

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

Floor Debate  
January 14, 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 SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS FATHER RYAN LEWIS, PASTOR OF ST. THOMAS MORE PARISH IN OMAHA, NEBRASKA, AS WELL AS HIS RESPONSIBILITIES AT GROSS CATHOLIC HIGH SCHOOL IN OMAHA. FATHER LEWIS IS WITH US THIS MORNING AS THE GUEST OF SENATOR KRIST AND SENATOR MELLO. PLEASE RISE.

FATHER LEWIS: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU VERY MUCH, FATHER RYAN LEWIS. I CALL TO ORDER THE SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

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

CLERK: I HAVE NO CORRECTIONS, MR. PRESIDENT.

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

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB285 TO SELECT FILE WITH ENROLL AND REVIEW AMENDMENTS ATTACHED. IN ADDITION, MR. PRESIDENT, I HAVE TWO NEW BILLS: (READ LB954-955 BY TITLE FOR THE FIRST TIME.) THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 275-276.) [LB285 LB954 LB955]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, A CONTINUATION OF GENERAL FILE DISCUSSION OF LB619. SENATOR LARSON, WOULD YOU LIKE TO TAKE A MOMENT OR TWO JUST TO UPDATE ON US WHERE WE STAND ON THE BILL? [LB619]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. LB619 WORKS TO SET TAXING AND REGULATION AUTHORITY TO THE STATE OF NEBRASKA ON COMMUNITY CARD POKER GAMES. WE HAD LENGTHY DISCUSSION YESTERDAY ON LB619, AM115, AND AN AMENDMENT THAT I OFFERED THAT A COMING CONSIDERATION MOTION IS ON. COLLEAGUES, I REMIND YOU THAT WE HAVE TO LOOK AT WHAT WE CONSIDER GAMES OF SKILL VERSES GAMES OF CHANCE. THE NEBRASKA CONSTITUTION OUTLAWS OR PROHIBITS GAMES OF CHANCE. AND THE NEBRASKA SUPREME COURT HAS STATED, FOR A GAME TO BE A GAME OF SKILL IT HAS TO BE PREDOMINATELY A GAME OF SKILL AND IT FALLS WITHIN THE LEGALITY OF THE NEBRASKA CONSTITUTION. LB619 WORKS TO CLARIFY THAT, THE SKILL PORTION OF IT. AND WE DRAW SPECIFIC GUIDELINES FOR ANY ESTABLISHMENT THAT WISHES TO OPEN OR WISHES TO RECEIVE A POKER ENDORSEMENT TO HAVE THAT AT THEIR FACILITY. THAT INCLUDES CAMERAS, LICENSED DEALERS, AND MAXIMUM BETTING LIMITS TO ENSURE OR TO EASE THOSE ANTIGAMBLING FOLKS THAT SOMEONE CANNOT BET THEIR HOUSE OR ANYTHING ELSE ALL IN ONE SITTING. I KNOW MY MOTION...MY RECONSIDERATION MOTION ON AM1654 IS UP NEXT, SO I'LL WORK ON MY...I'LL GO OFF ON THAT IN THE SENSE OF I KNOW THIS IS SUPPOSED TO BE A SHORT OVERVIEW OF WHAT LB619 WAS. THANK YOU, MR. PRESIDENT. [LB619]

PRESIDENT FOLEY: (DOCTOR OF THE DAY INTRODUCED.) SENATOR McCOY.

SENATOR McCOY: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, MEMBERS. I RISE THIS MORNING...I WAS GONE YESTERDAY, DIDN'T HAVE THE OPPORTUNITY TO SPEAK ON THIS ISSUE, BUT I DO THIS MORNING. I RISE OPPOSED TO THIS AMENDMENT AND OPPOSED TO THE RECONSIDER MOTION AND OPPOSED TO THE BILL. I ARRIVED HERE AT THE LEGISLATURE ALMOST EIGHT YEARS AGO NOW, FIERCELY OPPOSED TO EXPANDED GAMBLING FOR A NUMBER OF REASONS. AND I'LL LEAVE THE LEGISLATURE AT THE END OF THIS YEAR FIERCELY OPPOSED TO EXPANDED GAMBLING, WHETHER THAT'S QUICKER TIMES FOR GAMES IN KENO, WHETHER IT'S ANY NUMBER OF THINGS OVER THE YEARS, HISTORIC HORSE RACING, SLOT MACHINES, AS I CALL THEM, ALL OF IT. HERE'S MY OVERARCHING VIEW ON THIS ISSUE. AND I GUESS THOSE OF US THAT ARE CONSIDERED SENIORS THIS YEAR MAYBE TAKE THE LONG VIEW MAYBE A LITTLE MORE THAN ANYBODY, EXCEPT FOR SENATOR CHAMBERS WHO'S HAD

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THE BENEFIT OF BEING AROUND A WHOLE LOT LONGER THAN THE REST OF US. BUT HERE'S MY LONG VIEW ON THIS OVERARCHING ISSUE. YOU KNOW THE INTERESTING THING OVER THE YEARS IS, WE'VE DEBATED MANY TIMES OVER A VARIETY OF DIFFERENT THINGS OF WHETHER OR NOT THEY'RE EXPANDED GAMBLING. AND I GUESS AT THE END OF THE DAY, AS LONG AS IT'S ON THE FLOOR OF THE LEGISLATURE THAT'S OUR PREROGATIVE. NOW, HERE'S AN INTERESTING LITTLE PERSPECTIVE ON THAT. YOU HEARD THE INTRODUCER OF THIS BILL YESTERDAY SAY THAT HE FULLY EXPECTED THIS ISSUE TO END UP IN FRONT OF THE SUPREME COURT OF NEBRASKA. NOW HERE'S MY PROBLEM WITH THAT, MEMBERS: THAT COULD HAPPEN TO ANY LEGISLATION THAT WE PASS IN THIS BODY NO MATTER WHAT THE ISSUE, WHAT THE SUBJECT MATTER. BUT THE GOOD PEOPLE OF NEBRASKA AND TAXPAYER DOLLARS PAY TO DEFEND STATUTES THAT WE PASS IN THIS BODY IN A COURT OF LAW. AND I LOOK AT OUR CURRENT BUDGETARY SITUATION AND I JUST THINK THAT'S NOT A VERY WISE USE OF NEBRASKA TAXPAYER DOLLARS. HARDWORKING NEBRASKANS EXPECT THEIR STATE GOVERNMENT TO BE EFFICIENT. AND I THINK, BY AND LARGE, TO QUOTE THE EDITORIAL FROM THE OMAHA WORLD-HERALD YESTERDAY, WE DO A GOOD JOB OF THAT. LET'S NOT BE FOOLHARDY HERE--AND THAT'S MY OPINION--AND PASS A BILL THAT THE SPONSOR ACKNOWLEDGES IS GOING TO END UP IN FRONT OF THE SUPREME COURT. NOW, HE WOULDN'T HAVE A WAY OF LOOKING IN A CRYSTAL BALL AND KNOWING THAT FOR SURE, BUT WHY WOULD WE EVEN WANT TO GO DOWN THAT ROAD? THE FUNNY THING IS, OVER THE YEARS WE'VE DEBATED A LOT OF DIFFERENT MEASURES WHETHER OR NOT SOMETHING IS EXPANDED GAMBLING. YOU KNOW WHY I THINK THAT IS? BECAUSE SO MANY TIMES OVER THE YEARS THE GOOD PEOPLE OF NEBRASKA HAVE SAID THEY DON'T WANT GAMBLING TO BE EXPANDED. AND SO WE NIBBLE AROUND THE EDGES AND WE SAY, WELL, THIS MAY OR MAY NOT BE EXPANDED GAMBLING, RATHER THAN JUST CALL SOMETHING WHAT IT IS AND SAY, YES, THIS IS EXPANDED GAMBLING AND NOW IS THE TIME TO DO THAT. I ACTUALLY HAVE TO GIVE SENATOR SCHUMACHER SOME CREDIT ON THIS ISSUE. HE AND I DON'T ALWAYS SEE EYE TO EYE, BUT AT THE VERY LEAST SENATOR SCHUMACHER OVER THE YEARS HAS SAID, HEY, I THINK THE PEOPLE OF NEBRASKA'S OPINIONS HAVE CHANGED OVER THE YEARS. MAYBE THEY HAVE, MAYBE THEY HAVEN'T. I PERSONALLY DON'T BELIEVE THEY HAVE. BUT YOU KNOW IT'S FUNNY THAT THIS WASN'T BROUGHT TO US IN THE WAY OF A CONSTITUTIONAL AMENDMENT TO FLAT-OUT EXPAND GAMING. I SUSPECT THAT'S BECAUSE THE SPONSOR AND THOSE WHO SUPPORT THIS CONCEPT DON'T THINK THEY COULD GET TO 30 VOTES OR 33. NOW, PERHAPS AT SOME POINT WE'LL DISCOVER WHETHER OR NOT THEY CAN, BUT MY LONG VIEW ON THIS ISSUE IS THIS:... [LB619]

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PRESIDENT FOLEY: HALF A MINUTE, SENATOR. [LB619]

SENATOR McCOY: ...THE PEOPLE OF NEBRASKA TIME AND TIME AGAIN HAVE SAID, WE DON'T WANT EXPANDED GAMBLING, THE PEOPLE OF NEBRASKA. AND THIS WASN'T MENTIONED YESTERDAY UNLESS I MISSED IT, THE PEOPLE OF NEBRASKA HAVEN'T SAID ALONG THE WAY, WE WANT THESE TYPES OF THINGS. THE PEOPLE OF NEBRASKA HAVE, HOWEVER, SPOKEN AND SAID, WE WANT THE LOTTERY AND WE WANT KENO, BUT THEY VOTED ON THAT. MEANWHILE WE NIBBLE AROUND THE EDGES AND SAY WHETHER POKER, TEXAS HOLD 'EM IS SKILL OR WHETHER IT'S CHANCE AND IT'S PROBABLY IN THE EYES OF THE BEHOLDER OR... [LB619]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR McCOY. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB619]

SENATOR CHAMBERS: MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I HAVE VARIOUS WAYS OF CATCHING PEOPLE'S ATTENTION. I HAD WRITTEN TWO RHYMES LAST YEAR ABOUT GAMBLING AND I THINK INSTEAD OF HANDING THEM OUT TO EVERYBODY I'M JUST GOING TO READ THEM. AND I KNOW THAT TODAY IS A VERY AUSPICIOUS DAY FOR MY COLLEAGUES--BUT NOT FOR ME--BECAUSE THEIR LEADER IS COMING HERE TO ADDRESS THEM. AND I NOTICE THE WAY THEY ARE DRESSED. WHEN I WALKED IN HERE IT LOOKED LIKE A CONVENTION OF UNDERTAKERS. THEN I REMEMBERED WHAT THE OCCASION IS AND I UNDERSTAND. AND I DIDN'T THINK THERE WOULD BE MUCH FOCUS ON WHAT WE'D DO BEFORE THAT BIG EVENT SO I'M JUST GOING TO READ A COUPLE OF RHYMES. THIS ONE IS CALLED "BILL TO CALL POKER A SKILL WOULD MAKE IT LEGAL." AND THAT'S THE HEADLINE ON THE LINCOLN JOURNAL STAR. BEWARE THE JOKER WHO TRIES TO PALM POKER OFF AS A GAME OF SKILL. SUCH AS HIS LINE LIKE THOSE WHO FEED SWINE TO FATTEN THE CHUMPS FOR THE KILL. ALL SHOULD EXPECT THAT STACKING THE DECK IN ONE WAY OR OTHER HE WILL. JOKER'S HIS NAME AND "STACKING'S" HIS GAME. STACKING IS WHAT REQUIRES SKILL. POKER AND DICE DO PAIR UP REAL NICE, THEY BOTH OFFER PIGEONS A THRILL. FROM SAME CLOTH CUT, THE PIGEONS THEY GUT, WHILE LEISURELY ROBBING THEIR TILL. PIGEONS DESPAIR AND TEAR OUT THEIR HAIR AND THEY ARE TAKING A BRUISING. FOOLISHLY THEY DO GAMBLE AND PLAY AND LOSE, THEN KEEP RIGHT ON LOSING. WITH HIS SLY GRIN THE JOKER AGAIN CROONS, DON'T QUIT, YOU'RE GETTING HOT. DISTRESSED AND DISTRAUGHT THE PIGEONS ARE CAUGHT, AND IN END NOT WINNING THE POT. IF THAT SLY JOKER CONVINCES THAT POKER TRULY IS BASED UPON SKILL, SOLENS (PHONETIC) WHO BUY IT SHOULD STRAIGHT AWAY TRY IT, GUARANTEED THEY WILL HAVE

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NIL. POWER THEY WIELD THE PEOPLE TO SHIELD FROM FLIMFLAMS, FAST SHUFFLES AND SUCH. POLITICS IS BEAUTY, IS DOING ONE'S DUTY AND THAT IS NOT ASKING TOO MUCH. SENATORS SHOULD BE MOVED BY THE GOOD AND WHEN BY THE PUBLIC BELIEVED, NEVER SHOULD THEY THE PEOPLE BETRAY NOR STAND BY WHILE THEY ARE DECEIVED. SWINDLERS AND SCHEMERS WHO ROOK NAIVE DREAMERS, SENATORS OUGHT TO SET SCRAMBLING. REJECTING THEIR SWILL THAT POKER IS SKILL, FOR GAMBLING IS GAMBLING IS GAMBLING. THAT IS THE TRUTH OF THIS. AND AS I STATE, I DON'T BELIEVE THERE WILL BE MUCH CONCENTRATED DISCUSSION BEFORE THE GOVERNOR GETS HERE. BUT FOR THE RECORD, SOME THINGS NEED TO BE SAID BECAUSE WE WILL BE RECORDED AND TRANSCRIBED. THIS IS ONE OF THOSE SITUATIONS WHERE, AS THEY STATE, POLITICS MAKES STRANGE BEDFELLOWS. SENATOR CHAMBERS AND SENATOR McCOY HAVE A SIMILAR POSITION ON GAMBLING. AND YOU KNOW WHY I'D SAY IT MAKES STRANGE BEDFELLOWS OF US? BECAUSE HE'S SO SHORT...AND HE'S SO TALL AND I'M SO SHORT, AND WHEN YOU GET A SHORTY AND A "TALL-EE" (PHONETICALLY) TOGETHER IT'S SOMETHING LIKE MUTT AND JEFF, IF YOU ALL ARE FAMILIAR WITH OLD-TIME COMIC BOOKS. AND I'M GETTING INTO THE SPIRIT OF HOW I SAID THESE MOMENTS BEFORE THE GOVERNOR GETS HERE ARE GOING TO BE SPENT. IT DOESN'T MATTER WHAT WE SAY. WE CAN ALL BE AT PLAY. I WONDER, DID SOMEBODY PRAY THIS MORNING? YOU'RE NOT SURE? OH, YES, SOMEBODY DID PRAY. [LB619]

PRESIDENT FOLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: I LISTENED TO PART OF WHAT MY GOOD FRIEND, SENATOR BLOOMFIELD, SAID DURING HIS PRAYER. AND HE DIDN'T CALL ME BY NAME, BUT I KNOW HIS GAME. AND HE HAD ME IN MIND WHEN HE SAID, LET US...HE ASKED GOD TO DO SOMETHING ABOUT OUR WORDS SO WE DON'T DISPARAGE PEOPLE AND SAY NOT BAD THINGS TO TRY TO MAKE THEM DO WHAT WE WANT TO DO. HE SAID IT MUCH MORE PRAYERFULLY THAN THAT, BUT I WOULD LIKE TO ADVISE MY YOUNG FRIEND THAT GOD IS TOO BUSY TO PAY ATTENTION TO WHAT HAPPENS DOWN HERE. THEY GOT A GREAT BIG, OLD MANHOLE COVER IN HEAVEN, JUST LIKE YOU HAVE OVER A SEWER. AND WHEN NOISE COMES UP FROM THE LEGISLATURE, HE SAYS, OH, GABRIEL. GABRIEL SAYS, I KNOW WHAT TO DO, AND HE SLAMS THAT. THEY DON'T EVEN HEAR ANYTHING THAT COMES FROM HERE AND THAT'S WHY I DON'T WORRY ABOUT IT EITHER. SO I'M GOING TO LISTEN TO THE DEBATE AND WILL PARTICIPATE IN IT. BUT KEEP IN MIND THAT THE ONLY REASON THAT SOME TYPES OF GAMBLING ARE ALLOWED... [LB619]

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PRESIDENT FOLEY: TIME, SENATOR. [LB619]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB619]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. MR. CLERK. [LB619]

CLERK: MR. PRESIDENT, YESTERDAY SENATOR LARSON HAD OFFERED AM1654. THAT AMENDMENT FAILED, BUT SENATOR LARSON HAS FILED A MOTION TO RECONSIDER THE ADOPTION OF AM1654. [LB619]

PRESIDENT FOLEY: SENATOR LARSON, YOU'RE WELCOME TO OPEN ON YOUR RECONSIDERATION MOTION. [LB619]

SENATOR LARSON: THANK YOU, MR. PRESIDENT, FOR RECOGNIZING THE MOTION. AM1654...MO150 IS A RECONSIDERATION MOTION ON THAT. AM1654 SIMPLY TAKES OUT DRAW POKER OUT OF AM115 AND LB619 BECAUSE OF THE CONCERNS THAT THE ATTORNEY GENERAL HAD HAD REGARDING DRAW POKER IN HIS OPINION. IN HIS OPINION HE SAID HE FELT THAT DRAW POKER MADE LB619 UNCONSTITUTIONAL. THAT'S HIS OPINION. I DISAGREE. BUT TO ALLEVIATE THOSE CONCERNS AND SMOOTH FLOOR DEBATE I STILL OFFERED AM1654 TO ELIMINATE DRAW POKER AND KEEP IT AT COMMUNITY CARD GAMES. I'D APPRECIATE A GREEN ON THIS RECONSIDERATION MOTION AND THE ADOPTION OF AM1654 TO ALLEVIATE THOSE CONCERNS IF YOU ARE CONCERNED ABOUT THE CONSTITUTIONALITY OF LB619. QUICKLY, I'D LIKE TO ADDRESS SENATOR McCOY AND THEN A NUMBER OF OTHER THINGS THAT HAPPENED YESTERDAY. HE DISCUSSED BEING GOOD STEWARDS OF THE NEBRASKA TAX DOLLAR. WELL, SELF-ADMITTEDLY, YES, LB619 COULD END UP IN COURT. BUT IF ANYBODY OR ANY OVERZEALOUS STATE PATROLMAN OR A GROUP OF INDIVIDUALS WANTED TO START POKER GAMES FOR MONEY RIGHT NOW AND AN OVERZEALOUS OFFICER DECIDED TO TRY TO SHUT THEM DOWN AND THAT WENT THROUGH COURT, AS HAS HAPPENED IN NUMEROUS STATES ACROSS THIS COUNTRY WHERE THE STATE HAS WENT TO PROSECUTE THOSE INDIVIDUALS HOSTING COMMUNITY CARD GAMES...EVERY TIME THEY HAVE LOST AND THE COURTS HAVE SAID THIS IS A GAME OF SKILL. SO IF YOU WANT TO BE GOOD STEWARDS OF THE TAX DOLLAR, THE REAL STEWARDSHIP WOULD BE TO TAX AND REGULATE THIS, BECAUSE WHEN THERE IS A COURT CASE I THINK EVIDENCE SHOWS WE WILL LOSE; AND, MORE THAN LIKELY, WE WILL PAY ATTORNEY'S FEES. I ALSO HEARD A LOT YESTERDAY, ARGUMENTS FROM TWO OF MY COLLEAGUES THAT IF THERE IS ANY CHANCE IN ANYTHING, THEN ESSENTIALLY

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IT'S GAMBLING. THAT CONCEPT IS RIDICULOUS. THERE'S CHANCE...AND UNDER THAT CONCEPT, EVERY TIME YOU BUY A STOCK IS GAMBLING. DON'T GET ME INTO CREDIT DERIVATIVES OR CREDIT DEFAULT SWAPS OR HEDGING. I DON'T SEE THOSE IN THE NEBRASKA CONSTITUTION, BUT I CAN OUTLINE IT SIGNIFICANTLY MORE ON HOW THERE'S MUCH MORE RISK IN THAT THAN ANALYZING EVERYTHING THAT'S IN A COMMUNITY CARD POKER GAME. IF YOU WANT TO WALK THROUGH THOSE STATISTICS, HAPPY TO DO SO. BUT LOOKING AT THIS DEBATE IN GENERAL, WHAT IS ONE OF THE MOST FRUSTRATING THINGS ARE PEOPLE--AND I'VE SEEN EDITORIALS FROM NEWSPAPERS ACROSS THIS STATE THAT ARE DOING IT AS WELL--THAT CONTINUALLY PREACH ON LIMITED GOVERNMENT, STAYING OUT OF PEOPLE'S LIVES, AND GOVERNMENT GETTING OUT OF THE WAY. AND IT'S ALL ABOUT THAT UNTIL THEY THINK THEY KNOW BETTER THAN THEIR NEIGHBOR ON HOW THEIR NEIGHBOR SHOULD SPEND THEIR MONEY OR HAVE A FORM OF ENTERTAINMENT. SENATOR HUGHES BROUGHT IT UP YESTERDAY. THIS IS A FORM OF ENTERTAINMENT FOR 99 PERCENT OF INDIVIDUALS THAT DO SO RESPONSIBLY, YET THE MORALITY OF A FEW HAVE TO PROTECT THE 1 PERCENT. GOVERNMENT HAS NO PLACE IN X AND Y, BUT IT DOES OVER HERE BECAUSE I THINK THEY'RE WRONG. THAT'S WHAT THIS IS. I GUESS IT'S EASY TO IGNORE SCIENCE AND MATH ON A LOT OF ISSUES, BECAUSE MANY OF THEM DO. AM1654 TAKES OUT DRAW POKER OUT OF AM115 AND LB619. THE ATTORNEY GENERAL HAD CONCERNS ABOUT DRAW POKER BEING IN THE BILL. I'M WORKING TO ALLEVIATE THOSE CONCERNS. MANY WILL VOTE AGAINST THE AMENDMENT BECAUSE THEY DON'T WANT--IN CASE THIS DOES GO--FOR IT TO BE CONSTITUTIONAL. IN ESSENCE, MEANING IF IT DOES GO, CREATING A HARDER PATH IN THE SUPREME COURT, SHOULD IT PASS. SO IF YOU ARE WORRIED ABOUT A SUPREME COURT CHALLENGE WHEN THIS PASSES, IF THIS PASSES, YOU SHOULDN'T WANT AM1654 IN THE BILL IF YOU WERE WORRIED ABOUT BEING A GOOD STEWARD OF THE TAXPAYERS. IT'S EASY TO SAY THAT YOU THINK THIS IS EXPANDED GAMBLING. WE'VE LAID OUT THE EVIDENCE THAT COURTS ACROSS THIS COUNTRY DON'T THINK IT IS. WE'VE LAID OUT THE ANALYTICS, THE MATH THAT DON'T THINK IT IS. NOW, SENATOR CHAMBERS, IS THERE GAMBLING IN THIS? YES. I DON'T DENY THAT, BUT I DO THINK IT IS A PREDOMINANCE OF SKILL INVOLVED IN THIS SPECIFIC GAME. MORE SKILL THAN THERE IS IN SPORTS BETTING, THOUGH I WOULD STILL SAY SPORTS BETTING IS PREDOMINATELY SKILL. AND I WOULD BE HAPPY TO MAKE THAT ARGUMENT AS WELL. SO, THE CONSTITUTIONALITY ISSUE IS A CONCERN FOR MANY. WE CAN FIX ANY ISSUE THE ATTORNEY GENERAL COULD POINT OUT WITH AM1654. THIS WAS THE ISSUE THAT HE POINTED OUT; THAT'S WHAT WE'RE FIXING. [LB619]

PRESIDENT FOLEY: ONE MINUTE. [LB619]

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SENATOR LARSON: YOU CAN BE AGAINST GAMING, BUT MIND YOU, COLLEAGUES, THIS ISN'T TRULY A DEBATE ABOUT EXPANDED GAMBLING. I CHALLENGE ANY OF YOU TO SHOW ME THE TRUE MATH AND STATISTICAL ANALYSIS BY STATISTICIANS, MATHEMATICIANS, LAW REVIEW ARTICLES, ANYTHING THAT TALKS ABOUT COMMUNITY CARD GAMES BEING MORE A GAME OF CHANCE OF THAN A GAME OF SKILL. THEY'RE NOT OT THERE. SO I GUESS YOU CAN HAVE THAT OPINION, BUT THE INDIVIDUALS THAT DEAL WITH IT EVERY DAY AND THE COURTS THAT ARE OUT THERE THAT WEIGH ON IT INDEPENDENTLY HAVE ALL SAID OTHERWISE. [LB619]

PRESIDENT FOLEY: TIME, SENATOR. [LB619]

SENATOR LARSON: THANK YOU. [LB619]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. (VISITORS INTRODUCED.)  
SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB619]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I NEED TO QUICKLY ADDRESS SOMETHING MY LEARNED COLLEAGUE, SENATOR CHAMBERS, SAID ABOUT WHETHER OR NOT OUR PRAYERS ARE HEARD. HE IS ENTITLED TO CARRY THAT BELIEF AS I AM ENTITLED TO CARRY THE BELIEF THAT, IN FACT AND INDEED, OUR PRAYERS ARE HEARD. AND THEN TO SENATOR LARSON'S BILL: COLLEAGUES, WE DISCUSSED YESTERDAY THAT GAMBLING IS ALREADY GOING ON IN THE STATE OF NEBRASKA. POKER GAMES ARE TAKING PLACE, PROBABLY NOT UNDER THE WATCHFUL EYE OF THE GOVERNMENT; THEY'RE IN OUR PRIVATE HOMES. HE LAMENTED THAT WE MAY NEVER BE ABLE TO GET IN THERE WHERE WE CAN SEE THOSE GAMES AND THE GOVERNMENT BE ALLOWED TO TAKE A LITTLE PIECE OF THE ACTION. COLLEAGUES, IT'S NOT TERRIBLY WRONG THAT THE CITIZENS OF NEBRASKA BE ALLOWED TO HAVE A LITTLE FUN WITHOUT THE GOVERNMENT GETTING IN THE WAY OF IT, WITHOUT THE GOVERNMENT GETTING A LITTLE PIECE OF IT. YES, SENATOR LARSON, I THINK THERE ARE PLACES THE GOVERNMENT SHOULD NOT BE. I DO PREFER LIMITED GOVERNMENT. LET'S NOT ALLOW THEM INTO THESE PRIVATE GAMES. LET'S NOT CREATE A PATHWAY FOR GOVERNMENT INVOLVEMENT. AND SINCE SENATOR LARSON SEEMS INTENT ON FILIBUSTERING HIS OWN BILL, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR LARSON. [LB619]



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PRESIDENT FOLEY: SENATOR BLOOMFIELD, THANK YOU VERY MUCH IN YOUR YIELDING TIME TO SENATOR LARSON. TWO MINUTES AND 30 SECONDS, SENATOR. [LB619]

SENATOR LARSON: THANK YOU FOR GETTING THAT TIME TO ME, MR. PRESIDENT. SENATOR BLOOMFIELD, CONGRATULATIONS. YOU MAY HAVE ONE OF THE BETTER ARGUMENTS OR AT LEAST MOST RATIONAL ARGUMENTS AGAINST MY BILL. IT IS CONSTITUTIONAL AND YOU DON'T WANT A NEW TAX. FAIR ENOUGH. I CAN RESPECT THAT. IF THAT'S WHAT AN ARGUMENT AGAINST IT IS, I CAN LIVE WITH IT. YOU DON'T WANT GOVERNMENT REGULATION IN PEOPLE'S HOMES OR IN THESE BUSINESSES. LB619 DOES THAT. LB619 ADDS REGULATION AND TAXES TO GAMES OF POKER. STAND UP AND BE HONEST. IF THAT'S WHY YOU OPPOSE IT, I CAN RESPECT IT. BUT DON'T DENY THAT IT'S NOT A GAME OF SKILL AND THEREFORE CONSTITUTIONAL. DON'T SAY THAT IT'S EXPANDED GAMBLING... [LB619]

PRESIDENT FOLEY: ONE MINUTE. [LB619]

SENATOR LARSON: ...OR THAT BECAUSE YOU'RE AGAINST GAMBLING, YOU DON'T WANT THIS. IF YOU CAN BE HONEST AND SAY, YOU KNOW WHAT? FINE. I'VE SEEN THE STATISTICS, THE ANALYTICS. IT IS GAMBLING, YES, BUT IT IS PREDOMINATELY A GAME OF SKILL. I JUST DON'T THINK THE GOVERNMENT SHOULD BE INVOLVED IN THAT. PEOPLE SHOULD BE ABLE TO HAVE FUN, GO TO THE BAR, PLAY, WHATEVER, WITHOUT THE GOVERNMENT BEING INVOLVED. THAT'S THE BEST ARGUMENT I'VE HEARD YET. TO ALL THE OTHER ARGUMENTS TRYING TO SAY IT'S NOT A GAME OF SKILL ARE GOING AGAINST, AGAIN, THE COURTS AND EVERY STATISTICIAN AND MATHEMATICIAN THAT STUDIES IT THAT HAS FAR MORE KNOWLEDGE OF THOSE THINGS THAN ANY OF US... [LB619]

PRESIDENT FOLEY: TIME, SENATOR. [LB619]

SENATOR LARSON: THANK YOU. [LB619]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB619]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, WHAT SENATOR LARSON HAS AND WHAT HE'S TRYING TO DO

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REMINDS ME OF A SONG--WHICH I'M NOT GOING TO SING--BY THE BEACH BOYS. AND THIS YOUNG LADY LIKED A T-BIRD. HIS BILL IS THE T-BIRD, AND SHE HAD FUN, FUN, FUN, TILL HER DADDY TOOK THE T-BIRD AWAY. WELL, HIS T-BIRD WILL BE TAKEN AWAY BY THE COURT, IT MIGHT BE BY THE LEGISLATURE, BUT THIS THAT I'M SAYING NOW IS FOR THE LOBBYIST WHO IS BEHIND THIS BILL. IT IS A FALSE TRAIL THAT THEY WANT TO RUN YOU UP BY SAYING THEY WANT A CHALLENGE IN THE SUPREME COURT SO THE ISSUE CAN BE RESOLVED. NOW, I WENT TO LAW SCHOOL AT CREIGHTON AND GRADUATED. THE ONLY THING CREIGHTON HATES WORSE, SENATOR JOHNSON, THAN THE FACT THAT I GRADUATED FROM LAW SCHOOL THERE IS I TELL PEOPLE THAT I DID. HERE'S HOW THEY CAN GET IT DONE. EVERYBODY HAS ACKNOWLEDGED IN ONE WAY OR THE OTHER THAT THIS KIND OF GAMBLING IS GOING ON ALL OVER THE STATE IN VARIOUS VENUES. ALL THAT THE LOBBYIST HAS TO DO, IF HE'S NOT BEING DISINGENUOUS, ALL THAT SENATOR LARSON HAS TO DO IS ARRANGE TO HAVE A POKER GAME, NOTIFY THE AUTHORITIES. AND THEN WHEN AN ARREST IS MADE AND A TICKET IS ISSUED THEN AT THE TIME OF THE TRIAL...AT THE FIRST LEVEL YOU MUST RAISE THE QUESTION OF CONSTITUTIONALITY, BECAUSE IF IT'S NOT RAISED AT THAT LEVEL THE SUPREME COURT WILL NOT CONSIDER IT. AND THE REASON THE SUPREME COURT WILL NOT CONSIDER IT IS THAT IT IS AN APPELLATE COURT; IT RULES ON WHAT HAD BEEN DONE BY THE LOWER COURT. AND IF THE ISSUE OF CONSTITUTIONALITY HAD NOT BEEN RAISED IN THE LOWER COURT, THERE WAS NO DECISION ON THAT ISSUE BY THE LOWER COURT. SO THERE IS NOTHING FOR THE SUPREME COURT TO CONSIDER TO DETERMINE WHETHER THE RULING WAS CORRECT OR NOT. THE LOBBYIST KNOWS EXACTLY WHAT I'M SAYING. THIS BILL DOES NOT HAVE TO BE PASSED TO GET BEFORE THE SUPREME COURT THE QUESTION OF WHETHER POKER IS OR IS NOT GAMBLING OF THE KIND THAT IS PROHIBITED BY THE CONSTITUTION. THE CONSTITUTION DOES ALLOW GAMBLING, BUT IT ALLOWS ONLY CERTAIN TYPES OF GAMBLING, THE TYPE THAT THE UPPER CRUST WILL ENGAGE IN. BUT I HAVE ANOTHER RHYME, BECAUSE I THOUGHT SENATOR LARSON WOULD BRING UP GAMBLING IN THE STOCK MARKET. THIS IS CALLED, "ALL GAMBLERS ARE NOT CREATED EQUAL." TELL ME WHAT THE DIFFERENCE IS IF REALLY THERE IS ANY, BETWEEN A COMMON GAMBLER WHO WOULD WAGER HIS LAST PENNY AND THAT BREED OF BETTER BEARING STOCKBROKER AS NAME. THOUGH THEIR TITLES DIFFER, BOTH ARE IN THE GAMBLING GAME. SOCIAL STATUS AND RESPECT ARE LAVISHED ON THE BROKER, WHILE DISPARAGEMENT ATTENDS THE PLAYER OF DICE AND POKER. YES, THERE IS A FUNDAMENTAL DIFFERENCE FOR THE TRADER GAINING INSIDE INFORMATION, MAY BECOME A RAIDER. WHO THROUGH STEALTH AND CUNNING FILLS HIS POCKETS, EMPTIES COFFERS OF THE UNSUSPECTING, MAKING SALES AND TAKING OFFERS. ON THE OTHER

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HAND, THE COMMON GAMBLER BETS IN CLUMPS. WHEN THE DICE ROLLS CRAP, HE TAKES HIS LOSSES AND HIS LUMPS. ALL THE FACTS ARE IN, TO MAKE DISTINCTION NOW ONE CAN. RESPECTED BROKER IS A THIEF. THE COMMON GAMBLER, HONEST MAN. AT LEAST YOU KNOW WHAT THE RULES ARE WHEN YOU'RE GAMBLING. DID YOU SAY TIME? [LB619]

PRESIDENT FOLEY: ONE MINUTE, SENATOR. [LB619]

SENATOR CHAMBERS: DID YOU SAY, TIME? [LB619]

PRESIDENT FOLEY: ONE MINUTE, SENATOR. [LB619]

SENATOR CHAMBERS: OKAY, THANK YOU. I WILL NOT SUPPORT THIS BILL. THE BILL IS A FRAUD. THE OTHER DAY I WAS VERY CONCERNED ABOUT THE LEGISLATURE PRESENTING SOMETHING TO THE PUBLIC WHICH THE LEGISLATURE KNEW IS NOT TRUE. THIS BILL PURPORTS TO MAKE YOU BELIEVE THAT PLAYING POKER IS NOT GAMBLING OF THE TYPE PROHIBITED BY THE CONSTITUTION. IF YOU DON'T BELIEVE THAT TO BE TRUE, THEN DON'T VOTE FOR THIS BILL BECAUSE YOU WOULD BE VOTING FOR SOMETHING THAT YOU KNOW IS UNTRUE. THERE ARE WAYS TO SET UP A CHALLENGE IN THE SUPREME COURT AS I'VE JUST OUTLINED IT. SO IF THAT'S WHAT SENATOR LARSON REALLY WANTS TO DO, HE HAS FULFILLED HIS OBLIGATION AND THE LOBBYIST CAN GET HIS MONEY. THANK YOU, MR. PRESIDENT. [LB619]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR SMITH, YOU'RE RECOGNIZED. [LB619]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I ROSE YESTERDAY EARLY ON THIS BILL AND MADE MY REMARKS AND THEY WERE FAIRLY SIMPLE REMARKS. I'M GOING REPEAT THOSE THIS MORNING THAT I OPPOSE EXPANDED GAMBLING. I BELIEVE EXPANDED GAMBLING IN OUR STATE IS HARMFUL. IT HAS A HARMFUL EFFECT ON OUR FAMILIES ON OUR COMMUNITIES AND ON OUR BUSINESSES. AND I VIEW THIS AS A FORM OF EXPANDED GAMBLING. I'M NOT GOING TO ENTER INTO THE DEBATE AS TO WHETHER IT'S BY CHANCE OR IT'S NOT BY CHANCE. I'M JUST NOT GOING TO ENTER INTO THAT DISCUSSION. I JUST BELIEVE THAT IT'S EXPANDED GAMBLING. AND I ALSO OPPOSE THE MORAL CONFLICT THAT SENATOR LARSON HAS CREATED WITH THIS BILL, SUGGESTING THAT THE PROCEEDS WILL SOMEHOW PROVIDE TAX RELIEF, PROPERTY TAX RELIEF. ALL OF US HAVE A NEW

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YEAR'S RESOLUTION THIS YEAR AND MOST OF THEM ARE PROBABLY ABOUT LOSING WEIGHT OR BEING BETTER FIT. WELL, TYPICALLY WHEN WE HAVE A NEW YEAR'S RESOLUTION, IT INVOLVES EATING LESS AND EXERCISING. I LIKEN THAT TO SPENDING LESS. IF WE HAVE THE SAME RESOLUTION TO CREATE A BETTER-FIT ECONOMY IN OUR STATE, IT'S TO SPEND LESS AND IT'S TO HAVE BETTER TAX POLICY, BETTER TAX POLICY THAT LIFTS ALL FAMILY, LIFTS ALL BUSINESSES, BOTH AGRICULTURE AND NONAGRICULTURE BUSINESS. SENATOR LARSON, I WILL SUGGEST TO YOU THAT WHAT WE HAVE BEFORE US WITH YOUR BILL AND YOUR ATTEMPT TO PROVIDE PROPERTY TAX RELIEF IS A TWINKIE DIET. IT'S SIMILAR TO SAYING, I'M GOING TO LOSE WEIGHT, I'M GOING TO BE BETTER FIT IN THE NEW YEAR BY EATING A BOX OF DONUTS EVERY DAY. SO SENATOR LARSON, I OPPOSE YOUR BILL. I OPPOSE THE AMENDMENTS. I OPPOSE THE BILL AND I BELIEVE THAT ESPECIALLY WHEN IT COMES TO A TAX POLICY, IT'S EMPTY. SO WITH THAT, I BELIEVE SENATOR MURANTE WOULD LIKE SOME TIME AND I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO HIM. THANK YOU, MR. PRESIDENT. [LB619]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. SENATOR MURANTE, ABOUT 2:30. [LB619]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. AND, MEMBERS, GOOD MORNING. YESTERDAY MY NAME WAS MENTIONED ON THE FLOOR AND IT DESERVES A RESPONSE. SO I HAVE A QUESTION FOR SENATOR CHAMBERS, IF HE WOULD YIELD. [LB619]

PRESIDENT FOLEY: SENATOR CHAMBERS, WILL YOU YIELD, PLEASE? [LB619]

SENATOR CHAMBERS: NOT TO TEMPTATION, BUT TO SENATOR MURANTE, ALWAYS. [LB619]

SENATOR MURANTE: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YESTERDAY YOU SAID ON THE FLOOR THAT THERE WAS AN INSTANCE ON THE FLOOR OF THIS LEGISLATURE IN YEARS PAST WHERE YOU OFFERED A MILLION TO ONE ODDS THAT NO PERSON ON THE FLOOR WOULD BECOME GOVERNOR OF THIS STATE. IS THAT CORRECT? [LB619]

SENATOR CHAMBERS: THAT IS CORRECT. [LB619]

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SENATOR MURANTE: AND I BELIEVE YOU SAID YESTERDAY THAT I TOOK YOU UP ON THAT OFFER FOR \$1. IS THAT ALSO CORRECT? [LB619]

SENATOR CHAMBERS: IF I NAMED YOU, I NAMED THE CORRECT PERSON. BUT THAT IS CORRECT. [LB619]

SENATOR MURANTE: THANK YOU, SENATOR CHAMBERS. I HAVE NO FURTHER QUESTIONS. SPEAKER HADLEY, WOULD YOU YIELD TO A QUESTION? [LB619]

PRESIDENT FOLEY: SPEAKER HADLEY, WOULD YOU YIELD, PLEASE? [LB619]

SPEAKER HADLEY: YES. [LB619]

SENATOR MURANTE: THANK YOU, SPEAKER HADLEY. SENATOR HADLEY, AS SPEAKER OF THE NEBRASKA LEGISLATURE, DO THE LAWS OF THE STATE OF NEBRASKA STATE THAT UPON THE ABSENCE OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR YOU BECOME THE ACTING GOVERNOR OF THE STATE OF NEBRASKA? [LB619]

SPEAKER HADLEY: YES, THAT IS CORRECT. [LB619]

SENATOR MURANTE: AND TO DATE HAVE YOU SERVED AS ACTING GOVERNOR OF THE STATE OF NEBRASKA? [LB619]

SPEAKER HADLEY: DID YOU NOT GET YOUR ADMIRALSHIP THAT I SIGNED? YES. [LB619]

SENATOR MURANTE: SO IT'S TRUE THAT YOU ARE ON THIS FLOOR AND HAVE SERVED AS GOVERNOR OF THE STATE. IS THAT CORRECT? [LB619]

SPEAKER HADLEY: THAT IS CORRECT. [LB619]

SENATOR MURANTE: AND DID YOU HEAR THE DIALOGUE BETWEEN SENATOR CHAMBERS AND MYSELF? [LB619]

SPEAKER HADLEY: YES. [LB619]

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SENATOR MURANTE: SO YOU WOULD AGREE THAT SENATOR CHAMBERS OWES ME \$1 MILLION. IS THAT CORRECT? [LB619]

SPEAKER HADLEY: UNLESS HE WANTS TO SETTLE WITH ME FOR HALF OF IT. [LB619]

SENATOR MURANTE: THANK YOU, SPEAKER HADLEY. SENATOR CHAMBERS, I WOULD REMIND YOU THAT I AM ITALIAN AND I'LL BE COMING TO COLLECT. THANK YOU, MR. PRESIDENT. [LB619]

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. (VISITORS INTRODUCED.) SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB619]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. AND I'D LIKE TO THANK SENATOR MURANTE AND SENATOR CHAMBERS AND SPEAKER HADLEY FOR THEIR LEVITY THIS MORNING. I THINK THAT THAT'S ALWAYS IMPORTANT IN OUR DEBATES. AND AS I LOOK BACK TO YESTERDAY AND I SAT THERE, I HAD HAD MY THREE TIMES UP AND EVERYBODY ELSE STOOD UP AND STARTED TALKING. AND AS I SET THERE LAST NIGHT AFTER I GOT HOME I STARTED THINKING ABOUT THINGS AND WHAT WE DISCUSSED YESTERDAY. AND I STARTED THINKING ABOUT WHAT WAS SAID ON THE FLOOR. AND I THINK HERE'S WHAT I'D LIKE TO TALK ABOUT. WHEN WE TALK ABOUT CHANCE IN SOMETHING, I EQUATE THAT TO RISK. AND THERE'S RISKS IN EVERYTHING WE DO. WE KNOW THAT. DO WE TRY TO AVOID THOSE RISKS? YES. SO WHEN SENATOR LARSON STOOD UP AND SAID, IS THERE RISK IN FARMING? IS THERE CHANCE IN FARMING? WELL, ABSOLUTELY THERE IS. AND ANYBODY THAT'S DONE IT KNOWS THAT THAT'S TRUE. IS THERE ALSO SKILL INVOLVED IN THAT? ABSOLUTELY. AND THAT SKILL COMES ABOUT THROUGH PRACTICE, THROUGH EDUCATION, THROUGH DOING THINGS OVER AND OVER AGAIN. THE PART THAT I DON'T REALLY LIKE IS WHEN PEOPLE START DEMAGOGUING AN ISSUE AND WHEN THEY SAY, OH, MY GOSH, DON'T YOU EVER EQUATE SOMETHING LIKE GAMBLING TO FARMING. WELL, THERE'S ASPECTS OF IT THAT ARE KIND OF SIMILAR. AND I CAN TELL YOU, ANYBODY THAT HAS FED CATTLE AND MARKETED CATTLE WILL TELL YOU THERE'S TIMES WHEN IT'S A GAMBLE. SO IT HAPPENS. SENATOR BLOOMFIELD, WHEN YOU TALK ABOUT, WELL, THIS IS SOMETHING THAT'S GOING ON ANYWAY ALL OVER THE PLACE...I'VE GOT ANOTHER ISSUE LIKE THIS AT LAKE McCONAUGHY. IT'S THE ONLY RECREATION AREA IN THE STATE THAT DOESN'T ALLOW ALCOHOL. WELL, WHAT THEY SAY IS, WELL, IF YOU JUST KEEP IT UNDER WRAPS WE WON'T DO ANYTHING ABOUT IT.

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SO, UNFORTUNATELY, SENATOR BLOOMFIELD, I DON'T THINK ANYBODY ON THE FLOOR OF THE LEGISLATURE SHOULD BE ADVOCATING OR SAYING THAT PEOPLE SHOULD BREAK THE LAW AND KEEP DOING WHAT THEY'RE DOING. IF IT'S ILLEGAL, IT'S ILLEGAL. AND, SENATOR SMITH, THE TWINKIE TAX PROGRAM OR NEW YEAR'S RESOLUTION, WE DO THIS WITH ALL SORT OF STUFF. I APPRECIATE YOUR LEVITY, TOO, BUT THIS IS WHAT THE LEGISLATURE DOES. THERE'S GOING TO BE A BILL PROBABLY ON CIGARETTE TAX COMING UP. WE TAX THAT STUFF. BE CAREFUL, FOLKS. IT'S NOT MUCH DIFFERENT THAN WHAT WE'RE TALKING ABOUT HERE. AND THEN THE LAST THING I GUESS I'D LIKE TO LEAVE IS, LET ME JUST ASK A SIMPLE QUESTION. HAS ANYBODY HERE ON THE FLOOR OF THE LEGISLATURE BOUGHT A LOTTERY TICKET, PLAYED IN A POKER GAME, GONE TO A TOWN THAT HAS A CASINO, PLAYED DICE, ANYTHING LIKE THAT, BET ON A FOOTBALL GAME? IF YOU DID THAT AND YOU HAVE DONE THAT, IN MY MIND, IF YOU LOOK AT THIS THING AND THEN DECIDE THAT IT'S OKAY FOR YOU BUT NOT OKAY FOR SOMEBODY ELSE AND THAT YOU HAVE THE POWER BECAUSE YOU SIT HERE AS A MEMBER OF THE NEBRASKA LEGISLATURE, WE SHOULD THINK ABOUT THAT A LITTLE BIT. WHO ARE WE TO STAND UP, DO ONE THING, AND THEN PROCLAIM ANOTHER AND ACT ANOTHER WAY ON THE FLOOR OF THE LEGISLATURE? I'M NOT TRYING TO SAY THAT ANYBODY'S BAD OR ANYTHING LIKE THAT. I'M JUST SAYING SOMETIMES WE NEED TO THINK ABOUT WHAT WE DO AND WE NEED TO BE CONSISTENT WITH HOW WE ACT HERE ON THE FLOOR. [LB619]

PRESIDENT FOLEY: ONE MINUTE. [LB619]

SENATOR SCHILZ: POKER IS A SOCIAL GAME. IT'S NOT LIKE A SLOT MACHINE, YOU DON'T HAVE A DEALER THERE PUSHING YOU TO GO. A LOT OF THESE GAMES WILL BE FRIENDLY GAMES. A LOT OF THESE GAMES WILL HAVE PEOPLE SITTING THERE THAT KNOW THE PEOPLE THAT ARE PLAYING. AND I KNOW THIS, FRIENDS DON'T NORMALLY LET OTHER FRIENDS HARM THEMSELVES. SO AS YOU'RE TALKING ABOUT THIS ADDICTION ISSUE, WHICH IS REAL--THERE'S NO DOUBT ABOUT IT--THE POINT IS, IS THAT THIS HAS SOME INSULATORS IN IT THAT HELPS YOU STAY AWAY FROM THAT KIND OF STUFF. SO LET'S NOT DEMAGOGUE ISSUES. LET'S RESPECT EVERYBODY FOR THE DECISIONS AND THE ISSUES THAT THEY BRING UP. LET'S HAVE A HEALTHY DEBATE AND THEN LET'S BE CONSISTENT WITH HOW WE VOTE, BECAUSE I GO AND I GAMBLE. AND THAT'S WHY I'M NOT GOING TO TELL SOMEBODY ELSE THEY CAN'T DO IT. THAT WOULD BE HYPOCRITICAL ON MY PART. [LB619]

PRESIDENT FOLEY: TIME, SENATOR. [LB619]

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SENATOR SCHILZ: THANK YOU. [LB619]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. MEMBERS, WE'RE GOING TO MOVE TO THE 10:00 ITEM ON THE AGENDA. SPEAKER HADLEY, YOU'RE RECOGNIZED FOR A MOTION.

SPEAKER HADLEY: MR. PRESIDENT, I MOVE THAT A COMMITTEE OF FIVE BE APPOINTED TO ESCORT THE GOVERNOR OF THE STATE OF NEBRASKA TO THE LEGISLATIVE CHAMBER TO DELIVER HIS STATE OF THE STATE ADDRESS.

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE MOTION IS ADOPTED. I WOULD HEREBY APPOINT THE FOLLOWING COMMITTEE: SENATOR COOK, SENATOR WATERMEIER, SENATOR BRASCH, SENATOR GLOOR, AND SENATOR SULLIVAN. WOULD THE ESCORT COMMITTEE RETIRE TO THE REAR OF THE CHAMBER TO ESCORT THE GOVERNOR? THANK YOU. THE CHAIR RECOGNIZES THE SERGEANT AT ARMS.

SERGEANT AT ARMS: MR. PRESIDENT, YOUR COMMITTEE NOW ESCORTING THE GOVERNOR OF THE GREAT STATE OF NEBRASKA, PETE RICKETTS AND FIRST LADY SUSANNE SHORE. (APPLAUSE.)

PRESIDENT FOLEY: MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE, DISTINGUISHED GUESTS, AND MANY FRIENDS, I PRESENT TO YOU THE GOVERNOR OF THE GREAT STATE OF NEBRASKA, THE HONORABLE PETE RICKETTS. (APPLAUSE.)

GOVERNOR RICKETTS: ALL RIGHT. THANK YOU VERY MUCH. THANK YOU ALL VERY MUCH. THANK YOU. THANK YOU. THANK YOU VERY MUCH. THANK YOU. THANK YOU. PRESIDENT FOLEY, SPEAKER HADLEY, MEMBERS OF THE LEGISLATURE, TRIBAL CHAIRMEN, DISTINGUISHED GUESTS, FRIENDS, FELLOW NEBRASKANS, AND, OF COURSE, OUR FIRST LADY, MY LOVELY WIFE, SUSANNE, IT IS GREAT TO BE A PART OF THE SECOND SESSION OF THE ONE HUNDRED FOURTH NEBRASKA LEGISLATURE. NOW, BEFORE WE GET STARTED HERE TODAY, I WANT TO TAKE A MOMENT AND THANK MY STAFF, WHO WORKED SO HARD TO JUGGLE MY SCHEDULE AND MAKE THINGS WORK SO I COULD BE HERE TODAY. (LAUGHTER.) FOLKS, WE LIVE IN THE BEST PLACE IN THE WORLD. AND I KNOW YOU'VE HEARD ME SAY THAT A LOT, AND I'LL CONTINUE TO SAY IT, BECAUSE IT CONTINUES TO BE TRUE. AND THE REASON WE LIVE IN THE BEST PLACE IN THE



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WORLD IS BECAUSE OF OUR PEOPLE. NEBRASKANS GIVE TO THEIR COMMUNITIES. WE SHARE A COMMON SET OF PRINCIPLES. WE TREAT EACH OTHER WITH DIGNITY AND RESPECT AND WE CARE ABOUT EACH OTHER. I'M PROUD OF THE FACT THAT NEBRASKA IS ONE OF THE TOP STATES IN THE NATION FOR VOLUNTEERISM. THE KIDS OF CUB SCOUT PACK 190 PICKED UP TRASH ON HIGHWAY 7 LAST YEAR. WHEN FLOODS SLAMMED INTO DEWITT, I SAW FIRSTHAND THE COMMUNITY PULL TOGETHER, NEIGHBORS HELPING NEIGHBORS. I MET VOLUNTEERS LIKE JOHN LONG FROM OMAHA, WHO WERE HELPING CLEAN HOUSES WHOSE BASEMENTS HAD BEEN FILLED TO THE CEILINGS WITH MUD AND WATER. I WANT TO THANK JOHN--JOHN IS HERE TODAY--FOR JOINING US AND FOR SETTING SUCH A GREAT EXAMPLE FOR VOLUNTEER WORK. JOHN, CAN WE RECOGNIZE HIM? (APPLAUSE.) AND, OF COURSE, THERE IS NO BETTER EXAMPLE OF SERVICE THAN THE HEROES OF OUR NEBRASKA NATIONAL GUARD. THEY HELP THEIR NEIGHBORS HERE AT HOME AND DEFEND OUR FREEDOMS OVERSEAS. LAST YEAR I MET LIEUTENANT ERIC OTTE AND THE MEMBERS OF THE 192ND LAW AND ORDER DETACHMENT AS THEY WERE BEING DEPLOYED. THEY WERE AMONG THE 150 NEBRASKA NATIONAL GUARD SOLDIERS WHO WERE DEPLOYED LAST YEAR. AND I'M PLEASED TO SAY THAT LIEUTENANT OTTE AND ALL OF HIS SOLDIERS RETURNED SAFELY HOME LAST MONTH. WE ARE SO GRATEFUL FOR THE NEBRASKANS WHO PUT THEMSELVES IN HARM'S WAY TO DEFEND OUR FREEDOMS. SIXTY-ONE NEBRASKANS HAVE BEEN KILLED IN ACTION SINCE 2003, 12 FROM THE NATIONAL GUARD. WE ALSO LOST A NEBRASKA HERO IN THE ACT OF PERFORMING A HUMANITARIAN MISSION. ON MAY 12 OF LAST YEAR MARINE CORPS HELICOPTER PILOT AND KEARNEY NATIVE, DUSTIN LUKASIEWICZ, WAS ON A MISSION IN NEPAL WHERE HE RESCUED THREE PEOPLE AFTER AN EARTHQUAKE STRUCK. HE WAS FLYING BACK TO SAVE MORE WHEN HIS HELICOPTER CRASHED INTO A MOUNTAIN. HE LEFT BEHIND A WIFE, A DAUGHTER, AND A SON ON THE WAY. AND WE SALUTE HIS SERVICE. (APPLAUSE) AND EVEN WHEN ONE OF OUR BEST AND BRIGHTEST LEAVES NEBRASKA, THEIR NEBRASKA SPIRIT CONTINUES TO DEFINE THEM. JOE LEMM PLAYED HIGH SCHOOL FOOTBALL IN BEEMER. AFTER GRADUATION HE JOINED THE AIR FORCE. AFTER THE SERVICE HE BECAME A NEW YORK CITY COP. WHEN TERRORISTS KNOCKED DOWN THE TWIN TOWERS, LEMM WORKED FOR WEEKS--EVEN OFF DUTY--WITH HIS FELLOW OFFICERS, DIGGING THROUGH THE RUBBLE, LOOKING FOR SURVIVORS. AND BEING ONE OF NEW YORK'S FINEST WAS NOT ENOUGH SERVICE FOR JOE. HE JOINED THE AIR NATIONAL GUARD. LAST MONTH ON HIS THIRD COMBAT DEPLOYMENT, THIS TIME IN AFGHANISTAN, HE WAS KILLED NEAR BAGRAM AIR FORCE BASE BY A SUICIDE BOMBER. JOE'S MOM, SHIRLEY, IS HERE WITH US TODAY. JOE...AND SHE SHARED WITH ME A LETTER FROM ONE OF

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HIS FRIENDS. JOE KNEW WHY HE WAS THERE IN AFGHANISTAN. IT WAS TO HELP LITTLE AFGHAN GIRLS TO BE ABLE TO GET AN EDUCATION, LITTLE GIRLS LIKE HIS DAUGHTER, SO THAT THEY COULD CHANGE THE OUTCOMES OF THEIR LIVES. SHIRLEY LEMM IS WITH US HERE TODAY. SHIRLEY, WE OFFER OUR CONDOLENCES AND SALUTE JOE'S WORK AND YOUR SACRIFICE. (APPLAUSE.) WHERE DO WE GET SUCH PEOPLE? THANK GOD FOR DUSTY AND JOE AND OUR NEBRASKA NATIONAL GUARD AND FOR ALL OF OUR MEN AND WOMEN WHO SERVE THIS COUNTRY AT HOME AND ABROAD. WE LOST ANOTHER HERO THIS SPRING IN OMAHA, POLICE OFFICER KERRIE OROZCO, WHO WAS SHOT AND KILLED WHILE TRYING TO APPREHEND A VIOLENT FUGITIVE. SHE LEFT BEHIND A HUSBAND, A NEW BABY, AND TWO CHILDREN. LAW ENFORCEMENT OFFICERS HAVE BEEN GETTING A LOT OF BROAD-BRUSHED CRITICISM LATELY AND IT'S JUST NOT RIGHT. THEY PUT ON THEIR BLUES EVERY DAY TO PROTECT US. KERRIE OROZCO SPENT HER TIME SERVING THE FAMILIES OF OMAHA AS A VOLUNTEER COACH AND MENTOR IN ADDITION TO BEING A POLICE OFFICER. THE COMMUNITY THAT SHE PATROLLED WAS AN EXTENSION OF HER FAMILY AND SHE PAID THE ULTIMATE SACRIFICE TO PROTECT THEM. THE COACHING PROGRAM THAT SHE WAS INVOLVED IN HAS ACTUALLY DOUBLED THE NUMBER OF COACHES SINCE SHE LEFT BECAUSE OF HER EXAMPLE. HERE IN THE HEARTLAND, WE APPRECIATE OFFICER OROZCO AND ALL OF OUR HEROIC POLICE OFFICERS WHO PROTECT US. OFFICER OROZCO'S HUSBAND, HECTOR, AND HER MOM, ELLEN, ARE HERE WITH US TODAY. AND WE RECOGNIZE YOU FOR THE SACRIFICES YOU HAVE MADE. WOULD YOU PLEASE STAND UP. (APPLAUSE.) ON A LIGHTER NOTE, DID YOU ALL SEE THE VIDEO OF DEPUTY SERGEANT TODD VOLK OF THE MADISON COUNTY SHERIFF'S OFFICE? HE SPED PAST AN OUT-OF-CONTROL TRUCK, LEAPT OUT OF HIS VEHICLE, JUMPED ONTO A MOVING SEMI, AND SAFELY BROUGHT IT TO A STOP. NOW, FOR MOST OF US THAT LOOKED LIKE A SCENE OUT OF AN ACTION MOVIE, BUT THAT WAS REAL-LIFE TODD VOLK. AND HAVE NO FEAR, SERGEANT VOLK IS HERE. HE'S JOINED US TODAY UP IN THE GALLERY. CAN WE PLEASE RECOGNIZE HIM FOR HIS SERVICE? (APPLAUSE.) WHETHER IT'S CLEANING UP OUR HIGHWAYS, PATROLLING OUR STREETS, OR SERVING OVERSEAS, OUR PEOPLE ARE EVERYDAY HEROES. AND THAT'S WHY THIS IS THE BEST PLACE IN THE WORLD TO BE. NEBRASKA IS WHAT AMERICA IS SUPPOSED TO BE. (APPLAUSE.) AND WHEN IT COMES TO PUBLIC SERVICE, BEING A STATE SENATOR IS ALSO A HIGH AND NOBLE CALLING. I'M GRATEFUL FOR THE SACRIFICES YOU AND YOUR FAMILIES MAKE TO BE ABLE TO SERVE OUR FELLOW NEBRASKANS. AS I BEGIN MY SECOND TERM AS GOVERNOR AND MY SECOND STATE OF THE STATE ADDRESS, IT FEELS LIKE A FAMILY REUNION, AND I'M NOT KIDDING. AS MANY OF YOU KNOW, I COME FROM A BIG FAMILY. AND AS KIDS, I FOUGHT WITH MY BROTHERS AND SISTER. AND EVEN AS

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ADULTS, WE CONTINUE TO DISAGREE ON IMPORTANT TOPICS. BUT I LOVE THEM AND I LOVE WORKING WITH THEM. AND I LOVE THE WORK THAT WE DO HERE IN OUR CAPITOL AND I LOVE WORKING WITH ALL OF YOU. SURE, WE'VE HAD OUR MOMENTS. BUT WE'VE ACCOMPLISHED GREAT THINGS TOGETHER. IN THE LAST SESSION, WE CUT THE GROWTH OF GOVERNMENT NEARLY IN HALF, FROM 6.5 PERCENT IN THE LAST BUDGET TO 3.5 PERCENT IN THIS CURRENT BUDGET. (APPLAUSE.) I WANT TO THANK CHAIRMAN MELLO AND ALL THE MEMBERS OF THE APPROPRIATIONS COMMITTEE FOR THEIR HARD WORK TO MAKE THAT POSSIBLE. (APPLAUSE.) WE ALSO ENACTED A NURSE PRACTITIONER BILL TO INCREASE ACCESS TO HEALTHCARE, PARTICULARLY IN OUR RURAL AREAS. TOGETHER, WE ADDRESSED THE CLIFF EFFECT FOR CHILDCARE WITH SENATOR TANYA COOK'S BILL. AND SENATOR KATHY CAMPBELL AND I REACHED AN AGREEMENT TO INCREASE THE AID FOR DEPENDENT CHILDREN IN A RESPONSIBLE WAY. (APPLAUSE.) THESE ARE JUST A FEW OF THE MANY BILLS ON WHICH WE FOUND COMMON GROUND. SOMETIMES THERE WAS A NATURAL TENSION. BUT IT'S AN HONOR TO BE A PART OF THE WORK WE DO HERE IN OUR STATE CAPITOL. (APPLAUSE.) THANK YOU FOR YOUR DEDICATION AND FOR THE LONG HOURS YOU PUT IN AND THE SERVICE YOU PROVIDE TO THE PEOPLE OF THIS STATE. (APPLAUSE.) AND BECAUSE OF OUR ACCOMPLISHMENTS TOGETHER AND THE STRENGTH IN CHARACTER OF OUR PEOPLE, I AM PROUD TO REPORT TODAY THAT THE STATE OF THE STATE IS STRONG. (APPLAUSE.) FORBES MAGAZINE RANKS NEBRASKA THE THIRD MOST BUSINESS-FRIENDLY STATE. HEALTH.COM RANKS NEBRASKA IN THE TOP TEN AS TOP HEALTHIEST STATES. LIVABILITY.COM SAYS LINCOLN AND OMAHA ARE AMONG THE MOST LIVABLE CITIES IN AMERICA. MEANWHILE, NEBRASKA'S GOVERNMENT ENJOYS A AAA CREDIT RATING FROM S&P. WE ARE IN A STRONG POSITION, BUT WE ALSO HAVE OUR CHALLENGES. BUT THESE CHALLENGES POSE AN OPPORTUNITY FOR US TO WORK TOGETHER, TO RESPOND, AND GROW NEBRASKA. AGRICULTURE IS OUR NUMBER ONE INDUSTRY HERE IN NEBRASKA, REPRESENTING NEARLY 25 PERCENT OF OUR STATE'S ECONOMY. BUT OUR FARM ECONOMY IS FACING CHALLENGES. COMMODITY PRICES HAVE BEEN FLAT OR DOWN. CORN IS TRADING ABOUT \$3.50 A BUSHEL, SIGNIFICANTLY DOWN FROM THE \$8 A BUSHEL IT WAS IN 2012. CATTLE PRICES ARE DOWN OVER 17 PERCENT FROM LAST YEAR. AND WHILE FARM INCOMES ARE SUBJECT TO VARIATIONS AND FLUCTUATIONS EACH YEAR, PROPERTY TAXES GO UP AND UP. LAST YEAR I TOLD YOU ABOUT ROGER BRANDT, WHO'S A FARMER FROM WAYNE COUNTY. HIS ASSESSMENTS ON THREE PARCELS OF LAND HAD INCREASED FROM 36 PERCENT TO NEARLY 50 PERCENT IN JUST ONE YEAR. WE CHECKED IN AGAIN WITH ROGER ABOUT THIS YEAR'S PROPERTY TAXES AND IT WENT UP AGAIN, NEARLY \$2,700. AND THAT'S AFTER THE PROPERTY TAX CREDIT WE PASSED LAST YEAR. WHILE COMMODITY

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PRICES HAVE STAYED FLAT OR GONE DOWN, HIS PROPERTY TAX BILL WENT UP NEARLY 10 PERCENT. FOLKS, THESE INCREASES PUT TREMENDOUS PRESSURE ON OUR FARMERS AND RANCHERS AND, IN TURN, THE LARGEST PART OF OUR STATE'S ECONOMY. NOW, LAST YEAR WE SUCCESSFULLY WORKED TOGETHER TO PROVIDE \$408 MILLION IN DIRECT DOLLAR-FOR-DOLLAR PROPERTY TAX RELIEF TO NEBRASKANS THROUGH THE PROPERTY TAX CREDIT RELIEF FUND. THIS YEAR WE MUST MAKE STRUCTURAL CHANGES TO PROPERTY TAXES. WORKING WITH CHAIRWOMAN KATE SULLIVAN AND CHAIRMAN MIKE GLOOR AND THEIR COMMITTEES, WE CRAFTED A PROPOSAL FOR PROPERTY TAX RELIEF. YOU WILL SEE IN THIS BILL WE PROPOSE TO TIGHTEN SPENDING AND LEVY LIMITS AND THAT WE LIMIT STATEWIDE AGGREGATE GROWTH IN AGRICULTURAL PROPERTY VALUATIONS TO 3 PERCENT. SENATORS, I LOOK FORWARD TO WORKING WITH YOU TO BRING ABOUT TAX RELIEF TO OUR TAXPAYERS. WE MUST PRIORITIZE PROPERTY TAX RELIEF. IT IS MY NUMBER ONE PRIORITY THIS SESSION. (APPLAUSE.) NOW, WE'VE TALKED ABOUT GROWING NEBRASKA AND, INDEED, WE GREW OUR POPULATION FASTER THAN ANY OF THE SURROUNDING STATES EXCEPT FOR COLORADO. WE ADDED ON 13,000 PEOPLE. BUT OUR ECONOMIC GROWTH RATE IS SLUGGISH. WE ARE 28TH IN THE NATION IN EMPLOYMENT GROWTH AND OUR RANKINGS FOR GDP AND PERSONAL INCOME GROWTH ARE ALSO IN THE MIDDLE OF THE PACK. AND, FOLKS, THERE IS NOTHING COMPETITIVE ABOUT BEING IN THE MIDDLE OF THE PACK. WE NEED TO GROW NEBRASKA'S ECONOMY, CREATE MORE AND BETTER-PAYING JOBS, KEEP OUR KIDS AND GRANDKIDS HERE, ATTRACT PEOPLE FROM AROUND THE COUNTRY TO COME AND MAKE NEBRASKA THEIR HOME. OUR THREE LARGEST INDUSTRIES ARE AGRICULTURE, MANUFACTURING, AND TOURISM. AND ALL DEPEND ON A STRONG TRANSPORTATION INFRASTRUCTURE TO EXPAND. WE CAN SPUR OUR ECONOMIC GROWTH BY ASSURING WE HAVE 21ST CENTURY ROADS AND BRIDGES TO HELP GROW OUR INDUSTRIES, ONCE AGAIN, WORKING TOGETHER AND WORKING WITH YOU TO ADDRESS THIS CRITICAL NEED. CHAIRMAN SMITH AND DIRECTOR OF ROADS, KYLE SCHNEWEIS, HAVE TRAVELED THE STATE WORKING ON IDEAS ON HOW WE CAN ACCELERATE INFRASTRUCTURE INVESTMENT. LAST WEEK WE ANNOUNCED A PROPOSAL FOR A TRANSPORTATION INFRASTRUCTURE BAN TO SPEED UP EXPRESSWAY CONSTRUCTION, IMPROVE OUR COUNTY BRIDGES, AND ASSIST COMPANIES WITH ECONOMIC DEVELOPMENT. ALSO INCLUDED ARE TOOLS TO HELP INCREASE OUR EFFICIENCY FOR OUR CONSTRUCTION PROCESS. FOLKS, OUR BUSINESSES TRANSPORT GOODS AND SERVICES. OUR FARMERS AND RANCHERS FEED OUR WORLD ON OUR ROADS AND BRIDGES. WE GET TO WORK EACH DAY ON OUR HIGHWAYS. WE DRIVE OUR CHILDREN TO SCHOOL ACROSS OUR COUNTY BRIDGES. LET'S HELP OUR LOCAL LEADERS KEEP AND ATTRACT

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BUSINESS. LET'S PASS THE TRANSPORTATION INFRASTRUCTURE BANK. (APPLAUSE.) AS I'VE SAID, S&P GIVES US A AAA RATING AND WE'RE IN A VERY STRONG FINANCIAL POSITION. HOWEVER, WE CANNOT REST ON OUR LAURELS. THE FORECASTING BOARD HAS REVISED THE REVENUE FORECAST DOWNWARD BY \$154 MILLION. WE HAVE TO WORK TOGETHER TO MANAGE TAXPAYER DOLLARS WISELY. THE BUDGET I'M PROPOSING MANAGES THE SHORTFALL BY TIGHTENING OUR BELTS IN STATE AGENCIES, RETURNING REAPPROPRIATED FUNDS TO THE STATE'S GENERAL FUND, AND TRANSFERRING MONEY FROM THE BANKING/INSURANCE CASH FUNDS INTO THE GENERAL FUND. AS A RESULT, NO MONEY WILL BE TAKEN FROM THE CASH RESERVE AND NONE IS NEEDED TO FUND ONGOING OPERATIONS. WE MUST ALSO MAKE GOVERNMENT WORK FOR THE PEOPLE. WE ALL KNOW THAT IN 2014, BEFORE I TOOK OFFICE, THE OMAHA WORLD-HERALD BROKE A STORY ABOUT DOZENS OF CONVICTED CRIMINALS, MANY OF THEM VIOLENT, WHO HAD BEEN RELEASED FROM PRISON EARLY BECAUSE OF ERRORS IN SENTENCING CALCULATIONS AT THE DEPARTMENT OF CORRECTIONS. I KNOW THAT EVERYBODY IN THIS CHAMBER CARES DEEPLY ABOUT THIS TOPIC. THE LEGISLATURE WORKED DILIGENTLY WHEN THESE ISSUES CAME TO LIGHT. I ALSO APPRECIATE HOW MUCH YOU TAKE SERIOUSLY THE SAFETY OF NEBRASKANS. OVER THE LAST YEAR THE THREE BRANCHES OF GOVERNMENT HAVE WORKED TOGETHER ON ISSUES SUCH AS LB605, FROM THE COUNCIL OF STATE GOVERNMENTS, DEALING WITH SENTENCING AND CORRECTIONS REFORM. LAST YEAR WE BROUGHT IN DIRECTOR SCOTT FRAKES TO THE DEPARTMENT OF CORRECTIONS. DIRECTOR FRAKES IS WORKING TO CREATE A CULTURAL REFORM TO ONE OF ACCOUNTABILITY AND EXCELLENCE. TO ADDRESS MISTAKES IN INMATE RELEASES, HE IS INSTITUTING A NEW, AUTOMATED SYSTEM TO PERFORM SENTENCE CALCULATIONS. WE ALSO KNOW THAT FURTHER INVESTMENT IS NEEDED. IN NOVEMBER, DIRECTOR FRAKES ROLLED OUT THE FIRST PHASE OF A STRATEGIC PLAN, INCLUDING A \$26 MILLION INVESTMENT IN THE COMMUNITY CORRECTIONS CENTER HERE IN LINCOLN. THIS INVESTMENT WILL ALLOW US TO EXPAND THE CAPACITY WE HAVE FOR REENTRY PROGRAMMING. WE WILL PROVIDE JOB TRAINING, WORK RELEASE, AND COUNSELING. THIS WILL HELP OUR OFFENDERS AVOID BECOMING REPEAT CUSTOMERS AND ULTIMATELY REDUCE THE RECIDIVISM RATE. WE MUST MAKE THIS WISE INVESTMENT IN OUR CORRECTIONS SYSTEM. (APPLAUSE.) NOW, ONE OF THE BIGGEST CHALLENGES WE FACE LONG TERM TO THE BUDGET IS MEDICAID EXPANSION. THIS BODY HAS WISELY REJECTED MEDICAID EXPANSION THREE TIMES IN THE LAST THREE YEARS BECAUSE IT WAS AN UNREASONABLE RISK TO NEBRASKA TAXPAYERS. THE MOST RECENT ITERATION OF THIS EXPANSION WOULD HAVE COST NEBRASKA TAXPAYERS \$158 MILLION OVER SIX YEARS. MEDICAID HAS ALREADY GROWN FROM 2.9 PERCENT

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OF OUR BUDGET WHEN IT WAS STARTED TO WHERE IT IS TODAY, 19 PERCENT AND GROWING. THIS GOVERNMENT ENTITLEMENT CROWDS OUT INVESTMENTS IN TAX RELIEF, ROADS, AND EDUCATION, THINGS WE NEED TO GROW OUR STATE. WE ALSO KNOW THAT WE CANNOT TRUST THE FEDERAL GOVERNMENT TO KEEP ITS COMMITMENTS WHEN IT COMES TO SPENDING. A 90 PERCENT FEDERAL MATCH RATE IS NOT SUSTAINABLE IN THE FEDERAL BUDGET. WHEN THE FEDERAL BUDGET GETS TIGHT OR PRIORITIES IN WASHINGTON CHANGE, THAT COMMITMENT WILL DISAPPEAR. HISTORY SHOWS THAT THE FEDERAL GOVERNMENT CAN CHANGE THE RULES AT ANY TIME. FOR EXAMPLE, THE FEDERAL GOVERNMENT PROMISED TO PAY FOR 40 PERCENT OF THE COST OF THE EXPANSION OF SPECIAL EDUCATION IN OUR SCHOOLS. AND NOW THEY'RE DOWN TO PAYING LESS THAN 20 PERCENT. FROM DENYING PEOPLE A CHOICE OF THEIR DOCTOR TO RISING PREMIUMS AND NOW THIS UNREALISTIC PROMISE OF FEDERAL MATCHING DOLLARS, OBAMACARE IS AN EXAMPLE OF GOVERNMENT THAT DOES NOT WORK. GOVERNMENT NEEDS TO WORK FOR THE PEOPLE. AND SERVING IN GOVERNMENT IS A NOBLE CALLING AS WELL. NOW, WE HAVE GREAT PEOPLE IN STATE GOVERNMENT, PEOPLE WHO SHOW UP TO WORK EVERY DAY TO HELP OUR FELLOW CITIZENS. FROM THE CABINET TO OUR FRONT-LINE TEAMS, WE HAVE BEEN ABLE TO MAKE GREAT STRIDES OVER THE PAST YEAR IN MAKING GOVERNMENT WORK AND HELPING WITH THE BUSINESS OF LIFE FOR OUR PEOPLE. I WANT TO HIGHLIGHT SOME OF THE GREAT WORK OF OUR PEOPLE, STARTING WITH THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES. I'M PROUD OF THE PROGRESS THAT THE TEAM AT HHS HAS MADE UNDER THE LEADERSHIP OF CEO COURTNEY PHILLIPS. WE ARE WORKING TO ENSURE A NEW LEVEL OF ACCOUNTABILITY AND TRANSPARENCY FOR TAXPAYERS. OUR PEOPLE ARE DEDICATED TO GIVING VULNERABLE CITIZENS THE BEST POSSIBLE EXPERIENCE IN RECEIVING ASSISTANCE AND CREATING A MORE CUSTOMER-CENTRIC ORGANIZATION. ONE EXAMPLE IS ACCESSNEBRASKA THAT SERVES OUR FELLOW NEBRASKANS WHO NEED OUR HELP, WHETHER IT'S NUTRITION TO CHILDCARE TO ASSISTANCE WITH ENERGY BILLS. AS I TRAVEL THE STATE, I USED TO HEAR A LOT OF COMPLAINTS ABOUT ACCESSNEBRASKA. THE AVERAGE CALL WAIT TIME IN AUGUST OF 2014 WAS NEARLY 24 MINUTES. NOW, BECAUSE OF PROCESS IMPROVEMENTS, THE AVERAGE WAIT TIME FOR THE LAST THREE MONTHS HAS AVERAGED UNDER FIVE MINUTES. I WANT YOU TO IMAGINE BEING A LOW-INCOME PERSON, A LOW-INCOME NEBRASKAN WHO HAS JUST BOUGHT A PREPAID PHONE WITH 45 MINUTES ON IT. AND YOU CALL INTO ACCESSNEBRASKA AND NOW YOU HAVE TO SPEND OVER HALF OF THOSE MINUTES WAITING ON HOLD JUST TO GET SOMEBODY TO TALK TO YOU. HOW DOES THAT IMPACT YOUR QUALITY OF LIFE? AND NOT ONLY HAVE WE REDUCED THE CALL WAITING TIME, BUT WE HAVE

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IMPROVED OUR ACCURACY RATE AS WELL. NEBRASKA'S NATIONAL RANK IN PROCESSING SNAP APPLICATIONS WAS 48 OUT OF 53 AT THE BEGINNING OF MY TERM. NOW, WE ARE RANKED NUMBER 32. NOW, DON'T GET ME WRONG, NOBODY'S PROUD OF BEING IN THE MIDDLE OF THE PACK, BUT IT DOES SHOW WE ARE MAKING IMPROVEMENTS. WE ARE NOW 21ST IN PAYMENT ACCURACY AND TENTH FOR DENIAL ACCURACY. AT THE END OF 2014, THE AVERAGE TIME IT TOOK TO PROCESS APPLICATIONS WAS 40.9 DAYS. NOW OUR AVERAGE IS 11.5 DAYS. MEMBERS OF THE ACCESSNEBRASKA TEAM ARE HERE WITH US TODAY. PLEASE HELP RECOGNIZE THEM FOR ALL THE EFFORTS THEY'VE MADE TO IMPROVE THIS IMPORTANT SYSTEM. (APPLAUSE.) GREAT JOB, TEAM. AND WE'VE MADE OTHER IMPROVEMENTS IN OTHER AREAS AS WELL. IN 2015, FOR THE FIRST TIME EVER IN OUR CHILD WELFARE SYSTEM, WE MET ALL SIX OF THE FEDERAL GOVERNMENT STANDARDS. JUST THREE YEARS AGO, WE ONLY MET TWO OF THE SIX STANDARDS. OTHER AGENCIES HAVE BEEN INNOVATING AS WELL TO MAKE GOVERNMENT MORE CUSTOMER FOCUSED. THE DEPARTMENT OF LABOR LAUNCHED A FIRST IN THE NATION REEMPLOYMENT PROGRAM TO HELP OUR STATE'S JOB SEEKERS CONNECT MORE QUICKLY WITH GOOD-PAYING JOBS. INDIVIDUALS RECEIVING BENEFITS NOW PARTICIPATE IN THAT PROGRAM, WHICH INCLUDES SITTING DOWN WITH A JOB COACH AND CREATING A RESUME WHICH IS SEARCHABLE BY POTENTIAL EMPLOYERS. THIS HELPS GIVE OUR JOB SEEKERS A LEG UP. ALAN HOLMAN OF LINCOLN WAS HELPED BY A REEMPLOYMENT PROGRAM TO GET A JOB WITH SIRIUS COMPUTER SOLUTIONS. ALAN AND HIS WIFE, BECKY, AND HIS BOSS, KEVIN LANGFORD ARE HERE WITH US TODAY. ALAN AND BECKY, CONGRATULATIONS AND THANK YOU, KEVIN, FOR GIVING HIM A LITTLE TIME OFF FOR THEM TO BE WITH US HERE TODAY. LET'S RECOGNIZE THEM. (APPLAUSE.) SINCE I TOOK OFFICE, OUR OTHER STATE AGENCIES HAVE MADE A PRIORITY TO IDENTIFY COST SAVINGS AS WELL. OUR CHIEF INFORMATION OFFICER, ED TONER, HAS SAVED TAXPAYERS \$5 MILLION IN COST SAVINGS BY CONSOLIDATING SOFTWARE LICENSES AND COUNTY SERVERS. WE'RE ALSO ABLE TO PASS ALONG AN ADDITIONAL \$3.3 MILLION IN ROADS FUNDING TO OUR COUNTIES AND CITIES. IN EVERY AGENCY OF STATE GOVERNMENT WE'VE WORKED TO CREATE A CUSTOMER-FOCUSED CULTURE OF ACCOUNTABILITY AND EXCELLENCE. WE ARE EMBRACING NEW IDEAS TO MAKE GOVERNMENT WORK AND TO MAKE THE BUSINESS OF LIFE HAPPEN FOR OUR CITIZENS. IN THE SESSION AHEAD, I VERY MUCH LOOK FORWARD TO WORKING WITH EACH OF YOU TO TAKE ADVANTAGE OF THE OPPORTUNITIES WE HAVE TO MEET THESE CHALLENGES HEAD ON AND GROW NEBRASKA. LET'S WORK TOGETHER TO DELIVER PROPERTY TAX RELIEF, TO GROW NEBRASKA WITH A TRANSPORTATION INFRASTRUCTURE BANK, TO MANAGE OUR BUDGET BY CONTROLLING SPENDING, AND TO CONTINUE THE PROCESS OF PRISON REFORM

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AND INVESTING IN COMMUNITY CORRECTIONS. THIS SESSION IS ALSO IMPORTANT FOR ANOTHER REASON. ELEVEN MEMBERS OF THIS UNICAMERAL WILL BE CLOSING THIS CHAPTER OF THEIR PUBLIC SERVICE. SPEAKER HADLEY IS ONE OF THESE. MR. SPEAKER, I VALUE YOUR FRIENDSHIP AND ALL THE ADVICE YOU HAVE GIVEN NOT ONLY WITH REGARD TO THE WORK OF THE LEGISLATURE, BUT ALSO THE INVALUABLE ADVICE YOU'VE GIVEN TO THE CHICAGO CUBS. (LAUGHTER.) THANK YOU VERY MUCH FOR YOUR SERVICE TO OUR STATE. (APPLAUSE.) AGAIN, THANK YOU FOR YOUR LEADERSHIP. AND TEN MORE OF YOUR COLLEAGUES ARE GOING TO BE LEAVING AT THE END OF THE YEAR AS WELL. CAN YOU PLEASE STAND SO THAT WE CAN RECOGNIZE YOU: SENATOR DAVE BLOOMFIELD; SENATOR KATHY CAMPBELL; SENATOR COLBY COASH; SENATOR TANYA COOK; SENATOR MIKE GLOOR; SENATOR KEN HAAR; SENATOR HEATH MELLO; SENATOR BEAU McCOY; SENATOR KEN SCHILZ; SENATOR KATE SULLIVAN. THANK YOU ALL VERY, VERY MUCH FOR YOUR SERVICE TO OUR STATE. (APPLAUSE.) ONCE AGAIN, OUR FAMILY HERE IN THE STATE CAPITOL WILL HAVE ITS MOMENTS IN THE SESSION, NO DOUBT. BUT I KNOW WHEN THE ICE THAWS, THE SNOW MELTS, THE SPORTS FANS--INCLUDING SPEAKER HADLEY--RETURN AGAIN TO BASEBALL, WE WILL HAVE ACCOMPLISHED MUCH IN THIS SESSION FOR THE PEOPLE WE REPRESENT. THE PEOPLE OF NEBRASKA ARE GOOD, HARDWORKING, AND COURAGEOUS PEOPLE. THEY ARE THE BEST OF AMERICA. (APPLAUSE.) AND, IN TURN, WE WILL GIVE OUR BEST TO THEM. GOD BLESS ALL OF YOU, GOD BLESS AMERICA, AND GOD BLESS THE GREAT STATE OF NEBRASKA. (APPLAUSE.)

PRESIDENT FOLEY: THANK YOU GOVERNOR RICKETTS. WILL THE ESCORT COMMITTEE PLEASE ESCORT THE GOVERNOR AND THE FIRST LADY AS THEY DEPART THE CHAMBER. THANK YOU VERY MUCH.

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: MR. CLERK FOR ANNOUNCEMENTS.

CLERK: MR. PRESIDENT, I HAVE NEW BILLS. (READ LB956-970 BY TITLE FOR THE FIRST TIME.) THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 285-288.) [LB956 LB957 LB958 LB959 LB960 LB961 LB962 LB963 LB964 LB965 LB966 LB967 LB968 LB969 LB970]



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SPEAKER HADLEY: THANK YOU, MR. CLERK. WE WILL RETURN TO THE RECONSIDERATION MOTION BY SENATOR LARSON. SENATOR SCHEER, YOU ARE RECOGNIZED. [LB619]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. WE'RE TALKING ABOUT GAMBLING AND SURE BETS, AND I THINK SOME OF MY COLLEAGUES...COLLEAGUES, IF YOU COULD PAY ATTENTION FOR JUST 30 SECONDS HERE, PLEASE. I WANT TO REMIND EVERYONE, AND PERHAPS SOME THAT WERE NOT HERE YESTERDAY, AND ALL OF US LIKE TO TAKE ADVANTAGE OF SENATOR CHAMBERS WHENEVER THAT OPPORTUNITY EXISTS. THIS WILL BE ONE OF THOSE RARE OPPORTUNITIES. SENATOR CHAMBERS MADE A GRACIOUS OFFER YESTERDAY ON THE FLOOR THAT HE WOULD MATCH EACH OF OUR DONATIONS TO ST. JUDE UP TO \$100, SO THERE'S 48 OF US. WE COULD STICK SENATOR CHAMBERS WITH A BILL OF ABOUT \$4,800 FOR HIS PARTICIPATION IN THAT. AND AS SENATOR CHAMBERS TELLS US, ON A FAIRLY CONSISTENT BASIS THAT WORDS MATTER, HIS WORDS MATTER, AND I THINK HE SHOULD BE HELD ACCOUNTABLE FOR THOSE WORDS. AND SO I WOULD ENCOURAGE EVERYONE, WITH HIS SUPPORT AS WELL--I'M NOT MAKING THIS WITHOUT HIS SUPPORT--HE IS LEAVING THAT OPPORTUNITY OPEN UNTIL NEXT WEDNESDAY, FOR YOU TO BRING EITHER A CHECK OR CASH TO PARTICIPATE IN THAT EFFORT FOR ST. JUDE'S. SO THANK YOU, MR. SPEAKER, AND I ENCOURAGE EVERYONE THAT HAS NOT, TO PLEASE THINK ABOUT PARTICIPATING. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR SCHEER. SENATOR LARSON, YOU'RE RECOGNIZED. YOU'RE ALSO LAST IN THE QUEUE, WOULD YOU LIKE TO USE THIS FOR YOUR CLOSING? [LB619]

SENATOR LARSON: NOT YET. HOW MANY TIMES HAVE I SPOKEN? [LB619]

SPEAKER HADLEY: JUST THE OPEN. [LB619]

SENATOR LARSON: JUST THE OPENING? THANK YOU, MR. PRESIDENT. I'D LIKE TO THANK SENATOR SCHILZ FOR HIS COMMENTS, SPECIFICALLY ADDRESSING SENATOR SMITH'S COMMENTS ON TAX POLICY. SENATOR SMITH TRIED TO BELITTLE THE AMOUNT THAT IS GOING IN TO THE PROPERTY TAX CREDIT RELIEF FUND AND TO CITIES AND COUNTIES, AND SAID HE DID NOT APPRECIATE THE CONFLICTS IN MORALITY THAT I AM CREATING. WELL, SENATOR SMITH WAS HERE WITH ME WHEN WE TOOK ALL THE AID FROM CITIES AND COUNTIES. IF YOU WANT TO SAY THAT THIS IS A TWINKIE DIET ON TAX RELIEF, I DIDN'T

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REALIZE THAT ANY--EVEN IF IT'S A LITTLE BIT--THAT THAT MEANS IT'S JUST NOT WORTH DOING. I'M NOT RAISING TAXES HERE. WE DID THAT LAST YEAR. I'M ACTUALLY OFFERING TAX RELIEF, MAYBE TO OFFSET SOME OF THOSE TAX INCREASES THAT WERE PASSED. IT DOESN'T MATTER HOW BIG OR SMALL TAX RELIEF IS. WE HEAR THIS CONSTANTLY. AND WHETHER IT'S A DROP IN THE BUCKET TO THE STATE OF NEBRASKA IN TERMS OF THE PROPERTY TAX CREDIT RELIEF FUND, IT MIGHT NOT BE A DROP IN THE BUCKET TO COUNTIES AND CITIES ACROSS THE STATE. I WOULD SAY LANCASTER AND DOUGLAS, LINCOLN AND OMAHA WILL BENEFIT THE MOST. EVEN IF A SMALL COUNTY LIKE HOLT COUNTY, WHO HOSTS A NONPLAYING-FOR-MONEY POKER GAME EVERY WEDNESDAY NIGHT AT ONE OF THE LOCAL RESTAURANTS, IF THEY WERE ABLE TO DO THIS, MAYBE THIS RAISES THE COUNTY AND CITY \$10,000 OR \$15,000. YOU KNOW WHAT THAT IS? YOU KNOW WHAT THAT MEANS TO THOSE CITIES AND COUNTIES, SMALL TOWNS? SENATOR KOLTERMAN TALKED YESTERDAY ABOUT HE HAD CLIENTS THAT SPENT...THAT HAD WON SOME OF THE LOTTERY, HAD SPENT THROUGH THEIR MONEY, AND HE DIDN'T...THAT IT JUST, ESSENTIALLY, I DON'T KNOW IF HE WAS CALLING THEM IRRESPONSIBLE OR THAT THEY NEVER SHOULD HAVE HAD THAT MONEY, I'M NOT QUITE SURE WHAT THE POINT WAS, BUT SOMEHOW THE MORALITY OF GAMING CAUSED THEM TO SPEND IT UNWISELY. WE'RE NOT HERE, IN MY VIEW, TO LEGISLATE THAT MORALITY. AS I SAID, I FELT THAT SENATOR BLOOMFIELD HAS HAD THE BEST ARGUMENT OF ANY OF THE OPPONENTS. WHY ADD GOVERNMENT REGULATIONS IN A NEW TAX? I CAN ACTUALLY REALLY RESPECT THAT, TRULY. I KNOW SENATOR SCHILZ POINTED OUT...HE ASKED THE QUESTION, HOW MANY OF YOU PLAY CARDS, TEXAS HOLD'EM, OR GO TO THIS CASINO? HE GOT ON INDIVIDUALS ABOUT DOING THAT, THEN HYPOCRITICALLY VOTING RED. [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR LARSON: I CAN APPRECIATE HIS ARGUMENT. AND I CAN UNDERSTAND HIS FRUSTRATION IN THAT. IT IS FRUSTRATING WHEN WE DO ONE THING ON THE OUTSIDE AND THEN DO SOMETHING ELSE WHEN WE STEP ONTO THIS FLOOR. I TRY TO BE CONSISTENT. HAVE I BEEN TO A CASINO? YES. WILL I ALWAYS SUPPORT GAMING? YES. I CHAIR GENERAL AFFAIRS. I HAVE ALCOHOL AND TOBACCO ISSUES AS WELL. DO I SUPPORT THOSE? YES, BECAUSE I DON'T THINK IT IS THE GOVERNMENT'S RESPONSIBILITY TO TELL INDIVIDUALS OR TO PROHIBIT INDIVIDUALS FROM LEGAL PRODUCTS. WE HAVE AN OPPORTUNITY, AS WE WILL HEAR THROUGHOUT THIS YEAR... [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

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SENATOR LARSON: THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: AND YOU ARE NEXT IN THE QUEUE, SENATOR LARSON.  
SENATOR LARSON, YOU'RE RECOGNIZED. [LB619]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. COURTS ACROSS THIS COUNTRY...COURTS ACROSS THE COUNTRY CONTINUALLY RULE THIS A GAME OF SKILL. YOU CAN BLINDLY SAY THAT THIS IS EXPANDED GAMBLING, BUT IF YOU CAN READ THE NEBRASKA CONSTITUTION, YOU CAN READ THE DEFINITION OF WHAT GAMING IS, OR GAMES OF CHANCE THAT ARE PROHIBITED AND ALLOWED. AND YOU CAN LOOK AT WHAT COURTS ACROSS THIS COUNTRY HAVE DONE IN TERMS OF CALLING IT PREDOMINANTLY A GAME OF SKILL AND UNDERSTAND THROUGH LOGICAL REASONING THAT BY A DEFINITION OF THE CONSTITUTION BROUGHT DOWN TO WHAT COURTS ACROSS THE COUNTRY HAVE DONE, THE PREDOMINANT TEST OF THE NEBRASKA SUPREME COURT HAS ALREADY ESTABLISHED WITH THE BANK SHOT RULING THAT THIS IS A GAME OF SKILL, AND THEN UNDER THE NEBRASKA CONSTITUTION ALREADY LEGAL. AS SENATOR BLOOMFIELD POINTED OUT, IF THIS IS ALREADY LEGAL, DON'T REGULATE IT. I APPRECIATE THAT ARGUMENT. THAT IS A CONSERVATIVE ARGUMENT. THIS IS A LIBERTARIAN BELIEVING IN LIBERTY ARGUMENT. I HEAR A LOT OF PEOPLE TALKING ABOUT BELIEVING IN LIBERTY, TRUE LIBERTY, AND FREEDOM. SOMETIMES THOSE WORDS ECHO AWFUL HOLLOW IN THIS BIG CHAMBER, LIBERTY TO A POINT, TO THE POINT IN WHICH THEY THINK THAT LIBERTY SHOULD BE RESTRICTED. I APPRECIATE THE CONVERSATION THAT HAS BEEN HAD. I HAVE YET TO HEAR THE OPPONENTS GIVE ME ANY STATISTICS ON HOW IT IS A GAME OF CHANCE. THE BEST CHANCE ARGUMENT IS THAT THERE'S CHANCE INVOLVED, THEREFORE IT'S UNCONSTITUTIONAL. WELL, WE'VE ALREADY RECOGNIZED THAT THERE'S A CHANCE INVOLVED, BUT THAT'S NOT THE TEST. THE TEST IS WHETHER OR NOT CHANCE IS PREDOMINANTLY THE DRIVING FORCE OF THE GAME. I HAVE PROVIDED EVIDENCE, THE STATISTICS, THE ANALYTICS THAT SHOW IT'S A GAME OF SKILL. COURTS ACROSS THIS COUNTRY HAVE RULED IT A GAME OF SKILL. YESTERDAY IN MY CLOSING OR IN MY OPENING ON LB619 I DISCUSSED THE MATHEMATICIAN HOWARD LEDERER WHO IS A PROFESSIONAL POKER PLAYER... [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR LARSON: ...AND WROTE ABOUT THIS CONCEPT. AND UNDER YOUR ARGUMENT, YOU KNOW, THAT'S ALL LUCK. HE IS A PROFESSIONAL BY LUCK. I

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DON'T SEE HOW THAT HAPPENS, AND I ALSO MENTIONED HE HAS A SISTER THAT IS A PROFESSIONAL POKER PLAYER. THAT MUST BE ONE OF THE LUCKIEST FAMILIES THAT THERE ARE. THEIR CARDS MUST JUST COME TO THEM SO EASILY, BECAUSE FOR TWO OF THEM TO MAKE A LIVING ON PURE LUCK IS JUST RIDICULOUS. WE CAN GO INTO 86 PERCENT OF HANDS END BEFORE CARDS ARE SHOWN. ARE PEOPLE NOT MAKING THE DECISIONS TO GET OUT? [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR LARSON. SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB619]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, AND HOPEFULLY...I DON'T THINK I'LL SPEAK AGAIN ON THIS RECONSIDERATION. YOU KNOW, THE ONE THING THAT I'M LOOKING AT NOW AND THE ONE THING THAT I WANT TO DISCUSS ONE LAST TIME WAS THE VOTE THAT WE TOOK YESTERDAY. I THINK IT ENDED UP 15-15. AND WE HAD QUITE A FEW PEOPLE THAT TOOK THE OPPORTUNITY TO GO SEE THE PRESIDENT SPEAK YESTERDAY, AND THAT'S...THAT'S FINE, I COMMEND THEM FOR THAT. AND I KIND OF LOOK AT THIS--I THINK WE SHOULD--I KIND OF LOOK AT THIS RECONSIDERATION THE SAME WAY A LITTLE BIT AS I LOOK TO A CALL OF THE HOUSE. EVERYBODY SHOULD HAVE A FAIR SHAKE WHEN THEY GET THEIR CHANCE TO GET THEIR BILL UP, TO HAVE EVERYBODY HERE TO VOTE ON THAT. I THINK THAT'S IMPORTANT BECAUSE YOU DON'T GET A SECOND CHANCE FOR A BILL VERY OFTEN. SO I THINK IN THE DECORUM THAT WE'RE IN IN THE LEGISLATURE, THAT WE SHOULD GRANT THAT TO SENATOR LARSON SO THAT HE CAN MOVE FORWARD KNOWING THAT HIS BILL GOT FULL AND HONEST DEBATE, AND THAT INCLUDES A FULL VOTE. SO, I LOOK AT IT THAT WAY AND I WILL BE VOTING FOR THE RECONSIDERATION AS I'M SURE THAT'S NOT A SURPRISE TO ANYONE, BUT I WOULD ENCOURAGE EVERYONE ELSE TO DO THAT TOO. AND THEN YOU CAN VOTE YOUR CONSCIENCE AND DO WHAT YOU NEED TO DO, BUT I THINK IT'S THE COURTEOUS THING TO DO. SO, WE'LL SEE...WE'LL SEE HOW THAT WORKS. I HOPE IT DOES. I DO BELIEVE THAT WHEN WE TALK ABOUT GAMES OF SKILL THAT POKER FALLS UNDER THAT CATEGORY, AND AS I LOOKED UP YESTERDAY AS EVERYBODY WAS SITTING HERE TRYING TO DEFINE WHAT SKILL IS, NOBODY WENT TO THE DICTIONARY TO ACTUALLY GET THE DEFINITION. SKILL COMES THROUGH PRACTICE. IT COMES THROUGH EDUCATION. IT COMES THROUGH INTERPERSONAL SKILLS, AND I'M USING THAT

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AGAIN, BUT IT'S TRUE. AND ALL OF THAT FACTORS INTO HOW YOU PLAY CERTAIN GAMES. WHEN EVERYBODY SAYS, OH, MY GOSH, WE GOT TO BE CAREFUL BECAUSE IT'S A ROUGH DEAL OUT THERE AND WE DON'T WANT TO PUT THE PEOPLE OF THE STATE OF NEBRASKA INTO A SITUATION WHERE THEY MAY NOT DO WHAT'S IN THE BEST INTEREST OF THEMSELVES. WE TALK ABOUT THE RISKS THAT ARE INHERENT TO WHAT GOES ON IN A POKER GAME. AND THERE ARE RISKS, OF COURSE, BUT A LOT OF TIMES THAT'S WHY PEOPLE FIND IT EXCITING AND FUN. BUT LET'S REMEMBER THIS: EVERY PERSON THAT ENTERS INTO A BUSINESS AND MOVES FORWARD WITH THAT BUSINESS OVER TIME 80 PERCENT OF THOSE BUSINESSES FAIL, WHICH MEANS PEOPLE TOOK A RISK, THEY TOOK A CHANCE THAT THEY COULD DO THIS AND IT DID NOT WORK OUT. SOME OF THEM GO INTO BANKRUPTCY. SOME OF THEM DO BAD THINGS, SUCH AS EMBEZZLE MONEY AND THINGS LIKE THAT TO TRY TO STAY UP AND STAY AFLOAT. [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR SCHILZ: BAD THINGS CAN HAPPEN IN ANY OF THESE THINGS. THE REASON THE TAX DOLLARS WANT TO BE THERE FOR THE PROPERTY TAX RELIEF I GET, AND SO DO ALL MY CONSTITUENTS. THEY MAY NOT AGREE WITH HOW TO GET THERE, BUT THEY KNOW THAT'S REAL. THE OTHER THING IS THE ACTIVITY IS GOING ON NOW. FOLKS ARE BEING HARMED BY IT TODAY, AND THE STATE OF NEBRASKA COULD USE MORE FUNDS TO HELP THOSE FOLKS THAT HAVE A SITUATION. I DON'T LOOK AT GAMBLING OR GAMING AS A CURE-ALL, END-ALL, BUT I DON'T LIKE TO TELL FELLOW CITIZENS IN THE STATE OF NEBRASKA ON THESE TYPES OF ISSUES HOW THEY CAN SPEND THEIR MONEY AND THEIR TIME WHEN THEY WANT TO DO SOMETHING LIKE THIS. [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

SENATOR SCHILZ: THANK YOU. [LB619]

SPEAKER HADLEY: THANK YOU SENATOR SCHILZ. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB619]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I'LL STAND IN SUPPORT OF WHAT SENATOR SCHILZ SAID ON THE RECONSIDER MOTION. I THINK BECAUSE OF THE SPECIAL DAY THAT WE HAD IN OUR STATE YESTERDAY WITH THE NUMBER OF PEOPLE MISSING THAT GIVING FAIR VOTING CONSIDERATION TO

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THIS ISSUE IS A TOPIC OF CONCERN TO ME, AND I WANTED TO MAKE SURE THAT ALL SENATORS WOULD HAVE A CHANCE TO BE INVOLVED IN THAT. I DO NOT BACK GAMBLING ISSUES, AND I WOULD NOT VOTE FOR THIS BILL IN ITS ENTIRETY IN ANY WAY, SHAPE, OR FORM, BUT I DO BELIEVE IN THE OPPORTUNITY TO HEAR FROM ALL OF OUR SENATORS IN A NORMAL DAY ON THIS FLOOR ON THIS TOPIC. THANK YOU, SIR. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR KOLOWSKI. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB619]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I ADMIRE IT WHEN PEOPLE WHO ARE COLLEAGUES WILL COME TO THE AID OF EACH OTHER TO MAKE SURE THAT EACH IS TREATED FAIRLY. NOW, IF I WERE TREATED LIKE THAT IN THIS LEGISLATURE, YOU'D SEE A MUCH DIFFERENT ME. I GET BILLS HIJACKED ON FINAL READING AND WILL NOT GET ANOTHER CHANCE UNLESS I PRIORITIZE THE BILL. I'VE HAD PEOPLE MAKE PROMISES ON THE FLOOR AND THEN BACK OUT, WHICH THEY CAN DO. I DON'T TRUST PEOPLE IN THIS LEGISLATURE TO CARRY THROUGH ON THEIR WORD IF PRESSURE IS BROUGHT TO BEAR. I UNDERSTAND THAT. BUT ANOTHER THING I UNDERSTAND, BECAUSE I PROBABLY AM ON THIS FLOOR MORE THAN ANYBODY IN THIS LEGISLATURE, ON THE FLOOR. THAT'S WHY I SEE HOW MANY OF YOU ALL ARE NOT ON THE FLOOR. THIS IS NOT ONE OF THOSE BILLS WHERE SENATORS WERE JUST LINED UP, IN WHICH YOU ALL REFER TO AS THE QUEUE--I DON'T SPEAK FRENCH--BUT I UNDERSTAND THAT'S A FRENCH WORD. BUT PEOPLE WERE NOT ON THIS FLOOR, SO I DON'T UNDERSTAND WHAT SENATOR KOLOWSKI MEANS WHEN HE SAYS, GIVE PEOPLE THE OPPORTUNITY TO ALL SPEAK AND EXPRESS THEMSELVES--I'M PARAPHRASING. THOSE WHO WERE HERE DIDN'T SHOW THAT KIND OF INTEREST. THIS WAS NOT A BROADLY-DEBATED BILL. FOR ONE THING, MOST PEOPLE HAVE THEIR MIND MADE UP. AND FOR ANOTHER, IT'S JUST NOT INTERESTING, WITH ALL DO RESPECT TO SENATOR LARSON, TO LISTEN TO HIM TALK. BUT THAT'S NOT THE REASON PEOPLE WERE NOT HERE. SENATOR LARSON, I AM INTERESTING TO LISTEN TO, BUT THE PEOPLE DON'T LISTEN TO ME EITHER, SO WE'RE BOTH IN THAT BOAT. NOW, ON THIS BILL, I STILL SAY THAT IF A CHALLENGE IS DESIRED TO RESOLVE THE QUESTION BY THE STATE SUPREME COURT AS TO WHETHER POKER IS AN ACTIVITY REQUIRING SUFFICIENT SKILL THAT IT'S REMOVED FROM THE STATUS OF GAMBLING, THAT TEST CASE CAN BE SET UP WITHOUT THE LEGISLATURE PASSING A BILL LIKE THIS, MAKING A DECLARATION WHICH CANNOT BE SUPPORTED OR SUSTAINED. POKER IS GAMBLING. I HAVE TO REPEAT THINGS ON THIS FLOOR. GAMBLING IS ILLEGAL IN NEBRASKA EXCEPT IN THOSE INSTANCES

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WHERE CERTAIN GROUPS HAVE BEEN ABLE TO GET A CONSTITUTIONAL AMENDMENT PASSED TO ALLOW THE GAMBLING ACTIVITY THEY ENGAGE IN. SO IT'S NOT THAT THOSE TYPES OF ACTIVITIES ARE NOT GAMBLING, THEY ARE EXCEPTIONS TO THE RULE THAT GAMBLING IS ILLEGAL. SO IF SENATOR LAUTENBAUGH WANTED THIS...IF SENATOR LARSON WANTED THIS TO BE MADE LEGAL, THEY WOULD HAVE TO AMEND THE CONSTITUTION SO THAT IT WOULD BE AMONG THE EXCEPTIONS, AND IT WOULD BE ALLOWED TO BE PRACTICED EVEN THOUGH IT'S GAMBLING. [LB619]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB619]

SENATOR CHAMBERS: WHEN THAT WORD TRANSPARENCY IS USED ON THIS FLOOR, IT'S GENERALLY USED BY SOMEBODY TRYING TO TAKE A SHOT AT SOMEBODY ELSE. BUT TRANSPARENCY MEANS THAT IF THERE'S AN OBJECT TEN FEET FROM YOU, THERE IS NOTHING OBSTRUCTING YOUR VIEW. AND IF YOU DO HAVE SOME KIND OF SHIELD OR OBJECT BETWEEN YOU AND THAT WHICH IS TO BE SEEN, THERE IS NOTHING IN THE MAKEUP OF THAT OBJECT TO IMPAIR YOUR ABILITY TO SEE WHAT IS OVER THERE TO BE SEEN. THERE IS NO OBSTRUCTION. SO, IN WANTING OUR ACTIVITIES ON THIS FLOOR TO BE TRANSPARENT, I WANT THEM TO BE WHAT THE LEGISLATURE SAYS THEY ARE. I DON'T WANT THERE TO BE CHICANERY... [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: AND YOU'RE NEXT IN THE QUEUE, SENATOR CHAMBERS. [LB619]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I DON'T WANT THERE TO BE CHICANERY, BAMBOOZLEMENT, TRICKERY, OR ANY OF THOSE KIND OF THINGS. IF A SENATOR IS OF A MIND TO USE THOSE TACTICS TO PERSUADE SOMEBODY TO VOTE FOR A PROPOSAL, THAT POSES A DIFFERENT ISSUE. EACH PERSON CONDUCTS HIS OR HER BUSINESS OR AFFAIRS IN THE WAY HE OR SHE THINKS IS APPROPRIATE, BUT IF THAT WHICH THE SENATOR IS ATTEMPTING TO OBTAIN A VOTE FOR IN ORDER TO HAVE IT ENACTED INTO LAW, THEN THE NOTION OF TRANSPARENCY OR HONESTY IN DEALING WITH THE PUBLIC BECOMES PARAMOUNT. IS THIS ITEM WHAT THE LEGISLATURE SAYS THAT IT IS? IF IT IS NOT, THEN THERE'S AN ATTEMPT TO BAMBOOZLE, HOODWINK, OR TRICK THE

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PUBLIC INTO GOING FOR SOMETHING THEY WOULD NOT GO FOR IF THE TRUTH HAD BEEN TOLD. POKER IS GAMBLING. I'D LIKE TO ASK SENATOR LARSON A QUESTION, MAYBE TWO. [LB619]

SPEAKER HADLEY: SENATOR LARSON, WILL YOU YIELD TO A QUESTION? [LB619]

SENATOR LARSON: YES. [LB619]

SENATOR CHAMBERS: SENATOR LARSON, IS POKER GAMBLING OR IS IT NOT? [LB619]

SENATOR LARSON: YES. [LB619]

SENATOR CHAMBERS: DOES THIS BILL SAY THAT POKER IS IT NOT GAMBLING? [LB619]

SENATOR LARSON: THIS BILL IDENTIFIES POKER AS A GAME OF SKILL WHICH IS THE PREDOMINANT TEST IN THE NEBRASKA CONSTITUTION...OR MADE BY THE NEBRASKA SUPREME COURT. [LB619]

SENATOR CHAMBERS: THAT'S ANOTHER WAY OF SAYING POKER IS NOT GAMBLING, ISN'T IT? [LB619]

SENATOR LARSON: NO. [LB619]

SENATOR CHAMBERS: THEN YOU SAY IT IS GAMBLING? [LB619]

SENATOR LARSON: I HAVE ADMITTED THERE IS ELEMENTS OF RISK AND THERE IS GAMBLING IN THE CONCEPT, BUT I DO NOT BELIEVE THAT THE NEBRASKA CONSTITUTION OUTLAWS GAMING. I BELIEVE THE NEBRASKA CONSTITUTION OUTLAWS GAMES OF CHANCE AND WITH THE BANK SHOT RULING, WHICH I'M SURE YOU'RE FAMILIAR WITH, IN 2006 THAT AS LONG AS THE PREDOMINANCE OF SKILL OVERRIDES THE PREDOMINANCE OF CHANCE, THEN THAT FORM OF GAMING IS CONSTITUTIONAL IN NEBRASKA. [LB619]

SENATOR CHAMBERS: BUT THE CONSTITUTION DOES NOT OUTLAW GAMES OF CHANCE, ONLY THOSE THAT HAVE NOT BEEN EXCEPTED. [LB619]



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SENATOR LARSON: TRUE. [LB619]

SENATOR CHAMBERS: HORSE RACING IS GAMBLING, BUT IT'S ALLOWED UNDER THE CONSTITUTION BECAUSE THE PEOPLE AMENDED THE CONSTITUTION TO SAY, THIS TYPE OF GAMBLING IS ALLOWED. BINGO, KLEENEX, OR WAIT A MINUTE, KENO. (LAUGHTER) I'M SORRY, THOSE WHO PLAY THESE GAMES, I DON'T EVEN KNOW THE NAME OF THEM. BUT ANYWAY, THOSE ARE ALLOWED NOT BECAUSE THEY ARE NOT GAMBLING. IF THEY WERE NOT GAMBLING, THERE WOULD BE NO NEED TO AMEND THE CONSTITUTION TO ALLOW THEM. GAMBLING IS ALLOWED IN THIS STATE PROVIDED IT HAS OBTAINED THAT EXCEPTIONAL STATUS WHERE THAT FORM OF GAMBLING IS ALLOWED. IT IS NOT NECESSARY TO CALL POKER A GAME OF SKILL. IT IS NOT. IT IS GAMBLING. YOU CAN TAKE HORSE RACING, WHICH I BELIEVE EVERYBODY WOULD ACKNOWLEDGE IS GAMBLING, BUT A PERSON COULD DEVELOP WISDOM OR SKILL ALONG THE LINE THAT SENATOR SCHILZ WAS TALKING ABOUT, NOT IN TERMS OF BEING ABLE TO PREDICT THE OUTCOME WITH CERTITUDE OR ANY DEGREE OF CERTAINTY, BUT KNOWING HOW TO WAGER YOUR MONEY. ONE OF THE WORST MISTAKES THAT WOULD-BE GAMBLERS MAKE... [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: ...IS THAT THEY MAKE TOO MANY BETS. IF YOU ARE BETTING ON SPORTING EVENTS AND ON A SATURDAY THERE MIGHT BE 20 OR 30 GAMES ON THE SHEET WHICH CAN BE WAGERED ON, AND SOME PEOPLE THAT WEIGH TOO MANY OF THOSE GAMES. MAYBE ONLY ONE GAME OFFERS A TRUE GAMBLER ENOUGH OPPORTUNITY TO USE THE INFORMATION YOU HAVE TO SELECT WHICH TEAM YOU THINK WILL WIN TO MAKE YOU FEEL COMFORTABLE PLACING A BET. BUT YOU DON'T KNOW THAT YOU'RE GOING TO WIN. YOU DON'T BET ALL THOSE LITTLE SIDE GAMES BECAUSE YOU LIKE THIS TEAM OR YOU LIKE THAT TEAM. WHEN YOU BET THE TEAM THAT YOU LIKE, YOU'RE GOING TO THE POOR HOUSE. THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. I'M SORRY, THAT WAS YOUR THIRD TIME, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR LARSON, YOU'RE RECOGNIZED FOR YOUR CLOSING. [LB619]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR CHAMBERS FOR MISTAKING ME FOR OUR LATE COLLEAGUE, SENATOR

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LAUTENBAUGH. I TAKE THAT AS A COMPLIMENT. "LATE" MEANING HE'S NO LONGER IN THE BODY. (LAUGHTER) FORMER COLLEAGUE. SENATOR CHAMBERS OFFERED AN OVERLY SIMPLISTIC AND, FRANKLY, WRONG VIEW OF WHAT WE ARE DISCUSSING. HE ASKED ME IF POKER, COMMUNITY CARD GAMES, IS A FORM OF GAMBLING. I COULD ADMITTEDLY SAY, YES. HOWEVER, THAT DOES NOT MAKE IT UNCONSTITUTIONAL, NOR DOES IT FORCE IT TO HAVE TO HAVE A CONSTITUTIONAL AMENDMENT AS SENATOR CHAMBERS WOULD LIKE TO PURPORT. THE NEBRASKA CONSTITUTION OUTLAWS GAMES OF CHANCE. THE NEBRASKA SUPREME COURT HAS HAD THE CASE WITH BANK SHOT ON THE PREDOMINANCE OF SKILL AND BANK SHOT IS GAMING, GAMBLING, ON WHETHER OR NOT THAT IS CONSTITUTIONAL, AND THEY SAID, YES. SO WE CAN STILL HAVE GAMBLING OR GAMING IN THE STATE AS LONG AS THEY MEET THE PREDOMINANCE TEST. SO, SENATOR CHAMBERS, I THINK WHAT YOU OFFER IS OVERLY SIMPLISTIC AND MISLEADING. I WOULD ASK FOR A GREEN VOTE ON THE RECONSIDERATION MOTION. I THINK WE HAVE GOTTEN LOST, AGAIN, IN WHAT AM1654 DOES. ALL IT SIMPLY DOES IS STRIKE DRAW POKER OUT OF LB619 AND AM115. THERE WERE CONCERNS RAISED BY THE ATTORNEY GENERAL ABOUT DRAW POKER BEING IN THE BILL THAT HE WAS UNSURE, WELL, HE SAID THAT THE COURT HAS RULED THE PREDOMINANCE TEST ON DRAW POKER. FAIR ENOUGH. I WILL WITHDRAW DRAW POKER OR TAKE OUT DRAW POKER FROM LB619. THE ATTORNEY GENERAL DID NOT COMMENT ON COMMUNITY CARD GAMES OR SAID THAT HE COULD NOT COMMENT WITH CERTAINTY. AS I'VE STATED, WE HAVE A VERY ANTI-GAMING ATTORNEY GENERAL, BUT I APPRECIATE HIS HONESTY AND THE FACT THAT EVEN WITH HIS PERSONAL OPINIONS ON GAMING THAT HE COULD NOT COME TO A CONCLUSION. I THINK THAT SPEAKS VOLUMES IN AND OF ITSELF WHEN YOU READ BETWEEN THE POLITICAL LINES, BUT THAT'S MY OWN ASSUMPTION. I APPRECIATE SENATOR CHAMBERS' ARGUMENT THAT SINCE... [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR LARSON: ...IT'S GAMING, IT HAS TO BE A GAME OF CHANCE. IT'S A VERY SIMILAR ARGUMENT THAT SENATOR BRASCH MADE. BOTH, IN MY VIEW, OVERLY SIMPLISTIC AND NOT ACCURATE. WE HAVE TO LOOK AT ALL THE FACTS. I'D APPRECIATE A GREEN VOTE ON THE RECONSIDERATION MOTION AND MOVING FORWARD BACK INTO AM1654. THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON THE RECONSIDERATION...SENATOR LARSON. [LB619]

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SENATOR LARSON: CAN I GET A CALL OF THE HOUSE? [LB619]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PUT THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE, REGULAR ORDER. THANK YOU, SENATOR CHAMBERS. RECORD, MR. CLERK. [LB619]

CLERK: 24 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB619]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS WATERMEIER, HANSEN, MORFELD, KEN HAAR, HOWARD, CRAWFORD, BURKE HARR, CAMPBELL, SENATOR GLOOR, MELLO, SENATOR KRIST, SENATOR DAVIS, SENATOR SMITH, SENATOR McCOY, SENATOR MURANTE, SENATOR HUGHES, SENATOR KINTNER, SENATOR KOLTERMAN, SENATOR GROENE, SENATOR GARRETT, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR MORFELD, SENATOR GLOOR, SENATOR KRIST, SENATOR HUGHES, SENATOR GARRETT, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR MORFELD, THE HOUSE IS UNDER CALL. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. [LB619]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 288.) 19 AYES, 22 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER. [LB619]

SPEAKER HADLEY: THE MOTION TO RECONSIDER IS NOT PASSED. MR. CLERK. RAISE THE CALL. [LB619]

CLERK: MR. PRESIDENT, SENATOR BRASCH WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM1780. (LEGISLATIVE JOURNAL PAGE 273.) [LB619]

SPEAKER HADLEY: SENATOR BRASCH, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT, AM1780. [LB619]

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SENATOR BRASCH: MR. PRESIDENT, I WISH TO WITHDRAW MY AMENDMENT.  
[LB619]

SPEAKER HADLEY: SO ORDERED. [LB619]

CLERK: I HAVE NOTHING FURTHER TO THE COMMITTEE AMENDMENTS, MR.  
PRESIDENT. [LB619]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR LARSON, YOU'RE  
RECOGNIZED TO CLOSE ON YOUR COMMITTEE AMENDMENTS. [LB619]

SENATOR LARSON: AM115 ARE THE COMMITTEE AMENDMENTS THAT TIGHTEN  
AND GET LB619 INTO A FORM THAT OFFERS GOVERNMENT OVERSIGHT THAT IS  
NECESSARY TO IMPLEMENT POKER IN THE STATE OF NEBRASKA, IF YOU WANT IT  
TO BE REGULATED AND TAXED IF YOU WANT THAT OVERSIGHT TO ENSURE  
PEOPLE AREN'T TAKEN ADVANTAGE OF. SENATOR CHAMBERS SAID YESTERDAY  
HE WORRIED, AND I THINK HE MADE AN EXCELLENT POINT, HE WORRIED THAT  
AT ONE OF THESE LIQUOR ESTABLISHMENTS WILL LIQUOR ONE OF THE PLAYERS  
UP SO ANOTHER PLAYER COULD WIN. WOULD SENATOR CHAMBERS YIELD TO A  
QUESTION? [LB619]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB619]

SENATOR CHAMBERS: YES, I WILL. [LB619]

SENATOR LARSON: SENATOR CHAMBERS, DID YOU SAY YESTERDAY THAT THERE  
WAS A POSSIBLE CONCERN THAT AN ESTABLISHMENT MIGHT LIQUOR ONE OF  
THE PLAYERS UP LEAVING THE OTHER PLAYER TO TAKE ADVANTAGE OF THE  
LIQUORED-UP PLAYER AND THEN THEY WOULD SPLIT THE WINNINGS OR TAKE A  
PERCENTAGE OF THE WINNINGS THAT THEY TOOK FROM THE OTHER PLAYER?  
[LB619]

SENATOR CHAMBERS: YES. [LB619]

SENATOR LARSON: AND THAT'S WITH THE POKER CONCEPT, CORRECT? [LB619]

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SENATOR CHAMBERS: ANY KIND OF CARD GAMES, BUT WE'RE DEALING WITH POKER, YES. [LB619]

SENATOR LARSON: POKER GAMES. IF I WERE TO GET...OR IF I WERE TO...I KNOW YOU DON'T DRINK, BUT LET'S CONTINUE ON THE ANALOGY. [LB619]

SENATOR CHAMBERS: OH, BUT I DO. [LB619]

SENATOR LARSON: OH, YOU DO DRINK? [LB619]

SENATOR CHAMBERS: WATER, ORANGE JUICE, COFFEE. [LB619]

SENATOR LARSON: YOU'RE SOUNDING LIKE ME, SENATOR CHAMBERS. [LB619]

SENATOR CHAMBERS: THE QUESTIONS HAVE TO BE A LITTLE MORE SPECIFIC TO GET A YES OR NO. [LB619]

SENATOR LARSON: FAIR ENOUGH. DO YOU DRINK ALCOHOL? [LB619]

SENATOR CHAMBERS: OF COURSE NOT. [LB619]

SENATOR LARSON: OF COURSE NOT, BUT CAN WE FOR THIS ASSUMPTION SAKE CAN WE JUST SAY, JUST UNDER ASSUMING THAT YOU DO RIGHT NOW. JUST TO ASSUME TO PLAY THE GAME. [LB619]

SENATOR CHAMBERS: WELL, IT WOULDN'T MAKE ME DRUNK, IF THAT'S WHAT YOU'RE GETTING TO. [LB619]

SENATOR LARSON: OKAY. ALL RIGHT. LET'S TAKE PERSON A THEN. SO, WE HAVE YOUR CARD GAME EXAMPLE. IF PERSON A AND PERSON B WERE IN A BAR AND COIN FLIPPING WAS LEGAL, COULD PERSON A GET LIQUORED UP ENOUGH TO PURPOSELY LOSE A COIN FLIP? [LB619]

SENATOR CHAMBERS: I'M NOT A MIND READER WHEN IT COMES TO THAT BECAUSE... [LB619]

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SENATOR LARSON: WHAT ARE THE CHANCES OF A COIN FLIP? TO CALL A COIN FLIP, HEADS OR TAILS, WHAT ARE YOUR CHANCES? [LB619]

SENATOR CHAMBERS: FIFTY-FIFTY IF THE COIN IS PERFECTLY SYMMETRICAL AND THE WEIGHT IS EVENLY DISTRIBUTED. [LB619]

SENATOR LARSON: WE WILL ASSUME ALL THOSE FACTORS. WHAT ARE THE CHANCES... [LB619]

SENATOR CHAMBERS: WELL, SAY SO. YOU'RE ASKING ME QUESTIONS. [LB619]

SENATOR LARSON: WELL, I'M ASSUMING...I APPRECIATE YOUR HELPING ME DEFINE IT. FIFTY-FIFTY, CORRECT? [LB619]

SENATOR CHAMBERS: YES. [LB619]

SENATOR LARSON: SO, YOU CANNOT GET LIQUORED UP ENOUGH TO PURPOSELY CALL A PERFECTLY CONTROLLED COIN FLIP WRONG, CORRECT? [LB619]

SENATOR CHAMBERS: WELL, YOU COULD BE UNABLE TO MANIPULATE YOUR THUMB IN SUCH A WAY THAT THE COIN SPINS IN AN APPROPRIATE WAY. [LB619]

SENATOR LARSON: BUT EVEN IF IT FALLS TO THE GROUND, IT DOESN'T MATTER HOW IT'S DOING, YOU CANNOT PURPOSELY LOSE THAT COIN FLIP THAT YOU'RE CALLING IN THE AIR. [LB619]

SENATOR CHAMBERS: I'LL TELL YOU WHAT, IF YOU'RE GOING TO LET ME DROP A COIN THE WAY I WANT TO, I CAN TELL YOU WHETHER IT'S GOING TO COME UP HEADS OR TAILS. [LB619]

SENATOR LARSON: WELL, SENATOR CHAMBERS, YOU KNOW THE PATH I'M GOING... [LB619]

SENATOR CHAMBERS: I'M SHOWING YOU WHAT IT TAKES TO AVOID BEING TAKEN ADVANTAGE OF. YOU WANT ME TO PUT MYSELF IN A POSITION OF SOMEBODY WHO IS GOING TO BE TAKEN ADVANTAGE OF. [LB619]

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SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR LARSON: WELL, SENATOR CHAMBERS, YOU KNOW THE PATH THAT I'M WALKING AND YOU'RE... [LB619]

SENATOR CHAMBERS: WELL, LET'S USE SOMEBODY ELSE. [LB619]

SENATOR LARSON: NO, I UNDERSTAND. [LB619]

SENATOR CHAMBERS: OKAY. [LB619]

SENATOR LARSON: THE POINT IS, YOU CANNOT UNDER THAT ANALOGY GET LIQUORED UP ENOUGH, AS MOST OF US CAN UNDERSTAND, TO LOSE A COIN FLIP. YOU JUST CAN'T DO IT. THERE'S ALWAYS A 50-50 CHANCE. BUT AS SENATOR CHAMBERS HAS POINTED OUT, ONE PERSON CAN GET LIQUORED UP ENOUGH TO POSSIBLY LOSE AT POKER, GIVING THEM LESS OF AN ADVANTAGE AND SOMEONE ELSE MORE OF AN ADVANTAGE. THEREIN LIES ONE OF THE BEST EVIDENCE CASES THAT THIS IS A GAME OF SKILL BECAUSE YOU'RE SKILL DETERIORATES THE MORE ALCOHOL YOU INTAKE. [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

SENATOR LARSON: THANK YOU. [LB619]

SPEAKER HADLEY: SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB619]

SENATOR CHAMBERS: NOW, MR. PRESIDENT, SO THAT I WON'T BE MISTAKEN, WHAT ARE WE SPEAKING ON NOW PRECISELY, THE COMMITTEE AMENDMENT? [LB619]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT, SENATOR CHAMBERS. [LB619]

SENATOR CHAMBERS: OKAY, AND HAVE I SPOKEN ON THE COMMITTEE AMENDMENT YET? [LB619]

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SPEAKER HADLEY: YOU HAVE SPOKEN ONCE ON THE COMMITTEE AMENDMENT, SENATOR. [LB619]

SENATOR CHAMBERS: OKAY, JUST SO THAT...OKAY. I'LL TELL YOU WHY I DEALT WITH SENATOR LARSON IN THE WAY THAT I DID. FOR ONE THING, HE WANTED TO USE A STATISTICAL ARGUMENT, BRING IN MATHEMATICS AND SO FORTH. WELL, STATISTICS ARE NOT JUST DRAWN OUT OF THE AIR, SO IF HE'S GOING TO ASK ME ABOUT FLIPPING A COIN AND WHAT IMPACT BEING INTOXICATED WOULD HAVE ON A PERSON'S ABILITY TO FLIP A COIN, HE CANNOT CITE ONE STUDY, ONE EXPERIMENT THAT SUGGESTED THAT YOU, BEING INTOXICATED, WILL FLIP A COIN WITH THE SAME LACK OF INTERVENTION AS WOULD BE THE CASE IF YOU WERE NOT INTOXICATED. SO WHEN PEOPLE LOAD THE QUESTION, WHAT YOU MUST DO IS SAY THAT YOU DID NOT PROPERLY FRAME THE QUESTION IN ORDER FOR ME TO ANSWER IT BASED ON THE SUBJECT WE'RE DISCUSSING. AND IF YOU ALLOW ME TO FRAME THE QUESTION, I WILL LEAD YOU RIGHT FROM THE ALTAR IN CHURCH TO THE GUILLOTINE, AND YOU'LL KNEEL DOWN AND PUT YOUR HEAD UNDER THAT BLADE. SO I WILL COOPERATE WITH MY COLLEAGUES, I'LL ANSWER QUESTIONS, BUT WHEN WE'RE GETTING TO A VERY CRITICAL ISSUE, THEN THE QUESTION MUST BE PROPERLY FRAMED BEFORE I WILL JUST ANSWER IT YES OR NO. AND NOT EVERY QUESTION DOES ALLOW OF A YES OR NO ANSWER. ON THIS THAT WE'RE TALKING ABOUT, SENATOR LARSON CAN SAY ALL HE WANTS TO, IT'S A GAME OF SKILL. I CAN SAY ALL I WANT TO THAT IT'S NOT A GAME OF SKILL OF SUFFICIENT FORCE TO TAKE IT OUT OF THE CATEGORY OF UNLAWFUL GAMBLING. WE BOTH ARE GIVING OUR ARGUMENTS. THE ONLY THING THAT CAN BE ACHIEVED, IF ANYTHING, IS ONE WILL PERSUADE ENOUGH OF THE SENATORS TO VOTE ONE WAY OR THE OTHER, EITHER TO KILL THE BILL OR TO ADVANCE IT. THAT DOES NOT RESOLVE THE ISSUE. MANY ISSUES ARE NOT RESOLVED APPROPRIATELY BY PUTTING IT TO A POPULARITY POLL. IF YOU PUT IT TO A VOTE OF THE PEOPLE IN NEBRASKA AS TO WHETHER OR NOT I'M INSANE, OVERWHELMINGLY THEY'D VOTE, YES, BECAUSE THEY DON'T LIKE ME. THEY DON'T LIKE WHAT I STAND FOR. THEY DON'T LIKE WHAT I SAY, SO THEY FEEL THAT THE TERM "INSANE" IS AN INSULT, AND THEY WANT THAT INSULT TO BE OUT THERE SO THEY VOTE, YES, HE'S INSANE. THAT'S WHY I DON'T PAY ATTENTION WHEN SENATORS COME HERE AND SAY, THIS MANY STATES DID SOMETHING AND THAT MANY STATES DIDN'T. THOSE STATES ACT THROUGH THEIR LEGISLATURES, AND I HAVE SEEN NO EVIDENCE THAT ANY LEGISLATURE IN THIS COUNTRY HAS A HIGHER LEVEL OF INTELLIGENCE THAN THE OVERALL INTELLIGENCE IN THIS LEGISLATURE, AND FROM THINGS I'VE SAID, YOU KNOW THAT I DON'T HAVE A VERY HIGH REGARD FOR THAT. AND I'VE EVEN SAID, I'M



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UNFAIR TO LOOK FOR MORE OUT OF THESE SENATORS THAN THEY'RE ABLE TO GIVE... [LB619]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB619]

SENATOR CHAMBERS: ...BECAUSE THEY CANNOT COME DOWN HERE WITH A THIMBLE FULL OF BRAINS AND PRODUCE A BUSHEL BASKET FULL OF SENSE. I AM SPEAKING "ASPIRATIONALLY". WHAT I HOPE, WHAT I WISH THE SENATORS WOULD DO, KNOWING GOOD AND WELL THEY'RE NOT. BUT IF I'M GOING TO SPEAK ON ISSUES, AS I'M OBLIGED TO DO AS A MEMBER OF THE LEGISLATURE, I DON'T WANT TO REDUCE EVERYTHING I SAY TO THE THIRD-GRADE LEVEL. BUT SOMETIMES YOU HAVE TO START AT THAT LEVEL TO GET YOUR COLLEAGUES' INTEREST AND DRAW THEM ALONG, AND YOU ALL KNOW THAT JUST LIKE I KNOW IT. YOU HAVE PEOPLE ON THIS FLOOR PONTIFICATING ABOUT THINGS ON WHICH THEY HAVE NO INFORMATION WHATSOEVER. THEY ARE PROFOUNDLY WRONG, BUT THEY ARGUE AS THOUGH THEY KNOW. AND SOMEBODY SAID, YOU DON'T HAVE TO UNDERSTAND SOMETHING TO ARGUE ABOUT IT. THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB619]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. AND AS WE'RE SITTING HERE DISCUSSING THINGS, I THINK ONCE AGAIN WE SHOULD GO AND WE SHOULD LOOK AT THE DOCUMENTS THAT TELL US WHAT WE'RE SUPPOSED TO BE DISCUSSING HERE. AND I GET THIS FROM THE NEBRASKA LIQUOR CONTROL COMMISSION WHO PUT'S OUT SOME FREQUENTLY ASKED QUESTIONS ON WHAT IS GAMBLING IN THE STATE, WHAT CAN YOU DO AND THINGS LIKE THAT. I FIGURED THIS WOULD BE ENOUGH OF AN AUTHORITY, SOMEBODY THAT'S ACTUALLY DONE THE RESEARCH. AND THE QUESTION ON THIS IS, JUST WHAT IS GAMBLING? AND HERE IS THE ANSWER, FOLKS. GAMBLING HAS THREE ELEMENTS: CONSIDERATION, CHANCE, AND REWARD. GAMBLING TAKES PLACE WHEN CONSIDERATION...AN INDIVIDUAL PUTS UP SOMETHING OF VALUE, I.E., MONEY OR PROPERTY, ON CHANCE THE OUTCOME OF AN EVENT THAT IS DETERMINED BY CHANCE, I.E., CASINO GAMES RATHER THAN...AND I STATE, AND LISTEN VERY CLOSELY, RATHER THAN THE EXPERT EXPERIENCE OR SKILL OF THE INDIVIDUAL OR THE OUTCOME OF THE EVENT THAT THE INDIVIDUAL HAS NO CONTROL OVER THE OUTCOME, I.E., FOOTBALL, BASEBALL, BASKETBALL GAMES, ETCETERA, AND, OF COURSE, REWARD. THE INDIVIDUAL HAS A CHANCE

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OF WINNING SOMETHING OF VALUE. SO I THINK THERE IS A QUESTION HERE AS TO WHAT THE CONSTITUTION ALLOWS AND WHAT IT DOESN'T ALLOW. AND IF THOSE THINGS THAT WERE STATED HERE WERE THE ONLY THINGS ALLOWED, I.E., WHAT WE PUT IN THE CONSTITUTION AS IN HORSE RACING, PARI-MUTUEL HORSE RACING, AND THEN IN '67 WHEN IT WAS AMENDED TO REGULATE RAFFLES, LOTTERIES, AND GIFT ENTERPRISES FOR CHARITABLE AND COMMUNITY BETTERMENT PURPOSES, AND THEN, OF COURSE, SIMULCASTING IN 1988. IT DOES NOT TALK ABOUT THIS GAME THAT WE'VE BEEN TALKING ABOUT, BANK SHOT, THAT HAS HAD A LEGAL CHALLENGE AND WITH MINOR TWEAKING IN THE SOFTWARE IS ABLE TO BE USED BECAUSE IT IS A GAME OF SKILL. THE PERSON THAT OPERATES IT HAS A DIRECT OUTCOME OF THE GAME. THAT IS HOW WE DEFINE CHANCE, AS I CAN READ IT, IN OUR CONSTITUTION AND ACCORDING TO THE GAMING LAWS OUT THERE. IF I'M MISTAKEN, I'M MORE THAN HAPPY TO ADMIT IT. I READ THINGS AS I DO AND I THINK I UNDERSTAND THIS. SO IF NOTHING ELSE, LET'S NOT GET CONFUSED ON WHAT THE DEFINITION OF CHANCE IS AND WHAT THE DEFINITION OF SKILL IS AS IT PERTAINS TO THIS ISSUE. I DON'T KNOW WHERE THIS IS GOING TO END UP, BUT I DO THINK THERE IS A QUESTION OUT THERE AS TO WHETHER THIS IS EVEN ILLEGAL TO DO TODAY. AND SENATOR CHAMBERS IS CORRECT... [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR SCHILZ: ...YOU CAN GO AHEAD AND PUT THINGS OUT THERE AND HAVE SOMEBODY START DOING THIS, AND THEN GET ARRESTED, GET CHARGED WITH A CRIME, AND THEN HAVE TO PROVE THAT HE'S NOT WRONG. I DON'T KNOW IF THAT'S GOOD GOVERNMENT OR NOT, BUT I KNOW POKER GOES ON EVERY SINGLE DAY IN THE STATE OF NEBRASKA. PEOPLE ARE PLAYING IT EVERY DAY. I DON'T WANT THEM TO CONTINUE TO BREAK THE LAW, AND IF WE CAN PROVIDE SOME MONEY AND PEOPLE ARE WILLING TO PAY FOR IT, BECAUSE REMEMBER, YOU DON'T HAVE TO WALK INTO A POKER PARLOR AND PUT ANY MONEY DOWN AT ALL, BUT IF YOU'RE WILLING TO DO THAT TO HELP ALLEVIATE SOME TAXES AND TO HELP BUILD UP WHAT WE'RE DOING HERE, THEN I SEE NO PROBLEM WITH THAT. AND I DON'T HEAR ANYBODY THAT IS IN THE POKER-PLAYING WORLD STANDING UP SAYING, PLEASE, PLEASE DON'T TAX ME. DON'T DO THIS BECAUSE I DON'T WANT TO PAY A TAX ON IT. [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

SENATOR SCHILZ: THANK YOU. [LB619]

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SPEAKER HADLEY: THANK YOU, SENATOR SCHILZ. SENATOR CHAMBERS, AND THIS IS YOUR THIRD TIME ON THE COMMITTEE AMENDMENT. [LB619]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND YOU SEE HOW PRECISELY THE PRESIDENT SPOKE. MY THIRD TIME ON THE COMMITTEE AMENDMENT. AND THAT IS AN ACCURATE REFLECTION OF WHAT THE SITUATION IS. I HAVE SAID OVER AND OVER, AND I'LL SAY IT AGAIN IN LIGHT OF WHAT SENATOR SCHILZ SAID, IT DOESN'T MATTER WHAT SENATOR SCHILZ SAYS, SENATOR LARSON, I, OR ANYBODY ELSE. IT DOESN'T EVEN MATTER WHAT THE LEGISLATURE SAYS. THIS IS A MATTER WHICH IS GOING TO BE RESOLVED ON THE BASIS OF WHETHER IT IS A CONSTITUTIONALLY ALLOWABLE ACTIVITY, AND THE LEGISLATURE DOESN'T DETERMINE THAT. I DON'T DETERMINE IT. SENATOR SCHILZ DOESN'T, SENATOR LARSON DOESN'T, SENATOR LAUTENBAUGH DOESN'T, NONE OF US. THERE ARE SEVEN PEOPLE COMPRISING THE SUPREME COURT OF THE STATE OF NEBRASKA, AND THIS ISSUE, UNTIL IT IS RULED ON BY THAT COURT, IS GOING TO BE A SUBJECT FOR DISCUSSION AND DEBATE WITHOUT AN ULTIMATE CONCLUSION. THE COURT IS THE ONLY ENTITY TO GIVE A DEFINITIVE STATEMENT ABOUT THIS. WHY ARE THEY NOT WILLING TO CREATE A TEST CASE, AND THEY COULD HAVE DONE IT A LONG TIME AGO? AS LONG AS THIS ISSUE IS OUT THERE, SOMEBODY MAKES MONEY WHEN A BILL LIKE THIS IS BROUGHT BECAUSE A BILL LIKE THIS IS LOBBIED. A LOBBYIST MAKES MONEY ONLY WHEN THERE'S AN ISSUE BEFORE THE LEGISLATURE ON WHICH THE LEGISLATURE IS TO ACT. SO THE LOBBYIST IN THIS CASE IS, AS I DESCRIBED, THE BOOKIE. THE LOBBYIST DOESN'T REALLY CARE WHETHER THE LEGISLATURE VOTES YEA OR NAY. IN FACT, IT'S BETTER OFF FOR THE LOBBYIST IF THE LEGISLATURE VOTES NAY. BUT THEN WHAT THE LOBBYIST OUGHT TO DO, IF HE OR SHE HAS INTEGRITY, IS HELP THE CLIENT SET UP A TEST CASE. IT'S CLEAR TO ME THAT THE LEGISLATURE IS NOT GOING TO PASS A BILL LIKE THIS. THAT'S WHY I SAID WHEN I LAID THE ODDS YESTERDAY OF 3-1, YOU'D HAVE TO GET A DECLARATION OF WHICH WAY THE BET IS BEING FASHIONED IN TERMS OF IT'S PASSING OR IN TERMS OF IT'S NOT. AND THEN DOES THE 3-1 MEAN THAT I BET ONE TO WIN THREE, OR I HAVE TO BET THREE TO WIN ONE? AND IF THAT'S RESOLVED, AM I MAKING THE BET THAT THE LEGISLATURE WILL PASS IT OR THE LEGISLATURE WON'T PASS IT? WHEN YOU GET IN GAMBLING, YOU'RE DEALING WITH PEOPLE WHO DON'T CARE ABOUT MORALITY. THEY DON'T CARE ABOUT THIS STUFF WE'RE TALKING ABOUT. ALL THEY WANT TO DO IS MAKE MONEY. AND IF YOU ALLOW ANY FORM OF GAMBLING, THESE PEOPLE ARE GOING TO FIND OUT HOW TO BE ON THE BUSINESS END OF IT, AND THEY'LL ALWAYS COME OUT WITH SOMETHING. IT'S A BUSINESS FOR THEM. THEY MAKE MONEY. WHY BUSINESSMEN LIE, CHEAT AND STEAL, BUT THEY'RE CALLED BUSINESS PEOPLE,

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AND THEY WILL DO ALL OF THOSE THINGS. AND THAT'S WHY YOU HAVE REGULATORY AGENCIES AND SO FORTH. BUT ON THIS MATTER, THE LEGISLATURE IS BEING ASKED TO TAKE ACTION. HOW MUCH TIME DO I HAVE, MR. PRESIDENT? [LB619]

SPEAKER HADLEY: 1:16. [LB619]

SENATOR CHAMBERS: THANK YOU. I HAVE TO PUT SOMETHING DONE HERE BEFORE MY TIME RUNS OUT. [LB619]

SPEAKER HADLEY: I HAVE ONE MINUTE LEFT. [LB619]

SENATOR CHAMBERS: I THINK I GOT IN UNDER THE WIRE. THIS BILL IS WORTHY OF DISCUSSION, BUT I DON'T THINK IT'S WORTHY OF ENACTMENT. AND I HOPE I PUT THE RIGHT SECTION THAT I WANT TO STRIKE. AND I WILL LET...MR. CLERK, DID I PUT SECTION FOUR OR FIVE ON THERE? [LB619]

CLERK: SECTION FOUR, SENATOR. [LB619]

SENATOR CHAMBERS: CAN I MAKE THAT FIVE? [LB619]

CLERK: YES, SIR. [LB619]

SENATOR CHAMBERS: THANK YOU. IF SOMEBODY THINKS THAT GAMBLING IS WRONG, THAT PERSON IS NOT GOING TO VOTE FOR THIS BILL NO MATTER HOW YOU MASSAGE IT. [LB619]

SPEAKER HADLEY: TIME, SENATOR CHAMBERS. [LB619]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: MR. CLERK. [LB619]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS. (FA81, LEGISLATIVE JOURNAL PAGE 289.) [LB619]

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SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB619]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I HOPE THAT MY AMENDMENT GOES TO THE COMMITTEE AMENDMENT. SO, LET ME ASK SENATOR LARSON A QUESTION, IF HE WILL RESPOND. [LB619]

SPEAKER HADLEY: SENATOR LARSON, WILL YOU YIELD TO A QUESTION? [LB619]

SENATOR LARSON: YES. [LB619]

SENATOR CHAMBERS: SENATOR LARSON, ARE THOSE FINDINGS SET FORTH IN THE COMMITTEE AMENDMENT? [LB619]

SENATOR LARSON: WHERE ARE WE? [LB619]

SENATOR CHAMBERS: WHERE THE LEGISLATURE MAKES FINDINGS OR IS THAT ELIMINATED BY THE COMMITTEE AMENDMENT? [LB619]

SENATOR LARSON: SECTION...SO I HAVEN'T SEEN IT. MR. CLERK, WHAT IS HIS MOTION? I'M SORRY, SENATOR CHAMBERS. WHAT WAS YOUR MOTION SPECIFICALLY? [LB619]

SENATOR CHAMBERS: WELL, HERE IS THE THING. I WAS LOOKING AT THE BILL AND I SAID STRIKE SECTION FIVE, BUT WE'RE ON THE COMMITTEE AMENDMENT, IS THAT CORRECT? [LB619]

SENATOR LARSON: I THINK THE...I MEAN IN THE BILL WE DO TALK ABOUT THE...LIKE INTENT LANGUAGE, BUT IN THE COMMITTEE AMENDMENT IT DOES SPECIFICALLY SAY THE LEGISLATURE FINDS THAT. SO I GUESS I'M TRYING TO FIGURE OUT WHERE EXACTLY YOUR AMENDMENT IS LOCATED. [LB619]

SENATOR CHAMBERS: WELL, WE'RE ON THE COMMITTEE AMENDMENT AT THIS POINT, IS THAT CORRECT? [LB619]

SENATOR LARSON: WE ARE IN THE COMMITTEE AMENDMENT, OKAY. [LB619]

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SENATOR CHAMBERS: DOES THE COMMITTEE AMENDMENT STRIKE THE FINDINGS THAT ARE FOUND IN THE BILL? [LB619]

SENATOR LARSON: WHERE IN THE BILL ARE YOU? [LB619]

SENATOR CHAMBERS: SECTION FOUR OF THE BILL IS WHERE THE FINDINGS ARE LOCATED, AND THAT WOULD BE ON PAGE THREE OF THE GREEN COPY, IF I'M ON THE RIGHT BILL EVEN. [LB619]

SENATOR LARSON: I DON'T THINK...I KNOW IN SECTION FIVE OF THE COMMITTEE AMENDMENT WE TALK ABOUT THE LEGISLATURE FINDS THAT CERTAIN GAMES REQUIRE SKILL, BUT I'M NOT NOT... [LB619]

SENATOR CHAMBERS: WITHDRAW THAT BECAUSE THERE'S CONFUSION ON MY PART. [LB619]

SENATOR LARSON: OH, YES, SENATOR CHAMBERS, ON SECTION 2 ON PAGE 2 OF THE BILL WE TALK ABOUT THE LEGISLATURE FINDS IN THE BILL. IF YOU LOOK ON PAGE 2 OF THE GREEN COPY. [LB619]

SENATOR CHAMBERS: YES. NOW, BEFORE I EMBARK ON A DISCUSSION OF THE MOTION THAT I PUT UP THERE, I WANT TO BE CERTAIN THAT WHAT I'M OFFERING IS CORRECT. AND SO UNTIL THAT'S DONE, I WILL WITHDRAW THAT MOTION. [LB619]

SPEAKER HADLEY: SO ORDERED. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB619]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. ONE OF THE THINGS YOU GET TO DO WHEN YOU'RE COUNTY ATTORNEY IS PRONOUNCE PEOPLE DEAD. AND THAT'S IN THOSE CASES WHERE DOCTORS ARE NOT CARING FOR THE PERSON AND THE PERSON IS NOT DEAD IN THE DOCTOR'S PRESENCE. SO YOU GET A CALL FROM THE POLICE AND YOU GO OUT AND THERE'S GRANDMA. AND GRANDMA IS LAYING THERE AND GRANDMA IS PURPLE ON THE BOTTOM. THAT'S CALLED LIVIDITY. THAT HAPPENS AFTER YOUR BLOOD LOSES OXYGEN AND SETTLES TO THE BOTTOM. AND GRANDMA IS STIFF AS A BOARD AND YOU CAN LIFT IT UP AND GRANDMA IS STIFF. THAT'S CALLED RIGOR MORTIS AND THAT SETS IN A LITTLE AFTER LIVIDITY. AND YOU SEE

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GRANDMA LAYING IN THAT CONDITION AND YOU LOOK TO THE MORTICIAN AND YOU SAY, LOOKS DEAD TO ME. WELL, IT LOOKS LIKE LB619 LOOKS DEAD TO ME ANYWAY. AND UNLESS IT'S LAZARUS, IT WILL PROBABLY REMAIN DEAD, AS WILL PROBABLY EVERY OTHER SUGGESTED GAMING BILL IN THIS SHORT SESSION. NOW, THE ANTI-GAMING FOLKS SHOULDN'T CHEER TOO MUCH BECAUSE AT ALL TIMES WHEN THE LEGISLATIVE BODY DISJOINS FROM REALITY, THE PEOPLE CAN HAVE A BITE AT THE APPLE. THESE ARE THE FACTS WITH RESPECT TO EXPANDED GAMING. THE MAJORITY OF NEBRASKANS HAVE VOTED IN FAVOR OF EXPANDED GAMBLING. IT HAPPENED IN 2004. THERE WERE TWO COMPETING PROPOSALS: ONE GOT 47 PERCENT OF THE VOTE, ONE GOT 36 PERCENT OF THE VOTE. AN ANALYSIS OF THAT VOTE INDICATES CLEARLY A MAJORITY VOTED FOR EXPANDED GAMING. IT WAS A SPLIT VOTE, THOUGH. TWO: \$400,000,000 A YEAR CROSSES THE BRIDGE INTO IOWA, TAKING WITH IT ANOTHER MULTIPLIER EFFECT OF ABOUT 1.75 OVER A HALF A BILLION, \$600,000,000 IN ECONOMIC ACTIVITY LEAVING THE STATE, SOME OF WHICH COULD BE TAXED. THAT'S \$10 A SECOND. FINALLY, THE VAST MAJORITY OF NEBRASKANS LIVE WITHIN A VERY SHORT DRIVING DISTANCE TO A CASINO, SO THE ARGUMENTS THAT SOMEHOW WE ARE SAVING FAMILIES FROM WHATEVER OR ANOTHER IS TOTAL BOGUS. BUT IF YOU'RE ANTI GAMBLING YOU FEEL GOOD EXCEPT, NOTE ONE THING, THERE'S BEEN A PETITION FILED BY ONE OR MORE INDIAN TRIBES WITH A HORSE MAN AS A FRONT. THAT MAY VERY WELL TAKE ADVANTAGE OF NEBRASKAN'S FRUSTRATION WITH THIS BODY ON THE ISSUE OF GAMBLING AND RAM DOWN THE THROAT OF THIS BODY SOMETHING WE DON'T WANT TO SEE, ONE WHICH WE WILL HAVE NO CONTROL OVER THE REGULATION AND TAXATION OVER; ONE THAT THERE WILL BE A POWERFUL LOBBY FOR US, STOPPING US INTERFERING WITH IT. WE HAVE MADE BAD JUDGMENT AFTER BAD JUDGMENT AT THE ADVICE OF A FEW EXTREMISTS FOR YEARS ON GAMING. AND IF THAT GROUP THROWS US IN HIGH GEAR, AS I SUSPECT THEY WILL IN APRIL AS WE'RE ABOUT TO ADJOURN, WE WILL SEE A REAL POSSIBILITY THAT WE WILL HAVE CREATED A MESS BY OUR REFUSAL TO RATIONALLY RECOGNIZE WHAT ALMOST A VAST, VAST MAJORITY OF THE STATES HAVE RECOGNIZED, AND THAT IS YOU HAVE YOU TO LEGITIMIZE WHAT THE PUBLIC DEMANDS IN THE AREA OF GAMING. YOU HAVE TO TAX AND YOU HAVE TO REGULATE IT. AND IF YOU FAIL TO DO SO, AND ACT RESPONSIBLY, YOU WILL END UP, AS NEBRASKA MAY VERY WELL END UP, WITH THE MESSIEST SET OF GAMBLING LAWS IN THE NATION. THANK YOU. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. MR. CLERK FOR ANNOUNCEMENTS. [LB619]

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CLERK: MR. PRESIDENT, I HAVE SOME NEW BILLS. (READ LB971-977 BY TITLE FOR THE FIRST TIME.) MR. PRESIDENT, NEW RESOLUTIONS: LR405 IS BY SENATOR MURANTE; LR406 BY SENATOR GLOOR. BOTH OF THOSE WILL BE LAID OVER. HEARING NOTICES FROM THE GOVERNMENT COMMITTEE AND THE JUDICIARY COMMITTEE SIGNED BY THEIR RESPECTIVE CHAIRS. SERIES OF NAME ADDS: SENATORS McCOLLISTER AND KUEHN TO LB471; SENATOR SEILER, SCHNOOR, COOK, FRIESEN, BURKE HARR TO LB166; AND SENATOR RIEPE TO LB892. (LEGISLATIVE JOURNAL PAGES 289-292.) [LB619 LB971 LB972 LB973 LB974 LB975 LB976 LB977 LR405 LR406 LB471 LB166 LB892]

MR. PRESIDENT, SENATOR HILKEMANN WOULD MOVE TO RECESS THE BODY UNTIL 1:30 P.M.

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

RECESS

SENATOR KRIST PRESIDING

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

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD AFTERNOON, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS CHAMBER. WE'RE READY TO RECONVENE. MR. CLERK, PLEASE RECORD.

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

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



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CLERK: I DO. I HAVE A REFERENCE REPORT REFERRING LB903-954, A HEARING NOTICE FROM NATURAL RESOURCES. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 293-294.)

SPEAKER HADLEY: THANK YOU, MR. CLERK. WE WILL PROCEED TO FIRST ITEM ON THIS AFTERNOON'S AGENDA.

CLERK: MR. PRESIDENT, RETURNING TO LB619, COMMITTEE AMENDMENTS ARE PENDING. SENATOR CHAMBERS WOULD MOVE TO AMEND WITH FA81. (LEGISLATIVE JOURNAL PAGE 289.) [LB619]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR FLOOR AMENDMENT. [LB619]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHAT HAPPENED WITH ME THIS MORNING ON THIS AMENDMENT SHOWS JUST HOW SELDOM I AM WRONG, REALLY. (LAUGHTER) THE ONE TIME...NO, LET ME FINISH. THE ONE TIME THAT I THOUGHT I WAS WRONG, I WAS ACTUALLY RIGHT. SO I WAS WRONG IN THINKING I WAS WRONG. BUT THE WAY I DRAFTED THE AMENDMENT, THE MOTION WAS CORRECT. IT WENT TO THE PROPER PLACE IN THE BILL, BUT WITH THE ASSISTANCE OF THE CLERK AND SENATOR LARSON I SAW JUST EXACTLY WHAT MY MOTION SAID AND IT IS CORRECT. SO WHAT THAT MOTION WAS, FOR THOSE WHO MIGHT BE LISTENING AND IF NOBODY IS FOR THE SAKE OF THE RECORD, IT WOULD BE ALL OF SECTION 5 IN THE COMMITTEE AMENDMENT AND THAT BEGINS ON PAGE 3 IN LINE 26. AND SINCE THERE'S NO LANGUAGE FROM THIS MENTIONED IN MY MOTION, I'M GOING TO READ THE LANGUAGE BECAUSE IT'S BRIEF: CERTAIN..."THE LEGISLATURE FINDS THAT". AND THAT'S WHAT MAKES ME PARTICULARLY UNWILLING TO ACCEPT THIS LANGUAGE. IT'S PURPORTING TO BE A FINDING BY THE LEGISLATURE AND I THINK IT'S NOT ACCURATE. "CERTAIN POKER GAMES REQUIRE SKILL AND PLAYERS THAT ARE ABLE TO DEVELOP THAT SKILL MAY BECOME PROFESSIONAL POKER PLAYERS; AND WHILE POKER DOES HAVE A RANDOM COMPONENT IN THE CARDS THAT PLAYERS ARE DEALT, THERE IS MORE SKILL THAN LUCK FOR SUCCESSFUL POKER PLAYERS IN GAMES WHERE THE PLAYER IMPLEMENTS A STRATEGY BY MAKING DECISIONS THAT INFLUENCE THE OTHER PLAYERS AND ULTIMATELY THE GAME'S OUTCOME. IT IS THE INTENT OF THE LEGISLATURE TO RECOGNIZE VARIOUS FORMS OF THE CARD GAME POKER AS GAMES OF SKILL, INCLUDING VARIATIONS OF DRAW AND COMMUNITY CARD POKER GAMES." TO KIND OF ANALYZE THIS A BIT BUT NOT

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IN TOO MUCH DETAIL, THE LANGUAGE IS NOT VERY PERSUASIVE. I'M GOING TO GO AGAIN: "CERTAIN POKER GAMES REQUIRE SKILL AND PLAYERS THAT ARE ABLE TO DEVELOP THAT SKILL MAY BECOME PROFESSIONAL POKER PLAYERS." FIRST OF ALL, WHETHER YOU DEVELOP THE SKILL OR NOT YOU CAN BE A PROFESSIONAL POKER PLAYER IF THERE ARE BUY-INS AND YOU'VE GOT THE MONEY TO PUT UP, UNLESS YOU HAVE ELIMINATIONS AND SO FORTH. BUT TO BE A PROFESSIONAL AT ANYTHING SIMPLY MEANS IN COMMON PARLANCE THAT YOU MAKE A LIVING AT IT. AND YOU MAY NOT MAKE AS GOOD A LIVING AS SOMEBODY ELSE, BUT THIS IS WHAT YOU DO TO TRY TO GET THE MONEY TO MEET YOUR NEEDS. SO THERE ARE STATEMENTS HERE WHERE THE END OF THE STATEMENT DOES NOT NECESSARILY FOLLOW FROM THE LANGUAGE THAT GOES BEFORE. SO THIS NOTION OF SKILL IN THIS FIRST SENTENCE DOESN'T BRING US ANY CLOSER TO DETERMINING WHETHER THIS IS A GAME OF SKILL OR A GAME OF CHANCE. AN ASSERTION IS NOT PROOF. SO THEN THE NEXT SENTENCE: WHILE POKER DOES HAVE A RANDOM COMPONENT--RECOGNIZING THAT IT'S GAMBLING--IN THE CARDS THAT PLAYERS ARE DEALT...THERE IS SUCH A THING AS A FAST SHUFFLE, STACKING A DECK. SO IF THERE'S NO CHEATING, THERE WOULD BE RANDOMNESS. BUT YOU DON'T EVEN KNOW WHETHER THE GAME IS BEING PLAYED WITHOUT CHEATING. THE OUTCOME CAN BE INFLUENCED BY SOMETHING OTHER THAN THE ABILITY OF PLAYERS TO READ EACH OTHER'S FACE, TO LOOK AT THE CARDS YOU'VE GOT AND TRY TO MAKE CERTAIN CONCLUSIONS ABOUT IT. THAT IS BASED ON THE NOTION THAT NO OUTSIDE INFLUENCES HAVE COME TO PLAY, MEANING YOU STACK THE CARDS AND SO FORTH. BUT TO GO TO THAT AGAIN, "WHILE POKER DOES HAVE A RANDOM COMPONENT IN THE CARDS THAT PLAYERS ARE DEALT, THERE IS MORE SKILL THAN LUCK FOR SUCCESSFUL POKER PLAYERS IN GAMES," AND THEN THIS TALKS ABOUT READING, "WHERE THE PLAYER IMPLEMENTS A STRATEGY BY MAKING DECISIONS THAT INFLUENCE THE OTHER PLAYERS AND ULTIMATELY THE GAME'S OUTCOME." THAT DOES NOT MAKE THE GAME ITSELF A GAME OF SKILL. YOU'RE TALKING ABOUT THE ABILITY OF THE PERSON WHO IS PARTICIPATING. WHEN YOU WANT TO DETERMINE THE NATURE OF THE GAME ITSELF, THAT IS NOT DONE BY LOOKING AT THE ABILITY OF CERTAIN PEOPLE WHO PLAY THAT GAME TO PLAY IT WELL AND OTHERS TO PLAY IT POORLY. THAT IS SOMETHING BASED ON WHAT THESE PEOPLE BRING TO THE GAME. LOUIS ARMSTRONG COULD PLAY A TRUMPET; I COULD BLOW A TRUMPET. WHEN YOU WANT MUSIC TO COME OUT OF THAT HORN, YOU PUSH THE LITTLE VALVE IN, SENATOR FRIESEN, AND THE MUSIC GOES ROUND AND ROUND AND ROUND AND THEN IT COMES OUT HERE. WHETHER IT'S A SQUAWK OR MUSIC DEPENDS ON HOW WELL YOU'RE ABLE TO MANIPULATE THAT HORN, CONTROL THE FLOW OF AIR THROUGH IT, AND SO FORTH. SO ANYBODY COULD SIT DOWN AT A CARD

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GAME AND GET FLEECE. NOTHING THAT I HAVE READ SO FAR THAT THE LEGISLATURE IS SUPPOSED TO GO ANYWHERE TOWARD PROVING THAT POKER IS A GAME OF SKILL. THEN GOING ON: "IT IS THE INTENT OF THE LEGISLATURE TO RECOGNIZE VARIOUS FORMS OF THE CARD GAME POKER AS GAMES OF SKILL". WELL, IF THEY WANT THE STATEMENT TO BE ACCURATE, IT WOULD READ SOMETHING LIKE THIS: IT IS THE INTENT OF THE LEGISLATURE, WITHOUT ADEQUATE PROOF OR EVIDENCE, TO RECOGNIZE DESPITE THE LACK OF EVIDENCE VARIOUS FORMS OF THE CARD GAME POKER. THIS IS WHAT PEOPLE CALL GOBBLEDYGOOK. IT SOUNDS LIKE IT'S SAYING SOMETHING. UNDER ANALYSIS, IT'S A LOT OF WORDS SAYING NOTHING. SHAKESPEARE SAID ONE TIME, SHE SPEAKS THOUGH SHE SAYS NOTHING, AND YOU CAN CHANGE THE STATEMENT AROUND. SHE SAYS NOTHING THOUGH SHE SPEAKS. TO SPEAK CAN MEAN JUST FORMULATING WORDS. IT WOULDN'T MEAN NECESSARILY THAT YOU ARE GIVING COMPLETE SENTENCES. A PARROT IS SAID IN SOME CASES TO BE ABLE TO SPEAK IF IT CAN ARTICULATE SOME WORDS WITHOUT EVEN UNDERSTANDING THEM, JUST SOUNDS, IMITATING WHAT IT HEARD. IS THAT SPEECH? IF YOU MEAN SIMPLY FORMING WORDS, YES. BUT IF YOU MEAN THAT SPEECH IS THE WAY YOU USE A METHODOLOGY TO EXPRESS AN IDEAL WHICH IS ABSTRACT IN YOUR MIND AND YOU CLOTHE IT IN WORDS SO BY THE TIME IT GOES INTO THE EARS OF THE LISTENER IT CONVEYS TO THAT PERSON'S MIND WHAT YOU HAVE IN YOUR MIND. IF YOU PICK UP A TELEPHONE AND YOU SPEAK, YOUR VOICE IS CHANGED INTO ELECTRICAL IMPULSES, I UNDERSTAND. THEN WHEN IT GETS TO THE RECEIVER, IT'S RECONFIGURED INTO THOSE WAVES THAT MAKE A VOICE AND REPLICATE WHAT WAS SPOKEN INTO IT AT THE OTHER END. DOES THAT MAKE SENSE? IT SOUNDS LIKE IT DOES. IT SOUNDS LIKE I KNOW WHAT I'M TALKING ABOUT, DOESN'T IT? ACTUALLY I DO. BUT IF I ONCE RAISED THE POSSIBILITY THAT WHAT I'M SAYING MAKES NO SENSE, THEN YOU BEGIN TO WONDER. SO, THERE ARE WAYS THAT YOU CAN USE WORDS TO INSINUATE THOUGHTS INTO THE MINDS OF A LISTENER. IF YOU APPLY THAT TO GAMBLING, THERE ARE WAYS THAT SOME PEOPLE, WITHOUT EVEN HAVING SKILL IN MANIPULATING THE CARDS CAN NEVERTHELESS WIN A GAME. YOU CAN BLUFF AND IF YOU'RE A GOOD BLUFFER THEN YOU CAN WIN. SO WHAT THEY'RE REALLY TALKING ABOUT... [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: ...IS THE ABILITY OF ONE PERSON TO OUTBLUFF ANOTHER OR TO CONCEAL WHAT HE OR SHE IS THINKING. AND YOU KNOW KENNY ROGERS SAID, AND I'LL TELL YOU WHAT HE SAID--I'M NOT GOING TO SING IT-- THE NEXT TIME I'M RECOGNIZED TO SPEAK. [LB619]

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SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR LARSON, YOU'RE RECOGNIZED. [LB619]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. WILL SENATOR CHAMBERS YIELD TO A QUESTION? [LB619]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB619]

SENATOR CHAMBERS: YES, I WILL. [LB619]

SENATOR LARSON: SENATOR CHAMBERS, YESTERDAY DURING DEBATE YOU SAID THAT...SOMETHING ALONG THE LINES OF IF WE STRUCK SECTION 5 OR GOT RID OF THE SILLY INTENT LANGUAGE SAYING...CALLING IT A GAME OF SKILL AND CALLED...SAID IT WAS WHAT IT WAS, THAT YOU MIGHT BE ABLE TO SUPPORT THE BILL, CORRECT? [LB619]

SENATOR CHAMBERS: I SAID I WOULDN'T OBJECT TO IT FOR THE REASONS THAT I DO. [LB619]

SENATOR LARSON: I THOUGHT YOU SAID THAT YOU MIGHT EVEN BE ABLE TO VOTE FOR THE BILL. I DON'T HAVE THE TRANSCRIPTS YET, BUT I'M PRETTY SURE THAT YOU MAY HAVE SAID THAT. [LB619]

SENATOR CHAMBERS: WELL, IF THOSE WORDS CAME OUT, THEY DIDN'T CONVEY EVERYTHING THAT I INTENDED TO GET ACROSS. THE POINT I WAS TRYING TO MAKE WHEN I WAS GOING THROUGH THAT IS THAT THERE MIGHT BE PEOPLE WHO WOULD NOT BE AS OPPOSED TO THE BILL IF THEY DIDN'T HAVE TO MAKE CERTAIN ASSERTIONS THEY DIDN'T BELIEVE WERE TRUE. [LB619]

SENATOR LARSON: OKAY. [LB619]

SENATOR CHAMBERS: AND THAT THE BILL MIGHT BE LESS OBJECTIONABLE IF YOU TOOK THAT THE LEGISLATURE INTENDS AND THE LEGISLATURE FINDS WHEN A PERSON WOULDN'T BE SURE THAT THOSE THINGS ARE TRUE. SO THAT WAS THE POINT I WAS TRYING TO GET ACROSS. [LB619]

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SENATOR LARSON: WELL, I SURE HOPE THAT IF FA81 PASSES, WHICH I ACTUALLY HAVE NO PROBLEM WITH. I FEEL LIKE I'VE LAID ENOUGH INTENT OUT FOR THE SUPREME COURT, SHOULD THIS EVER BE CHALLENGED, TO UNDERSTAND WHAT THE LEGISLATURE'S INTENT WAS. SO...AND FRANKLY, IF YOU WANT TO SAY THIS IS USELESS LANGUAGE, AS MUCH AS...YOU KNOW, A LOT OF IT'S IN THERE AND WE DO THIS A LOT WITH MANY BILLS TO HELP GUIDE THE COURT THROUGH ANY CONSTITUTIONAL CHALLENGE. THIS HAPPENS A LOT, BUT IF YOU HAVE THAT MUCH OF A PROBLEM WITH IT, I FEEL SATISFIED IN WHAT WE HAVE DONE THIS FAR IN INTENT AND WILL BE HAPPY TO SUPPORT YOUR FA81. THANK YOU, SENATOR CHAMBERS. [LB619]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB619]

SENATOR CHAMBERS: SOMETIMES A PERSON MERELY WAVING THE WHITE FLAG OF SURRENDER DOES NOT END THE STRUGGLE BECAUSE THERE ARE SOME POINTS THAT I WANT TO MAKE EVEN THOUGH SENATOR LARSON IS NOT GOING TO RESIST OR OBJECT TO MY REMOVAL OF THIS LANGUAGE. BUT THERE ARE THINGS THAT I WANT TO PUT INTO THE RECORD. KENNY ROGERS IN HIS SONG "THE GAMBLER" SAID, EVERY GAMBLER KNOWS THAT THE SECRET TO SURVIVAL IS KNOWING WHAT TO THROW AWAY AND KNOWING WHAT TO KEEP. THAT'S PART OF IT. AND HE ALSO TALKS ABOUT BEING ABLE TO READ OTHER PEOPLE. KNOWING WHAT THE CARDS SAY/ BY THE WAY YOU HOLD YOUR EYES/ BUT IF YOU DON'T MIND ME SAYING/ I CAN SEE YOU'RE OUT OF ACES/ BUT FOR A TASTE OF GOOD WHISKEY, SON/ I'LL GIVE YOU SOME ADVICE. GAMBLERS WHO ARE REALLY GAMBLERS KNOW WHAT IS ENTAILED. THERE ARE SOME GAMES WHERE PEOPLE SIT DOWN AND IT'S AN ANYTHING-GOES GAME. IF YOU CAN CHEAT, THEN THAT'S ALL RIGHT BECAUSE THE ONLY RULE IS THAT THERE'S NO RULE. YOU HAVE TO WATCH OUT FOR YOURSELF. THERE IS NOTHING ROMANTIC ABOUT GAMBLING. GAMBLING CANNOT BE SHOWN TO HAVE AT ANY TIME BEEN UPLIFTING TO A SOCIETY, THAT SOLVED OR ASSISTED IN SOLVING ANY SOCIETAL PROBLEMS. ALL THAT CAN BE SHOWN WITH CERTAINLY IS THAT MANY LIVES ARE RUINED, FORTUNES ARE LOST, JOBS ARE LOST, PEOPLE'S CHARACTER IS DEBASED TO THE POINT WHERE BUT FOR HAVING GOTTEN EMBROILED IN GAMBLING, THEY NEVER WOULD HAVE THOUGHT OF EMBEZZLING MONEY OR SPENDING THE MONEY THAT SHOULD GO FOR FOOD. AND THE THING ABOUT THE ALLURE OF GAMBLING, WHEN YOU LOSE YOU CONTINUE TO PLAY WITH THE DESPERATE HOPE OF WINNING AND YOU GET DEEPER AND DEEPER AND DEEPER. I PERFORM WEDDINGS, AND I PERFORMED ONE AT SOME PLACE CALLED SOME LANDING DOWN BY THE RIVERSIDE. AND THEY HAD ALL KINDS OF THINGS DOWN THERE. AND IT WAS ONE OF THOSE

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SITUATIONS WHERE THE PEOPLE WHO RUN THIS PLACE HAVE I GUESS YOU COULD CALL IT A FERRY. AND THEY WOULD RIDE PEOPLE DOWN THE RIVER. AND THEY GO PAST A CASINO. THEN THEY WERE CONTACTED BY LAW ENFORCEMENT AGENCIES BEING ASKED THAT IF THEY WERE SUMMONED, WOULD THEY BE ABLE TO COME TO THAT LOCATION TO PULL PEOPLE OUT OF THE WATER WHO FELT SO DESPERATE AFTER LOSING IN THE CASINO THAT THEY JUMPED OFF THE BRIDGE. AND THEY IN FACT HAD RESCUED PEOPLE WHO HAD LOST MORE THAN THEY INTENDED TO. YOU TALK ABOUT THE ADDICTIVE QUALITIES OF DRUGS. I THINK, THEREFORE I AM. I JUST THOUGHT I'D SEE IF PEOPLE WERE PAYING ATTENTION. [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: AND HERE'S HOW THAT PHILOSOPHER GOT TO THAT. HE SAID HE'S GOING TO START OUT BY DENYING EVERYTHING. NOTHING THAT HAS EVER BEEN SAID IS TRUE. THIS IS NOT TRUE; THAT'S NOT TRUE. I DON'T BELIEVE THAT ANYTHING OUT THERE IS TRUE AND THAT'S MY STARTING POINT. BUT WHILE I'M SAYING ALL THIS, I AM HERE AND I THINK. I THINK, THEREFORE I AM. WHATEVER THAT MEANT. AND THAT'S WHERE THAT CAME FROM. FROM A DENIAL OF EVERYTHING, HE WENT BACK TO HIMSELF AND HIS OWN EXISTENCE CONVINCED HIM THAT THERE IS SUCH A THING AS EXISTENTIAL OBJECTS. THAT'S WHAT PHILOSOPHERS DO. BUT IF THEY'RE SMART, THEY DON'T GAMBLE. SO EVEN THOUGH SENATOR LARSON IS THROWING IN THE TOWEL, I'M GOING TO TAKE A COULD MORE TIMES IF I CAN. [LB619]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB619]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, OUT IN LAS VEGAS FROM WHAT I HAVE READ, THERE ARE LIMITS ON WHAT THE HOUSE CAN BEAT PEOPLE OUT OF. THEY CAN'T PLY PEOPLE WITH LIQUOR. AND IF THEY SEE SOMEBODY WHO'S UNDER THE INFLUENCE, THAT PERSON IS NOT TO BE ALLOWED TO CONTINUE GAMBLING. THERE IS A GUY FROM OMAHA, I DON'T REMEMBER HIS NAME, WANTANABE OR SOMETHING, HE HAD SOME KIND OF EXPORT/IMPORT BUSINESS, I THINK. BUT HE HAD LOST MILLIONS OF DOLLARS. THEY KNEW WHO HE WAS. THEY KNEW HE WAS A PIGEON. BUT HE WENT TO COURT...OR WAS GOING TO GO TO COURT AND ESTABLISH THAT HE WAS IN A STATE OF INTOXICATION TO SUCH A DEGREE THAT EVERYBODY RUNNING EVERY TABLE THAT HE WENT TO COULD SEE THAT AND, THEREFORE, HE SHOULD NOT HAVE BEEN ALLOWED TO GAMBLE. AND I DON'T

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REMEMBER IF THE CASINO MADE A SETTLEMENT WITH HIM, BUT THAT WAS GOING TO BE A VIABLE DEFENSE. BUT IN THIS STUFF THAT YOU'RE TALKING ABOUT HERE, YOU THEY MIGHT...IT MIGHT LEAD TO SHOOTINGS. YOU ALL HAVE HEARD THE SONG OF FRANKIE AND JOHNNY, WHICH I'M NOT GOING TO SING. AND YOU HEARD THE SONG ABOUT STAGGER LEE. HE WAS IN A GAMBLING ENTERPRISE. HE SAID STAGGER LEE THREW SEVEN AND BILLY SWORE THAT HE THREW EIGHT. SO THE ONE WHO FELT CHEATED WENT HOME AND GOT HIS .44. UP TO THAT TIME HE WAS A LAW-ABIDING CITIZEN WITH A GUN. HE SAID, I'M GOING BACK TO THAT BAR ROOM JUST TO PAY THE DEBT THAT I OWE. AND WHEN THE ONE THAT HE WAS GOING TO SHOOT SAW HIM WITH THAT GUN, HE TOLD HIM, DON'T TAKE MY LIFE. I'VE GOT THREE LITTLE CHILDREN AND A VERY SICKLY WIFE. BUT THEN STAGGER LEE SHOT BILLY. HE SHOT THAT POOR BOY SO FAST THAT THE BULLET WENT THROUGH BILLY AND IT BROKE THE BARTENDER'S GLASS. THERE ARE ALL KINDS OF SONGS, ALL KINDS OF BALLADS ABOUT BAD THINGS THAT HAPPENED AS A RESULT OF GAMBLING. IT IS NOT A SOCIETAL GOOD. AND IF THE MEMBERS OF THIS LEGISLATURE GENUINELY ARE CONCERNED ABOUT NOT UNRAVELING THE THREADS OF SOCIETY, THEN YOU WOULD NOT PUT SOMETHING OUT THERE THAT HAS NO POSITIVE GOOD. NOTHING AFFIRMATIVE ABOUT IT IS GOOD. IF THE PEOPLE WHO WANT TO DO THIS ARE DOING IT ANYWAY, LET IT GO AHEAD AND BE THAT WAY. IT ESTABLISHES THAT IF A PRACTICE WHICH IS CONDEMNED IS WIDESPREAD ENOUGH, IT'S UNENFORCEABLE, ANY LAW THAT WOULD PROHIBIT IT AND LAW ENFORCEMENT LOOKS THE OTHER WAY, BECAUSE YOU CAN'T PUT EVERYBODY IN JAIL. AND A PECULIAR THING ABOUT THAT, WHEN HEROIN WAS A DRUG THAT WAS TO BE DEEMED ONE THAT BLACK PEOPLE MAINLY USED, EVERYBODY WAS LOCKED UP FOR LONG PERIODS OF TIME. NOW THAT IN NEW HAMPSHIRE OR ONE OF THOSE WHITE TOWNS THEY'RE HAVING SO MANY OVERDOSE DEATHS FROM HEROIN BECAUSE HEROIN IS CHEAPER THAN THESE PRESCRIPTION DRUGS THEY HAD BEEN USING. YOU KNOW WHAT THEY'RE SAYING NOW, THESE WHITE PEOPLE WHO CONDEMNED BLACK PEOPLE AND SAID, LOCK THEM UP AND THROW AWAY THE KEY? WE CANNOT ARREST OURSELVES OUT OF THIS PROBLEM. WE CANNOT INCARCERATE OURSELVES OUT OF THIS PROBLEM. IT'S NOT EVEN A LAW ENFORCEMENT PROBLEM. IT'S A PUBLIC HEALTH PROBLEM, BECAUSE NOW WHITE PEOPLE ARE IN IT. AND IF YOU THINK I'M LYING, READ THE PAPER AND SEE. IT'S ALWAYS LIKE THAT. WHEN SOMETHING COMES TO WHITE PEOPLE, IT GETS A DIFFERENT NAME. WHEN YOU WERE A DRUNK, THAT'S WHAT YOU USED TO BE, JUST A DRUNK, COMMON DRUNK. THEN SOME OF THESE BETTER CLASSES OF PEOPLE WHO ALSO WERE DRUNKS... [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

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SENATOR CHAMBERS: ...WOULD GET OUT THERE AND CARRY ON IN THE PUBLIC AND PEOPLE SAW THEM. THEN YOU KNOW WHAT THEY STARTED SAYING? ALCOHOLISM IS A DISEASE. ALCOHOLISM IS A SICKNESS. YOU NEED TO TREAT PEOPLE WHO ARE SICK AND NOT LOCK THEM UP AS LAW VIOLATORS BECAUSE THE RIGHT CLASSES OF PEOPLE STARTED TO FALL INTO THE HANDS OF THE LAW. AND YOU CAN FIND THAT THROUGHOUT HISTORY IN EVERY COUNTRY AND SOCIETY THAT EVER WAS. BUT WHEN IT COMES TO GAMBLING, GAMBLING IS NO RESPECTER OF PERSONS. YOU CAN BE THE BILLIONAIRE WHO WILL BE REDUCED TO A MILLIONAIRE TO SOMEBODY WHO OWES DEBTS. SO I'M TAKING THIS LANGUAGE OUT. BUT THAT DOESN'T MAKE... [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. [LB619]

SENATOR CHAMBERS: WAS THAT MY THIRD TIME? [LB619]

SPEAKER HADLEY: THAT WAS YOUR THIRD TIME. IS THERE ANYONE ELSE WISHING TO SPEAK? SEEING NONE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR FLOOR AMENDMENT. [LB619]

SENATOR CHAMBERS: THANK YOU. AND I MIGHT BE SOUNDING LIKE A PURITAN AT THIS POINT. IF YOU TAKE THIS LANGUAGE OUT, AND I HAVEN'T READ WITH GREAT CARE THE REST OF THE BILL BECAUSE, FRANKLY, I DON'T CARE WHETHER IT PASSES OR NOT. I WON'T VOTE TO PASS IT. BUT THE COURT, IN MY OPINION, IS NOT GOING TO SAY THAT THIS FORM OF GAMBLING IS A GAME OF SKILL RATHER THAN THE KIND OF GAMBLING THAT FALLS OUTSIDE THE EXCEPTIONS THAT ARE MADE BY THE CONSTITUTION. SO IF YOU WANT TO LET IT GO FORWARD AND HAVE THIS COURT TEST THAT YOU'VE HEARD ABOUT, YOU CAN DO IT. BUT THERE ARE OTHER WAYS TO GET THAT DONE IF THAT'S REALLY THE INTENT. BUT WHEN SOMEBODY HAS A VERY BAD BILL AND IT CAN'T STAND ON ITS MERIT BECAUSE IT HAS NONE, THEN YOU SAY, WITHOUT USING THESE WORDS, FORGET THE BILL. LET'S USE IT FOR ANOTHER PURPOSE TO GIVE THE COURT A CHANCE TO MAKE A DECLARATION OR A STATEMENT ABOUT AN ISSUE THAT SOCIETY IS INTERESTED IN. WELL, IF THERE'S ANOTHER WAY TO GET THAT ISSUE BEFORE THE COURT, WHY SHOULD THE LEGISLATURE ENACT A LAW WHICH PEOPLE KNOW IS NOT LIKELY TO STAND ANYWAY. I COULDN'T STAND



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HERE TODAY AND SAY I KNOW WITH CERTITUDE HOW THE SUPREME COURT WOULD RULE ON THIS MATTER. BUT I'M CONVINCED TO THE POINT OF CERTITUDE THAT IT'S POSSIBLE TO BE REACHED WITHOUT ACTUALLY KNOWING WHAT THE OUTCOME IS FROM ITS HAVING OCCURRED AND YOUR MERELY TALKING ABOUT WHAT HAPPENED. SOMETIMES A COURT WILL UNDERTAKE REVIEW OF A MATTER AND THE JUDGES ARE NOT SURE WHEN THEY START OUT, EVEN MAYBE MIDWAY THROUGH THEIR DISCUSSIONS WHAT THE FINAL MATTER WILL BE. BUT THEY WILL ALSO LOOK AT THE IMPACT ON SOCIETY AND DETERMINE WHETHER IF THIS WERE ALLOWED TO GO, HOW MUCH ANCILLARY DAMAGE WOULD BE DONE. AND NOTHING LIKE THAT MIGHT APPEAR IN THE OPINION ITSELF. BUT IF YOU READ THESE CASES AND IF THERE ARE DISSENTS WHERE THEY OBJECT OR THEY CALL THESE CONCURRING OPINIONS CONCURRENCES, WHERE YOU AGREE WITH THE CONCLUSION, BUT YOU MAY NOT AGREE WITH THE REASONING, BUT IT GIVES YOU THE OPPORTUNITY TO ELABORATE. EVEN THOUGH YOU VOTED THIS WAY ON THE CASE, YOU DON'T WANT MERELY THAT VOTE TO BE YOUR FINAL WORD ON IT. SO YOU WRITE A CONCURRING OPINION AND TELL WHAT BROUGHT YOU TO ARRIVE AT THAT POINT. AND THAT HAPPENS WHEN YOU HAVE A VERY DIFFICULT SITUATION. WHEN THE SUPREME COURT IN THE EARLY '70s STRUCK DOWN DEATH SENTENCES ALL OVER THE COUNTRY, EVERY JUDGE HAD WRITTEN AN OPINION. SO YOU TOOK THE ONE THAT GOT THE MOST VOTES SO THAT SOMETHING COULD BE DONE. BUT AT ANY RATE, THAT MIGHT BE HOW COURTS OPERATE BUT THE LEGISLATURE IS THE ONE FORMULATING THE POLICY OF THE STATE. WHEN YOU ENACT A BILL, YOU ARE SAYING...YOUR VERY ENACTMENT OF THE BILL IS CONVEYING THE MESSAGE THAT THIS BILL HAS BEEN ADEQUATELY ANALYZED, EVALUATED AND THE BEST JUDGMENT THAT YOU CAN BRING TO BEAR LEADS YOU TO SUPPORT IT. [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: THAT OTHER ARGUMENTS AGAINST IT DID NOT SWAY YOU AND THERE'S NOTHING ABOUT THE BILL THAT MAKES YOU UNWILLING TO SUPPORT IT. BUT IF YOU SUPPORT IT SIMPLY BECAUSE IT'S THE THING THAT A CERTAIN LOBBYIST MIGHT WANT YOU TO DO, YOU CAN DO THAT TOO. AND HERE YOU DON'T HAVE TO TELL WHY YOU DO ANYTHING. YOU CAN DO ANYTHING OR YOU CAN DO NOTHING. BUT AS I LOOK AROUND THE CHAMBER, I DON'T SEE ALL THOSE PEOPLE THAT I THOUGHT WOULD BE HERE BASED ON WHAT SENATOR KOLOWSKI OR SOMEBODY SAID THIS MORNING ABOUT HAVING THE PEOPLE WHO MIGHT WANT TO HAVE SOMETHING TO SAY ON THE BILL BE HERE. ONLY I AND SENATOR LARSON HAVE SPOKEN. I JUST WANT TO CALL

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ATTENTION TO THE REALITY THAT WE CONFRONT AS OPPOSED TO THE COMMENTS THAT OUR COLLEAGUES MAKE ON THE FLOOR AS TO WHY... [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

SENATOR CHAMBERS: ...A CERTAIN THING IS DONE. I WOULD LIKE TO ASK FOR A CALL OF THE HOUSE AND THEN I WILL TAKE A ROLL CALL VOTE. [LB619]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB619]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB619]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR HANSEN, SENATOR BURKE HARR, SENATOR KUEHN, SENATOR GLOOR, SENATOR KRIST. MR. CLERK, THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE. THE QUESTION IS, SHALL THE AMENDMENT TO THE COMMITTEE AMENDMENTS BE ADOPTED? [LB619]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 294-295.) 12 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB619]

SPEAKER HADLEY: THE AMENDMENT FAILS. MR. CLERK. MR. CLERK. [LB619]

CLERK: MR. PRESIDENT, I HAVE PRIORITY MOTIONS. FIRST...I SHOULDN'T SAY THE FIRST. THE ONE I HAVE IN FRONT OF ME IS THE BRACKET...SENATOR LARSON WOULD ASK UNANIMOUS CONSENT TO BRACKET THE BILL UNTIL FEBRUARY 15 OF 2016. [LB619]

SPEAKER HADLEY: ARE THERE ANY OBJECTIONS? HEARING NONE, SO ORDERED. [LB619]

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SENATOR LARSON: 15, 2/15. [LB619]

CLERK: NO. DID I...IF I MISSPOKE, THE MOTION IS... [LB619]

SENATOR LARSON: ON THE BOARD IT'S 4/15. [LB619]

CLERK: SENATOR, I UNDERSTAND THAT. OKAY. WE'RE FIXING IT, SO PLEASE BEAR WITH ME. THE MOTION IS TO ASK UNANIMOUS CONSENT TO BRACKET THE BILL UNTIL FEBRUARY 15 OF 2016. [LB619]

SENATOR McCOY: I OBJECT. [LB619]

SPEAKER HADLEY: OKAY. OKAY, RAISE THE CALL. MR. CLERK. [LB619]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE TAKEN WITH RESPECT TO THE ADOPTION OF FA81. [LB619]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR RECONSIDERATION MOTION. [LB619]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, NOW COMES THE FUN TIME IN THE LEGISLATURE. THAT LAST VOTE WAS THE DUMBEST ONE THAT WAS HERE. YOU ALL VOTED AGAINST ME. SENATOR LARSON WAS FOR THIS AMENDMENT. IT TOOK LANGUAGE OUT OF THIS BILL THAT WOULD HAVE MADE THE LEGISLATURE LOOK STUPID. SO BY NOT TAKING IT OUT, THE LEGISLATURE LOOKS STUPID. YOU VOTED AGAINST ME. YOU DIDN'T VOTE NO BECAUSE YOU COULDN'T BRING YOURSELF TO DO THAT. BUT FOR YOU ROOKIES WHO ARE HERE, THIS HAS HAPPENED TO ME FOR DECADES. I'M ACCUSTOMED TO IT. YOU ALL DON'T KNOW HOW TO DO THINGS. YOU DON'T KNOW WHAT THE PURPOSE OF CERTAIN THINGS ARE. SO YOU LOOK LIKE FOOLS. AND I'M BEING BLUNT SO YOU WON'T MAKE THIS MISTAKE AGAIN. NOW IF YOU DON'T LIKE THIS BILL, AND SENATOR McCOY CLAIMED NOT TO LIKE IT, THAT HE WAS FIERCELY OPPOSED TO GAMBLING, IF A BILL IS BRACKETED UNTIL NEXT YEAR, THE BILL IS DEAD. SO HE APPARENTLY WANTS TO CARRY ON THE DISCUSSION FOR A LONG PERIOD OF TIME. I HOPE YOU ALL ARE WATCHING AND AT LEAST LEARNING THAT. MAYBE YOU DIDN'T KNOW WHAT A BRACKET MOTION MEANS. A BRACKET MOTION MEANS YOU NO LONGER WILL CONSIDER THE BILL. THAT STOPS EVERYTHING IN ITS TRACKS. AND SINCE IT WAS

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BRACKETED UNTIL FEBRUARY OF NEXT YEAR...OH, THIS YEAR. YOU SEE HOW I MAKE YOU ALL LISTEN? (LAUGHTER) DO YOU SEE WHAT IT TAKES TO MAKE YOU LISTEN? AND IT GAVE YOU GREAT PLEASURE TO FIND THAT I SAID SOMETHING THAT DID NOT ACCORD WITH THE FACTS, DIDN'T IT? DID...AND SOME HAVE ADMITTED IT. YES. WHY DO YOU THINK THERE WAS SO MUCH DISCUSSION ABOUT FOUR OR TWO IF IT WAS REALLY 2017. WE WOULDN'T EVEN BE THE SAME LEGISLATURE. GIVE ME CREDIT FOR AT LEAST KNOWING WHAT YEAR IT IS IN. LOOK AT SENATOR McCOY STANDING THERE CALM, COOL, AND COLLECTED. HE WASN'T CONCERNED. HE PROBABLY CAUGHT ON WHAT WAS GOING ON ANYWAY. BUT THAT OTHER VOTE THAT YOU TOOK WAS A VOTE AGAINST ME AND YOU ALL KNOW IT. I WANT YOU TO KNOW THAT I KNOW IT. I GOT THE MESSAGE, BUT IT DOES NOT HAVE ANY IMPACT ON ME WHATSOEVER. AND SINCE THE BRACKET MOTION WAS ATTEMPTED BY WAY OF UNANIMOUS CONSENT, ONE OBJECTION DOES PREVENT THAT FROM HAPPENING. BUT THE PERSON CAN STILL MAKE A MOTION TO DO THAT. NOW IF A MOTION IS MADE TO DO THAT AND YOU WANT TO POSTPONE IT TO ANOTHER DAY, THEN YOU HAVEN'T REALLY DISPOSED OF THE BILL. AND ARE YOU GOING TO LEAVE IT THE WAY THAT IT IS WITH THE POSSIBILITY THAT IT MIGHT MAKE ITS WAY ACROSS THE BOARD OR SHOULD YOU TAKE SOME THINGS OUT OF IT? OR MAYBE I MISJUDGED THIS LEGISLATURE. MAYBE YOU ALL DO BELIEVE THAT POKER IS A GAME OF SKILL. AND MAYBE YOU DO BELIEVE THAT IT IS THE LEGISLATURE'S INTENT, IT IS YOUR INTENT TO SAY THAT IT IS A GAME OF SKILL. THAT'S THE LANGUAGE I WAS REMOVING FROM THE BILL. THE LEGISLATURE IS NOT PREPARED TO MAKE THESE DECLARATIONS. THE LEGISLATURE IS NOT PREPARED TO SAY THAT THE LANGUAGE IN THIS BILL REFLECTS THE LEGISLATURE'S INTENT. WHAT YOU'RE GOING TO HAVE THE OPPORTUNITY NOW TO SEE IS SENATOR McCOY GET INTO THE FRAY. SEE, HE'S JUST BEEN KIND OF AS THEY CALL IT IN THE NEIGHBORHOOD, LAYING BACK IN THE WEEDS, LAYING DEAD IN THE WEEDS JUST WAITING. AND IF YOU DEFEAT THE ATTEMPT TO BRACKET IT, THEN WE'LL DISCUSS IT UNTIL WE REACH A POINT WHERE SENATOR LARSON INVOKES CLOTURE. I HOPE HE LISTENS TO ME AS HE'S WALKING. HE CAN GET EVEN BY NOT INVOKING CLOTURE. THE INTRODUCER IS THE ONLY ONE WHO CAN INVOKE CLOTURE. HE DOESN'T HAVE TO INVOKE CLOTURE. HE CAN KEEP US ON THIS BILL, KEEP US ON THIS BILL UNTIL THE SPEAKER DECIDES TO TAKE IT OFF THE AGENDA. AND ONCE THE SPEAKER TAKES A BILL OFF THE AGENDA, HE SETS A PRECEDENT FOR WHAT HAPPENS THE REST OF THE SESSION. YOU ALL CERTAINLY DIDN'T THINK THAT ONE OF YOU COULD GET TIRED OF TALKING ABOUT THE BILL AND INVOKE CLOTURE, DID YOU? THE INTRODUCER INVOKES CLOTURE, INVOKES IT. AND IF THE INTRODUCER DOESN'T FEEL THERE'S BEEN SUFFICIENT DISCUSSION, AND THE SPEAKER DIDN'T INTERVENE, WE COULD

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HAVE DISCUSSED THIS BILL FOR THE REST OF THE SESSION. OR WHEN THE NEXT DAY COMES, THE SPEAKER COULD LEAVE GENERAL FILE AND GO SOMEPLACE ELSE. BUT THAT BILL WOULD BE THERE LIKE THE ALBATROSS. THE GUY WHO KILLED THE ALBATROSS WHICH WAS GOOD LUCK HAD TO WEAR IT AROUND HIS NECK, I THINK. WATER, WATER, EVERYWHERE/ AND ALL THE BOARDS DID SHRINK/ WATER, WATER, EVERYWHERE/ NOR ANY DROP TO DRINK. OH, HE SLEW THE ALBATROSS. SO I DON'T KNOW WHAT SENATOR LARSON IS GOING TO DO. HE IS NOT ME, OBVIOUSLY. BUT IF I WERE REBUKED BY THE LEGISLATURE, THEN I WOULD LET THE LEGISLATURE STEW IN THE JUICE THAT IT PREPARED TO COOK ME IN. I WOULD CONCLUDE THAT THEY LIKE THIS BILL SO MUCH THAT THEY WANT TO STAY ON IT. SO WE'RE GOING TO STAY ON IT. AND I WILL NOT INVOKE CLOTURE. IF MY COLLEAGUES WANT TO CONTINUE DISCUSSING THE BILL, THAT'S WHAT WE WILL DO. AND IF IT'S UP THERE, MAYBE SENATOR McCOY HAS DECIDED TO THROW IN THE TOWEL AND THINKS THAT I WILL CARRY THE BALL. WHO KNOWS? THERE HAS TO BE SOME MYSTERY IN LIFE AND THAT GIVES IT ITS ZEST. SOME PEOPLE MIGHT SEE KETCHUP AS A SPICE, BUT OTHERS WHO KNOW WHAT SPICES ARE SAY UH-UH. SO I'M CURIOUS NOW TO WATCH AND SEE HOW THIS WHOLE THING PLAYS OUT. I'D LIKE TO ASK SENATOR LARSON A QUESTION. [LB619]

SPEAKER HADLEY: SENATOR LARSON, WILL YOU YIELD? [LB619]

SENATOR LARSON: YES. [LB619]

SENATOR CHAMBERS: AND IF IT GOES TO THE QUESTION, REALLY, OR ISSUE OF YOUR STRATEGY, YOU DON'T...YOU KNOW, I'M NOT ASKING YOU TO ANSWER A QUESTION LIKE THAT. [LB619]

SENATOR LARSON: OKAY. [LB619]

SENATOR CHAMBERS: ARE YOU GOING TO MAKE A MOTION TO BRACKET IT? [LB619]

SENATOR LARSON: YES. [LB619]

SENATOR CHAMBERS: AND IF THAT MOTION FAILS, THEN WE'LL CONTINUE DISCUSSING THE BILL, CORRECT? [LB619]

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SENATOR LARSON: CORRECT. [LB619]

SENATOR CHAMBERS: ARE YOU THINKING ABOUT INVOKING CLOTURE ANYTIME SOON? AND THAT YOU DON'T HAVE TO ANSWER, BUT JUST THINK ABOUT IT. [LB619]

SENATOR LARSON: ALWAYS, SENATOR CHAMBERS. [LB619]

SENATOR CHAMBERS: AND WHAT AM I DISCUSSING NOW, MR. PRESIDENT, BECAUSE THE MOTION IS NOT A PRIORITY MOTION TO TAKE PRIORITY OVER WHAT I HAVE UP THERE, IS THAT CORRECT? [LB619]

SPEAKER HADLEY: YES. YOUR MOTION IS TO RECONSIDER YOUR FA81, THE VOTE ON FA81. [LB619]

SENATOR CHAMBERS: AND THAT'S WHAT WE'RE CONSIDERING NOW. [LB619]

SPEAKER HADLEY: THAT'S WHAT WE'RE CONSIDERING NOW. [LB619]

SENATOR CHAMBERS: AND I WANT THE BODY TO KNOW EXACTLY WHERE WE ARE NOW AS A RESULT OF WHAT HAPPENED. [LB619]

SPEAKER HADLEY: THAT'S EXACTLY WHERE WE'RE AT. [LB619]

SENATOR CHAMBERS: AND THE REASON THAT HAPPENS: THE MOTION THAT SENATOR LARSON OFFERED WAS A, YOU CAN CALL IT A SUPER PRIORITY MOTION. BUT ONCE IT FAILED, THEN BECAUSE HE TRIED TO DO IT BY UNANIMOUS CONSENT, IT LOSES ITS PRIORITY STATUS AND IT'S LIKE ANY OTHER MOTION. AND SINCE MINE IS A PRIORITY MOTION, IT STAYS UP THERE AND WE DISCUSS IT UNTIL THE TIME FOR DISCUSSING IT IS OVER. AND THE ONLY WAY YOU CAN SUPERSEDE WHAT I'M DOING IS TO FIND ANOTHER PRIORITY MOTION TO WHICH MINE MUST YIELD. NOW I'M ENJOYING THE DISCUSSION HERE. [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: AND ALTHOUGH I'M THE ONLY ONE SPEAKING, I'M HAVING A DISCUSSION WITH THE PUBLIC. AND YOU ALL WILL PROBABLY BE SHOCKED

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HOW MANY PEOPLE WATCH WHAT WE DO AND THE COMMENTS THAT THEY MAKE ABOUT WHAT THEY'RE SEEING. THEY MAY NOT HAVE ANY INTEREST IN THE ISSUES AT ALL, BUT WHAT THEY'RE HAVING AN INTEREST IN IS HOW THE LEGISLATURE BEHAVES AND IS ADDRESSING THESE ISSUES. AND SINCE WE'RE EARLY IN THE SESSION, I'M GOING TO CONTINUE WHAT I'M DOING AND WE'RE GOING TO SET A TONE ONE WAY OR THE OTHER. THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: SEEING NO ONE ELSE...SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB619]

SENATOR CHAMBERS: AND WHEN I GET TO MY THIRD ONE, LET ME KNOW BECAUSE SOMETIMES I GET CAUGHT UP SO MUCH I JUST FORGET WHERE I AM. MEMBERS OF THE LEGISLATURE, SO THE RECORD IS CLEAR, MY MOTION IS TO GIVE A SECOND CHANCE TO THE LEGISLATURE TO DO WHAT OUGHT TO HAVE BEEN DONE THE FIRST TIME. IF YOU DO NOT BELIEVE THE STATEMENT CURRENTLY MADE IN THIS BILL THAT POKER IS A GAME OF SKILL RATHER THAN ORDINARY GAMBLING, YOU WOULD VOTE FOR MY MOTION. IF, ON THE OTHER HAND, YOU BELIEVE IT'S A GAME OF SKILL, THEN YOU DON'T WANT TO TAKE THAT LANGUAGE OUT. AND IT DOESN'T MATTER WHETHER THE BILL PASSES OR NOT BECAUSE PEOPLE CAN PLAY POKER. AND IF THEY GET ARRESTED, THEY WILL PUSH THEIR ISSUE TO THE NEBRASKA SUPREME COURT, WHICH BASED ON THE ARGUMENT OF SENATOR LARSON, WILL SAY, INDEED POKER IS A GAME OF SKILL, CHARGES DISMISSED. AND THERE THE COURT WILL HAVE SETTLED THE ISSUE. WHEN YOU GET PAST WHAT WAS STATED AS THE FINDINGS OF THE LEGISLATURE THAT THIS IS A GAME OF SKILL, THEY WOULD CARRY YOU A STEP FURTHER. AND YOU STATED AS YOUR SPECIFIC INTENT TO FIND THAT THIS IS A GAME OF SKILL SO THAT THE COURT KNOWS THAT YOU, FROM WHAT YOU'VE SAID, INTEND TO SAY THAT IT'S A GAME OF SKILL. AND IF THERE IS A QUESTION THAT ARISES AND SOMETHING IN A LAW CAN BE INTERPRETED ONE WAY OR THE OTHER BECAUSE IT'S NOT CLEAR IN ITS WORDS EXACTLY WHAT IS MEANT, THE COURT MAY LOOK AT THE EXPRESSED INTENT OF THE LEGISLATURE IF THAT HELPS GIVE THE COURT GUIDANCE IN DETERMINING WHAT THE LEGISLATURE INTENDED. BUT THE INTENT IS NOT BINDING ON THE COURT. THE COURT CAN LOOK NOT ONLY AT THE INTENT LANGUAGE THAT THE LEGISLATURE VOTED TO ACCEPT BUT THE DISCUSSION OF THAT INTENT LANGUAGE TO SEE IF THEY MADE SENSE. AND IF THE COURT DETERMINES THAT DURING THE DISCUSSION THE LEGISLATURE DID NOT EVEN UNDERSTAND WHAT THEY WERE DOING, THEN THEY CAN JUST THROW THAT ALL OUT ENTIRELY AND JUST STRIKE THE THING DOWN. UNFORTUNATELY, WHEN PEOPLE GET IN THE

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LEGISLATURE, THEY DON'T KNOW ANYTHING ABOUT THE LAW, EVEN THE LAWYERS. THEY DON'T KNOW ANYTHING ABOUT HOW COURTS INTERPRET, CONSTRUE, OR APPLY STATUTORY LANGUAGE. SO THEY BLUNDER INTO ALL KINDS OF ERROR BECAUSE THEY LET THEIR IDEOLOGY, OR AS TODAY, YOUR ATTITUDE TOWARD THE ONE MAKING A POINT OVERRULE EVERYTHING ELSE. AND BY VOTING AGAINST THAT ONE BECAUSE YOU DON'T LIKE--LET ME NOT MAKE IT THIRD PERSON AND ALL "THEY"--ME, YOUR VOTING AGAINST ME IS MORE IMPORTANT THAN HAVING THE LEGISLATURE MAKE A LOGICAL, RATIONAL DECISION AND JUDGMENT. YOU ARE SO BLINDED THAT YOU DO SOMETHING LIKE THAT. AND YOU CALL THAT VOTING AGAINST YOUR OWN INTEREST. AND AS I'VE SAID IN THE PAST AND IT INFURIATES MY COLLEAGUES, WHEN I CAN MAKE YOU VOTE LIKE A FOOL... [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: ...THEN I OWN YOU. I OWN YOU. I CONTROL YOU. YOUR INTELLIGENCE, IF YOU HAVE ANY, DOESN'T COME INTO PLAY. AND WHEN I THROW THOSE LITTLE ASIDES IN, I MAKE YOU MORE DETERMINED AND MORE ENTRENCHED IN WHAT IT IS YOU'VE DONE. AND THAT'S WHAT I'M DOING WITH THIS DISCUSSION: FORCING YOU TO DO AGAIN THE BLUNDER THAT YOU MADE THE FIRST TIME BECAUSE YOU'RE TOO BULLHEADED, YOU'RE TOO STIFF-NECKED TO ACKNOWLEDGE AN ERROR. WHEN SENATOR KOLOWSKI STOOD UP EARLIER AND SAID THAT IN HIS OPINION, SENATOR LARSON WAS ENTITLED TO GET A VOTE ON A PROPOSITION THAT HE HAD BEFORE US THAT FAILED THE DAY BEFORE, THERE WERE PEOPLE NOT HERE BECAUSE OF AN EVENT IN OMAHA AND HE FELT THAT IT WOULD BE FAIR TO LET SENATOR LARSON GET HIS VOTE. THEN WHEN TIME CAME TO VOTE, SENATOR KOLOWSKI VOTED NO. I PAY ATTENTION TO YOU ALL. YOU THINK I DON'T PAY... [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

SENATOR CHAMBERS: YOU SAID TIME? [LB619]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB619]

SENATOR CHAMBERS: YOU ALL SHOULD LEARN FROM WHAT IS HAPPENING NOW. AND LET ME TELL YOU SOMETHING ELSE. IT'S EARLY IN THE SESSION, BUT IT'S NOT ALWAYS GOING TO BE EARLY IN THE SESSION. WE'RE GOING TO START BUMPING UP AGAINST THE END OF THE SESSION AND THE TIME IS GOING TO BE



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VERY, VERY SHORT. AND THOSE LOBBYISTS OR OTHER INTERESTS WHO ARE PULLING AND PUSHING YOU ARE GOING TO TELL YOU TO FIND A WAY TO GET THIS DONE. AND YOU'LL JUST HAVE TO SAY, THERE'S NO TIME. CHAMBERS WON'T LET US DO IT. HE'S JUST ONE MAN. STOP HIM. WELL, WE CAN'T. THEN THAT PERSON, IF THEY'VE WATCHED, WILL SAY, WELL MAYBE IF EARLIER IN THE SESSION YOU HAD SET A DIFFERENT TONE, YOU WOULDN'T BE WHERE YOU ARE NOW. I CAN TAKE THE LONG VIEW. I'VE BEEN HERE OVER FOUR DECADES. I KNOW HOW THIS GAME--AND I PUT THAT IN QUOTES--I KNOW HOW THIS GAME IS PLAYED. ALL THE TALK I'VE BEEN GIVING YOU ABOUT GAMBLING, YOU SHOULD APPLY TO THE WAY LEGISLATING OCCURS. NOW I WOULD SAY THAT WHEN IT COMES TO THE LEGISLATURE I'D BE CONSIDERED A MASTER GAMBLER. AND I WILL PREVAIL BECAUSE I KNOW HOW TO DEFEAT YOU. I CAN PUT YOU IN SUCH AN EMOTIONAL STATE THAT I CAN FORCE YOU TO VOTE AGAINST YOUR INTERESTS. AND BY DOING THAT IN VOTING AGAINST ME, YOU VOTE AGAINST YOUR INTERESTS, THEN I'VE REALLY WON BECAUSE THAT ONE ISSUE IS NOT WHAT I'M INTERESTED IN. I'M INTERESTED IN ASSERTING MY DOMINANCE OVER THIS LEGISLATURE, MY CONTROL OVER THIS LEGISLATURE, MY ABILITY TO MANIPULATE AND MANEUVER THIS LEGISLATURE. YOU'RE GOING TO BE MANEUVERED BY SOMEBODY, EITHER THE LOBBY OR SOMEBODY IN HERE. AND SINCE I'M IN HERE, I THINK YOU OUGHT TO BE SUBJECT TO ME, NOT "EMPEROR" RADCLIFFE. HE KNOWS THAT HE AND I GO WAY BACK AND WE HAVE KIND OF A WORKING RELATIONSHIP AND THERE HAVE BEEN ISSUES THAT WE'VE BEEN LOCKED TIGHT ON AND WENT THE SAME DIRECTION. BUT ON THINGS LIKE THIS, THIS BILL IS WHAT WOULD BE CALLED A PEE-WEE, FIRST OF ALL, BECAUSE IT DOESN'T MEAN ANYTHING. IF YOU PASS IT IN ANY FORM IT'S NOT GOING TO EVER BE EFFECTUATED BECAUSE IT'S NOT CONSTITUTIONAL. AND WHEN I SPEAK DURING MY CLOSING, I'M GOING TO SHOW SENATOR LARSON WHY HE OUGHT NOT BE DETERRED FROM DOING WHAT HE THOUGHT HE OUGHT TO DO BECAUSE OF SOMETHING THE ATTORNEY GENERAL WROTE. THE ATTORNEY GENERAL GAVE AN OPINION. THAT'S THE WAY HE CAPTIONED WHAT OFFERED. SO BEFORE I LAUNCH INTO THAT I WILL ASK SENATOR LARSON A QUESTION OR TWO. HOW MUCH TIME REMAINS ON THIS TIME, MR. PRESIDENT? [LB619]

SPEAKER HADLEY: 1:50. [LB619]

SENATOR CHAMBERS: I'LL ASK HIM THE QUESTION. AND, SENATOR LARSON, IF YOU CAN'T... [LB619]

SPEAKER HADLEY: SENATOR LARSON, WILL YOU YIELD? [LB619]

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SENATOR CHAMBERS: ...ANSWER IT, JUST SO YOU'LL BE ALERTED TO IT, IF YOU'LL YIELD. [LB619]

SENATOR LARSON: YES. [LB619]

SENATOR CHAMBERS: DID YOU SAY THAT THE ATTORNEY GENERAL SHOWED YOU SOMETHING IN A NEBRASKA SUPREME COURT DECISION THAT SAID CATEGORICALLY THAT DRAW POKER IS A GAME OF CHANCE, OR HE INTERPRETED IT THAT WAY? [LB619]

SENATOR LARSON: THE SUPREME COURT HAS ALREADY RULED THAT IN A CASE BACK IN THE EARLY '70s, THAT DRAW POKER WAS A GAME OF CHANCE. [LB619]

SENATOR CHAMBERS: AND THAT'S WHY YOU ACCEPTED WHAT HE SAID, NOT JUST BECAUSE YOU THOUGHT HIS OPINION SHOULD MAKE YOU CHANGE YOUR MIND. [LB619]

SENATOR LARSON: UM-HUM, CORRECT. [LB619]

SENATOR CHAMBERS: OKAY. AND, MR. PRESIDENT, I'LL WAIT UNTIL MY CLOSE BEFORE I CONTINUE. THANK YOU. [LB619]

SPEAKER HADLEY: SENATOR McCOY, YOU ARE RECOGNIZED. [LB619]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. TO KIND OF GIVE A LITTLE BIT OF INFORMATION TO THE BODY ON WHERE WE ARE AT WITH PROCEDURALLY BASED ON SOME QUESTIONS THAT I ASKED OFF THE MICROPHONE, I WANT TO CLARIFY BECAUSE I DON'T KNOW THAT THAT HAD HAPPENED THAT I CAN RECALL IN MY OVER SEVEN YEARS HERE IN THE LEGISLATURE THAT SOMEONE WOULD OBJECT TO A UNANIMOUS CONSENT MOTION TO BRACKET. HERE'S WHY I DID THAT: THE DATE ON THAT UNANIMOUS CONSENT BRACKET MOTION WAS FEBRUARY 15, 2016, WHILE WE ARE STILL IN SESSION. IT WAS NOT THE CUSTOMARY BRACKET MOTION, UNANIMOUS OR OTHERWISE, THAT TYPICALLY IS FOR EITHER THE LAST DAY OF THE SESSION OR THE LAST SEVERAL DAYS OF SESSION. NOW, I OBJECTED ON THE GROUNDS THAT WITHOUT THE TIME TO CLARIFY WITH THE CHAIR WHO ALSO HAPPENS TO BE THE SPEAKER, I DIDN'T HAVE THE OPPORTUNITY TO FIND OUT HOW THAT WOULD BE HANDLED. I NOW HAVE THAT CLARIFICATION. IF THAT WOULD HAVE

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BEEN BRACKETED UNTIL FEBRUARY 15, THE ISSUE WOULD HAVE BEEN DONE FOR TODAY. HOWEVER, IF SOMEONE IN THIS BODY WERE TO REPRIORITIZE LB619, WE COULD SEE THIS ISSUE BEFORE US AGAIN BEFORE THE END OF SESSION. THAT IS WHY THE DATE IS SIGNIFICANT ON THE BRACKET MOTION. WE MAY SEE YET ANOTHER ATTEMPT TO UNANIMOUSLY CONSENT TO BRACKET LB619 UNTIL A DATE EARLIER THAN THE LAST DAY OF SESSION. IF THAT OCCURS, I WILL OBJECT AGAIN BECAUSE THIS ISSUE, MEMBERS, MAY VERY WELL COME BEFORE US YET AGAIN WITHOUT DOING THAT BEFORE THE END OF THIS SESSION. SO IN A WAY OF JUST SO THE BODY KNOWS WHERE WE ARE AT IN THIS PROCESS, THAT'S WHAT'S GOING ON HERE. I'VE SAID ALL ALONG I DON'T LIKE THIS BILL. I DON'T LIKE EXPANDED GAMBLING. THIS MAY BE THE ONE RARE TIME THAT I MAY HAVE FIGURED SOMETHING OUT ON THIS ISSUE THAT SENATOR CHAMBERS DIDN'T KNOW WHERE I WAS GOING. AND CONTRARY TO WHAT HE THINKS PERHAPS ON THIS ISSUE, I AM ON THE SAME POSITION HE'S ON. BUT AS HE IS WONT TO SAY, THE RULES ARE THERE TO BE USED. I WOULD APPLAUD SENATOR LARSON AND THE PROPONENTS OF THIS BILL FOR FINDING OUT A CLEVER WAY TO POTENTIALLY GIVE NEW LIFE, BREATHE NEW LIFE INTO THIS OTHERWISE NEARLY EXTINCT BILL LATER ON THIS SESSION BY MEANS OF A VERY CLEVER UNANIMOUS CONSENT MOTION. THAT'S THE NATURE... THAT WAS THE NATURE OF MY OPPOSITION AND WOULD BE THE NATURE OF MY OPPOSITION IF SUCH A MOTION IS OFFERED. IT'S NOT THAT I WANT TO CONTINUE TO CAUSE THE LEGISLATURE TO DEBATE THIS ISSUE--FAR FROM IT. I'D LIKE NOTHING BETTER THAN TO MOVE ON TO THE NEXT ITEM OF THE AGENDA. BUT I WOULD RATHER NOT FACE THIS ISSUE AGAIN LATER ON IN THIS SESSION, BECAUSE I KNOW THE SPEAKER'S POLICY IS TO NOT BRING BACK A PIECE OF LEGISLATION THAT IS A PRIORITY BILL IF IT HAS BEEN BRACKETED. BUT I DON'T KNOW THAT I'VE FACED A SITUATION THAT A PIECE OF LEGISLATION... [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR McCOY: ...WOULD BE REPRIORITIZED IN A LEGISLATIVE SESSION. THEREIN LIES THE NATURE OF MY OPPOSITION TO THIS BILL AND TO THIS ISSUE. I HOPE THIS BILL GOES AWAY AND THAT SENATOR LARSON, AS HE HAS SAID A NUMBER OF TIMES ON THIS ISSUE OVER THE LAST TWO DAYS, HE SAYS 86 PERCENT OF POKER HANDS END WITHOUT ANYONE SHOWING THEIR CARDS. WELL, I WOULD WISH SENATOR LARSON TO REALIZE WHAT POSITION HE'S IN AND TO FOLD HIS HAND. THANK YOU, MR. PRESIDENT. [LB619]

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SPEAKER HADLEY: THANK YOU, SENATOR McCOY. SEEING NO ONE ELSE IN THE QUEUE WISHING TO SPEAK, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION TO RECONSIDER. [LB619]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, TO MAKE IT CLEAR WHAT IS BEING RECONSIDERED, THE ORIGINAL ITEM I HAD ON THE DESK WAS AN AMENDMENT THAT WOULD HAVE STRICKEN FROM THE COMMITTEE AMENDMENTS SECTION 5. SECTION 5 CONTAINS THE FINDINGS THAT WILL BE MADE BY THE LEGISLATURE SAYING IN EFFECT THAT THE LEGISLATURE SAYS THAT POKER IS A GAME OF SKILL, NOT A GAME OF CHANCE. THEN AFTER MAKING THAT ASSERTION--AND I'M SIMPLIFYING--THE LEGISLATURE AS IF TO UNDERLINE IT SAYS IT IS THE LEGISLATURE'S INTENT TO DECLARE THIS TO BE THE CASE. AND I OFFERED THE OPPORTUNITY TO STRIKE THAT LANGUAGE FROM THE BILL. LISTENING TO WHAT LITTLE DISCUSSION HAS OCCURRED, I HAVEN'T HEARD ANYBODY SAY THAT THE LEGISLATURE IS THE ONE DETERMINING THAT THIS IS A GAME OF SKILL. THEY MIGHT ARGUE WHAT STATISTICIANS OR EXPERTS OR WRITERS HAVE SAID. BUT THIS LANGUAGE DOES NOT SAY, BASED ON STATISTICAL ANALYSIS, THE STATEMENTS AND TESTIMONY OF EXPERTS, THE LEGISLATURE THEN SO AND SO. THE WAY THIS IS WRITTEN, THE LEGISLATURE JUST OUT OF A CLEAR BLUE SKY IS SAYING THAT POKER IS A GAME OF SKILL. I DOUBT THAT MOST PEOPLE HERE PLAY MUCH POKER, AND I SAID I DOUBT IT. I DIDN'T SAY THE MAJORITY DON'T. BUT THEN TO GO FURTHER AND SAY IT IS THE INTENT OF THE LEGISLATURE AND IN ORDER THAT MY PARAPHRASE DOES NOT MISSTATE, I MAY AS WELL TAKE THE TIME TO READ INTO THE RECORD ALL OF THE LANGUAGE THAT WOULD BE STRICKEN. THE LEGISLATURE FINDS THAT: CERTAIN POKER GAMES REQUIRE SKILL AND PLAYERS THAT ARE ABLE TO DEVELOP THAT SKILL MAY BECOME PROFESSIONAL POKER PLAYERS; AND WHILE POKER DOES HAVE A RANDOM COMPONENT IN THE CARDS THAT PLAYERS ARE DEALT, THERE IS MORE SKILL THAN LUCK FOR SUCCESSFUL POKER PLAYERS IN GAMES WHERE THE PLAYER IMPLEMENTS A STRATEGY BY MAKING DECISIONS THAT INFLUENCE THE OTHER PLAYERS AND ULTIMATELY THE GAME'S OUTCOME. IT IS THE INTENT OF THE LEGISLATURE TO RECOGNIZE VARIOUS FORMS OF THE CARD GAME POKER AS GAMES OF SKILL. THAT'S LIKE SAYING IT'S A GAME OF SKILL, AND THEN THE NEXT SENTENCE, AND WE MEAN IT. NOW, IT DOESN'T SAY WHEN IT TALKS ABOUT IMPLEMENTING A STRATEGY BY MAKING DECISIONS THAT INFLUENCE THE OTHER PLAYERS AND ULTIMATELY THE GAME'S OUTCOME. SUPPOSE THE STRATEGY IS TO PULL A GUN ON ALL OF THEM AND SAY GIVE ME YOUR MONEY. THAT CERTAINLY INFLUENCES THE GAME AND DETERMINES THE OUTCOME.

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THAT'S OBVIOUSLY NOT WHAT IS...WELL, LET ME SAY REASONABLY THAT WOULD NOT BE WHAT IS INTENDED. [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: IF YOU LIKE THAT LANGUAGE, THEN YOU OUGHT TO JUST VOTE AGAINST THE MOTION. BUT NOW YOU GET A CHANCE TO VOTE AGAINST THE LANGUAGE UNDER THE PRETEXT OF VOTING AGAINST MY RECONSIDERATION MOTION. I CAN SEE THINGS MAYBE THAT YOU DON'T EVEN SEE. BUT YOU SENSE IT, YOU FEEL IT, YOU INTUIT IT, THAT THIS IS A WAY OUT SO YOU'LL TAKE IT. AND BECAUSE OF THAT, MR. PRESIDENT, I'M GOING TO ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE IN REVERSE ORDER. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB619]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB619]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR HANSEN, SENATOR BURKE HARR, SENATOR SCHNOOR, SENATOR KUEHN, SENATOR GLOOR, SENATOR DAVIS, SENATOR SCHILZ, SENATOR COASH. SENATOR SCHILZ, THE HOUSE IS UNDER CALL. MR. CLERK, THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. [LB619]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 295-296.) 31 AYES, 2 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER. [LB619]

SPEAKER HADLEY: THE MOTION TO RECONSIDER PASSES. MR. CLERK. RAISE THE CALL. [LB619]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR LARSON WOULD MOVE TO BRACKET LB619 UNTIL FEBRUARY 15 OF 2016. [LB619]

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SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON YOUR BRACKET MOTION. [LB619]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I WOULD HAVE PREFERRED NOT TO HAVE TO DO IT THIS WAY, OR HAD TO EVEN, AS SENATOR CHAMBERS POINTED OUT THE RULES, EVEN GONE THROUGH THAT RECONSIDERATION MOTION. SENATOR McCOY OFFERED HIS ELOQUENT EXCUSE TO WHICH HE DID WHAT HE DID AND ENCOURAGED ME TO FOLD. WELL, WHAT HE DIDN'T MENTION IN HIS WORRY AND HASTE ABOUT THE POSSIBILITY OF THIS COMING BACK TO THAT OBJECTION AND CAUSED US TO SIT HERE FOR AN EXTRA HOUR AND LISTEN TO THE SWEET TONES OF SENATOR CHAMBERS' VOICE WAS THAT IF I DID INVOKE CLOTURE AND IT FAILED, I STILL COULD HAVE REPRIORITIZED IT, AND IT WOULD HAVE COME BACK, OR IF WE HIT THE 3:00 TIME AND SPEAKER HADLEY PULLS IT OFF THE AGENDA AS IT IS HIS RIGHT AS THE SPEAKER WITHOUT A VOTE, I COULD STILL REPRIORITIZE IT WITH MY 2016 PRIORITY AND IT COULD COME BACK. SO THE NONSENSE OF THE DATE IN WHICH IT WAS BRACKETED TO, THOUGH AT FIRST BLUSH MAY OFFER A SMALL DEFENSE, TO THINK THROUGH THE REST OF THE RULES WOULD HAVE BEEN MORE ADEQUATE. AND UNDERSTAND THAT I WAS TRYING TO SAVE THE BODY TIME. I WAS TRYING TO MOVE ON TO THE NEXT BILL KNOWING THAT THE VOTES MIGHT NOT HAVE BEEN THERE TODAY. I COULD HAVE, WITH CLOTURE AT 3:00, SAID, NO. YOU KNOW WHAT, I'M GOING TO BE PETULANT AND FORCE THE CLOTURE VOTE. BUT INSTEAD I TRIED TO STOP, UNDERSTANDING THE VOTES WEREN'T THERE AND MOVE FORWARD AND MOVE ON. SENATOR McCOY WANTS THIS BILL DEAD TO WHERE IT DOESN'T COME BACK. WELL, THAT'S NOT A POSSIBILITY. HAD I INVOKED CLOTURE, STILL COULD HAVE...HAD SPEAKER HADLEY PULLED IT, STILL COULD HAVE. SO IN YOUR PLEA TO ASK ME TO FOLD, IT WAS RIGHT IN FRONT OF YOUR EYES, YET YOU COULDN'T READ THE CARDS, OR AT LEAST THE PERSON'S FACE IN WHAT WAS ACTUALLY HAPPENING. SO THANK YOU, AGAIN, AS MUCH AS I LOVE THE SWEET SERENADE OF SENATOR CHAMBERS' VOICE, FOR FORCING ME TO LISTEN TO HIM FOR ANOTHER HOUR WHEN WE DIDN'T HAVE TO. SENATOR CHAMBERS CONTINUALLY TALKS ABOUT THE RULES AND UNDERSTANDING THE RULES. I UNDERSTOOD THEM. I WANTED IT TO END, AND I WAS TRYING FOR MY COLLEAGUES TO MAKE IT END QUICKLY AND WITHOUT DEBATE. I DON'T KNOW WHY SENATOR McCOY WANTED THIS TO DRAG ON. IT DOES NOT MAKE SENSE. BUT I WOULD URGE YOU TO SUPPORT 2/15 WITHOUT...MY BRACKET MOTION TO BRACKET IT UNTIL 2/15/16. AND I'M NOT SURE, I WOULD URGE SENATOR CHAMBERS TO NOT TURN ON HIS LIGHT SO WE CAN JUST VOTE ON THIS AND MOVE ON TO THE NEXT ONE, SO I DON'T HAVE TO INVOKE CLOTURE AT 3:00, SO I DON'T HAVE TO DO ANOTHER CALL OF THE

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HOUSE, SO I DON'T HAVE TO PULL EVERYONE UP HERE. LET'S JUST END IT AND SAVE THE TEN MINUTES. MAYBE SPEAKER HADLEY WILL LET US OUT AT 4:45 TODAY IF WE CAN SAVE THESE TEN MINUTES. THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR LARSON. IS THERE ANYONE WISHING TO SPEAK? SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB619]

SENATOR CHAMBERS: YES, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THE WAY I OPERATE IS IF I'M A PART OF AN AGREEMENT, I ABIDE BY IT. BUT JUST BECAUSE EVERYBODY ELSE GETS TIRED IS NOT A REASON FOR ME TO SAY I WON'T SPEAK ANYMORE. I'LL SPEAK AND SPEAK AND SPEAK AS LONG AS THE OPPORTUNITY IS THERE IF I CHOOSE TO DO SO. WHEN THESE ISSUES ARE BROUGHT BEFORE US, I AM GOING TO DEAL WITH THEM IN THE WAY THAT I THINK I SHOULD. SENATOR McCOY MAY HAVE GIVEN A BETTER LESSON, OBJECT LESSON, THAN EVEN HE REALIZES. AND I'M NOT GOING TO TELL YOU WHAT IT IS, BUT I'LL GIVE YOU A HINT: PAY ATTENTION TO THE THINGS THAT HAPPEN AND WHAT RESULTS WHEN THOSE THINGS HAPPEN AND WHY THE ONE WHO INITIATES IT DOES IT. YOU COULD BE IN A SIMILAR SET OF CIRCUMSTANCES AND IT'S UP TO YOU IF YOU CAN THIS LATE IN THE DAY, FOLLOW WHAT IS HAPPENING, INCORPORATE THOSE THINGS AS A LESSON TO BE APPLIED LATER. IT'S NOT JUST TODAY AND IT GOES AWAY AND HAS NO MORE SIGNIFICANCE. IF THAT'S THE WAY INSTRUCTION OCCURRED, YOU COULD READ A PAGE IN A BOOK AND AFTER YOU READ THE PAGE, THEN YOU NEVER COME BACK TO IT AGAIN. THAT'S NOT THE WAY INSTRUCTION OCCURS. YOU DIGEST WHAT HAS BEEN PRESENTED TO YOU. YOU MAKE IT YOUR OWN. YOU FILE IT AWAY. THEN WHEN IT'S APPROPRIATE AND A SIMILAR SET OF CIRCUMSTANCES WILL COME THAT ELICITED THAT IN THE FIRST PLACE, THEN YOU'RE A STEP AHEAD BECAUSE YOU HAVE SOMETHING THAT YOU CAN JUST PULL OUT AND PUT IT ON THE TABLE. BUT MAYBE YOU DON'T FEEL THAT WAY ABOUT SOME THINGS. SEE, IT'S CLEAR THAT SENATOR McCOY AND I DON'T SEE EYE TO EYE, AND I'LL TELL YOU EXACTLY WHY: BECAUSE HE LOOKS STRAIGHT AHEAD AND I LOOK STRAIGHT AHEAD AND SINCE HE'S TWO FOOT TALLER THAN I AM, WE CAN NEVER SEE EYE TO EYE. THAT'S LOGICAL--BIOLOGICAL TOO. BUT I AM SMART ENOUGH TO KNOW THAT OTHER PEOPLE KNOW THINGS. AND SOMETIMES THE WAY YOU GET FROM A PERSON THE MOST THAT HE OR SHE HAS IS TO PROVOKE THAT PERSON SO EVERYTHING COMES TUMBLING OUT AS AN ARGUMENT AGAINST YOU, BUT YOU THEN JUST SIT BACK AND LET THEM PUT OUT EVERYTHING THEY KNOW AND YOU PICK IT ALL UP. AND WHEN PEOPLE SPEAK IN ANGER, THEY DON'T PAY ATTENTION TO WHAT THEY SAY. THEY'RE NOT EVEN AWARE THEY SAY IT. AND

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THEN YOU BRING IT UP AND THEY SAY I DIDN'T SAY THAT. THEN YOU BRING THE TRANSCRIPT AND THEY DID. SO IN THIS PLACE, LIKE THE REFEREE SAYS IN A BOXING MATCH AT THE BEGINNING, PROTECT YOURSELF AT ALL TIMES, EVEN WHEN YOU'RE TIRED. IF THE GAME IS STILL GOING ON, DON'T LOSE TOUCH, STAY ENGAGED. YOU THINK I LEARN SOMETHING EVERY TIME SOMEBODY SAYS SOMETHING? NO, BECAUSE NOT EVERYTHING SAID IS DESIGNED TO TEACH ANYTHING. SOMETIMES, AS WITH MUCH OF WHAT I SAY, IT'S TO RUN TIME OFF THE CLOCK. SO I CANNOT ACCEDE TO WHAT SENATOR LARSON WOULD LIKE TO SEE AT THIS POINT WHICH IS MAYBE THAT I DON'T SAY VERY MUCH. BUT HE BROUGHT THE BILL BEFORE US. HE WANTED IT DISCUSSED AND THE DISCUSSION IS TAKING PLACE. BUT HE NO LONGER HAS CONTROL OVER THIS BILL. I'LL TELL YOU ONE THING THAT HE HAS. HE CAN... [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: ...PULL IT IF HE WANTS TO. HE CAN PULL IT IF HE WANTS TO. SO HE HAS ULTIMATE CONTROL. IF HE THINKS HE HASN'T GOT THE VOTES WHEN CLOTURE COMES, THAT HAPPENS. AND IF HE DOESN'T GET THE VOTES, THEN THAT DOES TAKE IT AWAY BASED ON THE WAY THINGS HAVE DONE. THIS IS NOT A PRIORITY BILL. THIS IS A CARRYOVER BILL. IT WAS HERE LAST TIME. AND THE NEXT BILL IS NOT A PRIORITY BILL. BUT WE'RE GOING TO BE ON IT A LONG, LONG TIME ALSO. AND THE THING THAT MAKES MY TASK EASY IS THAT I DON'T LIKE EITHER OF THESE TWO BILLS, BUT I DISLIKE THE NEXT ONE FAR MORE THAN I LIKE THIS ONE. IT SEEMS THAT SENATOR LARSON HAS... [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB619]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I MAY HAVE BEEN MISTAKEN IN WHAT I THOUGHT I HEARD, BUT I BELIEVE I HEARD SENATOR LARSON SAY THAT HE COULD PUT A PRIORITY ON THIS AND BRING IT BACK NEXT YEAR. I BELIEVE THAT NOT TO BE THE CASE. ALL BILLS DIE AT THE END OF THE BIENNIUM. IF HE CHOOSES TO BRING IT BACK NEXT YEAR, IT WILL REQUIRE A NEW HEARING AND EVERYTHING THAT IS INVOLVED IN THAT NEW



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HEARING. I JUST WANTED TO POINT THAT OUT, MR. PRESIDENT, AND I'D YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB619]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE YIELDED 4:13. [LB619]

SENATOR CHAMBERS: THANK YOU, SENATOR BLOOMFIELD. THANK YOU, MR. PRESIDENT. AND I'LL LET SENATOR LARSON CLARIFY WHAT HE SAID BECAUSE MAYBE I DIDN'T HEAR HIM CORRECTLY. BUT SINCE WE'RE AT THIS POINT NOW WHERE WE'RE JUST WINDING OUR WAY TO THE POINT WHETHER SENATOR LARSON WILL INVOKE CLOTURE OR NOT, IF HE INVOKES CLOTURE AND DOESN'T GET IT, THAT DOESN'T KILL THE BILL AS A SUCCESSFUL VOTE TO KILL IT WOULD DO. IT TAKES IT OFF THE AGENDA. BUT SINCE IT'S NOT DEAD, HE COULD PRIORITIZE IT FOR THIS SESSION AND WE'RE NOT THROUGH WITH IT. FOR THOSE WHO MAY NOT BE AWARE OF IT, I REINTRODUCED MY MOUNTAIN LION BILL THAT THE COMMITTEE KILLED JUST A FEW DAYS AGO. AND SO PEOPLE WON'T MISUNDERSTAND, SENATOR SCHILZ WAS NOT CUTTING THE GROUND OUT FROM UNDER ME. SENATOR SCHILZ AND I HAD A DISCUSSION BEFORE THE SESSION STARTED, AND I ASKED WHAT WAS GOING TO BE DONE WITH MY MOUNTAIN LION BILL. AND I FORGET EXACTLY WHAT HE SAID, BUT IT WAS PRETTY CLEAR THAT IT PROBABLY WOULD NOT COME OUT OF THE COMMITTEE. AND I MADE IT CLEAR THAT IF SOMETHING IS DONE AND IT'S DONE BEFORE THE TENTH DAY OF THE SESSION, THEN I WOULD REINTRODUCE THE BILL. HAD THE COMMITTEE NOT TAKEN ANY ACTION AND THE BILL WAS STILL ALIVE, EVEN THOUGH THEY WOULDN'T ADVANCE IT I WOULD NOT HAVE INTRODUCED THAT SAME BILL AGAIN. SO IN A WAY IT WAS A FAVOR TO ME, BUT I'M NOT GOING TO CALL IT THAT BECAUSE THAT'S A BLOODTHIRSTY, CUTTHROAT COMMITTEE WHEN IT COMES TO ME. BUT I'LL TELL YOU HOW I'M GOING TO DO WHEN I GO BEFORE THEM, YOU LEARN. THE SAME MURDERERS WHO MURDERED MY BILL (LAUGH) WILL BE THERE WHEN MY NEW BILL COMES. SO THAT'S NOT GOING TO BE A LONG HEARING. I'M GOING TO SIMPLY STATE I KNOW WHAT THEY'RE GOING TO DO. THERE'S NO NEED IN ME WASTING MY TIME OR THE COMMITTEE'S TIME. I'M PRESENTING THE BILL, I BELIEVE IN IT, AND I'LL SAY A FEW WORDS. BUT I WON'T TRY TO GIVE THE ARGUMENTS THAT WOULD BE DESIGNED TO INFLUENCE ANYBODY TO DECIDE A CERTAIN WAY. THAT'S THE WAY I WILL OPERATE. SO THAT'S WHY I'M REINTRODUCING MY MOUNTAIN LION BILL. SENATOR LARSON'S BILL WILL NOT HAVE BEEN KILLED. SO IF HE WANTS TO PRIORITIZE IT, HE CAN, IN MY OPINION. BUT BACK TO THE WORK AT HAND, SENATOR LARSON DOES NOT HAVE TO INVOKE CLOTURE. AND I DON'T KNOW WHETHER THE SPEAKER HAS TOLD HIM THAT IF YOU REACH THE POINT WHERE CLOTURE COULD BE INVOKED AND YOU DID NOT ATTEMPT TO DO THAT, THEN

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THE BILL WILL BE TAKEN OFF THE AGENDA. I DON'T KNOW THAT I SEE THAT ON HERE. AND I DON'T THINK I SEE A TIME CERTAIN WHEN THE NEXT BILL WILL COME UP. SO SENATOR LARSON COULD KEEP THIS BILL UP FOR THE REST OF THE AFTERNOON. [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: AND HE DOESN'T HAVE TO WORRY TOO MUCH ABOUT IT TOMORROW BECAUSE I THINK WE JUST GO UNTIL NOON. SENATOR LARSON IS NOT ME. BUT IF HE WERE... WELL, I DON'T HAVE ENOUGH TIME TO DEVELOP THAT. IS THAT MY THIRD TIME OR MY SECOND? [LB619]

SPEAKER HADLEY: YOU HAVE ONE MORE. [LB619]

SENATOR CHAMBERS: THANK YOU. [LB619]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB619]

SENATOR CHAMBERS: I WANT TO CLARIFY FOR EVERYBODY THE EXPRESSION THAT YOU OFTEN HEAR WHERE PEOPLE SAY IF I WERE YOU, THIS IS WHAT I WOULD DO. NO, THEY WOULDN'T. IF THEY WERE ME, THEY WOULD DO EXACTLY WHAT I DID. AND IF THEY DID SOMETHING DIFFERENT, THEY WERE NOT ME. SO WHAT THEY MEAN DESPITE NOT SAYING IT, IF THEY WERE IN THE POSITION THAT I AM IN AND TO THAT EXTENT THEY WERE ME BUT THEY CONTINUE TO THINK THE WAY THEY THINK, THEN HERE IS WHAT THEY WOULD DO. SO IF THEY WANTED TO BE CORRECT THEY COULD SAY IF I WERE YOU AND THINK AS I THINK NOW, THEN I WOULD DO THIS. BUT IF THEY SIMPLY WERE ME, THEY WOULD DO EXACTLY WHAT I HAD DONE. I WANT ALL THAT CLEAR FOR WHAT I'M GOING TO SAY. IF I WERE IN SENATOR LARSON'S POSITION AND THINK THE WAY I THINK, I WOULD NOT INVOKE CLOTURE. I WOULD JUST BE LIKE OLD MAN RIVER. I'D JUST KEEP ROLLING ALONG, JUST ON AND ON AND ON. BUT SENATOR LARSON, HE'S TOO YOUNG TO DO THAT. SEE, WHEN YOU'RE YOUNG YOU DON'T HAVE THE STRENGTH OF THESE OLD GUYS LIKE ME WHO ARE OVER THE HILL, WHO ARE RELICS, WHO ARE ON THEIR LAST LEG, WHO DON'T HAVE THE STAMINA, WHO DON'T HAVE THE STRENGTH, WHO IF YOU HIT THEM WITH A FEATHER THEY'D FALL OVER. BUT THESE YOUNGSTERS, THEY RUN OUT OF GAS QUICKLY. AND I'M GOING TO SAY LIKE DONALD TRUMP SAID ABOUT FOOTBALL WHERE HE WAS WRONG: THESE YOUNGSTERS HAVE BECOME SOFT JUST LIKE THIS COUNTRY. THEY WILL NOT STAND. HE'S GOING TO FOLD. HE'S GOING TO

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FOLD. AND I BELIEVE IN OBJECT LESSONS. I'M NOT GOING TO DO A MAGIC TRICK. AND ON THE OTHER HAND, I MIGHT. HE'S GOING TO FOLD JUST LIKE THAT PIECE OF PAPER. I FOLD IT. I FOLD IT AGAIN. AND I TEAR IT. AND I TEAR IT AGAIN. ARE YOU WATCHING? AND IT IS STILL TORN. TRICKED YOU, DIDN'T I? YOU THOUGHT THERE HAS TO BE SOMETHING I'M GOING TO SEE THAT I DIDN'T SEE. NOW, IF I REALLY WANTED TO GET YOU, I WOULD RECONFIGURE THIS PAPER. AND ONE OF THESE DAYS I'M GOING TO BE TALKING. SOMEBODY IS GOING TO MAKE A STATEMENT. AND IT'S GOING TO GIVE ME THE OPPORTUNITY TO TALK ABOUT MAGIC. AND I'LL SAY, THAT'S NOT MAGIC. IF THAT PERSON WERE MAGIC, MY EYEGLASSES WOULD LEVITATE. AND WHEN YOU SEE ME WAVE AT THEM AND THEY RISE OFF THE TABLE, THAT WILL BE...IT WILL BE AN ILLUSION BUT YOU'LL THINK THAT IT MUST BE MAGIC. BUT THERE IS NO MAGIC. IF I COULD WORK MAGIC, I WOULD PUT INTO SENATOR LARSON AN UNDERSTANDING OF WHAT IT IS THAT I'M TALKING ABOUT. HE WOULD BE SETTING A TONE. HE WOULD BE LETTING YOU KNOW WHAT YOU'RE DEALING WITH WHEN YOU'RE DEALING WITH SENATOR LARSON. BUT WHEN YOU CAN LOOK BACK THERE AND SEE THAT HE'S WORN OUT, HE'S TRYING TO FIND A WAY TO ESCAPE, HE'S GIVEN UP, THEN WHY SHOULD YOU GIVE HIM ANY QUARTER? YOU DON'T. BUT IF HE LETS YOU KNOW THAT I'M NOT GOING TO INVOKE CLOTURE, WE'RE GOING TO BE ON THIS BILL ALL DAY TODAY. THEN WE'LL BE ON IT TOMORROW. THEN MAYBE I'LL INVOKE CLOTURE. [LB619]

SPEAKER HADLEY: ONE MINUTE. [LB619]

SENATOR CHAMBERS: I WON'T GET THE VOTES AND THEN I'LL PRIORITIZE IT. AND IT'D BE LIKE HENRY THE EIGHTH, SECOND VERSE, SAME AS THE FIRST. AND EVERYBODY WILL SAY, HOW IN THE WORLD DID THAT HAPPEN? HOW DID SENATOR LARSON KNOW TO DO THAT? BUT DON'T WORRY ABOUT IT, HE'S GOING TO BAIL OUT. THIS IS A GAMBLING BILL. I WILL BET \$3 AGAINST \$1 THAT HE'S GOING TO BAIL OUT. THAT MAKES IT JUST A FRIENDLY LITTLE WAGER. WE'RE NOT REALLY GAMBLING. IT'S JUST THAT I BELIEVE THREE TIMES MORE THAN WHAT HE BELIEVES AND I'LL MATCH MY THREE TIMES OF BELIEF AGAINST HIS ONE. BUT HE WON'T EVEN TAKE THAT. AND HERE'S WHY IT WOULD NOT BE GAMBLING, BECAUSE HE CONTROLS THE OUTCOME, HE MAKES THE DETERMINATION. BUT I'M BETTING, REALLY, THAT I KNOW WHAT HE IS GOING TO DO. I'M BETTING THAT I'VE READ HIS MIND. [LB619]

SPEAKER HADLEY: TIME, SENATOR. [LB619]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB619]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB619]

CLERK: MR. PRESIDENT, SENATOR LARSON WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB619]

SPEAKER HADLEY: IT'S THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE RECORDED TO LB619. SENATOR LARSON, FOR WHAT PURPOSE DO YOU RISE? [LB619]

SENATOR LARSON: CALL OF THE HOUSE, ROLL CALL VOTE. [LB619]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB619]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB619]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR HANSEN, SENATOR MORFELD, SENATOR BURKE HARR, SENATOR SCHNOOR...MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. ALL THOSE IN...MR. CLERK, THERE HAS BEEN A...ASKED FOR A ROLL CALL VOTE. [LB619]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 296-297.) 16 AYES, 29 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB619]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE. DEBATE ENDS FOR THE BILL. I RAISE THE CALL. MR. CLERK, FOR ITEMS. [LB619]

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CLERK: I DO, MR. PRESIDENT, THANK YOU. MR. PRESIDENT, I HAVE NEW BILLS: (READ LB978-LB986 BY TITLE FOR THE FIRST TIME.) MR. PRESIDENT, I ALSO HAVE NEW RESOLUTIONS: SENATOR CRAIGHEAD'S LR407 AND LR408 AND LR409 AND LR410; THOSE WILL ALL BE LAID OVER. SENATOR COASH OFFERS LR411; THAT, LIKEWISE, WILL BE LAID OVER. HEARING NOTICES FROM THE JUDICIARY COMMITTEE, THE EXECUTIVE BOARD, THE RETIREMENT SYSTEMS COMMITTEE, HEALTH AND HUMANS SERVICES COMMITTEE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 297-302.) [LB978 LB979 LB980 LB981 LB982 LB983 LB984 LB985 LB986 LR407 LR408 LR409 LR410 LR411]

SENATOR KRIST PRESIDING

SENATOR KRIST: THANK YOU, MR. CLERK. NEXT ITEM ON THE AGENDA.

CLERK: LB113 IS A BILL INTRODUCED BY SENATOR LARSON. (READ TITLE.) INTRODUCED ON JANUARY 8 OF LAST YEAR. AT THAT TIME REFERRED TO THE JUDICIARY COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE JUDICIARY COMMITTEE AMENDMENTS PENDING. (AM508, LEGISLATIVE JOURNAL PAGE 694, FIRST SESSION, 2015.) [LB113]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR LARSON, YOU ARE RECOGNIZED TO OPEN ON YOUR BILL. [LB113]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I WAS HOPING TO GET THIS...TO THIS BILL AN HOUR AND...A LITTLE OVER AN HOUR AGO. BUT I'M GLAD WE'RE FINALLY HERE. I COME BEFORE YOU ONCE AGAIN TO DISCUSS LB113, A PRIORITY BILL FROM 2015. LB113 PROPOSES TO CREATE AN INMATE COPAY PROGRAM FOR THE STATE OF NEBRASKA. PURSUANT TO THIS LEGISLATION, AN INMATE WHO IS HOUSED IN EITHER A COUNTY JAIL OR A STATE CORRECTIONAL FACILITY WILL BE CHARGED A MINIMUM \$10 COPAY FOR A NONEMERGENCY, SELF-INITIATED VISIT TO A HEALTHCARE PROVIDER. PLEASE KEEP IN MIND AS WE MOVE FORWARD, THE COMMITTEE...FORWARD THAT THE COMMITTEE AMENDMENT, WHICH I URGE YOU TO SUPPORT, CHANGES THE PROVISION TO A MAXIMUM OF A \$10 COPAY FOR SUCH SERVICES. THE COPAY WOULD BE DEDUCTED FROM ANY EXISTING BALANCE IN THE INMATE'S PERSONAL ACCOUNT. AN INMATE WILL NOT BE DENIED HEALTHCARE IF HE OR SHE DOES NOT HAVE THE SUFFICIENT FUNDS AVAILABLE TO PAY THE COPAY. HOWEVER, THIS BILL DOES REQUIRE THAT 50 PERCENT OF ANY FUNDS DEPOSITED INTO THE INMATE'S ACCOUNT ARE TO BE WITHHELD UNTIL THE COPAY HAS BEEN PAID IN FULL. LB113 MAKES

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SEVERAL EXCEPTIONS FOR SITUATIONS WHERE INMATES WOULD NOT HAVE TO PAY A COPAY. INMATES WOULD NOT HAVE TO PAY A COPAY FOR ANY KIND OF EMERGENCY CARE, ANY KIND OF MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT, ANY SITUATION OF STAFF INITIATED CARE, OR FOR ANY TREATMENT OF CHRONIC ILLNESS AMONG MANY OTHER EXCEPTIONS. THE CONCEPT BEHIND THIS BILL WAS BROUGHT TO ME BY A COUNTY SHERIFF IN MY LEGISLATIVE DISTRICT. HE EXPLAINED TO ME HOW EXPENSIVE IT WAS FOR COUNTIES TO PROVIDE MEDICAL SERVICES TO INMATES HOUSED IN THE COUNTY JAILS. HE FURTHER EXPLAINED THE FRUSTRATION BEHIND...OF INMATES ABUSING THE MEDICAL SERVICES AVAILABLE TO THEM. OFTEN IN HIS EXPERIENCE, INMATES WHO ARE BORED WILL USE A TRIP TO THE DOCTOR TO FILL TIME, EVEN IF THERE IS NOTHING MEDICALLY WRONG WITH THE INMATE. THE SHERIFF ALSO MENTIONED THAT INMATES WILL VISIT THE DOCTOR THINKING IT WILL HELP THEM GET OUT OF JAIL EARLY. IT IS THIS KIND OF UNNECESSARY HEALTHCARE VISITS THAT THIS BILL IS ATTEMPTING TO DETER. WHEN I FIRST INTRODUCED THIS BILL IN 2013, NEBRASKA SPENT \$19.1 MILLION ON INMATE MEDICAL CARE. THERE WAS AN AVERAGE DAILY INMATE POPULATION OF 4,600 INMATES HOUSED IN THE STATE'S CORRECTIONAL FACILITIES. WHEN YOU DO THE MATH, THAT MEANS THE STATE SPENT APPROXIMATELY \$11 PER DAY TO PROVIDE MEDICAL CARE TO ITS ENTIRE INMATE POPULATION. COUNTIES ALSO SPEND SIGNIFICANT AMOUNTS OF MONEY EACH YEAR TO PROVIDE MEDICAL SERVICES TO INMATES. DOUGLAS COUNTY ALONE SPENT \$41 MILLION ON INMATE MEDICAL CARE IN THE 2010-2011 FISCAL YEAR. LANCASTER COUNTY SPENT OVER \$2 MILLION ON ITS INMATE MEDICAL SERVICES, WHILE COUNTIES LIKE SARPY AND MADISON SPENT WELL OVER \$55,000. THIS BILL CAN HELP RELIEVE STATE AND COUNTIES OF PART OF THE GROWING EXPENSE RELATED TO MEDICAL CARE. MORE THAN 40 STATES, AS WELL AS THE FEDERAL GOVERNMENT, HAVE SEEN THE BENEFITS OF INSTITUTING AN INMATE COPAY PROGRAM. IN 2000, THE FEDERAL GOVERNMENT PASSED THE FEDERAL PRISONER HEALTHCARE COPAYMENT ACT WHICH INMATES HOUSED IN FEDERAL CORRECTIONAL FACILITIES ARE CHARGED A \$2 COPAY FOR SELF-INITIATED, NONEMERGENCY MEDICAL CARE. NEBRASKA'S NEIGHBORING STATES, INCLUDING IOWA, KANSAS, SOUTH DAKOTA, AND COLORADO, HAVE AN INMATE COPAY PROGRAM. MISSOURI IS CURRENTLY CONSIDERING SIMILAR LEGISLATION. MOST STATES ARE CHARGING ANYWHERE BETWEEN \$2 AND \$8 FOR COPAYMENTS. TEXAS REQUIRES INMATES TO PAY \$100 FOR A YEAR FOR ALL MEDICAL SERVICES. I WOULD LIKE TO TOUCH BASE BRIEFLY ON ANY CONSTITUTIONAL CONCERNS TO LB113 AND ANY THAT SENATOR CHAMBERS MIGHT TRY TO BRING UP. LB113 IS CONSTITUTIONALLY SOUND. FEDERAL COURTS HAVE CONSISTENTLY HELD THAT CHARGING INMATES

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FOR MEDICAL CARE IS CONSTITUTIONAL AND THAT ANY DETERRENT EFFECT CREATED BY THESE PROGRAMS DO NOT VIOLATE THE EIGHTH AMENDMENT OR THE FOURTEENTH AMENDMENT DUE PROCESS CLAUSE. IN 2012, THE DEPARTMENT OF JUSTICE, UNDER PRESIDENT OBAMA, ISSUED A LETTER TO THE PIEDMONT REGIONAL JAIL IN VIRGINIA COMMENTING ON ITS INMATE COPAY PROGRAM. THE DOJ STATED THAT COPAYMENT POLICIES CAN RISE TO THE LEVEL OF A CONSTITUTIONAL VIOLATION ONLY WHEN PRISONERS ARE DENIED ACCESS TO THE NECESSARY HEALTHCARE DUE TO THE INABILITY TO PAY. LB113, THE LAWS FOUND IN 40 OTHER STATES AND THE FEDERAL INMATE COPAY STATUTE DO NOT DENY INMATES ACCESS TO HEALTHCARE DUE TO THEIR INABILITY TO PAY. IN FACT, THIS BILL ENSURES THAT THEY RECEIVE THAT CARE AND ARE NOT UNDULY PUNISHED IN SITUATIONS WHERE MEDICAL CARE IS NECESSARY. LB113 EXTENDS TO NEBRASKA THE SAME ADVANTAGES GIVEN TO MANY OTHER STATES WHO HAVE INSTITUTED THIS TYPE OF PROGRAM. IN A WORLD OF RISING HEALTHCARE COSTS, THIS BILL GIVES...CAN GIVE AT LEAST SOME ASSISTANCE TO THE STATE AND COUNTIES THAT ARE PROVIDING EXPENSIVE MEDICAL SERVICES TO INMATES. IF YOU OR I WERE TO GO TO THE DOCTOR RIGHT NOW, IT WOULD BE DIFFICULT TO WALK OUT OF THE OFFICE WITHOUT PAYING SOMETHING OUT OF POCKET. IT MAKES SENSE TO REQUIRE INMATES WHO CAN AFFORD TO PAY SOME OF THEIR MEDICAL COSTS TO DO SO AS WELL. I URGE YOUR SUPPORT OF LB113 AND I'M HAPPY TO RESPOND TO ANY QUESTIONS FROM MEMBERS OF THE LEGISLATIVE BODY. THANK YOU, MR. PRESIDENT. [LB113]

SENATOR KRIST: THANK YOU, SENATOR LARSON. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS THE CHAIRMAN OF THAT COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENT. [LB113]

SENATOR SEILER: MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, LB113, WITH AMENDMENT, AM508, ADVANCED FROM THE JUDICIARY COMMITTEE BY A 5-2 VOTE WITH ONE MEMBER ABSENT. THE BILL WILL ALLOW A COUNTY JAIL OR A STATE CORRECTION FACILITY TO REQUIRE INMATES TO PAY A COPAYMENT FOR EVERY SELF-INITIATED, NONEMERGENCY VISIT TO HEALTHCARE PROVIDER. AM508 WOULD MAKE TWO CHANGES TO THE GREEN COPY OF THE BILL. FIRST, THE AMENDMENT WOULD ADD DOCTOR VISITS COVERED BY WORKMAN'S COMP TO THE LIST OF EXCEPTIONS FOR WHICH THE COPAYMENT WOULD NOT BE CHARGED. THE AMENDMENT WOULD ALSO CHANGE THE MINIMUM COPAY OF \$10 TO A MAXIMUM COPAY OF \$10. AND THESE CHANGES WOULD APPLY TO

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COUNTY JAILS AND TO STATE CORRECTION FACILITIES. I MOVE THAT THE...OR  
ASK THAT YOU SUPPORT THE AMENDMENT, AM508. [LB113]

SENATOR KRIST: MR. CLERK FOR A MOTION. [LB113]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS  
WOULD MOVE TO RECOMMIT LB113 TO THE JUDICIARY COMMITTEE. [LB113]

SENATOR KRIST: SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN. [LB113]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, THIS BILL WAS ADVANCED  
BY THE COMMITTEE WHEN I WAS ABSENT AND IT PROBABLY WOULD HAVE  
ANYWAY. BUT I WOULD HAVE GIVEN VERY STRONG ARGUMENTS AGAINST  
DOING IT. BUT THEY CHOSE TO BRING IT OUT HERE. AND I DON'T WANT TO HEAR  
ANY SQUEALING AND YELPING AS OCCURRED ON SENATOR LARSON'S BILL. I'M  
GOING TO OFFER EVERY MOTION ON THIS BILL I CAN TO DELAY IT AS LONG AS I  
CAN, AND IT'S GOING TO GO TO CLOTURE. I PROMISE YOU THAT. AND I'M NOT  
GOING TO FOLD LIKE SENATOR LARSON OR LIKE THAT PIECE OF PAPER I  
FOLDED. AND ALSO, ANY BILL THAT NACO, THAT COUNTY ORGANIZATION,  
WHICH WILL MAKE MONEY FOR THEIR GENERAL FUND OFF THE SICKNESS OF  
PEOPLE IN PRISON, IN JAIL...I'M GOING TO FIGHT EVERY BILL THAT NACO HAS  
ANY INTEREST IN, EVERY ONE. AND I'M GOING TO LOOK AT THE STATEMENT PUT  
OUT BY THE COMMITTEE TO SEE WHO SUPPORTED IT. WE'VE GOT 60 DAYS. I CAN  
DO IT. I'VE BEEN HERE FOUR DECADES AND THEY HAVE YET TO SHOW YOU ONE  
SESSION WHEN I TOOK...I WON'T SAY A VOW, BUT I TOOK A POSITION SUCH AS  
THIS. YOU'RE TIRED NOW. IT SEEMS TO YOU THAT I PROBABLY WON'T DO THIS.  
WELL, LET US JUST SEE WHAT THIS OLD MAN IS ABLE TO ACHIEVE. AND I DON'T  
DO LIKE YOU ALL, SIT DOWN IN A CHAIR AND REST UP SO WHEN THE RACE  
STARTS I CAN RUN. I DON'T GO IN THE LOUNGE AND LEAVE THE CHAMBER AS  
YOU SEE PEOPLE HAVE DONE HERE. I STAY HERE. AND SOME PROBABLY WISH  
THAT I WOULDN'T SPEND SO MUCH TIME HERE. I THINK FROM THE STANDPOINT  
OF MORALITY AND ETHICS THIS SHOULD NOT BE DONE. AND I DON'T CARE IF A  
FEDERAL COURT SAID IT'S NOT IN THE WAY OF PUNISHMENT. THAT DOESN'T  
MEAN IT'S NOT PUNISHMENT. THEY SAY IT DOESN'T RISE TO THE LEVEL OF A  
VIOLATION OF THE CONSTITUTION. BUT EVEN IF THEY SAID THAT, I'M NOT  
GUIDED IN MY PRINCIPLES BY WHAT A COURT SAID OR DIDN'T SAY. SENATOR  
LARSON IS OF THAT MONKEY SEE, MONKEY DO SCHOOL--AND THAT'S WHAT  
HAPPENS A LOT ON THIS FLOOR--THIS IS MONKEY SEE, MONKEY DO. FORTY-  
SEVEN MONKEYS DID IT, MAKE NEBRASKA THE 48th MONKEY. AND MAYBE I



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WILL SING A SONG. (SINGING) ONE MONKEY ON THE WALL; ONE MONKEY ON THE WALL... IF ONE OF THIS MONKEY...IF THIS ONE MONKEY WOULD HAPPEN TO FALL, NO MONKEYS ON THE WALL. TWO MONKEYS ON THE WALL; TWO MONKEYS ON THE WALL; ONE OF THESE MONKEYS HAPPENED TO FALL; ONE MONKEY ON THE WALL. AND I CAN USE ANY METHOD I WANT TO TO MAKE MY POINT DURING LEGISLATIVE DEBATE. AND I'M GOING TO HAVE A FEW THINGS TO SAY ALONG THE WAY. BUT SINCE I DON'T CONSIDER THIS TO BE A LEGITIMATE PROPOSITION, I'M NOT GOING TO TAKE ALL OF MY TIME AND GIVE SERIOUS ARGUMENTS. A SHERIFF BROUGHT THIS BILL. WELL, SHERIFFS WERE THE ONES CIRCULATING PETITIONS TO PUT THE DEATH PENALTY REPEAL ON THE BALLOT--SHERIFFS. AND I GOT LETTERS FROM PEOPLE IN THOSE COUNTIES SAYING WHEN THE SHERIFF PRESENTED IT, THEY KNOW ALL THE PEOPLE IN THE COUNTY, I CAN'T SAY NO. AND A BUNCH OF SHERIFFS ORGANIZED AND DID IT. BUT YOU ALL DON'T HOLD ANY OF THESE PEOPLE TO ACCOUNT. THEN HERE COMES ONE OF THESE SHADY SHERIFFS; BRINGS A BILL TO SENATOR LARSON, AND SENATOR LARSON BRINGS IT HERE. AND THE JUDICIARY COMMITTEE--WHICH CAN BE SUPINE ON OCCASION--SUPINELY BROUGHT THIS BAD PIECE OF LEGISLATION TO THE FLOOR. AS I HAVE SAID BEFORE AND I'LL SAY IT AGAIN, I'M GOING TO BE HERE DISCUSSING SOMETHING FOR 60 DAYS ANYWAY. SO THIS MAY AS WELL BE ONE OF THOSE THINGS. I HAD A GOOD CONVERSATION WITH YOU ALL YESTERDAY; I'VE BEEN GETTING GOOD RESULTS FROM THE PUBLIC ABOUT HOW BAD THAT BILL IS. YOU KNOW THE ONE WITH THE LIE THAT YOU ALL PUT IN. AND PROBABLY MANY PEOPLE IN NEBRASKA WILL BE GLAD THAT THE GAMBLING BILL DID NOT GO FORWARD. SO THEY'LL GIVE CREDIT FOR THAT HAVING OCCURRED. BUT THIS TIME, NOT SENATOR McCOY TOOK THE TIME, I TOOK A LOT OF TIME, BUT I DIDN'T HAVE TO DO IT ALONE BECAUSE SENATOR LARSON WAS TRYING TO DEFEND HIS BILL. BUT ON THIS KIND OF BILL, I PROBABLY WILL BE THE ONLY ONE TO SPEAK AGAINST IT. AND THAT'S WHEN I'M DOING WHAT IT IS THAT I PROFESS TO BE ABOUT. AND WHEN TIME COMES TO STAND UP FOR WHAT YOU BELIEVE, THEN EITHER STAND UP OR SAY THAT YOU OVERSTATED WHAT YOU'RE ABOUT AND THAT YOU'RE REALLY NOT AS DEDICATED TO YOUR PRINCIPLES AS YOU SAY. BUT RIGHT NOW, THAT'S NOT GOING TO HAPPEN TO ME. FIRST OF ALL, WE'VE ONLY GOT AN HOUR-AND-A-HALF THAT WE HAVE TO SPEND HERE TODAY. YOU THINK I CAN'T TALK FOR AN HOUR-AND-A-HALF BY MYSELF, IF NOBODY SAYS ANYTHING? BUT I'LL TELL YOU WHAT I'M GOING TO DO THIS TIME TO WARN YOU, OR TO APPRISE YOU. WE HAD A HEARING WITH THE COMMITTEE CALLED THE LB434 COMMITTEE. AND, SENATOR...NOT SENATOR, CORRECTIONS DIRECTOR FRAKES TESTIFIED BEFORE US. DURING THIS DEBATE, I'M GOING TO READ FROM THAT TRANSCRIPT. I DON'T EVEN HAVE TO COME UP WITH IDEAS TO SHOW YOU HOW CORRUPT THE

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CORRECTIONS SYSTEM IS BECAUSE THIS APPLIES TO THE CORRECTIONAL SYSTEM ALSO. WE HAVE A MAN WHO LIED TO US, OR EITHER THE GOVERNOR LIED. WHY DO I SAY THAT? BECAUSE MR. FRAKES SAID WHEN THEY HAD A DISCUSSION ABOUT PAYING THE MONEY FOR THOSE DRUGS THAT THEY COULDN'T GET INTO THE COUNTRY, TO A MAN WHO IS KNOWN TO BE DISHONEST AND HAD BEATEN THE STATE OUT OF MONEY TWO TIMES BEFORE ASKED, DID YOU HAVE ANY DISCUSSIONS WITH THE GOVERNOR ABOUT THIS? NO. I MIGHT HAVE HAD ONE BACK IN FEBRUARY ABOUT WHAT HAPPENED IN WASHINGTON STATE. YOU MEAN TO TELL ME THAT THIS THING OVER WHICH THE GOVERNOR IS OBSESSING AND YOU'RE THE POINT MAN TO GET THESE DRUGS, YOU NEVER DISCUSSED IT WITH HIM? I'M TRYING TO REMEMBER. AND HE RAISED HIS EYES TO THE CEILING. AND HE WAS ONE OF THOSE WHO ALMOST MADE ME LOOK TO SEE IF SOMETHING WAS BEING WRITTEN UP THERE, HE DIDN'T REMEMBER THINGS; TRYING TO REMEMBER BUT HE COULDN'T. AND THAT SHOWS...IT WILL SHOW THE KIND OF PEOPLE WHO ARE BEING ENTRUSTED WITH THIS KIND OF POWER. THIS IS NOT SOMETHING THAT WOULD BE BEFORE US, IF ONE SHERIFF HADN'T GONE TO SOME PERSON SUCH AS SENATOR LARSON, WHO EXERCISES VERY POOR JUDGMENT, VERY POOR JUDGMENT. SENATOR LARSON IS GOING TO GET THE REPUTATION, AND I'M TRYING TO TIP HIM OFF BEFORE HE DOES IT, THAT HE IS A HANDLE THAT FITS ANYBODY'S TOOL. IF YOU NEED A HANDLE, GO GIVE IT TO SENATOR LARSON. AND I WILL LAY YOU ANOTHER WAGER: SENATOR LARSON IS SERVING HIS LAST TERM AS CHAIRMAN OF A COMMITTEE. MAYBE HE'S TERM-LIMITED OUT, I DON'T KNOW. BUT HE HAS PEOPLE PUTTING HIM UP TO DO THIS KIND OF CRAZY STUFF. AND THE COUNTIES ARE NOT ABOVE MAKING MONEY OFF PEOPLE WHO CANNOT HELP THEMSELVES. I'D LIKE TO ASK SENATOR LARSON A QUESTION OR TWO ABOUT HIS BILL. [LB113 LB434]

SENATOR KRIST: SENATOR LARSON, WILL YOU YIELD? [LB113]

SENATOR LARSON: YES. [LB113]

SENATOR CHAMBERS: SENATOR LARSON, WITH THE COMMITTEE AMENDMENT, IF A PERSON DOESN'T HAVE THE MONEY TO PAY, THEN HALF OF WHAT THAT PERSON GETS BY WAY OF DEPOSITS IN HIS OR HER ACCOUNT FROM, MAYBE, AN IMPOVERISHED FAMILY, SO THEY PUT IN A DOLLAR; 50 CENTS OF THAT WILL BE TAKEN UNTIL THE AMOUNT IS PAID FOR THE COPAY, IS THAT CORRECT? [LB113]

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SENATOR LARSON: YEAH, I THINK THAT IS ACTUALLY IN THE ORIGINAL BILL.  
[LB113]

SENATOR CHAMBERS: OKAY. AND THAT MONEY DOESN'T GO TO THE MATTERS THAT WOULD BENEFIT INMATES AND IMPROVE THE JAILS, DOES IT? IT DOESN'T GO TO MAKE MEDICAL SERVICES AVAILABLE, DOES IT? WHERE DOES THAT MONEY GO? [LB113]

SENATOR LARSON: IT IS MY UNDERSTANDING THAT IT WOULD GO...ARE WE TALKING ABOUT THE COUNTIES? [LB113]

SENATOR CHAMBERS: YES. [LB113]

SENATOR LARSON: IT PROBABLY WOULD GO TO THE COUNTY GENERAL FUND.  
[LB113]

SENATOR CHAMBERS: IT WOULD. YOU'RE SPENDING MONEY...YOU'RE ENRICHING THE COUNTY GENERAL FUND OFF OF THESE PEOPLE OFTEN WHO ARE IMPOVERISHED ANYWAY. [LB113]

SENATOR KRIST: ONE MINUTE. [LB113]

SENATOR CHAMBERS: AND THE IDEA IS TO PUT THE SCREWS TO THEM AND DISCOURAGE THEM FROM SEEKING MEDICAL CARE. AND THESE COUNTIES ARE OFTEN UNFAIR TO INMATES ANYWAY. AND I'LL GO INTO THAT MORE WHEN YOU COME FROM THE APPROPRIATIONS COMMITTEE WITH A MULTIMILLION-DOLLAR APPROPRIATION TO THESE WORTHLESS COUNTY JAILS TO PUT STATE PRISONERS. OH, THERE'S A LOT THAT I'M GOING HAVE TO TALK ABOUT. BUT SINCE I'VE GOT PLANS FOR THIS BILL, I DON'T HAVE TO SAY IT ALL NOW. THANK YOU, MR. PRESIDENT. [LB113]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR WILLIAMS, YOU ARE RECOGNIZED. AND THOSE STILL IN THE QUEUE ARE: SENATOR WILLIAMS, CHAMBERS, AND LARSON. SENATOR WILLIAMS. [LB113]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, EVERYONE. AND THANK YOU, SENATOR CHAMBERS, FOR ASKING ME TO STAND UP AND TELL YOU WHAT I BELIEVE ON THIS BILL. AND I AM STANDING UP IN

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SUPPORT OF THE COMMITTEE AMENDMENT COMING OUT OF JUDICIARY COMMITTEE, AM508, AND THE UNDERLYING BILL, LB113. I'M STANDING HERE, BUT I PROMISE NOT TO SING, EVEN THOUGH I COULD. DAWSON COUNTY, LIKE MANY COUNTIES AROUND OUR STATE, BUILT A SIGNIFICANT FACILITY ABOUT 10 OR 12 YEARS AGO TO HOUSE NOT ONLY THOSE INMATES FROM OUR COUNTY, DAWSON COUNTY, BUT FROM OTHER COUNTIES AROUND HELPING THOSE COUNTIES BY PROVIDING THAT SERVICE. DAWSON COUNTY'S JAIL HOLDS GENERALLY 97 PRISONERS ON AVERAGE PER DAY. OVER THE COURSE OF THE LAST 12 MONTHS--AND IT WAS NOT BECAUSE OF THE COUNTY SHERIFF CONTACTING ME, IT WAS BECAUSE OF CONVERSATIONS THAT I HAD WITH COUNTY COMMISSIONERS IN MY CASE--I DID THE RESEARCH AND THERE WERE APPROXIMATELY ONE TO ONE-AND-A HALF TRIPS TO A MEDICAL FACILITY EACH WEEK. FIFTY-ONE PERCENT OF THOSE WERE TO THE DENTIST, 41 PERCENT WERE TO URGENT CARE, PRIMARILY IN LEXINGTON WHICH PROVIDES FAMILY PRACTICE-TYPE CARE, AND THERE WERE 7 PERCENT OF THEM TO THE EYE DOCTOR. IN EACH ONE OF THOSE CASES, IT TAKES AT LEAST ONE AND, OFTENTIMES, TWO OFFICERS TO GO THROUGH THE PROCESS THAT IT TAKES TO TAKE THE INMATE TO THE HEALTHCARE TREATMENT CENTER. IT TAKES ABOUT AN AVERAGE OF TWO HOURS OF TIME FOR THOSE ONE-AND-A-HALF TO TWO OFFICERS EACH TIME. DAWSON COUNTY ITSELF IS ESTIMATED TO HAVE SPENT SOMEWHERE AROUND 250 HOURS OF TIME IN THE LAST YEAR. IN ADDITION TO THAT, IN THE LAST SIX MONTHS, DAWSON COUNTY HAS SPENT NEARLY \$20,000 PAYING DIRECTLY FOR THOSE SERVICES TO THE EYE DOCTOR OR TO URGENT CARE OR TO THE DENTIST THAT WAS INVOLVED. THE REAL KICKER WITH THIS IS THAT A SIGNIFICANT NUMBER OF THESE TRIPS TO THE MEDICAL FACILITIES ARE NOT WARRANTED BY A REAL HEALTH ISSUE. THEY ARE GOING THERE, PRIMARILY, BECAUSE IT IS THE "DAY OUT OF JAIL" CARD. AND THE "DAY OUT OF JAIL" CARD THAT MAY SOUND INSIGNIFICANT HAS A SIGNIFICANT COST TO THE COUNTIES WITH THE PERSONNEL COST OF THOSE 250 HOURS A YEAR IN DAWSON COUNTY PLUS THE, WHAT WILL END UP BEING IN EXCESS OF \$30,000 DIRECT HARD COSTS. THIS BILL IS AN ATTEMPT TO CURB THOSE UNNEEDED TRIPS. THIS BILL IS NOT AN ATTEMPT TO STOP PEOPLE FROM, IF THEY NEED TO GO TO THE DOCTOR, IF IT IS AN EMERGENCY, THOSE THINGS ARE COVERED IN THE BILL. AND THE \$10 COPAY WOULD NOT HAVE TO BE CHARGED. ALSO, I THINK IT SHOULD BE POINTED OUT THAT NO COUNTY OR NO FACILITY WOULD HAVE TO BE INVOLVED WITH THIS PROCESS. IT'S SIMPLY OPTIONAL ON THE PART OF THE COUNTY TO DO THAT. [LB113]

SENATOR KRIST: ONE MINUTE. [LB113]

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SENATOR WILLIAMS: WITH THIS IN MIND, I KNOW THERE IS CERTAINLY GOING TO BE DEBATE ON THIS ISSUE. AND SENATOR CHAMBERS HAS ALREADY TALKED ABOUT THE FACT THAT HE IS PASSIONATE ABOUT WHERE HE IS. AT THE SAME TIME, I WOULD ASK YOU TO STEP BACK AND THINK ABOUT THE FACT THAT WE ARE FACED, MANY TIMES, WITH DIFFICULT AND DEMANDING ISSUES HERE. AND WE HAVE TO LOOK AT THOSE AND TRY TO FIGURE OUT WAYS TO NOT CONTINUE TO PASS MANDATES THAT ARE UNFUNDED OR FUNDED, EITHER, TO OUR COUNTIES, BUT FIND WAYS TO ALLOW THEM TO CONDUCT THEMSELVES AND DO PROPER BUSINESS. NO ATTEMPT HERE IS BEING MADE TO HARM INMATES. NO ATTEMPT HERE IS BEING MADE TO TAKE THEM AWAY FROM SERVICES THAT ARE NEEDED. THIS WOULD BE A DISINCENTIVE FOR THEM TO MAKE THAT CALL FOR THE "GET OUT OF JAIL FREE" CARD ON THAT AFTERNOON. THANK YOU, MR. PRESIDENT. [LB113]

SENATOR KRIST: THANK YOU, SENATOR WILLIAMS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB113]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THIS LEGISLATURE, SENATOR WILLIAMS AND OTHERS WHO THINK ABOUT HOW A JAIL WOULD BE RUN IF IT WAS THEM, AND I TOUCHED ON THIS ISSUE THE OTHER DAY AND I'M GOING TO TOUCH ON IT AGAIN. DOWN IN FLORIDA THERE WAS A BLACK WOMAN WHO WENT TO A HOSPITAL, A WHITE HOSPITAL. AND AFTER SHE HAD BEEN THERE AN HOUR OR SO, THEY TOLD HER SHE HAD TO LEAVE. SHE SAID THAT SHE WAS ILL, SHE WAS NOT GOING TO LEAVE. SO THE POLICE WERE CALLED. AND THE POLICE FORCIBLY TOOK HER IN HAND, LITERALLY, AND DRAGGED HER FROM THE HOSPITAL. SHE HAD ONE OF THESE TANKS AND THE PRONGS IN HER NOSE BREATHING OXYGEN. AND THE COP, PROBABLY ONE OF THE SHERIFFS LIKE SENATOR WILLIAMS TRUSTS, SAYS--WE'RE GOING TO TAKE THIS OFF. A MEDICAL DEVICE, WE'RE GOING TO TAKE THIS OFF. AND THE HOSPITAL CALLED THEM; DRAGGED HER OUTSIDE, AND SHE COLLAPSED. AND THE COPS SAID--YOU'RE PLAYING; FALLING DOWN IS NOT GOING TO STOP YOU FROM GOING TO JAIL. YOU'RE GOING TO JAIL. WE'RE GOING TO PUT THESE HANDCUFFS ON YOU. THEN HE TOLD SOMEBODY ELSE, COME HELP ME DRAG HER OUT OF HERE. SHE'S JUST DEAD WEIGHT. COME ON, LET'S GO, LET'S GO. SHE SAID, I CAN'T BREATHE, I CAN'T BREATHE WITHOUT THAT. HE SAID, WELL YOU SEEM TO BE DOING ALL RIGHT WITH ME. YOU'RE GOING TO JAIL. THEN GUESS WHAT HAPPENED? SHE DIED. NOT ONE LIKE YOU, ONE LIKE ME. THEN I HEAR PEOPLE LIKE SENATOR WILLIAMS, WHO I RESPECT, SAY THESE THINGS DON'T HAPPEN IN THE JAILS. THEN YOU KNOW WHAT HAPPENED WITH THE HOSPITAL WHO SAID NOTHING WAS WRONG WITH HER? THEY FOUND A BLOOD CLOT IN

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HER LUNG THAT CONTRIBUTED TO HER DEATH AND YOU KNOW WHAT THEY SAID? WE DIDN'T FIND IT. SO IF A HOSPITAL CAN'T FIND IT, AN INMATE WHO SAYS, I'M ILL IS SUPPOSED TO DIAGNOSE HIS OR HER SITUATION FOR SOME SHERIFF? IT IS SO EASY TO HURT OTHERS WHEN YOU DON'T FEEL PAIN. I FEEL THE PAIN OF PEOPLE WHO ARE NOT BLACK. BUT I DEEPLY FEEL THE PAIN OF BLACK PEOPLE. I'M NOT ONE OF THESE WHO DENY WHAT I AM. I DO NOT DENY WHERE I COME FROM. I'M NOT TRYING TO BE WHITE, AND I'M NOT GOING TO PRETEND EVERYTHING IS ALL RIGHT IN THIS COUNTRY OR IN THIS STATE. THERE ARE WHITE PEOPLE EVEN KNOW WHAT I'M SAYING IS TRUE. BUT FOR THIS, I'LL TELL YOU WHAT YOU NEED TO DO, SENATOR WILLIAMS, YOU NEED TO TELL NACO TO LOOK AT WHAT BILLS MEAN SOMETHING TO THEM. AND YOU...THEY WANT TO PLAY POLITICAL HARD BALL? I'M GOING TO FIND THOSE BILLS AND I'M GOING TO KEEP THE LEGISLATURE ON EVERY ONE OF THOSE BILLS UNTIL IT GOES TO CLOTURE...EVERY ONE OF THEM. AND THEN WHEN IT STARTS TYING UP THE LEGISLATURE, NACO MAY EVEN LOSE SOME OF THEM...SO THAT A SHERIFF CAN EXTORT \$10 FROM SOMEBODY BECAUSE HE WHO IS NOT A DOCTOR SAYS THIS PERSON WENT TO THE DOCTOR AND THE DOCTOR FOUND OUT THAT NOTHING SERIOUS IS WRONG. HE HAD TO GO TO THE DOCTOR TO FIND OUT. OR IS THE SHERIFF A DOCTOR NOW? I'M GOING TO ASK SENATOR LARSON A QUESTION. [LB113]

SENATOR KRIST: SENATOR LARSON, WILL YOU YIELD? [LB113]

SENATOR LARSON: YES, MR. PRESIDENT. [LB113]

SENATOR CHAMBERS: SENATOR LARSON, YOU WERE TALKING ABOUT THE CONSTITUTION AND SO FORTH. SENATOR LARSON, SUPPOSE THE PERSON IS IN COUNTY JAIL AND GETS ILL, DOESN'T HAVE MONEY...OR HE SAYS HE'S ILL. GOES TO ONE OF THESE PLACES AND THE SHERIFF DECIDES, WELL, HE DIDN'T REALLY NEED TO GO THERE, SO WE'RE GOING TO MAKE HIM PAY THIS COPAY AND STARTS TAKING MONEY. AND SOMETIMES YOU'RE IN JAIL A GOOD PERIOD OF TIME BEFORE YOU GO TO TRIAL. SUPPOSE UPON THE TRIAL, HE'S FOUND NOT GUILTY. WHAT HAPPENS THEN? DOES HE GET HIS MONEY BACK? [LB113]

SENATOR LARSON: FIRST OF ALL, SENATOR CHAMBERS, I WOULD SAY THAT IT WILL BE THE MEDICAL PROFESSIONAL THAT DECIDES WHETHER OR NOT THAT IT WAS AN EMERGENCY VISIT OR NOT. [LB113]

SENATOR KRIST: ONE MINUTE. [LB113]

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SENATOR LARSON: AND... [LB113]

SENATOR CHAMBERS: SENATOR LARSON, HERE'S WHAT I'M ASKING YOU. [LB113]

SENATOR LARSON: WILL HE GET HIS MONEY BACK? [LB113]

SENATOR CHAMBERS: YEAH, IF HE'S FOUND NOT GUILTY. [LB113]

SENATOR LARSON: IF HE'S FOUND NOT GUILTY. [LB113]

SENATOR CHAMBERS: YES. [LB113]

SENATOR LARSON: I'M UNSURE OF THAT, ACTUALLY. [LB113]

SENATOR CHAMBERS: I KNOW. IF THE CHARGES ARE DISMISSED, YOU'RE ALSO UNSURE, AREN'T YOU? [LB113]

SENATOR LARSON: I AM. [LB113]

SENATOR CHAMBERS: AND THESE PEOPLE... [LB113]

SENATOR LARSON: I WOULD HAVE TO LOOK AT WHAT OTHER STATES ARE DOING. [LB113]

SENATOR CHAMBERS: THANK YOU. AND WHEN THEY BROUGHT IT TO HIM, THE MONKEY SEE, MONKEY DO, HE DIDN'T ASK IT BECAUSE IT DIDN'T MATTER TO HIM. THESE THINGS OCCUR TO ME, BECAUSE WE OFTEN GET CHARGED FALSELY. AND WE OFTEN WIND UP WITH CHARGES BEING DISMISSED, BECAUSE ALL THEY WANT TO DO IS KEEP YOU IN JAIL FOR A PERIOD OF TIME. AND IT HAPPENS TO NATIVE AMERICANS UP THERE IN WHITE COUNTRY, AS THEY CALL IT, ALSO. BUT IT DOESN'T HAPPEN TO YOU ALL; IT DOESN'T HAPPEN TO YOURS; IT DOESN'T HAPPEN TO YOUR CHILDREN. MY JOB IS TO SPEAK FOR THOSE WHO CANNOT SPEAK HERE; WHO WILL NOT BE SPOKEN FOR HERE, WHO WILL BE WALKED ON FOR \$10. TEN DOLLARS IS NOTHING TO SENATOR WILLIAMS, HE'S A BANKER AND A LAWYER. [LB113]

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SENATOR KRIST: TIME, SENATOR. THANK YOU, SENATOR CHAMBERS AND SENATOR LARSON. SENATOR LARSON, YOU ARE RECOGNIZED. [LB113]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. COLLEAGUES, I UNDERSTAND SENATOR CHAMBERS' POSITION. HE DISAGREES WITH THE CONCEPT OF LB113, AND THAT'S HIS RIGHT. I DISAGREE WITH A FEW OF HIS ASSERTIONS. AND I THINK MANY OF US CAN LOOK AT LB113 AND UNDERSTAND THE MERITS. SENATOR CHAMBERS PURPORTS THAT LB113 IS JUST TO ENRICH THE COUNTIES BECAUSE THIS, UP TO \$10 COPAY IS GOING INTO THE COUNTY GENERAL FUND. I THINK WHAT MANY STATES, OVER 40 AND THE FEDERAL GOVERNMENT THAT HAVE INSTITUTED THIS COPAY, IT ISN'T NECESSARILY ABOUT THE ACTUAL COPAY, IT IS MORE OF THE DETERRENT OF PRISONERS USING THIS AS AN EXCUSE TO LEAVE THE PRISON, TAKE TWO...ONE OR TWO OR POSSIBLY THREE OFFICERS OFF OF THE STREET, TAKE...GO TO THE DOCTOR FOR A TOOTHACHE OR STOMACHACHE OR WHATNOT. THE COUNTY THEN HAS TO PAY, BECAUSE THOSE PRISONERS DON'T HAVE INSURANCE, FULL RATES, FOR THAT MEDICAL CARE. SO I HAVE A HARD TIME SAYING THAT THIS UP TO \$10 COPAY THAT EACH COUNTY WILL GET TO DECIDE FOR THEMSELVES, IF IT'S \$1 THROUGH \$10, IS TRULY GOING TO ENRICH THEM. AND ON THE CONCEPT THAT IT'S ON THE BACK OF POOR PRISONERS, IS, AGAIN, A CONCEPT THAT I DISAGREE WITH. THOSE THAT HAVE BEEN CONVICTED OF A CRIME MADE THAT DECISION AND HAVE BEEN FOUND GUILTY BY THEIR PEERS. I DO NOT THINK THAT IT IS UNREALISTIC TO ASK THEM TO CONTRIBUTE TO THEIR MEDICAL COSTS, EVEN IF IT IS A SMALL PORTION, JUST AS EVERY ONE OF US AND EVERY LAW ABIDING CITIZEN IN THE STATE OF NEBRASKA MUST DO WHEN THEY GO TO THE DOCTOR. WHAT IS THE PROBLEM IF YOU, SENATOR WILLIAMS, SENATOR MORFELD, SENATOR CRAWFORD, MOST OF US, WILL ALL HAVE SOME SORT OF COPAY WHEN WE GO TO THE DOCTOR. I DO NOT SEE WHY AN INDIVIDUAL THAT IS WITHIN PRISON, JUST BECAUSE HE'S WITHIN PRISON, BECAUSE IF HE WAS OUT OF PRISON AND HAD HEALTHCARE, HE WOULD HAVE THAT COPAY, BUT SINCE HE'S IN PRISON, SENATOR CHAMBERS DOESN'T THINK HE SHOULD HAVE TO PAY. THAT IS HIS PREROGATIVE, BUT I DISAGREE WITH THAT CONCEPT. AGAIN, THOSE THAT HAVE BEEN CONVICTED, FOUND GUILTY, SHOULD HAVE TO DEFINITELY CONTRIBUTE TO THEIR HEALTHCARE COSTS. I DO NOT THINK THAT UP TO A \$10 COPAY IS UNREASONABLE. COURTS ACROSS THE COUNTRY, AGAIN, HAVE NOT FOUND THIS TO VIOLATE THE EIGHTH OR FOURTEENTH AMENDMENT... [LB113]

SENATOR KRIST: ONE MINUTE. [LB113]



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SENATOR LARSON: ...TO THE UNITED STATES CONSTITUTION. IT IS NOT UNREASONABLE TO EXPECT INDIVIDUALS ON NONEMERGENCY CARE, NONLIFE-THREATENING CARE, NONCHRONIC CARE, CARE NOT RELATED TO WORKERS' COMPENSATION AND A LAUNDRY LIST OF ISSUES TO CONTRIBUTE TO THEIR HEALTHCARE COSTS. EVERY OTHER LAW-ABIDING CITIZEN CONTRIBUTES TO THEIR HEALTHCARE COSTS, WHY SHOULD THEY NOT? AND I WOULD SAY THE AVERAGE NEBRASKAN WOULD BE FRUSTRATED THAT BECAUSE OF THESE INDIVIDUALS THAT HAVE BROKEN THE LAW AND HAVE BEEN CONVICTED BY A JURY OF THEIR PEERS OR PLED GUILTY, DESERVE FREE HEALTHCARE BECAUSE THEY HAVE DONE THIS. [LB113]

SENATOR KRIST: TIME, SENATOR. [LB113]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. [LB113]

SENATOR KRIST: THANK YOU, SENATOR LARSON. THOSE STILL WISHING TO SPEAK: SENATOR CRAWFORD, CHAMBERS, SCHNOOR, FRIESEN, COOK. SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB113]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I UNDERSTAND THE POLITICAL POPULARITY OF LB113 FOR MANY OF THE REASONS THAT SENATOR LARSON HAS JUST EXPLAINED. HOWEVER, OUR JOB HERE, IN REPRESENTATIVE DEMOCRACY, IS TO DIG INTO THE DETAILS OF THESE ISSUES AND UNDERSTAND THEM, AND DO OUR BEST TO MAKE THE BEST DECISIONS FOR THE STATE. ON THAT FRONT, COLLEAGUES, I WOULD ASK YOU TO DIG INTO A COUPLE OF THE DETAILS THAT YOU CAN FIND ON YOUR GADGET. MOST NOTABLY, I'D ASK YOU TO LOOK AT THE FISCAL NOTE FOR LB113. WHEN YOU LOOK AT THE FISCAL NOTE FOR LB113 AND YOU LOOK AT WHAT NEBRASKA DEPARTMENT OF CORRECTIONS HAS SUBMITTED TO THE FISCAL OFFICE FOR LB113, YOU WILL FIND THAT THEY SAY IN THEIR STATEMENT: LB113 AUTHORIZES THE DEPARTMENT OF CORRECTIONAL SERVICES AND COUNTY JAILS TO CHARGE A \$10 COPAY FOR SPECIFIED INMATE INITIATED HEALTHCARE VISITS. THE LANGUAGE IN THE BILL IS PERMISSIVE AND DOES NOT REQUIRE CHARGING OF A COPAY. BASED ON THE DEPARTMENT'S ANALYSIS, IF THE COPAY WERE REQUIRED, AN ADDITIONAL ACCOUNTING CLERK WOULD BE NEEDED AND PROGRAMMING CHANGES WOULD HAVE TO BE MADE TO THE ACCOUNTING SYSTEM TO ALLOW WITHHOLDING OF FUTURE DEPOSITS. THESE ADDITIONAL COSTS WOULD EQUAL OR EXCEED THE ESTIMATED \$47,000 TO \$57,000 IN COPAYS WHICH WOULD BE COLLECTED PER YEAR. AS A RESULT OF THIS ANALYSIS, THE

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DEPARTMENT WOULD NOT REQUIRE A COPAY IF LB113 WAS ADOPTED. SO, LB113 HAS ZERO IN ITS FISCAL IMPACT TO THE STATE BECAUSE THE DEPARTMENT OF CORRECTIONS OF THE STATE OF NEBRASKA HAS SAID IT WOULD COST US MORE TO PUT THIS IN PLACE THAN WE WOULD SAVE. SO, IF YOU PASS LB113, THE DEPARTMENT OF CORRECTION IS ALREADY TELLING YOU WE WILL NOT PUT THIS IN PLACE. NOW, SIMILARLY, THE REPORT ABOUT THE COST TO THE COUNTIES ALSO INCLUDES LANGUAGE THAT INDICATES THAT THE POTENTIAL REVENUE TO A COUNTY, PROVIDED PURSUANT TO THIS LEGISLATION, WOULD POSSIBLY BE OFFSET BY THE EXPENSES REQUIRED FOR ADMINISTRATION OF SETTING UP AND MANAGING THE COPAY SYSTEM. SO I DID NOTICE ON THE COMMITTEE STATEMENT, THAT NACO DID SHOW UP AS TO TESTIFY IN SUPPORT OF THE BILL, BUT I THINK IT'S VERY TELLING THAT THAT WAS THE ONLY SUPPORTER. AS A BODY, I CAN UNDERSTAND THEY MAY SAY THIS PROVIDES MORE AUTHORITY TO THE COUNTY; SO, WE ARE GOING TO SUPPORT IT AND SOME OF OUR COUNTIES MAY WISH TO HAVE THAT OPPORTUNITY BECAUSE THE LANGUAGE IS A "MAY", PERMISSIVE LANGUAGE, SO IT DOESN'T REQUIRE THEM TO DO THIS. BUT IT IS, I THINK, NOTABLE THAT WE DID NOT HAVE MULTIPLE COUNTIES COMING TO TALK AT THE HEARING ABOUT WHY THIS WAS SO IMPORTANT TO THEM AND HOW IMPORTANT IT WOULD BE AND THAT THEY WOULD WANT TO USE THIS IF IT WERE AUTHORIZED. SO I THINK THAT'S VERY IMPORTANT AND I WANTED TO BRING THAT INFORMATION THAT'S IN THE FISCAL NOTE OF THE BILL TO YOUR ATTENTION. PASSING THIS BILL WILL NOT CHANGE WHAT HAPPENS TO THE DEPARTMENT OF CORRECTIONS, THEY ARE TELLING US BECAUSE THEY SEE THAT IT COSTS MORE TO PUT THIS IN PLACE THAN THEY WOULD SAVE BY COLLECTING ANY COPAYS. THANK YOU, MR. PRESIDENT.  
[LB113]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB113]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, AND I HAVE TO SAY SENATOR CRAWFORD MUST BE A MIND READER BECAUSE MY NEXT STEP WAS TO START GOING THROUGH SPECIFIC THINGS. AND IF YOU LOOK AT THIS SHEET THAT TELLS YOU WHO TESTIFIED, THIS REVEREND ROBERT BRYAN, FOLLOWERS OF CHRIST PRISON MINISTRY, HE'S CERTAINLY NOT OF MY PERSUASION; LAZARO SPINDOLA, LATIN AMERICAN COMMISSION. THE PEOPLE WHO WORK WITH INDIVIDUALS SPOKE AGAINST IT. THERE IS MORE TO THIS THAN JUST THESE FEW DOLLARS. SENATOR WILLIAMS MENTIONED A COUNTY THAT BUILT A JAIL SO THEY COULD BE IN THE BUSINESS OF STOCKING PRISONERS FROM OTHER COUNTIES. THESE COUNTIES ARE ALWAYS LOOKING

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FOR WAYS TO MAKE MONEY AND OFTEN OFF PRISONERS. IF YOU LOOK AT THE CHARGES THEY MAKE FOR PHONE CALLS, THESE HAVE BEEN SO SCANDALOUS THAT THERE HAVE BEEN FEDERAL STUDIES AND HEARINGS ON THEM WITH FEDERAL AGENCIES THAT DEAL WITH COMMUNICATIONS AND I'M WORKING WITH SOME OF THOSE PEOPLE, NOT ACTIVELY IN A SENSE OF KEEPING CONTACT, BUT I'M WATCHING WHAT THEY'RE DOING. AND THEY'VE INVITED ME TO COMMUNICATE WITH THEM ON THAT ISSUE. BUT THERE ARE SO MANY THINGS WRONG WITH THE JAILS. AND THE ONES WHO BRING A BILL LIKE THIS WILL GIVE THE IMPRESSION THIS IS THE WAY IT IS EVERYWHERE. ONE SHERIFF BROUGHT IT TO ONE PERSON WHO LACKS JUDGMENT AND THE JUDICIARY COMMITTEE, WHICH SHOULD HAVE KNOWN BETTER, WENT ALONG WITH IT. BUT I WILL TELL YOU THIS, NACO HAS OFTEN BEEN PUT IN A BAD SITUATION ON BILLS. WHOEVER SPEAKS FOR THEM COMES BECAUSE THAT PERSON IS DIRECTED TO. IT'S NOT WHERE THERE WAS A MEETING OF COUNTIES OR ANY CONSENSUS OBTAINED. THIS BILL IS SOMETHING THAT HAS BEFUDDLED SENATOR TYSON (LARSON). WHEN I ASKED HIM WHAT HAPPENS WITH SOMEBODY WHERE THE CHARGES ARE DISMISSED OR THE PERSON IS FOUND NOT GUILTY, THE FIRST THING HE SAID HERE IS THIS PERSON HAS BEEN CONVICTED BY A JURY OF HIS PEERS. TOTALLY OFF THE SUBJECT AND WOULDN'T ANSWER MY QUESTION BECAUSE HE DIDN'T KNOW THE ANSWER, HE HADN'T CONSIDERED THAT BECAUSE HE DOESN'T CARE ABOUT WHAT HAPPENS TO THESE PEOPLE. THEY CEASE TO BE PEOPLE. IN MANY OF THESE CASES, PEOPLE ARE THERE FOR MISDEMEANORS AND YOU DON'T GET A JURY TRIAL FOR THAT. IF YOU ARE NOT IN JAIL AT LEAST SIX MONTHS, YOU DON'T GET A JURY TRIAL. SO THESE PEOPLE IN COUNTY JAILS HAVE NOT BEEN CONVICTED BY JURIES OF THEIR PEERS. AND IF SOMEBODY IS CONVICTED IN ONE OF THESE COUNTY KANGAROO COURTS AND THEN IS ACQUITTED, AT THE SUPREME COURT LEVEL, AND THE SUPREME COURT SAYS THERE WAS AN ILLEGAL SEARCH AND SEIZURE, AN INVALID STOP AND ARREST, THE PERSON, IN EFFECT, NEVER SHOULD HAVE GONE THROUGH THIS. BUT HAS BEEN THERE, MAY HAVE BEEN STRESSED OUT BECAUSE OF WHAT HAD HAPPENED, KNOWING HE OR SHE IS INNOCENT. AND WHEN YOU GO TO THE DOCTOR, THERE'S NO PHYSICAL AILMENT THAT IS DETECTED, BUT THERE CAN BE INJURIES TO THE MIND. AND SENATOR WILLIAMS AND HIS SHERIFF WOULD SAY, WELL, THAT PERSON DIDN'T NEED TO GO THERE. ON THE JUDICIARY COMMITTEE, ALL THE YEARS I'VE BEEN THERE, I'VE HEARD PEOPLE AFTER PEOPLE AND TYPES OF PEOPLE AFTER TYPES OF PEOPLE COME AND TALK TO US ABOUT MENTAL ILLNESS; HOW MANY ARE MISDIAGNOSED, HOW MANY OF THEM ARE TOTALLY IGNORED. AND HOW PEOPLE, MENTALLY ILL, ARE TREATED AS CRIMINALS. AND EVEN JAILS ALL OVER THIS COUNTRY ARE SAYING THAT PEOPLE ARE SENT TO THEM WHO ARE

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MENTALLY ILL BECAUSE THERE'S NO PLACE ELSE TO PUT THEM. AND THAT'S WHAT'S HAPPENING IN THESE JAILS IN NEBRASKA. THEN WE'RE GIVEN A BILL LIKE WHERE YOU SAY A COPAY. I'M NOT GOING TO TRY TO REASON WITH YOU. I'M GOING TO MAKE ASSERTIONS, I'M GOING TO CONDEMN, I'M GOING TO CRITICIZE,... [LB113]

SENATOR KRIST: ONE MINUTE. [LB113]

SENATOR CHAMBERS: ... AND I'M GOING TO ATTACK NACO, EVERYTHING THAT THEY BRING HERE. AND I'M GOING TO TAKE BILLS THAT I THINK I SHOULD USE TO PUT IN YOU THE FEELING THAT I HAVE IN ME RIGHT NOW, WHICH I CAN'T DO, BECAUSE THERE IS NOTHING YOU CARE ABOUT LIKE I CARE ABOUT THESE PEOPLE. THE JESUS THAT PEOPLE LIKE SENATOR LARSON WORSHIP SAID, REMEMBER THE PRISONER AS IN PRISON WITH HIM. THEY HAVE HAD ARRESTS, FALSE IMPRISONMENTS EVEN THEN. AND PEOPLE LIKE SENATOR LARSON SAY-- WELL, THEY WOULDN'T BE IN JAIL IF THEY DON'T DO IT. SENATOR LARSON I'D LIKE TO ASK YOU A QUESTION. [LB113]

SENATOR KRIST: SENATOR LARSON, WILL YOU YIELD? [LB113]

SENATOR LARSON: YES. [LB113]

SENATOR CHAMBERS: WAS THERE A TIME WHEN YOU WERE NOT LIVING IN YOUR HOME IN THE TOWN WHERE YOU LIVE, BUT RATHER IN OMAHA? [LB113]

SENATOR LARSON: IN OMAHA? [LB113]

SENATOR CHAMBERS: YES. [LB113]

SENATOR LARSON: I'VE NEVER HAD A PERMANENT ADDRESS IN OMAHA. [LB113]

SENATOR CHAMBERS: NOT PERMANENT. WAS THERE A TIME WHEN...FOR A TIME...FOR A PERIOD YOU WERE STAYING SOMEWHERE IN OMAHA? [LB113]

SENATOR KRIST: TIME, SENATORS. [LB113]

SENATOR CHAMBERS: ALL RIGHT. [LB113]

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SENATOR KRIST: THANK YOU, SENATOR CHAMBERS AND SENATOR LARSON.  
SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB113]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I AM NOT 100 PERCENT SURE WHERE I STAND ON THIS YET. BUT I WOULD LIKE TO GIVE SOME INFORMATION TO VALIDATE WHAT SENATOR LARSON HAS SAID. I HAVE A LITTLE SISTER THAT WORKS...OR HAS WORKED IN THE PRISON SYSTEM IN CALIFORNIA AS A REGISTERED NURSE. SHE WORKED AT TEHACHAPI STATE PRISON, WHICH IS EAST OF BAKERSFIELD. SHE WORKED THERE FOR TWO YEARS. I SAID...AND I ASKED HER, THE GREAT THING ABOUT TECHNOLOGY, YOU CAN GET A LOT OF INFORMATION REAL QUICK. SO SHE JUST TEXTED ME THIS INFORMATION. I SAID, DO PRISONERS USE THE PROCESS OF SEEING DOCTORS AND NURSES AS EXCUSES TO KILL TIME AND GET OUT OF JAIL, YOU KNOW, GET OUT OF THEIR CELL. AND SHE SAID, OH, YES, THEY DO, VERY MUCH. I SAID, DO PRISONERS IN CALIFORNIA HAVE TO PAY A FEE TO SEE THEIR DOCTORS? AND SHE SAID, NO, THEY DO NOT; THE PRISON...THE STATE PAYS FOR IT BECAUSE THEY ARE, ESSENTIALLY, WARDS OF THE STATE. BUT SHE TOLD ME, SHE SAID--THEY USE IT TO GET OUT OF THEIR CELL, SEE A FEMALE, GET A RIDE IN AN AMBULANCE TO THE HOSPITAL, HAVE DIFFERENT SCENERY, GET A MEAL SOMEWHERE ELSE, SOMETHING DIFFERENT THAT THEY'RE FED IN PRISON. SHE SAID THEY ARE VERY MANIPULATIVE AND THEY PLAY THE SYSTEM AND THERE'S NO DOUBT ABOUT THAT. AND SHE DID SAY, NOT EVERY INMATE IS LYING. BUT YOU NEVER TRUST THEM, AND YOU NEVER TRUST WHAT THEY'RE SAYING. YOU GO BY THEIR SYMPTOMS AND YOUR PHYSICAL ASSESSMENT. AND SHE SAID A LOT OF TIMES YOU GET THESE THINGS BECAUSE THE INSTITUTION IS AFRAID OF LAWSUITS SO THEY'RE AFRAID TO SAY NO. BUT THEY DO NOT HAVE TO PAY A SINGLE PENNY FOR IT. SHE SAID SOME PRISONERS SPECIFICALLY COME TO THE PRISON FOR FREE MEDICAL CARE IF YOU CAN BELIEVE THAT. AND SHE SAID SOME OF THEM COME TO PRISON JUST BECAUSE THEY CAN'T AFFORD IT; THEY CAN'T AFFORD MEDICAL CARE OR, SOME CASES, SHE SAID, THERE'S A GENDER IDENTITY ISSUE AND THEY CAN GET FREE HORMONE THERAPY NOW. GRANTED, THIS IS ALL IN CALIFORNIA. BUT WHAT I'M SAYING, I'M JUST...I JUST THOUGHT I'D TALKED TO HER TO JUST TO VALIDATE SOME OF THE THINGS THAT SENATOR LARSON HAS SAID. AND HE IS CORRECT THAT, YOU KNOW, THE MORE TIMES THEY GO IN TO SEE THESE DOCTORS AND NURSES WHO ARE JUST TRYING TO DO GOOD, THEY ARE PUT AT RISK. SHE SAID ALSO THEY HAVE TO ACCOUNT FOR EVERY NEEDLE THAT IS EVER USED AND...BECAUSE IF THERE IS A NEEDLE MISSING OR A PRISONER GETS HIS HANDS ON THAT, THAT IS WORTH VALUABLE DOLLARS OUT IN THE PRISON YARD. SO THAT'S ALL I WANTED TO SAY. SENATOR LARSON, I'D LIKE TO YIELD YOU THE REST OF MY TIME. [LB113]

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SENATOR KRIST: SENATOR LARSON, YOU ARE YIELDED 2:00. [LB113]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I'D QUICKLY LIKE TO RESPOND TO SENATOR CRAWFORD'S COMMENTS ON THE FISCAL NOTE AND THE FACT THAT THE DEPARTMENT OF CORRECTIONS WOULDN'T INSTITUTE THE PROGRAM. AND THAT'S CORRECT. THEY SAID IN THE FISCAL NOTE THAT THEY WOULDN'T. LB113 IS NOT MANDATORY THAT THERE SHALL BE A COPAY. IT SAYS THAT EACH...THAT THE STATE AND EACH COUNTY SHALL HAVE THAT OPTION SHOULD THEY WISH TO CHOOSE...SHOULD THEY WISH TO DO SO. FOR THE STATE OF NEBRASKA, IF THEY DO NOT SEE IT TO BE FINANCIALLY VIABLE, BECAUSE MANY...I'VE BEEN THROUGH THE STATE PEN, ONLY THE ONE IN LINCOLN, NOT THE ONE IN TECUMSEH. THEY HAVE DOCTORS ON STAFF AND THE MEDICAL FACILITIES ARE RIGHT THERE. I CAN SEE WHERE IT MIGHT NOT BE BENEFICIAL FOR THE STATE OF NEBRASKA SHOULD THEY CHOOSE NOT TO DO THAT. [LB113]

SENATOR KRIST: ONE MINUTE. [LB113]

SENATOR LARSON: HOWEVER, I THINK THERE WILL BE COUNTIES ACROSS THE STATE OF NEBRASKA THAT MAY FEEL THAT THIS WOULD BE BENEFICIAL FOR THEM, TO A SMALL LEVEL. AGAIN, THESE COUNTY BUDGETS ARE OFTEN STRETCHED TIGHT. AND MANY OF THESE PRISONERS IN THE COUNTIES DO HAVE ACCOUNTS TO BUY COMMISSARY ITEMS, CANDY, OTHER THINGS TO MAKE THEIR STAYS MORE COMFORTABLE WHILE THEY'RE THERE. AND I DON'T THINK IT'S UNREASONABLE TO HAVE THEM HELP CONTRIBUTE FOR NONEMERGENCY CARE IN TERMS OF HEALTHCARE. THANK YOU, MR. PRESIDENT. [LB113]

SENATOR KRIST: THANK YOU, SENATOR LARSON. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB113]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AS I'VE READ THROUGH THE BILL AND I'VE TALKED TO OUR LOCAL COUNTY SHERIFF AND HOW THE PROCESS SEEMS TO BE WORKING, IT SEEMS LIKE...I'M GOING TO ASK A FEW QUESTIONS YET. BUT FIRST OF ALL, I GUESS I WANT TO MAKE SURE THAT WE POINT OUT THINGS THAT IT IS PERMISSIVE LEGISLATION. A COUNTY DOESN'T HAVE TO PROCEED WITH THIS IF THEY DON'T WANT TO, THEY CAN DECIDE WHETHER OR NOT TO DO IT. THE STATE CAN DECIDE IF THEY WANT TO PARTAKE IN IT OR NOT. AND IF IT IS NOT ECONOMICALLY FEASIBLE, I SEE NO REASON WHY THEY WOULD DO IT. I'VE GOT A FEW QUESTIONS FOR SENATOR LARSON. WOULD YOU YIELD FOR TO QUESTIONS? [LB113]

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SENATOR KRIST: SENATOR LARSON, WILL YOU YIELD? [LB113]

SENATOR LARSON: YES. [LB113]

SENATOR FRIESEN: SO WHEN A...TAKE FOR INSTANCE, A PRISONER, THERE IS A WHOLE LIST OF EXEMPTIONS IN HERE WHERE, FOR NUMEROUS THINGS, MENTAL HEALTH, THINGS LIKE THAT, THERE'S NO COPAY CHARGE, IS THAT CORRECT? [LB113]

SENATOR LARSON: CORRECT. [LB113]

SENATOR FRIESEN: SO IF THEY HAVE EXISTING MEDICAL CONDITIONS, NO COPAY CHARGE, CORRECT? [LB113]

SENATOR LARSON: CORRECT. [LB113]

SENATOR FRIESEN: SO IF A PRISONER, OBVIOUSLY, WANTS TO GO, AND THEY TAKE THEM TO THE DOCTOR, THE EMERGENCY ROOM, AND HE RECEIVED MEDICAL HEALTHCARE, WHO...OR MEDICAL CARE, WHO PAYS THE REST OF THE BILL? THE PRISONER HAS TO PAY A \$10 COPAY, WHO PICKS UP THE REST OF THE TAB? [LB113]

SENATOR LARSON: UP TO A \$10 COPAY. IT COULD BE LOWER THAN THAT. THE REST OF THE BILL WOULD BE PICKED UP BY THE COUNTY, IF THAT'S THE FACILITY...OR THE ENTITY TAKING THEM. OR SHOULD THE STATE CHOOSE TO IMPLEMENT THE COPAY, WHICH THEY SAID THEY PROBABLY WOULDN'T, THE STATE WOULD PICK UP THE REST OF THE BILL. [LB113]

SENATOR FRIESEN: SO WHETHER THE PRISONER IS GUILTY OR NOT GUILTY, HIS HIGHEST COST OF HEALTHCARE COULD BE \$10. [LB113]

SENATOR LARSON: CORRECT. [LB113]

SENATOR FRIESEN: SO...THANK YOU, SENATOR LARSON. SO WHEN I...I LOOK AT THIS AND I...IF I WANT TO GO TO THE DOCTOR UNDER THE AFFORDABLE CARE ACT AND MY INSURANCE, I HAVE TO PAY A CLINIC VISIT AND THEN I HAVE TO PAY THE WHOLE COST OF ANY CARE THAT I RECEIVE ON TOP OF THAT, UP TO A...I

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THINK MINE IS \$10,000 DEDUCTIBLE. AND I LOOK AT THIS AND I GO--MAN, YOU KNOW, IF I CAN JUST RUN IN THERE, I GET A \$10 COPAY AND I GET HEALTHCARE. THAT'S A PRETTY SWEET DEAL. I DON'T THINK IT'S TOO MUCH TO ASK. I DO THINK IT WILL CUT DOWN ON SOME OF THE FRIVOLOUS TRIPS. IT EXCLUDES ANY EMERGENCY CARE WHATSOEVER. IT HAS A WHOLE LIST OF OTHER THINGS THAT ARE EXEMPT: IF THERE IS ANY PREEXISTING CONDITIONS, THOSE TYPE THINGS, THEY'RE ALL EXEMPT. IT JUST SEEMS TO ME THAT IT HITS ONLY THOSE CASES WHERE, MAYBE, A PRISONER JUST WANTS TO RECEIVE A FREE TRIP TO THE DOCTOR TO GET SOME NEW SCENERY, MAYBE TRAVEL OUTSIDE A LITTLE BIT. BUT I JUST FAIL TO SEE, I GUESS, WHERE IT'S A BURDEN ON THE PRISONER. IF I UNDERSTOOD CORRECTLY, SOME JAILS EVEN DO PAY AN ALLOWANCE. I DON'T KNOW...I CAN'T SAY HOW IT'S BASED, IF IT'S JUST FOR GOOD BEHAVIOR OR IF THEY HAVE TO DO SOME WORK INSIDE THE JAIL. BUT THEY HAVE OPPORTUNITIES TO MAKE MONEY WHILE THEY'RE IN THERE TO HELP PAY THIS, SO FROM MY STANDPOINT, I'M STILL TRYING TO LEARN THE OTHER OBJECTIONS THAT SENATOR CHAMBERS IS BRINGING FORTH. BUT I LOOK AT THIS AND FOR \$10 A PERSON CAN GO GET HEALTHCARE. AND THAT'S HIS TOTAL COST AND THE COUNTY IS LEFT TO PICK UP THE OTHER TAB. AND I LOOK AT IT...I'M TRYING TO KIND OF FOCUS ON THE COUNTY SIDE OF THE ISSUE VERSUS THE STATE. SO FROM THAT ASPECT, IT DOESN'T LOOK LIKE THAT BAD A DEAL TO ME, BUT I LOOK FORWARD TO LEARNING A LITTLE MORE ABOUT IT. THANK YOU, MR. PRESIDENT. [LB113]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. SENATOR COOK, YOU'RE RECOGNIZED. [LB113]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I RISE IN SUPPORT OF THE RECOMMIT MOTION AND IN GENERAL OPPOSITION TO THIS BILL PROPOSAL. WHILE ON THE FACE OF THINGS, IT SEEMS AS THOUGH, OH, \$10 IS NOT A BIG DEAL. WHAT I'M NOT HEARING IN OUR DIALOGUE THIS AFTERNOON IS THE FACT THAT THE PRISON POPULATION, THE PEOPLE WHO INHABIT THE CORRECTIONAL FACILITIES, WHILE THEY HAVE BEEN CONVICTED OF CHARGES THROUGH JURY OR JUDGMENTS, THEY ARE DISPROPORTIONATELY REPRESENTING THE POOR IN THE UNITED STATES. SO WHEN WE TALK ABOUT GETTING \$10 FROM COMMISSARY, IT'S NOT BECAUSE THE PERSON WHO IS IN THE CORRECTIONAL FACILITY IS EARNING, WELL, \$10 AN HOUR IN THE WORK THAT HE OR SHE IS DOING WITHIN THAT FACILITY. IT'S ALSO UNLIKELY THAT THEY'VE GOT FAMILY MEMBERS AND FRIENDS WHO HAVE GOT ALL KINDS OF EXTRA MONEY TO PUT INTO COMMISSARY FOR THIS PURPOSE OR FOR POTATO CHIPS OR ANY OTHER NECESSITIES THAT THEY HAVE WHILE THEY



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ARE INCARCERATED, THINGS THAT ARE NOT PROVIDED BY THE STATE DEPARTMENT OF CORRECTIONS OR BY THE COUNTY CORRECTIONAL SYSTEM. SO I'M CONCERNED, NOT SO MUCH BY THE PROPOSAL ITSELF, BUT I'M CONCERNED THAT IT'S VERY REFLECTIVE OF OUR GENERAL ATTITUDES AS PEOPLE WHO HAVE HAD THE OPPORTUNITY TO STAND FOR ELECTED OFFICE, WHO HOLD, IN LARGE PART, THE VIEW OF PEOPLE WHO...THAT IS NOT THE SAME OF THE DISPROPORTIONATE POOR. IT IS A FACT OF HOW POLICY IS MADE THAT IT IS BY PEOPLE WHO'VE GOT THE LEISURE AND THE MIDDLE CLASS PERSPECTIVE TO MAKE JUDGMENTS ABOUT THE KINDS OF HUMAN BEINGS THAT WE ARE INCARCERATED. CERTAINLY, THEY ARE IN THERE, IN ALL LIKELIHOOD, BECAUSE THEY'VE COMMITTED A CRIME. BUT THEY ARE, IN EFFECT, ABIDING BY THE LAW BY SERVING THEIR SENTENCES. AND I HAVE A GREAT CONCERN THAT THE SUBTEXT FOR SUPPORT OF THIS BILL PROPOSAL IS THAT WE FEEL THAT WE ARE BETTER AS HUMAN BEINGS THAN SOMEONE WHO HAS COMMITTED A CRIME. AND REMEMBER, THERE IS A RANGE OF CRIMES. NOT EVERY CRIME IS A SERIAL KILLER OR FIRST DEGREE SEXUAL ASSAULT, THERE'S A RANGE OF CRIMES. I WANT TO EMPHASIZE AGAIN THAT \$10 IS REAL MONEY. IT'S BEEN REAL MONEY FOR MANY OF THE PEOPLE IN THIS CHAMBER WHEN THEY WERE COLLEGE STUDENTS, OR WHEN THEY WERE RAISING A FAMILY, OR BUILDING A NEW BUSINESS. TEN DOLLARS IS REAL MONEY. I ALSO DON'T AGREE WITH THE PRESUPPOSITION THAT THIS NUMBER OF PEOPLE AREN'T IN ANY SORT OF MEDICAL DISTRESS. WE HAVE A COUPLE OF MEMBERS HERE WHO HAVE BEEN HEALTHCARE PRACTITIONERS OR WORKED IN A HOSPITAL ENVIRONMENT. IT'S NOT UNUSUAL FOR PEOPLE TO PRESENT TO THEIR HEALTHCARE PROVIDER, IF THEY ARE SO FORTUNATE AS TO HAVE HEALTH INSURANCE, WITH SYMPTOMS THAT COULD BE THE RESULT OF A WIDE RANGE OF POSSIBILITIES. THEY COULD BE CHRONIC ILLNESS. IT COULD BE DEHYDRATION. IT COULD BE... [LB113]

SENATOR KRIST: ONE MINUTE. [LB113]

SENATOR COOK: ...AN ACUTE ILLNESS SUCH AS CANCER THAT IS PRESENTING. AND IF YOU HAVE YOUR VERY OWN HEALTH INSURANCE, THERE IS A BETTER CHANCE OF FINDING THAT OUT THAN IF YOU ARE AMONG THE PEOPLE WHO ARE SERVING SENTENCES IN CORRECTIONAL FACILITIES ACROSS THIS STATE AND ACROSS THIS COUNTRY WHO ARE DISPROPORTIONATELY COMING OUT OF BACKGROUNDS THAT REFLECT THE POVERTY, AND IN MANY CASES, IN INTERGENERATIONAL POVERTY. ONCE AGAIN, I WOULD RISE IN OPPOSITION TO THE BILL ITSELF AND IN SUPPORT OF THIS RECOMMIT MOTION. WITH THAT, MR. PRESIDENT, I WOULD YIELD THE BALANCE OF MY TIME TO THE CHAIR. [LB113]

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SENATOR KRIST: THANK YOU, SENATOR COOK. SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB113]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I RISE MORE THAN ANYTHING TO ADDRESS SOME OF THE ISSUES THAT HAVE BEEN BROUGHT FORWARD. I HAVEN'T REALLY DECIDED WHERE I'M GOING TO VOTE ON THIS BILL. IT IS...MY INCLINATION IS TO SUPPORT IT. I APPRECIATE WHAT SENATOR COOK JUST MENTIONED. I APPRECIATE WHAT SENATOR CHAMBERS HAS TALKED ABOUT. THE ISSUE TODAY IS REALLY COPAYS VERSUS NOTHING. WE'RE TRYING TO MAKE IT POOR PEOPLE VERSUS WEALTHY PEOPLE AND MIDDLE-CLASS PEOPLE. I ALSO HAVE HEARD THE SAME ARGUMENTS...I HAVE ONE OF THE PRISONS IN MY DISTRICT, YORK WOMEN'S CORRECTIONAL FACILITY. SENATOR SCHNOOR TALKED ABOUT THAT. I'VE HAD EMPLOYEES THAT WORK THERE CONTACT ME AND ASK ME TO LOOK INTO THE ISSUES WHERE WE DO HAVE RECIDIVISM SIMPLY BECAUSE SOME PEOPLE ARE COMMITTING CRIMES SO THEY CAN GET BACK INTO PRISON, JUST AS SENATOR SCHNOOR IS TALKING ABOUT. I CAN'T IMAGINE THAT, BUT THEY DO GET FREE FOOD, SUPPOSEDLY, FREE MEDICAL CARE, FREE ROOF OVER THEIR HEAD. IT'S SORRY REASON TO RETURN TO PRISON. THERE'S GOT TO BE MORE HOPE FOR PEOPLE. THAT'S WHY I WAS SUPPORTIVE OF LB605. I DO KNOW THIS, IF YOU'RE OVER 65 AND YOU'RE ON MEDICARE AND YOU BUY A SUPPLEMENT, PLAN F TO BE EXACT, YOU PAY APPROXIMATELY \$250 A MONTH FOR YOUR PRESCRIPTION DRUG CARD, FOR YOUR MEDICARE, AND YOUR MEDICARE SUPPLEMENT. IF YOU HAVE A PLAN F, SOMETIMES YOU HAVE A COPAY FOR THE DRUG CARD, BUT OTHER THAN THAT, YOU HAVE VERY LITTLE OUT OF POCKET. SO SOMEBODY OVER 65 THAT'S ON MEDICARE IS PRETTY WELL TAKEN CARE OF AT 100 PERCENT. WHAT I'M CONCERNED ABOUT IS THE PEOPLE UNDER 65. IN OUR PRACTICE TODAY, AND IT DOESN'T MATTER WHAT COMPANY YOU'RE DEALING WITH, WHETHER YOU'RE ON THE EXCHANGE OR OFF THE EXCHANGE, WHETHER YOU'RE IN A GROUP, YOU'RE NOT IN A GROUP, PLANS ARE ALL OVER THE PLACE. THE MOST COMMON PLAN, I BELIEVE, ON THE EXCHANGE TODAY IS A \$6,000 DEDUCTIBLE PLAN PER PERSON, OR \$12,000 PER FAMILY OUT OF POCKET. THAT'S A BRONZE PLAN IN MANY CASES. THE DEDUCTIBLE MIGHT BE A LITTLE HIGHER THAN THAT. AND MY WIFE IS SUPPOSED TO BE SENDING ME SOME QUOTES, BUT I HAVEN'T RECEIVED THEM YET. I CAN TELL YOU THIS, LAST...BEFORE WE GOT HERE IN DECEMBER, WE WORKED SOME QUOTES UP AND A FAMILY OF FOUR, MIDDLE CLASS FAMILY OF FOUR THAT DOESN'T QUALIFY FOR THE EXCHANGE TYPICALLY WOULD BUY THAT \$6,000 DEDUCTIBLE, \$12,000 MAXIMUM OUT OF POCKET. THAT MEANS THEY CAN'T USE THEIR INSURANCE UNTIL THEY GET TO \$6,000 OR \$12,000 AS A FAMILY. ONCE THEY DO GET TO THAT DEDUCTIBLE, THEY

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STILL GOT...THEY STILL HAVE THEIR PREMIUMS THAT THEY'RE PAYING. THE PREMIUMS ARE RUNNING \$1,200 A MONTH. SO YOU'RE LOOKING AT \$1,200 A MONTH, TIMES 12, THAT'S \$14,400 A YEAR. PLUS YOU'RE LOOKING AT POSSIBLY \$12,000 A YEAR. THAT'S A LOT OF MONEY FOR THE MIDDLE CLASS PEOPLE TO PAY. WHETHER YOU'RE POOR OR RICH, THAT'S A LOT OF MONEY, BEFORE YOU CAN REALLY GET GOOD QUALITY HEALTHCARE. WHEN THE AFFORDABLE CARE ACT CAME INTO PLACE IN 2010, THERE WERE A LOT OF PEOPLE THAT THOUGHT, HEY, THIS IS THE ANSWER TO OUR PROBLEMS. I CAN TELL YOU TODAY ALL IT'S DONE IS DRAWN UP COSTS. [LB113 LB605]

SENATOR KRIST: ONE MINUTE. [LB113]

SENATOR KOLTERMAN: SO TO EXPECT SOMEBODY TO PAY \$5 OR \$10 IS NOT UNREALISTIC. AND I WOULD TELL YOU, MOST PEOPLE THAT ARE IN THE SYSTEM, THAT ARE IN THE AFFORDABLE CARE ACT, EVEN THE POOR PEOPLE THAT ARE IN THE AFFORDABLE CARE ACT HAVE COPAYS TO PAY OF SOME SORT. THE MIDDLE CLASS, AS I JUST TALKED ABOUT, IS PAYING IN EXCESS OF \$20,000-SOME A YEAR FOR A FAMILY OF FOUR. I GUESS I'M JUST TRYING TO PUT IT INTO PERSPECTIVE WHAT'S GOING ON HERE. THIS IS NOT UNREALISTIC, AND YET I UNDERSTAND IT IS FOR THE POOR. SO I APPRECIATE ALL ASPECTS OF THIS. I'M GOING TO BE FOLLOWING THIS AND I'LL TRY AND GET YOU MORE INFORMATION ON EXACTLY WHAT IT WOULD COST. BUT THE BOTTOM LINE IS, WE HAVE A SYSTEM THAT'S BROKEN. IT'S TOO EXPENSIVE FOR EVERYBODY. AND IF YOU COMMIT A CRIME, IN MANY CASES, YOU GOT A LOT BETTER HEALTHCARE THAN ANYBODY ELSE IN THE STATE. [LB113]

SENATOR KRIST: TIME, SENATOR. [LB113]

SENATOR KOLTERMAN: THANK YOU. [LB113]

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB113]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT, AND MEMBERS OF THE SENATE. I THINK ALL OF YOU KNOW THAT I'M A HUGE FAN OF THE HEALTHCARE REFORM AND HEALTH INSURANCE REFORM. I'M COMMITTED TO THE FACT OF BENDING THE HEALTHCARE COST CURVE. I WANT TO TALK AND JUST TO GIVE A LITTLE INSIGHT, IF YOU WILL. I'M A HEALTHCARE ADMINISTRATOR, NOT AN INSURANCE REPRESENTATIVE OR HEALTH INSURANCE BACKGROUND. THAT SAID, THE

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COPAYMENT, FUNDAMENTALLY, IS NOT A SOURCE OF INCOME EITHER FOR PROVIDERS OR HOSPITALS. THE COPAYMENT IS, BASICALLY, TO MAKE SURE THAT THE INDIVIDUAL WHO MIGHT BE GOING TO GET HEALTHCARE SERVICES THINKS A LITTLE BIT BEFORE THEY GO IN TO GET THOSE HEALTHCARE SERVICES PROVIDED. I THINK IT WAS ALSO TALKED ABOUT THAT...AND SENATOR LARSON BROUGHT THIS UP, IT'S UP TO \$10, NOT NECESSARILY \$10. SO IF THE INCARCERATED INDIVIDUAL DID NOT HAVE THAT \$10 IN THEIR ACCOUNT, QUITE FRANKLY, FROM A HOSPITAL STANDPOINT, WITH EMTALA, THEY WOULD STILL HAVE TO SEE AND MAKE SURE THE PATIENT, BE HE OR SHE, AN INCARCERATED PATIENT OR BE THEY ONE FROM THE COMMUNITY AT LARGE, THEY HAVE TO MAKE SURE THAT THEY HAVE...ARE IN A STABLE POSITION BEFORE THEY LEAVE. IT SOUNDS LIKE THAT DIDN'T HAPPEN IN THE CASE WHERE SENATOR CHAMBERS WAS TALKING ABOUT THE WOMAN THAT WAS, I THINK, DRUG OUT OF THE HOSPITAL, THERE WAS SOMETHING INCREDIBLY WRONG THERE. I ALSO WANTED TO POINT OUT THAT WITH MEDICAID, MANY OF THE MEDICAID PLANS ACROSS THE COUNTRY ARE LOOKING AT INCREASING THE COPAYMENT AGAIN AS A DETERRENT FOR THE HIGH USE OF EMERGENCY DEPARTMENTS. AND THAT COPAYMENT IS UP TO \$50 OR MORE IF THERE IS A PERCEPTION THAT THE INDIVIDUAL THAT'S USING THE EMERGENCY DEPARTMENT IS THERE FOR A NONEMERGENCY CASE. IF IT'S NOT BONA FIDE EMERGENCY, AND YOU MAKE FUNDAMENTALLY THREE VISITS--THEY GIVE YOU THREE STRIKES AND YOU'RE OUT--AND THEN YOU GET INTO THIS HIGHER COPAYMENT, IT'S NOT TO MAKE MONEY. BELIEVE ME, ANYONE THAT'S BEEN TO A HOSPITAL WOULD KNOW THAT \$50 IS CHUMP CHANGE WHEN IT COMES DOWN TO PROBABLY WHAT YOUR HOSPITAL BILL IS GOING TO BE. IT IS FUNDAMENTALLY TO TRY TO REDIRECT PEOPLE TO A BETTER LEVEL OF CARE AND TO ALSO...SO I THINK THAT, AGAIN, I THINK ECHOING WHAT SENATOR KOLTERMAN WAS SAYING, IT'S SIMPLY A DETERRENT. IT'S SIMPLY A MATTER OF OTHER PEOPLE ARE FACING THIS ACROSS THE ENTIRE HEALTHCARE INSURANCE ARENA. I DON'T THINK IT'S OUT OF ORDER TO ASK FOR SOMETHING UP TO \$10. I WOULD LOVE TO HAVE THAT KIND OF A COPAYMENT. THANK YOU VERY MUCH. [LB113]

SENATOR KRIST: THANK YOU, SENATOR RIEPE. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB113]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. WOULD SENATOR LARSON YIELD FOR A QUESTION OR TWO? [LB113]

SENATOR KRIST: SENATOR LARSON, WILL YOU YIELD? [LB113]

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SENATOR LARSON: YES. [LB113]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. I WAS AWAY FROM THE FLOOR HERE FOR A LITTLE WHILE. BUT I THOUGHT I HEARD SOMEBODY SAY THAT THE STATE PROBABLY WASN'T GOING TO IMPLEMENT THIS IF IT WAS PASSED. IS THAT CORRECT? [LB113]

SENATOR LARSON: THE STATE DEPARTMENT OF CORRECTIONS UNDER THE CURRENT GOVERNOR'S DEPARTMENT OF CORRECTIONS LAST YEAR IN THE FISCAL NOTE SAID THEY PROBABLY WOULDN'T DO IT. THEY MAY CHANGE THEIR MIND, BUT THAT WOULD BE THEIR DECISION, I THINK, AT THAT POINT. A NUMBER OF COUNTIES WOULD, THOUGH. [LB113]

SENATOR BLOOMFIELD: OKAY, THANK YOU. IF YOU ARE AN INMATE IN A COUNTY LOCKUP OR PEN, JAIL, WHATEVER YOU CHOOSE TO CALL IT, DO YOU RECEIVE A STIPEND FROM THE COUNTY LIKE THEY DO ON THE STATE LEVEL? [LB113]

SENATOR LARSON: I'M UNSURE IF THEY RECEIVE A STIPEND. I KNOW THEY CAN HAVE COMMISSARY ACCOUNTS IN WHICH FAMILY MEMBERS OR OTHER PEOPLE CAN PUT MONEY INTO THEIR ACCOUNTS TO SPEND ON STUFF. BUT I'M NOT SURE, SPECIFICALLY, IF THEY RECEIVE A STIPEND. [LB113]

SENATOR BLOOMFIELD: OKAY. AND I UNDERSTOOD, I BELIEVE, THAT NO CARE WOULD BE DENIED IF THEY DON'T HAVE THE MONEY TO PONY UP FOR THEIR...? [LB113]

SENATOR LARSON: CORRECT. IF THEY DON'T HAVE THE MONEY IN THEIR ACCOUNT, EVERY PRISONER HAS THE ABILITY TO HAVE THIS COMMISSARY ACCOUNT. IF THERE IS NO MONEY IN THAT ACCOUNT, THEY CANNOT BE DENIED HEALTHCARE. NOW, IF ANY MONEY WERE TO COME INTO THAT ACCOUNT, I.E., A FAMILY MEMBER PUT MONEY INTO THAT ACCOUNT IN WHICH THEY COULD USE TO BUY THE ITEMS SUCH AS CANDY AND EXTRA THINGS, HALF OF THE MONEY THAT IS DEPOSITED INTO THAT ACCOUNT IS AUTOMATICALLY TAKEN UNTIL THE COPAY IS FULFILLED. SO IF HOLT COUNTY, FOR EXAMPLE, THE COUNTY IN WHICH I RESIDE, IMPLEMENTS A \$10 COPAY FOR NONEMERGENCY CARE, A PRISONER USES THAT MEDICAL CARE AND THE MEDICAL DOCTOR DETERMINES THAT IT IS NONEMERGENCY, BUT THE PRISONER DIDN'T HAVE ANY MONEY, HE DOESN'T HAVE TO PAY FOR THAT CARE, BUT SHOULD HE EVER GET MONEY INTO

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HIS COMMISSARY ACCOUNT, LET'S SAY HE GETS \$15 INTO THAT ACCOUNT, \$7.50 OF THAT AUTOMATICALLY COMES OUT TO PAY FOR THAT \$10 COPAY. AND THE NEXT TIME HE GETS \$5 COMES IN, THEN \$2.50 AUTOMATICALLY GOES UNTIL HE PAYS THE FULL COPAY. DO YOU UNDERSTAND KIND OF... NOT ALL OF IT GETS TAKEN AWAY WHEN THE MONEY COMES IN. [LB113]

SENATOR BLOOMFIELD: OKAY. SO HOW LONG CAN SOMEONE BE KEPT IN THE COUNTY LOCKUP? [LB113]

SENATOR LARSON: I DON'T KNOW IF THERE IS A MAXIMUM HOW LONG THEY CAN OR CAN'T BE IN COUNTY. IT'S MY UNDERSTANDING THAT MOST OF THEM, IF THE SENTENCE IS LONGER THAN A YEAR, THEY GO TO THE PEN. BUT AGAIN, I'M NOT 100 PERCENT SURE IF THERE'S LAWS THAT SAY THEY CAN OR CAN'T STAY IN THE COUNTY FACILITIES FOR SHORTER OR LONGER THAN THAT. SENATOR CHAMBERS MIGHT ACTUALLY BE A BETTER GUIDE ON THAT. [LB113]

SENATOR BLOOMFIELD: AND, IF I DON'T RUN OUT TIME WITH YOU, THAT'S WHERE I WILL GO NEXT. IF THE COUNTY PRISONER HAS THE MISFORTUNE OF GETTING SICK IN HIS FIRST MONTH OF BEING HELD, AND TWO OR THREE MONTHS LATER SOMEBODY DROPS HIM IN \$10 SO HE CAN GO BUY A CANDY BAR, HE'S BASICALLY OUT OF LUCK? HE'S STILL...THAT MONEY IS TAKEN AWAY FROM HIM? [LB113]

SENATOR LARSON: NO, NOT COMPLETELY. NO, NO. YOU ONLY TAKE HALF OF IT...SO UNDER LB113. SO IF IN HIS FIRST MONTH HE HAS SOME NONEMERGENCY CARE THAT HAS TO BE TAKEN CARE OF... [LB113]

SENATOR KRIST: ONE MINUTE. [LB113]

SENATOR LARSON: ...AND TWO MONTHS DOWN THE ROAD SOMEONE PUTS \$10 INTO HIS COMMISSARY ACCOUNT, IF THE COUNTY HAD A \$10 COPAY, THE COUNTY WOULD TAKE \$5 OF THAT \$10 COMING IN ON THAT FIRST DEPOSIT. SO HE WOULD STILL HAVE \$5. [LB113]

SENATOR BLOOMFIELD: OKAY. I WILL HAVE SOME MORE QUESTIONS, PROBABLY, AS WE GO ALONG. MR. PRESIDENT, THANK YOU. [LB113]

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SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD AND SENATOR LARSON. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION TO RECOMMIT. [LB113]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, TO SENATOR RIEPE AND SENATOR FRIESEN AND OTHERS WHO COMPARED THEIR SITUATION TO THAT OF A PRISONER, I THINK THAT'S GROSSLY UNFAIR. FIRST OF ALL, THESE TWO MEN ARE FREE. THEY'RE NOT LOCKED UP. THEY DON'T HAVE EVERY MINUTE OF THEIR TIME REGIMENTED. IF THEY GO TO A DOCTOR, THEY CAN GO TO A REAL DOCTOR. THEY DON'T HAVE TO WONDER IF THIS DOCTOR IS IN CAHOOTS WITH THE JAIL TO SAY THAT THIS PERSON DID NOT NEED THIS CARE SO THAT THAT PERSON WOULD BE IN A POSITION NOT TO COME ON THESE KIND OF VISITS. AND THE DOCTOR SAYS, WELL, I'LL DO THIS TO KEEP A CONTRACT WITH THE COUNTY SO I'M THE ONE YOU SEND EVERYBODY TO. DO I SOUND SKEPTICAL AND CYNICAL? I CERTAINLY AM. AND THINGS LIKE THIS HAVE HAPPENED. I'D LIKE TO ASK SENATOR SCHNOOR A QUESTION IF HE'S HERE, BECAUSE I DON'T THINK I UNDERSTOOD HIM COMPLETELY. [LB113]

SENATOR KRIST: SENATOR SCHNOOR, WILL YOU YIELD? [LB113]

SENATOR CHAMBERS: SENATOR SCHNOOR, DID YOU SAY THAT THE THINGS YOU WERE DISCUSSING HAD OCCURRED IN CALIFORNIA? [LB113]

SENATOR SCHNOOR: CORRECT. [LB113]

SENATOR CHAMBERS: OKAY. THAT'S ALL I WANTED TO BE SURE. THANK YOU. [LB113]

SENATOR SCHNOOR: WELL, THAT WAS EASY. [LB113]

SENATOR CHAMBERS: I THINK EVERYBODY HERE KNOWS THAT NOTHING THAT HAPPENS IN CALIFORNIA WILL EQUATE WITH WHAT HAPPENS IN NEBRASKA. SO THAT'S NOT REALLY A BASIS FOR CONCLUDING ANYTHING. WHERE, IN FACT, IF WE'RE TALKING SPECIFICALLY ABOUT NEBRASKA, WHAT'S HAPPENING SOMEPLACE ELSE IS TOTALLY IRRELEVANT. I'M GONNA TELL YOU ALL WHAT I HAD TO DO, AND THERE ARE MANY WHITE PEOPLE IN THIS LEGISLATURE BEFORE I WAS, AND WHITE PEOPLE KNEW ABOUT IT. UP IN THURSTON COUNTY, THE SHERIFF WOULD GET SO MUCH FOR EVERY MEAL GIVEN TO AN INMATE.

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THEY HAD NATIVE AMERICANS UP THERE. AND YOU KNOW WHAT THEY WOULD DO? PICK HIM UP A FEW MINUTES BEFORE MIDNIGHT, YOU LET HIM OUT A FEW MINUTES AFTER MIDNIGHT AND YOU BILL FOR TWO MEALS WHEN YOU SERVE NONE. IT WAS CALLED THE INDIAN BOUNTY ACT. EVERYBODY KNEW IT. YOU KNOW WHEN IT WAS ENDED? WHEN I CAME TO THE LEGISLATURE. THE WHITE SENATORS HERE WHO KNEW IT, THE WHITE COMMISSIONERS WHO KNEW IT, ALL THE WHITE PEOPLE WHO KNEW IT DIDN'T SEE ANYTHING WRONG WITH IT. I IMMEDIATELY WAS INCENSED, OUTRAGED, AND I GOT RID OF IT IMMEDIATELY. SO DON'T TELL ME ABOUT THESE SHERIFFS BEING GOOD PEOPLE AND FAIR. THEY WILL HUSTLE IN EVERY WAY THAT THEY CAN, SOME OF THEM. BUT NOT ONE OF THEM SHOWED UP ON THIS BILL. AND I'LL TELL YOU WHY NOT ONE OF THEM DID. THEY KNOW I'M A MEMBER OF THE JUDICIARY COMMITTEE. EVEN THE COUNTY ATTORNEYS, WHEN I WAS NOT IN THE LEGISLATURE AND A BILL ON THE DEATH PENALTY WOULD COME UP, BECAUSE I CAME DOWN TO SPEAK AGAINST ONE, AND THEY WERE LINED UP IN THE FRONT ROW LIKE MURDERERS ROW. WHEN I GOT BACK IN THE LEGISLATURE, YOU KNOW WHAT HAPPENED? COUNTY ATTORNEYS DIDN'T SHOW UP. THEIR COMMITTEE DESIGNATED ONE PERSON TO BE THE SACRIFICIAL LAMB. SO WHEN THEY THINK THEY CAN HAVE THEIR WAY, THEY COME IN DROVES. IF THEY THINK THEY'RE GOING TO HAVE TO CONFRONT SOMEBODY WHO WILL ASK THEM QUESTIONS, THEY DON'T COME. THERE ARE PEOPLE, THERE'S ONE YOUNG LADY, SHE HAS HAD TO TESTIFY FOR NACO; I ALWAYS FEEL SORRY FOR HER BECAUSE SHE'S VERY APOLOGETIC, THAT SHE'S JUST DOING HER JOB. AND I TELL HER THE QUESTIONS THAT I HAVE WOULD BE MORE FOR THE ONES WHO SENT YOU HERE TO BE SACRIFICED THAN FOR YOU. I DON'T HAVE ANY QUESTIONS TO ASK YOU. HIDING BEHIND A WOMAN. AND THEY KNOW HOW I FEEL ABOUT WOMEN. I'M NOT GONNA BULLY THEM LIKE THE COUNTY PEOPLE WILL DO TO MAKE HER GO THERE OR YOU DON'T HAVE A JOB. THAT'S WHAT I'VE SEEN WHILE I'VE BEEN IN THIS LEGISLATURE ALL THESE DECADES. AND WITH ALL DUE RESPECT TO SENATOR SCHNOOR, FOR HIM TO HAVE ANYTHING TO SAY, HE HAD TO TALK ABOUT SOMETHING IN CALIFORNIA THAT SOMEBODY TOLD HIM. THOSE ARE ANECDOTES. HE DOESN'T KNOW WHETHER THEY'RE TRUE OR NOT. BUT WHATEVER HAPPENS IN CALIFORNIA, I'M CONCERNED ABOUT WHAT HAPPENS HERE. AND YOU ALL WILL COMPARE THIS TO YOUR SITUATION AND SAY, \$10 COPAY, PRETTY GOOD, I LIKE THAT, I'D GO FOR IT. [LB113]

SENATOR KRIST: ONE MINUTE. [LB113]

SENATOR CHAMBERS: BUT I'M GOING TO GET...I'M NOT GOING TO BE LIKE SENATOR LARSON. NACO IS ON MY LIST, JUST LIKE GAME AND PARKS, AND I'M



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GOING TO SHOW YOU ALL THAT I'M NOT KIDDING. AND YOU ALL MIGHT VOTE FOR EVERYTHING THEY WANT TO GET EVEN WITH ME, BUT YOU'RE GONNA PAY ME IN TIME. AND I WILL TAKE THE TIME. AND I WILL DEDICATE THE NEXT 70 OR HOWEVER MANY DAYS IT TAKES US TO FINISH THAT, 60, TO JUST MAKING SURE THAT I'M IN GOOD ENOUGH SHAPE TO FIGHT ALL THESE BILLS. I DON'T CARE WHOSE BILL IT IS. THAT'S WHAT I'M GOING TO DO. YOU BRING THIS STUFF HERE, THE JUDICIARY COMMITTEE SENT IT OUT HERE. SENATOR MORFELD, OF ALL PEOPLE, KNOWS BETTER. BUT I DON'T THINK HE'S AS KNOWLEDGEABLE ABOUT THINGS IN THE LAW AS I THOUGHT HE WAS. BUT AT ANY RATE, THESE KIND OF THINGS WHEN THEY'RE BROUGHT OUT HERE, THEN I'M GOING TO DO WITH THEM WHAT I THINK SHOULD BE DONE. I HEAR PEOPLE HERE TALKING ABOUT VARIOUS THINGS THAT HAPPEN TO FARMERS. WELL, THEY GOT THEIR FARMS. THEY SAY YOU GOT TO PAY TOO MUCH AND TOO MUCH; AND OTHER PEOPLE SAY, I WISH I COULD GET MY LAND VALUED LIKE YOURS. I'M IN THE CITY, AND FARMERS GET A BREAK. FARMERS WILL SAY, YEAH, BUT YOU'RE NOT A FARMER. [LB113]

SENATOR KRIST: TIME, SENATOR. [LB113]

SENATOR CHAMBERS: FARMERS DON'T WANT PEOPLE TO SAY, YOU GOT A GOOD DEAL...OH, YOU SAID TIME? [LB113]

SENATOR KRIST: YES, SIR. [LB113]

SENATOR CHAMBERS: OH, I'M SORRY. [LB113]

SENATOR KRIST: THAT'S ALL RIGHT. YOU'VE HEARD THE CLOSING ON THE MOTION TO RECOMMIT TO THE JUDICIARY COMMITTEE. QUESTION IS, SHALL THE BILL BE RECOMMITTED? ALL THOSE IN FAVOR VOTE AYE... [LB113]

SENATOR CHAMBERS: I'D LIKE...MR. CHAIR, I'D LIKE A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB113]

SENATOR KRIST: THERE'S BEEN A REQUEST FOR THE CALL OF THE HOUSE. THE QUESTION IS, SHOULD THE HOUSE GO UNDER CALL? THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB113]

CLERK: 25 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB113]

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SENATOR KRIST: 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, COULD YOU CHECK IN? THANK YOU. SENATOR SCHEER, SENATOR WATERMEIER, SENATOR GLOOR, SENATOR FOX, SENATOR McCOY, SENATOR MURANTE, SENATOR GROENE, SENATOR GARRETT, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR GLOOR, SENATOR GROENE, SENATOR...SENATOR GROENE, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, EVERYONE IS ACCOUNTED FOR. HOW WOULD YOU LIKE TO PROCEED? ROLL CALL VOTE, REGULAR ORDER. MR. CLERK. [LB113]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 302-303.) [LB113]

SENATOR KRIST: SENATOR CHAMBERS. [LB113]

SENATOR CHAMBERS: CHANGING FROM YES TO NOT VOTING. [LB113]

SENATOR KRIST: SENATOR CHAMBERS CHANGING FROM YES TO NOT VOTING. [LB113]

CLERK: 15 AYES, 23 NAYS, MR. PRESIDENT, ON THE MOTION TO RECOMMIT. [LB113]

SENATOR KRIST: MR. CLERK, ITEMS FOR THE RECORD.

CLERK: MR. PRESIDENT, I HAVE NEW BILLS. (READ LB987-LB989 BY TITLE FOR THE FIRST TIME.) MR. PRESIDENT, SENATOR McCOY WOULD LIKE TO PRINT AN AMENDMENT TO LB619...ACTUALLY TWO AMENDMENTS. MR. PRESIDENT, A MOTION TO BE PRINTED, SENATOR CHAMBERS, A MOTION WITH RESPECT TO LB113. I HAVE A NAME ADD: SENATOR MORFELD WOULD LIKE TO ADD HIS NAME TO LB471. (LEGISLATIVE JOURNAL PAGES 303-305.) [LB987 LB988 LB989 LB619 LB113 LB471]

MR. PRESIDENT, SENATOR LINDSTROM WOULD MOVE TO ADJOURN THE BODY UNTIL TOMORROW MORNING AT 9:00 A.M.

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SENATOR KRIST: YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR  
AYE. OPPOSED, NAY. AND THE CALL IS LIFTED.