

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

Floor Debate
March 15, 2018

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-fourth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Pastor Joe Laughlin from the Victory Church in Omaha, Nebraska, he's a guest today of Senator Clements. Please rise.

JOE LAUGHLIN: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Laughlin. I call to order the forty-fourth day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review reports LB741 to Select File. Health Committee reports LB705, LB1057 to General File; LB686, LB894 to General File with amendments. I also have confirmation reports from the Health Committee. Senator Thibodeau offers a new resolution, LR351. That will be laid over. And, Mr. President, the lobby report as required by state law and agency report acknowledgment. That's all that I had, Mr. President. (Legislative Journal pages 995-997.) [LB741 LB705 LB1057 LB686 LB894 LR351]

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting, I propose to sign and do hereby sign the following three legislative resolutions: LR340, LR341, LR342. (Doctor of the day introduced.) Speaker Scheer. [LR340 LR341 LR342]

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SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, end of the week again, so I thought I would sort of review where we are at. First, as far as where the bills may be, as of this morning we have--and these are speaking only of priority bills--we have 21 priority bills still in committee. I have 52 bills on General File yet to move and yet to be debated. We have 23 at E&R. We have seven waiting for Final Reading. And two that...four that have been passed. So when we were talking the other night about trying to get things done, we are now day 44. We have 11 days that we have structured that could be long days and it would appear to me that based on those numbers, we will be using all of those in order to facilitate getting as far as we can into the priority bills. But with 52 still sitting there, it's not hard to do the math that even with long days, 12- to 14-hour days, there are not enough hours to spend three or six hours trying to get things through General File, let alone having to work on them at Select and being able to read them across on Final Reading. So just a heads up, that's where we're at. It's more informative than anything, but I think everybody should be aware of exactly where we are in relationship to what we have left to do. As I look at putting bills up for next week, I want to make sure that...I do realize that there was one segment that did not show up on this week's agenda that was previously stated last week and that would be the Friesen division and it is still awaiting to be put on the agenda. And to refresh your memory, those bills that were announced last week that have not made it onto the agenda are LB1091...and I'm going to try to read slower because I've had some folks that are listening on TV that are trying to write down numbers have asked that we go a little bit slower, that I go a little bit slower so they have opportunity. So this is their opportunity to run get a piece of paper and pencil so that you are ready to write the numbers down. Those from last week are LB1091, LB865, LB827, LB906, and LB940. The bills that we will be adding this week at some point in time or the following week, but they will be the next ones up in the queue and not necessarily in any order, but these are the bill numbers: LB957, LB745, LB1121, LB729, LB990, LB1130, LB295, LB1081, LB1008, LB909, and LB778. If we move very quickly, we certainly can always add more, but those will give you an idea of what are still coming up in relationship to where I'm looking at. On today's agenda, you will note that LB439 and LB439A are on Final Reading. Due to a rule that it has potential financial consequence, not in this biennium but next biennium, we have to pass the budget before I can run that on Final Reading. There is nothing wrong with the bill. It just has a sequential problem, so that will probably show up the next time we have Final Reading. My intent would be to bring back the budget issues on Wednesday. I still want to give enough time to try to work out any type of agreement that may be available on LB944. I had hoped to do that Tuesday, but because of the four-day weekend, I want to make sure that we give every opportunity to reach some type of agreement. And if we don't, then we simply will have to trudge forward, but I want to make sure that I give them enough time to at least facilitate that. Again, if there is any questions, please contact myself. I'm usually hanging out back here or Laurie or Spencer in the office. We have a lot of work yet to be done. We do have some long days available to us and we will be utilizing those so over the four-day weekend, please try to get substantial amount of rest so that we're all fresh for a fairly extensive week. Thank you, Mr. Lieutenant Governor.

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PRESIDENT FOLEY: Thank you, Mr. Speaker. (Visitors introduced.) Senator Chambers, for what purpose do you rise?

SENATOR CHAMBERS: If the Speaker would, I would like to ask him a question about the agenda.

PRESIDENT FOLEY: Mr. Speaker, would you yield to a question, please?

SPEAKER SCHEER: Certainly. Yes, sir.

SENATOR CHAMBERS: Mr. Speaker, if I were to put a motion to return on every one of these bills, they would all go to the bottom and then we'd read them in the order that they appear right now. Is that true?

SPEAKER SCHEER: That would be correct.

SENATOR CHAMBERS: I'm not going to do that, but I just want to show you how my mind works. Thank you.

SPEAKER SCHEER: I appreciate knowing how your mind works, Senator. I'm just hoping that you don't fully utilize it today.

PRESIDENT FOLEY: Thank you, Senators. Senators, if you can please get to your desks, we want to jump right into Final Reading. We need you all at your desks. Senators appear to be at their desks. We'll begin Final Reading. Mr. Clerk, the first vote on the first bill, LB17 is a vote to dispense with the at-large reading. Those in favor vote aye; those opposed vote nay. Record, please. [LB17]

CLERK: 38 ayes, 2 nays to dispense with the at-large reading. [LB17]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB17]

CLERK: (Read title of LB17.) [LB17]

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PRESIDENT FOLEY: Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall LB17 pass? All those in favor vote aye; those opposed vote nay. Record, please. [LB17]

CLERK: (Record vote read, Legislative Journal page 998.) 46 ayes, 0 nays, 3 excused and not voting. [LB17]

PRESIDENT FOLEY: LB17 passes. We'll now proceed to LB256. Mr. Clerk. [LB17 LB256]

CLERK: (Read title of LB256.) [LB256]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB256 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB256]

CLERK: (Record vote read, Legislative Journal pages 998-999.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB256]

PRESIDENT FOLEY: Thank you. LB256 passes. We'll now proceed to LB321. [LB256 LB321]

CLERK: (Read title of LB321.) [LB321]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB321 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB321]

CLERK: (Record vote read, Legislative Journal pages 999-1000.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Mr. Clerk. LB321 passes. LB350 on the agenda will now move to the bottom of this list pursuant to the agenda instructions which takes us to LB439. Mr. Clerk, the first vote is to dispense with the at-large reading. [LB321]

CLERK: Just a moment, Lieutenant Governor.

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PRESIDENT FOLEY: Correction. We're moving to LB743. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor vote aye; those opposed vote nay. Record, please. [LB743]

CLERK: 41 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB743]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB743]

CLERK: (Read title of LB743.) [LB743]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB743 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB743]

CLERK: (Record vote read, Legislative Journal pages 1000-1001.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB743]

PRESIDENT FOLEY: Thank you, Mr. Clerk. LB743 passes. Moving now to LB750. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor vote aye; those opposed vote nay. Record, please. [LB743 LB750]

CLERK: 41 ayes, 4 nays, Mr. President, to dispense with the at-large reading. [LB750]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB750]

CLERK: (Read title of LB750.) [LB750]

PRESIDENT FOLEY: Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall LB750 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB750]

CLERK: (Record vote read, Legislative Journal pages 1001-1002.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB750]

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PRESIDENT FOLEY: LB750 passes. Pursuant to the agenda instructions, LB775 will drop to the bottom of this list which takes us to LB874. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor vote aye; those opposed vote nay. Record please. [LB750 LB874]

CLERK: 38 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB874]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB874]

CLERK: (Read title of LB874.) [LB874]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB874 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB874]

CLERK: (Record vote read, Legislative Journal pages 1002-1003.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB874]

PRESIDENT FOLEY: LB874 passes. Next bill is LB936. Mr. Clerk. [LB874 LB936]

CLERK: (Read title of LB936.) [LB936]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB936 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB936]

CLERK: (Record vote read, Legislative Journal pages 1003-1004.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB936]

PRESIDENT FOLEY: LB936. Members, we're going to move back to the two bills that I dropped down to the bottom of the list. The first of those is LB350. Mr. Clerk. [LB936 LB350]

CLERK: Mr. President, I have a motion from Senator Murante. He would move to recommit LB350. [LB350]

PRESIDENT FOLEY: Senator Murante, you're welcome to open on your motion. [LB350]

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SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I'd like to thank the many members who came asking for clarification after we dealt with LB350 the last time on Final Reading. I'd like to go through a little bit of the concern and clarification that was brought to my attention and why I sought clarification the last time we were on Final Reading as it relates to a felon voting. And it starts with Chapter 29-113 where this is the policy that has been discussed several times by the Legislature in the past few years. It says this is the existing state law and it's not being changed by LB350. That any person who has been convicted of a felony under the laws of any other state is not qualified to vote until two years after such person has completed his or her sentence. So that's pretty simple, straightforward, and direct. Then we get to LB350. What we're doing here is creating a process and expanding the process by which felony convictions can be set aside. And once the set aside occurs, as you can see on page 3, lines 13 and 14, once a set aside occurs, the set aside order shall remove all civil disabilities and disqualifications imposed as a result of the conviction. So that created in my mind, some ambiguity as to what that section meant, what those words in that section meant. It seemed to me that a reasonable person could reach the conclusion that the first section of statute that I read states that there are two mechanisms under the law, if you look at it in its totality, for felons to have their voting rights restored. The first is to wait two years and you get your voting rights back, period, end of sentence. There's no application process, there is nothing more that needs to be done. And the second would be under the set aside law, you can immediately after your sentence has been completed, apply for a set aside, at which time all civil disabilities and disqualifications would be removed, except for the right to carry a firearm under state and federal law. So it seems to me like a reasonable person could conclude that your two options are a, wait two years, or b, at the end of your sentence, immediately apply for a set aside, at which time you would get your voting rights back. After that discussion, I met with the Attorney General's Office and was presented with a case, Ways v. Shively which dealt not directly on point, but with a point that was substantially similar which is that this civil disabilities and disqualifications does not apply to voting rights and, therefore, I'm not sure that further qualification is necessary. However, the challenge we now have is we had a clarifying amendment the last time this bill was on Final Reading, which was little more than a cross reference which articulated plainly that although we have ambiguous language and direct language, the direct language was what is going to govern in this instance, and that amendment was rejected. And we have a committee statement which seems to be encompassing, all encompassing of all rights with the exception of firearms and with the...when we go in and explicitly exempt one right, the right to carry a firearm, and then don't make any other reference to any other rights, I think it certainly creates some ambiguity. So I would like to start by asking Senator Ebke a question, if she would yield. [LB350]

PRESIDENT FOLEY: Senator Ebke, would you yield, please? [LB350]

SENATOR EBKE: Yes. [LB350]

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SENATOR MURANTE: Thank you, Senator Ebke. I'm reading your committee statement and I want to read the operative sentence, that if the petition is granted and the conviction is set aside the court will order removal of all civil disabilities and reinstatement of the petitioner's right, except for the right to possess a firearm. So my question is to you, is it your intent and do you believe that LB350 accomplishes the goal of changing the felon voting rights law? [LB350]

SENATOR EBKE: No. [LB350]

SENATOR MURANTE: Thank you, Senator Ebke. Would Senator McCollister yield to a question? [LB350]

PRESIDENT FOLEY: Senator McCollister, would you yield, please? [LB350]

SENATOR McCOLLISTER: Yes, I will. [LB350]

SENATOR MURANTE: Senator McCollister, you heard the question I asked Senator Ebke. I'm going to ask you the same question. Is it your intent with LB350 to change the process by which felons get their voting rights back? [LB350]

SENATOR McCOLLISTER: No, it's not. And actually, Senator Murante, it's a practical impossibility. Hardly any judge will grant a set aside until two or three years after a person has completed their sentence and their probation. So when that time occurs, the person's voting rights have already been reestablished. So it's really not a factor, Senator. [LB350]

SENATOR MURANTE: So what do those words mean, Senator McCollister? When we talk about removing all civil disabilities and disqualifications, if we're not talking about voting rights, what are we talking about? [LB350]

SENATOR McCOLLISTER: Well, it's just a seal of approval that the judge can give that person asking for a set aside that helps that person with employment opportunities. It just makes it easier for that person perhaps to get a job. [LB350]

SENATOR MURANTE: I heard your statement and your testimony and I've talked extensively with ACLU about this and they gave me a similar answer as to your intent, but I think the confusion is we have specific language that all the civil disabilities and disqualifications imposed as a result of a conviction means something. So what I'm trying to figure out is if we pass this bill, what is something that a felon who has had their conviction set aside is going to be able to do that they otherwise could not? [LB350]

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SENATOR McCOLLISTER: I think I just gave an answer. And it does not reestablish any other rights. It's simply a seal of approval from that judge that sentenced that person. So nothing more, nothing less, Senator. And we have talked about this issue and I thought we had satisfied it to your satisfaction. I would hope that our discourse on the mike will help establish the legislative intent. Thank you, Senator. [LB350]

SENATOR MURANTE: I appreciate that. And, Senator...to be clear, Senator McCollister, the ACLU, the Attorney General's Office, and myself have talked about this to great extent as to what these words mean. My concern is that we're trying to amend a law indirectly that we could not amend directly. I don't think it's Senator McCollister's position to do that and with my conversation with the Attorney General's Office I do intend to withdraw the recommit motion. So I do intend to do that, Senator McCollister, but I still don't have my mind wrapped around...I get the goal, that you're trying to have felons, they get a set aside, they're more likely to have employers not take issue with the conviction and they're more likely to get a job. But that doesn't change the fact that we have these words in the law that deal with removal of civil disabilities and disqualification and I haven't heard one civil disability or disqualification that's currently imposed under the law that is being impacted. I have no idea what these words mean. So I'll ask it one more time. Aside from the fundamental goal of what you're trying to accomplish, what in a practical world, what is this one example of a civil disability or disqualification, something that a citizen who has had some sort of civil right taken away from them by virtue of committing a felony that they are getting back as a result of having their conviction set aside? [LB350]

SENATOR McCOLLISTER: Those set asides that a person would receive does not give a person any other right. What rights they lost after the conviction, those would not be restored by virtue of the set aside. [LB350]

SENATOR MURANTE: Well, then what do those words mean? [LB350]

SENATOR McCOLLISTER: Well, those words mean that...simply what the bill says. That the set aside gives the person an opportunity for better employment opportunities. And it's a step in the process for a person to go for a pardon and that I think is a good move for the state and I think it's good for the person that's finishing their sentence looking for a way to demonstrate... [LB350]

PRESIDENT FOLEY: One minute. [LB350]

SENATOR McCOLLISTER: ...that they have put their life on a new course. [LB350]

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SENATOR MURANTE: Thank you, Senator McCollister. I'll say there's nothing in this bill that talks directly about employment, there's nothing in this bill that talks directly about pardons. There is specific language that deal with civil disabilities and disqualifications. I've had numerous conversations now on and off the microphone and there has not been a single example of one civil disability or disqualification that has been presented that this is actually changing. So until I have some sort of understanding of that, I can't vote for the legislation. I don't think it's filibuster worthy, so I'm going to withdraw my motion. But until I have an understanding of what that means, I can't support the legislation. So I'll be voting against LB350, but I will at this point withdraw my motion to recommit. Thank you, Mr. President. [LB350]

PRESIDENT FOLEY: The motion is withdrawn. To those senators with your lights on, we cannot recognize you because there is nothing now pending on the bill. Mr. Clerk, please read the bill. [LB350]

CLERK: (Read title of LB350.) [LB350]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB350 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB350]

CLERK: (Record vote read, Legislative Journal pages 1004-1005.) 30 ayes, 11 nays, 6 present and not voting, 2 excused and not voting, Mr. President. [LB350]

PRESIDENT FOLEY: Thank you, Mr. Clerk. LB350 passes. (Visitors introduced.) We'll proceed to LB775. Mr. Clerk, the first vote is to dispense with the at-large... [LB350 LB775]

CLERK: Mr. Lieutenant Governor, I have a motion on this bill. I'm sorry. [LB775]

PRESIDENT FOLEY: My apologies. Mr. Clerk. [LB775]

CLERK: Mr. President, Senator Chambers would move to return LB775 to Select File for purposes of striking the enacting clause. [LB775]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your motion. [LB775]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I have other motions and amendments to offer on this bill. It relates to the Game and Parks Commission. And

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I want to emphasize, as I try to remember to do every time the name of that commission comes up, the word "game" is similar...it refers to animals. It is not "Games," plural, "and Parks." The word "Parks" is plural. So it's Game and Parks Commission. I have promised, not only this session but others, that because the Game and Parks Commission has in the past authorized hunting seasons on mountain lions and wants to retain that position, and my view is that it's just a way to hustle some money, I have promised to fight tooth and nail--or, to use more appropriate language since we're talking about wildlife, fang and claw--against any legislation that pertains to the Game and Parks Commission. Quoting my old friend who is no longer with us, Abraham Lincoln, "the promise being made, must be kept." Rather than just talk about nothing, I'm going to discuss some issues that I think are very consequential. They can be tied into this bill and everything we do as a Legislature. But before I do that, I want to do what I have started undertaking, and that's a critique of you all's ceremony every morning when you pray. I had made a list of items that I would touch on based on what the minister said to you all. I've pointed out that, based on the "Bible" which you all profess to believe in, that God knows what you have need of before you ask, so you don't even need to do all that praying. But he asked for wisdom and he told you all that if you ask for wisdom, then God would grant it. That does not necessarily comport with another verse that says, "Study to show thyself approved unto God, a workman that needeth not to be ashamed." If asking God for wisdom will give you the wisdom, why give the directive that you should study? There are things in the "Bible" that conflict, that outright contradict, and I think that led Gershwin to say: The things that you're liable / To find in the Bible / They ain't necessarily so. Now he was also pointing out what God requires of you all, and he quoted from a scripture that was supposedly a thumbnail sketch of your duty. And that meant you should do justice, which the Legislature does not do; you should love mercy, which the Legislature showed that it does when it abolished the death penalty. But the Catholic Governor, not believing in the Bible, is not a man of mercy. He and his daddy spent almost a half-million dollars to overturn what the Legislature did in abolishing the death penalty. But for the rest of you: Do justice, love mercy, and walk humbly with your God. That's not done either. You all will do things that humiliate and cause the poor, the dispossessed, the marginalized, the unpeople, the nonpeople, the throwaway people to be humiliated, but you don't walk humbly. So all of those things he said that he was trying to get to you all, those things were uttered in vain. I think, if I heard correctly, that the gentleman's name is Rock (sic: Laughlin), and that is appropriate because the alpha apostle was named Peter, which meant rock. So this minister and Peter have something in common, at least when it comes to name. And I did some research and Peter used to be called "Rocky," but he turned out, when the crunch came, to be as weak as cream, and maybe they should find a word that meant "pebble." See, Jesus had people like you all who will do a lot of talking about what you're going to do when the sun is shining and there is no challenge. These disciples had suggested to Jesus that they were going to be with him until the end. That was almost true, almost. But when the moment of truth came and Jesus was facing his ultimate destiny, Jesus had told Peter that: You are going to deny me three times before the cock crows. And Peter said, oh, no, you may know some things, Jesus, but you're wrong on that

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one. And he said, Senator Groene, what would be the equivalent of a modern-day expression: Jesus, you're as wrong as two left shoes. And Jesus said, well, we will just wait until events unfold and see what happens, won't we? And Peter said, I already know what is going to happen, I will never forsake you. Well, Judas had already betrayed him. So you subtract Judas and you've got 11. Jesus was being hounded and harassed by people like those who would be in this Legislature. And when Peter was kind of lurking in the area, somebody came up and said, you were with this guy, weren't you? And Peter said, no, wasn't with him. So that person went on. Then another one said, you were with this guy, because I've seen you with him. Peter said, your eyes are playing tricks on you, you didn't see me with him, you might have seen somebody who looked like me but it wasn't me. And even if you graduated from OPS, you know that one plus one equals two. That's two-thirds of the way to where Jesus said he would be before the cock would crow. And I suppose that would indicate to us that it was very late at night that all this was occurring, because the cock crows at the break of dawn. So Peter was warming his hands by the fire and a person came up and said, I know you were with him because your speech gives you away. And this time Peter used the language of your President and said, "h" no, you SOB, I was not with him ever! And right then the cock, based on the quaint language of the Bible, the cock crew, which I suppose in those days was the past tense of crow. The cock crew. And then Jesus, knowing everything, knew where Peter was and he turned and looked at him. And Peter went out and wept bitterly, crying over spilt milk and Peter spilt the milk. So Judas betrayed him. Peter denied him. That's two down. What about the other ten? It said they all fled and forsook him. That's you all. That's you all. You all are in the ten who have forsaken him. You also share a trait with Judas. You betray him every day on the floor of this Legislature when you ask God to do in the morning what we as the Legislature have the power to do. [LB775]

PRESIDENT FOLEY: One minute. [LB775]

SENATOR CHAMBERS: So you forsook him. You betrayed him. How do you deny him? Every single time you open your mouth or think the thought or pretend that you're in line with and in league with Jesus and what he stood for when everything you do goes against that. You all would have been right there with the mob yelling, crucify him, or you would have lip-synced it if you didn't really want to say it so the mob would feel like you're with them and not with him. And that's what you all do. Then you want other people to take you seriously. That's a lot of humbug. I've got to turn on my light because I must continue. [LB775]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Discussion of the motion, Senator Chambers. [LB775]

SENATOR CHAMBERS: Thank you. Mr. President, obviously I would like this motion to be voted on affirmatively and I would like us to return the bill, then I would like us to strike the

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enacting clause. But I'm not naive. I'm like Jesus. I know what's in you. Nobody needs to tell me. And you will not vote in favor of this motion, and you will not vote against things that are designed to benefit the Game and Parks Commission. But I said I would speak about things that I think are of consequence. One thing that I regret, I am not a weepy, teary person. I don't even know if I had tear glands or ducts. The ducts might be there, but tears are unknown to me. I understand that those of you who cry or weep have an organ that is associated with crying and weeping and it's called a heart. I've done some studying of this organ. I don't have one myself. But I don't have to have one to be aware of what you all have--I read about it--just like I don't have to have pain myself to feel your pain. I don't have to have pain and wish somebody would alleviate my pain in order for me to see you in pain and being willing to do everything I can to alleviate yours if I can. If I had the capacity to weep, maybe I would have wept when I got the news that Stephen Hawking had died. This is a man of whom I've been aware for many years, as have a lot of other people. Much of what he wrote is beyond my ability to comprehend. And to be quite frank, I don't have a lot of interest in the direction his studies and his thinking carried him. But I had a tremendous amount of respect and admiration for the circumstances under which he did his thinking, his intellectual exploring, and even living on this planet. An article was written about him and it was in this morning's Lincoln Journal Star. I hand something out to you all every day and label them "ERNIE-GRAMS." The one I handed out to you today dealt with Albert Einstein. It would lead me into a discussion of Mr. Hawking. Albert Einstein was the closest I could come to finding a contemporary person who had as profound an impact on science as anybody had had. So I gave this ERNIE-GRAM to you. Had this article that I'm going to read been published in time, this, that I gave you today, would have dealt with Stephen Hawking instead of Albert Einstein. And maybe before I get into that, I should lighten the mood. Mr. President, how much time do I have? [LB775]

PRESIDENT FOLEY: 1:17. [LB775]

SENATOR CHAMBERS: And the next time I'm recognized, I will do what I had suggested I might do. But I will begin reading this article about Stephen Hawking. [LB775]

PRESIDENT FOLEY: One minute. [LB775]

SENATOR CHAMBERS: "In his final years, the only thing connecting the brilliant physicist to the outside world was a couple of inches of frayed nerve in his cheek. As slowly as a word per minute, Stephen Hawking used the twitching of the muscle under his right eye to grind out his thoughts on a custom-built computer, painstakingly outlining his vision of time, the universe, and humanity's place within it. What he produced was a masterwork of popular science, one that guided a generation of enthusiasts through the esoteric world of anti-particles, quarks, and quantum theory. His success in turn transformed him into a massively popular scientist, one as

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familiar to the wider world through his appearances on prime time television shows as his work on cosmology and black holes. Hawking owed one part of his fame to his triumph over..." [LB775]

PRESIDENT FOLEY: Time, Senator. [LB775]

SENATOR CHAMBERS: "...amyotrophic lateral sclerosis, or ALS,..." [LB775]

PRESIDENT FOLEY: Time, Senator. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. [LB775]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, you may proceed on your third opportunity. [LB775]

SENATOR CHAMBERS: Thank you. Continuing: "...or ALS, a degenerative disease that eats away at the nervous system. When he was diagnosed," at age 21, "he was given only a few years to live. But Hawking defied the normally fatal illness for more than 50 years, pursuing a brilliant career that stunned doctors and thrilled his fans. Even though a severe attack of pneumonia left him breathing through a tube, an electronic voice synthesizer allowed him to continue speaking, albeit in a robotic monotone that became one of his trademarks. He carried on working into his 70s, spinning theories, teaching students, and writing 'A Brief History of Time,' an accessible exploration of the mechanics of the universe that sold millions of copies." And his book was one of the first to be described as the most bought book and the least read of books. "By the time he died Wednesday at 76, Hawking was among the most recognizable faces in science, on par with Albert Einstein." And that brings me to this. You all who can't stand my crooning, which some people call croaking, you can put your fingers in your ears. When I was a lad, Harry Belafonte was a popular singer. He sang calypso. And he was born in the West Indies. So he had a song that he rendered that dealt with an issue that boggles the mind of old people and inflames the mind of young people, namely, that subject described under the rubric "birds and the bees." So he was at a performance at Carnegie Hall giving a concert. And he started: When I was a small boy in the West Indies...and he explained these questions. So he said, this song is written for that purpose. Put your fingers in your ears. You were warned. (Singing) When I was a lad just three-foot-three / Certain questions occurred to me, / So I asked my father quite seriously / To tell me the answer 'bout the bird and the bee. / He stammered and he stuttered pathetically / And this is what he said to me. / He said, the woman piaba and the man piaba / and the cane stand tall but the lemongrass, / The lily root, gully root, belly root, uh! / And the famous grandy scratch scratch. / It was clear as mud but it covered the ground / And the confusion make me brain go 'round. / So I went to see a good friend of mine, / Known to the world as Albert Einstein. / He

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said, son, from the beginning of time and creativity / There existed the force of relativity. / Pi, r squared, minus ten / is rooted only when / The solar system in one light year / Make the Hayden Planetarium disappear / And if Mount Everest doesn't move / I am positive that it will prove / That the woman piaba and the man...and he went on with that refrain. Belafonte said: It was (singing) clear as mud but it covered the ground / And the confusion make me brain go 'round / So I grabbed a boat and I went abroad / And in Baden, Germany, met Sigmund Freud. / He said, son, from our sad face remove the grouch / Put the body up on the couch. [LB775]

PRESIDENT FOLEY: One minute. [LB775]

SENATOR CHAMBERS: (Singing) I can see from your frustration a neurotic sublimation / Love and hate is psychosomatic / Your Rorschach shows you're a peripathetic / It all started with a broken sibling / In the words of the famous Rudyard Kipling. Then he gave the refrain. So Belafonte said: It was clear as mud but it covered the ground / And the confusion make me brain go 'round / All the great men upon this earth / Have confused me since my birth / I've been over land, been over sea / Trying to find the answer 'bout the bird and the bee / And now that I am ninety-three / I don't give a you-know-what, you see / If...and then he sang the refrain. I will finish my article at my close, Mr. President. Thank you. [LB775]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Harr. [LB775]

SENATOR HARR: Thank you, Mr. President. Would Senator Chambers yield to a question? [LB775]

PRESIDENT FOLEY: Senator Chambers, you yield, please? [LB775]

SENATOR CHAMBERS: If it pertains to music, the sciences, or astrophysics, yes. [LB775]

SENATOR HARR: How about history? [LB775]

SENATOR CHAMBERS: I will take attempt...I will attempt to answer. [LB775]

SENATOR HARR: All right. Thank you. What is today's date? [LB775]

SENATOR CHAMBERS: Say it again? [LB775]

SENATOR HARR: Do you know what today's date is? [LB775]

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SENATOR CHAMBERS: March 15. [LB775]

SENATOR HARR: Do you know anything else, another name for today? [LB775]

SENATOR CHAMBERS: The Ides of March. [LB775]

SENATOR HARR: The Ides of March, (inaudible)... [LB775]

SENATOR CHAMBERS: "Beware the ides of March," a man was told, and he disregarded it. And then somebody said, I come not to praise Caesar, I come to bury him. [LB775]

SENATOR HARR: Exactly. And do you know what the purpose of the Ides of March were in Roman times? [LB775]

SENATOR CHAMBERS: Well, there were a number of significance given to it. But in order that I can show that, as the other day, I allowed my education and everybody else's to be improved, I'm going to ask you to improve my and my colleagues' education by answering that question. [LB775]

SENATOR HARR: Thank you. Can I call you "Sonny," too, then? Sonny, the Ides of March was a day in Roman times for settling of debts. Is that what we have here, settling of debts with the Game and Parks? [LB775]

SENATOR CHAMBERS: It's something that you would ask that question and be so correct in answering it, yes, or a calling to accounts, a balancing of the books. [LB775]

SENATOR HARR: Okay. Thank you. I would yield the remainder of my time to Senator Chambers if he'd like it. [LB775]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Chambers, 3:20. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator. I appreciate that. The Game and Parks Commission is accountable to nobody. And I'm going to touch on it because Senator Harr gave me his time. Then I will finish my article on the close, during my close, as I stated. These people who are on that commission are appointed by the Governor. They don't have to have anything going for them except a slavish loyalty to the Governor, as these people have whom Donald Trump appoints. I mentioned to you all the other day that he has a bus, and I had

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said it's the bus under which he throws people. I was contacted by one of those victims who was at the cleaning establishment having the tire treads of that bus cleaned from his clothes. And he said, here's the way you should have stated that: Donald Trump's bus is a vehicle on which he invites people to ride when he trusts them, has a lot of respect for them, and then he throws them under that bus. He said that gives a context and the point you're trying to make is better made. Every one of these people that Trump has cast under the bus was praised by Trump, hyperbole, superlatives: fantastic, a great person, a lot of ability, moving forward you will see what a great judgment I have by appointing this person. And based on his own words, his judgment is not worth a nickel; in fact, it is not worth a pence. His...my time is probably up. [LB775]

PRESIDENT FOLEY: 1:20. [LB775]

SENATOR CHAMBERS: Oh, I have 1:20. When people have a disability, as I think Donald Trump has, it should be taken into consideration when you cast a judgment. In my view, he is a psychopath. He is a self-confessed serial sexual precapdator. He boasted about grabbing women's private parts. In other words, he is the original one on the crotch watch. He is the one whom, if you wrote a story about him, it could be labeled "Vagina-gate." He is the one whom the evangelicals praise and worship. He is the one who had been married more than one time. He has had involvement with various porn stars and now one of them wants to be in a position to tell the whole story and will give back \$130,000 she was given to keep it hushed up. That's called hush money. And I saw on the news this morning where there are other women, similarly situated, who are coming forth with these statements against you all's President, whom you love, whom you will not criticize, whom your President, your Governor... [LB775]

PRESIDENT FOLEY: Time, Senator. [LB775]

SENATOR CHAMBERS: ...slobbers behind. Thank you, Mr. President. [LB775]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Chambers, you're now recognized to close on your motion. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. I will now conclude this article about Stephen Hawking. "Hawking was born January 8, 1942, in Oxford, and grew up in London and St. Albans, northwest of the capital. In 1959, he entered Oxford University...then went on to graduate work at Cambridge. Signs of illness appeared in his first year of graduate school, and he was diagnosed with ALS, also known as Lou Gehrig's disease after the New York Yankee star who died of it. The disease usually kills within three to five years." And when old death, that old fearsome creature death in the cowled cloak and the scythe came to Hawking and said, Stephen, you're not long to this world--and Stephen, even though he was afflicted, and if he went the usual

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path that people so afflicted went, he would say, yes, I know, and I hope you'll be merciful when you come for me, preferably when I'm asleep. That's not what he said--he said, everything that befalls me is a challenge and I will say to you for the next half century, oh, death, where is thy sting? Go deal with lesser mortals. If I have only enough of my physical substance left, it's to contain my brain, wherein may reside my mind, I will hold you off for a half century. "And the promise being made, must be kept." "As one of Isaac Newton's successors as Lucasian Professor of Mathematics at Cambridge University, Hawking was involved in the search for the great goal of physics--a 'unified theory.' Such a theory would resolve the contradictions between Einstein's General Theory of Relativity, which describes the laws of gravity that govern the motion of large objects," such as "planets, and the Theory of Quantum Mechanics, which deals with the world of subatomic particles," from the largest to the tiniest. And a question could be framed in the existential world. The answer would not be the same as in the theoretical world. In the existential world, there's only so far you can go before you will reach a certain point. But in the theoretical world, here's the way the question is asked. If you start at the point you're standing and there is another point 100 yards from where you are and each move you made was only half the distance to where that mark is, would you ever reach that mark? Existentially, in this world, yes, you would. Theoretically, you never would. If you're only going half the distance, half the distance is never the totality of the distance to be covered. I figured that out. Anybody could figure that out. "He followed up 'A Brief History of Time' in 2001 with the sequel, 'The Universe in a Nutshell,' which updated readers on concepts," such as "supergravity, naked singularities and the possibility of an 11-dimensional universe." [LB775]

PRESIDENT FOLEY: One minute. [LB775]

SENATOR CHAMBERS: Who would ever conceive of the possibility of an 11-dimensional universe? Not like a geometric figure with 11 different sides, 11 different dimensions. I can read it but I have no idea what it is. "Hawking often credited humor with helping him deal with his disability, and it was his sense of mischief that made him game for a series of stunts." I'll finish it the next time because I have additional motions that will allow me to speak. But Abraham Lincoln, who was, in my opinion, one of the most cerebral, intelligent, analytical minds ever in American politics, was also the most melancholy of persons, and it was his sense of humor that kept him from losing his mind, in my opinion. My opinion is just that of somebody who was a friend of his. [LB775]

PRESIDENT FOLEY: Time, Senator. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. [LB775]

PRESIDENT FOLEY: Thank... [LB775]

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SENATOR CHAMBERS: I will ask for a call of the house and...or ask us to check in and then I would ask for a roll call vote. [LB775]

PRESIDENT FOLEY: Very good. Members, if you could check in. We're on Final Reading. If you could just proceed to your desks and check in. We're on Final Reading. If all members could please return to your desks and check in, we're going to proceed to a vote on the motion. Senator Bolz, Kuehn, Howard, Quick, Morfeld, Walz, Wishart, please check in. Waiting for Senator Morfeld and Senator Walz. All unexcused members are now present. There's been a request for a roll call vote on Senator Chambers' motion to return the bill to Select File. Mr. Clerk. [LB775]

CLERK: (Roll call vote taken, Legislative Journal page 1005.) 1 aye, 44 nays. [LB775]

PRESIDENT FOLEY: The motion is not adopted. Mr. Clerk. [LB775]

CLERK: Senator Chambers would move to reconsider that vote. [LB775]

PRESIDENT FOLEY: Senator Chambers, you're welcome to open on your reconsideration motion. [LB775]

SENATOR CHAMBERS: Mr. President, members of the Legislature, it's so good to be with you all this morning that I feel like singing. Now I'm not going to take a poll of those who want to hear me sing as opposed to those who don't, because I'm going to do it anyway. And it's a cheerful, upbeat song. And it goes, "Ay, ay, ay, ay, / Canta y no llores / Porque cantando se alegran, / cielito lindo, los corazones." If you want to know what that said, then there's somebody here, maybe several somebodies, who can tell you. And now I'm going to proceed with what I was doing, and I want this article to be in the record about Stephen Hawking. So before I say anything else, I'm going to complete the article and I'm going to read the last paragraph that I had read just before I had to terminate last time. "Hawking often credited humor with helping him deal with his disability, and it was his sense of mischief that made him game for a series of stunts." I touched on Abraham Lincoln, his melancholia, and his sense of humor. And one of the things that he was involved in that I really liked involved his sitting at a table in a restaurant, and breakfast was going to be served, and the plate with the various condiments in it was set before each person, and a cup with a liquid. And the waitperson asked Abraham Lincoln, how is everything, Mr. Lincoln? Lincoln picked up the cup. He said, if this is coffee, bring me tea; if it's tea, then bring me coffee. That's the way Lincoln was. He never wanted to hurt anybody's feelings so he would couch things that may be negative in a way that would spare people's feelings. One such situation involved a reception, and a lot of people were there. And there was one of these little fundamentalist preachers. You all know the kind, says he believes every word in the Bible as it's written. And there were three men who wanted to play a trick on Lincoln.

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They knew his propensity to spare people's feelings, so they got this little fellow and they said, what I want you to do is to take one of those books that you've been passing out around here, that you wrote, and give one to Mr. Lincoln and ask him to write something in it for you. Well, it was one of those books written by these fundamentalist preachers who, by and large, are very ignorant, untutored, asking God for wisdom as the preacher said they should do. So he asked God for wisdom, instead of studying, so his book was full of grammatical errors, misspellings, all those kind of things that created a visual obstacle course. So the little fellow hustled over to Abraham Lincoln. Lincoln towered over him. And the three men were just kind of holding their mouths and their sides because they were laughing but they didn't want anybody to hear it. So Lincoln took the book. He looked at the book. He got that quizzical expression on his face for which he was renown. He took a pen out. They had fountain pens in those days, ink ran out, no ballpoint pens. And he began to write in the book and he wrote for a little while. So the three men wondered what in the world could Abraham Lincoln be writing that would take that much time in a book like this. Misspellings? He cannot say that it is well written. He cannot say that it is full of intellectual content and stimulating thoughts. So what in the world could Abraham Lincoln have written? So when Lincoln handed the book back to the little fellow and he read it himself, apparently read it--he was looking at it--then his face split into a wide grin, as wide as that of the Cheshire Cat. And he walked with a bounce in his step and came back to the three men. They said, we saw that Lincoln wrote something in your book, it seemed to please you greatly, would you mind sharing with us what Lincoln wrote in your book? And the preacher gave it to them, and the men had to look at each other and realize that Lincoln had scored again. What Lincoln had written was words to the effect: For those who like this kind of book, this certainly is the kind of book that they will like. Your obedient servant, A. Lincoln. He told the truth, spared somebody's feelings without hurting anybody. It's like Billy Joel says, this girl's mother said they run with the dangerous crowd, well, they like to have fun and maybe sometimes they laugh too loud, but that never hurt anyone. Lincoln was careful to try not to hurt anybody's feelings. Had anybody other than Lincoln been the President of the United States, those words that are famous for him would never have been uttered under the circumstances: with malice toward none and charity for all. No President would ever have uttered those words. Think of all of those who have been in that office and find me one who under those circumstances, if you know what the circumstances were, would have uttered those words. That's why he towers over everybody who has ever been a President. More books were written about him than any other person. And he merited those writings. Now Abraham was a white man. Abraham Lincoln had prejudices as others had, and he expressed them as frankly as he did other things. When they said he was for social equality between white people and black people, Lincoln said, I, like every other white man, then he began to mention the things he didn't think black people ought to do or be allowed to do. So he had racist tendencies because he grew up in a racist country. He had partaken during all of his life of these racist notions. And in somebody as good as he was for a human being, they took root. And he had one principle that he held inviolate, and this was that no man had the right to own another. He said those who first should be enslaved are those who

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choose to be enslaved. And the next in line are those who would enslave others. They should have the opportunity to have it tried on themselves and then see how they like it. And he said, with all the other things that might be said on that issue, the one thing that he felt nobody could argue with, that whatever was earned by a man through the sweat of his brow and through his labor should be enjoyed by and consumed by that man, not somebody else. Your President had said that he will be more presidential than anybody since Abraham Lincoln. He had in his mouth the name of a man whom he was unfit to utter. And I had mentioned to you all that he is a self-confessed serial sexual predator. And... [LB775]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB775]

SENATOR CHAMBERS: ...I used the term "Vagina-gate," and maybe I should have said that he is interested in the gate to that particular orifice. Don't you all act like I'm saying something that is inappropriate. Your President joked about it and boasted about it. Now how are you going to be distressed with what I say in describing what he admitted doing and boasted about doing? That shows the way Americans think or fail to think. Thank you, Mr. President. [LB775]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Blood, you're recognized. [LB775]

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I stand against Senator Chambers' reconsideration. And I also stand with a caveat and a statement of concern for Senator Chambers and ask if he would yield to a question. [LB775]

SPEAKER SCHEER: Senator Chambers, would you please yield? [LB775]

SENATOR CHAMBERS: Yes. [LB775]

SENATOR BLOOD: Senator Chambers, did I hear you correctly? Did you use the word "Vagina-gate"? [LB775]

SENATOR CHAMBERS: Say it again? [LB775]

SENATOR BLOOD: Did I hear you correctly? Did you use the word "Vagina-gate"? [LB775]

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SENATOR CHAMBERS: Yes, you heard me correctly. I did. [LB775]

SENATOR BLOOD: And where did you hear that word from? [LB775]

SENATOR CHAMBERS: Actually, I didn't hear it. I read it in a newspaper article. [LB775]

SENATOR BLOOD: Thank you, Senator Chambers. The other question I have for you is, do you have concerns when you say the word "vagina" on the floor or the Chambers? [LB775]

SENATOR CHAMBERS: No more concern than when I mention that I don't have a heart or tear ducts. [LB775]

SENATOR BLOOD: Thank you for pointing out that you do not have a vagina. I appreciate that. With that said, I would like to go further and say that I did, indeed, this week use the word "vagina," and there was a wonderful troll who took it to the Internet on Drive Time radio who said that I used a vulgar word. What I used was an anatomically correct word. If I offended anybody, it should have been people who are transgendered, because I forgot to leave them in as part of that statement. The concern that I have is that as we talk on the mike about empowering women and what we can do to help protect them, one of the things that we must do is we must use the correct language when we talk about anatomy. We must teach our children to protect them from sexual assault, to protect them from being hurt. And if they can't tell us that they have a vagina, shame on us! And shame on the people who have said that that is vulgar! I am offended. And if you were offended, you need to take an anatomy class. Shame on you! Women are paid more for common house...women pay more for common household items than men do, from socks to shampoo. We still make less than our male counterparts--except in the Legislature. If you are Hispanic or black, you make even less. We are underrepresented in government. We are more likely to be trafficked. Seventy percent of women experience violence in their lives. Retired women are twice as likely to retire in poverty than men. Don't tell me I can't say the word "vagina" on this floor because I will work every day to empower every woman in Nebraska, and if one word is going to make a difference, I'm going to keep saying it. And for those of you that are offended, grow up. [LB775]

SPEAKER SCHEER: Thank you, Senator Blood and Senator Chambers. Senator Chambers, you're recognized. [LB775]

SENATOR CHAMBERS: Were that in church, there would be a thunderous chorus in unison: Amen, sister! What Senator Blood pointed out underscores the hypocrisy in this society. Black people refer to it as the etiquette of conversation. And in those settings, frank discussion of

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racism cannot occur. White people pretend that I'm not black, as though that is offensive to me. If that is what I call myself, that's what I am. It has no reference to literal color. There are a lot of things that are sociological, that are cultural, and they are not scientific in nature. And Senator Blood is correct. When I was taking biology, the word "vagina" was in the book. Look it up in the dictionary. The word "penis" is in the dictionary and in books also. And how is it that something every woman has and the counterpart...I won't say the counterpart. But the male member that every man has cannot be given its proper name. What's wrong with it? People pretend to be Victorian when it comes to language, then they do everything that is anything but moral, anything but righteous. Donald Trump used a vulgarism to describe a woman's vagina. And you know what they would do on television? Because I think the FCC will not allow certain things to be said, they would put the letter "p" then a number of stars, asterisks, to let you know the number of letters left out and then the letter "y." Everybody knows what word is. But here's the funny thing. If you apply it to "pussy willow," no problem. If you say that little children's rhyme, "Ding, dong, bell, / Pussy's in the well," no problem. But when Donald Trump said he grabs a woman's pussy, then everybody pretends to be shocked. What in the world is wrong with this society? You are not mature. You are not just juvenile, you are infantile. Follow some of these people who have that Victorian, that prudish, that puritanical outlook on life and you'll see some of the most perverted things you ever could have imagined, and you would not have imagined them if you are normal and do things that normal people do. These sanctimonious hypocrites are the ones who say that proper words, scientific in nature, anatomically correct, cannot be used. We are grown people. And if it's believed that certain things are said on this floor that children ought not hear, don't bring the children into the balconies. But I'd venture to say, if they have any number of years on them, they can tell you some words. You think you can keep them from being aware of certain things... [LB775]

SPEAKER SCHEER: One minute. [LB775]

SENATOR CHAMBERS: ...by not discussing them? Children talk. Older children talk to younger people. Grown people talk to children. Then on this floor some idiot with some newspaper or radio or on that Internet is going to raise Cain about the use of an anatomically correct word but will have nothing to say in condemning a President who boasted about having inappropriately grabbed that particular part of a woman's anatomy, not just one but several. You all are like that on this floor. I listen to you. Your Governor is saying, well, he hates women. He makes it clear by the things that he does and says. How is it that they're going to talk about this being a pro-life state and he's more... [LB775]

SPEAKER SCHEER: Time, Senator. [LB775]

SENATOR CHAMBERS: ...rabid for... [LB775]

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SPEAKER SCHEER: Senator, time. [LB775]

SENATOR CHAMBERS: Time? Thank you. [LB775]

SPEAKER SCHEER: You're recognized, Senator Chambers. [LB775]

SENATOR CHAMBERS: Your Governor is more rabid when it comes to killing people than anybody in this state that I've been aware of. He's pro-life? I'm more pro-life than him. I believe in preserving everybody's life, every human being's life. And you're going to say, well, how about a fetus? To me, a fetus is not a full-fledged human being. But let's say that a fetus is. It's not my decision. I don't get pregnant. Now that might shock you all. You all who don't know that a man does not have a vagina might think that a man can get pregnant. Well, a man cannot get pregnant if he has all of the anatomical accoutrements that a man has under most circumstances, because there are situations where some people have the organs of both genders. You know where I learned that? In school, because those are realities and fortunately the school that I went to dealt with reality. And when we were going to deal with fiction, they called it literature. And you can make up things, you can create universes, you can create creatures. Aristotle was one of the greatest scientists, they say, of all times because he started by observing what he saw. Read some of the things that Aristotle actually said, not in Greek--I can't read Greek--but find good translations, and there are a lot of them. Some of the observations he made way back then are valid today because it wasn't theoretical with him. He looked at what he was talking about. But here's where Aristotle disappointed me. Aristotle thought men had more teeth than women. All he had to do, he probably had a girlfriend at some point in his life say, Mrs. Aristotle--if he was married--can I count your teeth? She'd say, well, "Ari," why do you want to do that? He'd say, well, I want to see if you have as many teeth as I have. She said, well, I did at one time, I believe, but I really don't know because I never counted the number of my teeth, but I've lost two or three of them along the way. So you look at the vacant spaces in my gums and add those to the number of teeth that I have now, and then you count the number of teeth that you've got, and you'll have your answer. Aristotle didn't do that. But he took a critter--I'm not going to tell you what critter it is--and went all the way from the beginning of that critter's life, the developmental stage, and described and named them, and nobody has been able to improve on what he said. But they might be able, through the use of a microscope, to see things that he did not see. But what was able to be perceived with the naked, unaided eye, maybe he had a magnifying glass; for all I know, Aristotle could have had a microscope. But based on what I've read, based on what I've read, I've never read anything myself that documented that Aristotle didn't have a microscope, but I've never read anything that said he did. So the question of whether Aristotle had a microscope is the same as the question of whether there is a god. At this point, neither one can be proved or disproved. [LB775]

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SPEAKER SCHEER: One minute. [LB775]

SENATOR CHAMBERS: But they can both be speculated about, and people will arrive at a conclusion, based on their preconceived notions, in both instances. I believe these matters that are being discussed this morning are appropriate for discussion on the floor of this Legislature, and especially what Senator Blood said. March is supposed to be Women's History Month. When has anything on this floor been said that pertained to the history of women? We had more of a discussion. Well, I'll say things about women, but I do all the time. We had a deeper, more profound discussion about the Ides of March than we've had about women's history. But there are a couple of items that I intend to include in ERNIE-GRAMS. One of them shows, based on my research, that Casey was really a female. Casey, who played on the team... [LB775]

SPEAKER SCHEER: Time, Senator. [LB775]

SENATOR CHAMBERS: ...of the Mudville Nine. Thank you, Mr. President. [LB775]

SPEAKER SCHEER: Senator Chambers, you're recognized, and this is your close. [LB775]

SENATOR CHAMBERS: Thank you. Members of the Legislature, let me, in case you're wondering what my motions are about, touch on that subject briefly. I do not respect anybody who is a member of the Game and Parks Commission. I do not respect the Governor who made those appointments. I do not respect the director. I cannot say the same thing about those employees of the commission who work in the field, who do have some scientific understanding, background, but they are limited and restricted in terms of what they can say about mountain lions because they know what goal the commission has in mind. They can have lotteries, and you have to pay a lot of money to buy a lottery chance. They can have auctions for a license, and the one that they did have an auction for brought in more than \$15,000, I believe. And that's what these conservatives will say constitutes wildlife management. No, it's giving these bloodthirsty, cowardly white men a chance to indulge their lust for killing things that cannot fight back and using guns. And those who get...win the lottery, those who win the auction, are allowed to use dogs when they hunt these animals, because these white men, rich white men and others who want to indulge their lust for killing unoffending animals, could never track one of these animals, could not. They'd be successful in less than 2 percent of the time, and then they might stumble on one or come across one that is injured or one that has been run over by a car and they'd finish it off by shooting it. Those animals are elusive. They have been called the ghosts of the prairie. They don't like to be around human beings. They don't stalk human beings. They have never attacked a human being in Nebraska. And when Senator Loudon claimed that they'd eat your grandchildren, my response was that mountain lions have better taste than that. I don't think there's a Nebraskan walking the face of this earth who would be a delectable treat for a mountain

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lion. Their prey does not include human beings. They do not go to where human beings are to hunt them. To have contact, you have to have intruded into the area which is considered a part of either their territory, their terrain, their habitat. And when people say, well, out in west Omaha I've seen them out in the country, well, you went to where they were, you went to where they were. When you read about alligators winding up in swimming pools down south, they say, well, this alligator was in an inhabited area. But the human beings went to where the alligators were first, and the alligators were behaving in the way that alligators do. If you, whether you understand the laws of gravity or not, jump off the top floor of the Empire State Building, jump out a window... [LB775]

SPEAKER SCHEER: One minute. [LB775]

SENATOR CHAMBERS: ...all the way to the street and you get killed, the Empire State Building did nothing to you. The street was the...it was the physical structure with which you came in contact moving at a greater velocity than you should, and when the impact occurred, it killed you. You jumped out the window. If you go where an animal is, you are challenging the animal. Many animals will try to make a sound to drive you away or they will try to be still and hope that you don't see them. Snakes are not aggressive toward human beings. If human beings come where they are and the snake feels threatened or menaced, then the snake... [LB775]

SPEAKER SCHEER: Time, Senator. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. [LB775]

SPEAKER SCHEER: Thank you, Senator Chambers. The question before us is the reconsideration motion to strike the enacting clause. All those in favor please vote aye; all those opposed vote nay. Please record. [LB775]

CLERK: 2 ayes, 34 nays, Mr. President, on the motion to reconsider. [LB775]

SPEAKER SCHEER: The motion fails. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor please vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB775]

CLERK: 33 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB775]

SPEAKER SCHEER: The at-large reading is dispensed with. Mr. Clerk, please read the title. Senator Chambers, could you please come forward. Mr. Clerk, for a motion. [LB775]

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CLERK: Mr. President, I have a motion on the desk. Senator Chambers would move to return LB775 for specific amendment, that amendment being "strike and show as stricken lines 6-12," on page 14. [LB775]

SPEAKER SCHEER: Senator Chambers, you're welcome to open. [LB775]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if anybody is interested in what those lines are, and there really is no reason for you to be interested, you can find them if you paid attention to the motion that was read. And I'm not going to take my time to read the language. But if, perchance you read the language, you would see that underlined language says, "or contracts under the State Park System Construction Alternatives Act except as provided in section 20 of this act." That language would be stricken. And whatever the consequences of striking that language would be, that's what would occur should my motion be adopted, which I don't expect to happen. But I had said I would take this bill to cloture at every stage of debate. There are other bills dealing with other subjects where I might say that but not put it in the form of a promise. It's a declaration. But if circumstances change, then I would change my mind. And even if I said it's a promise, I could change my mind on that. But when it comes to Game and Parks, I want those people to understand that I'm going to be implacable, I'm going to be relentless, that I will not negotiate, I will not bargain, I will not back away from what it is that I'm doing. So we will be on this bill until we arrive at the point where a cloture motion can be made. And I have no doubt that it will succeed. I see the introducer of the bill so I want to say that I have nothing against Senator Stinner. He just happens to be the one victimized by the Game and Parks Commission this year. I think there are lessons that we all can learn if we speak hastily without considering all of the factors in a situation. And such a set of circumstances arose recently. This article is dated March 14. You see that today is March 15. The headline from this Lincoln Journal Star article is: Huskers have something to prove. That's on page...the first page of Section C, or the sports section. Then a subhead: Feeling slighted, NU sets sights on run through NIT. Now I think NIT might be National Invitational Tournament, or something, but it's below the NCAA national tournament. And Nebraska and their coach thought that they should be in this upper-level tournament where they have 64 teams, I believe, that they winnow down to 4. While they're winnowing those teams, they call it March Madness. Then they have the Sweet 16, then the "something" 8, then the...whatever they use. Sports people have a lot of cliches. But anyway, Nebraska is in a lower tier, and this is what the article said. "They have plenty of evidence from the past two weeks to support their statements, so believe the members of the Nebraska men's basketball team when they tell you Monday's practice was one of their best since losing to Michigan at the Big Ten Tournament. The general consensus as the Huskers prepared to fly to Starkville, Mississippi," which is where they have their execution chamber and their executions other than those simply to take a person's life, literally, to fly there "for their first-round matchup with Mississippi State in the NIT was that the team, while upset with its seeding, was ready to keep playing. I feel like...anything, we feel like we should have been in that

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(NCAA) field. I feel like we have something to prove right now,' senior guard Anton Gill said. 'We all feel that way.' Gill, one of Nebraska's captains, said Monday's practice featured plenty of trash talking and anger. It was the Huskers' first workout since learning Sunday night that not only were they not in the NCAA Tournament, but also that they would have to go on the road for the NIT. A potentially long road to New York City begins Wednesday," which was yesterday. "Should the seeds hold, Nebraska would travel for all three potential NIT games before reaching the semifinals. 'I think it was tough at first. It was a heartbreak for us not to get in the tournament, but then for us to get a five seed was like, man,' said Evan Taylor, Nebraska's other senior captain. 'But practice yesterday was really competitive, so that's a good sign that guys are going to go out there and give it their all. We feel like we can win the tournament.' Nebraska made a slight change in its normal routine Tuesday, electing to practice in Starkville rather than practicing in Lincoln before getting on a plane. 'We're going to do what we do. Contrary to popular belief, I think we've had a good season. I think our kids have played well for the most part,' Husker coach Tim Miles said. 'I want to get them back on the floor and get them competitive. I like what we were doing; I like where we were at.'" And you know where they're at now? Back home. They were worried about having to go on the road for five games. Well, they don't have to worry because they got beat in the first game that they played. Sometimes trash talk winds up being crow that people must eat. When they went to Starkville, Mississippi, the first of their NIT games, they lost. That would seem to vindicate the decision by those who set up the NCAA Tournament that Nebraska did not belong there. This is not disparaging the players. It is not saying that they should not have that attitude that they can win. If they don't think they can win, they're beaten already. But it's a mistake to overestimate your ability. If you think that you can do more than what you can do, then you wind up being disappointed. If, while in that situation, you make a lot of great, swelling, or boastful statements about what you're going to do and then you don't do it, then you become a subject of ridicule. It would have been better for them to say, if they said anything, that it is a longer road from where we are now, there are additional obstacles we have to surmount that teams who were in the NCAA Tournament don't have to, but hard things make a person stronger and we're going to invoke that old maxim, "If it doesn't kill us, it'll make us stronger." But instead of that, they concluded that they didn't even have to worry about the NIT Tournament because it would be a cakewalk and, instead, they were somebody's piece of cake. The lesson for members of the Legislature to keep in mind, you all outnumber me and you always will, and I will never with my one vote be able to outvote you. But I can put impediments in your path, I can erect roadblocks, and I can, how should I say, extract my pound of flesh. The Speaker has already told you how many bills there are and how little time there is. [LB775]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: One minute. [LB775]

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SENATOR CHAMBERS: Stephen Hawking, among other things, mentioned that one of the things that kept him going was how much he wanted to do. I know that there are things that the members of the Legislature want to do. But there are things that I want to do also. You are not going to set aside what you want to do to accommodate me. I'm not going to set aside what I want to do to accommodate you. It just means that there are more of you than there are of me. But because there are more of you, just means that there is more error on your side than my side, because the error is multiplied by the total number of you who hold to that erroneous position. We're at the point in the session now where negotiation is a practical impossibility. I say practical, not a complete impossibility, but... [LB775]

PRESIDENT FOLEY: Time, Senator. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. [LB775]

PRESIDENT FOLEY: But you are recognized, you may continue. [LB775]

SENATOR CHAMBERS: Thank you. I'm going to be a force to be reckoned with, whether you all want to accept that or not. Since I am upset about what the Game and Parks Commission has done in setting up these hunting seasons for mountain lions, I have here a book. It's called Heart of a Lion: A Lone Cat's Walk Across America, and it was given to me by the former Speaker of the Legislature. It says: To Senator Chambers, an outstanding person, senator, and leader for the state of Nebraska. It's not that I can't read. He writes in a unique way. Best wishes, Galen Hadley, Senator/Speaker, District 37, August 2016. And he gave me this book for a reason. But I'm going to read just a bit from it. It goes to what I call the majesty, the dignity, the regal nature of these animals that the Game and Parks Commission are willing to have killed to raise a few nickels, relatively speaking. I was able, with the help of other senators, to have enacted into law authorization of a Mountain Lion Preservation Plate. It has sold more of such plates than has ever happened in history. And the Game and Parks Commission, even though some of that money derived from these plates would go to Game and Parks to establish education programs and conservation for young people, they got over \$100,000. The estimate was it might bring \$20,000 or \$30,000, and it is the most popular such plate in the history of the state, and yet they opposed it. They came before the committee hearing the bill and opposed it. That's that automatic, knee-jerk, negative reaction to me. I had emphasized that there are many, many people in this state who care about these animals. They don't want them to become trophies for these kind of hunters whom I've described a certain way but won't do it right at this point. And they voted not by going on the Internet and printing their name to one of those kind of petitions, they voted with dollars. And over 100,000 of those dollars went to the Game and Parks Commission. It shows you how poor their judgment is. They spoke against something that would bring them more money than any other such item. And by the way, it was much more money

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than they have derived from these mountain lion hunts. But does that mean anything to you all? Not at all. It means nothing but I want it in the record. Reading from the prologue of this book Heart of a Lion by William Stolzenburg. "Half past midnight, June 11, 2011, on a highway 70 miles outside New York City, a mountain lion met his death on the fender of a northbound car. He was nearly eight feet long, tip to tail,..." [LB775]

PRESIDENT FOLEY: One minute. [LB775]

SENATOR CHAMBERS: "...and a solid 140 pounds. He was the first physical proof of a wild mountain lion in Connecticut in the last century. Soon thereafter he was to become the most famous mountain lion in North America, in any century. The news of his demise triggered a flurry of national press and gossip. That such an unlikely beast from so deep in the past had so magically materialized in America's iconic megalopolitan"--that's the word--"corridor came with a certain irresistible irony, serving as fodder for wild speculations." I will continue when I'm recognized. [LB775]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, you may continue. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. His death led to a lot of wild speculations which included: He was a drug kingpin's abandoned pet. He was an escapee from a roadside zoo. To an ardent sect of conspiracy theorists, the Connecticut cat was the smoking gun, proof at last that wildlife authorities had been clandestinely airlifting the big predators into the eastern woods to rein in a runaway population of deer. To the multitudes of citizens who swore they'd long been seeing such lions roaming their streets and backyards and local woods--the same such lions that just three months earlier had been officially declared extinct by the U.S. Fish and Wildlife Service--he was vindication in the face of all the authoritarian dismissals. He was undeniable evidence that eastern mountain lions--by the hundreds, maybe thousands!--were in fact still thriving beneath the experts' condescending noses. That was some of the speculation. "He was in fact none of those things, but far more. Six weeks after scientists sliced and probed and sent bits of the lion's body to a genetics lab in Montana, his tests came back and this incredible saga emerged from the molecules. He was a three-year-old mountain lion from the Black Hills of South Dakota. He had wandered under his own power for the better part of two years and more than 2,000 miles across the eastern two-thirds of North America. His journey had spanned at least six states and, most likely, Canada's largest province. The lion had not simply walked a long distance, in the Guinness Book fashion easily imagined by any human pedestrian with a few months' spare time and a supply chain of food, beverages, and warm lodging along the way. This lone cat had threaded a gauntlet that would have given an elite force of Navy SEALs the night sweats. He had slinked and scampered across 500 glaring miles of naked prairie

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and industrial cropland, patrolled by a certain culture of guns and antipredator hatred that had already dropped dozens of his fellow pilgrims in their paths. He had slipped through metropolises of millions, abuzz with four-wheeled predators and guarded by skittish cops armed with orders to shoot. He had forded many of the mightiest rivers east of the Rockies (the Missouri, Mississippi, St. Lawrence, Hudson) and the busiest of eight-lane freeways, some of them rumbling to more than 100,000 vehicles a day. Through ferocious heat, cold, rain, and snow, feeding himself on the fly in a foreign land, he made his way as far east as a land-bound animal could go, to be stopped only by the Atlantic Ocean and two tons of speeding steel. Only after the lion's headlining tragedy in Connecticut did America come to realize they'd already met this cat more than once along the way. He had made his first public appearance 18 months earlier, on a December night outside Minneapolis, with a waltz through a suburban neighborhood captured on a police cruiser's video camera. The video went viral. The lion went east. After swimming the Mississippi and scampering around the north end of the Twin Cities, he stopped for a couple of days in an urban nature preserve surrounded by freeways and car dealerships, to eat a deer and--more important, for history's sake--to leave behind his first fresh samples of urine and scat. Before his pursuing biologists were through bagging that evidence, the lion was seen crossing a busy town ten miles east, on the icy banks of the St. Croix River, bordering Wisconsin. Every stop of the way, reporters followed the lion...oh, followed. The lion was adopted and named, written up like an outlaw on a cross-country getaway. He became at turns the Champlin cougar, the Twin Cities cougar, the St. Croix cougar. There were cheers, there were fears, there were threats of his demise by police fire should he be caught loitering in town. Citizens... [LB775]

PRESIDENT FOLEY: That's time, Senator. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. [LB775]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, please check in. We're on Final Reading. Please check in. We have a motion at the desk. Senator Briese, please check in. Senator Wishart, check in, please. Senators Kolterman, Watermeier, Bolz, Kuehn, Harr, please return to the Chamber and check in. Senators Watermeier and Harr. All unexcused members are now present. Mr. Clerk, you have a motion at the desk. [LB775]

CLERK: Mr. President, Senator Stinner would move to invoke cloture pursuant to Rule 7, Section 10. [LB775]

PRESIDENT FOLEY: All members have checked in. The question before the body is whether or not to adopt a motion of cloture. All those in favor of cloture vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB775]

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CLERK: 46 ayes, 1 nay, Mr. President, to invoke cloture. [LB775]

PRESIDENT FOLEY: The motion is adopted. We will now proceed to a vote on the motion to return the bill to Select File. Those in favor of the motion will vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB775]

CLERK: 1 aye, 46 nays, Mr. President, on the motion to return the bill. [LB775]

PRESIDENT FOLEY: That motion is not successful. We have previously voted to dispense with the at-large reading. Mr. Clerk, please read the title. [LB775]

CLERK: (Read title of LB775.) [LB775]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB775 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB775]

CLERK: (Record vote read, Legislative Journal pages 1006-1007.) 46 ayes, 1 nay, 2 excused and not voting, Mr. President. [LB775]

PRESIDENT FOLEY: LB775 passes. Before we proceed to the next bill, items for the record, Mr. Clerk. [LB775]

CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB923 and LB760 and LB803 to Select File. Health and Human Services Committee reports LB344 and LB1034 to General File with amendments attached. And I have a new resolution. Senator Lindstrom would offer LR352. Mr. President, that will...it's a study resolution that will be referred to the Executive Board. Mr. President, just...the Education Committee will meet upon adjournment today and in...underneath the south balcony, Education Committee, upon adjournment. That's all that I have, Mr. President. (Legislative Journal pages 1007-1009.) [LB923 LB760 LB803 LB344 LB1034 LR352]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Before proceeding to the next bill, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB17, LB256, LB321, LB350, LB743, LB750, LB775, LB874, and LB936. We'll now proceed to the next bill, Final Reading. Mr. Clerk. [LB17 LB256 LB321 LB743 LB750 LB874 LB936 LB350 LB775]

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CLERK: Mr. President, Senator Smith, I have AM2246, AM2253, and AM2261 with notes to withdraw, Senator. Is that correct? [LB44]

SENATOR SMITH: I wish to withdraw, please. [LB44]

CLERK: Thank you. Mr. President, Senator Watermeier would move to return LB44 to Select File for specific amendment, AM2433. (Legislative Journal pages 1009-1011.) [LB44]

PRESIDENT FOLEY: Senator Watermeier, you're recognized to open on your motion. [LB44]

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraskans and colleagues. In a spirit of compromise, I am offering, after we move the bill back to Select File, AM2433. It is similar to the amendment that Senator Smith had filed previously, and I thank him for his work on this. The amendment strikes the reporting requirements and only contains the collection trigger. Circumstances have changed since I introduced LB44. On January 12, the Supreme Court agreed to hear the South Dakota v. Wayfair case, and on February 23, just a few weeks ago, they set the date to hear the arguments for April 17, with a decision expected by the end of June. Although I thought it was imperative to be covered either way, with the reporting if the court didn't overturn Quill and collection if it did, most people are now fairly confident that Quill will be altered or overturned. Therefore, after much thought, I've decided to give up the reporting requirements in order to assure that this important bill is passed by the Legislature and signed by the Governor. AM2433 only slightly changes the collection requirements contained in AM1822, which was adopted by the Legislature earlier this month. Section 1 contains technical changes suggested by the Department of Revenue. AM2433 keeps the trigger language from AM1822 pertinent to the Supreme Court abrogating the physical presence requirement of Quill but adds language to recognize that the court could refine, clarify, limit, or alter the physical presence requirement. This added language is meant to cover a situation if the court doesn't outright abrogate or repeal the provision. Basically, it says this provision is effective if it is allowed. The sales tax collection requirement would become operative on the first day of the first calendar quarter after the Supreme Court abrogates or otherwise changes the physical presence requirement from Quill. I realize that if the ruling doesn't come down until the last days of June, the department may not be able to fully collect by July 1, as they will have to distribute notice and guidance documents. However, with keeping the first calendar quarter provision of the amendment, it will allow the department to begin collecting as soon as possible. I appreciate the body's support of this legislation. I think it is important to pass a bill this year so that our state can begin collecting sales tax from remote sellers immediately. In a recent article from the Pew Charitable Trust in Stateline it stated that several states are readying laws that would allow them to begin collecting millions of dollars almost immediately if the court rules in their favor, but they'll only get to it if the law is in place in the books that allows them to collect taxes from on-

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line retailers. Nine states this year, including Nebraska, have taken action in about a dozen other states last year. I urge your support for the motion to return the bill to Select File and approving AM2433 and then ultimately your vote on Final Reading next week. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Debate is now open on the return motion. Senator Smith. [LB44]

SENATOR SMITH: Thank you, Mr. President. And, colleagues, I just...I do appreciate Senator Watermeier's effort to work with me on this pending amendment and I do ask for your support of this pending amendment. I, however, want to caution those that view this bill, even with this amendment, as creating certainty that sales taxes on Internet sales will be collected in the state of Nebraska. Passage of this bill does not assure that the state sales tax collections will increase or that our local retailers will be helped. I know we all want to have fairness for our local retailers, but, again, it troubles me that there continues to be confusion among many in our...many of our retailers and many that have contacted me that this creates certainty. This is a Supreme Court issue. It will need to be taken up at the Supreme Court level and a decision made there. However, I agree that this amendment is needed to strike the reporting requirements which cause an unnecessary burden on businesses, and particularly small businesses. Colleagues, I ask for your support of AM2433. And I do not plan to speak further on this amendment or on this bill, and I appreciate Senator Watermeier working with us to bring this amendment to us. Thank you. [LB44]

PRESIDENT FOLEY: Thank you, Senator Smith. Mr. Clerk. [LB44]

CLERK: Mr. President, a priority motion: Senator Chambers would move to recommit the bill. [LB44]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your recommit motion. [LB44]

SENATOR CHAMBERS: Thank you, Mr. President. Relentless, implacable...the other time I said I said implaqueable (phonetically). I use them interchangeably. Since I'm the one speaking, I can use them any way that I want to. No negotiating, no bargaining. I don't win in the way most people reckon winning, but I also don't lose in the abject way that most people lose when they are overwhelmingly outmanned and "womaned" and outgunned. You deliver into my hands, whenever the session is in session, the opportunity and the wherewithal to work my will for a certain period of time. Suppose the world ends at 11:36. I've had the last word on the floor of this Legislature. This could be the last you will ever hear on this earth. Your world could end by you

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breathing out and not ever breathing in again. And I am not going to be deterred in what it is that I want to do. I cannot get enough votes to have the Legislature support, by a majority, what it is I undertake. But as overwhelmingly as I am outnumbered, they cannot totally work their will as they choose with reference to me. This is a bill that I opposed last year. I oppose it this year. The sweetest words are "I told you so." For me, this is gloating time. Others gloated when the bill passed, didn't they? I don't blame them. They got a bill passed that the Governor didn't like, that Chambers spoke against. But see, the Governor and I, we don't communicate, we don't collaborate. Recognize a Pyrrhic victory. A Pyrrhic victory is where you have a conflict and you come out the victor in that particular battle, but you lost so much in the way of resources, materiel, and person power that you ultimately lose the war. Senator Watermeier won a Pyrrhic victory. And if he will remember, I told him afterward to enjoy what had happened because he was not going to keep it. Ask him. This is not a squabble between me and Senator Watermeier. It's the matter where somebody who's been down here 43 years can read the tea leaves. I don't need a Ouija board. All I have to do is look around. If there were a flock of crows, they called it a murder of crows. If there were a murder of crows out there and I took one of these books and I threw it among them, what would they do? They'd take wing. Does that surprise anybody? You all have enough experience to know that if you frighten a bird or a group of birds they're going to fly away. You all are a bunch of birds without realizing it. But I know what you are and that bothers you more than anything else, especially when I can say I told you so. To prove it, on March the 7th, I handed out an "Ernie-Gram" number 38 and here's what the...first of all, it contained a cutout from that day's agenda: Tuesday, March 6, Select File, 2018 priority bills. LB44, Watermeier, adopt the Revenue (sic--Remote) Seller Sales Tax Collection Act; LB44A, Watermeier, appropriation bill. My comments: "METAPHORICALLY SPEAKING Although this poem was penned years ago, it could have been written today, / For it sets forth the manner in which the Governor shall 'have his way.' / Although Senator Watermeier's bill received thirty votes plus five, / We shall see how many remain when 'The Moment of Truth' does arrive." // "LEGISLATIVE POLITICS 101 by Ernie Chambers, January 18, 2005. INTRODUCTION It has been stated that Students digest / Instruction when mingled with fun; / Such is my Rule of Thumb as I offer: 'Politics 101.'" At the start...and metaphorically, so it's not going to be exactly the same in every factor. This is like a prediction of what was going to happen all those years later, 16 years later--you weren't paying attention--13 years later. "At the start of Legislative Sessions, / Ill-advised are confident expressions / Claiming this bill or that bill has strength / Sufficient to limit or cut short the length / of legislative debate--for you see, / Such reckonings reckoned, of course, without me. / Promises, promises Senators make / Then break; and, anguished, leave in their wake, / Shattered, embittered disillusioned souls, / Unlettered, untutored in various roles / Assumed by Senators--people whose word, / Means as much as Aristotle to a bird. // Birds, though treasured for trilling liquid strains, / Simply are not overburdened with brains. / At the BEGINNING (now, take careful notes!) / You think you've got about thirty-six votes. / Boosting your confidence, others may say: / 'I like your bill, and I'm leaning your way.' / Yet, when you sought them as sponsors, to sign, / They opted not to place name on the line. /

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Reaching the MID-POINT, as Session wears on, / Three or four of the thirty-six are gone."
[LB44]

PRESIDENT FOLEY: (Inaudible). [LB44]

SENATOR CHAMBERS: Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Krist. Is Senator Krist on the floor? I do not see him. Senator Schumacher. [LB44]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. There's an old adage that says don't count your chickens before they're hatched. And that's even true probably if you hear scratching inside the shell. Think of what situation we're in right now. Should the Supreme Court say that it's okay for states, presumably local government, to tax even though they don't have physical nexus, think of what that does to interstate commerce. Even if you have some type of Streamlined Sales Act or state pact or something like that, that covered everybody, the rules that you would have to try to comport with to satisfy every little burg out there who wants to levy a sales tax or even each of the 50 states if you limited it to states. Think also that the federal government has gone off on a little venture of running up \$1.5 trillion in debt. So you're sitting there in Congress and the Supreme Court says, go for it, states, what's your reaction? One would think that a reaction that would have to be under consideration would be let's preempt the states. This will create such a burden on interstate commerce, and we have at a federal level an opportunity to impose a national tax on interstate sales, preempting the states and taking the money. So, even though that will solve the problem of a level or unlevel playing field somewhat between interstate sales and brick and mortars, it won't necessarily mean any money in our pockets. So this is a long way from cashing a check. And I know if I were in Washington what I'd be doing. I'd be saying let's preempt the states; let's take the money. And that probably is one of the options and the reasons why we shouldn't be counting those chickens just yet. Thank you. [LB44]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Chambers. [LB44]

SENATOR CHAMBERS: Thank you, Mr. President. Let me continue with "I told you so." And I'm enjoying it like you all enjoy beating me, putting me down. If I was a beetle, you'd be sticking pins in my eyes, you'd be pulling the wings off a butterfly, you thought. And now here you have to come back where you left from. And the "Bibble" describes that as a dog returning to its vomit. That's biblical. But like Gershwin gave you a way out, the things that you're liable to read in the Bible, they ain't necessarily so. Continuing, I got to start so that you can follow. I'm going to reread something. "Birds, though treasured for trilling liquid strains, / Simply are not

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overburdened with brains. / At the BEGINNING (now, take careful notes!) / You think you've got about thirty-six votes. / Boosting your confidence, others may say: / 'I like your bill, and I'm leaning your way.' / Yet, when you sought them as sponsors, to sign, / They opted not to place name on the line. / Reaching the MID-POINT, as Session wears on, / Three or four of the thirty-six are gone. / Issues are starting to join, link-to-link-- / Your erstwhile three-dozen continues to shrink. / Hemming and hawing replace 'firm assurance,' / Trying to tally 'votes,' taxes endurance. / Next thing you know, you are nervously sweating. / In the Rotunda, the Lobbyists are betting: / Senators fretting about their own bills, / Will not imperil them, boosting your frills..." // "CONCLUSION S-l-o-w-l-y...reality dawns: SAKES ALIVE!!!! / You may be lucky to hold TWENTY-FIVE! / Therefore, EXULT in your moment of glee! / Am I on target? Let's sit back...and see." // "(Tho' it may not be your preference, / Hold this poem for future reference.)" Future reference is here. What was the future then is the present now. I'd like to ask Senator Watermeier a question or two. I see he's back. [LB44]

PRESIDENT FOLEY: Senator Watermeier, would you yield, please? [LB44]

SENATOR WATERMEIER: Yes. [LB44]

SENATOR CHAMBERS: Senator Watermeier, did we have a brief discussion in the aisle after you got the votes to move this bill onward? [LB44]

SENATOR WATERMEIER: Yes. [LB44]

SENATOR CHAMBERS: Was it agreed that on Final Reading there's a possibility that maybe 25 would be there? [LB44]

SENATOR WATERMEIER: There was an agreement that there...you know, you never know about the votes. I think I told you I had one for sure. [LB44]

SENATOR CHAMBERS: And, right, we weren't...I didn't say you agree; I said we discussed that,... [LB44]

SENATOR WATERMEIER: Yes. [LB44]

SENATOR CHAMBERS: ...that by then. And did I also say you should enjoy this victory that you got today because you don't know what might happen in the future? [LB44]

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SENATOR WATERMEIER: Yes. [LB44]

SENATOR CHAMBERS: Thank you. That's all I'll ask, just to show you I don't lie. That's all I have of you, Senator Watermeier. Thank you. I'm not like Senator Murante or Senator Larson. I didn't graduate from George Washington University. I graduated from Creighton, run by the Jesuits, where they teach us to split a hair between the north and the northwest side when we're dealing with logic. And one of the first things you learn about logic, that which is logically 100 percent logical may be 120 percent, in the real world, false. Logic does not lead you to the truth. Logic is a logical step-by-step process by which you get from point A to point B or C or wherever you want to wind up. I could say all men are paper. [LB44]

PRESIDENT FOLEY: One minute. [LB44]

SENATOR CHAMBERS: Aristotle is a man; therefore, Aristotle is paper. That is logically unassailable but it's absolutely false in the real world. So I'm going to have a little fun here and enjoy myself because, as I said, the world may come to an end at any time and before it does I'm going to enjoy myself. And after it does I won't know anything, nor will you. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Kuehn. [LB44]

SENATOR KUEHN: Thank you, Mr. President. Thank you, colleagues. Before I discuss the bill, I was wondering if Senator Chambers would yield to a question? [LB44]

PRESIDENT FOLEY: Senator Chambers, would you yield, please? [LB44]

SENATOR CHAMBERS: Shaking in my boots, yes. [LB44]

SENATOR KUEHN: Senator Chambers, earlier this morning you were talking about your lack of tear ducts, d-u-c-t-s, and apparently the closed-captioning to hearing-impaired Nebraskans translated that as you lack d-u-c-k-s. So for the record and for hearing-impaired Nebraskans, I would like to clarify are you in ownership of any poultry? [LB44]

SENATOR CHAMBERS: Quoting a great military general named George S. Patton, that's for me to know and you to wonder about. [LB44]

SENATOR KUEHN: (Laugh) All right. Thank you, Senator Chambers. [LB44]

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SENATOR CHAMBERS: But the answer is no. [LB44]

SENATOR KUEHN: All right. Thank you. Just wanted to make sure our hearing-impaired Nebraskans were not curious about the status of your ownership of ducks or your inability to lacrimate. So thank you, Senator Chambers. Colleagues, I do stand in support of Senator Chambers' recommit to committee motion. I apologize, I was not present for the Select File debate. I was getting continuing education for my veterinary license. I continue to oppose LB44 on the same grounds that I did in our last session. First and foremost, as I argued last session, we are likely to get guidance from the Supreme Court of the United States as how to proceed. To my mind, that argument is stronger now knowing that the court has agreed to hear this case and we will have some degree of clarity. I reject the notion that there's going to simply be an outright overturn of the Quill decision. I think if you look carefully at the law in which they are considering, South Dakota was the perfect test case for a number of reasons. One, the law that they wrote was with the intention of going to the Supreme Court to have a challenge to Quill. It was wrote with a number of...written, I am sorry, written with a number of several severable components, so it's highly unlikely that the entire law will be overturned from South Dakota but, rather, parts of it, which again leaves us as a state with degrees of uncertainty that will have to be addressed in further clarification. And third, South Dakota is a unique case because they don't have a state income tax. They are a sales tax dependent state for state revenue. They don't tax in the same manner. They don't have the same degree of exemptions. So they are very unique state which made them an excellent test case. So the instant applicability of whatever the Supreme Court rules in terms of it's application to Nebraska is a false comparison. Second, and I'm glad Senator Schumacher brought it up because if you look at the record from last year, it was an argument I made several times on the floor and it was a late afternoon discussion and there weren't a lot of people engaged in the debate and so I don't think it necessarily resonated. So I'm glad here, bright and early at 11:50, Senator Schumacher brought up the issue of interstate commerce and the Commerce Clause. Everyone is rushing headlong into this idea of Internet sales tax collection and breaking down a really important barrier in our federalist system, and that is individual states having authority over that which that takes place within their borders, purely looking at the side of it from revenue. Everyone is in such a hurry to grab whatever revenue may be possible--and the levels of revenue being proposed are widely variable--that we're forgetting that this is a sword that cuts both ways. And so once we evaporate our state borders and, to a degree, abrogate our state sovereignty for the role of collecting sales tax from organizations that don't have a physical presence in our state, recognize that that means our companies in Nebraska can be subject to the same processes we are trying to put on companies in other states from states and companies other than Nebraska. [LB44]

PRESIDENT FOLEY: One minute. [LB44]

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SENATOR KUEHN: So if we want the reach and the rules of states like California, Illinois, New Jersey, who have a number of fiscal challenges, who have a number of ways and manners in which they need to capture revenue, subjecting their legislation, their rules to Nebraska businesses, know that's what you're doing with this bill. Know that as we're clamoring for the evaporation of our borders and a means to grab a few million in revenue here and there, that there's a bigger principle at play. And I would love to have an extra \$50 million in revenue right now. Makes...takes a lot of stress off of the appropriations process. But there's a bigger picture at play. The constitution has the Commerce Clause for a reason. Let's not ignore that reason for a short-term goal. I'm somewhat concerned that we are so focused on the short-term revenue picture we're not looking at the larger implications for our business community and what it means for our relationship with other states in the federalist system. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Krist. [LB44]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I wondered if Senator Watermeier would yield to a question. [LB44]

PRESIDENT FOLEY: Senator Watermeier, would you yield, please? [LB44]

SENATOR WATERMEIER: Yes. [LB44]

SENATOR KRIST: In just simple terms, just so we can put it on the record again and for my understanding and others, what does that amendment do? [LB44]

SENATOR WATERMEIER: AM2433 strikes out, removes the collection part that we debated early on in the...excuse me, not the collection, the reporting part that we matched up to Colorado in some ways. But it strikes out the reporting part and redefines a little bit clearer what abrogates means in case it's not fully overturned on the Quill decision. [LB44]

SENATOR KRIST: And in terms of the reporting part being a negotiable point with you and the administration in order to get this bill passed, what does that mean really? [LB44]

SENATOR WATERMEIER: What that means is that we are not requiring the on-line retailers today to begin reporting, as the two reports that I had suggested in the first bill. We are going to just enact the collecting and remitting portion of the bill once Quill is overturned or altered or partially. [LB44]

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SENATOR KRIST: Okay. Thank you, Senator Watermeier. Colleagues, I was in full support of LB44 and I'm not trying to make anybody's predictions come true here, far be it from that. In traveling around the state I have found absolutely no one who said they wouldn't be willing to pay an Internet sales tax; they just didn't want to keep the spreadsheet themselves. They wanted there to be a nexus in order to collect. That nexus has to be put into place as part of a reporting process if we're going to be ready, in my opinion, to do what this bill would purport to do once the court has overturned Quill or once we have been given a green light, if you will. I have very little question or concern about the interstate commerce clause. I do understand Senator Kuehn's points. I think they're valid. He has a genuine concern and I respect his opinion. But we're already doing this in several states around the country, which will have to either cease and desist if the Supreme Court ruling comes through and upholds Quill. So I think in terms of the individual states, you're going to make, based upon state sovereignty, you're going to be making decisions in the state of Nebraska that have to do with the state of Nebraska. Establishing nexus in Nebraska is basically having USPS, UPS, FedEx add that...and tax the process in the delivery phase and that becomes a nexus coming in. Some of that will also be debated in the Supreme Court because it's inherently the way that some states develop those, the nexus, as I understand it. And if I'm wrong, I'm sure somebody will punch their button or they already have. But my point, I guess, in terms of withdrawing my support from this is that I honestly believe that LB44 and the amendment and the state at which we left it on Select File is absolutely necessary moving forward to be able to be ready to engage and bring the operation into a successful beginning at the beginning of the overturn and the Supreme Court's ruling. Again, I did support LB44. I don't think I can. I'm not sure that I'm ready to recommit it to a committee. [LB44]

PRESIDENT FOLEY: One minute. [LB44]

SENATOR KRIST: At this point in the session, if it's recommitted, it's dead. So I'm more likely to see an up or down vote, from my perspective. But I can't support LB44 anymore at this point. Thank you. [LB44]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized, your third opportunity. [LB44]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, now I would like to go into some aspects of the bill which I didn't have the opportunity to do at the last stage because we ran into cloture. So if Senator Watermeier is willing to engage with me in a bit of discussion of the bill, I would appreciate it. [LB44]

PRESIDENT FOLEY: Senator Watermeier, would you yield, please? [LB44]

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SENATOR WATERMEIER: Yes, I have the amendment in front of me, yeah. [LB44]

SENATOR CHAMBERS: Now, Senator Watermeier, if you want to have a copy of the bill, I'm actually on the last page of the bill where it mentions the three events that will occur, the later of these three events. And I'm going to read them and then get a...have a discussion. But first I'll just read it. "This subsection becomes operative on the later of July 1, 2018." July 1 would be the date that any legislation we pass...Senator Watermeier, was July 1 adopted because that will be 90 days after we're out of session and that's when a bill without the emergency clause first takes effect? [LB44]

SENATOR WATERMEIER: Yes, but I want to get to you're point. The part that you're referring to I think is taken out with my amendment. I want to clarify that. I'm working with my staff right now, because I don't have the bill in front of me but I just have my amendment. [LB44]

SENATOR CHAMBERS: Oh, so you meant this paragraph about the later of these events, all of that is taken out? [LB44]

SENATOR WATERMEIER: You got me off... [LB44]

SENATOR CHAMBERS: Let me let you look at it... [LB44]

SENATOR WATERMEIER: Okay. [LB44]

SENATOR CHAMBERS: ...so we'll be sure that you're answering what I'm asking. [LB44]

SENATOR WATERMEIER: I'm pretty sure what you're getting at, though, is it intended to start July 1, and I said in my opening, even though that may be difficult for the Department of Revenue to do that, we wanted to get that in the intent language as well. But it's my intent that the bill, with the emergency clause, would become effective July 1. Yes. [LB44]

SENATOR CHAMBERS: Okay. If that's the later of these events, that's what I want to get to. July 1 would probably be the earliest time... [LB44]

SENATOR WATERMEIER: Yes. [LB44]

SENATOR CHAMBERS: So it's not likely to take effect on July 1 anyway. [LB44]

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SENATOR WATERMEIER: No. No. [LB44]

SENATOR CHAMBERS: Okay. Because I want to get that out of the way. And that would be the date ordinarily that a bill would take effect without the emergency clause... [LB44]

SENATOR WATERMEIER: Right. [LB44]

SENATOR CHAMBERS: ...and if the emergency clause is attached, it would be a date that could be provided. [LB44]

SENATOR WATERMEIER: Uh-huh. [LB44]

SENATOR CHAMBERS: So we don't have to worry about July 1. That's not going to be a trick question. So we're dealing with a controlling court decision or federal legislation doing what it says--because I don't want those extra words to confuse what we're talking about--either a controlling court decision or federal legislation that would take away the impediment to this being done. Now, if a controlling court decision is rendered, and I had discussed how that controlling Opinion could be the Eighth Circuit, depending on what other states might do. I'm not even talking about that now. I'm going to make it the U.S. Supreme Court so that we have some specific things. And whether it actually happens or not is not necessary for my discussion. [LB44]

SENATOR WATERMEIER: Okay. [LB44]

SENATOR CHAMBERS: But if the Supreme Court hands down a decision, then subsequent to that decision the Congress could enact legislation that would nullify what the Supreme Courts had said. Would you agree with that? [LB44]

SENATOR WATERMEIER: Yes. [LB44]

SENATOR CHAMBERS: Okay. And in that case, it would be the act of Congress that would be the later thing and that's when the effect would occur. [LB44]

SENATOR WATERMEIER: Yes, I think I know where you're headed with that. That's my understanding because there's still a chance that they could do it, it's unlikely, there's still a chance they could do it, even before the SCOTUS gives a decision. [LB44]

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SENATOR CHAMBERS: Now let's say that Congress acts before a Supreme Court decision comes down. [LB44]

PRESIDENT FOLEY: One minute. [LB44]

SENATOR CHAMBERS: And then if the state tried to operate based on what Congress had put in place and then a Supreme Court decision came down that nullified what Congress had done, then what the Supreme Court said would trump whatever Congress did if what Congress did was unconstitutional. [LB44]

SENATOR WATERMEIER: That would probably be accurate. [LB44]

SENATOR CHAMBERS: Would you agree with that... [LB44]

SENATOR WATERMEIER: Yeah, I would. [LB44]

SENATOR CHAMBERS: ...just as a general rule? And then I'm going to go on with my discussion,... [LB44]

SENATOR WATERMEIER: Okay. [LB44]

SENATOR CHAMBERS: ...so you'll follow where I'm going. [LB44]

SENATOR WATERMEIER: Okay. [LB44]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I'm not trying to use trickery, no chicanery, no shell game. But when you have two activities, either one of which might nullify the other, then all you can create is uncertainty. If Congress acts first, then that is not when this bill will take effect. They would have to wait until the U.S. Supreme Court... [LB44]

PRESIDENT FOLEY: Time, Senator. [LB44]

SENATOR CHAMBERS: ...makes a...thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Kuehn. [LB44]

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SENATOR KUEHN: Thank you, Mr. President. And thank you, colleagues. A couple of things that I want to point out, one was I keyed in when Senator Krist--and he and I were just visiting about that--talked about the fact that a nexus point is a delivery point. It's a UPS or a postal service address. And he is correct in the sense that if this is where we're going with this and we're defining a nexus point as a point of delivery, that that means a state presence and a presence subjecting it to our state tax laws. I want everybody who's interested in telemedicine to wake up and think about what you're advocating. Because if you're saying that the nexus point is the delivery point then that means that anyone who is practicing telemedicine and has a delivery point via videoconference or via an e-mail or provides an electronic script that's delivered to your home is now going to be gone in terms of our ability to regulate them under Nebraska standards. We're simply saying the border is gone. Electronic borders in the electronic world has evaporated our control and our ability to regulate what happens within our state. So the evaporation of borders and individual state sovereignty that is advocated by the overturn of Quill has a much larger, a much broader implication in terms of how we define commerce and what happens in physical presence versus not. Right now we put restrictions on that. You have to have an in-state doctor who is agreeing to cooperate or serve as that point. If we're simply saying that the border is gone, we have to think about what that means to future challenges and future implications for interstate commerce and the ability to regulate what goes on in our border. And I realize that that's a lot broader issue and everybody is thinking about, well, hey, we've got a couple million dollars, \$20 million, \$30 million we can collect between July 1 and December 31, and that's where their eye is on the ball. Look down field. Have some field vision here and think about what we're doing with regard to state borders and state sovereignty. The second, I would argue, is a procedural process. The Supreme Court is considering a lot of issues right now. They've heard a case on mandatory enrollment of individuals in paying union dues. I'm curious as to what would happen if a bill was before the Legislature that had implications there that said, depending upon the results of the Supreme Court decision later this summer, we are going to have a law that goes into effect July 1. And we would tap the brakes and say, absolutely not, we're not going to pass laws contingent upon what the Supreme Court may or may not say in the next couple of months. So why are we are doing it in this case? I think it's a dangerous legislative precedent to begin that says we're going to put in statute tax policy, labor law policy, health policy contingent upon a Supreme Court ruling that is complex and diverse in nature. There's plenty of opportunity once there's absolute clarity and we know what the Supreme Court decision is. There's time for Revenue to look at how to implement this program, how to apply it to Nebraska law, and pass the bill in January. Pass it with an E clause on it, and you can start collecting the revenue right away. I have concerns about beginning this process, beginning this kind of a precedent on law contingent upon awaited Supreme Court decisions. And I know there's some talk about agreements and what will and won't happen. I have been part and party to no discussion about agreements. I've been part and party to no... [LB44]

PRESIDENT FOLEY: One minute. [LB44]

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SENATOR KUEHN: ...agreements that some things will make it passable or signable or whatever. My position, as I stated last session, is based on the principle of what we're doing. There's not really anything in the word of this statute that changes my objections to the principle. I realize this may be somewhat Sisyphean in my attempt to continue to speak on the issue and get people to think about the bigger picture, but I want the record to reflect my opposition and reflect my appeals to the body to think about the broader federal issues when passing this legislation. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Schumacher. [LB44]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I think we're getting to some really good discussion here. I've always supported the retailers in their effort to get a level playing field, but I think an old adage is coming into play: haste makes waste. We don't know what the terrain is going to look like once the Supreme Court rules. We don't know what the Congressional response is, what the legal response is to the Congressional response, if there is one. And we're rushing into this not knowing that terrain and also making a fundamental decision about our borders and our level of control. Because, remember, whatever we tax somebody else on, they're going to get even with us, and we just don't know the parameters. Congress has not laid down parameters that would preserve us from impeding interstate commerce as a state and have other states impede us. There's a good chance that by the turn of the year, when you guys come back in, we will know some of those parameters. We have the emergency clause. We have the ability to adapt in a Unicameral Legislature very, very quickly. There's really no sense in writing a bunch of regulations, printing a bunch of forms, spending a lot of money programming the state's computers, because we all know that if you touch computers it's thousands and thousands of dollars because we don't have our own computer professionals to do a lot of that. There's no sense of doing that until we know the terrain. And the only possible reason or argument to rush into this is maybe we will squeeze a few cents of revenue out of this or that. But then if we wrongfully squeeze it, we may have to spit it back up. So I'm beginning to think that this is a premature idea and the worst thing that happens if we delay it until you are back in session and can know what the terrain looks like, the worst thing that happens is we lose a little revenue. On the other hand, a lot worse things can happen if we do something wrong. We don't know the rules of the game we're playing by, and I think, and I'm going to take the position now, that I'm in favor of treating our local merchants equally and fairly on level playing field, but we are subject to broader rules, and we better know what the foundation is that we lay that playing field on. And so I think I am no longer in support of this concept this year, and it's another one of those things you guys get to do next year. Thank you. [LB44]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Larson. [LB44]

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SENATOR LARSON: Thank you, Mr. President. I haven't supported LB44 yet, and I'm surprisingly supporting Senator Chambers' motion to recommit to committee. I guess I just have fundamental problems with a lot of this. And maybe Senator Watermeier can correct me if I'm wrong, but I know there's a lot of...I guess that I'm struggling with a lot of the little details. And what makes 199 transactions different than 200 transactions? And you start looking at there's plenty of individuals that have Etsy shops across America. And Etsy is an on-line platform where people buy...or make homemade things and sell them. Is the Department of Revenue going to go after some leather-maker or mom that makes cloth diapers or anything like that from Minnesota or California because they have 200 transactions in Nebraska? Or are they just too small that the Department of Revenue is not going to go after them? But then what's the point of LB44? I know that what Senator Watermeier is doing here is getting rid of the reporting requirement, and my understanding of that means that those companies won't have to report who does and doesn't have 200 transactions. So again, what's the point of LB44? I guess I understand that we are looking for revenue, but if we're going to follow LB44 as it's enacted, are we...is the Department of Revenue just going to blindly ignore people because they're too small, that they're not going to go after them? Or are they going to go after every one of these individuals that have more than 200 transactions and spend more money getting their sales tax that they were supposed to have paid than what they're collecting? It's just...in the end, yeah, there might be some big companies, but obviously Amazon already came to voluntarily pay sales tax. It just...I think the more and more you look at this, the more and more it just doesn't quite make sense, the more and more that I think it could cost the Department of Revenue in the end. And it just doesn't make, as I said, it just doesn't make sense. So I'm continually, I have continually been against LB44 and will continue to be so and will support Senator Chambers' motion 270 to recommit to committee. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Briese. [LB44]

SENATOR BRIESE: Thank you, Mr. President. And good afternoon, colleagues, at this point. For me, LB44 is simply about fairness to our main street retailers. It's an attempt to level the playing field, to help protect our main street retailers, and it's good legislation. I liked the original amendment myself, the one that had the notice and reporting requirements in it. To me, it was constitutionally sound. And even though the Tenth Circuit decision in DMA v. Brohl is not controlling, it was very persuasive in that regard. Again, I think it was constitutionally sound. But what we're left with here with AM2433, in my view, is still good policy and I'd like to commend Senator Smith and Watermeier for arriving at this resolution. I do note that the earlier amendment was triggered by a controlling court decision that abrogated the physical presence requirements of Quill, and there was some concern last time about what a controlling court decision is. And I think Senator Chambers mentioned this morning, we're talking a Nebraska Supreme Court decision or an Eighth Circuit Court of Appeals decision? No. Our intent is to rely on a U.S. Supreme Court decision. I notice that the new language in AM2433 refers to a

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controlling decision by the U.S. Supreme Court abrogating the physical presence requirement. And as Senator Smith said, this is a federal decision, and our intent here is to defer to that controlling U.S. Supreme Court decision or Congress. And this new language represents our intent. I did hear a couple suggestions earlier. Someone suggested, you know, they reject the notion of an outright repeal of Quill, and I don't disagree with that. That may well be the case. But I think the language contained in here that Senator Watermeier referred to really addresses that, and I think that language was something along the lines "a controlling decision that abrogates Quill or otherwise allows a state to impose sales and use tax collection requirements on a person who lacks physical presence and so on and so forth. And I think that kind of addresses that concern of a partial repeal. And again, there were interstate commerce clause concerns mentioned, but that's why we're deferring to Congress or the Supreme Court on this. They'll figure this out. They'll let us know if there's commerce clause concerns in their decision that should be forthcoming. And someone else asked, well, what if Congress acts? We're still going to have to wait for the Supreme Court. No, I don't think so. If Congress abrogates a physical requirement or if Congress allows this to be done, we can move forward. And if that decision by Congress is somehow overturned by the Supreme Court then, yes, we will be subject to the later decision. But as soon as one of them acts, the provisions of this bill, this statute, should be triggered and we can move forward. And it's also been argued several times, why do this ahead of the potential Supreme Court decision? Why do it now? And I think it behooves us and it's our duty and responsibility to protect our main street retailers, and I think the quicker we can get this policy in place, it's better for those folks that we really have a duty and obligation to help protect. And so I think I support AM2433 and LB44, and I'd urge your support of it also. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Briese. Senator Kuehn, this is your third opportunity. [LB44]

SENATOR KUEHN: Thank you, Mr. President. Thank you, colleagues. I hope everyone...and I respect Senator Briese has legal training that I do not have, so I respect his input and interest in the issue. But I want you to note carefully the nature of his dialogue: "if, then," "as if," "potentially," possibly," "then we will," "if it happens." There's so many hypotheticals and so much to play out, depending upon how the court may rule as individual states are moving forward with this, it in and of itself, even those who are the most ardent supporters of this type of legislation still understand that it's a whole series of "if, then" consequential-type actions pending upon what the Supreme Court is going to do, an answer of which we will know by the end of June, which again makes us and should give us pause as to why do this now when we have absolute certainty that the Supreme Court is hearing this case? The date has been scheduled. We'll have a decision. And in January this body can know with clarity exactly what the legally allowable and permissible steps can be based upon the ruling of the state Supreme...or the United States Supreme Court. The other notion that keeps coming up, and I realize that

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sometimes an idea gains popularity and it enters into our concept and we just continue to go forward with it, and I find it ironic that we're talking about sales tax as leveling the playing field, and sales tax as a deterrent. I have to say I get my groceries in Minden at Mason's Market because it's convenient. I pay more for it, but I do it because it's convenient. I purchase other goods on-line because they're delivered and it's convenient. And if sales tax is such an impediment to competition, and if the assessment of sales tax is going to reduce consumer and alter consumer behavior, it's kind of ironic that we have members of this body that are talking about adding sales tax on other things. How can you simultaneously hold the idea that we should remove sales tax exemptions and assess sales tax on some things, while arguing on another bill that sales tax applied on all, levels the playing field. It's an inconsistent logical finding. I find it ironic that cities are talking about, oh, our main street businesses have to compete, when they themselves are imposing a sales tax. If sales tax is such an impediment to consumer behavior and has created such an inequitable playing field, why are you adding another cent, two cents on the local individuals shopping in your stores? Because you have a captive population and the people who can't go to other communities that may have less sales tax? This is a game that's been played so long, car dealerships have been doing it forever in terms of where they were located. We're not talking about the fact that Nebraska has borders. We don't talk about...when we talk about sales tax and leveling the playing field, either everything or nothing, but yet we're now arguing in some cases, yes, sales tax is an impediment to consumer behavior and competition, but, oh no, it's not over in this case. Again, this is about a short-sighted goal, the hope to get our hands on \$20 million or something of revenue in the last half of this year, the first part...the first two quarters of the next fiscal year, without thinking through the consistency of what we're asking. And what I am asking this body to do is to pause, know that there is no real harm in waiting until the Supreme Court rules. There is the potential for very real harm... [LB44]

PRESIDENT FOLEY: One minute. [LB44]

SENATOR KUEHN: ...if we advance forward without having that clarity. We have an opportunity to recommit this to committee. We have an opportunity to be mindful and thoughtful and have a discussion based upon what we know we have under federal guidance without speculation, without "if, then" statements, without hypotheticals. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Larson. [LB44]

SENATOR LARSON: Thank you, Mr. President. Just kind of going off the example that I talked about, would Senator Watermeier yield to a question real quick? [LB44]

PRESIDENT FOLEY: Senator Watermeier, would you yield, please? [LB44]

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SENATOR WATERMEIER: Yes. [LB44]

SENATOR LARSON: So LB44 says if there's more than 200 transactions by an out-of-state retailer, they would be...they would have to pay the sales taxes that they...to the....essentially what they should have collected, to the state of Nebraska, right? [LB44]

SENATOR WATERMEIER: That's correct. It's based off of South Dakota. [LB44]

SENATOR LARSON: So at 200, let's say there is a small shop, on-line shop, that sells, again, well,...again, my family, we do cloth diapers on our one-year-old. So let's say they've sold 200 cloth diapers in the state of Nebraska. They're \$20 apiece to people in the state of Nebraska. That's \$4,000 total that they would have sold to people in Nebraska. At 5.5 percent, that's \$220 they would owe, correct? [LB44]

SENATOR WATERMEIER: I didn't do the math on it, but I'll trust you. [LB44]

SENATOR LARSON: I did the math, yeah, \$4,000, \$220. So is the Department of Revenue really going to go after every one of those little on-line retailers for \$220 do you think? [LB44]

SENATOR WATERMEIER: Not any differently than it would anybody else that was in the state. [LB44]

SENATOR LARSON: So I guess therein lies my concern with this, is by law that they are. And I appreciate your question...your answer, Senator Watermeier. Thank you. When we look at this, we're looking at \$220. And I get it, \$220 is \$220. But what is it going to cost the Department of Revenue to go and find every one of those individuals or companies, whether they be in Minnesota, California? I know there's...I've seen shops in Israel, United Kingdom, all over the place. What is it going to cost us to go do this? Is that cost actually going to be more than \$220? And as I said, I understand there's the larger companies that might not be charging sales tax now that that might be beneficial. But in the end, the Department of Revenue doesn't have the luxury of just ignoring the law because it's only \$220. They have...or should go try to get every dollar because that is the law that was passed, that is the intent of the law. And in the end, I think it will cost more and that's unfortunate. And to go on Senator Kuehn's point, this is a matter of convenience in the sense of where you do your shopping. It's not a deterrent to go shopping at your local store versus on-line. It's who has the products that you want, and you go and get it. Colleagues, I think there are just fundamental issues with LB44. I won't be here next year to deal with this issue, but it is an issue that is probably better dealt with after the U.S. Supreme Court has made a ruling on it; therefore, we have...you--because I won't be part of this body--you all

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will have true guidance of what can and cannot happen. We know there's going to be a decision come June. What's the problem with waiting until June and then having this policy discussion? You all will have this policy discussion next year because, as I said, I will not be part of this body. Right now... [LB44]

PRESIDENT FOLEY: One minute. [LB44]

SENATOR LARSON: ...I think we're just a little ahead of where we should be. And frankly, I think LB44, if passed, and even if you guys do pass it next year, will cause a significant amount of problems in terms of going out and searching and finding every retailer that sells 200...has 200 receipts in the state of Nebraska because the Department of Revenue, if you write it that way, should go after every one. They can't just say, oh, you're just a little too small, we're only going to go after the big guys that are doing this. That's wrong. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Watermeier. [LB44]

SENATOR WATERMEIER: Thank you, Mr. President. I want to make it clear that I am against the recommit to committee motion from Senator Chambers. And getting back to the debate, Senator Larson brought up a point. I just have to correct the record. What he was talking about, whether they can or can't police this bill. That's no different today for the in-state retailers that are already doing business in Nebraska. And the reason we put in the 200 and \$100,000 limits was because that's exactly what's going to be in front of the Supreme Court this next month. We modeled our language exactly after the South Dakota language that will be in front of SCOTUS in this next week. Just so that you all know, this is what I've done in the last week or so after LB44 came off of Select File and was voted on to Final Reading. I reached out to those individuals who had concerns with the bill. Senator Smith had offered the last motion to put in some different language and strike the reporting mechanism. So him and I had different conversations at different points in time, and the Governor's Office and I had. And this is the point that we had come to within AM2433. So I just want to set the record, that's where I was at today. I still think, too, this is a fairness issue in Nebraska, even trumps the idea of the dollar amounts that we can be collecting this summer. But what will happen is we take away the reporting mechanism, we wait for the SCOTUS decision, and as soon as that's in place Nebraska can start the rules and regulations process inside the Department of Revenue and then they will be able to collect and remit, excuse me, the on-line retailers will be able to collect and remit the sales taxes that are due today on the on-line retails...from the on-line retailers outside the state of Nebraska. So I just with that, I want to set the record straight. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Krist, you're recognized. This is your third opportunity. [LB44]

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SENATOR KRIST: Thank you, Mr. President. And again, good afternoon, colleagues and Nebraska. Since my last time on the mike, I've had several inquiries asking me if I have, quote unquote, flip-flopped on my support of LB44. And I want to clear that up completely. I don't believe that with the amendment that has been put on presently, and that is removing the reporting requirement, that we are engaged in actually speeding the process along to be able to react once Quill is overturned or the Supreme Court limits that action that Quill implies. So had this bill stayed in play the way it was, I would have thought that we would have been prepared to move forward. Now Senator Smith says don't count your chickens before they're hatched. That same thing came from Senator Schumacher and others, and I would say that, exactly, now that we have surgically removed the process and surgically removed the mechanism that the Department of Revenue would have put into place, we are indeed not going to be able to move as fast as we need to. And I think it's, in terms of signing this bill, it's a political game. So I want to be very clear. If, if LB44 would have remained as it was, I would have voted for it. But removing the mechanisms that will allow us...one of the mechanisms that will allow us to move forward, then, to me, as much as I hate to admit agreeing partially with Senator Larson, there is a point at which we can readdress this thing or you can readdress this. If you don't want to go all the way and prepare, then I don't think that I can support moving forward in a partial manner. I just wanted to make that clear on the mike, and maybe that will stop the phone calls and the e-mails. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized to close on your recommit motion. [LB44]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, when I was a lad there was an establishment. They had a sign in the window, it said "We doze but never close." Well, sometimes I close but I never doze. The devil never sleeps, and being one of his minions, as some people think, I might doze but I really don't go completely asleep. This bill, one of my main reasons for being opposed to it in addition to others is that it's one of the sloppiest, most slapdash, careless ways of legislating. In being concerned about the Legislature as an institution, this kind of legislating I will always oppose, even if it's a bill whose purpose I would agree with. We should say yes or no. That should be the cardinal rule. But if an extraordinary circumstance arose, I'm prepared to judge each one of those on its merits. This that's being done does not have to do. There is no emergency, none whatsoever. If the U.S. Supreme Court comes down with a decision, say July 22, and then Congress decides to take some preemptive action, then the only time you're going to be able to get anything, if you get anything at all, is between the time that the Supreme Court acted and Congress acted. How much money are you going to get during that period of time? And that's when I will say again, I told you so. For this temporary, immediate gratification, you are prepared to corrupt our system of legislating. That's my view. You all don't, a lot of you, don't share it so you are moving based on how you view things. Understand that I'm moving on the basis of how I see things, and I always am going to do that. I didn't know that

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Senator Watermeier would present and deliver to me this opportunity, although it was my opinion that he might not even have 25 votes to get it enacted or passed by the Legislature. If the Governor vetoed it, I would have bet money that you wouldn't have 30 votes to override the veto. There would be people voting for this bill, perhaps, with doubts as to the wisdom of it, doubts as to whether it would ever take effect but just to be doing something so they could say they tried to do something about the tax situation, knowing this was not the way. If there's any area other than the death penalty where there should be very, very careful action, it's in the realm of taxation. The power to tax, as has been said, is the power to destroy. So a lot can be done with taxing. You all have heard of the stamp tax. You've heard of the tax on tea. When the tax was placed on tea then some people, your patriots, committed crimes:... [LB44]

PRESIDENT FOLEY: One minute. [LB44]

SENATOR CHAMBERS: ...stealing, destroying property. The stamp tax was one of the excuses for a revolution. Taxation can be used in all kind of different ways. Now, I don't want people to think that I'm going to let go of my hold on the throat of this bill so here's what you can do. You can vote to recommit it right now, and we're through dealing with it. But if you don't, I've got a motion to reconsider my recommit motion. That motion is a priority motion. Reconsideration is a priority motion. Pretty soon, before 1:00, they've got to take a cloture vote. How many votes does it take for cloture? Thirty plus three. [LB44]

PRESIDENT FOLEY: Time, Senator. [LB44]

SENATOR CHAMBERS: Thank you, Mr. President. I will ask for a check-in, then a roll call vote. [LB44]

PRESIDENT FOLEY: Very good, Senator Chambers. Thank you. Members, please return to the floor and check in. We are on Final Reading. Please return to the floor and check in. We need all members to return to the floor and check in. We are on Final Reading, about to take a vote. Speaker Scheer, if you can check in. Senators Hughes, Stinner, Harr, Wishart, Brewer, Briese, please return to the floor, check in. Senators Hughes and Harr, please return to the floor and check in. We're on Final Reading. All unexcused members are present. The immediate question before the body is Senator Chambers' motion to recommit LB44 to committee. He's requested a roll call vote. Mr. Clerk. [LB44]

CLERK: (Roll call vote taken, Legislative Journal page 1012.) 13 ayes, 30 nays, Mr. President, on the motion to recommit. [LB44]

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PRESIDENT FOLEY: The motion is not adopted. Mr. Clerk. [LB44]

CLERK: Mr. President, Senator Chambers would move to reconsider that vote. [LB44]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open your reconsideration motion. [LB44]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I am a realist. I don't believe there will be 30 votes to override a Governor's veto. They are going to have to take a cloture vote. When they take that cloture vote, the bill remains in the present shape, which even the introducers realize is impractical. For whatever reason, they know that there are serious infirmities with this bill. Without anybody else speaking, I can take us to a cloture vote. If you vote for cloture, then everything else moves without debate, without consideration. If you don't vote for cloture, you haven't harmed anything. This bill will meet its demise right here, right now, instead of having Senator Watermeier sweating, trying to get votes. Let's say he gets 33 votes for cloture because some have promised to do that. Is he going to get 30 votes? Is he going to get...well, this has an emergency clause. If he doesn't get enough votes for the emergency clause, then the rules allow a vote without the emergency clause. And let's say you pass it without the emergency clause, then all of that material that needs the emergency clause is wasted. You have been put into a situation that makes the Legislature look ridiculous. You will vote for this bill to make a point. I have a point that I want to make for being against it. My point: that it is sloppy, it is slapdash, it is irresponsible, it is illogical. You are putting into this bill contingencies not knowing which, if any of them, will occur. You don't know, should a U.S. Supreme Court decision come down, that it's going to allow any part of what's in this bill to take effect. You don't know if Congress will ever pass legislation to do away with that physical presence aspect. You don't know whether any of those things will happen, and yet you want this bill to make a point. What will the point be? The Legislature does things with no expectation that what it puts in the law is going to become a reality. And that's when I will mock you, I will scoff at you, I will taunt you on the basis of your own silliness. Now I'm trying to provoke you, vote cloture. Vote cloture and then look at how the cloture activity takes place. And let's say you get everything that you want. Are you going to get 33 votes to finally pass it? The best that you can do, and I'm not going to say you can, the best you could do in a series of votes, if a series of votes would be warranted, is the bill on Final Reading. But here's the thing. If you vote the way Senator Watermeier wants you to vote, that bill will not be read today. That bill will have to be...have work done on it to incorporate any amendments you put on it. Then it's returned to Final Reading. And when it's on Final Reading, I'm going to be here waiting for it again. I'm going to have a number of motions that are made available on Final Reading, and if that bill is on Final Reading with other bills, those other bills are going to be jeopardized, because I can make a motion to recommit. I can make a motion to bracket. I can make any number of votes to return it for specific amendments, and we can stay on it until you say, well, I'm at the cloture point now.

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How are you going to win? But remember this, brothers and sisters. I don't care what you do. Put it out there and give me more time to burn off the clock, which is what I want to do anyway. You are in the devil's clutches. The devil does not relinquish his hope! But since I'm not the devil but only a minion, my grip may not be quite as firm. Bulldogs in the early days were bred for their gripping power, their gripping ability, their gripping capacity. Once they take hold, they don't let go. When I was a kid they said that if a snapping turtle gets hold of you, he won't let go until it rains. Well, I don't know about all that, but if a snapping turtle got hold of the right part, that part is not going to be there until it rains. But I assure you, doubt me if you will, but I assure you that all you can get out of this that Senator Watermeier is offering you, if you get everything done that you want to get done, if you can find a way to do it, and if you get his amendment, then the bill is moved off...you got to move it back to Select File, get the amendment, move it back to Final Reading. But the bill is not ready to be read right then. If you don't adopt his amendment then it can be read. But let's say that best comes to best for you. I will have another shot at the bill. You think you'll get 33 votes to put the emergency clause on it? I'm going to see if you get 33 votes for anything. And the first opportunity will be when the cloture motion is made, but I'm going to be here waiting for you, just waiting, waiting, anticipating. And you'll be fretting, you'll be sweating, and you'll be hoping that I'm forgetting. But Senator Briese will even be betting because this will be a sure thing. Oh, I'm having so much fun, ay, ay, ay, ay. I can think of a number of songs that I could sing but I won't, because I'm merciful. I don't want to rub it in right now. But a day will come when that's what I'm going to do. And it ought to be clear to you right now that I am running down the clock and I can do it without anybody's help. My light is on. I'll speak again. Then I'll put it on, and by then it will be time for us to see how this thing is going to be resolved. Is Senator Watermeier here? [LB44]

PRESIDENT FOLEY: Senator Watermeier, are you on the floor? He is. [LB44]

SENATOR CHAMBERS: And my time might run out. How much time do I have? [LB44]

PRESIDENT FOLEY: Two minutes. [LB44]

SENATOR CHAMBERS: Two minutes? [LB44]

PRESIDENT FOLEY: Yes, sir. [LB44]

SENATOR CHAMBERS: Thank you. Senator Watermeier, are you a betting man? [LB44]

SENATOR WATERMEIER: No. [LB44]

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SENATOR CHAMBERS: Friendly bet. Friendly bet. [LB44]

SENATOR WATERMEIER: No. Learned my lesson watching you and Senator Briese. I'm glad it didn't happen to me in my first year. (Laugh) [LB44]

SENATOR CHAMBERS: Thank you. I don't...and Senator Briese is not here. I will wager with somebody that you are not going to get this bill across the board. And you might win that bet. But there will be a second part, that you cannot override a Governor's veto. Now, I could be wrong. I haven't talked to the Governor. I don't know if he and Senator Watermeier have talked. I don't know if Senator Watermeier has been given any assurances. If he has then he's not gambling because he's got the sure thing. I will be the only gambler, because I don't know for sure. I have...I'm speculating, and that's what gambling is. You don't know the outcome, you don't control the outcome, but somebody else may know the outcome. [LB44]

PRESIDENT FOLEY: One minute. [LB44]

SENATOR CHAMBERS: And if I'm foolish enough to bet that person, that person is not gambling. The outcome is known. But this has been an interesting morning. And I have had a chance to play a dominant role. The only thing I regret is that others intruded and took some of the time, all of which I wanted to consume myself. I'm like the rich man, Senator Lowe. It's possible to have too much money, but you never have enough, always. If...a guy told me that he was rushing through the mall and there was an old guy in a rumpled suit bent over, and he ran into him before he saw him. And when the guy got up and it was Warren Buffett and he had bent over to pick up a penny. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Watermeier. [LB44]

SENATOR WATERMEIER: Thank you, Mr. President. I appreciate that. I just want to get up in front of the mike here. I'm hoping to have a cloture motion here within...before 1:00. So what I'll be asking for is a green vote on the cloture and then a red on the reconsider to recommit and then a green vote on AM2433 and a green vote on the bill, which will be a sweep back to Final Reading whenever the Speaker brings it back up. But that will be the order in which we will go through today. I just want to reiterate a little bit that I have worked with the Governor's Office. I've worked with several other senators. We thought we had a really good compromise. I also knew that there was still a lot of opposition on the floor. This morning it has turned, what I would say, political from individuals. But keep your eye on the ball. I'm not an attorney. I would never want to defend...get in the weeds with this particular bill, but the people that I confer with, the people that we all confer with had come to the conclusion in the last four or five days that this was the best option for the state of Nebraska, along with 15 and 20 other states that are

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working on the very same thing. We're not unique. We're not standing alone, all out here doing something that's so far stretched, my goodness, it would be okay. And the other idea is that we got plenty of time to do this. It was just suggested to me on the floor a minute ago, well, let's just wait and see what Quill does and we'll come back this summer and work on it. Should I see a raise of hands for a special session? A special session, Senator Chambers is one. I bet Senator Erdman is here on cutting the budget as well. I don't think that's a popular idea. Is that really serving the state of Nebraska the best to have a special session on the whim that we can't have this in place, triggered off of a Supreme Court decision that is pending and will be pending by the first of July, no doubt about it? We'll have a much clearer decision. The Department of Revenue cannot just turn a switch on. Someone in the back said they won't be ready to go...or they would be ready to go even if that was overturned. That is totally false. The Department of Revenue cannot begin to remit collection of sales tax without statute that we're putting in. That's laughable. They've got to have our clear direction. That's what I'm giving us today. Senator Smith, I appreciate his effort to come forward with me. I'm sorry that I drug him through this. I should have warned him that, yeah, there was still plenty of opposition to this bill. We knew that going into it. But in a little while I'm going to ask for your green vote on cloture, your red vote on reconsider, red vote on recommit, and a green vote on the AM and a green vote on the bill, and we'll get this going for the betterment of Nebraska. Thank you, Mr. President. [LB44]

PRESIDENT FOLEY: Thank you, Senator Watermeier. (Visitors introduced.) Continuing discussion, Senator Kuehn. [LB44]

SENATOR KUEHN: Thank you, Mr. President. My apologies to Senator Chambers if I am intruding on his time, but I really have to make up for what I wasn't here for on Select File. So this is just compensation at this point. It also warms my heart to hear all of the talk about chickens and hatching and we're true to our rural roots here in our discussion today. Again, I rise in support of the reconsideration. I support the recommit to committee. I think one thing that as some of you are deciding what's happening here, we need to be clear where a lot of people are at. There are, I think, a substantial number of members of the body who may support the amendment that is up there but still oppose the underlying LB44. So there's a lot of movement in terms of the position here, that if this bill is amended, support then changes for the underlying bill. There certainly is a wide array and variety of opinions on what LB44 even is going to be, depending upon what amendments may or may not be adopted, should this cloture motion be successful. And that, again, reflects the level of uncertainty and the level of, really, bad process as we're looking forward. Where we're at in this particular stage of the game, as Senator Chambers outlined, if we advance forward with cloture and where we're at trying to get back to this next week or at a time indefinite before the end of the session to finally read this across, we potentially have a whole nother round of this with amendments going forward. So I encourage all of us, as we come to an upcoming cloture vote, to either vote no on cloture. If you're uncertain about the process or don't have absolute confidence that you support whatever is all

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rolling up there on the board, just don't vote. But we don't need cloture on this bill. It's time to put this aside for the rest of the session, let SCOTUS rule, and deal with it from a regulatory perspective with certainty in January. So I encourage a no vote on cloture, and I would like to yield the rest of my time to Senator Smith. [LB44]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Smith, two and a half minutes. [LB44]

SENATOR SMITH: Thank you, Mr. President. Thank you, Senator Kuehn, for yielding me some time before we get to cloture on this bill. And, again, I want my position to be very, very clear. My agreement with Senator Watermeier was on AM2433, which is almost identical to the amendment that I had brought on Select File. If this bill does have the cloture votes, and we move up that line of issues there to be taken up in a vote, we do have to adopt AM2433 to address some of the concerns with this bill. But I continue to believe that this bill is false hope ahead of the Supreme Court case, which will be taking up Quill in the South Dakota case. AM2433 reflects most of the changes I had proposed in my amendment on Select. And while I support AM2433, if we get to it, I still believe taking this item up is best if left after the ruling at the Supreme Court. I do not believe that this is a political issue being discussed here. I thank Senator Schumacher and Senator Kuehn for bringing up some of the issues we've been talking about for quite some time on this. We do not know what will come of the Supreme Court, that ruling. This has to be addressed, I believe, once we know the outcome of that particular case. [LB44]

PRESIDENT FOLEY: One minute. [LB44]

SENATOR SMITH: So, again, if there are enough cloture votes, please adopt AM2433. But I'm going to leave it at that. That's where my level of support is on this particular bill. Thank you, Mr. President. Thank you, colleagues. [LB44]

PRESIDENT FOLEY: Thank you, Senator Smith. Members, we're on Final Reading, about to proceed to a vote. If all members could please return to their desks and check in, please. We're on Final Reading, about to proceed to votes. Would all senators please return to the floor and check in. Senator Crawford, would you check in, please? Senator Geist, check in, please. Senator Brasch, check in, please. Senator Stinner, check in, please. Senators Baker and Quick, check in, please. Senator Friesen. All unexcused members are now present. Mr. Clerk, I understand there's a motion at the desk. [LB44]

CLERK: Mr. President, I do. Senator Watermeier would move to invoke cloture, pursuant to Rule 7, Section 10. [LB44]

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PRESIDENT FOLEY: It's the ruling of the Chair that there has been a full and fair debate afforded to LB44. The motion before us is a motion of cloture. Those in favor...a roll call vote in reverse order has been requested by Senator Watermeier. Mr. Clerk. [LB44]

CLERK: (Roll call vote taken, Legislative Journal pages 1012-1013.) 31 ayes, 13 nays on the motion to invoke cloture, Mr. President. [LB44]

PRESIDENT FOLEY: The motion to invoke cloture is not successful. That will complete our consideration of LB44, complete our consideration of Final Reading. Before we move to Select File, Mr. Clerk, do you have any items for the record? [LB44]

CLERK: I have nothing at this time, Mr. President.

PRESIDENT FOLEY: Okay, we'll proceed to Select File. And pursuant to the agenda, we're going to take up the bills with an asterisk first, and then circle back to the other bills. The first of those bills with an asterisk is LB685. Mr. Clerk. [LB685]

CLERK: Mr. President, LB685; Senator, I have Enrollment and Review amendments, first of all. (ER114, Legislative Journal page 835.) [LB685]

PRESIDENT FOLEY: Senator Wishart. [LB685]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB685. [LB685]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB685]

CLERK: Nothing further on the bill, Senator. [LB685]

PRESIDENT FOLEY: Senator Wishart. [LB685]

SENATOR WISHART: Mr. President, I move to advance LB685 to E&R for engrossing. [LB685]

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PRESIDENT FOLEY: Members, you've heard the motion to advance LB685 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB685 advances. Proceeding to LB913. [LB685 LB913]

CLERK: LB913 has E&R amendments, Senator. (ER116, Legislative Journal page 835.) [LB913]

PRESIDENT FOLEY: Senator Wishart. [LB913]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB913. [LB913]

PRESIDENT FOLEY: You've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB913]

CLERK: Nothing further on that bill, Senator. [LB913]

PRESIDENT FOLEY: Senator Wishart. [LB913]

SENATOR WISHART: Mr. President, I move to advance LB913 to E&R for engrossing. [LB913]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB913. Those in favor say aye. Those opposed say nay. LB913 advances. Next bill is LB104. Mr. Clerk. [LB913 LB104]

CLERK: Senator, I have E&R amendments to LB104. (ER118, Legislative Journal page 836.) [LB104]

PRESIDENT FOLEY: Senator Wishart. [LB104]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB104. [LB104]

PRESIDENT FOLEY: You've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB104]

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CLERK: I have nothing further on the bill, Senator. [LB104]

PRESIDENT FOLEY: Senator Wishart. [LB104]

SENATOR WISHART: I move to advance LB104 to E&R for engrossing. [LB104]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB104. Those in favor say aye. Those opposed say nay. LB104 advances. Next bill is LB379. Mr. Clerk. [LB104 LB379]

CLERK: I have E&R amendments, Senator. (ER119, Legislative Journal page 876.) [LB379]

PRESIDENT FOLEY: Senator Wishart. [LB379]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB379. [LB379]

PRESIDENT FOLEY: You've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB379]

CLERK: Nothing further on the bill, Senator. [LB379]

PRESIDENT FOLEY: Senator Wishart. [LB379]

SENATOR WISHART: I move to advance LB379 to E&R for engrossing. [LB379]

PRESIDENT FOLEY: Members, you heard the motion to advance LB379 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB379 advances. Our next bill is LB697. Mr. Clerk. LB679 please. (sic-LB697) [LB379 LB697]

CLERK: Yes, Mr. President, excuse me. LB697, Senator, I have no amendments to the bill. [LB697]

PRESIDENT FOLEY: Senator Wishart. [LB697]

SENATOR WISHART: Mr. President, I move to advance LB697 to E&R for engrossing. [LB697]

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PRESIDENT FOLEY: Members, you heard the motion to advance LB697. Those in favor say aye. Those opposed say nay. LB697 advances. Our next bill is LB724. [LB697 LB724]

CLERK: LB724, Senator; there are E&R amendments. (ER120, Legislative Journal page 895.) [LB724]

PRESIDENT FOLEY: Senator Wishart. [LB724]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB724. [LB724]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB724]

CLERK: Nothing further on the bill, Senator. [LB724]

PRESIDENT FOLEY: Senator Wishart. [LB724]

SENATOR WISHART: Mr. President, I move to advance LB724 to E&R for engrossing. [LB724]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB724 advances. Our next bill is LB42. [LB724 LB42]

CLERK: LB42 has E&R amendments, Senator. (ER124, Legislative Journal page 907.) [LB42]

PRESIDENT FOLEY: Senator Wishart. [LB42]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB42. [LB42]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB42]

CLERK: Nothing further on the bill, Senator. [LB42]

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PRESIDENT FOLEY: Senator Wishart. [LB42]

SENATOR WISHART: Mr. President, I move to advance LB42 to E&R for engrossing. [LB42]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB42 advances. We'll now circle back to the other bills on Select File, the first of those is LB931. Mr. Clerk. [LB42 LB931]

CLERK: Senator, I have E&R Amendments first of all. (ER112, Legislative Journal page 809.) [LB931]

PRESIDENT FOLEY: Senator Wishart. [LB931]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB931. [LB931]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB931]

CLERK: Senator Howard would move to amend AM2228. (Legislative Journal page 905.) [LB931]

PRESIDENT FOLEY: Senator Howard, you're recognized to open on AM2228. [LB931]

SENATOR HOWARD: Thank you, Mr. President. Just as a refresher, LB931 is the opioid package that we worked on a few weeks ago. AM2228 is a cleanup amendment that addresses some of the concerns that were raised by Senator Larson and Senator Hilkemann when we discussed this bill on General File. First, it adds some clarifying language throughout the bill at the request of a medical malpractice insurer, COPIC. We removed the charting requirement that Senator Hilkemann had had some concerns about, and we worked with the NMA on that. The other change is for individuals picking up their prescriptions. We put an exemption for pharmacists that allows you to pick it up without an ID if you are personally and positively known by the pharmacist. And then the final change is changes make reference to an emancipated minor who is receiving a prescription for an opiate to jibe with LB714, which is a bill that is coming behind it. With that, Mr. President, I would urge the adoption of AM2228. Thank you. [LB931 LB714]

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PRESIDENT FOLEY: Thank you, Senator Howard. Is there any discussion of the amendment? Seeing none, Senator Howard, you're recognized to close. She waives close. The question before the body is the adoption of AM2228. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please. [LB931]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of Senator Howard's amendment. [LB931]

PRESIDENT FOLEY: The amendment is adopted. Mr. Clerk. [LB931]

CLERK: I have nothing further on the bill, Senator. [LB931]

PRESIDENT FOLEY: Senator Wishart. [LB931]

SENATOR WISHART: Mr. President, I move to advance LB931 to E&R for engrossing. [LB931]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB931 advances. We'll now proceed to LB1078. Mr. Clerk. [LB931 LB1078]

CLERK: Mr. President, with respect to LB1078, no E&Rs. Senator Crawford would move to amend with AM2318. (Legislative Journal page 909.) [LB1078]

PRESIDENT FOLEY: Senator Crawford, you're recognized to open on AM2318. [LB1078]

SENATOR CRAWFORD: Thank you, Mr. President; and good afternoon, colleagues. LB1078 is an Executive Board priority bill about recordkeeping and reporting and I'm adding AM2318. That is also a bill about child welfare data that had no opposition and no fiscal note, and I felt this was an appropriate place to ensure that we also were able to handle the addition of that reporting, which is also important and is part, again, of our work with our bodies that we create in this legislative body to help us conduct oversight. And so the amendment, AM2318, is LB1073, which calls for the Department of Health and Human Services to include in their existing weekly report the Foster Care Review Office information on whether relative and kinship foster placements are licensed or instead have been issued a waiver. And this was something I was thinking about for consent, but felt it would be appropriate to build into this bill that's also about clarifying reporting and changing reporting and so we'd have more time on consent for other bills. It's critical the state know how many of these homes are not meeting this

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licensing requirement, and, again, it had no opposition. It's an issue that Foster Care Review Office considers important and a part of their recommendation that we need to move in this direction to make sure we're getting ready with licensed homes for our kinship and relative homes. And so my request is that you vote green on adding this bill to LB1078. Thank you. [LB1078 LB1073]

PRESIDENT FOLEY: Thank you, Senator Crawford. (Visitor introduced.) Proceeding now, is there any discussion on AM2318? Seeing none, Senator Crawford, you're recognized to close on the amendment. She waives closing. The question before the body is the adoption of AM2318. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1078]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Crawford's amendment. [LB1078]

PRESIDENT FOLEY: AM2318 is adopted. Anything further, Mr. Clerk? [LB1078]

CLERK: Senator Bolz would move to amend AM2434. (Legislative Journal page 1014-1019.) [LB1078]

PRESIDENT FOLEY: Senator Bolz, you're recognized to open on AM2434. [LB1078]

SENATOR BOLZ: Thank you, Mr. President. This bill also relates to reporting requirements in the child welfare system. It contains a version of LB411, which was heard in the Judiciary Committee last year, and voted out of that committee unanimously. It accomplishes three things: it clarifies that reasonable efforts for sibling placement, visitation, or other ongoing interaction shall be made even if the children have no preexisting relationship unless contrary to their safety or well-being. It clarifies that the department shall file a written sibling placement report and that the report shall include the reasonable efforts of the department made to locate the child's siblings. And it clarifies that a sibling may be in the group of parties to the case that may file a motion for joint sibling placement, visitation, or ongoing interaction between the siblings. There is no fiscal note. And the amendment addresses a concern that was raised by the Department of Health and Human Services regarding appeals. We've removed any appeal language so as not to delay any permanency under the...for any child in the child welfare system while also retaining the rights of siblings and promoting sibling placement. I ask for your support of AM2434. Thank you, Mr. President. [LB1078 LB411]

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PRESIDENT FOLEY: Thank you, Senator Bolz. Is there any discussion of AM2434? Seeing none, Senator Bolz, you're recognized to close on the amendment. She waives closing. The question before the body is the adoption of AM2434. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1078]

CLERK: 32 ayes, 0 nays on the adoption of Senator Bolz's amendment. [LB1078]

PRESIDENT FOLEY: Senator Bolz's amendment is adopted. Anything further, Mr. Clerk? [LB1078]

CLERK: I have nothing further, Mr. President. [LB1078]

PRESIDENT FOLEY: Senator Wishart. [LB1078]

SENATOR WISHART: Mr. President, I move to advance LB1078 to E&R for engrossing. [LB1078]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB1078 advances. Our next bill is LB773. Mr. Clerk. [LB1078 LB773]

CLERK: LB773, Senator, I have E&R Amendments, first of all. (ER113, Legislative Journal page 835.) [LB773]

PRESIDENT FOLEY: Senator Wishart. [LB773]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB773. [LB773]

PRESIDENT FOLEY: You've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB773]

CLERK: Senator Lindstrom would move to amend with AM2367. (Legislative Journal page 973.) [LB773]

PRESIDENT FOLEY: Senator Lindstrom, you're recognized to open on AM2367. [LB773]

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SENATOR LINDSTROM: Thank you, Mr. President. Today I'm offering AM2367 to LB773. I'd like to thank Senator Clements for agreeing to this amendment. The amendment contains the language of LB811 as reported out of the Judiciary Committee with no opposing votes. The bill updates Nebraska Revised Statute, Chapter 28, Sections 632 and 634. LB773, the underlying bill, also amends Chapter 28, the criminal code, and both measures deals with electronic communication devices. Both bills do not necessarily increase penalties, but only slightly broaden existing offenses. Both bills are introduced to accommodate changes in technology. LB811, now contained in AM2367, was introduced to address new technology methods for committing credit card fraud, especially those affecting new cards that primarily rely on computer chip instead of magnetic strip only for encoding user account information. The legislation would eliminate language in the criminal statute that refers to magnetic strip and eliminate the current requirement that a prosecutor showed use of a scanning device without permission was with the intent to defraud the authorized user. The bill was supported at the hearing by Kum&Go, the Nebraska Bankers Association, and the Nebraska Credit Union League. There was no opposing testimony. The changes suggested in the neutral testimony of the Nebraska Criminal Defense Attorney Association were made in the committee amendment and are included in AM2367. This includes adding the requirement that the prohibited act may be committed intentionally and knowingly in order to constitute a crime. Credit card skimming and fraud is a growing issue and laws are being updated across the United States to prevent the expansion of these crimes. I respectfully ask for your green vote on the amendment and to advance the important policy objective and protect Nebraskans. Thank you, Mr. President. [LB773 LB811]

PRESIDENT FOLEY: Thank you, Senator Lindstrom. Debate is now open on Senator Lindstrom's amendment, AM2367. Senator Clements. [LB773]

SENATOR CLEMENTS: Thank you, Mr. President. AM2367 is a friendly amendment to my bill. My bill is updating a statute for technology. Mine was about threats and intimidation by phone call. I'm adding e-mails, text messages, instant messages to update statute. And Senator Lindstrom is updating the law to add the chip cards to magnetic stripe cards in identity theft situations. As a banker, we've had customers had identity theft with this type of skimming device. And I would ask for your green vote on AM2367 and LB773. Thank you. [LB773]

PRESIDENT FOLEY: Is there further discussion on the amendment? Seeing none, Senator Lindstrom, you're recognized to close. He waives closing. Question before the body is the adoption of AM2367. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB773]

CLERK: 35 ayes, 0 nays on the adoption of Senator Lindstrom's amendment. [LB773]

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PRESIDENT FOLEY: The amendment is adopted. Anything further on the bill, Mr. Clerk?
[LB773]

CLERK: Nothing further, Senator. [LB773]

PRESIDENT FOLEY: Senator Wishart. [LB773]

SENATOR WISHART: Mr. President, I move to advance LB773 to E&R for engrossing.
[LB773]

PRESIDENT FOLEY: Members, you heard the motion to advance LB773 to E&R for engrossing. Those in favor say aye. Those opposed say nay. The bill advances. Our next bill for consideration is LB702. Mr. Clerk. [LB773 LB702]

CLERK: Senator, I have E&R amendments first of all. (ER123, Legislative Journal page 896.)
[LB702]

PRESIDENT FOLEY: Senator Wishart. [LB702]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB702.
[LB702]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB702]

CLERK: Senator Chambers would move to amend, AM2244. (Legislative Journal page 952.)
[LB702]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on AM2244. [LB702]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this is a very simple, straightforward amendment. If a person is a noncustodial person and would be locked up for a period of six months at least, then notice must be sent to that person if there is to be an adjustment in the support order sought or considered. And this amendment simply says that that notice must be sent to that person who is going to be incarcerated by first-class mail, and it should be sent to the address of the facility where the person will be. So to put it in a nutshell, the one who is locked up has to be given notice by first-class mail at the institution where he or

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she is locked up. And I ask that you adopt this amendment. And it is friendly, and everybody who is connected with the bill has seen it and agrees with it. [LB702]

PRESIDENT FOLEY: Thank you, Senator Chambers. Debate is now open on the amendment. Senator Kolterman. [LB702]

SENATOR KOLTERMAN: Thank you very much. Good morning, colleagues. I would like to thank Senator Chambers for bringing this amendment. It's a friendly amendment. We have talked to Director Wallen about it; and Health and Human Services, they very much appreciated the idea. Along those same lines, when we were debating this bill early on, on General File, we were talking about TANF. Senator Krist had asked some questions about TANF. Director Wallen put together the sheet that I passed out to you which really explains TANF in quite simple terms. It's important that we pass this legislation, because what it does, it puts us in full compliance with the final rules that were developed in December of 2016, the rules that mandate changes to our state child support enforcement program. I'd be glad to try and answer any questions that...the questionnaire is as up-to-date as you can get, it's very self-explanatory. We had looked at some past questionnaires that we had received, and we felt that this was the most up-to-date. I really would encourage you to read it because many of you don't understand what TANF is, but it is an important aspect of health and human services. With that I would encourage you to vote green on the amendment and vote green on the bill. Thank you very much. [LB702]

PRESIDENT FOLEY: Thank you, Senator Kolterman. Is there further discussion on the amendment? Seeing none, Senator Chambers, you're recognized to close on your amendment. He waives closing. The question for the body is the adoption of AM2244. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB702]

CLERK: 37 ayes, 0 nays, on adoption of Senator Chambers' amendment. [LB702]

PRESIDENT FOLEY: AM2244 is adopted. Anything further, Mr. Clerk? [LB702]

CLERK: Nothing further, Mr. President. [LB702]

PRESIDENT FOLEY: Senator Wishart. [LB702]

SENATOR WISHART: Mr. President, I move to advance LB702 to E&R for engrossing. [LB702]

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PRESIDENT FOLEY: Members, you heard the motion to advance LB702 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB702 advances. Pursuant to the Speaker's instruction, we're going to pass over LB861 which takes us to LB1090. Mr. Clerk. [LB702 LB1090]

CLERK: LB1090, Senator, I have E&R amendments, first of all. (ER125, Legislative Journal page 915.) [LB1090]

PRESIDENT FOLEY: Senator Wishart. [LB1090]

SENATOR WISHART: Mr. President, I move the adoption of LB1090 E&R amendments. [LB1090]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB1090]

CLERK: Mr. President; Senator Smith, I understand you wish to withdraw AM1703. [LB1090]

SENATOR SMITH: That is correct. [LB1090]

CLERK: I have nothing further on the bill, Mr. President. [LB1090]

PRESIDENT FOLEY: Senator Wishart. [LB1090]

SENATOR WISHART: Mr. President, I move to advance LB1090 to E&R for engrossing. [LB1090]

PRESIDENT FOLEY: Members, you heard the motion to advance LB1090 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB1090 advances. We're now on LB993. Mr. Clerk. [LB1090 LB993]

CLERK: LB993 does have Enrollment and Review amendments, Senator. (ER126, Legislative Journal page 926.) [LB993]

PRESIDENT FOLEY: Senator Wishart. [LB993]

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SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB993. [LB993]

PRESIDENT FOLEY: You've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB993]

CLERK: Senator Friesen would move to amend, AM2385. (Legislative Journal page 944.) [LB993]

PRESIDENT FOLEY: Senator Friesen, you're recognized to open on AM2385. [LB993]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. Members of the body, I would just ask, this is a technical amendment to LB993. It's based on a review by the Bill Drafters Office. It appeared that a federal regulation cited in Section 8 of the bill and Section 16 of the committee amendment has been updated since the bill was first drafted. So after legal analysis by the bill drafting office, the PSC, and legal counsel, it has been determined that the reference to any federal regulation or law is unnecessary in this section and this amendment eliminates reference to federal regulation or law. I urge you to adopt this amendment. [LB993]

PRESIDENT FOLEY: Thank you, Senator Friesen. Is there any discussion on AM2385? Seeing none, Senator Friesen, you're recognized to close on your amendment. He waives closing. The question before the body is the adoption of AM2385. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB993]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Friesen's amendment. [LB993]

PRESIDENT FOLEY: Senator Friesen's amendment is adopted. Anything further on this bill, Mr. Clerk? [LB993]

CLERK: I have nothing further. [LB993]

PRESIDENT FOLEY: Senator Wishart. [LB993]

SENATOR WISHART: Mr. President, I move to advance LB993 to E&R for engrossing. [LB993]

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PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB993 advances. Continuing on with Select File, LB157. Mr. Clerk. [LB993 LB157]

CLERK: Mr. President, LB157, no Enrollment and Review. Senator Friesen would move to amend AM1906. (Legislative Journal 702.) [LB157]

PRESIDENT FOLEY: Senator Friesen, you're recognized to open on AM1906. [LB157]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. I would wish to withdraw that amendment. [LB157]

PRESIDENT FOLEY: The amendment is withdrawn. Anything further, Mr. Clerk? [LB157]

CLERK: I have nothing further on the bill, Mr. President. [LB157]

PRESIDENT FOLEY: Senator Wishart. [LB157]

SENATOR WISHART: Mr. President, I move to advance LB157 to E&R for engrossing. [LB157]

PRESIDENT FOLEY: Members, you heard the motion to advance LB157 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB157 advances. Proceeding on the agenda: General File, 2018 Speaker priority bills. LB903. Mr. Clerk. Mr. Speaker, could you confer with the desk, please? [LB157 LB903]

CLERK: Mr. President, General File, LB903 is a bill by Senator Linehan. (Read title.) Introduced on January 8; referred to the Health Committee; advanced to General File. There are committee amendments, Mr. President. (AM2215, Legislative Journal page 852.) [LB903]

PRESIDENT FOLEY: Senator Linehan, you're recognized to open on LB903. [LB903]

SENATOR LINEHAN: Thank you, Mr. President. This is a legislation brought to me by Health and Human Services that puts our statutory language in line with federal requirements to protect \$8 million in grants we get to help with the Ombudsman's Office. And the Ombudsman's Office serves both people who are in nursing homes and assisted living facilities. So it's basically a cleanup language to make sure we're in compliance with the federal law. Thank you. [LB903]

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PRESIDENT FOLEY: Thank you, Senator Linehan. As the clerk indicated, there are amendments from the Health Committee. Senator Riepe, you're recognized to open on AM2215, committee amendment. [LB903]

SENATOR RIEPE: Thank you, Mr. President, colleagues and Nebraskans. And a special thank you to Speaker Scheer for making this a Speaker's priority. LB903, as amendment by AM2215, is a white-copy amendment my office worked on with many members of the committee, including Senator Linehan and Senator Howard, to provide clarity to the Long-term Care Ombudsman's Act. AM2215 is also provides a definition of the representative of the office. End of quote. Change the definition and it also changes the definition of the, quote, unquote, older individual to resident definition for purposes of clarification. Thank you, Mr. President. [LB903]

PRESIDENT FOLEY: Thank you, Senator Riepe. Debate is now open on LB903 and the committee amendment. I see no discussion. Senator Riepe, you're recognized to close on the committee amendment. He waives closing. The question before the body is the adoption of committee amendment, AM2215. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB903]

CLERK: 31 ayes, 0 nays on adoption of committee amendments. [LB903]

PRESIDENT FOLEY: The amendments are adopted. Is there further discussion on the amended bill? Seeing none, Senator Linehan waives closing. The question before the body is the advance of the bill, LB903, to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB903]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB903. [LB903]

PRESIDENT FOLEY: LB903 advances. Our next bill is LB745. [LB903 LB745]

CLERK: Mr. President, LB745 is a bill introduced by Senator Watermeier. (Read title.) Introduced on January 3 of this year; referred to the Revenue Committee; advanced to General File. There are Revenue Committee amendments. (AM1910, Legislative Journal page 642.) [LB745]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Watermeier, you're recognized to open on LB745. [LB745]

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SENATOR WATERMEIER: Thank you, Mr. President. I would like to thank the Speaker for designating LB745 as a Speaker priority. LB745 deals with a refund of a local option sales tax in situations when sales or use tax has been overpaid and must be refunded due to an error in collection and/or computation. If the amount of the local option sales tax refund is greater than \$5,000, the tax commissioner is to notify the affected city or county of such claim within 20 days after receiving the claim. If the claim is allowed, the tax commissioner shall give the city or county the option of having the refund deducted from its taxable receipts in one lump sum or in 12 monthly installments. I'm not disputing the fact that the sales tax refunds must be made when sales tax is overpaid and collected in error. However, the loss of revenue already received can be a hardship on some of the communities. LB745 would give these local communities the chance to plan and make budget adjustments for such refunds. The requirement in the bill would only apply if the amount of the refund is less than \$5,000...is at least \$5,000, excuse me. Lesser amounts would require more work for the department, but would not cause a considerable hardship on the communities. When a significant refund is required, a city has limited options in which to balance it's budget. Furthermore, they may have a number of commitments for this revenue. Giving municipalities the option of monthly installments will help with budget adjustments in these situations. This issue was brought to my attention by Nebraska City and they were hit with a \$120,000 refund of their scheduled \$170,000 in sales tax refund, receiving no advance notice, and it is not currently required. If LB745 would have been in place, they would have received prior notice of the refund amount and would have been able to repay it in monthly installments throughout the year. Both the notice and the option for monthly payments would make planning for budget adjustments more workable. Although LB745 doesn't increase spending, it did have a fiscal impact due to a timing issue. Because refunds would be issued in the taxpayer by recovery by the state would be spread out over 12 months, LB745 would result in a reduction to the General Fund in that first year. Therefore, I ask the Revenue Committee to delay the effective date of LB745 to avoid any fiscal impact on the biennium. And that will be delayed to July 1, 2020. LB745 was advanced from the Revenue Committee on an 8-0 vote. No one testified against the bill at the public hearing; and League of Municipalities testified as a proponent of the bill. I support the committee amendments that are following from Senator Smith that delay the effective date, and I urge your support of LB745 as amended by the committee amendments. Thank you, Mr. President. [LB745]

PRESIDENT FOLEY: Thank you, Senator Watermeier. As the Clerk indicated, there are amendments from the Revenue Committee. Senator Smith, you're recognized to open on the committee amendments. [LB745]

SENATOR SMITH: Thank you, Mr. President. And as Senator Watermeier clearly explained, AM1910 is for the purpose of changing the effective date to July 1 of 2020. Thank you, Mr. President. [LB745]

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PRESIDENT FOLEY: Thank you, Senator Smith. Is there any discussion on the committee amendment? Seeing none, Senator Smith waives closing. The question for the body is the adoption of AM1910, Revenue Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB745]

CLERK: 37 ayes, 0 nays on adoption of committee amendments. [LB745]

PRESIDENT FOLEY: Revenue Committee amendments are adopted. Further discussion of the bill. Senator Chambers. [LB745]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I want Senator Watermeier to know that from the first day this bill was introduced and I looked at it, I've been wrestling with it. Some days I'd say yes, some days I'd say no, some nights I couldn't sleep at all, other nights I would sleep like a baby and almost be late getting down here. So I had to reach some point where I could resolve it one way or the other in my mind. So I want Senator Watermeier to know that after an extended period of fasting and prayer, I've had it revealed to me that I should support this bill, so I'm going to do it. But I want you to know it caused me a great amount of heartache and pain in order to reach this point. Thank you, Mr. President. [LB745]

PRESIDENT FOLEY: Thank you, Senator Chambers. Seeing no further discussion, Senator Watermeier, you're recognized to close...he waives closing. The question for the body is advance of LB745 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record please. [LB745]

CLERK: 37 ayes 0 nays, Mr. President, on the advancement of the bill. [LB745]

PRESIDENT FOLEY: LB745 advances. Next bill, please. [LB745]

CLERK: LB1098 is a bill by Senator Hilgers. (Read title.) Introduced on January 18; referred to the Government Committee; advanced to General File. I have no amendments to the bill, Mr. President. [LB1098]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Murante has been authorized to handle this bill for Senator Hilgers. Senator Murante, you're recognized to open on LB1098. [LB1098]

SENATOR MURANTE: Thank you, Mr. President; members, good afternoon. LB1098 amends the County Purchasing Act in order to ensure open and fair competition and expedited procurements of goods and services to county government. The overall county budgets for goods

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and services have increased significantly since the last adjustment to this act in 2003. The population increase in Nebraska has resulted in more purchases made by each county for services ranging from the cleaning of offices, maintenance of facilities, and commodities and goods from air filters to motor graders. Each of these purchases takes time and money to perform correctly and legally. A change in the threshold will result in fair and open competitive process and the award being made to the lowest responsible and responsive bidder. Another consideration in the increase of the thresholds is the use of technology in the bid and RFP process. The use of electronic bidding systems which notify vendors immediately of bid opportunities and allow submission has increased the number of vendors who participate in the process significantly. For example, in the electronic system used by Lancaster County, there are over 8,500 vendors registered and the number growing each week. This process allows for promotion of competition at a local and national level, and the entire process is being done much more efficiently. Finally, the change to the bid threshold in the act would bring them in line with the state of Nebraska thresholds which took effect in August of 2017. The triggering thresholds would be amended to the following: less than \$10,000 in the agency purchase authority, the current amount is \$5,000; \$10,000 to \$50,000 brings a requirement for a request of at least three informal bids, that current requirement is \$5,000 to \$20,000. And the excess of \$50,000 requires an open competitive bid, the current amount is \$20,000. I believe it is important to note that county purchases cannot be divided into several smaller purchases to avoid competitive bidding under the act. The bill advanced out of the Government, Military and Veterans Affairs Committee; and I encourage your approval of it today. Thank you, Mr. President. [LB1098]

PRESIDENT FOLEY: Thank you, Senator Murante. Is there any discussion of the bill? Seeing none, Senator Murante, you're recognized to close. He waives closing. The question before the body is the advance of LB1098. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB1098]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB1098. [LB1098]

PRESIDENT FOLEY: LB1098 advances. Next bill, please. [LB1098]

CLERK: Mr. President, if I might. There's an announcement: the Health Committee is having an Executive Session immediately in room 2022; Health Committee, now. Mr. President, the next bill is LB901. It's a bill by Senator Bostelman. (Read title.) Introduced on January 8; referred to the Transportation Committee; advanced to General File. There are committee amendments, Mr. President. (AM1726, Legislative Journal page 672.) [LB901]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Bostelman, you're recognized to open on LB901. [LB901]

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SENATOR BOSTELMAN: Thank you, Mr. President. I rise today to introduce LB901. I would like to thank the Speaker for selecting LB901 as a Speaker priority bill. LB901 is an important bill which supports our state and its National Guard by identifying historic terrain flight training areas. Terrain flight training areas are used by the National Guard for flight training purposes. In these terrain flight training areas, they fly from the surface to just above heights...the highest obstacle up to 200 feet above ground level. This training helps mimic flight during real-world missions in places like Iraq and Afghanistan. These terrain flight training areas have a historical basis in this state in our areas that have long been utilized for training purposes. These unique areas allow the Nebraska National Guard's approximately 4,600 guardsmen and -women to prepare for missions in Iraq and Afghanistan, as well as humanitarian missions here in the states. Tall structures built in these terrain flight training areas would prevent the Guard's ability to utilize these areas for critical training purposes. Nebraska already has a permitting process in place in Nebraska Revised Statutes 3-403 and 3-405 for structures that exceed the height of 150 feet above the ground. However, the Guard does not have any voice in this permitting process. LB901 would give the Guard a voice in these nine areas. I worked with two groups who had concerns with this bill, and we came up with an amendment which we all could agree with and which the committee adopted. I would urge you to adopt the committee amendment and advance this bill. Thank you, Mr. President. [LB901]

PRESIDENT FOLEY: Thank you, Senator Bostelman. As the clerk indicated, there are amendments from the Transportation Committee. Senator Friesen, you are recognized to open on the committee amendments. [LB901]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. AM1726 was adopted unanimously by the committee. It creates a white copy version of the bill and changes the bill as follows. First, the amendment adds the defined term "terrain flight training area" which is an area established by the National Guard within which flight training is conducted using rotary winged aircraft, as such areas exist on the effective date of this act. Second, that the term is used in Section 3-404 if a structure is proposed to be built within the boundaries of a flight training area, the permit application made to the Director of Aeronautics would need to be accompanied by a written mitigation agreement between the applicant, the U.S. Department of Defense Siting Clearinghouse, and the Nebraska National Guard. The current requirements for structure approval, such as character of flying operations, the terrain, the neighborhood, and the uses of the property, proximity to existing airports, height of existing structures, and other circumstances are stricken and then reordered in subsequent subsections in Section 3-404. The director's ability to deny the application does not change. And subsection (4) of the amendment provides that on or before August 1, 2018, the Nebraska National Guard shall provide the Division of Aeronautics with a description of the boundaries of the terrain flight training areas either in metes and bounds or by an official map. This would be used by the Division of Aeronautics and

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its management of air space pursuant to the act. I urge your adoption to committee amendment. [LB901]

PRESIDENT FOLEY: Thank you, Senator Friesen. Is there any discussion of LB901 and the pending committee amendment? Senator Krist. [LB901]

SENATOR KRIST: Thank you, Mr. President; good afternoon colleagues, good afternoon Nebraska. I wondered if Senator Bostelman would yield to a couple of questions. [LB901]

PRESIDENT FOLEY: Senator Bostelman, would you yield, please? [LB901]

SENATOR BOSTELMAN: Yes. [LB901]

SENATOR KRIST: The technical term that's published in most flight standards is low-level training route. Is this terrain flight training area consistent with the D.O.D. publication in general planning? [LB901]

SENATOR BOSTELMAN: Yes, I believe it is. [LB901]

SENATOR KRIST: Okay. Between now and Select, I'd like to make sure, if you have legal...I wonder if Senator...let's see...I don't think I have any more questions for either the chairman or for the introducer. My concern is that between General and Select, if the Air National Guard has signed off on this, and if in state statute we have a difference of descriptors or the actual name of the low-level routes in training, if that's different than the GP or general planning guidelines that we have or the area planning guidelines that we have that are federally maintained. I'd like to make sure that those terms are synonymous so that we're not inventing our own language so it's very clear. Make no mistake, I support them and I support what you're doing. Many years ago, we had a building that was put up at the end of the runway at Offutt, and they were never consulted. The Department of Aeronautics was never consulted. The city put the building up and we have a new obstruction at the end of a runway; it shouldn't happen. So this kind of coordination is essential, particularly when we're talking about windmills and those other things that are going up around the state. But sometime between now and Select, Senator Bostelman, you and I can chat and make sure that those descriptors and the actual definitions are synonymous. Thank you for your time. [LB901]

PRESIDENT FOLEY: Thank you, Senator Krist. Is there any further discussion on the bill? Seeing none, the question before the body is the adoption of the committee amendment,

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AM1726. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB901]

CLERK: 29 ayes, 0 nays on the adoption of committee amendments. [LB901]

PRESIDENT FOLEY: Committee amendments are adopted. Any further discussion? Seeing none, Senator Bostelman, you're recognized to close. He waives closing. The question before the body is the advance of LB901 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB901]

CLERK: 30 ayes, 0 nays on the advancement of the bill. [LB901]

PRESIDENT FOLEY: LB901 advances. Items for the record, please. [LB901]

CLERK: Mr. President, bills read on Final Reading this morning were presented to the Governor at 11:34 (re: LB17, LB256, LB321, LB743, LB750, LB874, LB936, LB350, LB775.) Senator Harr--an amendment to LB861 to be printed. Education will have an Exec Session underneath the south balcony immediately. (Legislative Journal pages 1020-1021.) [LB17 LB256 LB321 LB743 LB750 LB874 LB936 LB350 LB775 LB861]

Mr. President, Senator Krist would move to adjourn the body until Tuesday morning, March 20, at 9:00 a.m.

PRESIDENT FOLEY: Members, you heard the motion to adjourn until Tuesday. Those in favor say aye. Those opposed say nay. We are adjourned.