

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

Floor Debate
May 27, 2015

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PRESIDENT FOLEY PRESIDING

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

SENATOR CAMPBELL: (PRAYER OFFERED.)

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

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

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

CLERK: I HAVE NO CORRECTIONS, MR. PRESIDENT.

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

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB176 TO SELECT FILE WITH ENROLLMENT AND REVIEW AMENDMENTS ATTACHED. I HAVE NATURAL RESOURCES CONFIRMATION HEARING REPORTS, TWO SEPARATE REPORTS, BOTH SIGNED BY SENATOR SCHILZ, AS CHAIR OF THE COMMITTEE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1885-1888.) [LB176]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, LB643. MR. CLERK. [LB643]

CLERK: MR. PRESIDENT, WITH RESPECT TO LB643, THE E&R AMENDMENTS HAVE BEEN ADOPTED. I DO HAVE OTHER AMENDMENTS TO THE BILL. [LB643]

PRESIDENT FOLEY: SENATOR GARRETT, YOU'RE RECOGNIZED. [LB643]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. I REQUEST THE UNANIMOUS CONSENT TO BRACKET THE LB643 TO '15...JUNE 2015. [LB643]

PRESIDENT FOLEY: WITHOUT OBJECTION, THE BILL IS BRACKETED. WE'LL NOW PROCEED TO THE NEXT ITEM ON THE AGENDA WHICH IS SHOWN AS THE 11:10 A.M. WORK. FIRST OF THOSE BILLS IS LB315. MR. CLERK. [LB643 LB315]

CLERK: MR. PRESIDENT, WITH RESPECT TO LB315, SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL. (ER140, LEGISLATIVE JOURNAL PAGE 1770.) [LB315]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. SENATOR HOWARD FOR A MOTION. [LB315]

SENATOR HOWARD: I MOVE THAT WE ADVANCE THE ENROLLMENT AND REVIEW. [LB315]

PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB315]

CLERK: SENATOR HOWARD WOULD MOVE TO AMEND WITH AM1747. (LEGISLATIVE JOURNAL PAGE 1877.) [LB315]

PRESIDENT FOLEY: SENATOR HOWARD, YOU'RE RECOGNIZED. [LB315]

SENATOR HOWARD: GOOD MORNING, COLLEAGUES. AM1747 IS THE RESULT OF FURTHER DISCUSSIONS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CLEAR UP ANY REMAINING CONCERNS THAT THEY HAVE. ALL

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CHANGES ARE TECHNICAL IN NATURE AND MAKE NO SUBSTANTIVE CHANGES TO THE INTENT OF THE LEGISLATION. I BELIEVE THAT THIS IS A VERY IMPORTANT PIECE OF LEGISLATION AND THAT'S WHY WE'VE WORKED SO HARD WITH THE DEPARTMENT TO ALLEVIATE ANY CONCERNS THAT THEY HAVE WITH THIS BILL. I WOULD ASK FOR YOUR GREEN VOTE ON AM1747 AND ON LB315. THANK YOU, MR. PRESIDENT. [LB315]

PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. DEBATE IS NOW OPEN ON AM1747. SEEING NO SENATORS WISHING TO SPEAK, SENATOR HOWARD...AND SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1747. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB315]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR HOWARD'S AMENDMENT. [LB315]

PRESIDENT FOLEY: AM1747 IS ADOPTED. MR. CLERK. [LB315]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB315]

PRESIDENT FOLEY: SENATOR HOWARD FOR A MOTION. [LB315]

SENATOR HOWARD: I MOVE THAT WE ADVANCE LB315 TO E&R FOR ENGROSSING. [LB315]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB315 ADVANCES. NEXT BILL, LB315A. MR. CLERK. [LB315 LB315A]

CLERK: SENATOR HOWARD, I HAVE NO AMENDMENTS PENDING TO THE BILL. [LB315A]

PRESIDENT FOLEY: SENATOR HOWARD FOR MOTION. [LB315A]

SENATOR HOWARD: I MOVE THAT WE ADVANCE LB315A TO E&R FOR ENGROSSING. [LB315A]

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PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB315A ADVANCES. THE NEXT BILL IS LB452. MR. CLERK. [LB315A LB452]

CLERK: MR. PRESIDENT, LB452, I HAVE NO AMENDMENTS TO THE BILL. [LB452]

PRESIDENT FOLEY: SENATOR NORDQUIST FOR A MOTION. [LB452]

SENATOR NORDQUIST: MR. PRESIDENT, I MOVE LB452 TO E&R FOR ENGROSSING. [LB452]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB452 ADVANCES. THE NEXT BILL ON THE AGENDA IS LB540. MR. CLERK. [LB452 LB540]

CLERK: MR. PRESIDENT, WITH RESPECT TO LB540, I HAVE NO AMENDMENTS TO THE BILL. [LB540]

PRESIDENT FOLEY: SENATOR NORDQUIST FOR A MOTION. [LB540]

SENATOR NORDQUIST: MR. PRESIDENT, I MOVE LB540 TO E&R FOR ENGROSSING. [LB540]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB540 ADVANCES. NEXT BILL, LB457. MR. CLERK. [LB540 LB457]

CLERK: LB457, MR. PRESIDENT. SENATOR, I HAVE E&R AMENDMENTS, FIRST OF ALL. (ER142, LEGISLATIVE JOURNAL PAGE 1872.) [LB457]

PRESIDENT FOLEY: SENATOR NORDQUIST FOR A MOTION. [LB457]

SENATOR NORDQUIST: MR. PRESIDENT, I MOVE THE E&R AMENDMENTS TO LB457. [LB457]

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PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB457]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, MR. PRESIDENT. [LB457]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB457]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE THE BILL TO E&R FOR ENGROSSING. [LB457]

PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB457 ADVANCES. NEXT BILL, LB577. MR. CLERK. [LB457 LB577]

CLERK: LB577, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB577]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB577]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB577 TO E&R FOR ENGROSSING. [LB577]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB577 ADVANCES. NEXT BILL, LB581. MR. CLERK. [LB577 LB581]

CLERK: LB581, MR. PRESIDENT. I HAVE E&R AMENDMENTS, SENATOR. (ER141, LEGISLATIVE JOURNAL PAGE 1874.) [LB581]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB581]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB581. [LB581]

PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. WE'LL STAND AT EASE FOR A MOMENT.

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SENATOR NORDQUIST, I UNDERSTAND YOU HAVE AN AMENDMENT TO OFFER ON LB581. YOU'RE RECOGNIZED TO SPEAK TO YOUR AMENDMENT. [LB581]

SENATOR NORDQUIST: YES, THANK YOU, MR. PRESIDENT. I APOLOGIZE. THERE IS AN AMENDMENT THAT SHOWS UP ON YOUR GADGETS. THAT ONE IS GOING TO BE WITHDRAWN AND WE WILL BE CIRCULATING AN AMENDMENT AROUND THAT IS A FLOOR AMENDMENT THAT YOU'LL SEE A... YOU'LL GET A PAPER COPY OF. ESSENTIALLY, IT MAKES TWO SMALL CHANGES THAT ONE OF THEM WAS RECOMMENDED BY, I BELIEVE, BY THE REVISOR'S OFFICE THAT EXTENDED BEYOND THE E&R COMPONENT; JUST PLACES FLEX-FUEL DISPENSER IN ANOTHER POSITION IN STATUTE; CHANGES WHERE THAT FALLS INSIDE THE BILL THAT'S RELATED TO THE ETHANOL FLEX-FUEL DISPENSER. AND THEN THE SECOND COMPONENT OF THE AMENDMENT WAS RECOMMENDED BY BILL DRAFTING JUST TO MAKE IT CLEAR THAT IF MORE REQUESTS COME IN FOR THE \$500,000 FOR THE GRANT APPLICATION THAT ONLY UP TO THE AMOUNT THAT IS ACTUALLY TRANSFERRED, THE \$500,000, CAN BE EXPENDED SO THEY CAN'T OVEREXTEND THEMSELVES WITH THIS PROGRAM. THAT WAS RECOMMENDED BY THE FISCAL OFFICE. SO YOU WILL SEE COPIES OF THAT AMENDMENT COMING AROUND HERE SHORTLY. I'D APPRECIATE YOUR SUPPORT. IT DOESN'T CHANGE ANYTHING SUBSTANTIAL IN THE BILL BUT IS VERY MUCH JUST A CLEANUP COMPONENT. SO, MR. CLERK, WOULD I WITHDRAW THE FIRST AMENDMENT THAT I HAVE PENDING, THE INITIAL ONE I FILED? [LB581]

CLERK: ACTUALLY, NO, SENATOR, BECAUSE IT JUST CAME IN THIS MORNING. WE MADE THAT PRIVATE. [LB581]

SENATOR NORDQUIST: OKAY. [LB581]

CLERK: WE ARE RUNNING COPIES OF YOUR AMENDMENT. [LB581]

SENATOR NORDQUIST: OKAY, FA78, GREAT. [LB581]

CLERK: AND IT WOULD BE FA78 WHEN WE GET IT BACK. YES, SIR. (LEGISLATIVE JOURNAL PAGE 1889.) [LB581]

SENATOR NORDQUIST: OKAY. GREAT, THANK YOU. AND I CAN READ...OH, SORRY, AM I STILL ON? [LB581]

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PRESIDENT FOLEY: YOU MAY CONTINUE, SENATOR. [LB581]

SENATOR NORDQUIST: OKAY. I'LL JUST GO AHEAD FOR THOSE LISTENING AND LOOKING AT THE BILL, I'LL GO AHEAD AND READ IT AS THE COPIES WILL BE DISTRIBUTED HERE. IT SAYS, "ON PAGE 2, LINE 8, AFTER THE SEMICOLON INSERT 'AND'; STRIKE BEGINNING WITH 'AND' IN LINE 10 THROUGH THE SEMICOLON IN LINE 11; AND IN LINE 26 STRIKE 'OR FLEX-FUEL DISPENSER'". AND THEN THE SECOND COMPONENT OF THE AMENDMENT SAYS, "ON PAGE 3, LINE 9, AFTER 'ACT' INSERT 'UP TO THE AMOUNT TRANSFERRED UNDER SUBSECTION (3) OF THIS SECTION'". I'D APPRECIATE YOUR SUPPORT OF THE FLOOR AMENDMENT AND LB581. THANK YOU. [LB581]

PRESIDENT FOLEY: THANK YOU, SENATOR NORDQUIST. (VISITORS INTRODUCED.) DEBATE IS NOW OPEN ON FA78 OFFERED BY SENATOR NORDQUIST. SEEING NO SENATORS WISHING TO SPEAK, SENATOR NORDQUIST, YOU'RE WELCOME TO CLOSE. HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF FA78. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB581]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR NORDQUIST'S AMENDMENT. [LB581]

PRESIDENT FOLEY: FA78 IS ADOPTED. MR. CLERK. [LB581]

CLERK: I HAVE NOTHING FURTHER ON THE BILL AT THIS TIME, MR. PRESIDENT. [LB581]

PRESIDENT FOLEY: SENATOR HANSEN. [LB581]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB581 TO E&R FOR ENGROSSING. [LB581]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB581 TO E&R. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB581 ADVANCES. NEXT BILL, LB581A. [LB581 LB581A]

CLERK: LB581A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB581A]

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PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB581A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB581A TO E&R FOR ENGROSSING. [LB581A]

PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE BILL ADVANCES. WE'LL NOW PROCEED TO SELECT FILE, 2015 SENATOR PRIORITY BILL, LB176. MR. CLERK. [LB581A LB176]

CLERK: MR. PRESIDENT, LB176. FIRST OF ALL, SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER143, LEGISLATIVE JOURNAL PAGES 1885-1888.) [LB176]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB176]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB176. [LB176]

PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB176]

CLERK: MR. PRESIDENT, SENATOR BLOOMFIELD WOULD MOVE TO AMEND WITH AM1636. (LEGISLATIVE JOURNAL PAGE 1735.) [LB176]

PRESIDENT FOLEY: SENATOR BLOOMFIELD, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THIS AMENDMENT IS PRETTY SIMPLE. ON PAGE 2, LINE 6 AND 9, STRIKE THE WORD "LIVESTOCK" AND PUT IN THE WORD "SWINE." THAT'S WHAT WE'RE TALKING ABOUT HERE. LET'S...IF WE'RE WORRIED ABOUT PULLING CATTLE INTO THIS, LET'S LIMIT IT BY WORD, DOWN TO THE SWINE PRODUCERS. SO, THAT'S THE EXTENT OF THE AMENDMENT. I THINK THAT NEEDS TO BE DONE TO PROTECT THE LIVESTOCK INDUSTRY IF THAT'S WHAT WE'RE WANTING TO DO. THANK YOU, MR. PRESIDENT. [LB176]

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PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. DEBATE IS NOW OPEN ON AM1636. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD MORNING AGAIN. AND FIRST OFF, I WOULD JUST LIKE TO SAY THANK YOU FOR EVERYONE STICKING AROUND YESTERDAY, BEING HERE FOR THE VOTE, AND THEN ULTIMATELY ENOUGH SUPPORTING THE BILL TO GET IT PASSED. I'M CURRENTLY LOOKING AT SENATOR BLOOMFIELD'S AMENDMENT. I DON'T KNOW IF IT'S...I DON'T KNOW IF IT'S SOMETHING THAT'S HARMFUL OR NOT, SO I'M RESERVING JUDGMENT ON THAT. SO, WHAT I'LL DO HERE IS, WHILE I'M WAITING TO SEE IT SO THAT I KNOW WHAT IT IS, I WANT TO JUST TALK A LITTLE BIT ABOUT WHAT WE ALL TALKED ABOUT YESTERDAY. I THINK IT'S IMPORTANT TO UNDERSTAND THAT WE'VE HAD CONTRACTING BEFORE IN THIS STATE, BEFORE 1998, AND AGRICULTURE DID NOT COMPLETELY FALL APART. FARMERS AND PRODUCERS WERE NOT, QUOTE UNQUOTE, SERFS, AS WE HEARD, OR SHARECROPPERS. OF COURSE THAT'S INTERESTING BECAUSE WE DO SOME SHARECROPPING TODAY WITH SOME OF OUR LANDLORDS ON OUR FARM, SO SHARECROPPING ISN'T NECESSARILY A BAD WORD EITHER. THIS WILL NOT BE BAD FOR COMMUNITIES AS YOU HEARD THE OPPONENTS, ESPECIALLY IF THEY USE THE TOOLS AND DO THE PLANNING LIKE WE TALKED ABOUT IN LB175 TO MAKE SURE THAT WE'RE SITING THESE FACILITIES WHERE THEY SHOULD BE WITHIN COUNTIES, PROPER SETBACKS, AND THINGS SUCH AS THAT. SO, I THINK WE NEED TO UNDERSTAND THAT WHEN YOU DO THINGS METHODICALLY AND YOU GO THROUGH THE PROPER STEPS, YOU CAN PUT THESE FACILITIES IN AREAS THAT DON'T HURT A COMMUNITY, THAT DON'T CAUSE AS MUCH CONSTERNATION AS THEY HAVE IN THE PAST, AND CAN ACTUALLY BE GOOD MEMBERS AND PRODUCTIVE FOLKS IN YOUR COMMUNITY, BRINGING JOBS, BRINGING ADDED VALUE TO YOUR PRODUCTS. SO, I THINK THAT'S IMPORTANT. AND THEN WE HEARD THE EXCHANGE BETWEEN SENATOR SULLIVAN AND SENATOR DAVIS YESTERDAY. WHEN SENATOR DAVIS ASKED, WELL, WHO WOULD YOU GIVE THE FINANCING TO IF YOU HAD SOMEBODY CONTRACTING AND SOMEBODY NOT? AND, OF COURSE, SENATOR SULLIVAN HAD TO SAY, WELL, YOU WOULD GO WITH THE ONE THAT HAS THE CONTRACTS. FOLKS, WE DON'T LIVE IN A VACUUM. THIS ISN'T JUST ABOUT NEBRASKA. AND IF THAT FINANCING IS EASIER TO OBTAIN FOR FOLKS HERE WITH CONTRACTS, THAT MEANS IT'S EASIER TO OBTAIN EVERYWHERE ELSE IF SOMEONE HAS A CONTRACT, WHICH SENATOR SULLIVAN IS RIGHT. IT WILL CONTINUE TO MOVE TOWARDS THAT AND, AS THAT HAPPENS, WE WILL CONTINUE TO LOSE MARKET SHARE. SO, WHETHER YOU CALL IT BETWEEN A ROCK AND A HARD PLACE, WHETHER YOU UNDERSTAND THAT CHANGE OCCURS AND THAT YOU NEED TO ADAPT TO THAT

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CHANGE, WHATEVER YOU WANT TO CALL IT, INEVITABLY THIS INDUSTRY IS MOVING IN THAT DIRECTION. YOU CAN AGREE WITH IT. YOU CANNOT LIKE IT, YOU CAN UNDERSTAND THAT IT IS THE WAY THINGS WORK. BUT IN THE END, NO MATTER WHAT WE DO HERE TODAY, THAT TREND... [LB176 LB175]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SCHILZ: ...IS NOT GOING TO STOP. AS WE SPEAK, I'M WORKING ON THE AMENDMENTS THAT I TALKED ABOUT YESTERDAY. ONE, WE WILL TAKE THE FEDERAL GIPSA LANGUAGE THAT IS FROM PACKERS AND STOCKYARDS THAT TALKS ABOUT CONTRACTING AND THE PROTECTIONS THAT FOLKS, PRODUCERS, THAT ARE CONTRACTING HAVE. AND THEN WE WILL ALSO WORK ON SETTING UP SOME GUIDELINES THROUGH THE DEPARTMENT OF AG TO TELL FOLKS, TO GIVE THEM EXAMPLES OF WHAT THEY SHOULD BE LOOKING AT WHEN THEY'RE... WHEN AND IF THEY'RE GOING TO ENTER INTO A CONTRACT. SO, THOSE AMENDMENTS ARE BEING DRAWN UP RIGHT NOW, AND HOPEFULLY BY THE END OF, WELL, BY THE END OF THE DAY, WE'LL HAVE THOSE AND WE'LL PUT THOSE UP AND SEE IF WE CAN'T GET THOSE MOVED. [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR SCHILZ: THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. MR. CLERK FOR ANNOUNCEMENTS. [LB176]

CLERK: MR. PRESIDENT, I DO HAVE SOME ANNOUNCEMENTS. THE GOVERNMENT COMMITTEE WILL HAVE AN EXECUTIVE SESSION NOW UNDERNEATH THE SOUTH BALCONY; THE GOVERNMENT COMMITTEE NOW UNDER THE SOUTH BALCONY. AND THEN AT 10:00, MR. PRESIDENT, THE BUILDING MAINTENANCE COMMITTEE WILL MEET UNDER THE SOUTH BALCONY AS WELL. AT 10:00 THE BUILDING AND MAINTENANCE COMMITTEE; GOVERNMENT, NOW. THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. DEBATE CONTINUES ON LB176 AND THE RELATED AMENDMENTS. SENATOR McCOY, YOU'RE RECOGNIZED. [LB176]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR SCHILZ YIELD, PLEASE? [LB176]

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PRESIDENT FOLEY: SENATOR SCHILZ, WOULD YOU YIELD, PLEASE? [LB176]

SENATOR SCHILZ: YES. [LB176]

SENATOR McCOY: THANK YOU, SENATOR. I WANT TO GO BACKWARDS HERE FOR A FEW MINUTES, MAY TAKE A COUPLE OF TIMES ON THE MICROPHONE, AND TALK ABOUT HOW THIS IS ALL...HOW EVERYTHING HAS HAPPENED TO GET US TO THIS POINT ON THIS ISSUE WITH THE SWINE INDUSTRY AND ALSO RELATED INDUSTRIES AROUND THE STATE. NOW, WE TALKED A LITTLE BIT ABOUT IT YESTERDAY, ABOUT INITIATIVE 300 THAT WAS PUT ON THE BALLOT AND PASSED BY THE PEOPLE OF NEBRASKA IN 1982. POULTRY WAS NOT PART OF...WAS EXEMPTED FROM THE BAN ON CORPORATE OWNERSHIP AND CORPORATE FARMING IN NEBRASKA. IS THAT CORRECT? IS THAT YOUR UNDERSTANDING AS WELL? [LB176]

SENATOR SCHILZ: THAT'S CORRECT, YES. [LB176]

SENATOR McCOY: WHY WAS THAT? [LB176]

SENATOR SCHILZ: WELL, AS YOU KNOW, THE POULTRY INDUSTRY WAY BEFORE, WAY BEFORE I-300 CAME INTO PLACE, WAS VERTICALLY INTEGRATED AT THAT POINT. AND IF WE WOULD HAVE DONE THAT, IT WOULD HAVE TAKEN THAT INDUSTRY OUT OF NEBRASKA. AND I THINK THE PEOPLE THAT CRAFTED THAT DECIDED THAT THE POULTRY INDUSTRY, IN WHATEVER FORM IT WAS, WAS WORTH KEEPING AROUND. [LB176]

SENATOR McCOY: WHY HAD THAT BEEN VERTICALLY INTEGRATED ALREADY? WHAT WAS THE...? [LB176]

SENATOR SCHILZ: MARKET FORCES DICTATED THAT OVER TIME, AND THAT'S WHAT IT WAS. IT WAS MARKET FORCES. [LB176]

SENATOR McCOY: AND THAT'S ESSENTIALLY YOUR ARGUMENT FOR WHERE WE ARE TODAY MORE THAN 30 YEARS LATER IN THE SWINE INDUSTRY, CORRECT? [LB176]

SENATOR SCHILZ: YEAH, THAT'S ESSENTIALLY CORRECT. [LB176]

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SENATOR McCOY: WHY IS THAT? WHAT HAS CAUSED US... [LB176]

SENATOR SCHILZ: ECONOMICS. [LB176]

SENATOR McCOY: ...TO BE IN THIS SITUATION WHERE VERTICAL INTEGRATION IS THE ONLY WAY THAT THE SWINE INDUSTRY WILL GROW. [LB176]

SENATOR SCHILZ: I WOULDN'T SAY THAT VERTICAL INTEGRATION IS THE ONLY WAY. WHAT I HAVE SAID ALL ALONG IS THAT FOR THE ABILITY FOR PEOPLE TO CONTRACT GIVES PRODUCERS ONE MORE TOOL THAT THEY CAN USE TO HELP RUN THEIR FARMS AND DIVERSIFY AND DO WHAT THEY WANT. [LB176]

SENATOR McCOY: OKAY. I'M NOT TRYING TO PLAY A GAME OF SEMANTICS HERE WITH YOU, SENATOR, BUT THEY HAVE...OUR PRODUCERS HAVE EVERY TOOL IN THE TOOLBOX AVAILABLE EXCEPT FOR VERTICAL INTEGRATION TODAY. AND YOU'RE SAYING, WE'RE LOSING THOUSANDS OF HOG FARMS. SO THE SILVER BULLET, IF YOU WILL... [LB176]

SENATOR SCHILZ: NO. I NEVER... [LB176]

SENATOR McCOY: SO YOU DON'T SEE LB176 AS A SILVER BULLET FOR THE SWINE INDUSTRY. [LB176]

SENATOR SCHILZ: I NEVER SAID IT WAS. I SAID THIS IS ONE STEP TO HELP US DO THAT. I SEE LB175, I SEE LB106, I SEE LB176 AS ALL BEING PARTS OF RUNNING AND MANAGING AND SITING LIVESTOCK FACILITIES WHERE THEY NEED TO BE TO DO WHAT WE NEED TO DO AS A STATE OF NEBRASKA TO HELP GROW OUR HOG INDUSTRY. [LB176 LB175 LB106]

SENATOR McCOY: WELL, I WAS HAPPY, SENATOR, AS YOU KNOW, TO SUPPORT LB106 AND LB175. I DON'T SUPPORT THIS BILL. WHAT I'M TRYING TO FIND OUT HERE, SENATOR, IS IF THIS IS, WHICH I THINK YOU'VE SAID, WHAT YOU BELIEVE WILL HELP US TO GROW AT THE SAME OR BETTER 14 PERCENT GROWTH RATE THAT OTHER STATES ARE CURRENTLY AT, SURROUNDING STATES IN THE HOG INDUSTRY, YOU FEEL LIKE LB176 PUTS US ON THAT PATH. IS THAT A FAIR CHARACTERIZATION? [LB176 LB106 LB175]

SENATOR SCHILZ: I BELIEVE THAT LB176 CAN HELP THAT, YES. [LB176]

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SENATOR McCOY: MY QUESTION TO YOU IS, IF THAT...IF THIS...OBVIOUSLY, HAD LONG SINCE BEEN DONE IN THE POULTRY INDUSTRY, WITH THIS BILL WE'VE ALL BUT DONE IT IN THE SWINE INDUSTRY, BECOME VERTICALLY INTEGRATED IN MANY REGARDS. CLEARLY, WE'VE TALKED AD NAUSEAM ABOUT SMITHFIELD FOODS THAT CONTROLS 25 PERCENT OF THE PORK PROCESSING IN THE UNITED STATES, AND THE FACT THAT THE CHINESE OWN THAT COMPANY. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR McCOY: MY QUESTION TO YOU IS, IF IT'S SO GOOD FOR THOSE INDUSTRIES, WHY ISN'T IT GOOD FOR THE BEEF INDUSTRY? WHAT ASSURANCES...OKAY, NUMBER ONE IS, THIS WILL PROBABLY TAKE ANOTHER TIME AT THE MICROPHONE AT LEAST, WHAT ASSURANCES DO WE HAVE THAT THIS IS NOT THE PATHWAY THAT WE'RE GOING TO GO DOWN WHEN IT COMES TO THE BEEF CATTLE INDUSTRY? AND WHY WOULDN'T THAT BE...IF IT'S A GOOD THING FOR POULTRY AND IT'S A GOOD THING FOR SWINE, WHY WOULDN'T THAT BE A GOOD THING FOR CATTLE? [LB176]

SENATOR SCHILZ: YOU KNOW, I THINK THAT'S A QUESTION THAT YOU SHOULD PROBABLY ASK THE OPPONENTS BECAUSE, AS I LOOK AT IT, BEING A FREE MARKET PERSON, I WOULD WANT TO BE ABLE TO FEED CATTLE, OR FEED FOR WHOEVER I CHOOSE, BUT THAT'S NOT THE CASE. THE CATTLE INDUSTRY HAS SPOKEN LOUD AND CLEAR THAT THEY DON'T WANT ANY PART OF THIS, AND... [LB176]

PRESIDENT FOLEY: TIME. THANK YOU, SENATORS McCOY AND SCHILZ. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THE BEEF INDUSTRY HAS SPOKE LOUD AND CLEAR, THEY DON'T WANT PACKERS OWNING THE CATTLE. THE SMALL PORK PRODUCERS HAVE SAID THE SAME THING, BUT WE'RE QUITE WILLING TO BURY THEM UNDER THE PACKERS OWNING THE HOGS. COLLEAGUES, LOOK AT WHAT WE'RE DOING HERE. WE'RE SAYING, WE DON'T WANT THIS FOR THE BEEF PEOPLE, BUT IT'S A FINE IDEA TO DO IT TO THE PORK PRODUCERS. AND ONE GROUP OF PEOPLE THAT CLAIM TO REPRESENT THE PORK PRODUCERS ACROSS NEBRASKA, I DON'T KNOW WHAT PERCENTAGE OF PORK PRODUCERS ACTUALLY BELONG TO THAT GROUP, BUT I ASSURE YOU, THEY DON'T SPEAK IN THIS INSTANCE FOR THE SMALL PORK PRODUCERS UP IN MY PART OF THE COUNTRY OR MY PART OF THE STATE. I'VE HAD NEAR UNANIMOUS

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OPPOSITION TO THIS BILL. THAT'S WHY I'M WILLING TO STAND HERE FOR ANOTHER FOUR HOURS TODAY. IT'S NOT SOMETHING I RELISH DOING, BUT IT'S SOMETHING WE NEED TO DO. SENATOR SCHILZ SAID, WE NEED TO RECOGNIZE THE TREND, THAT WE NEED TO GIVE UP ON INDEPENDENCE BECAUSE THAT'S NOT THE WAY THE TRENDS ARE RUNNING. YOU KNOW, I'M GLAD THE FOLKS AT THE ALAMO DIDN'T MAKE THAT DECISION. I'M GLAD THE SOLDIERS OF WORLD WAR II DIDN'T DECIDE, WELL, GERMANY IS JUST A WORLD POWER, THERE'S NO REASON FOR US TO FIGHT THEM ANYMORE. THAT'S THE WAY THE TREND IS GOING, SO LET'S JUST LAY DOWN AND LET THEM ROLL OVER THE TOP OF US. COLLEAGUES, I WOULDN'T BE SO ADAMANTLY OPPOSED, PROBABLY, TO THIS BILL IF IT WEREN'T FOR THE FACT THAT THE CHINESE GOVERNMENT IS SO HEAVILY INVOLVED. THE IDEA THAT WE'RE GOING TO ALLOW THE CHINESE GOVERNMENT TO OWN THE LIVESTOCK THAT FEEDS AMERICA, THEY'RE GOING TO OWN THE LIVESTOCK IN AMERICA, JUST SENDS SHIVERS DOWN MY SPINE. IT'S NOT SOMETHING WE SHOULD ALLOW TO HAPPEN. IF IT BUCKS THE TREND, THEN IT'S TIME TO DO THAT. WE'RE GOING TO REQUIRE 31 VOTES AGAIN TO PASS THIS BILL FORWARD. PLEASE CONSIDER WHAT YOU DID YESTERDAY. THIRTY-THREE VOTES, EXCUSE ME. PLEASE RECONSIDER WHAT YOU DID YESTERDAY. THINK ABOUT THE SMALL GUY OUT THERE TRYING TO RAISE A FEW HOGS SO HE CAN TAKE A LOAD TO TOWN EVERY ONCE IN A WHILE TO PAY BILLS THAT ARE OCCURRING. DON'T GIVE UP ON THE SMALL, INDEPENDENT AMERICAN FARMER. NOT EVERYBODY WANTS TO FEED 20,000 HOGS OR 5,000 HOGS. THERE ARE A NUMBER OF SMALL PRODUCERS OUT THERE THAT JUST WANT TO MAKE A LIVING. THEY DON'T CARE TO OWN THE WORLD. COLLEAGUES, THIS SYSTEM HAS WORKED IN NEBRASKA. WE HAVE FARED QUITE WELL. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I KNOW WE'RE GOING TO GET TIRED OF HEARING THIS DEBATE AGAIN TODAY. IT WORE ON, SEEMED LIKE, FOREVER YESTERDAY. YOU KNOW, JUST HAPPENS LONG TODAY, BUT WE'LL BE HERE, UNFORTUNATELY, TO THE BITTER END ON THIS. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB176]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THE COMMENT WAS MADE...ACTUALLY THANKS WERE ISSUED

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FOR THOSE OF YOU WHO STUCK AROUND FOR THE VOTE YESTERDAY. THERE WERE PERHAPS NOT ENOUGH OF YOU THAT STUCK AROUND FOR THE DISCUSSION, AND I WOULD ASK YOU TO LEND YOUR EAR TO THE DISCUSSION TODAY, PARTICULARLY THOSE OF YOU WHO REPRESENT URBAN DISTRICTS. SOME OF YOU MAY THINK THAT THIS IS JUST A DISAGREEMENT AMONG THE RURAL SENATORS. WELL, TO A CERTAIN EXTENT IT IS, BUT I WILL TELL YOU, ALL OF YOU, THAT THIS ISSUE DOES, WHEREVER YOU LIVE, WHATEVER DISTRICT YOU REPRESENT, IN SOME WAY, SHAPE, OR FORM, IT WILL ULTIMATELY IMPACT YOU. I MENTIONED FOOD SECURITY OR INSECURITY IN MY COMMENTS YESTERDAY. WHEN WE TALK ABOUT CONCENTRATION OF OWNERSHIP AND CAPTIVE SUPPLY, ULTIMATELY, THAT DOES BRING INTO QUESTION ISSUES OF FOOD SECURITY AND FOOD SAFETY. SOME OF YOU WHO VOTED FOR THE CLOTURE VOTE HAVE ALWAYS CHAMPIONED DIVERSITY AND FREE ENTERPRISE. WHERE WERE YOU WHEN THAT VOTE WAS CAST? AND CERTAINLY, ANOTHER SENATOR, WHO I THINK VOTED FOR CLOTURE, SPOKE PASSIONATELY ABOUT CONCERNS OVER THE ENVIRONMENT. WELL, THINK ABOUT IT. WHEN WE'RE TALKING ABOUT CONTROL AND WHO HAS THE CONTROL AND WHO HAS THE OWNERSHIP, THEY ARE IN CONTROL. AND WHILE THE PRODUCER, WHO HAS THOSE HOGS AT THE TIME THAT HE OR SHE IS RAISING THEM, MAY, IN FACT, BE BEHOLDEN TO THE PERSON WHO OWNS THOSE HOGS, WILL ENVIRONMENTAL CONCERNS GO OUT THE WINDOW, OR GO OUT THE DOOR AT THAT POINT? AND IF WE HAVE A PROLIFERATION OF THESE UNITS ACROSS THE STATE, THINK ABOUT THOSE OF YOU WHO LIVE IN LINCOLN AND REPRESENT THESE URBAN DISTRICTS, AND WHERE YOUR WATER COMES FROM--SOLELY DOWN THE PLATTE RIVER. ARE YOU CONCERNED ABOUT THE PURITY AND SAFETY OF THAT WATER? FOLKS, WE ARE MAKING WITH THIS LEGISLATION A FUNDAMENTAL CHANGE IN LIVESTOCK OWNERSHIP, HOG OWNERSHIP IN NEBRASKA AWAY FROM THE INDEPENDENT PRODUCER TO PROCESSOR OWNERSHIP. THE COMMENT WAS MADE, WELL, THE PRODUCER WILL HAVE ALL THE TOOLS AVAILABLE TO MAKE THE RIGHT DECISION. LACKING ONE IMPORTANT THING, OWNERSHIP. OWNERSHIP MEANS SOMETHING, AND TO A LARGE EXTENT IT MEANS WHO'S IN CONTROL. AND BY ALLOWING CORPORATE OWNERSHIP OF HOGS, YOU SADDLE THE FARMER WITH ALL THE LIABILITY FOR BUILDINGS, TAXES, AND THAT MANURE DISPOSAL, BUT THE COMPANY MAKES MOST OF THE PROFIT. IT REALLY DISTURBS ME TO SAY THAT, WELL, THIS IS JUST INEVITABLE, THIS IS THE WAY THE MARKET IS GOING. IS THAT REASON ENOUGH TO CAVE IN LITERALLY TO WHAT BIG MEAT PACKERS WANT? BECAUSE KEEP IN MIND, THIS IS WHAT THEY WANT. IT'S NOT WHAT THE PRODUCER WANTS. THIS IS SOLELY BEING PUSHED BECAUSE IT WORKS TO THE ADVANTAGE OF THE PROCESSOR AND NOT THE PRODUCER. I'M NOT EVEN CONCERNED ABOUT THE FACT THAT CHINESE

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GOVERNMENT OWNS SMITHFIELD, ALTHOUGH WE SHOULD KEEP THAT IN THE BACKS OF OUR MIND. TO ME, IT IS ALL ABOUT OWNERSHIP. OWNERSHIP DOES MEAN SOMETHING... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SULLIVAN: ...AND IT IS OUT THE WINDOW WITH THIS BILL FOR THE PRODUCER BECAUSE THE OWNERSHIP RESTS WITH THE PROCESSOR WHO NEEDS THAT PRODUCER, ADMITTEDLY, BUT NOT AS A PARTNER. IF HE...HE OR SHE BECOMES THE TOOL FOR THAT PROCESSOR, A PROCESSOR THAT DOESN'T REALLY CARE ABOUT RURAL COMMUNITIES AND WHETHER THEY SURVIVE OR NOT, OR WHETHER THAT THEY HAVE QUALITY OF LIFE OR NOT. IT'S TO THEIR ADVANTAGE, AND IT'S NOT TO THE ADVANTAGE OF RURAL NEBRASKA. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB176]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. SENATOR SULLIVAN IS RIGHT. I STOOD ON THE FLOOR YESTERDAY AND EXPRESSED SIGNIFICANT CONCERNS ABOUT THE ENVIRONMENT AND ABOUT POLLUTION. AND I ASKED A LOT OF QUESTIONS--THIS IS NOT MY AREA OF EXPERTISE--AND LET THE BILL MOVE FORWARD, GIVING THE FOLKS AN OPPORTUNITY TO TELL ME WHAT I NEEDED TO HEAR. AND I'M SORRY TO REPORT THAT I'VE ASKED A LOT OF QUESTIONS AND NOT GOTTEN A LOT OF ANSWERS. AND SO I REMAIN VERY CONCERNED ON THE FLOOR THIS MORNING. AND I WANT TO CLICK THROUGH SOME OF THOSE QUESTIONS THAT I DON'T KNOW THE ANSWERS TO AND I DON'T FEEL COMFORTABLE WITH THE INFORMATION THAT I'VE BEEN GIVEN. AND IF I HAVE TIME LEFT I'LL YIELD THE REMAINDER OF MY TIME TO SENATOR SCHILZ AND MAYBE HE CAN CLARIFY OR ILLUMINATE THEM FOR ME. I WAS GIVEN THE 94-PAGE DEPARTMENT OF ENVIRONMENTAL QUALITY REGULATION GUIDEBOOK, AND BELIEVE IT OR NOT, I SPENT SOME OF LAST NIGHT READING IT. AND I TRIED TO FIND IN THOSE REGULATIONS HOW THE FINES AND FEES AND INSPECTIONS LEAD TO CONSEQUENCES, HOW THAT LEADS TO ACCOUNTABILITY. AND I REMAIN VERY UNCLEAR ABOUT HOW WE ARE DETERRING BAD BEHAVIOR. I UNDERSTAND HOW WE'RE MONITORING IT. I DON'T UNDERSTAND THE CONSEQUENCES. I ALSO DON'T UNDERSTAND WHO IS ULTIMATELY LIABLE, IF THERE ARE SIGNIFICANT ENVIRONMENTAL CONCERNS. EVEN IF WE DO HAVE FINES AND FEES, WHICH I COULDN'T FIND, ARE THEY SUFFICIENT TO DEAL WITH

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AN ENVIRONMENTAL DISASTER, OR EVEN JUST AN ENVIRONMENTAL PROBLEM? AND WHO'S LIABLE? IS IT THE PACKER? IS IT THE PRODUCER? IS IT BOTH? WHEN AND HOW? I REMAIN CONCERNED ABOUT OUR INSPECTIONS PROCESS. DO WE HAVE ADEQUATE INSPECTIONS NOW? AND DO WE HAVE THE ADEQUATE STAFF AND SUPPORT AND RESOURCES TO RESPOND TO ADDITIONAL, SIGNIFICANTLY ADDITIONAL PRODUCERS AND PACKERS? I'M NOT CERTAIN. DO WE NEED STRONGER REQUIREMENTS AND REGULATIONS IN ORDER TO ADDRESS THE INCREASED VOLUME? I DON'T SEE THAT IN WHAT I'VE BEEN GIVEN. MY FINAL CONCERN RELATES TO THE POTENTIAL POLLUTANTS THEMSELVES. AND WHAT I SEE IN THE REGULATIONS IS THAT THERE ARE SOME REQUIREMENTS REGARDING TESTING FOR NITRATES AND OTHER POLLUTANTS. BUT AGAIN, I DON'T UNDERSTAND WHAT THE CONSEQUENCES FOR FAILING TO ACHIEVE WHAT I UNDERSTAND TO BE A NUTRIENT MANAGEMENT PLAN. IF WE FAIL TO ACHIEVE THE PLANS THAT WE'VE OUTLINED, HOW ARE FOLKS HELD ACCOUNTABLE AND HOW WILL THEY BE HELD ACCOUNTABLE IN THE FUTURE AS WE DEAL WITH SIGNIFICANTLY INCREASED VOLUME? AND THE FINAL THING THAT I DON'T SEE IN THE REGULATIONS AT ALL, AND PERHAPS SOMEONE CAN EDUCATE OR ILLUMINATE ME, BUT IS ANY REFERENCE TO TESTING FOR ANTIBIOTICS IN OUR WATER AND IN OUR SOIL. AND WHAT I UNDERSTAND FROM THE IOWA EXPERIENCE IS THAT THEY'VE SEEN SIGNIFICANT ANTIBIOTIC RESISTANT DISEASES THAT CAN BE CORRELATED WITH ANTIBIOTICS THAT ARE IN OUR SOIL AND IN OUR WATER SYSTEM AS A RESULT OF THE POLLUTANTS FROM THESE FARMING PRACTICES. SO, THESE ALL ARE CONCERNS THAT REMAIN ON MY MIND. AND I'M SORRY TO REPORT THAT, DESPITE ASKING QUESTIONS OF A LOT OF DIFFERENT PEOPLE, I HAVEN'T GOTTEN ANSWERS TO THEM. I AM HOPEFUL THAT THERE ARE ANSWERS. I'M HOPEFUL THAT WE'RE DOING OUR VERY BEST BY THE NEBRASKA ENVIRONMENT NOW, AND THAT THE FOLKS WHO ADVOCATE FOR THIS BILL HAVE DONE THEIR DUE DILIGENCE TO ENSURE THAT WE CAN DO SO IN THE FUTURE. BUT I PERSONALLY, AS A SENATOR REPRESENTING FOLKS WHO DRINK WATER, AS WE ALL DO, REMAIN UNCERTAIN AND UNCLEAR AND UNABLE TO SUPPORT THIS BILL. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR BOLZ: SO I WILL GIVE THE REMAINDER OF MY TIME TO SENATOR SCHILZ AND HOPE THAT THERE IS INFORMATION THAT HE CAN PROVIDE. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR BOLZ. SENATOR SCHILZ, 50 SECONDS. [LB176]

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SENATOR SCHILZ: THANK YOU. WE ARE WAITING TO HEAR BACK FROM DEQ ON THAT. WE'VE MADE THE REQUEST. WE OFFERED TO HAVE DEQ CALL SENATOR BOLZ. SHE SAID SHE DIDN'T HAVE TIME. AS FAR AS THE CONSEQUENCES, THEY'RE REAL. THEY'RE OUT THERE. ASK SENATOR SCHNOOR. HE HAS PERMITS. THERE ARE CONSEQUENCES. IT HAPPENS MOSTLY ON A CASE-BY-CASE BASIS. I WOULD LIKE YOU TO REMEMBER, YESTERDAY I TOLD YOU ABOUT THE THREE-STRIKE LAW. THAT'S IN PLACE. IF YOU DON'T THINK THAT THOSE ARE CONSEQUENCES TO THE ENVIRONMENTAL STUFF, THEN COME ON. LET ME TELL YOU, THIS BILL DOESN'T DEAL WITH THAT AREA OF LAW. THAT'S A WHOLE OTHER SECTION. THIS ISN'T PART OF THAT. IF WE NEED TO INCREASE... [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR SCHILZ: ...OR MAKE MORE STRINGENT... [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR SCHILZ: THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR GROENE, YOU'RE RECOGNIZED. [LB176]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. STAND IN SUPPORT OF AM1636, BUT THIS IS REALLY JUST FOR SWINE. IT NEEDS TO BE CLEAR IT'S JUST FOR SWINE, NOT LIVESTOCK IN A GENERIC MANNER. I STILL DON'T UNDERSTAND WHY CATTLE WERE LEFT OUT. I UNDERSTAND THE HONESTY OF...AND GOOD CHARACTER OF SENATOR SCHILZ, THAT HE'S INVOLVED IN THAT INDUSTRY AND IT WOULD BE BEST FOR HIM NOT TO BE, CONFLICT OF ENTRY...INTEREST, BUT...AND I ADMIRE HIM FOR THAT, LEAVING IT OUT. BUT I DO NOT UNDERSTAND WHY ONCE THIS IS ENACTED, THE CATTLE INDUSTRY WON'T BE SUING BECAUSE IT'S NOT EQUAL PROTECTION UNDER THE LAW TO GET...BECAUSE THE CATTLE INDUSTRY FOLKS ARE SET UP FOR THIS ALREADY. THEY DO A LOT OF CONTRACT FEEDING AND WHOSE CATTLE THEY OWN AND THEY'RE FEEDING IS JUST SEMANTICS. BUT RIGHT NOW, LOCAL INVESTORS USUALLY HAVE CATTLE AND THEY HAVE SOMEBODY FEED. SENATOR SCHNOOR MENTIONED THAT THAT'S WHAT HE DOES WITH LOCAL FARMERS. THAT'S THE WAY IT NEEDS TO STAY AND THAT'S THE WAY IT WORKS, THAT'S LOCAL. YOU KNOW, I SAID EARLIER THAT MY MOM'S IRISH, KENNEDY BACKGROUND, I LIKE PRIVATE LABOR UNIONS. AND THIS IS THE INDUSTRY, MY PROGRESSIVE

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FRIENDS, THAT BROKE THAT--UNIONS. THAT'S WHY WE HAVE MOST OF THE ILLEGAL ALIENS HERE. WAGES WERE DRIVEN DOWN. THAT'S NOT AN INDUSTRY I WOULD TRUST TO BRING NEW JOBS. I DO TRUST A SMALL TOWN FARMER WHO HIRES A LOCAL GUY TO HELP WITH HIS FARMING OPERATION. HE'LL MAKE SURE THAT FAMILY...WHO GOES TO HIS CHURCH. BUT I DO NOT TRUST A CORPORATION THAT ALREADY HAS BROKEN UNIONS, DROPPED THE POVERTY RATE IN SOUTH OMAHA, RAISED IT, RAISED IT IN OTHER AREAS AND CAUSED LABORERS FROM...CROSS OUR BORDERS ILLEGALLY TO WORK IN THOSE INDUSTRIES. I DON'T TRUST THEM. SORRY. THEIR TRACK RECORD ISN'T GOOD. I DON'T WANT THEM IN CHARGE OF MY LIVESTOCK INDUSTRY. SHARECROPPERS? I'M IN AGRICULTURE. YES, ON AG LAND IT'S SHARED CROP 60/40, SOMETIMES 50/50, BUT THE PRODUCER HAS COMPLETE CONTROL: WHAT VARIETY TO PLANT, WHAT CROP TO PLANT. AND HE IS REWARDED WITH 60 PERCENT OF THE PROFIT IF HE DOES A GOOD JOB. I DON'T THINK THESE CONTRACTS ARE WRITTEN THAT WAY. ALSO, VETERINARIANS. SENATOR BOLZ BROUGHT THAT UP. AS FAR AS I KNOW, THESE CORPORATIONS HAVE IN-HOUSE VETERINARIANS. THERE'S NO CHECKS AND BALANCES WHERE THE LOCAL VETERINARIAN IS CALLED TO COME OUT BECAUSE THEY'VE GOT A PROBLEM IN THE SHED, AND IT'S REPORTED TO THE STATE. WHAT WOULD BE THE TENDENCY--YOU'RE EMPLOYED BY SMITHFIELD, YOU'RE CHECKING ON SMITHFIELD'S HOGS, YOU'RE DOING IT FOR A GUY WHO MAKES HIS LIVING IF SMITHFIELD MAKES A PROFIT--FOR THAT VETERINARIAN TO BE COMPLETELY OPEN ABOUT WHAT HE FINDS? THERE'S ANOTHER CHECKS AND BALANCES OF FREE MARKET THAT DISAPPEARS WHEN IT'S CRADLE TO GRAVE ON LIVESTOCK, ONE OWNER. WHAT'S THAT DO TO THE LOCAL VETERINARIANS OUT THERE, THEIR BUSINESS? THERE'S NO NEED FOR THIS BILL, ABSOLUTELY NO NEED FOR IT. OUR AGRICULTURE LIVESTOCK INDUSTRY IS FLOURISHING. IT'S GROWING WITHIN ITS BOUNDS OF ACCEPTANCE OF THE LOCAL COMMUNITIES BECAUSE THE LOCAL COMMUNITY...THE PERSON WHO PRODUCES THEM LIVES IN THAT LOCAL COMMUNITY, NOT HIRING OUTSIDERS TO RUN THEM. AND MOSTLY SHEDS, FOLKS, IT'S NOT A BIG BOOM. THEY CAN BE RUN, THEY'RE SO EFFICIENT, BY TWO PEOPLE, TWO EMPLOYEES, OR THE OWNER AND HIS WIFE OR A COUPLE OF BROTHERS. SO, IT'S NOT A BOON TO EMPLOYMENT. DON'T FALL FOR THAT ONE. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR GROENE: THIS IS ABSOLUTELY UNNECESSARY. I'VE HEARD THAT THE CATTLE PACKERS ARE FOR THIS. WHY WOULD THE CATTLE PACKERS BE FOR THIS? DOESN'T AFFECT THEIR INDUSTRY. IT'S THE NEXT...IT'S THE FOOT IN THE DOOR. IT'S CORPORATE FARMING. GO OUT IN THE RURAL AREA, YOU URBAN

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SENATORS. KNOCK ON SOME FARM DOORS. WE BASICALLY HAVE FAMILY FARMS YET. WE REALLY DO. YOU GO TO SOME OF THE OTHER AREAS AND THERE'S JUST A HOUSE ON THE CORNER, AND IT'S GRAIN FARMERS AND THEIR LIVESTOCK IS CORPORATE. WE ARE THE LAST BULKHEAD AGAINST THAT IN AGRICULTURE, AND WE'RE A BIG BULKHEAD. WE'RE FOURTH, FIFTH. ONE, TWO, THREE IN A LOT OF THE AG INDUSTRIES. WE CARRY A LOT OF WEIGHT. WE SEND A MESSAGE THAT THE FREE MARKET STILL WORKS, PRIVATE OWNERSHIP STILL WORKS. [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR GROENE: THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR McCOY, YOU'RE RECOGNIZED. [LB176]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. I DO SUPPORT SENATOR BLOOMFIELD'S AMENDMENT. AND HERE'S MY CHALLENGE WITH THIS BILL. I UNDERSTAND THE...WHAT I BELIEVE ARE GOOD INTENTIONS OF THOSE THAT SUPPORT THIS BILL WHO WANT TO SEE, AS DO I, OUR SWINE INDUSTRY, OUR PORK INDUSTRY FLOURISH AND GROW AT THE SAME OR BETTER GROWTH RATE OF OTHER STATES IN THE MIDWEST, ESPECIALLY OUR SURROUNDING STATES. THAT'S A LAUDABLE GOAL. THAT'S A GOOD EXPECTATION. WE ALL WANT TO BE COMPETITIVE WITH OUR NEIGHBORING STATES IN ANYTHING WE DO, I THINK. BUT HERE'S MY STRUGGLE WITH THIS. EVEN IF YOU COULD PUT ASIDE, WHICH I JUST HONESTLY CAN'T, EVEN IF I COULD PUT ASIDE MY RESERVATIONS ABOUT THE FACT THAT YOU HAVE THE POTENTIAL FOR SMITHFIELD FOODS TO CONTROL A GOOD PORTION OF THE PORK INDUSTRY IN NEBRASKA, I STRUGGLE WITH THE FACT OF WHERE DOES THAT EVENTUALLY, DOWN THE ROAD, LEAVE OUR RURAL COMMUNITIES AND OUR RURAL COUNTIES. BECAUSE WHAT MOTIVATION DOES A CORPORATION, NOT DOMICILED IN NEBRASKA, WHAT MOTIVATION DO THEY HAVE TO MAINTAIN A COMMITMENT TO SMALL COMMUNITIES, INVESTMENT IN THE GROWTH OF NEW JOBS? OR IS THERE ONLY MOTIVATION TO DO ALL THAT THEY CAN TO BE AS PROFITABLE AS THEY CAN, AND SOMETIMES THAT'S NOT ALWAYS ALIGNED WITH GIVING BACK TO THE COMMUNITY AND BEING COMMITTED TO THE COMMUNITY? AND I THINK ALL OF US KNOWS WHAT THAT MEANS. I THINK ANY OF US THAT HAVE BEEN INVOLVED IN SMALL COMMUNITIES, AND BY SMALL COMMUNITIES I WILL MAINTAIN THAT THAT IS URBAN AND RURAL, BECAUSE OMAHA HAS SMALL

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COMMUNITIES INSIDE OF OMAHA PROPER, AS DOES LINCOLN. AND OBVIOUSLY WE HAVE A GREAT NUMBER OF RURAL, SMALL COMMUNITIES ACROSS THE STATE. ANY OF US THAT KNOWS THAT HAVE BEEN INVOLVED IN BUSINESS UNDERSTANDS THE CONCEPT OF YOU GIVE BACK TO YOUR COMMUNITY, NOT NECESSARILY BECAUSE IT MAKES YOU MORE PROFITABLE AT THE OUTSET. YOU DO IT BECAUSE IT'S THE RIGHT THING TO DO. YOU DO IT BECAUSE THAT'S THE OBLIGATION AND THE RESPONSIBILITY THAT YOU HAVE AS A COMMUNITY LEADER TO MAKE YOUR COMMUNITY AS GOOD AS IT CAN BE, AS HEALTHY AS IT CAN BE. BUT WHAT COMMITMENT DOES A CORPORATION, HEADQUARTERED SOMEWHERE ELSE IN THE COUNTRY OR SOMEWHERE ELSE IN THE WORLD, HAVE TO THAT? AND, YES, PROPERTY TAXES WOULD STILL BE PAID, WHICH IS GOOD. THAT'S CERTAINLY AN IMPORTANT FUNCTION. BUT HERE'S A QUESTION THAT I WOULD HAVE FOR SENATOR SCHILZ, IF HE WOULD YIELD. [LB176]

PRESIDENT FOLEY: SENATOR SCHILZ, WILL YOU YIELD, PLEASE? [LB176]

SENATOR SCHILZ: YES, I WOULD. [LB176]

SENATOR McCOY: THANK YOU, SENATOR. NOW, YOU TALKED ABOUT IN THIS TYPE OF A SITUATION, AND THERE WAS SOME DISCUSSION YESTERDAY, IF THESE CONTRACTS AND THE BODY SAW FIT, SENATOR, TO VOTE DOWN THE AMENDMENT THAT I HAD AT THE END OF THE DAY YESTERDAY ON A FIVE-YEAR SUNSET PROVISION, AND I THINK YOUR OBJECTION TO IT WAS THESE CONTRACTS ARE USUALLY LONGER THAN FIVE YEARS. THAT WAS YOUR OBJECTION TO THAT AMENDMENT THAT I HAD BROUGHT TO THE BODY. WAS THAT CORRECT? [LB176]

SENATOR SCHILZ: THAT'S CORRECT. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR McCOY: MY QUESTION...THANK YOU, MR. PRESIDENT. MY QUESTION, MR. SCHILZ, WOULD BE, WHAT KIND OF COMMITMENT LEVEL IS THERE THAT WHEN THESE CONTRACTS ARE LET, WHAT'S THE COMMITMENT TO THE LOCAL COMMUNITY OTHER THAN THE FACILITY IS GOING TO BE THERE? THE INDIVIDUAL, THE FARMER WHO USED TO OWN THE HOGS IN THE FACILITY NOW OWN THE FACILITY AND ON A CASH BASIS BASICALLY, ALMOST A HOTEL RATE. WHAT'S THE COMMITMENT, THOUGH, TO THE COMMUNITY IN A LONG RANGE?

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WE DON'T KNOW, I MEAN, THERE'S NO MINIMUM THRESHOLD ABOUT WHAT THAT CONTRACT COULD BE, CORRECT? [LB176]

SENATOR SCHILZ: OKAY, YEAH, CORRECT. [LB176]

SENATOR McCOY: SO WHAT'S THE COMMITMENT LEVEL TO THE COMMUNITY IF TO SAY, FOR INSTANCE, THE PACKER DECIDES, WELL, WE WANT TO GO A DIFFERENT DIRECTION? WE DON'T WANT TO USE THESE FACILITIES ANYMORE. THEN YOU HAVE A FARMER WHO WOULDN'T HAVE THE CASH AVAILABLE TO GO OUT AND PURCHASE HOGS ON THEIR OWN... [LB176]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATORS McCOY AND SCHILZ. SENATOR SCHILZ, YOU'RE NEXT IN THE QUEUE. YOU'RE RECOGNIZED. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. SENATOR McCOY, I THINK IT'S IMPORTANT TO UNDERSTAND THAT AS IT IS WITH ANY FARMING OPERATION OR PRODUCERS OR ANYTHING LIKE THAT, THE COMMITMENT OF THE COMMUNITY COMES FROM THOSE THAT ARE PART OF THAT COMMUNITY. AND AS WE'VE HEARD, THESE PRODUCERS WOULD DEFINITELY BE A PART OF THE COMMUNITY. AND UNLIKE SOME OTHERS HAVE SAID, THESE PROCESSORS WOULD BE PARTNERING WITH THEM AND WOULD BE DOING THINGS TO BENEFIT THAT COMMUNITY AS THEY DO UNDER...NORMALLY. THEY WOULD MAKE SURE THAT ACCORDING TO THE CONTRACT THAT THE HOGS ARE DELIVERED, THAT THEY HAVE THE HOGS THE WHOLE TIME THAT THE CONTRACT IS FOR, THAT... YOU KNOW, I GUESS THE QUESTION IS, DOING BUSINESS. BEING A PART OF THE BUSINESS COMMUNITY IS WHAT THE COMMUNITY GETS BACK. IT'S TAXES. IT'S JOBS. AND WE GOT TO REMEMBER, IT'S NOT JUST JOBS ON THE FARMS THAT WE'RE TALKING ABOUT. WE HAVE THREE DIFFERENT PACKERS HERE IN THE STATE OF NEBRASKA. THEY GIVE JOBS TO ABOUT 5,000 PEOPLE. THOSE ARE REAL JOBS IN THE STATE. THAT'S REAL REVENUE FOR THE STATE OF NEBRASKA. SO, WE CAN LOOK AT IT AND SAY, OH, IF WE DO THIS, YOU KNOW, WHAT'S THAT GOING TO DO TO OUR PRODUCERS? WELL, LET'S ASK THE QUESTION. WHAT HAPPENS...WHAT HAPPENS IF WE DECIDE NOT TO DO THIS AND THESE PACKING PLANTS ARE 30, 40 YEARS OLD? DO THEY BUILD THEM HERE THE NEXT TIME? OR DO THEY GO RIGHT ACROSS THE RIVER IN SIOUX CITY, LIKE THIS \$265 MILLION FACILITY THAT'S GOING IN THERE THAT WILL EMPLOY 1,100 PEOPLE? SO, WHAT DOES IT DO FOR THE COMMUNITY? IT'S A LOT BIGGER THAN JUST THE PRODUCERS. IT'S A LOT BIGGER THAN JUST THE PACKERS. IT IS ABOUT NEBRASKA AND OUR ABILITY TO MAINTAIN THE LIFESTYLE THAT WE WANT.

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POPULATION DECLINE CONTINUES, FOLKS. THAT WILL BE FEWER AND FEWER PEOPLE PAYING MORE AND MORE OF THE TAXES. THAT'S NOT A GOOD SITUATION. AT WHAT POINT DO YOU UNDERSTAND, OR DO WE UNDERSTAND, ON SOME OF THESE SMALLER COMMUNITIES THAT YOU HIT THE POINT OF NO RETURN? IS IT WHEN THE SCHOOL LEAVES? IS IT WHEN THE GROCERY STORE LEAVES? IS IT SOMETIME OTHER THAN THAT THAT WE CAN'T MEASURE OR SEE? ARE WE THROWING GOOD EFFORTS AFTER BAD BECAUSE SOME OF THESE COMMUNITIES JUST MAY NOT SURVIVE? I CAN'T ANSWER THAT RIGHT NOW, BUT I CAN TELL YOU THIS. THE ONLY WAY TO MAKE SURE THAT THAT DOESN'T HAPPEN IS THROUGH GROWTH. AND I'VE ALWAYS ESPOUSED THE NEED FOR GROWTH TO ANSWER THE PROPERTY TAX ISSUE. JOBS ARE IMPORTANT, FOLKS. AGRICULTURE IS IMPORTANT TO NEBRASKA. THIS ISN'T AN IDEAL WORLD. WE CAN'T JUST HOPE THAT SOMETHING IS AND MAKE IT SO. WE HAVE TO DEAL WITH THE PRACTICALITIES OF EVERYDAY LIFE. WE HAVE TO DEAL PRAGMATICALLY WITH THE SITUATION THAT IS OUT THERE. WE ONLY GET SO MUCH TIME ON THIS EARTH AND WE HAVE TO DEAL WITH WHAT COMES AT US WHEN IT COMES AT US. FOLKS, THE DAYS OF A FAMILY FARM ON EVERY QUARTER OF GROUND IN THE STATE OF NEBRASKA IS LONG GONE. IN FACT, THOSE PLACES WHERE THOSE HOUSES STILL STAND AND ARE ABANDONED HAVE TO BE TORN DOWN, BECAUSE IF WE DON'T... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SCHILZ: ...IF WE DON'T, THEY TURN INTO METH HOUSES. WE'VE SEEN IT. WE NEED GROWTH TO PUT PEOPLE BACK IN THOSE COMMUNITIES. WE NEED GROWTH TO HAVE JOBS FOR OUR FOLKS. WE NEED GROWTH TO HAVE PROPERTY TAX RELIEF. AND WHETHER WE LIKE IT OR NOT, HOGS AND SWINE NEED TO BE A BIG PART OF WHAT NEBRASKA DOES. LISTEN, LISTEN VERY CAREFULLY TO WHAT CERTAIN OPPONENTS ARE STARTING TO SAY. IT'S ALMOST AS IF ALL HOGS ARE BAD, BECAUSE IF THEY'RE THERE, THEY'RE GOING TO POLLUTE. AND, BY GOSH, DOES THE STATE OF NEBRASKA REALLY HAVE THE MEANS TO CONTROL THAT? WELL, I'M TELLING YOU THEY DO. I RAN A FEEDYARD FOR 20 YEARS, OWNED THAT FEEDYARD FOR 20 YEARS. WE DON'T OWN IT ANYMORE. I KNOW WHAT THE INSPECTIONS ARE LIKE. I'VE BEEN THROUGH THEM. I DON'T KNOW WHAT THE CONSEQUENCES ARE BECAUSE WE'VE NEVER... [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR SCHILZ: THANK YOU. [LB176]

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PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. MR. CLERK FOR AN ANNOUNCEMENT. [LB176]

ASSISTANT CLERK: MR. PRESIDENT, THE BUILDING MAINTENANCE COMMITTEE WILL MEET IN ROOM 2022 NOW. [LB176]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. SENATOR BOLZ BROUGHT UP A LOT OF QUESTIONS ABOUT, OH, THE DEQ PROCESS IN GENERAL AND I'D LIKE TO ANSWER SOME OF THOSE. HER ONE QUESTION IS, WHO'S LIABLE? THE LIABILITY LIES WITH THE LANDOWNER. IT'S NOT THE PERSON THAT OWNS THE HOGS. THEY HAVE NO LIABILITY FOR ANY WASTE MANAGEMENT, ANY SPILLS, ANY WATER CONTAMINATION. THEY CAN JUST WALK AWAY. SO, THE LIABILITY LIES WITH THE LANDOWNER. THERE'S PERMITTING REQUIREMENTS THROUGH DEQ THAT ARE EXTREMELY COMPLICATED. WHAT I HAVE DONE AT MY FEEDYARD IS, SINCE IT IS SO COMPLICATED, I'VE HIRED A THIRD PARTY TO DO ALL THE PAPERWORK BECAUSE THERE'S SO MANY REPORTS THAT HAVE TO BE FILED. THERE'S SO MUCH TESTING OF GROUNDWATER THAT NEEDS TO BE DONE. AND THAT ALL VARIES FROM PLACE TO PLACE, FROM FARM PLACE TO FARM PLACE. IT DEPENDS ON THE LAY OF THE LAND. IT DEPENDS ON WHERE THEY DECIDE THE WATER FLOW IS AT. ON MY FARM, I HAVE THREE WELLS, YOU KNOW, GROUNDWATER WELLS. AND I HAVE...I GOT TO THINK, I GOT TO COUNT THEM, ONE, TWO, THREE, FOUR TEST WELLS. AND THOSE TEST WELLS ARE TESTED ONCE A YEAR, AND THOSE SAMPLES ARE SENT TO A LAB FOR ANALYSIS. THE RESULTS ARE SENT TO DEQ. AND THAT'S HOW THAT PROCESS WORKS AND IT'S EXTREMELY COMPLICATED. AND THAT'S JUST ON THE GROUND ITSELF WHERE YOU LIVE. THEN THERE'S REQUIREMENTS FOR SPREADING THE MANURE. AND ALL OF THAT FALLS BACK ON THE LANDOWNER. THERE IS NO LIABILITY AT ALL TO THE OWNER OF THE LIVESTOCK. WITH THE LAND WHERE THE MANURE IS SPREAD, IF IT IS NOT YOUR LAND, IT'S GOT TO BE... YOU HAVE TO HAVE WRITTEN PERMISSION. IF IT IS YOUR LAND, THAT GROUND HAS TO BE TESTED. THEN YOU'RE TOLD HOW MUCH MANURE YOU CAN SPREAD ON IT. AND THEN YIELD ANALYSIS IS TAKEN. AND IF THE CROPS DON'T MEET THE YIELD BASED ON YOUR MANURE ANALYSIS AND THE SOIL TESTING, YOU HAVE TO ANSWER THOSE COMPLAINTS AS WELL, OR NOT A COMPLAINT, BUT YOU HAVE TO ANSWER THOSE ISSUES. SO, IT IS EXTREMELY COMPLEX. BUT IN ANSWER TO WHAT PEOPLE NEED TO UNDERSTAND, THE OWNER OF THE HOGS HAS ABSOLUTELY

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ZERO LIABILITY FOR THIS. IT IS ALL UP TO THE LANDOWNER AND THE PERSON RESPONSIBLE FOR THAT FEEDING OPERATION. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SCHNOOR: THANK YOU, SIR. SO, I'M TRYING TO THINK IF SENATOR BOLZ HAD ANY OTHER QUESTIONS. I THINK I ANSWERED A LOT OF THEM. BUT EVERYBODY NEEDS TO UNDERSTAND, YOU KNOW, WITH THIS ENTIRE BILL, LOOK AT WHO'S PUSHING THIS. LOOK AT WHERE THIS IS COMING FROM. IT'S NOT COMING FROM THE FARMERS THAT ARE PUSHING THIS. IT'S COMING FROM THE CORPORATE GIANTS AND THEY'RE THE ONES THAT ARE GOING TO GET THE LARGEST BENEFIT. AND THAT'S WHY I WILL ALWAYS STAND OPPOSED TO THIS. I WILL SUPPORT ANY AMENDMENT THAT MAKES IT A LITTLE BIT BETTER. BUT THE LIABILITY FOR THE WASTE MANAGEMENT LIES WITH THE LANDOWNER. THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB176]

SENATOR JOHNSON: THANK YOU, MR. LIEUTENANT GOVERNOR AND COLLEAGUES. SENATOR SCHNOOR HAS DONE A GREAT JOB OF EXPLAINING THE DEQ REGULATIONS AND LIABILITIES AND THAT TAKES PROBABLY HALF OF WHAT I WAS GOING TO SAY. I WAS GOING TO MAKE A COUPLE COMMENTS. I THINK PROBABLY AM1636 WAS PUT UP A LONG TIME AGO FOR A PLACE MAKER, MAYBE. AND I'LL ADDRESS THAT A LITTLE BIT. I DON'T THINK IT'S NEGATIVE TO THE BILL. LIVESTOCK OPERATION IS A GENERAL TERM THAT'S USED THROUGHOUT THE LEGAL INDUSTRY. WHEN YOU'RE TALKING ABOUT THE LIVESTOCK PROTECTION ACT, LIVESTOCK MARKETING ACT, IT USES THE WORD "LIVESTOCK." IN THAT PARAGRAPH THAT WE'RE MAKING THE CHANGE, IT DOES REFER TO THE SWINE IN TWO DIFFERENT...AHEAD OF IT, IT SAYS CONTRACT SWINE OPERATIONS MEANS A LIVESTOCK OPERATION WHICH IS SWINE, OWNED. SO, THERE'S "SWINE" AHEAD OF IT, "SWINE" BEHIND IT. CHANGING "LIVESTOCK" TO "SWINE" DEFINES IT A LITTLE BIT BETTER. BUT IF YOU LOOK AT THE BROAD PICTURE, LIVESTOCK INCLUDES, BASICALLY, ALL OPERATIONS. SO, IF WE VOTE ON THAT, IT'S PROBABLY A NEUTRAL AS FAR AS THE BILL. COMMENT A LITTLE BIT, A QUESTION THAT WAS ASKED ABOUT THE CONTRACT AND WHAT HAPPENS IF AT THE END OF A PERIOD OF TIME THE PERSON THAT OWNS THE HOGS THAT ARE COMING IN THERE DECIDES NOT TO USE IT ANYMORE. I'VE SEEN ONE OF THE CONTRACTS AND I WOULD HOPE...ASSUME THAT IT WOULD BE IN OTHER

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CONTRACTS. IF THE PACKER DECIDES NOT TO PUT PARTICULAR HOGS IN YOUR UNIT FOR 30 DAYS, OR A PERIOD OF TIME, THEY STILL OWE YOU THE YARDAGE FEE, IF THAT'S WHAT WE'RE CALLING IT. IT'S KIND OF A YARDAGE FEE, RENT FOR SPACE AND MANAGEMENT. SO, I WOULD HOPE THAT WHEN THAT CONTRACT IS COMPLETED THAT THERE IS AN EXIT CLAUSE THAT PROTECTS THE OWNER OF THE BUILDING, THE FARMER, THE PRODUCER, IN CASE THEY DECIDE THAT THEY ARE NOT GOING TO USE THAT BARN ANYMORE. BUT I WOULD ALSO ASSUME THAT THERE MIGHT BE REASONS THAT THEY'RE NOT GOING TO USE THAT BARN AND THAT GOES BACK TO THE MANAGEMENT OF THE INDIVIDUAL. IF THAT PERSON IS NOT FULFILLING HIS RESPONSIBILITY, OR THEIR RESPONSIBILITY, TO HANDLE THE HOGS PROPERLY TO MAKE SURE THERE'S FEED, WATER, ALL THE TIME, I SUPPOSE THERE COULD BE A CLAUSE IN THERE THAT WOULD BE TO THE BENEFIT OF THE PACKER. BUT IT SHOULD BE IN THERE BECAUSE YOU'RE WORKING FOR THEM TO A CERTAIN EXTENT AND YOU ARE PUTTING OUT A PRODUCT THAT THEY WANT TO RECEIVE. SO, BUT I WOULD ASSUME THAT THAT SHOULD BE IN THE CONTRACT, OR I BELIEVE IT SHOULD BE IN THE CONTRACT TO PROTECT BOTH SIDES. AND A POINT THAT SENATOR SCHNOOR COMMENTED ON, THE LIABILITY. THERE IS MANAGEMENT INVOLVED IN THIS OPERATION, NOT ONLY WITH INSIDE THE BARN IN MAINTAINING PROPER TEMPERATURE CONTROLS, VENTILATION, BUT THERE'S ALSO MANAGEMENT INVOLVED IN THE OUTSIDE AND THAT'S WHEN YOU GET INVOLVED WITH WATER RUNOFF AND DISPOSAL OF THE MANURE. SO, IT'S NOT JUST ANYBODY THAT CAN BE OUT THERE TAKING CARE OF LIVESTOCK. YOU'VE GOT TO HAVE SOME RESPONSIBILITY. YOU DO HAVE SOME RESPONSIBILITY AND YOU DO NEED MANAGEMENT SKILLS IN KNOWING HOW TO HANDLE LIVESTOCK. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB176]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I HAVE LISTENED VERY CLOSELY AND FOLLOWED THIS BILL. I DO HAVE CONSTITUENTS WHO HAVE EXPRESSED SUPPORT, BUT MORE LOUDLY ARE THOSE WHO HAVE OPPOSED, AND A GREATER MAJORITY OF THEM ARE IN OPPOSITION AT THIS POINT. I DO SUPPORT AM1636. AND LOOKING AT THE BUSINESS OF FARMING, THAT IT IS MORE THAN A BUSINESS. IT IS AN OPPORTUNITY TO FEED THE WORLD, TO HELP YOUR COMMUNITIES GROW, TO GROW NEBRASKA. HOWEVER, IT IS VERY DIFFICULT TO FARM IN TODAY'S ECONOMY. EXPENSES ARE VERY, VERY HIGH. THE INPUTS ARE HIGH. THE RISK IS HIGH. TAXES ARE HIGHER YET. AND...BUT THOSE WHO HAVE INVESTED,

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MULTIPLE GENERATIONS AREN'T LOOKING AT FARMING AS MERELY AN INVESTMENT. THEIR FIRST CHOICE IS TO DO BUSINESS LOCALLY. AND IN WORKING WITH FOREIGN COUNTRIES, I HESITATE BECAUSE I'M WONDERING, YOU KNOW, SHOULD WE WATCH WHAT WE WISH FOR? AND IT IS TRUE IN AGRICULTURE AND EVERY OTHER FIELD, IT'S...THESE TIMES ARE A CHANGING. BUT WE WANT TO MAKE SURE THAT WE ARE INDEED MOVING FORWARD, AND NOT GETTING INTO A GREATER RISK OF LOSING CONTROL OF OUR FAMILY FARMS. THEY'RE VERY IMPORTANT. OVER THESE LAST FIVE YEARS, I'VE TRIED TO ATTEND AS MANY AG MEETINGS AS POSSIBLE, WHETHER THEY'RE IN THE BUILDING OR OUTSIDE THE BUILDING. IN OUR HOUSEHOLD, THERE ARE PILES OF FARM JOURNALS AND PERIODICALS THAT MY HUSBAND READS WORD FOR WORD AND I, TOO, GO THROUGH THESE BOOKS. BUT WHAT I HAVE DISCOVERED IS THAT AMERICA DOES NEED TO INVEST GREATER IN FARMING; THAT CHINA IS THE GREATEST INVESTOR IN AG RESEARCH, FOLLOWED BY INDIA, THEN COMES THE UNITED STATES, THEN FOLLOWED BY BRAZIL, ARGENTINA, IRAN, JAPAN, NIGERIA, AND RUSSIA; THAT WE DO NEED TO CONTINUE WORKING WITH OUR FAMILY FARMS AND SEEING WHAT WE CAN DO TO KEEP OUR BUSINESSES LOCALLY CONTROLLED. YET, WE DO NEED TO BE MINDFUL THAT WE ARE SUBJECT TO A GLOBAL MARKET AND PARTNERSHIPS IN DIFFERENT WAYS. I'M ALSO WONDERING IF INNOVATION CAMPUS, IF OUR AGRICULTURE LEADERS SHOULD HAVE INPUT ON DIRECTIONS THAT WE CAN WORK WITH WHEN IT COMES TO LIVESTOCK PRODUCTION AND PARTNERSHIPS THAT WILL CREATE BETTER BENEFIT. SO, AS I STAND, I DO SUPPORT AM1636. I WILL CONTINUE TO OPPOSE LB176 WITH THE HOPES THAT SHOULD THIS BILL ADVANCE THAT IT HAVE GREATER OPPORTUNITIES FOR OUR DISTRICTS AND OUR LOCAL FARMERS TO HAVE ASSISTANCE IN MEETING THEIR NEEDS. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR BRASCH: THANK YOU, COLLEAGUES. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB176]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. I SOMEWHAT RELUCTANTLY RISE TO SPEAK ON THIS. I SUPPORT LB176 AND SENATOR SCHILZ, BUT ME TALKING ABOUT AG IS LIKE THE PROVERBIAL FIGHTER PILOT SAYING, A PIG LOOKING AT A WRISTWATCH. I RELY ON MY AG COLLEAGUES FOR MY

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DECISION MAKING ON AG ISSUES AND IT PAINS ME TO BE BETWEEN SOME OF MY AG COLLEAGUES HERE ON THIS PARTICULAR ISSUE, BUT I DO BELIEVE LB176 IS A GOOD BILL. THAT'S ABOUT ALL I WANT TO SAY ON THAT. I REALLY WANTED TO TAKE THE OPPORTUNITY TO TALK ABOUT MY LB643 AND THE BRACKET MOTION THIS MORNING. I WANT TO THANK ALL THE SUPPORTERS WHO WORKED TIRELESSLY TO GET THIS BILL PASSED, MY COLLEAGUES THAT COSPONSORED THE BILL, THAT SIGNED ON TO THE BILL, THAT VOTED FOR THE BILL, PLUS ALL THE LAs, THE STAFF, THE JUDICIARY COMMITTEE, DIANE AND JOSH, ALL THE FOLKS WHO WORKED SO HARD FOR THIS. IT BREAKS MY HEART THAT THE PEOPLE WHO DESPERATELY NEEDED THIS, THE PEOPLE WHO ARE SICK AND AILING AND OUT OF OPTIONS THAT JUST STOLE MY HEART. WE BRACKETED THE BILL, SO WE'LL BE BACK NEXT YEAR, NEXT SESSION. WE'LL BE BIGGER AND BETTER AND STRONGER THAN EVER. WE'RE GOING TO WORK OUR TAILS OFF TO MAKE SURE THAT THIS BILL IS AS AIRTIGHT AS IT CAN POSSIBLY BE. THE FAMILIES HAVE MY PROMISE ON THAT. AND THOSE OF YOU WHO ARE OPPOSED TO IT, WE'RE GOING TO COME KNOCKING ON YOUR DOOR AND WE'RE GOING TO ASK YOU FOR INPUT ON HOW WE CAN MAKE THIS BILL BETTER. WE'RE GOING TO REATTACK WITH HHS. WE'RE GOING TO MEET AGAIN WITH COURTNEY PHILLIPS. WE'LL MEET WITH ANYBODY AND EVERYBODY, THE PHARMACISTS, ANYONE AND EVERYONE THAT CAN POSSIBLY HELP US. THIS IS ALL ABOUT PEOPLE. IT'S ALL ABOUT PEOPLE WHO ARE SICK AND AILING AND ARE OUT OF OPTIONS. AND WE'RE NOT GOING TO STOP FIGHTING FOR THEM. IF I AM NOTHING ELSE, I'M TENACIOUS. I WILL NOT QUIT. AND I'M NOT GOING TO QUIT ON THESE PEOPLE FROM ALL OVER NEBRASKA. WE NEED TO GET MEDICAL MARIJUANA APPROVED FOR FOLKS WHO ARE OUT OF OPTIONS. THANK YOU, MR. PRESIDENT. [LB176 LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATOR McCOY, YOU'RE RECOGNIZED. [LB176]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR SCHILZ YIELD, PLEASE? [LB176]

PRESIDENT FOLEY: SENATOR SCHILZ, WOULD YOU YIELD, PLEASE? [LB176]

SENATOR SCHILZ: YES, I WOULD. [LB176]

SENATOR McCOY: THANK YOU, SENATOR. FOR THE SAKE OF THE RECORD, AND JUST BECAUSE I KNOW THERE WERE A LOT OF PEOPLE HERE YESTERDAY THAT

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WERE IN AND OUT, NOT ON THE FLOOR A WHOLE LOT--OBVIOUSLY, THERE'S MORE ACTIVITY HERE THIS MORNING THAN THERE WAS YESTERDAY--WHO ARE OUR CURRENT PORK PROCESSORS IN NEBRASKA? [LB176]

SENATOR SCHILZ: AS FAR AS HOG PROCESSORS? [LB176]

SENATOR McCOY: CORRECT. [LB176]

SENATOR SCHILZ: AND I KNOW, HORMEL, SMITHFIELD. AND I'LL TELL YOU WHAT, I CAN'T NAME THEM ALL FOR YOU, BUT THERE'S...SORRY. [LB176]

SENATOR McCOY: BUT AS FAR AS THE SLAUGHTER PLANTS THAT WE HAVE HERE IN NEBRASKA WE'VE TALKED ABOUT, YOU'VE TALKED ABOUT THE THREE, THAT THERE'S SOME WORRY THAT THEY COULD GO ELSEWHERE IF SUCH A BILL AS LB176 WERE NOT ADVANCED, CORRECT? [LB176]

SENATOR SCHILZ: WELL, YES. AND IF YOU'LL INDULGE ME FOR JUST A SECOND, I THINK IT'S TWOFOLD. I THINK IT'S THE MESSAGE THAT WE SEND TO THOSE FOLKS THAT ARE REQUIRED FOR PRODUCERS TO HAVE...TO DO WHAT THEY DO AND THOSE ARE THE PACKERS AND OTHERS. AND WE NEED TO SHOW THEM THAT NEBRASKA, QUITE LITERALLY, IS OPEN FOR BUSINESS AND WE WANT TO DO BUSINESS HERE. I THINK THAT'S IMPORTANT TO SHOW. [LB176]

SENATOR McCOY: THAT'S TRUE. YOU HAD MENTIONED HORMEL AND SMITHFIELD, BUT YOU HAD TALKED ABOUT YESTERDAY ABOUT THREE. WHO WOULD THE THIRD ONE BE? [LB176]

SENATOR SCHILZ: AND, SENATOR McCOY, I...IF I COULD REMEMBER OFF OF THE TOP OF MY HEAD, I'D TELL YOU, BUT I WILL FIND OUT AND I'LL LET YOU KNOW. [LB176]

SENATOR McCOY: OKAY. I'D APPRECIATE THAT IF YOU WOULD. I, JUST FOR THE SAKE OF THE RECORD, I HAD A CONSTITUENT ASK ME, WELL, WHO ARE THE THREE PORK PROCESSORS THAT SENATOR SCHILZ ARE CONCERNED MAY LEAVE NEBRASKA? AND I STRUGGLED TO FIGURE OUT WHO THE THIRD WAS THAT YOU WERE SPEAKING OF YESTERDAY. AND SO, IF YOU COULD FIGURE THAT OUT, I WOULD BE GRATEFUL. AGAIN, I DO SUPPORT SENATOR BLOOMFIELD'S AMENDMENT, BUT I DON'T SUPPORT THE BILL. AND I WANT TO CONTINUE AND

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FINISH THIS TIME ON THE MICROPHONE SPEAKING ABOUT WHAT I DID. AND THAT IS, SENATOR SCHILZ IS CORRECT THAT THE INDIVIDUALS WHO ORIGINALLY WOULD HAVE BEEN FARMERS, PORK PRODUCERS, THAT EITHER EXPANDED BECAUSE THEY WERE ABLE TO GET A CONTRACT WITH A PROCESSOR IF THIS BILL WERE TO ADVANCE, OR WHO HAD ALREADY EXPANDED AND PREVIOUSLY OWNED THE HOGS THEMSELVES, NOW WOULD ESSENTIALLY CONTRACT FEED, CUSTOM FEED FOR A PACKER. YOU'RE CORRECT, SENATOR SCHILZ, IN THAT THEY ARE THE ONES WHO LIVE IN THE COMMUNITY. BUT HERE'S MY CONCERN. THIS GOES BACK TO THE CALCULATED RISK SIDE OF THINGS. A FARMER, AS WE ALL KNOW, OR A RANCHER OR ANYONE INVOLVED IN AGRICULTURE HAS A LOVE OF THE LAND. THAT'S PART OF WHO THEY ARE. IT'S USUALLY BEEN PART OF THEIR FAMILY FOR MULTIPLE GENERATIONS, IF NOT FIVE TO SEVEN GENERATIONS IN A LOT OF CASES ACROSS NEBRASKA. AND UNLESS, SADLY, FAMILY MEMBERS PASSED AWAY OR THERE ARE NO CHILDREN TO TAKE OVER THE OPERATION, OR TRAGICALLY, WHICH SOMETIMES HAPPENS, AN OPERATION GOES OUT OF BUSINESS, TYPICALLY THOSE FARM FAMILIES, RANCH FAMILIES AREN'T GOING TO GO ANYWHERE ANYTIME SOON. YOU'RE GOING TO HAVE TO PRY THEM OFF THEIR LAND. AT LEAST THAT'S MY EXPERIENCE OF THE ONES THAT I'VE MET. THAT'S THE WAY MY FAMILY IS. IT'S THE WAY MOST OF OUR FAMILIES ARE, AND OUR NEIGHBORS. BUT HERE'S WHAT I WORRY ABOUT WITH THIS OVERARCHING ISSUE, MEMBERS. AND THAT IS, YOU HAVE A SITUATION IN WHICH A MULTINATIONAL GLOBAL CORPORATION, A PACKER, MAY NOT HAVE AS MUCH OF A COMMITMENT TO THAT... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR McCOY: ...LOCAL COMMUNITY AS THAT FARMER OR RANCHER. AND, YES, THAT FARMER OR RANCHER IS THE ONES WHO IS LIVING THERE. WELL, LET'S SAY, FOR INSTANCE, CHINA BUILDS UP THEIR PRODUCTION, WHICH THEY WOULD LIKE TO DO, OF HOG PROCESSING IN THEIR OWN COUNTRY IN A FUTURE DECADE, 15, 20 YEARS DOWN THE ROAD, BECAUSE THAT'S WHAT THEY'RE PROPOSING TO DO. THAT'S WHAT THEY'RE WORKING TO DO. SO WHAT HAPPENS, MEMBERS, IF THAT TAKES PLACE AND, ALL OF A SUDDEN, THEY DECIDE THEY DON'T WANT TO CONTRACT FEED HOGS ANYMORE IN NEBRASKA, IN THE CASE OF SMITHFIELD FOODS, AND THEY TAKE THAT BUSINESS OVERSEAS? WHERE THEN DOES THAT LEAVE OUR SMALL COMMUNITIES IN NEBRASKA? WOULD THOSE FARMERS BE ABLE TO FEED HOGS ON THEIR OWN AGAIN? DOUBTFUL. [LB176]

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PRESIDENT FOLEY: TIME, SENATOR. THANKS, SENATOR McCOY, AND THAT WAS YOUR THIRD OPPORTUNITY. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD OPPORTUNITY. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, AM1636 IS NOT INTENDED TO BE A BAD INFLUENCE ON THE BILL. IF WE'RE TALKING ABOUT SWINE, LET'S TALK ABOUT SWINE. THAT'S WHAT AM1636 DOES. IT JUST CLARIFIES THE LANGUAGE A LITTLE BIT. ANYBODY THAT CAN LOOK AT THAT AND THINK IT'S A NEGATIVE AMENDMENT PROBABLY SHOULDN'T BE VOTING ON THE FLOOR, BECAUSE IT'S NOT A NEGATIVE AMENDMENT. YOU KNOW, WE KEEP REFERRING TO THE PRODUCERS UNDER...IN THIS BILL. UNDER LB176, THE PRODUCER WILL BE THE PACKER. IT WON'T BE THE GUY OUT THERE MAKING SURE THE FEEDERS ARE FULL. HE WILL BE A LABORER. THERE'S NOTHING WRONG WITH BEING A LABORER, BUT LET'S MAKE SURE WE HAVE OUR TERMS RIGHT. THE PRODUCER WILL BE THE PERSON THAT OWNS THE HOGS, SUPPLIES THE FEED. THAT'S THE PRODUCER. THE OTHER GUY IS A LABORER OR A HIRED HAND, WHATEVER YOU WANT TO CALL IT. SENATOR SCHILZ SAID WE ONLY HAVE SO MUCH TIME ON THIS EARTH AND HE'S ABSOLUTELY CORRECT. SOME OF US ARE CLOSER TO THE END OF THAT TIME THAN SOME OF THE OTHERS IN HERE. OUR CHALLENGE IN THAT TIME IS NOT TO DESTROY THAT EARTH THAT WE'RE ON BUT TO, HOPEFULLY, LEAVE IT BETTER FOR THOSE THAT FOLLOW US. IF YOU SINCERELY BELIEVE THAT CONCENTRATED LIVESTOCK IN OVERWHELMING NUMBERS, IN FACT, IS GOOD STEWARDSHIP, I THINK YOU'RE MISTAKEN. IF YOU THINK CONCENTRATED OWNERSHIP IS A GOOD THING, ASK THE PEOPLE AT DES MOINES, IOWA, WHERE THEY'RE STILL STRUGGLING WITH THEIR WATER SYSTEM, TRYING TO CLEAN IT UP SO THEY CAN DRINK THE WATER THAT COMES OUT OF THEIR FAUCETS IN THEIR HOMES. ASK THE PEOPLE BOTH SIDES OF DES MOINES. YOU KNOW, WE'VE MENTIONED SEVERAL TIMES THAT LINCOLN GETS ITS WATER FROM THE PLATTE RIVER. WELL, OMAHA GETS ITS FROM THE MISSOURI RIVER. I THINK YOU'LL FIND THAT THE VAST MAJORITY OF THESE FACILITIES WILL BE PLACED CLOSER TO THE MISSOURI RIVER THAN THEY ARE TO THE PLATTE RIVER. SO, OMAHA SENATORS, YOUR WATER MAY WELL BE JEOPARDIZED TOO. YOU KNOW, OMAHA FACES A MULTIMILLION DOLLAR SEWER SEPARATION THING THEY'VE BEEN DEALING WITH FOR A NUMBER OF YEARS. START ADDING TO THAT AN OVERFLOW FROM A BIG RAIN UPSTREAM IN THE MISSOURI, AN OVERFLOW OUT OF ONE OF THESE FACILITIES. WHO'S LIABLE? THE LITTLE GUY THAT WENT TO THE BANK AND BORROWED THE MONEY. HE'S THE GUY THAT'S LIABLE. AT THAT POINT, WHEN YOU TURN ON THE FAUCET AND YOUR WATER STINKS, YOU WANT TO KNOW WHO'S RESPONSIBLE, BUT WORSE, YOU WANT IT CLEANED UP. WHATEVER INSURANCE OR PROPERTY THAT SMALL

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LABORER OWNS AT THAT POINT, WHICH IS ALREADY HIGHLY INDEBTED BECAUSE HE BORROWED THE MONEY TO DO IT... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR BLOOMFIELD: ...ISN'T GOING TO TAKE CARE OF THAT ISSUE. IT'S GOING TO COME BACK ON THE CITY OF OMAHA, THE CITY OF LINCOLN, ALL OF OUR SMALL TOWNS, OR ANY OF OUR SMALL TOWNS, THAT HAPPEN TO RUN INTO THAT PROBLEM, MUCH AS IT HAS, AT THIS POINT, THE CITY OF DES MOINES, TO BEAR THE EXPENSE OF TRYING TO CLEAN THAT WATER UP SO PEOPLE CAN USE IT. SO, COLLEAGUES, THINK CAREFULLY WHEN YOU VOTE ON THIS AGAIN. IT'S NOT JUST THE PEOPLE RAISING THE HOGS YOU HAVE TO BE CONCERNED WITH. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB176]

SENATOR KOLTERMAN: THANK YOU, MR. LIEUTENANT GOVERNOR. COLLEAGUES, I'D LIKE TO ADDRESS A COUPLE OF ISSUES HERE THAT I'VE HEARD THIS MORNING. AND I WANT YOU TO KNOW THIS IS A PERSONAL ISSUE FOR ME. IT'S NOT EASY TO TALK ABOUT THIS, BUT THE REALITY IS BIG BUSINESS IS COMING AND BIG BUSINESS IS HERE, AND WE NEED TO BE AWAKE AND AWARE OF THAT. EIGHTY-FIVE YEARS AGO, MY GRANDFATHER STARTED A BEN FRANKLIN STORE IN SEWARD, NEBRASKA, AND IT WAS IN THE FAMILY FOR EIGHTY-FIVE YEARS. AND AS SENATOR McCOY SAID EARLIER, THOSE PEOPLE, MY GRANDFATHER, MY FATHER, AND THEN MY BROTHER GAVE A LOT BACK TO THE COMMUNITY, JUST LIKE THE SMALL GROCERS AND ALL THE OTHER SMALL BUSINESSES IN THE COMMUNITIES. BUT I'VE WATCHED AND I ACTUALLY FOUGHT, WHEN WALMART WANTED TO BUILD A SUPERSTORE IN SEWARD, TO TRY AND STOP THAT. BUT YOU CAN'T STOP PROGRESS. IN THE END, THEY CREATE SOME GOOD JOBS. THEY CREATE A LOT OF SALES IN OUR COMMUNITY. AND THEY'RE THERE. NOW WE'RE HEARING ABOUT SMITHFIELD AND HOW THEY'RE NOT GOOD FOR US; THEY'RE NOT CORPORATE-FRIENDLY PARTNERS; THEY'RE OWNED BY THE CHINESE. I DON'T BELIEVE THAT FOR A MINUTE. THEY'RE OWNED BY SHAREHOLDERS. MANY OF US ARE SHAREHOLDERS WITH THAT SAME COMPANY, EITHER THROUGH OUR 401(k)s, OUR RETIREMENT PLANS; THEY'RE THERE. SMALL BUSINESSES HAVE BEEN HAMMERED IN SMALL COMMUNITIES BY THE LIKES OF WALMART. BUT THE REALITY IS, THEY'RE HERE. SHOULD WE BE BITTER ABOUT THAT? I HEAR A LOT OF BITTERNESS. WE'RE

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GOING TO PUT THE SMALL PEOPLE OUT OF BUSINESS. IN MANY CASES, WE ALREADY HAVE. BUT WE'VE GOT ONE OF THE STRONGEST ECONOMIES IN THE WORLD RIGHT NOW. I DON'T LIKE IT, BUT IT'S REAL. IF ANYBODY SHOULD BE AGAINST THIS BILL, IT SHOULD BE ME. I'VE WATCHED THEM DESTROY A FAMILY HERITAGE THAT EXISTED FOR 85 YEARS. DOES IT SCARE ME A LITTLE BIT? OF COURSE IT DOES. IT'S A CHANGE. ON THE OTHER HAND, WE LIVE IN A FREE-MARKET SYSTEM AND WE NEED TO CONTINUE TO FOLLOW THE FREE-MARKET SYSTEM THAT EXISTS IN THIS COUNTRY. I SUPPORT LB176 AND I WOULD ENCOURAGE YOU TO DO ALSO. WITH THAT, I'LL YIELD THE REST OF MY TIME TO SENATOR SCHILZ. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR SCHILZ, 2:00. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. TO ANSWER SENATOR McCOY'S QUESTION, IT IS SMITHFIELD, HORMEL, AND TYSON THAT ARE THE THREE PACKERS THAT ARE HERE, AND I THINK WE SHOULD REMEMBER THAT, IS THAT SMITHFIELD IS HERE IN OUR STATE. THEY WERE HERE BEFORE AND THEY'VE DONE BUSINESS. THEY'RE HERE NOW DOING BUSINESS. AND THEY ARE PART OF OUR NEBRASKA BUSINESS COMMUNITY. SO I THINK THAT SHOULD SPEAK FOR ITSELF. FOLKS, WITHOUT THE PACKERS, WITHOUT THESE PROCESSORS THERE TO BUY THE HOGS IN WHATEVER MANNER THEY WILL, IF THEY'RE NOT THERE THEN THE PRODUCERS WON'T BE THERE EITHER. OVER TIME, SINCE 1997, WE'VE LOST 63 PERCENT OF OUR HOG FARMS. AND, YES, THEY'VE GOTTEN BIGGER OVER TIME. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SCHILZ: BUT ON THE OTHER SIDE, AS THEY'VE GOTTEN BIGGER THERE'S OPENED UP NEW OPPORTUNITIES FOR SMALLER PRODUCERS THAT ARE WILLING TO LOOK AT THE MARKET IN A DIFFERENT WAY. SOMETIMES THAT'S WHAT IT TAKES IS INGENUITY TO BE SUCCESSFUL. DO NOT BE AFRAID OF CHANGE, FOLKS. AND DON'T BE AFRAID OF HOGS. HOGS AREN'T EVIL. THEY'RE NOT. AND TO SENATOR SCHNOOR'S POINT, ABSOLUTELY IT SHOULD BE THE LANDOWNER THAT'S RESPONSIBLE FOR THE ENVIRONMENTAL STUFF. AND IF IT FELL BACK ON THE OWNERS OF THE LIVESTOCK, HIS FEEDYARD WOULDN'T HAVE ANY CATTLE IN IT, BECAUSE IT IS ABOUT THAT STEWARDSHIP THAT THAT PERSON THAT OWNS THAT LAND TAKES CARE OF, AND THEY SHOULD. LOCAL CONTROL IS WHAT KEEPS THE ENVIRONMENT...PRIDE OF OWNERSHIP IS WHAT

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KEEPS OUR ENVIRONMENT SAFER. AND DON'T EVER UNDERESTIMATE THE POWER OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY. [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR SCHILZ: THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SPEAKER HADLEY, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LB176]

SPEAKER HADLEY: YES, THANK YOU, MR. PRESIDENT. MEMBERS, I WOULD LIKE TO GIVE YOU AN UPDATE OF HOW WE'RE GOING TO PROCEED TODAY. RIGHT NOW, WE ARE SCHEDULED, IF WE WORK STRAIGHT THROUGH, TO HAVE A CLOTURE VOTE ON LB176 ABOUT 1:20, 1:21 IN THE AFTERNOON. AND AS YOU KNOW, IN THE EVENING MEALS, WE'VE WORKED. WE CONTINUE TO WORK WHILE WE'VE HAD THE MEALS AND NOT STAND AT EASE, AND SO I AM GOING TO DO THAT TODAY. WE WILL HAVE A LUNCH SERVED. IT WILL START A LITTLE BIT BEFORE 12:00 AND GO BASICALLY UNTIL 1:00. BUT WE WILL CONTINUE TO DEBATE ON THE FLOOR, AS WE DO IN EVENING SESSIONS, WHICH ALLOWS US TO GET THE FOUR HOURS OF DEBATE IN. SO, AGAIN, THE CLOTURE VOTE WILL BE AT 1:21. THEN WE'LL CONTINUE WITH THE SCHEDULE. AT 1:30 WE WILL HAVE THE VETO OVERRIDE AND I BELIEVE THAT WILL CLEAR UP OUR SCHEDULE HERE. AND WE WILL COME BACK TO THE CONFIRMATION HEARINGS AT THAT POINT IN TIME. IF ANYBODY HAS ANY QUESTIONS ABOUT THAT SCHEDULING, PLEASE SEE ME. I'D BE HAPPY TO ANSWER THEM. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I TOOK THE LIBERTY THIS MORNING OF PULLING UP A LOBBYING RECORD FOR THE CHINESE GOVERNMENT, WHICH IS ALSO KNOWN AS SMITHFIELD FOODS, AND WHAT THEY'RE PAYING THE LOBBYING FIRM FOR THE SERVICES THAT ARE BEING PROVIDED. SO IT'S \$5,000 A MONTH. THAT'S WHAT...THAT'S WHAT'S BOUGHT AND PAID FOR IN HERE, COLLEAGUES, \$5,000 A MONTH TO CHANGE NEBRASKA'S INDUSTRY...AGRICULTURAL INDUSTRY FOREVER. IS IT REALLY WORTH IT? IS IT REALLY WORTH IT TO OUR NEBRASKA FAMILIES TO SELL THEM OUT THAT WAY? BECAUSE THAT'S WHAT WE'RE DOING WITH LB176. WE'VE GOT A COUPLE OF CHOICES. I THINK WE LAID THOSE OUT YESTERDAY. BUT IF WE ARE GOING TO

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HAVE CONTRACT HOGS IN THIS STATE, WE'RE GOING TO DRIVE OUT ALL THE INDEPENDENT FOLKS IN A MATTER OF A FEW YEARS. AND EVERYBODY IS GOING TO BE TIED TO SMITHFIELD FOODS, THE CHINESE GOVERNMENT ONE WAY OR THE OTHER. IT'S A CLEAR POLICY CHOICE THAT WE HAVE TO MAKE IN HERE. AND I WISH THAT PEOPLE WOULD LISTEN TO THE DEBATE RATHER THAN STAND AROUND VISITING, BECAUSE I THINK IT'S A VERY IMPORTANT DISCUSSION. SO WE HEARD IT'S GOING TO BE GOOD FOR RURAL NEBRASKA AND IT'S GOING TO BE GOOD FOR JOBS. AND YOU KNOW, I'VE BEEN THINKING A LITTLE BIT, WORKING WITH SOME FOLKS OUTSIDE, TALKING ABOUT THE NUMBERS. THINK ABOUT THE JOBS THAT ARE GOING TO BE CREATED. WE HEAR ABOUT THAT. WELL, LET'S SEE, IF WE HAD A HOG OUTFIT THAT COULD HANDLE 25,000 HOGS AND TURN IT TWICE, THAT'S 50,000 A YEAR. SO IF WE HAD A MILLION HOGS, HOW MANY WOULD THAT BE? THAT'S A LOT OF HOGS. REMEMBER THE FIGURES I GAVE YESTERDAY. SMITHFIELD IS NUMBER ONE WITH 887,000 SOWS. SO IF WE COULD RAISE A MILLION HOGS IN THIS STATE, WE'RE PROBABLY ONLY GOING TO ADD MAYBE 50 TO 100 JOBS, AND HALF OF THOSE JOBS ARE GOING TO BE PEOPLE THAT ARE ALREADY THERE ON THE FARM, ON THE RANCH. THERE ARE OTHER WAYS WE CAN REVITALIZE RURAL NEBRASKA AND THERE ARE OTHER WAYS WE SHOULD LOOK AT. BUT GOING DOWN THE CORPORATE AGRICULTURAL PATH IS NOT WHAT WE WANT TO DO. AND YOU KNOW THAT EVERYONE WHO'S IN THE LIVESTOCK BUSINESS IN HERE, IN THE CATTLE BUSINESS IS CONCERNED ABOUT THIS BILL, BECAUSE THIS IS THE NOSE UNDER THE TENT. YOU'VE HEARD US SAY THAT OVER AND OVER AGAIN. AND MAYBE YOU DON'T CARE ABOUT RURAL NEBRASKA, BUT I DO. IT'S WHERE I CAME FROM. IT'S WHERE I LIVE. IT'S WHAT MY ROOTS ARE. WE'VE HAD A LOT OF CHANGES IN 30 YEARS AND WE'RE GOING HAVE MORE. BUT IF WE GO THIS ROUTE, WE'RE GOING TO FOLLOW RIGHT IN THE FOOTSTEPS OF THE CHICKEN INDUSTRY THAT PRECEDED THE HOG INDUSTRY IN TERMS OF THE COMMERCIALIZATION OF THE INDUSTRY AND PACKER CONTROL. NEBRASKA IS THE LAST STATE THAT'S REALLY GOT A MARKET SYSTEM BECAUSE OF THE BILL THAT WE HAVE, BECAUSE OF THE LAW IN PLACE, THE LAST STATE. AND EVEN WITH THAT, ONLY A VERY FEW DEALS, NATIONALLY, ARE DONE IN ANY OTHER WAY THAN YOU ACCEPT THE PRICE I'M GOING TO PAY YOU. AND THAT'S WHAT THIS IS GOING TO BE. THIS IS THE PRICE WE'RE PAYING. WE'LL SIGN THE CONTRACT. YOU GO BORROW THE MONEY FOR THE BUILDING. YOU PUT THE BUILDING UP. OVER THE COURSE OF TEN YEARS, IT WILL BE PAID BACK, BUT YOU BETTER BE WILLING TO DO WHAT WE TELL YOU TO DO OR WE'RE GOING TO YANK THAT CONTRACT AWAY FROM YOU. I TALKED ABOUT THE CHICKEN INDUSTRY YESTERDAY. I THINK THAT'S A MODEL WE DON'T REALLY, DEFINITELY, WANT TO GO DOWN. IF YOU TAKE A LOOK AT THE MAPS THAT HAVE

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BEEN HANDED OUT, YOU CAN SEE THAT NORTH CAROLINA IS STILL THE LARGEST CENTER OF HOG RAISING IN THE COUNTRY, IOWA IS NEXT. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. THE IOWA AREA IS NEXT. EVERY STATE IS GOING TO HAVE SOMETHING IT EXCELS IN. NEBRASKA, WE EXCEL IN CATTLE FEEDING AND THE CATTLE INDUSTRY. AND YOU KNOW, WE'VE DONE THAT WITHOUT PACKER CONTROL. ISN'T THAT AMAZING? WE'VE BECOME THE NUMBER ONE STATE IN CATTLE WITHOUT PACKER CONTROL. SO WHY IS THAT SUCH AN ESSENTIAL ELEMENT OF THIS WHOLE PICTURE? I ALSO TALKED YESTERDAY ABOUT PROPERTY TAXES. YOU KNOW, WE'VE GOT A HUGE PROPERTY TAX PROBLEM. MAYBE THAT'S ONE OF THE REASONS WE'RE NOT SEEING DEVELOPMENT, BECAUSE IT'S JUST TOO CAPITAL INTENSIVE AND PEOPLE DON'T WANT TO PAY THE PROPERTY TAXES BECAUSE, AFTER ALL, WE'RE IN A COMPETITIVE MARKET WITH EVERY OTHER STATE IN THE COUNTRY. SO, COLLEAGUES, REMEMBER THAT \$20,000 PAYMENT PER...\$5,000 PER MONTH TIMES 12, \$60,000 PAYMENT. WE'RE SELLING OURSELVES OUT FOR \$60,000 TO THE CHINESE GOVERNMENT. I DON'T THINK IT'S GOOD PUBLIC POLICY. I URGE YOU TO VOTE AGAINST THE BILL. THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. SENATOR SCHILZ, YOU'RE RECOGNIZED. THIS IS YOUR THIRD OPPORTUNITY, SENATOR. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. YOU KNOW, LIKE I WAS SAYING BEFORE, THIS BILL IS SET UP TO MAKE SURE THAT THE HOGS ARE THE ONLY THING THAT THE PACKERS CAN OWN. OUR LANDOWNERS WILL STILL OWN THE LAND. OUR LANDOWNERS WILL STILL OWN THE FACILITIES. AND THOSE CONTRACTS, AS THEY'RE SET UP, IF FOLKS DO THEM RIGHT--AND THIS IS THEIR RESPONSIBILITY, THEIR DUTY AS BUSINESS PEOPLE--THEY MAKE THESE THINGS WORK ALL THE TIME. LET'S TALK ABOUT OUR BROADER NEBRASKA INDUSTRIES AND BROADER NEBRASKA COMMUNITY, WHETHER IT'S TYSON, HORMEL, OR SMITHFIELD. ALL THREE OF THOSE ARE HERE IN THE STATE. WE'VE ONLY BEEN TALKING ABOUT ONE. SO SAY WHAT YOU WILL ABOUT IT. LISTEN TO THE OPPONENTS AS THEY SENSATIONALIZE EVERYTHING WE'RE TALKING ABOUT. BUT SIT DOWN AND JUST THINK ABOUT WHAT THIS ACTUALLY DOES. WHAT IT DOES IS IT GIVES PEOPLE THE OPPORTUNITY TO MARKET THEIR ANIMALS...OR TO MARKET ANIMALS IN A DIFFERENT MANNER THAN THEY DID BEFORE. IT GIVES PEOPLE THE OPPORTUNITY TO CONTRACT WITH A PACKER. OF COURSE,

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THEY CAN CONTRACT WITH A PRODUCER RIGHT NOW. OR, IF THAT PACKER ISN'T IN NEBRASKA, ACCORDING TO THE LAW, TO WHAT WE UNDERSTAND, THEY COULD CONTRACT WITH FOLKS RIGHT NOW. IF YOU SLAUGHTER LESS THAN 150,000 HEAD A YEAR, WHETHER IT'S HOGS, CATTLE, SHEEP, OR WHATEVER, YOU CAN CONTRACT, HAVE PRODUCTION CONTRACTS TODAY IN THE STATE OF NEBRASKA. NOW LET'S ASK THIS: WHY IS IT OKAY FOR A PACKER THAT HAS 150,000 HEAD, LESS, TO BE ABLE TO CONTRACT AND ONE THAT DOES MORE THAN THAT PER YEAR CAN'T CONTRACT? WHAT'S THE RATIONALE BEHIND THAT? LET'S EVEN THE PLAYING FIELD, FOLKS. LET'S THINK ABOUT THAT FOR A SECOND. IF YOU'RE A BUSINESS IN NEBRASKA, SHOULD THE STATE TELL YOU...SHOULD THE STATE, AS SENATOR BLOOMFIELD SAYS, BE PICKING WINNERS AND LOSERS IN THAT RESPECT? GO LOOK AT THE COURT CASES WHERE THAT'S THE CASE. YOU'LL SEE THOSE CASES GO TO THE WAYSIDE WITH EQUAL PROTECTION. FOLKS, THE STATE OF NEBRASKA GOT THEMSELVES IN A QUANDARY WHEN THEY PUT LB835 IN PLACE IN 1998. CHANCES ARE THEY WOULD HAVE BEEN BETTER OFF TO STAY SILENT. BUT THE STATE OF NEBRASKA AND THE LEGISLATURE DID NOT STAY SILENT. THEY PUT THIS POLICY OUT THERE TO ALLOW CERTAIN PACKERS TO CONTRACT, OTHER PRODUCERS TO CONTRACT WITH PRODUCERS, BUT SOME, BUT SOME PROCESSORS WEREN'T ALLOWED AND ARE NOT ALLOWED TODAY TO DO THAT. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SCHILZ: GO AROUND AND ASK ANY OF THE ATTORNEYS THAT YOU KNOW, EITHER IN THIS ROOM OR OUTSIDE OF THIS ROOM, AND ASK HOW THEY THINK THAT WOULD STAND UP IN COURT. FOLKS, I'M JUST READING AN ARTICLE RIGHT NOW CALLED "GOING GLOBAL." THEY TALKED TO GREG IBACH WHO SAYS THEY TRAVEL ALL OVER THE WORLD TO DO TRADE MISSIONS BECAUSE NEBRASKA IS AN EXPORT STATE. WITH 1.8 MILLION PEOPLE, WE CAN'T EAT ALL THAT WE RAISE. WE NEED THOSE EXPORTS. THOSE EXPORTS ARE GOOD FOR BUSINESS IN NEBRASKA, GOOD FOR NEBRASKANS. SO I BELIEVE IN LB176. SENATOR BLOOMFIELD'S AMENDMENT... [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR SCHILZ: THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. (VISITORS INTRODUCED.)
SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB176]

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SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. IF YOU'RE A HOG FEEDER, YOU CAN STILL RAISE HOGS EVEN WITH THIS BILL IN PLACE. BUT WHAT I WANT TO REMIND EVERYBODY IS WHERE ARE YOU GOING TO SELL THEM? SENATOR SCHILZ TALKED ABOUT PRODUCTION CONTRACTS. THE...IT IS ALREADY DIFFICULT FOR AN INDEPENDENT PRODUCER TO RAISE HOGS AND SELL THEM. ACTUALLY, RAISING THEM IS NOT THE ISSUE. IT'S SELLING THEM. AND THIS WILL JUST MAKE IT WORSE. IN FACT, IT WILL MAKE THE ABILITY TO SELL THEM TO A PACKER VIRTUALLY DISAPPEAR. YES, ARE THERE MORE PACKERS THAN SMITHFIELD? YES, THERE ARE. THERE'S TYSON, HORMEL. BUT I GUESS I WANT TO REMIND EVERYBODY IS WHO DO YOU LISTEN TO? WHO ARE YOU VOTING FOR? ARE YOU VOTING FOR THE LOBBYISTS OR ARE YOU VOTING FOR THE PEOPLE? ARE YOU VOTING FOR BIG CORPORATION OR ARE YOU VOTING FOR THE PEOPLE? BECAUSE YOU GOT TO REMEMBER, IT'S THE PEOPLE THAT BUILT THIS COUNTRY. AND THEN ARE YOU GOING TO LISTEN TO SOMEBODY THAT HAS FIRSTHAND EXPERIENCE OR SOMEBODY THAT READ THE MANUAL AND THINKS THEY KNOW EVERYTHING? I'VE TALKED TO MANY HOG PRODUCERS IN MY AREA, AND OF ALL OF THEM THAT I'VE TALKED TO THERE IS ONLY ONE PERSON THAT IS IN FAVOR OF THIS. EVERYBODY ELSE IS AGAINST IT. ONE PRODUCER SAYS WE DON'T NEED ANY MORE COMPETITION. OTHER PRODUCERS SAID THEY WILL GO OUT OF BUSINESS. THEY WILL BE FORCED TO SHUT DOWN. THEY WILL LOSE...I WON'T SAY LOSE EVERYTHING, BUT THEY'LL JUST HAVE TO QUIT. THEIR HOG BARNS WILL STAND EMPTY BECAUSE THEY'LL HAVE NOWHERE TO SELL THEIR HOGS. AND THEY HAVE NO INTENTIONS OF SIGNING CONTRACTS FOR LONG TERMS WITH THESE...WITH THE PACKER. SO THAT'S THE REALITY OF IT IN MY AREA. SO THIS IS A NO-BRAINER DECISION FOR ME TO VOTE AGAINST THIS. I KNOW THIS IS DIFFICULT FOR A LOT OF PEOPLE. BUT I JUST ASK YOU, WHO ARE YOU LISTENING TO AND WHO ARE YOU VOTING FOR? [LB176]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. WE'RE PUT HERE BY THE PEOPLE OF THIS STATE, YOU KNOW, MOST THROUGH ELECTIONS, MYSELF THROUGH A DIFFERENT AVENUE. BUT NONETHELESS, I'M HERE TO VOTE FOR THE PEOPLE. SO HOWEVER YOU GOT HERE, WHETHER YOU WON BY ONE VOTE OR SEVERAL THOUSAND, IT DOESN'T MATTER. YOU'RE STILL HERE AND YOU HAVE A DECISION TO MAKE. BUT WE'RE ALL VOTING OR SUPPOSED TO VOTE FOR THE PEOPLE. AND I DON'T KNOW IF THAT HAPPENS ALL THE TIME. OBVIOUSLY,

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THERE'S A HUGE INFLUENCE BACK BEHIND THE GLASS DOORS. SO LISTEN TO THE PEOPLE AND NOT THE LOBBYISTS. THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR SCHNOOR. SENATOR GROENE, YOU'RE RECOGNIZED. [LB176]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. COULDN'T HAVE SAID IT BETTER THAN SENATOR SCHNOOR. YOU KNOW, I'VE HEARD STORIES, MY FAMILY'S STORY, SOME OTHER SENATOR MENTIONED NOW GROWING UP ON THE FARM, HOGS WERE THE MORTGAGE MAKER AND STARTED FROM NOTHING. BECAUSE, SEE, HOGS YOU CAN GET INTO QUICKLY AND HAVE A CASH FLOW PRETTY QUICK WITH HOGS. CATTLE IS A LITTLE DIFFERENT STORY. THAT STILL EXISTS. I'VE HEARD, WELL, THOSE DAYS ARE OVER. NO. NO, I KNOW SOME YOUNG FARMERS WORKING WITH THEIR DADS IN SMALLER COMMUNITIES AND SMALLER FARM OPERATIONS THAT THEY'VE GOT A FEW HOGS, A FEW HEAD OF CATTLE AND THEY MAKE A LITTLE EXTRA SPENDING MONEY, ENOUGH TO SUPPLEMENT THE FARM INCOME THAT THEIR DAD CAN AFFORD TO HELP THEM STAY ON THE FARM. IT STILL EXISTS. DOESN'T TAKE 4,000 HEAD TO DO IT. TAKES THE PRIDE OF HARD WORK AND THE ABILITY THAT THEY'RE YOUR ANIMALS, YOUR HOGS, YOUR PROPERTY. THIS WILL KILL THAT AMERICAN DREAM. THIS IS A MAJOR BILL. THIS IS MAJOR HOW IT WILL AFFECT THE LIVESTOCK INDUSTRY IN NEBRASKA OVER THE NEXT DECADES. THIS IS JUST NOT A MINOR THING, BECAUSE YOU'RE TALKING ABOUT THE END USER, NOT THE END USER BUT THE END PROCESSOR DECIDING WHERE HE ACQUIRES HIS RAW MATERIAL. I WAS JUST READING AGAIN, BECAUSE WHEN I WENT TO THE HOG PRODUCERS DINNER I SAT WITH SOME HOG PRODUCERS AND THEY WERE SMALLER OPERATORS, AND THEY COULDN'T UNDERSTAND WHY THEIR ASSOCIATION SUPPORTED THIS BILL. BUT OF COURSE, LIKE ALL ASSOCIATIONS, THEY'RE DOMINATED BY THE THREE OR FOUR BIGGEST PRODUCERS BECAUSE THEY GIVE THE MOST MONEY AND HAVE THE MOST INFLUENCE. BUT THE LITTLE GUY COULDN'T FIGURE OUT WHY THEY DID THIS. I COULDN'T EITHER, SITTING, TALKING TO THEM. THEN ONE OF THE PRODUCERS SAID, YOU KNOW, THE BIGGEST DROP IN PRICE IN HOGS RIGHT NOW IS THE LONGSHOREMAN STRIKE IN CALIFORNIA; THEY CAN'T GET THE FRESH PRODUCE AND THE MEATS SHIPPED TO CHINA AND ACROSS THE SEA, SO THERE'S A BACKUP OF PRODUCTION AND AT THE PLANTS. SO NOW YOU TELL ME, IF SMITHFIELD OWNED 50-60-70 PERCENT OF THEIR PRODUCTION AND A SLOWDOWN CAME, DO YOU REALLY THINK THEY'D BUY ANY HOGS IN THE OPEN MARKET OR WOULD THEY JUST PULL OFF OF THEIR PRODUCER THAT THEY OWN, THE PRODUCTION THAT THEY OWN? WHAT WOULD THE 30 PERCENT OF THE INDEPENDENT OPERATORS, WHAT WOULD THEY DO WITH THEIR ANIMALS?

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SMITHFIELD WOULDN'T NEED IT TO KEEP THEIR PLANTS RUNNING AT THE LEVEL THAT THEY NEEDED BECAUSE OF THE BACKUP OF SHIPMENTS. YOU TALK ABOUT PRODUCERS GOING OUT OF BUSINESS. ONE CRISIS LIKE THAT WILL PUT AN END TO THE INDEPENDENT PRODUCERS THAT ARE STILL OUT THERE. AND SENATOR SCHNOOR MADE A GOOD POINT, THAT AMERICAN INDEPENDENCE, THAT AMERICAN FREE-MARKET SPIRIT, THERE ARE SOME FOLKS OUT THERE JUST WILL NOT WORK FOR SOMEBODY ELSE. THEY WANT TO RAISE THEIR OWN. THEY WANT TO HAVE A MARKET FOR THEIR OWN. THIS BILL IS UNNECESSARY. IT'S COMING FROM ONE INDUSTRY. AND WHY WOULD THEY DO IT? THEY WANT TO ELIMINATE ONE MARGIN. YOU THINK THIS IS GOING TO HELP SMALL COMMUNITIES? IT LIMITS THE COST TO THE PACKER. WHERE DOES HE...HE'S A BUSINESSMAN. HE'S DOING THIS SO HE CAN LIMIT HIS COST. WHERE DOES HE LIMIT HIS COST? IT'S THAT MARGIN THAT THAT FAMILY FARMER MAKES WHERE HE SPENDS IT IN HIS COMMUNITY, HE EXPANDS HIS OPERATION, HE KEEPS HIS SON HOME FARMING. THERE'S A REASON. IT'S NOT BECAUSE OF ADEQUATE SUPPLY. THE SUPPLY IS THERE. IT'S CALLED SUPPLY AND DEMAND. LIKE I SAID,... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR GROENE: ...HOGS CAN REACT QUICKLY TO DEMAND AND THEY CAN BACK OFF QUICKLY. THEY HAVE LIKE A...YOU CAN GET AT LEAST TWO, I BELIEVE EVEN THREE IF YOU PUSH IT HARD, LITTERS A YEAR. AND YOU DON'T...NOT LIKE A COW, WHERE YOU GET ONE CALF OR TWINS. YOU GET 9, 10, 11 OF THEM AT A TIME. IT'S A QUICKLY REACTING MARKET. BUT WHEN SMITHFIELD DECIDES I DON'T NEED PRODUCTION, GOING TO SHUT DOWN HERE OVER THE HOLIDAYS AND SLOW SHIFTS, GUESS WHO IS TOLD, WE DON'T NEED YOUR ANIMALS, WE'VE GOT ENOUGH? AND YOU DON'T THINK THAT'S WHAT THIS IS ALL ABOUT? IT WILL STRANGLE THE INDEPENDENT PRODUCER IN NEBRASKA. THANK YOU, SENATOR. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB176]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I DON'T THINK THAT I'VE BEEN SENSATIONALIZING ANYTHING OR DEMONIZING ANYONE OR ANYTHING. IN MY MIND, IT'S SIMPLY ABOUT CONTROL. BUT IT'S ALSO ABOUT A FEW OTHER THINGS. WHEN THERE WAS DISCUSSION ABOUT THE ENVIRONMENTAL IMPACT POTENTIAL, THERE IS NO FISCAL NOTE THAT

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ACCOMPANIES THIS BILL. BUT IF WHAT WE'RE TALKING ABOUT IS A SUBSTANTIAL INCREASE IN THE NUMBER OF HOGS PRODUCED IN THIS STATE, I THINK THERE PERHAPS SHOULD BE SOME CONSIDERATION, BECAUSE WHERE WILL THE RESOURCES AND THE FINANCIAL SUPPORT COME FOR DEQ TO PROVIDE ADDITIONAL OVERSIGHT AND ALSO INSPECTION OF THESE FACILITIES? DOES DEQ CURRENTLY HAVE THE CAPACITY TO DO THAT? AND I THINK IT'S IMPORTANT TO SEE WHAT MIGHT ALREADY IN SOME CIRCUMSTANCES BE HAPPENING AT THE LOCAL LEVEL. FORTUNATELY, THE MAJORITY OF NEBRASKA COUNTIES ARE ZONED, AND SO WE HAVE LOCAL RESIDENTS HAVING A SAY IN THE PLACEMENT OF SOME OF THESE HOG UNITS. ONE COUNTY ISN'T, THOUGH-- PLATTE COUNTY. AND THE LITTLE TOWN OF HUMPHREY, POPULATION 800 PEOPLE, WERE UNDER ADMINISTRATIVE ORDER FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES BECAUSE OF HIGH LEVELS OF SELENIUM IN THEIR DRINKING WATER, AND THEY HAD TO FIND A NEW WELL. THEY ACTUALLY HAD TO DIG A NEW WELL EAST OF THE COMMUNITY. BUT NOW THAT CRITICAL SOURCE OF WATER FOR THE CITY OF HUMPHREY IS NOW BEING THREATENED BY THE PROPOSED BUILDING OF THE 24,000-HEAD HOG CONFINEMENT FACILITY AND THE USE OF A 43-YEAR-OLD LAGOON TO CONTAIN ITS WASTE. THE OPERATION IS ADJACENT TO THE CITY WELL AND ALSO FALLS WITHIN THE WELL HEAD PROTECTION AREA BOUNDARY OUTLINED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY MAP FOR 2012. SO IN AN UNZONED COUNTY, THIS IS WHAT'S HAPPENING TO THAT COMMUNITY. SOME OF THE PORK PRODUCERS IN HUMPHREY ARE ALSO CONCERNED ABOUT WHAT MIGHT BE HAPPENING WITH SOME OF THE LARGER UNITS THERE. THEY'RE CONCERNED ABOUT A VIRUS CALLED PORCINE EPIDEMIC DIARRHEA. IT'S A VIRUS THAT'S REPORTEDLY TRANSMITTED VIA THE FECAL-ORAL ROUTE. THEY'VE SEEN AS MANY AS 36 TRUCK TRAILERS AT ONE TIME FROM A MULTISTATE AREA AT A TRUCK WASH FACILITY TO BE SANITIZED TO PROTECT THE OPERATIONS FROM THE SPREAD OF THIS DISEASE. HOWEVER, THE EFFLUENT, OR THE MANURE, WHICH COULD CONTAIN THIS VIRUS IS THEN SPREAD OPENLY THROUGH THE CENTER PIVOT FOR FLIES, BIRDS, OR OTHER RODENTS TO CARRY AND POSSIBLY INFECT LOCAL PRODUCER OPERATIONS. SO TO ALL OF YOU WHO ARE CONCERNED ABOUT THE ENVIRONMENT, YOU NEED TO BE CONCERNED ABOUT THIS BILL AS WELL. BUT, PLEASE, DON'T HOLD US HOSTAGE WITH THIS BILL. WE NEED THE GROWTH BUT GROWTH AT WHAT COST? THE INTRODUCER SAID, WELL, IT'S GOOD FOR HOGS BUT, NO, WE DON'T WANT IT FOR CATTLE. AND YOU GOT TO GO WITH THE FLOW. THIS IS WHAT THE MARKET IS TELLING YOU TO DO. YOU REALLY, WITHOUT HIM ACTUALLY SAYING IT, HAVE NO CHOICE. HE'S ALSO SAID THAT, ALL RIGHT, WE'LL TRY TO MAKE THIS BILL BETTER BETWEEN GENERAL AND SELECT FILE. I'LL BE WORKING ON SOME THINGS. WELL, I'VE NOT

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SEEN ANY AMENDMENTS FILED BY THE INTRODUCER. SO IT LEAVES ME WONDERING HOW COMMITTED HE IS TO MAKING THIS BILL BETTER OR IF HE'S SIMPLY JUST DUG IN AND WANTING IT TO GET IT PASSED. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR SULLIVAN: AND DON'T THINK THAT I AM STUCK ON THIS IDYLIC VERSION OF WHAT THE FAMILY FARM USED TO BE. I REALIZE, AS MUCH AS ANYONE, THAT AGRICULTURE AND FARMING NEEDS TO CHANGE IN TODAY'S WORLD. BUT--I FALL BACK ON THIS SO MANY TIMES--OWNERSHIP MEANS SOMETHING. IT MEANS SOMETHING TO THOSE OF US WHO HAVE SEEN LAND BE IN OUR FAMILIES FOR MULTIPLE GENERATIONS. AND WHEN YOU TAKE A PIECE OF THAT PRODUCTION AWAY, THAT OWNERSHIP AWAY, THAT CHANGED THE DYNAMICS OF EVERYTHING. AND THAT'S WHAT THIS IS ALL ABOUT. WE ARE TAKING A PORTION OF THAT CONTROL AWAY. AND THAT LEAVES US VULNERABLE. AND THAT'S WHY LB176 IS NOT A GOOD THING. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. (VISITORS INTRODUCED.) SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I BELIEVE JUST BEFORE SENATOR SCHILZ RAN OUT OF TIME, HE WAS ABOUT TO GIVE AM1636 A RINGING ENDORSEMENT. SO I WONDER IF SENATOR SCHILZ WOULD YIELD TO A QUESTION. [LB176]

SPEAKER HADLEY: SENATOR SCHILZ, WILL YOU YIELD TO A QUESTION? [LB176]

SENATOR SCHILZ: YES, I WOULD. [LB176]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. SENATOR, DO YOU CONSIDER AM1636 A HOSTILE AMENDMENT TO YOUR BILL? [LB176]

SENATOR SCHILZ: WELL, I WILL SAY THIS. IF YOU TAKE THE TERM "SWINE OPERATION" AND INSERT THAT IN EVERY PLACE WHERE "LIVESTOCK OPERATION" IS, THEN IT WOULD PROBABLY WOULD NOT BE A PROBLEM. UNFORTUNATELY, WHAT HAS HAPPENED IS YOU'VE ONLY CHANGED IT IN ONE

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SPOT. AND WHEN YOU DO THAT, "SWINE OPERATION" COMPARED TO "LIVESTOCK OPERATION" WILL CONFUSE THE WHOLE BILL. SO WE NEED...IF THIS AMENDMENT IS ADOPTED, THEN WE'LL HAVE TO GO BACK AND DO FURTHER AMENDMENTS TO FIX THAT THROUGHOUT THE BILL. [LB176]

SENATOR BLOOMFIELD: WELL, I THINK WHAT YOU TOLD ME OFF THE MIKE WAS THAT WE REALLY SHOULD DO IT THROUGHOUT THE BILL. SO WOULD YOU AGREE TO LET'S GET THIS PASSED AND I'LL DRAW UP ANOTHER AMENDMENT TO CHANGE IT THROUGHOUT THE BILL? [LB176]

SENATOR SCHILZ: I'LL AGREE TO SEE WHERE THE VOTE COMES OUT. I WORK WITH PEOPLE THAT WORK WITH ME. LET ME PUT IT THAT WAY. [LB176]

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR. COLLEAGUES, THIS IS NOT A HOSTILE AMENDMENT. MAYBE I DIDN'T GO FAR ENOUGH IN IT. WE STILL HAVE TIME TO FIX THAT. BUT LET'S START THE PROCESS HERE. THIS IS AN ATTEMPT TO MAKE THE BILL BETTER, MORE CLEAR, AND TO GET US ON DOWN THE ROAD. YOU KNOW, WE'VE...SENATOR SCHILZ COMMENTED ON LOCAL CONTROL. AND WITH THE LARGEST PACKER WE'RE DEALING WITH HERE BEING CONTROLLED BY CHINA, I DON'T CONSIDER BEIJING TO BE LOCAL. THIS AMENDMENT NEEDS TO HAPPEN TO THIS BILL, BUT I WILL STILL NOT SUPPORT THE BILL. LET ME BE PERFECTLY CLEAR ON THAT. SENATOR CHAMBERS HAS TOLD US MANY, MANY TIMES ABOUT MAKING A BAD BILL BETTER AND THAT'S WHAT THIS DOES. WE'RE TOLD THIS BILL IS BEING PASSED NOW SO WE DON'T FACE A LAWSUIT THAT COULD INCLUDE THE CATTLE INDUSTRY. WELL, THEN IF WE'RE GOING TO DO THAT, LET'S CLARIFY BY TALKING ABOUT SWINE ALL THE WAY THROUGH THE BILL. IT'S A PRETTY SIMPLE VOTE. AND AS FAR AS SENSATIONALIZING, I DON'T KNOW THAT'S WHAT WE'VE DONE. WE HAVE POINTED OUT THAT THE CONTRACTOR, I BELIEVE IT WOULD BE, NOT BEING PERFECTLY UP TO DATE ON MY LEGALITIES, THE PERSON THAT OWNS THE LAND, WE HAVE POINTED OUT, WILL BE LIABLE FOR ANY PROBLEMS THAT OCCUR. IF THAT'S SENSATIONALIZING THE ISSUE, THEN I'M GUILTY OF THAT. YOU KNOW THE PEOPLE THAT OWN THE HOGS IN CHINA--WELL, THEY'LL ACTUALLY OWN THE HOGS IN THE UNITED STATES; THEY'LL BE FROM CHINA--WON'T HAVE THAT LIABILITY. IT WILL BE THAT SMALL NOW LABORER THAT HAS TO FACE THAT. BUT BACK TO THE AMENDMENT, IT DOES MAKE THIS BILL BETTER... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT,...BY CLARIFYING "SWINE." AND I WILL COME WITH ANOTHER AMENDMENT TO PUT THAT ALL THE WAY THROUGH THE BILL. BUT LET'S PASS IT AND GET IT DONE ON THESE TWO FIRST AND THEN WE'LL GO FROM THERE. THANK YOU, MR. PRESIDENT. CALL OF THE HOUSE. [LB176]

SPEAKER HADLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB176]

CLERK: 21 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB176]

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 EBKE, WATERMEIER, McCOLLISTER, WILLIAMS, BURKE HARR, PANSING BROOKS, NORDQUIST, KRIST, HUGHES, KINTNER, CHAMBERS, FRIESEN, GROENE, AND GARRETT, THE HOUSE IS UNDER CALL. SENATORS GARRETT, WATERMEIER, AND NORDQUIST, THE HOUSE IS UNDER CALL. SENATOR BLOOMFIELD, HOW WOULD YOU LIKE TO PROCEED? REGULAR ORDER? MR. CLERK, THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB176]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1890.) 18 AYES, 12 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB176]

SPEAKER HADLEY: THE AMENDMENT IS NOT ADOPTED. I RAISE THE CALL. MR. CLERK. [LB176]

CLERK: MR. PRESIDENT, SENATOR GROENE WOULD MOVE TO AMEND WITH AM1634. (LEGISLATIVE JOURNAL PAGE 1777.) [LB176]

SPEAKER HADLEY: SENATOR GROENE, YOU ARE RECOGNIZED. [LB176]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. MY AMENDMENT ON PAGE 2 OF THE BILL, WHERE IT SAYS, "CONTRACT SWINE OPERATION MEANS A LIVESTOCK

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OPERATION IN WHICH SWINE OWNED OR CONTROLLED BY A PACKER ARE PRODUCED ACCORDING TO AN ORAL OR WRITTEN AGREEMENT BETWEEN THE PACKER AND A PERSON OTHER THAN THE PACKER WHO OWNS, LEASES, OR HOLDS A LEGAL INTEREST IN THE LIVESTOCK OPERATION." MY AMENDMENT STRIKES "AN ORAL OR" AND JUST HAS A WRITTEN AGREEMENT. I FIND IT BAFFLING THAT "AN ORAL AGREEMENT" IS IN THERE AND IT NEEDS TO BE REMOVED IN OUR LEGALISTIC WORLD, SUE-HAPPY WORLD. EVEN IN THIS CHAMBER WE FORGET WHAT WE SAID TO EACH OTHER ONE MINUTE AND CHANGE OUR MINDS. IT NEEDS TO BE WRITTEN. A WRITTEN AGREEMENT IS...PROTECTS THE LITTLE GUY. I DON'T KNOW WHY ANY SMALL GUY, GOING UP A HUGE INTERNATIONAL CORPORATION OWNED BY A COUNTRY THAT DOESN'T EXACTLY FOLLOW THE RULE OF LAW, WOULD ENTER AN AGREEMENT ORALLY. IT MAKES NO SENSE. SO TO PROTECT...I STILL STAND AGAINST LB176, BUT IN CASE COMMON SENSE DOESN'T PREVAIL AND FREE-MARKET PRINCIPLES AREN'T HONORED AND THIS BILL PASSES, I WANT IT TO BE AS GOOD AS POSSIBLE. SO MY AMENDMENT STRIKES THAT. IMAGINE A YOUNG FARMER IS JUST AT HIS WIT'S END--HE WANTS TO FARM. AND THIS CAR PULLS UP WITH SOME GUY WITH A SMITHFIELD SIGN ON THE SIDE OF HIS CAR, STARTS ASKING HIM IF HE WOULD LIKE TO RAISE HOGS FOR THEM. AND THINGS ARE SAID OUT OF CONTEXT AND ACCEPTED, AND NOT REALIZING BUT WHAT THE DEAL WASN'T IN THE BEST OF THE SMALL OPERATOR. WE DON'T NEED ORAL. WE NEED WRITTEN. WRITTEN CAN BE CHECKED. WRITTEN CAN BE DOUBLE-CHECKED BY ATTORNEYS. WRITTEN CAN BE IMPROVED BY YOUR ATTORNEY. ORAL SHOULD NOT BE ACCEPTED. I'M NOT EVEN SURE IF IT WOULD BE IN A COURT OF LAW, REALLY, BECAUSE IT'S HE SAID, YOU SAID, OR HEARSAY. MAYBE SENATOR SCHILZ COULD ANSWER LATER WHY THAT'S EVEN IN THERE. BUT LET'S TAKE IT OUT. LET'S MAKE IT A REAL LEGAL DOCUMENT, THE CONTRACT. AND HOWEVER LONG THE CONTRACTS ARE OR HOW LONG IT TAKES, THE WRITTEN, IT NEEDS TO BE WRITTEN AND NOT ORAL. AND AS I SAID, I DON'T LIKE THIS WHOLE BILL. YOU'VE GOT GOLIATH UP AGAINST THE LITTLE GUY. I DON'T KNOW HOW THE LITTLE GUY EVER IS ABLE TO NEGOTIATE A CONTRACT IN HIS FAVOR. ALL OF THESE CONTRACTS I'VE SEEN JUST ABSOLUTELY ELIMINATES THE MARGIN THE PRIVATE PRODUCER WOULD MAKE OR IS ABLE TO MAKE WITH HIS SWEAT AND BLOOD AND LABOR. IT PUTS IT IN THE POCKET OF A CORPORATION AND THEN ENDS UP IN CHINA. IT MAKES FOOD CHEAPER FOR PEOPLE IN A DIFFERENT CONTINENT WHILE THAT SMALL-TOWN FARMER...FAMILY FARMER IS...HE'S BEING DANGLED ALONG BY A WRITTEN CONTRACT. SO LET'S JUST CLEAR THE LANGUAGE UP AND MAKE SURE THAT WE PROTECT THIS SEA CHANGE IN LIVESTOCK PRODUCTION, WHICH THIS BILL WOULD DO IN THE STATE OF NEBRASKA, IF PASSED, THAT AT LEAST THERE'S A WRITTEN AGREEMENT TO

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DOCUMENT BETWEEN THE SMALL OPERATOR AND THE HUGE CORPORATION, NOT ORAL AGREEMENTS. BUT LET'S NOT DO THIS AT ALL. LET'S JUST KEEP IT THE WAY IT IS. LET'S KEEP THAT PRIDE IN THAT FAMILY FARM. YOU OWN YOUR LIVESTOCK, YOU OWN YOUR LAND, YOU OWN YOUR CROPS. IT'S YOURS TO SELL, YOURS TO IMPROVE THE QUALITY. NOBODY CAN WALK ON YOUR LAND AND SAY, THAT'S MINE; I HAVE A RIGHT TO COME AND GO INTO YOUR BUILDINGS AND LOOK AT YOUR PRODUCTION, TELL YOU WHAT TO DO WITH THAT PRODUCTION ON YOUR LAND, IN YOUR FACILITY. THAT'S NOT RIGHT. THAT'S NOT THE AMERICAN WAY. MAYBE I'M OLD-FASHIONED, BUT I'M GOING TO DEFEND THAT AS LONG AS I CAN, BECAUSE THOSE WHO WORK HARD, THOSE WHO PRODUCE SHOULD BE REWARDED IN THIS SOCIETY. THIS TIES THEIR HANDS. THIS TAKES AWAY THAT AGGRESSIVENESS OF THE FREE MARKET OF THE SMALL BUSINESSMAN TO DO BETTER FOR HIMSELF AND HIS FAMILY, TAKES THAT AWAY, PUTS IT IN THE HANDS OF HUGE CORPORATIONS. NEBRASKA HAS WITHSTOOD THAT AND THEY NEED TO CONTINUE TO DO THAT. WE ARE DOING JUST FINE. WE'RE DOING JUST FINE IN AGRICULTURE THE WAY THINGS ARE. WE DO NOT NEED TO FORCE UPON THE SMALL OPERATOR A NEW WAY OF DOING THINGS WHERE THEY LOSE COMPLETE CONTROL. YOU KNOW, I WAS TALKING TO...IT USED TO BE I'D WALK ONTO A FARM PLACE AND I'D SAY, CAN I...AND I'D SEE YOU HAD SOME HOGS, I'D LIKE TO BUY A HOG AND TAKE IT TO THE LOCAL LOCKER. AND I COULD DO THAT. I COULDN'T DO THAT ANYMORE BECAUSE THAT FARMER DON'T OWN THAT HOG; BELONGS TO SOMEBODY ELSE WHEN THAT CONTRACT IS SIGNED. THAT NEIGHBORLY, SMALL-TOWN AMERICA DISAPPEARS ALL OF A SUDDEN, BECAUSE WE'VE GOT A HUGE CORPORATION'S FOOTPRINT IN IT; DOESN'T BELONG THERE. THEY CAN COME VISIT. THEY CAN DO BUSINESS WITH US, BUT STAY WHERE YOU'RE AT AND WE'LL STAY WHERE WE'RE AT. THEY'VE DESTROYED THE LABOR UNIONS IN AMERICA IN AGRICULTURE IN THE PACKING. THEY DESTROYED NEIGHBORHOODS. NOW THEY WANT TO COME TO THE SMALL TOWNS AND DESTROY THEM. THAT'S WHERE WE'RE HEADED WITH THIS. THAT'S WHERE WE'RE HEADED. NOW YOU'RE NOT VOTING FOR KEN SCHILZ. YOU'RE NOT VOTING FOR MIKE GROENE. YOU'RE NOT VOTING FOR AL DAVIS TO BE FRIENDS. THIS IS A MAJOR CHANGE IN AGRICULTURE. THIS ISN'T A MINOR BILL IN LIVESTOCK PRODUCTION IN THE STATE OF NEBRASKA. THIS HAS LONG-RANGE EFFECTS. SO LET'S PROTECT THE LITTLE GUY AND ADOPT THIS AMENDMENT, AND THEN LET'S VOTE NO ON LB176. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB176]

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SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I'M A LITTLE SURPRISED BY THE ACTION ON SOME OF THESE AMENDMENTS, PARTICULARLY THE LAST ONE, BECAUSE I THINK IT HAD THE POTENTIAL TO MAKE THIS BILL BETTER. AND WHETHER OR NOT A PARTICULAR PIECE OF LEGISLATION IMPACTS YOU DIRECTLY OR YOUR DISTRICT DIRECTLY, I THINK WE SHOULD ALL BE HERE ABOUT MAKING GOOD POLICY AND MAKING LEGISLATION GOOD AND BETTER. SO I WOULD JUST URGE MY COLLEAGUES TO THINK ABOUT THAT WHEN YOU'RE CASTING VOTES ON SOME OF THESE PIECES OF LEGISLATION. AND I THINK AM1634 IMPROVES THIS BILL, DOESN'T ULTIMATELY LEAD ME TO SUPPORT IT. BUT ONE OF THE THINGS THAT'S SORELY LACKING IN THIS LEGISLATION AS INTRODUCED ARE DETAILS ABOUT THE CONTRACTS. NOW IT'S BEEN SAID THAT, OH, YES, IT'S...IT WILL BE INCUMBENT ON THE PRODUCER TO HAVE THEIR ATTORNEY LOOK AT THIS BEFORE HE OR SHE SIGNS IT TO MAKE SURE THAT EVERYTHING IS INCLUDED THAT THEY WANT. WELL, THINK ABOUT WHO MIGHT BE WRITING THAT CONTRACT TO BEGIN WITH: A HIGHLY CONCENTRATED FIRM WITH SOPHISTICATION AND MARKET POWER AND BARGAINING POWER, OR THE FAMILY-STYLE GROWER? WELL, I SUSPECT IT'S THE FIRST ONE. SO AS I SAID, THIS IS REALLY SOMETHING THAT'S LACKING IN THIS LEGISLATION. AND I THOUGHT IT WAS INTERESTING THAT MARYLAND THIS YEAR HAD...THERE WAS LEGISLATION INTRODUCED THERE THAT SPEAKS TO SOME OF THE THINGS THAT I THINK SHOULD BE IN A BILL SUCH AS THIS THAT HAS TO DO WITH LIVESTOCK PRODUCTION CONTRACTS. AND I'D LIKE TO JUST GO THROUGH THE FEW THINGS THAT ARE COVERED IN THAT LEGISLATION, THINGS SUCH AS PRODUCTION CONTRACTS MUST INCLUDE A CLEAR, WRITTEN DISCLOSURE STATEMENT THAT EXPLICITLY DELINEATES THE POTENTIAL FINANCIAL RISKS TO CONTRACT PRODUCERS UPON ENTERING INTO A PRODUCTION CONTRACT. THE DISCLOSURE CAN BE IN THE FORM OF A WRITTEN STATEMENT OR A CHECKLIST AND COULD BE DEVELOPED WITH INPUT FROM GROWER AND GROWER ASSOCIATIONS. THE CONTRACT NEEDS TO BE IN PLAIN LANGUAGE. THE CONTRACT MAY INCLUDE LANGUAGE OR TERMS THAT WOULD NOT BE CONSIDERED PLAIN LANGUAGE BUT THAT HAS TO DO WITH CONTRACT LAW, BUT THERE NEED TO BE CONTRACT CLARITY REQUIREMENTS. THE CONTRACT SHOULD BE LEGIBLE TYPESET, WITH SECTIONS CLEARLY DIVIDED WITH CAPTIONS, WRITTEN IN CLEAR LANGUAGE AND GRAMMAR THAT CAN BE EASILY UNDERSTOOD BY A PERSON OF AVERAGE INTELLIGENCE WITHIN THE INDUSTRY. THIS LEGISLATION REQUIRES THAT THE MARYLAND ATTORNEY GENERAL REVIEW THE CONTRACTS. THERE'S ALSO DETAILS ABOUT CERTAIN FACTS THAT THE CONTRACTS CANNOT CONTAIN CONFIDENTIALITY REQUIREMENTS. AND THE INTEGRATOR, THE PROCESSOR, MUST IDENTIFY ANY BUSINESS INFORMATION THAT IT BELIEVES SHOULD BE KEPT CONFIDENTIAL WHEN SUBMITTING THE CONTRACT FOR REVIEW BY THE

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ATTORNEY GENERAL. AND THEN IT GOES ON TO TALK ALL ABOUT THE FARMER SHALL HAVE THE RIGHT TO EXERCISE THE LIEN TO RECOVER OWED FEED AND DAMAGES. AND FURTHERMORE, IT SPELLS OUT THE RIGHT OF THE CONTRACTOR TO...PRODUCER TO REMEDY BREACH PRIOR TO CANCELLATION. IT ALSO SAYS THE FARMERS HAVE THE RIGHT TO JOIN OR NOT JOIN FARMER ASSOCIATIONS, THAT FARMERS HAVE THE RIGHT TO... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR SULLIVAN: ...JOIN COOPERATIVES, AND FARMERS HAVE THE RIGHT TO COMMUNICATE WITH USDA OR LAW ENFORCEMENT ABOUT ALLEGED IMPROPER OR ILLEGAL ACTIONS BY THE INTEGRATOR. ALL OF THESE THINGS ARE SPELLED OUT IN THIS LEGISLATION THAT IS NOT EVEN MENTIONED IN LB176. WHAT ARE WE DOING TO PROTECT THE PRODUCER HERE? I FALL BACK ON WHAT I HAVE SAID ALL ALONG, THIS LEGISLATION IS NOT ABOUT THE PRODUCER. IT IS ALL ABOUT A MEAT PACKER WANTING IT THE WAY THEY WANT IT. I THINK THAT IF WE ARE GOOD STEWARDS OF AGRICULTURE AND THE PEOPLE IN NEBRASKA, PARTICULARLY AGRICULTURAL PRODUCERS, WE SHOULD BE DOING EVERYTHING THAT WE CAN TO CRAFT LEGISLATION THAT PROTECTS THEM. [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR SULLIVAN: AND THERE IS NOTHING IN LB176 THAT DOES THAT. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. (VISITORS INTRODUCED.) SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. YOU KNOW, SENATOR GROENE'S AMENDMENT, IF YOU WANT TO TAKE OUT "ORAL AGREEMENT," THAT DOESN'T...I DON'T GET MUCH HEARTBURN FROM THAT. THAT'S FINE WITH ME. I THINK IT IS BEST, ALWAYS BEST TO HAVE THINGS WRITTEN DOWN SO THAT EVERYBODY CAN UNDERSTAND WHAT'S GOING ON. TO SENATOR SULLIVAN'S POINT, ALL OF THAT STUFF THAT SHE TALKS ABOUT IS AVAILABLE TO ANYBODY THAT WOULD SIGN A CONTRACT. AND AS I SAID, WE ARE GOING TO...THE AMENDMENTS THAT ARE COMING IN, THEY ARE COMING, WILL MAKE IT SO THAT THE DEPARTMENT OF AGRICULTURE PUTS IN THERE WHAT SHOULD AND SHOULD NOT BE IN A CONTRACT. SO I THINK WE CAN GET

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TO A LOT OF WHAT SENATOR SULLIVAN IS TALKING ABOUT THROUGH THAT AVENUE. AND I TRUST THAT THE DEPARTMENT OF AGRICULTURE IS LOOKING OUT FOR THE PRODUCERS IN THE STATE OF NEBRASKA AND I THINK THEY'LL DO A FINE JOB IN COMING UP WITH THOSE PARAMETERS. FOLKS, THIS BILL IS NOT THE HARBINGER OF DOOM THAT EVERYBODY SAYS. LET'S REMEMBER THAT BEFORE 1998 THERE WAS CONTRACTING, PRODUCTION CONTRACTING, AVAILABLE IN THE STATE OF NEBRASKA. AND IT WAS AVAILABLE FOR ALL SECTORS. AND THEN THE STATE TOOK THAT AWAY. LET'S THINK ABOUT DETROIT AND THE AUTOMAKERS. THEIR SELECT SUPPLIERS THAT THEY HAVE DO PRODUCTION CONTRACTS. PEOPLE WANT THOSE CONTRACTS BECAUSE THOSE CONTRACTS ARE GOOD CONTRACTS. THEY WANT TO SUPPLY THE AUTOMAKERS WITH THE PARTS THAT THESE FOLKS MAKE. AND MOST OFTEN, THEY'RE BEHOLDEN TO ONE MANUFACTURER, AND THAT'S NOT BAD BECAUSE, REMEMBER, YOU DON'T HAVE TO ENTER INTO ANY OF THESE CONTRACTS. YOU'RE NOT BEING FORCED IN ANY WAY. SO IT'S AVAILABLE TO YOU IF YOU WANT IT. IF YOU DON'T WANT IT, THERE ARE AVENUES TO SELL YOUR ANIMALS ON THE OPEN MARKET TODAY, TOMORROW, AND INTO THE FUTURE. WILL THE MARKETS LOOK THE SAME TOMORROW POSSIBLY AS THEY DO TODAY? PROBABLY, BUT MAYBE NOT. SO WHAT IS THE BEST WAY TO DO IT? I'VE ALWAYS BEEN OF THE OPINION THAT WE DON'T WANT TO OVERREGULATE OUR INDUSTRIES. I'VE ALWAYS BEEN OF THE OPINION THAT NEBRASKA IS A PRO AG STATE AND PRO BUSINESS STATE. I'VE ALWAYS BEEN OF THE OPINION THAT WE RESPECT THOSE BUSINESSES THAT ARE HERE, AND THE ONES THAT ARE HERE WE TRY TO GIVE THEM THE BEST OPPORTUNITY TO BE SUCCESSFUL,... [LB176]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB176]

SENATOR SCHILZ: ...BECAUSE THEIR SUCCESS LEADS TO ALL OF OUR SUCCESS. WE GOT TO REMEMBER, IT'S A BIG WORLD OUT THERE, EVEN IN THE LIVESTOCK INDUSTRIES, IN THE SWINE INDUSTRY. THERE'S A LOT OF MOVING PARTS. LET'S NOT CONTINUE TO HAMSTRING OURSELVES BY NOT MAKING AVAILABLE THE TOOLS THAT ANY OTHER BUSINESS IN THIS COUNTRY AND THIS STATE CAN USE. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR SCHILZ. SENATOR McCOY, YOU'RE RECOGNIZED. [LB176]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. WOULD...WELL, I'LL ASK SENATOR SCHILZ TO YIELD IN A MOMENT. I DO SUPPORT SENATOR

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GROENE'S AMENDMENT. I THINK IT MAKES SENSE TO MAKE SURE THAT IN THIS DAY AND AGE THAT WE ARE ELIMINATING, FROM A LEGAL STANDPOINT, THE CONFUSION THAT CAN ARISE FROM VERBAL CONTRACTS. THAT SEEMS TO ME TO BE JUST A PRETTY COMMON-SENSE FUNCTION HERE OF THIS AMENDMENT. AND I THINK IT'S INTERESTING THAT SENATOR SCHILZ BRINGS UP DETROIT AND THE AUTOMAKERS, BECAUSE THAT, WHILE COMPLETELY DIFFERENT FROM AGRICULTURE, HAS SOME SIMILARITIES TO WHAT WE'RE DEALING WITH HERE IN THAT AS WE HAD CONSOLIDATION AND WITHIN THE AUTO INDUSTRY, PARTICULARLY IN THE LAST 20 YEARS, YOU HAD REALLY A DEVASTATION OF A LOT OF COMMUNITIES' ECONOMIES IN WHAT HAS BEEN CALLED THE RUST BELT, THE AREAS OF MICHIGAN, OHIO, INDIANA, PENNSYLVANIA, BUT PARTICULARLY IN THE AREA SURROUNDING MICHIGAN. AND THAT HAS REALLY HAD AN IMPACT ON THOSE LOCAL COMMUNITIES' ECONOMIES BUT ALSO ON THEIR STATE BUDGETS. YOU'VE HAD VERY, VERY HIGH UNEMPLOYMENT IN THOSE STATES. AND THE CONSOLIDATION IN THOSE COMMUNITIES WITHIN THE AUTO INDUSTRY HAS BEEN SUCH A...AS SENATOR SCHILZ INDICATED, THAT'S CORRECT. YOU COULD HAVE PARTS DEALERS, THE COMPANY THAT MAKES THE BUMPER FOR CARS OR WHATEVER THE CASE MAY BE, THE DASHBOARDS, ALL SORTS OF COMPONENT COMPANIES THAT DO A TREMENDOUS AMOUNT OF BUSINESS WITH A CERTAIN AUTOMAKER OR A CERTAIN PLANT. AND A LOT OF THE JOBS ARE INTERTWINED WITH THAT. BUT HERE'S THE CHALLENGE, MEMBERS, WITH THAT SUCH SCENARIO. HE'S RIGHT, YOU DON'T HAVE TO HAVE A CONTRACT. BUT MANY OF THOSE COMPANIES ENDED UP WITH A LOT OF BUSINESS AND WERE VERY FINANCIALLY VESTED WITH THAT UNDERLYING AUTO MANUFACTURER THAT THEY DID BUSINESS WITH. WELL, THAT IS WHERE I THINK WE HAVE A SIMILARITY IN THIS CASE. YOU'RE GOING TO HAVE CONTRACT FEEDERS OR, I SHOULD SAY, YOU'RE GOING TO HAVE PACKERS WHO HAVE CONTRACTS WITH FARMERS, PRODUCERS. THAT PRODUCER, EVEN IF THAT'S A LONG-TERM CONTRACT, IS GOING TO BE VERY FINANCIALLY VESTED WITH THAT PACKER. AS I TALKED ABOUT AT AN EARLIER TIME ON THE MICROPHONE AND HAVE SAID NUMEROUS TIMES, MY CONCERN IS, IS THAT PACKER GOING TO HAVE THE SAME CARE AND ATTENTION AND DESIRE TO SEE OUR COMMUNITIES FLOURISH ACROSS NEBRASKA AS WE DO? AND, YES, THERE HAS BEEN A GLOBALIZATION, MULTINATIONALIZATION, HOWEVER YOU WANT TO CHARACTERIZE IT, OF THE ECONOMY. THAT IS A FUNCTION OF IT BEING THE TWENTY-FIRST CENTURY. BUT WE ARE GOING A DIRECTION HERE, MEMBERS, WITH THIS BILL THAT WE'VE NEVER GONE BEFORE, WELL BEYOND JUST THE IDEA OF GLOBALIZING OUR ECONOMY AND OUR AG ECONOMY. THIS ALLOWS ANOTHER COUNTRY, NOT ALWAYS A FRIENDLY PARTNER IN AMERICAN BUSINESS, TO CONTROL A VAST CHUNK OF OUR AG ECONOMY IN THE PORK INDUSTRY. [LB176]

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SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB176]

SENATOR McCOY: THAT TROUBLES ME. THERE MAY NOT BE ENOUGH OF US HERE ON THE FLOOR THAT THAT TROUBLES, BUT IT TROUBLES ME A GREAT DEAL. THAT'S NOT SENSATIONALIZING IT, AS SENATOR SCHILZ HAS SAID. THAT'S NOT. I MEAN THAT'S A FACT. WE KNOW WHO OWNS SMITHFIELD FOODS, A CONTROLLING, MAJORITY INTEREST IN SMITHFIELD FOODS, I'VE READ FROM A BLOOMBERG NEWS ARTICLE YESTERDAY. THAT IS NOT HYPERBOLE. THAT IS A FACT. THAT IS PROBLEMATIC. THEY DON'T SHARE THE SAME INTEREST, THE CHINESE GOVERNMENT, AS WE DO HERE IN AMERICA. THEY HAVE THEIR OWN AGENDA, AND IT'S NOT OURS. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR McCOY. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. IF YOU THINK LOCAL CONTROL IS BEIJING, THEN YOU PROBABLY OUGHT TO SUPPORT THIS BILL. IF YOU THINK HAVING CLARITY IN CONTRACTS IS A GOOD IDEA, YOU OUGHT TO SUPPORT SENATOR GROENE'S AMENDMENT. I WISH A COUPLE OF THE ATTORNEYS IN THE BODY WOULD CONSIDER SPEAKING TO A VERBAL COMMITMENT THAT SOMEBODY MIGHT MAKE AND HOW IT COULD BE HANDLED IN COURT. AND WHO WOULD HAVE THE MONEY TO HIRE THE BEST ATTORNEY? WOULD IT BE SMITHFIELD FARMS AND THE CHINESE GOVERNMENT, OR WOULD IT BE THE GUY THAT'S IN DEBT UP TO HIS EYEBROWS BECAUSE HE BORROWED AN IMMENSE AMOUNT OF MONEY TO BUILD THIS FACILITY, WITH HOPE IN HIS HEART AND A GLEAM IN HIS EYE AND NOT ALL THE KNOWLEDGE IN THE WORLD IN HIS MIND? THIS AMENDMENT IS BROUGHT TO BRING CLARITY, MUCH AS WAS MY AMENDMENT. IT'S TIME WE START LOOKING AT THESE AMENDMENTS SERIOUSLY AND NOT JUST VOTING BECAUSE WE'RE FRIENDS WITH SOMEBODY ON THE FLOOR THAT WANTS US TO VOTE THAT WAY. THE LACK OF A COUPLE OF THESE AMENDMENTS THAT WE'VE TRIED TO GET ON TO THIS BILL WILL HAVE SERIOUS CONSEQUENCES IF THE BILL DOES, IN FACT, PASS. THIS IS ONE OF THEM. I HAVE ENCOURAGED YOU BEFORE TO BE CAREFUL WHAT WE DO HERE, TAKE HEED. I BELIEVE I'VE SAID BEFORE ALL THAT GLITTERS IS NOT GOLD, AND THAT'S THE CASE IN THESE CONTRACTS. LET'S PUT WHAT CLARITY WE CAN IN THERE. I HATE TO USE THE WORD "PROTECT," PARTICULARLY WHEN IT COMES TO PROTECTING US FROM OURSELVES, BUT LET'S GIVE THEM A FIGHTING CHANCE ANYWAY. LET'S NOT HAVE SOME HIGH-TONED LAWYER GO SAY, WELL, HE TOLD ME THAT, AND MAKE IT STICK IN COURT WHETHER THE GUY EVER AGREED TO IT, INTENT OR NOT. LET'S HAVE IT WRITTEN DOWN AT LEAST.

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COLLEAGUES, I DON'T SEE THIS AS BEING A HOSTILE AMENDMENT EITHER. I DON'T KNOW WHAT SENATOR SCHILZ THINKS ON IT, BUT THIS AMENDMENT NEEDS TO BE ATTACHED. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. THOSE IN THE QUEUE ARE SENATORS DAVIS, SCHUMACHER, McCOY, RIEPE, AND SULLIVAN. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF THE AMENDMENT, OBVIOUSLY STILL AGAINST THE BILL. AND I'D LIKE MY URBAN SENATORS TO THINK A LITTLE BIT ABOUT WHAT YOU'RE SEEING HERE ON THE FLOOR IN TERMS OF A DIVISION AMONG THE RURAL PEOPLE. YOU'VE HEARD ME TALK ABOUT IT BEFORE. I THINK IT NEEDS TO BE SAID OVER AND OVER AND OVER AGAIN WHY YOU NEED TO PAY ATTENTION TO WHAT'S GOING ON HERE AND NOT FEEL LIKE YOU NEED TO BE BOUND BY SOME SORT OF AN ARRANGEMENT THAT YOU MAYBE MADE BEFORE YOU KNEW WHAT WAS REALLY AT STAKE HERE FOR RURAL NEBRASKA. BECAUSE WE'LL ALL MOVE ON FROM WHATEVER THE VOTE IS TODAY, AND ONCE WE DO THAT WE'RE GOING TO CHANGE THINGS IN THE RURAL PARTS OF THE STATE FOREVER. WE HAVE A NUMBER OF YEARS, A LOT OF WORK WAS DONE MANY YEARS AGO TO TRY TO PROTECT NEBRASKA AGRICULTURE AND KEEP IT VIBRANT AND ALIVE. SENATOR "CAP" DIERKS WAS, I THINK, THE ONE THAT INTRODUCED THE PACKER BAN ORIGINALLY IN 1998, AND HE DID SO BECAUSE HE FELT THERE WAS UNFAIR MARKET ADVANTAGE ON THE PART OF PACKERS. SO NOW WE'RE GOING TO OPEN THE DOOR TO THAT AND LET THESE GUYS COME IN. AND I TALKED ABOUT IT YESTERDAY, BUT IT NEEDS TO BE SAID ONE MORE TIME OR MAYBE TWO OR THREE MORE TIMES THAT YOU HAVE INDEPENDENT PRODUCERS AND YOU'RE GOING TO HAVE CONTRACT PRODUCERS. AND OVER TIME THOSE INDEPENDENTS ARE GOING TO BE MOVED OUT OF THE BUSINESS AND THE ONLY PEOPLE LEFT WILL BE THE CONTRACT PRODUCERS, BECAUSE THAT'S THE NATURE OF THE BUSINESS. YOU KNOW, THERE'S AN OLD TERM ABOUT COINAGE WHICH IS A BAD COIN JUST DRIVES OUT GOOD. THAT'S...AND I CAN'T REMEMBER WHICH ECONOMIC LAW THAT IS, BUT THAT'S, IN SOME RESPECTS, WHAT WE HAVE HAPPENING HERE. AND I WAS TALKING TO ANOTHER SENATOR EARLIER ABOUT THIS AND HE SAID, WELL, YOU KNOW, IT'S ALREADY HAPPENED; WE JUST HAVE TO GO AHEAD AND ACCEPT IT. HE SAID, LOOK AT WHAT'S HAPPENED IN MY HOMETOWN. YOU KNOW, WE HAD A SMALL STORE AND THEN WALMART CAME IN. HE SAID, THAT'S FINE THAT WALMART COMES IN THERE, BUT IT'S TERRIBLE WHEN THE TAX ADVANTAGES ARE GIVEN TO THAT ENTITY TO UNDO THE SMALL BUSINESS THAT'S ALREADY THERE AND CONTRIBUTING TO THE STATE. LOOK, IF

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WE HAVE A MILLION HOGS RAISED IN NEBRASKA, THAT'S A LOT MORE HOGS. WE'RE NOT GOING TO ADD VERY MANY JOBS, A VERY FEW JOBS FOR THOSE MILLION HOGS. AND MOST OF THOSE JOBS ARE GOING TO BE RIGHT THERE ON THE FARM WHERE THE PEOPLE ARE LIVING WHILE THEY ARE PAYING OFF THEIR VERY HIGH-DOLLAR LOAN AT THE BANK AND LIVING WITH THE TERMS OF THAT CONTRACT. THERE'S A NEED FOR MARKETS. NEBRASKA HAS THEM. WE NEED TO KEEP THEM. THE CHICKEN INDUSTRY AND THE EGG INDUSTRY PRETTY MUCH IS BASICALLY A TOP-DOWN ARRANGEMENT. PRICE IS DICTATED. YOU TAKE IT OR YOU LEAVE IT. BUT IF YOU LEAVE IT, THERE'S NOWHERE TO GO, SO YOU JUST HAVE TO TAKE IT. AND THAT'S WHAT'S GOING TO HAPPEN HERE. AND AS WE MOVE FORWARD, WE'RE GOING TO SEE THIS OPEN THE DOOR TO THE CATTLE INDUSTRY. IT'S HAPPENED IN ALL THE OTHER STATES: KANSAS, TEXAS, OKLAHOMA. NEBRASKA IS THE LAST MARKET STATE. SO I'D LIKE MY URBAN FRIENDS TO THINK ABOUT WHAT YOU'RE DOING TO RURAL NEBRASKA AND HOW YOU'RE GOING TO CHANGE IT. YOU KNOW SMITHFIELD, IT'S CHINESE OWNED, CHINESE-GOVERNMENT OWNED. OUR GREAT FRIENDS, THE CHINESE, WHO ARE LOOKING OUT 100 YEARS DOWN THE ROAD, MADE A VERY HIGH-DOLLAR INVESTMENT IN SMITHFIELD FARMS. AND THEY DID SO BECAUSE THEY SEE IT AS A GREAT, GOOD INVESTMENT AS WE MOVE TO A POPULATION OF 9 BILLION PEOPLE. YOU KNOW, I THINK OUR NEBRASKA INDEPENDENT CONTRACTOR...OUR INDEPENDENT GROWERS CAN MEET THOSE STANDARDS THEMSELVES IF THEY'RE GIVEN... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR DAVIS: ...THE OPPORTUNITY. THANK YOU, MR. PRESIDENT. SO, COLLEAGUES, LISTEN TO...LOOK AT THE RURAL DIVIDE. AND IF THAT DOESN'T TELL YOU THAT THIS BILL IS BAD POLICY, I DON'T KNOW WHAT WILL. IF I DON'T REALLY UNDERSTAND AN URBAN ISSUE, I EITHER DON'T VOTE ON IT OR I ASK A LOT OF QUESTIONS. I JUST DON'T BLINDLY FOLLOW SOME PRIOR AGREEMENT THAT I MAY HAVE MADE WITH SOMEBODY BEFORE I KNEW THE TERMS, I KNEW THE REALITY OF WHAT WAS REALLY IN A BILL. SO LOOK IT OVER ONE MORE TIME AND SEE IF THAT'S WHAT YOU WANT TO DO TO RURAL NEBRASKA, TO SENATOR SULLIVAN'S DISTRICT, TO MY DISTRICT. I DON'T THINK YOU DO. AND I WOULD URGE YOU TO VOTE FOR THE AMENDMENT, WHICH IS A GOOD AMENDMENT, AND VOTE AGAINST THE BILL. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR DAVIS. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB176]

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SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. LB176 TAKES US WHERE MODERN ECONOMICS AND THE WORLD ECONOMY TAKES US. WE HAVE TO ADAPT OR WE'RE GOING TO LOSE OUT ON SOME HOG BUSINESS. AT THE SAME TIME, LB176 IS PRETTY ONE-SIDED. IT GIVES THE PACKERS A LOT OF LEEWAY. AND WITH FREEDOM COMES RESPONSIBILITY TO ACT RESPONSIBLY. REGARDING THE AMENDMENT PROPOSED BY SENATOR GROENE, THAT MAY BE A TWO-EDGED SWORD. WE KNOW THAT IF IT'S A WRITTEN CONTRACT, IT IS GOING TO BE IN THE TINIEST OF PRINT, WRITTEN BY A LAWYER SOMEPLACE IN A BIG, TALL BUILDING, GETTING PAID \$1,000 AN HOUR TO WRITE EVERY POSSIBLE CONTINGENCY INTO IT. SO A WRITTEN CONTRACT WILL NOT BE A DOCUMENT OF ENLIGHTENMENT OF ANY KIND. IT WILL BE SOMETHING THAT IS SIGNED AND PROBABLY WITHOUT THE ABILITY OF MAKING MUCH CHANGES IN IT NO MATTER WHAT THE LOCAL TOWN ATTORNEY SAYS, IF THE PRODUCER HIRES AN ATTORNEY. AN ORAL CONTRACT AT LEAST WOULD LEAVE A LOCAL JUDGE, WHO WOULD REVIEW THE CONTRACT, ORAL CONTRACT, SOME LEEWAY TO SYMPATHIZE WITH THE PRODUCER. SO I THINK WHERE I FIND MYSELF ON THE BIG PICTURE HERE IS THAT WE SEND A MESSAGE AS WE PASS LB176, AND THAT MESSAGE HAS SOME OF THE TONE OF WHAT SENATOR SULLIVAN RAISED. LOOK, YOU AS A PACKER PUSH UNCONSCIONABLE CONTRACTS, YOU OVERREACH, YOU ABUSE THE PRODUCER, THEN THIS LEGISLATURE WILL BE FORCED TO DO WHAT IT DOESN'T WANT TO DO AND THAT IS GET IN THE MIDDLE OF BUSINESS REGULATION ANY MORE THAN NECESSARY. AND IF WE DO, WE WILL DO IT HEAVY-HANDEDLY WITH ANTITRUST LAW. WE WILL DO IT BY SETTING UP A REGULATORY AGENCY, PROBABLY INDEPENDENT OF THE POLITICAL SYSTEM AND, THUS, INDEPENDENT OF THE DEPARTMENT OF AGRICULTURE, TO REGULATE THE NATURE AND THE TONE OF THE CONTRACTS AND TO PUT PROTECTIVE PROVISIONS INTO FORCE. SO THIS MESSAGE NEEDS TO GO OUT, AND SOME OF PARTICULARLY THE FRESHMEN SENATORS IN THE LEGISLATURE MAY HAVE TO DEAL WITH THIS SITUATION, THAT IF THERE IS ABUSE, IF THERE IS OPPRESSION, IF THERE IS HEAVY-HANDEDNESS, THIS BODY WILL NOT HESITATE TO ACT. AND IT WILL BE INCUMBENT UPON THOSE IN THE LEGISLATURE AT THAT TIME TO RECOGNIZE THEY MAY HAVE TO STAND UP TO SOME POLITICAL FINANCIERS AND SOME LOBBYISTS IN ORDER TO DO THAT. BUT I WANT THIS IN THE RECORD, WANT THE PACKERS TO UNDERSTAND, YOU BEHAVE YOURSELF. LB176 EXTENDS A GREAT DEAL OF FREEDOM AND FLEXIBILITY, BUT ABUSE IT AND WE WILL GET YOU. WITH THAT, I'D YIELD THE BALANCE OF MY TIME TO SENATOR HUGHES. [LB176]

SPEAKER HADLEY: SENATOR HUGHES, YOU'RE YIELDED 1:50. [LB176]

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SENATOR HUGHES: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHUMACHER. JUST WANTED TO TALK JUST BRIEFLY ABOUT SEPARATING THE WHEAT FROM THE CHAFF. THERE'S A LOT OF STATEMENTS BEING MADE THIS MORNING, OUTLANDISH STATEMENTS, THAT IF YOU STOP AND THINK ABOUT THEM, THEY'RE NOT TRUE. JUST BECAUSE SOMEONE FROM CHINA HAPPENS TO OWN SOME SHARES IN SMITHFIELD, WE'RE NOT SELLING OUR SOUL TO CHINA. BUT WHAT I REALLY WANTED TO SAY WITH THIS IS I AM ONE OF VERY FEW MEMBERS OF THIS BODY WHO HAS ACTUALLY BROUGHT YOUNG PEOPLE INTO THEIR BUSINESS. AND I KNOW HOW HARD IT IS. AND IF WE DO NOT ALLOW AS MANY TOOLS IN THE TOOLBOX TO ACCOMPLISH THAT, YOU ARE GOING TO SEE RURAL NEBRASKA... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR HUGHES: ...CONTINUE TO BE DEPOPULATED. THIS IS A TOOL THAT CAN BE USED. WE'RE NOT FORCING IT ON ANYONE. BUT IT'S AN OPPORTUNITY FOR SOMEONE LIKE MYSELF. IF I HAD ANOTHER CHILD I WANTED TO BRING BACK, I WOULD SERIOUSLY LOOK AT CONTRACT HOG FEEDING, BECAUSE WE DON'T HAVE ENOUGH LAND BASE FOR ANOTHER INDIVIDUAL UNTIL MY WIFE AND I ARE READY TO RETIRE, AND I'M NOT READY TO DO THAT. WE'RE NOT FORCING ANYBODY TO USE THIS. THIS IS A TOOL THAT CAN BE USED IF YOU CHOOSE SO. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR HUGHES. THOSE IN THE QUEUE: SENATOR McCOY, RIEPE, SULLIVAN, JOHNSON, AND BLOOMFIELD. SENATOR McCOY, YOU'RE RECOGNIZED. [LB176]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR SCHILZ YIELD, PLEASE? [LB176]

SPEAKER HADLEY: SENATOR SCHILZ, WILL YOU YIELD? [LB176]

SENATOR SCHILZ: YES, I WOULD. [LB176]

SENATOR McCOY: THANK YOU, SENATOR. I WANT TO ASK YOU A FEW QUESTIONS IN REFERENCE TO HOW THIS WOULD ACTUALLY WORK IN ALL, FOR ALL PRACTICAL PURPOSES, IF LB176 WERE TO ADVANCE. SO YOU WOULD HAVE A SITUATION IN WHICH A CONTRACT UNDER...WELL, WITH SENATOR GROENE'S

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AMENDMENT, WOULD HAVE TO BE A WRITTEN CONTRACT. OTHERWISE, I SUPPOSE IT COULD BE A VERBAL CONTRACT. AND WOULD EITHER USE FACILITIES TO HOUSE THESE HOGS EITHER THAT ARE EXISTING OR WOULD BE BUILT WITH THE ADVANCEMENT OF SUCH A CONTRACT IN ORDER TO FIT THAT. WHAT...IS THERE ANY SORT OF PROCESS IN PLACE, CAN A PACKER OWN THESE FACILITIES AS WELL? WE DON'T HAVE A PROHIBITION AGAINST THAT, CORRECT? [LB176]

SENATOR SCHILZ: YES, THE BILL ACTUALLY DOES PROHIBIT AGAINST THE PACKERS OWNING THE LAND AND/OR FACILITIES. [LB176]

SENATOR McCOY: SO HOW WOULD THAT WORK IN PRACTICE? SO THEY CAN...THEY OBVIOUSLY OWN THE HOGS, BUT THEY DON'T OWN ANY OF THE BUILDINGS. DO THEY OWN THE FEED? DO THEY OWN...OR IS IT JUST STRICTLY THE HOGS? [LB176]

SENATOR SCHILZ: I WOULD SAY THAT THEY CAN OWN THE HOGS. THEY MAY OR MAY NOT OWN THE FEED THEMSELVES. THAT WOULD BE FIGURED OUT BETWEEN THE PRODUCER AND THE PACKER. BUT UNDER THIS BILL, THEY WOULDN'T BE ABLE TO OWN LAND OR THE FACILITIES,... [LB176]

SENATOR McCOY: OKAY. [LB176]

SENATOR SCHILZ: ...NOR WOULD THEY BE ABLE TO FINANCE THE PERSON TO BUILD THOSE FACILITIES AS WELL. [LB176]

SENATOR McCOY: OKAY. THANK YOU, SENATOR. WOULD SENATOR STINNER YIELD, BY CHANCE? [LB176]

SPEAKER HADLEY: SENATOR STINNER, WILL YOU YIELD? [LB176]

SENATOR STINNER: YES, I WILL. [LB176]

SENATOR McCOY: THANK YOU, SENATOR. I DIDN'T MEAN TO CATCH YOU UNAWARES. I DIDN'T GET A CHANCE TO GIVE YOU HEADS UP, I WAS GOING TO ASK YOU A BRIEF QUESTION. AS A VERY WELL-RESPECTED BANKER, SENATOR, AND I KNOW YOU'VE DEALT WITH SITUATION...LENDING SITUATIONS YOUR ENTIRE CAREER. WHEN WE'RE TALKING ABOUT THIS SPECIFIC AMENDMENT, IF I

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WAS A YOUNG PRODUCER OR ANY PRODUCER THAT CAME TO YOU AND SAID I'D LIKE TO LOOK AT A LOAN TO EITHER REFURBISH MY FACILITIES OR TO BUILD SOME NEW FACILITIES TO FIT A CONTRACT, HOW WOULD THAT PROCESS WORK? I WOULD ASSUME YOU WOULD WANT TO SEE SOMETHING IN WRITING, WHEN WE'RE TALKING ABOUT THIS AMENDMENT. WOULD A VERBAL CONTRACT BE ENOUGH FOR YOU TO SET UP A LOAN, A BANK LOAN, A LENDING SITUATION WITH SUCH PRODUCER? [LB176]

SENATOR STINNER: WELL, YOU KNOW, THE PROCESS THAT WE GO THROUGH IS TO COLLECT ENOUGH FINANCIAL INFORMATION TO THEN PROGRESS TO TAKE A LOOK AT THE COLLATERALIZATION AND THE PRIMARY SOURCE OF REPAYMENT. AND THE PRIMARY SOURCE OF REPAYMENT BEING LIVESTOCK OR CORN, YOU WOULD DEFINITELY TRY TO TAKE AS MUCH RISK OUT OF IT AS YOU CAN. AN ORAL CONTRACT PROBABLY WOULD NOT WORK FOR ME. [LB176]

SENATOR McCOY: OKAY. SO YOU WOULD, AT SOME POINT IN TIME, REGARDLESS OF WHO THE PACKER WAS, THE PROCESSOR, YOU WOULD WANT TO SEE SOME SORT OF A LEGAL FRAMEWORK, LEGAL ARRANGEMENT OR CONTRACTUAL...SOMETHING ON PAPER THAT SHOWS THE TIME SPECIFIED FOR THE CONTRACT, WHAT PER HEAD OR PER POUND, WHATEVER THE CASE MAY BE, THAT THAT WOULD BE WHAT YOU WOULD NEED IN ORDER TO ESTABLISH SOME SORT OF LENDING RELATIONSHIP. [LB176]

SENATOR STINNER: WELL, AGAIN, YOU'D HAVE TO LOOK AT A CASE-BY-CASE BASIS. IF THE PERSON WAS STRONG ENOUGH FINANCIALLY TO STAND ON ITS OWN,... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR STINNER: ...THEN YOU WOULD NOT NECESSARILY NEED A CONTRACT. BUT A NEW BEGINNING FARMER, THAT CONTRACT TAKES A LOT OF RISK OUT OF THAT TRANSACTION. SO THAT WOULD BE VERY, VERY HELPFUL. [LB176]

SENATOR McCOY: SURE. WELL, THANK YOU, SENATOR STINNER. I REALLY APPRECIATE IT. AGAIN, I DIDN'T MEAN TO CATCH YOU UNAWARES, BUT THANK YOU. AND YOU'RE EXACTLY RIGHT, SENATOR. I CERTAINLY WOULDN'T WANT TO GENERALIZE SITUATION. HE'S EXACTLY RIGHT. EACH INDIVIDUAL OPERATION AND PERSON THAT WOULD COME TO LOOK AT A LOAN WOULD BE RESPONSIBLE FOR THEIR OWN FINANCES. BUT MOST YOUNG PRODUCERS WOULDN'T HAVE

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DEEP ENOUGH POCKETS TO SWING THIS ON THEIR OWN, PROBABLY, AND WOULD NEED SOME FINANCIAL ASSISTANCE IN THE WAY OF ONE OF OUR GOOD BANKING INSTITUTIONS AROUND THE STATE. THAT IS WHY I SUPPORT SENATOR GROENE'S AMENDMENT. I THINK IT MAKES SENSE. AND IF THIS BILL IS GOING TO GO FORWARD, IT WOULD SEEM TO ME... [LB176]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR McCOY AND SENATOR STINNER. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB176]

SENATOR RIEPE: MR. PRESIDENT, FELLOW LEGISLATORS AND NEBRASKANS, THANK YOU. BEING AN URBAN RESIDENT WITH A FARM BACKGROUND, ALSO SOME FARM INTEREST, I UNDERSTAND THE MOVE TO CONSOLIDATION AND THE ECONOMIES OF SCALE, AS WELL AS MARKET GLOBALIZATION. THAT SAID, I WANT TO PROVIDE SOME PROTECTION TO PRODUCERS. I WANT TO MAKE SURE THE PLAYING FIELD IS EVEN. I WANT TO MAKE SURE THAT WE DON'T END UP WITH A MONOPOLY, IF YOU WILL, AT THE END OF THE DAY. THIS ISSUE IS COMPLEX, MORE COMPLEX THAN IT IS AT ITS FACE VALUE AND MAYBE MORE COMPLEX THAN A HEALTHY SITUATION. MY PREFERENCE WAS TO HOLD LB176 OVER UNTIL THE NEXT SESSION SO THAT WE WOULD HAVE TIME TO UNDERSTAND IT BETTER, GIVEN ITS COMPLEXITY. I BELIEVE IN GOOD LEGISLATION, UNDER THE QUESTION OF, WHY DO WE ALWAYS HAVE TIME TO GET IT RIGHT THE SECOND TIME WHEN WE DIDN'T THE FIRST? SENATOR SCHILZ, I WOULD ASK YOU IF YOU WOULD YIELD TO TWO QUESTIONS. [LB176]

SPEAKER HADLEY: SENATOR SCHILZ, WILL YOU YIELD? [LB176]

SENATOR SCHILZ: YES, I WILL. [LB176]

SENATOR RIEPE: THANK YOU. MY FIRST QUESTION HAS TO DO WITH THE 2008 FEDERAL FARM BILL AND HOW THAT RELATES TO LB176 OR HOW IT'S AFFECTED BY THAT. CAN YOU HELP ME OUT ON THAT? [LB176]

SENATOR SCHILZ: WHAT PARTICULAR PART OF THE FARM BILL IN 2008? [LB176]

SENATOR RIEPE: OH, THE WHOLE BILL. [LB176]

SENATOR SCHILZ: (LAUGH) HOW LONG DO...WE ONLY GET FIVE MINUTES, RIGHT? [LB176]

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SENATOR RIEPE: OH. YEAH, BUT IT'S MY TIME. [LB176]

SENATOR SCHILZ: IF YOU'RE TALKING ABOUT GIPSA PROTECTIONS THAT ARE IN THERE... [LB176]

SENATOR RIEPE: YES. YES. [LB176]

SENATOR SCHILZ: YEAH. WELL, THEY GO THROUGH SWINE PRODUCTION CONTRACTS. THEY TELL WHAT IT IS. THEY TALK ABOUT THE RIGHT TO CANCEL. THEY TALK ABOUT DISCLOSURE OF ANYTHING THAT WOULD BE ADDITIONAL CAPITAL INVESTMENT, SO YOU HAVE TO MAKE SURE THAT EVERYBODY KNOWS WHAT'S EXPECTED OF THEM. THEY HAVE AN ARTICLE IN THERE ABOUT ARBITRATION AND HOW YOU WOULD AGREE TO THAT OR DISAGREE TO THAT WITHIN THE CONTRACT THAT'S BEING WRITTEN. AND THEN...AND THAT'S THE HIGHLIGHTS. [LB176]

SENATOR RIEPE: OKAY. THANK YOU. I APPRECIATE YOUR KNOWLEDGE ON THAT AND YOUR WILLINGNESS TO ADDRESS THAT. IF I HAVE ANY ADDITIONAL TIME, MR. PRESIDENT, I WOULD YIELD THAT TO SENATOR McCOY. HE DOESN'T APPEAR TO BE IN THE CHAMBER, SO I WILL JUST END. THANK YOU VERY MUCH. [LB176]

SPEAKER HADLEY: YES, MR. CLERK FOR ANNOUNCEMENTS. [LB176]

CLERK: I DO, MR. PRESIDENT. THANK YOU. FIRST OF ALL, A REMINDER THE NATURAL RESOURCES COMMITTEE WILL HAVE THEIR PUBLIC HEARING IN ROOM 1525 AT NOON. NEW RESOLUTIONS: SENATOR GARRETT, LR364; SENATOR KUEHN, LR365. THOSE WILL BOTH BE LAID OVER. GOVERNMENT COMMITTEE REPORTS LR23 BACK TO THE LEGISLATURE FOR FURTHER CONSIDERATION. AND, MR. PRESIDENT, A COMMUNICATION FROM THE GOVERNOR. (READ RE: LB81, LB81A, LB106, LB106A, LB175, LB183, LB196, LB199, LB199A, LB226, LB243, LB243A, LB265, LB265A, LB292, LB292A, LB329, LB330, LB330A, LB382, LB382A, LB390, LB390A, LB504, LB504A, LB525, LB539, LB559, LB566, LB566A, AND LB642.) THANK YOU, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1890-1892.) [LR364 LR365 LR23 LB81 LB81A LB106 LB106A LB175 LB183 LB196 LB199 LB199A LB226 LB243 LB243A LB265 LB265A LB292 LB292A LB329 LB330 LB330A LB382 LB382A LB390 LB390A LB504 LB504A LB525 LB539 LB559 LB566 LB566A LB642]

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SPEAKER HADLEY: THANK YOU, MR. CLERK. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB176]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. CERTAINLY I STAND IN SUPPORT OF AM1634 BECAUSE IT STRENGTHENS WHAT I HAVE BEEN CONCERNED ABOUT ALL ALONG WITH THIS LEGISLATION, AND THAT IS THE CONTRACT. BUT IN MY ESTIMATION, IT DOESN'T GO QUITE FAR ENOUGH AND I'M STILL WAITING FOR SOME OF THOSE AMENDMENTS THAT APPARENTLY ARE GOING TO BE FORTHCOMING TO APPEAR. AS TO DATE, THEY HAVEN'T. BUT THE POINT WAS MADE THAT ALL OF THESE THINGS THAT I INDICATED EARLIER THAT WERE IN LEGISLATION THAT WAS INTRODUCED IN MARYLAND ARE THINGS THAT THE DEPARTMENT OF AGRICULTURE CAN TAKE UP AND DELINEATE IN RECOMMENDATIONS FOR A CONTRACT. WELL, THAT'S ALL GOOD AND FINE, BUT IT DOESN'T HAVE THE FORCE OF LAW. AND IF WE'RE REALLY CONCERNED ABOUT DOING WHAT'S RIGHT FOR PRODUCERS WHO ARE GOING TO HELP US REPOPULATE RURAL NEBRASKA, THEN WHY WOULDN'T WE GIVE THEM AN ADDITIONAL TOOL IN THEIR TOOLBOX WHICH ENSURES THAT A CONTRACT THAT THEY ENTER INTO WITH A MEAT PROCESSOR IS GOING TO WORK FOR THEIR ADVANTAGE BECAUSE THEY ARE THE ONES IN OUR COMMUNITIES? SO AT THE VERY LEAST I THINK ANY KIND OF CONTRACT LEGISLATION, AND I DO MEAN LEGISLATION--I THINK IT NEEDS TO HAVE THE STRENGTH OF LAW--NEEDS TO INCLUDE SIX THINGS: (1) TO REQUIRE CONTRACTS TO BE IN PLAIN LANGUAGE AND TO DISCLOSE MATERIAL RISKS; (2) TO PROVIDE CONTRACT PRODUCERS WITH A THREE-DAY CANCELLATION PERIOD TO REVIEW; (3) TO PROHIBIT CONFIDENTIALITY CLAUSES WHICH PREVENT FARMER DISCUSSION WITH ADVISERS; AND (4) TO PROVIDE PRODUCERS A FIRST-PRIORITY LIEN FOR PAYMENTS DUE UNDER THE CONTRACT; AND (5) TO PREVENT CAPRICIOUS OR RETALIATORY TERMINATION OF THE CONTRACT; AND (6) TO PREVENT RETALIATION AGAINST PRODUCERS WHO PARTICIPATE IN PRODUCER ORGANIZATIONS. NOW THAT'S NOT ASKING A LOT. BUT TO ME, TO PUT THOSE THINGS IN LEGISLATION THAT ULTIMATELY COULD BECOME LAW GIVES TEETH AND ASSURANCE TO A PRODUCER WHO IS ENTERING INTO A CONTRACT WITH THE BIG GUYS WHO ARE FASHIONING A CONTRACT THAT WORKS FOR THE BIG GUYS AND NOT FOR THE PRODUCER. SO, PLEASE, FOLKS, SUPPORT AM1634. I HOPE THAT WE WILL SEE SOME AMENDMENTS FORTHCOMING THAT WILL GIVE ME SOME SOLACE TO THE FACT THAT THERE IS SOME ATTENTION BEING GIVEN TO PUTTING SOME TEETH INTO THE CONTRACTS. I'M NOT VERY CONFIDENT BUT I'M CERTAINLY WILLING AND OPEN TO LOOK AT THEM. BUT IF THEY ARE FORTHCOMING, I THINK THE OTHER CAUTIONARY NOTE IS, IS THIS BILL THEN IN ITS FORM READY? WITH SO MUCH DISCUSSION AND CONCERN AND DISSENSION

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AMONG RURAL COUNTERPARTS, CAN'T WE JUST CONTINUE TO STUDY THIS OVER THE INTERIM AND BRING BACK SOMETHING THAT WORKS FOR EVERYONE?
THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB176]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. I NEED TO GO DOWN TO THE NATURAL RESOURCES HEARING, SO I'LL MAKE MY FEW COMMENTS AND THEN HAVE TO LEAVE FOR A WHILE. I JUST WANTED TO COMMENT, IN THE HEARING, THE SECRETARY (SIC) OF AGRICULTURE, GREG IBACH, WAS A PROPONENT AND STILL IS. AT 11:00 TODAY I WENT OVER TO THE GOVERNOR'S RESIDENCE AS WE PROCLAIMED JUNE AS NATIONAL DAIRY MONTH IN NEBRASKA. WE HAD A HOLSTEIN COW THERE. I CHALLENGED THE GOVERNOR TO A LITTLE BIT OF A MILKING CONTEST, BUT HE SAID HE DIDN'T HAVE TIME. BUT WE TALKED ABOUT GROWING AGRICULTURE, GROWING LIVESTOCK PRODUCTION, WHICH WE'VE DONE A LOT WITH THE DAIRY SIDE WITH A STUDY. WE'VE DEBATED LB175. HE KNOWS WHERE WE'RE AT ON THAT. WHEN THE CEREMONY WAS OVER AND THE PROCLAMATION WAS SIGNED, HE ASKED ME HOW WE'RE COMING THIS MORNING WITH LB176. HIS SUPPORT IS STILL THERE. I UNDERSTAND THE CONCERNS. AND IF THERE NEEDS TO BE SOME THINGS PUT INTO IT, SO BE IT. IT WILL PROBABLY MAKE THE BILL STRONGER. I'M NOT SURE WHERE WE FIT THAT IN, IN THIS TIME FRAME. BUT MY MAIN POINT IS THE SECRETARY OF AGRICULTURE...DIRECTOR OF AGRICULTURE GREG IBACH THIS MORNING ASKED ME AND COMMENTED ABOUT PASSAGE OF THIS BILL FOR THE SAKE OF OUR SWINE INDUSTRY. SO THAT'S MY COMMENTS. THANK YOU, MR. PRESIDENT. [LB176 LB175]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: THANK YOU, SENATOR JOHNSON. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. WE'RE WEARING DOWN ON THIS, BUT WE'VE GOT A LITTLE WAYS TO GO YET. I SEE THE BODY HAS PRETTY WELL DISAPPEARED FOR LUNCH, APPARENTLY, AND WE'RE DOWN TO ABOUT EIGHT OR TEN PEOPLE IN HERE. BE A GOOD TIME FOR THE CALL OF THE HOUSE, BUT I GUESS WE WON'T GO THERE. THE QUESTION HAS ARISEN AS TO WHY THE AG SENATORS SEEM TO BE DIVIDED ON THIS. I THINK PROBABLY WHAT WE'RE LOOKING AT, AND I CERTAINLY DON'T PRETEND TO SPEAK FOR ALL OF

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THEM, IS THE DIFFERENCE BETWEEN MEGA-AGRICULTURE AND INDEPENDENT, WHAT WE WOULD CALL SMALL AGRICULTURE. I'M NOT SAYING THAT BIG PRODUCERS CAN'T BE INDEPENDENT, BUT THEY CERTAINLY CAN'T BE INDEPENDENT IF THEY SIGN ONE OF THESE CONTRACTS WHERE SOMEBODY ELSE OWNS THE LIVESTOCK THAT THEY ARE TAKING CARE OF. YOU HAVE SIGNED AWAY YOUR INDEPENDENCE WHEN YOU DO THAT. I THINK THAT'S THE DIFFERENCE, PROBABLY, IS THE SIZE AND SCOPE OF THE OPERATION, THE SMALL GUY OUT THERE THAT STILL WANTS TO RAISE A FEW HOGS. AND AS SENATOR GROENE HAS SAID NUMEROUS TIMES, PORK PRODUCTION IS SOMETHING YOU CAN GET INTO WITHOUT MORTGAGING YOUR SOUL. NOW YOU CAN PICK UP A COUPLE SOWS AND IN TWO OR THREE YEARS YOU WOULD HAVE QUITE A HOG OPERATION IF YOU CONCENTRATE ON IT, AND YOU CAN STILL OWN THEM. I USED TO SLIP TO THE SALE BARN AND BUY BRED SOWS AND JUST TAKE THEM HOME, FARROW THEM OUT, AND SELL THE FEEDER PIGS OFF, FATTEN THE SOW BACK OUT AND SELL HER. I MADE PRETTY GOOD MONEY AT THAT FOR QUITE A FEW YEARS. BUT YOU COULD ALSO SLIP IN AND BUY ONE OR TWO SOWS FOR AN INVESTMENT OF PROBABLY UNDER \$1,000 AND GO HOME AND START YOUR OPERATION. BUT IF YOU DO THAT, YOU HAVE TO HAVE A PLACE TO GO WITH THE FINISHED PRODUCT. SO IF YOU'RE SUDDENLY SITTING THERE WITH A...I SHOULDN'T SAY SUDDENLY BECAUSE IT'S GOING TO TAKE YOU A FEW YEARS TO GET TO IT. BUT IF YOU'RE SITTING THERE WITH 50 240-POUND HOGS TO SELL AND THE PACKING HOUSE SUDDENLY SAYS, WELL, WE'RE JUST BUTCHERING OUR OWN HOGS, THE ONES WE OWN, WE'RE ALREADY CONTRACTED ON, THEN YOU HAVE NO PLACE TO GO WITH THEM. YOU CAN'T EAT 50 HOGS YOURSELF. IF YOU CAN SLIP OUT AND SELL ONE OR TWO OF THEM TO YOUR NEIGHBORS, MAYBE, BUT TO HAVE THAT MARKET IN PLACE WHERE YOU CAN GO IS ABSOLUTELY NECESSARY. AND WHEN THE PACKER CONTROLS THE PRODUCT COMING INTO THE PACKING HOUSE, HE CONTROLS THE MARKET. HE CAN SHUT YOU OUT AT THE DROP OF A HAT. [LB176]

SENATOR SCHEER: ONE MINUTE. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I, LIKE SENATOR SULLIVAN, DON'T ENJOY BEING IN A POSITION WHERE AGRICULTURE MEMBERS OF THIS BODY ARE IN TOTAL DISAGREEMENT, BUT THAT'S WHERE WE FIND OURSELVES. THE SENATORS FROM OMAHA FIND THEMSELVES IN THAT POSITION EVERY ONCE IN A WHILE WHERE THEY DISAGREE WITH EACH OTHER, AND IT HAPPENS IN AGRICULTURE TOO. IT'S NOT AN ENVIABLE POSITION NOR AN ENJOYABLE POSITION, BUT I HAPPEN TO FEEL IN THIS CASE THAT THE ANGELS ARE ON OUR SIDE. THANK YOU, MR. PRESIDENT. [LB176]

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SENATOR SCHEER: THANK YOU, SENATOR BLOOMFIELD. SENATOR GROENE, YOU'RE RECOGNIZED. [LB176]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I'VE BEEN READING OVER THE TESTIMONY IN THE HEARING ON THE AG COMMITTEE. I DON'T KNOW IF IT'S BEEN SAID OR REMINDED, BUT THIS WASN'T A UNANIMOUS BILL THAT CAME OUT OF THE COMMITTEE. IT WAS A 5-2 VOTE AND 1 ABSTAINED. I...SENATOR BOLZ HIT A NERVE, AND NOW IT'S BEEN REOPPOSED, ABOUT THE ENVIRONMENTAL QUALITY. AND I'D LIKE TO READ ONE...GREG IBACH'S ANSWER TO SENATOR RIEPE ON, DO YOU FEEL THAT...SENATOR RIEPE ASKED, DO YOU FEEL THAT THE LEGISLATION OR THE LAW AS IT EXISTS IS THE SINGLE THING AND THE ONLY THING THAT'S HOLDING BACK PORK PRODUCTION OR PORK EXPANSION IN THE STATE OF NEBRASKA? MR. IBACH: I THINK WE'RE WORKING ON SEVERAL FRONTS TO TRY TO EXPAND LIVESTOCK PRODUCTION IN AGRICULTURE. THIS WOULD BE ONE OF THOSE FRONTS. ANOTHER FRONT WOULD BE TO WORK WITH COUNTIES TO WELCOME LIVESTOCK EXPANSION. WE'RE WORKING AT THE DEPARTMENT, THE LIVESTOCK FRIENDLY PROGRAM. WE'RE HAVING COUNTIES JOIN THE PROGRAM AT AN INCREASING RATE. HERE IN THE NEXT FEW WEEKS, WE WILL BE OVER 30 COUNTIES THAT HAVE APPLIED FOR AND BEEN APPROVED. THEN WE ALSO SEE THIS AS A GREAT OPPORTUNITY TO PROVIDE OPPORTUNITIES FOR YOUNG PEOPLE. OVER THE LAST FEW MONTHS I'VE ATTENDED TWO OPEN HOUSES, AND MORE HAVE BEEN HELD. BUT THE TWO THAT I ATTENDED AT THE SWINE PRODUCTION FACILITY WERE SITUATIONS WHERE A YOUNG PRODUCER HAD WORKED WITH THE USDA AND OBTAINED HELP. THAT HELP WAS LOW-INTEREST FINANCING. IT ALLOWS THEM TO BUILD AN INCOME STREAM, SOMETHING THAT THEY WOULDN'T HAVE BEEN ABLE TO DO WITHOUT FINANCING. A GOOD POINT HERE, COULD IT BE THAT WE CARE ABOUT OUR ENVIRONMENT, ZONING BOARDS AT COUNTIES OR QUALITY CONTROL AT THE STATE LEVEL, THAT WE PUT A LITTLE BIT MORE INTEREST IN OUR ENVIRONMENT WHEN WE BUILD THESE FACILITIES? WHEN YOU CAN GO TO ANOTHER STATE AND YOU CAN BUILD ONE 1,200 FEET FROM SOMEBODY'S HOUSE, UP AGAINST THE ROAD, THE DEMANDS FOR REUSE PIT...THE PITS PER SQUARE FEET PER HEAD OF CATTLE...HOG IS NOT AS...ANYWAY, YOU COULD BUILD THE FACILITY A LITTLE LESS MONEY THAN YOU CAN IN NEBRASKA BECAUSE WE DEMAND THAT YOU BECOME A GOOD CITIZEN. IF YOU'RE GOING TO DO BUSINESS HERE, YOU NEED TO PROTECT OUR ENVIRONMENT ALSO. FAMILY FARMERS DO THAT. THEY ARE GOOD STEWARDS OF THE LAND. THEY ALREADY DO THAT. I'VE HEARD...WHEN WE HAD A BILL IN GOVERNMENT PERTAINING TO THIS ZONING OR...IT WAS LB106 AND ON ZONING. WE HAD SOME FARMERS FROM IOWA WHO WERE SO PASSIONATE ABOUT THIS, THEY CAME TO

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NEBRASKA AND TESTIFIED: DON'T DO WHAT WE DID; DON'T DO WHAT WE DID; DON'T BE TEMPTED BY THE ALMIGHTY DOLLAR AND THE ASPECT THAT YOU MIGHT GET SOME BUSINESS AND ABANDON YOUR STEWARDSHIP OF THE LAND. WE HAD A LOT OF FOLKS WERE WORRIED ABOUT THAT ZONING LAW. THAT'S WHY I WORKED SO HARD WITH SENATOR WATERMEIER TO MAKE IT RIGHT. THERE'S OTHER FACTORS. NEVER LOOK AT ANYTHING, ANY SITUATION THAT THERE'S ONLY ONE FACTOR OR ONE VARIABLE. THERE'S OTHER REASONS WHY THEY DON'T BUILD HERE. FAMILY FARMERS LOVE THE LAND. THEY'RE GOOD STEWARDS. THEY MIGHT PUT 4,000- OR 5,000-HEAD IN. THEY MIGHT NOT ALLOW A 25,000-HEAD FACILITY IN NEBRASKA IN A LOT OF COUNTIES. TWENTY-FIVE THOUSAND HEAD, FOLKS. A HOG, LET YOU KNOW, PUTS OUT A LOT MORE MANURE THAN A HUMAN DOES. [LB176 LB106]

SENATOR SCHEER: ONE MINUTE. [LB176]

SENATOR GROENE: AND YOU LOOK AT THE WASTE FACILITIES THAT A 25,000 POPULATION CITY HAS TO HAVE AND WHAT THE PROBLEM IS HANDLING THAT WASTE. AND I'LL REITERATE WHAT SENATOR DAVIS SAID. A MILLION-HEAD EXPANSION IN NEBRASKA WOULD BRING ABOUT 150 JOBS IF YOU'RE PUSHING IT. IT MIGHT BE 100. BUT THE MARGIN MADE ON THEM HOGS THAT THE FAMILY FARMER...NOW GOES TO CHINA. IT DOESN'T GO HERE. THEY JUST GET A PITTANCE FOR RAISING THEM. SO ANYWAY, I'M GOING TO KEEP...CONTINUE TO GO THROUGH THIS TESTIMONY AND SHARE THINGS WITH YOU AS TIME GOES BY. THANK YOU, MR. PRESIDENT. [LB176]

SENATOR SCHEER: THANK YOU, SENATOR GROENE. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. SENATOR GROENE BROUGHT UP A REAL GOOD POINT ABOUT THE ENVIRONMENT. AND WHO CARES MORE ABOUT THE ENVIRONMENT THAN THE PERSON LIVING THERE? AND THAT'S WHY THAT PERSON BEARS THE ULTIMATE RESPONSIBILITY. AND I SAY "THAT PERSON," THE OWNER OF THE FACILITY. IT'S NOT NECESSARILY THE MANAGER OF THE FACILITY, AND IT'S DEFINITELY NOT THE OWNER OF THE LIVESTOCK. IT'S THE PERSON THAT OWNS THE BUILDING. THEY'RE RESPONSIBLE FOR THE ENVIRONMENT AND IN MANY CASES THEY'RE THE PERSON LIVING THERE. HE TALKED ABOUT JOBS, ABOUT A MILLION HOGS WOULD CREATE ABOUT 150 JOBS, BUT LET'S REMEMBER WHO THOSE JOBS WILL BE GOING TO. IN SOME CASES, IT WILL BE FAMILY MEMBERS. IN MOST CASES, IT WILL BE MIGRANT WORKERS

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BECAUSE THAT'S WHO'S DOING IT NOW. SO...AND WE'VE MADE IT ONE STEP BETTER BY GIVING THEM LICENSE, DRIVER'S LICENSE. SO NOW THAT'S WHO THOSE JOBS ARE GOING TO GO TO, A LARGE MAJORITY OF THEM. I TALKED YESTERDAY AND I MENTIONED DAVE DOMINA WHO, I BELIEVE, WAS AN ATTORNEY OR IS AN ATTORNEY. HE TESTIFIED LAST YEAR AND ASKED A LOT OF QUESTIONS. AND ONE QUESTION THAT WAS ASKED OF HIM SAYS: A LOT WAS SAID ABOUT THIS BILL DRAWING YOUNG PEOPLE INTO FARMING, AND I DO NOT UNDERSTAND IT, HOW THAT WOULD HAPPEN; WILL THAT HAPPEN AND, IF SO, HOW WILL THIS BE A STIMULUS FOR THAT AND, IF NOT, WHY NOT? AND DAVE DOMINA SAID THIS: THE BILL COULD PERMIT A YOUNG PERSON TO HAVE A LESS CAPITAL COST TO ENTER INTO THE PRODUCTION OF SWINE BECAUSE THE YOUNG PERSON WOULDN'T BUY THE ANIMALS, SO THE INVESTMENT AND CAPITAL COST WOULD BE LIMITED TO THE BUILDING, THE LAND, AND THE START-UP COST THAT GOES WITH THE ANIMAL. AND IF I COULD ADD TO THAT, LET'S NOT REMEMBER NOW WE'VE TACKED UP TO A \$1 MILLION BILL ON TOP OF THAT, THAT THEY COULD HAVE. SO HE SAID, SO DAVE DOMINA SAID, SO THERE IS THAT ADVANTAGE. THE DISADVANTAGE IS THE LOSS OF ALL THE ALTERNATIVES THAT A YOUNG FARMER HAS ABOUT WHAT TO DO WITH WHAT IS PRODUCED AND THE RIGIDITY WITH WHICH THAT YOUNG FARMER MUST REMAIN LOCKED INTO A RELATIONSHIP WITH A PACKER IN ORDER TO RETIRE THE DEBT ON THE LAND AND THE BUILDING. [LB176]

SENATOR SCHEER: ONE MINUTE. [LB176]

SENATOR SCHNOOR: THANK YOU, SIR. THERE HAS BEEN NO COMMENT ON THE DISPARITY BETWEEN THE DURATION OF THE PRODUCTION CONTRACT AND THE FIXED COST OF THE BUILDING LOAN. AND I DARESAY THAT BANKERS, MY OWN EXPERIENCE AT THAT BEING LIMITED TO 30 YEARS OF SERVICE AS A BANK DIRECTOR IN A SMALL AG BANK, I THINK BANKERS ARE INTENSIVELY INTERESTED IN HAVING THE DURATION OF THE CAPITAL LOAN AND THE CONSISTENCY OF SOME EXPECTATIONS OF INCOME, EITHER FROM A FREE MARKET OR FROM A FIXED CONTRACT, AND THEY RELATIVELY COINCIDE. THERE'S NOTHING IN THIS BILL TO ASSURE THAT WILL OCCUR. ANOTHER QUESTION ASKED OF HIM WAS, I HAVE APPLIED THE TERM "ADHESION" TO THESE TYPES OF CONTRACTS BECAUSE IT DOES SEEM TO ME THAT... [LB176]

SENATOR SCHEER: TIME, SENATOR. [LB176]

SENATOR SCHNOOR: THANK YOU, SIR. [LB176]

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SENATOR SCHEER: THANK YOU, SENATOR SCHNOOR. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. LIKE I SAID BEFORE, SENATOR GROENE'S AMENDMENT IS FINE WITH ME. I THINK THAT...I THINK IT DOES MAKE SENSE. I THINK IT'S A GOOD WAY TO GO. AND SENATOR GROENE WAS TALKING ABOUT FOLKS THAT POSSIBLY TESTIFIED AT THE HEARING ABOUT THIS, AND I WAS LOOKING THROUGH THE TRANSCRIPT HERE, AND WHEN HE TALKED ABOUT PRODUCERS THAT WERE SPEAKING, HOG PRODUCERS, THAT IS, I NOTICED THAT THERE WAS A GROUP OR A COUPLE FOLKS THAT CAME DOWN WITH...A FATHER AND SON NAMED TOM AND NATE HUNTLEY. AND THEY DROVE ALL THE WAY FROM IOWA TO TALK ABOUT THEIR EXPERIENCES WITH PRODUCTION CONTRACTS AND HOGS, AND SO LET ME JUST READ WHAT THEY SAID. THIS WAS FROM TOM HUNTLEY: WE ARE A FATHER AND SON. WE...I MYSELF FARM AND NATHAN WANTED TO. HE WENT TO COLLEGE AND DECIDED HE WANTED TO COME BACK TO FARM. I LOOKED AT CONTRACT GROWING BACK IN 1988 AND WAS GOING TO DO IT, AND I TOOK A DIFFERENT PATH AT THE TIME. I'VE WATCHED SEVERAL FRIENDS AND PEOPLE DO IT. I WISH I WOULD HAVE DONE IT AT THE TIME. NATHAN WANTED TO PURSUE THAT SO HE COULD BE AROUND. SO HE BUILT A 4,400-HEAD UNIT AND WE CONTRACT PIGS. YOU'VE HEARD ALL THE OTHER STUFF, AND I JUST FEEL IT'S GIVEN MY FAMILY AN OPPORTUNITY TO STAY TOGETHER. THEN NATE SAYS: YEAH, I WENT TO COLLEGE AND DECIDED I WANTED TO COME BACK HOME. I WASN'T GOING WHERE I WANTED TO GO THERE. AND SO I CAME HOME, BOUGHT AN ACREAGE FROM A FAMILY FRIEND OF OURS, AND GOT THE OPPORTUNITY TO RENT SOME GROUND. AND I WASN'T MAKING ENOUGH TO LIVE OFF OF FROM THAT GROUND, SO I LOOKED INTO THIS. AND AFTER PROBABLY A YEAR AND HALF OF LOOKING INTO IT...WHILE I WAS TALKING TO DAD AND HE SAID, WELL, I'M FOR IT IF YOU WANT BECAUSE I SHOULD HAVE. AND WITH HIM I HAD TO...WITH USING THE FAMILY FARM, I HAD THE OPPORTUNITY, BECAUSE I DIDN'T HAVE THE CAPITAL TO BUILD. SO WE BUILT ONE, HALF AND HALF, AND NOW I CAN TAKE CARE OF PIGS AND FARM. AND THIS WAS MY WAY OF GIVING BACK OR HELPING ON THE FAMILY SIDE TO KEEP GROWING. SOMEDAY, HOPEFULLY, AFTER THIS BUILDING IS PAID FOR, I'LL BE ABLE TO GROW ON THE FARM SIDE WHAT I WANT TO, AND WE ARE LOOKING INTO BUILDING ANOTHER ONE SOON IN THE FUTURE. THEY'RE IN NORTH-CENTRAL IOWA. SO, FOLKS, AS YOU CAN HEAR FROM THESE FOLKS THAT ARE IN IT AND DOING IT, THEY'RE NOT BEING TORN DOWN. THEY'RE NOT BEING MADE SERFS. LIKE I SAID, THEY VIEW THIS AS OPPORTUNITIES. YOU KNOW, I'VE BEEN IN THIS INDUSTRY A LONG TIME, SOLD A LOT OF CATTLE TO PACKERS, BEEN TO A LOT OF MEETINGS WHERE EVERYBODY HAD DECIDED

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THAT THE PACKER WAS THE COMPETITION. FOLKS, THE PACKER HAS NEVER BEEN THE COMPETITION. THEY'RE THE PARTNERS THAT WE HAVE TO HAVE TO GET OUR PRODUCTS TO WHERE PEOPLE WILL ACTUALLY PAY US MONEY. NOBODY WANTS TO BUY A LIVE HOG OR A LIVE COW OUT THERE. WHAT ARE YOU GOING TO DO WITH IT, TAKE IT HOME, HANG IT UP IN THE BACKYARD? PACKERS, THEY'RE NOT OUR ENEMIES, GUYS. I'VE HAD GREAT RELATIONSHIPS WITH PACKERS, WORKED PARTNERSHIPS WITH THEM,... [LB176]

SENATOR SCHEER: ONE MINUTE. [LB176]

SENATOR SCHILZ: ...WORKED ON CREATING NATURAL FOOD PRODUCTS OUT THERE THROUGH COLEMAN NATURAL MEATS, CERTIFIED ANGUS BEEF NATURAL. WE WORKED AND CREATED SOME OF THOSE PROGRAMS IN COLLABORATION WITH PACKERS, GROCERY, FEEDERS, PRODUCERS. THE SUPPLY CHAIN IS VAST AND VARIED AND IN MY MIND THERE IS ROOM FOR ALL OF US WITHIN THIS. YOU CAN CONTRACT IF YOU WANT. YOU CAN FEED INDEPENDENTLY IF YOU WANT. YOU CAN FEED FOR A NICHE MARKET IF YOU WANT. THERE ARE OPPORTUNITIES OUT THERE FOR EVERYONE THAT WANTS TO BE A PART OF THIS BUSINESS. I OFTEN TELL FOLKS WHEN THEY SAY THAT THE PACKER IS THE ENEMY AND THEY'RE IN THE INDUSTRY, I SAY, THEN WHAT ARE YOU DOING, WHY ARE YOU SELLING TO SOMEONE YOU DON'T TRUST? I THINK IT'S A GOOD POINT. IF YOU DON'T BELIEVE IN WHO YOU'RE DOING BUSINESS WITH,... [LB176]

SENATOR SCHEER: TIME, SENATOR. [LB176]

SENATOR SCHILZ: ...SHOULD YOU BE IN THAT BUSINESS? [LB176]

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ. SENATOR SULLIVAN, YOU'RE RECOGNIZED. AND, SENATOR, THIS IS YOUR THIRD TIME. [LB176]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. NOBODY IS LISTENING? WELL, NEBRASKANS ARE LISTENING. AND I KNOW THAT GOOD PEOPLE IN THIS BODY CAN DISAGREE, AND THE GOOD PEOPLE OF NEBRASKA, THOUGH, ARE WANTING US TO MAKE SOME DECISIONS ON THEIR BEHALF. AND CLEARLY THAT'S MY PROBLEM WITH THIS BILL, BECAUSE I DON'T THINK THAT IT'S MAKING THE RIGHT DECISIONS FOR NEBRASKANS. I'M NOT CRITICAL OF THE PROCESSORS. YES, THEY ARE A NECESSARY PART OF THE SUPPLY CHAIN AND THEY NEED TO BE THE PARTNERS, BUT THIS ARRANGEMENT IS NOT A

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PARTNERSHIP. IT PUTS THEM IN THE DRIVER'S SEAT AND IT GIVES LIP SERVICE TO THE FACT THAT WE ARE HELPING THESE PRODUCERS. I CONTINUE TO EXPRESS CONCERNS ABOUT THE CONTRACTUAL ARRANGEMENTS AND WHAT'S LACKING IN THEM. THE USE OF HOG PRODUCTION CONTRACTS AND PACKER-OWNED HOGS DEPRESSES THE SPOT PRICE FOR HOGS. AVERAGE MONTHLY HOG PRICES WERE \$75 PER HUNDREDWEIGHT BETWEEN 1989 AND 1993 WHEN THE MINORITY OF HOG FARMS AT THAT TIME USED CONTRACT PRODUCTION. DURING THE 2004-2008 PERIOD, AVERAGE MONTHLY HOG PRICES WERE \$52 PER HUNDREDWEIGHT, A 31 PERCENT DECLINE. AND A USDA-FUNDED STUDY FOUND THAT A 1 PERCENT INCREASE IN THE USE OF PACKER OWNERSHIP OR CONTRACT PRODUCTION CAUSES THE SPOT MARKET FOR HOGS TO FALL BY NEARLY THE SAME AMOUNT. I HAVE ADVOCATED FOR MORE TEETH TO WHAT THESE CONTRACTS WOULD INCLUDE BECAUSE THEY CAN WORK TO SERIOUS DISADVANTAGE FOR THE PRODUCER. SOME CONTRACTS PROVIDE A STRICT MANAGEMENT MANUAL FOR CONTRACT GROWERS THAT ELIMINATES FARMER AUTONOMY. CONTRACTS CAN REQUIRE FARMERS TO BUILD OR UPGRADE FACILITIES WHICH WOULD...CAN REQUIRE SIGNIFICANT INVESTMENTS. THINK ABOUT THIS. FOR A TYPICAL HOG-FINISHING OPERATION, WHICH USUALLY IS SIX 1,100-HEAD HOG HOUSES, TYPICALLY COSTS BETWEEN \$600,000 AND \$900,000. IN 2005, THREE OUT OF FIVE HOG OPERATORS, 61 PERCENT, WERE REQUIRED TO MAKE THESE CAPITAL INVESTMENTS. CONTRACT OPERATORS ARE ALSO RESPONSIBLE FOR SECURING PERMITS FOR DISPOSING OF HOG MANURE AND THE ENVIRONMENTAL LIABILITY ASSOCIATED WITH ANY MANURE DISPOSAL. HOG OPERATORS THAT RELY ON A STEADY CONTRACT RELATIONSHIP WITH A PACKER OR A PROCESSOR ARE UNABLE TO COMPLAIN ABOUT SHODDY TREATMENT OR UNFAIR TERMS FOR FEAR OF RETALIATION THAT COULD END THEIR BUSINESS. AND I THINK I MENTIONED THIS YESTERDAY: SOME CONTRACTS EVEN HAVE A PROVISION THAT ALLOWS THE PORK PACKER TO EVICT FARMERS FROM THEIR OWN HOG BARNS AND FORCE THEM TO HIRE COMPANY-SELECTED MANAGERS TO FINISH THE HOGS IF THE PACKER DECIDES THAT THE FARMER WAS NOT PROPERLY CARING FOR THE LIVESTOCK. TO SAY THESE THINGS DON'T AND WOULDN'T HAPPEN HERE IN NEBRASKA, THERE'S NO GUARANTEE, WHICH IS WHY I THINK IT'S IMPERATIVE THAT, IF WE HAVE THIS KIND OF LEGISLATION, WHAT LEADS THE EMPHASIS IS PROTECTION FOR THE PRODUCER VIA THE TEETH THAT GOES IN THE CONTRACT THAT THAT PRODUCER WOULD SIGN. [LB176]

SENATOR SCHEER: ONE MINUTE. [LB176]

SENATOR SULLIVAN: THAT'S ALL I HAVE. THANK YOU, SENATOR. [LB176]

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SENATOR SCHEER: THANK YOU, SENATOR SULLIVAN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. AND, SENATOR, THIS IS YOUR THIRD TIME. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WAS GLAD TO HEAR SENATOR SCHILZ AGREE THAT THIS AMENDMENT IS NEEDED. SO, COLLEAGUES, WHEN IT COMES TIME TO VOTE HERE IN A FEW MINUTES ON THIS AMENDMENT, LET'S DO THIS. I AM HAVING ANOTHER AMENDMENT DRAWN THAT WILL CHANGE THE LANGUAGE TO PUT SWINE THROUGHOUT THE BILL. I ATTEMPTED TO DO IT IN A COUPLE SPOTS. SENATOR SCHILZ SAID IT PROBABLY NEEDED TO BE DONE THROUGHOUT THE BILL. THAT AMENDMENT IS IN THE PROCESS OF BEING DRAFTED. IF WE ARE INTENT ON PASSING THIS LEGISLATION, WHICH I FEEL IS A TERRIBLE MISTAKE, LET'S AT LEAST FIX IT TO THE POINT WE CAN. AND WE WERE TOLD WE'D HAVE THESE ISSUES SOLVED BETWEEN SELECT AND GENERAL FILE...OR BETWEEN GENERAL FILE AND SELECT AND THAT'S TOUGH TO DO WHEN YOU ADJOURN AT 7:30 AND YOU'RE BACK IN SESSION THE NEXT MORNING AT 9:00. SENATOR SCHILZ TELLS US THERE IS AMENDMENTS BEING DRAFTED. I HOPE SO. MANY NEED TO BE ADDED TO THIS BILL. THERE'S A LOT OF WORK TO BE DONE ON THIS BILL. AS IT STANDS NOW, IT'S NOT GOOD FOR WHAT WE CURRENTLY CALL PRODUCERS. IF LB176 PASSES, THEY WILL BECOME LABORERS, NOT PRODUCERS. BUT LET'S AT LEAST FIX THIS SPOT IN THIS BILL. IT MAKES IT A LITTLE BETTER. IT DOESN'T MAKE IT PALATABLE BUT IT MAKES IT A LITTLE BETTER. KIND OF LIKE ADDING SALT TO SOMETHING THAT ISN'T PARTICULARLY GOOD: IF YOU GET ENOUGH SALT AND ENOUGH KETCHUP ON IT, IT'S PROBABLY EDIBLE. AND THAT MAY BE WHAT WE'RE DEALING WITH HERE. IT DOESN'T MEAN I'M GOING TO LIKE IT, BUT AT LEAST IT MAY BE EDIBLE. SO, COLLEAGUES, WHEN THE TIME COMES, AND I DON'T THINK WE'RE FAR AWAY, VOTE FOR SENATOR GROENE'S AMENDMENT. IT NEEDS TO BE ADDED AS A LAYER OF PROTECTION. WE MANAGED TO GET A HUGE PIECE ON YESTERDAY WHEN WE DID AWAY WITH THE PRIVACY CLAUSE IN THE CONTRACT AND OPENED THAT UP SO THE OWNER OF THE FACILITIES COULD AT LEAST SHOW THE CONTRACT TO HIS ATTORNEY. WHEN WE HAVE TO TAKE LITTLE-BITTY BITES, LIKE THIS, AT THE APPLE AT A TIME TO ATTEMPT TO FIX A BILL THAT SHOULDN'T BE BEFORE US, IN MY MIND, WE'LL TAKE WHAT WE CAN GET. WE GOT THAT AMENDMENT YESTERDAY. THIS IS ANOTHER ONE THAT WILL HELP THE BILL A LITTLE BIT. THERE ARE MORE OUT THERE. THERE ARE MORE COMING. SENATOR SULLIVAN HAD A BILL...OR AN AMENDMENT YESTERDAY TO RETURN IT TO COMMITTEE. I THINK THAT'S WHERE IT REALLY NEEDED TO GO. THERE'S A LOT OF WORK TO BE DONE ON THIS YET. BUT AM1634 IS A STEP IN THE RIGHT DIRECTION. THANK YOU, MR. PRESIDENT. [LB176]

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SENATOR SCHEER: THANK YOU, SENATOR BLOOMFIELD. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. SENATOR HAAR, WILL YOU YIELD TO A QUESTION? [LB176]

SENATOR HAAR: YES. YES. [LB176]

SENATOR SCHEER: SENATOR HAAR, WILL YOU YIELD, PLEASE? [LB176]

SENATOR HAAR: YES. [LB176]

SENATOR SCHNOOR: SENATOR HAAR, WHEN I MENTIONED DAVE DOMINA, YOU CAME UP HERE, RUNNING UP HERE, WANTED TO CONGRATULATE ME, SO OBVIOUSLY YOU ARE AWARE OF WHO DAVE DOMINA IS. [LB176]

SENATOR HAAR: YES, I AM. AND THAT WAS, OF COURSE, A JOKE. [LB176]

SENATOR SCHNOOR: (LAUGH) I KNOW. BUT COULD YOU TELL ME HIS BACKGROUND, PLEASE. [LB176]

SENATOR HAAR: WELL, I KNOW HE'S AN ATTORNEY IN OMAHA. HE'S WORKED ON ISSUES LIKE THE PIPELINE, WHICH I'VE BEEN VERY CONCERNED ABOUT, AND HE JUST RAN FOR SENATE, DID NOT WIN THAT RACE, BUT, YOU KNOW, VERY THOROUGH, VERY BRIGHT. [LB176]

SENATOR SCHNOOR: SO I'VE BEEN READING HIS TESTIMONY, AND THIS IS FROM LAST YEAR. DO YOU THINK, DO YOU FEEL HE IS WELL VERSED AND CAN GIVE A GOOD, EDUCATED OPINION ON THIS? [LB176]

SENATOR HAAR: YES. ANYTHING THAT DAVE DOMINA DOES, HE RESEARCHES IT WELL AND HE BECOMES AN EXPERT, YES. [LB176]

SENATOR SCHNOOR: OKAY. THANKS, SENATOR HAAR. AND I BROUGHT THAT UP BECAUSE I DON'T KNOW IF MANY PEOPLE KNOW WHO DAVE DOMINA IS. AS WE GOT THIS INFORMATION, I OBVIOUSLY RECOGNIZED THE NAME. I KNEW THAT HE WAS INVOLVED IN CENTER FOR RURAL AFFAIRS. I DID NOT KNOW TO WHAT

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EXTENT. BUT I WANTED TO GET THAT OUT SO PEOPLE KNOW THAT, YOU KNOW, THIS ISN'T SOME GUY JUST WALKING IN OFF THE STREET GIVING US INFORMATION. IT'S A MAN THAT'S WELL VERSED IN AGRICULTURE IN A VARIETY OF DIFFERENT WAYS. SO I THOUGHT THAT WAS IMPORTANT TO GET THAT OUT THERE. A QUESTION HE HAD ASKED OR WAS ASKED OF HIM, EXCUSE ME, IS ABOUT ADHESION CONTRACTS. AND WE TALKED...OUR RESEARCH OF ADHESION CONTRACTS IS...AN EXAMPLE OF AN ADHESION CONTRACT IS A STANDARDIZED CONTRACT FORM THAT OFFERS GOODS OR SERVICES TO CONSUMERS OR, ESSENTIALLY, A TAKE-IT-OR-LEAVE-IT BASIS. SO, YOU KNOW, THAT WAS DEFINITELY A DISCUSSION THAT...LAST YEAR ON THAT ABOUT THESE TYPE OF CONTRACTS. I CAN'T FIND IT IN THE LEGISLATION FOR IT THIS YEAR, BUT THAT WAS A CONCERN LAST YEAR. SO I HAVE TO ASSUME NOT MUCH HAS CHANGED ON IT. BUT THE QUESTION WAS SAID, I HAD APPLIED THE TERM "ADHESION" TO THESE TYPES OF CONTRACTS BECAUSE IT DOES NOT SEEM TO ME THAT THEY CAN SAY TAKE IT OR LEAVE IT. THAT'S EXACTLY WHAT YOU HAVE TO DO OR YOU'RE NOT GOING TO GET THE CONTRACT. HIS ANSWER WAS, HE SAID, SENATOR, I THINK YOU'RE EXACTLY RIGHT, AND I MIGHT COMMENT THAT MY CLIENT MIX OVER THE YEARS OF PERSONS THAT...OVER THE YEARS OF PERSONS IN AGRICULTURE HAS, UNFORTUNATELY, INCLUDED SOME OF THE NEIGHBORS OF OUR FRIENDS FROM GREENE COUNTY, IOWA, WHO HAVE FOUND THEMSELVES IN LITIGATION OVER THESE ADHESION CONTRACTS. NOW, I WILL TELL YOU, I HAVE NO EXPERIENCE WITH ADHESION CONTRACTS. IF YOU REMEMBER I SAID YESTERDAY, I DON'T SIGN ANY CONTRACTS. I HAVE NO WRITTEN CONTRACTS WITH THE PEOPLE I FEED... [LB176]

SENATOR SCHEER: ONE MINUTE. [LB176]

SENATOR SCHNOOR: THANK YOU...PEOPLE I FEED FOR. IT WORKS. WE DO IT ON AN ORAL AGREEMENT. NOW IN THE BIG BUSINESS...WORLD OF BIG BUSINESS, IS THAT THE BEST WAY TO DO BUSINESS? I WOULD SAY NO. BUT IN FARMING, BELIEVE IT OR NOT, A LOT OF THAT HAPPENS. WE'RE STILL IN THE BUSINESS YET IN THE CATTLE OPERATION WHERE YOU CAN CALL A GUY ON THE PHONE AND ORDER CATTLE WORTH OVER \$100,000 AND HE'LL SEND THEM TO YOU AND THEN YOU SEND HIM A CHECK. IS THAT GOING TO GO AWAY EVENTUALLY? I HOPE NOT. BUT OBVIOUSLY WE'RE ONE STEP IN THE WRONG DIRECTION WITH HOG PRODUCTION BECAUSE YOU WILL HAVE TO GET INTO A CONTRACT, AND THESE CONTRACTS WILL BE EXTREMELY COMPLICATED AND, AS WE'VE HEARD, COULD BE HARD TO GET OUT OF, EVEN WITH A DEATH IN THE FAMILY. [LB176]

SENATOR SCHEER: TIME, SENATOR. [LB176]

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SENATOR SCHNOOR: THANK YOU. [LB176]

SENATOR SCHEER: THANK YOU, SENATOR SCHNOOR. SENATOR McCOY, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB176]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I WOULD RISE AGAIN TO SUPPORT SENATOR GROENE'S AMENDMENT, WHICH IT SOUNDS AS THOUGH SENATOR SCHILZ SUPPORTS AS WELL, AT LEAST THAT'S WHAT HE'S INDICATED ON THE MICROPHONE. I KNOW THERE'S SEVERAL AMENDMENTS TO FOLLOW DEPENDING ON WHAT WE HAVE TIME FOR HERE BEFORE WE MOVE ON TO OTHER BUSINESS HERE IN LESS THAN AN HOUR. BUT I WILL REITERATE MY CONCERN WITH THE OVERARCHING FRAMEWORK OF HOW THIS WOULD WORK. OUR FAMILY HAS A GOOD FRIEND, FARM FAMILY IN THE STATE OF DELAWARE. AND IF YOU LOOK ON A MAP, YOU WONDER, WOW, HOW MUCH FARM GROUND DO THEY ACTUALLY HAVE IN DELAWARE? AND BELIEVE IT OR NOT, IT'S QUITE A BIT. IN ADDITION, AS MANY OF US KNOW, DELAWARE IS A LARGE POULTRY-PRODUCING STATE. AND I HAD A CONVERSATION WITHIN THE LAST FEW DAYS WITH OUR FRIENDS IN DELAWARE ABOUT THIS ISSUE AND ABOUT HOW THE POULTRY INDUSTRY HAS PROGRESSED OVER THE YEARS AND OVER THE DECADES THAT THEY'VE BEEN INVOLVED IN IT IN DELAWARE. ONE OF THE THINGS THAT HE SAID THEY HAVE ENCOUNTERED IN THEIR BUSINESS AS THEY'VE DEALT WITH THE PROCESSORS IN THE POULTRY INDUSTRY, AND HE SAYS YOU NEED TO BE VERY CAREFUL ABOUT THIS WHEN IT COMES TO THINKING ABOUT THIS, AS WE ALREADY HAVE POULTRY IN OUR STATE, BUT ESPECIALLY IN THE SWINE INDUSTRIES. HE SAID, YOU KNOW, TYPICALLY, WHEN YOU BUILD THESE FACILITIES, THEY'RE GOOD FOR 10 TO 15 YEARS BEFORE THEY'RE GOING TO HAVE...GOING TO REQUIRE MAJOR RENOVATIONS IF NOT AN ENTIRELY NEW BUILDING. HE SAID ONE OF THE THINGS THAT A LOT OF TIMES GROWERS/PRODUCERS DON'T TAKE INTO ACCOUNT WHEN THEY SIGN THESE CONTRACTS IS THAT THE PACKER, THE PROCESSOR, WILL HOLD OUT THERE--WELL, AT SOME POINT WE'RE GOING TO REQUIRE YOU TO RENOVATE YOUR FACILITY--AND IT'S USUALLY AT LEAST 10 YEARS OUT, IF NOT 15 YEARS OUT. SENATOR SULLIVAN JUST MADE MENTION OF THIS JUST A FEW MOMENTS AGO ON THE MICROPHONE. AND THE FARMER THAT WE KNOW IN DELAWARE SAID, BEAU, YOU NEED TO BE MINDFUL THAT, WHEN THE TIME COMES FOR THAT WORK TO BE DONE, THAT DOESN'T COME WITH ASSISTANCE FROM THE PACKER, FROM THE PROCESSOR. THEY HAND DOWN THE REQUIREMENTS, THE SPECIFICATIONS THAT THEY WILL MANDATE HAVE TO BE DONE IN ORDER FOR YOU TO CONTINUE YOUR CONTRACT--OFTENTIMES, IT'S AT A RENEWAL PERIOD--RENEW YOUR CONTRACT WITH THAT PRODUCER. AND WHAT HE SAID WAS

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SOMETHING VERY INTERESTING AND MADE ME REALLY THINK OF WHAT THIS MEANS FOR US AS WE THINK ABOUT IF THIS LEGISLATION MOVES FORWARD. HE SAID, BEAU, ONE THING YOU HAVE TO KEEP IN MIND IS THIS, WHEN YOU SIGN A CONTRACT WITH A PROCESSOR AND THEY SAY, WELL, IN 10 YEARS OR 15 YEARS WE'RE GOING TO REQUIRE YOU TO RENOVATE OR REBUILD OR WHATEVER THE CASE MAY BE, THEY DON'T TELL YOU AT THAT PARTICULAR JUNCTURE WHAT THE SPECIFICATIONS WILL BE FOR WHAT THAT COST MIGHT BE AT THAT POINT. AND THEY...HE SAID, BEAU, THEY DON'T DO THAT BECAUSE THEY DON'T KNOW WHAT THE TECHNOLOGY IS GOING TO BE. AND I UNDERSTAND THAT. BUT HE SAID, A LOT OF TIMES FARMERS/PRODUCERS DON'T REALLY HAVE ANY IDEA OF WHAT THE COSTS ARE GOING TO BE WHEN YOU GET TO THE END OF THAT FIRST CONTRACT PERIOD IN ORDER TO CONTINUE DOING WORK CONTRACT FEEDING FOR THAT PROCESSOR. [LB176]

SENATOR SCHEER: ONE MINUTE. [LB176]

SENATOR McCOY: AND HE SAID IN THEIR STATE AND AROUND HIM, INCLUDING THEIR FAMILY, IT'S BEEN VERY DIFFICULT. YOU GET TO THE END OF THAT FIRST RENEWAL PERIOD AND THE BILL COMES DUE FOR THE RECONSTRUCTION OF THESE FACILITIES AND IT'S VERY EXPENSIVE. THAT'S ONE OF THE THINGS THAT I THINK WE HAVE TO BE VERY CAREFUL OF AS WE GO FORWARD WITH THIS. I DON'T THINK THIS LEGISLATION IS READY TO BE PUT INTO LAW. WE'RE AT THE END OF A SESSION. WE DON'T HAVE TIME TO CONTINUE TO ADD THE NEEDED AMENDMENTS. I THINK WE WOULD BE BEST SERVED TO SIT ON THIS, AS WE'VE DONE WITH OTHER LEGISLATION THIS MORNING, DEAL WITH THIS ISSUE IN THE INTERIM, AND TALK ABOUT IT AGAIN NEXT SESSION. THANK YOU, MR. PRESIDENT. [LB176]

SENATOR SCHEER: THANK YOU, SENATOR McCOY. SENATOR GROENE, YOU'RE RECOGNIZED. [LB176]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. APPRECIATE SENATOR SCHILZ AGREEING THAT THAT...MY AMENDMENT, AM1634, IS PERTINENT TO MAKE IT PROTECT THE PRODUCER IN ANY KIND OF A LEGAL ENTANGLEMENT THAT MIGHT HAPPEN IN THE FUTURE BY HAVING IT WRITTEN, AND NO VERBAL AGREEMENTS WOULD BE CONSIDERED. I BELIEVE, SINCE IT'S LAW, IT WOULDN'T BE CONSIDERED IN A COURT OF LAW EITHER THEN. IT WOULD HAVE TO BE WRITTEN. I'VE GOT SOME MORE TESTIMONY I WANTED TO COMMENT ON FROM DIRECTOR IBACH. SENATOR KOLTERMAN ASKED HIM, HE'S ON THE COMMITTEE,

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"THANK YOU. THANK YOU, DIRECTOR, FOR COMING. A QUESTION ABOUT THE SUBJECT OF CHINA HAS COME UP SEVERAL TIMES TODAY AND I'M GOING TO MAKE A STATEMENT. I'D LIKE YOU TO CORRECT ME IF I'M WRONG. BUT FROM WHAT I'M READING AND WHAT I'M HEARING, ONE OF THE REASONS CHINA IS CHOOSING TO INVEST IN NEBRASKA AND INVEST IN SOME OF THESE COMPANIES IS BECAUSE WE HAVE THE ABILITY TO PRODUCE, IN THIS PARTICULAR CASE, HOGS, PIGS AT A MUCH MORE COMPETITIVE RATE THAN THEY CAN DO IN CHINA. WOULD THAT BE A FAIR STATEMENT?" MR. IBACH REPLIED YES. "YEAH. YOU KNOW, WHEN YOU LOOK AT SEVERAL FACTORS, FEED AVAILABILITY, SCIENCE AND...ACCESS TO SCIENCE AND TECHNOLOGY, EXPERIENCE OF OUR PRODUCERS AND THEN, YOU KNOW, THE CORN IS GROWN HERE, I THINK THAT'S WHY OTHER NATIONS LOOK TO THE MIDWEST AS TO ADDRESS THEIR FOOD SECURITY NEEDS. AND THAT'S THE NUMBER ONE REASON WHY COUNTRIES AROUND THE WORLD, CHINA INCLUDED OR MAYBE AT THE TOP OF THIS LIST, IS LOOKING TO THE MIDWEST AND LOOKING TO NEBRASKA. IT'S BECAUSE THEY'RE WORRIED ABOUT HOW THEY'RE GOING TO FEED THEIR PEOPLE, AND I THINK THAT'S A COMPLIMENT TO NEBRASKA AND A COMPLIMENT TO THE MIDWEST THAT WE'RE SEEN AS HAVING THE RIGHT NATURAL RESOURCES AND THE RIGHT HUMAN RESOURCES AVAILABLE TO BE ABLE TO BE A LONG-TERM COMPETITIVE PRODUCER." THEY HAVE TO COME TO US. THEIR PEOPLE ARE HUNGRY. THEY DON'T HAVE THE CAPACITY, THE NATURAL RESOURCES, THE TECHNOLOGY, 250-BUSHEL AN ACRE CORN, 60-BUSHEL, 70-BUSHEL SOYBEAN TECHNOLOGY. THEY HAVE TO COME TO US. THERE'S NO REASON AT ALL, AT ALL, THAT WE BEND TO THEIR DEMANDS. THEY HAVE TO COME TO US. I ALSO SEEN TESTIMONY BY...EXCUSE ME...IF I FIND THE RIGHT PAGE AGAIN. BUT TED GENOWAYS SPENT A LOT OF TIME AND TOOK A LOT OF QUESTIONS FROM THE COMMITTEE. HE WAS AN AUTHOR WITH AN AG BACKGROUND WHO WROTE RESEARCH, I GUESS, OR A STORY ON HOG CONFINEMENTS AND CORPORATE PRODUCTION OF LIVESTOCK. AND BY THE QUESTIONS BY THE COMMITTEE, THEY TOOK HIM SERIOUSLY BECAUSE THEY QUESTIONED HIM QUITE A WHILE. BUT HIS WHOLE CONCERN WAS THE OVERWHELMING...WHAT HAPPENED TO IOWA SO FAST. WITH SO MANY CONFINEMENTS WENT IN, THEY DIDN'T HAVE A CHANCE TO ADAPT QUICKLY. THEIR WATER: NITRATE PROBLEMS. IF YOU'VE EVER BEEN AROUND A HOG FARM...AND I WAS RAISED ON ONE. AT THE COUNTRY SCHOOL I WENT TO, WE USED TO HAVE...WE USED TO ARGUE, THOSE WHO GREW UP ON HOG FARMS VERSUS CATTLE FARMS, WHAT STUNK THE WORST. AFTER I GOT AWAY FROM AND CAME BACK TO IT, I WAS WRONG. HOGS STINK WORSE. BUT WHEN YOU'RE ACCLIMATED TO IT... [LB176]

SENATOR SCHEER: ONE MINUTE. [LB176]

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SENATOR GROENE: BUT WE'VE GOT TO BE VERY CAREFUL. I MENTIONED ABOUT MANURE, THAT PIGS PRODUCE A LOT MORE THAN HUMANS. IN THE TESTIMONY, I FOUND THAT IT'S EIGHT TIMES AS MUCH AS A HUMAN. SO YOU TAKE A 25,000-HEAD UNIT. THAT'S LIKE--WHAT IS THAT--400,000...200,000-HEAD HUMANS IN A CITY. AND THEN YOU HAVE THOSE TEN MILES APART. THEN YOU UNDERSTAND WHY THE WASTE MANAGEMENT IS SO CRITICAL. WE ARE HANDLING IT WELL IN NEBRASKA. WE'RE EXPANDING AT A RATE...14 PERCENT INCREASE IS A REASONABLE RATE TO EXPAND HOG PRODUCTION AND CONTROL AND MAKE SURE WE DO IT RIGHT. WE DON'T NEED ANY INCENTIVE OR ANY STEROIDS THROWN INTO THE MIX AND TO TURN INTO WHAT HAPPENED TO IOWA. THEY'RE GOING TO BE FIGHTING THEIR GROUNDWATER SITUATION FOR YEARS TO COME. THANK YOU. [LB176]

SENATOR SCHEER: THANK YOU, SENATOR GROENE. SENATOR SCHILZ. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. WE HAVE THE AMENDMENT UP THAT FOLKS WERE TALKING ABOUT TO CODIFY THE GIPSA AGREEMENTS THAT WE TALKED ABOUT BEFORE. AND JUST SO, FOR THE RECORD, SO EVERYBODY KNOWS, IT'LL BE COMING UP SOON, HOPEFULLY. IT HAS REQUIREMENTS THAT APPLY TO SWINE PRODUCTION CONTRACTS WHICH INCLUDE A PRODUCER'S RIGHT TO CANCEL AND HOW THAT IS CARRIED OUT WITHIN THE CONTRACT ITSELF AND STATED IN THE CONTRACT. IT ALSO HAS A DISCLOSURE IN THERE ABOUT IF THERE'S ANYTHING ELSE REQUIRED, AS FAR AS FUNDS, FROM THAT PRODUCTION CONTRACT TO THE PRODUCER. IT HAS AN ARBITRATION SECTION THAT TALKS ABOUT THE RIGHTS OF THE PRODUCER IN ENTERING INTO OR DECLINING TO ENTER INTO ARBITRATION AND HOW THAT WORKS WITHIN THE BILL AND THE LAW ITSELF. ALL OF THESE ARE ALREADY IN PLACE IN THE FEDERAL REGS. WE'VE BROUGHT THEM DOWN. WE'VE PUT THEM INTO OUR STATUTE NOW SO THAT EVERYBODY UNDERSTANDS. AND WE WILL...SO THAT...YOU SHOULD BE ABLE TO SEE THAT AMENDMENT HERE ON YOUR GADGET, OR YOUR COMPUTER IS WHAT I LIKE TO CALL IT, WHEN WE GET HERE. I WANT TO MAKE SURE THAT AS WE'RE DOING THIS THAT WE DON'T GET TOO CONVOLUTED IN THE LANGUAGE THAT WE'RE USING. AS PEOPLE HAVE SAID BEFORE, WE WANT TO KEEP THE LANGUAGE AS SIMPLE AS POSSIBLE SO THAT IT'S EASILY UNDERSTOOD. THIS LANGUAGE DOES THAT. SO...AND THIS ALSO, THIS AMENDMENT ALSO DIRECTS THE DEPARTMENT OF AG TO MAKE FURTHER RULES AS NEEDED IN THE FUTURE TO ADVISE PEOPLE ON WHAT A CONTRACT SHOULD LOOK LIKE, WHAT THINGS THEY SHOULD BE LOOKING FOR IN THAT CONTRACT, WHAT THINGS THEY SHOULD BE WARY OF, SO THAT OUR PRODUCERS IN THIS RESPECT...AND THIS IS THE PROPER WAY TO PROTECT

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PRODUCERS OUT THERE: GIVE THEM THE INFORMATION. DON'T PRECLUDE THEM FROM MAKING BUSINESS DECISIONS AND USING BUSINESS TOOLS THAT ANY OTHER BUSINESS COULD USE, BUT LET THEM KNOW THE INS AND THE OUTS OF WHAT THEY'RE GETTING INTO. I THINK THAT'S THE IMPORTANT PART HERE. THAT WAY, YOU DON'T RUN INTO THE TROUBLE OF TREATING SOMEBODY DIFFERENTLY THAN SOMEBODY ELSE, WHICH IN THE UNITED STATES OF AMERICA, AS FAR AS BUSINESS PRACTICES GOES, DOESN'T WORK. IT'S UNCONSTITUTIONAL. BUT IF YOU DO IT THIS WAY, THE WAY THIS AMENDMENT IS LINED OUT, IT GIVES PEOPLE ALL THE INFORMATION THEY NEED TO KNOW. NOW IT'LL TAKE A LITTLE TIME FOR THE DEPARTMENT TO COME UP WITH THIS STUFF, AND WE WILL ENCOURAGE THEM TO LISTEN TO ALL SORTS OF VOICES ON THIS BECAUSE IT SHOULD BE, BUT THIS IS THE TYPE OF AMENDMENT THAT I'M COMFORTABLE WITH. THIS IS THE TYPE OF AMENDMENT THAT ISN'T EXCLUSIONARY AND I THINK IT MAKES A LOT OF SENSE. AND HOPEFULLY WE'LL GET TO IT TODAY. BUT I...ONCE AGAIN, I DO SUPPORT AM1634. SENATOR GROENE HAS A POINT HERE, AND I WILL VOTE FOR THAT. THANK YOU, MR. PRESIDENT. [LB176]

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB176]

SENATOR PANSING BROOKS: WELL, I'VE MANAGED TO STAY...THANK YOU, MR. PRESIDENT. I'VE MANAGED TO STAY OUT OF THIS ARGUMENT FOR AS LONG AS I COULD AND FINALLY I JUST WANTED TO STAND. THE EQUAL PROTECTION ARGUMENT THAT I'M HEARING IS SOMETHING THAT HAS CONCERNED ME ALL ALONG. IN 1983, I WROTE A LAW REVIEW ARTICLE WHEN I WAS IN LAW SCHOOL ABOUT INITIATIVE 300 AND HOW IT VIOLATED THE EQUAL PROTECTION CLAUSE. SO THAT ARTICLE HAD TO DO WITH THE DEGREES OF KINDRED AND THE ABILITY OF SIMILARLY SITUATED PEOPLE TO OWN LAND IN A CORPORATION. SO NOW I'M HEARING THE SAME KINDS OF ARGUMENTS COMING FORWARD, CONCERNS ABOUT EQUAL PROTECTION. AS YOU MAY HAVE KNOWN FROM PREVIOUS DISCUSSIONS, THE EQUAL PROTECTION CLAUSE IS SOMETHING I HOLD DEAR, ESPECIALLY WHEN IT RELATES TO PEOPLE, BUT IT'S ALSO IMPORTANT TO ME AS IT RELATES TO CORPORATIONS. AND ARTICLE III, SECTION 18, OF THE NEBRASKA CONSTITUTION IS CONSIDERED A SPECIAL LAWS CLAUSE OF THE NEBRASKA CONSTITUTION, AND IT IS SIMILAR IN ITS IMPACT TO THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT. SO I'M REALLY RISING BECAUSE THIS IS SUCH A DIFFICULT ISSUE. PEOPLE WHOM I ADMIRE AND HAVE IMPORTANT THINGS TO SAY ON BOTH SIDES OF THIS ISSUE HAVE BEEN STANDING. AND REALLY, TO ME, THIS WHOLE ISSUE IS NOT COMPLETELY CLEAR.

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BUT WHEN I LOOK AT IT FROM AN EQUAL PROTECTION STANDPOINT, IT REALLY DOES CONCERN ME. WE CANNOT TREAT EQUALLY...SIMILARLY SITUATED CORPORATIONS DIFFERENTLY. THAT'S CONSTITUTIONAL LAW, NEBRASKA CONSTITUTIONAL LAW AND UNITED STATES CONSTITUTIONAL LAW. SO I'M TORN. I'M DISAPPOINTED THAT THIS DID NOT COME TO A BETTER DECISION PRIOR TO THIS POINT. I KNOW THAT MANY PEOPLE IN THE BODY HERE ARE TORN, AND I JUST...I THINK I'LL GIVE MY TIME TO SENATOR DAVIS IF HE'D LIKE TO HAVE SOME AND MAYBE HE CAN SPEAK TO THE EQUAL PROTECTION ISSUE. THANK YOU VERY MUCH, MR. PRESIDENT. [LB176]

SENATOR COASH PRESIDING

SENATOR COASH: SENATOR DAVIS, YOU'VE BEEN YIELDED 2:30. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I THINK SENATOR PANSING BROOKS HAS BROUGHT AN ISSUE TO THE TABLE THAT IS PROBABLY WORTH LOOKING AT, AND WE'VE TALKED ABOUT IT BEFORE. MY RESPONSE TO IT HAS ALWAYS BEEN, IF THERE'S A PROBLEM, THE COURTS ARE A WAY TO FIX THAT PROBLEM. I HAVEN'T SEEN THAT THERE'S BEEN AN ATTEMPT ON THE PART OF THE...ANY ENTITY TO DO SUCH A THING. SO WE'VE HEARD THAT MAYBE THERE WAS AN AG'S OPINION BUT POSSIBLY A SOFT AG'S OPINION ON THESE ISSUES. WHETHER THAT'S OUT THERE AND SOMETHING THAT IS ACCESSIBLE, I DON'T KNOW. BUT, YOU KNOW, THESE THINGS CAN ALL BE FIXED IN THE COURT SYSTEM OR WE CAN GO THIS WAY--AND GET THE CAMEL'S NOSE UNDER THE TENT TO THE TUNE OF \$60,000 WORTH OF LOBBYING FEES ON THE PART OF THE CHINESE GOVERNMENT--TO PASS THIS BILL. THANK YOU, MR. PRESIDENT. [LB176]

SENATOR COASH: THANK YOU, SENATOR DAVIS. SEEING NO OTHERS MEMBERS WISHING TO SPEAK, SENATOR GROENE, YOU'RE RECOGNIZED TO CLOSE ON AM1634. [LB176]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I APPRECIATE SENATOR SCHILZ'S APPRECIATION OF MY AMENDMENT. AS YOU KNOW, SENATOR SCHILZ, I WORKED WITH HIM ON THE AGRITOURISM BILL. WE HAVE A LOT IN COMMON WITH OUR CONSTITUENTS OUT WEST. WE JUST HAVE A DIFFERENT VISION OF WHAT AGRICULTURE SHOULD BE AND WHAT ITS FUTURE SHOULD BE, AND THAT'S UNDERSTANDABLE AS WE DIFFER. BUT I'M FOR THE LITTLE GUY, ALWAYS HAVE BEEN, FOR THE SMALL PRODUCER, AND I WANT TO MAKE SURE HE'S

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PROTECTED IN THE LAW SO HE DOESN'T HAVE TO PAY \$260,000 HE DOESN'T HAVE TO A LAWYER TO TRY TO DEFEND HIM AGAINST A HUGE CORPORATION. I PERSONALLY DON'T THINK THIS WHOLE BILL PROTECTS THAT SMALL PRODUCER THE WAY IT SHOULD, BUT AM1634 HELPS. I STILL HAVE A VISION OF AN AMERICAN DREAM WHERE A YOUNG PERSON COULD START UP, SOMEBODY WHO DOESN'T WANT TO WORK FOR SOMEBODY ELSE, AND HAVE HIS OWN PRODUCTION FACILITY. AND I'M HOPING SOME...THAT WE CAN PRESERVE THAT IN THE STATE OF NEBRASKA WHICH HAS BEEN LOST IN OTHER STATES. BUT WE ALSO NEED TO MAKE SURE THIS, IF THIS BILL WOULD HAPPEN TO BECOME BAD LAW, THAT IT IS WRITTEN AS WELL AS POSSIBLE AND WE PROTECT THE LITTLE GUY. I HAVE READ THIS TESTIMONY OVER. I'VE BEEN READING THIS TESTIMONY AT THE...AND, FOLKS, IT WAS SPLIT DOWN THE MIDDLE. THIS WAS NOT A CUT-AND-DRIED ISSUE, NEVER HAS BEEN. THERE WERE PEOPLE ON BOTH SIDES OF IT, ORGANIZATION ON BOTH SIDES, FOR AND AGAINST THIS THING, INDIVIDUAL FARMERS FOR AND AGAINST IT. MY PROBLEM IS, ONCE WE ENACT IT, THERE WON'T BE NO FOR AND AGAINST. THERE WILL BE FOR. IT WOULD BE IMPOSSIBLE DOWN THE ROAD FOR SOMEBODY WHO WAS AGAINST IT TO RAISE HOGS WITHOUT HAVING SOME KIND OF CONTRACT WITH THE END PACKER. THAT'S NOT GOOD. THAT'S NOT FREEDOM. THAT'S NOT THE AMERICAN WAY. THERE'S JUST SOMETHING ABOUT NEBRASKA WHEN I TRAVEL OTHER STATES IN AG THAT WE'RE STILL THAT FAMILY FARM MENTALITY. I WANT TO MAINTAIN THAT AS LONG AS WE CAN FOR NEXT GENERATIONS TO COME. WE DO NOT NEED TO BE HUGE. EVEN THE HUGE OPERATIONS THAT I DEAL WITH, THEY'RE FAMILY FARMS. THEY TAKE THAT PRIDE OF STEWARDSHIP. AND THEY DISAGREE. AND THEN WHEN THEY BUILD THINGS, THEY DON'T BUILD 25,000 HEAD. THEY KNOW THAT'S OVERWHELMING TO THEIR AREA THAT THEY CAN HANDLE. BUT CORPORATIONS DON'T CARE. THEIR CEOs ARE IN THE CITIES. THE BANK ACCOUNTS ARE IN THE CITIES. THE OWNERSHIP IS OVERSEAS. SO I'D APPRECIATE YOU VOTING FOR AM1634. MAKE A BAD BILL BETTER. BUT I'M GOING TO BE HONEST, I STILL WILL NOT SUPPORT LB176 AT THE END OF THE DAY. THANK YOU. [LB176]

SENATOR COASH: THANK YOU, SENATOR GROENE. MEMBERS, YOU'VE HEARD THE CLOSING TO AM1634. THE QUESTION BEFORE THE BODY IS, SHALL AM1634 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. SENATOR GROENE. [LB176]

SENATOR GROENE: I'D LIKE A CALL OF THE HOUSE. [LB176]

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SENATOR COASH: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB176]

ASSISTANT CLERK: 16 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB176]

SENATOR COASH: HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. 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 KRIST, KOLOWSKI, STINNER, HADLEY, BRASCH, MURANTE, HUGHES, CHAMBERS, FRIESEN, KINTNER, SCHUMACHER, JOHNSON, AND GARRETT, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATORS MELLO, NORDQUIST, AND McCOLLISTER, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATOR MELLO, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATOR GROENE. [LB176]

SENATOR GROENE: I'D SURE LIKE TO SEE 4-0 (LAUGH). [LB176]

SENATOR COASH: SENATOR GROENE, WE CAN PROCEED. HOW WOULD YOU LIKE TO PROCEED? [LB176]

SENATOR GROENE: ROLL CALL, TOP TO BOTTOM. [LB176]

SENATOR COASH: THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. THE QUESTION BEFORE THE BODY IS, SHALL AM1634 BE ADOPTED? MR. CLERK, PLEASE READ THE ROLL. [LB176]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1892-1893.) 40 AYES, 0 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB176]

SENATOR COASH: AM1634 IS ADOPTED. RAISE THE CALL. NEXT ITEM, MR. CLERK. [LB176]

CLERK: MR. PRESIDENT, THE NEXT AMENDMENT I HAVE, SENATOR McCOY, FA79. (LEGISLATIVE JOURNAL PAGE 1893.) [LB176]

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SENATOR COASH: SENATOR McCOY, YOU'RE RECOGNIZED TO OPEN ON FA79.
[LB176]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I SPONSORED THIS AMENDMENT, PUT IN THIS AMENDMENT THIS MORNING AFTER SOME DISCUSSION THAT WE'VE HAD ON THIS ISSUE. YOU KNOW, IN AN EARLIER TIME ON THE MICROPHONE, SENATOR SCHILZ AND I HAD A LITTLE BIT OF A GIVE-AND-TAKE ABOUT THE PACKERS, PROCESSORS THAT ARE IN OUR STATE ALREADY, WHO THEY ARE, AND THE CONCERN THAT, IF THIS LEGISLATION DOESN'T ADVANCE, THAT POSSIBLY THEY MAY GO ELSEWHERE. I THINK THAT'S PROBABLY HIGHLY UNLIKELY, BUT ONE NEVER KNOWS. HOWEVER, I THINK IF THIS LEGISLATION GOES FORWARD WITH THE INVOLVEMENT IN A MAJORITY OWNERSHIP POSITION THAT WE'VE TALKED ABOUT--THAT IS A FACT, THAT'S NOT DISPUTABLE, THAT'S A FACT--THAT THE CHINESE OWN THE MAJORITY OWNERSHIP OF SMITHFIELD FOODS, WHICH IS ONE OF THE PROCESSORS IN THE STATE, TO ME THIS AMENDMENT MAKES SENSE TO PROTECT OUR LONG-TERM FOOD SECURITY AS A RESOURCE EVERY BIT AS IMPORTANT AS OUR WATER, OUR LAND, OIL, AND ANY OTHER RESOURCE. AND THAT, VERY SIMPLY, WOULD BE, IF YOU LOOK AT PAGE 2 OF THE BILL WHERE IT TALKS ABOUT THE DEFINITION OF WHAT IS A PACKER, ON LINE 21 OF PAGE 2, AFTER THE WORD "AND," WE WOULD INSERT THE WORDS "HAS A MAJORITY AMERICAN OWNERSHIP." I THINK THIS IS IMPORTANT FOR THE LONG-TERM SECURITY OF NOT JUST OUR NATION, WITH TOO MUCH INVOLVEMENT BY THE NATION OF CHINA IN OUR ECONOMY, BUT I THINK IT'S IMPORTANT FOR OUR STATE ECONOMY, AS WELL, OUR LOCAL ECONOMIES. WE HAVE SOME GREAT PACKER PARTNERSHIPS AND RELATIONSHIPS THAT ARE AMERICAN-OWNED COMPANIES, MAJORITY SHARE. OF COURSE, MANY OF THESE ENTITIES ARE PUBLICLY TRADED AND A NUMBER OF INDIVIDUALS AND FOLKS AROUND THE WORLD OWN SHARES. BUT TO HAVE PACKERS IN THESE TYPE OF A RELATIONSHIP WITH PRODUCERS IN OUR STATE UNDER THE ARRANGEMENT THAT LB176 WOULD SET INTO PLACE, IT WOULD SEEM TO ME WE WOULD WANT PACKERS INVOLVED IN A RELATIONSHIP LIKE THIS WHO HAVE OUR NATION'S BEST INTEREST, OUR STATE'S BEST INTEREST IN MIND, NOT THE BEST INTEREST IN MIND OF A COMMUNIST NATION ON THE OTHER SIDE OF THE PACIFIC OCEAN THAT IS OUR LARGEST COMPETITOR ON THE GLOBAL STAGE ECONOMICALLY, MILITARILY, AND EVERY OTHER WAY. YES, THEY ARE A VERY LARGE TRADE PARTNER WITH THE UNITED STATES AND OUR ECONOMY WOULD STRUGGLE IF IT WERE NOT FOR TRADE FROM CHINA. AND, YES, AS HAS BEEN MENTIONED, ELECTRONICS, CLOTHES, MANY OTHER PRODUCTS THAT WE USE ON A DAILY BASIS, NOT JUST IN THIS CHAMBER BUT IN OUR HOMES AND ON OUR...IN OUR BUSINESSES, ON OUR FARMS AND RANCHES,

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ARE PRODUCED IN CHINA. BUT THERE IS A BIG DIFFERENCE BETWEEN HAVING A TRADE PARTNERSHIP WITH CHINA AND HAVING THE CAMEL'S NOSE, IF NOT THE ENTIRE CAMEL, COMPLETELY UNDER THE TENT WITH CHINA OWNING, LOCK, STOCK, AND BARREL, MAJORITY OWNERSHIP IN THE LARGEST PURCHASE EVER OF AN AMERICAN COMPANY BY THE CHINESE, HAVING THEM CONTROL 25 PERCENT OF PORK PRODUCTION ACROSS THE COUNTRY AND AN ENORMOUS CHUNK OF PORK PRODUCTION HERE IN NEBRASKA. I WOULD THINK, IF WE'RE GOING TO HAVE THE ARRANGEMENT...AGAIN, THERE IS NO REQUIREMENT HERE. AS SENATOR SCHILZ HAS HIMSELF SAID, NO PRODUCER IS REQUIRED TO OPERATE WITH ONE OF THESE CONTRACTS. AND MY AMENDMENT, FA79, CERTAINLY WOULD SAY YOU COULD ABSOLUTELY DO BUSINESS UNDER A CONTRACT-FEEDING BASIS. BUT IF YOU'RE GOING TO DO THAT UNDER THIS ARRANGEMENT, YOU'RE GOING TO DO IT WITH A PACKER, A PROCESSOR THAT HAS MAJORITY OWNERSHIP THAT'S AMERICAN. I THINK THAT MAKES SENSE. I THINK IF YOU WENT OUT AND ASKED NEBRASKANS IN COFFEE SHOPS AND AT THE CO-OP OR AT THE GROCERY STORE, RUN INTO THEM AT THE BANK, BUMP INTO THEM ON MAIN STREET, ASK THEM ABOUT THIS QUESTION, THEY'D SAY, ABSOLUTELY, WHY WOULD WE ALLOW THE CHINESE GOVERNMENT TO HAVE THAT MUCH CONTROL OVER OUR ECONOMY? YOU KNOW, AND SENATOR KOLTERMAN MENTIONED EARLIER THAT HE FOUGHT WALMART COMING TO SEWARD, BUT PROGRESS IS PROGRESS. HERE IS THE DIFFERENCE, MEMBERS: WALMART IS AN AMERICAN COMPANY. IT'S NOT OWNED BY CHINA. WE CAN ALL DISAGREE OR AGREE AS TO WHETHER OR NOT WALMART HURTS MAIN STREET NEBRASKA AND MAIN STREET AMERICA, BUT WE ALL KNOW WHO OWNS WALMART, AT LEAST THE MAJORITY SHARE. IT'S STILL THE WALTON FAMILY. SAM WALTON HAS BEEN GONE A FEW YEARS NOW, AND SO HAS ONE OF HIS SONS. BUT THE REST OF THE FAMILY STILL OWNS, LAST TIME I CHECKED, THE VAST MAJORITY OF THE OWNERSHIP IN WALMART. AND I THINK YOU'D BE HARD PRESSED TO FIND A MORE PATRIOTIC PERSON THAN SAM WALTON. HE LOVED THIS COUNTRY AND HE DIDN'T SEE WHAT HE BUILT AS AGAINST MAIN STREET AMERICA. I THINK WE WANT TO DO BUSINESS, WE WANT TO PARTNER, WHETHER IT'S FOR SHORT TERM OR LONG TERM, WITH OUR ECONOMY AND FARMERS ACROSS OUR STATE. WE WANT TO HAVE VENDOR PARTNERS, RELATIONSHIPS WITH ENTITIES AND BUSINESS, PACKERS, AND PROCESSORS THAT SHARE OUR VALUES, THAT SHARE OUR ETHICS, SHARE OUR COMMON INTEREST IN OUR NATION, NOT THEIRS. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB176]

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SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. OBVIOUSLY, I THINK...I DON'T KNOW IF THIS IS A SERIOUS AMENDMENT, BUT I DO KNOW THIS, IS THAT, ONCE AGAIN, AS A STATE AND OUR LAWS, WE CAN'T DISCRIMINATE AGAINST WHO DOES BUSINESS HERE IN THE STATE, WHERE THEY'RE FROM OR WHATEVER ELSE. AND WHO IS TO SAY WHAT IS IN THE, QUOTE UNQUOTE, BEST INTEREST? SO I'M AGAINST THIS AMENDMENT. THANK YOU, MR. PRESIDENT. OH, AND I'D GIVE THE REST OF (MICROPHONE MALFUNCTION)...SENATOR LARSON. [LB176]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 4:13. [LB176]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. WILL SENATOR McCOY YIELD TO A QUESTION? [LB176]

SPEAKER HADLEY: WOULD SENATOR McCOY YIELD FOR A QUESTION? [LB176]

SENATOR McCOY: YES. [LB176]

SENATOR LARSON: THANK YOU, SENATOR McCOY. IF I HEARD RIGHT, THIS AMENDMENT ESSENTIALLY SAID THAT ANYBODY...THAT COMPANY OWNERSHIP WOULD HAVE TO BE MORE THAN 50 PERCENT AMERICAN OWNED, CORRECT? [LB176]

SENATOR McCOY: A PACKER DEFINED UNDER THIS LEGISLATION WITH THIS SORT OF AN ARRANGEMENT UNDER LB176 WOULD HAVE TO HAVE A MAJORITY AMERICAN OWNERSHIP, YES. [LB176]

SENATOR LARSON: SO ESSENTIALLY YOU'RE GOING TO ASK EITHER A PUBLICLY TRADED OR A PRIVATELY OWNED COMPANY TO TURN OVER ALL OF THEIR OWNERS AT ANY GIVEN TIME? OR WHEN WE CONSIDER TODAY'S MARKETS, WHEN WE HAVE STOCKS BEING BOUGHT OR SOLD CONSTANTLY, WILL THE STATE HAVE COMPLETE ACCESS TO THEIR OWNERSHIP ROLES? HOW DO YOU ENVISION THIS ACTUALLY WORKING? [LB176]

SENATOR McCOY: WELL, SENATOR LARSON, I'M NOT AWARE OF ANY PACKER OR PROCESSOR THAT DOESN'T HAVE A MAJORITY OF AMERICAN OWNERSHIP THAT ISN'T AN AMERICAN MAJORITY-OWNED COMPANY OTHER THAN SMITHFIELD FOODS. [LB176]

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SENATOR LARSON: NO, I'M ASKING...I'M JUST LOOKING INTO THE LOGISTICS OF YOUR AMENDMENT. SO ANY PACKER LOCATED IN THE STATE OF NEBRASKA WOULD HAVE TO TURN OVER ALL OF THEIR OWNERS AT ANY GIVEN TIME TO ENSURE THAT THEY'RE 50 PERCENT AMERICAN OWNED, CORRECT, UNDER YOUR AMENDMENT? THE... [LB176]

SENATOR McCOY: NO, I DON'T BELIEVE THAT'S THE CASE, SENATOR LARSON. [LB176]

SENATOR LARSON: WELL, THEN HOW DO THEY PROVE THAT THEY'RE NOT... [LB176]

SENATOR McCOY: WELL, THAT'S FAIRLY EASY TO DOCUMENT AS TO WHO OWNS THE MAJORITY OWNERSHIP OF ANY ENTITY IF IT'S PUBLICLY TRADED. [LB176]

SENATOR LARSON: IF IT'S PUBLICLY TRADED, IT'S STILL NOT SUPER EASY. BUT WHAT HAPPENS... [LB176]

SENATOR McCOY: I THINK THE SEC, IT PROVIDES THAT INFORMATION. [LB176]

SENATOR LARSON: WHAT HAPPENS WHEN YOU CREATE...I MEAN, WHAT WOULD HAPPEN...LET ME WALK YOU THROUGH THIS SCENARIO. A BUSINESSMAN FROM, LET'S SAY, CHINA OR, ACTUALLY, LET'S USE A FOREIGN ALLY, BRITAIN. RICHARD BRANSON, FOR EXAMPLE, CREATES A SHELL LLC AND THE STATE OF NEBRASKA DUMPS \$5 BILLION INTO IT AND THAT LLC HOLDING COMPANY BUYS A MAJORITY STAKE IN A NEBRASKA PACKER. IS THAT OKAY? [LB176]

SENATOR McCOY: WELL, SENATOR LARSON, I DON'T KNOW THAT I CAN ANSWER THAT QUESTION BECAUSE I WOULD HAVE TO KNOW MORE OF THE SPECIFICS OF THE HYPOTHETICAL THAT YOU'RE PUTTING TOGETHER. I THINK YOU'RE OVERCOMPLICATING THE SITUATION, SENATOR. [LB176]

SENATOR LARSON: NO, NO, NO, NO. THIS ISN'T...I THINK YOUR AMENDMENT IS OVERLY SIMPLISTIC. WHAT IF MR. BRANSON HIMSELF, IT'S A...HE'S NOT AN AMERICAN. HE OWNS VIRGIN AIRLINES. HE OWNS VIRGIN AMERICA. WHAT WOULD...WOULD HE BE ABLE TO HAVE AN OWNERSHIP STAKE OR A MAJORITY OWNERSHIP STAKE IN...UNDER YOUR AMENDMENT? [LB176]

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SENATOR McCOY: IN VIRGIN AIRLINES OR A PACKER? [LB176]

SENATOR LARSON: NO, NO, NO, NO, IN A PACKER. IF HE WANTED TO INVEST IN A PACKER IN NEBRASKA, WOULD HE BE ABLE TO HAVE THE MAJORITY OWNERSHIP? [LB176]

SENATOR McCOY: WELL, IF HE...HE COULD CERTAINLY HAVE MAJORITY OWNERSHIP, BUT HE COULDN'T UNDER THE AUSPICES OF... [LB176]

SENATOR LARSON: OF YOUR AMENDMENT. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR McCOY: ...A CONTRACT ARRANGEMENT IN THE PORK INDUSTRY UNDER LB176. [LB176]

SENATOR LARSON: NO. IF YOUR AMENDMENT WERE TO GET PASSED, WOULD HE BE ABLE TO HAVE A MAJORITY OWNERSHIP? [LB176]

SENATOR McCOY: WELL, CLEARLY, SMITHFIELD FOODS ALREADY IS A PROCESSOR IN NEBRASKA, SENATOR LARSON, AND THEY'RE MAJORITY OWNED BY THE CHINESE. [LB176]

SENATOR LARSON: NO. I'M ASKING YOU, IF YOUR AMENDMENT WERE TO PASS, COULD HE HAVE A MAJORITY OWNERSHIP? [LB176]

SENATOR McCOY: WELL, OF COURSE HE COULD, BUT NOT DOING BUSINESS ON A CONTRACT BASIS IN THE SWINE INDUSTRY WITH PORK PRODUCERS IN NEBRASKA,... [LB176]

SENATOR LARSON: OKAY. [LB176]

SENATOR McCOY: ...NOT IF HE HAD A MAJORITY OWNERSHIP, BECAUSE HE'S NOT... [LB176]

SENATOR LARSON: ALL RIGHT. [LB176]

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SENATOR McCOY: ...HE'S NOT AN AMERICAN CITIZEN. [LB176]

SENATOR LARSON: ALL RIGHT, THANK YOU. AND HEREIN LIES THE CONCEPT. UNDER SENATOR McCOY'S AMENDMENT, NOT ONLY DOES HE WANT TO RESTRICT WHO CAN INVEST IN AMERICAN COMPANIES, NEBRASKA COMPANIES, I SHOULD SAY. WE SHOULD WANT... [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR LARSON: ...ANYBODY TO INVEST. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR McCOY AND SENATOR LARSON. AND, SENATOR LARSON, YOU'RE NEXT IN THE QUEUE. [LB176]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I LOOK AT FA79 WITH SHOCK AND DISBELIEF THAT THIS COULD EVEN COME UP. WE SAY WE DO THIS TO PROTECT OURSELVES FROM CHINA. THIS IS ONE OF THE MOST PROTECTIONIST AND SCARE-TACTIC THINGS I'VE SEEN ON THE FLOOR OF THE LEGISLATURE THAT A COMPANY...WE AS THE LEGISLATURE ARE GOING TO SAY A COMPANY HAS TO BE MAJORITY-OWNED AMERICAN. FORGET ABOUT CHINA. WE ARE...WHAT WOULD HAPPEN IF...WHEN WE LOOK AT THESE SOVEREIGN WEALTH FUNDS THAT ARE POPPING UP ACROSS INVESTMENTS OR ACROSS THE COUNTRY OR IN BUSINESS THAT ARE BUYING THINGS AND INVESTING IN INFRASTRUCTURE, THAT ARE INVESTING IN OUR LARGEST BANKS, THAT ARE INVESTING IN OUR LARGEST COMPANIES AROUND THIS COUNTRY BECAUSE THEY VIEW THE AMERICAN ECONOMY AS STILL THE GOLD STANDARD. WE CANNOT TAKE THIS STEP TO LIMIT ANY INVESTMENT IN OUR ECONOMY, WHETHER THAT'S INVESTMENT FROM A SOVEREIGN WEALTH FUND, FROM THE UNITED ARAB EMIRATES, OR SAUDI ARABIA OR CHINA OR IF IT'S INVESTMENT FROM A FOREIGN BUSINESSMAN. THIS AMENDMENT IS NOT WHAT WE WANT. WE TALK ABOUT WANTING INVESTMENT IN AMERICA, INVESTMENT IN BUSINESS IN AMERICA. FA79 IS PROTECTIONIST AND, AS I SAID YESTERDAY, REEKS OF WHAT IS EXACTLY HAPPENING IN CONGRESS WITH THE TRANS-PACIFIC TRADE PARTNERSHIP. THIS IS SOMETHING THAT I WOULDN'T HAVE EXPECTED OUT OF SENATOR McCOY, MAYBE ELIZABETH WARREN BUT NOT SENATOR McCOY. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR McCOY, YOU'RE RECOGNIZED TO CLOSE ON YOUR FLOOR AMENDMENT. [LB176]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT. I AM SERIOUS ABOUT THIS AMENDMENT. BUT WITH APPROXIMATELY FOUR MINUTES BEFORE WE GO TO A VOTE ON THIS BILL, I'M NOT GOING TO LEAVE THIS AMENDMENT WITH A VOTE AFTER, POTENTIALLY AFTER, A CLOTURE MOTION WITH THIS AMOUNT OF A DISCUSSION THAT--LET ME REPHRASE THAT--WITHOUT MORE DISCUSSION THAN WHAT WE'VE HAD ON IT. WHEN I PUT THIS AMENDMENT IN, I WASN'T SURE OF WHAT POINT IN THE MORNING OR THE AFTERNOON WE WOULD GET TO IT. THIS IS, IN MY MIND, AN IMPORTANT DISCUSSION TO HAVE, JUST AS THIS BILL IS AN IMPORTANT BILL TO HAVE DISCUSSED. BUT WE'RE IN THE WANING MOMENTS OF THIS DISCUSSION ON THIS BILL. I DON'T WANT FA79 TO COLOR THE OVERARCHING DISCUSSION ON THIS BILL, AND SO I'D ASK FOR IT TO BE WITHDRAWN, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: IT IS WITHDRAWN. MR. CLERK, YOU HAVE A MOTION ON THE DESK? [LB176]

CLERK: MR. PRESIDENT, I DO. SENATOR SCHILZ WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB176]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE ACCORDING TO LB176. SENATOR SCHILZ, FOR WHAT PURPOSE DO YOU RISE? [LB176]

SENATOR SCHILZ: YES. I'D LIKE A CALL OF THE HOUSE. [LB176]

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. [LB176]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB176]

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 McCOLLISTER, HANSEN, HOWARD, PANSING BROOKS, COOK, KOLOWSKI, McCOY, COASH, HUGHES, STINNER, CHAMBERS, FRIESEN, JOHNSON,

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AND GARRETT AND LINDSTROM, THE HOUSE IS UNDER CALL. SENATOR PANSING BROOKS, IF YOU WOULD CHECK IN, PLEASE. SENATOR STINNER, THE HOUSE IS UNDER CALL. SENATOR HUGHES, IF YOU WOULD CHECK IN, PLEASE. SENATOR SCHILZ, HOW WOULD YOU LIKE TO PROCEED? [LB176]

SENATOR SCHILZ: A ROLL CALL IN REVERSE ORDER, PLEASE. [LB176]

SPEAKER HADLEY: MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. ALL THOSE IN FAVOR WILL VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK. [LB176]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1893-1894.) 31 AYES, 11 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB176]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE FAILS. MR. CLERK, ANY ANNOUNCEMENTS? [LB176]

CLERK: I DO, MR. PRESIDENT, THANK YOU.

SPEAKER HADLEY: RAISE THE CALL.

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS THEY'VE EXAMINED AND ENGROSSED LB315, LB315A, LB452, LB457, LB540, LB577, LB581, LB581A, ALL REPORTED CORRECTLY ENGROSSED. SENATOR JOHNSON, NEW RESOLUTION, LR366 AND LR367, THOSE WILL BE LAID OVER; SENATOR MELLO, LR368. THAT'S ALL THAT I HAVE AT THIS TIME, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1894-1896.) [LB315 LB315A LB452 LB457 LB540 LB577 LB581 LB581A LR366 LR367 LR368]

SPEAKER HADLEY: MR. CLERK, WE WILL GO TO THE 1:30 AGENDA.

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE THAT LB268 BECOME LAW NOTWITHSTANDING THE OBJECTIONS OF THE GOVERNOR. [LB268]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB268]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS IS ONE OF THOSE ISSUES WHICH I THINK EVERYBODY HAS MADE UP HIS MIND OR HER MIND ON. WE'RE GOING THROUGH THIS FINAL STEP, AND FOR ME IT'S THE FINAL STEP PERHAPS ON A LONG JOURNEY. I'M GOING TO SAY SOMETHING THAT ABRAHAM LINCOLN SAID: THE WORLD WILL LITTLE NOTE NOR LONG REMEMBER WHAT WE SAY HERE, BUT IT WILL NEVER FORGET WHAT WE DO HERE. THE ACTION THAT WE TAKE WILL DEFINITELY BE HISTORIC. I'M NOT GOING TO GO THROUGH A NUMBER OF THE ITEMS THAT WERE CONTAINED IN THE HANDOUTS THAT I GAVE YOU. BUT THERE IS ONE STATEMENT THAT I WANT TO READ BECAUSE IT WAS GIVEN BY THE BISHOPS AS A DIRECT RESPONSE TO WHAT THE GOVERNOR SAID IN HIS VETO MESSAGE. QUOTE, WE REMAIN CONVINCED THAT THE DEATH PENALTY DOES NOT DETER CRIME NOR DOES IT MAKE NEBRASKA SAFER OR PROMOTE THE COMMON GOOD IN OUR STATE, THEY SAID. WE ENCOURAGE CATHOLICS TO CONTACT THEIR STATE LEGISLATORS, ENCOURAGING THEM TO VOTE TO OVERRIDE THE GOVERNOR'S VETO. THERE HAVE BEEN EDITORIALS WHICH HAVE POINTED OUT THE VARYING GROUPS AND INDIVIDUALS WHO NOW SEE THAT THE DEATH PENALTY SHOULD BE ABOLISHED. ONE OF THE MOST NOTED CONSERVATIVE COLUMNISTS IS GEORGE WILL, AND HE WROTE A DETAILED COLUMN ON WHY ABOLITION IS THE APPROPRIATE THING TO DO WITH REFERENCE TO THE DEATH PENALTY: I WISH THAT I COULD SAY THAT IT WAS MY BRILLIANCE THAT BROUGHT US TO US THIS POINT, BUT THAT WOULD NOT BE TRUE AND WE ALL KNOW IT. HAD NOT THE CONSERVATIVE FACTION DECIDED THAT IT'S TIME FOR A CHANGE, THERE'S NO WAY THAT WHAT IS HAPPENING TODAY WOULD BE TAKING PLACE. THERE HAS BEEN A CONFLUENCE OF EVENTS, INDIVIDUALS, GROUPS, AND CIRCUMSTANCES THAT HAVE PUT NEBRASKA ON THE THRESHOLD OF STEPPING INTO HISTORY ON THE RIGHT SIDE OF HISTORY. THIS WILL BE A SHINING MOMENT FOR THE NEBRASKA LEGISLATURE. THE WORLD BY ANYBODY'S RECKONING IS A PLACE FILLED WITH DARKNESS, CONTENTION, VIOLENCE. WE, TODAY, CAN MOVE TO LIFT PART OF THAT CLOUD OF DARKNESS THAT HAS BEEN HOVERING OVER THIS STATE FOR ALL THESE YEARS, SINCE 1973, IN FACT, WHEN THE DEATH PENALTY WAS REINSTATED. I WILL POINT OUT A COINCIDENCE THAT I HAD BEFORE. THE NUMBER OF THE BILL THAT REINSTATED THE DEATH PENALTY IN NEBRASKA WAS THE SAME NUMBER AS THIS BILL, WHICH WILL ABOLISH IT AND FREE THIS STATE AND FREE ITS CITIZENS. WE HAVE AN OBLIGATION TO SHOW THE WAY, BE THE EXAMPLE FOR SOCIETY. STATE KILLING SHOULD NOT BE GLAMORIZED, IT SHOULD NOT BE SANCTIFIED. AND STATE KILLING CAN NO MORE PREVENT OR INHIBIT KILLING THAN CAN A TIGER BE WEANED FROM HIS TASTE FOR RAW MEAT BY FEEDING HIM ALL THE RAW MEAT THAT HE CAN EAT. I EXPECT MY COLLEAGUES TO VOTE THE SAME WAY

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THAT THEY HAVE DONE IN THE PAST, NOT ONCE, NOT TWICE, BUT THREE TIMES. IN THE FACE OF CRITICISM, IN THE FACE OF SOME OF THE MOST SCURRILOUS TYPES OF THINGS THAT CAN BE STATED BY ONE PERSON TO ANOTHER, THEY HAVE HELD FIRM. I HAVE SAID, AND I WILL SAY IT AGAIN, THERE HAS BEEN A MORAL CLARITY THAT WAS SHOWN BY THOSE WHO HAVE TAKEN THAT MORALLY COURAGEOUS POSITION. FOR ME, COURAGE IS NOT SOMETHING THAT TAKES PLACE AS A RESULT OF FEARLESSNESS. SOMEBODY WHO IS FEARLESS AND RUNS INTO DANGER MAY BE BOLD, MAY BE DARING, MAY BE BRAVE. BUT IN MY MIND, THE WORD "COURAGE" APPLIES WHEN A PERSON IS FEARFUL, TREMBLING IN HIS OR HER BOOTS BUT, NEVERTHELESS, WILL RISE TO THE OCCASION AND DO THAT WHICH HE OR SHE KNOWS IS THE RIGHT THING TO DO. EVEN SOME OF THOSE WHO FEEL COMPELLED TO VOTE AGAINST ABOLITION KNOW THAT ABOLITION IS WHAT OUGHT TO OCCUR. ONCE WE TAKE THIS STEP, THERE IS NOT GOING TO BE A FALLING APART OF THIS STATE. THIS BUILDING WILL NOT IMplode. ONCE SOCIETY IS CONFRONTED BY A FACT ACCOMPLISHED, IT IMMEDIATELY ABSORBS IT, ADJUSTS TO IT, AND CONTINUES TO MOVE FORWARD. AND I'M HOPING THAT WE WILL BE THAT MOTIVE FORCE IN THIS COUNTRY THAT WILL ULTIMATELY RESULT IN THE ABOLITION OF STATE KILLING SO THAT NATURE CAN TAKE ITS PROPER COURSE. AND HUMAN BEINGS, WHO ARE DEEMED THE RATIONAL ANIMALS, WILL ALLOW THAT RATIONALITY TO OVERCOME THAT BASIC, AS SOME PEOPLE CALL IT, OR THAT BASE INSTINCT THAT REMAINS RELATED TO THE ANIMAL KINGDOM. IT COULD BE ANALOGIZED TO THAT TINY CAVEMAN IN THE ANIMAL'S SKIN CARRYING THE CLUB AND HAVING A BLOOD LUST NOT FOR THE SAKE OF LUSTING AFTER BLOOD, BUT IT IS NOT CIVILIZED. IT KNOWS NO BETTER, IT OPERATES ACCORDING TO ITS BEST LIGHTS, WHICH ARE FAR FROM BEING AS BRIGHT AND ILLUMINATING AS THOSE THAT WE HAVE. SO I THINK WE ALL KNOW THAT WE ARE HELD ACCOUNTABLE FOR WHAT IT IS THAT WE DO KNOW. WE HAVE AN OBLIGATION AND A RESPONSIBILITY TO ACT IN ACCORD WITH THOSE, WHAT THEY CALL, BETTER ANGELS OF OUR HIGHER NATURE. SO, AGAIN, I THINK THAT THERE ARE SOME OF YOU WHO SHOW GREAT COURAGE IN CASTING THE VOTE THAT YOU HAVE CAST THUS FAR AND WILL CAST TODAY. YOU ALL KNOW THAT I'M NOT RELIGIOUS. BUT I WROTE A LITTLE RHYME THE OTHER DAY TO POINT OUT THAT NO MATTER WHAT WE MIGHT THINK WE'D LIKE TO SAY, SOMEBODY ELSE HAS PROBABLY ALREADY SAID IT AND SAID IT BETTER. SO WHEN THIS SUCCESSFUL VOTE OCCURS, I'M GOING TO TELL YOU THE STATEMENT THAT WE ALL CAN SAY, AND WE WILL QUOTE SOMEBODY WHO SAID IT A LONG TIME AGO AND PROBABLY BETTER THAN ANY OF US WOULD THINK TO SAY IT: I HAVE FOUGHT THE GOOD FIGHT. I HAVE FINISHED MY COURSE. I HAVE KEPT THE FAITH. AND THAT'S WHAT I HOPE ALL OF US WILL DO. DON'T SACRIFICE WHAT YOU ARE, WHAT YOU HAVE

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STOOD FOR IN RESPONSE TO TEMPORARY POLITICAL PRESSURE OF THE KIND THAT MIGHT DISCARD YOU LATER, KICK YOU TO THE CURB, THROW YOU UNDER THE BUS. WE ARE TAKING THE LONG-RANGE VIEW AND BEHAVING IN THE MANNER OF WHAT OTHERS HAVE CALLED PHILOSOPHER KINGS--THOSE WHO RULE, BUT THEY DO IT WITH KNOWLEDGE, UNDERSTANDING, COMPASSION, AND A SENSE FOR AND APPRECIATION OF JUSTICE. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. THOSE IN THE QUEUE: SENATORS NORDQUIST, KRIST, SCHEER, WATERMEIER, MORFELD, AND OTHERS. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB268]

SENATOR NORDQUIST: THANK YOU, MR. SPEAKER AND MEMBERS. I RISE IN SUPPORT OF THE MOTION TO OVERRIDE THE GOVERNOR'S VETO ON LB268, AND IT'S BECAUSE THE DEATH PENALTY IN NEBRASKA IS BROKEN. IT'S BEEN BROKEN FOR MY ENTIRE TIME IN THE LEGISLATURE. IT'S BEEN BROKEN FOR WELL BEYOND THAT. IT'S BROKEN FROM A PERSPECTIVE OF JUSTICE. WE TALKED EXTENSIVELY ON SELECT FILE AND ON FINAL READING DEBATE ABOUT THE ARBITRARY APPLICATION OF OUR DEATH PENALTY IN NEBRASKA. OUT OF THE 235 FIRST-DEGREE MURDER CASES IN OUR STATE SINCE 1973, ARBITRARILY THREE INDIVIDUALS HAVE BEEN SENTENCED TO DEATH. WE TALKED ABOUT THE GRUESOME DETAILS OF SOME OF THE OTHER CASES THAT WERE NOT DEEMED WORST OF THE WORST. BUT THE DEATH PENALTY IS ALSO BROKEN VERY MUCH FROM A PRACTICAL NATURE IN NEBRASKA, NOT FROM JUST A JUSTICE PERSPECTIVE, A PHILOSOPHICAL PERSPECTIVE, BUT IT IS PRACTICALLY BROKEN. FOR MY ENTIRE TIME IN THE LEGISLATURE SINCE THE LEGISLATURE PASSED A BILL IN 2009, MY FIRST YEAR HERE, WE HAVE BEEN CHASING IMPLEMENTING LETHAL INJECTION. WE HAVE FAILED TO DO IT MY ENTIRE SEVEN YEARS IN THIS BODY. AND OUR ATTEMPT TO PURCHASE DRUGS FOR USE IN EXECUTION HAS BEEN RIDDLED WITH PROBLEMS. WE'VE WASTED TIME AND TAXPAYER MONEY. AND IT ALMOST BORDERS ON THE RIDICULOUS, THE STEPS THAT WE'VE TAKEN AS A STATE, AS A SOCIETY TO TRY TO GET OUR HANDS ON THE DRUGS TO EXECUTE SOMEBODY. AND I WANT TO RUN THROUGH QUICKLY THE TIME LINE SINCE 2009, MAY 28, 2009, WHEN GOVERNOR HEINEMAN SIGNED THE BILL REPLACING THE ELECTRIC CHAIR WITH LETHAL INJECTION. JANUARY 24, 2010, THE LAST U.S. MAKER OF SODIUM THIOPENTAL NO LONGER WILL SELL FOR EXECUTIONS. IN FEBRUARY 2010, HEINEMAN APPROVED LETHAL INJECTION PROTOCOL. JANUARY 7, 2011, CORRECTIONS OFFICIALS OBTAINED SODIUM THIOPENTAL FROM INDIA. JANUARY 21, 2011, CORRECTIONS ANNOUNCED THEY'RE PREPARED TO CARRY OUT EXECUTIONS. APRIL 21, 2011, THE SUPREME

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COURT SETS AN EXECUTION DATE FOR CAREY DEAN MOORE. IN APRIL OF THAT YEAR, THE DEA, THE DRUG ENFORCEMENT AGENCY, INFORMS CORRECTIONS THAT IT DID NOT HAVE A LICENSE TO LEGALLY IMPORT THE DRUGS. IN MAY, THE MOORE EXECUTION IS POSTPONED AND THE SUPREME COURT REVIEWS THE DRUG SOURCE. IN JUNE, NEBRASKA OBTAINS PROPER DRUG IMPORT LICENSE FROM THE DEA. OCTOBER, NEBRASKA ACQUIRES A FRESH SUPPLY OF SODIUM THIOPENTAL. IN NOVEMBER, THE ATTORNEY GENERAL ASKED FOR AN EXECUTION DATE FOR MICHAEL RYAN. NOVEMBER, RYAN ASKED THE SUPREME COURT TO REMOVE THE ATTORNEY GENERAL FROM THE CASE. THE SUPREME COURT DENIED THAT IN JANUARY OR IN DECEMBER. IN JANUARY OF 2012, THE NEBRASKA SUPREME COURT ISSUES AN EXECUTION WARRANT FOR MICHAEL RYAN. FEBRUARY 2012, THE SUPREME COURT ORDERS A RICHARDSON COUNTY DISTRICT JUDGE TO REVIEW THE DRUG SUPPLY CONCERNS RAISED BY RYAN. IN MARCH, THE JUDGE REJECTED THE CONCERNS. IN AUGUST, THE FIRST BATCH OF SODIUM THIOPENTAL EXPIRED. IN OCTOBER 2013, THE NEBRASKA SUPREME COURT HEARS RYAN'S CHALLENGE TO LETHAL INJECTION, TO THE LETHAL INJECTION DRUGS. IN OCTOBER OF 2013, ATTORNEY GENERAL BRUNING STATED NEBRASKA NEEDS A NEW LETHAL INJECTION PROTOCOL. IN DECEMBER OF 2013, LETHAL INJECTION DRUGS EXPIRE AND THE STATE IS UNABLE TO CARRY OUT EXECUTIONS. APRIL 18, 2014, THE SUPREME COURT DENIES RYAN'S REQUEST TO DELAY EXECUTIONS. WE OBVIOUSLY SAW LAST WEEK THE ELEVENTH-HOUR ATTEMPT TO OBTAIN NEW DRUGS. THERE'S ABSOLUTELY NO...THE ONLY THING THAT'S GUARANTEED WITH THE OBTAINING OF THOSE DRUGS IS WE ARE SETTING OURSELVES UP FOR ROUNDS AND ROUNDS OF COSTLY LITIGATION THAT WILL COST THE STATE TENS IF NOT HUNDREDS OF THOUSANDS OF DOLLARS... [LB268]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB268]

SENATOR NORDQUIST: ...AND JUST THIS WEEK WE OBVIOUSLY SAW THE NATURAL DEATH OF MICHAEL RYAN ON DEATH ROW, WHO WAS SENTENCED TO DEATH ROW WHEN I WAS FOUR YEARS OLD. THE DEATH PENALTY IN NEBRASKA IS BROKEN. IT'S TIME TO REPEAL IT. THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR NORDQUIST. (VISITORS INTRODUCED.) SENATOR KRIST, YOU ARE RECOGNIZED. [LB268]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. THIS JOURNEY THIS YEAR STARTED FOR

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THE EIGHT MEMBERS OF THE JUDICIARY COMMITTEE DURING A FOUR-AND-A-HALF HOUR HEARING WHERE WE HEARD TESTIMONY ON THE DEATH PENALTY. THE PREDOMINANT NUMBER, ALL BUT ONE, TALKED ABOUT THE DEATH PENALTY AND ABOLISHING IT. ONE WAS CONCERNED THAT IT WOULD REMOVE SOME LEGITIMATE OPTIONS FOR A PROSECUTOR. THAT'S THE TESTIMONY THAT WE HEARD THAT WAS FOUR HOURS. THEN WE DEBATED ON GENERAL FILE EIGHT HOURS, AND THEN WE DEBATED ON SELECT FILE FOUR HOURS, AND THEN WE DEBATED ON FINAL READING TWO HOURS. WE HAVE HAD OPEN AND HONEST DEBATE, FAIR AND HONEST DEBATE. THOSE OF YOU WHO HAVE NEVER HEARD OF THE DEATH PENALTY IN THE DEPTHS THAT YOU'VE HEARD ABOUT IT HERE AS 1 OF 49 HAVE HAD AN OPPORTUNITY TO MAKE YOUR MIND UP ONE WAY OR THE OTHER. AND WE HAVE VOTED IN FAVOR OF ABOLISHING THE DEATH PENALTY THREE TIMES OVERWHELMINGLY. AND THE GOVERNOR HAS GIVEN US AN OPPORTUNITY TO VOTE AGAIN. I WILL SPEAK ONLY ONE TIME AS I HAVE ON ALL OF THE THREE ROUNDS. MY REASONS FOR SUPPORTING THE REPEAL OF THE DEATH PENALTY ARE MY LIFE EXPERIENCES THAT TELL ME THAT TAKING A LIFE IS NOT THE RIGHT WAY FOR THE STATE TO MAINTAIN THE SAFETY OF ITS CITIZENS. IT IS A MORAL CONVICTION OF MINE AND IT IS ALSO PART OF MY WAY OF LIFE AS A PRO-LIFE PERSON. I WANT TO ADDRESS JUST ONE ISSUE AND THAT IS THE NUMBER OF E-MAILS, PHONE CALLS, BOTH PLEASANT AND UNPLEASANT, AND OTHER THINGS THAT WE COLLECTIVELY HAVE HEARD AND SEEN. I COUNTED JUST THE LAST TWO WEEKS, BECAUSE THAT'S REALLY WHEN THE PUSH WAS PUT ON, 482 E-MAILS JUST IN THE LAST TWO WEEKS THAT STATED OPINIONS, JUDGMENTS ABOUT MY CHARACTER. I KNOW YOU'VE ALL HAD JUDGMENTS ABOUT YOURS. OUT OF 482, 301 ENCOURAGED ME TO STAY THE COURSE. DO WHAT I BELIEVE IN. DO WHAT'S RIGHT FOR THE STATE OF NEBRASKA. SO WHEN PEOPLE TELL ME THAT I'M NOT REPRESENTING MY CONSTITUENCY, I AM REPRESENTING THE CONSTITUENCY FIRST FOR WHAT I BELIEVE IN, AND NEXT FOR WHAT I HAVE HEARD. I'VE NEVER TALKED ABOUT SUBJECT MATTER DURING THIS. I SIMPLY HAVE TALKED ABOUT MY CONVICTIONS AND MY MORAL OBLIGATION, BUT I THOUGHT I WOULD PUT THAT INTO THE MIX BECAUSE THOSE ARE MY OBSERVATIONS, MY FEEDBACK FROM THE PEOPLE WHO BOTHERED TO CALL ME, TALK TO ME. AND I APPRECIATE THAT FEEDBACK. MY ENTIRE TIME IN THE AIR FORCE I LIVED BY ONE MOTTO. AND I WANT YOU TO THINK ABOUT THIS AS YOU CAST YOUR VOTE TODAY BECAUSE THERE ARE MANY PEOPLE IN THIS COUNTRY THAT ARE LOOKING TO NEBRASKA TO DO JUST THIS. ON THE DEATH PENALTY, YOU HAVE A CHOICE: LEAD, FOLLOW, OR GET OUT OF THE WAY. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

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SENATOR KRIST: WE HAVE AN OPPORTUNITY TO LEAD TODAY AND I HOPE THAT ALL OF YOU WILL FIND THE MORAL CHARACTER AND CONVICTION TO CONTINUE TO VOTE THE WAY THAT YOU HAVE. THANK YOU, MR. SPEAKER. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB268]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. THIS IS A QUESTION ABOUT LEADERSHIP. SENATOR KRIST IS ABSOLUTELY CORRECT. WE HAVE HAD A LOT OF DISCUSSION. WE ALL HAVE DIFFERENT PATHS TO WHERE WE ENDED UP TODAY. WE'VE ALL HAD DIFFERENT LIFE EXPERIENCES. MINE IS DIFFERENT THAN EACH AND EVERY ONE OF YOU. YOURS IS DIFFERENT THAN MINE. I'M HERE BECAUSE I BELIEVE THAT THERE IS A TIME AND A PLACE FOR THE DEATH PENALTY IN THE STATE OF NEBRASKA. THERE ARE TIMES WHEN SOMEONE WILL COMMIT A CRIME IN A HEINOUS ENOUGH MANNER THAT THAT PERSON ONLY DESERVES THE ULTIMATE CONSEQUENCE TO THAT ACTION, WHICH WOULD BE PUT TO DEATH. THIS IS NOT AN EASY DECISION TO MAKE FOR ANY OF US. WE ALL STRUGGLE WITH THIS. LET ME BE PERFECTLY CLEAR, THERE IS NOT GOING TO BE A WINNER OR A LOSER TODAY. THE STATE WILL HAVE A POLICY WHICHEVER WAY WE DECIDE TO VOTE. I FEEL, FROM MY PERSPECTIVE, FROM MY LIFE, I HAVE SEEN WHAT HAS HAPPENED TO FAMILIES. I HAVE SEEN BODIES BEING CARRIED OUT OF A FACILITY WHERE A RUTHLESS, PREMEDITATED ACTION TOOK PLACE. THOSE PEOPLE IN THAT BANK OPENED THE DOORS TO PROVIDE A SERVICE TO OUR COMMUNITY. THEY DIDN'T ASK FOR PEOPLE TO RUN IN, JUMP OVER THE COUNTERS, PUT A GUN TO A PERSON'S HEAD, AND SHOOT THEM, NOT ONE BUT MULTIPLE, ANYONE THEY COULD GET THEIR HANDS ON. I, TOO, HAVE FAITH. I, TOO, AM A PRO-LIFE INDIVIDUAL. BUT LET ME MAKE IT PERFECTLY CLEAR. MY PRO-LIFE STAND IS BASED ON THE INNOCENT AND THOSE THAT CAN'T TAKE CARE OF THEMSELVES, NOT FOR SOMEONE THAT HAS UNILATERALLY AND METICULOUSLY AND PREMEDITATEDLY TAKEN THE LIFE OF ANOTHER. THEY FORFEIT THAT MERCY BY DOING THAT. WE ALL WILL FACE CHANGES, CHALLENGES. WE ALL HAVE A DIFFERENT PERSPECTIVE. WE ALL WILL VOTE FOR TRULY A DIFFERENT REASON EVEN THOUGH THERE ARE 49 OF US. THERE WILL BE TWO COMMON VOTES. THEY WILL EITHER BE A YES OR A NO, BUT WE WILL ALL MAKE THAT BASED ON OUR OWN INDIVIDUAL REASONING. MINE WILL BE TO SUPPORT THE GOVERNOR'S VETO, AND THIS ISN'T BECAUSE IT'S THE GOVERNOR. IT'S BECAUSE IT'S THE RIGHT THING TO DO. WE HAVE AN OPPORTUNITY TO CORRECT MISTAKES OR ERRORS THAT WE'VE MADE. SOME OF

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US MAY HAVE A CHANGE OF HEART, SOME MAY NOT. BUT WE NEED TO DO WHAT IS BEST AND WHAT'S RIGHT IN OUR HEARTS. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR SCHEER: AS WE MOVE FORWARD, AS YOU PUSH THAT BUTTON, MAKE SURE YOU'RE DOING WHAT IS IN YOUR HEART, YOUR MIND WHAT'S BEST FOR THE STATE. AS SENATOR KRIST SAID, IT IS ABOUT LEADERSHIP. BUT NONE OF US CAN TELL EACH OTHER WHAT THE RIGHT WAY TO LEAD IN THIS IS. WE HAVE TO GO OUR OWN PATH, FIND THE WAY THAT IS BEST FOR YOU, REPRESENT OUR STATE, YOUR CONSTITUENTS. AND FOR ME, THAT MEANS I WILL SUPPORT THE DEATH PENALTY. I WILL SUPPORT THE VETO OVERRIDE OR SUPPORT AND NOT VOTE IN FAVOR OF THE VETO OVERRIDE. THANK YOU, MR. SPEAKER. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SCHEER. SENATOR WATERMEIER, YOU ARE RECOGNIZED. [LB268]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I RISE IN OBJECTION AND AGAINST THE MOTION TO OVERRIDE. I HAD SPOKE ONCE ON EACH LEVEL OF THE DEBATE ON GENERAL, SELECT, AND ON FINAL READING, AND I MADE UP MY MIND THAT I WAS NOT GOING TO PROBABLY SPEAK TO THE MOTION TO OVERRIDE UNTIL YESTERDAY. AS MANY OF US ON THE FLOOR HAVE MENTIONED, I HAVE HAD CONSTITUENTS COME TO ME. WE ALL ARE TAKING A VOTE COUNT. AND I PRETTY MUCH DISMISSED THE FORM LETTERS AND I DISMISSED THE E-MAILS THAT COME IN FORM FASHION. BUT WHEN SOMEONE COMES TO MY OFFICE, I TAKE A MINUTE AND I'LL VISIT WITH THEM OR I'LL TAKE AS MUCH TIME AS NEED BE. AND MY VOTE COUNT HAS BEEN ABOUT A DOZEN PEOPLE THAT SHOW UP IN SUPPORT OF KEEPING THE DEATH PENALTY, AND YESTERDAY I HAD THE FIRST PERSON COME TO ME THAT WAS WANTING ME TO REPEAL THE DEATH PENALTY. AND I GAVE THEM WHATEVER TIME IT TOOK. AND AS TIME WENT ON, THE PERSON GOT MORE AND MORE AGITATED. AND HE GOT RIGHT IN MY FACE AND HE SAID, SENATOR WATERMEIER, YOU'RE A PRO-LIFE PERSON. HOW IN THE WORLD CAN YOU BE FOR THIS? SO I STOOD BACK AND LET HIM TALK SOME MORE. AND I'VE COME TO FIND OUT THAT HE WAS A TOTAL PRO-CHOICE INDIVIDUAL. AND IT REALLY SET ME BACK A LITTLE BIT THAT HE WANTED TO PUT ME TO TASK ON THAT, BECAUSE TO ME IT COMES BACK, AS SENATOR SCHEER HAD JUST MENTIONED, TO THE CHOICE. WHEN WE AS HUMAN BEINGS MAKE A CHOICE TO TAKE SOMEONE ELSE'S LIFE, THAT NEEDS TO BE ACCOUNTED FOR. SO THIS MORNING I JUST WROTE DOWN A FEW NOTES, AND TO

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ME I HAVE TO SUMMARIZE IT AS QUICKLY AS I POSSIBLY CAN. BUT IT'S UNBELIEVABLE TO ME TO THINK THAT WE LIVE IN A STATE WHERE WE MAY NOT PUT TO DEATH THOSE WHO HAVE ACTED IN THE MOST HEINOUS AND EVIL WAYS, YET WE MAY KILL THOSE MOST INNOCENT AND VULNERABLE AMONG US. THOSE WHO HAVE FOUGHT TO REPEAL THE DEATH PENALTY ARE THE VERY SAME PEOPLE WHO FIGHT FOR ON-DEMAND ABORTION. IN NEBRASKA, WE CURRENTLY HAVE TEN PEOPLE ON DEATH ROW. THOSE MEN HAVE CAST AWAY THEIR HUMANITY BY COMMITTING EVIL ACTS. THEY HAVE TAKEN THE LIVES OF ANOTHER HUMAN BEING, PUT ON DEATH ROW UNDER THE CAREFUL CONSIDERATION OF THEIR PEERS. YET THERE WILL BE NEARLY 200 LIVES TAKEN AWAY IN NEBRASKA IN THE NEXT MONTH, 2,000 IN THIS YEAR. COMPARE THAT WITH THE THREE INMATES THAT HAVE BEEN EXECUTED SINCE ROE v. WADE WAS HANDED DOWN. TELL ME WHAT DOES AN UNBORN CHILD HAVE IN COMMON WITH ANY ONE OF THE MURDERERS WE HAVE ON DEATH ROW? ABSOLUTELY NOTHING. SOME BELIEVE THAT THE GOVERNMENT SHOULD NOT BE IN THE BUSINESS OF KILLING, YET OUR STATE AND FEDERAL GOVERNMENTS EITHER PARTICIPATE IN OR PERMIT A VARIETY OF KILLINGS: THROUGH THE DEATH PENALTY, THROUGH ABORTION, MILITARY OPERATIONS, AND SELF-DEFENSE. MANY OF THESE MOST ACTIVELY PUSHING FOR THE REPEAL OF THE DEATH PENALTY, THOSE VOICES, VOICES OF THE MINORITY OF CITIZENS IN NEBRASKA WHICH HAVE BEEN THE LOUDEST, CHOOSE TO DEFEND THE GUILTY WHILE CASTING AWAY THOSE THAT ARE THE MOST INNOCENT. MANY OF YOU HAVE ALSO SAID IT TAKES COURAGE AND TODAY IS ABOUT HISTORY. I THINK IT DOES TAKE COURAGE IN A SITUATION LIKE THIS. TODAY, WE HAVE A CHANCE FOR 20 OF US TO STAND UP WITH THE COURAGE TO KEEP THE DEATH PENALTY IN PLACE. REMEMBER, IT WILL TAKE 33 VOTES OR MORE NEXT YEAR IF WE FEEL LIKE WE'VE MADE A MISTAKE TODAY BUT ONLY 20 TO KEEP THE BILL IN PLACE, TO KEEP THE ACTIONS OF THE STATE IN PLACE. LAST WEEK WHEN WE VOTED FOR CLOTURE ON FINAL READING, I KIND OF ENVISIONED WHAT MIGHT BE GOING ON. AND I'M SURE THE PEOPLE ON DEATH ROW AND THOSE IN THE STATE WOULD PROBABLY GET THE WORD WITHIN 30 MINUTES OF OUR VOTE. AND I'M SURE THEY WERE HIGH FIVING IT AND REJOICING AND CELEBRATING. BUT WHEN I LIFTED MY HEAD UP, I SAW THAT IN THIS CHAMBER. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR WATERMEIER: SOMEWHAT HUMILIATING, SOMEWHAT DISAPPOINTING. THANK YOU, MR. PRESIDENT. [LB268]

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SPEAKER HADLEY: THANK YOU, SENATOR WATERMEIER. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB268]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. I RISE IN SUPPORT OF THE MOTION TO OVERRIDE, JUST AS I VOTED THE LAST THREE TIMES IN ORDER TO SUPPORT LB268. AND IT'S BASED ON SEVERAL DIFFERENT REASONS, A FEW OF WHICH I'LL REPEAT FROM LAST TIME. BUT ALSO ADD A FEW AS WELL IN RESPONSE TO E-MAILS THAT I'VE RECEIVED FROM CONSTITUENTS THROUGHOUT MY DISTRICT AND SOME OF THE NEWS REPORTS AND COMMENTS MADE AT THE GOVERNOR'S PRESS CONFERENCE. FIRST, AS A THRESHOLD MATTER, I AM OPPOSED TO THE DEATH PENALTY BECAUSE, JUST AS I BELIEVE THAT AN INDIVIDUAL DOES NOT HAVE THE RIGHT TO TAKE A LIFE, I DO NOT BELIEVE THAT THE STATE SHOULD ALSO HAVE THAT RIGHT. WE MUST LEAD BY EXAMPLE. AND IF WE GIVE THE STATE THE RIGHT TO TAKE A LIFE, THEN WHAT KIND OF MESSAGE DOES THAT SEND TO OUR SOCIETY IN TERMS OF WHAT IS ACCEPTABLE CONDUCT AND WHAT IS NOT? I VISITED OUR PRISON FACILITIES. THEY ARE NO HOTEL. IT IS NOT A TREAT THERE. LIFE IN PRISON WITHOUT PAROLE IS JUST THAT, LIFE IN PRISON WITHOUT PAROLE. AND DESPITE SOME COMMENTS THAT WERE MADE AT A PRESS CONFERENCE YESTERDAY, LIFE IN PRISON WITHOUT PAROLE IS JUST THAT. NOW, WE DO HAVE A CONSTITUTIONAL MECHANISM THAT ALLOWS THE GOVERNOR, THE SECRETARY OF STATE, AND THE ATTORNEY GENERAL TO BE ABLE TO PARDON PEOPLE, AND THAT PROCESS IS CURRENTLY IN PLACE AS WE SPEAK, WITH THE DEATH PENALTY ON THE BOOKS. HAS NOTHING TO DO WITH THE PAROLE BOARD. SECOND, I BELIEVE THAT IT IS OUR JOB TO ENSURE JUSTICE. AND THE DEATH PENALTY, TO ME, IS NOT JUSTICE BUT, RATHER, VENGEANCE. NOW I'VE NEVER HAD A MURDER IN MY FAMILY, AND SO I DON'T KNOW HOW SOME OF THOSE VICTIMS FEEL. BUT I CAN TELL YOU THAT ABOUT FIVE OR SIX OF THOSE VICTIMS AND THEIR FAMILIES CAME DOWN TO THE JUDICIARY COMMITTEE AND TESTIFIED IN SUPPORT OF THE REPEAL, TALKING ABOUT HOW THROUGHOUT THE PROCESS OF DUE PROCESS AND PROVIDING APPEALS TO PEOPLE CONVICTED AND SENTENCED TO DEATH, THEY MUST RELIEVE EVERY SINGLE APPEAL, THE MURDER AND THE HEINOUS ACT OF THAT INDIVIDUAL. TO ME, THE DEATH PENALTY IS NOT ABOUT JUSTICE BUT, RATHER, VENGEANCE. AND I BELIEVE THAT IT IS OUR JOB AS LEGISLATORS, AS STATESMEN AND WOMEN TO ENACT A DISPOSITION OF JUSTICE AND NOT VENGEANCE. THIRD, THE REPEAL OF THE DEATH PENALTY IS A NEBRASKA-LED INITIATIVE. NEBRASKANS AGAINST THE DEATH PENALTY, OR NEBRASKANS FOR ALTERNATIVES TO THE DEATH PENALTY AS THEY'RE NOW KNOWN, HAS BEEN LEADING THIS INITIATIVE FOR MANY DECADES. ALL OF THEIR STAFF, THEIR TWO FULL TIME AND TWO PART TIME, ARE NEBRASKA BORN AND RAISED, AND

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HAVE BEEN WORKING FEVERISHLY FOR THE LAST, I BELIEVE, THREE DECADES TO REPEAL THE DEATH PENALTY. ANY NOTION THAT THIS IS SOME KIND OF OUT-OF-STATE INITIATIVE IS COMPLETELY FALSE. IN FACT, ONE OF THE MEMBERS OF NEBRASKANS AGAINST THE DEATH PENALTY, NORMA FLEISHER, WHO LIVED IN MY DISTRICT FOR PRETTY MUCH ALL OF HER LIFE, SAT ACROSS THE CAPITOL EVERY WEEK IN OPPOSITION TO THE DEATH PENALTY. WENT TO ALL 93 COUNTIES IN THE STATE IN OPPOSITION OF THE DEATH PENALTY. [LB268]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB268]

SENATOR MORFELD: NORMA FLEISHER, UNFORTUNATELY, PASSED AWAY SEVERAL MONTHS AGO, DESPITE HER LIFE'S WORK IN REPEALING THE DEATH PENALTY. AND ALONG WITH SOME OF THE REASONS THAT I'VE ALREADY JUST SAID, MY VOTE TODAY TO OVERRIDE THE GOVERNOR'S VETO WILL BE DEDICATED TO NORMA AND THE PEOPLE AND THE VICTIMS OF THE FAMILIES WHO HAVE TO RELIVE THE HEINOUS CRIMES TIME AFTER TIME, APPEAL AFTER APPEAL. IN THE END, I THINK SENATOR SCHEER'S REMARKS WERE RIGHT ON SPOT, EVEN THOUGH WE DIFFER ON THIS ISSUE. NOW IN THE END, THIS MUST BE A VOTE BASED ON OUR INDIVIDUAL CONSCIENCE, BECAUSE I TELL YOU WHAT, EVERYBODY, FIVE OR SIX YEARS FROM NOW WHEN YOU'RE LOOKING IN THE MIRROR, THE GOVERNOR IS NOT GOING TO BE NEXT TO YOU. THE COUNTY ATTORNEYS AREN'T GOING TO BE NEXT TO YOU. I'M NOT GOING TO BE NEXT TO YOU. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. THOSE IN THE QUEUE: SENATORS HANSEN, BURKE HARR, SEILER, KINTNER, BLOOMFIELD, AND OTHERS. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB268]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE TODAY IN SUPPORT OF THE REPEAL OF THE DEATH PENALTY, LB268, AND IN SUPPORT OF THE MOTION TO OVERRIDE THE VETO. ONE THING I WANTED TO ADDRESS AND HAS ALREADY BEEN TOUCHED ON EARLIER TODAY IS A LOT OF THE CRITICISM OF SUPPORTERS OF THIS BILL HAS BEEN THE NOTION THAT WE ARE FLYING IN FACE OF OUR CONSTITUENTS, BETRAYING OUR CONSTITUENTS, HAVING LIED TO OUR CONSTITUENTS. AND I WANT TO SAY IN MY INSTANCE, IN MY DISTRICT, THAT

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CERTAINLY IS NOT TRUE AT ALL. YOU KNOW, AS A CANDIDATE, I WAS HONEST ABOUT MY SUPPORT FOR THE REPEAL OF THE DEATH PENALTY. IT APPEARED IN THE JOURNAL-STAR, IT APPEARED IN THE WORLD-HERALD. AND THE PEOPLE OF NORTHEAST LINCOLN IN DISTRICT 26 SAW FIT TO ELECT ME. SO FAR SINCE THIS SESSION STARTED, I LIKE MANY OTHER SENATORS KEEP TRACK OF CONSTITUENTS AND IT'S BEEN AROUND TWO-THIRDS IN FAVOR OF REPEALING THE DEATH PENALTY FROM PEOPLE IN DISTRICT 26. SO I FEEL COMFORTABLE THAT I CAN STAND UP TODAY AND EVEN THOUGH THERE'S SOME CONSTITUENTS WHO DISAGREE WITH ME, AND DISAGREE WITH ME PASSIONATELY. AND I'VE SPOKEN TO MANY OF THEM. I FEEL VERY COMFORTABLE THAT I AM WITHIN THE VIEW OF MY CONSTITUENTS, IN PART KNOWING THAT I, LIKE ALL OF US WHEN WE RAN FOR THE LEGISLATURE, RAN AND WAS ELECTED TO TAKE THE TIME TO LOOK AT THE FACTS, LOOK AT THE ISSUES, HEAR THE STORIES, DO THE RESEARCH, AND COME TO A WELL-INFORMED DECISION. AND EVERYTHING I'VE DONE AND SEEN SO FAR THIS SESSION HAS ONLY RECONFIRMED MY SUPPORT FOR THE REPEAL OF THE DEATH PENALTY. EVERYTHING WE'VE SEEN AND HEARD FROM STUDIES IN THE PAST SHOWS THAT THE DEATH PENALTY HAS BECOME...IS APPLIED ARBITRARY. WE WANT TO TALK ABOUT USING IT FOR THE WORST OF THE WORST, AND THEN WE SEE HORRENDOUS CASES THAT I WOULD BE MORE THAN WILLING TO QUALIFY AS THE WORST OF THE WORST NOT EVEN HAVE THE DEATH PENALTY CHARGED WITH AT TRIAL. YOU KNOW, WE SEE THROUGH STUDIES THAT TIME AND TIME AGAIN THAT THE RACE, THE GENDER, THE SOCIOECONOMIC STATUS OF BOTH THE PERPETRATOR AND THE VICTIM GREATLY INFLUENCE AND SWAY, OR AT LEAST MINIMUM CORRELATED, TO LIKELIHOOD OF THE DEATH PENALTY BE IMPLEMENTED. AND, FINALLY, THERE'S BEEN THE ISSUE OF INNOCENCE. AND THE CHALLENGE THAT NO ONE ON DEATH ROW RIGHT NOW IS INNOCENT OR...AND AS WELL AS WE NEED TO STAND UP FOR INNOCENCE BY INSTALLING THE DEATH PENALTY TO TAKE CARE OF THOSE ON DEATH ROW OR THOSE WHO MAY BE ON DEATH ROW IN THE FUTURE. WELL, I THINK THAT'S A FINE PERSPECTIVE, BUT ONE I DISAGREE WITH. I BELIEVE THAT STANDING UP AND SUPPORTING THE REPEAL OF THE DEATH PENALTY DOES SUPPORT INNOCENCE IN THE SENSE OF WE CAN ALREADY ACKNOWLEDGE AND WE HAVE SEEN THAT WE HAVE AN IMPERFECT JUSTICE SYSTEM. WE'VE ADVANCED BILLS THIS YEAR ALREADY DEALING WITH DNA EVIDENCE FOR RETRIALS, KNOWING THAT WE'VE GOTTEN IT WRONG IN THE PAST. WE'VE SEEN EVIDENCE WITH THE BEATRICE SIX WHERE THE THREAT OF THE DEATH PENALTY CAUSED PEOPLE TO GIVE FALSE CONFESSIONS. HAVING THIS TOOL, HAVING THIS THING OUT THERE JUST HAS SO MANY COMPONENTS AND SO MANY TIES THAT FILTER ALL THROUGHOUT THE JUSTICE SYSTEM THAT IT DOES MAKE ME WORRY ABOUT THE INNOCENT IN OUR SOCIETY AND THOSE THAT

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HAVE BEEN ACCUSED AND THOSE THAT MAY BE DEFENDING THEIR INNOCENCE, RIGHTFULLY OR WRONGFULLY. BELIEVE ME, YOU KNOW, WHEN WE TALK ABOUT, AS WE DID ON GENERAL FILE, THE HORRID AND GORY DETAILS OF SOME OF THE MURDERS IN NEBRASKA, I SHARE NO SYMPATHY FOR THOSE MEN ON DEATH ROW. I CERTAINLY DON'T. I SHARE SYMPATHY FOR...AND THIS MAY BE A HYPOTHETICAL AND THIS MAY BE SOMETHING WE IN NEBRASKA CAN ALWAYS AVOID, BUT I SHARE SYMPATHY FOR SOMEONE WHO IS WORRIED ABOUT TAKING A PLEA BARGAIN SO THEY DON'T GET THE DEATH PENALTY, AS WE'VE ALREADY SEEN CAN HAPPEN HERE AND IN OTHER STATES. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR HANSEN: SO WITH THAT, I WOULD ASK ALL OF YOU TO STAND WITH ME AND SUPPORT THE REPEAL OF THE DEATH PENALTY AND HAVE THIS BILL BECOME LAW NOTWITHSTANDING THE OBJECTIONS OF THE GOVERNOR. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR HANSEN. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB268]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I HAVE REMAINED SILENT UNTIL TODAY ON THIS, PARTIALLY BECAUSE I'M NOT SURE IF I HAVE THE WORDS FOR THE SOLEMNITY OF THE MOMENT. AND AS A LAWYER, WE'RE TAUGHT IF YOU DON'T PLAGIARIZE, YOU'RE PROBABLY COMMITTING MALPRACTICE. SO MY THOUGHTS HERE ARE LARGELY THE THOUGHTS OF JUSTICE JOHN PAUL STEVENS THAT I'VE KIND OF ADOPTED INTO MY OWN. BUT HE STARTS OUT BY SAYING THE UNITED STATES SUPREME COURT IN 1976, IN GREGG v. GEORGIA, IDENTIFIED--AND THIS IS THE CASE THAT ALLOWED FOR THE DEATH PENALTY--IDENTIFIED THREE SOCIETAL PURPOSES FOR DEATH AS A SANCTION. THE FIRST WAS INCAPACITATION; THE SECOND, DETERRENCE; AND THE THIRD, RETRIBUTION. WHILE INCAPACITATION MAY HAVE BEEN A LEGITIMATE PURPOSE AT ONE TIME IN OUR COUNTRY'S HISTORY, WE NOW HAVE THE ABILITY AND THE MEANS TO HOUSE A CRIMINAL FOR LIFE WITH LITTLE OR NO HARM TO CORRECTIONS OFFICERS OR OTHER INMATES. IN NEBRASKA, A PERSON SENTENCED TO LIFE MAY NOT BE PAROLED WITHOUT THE COMMUTATION, WHICH REQUIRES A UNANIMOUS VOTE OF THE SECRETARY OF STATE, THE ATTORNEY GENERAL, AND THE GOVERNOR. IN NEBRASKA, LIFE MEANS LIFE WITHOUT PAROLE. DETERRENCE REMAINS A POPULAR JUSTIFICATION FOR THE DEATH PENALTY. THE TRUTH IS THAT MURDER

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CONTINUES IN SPITE OF THE THREAT OF THE DEATH PENALTY. THE UNEVEN APPLICATION OF THE DEATH PENALTY UNDERMINES THE DETERRENCE FACTOR. SINCE WE HAVE BROUGHT BACK THE DEATH PENALTY, THERE HAVE BEEN 1,450 MURDERS. OF THOSE, ONLY THREE CONVICTED KILLERS HAVE BEEN GIVEN THE DEATH PENALTY. FINALLY, DESPITE THE 35 YEARS OF RELIABLE STATISTICAL EVIDENCE, THERE REMAINS NO RELIABLE STATISTICS TO SHOW THAT THE DEATH PENALTY IS A DETERRENCE. THE FINAL SANCTION IS, FOR THE DEATH PENALTY, IS RETRIBUTION. SOME CRIMES ARE SO OUTRAGEOUS THAT SOCIETY INSISTS ON ADEQUATE PUNISHMENT BECAUSE THE WRONGDOER DESERVES IT. IT IS THE CRUEL TREATMENT OF VICTIMS AND THE CIRCUMSTANCES SURROUNDING THE MURDER THAT PROVIDE THE MOST PERVASIVE ARGUMENT. THIS IS ALSO THE MOST DIFFICULT FOR ME. OUR CONSTITUTION LIMITS THE CLASS OF OFFENDERS ELIGIBLE FOR THE DEATH PENALTY TO INCLUDE THOSE WHO HAVE COMMITTED OUTRAGEOUS CRIMES AS DEFINED BY STATUTE AND SPECIFICALLY THOSE THAT HAVE CERTAIN AGGRAVATING FACTORS. DEATH IS THE MOST SERIOUS AND PERMANENT PUNISHMENT WE HAVE. THERE IS NO CHANCE FOR APPEAL AFTER EXECUTION. THE DISTURBING FACTS IN DEATH PENALTY CASES I BELIEVE MAY LEAD TO A GREATER INTEREST IN MAKING SURE THE CRIME DOES NOT GO UNPUNISHED, AND THIS MAY LEAD TO A BLOOD LUST THAT MAY LEAD TO GREATER RISK OF ERROR. IT IS IMPORTANT IN THESE CASES THAT FACTS PREVAIL AND NOT EMOTIONS. UNFORTUNATELY IN NEBRASKA, PAST AND PRESENT SITUATIONS HAVE SHOWN THE SYSTEM IS NOT PERFECT. WE TALKED ON THE FLOOR IN THE CASE OF WILLIAM MARION FROM 1887 WHO WAS CONVICTED OF MURDER AND THE VICTIM LATER SHOWED UP ALIVE. A HUNDRED YEARS LATER, HE WAS POSTHUMOUSLY GRANTED A PARDON--A HUNDRED YEARS TOO LATE. MORE RECENTLY THERE IS THE CASE THAT SENATOR HANSEN JUST TALKED ABOUT, THE BEATRICE SIX. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR HARR: THANK YOU. IN 2011, THERE WAS JEREMY SHEETS WHO WAS CONVICTED TO DEATH AND HIS CONVICTION WAS LATER OVERTURNED. I'M SURE YOU'RE ALSO FAMILIAR WITH DAVID KOFOED, THE FORMER HEAD OF DOUGLAS COUNTY CRIME SCENES INVESTIGATION UNIT WHO WAS CONVICTED OF PLANTING DNA EVIDENCE IN A DOUBLE MURDER. MORE RECENTLY, HIS SUCCESSOR, TRACY RAY, WAS SUSPENDED AFTER DOUGLAS COUNTY ATTORNEY DON KLEINE RELEASED A MEMORANDUM STATING SHE HAD THOUGHT BALLISTIC TESTS MATCHED A MURDER WEAPON, BUT THE TESTS WERE WRONG AFTER BULLET CASING EVIDENCE GOT MIXED UP. FORTUNATELY, NO ONE HAS BEEN FOUND GUILTY, BUT IT SHOWS THERE'S A FAULT IN OUR SYSTEM. AS A

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FORMER PROSECUTOR, I HAVE SEEN FIRSHTHAND THE GRUESOMENESS OF MANY MURDER SCENES, INCLUDING NORFOLK. IT IS STILL NOT CLEAR TO ME WHY SOME DEFENDANTS ARE GIVEN THE DEATH PENALTY AND SOME ARE SPARED THE PUNISHMENT EVEN IF THEY DO MEET THESE AGGRAVATING FACTORS. IT'S FOR THESE REASONS... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR HARR: THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. SENATOR SEILER, YOU'RE RECOGNIZED. [LB268]

SENATOR SEILER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE UNICAMERAL, VISITORS IN THE GALLERY, I APPROACH THIS AS TAKING A LOOK AT THE GOVERNOR'S LETTER THAT BASICALLY VETOED LB268. IF YOU LOOK DOWN AT PARAGRAPH 5, AND I'LL READ MOST OF IT, THIS PARAGRAPH: PLEASE CONSIDER THAT LIFE IMPRISONMENT IS NOT A THOUGHTFUL COMPROMISE OF SOME SORT. LIFE IMPRISONMENT DOES NOT ALWAYS MEAN THAT A CONVICTED MURDERER WILL SPEND THE REST OF HIS LIFE BEHIND BARS. THE CASE OF LADDIE DITTRICH IS EVIDENCE OF THAT. DITTRICH, A CONVICTED MURDERER, WAS SENTENCED TO LIFE IMPRISONMENT. AFTER SERVING 40 YEARS IN PRISON, HIS SENTENCE WAS COMMUTED BY THE PAROLE BOARD AND HE WAS THEN PAROLED. SHORTLY AFTER THE PAROLE, HE WAS ARRESTED FOR MOLESTING A YOUNG GIRL. LET'S EXAMINE THAT CASE. THE CASE WAS COMMUTED. WHO DID THAT? WHO WAS THE PERSON THAT GAVE THE LIFE PRISON A BREAK? THE GOVERNOR, THE ATTORNEY GENERAL, AND THE SECRETARY OF STATE HAD TO CONVERT THAT CASE FROM LIFE IMPRISONMENT TO A TERM OF YEARS. NOW AFTER THEY DID THAT, THEN AND ONLY THEN COULD MR. DITTRICH MAKE AN APPLICATION FOR PAROLE. HE MADE THAT APPLICATION. THE PAROLE BOARD EXAMINED IT AND RELEASED HIM. WELL, WHO'S ON THE PAROLE BOARD? THE PEOPLE THAT ARE APPOINTED BY THE GOVERNOR. AND DOES HE HAVE ANY CONTROL OVER THEM? THINK BACK TO THIS LAST SUMMER. THE HEARING WAS CALLED LR424. I WAS VICE CHAIRMAN OF THAT COMMITTEE. SENATOR LATHROP WAS THE CHAIRMAN. WE SAW FIRSHTHAND THE INFLUENCE OF A GOVERNOR OVER THE PAROLE BOARD, FIRSHTHAND! IN FACT, ESTHER COTTON (SIC--CASMER) WAS BROUGHT BEFORE US BY SUBPOENA. SHE WAS CHAIRMAN OF THE PAROLE BOARD. SHE TESTIFIED. THE NEXT DAY, THE GOVERNOR REMOVED HER AS CHAIRMAN OF THE BOARD. THAT'S SERIOUS, FOLKS. SO WHEN THEY TALK

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ABOUT THE DEATH PENALTY BEING REMOVED AND LIFE IMPRISONMENT DOESN'T MEAN ANYTHING, IT DOESN'T IF IT'S WRONGFULLY PROCESSED OUT. BUT IF THEY'RE LEFT TO THE LIFE IMPRISONMENT, THEY DIE THERE. MY MEMORY IS FROM A NEWSPAPER ARTICLE, THERE ARE TWO PEOPLE RIGHT NOW THAT HAVE SERVED 34 YEARS AND THEY'RE NOT GETTING OUT. LET'S TAKE ANOTHER LOOK AT PART OF THE LETTER, AND I'M ON THE SECOND PAGE IF ANYBODY IS FOLLOWING: IF THE DEATH PENALTY IS NOT IN PLACE, THEN AN INMATE HAS NO CONCERN ABOUT RECEIVING MORE SERIOUS SANCTION. LET'S GO BACK TO TECUMSEH JUST LAST COUPLE WEEKS. TWO PEOPLE WERE MURDERED. I THOUGHT THE DEATH PENALTY WAS IN EFFECT. DIDN'T SEEM TO MATTER THERE, DIDN'T SEEM TO MATTER THERE. THEY'RE BOTH DEAD AND THE DEATH PENALTY IS STILL IN EFFECT. SO THE GOVERNOR JUST KIND OF OVERSTEPPED THAT ONE. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SEILER. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB268]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. THIS IS RATHER A SOLEMN DAY HERE IN THIS CHAMBER AND IT SHOULD BE. SINCE I FOLLOWED SENATOR HARR, I MIGHT ADD THAT MR. SHEETS WAS RELEASED ON A TECHNICALITY, THAT WE'VE NOT HAD A PROBLEM WITH EXECUTING THE WRONG PERSON, AND THAT THE FEW TIMES THAT WE'VE GOTTEN IT WRONG, THE SYSTEM HAS WORKED AND WE'VE GOTTEN IT RIGHT. WE HAVE A SYSTEM THAT WORKS. WE HAVE A SYSTEM OF CHECKS. WE HAVE A SYSTEM OF BALANCES. IT WORKS VERY, VERY WELL. I WANT TO THANK THE PEOPLE OF THE STATE OF NEBRASKA FOR RISING UP AND MAKING THEIR VOICES HEARD. I HAVE NEVER IN MY THREE YEARS GOTTEN THE KIND OF LETTERS AND CALLS THAT I'VE BEEN GETTING. THESE ARE NOT FORM LETTERS. THESE ARE EACH INDIVIDUALLY WRITTEN. THERE ARE SOME ISSUES WHERE THEY'RE TECHNICAL AND WE JUST KNOW MORE THAN THE PEOPLE ABOUT THAT ISSUE. NOT THIS ONE. THEY KNOW AS MUCH ABOUT IT AS WE DO. THERE SHOULDN'T BE ANY CLAIMS IN THIS CHAMBER THAT WE KNOW MORE ABOUT THIS ISSUE THAN THE PEOPLE DO. THE PEOPLE FULLY UNDERSTAND THIS ISSUE. THEY'VE BECOME ENGAGED IN IT. IT TOOK THEM A FEW WEEKS THOUGH. YOU SEE, WE DON'T HAVE ANY FULL-TIME GROUPS TRYING TO KEEP THE DEATH PENALTY. THERE ARE FULL-TIME GROUPS, AS WERE MENTIONED BY SENATOR MORFELD, IN THIS STATE WITH FULL-TIME EMPLOYEES THAT DO NOTHING BUT AGITATE TO TRY TO GET RID OF THIS. THERE ARE NATIONAL GROUPS THAT SPEND MONEY AND THEY'VE COME INTO OUR STATE TO TRY TO GET RID OF IT. ALL WE HAVE HERE IS THE CITIZENS. AND, YOU KNOW, WE GOT THROUGH A COUPLE ROUNDS AND,

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YOU KNOW, I GUESS THEY KEPT THINKING, WELL, DON'T WORRY, THE CONSERVATIVES WILL STEP IN, THE GOVERNOR WILL MAKE IT RIGHT. AND THEN WHEN THEY FINALLY FIGURED OUT THERE'S SOMETHING WRONG IN THIS CHAMBER, BOY, DID THEY OPEN UP THE FLOODGATES. THEY WROTE LETTERS AND THEY MADE PHONE CALLS. I DON'T THINK THERE WAS ANYONE IN THIS ROOM, THIS CHAMBER THAT DOESN'T UNDERSTAND THAT THE PEOPLE DO NOT WANT THIS. YOU CANNOT IMPOSE SOMETHING LIKE THIS ON THE PEOPLE IN NEBRASKA. THEY WILL EVENTUALLY BE HEARD. AND ONE WAY OR THE OTHER, THE WILL OF THE MAJORITY ON AN ISSUE LIKE THIS WILL BE DONE. THERE IS NO DOUBT IN MY MIND. I KNOW HOW POLITICS WORKS. YOU KNOW, WE'VE BEEN TOLD BY ONE OF MY COLLEAGUES, THE DEATH PENALTY IS BROKEN. WELL, IT'S ONLY BROKEN TO THE DEGREE THAT HIM AND HIS ALLIES HAVE THROWN UP EVERY ROADBLOCK THAT THEY POSSIBLY CAN TO TRY TO STOP EXECUTIONS. THE GOVERNOR ANNOUNCED THAT HE HAS ORDER...GOT ONE DRUG AND ORDERED THE OTHER TWO DRUGS, AND THE ACLU IS ALREADY CHALLENGING IT. THEY DON'T EVEN KNOW WHERE THE DRUGS ARE AND THEY'RE ALREADY CHALLENGING IT. THAT'S THE PROBLEM. AND THEN THEY COME BACK AND THEY SAY IT DOESN'T WORK. WE OUGHT TO BE HONEST ENOUGH TO SEE WHO'S CAUSING THE PROBLEM HERE. WE OUGHT TO BE ABLE TO SEE THE CIRCULAR ARGUMENT THAT WE'RE TALKING ABOUT HERE. SENATOR CHAMBERS SAID THIS IS TEMPORARY PRESSURE. SENATOR CHAMBERS, I RESPECTFULLY DISAGREE. THIS ISN'T TEMPORARY PRESSURE. THIS PRESSURE, YOU WILL SEE THIS PRESSURE IN 2016 ELECTIONS. YOU WILL SEE THIS PRESSURE FOR A LONG TIME TO COME. THE PEOPLE OF THE STATE, I AM CONFIDENT, ARE NOT GOING TO BACK DOWN ON THIS ISSUE. THEY EXPECT US TO REPRESENT THEIR WILL. AND WHEN WE DO NOT DO THAT, WE DO IT AT OUR OWN PERIL. IT WAS SAID THE CONSERVATIVES IN THIS STATE HAVE CHANGED AND THAT'S WHY WE'RE STANDING HERE TODAY. OH, NO, THEY HAVEN'T. REPUBLICANS HAVE CHANGED IN THIS CHAMBER, BUT CONSERVATIVES ACROSS THE STATE HAVE NOT CHANGED. PEOPLE ACROSS THE STATE WHO AREN'T EVEN CONSERVATIVE SUPPORT THE DEATH PENALTY. BUT CONSERVATIVES ACROSS THE STATE HAVE NOT CHANGED. I CAN ASSURE YOU OF THAT. AND FINALLY... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR KINTNER: ...I GOT TO MEET...ACTUALLY I HAVE TWO MORE THINGS. I GOT TO MEET VIVIAN TUTTLE, WHOSE DAUGHTER WAS EXECUTED AT THE NORFOLK U.S. BANK MURDER. SHE'S HAD TO WATCH THAT VIDEO OF HER DAUGHTER KNEELING DOWN AND HAVING A GUN PUT TO HER HEAD. AND I CAN IMAGINE WHAT SHE GOES THROUGH. AND SHE WAS DOWN HERE LOBBYING AND

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SHE'S MET WITH MANY OF YOU. AND WHAT A BRAVE, TOUGH WOMAN. AND, YOU KNOW, YOUR HEART GOES OUT TO THESE PEOPLE WHO WERE MURDERED BY JUST PEOPLE THAT HAD NO REGARD FOR LIFE. AND IF THE DEATH PENALTY...IF WE CAN GET THE DEATH PENALTY MOVING AGAIN, SOME OF THESE PEOPLE ON DEATH ROW THAT WOULD NOT HESITATE TO KILL AGAIN WILL NEVER GET THAT OPPORTUNITY. AND THAT'S ONE OF THE REASONS THAT I FULLY SUPPORT THE DEATH PENALTY, WHY I WILL VOTE TO UPHOLD THE GOVERNOR'S VETO OR NO ON THE OVERRIDE. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR KINTNER: AND I THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. THOSE IN THE QUEUE: SENATOR BLOOMFIELD, SENATOR COASH, SENATOR BRASCH, SENATOR JOHNSON, SENATOR PANSING BROOKS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB268]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'VE MADE NO SECRET OF THE FACT THAT I'VE BEEN CONFLICTED ON THIS ISSUE. AND I SAID ON SELECT FILE THAT EVENTS THAT HAVE TAKEN PLACE, NOT ONLY HERE IN NEBRASKA BUT ACROSS THE NATION, HAVE MOVED ME TO THE POSITION THAT I AM NOW WHERE I'M IN FULL SUPPORT OF THE DEATH PENALTY. I HAD WAVERED THE OTHER WAY SLIGHTLY FROM WHERE I HAD HISTORICALLY BEEN. THEN WE HAD PEOPLE DRIVE FROM ARIZONA IN AN ATTEMPT TO SHOOT UP A PLACE IN TEXAS. THAT WOULDN'T HAVE BEEN AFFECTED BY OUR DEATH PENALTY AT THIS TIME. BUT IF SOMETHING LIKE THAT WERE TO HAPPEN HERE AND BE SUCCESSFUL, WE NEED TO HAVE THIS PENALTY ON THE TABLE. AND WE HAD THE TWO POLICE OFFICERS SHOT DOWN SOUTH. IF THAT HAPPENED HERE, I'D WANT THE DEATH PENALTY ON THE TABLE. WE UNFORTUNATELY JUST LOST AN OFFICER IN OMAHA. FROM MY STANDPOINT, FORTUNATELY, THE INDIVIDUAL THAT KILLED HER WAS HIMSELF KILLED. HAD HE NOT BEEN, I WOULD HAVE WANTED THE DEATH PENALTY IN PLACE. WE HAVE A YOUNG MAN ALSO IN OMAHA THAT STANDS ACCUSED OF MURDERING HIS MOTHER AND THROWING HIS LITTLE BROTHER OFF A BRIDGE AND KILLING HIM. IF HE IS IN FACT FOUND GUILTY, I THINK HAVING THE DEATH PENALTY AVAILABLE, DEPENDING ON WHAT THE JUDGE SAYS, IS A GOOD IDEA. WE WILL EACH REACH OUR OWN DECISIONS BASED ON WHAT WE FIND IN OUR HEARTS. BUT IF WE REMOVE THE DEATH PENALTY, WE DON'T JUST REMOVE IT FOR THE CRIMES WE'VE SEEN. IF WE HAVE

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A TERRORIST COME IN, THE DEATH PENALTY WON'T BE THERE UNLESS IT GOES FEDERAL. COLLEAGUES, THIS PENALTY NEEDS TO BE KEPT ON THE BOOKS. SENATOR SCHEER TALKED ABOUT NORFOLK. I WORKED AT A PLACE AT THAT TIME IN NORFOLK ABOUT FOUR BLOCKS FROM THAT BANK. I WOULD HAVE BEEN JUST TICKLED IF THOSE MEN THAT COMMITTED THAT CRIME HAD NOT GOTTEN OUT OF NORFOLK ALIVE. I'D HAVE LOVED TO HAVE SEEN OLD WEST JUSTICE TAKING PLACE. IT DID NOT. WE HAVE A SYSTEM. THE SYSTEM IN THAT CASE CALLS FOR THE DEATH PENALTY. IT NEEDS TO BE CARRIED OUT. IS IT ALWAYS FAIRLY AND EQUALLY ADMINISTERED? PROBABLY NOT. DOES IT NEED TO BE THERE? YES, IT DOES. SENATOR SCHEER ONCE PREVIOUSLY IN ONE OF THE OTHER TIMES TALKED ABOUT ANOTHER MURDER WHERE A YOUNG BRIDE WAS KILLED. I HAD SOLD THE INDIVIDUAL THAT COMMITTED THAT MURDER A LAWN MOWER WHEN I WAS WORKING FOR THE JOHN DEERE DEALERSHIP. I SOLD HIM A LAWN MOWER A WEEK BEFORE HE COMMITTED THAT CRIME. IN MY MIND, HE SHOULD ALSO BE ON DEATH ROW, BUT HE'S NOT. THERE IS WHERE THE INIQUITY COMES IN. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, SEARCH YOUR SOULS, SEARCH YOUR HEARTS. BE AWARE OF WHAT YOU ARE REMOVING IF YOU REMOVE THE ABILITY TO DO THIS. IT NEEDS TO BE IN PLACE. IT NEEDS TO BE USED SELDOM, AS IT IS, BUT IT DOES NEED TO BE AVAILABLE. I WILL BE VOTING AGAINST THE OVERRIDE MOTION. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR COASH, YOU'RE RECOGNIZED. [LB268]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, THE VOTE THAT WE'RE GOING TO TAKE SOON IS MORE THAN A VOTE ON LB268. THIS IS A VOTE ON CHARACTER AND NOW IS THE TIME TO BE STRONG. NOW IS THE TIME TO BE STATESMEN AND NOT POLITICIANS. WE'RE HERE TO FOLLOW OUR HEARTS AND USE OUR JUDGMENT. WE HAVE A SPECIAL PLACE IN THIS ONE HOUSE BECAUSE WE'RE FREE TO USE OUR MINDS, AND OUR JUDGMENT SHOULD NOT AND CANNOT BE SUBSTITUTED BY POLITICAL PARTIES AND LABELS. I'VE HEARD ALL THE LABELS I CARE TO HEAR THIS SESSION: LIBERALS, DEMOCRATS, REPUBLICANS, WIMPS. WE ARE SENATORS! WE ARE NOT LABELS. AND WE HAVE A DUTY! AND WE ARE HERE TO DO AS WE KNOW THAT WE SHOULD. AND WHEN WE USE OUR BRAINS, COLLEAGUES, AND WE'RE HONEST WITH OURSELVES, THE

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FACTS ARE OUT THERE AND THEY ARE IN NO DISPUTE. THE TAXPAYERS HAVE NOT GOT THEIR BANG FOR THEIR BUCK ON THIS DEATH PENALTY FOR ALMOST 20 YEARS. THIS PROGRAM IS BROKEN. HOW MANY YEARS, COLLEAGUES, WILL PEOPLE STAND UP AND SAY WE NEED THIS? TWENTY? THIRTY? FORTY YEARS? IF NOBODY IS EXECUTED IN 50 YEARS, WILL PEOPLE FINALLY SAY, YOU KNOW WHAT, THIS IS BROKEN? WHEN ARE WE GOING TO ADMIT THAT WE HAVE A BROKEN SYSTEM THAT WILL NOT WORK? I GOT A LOT OF CORRESPONDENCE, PEOPLE ASKING ME, SENATOR COASH, DON'T REPEAL THIS; FIX IT. I'M NOT GOING TO DO THAT. BUT I GOT TO TELL YOU, I HAVEN'T SEEN ONE OF THE PEOPLE SUPPORTING THE DEATH PENALTY BRING A BILL TO SAY THIS WILL DO IT. THE GOVERNOR, IN HIS ZEAL TO KILL PEOPLE, HAS NOT ASKED ONE OF US TO BRING A BILL BECAUSE HE KNOWS IT CANNOT BE DONE. YOU CANNOT FIX THIS. AND IT WILL GO ON WHETHER THIS OVERRIDE IS SUCCESSFUL. NO EXECUTIONS ARE GOING TO HAPPEN. YOU ALL KNOW THAT. AND THIS DEBATE WILL CONTINUE. EXECUTIONS ARE DONE. LB268 IS THE WAY TO PUT IT IN OUR PAST. AND NOW IS THE TIME TO DO THAT. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR COASH. THOSE IN THE QUEUE: SENATORS BRASCH, JOHNSON, PANSING BROOKS, DAVIS, AND MURANTE. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB268]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. THE RESPONSE HAS BEEN OVERWHELMING IN SUPPORT OF THE DEATH PENALTY IN MY DISTRICT. I'VE RECEIVED E-MAILS, VOICE MESSAGES, AND EVEN MESSENGER CONTACTS FROM THOSE IN CORNERS OF THE STATE THAT I'VE NEVER MET BEFORE TELLING ME HOW IMPORTANT THAT JUSTICE IS SERVED. JUSTICE IS OBSERVED BY OUR COURTS OF LAWS, WHERE REVENGE IS SOUGHT BY INDIVIDUALS OUTSIDE OF THE LAW. THIS IS JUSTICE. JUSTICE IS A BALANCE WHERE THE PUNISHMENT FITS THE CRIME. WE ARE TALKING ABOUT AN INDIVIDUAL WHO WOULD COMMIT MURDER TO AN INNOCENT LIFE, WITH VICTIMS LEFT BEHIND, VICTIMS THAT GO FAR BEYOND FAMILIES BUT INTO COMMUNITIES. NORFOLK IS ONE PRIME EXAMPLE WHERE THAT COMMUNITY WILL NEVER BE THE SAME, EVEN A DECADE AFTER THE HORRENDOUS MURDERS WERE COMMITTED. WE'RE TALKING ABOUT HAVING THESE MURDERERS NO LONGER ALLOWED TO WALK AMONG THE LIVING, EVEN THOSE WHO ARE INCARCERATED FOR LESSER CRIMES. WE COULD AGREE THAT THE SYSTEM NEEDS TO BE EXPEDITED AND CHANGED. BUT WE NEED TO MAKE IT VERY CLEAR THAT WHEN WE'RE ATTEMPTING TO BALANCE THOSE SCALES, THAT WHEN A LIFE IS TAKEN BY TERROR, HORROR, VIOLATION, UNSPEAKABLE MEANS, THAT THIS INDIVIDUAL SHOULD NOT BE AMONG THE LIVING. YOU'RE

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BEING TOLD TO FOLLOW YOUR CONSCIENCE AND I HAVE RECEIVED NUMEROUS E-MAILS WITH SCRIPTURES THAT SAY THAT GOVERNMENT IS DEEMED TO OBEY AND FOLLOW OUT JUSTICE AND THE LAWS. AND I'M HAPPY TO SHARE THOSE WITH YOU IF YOU DID NOT RECEIVE THOSE FROM YOUR CONSTITUENTS. THIS IS NOT THAT DIFFICULT OF A DECISION TO MAKE. THIS IS NOT A MISDEMEANOR OR A LOW CRIME WHERE RESTITUTION CAN BE MADE AND SOMEONE CAN BE MADE TO WALK AMONG THE LIVING ONCE MORE TO ENJOY THEIR DAUGHTER'S WEDDING OR THE BIRTH OF A GRANDCHILD OR A HIGH SCHOOL GRADUATION. THERE IS A HOLE IN SOMEONE'S HEART BEYOND REPAIR BECAUSE OF WHAT HAS HAPPENED. THE IMAGES THAT REMAIN CANNOT BE CHANGED OR FIXED BY THIS LAW. WE NEED TO ASSURE THAT JUSTICE IS EQUAL AND THE SCALES ARE BALANCED HERE. THERE ARE 32 STATES THAT RETAIN THE DEATH PENALTY. THE FEDERAL GOVERNMENT HAS CAPITAL PUNISHMENT. SO DOES THE MILITARY. IF AN INDIVIDUAL KILLS SOMEONE, THEY UNDERSTAND WHAT THAT PUNISHMENT WILL BE. IT IS OF THE HIGHEST CAPITAL PUNISHMENT. SENATORS, I KNOW THAT FOR MANY OF YOU THIS IS THE FIRST TIME YOU'VE HEARD THIS BILL. IT'S NOT THE FIRST TIME FOR ME. I HAVE HEARD IT OVER AND OVER. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR BRASCH: AND I DO ASK THAT YOU STAND IN SUPPORTING THE GOVERNOR'S OBJECTION HERE AND VOTE FOR CAPITAL PUNISHMENT TO BE CARRIED OUT IN OUR STATE. THANK YOU, COLLEAGUES. THANK YOU, MR. SPEAKER. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB268]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER AND COLLEAGUES AND CITIZENS. I'M THE FIRST ONE TO PUBLICLY COMMENT ON MY CHANGE OF VOTE FROM WHERE I'VE BEEN ON THE PREVIOUS THREE VOTES. I THINK SOME OF THE BODY RECOGNIZE THE FACT THAT I HAD WAVERED THROUGH MOST OF THIS WHICH WAY TO GO. BEFORE THE SELECT FILE, I EXPRESSED MY FEELINGS ABOUT THE DEATH PENALTY AND I SAID IT'S BROKEN. IT IS NOT WORKING. IT GOES EVEN DEEPER THAN JUST LOOKING AT THE APPEALS AND THINGS LIKE THAT. IT GOES DEEPER THAN THAT. I STILL STATE, THOUGH, THAT WE NEED IT IN PLACE FOR CERTAIN SITUATIONS. IT'S BROKEN BECAUSE, NUMBER ONE, FOR SOME REASON WE'VE NOT PROPERLY APPROACHED OR WE HAVE NOT HAD THE LETHAL DRUGS IN ORDER TO FINISH OFF AN EXECUTION. THE SECOND IS THE

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APPEALS SYSTEM, OUR COURT SYSTEM, OUR JUDGES. WE'VE DISCUSSED THAT A LOT IN OUR DISCUSSIONS THIS YEAR, LB605, AND THE HEARINGS WE HAD LAST SUMMER. THE MAY 15 WAS A VOTE, BUT IT WAS THE NIGHT BEFORE THAT WHEN THE GOVERNOR ANNOUNCED THAT HE HAD...THEY HAD ACQUIRED THE DRUGS, PART OF THE DRUGS, ANYWAY, FOR THE EXECUTION. AND I STARTED THINKING ABOUT IT. OKAY, MAYBE THAT'S THE FIRST FIX, MAYBE, THAT WE CAN START WITH TO SEE IF WE CAN CHANGE THIS. UP UNTIL THEN I HAD RECEIVED A FAIR AMOUNT OF E-MAILS, LIKE ALL OF US. I WOULD SAY IT WAS RUNNING PRETTY EVEN, LISTENING TO GROUPS PRIMARILY THAT WERE COMING IN WITH INFORMATION, NOT AS MANY INDIVIDUALS, I WOULD SAY. AFTER I MADE THOSE COMMENTS ON THE FLOOR, I KNOW THE BODY, SENATORS REALIZED THAT I WAS WAVERING, BECAUSE I WAS CONTACTED BY SEVERAL OF THEM WANTING TO KNOW WHERE MY FEELINGS WERE. LAST THURSDAY, CAME IN AT A LITTLE BEFORE 8:00. FIRST THING I DID, I CALLED THE GOVERNOR'S OFFICE. HE HADN'T CALLED ME. I WANTED TO MAKE SURE I MADE THAT CALL SO I WOULDN'T BE ACCUSED OF BEING CALLED BY THE GOVERNOR TO MAKE UP MY DECISION. AND I ASKED FOR A MEETING WITH HIM. WE WERE IN FINAL READING ALL DAY, SO WE MET AFTER THAT. IT WAS MY CALL, MY AGENDA, AND I ASKED THE QUESTIONS. I TALKED TO HIM ABOUT THE DRUGS, EXPLAINED TO ME THE PRIORITY HE HAS AND THE PRIORITY HE HAS WITH HIS NEW DIRECTOR IN ORDER TO BE ABLE TO MOVE FORWARD AND GET SOMETHING DONE IN THAT AREA. WE TALKED ABOUT SOME OTHER THINGS, NOT PERTINENT TO THIS BILL. WE TALKED ABOUT SOME THINGS IN AG, TALKED ABOUT SOME THINGS IN GENERAL. IT WAS AT THAT POINT I THOUGHT I NEED TO START THINKING ABOUT WHERE I'M GOING TO BE ON THIS BILL. I GOT A DOCUMENT HERE THAT I OUTLINED AND I WROTE THAT NIGHT IN ORDER TO FIGURE OUT WHAT I WANTED TO DO. I STILL BELIEVE THERE'S A PLACE FOR THE DEATH PENALTY. I BELIEVE THINGS CAN BE FIXED. SOME PEOPLE QUESTION THAT. WE NEED TO CHANGE THIS CULTURE THAT WE HAVE AS FAR AS OUR CRIMINAL SYSTEM. I'LL BE...AND I'VE SAID IT THREE TIMES ON THE FLOOR, SOME OF THE THINGS WE'RE DOING WITH OUR LB605, TO ME, WE'RE SOFTENING SOME OF OUR PENALTIES. WE'RE SOFTENING CRIME A LITTLE BIT. AND PEOPLE HAVE COMMENTED ON THAT, THE ONES THAT HAVE LOOKED AT THOSE BILLS. ONE I INTRODUCED I BELIEVE IS...
[LB268 LB605]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR JOHNSON: ...SOFTENING THE CRIMES. THE SHOOTING IN OMAHA OF THE POLICEWOMAN, THAT WOULD HAVE NEVER GONE TO THE ISSUE OF DEATH PENALTY BECAUSE THE OTHER PERSON WAS KILLED. MY QUESTION IS, THREE

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OR FOUR FELONIES, WHY IS THAT PERSON STILL OUT THERE? DEATH PENALTY HAS REALLY NOTHING TO DO THAT. THAT'S OUR SYSTEM, OUR COURTS, OUR LEGAL SYSTEM. ALL THAT NEEDS TO BE FIXED. WHETHER WE HAVE THE DEATH PENALTY OR NOT, WE'VE GOT TO DO A LOT OF WORK ON THAT, IN MY OPINION. SO TODAY WHERE AM I AT? I DID ANNOUNCE YESTERDAY THAT I WAS GOING TO VOTE AGAINST THE OVERRIDE, NOT SUPPORT LB268 TODAY. THAT MESSAGE GOT OUT PRETTY QUICK. THE PHONE CALLS, THE E-MAILS HAVE REALLY PICKED UP SINCE THEN. SOMEHOW IT GOT PEOPLE... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR JOHNSON: ...ENGAGED. AND TODAY RECEIVING A MAJORITY... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR JOHNSON: ...I WILL VOTE AGAINST OVER... [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR JOHNSON. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB268]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. THOU SHALT NOT KILL. HE WHO IS WITHOUT SIN THROW THE FIRST STONE. DO NOT JUDGE LEST YE BE JUDGED. DO NOT CONDEMN AND YOU WILL NOT BE CONDEMNED. HOW MANY TIMES SHOULD I FORGIVE? SEVEN? I TELL YOU NOT 7, BUT 70 TIMES 7. I SAY TO EACH OF YOU HERE THAT A VOTE AGAINST LB268 IS THE SAME AS INJECTING THE NEEDLE, FLIPPING A SWITCH, PULLING THE TRIGGER. WE HAVE HAD HEINOUS CRIMES. WE NEED THESE MEN AND WOMEN TO BE PUT AWAY FOREVER. THERE IS NO QUESTION THAT WE NEED TO PUNISH FOR THE HEINOUS CRIMES AND THE TERRIBLE THINGS THAT HAVE BEEN COMMITTED. BUT I TELL YOU THAT MY FAITH TELLS ME NOT TO PLAY GOD. THIS IS NOT A PARTISAN VOTE. THIS IS A VOTE OF CONSCIENCE, A VOTE OF FAITH. DO YOU BELIEVE IN THE SANCTITY OF A HUMAN SOUL OR NOT? WHICH OF YOU CAN SAY THAT A HUMAN SOUL WILL NOT CHANGE AND THEREBY NEVER BE OF ANY VALUE ULTIMATELY TO GOD? WHICH OF YOU CAN BE CERTAIN THAT BY PREEMPTING GOD'S WILL FOR A HUMAN LIFE OR A SOUL, THAT YOU ARE ABSOLUTELY DOING WHAT IS CORRECT AND RIGHT? WHICH OF YOU CAN SAY THAT YOU KNOW GOD'S PLAN FOR A HUMAN SOUL ABSOLUTELY? ALL OF THOSE COMMANDMENTS WERE NOT COMBINED WITH THE ADDITIONAL PROVISIO, BUT GO AHEAD AND KILL IF THEY'RE GUILTY. GO AHEAD AND RIGHT THAT WRONG. WE KNOW THAT

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WE HAVE HAD INNOCENT PEOPLE WHO HAVE BEEN CONVICTED. WE KNOW THAT THE DEATH PENALTY HAS BEEN USED TO WRONGLY GET PEOPLE TO PLEAD TO LESSER CHARGES, RESULTING IN WRONGFUL CONVICTIONS. THE BEATRICE SIX IS ONE CASE RIGHT HERE IN NEBRASKA. JUSTICE DENIED IS THE EPITOME OF INJUSTICE. WE'VE HEARD THE ARGUMENTS, VICTIM CLOSURE. WE HAVE HAD JUST AS MANY PEOPLE TESTIFY WHO ARE FAMILIES OF VICTIMS THAT THERE IS NO VICTIM CLOSURE. WE HAD THE SISTER OF MICHAEL (SIC--JAMES) THIMM BRING US A HUGE NOTEBOOK SHOWING HOW APPEAL AFTER APPEAL HAS BROUGHT THEIR FAMILY IN AND THEY ARE TREATED LIKE PAWNS. WE'VE HEARD TIME AND AGAIN THAT IT'S AN INEFFECTIVE DETERRENT. JOUBERT DROVE THE YOUNG NEWSPAPER BOY FIVE MILES BEFORE KILLING HIM, AND YET HE COULD HAVE DRIVEN TWO AND BEEN IN IOWA WHERE THERE WAS NO DEATH PENALTY. THERE'S NO DETERRENT. THERE'S NO REASON FOR THE RIDICULOUS AND UNREASONABLE CRIME OF MURDER. WE KNOW THAT THIS IS WILDLY EXPENSIVE. AS A LAWYER, I AM QUITE AWARE OF THE FACT THAT WE ARE FUELING AN APPELLATE INDUSTRY THAT'S TOTALLY FUNDED BY TAXPAYERS. THE FALLIBLE SYSTEM OF JUSTICE THAT WE HAVE CREATES A SYSTEM OF INJUSTICE. THE FAULTY METHODS THAT WE HAVE FOR KILLING PEOPLE HAVE RESULTED IN TORTURE AND MANY OF YOU WILL SAY, WELL, THAT'S WHAT THEY DESERVED. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR PANSING BROOKS: BUT I SAY THAT WE ARE ABOVE THAT. THE RECOGNITION THAT A TOTAL LOSS OF FREEDOM IS SIGNIFICANT. WE HAVE A TWISTED VIEW OF JUSTICE RIGHT NOW OF KILLING PEOPLE IN ORDER TO TEACH PEOPLE NOT TO KILL. WE'VE HAD A SENATOR STAND UP SAY, IT WORKS; IT'S A SYSTEM OF CHECKS AND BALANCES. WHICH PART OF THE BEATRICE SIX WORKED? WHICH PART WORKED FOR JOANN TAYLOR TO BE THREATENED WITH THE DEATH PENALTY AND SPEND 19.5 YEARS IN PRISON IN ORDER TO AVOID THE DEATH PENALTY? COLLEAGUES, I SAY TO YOU, MY MIND, MY HEART, MY FAITH TELL ME TO SUPPORT LB268 AND OVERRIDE THE GOVERNOR'S VETO. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. THOSE IN THE QUEUE: SENATOR DAVIS, MURANTE, McCOY, CRAIGHEAD, GROENE AND OTHERS. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB268]

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SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WANTED TO OPEN WITH A QUOTE THAT I FOUND AND I THOUGHT IT WAS AN INTERESTING QUOTE BY HENRY FORD. AND HE SAID, CAPITAL PUNISHMENT IS AS FUNDAMENTALLY WRONG AS A CURE FOR CRIME AS CHARITY IS WRONG AS A CURE FOR POVERTY. THIS IS A LONG TIME AGO WHEN HENRY FORD WAS LIVING. SO THIS ISSUE HAS BEEN AROUND AND ON THE TABLE AND IN PEOPLE'S MINDS AND IN THEIR CONSCIENCE FOR YEARS TO COME AND WILL BE FOR YEARS AHEAD IN OTHER PLACES. LIKE SENATOR KRIST, SENATOR WATERMEIER, I'M A PRO-LIFE PERSON. I'M A CATHOLIC. WHEN I RAN FOR OFFICE TWO YEARS AGO, I STATED MY POSITION ON CAPITAL PUNISHMENT AND SAID WE NEEDED TO MOVE AWAY FROM THAT, AND MY CONSTITUENTS KNOW MY POSITION. SENATOR KINTNER I THINK SEES THE WORLD IN BLACK AND WHITE. YOU'RE EITHER LIBERAL OR CONSERVATIVE, AND EVERY ISSUE IS ONE OF THOSE TYPES OF ISSUES. BUT THIS IS NOT ONE OF THOSE ISSUES. THE DEATH PENALTY IS A SOMEWHAT PERSONAL FEELING. AND IF YOU'RE A PRO-LIFE PERSON, I THINK IT REALLY BOILS DOWN TO THAT LIFE QUESTION, BECAUSE TO ME IT'S NEVER OKAY THAT YOU WOULD EVER RISK KILLING AN INNOCENT PERSON FOR JUSTICE. AND THAT HAS NO DOUBT HAPPENED. WE KNOW OF OVER 100 CASES OF PEOPLE WHO HAVE BEEN EXONERATED FROM DEATH ROW BECAUSE DNA EVIDENCE PROVED THAT THEY DIDN'T DO IT. AND YOU'VE HEARD PEOPLE TALK ABOUT THE BEATRICE SIX CASE. AND WHEN WE TALKED ON FINAL READING, I BELIEVE I TALKED ABOUT THE STOCK MURDERS AT MURDOCK, NEBRASKA. IN BOTH OF THOSE CASES, THE PROSECUTION USED A TOOL WHICH WAS A THREAT OF THE DEATH PENALTY TO GET A CONFESSION. BOTH OF THOSE CASES, THE INDIVIDUALS WERE UNDER DURESS. SOME OF THEM WEREN'T VERY...NOT VERY SAVVY, NOT VERY INTELLIGENT. SUBJECT TO PRESSURE, HARD AS IT IS TO BELIEVE THAT ANYONE WOULD EVER CONFESS TO A MURDER THEY DIDN'T COMMIT, IT HAPPENS. AND IF YOU DO THE RESEARCH, YOU'RE GOING TO FIND IT HAPPENS MORE OFTEN THAN YOU WOULD EVER THINK. SO I'VE HAD...NEITHER OF THOSE CASES, FORTUNATELY, RESULTED IN THE DEATH PENALTY. BUT THE STOCK MURDER CASE COULD HAVE CERTAINLY HAVE GONE THAT WAY BECAUSE IT ALSO INCLUDED THE PLANTING OF FALSE EVIDENCE, FALSE DNA EVIDENCE, IN THE CAR OF THE TWO MEN WHO WERE CHARGED IN THAT CASE. SO YOU SUDDENLY HAVE THE SYSTEM WORKING AGAINST THE SUSPECT BECAUSE THE SUSPECT CONFESSED TO A CRIME HE DIDN'T COMMIT BECAUSE THE PROSECUTION PRESSURED HIM INTO MAKING THAT CONFESSION, AND YOU START DOWN THIS VERY, VERY LONG, DARK ALLEYWAY. AND HOW FAR DO YOU GO? IN SOME CASES, YOU GO TO THE DEATH PENALTY. SO I'VE MET TWO OF THOSE MEN. I'VE SHAKEN THEIR HANDS. ONE OF THEM WAS HERE JUST ABOUT A MONTH AGO, RAY KRONE. RAY KRONE WAS CONVICTED IN ARIZONA FOR A 1991 MURDER AND

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HE WAS CONVICTED ON THE BASIS OF A BITE MARK. HE HAD ANOTHER TRIAL SOMETIME LATER AND HE WAS SENTENCED TO LIFE IMPRISONMENT ON THAT SECOND TRIAL. AND THEN DNA EXONERATED HIM LATER. WHEN YOU LOOK A MAN IN THE EYES, A MAN WHO WOULDN'T BE HERE IF HE HADN'T HAD SOME GOOD REPRESENTATION LATER AND A REVERSAL, YOU HAVE TO START THINKING ABOUT IS THIS REALLY THE RIGHT AND INTELLIGENT THING TO DO. AND THE OTHER PERSON WAS CURTIS McCARTY. CURTIS WAS CONVICTED IN 1982 OF MURDERS. HE WAS TRIED AND SENTENCED TO DEATH THREE TIMES OVER THE 21-YEAR PERIOD BEFORE HE WAS EXONERATED. AGAIN, LOOKING THE MAN IN THE FACE AND REALIZING WHAT HE HAD BEEN THROUGH AND HOW THE SYSTEM WAS PERVERTED AND WORKED AGAINST HIM, IT MADE ME REALLY QUESTION MY... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR DAVIS: ...HOW ANYONE COULD STRONGLY SUPPORT THIS. SO I'VE HAD PEOPLE TELL ME, WELL, YOU KNOW, CONVICTING THE INNOCENT IS JUST COLLATERAL DAMAGE. I'M SORRY, I CAN'T GO THERE. I CAN'T GO TO THE IDEA THAT IT'S JUST OKAY FOR THE STATE TO MAYBE KILL SOMEBODY BECAUSE 99 PERCENT OF THE TIME WE'RE NOT DOING THAT, BECAUSE THE STATE CAN'T AFFORD TO DO THAT. WE CAN'T MAKE MISTAKES. WE CAN LOCK THESE PEOPLE UP FOR THE REST OF THEIR LIFE, THEY'LL NEVER SEE THE LIGHT OF DAY. AND THAT IS A FAR PREFERABLE APPROACH THAN EVER KILLING SOMEONE. SO DON'T LET THE PROSECUTION SAY WE'VE GOT TO HAVE THIS AS A TOOL. THEY'VE GOT PLENTY OF TOOLS TO DO THE JOB THEY NEED. WHAT THEY DO WITH THAT TOOL IS THEY GET A CONFESSION. THEY FIND SOMEBODY THEY SUSPECT IS THE CRIMINAL. THEY GET A CONFESSION OUT OF THAT PERSON, AND THEN THEY START DOWN THAT ROAD AND THEY NEVER LOOK FOR ANY OTHER SOLUTION TO THE PROBLEM. SO THE REAL CULPRIT IS OUT WALKING AROUND ON THE STREET, MAY KILL AGAIN. HAPPENS MANY, MANY TIMES. BUT... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR DAVIS: THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR DAVIS. THOSE IN THE QUEUE: SENATOR MURANTE, McCLOY, CRAIGHEAD, GROENE, McCOLLISTER, AND OTHERS. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB268]

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SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD AFTERNOON. IN THE PAST WEEK I HAVE SPOKEN OR WRITTEN WITH HUNDREDS OF NEBRASKANS ON THE SUBJECT OF THE DEATH PENALTY. IN THOSE CONVERSATIONS WE'VE DISCUSSED LIFE, DEATH, RELIGION, CATHOLICISM, THE PROPER ROLE OF A REPRESENTATIVE, THE WILL OF THE PEOPLE, AND THE SIGNIFICANCE OF A VETO BY THE GOVERNOR. I'VE HAD LONG CONVERSATIONS WITH MANY PEOPLE ON THESE ISSUES. THOSE CONVERSATIONS HAVE AT TIMES BEEN VERY INTENSE. AND I'D LIKE TO SHARE WITH YOU MY CONCLUSIONS. FIRST, I SPEAK VERY SELDOM ABOUT THIS EITHER ON THE MICROPHONE OR IN PUBLIC, BUT I AM A DEVOUT PRACTICING CATHOLIC. AND IT IS CLEAR THAT THE CHURCH DOES NOT HAVE A SPECIFIC, DEFINED, GOVERNING DOCTRINE ON THE DEATH PENALTY. AS THE NEBRASKA CATHOLIC CONFERENCE WOULD READILY CONCEDE, THE DEATH PENALTY IS A SUBJECT MATTER WITH WHICH REASONABLE PEOPLE CAN DISAGREE AND CATHOLICS ARE URGED TO USE THEIR OWN PRUDENTIAL JUDGMENT WHEN ESTABLISHING AN OPINION ON THE DEATH PENALTY. WITH THAT BEING SAID, I HAVE BEEN PERSONALLY CONTACTED BY ARCHBISHOP GEORGE LUCAS IN OMAHA, MY PERSONAL PRIESTS, ALL OF THE PRIESTS IN MY DISTRICT, AND MANY NUNS AND OTHER PRIESTS AROUND THE STATE OF NEBRASKA ALL SPEAKING UNIFORMLY IN FAVOR OF LB268. AND WHEN THAT LEVEL OF CONSENSUS IS BROUGHT TO ME, IT IS SOMETHING WHICH I TAKE VERY SERIOUSLY. BUT ONE TRUTH THAT IS UNDENIABLE IS THAT TAKING HUMAN LIFE UNDER CERTAIN CIRCUMSTANCES CAN BE JUSTIFIED. THE MOST UNIVERSALLY ACCEPTED OF THESE CIRCUMSTANCES IS THAT OF SELF-DEFENSE. AND AS THE RECENT EVENTS IN TECUMSEH ILLUSTRATED, THERE ARE SOME PEOPLE WHO CANNOT BE KEPT SAFELY WITHOUT ENDANGERING OTHERS. WE CANNOT SIMPLY LOCK THEM UP AND THROW AWAY THE KEY. AND WHILE I BELIEVE THAT REFORM IS NECESSARY TO NARROWLY TAILOR THE DEATH PENALTY AND EXECUTIONS TO THOSE WHO CANNOT BE CONFINED SAFELY, AND I BELIEVE THAT THAT REFORM IS NECESSARY, WE CANNOT HAVE THAT DISCUSSION IF LB268 IS PASSED NOTWITHSTANDING THE VETO OF THE GOVERNOR. AND SECOND, I AM DEEPLY CONCERNED ABOUT THE VOLUMES OF NEBRASKANS WHO HAVE CONTACTED ME WITH THEIR BELIEF THAT THIS LEGISLATURE SIMPLY ISN'T LISTENING. NOT THAT WE ARE PASSING LEGISLATION WITH WHICH THEY MAY DISAGREE, BUT THAT WE ARE IGNORING THEM ENTIRELY. AND TO THOSE THOUSANDS OF NEBRASKANS WHO HAVE CONTACTED ME OVER THE LAST WEEK, I CAN TELL YOU THAT I AM LISTENING. THERE ARE MANY ON THIS FLOOR WHO ARE LISTENING. I SHARE YOUR FRUSTRATION AND I REFUSE TO BE PART OF THE PROBLEM. WHEN I RAN FOR OFFICE, I TOLD MY CONSTITUENTS WHAT I'VE TOLD MANY OF YOU OVER THE COURSE OF THIS DEBATE, THAT I AM PERSONALLY

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CONFLICTED ON THE SUBJECT MATTER OF THE DEATH PENALTY. BUT THAT I WOULD SIDE WITH MY CONSTITUENTS WHO, IN MY VIEW AT THE TIME, OVERWHELMINGLY SUPPORTED KEEPING THE DEATH PENALTY. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR MURANTE: PRIOR TO THE VOTE ON FINAL READING, MY CONSTITUENT CORRESPONDENCE SUGGESTED THAT MY CONSTITUENTS WANTED THE DEATH PENALTY REPEALED. SINCE THEN, I HAVE ACTIVELY ENGAGED MY COMMUNITY IN A DISCUSSION ABOUT THE DEATH PENALTY AND IT IS CLEAR THAT THEY WANT THE DEATH PENALTY TO BE RETAINED. AND TO THOSE NEBRASKANS WHO ARE FRUSTRATED BY THIS LEGISLATURE'S ACTIONS, I WOULD REMIND YOU THAT THE CONSTITUTION ALLOWS YOU TO RESCIND ANY ACT OF THIS LEGISLATURE. AND IF YOU ARE OF A MIND TO DO IT AND THAT PASSIONATE, I WOULD ENCOURAGE YOU TO DO SO. AND FINALLY, I DO NOT TAKE A VETO OF A GOVERNOR LIGHTLY. IT IS NOT SIMPLY ANOTHER MAN'S OPINION. IT IS AN ACT OF A SEPARATE BRANCH OF GOVERNMENT,... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR MURANTE: ...WHICH IS WHY I WILL BE VOTING TO SUSTAIN THE GOVERNOR'S VETO ON LB268. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. SENATOR McCOY. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN SUPPORT OF THE DEATH PENALTY BEING RETAINED IN NEBRASKA AND AGAINST THIS MOTION TO OVERRIDE GOVERNOR RICKETTS' VETO. IT PROBABLY COMES AS NO SURPRISE BECAUSE I HAVE STOOD AT THIS MICROPHONE MANY TIMES, NOT JUST THIS SESSION BUT IN PREVIOUS SESSIONS TWO YEARS AGO WHEN WE HAD A VERY LONG DEBATE ON THIS VERY SAME ISSUE. AND ALSO BACK IN 2009, MY FIRST YEAR IN THE LEGISLATURE, WHEN THE LEGISLATURE ADVANCED AND, AT THE TIME, GOVERNOR HEINEMAN SIGNED THE LEGISLATION TO MOVE FROM THE ELECTRIC CHAIR AS A MEANS OF EXECUTION TO LETHAL INJECTION. LIKE MANY OF US, THIS IS AN ISSUE THAT I GET ASKED ABOUT OFTEN, ALWAYS HAVE BEEN ASKED ABOUT OFTEN, GOING BACK TO WHEN I FIRST RAN FOR OFFICE. AND THIS WAS, UNLIKE SOME OF YOU THAT SERVED IN MANY OTHER CAPACITIES IN YOUR COMMUNITY, THIS WAS THE FIRST TIME THAT I HAD EVER OFFERED UP MYSELF AS A CANDIDATE FOR OFFICE. AND I CAN REMEMBER A

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LOT OF TIMES KNOCKING ON SOMEONE'S DOOR, BEING AT A PARADE BEFORE BEING ELECTED TO THIS LEGISLATURE AND SINCE, WHEN PEOPLE WILL ASK ME WHAT I THINK ABOUT. AND I'LL NEVER PROBABLY BE ABLE TO PUT INTO WORDS AS WELL AS A QUOTE THAT I'VE READ SEVERAL TIMES AND I WANT TO READ AGAIN WHAT MY FEELINGS ARE ON THE ISSUE. ONE DAY I RAN ACROSS THIS QUOTE A COUPLE YEARS AGO AND I THINK IT'S VERY APPLICABLE. AND IT IS THAT, THE DEAD CANNOT CRY OUT FOR JUSTICE, BUT IT IS THE DUTY OF THE LIVING TO DO SO FOR THEM. THAT'S WHY I RISE THIS AFTERNOON ON THIS ISSUE AND I'LL ALWAYS RISE TO DEFEND THE DEATH PENALTY AS THE ULTIMATE PUNISHMENT FOR THOSE THAT HAVE COMMITTED THE WORST CRIMES POSSIBLE AGAINST THEIR FELLOW NEBRASKANS. THAT'S WHAT THIS ISSUE IS TO ME. ON SELECT FILE I BROUGHT AN AMENDMENT BEFORE THE LEGISLATURE THAT 22 OF US VOTED FOR, AND THAT WAS TO PUT THIS TO VOTE OF THE PEOPLE OF NEBRASKA. WELL, THE SECOND HOUSE, THE PEOPLE OF NEBRASKA, HAVE BEEN VERY VOCAL THE LAST COUPLE WEEKS, AS IT'S BEEN TALKED ABOUT BY OTHERS, AND I WOULD AGREE...BOTH FOR AND AGAINST. BUT I THINK A STRONG MAJORITY OF PEOPLE IN NEBRASKA SUPPORT HAVING THE DEATH PENALTY RETAINED. YOU KNOW, I HAVE TO THINK A LOT...BECAUSE AS I'VE SAID AND I MENTIONED ON SELECT FILE, WE HAVE AN ALMOST FIVE-YEAR-OLD AT OUR HOUSE THAT WE LOVE VERY MUCH. AND I THINK ABOUT THE LITTLE BOY THAT HIS OLDER BROTHER HAS ADMITTED TO THROWING INTO THE ELKHORN RIVER IN THE MIDDLE OF THE NIGHT TO A DEATH BY DROWNING. AND I THINK ABOUT HOW AWFUL THAT MUST HAVE BEEN. IT HAPPENED IN MY LEGISLATIVE DISTRICT, BARELY TWO MILES FROM WHERE WE LIVE. I CAN'T IMAGINE WHAT THAT FAMILY IS GOING THROUGH. I CAN'T IMAGINE WHAT THAT LITTLE BOY WENT THROUGH. [LB268]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB268]

SENATOR McCOY: BUT YOU KNOW IF WE DON'T HAVE A DEATH PENALTY, THIS INDIVIDUAL, EVEN THOUGH HE HASN'T GONE THROUGH A TRIAL YET BUT HE'S ADMITTED TO THE CRIMES, WITHOUT THE DEATH PENALTY, HE WOULD RECEIVE NO WORSE PUNISHMENT THAN HE WOULD HAVE RECEIVED FOR THE MURDER OF HIS MOTHER THAT HAPPENED BEFORE HE MURDERED HIS BROTHER. THAT'S JUST WRONG IN MY MIND, BECAUSE ISN'T THAT LITTLE BOY'S LIFE WORTH SOMETHING? DOESN'T JUSTICE MEAN THAT THERE'S A WORSE PENALTY, A WORSE PUNISHMENT FOR COMMITTING FURTHER CRIMES? DOESN'T IT MEAN SOMETHING TO TELL OUR PRISON GUARDS, YOUR LIVES MATTER TOO? WE WANT YOU TO BE SAFE. THAT'S WHY THIS ISSUE IS SO CRITICAL TO ME. [LB268]

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SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR McCOY. THOSE IN THE QUEUE SPEAKING FOR THE FIRST TIME ARE SENATORS CRAIGHEAD, GROENE, McCOLLISTER, CAMPBELL, COOK, AND OTHERS. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB268]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES, AND HELLO, NEBRASKA. I DID NOT SUPPORT THE DEATH PENALTY REPEAL AND I WILL STAND WITH THE GOVERNOR ON HIS VETO. I BELIEVE IN THE PROTECTION OF INNOCENT LIFE. THIS IS A SOMBER, SERIOUS ISSUE, ONE THAT IS VERY DIVISIVE AND PEOPLE ARE PASSIONATE ABOUT. FOR THE RECORD, I AM A WOMAN OF STRONG FAITH. NEBRASKA HAS TEN MEN ON DEATH ROW AND THEY ARE ALL GUILTY OF THEIR CRIMES. I'M SURE WE'VE ALL TAKEN TIME TO READ ABOUT THE HORRIFIC WAYS THEIR VICTIMS WERE TORTURED AND MURDERED. ONE, AS WE REMEMBER, A THREE-YEAR-OLD BOY WHO WAS CUT UP AND PARTS OF HIS BODY FED TO A DOG. THESE ACCOUNTS MAKE MY STOMACH DO FLIP FLOPS, MAKE ME PHYSICALLY ILL AND MENTALLY ILL AND EMOTIONALLY ILL. THESE MEN DO NOT DESERVE TO LIVE. IN MY OPINION, LIFE IMPRISONMENT IS TOO GOOD FOR THEM. WITHOUT STRONG LAWS AND CONSEQUENCES, SOCIETY BECOMES CHAOTIC. LET ME SAY THAT ONE MORE TIME. WITHOUT STRONG LAWS AND CONSEQUENCES, SOCIETY BECOMES CHAOTIC. NOW, FOR A MINUTE, LET'S GET DOWN TO OUR SOULS, OUR CORES, OUR GUTS. LET'S BE A MOM, A DAD, A BROTHER, A SISTER. LET ME ASK YOU A QUESTION IN THIS ROLE. WHAT IF SOMEONE THAT YOU LOVED DEARLY WAS BRUTALLY MURDERED? IF YOU CAN HONESTLY SAY IN THAT SITUATION THAT, SURE, THAT MURDERER CAN LIVE THEIR LIFE IN PRISON, THAT YOU'RE OKAY WITH IT, THEN YOU ARE TRULY A DEATH PENALTY OPPONENT. I RESPECT THAT, BUT I DON'T AGREE WITH YOU. AND I'M SAYING JUST BE A PERSON INSTEAD OF A STATE SENATOR FOR A MINUTE AND GET DOWN TO YOUR CORE AND REALLY THINK ABOUT THIS ISSUE. AS YOU, I DO MY BEST TO REPRESENT THE PEOPLE OF MY DISTRICT. WE MAKE LOTS OF DECISIONS. WE NEVER MAKE 100 PERCENT OF THE PEOPLE 100 PERCENT OF THE TIME. YOU CAN'T. I ALSO THINK THAT WE NEED TO REMEMBER THAT THERE ARE PEOPLE WHOSE LIVES AND JOBS ARE TO ENFORCE THE LAWS OF OUR STATE OF NEBRASKA. OUR MEN AND WOMEN IN BLUE ARE BEGGING US NOT TO REPEAL THIS. THEY ARE ASKING US TO STAND WITH THE GOVERNOR ON THIS ONE, AND I RESPECT THAT. I HOPE AS EACH OF YOU PUSH YOUR BUTTON TODAY, THAT YOU HAVE PEACE THAT THE BUTTON YOU PUSH IS THE RIGHT ONE FOR YOU AND THE RIGHT ONE FOR THE PEOPLE OF THE STATE OF NEBRASKA. THIS ISSUE IS NOT ABOUT OUR INDIVIDUAL CONVICTIONS OR WHAT WE EMOTIONALLY FEEL ABOUT THE DEATH PENALTY. NONE OF US ARE HORRIFIC KILLERS. NONE OF US COULD DO THE THINGS THAT

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WE'VE HEARD ABOUT IN THE PAST FEW WEEKS. THIS VOTE IS ABOUT MATCHING THE DEPTH OF THE CRIME WITH THE DEPTH OF THE PENALTY AND VICE VERSA. I ASK YOU TO PLEASE THINK ABOUT THIS. PUSH THE BUTTON THAT WILL GIVE YOU PEACE AND VOTE NO ON THE OVERRIDE. THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR CRAIGHEAD. SENATOR GROENE, YOU'RE RECOGNIZED. [LB268]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I STAND IN SUPPORT OF THE GOVERNOR VETO, AS SENATOR MURANTE SAID. I'LL SAY IT ANOTHER WAY, THE GOVERNOR WAS ELECTED BY ALL IN THIS STATE. HIS DECISION CARRIES MERIT. WHILE WE ONLY REPRESENT A PORTION OF THE STATE, HE REPRESENTS ALL OF IT. WE ARE HERE TO DECIDE ON THE CONTINUATION OF A PUNISHMENT FOR THE MOST EVIL AND HORRENDOUS OF ALL CRIMES OF MURDER. I'VE HEARD PEOPLE CALL IT AWFUL CRIMES, CRUEL CRIMES. THE BIBLE DOESN'T USE THOSE WORDS, IT USES "EVIL." THROUGHOUT CIVILIZED HISTORY, THE DEATH PENALTY HAS BEEN THE STRONGEST MESSAGE SENT THAT, AS A CIVILIZED SOCIETY, WE DO NOT TOLERATE EVIL. I AM PRO-LIFE, BUT THEREFORE I'M PRO-CHOICE. AN UNBORN BABY SHOULD HAVE THE CHOICE TO LIVE OR DIE AS A HUMAN BEING. WE DON'T GIVE IT THAT CHOICE. AN EVIL INDIVIDUAL WHO CREATES HORRENDOUS CRIMES HAD A CHOICE. THEY KNOW THE PUNISHMENT FOR THEIR CRIME BEFORE THEY PREMEDITATEDLY DID IT. THEY MADE THAT CHOICE. MY CONSCIENCE IS CLEAR THAT CIVILIZATION PUTS AN END TO THEIR LIFE. THOUGH OUR JUSTICE SYSTEM IS BROKE, JUSTICE THROUGH THE CENTURIES DOES NOT CHANGE, FOR A GENERATION BEFORE US HAS NOT DONE ITS DUTY TO ENACT A PUNISHMENT. THAT DOES NOT MAKE US...GIVE US THE ABILITY TO CHANGE JUSTICE AND THE ENACTMENT OF IT. IT IS OUR DUTY TO WORK THROUGH THE JUDICIARY COMMITTEE, THIS BODY, TO MAKE SURE JUSTICE IS CARRIED OUT. AND I WILL WORK TO DO THAT, AS AN ELECTED OFFICIAL, WITH OTHER SENATORS IF THEY ARE WILLING. I MUST INJECT IN THIS DECISION THE WORD OF GOD BECAUSE THAT IS HOW I LEAD MY LIFE FOR THE SHORT TIME, THE WINK OF AN EYE OF TIME THAT I LIVE HERE. ETERNITY IS IMPORTANT TO ME. IN EXODUS CHAPTER 20, WE ARE GIVEN THE LAWS WHICH WE ARE TO OBEY AS INDIVIDUALS. DO NOT KILL IS ONE OF THOSE. EVEN THE ATHEISTS AMONG US KNOW THOSE TEN RULES TO BE GOOD RULES. BUT THE VERY NEXT CHAPTER GIVES US RULES FOR SOCIETY, FOR A CIVILIZED SOCIETY, FOR THE COLLECTIVE. AS AN ELECTED OFFICIAL, MY DUTY IS NOT TO REPRESENT MYSELF BUT THE COLLECTIVE, THE COLLECTIVE OF THE CITIZENS OF A CIVILIZED SOCIETY. IF ONE PROTECTS ONE'S LIFE, IT IS SELF-DEFENSE. IF ONE TAKES A LIFE, IT IS MURDER. IF ONE KILLS FOR RETRIBUTION, IT IS VENGEANCE. BUT WHEN THE

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COLLECTIVE SOCIETY TAKES A LIFE IN THE PUNISHMENT OF EVIL BEHAVIOR, IT IS CALLED JUSTICE. THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. THOSE IN THE QUEUE: SENATORS CAMPBELL, COOK, SCHNOOR, GARRETT, AND OTHERS. SENATOR CAMPBELL, YOU ARE RECOGNIZED. [LB268]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. YOU WERE ELECTED TO REPRESENT ME, I WANT YOU TO SUSTAIN THE GOVERNOR'S VETO. OR, YOU WERE ELECTED TO REPRESENT ME, I WANT YOU TO OVERRIDE THE GOVERNOR'S VETO. WHICH OF THOSE CONSTITUENTS DO I REPRESENT, BECAUSE THAT IS WHAT E-MAILS AND PHONE CALLS AND LETTERS HAVE BEEN SAYING TO ALL OF US? BUT WHICH OF THOSE CONSTITUENTS DO I REPRESENT? I WANT TO TELL YOU A STORY THAT PREPARED ME FOR THE REST OF MY CAREER AS AN ELECTED OFFICIAL. IT WAS THE SECOND YEAR THAT I SERVED ON THE COUNTY BOARD. AND WE FACED AN ISSUE NOT NEARLY AS SERIOUS AS WHAT WE FACE TODAY, I WILL GRANT YOU. BUT IT WAS AN ISSUE THAT WAS POLITICAL, IT WAS CONTENTIOUS, IT INVOLVED A LOT OF MONEY, AND PEOPLE WERE DRAWING UP ON BOTH SIDES. AND A LINCOLN ATTORNEY WALKED INTO MY OFFICE, SHUT THE DOOR AND SAID TO ME, IF YOU GO THROUGH WITH THIS, YOU'LL NEVER BE REELECTED. YOU'LL NEVER BE ELECTED TO ANYTHING. AND I SAID, YOU KNOW, I WASN'T ELECTED TO LOOK OVER MY SHOULDER. AND HE LEFT. AND I SAT DOWN AND THOUGHT A LOT ABOUT THAT BECAUSE, IN REALITY, I REPRESENT BOTH THOSE CONSTITUENTS BECAUSE I'M HERE TO HEAR BOTH OF THEM. AND WHAT I REALLY APPRECIATED IN THE LAST TWO WEEKS WERE THOSE PEOPLE ON BOTH SIDES THAT TOOK TIME TO TALK ABOUT WHY, WHY DID THEY FEEL THAT WAY. BECAUSE IN MY HEART I TRULY BELIEVE THAT THE ROLE OF A PUBLIC SERVANT, AN ELECTED OFFICIAL, IS TO LISTEN TO ALL, TO READ, TO BECOME INFORMED, BUT MOST OF ALL TO LISTEN TO THE PRINCIPLES THAT GUIDE YOU. AND SO FIVE ELECTIONS LATER, AND 24 YEARS--AFTER NEXT YEAR--I HAVE LISTENED TO MY CONSTITUENTS. BUT I HAVE SAID TO THEM TIME AND AGAIN, I WILL LIVE BY MY PRINCIPLES, I WILL LIVE BY MY CONVICTIONS, AND I WILL ALWAYS TAKE INTO ACCOUNT WHAT YOU TELL ME. BUT I HAVE TO TAKE THE TOTALITY OF THAT, AND IN THE END, I HAVE TO DO THE BEST I CAN. AS AN ENGLISH TEACHER, I WAS A... YOU KNOW, ALWAYS GATHERING QUOTES AND LETTERS AND NOTES AND SAVING THEM. AND ONE OF MY FAVORITE AUTHORS IS VICTOR HUGO. AND HE HAD A QUOTE IN HIS BOOK ENTITLED THE LAST DAY OF A CONDEMNED MAN. AND THAT QUOTE IS: BUT YOU SAY SOCIETY MUST EXACT VENGEANCE AND SOCIETY MUST PUNISH. WRONG ON BOTH COUNTS. [LB268]

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SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB268]

SENATOR CAMPBELL: THANK YOU. VENGEANCE COMES FROM THE INDIVIDUAL AND PUNISHMENT FROM GOD. AND I HAVE TRIED TO LIVE BY THOSE PRINCIPLES. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: SENATOR COOK, YOU ARE RECOGNIZED. [LB268]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. AND I WOULD SAY GOOD AFTERNOON TO OUR GUESTS IN THE GALLERY AND THOSE WATCHING ON CLOSED CIRCUIT AND ON TELEVISION AND THE INTERNET. I RISE IN SUPPORT OF THE MOTION TO OVERRIDE THE GOVERNOR'S VETO. I DON'T WANT TO BE REPETITIVE ABOUT WHAT I'VE SAID IN THE LAST ROUNDS OF DEBATE. I REPRESENT LEGISLATIVE DISTRICT 13, AND OVERWHELMINGLY THE INPUT HAS BEEN FOR THE REPEAL OF THE DEATH PENALTY AND ITS REPLACEMENT WITH LIFE WITHOUT PAROLE. I PROUDLY REPRESENT THAT DISTRICT. WHAT I DON'T BRAG ABOUT IS THE IRONY THAT OVER A TYPICAL WEEKEND IN MY DISTRICT, THERE ARE MANY, MANY SHOOTINGS, SOME OF WHICH RESULT IN THE DEATHS OF PEOPLE, INNOCENT PEOPLE, AS SOME OF YOU MAY TERM THEM. AND I ALWAYS FIND IT IRONIC, WHEN I HEAR STORIES--AND THEY'RE HORRIFIC STORIES--OF LOSS AROUND THE STATE, THAT YOU'RE AWARE OF THESE MURDERS THAT HAPPEN ROUTINELY--I LOSE TRACK, UNFORTUNATELY--AS MANY AS 17 MURDERS IN AND AROUND MY DISTRICT SINCE THE BEGINNING OF THIS YEAR. I HOPE AND PRAY FOR THE DAY WHEN WE HAVE THIS LEVEL OF SOLEMNITY AROUND A DISCUSSION IN SUPPORT OF INFANTS IN POVERTY, QUALITY PUBLIC EDUCATION, ACCESS TO HEALTHCARE, THE FACTORS THAT LEAD TO THE KIND OF VIOLENCE THAT IS UNFORTUNATELY WAY TOO ROUTINE, WAY TOO ROUTINE IN THE DISTRICT THAT I REPRESENT. THERE WAS A POINT MADE EARLIER ABOUT WHAT A, QUOTE UNQUOTE, INNOCENT LIFE HAS IN COMMON WITH THAT OF SOMEONE WHO IS CURRENTLY ON DEATH ROW. AND YOU KNOW WHAT IT IS? GOD'S LOVE IS THE SAME FOR ALL OF THEM. THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR COOK. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB268]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. IT WAS TALKED EARLIER ABOUT LEADERSHIP. WELL, THAT'S WHAT OUR GOVERNOR IS DOING, HE'S LEADING RIGHT NOW BECAUSE THIS IS WHAT THE PEOPLE WANT. THEY WANT

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THE DEATH PENALTY TO STAY IN PLACE. AND I WILL NOT SUPPORT THIS OVERRIDE. THIS IS NOT A SHINING MOMENT, AS WAS SAID EARLIER. I RECEIVED A LETTER FROM THE SHERIFF OF PIERCE COUNTY. IT WAS FROM THE ASSOCIATED PRESS WRITTEN BY GRANT SCHULTE. AND IN THIS, A LADY NAMED STACY ANDERSON SAYS, THIS COULD START A DOMINO EFFECT. AND SHE'S FROM THE EXECUTIVE DIRECTOR OF THE NEBRASKANS FOR ALTERNATIVES TO THE DEATH PENALTY. MANY STATES ARE ALREADY LOOKING AT THIS. I JOKE WITH PEOPLE, WHO DO THE SAME KIND OF WORK IN OTHER STATES, THAT WE'RE IN A RACE TO WHO CAN SEE WHO CAN REPEAL IT FIRST. SO THIS IS NOT A SHINING MOMENT. I HAVE RECEIVED VERY LIMITED CRITICISM. EIGHTY PERCENT OF MY E-MAILS ARE IN FAVOR OF KEEPING THE DEATH PENALTY. WHY HAS THE PROCESS--NOT THE DEATH PENALTY ITSELF--WHY HAS THE PROCESS NOT BEEN FIXED? I CAN'T ANSWER THAT. I DO KNOW THAT IN LESS THAN FIVE MONTHS, THE GOVERNOR IS WORKING TO FIX THE PROCESS. WE'VE HEARD OVERWHELMING COMMENTS THROUGH THE DEBATE ON GENERAL, SELECT, AND FINAL READING THAT PEOPLE HAVE TO LIVE WITH THIS OVER AND OVER AGAIN DURING THE REPEAL PROCESS. YOU KNOW WHO NO LONGER HAS TO LIVE WITH THIS ANY LONGER? THE FAMILIES OF THE VICTIMS OF MICHAEL RYAN. WHY? BECAUSE HE'S DEAD. HE WASN'T EXECUTED BUT HE DIED IN PRISON. BUT THEY NO LONGER HAVE TO LIVE WITH THIS ANY LONGER. THERE ARE NUMEROUS VERSES IN THE BIBLE THAT TALK ABOUT JUSTICE, IN THE OLD AND THE NEW TESTAMENT. GENESIS 9:5-6, AND FOR YOUR LIFE BLOOD I WILL SURELY DEMAND AN ACCOUNTING, I WILL DEMAND AN ACCOUNTING FOR EVERY ANIMAL AND FROM EACH HUMAN BEING, TOO. I WILL DEMAND AN ACCOUNTING FOR THE LIFE OF ANOTHER HUMAN BEING. IN THE NEW TESTAMENT, ROMANS 13:4, FOR THE ONE IN AUTHORITY IS GOD'S SERVANT FOR YOUR GOOD. BUT IF YOU DO WRONG BE AFRAID, FOR RULERS DO NOT BEAR THE SWORD FOR NO REASON. THEY ARE GOD'S SERVANTS, AGENTS OF WRATH TO BRING PUNISHMENT ON THE WRONGDOER. WELL, I'M HERE TO SERVE THE PEOPLE AND I'M HERE TO SERVE GOD. AND THE PEOPLE WANT TO KEEP THE DEATH PENALTY AND THAT'S WHAT THE BIBLE SAYS, SO THAT'S WHERE I STAND. I'M NOT CHANGING MY MIND. THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SCHNOOR. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB268]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. COLLEAGUES, FELLOW NEBRASKANS, I RISE IN SUPPORT OF LB268 AND THE OVERRIDE OF THE GOVERNOR'S VETO. MY PHONE, MY E-MAILS HAVE BEEN OFF THE WALL AS WELL AND LOTS OF FOLKS DROPPING BY THE OFFICE. AND, YOU KNOW, IT'S FUNNY,

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EACH ONE OF OUR DISTRICTS ARE COMPRISED OF NEBRASKANS OF ALL KINDS OF POLITICAL ALLIANCES. MY PARTICULAR DISTRICT HAS A MAJORITY, A BARE MAJORITY, OF REPUBLICANS. IT HAS A GOOD NUMBER OF INDEPENDENTS AND A GOOD NUMBER OF DEMOCRATS AS WELL. AND THE OVERWHELMING NUMBER OF RESPONSES I'VE HAD TO LB268 ARE FOR SUPPORT OF THE REPEAL OF THE DEATH PENALTY. I DON'T JUST REPRESENT CONSERVATIVE REPUBLICANS; I REPRESENT THE INDEPENDENTS AND THE DEMOCRATS OF DISTRICT 3 AS WELL. AND SO STANDING TALL FOR LB268, AN OVERRIDE OF THE GOVERNOR'S VETO ARE WHAT THE PEOPLE OF MY DISTRICT ARE CALLING ME TO DO. AND I'M NOT GOING TO SIT HERE AND REHASH ALL THE PRAGMATIC REASONS WHY WE SHOULD REPEAL THE DEATH PENALTY OR THE MORAL OR ETHICAL REASONS OF WHY WE SHOULD REPEAL THE DEATH PENALTY. BUT I'VE HEARD THE WORD "JUSTICE" MENTIONED SEVERAL TIMES, MORE THAN SEVERAL TIMES. AND, COLLEAGUES, I CAN THINK OF NO GREATER INJUSTICE, NO GREATER INJUSTICE THAN GOVERNMENT TAKING THE LIFE OF AN INNOCENT MAN OR WOMAN. AND WE KNOW, WE KNOW FROM ALL THE TESTIMONY, WE IN THIS STATE HAVE BEEN GUILTY OF THAT. THE DEATH PENALTY IS NOT A PERFECT SYSTEM. AND IF ONE INNOCENT MAN OR WOMAN HAS EVER BEEN EXECUTED BY THE STATE, BY GOVERNMENT, THEN IT INVALIDATES THE ENTIRE SYSTEM. I CANNOT THINK OF A MORE UNJUST THING, TO THINK ABOUT WHAT THAT INNOCENT MAN OR WOMAN WENT THROUGH. LIFE WITHOUT THE POSSIBILITY OF PAROLE IS NOT SOFT ON CRIME, AND I DEFY ANYONE TO TELL ME THAT I'M SOFT ON CRIME. WE LOCK THESE PEOPLE UP, WE THROW AWAY THE KEY, AND WE FORGET ABOUT THEM. AND WE STOP DRAGGING THE FAMILIES OF THE VICTIMS THROUGH ALL THOSE APPEAL PROCESSES. I'M NOT CHANGING MY VOTE. I'M A STRONG PROPONENT OF LB268 AND AN OVERRIDE OF THE GOVERNOR'S VETO. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR GARRETT. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB268]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND, ONCE AGAIN, COLLEAGUES, THIS IS A VERY CRITICAL MATTER WE DISCUSS HERE. CAPITAL PUNISHMENT IS NOT PERFECT, BUT WE NEED IT. WE NEED OUR MILITARY AS WELL. IS IT PERFECT? THERE IS FRIENDLY FIRE. THERE ARE INNOCENT LIVES LOST AT WAR, BUT THE OBJECTION (SIC) THERE IS TO PROTECT OUR FREEDOM. JUSTICE IN THE NAME OF THE INNOCENT WHO HAVE LOST THEIR LIVES AT THE HAND OF MURDER IS SOMETHING NOT TO BE TAKEN LIGHTLY. I DO SUPPORT THE GOVERNOR'S OVERRIDE OF THE VETO AND I DO SUPPORT THE DEATH PENALTY. AND OVERWHELMINGLY THE CALLS AND THE E-MAILS ARE ASKING ME, WHY

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AREN'T THE SENATORS LISTENING TO US? THEY GO TO LINCOLN AND THEY CHANGE. WHAT IS TAKING PLACE? WE HAVE HEARD SENATOR CHAMBERS TELL US SEVERAL TIMES ON THE FLOOR HE HAS NO HEART. HE HAS TOLD US ON THE FLOOR ON SEVERAL OCCASIONS THAT HE DOES NOT BELIEVE IN GOD. SO I DON'T UNDERSTAND WHY REPEAL HERE IS A PRIORITY TO HIM. IT HAS BEEN FOR 40 YEARS. HE HAS ON MANY OCCASIONS CALLED US OUT FOR NOT BEING WORTHY OF BEING HERE, THAT WE'RE NOT SMART ENOUGH, WE'RE NOT...WE'RE DOING THIS WRONG AND THAT WRONG. AND THEN TODAY HE'S SINGING PRAISES OF AT LEAST 30 OF US BECAUSE WE'RE FOLLOWING A LEAD OF SOMEONE WHO DOES NOT BELIEVE IN GOD, WHO SAYS HE HAS NO HEART. NOW, I RESPECT HIM IN MANY WAYS FOR WHAT HE HAS DONE FOR THIS INSTITUTION ON VARIOUS LAWS. BUT WHEN IT COMES TO JUSTICE AND LAWMAKERS, THERE IS A PURPOSE FOR US HERE TODAY. I BELIEVE WE NEED TO LOOK AT PROTECTION, PROTECTION OF THE INNOCENT, AND TO MAKE SURE THAT THE SCALES OF JUSTICE ARE EQUAL, THAT THE LAW THAT IS BROKEN IS EQUAL TO THE PUNISHMENT THAT IS GIVEN. AND I AM A WOMAN OF FAITH. AND ONE OF THE E-MAILS, JUST ONE OF THEM, IS FROM A MINISTER. AND IT SAYS, I AM A MINISTER OF THE GOSPEL, AND YOU HAVE BEEN CALLED TO BE A MINISTER OF JUSTICE, ROMANS 13. PLEASE KEEP THE DEATH PENALTY. ROMANS 13 CALLS YOU, QUOTE, GOD'S MINISTER, AN AVENGER TO EXECUTE WRATH ON HIM WHO PRACTICES EVIL, ROMANS 13:4. YOU ARE CALLED TO, QUOTE, NOT BEAR THE SWORD IN VAIN, ROMANS 13:4. THIS MINISTER WRITES THAT LIFE IN PRISON WITHOUT PAROLE IS NO DISINCENTIVE TO THE MURDERER TO NOT ENGAGE IN MORE MURDERS. IN FACT, HE HAS NOTHING TO LOSE. I BELIEVE THAT THE DEATH PENALTY FOR WILLFUL MURDER IS MANDATED BY SCRIPTURE. IT WAS MANDATED LONG BEFORE ISRAEL CAME INTO EXISTENCE, GENESIS 9:5-7. AND THE LORD SAYS THAT THE LAND IS POLLUTED WHEN A MURDERER IS NOT EXECUTED, IN NUMBERS 35:30-34. THIS E-MAIL IS LENGTHY, WITH VARIOUS VERSES THAT SUPPORT BIBLICAL JUSTICE. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR BRASCH: COLLEAGUES, ONCE AGAIN TODAY, THIS IS NOT THE FIRST TIME THIS HAS BEEN DEBATED HERE. IT WAS DEBATED TWO YEARS AGO WHEN I WAS JUST TWO YEARS INTO BEING A NEW SENATOR. IT IS A DIFFICULT DECISION. AND AS SENATOR CHAMBERS HAS SAID, IT WAS 40 YEARS IN HIS BRINGING THIS BACK REPEATEDLY. THIS IS IMPORTANT TO THE FAMILIES WE MET YESTERDAY WHO LOST THEIR DAUGHTER, SISTER, AND TO THE LAW ENFORCEMENT OFFICERS WHO STOOD ASKING FOR US TO NOT REPEAL THE DEATH PENALTY, TO

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STAND AND SUSTAIN THE GOVERNOR'S VETO. THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB268]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES, ON THIS MOMENTOUS DAY. IN 2010, THE OVERWHELMING MAJORITY OF ALL KNOWN EXECUTIONS TOOK PLACE IN JUST FIVE COUNTRIES, FIVE COUNTRIES: CHINA, IRAN, NORTH KOREA, YEMEN, AND THE UNITED STATES. I'M NOT PROUD THAT THE UNITED STATES IS ON THIS LIST. NO ONE CAN DENY THAT CAPITAL PUNISHMENT AS A TOOL OF JUSTICE IS BECOMING MUCH LESS COMMON. HOW DO I KNOW THIS STATEMENT IS TRUE? EIGHTEEN STATES AND THE DISTRICT OF COLUMBIA HAVE REPEALED THE DEATH PENALTY. IN 2014, ONLY SEVEN STATES CARRIED OUT AN EXECUTION. SEVEN STATES HAVE NOT CARRIED OUT AN EXECUTION IN MORE THAN TEN YEARS. IN 2014, THERE WERE 72 DEATH SENTENCES, THE LOWEST NUMBER ON RECORD SINCE 1976. EXECUTIONS HAVE DECLINED FROM A HIGH NUMBER OF 98 IN 1999 TO JUST 35 IN 2014. THIS IS THE LOWEST RATE IN 20 YEARS. IT'S BEEN 18 YEARS SINCE THERE HAS BEEN AN EXECUTION IN NEBRASKA. LASTLY, 12 STATES IN ADDITION TO NEBRASKA HAVE CONSIDERED LEGISLATION TO ABOLISH THE DEATH PENALTY. THE TREND IS ABSOLUTELY CLEAR AND IT'S HIGH TIME THE STATE MOVED AWAY FROM THE BARBARIC PRACTICE OF STATE-SPONSORED MURDER. THE ARC OF A MORAL UNIVERSE IS LONG, BUT IT BENDS TOWARD JUSTICE. I'LL REPEAT: THE ARC OF A MORAL JUSTICE (SIC) IS LONG, BUT IT BENDS TOWARD JUSTICE, MARTIN LUTHER KING. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB268]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. I WASN'T SURE IF I WAS GOING...I RISE IN SUPPORT OF THE MOTION TO OVERRIDE. AND I DON'T TAKE THIS LIGHTLY. IT IS A SERIOUS ISSUE ON A SERIOUS TOPIC. I WASN'T SURE IF I WAS GOING TO RISE TO SPEAK. BUT I WAS VERY MOVED BY THE COMMENTS OF MY GOOD COLLEAGUE SENATOR CAMPBELL BECAUSE IT HELPED ME UNDERSTAND HOW WE CAN REPRESENT THOSE CONSTITUENTS WHO COME TO US AND SAY, I AM IN SUPPORT OF THE REPEAL, AND THE CONSTITUENTS THAT COME TO US AND SAY, I AM NOT IN FAVOR OF THE REPEAL. AND THAT COMES FROM LISTENING DEEPLY TO WHAT

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THEIR CONCERNS ARE AND TRYING TO UNDERSTAND WHAT IT IS THAT THE PEOPLE ON BOTH SIDES WANT TO ACCOMPLISH, AND WHAT CAN YOUR ROLE AS THEIR SENATOR BE IN MEETING THOSE OBJECTIVES. AND THAT HELPS ME UNDERSTAND THIS ISSUE IN A WHOLE NEW WAY THAT I HADN'T UNDERSTOOD BEFORE, BECAUSE I CAN SAY...I WAS SITTING ON THE BALCONY OVER HERE BEFORE AND TALKING TO SOME SENATOR ABOUT HOW THERE IS NO MIDDLE GROUND ON THIS ISSUE. PEOPLE ARE IN SUPPORT OF THE REPEAL OR THEY ARE NOT. BUT AS I THOUGHT ABOUT SENATOR CAMPBELL'S COMMENT, IT MADE ME THINK BACK TO WHAT I HAVE HEARD FROM MY CONSTITUENTS WHO ARE NOT IN FAVOR OF THE REPEAL, THE CONSTITUENTS WHO ARE PASSIONATE IN FAVOR OF THE DEATH PENALTY. AND HERE'S WHAT I HAVE HEARD: THEY ARE CONCERNED ABOUT THE FAMILIES OF THE VICTIMS. THEY'RE CONCERNED ABOUT THE PAIN OF THOSE COMMUNITIES IN WHICH THOSE HORRIFIC MURDERS OCCURRED. AND I KNOW, FROM THE RESEARCH THAT WE HAVE HERE THAT WE HAVE DISCUSSED, THAT YOU BALANCE THAT CONSTITUENT CONCERN. WITH WHAT WE KNOW FROM TESTIMONY AND OUR ABILITY TO DIG INTO THIS RESEARCH, THAT ACTUALLY IN STUDIES COMPARING VICTIMS' FAMILIES IN TEXAS, WHERE THE DEATH PENALTY EXISTS, TO THE VICTIMS' FAMILIES IN MINNESOTA, THAT THE VICTIMS' FAMILIES ARE BETTER OFF PSYCHOLOGICALLY, THEY ARE HEALED IN MINNESOTA MORE THAN IN TEXAS. SO THE DEATH PENALTY DOES NOT BRING CLOSURE AND HEALING. AND WE KNOW THAT NOT ONLY NOT FROM THE TESTIMONY WE'VE HEARD HERE BUT ALSO FROM SOCIAL SCIENCE EVIDENCE. WHAT ELSE HAVE I HEARD FROM MY CONSTITUENTS WHO ARE IN SUPPORT OF THE DEATH PENALTY? THEY'RE CONCERNED ABOUT LAW ENFORCEMENT SAFETY, AND SO AM I. BUT, COLLEAGUES, WHAT WE KNOW FROM THE EVIDENCE IS THAT RESEARCH SHOWS THAT LAW ENFORCEMENT DEATHS BY HOMICIDE WENT DOWN IN ALL BUT ONE STATE AFTER THOSE STATES ENDED THE DEATH PENALTY. AND THE STATES WHERE THE MOST LAW ENFORCEMENT DEATHS HAVE OCCURRED HAVE BEEN STATES WITH THE DEATH PENALTY. SO I SHARE CONSTITUENTS' CONCERN ABOUT THE SAFETY OF LAW ENFORCEMENT OFFICERS. BUT THAT, AGAIN, BASED ON EVIDENCE, TELLS ME I SHOULD SUPPORT THE MOTION TO OVERRIDE. I ALSO HAVE HEARD FROM MY CONSTITUENTS THAT ARE IN FAVOR OF RETAINING THE DEATH PENALTY, THEIR CONCERN ABOUT PRISON VIOLENCE AND PROTECTING LAW ENFORCEMENT OFFICIALS THERE. AND HERE AGAIN, COLLEAGUES, THE RESULTS SHOW THAT A REVIEW OF BUREAU OF JUSTICE STATISTICS SHOWS THAT PRISON MURDER DEATHS IN STATES WITH THE DEATH PENALTY... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

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SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT...ARE FOUR TIMES HIGHER THAN IN STATES WITHOUT THE DEATH PENALTY. CLEARLY, THE DEATH PENALTY DOES NOT IMPROVE PUBLIC SAFETY OR PROTECT LAW ENFORCEMENT OFFICERS FROM BEING KILLED. SO, COLLEAGUES, AS I VOTE IN FAVOR OF THE MOTION TO OVERRIDE, I NOT ONLY AM REPRESENTING MY CONSTITUENTS WHO ARE IN FAVOR OF THE REPEAL OF THE DEATH PENALTY, BUT I FEEL I AM REPRESENTING THE DEEP CONCERNS OF MY CONSTITUENTS WHO ARE NOT IN FAVOR OF REPEALING THE DEATH PENALTY. TO REPEAL THE DEATH PENALTY ADDRESSES THEIR CONCERNS ABOUT THE VICTIMS' FAMILIES, THE COMMUNITIES, THE SAFETY OF OUR LAW ENFORCEMENT, AND THE SECURITY OF OUR PRISONS. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR CRAWFORD. SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB268]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. AND GOOD AFTERNOON, ALL WHO ARE HERE THAT CARE SO DEEPLY ABOUT OUR STATE AND THE FUTURE OF OUR STATE. THE DECISION THAT THE 49 OF US ARE MAKING TODAY IS ONE OF THE MOST HUMBLING AND CHALLENGING DECISIONS ANY OF US HAVE EVER HAD TO MAKE, BUT WE ARE CHARGED WITH MAKING THAT DECISION. WE'VE BEEN ELECTED BY OUR CONSTITUENTS TO COME HERE, LOOK AT THE ISSUES, BE IN THE HEARINGS, HEAR THE TESTIMONY, DO THE RESEARCH, AND MAKE A DECISION. THIS PAST SUNDAY WHEN I WAS IN CHURCH, MY 14-YEAR-OLD GRANDDAUGHTER WAS GOING THROUGH HER CONFIRMATION. IT WAS A VERY, VERY SPECIAL TIME FOR HER AND A SPECIAL TIME FOR MY FAMILY. AND NO ONE REALIZED, EXCEPT ME, THAT THE SCRIPTURE SHE PICKED AS HER CONFIRMATION STATEMENT WOULD SPEAK TO ME. THAT SCRIPTURE WAS JEREMIAH 29:11, "'FOR I KNOW THE PLANS I HAVE FOR YOU,' SAYS THE LORD. 'THEY ARE PLANS FOR GOOD AND NOT FOR DISASTER, TO GIVE YOU A FUTURE AND A HOPE.'" EVER SINCE I WALKED IN HERE, SOMEBODY HAS BEEN TRYING TO PUT A LABEL ON ME AND A LABEL ON EVERYONE ELSE IN HERE. AND THE PROBLEM WITH LABELS IS IT PUTS US IN CATEGORIES AND CATEGORIES TEND TO EMPHASIZE OUR AREAS OF DIFFERENCE RATHER THAN EMBRACE OUR AREAS OF COMMONALITY. AND TODAY WE COME TOGETHER WITH THE COMMON GOAL OF DOING WHAT'S RIGHT FOR THE STATE OF NEBRASKA. WE'VE BEEN ASKED, WHAT IS JUSTICE? WHAT IS JUSTICE? IS IT REVENGE? IS IT RETRIBUTION? IS IT PUNISHMENT? IS IT VENGEANCE? I DON'T BELIEVE IT'S ANY OF THOSE THINGS. I BELIEVE IT'S AS EASY AS DOING WHAT'S RIGHT, WHICH IS NOT EASY. IT'S EXTREMELY DIFFICULT. AND WE'VE BEEN ASKED TODAY TO MAKE THAT DECISION, TO VOTE ON OUR

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CONSCIENCE. AND MY JOURNEY STARTED IN THE JUDICIARY COMMITTEE WHERE WE HELD THE HEARING ON LB268. WE HAD A LARGE GROUP OF PEOPLE THAT TESTIFIED IN FAVOR OF REPEALING THE DEATH PENALTY AND REPLACING IT WITH LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE. WE HAD ONE PERSON COME AND TESTIFY IN FAVOR OF RETAINING THE DEATH PENALTY. FOLLOWING THAT, I'VE HAD THE OPPORTUNITY TO VISIT WITH LAWYERS, FORMER JUDGES, PROSECUTORS. AND THEN ABOUT TWO WEEKS AGO, A GROUP OF US HAD THE OPPORTUNITY TO TOUR THE TECUMSEH STATE PRISON. AND DURING THAT TOUR I STOOD ON DEATH ROW. AND, AS IT HAS BEEN SAID HERE, IT IS NO PIECE OF CAKE, DEATH ROW. TODAY IS A VOTE OF CONSCIENCE. AT THE END OF THE DAY--AND I'VE SAID THIS BEFORE ON THIS BILL--EACH ONE OF US CANNOT NUANCE THIS ISSUE. WE VOTE GREEN OR RED. AND WE'VE TALKED ABOUT REPRESENTING OUR CONSTITUENTS. AND I WILL TELL YOU, I HAVE ALSO RECEIVED MANY CALLS, MANY E-MAILS, AND THEY'RE RUNNING ABOUT FIFTY-FIFTY. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. TODAY WE DO REPRESENT OUR CONSTITUENTS. BUT TODAY I CHOOSE TO REPRESENT OUR FUTURE AND NOT OUR PAST, BECAUSE TO GIVE YOU A FUTURE AND HOPE IS WHAT I HEARD SUNDAY MORNING. I STAND TODAY IN FAVOR OF LB268 AND WILL VOTE TO OVERRIDE THE GOVERNOR'S VETO. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR WILLIAMS. THOSE IN THE QUEUE: SENATOR MELLO, BLOOMFIELD, SCHUMACHER, CHAMBERS, AND LARSON. SENATOR MELLO, YOU'RE RECOGNIZED. [LB268]

SENATOR MELLO: QUESTION. [LB268]

SPEAKER HADLEY: WE HAVE THREE PEOPLE LEFT THAT HAVE NOT SPOKEN FIRST, SO I WILL RULE IT OUT OF ORDER. SENATOR BLOOMFIELD. [LB268]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I REALLY HADN'T INTENDED TO STAND A SECOND TIME ON THIS BUT I HEARD SOMEONE SAY, LET'S PUT THIS DEBATE BEHIND US. COLLEAGUES, NO MATTER WHAT WE DO HERE TODAY, THIS DEBATE WILL NOT BE BEHIND US. IF YOU CHOOSE TO OVERRIDE THE GOVERNOR'S VETO, I AM VIRTUALLY CERTAIN THERE WILL BE A BILL NEXT YEAR TO TAKE IT TO A VOTE OF THE PEOPLE. AND IF WE DON'T GET IT OUT OF

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HERE, AFTER SEEING THE RESULTS OF WHAT'S COME IN VIA PHONE AND E-MAIL, THE PEOPLE WILL RISE UP WITH A PETITION DRIVE AND GET IT ON THE BALLOT THEMSELVES. THIS DEBATE IS NOT GOING TO END TODAY. SO DON'T THINK BY OVERRIDING THE GOVERNOR'S VETO YOU'RE GOING TO PUT THIS ISSUE BEHIND YOU. MY LA HAS BEEN KEEPING A RUNNING COUNT ON WHAT OUR PHONE CALLS AND E-MAILS HAVE BEEN. RIGHT NOW THEY'RE RUNNING AT 73 PERCENT WANTING TO KEEP THE DEATH PENALTY. I'VE HEARD OTHER PEOPLE PUT OUT NUMBERS OF FIFTY-FIFTY OR EVEN THE OTHER WAY, BUT THAT'S WHERE WE STAND IN MY OFFICE. SEVENTY-THREE PERCENT OF THE NEBRASKANS THAT HAVE CONTACTED US WANT TO KEEP THE DEATH PENALTY. I WILL BE SUPPORTING THAT 73 PERCENT. I WILL BE SUPPORTING THE GOVERNOR'S VETO. AND YOU WILL HAVE TO DECIDE WHAT YOU'RE GOING TO DO. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB268]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. TODAY IS MOMENTOUS. TRYING TO SEE FROM THE PAGES OF HISTORY WHAT THOSE WHO HAVE TAKEN A POSITION ON THE DEATH PENALTY HAS BEEN AND SEEK SOME COUNSEL. I'VE LOOKED TO THE WORDS OF STALIN, OF LENIN, OF HITLER, BACK AS FAR AS CAESAR TO SEE WHAT THEY THOUGHT, HOW THEY JUSTIFIED OR DIDN'T JUSTIFY THE USE OF DEATH BY THE STATE. IT BECAME CLEAR THAT THIS IS A SPECTER, THE SPECTER WHICH HANGS OVER THIS CHAMBER TODAY, THAT HAS HUNG OVER CIVILIZATION SINCE ITS INFANCY, A VERY LONG TIME. AND THAT THE SEARCH FOR THE ULTIMATE JUSTICE CAN LEAD TO THE ULTIMATE INJUSTICE. WE ARE TOLD TODAY THAT WE MUST SUSTAIN THE GOVERNOR'S VETO BECAUSE THE PEOPLE DEMAND IT. PEOPLE ARE ASKING, WHY AREN'T THEY LISTENING TO US? BUT THE CHIEF PRIESTS STIRRED UP THE CROWD. ANSWERING THEM AGAIN, PILATE SAID TO THEM, THEN WHAT SHALL I DO WITH HIM WHO YOU CALL KING OF THE JEWS? AND THEY SHOUTED BACK, CRUCIFY HIM! CRUCIFY HIM! BUT PILATE SAID TO THEM, WHY? WHAT EVIL HAS HE DONE? AND THEY SHOUTED ALL THE MORE, CRUCIFY HIM! CRUCIFY HIM! WISHING TO SATISFY THE CROWD, PILATE RELEASED BARABBAS FOR THEM. AND AFTER HAVING JESUS SCOURGED, HE HANDED HIM OVER TO BE CRUCIFIED. TODAY, I WILL NOT BE PILATE. THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB268]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I HAVE TO SPEAK AGAIN BEFORE MY CLOSING. IN THIS BODY, THERE ARE PEOPLE WHO MISQUOTE ME ALL THE TIME. SENATOR BRASCH SAID I'VE SAID MANY TIMES I DON'T BELIEVE IN GOD. I'LL GIVE HER A THOUSAND DOLLARS FOR EVERY TIME SHE FINDS WHERE I'VE SAID ON THIS FLOOR I DON'T BELIEVE IN GOD. SHE THINKS THAT IF I SAY I DON'T BELIEVE LIKE YOU BELIEVE, I'M SAYING...NOW, SHE OUGHT TO TAKE THAT UP, SHOULDN'T SHE? AND IF SHE CAN'T FIND IT, THEN SHE OUGHT TO MAKE SURE SHE IS SPEAKING CORRECTLY. IF SHE CAN'T EVEN GET THAT CORRECT, HOW CAN SHE BE TRUSTED TO SAY THAT WE OUGHT TO FOLLOW WHAT SHE SAYS IN SAYING THE STATE SHOULD KILL PEOPLE? I WANT TO MAKE SOMETHING CLEAR TO SENATOR SCHEER, BECAUSE HE'S FROM NORFOLK, AND THE REST OF YOU. FIRST OF ALL, WE ARE NOT ARGUING IN A TAVERN. WE ARE NOT ARGUING ON A STREET CORNER. WE ARE SUPPOSED TO BE INFORMED AND KNOWLEDGEABLE PEOPLE. SENATOR SCHEER, YOU MAY NOT KNOW IT, BUT BANK ROBBERY IS A FEDERAL CRIME. THE U.S. ATTORNEY WAS PREPARED TO TAKE THAT CASE. THEY HAVE AN EXPEDITED METHOD OF DEATH PENALTY. THE PROSECUTOR THERE, JOE SMITH, GOT THE JURISDICTION BECAUSE HE'S THE COUNTY ATTORNEY. HE TOOK THE CASE AND WANTED TO TRY IT HIMSELF. HE HAD WANTED TO BE A JUDGE. SO HE TOOK THE CASE. AND NOW IT'S IN THE NEBRASKA SYSTEM, WHICH IS BROKEN, AND YOU SEE WHAT'S HAPPENING. MAYBE WHAT YOU ALL OUGHT TO DO IS GET SOME INFORMATION AND FIND OUT WHY THIS FEDERAL OFFENSE WAS NOT ALLOWED TO BE PROSECUTED BY THE U.S. ATTORNEY. OH, YOU ALL DIDN'T KNOW THAT? BECAUSE YOU DON'T STUDY. YOU DON'T PAY ATTENTION. I WAS TRAINED IN THE LAW. AND SOMETHING WOULD BE WRONG WITH ME IF I DIDN'T MAKE USE OF THAT TRAINING THAT I OBTAINED. THERE ARE JUDGES WHO ARE BOUND BY THEIR CODE OF ETHICS AND THEY'RE BOUND BY THE CONSTITUTION, WHICH A LOT OF PEOPLE ON THIS FLOOR ARE NOT BECAUSE THEY'RE NOT MAKING THE DECISIONS. THE JUDGES ARE THE ONES WHO SAW THAT THE PEOPLE WHO ARE POOR, WHO ARE UNPOPULAR, WHO ARE MEMBERS OF MINORITIES, AND WHO CANNOT GET PROPER LEGAL REPRESENTATION ARE THE ONES WHO WIND UP WITH DEATH SENTENCES IN THIS COUNTRY. SO THEY STARTED RETURNING A LOT OF THESE CASES BY SAYING, WE UPHOLD THE CONVICTION BUT WE OVERTURN THE DEATH SENTENCE. AND THEN THEY WILL GIVE EXAMPLES OF WHERE LAWYERS SLEPT DURING THE TRIAL, WHERE THEY CAME TO COURT INTOXICATED. YOU ALL WON'T READ DECISIONS BY U.S. SUPREME COURT JUDGES TO FIND OUT WHY THEY MAKE THE DECISIONS THAT THEY DO. THEY HAVE BUILT IN OVERLAYS OF SAFEGUARDS TO PROTECT THESE PEOPLE WHO, AT THE LOCAL LEVEL, ARE SUBJECTED TO WHAT WOULD BE LEGALIZED LYNCHINGS. SO THE JUDGES HAVE SAID, YOU WILL COME THIS FAR, BUT NO

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FURTHER. AND IN '73, '72 IN THE FURMAN CASE, THE U.S. SUPREME COURT SAID, WE'RE GOING TO THROW OUT EVERY THE DEATH PENALTY LAW IN THE COUNTRY, YOU DO IT ALL WRONG. AND DIFFERENT PROCEEDINGS HAD TO BE PUT IN PLACE BY THE COURTS. THIS IS WHY WHEN PEOPLE STAND ON THIS FLOOR, LIKE SENATOR GROENE AND MAYBE SENATOR BLOOMFIELD AND OTHERS, WHO THINK THAT NOW YOU'VE GOT A NEW GOVERNOR AND ATTORNEY GENERAL AND THEY'RE GOING TO SPEED THINGS UP. NO, THE COURTS DETERMINE IT. AND WHAT SENATOR JOHNSON OUGHT TO FIND OUT IS WHY THE GOVERNOR DOESN'T HAVE THOSE DRUGS YET. THEY'VE BEEN BOASTING ABOUT HAVING PURCHASED THE DRUGS. THEY NEVER SAY THEY HAVE THEM. DURING THAT PRESS CONFERENCE SOMEBODY WANTED TO ASK, DO YOU HAVE THE DRUGS? AND YOU HAD TO LISTEN CAREFULLY. THE ANSWER WAS, WELL, WE'VE PAID FOR THEM. WE'VE PURCHASED THEM. DO THEY HAVE THEM? EVEN THE MAIL SYSTEM IN THE UNITED STATES IS NOT THAT SLOW. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR CHAMBERS: AND EVEN IF DRUGS COME HERE, THEY'RE GOING TO HAVE TO BE FDA TESTED AND APPROVED. THE ONE SELLING THE DRUGS--WHOM A SWISS MANUFACTURER SAID IS A THIEF OF THEIR DRUGS--WOULD HAVE TO BE FDA APPROVED AS AN EXPORTER; THE ONES WHO RECEIVED THEM, FDA APPROVED AS IMPORTERS; THE DRUGS THEMSELVES MEETING FDA STANDARDS. THERE ARE SO MANY THINGS WHICH, CONTRARY TO WHAT SENATOR KINTNER SUGGESTED, THE PUBLIC DOESN'T KNOW WHAT WE KNOW. FEW PEOPLE KNOW ABOUT THE DEATH SENTENCE AND THE CRIMINAL LAW WHAT NEEDS TO BE KNOWN. I KNOW THEY DON'T KNOW AS MUCH AS I KNOW. AND IF I KNOW NO MORE THAN THEY KNOW, I SHOULDN'T BE HERE. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR LARSON, YOU'RE RECOGNIZED. [LB268]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. TODAY MY CONSCIENCE WEIGHS HEAVIER THAN IT EVER HAS IN THIS BODY. I APPRECIATED SENATOR MURANTE TALKING ABOUT WHO HE HAS HEARD FROM. AND WE ARE LISTENING. I REPRESENT PROBABLY THE MOST CATHOLIC DISTRICT IN THIS STATE. AND I'VE HEARD FROM BOTH SIDES IN THAT DISTRICT A LOT. MY PRO-LIFE CONVICTIONS HAVE CONSTANTLY BEEN STEADY IN THIS LEGISLATURE. TWO YEARS ON THE JUDICIARY COMMITTEE PROVED THAT AND MY VOTES SINCE THEN. THE

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MORALITY OF THE STATE TO JUDGE TAKING A LIFE WHEN NO HUMAN SHOULD EVEN BE THAT JUDGE TO TAKE A LIFE IS HARD FOR ME TO GIVE. WHY SHOULD THE STATE WHEN I DON'T THINK A HUMAN SHOULD? SENATOR COASH BRINGS UP GREAT POINTS, THAT THIS IS NOT A TOOL THAT IS BEING USED IN THE RIGHT WAY. AND, FRANKLY, SENATOR CHAMBERS IS RIGHT IN THE SENSE, YOU LOOK AT THE HISTORY, ZIP CODES DO MATTER, JUST AS THEY DO ON OTHER ISSUES, ON A LIGHTER NOTE, EDUCATION. AND IT'S A TOOL THAT ISN'T BEING USED THE RIGHT WAY IN PROSECUTIONS. IN THE PAST I'VE ALWAYS SUPPORTED THE DEATH PENALTY. AND I CAMPAIGNED ON SUPPORTING THE DEATH PENALTY. IT WASN'T UNTIL NOW THAT I REALLY SAT DOWN AND THOUGHT ABOUT IT. BUT WHEN I CAMPAIGNED AND IT WAS AN ISSUE, I SAID I'D SUPPORT IT. AND TODAY I WILL SUSTAIN THE GOVERNOR'S VETO BECAUSE I CAMPAIGNED ON IT. BUT THIS IS FAIR WARNING. THIS ISSUE IS ALIVE IN MY HEART. AND I'M TELLING YOU NOW THAT NEXT TIME THIS COMES UP, IT MIGHT BE DIFFERENT. THIS MIGHT BE THE LAST TIME I GIVE THE STATE THE RIGHT TO TAKE A LIFE BECAUSE I DON'T THINK THAT THEY NECESSARILY SHOULD. BUT I OWE IT TO THE PEOPLE THAT I TOLD-- ON THE CAMPAIGN AND SENT ME HERE--WHAT I'D DO. BUT, AS I SAID, THIS MIGHT BE IT. THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR LARSON. SENATOR GROENE, YOU'RE RECOGNIZED. [LB268]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I WAS NOT GOING TO STAND AGAIN, BUT MY HEART SAID I MUST. CHRIST ON THE CROSS, RULER OF THE WORLD, CREATOR OF THE WORLD, HE PUT HIMSELF THERE, MAN DID NOT. HE PUT HIMSELF THERE FOR A REASON. THERE WAS A MAN ON THE LEFT AND A MAN ON HIS RIGHT WHO BOTH SAID, I DESERVE TO BE HERE. CHRIST DID NOT RELIEVE THEM OF THEIR PUNISHMENT OF JUSTICE AS HE COULD HAVE, BUT DO NOT COMPARE CHRIST TO MAN. HE DIED AND HE ROSE. THAT WAS HIS CHOICE. DO NOT EVER GIVE MAN CREDIT FOR THAT. I'VE GOT TO SAY, AS I READ THE BIBLE--I WOULD HOPE MOST OF US HAVE READ IT--NOWHERE IN THAT BOOK DOES IT MENTION LIFE IN PRISON FOR EVIL ACTIONS, NOWHERE. THAT IS MAN'S CREATION. IT'S NOT IN THERE. THAT IS A CREATION OF MAN, A PUNISHMENT. CHRIST HIMSELF SAID--THIS IS NOT OLD TESTAMENT--IT WOULD BE BETTER FOR HIM TO HAVE A GREAT MILLSTONE FASTENED AROUND HIS NECK AND BE DROWNED IN THE DEPTHS OF THE SEA. I WOULD CALL THAT THE DEATH PENALTY. HE ALSO SAID, WHEN PETER DREW HIS SWORD AND STRUCK THE SERVANT IN THE GARDEN, PUT YOUR SWORD AWAY, BACK INTO ITS PLACE; FOR ALL WHO TAKE THE SWORD WILL PERISH BY THE SWORD. HE WAS NOT TALKING ABOUT THE MILITARY. AND WHY WE NEED TO FIX THIS AS A UNICAMERAL, AS

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ELECTED OFFICIALS, AND TO MAKE SURE JUSTICE IS SERVED, IS ECCLESIASTICS 8:11--BECAUSE A SENTENCE AGAINST AN EVIL DEED IS NOT EXECUTED SPEEDILY, THE HEART OF A CHILD OF MAN IS FULLY SET TO DO EVIL. HAVE WE SEEN MORE EVIL SINCE WE HAVE NOT DONE JUSTICE? YES, WE HAVE. WE'VE SEEN IT IN OMAHA, TWICE RECENTLY, VERY BAD EVIL. COULD IT BE WE'RE NOT DOING OUR DUTY TO PUNISH EVIL? I'M NOT A PREACHER, BUT DO NOT COMPARE CHRIST AND WHAT HAPPENED TO HIM TO MAN. THANK YOU. [LB268]

SPEAKER HADLEY: SENATOR DAVIS, YOU'RE RECOGNIZED. [LB268]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I'M GOING TO BE BRIEF. I'M GOING TO READ A COUPLE OF QUOTES THAT I THINK ARE PERTINENT. ONE IS FROM RUTH BADER GINSBURG AND ONE IS FROM A CONSTITUENT OF MINE. SO RUTH BADER GINSBURG SAID ABOUT DEATH CASES, I HAVE YET TO SEE A DEATH CASE AMONG THE DOZEN COMING TO THE SUPREME COURT ON EVE-OF-EXECUTION STAY APPLICATIONS IN WHICH THE DEFENDANT WAS WELL REPRESENTED AT TRIAL. PEOPLE WHO ARE WELL REPRESENTED AT TRIAL DO NOT GET THE DEATH PENALTY. I THINK THAT SPEAKS TO WHAT SENATOR CHAMBERS SAID EARLIER. BUT THIS COMMENT TO ME IS A MUCH MORE POIGNANT ONE AND MUCH MORE HEARTFELT THAT I'M GOING TO READ NOW. AND IT'S FROM A RETIRED JUDGE FROM MY DISTRICT. AND THIS IS WHAT HE SAID TO ME: YOU WILL HAVE GOTTEN CANNED E-MAILS AGAINST THE DEATH PENALTY. RATHER THAN REPEAT ALL THOSE ARGUMENTS, I SIMPLY WANT TO TELL YOU THAT I HOPE YOU WILL SUPPORT REPEAL OF THE DEATH PENALTY. AFTER A 40-YEAR CAREER IN THE CRIMINAL JUSTICE SYSTEM I KNOW THAT, AS GOOD AS IT IS, THE SYSTEM IS TOO HUMAN AND, THEREFORE, IMPERFECT TO RELY ON IT FOR THE EXTREME OF TAKING A HUMAN LIFE. PLEASE HELP BRING NEBRASKA INTO THE MODERN WORLD AND DO WHAT YOU CAN TO END THE DEATH PENALTY. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR CHAMBERS, YOU ARE RECOGNIZED TO CLOSE. [LB268]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I DON'T WANT TO BE CONFRONTATIONAL OR ARGUMENTATIVE, BUT I HAVE TO CORRECT SENATOR GROENE. HE SAID THE TWO MEN CRUCIFIED WITH CHRIST, ONE ON THE LEFT AND ONE ON THE RIGHT, BOTH SAID, WE DESERVE TO BE HERE. THAT'S NOT THE WAY THE BIBLE SAID IT. ONE WAS RIDICULING HIM AND SAYING, IF YOU SAY YOU ARE WHO YOU ARE, COME ON

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DOWN OFF THE CROSS. IT WAS THE OTHER ONE WHO SAID, INDEED, WE DESERVE TO BE HERE BUT HE'S AN INNOCENT MAN. SO PEOPLE DON'T GET THINGS STRAIGHT. THE ONLY TIME JESUS WAS CONFRONTED WITH AN ACTUAL DEATH PENALTY CASE WAS WHEN HE WAS BROUGHT A WOMAN CAUGHT IN THE ACT OF ADULTERY AND THE LAW SAID SHE SHOULD DIE. AND WHEN THE ONES WHO WERE THE HYPOCRITES AND WANTED TO CATCH HIM AND WANTED TO SEE HIM PARTICIPATE IN A DEATH PENALTY SAID, WHAT DO YOU SAY? IS THAT WHAT THE LAW SAYS? JESUS DIDN'T DENY IT. THAT MEANT DEATH SHOULD BE FORTHCOMING. THEY WONDERED IF HE'D CARRY IT OUT. HE SAID, THEN LET THE ONE WITHOUT SIN AMONG YOU CAST THE FIRST STONE. THEN HE WROTE ON THE GROUND. WHEN HE LOOKED UP, THEY WERE ALL GONE. AND HE SAID, WOMAN, WHERE IS YOUR ACCUSERS? SHE SAID, LORD, I DON'T HAVE ANY. HE SAID, THEN I DON'T CONDEMN YOU EITHER. BUT THERE'S A PART TO THE STORY I ALWAYS ADD TO THESE. JESUS DID NOT DENY THAT THERE WAS A DEATH PENALTY PROVISION IN THE LAW, THAT A CRIME HAD BEEN COMMITTED THAT CALLED FOR THE DEATH PENALTY AND THE WOMAN WAS CAUGHT IN THE VERY ACT. BUT HE AMENDED THE LAW AND HE SAID, THE ONE WHO IS TO CARRY OUT THE DEATH PENALTY, SENATOR BLOOMFIELD, IS HE THAT IS WITHOUT SIN AMONG YOU. AND ONE OF THE SMART ALECKS SAID, WELL, YOU SAY YOU'RE WITHOUT SIN, YOU CARRY IT OUT. AND THEN JESUS PUT THE TRUMP ON HIM: THE ONE WITHOUT SIN WILL NOT CARRY IT OUT. YOU ALL DON'T GET THE UNDERSTANDING OF THINGS. YOU DON'T REALIZE THE DEPTH OF WHAT IT IS THAT WE ARE DOING HERE TODAY. YOU'RE NOT FOLLOWING ME. IF YOU WANT TO FOLLOW SOMEBODY, FOLLOW POPE FRANCIS--HE SAYS WHAT I'M SAYING OR I SAY WHAT HE'S SAYING--GEORGE WILL. THEY LIKE ON THIS FLOOR, WHEN THEY HAVE NO ARGUMENT, TO MAKE ME THE FOCAL POINT. YOU'RE ALIGNING YOURSELF WITH CHAMBERS. SENATOR SCHNOOR SAID THAT. BUT WHEN THERE'S AN AMENDMENT HE WANTED, HE ALIGNED HIMSELF WITH ME. WHEN HE NEEDED HELP ON A BILL AND THE SIGNIFICANCE, HE ALIGNED HIMSELF WITH ME. I'M THE TOOL THAT EVERYBODY USES WHEN IT'S CONVENIENT AND I'M THE DEVIL THAT THEY CAN INVOKE WHEN IT'S CONVENIENT. BUT TODAY WE ARE DOING SOMETHING THAT TRANSCENDS ME, THAT TRANSCENDS THIS LEGISLATURE, THAT TRANSCENDS THIS STATE. WE ARE TALKING ABOUT HUMAN DIGNITY. AND WE'RE NOT EVEN TALKING NECESSARILY ABOUT THE HUMAN DIGNITY OF THE ONES YOU ALL CALL THE WORST OF THE WORST. WE'RE TALKING ABOUT OURSELVES. WHAT DO YOU THINK OF YOURSELF? ARE YOU BETTER THAN THE WORST OF THE WORST WHEN YOU SAY, DO TO THAT ONE WHAT THAT ONE DID? YOU ARE SUPPOSED TO BE ABOVE THAT. THE U.S. SUPREME COURT SAID THAT YOU CANNOT HAVE CRUEL AND UNUSUAL PUNISHMENTS BECAUSE THEY DEGRADE THE HUMAN SPIRIT. THEY DEGRADE

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AND DISREGARD HUMAN DIGNITY. AND THEREFORE, THE EIGHTH AMENDMENT PROHIBITS THESE KIND OF PUNISHMENTS. AND THAT'S WHY JUDGES WILL NOT LET A GOVERNOR, WILL NOT LET AN ATTORNEY GENERAL, WILL NOT EVEN LET A LEGISLATURE IMPOSE CRUEL PUNISHMENTS. THEY'LL SAY, YOU CAN'T DO IT AND THEY WILL POINT OUT THAT JUSTICE IS NOT DETERMINED IN THE WAY YOU DETERMINE SOMETHING BY A POPULARITY CONTEST. I'M NOT AN ECHO. I CAN THINK. THE PEOPLE IN MY DISTRICT KNOW THAT I'M NOT HERE TO REFLECT IGNORANCE. I'M NOT HERE TO REFLECT CRUELTY. I'M NOT HERE TO REFLECT VENGEANCE. I'M TO STUDY THE ISSUES, FIND OUT WHAT IS BEST FOR THE PEOPLE AS A WHOLE IN UPLIFTING SOCIETY. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR CHAMBERS: AND THEN I APPLY MY JUDGMENT. AND IF THEY DISLIKE THE WAY I APPLY MY JUDGMENT, THEY GET SOMEBODY ELSE IN OFFICE. AND NOBODY HERE CAN EVER SAY I'VE HIDDEN WHAT IT IS I BELIEVE ON ANYTHING, ANYTHING. AND YET I GET ELECTED AGAIN AND AGAIN AND AGAIN. AND I DON'T KNOW ONE PERSON IN THE 40 YEARS I'VE BEEN HERE WHO WAS TURNED OUT OF OFFICE BECAUSE OF HIS OR HER VOTE AGAINST THE DEATH PENALTY. AND THAT'S NOT GOING TO HAPPEN TO ANY OF YOU. AND SENATOR LARSON MAY NOT KNOW WHETHER OR NOT TONIGHT HIS SOUL WILL BE DEMANDED OF HIM. IF HE THINKS THE RIGHT THING TO DO IS TO VOTE AGAINST THE DEATH PENALTY, HE OUGHT TO DO THAT WHICH HE THINKS IS RIGHT. HIS HEART HAS CONVICTED HIM. HE OUGHT TO DO WHAT IS RIGHT AND DON'T PUT IT OFF UNTIL NEXT YEAR. MR. PRESIDENT, I WILL ASK FOR A CALL OF THE HOUSE AND, WHEN WE GET HERE, A ROLL CALL VOTE IN REVERSE ORDER. THANK YOU. [LB268]

SPEAKER HADLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB268]

CLERK: 47 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB268]

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

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CALL. SENATOR KINTNER, THE HOUSE IS UNDER CALL. MR. CLERK, THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. [LB268]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1897.) 30 AYES, 19 NAYS ON THE MOTION THAT LB268 BECOME LAW NOTWITHSTANDING THE OBJECTIONS OF THE GOVERNOR. [LB268]

SPEAKER HADLEY: WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN THE CERTIFICATE THAT READS: LB268, HAVING BEEN RETURNED BY THE GOVERNOR WITH HIS OBJECTIONS THERETO, AND AFTER RECONSIDERATION HAVING PASSED THE LEGISLATURE BY THE CONSTITUTIONAL MAJORITY, HAS BECOME LAW THIS 27TH DAY OF MAY 2015. THE CALL IS RAISED. SENATOR CHAMBERS. [LB268]

SENATOR CHAMBERS: MR. PRESIDENT, I'D LIKE TO TAKE A POINT OF PERSONAL PRIVILEGE, NOT TO CASTIGATE, NOT TO REARGUE, BUT JUST TO EXPRESS DEEP APPRECIATION FOR THOSE WHO VOTED. AND THAT'S ALL THAT I INTEND TO SAY. THANK YOU VERY MUCH. [LB268]

SPEAKER HADLEY: WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR340, LR341, LR342, LR343, LR345, LR346, LR347, LR348, LR349, LR350, LR351, LR352, LR353, LR354, LR355. [LR340 LR341 LR342 LR343 LR345 LR346 LR347 LR348 LR349 LR350 LR351 LR352 LR353 LR354 LR355]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: SPEAKER HADLEY FOR AN ANNOUNCEMENT.

SPEAKER HADLEY: YES. I WOULD LIKE TO TELL YOU A LITTLE BIT ABOUT WHAT WE'RE GOING TO DO THE REST OF THE WEEK. WE ARE NOW SCHEDULED TO END ON FRIDAY. THAT WILL BE THE SINE DIE DAY. THERE'S BEEN SOME RUMORS. ALTHOUGH THE AGENDA HAS BEEN CONSTRUCTED TO FACILITATE OUR ENDING ON THE EIGHTY-NINTH DAY, I HAD TO TAKE INTO CONSIDERATION THE RATIONALE FOR WHY I DESIGNED THE LEGISLATIVE CALENDAR TO HAVE A WEEK BETWEEN 89 AND 90. THE INTENT IS TO BE SURE THAT WE WORK WITH THE GOVERNOR IN GETTING VETOES TO US. BEFORE MAKING A DECISION ON

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THE FINAL DAY OF SESSION, I FELT AN OBLIGATION AS SPEAKER TO ENSURE THAT CUTTING THE SESSION SHORT WOULD NOT RESULT IN ANY POCKET VETOES. I APPRECIATE GOVERNOR RICKETTS WORKING WITH ME REGARDING THE BILLS ON FINAL READING THIS WEEK. TODAY I RECEIVED A COMMITMENT FROM HIM THAT THE BILLS HE PLANS TO VETO WILL BE RETURNED TO THE BODY BY FRIDAY. SO WE WILL HAVE A CHANCE ON FRIDAY, IF THERE ARE ANY VETOES, TO OVERRIDE THAT ON THAT DAY. THIS WILL ALLOW THE BODY AN OPPORTUNITY TO MAKE A FINAL DECISION ON ALL LEGISLATION. WITH THIS INFORMATION, I AM NOW OFFICIALLY ANNOUNCING THAT FRIDAY WILL BE THE FINAL DAY OF THE 2015 SESSION. THE SCHEDULE FOR TOMORROW WILL BE A 9:00 A.M. START WITH A ONE-HOUR RECESS FOR LUNCH FROM 9:00 TO 1:00 FOR LUNCH ON YOUR OWN. THE SCHEDULE FOR FRIDAY WILL BE DETERMINED AND ANNOUNCED TOMORROW. TOMORROW WE ARE BASICALLY GOING TO HAVE CONFIRMATIONS. WE WILL HAVE ANY OVERRIDES OF THE BILLS THAT ARE DUE BACK TODAY. WE WILL HAVE A COUPLE OF LEGISLATIVE RESOLUTIONS. SO I ANTICIPATE GETTING DONE LATER IN THE AFTERNOON TOMORROW. THANK YOU, MR. PRESIDENT.

SENATOR WATERMEIER: THANK YOU, MR. SPEAKER. MR. CLERK FOR AN ANNOUNCEMENT.

CLERK: YES, MR. PRESIDENT. THANK YOU. I HAVE SOME ITEMS TO BE PRINTED. SENATOR DAVIS AND SCHILZ, AN AMENDMENT TO LB176. NEW RESOLUTIONS: LR369 BY SENATOR KINTNER, LR370 BY SENATOR NORDQUIST; THOSE WILL BE LAID OVER. NAME ADDS: SENATOR CRAWFORD AND MELLO TO LB306. (ALSO, TRANSPORTATION COMMITTEE REPORTS LR338 BACK TO THE LEGISLATURE FOR FURTHER CONSIDERATION, LEGISLATIVE JOURNAL PAGES 1898-1905.) [LB176 LR369 LR370 LB306 LR338]

MR. PRESIDENT, SENATOR KOLOWSKI WOULD MOVE TO ADJOURN THE BODY UNTIL MAY 28 AT 9:00 A.M.

SENATOR WATERMEIER: MEMBERS, A MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED, NAY. WE ARE ADJOURNED.