

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
March 25, 2015

[LB47 LB56 LB89 LB106 LB111 LB152 LB242 LB292A LB323 LB357 LB413 LB544 LB627
LB641 LR7CA LR119 LR120 LR121 LR122 LR123 LR124 LR125 LR126 LR145 LR146
LR147 LR148 LR149 LR150 LR151 LR152 LR153 LR154 LR155 LR156]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN, AND WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTY-SECOND DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. THE CHAPLAIN FOR TODAY IS SENATOR COLBY COASH. PLEASE RISE.

SENATOR COASH: (PRAYER OFFERED.)

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

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

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

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

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

ASSISTANT CLERK: THERE ARE, MR. PRESIDENT. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB641 AND LB413 TO SELECT FILE WITH AMENDMENTS. NEW RESOLUTION, LR145 BY SENATOR SCHILZ, THAT WILL BE LAID OVER. THAT'S ALL I HAVE THIS MORNING. (LEGISLATIVE JOURNAL PAGES 975-976.) [LB641 LB413 LR145]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR119, LR120, LR121, LR122, LR123, LR124, LR125, AND LR126. WE'LL

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NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, GENERAL FILE, 2015 COMMITTEE PRIORITY BILLS, LB56. MR. CLERK. [LR119 LR120 LR121 LR122 LR123 LR124 LR125 LR126 LB56]

ASSISTANT CLERK: MR. PRESIDENT, LB56, INTRODUCED BY SENATOR SCHEER. (READ TITLE.) BILL WAS READ FOR THE FIRST TIME ON JANUARY 8, WAS REFERRED TO THE EXECUTIVE BOARD, WHICH PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. (AM845, LEGISLATIVE JOURNAL PAGE 865.) [LB56]

PRESIDENT FOLEY: MEMBERS, PLEASE COME TO ORDER. SENATOR SCHEER, YOU'RE WELCOME TO OPEN ON LB56. [LB56]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. LB56 TALKS ABOUT TRANSFERRING THE GROUND THAT WAS THE OLD NORFOLK REGIONAL CENTER THAT REALLY IS ENCAPSULATED BY THE NORTHEAST COMMUNITY COLLEGE. THE CENTER WAS...DISCONTINUED ITS USE 20-SOME YEARS AGO. THE BUILDINGS HAVE BEEN VACANT FOR THAT AMOUNT OF TIME. TO THE WEST OF THE REGIONAL CENTER CAMPUS IS NORTHEAST NEBRASKA'S MAIN CAMPUS, NORTHEAST COMMUNITY COLLEGE'S MAIN CAMPUS. TO NORTH IS THEIR, NORTHEAST COMMUNITY COLLEGE'S, AG COMPLEX. AND TO THE EAST OF IT IS THEIR LINE POLE AND SEMI DRIVING FACILITY. SO ESSENTIALLY IT'S COMPLETELY ENCAPSULATED BY THE COLLEGE. THE GROUND HAS NOT BEEN USED FOR WELL OVER 20 YEARS, OTHER THAN ONE BUILDING. WE DO HAVE A SEX OFFENDERS FACILITY THAT IS PART OF THE MAIN PROPERTY BUT NOT THE PART THAT IS BEING LOOKED AT BEING DIVESTED. THE BUILDINGS HAVE NOT BEEN USED AND ARE DECAYING AND IN TERRIBLE CONDITION. AND A PART OF THIS PACKAGE WOULD BE A SEPARATE BILL THAT IS IN FRONT OF APPROPRIATIONS THAT WOULD PROVIDE MONEY TO DEMOLISH, RAZE THE BUILDINGS THERE SO THAT WE WOULD GET RID OF THE LIABILITY OF THOSE BUILDINGS FOR YOUNG PEOPLE OR ANYONE, VAGRANTS, TO GO IN. ASIDE OF THAT, SEVERAL MEMBERS CAME UP TO NORFOLK, SEVERAL OF OUR COLLEAGUES CAME UP TO LOOK AT THE FACILITY, AND ONE OF THEM WANTED TO LOOK, SEE IF WE COULD GO INSIDE AND LOOK AT ONE OF THE BUILDINGS. WE SIMPLY DROVE UP TO ONE OF THE BUILDINGS AND THE DOOR WAS WIDE OPEN. THEY ARE ACCESSIBLE TO ANYBODY THAT WOULD LIKE TO GO IN THE PROPERTY. THEY CERTAINLY ARE AN ATTRACTIVE NUISANCE, TO SAY THE LEAST, AND ARE BEYOND REPAIR IN THE EXTENT OF HAVING A FUNCTIONAL USE. THE ORIGINAL BILL INTENT WAS FOR THE STATE TO SIMPLY RELAY THE TITLE TO THE COMMUNITY COLLEGE. THERE IS AN AMENDMENT FROM THE

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EXECUTIVE COMMITTEE THAT I FULLY AGREE WITH THAT SIMPLY JUST GIVES THE COLLEGE FIRST OPTION TO BUY AT A FAIR MARKET VALUE. I THINK THAT'S FAIR BOTH FOR THE STATE AND THE COMMUNITY COLLEGE. I THINK THAT IN AND OF ITSELF IS A GREAT COMPROMISE, AND THUS IT WOULD BE PUT TO GOOD USE BY THE COMMUNITY COLLEGE. THEY LOOK AT THE OPTION OF ALMOST TURNING IT INTO AN ENTREPRENEUR AND TECHNOLOGICAL CENTER. THE GROUND HAS RIGHT NOW 200-MEGABYTE TRUNKS SITTING RIGHT APPROXIMATELY TO THE SIDE OF THAT GROUND. FOR THOSE OF YOU, LIKE MYSELF, THAT ARE NOT NECESSARILY TECHNO SAVVY, THE FACILITY THAT GOOGLE HAS IN COUNCIL BLUFFS, WHICH IS A VERY LARGE INSTALLATION, NEEDED A REQUIREMENT OF 20 GIGABYTES. THIS HAS 200. THEY SIMPLY ARE POISED TO HAVE THE ABILITY OF OTHER ENTREPRENEURS AND BUILDINGS PUT ON THERE TO HELP ENCOURAGE RURAL DEVELOPMENT THROUGHOUT THE STATE OF NEBRASKA. I THINK IT IS SIMPLY A WIN-WIN FOR ALL. IT RELIEVES THE STATE OF A LIABILITY ISSUE. IT GIVES THE COMMUNITY COLLEGE NEEDED ADDITIONAL SPACE AND THE OPPORTUNITY TO EXPAND IN AREAS THAT WILL CERTAINLY HELP RURAL AND NORTHEAST NEBRASKA. IT AGAIN IS NOT BEING USED. IT HAS BEEN DETERMINED BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES THAT IT IS VACANT AND UNUSED PROPERTY, AND IT CAN BE DIVESTED. SO IT SIMPLY CLEARS THE WAY FOR THIS BILL TO AUTHORIZE THE SALE OF THIS PROPERTY--WELL, HOPEFULLY--AND THE INTENT WOULD BE TO THE COMMUNITY COLLEGE. I WOULD WELCOME ANY QUESTIONS AND I AM IN AGREEMENT WITH THE EXECUTIVE COMMITTEE'S RECOMMENDATION AND AMENDMENT. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. (DOCTOR OF THE DAY INTRODUCED.) AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE EXECUTIVE BOARD. SENATOR KRIST, AS CHAIR OF THE EXECUTIVE BOARD, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB56]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. HAVING BEEN ON THE EXECUTIVE BOARD FOR A FEW YEARS, I HAVE HEARD THIS REQUEST COME FROM THE NORFOLK COMMUNITY SEVERAL TIMES. AND IT IS TIME FOR US TO EFFECTIVELY DO SOMETHING ABOUT THIS PIECE OF PROPERTY AND THE SAFETY HAZARD THAT EXISTS ON THE PROPERTY, WHICH IS THE LIABILITY AND THE RESPONSIBILITY OF THE STATE OF NEBRASKA BECAUSE THOSE STRUCTURES IN DISARRAY BELONG TO US. THE COMMITTEE AMENDMENT TO LB56 DELETES THE REFERENCES TO DONATING PORTIONS OF THE NORFOLK REGIONAL CENTER PROPERTY TO THE NORTHEAST COMMUNITY COLLEGE, AND INSTEAD ADDS

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LANGUAGE THAT GIVES THE COLLEGE A RIGHT OF FIRST REFUSAL TO PURCHASE THE PROPERTY AT ITS FAIR MARKET VALUE. I WOULD APPRECIATE YOUR SUPPORT ON THE COMMITTEE AMENDMENT, AND ON THE UNDERLYING LB56. I THANK SENATOR SCHEER FOR BRINGING IT FORWARD AND I'M HOPING THAT THE CHAIRMAN OF OUR PROPERTIES COMMITTEE IS GOING TO SPEAK, SENATOR HUGHES, AND HIS VICE CHAIR, SENATOR STINNER, WHO HAVE VISITED THE PROPERTIES AND CAN TELL YOU MORE ABOUT THE SITUATION THAT EXISTS THERE. SO I APPRECIATE YOUR SUPPORT ON THE AMENDMENT AND THE UNDERLYING BILL. THANK YOU. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON LB56 AND RELATED AMENDMENTS. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB56]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I AM FULLY IN SUPPORT OF LB56 AND THE AMENDMENT, COMMITTEE AMENDMENT, AM845. AS CHAIRMAN OF BUILDING AND MAINTENANCE COMMITTEE, WE AND FOUR OTHER COMMITTEE MEMBERS TOOK A ROAD TRIP TO NORFOLK HERE SEVERAL SATURDAYS AGO JUST TO LOOK TO SEE EXACTLY WHAT WE WERE DEALING WITH. AND THE PROPERTY, QUITE FRANKLY, IS A DISGRACE. THE STATE OF NEBRASKA HAS SEVERAL BUILDINGS, SEVERAL ACRES OF PROPERTY THAT HAS BEEN UNKEPT. THE WINDOWS ARE BROKEN, THE ROOFS ARE LEAKING, YOU KNOW, DOORS ARE OPEN. QUITE FRANKLY, IT'S QUITE A LIABILITY ISSUE I THINK FOR THE STATE OF NEBRASKA AND IT NEEDS TO BE TAKEN CARE OF. BEFORE I GOT TO THE LEGISLATURE I WAS NOT AWARE OF HOW MANY TIMES THIS HAD COME BEFORE THE LEGISLATURE. AND ACCORDING TO SENATOR KRIST, IT HAS BEEN...HE'S SEEN IT MANY TIMES. IT'S TIME THAT THE STATE OF NEBRASKA STEPPED UP AND TOOK CARE OF THIS PROBLEM. HOPEFULLY...THIS DOES COME WITH A PRICE TAG AND HOPEFULLY WE CAN GET THE AMOUNT FROM THE APPROPRIATIONS COMMITTEE TO GET THIS SITE CLEANED UP AND HAVE THE OPPORTUNITY TO HAVE A PARTNERSHIP WITH NORTHEAST COMMUNITY COLLEGE. THEY'VE GOT A BEAUTIFUL CAMPUS UP THERE, AND THIS, IT LAYS RIGHT ADJACENT OR, IN FACT, THEY SURROUND THE PROPERTY. AND I THINK THEY'VE GOT A PLAN THAT WOULD CERTAINLY ENHANCE THAT REGION, SO TO ME IT'S A WIN-WIN SITUATION. THE STATE OF NEBRASKA COULD CLEAN UP ITS PROPERTY, REMOVE POTENTIAL LIABILITY ISSUES, AND PROVIDE FOR A STATE COMMUNITY COLLEGE TO HAVE ACCESS TO THAT PROPERTY AT A REASONABLE PRICE AND MAKE SURE THAT THAT AREA CONTINUES TO GROW. TO ME, THIS IS A WAY THAT THE STATE OF NEBRASKA SHOULD BE WORKING. YOU KNOW, WE ARE PARTNERSHIPS WITH ALL OF OUR STATE AGENCIES, BE THEY COLLEGES OR OTHER DEPARTMENTS. SO I WOULD

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CERTAINLY ENCOURAGE YOU ALL TO SUPPORT AM845 AND LB56. THANK YOU.
[LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR HUGHES. SENATOR McCOY, YOU'RE RECOGNIZED. [LB56]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE THIS MORNING IN SUPPORT IN AM845 AND LB56, AND WOULD THANK SENATOR SCHEER FOR BRINGING THIS BILL ON BEHALF OF MADISON COUNTY AND NORTHEAST COMMUNITY COLLEGE. I WAS THE SPONSOR OF LB917 LAST YEAR ON THIS SAME SUBJECT. I HAD THE OPPORTUNITY, WELL, ACTUALLY THAT'S WHAT LED ME TO THIS END OF NEBRASKA ORIGINALLY WAS I WAS A STUDENT AT NORTHEAST COMMUNITY COLLEGE, AND TRAVELED FROM WHERE I GREW UP ON OUR FAMILY'S RANCH, IN SENATOR HUGHES'S NECK OF THE WOODS, TO THIS END OF THE STATE TO COME TO SCHOOL. AND THAT'S WHERE I STARTED MY COLLEGE EDUCATION. IT'S A FINE LEARNING INSTITUTION. IT'S ONE THAT I THINK PROBABLY A LOT OF US DON'T REALIZE HOW MANY THOUSANDS OF STUDENTS ARE EDUCATED AT NORTHEAST COMMUNITY COLLEGE. AND THEY ARE LANDLOCKED WITH THEIR CAMPUS. IT'S VERY DIFFICULT FOR THEM TO ANTICIPATE HOW THEY'RE GOING TO GROW AND CONTINUE TO PROVIDE GREAT EDUCATION. ONE OF THE THINGS THAT I'M VERY EXCITED ABOUT WHAT THIS BILL MAY START IS THE ABILITY FOR NORTHEAST COMMUNITY COLLEGE TO CONTINUE TO PROVIDE EDUCATION IN CAREER AND TECHNICAL AREAS THAT MANY OF OUR OTHER INSTITUTIONS AROUND THE STATE ARE DOING BUT NOT TO THE HIGH DEGREE THAT NORTHEAST IS. SO I'M FULLY IN SUPPORT OF THIS LEGISLATION. I'M HAPPY THAT, JUST AS SENATOR SCHEER COSPONSORED MY LEGISLATION LAST YEAR, WHICH I APPRECIATE, I'M GLAD TO SEE IT MAKE IT TO THE FLOOR THIS YEAR. AND I FULLY SUPPORT IT AND BELIEVE IT'S THE RIGHT THING TO DO. AND IN MY VIEW, THIS IS WHAT SMART GOVERNING IS WHEN WE FIND THE ABILITY TO TAKE A PROPERTY LIKE THIS, THAT IS LITTLE USED AND, AS SENATOR HUGHES SAID, A LIABILITY TO THE STATE OF NEBRASKA, AND FIND A WAY TO CREATE A GOOD SITUATION OUT OF ONE THAT'S NOT SO GREAT AT THIS POINT. AND HOPEFULLY THAT MEANS JOBS AND REVENUE TO THE STATE, AND MORE OF OUR YOUNG PEOPLE STAYING IN NEBRASKA TO RAISE THEIR FAMILIES. THAT'S WHAT I'M EXCITED ABOUT WITH THIS LEGISLATION. SO I WOULD THANK AGAIN SENATOR SCHEER, SENATOR HUGHES, AND OTHERS WHO HAVE WORKED VERY HARD ON THIS LEGISLATION. I FULLY SUPPORT IT. THANK YOU, MR. PRESIDENT. [LB56]

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PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB56]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I TOO COMMEND SENATOR SCHEER FOR BRINGING THIS BILL. I WON'T SPEND A LOT OF TIME ON IT, BUT IT REALLY IS IN EYESIGHT RIGHT IN, BASICALLY, THE MIDDLE OF THE NORTHEAST COMMUNITY COLLEGE CAMPUS. IT DOESN'T BELONG THERE. IT WOULD BE LIKE HAVING A DILAPIDATED BUILDING IN YOUR BACKYARD. WE NEED TO DO SOMETHING. IT WAS A NEBRASKA...STATE OF NEBRASKA BUILDING. I THINK THIS IS A GREAT COMPROMISE. WE NEED TO HAVE THE APPROPRIATIONS COMMITTEE FUND THE DEMOLISHMENT OF IT AND THEN LET NORTHEAST USE A PUBLIC-PRIVATE PARTNERSHIP TO BASICALLY BUY THE LAND AND MOVE FORWARD. THANK YOU, MR. SPEAKER. [LB56]

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB56]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. HAVING BEEN BORN IN NORFOLK AND RAISED ABOUT 25 MILES FROM THERE, I'VE SEEN THIS REGIONAL CENTER LITERALLY FALL DOWN BEFORE OUR EYES. I GET UP TO NORFOLK FREQUENTLY TO SEE MY MOTHER AT THIS POINT. IT'S...THE ONLY THING I HAVE, IT'S ABOUT TIME THAT WE DO SOMETHING WITH THIS FACILITY TO TAKE CARE OF IT. AND THE ONE THING THAT WHEN IT WAS BROUGHT BEFORE THE APPROPRIATIONS, THIS IS WHAT THE ONE...THOSE PEOPLE WHO ARE IN CHARGE MAKE CERTAIN THAT THE DEMOLITION COST, THAT THEY GET SOME...THE BEST BIDS POSSIBLE TO GET THAT DOWN. MOVE IT ON AHEAD. THANK YOU VERY MUCH. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB56]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THIS FACILITY SITS ABOUT EIGHT MILES FROM MY FRONT DOOR. IT IS DILAPIDATED. SOMETHING NEEDS TO BE DONE WITH IT. BUT I'VE HAD SOME CONSTITUENTS ASK ME SOME QUESTIONS ABOUT HOW THIS IS BEING DONE. I'M GOING TO BE IN FULL SUPPORT OF AM845 AND LB56, BUT I DO HAVE A COUPLE QUESTIONS I'D LIKE TO GET THE ANSWER TO ON THE RECORD. SO IF--SOON AS I THINK OF HIS NAME--SENATOR KRIST WOULD ANSWER A QUESTION OR TWO, I'D LIKE TO ASK HIM. [LB56]

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PRESIDENT FOLEY: SENATOR KRIST, WILL YOU YIELD, PLEASE? [LB56]

SENATOR KRIST: ABSOLUTELY. [LB56]

SENATOR BLOOMFIELD: THANK YOU, SENATOR KRIST. HOW ARE WE GOING TO DETERMINE WHAT IS FAIR MARKET VALUE WHEN IT COMES TIME TO TRANSFER THE TITLE? [LB56]

SENATOR KRIST: IN OUR ORIGINAL BILL THAT CAME FROM SENATOR SCHEER AND THEN LAST YEAR FROM SENATOR McCOY AND THE YEAR BEFORE THAT FROM...OR TWO YEARS BEFORE THAT FROM SPEAKER FLOOD, FAIR MARKET VALUE WAS ASSESSED BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES IN ALL THREE, AND THAT IT HAS INCREASED THROUGHOUT THE THREE PROPOSALS. FAIR MARKET VALUE IN THAT AREA IS \$3,000 AN ACRE IN TERMS OF THE ADJACENT PROPERTY. SO THAT AMOUNT OF MONEY FOR THESE 70 ACRES ENDS UP BEING ABOUT \$210,000. THAT ASSESSMENT, THOUGH, TO BOIL IT DOWN, COMES FROM THE DEPARTMENT OF ADMINISTRATIVE SERVICES. [LB56]

SENATOR BLOOMFIELD: OKAY. I...BASED ON WHAT THE LAND PRICES ARE DOING UP THERE, I WOULD GUESS THAT'S A LITTLE LOW. BUT I'M NOT GOING TO QUIBBLE ABOUT THE NUMBERS ON IT BECAUSE SOMETHING DESPERATELY NEEDS TO BE DONE THERE. BUT I'VE HAD A NUMBER OF CONSTITUENTS ASK ME, IF WE'RE GOING TO CLEAR IT OFF, WHY THE COLLEGE AUTOMATICALLY ENDS UP WITH IT INSTEAD OF MAYBE PUTTING IT ON THE OPEN MARKET, ON AN AUCTION, TO SEE WHAT IT WOULD BRING TO PUT SOME MONEY BACK INTO THE STATE COFFERS. IS ANY...ANY RESPONSE TO THAT, THAT I COULD GIVE BACK TO MY CONSTITUENTS UP THERE WHEN THEY'RE... [LB56]

SENATOR KRIST: SURE. [LB56]

SENATOR BLOOMFIELD: ...THEY'RE GOING TO SEE US SELL IT AT \$3,000, ROUGHLY, AND ON AN AUCTION SALE IT WOULD PROBABLY BRING \$5,000 TO \$7,000, MAYBE A LITTLE MORE? [LB56]

SENATOR KRIST: SENATOR, WE'VE HAD THESE DISCUSSIONS IN THE EXEC COMMITTEE AND WITH DAS. I WOULD SAY THAT IF YOU LOOK AT THE OVERALL PICTURE OF...OR THE PLANT, IF YOU WILL, THE ACCESS TO THIS PIECE OF PROPERTY IS CONFINED BY THE COLLEGE AROUND. I DON'T KNOW THAT

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ANYONE WOULD WANT TO BE LOCATED THERE. IN ADDITION TO THAT, WE HAVE A...WE STILL HAVE A PORTION OF OUR CORRECTIONS ON THAT PROPERTY FOR SEXUAL CRIMES. SO I'M SURE...I'M NOT SURE THAT ANYBODY WOULD WANT TO BUILD WITHIN THOSE CONFINES WITH ALL OF THOSE THINGS GOING ON. I MEAN, IT'S A FAIR QUESTION, BUT I THINK IN LOOKING THROUGH THIS THE LAST FEW YEARS, I COME TO THE CONCLUSION THAT IT'S OUR RESPONSIBILITY TO TAKE CARE OF THE SAFETY ISSUES THAT ARE THERE, TAKE IT DOWN TO SHOVEL READY, AND THEN PUT IT ON THE MARKET FOR FAIR MARKET VALUE. AND I DO THINK, TO SENATOR McCOY'S POINT, THIS IS AN OPPORTUNITY FOR THE COLLEGE TO EXPAND IN THEIR CURRENT CAMPUS STRUCTURE. [LB56]

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR KRIST. AGAIN, COLLEAGUES, I JUST WANTED THAT INFORMATION ON THE RECORD. I WILL BE SUPPORTING AM845 AND LB56. IT'S WAY PAST TIME WE DID SOMETHING WITH THIS FACILITY. IT IS A DETRIMENT TO ALL OF NORFOLK, TO WAYNE COUNTY, TO PIERCE COUNTY. I AM JUST SURPRISED WE HAVEN'T HAD LAWSUITS OUT OF THERE. [LB56]

PRESIDENT FOLEY: ONE MINUTE. [LB56]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB56]

SENATOR SCHNOOR: THANK YOU, SIR. I WOULD LIKE TO KNOW IF SENATOR KRIST WOULD YIELD TO A QUESTION, PLEASE. [LB56]

PRESIDENT FOLEY: SENATOR KRIST, WILL YOU YIELD, PLEASE? [LB56]

SENATOR KRIST: ABSOLUTELY. [LB56]

SENATOR SCHNOOR: THANK YOU. SENATOR KRIST, LB56 BASICALLY TALKS ABOUT DONATING THIS PROPERTY TO NORTHEAST COMMUNITY COLLEGE, AND AM845 IS TO ESSENTIALLY SELL IT TO THEM AT FAIR MARKET VALUE BUT TO GIVE THEM THE RIGHT OF FIRST REFUSAL. CAN YOU PLEASE EXPLAIN WHY THIS AMENDMENT WAS SUBMITTED INSTEAD OF JUST GIVING IT TO NORTHEAST COMMUNITY COLLEGE? [LB56]

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SENATOR KRIST: SENATOR, IF YOU WOULD LIKE TO AMEND THIS AND GIVE IT TO THE COLLEGE, I MIGHT EVEN SUPPORT THAT. BUT IN TERMS OF WHAT WAS SELLABLE THE LAST FEW YEARS IN NEGOTIATING WHERE WE SHOULD BE, WE DO HAVE THE RIGHT, AS THE LEGISLATURE, TO GIVE PROPERTY WITHIN THE CURRENT POLICIES THAT ARE SET UP BY DAS. WE COULD ESSENTIALLY DO THAT. THE DISCUSSION THAT WENT ON THOUGH WAS THAT THE DEMOLITION TO TAKE IT DOWN TO SHOVEL READY, TO ELIMINATE THE LIABILITY THAT THE STATE HAS, WAS GOING TO BE IN EXCESS OF \$900,000, AND THAT THE STATE SHOULD RECOUP SOME OF THAT MONEY BACK INTO IT, WHICH WAS REALISTICALLY ABOUT \$250,000. SO THAT'S THE COMPROMISE WE CAME TO COMING OUT OF COMMITTEE AND BRINGING THIS AMENDMENT FORWARD. [LB56]

SENATOR SCHNOOR: OKAY. THAT'S ALL I NEEDED TO KNOW. I JUST WANTED CLARIFICATION AS TO WHY WE WEREN'T JUST DONATING IT. SINCE I KNOW I'M NOT FAMILIAR WITH THIS PROPERTY, IT SOUNDS LIKE THIS HAS BEEN ONGOING FOR SEVERAL YEARS. SO THAT WAS JUST MY QUESTION FOR THAT CLARIFICATION. SO THANK YOU. I AM IN FULL SUPPORT OF BOTH THE AMENDMENT AND THE BILL. THANK YOU. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATORS SCHNOOR AND KRIST. SENATOR GROENE, YOU'RE RECOGNIZED. [LB56]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I STAND TO FULLY SUPPORT LB56 BY SENATOR SCHEER. FOR THOSE OF US IN OUTSTATE NEBRASKA, OUR COMMUNITY COLLEGES ARE OUR INSTITUTIONS OF HIGHER LEARNING FOR OUR CHILDREN TO STAY HOME, CLOSE TO HOME, TAKE THE...LEARN THE OCCUPATIONS IN AGRICULTURE AND THE TRADES. AND I REMEMBER BACK IN THE EARLY 2000s WHEN WE, THIS BODY, BASICALLY GAVE THE STATE FAIRGROUNDS TO THE UNIVERSITY OF NEBRASKA WITH A SMALL AMOUNT--I THINK IT WAS \$20,000,000-SOME; WE ALL KNOW THAT REAL ESTATE WAS WORTH A LOT MORE THAN \$20,000,000-SOME--TO HELP MOVE THE STATE FAIR TO GRAND ISLAND. WHAT'S FAIR FOR THE GOOSE IS FAIR FOR THE GANDER. OUR COMMUNITY COLLEGES ARE THE BACKBONE OF THE LABORING MAN'S ABILITY TO GET A CERTIFICATE, TO BE IN HVAC AIR CONDITIONING, AND WELDING. THIS NEEDS TO BE DONE. IT'S GOOD FOR OUR COMMUNITY COLLEGE SYSTEM, AND IT ACKNOWLEDGES THAT THEY HAVE A PLACE EQUAL IN OUR HIGHER EDUCATION FOR OUR CHILDREN AS THE UNIVERSITY OF NEBRASKA DOES. IT'S LIKE I SAID, WHAT'S FAIR FOR ONE IS FAIR FOR THE OTHER. AND THIS IS GOOD POLICY SO I SUPPORT IT. THANK YOU, MR. PRESIDENT. [LB56]

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PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB56]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I DON'T HAVE A FEELING ONE WAY OR THE OTHER ABOUT THIS BILL ITSELF, BUT WHEN THE STATE IS INVOLVED WITH EITHER RECEIVING PROPERTY OR LETTING PROPERTY GO, THERE ARE QUESTIONS THAT I HAVE. WHEN THE GAME AND PARKS COMMISSION, FOR EXAMPLE, IS GIVEN PROPERTY, I WOULD HAVE WONDERINGS ABOUT HOW THE STATE IS GOING TO KEEP UP THAT PROPERTY, WILL THEY LET IT GO FALLOW AND MAYBE HAVE A NEGATIVE IMPACT ON THE ADJACENT PROPERTIES? AND IF THEY HAVE PROBLEMS WITH ADEQUATE REVENUE, WHAT WILL BE THE CASE WITH THIS KIND OF PROPERTY THEY'RE GETTING? SO THOSE KIND OF MATTERS DON'T HAVE TO COME BEFORE THE LEGISLATURE BECAUSE THE EXEC BOARD CAN DO IT, BUT I'VE RAISED ISSUES IN THE EXEC BOARD. I WANT IT CLEAR ON THE RECORD OUT HERE THE WAY I LOOK AT THIS PARTICULAR DEAL. IT'S REALLY A SWEETHEART DEAL. THE STATE IS GOING TO CLEAR THE PROPERTY AND THEN SELL IT OR GIVE THE CHANCE OF FIRST REFUSAL TO THE COMMUNITY COLLEGE. BUT IT'S IN A DEVELOPING AREA. SO IT'S NOT SOMETHING THAT IS BEING MADE AVAILABLE TO THE PUBLIC OR OTHERS WHO MAY HAVE INTEREST IN ACQUIRING THAT PROPERTY. WITH THE RAMSHACKLE BUILDINGS AND THE GENERAL CONDITION OF DISREPAIR, THERE ARE PEOPLE WHO WOULD HAVE NO INTEREST AT THE MOMENT IN ACQUIRING THAT PROPERTY AND HAVING TO DO DEMOLITION WORK AND OTHER PREPARATORY WORK. BUT IF THE STATE CLEARS IT, THEN IT BECOMES A DIFFERENT MATTER. NOW YOU'RE NOT TALKING ABOUT SOMETHING THAT LOOKS BLIGHTED WHETHER YOU'RE LOOKING AT IT FROM THE AIR, AT GROUND LEVEL, OR IN SOME OF THOSE BASEMENTS. YOU'RE LOOKING AT LAND READY TO BE DEVELOPED. I WOULD LIKE TO ASK SENATOR KRIST...I'LL ASK SENATOR SCHEER, BECAUSE HE'S PROBABLY MORE FAMILIAR WITH THAT AREA. [LB56]

PRESIDENT FOLEY: SENATOR SCHEER, WOULD YOU YIELD, PLEASE? [LB56]

SENATOR SCHEER: YES. [LB56]

SENATOR CHAMBERS: SENATOR SCHEER, BEFORE I MAKE THAT STATEMENT AS A FLAT ASSERTION, IS THIS AN AREA WHICH IS EXPERIENCING DEVELOPMENT BY PRIVATE INTERESTS OTHER THAN THAT PIECE OF GROUND WE'RE TALKING

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ABOUT NOW? OR IS IT IN AN AREA WHERE THERE IS NO DEVELOPMENT GOING ON? [LB56]

SENATOR SCHEER: WELL, ACTUALLY THERE'S NO DEVELOPMENT BY THIS AREA. TO THE SOUTH OF THE GROUND IS...THE HUNT THERE IS PROBABLY ABOUT A HUNDRED-YARD AREA THAT IS ALREADY OWNED BY THE COLLEGE ALONG THE SOUTH, AS WELL. SO IT'S ENCAPSULATED BY THE COLLEGE. TO THE SOUTH OF THAT ROAD IS A CHURCH, VACANT AGRICULTURAL GROUND. PROBABLY HALF A MILE SOUTH OF THAT IS A HOUSING DEVELOPMENT THAT'S 30 YEARS OLD. TO THE NORTH IS EXCLUSIVELY AGRICULTURAL GROUND. FOR AT LEAST A MILE TO MILE AND A HALF PAST THAT POINT THERE ARE TWO INDUSTRIAL SITES, NORFOLK IRON AND METAL, A BIG STEEL SERVICE CENTER, AND AN ETHANOL PLANT. [LB56]

SENATOR CHAMBERS: WITH THAT INFORMATION, VERY DETAILED AS IT WAS, WHICH YOU PUT INTO THE RECORD, IS IT YOUR OPINION THAT EVEN WITH THIS LAND BEING CLEARED, THERE IS NO PRIVATE ENTITY LIKELY TO HAVE AN INTEREST IN ACQUIRING IT BECAUSE OF ITS LOCATION AND THE OTHER ENVIRONS? AND I'M ASKING FOR AN OPINION, NOT YOU AS A REAL ESTATE APPRAISER OR AN OPERATIVE IN THE CHAMBER OF COMMERCE WHO'S DONE ALL KINDS OF SURVEYS AND SO FORTH. [LB56]

SENATOR SCHEER: THERE CERTAINLY MIGHT BE SOMEONE ELSE... [LB56]

PRESIDENT FOLEY: ONE MINUTE. [LB56]

SENATOR SCHEER: ...THAT MIGHT HAVE AN INTEREST, SENATOR. I MEAN, THERE ARE ALWAYS LAND SPECULATORS AT SOME POINT IN TIME. COULD IT HAVE A DIFFERENT PURPOSE? CERTAINLY. FROM MY PERSPECTIVE IT IS LITERALLY IN THE CENTER OF A COMMUNITY COLLEGE CAMPUS. I THINK HAVING FAIR MARKET VALUE ON THE GROUND BRINGS A PARTNERSHIP WITH THE COLLEGE WITH THE STATE, TRYING TO OFFSET SOME OF THOSE COSTS. BUT I THINK THE BEST USE OF THE GROUND CERTAINLY IS TO LET THE COMMUNITY COLLEGE DEVELOP IT INTO EDUCATIONAL FUTURES. [LB56]

SENATOR CHAMBERS: MY TIME IS UP BUT I PUT ON MY LIGHT. SO THANK YOU. [LB56]

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS AND SENATOR SCHEER. SENATOR CHAMBERS, YOU MAY CONTINUE ON YOUR NEW BLOCK OF TIME. [LB56]

SENATOR CHAMBERS: YOU SAID ME? [LB56]

PRESIDENT FOLEY: YES. [LB56]

SENATOR CHAMBERS: OH, THANK YOU. MEMBERS OF THE LEGISLATURE, AS I SAID, I DON'T HAVE ANY PARTICULAR INTEREST ONE WAY OR THE OTHER IN THIS BILL. BUT WHAT I WANT CLEAR TO EVERYBODY, WHEN THESE SWEETHEART DEALS ARE MADE LEGISLATIVELY AND YOU FIX THE DECK SO ONLY ONE ENTITY OR ONE INTEREST HAS A CHANCE TO GET IT, AND YOU DO THAT BY GIVING THIS ENTITY RIGHT OF FIRST REFUSAL, THAT MEANS NOBODY ELSE IS IN THE GAME AT ALL. THE ENTITY HAS MADE IT CLEAR THAT IT WANTS THIS LAND. THE STATE IS WILLING TO ACCOMMODATE BY CLEARING IT, MAKING IT VERY AMENABLE FOR USE BY THE PARTICULAR ENTITY. AND I'M USING THAT TERM BECAUSE I DON'T HAVE ANYTHING AGAINST THE COMMUNITY COLLEGE. BUT WHEN THESE KINDS OF THINGS COME UP IN THE FUTURE, I WANT YOU TO KNOW YOU'RE SETTING A PRECEDENT. AND IF ANOTHER ENTITY COMES INTO BEING, WHETHER IT'S PRIVATE, COMMERCIAL, OR WHATEVER, YOU HAVE SET THE PRECEDENT. AND I DON'T KNOW WHETHER THE NEW SENATORS HAVE ANY INTEREST IN WHAT THAT WORD "PRECEDENT" MEANS AS APPLIED TO ACTION BY THE LEGISLATURE. BUT YOU HAVE HAD MEETINGS WITH THIS ONE ENTITY, YOU HAVE GIVEN THEM WHAT THEY WOULD LIKE TO HAVE. THEN YOU TELL THEM IF THIS IS WHAT YOU WANT, IF IT MEETS YOUR SPECIFICATIONS, YOU GET IT AND NOBODY ELSE HAS A CHANCE AT IT. AND IF YOU THINK THAT'S A GOOD PUBLIC POLICY, THEN YOU WILL ACCEPT THIS. BUT IT SHOULD BE SEPARATED FROM THE FACT THAT A COMMUNITY COLLEGE HAPPENS TO BE THE ENTITY. IF THE STATE IS GOING TO DIVEST ITSELF OF PROPERTY, SHOULD IT CLEAR THE PROPERTY AND GIVE WHOEVER HAS EXPRESSED AN INTEREST A RIGHT OF FIRST REFUSAL? OR TO GO BACK TO A STEP BEFORE THAT CLEARING, SOMEBODY APPROACHES THE STATE AND TELLS THEM IF YOU CLEAR THIS PROPERTY, THEN I WANT IT AND I WILL DEVELOP IT. AND WE'RE NOT TALKING ABOUT TIF, WHICH THOSE LETTERS STAND FOR "THIS IS FAKERY." TIF IS DESIGNED TO GIVE POWERFUL PEOPLE AN OPPORTUNITY TO GET LAND BY HAVING IT PROCLAIMED BLIGHTED. THEN THEY DON'T HAVE TO PAY TAXES LIKE EVERYBODY ELSE. AND THE GOVERNOR'S DADDY HAD SOME PROPERTY LIKE THAT IN WEST OMAHA AND THERE WAS A LOT OF OUTCRY ABOUT IT, AND I THINK THEY MAY HAVE BACKED AWAY FROM IT. BUT THAT SHOWS YOU WHAT HAPPENS WITH THESE

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KIND OF ACTIVITIES. AND SINCE THIS LEGISLATURE BASICALLY WANTS TO BE SEEN AS PRO BUSINESS, THEY SAY, WELL, YEAH, TIF IS GREAT. BUT I SAY AGAIN, IF THE STATE, AND IT DOES, DERIVES REVENUE WHICH IT MUST USE BY WAY OF TAXATION, AND IT NEEDS A CERTAIN AMOUNT OF MONEY TO OPERATE, WHATEVER IS NOT PUT IN THAT BUCKET BY CITIZENS A THROUGH G IS GOING TO BE MADE UP BY CITIZENS H THROUGH Z. AND YOU WILL NEVER HAVE AS MANY GETTING THESE BREAKS AS YOU HAVE PICKING UP THE SLACK LEFT BY THOSE WHO GET THE BREAKS. SO ALTHOUGH THIS IS NOT AS BLATANT,... [LB56]

PRESIDENT FOLEY: ONE MINUTE. [LB56]

SENATOR CHAMBERS: ...IN MY OPINION, AS THE WAY TIF HAS BEEN DISTORTED, EXPLOITED AND MISUSED, I THINK IT SHOULD BE KEPT IN MIND THAT THIS IS ESTABLISHING A PRECEDENT. SO I'M GOING TO LET THE LEGISLATORS HAVE IT THE WAY THEY WANT IT, BUT THIS IS A BILL THAT I WON'T VOTE FOR. I WILL NOT VOTE AGAINST IT, AND I WILL NOT TRY TO HINDER ITS BEING ADOPTED. THANK YOU, MR. PRESIDENT. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE WELCOME TO CLOSE ON AM845. [LB56]

SENATOR KRIST: NORMALLY I'D WAIVE, BUT I DO WANT TO MAKE A COUPLE THINGS FOR THE RECORD. FIRST OF ALL, THIS IS NOT "FAVORY." THE...WE HAVE DONE AS A LEGISLATURE WHAT WE NEEDED TO DO TO EXPAND THE USE OF THE FAIRGROUNDS BY MOVING IT TO GRAND ISLAND. WE HAVE DONE WHAT WE NEEDED TO DO FOR AN EDUCATIONAL INSTITUTION IN INNOVATION CAMPUS. YOU MAY HAVE HEARD OF IT. AND I BELIEVE THAT THAT GROUND COULD HAVE BEEN COMMERCIALY AVAILABLE, BUT WE MADE A DECISION AS A LEGISLATURE TO STRENGTHEN OUR UNIVERSITY OF NEBRASKA SYSTEM. THE POLICIES AND PROCEDURES, AS I SAID, WITHIN THE ADMINISTRATIVE...DEPARTMENT OF ADMINISTRATIVE SERVICES WOULD MAKE EXCESS LAND AVAILABLE AND IT IS OUR RESPONSIBILITY TO DO THAT. THIS IS GENERAL FILE, AND I'M SURE THAT THERE WILL BE AN OPPORTUNITY TO TALK ABOUT IT AGAIN ON SELECT. BUT I'D ASK YOU FOR YOUR SUPPORT OF AM845 AND LB56. THANK YOU, MR. PRESIDENT. [LB56]

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PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. THE QUESTION IS THE ADOPTION OF AM845 TO LB56. THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB56]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB56]

PRESIDENT FOLEY: AM845 IS ADOPTED. DEBATE IS NOW OPEN ON LB56 AS AMENDED. SENATOR CHAMBERS. [LB56]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AS IS OFTEN STATED, ONE PICTURE IS WORTH MORE THAN A THOUSAND WORDS. I WAS SHOWN AN AERIAL SHOT THAT'S CLEAR OF THAT LAND. THERE IS DEVELOPMENT. IT'S LIKE A PIECE OF LAND IN THIS SPOT, THEN ALL THIS DEVELOPMENT OVER HERE. BEYOND IT THERE MIGHT BE SOME OPEN LAND, BUT IF YOU LOOK AT THAT AIR SHOT AND SOMEBODY ASKED YOU, DO YOU THINK THIS LAND IS IN THE PATH OF DEVELOPMENT AND MOVEMENT OF THE CITY, I BELIEVE MOST PEOPLE WOULD SAY, YES, IT IS. SO ONCE AGAIN, I JUST UNDERSCORE WHAT I'VE SAID. BUT I NEED TO ASK SENATOR KRIST A QUESTION IN VIEW OF SOMETHING THAT WAS POSED TO ME AS A QUESTION. [LB56]

PRESIDENT FOLEY: SENATOR KRIST, WOULD YOU YIELD, PLEASE? [LB56]

SENATOR KRIST: ABSOLUTELY. [LB56]

SENATOR CHAMBERS: SENATOR KRIST, THE WAY THE BILL IS WRITTEN, THE SCHOOL WOULD HAVE THE RIGHT OF FIRST REFUSAL. CORRECT? [LB56]

SENATOR KRIST: CORRECT. [LB56]

SENATOR CHAMBERS: SUPPOSE SOMEBODY FOUND OUT ABOUT THIS LAND BEING CLEARED AND THEY WOULD OFFER DOUBLE THE AMOUNT THAT THE SCHOOL IS OFFERING. WOULD THAT OFFEROR THEN BE GIVEN THE CHANCE TO BUY THAT LAND OR WOULD IT REMAIN, AS IT IS UNDER THE STATUTE, THAT THE COLLEGE WOULD HAVE BLOCKED OUT THAT KIND OF OFFER? AND THAT'S THE QUESTION THAT I'M ASKING. [LB56]

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SENATOR KRIST: SENATOR CHAMBERS, IF YOU WOULD LIKE THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO PUT A FAIR MARKET VALUE, BASED UPON SENATOR BLOOMFIELD'S QUESTION, AT \$8 MILLION PER ACRE FOR 70 ACRES, IT WOULD BE UP TO THE NORFOLK COMMUNITY COLLEGE TO TAKE THE FIRST OFFER AT FAIR MARKET VALUE. SO \$8 MILLION TIMES 70 ACRES, THEY WOULD HAVE THE FIRST RIGHT OF REFUSAL AT THE FAIR MARKET VALUE. [LB56]

SENATOR CHAMBERS: SO THEN FIRST RIGHT OF REFUSAL, THE WAY IT'S WRITTEN HERE, DOESN'T MEAN THAT ONCE THIS BILL IS PUT INTO PLACE THAT THE COLLEGE...BECAUSE THE COLLEGE IS NOT GOING TO BE GIVEN TITLE BUT WITH PASSAGE OF THIS BILL. ISN'T THAT TRUE? [LB56]

SENATOR KRIST: THIS BILL IS GOING TO ALLOW THE COMMUNITY COLLEGE, ONCE THAT LAND IS LEVELED, TO HAVE THE FIRST RIGHT OF REFUSAL AT THE FAIR MARKET VALUE. [LB56]

SENATOR CHAMBERS: AND IF SOMEBODY MAKES AN OFFER ABOVE WHAT HAS BEEN DETERMINED THE FAIR MARKET VALUE, THAT OFFEROR THEN TAKES PRIORITY OR PRECEDENCE OVER THE COLLEGE. IS THAT CORRECT? [LB56]

SENATOR KRIST: I'M NOT A REAL ESTATE AGENT. ALL I KNOW IS IF FAIR MARKET VALUE IS ESTABLISHED, SENATOR CHAMBERS, THAT IT WOULD BE AN \$8 MILLION PIECE OF PROPERTY, THEY WOULD HAVE THE FIRST RIGHT OF REFUSAL ON \$8 MILLION. [LB56]

SENATOR CHAMBERS: SENATOR KRIST. [LB56]

SENATOR KRIST: I DON'T KNOW HOW TO ANSWER IT ANY CLEARER. [LB56]

SENATOR CHAMBERS: OKAY. WELL, LET ME...LET'S TALK ABOUT WHAT WE HAVE HEARD. [LB56]

SENATOR KRIST: OKAY. [LB56]

SENATOR CHAMBERS: THE AMOUNT THAT THIS PROPERTY IS WORTH IS \$2,000 AN ACRE. IS THAT CORRECT? [LB56]

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SENATOR KRIST: \$3,000. [LB56]

SENATOR CHAMBERS: \$3,000? [LB56]

SENATOR KRIST: THE DEPARTMENT OF ADMINISTRATIVE SERVICES, IN THEIR FISCAL NOTE, PUT THAT THE FAIR MARKET VALUE CURRENTLY WAS ESTIMATED AT \$3,000 PER ACRE. [LB56]

SENATOR CHAMBERS: OKAY. [LB56]

SENATOR KRIST: THAT WAS DAS. [LB56]

SENATOR CHAMBERS: AND I'M NOT BINDING ANYBODY TO THAT. I JUST WANT SOME NUMBERS TO DEAL WITH. SO YOU WOULD TAKE THE NUMBER OF ACRES TIMES \$3,000 AND THAT WOULD BE THE FAIR MARKET VALUE, AS DETERMINED BY THAT GOVERNMENTAL ENTITY, OF THIS LAND. [LB56]

SENATOR KRIST: THAT'S CORRECT. [LB56]

SENATOR CHAMBERS: IS THAT CORRECT? [LB56]

SENATOR KRIST: THAT'S CORRECT. [LB56]

SENATOR CHAMBERS: NOW, IF SOMEBODY...AT THAT VALUE THAT WAS SET, THE COLLEGE HAS THE RIGHT TO EITHER BUY IT AT THAT PRICE OR NOT BUY IT. IS THAT CORRECT? [LB56]

SENATOR KRIST: THAT WOULD BE MY UNDERSTANDING. [LB56]

SENATOR CHAMBERS: AND IF THEY CHOOSE NOT TO BUY IT, THEN IT'S EVERY PERSON FOR HIMSELF OR HERSELF AND IT'S OPEN TO EVERYBODY. IS THAT CORRECT? [LB56]

SENATOR KRIST: THAT IS MY UNDERSTANDING. [LB56]

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SENATOR CHAMBERS: NOW, WITH THE COLLEGE HAVING THE RIGHT OF FIRST REFUSAL, IS THERE THE PROVISIO UNDERSTOOD THAT IF A LARGER BID... [LB56]

PRESIDENT FOLEY: ONE MINUTE. [LB56]

SENATOR CHAMBERS: ...IS MADE THEN THAT HIGHER BIDDER NULLIFIES THAT NOTION OF RIGHT OF FIRST REFUSAL UNLESS THE COLLEGE WANTS TO MATCH IT? IS THAT THE WAY IT OPERATES? [LB56]

SENATOR KRIST: THAT WOULD BE MY UNDERSTANDING. [LB56]

SENATOR CHAMBERS: OKAY. AT LEAST THAT'S IN THE RECORD NOW. THANK YOU. AND THAT'S ALL THAT I WOULD HAVE. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATORS CHAMBERS AND KRIST. SENATOR KRIST, YOU'RE RECOGNIZED. [LB56]

SENATOR KRIST: BECAUSE I'VE ALREADY DONE MY CLOSING ON THE AMENDMENT, I JUST WANT TO PUT A COUPLE MORE THINGS ON THE RECORD. FIRST OF ALL, SENATOR SCHEER, WOULD YOU YIELD TO A QUESTION? [LB56]

PRESIDENT FOLEY: SENATOR SCHEER, WOULD YOU YIELD, PLEASE? [LB56]

SENATOR SCHEER: YES, I WILL. [LB56]

SENATOR KRIST: YOU'VE LIVED IN NORFOLK HOW LONG, SIR? [LB56]

SENATOR SCHEER: WELL, I WILL BE 62 THIS YEAR, SENATOR. [LB56]

SENATOR KRIST: OKAY. SO IN THE TIME THAT YOU'VE KNOWN THE DEMISE OF THE REGIONAL CENTER AT HASTINGS...OR AT NORFOLK, HAS ANYONE WANTED THIS PROPERTY TO THE TUNE OF TRYING TO ACQUIRE IT AFTER THE REGIONAL CENTER WAS CLOSED DOWN? [LB56]

SENATOR SCHEER: ABSOLUTELY NOT. [LB56]

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SENATOR KRIST: AND HOW LONG HAS THE REGIONAL CENTER BEEN IN DEMISE?
[LB56]

SENATOR SCHEER: AT LEAST 20 TO 25 YEARS. [LB56]

SENATOR KRIST: SO IN 25 YEARS, COLLEAGUES, NO ONE HAS MADE ANY KIND OF ATTEMPT TO CLEAR THIS PROPERTY AND DEVELOP IT. AND I HAVE HEARD THIS IN COMMITTEE FOR THE LAST FIVE YEARS...FOUR YEARS, I'M SORRY, FOUR YEARS. I THINK IT'S REASONABLE TO ASSUME THAT UNLESS WE DO SOMETHING TO VACATE OURSELF OF THE LIABILITY OF THOSE BUILDINGS THAT ARE ON THIS PROPERTY, THAT THE LAWSUIT FOR TWO KIDS WHO GET THEMSELVES TRAPPED IN A TUNNEL ON THIS PIECE OF PROPERTY IS GOING TO WELL EXCEED WHAT IT TAKES US TO MITIGATE OURSELF OF THAT LIABILITY, WHICH RIGHT NOW IS IN EXCESS OF \$900,000. THE SECOND THING IS I JUST WANT TO AGAIN PUT INTO THE RECORD 72-815, WHICH DEALS WITH VACANT BUILDINGS AND EXCESS LAND, STATE BUILDING DIVISION, POWERS AND DUTIES, DEMOLITION, SALE, LEASE, PROCEEDS, DISPOSITION, MAINTENANCE, EXCESS LAND AT HASTINGS REGIONAL CENTER, ETCETERA, DISTRIBUTION OF PROCEEDS, IT GOES ON: PRIORITY SHALL BE GIVEN TO OTHER POLITICAL SUBDIVISIONS OF STATE GOVERNMENT, THEN TO PERSONS CONTRACTING WITH THE STATE OR POLITICAL SUBDIVISIONS OF THE STATE WHO WILL USE THESE BUILDINGS OR LAND FOR MIDDLE-INCOME OR LOW-INCOME RENTAL HOUSING. THESE ARE PROVISIONS THAT WE HAVE TO LOOK AT IN TERMS OF THE DISPOSITION OF THIS LAND. I'D ASK FOR YOUR SUPPORT OF LB56. AND I GUARANTEE YOU--BETWEEN NOW AND SELECT WE MAY HAVE ANOTHER CONVERSATION--BUT THIS IS A GREAT THING THAT WE ARE DOING, IN MY ESTIMATION. AND I'D ASK YOU FOR YOUR SUPPORT ON LB56.
[LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB56]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. I STAND IN SUPPORT OF THE GENERAL PRINCIPLE OF THIS, THAT THIS OLD STATE FACILITY BE...AND THE REAL ESTATE UNDER IT BE PUT TO GOOD USE, AND THE COMMUNITY COLLEGE IS PROBABLY A GOOD WAY TO DO IT. THE RECENT DISCUSSION HAS LEFT ME A LITTLE BIT CONFUSED ABOUT WHAT THE MECHANISM IS GOING TO BE. FAIR MARKET VALUE IS DETERMINED BY THE PRICE A WILLING BUYER IS WILLING TO PAY TO A WILLING SELLER. THAT'S FAIR MARKET VALUE. THAT IS DIFFERENT FROM APPRAISED VALUE, WHICH IS

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SOMEBODY'S OPINION, SUPPOSEDLY SOMEBODY QUALIFIED TO RENDER AN OPINION, OF WHAT SOMETHING IS WORTH. SO WHEN YOU HAVE--AND IT'S BEEN TWO DIFFERENT TERMS HAVE BEEN USED HERE--AN OPTION TO BUY IT AT FAIR MARKET VALUE, WELL, THAT WOULD BE THE ABILITY TO BID AT AN AUCTION. AND I...WE NEED TO CLARIFY SOME OF THIS IN THE RECORD, BECAUSE SENATOR CHAMBERS DID A GOOD JOB OF UNDERSCORING THE POINT. HOW DO WE KNOW WHAT "FAIR MARKET" VALUE IS? BECAUSE THAT'S THE LANGUAGE IN THE BILL, NOT "APPRAISED" VALUE. SO DO WE CONDUCT AN AUCTION? DO WE LIST IT WITH A REAL ESTATE COMPANY AND GET SOMEBODY WHO IS A BUSINESS OR SOME OTHER ENTITY WHO IS READY TO SIGN ON THE DOTTED LINE? AND THEN DO WE GO TO THE COLLEGE AND SAY, OKAY, WE'VE GOT THIS ALL NEGOTIATED? WE'VE PROPERLY ADVERTISED IT AND THIS IS THE HIGHEST PRICE WILLING TO PAY FROM A QUALIFIED, WILLING BUYER, AND HERE'S WHAT IT IS, AND THEY'RE GOING TO BUY IT UNLESS YOU DO. YOU HAVE GOT SO MANY DAYS OR WEEKS OR MONTHS OR WHATEVER TO MATCH THE OFFER AND SAY...AND IF YOU DO, THEN YOU GET IT FOR THAT PRICE. AND IF THAT'S INTENDED AS THE MECHANISM WHERE THE MARKET DETERMINES THE PRICE, AND THEY THEN HAVE GOT A PERIOD IN WHICH TO MATCH IT, THEN WE'VE DEFINED THAT AS THE MECHANISM. BUT IF THIS IS SOME DEAL WHERE THE DEPARTMENT OF ADMINISTRATIVE SERVICES OR SOME BROKER OR SOME APPRAISER OR SOMEBODY ELSE SAYS, OH, THIS IS WHAT I THINK IT'S WORTH, AND HERE, COMMUNITY COLLEGE, WRITE US A CHECK AND IT'S YOURS, THAT'S AN ENTIRELY DIFFERENT MECHANISM. SO I THINK WE NEED TO MAKE SURE THAT WE KNOW WHAT WE'RE TALKING ABOUT. THE ONLY WAY YOU'RE GOING TO GET THE BIG ITEM IN HERE, WHAT IS FAIR MARKET VALUE, IS TO OFFER IT ON THE OPEN MARKET OR AT AN AUCTION AND HAVE THE COMMUNITY COLLEGE THE ABILITY TO COME IN AND SAY WE'LL TAKE IT FOR THAT THE MINUTE BEFORE THE OTHER GUY WAS WILLING TO SIGN ON THE CONTRACT LINE. SENATOR SCHEER, WILL YOU YIELD TO A QUESTION? [LB56]

PRESIDENT FOLEY: SENATOR SCHEER, WOULD YOU YIELD, PLEASE? [LB56]

SENATOR SCHEER: YES, I WILL. [LB56]

SENATOR SCHUMACHER: IS THAT HOW YOU CONTEMPLATE THIS WORKING, SOME TYPE OF PUBLIC LISTING, PUBLIC AUCTION, AND THEN AT THE LAST MINUTE THE COLLEGE HAVING TO SAY, WE'LL TAKE IT FOR THAT? [LB56]

SENATOR SCHEER: ABSOLUTELY NOT. [LB56]

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SENATOR SCHUMACHER: OKAY, THEN WE'VE GOT A PROBLEM WITH THE LANGUAGE. IF THE INTENT IS SOME APPRAISER IS GOING TO DO IT, THEN AT THE VERY MINIMUM WE'VE GOT TO CHANGE THIS TO APPRAISED LANGUAGE. AND THE MINUTE WE DO THAT, WHAT SENATOR CHAMBERS HAS BEEN SAYING COMES IN TO PLAY, BECAUSE THEN WE HAVE CREATED A PRECEDENT OR A MECHANISM FOR SELLING STATE PROPERTY AT WHAT SOMEBODY APPRAISES IT TO BE RATHER THAN AT FAIR MARKET VALUE. AND THAT PRESENTS A DIFFERENT CAN OF WORMS. THANK YOU. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB56]

SENATOR SCHNOOR: I'D JUST LIKE TO GIVE MY OPINION ON THIS FAIR MARKET VALUE CONTROVERSY BECAUSE I AGREE WITH...OR, EXCUSE ME, I DISAGREE WITH SENATOR SCHUMACHER, SENATOR CHAMBERS, AND SENATOR KRIST, BECAUSE AS I READ THIS, FAIR MARKET VALUE IS...IT DOES NOT SAY THAT IT WILL BE OFFERED UP FOR AUCTION AND THE RIGHT OF FIRST REFUSAL WILL BE GIVEN TO THE SCHOOL. IT SAYS FAIR MARKET VALUE, WHICH AS I UNDERSTAND THAT IS DETERMINED BY THAT PROPERTY BEING APPRAISED AFTER IT IS CLEARED, BECAUSE THEN IT WILL BE WORTH MORE THAN IT IS RIGHT NOW. AND THEN IF THE SCHOOL WANTS TO BUY IT, THEN THEY CAN BUY IT. AND THEN IF THEY DO NOT, THEN IT CAN GO UP FOR AUCTION. BUT IT DOESN'T MATTER IF SOMEBODY COMES IN AND OFFERS TO BUY IT FOR MORE. IF IT IS APPRAISED AT \$5,000 AN ACRE, THAT'S WHAT THE SCHOOL GETS TO PAY FOR IT. SO I WOULD HAVE TO DISAGREE WITH ALL THREE OF THOSE COMMENTS. SO THAT'S JUST WHAT I WANTED TO PUT OUT. THANK YOU. [LB56]

PRESIDENT FOLEY: THANKS, SENATOR SCHNOOR. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB56]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I WELCOME THE CHANCE TO REVIEW AND PERHAPS REFORM THIS BILL. THE PROPERTY DOES NEED TO BE RAZED, AND THE STATE NEEDS TO VACATE THE PROPERTY AND PUT IT UP FOR SOME KIND OF COMPETITIVE PROCESS. THE PROCESS THAT WE'RE LOOKING AT NOW IS NOT A TRUE COMPETITIVE PROCESS. AND WE SHOULD TAKE OPEN BIDS FOR THE PROPERTY AND THEN THE COLLEGE SHOULD BE GIVEN A RIGHT OF FIRST REFUSAL TO PAY THAT PRICE AND BUY THE PROPERTY. BUT THE PROCESS WE HAVE NOW IS NOT

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COMPLETELY FAIR AND ABOVEBOARD. SO I WOULD WELCOME A CHANGE IN THE BILL. THANK YOU, MR. PRESIDENT. [LB56]

PRESIDENT FOLEY: THANKS, SENATOR McCOLLISTER. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB56]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I SERVE ON THE EXEC COMMITTEE AND I ACTUALLY BELIEVE THAT WE SHOULD DONATE THE LAND TO NORTHEAST COMMUNITY COLLEGE. LET'S TAKE A LOOK AT THE COMMUNITY COLLEGES. WHAT ARE THEY? THEY'RE ANOTHER GOVERNMENT ENTITY. THEY'RE A GOVERNMENT ENTITY THAT IS SUPPORTED BASICALLY BY THREE SOURCES OF FUNDS: TUITION FROM THE STUDENTS, PROPERTY TAXES, AND STATE GENERAL FUNDS. SO DOES THIS PUT US IN A POSITION WHERE WE'RE GOING TO USE STATE GENERAL FUNDS TO PAY FOR LAND AND PUT THAT MONEY BACK INTO THE GENERAL FUND AGAIN? WHAT KIND OF SENSE DOES THAT MAKE? THAT MAKES NO SENSE AT ALL TO ME. THIS IS A...IT IS A GOVERNMENTAL AGENCY. LET ME GIVE YOU A HYPOTHETICAL CASE. YOU GO TO KEARNEY AND HAVE A DEPARTMENT OF ROADS AREA, AND RIGHT NEXT TO IT IS THE HEADQUARTERS FOR TROOP C, I BELIEVE IT IS, STATE PATROL. WHAT HAPPENS IF THE ROADS DEPARTMENT DECIDES THEY NO LONGER NEED THAT AREA? SHOULD WE PUT THAT UP FOR BID IF DEPARTMENT C WANTS TO EXPAND? WE WOULDN'T DO THAT. SO WHY ARE WE DECIDING THAT A GOVERNMENTAL UNIT THAT IS FUNDED WITH STATE DOLLARS HAS TO GET INTO A BIDDING PROCESS TO GET STATE LAND? I'M SORRY, THAT JUST DOESN'T MAKE SENSE TO ME. THANK YOU, MR. PRESIDENT. [LB56]

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB56]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO REFER TO STATUTE 72-815, PART OF THE VACANT BUILDING AND EXCESS LAND DIVISION OF ADMINISTRATIVE SERVICES, PARAGRAPH (3), SECTION (a), "IF A BUILDING OR LAND IS TO BE SOLD OR LEASED, THE STATE BUILDING DIVISION SHALL CAUSE AN APPRAISAL TO BE MADE OF THE BUILDING OR LAND." LATER IN THAT PARAGRAPH IT ALSO STATES, "PRIORITY SHALL BE GIVEN TO OTHER POLITICAL SUBDIVISIONS OF STATE GOVERNMENT." SO I THINK WHAT WE'RE DOING, THE STATUTE ALREADY SAYS THAT THE DEPARTMENT OF ADMINISTRATIVE SERVICES SHALL CREATE AN APPRAISAL. THE COLLEGE SHALL HAVE RIGHT OF FIRST REFUSAL OF THAT APPRAISAL. IF THEY DO NOT WISH TO TAKE THE NUMBER

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THAT DEPARTMENT OF ADMINISTRATIVE SERVICES COMES UP WITH, THEN SOMEONE ELSE HAS THE OPPORTUNITY TO TAKE THAT PROPERTY. I THINK IT'S FAIRLY CLEAR IN THE STATUTES WHAT THE PROCESS IS. MY UNDERSTANDING, THAT SENATOR KRIST GOT THE LANGUAGE FOR THE AMENDMENT FROM DAS. THANK YOU. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR HUGHES. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB56]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. YOU KNOW, I WANT TO SAY I AGREE WITH WHAT WE'RE TRYING TO DO HERE TODAY. AND I THINK EVERYONE LARGELY AGREES WITH WHAT WE'RE TRYING TO DO. IT'S JUST A MATTER OF PROCESS. AND TO RESPOND TO WHAT SENATOR SCHUMACHER SAID EARLIER ABOUT FAIR MARKET VALUE, HOW DO WE DETERMINE THAT, AND HOW DO WE... WELL, THERE'S A RIGHT OF FIRST REFUSAL ON THE PROPERTY. AND WHENEVER THERE IS A RIGHT OF FIRST REFUSAL ON A PROPERTY, THAT CREATES A SKEWED PRICE BECAUSE WHEN AN INFORMED BUYER GOES TO BUY A PIECE OF PROPERTY AND THEY SEE THAT RIGHT OF FIRST REFUSAL ON THERE, ONE OF TWO THINGS HAPPENS. EITHER NUMBER ONE, THE BUYER SAYS I DON'T THINK I'M GOING TO GET THIS PIECE OF PROPERTY, SO I'M GOING TO BID IT DOWN LOW BECAUSE I DON'T THINK... I'M NOT GOING TO WASTE A LOT OF TIME ON THIS BECAUSE THERE'S THIS RIGHT OF FIRST REFUSAL ON THERE. OR, IF THEY REALLY WANT THE PROPERTY, SO YOU GET FEWER BIDDERS AND SO YOU GET A LOWER PRICE. THAT'S THE FIRST SCENARIO. SECOND SCENARIO IS YOU GET SOMEONE WHO REALLY WANTS THE PIECE OF PROPERTY, BECAUSE IT COMES UP ONLY ONCE IN A GENERATION. SO WHAT DO THEY DO? THEY BID THE PRICE UP TO A PRICE THAT THEY KNOW THE PERSON WHO HAS THE RIGHT OF FIRST REFUSAL CANNOT AFFORD. SO WHEN YOU... WHEN YOU SEE A RIGHT OF FIRST REFUSAL ON A PROPERTY, AS A GENERAL RULE YOU KNOW THAT THAT FAIR MARKET PRICE IS GOING TO BE SKEWED COMPARED TO IF THERE IS NO RIGHT OF FIRST REFUSAL ON THE PROPERTY. I THINK WHAT WE NEED TO DO IS LOOK AT WHAT SENATOR... OR, EXCUSE ME, SPEAKER HADLEY TALKED ABOUT AND THAT IS HOW DO WE GET THIS LAND TO THE COMMUNITY COLLEGE. I THINK WE AGREE THAT COMMUNITY COLLEGES ARE THE FUTURE, THAT THEY DO GREAT WORK, AND THAT THEIR ROLE IS ONLY GOING TO GROW AND WE DON'T WANT THIS CAMPUS TO BE LANDLOCKED. IT'S SITUATED IN A PERFECT SPOT FOR THE CAMPUS TO GROW, SO HOW DO WE FIND THAT MONEY TO PAY FOR THAT, FOR THE DESTRUCTION OF THE PROPERTY... THE BUILDINGS? AND QUITE FRANKLY, THE LIABILITY, WE ARE ELIMINATING A LIABILITY TO THE STATE WHEN WE GIVE

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AWAY THE PROPERTY AND WE TAKE DOWN THE BUILDINGS. SO THE QUESTION IS, HOW DO WE DO THAT, AND I THINK THAT'S SOMETHING WE CAN WORK ON BETWEEN GENERAL AND SELECT. BUT I DO HAVE SOME PROBLEMS WITH THE PROCESS THAT WE HAVE IN PLACE RIGHT NOW, BUT I DO SUPPORT LB56. THANK YOU. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR LARSON, YOU'RE RECOGNIZED. [LB56]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I BEGRUDGINGLY VOTED LB56 OUT OF EXEC BOARD, AND I'LL CONTINUE TO SUPPORT THE UNDERLYING BILL. I DO THINK THAT THE CONCEPT...THE BIGGEST PROBLEM THAT I HAD WAS WHAT HAPPENS IF ANOTHER ENTITY, WHETHER THAT'S A PRIVATE DEVELOPER OR SOMEONE ELSE, OFFERED MORE MONEY TO THE STATE. AND I DISAGREE WITH THE CONCEPT THAT WE SHOULD GIVE IT AWAY TO THE COMMUNITY COLLEGES, AS SPEAKER HADLEY SUGGESTED. I DO THINK THAT IT'S SOMETHING THAT IS A STATE PROPERTY, AND EVEN IF WE'RE SELLING IT TO ANOTHER POLITICAL SUBDIVISION, THE STATE DESERVES TO BE PAID FOR WHAT IT OWNS. AND I LEARNED SOMETHING IN THE APPROPRIATIONS PROCESS, DURING MY TWO GRUELING YEARS UNDER SENATOR MELLO'S THUMB ON APPROPRIATIONS, ABOUT THAT PROCESS. AND THE CONCEPT IS, IS AGENCIES DON'T GIVE ANYTHING AWAY TO ANY OTHER AGENCY. EVEN THOUGH WE'RE ALL UNDER THE STATE NEBRASKA, WHEN THE DEPARTMENT OF AGRICULTURE WANTS TO BUY NEW COMPUTERS, THEY HAVE TO PAY DAS FOR THOSE COMPUTERS. AND DAS RENTS THEM OUT OR GETS THEM, AND THEY PAY DAS. WHEN AN AGENCY RENTS A NEW CAR, THEY...AND I MIGHT BE A LITTLE WRONG ON THIS BUT I'M PRETTY SURE DAS GETS THEM FROM DMV. BUT THE AGENCY THAT'S RENTING THEM DOES PAY DAS. AND THEN THEY CIRCLE BACK TO DMV. THIS HAPPENS WITHIN ALL OF OUR OWN AGENCIES. THEY'RE CONSTANTLY PAYING EACH OTHER FOR WHAT THEY USE AND THEY CONSUME. IT'S NOT JUST THEY GET X BUDGET AND THEY SPEND IT ON EVERYTHING ELSE. THEY'RE PAYING WITHIN STATE GOVERNMENT. SO THE CONCEPT THAT WE SHOULD JUST GIVE IT AWAY TO THE COMMUNITY COLLEGE I WHOLEHEARTEDLY DISAGREE WITH. AND SENATOR SHEER IS A GOOD FRIEND AND I'M IN NORTHEAST COMMUNITY COLLEGE'S DISTRICT, SO I WILL CONTINUE GOING GREEN ON LB56 BECAUSE THAT'S WHAT A VAST MAJORITY OF MY CONSTITUENTS WOULD WANT. BUT, LIKE I SAID, I DO HAVE THOSE TYPES OF CONCERNS AND HOPEFULLY THERE ISN'T A PRIVATE DEVELOPER THAT WOULD BE WILLING TO PAY X AMOUNT MORE AND THE COMMUNITY COLLEGE DOES GET IT AT THE FREE MARKET...FAIR MARKET VALUE AND WHATNOT. BUT THE CONCEPT IS WE SHOULD JUST BE GIVING AWAY

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LAND TO ANOTHER POLITICAL SUBDIVISION BECAUSE THEY'RE PART OF THE STATE DOESN'T WORK WITH ME, BECAUSE LIKE I SAID, EVEN IN OUR OWN BUDGET, OUR OWN STATE AGENCIES ARE CONSTANTLY PAYING OTHER STATE AGENCIES. AND IT WAS INTERESTING TO SIT DOWN AND LEARN THAT CONCEPT WHEN I GOT ON APPROPRIATIONS AND HOW THAT BIDDING PROCESS WORKS WITHIN DAS AND HOW THE AGENCIES WORK WITH DAS TO MAKE SURE THEY GET PAID AND WHATNOT. SO I APPRECIATE THE COMMENTS. I WILL CONTINUE TO SUPPORT LB56. I'D URGE OTHER PEOPLE TO DO SO FOR THE BETTERMENT OF NORTHEAST NEBRASKA, NORTH-CENTRAL NEBRASKA. AND HOPEFULLY WE CAN MOVE ON SOON. THANK YOU, MR. PRESIDENT. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB56]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN I STARTED THIS MORNING, MY INTENT WAS TO MAKE IT CLEAR THAT I'M SPEAKING BASICALLY OUT OF IGNORANCE OF THE INTRICACIES OF REAL ESTATE DEALING, EVEN THOUGH I HAD STUDIED PROPERTY CLASSES IN LAW SCHOOL. HERE'S WHAT I'M TRYING TO GET AT. FIRST OF ALL, "PROFESSOR" SCHUMACHER SAID MORE CLEARLY AND COHERENTLY THAN I SAID WHAT I WAS TRYING TO EXPRESS AS MY OPINION ABOUT THE WAY IT SEEMS THAT WE'RE OPERATING HERE. IF WE CAN ACKNOWLEDGE THAT WE ARE IGNORANT OF A SUBJECT AND ASK THE QUESTIONS THAT AN IGNORANT PERSON HAS WHO IS TRYING TO GET INFORMATION, A CHORD IS STRUCK IN A LOT OF OTHER PEOPLE THAT RESPONDS, BECAUSE THEY HAVE THE SAME QUESTIONS BUT THEY'RE NOT WILLING TO ACKNOWLEDGE PUBLICLY THAT THEY DON'T KNOW WHAT'S GOING ON. THEY WOULDN'T KNOW WHAT THEY WERE TALKING ABOUT IF THEY TRIED TO GET INTO THE DISCUSSION. AND I THINK WE WOULD BE FAILING IN OUR DUTY AS LEGISLATORS. I HAVE SAID REPEATEDLY INSIDE AND OUT OF THIS CHAMBER THAT I WILL DO ALL I CAN TO SEE THAT LEGISLATION WHICH WE ENACT IS UNDERSTANDABLE TO SOMEBODY WHO READS IT. AND IF IT'S A TECHNICAL AREA, IT SHOULD BE UNDERSTOOD BY THE PEOPLE WITH THAT TECHNICAL KNOW-HOW. FROM THE DISCUSSIONS THIS MORNING, THERE ARE MULTIPLE DIRECTIONS THAT THE CONVERSATIONS HAVE GONE. I WOULD SAY THERE'S NOT A CONSENSUS OF EXACTLY WHAT THIS BILL SAYS LET ALONE WHAT IT DOES. BUT I WILL BE ROCK SOLID IN THE POINT THAT I SET OUT TO MAKE. WHEN WE PUT SOMETHING IN STATUTE, THAT IS THE LAW. ANYBODY WHO READS THAT IS ENTITLED TO BELIEVE THAT THIS IS WHAT I CAN EXPECT FROM THE STATE IF I'M SIMILARLY SITUATED. IF I SEE SOME LAND THAT I THINK IS NOT BEING HANDLED PROPERLY AND THE STATE OWNS IT, I SHOULD BE ABLE

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TO MEET WITH STATE OFFICIALS AND TELL THEM, I WANT YOU TO CLEAR THIS LAND AND THEN I WILL TAKE IT AND DO SOMETHING WITH IT. AND THAT PERSON SHOULD BE ABLE TO GET EXACTLY WHAT'S BEING OFFERED IN THIS BILL. THE PROCESS IS THE THING THAT I'M CONCERNED ABOUT. I DON'T EVEN WANT TO MENTION THE COMMUNITY COLLEGE, TO GIVE THE IMPRESSION THAT I'M OPPOSED TO THEM SOMEHOW. BUT I AM CONCERNED ABOUT WHAT WE DO AS A LEGISLATURE. THIS HAS TO BE CONSIDERED A PRECEDENT. IN A SENSE, YOU CAN SAY IT IS LIKE SPECIAL LEGISLATION. I DON'T SEE SENATOR BURKE HARR HERE. HE THREW HIS ROCKS AND THEN LEFT. BUT AT ANY RATE, FROM THE DISCUSSION, IT'S CLEAR THAT THIS LEGISLATION IS BEING ENACTED WITH ONE SPECIFIC ENTITY IN MIND. IT HAS BEEN ACKNOWLEDGED THAT THAT ENTITY AND THE STATE HAVE HAD TALKS, WHETHER IT'S IN THE FRONT ROOM, DINING ROOM, OR BACK ROOM. AND THE LEGISLATURE, IN ORDER TO ACCOMMODATE THAT ENTITY, IS ENACTING THIS LAW. AND SOMEBODY SHOULD STAND UP AND SAY DEFINITELY WHAT IT IS WE'RE TALKING ABOUT. IF IT'S FAIR MARKET VALUE, IF IT'S ASSESSED VALUE, IF IT'S APPRAISED VALUE, WHAT IS IT THAT IS BEING DISCUSSED HERE? AND IF IT'S GOING TO BE LABELED ONE OR THE OTHER, WAS THAT METHODOLOGY ARRIVED AT IN THE WAY IT SHOULD BE IN THE REALM OF REAL ESTATE DEALING? IF IT'S ASSESSED VALUATION, WHO DID THE ASSESSING? IF IT'S APPRAISED VALUE, WHO DID THE APPRAISING? IF IT'S MARKET VALUE FROM LIKE SENATOR SCHUMACHER SAID, WHAT A WILLING BUYER... [LB56]

PRESIDENT FOLEY: ONE MINUTE. [LB56]

SENATOR CHAMBERS: YOU SAID TIME? THANK YOU, MR. PRESIDENT. [LB56]

PRESIDENT FOLEY: NO, SENATOR, 1:00. [LB56]

SENATOR CHAMBERS: OH. THEN YOU SHOULD FIND A WAY TO DETERMINE THE FAIR MARKET VALUE AT THAT POINT RATHER THAN SAYING THIS IS A DETERMINED VALUATION OR VALUE, WHETHER IT'S ASSESSED OR APPRAISED, BUT I DON'T KNOW THAT THAT IS CLEAR. AND IF IT'S CLEAR TO EVERYBODY ELSE, THEN EVERYBODY ELSE CAN VOTE. BUT SINCE I'M NOT OPPOSED TO THE COLLEGE AND I DON'T HAVE THE FULL UNDERSTANDING, I'M NOT GOING VOTE AGAINST THE BILL. BUT I CERTAINLY AM NOT GOING TO VOTE FOR IT. AND EVERYBODY WHO VOTES FOR IT SHOULD BE ABLE TO ANSWER EVERY ONE OF THESE QUESTIONS WHICH WILL BE PUT TO THEM. OR BE LIKE SENATOR LARSON:

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IT'S IN MY DISTRICT; I'M GOING TO VOTE FOR IT. THANK YOU, MR. PRESIDENT.
[LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHUMACHER,
YOU'RE RECOGNIZED. [LB56]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR. I YIELD MY
TIME TO SENATOR KRIST. [LB56]

PRESIDENT FOLEY: SENATOR KRIST, 5:00. [LB56]

SENATOR KRIST: THANK YOU. AND I WON'T TAKE THE FULL 5:00. SENATOR
CHAMBERS, IF I UNDERSTOOD THE WAY THAT YOU STARTED THE
CONVERSATION OUT, YOU WOULD BE IMPLYING THAT I DID NOT DO MY
HOMEWORK, THAT I DON'T UNDERSTAND THE TERMS OR THE VALUES. AND I
KNOW THAT'S NOT WHAT YOU...I KNOW THAT'S...YEAH, I UNDERSTAND. YOU
WERE SPEAKING ABOUT YOUR OWN KNOWLEDGE ON THE SUBJECT MATTER.
BUT IF I UNDERSTOOD WHAT YOU SAID, THAT WOULD IMPLY THAT I HAD NOT. I
HAVE DONE MY HOMEWORK ON IT. AND SENATOR SCHUMACHER AND I ARE
GOING TO HAVE A CONVERSATION ON THE MIKE. WE'LL START WITH HIS TIME
AND THEN GO TO MINE. IT IS MY UNDERSTANDING THAT THE APPRAISED VALUE
OF THIS PROPERTY WILL BE AGAIN APPLIED BY THE DEPARTMENT OF
ADMINISTRATIVE SERVICES AND THEY WILL ESTABLISH THAT APPRAISED
VALUE BASED UPON OTHER APPRAISED VALUES OF PROPERTIES AROUND THIS,
WHICH ENDS UP BEING A FAIR MARKET PRICE IN THE LOCAL AREA. THAT IS MY
UNDERSTANDING IN HOURS OF DISCUSSION OVER THE PAST FEW YEARS AND
ALSO WITH DISCUSSION WITH THE DEPARTMENT OF ADMINISTRATIVE SERVICES.
SO IF SENATOR SCHUMACHER WOULD YIELD TO A QUESTION... [LB56]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WOULD YOU YIELD, PLEASE? [LB56]

SENATOR SCHUMACHER: I WILL. [LB56]

SENATOR KRIST: SO WE CAN START THE DISCUSSION NOW AND CONTINUE IT.
AND YOUR AMENDMENT IS COMING UP AND I HAVE NO PROBLEM WITH IT. GO
AHEAD, SENATOR. [LB56]

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SENATOR SCHUMACHER: BASICALLY, I THINK THE PREMISE IS THAT WORDS HAVE MEANING. AND WHEN YOU SAY FAIR MARKET VALUE, IN THE LEGAL WORLD THAT HAS MEANING. AND THAT MEANING IS WILLING BUYER, WILLING SELLER, FREE TRANSACTION. NOW, APPRAISAL, OR ESTIMATE OF FAIR MARKET VALUE IS SOMETHING AN APPRAISER DOES BY GOING AROUND AND LOOKING AT PROPERTIES AND LOOKING AT SALES PRICES, AND HE GIVES AN ESTIMATE OF FAIR MARKET VALUE. AND THE LAW THAT SENATOR HUGHES READ TO YOU TALKS IN TERMS OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES DOING AN APPRAISAL. NOWHERE IN THAT LAW DOES IT SAY THE WORDS "FAIR MARKET VALUE," THE APPRAISAL OF THE PROPERTY, WHICH IS GENERALLY TAKEN TO MEAN AN APPRAISAL OF FAIR MARKET VALUE. BUT THIS PARTICULAR BILL SAYS IT SHALL BE FOR FAIR MARKET VALUE: WILLING BUY, WILLING SELLER. YOU DON'T HAVE THAT IN AN APPRAISAL. YOU DON'T HAVE THAT. SO IF I SEE THIS PRETTY FIELD NOW THAT'S BEEN LEVELED AT STATE EXPENSE, AND I DECIDE, GEE, THAT WOULD BE A WONDERFUL THING FOR AN APARTMENT BUILDING THAT I WANT TO BUILD, AND I SEE THAT THERE'S AN APPRAISAL FROM DAS SAYING IT'S WORTH \$1 MILLION, AND I'M THINKING THIS PROBABLY IS WORTH \$2 MILLION, AND THE STATUTE SAYS FAIR MARKET VALUE, AND I'M WILLING TO PAY IT, THEN I THINK THE NEXT THING I DO IS GO COURT AND SAY, WAIT A MINUTE, THE LAW SAYS FAIR MARKET VALUE, NOT AN APPRAISAL'S ESTIMATE OF FAIR MARKET VALUE. AND I FILE A SUIT. AND SINCE IT IS NOT AN OPTION TO PURCHASE BUT A RIGHT OF FIRST REFUSAL ON THE PART OF THE COLLEGE, THEY GOT TO MATCH MY PRICE OR I GET IT. AND I THINK THAT'S A PROPER READING. NOW, WE CAN RESOLVE IT IF OUR INTENT REALLY, REALLY IS TO HAVE THE DEPARTMENT OF ADMINISTRATIVE SERVICES GO OUT THERE AND SAY, HERE'S OUR GUESSTIMATE OF FAIR MARKET VALUE. AND IF WE REALLY, REALLY WANT TO SELL IT TO THE COMMUNITY COLLEGE FOR THAT, THEN LET'S SAY THAT MUCH. AND I THINK ALL IT NEEDS TO DO IS CHANGE IN THE STATUTE THE WORD FROM "FAIR MARKET VALUE," TAKE THAT OUT AND PUT IN "THE APPRAISED VALUE" AS DETERMINED BY SENATOR HUGHES'S STATUTE, AND I THINK THAT TAKES CARE OF IT. I FILED AN AMENDMENT... [LB56]

PRESIDENT FOLEY: ONE MINUTE. [LB56]

SENATOR SCHUMACHER: ...TO THAT EFFECT. DOES THAT KIND OF OPEN OUR DISCUSSION, SENATOR KRIST? [LB56]

SENATOR KRIST: YES. AND, YOU KNOW, SEMANTICS BEING WHAT THEY ARE, WORDS MEANING WHAT THEY NEED TO MEAN, IF IT'S LEFT UP TO A FIRST REFUSAL FOR THE ESTIMATED VALUE, THE ESTIMATED VALUE OR APPRAISED

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VALUE WILL BE ASSESSED BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES USING THE REGULATIONS THAT ARE CURRENTLY IN EFFECT IN STATUTE. AND IF THAT'S THE CASE, I WOULD INVITE YOU TO LOOK AT THE FISCAL NOTE PREPARED BY DAS. WHAT WE'RE SAYING IS WE WANT THE COLLEGE TO HAVE THE FIRST RIGHT OF REFUSAL AT WHATEVER WE PUT IN THE QUOTES. AND IF IT IS THE CONTENTION OF THIS BODY THAT THE FAIR MARKET VALUE IS MISLEADING OR IS NOT AS DIRECT AS IT NEEDS TO BE, THEN I WOULD AGREE THAT THE ESTIMATED VALUE BASED UPON THE ASSESSED VALUE BY DAS IS BETTER WORDS IN YOUR CONTEXT AND IN MINE. SO... [LB56]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATORS KRIST AND SCHUMACHER. MR. CLERK. [LB56]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR SCHUMACHER WOULD OFFER FA34. (LEGISLATIVE JOURNAL PAGE 977.) [LB56]

PRESIDENT FOLEY: SENATOR SCHUMACHER, YOU'RE WELCOME TO OPEN ON THE AMENDMENT. [LB56]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. I THINK BASED ON THAT DISCUSSION, ASSUMING IT'S OUR INTENT TO HAVE DAS TO GO OUT AND DO AN APPRAISAL, WHICH BY DEFINITION IS AN ESTIMATE OF FAIR MARKET VALUE BY A PERSON QUALIFIED TO DO APPRAISALS, AND OUR INTENTION IS THAT THAT BE SOLD, IF THE COMMUNITY COLLEGE WANTS IT, TO THE COMMUNITY COLLEGE, THEN WE CAN FIX IT BY A VERY SIMPLE AMENDMENT. AND WE TAKE OUT AT LINE 12 ON THE BILL AS IT'S BEEN AMENDED, TAKE OUT THE WORDS "FAIR MARKET VALUE" AND WE PUT IN "ITS APPRAISED VALUE AS DETERMINED UNDER SECTION 72-815(3)." AND I THINK THAT SHOULD FIX THE PROBLEM. AND THAT WOULD BE MY INTRODUCTION AND MY CLOSING. THANK YOU. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR KRIST, YOU'RE RECOGNIZED. [LB56]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND AGAIN, GOOD MORNING, COLLEAGUES AND NEBRASKA. LET'S VOTE FOR FA34 AND MOVE ON. [LB56]

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PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR GROENE, YOU'RE RECOGNIZED. [LB56]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. A LOT OF TESTIMONY HAS GONE ON SINCE I PUSHED THAT BUTTON. I AGREE WITH SENATOR SCHUMACHER'S FA34. YOU KNOW, SOMETIMES AS A TAXPAYER, YOU LOOK AT YOURSELF AS A TAXPAYER. YOU PAY THROUGH YOUR LOCAL PROPERTY TAXES, YOU PAY FOR YOUR COUNTY, YOUR COMMUNITY COLLEGES, YOUR CITIES, YOUR NRDS. AND THEN YOU PAY YOUR STATE TAXES AND YOUR INCOME TAXES. AND WE LOOK AT OURSELVES AS TAXPAYERS AND WE WISH THE WHOLE THING WORKED BETTER AND COOPERATED A LITTLE BETTER. THEN I LOOK ON THE BUDGET AND WE GAVE AID TO COMMUNITY COLLEGES, \$95 MILLION LAST...\$91 (MILLION) A YEAR AGO, \$95 MILLION THIS LAST YEAR. SO I DON'T UNDERSTAND THE SEMANTICS WHEN I TAKE IT OUT OF ONE POCKET AND MAKE THE COMMUNITY COLLEGE PAY TOO MUCH FOR PROPERTY AND THEN TURN AROUND AND GIVE MORE MONEY IN STATE AID AND HOPE THAT THE COLLEGE CAN GIVE OUR CHILDREN A GOOD EDUCATION AT A REASONABLE PRICE, WHICH THE NICHE, THE COMMUNITY COLLEGES, FIT UNDER. SO DO I TRUST THE COMMUNITY COLLEGE? I MEAN EVEN THOUGH IT'S NOT, I UNDERSTAND, THE WHOLE STATE, EVERY TAXPAYER IN THE STATE OWNS THAT LAND, NOT JUST THE PEOPLE OF THAT...OF NORFOLK. BUT THEN SOME OF US OUTSTATE SENATORS LOOK AT LINCOLN AND OMAHA AND SEE THE CRANES THAT BUILD THE FACILITIES OVER IN LINCOLN AND OMAHA FOR THE COLLEGES AND FOR THE MED CENTER. WE GO YOU KEEP TELLING US IT'S GOOD FOR US, IT'S GOOD FOR OUR ECONOMY, BUT THE JOBS AREN'T IN NORTH PLATTE OR NORFOLK. SO, YOU KNOW, TIT FOR TAT, MAYBE ONCE IN A WHILE WE THROW A CRUMB TO THE RURAL AREAS AND THE COMMON FOLK WHO EDUCATE THEIR CHILDREN IN THE COMMUNITY COLLEGE SYSTEM OUTSTATE. AND TAX DOLLARS ARE TAX DOLLARS. LOCAL OR STATE, THERE ISN'T A COMPETITION BETWEEN THE STATE AND THE COMMUNITY COLLEGE OR THE STATE AND THE COUNTY. THAT GROUND IS SITTING THERE. THE COMMUNITY COLLEGE COULD USE IT, COULD KEEP CHILDREN OFF OF THIS MEDICAID WE KEEP HEARING ABOUT, KEEP FAMILIES OFF OF THAT BY GIVING THEM A GOOD EDUCATION WITHOUT RISE IN THE COST. SO LET'S DO THE RIGHT THING AND LET'S PASS LB56 WITH SENATOR SCHUMACHER'S AMENDMENT. SO THANK YOU, MR. PRESIDENT. THAT'S ALL I GOT TO SAY. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB56]

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SENATOR SCHEER: THANK YOU, LIEUTENANT GOVERNOR. I WILL TELL YOU THAT I WILL ACCEPT SENATOR SCHUMACHER'S AMENDMENT. I DO NOT CONSIDER IT A FRIENDLY AMENDMENT, HOWEVER, FROM THE VANTAGE POINT, WE'RE TRYING TO MAKE A MUCH TO DO ABOUT NOTHING. HERE IS A COMMUNITY COLLEGE, FOLKS. THE COMMUNITY COLLEGE IS SUPPORTED BY TAXES. THEY'RE NOT ONLY SUPPORTED BY OUR TAXES IN NORTHEAST NEBRASKA BY PROPERTY TAXES. THEY ARE ALSO FUNDED BY THE STATE. SO IN ESSENCE, IF YOU WANT TO TAKE MONEY OUT OF ONE POCKET AND PUT IT IN THE OTHER POCKET AND FEEL THAT WE HAVE COMPELLED OURSELVES TO DO SOMETHING APPROPRIATELY, THEN FINE. THIS GROUND IS SURROUNDED BY A COMMUNITY COLLEGE. THEY HAVEN'T...THEY AREN'T THE ONES THAT ASKED FOR IT FREE; I DID. AND IN TALKING WITH THE EXECUTIVE COMMITTEE, THEY MADE THEIR POINT THAT IT SHOULDN'T BE FREE AND THEY WERE WILLING TO PAY THAT VALUE. FOR CRYING OUT LOUD, IT HAS A SEX OFFENDERS' FACILITY ON IT. WHAT'S FAIR MARKET VALUE? WELL, SENATOR SCHUMACHER, IF YOU WANT TO PUT AN APARTMENT BUILDING NEXT TO A SEX OFFENDER FACILITY, LET'S SEE HOW WELL IT RENTS. THIS IS A COMMUNITY COLLEGE THAT IS WILLING TO COME UP AND PUT ITS MONEY WHERE ITS MOUTH IS TO BE ABLE TO DEVELOP SOMETHING FOR RURAL NEBRASKA, TO TRY TO ENCOURAGE ECONOMIC DEVELOPMENT, TRY TO ENCOURAGE YOUNG ADULTS, THAT ARE GETTING THEIR EDUCATION AT THESE FACILITIES OR OTHERS, A PLACE TO COME AND TRAIN AND LEARN AND BE ABLE TO TAKE THOSE EXPERIENCES TO SMALL COMMUNITIES AND HELP THEM GROW. THIS ISN'T A SWEETHEART DEAL. THIS IS A WIN-WIN SITUATION. THESE BUILDINGS HAVE BEEN DETERIORATING FOR OVER 25 YEARS ON THIS CAMPUS. THE STATE WALKED AWAY. NOW THE COMMUNITY COLLEGE HAS FOUND A USE FOR IT AND HAS CAME BACK TO THE STATE AND ASKED, IF YOU'RE NOT GOING TO TAKE CARE OF THE GROUND, LET US HAVE IT SO THAT WE CAN AT LEAST UTILIZE IT. AND THEY'RE NOT EVEN ASKING FOR IT FREE. THEY'RE WILLING TO PAY FOR IT. THE STATUTE CLEARLY SAYS THAT PREFERENCE SHOULD BE GIVEN TO LOCAL ENTITIES. THAT'S ALL THEY'RE ASKING FOR IS THAT PREFERENCE. WHATEVER IT TAKES TO GET SENATOR SCHUMACHER AND SENATOR CHAMBERS TO AGREE THAT THIS IS A LEGITIMATE PROCESS, THEN FINE. BUT LET'S NOT LOSE SIGHT OF THE OBJECTIVE HERE. THE OBJECTIVE IS TO TRY TO ENCOURAGE GROWTH IN RURAL NEBRASKA, TRAIN AND EDUCATE RURAL YOUTH AND ADULTS SO THAT THEY CAN HAVE A BETTER LIFE. THIS IS A GOOD BILL. THIS IS A GOOD USE OF THAT GROUND. THIS IS SOMETHING THAT WE'VE WALKED AWAY FROM. ANY WAY WE WANT TO LOOK AT IT, YOU STILL HAVE THE PROBLEM WITH THE GROUND. THIS IS A SOLUTION. IT MAY NOT BE THE ONLY SOLUTION, AS SENATOR SCHUMACHER HAS PROVIDED. ABSOLUTELY, THERE MAY BE OTHERS. BUT FROM A PUBLIC

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STANDPOINT, THIS IS THE BEST POSSIBLE USE FOR THAT GROUND FOR THE PUBLIC. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. (VISITORS INTRODUCED.)
SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB56]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, NEVER WOULD I PRESUME TO BE ON A PAR WITH JUDGES BECAUSE THEY HAVE SPECIAL, DIVINELY INCULCATED POWERS OF DISCERNMENT. BUT I CAN READ ENGLISH AND I CAN READ COURT OPINIONS. AND I DO KNOW WHAT THEY HAVE SAID. THEY HAVE SAID THAT WHEN THE LEGISLATURE ENACTS A LAW, NOTHING IS DEEMED BY THE COURT TO BE SUPERFLUOUS, NOT A WORD, NOT A PHRASE, NOT ANYTHING; THAT EVERY WORD HAS MEANING AND THEY'RE GOING TO GIVE MEANING TO EVERY WORD UNLESS THE INTENT OF THE LEGISLATURE IS SUCH THAT IF MEANING WAS GIVEN TO EVERY WORD ACCORDING TO THE POPULAR UNDERSTANDING, YOU WOULD HAVE SOMETHING WHICH MAKES NO SENSE. THEN THEY WOULD CONSTRUE, THEY WOULD ANALYZE, AND THEY WOULD APPLY IT IN SUCH A WAY THAT THE WORDS HAVE MEANING THAT MAKE SENSE AND WILL ACCORD WITH THE EXPRESS INTENTION OF THE LEGISLATURE THROUGH ITS LEGISLATIVE HISTORY. AND THAT'S WHY I TELL US, WE OUGHT TO MAKE SENSE ON THIS FLOOR. WE OUGHT TO PARTICIPATE IN THE DISCUSSION. AND WHAT THE COURT WILL SAY IS IF YOU HAVE TWO STATUTES DEALING WITH THE SAME SUBJECT AND THEY HAVE DIFFERENT WORDS, THEN EACH STATUTE MEANS SOMETHING DIFFERENT. OTHERWISE, WE WOULDN'T HAVE TWO STATUTES SAYING SOMETHING DIFFERENT. THEY WILL NOT MEAN THE SAME THING. IF THIS STATUTE SAYS COW AND THAT STATUTE SAYS HORSE, THEN THE LEGISLATURE CAN'T SAY WE MEANT CHICKEN. THE COURT WILL SAY, YOU SAID TWO DIFFERENT THINGS. SO MAYBE YOU MEANT CHICKEN, BUT WHATEVER YOU SAID, YOU KNOW THAT A COW IS NOT A HORSE AND YOU KNOW A HORSE IS NOT A COW, AND THAT'S WHAT YOU PUT INTO THE LAW AND IT'S VOID FOR BEING VAGUE. AND YOU KNOW WHY WE SAY IT'S VAGUE? YOU IN THE LEGISLATURE DON'T EVEN KNOW WHAT YOU'RE TALKING ABOUT. SO IF I UNDERSTAND SENATOR SCHUMACHER'S AMENDMENT, IT HAS WORDS THAT WILL TRACK THE EXISTING LAW THAT DEALS WITH THESE SITUATIONS. YOU WILL NOT SAY ASSESSMENT OR EVALUATION OR APPRAISAL OVER HERE, THEN SAY FAIR MARKET VALUE OVER THERE, AND SAY YOU'RE TALKING ABOUT THE SAME THING. IF WHILE WE'RE DEALING WITH IT ON THE FLOOR OF THE LEGISLATURE, IF WE WANT ONE IDEA, LET'S SAY IT, AND SAY IT WITH THE SAME LANGUAGE. THAT'S WHAT'S MEANT WHEN YOU SAY THAT WORDS HAVE MEANING. AND NOW YOU'RE IN THE REALM OF WHAT IS LEGAL--WHAT THE LAW SAYS. AND WE CAN

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GET AS EMOTIONALLY UPSET AS WE PLEASE, BUT WHILE I'M HERE I'M GOING TO TRY TO HOLD OUR FEET TO THE FIRE. AND HERE'S WHY: NOT ONLY TO MAINTAIN TO SOME EXTENT THE INTEGRITY OF THE LEGISLATURE AS A BODY OF DELIBERATIVE PEOPLE, BUT TO MAKE IT POSSIBLE FOR THE PUBLIC TO READ THE LAWS THAT WE PASS AND OBTAIN FROM THAT READING NOTICE OF WHAT THE LEGISLATURE MEANT. YOU'VE HEARD THE DIFFERING DISCUSSIONS HERE. SENATOR SCHEER THINKS THAT THIS AMENDMENT BY SENATOR SCHEER (SIC) IS AN UNFRIENDLY AMENDMENT. HOW IS IT UNFRIENDLY TO SAY THAT THE STATUTE YOU'RE ENACTING TODAY IS GOING TO BE IN HARMONY WITH THE LAW THAT EXISTS RIGHT NOW? IS THAT UNFRIENDLY? IS IT UNFRIENDLY TO SAY YOU WANT TO BE ACCURATE? THEN THE WAY TO BE FRIENDLY IS TO KNOWINGLY BE INACCURATE, BE VAGUE, BE MISLEADING. AND THAT MIGHT BE AN ADEQUATE STANDARD FOR SOME PEOPLE, BUT IT'S NOT FOR ME. I CAN'T SAY EVERYTHING I WANT TO SAY, BUT I PUT MY LIGHT ON AGAIN. WHETHER WE LIKE IT OR NOT, THE COURTS HAVE SAID THAT PUBLIC OFFICIALS, ELECTED OFFICIALS, SUCH AS WE ARE, ARE LIKE TRUSTEES. [LB56]

PRESIDENT FOLEY: ONE MINUTE. [LB56]

SENATOR CHAMBERS: AND THE PUBLIC REPRESENT THE BENEFICIARY. AND WE HAVE THE OBLIGATION TO DISCHARGE OUR DUTIES TO THE BEST OF OUR KNOWLEDGE AND ABILITY AND UNDERSTANDING. AND BECAUSE WE'RE TO USE OUR ABILITY AND UNDERSTANDING, WE HAVE AN OBLIGATION TO INFORM OURSELVES AND KNOW WHAT IT IS WE'RE TALKING ABOUT AND DOING SO THAT WE CAN DISCHARGE OUR FIDUCIARY DUTY. THAT'S WHAT WE DO WHEN WE TRY TO MAKE CAREFUL LEGISLATION. THANK YOU, MR. PRESIDENT. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB56]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I AM NEITHER TRAINED IN THE LAW NOR IN REAL ESTATE. BUT I DO RECOGNIZE AN EYESORE AND A LIABILITY WHEN I SEE IT. THAT'S WHAT WE'VE GOT SITTING UP THERE NOW. WE ALSO HAVE SITTING UP THERE A COMMUNITY COLLEGE THAT NEEDS TO EXPAND. THIS IS AN OPPORTUNITY TO DO BOTH THINGS AT ONCE. I DON'T KNOW HOW THE WORDING NEEDS TO BE. BUT WE NEED TO AVOID GETTING INTO A PITY PATTY PARTY HERE AND LOSING THE OPPORTUNITY TO HELP THE COMMUNITY COLLEGE AND TO GET RID OF THIS LIABILITY FROM THE STATE. WE NEED TO GET THIS DONE TODAY, PASSED ON THE FIRST GO-AROUND

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SO THAT WE CAN GET THIS TRANSFER DONE. AND HOWEVER THE WORDS NEED TO READ TO DO THAT, WE NEED TO GET THERE NOW. I'D YIELD THE REST OF MY TIME TO SENATOR SCHUMACHER. BUT, COLLEAGUES, LET'S NOT LET THIS OPPORTUNITY ESCAPE US. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR SCHUMACHER, 3:43 SECONDS IF YOU CARE TO USE IT. [LB56]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR. DUE TO MY EXCELLENT HANDWRITING, THE "E" THAT APPEARS IN THE AMENDMENT SHOULD BE A "3," AND I THINK IT'S BEEN SO INTERPRETED IN ORDER AND CORRECTED ON THE FA THAT'S BEEN FILED. WHAT WE'RE DOING IS WE'RE BASICALLY DOING SOMETHING THAT I DON'T BELIEVE IS THE LEAST BIT UNFRIENDLY TO THE BILL. WE'RE CLARIFYING THAT WHAT WE MEANT IN THE BILL AS ORIGINALLY DRAFTED AND AS AMENDED, THE WORDS "FAIR MARKET VALUE" ARE THE VALUE AS DETERMINED IN THIS PARTICULAR LAW THAT GOVERNS THIS MATTER. AND WE'RE MAKING IT CONSISTENT AND REMOVING THE SITUATION WHERE SOMEBODY IS SAYING, WAIT A MINUTE, YOU CAN'T SELL IT FOR THE APPRAISED VALUE BECAUSE THE LEGISLATURE SAID IT HAS TO BE THE FAIR MARKET VALUE, AND THOSE WORDS AS A MATTER OF LAW ARE NOT THE SAME THING. WE'RE JUST SAYING WHAT I THINK WAS MEANT. THEY CAN SELL IT FOR THE VALUE AS DETERMINED UNDER THE LAW THAT'S APPLICABLE TO THIS SITUATION, WHICH IS THIS 72-815(3), AND THAT'S IT. NO ARGUMENTS THEN, NOBODY COMING IN AND SAYING, WAIT A MINUTE, I WANT A CHANCE TO BID AGAINST THE SCHOOL BECAUSE THE LAW SAYS FAIR MARKET VALUE, NOT SOME APPRAISER'S VALUE OR APPRAISER'S GUESS AT FAIR MARKET VALUE. AND I THINK WE'VE MADE THE LAW...THIS AMENDMENT MAKES THE LAW CLEARER AND BETTER AND AVOIDS THE POSSIBILITY OF SUCH A LAWSUIT OR SOMEBODY MAKING SUCH A CLAIM OR CONSTRUCTION ON THE PREMISES BEING DELAYED BECAUSE THERE WAS A DEVELOPER MAKING SUCH A CLAIM. THANK YOU. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB56]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, NOT ONLY AM I A MAN OF PRIDE, BUT SOMETIMES I BECOME PRIDEFUL, WHICH SOME PEOPLE FEEL IS A STEP BEYOND AND THAT'S WHAT BECOMES ONE OF THOSE SEVEN DEADLY SINS. AND IF THAT'S WHAT IT IS, THAT'S

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WHAT I'VE GOT. AND IF A DEADLY SIN WILL TAKE YOU TO HELL, THEN THAT'S WHERE I'M GOING WITH MY EYES WIDE OPEN, AND I WILL NOT DEVIATE TO TRY TO PLEASE WHOEVER SENDS YOU TO THAT PLACE. BUT LET ME TELL YOU SOMETHING ELSE ABOUT INTERPRETING LANGUAGE THAT THE LEGISLATURE USES AND HOW THE COURT LOOKS AT IT. READ WHAT THE COURT SAYS. AND WHETHER YOU LIKE IT OR NOT, THAT'S WHAT THE LAW MEANS, NOT WHAT YOU PUT THERE. IT'S HOW THE COURT INTERPRETS IT AND APPLIES IT. THE COURT SAYS THAT THERE ARE WHAT ARE KNOWN AS TERMS OF ART. WHEN YOU'RE DEALING WITH A TERM OF ART IN THE LEGAL SENSE, A WORD DOES NOT HAVE ITS ORDINARY MEANING. IN THE STATUTE, THE WORD "PERSON" IS A TERM OF ART BASED ON THE DEFINITION. IT DOES NOT APPLY ONLY TO A NATURAL BORN HUMAN BEING, BUT A CORPORATION, AN ORGANIZATION, AN ASSOCIATION, A SOCIETY. BUT THE STATUTE BY DEFINITION TELLS YOU THAT WHEN YOU SEE THIS WORD, IT'S NOT TO BE INTERPRETED IN THE POPULAR WAY. IT IS A TERM OF ART. WHAT SENATOR SCHUMACHER'S AMENDMENT DOES IS TO POINT OUT THAT IF YOU WANT TO HAVE THIS WORD WHICH, IF YOU USE IT IN THE ORDINARY LEGAL SENSE, MEANS FAIR MARKET VALUE, WHICH IS DIFFERENT FROM THE WORD IN THE EXISTING LAW, THEN KEEP FAIR MARKET VALUE, BUT SAY AS DETERMINED BY WHATEVER THIS STATUTE IS THAT IT CROSS-REFERS. WE SHOULD PAY ATTENTION TO WHAT IS BEING DONE HERE. WE SHOULD PAY ATTENTION TO WHAT IS SAID HERE. AND YOU ALL WOULDN'T VOTE AGAINST ME WHEN YOU OUGHT TO BE VOTING FOR WHAT I OFFER. BECAUSE WHAT I OFFER IS CORRECT AND IT WILL IMPROVE THE LEGISLATION THAT YOU'RE TRYING TO GET IN PLACE. BUT YOU HAVE SUCH A NEGATIVE ATTITUDE TOWARD ME THAT YOU CANNOT BE INSTRUCTED. AND I WILL MATCH MY KNOWLEDGE WHEN IT COMES TO THE LAW AGAINST THAT OF ANYBODY ON THIS FLOOR OR THE ATTORNEY GENERAL'S OFFICE OR EVEN A JUDGE, BECAUSE I READ WHAT THE JUDGES SAY THE RULES OF THE GAME ARE. THAT'S THE WAY I PLAY HERE. I TELL YOU, MAKE THE RULES ANYTHING YOU WANT, BUT TELL ME WHAT THEY ARE AND I'LL BEAT YOU ANYWAY BECAUSE I THINK AND YOU DON'T. I STUDY AND YOU WON'T. I WORK AND YOU'RE LAZY. BUT DISREGARD IT, AND IF ANY OF THESE MATTERS BECOME SUBJECT TO A LAWSUIT, AND THEY LOOK AT THE LEGISLATIVE HISTORY, JUDGES HAVE BEEN KNOWN TO SAY, IF THEY HAD DONE IT THE WAY SUCH AND SUCH A SENATOR SAID, WE WOULDN'T HAVE THIS PROBLEM. BUT WE'RE NOT GOING TO INTERPRET IT ON THE BASIS OF WHAT SUCH AND SUCH A SENATOR SAID. WE'RE GOING TO LOOK AT WHAT THE LEGISLATURE DID AND WHAT THE LEGISLATURE HAD BEFORE IT WHEN THEY DID IT. AND THEY HEARD WHAT THIS SENATOR SAID AND THEY REJECTED IT. SO THEIR INTENT WAS NOT TO HAVE WHAT THIS SENATOR SAID, WHICH WAS CORRECT. SO WE'RE GOING TO GIVE THEM WHAT THEY WANT. AND THEY STATED WHAT THEY WANT WHEN

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THEY PASSED THE LAW USING THIS LANGUAGE, DESPITE WHAT WAS SAID ON THE FLOOR. AND AS STATED, IT IS UNCONSTITUTIONALLY VAGUE. AND YOU KNOW WHAT THAT MEANS? THAT TWO PEOPLE OF EQUAL INTELLIGENCE CAN READ THE SAME THING AND GET A DIFFERENT MEANING FROM IT. BUT YOU DON'T WANT TO HEAR THAT,... [LB56]

PRESIDENT FOLEY: ONE MINUTE. [LB56]

SENATOR CHAMBERS: ...BECAUSE I'M SAYING IT. AND IF I READ A CASE FOR YOU, YOU'D SAY, WELL, HE'S PROBABLY NOT READING IT THE WAY IT IS. BUT YOU ARE TOO LAZY TO GO READ IT FOR YOURSELF. AND I DO GET UPSET WHEN WE AS A BODY ARE DOING THINGS THAT HARM THE INSTITUTIONAL CHARACTER OF THE LEGISLATURE. I'M NOBODY'S FRIEND HERE. I'M A MEMBER OF A LEGISLATIVE BODY. AND BECAUSE I AM, I HAVE A STAKE IN THE IMAGE OF THIS LEGISLATURE AND CONCERN ABOUT THE QUALITY OF THE WORK THAT WE DO. AND IF NOBODY ELSE CARES, IF THEY SIT AROUND AND DO WHATEVER THEY DO, GIGGLE AND JOKE AND LAUGH AND PLAY, THEY CAN DO IT. BUT THERE MAY COME A DAY OF RECKONING WHEN A COURT MAY BE ASKED TO CONSTRUE WHAT WE HAVE PUT IN THE STATUTE. ALL THAT SENATOR SCHUMACHER HAS DONE IS TO LISTEN TO WHAT WAS BEING SAID... [LB56]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB56]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR CHAMBERS WOULD YIELD TO A QUESTION. [LB56]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB56]

SENATOR CHAMBERS: I OUGHT TO JOIN THE...NEVER MIND. YES, I WILL YIELD. [LB56]

SENATOR BLOOMFIELD: SENATOR CHAMBERS, THIS IS ONE OF YOUR FAVORITE THINGS--A SIMPLE YES-OR-NO QUESTION. DOES THE SCHUMACHER AMENDMENT SATISFY YOU THAT WE'RE DOING THIS CORRECTLY? [LB56]

SENATOR CHAMBERS: YES, AND... [LB56]

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SENATOR BLOOMFIELD: THANK YOU. [LB56]

SENATOR CHAMBERS: (LAUGHTER) I KNEW HE WAS GOING TO DO THAT. [LB56]

SENATOR BLOOMFIELD: SENATOR KRIST, I WONDER IF YOU WOULD YIELD TO A QUESTION. [LB56]

PRESIDENT FOLEY: SENATOR KRIST, WILL YOU YIELD, PLEASE? [LB56]

SENATOR KRIST: ABSOLUTELY. [LB56]

SENATOR BLOOMFIELD: SENATOR KRIST, DOES THE SCHUMACHER AMENDMENT CONVINCEN YOU THAT WE'RE DOING THIS CORRECTLY? [LB56]

SENATOR KRIST: IN ONE WORD, YES. [LB56]

SENATOR BLOOMFIELD: THANK YOU, SENATOR KRIST. SENATOR SCHEER, WOULD YOU YIELD TO A QUESTION? [LB56]

PRESIDENT FOLEY: SENATOR SCHEER, WILL YOU YIELD, PLEASE? [LB56]

SENATOR SCHEER: ABSOLUTELY. [LB56]

SENATOR BLOOMFIELD: SENATOR SCHEER, DO YOU CONCUR THAT WITH THIS AMENDMENT WE ARE DOING THIS CORRECTLY? [LB56]

SENATOR SCHEER: YES. [LB56]

SENATOR BLOOMFIELD: THANK YOU, SENATOR KRIST...OR SENATOR SCHEER. SENATOR SCHUMACHER, WOULD YOU YIELD TO A QUESTION? [LB56]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WOULD YOU YIELD, PLEASE? [LB56]

SENATOR SCHUMACHER: ONLY IF THE ANSWER ISN'T YES. (LAUGH) [LB56]

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SENATOR BLOOMFIELD: SENATOR SCHUMACHER, DO YOU BELIEVE THAT DOING THIS WITH YOUR AMENDMENT IS DOING IT INCORRECTLY? (LAUGHTER) [LB56]

SENATOR SCHUMACHER: (LAUGH) OH. NO. [LB56]

SENATOR BLOOMFIELD: THANK YOU. COLLEAGUES, I THINK WE'RE ALL IN AGREEMENT. WHY ARE WE FLOGGING THIS DEAD HORSE? LET'S GET THIS DONE. MR. PRESIDENT, I YIELD THE REMAINDER OF MY TIME TO SENATOR SCHUMACHER IF HE HAS SOMETHING TO ADD. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR SCHUMACHER, ABOUT 3:23. [LB56]

SENATOR SCHUMACHER: I HAVE LITERALLY VERY LITTLE TO ADD, EXCEPT THAT E&R WILL HAVE TO MAKE A MINOR CORRECTION. WE'VE GOT A STRAY PERIOD AND THE WORD "VALUE" APPEARS AFTER THE WORD "VALUE" AS AMENDED. BUT I'M TOLD THAT E&R CAN FIX THAT. I'D ENCOURAGE US NOT TO BEAT THE DEAD HORSE ANYMORE. THANK YOU. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB56]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, EVEN A DEAD HORSE DESERVES A DECENT, RESPECTFUL BURIAL, WHICH I'M GOING TO GIVE IT NOW. IF THERE WERE NOT SOME OF US WHO WOULD FLOG A DEAD HORSE, WE WOULDN'T BE WHERE WE ARE. SUPPOSE I, IN MY IGNORANCE, HAD STAYED IN MY OFFICE AND NOT COME UP HERE AND RAISED THE ISSUE. WOULD WE BE WHERE WE ARE NOW? AND IF THERE HAD NOT BEEN SOME PEOPLE WHO ON THIS FLOOR ARE SINCERELY INTERESTED IN OUR TRYING TO ARRIVE AT A CLEAR PRESENTATION IN THE STATUTE, WOULD WE BE WHERE WE ARE NOW? THEY MAY NOT HAVE FELT COMFORTABLE WITH WHAT I WAS SAYING, BUT THEY WERE NOT SO OPPOSED TO ME THAT THEY SAY, WELL, CHAMBERS IS OFFERING IT; IT CAN'T BE GOOD, AND EVEN IF IT IS, I'M AGAINST IT. THAT DIDN'T HAPPEN THIS MORNING. I SAID AT THE OUTSET, I DON'T KNOW ENOUGH TO VOTE FOR THIS BILL BUT I'M NOT GOING TO VOTE AGAINST IT. I SIMPLY WILL NOT VOTE. I MADE THAT CLEAR. IF I WAS TRYING TO STOP THE BILL, I KNOW HOW TO DO THAT. THAT WAS NOT THE INTENT ON MY PART AT ALL. BUT BACK TO WHAT I THINK OUR FIDUCIARY DUTY IS TO THE PUBLIC, COURTS HAVE SAID THAT THIS IDEA OF THE FIDUCIARY DUTY IS NOT SOMETHING THAT

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IS CREATED OUT OF THIN AIR. IT IS NOT THEORETICAL. IT IS NOT ABSTRACT. IT HAS ITS ORIGIN IN THE COMMON LAW. AND THESE DUTIES AND RESPONSIBILITIES ARE VOLUNTARILY ASSUMED BY EVERY ELECTED OFFICIAL, AND EVERY ELECTED OFFICIAL WILL BE HELD TO DISCHARGE THOSE DUTIES IN A PROPER MANNER. WE NEED TO USE AND EXERCISE DUE CARE IN INFORMING OURSELVES ON THE ISSUES BEFORE US. AND THAT'S WHAT I'M GOING TO TRY TO DO. AND IF I CANNOT FIND OUT EVERYTHING THAT THERE IS TO BE KNOWN ON SOMETHING, I'LL FIND OUT AS MUCH AS I CAN GATHER AND AS MUCH AS I UNDERSTAND. THEN I WILL DEDUCE AND MAKE INFERENCES TO FILL IN THE GAPS AND DO THE BEST THAT I CAN. BUT I ACKNOWLEDGE THAT IF SOMEBODY CAN SHOW ME WITH FACTS AND INFORMATION THAT A POSITION THAT I TOOK IS INCORRECT, I WILL CHANGE IT. PERSONALLY, I SEE NO VALUE IN ME HOLDING TO SOMETHING THAT I KNOW IS INACCURATE, THAT I KNOW IS FALSE. I WON'T DO IT. AND I'M NOT SO PRIDEFUL THAT I WOULD HOLD, KNOWINGLY, TO A FALSE POSITION. BUT THAT'S WHAT CREATES MY PRIDEFULNESS. I BELIEVE THAT WHAT I'M DOING IS RIGHT AT THE TIME THAT I DO IT. BUT MY PRIDE IS SUCH THAT I CANNOT HOLD TO SOMETHING THAT I KNOW IS FALSE BECAUSE THEN I'M BEING FALSE TO THE ONLY FRIEND THAT I HAVE, AND THAT FRIEND IS DEEP DOWN INSIDE OF ME. I UNDERSTAND THAT FRIEND; THAT FRIEND UNDERSTANDS ME. THE REST IS IRRELEVANT. BUT WHEN IT COMES TO OUR REACHING THE POINT WHERE WE ARE NOW, WHO HAS TO STAND UP HERE, SENATOR "BLOOMQUIST," AND TAKE THE SLINGS AND ARROWS OF ALL THESE SENATORS WHO WANT TO HURRY UP AND GO TO LUNCH OR WHATEVER IT IS AND DON'T WANT TO HEAR ME, AND I SAY BUT I'M NOT GOING TO LET YOU GET AWAY? AND YOU CAN THINK ANYTHING YOU WANT TO, SAY ANYTHING YOU PLEASE, BUT WE'RE GOING TO STAY ON THIS ISSUE. SO NOW SENATOR SCHEER HAS A GOOD BILL. AND I TOLD YOU I HAD NO FEELING ONE WAY OR THE OTHER ABOUT THE BILL. BUT I HAVE A FEELING ABOUT THE PROCESS. WE HAVE TO GET FROM A TO B, AND HOW DO WE GET THERE? AND IT'S IMPORTANT THAT WHEN WE AS A LEGISLATURE SAY THIS IS HOW YOU GET FROM A TO B, IT HAS TO BE CLEAR. IT HAS TO BE DONE IN SUCH A WAY THAT WHOEVER IS STANDING AT THAT LITTLE CHART THAT HAS A STAR OR AN ARROW... [LB56]

PRESIDENT FOLEY: ONE MINUTE. [LB56]

SENATOR CHAMBERS: ...AND SAYS YOU ARE HERE, AND OVER THERE IS WHERE YOU WANT TO GO, THEN IT SHOULD BE THE SAME FOR WHOEVER IS STANDING HERE AT A AND WANTS TO GET TO B. IT SHOULDN'T BE ONE ROUTE FOR A COMMUNITY COLLEGE, A DIFFERENT ROUTE FOR THE GOVERNOR'S DADDY, A DIFFERENT ROUTE FOR A CORPORATION, A DIFFERENT ROUTE FOR A CHURCH.

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WE ARE THE ONES WHO CHART THE PATH. AND I'M NOT SAYING, I'VE GOT TO MAKE IT CRYSTAL CLEAR, THAT EACH ONE OF THESE ENTITIES WILL BE TREATED EXACTLY THE SAME IN EVERY RESPECT. I'M SAYING THAT WHEN WE'RE TALKING ABOUT A PROCESS AND HOW TO MOVE FROM ONE LOCATION TO ANOTHER, WE HAVE TO MAKE IT CLEAR SO THAT ANYBODY WHO WANTS TO TRAVEL THAT ROUTE KNOWS WHAT TO EXPECT. AND THEY FIND THAT OUT BY READING THE LEGISLATION. SO IF IT TAKES US A LONG TIME, I'LL... [LB56]

PRESIDENT FOLEY: TIME. [LB56]

SENATOR CHAMBERS: ...SPEND THE TIME. [LB56]

PRESIDENT FOLEY: TIME, SENATOR. [LB56]

SENATOR CHAMBERS: BUT SINCE MY TIME IS UP, THANK YOU, MR. PRESIDENT. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SCHUMACHER, YOU'RE WELCOME TO CLOSE ON FA34. [LB56]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR. THE HORSE IS DEAD. THANK YOU. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATORS, YOU'VE HEARD THE DEBATE AND CLOSING ON FA34. THE QUESTION IS THE ADOPTION OF FA34 TO LB56. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB56]

ASSISTANT CLERK: 37 AYES, 0 NAYS ON THE ADOPTION OF SENATOR SCHUMACHER'S AMENDMENT. [LB56]

PRESIDENT FOLEY: FA34 IS ADOPTED. DEBATE IS NOW OPEN ON LB56, AS AMENDED. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB56]

SENATOR CHAMBERS: PLEASE? THANK YOU. MR. PRESIDENT, I'D LIKE TO ASK SENATOR SCHEER A QUESTION IF HE WOULD YIELD. [LB56]

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PRESIDENT FOLEY: SENATOR SCHEER, WOULD YOU YIELD, PLEASE? [LB56]

SENATOR SCHEER: ALWAYS TO MY FAVORITE NORTH OMAHA SENATOR. [LB56]

SENATOR CHAMBERS: SENATOR SCHEER, DID YOU HEAR ME SAY EARLIER THAT I WOULD NOT VOTE AGAINST THE BILL BUT I COULDN'T VOTE FOR IT? [LB56]

SENATOR SCHEER: YES, YOU DID. [LB56]

SENATOR CHAMBERS: SINCE MY EDUCATION HAS BEEN IMPROVED, SINCE THE CLOUD OF IGNORANCE HAS BEEN BLOWN AWAY, I'M NOW GOING TO VOTE FOR YOUR BILL. AND I HOPE THAT MAY CONVINCING YOU, IF NOBODY ELSE, THAT I MEAN IT WHEN I SAY IF I'M GIVEN THE INFORMATION AND THE FACTS, I'M ABLE TO MAKE WHAT FOR ME IS A RATIONAL, INTELLIGENT DECISION WITH WHICH I CAN LIVE. THE SHAPE OF THE BILL IS NOW SOMETHING THAT I COULD JUSTIFY AND DEFEND; THE ORIGINAL WAS NOT. HERE'S MY QUESTION: DO YOU UNDERSTAND WHAT I JUST SAID? [LB56]

SENATOR SCHEER: YES, I DO. [LB56]

SENATOR CHAMBERS: WHAT DID I SAY, EVERY WORD? [LB56]

SENATOR SCHEER: YOU HAVE SAID THAT YOU AND THE "PROFESSOR" HAVE PERFECTED THE BILL TO THE POINT THAT YOUR EYES HAVE BEEN AWAKENED AND YOU'VE SEEN THE LIGHT, AND YOU NOW CAN SUPPORT THE BILL. [LB56]

SENATOR CHAMBERS: HE SAID EXACTLY WHAT I SAID AND EXACTLY THE WORDS THAT I WAS THINKING BUT I WAS A BIT WORDIER THAN WHAT HE GAVE. THANK YOU. AND THANK YOU, MR. PRESIDENT. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SCHEER, YOU'RE WELCOME TO CLOSE ON LB56. [LB56]

SENATOR SCHEER: THANK YOU, LIEUTENANT GOVERNOR. I WON'T BELABOR THE DEAD HORSE. IT'S NOT EVEN ON LIFE SUPPORT AT THIS POINT. BUT I DO APPRECIATE THE CONVERSATION AND WHATEVER IMPROVEMENT WE'VE MADE

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TO THE BILL SO THAT WE CAN MOVE FORWARD IN THE PROCESS. GETTING BACK TO THE INTENT OF THE BILL IS TRYING TO PROVIDE SOME ADDITIONAL GROUND FOR A COMMUNITY COLLEGE THAT IS NOT ONLY SUPPORTED BY PROPERTY TAXES BUT IT'S ALSO SUPPORTED BY GENERAL FUNDS FROM THE STATE OF NEBRASKA. SO TO TRY TO MINIMIZE THE EXPENSE, TO ME, MAKES A LOT OF SENSE. TO TRY TO IMPROVE FACILITIES MAKES A LOT OF SENSE. TO TRY TO IMPROVE THE EDUCATION CAPACITY AND ABILITIES FOR EVERYONE WITHIN THE STATE...BECAUSE IT'S A NEBRASKA COMMUNITY COLLEGE. IT'S NOT JUST NORTHEAST'S. IT'S AVAILABLE FOR EVERYBODY THAT LIVES WITHIN THE STATE. I THINK THIS IS A GOOD THING. I APPRECIATE THE EFFORT AND THE INTEREST THAT BOTH "PROFESSOR" SHOEMOCKER (PHONETICALLY)...SCHUMACHER, EXCUSE ME, AND SENATOR CHAMBERS HAVE SHOWN THIS MORNING. AND I WOULD BE REMISS IF AT THAT LAST I DO NOT THANK THE EXECUTIVE COMMITTEE, BECAUSE WITHOUT THEIR SUPPORT AND THEIR PRIORITIZATION, WE WOULD NOT HAVE HAD THIS CONVERSATION THIS MORNING. SO I'M IN...THE COLLEGE AND MYSELF AM INDEBTED TO YOU. AND I APPRECIATE YOUR ASSISTANCE SO MUCH. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB56]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. SENATORS, YOU'VE HEARD THE DEBATE ON LB56. THE QUESTION IS THE ADVANCEMENT OF LB56 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB56]

ASSISTANT CLERK: 42 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB56]

PRESIDENT FOLEY: LB56 ADVANCES. (VISITORS INTRODUCED.) SENATOR KRIST, I UNDERSTAND YOU'D LIKE TO BE RECOGNIZED FOR AN ANNOUNCEMENT. [LB56]

SENATOR KRIST: I WOULD, THANK YOU, MR. PRESIDENT. COLLEAGUES, THERE HAVE BEEN SOME COMMENTS AND SOME COMPLAINTS ABOUT THE LACK OF STREAMING CAPABILITY FOR MARCH MADNESS. AND I JUST WOULD LIKE TO READ THIS STATEMENT FOR YOU SO YOU UNDERSTAND THE ISSUE AT HAND: AS A POLICY, THE OFFICE OF CIO BLOCKS SEVERAL ITEMS, SUCH AS GAMBLING, PORNOGRAPHY, SITES NOTORIOUS FOR MALWARE, ETCETERA. ALSO IN EACH MARCH WE BLOCK MARCH MADNESS TO ENSURE THAT THE NETWORK DOESN'T HAVE AN ISSUE WITH PRODUCTIVITY AS A RESULT OF SEVERAL PEOPLE STREAMING...VIDEO STREAMING MARCH MADNESS DURING THE WORK HOURS. IT'S A MATTER OF CAPACITY, COLLEAGUES, AND IT'S A MATTER OF MAKING

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SURE THAT REGULAR BUSINESS DOES NOT GET SHUT DOWN. THE OFFICE OF CIO IS WITHIN THE EXECUTIVE BRANCH BUT IT COORDINATES WITH THE OTHER TWO BRANCHES DURING THAT...THIS PARTICULAR TIME OF THE YEAR. I APOLOGIZE, BUT YOU CAN ALWAYS GET THE SCORES AFTER WE'RE OUT OF HERE. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. ITEMS FOR THE RECORD, MR. CLERK?

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. A NEW BILL. (READ LB292A BY TITLE FOR THE FIRST TIME.) NEW RESOLUTIONS: LR146, LR147, LR148, LR149, LR150, AND LR151 INTRODUCED BY SENATOR DAVIS; THOSE WILL BE LAID OVER. LR152 BY SENATOR CRAWFORD AND OTHERS WOULD PROPOSE AN INTERIM STUDY; THAT WILL BE REFERRED TO THE EXECUTIVE BOARD. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 977-981.) [LB292A LR146 LR147 LR148 LR149 LR150 LR151 LR152]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE NOW RETURN TO GENERAL FILE, LB152. MR. CLERK. [LB152]

ASSISTANT CLERK: LB152, INTRODUCED BY THE URBAN AFFAIRS COMMITTEE. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 9, REFERRED TO THE URBAN AFFAIRS COMMITTEE. THAT COMMITTEE ADVANCED THE BILL TO GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM656, LEGISLATIVE JOURNAL PAGE 745.) [LB152]

PRESIDENT FOLEY: SENATOR CRAWFORD, YOU'RE WELCOME TO OPEN ON LB152. [LB152]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB152 WOULD PROVIDE EXPRESS AUTHORIZATION IN STATUTE FOR MUNICIPALITIES TO BORROW DIRECTLY FROM STATE-CHARTERED OR FEDERALLY CHARTERED BANKS, SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, AND SAVINGS AND LOAN ASSOCIATIONS FOR THE PURCHASE OF PROPERTY OR IMPROVEMENT. CURRENT STATE STATUTES ALLOW CITIES AND VILLAGES TO BORROW MONEY IN A VARIETY OF DIFFERENT WAYS INCLUDING BY ISSUING BONDS, ISSUING TAX ANTICIPATION NOTES, OR BY ENTERING INTO LEASE PURCHASE AGREEMENTS. BUT THERE IS NO SPECIFIC AUTHORITY IN THE LAW ALLOWING MUNICIPALITIES TO BORROW DIRECTLY FROM BANKS. WHILE

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SOME CITY ATTORNEYS BELIEVE CITIES ALREADY HAVE THE AUTHORITY TO BORROW DIRECTLY FROM BANKS, THE STATE OF NEBRASKA GENERALLY FOLLOWS THE LEGAL DOCTRINE KNOWN AS DILLON'S RULE, WHICH MEANS THAT MUNICIPALITIES MAY ONLY EXERCISE THOSE POWERS THAT ARE EXPRESSLY GRANTED TO THEM BY THE STATE. IN GRANTING AUTHORITY TO MUNICIPALITIES, THE LEGISLATURE CAN ALSO SHAPE THE SCOPE OF THAT AUTHORITY AS WE HAVE DONE IN THE BILL AND THE COMMITTEE AMENDMENTS TO LB152. LB152 WAS ONE OF THE FIRST BILLS HEARD THIS SESSION BY THE URBAN AFFAIRS COMMITTEE, AND IT WAS ALSO THE ONE THAT WE DISCUSSED MOST OFTEN AS THE COMMITTEE WORKED TO CAREFULLY CRAFT LANGUAGE THAT LIMITED LOCAL BORROWING IN ORDER TO ADDRESS OUR CONCERNS AS A COMMITTEE. AS AMENDED, LB152 WILL PROVIDE A CLEAR LEGAL FRAMEWORK AUTHORIZING MUNICIPAL BORROWING FROM BANKS AND OTHER FINANCIAL INSTITUTIONS. IN RECENT YEARS, THERE'S BEEN A NATIONWIDE INCREASE IN DIRECT BORROWING FROM BANKS BY MUNICIPALITIES AND OTHER TYPES OF POLITICAL SUBDIVISIONS AND PUBLIC AGENCIES. IN MANY CASES, BANKS WILL INITIATE CONTACT WITH MUNICIPALITIES AS THE LOWER INTEREST RATES THE PAST FEW YEARS HAVE MADE DIRECT LOANS A LESS COSTLY ALTERNATIVE TO TRADITIONAL BOND FINANCING. IN ADDITION TO HELPING SAVE TAXPAYER DOLLARS, DIRECT BORROWING CAN ALSO PROVIDE A CRITICAL TOOL FOR SMALLER CITIES AND VILLAGES. COMMON EXAMPLES OF SITUATIONS WHERE A MUNICIPALITY MIGHT UTILIZE DIRECT BORROWING FOR PROPERTY, INCLUDE CITY-OWNED VEHICLES BREAKING DOWN, REPLACING A BOILER IN A CITY BUILDING, AND TIME-SENSITIVE PURCHASES OF PROPERTY FOR CITY PROJECTS. DIRECT BORROWING ALSO ALLOWS COMMUNITIES TO WORK WITH LOCAL COMMUNITY LENDERS AND SUPPORT THE LOCAL ECONOMY. SIMILAR LEGISLATION THAT WOULD HAVE PERMITTED CITIES OF THE FIRST CLASS, CITIES OF THE SECOND CLASS, AND VILLAGES TO BORROW FROM BANKS AND OTHER FINANCIAL INSTITUTIONS FOR PROPERTY WAS INTRODUCED LAST SESSION. THAT BILL, LB791, WAS ADVANCED BY THE URBAN AFFAIRS COMMITTEE ON A 6-0 VOTE WITH ONE MEMBER ABSENT, BUT FAILED TO ADVANCE TO GENERAL FILE DUE TO TIME CONSTRAINTS. WHILE CITIES OF THE METROPOLITAN CLASS AND CITIES OF THE PRIMARY CLASS MAY ALREADY HAVE THE AUTHORITY TO BORROW DIRECTLY FROM BANKS FOR PROPERTY AND IMPROVEMENT AS PART OF THEIR HOME RULE CHARTERS, LB152 INCLUDES BOTH OF THESE CLASSES AS WELL TO ENSURE THAT ALL CLASSES OF MUNICIPALITIES HAVE EXPRESS AUTHORITY IN STATUTE. ONE ISSUE I WOULD NOTE FOR THE RECORD IS THE FACT THAT CREDIT UNIONS ARE NOT INCLUDED IN THE TYPES OF FINANCIAL INSTITUTIONS THAT MUNICIPALITIES WOULD BE AUTHORIZED TO BORROW FROM UNDER LB152.

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BOTH STATE AND FEDERAL CREDIT UNION STATUTES REQUIRE THAT IN ORDER TO OBTAIN A LOAN FROM A CREDIT UNION, YOU MUST BE A MEMBER, OWNING AT LEAST ONE SHARE OF CREDIT UNION STOCK. BECAUSE OF THE REQUIREMENT THAT THE BORROWER OWN STOCK, MUNICIPALITIES ARE CONSTITUTIONALLY PROHIBITED FROM BORROWING FROM CREDIT UNIONS. ARTICLE XI, SECTION 1 OF THE NEBRASKA CONSTITUTION PROHIBITS LOCAL GOVERNMENTS FROM OBTAINING STOCK IN PRIVATE CORPORATIONS OR ASSOCIATIONS. LB152 IS ADVANCED BY THE URBAN AFFAIRS COMMITTEE WITH THE COMMITTEE AMENDMENT ON 7-0 VOTE. I WOULD ASK FOR YOUR GREEN VOTE TO ADVANCE LB152 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB152]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE URBAN AFFAIRS COMMITTEE. SENATOR CRAWFORD, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB152]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. THE COMMITTEE AMENDMENT, AM656, IS A WHITE COPY AMENDMENT THAT REPLACES THE BILL. AS I ALREADY STATED, WHILE LB152 WAS AMONG THE FIRST BILLS HEARD BY THE URBAN AFFAIRS COMMITTEE THIS SESSION, THE COMMITTEE SPENT SIGNIFICANT AMOUNT OF TIME WORKING ON THE LANGUAGE OF THE BILL TO ENSURE THAT DIRECT BORROWING FOR PROPERTY IMPROVEMENTS WOULD NOT BE USED AS AN END-AROUND OF TRADITIONAL BOND FINANCING. SINCE MANY TYPES OF MUNICIPAL BONDS REQUIRE A VOTE OF THE PEOPLE, THE COMMITTEE WAS RELUCTANT TO GIVE CITIES THE AUTHORITY TO BORROW DIRECTLY FOR THE PURCHASE OF PROPERTY FROM BANKS WITHOUT PLACING REASONABLE RESTRICTIONS ON THAT AUTHORITY. I ALSO WANT TO THANK FELLOW SENATORS WHO ARE FORMER MAYORS, SENATOR JOHNSON AND SENATOR FRIESEN; AND BANKERS, SENATOR WILLIAMS AND SENATOR STINNER, FOR THEIR FEEDBACK AS WE DEVELOPED THIS LANGUAGE OF THE COMMITTEE AMENDMENT. WE WANT TO MAKE SURE THAT WE HAVE APPROPRIATE LIMITATIONS TO PROTECT PUBLIC INTERESTS AND THE TAXPAYER WHILE STILL BEING WORKABLE, ON THE GROUND, FOR MUNICIPALITIES AND BANKS. IN ADDITION TO CLARIFYING THAT DIRECT BORROWING CAN ONLY BE UTILIZED FOR THE PURCHASE OF REAL OR PERSONAL PROPERTY OR CONSTRUCTION IMPROVEMENTS, AM656 PLACES SEVERAL KEY RESTRICTIONS ON THE USE OF DIRECT BORROWING BY MUNICIPALITIES. FIRST, THE AMENDMENT LIMITS THE ABILITY OF MUNICIPALITIES TO BORROW DIRECTLY FROM FINANCIAL INSTITUTIONS TO CASES WHERE, ONE, FINANCING THE PURCHASE OF PROPERTY OR CONSTRUCTION OF IMPROVEMENTS THROUGH TRADITIONAL BOND

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FINANCING WOULD BE IMPRACTICAL. TWO, FINANCING THE PURCHASE OF PROPERTY OR CONSTRUCTION OF IMPROVEMENTS THROUGH TRADITIONAL BOND FINANCING WOULD NOT BE COMPLETED WITHIN THE TIME CONSTRAINTS FACING THE MUNICIPALITY. OR, THREE, FINANCING THE PURCHASE OF PROPERTY OR CONSTRUCTION OF IMPROVEMENTS THROUGH DIRECT BORROWING WOULD GENERATE SIGNIFICANT TAXPAYER SAVINGS OVER TRADITIONAL BOND FINANCING. SECOND, THE AMENDMENT ADDS THE ADDITIONAL NOTICE REQUIREMENT FOR DIRECT BORROWING FROM A FINANCIAL INSTITUTION FOR PURCHASE OF PROPERTY OR CONSTRUCTION OF IMPROVEMENT. PRIOR TO APPROVING DIRECT BORROWING, THE CITY COUNCIL OR VILLAGE BOARD WOULD HAVE TO CLEARLY INDICATE ON THE PUBLIC NOTICES FOR THE COUNCIL OR BOARD MEETING THAT AN ORDINANCE AUTHORIZING DIRECT BORROWING APPEARS ON THE AGENDA. THIS HELPS ENSURE THAT MEMBERS OF THE PUBLIC WILL HAVE ADEQUATE NOTICE OF ANY PROPOSED DIRECT BORROWING AND HAVE THE OPPORTUNITY TO ATTEND THE PUBLIC MEETING AND EXPRESS POTENTIAL CONCERNS. THIRD, THE AMENDMENT PLACES A CAP ON THE TOTAL AMOUNT OF INDEBTEDNESS FROM DIRECT BORROWING THAT A MUNICIPALITY CAN ACCUMULATE. FOR CITIES, THIS CAP WOULD EQUAL 10 PERCENT OF THE MUNICIPAL BUDGET FOR THE CITY. AND FOR VILLAGES, THIS CAP WOULD EQUAL 20 PERCENT OF THE MUNICIPAL BUDGET OF THE VILLAGES. BECAUSE MANY VILLAGES HAVE SMALLER OVERALL BUDGETS, THE LARGER CAP NUMBER IS DESIGNED TO GIVE THEM FLEXIBILITY TO UTILIZE DIRECT BORROWING IN CASES WHERE A 10 PERCENT GAP WOULD BE PROHIBITIVE. AM656 REPRESENTS THE COMMITTEE'S WORK IN ATTEMPTING TO BALANCE THE NEED FOR FLEXIBLE MUNICIPAL FINANCING TOOLS FOR THE PURCHASE OF PROPERTY AND CONSTRUCTION OF IMPROVEMENTS WITH ENSURING TRANSPARENCY IN LOCAL BUDGETING AND AVOIDING THE POSSIBILITY OF MUNICIPALITIES USING DIRECT BORROWING TO AVOID GOING TO THE VOTERS. WHILE DIRECT BORROWING WILL REPRESENT ANOTHER TOOL IN THE TOOLBOX FOR MUNICIPALITIES, THE AMENDMENT ENSURES THAT MUNICIPALITIES WILL CONTINUE TO USE TRADITIONAL BOND FINANCING FOR THE PURCHASE OF PROPERTY AND IMPROVEMENTS IN CASES WHERE IT IS CLEARLY WARRANTED. I WOULD URGE YOUR GREEN VOTE ON AM656. THANK YOU, MR. PRESIDENT. [LB152]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. DEBATE IS NOW OPEN ON LB152 AND RELATED COMMITTEE AMENDMENTS. SENATOR McCOY, YOU'RE RECOGNIZED. [LB152]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I SUPPORT LB152 AND AM656. BUT I'M GOING TO TAKE A MOMENT TO SPEAK OUT ON THE FLOOR. AND I HAD HOPED THAT SENATOR CHAMBERS WOULD STICK AROUND THE DISCUSSION BEFORE ON THE PREVIOUS BILL. I WAITED UNTIL THIS OPPORTUNITY TO STAND UP AND TALK ABOUT SOMETHING THAT CAME TO MY ATTENTION THIS MORNING. MAYBE IT CAME TO THE ATTENTION OF SOME OF YOU. HAD A NATIONAL NEWS NETWORK ON IN MY OFFICE THIS MORNING. BELIEVE IT OR NOT, THEY'RE TALKING ABOUT NEBRASKA AND NOT IN A FLATTERING LIGHT. I WAS NOT AWARE THAT DURING THE DISCUSSION ON A BILL OF SENATOR GARRETT'S ON FRIDAY ON CONCEALED CARRY PERMITS AND WHERE FOLKS ARE ABLE TO BE...WHERE THEY'RE ABLE TO BE USED, SENATOR ERNIE CHAMBERS MADE A NUMBER OF COMMENTS THAT FRANKLY I'M APPALLED BY. AND I WOULD ENCOURAGE YOU TO GO TO A LOCAL RADIO STATION'S WEB SITE, KFOR, WHO HAS A LINK, AS DOES OUR LEGISLATURE, TO WHAT THOSE COMMENTS WERE. THIS IS THE FIRST TIME IN MY TIME I'M GOING TO STAND UP AND TAKE ON SENATOR CHAMBERS FOR SOMETHING HE SAID THAT DIDN'T HAPPEN IN THIS CHAMBER. I HOPE HE COMES BACK TO THE FLOOR OF THE LEGISLATURE TO DEFEND HIS COMMENTS. I'LL SHARE A FEW OF THEM WITH YOU. SENATOR CHAMBERS SAID IN AN EXCHANGE WITH SENATOR GARRETT, MY ISIS IS THE POLICE. THE POLICE ARE LICENSED TO KILL US, CHILDREN, OLD PEOPLE. UNQUOTE. HE WENT ON LATER TO SAY IF I WAS GOING TO CARRY A WEAPON, IT WOULDN'T BE AGAINST YOU. IT WOULDN'T BE AGAINST THESE PEOPLE WHO COME HERE THAT I MIGHT HAVE A DISPUTE WITH. MINE WOULD BE FOR THE POLICE, HE SAID. AND IF I CARRIED A GUN, I'D WANT TO SHOOT HIM FIRST AND THEN ASK QUESTIONS LATER. IT'S ON NATIONAL NEWS THIS MORNING, MEMBERS. I THINK SENATOR CHAMBERS OWES THOSE WHO WEAR A UNIFORM IN LAW ENFORCEMENT AN APOLOGY. AND I BELIEVE HE OWES AN APOLOGY TO EVERY MEMBER OF OUR ARMED FORCES WHO'S IN HARM'S WAY TO DEFEND OUR COUNTRY. WHAT'S GOING ON TODAY WITH ISIL AND ISIS IS TERRIFYING. AND I CAN'T BELIEVE THAT SENATOR CHAMBERS WOULD SAY THAT AND TRY TO DRAW SOME SORT OF A PARALLEL. IT'S TRAGIC WHAT'S GOING ON IN NORTH OMAHA WITH VIOLENCE, PARTICULARLY GUN VIOLENCE. BUT IT'S NOT A COMPARISON OF WHAT'S GOING ON WITH ISIL AND ISIS. I'VE NEVER HAD THE HONOR AND THE PRIVILEGE TO WEAR A UNIFORM, BUT I HAVE THE UTMOST RESPECT FOR THOSE WHO HAVE AND THOSE WHO DO. YOU KNOW, SENATOR CHAMBERS JUST SAID A FEW MINUTES AGO, WORDS MATTER WHEN WE SAY THEM. WELL, THEY SURE AS HECK DO. SO DO HIS. I'M ENDEAVORING TO GET A FULL TRANSCRIPT OF THE HEARING ON LB635. THOSE OF YOU ON THE JUDICIARY COMMITTEE WERE THERE. YOU SAT THROUGH IT. I DON'T KNOW WHAT CONTEXT FULLY THAT SENATOR CHAMBERS MADE THESE

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COMMENTS IN. BUT HE DOUBLED DOWN ON THEM WITH A REPORTER YESTERDAY. IT'S APPALLING. AND I'VE HAD ENOUGH. THANK YOU, MR. PRESIDENT. [LB152]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATOR EBKE, YOU'RE RECOGNIZED. [LB152]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. JUST TO RETURN US BRIEFLY TO AM656 AND LB152, I WANT TO THANK CHAIRWOMAN CRAWFORD FOR...AND OUR LEGAL COUNSEL FOR THEIR DILIGENCE AS WE WORK ON THIS BILL. AS SENATOR CRAWFORD NOTED, WE SPENT A LOT OF TIME TRYING TO HAMMER OUT THE DETAILS. AND THE AMENDMENT HAS MADE THE BILL BETTER WITHOUT A DOUBT. IT EASED A NUMBER OF OUR CONCERNS WITH RESPECT TO TRANSPARENCY, MAKING SURE THAT CITIES WEREN'T TRYING TO DO THAT END-AROUND ON BONDING AND SO FORTH. SO I WANT TO THANK CHAIR CRAWFORD AND OUR LEGAL COUNSEL, AND I WOULD ENCOURAGE A GREEN VOTE ON BOTH AM656 AND THEN LB152. [LB152]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB152]

SENATOR WILLIAMS: THANK YOU, LIEUTENANT GOVERNOR. AND AGAIN AS SENATOR EBKE MENTIONED, I ALSO RISE IN SUPPORT OF LB152 AS AMENDED BY AM656 AND APPRECIATE SENATOR CRAWFORD'S WORK ON THIS AND ALL OF THE URBAN AFFAIRS COUNCIL. YOU KNOW, ANY TIME THAT WE CAN TAKE A DISPUTE BETWEEN PEOPLE OR A MISINTERPRETATION OR A SITUATION THAT IS SUBJECT TO MORE THAN ONE INTERPRETATION AND STRAIGHTEN THAT OUT WITH LAW, THAT'S SOMETHING THAT WE SHOULD DO. AND THAT'S WHAT IS BEING DONE WITH THIS BILL. CURRENTLY, WE HAVE CITY ATTORNEYS THAT ARE GIVING COMMUNITIES CONFLICTING ADVICE ON THEIR ABILITY TO BORROW FROM THEIR LOCAL FINANCIAL INSTITUTIONS. AND AS AMENDED, LB152 WILL CLEAR THAT UP. IN PARTICULAR, IT MAKES IT CLEAR ON PURCHASES OF PERSONAL PROPERTY AND REAL PROPERTY, WHICH IS CERTAINLY THE BULK OF WHAT HAPPENS. MUNICIPALITIES ALSO HAVE THE ABILITY TO BORROW FOR THEIR SHORT-TERM OPERATING NEEDS BY OTHER SOURCES AS SENATOR CRAWFORD MENTIONED IN HER OPENING. THERE'S ONE SLIGHT PIECE OF QUESTION THAT I HAVE ON THE BILL THAT RELATES TO THE WORD AND THE USE OF "SIGNIFICANT." AND WE'VE HAD SOME LESSONS OVER THE TIME OF THE CHOICE OF WORDS AND HOW WE DO THAT. AND I CERTAINLY WOULD NOT WANT TO

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TAKE THIS BILL AND HAVE IT BECOME THE WHIPPED AND PERSECUTED HORSE THAT THE LAST BILL BECAME. BUT, SENATOR CRAWFORD, WOULD YOU PLEASE YIELD TO A QUESTION? [LB152]

PRESIDENT FOLEY: SENATOR CRAWFORD, WOULD YOU YIELD, PLEASE? [LB152]

SENATOR CRAWFORD: YES, YES. [LB152]

SENATOR WILLIAMS: THANK YOU, SENATOR CRAWFORD, AND AGAIN THANK YOU FOR YOUR WORK ON THIS. ON PAGE 1, LINE 20, THE DEFINITION IN THERE OR THE WORDING IS "SIGNIFICANT TAXPAYER SAVINGS" AND I ALWAYS GET CONCERNED WHEN I SEE A CLARIFIER LIKE "SIGNIFICANT." CAN YOU ADDRESS WHAT THE COMMITTEE'S DEFINITION OR CHOICE OF THAT WORD WAS? [LB152]

SENATOR CRAWFORD: THANK YOU, SENATOR WILLIAMS. I APPRECIATE THAT. IT'S VERY IMPORTANT THAT WE MAKE OUR INTENT CLEAR. AS WE DISCUSSED IN THE COMMITTEE, AGAIN, ONE OF OUR CONCERNS WAS TO ENSURE THAT CITIES WERE USING TRADITIONAL BOND FINANCING WHERE THAT WAS APPROPRIATE. AND SO WE USED THE WORD "SIGNIFICANT TAXPAYER SAVINGS" TO IMPLY THAT WE SAW VALUE IN THE BONDING PROCESS. BUT WE DIDN'T WANT TO GIVE A CERTAIN NUMBER OR AMOUNT SO WE LEFT THAT TO LOCAL CONTROL TO REALLY...IN THAT LOCAL COMMUNITY DECIDE HOW MUCH SAVINGS THEY WOULD CONSIDER A SIGNIFICANT SAVINGS AND DEFEND TO THEIR VOTERS AS A SIGNIFICANT SAVINGS AS OPPOSED TO GIVING IT A PARTICULAR NUMBER. IT'S HOW MUCH IN THAT COMMUNITY IS ENOUGH SAVINGS THAT WE SAY IT'S APPROPRIATE TO USE THIS TOOL INSTEAD OF THE TRADITIONAL BOND TOOL. [LB152]

SENATOR WILLIAMS: THANK YOU FOR THAT CLARIFICATION. MY CONCERN IS FOR THOSE PROJECTS WHERE BONDING SIMPLY WOULD NOT BE THE BEST CHOICE FOR OTHER REASONS. AND I WOULD SUGGEST THAT TAKING THE WORD "SIGNIFICANT" OUT OF THIS LANGUAGE WOULD BE HELPFUL FOR THOSE CASES. BUT I CLEARLY WOULD NOT MAKE THAT INTO A RECOMMENDATION OF OPPOSITION TO THIS BILL. SO I THINK THAT'S SOMETHING THAT HOPEFULLY SENATOR CRAWFORD AND THE URBAN AFFAIRS COMMITTEE WOULD BE WILLING TO DISCUSS AS WE MOVE THIS FROM GENERAL FILE TO SELECT FILE. WITH THAT, I HOPE EVERYONE WILL FIND THEIR ABILITY TO SUPPORT LB152 AS AMENDED BY AM656. THANK YOU. [LB152]

Transcript Prepared By the Clerk of the Legislature
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PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. (VISITORS INTRODUCED.)
SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB152]

SENATOR SCHNOOR: THANK YOU, SIR. I WOULD...ALL I WOULD HAVE TO SAY IS I
WOULD LIKE TO THANK SENATOR McCOY FOR STANDING UP AND SAYING WHAT
NEEDED TO BE SAID. THAT'S ALL. [LB152]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR STINNER, YOU'RE
RECOGNIZED. [LB152]

SENATOR STINNER: YES. [LB152]

PRESIDENT FOLEY: YOU'RE RECOGNIZED, SENATOR STINNER. [LB152]

SENATOR STINNER: OH, THANK YOU, MR. PRESIDENT. I WANT TO THANK
SENATOR CRAWFORD FOR BRINGING THIS BILL FORWARD. IT'S CERTAINLY
CLARIFYING LANGUAGE THAT WILL ALLOW ME TO CONTINUE TO DO WHAT I DO
AS A BANKER. AND OUR FOOTPRINT GOES FROM WAUNETA, NEBRASKA, GRANT,
AND SOME OF THE SMALL TOWNS. AND SOME OF THE PROJECTS THAT WE
FINANCE WERE REPLACING THE RURAL FIRE DEPARTMENT'S FIRE TRUCK
THROUGH FINANCING. OTHER PROJECTS WE GOT INVOLVED IN IS HELP IN SMALL
VILLAGES AND TOWNS, UPGRADING THEIR WATER SYSTEM. SOMETIMES WE
EVEN GET INTO STREETS AND SEWERS. THESE ARE NOT BIG PROJECTS. BUT
CERTAINLY THIS LANGUAGE WILL ALLOW ME TO CONTINUE TO DO WHAT I
ACTUALLY DO DO. AND THE IDEA OF GOING OUT AND TRYING TO GET BONDING
FOR THIS IS EXTREMELY EXPENSIVE. BUT THERE IS A PROCESS THAT THEY GO
THROUGH. AND AGAIN, ON SHORT-TERM PROJECTS, A LOT OF TIMES YOU WORK
WITH MUNICIPAL WARRANTS, BUT WE DO PROVIDE SOME TERM FINANCING
THAT DOES A LOT OF GOOD FOR THESE SMALL TOWNS. SO THANK YOU,
SENATOR CRAWFORD. AND I'LL YIELD MY TIME BACK TO SENATOR CRAWFORD IF
YOU NEED IT. [LB152]

PRESIDENT FOLEY: THANK YOU, SENATOR STINNER. SENATOR CRAWFORD,
ALMOST 4:00. [LB152]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR
STINNER, FOR GIVING THOSE EXAMPLES OF HOW THIS CAN BE USED. AND
THANK YOU FOR YOUR WORK IN HELPING US TALK ABOUT THE LANGUAGE. I DO

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JUST WANT TO RESPOND...TO CLARIFY. SENATOR WILLIAMS RAISED THE ISSUE OF HIS CONCERN ABOUT THE WORD "SIGNIFICANT" IF BOND FINANCING WAS IMPRACTICAL FOR OTHER REASONS. AND I JUST WANT TO LET THE BODY KNOW THAT IN THE LANGUAGE OF THE AMENDMENT, AM656, IT VERY CLEARLY LISTS THOSE CONDITIONS AS "OR," SO YOU DO NOT HAVE TO MEET ALL THREE CONDITIONS. IT COULD BE APPROVED FOR DIRECT FINANCING BECAUSE YOU MEET ONE OF THOSE. SO IF A BOND IS IMPRACTICAL FOR ANY OF THOSE OTHER REASONS, THEN THE WORD "SIGNIFICANT" DOESN'T MATTER. AND THAT, AGAIN, IS PART OF THE REASON WHY WE PUT THAT WORD IN THERE IS THAT IF IT DOESN'T MEET ANY OF THE OTHER REASONS FOR BOND FINANCING BEING IMPRACTICAL AND IT SIMPLY IS A SAVINGS ISSUE, THEN WE THOUGHT THAT'S A FAIR DISCUSSION FOR THE CITY COUNCIL AND THE MEMBERS OF THAT COMMUNITY TO HAVE. IS THIS A BIG ENOUGH SAVINGS THAT IT'S APPROPRIATE FOR US TO GO THIS WAY OR NOT? AND THAT DECISION AND THAT DISCUSSION IN DIFFERENT COMMUNITIES MAY LOOK VERY DIFFERENT. SOME COMMUNITIES MAY FEEL SIGNIFICANT, MAY TREAT THAT WORD "SIGNIFICANT" AND THINK IT HAS TO BE A PRETTY SUBSTANTIAL SAVINGS. IN OTHER COMMUNITIES, THEY MAY FEEL THAT WEIGHT IS LESS IN THEIR COMMUNITY AND SO THEY MAKE TREAT SIGNIFICANT SAVINGS AS A MUCH SMALLER AMOUNT. AND I THINK IT'S APPROPRIATE SINCE WHAT WE DO AS A STATE IS CREATE A FRAMEWORK, I THINK THIS IS AN AMBIGUITY THAT'S APPROPRIATE BECAUSE IT ALLOWS THE LOCAL COMMUNITY TO DECIDE HOW TO APPLY THAT STANDARD IN THEIR LOCAL COMMUNITY. AND I THINK IT PROVIDES A FLEXIBILITY FOR THEM TO APPLY THAT STANDARD. AND, AGAIN, IF BOND FINANCING IS IMPRACTICAL FOR THESE OTHER REASONS SUCH AS TIMELINESS OR THE OTHER REASONS THAT A BOND MAY BE IMPRACTICAL, THEY ARE ALLOWED TO GO AHEAD AND DO THAT BECAUSE THE CONDITIONS ARE CONDITIONS THAT ARE SEPARATED WITH AN "OR." YOU ONLY HAVE TO MEET ONE OF THOSE CONDITIONS IN YOUR COMMUNITY TO AUTHORIZE THIS DIRECT BORROWING. THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR STINNER. [LB152]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB152]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. I RISE IN SUPPORT OF THIS VERY HELPFUL CHANGE IN THE LAW. FOR MANY YEARS, I PLAYED VILLAGE ATTORNEY FOR SOME SMALL TOWNS, AND THIS WAS ALWAYS A THORN BECAUSE TECHNICALLY MAYBE THEY SHOULDN'T BE ALLOWED TO GO DOWN TO THE LOCAL BANK AND BORROW TO BUY THE NEW LAWN MOWER. BUT SOMEHOW IT GOT DONE WHETHER IT WAS

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TECHNICALLY RIGHT OR WRONG. AND THE BANKER MADE THE LOAN AND THE TOWN PAID IT OFF AND EVERYBODY JUST WENT ON WITH LIFE. BUT IT ALWAYS MADE ME A LITTLE BIT UNEASY THAT EVERY ONCE IN A WHILE THEY'D SLIP ONE OF THOSE DEALS PAST ME AND PROBABLY WERE IN QUESTIONABLE TERRITORY. SO THIS IS VERY HELPFUL. AND IT'S ALSO HELPFUL ON AN ECONOMIC BASIS BECAUSE IF YOU BELIEVE THEY COULDN'T DO THIS BEHAVIOR AND GO DOWN TO THE LOCAL BANK AND GET A LOAN, THEN, OF COURSE, THERE WOULD BE THE LOCAL OR NOT SO LOCAL FOLKS WHO MAYBE RENTED EQUIPMENT. THEY NEEDED A NEW LITTLE TRACTOR OR THEY NEEDED A NEW LITTLE LAWN MOWER. AND LO AND BEHOLD, THEY DIDN'T HAVE THE CASH TO DO IT. SO THEIR KNEE-JERK REACTION, MAYBE SOME OF THE TIMES NOT KNEE-JERK, WAS TO GO INTO A LONG-TERM LEASE OF THE LAWN MOWER OR THE TRACTOR. AND THAT INTEREST RATE WAS ALWAYS CONSIDERABLY HIGHER THAN WHAT THEY COULD TALK THE LOCAL BANKER DOWN TO. SO I THINK IT WAS GOING TO SAVE SOME MONEY AND CERTAINLY CLARIFY THE LAW AND MAKE IT A CLEAR AND DEFINABLE RULE THAT THE VILLAGE ATTORNEYS AND THAT THE CITY AND VILLAGE BOARD MEMBERS CAN UNDERSTAND AND IT'S A GOOD THING. THANK YOU. [LB152]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB152]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I, TOO, STAND IN SUPPORT OF THIS. AS A FORMER MAYOR AND CITY COUNCIL MEMBER IN A SECOND-CLASS CITY, THERE WERE TIMES WHEN WE RAN ACROSS ISSUES THAT WE COULD HAVE USED THIS TO HANDLE A PROJECT INSTEAD OF GOING THROUGH THE BOND PROCESS. THEY WERE SMALL PURCHASES BUT AT THE SAME TIME, IT DID HAVE A MAJOR IMPACT ON THE BUDGET. THIS DOES GIVE THE OPPORTUNITY TO SAVE THE TAXPAYERS QUITE A BIT OF MONEY. AND IT ALSO SETS IN PLACE SOME LIMITS THAT I THOUGHT WERE APPROPRIATE TO PUT INTO THE STATUTES. CITIES DO OPERATE UNDER THE AUTHORITY GIVEN THEM BY THE STATE. SO THIS DOES CLARIFY WHETHER OR NOT CITIES CAN PURSUE THIS AVENUE OF FINANCING. SO I DO APPRECIATE THEM BRINGING THIS BILL FORWARD. I THINK IT WILL BE A GOOD THING FOR SMALL CITIES AND VILLAGES. THE LARGER CITIES I THINK, TOO, THERE'S OPPORTUNITIES FOR THEM TO USE THIS AND SAVE THE TAXPAYER MONEY. SO I STAND IN SUPPORT OF THIS AS THE WAY IT'S WRITTEN. THANK YOU. [LB152]

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PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE WELCOME TO CLOSE ON AM656, THE COMMITTEE AMENDMENTS. [LB152]

SENATOR CRAWFORD: I WOULD JUST LIKE TO THANK THE COMMITTEE AND THANK THE MEMBERS OF THIS BODY WHO ALSO PARTICIPATED IN THIS PROCESS. AND, AGAIN, THE PURPOSE OF AM656 IS TO REALLY PROVIDE A LEGAL FRAMEWORK THAT ALLOWS FOR TRANSPARENCY AND APPROPRIATE LOCAL COMMUNITY DISCUSSIONS OF WHEN IT'S APPROPRIATE TO USE THE AUTHORITY TO BORROW DIRECTLY FROM BANKS FOR THE PURCHASE OF PROPERTY OR IMPROVEMENT. AND I ENCOURAGE YOUR GREEN VOTE ON AM656. [LB152]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATORS, YOU'VE HEARD THE DEBATE AND CLOSING ON AM656, THE COMMITTEE AMENDMENTS TO LB152. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENTS. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB152]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB152]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE IS NOW OPEN ON LB152 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE WELCOME TO CLOSE ON LB152. [LB152]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES, FOR YOUR GREEN VOTE ON THE COMMITTEE AMENDMENTS, AND I URGE YOUR GREEN VOTE ON LB152. ONE OF OUR RESPONSIBILITIES HERE IN THIS BODY IS TO GRANT AUTHORITY TO MUNICIPALITIES. BECAUSE, AGAIN, ACCORDING TO OUR LEGAL TRADITION IN THIS STATE, THE MUNICIPALITIES HAVE THOSE AUTHORITIES THAT WE EXPRESSLY GRANT THEM. AND SO THIS IS AN IMPORTANT TASK THAT WE HAVE. AND I BELIEVE LB152 IS AN APPROPRIATE GRANTING OF AUTHORITY TO MUNICIPALITIES TO SAVE TAXPAYER DOLLARS AND PROVIDE AN EXTRA TOOL FOR LOCAL COMMUNITIES TO USE. AND SO I URGE YOUR GREEN VOTE ON LB152. [LB152]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATORS, THE QUESTION IS THE ADVANCE OF LB152 TO E&R INITIAL. ALL THOSE IN FAVOR

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VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB152]

ASSISTANT CLERK: 37 AYES, 0 NAYS ON THE ADVANCEMENT OF LB152, MR. PRESIDENT. [LB152]

PRESIDENT FOLEY: LB152 ADVANCES. RETURNING TO GENERAL FILE, LR7CA. MR. CLERK. [LB152 LR7CA]

ASSISTANT CLERK: MR. PRESIDENT, LR7CA INTRODUCED BY SENATOR SCHUMACHER IS A PROPOSED CONSTITUTIONAL AMENDMENT TO LIMIT THE SERVICE OF MEMBERS OF THE LEGISLATURE TO TWO CONSECUTIVE SIX-YEAR TERMS AND PROVIDE FOR IMPLEMENTATION OF SIX-YEAR TERMS. THE RESOLUTION WAS INTRODUCED ON JANUARY 9, REFERRED TO THE EXECUTIVE BOARD. THE EXECUTIVE BOARD PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM822, LEGISLATIVE JOURNAL PAGE 865.) [LR7CA]

PRESIDENT FOLEY: SENATOR SCHUMACHER, YOU'RE WELCOME TO OPEN ON LR7CA. [LR7CA]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. THIS IS A PROPOSED CONSTITUTIONAL AMENDMENT TO BE SUBMITTED TO THE VOTERS FOR THEIR CONSIDERATION ON AN ISSUE THAT PROBABLY ONE WAY OR THE OTHER AFFECTS THE STATE AND EVERYONE IN THIS BODY. AND IT CERTAINLY HAS AFFECTED EVERYONE BECAUSE IT'S PROBABLY REASONABLY FAIR TO SAY THAT MANY OF US WOULD NOT BE HERE WERE IT NOT FOR THE FACT THAT OUR PREDECESSORS WERE TERM LIMITED AND WERE LIMITED TO TWO TERMS IN THE LEGISLATURE. THAT'S A POLICY DECISION THAT THE PEOPLE HAVE MADE THAT TWO TERMS IS ENOUGH AND THAT GOOD WOULD COME FROM BRINGING NEW BLOOD AND NEW IDEAS INTO THE LEGISLATURE. LIKE ALL GOOD IDEAS, THERE IS OFTEN A DOWNSIDE AND TWEAKING THAT NEEDS TO BE DONE TO MAKE THEM BETTER. AND THE IDEA OF LIMITING THE LEGISLATURE TO TWO FOUR-YEAR TERMS HAS HAD SOME CONSEQUENCES. AND THE LONGER THAT YOU'RE DOWN HERE, THE MORE OBVIOUS THOSE CONSEQUENCES BECOME AS DOES THE NEED TO ADDRESS AND MITIGATE THE DOWNSIDE OF THOSE CONSEQUENCES. THE CONSEQUENCE DOWNSIDE IS FAIRLY APPARENT. WE ARE ELECTED AND WE COME DOWN HERE AND WE ARE PUT INTO A COMMITTEE, LARGELY BASED ON LACK OF SENIORITY. IT MAY OR MAY NOT BE A COMMITTEE THAT WE REALLY WOULD PREFER TO BE ON, AND WE BEGIN OUR

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SERVICE AND OUR VERY GRADUAL PROCESS OF EDUCATION ON PROCEDURE AND ON THE SUBSTANCE OF THE COMMITTEES THAT WE ARE ASSIGNED. AND SURPRISINGLY ENOUGH, NO MATTER HOW MUCH YOU WATCH THE LEGISLATURE AHEAD OF TIME, NO MATTER HOW MANY BOOKS ON THE LEGISLATURE YOU MIGHT READ AHEAD OF TIME, THE BEST TEACHER IS BEING HERE AND YOU FIND OUT THAT THAT'S ABOUT THE ONLY WAY THAT YOU CAN LEARN MANY THINGS. ABOUT THE TIME THAT YOU'RE...HAVE ENOUGH SENIORITY AT YOUR SECOND YEAR OR SO TO GET ON COMMITTEES OF REAL INTEREST AND EXPERTISE TO YOU, YOU'RE ALREADY GETTING READY TO RUN FOR REELECTION FOR YOUR SECOND TERM. TIME GOES PAST, AS WE ALL RECOGNIZE, VERY, VERY, VERY FAST. AND WHEN YOU THINK ABOUT IT, WE'RE IN SESSION ONLY 150 DAYS PER LEGISLATURE OR 300 DAYS IN A TERM, NOT MUCH TIME TO GET UP TO SPEED AND TO DO A REAL GOOD JOB AND TO RECOGNIZE IN COMMITTEES THE ISSUES, TO RECOGNIZE POSSIBLE SOLUTIONS, AND TO RECOGNIZE QUITE FRANKLY WHEN YOU MIGHT BE BEING SNOOKERED. THAT HAS BEEN A REAL ISSUE. AND IT BECOMES AN EVEN MORE CRITICAL ISSUE WHEN YOU BEGIN TO REALIZE THAT WHAT'S KEPT THE BOAT AFLOAT IN THE PAST FEW YEARS HAS BEEN A SENIOR STAFF WITH A GREAT DEAL OF EXPERIENCE GOING BACK SEVERAL DECADES. AND WHEN WE BEGAN TO WANDER VERY FAR INTO UNKNOWN, UNCHARTERED TERRITORY AND MAYBE DANGEROUS OR UNWISE TERRITORY, THAT SENIOR STAFF HAS THE ABILITY TO GIVE US VERY NEEDED COUNSEL AT VERY CRITICAL TIMES. BUT THAT SENIOR STAFF IS PART OF THAT BIG BAD BUNCH OF BABY BOOMERS THAT'S NOT GOING TO BE AROUND HERE VERY LONG ANYMORE. AND WITHOUT THEM, WE BEGAN TO GET INTO REAL, REAL ISSUES OF WHETHER OR NOT WE CAN DO THE PEOPLE'S WORK RESPONSIBLY. WE HAVE SITUATIONS WHERE MANY OF THE CHAIRS OF COMMITTEES HAVE MINIMAL EXPERIENCE ON THE COMMITTEES THAT THEY'VE BEEN ELECTED TO CHAIR AND HAVE GOT TO STRUGGLE A LONG TIME TO GET THEIR SEA LEGS. AND THOSE CHAIRS NEED TO HAVE A GENERAL UNDERSTANDING OF WHAT'S GOING ON IN ORDER TO LEAD THEIR COMMITTEES PROPERLY. ALL THOSE ISSUES, AND I'LL BE LOOKING FORWARD TO THE DEBATE HERE AND THE DISCUSSION AS WE DO SOME SOUL SEARCHING, ARE BROUGHT TO A HEAD IN THE FIRST DRAFT OF LR7CA, WHICH AS SENATOR KRIST WILL POINT OUT, HAS BEEN AMENDED AND THEN I PROPOSE ANOTHER AMENDMENT TO THE COMMITTEE OR ANOTHER AMENDMENT BEYOND THAT. AND IT IS, LET'S ASK THE VOTERS IF THEY WOULD BE AGREEABLE TO THE IDEA THAT IT WOULD BE TWO SIX-YEAR TERMS. AND AS LATER DRAFTS SHOW, A THIRD OF THE LEGISLATURE ELECTED, EACH ELECTION TO CREATE THE ELECTION CYCLE. AND IN DOING SO, WE HAVE A LITTLE BIT MORE TIME IN ORDER TO GET THE EXPERIENCE WITHOUT SACRIFICING THE ABILITY FOR NEW PEOPLE TO GET IN HERE. THE IDEA BEHIND, AT LEAST AS THIS

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CONSTITUTIONAL AMENDMENT PROPOSAL STANDS NOW, IS THAT NONE OF US IN THIS ROOM WOULD BE ABLE TO BENEFIT, REMOVING THE IDEA THAT WE'RE DOING THIS BECAUSE OF ANY PERSONAL AMBITIONS OR PERSONAL GREED OR PERSONAL DESIRES TO USE THE LEGISLATURE AS A STEPPINGSTONE BY HAVING LONGER TERMS. SO WE'RE EXCLUDED. WE CAN NOW SIT ON THIS IDEA AND HAVE THIS DISCUSSION AS JUDGES ON THE MERITS WITHOUT ANY SELF-SERVING INTEREST. AND AS WE GO THROUGH THE PROGRESSION ON THIS, THE ORIGINAL BILL PROPOSED HALF THE LEGISLATURE ELECTED, ONE ELECTION, THE OTHER HALF THE NEXT, FOUR YEARS OF NO CHANGE IN THE LEGISLATURE. AND WISELY, SENATORS LIKE SENATOR LARSON BEGAN TO POINT OUT, WAS THAT FOUR YEARS, NO ELECTION, A GOOD WAY TO DO IT. IT WAS AN EASIER WAY TO SAY IT IN A BILL, BUT WAS IT A GOOD WAY TO DO IT? AND OUR DISCUSSION TODAY, I THINK, WILL GO DOWN THE ROAD OF HOW WE CAN MODIFY THAT CONCEPT TO BREAK THAT INTO THREE TIERS OF THE LEGISLATURE THAT MOVE THROUGH THE SYSTEM OF SIX-YEAR TERMS. IT SHOULD BE A GOOD DISCUSSION. IT SHOULD BE SOUL-SEARCHING DISCUSSION ON ALL OF US AS TO HOW WE DEAL WITH THE VOTERS' DESIRE FOR TURNOVER AND NEW IDEAS, A VERY, VERY IMPORTANT IDEA WITH THE INSTITUTIONAL NECESSITY TO RECOGNIZE THAT WE NEED, AS SENATORS, TO HAVE A GOOD, GOOD UNDERSTANDING OF WHAT WORKS, OF WHAT WE ARE GOVERNING, AND TO ALSO ACCOMMODATE THE FACT THAT OUR SENIOR STAFF WILL LIKELY BE LEAVING US AND WE WILL NEED TO ADJUST ACCORDINGLY. FOR THE PEOPLE'S INTEREST TO BE SERVED, I SERIOUSLY BELIEVE THAT THE CONCEPT OF TWO SIX-YEAR TERMS COMPARABLE TO THE U.S. SENATE, COMPARABLE TO THE REGENTS, ARE A THING THAT WE HAVE A DUTY TO OFFER TO THE VOTERS; AND THEY CAN REJECT IT OR ACCEPT IT AT THEIR WILL. BUT IT IS A DISCUSSION THAT SHOULD BE HAD, A DISCUSSION THAT IS NECESSARY. AND IF WE CONSCIOUSLY STAY WITH THE TWO FOUR-YEAR TERMS AFTER HAVING BEEN OFFERED AN ALTERNATIVE, THEN WE DO. WE KNOW THAT THEY REJECTED THE ALTERNATIVE OF THREE FOUR-YEAR TERMS. BUT THAT WAS ALSO ON THE BALLOT WITH A SECOND QUESTION RIGHT ALONGSIDE OF IT SAYING THAT WE WANTED A RAISE, WHICH YOU KNOW HOW FAR THAT GETS, AND MAYBE EVEN UNWISE ON OUR PART TO ASK FOR ONE, SEEING AS HOW WE RAN FOR THESE OFFICES KNOWING FULL WELL WHAT THE SALARY WAS. AND ALSO IT, AS OF A COUPLE OF YEARS AGO, IT APPLIED TO INCUMBENT SENATORS AND, THUS, THERE WAS A NATURAL VOTER CYNICISM REGARDING THE MATTER THAT WE SOMEHOW WANTED, AS SENATORS, TO STAY HERE LONGER THAN OUR DUE. WITH THAT IN MIND, I LOOK FORWARD TO A VERY GOOD DISCUSSION, YOU EXPRESSING YOUR IDEAS ON THIS. AND IF AT THE END OF THE DAY, WE HAVE A PROPOSAL... [LR7CA]

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PRESIDENT FOLEY: ONE MINUTE. [LR7CA]

SENATOR SCHUMACHER: ...THAT'S FITTING TO GO TO THE VOTERS, I WOULD ENCOURAGE YOU TO VOTE FOR IT. AND IF AT THE END OF THE DAY WE FIGURE THIS IS A BAD IDEA, THEN WE WON'T VOTE FOR IT. THANK YOU. [LR7CA]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE EXECUTIVE BOARD. SENATOR KRIST, AS CHAIR OF THE EXECUTIVE BOARD, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LR7CA]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AGAIN, AND GOOD MORNING, NEBRASKA. THE COMMITTEE AMENDMENT...LET ME START OVER. SENATOR SCHUMACHER BROUGHT US LR7CA WITH NOT A...WHAT I WOULD CONSIDER TO BE A COMPREHENSIVE TRANSITION PLAN IN TERMS OF HOW TO GET TO TWO SIX-YEAR TERMS. AND WE HAD A LOT OF DISCUSSION IN THE COMMITTEE. I BELIEVE THAT COMMITTEES SHOULD NOT FIX PIECES OF LEGISLATION FOR INDIVIDUAL SENATORS. I THINK IT'S OUR RESPONSIBILITY TO HEAR THE SUBJECT MATTER ON ITS FACE TO SUGGEST TO THE SENATOR HOW TO POTENTIALLY FIX THAT PIECE OF LEGISLATION BEFORE WE VOTE IT OUT. IN THE CASE OF THIS PARTICULAR PIECE OF LEGISLATION, WE THOUGHT AS AN EXECUTIVE COMMITTEE, THE BEST WAY TO APPROACH THIS IS TO PUT THIS LR7CA OUT FOR OUR DISCUSSION WITH THE OTHER POSSIBILITY IN MIND. SO THIS PROPOSAL IN THE AMENDMENT RETURNS US TO A THREE FOUR-YEAR TERM SO ENABLING US TO GO AN EXTRA TERM OF FOUR YEARS. AS SENATOR SCHUMACHER STATED, THAT DIDN'T GO OVER VERY WELL WITH VOTERS THE LAST TIME IT WAS PUT ON THE BALLOT. BUT LET ME REEMPHASIZE AGAIN. WE, SOME OF US, ADVISED BOTH THE TWO SENATORS WHO WERE PROPOSING THE TWO CAs THAT WERE ON THE AGENDA AT THE POINT WHERE WE WERE ASKING FOR MORE MONEY AND ASKING FOR MORE TIME NOT CONDUCTIVE TO THE CITIZENS' APPROVAL IN ONE WAY OR ANOTHER. THEY THINK WE WANT TO STAY HERE AND GET AN EXTRA \$500 A MONTH BECAUSE WE LIKE IT. SO WE THOUGHT THAT JUST BY PUTTING THREE FOUR-YEAR TERMS OUT HERE AND REESTABLISHING WHAT WOULD BE THE EASIEST TRANSITION TO A 12-YEAR POTENTIAL SERVICE TO THE STATE, IT WOULD BE CLEAR. NOW THAT'S THE EXECUTIVE BOARD AMENDMENT. YOU'RE GOING TO HEAR SENATOR SCHUMACHER'S AMENDMENT AS BEING THE PROPOSAL TO GO BACK TO THE ORIGINAL LR7CA, WHICH WOULD BE TWO SIX-YEAR TERMS WITH A TRANSITION PLAN IN ORDER TO GET THERE. AND I'D ASK YOU TO BE ATTENTIVE TO THAT AMENDMENT AND THEN WE CAN HAVE A DISCUSSION OVERALL. BUT I'D LIKE

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TO MAKE A FEW PERSONAL COMMENTS AND THEN I'M HOPING, AS SENATOR SCHUMACHER IS HOPING, THAT THIS WILL BE A VIBRANT DISCUSSION. COLLEAGUES, I HAD THE UNIQUE OPPORTUNITY OF BEING APPOINTED AND COMING IN, AS MANY OF YOU KNOW AND I'VE STATED MANY TIMES, DURING A SPECIAL SESSION WHERE MY FIRST EXPOSURE TO THIS CHAMBER WAS AFTER THREE HOURS OF ORIENTATION WITH THE CLERK ONE ON ONE. AND THEN I LOOKED AT BASICALLY ONE SUBJECT MATTER FOR THE ENTIRE SPECIAL SESSION, BEING ABLE TO ABSORB THE RULES AS BEST I COULD, THE PROCESS AND THE PROCEDURES AND HAVING THOSE SENATORS THAT WISHED TO CREATE A MENTOR PROGRAM FOR ME. AND I GREATLY APPRECIATED THAT BECAUSE ESSENTIALLY THAT WAS MY PRACTICE ROUND COMING BACK INTO MY FIRST FULL FOUR-YEAR TERM. IT WAS INVALUABLE TO ME BECAUSE IT WAS A SPEED READING INTO WHAT I WAS GOING TO BE RESPONSIBLE FOR IN COMING INTO A REAL TERM WITH ALL THE COMPLICATIONS OF GENERAL FILE, SELECT FILE, FINAL READING, PROPOSING SUBJECT MATTER, GOING TO FIND OUT FROM THE LEGISLATIVE RESEARCH OFFICE WHAT WAS AND WAS NOT POSSIBLE, ALL THOSE THINGS THAT CAME INTO IT. I FELT REASONABLY CONFIDENT IN MY ABILITIES TO DO WHAT I NEEDED TO DO IN THE SECOND BIENNIUM. SO IT TOOK ME BASICALLY 3.5 YEARS TO GET TO A POINT WHERE I WAS CONFIDENT IN THE POLICIES, PROCEDURES, AND PARTICULARLY THE RULES. THE RULES THEMSELVES CAN BE A COMPLICATED PROCESS TO UNDERSTAND. AND I KNOW MANY OF YOU ARE SMARTER THAN I AM AND YOU'RE QUICKER ON THE UPTAKE. BUT I WILL TELL YOU THAT AT SOME POINT YOU FEEL VERY COMFORTABLE BEING WHERE WE ARE, AND I THINK THAT, THAT SPEAKS TO THE SERVICE THAT WE NEED TO GIVE BACK TO THE STATE. THAT'S AT THE POINT WHEN YOU REALLY BECOME AWARE THAT IT ISN'T THE PEOPLE BEYOND THAT GLASS THAT ARE REPRESENTING THE PEOPLE IN NEBRASKA. IT'S THE 49 OF US IN HERE. NOW WITH PEOPLE FLOATING IN, FLOATING OUT, DIFFERENT TERMS, THERE IS A DIFFERENT LEVEL OF UNDERSTANDING AT DIFFERENT PLACES AND MENTORSHIP IS A VALUABLE PART OF THAT. BUT I STILL BELIEVE, I BELIEVE THAT TERM LIMITS HAPPEN AT THE BALLOT. I HAVE NEVER BEEN, NEVER BEEN, A PROPONENT OF TERM LIMITS, BUT THIS IS WHERE WE ARE. WE ARE TERM LIMITED. NOW THE REASONABLE CONVERSATION THAT WE WILL HAVE TODAY, I HOPE, IS WHAT IS THE CORRECT TERM. AND WHAT WE ESTABLISH IN HERE AS LEGISLATIVE INTENT WILL BE LOOKED AT BY THE PEOPLE WHO WILL BE ADVERTISING THIS PRODUCT, WHO WILL BE SELLING IT TO THE CITIZENS OF NEBRASKA OR INFORMING THE PEOPLE OF THE STATE OF NEBRASKA IN TERMS OF WHAT WE SAY IS REASONABLE IN TERMS OF GIVE BACK. I WILL SAY ONE OTHER THING. I THINK TWO SIX-YEAR TERMS MINIMIZE THE AMOUNT OF MONEY YOU SPEND TO BE HERE BECAUSE THAT IS A REALITY. CAMPAIGNING

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COSTS MONEY, YOURS OR WHOEVER'S MONEY YOU RAISED TO BE HERE. AND IT MINIMIZES THE TIME THAT YOU ARE GOING TO SPEND RAISING MONEY AND CAMPAIGNING. WHEN YOU LOOK AT THE U.S. CONGRESS, YOU ARE ELECTED AND YOU HAVE TO START FUND-RAISING RIGHT AWAY BECAUSE YOU ARE A YEAR AND A HALF AWAY BASICALLY FROM ANOTHER ELECTION PROCESS. WHEN YOU LOOK AT THIS BODY, MANY OF YOU, EVEN THOUGH YOU WERE JUST ELECTED, ARE LOOKING AT THE POSSIBILITY OF RUNNING AGAIN AND WHAT IS IT GOING TO TAKE ME? I DON'T KNOW WHAT THE RECORD IS LATELY SINCE WE STOPPED THE ABIDING PROCESS, BUT I BELIEVE THAT SENATOR KEN HAAR IN THAT RACE, I THINK THEY WERE CLOSE TO HALF A MILLION DOLLARS BETWEEN THE TWO CANDIDATES. SO IF YOU ONLY HAVE TO DO THAT EVERY SIX YEARS, I THINK YOU CAN FOCUS ON THE JOB AT HAND, WHICH IS TRYING TO BE A REPRESENTATIVE FOR 39,000-PLUS PEOPLE IN YOUR OWN DISTRICT AND 1.9 MILLION PEOPLE IN THE STATE OF NEBRASKA. LET'S HAVE A DISCUSSION ABOUT CHOICE A, CHOICE B, CHOICE C, OR A COMBINATION OF THE TWO. AND I, LIKE SENATOR GROENE, WOULD BELIEVE THAT EVERY CHANCE WE GET TO PUT IT OUT FOR THE VOTERS TO VOTE, WE SHOULD DO THAT. I WOULD LIKE TO SEE SOMETHING COME OUT UNDER THE LABEL LR7CA THAT IS A PRODUCT OF THE DISCUSSION HERE IN THIS BODY. THANK YOU, MR. PRESIDENT. [LR7CA]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. MR. CLERK. [LR7CA]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR SCHUMACHER WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM922. (LEGISLATIVE JOURNAL PAGE 970.) [LR7CA]

PRESIDENT FOLEY: SENATOR SCHUMACHER, YOU ARE WELCOME TO OPEN ON AM922. [LR7CA]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE BODY. I MAINTAIN GOOD DISCUSSIONS WITH AND INTERACTION WITH SENATOR KRIST AND THE EXEC BOARD AS THIS THING MOVED THROUGH THE PROCEDURE. AND IT WAS REASONABLY CLEAR EARLY ON THAT THE ORIGINAL APPROACH TAKEN IN THE ORIGINAL VERSION OF THE AMENDMENT WAS AWKWARD AND PROBABLY DIDN'T WORK BECAUSE IT BUNCHED UP THAT FOUR YEARS WITH NO ELECTION. AND THAT CLEARLY IT WOULD BE A SIMPLER WAY IF WE COULD FIGURE OUT HOW TO SAY IT SIMPLY TO HAVE ROUGHLY A THIRD OF THE LEGISLATURE ELECTED IN AN ELECTION TWO YEARS, ANOTHER THIRD, AND THEN TWO YEARS ANOTHER THIRD AND SOME

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REASONABLY EFFICIENT WAY AND USE OF LANGUAGE AND UNDERSTANDABLE TO THE VOTERS TO PROVIDE FOR A TRANSITION PERIOD. AND THUS, IN RESPONSE TO THE EXEC BOARD, MOVING THE LR TO THE FLOOR, I DRAFTED AM922 AND I PATTERNED IT AFTER LANGUAGE THAT WAS ALREADY IN THE CONSTITUTION. AND I MADE SURE TO KEEP IT SHORT AND NOT DEAL WITH WHAT ANYBODY COULD ARGUE WAS A SECOND SUBJECT, BECAUSE AFTER THAT DEAD HORSE RACING AMENDMENT, THE SUPREME COURT SEEMS TO BE INDICATING IT'S GOING TO HOLD US TO A REALLY TIGHT STANDARD, THE SAME STANDARD AS AN INITIATIVE PETITION WHICH THEY MADE VERY, VERY TIGHT AS TO A SECOND SUBJECT. I DIDN'T WANT TO GET INTO ANY ADDITIONAL LANGUAGE TRYING TO CONFINE IT TO NO MORE THAN THREE SENTENCES. AND THIS IS WHAT IT SAYS AND WE CERTAINLY CAN HASH THIS BACK AND FORTH, CERTAINLY NO PRIDE OF AUTHORSHIP: UNTIL THE GENERAL ELECTION TO BE HELD IN 2020, ONE-HALF OF THE MEMBERS OF THE LEGISLATURE, OR AS NEARLY THERETO AS MAY BE PRACTICABLE, SHALL BE ELECTED FOR A TERM OF FOUR YEARS IN NOVEMBER OF THE EVEN-NUMBERED YEARS. THAT'S WHERE WE'RE AT NOW. NOW, FOR THE ELECTIONS IN NOVEMBER OF 2020 AND 2022, THE LEGISLATURE SHALL PROPORTION THE NUMBER OF MEMBERS TO BE ELECTED FOR EITHER A FOUR- OR SIX-YEAR TERM SO THAT BEGINNING WITH THE ELECTION IN NOVEMBER OF 2024 AND NOVEMBER OF EVERY EVEN-NUMBERED YEAR THEREAFTER, ONE-THIRD OF THE MEMBERS OF THE LEGISLATURE OR AS NEARLY THERETO AND MAY BE PRACTICABLE, SHALL BE ELECTED FOR A TERM OF SIX YEARS. THE MANNER OF SUCH ELECTION SHALL BE DETERMINED BY THE LEGISLATURE. AND THEN THE LANGUAGE REMAINS THE SAME. I PROVIDED A HANDOUT TO ALL OF YOU THAT WOULD SHOW HOW THAT WOULD WORK. THE CONSTITUTIONAL AMENDMENT IS, OF COURSE, THE CONSTITUTION, DOES NOT GET DOWN INTO THE NITTY-GRITTY OF DETAILS OF EXACTLY HOW THESE SEATS OF 17 AND 8 AND 8 AND 16 OR THEREABOUTS WILL BE PROPORTIONED. THAT WILL BE A PROBLEM FOR THE LEGISLATURE TO HANDLE AS PER THE CONSTITUTIONAL AMENDMENT SHOULD THIS BE APPROVED BY THE VOTERS. IT IS A, I BELIEVE, A PRACTICAL SOLUTION. IT IS ONE OF THE SEVERAL SOLUTIONS AND WHO KNOWS, WE MAY COOK UP ANOTHER ONE HERE TODAY AS WE TALK, TO THE ISSUE OF EXPERIENCE IN THIS BODY. AND I'M ANXIOUS TO HEAR THIS DISCUSSION. I THINK THE PEOPLE OF NEBRASKA ARE ANXIOUS TO HEAR THIS DISCUSSION AS TO PERCEPTIONS OF THE FRESHMAN CLASS, THE CLASS THAT'S ABOUT TO LEAVE, THE REGRETS OF TERM LIMITS, THE BENEFITS OF TERM LIMITS, AND TO SEE IF WE CAN MAKE SURE WE ENTER INTO THIS CRITICAL PERIOD OF THE NEXT FEW YEARS WITH THE SENIOR STAFF BEGINNING TO EXIT IN A MANNER THAT'S BEST CONFIGURED TO ACCOMMODATE THE NEEDS THAT THE PEOPLE SEE IN HAVING TERM LIMITS WITH THE NEEDS OF DOING A GOOD,

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THOROUGH JOB, BEING ABLE TO HANDLE THE DUTIES THAT WE HAVE WITH UNDERSTANDING AND COMPASSION, AND BEING ABLE TO DO WHAT'S RIGHT FOR THE PEOPLE. I LOOK FORWARD TO THE DISCUSSION. HOPEFULLY WE WILL COME TO A RESOLUTION ONE WAY OR THE OTHER AS WE WILL, AND THE PEOPLE OF NEBRASKA WILL UNDERSTAND OUR ACTION. THANK YOU. [LR7CA]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. DEBATE IS NOW OPEN ON LR7CA AND RELATED PENDING AMENDMENTS. SENATOR GLOOR, YOU ARE RECOGNIZED. [LR7CA]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. THIS WILL BE AN INTERESTING DEBATE AND I'M GLAD WE'RE HAVING IT AGAIN. AND FOR THOSE PEOPLE WHO SAY THERE WAS A VOTE ON THIS NOT THAT LONG AGO AND PRIOR TO THAT NOT THAT LONG AGO, I THINK BECAUSE OF THE IMPACT OF THIS ON THE STATE OF NEBRASKA, THE LEGISLATIVE BRANCH OF GOVERNMENT, THIS IS A DEBATE THAT OUGHT TO BE HAD PRETTY REGULARLY AS LONG AS WE HAVE TERM LIMITS IN PLACE, WHETHER IT HAS TO DO WITH THE LENGTH OF THE NUMBER OF TERMS YOU CAN SERVE OR THE LENGTH OF THOSE TERMS, I THINK THIS IS A GOOD DEBATE AND I THINK IT'S IMPORTANT TO THE PEOPLE OF NEBRASKA. WHEN I RAN FOR OFFICE THE FIRST TIME, I WAS PRETTY CLEAR WHEN I TALKED TO CONSTITUENTS THAT I WAS OPPOSED TO TERM LIMITS. IT MADE NO SENSE TO ME WHEN IT FIRST WENT INTO PLACE. IT MADE NO SENSE TO ME THEN. LET ME TELL YOU, I AM NOW IN FAVOR OF TERM LIMITS SINCE I HAVE BEEN DOWN HERE, BUT I AM NOT IN FAVOR OF TWO FOUR-YEAR TERMS. I CAN SEE NOW THAT I AM DOWN HERE THAT IT'S TOO EASY TO GET IN A RUT. IT'S TOO EASY TO HAVE A CHAIR, CERTAINLY NOT ME, BUT IT'S TOO EASY TO HAVE A CHAIR--AND CERTAINLY NOT ANYBODY WHO IS CURRENTLY A CHAIR--BUT IT'S TOO EASY TO HAVE A CHAIR THAT PERHAPS GETS LOCKED INTO A CERTAIN LINE OF THINKING, BECOMES IMMOVABLE, AND WE GO FOR YEARS AND YEARS, MAYBE EVEN DECADES, WITH THAT CHAIR VERY MUCH IN CONTROL OF A COMMITTEE AND NO FRESH IDEAS, MOVEMENTS, OPPORTUNITY TO DIALOGUE HAPPENS. I CAN SEE THAT BEING THE CASE, BUT EIGHT YEARS IS TOO SHORT. IN GENERAL, I AM IN SUPPORT OF 16 YEARS. MAKE IT FOUR FOUR-YEAR TERMS. AND THAT TAKES THE KNOWLEDGE BASE THAT WE ALL GAIN IN SPITE OF OURSELVES SOMETIMES, IT TAKES THAT KNOWLEDGE BASE AND SPREADS IT OVER A MUCH LONGER PERIOD OF TIME. I WOULD HAVE BEEN IN SUPPORT OF LR7CA JUST BECAUSE IT LENGTHENED TERM LIMITS, BUT I AM RATHER IN FAVOR OF AM822 WHICH TAKES IT TO THREE FOUR-YEAR TERMS AND HERE IS THE REASON. I LIKE 16 YEARS FOR TERM LIMITS. TWO SIX-YEAR TERMS TAKES US TO 12, AND I AM NOT SURE THAT WE WILL EVER BE ABLE TO GET THE PUBLIC TO MAKE THE

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JUMP TO THE NEXT THREE SIX-YEAR TERMS OR 18. SO IT'S A MATH ISSUE FOR ME. I LIKE 16 YEARS AND I LIKE THREE FOUR-YEAR TERMS. AND I ALSO THINK FROM A STANDPOINT OF HAVING A SENATOR LOCKED IN FOR A FULL SIX YEARS WITHOUT THE ELECTORATE ABLE TO STEP IN AND MAKE CHANGES THAT THEY SO SEE FIT, THAT MAY GET TO BE PROBLEMATIC. BUT I CERTAINLY THINK EVEN IF AM822 WERE TO FAIL, I WOULD BE IN SUPPORT OF LR7CA. WE HAVE SHORT ATTENTION SPANS UNDER TERM LIMITS. WE HAVE THE ATTENTION SPAN OF A JUNIOR HIGH STUDENT, FRANKLY. IT IS NOT AN EDUCATION. IT IS NOT AN INTELLIGENCE ISSUE. IT'S THE FACT THAT EVERY TWO YEARS BECAUSE OF TERM LIMITS WE END UP WITH SO MANY NEW SENATORS COMING IN THAT WE WAVER BACK AND FORTH ON IMPORTANT POLICY DECISIONS THAT WE OUGHT TO TAKE THE LONG LOOK AT. SENATOR HARMS, FORMER SENATOR HARMS, SAW THIS AND INTRODUCED A BILL THAT INSTITUTED A LEGISLATIVE PLANNING PROCESS FOR US, WHICH IS ONE OF THE WAYS THAT WE HAVE TRIED TO, IN SPITE OF TERM LIMITS, TAKE THE LONG HAUL VIEW WITH SOME OF OUR POLICY DECISIONS. BUT NONETHELESS, IT IS STILL DIFFICULT BECAUSE NEW PEOPLE WHO COME IN REGULARLY BRING NEW THOUGHTS, NEW IDEAS, AND HAVE TO GET EDUCATED THEMSELVES, NOT JUST ON PROCESS BUT LEGISLATIVE HISTORY. HOW MANY OF THE NEW SENATORS NOW REALIZE THAT THEY HAVE BEEN HIT BY THE LOBBY WITH BILLS THAT HAVE BEEN UP NOT ONCE, NOT TWICE, BUT THREE TIMES AND BEFORE AND FAILED? AND IF I WERE IN THE LOBBY, I WOULD DO THE SAME THING. TRUST OFF SOMETHING THAT DIDN'T WORK, WOULDN'T HAVE WORKED IF THERE WAS A BODY THAT HAD BEEN AROUND FOR A WHILE. [LR7CA]

PRESIDENT FOLEY: ONE MINUTE. [LR7CA]

SENATOR GLOOR: MIGHT AS WELL GIVE IT ANOTHER SHOT. THERE'S A NEW TEAM IN TOWN. THAT IS NOT...I DON'T BLAME THE LOBBY, AND I DON'T BLAME SENATORS FOR TAKING A SHOT AT A BILL THAT INTERESTS THEM. BUT IT EATS UP TIME ON BILLS THAT PROBABLY AREN'T GOING TO BE SUCCESSFUL AND THAT MAKES IT DIFFICULT FOR US TO DISCUSS BILLS THAT, IN FACT, ARE MORE IMPORTANT FOR NEBRASKA AND NEBRASKANS AND DO TAKE A LOOK AT THE LONG HAUL. WE COULD GO ON AND ON AND I'M SURE WE WILL TODAY, BUT OVERALL THIS IS A GOOD TOPIC. WE NEED TO EXPAND IN SOME WAY, SHAPE, OR FORM TERM LIMITS BEYOND TWO EIGHT-YEAR TERMS AND EITHER OF THESE OPTIONS IS AN ACCEPTABLE ONE FOR ME FOR THE REASONS I HAVE EXPRESSED AND OTHERS. THANK YOU, MR. PRESIDENT. [LR7CA]

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PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LR7CA]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AS A FRESHMAN SENATOR, I HAVE NEVER BEEN IN FAVOR OF TERM LIMITS. I THOUGHT THE VOTERS SHOULD HAVE THAT RESPONSIBILITY, BUT TERM LIMITS HAVE NOT DONE THE DAMAGE THAT I AT FIRST THOUGHT THEY WOULD HAVE DONE. I DO SUPPORT THE IDEA OF GOING TO THREE FOUR-YEAR TERMS VERSUS TWO SIX-YEAR TERMS. WHEN I THINK OF A SENATOR BEING HERE FOR SIX YEARS ON HIS LAST TERM AND HE HAS NO MORE RESPONSIBILITY TO HIS CONSTITUENTS AFTER THAT, HE'S LEAVING, HE HAS SIX YEARS TO DO AS HE PLEASURES WITH NO CONSEQUENCES, SO TO SPEAK. SO I DO LIKE THE IDEA OF THREE FOUR-YEAR TERMS TO KIND OF LIMIT THAT TIME FRAME, I GUESS, THAT CAN HAPPEN. I THINK THE BIGGEST ISSUE AND, YOU KNOW, THERE WERE TWO OF US FRESHMAN SENATORS THAT RAN UNOPPOSED FOR AN OPEN SEAT. AND I LOOK AT THAT AND ALTHOUGH I DID APPRECIATE IT DURING THE CAMPAIGN, I THOUGHT THAT THAT SHOULD NOT HAVE HAPPENED. AND I AM MORE WORRIED PROBABLY THAT THE LEVEL OF PAY THAT WE'RE GIVEN IS MORE OF A DETRIMENT TO GETTING GOOD PEOPLE TO RUN THAN WHETHER OR NOT WE GET 8 YEARS OR 12 YEARS OR TERM LIMITS. SO I THINK THERE IS A LOT OF REALLY GOOD, QUALIFIED PEOPLE WHO WOULD PROBABLY BE WILLING TO RUN UNDER ANY TERMS WE SET UP, BUT CANNOT AFFORD TO. SO IF WE WERE GOING TO PUT ONE THING ON THE BALLOT, I WOULD HAVE TO SAY THAT IT WOULD BE ADDRESSING THE PAY ISSUE OF STATE SENATORS. OTHER THAN THAT, YOU KNOW, IN MY CAMPAIGN I CAN'T TALK ABOUT REALLY HOW MUCH WE HAD TO SPEND. I ALWAYS TOLD MY CONSTITUENTS I WOULD RUN FOR REELECTION, BUT THAT'S NOT WHAT I WOULD BASE MY DECISIONS ON. I'D BASE MY DECISIONS ON WHAT WAS BEST FOR THE STATE. IF THEY CHOSE TO SEND ME BACK, I'D GO BACK. IF NOT, I GET TO GO HOME AND FARM AND IT WOULD BE A WIN-WIN SITUATION. SO I STILL LOOK AT IT THAT WAY. I HOPE I ALWAYS KEEP THAT IN MIND THAT I AM NOT RUNNING FOR REELECTION. WE ARE SUPPOSED TO BE LOOKING AT THE ISSUES HERE BASED ON WHAT IS BEST FOR OUR CONSTITUENTS AND WHAT IS BEST FOR THE STATE. I, YOU KNOW, FORTUNATELY DIDN'T HAVE TO RAISE THE MONEY THAT SOME OF THE RACES DID BECAUSE THAT IS ONE OF THE HARDEST, I THINK, PARTS OF THE CAMPAIGN IS HAVING TO RAISE FUNDS. AND I APPRECIATE THE IDEA THAT, YOU KNOW, EVERY FOUR YEARS YOU HAVE TO DO THAT, AND SOME OF THE RACES COST A LOT OF MONEY. THAT IS UNFORTUNATE. I WISH THAT DIDN'T HAVE TO BE THAT WAY, BUT I WAS VERY FORTUNATE TO NOT HAVE TO GO THROUGH THAT. BUT AGAIN, I REALLY DO THINK THE SITUATION IF WE'RE GOING TO ADDRESS SOMETHING THAT PROBABLY IS CAUSING MORE HARM TO THIS BODY THAN

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ANYTHING AND IT'S PROBABLY BEING ABLE TO ATTRACT GOOD PEOPLE TO DO THIS THAT CAN AFFORD TO BE HERE. THANK YOU, MR. PRESIDENT. [LR7CA]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SENATOR HUGHES, YOU ARE RECOGNIZED. [LR7CA]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. AS A MEMBER OF THE EXECUTIVE COMMITTEE, I LISTENED INTENTLY WHEN SENATOR SCHUMACHER BROUGHT THIS BILL TO US. MY FEELINGS AS A 52- OR 53-DAY-OLD SENATOR DO PROVIDE A VERY CLEAR PICTURE OF HOW MUCH I DO NOT KNOW. THE LEARNING CURVE HAS BEEN PHENOMENAL. I HAVE BEEN ENJOYING MY EXPERIENCE. AS A CANDIDATE, YOU KNOW, I MADE IT CLEAR I WAS NOT IN FAVOR OF TERM LIMITS, BUT I WOULD ABIDE BY THEM. WE HAD TERM LIMITS BEFORE WE HAD TERM LIMITS. THEY ARE CALLED ELECTIONS. YOU KNOW, THE VOTERS HAVE A CHANCE EVERY FOUR YEARS TO MAKE A DECISION. YOU KNOW, WE HAVE TERM LIMITS, JUST THE NUMBER OF TERMS WE CAN SERVE WAS THE ISSUE. PERSONALLY, I LIKE TWO SIX-YEAR TERMS AND BASICALLY BECAUSE OF THE AMOUNT OF MONEY THAT IS SPENT ON ELECTIONS. YOU KNOW, THERE ARE A LOT OF MEMBERS IN THIS BODY THAT SPENT A LOT MORE MONEY THAN I DID. THERE ARE A LOT OF MEMBERS WHO SPENT LESS MONEY. AND AT THE RISK OF OFFENDING THE MEDIA, SPECIFICALLY NEWSPAPER AND PRINT IN MY DISTRICT, IT'S A CASH COW FOR THEM. EVERY FOUR YEARS THERE'S A HUGE AMOUNT OF MONEY GETS SPENT ON ADVERTISING, AND IN THE LARGER MARKETS, THE TV. YOU KNOW, THAT...IT'S A REVENUE GENERATOR FOR THOSE INDIVIDUALS IN THOSE MARKETS. BUT THE AMOUNT OF MONEY THAT WE SPEND TO GET TO THIS POSITION IS ABSOLUTELY RIDICULOUS. AND THAT IS THE REASON WHY I WOULD LIKE TO GO TWO SIXES VERSUS THREE FOURS. I LIKE THE OPPORTUNITY THAT WE WOULD HAVE TO SERVE LONGER. DURING THE EXECUTIVE BOARD DISCUSSION, SENATOR CHAMBERS TALKED ABOUT QUITE A LITTLE OF HIS THOUGHTS. AND HE MADE THE STATEMENT THAT THE COMMITTEE PROCESS HAS PROBABLY BEEN HARMED MORE BY THE AMOUNT OF TURNOVER THAT WE HAVE IN THIS BODY THAN THE ACTUAL FLOOR DEBATE. THE REAL WORK OF WHAT WE DO IS SUPPOSED TO GET DONE IN COMMITTEE, AND THAT'S THE PEOPLE'S HOUSE. THE COMMITTEE PART OF WHAT WE DO IS THE PEOPLE'S HOUSE. THAT IS WHERE THE PEOPLE COME IN. EVERY SINGLE BILL THAT GETS INTRODUCED GETS HEARD THERE. AND AT FIRST WHEN I LOOKED AT MY COMMITTEE RESPONSIBILITIES, I TAKE THEM A LOT MORE SERIOUSLY NOW THAT I HAVE GONE THROUGH THE PROCESS EVEN ONE TIME AND I AM SURE BEFORE I'M DONE I WILL CHANGE MY MIND AGAIN. BUT THE AMOUNT OF WORK THAT WE PUT IN, IN COMMITTEES AND THE AMOUNT OF REFERENCE AND

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HISTORY THAT WE CAN BRING TO THE COMMITTEE TO KEEP BILLS THAT HAVE NO JUSTIFICATION TO COME TO THE FLOOR AND BE DEBATED IS INVALUABLE. THE TIME WE HAVE ON THIS FLOOR TO DEBATE THE MOST IMPORTANT ISSUES, TO PASS A BUDGET, YOU KNOW, LITERALLY MATTERS OF LIFE AND DEATH, WE NEED TO BE FOCUSED ON WHAT WE'RE DOING HERE. AND WE DO NOT NEED TO BE WASTING TIME ON BILLS THAT HAVE GOTTEN OUT OF COMMITTEE THAT DON'T HAVE A LOT OF MERIT. SO THAT'S MY POSITION. I AM GOING TO LISTEN INTENTLY TO THE DEBATE. WHETHER IT'S THREE FOURS OR TWO SIXES, I'M CERTAINLY OPEN TO. BUT I CERTAINLY DO BELIEVE THAT FOR THE BENEFIT OF THE STATE WE NEED TO HAVE MORE EXPERIENCE TO DO THESE JOBS BECAUSE THEY ARE VERY, VERY IMPORTANT. [LR7CA]

PRESIDENT FOLEY: ONE MINUTE. [LR7CA]

SENATOR HUGHES: AS AN EMPLOYER MYSELF, I HAVE GOT THREE EMPLOYEES. BUT THE PERSON, THE YOUNGEST MAN ON THE STAFF, HAS BEEN WITH ME THE LONGEST. HE HAS THE MOST INSTITUTIONAL KNOWLEDGE OF MY OPERATION. HE'S THE GUY THAT I LEAVE IN CHARGE WHEN I'M NOT THERE. EVEN THOUGH HE'S NOT THE MOST EXPERIENCED FARMER, HE'S THE MOST EXPERIENCED IN MY OPERATION. THAT INSTITUTIONAL KNOWLEDGE HAS INCREDIBLE VALUE. THANK YOU. [LR7CA]

PRESIDENT FOLEY: THANK YOU, SENATOR HUGHES. SENATOR GROENE, YOU'RE RECOGNIZED. [LR7CA]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. IN FULL DISCLOSURE, I HAVE HERE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION, NEBRASKANS AGAINST AMENDMENT 3-SAVE TERM LIMITS; TREASURER MIKE GROENE; NORTH PLATTE, NEBRASKA. SO I HAVE BEEN FOR TERM LIMITS FOR A LONG TIME. I TOOK PART, I WENT AROUND THE STATE, WENT TO RADIO STATIONS AND EXPLAINED TO FOLKS WHY WE NEEDED TERM LIMITS, WHY IT WORKED WELL. AND SINCE I AM HERE, I REALLY, REALLY AGREE WITH WHAT I SAID. TERM LIMITS ARE A GOOD THING. I WISH WE HAD IT ON THE NATIONAL LEVEL. IN 2012 IT WAS ON THE BALLOT TO GO THREE FOUR-YEAR TERMS. IT WAS SOUNDLY REJECTED 65 TO 35 PERCENT. IT WAS...NOT A SINGLE COUNTY, 93 COUNTIES, NOT A SINGLE ONE WAS IN FAVOR, HAD A VOTE IN FAVOR OF CHANGING IT TO THREE TERMS. THAT IS LESS THAN THREE YEARS AGO, FOLKS. I DON'T KNOW WHAT HAS CHANGED IN THAT TIME. IN FACT, IF I HAD TO BE FORCED, I WOULD RATHER TAKE THREE FOUR-YEAR TERM LIMITS BECAUSE YOU

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ELECT THE GUY FOR SIX YEARS AND HE KNOWS HE'S GOT TERM LIMITS, HE CAN REALLY GO ROGUE ON YOU BECAUSE HE KNOWS HE DOESN'T HAVE TO FACE ELECTIONS. FOUR YEARS, HE MIGHT BE THINKING ABOUT DOING SOMETHING ELSE AND RUNNING FOR ANOTHER OFFICE. SO ANYWAY, I DON'T WANT TO GIVE A GUY WHO COMES IN AS A REPUBLICAN AND BECOMES AN INDEPENDENT AND THEN A DEMOCRAT TO SIT THERE FOR SIX YEARS. BUT TERM LIMITS ARE A GOOD THING. IT HASN'T...IT'S BEEN GREAT, I THINK. IT'S OPENED UP DEBATE FOR EVERYBODY. THERE IS NOBODY HERE THAT'S BEEN AROUND 20 YEARS THINKS THEY OWN THE PLACE AND PUTTING A THUMB ON THE FRESHMAN SENATOR SAYING YOU'RE GOING TO DO IT THIS WAY AND YOU'RE GOING TO BE ON THIS COMMITTEE AND YOU SIT AND WAIT YOUR TURN BECAUSE, SEE, THE 36,000 PEOPLE I REPRESENT SHOULDN'T WAIT FOR THEIR TURN TO HAVE LEADERSHIP OR TO HAVE REPRESENTATION IN THE LEGISLATURE. AND WE SEE IT ON THE NATIONAL LEVEL. THE HISTORY OF THIS LEGISLATURE SHOWS THE POWER OF THOSE WHO HUNG AROUND THE LONGEST AND MADE A CAREER OUT OF IT. WE WERE TOLD IN ORIENTATION AS FRESHMEN ABOUT COLLEGIALLY. AND I'VE FOUND THAT TO BE TRUE. THERE IS NOBODY HERE THAT SHOWS UP AND THINKS THEY OWN THE PLACE OR THINKS THEY HAVE MORE POWER THAN THE NEXT ONE. YOU KNOW, AND THEN THERE IS ALWAYS THE EXCEPTION TO THE RULE. I AM GLAD SENATOR CHAMBERS HERE BECAUSE EVEN WITH EIGHT YEARS THERE'S SOME FOLKS THINK YOU OUGHT TO DO THINGS IN THE BACK ROOM AND NOT HAVE DEBATE ON THE FLOOR AND HE SETS A GOOD EXAMPLE. BUT THERE IS AN INSTANCE WHERE HE WENT HOME FOR FOUR YEARS AND CAME BACK. I THINK HE'S MELLOWED A LITTLE BIT FROM WHAT WE KNEW IN HIS EARLIER DAYS. MAYBE THE FOUR YEARS BACK HOME MADE A DIFFERENCE. AND NOBODY IS STOPPING YOU FROM GOING HOME, SITTING FOR FOUR YEARS AND COMING BACK. YOU CAN DO THAT. BUT FOR ME AS A CITIZEN LEGISLATOR, EIGHT YEARS IS 10 PERCENT OF...MORE THAN 10 PERCENT OF THE AVERAGE LIFE SPAN. IT'S 20 PERCENT OF YOUR WORKING AGE LIFE SPAN. THAT'S ENOUGH. THAT'S ENOUGH. AND AS FAR AS THE LEARNING CURVE, I CAN READ. I GOT A GOOD VOCABULARY. IT DOESN'T TAKE ME LONG TO PICK UP ON THINGS. AND AS FAR AS LEGISLATION, YOU, YOU KNOW, IN YOUR HEART YOU KNOW WHAT'S RIGHT AND WHAT'S WRONG AND WHAT'S GOOD FOR FREEDOM AND WHAT ISN'T. YOU DON'T NEED 15, 20 YEARS TO FIGURE THAT OUT. MAYBE WITH TIME YOU START DEVALUING YOUR VALUES AND YOU START NEGOTIATING THINGS BECAUSE, HEY, YOU DIDN'T GET SOMETHING DONE AND YOU WANT TO GET IT DONE SO. THIS IS ABOUT THE LEGISLATURE. THIS ISN'T ABOUT THE PEOPLE.
[LR7CA]

PRESIDENT FOLEY: ONE MINUTE. [LR7CA]

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SENATOR GROENE: EIGHT YEARS YOU STAY CLOSER TO THE PEOPLE THAN YOU DO THE INSTITUTION. YES, THIS IS A GREAT INSTITUTION, BUT IT DOESN'T EXIST FOR THE SAKE OF THE INSTITUTION. IT EXISTS FOR THE SAKE OF THE CITIZENS OF NEBRASKA. I THINK WE'RE GOING TO INSULT THE CITIZENS OF NEBRASKA IF WE COME RIGHT BACK AT THEM IN THREE YEARS, IN FOUR YEARS WHEN IT GOES ON THE BALLOT. WE GOT A LOT OF BIG ISSUES AND IT DISTRACTS FROM WHAT WE DO HERE, THE WORK OF THE PEOPLE. IT WILL BE TALK RADIO FODDER FOR THE NEXT TWO YEARS. IT WILL BE NEWSPAPER FODDER BECAUSE IT SELLS. AND THE REAL ISSUES THAT COUNT, THE PEOPLE'S WORK, WILL BE IGNORED. I WOULD SAY...I'M GOING TO BE STANDING AGAIN, I'M SURE, BUT, YES, TERM LIMITS ARE A GOOD THING. I WOULDN'T BE HERE WITHOUT TERM LIMITS, NEITHER WOULD MOST OF THE OTHER FOLKS HERE. THAT'S FACT OF LIFE. NAME RECOGNITION, I GET A COLUMN IN MY LOCAL PAPER EVERY WEEK. YOU KNOW HOW MUCH POWER THAT IS FOR THE PERSON WHO WANTS TO RUN AGAINST ME? [LR7CA]

PRESIDENT FOLEY: TIME, SENATOR. [LR7CA]

SENATOR GROENE: THANK YOU. [LR7CA]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LR7CA]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I AM GOING TO AGREE WITH SENATOR GROENE TO A DEGREE. I LIKE TERM LIMITS. I LOOK AROUND HERE AT THE 18 NEW MEMBERS THAT CAME IN. THERE'S NOT A LIGHTWEIGHT IN THE BUNCH. I AM NOT SAYING THEY OVERATE, BUT THEY ALL HAVE THEIR WITS ABOUT THEM. I DON'T AGREE WITH ALL OF THEM; I DON'T DISAGREE WITH ALL OF THEM. BUT I THINK THEY ARE ALL REPRESENTING THEIR DISTRICTS VERY WELL. AND A GOOD NUMBER OF THEM WOULD NOT HAVE BEEN HERE WERE IT NOT FOR TERM LIMITS. I'M NOT GOING TO SPEND A LOT OF TIME DISCUSSING THIS ONE WAY OR THE OTHER. I LIKE TERM LIMITS. I DON'T HAVE ANY HEARTBURN WITH GOING TO 12 YEARS TOTAL IN WHATEVER FORM. MY BIGGER CONCERN AND IT'S SOMETHING THAT I TOOK TO THE EXEC BOARD, AND WE WILL GET TO AT SOME POINT IN HERE IS THE APPOINTED SENATORS. I, LIKE SENATOR KRIST, WAS APPOINTED. I CAME IN JUST A FEW DAYS BEFORE SESSION, AND IT IS A VERY STEEP UPHILL SWIM. SENATOR SCHNOOR CAME IN IN THE SAME POSITION THIS YEAR. I'M GOING TO BE TERM LIMITED AT SIX YEARS. SENATOR SCHNOOR, AS WE STAND NOW, WILL BE TERM LIMITED AT SIX YEARS.

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SENATOR GARRETT WILL BE TERM LIMITED AT SIX YEARS. SENATOR KINTNER, WHO REPLACED A SENATOR THAT HAD BEEN APPOINTED VIA ELECTION, WILL SERVE TEN YEARS IN MY UNDERSTANDING AS THINGS STAND NOW. MY IDEA, AND AGAIN I THINK WE'LL GET TO THAT AT SOME POINT, IS THAT IF YOU ARE APPOINTED YOU BE ALLOWED TO SERVE THE REMAINDER OF THAT TERM AND AN ADDITIONAL TWO FULL TERMS OR THREE FULL TERMS, WHATEVER IS OUT THERE AT THAT TIME. AS IT STANDS NOW, IF YOU'RE APPOINTED BEFORE HALFWAY THROUGH THE TERM, THAT COUNTS AS YOUR FIRST FULL TERM. AND I THINK TO THE SENATORS THAT ARE APPOINTED AND TO THE DISTRICTS THEY REPRESENT THAT IS UNFAIR. IF YOU COME IN THE DAY AFTER SESSION STARTS IN THE THIRD TERM OR IN THE THIRD YEAR OF YOUR TERM AS IT CURRENTLY STANDS, YOU GET THE REMAINDER OF THAT TERM PLUS TWO FULL TERMS AS WE STAND NOW. I FIRMLY BELIEVE THAT YOU SHOULD BE ABLE TO FINISH THE TERM YOU WERE APPOINTED TO AND THEN SERVE WHATEVER THE LIMIT IS AFTER THAT. AND AGAIN, I AM ASSURED WE'LL GET TO THAT. BUT WHETHER WE GO TO THREE FOUR-YEAR TERMS HERE OR WHETHER WE GO TO TWO SIX-YEAR TERMS, EITHER WAY I THINK IT'S A FINE THING TO PUT OUT IN FRONT OF THE PEOPLE AGAIN. THE LAST TIME THEY MADE A RESOUNDING ANSWER AND SAID NO, EIGHT YEARS IS ENOUGH. BUT ALSO AT THAT TIME WE WERE ASKING FOR AN 85 PERCENT PAY INCREASE. AND IT REALLY DIDN'T LOOK VERY GOOD THAT WE WERE SAYING HOW TOUGH THIS JOB IS, HOW POORLY WE'RE PAID, BUT GIVE US FOUR MORE YEARS TO GO DOWN THERE AND SUFFER. YOU KNOW, GIVE US MORE MONEY TO GO BACK AND DO WHAT WE ALREADY AGREED TO DO FOR \$12,000 A YEAR, GIVE US \$18,000 TO GO DO THE SAME THING. AND I THINK IT'S FAIR WE PUT IT OUT THERE TO THEM AGAIN WITHOUT HAVING THE MONEY TIED TO IT. SO THAT MAY BE THE ONLY TIME I SPEAK ON THIS UNTIL WE GET TO THE PORTION WHERE WE DEAL WITH... [LR7CA]

PRESIDENT FOLEY: ONE MINUTE. [LR7CA]

SENATOR BLOOMFIELD: ...THE APPOINTED SENATORS. THANK YOU, MR. PRESIDENT. [LR7CA]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. MR. CLERK. [LR7CA]

ASSISTANT CLERK: MR. PRESIDENT, SOME ITEMS. JUDICIARY WILL HOLD AN EXECUTIVE SESSION IN ROOM 2022 AT 1:00 THIS AFTERNOON. NEW RESOLUTION, LR153 BY SENATOR EBKE. THAT WILL BE LAID OVER. SOME NAME ADDS:

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SENATORS MELLO AND COOK TO LB544; SENATOR GARRETT TO LB357.
(LEGISLATIVE JOURNAL PAGE 982.) [LR153 LB544 LB357]

FINALLY, A PRIORITY MOTION. SENATOR COOK WOULD MOVE TO RECESS UNTIL
1:30 P.M.

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL
THOSE IN FAVOR, SAY AYE. EXCUSE ME. IT'S A MOTION TO RECESS. AND THOSE
OPPOSED SAY NAY. WE ARE IN RECESS UNTIL THIS AFTERNOON.

RECESS

SPEAKER HADLEY PRESIDING

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

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

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

ASSISTANT CLERK: MR. PRESIDENT, ONE ITEM, LR154, INTRODUCED BY SENATOR
STINNER, IS A PROPOSED STUDY RESOLUTION THAT WILL BE REFERRED TO THE
EXECUTIVE BOARD. THAT'S ALL I HAVE. (LEGISLATIVE JOURNAL PAGES 983-984.)
[LR154]

SPEAKER HADLEY: THANK YOU, MR. CLERK. WE WILL RETURN TO THE AGENDA.
MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, WHEN THE BODY RECESSED FOR LUNCH,
UNDER CONSIDERATION WAS THE SCHUMACHER AMENDMENT TO LR7CA,
AM922. (LEGISLATIVE JOURNAL PAGE 970.) [LR7CA]

SPEAKER HADLEY: SENATOR JOHNSON, YOU'RE RECOGNIZED. [LR7CA]

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SENATOR JOHNSON: THANK YOU, MR. SPEAKER. I'M ONLY GOING TO SPEAK ON THIS ONCE. I THINK IF EVERYBODY HAS A CHANCE, WE'LL MAYBE GET THROUGH THIS, THIS AFTERNOON. I SUPPORT TWO SIXES. I MADE THAT STATEMENT ABOUT THIS TIME OF THE SESSION THREE YEARS AGO. I HAD JUST GONE THROUGH AN ELECTION. I WON, OF COURSE, ENDED UP BEING ABOUT \$30,000 IN DEBT. AND I SAID, MAN, I GOT TO DO THIS AGAIN IN FOUR YEARS, I GOT TO RECOVER FROM THIS PAST ONE. SO THE COST OF IT AT THAT TIME WAS A FACTOR. I PRETTY WELL RAISED ENOUGH MONEY TO CLEAR THAT UP. BUT I GO BACK TO MY BUSINESS CAREER AND, FOR WHATEVER REASON, I WOULD SPEND SIX YEARS IN A BUSINESS THAT WAS MY CHALLENGE TO TURN IT AROUND AND I WILL SAY I'M NOT HERE TO TRY AND TURN ANYTHING AROUND. BUT IT KIND OF TAKES, TO ME, IT JUST FELT LIKE IT TAKES SIX YEARS IN ORDER TO WRAP YOUR ARMS AROUND THE SUBJECT MATTER, TO BE ABLE TO INFLUENCE, AND TO BE ABLE TO GET SOMETHING DONE. AND, YOU KNOW, FOUR YEARS YOU'RE AT IT AND YOU CAN ACCOMPLISH IT IN FOUR YEARS, BUT I THINK THEN YOU'RE...IT'S YOUR PRIME AND YOU'VE GOT FOUR YEARS LEFT. TO ME, I WOULD SEE MAYBE SOME PEOPLE RUNNING FOR A SIX-YEAR TERM AND THAT MIGHT BE THEIR ONLY TERM. IF I WAS IN THAT SITUATION, BASED ON MY AGE, THREE YEARS AGO I WOULD HAVE PROBABLY SAID, I'LL PROBABLY RUN ONE TIME AND SERVE SIX YEARS AND TURN IT OVER TO SOMEBODY ELSE. SO AT THIS POINT, I'M STILL SUPPORTING THE TWO SIX-YEAR TERMS. AND I KNOW THERE WILL BE A BUNCH OF THINGS WE'LL HAVE TO ADJUST IN OUR SYSTEM, BUT I'M CONFIDENT THAT CAN BE ACCOMPLISHED. SO WITH THAT, THANK YOU FOR THE TIME. [LR7CA]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED. [LR7CA]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LR7CA AND AM922 TO AM822. WE HAD THIS IN THE EXECUTIVE BOARD. FIRST, LET ME SAY THAT I DISAGREE WITH THE CONCEPT OF TERM LIMITS IN GENERAL. I AM A STRONG BELIEVER IN THE FIRST AMENDMENT RIGHT, RIGHT OF FREE SPEECH. AND FOR ANYBODY TO TELL ANY SINGLE INDIVIDUAL--AND THAT'S WHAT IT IS, IT'S A SINGLE INDIVIDUAL--IN ONE DISTRICT THAT THEY CANNOT REPRESENT THEMSELVES OR ANYONE ELSE IS THE LIMITING OF MY SPEECH. AND THAT'S WHAT THE STATE DOES. IT TELLS ME THAT ANYONE CAN SPEAK FOR ME BUT ME. AND THAT'S THE CONCEPT OF TERM LIMITS. NOW I THINK EVERYONE BUT MAYBE THREE OF US...THERE MIGHT...I GUESS I DON'T KNOW EXACTLY WHAT YOUR TERM LIMITS WERE VOTED ON. MIGHT BE A FEW MORE ACTUALLY WERE ABLE TO VOTE ON WHETHER OR NOT TERM LIMITS SHOULD HAPPEN IN THE STATE OF NEBRASKA. I WAS NOT THAT LUCKY. I WASN'T 18 UNTIL 2004, SO I DIDN'T HAVE THAT OPPORTUNITY TO VOICE WHAT I WOULD HAVE CONSIDERED

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OPPOSITION. BUT IF WE TRULY BELIEVE IN THE CONCEPT OF FREE SPEECH AND THE FIRST AMENDMENT, WE SHOULD NOT LIMIT ANYBODY'S ABILITY TO RUN FOR OFFICE. THE STATE SHOULD NOT BE ABLE TO SUPPRESS ONE PERSON'S VOICE JUST BECAUSE THEY HAVE BEEN HERE FOR A CERTAIN SET OF YEARS. I'D ARGUE WE HAVE TERM LIMITS. THEY'RE CALLED ELECTIONS. AS LONG AS MY CONSTITUENTS BELIEVE THAT I AM THE BEST OPTION TO REPRESENT THEM AND MY VOICE BEST REPRESENTS THEIRS, I SHOULD HAVE THAT OPPORTUNITY. NOW, I MIGHT HAVE TERM LIMITS AT HOME IN THE SOURCE OF MY WIFE. SHE MIGHT BE ABLE TO TERM LIMIT ME. BUT THE STATE OF NEBRASKA SHOULD NOT BE ABLE TO. THAT CONCEPT IS WHAT WE WERE FOUNDED ON AS A COUNTRY AND IT'S ONE THAT WORKED WELL FOR A NUMBER OF YEARS. AND AS I SAID, ELECTIONS ARE TERM LIMITS. I DID NOT COME IN FOR A TERM-LIMITED SENATOR. THERE ARE A FEW OF US THAT DIDN'T, THAT DEFEATED INCUMBENTS. AND THE PEOPLE IN THAT DISTRICT SPOKE AND SAID THAT IT WAS TIME FOR X OR Y INDIVIDUAL TO GO. LET'S PUT THE FAITH BACK IN THE VOTERS AND LET THEM DECIDE WHO IS THE BEST PERSON TO REPRESENT THEM, NOT THE STATE SAYING ANYONE CAN REPRESENT YOU BUT YOU AND THE SUPPRESSION OF 1 VOICE OUT OF 39,000 BECAUSE, IN MY MIND, TO SUPPRESS ANYBODY'S VOICE IS WRONG. THANK YOU, MR. PRESIDENT. [LR7CA]

SPEAKER HADLEY: SENATOR RIEPE, YOU'RE RECOGNIZED. [LR7CA]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT. I WILL BE BRIEF. I WANTED TO RESPOND. I ORIGINALLY THOUGHT THAT POSSIBLY WITH ALL THE RESERVE FRESHMEN IN HERE THAT NONE OF THEM WOULD TALK. BUT THEN I, AS I SAW PERSONALITIES STAND UP, I KNEW THAT I WAS WRONG. BUT I DO VERY MUCH APPRECIATE SENATOR SCHUMACHER'S INVITATION TO GET THE INPUT FROM FRESHMEN. I AM PERSONALLY IN FAVOR OF AM822 WHICH WOULD BE THREE FOUR-YEAR TERMS. I THINK THAT WOULD AFFORD THE OPPORTUNITY FOR THIS BODY TO CHANGE OVER IN THIRDS INSTEAD OF HALVES. AND SO I THINK THE STAGING OF THIS THING COULD BRING FOR A LOT MORE CONTINUITY, IF YOU WILL. I ALSO THINK THAT THIS WILL GO ON THE BALLOT IF IT'S APPROVED HERE TODAY OR TOMORROW AND THAT ON THAT BALLOT, IF WE DO NOT ASSOCIATE THIS WITH ADDED PAY FOR ALL OF US, THAT IT STANDS A MUCH BETTER CHANCE OF BEING SUPPORTED AND APPROVED. I DO FEEL THAT THE VOTERS DESERVE A FOUR-YEAR SHOT AT WHAT WE DO AND HOW WE ACT. AND SO THAT'S WHAT I HAVE TO SAY AND I APPRECIATE VERY MUCH. THANK YOU. [LR7CA]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LR7CA]

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SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. I FAVOR RETAINING THE CURRENT SYSTEM THAT WE EMPLOY NOW AND STAND IN OPPOSITION AGAINST LR7CA BY SENATOR SCHUMACHER. I THINK PROBABLY THE BEST REASON TO RETAIN THE CURRENT SYSTEM IS--TAKE A LOOK AT CONGRESS--THE DYSFUNCTION OF CONGRESS. AND YOU'D HAVE TO SAY, I THINK, THAT THE FACT THAT THEY DON'T HAVE TERM LIMITS HAS NOT HELPED THE BODY. I'D ALSO HAVE TO COMPLIMENT PATRICK AND HIS STAFF ON THE TRAINING THAT SENATORS GOT WHEN WE FIRST TOOK OFFICE. ALSO, THE SENIOR SENATORS DO A GOOD JOB OF MENTORING THE JUNIOR SENATORS, THE FRESHMAN SENATORS. SO I WAS GRATEFUL FOR THAT AND I THINK WE WILL ALL BE UP TO SPEED SHORTLY, BEFORE YOU KNOW IT. ALSO, THE LENGTH OF TERM IS GREAT. FOUR YEARS MAKES US ACCOUNTABLE TO THE VOTERS. TWO YEARS IS TOO SHORT AND SIX YEARS IS TOO LONG. I BELIEVE FOUR YEARS IS AN OPTIMAL TIME TO SERVE IN THE STATE SENATE AND YOU SHOULD BE LIMITED TO JUST TWO TERMS. SO WITH THAT, I RETURN THE TIME. [LR7CA]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED. [LR7CA]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD AFTERNOON. AND IT SEEMS LIKE THIS ISSUE COMES AROUND EVERY ONCE IN A WHILE AND WE ALL GET TO TALK ABOUT IT AND WE ALL GET TO HAVE OUR POSITIONS ON IT, WHICH I THINK IS FINE. AS FOLKS THAT GET ELECTED, WE WILL WORK UNDER THE RULES AND UNDER THE THINGS THAT WE'RE SUPPOSED TO WORK UNDER AND RIGHT NOW TERM LIMITS IS ONE OF THOSE. YOU KNOW, BUT JUST SPEAKING PRACTICALLY AND TALKING AS A PERSON THAT HAS HAD THE OPPORTUNITY AND THE HONOR TO SERVE IN THIS BODY FOR SIX YEARS NOW, I'M STILL LEARNING THINGS ALMOST EVERY DAY ABOUT HOW THIS BODY FUNCTIONS, WHICH WAYS WORK BEST TO MOVE SOMETHING THROUGH THE SYSTEM, HOW BEST TO WORK AND STRATEGIZE WITHIN THIS CONFIGURATION THAT WE'RE GIVEN HERE, SO. AND I KNOW THAT THERE IS MORE TO LEARN. SO MY QUESTION IS, WHEN I SIT HERE AND I EXAMINE THIS, IS FOUR YEARS OR EIGHT YEARS LONG ENOUGH TO GIVE YOUR CONSTITUENTS THE MOST EFFECTIVE TOOL THAT THEY CAN HAVE IN THIS LEGISLATURE? SO THAT NEEDS TO BE A PART OF THIS CONSIDERATION, AS WELL, BECAUSE YOU CAN TALK ABOUT BEING ACCOUNTABLE TO THE VOTER AND YOU ARE, I BELIEVE, EITHER WAY. BUT PRACTICALLY SPEAKING, ANOTHER TWO YEARS ON EACH TERM WOULD GIVE SOMEONE THE EXPERIENCE THEY NEED SO THAT BY THE LAST TWO, THREE, FOUR YEARS POSSIBLY, THEY WOULD BE ABLE TO FUNCTION FULL ON AND BE ABLE TO REPRESENT THEIR DISTRICT AND THEIR CONSTITUENTS AND THEIR INTERESTS THE BEST POSSIBLE. SO I'M IN SUPPORT OF THE

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AMENDMENT. I'M IN SUPPORT OF TAKING A LOOK AT IT. AND I THINK WE SHOULD ALL TAKE A STEP BACK AND SAY, HEY, IF NOT NO TERM LIMITS, THEN WHAT CAN WE DO TO GIVE FOLKS JUST A LITTLE MORE TIME TO HONE THEIR SKILLS, TO WORK ON WHAT THEY KNOW, AND THEN EMPLOY IT HERE ON THE FLOOR OF THE LEGISLATURE, BECAUSE I BELIEVE THAT'S TRUE REPRESENTATION AND I THINK IT'S REAL REPRESENTATION AND I THINK IT'S A VALID POINT. THANK YOU, MR. PRESIDENT. [LR7CA]

SPEAKER HADLEY: SENATOR CRAIGHEAD, YOU ARE RECOGNIZED. [LR7CA]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I THINK IT TAKES TIME TO BECOME AN EXPERIENCED SENATOR. I DO BELIEVE IN TWO SIX-YEAR TERMS. I DON'T BELIEVE IN CAREER POLITICIANS WITH NO TERM LIMITS, BUT THE TWO SIX-YEAR TERMS WOULD ALLOW PEOPLE ENOUGH TIME TO ACCOMPLISH WHAT THEY WANT TO ACCOMPLISH IN THE LEGISLATURE. I APPRECIATE THE KNOWLEDGE AND EXPERTISE OF OUR SENIOR SENATORS AND HAVE HAD THE OPPORTUNITY TO GET TO KNOW PEOPLE WHO HAVE HAD THE OPPORTUNITY TO SERVE IN OUR LEGISLATURE LONGER THAN EIGHT YEARS AND THEY WERE GOOD SENATORS, THEREFORE, I DO SUPPORT LR7CA. [LR7CA]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LR7CA]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'D SAID EARLIER I WOULD PROBABLY ONLY SPEAK ONCE ON THIS, BUT I NEED TO RESPOND A LITTLE BIT TO SOMETHING THAT SENATOR LARSON SAID. HE SAID THE STATE SHOULDN'T HAVE THE ABILITY TO LIMIT US. COLLEAGUES, IT'S NOT THE STATE. THE PEOPLE VOTED THIS IN. IT WASN'T DECIDED IN HERE. IT WAS PUT IN BY THE PEOPLE. THEY HAVE SAID TWO FOUR-YEAR TERMS IS ENOUGH. THEY HAD THE OPPORTUNITY TO REVISIT IT THREE YEARS AGO WHEN THEY SAID TWO FOUR-YEAR TERMS IS ENOUGH. I'M ALL FOR GIVING THEM THE OPPORTUNITY TO VOTE ON ONE OF THESE TWO IDEAS THAT WE'RE LOOKING AT AGAIN. BUT I GET THE FEELING THAT PROBABLY THE VOICE OF THE STATE, ITS PEOPLE, ARE LIKELY TO SAY TWO FOUR-YEAR TERMS ARE ENOUGH. THEY'VE SAID IT REPEATEDLY. I SEE NO REASON TO THINK THEY'VE CHANGED THEIR MIND. SO IT IS NOT THIS BODY, SO-CALLED "THE STATE," IT'S NOT THE GOVERNOR THAT HAS PUT THIS ON THE PEOPLE. THE PEOPLE CHOSE IT AND THEY HAVE REPEATEDLY CHOSEN IT, OVER AND OVER. AND AGAIN, I THINK THEY PROBABLY WILL AGAIN. I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR KINTNER. [LR7CA]

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SPEAKER HADLEY: SENATOR KINTNER, YOU'RE YIELDED 3:30. [LR7CA]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, I APPRECIATE SENATOR SCHUMACHER. HE THINKS OUTSIDE THE BOX AND HE DRIVES SOME DEBATE ON THINGS THAT SOMETIMES DON'T GET DEBATED. YOU KNOW, I'M NOT GOING TO TAKE A REAL POSITION RIGHT NOW. I'M CONFLICTED ABOUT TERM LIMITS. ONE PART OF ME SAYS, WELL, IT'S GOOD, I PROBABLY WOULDN'T BE HERE IF IT WASN'T FOR TERM LIMITS. BUT ALSO, I KNOW WHEN YOU HAVE A CONSTANT TURNOVER, YOU KEEP MAKING THE SAME MISTAKES OVER AND OVER AND OVER WITHOUT ANY INSTITUTIONAL KNOWLEDGE HERE. SO I AM QUITE CONFLICTED ON IT. BUT I DO KNOW THAT I THINK, HAVING LOOKED AT THE TWO SIX-YEAR TERMS, IT'S A BAD IDEA. NOW I CAN SEE SENATORS LIKE IT-- WELL, CRAP, I DON'T HAVE TO RAISE ALL THAT MONEY THREE TIMES, I JUST HAVE TO RAISE IT TWICE, I DON'T HAVE TO GO KNOCK ON ALL THESE DOORS, I DON'T HAVE TO DO ALL THE WORK. I KNOW ABOUT WORK. I KNOCKED ON 20,000 DOORS IN THREE YEARS. I KNOW HOW HARD IT IS. BUT YOU KNOW WHAT? WHEN YOU HAVE TO GO KNOCK ON DOORS, WHEN YOU HAVE TO GO MEET WITH PEOPLE, YOU FIND OUT WHAT'S ON THEIR MIND, YOU FIND OUT WHAT'S GOING ON. I REMEMBER WATCHING MY FIRST TWO YEARS AS THESE SENATORS THAT WERE LEAVING LAST TIME...I THOUGHT SOME OF THEM HADN'T KNOCKED ON A DOOR IN YEARS. I THOUGHT THEY WERE OUT OF TOUCH. AND I WAS QUITE SHOCKED AT SOME OF THE THINGS I HEARD COME OUT OF THEIR MOUTH BECAUSE IT WAS IN DIRECT CONTRAST TO WHAT I HAD HEARD GOING DOOR TO DOOR IN MY DISTRICT. AND I KNOW SOME OF THEIR DISTRICTS ARE NOT THAT MUCH DIFFERENT THAN MINE. SO WHEN YOU HAVE TO RUN THREE TIMES, YOU HAVE TO STAND BEFORE THE VOTERS. IT TENDS TO MAKE YOU A LITTLE MORE RESPONSIVE TO WHAT THEY WANT IF YOU KNOW YOU'RE GOING TO FACE THEM AGAIN. OF COURSE, SOME SENATORS DON'T WANT THAT. I UNDERSTAND. SO BETWEEN BEING RESPONSIVE TO SENATORS DOING WHAT THEY...OR THE SENATORS BEING RESPONSIVE TO THEIR CONSTITUENTS AND HAVING TO GO KNOCK ON THEIR DOORS AND GET THEIR INPUT, THAT'S GOING TO MAKE YOU A BETTER SENATOR. SO IF WE'RE GOING TO EXPAND THIS AND PUT IT ON THE BALLOT, I THINK WE'RE BETTER OFF BY FAR DOING THREE FOUR-YEAR TERMS RATHER THAN THE TWO SIX-YEAR TERMS. I APPRECIATE SENATOR SCHUMACHER FOR AT LEAST THINKING THROUGH AND LOOKING AT IT. BUT HAVING THOUGHT ABOUT IT A LITTLE BIT, I THINK THE TWO SIX-YEAR TERMS IS ABSOLUTELY THE WRONG WAY TO GO. I'LL DO EVERYTHING I CAN TO STOP IT. THANK YOU. [LR7CA]

SPEAKER HADLEY: SENATOR HILKEMANN, YOU ARE RECOGNIZED. [LR7CA]

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SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I THINK IN THIS WHOLE CONVERSATION ONE OF THE THINGS WE NEED TO KEEP REMEMBERING, IT'S BEEN MENTIONED SEVERAL TIMES THIS MORNING, THE PEOPLE OF NEBRASKA HAVE SPOKEN TWICE ON THIS AND THEY SAY TWO FOUR-YEAR TERMS. DO WE NOT GET IT? IT'S ALL RIGHT TO DISCUSS THIS, BUT I THINK THAT I WILL...I THINK THAT OUR PRESENT SYSTEM IS JUST FINE. AND WE'VE GOT TO REMEMBER WE ARE A CITIZEN LEGISLATURE. WE ARE TO BE OPEN UP TO THE CITIZENS. I THINK ABOUT A SIX-YEAR TERM. AND I'LL TELL YOU, I LOOK ACROSS THIS BODY. I SEE GUYS LIKE MATT WILLIAMS AND HEATH MELLO AND SOME OF THE YOUNGER SENATORS THAT ARE HERE AND SENATOR LINDSTROM. THESE...YOU KNOW, WOULD YOU BE IN A POSITION TO GIVE UP SIX YEARS AS A TERM? YOU THINK ABOUT IT IN A SENSE OF TWO TERMS, OF 12 YEARS. YOU'RE GIVING UP A VERY GOOD PORTION OF A VERY PRODUCTIVE TIME OF YOUR LIFE TO THIS. I HAVE A FEELING THAT IF WE START DOING SIX-YEAR TERMS, IT WOULD MAKE A DIFFERENCE FOR THOSE PEOPLE. AND AS SENATOR LARSON MENTIONED, MAYBE HIS WIFE WOULD HAVE...TERM LIMIT HIM BEFORE THEN, AT THE SIX-YEAR PERIOD OF TIME. I THINK THAT THE FOUR-YEAR PERIOD OF TIME THAT WE HAVE IS JUST FINE, AND MAYBE IF IT'S THREE FOUR-YEAR TERMS, BUT I THINK SIX YEARS IS TOO LONG. ONE OF THE TWO THINGS THAT I NEVER TALK MUCH IN MY OFFICE ABOUT, WAS KIND OF TABOOS, YOU COULDN'T TALK RELIGION AND YOU COULDN'T TALK POLITICS AND...BUT I DID HAVE AS A PATIENT A LONG-TERM LOBBYIST HERE. SHE'S NO LONGER ALIVE. IT WAS SHORTLY AFTER OUR TERM LIMITS CAME INTO EFFECT. AND I ASKED HER, I SAID, WHAT HAVE YOU NOTICED AS A PERSON THAT'S DOWN AT THAT BODY? WHAT HAVE YOU NOTICED OVER THIS PERIOD OF TIME? IS IT GOOD THAT WE'VE HAD TERM LIMITS? AND SHE SAID, WELL, THERE'S SOME GOOD THINGS ABOUT IT AND THEN THERE'S SOME BAD THINGS ABOUT IT. AND SHE SAID, THE BAD THINGS ABOUT IT IS THAT FOR THE FIRST FOUR YEARS, YOU CAN PRETTY WELL PREDICT ON THE SENATORS BECAUSE THEY ARE FOLLOWING PRETTY MUCH THEIR...WHAT THEY SAID THEY WOULD DO. THE SECOND FOUR-YEAR PERIOD OF TIME THEY'RE NOT NEARLY AS PREDICTABLE BECAUSE THEY DON'T HAVE TO FACE A REELECTION. SO THAT'S WHAT SHE SAID WAS THE BAD TERM ABOUT IT. BUT YOU LOOK AT THAT AND YOU THINK, IF WE DID THIS OVER A SIX-YEAR PERIOD OF TIME, WE'D HAVE A LONGER PERIOD OF TIME...WHAT IF YOU GET A PERSON IN AT THE END OF...FOR THE FIRST SIX YEARS THAT YOU REALLY WISH YOU DIDN'T HAVE IN, TAKES A LONGER PERIOD OF TIME. WE TALK ABOUT ALL POLITICS IS LOCAL. SO I THINK THAT THE SIX-YEAR TERM IS A LITTLE BIT TOO LONG. HER ACTUAL THING, SHE SAID, YOU KNOW, TERM LIMITS WOULD WORK OUT WELL IN NEBRASKA IF YOU HAD TWO HOUSES BECAUSE THEN YOU WOULD BE RUNNING FOR REELECTION INTO THE...TO ANOTHER TERM AND MAYBE BE MORE

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ACCOUNTABLE TO THE PEOPLE. WE NEED TO BE ACCOUNTABLE TO THE PEOPLE. I THINK WHAT WE'RE...OUR PRESENT SYSTEM WORKS OUT WELL. AND SO I WILL NOT BE SUPPORTING LR7CA. THANK YOU. [LR7CA]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LR7CA]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. YOU UNDERSTAND THAT WE'RE NOT DEBATING EACH OTHER HERE. WE'RE TAKING ON THE PEOPLE. IT'S THE PEOPLE WHO WANT TERM LIMITS. IT'S LIKE WHEN YOU GET FIRED FROM A JOB. YOU'RE NOT...YOU DON'T WANT TO GET FIRED OR YOU DON'T WANT TO BE LAID OFF OR YOU DON'T WANT TO BE FORCED TO RETIRE. BUT THAT'S NOT YOUR DECISION. THE PEOPLE MADE THIS DECISION. THE PEOPLE DECIDED THAT THEY WANTED TERM LIMITS FOR THEIR ELECTED OFFICIALS. SO WE CAN ARGUE BETWEEN OURSELVES ALL DAY LONG. YOU KNOW, AFTER EIGHT YEARS, I PROBABLY MIGHT WANT TO RUN AGAIN. I'M NOT GOING TO SAY THAT. I CAN'T WAIT TO GET HOME EVERY WEEKEND NOW, THE WAY IT IS. BUT ANYWAY, I'M NOT DEBATING SENATOR LARSON. I'M NOT DEBATING SENATOR SCHUMACHER. WHAT WE'RE DEBATING HERE IS NEBRASKA'S PEOPLE. THEY'RE THE ONES THAT MADE THAT DECISION AND THEY MADE IT THREE TIMES. THAT WAS OVERTURNED BY THE SUPREME COURT. THE FOURTH TIME THE PEOPLE GOT SO...AFTER THE THIRD TIME, THE PEOPLE GOT SO MAD THEY VOTED THE SUPREME COURT JUSTICE OFF THE COURT. GUESS WHAT? THEY DID IT THE FOURTH TIME. GUESS WHAT THE SUPREME COURT DID? THEY'VE SUDDENLY DECIDED THAT TERM LIMITS WERE CONSTITUTIONAL. THIS THING HAS A LONG HISTORY. THERE IS NO NOVICES OUT THERE AMONGST OUR CITIZENS THAT DON'T HAVE AN OPINION ON TERM LIMITS. TWICE IT'S BEEN TRIED TO BEEN ALTERED SINCE THAT TIME IN, WHAT, 2000, 2001. TWICE IT WAS OVERWHELMINGLY DEFEATED AGAIN BY THE FOLKS, THE PEOPLE. I DON'T KNOW WHY WE'RE WASTING OUR TIME, BECAUSE DO YOU REALLY BELIEVE THERE IS ANYTHING...I'LL GIVE YOU AN IDEA, FOLKS. INCREASE SPENDING BY 2 PERCENT IN THE BUDGET THIS YEAR. I'LL GUARANTEE, YOU MIGHT GET QUITE A FEW MORE VOTES TO OVERTURN TERM LIMITS. TAKE IT TO ZERO AND YOU HAVE A...YOU MIGHT ACTUALLY WIN WITH THE PEOPLE TO OVERTURN TERM LIMITS. ACTIONS...PAST ACTIONS BY SENATORS IN THIS BODY IS WHAT CAUSED TERM LIMITS. MAYBE IF WE GAVE THEM WHAT THEY ACTUALLY WANTED, MAYBE THEY'D OVERTURN TERM LIMITS. BUT THIS IS A WASTE OF TIME. I GOT A BETTER IDEA. LET'S ASK...A LOT OF US HAVE POLITICAL CONTACTS. LET'S ASK A GRASS-ROOTS EFFORT BY THE PEOPLE TO PUT THIS CONSTITUTIONAL AMENDMENT ON THE BALLOT BY A PETITION. YOU'D BE PAYING A LOT MORE THAN A DOLLAR A SIGNATURE TO GET PEOPLE TO SIGN THAT THING OR GET SOMEBODY TO COERCE

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SOMEBODY TO SIGN IT. IT WOULDN'T PASS. I DON'T UNDERSTAND WHAT ARGUMENT WE HAVE TO GO TO THE PEOPLE WITH THAT WE NEED TO OVERRIDE TERM LIMITS. THERE'S NO ARGUMENT I CAN SEE THAT WOULD WIN ONE VOTE. IT'S FRESH IN EVERYBODY'S MEMORY. THIS IS A 20-YEAR ARGUMENT AND THE UNICAMERAL HAS LOST EVERY TIME ON IT. AND THERE'S AN UNEMPLOYED STATE SUPREME COURT JUDGE WHO LOST OVER IT. I MEAN, IF THERE IS AN ISSUE IN THE STATE OF NEBRASKA THAT THE PEOPLE ARE SOLIDLY BEHIND, IT'S TERM LIMITS. HOW MUCH MORE EVIDENCE DO WE WANT? WE'RE JUST GIVING OURSELVES...LET'S EARN THEIR RESPECT. LET'S DO A BUDGET 2 PERCENT OR LESS. LET'S GIVE THEM BACK THEIR FREEDOMS. AND THEN MAYBE THE NEXT GENERATION OF LEGISLATURES, BECAUSE OF OUR WORK, CAN OVERTURN TERM LIMITS. BUT I DON'T THINK WE'VE EARNED IT. I DON'T THINK ANYBODY'S EARNED IT IN THIS CHAMBER. ALSO, I KNOW... [LR7CA]

SPEAKER HADLEY: ONE MINUTE. [LR7CA]

SENATOR GROENE: ...WHO SOME OF THE NEW CHAIRMEN OF THE COMMITTEES ARE. I THINK THEY'RE ALL DOING A GREAT JOB. I THINK THE SPEAKER IS DOING A GREAT JOB. DOES ANYBODY REALLY MISS THE PEOPLE THAT WERE TERM LIMITED RIGHT NOW THAT WERE CHAIRMEN? I CAN'T EVEN THINK OF THEIR NAMES OFF THE TOP OF MY HEAD. THAT'S HOW FAST TIME CHANGES AND THAT'S HOW GOOD A JOB THE PRESENT SENATORS ARE DOING. THE NEW ONES, THE MIDDLE-OF-THE-ROAD ONES, AND THE SIX-YEAR GUYS, THEY'RE ALL DOING A GOOD JOB. WE'RE DOING THE PEOPLE'S WORK. SO LET'S LEAVE IT THE WAY IT IS. LET'S KILL THIS THING. LET'S DO SOME GOOD WORKS, GOOD GOVERNMENT FOR THE PEOPLE, AND MAYBE, MAYBE DOWN THE ROAD THEY MIGHT SAY, HEY, THAT BUNCH DESERVES TO STAY A LITTLE LONGER. BUT I HAVEN'T SEEN ANYTHING WE EARNED. THANK YOU. [LR7CA]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR McCOY, YOU ARE RECOGNIZED. [LR7CA]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, AND THANK YOU, MEMBERS. I SEE SENATOR CHAMBERS HAS RETURNED TO THE LEGISLATIVE CHAMBER, SO I RISE THIS AFTERNOON IN MUCH THE SAME WAY AS I ROSE THIS MORNING, TO CALL ON SENATOR CHAMBERS TO PUBLICLY APOLOGIZE TO OUR LAW ENFORCEMENT AND TO THE MEMBERS OF THE ARMED FORCES FOR HIS COMMENTS ON FRIDAY IN THE JUDICIARY COMMITTEE. I WANT TO CONTINUE WITH ANOTHER COMMENT THAT SENATOR CHAMBERS SAID: QUOTE, I

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WOULDN'T GO TO SYRIA, I WOULDN'T GO TO IRAQ, I WOULDN'T GO TO AFGHANISTAN, I WOULDN'T GO TO YEMEN, I WOULDN'T GO TO TUNISIA, I WOULDN'T GO TO LEBANON, I WOULDN'T GO TO JORDAN. I WOULD DO IT RIGHT HERE. NOBODY FROM ISIS EVER TERRORIZED US AS A PEOPLE, AS THE POLICE DO US DAILY, UNQUOTE. I FIND THAT INCREDIBLY OFFENSIVE. I DON'T RISE ON THIS ISSUE OUT OF ANY SORT OF A PERSONAL RESPONSE TO SENATOR CHAMBERS FOR ANYTHING HE'S EVER SAID TO ME OR ABOUT ME OR TO ANYONE ELSE ON THIS FLOOR. I'VE NEVER ASKED SENATOR CHAMBERS TO APOLOGIZE FOR ANYTHING HE SAID TO ME. I'M AN ADULT. I RAN FOR THIS OFFICE AND I RAN FOR REELECTION FOR THIS OFFICE. I SIGNED UP TO HAVE PEOPLE COMMENT ABOUT WHAT I DO OR WHAT I SAY AND SO DID SENATOR CHAMBERS. I RISE ON THIS ISSUE FOR PEOPLE LIKE WISCONSIN STATE PATROL TROOPER TREVOR CASPER WHO DIED IN THE LINE OF DUTY LAST NIGHT IN FOND DU LAC, WISCONSIN; 5:30 P.M. IT HASN'T EVEN BEEN 24 HOURS SINCE HE WAS KILLED BY SOMEONE ROBBING A STORE. THAT'S WHY I RISE. I RISE BECAUSE TODAY, MARCH 25, WAS DESIGNATED IN 1990 BY THE UNITED STATES CONGRESS AS NATIONAL MEDAL OF HONOR DAY FOR THE OVER 3,000 SERVICEMEN AND -WOMEN WHO HAVE RECEIVED A MEDAL OF HONOR FOR THEIR GALLANTRY. AND I WOULD DARE ANY OF YOU TO HAVE A DRY EYE IF YOU GO ON-LINE AND LOOK AT A VIDEO CLIP THAT WAS FILMED THIS MORNING AS A GROUP OF OVER 30 MEDAL OF HONOR WINNERS, A NUMBER OF THEM IN WHEELCHAIRS, WITH WALKERS, SOME YOUNGER, MANY OLDER, ALL LANDED IN ONE FLIGHT AT REAGAN NATIONAL AIRPORT ON A SPECIAL FLIGHT FROM NEW YORK WHERE THEY WERE HONORED AT THE NEW YORK STOCK EXCHANGE ON MONDAY. THE RESPONSE THAT THEY GOT AS THEY DISEMBARKED THE AIRCRAFT AT REAGAN NATIONAL AIRPORT IS PRETTY POWERFUL. AND IT'S NOT JUST MEDAL OF HONOR WINNERS. IT'S ALL THOSE WHO WORE A UNIFORM. HOW MANY PEOPLE IN UNIFORM CAN'T EVEN TALK ABOUT WHAT THEY'RE DOING TO PROTECT OUR COUNTRY FROM ISIL AND ISIS BECAUSE IT'S CLASSIFIED? HOW MANY MEMBERS OF OUR LAW ENFORCEMENT COMMUNITY THAT ARE RETIRED, MIGHT BE SITTING AT HOME TODAY... [LR7CA]

SPEAKER HADLEY: ONE MINUTE. [LR7CA]

SENATOR McCOY: ...WATCHING THIS DISCUSSION? SOMEBODY HAS TO STAND UP AND DEFEND THEM AND I WILL. IT'S NOT ABOUT ANYTHING PERSONAL BETWEEN SENATOR CHAMBERS AND I. HE CAN SAY ANYTHING HE WANTS TO ME AND I'LL TAKE IT. BUT WHEN HE BRINGS IN LAW ENFORCEMENT AND THOSE IN OUR ARMED FORCES, I TAKE EXCEPTION TO THAT AND I CALL ON HIM AGAIN TO APOLOGIZE PUBLICLY. THANK YOU, MR. PRESIDENT. [LR7CA]

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SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LR7CA]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I STAND IN SUPPORT OF LR7CA. I BELIEVE THAT TWO FOUR-YEAR TERMS IS TOO LITTLE IN THE LEGISLATURE ON A NUMBER OF FRONTS. ONE IS THE HUGE VARIETY OF ISSUES THAT WE HAVE TO DEAL WITH IN THIS LEGISLATURE, AND OVER TIME I'M LEARNING MORE AND MORE AND MORE. I AM CERTAINLY FAMILIAR WITH MANY OF THE EDUCATION ISSUES. I'M FAMILIAR WITH MANY OF THE NATURAL RESOURCES ISSUES BECAUSE I WAS ON THOSE COMMITTEES. BUT FOR THINGS THAT ARE GOING ON IN JUDICIARY OR URBAN AFFAIRS, I'LL BE HONEST, MANY TIMES I HAVE TO... YOU KNOW, I READ WHAT'S IN THE NEWSPAPER, OF COURSE. I READ THE THINGS THAT... MANY OF THE THINGS THAT COME ACROSS MY DESK. BUT I GO TO SOMEBODY ON THOSE COMMITTEES I TRUST AND SAY, IS THIS SOMETHING I SHOULD VOTE FOR OR AGAINST, WHATEVER, DO YOU NEED HELP TALKING, THAT SORT OF THING. IT TAKES SO LONG TO GET INTO ALL THESE AREAS AND THE VALUE OF LONGER TERMS OR MORE TERMS WOULD BE SIMPLY A FAMILIARITY WITH STATE GOVERNMENT THAT YOU CANNOT GET IN TWO FOUR-YEAR TERMS. THE OTHER THING IS DEVELOPING RELATIONSHIPS. ONE OF THE THINGS WE ALL COME UP AGAINST AT TIMES ARE THE PRESSURES OF LOBBYISTS, THE PRESSURES OF THE OTHER BRANCHES OF GOVERNMENT AND SPECIAL INTEREST GROUPS, AND THE VALUE OF LONGER TERMS OR MORE TERMS WOULD BE DEVELOPING RELATIONSHIPS WITH OTHER STATE SENATORS SO THAT WE CAN ACT AS A SENATE. REALLY, FOR ME, THE ONLY GOOD THING ABOUT TERM LIMITS IS I CAN'T RUN AGAIN BECAUSE I THINK MY WIFE MIGHT DIVORCE ME. NO, SHE WOULDN'T DO IT ON THAT ACCOUNT. BUT IT'S A GREAT DEAL OF WORK AND I DON'T THINK I WOULD RUN AGAIN IF I HAD THAT OPPORTUNITY. AS SENATOR KRIST BROUGHT UP, BETWEEN MYSELF AND MY OPPONENT, WE PROBABLY SPENT \$500 TO \$500,000 ON THE RACE IN THE 21st DISTRICT. AND WE ALSO NEED SPENDING LIMITS. WHEN I SIGNED UP TO RUN AGAIN FOR A SECOND TERM, THE SPENDING LIMIT WAS MAYBE \$100 TO \$110,000. AND THEN THAT LIMIT GOT THROWN OUT BECAUSE OF A CASE IN OKLAHOMA. AND OF COURSE, AS ALL OF US KNOW WHO HAVE RUN HARD, ONCE YOU'RE IN A RACE, YOU DON'T GIVE UP. YOU DON'T QUIT. AND NEITHER DID MY OPPONENT. AND SO WE RAISED AND SPENT A GREAT DEAL OF MONEY. I THINK THERE SHOULD BE SPENDING LIMITS. AND THEN I THINK ONE OF THE REASONS THAT THIS ISSUE HAS FAILED IS TO GET MORE TERMS AS WE HAD I THINK TWO YEARS AGO, TO DO A STATEWIDE INITIATIVE, LET'S BE REALISTIC, TAKES A LOT OF MONEY AND A LOT OF ORGANIZATION TO GET THE WORD OUT TO PEOPLE SO THEY REALLY UNDERSTAND WHAT'S GOING ON. AND, UNFORTUNATELY, TWO ISSUES WERE ON THE BALLOT. ONE WAS TO INCREASE THE NUMBER OF TERMS, I

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BELIEVE TO THREE, AND THEN ALSO TO RAISE THE SALARY. SO IT TAKES A LOT OF ORGANIZATION, A LOT OF MONEY TO SUCCESSFULLY RUN AN INITIATIVE. AND I WOULD HOPE THAT IF THIS COMES OUT OF THE CHAMBER, AS I THINK IT WILL, AND IT GOES ON THE BALLOT, THAT THERE WILL BE A LOT OF EFFORT SPENT TO EDUCATE THE PEOPLE ABOUT THESE ISSUES. [LR7CA]

SPEAKER HADLEY: ONE MINUTE. [LR7CA]

SENATOR HAAR: THANK YOU. SO I LIKE THE IDEA OF TWO SIX-YEAR TERMS. THREE FOUR-YEAR TERMS WOULD BE OKAY AS WELL. BUT I THINK THE PEOPLE, THE PEOPLE OF THIS STATE WOULD BE BETTER SERVED BY LEGISLATORS WHO CAN GAIN MORE EXPERIENCE, MORE KNOWLEDGE IN THIS OFFICE. THANK YOU VERY MUCH. [LR7CA]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE RECOGNIZED. [LR7CA]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. I DON'T WANT TO MAKE THIS A COMMENT THAT WOULD REFLECT POORLY ON MY PERSONAL RELATIONSHIP WITH SENATOR GROENE. BUT I HAVE TO SAY AT THIS POINT THAT FOR HIM TO STAND UP IN THIS BODY AND SAY, AND I DON'T...LET ME JUST NOT TAKE IT OUT OF CONTEXT. WOULD SENATOR GROENE YIELD TO A QUESTION, PLEASE? [LR7CA]

SPEAKER HADLEY: SENATOR GROENE, WILL YOU YIELD? [LR7CA]

SENATOR GROENE: YES, MR. PRESIDENT. [LR7CA]

SENATOR KRIST: SENATOR, COULD YOU JUST, FOR OUR...FOR THE PUBLIC'S INFORMATION AND FOR MY EDIFICATION, DID YOU CALL THIS A WASTE OF TIME? [LR7CA]

SENATOR GROENE: I SAID A LOT. I DON'T KNOW IF I PUT IT EXACTLY IN THOSE TERMS. BUT TO THE CITIZENS OF NEBRASKA LISTENING, I WOULD ASSUME THAT'S WHAT MOST OF THE PEOPLE WOULD THINK. [LR7CA]

SENATOR KRIST: OKAY. THANK YOU. COLLEAGUES, JUST AS I REPRESENT 39,000 PEOPLE IN MY DISTRICT, I REPRESENT 1.9 MILLION PEOPLE ACROSS THE STATE. AND NO IDEA IS TOO STUPID OR SUCH A WASTE OF TIME THAT I WILL NOT

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DISCUSS ONE OF MY COLLEAGUE'S THOUGHTS THAT REPRESENT THIS STATE ON THIS FLOOR. I THINK SENATOR SCHUMACHER BRINGS AN INTELLIGENT CONVERSATION TO THE FLOOR AND IT IS NOT A WASTE OF TIME. AND THE TRANSCRIPT I THINK WILL SAY IN NO UNCERTAIN TERMS THAT SENATOR GROENE MADE IT VERY CLEAR THAT HE THOUGHT IT WAS A WASTE OF TIME. I'M SURE HE THOUGHT MENINGOCOCCAL WAS A WASTE OF TIME. THAT'S WHAT WE'RE HERE TO DO. AND BY THE WAY, I'M STILL A CITIZEN OF THE STATE OF NEBRASKA. I STILL SIGN THOSE PETITIONS THAT GO AROUND. BUT I HAVE ONE OTHER ADDITIONAL RESPONSIBILITY AND THAT'S TO MAKE SURE THE PIECES OF LEGISLATION THAT WE BRING FORWARD OR THE CONVERSATION THAT HAPPENS ON THIS FLOOR IS RESPECTFUL OF NOT JUST THE 49 OF US, BUT OF THE PEOPLE OF NEBRASKA. NOW, IT IS MY PROFESSIONAL OPINION, HAVING RISEN ABOVE A LEVEL OF BEING A LOCAL POLITICIAN OR A CITIZEN BY THE GRACE OF GOD AND THE VOTES IN MY DISTRICT THAT I BELIEVE I HAVE AN OBLIGATION TO CARRY ON AN ADDITIONAL CONVERSATION. AND IN TALKING WITH MY CONSTITUENTS, THEY DON'T THINK THIS IS A WASTE OF TIME BECAUSE WE'RE RUNNING OUT OF A GENE POOL TO BRING PEOPLE IN HERE TO REPRESENT THEM. THEY COULDN'T FIND ANYBODY TO RUN AGAINST ME IN MY DISTRICT. AND IF THEY CAN'T FIND A REPUBLICAN TO RUN AGAINST ME, HOLY COW! (LAUGHTER) SO THIS IS NOT A WASTE OF TIME. BACK TO THE SUBJECT MATTER, YOU HAVE THREE CHOICES OR A COMBINATION OF THREE CHOICES THAT WE SHOULD BE DEBATING, OR SIMPLY SAY, I'VE MADE UP MY MIND AND I DON'T WANT TO SAY ANYTHING THAT WON'T BE CONSTRUED TO BE COUNTERPRODUCTIVE. LR7CA, THE ORIGINAL LR7CA WAS TWO SIX-YEAR TERMS WITHOUT A REAL GOOD TRANSITION PLAN. AM822 IS THREE FOUR-YEAR TERMS, WHICH THERE'S NO TRANSITION INVOLVED. IT WOULD JUST BE WE WOULD NOT BE ELIGIBLE. AND IT INCLUDES SENATOR BLOOMFIELD'S ACTION WHICH TAKES CARE OF WHAT I CALL THE "TONY FULTON ISSUE," WHICH IS SOMEONE WHO IS...BY ONE DAY CANNOT RUN AGAIN BECAUSE HE'S BEEN APPOINTED OUT OF CYCLE. AM922 TAKES US BACK TO TWO SIX-YEAR TERMS WITH A TRANSITION PLAN INVOLVED. I'M SURE THEY'LL FIND SOMEBODY TO RUN AGAINST ME THE NEXT TIME. THANK YOU, MR. PRESIDENT. [LR7CA]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LR7CA]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AS IMPORTANT AS THIS ISSUE IS, THERE IS A BIT OF RUBBISH THAT I HAVE TO ADDRESS. FIRST OF ALL, EVERY HEARING WE HAVE IS RECORDED. EVERY RECORDING IS TRANSCRIBED. PEOPLE CAN READ THE TRANSCRIPTION. I DON'T KNOW WHAT SENATOR McCOY WAS REFERRING TO

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WHEN HE MENTIONED APOLOGIZING TO THE MILITARY. MAYBE HE MEANS I SHOULD APOLOGIZE FOR ACKNOWLEDGING THAT I WAS IN THE MILITARY AND GOT AN HONORABLE DISCHARGE. AND AS FAR AS ME CRITICIZING THE POLICE, I WILL CONTINUE, STRONGLY AND VOCIFEROUSLY, TO CRITICIZE THE POLICE. AND IF HE SUPPORTS WHAT THEY DID, HE IS AS WRONG AS TWO LEFT SHOES AND JUST LIKE THEY ARE. ONE OF THE COPS THAT I SPOKE STRONGLY AGAINST-- AND THE COMMITTEE MEMBERS KNOW THIS, THEY ARE THERE AND THEY HEAR ME, SENATOR McCOY ONLY HEARS ME SPEAK AGAINST THE NONSENSICAL BILLS HE BRINGS--HE IS THE MAN WHO SHOT A MAN IN THE BACK, WHO WAS ON THE HOOD OF A CAR WITH HIS HANDS ON THE FENCE. AND THE DAY THAT I FOUND OUT IT HAPPENED, I DISCUSSED IT ON THIS FLOOR AND I SAID THE COP WAS ABSOLUTELY WRONG! AND YOU KNOW WHAT HAPPENED? THE OTHER DAY HE SUDDENLY DECIDED TO RESIGN. HE WON'T SAY WHY. THE CHIEF WON'T SAY WHY. BUT THERE IS AN ONGOING INTERNAL AFFAIRS INVESTIGATION DESPITE THE FACT THAT THE RUBBER-STAMP GRAND JURY EXONERATED HIM. SENATOR McCOY IS OUT OF HIS MIND IF HE THINKS I'M GOING TO APOLOGIZE FOR WHAT I SAID ABOUT THAT COP. I WILL NEVER DO IT! I WILL CONDEMN HIM UNTIL I DON'T HAVE BREATH IN MY BODY. YOU ALL HAVE HEARD ME TALK ABOUT TWO COPS IN THE CITY OF LINCOLN. BOTH OF THEM, BECAUSE OF VIDEO, WERE FOUND GUILTY BY THE INTERNAL AFFAIRS UNIT OF THE POLICE DEPARTMENT IN LINCOLN OF EXCESSIVE FORCE. ONE OF THE GUYS HAD HIS FACE SMASHED AGAINST THE WALL, BLOOD ON THE WALL. AND THEY QUIT SUDDENLY. THE CHIEF OF POLICE OF LINCOLN DID THE RIGHT THING IN HAVING THE INVESTIGATION. THE INTERNAL AFFAIRS UNIT DID THE RIGHT THING AND REACHED THE RIGHT CONCLUSION, BUT NOBODY WANTED TO TALK ABOUT IT. THE TWO COPS WOULDN'T SAY ANYTHING, THE CHIEF WOULDN'T SAY ANYTHING, AND THE HEAD OF THE POLICE UNION WHO PREVIOUSLY HAD SAID THEY WOULD DEFEND THESE GUYS SUDDENLY HAD NOTHING TO SAY. BUT THAT'S NOT THE END OF THE STORY. THE LANCASTER COUNTY SHERIFF'S DEPARTMENT HIRED ONE OF THEM AND THE STATE PATROL RECRUITED THE OTHER ONE. AND IF THIS MAN WHO SITS BEHIND ME WEARING THE LABEL OF "SENATOR" AND THE NAME "McCOY" THINKS I'M GOING TO APOLOGIZE FOR THAT, HE IS OUT OF HIS MIND, OR HE DOESN'T KNOW WHAT HE'S TALKING ABOUT, OR HE DOESN'T KNOW WHAT I'M TALKING ABOUT. BUT I WILL CONTINUE TO CONDEMN THE POLICE WHEN THEY ARE WRONG AND IN MY COMMUNITY, THEY ARE WRONG! HE DOESN'T KNOW WHAT GOES ON BECAUSE HE DOESN'T READ THE PAPER OR THE CORRECT PAPER. I GOT A LOT OF CALLS FROM PEOPLE WHO SAW SOMETHING ON FOX NEWS. I'VE MADE IT. THERE'S A WOMAN WHO HAD SOMETHING ON THE COMPUTER AND SHE APPARENTLY DOESN'T GET THE PLAY THAT THOSE IN THE PRINT MEDIA, THE REGULAR NEWSPAPERS, GET OR

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THE REPORTERS ON TELEVISION. SO SHE HAS WRITTEN VARIOUS NEGATIVE THINGS WHERE I'M CONCERNED AND I DON'T TRACK DOWN ALL OF THE NEGATIVE OR INACCURATE THINGS THAT ARE SAID, BUT I'LL ADDRESS WHAT SENATOR McCOY SAID BECAUSE HE'S ON THE FLOOR. HE'S RIGHT HERE. [LR7CA]

SPEAKER HADLEY: ONE MINUTE. [LR7CA]

SENATOR CHAMBERS: BUT NOTHING GOT ANY TRACTION. BUT WITH THIS ONE, AS THEY SAY, SHE HIT THE MOTHER LODE. SHE'S PROBABLY NOW THE DARLING OF FOX TELEVISION, WHICH TO ME IS NOT SAYING ANYTHING ABOUT YOUR CREDENTIALS AS A JOURNALIST OR YOUR INTEGRITY AS A PERSON. IF SHE TOLD SENATOR McCOY THAT I ATTACKED THE MILITARY FRIDAY, I DON'T KNOW WHETHER ANY OTHER MEMBERS OF THE JUDICIARY COMMITTEE HEARD ME ATTACKING THE MILITARY. BUT IF I HAD SOMETHING TO SAY ABOUT THE MILITARY, I WOULD SAY IT AND I WOULDN'T RUN AWAY FROM IT AND I WOULD GIVE SPECIFIC REASONS WHY I SAID IT. NOW, IF I SAID AT THAT POINT THAT THE U.S. MILITARY WAS AND IS RACIST, YEAH, I BACK IT UP; AND IF I DIDN'T SAY IT THEN, I SAY IT NOW. HOW MANY TIMES HAVE YOU HEARD NOT ONLY ME SAY THAT, BUT YOU'VE READ ABOUT IT? SO THAT'S WHAT'S GOT THE BUR UNDER HIS SADDLE. I WOULD LIKE TO TALK ABOUT THIS ISSUE... [LR7CA]

SPEAKER HADLEY: TIME, SENATOR. [LR7CA]

SENATOR CHAMBERS: AND AT SOME POINT I WILL. THANK YOU, MR. PRESIDENT. [LR7CA]

SPEAKER HADLEY: SENATOR BAKER, YOU'RE RECOGNIZED. [LR7CA]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LR7CA AND AM822. I WAS A SUPERINTENDENT OF SCHOOLS FOR MANY YEARS. I DEVELOPED A BELIEF THAT A STABLE AND COHESIVE BOARD IS A FOUNDATION FOR A SUCCESSFUL SCHOOL DISTRICT. I WAS FORTUNATE DURING MOST OF MY 37 YEARS AS SUPERINTENDENT TO WORK WITH BOARDS, WITH MEMBERS WHO WORKED FOR 16, 20, AND EVEN MORE YEARS. I BELIEVE THAT PROVIDING LEGISLATURES THE OPPORTUNITY TO BE REELECTED TO SERVE 12 YEARS WOULD BE A BENEFIT TO THE CITIZENS OF NEBRASKA. THANK YOU, MR. PRESIDENT. [LR7CA]

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SPEAKER HADLEY: SENATOR EBKE, YOU'RE RECOGNIZED. [LR7CA]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I FIND MYSELF ONCE AGAIN TAKING ON THE ROLE OF A POLITICAL SCIENCE TEACHER, I GUESS, HAVING TAUGHT AMERICAN GOVERNMENT FOR A NUMBER OF YEARS. I CERTAINLY BELIEVE THAT THIS DISCUSSION ON LR7CA IS WORTHY OF DEBATE AND DISCUSSION. AND LIKE MANY OF YOU SITTING HERE TODAY, I ALSO BELIEVE AT LEAST THEORETICALLY THAT OUR ELECTIONS OUGHT TO BE OUR TERM LIMITS, THAT IF YOU HAVE AN ACTIVE AND ENGAGED CITIZENRY THAT IS PAYING ATTENTION TO WHAT'S GOING ON, THAT YOU DON'T NEED ANYTHING ELSE. YOU DON'T NEED TO HAVE MANDATED TERM LIMITS BECAUSE THE CITIZENS WILL PAY ATTENTION AND WILL ENACT THOSE TERM LIMITS. UNFORTUNATELY, WE KNOW THAT THERE ARE ADVANTAGES TO INCUMBENCY. MANY OF US HAVE HAD FUND-RAISING BREAKFASTS. I WAS AT ONE THIS MORNING FOR ONE OF MY COLLEAGUES. THERE ARE ADVANTAGES TO BEING AN INCUMBENT MEMBER OF THE LEGISLATURE, YOU KNOW, NOT THE LEAST OF WHICH IS HAVING THE OPPORTUNITY TO SEND, YOU KNOW, SEND WEEKLY LETTERS TO OUR NEWSPAPERS, BEING ABLE TO SEND OUT THINGS WITH OUR NAMES ON THEM ON GOVERNMENT STATIONERY, AND THE ABILITY TO SIMPLY RAISE MONEY. THE PEOPLE OF NEBRASKA DECIDED, I BELIEVE IT WAS IN 2000, THAT EIGHT YEARS IS ENOUGH FOR US. IF THEY THINK MORE IS BETTER, THEN I WOULD ARGUE THAT THE PEOPLE OF NEBRASKA ARE PERFECTLY ABLE AND CAPABLE OF INITIATING ANOTHER PETITION PROCESS AND CHANGING IT BACK IF THEY THINK THAT IT'S NECESSARY. THERE HAVE BEEN MANY COMPELLING ARGUMENTS OVER THE LAST HOUR OR SO. SENATOR BAKER REFERRED TO THE QUESTION OF SCHOOL BOARDS VERSUS LEGISLATURES AND CERTAINLY AS ONE WHO SAT ON A LOCAL SCHOOL BOARD FOR 12 YEARS, I AGREE THAT YOU HAVE SOME ADVANTAGES AFTER YOU'VE BEEN ON FOR A WHILE. BUT BY THE SAME TOKEN, I THINK YOU FIND THAT IN THOSE LAST COUPLE OF YEARS, WHEN YOU'VE DECIDED THAT YOU AREN'T GOING TO RUN AGAIN, THAT MAYBE YOU BECOME A LITTLE BIT STALE. THERE'S A SWEET SPOT. I DON'T KNOW WHERE THAT IS. SO I WOULD ARGUE THAT THE CITIZENS OF THIS STATE, THE SECOND HOUSE, ARE PERFECTLY CAPABLE OF MAKING THE DECISION AS TO WHETHER OR NOT WE SHOULD INCREASE TERM LIMITS. I THINK IT LOOKS A LITTLE BIT SELF-SERVING EVEN THOUGH MOST OF US THROUGH THIS LR WOULD NOT BE...OR MAYBE NONE OF US WOULD BE DIRECTLY IMPACTED. BUT IT DOES LOOK A LITTLE BIT SELF-SERVING. I DID ONE OF THOSE...SOMEBODY ASKED ME ABOUT A...ASKED ABOUT A QUIZ EARLIER OR A LITTLE SURVEY. I DID A LITTLE SURVEY ON MY FACEBOOK PAGE THIS MORNING AND I SAID, THIS IS WHAT WE'RE TALKING ABOUT TODAY, WHAT DO YOU THINK? AS OF A FEW MINUTES AGO, I'D GOTTEN SEVEN

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RESPONSES; SIX OF THEM SAID, NO WAY, DON'T DO IT, VOTE NO; AND ONE SAID, HOW ABOUT THREE FOUR-YEAR TERMS? SO BEYOND THAT, IT SEEMS TO ME THAT MOST OF THE CITIZENS WHO ARE PAYING ATTENTION THINK THAT WE'VE GOT ENOUGH TIME WITH EIGHT YEARS. SO WITH THAT, THANK YOU, MR. PRESIDENT. [LR7CA]

SPEAKER HADLEY: MR. CLERK. [LR7CA]

ASSISTANT CLERK: MR. PRESIDENT, I DO HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO BRACKET LR7CA UNTIL JUNE 5. [LR7CA]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN ON YOUR BRACKET MOTION. [LR7CA]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I MENTIONED THIS TO SENATOR SCHUMACHER AND I WILL PULL IT. BUT WE'RE GOING TO LEAVE WHATEVER WE'RE DISCUSSING AT 3:00 AND I MAY NOT BE RECOGNIZED BEFORE THAT TIME COMES. BUT THERE ARE SOME ADDITIONAL THINGS I WANT TO SAY ON THE SUBJECT SENATOR McCOY BROUGHT. EVERYBODY CAN GET A TRANSCRIPT OF THAT HEARING. EVERYBODY. AND THAT WILL BE THE BEST RECORD OF WHAT WAS SAID. AND I WILL NOT APOLOGIZE TO ANYBODY FOR ANYTHING I SAID DURING THAT HEARING. IF ANYTHING, I WILL UNDERSCORE IT SEVERAL TIMES AND ADD EXCLAMATION POINTS. I'M NOT ONE WHO SAYS WHAT I SAY AND THEN WILL RUN AWAY FROM IT OR PRETEND THAT IT IS NOT WHAT IT IS. BUT AS THEY WOULD SAY IN THE COURTROOM, THE BEST EVIDENCE OF WHAT THIS DOCUMENT SAYS IS THE DOCUMENT ITSELF. SO WE WILL LOOK AT THE DOCUMENT AND WE DON'T NEED ANYBODY TO READ IT TO US. SO YOU CAN GET THE TRANSCRIPT AND I DEFY SENATOR McCOY TO SAY HE HEARD ME SAY ANYTHING THAT HE'S SAYING I OUGHT TO APOLOGIZE FOR. I DEFY HIM. I DEFY HIM TO SAY HE READ IT IN A LEGITIMATE NEWS OUTLET. AND IF HE DID, THEN HE'S ONE UP ON ME BECAUSE I'M UNAWARE OF ALL OF THAT. BUT WHO HAS EVER SAID THAT A POLITICIAN HAS TO TELL THE TRUTH? WHO HAS EVER SAID THAT YOU EXPECT CERTAIN PEOPLE TO TELL THE TRUTH? AND WHEN THEY MAKE THEMSELVES FOR SALE AND WILL INSULT THE PRESIDENT AND NOT APOLOGIZE, AN ACT OF RACISM BECAUSE HE WOULD NOT DO THAT TO A WHITE PRESIDENT. ONE OF THE MOST CHILDISH, JUVENILE THINGS I EVER SAW, SET A BOBBLE-HEAD DOLL OF THE PRESIDENT ON A FENCE POST, THEN KNOCK IT OFF AND THINK SOMEHOW HE HAS DONE SOMETHING CLEVER. HE'S A BIG MAN, AS THEY SAY IN THE MOVIES,

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BECAUSE HE KNOCKED A BOBBLE-HEAD DOLL OF THE PRESIDENT OFF A FENCE POST. I READ SOME CRITICISMS OF THAT IN THE PUBLIC PULSE AND THE PEOPLE IDENTIFIED THEMSELVES AS REPUBLICANS. I DON'T KNOW WHETHER THEY WERE OR NOT. BUT AS WRONG AND AS SILLY AND JUVENILE AND ADOLESCENT AS THAT ANTIC WAS, I DIDN'T SAY THAT SENATOR McCOY OUGHT TO APOLOGIZE FOR IT. WE'RE IN POLITICS! WE'RE BIG PEOPLE. WE CAN TAKE IT AND WE GIVE IT. AND AS MUCH AS I GIVE ON THIS FLOOR, I WILL TAKE IT AND I'LL TELL YOU WHAT I WILL NOT DO, LIKE SOME OF MY SILLY COLLEAGUES MIGHT DO. EVERY FALSE OR INACCURATE STATEMENT ABOUT ME, I WILL NOT TRACK DOWN. IT WOULD BE LIKE SOMEBODY TAKING A PILLOW FULL OF FEATHERS, CUTTING IT OPEN, AND THERE BE A HURRICANE OUTSIDE AND THEY SHAKE THOSE FEATHERS OUT INTO THE HURRICANE, THEN THEY SAY, ERNIE, I WANT YOU TO GO FIND EVERY ONE OF THOSE FEATHERS. I'D SAY WHAT I SAID ABOUT SENATOR McCOY: YOU MUST BE OUT OF YOUR MIND OR THINK I'M OUT OF MINE. I'M GOING TO TRACK DOWN EVERY SILLY THING THAT SOMEBODY SAID, BUT WHEN THE SILLY THINGS ARE SAID ON THIS FLOOR, SOME OF THEM I WILL TAKE ISSUE WITH AND SOME OF THEM I WON'T. BUT SINCE THIS PARTICULAR ITEM HAS TAKEN WINGS AND I'VE BEEN ANSWERING PHONE CALL AFTER PHONE...I'VE NEVER BEEN SO POPULAR. BUT HERE'S THE FUNNY THING. AFTER I'VE TALKED TO THOSE PEOPLE AND THEY IDENTIFY THEMSELVES AS COPS, THEY SAY, FIRST OF ALL, THEY WANT TO THANK ME FOR ANSWERING MY PHONE. THEY WANT TO THANK ME FOR TAKING AS MUCH TIME AS I TOOK WITH THEM, THAT THEY'VE EVEN CALLED REPRESENTATIVES AT THE STATE LEVEL WHERE THEY LIVE AND THEY CAN'T GET PAST THE STAFF. AND THEN AFTER HEARING WHAT I HAD TO SAY, ESPECIALLY ABOUT THESE SPECIFIC CASES THAT I MENTIONED, THEY SAID, THAT WOULDN'T BE TOLERATED ON OUR POLICE FORCE. SOMEBODY IS FOUND TO HAVE COMMITTED EXCESSIVE FORCE AND THEN ANOTHER LAW ENFORCEMENT AGENCY HIRES THEM? ONE GUY OUT IN ARIZONA, HE SAID, WE GOT SOME KIND OF BOARD THEY CALL IT FOR THE POLICE AND WHEN A COP MESSES UP LIKE THAT, THEY PUT HIM ON THE BOARD SO NO OTHER LAW ENFORCEMENT AGENCY WILL HIRE HIM. SENATOR McCOY DOESN'T KNOW ANYTHING ABOUT LAW ENFORCEMENT. HE KNOWS HOW TO GET THE SOUND BITES--APOLOGIZE, BECAUSE I DON'T LIKE WHAT I READ THAT YOU SUPPOSEDLY SAID. BUT HE DIDN'T SAY WHAT I SUPPOSEDLY SAID. HE SAID WHAT I SAID. WE'RE GOING TO HAVE THE TRANSCRIPT AND WE'LL HAVE THE CHANCE TO SEE. BUT I'LL TELL YOU THIS MUCH AND I'LL SAY IT AGAIN AND AGAIN, I WILL NOT APOLOGIZE FOR ANYTHING THAT I SAID AT ANY HEARING IF I DID NOT APOLOGIZE AT THE TIME OF THE HEARING. NOW, WE'VE HAD SOME VERY COMPLEX ISSUES DURING THIS SESSION IN THE JUDICIARY COMMITTEE. I THINK I'VE PROBABLY MADE EVERY HEARING AND I STAY FOR MOST OF THEM, AND I

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PARTICIPATE IN THE HEARINGS AND I'M HERE ON THE FLOOR ALL THE TIME WHICH CANNOT BE SAID OF SOME OF THOSE WHO WANT TO CRITICIZE ME. AND I OUGHT TO CHANGE THAT PLURAL FROM "SOME" TO "AT LEAST ONE." BUT SO WHAT? HE'S NOT MY FRIEND. I'M NOT HIS FRIEND. WE DON'T DO ANYTHING TOGETHER. SO WHAT DIFFERENCE DOES IT MAKE WHAT HE SAYS OTHER THAN THAT WHEN HE PUTS IT ON THE RECORD, I WANT THE RECORD TO HAVE MY REJOINDER. AND THAT'S WHAT I WILL GIVE. AND IN FACT, I SHOULDN'T ACKNOWLEDGE IT. IT'S SOMEWHAT REFRESHING FOR SOMEBODY TO ATTEMPT TO ATTACK ME ON THE FLOOR OF THE LEGISLATURE. NOW, I FEEL SO GOOD ABOUT THE OPPORTUNITY SENATOR McCOY GAVE TO ME TODAY THAT IF THIS WERE THE LAST DAY OF MARCH, YOU COULD SAY, ERNIE CAME IN LIKE A MOUNTAIN LION AND LEFT LIKE A PRAIRIE DOG, BECAUSE MY MOOD IS CONSIDERABLY MELLOWED. BUT I WILL STAND FOR MYSELF AND I DON'T CARE WHETHER FOX NEWS SAID IT, WHETHER SENATOR McCOY SAID IT, OR WHOEVER ELSE SAID IT. IF IT IS THE TYPE OF THING IN THE TYPE OF SETTING WHERE I THINK SOMETHING OUGHT TO BE SAID ABOUT IT, I WILL DO IT. NOBODY CAN MAKE ME TALK ABOUT ANYTHING I'M NOT OF A MIND TO TALK ABOUT. KFAB CALLED ME. I DON'T TALK TO THEM ABOUT ANYTHING. ONE GUY THEY USED TO HAVE AND I'VE TALKED TO HIM, IN FACT, I CALL HIM "KKKFAB." AND THEY KNOW WHY. AND SO HE SAID, WELL, YOU DON'T WANT TO RESPOND? I SAID, I DON'T RESPOND TO NONSENSE. HE SAID, WELL...I SAID, IN FACT, I DON'T TALK TO PEOPLE ON THESE RADIO PROGRAMS. HE SAID, ARE YOU AFRAID TO COME? CLICK. I HUNG UP ON HIM. HE'S SILLY. AND HE MUST THINK I'M LIKE SOME OF THE PEOPLE MAYBE IN THIS CHAMBER WHO HE CAN SAY, YOU'RE AFRAID TO COME ON, SO YOU GIVE ALL THIS ARGUING TO HIM WHY YOU'RE NOT GOING TO COME ON AND YOU'RE NOT AFRAID. THAT WOULD BE LIKE SOME DRUNK HOLDING UP A FIFTH. YOU ALL MAY NOT KNOW WHAT A LIGHT POST IS. HE'S HOLDING UP THE LIGHT POST SAYING, CHAMBERS. I'D SAY, YEAH? I DON'T LIKE WHAT YOU SAID. I SAID, WELL, THAT'S ALL RIGHT. YOU CAN NOT LIKE IT. I WANT TO TALK TO YOU ABOUT IT. I SAY, WELL, PARTNER, I DON'T HAVE TIME TO TALK TO YOU, SO YOU WILL NOT BE ABLE TO DISTINGUISH ME FROM THE LAMP POST ANYWAY, SO TALK TO THE LAMP POST. I'M GOING TO ARGUE WITH A DRUNK? I'M GOING TO ARGUE WITH A CHILD? ONE OF THE MOST IMPRESSIVE SCENES THAT I SAW ON A TELEVISION PROGRAM, IT WAS CALLED ROC, R-O-C, AND IT USED TO COME ON SUNDAY. AND THIS GUY, CHARLES DUTTON, WAS THE MAIN CHARACTER. AND I DIDN'T REALIZE HE HAD DONE SHAKESPEAREAN ACTING AND HE SAID HOW EMBARRASSED HE WAS TO DO THIS COMEDY, BUT HE NEEDED THE WORK SO HE TOOK IT. AND THERE WAS HIM, HIS WIFE, HIS FATHER, AND HIS BROTHER, AND A LITTLE GIRL WHO STAYED IN THE HOUSE. SO ONE DAY THE FATHER OF ROC... [LR7CA]

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SPEAKER HADLEY: ONE MINUTE, SENATOR. [LR7CA]

SENATOR CHAMBERS: ...WOULD BE THE GRANDFATHER OF THE LITTLE GIRL CAME IN, AND ALL THESE ADULTS WERE CHASTISING THIS LITTLE GIRL AND EXPLAINING TO HER WHY SHE OUGHT TO DO CERTAIN THINGS IN SCHOOL. AND ONE WOULD TALK, THEN THE OTHER ONE WOULD TALK, AND THE LITTLE GIRL WOULD TRY TO SAY SOMETHING. SO WHEN HE CAME IN SIGHT, ROC SAID, POP, WE NEED YOU TO TELL HER SOMETHING. HE SAID, WHAT DO YOU WANT ME TO TELL HER? HOW YOU FEEL ABOUT ALL THIS AND HOW WRONG SHE IS. HE SAID, HOW WRONG SHE IS? I'LL TELL YOU WHAT I SEE THAT'S WRONG. I SEE FOUR GROWN PEOPLE ARGUING WITH A NINE-YEAR-OLD CHILD, THAT'S WHAT I SEE THAT'S WRONG. SO I'M NOT GOING TO ARGUE WITH SOMEBODY WHO WRITES SOMETHING AT THE MENTALITY LEVEL OF A NINE-YEAR-OLD CHILD. PEOPLE DO THAT TO GET THE ATTENTION. THEY NEED THE WORK. THEY NEED A SUBJECT MATTER THAT ALMOST CARRIES ITSELF AND I HAPPEN TO BE THAT... [LR7CA]

SPEAKER HADLEY: TIME, SENATOR. [LR7CA]

SENATOR CHAMBERS: ...FOR A LOT OF...THANK YOU. [LR7CA]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LR7CA]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I COULDN'T HAVE SAID IT BETTER THAN WHAT SENATOR EBKE SAID. THIS WAS PUT ON THE LEGISLATURE, THE TERM LIMITS, BY THE PEOPLE THROUGH A PETITION PROCESS. AND IF THEY WANT TO REMOVE IT, THAT SHOULD BE THE PROCESS THEY USE TO REMOVE IT. WE ARE JUST INDIVIDUALS WHO SPEND EIGHT YEARS HERE, WELL, FOUR, SOMETIMES EIGHT. IT'S NOT THAT BIG A DEAL, FOLKS. I MEAN, THERE'S OTHER THINGS IN LIFE WE CAN BE DOING. I HAPPEN TO THINK BEING A FATHER AND A GRANDFATHER AND WHAT I'VE ACCOMPLISHED IN BUSINESS AND AT MY CHURCH IS MORE IMPORTANT THAN THIS. IT'S NOT THE BIGGEST THING I'VE EVER DONE IN MY LIFE, TO BE ACTUAL. I TOLD MY WIFE I DON'T WANT ANYWHERE ON MY EPITAPH TO BE...THE WORD "SENATOR" USED BECAUSE I'M MORE PROUD OF A LOT OF OTHER THINGS I'VE DONE. SO IF I'M HERE OR NOT, I'M HERE BECAUSE OF MY GRANDKIDS, BECAUSE I WANT THEM TO ENJOY THE SUCCESS I'VE HAD WITH FREEDOMS AND THE FREE ENTERPRISE SYSTEM. BUT EIGHT YEARS IS ENOUGH. AND I WANT TO THANK SENATOR KRIST FOR POINTING OUT THAT I SAID WASTE OF TIME. I APOLOGIZE TO SENATOR SCHUMACHER IF THAT...IF I THINK HE WASTED HIS TIME. HECK, HE TELLS US EVEN ON THE DRIVE

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DOWN HERE HE'S WRITING BILLS IN HIS MIND, IN HIS COMMUTE. BUT I WAS WONDERING, SINCE SENATOR KRIST WAS SO KIND TO POINT OUT THAT I MAYBE OVERSTEPPED WHAT I SAID, THAT HE MIGHT WANT A CHANCE IF HE'S HERE TO ANSWER A QUESTION SO HE CAN CLARIFY TO HIS VOTERS WHAT HE MEANS BY GENETIC POOL. [LR7CA]

SPEAKER HADLEY: SENATOR KRIST, WILL YOU YIELD TO A QUESTION? [LR7CA]

SENATOR KRIST: ABSOLUTELY. [LR7CA]

SENATOR GROENE: SENATOR KRIST, I KNOW IT WAS IN JEST PROBABLY, BUT THERE'S A LOT OF FOLKS IN YOUR DISTRICT THAT PROBABLY WERE BORN THERE AND DIDN'T MOVE IN. I WONDER WHAT YOU MEAN BY GENETIC POOL. COULD YOU CLARIFY THAT? [LR7CA]

SENATOR KRIST: SURE. I DIDN'T SAY GENETIC POOL. I SAID GENE POOL. AND THE REASON I USED THE WORD GENE POOL IS THAT THERE ARE A CERTAIN NUMBER OF PEOPLE WHO ARE QUALIFIED EITHER BECAUSE THEY CAN WALK AWAY FROM THEIR BUSINESS, THEY HAVE THE EDUCATIONAL AND THE SPEAKING ABILITY, THEY HAVE THE CONFIDENCE, THEY HAVE ANY NUMBER OF QUALIFICATIONS EITHER THAT THEY BELIEVE THEY HAVE OR THAT OTHER PEOPLE BELIEVE THAT THEY HAVE THAT QUALIFIES THEM AS THE POOL OF GENES THAT COULD POSSIBLY FILL THIS POSITION. AND I THINK IT WAS IN JEST IN TERMS OF... [LR7CA]

SENATOR GROENE: WELL, THANK YOU. THANK YOU. [LR7CA]

SENATOR KRIST: YOU BET. [LR7CA]

SENATOR GROENE: I APPRECIATE YOUR ANSWER. I THOUGHT MAYBE YOU'D WANT TO CLARIFY THAT BECAUSE GENETICS OR GENE POOL IS NORMALLY SOMETHING YOU HAVE NO CONTROL OVER. IT'S YOUR HEIGHT, IT'S YOUR COLOR OF YOUR EYES, THINGS LIKE THAT. AND SOME MAY CLAIM IT'S INTELLECTUAL ABILITIES, BUT I PREFER TO THINK IT'S A GOD-GIVEN GIFT OF WISDOM AND THAT GIFT CAN'T...DOESN'T HAVE ANYTHING TO DO ABOUT YOUR INTELLECT. BUT, ANYWAY, MAYBE THE POINT IS THAT A LOT OF PEOPLE DON'T RUN BECAUSE OF THE PAY. MAYBE THEY'RE JUST SMARTER THAN MOST US OR CAN'T AFFORD TO RUN. BUT THAT'S ANOTHER ISSUE AND, BY THE WAY, I WOULD SUPPORT A PAY

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INCREASE BECAUSE WE NEED A DIFFERENT MIX OF PEOPLE IN HERE. IT ONLY SEEMS TO BE PEOPLE WHO CAN RUN. THERE'S TOO MANY OF THE ONES THAT HAVE GOVERNMENT JOBS AND WERE ABLE TO RETIRE WITH GOOD BENEFITS CAN AFFORD TO WORK FOR \$12,000 THAN THOSE OF US THAT REALIZE LIFE DON'T GO ON FOREVER, SO WE NEED TO STEP FORWARD AND DO WHAT WE CAN FOR...IF WE HAVE THOSE ABILITIES, BUT...OR IF THE PEOPLE DEEM THAT THEY NEED OR WANT US TO REPRESENT THEIR BELIEFS. BUT THE POINT IS THE PEOPLE WANTED TERM LIMITS. THEY WANTED EIGHT YEARS. AND AS THE LAWYER...AS THE JUDGE SAID, WHO'S BEEN HARMED? WHO HAS BEEN HARMED BY EIGHT-YEAR TERMS, TWO FOUR-YEAR TERMS? [LR7CA]

SPEAKER HADLEY: ONE MINUTE. [LR7CA]

SENATOR GROENE: HAS GOVERNMENT LACKED IN THE STATE OF NEBRASKA? HAS THE PEOPLE'S VOICE BEEN SILENCED BY WHO REPRESENTS THEM? HAVE WE HAD UNEQUAL REPRESENTATION? I WOULD ARGUE WE'VE HAD MORE EQUAL REPRESENTATION BECAUSE WE DON'T HAVE THE OLD LEADERS. I COULD PUT A THUMB ON THE NEW SENATORS WHO USED TO BE OUTNUMBERED MAYBE TWO OR THREE EVERY TWO YEARS THAT GOT ELECTED BECAUSE OF THERE WAS NO TERM LIMITS, THE BLOOD DIDN'T CHANGE, THE IDEAS WERE STALE. TERM LIMITS HAS BEEN A BOON FOR THIS STATE. AND PAT ENJOYS IT, TRAINING US, MEETING NEW FOLKS. I'M SURE HE DOES. SO DOES THE REST OF THE EMPLOYEES IN THE UNICAMERAL TO GET TO KNOW NEW FRIENDS. AND EVERYONE THAT I'VE SEEN, MET, THAT'S BEEN TERM LIMITED OUT, THEY SEEM TO HAVE ACCEPTED IT AND REALIZE THEY HAVE NEW FREEDOM. [LR7CA]

SPEAKER HADLEY: TIME. [LR7CA]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. [LR7CA]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LR7CA]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, OBVIOUSLY I DISAGREE WITH SENATOR GROENE. HE HASN'T BEEN HERE LONG ENOUGH TO EVEN UNDERSTAND THE DYNAMICS OF THIS JOB. WITH WHAT IS ENTAILED, IT TAKES LONGER THAN JUST TWO YEARS TO REALLY KNOW WHAT YOU'RE DOING, THEN PUT IT INTO PRACTICE AND DO THE JOB THAT NEEDS TO BE DONE. NOW, I HAVE BEEN HERE A LONG TIME. I'M PROBABLY THE ONLY POLITICIAN IN HISTORY, SENATOR GROENE, WHERE THE PUBLIC INSISTED

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THAT HE COME BACK. DON'T HAVE TO CAMPAIGN. OTHER PEOPLE PUT UP SIGNS BECAUSE I WOULDN'T. I TOLD THEM, NO, I WILL NOT ASK ANYBODY FOR ANYTHING. THEY SAID, WE WANT YOU BACK. I SAID, THEN GET ME BACK. THIS IS YOUR SHOW, NOT MINE. I'M GOING TO RUN. I'LL VOTE FOR MYSELF. I'LL HAVE AT LEAST ONE VOTE. BUT FOR THE REST OF IT, IT'S UP TO YOU ALL. SO THIS GOES TO THE INTEGRITY OF A SYSTEM WHICH REQUIRES CONTINUITY, THAT COLLECTIVE MEMORY, THAT INSTITUTIONAL MEMORY, WHICH IS NOT NECESSARY FOR A GOVERNOR, NOT NECESSARY FOR AN ATTORNEY GENERAL, BUT FOR THE LEGISLATURE, BECAUSE THE COURT HAS INDICATED, THE PEOPLE WHO WRITE ABOUT GOVERNMENT, THE LEGISLATURE IS THE ONLY BRANCH THAT REPRESENTS THE PEOPLE. NOW, I CAME BACK, THE ONE FOR WHOM THEY GOT TERM LIMITS. AND IF SENATOR GROENE HAD SOMETHING TO DO WITH IT, HE'LL HAVE TO ADMIT THAT MY NAME WAS USED PROMINENTLY. AND NOW THERE ARE PEOPLE WHO ARE COMING TO THIS CHAMBER, NOT THE CHAMBER BUT TO THIS BUILDING, AND WHO ARE CALLING ABOUT A BILL, LB106, THAT THEY DON'T LIKE. AND YOU KNOW WHAT THEY TELL ME? SENATOR, YOU'RE THE ONLY ONE WHO REPRESENTS US OUT HERE. WHEN I DID SOMETHING ON THE PIPELINE, I COULDN'T STOP THE PIPELINE BY THAT ACT ALONE. BUT THEY SAY, WE CAN'T EVEN GET ANYBODY TO DO ANYTHING. AND THEN YOU KNOW WHAT THEY BEGAN TO TELL ME? I VOTED FOR TERM LIMITS TO GET YOU OUT OF OFFICE AND IT'S THE BIGGEST MISTAKE I EVER MADE, AND A MEMBER ON THIS FLOOR EVEN SAID THAT. SO PEOPLE WERE GIVEN AN IMAGE OF ONE MAN AND THEY MADE HIM BIGGER AND MORE IMPORTANT THAN THE GOVERNMENT OF THIS STATE. YOU KNOW WHY I SAY THE GOVERNMENT AND NOT THE LEGISLATURE? THERE ARE TO BE CHECKS AND BALANCES. AND WHEN THE LEGISLATURE HAS BEEN GUTTED AND IT'S AT A DISADVANTAGE AND IT HAS A LOT OF NEW PEOPLE WHO DON'T KNOW WHAT'S GOING ON, THE DISADVANTAGE EXISTS BECAUSE THERE IS NO CHECK AND BALANCE. THE GOVERNOR CAN HIRE STAFF. YOU SEE HOW MANY PEOPLE HE'S HIRING, HOW MUCH MONEY HE'S GIVING THEM. THE ATTORNEY GENERAL CAN HIRE PEOPLE. YOU CAN'T HIRE A BIG ENOUGH STAFF TO DO ALL THE THINGS YOU WANT DONE. SO THE LEGISLATURE IS AT A DISADVANTAGE. I THINK TERM LIMITS SHOULD BE DONE AWAY WITH ALTOGETHER. IT'S SILLINESS AND IT INDICATES THAT THE PEOPLE ARE SAYING STOP ME BEFORE I DO SOMETHING SILLY. EACH DISTRICT HAS THE OPPORTUNITY TO VOTE FOR WHOM THEY SEND HERE. IF THEY DON'T LIKE THAT PERSON, VOTE HIM OR HER OUT. AND IF THEY SAY, WELL, I LIKE MY SENATOR, BUT I DON'T LIKE CHAMBERS, THEN THAT LETS YOU KNOW HOW LITTLE THEY THINK OF YOU BECAUSE THEY'RE WILLING TO SACRIFICE ALL THE REST OF THEM TO GET RID OF ME. THEN THE ONE THEY WANTED TO GET RID OF IS THE ONE WHO CAME BACK. THE ONE WHO CAME BACK. THEY DROVE A STAKE

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THROUGH AN EMPTY COFFIN. AND YOU DRIVE A STAKE THROUGH DRACULA'S HEART, BUT IF DRACULA HAS NO HEART, IT'S A WASTED STAKE, WASTED STAKE. AND I'M BACK, WHICH IS SOMETHING NOBODY BEFORE ME CAN SAY AND NOBODY AFTER ME WILL BE ABLE TO SAY. AND THAT'S WHY SOME OF THESE PEOPLE IN HERE ARE SO UPSET WITH AND OFFENDED BY ME. I DON'T HAVE TO GO AROUND BEGGING PEOPLE, GIVE ME SOME MONEY SO I CAN GET IN OFFICE. I DON'T HAVE TO SAY ONE THING ON THE FLOOR, THEN APOLOGIZE TO PEOPLE IN ANOTHER SETTING AND SAY, WELL, I HAD TO SAY THAT. [LR7CA LB106]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LR7CA]

SENATOR CHAMBERS: WHAT DID YOU SAY? [LR7CA]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LR7CA]

SENATOR CHAMBERS: OH, THANK YOU. I HAD TO WAKE THE SPEAKER UP TOO. BUT AT ANY RATE, THE PEOPLE WILL OFTEN MAKE MISTAKES AND IT'S UP TO THE LEGISLATURE, TO THE EXTENT THAT IT'S POSSIBLE, TO TRY TO CORRECT THOSE MISTAKES OR GIVE THE PUBLIC THE OPPORTUNITY. AND TO SAY THAT BECAUSE SOMEBODY SAID SOMETHING YESTERDAY IS THE SAME THING THEY'LL SAY TODAY WOULD MEAN THAT YOU AND YOUR WIFE, IF YOU HAVE ONE, DON'T NEED TO TALK ANYMORE BECAUSE EACH OF YOU HAVE SAID SOMETHING. AND SOME OF THE SPOUSES SAY, I WISH I HADN'T TALKED ANYMORE. BUT AT ANY RATE, THIS IS A GOOD PROPOSITION AND I'M IN FAVOR OF THE ONE THAT GIVES THREE FOUR-YEAR TERMS. THANK YOU, MR. PRESIDENT. [LR7CA]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LR7CA]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, ONE OF OUR GRAY-HAIRED COLLEAGUES IN HERE JUST MADE A STATEMENT A LITTLE BIT AGO ABOUT HE DOESN'T ARGUE WITH CHILDREN. JUST HAPPENS TODAY ON FACEBOOK, WHICH I USE VERY LITTLE, I GOT SOMETHING THAT WAS FORWARDED BY MY SON THAT SAYS, NEVER ARGUE WITH CHILDREN. I HOPE TO INSTILL A LITTLE LEVITY HERE. A LITTLE GIRL WAS TALKING TO HER TEACHER ABOUT WHALES. THE TEACHER SAID IT WAS PHYSICALLY IMPOSSIBLE FOR A WHALE TO SWALLOW A HUMAN BECAUSE EVEN THOUGH IT WAS A VERY LARGE MAMMAL, ITS THROAT WAS VERY SMALL. THE LITTLE GIRL STATED THAT JONAH WAS SWALLOWED BY A WHALE. IRRITATED, THE TEACHER REITERATED THAT A

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WHALE COULD NOT SWALLOW A HUMAN, IT WAS PHYSICALLY IMPOSSIBLE. THE LITTLE GIRL SAID, WHEN I GET TO HEAVEN, I WILL ASK JONAH. THE TEACHER ASKED, WHAT IF JONAH WENT TO HELL? THE LITTLE GIRL REPLIED, THEN YOU ASK HIM. THANK YOU, MR. PRESIDENT. (LAUGHTER) [LR7CA]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LR7CA]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. SO FAR, AS THE DEBATE PROGRESSED, I'VE SAT QUIETLY AND LISTENED TO WHAT PEOPLE THINK AND A LOT OF INTERESTING THOUGHTS. AND I REALLY WANT TO COMPLIMENT THE FRESHMAN CLASS ON PUTTING THEIR TWO CENTS' WORTH IN BECAUSE THEY WILL BE BURDENED BY THIS MORE THAN THOSE OF US WHO HAVE JUST BEEN REELECTED. I DO THINK, BEFORE WE BREAK TODAY AND GO BACK TO THE REST OF THE AGENDA, I'D LIKE TO RESPOND TO A COUPLE THINGS. ONE OF THE THINGS IS THAT THE PEOPLE HAVE SPOKEN ON THE ISSUE OF TWO SIX-YEAR TERMS. THEY NEVER HAVE, NEVER HAVE HAD THE OPPORTUNITY TO. WHEN YOU PUT AN INITIATIVE PETITION ON THE BALLOT, THE PEOPLE WHO ARE SPONSORS, USUALLY A SMALL GROUP OF FOLKS, WRITE UP THE INITIATIVE PETITION. AND THEY WROTE THE PETITION FOUR DIFFERENT TIMES BUT BASICALLY TO SAY TWO TERMS. THEY COULD NOT SAY THE SECOND QUESTION-- TWO TERMS, SHOULD THERE BE TWO TERMS? SHOULD THEY BE FOR X YEARS?-- COULDN'T DO IT BECAUSE THAT WOULD BE A SECOND SUBJECT AND THE SUPREME COURT WOULD HAVE THROWN THE PETITION OUT. THEY ONLY COULD ASK THE QUESTION, SHOULD THERE BE TWO TERMS? THEY NEVER HAVE VOTED ON TWO FOUR-YEAR TERMS BEING THE LIMIT. THEY COULDN'T. NOBODY HAS GIVEN THEM THAT OPPORTUNITY. IN ORDER NOW WITH THE MORE...EVEN MORE RESTRICTIVE VIEW OF PETITIONS BY THE SUPREME COURT, FOR THAT SECOND QUESTION TO BE RAISED BY THE PEOPLE WOULD MEAN 110,000 SIGNATURES GATHERED. THAT TRANSLATES INTO ABOUT \$500,000 THAT SOMEBODY'S GOT TO PUT INTO THE TILL TO DO IT, AND THEN THAT WILL ALMOST BE CERTAINLY FOLLOWED BY A COURT CASE LOOKING FOR EVERY "I" TO BE DOTTED AND "T" TO BE CROSSED AND THAT WILL RUN YOU AT LEAST \$100,000. IT'S NOT GOING TO HAPPEN BY INITIATIVE PETITION EVEN IF AN OVERWHELMING MAJORITY OF THE STATE WANTED IT. THERE IS ONLY ONE WAY TO POSE THE QUESTION OF TWO SIX-YEAR TERMS AND THAT IS FOR US TO DO IT. I WOULD POINT OUT THAT THIS IS NOT AN ISSUE THAT WAS BROUGHT TO ME BY THIS INTEREST GROUP OR THAT INTEREST GROUP OR THIS INTEREST GROUP. THIS WAS AN ISSUE THAT I RAISE BECAUSE OF WHAT I'VE OBSERVED IN THIS BODY IN THE LAST FOUR YEARS AND COMMENTS THAT MANY OF YOU HAVE MADE AND WHAT I PERSONALLY HAVE OBSERVED REGARDING THE APPROACH OF A SIGNIFICANT

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PROBLEM WITH INSTITUTIONAL MEMORY FROM WITHIN THE BODY AND FROM WITHIN OUR STAFF. AND IT IS OUR PROBLEM AS TO HOW WE SOLVE IT OR IF WE DEEM THERE EVEN TO BE A PROBLEM. I PERSONALLY THINK THERE IS OR I WOULDN'T HAVE BROUGHT THIS. AND I THINK THAT THE ISSUE OF TWO SIX-YEAR TERMS WILL BE EASIER TO WIN AT THE BATTLE AT THE BALLOT BOX BECAUSE THERE WILL BE SIGNIFICANT OPPOSITION TO A CHANGE IN OUR TERM LIMIT THING AND THAT WILL BE IN LARGE MEASURE FUNDED BY OUT-OF-STATE SOURCES. MOST OF YOU RAN FOR ELECTION, PROBABLY GOT THE SAME LETTER THAT I DID: SIGN HERE IN BLOOD THAT YOU'LL NEVER SCREW WITH TERM LIMITS. OKAY? YOU GOT IT. THERE IS OUT-OF-STATE MONEY LOOKING RIGHT AT THIS AND IT'S GOING TO COME DOWN. FOR US TO BE ABLE TO HAVE A VIABLE PROPOSITION ON THE BALLOT... [LR7CA]

SPEAKER HADLEY: ONE MINUTE. [LR7CA]

SENATOR SCHUMACHER: ...WE'RE GOING TO HAVE TO HAVE A VIABLE WAY TO CONFRONT THAT PARTICULAR MONEY AND IT'S NOT GOING TO BE THERE IF THE RESPONSE IS, LISTEN, WHAT DON'T YOU UNDERSTAND ABOUT NO TO THREE FOUR-YEAR TERMS, WE JUST SAID THAT THREE YEARS AGO, WHAT IS IT THAT YOU DON'T UNDERSTAND? FOR MONEY TO BE RAISED AND A CAMPAIGN TO BE WAGED AGAINST THE OUT-OF-STATE FORCES THAT ARE GOING TO COME IN HERE, WE HAVE GOT TO HAVE A QUESTION THAT THE PEOPLE HAVE NOT ANSWERED BEFORE. AND THAT QUESTION, I THINK, IS, SHOULD THERE BE TWO SIX-YEAR TERMS? WHEN YOU SAID TWO TERMS, HOW LONG? FOUR? SIX? AND THAT'S A QUESTION I THINK THAT WE'LL BE ABLE TO RAISE MONEY FOR. IT'S A QUESTION THAT WILL BE ABLE TO BE FAIRLY PRESENTED TO THE VOTERS WITHOUT BEING HAUNTED WITH, WHAT IS IT THAT YOU DON'T UNDERSTAND ABOUT NO? THIS QUESTION SHOULD BE PRESENTED TO THE VOTERS. IT'S THEIR DECISION AND IT'S THE ONLY WAY THEY'RE GOING TO GET TO MAKE IT. [LR7CA]

SPEAKER HADLEY: TIME, SENATOR. [LR7CA]

SENATOR SCHUMACHER: THANK YOU. [LR7CA]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LR7CA]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. FIRST OFF, I JUST WANT TO SAY THAT I THINK ALL SORTS OF THINGS ON ALL SORTS OF ISSUES ARE BEING TAKEN OUT OF CONTEXT TODAY. AS REGARDING LR7CA, I THINK THAT,

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YOU KNOW, THAT WE LOOK AT IT AS THE...WE HAVE THE CONSTITUTIONAL ABILITY TO VOTE IN TERM LIMITS AND THAT CONSTITUTIONAL ABILITY IS THROUGH OUR VOTE EVERY TIME WE HAVE AN ELECTION. AND SO WE ENACT OUR OWN TERM LIMITS. BUT THE PEOPLE HAVE SPOKEN AND WE CURRENTLY HAVE THEM, SO THAT'S SOMETHING THAT WE HAVE TO DEAL WITH. BUT I JUST WANT TO ARGUE THAT I THINK AS A NEW PERSON TO THE LEGISLATURE THAT THERE IS NO QUESTION THAT MY DISTRICT, LEGISLATIVE DISTRICT 28, IS DISADVANTAGED BY HAVING TO TRAIN ME FOR FOUR YEARS TO COME UP TO SPEED ON ALL SORTS OF THINGS, THINGS LIKE TEEOSA AND PRISON REFORM AND THE LEARNING COMMUNITIES AND ALL OF THE OTHER MAJOR ISSUES THAT I WANT TO AND MUST LEARN TO BE AN EFFECTIVE MEMBER OF THIS BODY. AND IT TAKES A LOT OF TIME TO UNDERSTAND THOSE ISSUES AND TO BE ABLE TO SPEAK ON THEM AND TO BE ABLE TO BE ABLE TO SEE ALL THE DIFFERENT ISSUES IN EACH OF THOSE BODIES OF LAW THAT WE ARE HELPING TO CREATE. AND SO BECAUSE OF THAT, BECAUSE OF THAT TIME THAT IT TAKES TO UNDERSTAND ALL OF THESE ISSUES, I THINK I WOULD AGREE THAT SIX YEARS WOULD GIVE TIME TO MORE FULLY UNDERSTAND THOSE ISSUES. MY PROBLEM, WHICH SORT OF ALIGNS WITH WHAT SENATOR HUGHES SAID, IS THAT THE PROBLEM OF THREE FOUR-YEAR TERMS IS MONEY AND THE FACT THAT WHEN YOU HAVE THREE TERMS...IN MY RACE IN LEGISLATIVE DISTRICT 28, I RAN AGAINST TWO OTHER PEOPLE IN THE PRIMARY AND THEN ONE OTHER PERSON IN THE GENERAL ELECTION. THE TOTAL AMONG THE THREE OF US THAT WE RAISED WAS \$397,000, ALMOST \$400,000 FOR ONE ELECTION, AND THAT IS TOO MUCH MONEY. AND I REALLY DO THINK THAT IF WE MOVE THAT TO...IF WE WOULD EVER MOVE IT TO THREE FOUR-YEAR TERMS, I THINK THE COSTS TO OUR STATE AND TO OUR CONSTITUENTS AND TO OUR PEOPLE WOULD RISE ASTRONOMICALLY. AND TO SAY, OH, WELL, YOU KNOW, JUST DON'T ACCEPT IT, WELL, HOW MANY PEOPLE CAN DO THAT? AND I KNOW SENATOR HAAR'S CAMPAIGN COST EVEN MORE. SO AGAIN, I'D LIKE TO ADD THAT I BELIEVE THAT THE STATE IS IN A WAY PAYING US TO REPRESENT THEM, NOT WELL AT \$12,000, BUT THEY ARE PAYING US TO REPRESENT THEM. AND SO THEY ARE PAYING THE COST OF EDUCATING US, EDUCATING ALL THE NEW STATE SENATORS HERE, AND MY TAKE ON IT IS THAT PAYING US THAT MONEY FOR FOUR- OR POSSIBLY EIGHT-YEAR TERM IS A POOR RETURN ON MONEY. SO I WOULD SUPPORT THE AMENDMENT TO CHANGE IT TO TWO SIX-YEAR TERMS. IT'S AT LEAST A LITTLE BIT BETTER RETURN FOR THE STATE OF NEBRASKA. THANK YOU, MR. PRESIDENT. [LR7CA]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LR7CA]

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SENATOR CHAMBERS: MR. PRESIDENT, I WITHDRAW THAT MOTION. [LR7CA]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HANSEN, YOU'RE RECOGNIZED. [LR7CA]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I HAD A COUPLE COMMENTS I JUST WANTED TO ADDRESS BASED ON STATEMENTS THAT WERE SAID EARLIER. SENATOR HILKEMANN HAD REFERENCED MATT WILLIAMS BEING ONE OF THE YOUNGEST MEMBERS OF THE LEGISLATURE AND DESPITE MATT WILLIAMS' YOUTHFUL ENERGY, I WAS ASSUMING HE WAS PROBABLY REFERENCING ME. BUT IN THE CONTEXT OF THAT COMMENT--IT WAS THE IMPACT OF POSSIBLY SIX-YEAR TERMS WOULD HAVE ON YOUNG MEMBERS OR YOUNG PEOPLE RUNNING FOR THE LEGISLATURE--I JUST WANTED TO SAY FOR THE RECORD THAT, YOU KNOW, MYSELF, PERSONALLY, LOOKING AT THE RACE, LOOKING AT MY INTEREST IN SERVING THE DISTRICT AND THE PEOPLE OF NEBRASKA, FOUR OR SIX, I DON'T KNOW HOW MUCH THAT WOULD HAVE WEIGHED ON ME. I DON'T KNOW IF THAT WOULD HAVE CHANGED MY DECISION. SO SINCE NONE OF THE OTHER YOUNGER MEMBERS HAD RESPONDED TO THAT, I JUST WANTED TO SAY. ADDITIONALLY, I WANTED TO GO TO A POINT SENATOR LARSON HAD MADE. SENATOR LARSON HAD TALKED ABOUT HE WASN'T SURE IF HE WAS ELIGIBLE TO VOTE THE FIRST TIME TERM LIMITS WERE ON THE BALLOT. WELL, I CERTAINLY KNOW I WASN'T ELIGIBLE. I WAS 12 IN 2000 WHEN THE INITIATIVE PETITION WAS ADOPTED, SO I WAS FAR FROM DRIVING LET ALONE VOTING ON IT, WHICH I THINK BRINGS AN INTERESTING POINT AND A RELATIVE POINT IN TERMS OF THIS ISSUE. YOU KNOW, SURE, WE HAD IT ON THE BALLOT A FEW YEARS AGO IN ONE FORM, ONE OF THE TWO FORMS WE'RE DISCUSSING TODAY; AND, YES, IT'S SOMETHING THAT'S COME UP BACK AND FORTH OVER THE PAST 20 YEARS. BUT EVEN FROM THREE YEARS AGO, THE POPULATION OF NEBRASKA IS DIFFERENT. THERE IS A WHOLE CROP OF NEW ELIGIBLE VOTERS WHO ARE JUST TURNING 18. THERE IS ALL SORTS OF DIFFERENT PEOPLE WHO HAVE MOVED IN STATE OR MOVED OUT OF STATE. SO I THINK THAT AN IMPORTANT ISSUE LIKE THIS AND AN ISSUE THAT WE CAN ALL AGREE WHETHER WE SUPPORT TERM LIMITS, WHETHER OPPOSE TERM LIMITS, TERM LIMITS DO REALLY IMPACT OUR STATE VIA THEIR IMPACT ON THE LEGISLATURE. FOR GOOD OR FOR BAD, WE CAN DEBATE THAT. AND I'M...I KNOW PEOPLE HAVE SPOKEN ON THE MIKE IN DIFFERENT WAYS. BUT I JUST WANTED TO REMIND PEOPLE IN TERMS OF GIVING THE VOTERS AN OPTION TO WEIGH IN, BECAUSE THAT'S ALL WE'RE DOING IS SAYING TO THE VOTERS, HAVE YOU CHANGED YOUR MIND, HAS NEW INFORMATION...HAVE YOU SEEN THREE MORE OR FOUR MORE YEARS OF IMPACTS OF TERM LIMITS? HAS THAT CHANGED YOUR DECISION? I THINK WE'LL

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HAVE...IF WE DO GET THIS ON THE BALLOT AND IT COMES BACK AND IT EITHER PASSES, WE'LL CERTAINLY KNOW. IF WE...IT FAILS BY A SMALLER MARGIN THAN IT DID IN 2012, WE'LL HAVE SOME GOOD EVIDENCE. IF IT FAILS BY A LARGER MARGIN THAN IT DID IN 2012, WE'LL ALSO HAVE SOME GOOD EVIDENCE. THOSE WERE THE POINTS I WANTED TO ADDRESS, SO THANK YOU, MR. PRESIDENT.
[LR7CA]

SPEAKER HADLEY: MR. CLERK. ITEMS, MR. CLERK?

ASSISTANT CLERK: MR. PRESIDENT, THANK YOU. NEW RESOLUTIONS: LR155 AND LR156 BY URBAN AFFAIRS CALL FOR INTERIM STUDIES. AMENDMENTS TO BE PRINTED: SENATOR MELLO TO LB627; SENATOR WATERMEIER TO LB106; SENATOR GROENE TO LB106. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 984-989.) [LR155 LR156 LB627 LB106]

SPEAKER HADLEY: MR. CLERK, WE WILL NOW GO TO THE 3:00 DIVISION, LB47.
[LB47]

ASSISTANT CLERK: MR. PRESIDENT, LB47 INTRODUCED BY SENATOR WATERMEIER. (READ TITLE.) THAT BILL WAS READ FOR THE FIRST TIME ON JANUARY 8; IT WAS REFERRED TO THE TRANSPORTATION COMMITTEE. THAT COMMITTEE ADVANCED THE BILL TO GENERAL FILE WITH COMMITTEE AMENDMENTS. THE BILL WAS CONSIDERED YESTERDAY. (AM635, LEGISLATIVE JOURNAL PAGE 775.) [LB47]

SPEAKER HADLEY: SENATOR WATERMEIER, WE WILL GIVE YOU A MOMENT OF TIME TO REFRESH US ON THE ORIGINAL BILL. [LB47]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. GOOD AFTERNOON. LB47 JUST SIMPLY REQUIRES APPLICANTS FOR DRIVER'S LICENSE OR IDENTIFICATION CARDS TO ANSWER THE QUESTION REGARDING TO PLACE THEIR NAME ON THE DONOR REGISTRY. CURRENTLY, THIS QUESTION IS...APPLICATION IS OPTIONAL. WITH AM938, WHICH I HOPE TO GET ON TO THE FLOOR THIS AFTERNOON, AN APPLICANT WOULD HAVE THREE CHOICES WHEN ANSWERING THE QUESTION WHETHER TO ANSWER YES, NO, OR ELECT NOT TO ANSWER, BUT THE QUESTION STILL WOULD BE MANDATORY. I HAVE OFFERED THIS AMENDMENT AS A COMPROMISE IN ORDER TO RESOLVE THE CONCERN EXPRESSED BY THOSE WHO DON'T THINK IT IS RIGHT TO REQUIRE AN ANSWER TO THIS QUESTION, WHILE STILL RETAINING THE GOAL

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BEHIND THE LEGISLATION TO INCREASE THE NUMBER OF DONORS IN NEBRASKA. AS YOU KNOW, WE HAVE HUNDREDS OF PEOPLE WAITING FOR ORGANS AND TISSUES ON ANY GIVEN DAY. THE PERCENTAGE OF APPLICANTS ELECTING TO BECOME A DONOR IS LOWER IN NEBRASKA THAN IN NEARBY STATES THAT REQUIRE THE QUESTION TO BE ANSWERED. AS I STATED YESTERDAY, A TESTIFIER AT THIS PUBLIC HEARING, WHO WAS A TRANSPLANT RECIPIENT, HAD ALMOST GIVEN UP HOPE OF GETTING A TRANSPLANT. HE NOTED THAT IF HIS DONOR WOULD NOT HAVE ANSWERED THE QUESTION, HE WOULDN'T HAVE BEEN TESTIFYING AT THE HEARING. HE STATED THAT HE WAS OKAY WITH SOMEONE WHO CHOSE NOT TO BE A DONOR, BUT HATED TO THINK THAT THE APATHY PROVIDED POSSIBLE CANDIDATES. AGAIN, THIS LEGISLATION DOES NOT REQUIRE A PERSON TO BE A DONOR, IT JUST REQUIRES THE PERSON TO MARK EITHER YES, NO, OR WITH AN AMENDMENT TO ELECT NOT TO ANSWER. I WOULD HOPE WE'D LOOK AT THE BIG PICTURE AND NOT GET INVOLVED IN THE EMOTIONAL PART OF THE DETAILS. AND I HOPE YOU WILL SUPPORT THIS LEGISLATION THAT WILL SAVE LIVES. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR BRASCH, WOULD YOU LIKE TO HAVE A QUICK REFRESHER ON AM635, THE COMMITTEE AMENDMENT? [LB47]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. THE AMENDMENT RETAINS THE PROVISIONS OF THE BILL AS INTRODUCED BY SENATOR WATERMEIER WITH THE FOLLOWING CHANGES: ONE, ANY PERSON UNDER THE AGE OF 16 IS NOT OBLIGATED TO ANSWER ANY MANDATORY QUESTIONS REGARDING ORGAN OR TISSUE DONATION. NUMBER 2, SECTION 1 OF THE BILL IS REORDERED AND QUESTIONS ON THE APPLICATION ABOUT RECEIVING ADDITIONAL INFORMATION REGARDING BECOMING AN ORGAN OR TISSUE DONOR ARE PLACED BEFORE THE MANDATORY QUESTION THE APPLICANT MUST ANSWER REGARDING THEIR DESIRE TO BE AN ORGAN OR TISSUE DONOR. THREE, THE BILL IS CLARIFIED THAT A DONOR MAY LIMIT WHAT ORGANS AND/OR TISSUES THEY WISH TO DONATE. ANYONE DESIRING TO LIMIT THEIR DONATION TO SPECIFIC ORGANS OR TISSUES MUST DO THAT BY CONTACTING THE DONOR REGISTRY OF NEBRASKA VIA THE INTERNET, TELEPHONE, OR THROUGH A WILL. AND 4, FINALLY, THE COMMITTEE AMENDMENT REINSTATES CURRENT LANGUAGE IN LAW THAT ALLOWS INDIVIDUALS TO CONTACT THE DONOR REGISTRY OF NEBRASKA AND REVISE THEIR DONATION DECISIONS BY WAY OF A TELEPHONE CALL. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB47]

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SPEAKER HADLEY: MR. CLERK, YOU HAVE AN AMENDMENT TO THE COMMITTEE AMENDMENT. [LB47]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH FA33. (LEGISLATIVE JOURNAL PAGE 974.) [LB47]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN ON FA33. [LB47]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, MEMBERS OF THE LEGISLATURE, AND IT IS GOOD FOR US TO BE HERE. I HAVE TALKED TO SENATOR WATERMEIER ABOUT HIS BILL AND HE KNOWS I DON'T LIKE IT. BUT FOR THOSE OF YOU WHO, LIKE ME, DO NOT USE THE GADGET, IF YOU LOOK ON THE LAST PAGE OF TODAY'S JOURNAL, YOU WILL SEE A COPY OF THE AMENDMENT. BUT FOR THE SAKE OF THE RECORD, I WILL READ IT. AND IF YOU WANT TO FOLLOW ALONG, ON PAGE 2, LINES 25-31, YOU STRIKE THE NEW MATTER. BUT THE MATERIAL WHICH IS STRICKEN WILL BE LEFT UNTOUCHED BECAUSE THAT STRIKES LANGUAGE OUT OF THE EXISTING LAW. "PAGE 3, LINES 1-3 STRIKE NEW MATTER. PAGE 11, LINES 11-18 STRIKE NEW MATTER." THEN THE FOURTH AND FINAL PART WOULD BE TO "REPEAL OUTRIGHT SECTION 60-494." AND THAT IS THE SECTION THAT ESTABLISHES OR THAT DEALS WITH THIS VOLUNTARY INFORMATION ABOUT HAVING YOUR NAME PUT ON THIS REGISTRY. BUT I MUST SAY AGAIN, THAT I'M SURPRISED AT THESE CONSERVATIVES WHO WILL VOTE FOR THIS BILL. I WAS SURPRISED AT SOME OF THE PEOPLE WHO VOTED AGAINST THE BRACKET MOTION AND SOME WHO SAT UNWILLING TO TAKE A POSITION. IT DOES NOT REQUIRE A LOT OF TIME TO REALIZE WHAT THE ISSUE HERE IS. YOU ARE MANDATING THAT PEOPLE EXPRESS AN OPINION ON A SUBJECT ABOUT WHICH THEY MAY NOT WANT TO EXPRESS AN OPINION TO THE GOVERNMENT. AND IF THEY REFUSE TO EXPRESS THAT OPINION, THEY WILL BE DENIED THE ABILITY TO OBTAIN A DRIVER'S LICENSE. THE ONLY THINGS THAT ARE MANDATED CURRENTLY ARE ITEMS THAT BEAR DIRECTLY ON YOUR SUITABILITY TO DRIVE BASED ON YOUR HEALTH. THE OTHER CATEGORY RELATES TO FEDERAL REQUIREMENTS. THEY ALL ARE IMPLICATED IN DRIVING THE VEHICLE. THIS ONE HAS NOTHING WHATSOEVER TO DO WITH YOUR SUITABILITY TO DRIVE. IT HAS EVERYTHING, AND THE ONLY THING THAT IT DEALS WITH IS COMPELLING YOU, UNDER THREAT OF BEING DENIED A PRIVILEGE WHICH YOU NEED IN ORDER TO GET TO WORK LEGALLY AND OTHER THINGS YOU DRIVE YOUR CAR FOR, IF YOU DON'T DO WHAT THEY WANT YOU TO DO, YOU ARE PUNISHED. AND THAT IS INAPPROPRIATE. BUT HERE IS SOMETHING

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THAT I WONDER IF MY COLLEAGUES HAVE THOUGHT ABOUT. IF YOU HAD A CHILD 16 YEARS OLD, WOULD YOU WANT THAT CHILD WITHOUT CONVERSING WITH YOU TO PUT HIS OR HER NAME ON AN ORGAN DONOR LIST? WOULD YOU? HOW MUCH MORE DOES A 16-YEAR-OLD KNOW THAN A 15-YEAR-OLD AND WHEN A CHILD THAT YOUNG IS INTERESTED IN GETTING A DRIVER'S LICENSE, THAT IS ALL THE CHILD IS THINKING ABOUT. YOU CAN ASK THAT CHILD ANYTHING YOU WANT TO AND THE CHILD WILL CHECK IT ALL OFF. AND SAY, YOU GOT ANY MORE? HALF WILL NOT HAVE READ IT; WILL NOT EVEN HAVE CONTEMPLATED WHAT IT MEANS IF HE OR SHE DOES READ IT. YOUNG PEOPLE DO NOT ENVISION A TIME WHEN THEY WILL NOT BE ON THIS EARTH. THE TERM THAT IS USED OFTEN IS "INVINCIBLE." THEY THINK THEY ARE INVINCIBLE. THEY THINK THEY WILL LIVE FOREVER. SO, YOU ARE DEMANDING THAT THIS 16-YEAR-OLD CHILD ANSWER A QUESTION WHICH A SEASONED ADULT MAY NOT WANT TO ANSWER AND THE 16-YEAR-OLD CHILD MAY NOT EVEN UNDERSTAND. SO, YOU HAVE SO LITTLE REGARD FOR OUR CHILDREN THAT YOU ARE GOING TO INJECT THEM INTO THIS GROWN-UP'S WORLD WHERE THE TWO OUTFITS IN NEBRASKA COMPETE AGAINST EACH OTHER, ARE FIGHTING LIKE SCORPIONS IN A BOTTLE. DONATE LIFE AND THIS NEBRASKA ORGAN RETRIEVAL SYSTEM OR WHATEVER IT IS, THEY ARE NOT WORKING TOGETHER. IF THEY ARE NOT ON THE SAME PAGE, WHY ARE YOU GOING TO TRY TO MAKE EVERYBODY IN THE STATE DO SOMETHING THAT THOSE TWO WON'T DO WHICH IS TO COOPERATE? I'D LIKE TO ASK SENATOR WATERMEIER A QUESTION. [LB47]

SPEAKER HADLEY: SENATOR WATERMEIER, WILL YOU YIELD TO A QUESTION? [LB47]

SENATOR WATERMEIER: YES, SIR. [LB47]

SENATOR CHAMBERS: SENATOR WATERMEIER, HAVE YOU HEARD OF A GROUP CALLED DONATE LIFE? [LB47]

SENATOR WATERMEIER: I'M FAMILIAR WITH THAT GROUP, I THINK SPECIFICALLY, YES. [LB47]

SENATOR CHAMBERS: ARE THEY IN THE ORGAN RETRIEVAL BUSINESS? [LB47]

SENATOR WATERMEIER: I'M NOT SURE I WOULD SAY "RETRIEVAL," BUT THEY ARE IN THE ORGAN DONATION, YES. [LB47]

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SENATOR CHAMBERS: WELL, THEY'RE INTERESTED IN ORGANS BEING...OKAY, IN THE ORGAN HARVESTING BUSINESS--THEY WANT ORGANS HARVESTED, IF THAT MAKES YOU FEEL BETTER. [LB47]

SENATOR WATERMEIER: ORGAN DONATION MAKES ME FEEL BETTER. [LB47]

SENATOR CHAMBERS: WHERE DO THE ORGANS COME FROM? DEAD PEOPLE, DON'T THEY? [LB47]

SENATOR WATERMEIER: YES, PEOPLE ARE DECEASED. [LB47]

SENATOR CHAMBERS: OR DO THEY? IF YOU SIGNED THIS THING, MIGHT SOMEBODY COME KNOCKING ON YOUR DOOR IN THE MIDDLE OF THE NIGHT AND SAY, YOU SIGNED THIS ORGAN CARD AND WE NEED A LIVER AND YOU'VE BEEN SELECTED? [LB47]

SENATOR WATERMEIER: NOT ON MY...NOT FOR ME, THEY WOULDN'T. [LB47]

SENATOR CHAMBERS: BUT SOMEBODY ELSE. [LB47]

SENATOR WATERMEIER: I DON'T THINK THAT'S THE INTENT OF THE BILL. [LB47]

SENATOR CHAMBERS: SO THEN THE ONLY ONES FROM WHOM THEY'LL GET ORGANS ARE DEAD PEOPLE,... [LB47]

SENATOR WATERMEIER: YES, SIR. [LB47]

SENATOR CHAMBERS: ...BASED ON YOUR INTENTION. SO WHEN THEY GET THOSE ORGANS, ARE THEY RETRIEVING THEM OR OBTAINING THEM FROM ONE LOCATION TO TAKE THEM TO ANOTHER? [LB47]

SENATOR WATERMEIER: YES. [LB47]

SENATOR CHAMBERS: WHY DO YOU OBJECT SO MUCH TO THE TERM "RETRIEVAL"? [LB47]

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SENATOR WATERMEIER: BECAUSE I'M THINKING THEIR NAME INVOLVES A DONATION PROCESS DEALING WITH THE FAMILIES AND THE PROCESS THAT THEY GO THROUGH. [LB47]

SENATOR CHAMBERS: ARE YOU AWARE THAT THESE TWO ORGANIZATIONS DO NOT COLLABORATE ON THIS...WHATEVER YOU WANT TO CALL IT? [LB47]

SENATOR WATERMEIER: WELL, THE WAY I HAD IT DESCRIBED TO ME IS THEY DON'T NEED TO. THEY'RE BOTH LOOKING AT DIFFERENT ORGANS. [LB47]

SENATOR CHAMBERS: OH, SO ONE WANTS CERTAIN ORGANS AND THE OTHER WANTS OTHER ORGANS? [LB47]

SENATOR WATERMEIER: I BELIEVE THAT IS CORRECT. [LB47]

SENATOR CHAMBERS: DO THEY DIVIDE IT FROM THE WAIST UP AS OPPOSED TO THE WAIST DOWN? OR WHAT IS ON THE RIGHT SIDE OF THE AXIS AS OPPOSED TO THE LEFT SIDE? HOW DO THEY DO THAT? [LB47]

SENATOR WATERMEIER: I BELIEVE IT IS SPECIFIC TO THE EYE AND THE REST OF THE...AND THE REST OF THE...I CAN HELP OUT WITH WHAT SENATOR McCOLLISTER ASKED ME HERE. [LB47]

SENATOR CHAMBERS: WELL... [LB47]

SENATOR WATERMEIER: I THINK IT'S THE EYE COMPARED TO THE REST OF THE ORGANS. [LB47]

SENATOR CHAMBERS: THOSE ARE THE LIONS PEOPLE, AREN'T THEY? THE LIONS WANT THE EYES. [LB47]

SENATOR WATERMEIER: YES. [LB47]

SENATOR CHAMBERS: AND THE KIDNEY PEOPLE WANT THE KIDNEYS, DON'T THEY? [LB47]

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SENATOR WATERMEIER: AND THEY ARE WORKING FOR ALL OF THE OTHER ORGANS. [LB47]

SENATOR CHAMBERS: BUT THESE TWO DIFFERENT ORGANIZATIONS, WITH WHOM DO THEY WORK? [LB47]

SENATOR WATERMEIER: WELL, I COULD READ THIS TO YOU IF YOU WANT. I DON'T REMEMBER THE SPECIFIC NAMES OF THE DIFFERENT ORGANIZATIONS, BUT I RECOGNIZE THERE ARE TWO ORGANIZATIONS. [LB47]

SENATOR CHAMBERS: AND EACH ONE IS TRYING TO RETRIEVE OR OBTAIN DIFFERENT ORGANS, IS THAT WHAT YOU ARE SAYING? [LB47]

SENATOR WATERMEIER: YES. [LB47]

SENATOR CHAMBERS: WHO TOLD YOU THAT? [LB47]

SENATOR WATERMEIER: WELL, YOU AND I HAD A CONVERSATION YESTERDAY, AND IN THE LAST MONTH OR TWO, I HAVE JUST BECOME AWARE OF THE MORE, MORE AND MORE I HAVE STUDIED IT AND BEEN INVOLVED WITH CONSTITUENTS, I'VE LEARNED MORE ABOUT IT EVERY DAY. BUT THIS IS... [LB47]

SENATOR CHAMBERS: ARE THERE ORGANS THAT DONATE LIFE WOULD BE TRYING TO RETRIEVE, SINCE YOU SAID, ONE ORGANIZATION GOES FOR CERTAIN ORGANS, ONE GOES FOR THE OTHER? IS THAT RIGHT? [LB47]

SENATOR WATERMEIER: YES. [LB47]

SENATOR CHAMBERS: THEN WHY DIDN'T DONATE LIFE COME AND TESTIFY ON THE BILL SO THAT THE ORGANS THEY WANT WOULD BE AVAILABLE? [LB47]

SENATOR WATERMEIER: I CAN'T SPEAK TO THEIR ISSUE. [LB47]

SENATOR CHAMBERS: CAN YOU SPEAK FOR THE OTHER ONE? [LB47]

SENATOR WATERMEIER: JUST TO THE TESTIMONY THAT THEY HAD. I MEAN IT WAS PRESENTED IN THE GADGET AND YOU CAN READ IT. [LB47]

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SENATOR CHAMBERS: WERE YOU COLLABORATING WITH SENATOR McCOLLISTER WHO MIGHT HAVE MORE INFORMATION ON THE SUBJECT THAN YOU HAVE? [LB47]

SENATOR WATERMEIER: SENATOR McCOLLISTER HAS A PASSION FOR IT THAT I DIDN'T KNOW UNTIL AFTER WE GOT TO KNOW EACH OTHER HERE. [LB47]

SENATOR CHAMBERS: THEN, MR. PRESIDENT, HOW MUCH TIME DO I HAVE LEFT? [LB47]

SPEAKER HADLEY: 1:11. [LB47]

SENATOR CHAMBERS: THEN I'LL WAIT UNTIL THE NEXT TIME I'M RECOGNIZED, THEN I WILL ENGAGE... [LB47]

SPEAKER HADLEY: YOU'RE NEXT IN THE QUEUE. [LB47]

SENATOR CHAMBERS: ...SENATOR McCOLLISTER IN A DISCUSSION. [LB47]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE NEXT IN THE QUEUE. [LB47]

SENATOR CHAMBERS: OH, THANK YOU. SENATOR McCOLLISTER, ARE YOU AWARE OF THE TWO ORGANIZATIONS THAT I HAD MENTIONED? [LB47]

SENATOR McCOLLISTER: YES, INDEED I AM. THE LIONS EYE BANK OF NEBRASKA IS THE FEDERALLY DESIGNATED PROCUREMENT ORGANIZATION FOR EYES AND EYE TISSUE. THE NEBRASKA ORGAN RECOVERY SYSTEM IS THE FEDERALLY DESIGNATED PROCUREMENT ORGANIZATION FOR ALL ORGANS AND TISSUES OTHER THAN EYES. [LB47]

SENATOR CHAMBERS: AND WHAT ABOUT DONATE LIFE? WHICH ONES DO THEY GO AFTER? [LB47]

SENATOR McCOLLISTER: SORRY TO SAY I'M NOT FAMILIAR WITH THE GROUP. [LB47]

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SENATOR CHAMBERS: THOSE WERE THE TWO ORGANIZATIONS I WAS ASKING SENATOR WATERMEIER ABOUT AND HE SAID ONE OF THEM GETS SOME ORGANS AND THE OTHER ONE GETS THE OTHER ORGANS. OKAY. THEN THAT'S ALL I WOULD ASK YOU; I THOUGHT YOU KNEW SOMETHING ABOUT THAT OTHER OPERATION. MEMBERS OF THE LEGISLATURE, THE DEPARTMENT OF MOTOR VEHICLES IS OPPOSED TO THIS BILL. I TALKED TO THE DIRECTOR. SHE HAD BEEN ONE OF THESE EXAMINERS. SHE MENTIONED THE DIFFICULTY THAT IT PUTS THE PEOPLE IN WHO WOULD HAVE TO DO SOMETHING LIKE THIS. THE PEOPLE ON THIS FLOOR WANT TO RECEIVE CONSIDERATION, BUT THEY DON'T WANT TO GIVE IT TO OTHERS. THEY WANT OTHER PEOPLE TO DO THE DIRTY WORK, IF YOU WILL. THESE EMPLOYEES WOULD NOT BE IN A POSITION TO SAY--I'M NOT GOING TO REQUIRE THAT QUESTION TO BE ANSWERED BECAUSE I'M NOT EVEN GOING TO ADDRESS IT IF SOMEBODY ASKS ME ABOUT IT. THEN THAT EMPLOYEE COULD BE FIRED AND THAT SHOWS THE LITTLE REGARD THAT PEOPLE ON THIS FLOOR HAVE. BUT, EVEN ASIDE FROM THE EMPLOYEES, I GO BACK TO THE MAIN POINT. IF YOU AS A REPRESENTATIVE OF THE STATE AND AS A PART OF THE STATE GOVERNMENT ARE GOING TO IMPEL, COMPEL PEOPLE TO ANSWER A QUESTION, AND THE STATE HAS NO COMPELLING INTEREST IN THAT MATTER, THE STATE HAS NO COMPELLING INTEREST IN THIS ISSUE. IT IS NOT A RESPONSIBILITY OF THE STATE. AND YOU WANT TO ERASE A RIGHT THAT EVERY PERSON HAS. AND IF SOMEHOW YOU MANAGE TO GET IT ENACTED, I MIGHT TRY TO FIGURE A WAY TO EMBARRASS THE LEGISLATURE BY EITHER FILING THE LAWSUIT MYSELF, MAYBE I WON'T HAVE STANDING, BUT FIND A WAY TO GET IT IN COURT AND SEE IF THE COURT SAYS THAT THE STATE GOVERNMENT HAS THE RIGHT TO COMPEL A PERSON TO ANSWER A QUESTION WHICH HE OR SHE, FOR WHATEVER REASON, DOESN'T FEEL AT LIBERTY TO ANSWER. AND FOR THE REFUSAL TO ANSWER, HE OR SHE WILL BE DENIED THE RIGHT TO HAVE A DRIVER'S LICENSE. NOW, DRIVING IS A PRIVILEGE; BUT, THE OBTAINING OF A DRIVER'S LICENSE IS A RIGHT THAT PEOPLE HAVE. AND TO INFRINGE ON THAT RIGHT BY COMPELLING THEM TO ANSWER A QUESTION THAT SOME GROUP HAS MADE YOU FEEL IS MORE IMPORTANT THAN THE RIGHT OF THIS PERSON TO REMAIN SILENT IS INAPPROPRIATE. AND SO WE ARE GOING TO HAVE TO BATTLE ON THIS ISSUE. AND I'D RATHER BE ON THE SIDE THAT I'M ON THAN TO BE ON THE OTHER SIDE. ONE OF THE BIGGEST PROBLEMS IN ADDRESSING THE QUESTION OF FREE EXPRESSION... [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR CHAMBERS: ...IS THAT THOSE GROUPS AND INDIVIDUALS OFTEN, BUT NOT ALWAYS, WHO DEMAND THE RIGHT TO FREE EXPRESSION FOR THEMSELVES

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WANT TO INFRINGE THAT RIGHT WHEN IT COMES TO OTHERS. DO YOU KNOW THOMAS JEFFERSON, THE FATHER OF WHATEVER YOU ALL SAY HE IS IN ADDITION TO BLACK CHILDREN, ON A TEENAGE BLACK GIRL THAT HE TOOK WITH HIM TO FRANCE? HE HAD SUGGESTED THAT THERE BE SOME PROSECUTIONS AGAINST NEWSPAPER PEOPLE BECAUSE HE DIDN'T LIKE WHAT THEY WERE WRITING. THOMAS JEFFERSON WANTED TO INFRINGE ON THE RIGHT OF THE PRESS. AND I BELIEVE THE FIRST AMENDMENT WAS IN PLACE AT THAT TIME AND HE WANTED TO INFRINGE ON THE RIGHT OF FREEDOM OF THE PRESS. AND NOW, SENATOR WATERMEIER WANTS TO INFRINGE ON THE RIGHT OF FREE SPEECH. [LB47]

SPEAKER HADLEY: TIME, SENATOR. [LB47]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: (VISITORS INTRODUCED.) THOSE IN THE QUEUE: SENATORS BLOOMFIELD, LARSON, McCOLLISTER, BRASCH, AND OTHERS. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB47]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I SPOKE AGAINST THIS BILL YESTERDAY. MY MIND HASN'T CHANGED. I GUESS IF WE WANTED TO APPROACH THIS IN A DIFFERENT ANGLE, WE COULD MAYBE REQUIRE THE EMPLOYEES OF THE STATE TO ASK IF YOU WANTED TO BE AN ORGAN DONOR. I DON'T RECALL ANY TIME IN THE LAST THREE OR FOUR TIMES THAT I'VE RENEWED MY LICENSE THAT THEY HAVEN'T ASKED ME THAT QUESTION. THEY'RE NOT REQUIRED TO, IT IS JUST SOMETHING THAT THE PEOPLE DO. AND MY ANSWER HAS ALWAYS BEEN--THAT'S SOMETHING MY WIFE AND I HAVE TO TALK ABOUT AND WE HAVE NOT DISCUSSED IT YET. BUT FOR THE STATE TO COMPEL ANYONE TO MARK ON THEIR LICENSE--YES, NO, OR EVEN I DON'T CARE TO MAKE A COMMENT ON IT AT THIS TIME, I THINK AGAIN FORCES OR VIOLATES THEIR FREEDOM TO SPEAK OR NOT TO SPEAK. BUT I THINK IT ALSO COERCES THE INDIVIDUAL AT THAT POINT TO MAKE A DECISION THAT THEY MAY NOT WANT TO MAKE. AND IT ALSO ALLOWS FOR ANYONE WHO STOPS THAT INDIVIDUAL FOR A POSSIBLE TRAFFIC INFRACTION TO SEE WHAT THAT DECISION WAS, WHICH I DON'T BELIEVE IS FAIR EITHER. SO I WILL CONTINUE TO OPPOSE LB47 AND ALL THE AMENDMENTS THAT ARE ON IT NOW AND THE WATERMEIER AMENDMENT THAT IS COMING LATER. THIS IS A BAD IDEA. WE SHOULDN'T GO THERE. WE CAN VOLUNTEER RIGHT NOW IF WE WANT TO. AND I

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THINK THAT IS WHERE WE NEED TO LEAVE IT. MR. PRESIDENT, I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB47]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE YIELDED 2:35. [LB47]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. TO EMPHASIZE AGAIN--THIS IS NOT WEIGHING SOMEBODY'S DESIRE TO HAVE AN ORGAN AGAINST ANYTHING ELSE. WHAT THIS IS SAYING IS THAT SOMEBODY IS DESPERATE FOR SOMETHING TO BE A CERTAIN WAY, DOES THAT PERSON'S DESPERATION ENTITLE THE STATE TO SAY--ERNIE, BECAUSE SENATOR SCHEER IS DESPERATE, YOU HAVE TO GIVE UP YOUR RIGHT TO FREE EXPRESSION, BECAUSE THE RIGHT TO FREE EXPRESSION IS THE RIGHT NOT TO EXPRESS YOURSELF AT ALL. AND IF I SAY--WELL, I SYMPATHIZE WITH SENATOR SCHEER, BUT I'M NOT GOING TO GIVE UP MY RIGHT AND I WILL NOT ANSWER. IN FACT, I JUST THOUGHT OF A SCENE THAT INVOLVED SIR THOMAS MORE, BUT I WON'T HAVE TIME TO GIVE IT. AND YOU MIGHT WONDER HOW I KNOW ABOUT THAT. SENATOR McCOLLISTER MIGHT BE AWARE OF THE TIME IN HISTORY WHEN SIR THOMAS MORE WAS STILL WALKING AROUND IN FLESH AND WITH WARM BLOOD AND A BEATING HEART. AND THERE WAS A GATHERING THAT TOOK PLACE, BUT NOT EVERYBODY WHO WAS IN A POSITION TO HEAR WHAT IS GOING ON IS A PART OF THE GATHERING. SO THAT PERSON'S PRESENCE MAY NOT BE NOTED IN THE HISTORICAL ACCOUNT WHICH IS DEEMED OFFICIAL. BUT I HAVE BEEN PLACES WHERE PEOPLE DON'T KNOW I HAVE BEEN. I HAVE SEEN THINGS PEOPLE THINK THESE EYES HAVEN'T SEEN; THESE EARS HAVE HEARD THINGS NOT ONLY THE PEOPLE DON'T KNOW I'VE HEARD, BUT NO EAR SHOULD BE HEARD. [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR CHAMBERS: AND THE ONLY REASON I HEARD IT WAS BECAUSE I'M THE ONLY ONE WHO COULD DEAL WITH IT. I'D LIKE TO ASK SENATOR McCOLLISTER A QUESTION. [LB47]

SPEAKER HADLEY: SENATOR McCOLLISTER, WOULD YOU YIELD TO A QUESTION? [LB47]

SENATOR McCOLLISTER: YES, SIR. [LB47]

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SENATOR CHAMBERS: SENATOR McCOLLISTER, DOES THE TERM "GORGON" CALL UP ANYTHING TO YOUR MIND? MEDUSA? [LB47]

SENATOR McCOLLISTER: IS IT SOME KIND OF HORROR SHOW OR...? [LB47]

SENATOR CHAMBERS: DOES MEDUSA? [LB47]

SENATOR McCOLLISTER: YES, SIR. [LB47]

SENATOR CHAMBERS: DID MEDUSA HAVE SNAKES IN HER HAIR AS HAIR? [LB47]

SENATOR McCOLLISTER: YES, SIR. [LB47]

SENATOR CHAMBERS: WHAT HAPPENED IF YOU LOOK AT MEDUSA? [LB47]

SENATOR McCOLLISTER: YOU TURNED TO STONE. [LB47]

SENATOR CHAMBERS: YOU GOT THAT. BUT I DON'T HAVE ENOUGH TO PURSUE IT ANY FURTHER AT THIS POINT. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: THOSE IN THE QUEUE: SENATORS LARSON, McCOLLISTER, BRASCH, DAVIS, SCHNOOR, AND OTHERS. SENATOR LARSON, YOU ARE RECOGNIZED. [LB47]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AS MUCH AS IT PAINS ME, I AGREE WITH SENATOR CHAMBERS. THE CONCEPT OF FORCED SPEECH IS SOMETHING THAT I WILL CONTINUE TO STAND AGAINST. WHETHER THAT'S FORCED SPEECH ON THE DRY BEAN BOARD, WHICH IS WHAT LB242 DID, FORCED SPEECH, OR FORCED SPEECH IN LB47. I TAKE THE CONCEPT OF OUR FIRST AMENDMENT RIGHT, THE FREEDOM OF SPEECH, VERY SERIOUSLY. AND ANY TIME THE GOVERNMENT COMPELS SOMEONE TO SPEAK, IT IS TAKING A STEP TOO FAR--WHETHER THAT IS A MANDATORY CHECKOFF IN WHICH THERE IS NO ELECTED BOARD OR WHEN IT COMES TO OBTAINING A DRIVER'S LICENSE IN WHICH IT IS NOT A PERTINENT QUESTION ON WHETHER OR NOT YOU ARE ABLE TO DRIVE. NOW, I AM AN ORGAN DONOR. I WILL INVOKE MY WIFE AGAIN IF I WAS NOT AN ORGAN DONOR, I'M GUESSING I WOULD FEEL PAIN AT HOME, BECAUSE SHE TRULY BELIEVES IN THAT AND SHE MAKES SURE THAT I CHECK

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THAT BOX. HOWEVER, TO FORCE SOMEONE TO DO THAT JUST TO OBTAIN A LICENSE WHEN IT HAS NOTHING TO DO WHETHER OR NOT I CAN OR CANNOT DRIVE, AGAIN, MY WIFE WOULD PROBABLY SAY I CAN'T DRIVE THAT WELL. SENATOR SCHILZ WHISPERS IN MY EAR THAT IT'S NOT JUST MY WIFE. THAT COULD GO...ANYWAY. THE GOVERNMENT DOES NOT HAVE A RIGHT TO COMPEL SPEECH ON SOMETHING THAT HAS NOTHING TO DO WITH WHAT THE NATURE OF OBTAINING A DRIVER'S LICENSE. IT DOES NOT HAVE THE RIGHT TO COMPEL SPEECH, IN MY MIND, WHEN THERE IS AN UNELECTED BOARD AND A MANDATORY CHECKOFF. IT DOES NOT HAVE, IN MY MIND AGAIN, SHOULD NOT HAVE THE RIGHT TO TELL 38,999 PEOPLE THEY CAN RUN FOR THE LEGISLATURE BUT NOT ME. IT ALSO DOES NOT HAVE THE RIGHT, IN MY MIND, OR SHOULD NOT HAVE THE RIGHT TO SAY YOU HAVE TO MEET X REQUIREMENT OF AGE TO RUN FOR OFFICE. THE FIRST AMENDMENT IS, BY FAR AND AWAY, THE MOST IMPORTANT IN THE BILL OF RIGHTS BECAUSE WITHOUT THE RIGHT OF FREE SPEECH YOU DO NOT HAVE, IF YOU WANT TO CALL THIS A REPUBLIC OR A DEMOCRACY OR ANY ELECTED OR DEMOCRATIC FORM OF GOVERNMENT, WITHOUT THE ABILITY TO DISSENT, GOVERNMENT TAKES CONTROL. I DON'T THINK I WAS ONE OF THOSE SO-CALLED CONSERVATIVES SENATOR CHAMBERS WAS DISAPPOINTED IN YESTERDAY. MAYBE HE DOESN'T CALL ME A CONSERVATIVE. I'M GUESSING HE PROBABLY DOES. I VIEW MYSELF VERY LIBERTARIAN ON MOST THINGS. AND IT IS FOR THAT REASON, AS I SAID, THAT LIBERTARIANISM IN ME... [LB242 LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR LARSON: ...REFUSES TO LET THE GOVERNMENT COMPEL ME TO DO THINGS THAT HAVE NOTHING TO DO THAT PERTAINS TO IT. AND IF THEY DO COMPEL ME, I'D BETTER AT LEAST GET TO HAVE A SAY IN WHO ELECTS ME OR HAVE A REFUND OPTION IN THE TERMS OF A DRY BEAN. I TRY TO BE VERY CONSISTENT WITH MY POSITIONS AND I THINK I AM. LB47 IS COMPELLED SPEECH AND A TYPE OF COMPELLED SPEECH THAT SHOULD NOT HAPPEN WHEN IT HAS NOTHING TO DO ON WHETHER OR NOT I CAN OR CANNOT DRIVE. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB47]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. AGAIN, GOOD AFTERNOON, COLLEAGUES. AS WE LOOK AT THIS PARTICULAR ISSUE, AND IT IS A PERSONAL LIBERTY VERSUS PUBLIC GOOD ISSUE, ONCE AGAIN, THAT WE ARE

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FACING WITH THE ORGAN DONATION BILL, IT MIGHT BE HELPFUL TO UTILIZE SENATOR CRAWFORD'S THREE-PRONGED TEST. YOU MIGHT RECALL THE THREE PRONGS ARE THE GRAVITY OF THE PROBLEM, THE DEGREE TO WHICH THE ACTION SOLVES THE PROBLEM, AND THE DEGREE OF INTERFERENCE WITH A PERSONAL LIBERTY. DO WE HAVE A PROBLEM? I THINK, IN FACT, WE DO. MORE THAN 123,000 PEOPLE IN THE UNITED STATES ARE CURRENTLY ON THE WAITING LIST FOR ORGANS. SECONDLY, ANOTHER NAME IS ADDED TO THE TRANSPLANT LIST EVERY 12 MINUTES. ON AVERAGE, 12 PEOPLE DIE EVERY DAY FROM LACK OF AVAILABLE ORGANS FOR TRANSPLANT. SEVEN PERCENT OF THE PEOPLE ON THE WAITING LIST, MORE THAN 6,500 EACH YEAR DIE BEFORE THEY ARE ABLE TO RECEIVE A TRANSPLANT. AND LASTLY, ONE DECEASED DONOR CAN SAVE UP TO EIGHT LIVES THROUGH ORGAN DONATION AND CAN ENHANCE MORE THAN 100 LIVES THROUGH THE LIFESAVING AND HEALING GIFT OF TISSUE DONATION. SECONDLY, AND THE SECOND OF THE THREE PRONGS, APPROXIMATELY 84 PERCENT OF NEBRASKANS ARE REGISTERED AS DONORS AND BECOME REGISTERED THROUGH THE APPLICATION PROCESS FOR DRIVER'S LICENSES OR THE STATE ID CARD. APPROXIMATELY 10 PERCENT OR MORE, 47,000, DID NOT RESPOND TO THE QUESTION IN 2014. WITH THE QUESTION OPTIONAL, ONLY 55 PERCENT OF THE APPLICANTS ARE REGISTERED AS DONORS. AND CLEARLY, MANY OTHER STATES AROUND NEBRASKA HAVE A MANDATORY QUESTION AND THEY HAVE HIGHER PARTICIPATION RATES. SO, THIS IN FACT, THIS BILL, LB47, DOES SOLVE THE PROBLEM. FINALLY, THE THIRD PRONG OF SENATOR CRAWFORD'S THREE-PRONGED TEST. TO WHAT EXTENT DOES IT RESTRICT LIBERTY? DOES IT COST TAXPAYERS ANY OF THEIR HARD-EARNED MONEY? NO, IT CERTAINLY DOESN'T. DOES IT RESTRICT ANY OF THEIR PERSONAL FREEDOMS? NO, I DON'T BELIEVE SO. DOES IT FORCE DRIVERS TO DONATE THEIR ORGANS? ABSOLUTELY NOT. AND, LASTLY, WE HAVE TO ASK, IS IT INTRUSIVE OR COERCIVE TO THE APPLICANT? I DON'T BELIEVE IT IS. I'D LIKE TO ASK SENATOR WATERMEIER A QUESTION. [LB47]

SPEAKER HADLEY: SENATOR WATERMEIER, WILL YOU YIELD TO A QUESTION?
[LB47]

SENATOR WATERMEIER: YES, I WOULD. [LB47]

SENATOR McCOLLISTER: DO YOU BELIEVE THIS BILL IS COERCIVE TO TAXPAYERS OR DRIVERS? [LB47]

SENATOR WATERMEIER: NO, I DO NOT. [LB47]

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SENATOR McCOLLISTER: WELL, THANK YOU, FOR THAT, NOR DO I. SO I WOULD URGE YOUR SUPPORT FOR LB47 AND THE AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR BRASCH, YOU ARE RECOGNIZED. [LB47]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. I AM ON THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. AS SENATOR WATERMEIER HAD MENTIONED YESTERDAY ON THE FLOOR, IT WAS SOMETHING I SUGGESTED THAT WE JUST GIVE THEM THE OPTION NOT TO ANSWER, JUST SIMPLE, DON'T ANSWER THE QUESTION. BUT I'M A LITTLE BIT CONCERNED TODAY ABOUT THE DEHUMANIZING OF WHAT WE ARE ASKING. I HAVE A DEAR, DEAR FRIEND WHO, THANKS TO AN ORGAN DONOR, 30 YEARS AGO, WAS ABLE TO RAISE A DAUGHTER. HER DAUGHTER JUST HAD A WEDDING, ONLY ONE CHILD, THE WEDDING THAT SHE HAD DREAMED OF, THAT...AND EVERY DAY SHE THANKS THE ORGAN DONORS. SHE IS GRATEFUL FOR THOSE WHO WOULD STEP UP. AND MY GOOD FRIEND...AND MY GOOD FRIEND, SENATOR CHAMBERS, I'M SMILING BECAUSE AS YOU ARE TALKING ABOUT THIS MEDUSA AND THIS THEORY OF CONSPIRACY AND BODY SNATCHERS COMING DURING THE NIGHT, IT REMINDED ME OF...I THINK IT WAS A YEAR OR SO AGO THAT YOU ALSO HAD THIS CONSPIRACY ON AGENDA 21, AND ALL THE NUMBERS ON THE BOARD ADDED TO 21 AND WE WERE ALL TO BE AFRAID. WE DON'T NEED TO BE AFRAID OF THIS BILL. NOBODY IS GOING TO COME TO YOUR DOOR AND EVEN SNATCH A FINGER NAIL WITHOUT YOUR CONSENT. IT IS A THOUGHTFUL AND IT'S IMPORTANT BECAUSE WE DO HAVE MANY INDIVIDUALS WHO ARE IN NEED OF THAT GIFT THAT YOU CAN GIVE THAT WILL MAKE A DIFFERENCE IN THEIR LIFE AND THE DIFFERENCE OF THE LIFE OF A CHILD THAT THEY ARE RAISING, THAT THEY MAY HAVE MORE TIME. AND IF YOU PULL UP THE WEB PAGES, YOU SEE THAT THERE IS A WINDOW OF TIME WHERE THESE VERY PRECIOUS AND MUCH-NEEDED ORGANS ARE VALUABLE AND THEY ARE GIVING A LIFE TO ONE THAT HAS SADLY OR TRAGICALLY ENDED. IT IS A CHOICE. AND I DID WANT THIS BODY TO CONSIDER THAT AS OUR PROUD MILITARY FIGHTS TO SAVE LIVES IN OUR COUNTRY AND MAKE US FREE, THAT EVERY DAY THAT WE ARE ALIVE BECAUSE OF SOMEONE FIGHTING FOR OUR FREEDOM. WELL, THESE PEOPLE ARE FIGHTING FOR THEIR LIVES. I THINK THAT FALLS IN LINE. WE HAVE A SIMPLE DOCUMENT ASKING A QUESTION--YES, NO, OR I DON'T CARE TO ANSWER. IT IS THAT EASY. IT IS NOT THAT COMPLICATED. NO ONE WILL SHOW UP OR FOLLOW YOUR CAR. THAT IS SOME TV SHOW I HAVEN'T SEEN YET. BUT I WOULD LIKE YOUR SUPPORT IN LB47 AND THE AMENDMENTS. I WILL YIELD THE REMAINING

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TIME I HAVE TO SENATOR McCOLLISTER. OH, I'M SORRY. IT'S SENATOR WATERMEIER THAT WANTS THE TIME. I APOLOGIZE. [LB47]

SPEAKER HADLEY: SENATOR WATERMEIER, YOU ARE YIELDED 1:26. [LB47]

SENATOR WATERMEIER: THANK YOU, SENATOR BRASCH, MR. PRESIDENT. I'M GOING TO CHALLENGE SENATOR LARSON'S COMMENT ABOUT THAT THIS IS COERCIVE SPEECH. I'M PROBABLY GOING TO GO OVER THE LINE HERE A LITTLE BIT, BECAUSE I DON'T (INAUDIBLE) TO BE AN ATTORNEY, NOT PRACTICED IN THE WORLD OF LAW, BUT THIS IS MORE OF A MATTER...IT'S NOT A MATTER OF BEING RIGHT OR WRONG. SENATOR CHAMBERS' POSITION AND SENATOR LARSON'S POSITION IS PROBABLY NOT WRONG, BUT IT'S JUST A DIFFERENT POLICY CHOICE. THE POLICY CHOICE THAT LB47 PROPOSES IS THAT THE DISCLOSURE ON A DRIVER'S LICENSE REGARDING ORGAN DONATION WILL SAVE LIVES. [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR WATERMEIER: THE OTHER POLICY CHOICE IS THAT THE GOVERNMENT SHOULD NOT ASK US QUESTIONS BECAUSE IT IS COERCED SPEECH. WHEN DOES COERCED SPEECH START? I WOULD ARGUE THAT IT IS NOT COERCED BECAUSE IT IS THE RESULT OF A VOLUNTARY ACT. NONETHELESS, THE POLICY CHOICES ARE: SHOULD THE STATE ASK ABOUT ORGAN DONATION IN AN ATTEMPT TO SAVE LIVES, OR JUST SUCH A QUESTION TOO INTRUSIVE TO BE ASKED? THE VOLUNTARY CHOICE STARTS WHEN YOU BEGIN THE LIBERTY YOU HAVE, THE PRIVILEGE YOU HAVE TO MAKE AN APPLICATION FOR A DRIVER'S LICENSE. THAT'S NOT A RIGHT IN MY MIND. THAT IS A PRIVILEGE THAT WE ALL HAVE TO OPERATE A MOTOR VEHICLE IN THE STATE. AND I WOULD ARGUE, AND PROBABLY BURY MYSELF BECAUSE OF IT, THAT THAT IS NOT COERCIVE SPEECH. I'LL OPEN THE FLOOR UP FOR DEBATE ON THAT. BUT I WOULD ARGUE WITH SENATOR LARSON... [LB47]

SPEAKER HADLEY: TIME, SENATOR. [LB47]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE: DAVIS, FRIESEN, HILKEMANN, WILLIAMS, WATERMEIER, AND OTHERS. SENATOR DAVIS, YOU ARE RECOGNIZED. [LB47]

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SENATOR DAVIS: THANK YOU, MR. PRESIDENT, AND MEMBERS OF THE BODY. I AM...I WAS THINKING ABOUT THIS SOMETIME IN THE MIDDLE OF THE NIGHT LAST NIGHT, AND THE PHRASE THAT CAME TO MIND WAS A NEW LEASE ON LIFE. WE HAVE ALL HEARD THAT EXPRESSION USED MANY TIMES, I'M SURE, WHEN WE TALK ABOUT THINGS THAT WE'RE GOING TO DO OR SOMETHING THAT HAPPENS. BUT THIS IS A REAL CASE OF WHAT THAT IS ALL ABOUT, BECAUSE WE'RE ALL GOING TO PAY OUR DEBT AND WE'RE ALL GOING TO BE DEAD EVENTUALLY. BUT WHEN WE GIVE OUR ORGANS THROUGH THE ORGAN DONOR PROCESS, WE DO GIVE PEOPLE A NEW LEASE ON LIFE. AND I HOPE THAT WE CAN MOVE AWAY FROM THIS SORT OF ESOTERIC DISCUSSION ABOUT WHETHER IT IS COERCIVE SPEECH OR WHETHER IT'S NOT AND REALLY THINK HONESTLY ABOUT THE RAMIFICATIONS OF THIS LAW, THE LITTLE DAMAGE THAT IT CAN DO AND THE GREAT BENEFIT IT CAN DO. SO I PUT TOGETHER A LIST OF SOME PEOPLE THAT I KNOW THAT HAVE BENEFITED FROM ORGAN DONATION. AND I START WITH AN ELDERLY COUSIN OF MINE WHO HAD CORNEAL TRANSPLANTS 20 YEARS AGO AND SO SHE WAS ABLE TO CONTINUE LIVING HER LIFE AT HOME, READING, WATCHING TELEVISION, DOING THE THINGS THAT SHE ENJOYED DOING. AND I THOUGHT ABOUT A GOOD FRIEND OF MY MOTHER'S WHO NEEDED KIDNEY TRANSPLANTS. HAD ONE DONE, WHICH FAILED, AND THEN SHE PASSED AWAY BEFORE SHE EVER HAD ANOTHER OPPORTUNITY BECAUSE THERE WASN'T A KIDNEY AVAILABLE FOR HER. MY HIGH SCHOOL SENIOR GUIDANCE COUNSELOR HAD A HEART TRANSPLANT IN THE MID '80s AND WENT ON TEACHING FOR ANOTHER 15 YEARS AFTER THAT; LIVED A FULL LIFE IN HYANNIS, RAISED HIS FAMILY, HAD A NEW LEASE ON LIFE. ABOUT TEN YEARS AGO WE HAD A LITTLE BOY IN HYANNIS WHO DEVELOPED LIVER FAILURE. SO THEY DID A NUMBER OF DIFFERENT THINGS WITH HIM. THEY DID BONE MARROW TRANSPLANTS, THEY WORKED HARD, BUT THEY NEVER COULD GET HIS LIVER TO REALLY START FUNCTIONING AGAIN. SO HE ENDED UP WITH A LIVER TRANSPLANT. AND NOW THAT YOUNG MAN IS A HIGH SCHOOL STUDENT AND ENJOYING A FULL AND ACTIVE LIFE. AND THEN I'VE GOT ANOTHER FRIEND WHO IS NOW IN NEED OF A LUNG TRANSPLANT. MEMBERS OF THE BODY, DRIVING IS A PRIVILEGE THAT IS GIVEN BY THE STATE OF NEBRASKA. IT IS NOT A RIGHT. AND WE DO HAVE SOME RIGHTS TO ASK CERTAIN QUESTIONS THAT BENEFIT SOCIETY IN GENERAL. I THINK SENATOR WATERMEIER HAS PUT FORWARD AN AMENDMENT THAT IS ACCEPTABLE AND SHOULD SATISFY EVERYBODY'S CONCERN WHEN HE SAYS-- CHOOSE NOT TO ANSWER. THAT IS A SENSIBLE APPROACH. DON'T LET THIS BILL GET KILLED BECAUSE YOU ARE HUNG UP ON SOME PROBLEM THAT REALLY ISN'T THERE. THE BENEFITS ARE JUST TOO GREAT. AND WITH THAT I'D LIKE TO YIELD THE REST OF MY TIME TO SENATOR WATERMEIER IF HE'D LIKE TO USE IT. THANK YOU. [LB47]

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SPEAKER HADLEY: SENATOR FRIESEN, YOU ARE RECOGNIZED. SENATOR WATERMEIER, I'M SORRY. [LB47]

SENATOR WATERMEIER: I'M GOING TO WAIVE AND LET SOME OTHER PEOPLE SPEAK BECAUSE THERE'S SHORT OF TIME ON THE QUEUE. [LB47]

SPEAKER HADLEY: SENATOR FRIESEN, YOU'RE NEXT. [LB47]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. YOU KNOW, SENATOR CHAMBERS, I HATE TO DISAPPOINT YOU. YOU'VE ALWAYS TOLD ME I NEED TO LISTEN TO YOU AND I HAVE BEEN LISTENING, BUT YOU DIDN'T TELL ME THAT I HAD TO AGREE WITH YOU ALL THE TIME. SO, I'M GOING TO KIND OF GO THROUGH WHAT IT...THE PROCESS THAT I APPROACH THIS WITH. AND HERE I HAVE THIS PIECE OF PLASTIC THAT TO ME IS A PRIVILEGE. NOT EVERYONE IN THE STATE HAS THE RIGHT TO EVEN APPLY FOR A DRIVER'S LICENSE. SO I GO IN AND I APPLY FOR THIS PRIVILEGE, GIVES ME THE RIGHT TO GO IN AND APPLY FOR THIS. THIS ONE COST ME \$57.50. I HAVE A CDL, SO THEY CHARGE ME A LITTLE EXTRA. SO MOST DRIVER'S LICENSE WILL COST \$26.50. SO FOR \$26.50, THEY'LL ISSUE ME A PERMIT THAT ALLOWS ME TO DRIVE A VEHICLE THAT IS CAPABLE OF KILLING, OH, LET'S SEE HERE, LAST YEAR, WE KILLED 187 PEOPLE IN NEBRASKA WITH THIS PERMIT, GAVE US THIS RIGHT. ELEVEN OF THEM WERE DONORS. WHEN YOU GIVE SOMEONE THIS PERMIT, THIS RIGHT, THIS PRIVILEGE, THEY'RE GIVING A LETHAL WEAPON TO DRIVE. WE TRUST THAT THEY CAN DRIVE. THEY DO A DRIVING TEST; THEY ANSWER A FEW QUESTIONS ON THE TEST, WE COMPEL THEM TO ANSWER THOSE QUESTIONS. AND THEN WE ASK THEM IN THE END IF THEY WANT TO BE A DONOR. THEY DON'T HAVE TO ANSWER THE QUESTION. I WOULD LIKE THEM TO HAVE TO ANSWER THE QUESTION JUST, MAYBE, TO IMPRESS UPON THE GRAVITY OF THE PRIVILEGE OF HOLDING THIS CARD. THERE WAS A YOUNG MAN LAST WEEK WHO TRIED TO MAKE ME A DONOR. I THINK HE WAS TEXTING OR FIDDLING WITH HIS RADIO. HE DID NOT SEE ME, BROADSIDED OUR CAR, HIT ME IN THE DOOR, MY SIDE. THANK GOODNESS FOR AIR BAGS, I'M STILL HERE. HE DIDN'T REALIZE THE GRAVITY OF THE SITUATION WHAT HE WAS DOING WHEN HE DROVE. EACH ONE OF US, WHEN WE HAVE ONE OF THESE, WE ARE EITHER THE DONOR OR THE DONEE. AND WE ALL HAVE, MAYBE, THAT ACCIDENT WHERE WE ARE GOING TO KILL SOMEBODY THROUGH NEGLIGENCE, DRUNK DRIVING, NOT LOOKING, CARELESSNESS, AND SUDDENLY WE HAVE TAKEN A LIFE. THIS JUST GIVES YOU THE OPPORTUNITY TO ANSWER THE QUESTION, WHETHER THROUGH THAT PROCESS, WE HELP SOMEONE. IT SEEMS SIMPLE TO ME. I KNOW, IF YOU HAVE STANDARDS THAT YOU DON'T WANT TO...YOU CAN JUST ANSWER NO, THERE'S NO CONSEQUENCES, YOU

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STILL GET THIS LICENSE, YOU JUST MAKE THE CHECK MARK. AND WITH THE AMENDMENTS THAT ARE COMING, BETTER YET, YOU CAN JUST CHOOSE NOT TO ANSWER, SO SIMPLE. IT'S NOT ASKING TOO MUCH FOR \$57.50. AND HOW MANY LIVES? THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR HILKEMANN, YOU ARE RECOGNIZED. [LB47]

SENATOR HILKEMANN: THANK YOU VERY MUCH, MR. SPEAKER. SENATOR...I WONDER IF SENATOR CHAMBERS WOULD ANSWER A QUESTION FOR ME? [LB47]

SPEAKER HADLEY: SENATOR CHAMBERS? [LB47]

SENATOR CHAMBERS: YES, I WILL. [LB47]

SENATOR HILKEMANN: SENATOR CHAMBERS, ONE OF THE REQUIREMENTS THAT WE HAVE TO GET A DRIVER'S LICENSE IS TO MARK WHETHER WE ARE EITHER MALE OR FEMALE. DO YOU THINK THAT THAT IS RIGHT? [LB47]

SENATOR CHAMBERS: RIGHT, SO THEY CAN IDENTIFY THE INDIVIDUAL WHO'S GOT THE LICENSE. [LB47]

SENATOR HILKEMANN: WHAT ABOUT IN THE CASE OF A TRANSSEXUAL? [LB47]

SENATOR CHAMBERS: IT IS UP TO THE PERSON TO HAVE MADE A CHOICE, BUT THEY ARE THE ONES WHO WILL MARK THE LICENSE. THEY'LL MARK THE APPLICATION, AND I'M NOT AWARE OF ANY GENITAL EXAMINATIONS THAT ARE REQUIRED. [LB47]

SENATOR HILKEMANN: OKAY, THANK YOU VERY MUCH. IT'S HOW FAR DO WE TAKE THIS WHOLE THING OF FREEDOM. I THINK THAT LB47 IS GOOD LEGISLATION. I HAVE NEVER PERFORMED A TRANSPLANT, BUT I HAVE HAD HUNDREDS OF PATIENTS IN MY OFFICE THAT ARE ALIVE TODAY AS A RESULT OF TRANSPLANTS AND HAVE SEEN THEIR LIVES TRANSFORMED. DIABETICS WHO HAVE HAD A PANCREATIC TRANSPLANT, WHO NO LONGER HAVE TO FACE THE LOSS OF DIGITS, EYESIGHT, LOSS OF THE FUNCTION OF THE KIDNEY BECAUSE, FOR THE FIRST TIME, THEY CAN GET PROPER INSULIN. KIDNEY PEOPLE, KIDNEY TRANSPLANTS WHO THROUGHOUT THEIR LIVES HAVE HAD TO GO THREE TIMES A DAY FOR DIALYSIS BECAUSE OF THEIR KIDNEYS. A FACT THAT I FOUND FROM

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THE ORGANDONOR.GOV SITE IS--EACH DAY AN AVERAGE OF 79 PEOPLE RECEIVE ORGAN TRANSPLANTS. HOWEVER, ON AVERAGE, 21 PEOPLE DIE EACH DAY WAITING FOR A TRANSPLANT THAT CAN'T TAKE PLACE BECAUSE OF THE SHORTAGE OF DONATED ORGANS. THIS IS A MATTER OF ANSWERING YES, NO, AND I'M NOT CERTAIN WE NEED TO ADD THAT THIRD, BUT THEY DO HAVE A CHOICE, I ELECT NOT TO ANSWER THE QUESTION. THIS IS GOING TO AT LEAST FORCE A DISCUSSION FOR PEOPLE TO HAVE WHETHER THEY WANT TO BE A DONOR TRANSPLANT. I COULD JUST...IT JUST MAKES PEOPLE'S...IT IS GOING TO MAKE THEM THINK ABOUT THIS QUESTION. AND I THINK SOMETIMES IT IS NOT THAT THEY DON'T WANT TO DO IT, IT IS JUST THAT THEY DON'T THINK ABOUT IT. AND THEY DON'T THINK ABOUT ANSWERING THAT QUESTION. IF WE CAN INCREASE THE NUMBER OF DONORS, WE WILL IMPROVE THE LIVES OF NEBRASKANS FOREVER. AND WHO KNOWS? JUST MAYBE, JUST MAYBE AT SOME POINT DOWN THE LINE, AND WE MAY EVEN HAVE PERSONS IN THIS BODY WHO HAVE RECEIVED A TRANSPLANT. I'M SORRY FOR WHOEVER IT WAS, BUT I'M AWFULLY GRATEFUL FOR SOMEONE WHO HAD SIGNED A DONOR FOR MY 61-YEAR-OLD COUSIN, WHO I GREW UP A MILE AWAY FROM, WHO LAST YEAR AT MAYO CLINIC FINALLY, AFTER WAITING FOR OVER THREE YEARS...NOT THREE YEARS, ABOUT 18 MONTHS, WITH AN ARTIFICIAL...WITH A PUMP, WHERE HE HAD...FOR HIS HEART WHERE HE HAD TO GO AROUND; HE HAD TO HAVE A KNAPSACK ON THE BACK OF HIS BACK, HE COULD NEVER BE UNATTENDED BECAUSE IF THAT EVER STOPPED HE WOULD BE DEAD. TODAY, HE CONTINUES ON... [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR FRIESEN: ...IN MINISTRY IN MONTANA, BECAUSE SOMEBODY DONATED A HEART TO HIM AND HIS QUALITY OF LIFE, WHILE NOT FABULOUS THAT HE'D LIKE TO HAVE, IS MUCH BETTER AND HIS CHANCES OF SURVIVAL ARE MUCH BETTER. THIS IS A GOOD BILL. LET'S MOVE NEBRASKA FORWARD. LET'S ENACT LB47. THANK YOU. [LB47]

SPEAKER HADLEY: SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB47]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. YESTERDAY, ABOUT THIS TIME WE VOTED ON A BRACKET MOTION ON THIS BILL. AND I VOTED TO BRACKET THE BILL. WENT HOME LAST NIGHT AND THOUGHT ABOUT WHAT I HAD DONE WITH THAT MOTION AND THAT VOTE AND THOUGHT ABOUT A COUPLE OF THINGS. THE FIRST ONE WAS THE AMENDMENT THAT SENATOR

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WATERMEIER WAS OFFERING ABOUT GIVING THE THIRD CHOICE. AND I'M VERY CONCERNED, AS WE ALL SHOULD BE, ABOUT PROTECTING OUR CONSTITUTIONAL RIGHTS, OUR CONSTITUTIONAL RIGHTS TO SPEAK OR OUR CONSTITUTIONAL RIGHT TO REMAIN SILENT. BUT TO ME, THE CHANGE OF HAVING THAT THIRD CHOICE MADE A DIFFERENCE, BUT NOT AS BIG AS THE SECOND THING THAT I REMEMBERED LAST NIGHT. SOME OF YOU MAY NOTICE THAT I WEAR TWO BRACELETS; ONE THAT I TALK ABOUT AND ONE THAT I DON'T TALK ABOUT, ONE THAT I WILL NEVER TALK ABOUT. BUT THE ONE THAT I TALK ABOUT IS THIS ORANGE ONE AND IT IS ABOUT MY GRANDSON AND HIS REALLY, REALLY GOOD FRIEND, CHARLIE McMICKEN. I MET CHARLIE WHEN HE WAS THREE YEARS OLD. HE WAS IN THE CLEVELAND CLINIC WHERE MY GRANDSON WAS ALSO A PATIENT AND THEY WERE ROOMMATES, BUT THERE WAS A SIGNIFICANT DIFFERENCE. CHARLIE WAS ON WHAT WAS CALLED A BERLIN HEART. AND IF YOU DON'T KNOW WHAT A BERLIN HEART IS, THAT IS A BOX THAT IS ABOUT THREE FEET ONE DIRECTION, TWO FEET THE OTHER, AND ABOUT THREE FEET TALL THAT WAS CHARLIE'S HEART. CHARLIE DIDN'T HAVE A HEART. CHARLIE WAS BORN WITH CARDIOMYOPATHY AND HIS HEART QUIT AND EVENTUALLY HE HAD TO BE ON THIS ARTIFICIAL HEART. WE WENT FOR SEVERAL WALKS WHILE I WAS THERE IN CLEVELAND WITH MY LITTLE GRANDSON WHO COULD RUN AROUND AND CHARLIE WHO COULD BARELY WALK AND IT TOOK A WHOLE GROUP TO GO ON A LITTLE CAMPAIGN WALK. TWO YEARS AGO, ALL MOST RIGHT NOW, CHARLIE GOT HIS HEART. HE HAD BEEN PREPPED FOR THAT HEART ON TWO OTHER OCCASIONS BUT THE MATCH DIDN'T WORK, BUT THIS ONE WORKED AND THE QUICK END OF THAT STORY IS THAT CHARLIE IS A KINDERGARTNER IN CLEVELAND, HE'S FIVE YEARS OLD, ONE YEAR YOUNGER THAN MY GRANDSON, HIS BEST FRIEND, WHO LIVES IN GOTHENBURG, NEBRASKA. IF IT WERE NOT FOR SOMEBODY THAT CHECKED THE BOX, LIKE I HAVE CHECKED ON MY DRIVER'S LICENSE TO BE A DONOR, CHARLIE WOULDN'T HAVE HAD THAT OPPORTUNITY. SO I THOUGHT ABOUT THAT, AND THOUGHT ABOUT THE TRADE-OFF THAT SENATOR McCOLLISTER SO CAREFULLY TALKED ABOUT A FEW MINUTES AGO ABOUT TRADING OFF OUR PERSONAL LIBERTIES AT WHAT COST AND I CHANGED. AND TODAY I STAND IN FAVOR OF LB47 WITH THE AMENDMENT TO ADD THE CHOICE OF SAYING--ELECT NOT TO ANSWER. TO ME, THAT PROTECTS AT A LEVEL THAT I'M COMFORTABLE WITH, THAT CONSTITUTIONAL RIGHT. I SAID THIS IN JUDICIARY COMMITTEE SOME WEEKS AGO--MAKING PUBLIC POLICY IS HARD. MAKING THOSE CHOICES, BUT THAT IS WHY WE ARE HERE. AND I THINK EACH ONE OF US NEEDS TO THINK ABOUT THE IMPORTANCE OF WHAT WE DO, WHY WE DO IT, AND THE IMPACT OF THAT ON OTHER PEOPLE. WE HAVE A CHANCE TO SAVE SOME LIVES. AND YES, IT MAY CROSS SOME SLIGHT... [LB47]

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SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR WILLIAMS: ...BORDER. BUT AT THIS POINT, SENATOR CHAMBERS TALKED ABOUT WHICH TEAM YOU ARE ON, AND YESTERDAY I MADE THAT CHOICE TO VOTE TO BRACKET THE BILL. BUT TODAY I VOTE TO BE ON CHARLIE'S TEAM. THANK YOU. [LB47]

SPEAKER HADLEY: SENATOR WATERMEIER, YOU ARE RECOGNIZED. [LB47]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I COULDN'T HELP BUT THINK A LITTLE BIT ABOUT WHAT SENATOR KINTNER IS SCHEMING BACK THERE. I WANT TO TALK ABOUT ONE OF HIS FRIENDS AND A LITTLE HISTORY ON ORGAN DONATION. THE UNIFORM ANATOMICAL GIFT ACT WAS FIRST ENACTED IN 1968, PROMPTED BY THE INCREASED SUCCESS RATE OF TRANSPLANTS, CONGRESS CREATED THE FIRST STATUTES GOVERNING HOW AND WHERE INDIVIDUALS COULD DONATE ORGANS FOR THE BETTERMENT OF OTHERS AND A MYRIAD OF OTHER LEGAL ISSUES ASSOCIATED WITH ORGAN DONORS AND RECIPIENTS. HOWEVER, IT WAS IN JULY OF 1983 WHERE THE NATIONAL ATTENTION WAS FOCUSED ON A NATIONWIDE RADIO APPEAL BY PRESIDENT RONALD REAGAN...PRESIDENT RONALD REAGAN, FOR A CHILD NAMED ASHLEY BAILEY WHO WAS AWAITING A LIVER TRANSPLANT THAT PROPELLED CONGRESSIONAL HEARINGS AND A PASSAGE OF THE NATIONAL ORGAN TRANSPLANTATION ACT OF 1984 WHICH BECAME THE UNIFORM ANATOMICAL ACT OF 1987. DURING PRESIDENT REAGAN'S RADIO APPEAL, HE PLEADED FOR A DONOR TO COME FORWARD AND COMMITTED THE PRESIDENTIAL AIRPLANE, AIR FORCE ONE, TO TRANSPLANT AND TRANSFER THE ORGAN. LATER DURING THE CONGRESSIONAL HEARINGS THAT WOULD LATER BE ENACTED IN 1984 ACT, THE CHAIRMAN OF THE COMMITTEE WAS QUOTED AS SAYING--AIR FORCE ONE ISN'T A NATIONAL POLICY, SO CONGRESS ENACTED ONE. DURING THE CONGRESSIONAL DEBATE, THERE WAS A FIRM BELIEF BY SPONSORS THAT AMERICANS WOULD DONATE IF GIVEN A CHANCE, WHICH IS WHY THE USE OF THE DRIVER'S LICENSE AS A MEANS TO GIVE PEOPLE A CHANCE TO DONATE FOUND ITS WAY INTO SO MANY STATES TODAY. DURING THE NATIONAL DEBATE, PRESIDENT REAGAN DIRECTED HIS SECRETARY OF HEALTH, EDUCATION, AND WELFARE TO MAKE A NATIONAL TELEVISION APPEAL FOR RYAN OSTERBLOM WHO WAS IN DIRE NEED OF A LIVER TRANSPLANT. WITHIN TWO DAYS RYAN'S LIFE WAS SAVED BY A DONOR FOUND THROUGH THE AGGRESSIVE MEDIA CAMPAIGN. PRESIDENT REAGAN'S EMPHASIS ON THIS ISSUE SPAWNED A FLOOD OF MEDIA OVER THE NEXT SEVERAL YEARS, BETWEEN 1983-88, THE MacNEIL/LEHRER ON PBS WAS 13 FULL SHOWS DEDICATED TO ORGAN TRANSPLANTS. TED

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KOPPEL ON ABC'S NIGHTLINE HAD NINE, AND THE NEWS HOUR PROGRAM IN 20/20 HAD FIVE SEGMENTS ON THE ISSUE. IN 1983, 33,000 PEOPLE WERE ON THE NATIONAL ORGAN TRANSPLANT WAITING LIST; IN 1998, 62,000 PEOPLE; IN 2004, 87,000 PEOPLE. SOBERING NUMBERS, IN 1993, 2,900 PEOPLE DIED WHILE WAITING FOR AN ORGAN TRANSPLANT; 1998, 5,100 DIED; IN 2004, 6,400 PEOPLE HAVE DIED WHILE WAITING FOR AN ORGAN TRANSPLANT. AT THE SAME TIME IN 1991, THE SURVIVAL RATE FOR KIDNEY TRANSPLANTS WAS OVER 80 PERCENT FOR TEN YEARS. I HOPE SOME OF THIS MAKES SOME HISTORY, AND ESPECIALLY TO SENATOR KINTNER WHO IS BACK THERE THINKING ABOUT OUR LIBERTIES. ASK PRESIDENT RONALD REAGAN WHAT HE WOULD HAVE THOUGHT AT THAT POINT IN TIME, AND HE MAY HAVE HAD A HARD TIME DECIDING, BUT I THINK HE WOULD SAY HE MADE THE RIGHT CHOICE. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB47]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHAT IS HAPPENING HERE IS EXACTLY WHY PEOPLE LIKE THOSE IN THIS CHAMBER DO NOT SERVE AS JUDGES. WHEN YOU ARE TALKING ABOUT THE CONSTITUTION, ALL THIS OTHER STUFF YOU ALL ARE TALKING ABOUT IS TOTALLY IRRELEVANT. THESE ARE NOT RIGHTS THAT ARE TO BE BARTERED AWAY. YOUR DECLARATION OF INDEPENDENCE TALKS ABOUT CERTAIN INALIENABLE RIGHTS. THEY CAN'T BE TAKEN AWAY FROM YOU. SO, TO COME IN WITH ALL OF THESE ANECDOTAL STORIES ARE TOTALLY OFF THE MARK. IF YOU WANT TO PROPERLY FRAME THE ISSUE, IT SHOULD GO SOMETHING LIKE THIS: THE RIGHT...THE FREEDOM OF SPEECH, WHICH IS GUARANTEED TO YOU BY THE FIRST AMENDMENT TO THE U.S. CONSTITUTION CAN BE TAKEN AWAY FROM YOU FOR WHAT REASONS, THEN YOU LIST THEM OUT: BECAUSE SOMEBODY WANTS TO MAKE YOU SIGN AN ORGAN DONOR CARD, BECAUSE SOMEBODY WANTS TO MAKE YOU DONATE TO THE CHILDREN'S RESEARCH HOSPITAL, ST. JUDE'S. I'D LIKE TO SEE EVERYBODY DONATE TO THAT HOSPITAL. BUT I COULD NOT SAY--YOU HAVE TO GIVE UP YOUR CONSTITUTIONAL RIGHT TO CARRY OUT WHAT SOMEBODY ELSE WANTS BECAUSE OF THEIR IDEOLOGY. AND WHAT HAPPENS TO THE RIGHT OF FREE EXPRESSION IS THAT THERE ARE OTHER PEOPLE WHO RECOGNIZE THAT RIGHT IN TERMS OF TRYING TO SUPPRESS IT, REPRESS IT IN OTHER PEOPLE. THEY DON'T WANT YOU TO HAVE THAT RIGHT UNTRAMMELED. AND THE RIGHT COMES WITH NO CONDITIONS. AND YOU ALL WANT TO PUT CONDITIONS ON IT AND SAY--YEAH BUT, THIS IS FOR A WORTHY CAUSE SO YOUR RIGHT SHOULD NOT COUNT. SO IF A TYRANT SAID--I DON'T THINK ANY OF THOSE THINGS OUGHT TO COUNT, BECAUSE I KNOW WHAT IS BEST FOR EVERYBODY SO WE SUSPEND THEM. BECAUSE IT WOULD AFFECT YOU, YOU'D SAY--NO, YOU CAN'T DO THAT. I

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BELIEVE THAT THOSE RIGHTS MEAN SOMETHING. AND SOMEBODY HAS TO DEFEND THEM THE WAY THAT THEY ARE, BECAUSE WHEN YOU CAN SACRIFICE IT AND THROW IT AWAY AS A LEGISLATURE, SOMEBODY IS GOING TO HAVE TO GO TO COURT AND FIND SOME PEOPLE WHO RESPECT THE CONSTITUTION, AND THE JUDGES WOULD HAVE STOPPED A LOT OF WHAT HAS BEEN SAID HERE AS BEING TOTALLY IRRELEVANT. IT HAS NOTHING TO DO WITH THE ISSUE AND THE ISSUE IS WHETHER A CONSTITUTIONAL RIGHT MEANS ANYTHING. AND ONCE IT IS DETERMINED THAT IT MEANS SOMETHING, IT CANNOT BE TAKEN AWAY FROM YOU BY A LEGISLATURE. YOU PASS A LAW THAT TAKES AWAY THE RIGHT TO FREEDOM OF SPEECH AND A COURT WILL STRIKE IT DOWN. YOU CAN DO ANYTHING YOU WANT TO WITH THE LAW, I'M TRYING TO SAVE YOU FROM YOURSELF, SAVE YOU FROM EMBARRASSMENT. AND ALL OF THIS TALK ABOUT THE LITTLE CHILDREN IN A DIFFERENT CONTEXT WOULD HAVE ME RIGHT THERE WITH YOU. I WAS IN THE HALL THE OTHER DAY, LITTLE CHILDREN SURROUNDED ME, THEY TREATED ME LIKE THE POPE. THEY JUST WANTED ME TO TOUCH THEM. THAT IS WHAT THEY TOLD ME--JUST TOUCH ME; SIGN YOUR AUTOGRAPH. I SAID I DON'T HAVE ANY PAPER. WRITE IT ON MY HAND; WRITE IT ON MY FACE. AND THEY MADE SO MUCH NOISE, PEOPLE HEARD IT UP AND DOWN THE HALLS. AND I HAD TO TELL THESE LITTLE CHILDREN--I LIKE ALL OF YOU, AND I'LL TELL YOU SOMETHING I DON'T SAY TO GROWN PEOPLE, I LOVE ALL OF YOU, BUT YOU HAVE TO GO BACK TO SCHOOL, YOU HAVE A BUS SO YOU HAVE TO LEAVE; THERE IS NO MORE THAT I CAN DO. I CARE ABOUT CHILDREN. BUT PEOPLE WON'T PLAY THAT CARD AND GET ME TO SAY THAT IF WE COMPEL PEOPLE TO LOSE THEIR RIGHT TO FREE SPEECH, THEIR NAME WILL GO ON A CARD AND SOMEBODY IS GOING TO BE SAVED AS A RESULT. THERE MIGHT BE A COEXISTENCE OF THINGS, BUT THERE IS NOT CAUSALITY ESTABLISHED BECAUSE TWO THINGS COINCIDENTALLY COEXIST. SO I WILL NEVER AGREE THAT ANYBODY'S CONSTITUTIONAL RIGHTS SHOULD BE TAKEN AWAY. AND ON THIS THING WITH SIR THOMAS MORE THEY WERE TRYING TO FORCE HIM TO SAY SOMETHING THAT THE KING WANTED SAID THAT WOULD ALLOW THE KING TO DO SOMETHING HE WANTED TO DO. AND WHEN THOMAS MORE WAS ON TRIAL, ALL HE HAD TO DO WAS GIVE AN ANSWER. HE SAID--I WILL NOT ANSWER AND I WILL NOT TELL YOU WHY I WON'T ANSWER. AND YOU ALL READ THAT AND YOU SAY--BULLY FOR THOMAS MORE; THOMAS MORE WAS A MAN. THEN WE COME HERE AND WE SAY--GIVE UP THE RIGHT. AND YOU SAY--YEAH, BECAUSE ALL THEY'LL MAKE YOU DO IS JUST SAY YES OR NO. THEN CALL SIR THOMAS MORE A FOOL, HE'S NOT AN EXAMPLE, HE SHOULD HAVE ANSWERED AND HE SHOULD HAVE TOLD WHY. BUT THAT IS NOT THE WAY YOU LOOK AT IT WHEN IT IS THEORETICAL. [LB47]

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SPEAKER HADLEY: TIME, SENATOR. [LB47]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB47]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'VE HEARD FROM A SENATOR IN THIS BODY TWICE IN THE LAST WEEK--HOW FAR DO WE WANT TO TAKE THIS FREEDOM THING? WE TAKE THIS FREEDOM THING EVERY INCH OF THE WAY. WE DON'T GIVE UP FREEDOM. THERE HAVE BEEN TOO MANY PEOPLE FOUGHT AND DIED FOR FREEDOM. HOW FAR DO WE TAKE THIS FREEDOM THING? HOW SERIOUSLY DO WE TAKE THIS FREEDOM THING? TO THE MAX, TO THE GRAVE. THAT'S HOW FAR WE TAKE THIS FREEDOM THING. HOW DO WE ASK THIS QUESTION NOW? WE'RE GOING TO REQUIRE YOU TO ANSWER YES, NO, OR I DON'T CHOOSE TO ANSWER. WHAT IF THE NEXT OPTION IS WE PUT A QUESTION ON THERE THAT SAYS--DO YOU OWN A GUN? DO YOU WANT TO ANSWER THAT YES, NO, OR I CHOOSE NOT TO ANSWER? WHAT QUESTION IS NEXT ON OUR DRIVER'S LICENSE OR ANY OTHER PIECE OF PAPER THE GOVERNMENT REQUIRES US TO HAVE? COLLEAGUES, HOW FAR DO WE TAKE THIS FREEDOM THING? MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR LARSON. [LB47]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 3:25. [LB47]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. WILL SENATOR WATERMEIER YIELD TO A QUESTION? [LB47]

SPEAKER HADLEY: SENATOR WATERMEIER, WILL YOU YIELD? [LB47]

SENATOR WATERMEIER: YES, MR. SPEAKER. [LB47]

SENATOR LARSON: THANK YOU, SENATOR WATERMEIER. WOULD THIS BILL PERTAIN TO NOT ONLY DRIVER'S LICENSE BUT STATE ID CARDS AS WELL, CORRECT? [LB47]

SENATOR WATERMEIER: YES, IT WOULD. [LB47]

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SENATOR LARSON: SO IF THIS IS APPLYING TO STATE ID CARDS, IF THEY DID NOT CHECK THE "YES" OR "NO," THEY COULD NOT RECEIVE A STATE ID CARD IF THEY DIDN'T CHECK THE "YES" OR "NO" UNDER LB47 AS IS, CORRECT? [LB47]

SENATOR WATERMEIER: WITH THE AMENDMENT, THEY'LL HAVE THE THIRD CHOICE, YES, NO, OR CHOOSE NOT TO ANSWER. BUT THEY WOULD NOT RECEIVE IT, THAT'S CORRECT. [LB47]

SENATOR LARSON: SO, AND IF THEY CHOOSE NOT TO ANSWER THAT QUESTION, IF THEY JUST CHOOSE BECAUSE THEY FEEL IT MAY BE UNCONSTITUTIONAL WHATNOT, THEY WOULD BE DENIED A STATE ID CARD, CORRECT? [LB47]

SENATOR WATERMEIER: YES. [LB47]

SENATOR LARSON: COLLEAGUES, HEREIN LIES ONE OF THE BIGGER RUBS THEN. A STATE ID CARD IS ONE OF THE FEDERALLY RECOGNIZED HAVA DOCUMENTS IN ORDER TO VOTE, AND REGISTER TO VOTE, TO PROVE YOUR ADDRESS. AND THAT INDIVIDUAL MIGHT NOT HAVE A BANK STATEMENT; THEY MIGHT NOT HAVE AN ELECTRIC BILL. WHAT THEY MAY HAVE, AND IT MIGHT BE THEIR ONLY FORM OF IDENTIFICATION, TO REGISTER...NOW, WE ALL KNOW THAT YOU DON'T NEED AN ID TO VOTE ON ELECTION DAY, BUT YOU DO NEED TO PROVE WHO YOU ARE WHEN YOU REGISTER; ALL THEY MAY HAVE IS A STATE ID CARD. AND WE MAY BE DENYING INDIVIDUALS A STATE ID CARD BECAUSE THEY REFUSE TO ANSWER A QUESTION WHETHER OR NOT THEY WANT TO DONATE ORGANS. IF WE WANT TO TALK ABOUT POLL TAXES, WE WANT TO TALK ABOUT VOTING RIGHTS, THIS IS ONE OF THE BIGGER PROBLEMS I SEE WITH LB47. THAT MAY BE THEIR ONLY FORM OF IDENTIFICATION WHEN THEY TRY TO REGISTER TO VOTE, AND THE STATE IS GOING TO DENY THEM THAT FORM OF IDENTIFICATION BECAUSE THEY REFUSE TO ANSWER ONE QUESTION, THEREFORE LIMITING THEIR ABILITY TO VOTE. THAT IS THE PROBLEM WITH LB47, AS WELL AS JUST THE SIMPLE FACT THAT THE GOVERNMENT SHOULDN'T COMPEL YOU TO SPEAK. [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR LARSON: THIS MAY BE THEIR ONLY FORM OF IDENTIFICATION TO REGISTER. NOW, IF LB111 HAD PASSED, I WOULD HAVE GIVEN EVERYBODY A FREE ID, AND IT WOULD HAVE BEEN INTERESTING TO SEE IF LB47 PASSED WITH THAT FREE ID IF THEY HAD TO ANSWER THIS QUESTION OR NOT. BUT LB111 DIDN'T PASS, AND I STILL WOULD HAVE HAD A PROBLEM WITH LB47 IF IT HAD

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PASSED, BUT WE CANNOT DENY INDIVIDUALS JUST IDENTIFICATION. THIS ISN'T EVEN DRIVER'S LICENSES. THIS IS JUST RAW IDENTIFICATION IF THEY CHOOSE NOT TO ANSWER A QUESTION. THIS WILL GO INTO THE FEDERAL VOTING RIGHTS ACT, THIS WILL HAVE IMPLICATIONS. THIS HAS HAVA IMPLICATIONS AND A NUMBER OF OTHER THINGS. THANK YOU, MR. PRESIDENT. [LB111 LB47]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB47]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I WAS GOING TO BE ORNERY AND HARASS SENATOR BRASCH ABOUT HER COMMENTS ON AGENDA 21. I PROMISE THE FRESHMAN CLASS SOME LATE NIGHT WE'LL GET INTO AGENDA 21 AND YOU'LL SEE THE HUMOR IN THAT, BUT THIS DISCUSSION HAS TAKEN, PROBABLY, TOO SOBERING A TURN IN ORDER TO GET INTO THAT DISCUSSION. YOU WONDER HOW THE IDEA OF HARVESTING ORGANS HAS GOT MIXED UP WITH DRIVER'S LICENSE. AND I SUSPECT THE ONLY REASON IT GOT MESSED UP WITH DRIVER'S LICENSES IS IN THE EVENT OF A FATALITY, YOU WANT TO LET THE PARAMEDICS OR SOMEBODY KNOW TO START CHILLING THE BODY PRETTY QUICK SO THAT THEY CAN HARVEST IT. BUT, QUITE FRANKLY, IF SOME OF THE ARGUMENTS MADE TODAY ABOUT THE NECESSITY AND THE GOOD THAT COMES FROM HARVESTING ORGANS ARE TRUE, THEN WHY DON'T WE REQUIRE AS A CONDITION TO WRITING A WILL OR A TRUST A STATEMENT THERE? SEEMS TO ME THAT WOULD BE THE KIND OF THING THAT A LAWYER OR A DOCTOR IN CONNECTION WITH THE MEDICAL POWER OF ATTORNEY OR LIVING WILL OR LAST INSTRUCTIONS WOULD BE IN A BETTER POSITION TO DISCUSS THAN THE CLERK AT THE DRIVER'S LICENSE PLACE. AND SO IF WE'RE SERIOUS ABOUT PROMOTING OR RAISING THE LEVEL OF DISCUSSION ON ORGAN DONATIONS, IS THIS THE BEST PLACE TO DO IT, ON THE RUN, AFTER YOU'RE MAD AT THE DRIVER'S LICENSE PEOPLE FOR TAKING A BAD PICTURE OF YOU? AND SO I'D SUGGEST THAT THIS THING BE CONSIDERED IN A BILL NEXT YEAR TO ADDRESS THAT AS A CONDITION OF WRITING A WILL OR TRUST OR A MEDICAL POWER OF ATTORNEY OR A LIVING WILL, NONE OF WHICH, PARTICULARLY A TRUST AND A WILL, YOU HAVE A CONSTITUTIONAL RIGHT TO HAVE THE RIGHT TO DO. YOU HAVE NO RIGHT, CONSTITUTIONALLY, TO PASS YOUR PROPERTY ON AT DEATH. YOU'RE DEAD, DEAD PEOPLE DON'T HAVE RIGHTS. THAT IS MERELY A FUNCTION OF STATUTORY LAW THAT THE LEGISLATURE CAN CHANGE OR CAN CONDITION WITHOUT TREADING ON THE CONSTITUTIONAL RIGHTS. I HAVE TO COMPLIMENT SENATOR LARSON FOR PICKING UP ON A REAL FINE POINT AND INTEGRATING THIS WITH VOTING LAW. BUT THERE ARE OTHER ROUTES BESIDES THIS ONE, I'M NOT SAYING THIS IS A BAD ONE, BUT THERE ARE MUCH MORE EFFECTIVE ROUTES TO GETTING INTO DISCUSSION WITH SOMEBODY AS TO

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WHAT THEY WANT TO HAVE HAPPEN TO THEM AFTER THEY PASS AWAY THAN TAKING THAT DECISION ON THE RUN AT THE DRIVER'S LICENSE OFFICE. THANK YOU. [LB47]

SPEAKER HADLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB47]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT, AND COLLEAGUES. YESTERDAY, I WAS AMONG THAT GROUP WHO VOTED TO BRACKET THE BILL BECAUSE I WAS CONCERNED THAT WE WOULD NOT GET TO THE AMENDMENT, BECAUSE I REALLY WANTED PEOPLE TO HAVE A THIRD CHOICE, AND SO I SPENT SOME TIME RELOOKING AT THE BILL AND THE INFORMATION THAT I HAD, AND THE CONSTITUENT COMMENTS THAT HAD COME IN. AND I DECIDED, AFTER TALKING WITH SENATOR WATERMEIER, THAT I WOULD BE FAR MORE COMFORTABLE WITH HIS AMENDMENT AND WANTED TO GET TO THAT AMENDMENT. AND SO I WOULD ENCOURAGE ALL OF US TO RETHINK ABOUT WHERE WE WERE YESTERDAY ON THAT BRACKET MOTION, AND PERHAPS LOOK MORE CLOSELY AT SENATOR WATERMEIER'S AMENDMENT. AND WITH THAT I WILL YIELD THE REST OF MY TIME TO SENATOR WATERMEIER. [LB47]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 4:04. [LB47]

SENATOR CAMPBELL: NO. [LB47]

SPEAKER HADLEY: OH, SENATOR WATERMEIER, I'M SORRY. [LB47]

SENATOR WATERMEIER: THANK YOU, MR. SPEAKER; THANK YOU, SENATOR CAMPBELL. I JUST WANT TO SPEAK TO THE AMENDMENT TO MAKE SURE WE'RE CLEAR. I WOULD APPRECIATE IT IF WE GET TO A VOTE TODAY THAT WE VOTE RED ON THIS FLOOR AMENDMENT FROM SENATOR CHAMBERS. AND I WILL REITERATE A LITTLE BIT THAT THIS TO ME IS STILL A POLICY CHOICE. I HADN'T THOUGHT ABOUT THIS PART OF THE BILL WHEN I HAD THIS INTRODUCED TO ME HERE IN THE INTERIM AND WE WORKED SOMEWHAT DILIGENTLY, I WOULD SAY, TO GET THIS UP AND WE WORKED WITH THE DEPARTMENT. WE HAD A LOT OF CONVERSATION ON THIS, AND I KNEW FULLY WELL THAT THE ARGUMENT WAS GOING TO BE THAT GETTING AN ORGAN DONATION HAS NOTHING TO DO WITH A DRIVER'S LICENSE. BUT I STILL COME BACK TO THE FACT, TO ME IT'S A FACT, THAT GETTING A DRIVER'S LICENSE IS A PRIVILEGE. THE COERCIVE NATURE HAPPENS AFTER A VOLUNTARY ACT OF GOING IN AND GETTING EITHER A STATE ID OR THE DRIVER'S LICENSE. BUT I STILL BELIEVE THAT THERE IS NO RIGHT OR

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WRONG WITH WHAT SENATOR CHAMBERS IS ASKING, SENATOR BLOOMFIELD, SENATOR LARSON. BUT THIS IS A POLICY CHOICE. AND I DO APPRECIATE WHAT SENATOR SCHUMACHER HAD MENTIONED THAT MAYBE WE COULD LOOK AT THIS ISSUE AND TIE IN THE OTHER...IT'S COMPLEX, THERE'S NO DOUBT ABOUT IT, AND TIE THIS IN WITH ANOTHER BILL NEXT SESSION. BUT I THINK IT'S GOOD ENOUGH TO PASS RIGHT NOW. SO I WOULD APPRECIATE YOUR RED VOTE ON THIS FLOOR AMENDMENT WHEN WE GET TO IT, AND I APPRECIATE THE DISCUSSION TODAY, AND THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR LARSON, YOU ARE RECOGNIZED. [LB47]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. DRIVING IS A PRIVILEGE. THE ABILITY TO APPLY FOR A DRIVER'S LICENSE IS A RIGHT. BUT LET'S FORGET THE DRIVER'S LICENSE PART OF THIS. LET'S MOVE TO THE STATE ID CARD AND THIS BILL AFFECTS STATE IDs. THE ABILITY TO OBTAIN A STATE ID IS A RIGHT. YOU DON'T...THERE'S NO TEST, THERE'S NO...IT IS...I WANT A STATE ID, YOU GET A STATE ID. YOU DO HAVE TO PAY FOR THAT ID, LB111 WOULD HAVE GIVEN AWAY FREE IDs TO EVERYBODY, BUT TO OBTAIN A STATE ID IS A RIGHT. AND TO DENY THAT RIGHT BECAUSE SOMEONE REFUSES TO ANSWER A QUESTION THAT HAS ABSOLUTELY NOTHING TO DO ON WHETHER OR NOT YOU SHOULD OBTAIN A STATE ID, BECAUSE ANYBODY, AGAIN, EVERYBODY HAS THE RIGHT TO THAT STATE ID, IS WRONG. THE CONCEPT THAT I MIGHT NOT ON THAT STATE ID MIGHT NOT WANT TO ANSWER THAT QUESTION. I SHOULD NOT HAVE TO SAY YES, NO, OR I CHOOSE NOT TO ANSWER, BECAUSE IT HAS ABSOLUTELY NOTHING TO DO, ABSOLUTELY NOTHING TO DO WITH OBTAINING THAT STATE ID, AND THAT STATE ID IS A RIGHT. THAT'S NOTHING TO DO WITH THE DRIVER'S LICENSE SIDE OF IT. AND IF THAT IS THE ONLY FORM OF ANY IDENTIFICATION THAT A PERSON MAY USE TO REGISTER TO VOTE UNDER HAVA DOCUMENTS, YOU ARE THEN DENYING THEM THE RIGHT TO VOTE BECAUSE THEY REFUSE TO ANSWER A QUESTION ON WHETHER OR NOT THEY WANTED TO BE AN ORGAN DONOR. AND THAT IS NOT OUTSIDE THE REALM OF POSSIBILITY. I TALK ABOUT FREE SPEECH. I DON'T LIKE TERM LIMITS. I THINK ONCE YOU'VE REACHED FEDERAL VOTING AGE, YOU SHOULD BE ABLE TO VOTE...OR YOU SHOULD BE ABLE TO RUN FOR OFFICE. THE CONCEPT OF SPEECH AND THE RIGHT TO VOTE IS WHAT THIS COUNTRY WAS BUILT ON. AND LB47 NOT ONLY DO I THINK VIOLATES THE FIRST AMENDMENT, BUT WILL HAVE SIGNIFICANT VOTING-RIGHTS ISSUES, BECAUSE AN INDIVIDUAL SHOULD NOT BE COERCED TO SPEAK JUST TO RECEIVE A STATE ID, AND LB47 FORCES THEM TO DO THAT. THEREFORE, I MAY LOSE...OR AN INDIVIDUAL MAY LOSE THEIR ONLY...OR THEIR OPPORTUNITY FOR A DOCUMENTATION TO PROVE WHO THEY ARE TO REGISTER TO VOTE. THEREFORE,

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WE'RE DENYING THEM WHAT IS A BASIC CONSTITUTIONAL RIGHT OF VOTING. THAT IS A REAL ISSUE REGARDLESS OF HOW YOU LOOK AT IT. THANK YOU, MR. PRESIDENT. [LB111 LB47]

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE RECOGNIZED. [LB47]

SENATOR DAVIS: QUESTION. [LB47]

SPEAKER HADLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS: SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB47]

ASSISTANT CLERK: 29 AYES, 1 NAY TO CEASE DEBATE, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: DEBATE DOES CEASE. SENATOR CHAMBERS, YOU ARE RECOGNIZED TO CLOSE. [LB47]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I LISTENED HOW SHALLOW SOME OF MY COLLEAGUES ARE. THEY SAY--ALL YOU HAVE TO SAY IS I CHOOSE NOT TO ANSWER. SO NOW WE SAY HOW MANY WORDS CAN THE STATE COMPEL YOU TO UTTER AGAINST YOUR WILL WITHOUT VIOLATING YOUR RIGHT TO REMAIN SILENT. WELL, THREE...NO, IF THEY TRY TO MAKE YOU SAY TEN WORDS, THEN THAT'S A VIOLATION. HOW ABOUT NINE? WELL, MAYBE NINE. THAT'S NOT THE WAY THIS WORKS. I SAY AGAIN, THAT'S WHY THEY HAVE A COURT TO BALANCE AGAINST A SILLY, EMOTIONAL LEGISLATURE WHICH SWEARS ITS MEMBERS, OR AFFIRMS, TO UPHOLD THE CONSTITUTION. THEN THEY COME HERE WITH A BILL THAT VIOLATES IT. THEY DON'T EVEN SEE IT. THAT'S WHAT'S TRAGIC. THEY DON'T EVEN SEE AN ISSUE HERE. THEY OUGHT TO CALL THAT COMMITTEE THE TRANSPLANTATION COMMITTEE, NOT THE TRANSPORTATION COMMITTEE. YOU WON'T SWAY ME WITH THESE ANECDOTES, JUST LIKE I WON'T SWAY YOU WITH THE ONES THAT I GIVE. I SAY THEM AS A MATTER OF RECORD...FOR DRAMATIC EFFECT. THERE IS NO COMPELLING STATE INTEREST HERE. WHAT THE U.S. SUPREME COURT HAS SAID THAT YOU CANNOT BY CLAIMING FREEDOM OF SPEECH YELL "FIRE" IN A CROWDED THEATER. BUT THAT'S NOT ALWAYS TRUE. LET'S SAY THE CROWDED THEATER IS CROWDED BECAUSE THERE'S A DRAMATIC PRESENTATION AND SOMEBODY IS TO BE SHOT. AND IN ORDER FOR PEOPLE TO HEAR THROUGHOUT THE THEATER WHICH IS CROWDED, THE GUY WHO GIVES THE SIGNAL SAYS, READY, AIM, FIRE! AND SHOUTS "FIRE" IN A CROWDED

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THEATER, AND IT'S NOT PROHIBITED. A LOT OF THESE THINGS CAN BE ACCEPTED TO. BUT WHAT YOU ALL ARE DOING IS COERCING PEOPLE TO SAY SOMETHING BECAUSE HERE'S AN ORGANIZATION YOU LIKE. THIS ORGAN TRANSPLANTING IS NOT A STATE FUNCTION. THERE IS NO COMPELLING STATE INTEREST THAT WOULD JUSTIFY TAKING AWAY A PERSON'S RIGHT TO REMAIN SILENT. BUT YOU'LL DO IT IF YOU CAN. AND MY JOB IS TO STOP YOU BY HOOK OR BY CROOK. AND THOSE PEOPLE WHO DEFEND THE RIGHTS THAT SOCIETY WANTS TO TAKE AWAY CANNOT BE RESTRICTED TO WHAT IS CALLED POLITE CONVERSATION WHERE THEY WOULD TALK ABOUT TEA AND CRUMPETS. INSTEAD OF SAYING-- WILL THE SAINTS GO MARCHING IN? THEY SAY--OH, WILL THE SAINTS GO MARCHING IN? WILL THE SAINTS GO MARCHING IN? FI-LI-LI-LI-LI-LI-LA! I SAY-- THAT'S NOT THE WAY YOU SING THE SONG. THEY SAY--WELL I'M FROM ENGLAND, AND WE LIKE IT BETTER AS A MADRIGAL. OH, I WANT TO BE IN THAT NUMBER WHEN THE SAINTS GO MARCHING IN, FI-LI-LI-LI-LI-LI-LA-CHOO-CHOO. I SAY--MAN, I DON'T KNOW WHAT YOU'RE DOING. I DON'T KNOW WHAT YOU ALL ARE DOING HERE. LET ME SAY THIS, I CAN'T EVEN SAY I DON'T KNOW WHY YOU'RE DOING THIS, BECAUSE I KNOW WHY YOU'RE DOING IT. [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR CHAMBERS: BECAUSE YOU DON'T CARE ABOUT LOOKING AT THE ISSUE THAT WE'RE REALLY DEALING WITH, SO YOU TAKE IT SOMEWHERE ELSE. WE'RE NOT EVEN ARGUING ABOUT TRANSPLANTS OR THE MERIT OF TRANSPLANTS OR ANY OF THAT, WE'RE TALKING ABOUT A CONSTITUTIONAL RIGHT. AND WHAT YOU'RE DOING IS WRONG, BUT YOU'RE NOT GOING TO GET TO DO IT. THANK YOU, MR. PRESIDENT. OH, WE'RE GOING TO VOTE ON THIS, RIGHT? [LB47]

SPEAKER HADLEY: YES, SIR. [LB47]

SENATOR CHAMBERS: THEN I WOULD ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB47]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS: SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB47]

ASSISTANT CLERK: 34 AYES, 0 NAYS TO GO UNDER CALL. [LB47]

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SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL, PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS NORDQUIST, HILKEMANN, HUGHES, KINTNER, AND SMITH, THE HOUSE IS UNDER CALL. SENATOR KINTNER, SENATOR NORDQUIST, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, YOU SAID YOU WISHED TO HAVE A ROLL CALL VOTE IN REGULAR ORDER? DID YOU ASK FOR A ROLL CALL VOTE IN REGULAR ORDER? [LB47]

SENATOR CHAMBERS: I'LL TAKE A ROLL CALL VOTE IN WHATEVER ORDER THE CHAIR CHOOSES. [LB47]

SPEAKER HADLEY: WE'LL HAVE A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. [LB47]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 990.) THE VOTE IS 7 AYES, 31 NAYS, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: THE MOTION FAILS. I RAISE THE CALL. MR. CLERK. [LB47]

ASSISTANT CLERK: MR. PRESIDENT, SOME ITEMS FOR THE RECORD: SENATOR MELLO HAS AN AMENDMENT TO LB89 TO BE PRINTED. NAME ADDS: SENATOR DAVIS TO LR154; SENATORS BLOOMFIELD, McCOLLISTER, WILLIAMS, COASH, AND HANSEN TO LB323. (LEGISLATIVE JOURNAL PAGES 991-993) [LB89 LR154 LB323]

FINALLY A PRIORITY MOTION, SENATOR COASH WOULD MOVE TO ADJOURN UNTIL THURSDAY, MARCH 26, 2015, 9:00 A.M.

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