISLATIVE JOURNAL PAGE 1000.) [LB889]

PRESIDENT FOLEY: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. IS THERE ANYONE HERE AUTHORIZED TO DO SPEAK TO SENATOR BOLZ'S AMENDMENT? MR. CLERK. [LB889]

CLERK: MR. PRESIDENT, SENATOR BURKE HARR, SENATOR, I UNDERSTAND YOU WISH WITH TO WITHDRAW AM2637. [LB889]

SENATOR HARR: THAT IS CORRECT. THANK YOU. [LB889]

PRESIDENT FOLEY: WITHOUT OBJECTION, THAT AMENDMENT IS WITHDRAWN. I DO NOT SEE SENATOR BOLZ AT THE MOMENT. WE'LL PROCEED WITH DEBATE. SENATOR COOK, YOU'RE RECOGNIZED. [LB889]

SENATOR COOK: GOOD AFTERNOON. THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF SENATOR MELLO'S PROPOSAL, LB889, AND THE COMMITTEE AMENDMENT, AM2490. I REPRESENT LEGISLATIVE DISTRICT 13 HERE IN THE LEGISLATURE VERY PROUDLY. THE PROVISIONS PUT FORWARD IN THIS BILL ADDRESS A COUPLE OF ONGOING ISSUES THAT I HAVE CHOSEN TO INVEST A LOT OF ENERGY IN SINCE I JOINED THE LEGISLATURE EIGHT YEARS AGO. THAT WOULD BE, FIRST AND FOREMOST, WORK FORCE DEVELOPMENT, WORKING FAMILIES TAKING CARE OF THEMSELVES; AND SECOND, THE DEVELOPMENT OF HIGHER AND HIGHER QUALITY, EARLY CHILDHOOD EDUCATION OPPORTUNITIES. THERE ARE 40 PERCENT OF THE CHILDREN WHO LIVE IN LEGISLATIVE DISTRICT 13 LIVE IN POVERTY, UNFORTUNATELY. WE KNOW, JUST THROUGH COMMON SENSE AND THROUGH OUR WORK HERE, THAT THE BEST OPPORTUNITY THAT WE CAN OFFER TO EXPOSE THEM TO THE SKILLS OF READING AND ARITHMETIC AND EVENTUALLY ON TO CRITICAL THINKING, INSPIRING THAT DESIRE TO

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LEARN, IT'S SO IMPORTANT TO ENGAGE THEM AS EARLY AS POSSIBLE. SOMETHING ELSE THAT WE COME ACROSS ALL THE TIME, ESPECIALLY FOR MEMBERS OF THE LONG-TERM PLANNING COMMITTEE--YOU'VE GOT THAT INFORMATION ON THE INTERNET AND IN YOUR HARD COPIES--IS THE FACT THAT THE STATE OF NEBRASKA IS ONE OF THE HIGHEST, STATISTICALLY, FOR ANY AND ALL, BOTH, AND PARENTS IN THE FULL-TIME WORK FORCE, WHICH LEAVES CHILDREN IDEALLY IN A SAFE CHILDCARE ENVIRONMENT, AND MORE IDEALLY, ONE IN WHICH THEY CAN BEGIN TO LEARN TO LEARN AND TO STIMULATE THEIR BRAIN DEVELOPMENT. ONCE AGAIN, I RISE IN SUPPORT OF LB889 AND THE COMMITTEE AMENDMENT, AM2490. IT'S AN IMPORTANT PART OF THE DIRECTION THAT WE CAN COMMIT TO BOTH WORK FORCE DEVELOPMENT AND ESPECIALLY IN THE AREA OF HIGH QUALITY, EARLY EDUCATION. THANK YOU, MR. PRESIDENT. [LB889]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. MR. CLERK. [LB889]

CLERK: MR. PRESIDENT, SENATOR BOLZ WOULD LIKE TO WITHDRAW AM2572. [LB889]

PRESIDENT FOLEY: WITHOUT OBJECTION, THE AMENDMENT IS WITHDRAWN. CONTINUING NOW WITH DEBATE, SENATOR KOLTERMAN. [LB889]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB889 AND AM2490. I'VE HAD THE PLEASURE OF SITTING ON HEALTH AND HUMAN SERVICES THE PAST TWO YEARS AND WE'VE TALKED A LOT ABOUT THE VARIOUS ASPECTS OF EARLY CHILDHOOD DEVELOPMENT. WE'VE HEARD ABOUT FIRST FIVE NEBRASKA, WE'VE HEARD ABOUT THE BUFFETT EARLY CHILDHOOD CENTER, SIXPENCE NEBRASKA. THOSE ARE THINGS THAT WE'RE DOING IN THE STATE THAT ARE VERY POSITIVE FOR THESE CHILDREN AGES 0 TO 5. IN FACT, IN SEWARD, NEBRASKA, OUR CHURCH, THE CHURCH THAT I BELONG TO, HAS RECENTLY EMBARKED ON A FUND-RAISING CAMPAIGN AND WE'VE RAISED \$3.5 MILLION DOLLARS OUT OF PRIVATE DONATIONS TO BUILD AN EARLY CHILDHOOD DEVELOPMENT CENTER BECAUSE WE SEE THE NEED AND THE DESIRE TO HELP WITH THESE KIDS. SO I WOULD HOPE THAT WE COULD PASS THIS BILL. I KNOW THAT THERE'S SOME MONEY IMPLICATED WITH IT. BUT AT THE SAME TIME, IF WE CAN GET THESE KIDS BEFORE WE...AND HELP EDUCATE THEM BEFORE THEY GET INTO SCHOOL, I THINK WE CAN DO WONDERS WITH THEM. THE EARLIER WE CAN INTERVENE, THE BETTER OFF WE'RE GONNA BE.

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IT'S PROVEN, IT WORKS, AND I'D ENCOURAGE TO YOU SUPPORT BOTH THE AMENDMENT AS WELL AS THE BILL. THANK YOU. [LB889]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB889]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. AGAIN, THE AMENDMENT IS THE BILL. WOULD ASK FOR THE BODY'S SUPPORT OF AM2490. AND AGAIN, I APPRECIATE SENATOR MELLO'S WORKING WITH US TO GET A BILL THAT WE FELT WAS APPROPRIATE TO BRING OUT AND APPROPRIATE FOR APPROVAL. PLEASE VOTE FOR AM2490, AND ONCE PASSED, LB889. THANK YOU. [LB889]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. MEMBERS, THE QUESTION BEFORE US IS THE ADOPTION OF AM2490, THE COMMITTEE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB889]

CLERK: 32 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB889]

PRESIDENT FOLEY: AM2490 IS ADOPTED. RETURNING NOW TO DEBATE ON LB889 AS AMENDED, SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB889]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M GOING TO BE A TEACHER OF SORTS ON EVERY ISSUE THAT COMES UP WHERE IT'S APPROPRIATE. I'VE BEEN IN THIS LEGISLATURE FOUR DECADES AND I'VE SEEN CHANGES. WHEN I CAME DOWN HERE IN THE EARLY DAYS, THERE WERE BLACK WOMEN AND POOR WHITE WOMEN WHO NEEDED ASSISTANCE IN TAKING CARE OF THEIR CHILDREN SO THEY COULD WORK. AND YOU KNOW WHAT THE ARGUMENT WAS? YOU SHOULDN'T HAVE HAD ALL THOSE CHILDREN IF YOU COULDN'T TAKE CARE OF THEM. YOU THINK SOCIETY SHOULD PAY FOR THE MISTAKES THAT YOU MADE OR THOSE MOMENTS OF PASSION WHEN YOU DIDN'T LOOK AT THE CONSEQUENCES? THEN WHEN IT STARTED HAPPENING TO WHITE WOMEN, EVERYTHING CHANGED. NOW THERE IS NO STIGMA ATTACHED TO WORKING OUTSIDE THE HOME OR HAVING OTHER PEOPLE TAKE CARE OF YOUR CHILDREN. AND EVEN TO HAVE SOCIETY AT LARGE TAKE CARE OF YOUR CHILDREN WHEN THEY'RE WHITE. IT'S ALWAYS LIKE THAT. IT HAS TO AFFECT WHITE PEOPLE FIRST. WHEN HEROIN WAS SOMETHING THAT

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WAS USED, THEY THOUGHT PRIMARILY BY BLACK PEOPLE, IT WAS CRIMINALIZED AND ANYBODY WHO USED HEROIN WAS A DRUG USER. NOW THAT WHITE PEOPLE, ESPECIALLY THEIR CHILDREN, ARE DOING IT AND OVERDOSING AND THEY GO TO HEROIN BECAUSE IT'S CHEAPER THAN SOME OF THESE OTHER MEDICATIONS THAT THEY WERE GETTING ILLEGALLY. AND YOU KNOW WHAT I HEARD WHEN I WAS COMING DOWN HERE TODAY? THE PRESIDENT'S ADMINISTRATION IS TALKING ABOUT HUGE AMOUNTS OF MONEY TO BE MADE AVAILABLE FOR GRANTS TO TREAT MEDICALLY THESE PEOPLE WHO HAVE WHAT THEY CALL NOW OPIOID PROBLEMS. THEY DON'T CALL THEM JUNKIES. THEY DON'T CALL THEM DOPE FIENDS. THEY DON'T CREATE HARSHER LAWS TO PUNISH THEM. THEY CALL THEIR WHITE CHILDREN PATIENTS. THEY'RE ILL. THEY NEED TO BE TREATED, NOT LIKE CRIMINALS. YOU ALL KNOW THIS IS TRUE. WATCH...READ YOUR NEWSPAPERS. AND WHEN THEY THOUGHT THAT CRACK COCAINE WAS A BLACK PEOPLE'S DRUG, AND EVEN IN THOSE DAYS WHITE PEOPLE USED FAR MORE CRACK COCAINE THAN BLACK PEOPLE BUT WHITE PEOPLE HAD THE KIND THAT THEY SNUFF UP THEIR NOSE, THEN THEY PUT THOSE HARSH PENALTIES IN PLACE AND THOSE KIND OF DRACONIAN CRUELITIES THAT SENATOR GROENE AND OTHERS SUPPORT WHERE IF YOU'RE A DRUG OFFENDER, YOU CANNOT GET FOOD STAMPS. THE WAR ON CRIME STARTED AGAINST BLACK PEOPLE AND THAT'S WHEN THEY PUT THOSE HARSH PUNISHMENTS. THEN WHEN THEY SAW THAT THERE WERE WHITE PEOPLE USING CRACK COCAINE, THEY STARTED SAYING, WE GOT TO FIND A WAY TO LET JUDGES GO OUTSIDE OF THESE SENTENCING GUIDELINES THAT CONGRESS PUT IN PLACE, AND EVEN CONGRESSMEN SAID THE SAME THING. AND NOW THEY'RE TRYING TO ROLL BACK SOME OF THE SENTENCES THAT PEOPLE GOT AND LET THEM OUT OF PRISON BECAUSE A LOT OF THEM ARE WHITE, IT TURNS OUT. POLITICIANS LOOK AT THE MOMENT AND WHAT'S RIGHT IN FRONT OF THEIR EYES AND THAT DETERMINES THEIR POLICIES. WILL I SUPPORT THIS LEGISLATION TO HELP WHITE WOMEN GET THEIR CHILDREN TAKEN CARE OF? I THINK ALL CHILDREN, ALL CHILDREN SHOULD RECEIVE THE HELP THAT THEY NEED TO GROW UP, IN THE PROCESS OF GROWING UP, OBTAIN DECENT EDUCATION. AND DURING THE '60s WHEN EVERYBODY WAS AT EVERYBODY'S THROAT BASED ON RACE AND OPENLY SO, I WOULD ALWAYS SAY, I WANT TO BE SURE WHITE CHILDREN GET THE BEST EDUCATION POSSIBLE. AND PEOPLE ASKED ME WHY IN VIEW OF THE FACT THAT BLACK CHILDREN ARE CHEATED IN SCHOOLS? I SAID SO THAT WHEN MY CHILDREN GROW UP, THEY HAVE SMARTER WHITE ADULTS TO DEAL WITH THAN THOSE WHITE ADULTS I HAVE TO DEAL WITH NOW. WHERE IS ALL THAT EDUCATION? WHERE HAS IT GONE? I LISTEN TO PEOPLE ON THIS FLOOR. I WATCH WHAT PEOPLE DO. WHAT ABOUT ALL THAT RELIGION THAT PEOPLE LIKE SENATOR GROENE SAYS... [LB889]

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PRESIDENT FOLEY: ONE MINUTE. [LB889]

SENATOR CHAMBERS: ...NEED TO BE PROTECTED, AS BAD AS IT HAS MADE PEOPLE, AS MEAN AS IT HAS MADE PEOPLE, AS INTOLERANT AS IT HAS MADE PEOPLE, AS SKEWED IN THEIR THINKING AS IT HAS MADE THEM, THAT THEY THINK THAT THEIR INTOLERANCE, THEIR BIGOTRY SHOULD BE UNDERWRITTEN WITH TAXPAYERS' DOLLARS. THAT'S WHAT I'M LOOKING AT. YOU ALL DON'T HAVE TO THINK ABOUT THAT BECAUSE IT DOESN'T AFFECT YOU, DOESN'T AFFECT YOUR CHILDREN. SOMEBODY HAS GOT TO TELL YOU AND YOU CAN DISREGARD IT IF YOU WANT TO. BUT I WANT IT TO BE ON THE RECORD AND I WANT ANY BLACK PEOPLE WHO WATCH THIS TO KNOW THAT I'M DOWN HERE DOING MY JOB AND I'M NOT GOING TO GO ALONG TO GET ALONG. BUT I'M ALSO NOT GOING TO BE VINDICTIVE AND HURT PEOPLE'S CHILDREN BECAUSE THEIR PARENTS SHOW HATRED AND INTOLERANCE TOWARD US AND OUR CHILDREN. I DON'T BELIEVE THE BIBLE IS RIGHT WHEN IT SAYS THE FATHERS HAVE EATEN SOUR GRAPES AND THE CHILDREN'S TEETH ARE SET ON EDGE. [LB889]

PRESIDENT FOLEY: TIME, SENATOR. [LB889]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB889]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB889]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. AS I SAID EARLIER, I DON'T BELIEVE IN DIVIDING AND CONQUERING AND GIVING TAX CREDITS HERE AND SALES TAX REBATES HERE AND THERE. INSTEAD, I CAME HERE WITH THE BELIEF THAT EVERYBODY SHOULD GET A TAX BREAK IF WE GIVE ONE. THE PROBLEM WITH THIS BILL, I HEARD AND I AGREE, CHILDCARE IS BECOMING VERY EXPENSIVE FOR YOUNG FAMILIES, EVEN MY OWN FAMILY, AT POINT WHERE WHEN YOU'RE MIDDLE CLASS AND YOU'RE BUYING YOUR OWN INSURANCE AND YOU'RE PAYING FOR YOUR OWN HEALTHCARE THROUGH YOUR JOB WITH COPAYS AND DEDUCTIBLES THAT YOU CAN'T HAVE MORE CHILDREN WHEN YOU'RE RESPONSIBLE BECAUSE YOU CAN'T AFFORD THEM. SO I'M LOOKING AT THIS BILL SAYING IF WE LIMIT CHILDCARE BECAUSE WE START PUTTING MORE RESTRICTIONS ON WHO CAN BE A CHILDCARE PROVIDER BY GIVING DEGREES AND TITLES AND DIPLOMAS, MY GOD, TAKING CARE OF A CHILD DOESN'T TAKE A COLLEGE DEGREE. THAT'S INNATE IN ALL OF US, THOSE OF US THAT HAVE SOME MORAL BACKGROUNDS. SO WHEN YOU START PUSHING THIS, I'M TRYING

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TO FIND IT HARD TO FIND HOW YOU'RE GOING TO MAKE CHILDCARE MORE AFFORDABLE AND MORE AVAILABLE TO YOUNG FAMILIES BY INCREASING THE COST. YOU KNOW WITH MORE DEGREES, MORE CERTIFICATES, THE PAY SCALE GOES UP. AND THEN THE COST PER DAY FOR THAT CHILDCARE GOES UP. SEE, I COME FROM THAT MIDDLE CLASS AND WE PAY OUR OWN WAY. WE DON'T HAVE CREDITS. WE DON'T HAVE FEDERAL PAYMENTS. MY CHILDREN PAY FOR THEIR OWN. THEY PAY FOR THEIR OWN HEALTHCARE. THEY DON'T GET RAISES BECAUSE THEIR HEALTHCARE WENT UP 40 PERCENT TO 50 PERCENT OVER THE LAST YEAR VERSUS WHAT THE MAN IN THE WHITE HOUSE SAID IT WOULD DO. IT WAS GOING TO GO DOWN \$2,500 A FAMILY. REMEMBER THAT? HERE IS ANOTHER ONE. CAN'T GET PROPERTY TAX RELIEF. CAN'T GET RESIDENTIAL PROPERTY TAX RELIEF FOR THOSE YOUNG FAMILIES, BUT WE'RE GOING TO GIVE THIS CREDIT BECAUSE THE BUFFETT FOUNDATION WANTS CHILDREN ALL IN A STATE-RUN, EARLY CHILDHOOD PROGRAM, RUBBER STAMPED SO THAT GRANDMA DOWN THE STREET CANNOT TAKE CARE OF THE KIDS ANYMORE OR THE NEIGHBOR'S KIDS. YOU'VE GOT TO HAVE A DEGREE OR YOU GOT TO BE CERTIFIED. THAT'S WHERE THIS IS HEADING, FOLKS. THIS HAS NOTHING TO DO WITH AFFORDABILITY. THIS HAS A GOVERNMENT STAMP ON IT THAT EVERY CHILD WILL BE IN A PUBLIC SCHOOL, EVENTUALLY WITH A CERTIFIED INSTRUCTOR BEING SOCIALIZED. THAT'S WHERE THIS HEADS. THIS HAS NOTHING TO DO WITH AFFORDABILITY, NOTHING TO DO AT ALL. EVERYBODY GETS A TAX BREAK OR NOBODY GETS ONE. I UNDERSTAND WHERE SENATOR MELLO IS COMING FROM, BUT I DON'T SEE THE RATIONALE BEHIND THIS. I WONDER HOW MANY EMPLOYEES IN CHILDCARE FACILITIES EVEN CARED OR EVEN ASKED FOR THIS. AND IS THIS A REFUNDABLE TAX CREDIT? IF YOU DON'T PAY ANY INCOME TAXES, DO YOU STILL GET THE REFUND? OR IS IT A CREDIT AGAINST THE TAXES YOU PAY? IS IT A REFUNDABLE TAX CREDIT? I WOULD LIKE TO ASK... [LB889]

PRESIDENT FOLEY: ONE MINUTE. [LB889]

SENATOR GROENE: ...SENATOR MELLO THAT. [LB889]

PRESIDENT FOLEY: SENATOR MELLO, WILL YOU YIELD, PLEASE? [LB889]

SENATOR MELLO: OF COURSE. [LB889]

SENATOR GROENE: SENATOR MELLO, IS THIS A REFUNDABLE TAX CREDIT?
[LB889]

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SENATOR MELLO: THERE'S TWO TAX CREDITS, SENATOR GROENE. THE CREDIT TO THE PROVIDER IS A NONREFUNDABLE TAX CREDIT AND THE CREDIT TO THE WORKER, BASED ON THEM HAVING TO RECEIVE MORE EDUCATION AND MORE TRAINING, IS REFUNDABLE. [LB889]

SENATOR GROENE: THANK YOU. SO HERE WE GO AGAIN, \$5 MILLION, I THINK I SEEN IN HERE IS WHERE IT'S CAPPED AT. WHERE DOES THAT \$5 MILLION COME FROM? WE DON'T HAVE THAT FOR PROPERTY TAX RELIEF. SO WHERE IS THAT EASY MONEY COMING FROM? SEEM TO HAVE IT WHEN WE WANT THESE SPECIAL LITTLE FEEL-GOOD BILLS, BUT WE DON'T HAVE IT WHEN WE WANT TO GIVE TO HARD-WORKING PEOPLE IN NEBRASKA WHO PAY THEIR TAXES A BREAK. WE NEVER SEEM TO HAVE IT WHEN WE GET TO THAT POINT. THANK YOU. [LB889]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB889]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I, TOO, WHEN I WAS READING THROUGH THE BILL I NOTICED THERE WERE FOUR LEVELS OF ELIGIBILITY FOR STAFF. AND I'M...I'VE GOT A FEW QUESTIONS IF SENATOR MELLO WOULD YIELD TO A QUESTION. [LB889]

PRESIDENT FOLEY: SENATOR MELLO, WOULD YOU YIELD, PLEASE? [LB889]

SENATOR MELLO: OF COURSE. [LB889]

SENATOR FRIESEN: SENATOR MELLO, GOING FROM A LEVEL ONE TO A LEVEL FOUR, WHAT IS THE BIGGEST DIFFERENCE THERE? [LB889]

SENATOR MELLO: WELL, IT'S BASED, SENATOR FRIESEN, ON THEIR EDUCATIONAL ATTAINMENT LEVEL STARTING, ONE, WITH A CERTIFICATION THEN MOVING TO AN ASSOCIATE'S DEGREE, MOVING TO A BACHELOR'S DEGREE, THEN MOVING TO A MASTER'S DEGREE IS HOW THAT CLASSIFICATION PROCESS MOVES. [LB889]

SENATOR FRIESEN: SO IS THERE ANY CREDIT GIVEN FOR EXPERIENCE? [LB889]

SENATOR MELLO: NO. IT'S PURELY BASED ON THEIR EDUCATIONAL ATTAINMENT LEVEL OR CERTIFICATION, SO TO SPEAK. [LB889]

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SENATOR FRIESEN: THANK YOU, SENATOR MELLO. IN THE PAST WHEN I'VE TALKED TO DIFFERENT CHILDCARE PROVIDERS, YOU HAVE SOME WHO HAVE ONLY GONE TO THE ASSOCIATE'S DEGREE, BUT THEY'VE PROBABLY WORKED IN CHILDCARE FOR 10 TO 15 YEARS, TAKING CONTINUING CREDITS. AND TO ME, IN RURAL NEBRASKA, IN THE SMALLER DAYCARES THAT MIGHT BE OUT THERE, PRESCHOOLS, FINDING CERTIFIED STAFF IS GOING TO BE TOUGH THAT MEET THE QUALIFICATION MAYBE OF A LEVEL FOUR. BUT YOU'VE GOT PEOPLE OUT THERE WHO HAVE BEEN IN DAYCARE OR PRESCHOOL--I KEEP INTERCHANGING THOSE TERMS, I'M SORRY--BUT THAT HAVE EXPERIENCE AND HAVE ATTENDED A LOT OF ONGOING CONTINUING ED, AND SO THEY STILL DON'T QUALIFY FOR ANYTHING MORE THAN A \$500 CREDIT. AND I KNOW SOME PEOPLE WHO HAVE GOTTEN MANY DEGREES, BUT DON'T DO A VERY GOOD JOB OF TEACHING. AND TO ME, THERE SHOULD BE THAT DIFFERENTIATION, I GUESS, BETWEEN I WILL CALL A GOOD TEACHER WHETHER THEY HAVE A MASTER'S DEGREE OR ASSOCIATE'S DEGREE, THAT WILL ACCOMPLISH THE SAME THING, ONLY ONE GETS A BIGGER CREDIT BECAUSE THEY'VE ATTENDED SCHOOL LONGER. THAT DOESN'T MAKE THEM A BETTER TEACHER. SO I'M HAVING A LITTLE PROBLEM WITH THE STEPS THERE. I WISH IT WAS A LITTLE MORE EQUAL. OTHERWISE, I HAVE BEEN DRUG ALONG RELUCTANTLY TO ACCEPT PRESCHOOL EDUCATION AS BEING EXTREMELY IMPORTANT. I'M GETTING THERE, SO I'M COMING SLOWLY. BUT I DO THINK THE STEPS THERE ARE A LITTLE BIT OUT OF WHACK. THANK YOU, MR. PRESIDENT. [LB889]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB889]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. YOU KNOW, SENATOR GROENE'S COMMENTS ABOUT THIS HAS...IT'S NOT ABOUT AFFORDABILITY, WELL, YOU'RE RIGHT. IT'S NOT ABOUT AFFORDABILITY. IT'S ABOUT QUALITY. THAT'S WHAT WE ARE SEEKING WITH THIS EFFORT WHICH I AM IN TOTAL SUPPORT OF. YOU KNOW, WE HAVE...WE COME INTO THIS BODY ALL HAVING CERTAINLY OPINIONS AND PRIORITIES. AND SOMETIMES THOSE PRIORITIES COLLIDE WITH ONE ANOTHER. CERTAINLY YOU KNOW THAT I AM IN FAVOR OF PROPERTY TAX RELIEF. BUT YOU ALSO KNOW, NOT ONLY AS CHAIR OF THE EDUCATION COMMITTEE, BUT ALSO IN MY HEART AND SOUL, I BELIEVE IN EDUCATION. AND I BELIEVE IN WHAT OUR MOST IMPORTANT RESOURCE IS IN THIS STATE AND THAT'S OUR HUMAN RESOURCES AND PARTICULARLY OUR FUTURE IN THAT RESPECT AND THAT'S OUR CHILDREN. I DO NOT DENY THAT IT IS THE UTMOST IMPORTANCE, THE EMPHASIS HAS TO BE, AND NOBODY IS TAKING AWAY FROM THE IMPORTANCE OF THE FIRST TEACHERS OF A CHILD,

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THOSE BEING THE PARENTS AND THE FAMILIES. BUT I THINK YOU WOULD ALSO HAVE TO AGREE THAT OUR SOCIETY, OUR CULTURE HAS CHANGED DRAMATICALLY OVER THE PAST SEVERAL DECADES. AGAIN, WE CAN HAVE OUR OWN OPINIONS AS TO WHY THAT'S HAPPENED. BUT THAT'S THE REALITY. AND WE ARE SEEING, FOR A VARIETY OF REASONS AND CIRCUMSTANCES, MORE AND MORE CHILDREN COMING TO THE KINDERGARTEN DOOR NOT READY FOR KINDERGARTEN. AND WE WANT TO ENHANCE EVERY OPPORTUNITY THAT A CHILD HAS FROM THE DAY THEY'RE BORN TO EXPERIENCING THE BEST POSSIBLE EXPERIENCES TO GIVE THEM THE BIGGEST LEG UP TO BE SUCCESSFUL IN LIFE AND IN THEIR EDUCATIONAL EXPERIENCE. BUT THAT'S WHY WE FIND OURSELVES, AND IN THE TIME I'VE BEEN HERE IN THE LEGISLATURE, PLACING MORE AND MORE IMPORTANCE ON EARLY CHILDHOOD EDUCATION. AND NOT NECESSARILY THAT IT STARTS IN AN ORGANIZED CHILDCARE CENTER, BUT CERTAINLY PUTTING EMPHASIS ON THOSE FIRST TEACHERS AS PARENTS. AND WE'VE GOT PROGRAMS GOING BECAUSE OF ACTIONS TAKEN IN THIS LEGISLATURE THAT ENABLE INDIVIDUALS TO GO INTO HOMES AND HELP PARENTS BECOME BETTER PARENTS, BECOME THOSE FIRST EDUCATORS FOR THEIR CHILDREN. BUT WE NEED A VARIETY OF SITUATIONS. AND THE FACT REMAINS THAT WITH NEBRASKA HAVING THE HIGHEST NUMBER OF MOTHERS WORKING OUTSIDE THE HOME THAT WE NEED ADDITIONAL SUPPORTS FOR THOSE CHILDREN, FOR THOSE FAMILIES, FOR THOSE PROVIDERS THAT PROVIDE THAT QUALITY WORK EDUCATION EXPERIENCE FOR CHILDREN. I'VE ALWAYS STUMBLED A LITTLE ON THIS CONVERSATION BECAUSE WE SEEM TO PUT SO MUCH IMPORTANCE ON THE VALUE OF EARLY CHILDHOOD EDUCATION, BUT WE FALL SHORT OF RECOGNIZING THAT TO GET THAT QUALITY, THERE IS A PRICE TO BE PAID. AND WITH LB889 AND THE ACCOMPANYING AMENDMENT THAT WE SUCCESSFULLY HAVE PASSED, WE'RE PROVIDING A LITTLE BIT OF SUPPORT FOR THIS PROFESSION. NO, IT'S NOT GOING TO TAKE CARE OF ALL THE NEEDS THAT WE HAVE. AND WE'RE NOT TAKING AWAY FROM THE VALUABLE EXPERIENCE OF PARENTING. AND WE AREN'T PUTTING THESE CHILDREN IN... [LB889]

PRESIDENT FOLEY: ONE MINUTE. [LB889]

SENATOR SULLIVAN: ...STATE-MANDATED, COOKIE-CUTTER ENVIRONMENTS. WE ARE JUST DOING OUR DUE DILIGENCE AS POLICYMAKERS AND SAYING WE HAVE A RESPONSIBILITY TO DO WHAT WE CAN FOR THOSE WHO CANNOT DO FOR THEMSELVES AND PROVIDING A LITTLE BIT OF SUPPORT AND EXTRA CREDIT AND AN EMPHASIS ON QUALITY TO PROVIDE THAT CREDIT BY ADVANCING LB889. THANK YOU, MR. PRESIDENT. [LB889]

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PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB889]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ENGAGE SENATOR MELLO IN A LITTLE DISCUSSION. [LB889]

PRESIDENT FOLEY: SENATOR MELLO, WOULD YOU YIELD, PLEASE? [LB889]

SENATOR MELLO: OF COURSE. [LB889]

SENATOR CHAMBERS: SENATOR MELLO, IT'S IN SECTION 6 STARTING ON PAGE 4 AND GOING ON OVER TO PAGE 5 WHERE WE TALK ABOUT THESE FOUR LEVELS THAT HAD BEEN DISCUSSED. AND THESE PEOPLE ARE DESCRIBED AS STAFF MEMBERS, IS THAT CORRECT? [LB889]

SENATOR MELLO: SENATOR CHAMBERS, AS THE COMMITTEE AMENDMENT AND SENATOR GLOOR MENTIONED, THE COMMITTEE AMENDMENT BECOMES THE BILL WHICH THEN ONLY HAS TWO CREDITS THAT ARE AVAILABLE: ONE, YOU'RE CORRECT, TO STAFF MEMBERS, TO THE WORK FORCE ITSELF WHICH MAKES UP MOST OF THE ACTUAL CREDIT; AND THEN THERE IS A CREDIT ALSO TO THE PROVIDER OR THE BUSINESS, SO TO SPEAK, AS AN ENTITY, IN REGARDS TO THE PROGRAMS AND PROGRAMMING THAT THEY OFFER. [LB889]

SENATOR CHAMBERS: THANK YOU. I WAS LOOKING AT THE ORIGINAL BILL, BUT NOW I'M WITH YOU ON THE COMMITTEE AMENDMENT. SO THESE STAFF MEMBER CLASSIFICATIONS, WHAT DO THESE STAFF MEMBERS DO PRECISELY, WHAT IS THE WORK THEY ENGAGE IN AT THIS FACILITY? [LB889]

SENATOR MELLO: WELL, SENATOR CHAMBERS, I WOULD DRAW...I WAS ACTUALLY GOING TO DO IT ON MY CLOSING...TO DRAW THE ATTENTION. SENATOR FRIESEN, I DID MISSPEAK WITH SENATOR FRIESEN'S QUESTION IN REGARDS TO TAKING INTO CONSIDERATION WORK HISTORY. THE DEPARTMENT OF EDUCATION DOES INCLUDE AND WE DO INCLUDE IN THE COMMITTEE AMENDMENT, IT INCLUDES WORK HISTORY AS PART OF THE CLASSIFICATION PROCESS OUTSIDE OF ANY EDUCATIONAL DEGREES AND PROFESSIONAL CREDENTIALS JUST AS A CLARIFICATION. BUT, OBVIOUSLY, STAFF MEMBERS AT A CHILDCARE OR EARLY CHILDHOOD EDUCATION FACILITY, AS I USE THEM AS A

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SYNONYMOUS TERM, PROVIDE EVERYTHING FROM THE EDUCATION PROGRAMMING, OBVIOUSLY TO FEEDING THE CHILDREN, SPENDING TIME WITH THE CHILDREN, CHANGING DIAPERS, YOU NAME EVERYTHING THAT IS INCLUDED INTO RUNNING A DAY-IN, DAY-OUT CHILDCARE FACILITY AND EARLY CHILDHOOD CENTER. THESE STAFF MEMBERS ARE DOING EVERYTHING UNDER THE SUN. [LB889]

SENATOR CHAMBERS: BUT IN THIS, THE ONLY THING THAT DETERMINES THEIR STATUS WOULD BE THE EDUCATION LEVEL. [LB889]

SENATOR MELLO: NO, SENATOR CHAMBERS. I JUST CLARIFIED THAT. THE DEPARTMENT OF EDUCATION, IF YOU LOOK ON PAGE 6 OF THE COMMITTEE AMENDMENT, AT THE BOTTOM OF PAGE 6, IT SAYS THE DEPARTMENT OF EDUCATION WILL CREATE THE CLASSIFICATION SYSTEM BASED ON THE STEP UP TO QUALITY PROGRAM, AND THE CLASSIFICATION SYSTEM SHALL BE BASED ON THE EMPLOYEES' EDUCATIONAL DEGREES AND PROFESSIONAL CREDENTIALS, RELEVANT TRAINING COMPLETED, AND WORK HISTORY AND SHALL BE MADE UP OF FOUR DIFFERENT LEVELS OF THE DOLLAR AMOUNT OF THE CREDIT. [LB889]

SENATOR CHAMBERS: SO SOMEBODY WITHOUT AS MUCH EDUCATION AS SOMEBODY IN LEVEL FOUR, COULD WIND UP BEING A LEVEL FOUR? [LB889]

SENATOR MELLO: IF THEY HAVE THE WORK HISTORY, YES, AND OTHER CREDENTIALS, SO TO SPEAK, THAT DON'T NEED THE ACTUAL EDUCATION DIPLOMA, IN THEORY AND HYPOTHETICALLY, YES. [LB889]

SENATOR CHAMBERS: THEN THAT ANSWERS MOSTLY THE QUESTIONS THAT I HAVE. I STILL HAVE SOME QUESTIONS WHICH I'LL TALK TO YOU ABOUT OFF THE MIKE BUT I WANTED THAT ON THE RECORD. THANK YOU. [LB889]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS AND SENATOR MELLO. SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON LB889. [LB889]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. HOPEFULLY, SENATOR FRIESEN, AS I'M TRYING TO LOOK AT YOU AS I DO A PART OF MY CLOSING, HOPEFULLY THAT ANSWERED SOME OF SENATOR'S FRIESEN'S CONCERNS OR QUESTIONS IN RESPECTS TO THE CREDENTIALING COMPONENT

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AND THE ACTUAL CREDIT FOR THE WORK FORCE OF LB889 AS AMENDED. MY GOOD FRIEND SENATOR GROENE, I THINK TO SOME EXTENT, WITH HIS OPINION AND HIS PERSPECTIVE, I COULD EASILY SEE BEING A CONCERN BUT THIS BILL DOES NOT, QUOTE UNQUOTE, SOCIALIZE CHILDREN, END QUOTE. I THINK THE MAIN FOCUS, AS YOU HEARD CHAIRMAN GLOOR MENTION, THE REVENUE COMMITTEE'S DECISION ON LB889, AS WE WORKED ON THIS AS WE WORKED ON THIS OVER THE LAST COUPLE MONTHS, WAS FOCUSING ON THE WORK FORCE OF THE EARLY CHILDHOOD EDUCATION INDUSTRY. WE KNOW THAT THE CHILDCARE INDUSTRY AS A WHOLE, LOOKING AT QUALITY PROGRAMS, THE STRUGGLE WE HAVE RIGHT NOW AS A STATE IS FULFILLING THAT QUALIFIED AND THAT SKILLED WORK FORCE, THAT THE STATE CAN'T LOOK TO INVEST MORE IN QUALITY PROGRAMS WITHOUT HAVING A QUALITY WORK FORCE FIRST TO ADDRESS THAT. THE ISSUE THAT WE HAVE NOW IN FRONT OF US AS AMENDED IN LB889 MOVES US DOWN THAT PATH IN CONCERT WITH THE STEP UP TO QUALITY RATING SYSTEM IN THE DEPARTMENT OF EDUCATION SO THAT WE NOW SEE PRIVATELY PAID AND PRIVATE PAY CHILDCARE ENTITIES ACROSS THE STATE WHO ARE PART OF THE CHILDCARE SUBSIDY PROGRAM WILL NOW HAVE A PUBLIC RATING SYSTEM AVAILABLE TO DETERMINE WHAT KIND OF QUALITY THEY'RE PROVIDING PARENTS, WHAT'S THE PROGRAMMING THAT YOUR CHILDREN IS GETTING...WHAT KIND OF PROGRAMMING ARE OUR CHILDREN GETTING AT THESE PROGRAMS. AND WHAT LB889 DOES IS ENHANCES THE ABILITY FOR THE WORK FORCE, WHO ARE IN LOWER WAGE JOBS AT THESE ENTITIES, TO BE ABLE TO EXPAND THEIR TRAINING, EXPAND THEIR CREDENTIALS, AND EXPAND THEIR EDUCATION LEVELS TO ENHANCE THE PROGRAMS AVAILABLE TO WORKING PARENTS ACROSS THE STATE AND TO HELP ENSURE THAT OUR CHILDREN, AS SENATOR SULLIVAN MENTIONED, THAT OUR CHILDREN ARE READY WHEN THEY START KINDERGARTEN. COLLEAGUES, THIS IS A CRITICAL COMPONENT OF WHAT WE'VE SEEN OVER THE LAST FEW YEARS OF ENHANCING THE QUALITY REGARDING OUR EARLY CHILDHOOD EDUCATION SYSTEM ACROSS THE STATE AND IT'S STARTING TO ADDRESS WHAT WE KNOW IS THE BIGGEST CHALLENGE THAT FACES US, WHICH IS ADDRESSING, FINALLY, THE WORK FORCE CHALLENGES THAT EXIST OF THESE INDIVIDUALS WHO ARE SERVING OUR MOST VULNERABLE AND MOST IMPRESSIONABLE CHILDREN FROM BIRTH TO FIVE. WITH THAT, ONCE AGAIN, I'D LIKE TO THANK CHAIRMAN GLOOR AND THE REVENUE COMMITTEE FOR WORKING ON THIS BILL AND VOTING IT OUT UNANIMOUSLY, WORKING WITH US TO BRING THE FISCAL NOTE DOWN DRAMATICALLY FROM WHERE IT WAS TO NOW UNDER \$3 MILLION, ALL OF NEXT BIENNIUM, AND I'D URGE THE BODY TO ADVANCE LB889. THANK YOU, MR. PRESIDENT. [LB889]

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PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE DEBATE AND CLOSING ON LB889. THE QUESTION IS THE ADVANCE OF THE BILL TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB889]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB889]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR MELLO, WILL YOU ACCEPT CALL-IN VOTES? SENATOR MELLO, WILL YOU ACCEPT A CALL-IN VOTES? [LB889]

SENATOR MELLO: I'D LIKE A ROLL CALL VOTE, MR. PRESIDENT. [LB889]

PRESIDENT FOLEY: SENATOR MURANTE, THE HOUSE IS UNDER CALL. ALL UNEXCUSED MEMBERS ARE NOW PRESENT. THE QUESTION IS THE ADVANCE OF LB889 TO E&R INITIAL. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK, PLEASE CALL THE ROLL. [LB889]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES, 1284-1285.) 33 AYES, 6 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB889]

PRESIDENT FOLEY: LB889 ADVANCES. I RAISE THE CALL. ITEMS FOR THE RECORD, MR. CLERK. [LB889]

CLERK: THANK YOU, MR. PRESIDENT. AMENDMENTS TO BE PRINTED TO LB1037. NOTICE OF HEARING FROM HEALTH AND HUMAN SERVICES CONFIRMATION HEARING. AND A SERIES OF STUDY RESOLUTIONS: LR572-LR584, LR585 IS A RESOLUTION BY SENATOR KRIST THAT WILL BE LAID OVER, AND ONE ADDITIONAL STUDY RESOLUTION, LR586 FROM SENATOR GROENE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1285-1295.) [LB1037 LR572 LR573 LR574 LR575 LR576 LR577 LR578 LR579 LR580 LR581 LR582 LR583 LR584 LR585 LR586]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. PROCEEDING TO THE NEXT BILL NOW, PLEASE. MR. CLERK.

CLERK: LB884, IT'S A BILL BY SENATOR SCHEER. (READ TITLE.) INTRODUCED ON JANUARY 11 OF THIS YEAR, AT THAT TIME REFERRED TO THE REVENUE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I DO HAVE REVENUE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM2522, LEGISLATIVE JOURNAL PAGE 973.) [LB884]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON LB884. [LB884]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. LB884 WOULD AMEND THE CONVENTION CENTER FACILITY FINANCING ASSISTANCE ACT IN CHAPTER 13, ARTICLE 26 AND THE SPORTS ARENA FACILITY FINANCING ASSISTANCE ACT IN CHAPTER 13, ARTICLE 31 TO PROVIDE MORE UNIFORMITY, FLEXIBILITY, AND STATE THROWBACK SALES TAX FOR OUR MUNICIPALLY-OWNED CONVENTION CENTERS AND ARENAS. THE LEGISLATURE HAS PASSED THESE TWO ACTS TO INCENT THE CONSTRUCTION OF ARENAS AND CONVENTION CENTERS TO GENERATE NEW ECONOMIC ACTIVITY AS WELL AS ADDITIONAL STATE AND LOCAL TAXES. ARENAS AND CONVENTION CENTERS CREATE NEW CULTURAL AND RECREATIONAL OPPORTUNITIES FOR RESIDENTS AND NONRESIDENTS ALIKE. THE CENTURYLINK IN OMAHA, THE PINNACLE BANK ARENA IN LINCOLN, THE RALSTON ARENA HAVE TRULY BEEN GAME CHANGERS IN THOSE CITIES THAT HAVE BUILT THEM, OUR ENTIRE STATE AND SURROUNDING AREA AS WELL AS SURROUNDING STATES. IN ADDITION TO THE ARTISTS WHO HAVE PERFORMED IN THE THREE ARENAS, SPORTS TEAMS, AND OTHERS FROM SURROUNDING STATES ALSO HAD THE EXPERIENCE OF PLAYING IN THESE IMPRESSIVE FACILITIES. CONCERTS AND SPORTING EVENTS IN THESE ARENAS CREATE A VIBRANT CITY THAT KEEP OUR YOUNG ADULTS IN NEBRASKA. THEY STRENGTHEN OUR WORK FORCE ALLOWING US TO COMPETE EFFECTIVELY WITH SURROUNDING STATES WHEN ATTRACTING BUSINESSES TO OUR COMMUNITIES. FIRST, I'D LIKE TO TALK ABOUT THE AMENDMENTS TO THE CONVENTION CENTER FACILITY FINANCING (ASSISTANCE) ACT WHICH COVERS THE ARENAS IN LINCOLN AND OMAHA. LB884 WOULD CREATE UNIFORMITY BY AMENDING THE DEFINITION OF AN ASSOCIATED HOTEL IN SECTION 13-2603 TO ENABLE CONVENTION CENTERS AND ARENAS TO RECEIVE 70 PERCENT OF THE SALES TAX REVENUE COLLECTED BY ANY SUCH PUBLICLY OR PRIVATELY OWNED HOTEL WHICH IS LOCATED IN WHOLE OR IN PART WITHIN 600 YARDS OF THE ARENA OR CONVENTION CENTER. OMAHA CURRENTLY RECEIVES STATE

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THROWBACK DOLLARS COLLECTED BY PUBLICLY OWNED ASSOCIATED HOTELS WITHIN ONLY 200 YARDS. LINCOLN CURRENTLY RECEIVES STATE THROWBACK SALES TAX COLLECTED BY PUBLIC OR PRIVATELY OWNED AND ASSOCIATED HOTELS WITHIN 450 YARDS OF THE ARENA. BOTH ARENAS IN OMAHA AND LINCOLN ARE CURRENTLY RECEIVING 70 PERCENT OF THE STATE SALES TAX REVENUE COLLECTED BY RETAILERS AND OPERATORS DOING BUSINESS IN SUCH FACILITIES ON SALES TAX SUCH AS...AT SUCH FACILITIES, AS WELL AS STATE SALES TAX REVENUE COLLECTED ON PRIMARY AND SECONDARY BOX OFFICE SALES OF ADMISSIONS SUCH AS THE FACILITIES. STATE THROWBACK SALES TAX MAY NOW ONLY BE USED TO PAY BACK THE PRINCIPLE AND INTEREST ON BONDS ISSUED BY THE POLITICAL SUBDIVISION TO ACQUIRE, CONSTRUCT, IMPROVE, AND EQUIP THE CONVENTION CENTER OR ARENA UNTIL PAYMENT IN FULL, NOT TO EXCEED \$75 MILLION. LB884 WOULD AMEND THIS SECTION TO PROVIDE THAT THROWBACK SALES DOLLARS COULD ALSO BE USED TO PAY FOR CAPITAL IMPROVEMENTS TO THE CONVENTION CENTERS OR ARENAS. CURRENT LAW PROVIDES THAT 10 PERCENT OF THE 70 PERCENT THAT THE STATE THROWBACK SALES TAX APPROPRIATED TO A CITY OF THE METROPOLITAN CLASS, OMAHA, BE EQUALLY DISTRIBUTED TO AREAS WITH A HIGH CONCENTRATION OF POVERTY TO SHOWCASE THE IMPORTANCE OF HISTORICAL ASPECTS OF THE AREAS OR TO ASSIST IN THE REDUCTION OF STREET AND GANG VIOLENCE. LB884 WOULD AMEND SECTION 13-2610 TO ALSO GIVE A CITY OF THE PRIMARY CLASS, LINCOLN, THE OPTION OF INVESTING 10 PERCENT OF ITS 70 PERCENT OF THE SALES TAX IN AREAS OF HIGH CONCENTRATION OF POVERTY TO ASSIST WITH LOW-INCOME HOUSING NEEDS. THE REMAINING 30 PERCENT OF SUCH STATE SALES TAX REVENUE WOULD BE APPROPRIATED TO THE CIVIC AND COMMUNITY CENTER FINANCING FUND, PRIMARILY FOR QUALIFYING GRANTS TO OTHER MUNICIPALITIES ACROSS THE STATE. AS I PREVIOUSLY STATED, LB884 ALSO AMENDS THE SPORTS ARENA FACILITY FINANCING (ASSISTANCE) ACT WHICH GOVERNS THE RALSTON ARENA. CURRENTLY RALSTON RECEIVES 70 PERCENT OF THE NEW SALES TAX REVENUE COLLECTED BY NEARBY RETAILERS LOCATED WITHIN 600 YARDS OF THE ARENA. BY DEFINITION OF THAT ACT, THESE RETAILERS STARTED COLLECTING STATE SALES TAX DURING THE PERIOD OF TIME FROM 24 MONTHS PRIOR TO THE OCCUPANCY AND ENDING 24 MONTHS AFTER THE OCCUPANCY OF THE ARENA. LB884 WOULD AMEND THE DEFINITION OF THE NEW SALES TAX REVENUE IN SECTION 13-3102 TO EXTEND THE PERIOD OF TIME FROM 24 MONTHS TO 84 MONTHS AFTER OCCUPANCY OF THE ARENA. THIS WOULD PROVIDE RALSTON WITH THE OPPORTUNITY TO ATTRACT MORE RETAILERS WITHIN THE 600 YARDS FOR A FEW MORE YEARS TO GENERATE ADDITIONAL SALES TAX SUBJECT TO THE STATE THROWBACK SALES TAX. ONE OF THE REASONS BEHIND THE 24-

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MONTH PERIOD WHEN THE SPORTS ARENA FACILITY FINANCING (ASSISTANCE) ACT WAS THAT THE NEW ARENA WOULD SPUR ECONOMIC DEVELOPMENT NEAR IT. AS WE HAVE FOUND OUT THAT THE RALSTON PROJECT, ECONOMIC DEVELOPMENT TAKES TIME, ESPECIALLY WHEN DEALING WITH AN ARENA THAT WAS BUILT IN AN AREA WHERE THERE WAS NOTHING IN THE 600-YARD RADIUS TO BEGIN WITH. THE CHANGE IS SIMPLY ALLOWING MORE TIME FOR ECONOMIC DEVELOPMENT TO TAKE PLACE AROUND THE ARENA UNDER THIS ACT. SECTION 13-3108, SECTIONS 6 AND 7 CURRENTLY PROVIDE FOR THE TOTAL OF THE STATE THROWBACK SALES TAX APPROVED FOR AN ELIGIBLE SPORTS ARENA SHALL NOT EXCEED \$50 MILLION OR BE PAID OUT MORE THAN 20 YEARS AFTER THE ISSUANCE OF THE FIRST BOND. STATE THROWBACK SALES TAX TO THE POLITICAL SUBDIVISION SHALL END UPON THE RETIREMENT OF THE BONDS OR WHEN THE AMOUNT REACHES \$50 MILLION, WHICHEVER COMES FIRST. LIKE LINCOLN AND OMAHA, RALSTON CURRENTLY RECEIVES 70 PERCENT OF THE SALES TAX REVENUE COLLECTED BY RETAILERS DOING BUSINESS IN THE ARENA ON SALES AT THE ARENA, AS WELL AS THE STATE SALES TAX REVENUE COLLECTED ON PRIMARY AND SECONDARY BOX OFFICE SALES OF ADMISSIONS TO THE ARENA. THE REMAINING 30 PERCENT OF THE STATE SALES TAX REVENUE IS APPROPRIATED TO THE CIVIC AND COMMUNITY CENTER FINANCING FUND, PRIMARILY TO QUALIFYING GRANTS TO OTHER CITIES AND VILLAGES, AGAIN, ACROSS THE STATE OF NEBRASKA. YOU PROBABLY HEARD THAT LA VISTA IS EXPLORING OPTIONS FOR FINANCING A SPORTS ARENA FACILITY. LA VISTA IS KEEPING ALL OF ITS FINANCING OPTIONS OPEN WHEN CONSIDERING WHETHER TO FILE AN APPLICATION UNDER THE SPORTS ARENA FACILITY FINANCING (ASSISTANCE) ACT WHICH NOW ONLY GOVERNS THE RALSTON ARENA. FOR AN APPLICATION LA VISTA OR OTHER MUNICIPALITIES IN THE STATE THROWBACK SALES TAX SUBMITTED ON OR AFTER THE OPERATIVE DATE OF THIS, WOULD AMEND THE DEFINITION OF NEARBY RETAILERS IN THIS SECTION TO PROVIDE THAT SUCH A RETAILER WOULD BE LOCATED WITHIN THE PROGRAM AREA. SECTION 13-3102 WOULD DEFINE PROGRAM AREA TO BE THE AREA LOCATED WITHIN 600 YARDS OF THE ARENA EXCEPT IF 25 PERCENT OR MORE OF SUCH AREAS IS UNBUILDABLE PROPERTY, THEN THE PROGRAM SHALL BE ADJUSTED IN A WAY THAT AVOIDS MUCH OF THE UNBUILDABLE PROPERTY AS PRACTICAL AND CONTAINS THE SAME AMOUNT OF TOTAL SQUARE FOOTAGE THAT THE PROGRAM WOULD HAVE BEEN CONTAINED WITH NO ADJUSTMENT MADE NECESSARY BECAUSE OF PROPERTY LOCATED IN A FLOODWAY, AN ENVIRONMENTALLY PROTECTED AREA, OR RIGHT-OF-WAY. I WOULD ALSO LIKE TO EMPHASIZE THE IMPORTANCE OF THE CIVIC AND COMMUNITY CENTER FINANCING FUND TO OTHER CITIES AND VILLAGES ACROSS THE STATE WHO RECEIVE QUALIFYING GRANTS. THIS FUND IS CREATED FROM THE 30 PERCENT

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STATE THROWBACK SALES TAX FROM THE ARENAS AND CONVENTION CENTERS CREATED UNDER THESE TWO ACTS. SINCE THE BEGINNING IN 2004, NEARLY \$10 MILLION IN GRANTS UNDER THE CIVIC AND COMMUNITY CENTER FINANCING FUND HAS GONE TO RURAL NEBRASKA TO KEEP PROJECTS SUCH AS PUBLIC LIBRARIES AND AUDITORIUMS. SENATORS, ESSENTIALLY WHAT THIS BILL IS TRYING TO DO IS EQUALIZE ALL THE ACTIVITIES UNDER THE ARENAS OR SPORTS COMPLEXES. IT'S GOING TO ALLOW THAT COMMUNITIES OUTSIDE THE METROPOLITAN AREA THE ABILITY TO PERHAPS PUT THESE FACILITIES IN SMALLER COMMUNITIES. AN EXAMPLE OF HOW THIS WOULD WORK IF WE LOOK AT RALSTON. RALSTON PUT THEIRS IN A FACILITY THAT HAD ABSOLUTELY NO ECONOMIC DEVELOPMENT. MOST COMMUNITIES IN NORFOLK SIZE OR SCOTTSBLUFF OR KEARNEY OR GRAND ISLAND OR HASTINGS THAT WOULD BE TRYING TO BUILD THESE PROBABLY WOULD BE GOING A LITTLE BIT ON THE OUTSIDE OF THE COMMUNITY AND QUITE PROBABLY BECAUSE OF THE SIZE OF THE PAD THAT THIS WOULD HAVE TO BE BUILT ON, WOULD HAVE NO ECONOMIC DEVELOPMENT OR SALES TAX COLLECTIONS GOING ON IN THAT AREA. SO THIS HELPS THOSE SMALLER COMMUNITIES, IF THEY CHOOSE TO USE THIS, TO MOVE FORWARD AND HAVE MORE TIME TO HELP OFFSET THOSE COSTS. I ALSO WANT TO EMPHASIZE THAT THIS IS NOT ADDING DOLLARS TO EITHER OMAHA, LINCOLN, OR RALSTON FOR THAT MATTER. THEY'RE ALL CAPPED AT A CERTAIN AMOUNT. THIS MAY HELP THEM GET THOSE FUNDS QUICKER AND I BELIEVE THAT IS BETTER FOR THE STATE OF NEBRASKA NOT TO HAVE THOSE LONG-TERM OBLIGATIONS SITTING OUT THERE. I THINK THE QUICKER THAT WE CAN FACILITATE THE PAYING OFF OF THESE BONDS, THE BETTER THIS LEGISLATURE AND THE STATE OF NEBRASKA WILL BE. [LB884]

PRESIDENT FOLEY: ONE MINUTE. [LB884]

SENATOR SCHEER: WITH THAT, I WOULD URGE YOUR SUPPORT OF LB884, THE COMMITTEE AMENDMENTS, AM2522, AND I'D LIKE TO THANK SENATOR SMITH, AS WELL, FOR NAMING THIS HIS PERSONAL PRIORITY. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE REVENUE COMMITTEE. SENATOR GLOOR, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON AM2522. [LB884]

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SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, MEMBERS. SENATOR SCHEER HAS COVERED, I THINK, THE COMMITTEE AMENDMENTS, BUT REPETITION IS USUALLY A GOOD THING IN TERMS OF MEMORY AND UNDERSTANDING, ALTHOUGH I'LL ABBREVIATE THE SPECIFICS OF THE COMMITTEE AMENDMENTS. THE AMENDMENT BECOMES THE BILL AND MAKES CHANGES TO THE GREEN COPY. UNDER THE CONVENTION CENTER FACILITY FINANCING ASSISTANCE ACT AS FOLLOWS, OMAHA WOULD RECEIVE SALES TAX TURNBACK FROM PRIVATELY OWNED ASSOCIATED HOSPITALS (SIC--HOTELS). CURRENTLY, ONLY LINCOLN RECEIVES THE TURNBACK TAX FROM PRIVATELY-OWNED HOTELS. IF I SAID HOSPITALS, I APOLOGIZE. IT CLARIFIES THE 600-YARD LIMIT IS MEASURED FROM ANY POINT OF THE EXTERIOR PERIMETER OR THAT IT COULD BE WITHIN THE PROGRAM AREA IF THERE IS UNBUILDABLE PROPERTY. IT ADDS THE OPTION FOR LINCOLN TO APPROPRIATE 10 PERCENT OF ITS FUNDS TO QUALIFIED LOW-INCOME HOUSING PROJECTS. OMAHA CURRENTLY HAS THIS AUTHORITY. THE CHANGES UNDER THE SPORTS ARENA FACILITY FINANCING ACT ARE AS FOLLOWS: IT CLARIFIES THE 600-YARD LIMIT IS MEASURED FROM ANY POINT OF THE EXTERIOR PERIMETER; ADDS AN ADDITIONAL 48 MONTHS AFTER THE OPERATIVE DATE TO RECEIVE THE SALES TAX TURNBACK; AND FOR NEW PROJECTS APPROVED ON OR AFTER THE EFFECTIVE DATE OF THE AMENDMENT, NO MORE THAN 50 PERCENT OF THE FINAL COST MAY BE FUNDED THROUGH THE TURNBACK TAX, AS AN EXAMPLE...SPECIFICALLY, PUBLIC FUNDS. THERE IS A PROVISION, SENATOR SCHEER MADE MENTION OF IT, THAT RELATES TO LOW-INCOME HOUSING. THESE ARE THE PROVISIONS OF LB951. SENATOR HARR, IF SENATOR HARR IS IN ATTENDANCE, COULD SPEAK TO THAT. NOT SEEING SENATOR HARR, IF PEOPLE HAVE QUESTIONS ABOUT THOSE PROVISIONS, THEY'RE WELCOME TO ASK HIM WHEN HE GETS INTO THE CHAMBER. OTHERWISE, SENATOR SCHEER AND I HAVE BOTH COVERED THAT. AND THOSE ARE THE PROVISIONS OF THE COMMITTEE AMENDMENT AM2522. THANK YOU. [LB884 LB951]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. DEBATE IS NOW OPEN ON LB884 AND THE COMMITTEE AMENDMENTS. SENATOR SMITH, YOU'RE RECOGNIZED. [LB884]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I DISTRIBUTED ON THE FLOOR OF THE LEGISLATURE, THE PAGES DID, THE CCCFF AWARDS FOR 2004 THROUGH 2015. IF YOU JUMP ALL THE WAY TO THE VERY END, YOU'LL SEE THAT CLOSE TO \$12 MILLION HAS BEEN DISTRIBUTED TO OUR COMMUNITIES ACROSS NEBRASKA FROM THIS FUND OVER THE LAST, ROUGHLY, 10 YEARS. AND YOU'LL CERTAINLY FIND A BENEFACTOR

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CLOSE TO YOU ON THAT LIST. SO PLEASE TAKE A LOOK AT THAT. THERE ARE GOOD THINGS HAPPENING ACROSS NEBRASKA AS A RESULT OF THIS LEGISLATION THAT BEGAN A NUMBER OF YEARS AGO. COMMUNITY DEVELOPMENT FOR CITIES OF ALL SIZES ARE PROVIDED IN THIS BILL AND I APPRECIATE SENATOR SCHEER AND SENATOR BURKE HARR AND SENATOR GLOOR WORKING ON THIS BILL. FOR SOME OF OUR LARGER CITIES, THE TURNBACK TAX HAS MADE POSSIBLE THE BUILDING OF PREMIERE ENTERTAINMENT FACILITIES LIKE THE CENTURYLINK CENTER IN OMAHA, PINNACLE BANK ARENA IN LINCOLN, AND THE RALSTON ARENA. ESTABLISHMENT OF THESE VENUES HAS SPURRED EXCITING DEVELOPMENT IN THE SURROUNDING VICINITY. THE OMAHA RIVERFRONT AND THE HAYMARKET, IN PARTICULAR, HAVE BECOME THRIVING ENTERTAINMENT, DINING, AND SHOPPING DISTRICTS AND THEY ARE DESTINATION LOCATIONS NOW. THE 30 PERCENT OF THE TURNBACK TAX THAT GOES TO THE CIVIC AND COMMUNITY CENTER FINANCING FUND BENEFITS COMMUNITIES ACROSS THE ENTIRE STATE, AND AGAIN THAT'S REFLECTED IN THAT LIST OF PROJECTS THAT I HANDED OUT TO YOU. IN 2015 ALONE, OVER \$2 MILLION WERE AWARDED TO CITIES AND VILLAGES TO DEVELOP COMMUNITY-CENTERED INFRASTRUCTURE SUCH AS CIVIC CENTERS, LIBRARIES, PUBLIC POOLS, AND AUDITORIUMS. SUCH INVESTMENTS HELP THESE COMMUNITIES THRIVE, ENHANCING THE LIVES OF THEIR RESIDENTS, AND PROVIDING A SENSE OF PRIDE. THESE TYPES OF FACILITIES, COLLEAGUES, ARE NEEDED TO KEEP OUR SMALL COMMUNITIES STRONG, KEEP OUR CITIZENS IN THOSE COMMUNITIES, HELP BUSINESSES TO GROW AND ATTRACT AND LOCATE THERE. THIS...PROJECTS FROM THIS BILL BRINGS NATIONAL AND INTERNATIONAL EXPOSURE TO NEBRASKA. AS YOU KNOW, CENTURYLINK HAS HOSTED OR WILL BE HOSTING MAJOR EVENTS SUCH AS NCAA MEN'S BASKETBALL SECOND AND THIRD ROUNDS, NCAA WOMEN'S VOLLEYBALL CHAMPIONSHIP, CHAMPIONSHIP BOXING, THE U.S. OLYMPIC SWIM TRIALS, NOT TO MENTION TD AMERITRADE PARK HAS HOSTED THE COLLEGE WORLD SERIES FIVE YEARS IN A ROW ATTRACTING OVER 350,000 PEOPLE TO THE AREA. BOTH ARENAS, THE CENTURYLINK AND PINNACLE, HAVE ALSO HOSTED SUCH BIG NAMES IN ENTERTAINMENT AS GARTH BROOKS, WHO SOLD OUT CONSECUTIVE SHOWS IN 2015, THE EAGLES, ELTON JOHN, ZAC BROWN, CARRIE UNDERWOOD, JAMES TAYLOR, CHER, AND PAUL McCARTNEY. THIS EXPOSURE HAS ATTRACTED VISITORS, POTENTIAL NEW RESIDENTS, AND BUSINESSES. AND THE DEVELOPMENT OF THE LINCOLN HAYMARKET HAS BECOME ATTRACTIVE TO A YOUNGER WORK FORCE AND HIGH-TECH BUSINESSES SUCH AS HUDL. IN FACT, LINCOLN WAS RECENTLY FEATURED ON CBS THIS MORNING BEING DUBBED SILICON PRAIRIE. AND AGAIN, THIS TYPE OF DEVELOPMENT IS HELPING NEBRASKA TO BECOME MORE AND MORE RECOGNIZED. LB884 ALSO MEANS

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MORE FUNDING FOR LOW-INCOME HOUSING. UNDER THE BILL, 10 PERCENT OF THE TURNBACK TAXES GENERATED FROM THESE MAJOR ARENAS WILL BE DISTRIBUTED TO AREAS OF HIGH CONCENTRATIONS OF POVERTY, AND FOR THE CONSTRUCTION OF LOW-INCOME HOUSING. THE BILL CREATES NEW INVESTMENT AND JOB OPPORTUNITIES, HELPS GROW THE ECONOMY, INCREASES STATE REVENUES, REDUCES PROPERTY TAXES, AND ENRICHES THE LIVES OF ALL NEBRASKANS. THE NEBRASKA MULTISPORT COMPLEX... [LB884]

PRESIDENT FOLEY: ONE MINUTE. [LB884]

SENATOR SMITH: THANK YOU, MR. PRESIDENT--THAT IS ACTUALLY IN SENATOR MURANTE'S DISTRICT BUT IT ABUTS MY DISTRICT, THERE ALONE WE HAVE \$197 MILLION IN ECONOMIC IMPACT DURING THE CONSTRUCTION PERIOD, \$17.8 MILLION IN ANNUAL IMPACT. THERE'S JUST AMAZING THINGS HAPPENING AS A RESULT OF THIS AND I THINK IT BENEFITS ALL NEBRASKANS. THANK YOU, MR. PRESIDENT. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. CONTINUING DEBATE, SENATOR DAVIS, YOU'RE RECOGNIZED. [LB884]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SCHEER WOULD YIELD TO A FEW QUESTIONS. [LB884]

PRESIDENT FOLEY: SENATOR SCHEER, WOULD YOU YIELD, PLEASE? [LB884]

SENATOR SCHEER: YES, I WILL. [LB884]

SENATOR DAVIS: THANK YOU, SENATOR SCHEER. AND YOU KNOW THAT I VOTED AGAINST THE BILL IN COMMITTEE FOR CERTAIN REASONS, BUT I WANTED TO JUST GET SOME THINGS ON THE RECORD THAT I THINK ARE IMPORTANT. CAN YOU WALK THROUGH THE PROCESS OF HOW THE TURNBACK TAX WORKS FOR THE BODY? [LB884]

SENATOR SCHEER: WELL, THE DOLLARS ARE COLLECTED, WHATEVER DOLLARS ARE COLLECTED WITHIN THAT TIME PERIOD, AS WELL AS THE GEOGRAPHIC AREA, THE 600 YARDS, WHEN IT COMES IN TO THE STATE, 70 PERCENT OF THAT IS RETURNED TO THE ENTITY, EITHER OMAHA OR RALSTON OR LINCOLN. THOSE FUNDS ARE USED TO RETIRE THE DEBT AGAINST THAT FACILITY. THIS WOULD

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ALSO OFFER LINCOLN THE SAME OPPORTUNITIES THAT OMAHA HAS AS FAR AS PERHAPS INVESTING SOME OF THAT INTO SOME HOUSING OR IMPROVEMENT IN LOW-INCOME AREAS. [LB884]

SENATOR DAVIS: THANK YOU, SENATOR SCHEER. AND THEN YOU WERE TELLING ME EARLIER THAT THERE'S A CAP ON THE AMOUNT OF MONEY THAT CAN BE USED IN THIS FUND AND ALSO A NUMBER OF YEARS. CAN YOU ELABORATE ON THOSE TWO FACTS? [LB884]

SENATOR SCHEER: YES. THE FACILITIES ARE FUNDED FOR A TIME SPECIFIC BEING 20 YEARS IS THE LONGEST THAT THEY CAN RECEIVE THE FUNDING FOR, AS WELL AS THE DIFFERENT PROJECTS WERE FUNDED FROM THE LEGISLATURE FOR A CAP. SO FOR EXAMPLE, THE \$75 MILLION, ONCE THEY HAVE RECEIVED THAT AMOUNT, REGARDLESS IF IT'S AFTER 8 YEARS OR 18 YEARS, IT WOULD ALSO END THE FUNDING FROM THE STATE. SO THE 20 YEARS IS THE MAXIMUM AMOUNT OF TIME. THE \$75 MILLION WOULD BE THE MAXIMUM AMOUNT OF DOLLARS. [LB884]

SENATOR DAVIS: SO TALKING ABOUT, SAY, CENTURYLINK, WHICH IS THE OLDEST OF THE FACILITIES, AND I'M NOT SURE WHEN THAT WAS BUILT. DO YOU KNOW THAT ANSWER? [LB884]

SENATOR SCHEER: NO, SIR, I DO NOT. [LB884]

SENATOR DAVIS: WELL, LET'S JUST FOR THEORETICAL PURPOSES SAY IT WAS BUILT IN 2000. SO WE WOULD BE COMING TO THE END OF THAT PERIOD, IS THAT RIGHT? YOUR BILL DOES NOT CHANGE THAT. IT DOESN'T... [LB884]

SENATOR SCHEER: ABSOLUTELY. THIS BILL DOES NOT CHANGE ANY OF THE TIME PARAMETERS OF ANYTHING THAT IS EXISTING. IT'S NOT LIKE WE GIVE...THEY GET A FRESH START AT ZERO STARTING WITH THIS BILL. WHATEVER TIME FRAME...WHENEVER THE CLOCK STARTED ON ANY EXISTING PROJECT, THAT CLOCK REMAINS RUNNING. [LB884]

SENATOR DAVIS: AND THEN THERE ARE HOTELS AND OTHER BUSINESSES THAT ARE INCLUDED IN THE REGION, RETAIL BUSINESSES. SO IF I'VE GOT A NEW RETAIL BUSINESS THAT LOCATES WITHIN...THAT WAS NOT WITHIN THE 600

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YARDS BUT NOW IS AND IS EXISTING TODAY, DOES THAT GO INTO THE TURNBACK TAX OR NOT? [LB884]

SENATOR SCHEER: YES, IT WOULD. IF IT FALLS WITHIN THE 600-YARD PURVIEW OF THE BILL, THOSE TAXES WOULD THEN FALL INTO THAT POOL OF FUNDS TO BE DISTRIBUTED. [LB884]

SENATOR DAVIS: SO IN LINCOLN, SPECIFICALLY WITH REGARD TO LINCOLN, THERE WILL BE NEW HOTELS THAT ARE BROUGHT INTO THE AREA AND TAX WILL BE DEFERRED FROM THE GENERAL FUND TO THE TURNBACK TAX, IS THAT CORRECT? [LB884]

SENATOR SCHEER: THAT IS CORRECT. [LB884]

SENATOR DAVIS: ONE OF MY BIG CONCERNS--AND THIS IS WHY I VOTED AGAINST THE BILL, COLLEAGUES--IS THE FISCAL NOTE ON IT. I UNDERSTAND WHAT SENATOR SCHEER IS DOING AND WE CERTAINLY DO NEED TO STANDARDIZE WHAT WE'RE GOING TO DO WITH THE TURNBACK TAX AND HOW IT'S GOING TO BE TREATED. ON THE OTHER HAND, I THINK IS THE QUESTION IS, CAN WE AFFORD IT? SO I WANTED TO TELL EVERYONE HERE IT'S A SOFT NO WHEN I VOTED NO ON THE BILL OUT OF COMMITTEE. BUT WE DO HAVE OBLIGATIONS TO OUR SCHOOL DISTRICTS, OUR COLLEGES, OUR INFRASTRUCTURE, OUR MEDICAID PATIENTS. AND THOSE OBLIGATIONS REALLY NEED TO BE OUR PRIORITY IN NEBRASKA. I UNDERSTAND THAT THE TURNBACK TAX GENERATES DOLLARS. I APPRECIATE THAT VERY MUCH AND I DO KNOW IT BRINGS IN SOME EXTRA BUSINESS THAT WE WOULDN'T HAVE OTHERWISE. SOMETIMES I WONDER HOW MUCH BUSINESS LOCATES WITHIN A REGION THAT WAS GOING TO BE THERE ANYWAY, OR WAS GOING TO BE BUILT SOMEWHERE ELSE, AND ARE WE DEFERRING SALES TAX DOLLARS FROM ONE LOCATION TO ANOTHER SIMPLY BY MAKING A CHOICE. WHEN THE RALSTON ARENA PIECE CAME BEFORE THE REVENUE COMMITTEE A YEAR AGO, I REMEMBER ASKING THE QUESTION OF THE MAYOR OF RALSTON, IS THE PROPERTY...THERE'S A MENARDS NEAR THE RALSTON ARENA. I ASKED A GENTLEMAN, I SAID--IS THAT A TIF PROJECT? AND HE SAID IT WAS, THE MENARDS STORE. SO WE'VE GOT A COUPLE ISSUES OF DOUBLE-DIPPING. AND IT ALL COMES DOWN TO THE TAXPAYER. IF WE'RE SHIFTING TAXES FROM ONE ENTITY TO ANOTHER, ONE PERSON TO ANOTHER, IS THAT THE APPROPRIATE DECISION TO MAKE? I THINK THAT'S WHAT WE NEED TO DECIDE WITH THIS. BUT YOU KNOW, THERE ARE A

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LOT OF GOOD THINGS ABOUT WHAT SENATOR SCHEER IS TRYING TO DO HERE. I JUST AM CONCERNED ABOUT THE PROPERTY TAXES. THANK YOU. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. SENATOR FOX, YOU'RE RECOGNIZED. [LB884]

SENATOR FOX: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB884 AND I ALSO ECHO MANY OF THE COMMENTS THAT HAVE PREVIOUSLY BEEN MADE BY MY COLLEAGUE, SENATOR SMITH. I DECIDED TO SIGN ON TO THIS BILL BECAUSE, FIRST OF ALL, THE CENTURYLINK IS LOCATED IN MY DISTRICT AND IT'S A WONDERFUL ECONOMIC DRIVER FOR MY DISTRICT AND OMAHA AS A WHOLE. IT'S ESTIMATED THAT IT BRINGS IN NEARLY \$70 MILLION IN ACTIVITIES PER YEAR. BECAUSE THE BILL ALLOWS FOR ARENAS TO PAY FOR CAPITAL IMPROVEMENTS, THE CENTURYLINK WILL CONTINUE TO BE COMPETITIVE IN ATTRACTING EVENTS SUCH AS THE NCAA BASKETBALL TOURNAMENTS AND VOLLEYBALL TOURNAMENTS, THE OLYMPIC SWIM TRIALS, HEADLINER CONCERTS, AND EVENTS SUCH AS THE BERKSHIRE HATHAWAY MEETING, ALL OF WHICH BRING A GREAT DEAL OF REVENUE TO OMAHA AND MAKE OMAHA A POPULAR TOURIST DESTINATION. I ALSO SUPPORT THIS BILL BECAUSE IT CURRENTLY REQUIRES 10 PERCENT OF THE TURNBACK TAX TO BE USED FOR PROJECTS IN AREAS WITH HIGH CONCENTRATIONS OF POVERTY, PROJECTS SUCH AS LOW-INCOME HOUSING AND VIOLENCE PREVENTION. FOR THESE REASONS, I SUPPORT THE BILL, AND I ASK FOR YOUR GREEN LIGHT ON BOTH THE AMENDMENT AND THE BILL ITSELF, LB884. THANK YOU. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR FOX. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB884]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'D LIKE TO ASK SENATOR SCHEER A QUESTION. [LB884]

PRESIDENT FOLEY: SENATOR SCHEER, WOULD YOU YIELD, PLEASE? [LB884]

SENATOR SCHEER: I WILL. [LB884]

SENATOR CHAMBERS: SENATOR SCHEER, ARE YOU FAMILIAR WITH THE LA VISTA PROJECT AT ALL? [LB884]

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SENATOR SCHEER: WELL, I HAD SEEN... [LB884]

SENATOR CHAMBERS: DO YOU KNOW ANY OF THE PEOPLE CONNECTED WITH IT?
[LB884]

SENATOR SCHEER: NO, I DO NOT. NO. THE ONLY THING THAT I RECALL SEEING AT
SOME POINT IN TIME WAS A BROCHURE THAT WAS LEFT AT OUR OFFICE SIX
MONTHS AGO. [LB884]

SENATOR CHAMBERS: OKAY. THANK YOU. I'M TRYING TO FIND SOMEBODY WHO
IS FAMILIAR WITH THE LA VISTA PROJECT. WELL, I DON'T SEE ANY HANDS
RAISED. SO THANK YOU FOR NOW. THANK YOU, MR. PRESIDENT. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR GROENE,
YOU'RE RECOGNIZED. [LB884]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I'M CONFUSED, LIKE NORMAL.
I'VE ALWAYS BEEN TOLD THAT WE DO THESE PROGRAMS SO WE BUILD MORE
ECONOMIC DEVELOPMENT. ALL THREE OF THESE ARENAS ARE ALREADY IN
EXISTENCE. I HAVE BEEN TOLD BECAUSE YOU BUILT THE ARENA, THEN THE
HOTELS WILL COME, THE EATERIES WILL COME, THE KNICKKNACK STORES
WILL COME. SO THEY'RE ALREADY SHOWING UP. SO I'M CONFUSED WHAT THE
NEED FOR THIS BILL IS. WE'VE ALREADY GOT THE FACILITY. WE'VE ALREADY
GOT THE CONCERTS. WE'VE ALREADY GOT THE NCAA EVENTS. WE'VE ALREADY
GOT THE HOTELS BEING BUILT. THEY AGREED TO 200-SOME YARDS, NOW ALL OF
A SUDDEN THEY NEED 600. WHAT, DIDN'T IT WORK OUT LIKE THEY PLANNED?
WE'RE GIVING \$5 MILLION AWAY FOR WHAT? THERE'S NO NEW ECONOMIC
ACTIVITY GENERATED BY THIS. IT ALREADY EXISTS. NOW WHERE I COME FROM
WE PAY OUR STATE TAXES, IT GOES TO THE STATE, IT DOES THE STATE GOOD, IT
HOPEFULLY GIVES SOME...WELL, I GUESS OUR SALES TAX GOES TO THE STATE
AND THEN IT GOES TO STATE AID TO EDUCATION TO OMAHA, LA VISTA,
LINCOLN. WE DON'T EVEN GET THAT BACK. BUT NOW WE'RE LETTING THEM
KEEP THEIR SALES TAX. LETTING THEM KEEP THEIR PROPERTY...I MEAN THEIR
INCOME TAXES WITH STATE AID. I'M TRYING TO FIGURE OUT WHAT THE
PURPOSE OF THIS BILL IS. I JUST READ IN THE PAPER TODAY THAT PINNACLE IS
LUSH WITH MONEY FROM THEIR OCCUPATION TAX. THEY'RE GOING TO BE ABLE
TO MAKE THEIR PAYMENT. SO WHAT'S THE PURPOSE HERE? TRYING TO FIGURE
THAT ONE OUT TOO. THEY'RE GOING TO GIVE SOME NICKLE AND DIME TO
TRICKLE IT BACK OUT WEST. I SEE OUR...WE DIDN'T TAKE ANY MONEY BACK IN

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LINCOLN COUNTY SO FAR. SO WHY ARE WE DOING THIS? ANOTHER \$5 MILLION, WE DON'T HAVE IT FOR PROPERTY TAX RELIEF. BUT WE'VE GOT \$2.7 MILLION TO GIVE COUNTY FAIRS, SALES TAX BREAKS, AND CO-OPS, SALES TAX BREAKS. WE'VE GOT \$5 MILLION TO GIVE TO THE EXISTING PROJECTS. ANOTHER \$3 MILLION, \$5 MILLION TO GIVE CERTAIN OCCUPATIONS TO DO WHAT MOST OF US DID IN THE FIRST PLACE, ADVANCED OUR EDUCATION TO GET BETTER PAY. WE GOT MONEY FOR THAT. WE GOT MONEY FOR ALL THOSE NICKEL AND DIME SOCIAL ENGINEERING AS PRESIDENT OBAMA SAID, YOU DIDN'T BUILD IT. AND HE WAS RIGHT. MOST OF MY ROCKEFELLER REPUBLICANS AGREE. YOU GOT TO HAVE A PROGRAM TO GET SOMETHING BUILT, GOT TO HAVE THE GOVERNMENT FINGERS IN IT. SO I'M TRYING TO STILL FIGURE OUT WHAT THIS IS ALL ABOUT. AREN'T THESE PROJECTS WORKING OUT? NOW WE'RE GOING TO DO POVERTY? WHAT'S POVERTY GOT TO DO WITH A CENTER...A SPORTING COMPLEX? THAT'S WHAT I'M TRYING TO FIGURE OUT. THE PINNACLE REALLY BOTHERS ME. THAT'S WHERE OUR STATE BASKETBALL TOURNAMENTS ARE, VOLLEYBALL-- SOMETIMES VOLLEYBALL; NEEDS TO GO OTHER STATES...OTHER CITIES, TOO-- WRESTLING, YOU NAME IT. WE COME DOWN HERE AND PAY OUR SALES TAXES BECAUSE WE'RE NOT EATING AT RESTAURANTS AT HOME AND IT DOESN'T EVEN GO INTO THE STATE. LINCOLN GETS TO KEEP IT WHEN WE STAY IN THE HOTEL AND ATTEND THE STATE EVENT, UNIVERSITY OF NEBRASKA BASKETBALL. YOU EAT AT A RESTAURANT WITHIN 600 YARDS, LINCOLN GETS TO KEEP IT. IT DOESN'T EVEN GO INTO THE STATE COFFERS. THIS IS UNNECESSARY. THIS...I'M TRYING...SOMEBODY EXPLAIN TO ME WHY WE'RE DOING IT. ALL THREE OF THESE PROJECTS ALREADY EXISTED, APPARENTLY IT WAS WORKING OUT. THEY WERE HUGE SUCCESSES IS WHAT I'M UNDERSTANDING. WHERE DID THIS COME FROM? [LB884]

PRESIDENT FOLEY: ONE MINUTE, SENATOR. [LB884]

SENATOR GROENE: NOTHING WILL CHANGE. NOT ONE MORE RESTAURANT WILL BE BUILT. NOT ONE MORE VISITOR WILL COME TO THE STATE. NOT ONE MORE PERSON WILL GO OUT AND SPEND MONEY IN THE HOTEL BECAUSE WE DO THIS. WHERE'S THE ECONOMIC GROWTH FROM THIS INVESTMENT, AS PEOPLE WHO SPEND THIS KIND OF MONEY LIKE TO CALL IT--INVESTMENTS--WHERE'S IT AT? THE GOOD OLD BOYS ARE TAKING CARE OF THEIR OWN AGAIN. THESE FACILITIES AREN'T PAYING OUT SO WE GOTTA FORK OVER MORE STATE MONEY TO DO IT. APPARENTLY THAT'S THE ONLY RATIONALE I CAN SEE FOR THIS. APPARENTLY IT'S NOT PAYING FOR ITSELF. AND THEY DON'T WANT TO PAY FOR IT LOCALLY. IT'S THEIR EVENT CENTER, SO WE GET TO HELP. AREN'T WE NICE. THANK YOU, MR. PRESIDENT. [LB884]

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PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB884]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WHEN I WAS READING THROUGH SOME OF THE DIFFERENT SECTIONS OF THE BILL, I LOOKED AT SOME OF THE QUALIFICATIONS FOR THE DIFFERENT PORTIONS HERE, BUT THE ONE QUESTION I HAD, IF SENATOR SCHEER WOULD YIELD TO A QUESTION. [LB884]

PRESIDENT FOLEY: SENATOR SCHEER, WOULD YOU YIELD, PLEASE? [LB884]

SENATOR SCHEER: YES, I WILL. [LB884]

SENATOR FRIESEN: ON PAGE 8 IT TALKS ABOUT TEN PERCENT OF THE FUNDS APPROPRIATED TO A CITY OF THE PRIMARY CLASS UNDER SUBSECTION (2) OF THIS SECTION SHALL, IF THE CITY DETERMINES SUCH FUNDS ARE NOT CURRENTLY NEEDED FOR PURPOSES DESCRIBED IN SECTION 13-2604, BE USED AS FOLLOWS. SO WHAT WOULD DETERMINE IF THEY WERE NEEDED OR NOT? [LB884]

SENATOR SCHEER: I'M ASSUMING THAT WOULD BE IF THEY ARE AHEAD OF SCHEDULE ON THEIR BOND REPAYMENT. [LB884]

SENATOR FRIESEN: SO THEY...BUT THEY WON'T KNOW THAT UNTIL THEIR BONDS ARE PAID OFF? [LB884]

SENATOR SCHEER: WELL, NOT NECESSARILY. IF FUNDS ARE CONSISTENTLY OUTPACING THE AMOUNTS THAT ARE AVAILABLE, AGAIN, THEY HAVE EITHER A TIME ELEMENT OR A DOLLAR ELEMENT. IT CAN ONLY GO A MAXIMUM OF 20 YEARS REGARDLESS OF HOW MUCH DOLLARS THEY COLLECT. EACH ONE OF THOSE UNITS WERE ASSIGNED A CERTAIN AMOUNT OF DOLLARS. SO IN THE CASE OF CENTURLINK, IT WAS \$75 MILLION. IF THEY RECEIVE THOSE \$75 MILLION IN 12 YEARS, THE CONTRACT IS FINAL. IF THEY RECEIVE IT IN 18 YEARS, THE CONTRACT IS FINAL. IT'S ONE OR THE OTHER, WHICHEVER COMES FIRST. [LB884]

SENATOR FRIESEN: SO IF THEY...BUT IF AT SOME POINT IN TIME, LET'S SAY AT YEAR 5 THEY DETERMINE THAT THE FUNDS ARE NOT NEEDED AND SO THEY TAKE 10 PERCENT OF THE REVENUE AND THEN IN YEAR 10 REVENUE DROPS OFF,

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AND SUDDENLY THEY'RE NOT ABLE TO MEET THEIR OBLIGATIONS IS THAT...?
[LB884]

SENATOR SCHEER: WELL, THAT WOULD BE THE CITY'S RESPONSIBILITY. THEY WOULD BE GENERAL OBLIGATION BONDS TO THE CITY, SO THAT WOULD BE THEIR PROBLEM. [LB884]

SENATOR FRIESEN: THE CITY WOULD BE... [LB884]

SENATOR SCHEER: YES. [LB884]

SENATOR FRIESEN: ...LIABLE FOR THAT. [LB884]

SENATOR SCHEER: CORRECT. [LB884]

SENATOR FRIESEN: OKAY. THANK YOU, SENATOR SCHEER. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN AND SENATOR SCHEER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB884]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I WAS JUST DOING A LITTLE BIT OF RESEARCH, AND I HAVE READ THROUGH THESE FEW WORDS SO OFTEN I COULD QUOTE THEM, BUT IT'S MORE IMPRESSIVE IF YOU HAVE A THICK TOME. GOING TO THE NEBRASKA CONSTITUTION, ARTICLE IV, SECTION 6, WHICH RELATES TO THE EXECUTIVE BRANCH OF GOVERNMENT, SECTION 6, SUPREME EXECUTIVE POWER: "THE SUPREME EXECUTIVE POWER SHALL BE VESTED IN THE GOVERNOR, WHO SHALL TAKE CARE THAT THE LAWS BE FAITHFULLY EXECUTED AND THE AFFAIRS OF THE STATE EFFICIENTLY AND ECONOMICALLY ADMINISTERED." WHEN WE OVERRODE THE GOVERNOR AND PUT IN PLACE A LAW REPEALING THE DEATH PENALTY, HE DIDN'T DO WHAT THIS STATUTE SAYS, THAT HE SHALL TAKE CARE THAT THE LAWS BE FAITHFULLY EXECUTED. HE MUST HAVE THOUGHT THE WORD EXECUTED MEANT TO EXECUTE THE LAW THAT WAS PASSED. INSTEAD OF DOING THAT, HE AND HIS DADDY PUT IN \$300,000 TO UNDERMINE AND REPEAL THAT LAW. SO HE DEFINITELY DOES NOT FEEL THAT THAT PART OF THE CONSTITUTION APPLIES TO HIM. AND I'M SURE THAT HE HAD A HEAVY HAND IN WHAT HAPPENED THIS MORNING ON THE MEDICAID BILL, WHICH I WILL REFER TO AS FOR EASE OF REFERENCE. AND I HAD MY LIGHT ON WHEN THE QUESTION

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WAS CALLED. AND OTHER PEOPLE IN THE CHAIR HAVE SAID WHEN THERE ARE THAT MANY PEOPLE WHO WANT TO SPEAK, THE QUESTION WILL NOT BE ALLOWED AND CUT THOSE PEOPLE OFF. AND ALTHOUGH I REALLY LIKE SENATOR EBKE, THERE'S NO COMPARISON BETWEEN THAT CALLING THIS CONSTITUTIONAL CONVENTION--THEY DIDN'T EVEN WANT TO CALL IT THAT. THEY DIDN'T EVEN WANT TO CALL THE PEOPLE DELEGATES. BUT THAT DOES NOT RISE TO THE LEVEL OF THAT BILL THIS MORNING. AND I'M GOING TO SAY IT WHILE THE LIEUTENANT GOVERNOR IS HERE, WHEN WE HAVE VERY CRITICAL ISSUES OF SUPREME LEGISLATIVE IMPORTANCE, I DON'T THINK A MEMBER OF THE EXECUTIVE BRANCH WHICH OPPOSES THAT LEGISLATION SHOULD BE SITTING IN THE CHAIR MAKING VERY SIGNIFICANT RULINGS. NOW I DON'T HAVE ANYTHING TO DO WITH THE EXECUTIVE BRANCH. I HAVE EVERYTHING TO DO WITH THE LEGISLATIVE BRANCH. I'M A MEMBER OF THAT. AND I DON'T THINK THE GOVERNOR'S OFFICE SHOULD PLAY A ROLE IN OUR PROCEEDINGS, AND I CANNOT HELP BUT BELIEVE THAT'S WHAT HAPPENED THIS MORNING WHEN THE QUESTION WAS CALLED AND IT WAS ALLOWED TO GO FORWARD. BUT WHEN IT COMES TO THAT DEATH PENALTY AND OTHER THINGS, IT IS A CORRUPTING INFLUENCE. THERE'S A MAN NAMED MIKE CASSLING WHO IS AN INVESTOR IN THE LA VISTA PROJECT. AND HE CONTRIBUTED \$40,000 OR \$40,000-PLUS DOLLARS TO REPEAL WHAT WE DID ON THE DEATH PENALTY. THAT'S WHAT HE DID. THEN HERE HE COMES WANTING A BILL LIKE THIS TO BE ENACTED BY THE VERY LEGISLATURE WHOSE WORK HE IS DOING ALL HE CAN TO UNDERMINE. THAT'S THE WAY THINGS ARE DONE IN POLITICS. I RECOGNIZE THAT. BUT WHEN IT HAPPENS, I AM GOING TO ADDRESS IT AND I DON'T CARE WHOSE TOES ARE STEPPED ON. THERE'S A PREACHER NAMED BILLY SUNDAY AND HE GAVE THESE REVIVALS. AND ONE TIME A PERSON SAID TO HIM, BILLY, YOU'RE RUBBING THE CAT THE WRONG WAY, AND BILLY SUNDAY SAID, LET THE CAT TURN AROUND. AND HE WAS ALSO TOLD THAT HE STEPS ON THE WRONG TOES. HE SAID LET THEM GET THEIR FEET OUT OF THE WAY. [LB884]

PRESIDENT FOLEY: ONE MINUTE. [LB884]

SENATOR CHAMBERS: AND I DON'T THINK THAT THAT OUGHT TO HAPPEN AND IF I SEE SOMETHING COMING UP THAT I THINK IS OF PARTICULAR IMPORTANCE TO THE LEGISLATURE, I'M GOING TO TAKE IT UP WITH THE SPEAKER IN TERMS OF WHO I THINK OUGHT TO BE IN THE CHAIR. THIS BILL, I WOULD NOT ORDINARILY CARE ABOUT, BUT I'M GOING TO VOTE NO AND I WANT IT CLEAR THAT THAT NO VOTE, WHICH IS NOT GOING TO MAKE ANY DIFFERENCE ON THE OUTCOME OF THIS BILL, IS FOR THE REASONS THAT I GAVE: THE GOVERNOR NOT CARRYING OUT HIS DUTY PURSUANT TO THE CONSTITUTION; THE LIEUTENANT GOVERNOR

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JOINING WITH THE GOVERNOR TO HELP DEFEAT AND NOT EVEN GIVE A FAIR HEARING, A FAIR DEBATE ON THE MOST IMPORTANT ISSUE THIS SESSION; AND THEN ONE OF THE INVESTORS HAVING CONTRIBUTED OVER \$40,000 TO UNDERMINE THE REPEAL OF THE DEATH PENALTY. [LB884]

PRESIDENT FOLEY: TIME, SENATOR. [LB884]

SENATOR CHAMBERS: THANK YOU. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB884]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. BACK TO LB884, I WOULD INVITE EVERYONE TO TAKE A LOOK AT THAT FISCAL NOTE. IT'S NOT MONEY WE'RE SPENDING, BUT IT'S MONEY WE'RE NOT GOING TO TAKE IN. IT'S \$1.5 MILLION THIS YEAR, \$3.5 MILLION NEXT YEAR. IS THERE ROOM IN OUR BUDGET TO GIVE AWAY THAT KIND OF MONEY? THAT'S MY ONLY QUESTION HERE. I KNOW LINCOLN COULD USE THE MONEY. I KNOW OMAHA COULD USE THE MONEY. AND THE 30 PERCENT THAT GOES BACK OUT, THOSE PEOPLE COULD USE THE MONEY TOO. BUT THAT IS A HUGE AMOUNT OF MONEY TO DEPRIVE THE STATE OF NEBRASKA OF. THANK YOU, MR. PRESIDENT. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR GROENE, YOU'RE RECOGNIZED. [LB884]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. AS TO WHAT SENATOR BLOOMFIELD SAID, THIS IS NOT NEW MONEY. THIS ISN'T ECONOMIC DEVELOPMENT WHERE THIS \$1.4 MILLION THIS YEAR WILL DISAPPEAR FROM OUR COFFERS; \$3.5 MILLION IN '17-18; AND \$5 MILLION ROUNDED OFF IN '18-19. THIS IS NO NEW MONEY. THIS IS A GIVEBACK. AND IT WAS SAID ON THE FLOOR HERE THAT WE'RE NOT INCREASING THEIR TOTAL AMOUNT, WHATEVER IT IS, \$75 MILLION OR \$50 MILLION. BUT THEY WERE LIMITED TO 20 YEARS. SO IF 20 YEARS SHOWED UP AND THEY HADN'T RECOUPED \$75 MILLION YET, THAT WAS IT. THEY HAD RECOUPED \$40 MILLION, THAT WAS ALL THEY WERE GOING TO GET. BUT NOW WHEN WE GO OUT 600 YARDS, THEY WILL PROBABLY REACH THAT \$75 MILLION WITHIN THAT TIME SPAN BECAUSE THEY'VE GOT A LOT MORE BUSINESSES INVOLVED. I WAS JUST TOLD OFF THE MIKE THAT RALSTON HAS A MENARDS WITHIN THEIR AREA. MENARDS, REALLY? SOMEBODY COMES AND WATCHES A WHATEVER THEY HAVE THERE, AMATEUR HOCKEY OR WHATEVER,

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ONE OF THEM DOES, I KNOW THAT. PEOPLE COME THERE AND THEN THEY GO TO MENARDS AFTERWARDS AND THE ONLY REASON THEY WENT TO MENARDS IS BECAUSE THEY WENT TO THE HOCKEY GAME. REALLY? WE ARE GIVING AWAY MORE MONEY, \$5 MILLION. THERE'S A COUPLE OF BILLS COMING UP THAT ARE GOING TO COST \$8 MILLION AND A LITTLE BIT FOR PROPERTY TAX, A COUPLE OF ISSUES. WE DON'T HAVE THAT MONEY, FOLKS. I KEEP GETTING TOLD WE DON'T HAVE IT. WE CAN'T PUT IT IN THE BUDGET. BUT WE GOT THIS--NOT ONE NEW JOB, NOT ONE NEW PROJECT, NOT ONE MORE TICKET SOLD TO THE ARENA BECAUSE WE DID THIS. I'M STILL TRYING TO FIGURE OUT WHY. THE TRICKLE-DOWN MONEY, IS THAT WORTH IT, THE 30 PERCENT THAT YOUR TOWN MIGHT GET... \$10,000 OR \$15,000? TIF IT. THAT'S WHAT EVERYBODY ELSE IS DOING. I'M WONDERING HOW MANY OF THESE PROJECTS ARE ALSO TIFed CLOSE TO THOSE ARENAS. THERE GOES THE MIDDLE CLASS AGAIN, PAYING FOR EVERYBODY ELSE BECAUSE EVERYBODY ELSE HAS A LOBBYIST AND EVERYBODY ELSE GETS THESE RINKY-DINK...THEY'RE NOT RINKY-DINK. THEY'RE VERY EXPENSIVE PROGRAMS--NOT ONE NEW JOB, NOT ONE NEW ARENA. I UNDERSTAND THE LA VISTA ONE, THEY WANT TO BUILD THAT SWIMMING POOL. REALLY, FOLKS? HOW MANY PEOPLE ASPIRE TO HAVE THEIR KIDS AN OLYMPIC SWIMMER. HOW MANY PEOPLE WILL GO SWIM IN AN OLYMPIC POOL? I UNDERSTAND THERE'S GOING TO BE A COSTCO THERE. I GUESS THEY'RE GOING TO GO SWIMMING SO THEY CAN GO TO COSTCO AND GET A CHEAP DRESS. IS THERE ANY COMMON SENSE ANYMORE? AS I SAID ONCE HERE ON THE FLOOR, DO YOU UNDERSTAND WHY PEOPLE ARE VOTING FOR TRUMP AND SANDERS? DO YOU UNDERSTAND WHY THEY ARE? THEY SEE THIS STUFF. THEY SEE THIS. ALL OF A SUDDEN WE'RE ECONOMIC EXPERTS. WE'RE VENTURE CAPITALISTS AND HALF OF US COULDN'T RUN A DAIRY QUEEN. YOU GET ON THE FLOOR OF THE LEGISLATURE AND WE'RE EXPERTS ON THIS STUFF. THAT IS WHY THEY'RE VOTING FOR TRUMP. THAT IS WHY THEY'RE VOTING FOR SANDERS. IT'S THIS KIND OF STUFF. THANK YOU, MR. PRESIDENT. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB884]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. SENATOR HARR, WOULD YOU YIELD TO A QUESTION? [LB884]

PRESIDENT FOLEY: SENATOR HARR, WOULD YOU YIELD, PLEASE? SENATOR BURKE HARR? [LB884]

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SENATOR HARR: YES. [LB884]

SENATOR FRIESEN: SENATOR HARR, WHEN I WAS LOOKING THROUGH, AND WE'RE TALKING ABOUT AFFORDABLE HOUSING AND THINGS LIKE THAT, AND THERE SEEMS TO BE TWO DIFFERENT PLANS IN HERE THAT DEAL WITH THAT. ONE OF THEM IS JUST THE SPORTS ARENA BUT THE OTHER ONE DEALS WITH A DIFFERENT ISSUE, IS THAT CORRECT? [LB884]

SENATOR HARR: THE SECOND ONE IS...IT WAS ORIGINALLY MY LB951, YES. [LB884 LB951]

SENATOR FRIESEN: OKAY, AND HOW DOES THAT GET FUNDED? [LB884]

SENATOR HARR: THAT IS FUNDED THROUGH THE STATE. IT IS...WHAT IT DOES IS IT MATCHES FEDERAL DOLLARS THAT ARE OUT THERE CURRENTLY FOR LOW-INCOME HOUSING TAX CREDITS. [LB884]

SENATOR FRIESEN: SO THAT WOULD BE AVAILABLE ALL ACROSS THE STATE, WHEREAS THE... [LB884]

SENATOR HARR: YES [LB884]

SENATOR FRIESEN: ...THE LINCOLN, THE 10 PERCENT WOULD JUST STAY IN THE CITY OF LINCOLN HERE. [LB884]

SENATOR HARR: THAT IS CORRECT. [LB884]

SENATOR FRIESEN: OKAY, THANK YOU. NOW WHEN I READ THROUGH THERE FURTHER, WE TALK ABOUT IT'S EXPANDED THE USE OF THE FUNDS FOR CAPITAL IMPROVEMENTS. WHERE IS THAT, THOSE DOLLARS MEANT TO GO? [LB884]

SENATOR HARR: THAT IS...I WOULD SAY THAT WAS BROUGHT AT THE REQUEST OF THE CITY OF OMAHA AND THAT WOULD BE FOR THE CENTURYLINK CENTER. [LB884]

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SENATOR FRIESEN: SO ARE THEY NOT MAKING ENOUGH MONEY TO KEEP THEIR BUILDINGS UP, IS THAT THE PROBLEM, AND THEY NEED MORE REVENUE FOR MAINTENANCE? [LB884]

SENATOR HARR: WELL, AS YOU KNOW, EVERYTHING IS BIGGER AND BETTER EVERY YEAR. AND SO THE ANSWER IS CENTURYLINK IS MAKING...OR MECA IN THIS CASE WHICH IS THE GOVERNING BODY THAT RUNS CENTURYLINK AND THE OMAHA CONVENTION CENTER, ARE MAKING MONEY, BUT THE DEMANDS UPON THE BUILDINGS ARE GREATER. AND WHAT CONVENTIONS WANT, WHAT SPORTS ARENAS WANT INCREASE. SO THIS IS TO PROVIDE FUNDING FOR CAPITAL IMPROVEMENTS TO MEET DEMAND AS EVERYTHING GETS BETTER. [LB884]

SENATOR FRIESEN: SO WHEN SENATOR SCHEER MADE THE COMMENT THOUGH THAT ALL THIS WILL DO BASICALLY IS PAY OFF BONDS FASTER, THAT ISN'T NECESSARILY TRUE. [LB884]

SENATOR HARR: WELL, IT WILL HELP PAY OFF OF THE BONDS FASTER...I MEAN, IT'S ROBBING PETER TO PAY PAUL. THE QUESTION...THE ANSWER IS THEY COULD PAY IT OFF SOONER. THEY COULD USE IT FOR CAPITAL REINVESTMENT. IT ALL DEPENDS ON HOW MECA AND/OR THE CITY DECIDES TO USE THOSE FUNDS. IF YOU LOOK AT IT WITHOUT LB884, THE MONEY GOES BACK TO THE CITY BUT THERE'S NO REQUIREMENT THAT THE CITY USE THOSE MONIES AS IT'S CURRENTLY WRITTEN TO PAY OFF THE BONDS. ONE OF THE THINGS THIS AMENDMENT, AM2522, DOES IS REQUIRE THAT ANY MONEY GIVEN TO THE CITY BE USED TO APPLY TO THESE SPORTS ARENAS...OR TO THE TURNBACK, WHATEVER THE FACILITY IS. [LB884]

SENATOR FRIESEN: SO YOU'RE SAYING CURRENTLY THE MONEY DOESN'T HAVE TO BE USED TO PAY BACK THE BONDS? [LB884]

SENATOR HARR: WITHIN...AS IT'S CURRENTLY WRITTEN, WITH THE CITY OF OMAHA AND LINCOLN, THAT IS CORRECT. SO WE'RE TIGHTENING THE LANGUAGE. [LB884]

SENATOR FRIESEN: SO THEY COULD SPEND THIS MONEY ELSEWHERE... [LB884]

SENATOR HARR: THEY HAVEN'T BUT, YES, THEY COULD. [LB884]

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SENATOR FRIESEN: THEY COULD. [LB884]

SENATOR HARR: YES. [LB884]

SENATOR FRIESEN: AND THEREFORE, DOWN THE ROAD, THERE COULD BE A DEFAULT ON THE BONDS. [LB884]

SENATOR HARR: WELL, WITH THIS AMENDMENT THEY COULDN'T DO THAT. BUT NOW THAT'S PART OF THE LANGUAGE WE'RE USING TO TIGHTEN. [LB884]

SENATOR FRIESEN: OKAY. THANK YOU, MR. PRESIDENT. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN AND SENATOR BURKE HARR. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB884]

SENATOR BRASCH: THANK YOU, MR. SPEAKER...MR. PRESIDENT, EXCUSE ME, AND COLLEAGUES. I'M ON THE REVENUE COMMITTEE AND AS THIS BILL WAS CONSIDERED, I WAS THINKING THAT I WAS NOT JUST A RURAL SENATOR. I WAS A SENATOR, ACROSS THE STATE. AND I'VE BEEN TOLD THIS MORNING THAT WAS WRONG, THAT WE ARE RURAL SENATORS AND WE ARE URBAN SENATORS. AND NOW I'M SITTING HERE THINKING, MAYBE IT'S TIME TO DIAL BACK ON MY PART AND TAKE A LOOK AT...AND FOLLOW THE MONEY. THANK YOU, SENATOR CHAMBERS. I GOT A WINK JUST FOR THE RECORD. SO NOW I WONDER. SO THAT'S HOW THINGS COME TO BE, THAT WHEN IT COMES TO RURAL NEEDS, WHEN IT COMES TO TRYING TO FIX TAXES, LET'S NOT FIX TAXES, LET'S FIX ARENAS AND BUSINESSES. AND I'M TOLD THAT RURAL PEOPLE DON'T SUPPORT BUSINESSES. WELL, GOODNESS GRACIOUS. I THINK WE SUPPORT A LOT OF THINGS, FOR THE RECORD. AND ON THE REVENUE COMMITTEE, I'VE MADE A POINT TO SUPPORT MANY PROJECTS THAT WOULD BENEFIT THE ENTIRE STATE, BUT I BELIEVE SENATOR GROENE HAS MADE SOME VERY GOOD POINTS. YOU SUPPORT THIS, YOU SUPPORT THAT, BUT THE RECIPROCITY FROM URBAN TO RURAL SEEMS TO FALL FLAT. I'M GOING TO CONTINUE TO SEE WHERE THIS BILL GOES, AND SOME OF THESE FUNDS HAVE HELPED OUR RURAL AREAS, BUT MOVING FORWARD, WE'VE PAID AN AWFUL LOT OF TAXES. JUST THINK IF WE HAD THOSE TAXES TO INVEST IN OURSELVES. I WILL LISTEN CLOSELY AND I WILL LEARN MORE, I'M CERTAIN, AS THIS DAY TURNS INTO NIGHT. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB884]

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PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. (VISITORS INTRODUCED.) SENATOR KINTNER, YOU'RE RECOGNIZED. DO YOU WAIVE THAT OPPORTUNITY, SENATOR? [LB884]

SENATOR KINTNER: OKAY, YUP. WELL, I JUST HAVE BEEN RUNNING IN AND OUT, TALKING TO DIFFERENT PEOPLE. AND SO I WENT OVER TO CHECK WITH SENATOR GLOOR. I DON'T LOVE THIS BILL. I COULD PROBABLY SUPPORT IT. REALLY MY OBJECTION WOULD BE FORCING THE CITIES OF OMAHA AND LINCOLN TO SPEND A PERCENT OF THE MONEY ON LOW-INCOME HOUSING WITHOUT A VOTE OF THE CITY COUNCIL. I THINK IT NEEDS A VOTE OF THE CITY COUNCIL AND I'M HOPING THAT BETWEEN GENERAL FILE AND SELECT FILE, THAT GETS HASHED OUT SO THAT THE CITY COUNCILS ARE IN CHARGE OF THEIR CITY AND WHAT'S BUILT AND HOW MUCH IS BUILT AND ALL THAT. SO I THINK IT'S OKAY TO MAKE THE MONEY AVAILABLE TO THEM. I THINK IT'S WRONG TO FORCE THEM TO DO IT, UNLESS BY A MAJORITY VOTE THEY WANT TO DO THAT. SO THAT'S THE PRICE OF MY VOTE AND WILL CERTAINLY BE LOOKING AT IT IN SELECT AND SEE IF IT'S AMENDED TO RESPECT THE CITIES. THANK YOU, MR. PRESIDENT. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. MEMBERS, PURSUANT TO THE AGENDA, WE'RE GOING TO MOVE OFF THE BILL NOW AND MOVE OVER TO THE 4:00 ITEM. MR. CLERK. [LB884]

CLERK: MR. PRESIDENT, THE 4:00 AGENDA IS SELECT FILE. THE FIRST ITEM, SENATOR HANSEN LB1083, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, SENATOR. (ER220, LEGISLATIVE JOURNAL PAGE 1179.) [LB1083]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB1083]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1083. [LB1083]

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. [LB1083]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB1083]

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PRESIDENT FOLEY: SENATOR HANSEN. [LB1083]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1083 TO E&R FOR ENGROSSING. [LB1083]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE LB1083 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB1083 ADVANCES. MR. CLERK. [LB1083]

CLERK: LB1083A, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB1083A]

PRESIDENT FOLEY: SENATOR HANSEN. [LB1083A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1083A TO E&R FOR ENGROSSING. [LB1083A]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE LB1083A TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB1083A ADVANCES. MR. CLERK. [LB1083A]

CLERK: LB742, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB742]

PRESIDENT FOLEY: SENATOR HANSEN. [LB742]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB742 TO E&R FOR ENGROSSING. [LB742]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE LB742 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB742 ADVANCES. [LB742]

CLERK: MR. PRESIDENT, LB837. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB837]

PRESIDENT FOLEY: SENATOR HANSEN. [LB837]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB837 TO E&R FOR ENGROSSING. [LB837]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE LB837 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB837 ADVANCES. MR. CLERK. [LB837]

CLERK: LB465, SENATOR. THERE ARE ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER222, LEGISLATIVE JOURNAL PAGE 1179.) [LB465]

PRESIDENT FOLEY: SENATOR HANSEN. [LB465]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB465. [LB465]

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. [LB465]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB465]

PRESIDENT FOLEY: SENATOR HANSEN. [LB465]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB465 TO E&R FOR ENGROSSING. [LB465]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE LB465 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB465 ADVANCES. MR. CLERK. [LB465]

CLERK: MR. PRESIDENT, LB465A. SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER221, LEGISLATIVE JOURNAL PAGE 1183.) [LB465A]

PRESIDENT FOLEY: SENATOR HANSEN. [LB465A]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB465A. [LB465A]

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. [LB465A]

CLERK: SENATOR BURKE HARR WOULD MOVE TO AMEND WITH AM2768. (LEGISLATIVE JOURNAL PAGE 1295.) [LB465A]

PRESIDENT FOLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED TO OPEN ON AM2768. SENATOR BURKE HARR, YOU'RE RECOGNIZED TO OPEN ON AM2768. [LB465A]

SENATOR HARR: THANK YOU, MR. PRESIDENT. WHAT IS IT? SO WHAT THIS BILL DOES...THIS AMENDMENT DOES IS IT MOVES IT BACK A YEAR. IT'S THAT SIMPLE. IT GIVES THE SECRETARY OF STATE, WHO HAS BEEN GREAT TO WORK WITH ON THIS, ANOTHER YEAR TO PROMULGATE RULES AND REGULATIONS. I WOULD ASK FOR YOUR SUPPORT ON AM2768. [LB465A]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. DEBATE IS NOW OPEN ON THE AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR BURKE HARR WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2768. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? SENATOR BURKE HARR, FOR WHAT PURPOSE DO YOU RISE? [LB465A]

SENATOR HARR: THANK YOU. I WOULD POSSIBLY THINK ABOUT TALKING A LITTLE BIT AND CONTEMPLATING A--BUT PROBABLY NOT--MAKING A MOTION TO CALL THE HOUSE. SO THANK YOU. [LB465A]

PRESIDENT FOLEY: RECORD, PLEASE, MR. CLERK. [LB465A]

CLERK: 27 AYES, 0 NAYS. [LB465A]

PRESIDENT FOLEY: AM2768 IS ADOPTED. MR. CLERK. [LB465A]

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB465A]

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PRESIDENT FOLEY: SENATOR HANSEN. [LB465A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB465A TO E&R FOR ENGROSSING. [LB465A]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB465A ADVANCES. MR. CLERK. [LB465A]

CLERK: MR. PRESIDENT, GENERAL FILE, LB835 IS A BILL ORIGINALLY INTRODUCED BY SENATOR MELLO. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO THE JUDICIARY COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2138, LEGISLATIVE JOURNAL PAGE 716.) [LB835]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB835. [LB835]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. LB835 WAS INTRODUCED ON BEHALF OF NEBRASKA ATTORNEY GENERAL DOUG PETERSON TO MODERNIZE CONSUMER PROTECTION LAWS, SOME THAT HAVEN'T BEEN UPDATED SINCE 1974. LB835 MODERNIZES SEVERAL AREAS OF OUR CONSUMER PROTECTION AREA, INCLUDING THE CREDIT REPORT PROTECTION ACT, THE CONSUMER PROTECTION ACT, THE UNIFORM DECEPTIVE TRADE PRACTICES ACT, AND THE FINANCIAL DATA PROTECTION AND CONSUMER NOTIFICATION OF DATA SECURITY BREACH ACT OF 2006. SOME OF THE UPDATES INCLUDE: ADDING A REQUIREMENT FOR CONSUMER REPORTING AGENCIES TO CREATE A FILE FOR A MINOR IF THE MINOR DOES NOT HAVE A PREEXISTING CREDIT FILE WHEN REQUESTING A SECURITY FREEZE; ALLOWING THE ATTORNEY GENERAL'S OFFICE TO SHARE INVESTIGATIVE MATERIALS WITH OTHER LAW ENFORCEMENT AGENCIES; INCREASING PENALTIES FOR CORPORATIONS WHO MAKE ANTITRUST VIOLATIONS; AND ENHANCING THE DEFINITION OF THE DECEPTIVE TRADE PRACTICES. MY OFFICE, ALONG WITH THE ATTORNEY GENERAL'S OFFICE, WORKED WITH SEVERAL GROUPS FROM THE BUSINESS AND RETAIL INDUSTRIES TO ADDRESS CONCERNS WITH NOTIFICATION PROCEDURES, AS WELL AS ADDING PROTECTIONS FOR PROTECTED PERSONS AND ENTITIES. FOLLOWING THE PUBLIC HEARING FOR LB835, I WAS MADE AWARE OF SOME ADDITIONAL TECHNICAL CHANGES THAT WERE LEFT-- INADVERTENTLY LEFT--OUT OF THE COMMITTEE AMENDMENT, AM2138. MY

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OFFICE WORKED WITH THE ATTORNEY GENERAL'S OFFICE AND THE OTHER INTERESTED PARTIES OF THE BUSINESS AND RETAIL INDUSTRIES TO ADDRESS THE REMAINING TECHNICAL CHANGES NEEDED, WHICH YOU WILL SEE IN AM2605 TO THE COMMITTEE AMENDMENT AM2138. LB835 RECEIVE NO OPPOSITION AT THE JUDICIARY COMMITTEE HEARING ON JANUARY 28, HAS NO FISCAL NOTE, AND WAS VOTED OUT THE COMMITTEE WITH UNANIMOUS VOTE. I'D ENCOURAGE THE BODY TO ADOPT BOTH THE UNDERLYING BILL AND THE FORTHCOMING AMENDMENTS TO MODERNIZE NEBRASKA'S CONSUMER PROTECTION LAW WITH LB835. THANK YOU, MR. PRESIDENT. [LB835]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON AM2138. [LB835]

SENATOR SEILER: THANK YOU, LIEUTENANT GOVERNOR, MEMBERS OF THE UNICAMERAL. AM2138 AMENDS LB835. IT WAS ADVANCED FROM THE JUDICIARY COMMITTEE ON AN 8-0 VOTE AFTER SEEING NO OPPOSING PARTIES TESTIFYING AGAINST THIS BILL. IT WAS UNANIMOUSLY TESTIFIED IN FAVOR OF IT. AND THE AMENDMENT REPLACES SECTION 1 OF THE ORIGINAL BILL AND ADDS ADDITIONAL DETAIL AND CLARIFICATION TO THE PROCESS OF PLACING A SECURITY FREEZE ON A CONSUMER REPORTING AGENCY FILE FOR A PERSON THAT IS INCAPACITATED OR UNDER THE AGE OF 16. I'D ASK THAT YOU PRESS A GREEN LIGHT FOR AM2138. [LB835]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. DEBATE IS NOW OPEN ON LB835 AND THE JUDICIARY COMMITTEE AMENDMENT. MR. CLERK. [LB835]

CLERK: MR. PRESIDENT, SENATOR MELLO WOULD MOVE TO AMEND THE COMMITTEE AMENDMENT, AM2605. (LEGISLATIVE JOURNAL PAGE 1078.) [LB835]

PRESIDENT FOLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON AM2605. [LB835]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. DURING THE COMMITTEE HEARING ON LB835, THE NEBRASKA RETAIL FEDERATION AGREED WITH THE INTENT OF THE LEGISLATIVE BILL BUT RAISED CONCERNS AS TO HOW THE BILL WAS DRAFTED. THEIR MEMBERS, WHO ALREADY COMPLY WITH SIMILAR LAWS IN OTHER STATES, WANTED THE

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NEBRASKA LAW TO BE CONSISTENT WITH HOW SOME 21 OTHER STATES HANDLE CREDIT FREEZES FOR MINORS OR OTHER PROTECTED PERSONS. WITH EVERY INTENTION OF MEETING THOSE CONCERNS, THE ATTORNEY GENERAL'S OFFICE DRAFTED AM2138; HOWEVER, AFTER FURTHER CONSIDERATION AND DISCUSSION WITH THE CONSUMER DATA INDUSTRY ASSOCIATION, THERE WERE SOME ADDITIONAL DETAILS AND DEFINITIONS THAT ARE INCLUDED IN AM2605 THAT...WHICH WERE NOT INCLUDED IN THE COMMITTEE AMENDMENT. THE TECHNICAL CHANGES OF AM2605 INCLUDE: FIRST, CLARIFIES THE DEFINITION AND USAGE OF THE TERMS "CREDIT REPORT," "FILE," AND "RECORD" IN THE ACT; SECOND, CLARIFIES WHICH SECTIONS APPLY TO FREEZES FOR CONSUMERS AND WHICH SECTIONS APPLY TO FREEZES FOR PROTECTED CONSUMERS. THEY ARE SEPARATE AND DO HAVE SEPARATE REQUIREMENTS FOR BOTH CATEGORIES. THE THIRD CLARIFIES THE MAXIMUM CHARGE FOR PLACING OR REMOVING SECURITY FREEZES FOR PROTECTED CONSUMERS IS \$3. AND FINALLY, FOURTH, IT PROVIDES FOR TECHNICAL CHANGES THAT FIXES NUMBERING ISSUES IN LANGUAGE THAT HAD BEEN INCORRECTLY ADDED BY AM2138. THE CHANGES IN AM2605 MAKE LB835 A BETTER BILL, BETTER LANGUAGE, AND FLOW BETTER. AS AN EXAMPLE OF THE OPEN AND COOPERATIVE ATTITUDE THAT THE JUDICIARY COMMITTEE, MYSELF, MY OFFICE, AND THE ATTORNEY GENERALS HAD WITH MAKING CHANGES TO THE ORIGINAL GREEN COPY OF LB835, THE CHANGE BRINGS US IN LINE WITH OTHER STATE LAWS AND ALLOWS FOR A SEAMLESS CONSUMER PROTECTION ACROSS STATE LINES. THE RESULT IS AN IMPORTANT STEP IN PROTECTING CONSUMERS IN NEBRASKA WHILE ALLOWING BUSINESSES THE CONSISTENCY THEY NEED TO OPERATE IN ALL 50 STATES WHEN IT DEALS WITH SECURITY FREEZES. WITH THAT I'D URGE THE BODY TO ADOPT AM2605. THANK YOU, MR. PRESIDENT. [LB835]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. DEBATE IS NOW OPEN ON LB835 AND THE RELATED AMENDMENTS. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MELLO WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2605. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB835]

CLERK: 26 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT. [LB835]

PRESIDENT FOLEY: AM2605 IS ADOPTED. DEBATE IS NOW OPEN ON THE BILL AND THE JUDICIARY COMMITTEE AMENDMENT AS ADOPTED, AS AMENDED. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON...HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE JUDICIARY COMMITTEE AMENDMENT, AM2138. ALL THOSE IN FAVOR VOTE AYE;

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THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB835]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB835]

PRESIDENT FOLEY: COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE IS NOW OPEN ON LB835 AS AMENDED. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB835 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB835]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB835]

PRESIDENT FOLEY: LB835 ADVANCES. NEXT BILL, MR. CLERK. [LB835]

CLERK: LB686 IS A BILL BY SENATOR CHAMBERS. (READ TITLE.) INTRODUCED ON JANUARY 6, REFERRED TO THE EXECUTIVE BOARD, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM1922, LEGISLATIVE JOURNAL PAGE 534.) [LB686]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON LB686. [LB686]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, EARLIER IN THE SESSION I HAD TOUCHED ON THIS BILL. THERE EXISTS RIGHT NOW NO OFFICIAL CERTIFIED COPY OF THE NEBRASKA CONSTITUTION. WHAT THIS BILL HAS AS ITS PURPOSE IS TO CREATE SUCH A CERTIFIED COPY. THOSE PARTICIPATING IN THE DRAFTING OF THIS BILL WERE THE ATTORNEY GENERAL, THE SECRETARY OF STATE, THE REVISOR OF STATUTES, AND THE CLERK OF THE LEGISLATURE, BECAUSE ALL OF THEM WILL HAVE A ROLE TO PLAY. TO PUT TOGETHER IN A NUTSHELL THE BEST I CAN WHAT WILL HAPPEN, AT THE END OF EACH SESSION, IF THERE HAVE BEEN ANY CHANGES IN THE CONSTITUTION--FOR EXAMPLE, THE ADOPTION OF AN AMENDMENT OR IF A PROVISION HAS BEEN DECLARED UNCONSTITUTIONAL BY THE NEBRASKA SUPREME COURT, A FEDERAL COURT, OR THE U.S. SUPREME

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COURT--A NOTATION OF THIS WILL BE MADE. AND AT THE END OF THAT PARTICULAR SESSION IN THE SESSION LAWS THE CONSTITUTION WILL CONTAIN THOSE CHANGES THAT HAVE OCCURRED. THE ATTORNEY GENERAL WILL NOTIFY THE CLERK OR THE REVISOR OF STATUTES OF ANY OF THESE CHANGES. ONCE ALL OF THAT HAS BEEN DONE, THE SECRETARY OF STATE WILL HAVE THE OPPORTUNITY TO REVIEW THIS. AND WHEN IT IS APPROVED BY THE SECRETARY OF STATE, AND THIS IS A SESSIONAL THING, THAT WILL BE RETURNED TO THE CLERK OF THE LEGISLATURE. IF NO CHANGES HAVE BEEN MADE WHATSOEVER, THEN THAT IS THE NOTATION AND THAT, FOR THAT PARTICULAR SESSION, WILL BE THE CERTIFIED OR OFFICIAL COPY OF THE CONSTITUTION AS IT EXISTED AT THE END OF THAT SESSION. THIS VERSION WILL THEN BE MADE AVAILABLE TO THE PUBLIC, BY THE CLERK, BY BEING PRINTED ON--I HOPE I'M USING THE RIGHT WORD--ON THE LEGISLATURE'S WEB SITE. WHATEVER YOU CALL PUTTING IT ON THE WEB SITE, THAT'S WHAT THE CLERK WILL DO. AND THAT IS, IN SUM, WHAT THIS BILL WILL DO. IT WILL CREATE A CERTIFIED COPY OF THE NEBRASKA CONSTITUTION AND IT WILL SERVE AS PRIMA FACIE EVIDENCE OF WHAT THE LAW PERTAINING TO THE CONSTITUTION IS AT THAT TIME. AND I COULD TOUCH ON THE COMMITTEE AMENDMENTS, BECAUSE THEY ARE JUST A COUPLE OF WORDS TO CLARIFY, LIKE GRAMMATICAL, AND IT MIGHT SAY THE TEXT OF THE CONSTITUTION INSTEAD OF JUST HAVING SUCH AND SUCH...WELL, I'LL LET THE CHAIRPERSON OF THE JUDICIARY COMMITTEE DO HIS JOB. THANK YOU. [LB686]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. AS THE CLERK INDICATED, THERE IS AN AMENDMENT FROM THE EXECUTIVE BOARD. SENATOR KRIST, AS CHAIR OF THE BOARD, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB686]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. GOOD AFTERNOON, NEBRASKA. AS SENATOR CHAMBERS STARTED TO ILLUMINATE THE SITUATION, THE AMENDMENT CLEARLY STATES THAT ON PAGE 2, LINES 21 AND 30, AND PAGE 3, LINE 21, BEFORE "CONSTITUTION," INSERT, AND I QUOTE, "TEXT OF THE," MEANING TEXT OF THE CONSTITUTION. IT IS SIMPLY A GRAMMATICAL CHANGE IN MY OPINION. BUT IT IS A CLARIFYING CHANGE AND NEEDS TO BE MADE TO THIS BILL. AND I THANK SENATOR CHAMBERS FOR BRINGING THIS TO THE EXEC BOARD. I BELIEVE THAT PEOPLE WILL HAVE A MORE USEABLE, MORE FUNCTIONAL CONSTITUTION IN THE FUTURE BY SEEING ALL THE PIECES AND PARTS PUT TOGETHER. AND I THANK HIM FOR BRINGING IT. AND I ASK YOU FOR A GREEN VOTE ON THE EXEC BOARD COMMITTEE AMENDMENT, AM1922, AND THE UNDERLYING LB686. [LB686]

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PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON LB686 AND THE AMENDMENT. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB686]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I STAND IN SUPPORT OF AM1922. I WONDER IF SENATOR CHAMBERS WOULD YIELD TO A QUESTION. [LB686]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB686]

SENATOR CHAMBERS: WARILY, YES. [LB686]

SENATOR BLOOMFIELD: SENATOR CHAMBERS, DO YOU HAVE 33 VOTES FOR THIS? [LB686]

SENATOR CHAMBERS: I HAVE 49 VOTES FOR THIS, PLUS SEVERAL OUTSIDE THE CHAMBER, IF THEY'LL BE ALLOWED. [LB686]

SENATOR BLOOMFIELD: (LAUGH) I JUST THOUGHT I'D ASK. THANK YOU, SENATOR. [LB686]

SENATOR CHAMBERS: (LAUGH) OKAY. [LB686]

SENATOR BLOOMFIELD: COLLEAGUES, I THINK THIS IS A GOOD IDEA. LET'S GET IT DONE. [LB686]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT, AM1922. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB686]

CLERK: 30 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB686]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. DEBATE IS NOW OPEN ON LB686 AS AMENDED. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE

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QUESTION IS THE ADVANCEMENT OF LB686 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB686]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB686. [LB686]

PRESIDENT FOLEY: LB686 ADVANCES. NEXT BILL, MR. CLERK. [LB686]

CLERK: MR. PRESIDENT, LB1098 IS A BILL BY SENATOR MORFELD. (READ TITLE.) IT WAS INTRODUCED ON JANUARY 20 OF THIS YEAR, REFERRED TO THE JUDICIARY COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. [LB1098]

PRESIDENT FOLEY: SENATOR MORFELD, YOU'RE RECOGNIZED TO OPEN ON LB1098. [LB1098]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. LB1098 WOULD INCREASE COURT FEES BY \$1, FROM \$5.25 TO \$6.25, TO PROVIDE ADDITIONAL FUNDING TO THE LEGAL AID AND SERVICES FUND. THE LEGAL AID AND SERVICES FUND WAS CREATED IN 1997, AND IT WORKS, AND IS ADMINISTERED BY THE COMMISSION ON PUBLIC ADVOCACY WHICH PROVIDES CIVIL LEGAL SERVICES FUNDING FOR ONLY NONPROFIT, QUALIFIED, CERTIFIED CIVIL LEGAL SERVICES PROVIDERS. EACH RECIPIENT OF FUNDING MUST PROVIDE FREE LEGAL SERVICES TO LOW-INCOME INDIVIDUALS, WHICH ARE 125 PERCENT BELOW THE FEDERAL POVERTY LINE. GRANT AWARDS ARE DISTRIBUTED STATEWIDE ANNUALLY BASED ON A COMPETITIVE PROCESS. THESE SERVICES INCLUDE REPRESENTATION IN VITAL AREAS OF BASIC NEEDS, INCLUDING FAMILY HOUSING, CONSUMER, CHILD WELFARE, EMPLOYMENT, AND PUBLIC BENEFITS LAW. THE FOLLOWING ENTITIES, AND THIS IS...THERE'S A LOT OF ENTITIES THAT RECEIVING FUNDING, SO THIS IS NOT LIMITED TO CATHOLIC CHARITIES, CENTRAL MEDIATION CENTER, CONCORD CENTER, CREIGHTON LEGAL CLINIC, LEGAL AID OF NEBRASKA, LUTHERAN FAMILY SERVICES, AND MANY OTHERS. THE LIST GOES ON. RECENT STUDIES OF LONG-TERM ECONOMIC IMPACT OF CIVIL LEGAL FEES FOR LOW-INCOME FAMILIES SHOW THAT FOR EVERY \$1 INVESTED IN LEGAL SERVICES THE COMMUNITY RECEIVES FROM \$4 TO \$10 IN IMMEDIATE AND LONG-TERM CONSEQUENTIAL FINANCIAL BENEFITS. THE REASON WHY WE'RE ASKING FOR THIS INCREASE IS BECAUSE COURT FILINGS HAVE BEEN DOWN IN RECENT YEARS, DUE TO THE USE OF ALTERNATIVE DISPUTE RESOLUTION AND OTHER DIFFERENT MEANS OF SETTLING THINGS OUTSIDE OF COURT. SO THERE

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HAS BEEN A DECREASE IN THE AMOUNT OF REVENUE AND THIS IS A VERY REASONABLE FEE INCREASE TO KEEP UP WITH THOSE SERVICES. RAISING THE LEGAL SERVICES FEE \$1 DOLLAR, TO \$6.25 PER COVER FILING, WOULD PROVIDE APPROXIMATELY \$400,000 TO \$450,000 IN ADDITIONAL ANNUAL FUNDING FOR THIS POOL OF FUNDING FOR THESE LOW-INCOME SERVICE PROVIDERS. THIS, IN TURN, WOULD GUARANTEE A SIGNIFICANT INCREASE IN THE AVAILABILITY OF FREE CIVIL LEGAL SERVICES FOR LOW-INCOME NEBRASKANS ACROSS THE STATE, HELPING MANY MORE FAMILIES STAY TOGETHER, GAIN SECURITY, AND REALIZE IMPORTANT OPPORTUNITIES TO BECOME SELF-SUFFICIENT. I WOULD LIKE TO THANK THE SPEAKER FOR MAKING THIS HIS PRIORITY BILL, AND THEN ALSO SENATOR KRIST FOR WORKING WITH ME TO LOOK AT A LONG-TERM SOLUTION WHICH I THINK HE'LL DISCUSS IN A MOMENT. PLEASE VOTE GREEN ON LB1098. THANK YOU. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. MR. CLERK. [LB1098]

CLERK: MR. PRESIDENT, SENATOR KRIST WOULD MOVE TO AMEND THE BILL WITH AM2452. (LEGISLATIVE JOURNAL PAGE 908.) [LB1098]

PRESIDENT FOLEY: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON AM2452. [LB1098]

SENATOR KRIST: THANK YOU AGAIN, MR. PRESIDENT. GOOD AFTERNOON AGAIN, COLLEAGUES. SENATOR MORFELD AND I HAVE HAD EXTENSIVE CONVERSATION OVER THE HABIT THAT PAST LEGISLATURES AND THIS LEGISLATURE HAVE GOTTEN INTO IN TERMS OF ADDING A DOLLAR HERE, A DOLLAR THERE, A FEE THERE, A FEE THERE, AND ALSO WHERE AND HOW THOSE FEES ARE USED. TO THAT END, BOTH OF US HAVE FILED LEGISLATIVE RESOLUTIONS FOR STUDY RESOLUTIONS IN THE INTERIM PERIOD TO ACTUALLY ANALYZE WHERE THOSE FEES ARE AND HOW THEY'RE BEING USED. THE ADMINISTRATIVE OFFICE OF THE COURTS AND THE ADMINISTRATOR, MR. COREY STEEL, ALSO AGREES. I'D LIKE TO READ INTO THE RECORD A NOTE FROM MR. STEEL, FULLY SUPPORTS AN INTERIM STUDY ON NEBRASKA COURT FEES. OVER THE YEARS, FEES HAVE BEEN ADDED TO OVERALL COURT COSTS FOR DIFFERENT PROGRAMS, AND WE HAVE NEVER REVIEWED THE ENTIRE FEE STRUCTURE. WE NEED A FULL REVIEW OF WHAT FEES ARE NEEDED AND WHICH ONES ARE NOT NEEDED OR OBSOLETE. I WOULD ALSO REQUEST THAT WE LOOK AT THE OVERALL FEE IN NEBRASKA COMPARED TO OTHER STATES AND HOW THEY FOUND OUT...AND HOW THEY USE THEIR COURT FEES. SO MANY OF YOU KNOW, BECAUSE YOU'VE SAT ON

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COMMITTEES...I KNOW SENATOR FRIESEN LOOKED AT MY CROSSWAYS ONE DAY WHEN I SAID, HEY, DO WE NEED THIS FEE THAT WE PUT ON ALL THESE NEW TIRES THAT WE BUY? AND I THINK HE WAS SKEPTICAL WHEN WE STARTED THE CONVERSATION AND AFTER WE GOT INTO THE CONVERSATION HE REALIZED, WOW, YEAH, WE DO. BUT WHAT ARE THOSE FEES GOING FOR AND HOW MANY OF THE COUNTIES ARE DRAWING DOWN ON THAT MONEY? AND DO THEY KNOW THAT THEY'RE THERE? AND ARE THEY PARTICIPATING IN THE PROGRAMS THAT THEY HAVE BEEN DESIGNED TO FUND? I THINK THE SAME THING IS HAPPENING WITH THE COURT FEES. SENATOR MORFELD IS ABSOLUTELY RIGHT, THERE ARE LESS COURT FILINGS IN THE STATE OF NEBRASKA. SO NOW WHAT WE HAVE I THINK IN SOME WAYS IS A TAX THAT IS GOING DOWN, AND IN FEE TAX I THINK YOU CAN ALMOST USE THE TERM INTERCHANGEABLY. AND THOSE FEES NEED TO BE ANALYZED IN TERMS OF WHERE THEY'RE GOING. THERE'S TWO AMENDMENTS FILED. ONE IS AM2452; THE OTHER ONE IS AM2451, I THINK. YES. I'M TALKING ABOUT AM2452 HERE FIRST, WHICH ESSENTIALLY MEANS THAT I WOULD NOT...I WOULD PROPOSE THAT WE NOT RAISE IT TO \$6 AND WE LEAVE IT AT...OH, SORRY, THAT WE...FROM \$5 TO \$6 IS WHAT WAY WE'D GO. AND I'M SAYING, NO, I DON'T THINK WE SHOULD DO THAT. I THINK WE SHOULD NOT TAKE FEES OR AN INCREASE OF FEES. THE SECOND ONE, WHICH I'LL SPEAK TO NOW AS WELL BECAUSE MY INTENTION IS TO WITHDRAW BOTH OF THEM BEFORE THIS DISCUSSION IS OVER, SAYING THE STATE TREASURER SHALL TRANSFER \$350,000 FROM A GENERAL FUND, FROM THE TECHNICAL FUND, CASH FUND THAT THE COURTS USE, TO KEEP UP WITH THEIR AUTOMATION. SO I THINK YOU CAN SEE, GONE UNCHECKED, WE HAD A DOLLAR HERE, A DOLLAR THERE, A MILLION HERE, A MILLION THERE. AND AS SENATOR GROENE WOULD SAY, THAT'S BIG MONEY SOMEDAY, HUH? WE NEED TO LOOK AT HOW THE COURT FEES ARE STRUCTURED. WE NEED TO LOOK TO MAKE SURE THAT WHEN WE CREATED A COMMISSION SEVERAL YEARS AGO...I DON'T KNOW IF YOU KNOW THIS. WE HAVE OUR OWN LITTLE LAW FIRM HERE IN NEBRASKA. THEY'RE SET UP AND FUNDED BY US TO HELP COUNTIES WHEN THEY GET THEMSELVES INTO A LOT OF TROUBLE. LET'S TAKE, FOR EXAMPLE, IN SENATOR SCHEER'S DISTRICT A FEW YEARS AGO WHEN THEY HAD TO PROSECUTE THE BANK ROBBERS, ALMOST DROVE MADISON COUNTY INTO BANKRUPTCY, I WOULD SAY. BUT THE POINT IS THEY COULD HAVE RELIED ON THE COMMISSION TO COME IN AND HELP THEM WITH THE FEE AND THE STRUCTURE. AND I WOULD PROPOSE THAT WE DON'T NEED ANOTHER LAW FIRM IN THIS STATE. WE NEED A CASH FUND TO HELP THOSE COUNTIES OUT AND WE NEED TO MAKE SURE THAT THE COUNTIES KNOW THAT THE MONEY IS THERE. YOU HEARD ME TALK ABOUT THOSE CASH FUNDS THAT ARE AVAILABLE ACROSS THE BOARD, AND IN SOME CASES THE COUNTIES DON'T KNOW THAT THEY'RE THERE. SO I INITIALLY STARTED OUT,

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AND I'VE TOLD SOME OF MY FRIENDS IN THE LOBBY, NO MORE FEES, LET'S NOT DO THIS. SENATOR MORFELD AND I HAVE AGREED THIS IS THE LINE IN THE SAND. I WILL SUPPORT THIS \$1 INCREASE IN COURT FILING FEES FOR THIS PARTICULAR PURPOSE. BUT I THINK, AS DOES THE CHIEF JUSTICE AND THE ADMINISTRATOR OF THE COURTS, THAT IT'S TIME TO LOOK AT THOSE FEES AND TIME TO FIGURE OUT WHERE THEY'RE GOING AND HOW EFFECTIVELY THEY'RE BEING SPENT. NOW YOU KNOW I TALK ABOUT THIS A LOT, AND I'M GOING TO SAY SOMETHING ABOUT IT AGAIN. IN 2009, WHEN WE HAD TO CUT A BILLION DOLLARS OUT OF THE BUDGET AND WHEN EVERYTHING WENT INTO THE TANK, WE WENT INTO EVERY ONE OF THESE CASH FUNDS AND STOLE THE MONEY BACK OUT OF THE CASH FUND. THAT'S NOT WHAT I THINK WE NEED TO DO WITH THESE CASH FUNDS. I THINK WE NEED TO MANAGE THE FUNDS CORRECTLY, WE NEED TO FUND THEM CORRECTLY, AND MAYBE THAT MEANS WHEN WE GO INTO THE TANK AGAIN, THAT WE'LL HAVE TO FIND SOMEPLACE ELSE TO FIND THE MONEY. BUT THE POINT IS IT DOES AFFECT THOSE PEOPLE THAT ARE FILING. I GET IT. I UNDERSTAND A DOLLAR HERE, A DOLLAR THERE ADDS UP. BUT I WOULD SAY THAT IN THE CASE OF THESE TWO AMENDMENTS, AM2452 AND AM2451, THEY ARE HERE FOR US TO HAVE A DISCUSSION ABOUT WHETHER OR NOT WE WANT TO CONTINUE TO RAISE FEES TO PAY FOR THIS. I WOULD LIKE TO WITHDRAW AM2452 AT THIS TIME. [LB1098]

PRESIDENT FOLEY: WITHOUT OBJECTION, THE AMENDMENT IS WITHDRAWN. [LB1098]

SENATOR KRIST: THANK YOU. [LB1098]

PRESIDENT FOLEY: MR. CLERK. [LB1098]

CLERK: AM2451, SENATOR KRIST. (LEGISLATIVE JOURNAL PAGE 908.) [LB1098]

PRESIDENT FOLEY: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON AM2451. [LB1098]

SENATOR KRIST: SO I'LL LEAVE AM2451 UP HERE FOR A LITTLE BIT FOR DISCUSSION PURPOSES. AND IF THERE IS NO DISCUSSION, THEN I INTEND TO WITHDRAW IT. BUT THE POINT IS, FOLKS, WE CAN'T KEEP RAISING FEES ARBITRARILY TO FUND EVEN THE BEST OF CAUSES--EVEN THE BEST OF CAUSES. WE HAVE TO MAKE SURE THAT WHEN WE PUT A FEE IN PLACE, IT'S GOING IN THE RIGHT PLACE AND IT IS FOR A GOOD PURPOSE AND WE'RE WATCHING HOW THE

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MONEY IS SPENT AND HOW THAT CASH FUND IS EXPENDED. THANK YOU, MR. PRESIDENT. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR COASH, YOU'RE RECOGNIZED. [LB1098]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WANTED TO TAKE THIS OPPORTUNITY TO TALK A LITTLE BIT ABOUT THE COURTS, HOW THEY'RE FUNDED, AND WHY I THINK THAT THE COURTS ARE A LITTLE BIT DIFFERENT THAN AN AGENCY OR A DIVISION THAT YOU MIGHT FIND WITH AN HHS, FOR EXAMPLE. WHEN WE'RE TALKING ABOUT THE COURTS, WE'RE NOT JUST TALKING ABOUT AN AGENCY, WE'RE TALKING ABOUT A WHOLE BRANCH OF GOVERNMENT. SENATOR KRIST MENTIONED IN 2009 WE HAD TO MAKE PRETTY STEEP CUTS. AND ONE OF THE PLACES THAT GOT CUT WAS...THAT INITIALLY WAS CUT WERE THE COURTS, BECAUSE THEY WERE VIEWED BY SOME AS JUST ANOTHER DEPARTMENT WHICH COULD DO...SHOULD BE ABLE TO DO THE SAME WITH LESS. BUT THIS BODY RIGHTLY REJECTED THE CUTS TO THE COURTS BECAUSE WE SAW IT AS NOT JUST A DEPARTMENT, BUT AS A FULL BRANCH OF GOVERNMENT THAT HAS A ROLE IN JUSTICE AND ACCESS TO JUSTICE THAT SHOULD BE AVAILABLE TO ALL CITIZENS. ONE OF THE THINGS THAT CONCERNS ME ABOUT RISING COURT COSTS IS WE START TO FIND OURSELVES IN A SITUATION WHERE ACCESS TO COURT BECOMES SOMETHING THAT IS ONLY ACCESSIBLE TO THOSE WITH MEANS TO ACCESS THE COURT. THE COURTS OUGHT TO HAVE THEIR DOORS OPEN TO WHOEVER NEEDS TO HAVE REDRESS BY THEM. AND OVER TIME, WHAT WE'VE SAID IS THE USERS OF THE COURT WILL HAVE TO PAY TO USE THE COURT. I DON'T DISAGREE THAT THERE OUGHT TO BE SOME OF THAT. BUT AS TIME GOES ON AND THESE FEES CONTINUE TO GO UP, WE HAVE TO ASK OURSELVES, ARE WE SHUTTING THE DOOR A LITTLE BIT? ARE WE CLOSING ACCESS BY RAISING THE FEES? COURT FILINGS ARE DOWN. SENATOR MORFELD TALKED ABOUT THAT. WE HAVE LESS PEOPLE ACCESSING THE COURTS, THEREFORE, WE HAVE LESS COURT FEES GOING INTO FUND THINGS LIKE AUTOMATION, WHAT SENATOR MORFELD IS TRYING TO FUND, SELF-/PRO SE LITIGANTS AND THEIR SUPPORT, TRANSLATION SERVICES. ALL OF THOSE THINGS ARE FUNDED RIGHT NOW WITH COURT FEES. AND AT SOME POINT THIS LEGISLATURE IS GOING TO HAVE TO HAVE A DISCUSSION ABOUT ARE WE GOING TO MAKE THE COURT PAY FOR ITSELF OR ARE WE GOING TO TREAT THE COURT LIKE A SEPARATE AND EQUAL BRANCH OF GOVERNMENT THAT NEEDS TO BE FULLY FUNDED IN ORDER TO FUNCTION. CONNECTED TO THIS DISCUSSION RELATES TO A BILL THAT I BELIEVE SENATOR MELLO AND SENATOR KOLTERMAN BROUGHT THIS YEAR BASED ON JUDGES' RETIREMENT.

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WE'VE MADE THE DECISION THAT JUDGES WILL FUND THEIR RETIREMENT THROUGH COURT FEES. I THINK THAT NEEDS TO BE PART OF THIS OVERALL DISCUSSION AND REVIEW THAT SENATOR KRIST AND SENATOR MORFELD ARE TALKING ABOUT AS WELL. SO, COLLEAGUES, AS YOU THINK ABOUT THIS BILL, THINK ABOUT HOW THIS WILL AFFECT YOUR CONSTITUENTS' ABILITY TO ACCESS A BRANCH OF GOVERNMENT, NOT JUST FUND A PART OF THAT BRANCH OF GOVERNMENT, BECAUSE THOSE TWO THINGS HAVE GOT TO BE PART OF THIS DISCUSSION TOGETHER. THEY'RE NOT SEPARATE ISSUES. SO I ENCOURAGE YOU TO, FOR THOSE OF YOU THAT WILL BE HERE NEXT YEAR, GET ENGAGED IN A STUDY, IF THAT'S WHAT SENATOR KRIST AND MORFELD WILL BE DOING, BECAUSE EVERY ONE OF US HAS COURTS IN OUR DISTRICTS, CITIZENS WE REPRESENT WHO NEED ACCESS TO THOSE COURTS. AND WE HAVE TO ANSWER THOSE QUESTIONS, AND A FULL-ON REVIEW IS WHERE THIS BILL SHOULD BE TAKING US. THANK YOU, MR. PRESIDENT. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR SEILER, YOU'RE RECOGNIZED. [LB1098]

SENATOR SEILER: MR. LIEUTENANT GOVERNOR, MEMBERS OF THE UNICAMERAL, I'D JUST LIKE TO SUPPORT OR SPEAK IN SUPPORT OF LB1098. WHEN THIS FIRST CAME ON, I HAD A CONFERENCE WITH THE CHIEF JUSTICE AND THE COURT SYSTEM PEOPLE, AND THEY WERE VERY MUCH AGAINST THIS. BUT WE WERE ABLE TO TALK THROUGH IT AND THEY WITHDREW THEIR OBJECTIONS. SO WHEN I WAS...VOTED AGAINST IT COMING OUT OF COMMITTEE, THAT'S WHY. I JUST THOUGHT I'D TELL THE MEMBERS WHY I WAS AGAINST IT. BUT NOW THAT THE SUPREME COURT HAS COME AROUND AND IS NOT IN FAVOR PUBLICLY BUT HAS WITHDRAWN THEIR OBJECTIONS, WE'RE GOING TO...I'M GOING TO ASK YOU TO VOTE GREEN ON THIS BILL. THANK YOU. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB1098]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. AND I CERTAINLY RISE IN SUPPORT OF LB1098 AND THANK SENATOR MORFELD FOR BRINGING THIS LEGISLATION. AND I REALLY APPRECIATE HOW SENATOR COASH AND OTHERS HAVE TALKED ABOUT HOW WE NEED TO ADDRESS THE BIG-PICTURE ISSUE HERE. AND I THINK IT IS IMPORTANT THAT WE THINK ABOUT HOW THE JUDICIAL SYSTEM AS A SEPARATE BRANCH OF GOVERNMENT IS FUNDED. AND AGAIN, I APPRECIATE SENATOR KRIST'S

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COMMENTS ON THE FEE STRUCTURE AND HOW WE CONTINUE TO JUST ADD FEES SOMETIMES AND DO THAT. AND I WOULD CLEARLY SUPPORT AND INTEND TO BE INVOLVED WITH, IF POSSIBLE, A STUDY THAT WOULD LOOK AT HOW WE ADDRESS THIS WHOLE ISSUE GOING FORWARD. THE PROBLEM WE HAVE IS WE HAVE A PROBLEM TODAY THAT ISN'T GOING TO BE FIXED WITH AN INTERIM STUDY, THAT WE HAVE THOSE PEOPLE THAT WE HAVE TERMED AND CALLED THE MOST VULNERABLE THAT DON'T HAVE ACCESS TO OUR COURT SYSTEM WITHOUT USING SOURCES LIKE LEGAL AID. AND LEGAL AID PROVIDES A WONDERFUL SERVICE ACROSS OUR STATE, AND THE WAY WE HAVE FUNDED IT BEFORE IS THROUGH THE USE OF THESE FEES. IN MY HEART OF HEARTS, I DO NOT BELIEVE THAT A \$1 INCREASE IN THIS FEE IS GOING TO DENY ACCESS TO THE COURT SYSTEM TO ANYONE. I THINK THAT IS A REASONABLE INCREASE, VERY SMALL INCREASE. AND WHEN WE LOOK AT WHERE THAT INCREASE IS GOING TO GO AND HOW IT HELPS THESE VULNERABLE PEOPLE, I THINK THAT'S SOMETHING THAT WE SHOULD AND CAN DO, AND THEN MOVE FORWARD, LONG TERM, WITH A STUDY THAT REVIEWS HOW WE FUND THE COURT SYSTEM OVERALL IN OUR STATE. SO WITH THAT, I WOULD ENCOURAGE YOU TO VOTE GREEN ON LB1098. THANK YOU, MR. PRESIDENT. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1098]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, SINCE WE'RE TALKING ABOUT COURTS, I'LL USE LANGUAGE OF THE COURTS. I CONCUR WITH WHAT SENATOR COASH SAID ABOUT THE COURTS. FOR YEARS I HAVE MAINTAINED THAT WE SHOULD FUND THE COURTS FROM THE GENERAL FUND, LIKE WE FUND EVERY BRANCH OF GOVERNMENT. THE GOVERNOR DOESN'T HAVE TO GO OUT AND HAVE PEOPLE CUT GRASS AND MAKE MONEY TO FUND THE EXECUTIVE DEPARTMENT AND TO...ALTHOUGH WE TRAVEL CHEAP IN THE LEGISLATURE, WE'RE FUNDED FROM THE GENERAL FUND. WE DON'T GET A PER-BILL FEE THAT IS PAID EITHER FOR INTRODUCING OR NOT INTRODUCING IT. I HAVE BEEN WHAT HAS BEEN REFERRED TO AS THE WATCHDOG OF COURT COSTS AND FEE INCREASES. I'VE OPPOSED PRACTICALLY EVERY ONE. THE COURTS KNOW IT, EVERY CHIEF JUSTICE HAS KNOWN IT, AND MOST OF THE SENATORS WHO ARE ON THE JUDICIARY COMMITTEE FIND OUT ABOUT THAT. THIS WAS ONE OF THOSE FEES WHEN THE ONES BRINGING THE BILL CONCEIVED OF IT, THEY THOUGHT THAT I'D BE THE BIGGEST OBSTACLE. AND AT FIRST BLUSH I WAS. BUT AFTER I BECAME AWARE OF WHAT THE FEE WAS GOING TO FUND, I AGREED TO IT. BUT IT WILL BE GOOD TO HAVE THAT STUDY. SO IT WOULD BE LIKE...WELL, SENATOR McCOLLISTER, LET'S SAY WE GOT

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A CRITTER WHO CAME HERE FROM ANOTHER PLANET, AND THAT CRITTER CAN EVOLVE ON AN INSTANT TO MEET WHATEVER ARISES. THEY DON'T HAVE VERMIN ON THEIR PLANET. BUT WHEN IT CAME HERE, IT WAS BITTEN BY A MOSQUITO AND GREW AN ARM AND SWATTED AND SCRATCHED THE MOSQUITO, THEN A FLEA, AND THEN PRETTY SOON LITTLE VERMIN THAT STARTED FEASTING AND BROWSING AND GRAZING ON ITS BODY. SO THAT CREATURE CAME TO SENATOR McCOLLISTER AND I AND ASKED, WHAT SHOULD WE DO? AND SENATOR McCOLLISTER AND I THOUGHT ABOUT IT AND WE SAID, LOOK, INSTEAD OF GROWING ALL THESE ARMS AND A NEW ONE EACH TIME YOU GET ANOTHER ITCH, WHY DON'T YOU TAKE YOUR WHOLE BODY AND WE'RE GOING TO PUT A NICE, WARM, SOAPY BATH TOGETHER, WE'RE GOING TO WASH ALL THE VERMIN OFF, PUT YOU ON YOUR SPACESHIP, AND SEND YOU BACK HOME AND THEY'LL RECOGNIZE YOU. SO INSTEAD OF GIVING THE COURT SYSTEM A NEW ARM TO SCRATCH EVERY ITCH--BY MEANS OF A FEE--WE SHOULD LOOK AT THE OVERALL FUNDING. ONE THING THAT I HAVE OBJECTED TO BUT NOT TO THE POINT OF TRYING TO CHANGE IT: IF YOU GET A TICKET, YOU CAN SIGN IT AND SIGN A WAIVER. AND IF THERE ARE NO POINTS INVOLVED, YOU CAN JUST AGREE THAT YOU'LL PLEAD, IN EFFECT, GUILTY, AND PAY. THE COURT COST IS INCLUDED IN THAT FEE THAT YOU PAY, EVEN THOUGH YOU DIDN'T GO TO COURT. IT DOES NOT COST AS MUCH AS THAT COURT COST ON THAT TICKET THAT YOU PAY TO PROCESS THAT PIECE OF PAPER. BUT THEY ARE IN A SITUATION WHERE THEY HAVE TO BEG WITH A TIN CUP AND IT RESULTS IN WHAT SOME PEOPLE VIEW AS "CASH REGISTER" JUSTICE. WHEN YOU SAY, FOR EXAMPLE, THAT THE AMOUNT PAID INTO THE JUDGES' RETIREMENT WILL BE BASED ON COURT COSTS, THEN THERE IS AN INCENTIVE TO PUT A PRICE ON ACCESS TO THE COURTS, AS SENATOR COASH POINTED OUT, AND I THINK THAT SHOULD NOT BE DONE. SO FROM THE STUDY, I HOPE WE WILL COME UP WITH SOMETHING THAT IS RATIONAL, SYSTEMATIC, AND PREDICTABLE. BUT I ASSURED THE CHIEF JUSTICE AND EVERYBODY ELSE, THE FEES THAT ARE CHARGED IN THIS STATE WILL BE NOWHERE NEAR THOSE IN OTHER STATES. THEIRS SKYROCKETED BECAUSE THEY HAD NOBODY LIKE ME WATCHING THEM. THAT'S NOT A BOAST. BUT IF YOU HAVE AN AGENCY WHERE NOBODY IS PROVIDING OVERSIGHT, THERE WILL BE NONE GIVEN AND THINGS WILL GET OUT OF CONTROL. THANK YOU, MR. PRESIDENT. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1098]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, I LISTENED TO SENATOR KRIST, AND HE DREW A LINE IN THE SAND AND SAID NO MORE

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INCREASES. WELL, WHAT'S THAT WORTH? YOU KNOW, EVERY TWO YEARS WE LOSE A BUNCH OF PEOPLE, AND THAT'S GOOD FOR ABOUT, YOU KNOW, THREE, FOUR MORE YEARS, AND THEN GOT A WHOLE NEW GROUP IN HERE. AND THEY GET LOOKING AT IT. AND THEY THROW A DOLLAR ON. I KNOW IT'S JUST A DOLLAR. AND YOU KNOW, WHAT, I JUST THOUGHT OF SOMETHING. WE GOT A WHOLE BOATLOAD OF MONEY IN THAT HEALTH CARE FUND. IT'S NOT GOING ANYWHERE, AT LEAST ACCORDING TO WHAT WE VOTED ON THIS MORNING. MAYBE WE TAKE A LITTLE CHUNK OF THAT AND MAYBE TAKE A FEW MILLION DOLLARS OUT OF THAT AND PUT IT TOWARD THIS. YOU KNOW, SENATOR COASH WAS RIGHT: IF THIS IS SOMETHING THAT WE...THAT IS IMPORTANT, THEN WE SHOULD FUND IT. AND, YOU KNOW, I DON'T LIKE TO ARGUE WITH SENATOR COASH. SO, YOU KNOW, I'M JUST HAVING TROUBLE. YOU KNOW, I'M NOT SURE, YOU KNOW, WHERE I'M GOING TO GO. AND REALLY, I'M NOT GOING TO VOTE FOR IT ON THIS FIRST ROUND. I JUST KNOW THAT WHEN WE DRAW A LINE IN THE SAND, THAT'S LIKE GOING TO THE BEACH AND DRAWING A LINE ON THE SAND. HOW LONG IS THAT GOING TO LAST? WELL, A BREEZE COMES BY, YOUR LINE IS GONE; THE TIDE COMES IN, YOUR LINE IS GONE. THAT DOESN'T MEAN ANYTHING. WE'RE NOT DRAWING A LINE IN THE SAND. AS MUCH AS WE WANT TO, AS MUCH AS WE HOPE TO, THAT IS ABSOLUTELY NOT ENFORCEABLE. AND IT'S ONLY GOING TO LAST UNTIL SOMEONE GETS ANOTHER GOOD IDEA TO COME AND CHARGE PEOPLE MORE MONEY, BECAUSE THEY'RE SOMEHOW IN THE COURT SYSTEM OR THEY HAVE TO FILE SOMETHING OR THEY HAVE TO USE THE COURT SYSTEM TO GET SOMETHING. AND I DON'T KNOW WHERE IT STOPS. BUT I'M KIND OF THINKING THIS MIGHT BE A GOOD PLACE TO START STOPPING IT, RIGHT HERE. AND IF WE HAVE PLENTY OF CASH FUNDS SITTING AROUND IN THE STATE AND THIS IS SOMETHING IMPORTANT, THEN MAYBE WE PULL SOME MONEY OUT OF A...ONE OF THE CASH FUNDS THAT'S SOLVENT AND HAS PLENTY OF MONEY. AND IF IT'S SOMETHING IMPORTANT, AS WE'RE SAYING, WE'RE BEING TOLD IT IS, THEN MAYBE THAT'S WHERE WE SHOULD GET THE MONEY. SO I'M NOT QUITE THERE TO VOTE FOR THIS YET. I'LL LISTEN. BUT AT THIS POINT, I REALLY AM NOT IMPRESSED WITH A LINE IN THE SAND AT THIS ONE. EVEN WITH THE BEST OF INTENTIONS WE JUST CAN'T MAKE IT MEAN VERY MUCH. AND I DON'T WANT TO NICKEL AND DIME OUR WAY TO PROSPERITY HERE. THANK YOU, MR. PRESIDENT. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB1098]

SENATOR McCOLLISTER: WAIVE. [LB1098]

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PRESIDENT FOLEY: HE WAIVES THE OPPORTUNITY. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1098]

SENATOR GROENE: (RECORDER MALFUNCTION)...PRESIDENT. SENATOR MORFELD, WOULD YOU ANSWER A QUESTION? [LB1098]

PRESIDENT FOLEY: SENATOR MORFELD, WOULD YOU YIELD, PLEASE? [LB1098]

SENATOR MORFELD: YES, I WILL. [LB1098]

SENATOR GROENE: WOULD YOU EDUCATE ME, WHICH COURT CASES ARE INVOLVED HERE? IS THIS TRAFFIC COURT? CRIMINAL COURT? EVERY COURT? OR IS IT CIVIL COURT? [LB1098]

SENATOR MORFELD: JUST CIVIL COURT, IS MY UNDERSTANDING, BUT I'LL DOUBLE-CHECK ON THAT, SENATOR. [LB1098]

SENATOR GROENE: SO YOU THINK IT'S JUST CIVIL...IT'S NOT... [LB1098]

SENATOR MORFELD: IT'S NOT CRIMINAL BECAUSE YOU DON'T HAVE TO FILE ANY FEE IN CRIMINAL COURT BECAUSE THAT'S SOMETHING A PROSECUTOR DOES. [LB1098]

SENATOR GROENE: AND IT'S NOT THE CLAIMS COURT WHERE SOMEBODY SUES OVER NOT PAYING THEIR BILL OR... [LB1098]

SENATOR MORFELD: I BELIEVE THAT'S CONSIDERED CIVIL COURT. SO THAT WOULD BE CONSIDERED...THAT WOULD BE A FILING FEE HERE. [LB1098]

SENATOR GROENE: AND THEN THIS IS BESIDES THE \$40, OR WHATEVER IT IS, THE FEE, THE COURT FEE TO OPERATE THE COURTS? [LB1098]

SENATOR MORFELD: I'LL HAVE TO LOOK AT THE FEE TO OPERATE THE COURTS, BUT THIS IS EITHER A PART OF IT...BUT \$6...RIGHT NOW, OF THE COURT FEES, \$5.25 IS ALLOCATED TO THE LEGAL SERVICES AND FUNDS. [LB1098]

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SENATOR GROENE: THANK YOU. THAT ANSWERED THE OTHER QUESTION I HAD. IT DOESN'T MAKE IT CLEAR HERE THAT THE ORIGINAL \$5.25 GO TO THE SAME PURPOSE OF THE PUBLIC ADVOCACY. SO THANK YOU. SO WE'RE UP TO ABOUT...IT WAS...AT THE \$5.25, THEY'RE COLLECTING ABOUT \$1.9 MILLION NOW. THIS WILL PUT IT UP TO, WELL, WHAT IS THAT? ANOTHER 20 PERCENT, SO IT'S ABOUT \$2.2 MILLION OR SO FOR...I'M ASSUMING IT'S LIKE A PUBLIC DEFENDER, BUT IT'S IN CIVIL COURT. YOU KNOW, WHEN...I'M ON THE RETIREMENT COMMITTEE AND WE TRIED TO RAISE THE FEES A LITTLE BIT AT THE COURTS TO FUND THE RETIREMENT. YOU KNOW, YOU USE IT--I'M A FIRM BELIEVER IN USER FEES, THAT'S WHY I SUPPORTED THE PARK FEE INCREASE--YOU USE IT, YOU PAY FOR IT. BUT WE COULDN'T GET THAT THROUGH. SO THE GENERAL FUND HAD TO FORK OVER THE MONEY TO KEEP THE JUDGES' RETIREMENT WHOLE. I'M NOT SO SURE I LIKE THIS BILL. LIKE SENATOR KINTNER SAID, IT...I'M NOT PAYING IT. THAT'S GOOD NEWS. MY FAMILY IS NOT PAYING IT. WE DON'T SUE A LOT OF PEOPLE. SO IT'S JUST YOU KEEP TACKLING ON FEES. AND THEN IF WE TACK ON ONE HERE, CAN WE TACK ON...WILL IT TAKE AWAY OUR OPPORTUNITY TO TACK A DOLLAR OR TWO ON THE COURT FEES IN THE FUTURE TO KEEP...CONTINUE TO PAY THE COST OF OUR COURTS THROUGH FEES? IT'S LIKE ROBBING PETER TO PAY PAUL. AND IT'S ALL ADDED TOGETHER. WHEN THE PERSON IS DONE PAYING THE TOTAL FEES, THEY DON'T CARE, THEY JUST WRITE A CHECK FOR THE FEES. SO I DON'T KNOW IF THIS IS NECESSARY, YOU KNOW, BECAUSE A LOT OF PEOPLE, REMEMBER, NOT EVERYBODY IS GETTING A PUBLIC DEFENDER OR PUBLIC ADVOCACY. MOST PEOPLE SHOW UP IN THAT COURT, THEY PAID FOR THEIR OWN LAWYER OR THEY SHOW UP WITHOUT A LAWYER AND THEY DEFEND THEMSELVES. SO THIS IS A TAX ON THOSE FOLKS TOO. IT ISN'T LIKE EVERYBODY SHOWS UP IN THAT COURT AND SAYS, WELL, I DON'T HAVE A LAWYER. MOST PEOPLE DO AND NOW YOU'RE PUTTING A TAX ON THOSE FOLKS BESIDES THEM PAYING THEIR OWN LEGAL FEES. BUT THAT'S KIND OF THE WAY OUR COUNTRY RUNS NOWADAYS. THANK YOU. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR COASH, YOU'RE RECOGNIZED. [LB1098]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, I WOULD JUST...IN CASE YOU'RE WONDERING HOW MANY...HOW MUCH THIS WOULD BRING IN IF ENACTED INTO LAW, LOOK AT YOUR FISCAL NOTE: IT'S ABOUT \$355,000. LET ME SAY THIS, A \$1 FEE, AS PROPOSED IN LB1098, MAY BE NEEDED, OR IT MAY NOT. A REVIEW OF ALL COURT FEES MAY REVEAL THAT THIS PARTICULAR FEE IS TOO HIGH, A DIFFERENT COURT FEE IS TOO LOW. AND IF WE ENACT LB1098 IN TODAY, WE MAY BE COMING BACK--I WON'T BE--SOME OF YOU MAY BE COMING BACK IN

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A COUPLE YEARS AND SAYING, OH, WE GOT IT WRONG BACK IN 2016, WE INCREASED A FEE THAT DIDN'T NEED TO BE INCREASED, BUT NOW WE NEED TO INCREASE THIS FEE. WE DON'T KNOW. THE COURT HAS ADMITTED THEY DON'T KNOW. THIS LEGISLATURE HAS EEKED ALONG WITH REGARD TO COURT FEES AS LONG AS I'VE BEEN HERE. AND I'VE SEEN EVERY SINGLE KIND OF ITERATION OF FUNDING THE COURTS. I'VE SEEN A MOVING OF THE FEE. I'VE SEEN GENERAL FUND APPROPRIATION. THREE YEARS AGO, WE TOOK A BUNCH OF MONEY OUT OF THE PUBLIC ADVOCACY FUND, I BELIEVE, AND STUCK IT OVER INTO COURT APPOINTED SPECIAL ADVOCATES. SO WE SEE A NEED, WE GRAB IT; WE TRY TO ADDRESS IT BY GRABBING IT FROM SOMEPLACE ELSE. WE'RE GOING ALONG TO GET ALONG AND YEAR BY YEAR WE TRY TO MAKE THE BEST DECISIONS WE CAN. WE HAVE DIFFERENT SENATORS, AS IS THEIR PREROGATIVE, COME IN AND SAY, WELL, HERE IS THE SOLUTION, I'M GOING TO INCREASE THIS FEE. DIFFERENT SENATOR COMES IN AND SAYS, WELL, I'M GOING TO GRAB SOME CASH FUNDS FROM THIS AREA AND PUT IT OVER HERE BECAUSE I THINK THAT'S A PRIORITY. THE "GRIM REAPER" BACK THERE, SENATOR MELLO, COMES BACK AND SAYS, YOU'RE GRABBING ALL MY...ALL THE BUDGET MONEY AND NOW I GOT TO FIND GENERAL FUND MONEY TO FUND JUDGES' RETIREMENT. IT'S THAT PIECEMEAL APPROACH, COLLEAGUES, THAT HAS GOT US TO WHERE SENATOR MORFELD FEELS COMPELLED TO BRING LB1098, BECAUSE WE DON'T HAVE A PLAN. WE DON'T HAVE A STRATEGIC WAY OF PLANNING FOR THE NEEDS OF OUR COURT SYSTEM. WE EEK ALONG, SESSION BY SESSION, YEAR BY YEAR, WITHOUT A REAL UNDERSTANDING OF WHAT IT TAKES TO RUN THESE COURTS, THE DIFFERENT FACTIONS. AND A ONE-SIZE APPROACH CERTAINLY HAS NOT BEEN SHOWN TO FIT ALL, BECAUSE YOU TALK ABOUT A COURT IN SENATOR STINNER'S DISTRICT, YOU'RE TALKING ABOUT A JUDGE WHO IS TRAVELING QUITE A WAYS, SHOWING UP IN A PARTICULAR COURTROOM NOT EVERY DAY, BUT ONCE A WEEK, ONCE A MONTH. THEN WE HAVE THE PHENOMENON OF A REDUCED ACCESS TO THE COURTS IN SOME AREAS. FILINGS HAVE GONE DOWN. THIS REMINDS ME OF THE GAS TAX DEBATE. WE THOUGHT WE COULD FUND ROADS THROUGH A GAS TAX. WELL, THAT WORKS UNTIL CARS GET BETTER BUILT AND WE HAVE MORE BANG FOR OUR BUCK WITH OUR MILEAGE, SO, LESS PEOPLE BUYING GAS, MORE PEOPLE USING THE ROADS, WE GET IN A HOLE. I THINK THAT'S WHAT WE'RE STARTING TO SEE WITH OUR WHOLE COURT SYSTEM. WHAT I WOULD SAY TO YOU IS THIS. [LB1098]

PRESIDENT FOLEY: ONE MINUTE. [LB1098]

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SENATOR COASH: LB1098 MAY BE NEEDED, BUT IT MAY NOT. THIS BILL CAN WAIT UNTIL WE'VE GOT A COMPREHENSIVE VIEW OF WHAT OUR COURTS NEED. THANK YOU, MR. PRESIDENT. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB1098]

SENATOR BRASCH: THANK YOU, MR. LIEUTENANT GOVERNOR. AND THANK YOU, COLLEAGUES. I WILL BE VERY BRIEF BY REQUEST. I KNOW YOU'VE HEARD ENOUGH FROM ME TODAY. I DON'T KNOW WHAT THE HURRY HERE IS TO INCREASE THIS FEE, ESPECIALLY IN LIGHT OF SENATOR KRIST, BOTH AMENDMENTS, SAYING THAT WE NEED TO STUDY FEES. AND I ABSOLUTELY AGREE WITH THAT. AND I THINK WE DO THE STUDY. AND I BELIEVE THAT'S WHAT SENATOR COASH WAS SAYING. AND THEN WE COME BACK TO LOOK AT THIS AND ALL FEES. THIS IS OF PARTICULAR INTEREST TO ME. AND IN A NUTSHELL, LAST YEAR WE HAD LB338 WHICH LOOKED AT DOCKET FEES. IT DIDN'T MAKE IT OUT OF COMMITTEE. BUT WHEN WE'RE TALKING ABOUT FEES, INDIVIDUALS WHO ARE MARRIED AND ARE IN A DISPUTE OVER CHILD CUSTODY AND DIFFERENT PARENTING ITEMS, IF YOU'RE MARRIED, YOU PAY A DOCKET FEE; AND IF YOU ARE INDIGENT AND THERE IS A SITUATION WHERE YOU CANNOT PAY, THERE IS THE PARENTING ACT WHICH COVERS THAT. BUT BEING MARRIED AND A PARENT, YOU MUST PAY THIS FEE. HOWEVER, IF YOU'RE A PARENT, NEVER MARRIED, NEVER MARRIED BY CHOICE BUT RAISING CHILDREN, THE FEE IS NOT ASSIGNED TO YOU. THE DOCKET FEE IS AN AUTOMATICALLY GIVEN FACT THAT YOU DON'T OWE THAT DOCKET FEE. SO, NOT TO GO DEEP INTO IT, WE DO NEED TO LOOK AT FEES. WE NEED TO LOOK CAREFULLY AT FEES AND SEE WHO WE'RE CHARGING, WHAT WE'RE CHARGING. AND EVEN THOUGH THIS IS A SMALL AMOUNT, IT...SMALL AMOUNTS DO ADD UP. THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. [LB1098 LB338]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB1098]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. WOULD SENATOR MORFELD YIELD TO A QUESTION? [LB1098]

PRESIDENT FOLEY: SENATOR MORFELD, WOULD YOU YIELD, PLEASE? [LB1098]

SENATOR MORFELD: YES. [LB1098]

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SENATOR SCHUMACHER: SENATOR MORFELD, IT ONLY LOOKS LIKE 11 LINES LONG. I WAS KIND OF WOKE UP A LITTLE BIT WHEN SENATOR GROENE ASKED YOU SOME QUESTIONS WHETHER OR NOT...AS TO WHAT CASES THIS WOULD APPLY TO. WOULD YOU READ LINES 3 THROUGH 12 OF YOUR BILL? [LB1098]

SENATOR MORFELD: YES. THE ENTIRE AMOUNT? [LB1098]

SENATOR SCHUMACHER: YEAH. IT'S ONLY A COUPLE OF LINES. [LB1098]

SENATOR MORFELD: "A LEGAL SERVICES FEE OF SIX DOLLARS," WHICH IS THE AMENDED PART, "AND TWENTY-FIVE CENTS SHALL BE TAXED AS COSTS IN EACH CASE FILED IN THE (SIC--EACH) SEPARATE JUVENILE COURT AND DISTRICT COURT, INCLUDING APPEALS TO SUCH COURTS, AND ON EACH CASE FILED IN EACH COUNTY COURT EXCEPT THOSE FILED IN COUNTY COURT PURSUANT TO ITS JURISDICTION UNDER SECTION 25-2802. A LEGAL SERVICES FEE OF SIX DOLLARS AND TWENTY-FIVE CENTS SHALL BE TAXED AS COSTS FOR AN (SIC--EACH) APPEAL AND ORIGINAL ACTION FILED IN THE COURT OF APPEALS AND THE SUPREME COURT. SUCH FEES SHALL BE REMITTED TO THE STATE TREASURER ON FORMS PRESCRIBED BY THE STATE TREASURER WITHIN TEN DAYS AFTER THE CLOSE OF EACH MONTH FOR CREDIT TO THE LEGAL AID AND SERVICES FUND." [LB1098]

SENATOR SCHUMACHER: SENATOR, WHAT IS 25-2802 RATHER? [LB1098]

SENATOR MORFELD: I WOULD HAVE TO LOOK THAT UP. [LB1098]

SENATOR SCHUMACHER: WOULD YOU HAVE ANY DISAGREEMENT IF THAT WAS A SMALL CLAIMS COURT? [LB1098]

SENATOR MORFELD: I DON'T HAVE ANY BASIS TO DISAGREE WITH THAT. [LB1098]

SENATOR SCHUMACHER: OKAY. SO WHAT THIS IS SAYING IS THAT EVERY CASE FILED, WITH THE EXCEPTION OF 25-2802, IS CHARGED THIS FEE. THAT WOULD INCLUDE TRAFFIC TICKETS, WOULD IT NOT? [LB1098]

SENATOR MORFELD: YES, I BELIEVE SO. [LB1098]

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SENATOR SCHUMACHER: OKAY. SO IT WOULD INCLUDE DIVORCE ACTIONS.
[LB1098]

SENATOR MORFELD: CORRECT. [LB1098]

SENATOR SCHUMACHER: RIGHT. IT WOULD INCLUDE EVERY KIND OF CASE WITH THAT POSSIBLE ONE EXCEPTION OF, I BELIEVE, A SMALL-CLAIMS CASE. SO IT DOES INCLUDE EVERY CASE, UNLIKE WHAT SENATOR GROENE WAS TOLD.
[LB1098]

SENATOR MORFELD: SENATOR GROENE BROUGHT UP CRIMINAL CASES. I GUESS FOR TRAFFIC TICKETS AND OTHER THINGS LIKE THAT, I SUPPOSE THAT COULD BE CONSIDERED,... [LB1098]

SENATOR SCHUMACHER: WELL, IT'S... [LB1098]

SENATOR MORFELD: ...AND THEN ALSO APPEALS, SO I GUESS THAT'S CORRECT. THANK YOU FOR CORRECTING THE RECORD. [LB1098]

SENATOR SCHUMACHER: CRIMINAL CASES ARE FILED IN THE COUNTY COURT, OR SOME OF THEM IN DISTRICT COURT. [LB1098]

SENATOR MORFELD: TRUE. [LB1098]

SENATOR SCHUMACHER: BUT THEY'RE ALL FILED IN ONE OR THE OTHER.
[LB1098]

SENATOR MORFELD: YES. I APPRECIATE THE CORRECTION. [LB1098]

SENATOR SCHUMACHER: OKAY. THANK YOU, SENATOR MORFELD. JUST WANTED TO CLARIFY THAT THIS IS ON EVERY CASE AND IT IS A FEE. AND IT MAY BE THAT LEGAL AID IS A WORTHY CAUSE IN CASES WHERE PEOPLE HAVE A DISAGREEMENT WITH THEIR LANDLORD OR HAVE A DIVORCE ACTION WHERE THEY CAN'T GET HELP OR HAVE A CONSERVATOR OR GUARDIANSHIP ACTION AND HAVE NO MONEY OR ANY NUMBER OF OTHER NEED FOR LEGAL ASSISTANCE IN SOME TYPE OF FREE LEGAL HELP. IT'S ODD THAT WE WOULD BE DOING THIS TODAY AFTER TURNING DOWN FREE MEDICAL HELP THIS MORNING.

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THIS IS PART OF THE FRUSTRATION THAT I THINK IS PERVADING IN THE ROOM. THERE IS A LOT OF FREE STUFF GOING AROUND. AND THERE IS A SENTIMENT BY THE PEOPLE WHO ARE PAYING IT--IN THIS CASE, TRAFFIC TICKETS AND OTHER TYPE OF SMALL ORDINANCE VIOLATIONS THAT ARE INCLUDED IN HERE--THAT THERE IS SOMETHING WRONG WITH THE SYSTEM. AND THERE MAY BE. I JUST WISH WE WERE SMART ENOUGH TO FIGURE OUT HOW TO DO IT ANY BETTER WAY. THANK YOU. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE ON AM2451. [LB1098]

SENATOR KRIST: WELL, I WAS JUST REMINDED BY A COLLEAGUE FRIEND, WHAT BETTER WAY IS THERE TO CELEBRATE YOUR BIRTHDAY THAN BE HERE WITH YOU ALL? (LAUGHTER) CAN'T IMAGINE ANY PLACE BETTER TO BE. I WOULD LIKE TO CLOSE BY SIMPLY SAYING THAT THIS IS A WORTHY CAUSE. THIS IS A NECESSITY, I THINK, FOR...THAT WE HAVE TO PROVIDE FOR LEGAL AID TO THOSE WHO CANNOT AFFORD, AND THIS IS WHERE THIS MONEY COMES FROM. I WOULD ALSO EMPHASIZE THE SUPREME COURT AND THE ADMINISTRATOR OF THE COURT IS CONCERNED THAT THE ADD-ON HERE OR ADD-ON THERE IS NOT BEING MANAGED CORRECTLY, AS AM I, AS IS SENATOR MORFELD. AS FAR AS DRAWING A LINE IN THE SAND, WE INHERITED THIS TERM LIMIT ENVIRONMENT THAT WE ARE LIVING IN. ALL WE CAN DO ON ANY GIVEN DAY IS WHAT WE CAN DO. IF THAT MEANS TRACKING SUNSETS AND MAKING SURE THAT WE'RE NOT SPENDING MONEY THAT WE SHOULDN'T SPEND, IF THAT MEANS GOING INTO A COMMITTEE AND BEING LAUGHED OUT OF IT BECAUSE YOU WANT TO REDUCE THE TIRE FEE THAT WAS INITIATED YEARS AND YEARS AGO--AND THEN, WHEN YOU START TALKING ABOUT IT, PEOPLE REALIZE, WOW, THIS IS \$1 OR \$2 OR \$3 BUT IT ALL ADDS UP--I THINK THAT'S OUR OBLIGATION IS TO BRING THIS FORWARD AND SAY THIS IS IT. WE KNOW THERE IS A NECESSITY TO RUN GOVERNMENT. IT IS GOVERNMENT'S CHIEF GOAL, CHIEF OBJECTIVE, TO PROVIDE FOR LACK OF CHAOS AND TO PROVIDE FOR THOSE THINGS THAT OUR CITIZENS NEED ON A DAILY BASIS, AND IN SOME CASES WE NEED TO PAY FOR THEM. AND LEGAL REPRESENTATION, IN MY ESTIMATION, COMES RIGHT, IN MY PRIORITY LIST, RIGHT BELOW TAKING CARE OF KIDS, ALL KINDS OF KIDS. I TOLD YOU I WAS GOING TO WITHDRAW AM2451 AND I AM. I WOULD LIKE TO HAVE A CLEAN UP OR DOWN VOTE ON LB1098. I WOULD LIKE TO MAKE MY INTENTIONS KNOWN. FOR THE NEXT TWO YEARS MY LINE HAS BEEN DRAWN. AND IF I'M NOT MISTAKEN, SENATOR KINTNER HAS GOT TWO YEARS AFTER THAT, IF HE DECIDES TO RUN FOR REELECTION. SO THAT STARTS THE CONTINUITY THAT WE NEED TO

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MAINTAIN AND MAKE SURE THAT THE LINES THAT ARE ESTABLISHED AND THE GOALS AND OBJECTIVES OF THIS LEGISLATURE ARE CARRIED FORWARD. I SAID FOUR, RIGHT? FOUR YEARS MORE, SHOULD YOU DECIDE TO RUN, YEAH--JUST WANTED TO MAKE SURE. SO I THINK LINES IN THE SAND ARE NOT BLOW-AWAY ITEMS IN SOME CASES AS LONG AS WE SHARE THE CONVICTION, LOOK AT THE STUDY, AND MAKE SURE THAT THIS IS THE WAY WE WANT TO SPEND OUR MONEY. WITH THAT, MR. PRESIDENT, I'D LIKE TO WITHDRAW AM2451 AND ENCOURAGE PEOPLE TO VOTE GREEN ON LB1098. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. AM2451 IS WITHDRAWN. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR MORFELD, YOU'RE RECOGNIZED TO CLOSE ON LB1098. [LB1098]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. AND THANK YOU ALL FOR THE COMMENTS ON THIS. I SHARE YOUR SAME CONCERNS AND WILL WORK WITH ALL OF YOU, WITH THE INTERIM STUDY, AND IN THE FUTURE TO MAKE SURE THAT WE'RE ANALYZING ALL FEES AND THAT WE HAVE ALTERNATIVE FUNDING SOURCES. THANK YOU, MR. PRESIDENT. [LB1098]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. MEMBERS, YOU'VE HEARD THE DEBATE ON LB1098. THE QUESTION IS THE ADVANCEMENT OF THE BILL TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. SENATOR MORFELD, FOR WHAT PURPOSE DO YOU RISE? [LB1098]

SENATOR MORFELD: I'D REQUEST A CALL OF THE HOUSE. [LB1098]

PRESIDENT FOLEY: 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. [LB1098]

CLERK: 29 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB1098]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS SCHILZ, KUEHN, CAMPBELL, KEN HAAR, PLEASE RETURN TO

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THE FLOOR AND CHECK IN. MR. CLERK, PLEASE PROCEED WITH ACCEPTING CALL-IN VOTES. [LB1098]

CLERK: SENATOR LINDSTROM VOTING YES. SENATOR CAMPBELL VOTING YES. SENATOR MELLO VOTING YES. SENATOR WATERMEIER VOTING YES. SENATOR KEN HAAR VOTING YES. SENATOR JOHNSON VOTING YES. [LB1098]

PRESIDENT FOLEY: RECORD, MR. CLERK. [LB1098]

CLERK: 25 AYES, 1 NAY, MR. PRESIDENT, TO ADVANCE THE BILL. [LB1098]

PRESIDENT FOLEY: LB1098 BILL ADVANCES. I RAISE THE CALL. NEXT BILL, MR. CLERK. [LB1098]

CLERK: MR. PRESIDENT, LB1098A IS A BILL BY SENATOR MORFELD. (READ TITLE.) [LB1098A]

PRESIDENT FOLEY: SENATOR MORFELD, YOU'RE RECOGNIZED TO OPEN ON LB1098A. [LB1098A]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. THIS IS JUST THE A BILL THAT AUTHORIZES THE FUNDS THAT ARE RECEIVED FROM THE FEE ACTUALLY THEN GO TO THE LEGAL AID AND SERVICES FUND. THANK YOU. [LB1098A]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. DEBATE IS NOW OPEN ON LB1098A. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MORFELD, YOU'RE RECOGNIZED TO CLOSE ON THE A BILL. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB1098A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1098A]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB1098A. [LB1098A]

PRESIDENT FOLEY: LB1098A ADVANCES. RETURNING TO GENERAL FILE, 2016, SPEAKER PRIORITY BILLS, MR. CLERK. [LB1098A]

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CLERK: LB1000 IS A BILL BY SENATOR MELLO. (READ TITLE.) INTRODUCED ON JANUARY 15, REFERRED TO THE JUDICIARY COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2704, LEGISLATIVE JOURNAL PAGE 1161.) [LB1000]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MELLO, YOU ARE RECOGNIZED TO OPEN ON LB1000. [LB1000]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. LB1000 WILL BE AMENDED BY THE JUDICIARY COMMITTEE AMENDMENT, AM2704, WHICH WILL CHANGE THE BILL DRAMATICALLY IN REGARDS TO WHAT YOU SEE AS THE GREEN COPY. BUT I WILL WANT TO WALK THROUGH THE COMPONENTS AND THE PROCESS IN REGARDS TO HOW WE GOT TO CONSENSUS REGARDING LB1000 WHEN IT COMES TO POLICIES REGARDING BODY-WORN POLICE CAMERAS. RECENT HIGH-PROFILE INCIDENCES REGARDING POLICE MISCONDUCT ACROSS THE COUNTRY HAVE GENERATED INTENSE MEDIA AND PUBLIC ATTENTION. POLICE DEPARTMENTS THROUGHOUT THE COUNTRY HAVE BEGUN TO USE BODY-WORN CAMERAS TO CREATE AN OBJECTIVE RECORD OF INTERACTIONS WITH THE GENERAL PUBLIC. THE MERE PRESENCE OF BODY-WORN CAMERAS FUNDAMENTALLY CHANGES THE DYNAMICS OF LAW ENFORCEMENT ENCOUNTERS FOR BOTH POLICE AND THE PUBLIC. BY CREATING AN OBJECTIVE VISUAL RECORD, BODY-WORN CAMERAS HAVE THE POTENTIAL TO PROTECT THE PUBLIC FROM POLICE OFFICER MISCONDUCT, PROVIDE OFFICERS A DEFENSE TO THE ALLEGATIONS OF MISCONDUCT, ASSIST IN LAW ENFORCEMENT TRAINING, AND HELP PROSECUTORS SECURE CONVICTIONS BY SUPPLYING VALUABLE VISUAL EVIDENCE. BEFORE 2015, THERE WERE ONLY FOUR STATES THAT ENACTED LAWS RELATED TO BODY-WORN CAMERAS. IN 2016, THERE ARE AT LEAST 37 STATES CONSIDERING LEGISLATION RELATING TO BODY-WORN CAMERAS. AND THERE ARE NOW 19 STATES, ALONG WITH THE DISTRICT OF COLUMBIA, THAT HAVE ENACTED SOME FORM OF LAW RELATING TO THE USE OF BODY-WORN CAMERAS BY LAW ENFORCEMENT OFFICIALS. MANY STATES HAVE GONE FAR BEYOND WHAT YOU WOULD SEE IN THE AMENDED VERSION OF LB1000, FROM REQUIRING THE USE OF BODY-WORN CAMERAS TO DICTATING HOW THESE CAMERAS SHOULD BE USED. OVER THE INTERIM AND THROUGH THE SESSION, I'VE WORKED CLOSELY WITH A VARIETY OF STAKEHOLDERS, INCLUDING STATE AND LOCAL LAW ENFORCEMENT AGENCIES, THE ACLU OF NEBRASKA, AND REPRESENTATIVES OF THE MEDIA OF NEBRASKA, TO CRAFT LANGUAGE THAT WE BELIEVE WORKED FOR OUR STATE. LB1000 AS AMENDED BY THE JUDICIARY COMMITTEE AMENDMENT, AM2704, WILL NOW DIRECT THE NEBRASKA COMMISSION ON LAW ENFORCEMENT AND

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CRIMINAL JUSTICE TO DEVELOP A MODEL POLICY ON BODY-WORN CAMERAS. LB1000 AS AMENDED DOES NOT REQUIRE LAW ENFORCEMENT AGENCIES IN NEBRASKA TO USE BODY-WORN CAMERAS. BUT IF AN AGENCY DECIDES TO USE BODY-WORN CAMERAS, THE AGENCY MUST ADOPT A WRITTEN POLICY THAT PROVIDES FOR THE IMPLEMENTATION AND THE USE OF BODY-WORN CAMERAS. THE LAW ENFORCEMENT AGENCY MAY ADOPT THE MODEL POLICY CREATED BY THE CRIME COMMISSION OR THEY MAY ADOPT THEIR OWN POLICY. IF A LAW ENFORCEMENT AGENCY CHOOSES TO ADOPT THEIR OWN BODY-WORN CAMERA POLICY, THEIR POLICY MUST MEET THE MINIMUM STANDARDS SET FORTH BY THE MODEL POLICY ESTABLISHED BY THE CRIME COMMISSION. AGENCIES WILL FILE THEIR POLICY AND ANY ANNUAL UPDATES, IF ANY, WITH THE CRIME COMMISSION. LB1000 AS AMENDED BY AM2704 DOES NOT DICTATE WHAT A BODY-WORN CAMERA POLICY SHALL INCLUDE, MINUS ONE EXCEPTION. THE LANGUAGE INCLUDED IN THE COMMITTEE AMENDMENT DOES THE FOLLOWING: IT ESTABLISHES A MINIMUM RETENTION PERIOD OF 90 DAYS; IF A RECORDING HAS EVIDENTIARY VALUE OR OTHERWISE IS INVOLVED IN A CRIMINAL OR CIVIL COURT PROCEEDING, THE RECORDING SHALL BE RETAINED UNTIL A FINAL JUDGMENT HAS BEEN ENTERED INTO THE PROCEEDING; IF A RECORDING IS INVOLVED IN A DISCIPLINARY PROCEEDING AGAINST AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY, THE RECORDING SHALL BE RETAINED UNTIL A FINAL DETERMINATION HAS BEEN MADE IN SUCH A PROCEEDING; AND, FINALLY, A PROCEDURE FOR THE DESTRUCTION OF RECORDINGS, FOLLOWING THE MINIMUM RETENTION PERIOD SET OUT IN THE BILL. COLLEAGUES, LB1000 AS AMENDED BY AM2704 IS THE RESULT OF MONTHS OF RESEARCH AND CONSENSUS BUILDING WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES, THE ACLU OF NEBRASKA, AND OTHERS. FOLLOWING THE PUBLIC HEARING, MY OFFICE WORKED WITH THE NEBRASKA POLICE CHIEFS ASSOCIATION TO ADDRESS THEIR OPPOSITION EXPRESSED AT THE HEARING. AND THE COMMITTEE AMENDMENT ADDRESSES THEIR CONCERNS ALSO EXPRESSED AT THE HEARING. ADDITIONALLY, THE COMMITTEE AMENDMENT, AM2704, INCORPORATES PROVISIONS FROM LB1055 AND LB846, WHICH I WILL LET CHAIRMAN SEILER SPEAK TO IN THE COMMITTEE AMENDMENT OPENING. THE NATURE OF LAW ENFORCEMENT ACROSS THE COUNTRY IS BEING CHANGED BY THE USE OF DAILY BODY-WORN CAMERAS. WHEN IMPLEMENTED CORRECTLY, BODY-WORN CAMERAS CAN HELP PROMOTE TRANSPARENCY AND ACCOUNTABILITY OF LAW ENFORCEMENT AND THE PUBLIC AT LARGE. THIS BILL REPRESENTS WHAT WILL WORK FOR NEBRASKA WHEN MOVING FORWARD WITH THIS IMPORTANT AND CRITICAL TECHNOLOGY. AND I'D LIKE TO THANK THE SPEAKER FOR PRIORITIZING THIS IMPORTANT BILL THIS SESSION. WITH THAT, I'D URGE THE BODY TO ADOPT BOTH THE COMMITTEE AMENDMENT,

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AM2704, AND ADVANCE LB1000. THANK YOU, MR. PRESIDENT. [LB1000 LB1055 LB846]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. AS THE CLERK INDICATED, THERE IS AN AMENDMENT FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED ON AM2704. [LB1000]

SENATOR SEILER: MR. LIEUTENANT GOVERNOR, MEMBERS OF THE UNICAMERAL, LB1000 WAS AMENDED BY AM2704 AND ADVANCED FROM JUDICIARY BY A 7-0 VOTE WITH ONE MEMBER ABSENT. THE COMMITTEE AMENDMENTS, WHICH WOULD REPLACE THE GREEN COPY OF THE BILL, WOULD MAKE THE FOLLOWING CHANGES IN SECTIONS 1 THROUGH 3 OF MELLO'S LB1000. SECTION 4 INCORPORATES PROVISIONS FROM LB846 AND IN SECTION 5 THROUGH 9 INCORPORATES LB1055. LET'S TAKE THE FIRST THREE SECTIONS. AND THAT OF BODY CAMERA IS THAT IT PUTS A DUTY ON THE CRIME COMMISSION TO DEVELOP A MODEL ON BODY-WORN CAMERAS AND WOULD REQUIRE THE CRIME COMMISSION TO MAKE A MODEL POLICY AVAILABLE TO LAW ENFORCEMENT AGENCIES. THE LOCAL AGENCIES CAN ADOPT THEIR OWN POLICY, BUT IT HAS TO BE ABOVE AND BEYOND THE MODEL POLICY AND IT MUST BE CONSISTENT WITH THE MODEL POLICY. THE CRIMINAL PENALTIES THAT YOU SAW IN THE SECTION 8 OF THE GREEN COPY WERE NOT INCORPORATED INTO THE COMMITTEE AMENDMENTS. EXISTING STATUTES ALREADY PROVIDE PENALTIES FOR MISUSE OF PUBLIC RECORDS. SECTION 4 INCORPORATES SENATOR PANSING BROOKS'S LB846 WITH POLICIES REGARDING EYE WITNESSES. AGAIN, THIS BILL CAME OUT OF COMMITTEE ON A 7-0 VOTE. AND A BILL RELATING TO LAW ENFORCEMENT POLICIES ON EYE WITNESSES IS TO BE DRAFTED BY THE CRIME COMMISSION. AND AGAIN, THE LOCAL LAW ENFORCEMENT AGENCIES CAN EITHER ADOPT THE CRIME COMMISSION MODEL POLICY OR ADOPT THEIR OWN. BUT...AND THIS WOULD GIVE THE CRIME COMMISSION THE DISCRETION TO INCLUDE GREATER DETAIL IN THE MODEL POLICY. THE LAST IS SECTION 5 THROUGH 9 INCORPORATES SENATOR CHAMBERS' LB1055, AND THAT IS TO GRAND JURY PROCEEDINGS. AND IT CHANGES THE GRAND JURY PROCEEDINGS, ESPECIALLY IN THE EVENT THERE IS A NO-TRUE BILL. IF THERE'S A NO-TRUE BILL, THEN THERE HAS TO BE A REPORT FILED. AND THAT REPORT IS FILED WITH THE COURT AND CAN BE INSPECTED BY THE PUBLIC. AND THAT BILLS...OR THAT REPORT IS MADE UP WITH THE COUNTY ATTORNEY OR ATTORNEY GENERAL, WHOEVER IS IN CHARGE OF THAT PROSECUTION, AND THE FOREMAN OF THE BILL, AND WOULD HAVE A COMPLETE TRANSCRIPT FILED WITH THE COURT AT THAT TIME. I ASK THAT THE AMENDMENT, AM2704, BE ADOPTED. [LB1000 LB846 LB1055]

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PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. DEBATE IS NOW OPEN ON LB1000 AND THE COMMITTEE AMENDMENT. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1000]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YEAH, I THINK THE LONGER WE GO, THE GRUMPIER I GET. I DON'T KNOW. I LOOK AT EVERY BILL AND GO, WHY? WHY? WHY? WHY? I JUST DID HAVE A LITTLE CONVERSATION WITH SENATOR MELLO. I FEEL A LITTLE BIT BETTER ABOUT THIS. I WANT TO FLESH A COUPLE OF THINGS OUT. AND IF HE WOULD YIELD TO A QUESTION, MAYBE WE CAN HAVE A FRIENDLY CONVERSATION ON THIS. [LB1000]

PRESIDENT FOLEY: SENATOR MELLO, WOULD YOU YIELD, PLEASE? [LB1000]

SENATOR MELLO: OF COURSE. [LB1000]

SENATOR KINTNER: WHEN I FIRST LOOKED AT IT, I GO, WELL, THIS IS A BILL THAT DOESN'T HELP ANYONE, PROBABLY DOESN'T HURT ANYONE. BUT YOU SAID SOMETHING THAT IS KIND OF CRITICAL, I THINK. YOU SAID THAT THIS NEEDS TO BE PASSED SO WHEN PEOPLE HAVE BODY CAMERAS, THEY STORE THE FILM FOR A CERTAIN AMOUNT OF TIME. AND DOES IT ALSO REGULATE WHEN IT'S RELEASED AND ALL THAT? OR ARE THEY GOING TO DEVELOP THESE GUIDELINES AND THEY'RE NOT IN THIS BILL? [LB1000]

SENATOR MELLO: SENATOR KINTNER, THAT'S A GREAT QUESTION, AND I'LL DO MY BEST TO GIVE YOU A VERY FULL ANSWER. THE ISSUE IN RESPECTS TO THE RETENTION OF THIS FOOTAGE IS CRITICAL BECAUSE, AS WE DISCUSSED WITH A NUMBER OF STAKEHOLDERS DURING THE INTERIM, AS WELL AS CRAFTING THE BILL AND AFTER THE BILL, DIFFERENT LAW ENFORCEMENT AGENCIES RIGHT NOW, WITH NO STATE POLICY DICTATING HOW LONG THEY RETAIN THIS FOOTAGE, CAN DETERMINE WHEN THEY WANT TO GET RID OF THIS FOOTAGE. AND IT'S LEFT UP TO THEM, SO TO SPEAK, WHERE--I'LL AN EXAMPLE, THE CITY OF BEATRICE WE TALKED TO--THEY GET RID OF THEIR FOOTAGE AFTER 14 DAYS, UNLIKE THE CITY OF OMAHA, WHO IS EXPERIMENTING RIGHT NOW WITH A PILOT PROJECT, THEY'RE KEEPING THEIRS FOR CLOSE TO A YEAR. BUT THE ISSUE, AS WE DISCUSSED WITH A NUMBER OF DIFFERENT ENTITIES, IS, WHY ARE WE...WHY, WITHOUT A STATE POLICY, YOU ARE ALLOWING, ESSENTIALLY, EVIDENCE TO BE DISPOSED OF IN SOME CITIES QUICKER THAN OTHERS AND, THUS, TALKING WITH A NUMBER OF LAW ENFORCEMENT STAKEHOLDERS, WE'VE LOOKED AT KIND OF THE NATIONAL BEST POLICY RECOMMENDATIONS

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OF THAT STORAGE RETENTION BEING AROUND 90 DAYS. AND THAT, MORE THAN ANYTHING ELSE, IN TALKING WITH THE JUDICIARY COMMITTEE, WAS REALLY CRITICAL TO OUTLINE IN STATUTE. WHAT WE CAME TO AS A COMPROMISE WITH A NUMBER OF STAKEHOLDERS WAS HAVING THE CRIME COMMISSION, WHICH THEY DO THIS ALREADY FOR A NUMBER OF OTHER LAW ENFORCEMENT POLICIES, TO CREATE A MODEL POLICY FOR EVERYONE TO USE AS A MODEL FOR THEM TO BASE IT OFF OF, WHICH HAS SOME VERY MINIMAL STANDARDS EVERYONE HAS TO MEET, BECAUSE WHAT WE'RE TALKING ABOUT IS A NEW TECHNOLOGY THAT'S COLLECTING EVIDENCE. AND THAT EVIDENCE IS ALSO A PUBLIC RECORD. AND THAT'S A UNIQUE ISSUE RIGHT NOW AS WE TALK ABOUT THE FUTURE OF LAW ENFORCEMENT, THE FUTURE OF EVIDENCE, AND THE FUTURE OF PUBLIC RECORDS, HOW THOSE PUBLIC RECORDS ARE GOING TO BE STORED, HOW THE PUBLIC CAN ACQUIRE THOSE, HOW THEY ARE USED OR HOW LONG THEY ARE KEPT FOR ANY KIND OF EVIDENTIARY NATURE, FOR ANY CASES, CRIMINAL OR CIVIL. AND I THINK EVERYONE WE TALKED TO UNDERSTOOD, AS LONG AS THE STATE IS NOT MANDATING LAW ENFORCEMENT TO USE BODY CAMERAS, THAT IT'S IN THE BEST INTEREST OF THE PUBLIC TO MAKE SURE EVERY LAW ENFORCEMENT AGENCY HAS A POLICY. [LB1000]

SENATOR KINTNER: ALL RIGHT, ALL RIGHT. YOU SOLD ME ON THAT ONE. DO THEY EACH STORE THEIR OWN? IS THERE A COST TO STORE IT? DO THEY SEND IT TO A CENTRAL AREA TO BE STORED? HOW IS IT STORED? [LB1000]

SENATOR MELLO: EVERY LAW INFORMANT AGENCY STORES THEIR OWN FOOTAGE, SENATOR KINTNER. AND TO SOME EXTENT THAT WILL STAY THE SAME, AS IT IS, THE BILL. ALL THIS...ALL LB1000 DOES IS LAYS OUT THE PARAMETERS OF THE MINIMAL THRESHOLD THEY'VE GOT TO KEEP FOOTAGE FOR 90 DAYS. MOST AGENCIES KEEP IT MUCH LONGER THAN THAT BECAUSE OF THE EVIDENTIARY NATURE OF FOOTAGE BEING USED IN A CRIMINAL OR A CIVIL CASE. [LB1000]

SENATOR KINTNER: THE ORGANIZATION THAT TESTIFIED AGAINST IT, ARE THEY OKAY WITH IT NOW? [LB1000]

SENATOR MELLO: YES. [LB1000]

SENATOR KINTNER: WHERE ARE THEY NOW? [LB1000]

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SENATOR MELLO: THEY WERE...AS I MENTIONED IN MY OPENING, THE NEBRASKA POLICE CHIEFS ASSOCIATION FELT THEY REALLY WANTED TO SEE THIS POLICY CREATED AT THE CRIME COMMISSION,... [LB1000]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: ONE MINUTE. [LB1000]

SENATOR MELLO: ...WHICH IS ESSENTIALLY WHAT WE ARE DOING IN LB1000 AS IT'S AMENDED. WE TALKED ABOUT THE RETENTION STORAGE ISSUE AND THEY AGREED THAT THEY UNDERSTOOD WHY WE DID 90 DAYS BECAUSE THAT'S THE NATIONAL POLICE CHIEFS ASSOCIATION RECOMMENDED POLICY WAS 90 DAYS. AND SO THEY ENDED UP SAYING THAT THEY WERE FINE WITH THE CHANGES WE WERE MAKING. [LB1000]

SENATOR KINTNER: ALL RIGHT, THANK YOU. AND THAT'S KIND OF THE REASON WHY SOMETIMES YOU TAKE THESE CONVERSATIONS ON THE SIDE, YOU BRING THEM OUT TO THE MIKE SO EVERYONE CAN HEAR THEM, BECAUSE SOMETIMES YOU DO GET INFORMATION THAT CHANGES HOW YOU SEE SOMETHING. AND THIS IS ONE OF THOSE CASES. THANK YOU, MR. CHAIRMAN. AND THANK YOU, MR. PRESIDENT. [LB1000]

SENATOR SCHEER: THANK YOU, SENATOR MELLO AND SENATOR KINTNER. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB1000]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, MY BILL'S ORIGINAL NUMBER, WHICH IS A PART OF THIS COMMITTEE AMENDMENT, IS LB1055. AND I WOULD INVITE PEOPLE TO LOOK AT THE COMMITTEE STATEMENT. BUT IF YOU HAVE A HEART, THEN I DON'T THINK YOU OUGHT TO LOOK AT IT, BECAUSE IT TELLS YOU WHO SUPPORTED THIS BILL. AND IF YOU HAVE A HEART, YOU WOULD LOOK AT THAT, YOU'D FAN YOUR FACE AND SAY, BE STILL MY BEATING HEART. THESE ARE THE ONES WHO SUPPORTED THIS BILL: DOUGLAS COUNTY ATTORNEY DON KLEINE; OMAHA POLICE CHIEF TODD SCHMADERER; LANCASTER COUNTY ATTORNEY JOE KELLY; THEN THE MEDIA OF NEBRASKA. WHAT THIS BILL DOES IS TO BRING SUNLIGHT, FRESH AIR, AND TRANSPARENCY TO GRAND JURY PROCEEDINGS. I WANT TO SAY A FEW THINGS FOR THE RECORD BECAUSE OF THE IMPORTANCE OF WHAT IS BEING DONE. IF A PERSON DIES WHILE BEING TAKEN INTO CUSTODY OR IN CUSTODY, THE CURRENT LAW REQUIRES THAT A GRAND JURY BE CALLED. THAT WAS SOME

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LEGISLATION I GOT IN THE BOOKS DECADES AGO. BUT WHEN I LEFT THE LEGISLATURE, SENATOR LAUTENBAUGH GUTTED THAT LANGUAGE. THERE WAS NO LONGER THE NEED THAT OUTSIDE AGENCIES INVESTIGATE AND A NUMBER OF OTHER THINGS. BUT AS THESE CASES DEVELOPED AROUND THE COUNTRY, SHOOTINGS WOULD OCCUR. POLICE WOULD GIVE FALSE STATEMENTS. GRAND JURIES WOULD NOT HAND UP A TRUE BILL, WHICH IS AN INDICTMENT, AND THE PUBLIC WAS LEFT IN THE DARK AS TO HOW THE GRAND JURY COULD ARRIVE AT SUCH A CONCLUSION WHEN SUBSEQUENT RELEASE OF THESE CAMERAS OR THIS FOOTAGE WOULD SHOW THAT THERE WAS OBVIOUSLY A CRIME. AND SOME WERE CHARGED WITH CRIMES IN SPITE OF WHAT THE GRAND JURY DID NOT DO. DON KLEINE REALIZED THAT IT WOULD BE IN THE BEST INTEREST OF JUSTICE AND RESTORE A DEGREE OF TRUST TO LAW ENFORCEMENT IN DOUGLAS COUNTY, AND AROUND THE STATE, BECAUSE THIS LAW APPLIES ALL OVER THE STATE, IF THERE WERE SOME TRANSPARENCY BROUGHT TO THIS PROCESS. SO THERE WERE PROVISIONS THAT I HAD PUT IN THE ORIGINAL LANGUAGE ALL THOSE YEARS AGO WHICH SENATOR LAUTENBAUGH HAD PERSUADED THE LEGISLATURE TO STRIP, WHICH WERE SUBSEQUENTLY REINSTATED. SO WHAT I INTEND TO DO IS READ MY STATEMENT OF INTENT, BECAUSE IT IS MORE SUCCINCT, AND THE ACTUAL LANGUAGE OF THE BILL WILL BE INCLUDED. CURRENT LAW MANDATES THE CALLING OF A GRAND JURY TO INVESTIGATE THE DEATH OF ANY PERSON WHILE BEING APPREHENDED OR IN CUSTODY. THE INCIDENT IS INVESTIGATED BY THE AGENCY EMPLOYING THE OFFICERS INVOLVED AND ALL GRAND JURY PROCEEDINGS ARE SECRET. SUCH A PROCESS HAS GENERATED DEEP PUBLIC DISTRUST AND FUELED THE SUSPICION THAT SECRECY IS DESIGNED TO CONCEAL THE FORMULATION OF A SCHEME TO EXONERATE POLICE OFFICERS WHO KILL CIVILIANS, REGARDLESS OF HOW EGREGIOUS THE OFFICER'S CONDUCT MAY HAVE BEEN. AN AMENDMENT, WHICH WAS CRAFTED JOINTLY BY ME AND DOUGLAS COUNTY ATTORNEY DON KLEINE, REPLACED THE ORIGINAL CONTENTS OF THE GREEN BILL, AND THAT REVISION IS WHAT CONSTITUTES LB1055, WHICH IS A PART OF THE COMMITTEE AMENDMENT. IN A CASE...AND THE PURPOSE OF THIS IS TO BRING NEEDED TRANSPARENCY BY TAKING SOME OF THE MYSTERY OUT OF THIS WHOLE PROCESS WHICH GENERATES SUSPICION. IN A CASE WHERE NO TRUE BILL, OR AN INDICTMENT...IF A TRUE BILL IS HANDED UP, THERE IS AN INDICTMENT, THEN EVIDENCE IS PUT BEFORE THE COURT. [LB1000 LB1055]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: ONE MINUTE. [LB1000]

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SENATOR CHAMBERS: AND THAT'S A MATTER OF PUBLIC RECORD. SO THIS BILL ADDRESSES THE SITUATION WHERE THERE IS NO TRUE BILL OR NO INDICTMENT. AND, BECAUSE IT WOULD TAKE ME LONGER THAN A MINUTE, I WILL STOP AT THIS POINT, MR. PRESIDENT, AND FINISH IT WHEN I'M RECOGNIZED AGAIN. [LB1000]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR COOK, YOU'RE RECOGNIZED. [LB1000]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES, OR GOOD EVENING, I SHOULD SAY. I RISE IN SUPPORT OF LB1000 AND AM2704 FROM THE JUDICIARY COMMITTEE, BUT WANT TO STATE FOR THE RECORD THAT WE SHOULD BE ALL AWARE THAT BODY-WORN CAMERAS ARE NOT A PANACEA, PARTICULARLY IN NEIGHBORHOODS AND COMMUNITIES AROUND OUR STATE OR AROUND THE UNITED STATES WHICH HAVE A HIGH AMOUNT OF POLICE ACTIVITY, SOMETIMES COMMUNITY POLICING, SOMETIMES POLICE ACTIVITY FOR REASONS RELATED TO THE CRIME RATE, AND ALSO FOR REASONS OF WHO HAPPENS TO INHABIT THE COMMUNITY. ONE EXAMPLE THAT I WOULD OFFER THAT IS FROM OUTSIDE OF NEW YORK...OUTSIDE OF NEBRASKA, BUT WE SHOULD KEEP IT IN MIND AS THESE POLICIES ARE DEVELOPED, IS THE CASE OF ERIC GARNER WHO WAS...HIS DEATH WAS WITNESSED BY A BODY-WORN CAMERA, WORN BY LAW ENFORCEMENT IN NEW YORK. SO THE FACT THAT IT WAS WITNESSED, FIRST OF ALL, DIDN'T STOP THE BEHAVIOR THAT LED TO MR. GARNER'S DEATH. IT CAUSED KIND OF AN OUTCRY BECAUSE THERE WAS YET ANOTHER EXAMPLE OF THIS KIND OF POLICE BRUTALITY, UNFORTUNATELY, THAT HAPPENS. BUT THE STRUCTURAL ISSUES, WHICH UNFORTUNATELY CANNOT BE LEGISLATED AGAINST, I AGREE, TO A LARGE EXTENT, THE STRUCTURAL ISSUES THAT LEAD TO THIS KIND OF POLICE AND CITIZEN ENCOUNTER CANNOT BE ADDRESSED NECESSARILY THROUGH THE MAGICAL APPEARANCE OF A BODY-WORN CAMERA. ONCE AGAIN, I AM IN SUPPORT OF THE BODY-WORN CAMERA, OF WHAT THIS BILL PROPOSES, IN SUPPORT OF THE USE OF THOSE BY OUR LAW ENFORCEMENT WITHIN THE STATE OF NEBRASKA. BUT I WANT US ALL TO BE AWARE THAT THERE ARE OTHER ISSUES, LONG-TIME ISSUES WITHIN COMMUNITIES AND WITHIN OUR STATE, ABOUT THE WAY THAT PEOPLE RELATE TO ONE ANOTHER THAT BODY-WORN CAMERAS CAN'T REALLY DO THAT MUCH ABOUT. WITH THAT, MR. PRESIDENT, I WOULD YIELD THE BALANCE OF ANY TIME REMAINING TO SENATOR CHAMBERS IF HE WOULD LIKE IT. [LB1000]

PRESIDENT FOLEY: SENATOR CHAMBERS, 2:30. [LB1000]

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SENATOR CHAMBERS: THANK YOU, SENATOR COOK. BUT SINCE WE'RE RUNNING OUT OF TIME, I WILL WAIT TILL SELECT FILE TO GIVE...READ INTO THE RECORD WHAT I WAS INTERESTED IN. THANK YOU. [LB1000]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1000]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SEILER WOULD YIELD TO A QUESTION. [LB1000]

PRESIDENT FOLEY: SENATOR SEILER, WOULD YOU YIELD, PLEASE? [LB1000]

SENATOR SEILER: I WILL. [LB1000]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. AMENDED INTO THIS BILL NOW WITH THE JUDICIARY AMENDMENT, I BELIEVE, IS LB846, WHICH WAS SENATOR PANSING BROOKS'S BILL. [LB1000 LB846]

SENATOR SEILER: YES. [LB1000]

SENATOR BLOOMFIELD: I WENT BACK AND LOOKED AT THE COMMITTEE STATEMENT ON THAT AND I SEE THE ATTORNEY GENERAL AND THE COUNTY ATTORNEYS HAD SOME ISSUES. HAVE THOSE BEEN RESOLVED, CAN YOU TELL ME? [LB1000]

SENATOR SEILER: TO MY KNOWLEDGE THEY HAVE BEEN. [LB1000]

SENATOR BLOOMFIELD: CAN YOU GIVE ME THE NATURE OF THEIR CONCERNS AND WHAT WAS DONE TO SOLVE IT OR...? [LB1000]

SENATOR SEILER: I WOULD DEFER THAT TO PANSING BROOKS, SENATOR BROOKS. [LB1000]

SENATOR BLOOMFIELD: THANK YOU. WOULD SENATOR PANSING BROOKS YIELD TO A QUESTION? [LB1000]

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PRESIDENT FOLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD, PLEASE?
[LB1000]

SENATOR PANSING BROOKS: YES, I'D BE HAPPY TO. [LB1000]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. WOULD YOU EXPLAIN WHAT
THE ISSUES WERE AND HOW THEY WERE RESOLVED, PLEASE? [LB1000]

SENATOR PANSING BROOKS: YES. IN MY ORIGINAL BILL I SET FORTH THE BEST
PRACTICES OF...THAT ARE DONE IN EYEWITNESS LINEUPS. AND THEY
REQUESTED THAT THOSE SPECIFIC FOUR STEPS NOT BE LISTED OUT EXACTLY.
THEY'RE ALREADY BEING DONE AND IT'S LISTED BY THE CRIME COMMISSION.
AND SO I ACQUIESCED AND WHAT'S HAPPENED IS WE CAME TO A COMPLETE
AGREEMENT. AND WHAT WE'RE DOING IS MAKING SURE THAT THE CRIME
COMMISSION WILL SET THESE STANDARDS BY JANUARY 1, 2017. AND THEN, IF
NOT, THEN WE COME BACK AND WE'LL...BUT THE OTHER LAW ENFORCEMENT
AGENCIES ARE DEEMED TO HAVE ACCEPTED WHAT'S BEEN SET FORTH BY THE
CRIME COMMISSION. AND OUR ATTORNEY GENERAL IS ONE OF THE LEADERS OF
THE BOARD OF THE CRIME COMMISSION. [LB1000]

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR. THANK YOU, MR.
PRESIDENT. [LB1000]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD AND SENATOR PANSING
BROOKS. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR SEILER,
YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. HE WAIVES
CLOSE. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT. ALL
THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED
WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1000]

CLERK: 26 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS.
[LB1000]

PRESIDENT FOLEY: COMMITTEE AMENDMENT IS ADOPTED. DEBATE IS NOW
OPEN ON LB1000 AS AMENDED. SEEING NO MEMBERS WISHING TO SPEAK,
SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSE. THE
QUESTION IS THE ADVANCE OF LB1000 TO E&R INITIAL. ALL THOSE IN FAVOR

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VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO?
RECORD, PLEASE, MR. CLERK. [LB1000]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB1000.
[LB1000]

PRESIDENT FOLEY: LB1000 ADVANCES. ITEMS FOR THE RECORD, MR. CLERK.
[LB1000]

CLERK: I DO, MR. PRESIDENT, THANK YOU. YOUR COMMITTEE ON ENROLLMENT
AND REVIEW REPORTS LB1093A AS CORRECTLY ENGROSSED. I HAVE
AMENDMENTS TO BE PRINTED: SENATOR SMITH TO LB938, LB938A; SENATOR
SULLIVAN TO LB959. STUDY RESOLUTIONS LR587 THROUGH LR605, MR.
PRESIDENT, WILL BE REFERRED TO THE REFERENCE COMMITTEE. I HAVE A NEW
A BILL. LB866A IS BY SENATOR BOLZ. (READ LB866A BY TITLE FOR THE FIRST
TIME.) SELECT FILE, LB1066, LB824, LB874, LB1012, ARE ALL REPORTED TO
SELECT FILE WITH E&R AMENDMENTS ATTACHED, MR. PRESIDENT. AND THAT'S
ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1297-1311.) [LB1093A LB938
LB938A LB959 LR587 LR588 LR589 LR590 LR591 LR592 LR593 LR594 LR595 LR596
LR597 LR598 LR599 LR600 LR601 LR602 LR603 LR604 LR605 LB866A LB1066 LB824
LB874 LB1012]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. BEFORE PROCEEDING TO THE NEXT
ITEM ON THE AGENDA, THE CHAIR RECOGNIZES SPEAKER HADLEY FOR AN
ANNOUNCEMENT. [LB1000]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, JUST REAL
QUICKLY, AS I TOLD YOU, WE'VE GOT BASICALLY THE ENTIRE REST OF THE
SESSION LAID OUT IN THE AGENDA TODAY. I WILL BE MOVING THINGS AROUND
ON THAT AGENDA, AS I DEEM NECESSARY, TO GET US THROUGH. BUT I WANTED
TO MAKE ONE ANNOUNCEMENT. I'VE HAD A NUMBER OF REQUESTS OF PEOPLE
SAYING THAT THEY WOULD LIKE TO PUT THEIR BILL ON SOMEBODY ELSE'S BILL,
AS AN AMENDMENT, THAT'S STILL SITTING THERE, THAT HAS A PRIORITY ON
THE ORIGINAL BILL, BUT THE OTHER BILL DOES NOT HAVE A PRIORITY. I WANT
TO TELL YOU, THERE IS NOTHING I CAN DO TO STOP YOU FROM DOING THAT.
BUT I CAN TELL YOU I DON'T ESPECIALLY CARE FOR IT, AND I'LL TELL YOU WHY
YOU SHOULDN'T. IF YOU HAVE A BILL THAT IS A PRIORITY BILL THAT SOMEBODY
ELSE HANGS SOMETHING ON ANOTHER BILL THAT TAKES TIME AND YOU DON'T
GET TO YOUR PRIORITY BILL, THAT COULD BE VERY WELL THE REASON THAT

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THAT HAPPENS. SO I'M JUST SAYING, THE PERSON WHO HAS THE BILL, BE VERY CAREFUL WHEN PEOPLE ASK YOU TO PUT AMENDMENTS ON, ON BILLS TO BE DEBATED. AND PEOPLE WHO WANT TO DO THAT, THOSE OF YOU THAT WERE AROUND HERE A COUPLE OF YEARS AGO REMEMBER HOW THAT WORKED OUT, AND IT DIDN'T WORK OUT VERY WELL. AND WE ENDED UP WITH ALL KINDS OF BILLS BEING HUNG ON TO DO IT. SO I WOULD JUST HOPE THAT YOU WOULD USE CAUTION AND USE SOME COMMON SENSE WHEN YOU TAKE A LOOK AT THE SCHEDULE THAT WE'VE GOT. AND I...AND YOU KNOW AS WELL AS I DO, I COULD PROBABLY COUNT SIX BILLS RIGHT NOW THAT COULD GO ANYWHERE FROM FOUR TO SIX HOURS EACH. SO I JUST WANT YOU TO KNOW THAT IF WE DON'T GET...MY GOAL IS STILL TO GET THROUGH THE PRIORITY BILLS THIS SESSION, AND I HOPE YOU WILL HELP ME REACH THAT GOAL. THANK YOU VERY MUCH, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. AS THE AGENDA INDICATES, AT 5:30 P.M., WE MOVE BACK TO WHERE WE LEFT OFF AT 4:00 P.M. MR. CLERK.

CLERK: MR. PRESIDENT, LB884 IS PENDING. SENATOR SCHEER HAD PRESENTED HIS BILL. THE COMMITTEE AMENDMENTS WERE OFFERED BY THE REVENUE COMMITTEE. THOSE AMENDMENTS ARE WHAT I HAVE BEFORE ME, THE REVENUE COMMITTEE AMENDMENTS. (AM2522, LEGISLATIVE JOURNAL PAGE 973.) [LB884]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR GROENE, YOU'RE RECOGNIZED. [LB884]

SENATOR GROENE: THANK YOU. STILL GOT A LOT OF QUESTIONS ABOUT THIS BILL. SENATOR SCHEER, WOULD YOU ANSWER SOME QUESTIONS? [LB884]

PRESIDENT FOLEY: SENATOR SCHEER, WOULD YOU YIELD TO QUESTIONS, PLEASE? [LB884]

SENATOR SCHEER: YES, I WILL. [LB884]

SENATOR GROENE: LONG BILL I...AND BY THE WAY, SENATOR SCHEER, I WASN'T INCLUDING YOU ABOUT RUNNING THE LEMONADE STAND. YOU PROBABLY COULD (INAUDIBLE) AND START A WHOLE CHAIN OF THEM AND RUN IT WELL. I

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KNOW YOU'RE A BUSINESSMAN. BUT ANYWAY, THIS AFFORDABLE HOUSING TAX CREDIT, THAT'S ALL NEW LEGISLATION, IS THAT NOT RIGHT? [LB884]

SENATOR SCHEER: THAT IS, SENATOR GROENE, AND THAT IS NOT MY AREA OF EXPERTISE. THAT IS ACTUALLY SENATOR HARR'S BILL AND YOU'D PROBABLY BE BETTER SUITED TO ASK SENATOR HARR A QUESTION IN REGARDS TO THAT THAN MYSELF. [LB884]

SENATOR GROENE: SO IT WAS AMENDED INTO YOUR BILL. [LB884]

SENATOR SCHEER: YES, IT WAS. [LB884]

SENATOR GROENE: THANK YOU. SENATOR HARR, COULD YOU ANSWER A QUESTION? [LB884]

PRESIDENT FOLEY: SENATOR BURKE HARR, WOULD YOU YIELD, PLEASE? [LB884]

SENATOR HARR: GOOD AFTERNOON. OF COURSE. [LB884]

SENATOR GROENE: BURKE HARR. HOW MUCH...I HAVEN'T BEEN ABLE TO DISTINGUISH THE FUNDING FOR THIS. WHAT PART OF THE--PUT A DOLLAR AMOUNT ON IT--OF THE \$3 MILLION OF THE FISCAL NOTE ON THIS WOULD BE GOING TOWARDS THIS AFFORDABLE HOUSING? [LB884]

SENATOR HARR: WELL, NONE. [LB884]

SENATOR GROENE: EXPLAIN THE RELATIONSHIP THEN, WOULD YOU, PLEASE,... [LB884]

SENATOR HARR: GOOD QUESTION. IT'S ALWAYS THE QUESTION YOU ASK, RIGHT? [LB884]

SENATOR GROENE: ...BETWEEN THE SPORTS ARENA AND SOMEBODY WITH A FEDERAL AFFORDABLE HOUSING PROJECT. [LB884]

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SENATOR HARR: YEP. SO ARE YOU LOOKING AT THE FISCAL ON LB951 OR ARE YOU LOOKING AT THE FISCAL NOTE ON LB884? [LB884 LB951]

SENATOR GROENE: LOOKING AT THE FISCAL NOTE ON LB884. [LB884]

SENATOR HARR: OKAY. SO THE ANSWER IS IT WOULDN'T HAVE ANY EFFECT ON THE FISCAL NOTE OF LB884 BECAUSE THIS IS LB951 AND, AS YOU ARE AWARE, WE DON'T GET NEW FISCAL NOTES UNTIL THE AMENDMENT IS ACCEPTED ON AM2522. SO IT DOESN'T SHOW UP ON THAT FISCAL NOTE. [LB884 LB951]

SENATOR GROENE: I'M SURE YOU HAVE AN ESTIMATE. [LB884]

SENATOR HARR: OH, I HAVE A GOOD GUESSTIMATE. [LB884]

SENATOR GROENE: COULD YOU TELL US WHAT THAT IS? [LB884]

SENATOR HARR: YEAH. AND IT'S ON LB951. AND I COULD...I DON'T HAVE IT IN FRONT OF ME BUT I BELIEVE IT'S \$800,000 FOR EVERY MILLION POPULATION. [LB884 LB951]

SENATOR GROENE: SO THIS FISCAL NOTE IS GOING TO... [LB884]

SENATOR HARR: BUT IT WOULDN'T SHOW UP... [LB884]

SENATOR GROENE: ...GROW. THANK YOU, SIR. GO AHEAD. [LB884]

SENATOR HARR: WELL, JUST QUICKLY, THIS WON'T SHOW UP BECAUSE IT'S YEARS OUT. IT WON'T SHOW UP ON A GREEN COPY AND WON'T AFFECT THIS YEAR'S BUDGET, BUT IT WILL DOWN THE ROAD OF COURSE. [LB884]

SENATOR GROENE: BUT STILL, TELL ME THE RELATIONSHIP BETWEEN THE SPORTS ARENAS AND THIS. [LB884]

SENATOR HARR: EVERYTHING IS EVERYTHING. HOW IS THAT? THE CONNECTION IS THE 10 PERCENT FUND FOR LINCOLN, AND I USE THAT AS A WAY TO BRING ON LB951. [LB884 LB951]

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SENATOR GROENE: AND... [LB884]

SENATOR HARR: AND I THINK IT MAKES THE BILL BETTER BECAUSE I THINK WHEN I WAS DOING STUDIES LAST SUMMER AS FAR AS WHAT THE NEEDS ARE ACROSS THE STATE, NUMBER ONE NEED IS MORE AFFORDABLE HOUSING AND WORK FORCE HOUSING, AND THIS IS A WAY TO DO THAT. [LB884]

SENATOR GROENE: THANK YOU, SENATOR HARR. I GUESS WE NEED HOUSING FOR ALL THESE EXTRA JOBS WE'RE GOING TO GET THAT ALREADY EXIST, BECAUSE THESE ARENAS ARE ALREADY BUILT. I UNDERSTAND HOW THE GAME IS PLAYED. I'M NOT CRITICIZING ANYBODY. BUT I AM CRITICIZING THIS FISCAL NOTE. I BELIEVE THIS YEAR...WELL, THAT WOULD BE NEXT FISCAL YEAR, '16-17; NO, THAT'S THIS YEAR. IT'S \$1.4 MILLION. AND NEXT YEAR IT WILL BE \$3.5 MILLION IN PERPETUALITY UNTIL THESE NOTES ARE, I GUESS, PAID OFF, OR THESE BONDS ARE PAID OFF, BECAUSE WE ADDED MORE TIME TO THE LENGTH OF HOW LONG THEY COULD COLLECT THIS, WHICH WE ALSO ADDED HOW LARGE AN AREA THEY CAN COLLECT IT ON. NOW THESE ARE SALES TAX, FOLKS, THAT NORMALLY WOULD GO INTO THE STATE COFFERS TO PAY FOR OUR SCHOOLS. YOU KNOW IT'S...THAT'S THE WAY OUR TAX SYSTEM IS SET UP. [LB884]

PRESIDENT FOLEY: ONE MINUTE. [LB884]

SENATOR GROENE: AND IT'S A GOOD TAX SYSTEM UNTIL YOU START CORRUPTING IT AND MOVING MONEY FROM HERE TO THERE AND OVER HERE AND OVER THERE AND THEN NOBODY KNOWS WHAT'S WHAT. AND THEN THE NEXT SET OF SENATORS COME IN AND THEY GO, WHAT? AND THEN WE'RE IN A MESS. I LIKE RULES, I LIKE THE RULE OF LAW. I LIKE KEEPING THINGS DISTINCT. SALES TAX, STATE SALES TAX SHOULD GO IN THE STATE COFFER FOR STATE PURPOSES, NOT FOR BUYING ARENAS FOR LOCAL ENTITIES, LOCAL GOVERNMENT ENTITIES. SO I STAND IN OPPOSITION TO AM2522 AND THE OVERLYING LAW OF LB884. THANK YOU. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR GLOOR, YOU ARE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB884]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. JUST TO SPEAK TO A COUPLE OF THE ISSUES THAT HAVE BEEN BROUGHT UP, WE LACK AS A STATE FOR THE REVENUE STREAMS, AS SOME OTHER STATES DO, TO DO ECONOMIC

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DEVELOPMENT. AND CLEARLY THIS BILL, WHEN IT WAS ORIGINALLY BROUGHT FORWARD AND THROUGH THE AMENDMENT, TRIES TO TAKE AND BUILD ON THE SUCCESS THAT A LOT OF COMMUNITIES HAVE SEEN, SPECIFICALLY OMAHA AND LINCOLN. WHEN YOU LOOK AT THE DRAMATIC GROWTH IN THE HAYMARKET, YOU LOOK AT SOME OF THE DRAMATIC GROWTH THAT'S HAPPENED AND IS CONTINUING TO HAPPEN AROUND THE CENTURYLINK IN THAT AREA OF OMAHA, THERE ARE TAXES DEFERRED THAT ARE PART AND PARCEL OF THIS. THAT'S OUR REVENUE STREAM IS DEFERRED TAXES. BUT THE REALITY IS NEW BUSINESSES ARE OPENING AS A RESULT OF THIS DEVELOPMENT. AND THAT CREATES JOBS AND THOSE JOBS CREATE TAXES. AND SO THIS IS AN ECONOMIC DEVELOPMENT BILL AND ONE THAT I WOULD RECOMMEND GETS SUPPORTED THROUGH THE ADVANCEMENT OF AM2522. THANK YOU, MR. PRESIDENT. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. MEMBERS, YOU'VE HEARD THE DEBATE AND CLOSING ON AM2522, THE REVENUE COMMITTEE AMENDMENT. ALL THOSE IN FAVOR OF THE AMENDMENT VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB884]

CLERK: 26 AYES, 3 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB884]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. RETURNING TO DEBATE ON LB884 AS AMENDED, SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SCHEER, YOU'RE RECOGNIZED TO CLOSE ON LB884. [LB884]

SENATOR SCHEER: THANK YOU, LIEUTENANT GOVERNOR. I WOULD JUST ASK FOR A GREEN VOTE. AGAIN, I APPRECIATE SENATOR SMITH'S ALLOWING ME TO ADVANCE THIS BILL ONTO THE FLOOR WITH HIS PRIORITY DESIGNATION. HE'S DONE A LOT OF WORK IN RELATIONSHIP TO BUILDING CONSENSUS. I THINK IT'S A GOOD BILL. IT HELPS NOT ONLY THE EXISTING FACILITIES, BUT IT ALSO HOPEFULLY WILL MOVE THINGS FORWARD SO THAT OTHER COMMUNITIES IN OTHER PARTS OF THE STATE CAN ALSO PARTICIPATE. I URGE YOUR GREEN VOTE ON LB884. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. MEMBERS, YOU'VE HEARD THE DEBATE AND CLOSING ON LB884. THE QUESTION IS THE ADVANCE OF THE BILL TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB884]

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CLERK: 26 AYES, 5 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB884.
[LB884]

PRESIDENT FOLEY: LB884 ADVANCES. MOVING TO THE NEXT BILL, MR. CLERK.
[LB884]

CLERK: LB821 IS A BILL BY SENATOR LARSON RELATING TO EMPLOYMENT.
(READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO THE BUSINESS LABOR
COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE
COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM2210, LEGISLATIVE
JOURNAL PAGE 678.) [LB821]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR LARSON, YOU'RE
RECOGNIZED TO OPEN ON LB821. [LB821]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, MEMBERS
OF THE LEGISLATURE. LB821 CREATES THE WORKPLACE PRIVACY ACT WHICH
PROHIBITS EMPLOYERS FROM ACCESSING EMPLOYEES' SOCIAL MEDIA
ACCOUNTS OR REQUIRING THAT EMPLOYEES DISCLOSE PRIVATE INFORMATION
ABOUT MEDIA ACCOUNTS. THIS BILL IS SIMILAR TO LEGISLATION I INTRODUCED
IN 2013 AND IT ADDRESSES THE VARIOUS CONCERNS THAT WERE PRESENTED
DURING THE HEARING. LB821 HAS A COLLABORATIVE EFFORT BY INTERESTED
PARTIES INCLUDING THE BUSINESS AND LABOR COMMITTEE TO FURTHER
DEVELOP AND STRENGTHEN WORKABLE SOLUTIONS FOR THE PROTECTION OF
EMPLOYEES REGARDING THEIR WORKPLACE PRIVACY AND SOCIAL MEDIA
ACCOUNTS. LB821 PROPOSES TO RESTRICT EMPLOYERS FROM REQUESTING OR
REQUIRING THAT AN EMPLOYEE OR APPLICANT PROVIDE HIS OR HER PRIVATE
SOCIAL NETWORKING SITE ACCOUNT INFORMATION TO THEIR EMPLOYER. IT
RESTRICTS AN EMPLOYER FROM ASKING AN EMPLOYEE OR APPLICANT TO LOG
INTO HIS OR HER SOCIAL NETWORKING ACCOUNT SO THAT THE EMPLOYER MAY
VIEW PRIVATE INFORMATION. THE BILL ALSO PROHIBITS AN EMPLOYER FROM
REQUIRING AN EMPLOYEE OR APPLICANT TO ADD ANYONE, INCLUDING THE
EMPLOYER, TO THEIR PERSONAL INTERNET ACCOUNT OR COERCING OR
REQUIRING AN EMPLOYEE OR APPLICANT TO CHANGE THEIR PERSONAL
INTERNET ACCOUNT SETTINGS. WITH AN EVER-INCREASING POPULARITY OF
SOCIAL MEDIA AND SOCIAL NETWORKING SITES, THERE COMES A GROWING
NEED TO PROTECT THE PRIVACY OF INDIVIDUALS WHO TAKE ADVANTAGES OF
BENEFITS SOCIAL MEDIA HAS TO OFFER. WEB SITES LIKE FACEBOOK, TWITTER,
AND LINKEDIN AMONG OTHERS OFFER...USED BY HUNDREDS OF MILLIONS OF

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PEOPLE THROUGHOUT THE U.S. AND THE WORLD. WHILE PEOPLE HAVE A CHOICE OF MAKING THEIR SOCIAL NETWORKING PUBLIC ON THESE WEB SITES, MOST PEOPLE UNDERSTAND THE RISKS OF HAVING THEIR INFORMATION EXPOSED FOR THE WORLD TO SEE. IT IS COMMON FOR SOCIAL MEDIA USERS TO TAKE ADVANTAGE OF THE PRIVACY SETTING THESE SOCIAL NETWORKING SITES OFFER THEIR CUSTOMERS. PRIVACY SETTINGS ALLOW USERS TO RESTRICT CONTENT FROM BEING SEEN BY THE GENERAL PUBLIC AND ALSO ALLOWS USERS THE ABILITY TO TAILOR THEIR PROFILES AND ACCOUNTS TO ENSURE THAT ONLY THEIR CLOSEST FRIENDS AND FAMILY HAVE ACCESS TO CERTAIN INFORMATION. LB821 WOULD RESTRICT EMPLOYERS FROM ACCESSING THE PRIVATE CONTENT SOCIAL MEDIA USERS CHOOSE TO KEEP OUT OF THE PUBLIC DOMAIN. INFORMATION THAT IS PRIVATE BY AN EMPLOYEE OR APPLICANT SHOULD REMAIN PRIVATE AND AN EMPLOYER SHOULD NOT BE ENTITLED TO ACCESS THE PRIVATE INFORMATION JUST BECAUSE IT IS KEPT ON THE INTERNET. IMAGINE AN EMPLOYER INTERVIEW OF WHICH YOU ARE REQUIRED TO BRING YOUR FAMILY PHOTO ALBUM AND YOUR PERSONAL MAIL FOR REVIEW. THIS IS THE SAME KIND OF SITUATION APPLICANTS AND EMPLOYEES ARE PLACED IN IF AN EMPLOYER REQUESTS TO ACCESS INFORMATION PERTAINING TO THEIR PRIVATE SOCIAL NETWORKING ACCOUNT TO VIEW ALBUMS, MESSAGES, WALL POSTS OR OTHER PRIVATE INFORMATION. NINE STATES HAVE PASSED LAWS SIMILAR TO LB821 WITH THE INTENT TO PROTECT THE PRIVACY OF EMPLOYEES AND APPLICANTS ON THE INTERNET AND SIMILAR EFFORTS ARE CURRENTLY PENDING IN OTHER STATES. NOTHING IN LB821 PROHIBITS THE EMPLOYER FROM LOOKING UP INFORMATION THAT IS MADE AVAILABLE TO THE PUBLIC. FURTHERMORE, THE BILL PROVIDES PROTECTION FOR EMPLOYERS BY PROHIBITING EMPLOYEES FROM USING THE PROTECTION AFFORDED IN THE BILL TO DOWNLOAD ANY PRIVATE PROPRIETARY INFORMATION OR PUBLIC...PRIVATE FINANCIAL DATA TO A SOCIAL NETWORKING SITE. LB821 ESTABLISHES BASIC SOCIAL MEDIA PRIVACY PROTECTIONS FOR INDIVIDUALS WHO ARE EMPLOYED OR SEEKING EMPLOYMENT WHILE PROTECTING THE PROPERTY INTERESTS OF EMPLOYERS AND I STRONGLY URGE THE BODY'S SUPPORT OF THE LEGISLATION. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE BUSINESS AND LABOR COMMITTEE. SENATOR BURKE HARR, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB821]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. THE COMMITTEE AMENDMENT BECOMES THE BILL. AM2210 IS THIS

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PRODUCT OF MULTIPLE STAKEHOLDERS COLLABORATING AND REACHING AN AGREEMENT ON LB821, THE WORKPLACE PRIVACY ACT. THE AMENDMENT INCLUDES ADDITIONAL PROTECTION OF EMPLOYER RIGHTS WITH RESPECT TO THEIR RIGHT TO RESTRICT EMPLOYEES' ACCESS TO CERTAIN WEB SITES ON COMPANY DEVICES. IT ALSO INCLUDES SOME TECHNICAL CHANGES REQUESTED BY THE BANKING AND INSURANCE INDUSTRIES. ADDITIONALLY, SECTION 8 ADDRESSES THE NEBRASKA STATE PATROL CONCERNS RAISED DURING THE COMMITTEE HEARING IN REGARDS TO THEIR ABILITY TO SCREEN APPLICANTS DURING THE INTERVIEW PROCESS. STATE PATROL REVIEW APPLICANTS' SOCIAL MEDIA ACCOUNTS AS PART OF THEIR ROUTINE...IT ALLOWS THE STATE PATROL TO REVIEW APPLICANTS' SOCIAL MEDIA ACCOUNTS AS PART OF THEIR ROUTINE INTERVIEW PROCESS DURING THE FINAL STAGES OF THE INTERVIEW. WITH THAT, I WOULD ASK FOR YOUR SUPPORT ON AM2210 AND WOULD LIKE TO THANK THE MEMBERS...THE STAKEHOLDERS INVOLVED HERE FOR THEIR COOPERATION TO FIND A WAY TO PROTECT BOTH THE EMPLOYEE AND THE EMPLOYER. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. MR. CLERK. [LB821]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH FA109. (LEGISLATIVE JOURNAL PAGE 1311.) [LB821]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON FA109. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS IS AN INNOCENT LITTLE AMENDMENT, BUT I'M GOING READ IT BECAUSE IT IS SO BRIEF. ON PAGE 1 OF THE COMMITTEE AMENDMENT, IN LINE 8, AFTER THE WORD "EMPLOYEE"...LET ME GET IT RIGHT. AFTER THE WORD "DISCRIMINATION" ON LINE 7, THIS LANGUAGE BE INSERTED: "INCLUDING DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY". WE ARE TALKING ABOUT EMPLOYEES, WE'RE TALKING ABOUT DISCRIMINATION, AND WE'RE CREATING A DEFINITION. SO ANYTHING THAT ANYBODY WANTS TO OFFER BY WAY OF DEFINITION DEFINITELY IS GERMANE. SO THE REASON I'M OFFERING THIS AMENDMENT SHOULD BE OBVIOUS. THERE WAS A BILL BEFORE US THE OTHER DAY THAT NOT ONLY WAS GIVEN SHORT SHRIFT IN A WAY THAT I FOUND OBJECTIONABLE, THINGS WERE SAID DURING THAT DEBATE WHICH I FOUND OBJECTIONABLE BUT I DIDN'T TATTLE. ONE OF THEM WAS WHERE MY

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GOOD FRIEND, SENATOR KINTNER, WHO CAN BE VERY ECUMENICAL AT TIMES, HAD SUGGESTED THAT WHEN HE GOES SOMEPLACE AND HE'S UNCOMFORTABLE, HE LEAVES AND MENTIONED SAN FRANCISCO AND THE WEIRD THINGS HE SAW WHICH WAS TAKEN AS THE INVITATION FOR ANYBODY WHO WAS A MEMBER OF THE LGBT COMMUNITY COULD LEAVE NEBRASKA. AND THAT IS VERY UNFRIENDLY, VERY UNWELCOMING. AND THIS THAT I'M DOING IS AN ATTEMPT TO MAKE THIS TERM EMPLOYEE ALL-INCLUSIVE, ALL-EMBRACING. THERE WERE SEVERAL PEOPLE WHO SAID THAT THAT LEGISLATION IS NOT EVEN NEEDED BECAUSE COMPANIES HIRE PEOPLE BASED ON THE WORK THEY CAN DO. IF THAT WERE TO BE ACCEPTED HERE, THEN WE WOULDN'T NEED THIS BILL TO PROTECT ANY EMPLOYEES BECAUSE NO COMPANY IS GOING TO ASK THESE QUESTIONS. SINCE THIS BILL IS BEFORE US AND WE ARE ATTEMPTING, AS A LEGISLATURE COLLECTIVELY, TO PROTECT PRIVACY IN AREAS WHERE THE LEGISLATURE MAY AGREE IT'S JUSTIFIED, MAY NOT. BUT, THAT'S WHAT IS BEING ATTEMPTED. AND I THINK THAT EVERY CLASS OF EMPLOYEE, AND SINCE MY FRIENDS WHO BELONG TO THE LGBT COMMUNITY ARE HUMAN BEINGS, WE'VE BEEN TOLD THAT THEY ARE NOT DISCRIMINATED AGAINST BUT THE WORD DISCRIMINATION IS USED IN THIS BILL WITH REFERENCE TO THE GENERALITY OF EMPLOYEES, I WANT IT TO BE CLEAR THAT THE PEOPLE WHO ARE IN THIS DESIGNATION AS EMPLOYEES WOULD ENJOY THE SAME PROTECTION AND COVERAGE AS EVERYBODY ELSE. WITHOUT THIS, AN EMPLOYER COULD SAY THE LAW DOESN'T PROTECT YOU. I INSIST THAT YOU TURN ALL OF THIS INFORMATION OVER TO ME AND IF YOU DON'T THEN YOU'RE OUT OF HERE. THE EMPLOYEE COULD NOT FILE A LAWSUIT BECAUSE THAT EMPLOYEE HAS NO PROTECTION UNDER THE LAWS OF THIS STATE. ALL THIS AMENDMENT DOES IS TO GRANT THE SAME PROTECTION TO MY FRIENDS, YOUR FRIENDS, SOME OF OUR RELATIVES WHO ARE MEMBERS OF THE LGBT COMMUNITY, THE PROTECTION THAT EVERY EMPLOYEE IS SEEKING. IT'S ONE THING TO LOOK AT THAT BILL THAT WAS BEFORE US AND SAY, I DON'T LIKE THIS BILL AND I'M GOING TO KILL IT. WELL, MAYBE WITHOUT THIS PROTECTION I DON'T LIKE THIS BILL BECAUSE ON ITS FACE IT WILL DISCRIMINATE AND I CANNOT BE IN FAVOR OF DISCRIMINATION. THERE WAS A CASE THAT HAD GROWN...HAD ARISEN PRIOR TO SENATOR LARSON OFFERING A BILL LIKE THIS BEFORE. BUT BECAUSE THE DEPARTMENT OF CORRECTIONS HAD ACCESS TO INFORMATION SOME OF THESE EMPLOYEES HAD PUT OUT THERE ON THE WEB, THEY SAW THE TYPES OF THINGS THAT I HAD FILED A COMPLAINT ABOUT, OTHER EMPLOYEES HAD TOLD ME ABOUT, SUGGESTING THAT THEY MISTREAT INMATES, THAT VIOLENCE HAD EVEN BEEN USED AGAINST INMATES. AND THOSE PERSONS WERE TERMINATED AS THEY SHOULD HAVE BEEN. THE LAW, THE WAY SENATOR LARSON WANTED IT TO READ AT THAT TIME, WOULD HAVE SHIELDED WRONGFUL CONDUCT BY THOSE PEOPLE. I DON'T SEE THIS BILL AS

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BEING MUCH BETTER OR MUCH DIFFERENT, BUT IT'S NOT ONE THAT I WOULD GO TO THE MAT ON ORDINARILY. BUT THERE ARE SO MANY MOVING PARTS IN THIS BILL THAT WE CAN STAY ON IT A LONG TIME. AND EVEN IF I CANNOT PREVAIL THEN TWO THINGS WILL BE ACHIEVED. YOU WILL ENSHRINE DISCRIMINATION IN THIS BILL AND I WILL GET PLENTY OF TIME. NOW I HAD A COUPLE OF PROPOSITIONS BEFORE YOU TODAY. I DID NOT BEG YOU TO ACCEPT EITHER ONE OF THEM AND I DISCUSSED THEM LONG ENOUGH TO MAKE YOU AWARE THAT THEY WERE ISSUES OF MINE. SO IF ANYBODY WANTED TO SEEK REVENGE OR WHATEVER, THEY HAD THAT OPPORTUNITY. I HAD STATED IN DAYS PRIOR TO THOSE ITEMS COMING UP, THAT I HAD NOTHING PENDING ON THE FLOOR THAT MEANS SO MUCH TO ME THAT I'M GOING TO GO AGAINST THE PRINCIPLES THAT I BELIEVE IN. AND I BELIEVE IN NONDISCRIMINATION AGAINST EVERY HUMAN BEING. AND CONTRARY TO THE APPARENT VIEW OF SOME OF MY COLLEAGUES, MEMBERS OF THE LGBT COMMUNITY ARE HUMAN BEINGS. AND AS SUCH, ANY PROTECTIONS, ANY PRIVILEGES AND IMMUNITIES GRANTED BY THE STATE SHOULD NOT BE WITHHELD FROM THEM. AND WHATEVER IT MAKES ME, BECAUSE I WILL DEFEND THE RIGHTS OF THESE HUMAN BEINGS, I WILL BE THAT AND GLADLY. IN FACT, WHEN ALL OF THE VOICES ARE ON THE OTHER SIDE OF AN ISSUE AND I BELIEVE THAT I'M RIGHT, THEN I AM INSPIRED TO FIGHT EVEN HARDER. AND THIS IS ONE OF THOSE ISSUES AND THIS IS AN AMENDMENT THAT I'M GOING TO PAY CLOSE ATTENTION TO AS THE DEBATE PROCEEDS. BUT I'M GOING TO SUM IT UP NOW. THIS AMENDMENT THAT I'M OFFERING WILL GRANT THE SAME PROTECTION TO MEMBERS OF THE LGBT COMMUNITY FOR PURPOSES OF THIS BILL THAT WILL BE GRANTED TO OTHER EMPLOYEES. AND IF NEBRASKA IS SUCH A COMPASSIONATE, FORGIVING STATE, AND ALL THESE OTHER THINGS THAT I HEARD THE OTHER DAY AND DON'T BELIEVE FOR A MINUTE, BUT TAKING THE MAJORITY AT THEIR WORD, THIS AMENDMENT SHOULD NOT GIVE ANYBODY HEARTBURN. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR LARSON, FOR WHAT PURPOSE DO YOU RISE? [LB821]

SENATOR LARSON: I'D LIKE TO CHALLENGE THE GERMANENESS OF FA109. [LB821]

PRESIDENT FOLEY: SENATOR LARSON AND SENATOR CHAMBERS, I'LL ASK EACH OF YOU TO MAKE A BRIEF STATEMENT REGARDING THE GERMANENESS QUESTION. SENATOR LARSON, YOU MAY PROCEED. [LB821]

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SENATOR LARSON: THANK YOU, MR. PRESIDENT. COLLEAGUES, I CAN APPRECIATE WHAT SENATOR CHAMBERS IS TRYING TO DO. I DIDN'T VOTE TO BRACKET LB586. I WAS ACTUALLY A RED. BUT, COLLEAGUES, IF YOU NOTICE WHAT THE AMENDMENT IS TRYING TO DO, SENATOR CHAMBERS, HE IS CHANGING THE DEFINITION ON PAGE 1, LINE 7 OF A TERM CALLED "ADVERSE ACTION" THAT WE USE IN THE BILL IN TWO OTHER PLACES. AN ADVERSE ACTION, AS DEFINED BY LB821, MEANS: THE DISCHARGE OF AN EMPLOYEE, A THREAT AGAINST AN EMPLOYEE, OR ANY OTHER FORM OF DISCRIMINATION AGAINST AN EMPLOYEE THAT NEGATIVELY AFFECTS THE EMPLOYEE'S EMPLOYMENT, INCLUDING ACTIONS THAT AFFECT THE EMPLOYEE'S COMPENSATION, WORK LOCATION, RIGHTS, IMMUNITIES, PROMOTIONS, PRIVILEGES, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT. BUT THE TWO PLACES WE CREATED THE DEFINITION, BECAUSE WE DID NOT HAVE THAT, WHAT WE DO IS WHERE WE USE THAT ADVERSE ACTION IS IN TWO SECTIONS OF THE BILL. AND THE FIRST PART IS ON PAGE 2, LINE 22. WE DISCUSS TAKING ADVERSE ACTION AGAINST, FAIL TO HIRE, OR OTHERWISE PENALIZE AN EMPLOYEE OR APPLICANT FOR FAILURE TO PROVIDE OR DISCLOSE ANY OF THE INFORMATION IN SUBSECTIONS (1) THROUGH (3) OF THIS SECTION. NOW SUBSECTIONS (1) THROUGH (3) OF THIS SECTION ONLY DISCUSS, AS I'LL GIVE YOU A SHORT AND BRIEF, REQUIRE THE REQUEST THAT AN EMPLOYEE OR APPLICANT PROVIDE OR DISCLOSE THE USER NAME, PASSWORD OR OTHER RELATED ACCOUNT INFORMATION IS PART OF SUBSECTION (1). SUBSECTION (2) IS REQUIRE OR REQUEST THAT AN EMPLOYEE OR APPLICANT LOG INTO A PERSONAL INTERNET ACCOUNT BY WAY OF ELECTRONIC COMMUNICATION DEVICE IN THE PRESENCE OF AN EMPLOYER OR IN A MANNER THAT ENABLES THE EMPLOYER TO OBSERVE THE CONTENTS OF THE EMPLOYEE'S OR APPLICANT'S PERSONAL INTERNET OR REQUIRE THE EMPLOYEE OR APPLICANT TO ADD ANYONE, INCLUDING THE EMPLOYER, TO THE LIST OF CONTACTS ASSOCIATED WITH THE EMPLOYEE'S OR APPLICANT'S PERSONAL INTERNET ACCOUNT. COLLEAGUES, WHERE WE'RE USING ADVERSE ACTION LITERALLY ONLY DEALS WITH INTERNET ACCOUNTS AND SOCIAL MEDIA. SENATOR CHAMBERS' AMENDMENT AND REASON FOR HIS AMENDMENT DOES NOT FLOW LOGICALLY WITHIN AM2210 OR LB821. AGAIN, I UNDERSTAND SENATOR CHAMBERS' PASSION FOR THE SUBJECT, BUT THE SUBJECT MATTER DOES NOT FLOW. LB586, THAT WAS INTRODUCED BY SENATOR MORFELD, FELL UNDER THE FAIR EMPLOYMENT ACT. LB821 CREATES ITS OWN ACT. COLLEAGUES, THERE IS NO CLEAR AND LOGICAL STRING, IF YOU WANT TO SAY, TO CONNECT THESE TWO. WE ARE DISCUSSING SOCIAL MEDIA PASSWORDS AND ACCESS TO SOCIAL MEDIA ACCOUNTS BY EMPLOYERS AND APPLICANTS. THANK YOU, MR. PRESIDENT. [LB821 LB586]

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PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN A DEFINITION IS BEING CREATED, ANYTHING ADDED TO THAT DEFINITION CAN BE DEEMED GERMANE. AND IN THE LANGUAGE IN THE PROVISION WHERE I'M OFFERING THIS LANGUAGE, I PUT IT IMMEDIATELY AFTER THE WORD "DISCRIMINATION". THE DRAFTERS OF THIS AMENDMENT GAVE AN ITEMIZATION, A LISTING OF VARIOUS FACTORS. THEN IT PUT WHAT YOU MIGHT CALL A GENERAL CLAUSE: ANY OTHER FORM OF DISCRIMINATION. ANY OTHER FORM OF DISCRIMINATION, AND MY LANGUAGE SAYS "INCLUDING DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY" OR I COULD HAVE SAID RELIGION OR THAT ENTIRE CATALOG IN THE NONDISCRIMINATION LAWS THAT EXISTS NOW. THIS AMENDMENT DOES NOT ATTEMPT TO INCORPORATE SENATOR MORFELD'S BILL INTO THIS BILL. THIS IS NOT A CHRISTMAS TREE. THIS IS DEALING WITH A DEFINITION AND THAT'S ALL I THINK I NEED TO SAY. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. IT'S THE RULING OF THE CHAIR THAT THE AMENDMENT IS GERMANE. DEBATE IS NOW OPEN ON LB821. SENATOR MORFELD, YOU'RE RECOGNIZED. I DO NOT SEE SENATOR MORFELD. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB821]

SENATOR HILKEMANN: I...MY COMMENTS ARE FOR SENATOR LARSON AND I JUST...I NEED SOME CLARIFICATION ON THIS BILL. THIS IS NOT GOING TO BE DIRECTLY ON SENATOR CHAMBERS THEN. SENATOR, WOULD YOU YIELD TO A COUPLE OF QUESTIONS? I KNOW YOU READ... [LB821]

PRESIDENT FOLEY: YOU'RE ASKING SENATOR LARSON? [LB821]

SENATOR HILKEMANN: YES. SENATOR LARSON. [LB821]

PRESIDENT FOLEY: SENATOR LARSON, WILL YOU YIELD TO QUESTIONS? [LB821]

SENATOR LARSON: YES. [LB821]

SENATOR HILKEMANN: SENATOR, COULD YOU JUST TELL ME IN ABOUT 15 WORDS WHAT THIS BILL IS REALLY GOING TO DO? [LB821]

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SENATOR LARSON: FIFTEEN WORDS--IT WILL PROHIBIT AN EMPLOYER FROM ASKING AN EMPLOYEE OR POSSIBLE EMPLOYEE FROM DEMANDING ACCESS TO THEIR SOCIAL MEDIA ACCOUNTS TO SEE WHAT IS IN THOSE SOCIAL MEDIA ACCOUNTS. [LB821]

SENATOR HILKEMANN: IS THIS A PROBLEM? [LB821]

SENATOR LARSON: ACTUALLY IT HAS BEEN IN OTHER STATES. AN EMPLOYER DOES HAVE...THERE HAVE BEEN INSTANCES WHERE AN...A PROSPECTIVE EMPLOYER HAS SAID PLEASE LOG INTO YOUR FACEBOOK OR YOUR SOCIAL MEDIA ACCOUNT. I'D LIKE TO SEE THAT. AND WHEN AN EMPLOYEE...WHEN THAT PROSPECTIVE EMPLOYEES SAYS, THAT'S PERSONAL, THE EMPLOYER OR PROSPECTIVE EMPLOYER JUST SAYS, WELL, HAVE A NICE DAY. AND... [LB821]

SENATOR HILKEMANN: SO WHO... [LB821]

SENATOR LARSON: ...AND THEN ALSO IT COMES TO THE...THERE'S ALSO...IT HAS BEEN ISSUES IN TERMS OF EMPLOYEES...EMPLOYERS REQUESTING THE EMPLOYEES LOG IN TO THEIR SOCIAL MEDIA ACCOUNTS TO SEE WHAT THEY DID THIS WEEKEND OR WHAT PICTURE ARE ON THERE. AND IF AN EMPLOYEE DOESN'T DO THAT, THERE'S NO...AND AN EMPLOYER FIRES THEM WITH THAT AS BEING THE CAUSE, THERE'S NO...BECAUSE THEY REFUSE TO LET THEM ACCESS THEIR PERSONAL ACCOUNTS, AN EMPLOYER RIGHT NOW COULD FIRE THEM. [LB821]

SENATOR HILKEMANN: SO WHO ARE YOU BRINGING THIS BILL FOR? IS THERE AN ORGANIZATION THAT'S...? [LB821]

SENATOR LARSON: WELL, I BROUGHT THIS BILL TWO YEARS AGO...THREE YEARS AGO FOR THE FIRST TIME. BUT THEN THIS YEAR I WORKED CLOSELY WITH THE ACLU, ACTUALLY, AS THEY HAD A PACKAGE OF PRIVACY BILLS. I THINK ME, SENATOR EBKE, SENATOR HANSEN, AND SENATOR MORFELD EACH HAD ONE OF THEIR PRIVACY BILL. AND SINCE THIS IS THE ONE THAT I'D INTRODUCED THREE YEARS AGO, THEY ASKED ME IF I WANTED TO CARRY IT AGAIN AND I SAID ABSOLUTELY BECAUSE I THINK THIS IS IMPORTANT. [LB821]

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SENATOR HILKEMANN: OKAY. DO YOU THINK THAT THIS IS GOING TO CREATE LESS TEXTING? DO YOU THINK THAT...WHILE PEOPLE ARE ON THE...WORKING? [LB821]

SENATOR LARSON: NO, SENATOR HILKEMANN, THIS DOESN'T FOCUS ANYTHING ON...IN TERMS OF PRODUCTIVITY. AND YOU'LL REALIZE ANY...AS YOU READ THROUGH IT, ANY EMPLOYEE THAT LOGS INTO THEIR SOCIAL MEDIA ACCOUNT ON THE EMPLOYER'S NETWORK, IF THE EMPLOYER IS MONITORING THAT NETWORK, THEY CAN SEE EVERYTHING THE EMPLOYEE IS STILL DOING. IT JUST SAYS THAT EMPLOYER CANNOT FORCE AN EMPLOYEE TO HAND OVER THEIR SOCIAL MEDIA PASSWORDS OR FORCE THEMSELVES INTO A SOCIAL MEDIA ACCOUNT. IT DOESN'T STOP EMPLOYER...LIKE IT DOESN'T SAY THAT AN EMPLOYEE CAN'T LOG ON TO A SOCIAL MEDIA ACCOUNT AT WORK. IT DOESN'T SAY THAT IF THE EMPLOYEE LOGS INTO THE SOCIAL MEDIA ACCOUNT AT WORK THAT THE EMPLOYER CAN'T, YOU KNOW...BECAUSE A LOT OF TIMES YOU CAN WATCH WHAT YOUR EMPLOYEE IS DOING ON THAT SCREEN FROM ANOTHER COMPUTER OR WHATNOT. [LB821]

SENATOR HILKEMANN: AND SO YOU'RE TALKING ABOUT PEOPLE WHO WOULD BE LOGGING ON TO FACEBOOK, IS THAT CORRECT, THAT TYPE OF THING? [LB821]

SENATOR LARSON: WE'RE ONLY SAYING YOU CANNOT FORCE THEM TO DO SO. AN EMPLOYER CANNOT FORCE THEM TO LOG ON. [LB821]

SENATOR HILKEMANN: OKAY, BUT THIS DOES... [LB821]

SENATOR LARSON: YEAH, IT'S A PRIVACY ISSUE. AN EMPLOYER CANNOT FORCE... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR LARSON: ...YOU ON. [LB821]

SENATOR HILKEMANN: BUT IF THEY'RE USING, FOR EXAMPLE, QUICKEN BOOKS OR SOMETHING LIKE THAT IN THEIR BUSINESS AND THEY HAVE A LOGIN THAT THEY HAVE, THE EMPLOYER AT THIS POINT CAN, IF THERE'S A DISMISSAL TYPE

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OF THING, THEN THEY CAN ASK FOR THOSE CODE WORDS, IS THAT CORRECT?
[LB821]

SENATOR LARSON: FOR QUICKBOOKS. QUICKBOOKS ISN'T A SOCIAL MEDIA
ACCOUNT. [LB821]

SENATOR HILKEMANN: RIGHT. [LB821]

SENATOR LARSON: SO QUICKBOOKS...SO ARE YOU REFERRING TO THE
EMPLOYER'S QUICKBOOKS ACCOUNT OR AN EMPLOYEE'S PERSONAL
QUICKBOOKS ACCOUNT THAT THEY'RE DOING THEIR OWN PERSONAL FINANCES
ON AT WORK? [LB821]

SENATOR HILKEMANN: WELL, IF THEY'RE DOING THEIR OWN PERSONAL
FINANCES AT WORK, YOU PROBABLY QUESTION WHY HAVE THEM THERE IN THE
FIRST PLACE. [LB821]

SENATOR LARSON: THAT'S KIND OF MY POINT. [LB821]

SENATOR HILKEMANN: BUT NO, THAT'S WHERE I...NO, YOU'RE CLARIFYING THAT
QUESTION. [LB821]

SENATOR LARSON: YEAH, YEAH. [LB821]

SENATOR HILKEMANN: AND THANK YOU VERY MUCH FOR THAT CLARIFICATION.
THANK YOU. [LB821]

SENATOR LARSON: OKAY. THANK YOU. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATORS HILKEMANN AND LARSON. SENATOR
SCHNOOR, YOU'RE RECOGNIZED. [LB821]

SENATOR SCHNOOR: THANK YOU. I'M NOT QUITE SURE YET WHERE I STAND ON
THIS, BUT SENATOR LARSON, WOULD YOU YIELD TO A QUESTION, PLEASE?
[LB821]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB821]

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SENATOR LARSON: YES. [LB821]

SENATOR SCHNOOR: NOW I'M NOT A FACEBOOK EXPERT. I'VE ONLY BEEN DOING IT FOR LESS THAN A YEAR, BUT WHAT I'M UNDERSTANDING YOU TO SAY IS YOU JUST...YOUR EXCHANGE WITH SENATOR HILKEMANN, YOUR BILL WOULD SAY THAT THE EMPLOYER CANNOT FORCE THE PROSPECTIVE EMPLOYEE TO GIVE THEM ACCESS TO THEIR FACEBOOK, CORRECT? [LB821]

SENATOR LARSON: PROSPECTIVE OR CURRENT. [LB821]

SENATOR SCHNOOR: OKAY. BUT DOES THIS PROHIBIT THEM FROM ACCESSING, OPENING UP FACEBOOK, AND LOOKING AT THEIR PROFILE AND CHECKING WHAT THEY'RE DOING IN THEIR SPARE TIME, SO TO SPEAK? [LB821]

SENATOR LARSON: NO. ANYTHING...AND IT'S VERY CLEAR ABOUT THAT. EMPLOYER CAN STILL GO ON AND SEE WHATEVER IS IN THE PUBLIC DOMAIN. SO A CURRENT EMPLOYER OR PROSPECTIVE EMPLOYER, WHATEVER IS PUBLICLY AVAILABLE IS PUBLICLY AVAILABLE. WHAT LB821 AND AM2210 DOES IS MAKE SURE THAT WHATEVER AN EMPLOYEE OR PROSPECTIVE EMPLOYEE HAS HIDDEN OUT OF THE PUBLIC DOMAIN, AN EMPLOYER CANNOT FORCE OR A PROSPECTIVE EMPLOYER CANNOT FORCE THEMSELVES INTO THAT. THAT IS...AS I SAID IN MY OPENING, THAT WOULD BE PARAMOUNT TO THE PROSPECTIVE EMPLOYER OR YOUR CURRENT EMPLOYER ASKING YOU TO BRING YOUR MAIL TO WORK AND LET HIM GO THROUGH YOUR MAIL OR YOUR E-MAIL. THERE ARE CERTAIN THINGS THAT I BELIEVE THAT INDIVIDUALS HAVE A PRIVACY TO, AND IF THEY ARE TAKING STEPS TO GUARD THAT PRIVACY, IT SHOULD REMAIN PRIVATE. BUT IF THEY AREN'T TAKING STEPS TO REGARD THE PRIVACY AND THEY HAVE PUT IT UP IN THE PUBLIC DOMAIN FOR THE WORLD TO SEE, THEN THIS DOESN'T PREVENT THE EMPLOYER FROM LOOKING AT WHAT'S OUT THERE PUBLICLY. [LB821]

SENATOR SCHNOOR: OKAY, THANK YOU. AND DOES THIS APPLY ONLY TO SOCIAL MEDIA? [LB821]

SENATOR LARSON: AS IT'S WRITTEN NOW IT APPLIES TO SOCIAL MEDIA ACCOUNTS, YES. SO YOU'LL SEE IN...ONLY SOCIAL MEDIA ACCOUNTS BECAUSE THAT'S WHERE WE'RE SEEING THIS. AND SOCIAL MEDIA IS, OBVIOUSLY, BROADLY DEFINED WITH...WE DEFINE LIKE ELECTRONIC COMMUNICATION DEVICE, AND THEN FOCUSING IN ON SOCIAL MEDIA LIKE, NO EMPLOYER SHALL

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REQUIRE OR REQUEST THE EMPLOYEE OR APPLICANT TO PROVIDE OR DISCLOSE ANY USER NAME OR PASSWORD OR ANY OTHER RELATED ACCOUNT INFORMATION IN ORDER TO GAIN ACCESS TO AN EMPLOYEE OR APPLICANT'S PERSONAL INTERNET ACCOUNT BY ANY WAY OF ANY ELECTRONIC COMMUNICATION DEVICES. SO WE ARE VERY BROAD WHEN WE TALK ABOUT SOCIAL MEDIA BY CALLING IT A PERSONAL INTERNET ACCOUNT. SO ANY OF YOUR PERSONAL INTERNET ACCOUNTS THAT YOU MAY OR MAY NOT HAVE. THAT GOES INTO E-MAIL, THAT GOES INTO FACEBOOK, THAT GOES INTO TWITTER, ANY OF THOSE PERSONAL E-MAIL ACCOUNTS, AN EMPLOYER WILL NOT BE ABLE TO ASK FOR A PASSWORD INTO THOSE. [LB821]

SENATOR SCHNOOR: OKAY, ALL RIGHT. THANK YOU. THAT'S ALL MY QUESTIONS. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR AND SENATOR LARSON. SENATOR LARSON, YOU ARE NEXT IN THE QUEUE. [LB821]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. LIKE I SAID, I UNDERSTAND WHAT SENATOR CHAMBERS IS TRYING TO DO WITH FA109. I UNDERSTAND WHERE HE'S AT, BUT I DO RISE IN OPPOSITION TO FA109 ON THE SIMPLE FACT THAT WE ARE FOCUSING ON THE PRIVACY OF OUR PERSONAL INTERNET ACCOUNTS, OUR PERSONAL MESSAGING ACCOUNTS. EMPLOYERS SHOULD NOT HAVE ACCESS, OR PROSPECTIVE EMPLOYERS, TO THINGS THAT ARE PRIVATE. I DO NOT THINK ANY EMPLOYER...WE COULD USE...IF I'M GETTING TOO TECHNICAL HERE, ANYBODY THAT HAS AN IPHONE PROBABLY HAS AN iCloud ACCOUNT. THAT WOULD BE A PERSONAL INTERNET ACCOUNT AND THROUGH THAT iCloud ACCOUNT YOU HAVE TEXT MESSAGING. A LOT OF PEOPLE THINK THAT'S DONE THROUGH YOUR PHONE OR YOUR WIRELESS CARRIER, BUT WITH IPHONES THAT'S NOT THE CASE. IT'S DONE THROUGH YOUR iCloud ACCOUNT, SPECIFICALLY WHEN YOU'RE TEXTING WITH ANOTHER IPHONE. SO CURRENTLY AN EMPLOYER OR PROSPECTIVE EMPLOYER COULD REQUEST THAT YOU SIGN INTO YOUR iCloud ACCOUNT AND GO THROUGH ALL OF YOUR TEXT MESSAGES. THIS IS SOMETHING THAT NEEDS...THAT WE NEED TO ENSURE WE'RE PROTECTING FROM. AS I SAID, WOULD WE ALLOW AN EMPLOYER OR PROSPECTIVE EMPLOYER TO SAY, BRING YOUR MAIL IN WHILE YOU COME AND INTERVIEW? NO. THESE ARE PERSONAL ACCOUNTS THAT EMPLOYERS SHOULD NOT HAVE ACCESS TO. I CAN UNDERSTAND THE CONCERN THAT SENATOR SCHNOOR BROUGHT UP IN TERMS OF THE WIDER CONCERN OF, CAN THEY JUST NEVER GO LOOK? THAT'S NOT THE CASE AT ALL. WHATEVER IS IN THE PUBLIC DOMAIN IS FREE GAME WHICH I HAVE NO PROBLEM WITH. IF IT'S PUBLIC, IT'S

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PUBLIC, BUT IF YOU'VE TAKEN THE TIME TO MAKE IT PERSONAL AND YOU ONLY SHARE IT WITH YOUR FRIENDS OR YOU SHARE IT WITH NO ONE. THERE ARE PHOTOS THAT, AGAIN, IF I WANT TO SAY WITH MY iCloud ACCOUNT ON MY iPhone, I HAVE PERSONAL PHOTOS OF MY FAMILY, MY FOUR-YEAR-OLD. I DO NOT THINK...AND IF AN EMPLOYER RIGHT NOW COULD TELL ME TO LOG IN TO MY iCloud ACCOUNT AND I WANT TO LOOK AT ALL THE PHOTOS IN THERE, PERSONAL PHOTOS. THOSE AREN'T EVEN PHOTOS ON FACEBOOK THAT I'VE PUT FOR OTHER PEOPLE TO SEE. THOSE ARE PERSONAL PHOTOS, BUT I USED THE CLOUD TO STORE THEM. THEREFORE, UNDER CURRENT LAW AN EMPLOYER OR PROSPECTIVE EMPLOYER COULD REQUEST THAT I SHOW THEM ALL THOSE PERSONAL PHOTOS. THAT'S WRONG. I AM TRYING TO PROTECT AGAINST THAT. LB821 AND AM2210 DOES. BUT WHEN WE'RE FOCUSING ON THIS ISSUE SPECIFICALLY, I DO HAVE TO RISE AGAINST FA109. LIKE I SAID, I WAS A RED ON THAT BRACKET MOTION, BUT LET'S NOT MUDDY LB821 AND AM2210 WITH AN ISSUE THAT HAS BEEN DECIDED THIS YEAR ALREADY. THIS IS AN IMPORTANT ISSUE. PRIVACY IS AN IMPORTANT ISSUE. I UNDERSTAND WHAT SENATOR CHAMBERS IS TRYING TO DO IS AN IMPORTANT ISSUE AS WELL TO HIM AND MANY OTHERS MEMBERS OF THIS BODY. BUT IT DOES NOTHING IN RELATION TO LB821. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT I'M GOING PROCEED AS THOUGH I WERE AN ATTORNEY REPRESENTING MY FRIENDS IN THE LGBT COMMUNITY. SENATOR LARSON, WOULD YOU ANSWER A QUESTION OR TWO? [LB821]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB821]

SENATOR LARSON: YES. [LB821]

SENATOR CHAMBERS: YOU SAID THIS RELATES TO PRIVACY, NOT EMPLOYMENT, IF I UNDERSTOOD YOU CORRECTLY, IS THAT TRUE? [LB821]

SENATOR LARSON: I MISSED THE QUESTION. I'M SORRY, SENATOR CHAMBERS. WHAT WAS THAT? [LB821]

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SENATOR CHAMBERS: ALL RIGHT. YOU HAD SAID SENATOR MORFELD'S BILL DEALT WITH EMPLOYMENT AND YOUR BILL HERE DEALS WITH PRIVACY. IS THAT WHAT YOU SAID OR IS THAT NOT WHAT YOU SAID? [LB821]

SENATOR LARSON: I BELIEVE I SAID THAT SENATOR MORFELD'S LB586 WAS IN THE FAIR EMPLOYMENT ACT. [LB821 LB586]

SENATOR CHAMBERS: LET ME SEE IF I CAN MAKE YOU UNDERSTAND THIS. YOUR BILL RELATES TO PRIVACY IS THAT CORRECT? [LB821]

SENATOR LARSON: YES, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: IT RELATES TO THE PRIVACY OF ANY EMPLOYEE OR PROSPECTIVE EMPLOYEE, IS THAT CORRECT? [LB821]

SENATOR LARSON: IN RELATION TO THEIR INTERNET ACCOUNTS, YES. [LB821]

SENATOR CHAMBERS: DOESN'T THIS LANGUAGE SAY "FOR PURPOSES OF THE WORKPLACE PRIVACY ACT", THEN IT GIVES THE DEFINITION? THE DEFINITION APPLIES ONLY TO THIS ACT. YOU ARE SAYING THAT IT IS ALL RIGHT TO INVADE THE PRIVACY OF SOMEBODY WHO'S A MEMBER OF THE LGBT COMMUNITY. THAT'S WHAT YOU'RE SAYING, ISN'T IT, BY NOT WANTING THEM PROTECTED? [LB821]

SENATOR LARSON: I DON'T BELIEVE SO. I JUST...I'M SAYING... [LB821]

SENATOR CHAMBERS: THEN LET ME ASK... [LB821]

SENATOR LARSON: I'M SAYING THAT THEY DON'T...THAT I BELIEVE... [LB821]

SENATOR CHAMBERS: LET ME TAKE... [LB821]

SENATOR LARSON: OKAY. [LB821]

SENATOR CHAMBERS: LET ME TAKE A QUESTION AT A TIME. IF AN EMPLOYER KNEW THAT A PERSON IS GAY AND WE'VE BEEN TOLD THAT THEY HIRE

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EVERYBODY, THE EMPLOYER COULD DEMAND THAT THAT GAY PERSON GIVE UP ALL THIS INFORMATION, COULDN'T THE EMPLOYER DO THAT? [LB821]

SENATOR LARSON: WITHOUT LB821, YES. [LB821]

SENATOR CHAMBERS: NO, UNDER YOUR BILL, UNDER THIS BILL AN EMPLOYER CAN MANDATE THAT A GAY PERSON GIVE UP THIS INFORMATION OR BE FIRED. THAT'S ALLOWED UNDER THIS BILL AS YOU'VE WRITTEN IT, ISN'T IT? [LB821]

SENATOR LARSON: I DON'T THINK SO. [LB821]

SENATOR CHAMBERS: THEN WHAT PROTECTS THE GAY PERSON BECAUSE THAT GAY PERSON IS NOT INCLUDED IN THE DEFINITION OF EMPLOYEE AND THIS PROTECTS ONLY EMPLOYEES AS DEFINED IN THIS BILL? IF A GAY PERSON IS NOT INCLUDED IN THE DEFINITION, THAT PROTECTION DOES NOT EXTEND TO A GAY PERSON, ISN'T THAT CORRECT? [LB821]

SENATOR LARSON: SENATOR CHAMBERS, THIS... [LB821]

SENATOR CHAMBERS: ALL RIGHT, I WON'T ASK YOU QUESTIONS. [LB821]

SENATOR LARSON: ...THIS PROTECTS ALL EMPLOYEES, ANY EMPLOYEE, OR ANY PROSPECTIVE EMPLOYEE... [LB821]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE,... [LB821]

SENATOR LARSON: ...WHETHER THEY'RE...(MICROPHONE MALFUNCTION) [LB821]

SENATOR CHAMBERS: ...THE ONLY PERSON WHO'S AN EMPLOYEE IS SOMEBODY EMBRACED BY THIS LANGUAGE. WE CAN SAY THERE ARE TWO UNIVERSES: STRAIGHT AND GAY. THE STRAIGHTS ARE THE ONES CONSIDERED IN THIS DEFINITION. I'M ATTEMPTING TO MAKE IT EXPAND AND INCLUDE EVERY HUMAN BEING. SENATOR LARSON IS OPPOSED TO A DEFINITION DOING THAT. IF WE'RE TALKING ABOUT PRIVACY RIGHTS, THERE MUST BE EQUALITY BEFORE THE LAW UNDER THE NEBRASKA CONSTITUTION. IF THE LEGISLATURE IS GOING TO SPECIFICALLY CREATE A PRIVACY RIGHT AS IT'S DOING HERE, WHICH DOES NOT EXIST NOW, BUT IT EXPLICITLY, THROUGH OMISSION, DOES NOT EXTENDED IT

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TO EVERYBODY, THAT IS NOT CONSTITUTIONAL. IF SENATOR LARSON IS INTERESTED IN PROTECTING ALL EMPLOYEES AS I AM... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...UNLESS HE IS HOSTILE TO MEMBERS OF THE LGBT COMMUNITY, WHY SHOULD THEIR PRIVACY NOT BE RESPECTED? LET'S SAY THAT AN EMPLOYER INSISTS THAT A GAY PERSON GIVE THIS INFORMATION AND THAT PERSON REFUSES AND THE BOSS SAYS YOU'RE FIRED. AND THE GAY PERSON TRIES TO USE THIS BILL, THEN THAT PERSON WOULD NOT HAVE A LEG TO STAND ON BECAUSE THEIR RIGHTS ARE NOT PROTECTED UNDER THE LAW IN THE STATE OF NEBRASKA. AND THIS DEFINITION CREATING THE CLASSES PROTECTED DOES NOT INCLUDE GAY AND LESBIAN PEOPLE. SO THAT WOULD MAKE IT, IN MY VIEW, UNCONSTITUTIONAL AND I'M NOT GOING TO SUPPORT AN UNCONSTITUTIONAL ACT. AND THE REST OF YOU ALL SHOULD NOT BE SO HATEFUL, SO HOMOPHOBIC THAT WHEN YOU'RE CREATING A PRIVACY RIGHT, YOU WANT TO EXCLUDE THESE PEOPLE EVEN FROM THAT. YOU WANT TO EXCLUDE THEM FROM THE HUMAN RACE. [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB821]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR LARSON WOULD YIELD TO A QUESTION OR TWO? [LB821]

PRESIDENT FOLEY: SENATOR LARSON WILL YOU YIELD, PLEASE? [LB821]

SENATOR LARSON: YES. [LB821]

SENATOR BLOOMFIELD: SENATOR LARSON, IT'S MY UNDERSTANDING OF YOUR LANGUAGE THAT IT INCLUDES EVERYONE WITHOUT DEFINING THEM ONE WAY OR ANOTHER, DOES IT NOT? [LB821]

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SENATOR LARSON: YES, IT SPECIFICALLY SAYS "EMPLOYEE MEANS AN INDIVIDUAL EMPLOYED BY THE EMPLOYER". [LB821]

SENATOR BLOOMFIELD: OKAY, SO THAT... [LB821]

SENATOR LARSON: ...IS EVERYONE THAT IS EMPLOYED BY THE EMPLOYER. [LB821]

SENATOR BLOOMFIELD: THAT'S HOW I UNDERSTAND IT. [LB821]

SENATOR LARSON: AND AN APPLICANT ALSO MEANS: "A PROSPECTIVE EMPLOYEE APPLYING FOR EMPLOYMENT". IT PROTECTS EVERYONE. [LB821]

SENATOR BLOOMFIELD: THANK YOU. WOULD SENATOR CHAMBERS YIELD FOR A QUESTION? [LB821]

PRESIDENT FOLEY: SENATOR CHAMBERS, WILL YOU YIELD, PLEASE? [LB821]

SENATOR CHAMBERS: YES, I WILL. [LB821]

SENATOR BLOOMFIELD: SENATOR CHAMBERS, HAVING JUST HEARD SENATOR LARSON'S EXPLANATION WHICH I'M INCLINED TO AGREE WITH, UNDER YOUR EXPLANATION DO WE NEED TO GO ON AND INCLUDE PEOPLE WITH GRAY HAIR AND PEOPLE BLUE EYES UNDER THIS DEFINITION THAT YOU'RE CONCERNED ABOUT? [LB821]

SENATOR CHAMBERS: THOSE ARE JUST PARTS OF A PHYSICAL DESCRIPTION, WHICH CAN CHANGE OR MODIFY. WE'RE TALKING ABOUT THOSE THAT ARE ESSENTIAL TO THE PERSON. WE'RE NOT TALKING ABOUT SOMEBODY WITH ONE LEG OR TWO. WE'RE TALKING ABOUT PEOPLE WHO HAVE NO PROTECTION UNDER THE LAWS OF THIS STATE. AND SINCE THE WORD DISCRIMINATION IS USED HERE, I WANT TO BE SURE THAT THAT DISCRIMINATION CANNOT BE APPLIED TO PEOPLE WHO ARE GAY OR LESBIAN. [LB821]

SENATOR BLOOMFIELD: SENATOR LARSON, I BELIEVE THAT IS ALREADY DONE IN THE LANGUAGE OF THE BILL. WHEN IT SAYS ANY EMPLOYEE, IT DOESN'T SAY

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ANY EMPLOYEE EXCEPT SOMEONE WHO MIGHT BE GAY. I BELIEVE SENATOR LARSON'S LANGUAGE IS CLEAR AND COVERS EVERYBODY. I DON'T SEE... [LB821]

SENATOR LARSON: ARE YOU ASKING ME A QUESTION? [LB821]

SENATOR BLOOMFIELD: NO, I'M NOT, SENATOR LARSON. I THINK SENATOR CHAMBERS, YOU MIGHT BE--I'D HATE TO BE ACCUSATORY HERE--MIGHT BE TRYING TO MUDDY THE WATER A LITTLE BIT. BUT ONE OF THE THINGS THAT I HAVE ALWAYS ADMIRERD ABOUT YOU IS YOUR ATTEMPT TO CLARIFY AND MAKE CLEAR AND SIMPLE THINGS. AND I THINK HERE YOU HAVE LEFT YOUR NORMAL PRACTICE... [LB821]

SENATOR CHAMBERS: NO, I'M NOT... [LB821]

SENATOR BLOOMFIELD: AND IT WOULD APPEAR TO ME YOU ARE ATTEMPTING TO MUDDY THE WATER. THANK YOU, SENATOR. [LB821]

SENATOR CHAMBERS: NO, I'M TRYING TO PURIFY...(MICROPHONE MALFUNCTION) [LB821]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD AND SENATOR CHAMBERS. SENATOR LARSON, YOU ARE NEXT IN THE QUEUE. [LB821]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I AGREE WITH SENATOR BLOOMFIELD. THE MUDDIES ARE GETTING WATERED HERE. THE DEFINITIONS THAT I LAY OUT IS "APPLICANT MEANS A PROSPECTIVE EMPLOYEE APPLYING FOR EMPLOYMENT" AND "EMPLOYEE MEANS AN INDIVIDUAL EMPLOYED BY AN EMPLOYER". IT DOES NOT GIVE THE EMPLOYER OR PROSPECTIVE EMPLOYER THE RIGHT TO DISCRIMINATE AND ASK FOR A PASSWORD BECAUSE SOMEONE IS GAY OR TRANSGENDERED, NOR DOES IT GIVE THEM THE RIGHT TO ASK FOR A PASSWORD BECAUSE OF THEIR RACE OR THEIR SEX. IT SAYS, ANY EMPLOYEE OR ANY PROSPECTIVE APPLICANT. THERE IS NO DISCRIMINATION. IT IS AS BROAD AND SWEEPING AS POSSIBLE BECAUSE WE DEFINE IT: "EMPLOYEE MEANS AN INDIVIDUAL EMPLOYED BY AN EMPLOYER", NO PROSCRIPTIONS ON IT. AND FRANKLY, I WOULD SAY THAT SENATOR CHAMBERS MIGHT BE TAKING A WRONG APPROACH TO THIS IF WE WANT TO PROTECT...SPECIFICALLY WE LOOK AT THE

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LGBTQ COMMUNITY. TOMORROW MY BOSS MIGHT BE ABLE TO LOOK AT FEMALE Y'S FACEBOOK ACCOUNT AND FORCE HER TO GIVE THE PASSWORD AND ON HER PRIVATE FACEBOOK ACCOUNT THERE'S A PRIVATE PICTURE OF HER AND HER GIRLFRIEND. NOW THE BOSS KNOWS THAT SHE IS GAY. AND NOW THAT THE BOSS KNOWS THAT SHE'S GAY BECAUSE WE HAVEN'T PASSED LB821, BECAUSE WE DIDN'T PASS LB586, THEY COULD DISCRIMINATE. LB821 IS NOT DISCRIMINATORY AT ALL. IT PROTECTS EVERY EMPLOYEE AND EVERY PROSPECTIVE EMPLOYEE REGARDLESS, PERIOD. SO I DON'T QUITE UNDERSTAND WHAT SENATOR CHAMBERS IS TRYING TO GET AT BECAUSE WE ARE...THIS DOESN'T...AND AS YOU READ THROUGH NOT ONLY THE DEFINITIONS, BUT WE ESSENTIALLY SAY THAT NO EMPLOYEE, NO PROSPECTIVE EMPLOYEE, THE EMPLOYER SHALL NOT BE ABLE TO REQUEST A PASSWORD OR THAT APPLICANT LOG IN OR THAT APPLICANT FORCED TO BE ADDED AS A FRIEND. THE EMPLOYER CANNOT DO IT TO ANYONE, ANY EMPLOYEE OR ANY PROSPECTIVE EMPLOYEE. SO SENATOR CHAMBERS' FA109 ISN'T NEEDED BECAUSE EVERYONE IS PROTECTED. THANK YOU, MR. PRESIDENT. [LB821 LB586]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB821]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, YOU SHOULD READ THE WORDS. IT DOES NOT SAY ANY EMPLOYEE. IT SAYS AN EMPLOYEE. ANY IS BROADER. IT DOESN'T SAY EVERY EMPLOYEE. IT SAYS AN EMPLOYEE. THAT'S NOT DEFINITE. THE WORD "ANY" APPLIES TO THE CLAUSE: ANY OTHER FORM OF DISCRIMINATION. IT ITEMIZES THAT AN ADVERSE ACTION MEANS THE DISCHARGE OF AN EMPLOYEE, A THREAT AGAINST AN EMPLOYEE. WHY SHOULDN'T THAT BE ENOUGH? BUT THEY ADD, OR ANY OTHER FORM OF DISCRIMINATION AGAINST AN EMPLOYEE. THEN I ADD, INCLUDING DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER EQUALITY. IF THE EMPLOYER MADE THE DEMAND, THAT PUTS THE EMPLOYER IN VIOLATION OF THE LAW, MAKING THE DEMAND. AND IF THE EMPLOYEE WANTED TO FILE AN ACTION UNDER THIS, IT WOULD FAIL BECAUSE THERE'S NO PLACE IN THE LAW OF THE STATE OF NEBRASKA THAT PROTECTS, AS AN EMPLOYEE, A GAY OR LESBIAN PERSON. THIS IS IN THE CONTEXT OF EMPLOYMENT. THE TERM "ANY OTHER DISCRIMINATION" IS IN THE DEFINITION. IF THIS DEFINITION EXCLUDES GAY AND LESBIAN PEOPLE, IT'S CREATING A PRIVACY RIGHT THAT DOES NOT INCLUDE EVERYBODY WHO MAY BE AN EMPLOYEE. AND I THINK ANY COURT LOOKING AT THIS WOULD KNOW THAT WE'RE NOT TALKING ABOUT SUPERFICIAL CHARACTERISTICS SUCH AS EYE COLOR, HEIGHT, HAIR, OR THOSE KINDS OF THINGS. WHEN WE TALK ABOUT DISCRIMINATION, WE'RE GOING TO

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THOSE THINGS THAT ARE ESSENTIAL TO THE INDIVIDUAL. WE'RE NOT EVEN GOING THOSE ADDED ITEMS SUCH AS A TATTOO, AND SOMEBODY COULD SAY, WELL, THAT'S A PART OF ME NOW. WELL, THERE COULD BE A POLICY AGAINST TATTOOS FOR PEOPLE WHO ARE HOLDING CERTAIN POSITIONS IN CERTAIN COMPANIES. BUT WHEN WE COME TO ESSENTIAL HUMAN TRAITS AND CHARACTERISTICS, THOSE ARE THE ONES WHERE ANTIDISCRIMINATION LAWS COME INTO PLAY. I DON'T ACCEPT WHAT SENATOR BLOOMFIELD SAID AS A LEGALLY SOUND POSITION, I DON'T ACCEPT WHAT SENATOR LARSON SAID, AND IT'S CLEAR THEY DON'T ACCEPT WHAT I SAY. BUT THERE'S A CONSTITUTIONAL PROVISION THAT MANDATES EQUALITY BEFORE THE LAW. THIS BILL, IF ENACTED BY THE LEGISLATURE, IS A LAW. AND IT IS A LAW, WHICH BASED ON THIS DISCUSSION, INDICATES THAT THE MEMBERS OF THIS BODY ARE WILLING TO HAVE IT EXCLUDE GAY AND LESBIAN PEOPLE. IT IS CREATING A PRIVACY RIGHT WHICH DOES NOT EXIST NOW IN THE CURRENT LANGUAGE, WHICH IS DEFINING EMPLOYEE, FAILS TO DEFINE A GROUP WHICH OTHERWISE IS NOT PROTECTED UNDER THE LAWS OF THIS STATE. THESE PEOPLE HAVE NO EXISTENCE UNDER THE LAWS OF THIS STATE WHEN IT COMES TO EMPLOYMENT. THEY DON'T EXIST. YOU REJECTED A LAW THAT WOULD HAVE MADE THEM EXIST. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: NOW YOU'RE TALKING ABOUT AN EMPLOYER-EMPLOYEE RELATIONSHIP. YOU GIVE A DEFINITION OF EMPLOYEE. SINCE WE KNOW THAT GAY AND LESBIAN PEOPLE ARE NOT INCLUDED UNDER EMPLOYEE FOR THE PURPOSES OF PROHIBITING DISCRIMINATION AND YOU'RE TALKING ABOUT DISCRIMINATION HERE AND THEY ARE NOT SPECIFICALLY MENTIONED, THEY ARE EXCLUDED FROM COVERAGE OF THIS LAW JUST AS THEY ARE EXCLUDED FROM THE EMPLOYMENT LAWS OF THIS STATE. AND YOU CAN ACCEPT IT OR NOT, BUT I'M GOING TO SAY LIKE DONALD TRUMP EXCEPT THAT I'M NOT GOING TO PAY THE MONEY. I BELIEVE THERE ARE PEOPLE WHO ARE WITH THE LGBT COMMUNITY WHO WILL TAKE THIS TO COURT AND THERE IS WHERE WE'LL HAVE A RESOLUTION. AND I DON'T SEE WHY SENATOR LARSON, IF HE IS NOT HOMOPHOBIC, I DON'T SEE WHY SENATOR BLOOMFIELD IF HE'S NOT HOMOPHOBIC DOES NOT WANT TO INCLUDE THESE PEOPLE IN THIS DEFINITION WHICH YOU ARE CREATING OF EMPLOYEE. ANYTHING NOT INCLUDED IS EXCLUDED UNDER THE OTHER LAWS... [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

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SENATOR CHAMBERS: THERE'S A TERM--THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: THAT WAS MY THIRD TIME, WASN'T IT? [LB821]

PRESIDENT FOLEY: YES, SENATOR. [LB821]

SENATOR CHAMBERS: OKAY. [LB821]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB821]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. WELL, I'M RISING IN SUPPORT OF SENATOR CHAMBERS' FLOOR AMENDMENT. I ALSO AM IN SUPPORT OF SENATOR LARSON'S BILL, LB821, BUT I AGREE WITH SENATOR CHAMBERS. THE PROBLEM IS THAT WE HAVE NOT PASSED LB586. WE'VE HAD ARGUMENTS THAT WE DON'T BELIEVE IN WORKFORCE PROTECTIONS FOR LGBT. AND SO SINCE THERE ARE NO PROTECTIONS FROM THE ARBITRARY ACTS OF EMPLOYERS SUCH AS ASKING AN LGBT EMPLOYEE TO SHOW THEM THEIR FACEBOOK OR GIVE THEM THEIR PASSWORD, I DON'T UNDERSTAND WHAT POSSIBLE REASON ANY OF US THINK THAT AN LGBT PERSON COULD DENY THAT UNDER THIS LAW. THEY ARE NOT AN EQUAL EMPLOYEE UNDER OUR LAWS IN NEBRASKA. EVERYONE THAT HAS EQUAL RIGHTS IN THE WORKFORCE WOULD HAVE PROTECTIONS UNDER THIS BILL AND WOULD BE PROTECTED BY THIS BILL. BUT WITHOUT A WAY TO PROTECT LGBT IN THE WORKFORCE, THEN THEY CAN BE TREATED DIFFERENTLY. AND, BASICALLY, WE'VE ALREADY DETERMINED THAT THEY DON'T HAVE EQUAL RIGHTS IN EMPLOYMENT OR WORKFORCE. NOW WE'RE SAYING OH, WELL, JUST BECAUSE WE SAID THE WORD EMPLOYEE, THAT THEY NOW HAVE EQUAL RIGHTS. THAT'S JUST NOT TRUE AND WE KNOW IT'S NOT TRUE FROM YESTERDAY'S DISCUSSIONS. SO I AGREE WITH SENATOR CHAMBERS. THE LGBT ARE EXCLUDED BY THIS. I ASK THAT YOU SUPPORT FA109 AND I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. [LB821 LB586]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS; 3:00, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. IN LAW THERE'S A DOCTRINE CALLED IN PARI MATERIA. IT

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MEANS THAT LAWS RELATING TO THE SAME SUBJECT WILL BE READ TOGETHER IN ORDER TO INTERPRET, CONSTRUE, AND APPLY. HERE IS WHAT YOU'LL WIND UP WITH. YOU SPECIFICALLY REJECT...FIRST OF ALL, IT'S CLEAR THAT NEBRASKA'S ANTIDISCRIMINATION LAWS DO NOT PROTECT GAY AND LESBIAN PEOPLE. THIS LEGISLATURE SPECIFICALLY REJECTED A PROPOSAL THAT WOULD HAVE DONE THAT. IN ADDITION TO THAT, YOU SPECIFICALLY REJECT, IN THIS DEFINITION, PROTECTION, WHICH THIS GROUP DOES NOT HAVE CURRENTLY UNDER NEBRASKA LAW. YOU KNOW THAT. YOU MADE SURE OF THAT. YOU INSISTED ON IT BY REJECTING THAT LAW THAT WOULD HAVE BROUGHT THEM INTO THE HUMAN RACE AS FAR AS EMPLOYMENT PROTECTION. THEN HERE WHERE YOU'RE CREATING A DEFINITION OF EMPLOYEE THAT DOESN'T CURRENTLY EXIST IN THE LAW. THAT'S WHY YOU'RE MAKING A DEFINITION FOR PURPOSES OF THIS ACT WHICH CREATES A RIGHT TO PRIVACY AND YOU ARE EXPLICITLY SAYING IT DOES NOT EXTEND TO MEMBERS OF THE LGBT COMMUNITY WHEN YOU REJECT MY AMENDMENT. AND WHEN THESE LAWS ARE CONSTRUED TOGETHER, THIS LAW WILL BE STRUCK DOWN. THE COURT IS NOT GOING TO CREATE A RIGHT OF PROTECTION. IF THEY DO THAT, YOU DON'T NEED THIS LAW. AND THAT PROTECTION OF LGBT PEOPLE DOES NOT EXIST IN THE LAW. SO WE'RE JUST GOING TO HAVE BATTLE. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB821]

SENATOR HILKEMANN: QUESTION. [LB821]

PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO NOT SEE FIVE HANDS. DEBATE WILL PROCEED. SENATOR LARSON, YOU'RE RECOGNIZED. [LB821]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AGAIN, I WOULD SAY THAT LB586 WAS IN THE FAIR EMPLOYMENT ACT. WITHIN THE FAIR EMPLOYMENT ACT, I'M NOT SAYING THAT SENATOR CHAMBERS IS WRONG. LB821 CREATES ITS OWN ACT THAT IS UNRELATED TO THE FAIR EMPLOYMENT ACT IN WHICH WE CREATE OUR OWN DEFINITION OF WHAT AN EMPLOYEE IS OR WHAT A PROSPECTIVE APPLICANT IS. WE ARE NOT IN THE FAIR EMPLOYMENT ACT. AND FOR THE PURPOSES OF THIS ACT, LB821, WE CREATE A DEFINITION OF EMPLOYEE AND PROSPECTIVE EMPLOYEE FOR ONLY THE PURPOSES OF THIS ACT. IT DOES NOT RELATE TO THE FAIR EMPLOYMENT ACT IN WHICH LB586 WAS IN. FOR THE

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PURPOSES OF THIS ACT WE SAY WE COVER EVERYONE--ANY EMPLOYEE, ANY PROSPECTIVE EMPLOYEE, AGAIN, WHETHER THEY ARE LGBTQ, WHETHER THEY ARE ANY RACE, ANY GENDER, IT COVERS EVERYONE FOR THE PURPOSES OF THIS ACT. WE DEFINE...WE EXCLUDE NO ONE AND DEFINE EVERYONE. WE DEFINE IT AS AN EMPLOYEE OR PROSPECTIVE EMPLOYEE. I UNDERSTAND THAT A POINT IS TRYING TO BE MADE ON THIS FLOOR, AND SENATOR CHAMBERS AGAIN CAN STAND UP AND CALL ME HOMOPHOBIC BECAUSE I DON'T SUPPORT HIS FLOOR AMENDMENT, BUT AGAIN, I HOPE HE HAS A VOTE...THE RECORD OF WHERE I WAS ON LB586. I COVER EVERYONE IN LB821. WE ARE NOT IN THE FAIR EMPLOYMENT ACT. WE ARE CREATING OUR OWN ACT WITH OUR OWN DEFINITION OF EMPLOYEE THAT COVERS ABSOLUTELY ANYONE. NO EMPLOYER OR PROSPECTIVE EMPLOYER WILL BE ABLE TO ASK FOR AN INTERNET PASSWORD FROM ANYONE REGARDLESS OF SEXUAL ORIENTATION, RACE, GENDER, ANYTHING. IT WILL NOT BE ALLOWED, PERIOD. THANK YOU, MR. PRESIDENT. [LB821 LB586]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. THAT WAS YOUR THIRD OPPORTUNITY, SENATOR. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB821]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. OH, I THINK IT'S JUST AMAZING THAT WE DIDN'T GET FIVE HANDS RAISED. OBVIOUSLY, PEOPLE AREN'T LISTENING VERY WELL, OR MAYBE IT IS THAT YOU WANT TO CONTINUE TALKING ABOUT THIS. AGAIN, I'M NOT FAMILIAR OF ANY OTHER PLACE IN STATUTE WHERE WE DEFINE EMPLOYEE AS ONE THING IN ONE AREA AND EMPLOYEE AS ANOTHER THING IN ANOTHER AREA. SO THIS IS A NEW THEORY, AND I KNOW THAT SENATOR LARSON, I DO NOT BELIEVE THAT HE IS AGAINST THE FAIR EMPLOYMENT OF LGBT PEOPLE. BUT I DO THINK THAT THERE IS NO QUESTION THAT WE HAVE AN ISSUE WHERE WE HAVE SOME PEOPLE BEING COVERED BY OUR LAWS AND SOME NOT. SO I WOULD SUPPORT FA109. I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS; 4:00, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I'D LIKE TO ASK SENATOR LARSON A QUESTION. [LB821]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB821]

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SENATOR LARSON: YES. [LB821]

SENATOR CHAMBERS: SENATOR LARSON, WHY DOES YOUR BILL INCLUDE THE WORDS "OR ANY FORM OF DISCRIMINATION"? WHAT OTHER FORM OF DISCRIMINATION IS THERE OTHER THAN THE DISCHARGE OR THE THREAT OR A THREAT AGAINST AN EMPLOYEE? WHY IS NOT THAT SUFFICIENT? WHY DID YOU THEN ADD THE WORDS "OR ANY OTHER FORM OF DISCRIMINATION"? [LB821]

SENATOR LARSON: LIKE I SAID, SENATOR CHAMBERS, I DON'T THINK THAT...AND WHY I SAY IT'S ALL-ENCOMPASSING ALREADY, "ADVERSE ACTION MEANS FOR THE DISCHARGE OF AN EMPLOYEE, A THREAT AGAINST AN EMPLOYEE, OR ANY OTHER FORM OF DISCRIMINATION AGAINST AN EMPLOYEE THAT NEGATIVELY AFFECTS THE EMPLOYEE'S EMPLOYMENT" AMENDMENT IS TO BE ALL-ENCOMPASSING. [LB821]

SENATOR CHAMBERS: WELL, WHY DO YOU NEED THE WORDS OR "ANY OTHER FORM"? GIVE ME ANOTHER FORM OF DISCRIMINATION BESIDES FIRING, THREATENING, OR ANYTHING THAT NEGATIVELY AFFECTS THE EMPLOYEE'S EMPLOYMENT. IF YOU PUT FIRING OR THREAT OR ANYTHING THAT NEGATIVELY AFFECTS THE EMPLOYMENT, WHY DO YOU PUT THE WORDS "OR ANY OTHER FORM OF DISCRIMINATION"? NONE OF THOSE WORDS ARE TALKING ABOUT DISCRIMINATION, SO WHEN YOU SAY... [LB821]

SENATOR LARSON: I THINK AS YOU GO FURTHER INTO THAT PARAGRAPH, SENATOR CHAMBERS, WE TALK ABOUT...LIKE ANY FORM OF DISCRIMINATION I MEAN THREAT OR... [LB821]

SENATOR CHAMBERS: NO, YOU'RE (INAUDIBLE)... [LB821]

SENATOR LARSON: ...WHEN WE DISCUSS ENSURING THAT... [LB821]

SENATOR CHAMBERS: THAT'S OKAY. THANK YOU. [LB821]

SENATOR LARSON: ...THAT THEY ARE...EVERYBODY IS COMPENSATED FAIRLY AND WE DON'T...(MICROPHONE MALFUNCTION) [LB821]

SENATOR CHAMBERS: THANK YOU, BECAUSE YOU'RE RUNNING INTO MY TIME. THAT'S NOT WHAT YOU'RE TALKING ABOUT. I DON'T THINK YOU DRAFTED THIS

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BILL. I DON'T THINK YOU'VE SERIOUSLY CONSIDERED THE RAMIFICATIONS OF THIS LANGUAGE. WHEN YOU PUT "OR ANY OTHER FORM OF DISCRIMINATION" WHEN YOU SAY "ANY OTHER" THEN YOU'RE GOING TO CONSIDER DISCHARGE AS A FORM OF DISCRIMINATION. YOU'RE GOING TO CONSIDER THREAT A FORM OF DISCRIMINATION BECAUSE YOU DON'T SAY "OR ANY DISCRIMINATION". YOU SAY "OR ANY OTHER". THAT MEANS THAT WHICH PROCEEDED IS DEEMED TO BE DISCRIMINATION. AND THEN YOU PUT A BALLOON CLAUSE THAT COLLECTS ANY AND EVERY OTHER THING. BUT YOU MAKE THAT SUPERFLUOUS BY TALKING ABOUT WHATEVER NEGATIVELY AFFECTS THE EMPLOYEE. COURTS SAY THAT ALL WORDS IN A BILL MUST BE GIVEN MEANING IN A LAW. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: IF YOU HAVE TWO WAYS OF SAYING THE SAME THING, OR THAT'S WHAT YOU THINK YOU'RE DOING, THE COURT IS GOING TO INTERPRET THEM AS BEING DIFFERENT, OTHERWISE YOU WOULDN'T EXPRESS THEM DIFFERENTLY. AND SENATOR LARSON IS NOW SCRAMBLING. HE HAD NOT ANTICIPATED THIS. THE ONES WHO DRAFTED THE BILL HAD NOT ANTICIPATED IT. IT ALL DOES FIT TOGETHER IN TERMS OF WHAT THE STATE'S POLICY TOWARD EMPLOYEES IS. THE MAIN POLICY IS THAT IT'S ALL RIGHT TO DISCRIMINATE AGAINST SOMEBODY WHO IS GAY OR LESBIAN, ANY MEMBER OF THE LGBT COMMUNITY. IT'S ALL RIGHT UNDER NEBRASKA LAW RIGHT NOW TO DISCRIMINATE AGAINST THEM, IT'S LEGAL. SO THEN WHEN YOU TALK ABOUT NONDISCRIMINATION AGAINST EMPLOYEES HERE, THEN THE EMPLOYEES THAT IT'S TALKING ABOUT ARE THOSE RECOGNIZED BY LAW AS HAVING RIGHTS. [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB821]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'D YIELD TO SENATOR LARSON IF HE WANTS TO RESPOND. [LB821]

PRESIDENT FOLEY: SENATOR LARSON, 5:00. [LB821]

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SENATOR LARSON: THANK YOU, MR. PRESIDENT. ANY OTHER FORM OF DISCRIMINATION COULD RELATE TO EMPLOYMENT CONDITIONS, COMPENSATION, PROMOTIONS, AND THINGS OF THAT NATURE. COLLEAGUES, AGAIN, I WILL REITERATE LB821 AND AM2210 DO NOT DISCRIMINATE AGAINST ANYONE. AN EMPLOYEE...FOR THE DEFINITION OF THIS ACT, AN EMPLOYEE OR APPLICANT OR PROSPECTIVE EMPLOYEE IS ANYBODY APPLYING FOR EMPLOYMENT AND ANYBODY THAT IS EMPLOYED. IF WORDS MATTER, AS SENATOR CHAMBERS CONTINUALLY SAYS, THEN THE COURTS WILL LOOK...WHEN A SUIT ON THIS CASE...OR IF A SUIT COMES RELATED TO WHAT WE PASS IN LB821, THEY WILL READ THE DEFINITION THAT WE HAVE LAID OUT FOR AN EMPLOYEE OR A PROSPECTIVE EMPLOYEE RELATING TO THIS ACT. AND RELATING TO THIS ACT WE DEFINE ANYONE THAT IS EMPLOYED OR ANYBODY THAT IS APPLYING FOR EMPLOYMENT. SO IF WORDS MATTER, THE COURTS WILL LOOK SPECIFICALLY INTO THIS ACT, THE DEFINITION OF THIS ACT, AND HOW WE DEFINED AN EMPLOYEE AND AN APPLICANT, IN WHICH WE COVER EVERYONE. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR PANSING BROOKS, THIS IS YOUR THIRD OPPORTUNITY, SENATOR. [LB821]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. AGAIN, MAY I ASK SENATOR LARSON A QUESTION? [LB821]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB821]

SENATOR LARSON: YES. [LB821]

SENATOR PANSING BROOKS: SENATOR LARSON, DO YOU HAVE KNOWLEDGE OF A PLACE WHERE WE WOULD DEFINE EMPLOYEE ONE WAY IN ONE AREA OF OUR STATUTES AND EMPLOYEE ANOTHER WAY IN ANOTHER WAY IN ANOTHER AREA OF OUR STATUTES TO INCLUDE SOME PEOPLE IN ONE AND NOT SOME PEOPLE IN ANOTHER? [LB821]

SENATOR LARSON: I PERSONALLY DO NOT... [LB821]

SENATOR PANSING BROOKS: OKAY, THANK YOU. [LB821]

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SENATOR LARSON: ...SENATOR HARR MIGHT BE BETTER, AS BUSINESS AND LABOR... [LB821]

SENATOR PANSING BROOKS: OKAY. [LB821]

SENATOR LARSON: ...MIGHT BE A BETTER PERSON TO ASK. [LB821]

SENATOR PANSING BROOKS: I HAVE ANOTHER QUESTION THEN. SENATOR LARSON, YOU ARE...YOU DID VOTE FOR CLOTURE ON LB586. SO... [LB821 LB586]

SENATOR LARSON: BRACKET, I VOTED AGAINST THE BRACKET. [LB821]

SENATOR PANSING BROOKS: OKAY, I'M SORRY. [LB821]

SENATOR LARSON: THAT WAS...WE DIDN'T A CLOTURE VOTE. [LB821]

SENATOR PANSING BROOKS: YOU'RE RIGHT, GOOD POINT. THANK YOU. SO WHAT I'M WONDERING IS WHAT IS YOUR PROBLEM WITH ADDING THIS LANGUAGE TO MAKE CERTAIN THAT WE ARE COVERING ALL PEOPLE IN FA109 AND THEN WE PASS AM2210 AND THEN LB821? [LB821]

SENATOR LARSON: I HAVE AN ANSWER TO YOUR FIRST QUESTION IF YOU WANT. [LB821]

SENATOR PANSING BROOKS: NO, I WANTED THIS ONE NOW. THANK YOU. [LB821]

SENATOR LARSON: OKAY, BECAUSE I DIDN'T HEAR YOUR CURRENT ONE. [LB821]

SENATOR PANSING BROOKS: OKAY. BUT MY CURRENT ONE IS WHY DO YOU HAVE A PROBLEM IF YOU ARE SUPPORTIVE OF LGBT AND YOU THINK THEY SHOULD BE PROTECTED? WHAT DIFFERENCE WOULD IT MAKE THEN TO ADD THIS LANGUAGE TO MAKE CERTAIN THAT WE DON'T HAVE A VARIATION OF OUR LAWS AND THEN GO AHEAD AND PASS AM2210 AND THEN GO AHEAD AND PASS LB821? [LB821]

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SENATOR LARSON: SENATOR PANSING BROOKS, I BELIEVE FA109 IS JUST NOT NEEDED BECAUSE THE DEFINITION EMPLOYEE AND APPLICANT ALREADY COVERS EVERYONE. [LB821]

SENATOR PANSING BROOKS: OKAY. [LB821]

SENATOR LARSON: SO IF IT... [LB821]

SENATOR PANSING BROOKS: OKAY. [LB821]

SENATOR LARSON: ...THE DEFINITION IS ALL-ENCOMPASSING, WHY WOULD WE ADD IN ONE SPECIFIC CLASS? [LB821]

SENATOR PANSING BROOKS: WELL, YOU HAVE TWO LAWYERS STANDING UP SAYING THAT IT COULD MAKE A DIFFERENCE. SO IF THAT'S TRUE, WOULDN'T IT BE BETTER TO MAKE SURE THAT ALL THE PEOPLE THAT YOU INTEND TO COVER BY THIS ARE COVERED AND THAT WE MOVE FORWARD WITH ALL THREE: THE AMENDMENT AND...BOTH AMENDMENTS AND THE BILL ITSELF? [LB821]

SENATOR LARSON: NO, SENATOR PANSING BROOKS... [LB821]

SENATOR PANSING BROOKS: OKAY, THANK YOU SO MUCH. [LB821]

SENATOR LARSON: ...BECAUSE I THINK WE... [LB821]

SENATOR PANSING BROOKS: I'M GOING TO GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. THANK YOU, VERY MUCH. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS; 2:45, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. THIS TIME I'M GOING TO PLAY THE ROLE OF THE EMPLOYER WHO HAS FIRED A GAY MAN FOR NOT GIVING ME ACCESS TO THIS MATERIAL. AND HE SUES ME AND I SAY--I'M THE LAWYER NOW--I SAY, YOUR HONOR, MY CLIENT DID NOT VIOLATE THIS LAW. THE LAW MEANS ONLY WHAT IT SAYS. BUT YOU BEING CONVERSANT WITH THE DOCTRINE OF PARI MATERIA KNOW THAT

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WHEN WE ARE TALKING ABOUT EMPLOYEES, WE LOOK TO WHAT THE GENERAL POLICY OF THE STATE IS. IN THE STATE OF NEBRASKA, THE POLICY IS TO ALLOW DISCRIMINATION AGAINST PEOPLE WHO ARE MEMBERS OF THE LGBT COMMUNITY. THAT IS NOT AGAINST NEBRASKA LAW. WHEN ANOTHER LAW IS PASSED CREATING A RIGHT TO PRIVACY FOR EMPLOYEES, IT PROTECTS ONLY THOSE EMPLOYEES BECAUSE WE'RE TALKING ABOUT A LEGAL CONTEXT. IT PROTECTS ONLY THOSE EMPLOYEES THAT ARE RECOGNIZED AS SUCH UNDER THE LAW OF NEBRASKA. UNDER THE LAW OF NEBRASKA, EVEN IF AN LGBT PERSON IS WORKING, THAT PERSON HAS NO RIGHTS THAT ANY EMPLOYER IS BOUND TO RESPECT. SUCH BEING THE POLICY, THIS INDIVIDUAL CANNOT FILE A LAWSUIT AND PREVAIL AGAINST ME FOR FIRING HIM PURSUANT TO THIS LAW-- HE CAN'T GET ME. AND HE CAN'T GET ME PURSUANT TO THE NONDISCRIMINATION LAWS BECAUSE HE DOES NOT HAVE ANY LEGAL RIGHTS AS AN EMPLOYEE, NO LEGAL RIGHTS. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: THAT IS THE LAW, WHETHER YOUR HONOR LIKES IT OR THINKS IT'S PROPER, WHETHER I LIKE IT OR THINKS IT'S PROPER. THE LEGISLATURE ESTABLISHED THE POLICY OF THE STATE OF NEBRASKA, THAT LGBT PERSONS HAVE NO LEGAL RIGHTS AS EMPLOYEES, NONE THAT ARE RECOGNIZED AT LAW. AN ATTEMPT WAS MADE WHEN THIS BILL WAS BEING ENACTED INTO LAW TO DEFINE EMPLOYEE TO INCLUDE THOSE WHO ARE NOT INCLUDED AS EMPLOYEES ANYWHERE ELSE. AND IT WAS SPECIFICALLY REJECTED, WHICH WAS AN AFFIRMATION THAT THESE PEOPLE HAVE NO RIGHTS, WHICH THE STATE OF NEBRASKA RECOGNIZED, THEREFORE, HE HAD NO RIGHTS UNDER THIS LAW WHICH WERE PROTECTED TO PROTECT THE PRIVACY RIGHTS ONLY OF EMPLOYEES WHO ARE RECOGNIZED AS SUCH YOU UNDER THE NEBRASKA LAW. JUDGE WOULD SAY, CASE DISMISSED. HE'S GOT NO RIGHTS. I DON'T LIKE IT, BUT THE NEBRASKA... [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: ..LEGISLATURE SAID SO. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHNOOR. [LB821]

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SENATOR SCHNOOR: THANK YOU, SIR. I'D LIKE TO YIELD MY TIME TO SENATOR LARSON. [LB821]

PRESIDENT FOLEY: SENATOR LARSON, 5:00. [LB821]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. SENATOR PANSING BROOKS, I HAVE...SHE ASKED ME IS THERE ANY PLACE IN STATUTE IN WHICH WE DEFINE EMPLOYEE DIFFERENT? FIRST OF ALL, THE ONE-LINE DEFINITION FOR EMPLOYEE IS THE SAME THAT WE'RE USING IN THE LAW IN TERMS OF MY UNDERSTANDING OF THE FAIR EMPLOYMENT ACT ANYWAY, THE ONE-LINER. BUT IN TERMS OF WHERE WE DEFINE EMPLOYEE, YOU KNOW, IF WE'RE USING THAT AS A...OR ASSUMING THAT IT'S DIFFERENT, FOR EXAMPLE, IN 84-1301 WE DEFINE EMPLOYEE, WHICH HAS TO DO WITH WHAT WOULD BE FOR THE PURPOSES OF STATE EMPLOYEES RETIREMENT ACT. WE HAVE A DEFINITION FOR EMPLOYEE IN WHICH AN EMPLOYEE MEANS "ANY EMPLOYEE OF THE STATE BOARD OF AGRICULTURE WHO IS A MEMBER OF THE STATE RETIREMENT SYSTEM". WE DEFINE...OR IN 23-2301 WE DEFINE "EMPLOYEE MEANS ALL PERSONS OR OFFICERS WHO ARE EMPLOYED BY A COUNTY OF THE STATE OF NEBRASKA ON A PERMANENT BASIS" FOR ANY...WHEN WE MENTION EMPLOYEE IN THAT ACT. COLLEAGUES, FOR LB821 WE DEFINE EMPLOYEE AS ANY APPLICANT...OR EMPLOYEE THAT'S ANYBODY THAT'S EMPLOYED AND WE DEFINE APPLICANT AS ANYBODY THAT'S APPLYING FOR A JOB. EVERYONE IS COVERED IN LB821, PERIOD. REGARDLESS OF YOUR SEXUAL OTHER ORIENTATION, GENDER, RACE, EVERYONE IS COVERED. AS I SAID, IF WE'RE GOING TO GO INTO THE WORDS MATTER...IN THE COURTS AND LB821 GETS CHALLENGED, THE COURTS WILL LOOK AT THIS AND THEY SAY THE LEGISLATURE, FOR THE PURPOSES OF THIS SUIT, HAS DEFINED EMPLOYEE AS ANYONE, OR AN APPLICANT AS ANYONE. SO WHY WOULD WE ADD LANGUAGE THAT IS NOT NEEDED WHEN WE ARE ALREADY ALL-ENCOMPASSING? THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR COOK, YOU'RE RECOGNIZED. [LB821]

SENATOR COOK: THANK YOU, MR. PRESIDENT. I WOULD YIELD MY TIME TO SENATOR PANSING BROOKS, IF SHE WOULD WANT IT. [LB821]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, 5:00. [LB821]

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SENATOR PANSING BROOKS: THANK YOU VERY MUCH, MR. PRESIDENT. WELL, OF COURSE ALL OF THOSE STATUTES THAT WERE MENTIONED ARE DEALING WITH SPECIFIC GROUPS TOWARDS WHICH...AND TO SPECIFIC TYPES OF EMPLOYMENT-- NOT CLASSES OF PEOPLE, NOT ENTIRE GROUPS LIKE GENDER OR RELIGION OR...OF COURSE WE TREAT PEOPLE DIFFERENTLY IN THE DIFFERENT PROFESSIONS. BUT AGAIN, WE CLEARLY KNOW THAT WE HAVE THE RIGHT TO DISCRIMINATE AGAINST LGBT PEOPLE IN EMPLOYMENT IN NEBRASKA. TO ACT OTHERWISE IS FOLLY. AND AGAIN, I DON'T SEE ANY PROBLEM WITH ADOPTING FA109 AND THEN AM2210 AND THEN LB821. SO I WOULD ENCOURAGE YOU ALL TO DO SO. AND I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. [LB821]

PRESIDENT FOLEY: SENATOR CHAMBERS...THAT'S NOT...THAT'S OUT OF ORDER, SENATOR. SENATOR BURKE HARR, YOU'RE RECOGNIZED. SENATOR BURKE HARR, YOU'RE RECOGNIZED. HE WAIVES THE OPPORTUNITY. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON FA109. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS BILL I'M NOT THROUGH WITH IT, WHATEVER YOU DO. WELL, I WILL BE THROUGH WITH IT IF YOU ACCEPT THIS AMENDMENT. THIS AMENDMENT DEALS ONLY WITH THIS BILL WHICH CREATES A WORKPLACE RIGHT TO PRIVACY. CURRENTLY, THE DEFINITION OF EMPLOYEE, WHICH IS CREATED HEREIN, IS NO BROADER THAN THE UNDERSTANDING OF EMPLOYEE AS ARTICULATED BY THE POLICY OF THIS STATE. THE POLICY OF THIS STATE IS CLEAR THAT MEMBERS OF THE LGBT COMMUNITY HAVE NO RIGHTS WHEN IT COMES TO EMPLOYMENT, PERIOD. THE REASON THERE'S A DIFFERENCE WHEN YOU TALK ABOUT RETIREMENT, PEOPLE HAVE BOUGHT INTO THAT. THEY'VE CONTRIBUTED MONEY. THAT IS STRICTLY A MONEY OPERATION. IF ANY OF THOSE LGBT PEOPLE HAD BEEN PREVENTED FROM WORKING FOR THE STATE OR ANY BUSINESS THAT HAS A RETIREMENT PLAN, THEY WOULD NOT BE A PART OF IT. THAT IS SOMETHING BASED ON AN ENTIRELY DIFFERENT PRINCIPLE. BUT HERE I'M GOING TO SAY IT AGAIN FOR THE RECORD. LET ME ASK SENATOR LARSON A QUESTION. [LB821]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB821]

SENATOR CHAMBERS: SENATOR LARSON, DEFINITIONS OF RACE ARE SO FLUID AND NONSENSICAL THAT SOMEBODY AS WHITE AS AN ALBINO WITH HAIR AS BLOND AS MARILYN MONROE COULD SAY HE OR SHE IS BLACK AND WOULD BE ACCEPTED AS BLACK, ARE YOU AWARE OF THAT? [LB821]

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SENATOR LARSON: SURE. [LB821]

SENATOR CHAMBERS: ARE YOU AWARE OF THAT? I COULD SAY I'M GAY, COULDN'T I, FOR PURPOSES OF BEING ABLE TO FILE A LAWSUIT AND CHALLENGE THIS BILL, COULDN'T I? [LB821]

SENATOR LARSON: PROBABLY. [LB821]

SENATOR CHAMBERS: AND THE COURT CANNOT ACCEPT ANY EVIDENCE THAT WOULD SAY I'M NOT BECAUSE YOU CANNOT PROVE I'M NOT, CAN YOU, BECAUSE YOU CANNOT PROVE A NEGATIVE, CAN YOU? [LB821]

SENATOR LARSON: I...PROBABLY...NO. [LB821]

SENATOR CHAMBERS: NOW IF I WOULD SUE GOD, DO YOU THINK I WOULD HESITATE TO BRING A LAWSUIT ON A PRINCIPLE SUCH AS THIS WHERE YOU ARE DISCRIMINATING AGAINST AN ENTIRE CLASS OF PEOPLE? ALTHOUGH I WOULDN'T HAVE TO DO IT, I'M SURE THERE ARE SOME PERSONS WHO ARE MEMBERS OF THAT COMMUNITY WHO ARE WILLING TO FILE A LAWSUIT. BUT THAT'S ALL I'LL ASK YOU. [LB821]

SENATOR LARSON: YOU WOULD HAVE TO...(MICROPHONE MALFUNCTION)
[LB821]

SENATOR CHAMBERS: WHAT WE CAN DO, BECAUSE THE LAW HAS ALWAYS SAID WHEN A PERSON'S CONSTITUTIONAL RIGHTS ARE AT STAKE, HE OR SHE NEED NOT WAIT UNTIL THE HARM IS REALIZED BEFORE CHALLENGING IT. AND THIS BILL TALKS ABOUT PROSPECTIVE EMPLOYEES OR APPLICANTS. A PERSON WHO IS GAY COULD SAY I AM THINKING ABOUT...I WANT TO BE AN APPLICANT TO THIS COMPANY, BUT IF I HAPPEN TO BE EMPLOYED, I WOULD HAVE NO RIGHTS TO PRIVACY. I WOULD NOT BE GRANTED THE RIGHTS THAT EVERY OTHER EMPLOYEE HAS. THIS LAW EXCLUDES ME FROM THAT PRIVACY-RIGHT PROTECTION AND I WANT TO CHALLENGE IT AS BEING UNCONSTITUTIONAL. AND I THINK THE PERSON WOULD WIN. AND I BELIEVE THERE ARE PEOPLE WHO MIGHT CARRY THE LAWSUIT AND AS QUIET AS IT'S KEPT AND AS CONTRADICTORY OR THEY ALWAYS SAY, COUNTERINTUITIVE AS IT MAY BE, THE ACLU MIGHT BE THE ONE WHO BRINGS SUCH A LAWSUIT... [LB821]

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PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...BECAUSE THESE MATTERS WERE NOT BROOKED WHILE THE BILL ITSELF WAS BEING PRESENTED. I DON'T KNOW WHETHER THIS PARTICULAR ISSUE WAS RAISED WHEN, AS SENATOR LARSON TOLD US, THEY WERE WORKING WITH THE ACLU. BUT IF YOU REJECT THE AMENDMENT, NATURALLY I'M GOING TO OFFER A RECONSIDERATION MOTION--WE'RE GOING TO BE ON THIS BILL--AND THEN IF THAT FAILS I WILL START STRIKING WORDS FROM THE DEFINITION AS BEING SUPERFLUOUS. WE DON'T NEED ALL THAT ITEMIZATION IF YOU'RE GOING TO SAY ANYTHING THAT IMPACTS NEGATIVELY ON THE PERSON'S EMPLOYMENT. YOU DON'T NEED TO TALK ABOUT COMPENSATION OR ANY OF THESE OTHER THINGS. AND IF YOU TALKED ABOUT COMPENSATION, YOU COULD TAKE CARE OF THAT UNDER THE EMPLOYMENT LAWS. THIS IS SOMETHING WHICH I HOPE EVERYBODY WILL THINK DEEPLY ABOUT. YOU ARE NOT EXPRESSING... [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: ...APPROVAL OF ANYTHING. THANK YOU, MR. PRESIDENT. I'LL ASK FOR A CALL OF THE HOUSE. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB821]

CLERK: 24 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB821]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR MELLO, KOLOWSKI, SMITH, HUGHES, KOLTERMAN, SCHEER, PLEASE CHECK IN. SENATORS HUGHES, SCHEER, AND KOLTERMAN, THE HOUSE IS UNDER CALL. ALL UNEXCUSED MEMBERS ARE NOW PRESENT. MEMBERS, THE QUESTION IS THE ADOPTION OF FA109. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB821]

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CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1311-1312.) 10 AYES, 26 NAYS, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: FA109 IS NOT ADOPTED. I RAISE THE CALL. MR. CLERK. [LB821]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE WITH RESPECT TO FA109. [LB821]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON THE RECONSIDERATION MOTION. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, THIS ISSUE IS NOT GOING TO GO AWAY. NOT JUST ON THIS BILL, BUT THERE WILL BE OTHER OCCASIONS AND OPPORTUNITIES DURING THE SESSION. BUT WE CAN STAY ON THIS BILL UNTIL MIDNIGHT. AND WHAT I'M GOING TO BEGIN DOING, AS I STATED, AFTER WE CONSIDER THAT RECONSIDERATION MOTION, DRAFTING AMENDMENTS TO THE BILL ITSELF. I NEED SOME ADDITIONAL AMMUNITION, BUT MY TIME IS GOING. THERE IS NO NEED FOR US TO PANIC, NO NEED FOR US TO RUSH BECAUSE WE'RE GOING TO BE HERE AND I'M GOING TO REPEAT, REPEAT, AND REPEAT. THERE IS A PROVISION IN THE NEBRASKA CONSTITUTION THAT SAYS A PERSON WILL NOT BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, ANY OF THOSE RIGHTS, WITHOUT DUE PROCESS OF LAW AND IT GUARANTEES YOU EQUAL PROTECTION OF THE LAW. IT WOULD SEEM THAT THE VERY LANGUAGE OF THAT CONSTITUTIONAL PROVISION WOULD PROHIBIT DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTIFICATION. BUT NOBODY HAS BROUGHT A LAWSUIT FOR THAT PURPOSE. SO SINCE WE'RE SPLASHING AROUND IN THE MUDDY WATER OF MERE LEGISLATION AND NOT CONSTITUTIONAL INTERPRETATION, I AM GOING TO TALK ABOUT THIS FROM THE STANDPOINT OF LAW. IT'S ALWAYS INTERESTING TO ME HOW PEOPLE WHO KNOW NOTHING ABOUT THE LAW WANT TO TRY TO EXPLAIN THE LAW. I'M SURE IF I TALKED ABOUT AGRICULTURAL MATTERS, THERE WOULD BE PEOPLE WHO JUMP UP ON THIS FLOOR AND SAY YOU DON'T KNOW ANYTHING ABOUT AGRICULTURE. SENATOR KUEHN EVEN SAID WHEN HE OFFERED THAT BAD CONSTITUTIONAL PROPOSAL TO WHAT HE CALLED PROTECT THE RIGHT TO FARM. HE SAID CITY PEOPLE DON'T KNOW ANYTHING ABOUT AGRICULTURE. THEY'RE GOING TO CONTINUE TO BE WITHOUT KNOWLEDGE AND UNDERSTANDING. THEN YOU HAVE PEOPLE IN AGRICULTURE STANDING UP HERE INTERPRETING THE CONSTITUTION AND THE LAWS. BUT THE LAW IS SUCH, WHERE JUST LIKE BEAUTY, EVERYBODY CAN HAVE AN OPINION ON IT. BUT THE

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FINAL ARBITER OF THE MEANING OF A STATUTE IS THE COURT. AND IF YOU LOOK AT WHAT WE'VE CREATED HERE IN THE FORM OF A RECORD, AND I'D LIKE YOU TO GET A COPY OF THE TRANSCRIPT AND READ HOW SENATOR LARSON STUMBLED, BUMBLED, AND MADE NOT ANY PERSUASIVE ARGUMENT EVEN TO HIMSELF. THE TRANSCRIPTS DO NOT NOTE PAUSES. IT JUST GOES STRAIGHT THROUGH. I'D LIKE TO ASK SENATOR BLOOMFIELD A QUESTION. [LB821]

PRESIDENT FOLEY: SENATOR BLOOMFIELD, WOULD YOU YIELD, PLEASE? [LB821]

SENATOR BLOOMFIELD: AS SENATOR CHAMBERS SAYS, HESITANTLY. [LB821]

SENATOR CHAMBERS: THANK YOU. SENATOR BLOOMFIELD, REMEMBER I SAID I'M ASKING FOR YOUR OPINION, NOT AN INTERPRETATION OF THE LAW. IN YOUR OPINION, IS IT LEGAL UNDER NEBRASKA TO DISCRIMINATE IN EMPLOYMENT AGAINST PEOPLE WHO BELONG TO THE LGBT COMMUNITY? [LB821]

SENATOR BLOOMFIELD: ARE YOU REFERRING TO CURRENTLY OR UNDER THIS BILL, SENATOR? [LB821]

SENATOR CHAMBERS: UNDER THE LAW OF NEBRASKA, DO EMPLOYMENT LAWS PROTECT LGBT PEOPLE FROM EMPLOYMENT DISCRIMINATION? [LB821]

SENATOR BLOOMFIELD: I THINK THEY DO, BUT THAT'S MY OPINION. [LB821]

SENATOR CHAMBERS: SO YOU THINK THAT IF A PERSON WERE FIRED BECAUSE HE OR SHE IS GAY, THAT PERSON COULD GO TO COURT AND GET THE JOB BACK ON THE BASIS OF HAVING BEEN DISCRIMINATED AGAINST? THAT'S YOUR VIEW? [LB821]

SENATOR BLOOMFIELD: YES, SIR. [LB821]

SENATOR CHAMBERS: IS SENATOR PANSING BROOKS HERE? OH, THANK YOU, SENATOR BLOOMFIELD. [LB821]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD, PLEASE? I DO NOT SEE HER, SENATOR. [LB821]

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SENATOR CHAMBERS: OH, SENATOR MORFELD, I'LL ASK HIM. [LB821]

PRESIDENT FOLEY: SENATOR MORFELD, WOULD YOU YIELD, PLEASE? [LB821]

SENATOR MORFELD: YES. [LB821]

SENATOR CHAMBERS: SENATOR MORFELD, ARE YOU LICENSED TO PRACTICE LAW IN THE STATE OF NEBRASKA? [LB821]

SENATOR MORFELD: I AM. [LB821]

SENATOR CHAMBERS: SENATOR MORFELD, IF A PERSON WERE FIRED STRICTLY ON THE BASIS OF BEING GAY, COULD THAT PERSON SUE UNDER NEBRASKA'S NONDISCRIMINATION LAWS AND GET HIS OR HER JOB BACK? [LB821]

SENATOR MORFELD: NO. [LB821]

SENATOR CHAMBERS: SO THAT PERSON HAS NO PROTECTION IN THE EMPLOYMENT REALM FROM NEGATIVE ACTION BASED STRICTLY ON BEING GAY? [LB821]

SENATOR MORFELD: THAT IS CORRECT. [LB821]

SENATOR CHAMBERS: OKAY. NOW, IF THIS LAW...IF THIS BILL BECAME LAW AND AN EMPLOYER SAID HE OR SHE WOULD COMPEL A GAY PERSON, UNDER PAIN OF BEING FIRED, TO GIVE HIM OR HER ACCESS TO THIS INFORMATION AND THE GAY PERSON REFUSED AND WAS TO BE FIRED, DO YOU THINK THAT THAT GAY PERSON WOULD HAVE RECOURSE UNDER THE LAWS SINCE HE OR SHE IS NOT RECOGNIZED AT LAW AS HAVING ANY EMPLOYMENT RIGHTS? [LB821]

SENATOR MORFELD: SENATOR CHAMBERS,...AND I WAS GOING TO GET UP AND TALK ABOUT THIS A LITTLE BIT. [LB821]

SENATOR CHAMBERS: THEN WHY DON'T I LET YOU DO THAT SO YOU WON'T HAVE TO DO IT IN ANSWER TO A QUESTION AND YOU CAN... [LB821]

SENATOR MORFELD: THAT SOUNDS... [LB821]

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SENATOR CHAMBERS: ...TAKE AS MUCH TIME AS YOU NEED BECAUSE I WANT TO USE MY TIME AND OTHERS WHEN THEY GIVE IT TO ME. I AM "GUARDFUL" WHEN IT COMES TO TIME INVOLVING ME, BUT I'M DISREGARDFUL WHEN IT INVOLVES THE REST OF YOU ALL. I DON'T SEE A THING ON THE REMAINING AGENDA AS IMPORTANT AS WHAT I CONSIDER TO BE A HUMAN RIGHT. I REALIZE THAT WHAT WE'RE TALKING ABOUT IS A CIVIL RIGHT CREATED BY THE STATE. BUT I CONSIDER IT A VIOLATION OF A PERSON'S HUMAN RIGHTS WHEN HE OR SHE ARE DENIED ACCESS TO THIS CIVIL RIGHT BASED ON WHAT HE OR SHE HAPPENS TO BE. SO CIVIL RIGHTS ARE IMPLICATED, HUMAN RIGHTS ARE IMPLICATED. IN THIS SPECIFIC STATUTE, A DEFINITION OF EMPLOYEE IS GIVEN. THAT DEFINITION DOES NOT ELABORATE ON WHO IS AN EMPLOYEE. A COURT WOULD HAVE TO GO TO THE LAW IF A CHALLENGE IS MADE ON THE BASIS OF THIS LAW NOT PROTECTING A GAY OR LESBIAN PERSON BECAUSE THAT PERSON HAS NO EMPLOYMENT RIGHTS WHICH THIS STATE IS BOUND TO ACCEPT, IS BOUND TO RECOGNIZE. FOR PURPOSES OF NEBRASKA LAW, WHEN IT COMES TO EMPLOYMENT, A MEMBER OF THE LGBT COMMUNITY IS A NONPERSON--A NONPERSON. WHEN THE SUPREME COURT WAS DEALING WITH A CASE THAT INVOLVED BANISHMENT, THE SUPREME COURT STRUCK THAT LAW DOWN AS CRUEL AND UNUSUAL PUNISHMENT. THEY WENT INTO SOME DEPTH AS TO WHAT CONSTITUTED BEING STATELESS IN A WORLD SUCH AS THIS WHERE BEING A MEMBER OF A STATE...A MEMBER OF THAT COMMUNITY IN THAT STATE, IS EVERYTHING. AND TO MAKE THAT PERSON STATELESS IS TO REDUCE THAT INDIVIDUAL TO THE STATUS OF A NONPERSON. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: THESE LAWS REDUCE HUMAN BEINGS TO THE STATUS OF NONPERSONS AND I WILL FIGHT AGAINST THAT. AND SINCE THIS IS THE BILL THAT IS BEFORE US, IT IS THE BILL THAT OFFERS THE OPPORTUNITY TO WAGE THAT BATTLE, THIS IS THE BILL THAT I INTEND TO WAGE THE BATTLE ON HERE, AND IF IT GETS TO SELECT FILE, ON SELECT FILE. AND WE HAVE NOTHING BUT TIME. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB821]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. FIRST, I WOULD LIKE TO THANK SENATOR CHAMBERS FOR HIS STRONG ADVOCACY OF LB586 AND WORKPLACE DISCRIMINATION...ANTIWORKPLACE DISCRIMINATION LAWS WELL

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BEFORE I WAS EVER IN THIS BODY. AND THERE'S PROBABLY NO MORE OF AN ADVOCATE FOR NONDISCRIMINATION FOR LGBT NEBRASKANS OTHER THAN SENATOR CHAMBERS AND SENATOR PATTY PANSING BROOKS. THERE'S NO STRONGER OF AN ADVOCATE--OTHER THAN SENATOR CHAMBERS AND SENATOR PATTY PANSING BROOKS--THAN THAT OF MYSELF. THAT BEING SAID, I ALSO WANT TO THANK SENATOR LARSON FOR BEING WITH US ON LB586. AND SO I'M A LITTLE BIT TORN IN THIS IN THE SENSE THAT, YES, WOULD I HAVE SUPPORTED THE AMENDMENT TO THE BILL? ABSOLUTELY. BUT DO I SUPPORT THE BILL WITHOUT THE AMENDMENT? WHOLEHEARTEDLY. I PERSONALLY, AFTER TALKING TO FORMER-SENATOR CONRAD WHO'S NOW THE EXECUTIVE DIRECTOR OF ACLU OF NEBRASKA, WHO WORKED WITH SENATOR LARSON ON THIS BILL, AFTER TALKING TO HER ABOUT THIS, I GUESS I DON'T SEE THE CONCERNS OF THE UNDERLYING BILL THAT SENATOR CHAMBERS DOES. AND AS SENATOR CONRAD...FORMER-SENATOR CONRAD JOKED, WHEN WE'RE ALL SEEING EYE TO EYE WITH SENATOR BLOOMFIELD WE HAVE TO KIND OF STEP BACK FOR A MINUTE. AND I CAN SEE HIM LAUGHING OVER THERE, SO HE APPRECIATES THE JOKE. BUT WHAT I'M TRYING TO GET AT IS I REALLY APPRECIATE WHAT SENATOR CONRAD...SENATOR CHAMBERS IS DOING BY BRINGING THIS ISSUE UP AGAIN. THAT BEING SAID...AND I WILL CONTINUE TO BRING UP THE ISSUE. THERE MIGHT BE A FEW OTHER BILLS I BRING UP THE ISSUE MYSELF ON BEFORE THE END OF THE SESSION. AND I'M GLAD THAT WE HAD A VOTE ON IT AND I APOLOGIZE I WASN'T HERE. I WAS DOWNSTAIRS TALKING TO SENATOR CONRAD. BUT IN ANY CASE, I ASK THAT YOU SUPPORT THE UNDERLYING BILL. BUT I ALSO APPRECIATE SENATOR CHAMBERS CONTINUING TO ADVOCATE FOR LB586 AND THE UNDERLYING PURPOSE OF IT. AND I WILL CONTINUE TO ADVOCATE FOR THAT BILL, LIKELY THIS SESSION, AND I WILL DEFINITELY BE REINTRODUCING THE SAME BILL NEXT SESSION, ALONG WITH A FEW OTHER BILLS MOST LIKELY. THANK YOU, MR. PRESIDENT. [LB821 LB586]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. SENATOR CHAMBERS, YOU'RE RECOGNIZED. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THE UNDERLYING BILL IS NOT WHAT I FIND FAULT WITH. THAT HAS NOTHING TO DO WITH WHAT I'M DOING HERE. BUT IT'S THE BASIS FOR WHAT I'M DOING HERE BECAUSE IT CREATES A RIGHT TO PRIVACY. I'M GOING TO SAY THAT AGAIN IN A DIFFERENT FORM. THE RIGHT TO PRIVACY BEING CREATED BY THIS BILL DOES NOT EXIST IN NEBRASKA LAW RIGHT NOW. WITHOUT THIS BILL, THE RIGHT TO PRIVACY IN THE REALM THAT THE BILL COVERS DOES NOT EXIST. YOU ARE CREATING A RIGHT WHICH CURRENTLY

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DOES NOT EXIST. NOW, I THINK I'VE EXPRESSED IT EVERY WAY I NEED TO. WHEN YOU MAKE THE BASIS OF THIS RIGHT, THE EMPLOYER-EMPLOYEE RELATIONSHIP, THEN YOU BRING OTHER CONSIDERATIONS INTO THE EQUATION. WHAT IS AN EMPLOYEE? THE BILL GIVES A DEFINITION WITHOUT ANY ELABORATION. IT JUST GIVES THE WORD, BUT IT DOES NOT REALLY DEFINE EMPLOYEE. IN THIS BILL IT DEFINES ADVERSE ACTION. THAT'S WHAT'S DEFINED HERE, NOT EMPLOYEE. IT DOESN'T SAY EVERY PERSON WORKING FOR THIS ESTABLISHMENT IS AN EMPLOYEE, BECAUSE IT DOES NOT DEFINE EMPLOYEE. THAT'S WHY I SAY WE'RE TALKING ABOUT A STATUS, A RELATIONSHIP BETWEEN AN EMPLOYER AND ONE WHOM THAT PERSON HAS HIRED. AND ONCE HIRED, THAT PERSON WHO HAS BEEN HIRED IS NOW IN A STATUS. IT IS THE STATUS OF BEING AN EMPLOYEE. SINCE THERE IS NO DEFINITION OF EMPLOYEE IN THIS SECTION THAT TALKS ABOUT AN EMPLOYEE AND THE RIGHTS OF THIS EMPLOYEE, OTHER AREAS OF THE LAW WOULD HAVE TO BE CONSIDERED TO DETERMINE WHAT IS MEANT BY THAT TERM WHICH IS NOT DEFINED HEREIN. SO THE SECTION THAT I'M DEALING WITH IN THIS BILL TALKS ABOUT ACTIVITIES WHICH ARE PROHIBITED. AND I AM SAYING THAT THOSE ACTIVITIES ARE PROHIBITED BECAUSE THEY WOULD VIOLATE THE RIGHT TO PRIVACY BEING CREATED BY THIS LAW. BUT WHEN YOU HAVE A WORD SUCH AS EMPLOYEE, WHICH IN NEBRASKA DOES NOT INCLUDE EVERYBODY WHEN IT COMES TO RIGHTS, THEN WHEN YOU CREATE A NEW RIGHT YOU'RE GOING TO HAVE TO SHOW THAT THIS EMPLOYEE IN THIS SETTING HAS RIGHTS WHICH IN ANY OTHER EMPLOYER-EMPLOYEE RELATIONSHIP THAT PERSON HAS NO RIGHTS WHATSOEVER. SO IF YOU INTEND TO INCLUDE THESE PEOPLE IN THIS EMPLOYER-EMPLOYEE RELATIONSHIP, YOU HAVE TO INDICATE THAT THIS PERSON UNDER THIS LAW... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...IS RECOGNIZED FOR THE PURPOSE OF THIS RIGHT WHEREAS HE OR SHE IS NOT RECOGNIZED AS A PERSON UNDER ANY OTHER EMPLOYMENT LAWS. THEREFORE, SINCE WE'RE TALKING ABOUT CONDUCT, WHICH CANNOT BE ALLOWED, AND THE WORD DISCRIMINATION HAS DESCRIPTIVE WORDS IN FRONT OF IT, ANY OTHER FORM OF DISCRIMINATION, YOU SHOULD EXPAND THAT TO SAY INCLUDING DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY, IF THOSE ARE THE PEOPLE TO BE INCLUDED IN THIS NEW DEFINITION OF EMPLOYEE, UNLESS IT'S THE SAME ONE THAT EXISTS NOW WHICH EXCLUDES THOSE PEOPLE ENTIRELY FOR PURPOSES OF PROTECTION FROM A DISCRIMINATION. THANK YOU, MR. PRESIDENT. [LB821]

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR RECONSIDERATION MOTION. [LB821]

SENATOR CHAMBERS: HAD I SPOKEN THREE TIMES ON THIS RECONSIDERATION MOTION? [LB821]

PRESIDENT FOLEY: NO, YOU HAVE NOT, SENATOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB821]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, I'M NOTHING IF I'M NOT PERSISTENT. IF YOU REJECT THIS AMENDMENT, THEN I'M JUST GOING TO OFFER AN AMENDMENT TO ELIMINATE LINES 6 THROUGH 11. AND IF THE BILL DOESN'T MAKE SENSE AFTER THAT, WHAT DIFFERENCE DOES IT MAKE TO ME? NOT ONLY IS IT WORSE THAN NONSENSICAL, IT IS REPREHENSIBLE. IF IT WERE SIMPLY NONSENSICAL, THAT WOULD MEAN IT'S UNINTELLIGIBLE AND, THEREFORE, MEANS NOTHING. BUT IN ITS PRESENT FORM, IT IS A POSITIVE, DISCRIMINATORY ACTION; A POSITIVE, DISCRIMINATORY, WOULD-BE LAW. AND AS A MEMBER OF THIS LEGISLATURE, I'M NOT GOING TO SUPPORT THAT. THE TIME FOR ME TO RESIST IT AND OBJECT IS WHILE THE TIME IS RIPE FOR THAT TO BE DONE. SO IN KEEPING WITH MY PROMISE, TO KEEP US HERE UNTIL MIDNIGHT IF NECESSARY, I'M GOING TO BEGIN OFFERING OTHER AMENDMENTS. AND I'LL CONTINUE TO DISCUSS THE SAME ISSUE BECAUSE IT'S NOT GOING TO GO AWAY. AS LONG AS I AM HERE, THIS ISSUE IS GOING TO BE BEFORE THE LEGISLATURE. IN THE PAST, I DESCRIBED AN INCIDENT THAT INVOLVED A FELLOW WHO IS KNOWN AS THE ELEPHANT MAN. THEY SAID THAT, AT SOME POINT, MICHAEL JACKSON PURCHASED HIS SKELETON. HE HAD TUMORS THAT GREW SO LARGE AND WERE SO POWERFUL IN THEIR FORCE THAT IT MADE HIS SKULL MISSHAPEN. AND HIS HEAD WAS SO LARGE AND TOOK ON SUCH A FORM AND WAS DEEMED SO HIDEOUS THAT A KIND OF HOOD WAS MADE THAT JUST HAD ONE BIG EYE HOLE IN IT. AND I GUESS HE RESEMBLED TO SOME PEOPLE AN ELEPHANT. HE HAD BEEN IN A FREAK SHOW AND SOME OF THE OTHER FREAKS HELPED HIM GET AWAY. AND THERE WAS A SCENE WHERE HE WAS IN A RAILWAY STATION, AND HE WALKED...HE DIDN'T REALLY WALK, HE KIND OF SHUFFLED LIKE A BEAST, IF YOU WILL, AND THIS MOVEMENT BY HIM WAS EXAGGERATED FOR THE PURPOSES OF THE MOVIE. SOME BOYS, AS BOYS THEY SAY ARE PRONE TO DO, BEGAN TO HOUND AND HARASS HIM AND TO TRY TO GET AWAY FROM THEM HE STARTED RUNNING THE BEST HE COULD--A SHUFFLING, SLIDING, GAIT. AND HE BUMPED INTO A LITTLE GIRL AND SHE FELL. THE CROWD FORMED AND WERE A

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MOB AND THEY CHASED HIM. AND HE RAN THE BEST HE COULD. THEN HE WENT DOWN A SLIGHT INCLINE BETWEEN TWO BUILDINGS, AND IT WAS LIKE A DRIVEWAY THAT WOULD LEAD TO A DOOR AT THE BOTTOM, WHICH WHEN OPEN WOULD ALLOW A TRUCK TO GO IN AND OUT. BUT THE DOOR WAS CLOSED AND HE WAS TRAPPED. AND ALL THESE PEOPLE WERE STANDING AROUND SCREAMING AND HOLLERING. THEN SOMEBODY SNATCHED THAT HOOD OFF AND THEY SAW WHAT HE WAS, WHAT HE LOOKED LIKE. AND THEY SHRANK BACK IN HORROR. AND HE SAW THE LOOK ON THEIR FACE BECAUSE HE HAD SEEN IT BEFORE. AND HE COULDN'T SPEAK CLEARLY... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...LIKE WE DO. HE SAID, I AM A HUMAN BEING. I AM A HUMAN BEING. AND THAT MADE THEM STOP. AND I GUESS A SHRED OF HUMANITY RETURNED TO THEM. AND THEY BACKED OFF AND HE WAS RESCUED. MY LGBT FRIENDS ARE HUMAN BEINGS. DESPITE EVERY EFFORT BY THIS LEGISLATURE, WHEN IT TAKES FORMAL ACTION TO BAN THEM FROM THE HUMAN RACE--NOT JUST BAN THEM, KICK THEM OUT. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB821]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. WELL, AGAIN, I RISE IN SUPPORT OF SENATOR CHAMBERS' RECONSIDER MOTION. NO MATTER WHAT SOME OF MY FRIENDS MAY BE SAYING TO OTHER FRIENDS OF MINE, I NEED TO STAND. I KNOW THAT MY LGBT FRIENDS ARE NOT SUPPORTED, THEY ARE NOT PROTECTED IN THEIR EMPLOYMENT. WE ALL KNOW THAT TO BE TRUE. AND YOU KNOW, MAYBE LB586 SHOULD JUST BE AMENDED ON HERE SO WE CAN BE CLEAR ABOUT, YES, ALL EMPLOYEES ARE PROTECTED. OF COURSE, NO ONE WANTS THAT. NO ONE WANTS TO DISCUSS THAT. AND WE HAVE THE SAME ISSUE. AND YOU KNOW, WHEN PEOPLE CONTINUE TO SAY, OH, WELL, NOT THAT GROUP OR NOT THIS GROUP OR, WELL, WE MEAN EVERYBODY BUT THIS GROUP OR, WELL, THIS BILL DOESN'T REALLY AFFECT THAT GROUP, IT INCLUDES EVERYBODY. WELL, THAT'S JUST NOT TRUE BY OUR LAWS. SO YOU KNOW, WHEN GOOD PEOPLE STAND UP AND DO NOTHING IN THE FACE OF DISCRIMINATION, THAT'S A PROBLEM. THAT'S A PROBLEM FOR ME AS A MEMBER OF THIS STATE, AS A CITIZEN IN THIS STATE. IT'S A PROBLEM FOR ME, FOR OUR FRIENDS AND FAMILY AND NEIGHBORS WHO ALL WORK AND LIVE AROUND US. SO AGAIN, I

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THINK IT'S A GOOD IDEA. I APPRECIATE SENATOR CHAMBERS' PASSION FOR A GROUP OF PEOPLE WHO ARE NOT ABLE TO GET EQUAL RIGHTS. I KNOW THAT MANY OF YOU SAY THAT IN YOUR HEARTS YOU AGREE ABOUT THIS, BUT YOU JUST CAN'T TAKE A STAND LIKE THIS. AND YOU KNOW WHAT, I'M GOING TO KEEP TAKING THE STAND AS TIRING AS IT MAY BE. IMAGINE SENATOR CHAMBERS BRINGING UP THE DEATH PENALTY FOR 39 YEARS, I BELIEVE. AND I'M SURE PEOPLE GOT TIRED OF THAT. BUT WHEN RIGHTS...WHEN WRONGS NEED TO BE RIGHTED AND WHEN CONSTITUTIONAL RIGHTS ARE BEING VIOLATED AND PEOPLE ARE NOT ALLOWED TO HAVE PROTECTIONS, I'M GOING TO STAND UP EVERY TIME. WHEN THERE ARE PEOPLE ON THE FRINGE OF OUR COMMUNITY THAT ARE VOICELESS, THAT CAN'T GET PEOPLE TO STAND UP AND SAY, YEAH, I BELIEVE IF YOU WORK HARD YOU HAVE A RIGHT TO WORK. NO, IF YOU LOVE SOMEONE THAT I DON'T AGREE WITH THEN YOU REALLY DON'T HAVE A RIGHT TO WORK. SO AGAIN, THIS OF COURSE, MAKES NO SENSE. AND I WILL CONTINUE TO STAND UP FOR MY LGBT FRIENDS AND FAMILY. AND I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. [LB821 LB586]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS; 2:00, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. I'M GOING TO QUOTE FROM A CHRISTMAS CAROL (SIC- CHRISTMAS BELLS): SO TOLL THE BELLS BOTH WIDE AND DEEP / GOD IS NOT DEAD; NOR DOETH HE SLEEP / THE WRONG SHALL FAIL / THE RIGHT PREVAIL / THROUGH PEACE ON EARTH, GOODWILL TO MEN. THOSE WORDS SOUND GOOD TO THOSE WHO CALL THEMSELVES CHRISTIANS, BUT THEY DON'T MEAN ANYTHING--DON'T MEAN A THING. IN FACT, THEY PROBABLY MEAN MORE TO ME THAN ALL OF YOU ALL AND I DON'T ACCEPT ANYTHING SUPERNATURAL. I DON'T BELIEVE THERE'S ANYTHING OR ANYBODY SITTING SOMEWHERE SAYING THAT NEBRASKA IS GOING TO BEAT ALABAMA BECAUSE NEBRASKA FOOTBALL PLAYERS GOT DOWN ON ONE KNEE ON THE FOOTBALL FIELD AND PRAYED. AND I CERTAINLY AM NOT GOING TO DIE SIMPLY BECAUSE THAT'S WHAT SOME OF YOU WISH FOR ME. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: MAYBE I WILL THOUGH. I WON'T KNOW UNTIL I DIE, WILL I? AND WHEN I DIE I REALLY WON'T KNOW, SO I'LL NEVER KNOW. SO IN THAT SENSE, I WILL LIVE FOREVER. MY FOREVER MEANS WITHOUT END. AND IF MY

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END COMES AND I'M UNAWARE OF IT, I HAVE NO END. I WAS CONSCIOUS FOREVER. SO THERE ARE ALL KIND OF WAYS TO MAKE THINGS COME OUT THE WAY YOU WANT THEM TO COME OUT. THERE'S THAT PHILOSOPHICAL WORLD; THERE'S THAT SPECULATIVE WORLD; THERE'S THAT ABSTRACT WORLD; THEN THERE'S THE REAL EXISTENTIAL WORLD WHERE WE LIVE, WHERE OUR PRINCIPLES ARE PUT TO THE TEST. AND WHEN THERE IS NO OPPOSITION, NO RESISTANCE, THERE IS NO TEST. A TEST EXISTS WHEN ONE THING IS PUT AGAINST ANOTHER THING OR IN OPPOSITION TO ANOTHER TO SEE WHICH WILL PREVAIL. [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB821]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. AGAIN, I WANT TO RISE AND REMIND OUR BODY OF MARTIN NIEMOLLER'S FAMOUS QUOTE. HE WAS A PROMINENT PROTESTANT PASTOR WHO EMERGED AS AN OUTSPOKEN FOE OF ADOLPH HITLER. AND HE'S PROBABLY MOST FAMOUSLY REMEMBERED FOR HIS QUOTATION, AND THAT IS, QUOTE, FIRST THEY CAME FOR THE SOCIALISTS AND I DID NOT SPEAK OUT BECAUSE I WAS NOT A SOCIALIST. THEN THEY CAME FOR THE TRADE UNIONISTS, AND I DID NOT SPEAK OUT BECAUSE I WAS NOT A TRADE UNIONIST. THEN THEY CAME FOR THE JEWS, AND I DID NOT SPEAK OUT BECAUSE I WAS NOT A JEW. AND THEN THEY CAME FOR ME, AND THERE WAS NO ONE LEFT TO SPEAK FOR ME. AND OF COURSE, THEY DID COME FOR THE HOMOSEXUALS AND THE LGBT AND NO ONE SPOKE FOR THEM EITHER. SO AGAIN, I WILL CONTINUE TO STAND AND SPEAK FOR A GROUP OF PEOPLE WHO HAVE RIGHTS WITHIN OUR SOCIETY, BUT CAN BE FIRED AT WHIM JUST BECAUSE OF WHOM THEY LOVE. I WILL CONTINUE TO DO SO, AS TIRING AS YOU MAY FIND IT, AS LITTLE AS YOU MAY WANT TO LISTEN. BUT I APPRECIATE SENATOR CHAMBERS AND HIS WORK TO BATTLE FOR LGBT. I HAVE NO PROBLEM WITH THE UNDERLYING BILL EXCEPT FOR THE FACT THAT WE DON'T WANT TO PROTECT ALL INDIVIDUALS AND GIVE THE PROTECTIONS...EMPLOYEE PROTECTIONS TO ALL PEOPLE. AND BY NOT PASSING LB586, WE ALREADY KNOW THAT LGBT INDIVIDUALS DO NOT HAVE FULL PROTECTION UNDER THE LAW. SO TO CLAIM OTHERWISE IS NOT TRUE. SO I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. THANK YOU. [LB821 LB586]

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PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS; 3:00, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. THERE'S A SONG, IT SAYS...AND IT'S INCORRECT. IT SAYS, WHEN AN IRRESISTIBLE FORCE SUCH AS YOU MEETS AN OLD AND IRRESISTIBLE--WHAT IS IT?--IMMOVABLE OBJECT LIKE ME, YOU'LL FIND OUT AS SURE AS YOU LIVE, SOMETHING'S GOTTA GIVE, SOMETHING'S GOTTA GIVE, SOMETHING'S GOTTA GIVE. NO, YOU CANNOT BY DEFINITION HAVE AN IRRESISTIBLE FORCE AND AN IMMOVEABLE OBJECT. IF THE OBJECT IS TRULY IMMOVEABLE, THERE IS NO FORCE THAT IS IRRESISTIBLE BECAUSE THE IMMOVEABLE OBJECT RESISTS EVERYTHING. ON THE OTHER HAND, IF THE FORCE IS IRRESISTIBLE, THERE IS NO IMMOVEABLE OBJECT BECAUSE THERE IS NOTHING THAT CAN RESIST THAT FORCE. SO YOU CANNOT AT THE SAME TIME HAVE AN IRRESISTIBLE FORCE AND AN IMMOVEABLE OBJECT. BUT PEOPLE SAY THAT BECAUSE THEY HAVE AN INFERIOR EDUCATION. THERE ARE SOME PEOPLE WHO REFER TO WATER AS THE UNIVERSAL SOLVENT. AND THERE IS NO UNIVERSAL SOLVENT EITHER BECAUSE A UNIVERSAL SOLVENT DISSOLVES EVERYTHING. SO IF I PUT A DROP OF IT ON THIS DESK, IT WILL GO ALL THE WAY THROUGH THE EARTH. NOTHING WOULD BE ABLE TO STAND IN FRONT OF IT. SO THERE ARE MANY THINGS SAID THAT ARE UNTRUE. IF IN THE REALM OF THE NATURAL WORLD WHERE TWO BRAIN CELLS WORKING TOGETHER CAN REVEAL WHAT THE TRUTH IS, BUT THE TRUTH IS NOT SEEN, PEOPLE ARE BLINDED TO IT. THEN WHEN THERE IS AN OVERLAY OF BIGOTRY, FEAR, AND HATRED IN FRONT OF A PERSON'S MORAL PERCEPTION OF THE WORLD, OUTSIDE OF THAT PERSON, THAT PERSON IS NOT GOING TO SEE THINGS CLEARLY AS THEY ARE. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: OLD PAUL TALKED ABOUT SCALES FALLING AWAY FROM HIS EYES AND HIM SEEING THINGS AS THEY REALLY WERE. SOME GUY WAS BLIND AND JESUS SPIT ON THE GROUND AND MADE MUD AND PUT IT ON HIS EYES AND SAID HOW DO YOU SEE? HE SAID, I SEE MEN AS TREES WALKING. SO HE DID IT AGAIN. AND SINCE THE GUY DIDN'T WANT TO GO THROUGH IT ANYMORE, WHEN JESUS ASKED HIM HOW DO YOU SEE NOW, HE SAID I SEE MEN AS THEY ARE. MAYBE HE DID OR MAYBE HE JUST DIDN'T WANT ANYMORE SPIT MUD ON HIS EYES. WE DON'T KNOW. BUT SOMETIMES IT TAKES MORE THAN ONE APPLICATION TO BRING ABOUT THE RESULT THAT'S DESIRED. THANK YOU, MR. PRESIDENT. [LB821]

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. AND, SENATOR CHAMBERS, YOU ARE RECOGNIZED TO CLOSE NOW ON THE RECONSIDERATION MOTION. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN I WAS A LITTLE BOY, MANY, MANY YEARS AGO, DECADES AGO, IN FACT DURING THE LAST CENTURY, I READ THE BIBLE INCESSANTLY. I READ IT FROM COVER TO COVER EIGHT TIMES. I READ EVERY BEGAT. I READ EVERY NUMBER. I READ IT SO MUCH THAT WHEN GOD WAS WRITING THE TEN COMMANDMENTS I FELT I WAS LOOKING OVER HIS SHOULDER. WHEN JOSHUA FIT THE BATTLE OF JERICHO, I COULD NOT ONLY HEAR THE WALLS TREMBLING, I WATCHED THEM FALL DOWN. I LOOKED UP AND I SAW THE SUN STAND STILL SO THAT THEY COULD COMPLETE THE BATTLE. ALL THOSE THINGS IN MY CHILD MIND I SAW AS THOUGH THEY WERE REAL AND I BELIEVED THOSE THINGS AS THEY WERE REAL. BUT WHEN I CAME BACK TO WHAT IS THE REAL WORLD, I FOUND OUT THAT THAT'S NO MORE REAL THAN GOLDBLOCKS AND THE THREE BEARS. OR WAS GOLDBLOCKS THE ONE THAT HAD THE PROBLEM WITH THE WOLF? THEY KIND OF GET MIXED UP IN MY MIND, BUT I DO KNOW THE DIFFERENCE BETWEEN SNOW WHITE AND CINDERELLA. CINDERELLA HAD SOME MEAN STEP SISTERS AND SNOW WHITE ATE AN APPLE THAT SUPPOSEDLY WAS POISONED BUT ALL IT WAS WAS A SLEEP-INDUCING ELEMENT. BUT WHEN ALL OF THOSE THINGS ARE PUT IN A CHILD'S HEAD, A CHILD CAN DEVELOP AN OUTLOOK ON LIFE. SO I WAS INTERESTED IN ALL OF THOSE FAIRY TALES, THOSE FANTASTIC STORIES IN THE BIBLE THAT COULDN'T POSSIBLY BE TRUE: THE YARN ABOUT A FISH SWALLOWING A MAN. THE ONLY WAY THAT COULD HAPPEN SINCE MY RESEARCH SHOWED ME THAT THE FISH WAS THE SIZE OF A MINNOW-- A WHALE IS A MAMMAL NOT A FISH, SO IF THE ONES WRITING THAT BOOK WE'RE TALKING ABOUT A WHALE AND THEY DIDN'T KNOW THE DIFFERENCE BETWEEN A FISH AND MAMMAL HOW YOU GOING TO TRUST THEM ON THINGS THAT ARE BEYOND THE REALM OF WHAT YOU CAN SEE HERE, FEEL, TOUCH, AND SMELL? THE FISH WAS A MINNOW. THE MAN WAS AN ANT. SO THAT FISH COULD SWALLOW THE ANT. BUT BECAUSE OF THE WORK OF THE DIGESTIVE SYSTEM, THAT ANT COULD NOT HAVE SURVIVED INTACT IN THAT FISH'S BELLY. BUT IF YOU TAKE THE STORY AS A DELIGHTFUL CHILDREN'S TALE OF WARNING, THEN WHATEVER KIND OF FISH IT WAS, WHATEVER KIND OF CREATURE IN THE SEA IT WAS, IT HAD A THROAT LARGE ENOUGH TO ACCOMMODATE A HUMAN BEING. IT COULD INGEST A HUMAN BEING WITHOUT DIGESTING THAT PERSON. HIS NAME WAS JONAH. AND JONAH, FOR REASONS THAT I WON'T GO INTO BECAUSE I DON'T WANT TO GET INTO SOMEBODY'S BUSINESS, WAS SWALLOWED BY THAT FISH. BUT BEFORE HE WAS SWALLOWED BY THE FISH, HE WAS ON A

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BOAT. AND SAILORS ARE SOME OF THE MOST SUPERSTITIOUS PEOPLE IN THE WORLD. AND BAD THINGS BEGAN TO HAPPEN, AND THEY FIGURED SOMEBODY IS ON THIS BOAT WHO IS CAUSING ALL THESE BAD THINGS TO HAPPEN. WHOEVER IT IS IS PROBABLY ON THE LAM SO HE IS NOT GOING TO COME CLEAN. SO WE'RE GOING TO DRAW LOTS AND SEE WHO THE BAD ONE IS. THEY WERE SO SUPERSTITIOUS THEY THOUGHT THAT EARLY FORM OF POLYGRAPH WOULD WORK. AND JONAH DREW EITHER THE LONG STRAW OR THE SHORT STRAW. AND THEY THREW HIM OVERBOARD AND WHEN THEY THREW HIM OVERBOARD, THERE WAS THIS FISH WAITING TO ACCOMMODATE HIM. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: SOME PEOPLE SAY THE FISH WAS IN REALITY A SUBMARINE. BUT THOSE ON THE BOAT HAD NEVER SEEN A SUBMARINE BEFORE. THE ONLY THING THAT BIG WAS A FISH SO THEY CALLED A SUBMARINE A FISH. BUT HOWEVER IT TURNED OUT, THE TERM JONAH CAME TO SYMBOLIZE FOR PEOPLE SOMEBODY OR SOMETHING THAT BRINGS BAD LUCK. THERE ARE ALL KIND OF MYTHOLOGICAL AND MADE-UP STORIES BASED ON SUPERSTITION THAT PEOPLE ACCEPT AS TRUE, EVEN IN THE NEW TESTAMENT, BUT THEY DON'T ACCEPT THEM AS BEING TRUE ENOUGH TO MODIFY THEIR CONDUCT. THANK YOU, MR. PRESIDENT. I'LL ASK FOR A CALL OF THE HOUSE AND ROLL CALL VOTE. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. THERE HAS BEEN A REQUEST TO PLACE THE CALL UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB821]

CLERK: 22 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB821]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS GLOOR, RIEPE, SCHILZ, SCHUMACHER, AND SCHNOOR, PLEASE CHECK IN. ALL UNEXCUSED MEMBERS ARE NOW PRESENT. THERE'S BEEN REQUEST FOR ROLL CALL VOTE. MR. CLERK, PLEASE CALL THE ROLL. [LB821]

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CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1312-1313.) 7 AYES, 29 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDERATION. [LB821]

PRESIDENT FOLEY: THE RECONSIDERATION MOTION DOES NOT PASS. I RAISE THE CALL. RETURNING NOW TO DEBATE ON LB821 AND RELATED AMENDMENTS. MR. CLERK. [LB821]

CLERK: MR. PRESIDENT, I HAVE AN AMENDMENT TO THE BILL. SENATOR CHAMBERS WOULD MOVE TO AMEND BY STRIKING SECTION 1 OF THE COMMITTEE AMENDMENT. (FA110, LEGISLATIVE JOURNAL PAGE 1313.) [LB821]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, SOME OF MY AMENDMENTS WILL MAKE AS MUCH SENSE AS THIS BILL MAKES TO ME WITHOUT THE ADDITION OF THE AMENDMENT THAT I OFFERED WHICH WOULD HAVE PROTECTED MY LGBT BROTHERS AND SISTERS WHOM I WILL NEVER TURN MY BACK ON, I WILL NEVER DENY, I WILL NEVER APOLOGIZE FOR. THEY'RE HUMAN BEINGS. THEY MIGHT BE OF A HIGHER ORDER THAN THOSE IN THIS CHAMBER BECAUSE THEY'RE NOT THROWING YOU ALL OUT OF THE HUMAN RACE DESPITE THE WAY YOU SHOW CONTEMPT AND DISREGARD FOR THEM. THIS AMENDMENT WOULD MAYBE KILL THE BILL. I'M NOT SURE. SECTION 1 SAYS: "SECTIONS 1 TO 11 OF THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE WORKPLACE PRIVACY ACT". THAT'S WHAT I'M STRIKING, BUT YOU COULD HAVE THE REST OF WHAT IS IN THIS BILL WITHOUT THAT LANGUAGE. BUT THAT LANGUAGE IS A LIE. THEY OUGHT TO ADD, AND MAYBE THAT WILL BE MY NEXT AMENDMENT, SECTIONS 1 TO 11 OF THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE WORKPLACE PRIVACY ACT FOR CERTAIN PEOPLE, BUT NOT INCLUDING ALL PEOPLE. ONCE YOU ACCORD HUMANITY TO AN INDIVIDUAL, THAT INDIVIDUAL IS A MEMBER OF THE HUMAN RACE. AND BASED ON YOUR DECLARATION OF INDEPENDENCE, THAT PERSON IS ENDOWED BY HIS OR HER CREATOR WITH CERTAIN UNALIENABLE RIGHTS, AMONG WHICH ARE LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS. TO BE UNALIENABLE, IT MEANS THAT EVEN THE POSSESSOR CANNOT ALIENATE OR LAY THEM ASIDE. AS LONG AS YOU HAVE THAT PERSON, THESE UNALIENABLE OR INALIENABLE RIGHTS ARE WHAT GO TO MAKE THAT PERSON WHAT HE OR SHE IS. IF YOU WERE ABLE TO SEPARATE THOSE RIGHTS FROM WHAT YOU THOUGHT WAS A HUMAN BEING, YOU WERE NOT DEALING WITH A HUMAN BEING AND YOU MISTAKENLY THOUGHT THAT

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WHAT YOU BELIEVED TO BE A HUMAN BEING HAD CERTAIN INALIENABLE RIGHTS. BUT SINCE NOW YOU'VE COME TO A KNOWLEDGE OF THE TRUTH, YOU KNOW THAT THIS IS NOT A HUMAN BEING AT ALL AND WHAT YOU HAD ATTRIBUTED AS A INALIENABLE RIGHTS TO THAT NOW PROPERLY DENOMINATED CREATURE, ANY PROTECTIONS OR GUARANTEES THAT ATTACH TO A HUMAN BEING DO NOT ATTACH HERE. SO YOU CAN KILL IT FOR SPORT, YOU CAN TORTURE IT FOR SPORT, YOU CAN CAPTURE IT, MAKE IT WORK FOR YOU, OR ANYTHING YOU CHOOSE BECAUSE BASED ON YOUR SYSTEM OF VALUES, SUCH AS IT IS, IT HAS NO RIGHTS THAT YOU ARE BOUND TO RESPECT. AND SINCE IT HAS NO RIGHTS, YOU CAN DO ANYTHING YOU WANT TO, TO IT. IT'S AS THOUGH IT WERE A STONE. THE FACT THAT IT IS SENTIENT OR FEELING MEANS NOTHING BECAUSE THAT IN AND OF ITSELF DOES NOT PRODUCE RIGHTS. IF THAT PRODUCED RIGHTS, ANIMALS WOULD NOT BE SLAUGHTERED FOR FOOD IN A WAY THAT PUTS THEM THROUGH PAIN AND AGONY AND SOMETIMES DOES NOT EVEN COMPLETE THE JOB OF KILLING. SO HUMAN BEINGS ARE VERY ARROGANT, AND IN THEIR ARROGANCE THEY BECOME CRUEL. AND IN THEIR CRUELTY, THEY BECOME DISREGARDFUL OF OTHERS. AND WHEN THEY BECOME DISREGARDFUL OF OTHERS, THEY SEAR THEIR OWN CONSCIENCE. AND PRACTICING TO BE UNFEELING, THEY SOON BECOME UNFEELING. AND THEY CAN INFLICT ANY MANNER OF HARM OR INDIGNITY ON ONE WHO IS JUST LIKE HIMSELF OR HERSELF, AND AS THE BRITISH SAY, NOT TURN A HAIR. AND THAT'S OFTEN THE ATTITUDE OF PEOPLE ON THIS FLOOR. MERELY BEING SICK AND UNABLE TO OBTAIN MEDICAL CARE DOES NOT MEAN ANYTHING. THAT'S WHY I THINK IT'S A MISTAKE FOR PEOPLE TO COME BEFORE LEGISLATORS AND SHOW THEM THEIR WOUNDS, BEAR THEIR INNERMOST FEARS AND FEELINGS BECAUSE THEY'RE REACHING OUT FOR SOMETHING THAT IS NOT THERE. THERE CAN BE NO HUMAN RESPONSE BECAUSE THE ABILITY TO RESPOND IN A HUMAN WAY HAS LONG SINCE DIED. IN THE MORNING THEY GET UP. I HOPE THEY BATHE, EITHER BEFORE THEY GO TO BED AT NIGHT OR AT THE LATEST WHEN THEY GET UP; I SUSPECT THEY PUT ON DEODORANT; THEY COMB THEIR HAIR; THEY MIGHT OR MIGHT NOT BRUSH THEIR TEETH; THEY MIGHT OR MIGHT NOT WASH THEIR HANDS WHEN THEY GO TO THE BATHROOM; ANY OF A NUMBER OF THINGS. BUT ALL OF THOSE THINGS ARE SUPERFICIAL. NONE OF THOSE, WHETHER THEY'RE DONE OR NOT DONE, WOULD TAKE AWAY A PERSON'S HUMANITY. AND THE PLACE FOR HUMANITY TO BE DISCUSSED IS THE PLACE WHERE HUMANITY IS MOST DISREGARDED, DISRESPECTED. BUT THOSE WHO ARE DOING THE DISREGARDING DON'T WANT THE SAME THING FOR THEMSELVES. THEY DON'T WANT IT FOR THEIR CHILDREN. I'VE HEARD PEOPLE TALK ABOUT CHILDREN AND GRANDCHILDREN ON THIS FLOOR, BUT I HAVE NOT HEARD ANY SAY MY GRANDCHILDREN OR MY CHILDREN CANNOT GET MEDICAL CARE AND I FEEL

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GOOD ABOUT THAT. BUT IT DOESN'T BOTHER THEM WHEN OTHER CHILDREN AND GRANDCHILDREN CANNOT HAVE MEDICAL CARE. NOBODY OWNS ANYTHING ABSOLUTELY--NOT EVEN YOUR LIFE BECAUSE SOMEBODY CAN TAKE IT FROM YOU, NOT YOUR CLOTHING BECAUSE SOMEBODY CAN TAKE THAT, NOT THE HOUSE YOU OCCUPY BECAUSE SOMEBODY CAN TAKE THAT. YOU OWN THINGS CONDITIONALLY, AS LONG AS SOMEBODY WHO IS NOT STRONGER DOESN'T COME ALONG AND DEPRIVE YOU OF THAT. SO WHEN WE HAVE PEOPLE IN THIS SOCIETY WHO I SUSPECT EVERYBODY WOULD ADMIT OR CONCEDE IS A HUMAN BEING, BUT THEY'RE PUT OUTSIDE THE PALE. SOMETHING IS NOT WRONG WITH THOSE WHO ARE BEING MISTREATED BUT WITH THOSE WHO ARE DOING THE MISTREATING. AND THE MISTREATING IS ESPECIALLY EGREGIOUS WHEN THOSE DOING IT NOT ONLY KNOW BETTER BUT INSTRUCT OTHERS IN HOW THEY SHOULD PROPERLY TREAT OTHERS, WHO HAVE RITUALS AND CEREMONIES OF UNCERTAIN DERIVATION WHICH WILL BRING THEM TOGETHER IN THE MORNING. AND THEY HAVE SOMEBODY TO SAY INCANTATIONS OVER THEM AND BEG AND MAKE DEMANDS AND SAY THANK YOU TO NOBODY, TO NOTHING, AND IT CERTAINLY DOESN'T AFFECT THEIR CONDUCT. BUT THESE THINGS DO HAPPEN. AND I JUST WISH THAT THE PEOPLE WHO ENGAGE IN THOSE RITUALS WOULD PRACTICE WHAT THEY WERE SAYING OR HAVING THE INCANTATION SAYER WAS SAYING. AND THE WORLD WOULD INDEED BE A BETTER PLACE. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: PEOPLE WOULD BE TREATED BY THOSE DOING THE TREATING THE WAY THOSE DOING THE TREATING WOULD WISH TO BE TREATED THEMSELVES. THEY WILL TREAT OTHER PEOPLE'S CHILDREN THE WAY THEY WOULD WANT THEIR CHILDREN TO BE TREATED. THEY WOULD NOT BE COMFORTABLE IN THE PRESENCE OF ANYBODY'S SUFFERING AND THEY CERTAINLY WOULD NOT BE COMFORTABLE IN THE PRESENCE OF THAT SUFFERING IF THEY HAD THE MEANS TO ALLEVIATE IT. AND NOW THAT IT'S GETTING DARK, IT'S THE TIME PEOPLE GO TO THOSE BUILDINGS WHERE THEY HAVE WHAT THEY CALL CHURCH. SO IT WOULD BE APPROPRIATE FOR ME TO MAYBE PREACH A MESSAGE. I AM, AFTER ALL, A MINISTER. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB821]

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SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. WELL, I WASN'T GOING TO STAND UP UNTIL I SAW SOME OF THE LOBBY REPRESENTING SOME OF THE FAITH-BASED CHURCHES ALL OF A SUDDEN ARRIVING AT THE BACK. AND IT JUST MAKES ME REMEMBER THE PATHETICALLY SAD ARTICLE THAT WAS IN THE PAPER LAST WEEKEND, TITLED "GAY RIGHT SEEKS TO DESTROY EVERYTHING CHRISTIAN" WHICH AS A CHRISTIAN I COULD NOT DISAGREE WITH MORE, MORE ADAMANTLY OR MORE VEHEMENTLY. THE FACT THAT BISHOP BRUSKEWITZ THEN DECIDED TO GO ON AND TALK ABOUT LGBT FRIENDS AND FAMILY AND NEIGHBORS IN SUCH A DISPARAGING WAY, I JUST CAN'T UNDERSTAND IT. HE SAID, "I CAN'T BELIEVE THAT A TINY MINORITY OF THE HUMAN RACE WOULD PERPETUATE AND TRY TO NOT JUST SEEK TOLERANCE, BUT ACTUALLY SEEK ACQUIESCENCE AND SUPPORT FOR A PERVERSION THAT IS REPULSIVE TO NORMAL HUMAN BEINGS." NOW IF THAT WERE SAID ABOUT YOUR CHILD, HOW WOULD YOU ALL FEEL? AND I'VE TALKED TO THE CATHOLIC CONFERENCE A LOT BECAUSE I BELIEVE THERE ARE SO MANY THINGS WE CAN WORK TOGETHER ON, SO MANY THINGS ABOUT POVERTY THAT WE CAN WORK TOGETHER ON AND MAKE A DIFFERENCE IN OUR STATE, SO MANY THINGS ABOUT MAKING SURE OUR PEOPLE HAVE HEALTHCARE. WHETHER YOU AGREE WITH MEDICAID EXPANSION OR NOT, THERE ARE WAYS TO GIVE HEALTHCARE FOR OUR CITIZENS AND I BELIEVE THAT MY FAITH SAYS THAT WE SHOULD DO WHATEVER WE CAN FOR OUR NEIGHBORS. THERE ARE SO MANY ISSUES THAT WE CAN WORK ON TOGETHER. AND I KEEP SAYING TO THEM, PLEASE, LET'S FIND THE COMMON GROUND. LET'S NOT TAKE THE TWO MOST INCENDIARY ISSUES AND FIGHT AND BATTLE TOOTH AND NAIL, RUN BACK OVER HERE BECAUSE WE'RE DISCUSSING LGBT, AND INSTEAD FIGHT TO HELP JUVENILES IN THE CRIMINAL JUSTICE SYSTEM. FIGHT TO HELP PEOPLE THAT ARE IN POVERTY AND UNABLE EVEN THOUGH THEY'RE WORKING TWO JOBS TO FULLY FEED THEIR FAMILIES. THAT'S ALL DISCUSSED IN THE BIBLE. AND YES, I HAVE NOT READ IT EIGHT TIMES LIKE SENATOR CHAMBERS, BUT I HAVE READ THE BIBLE. AND I'M HAPPY TO BE CONVERSANT IN IT WITH ANY OF YOU. BUT TO TALK ABOUT PEOPLE AS PERVERSIONS AND THEN ALL OF US SIT AROUND AND SAY, OH, WELL, YOU KNOW, THEY HAVE THEIR RIGHTS. WE DON'T HAVE TO WORRY ABOUT THEM BEING DISCRIMINATED AGAINST IN THE WORKPLACE, HOGWASH. IT'S BALONEY, AND WE ALL KNOW IT'S TRUE. SO I HAD BEEN HAPPY TO SIT DOWN. WE KNOW WE DON'T HAVE THE VOTES. BUT CLEARLY IT SEEMS LIKE OTHERS THINK THAT WE BETTER KEEP TALKING ABOUT IT BECAUSE ALL OF A SUDDEN WE HAVE...WE HAVE PEOPLE ALL OF A SUDDEN ATTENTIVE TO WHAT'S GOING ON IN THIS BODY AGAIN. AND I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. THANK YOU, MR. PRESIDENT. [LB821]

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PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS; 1:00, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. AND I'LL BE THE LAST ONE STANDING IF IT COMES TO THAT. OH, BUT I STAND UP ALL THE TIME ANYWAY. I'M THE ALPHA AND THE OMEGA. I'M THE FIRST AND THE LAST. BUT SPEAKING OF THAT--AND I DON'T HAVE MUCH TIME ON THIS TIME TO SPEAK--MUHAMMAD ALI, THE FORMER HEAVYWEIGHT CHAMPION OF THE WORLD WOULD TALK ABOUT HOW FAST HE WAS. HE SAID I AM SO FAST, I CAN HIT THE LIGHT SWITCH AND BE IN BED BEFORE THE ROOM GETS DARK. AND PEOPLE MOCKED HIM. AND I THOUGHT, BECAUSE WE GOT A BRAIN, I FIGURED IT OUT. I CAN DO IT, YOU CAN DO IT TOO. JUST MOVE YOUR BED RIGHT UNDER THE LIGHT SWITCH. THEN WHEN YOU REACH UP AND HIT THE SWITCH YOU'RE IN BED BEFORE THE ROOM GOT DARK, AREN'T YOU? SO WHAT HE SAID WAS NOT QUITE AS FANTASTIC AS PEOPLE THOUGHT, BUT HE KNEW WHAT PEOPLE IN THEIR MIND WOULD DREDGE UP. SO HE TOLD THE TRUTH ABOUT HIMSELF, AND IT CAN BE TRUE FOR YOU TOO. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. AND YOU ARE NEXT IN THE QUEUE, SO YOU MAY CONTINUE. [LB821]

SENATOR CHAMBERS: THANK YOU. WHEN I WAS A LAD JUST THREE-FOOT-THREE--THAT'S HOW HARRY BELAFONTE STARTED A SONG--CERTAIN QUESTIONS OCCURRED TO ME, SO I ASKED MY FATHER QUITE SERIOUSLY, TO TELL ME THE STORY ABOUT THE BIRD AND THE BEE. HE STAMMERED AND HE STUTTERED PATHETICALLY, AND THIS IS WHAT HE SAID TO ME. THEN BELAFONTE WENT ON TO DESCRIBE WHAT EVERY PERSON HE ASKED THAT QUESTION TO SAID TO HIM AND IT WAS GOBBLEDYGOOK. SO THE STANZA ALWAYS CAME IN AFTER ONE OF THEM TOLD HIM THIS: IT WAS CLEAR AS MUD BUT IT COVERED THE GROUND, AND THE CONFUSION MAKE THE BRAIN GO ROUND. SO THEN HE WOULD GO SEE ANOTHER ONE AND GET THE SAME KIND OF THING. AND THAT'S WHAT RELIGION IS. YOU GO HERE, THEY SAY ONE THING. YOU GO THERE, THEY SAY SOMETHING ELSE. THEN IF YOU TELL THEM WHAT THAT ONE SAID AND YOU TELL IT TO THAT ONE, THEN THEY GO TO WAR. RELIGIONS START WARS BUT THEY NEVER HAVE ENDED ONE. AND IT WILL ALWAYS BE THUS. HERE'S A PRIEST CALLING PEOPLE PERVERSIONS WITH ALL THE CHILD ABUSE IN THE CATHOLIC CHURCH BY PRIESTS. AND THEY TALK ABOUT LOVING FETUSES AND THEY'RE MOLESTING SEXUALLY LITTLE BOYS AND LITTLE GIRLS. AND IT DIDN'T STOP THERE. THERE WERE GROWN WOMEN AND GROWN MEN WHO FELL PREY. AND IF THE ATTITUDE

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WAS TAKEN TOWARD THE CATHOLIC CHURCH BECAUSE OF WHAT SOME PRIESTS HAD DONE THAT IS TAKEN TOWARD MUSLIMS BECAUSE OF WHAT SOME WHO CALL THEMSELVES MUSLIMS HAVE DONE, EVERY CATHOLIC CHURCH WOULD HAVE BEEN BURNED DOWN AND LEVELED AS THEY'RE DEFACING AND DESTROYING MUSLIM MOSQUES. IN OMAHA ON SEVERAL OCCASIONS, THESE RADICAL WHITE CHRISTIANS BROKE OUT WINDOWS, SMEARED BACON GREASE ON THE DOOR HANDLES. THAT'S CHRISTIANITY IN ACTION. SO SHALL I BRAND EVERY CHRISTIAN BASED ON WHAT THOSE FEW DID? NO, CHRISTIANS ARE THE FIRST ONES WHO SAY WE'RE NOT ALL LIKE THAT; DON'T BRAND US ALL LIKE THAT. BUT THEN YOU HEAR ALL MUSLIMS BRANDED AND PAINTED. HOW IS SOMEBODY IN OMAHA, NEBRASKA, WHO IS TRYING TO WORK WITH OTHER FAITHS GOING TO BE RESPONSIBLE FOR WHAT HAPPENED IN BRUSSELS, BELGIUM, OR PARIS, FRANCE, OR ANYWHERE ELSE OVERSEAS? BUT THESE CHRISTIANS ARE SO HATEFUL. CHRISTIANITY IS A RELIGION OF HATRED, CRUELTY, INTOLERANCE, AND THUS IT HAS ALWAYS BEEN. ALL OF THE SO-CALLED EXPLORERS WERE CHRISTIANS, WHEN THEY SLAUGHTERED THE NATIVE PEOPLES OF LATIN AMERICA AND SUPPOSEDLY BLOOD RAN SO HIGH ON THE WALL. CHRISTIANS INVOLVED IN THE SLAVE TRADE, THE FIRST SHIP THAT BROUGHT BLACK PEOPLE OVER HERE AS SLAVES WAS CALLED THE GOOD SHIP JESUS. THEN THEY'VE GOT THE NERVE TO WANT ME TO GO FOR A BILL THAT WOULD ALLOW THEM TO DISCRIMINATE AGAINST OTHERS, GOING TO CALL SOMEBODY A PERVERSION. THEN THE ONE WHO PRESIDED OVER THE WORST CASE OF ONGOING CHILD SEXUAL ABUSE IN THE HISTORY OF THIS COUNTRY, CARDINAL BERNARD LAW, WAS INVITED TO THE VATICAN BY THE POPE AND PUT IN CHARGE OF THE SECOND MOST IMPORTANT BASILICA IN ROME. THAT'S WHAT THAT CHURCH DID. BUT DID YOU HEAR MUSLIMS SAYING LET US DESTROY EVERY CATHOLIC CHURCH, EVERY CATHOLIC PRIEST IS A PERVERSION? [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: THEY DON'T LOOK AT THEMSELVES. YOU'VE GOT A POPE NOW WHO IS TRYING TO MAKE THINGS BETTER, WHO IS TRYING TO PRACTICE WHAT JESUS PREACHED. AND HE'S CONDEMNED BY SO-CALLED CONSERVATIVES IN THE CATHOLIC CHURCH, AND THAT TERM CONSERVATIVE ALWAYS MEANS BACKWARD, RACIST, INTOLERANT, HATEFUL. BUT WE'VE GOT TIME TO TALK ABOUT ALL THOSE THINGS AND I CERTAINLY AM GOING TO USE IT FOR THAT PURPOSE. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. MR. CLERK. [LB821]

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

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CLERK: MR. PRESIDENT, SENATOR McCOY WOULD MOVE TO ADJOURN THE BODY UNTIL WEDNESDAY, MARCH 30, AT 9:00 A.M.

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY...WE ARE ADJOURNED.