

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

Floor Debate
March 22, 2016

[LB357 LB510 LB542 LB567 LB598 LB605 LB610 LB652 LB675 LB678 LB679 LB680A
LB680 LB684 LB689 LB690 LB710 LB711 LB725 LB726 LB731 LB736 LB744 LB750
LB770A LB770 LB774 LB783 LB783A LB784 LB790 LB813 LB814A LB814 LB816 LB823
LB824 LB842 LB843 LB865 LB875 LB881 LB887 LB888 LB891 LB894 LB909 LB910
LB924 LB938A LB938 LB942 LB948 LB952 LB956 LB957 LB960A LB960 LB977A LB977
LB981 LB987 LB1000 LB1002 LB1014 LB1015 LB1017 LB1019 LB1028 LB1038 LB1038A
LB1047 LB1081 LB1083A LB1086 LB1088 LB1093 LB1094 LB1103A LB1105A LB1105
LB1106 LR378CA LR477 LR478 LR479 LR480 LR481 LR482 LR484 LR497 LR502 LR503
LR504 LR505 LR506 LR507 LR508 LR509 LR510 LR511 LR512 LR513]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FORTY-SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR RAYMOND WICKS, SENATOR KINTNER'S DISTRICT. PLEASE RISE.

PASTOR WICKS: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU, PASTOR. I CALL TO ORDER THE FORTY-SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK.

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

SPEAKER HADLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS, MR. PRESIDENT.

SPEAKER HADLEY: THANK YOU. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, I HAVE NEITHER MESSAGES, REPORTS, NOR ANNOUNCEMENTS AT THIS TIME.

Floor Debate
March 22, 2016

SPEAKER HADLEY: WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR477, LR478, LR479, LR480, LR481, LR482, AND LR484. TODAY'S COOKIES ARE IN HONOR OF SENATOR McCOY'S DAUGHTER, AMELIA "MILLIE" LOUISE, WHO WAS BORN ON FRIDAY. CONGRATULATIONS, SENATOR McCOY. MR. CLERK, WE'LL GO TO THE FIRST ITEM ON THE AGENDA. [LR477 LR478 LR479 LR480 LR481 LR482 LR484]

CLERK: MR. PRESIDENT, SENATOR WATERMEIER WOULD MOVE TO WITHDRAW LR497. [LR497]

SPEAKER HADLEY: SENATOR WATERMEIER, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LR497]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. JUST SIMPLY, I'VE DECIDED NOT TO TAKE THE BODY'S TIME IN WORKING ON THIS LEGISLATION THIS YEAR, THIS RESOLUTION. SO I WOULD ASK YOUR GREEN VOTE TO WITHDRAW THAT FROM THE AGENDA. THANK YOU, MR. PRESIDENT. [LR497]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO SPEAK. [LR497]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, THERE IS SOME UNFINISHED BUSINESS FROM YESTERDAY. MAYBE THE MEMBERS ON THE FLOOR DID NOT HEAR IT, BUT PEOPLE WATCHING HEARD IT. SENATOR WATERMEIER WAS IN THE CHAIR. I HAD SPOKEN. I ASKED, WAS THAT MY THIRD TIME? HE IGNORED IT AND CALLED ON SOMEBODY TO CLOSE. AND PEOPLE HEARD IT, AND THEY MAY HAVE SEEN THE WAY I LOOKED. AND I GOT SOME CALLS AND WAS ASKED, WHAT'S GOING ON UP THERE? I SAID, I DON'T WANT TO TALK ABOUT IT. BUT I STATED HERE, AND I DON'T KNOW IF PEOPLE...IF THAT WENT OUT OVER THERE EITHER, BUT I'M GOING TO GET MY REVENGE. WE HAVE WHAT I CALL LOW-HANGING FRUIT ON THE AGENDA TODAY. I DELIBERATELY STAYED AWAY WHILE CONSENT CALENDAR WAS GOING FORTH. THE MERE FACT THAT A BILL COMES OUT OF HERE...COMES OUT HERE FROM COMMITTEE WITHOUT ANY OPPOSITION, AND THERE WAS NO EXPRESSED OPPOSITION DURING THE HEARING, DOESN'T MEAN THAT IT SHOULD JUST MOVE ACROSS WITH ONLY 15 MINUTES OF DEBATE. THE BIG FLAW IN THIS CONSENT CALENDAR PROCESS IS THAT NO MATTER WHAT THE BILL IS ABOUT, NO MATTER WHAT KIND OF DISCUSSION OCCURS, EVERYTHING ENDS AFTER 15 MINUTES, AND THAT BILL GETS A VOTE. EVEN IF THERE IS NO CONTROVERSY, THAT IN AND

Floor Debate
March 22, 2016

OF ITSELF DOES NOT ENSURE THAT A BILL OUGHT NOT BE DISCUSSED MORE THAN 15 MINUTES. I HAVE NEVER SIGNED ONE OF THOSE PIECES OF PAPER TO TAKE ANY BILL OFF CONSENT. IN FACT, TO SHOW HOW IN THE OLD DAYS I WOULD FACILITATE THE PROCESS, ON ONE MOTION WE HAD 35, CLOSE TO THREE DOZEN BILLS, MAYBE EVEN MORE ON CONSENT CALENDAR, AND I MADE A MOTION, JUSTIFIED IT, TO MOVE ALL OF THOSE BILLS ON ONE VOTE. SO THERE ARE WAYS THAT CONSENT CALENDAR CAN BE MANIPULATED. CONSENT CALENDAR IS WHAT WE'RE GOING TO DEAL WITH THIS MORNING, AND THERE ARE SOME BILLS THAT I WILL HAVE QUESTIONS ABOUT. AND WHEN WE GET TO LB744, I WANT SENATOR WATERMEIER TO KNOW ALL BETS ARE OFF. YOU HAVE NO RESPECT FOR ME, SO ANYTHING WE HAVE DISCUSSED IN THE PAST IS OVER. THIS IS A BILL THAT I HAVE NOT LIKED, BUT I WILL NOT GO INTO THAT NOW. I WILL DO IT WHEN WE GET TO THAT BILL. AND I DON'T BELIEVE IN DOING THINGS BEHIND PEOPLE'S BACK, BUT YESTERDAY, AT THE TIME THIS SLIGHT FROM SENATOR WATERMEIER OCCURRED, THERE WERE OTHER ISSUES WHICH WERE NOT INVOLVED IN ANY WAY. THERE WERE ISSUES THAT PEOPLE HAD BEEN WORKING ON FOR A CONSIDERABLE PERIOD OF TIME. CONTRARY TO WHAT SOME OF YOU MAY THINK OR UNDERSTAND, I DO RESPECT EFFORTS BY SENATORS TO WORK OUT VERY THORNY ISSUES, AND THAT'S WHAT WAS ATTEMPTED YESTERDAY. [LR497 LB744]

SPEAKER HADLEY: ONE MINUTE. [LR497]

SENATOR CHAMBERS: AND EVEN THOUGH THE ULTIMATE OUTCOME WAS DIFFERENT FROM WHAT I WOULD HAVE SOUGHT, BECAUSE I VOTED AGAINST ONE OF THE AMENDMENTS...OR VOTED FOR ONE THAT WAS REJECTED, THAT NEVERTHELESS WENT FORWARD, IN THE TIME THAT IT HAD, AS FAR AS IT COULD GO. I WILL SPEAK ONLY THIS TIME ON THIS PARTICULAR ITEM, AND I WILL NOT IMPEDE THE BODY IN ATTEMPTING TO GIVE SENATOR WATERMEIER WHAT HE HAS REQUESTED. BUT CALL ME SHYLOCK THIS MORNING, FOR I SHALL HAVE MY POUND OF FLESH. THANK YOU, MR. PRESIDENT. [LR497]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR WATERMEIER WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS ADOPTION OF THE WITHDRAWAL OF LR497. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LR497]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, TO WITHDRAW THE RESOLUTION. [LR497]

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

Floor Debate
March 22, 2016

SPEAKER HADLEY: THE MOTION IS ADOPTED. LR497 IS WITHDRAWN. MR. CLERK. [LR497]

CLERK: MR. PRESIDENT, SELECT FILE, CONSENT. SENATOR HANSEN, ENROLLMENT AND REVIEW AMENDMENTS PENDING TO LB790, SENATOR. (ER209, LEGISLATIVE JOURNAL PAGE 1111.) [LB790]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED. [LB790]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB790. [LB790]

SPEAKER HADLEY: THE QUESTION IS TO ADOPT THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION PASSES. [LB790]

CLERK: I HAVE NOTHING FURTHER ON LB790, SENATOR. [LB790]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB790]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB790 TO E&R FOR ENGROSSING. [LB790]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE MOTION IS ADOPTED. MR. CLERK. [LB790]

CLERK: LB909, SENATOR, DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER199, LEGISLATIVE JOURNAL 1112.) [LB909]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED. [LB909]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB909. [LB909]

SPEAKER HADLEY: QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE MOTION IS ADOPTED. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB909]

Floor Debate
March 22, 2016

SENATOR CHAMBERS: IF HE WANTS TO MAKE HIS MOTION TO ADVANCE FIRST, I WILL SPEAK THEN. [LB909]

SPEAKER HADLEY: SENATOR HANSEN: [LB909]

SENATOR HANSEN: MR. PRESIDENT, I MOVE TO ADVANCE LB909 TO E&R FOR ENGROSSING. [LB909]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB909]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS IS SENATOR KOLTERMAN'S BILL AND I'D LIKE TO ASK HIM A QUESTION OR TWO. [LB909]

SPEAKER HADLEY: SENATOR KOLTERMAN, WILL YOU YIELD? [LB909]

SENATOR KOLTERMAN: YES, I WILL. [LB909]

SENATOR CHAMBERS: THE ONE-LINER SAYS, CHANGES POWERS, DUTIES, AND FEE AND PENALTY PROVISIONS. WHAT ARE THE PENALTY PROVISIONS AND WHAT DO THEY RELATE TO? [LB909]

SENATOR KOLTERMAN: THIS DEALS WITH THE FEES THAT ARE INVOLVED THROUGH THE DEPARTMENT OF AGRICULTURE. [LB909]

SENATOR CHAMBERS: I CAN'T HEAR YOU. I'M SORRY. [LB909]

SENATOR KOLTERMAN: I'M TALKING...I LOST MY VOICE, SO. IT DEALS WITH THE FEES THAT ARE INVOLVED WITH THE DEPARTMENT OF AGRICULTURE. IT REALLY DOESN'T CHANGE THE FEES. IT CHANGES THE WAY THAT THEY'RE DESCRIBED. THEY'RE NOT CALLED "PENALTIES" ANY LONGER. THERE'S NO...THERE'S ACTUALLY NO FEE CHANGES AT ALL IN THE BILL, SIR, SENATOR. [LB909]

SENATOR CHAMBERS: NO, I WASN'T CONCERNED ABOUT THE FEES. IT WAS THE PENALTIES. WHAT ARE THE PENALTIES AND WHAT DO THEY RELATE TO? [LB909]

Floor Debate
March 22, 2016

SENATOR KOLTERMAN: I'LL HAVE TO GET THAT FOR YOU. I DON'T...I'LL GET THAT FOR YOU. I DON'T HAVE IT IN FRONT OF ME. [LB909]

SENATOR CHAMBERS: MR. PRESIDENT, I'M GOING TO SPEAK JUST A LITTLE WHILE BECAUSE SENATOR KOLTERMAN SAID HE'S GOING TO LOOK UP THOSE PENALTIES AND LET ME KNOW. WHENEVER WE CHANGE PENALTIES AND I'M UNAWARE OF WHAT THEY ARE, I DO TRY TO GET INFORMATION AND HAVE SOMETHING PLACED ON THE RECORD. AND I BELIEVE SENATOR KOLTERMAN NOW HAS THAT INFORMATION, AND I WOULD ASK HIM, IF HE WOULD, TO SHARE THAT WITH US. [LB909]

SPEAKER HADLEY: SENATOR KOLTERMAN, WILL YOU YIELD? [LB909]

SENATOR KOLTERMAN: YES, I WILL. WELL, SENATOR, THE FIRST THING THAT THIS BILL DOES IS IT ELIMINATES THE SOCIAL SECURITY, WHICH WE'VE DONE IN THE PAST FOR MANY BILLS. AND THEN UNDER THE FEES, UNDER THE LICENSE AND PERMIT FEES, IT CHANGES THE WAY THAT THEY STRUCTURE THOSE FEES BUT THEY'RE VERY SIMILAR... [LB909]

SENATOR CHAMBERS: EXCUSE ME, SENATOR KOLTERMAN. I'M ONLY INTERESTED IN THE PENALTIES. [LB909]

SENATOR KOLTERMAN: OKAY. LET ME GET TO THE PENALTIES THEN. [LB909]

SENATOR CHAMBERS: SEE WHAT HAPPENS ON CONSENT CALENDER? EVEN THE ONES WHOSE BILL IT IS MAY NOT BE AWARE BECAUSE EVERYBODY JUST GOES ALONG WITH IT. AND NOW THE CHAIRPERSON OF THE COMMITTEE IS GOING TO ASSIST, BECAUSE I REALLY DO WANT TO KNOW ABOUT THE FEES...I MEANT THE PENALTIES. [LB909]

SENATOR KOLTERMAN: ACTUALLY, SENATOR, ALL IT DOES IS UPDATE THE TERMINOLOGY. FOR EXAMPLE, IN VARIOUS SECTIONS THE TERM "PENALTY" HAS BEEN REPLACED BY "ADMINISTRATIVE FEE." THESE ADDITIONAL FEES ARE CURRENTLY IMPOSED WHEN A PERMIT FEE, LICENSE FEE IS NOT SUBMITTED TIMELY. THIS BILL DOES NOT ADD OR INCREASE FEES IN ANY WAY BUT MERELY SPECIFIES THAT THEY'RE REMEDIAL IN NATURE. THE DEPARTMENT USES THESE FEES TO RECOVER A PORTION OF THE ADDITIONAL DEPARTMENTAL COSTS THAT ARE REQUIRED TO COLLECT THE FEES AFTER THE DATES HAVE PASSED. SO

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

Floor Debate
March 22, 2016

WE'RE REALLY NOT CHANGING ANY FEES WHATSOEVER, AS FAR AS THE FEES THEMSELVES. [LB909]

SENATOR CHAMBERS: ARE YOU DISCUSSING THE PENALTIES? OKAY. [LB909]

SENATOR KOLTERMAN: YES, I AM. [LB909]

SENATOR CHAMBERS: OKAY. GO AHEAD. [LB909]

SENATOR KOLTERMAN: THEY AREN'T SPELLED OUT IN THE BILL, BECAUSE THEY'RE NOT CHANGING. [LB909]

SPEAKER HADLEY: ONE MINUTE. [LB909]

SENATOR KOLTERMAN: ONE OF THE FEES, "THE DEPARTMENT SHALL PERFORM SUCH FUNCTIONS. UPON COMPLETION OF THE TESTING, THE DEPARTMENT SHALL DETERMINE ITS ACTUAL COSTS INCURRED IN HANDLING THE LIVESTOCK AND CONDUCTING THE TESTING AND NOTIFY THE RESPONSIBLE PERSON IN WRITING." THE PERSON SHALL REIMBURSE THE DEPARTMENT'S ACTUAL COST WITHIN 15 DAYS FOLLOWING THE DATE OF THE NOTICE. ANY PERSON FAILING TO REIMBURSE THE DEPARTMENT AS REQUIRED SHALL BE ASSESSED AN ADMINISTRATIVE FEE, UP TO 25 PERCENT OF THE AMOUNT FOR EACH 30 DAYS OF DELINQUENCY. AND THEN IT GOES ON TO TALK ABOUT HOW IT'S PAID TO THE STATE TREASURER. BUT THERE'S NOT A SPECIFIC FEE SPELLED OUT IN THE STATUTE. [LB909]

SPEAKER HADLEY: TIME, SENATOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB909]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, IN VIEW OF THE FACT THAT SENATOR KOLTERMAN HAS LOST HIS VOICE, I'M GOING TO PINPOINT MY QUESTIONS, BECAUSE I THINK I'M HEARING HIM DISCUSS FEES. SENATOR KOLTERMAN, CAN YOU TELL ME ONE PENALTY THAT IS CHANGED IN THE BILL? [LB909]

SENATOR KOLTERMAN: THERE ARE NO PENALTIES THAT HAVE CHANGED IN THE BILL, SENATOR. [LB909]

Floor Debate
March 22, 2016

SENATOR CHAMBERS: SO THEN THE ONE-LINER IS IN ERROR WHERE IT SAYS, "CHANGE POWERS, DUTIES, AND FEE AND PENALTY PROVISIONS." IT DOES NOT CHANGE ANY OF THE PENALTIES. IS THAT TRUE? [LB909]

SENATOR KOLTERMAN: NO, THE WORD "PENALTY" IS ACTUALLY REMOVED. [LB909]

SENATOR CHAMBERS: THERE WERE PENALTIES REMOVED. [LB909]

SENATOR KOLTERMAN: WELL, ALL WE'RE DOING IS CHANGING THE LANGUAGE, SENATOR, FROM... [LB909]

SENATOR CHAMBERS: BUT THE EFFECT OF THE LANGUAGE WOULD HAVE BEEN TO REMOVE PENALTIES? [LB909]

SENATOR KOLTERMAN: YES, AND REINSERT "ADMINISTRATIVE FEES." IT'S JUST A TECHNICAL CHANGE IN THE LANGUAGE OF THE BILL. [LB909]

SENATOR CHAMBERS: THANK YOU, SENATOR KOLTERMAN. THAT'S ALL I WILL ASK YOU. OTHERS HAVE BEEN KIND OF NODDING THAT PENALTIES WERE REMOVED, SO I DON'T PULL WINGS OFF BUTTERFLIES AND I DON'T STICK PINS IN BEETLES' EYES. SO THAT'S ALL THAT I WILL ASK SENATOR KOLTERMAN. AND I DID NOT KNOW THAT I WOULD GET THE RESPONSE THAT I DID. SENATOR KOLTERMAN, THAT'S ALL I'M GOING TO ASK YOU ON YOUR BILL. THANK YOU. BUT I THINK WHAT I OWE A DUTY NOW TO ASSUME IS TO ASK PEOPLE QUESTIONS ABOUT THESE BILLS AND SEE IF MAYBE THERE ARE THINGS THAT SHOULD HAVE BEEN DISCUSSED ON THE FLOOR. AND MAYBE THERE ARE PEOPLE WHO HAVE MANAGED TO GET BILLS ONTO CONSENT CALENDAR. AND ALTHOUGH IT'S ONLY TANGENTIALLY RELATED, THE SPEAKER HAD TOLD US HOW MANY BILLS WERE BEING PRESENTED FOR CONSIDERATION ON CONSENT CALENDAR. I DON'T KNOW IF HE WAS JESTING YESTERDAY, BUT HE SAID HE WAS NOT HERE FRIDAY EITHER. SO I'M GOING TO NOT HOLD THIS BILL UP ANY LONGER, BUT I WILL HAVE OCCASION TO ASK QUESTIONS ON OTHER BILLS. AND THIS HAS NOTHING TO DO WITH MY GRIPE THAT I HAVE WITH SENATOR WATERMEIER, BUT IT HAS TO DO WITH, IN A WAY, THIS RHYME I HANDED YOU. IT'S LIKE AN ALLEGORY WHERE SOMETHING DEPICTED REALLY STANDS FOR SOMETHING ELSE. AND IF YOU LOOK AT THIS PICTURE ON HERE, THIS ILLUSTRATION, IT IS A DEPICTION OF THE WAY DEATH IS USUALLY PRESENTED. AND DEATH IS STANDING ON A GRATE, AND APPARENTLY THERE'S AN UPDRAFT

Floor Debate
March 22, 2016

AND DEATH'S ROBE IS FLYING UP IN THE WAY THAT THAT FAMOUS OR ICONIC PICTURE OF MARILYN MONROE DEPICTED HER DRESS ABOUT TO FLY UP, AND SHE HELD IT DOWN WITH ONE HAND. NOW TO EXPLAIN THIS DRAWING. THE DEPICTION OF DEATH IS ME. THE CONTEXT IS THE LEGISLATIVE SESSION. I KNOW I CANNOT BEHAVE IN THE WAY OF THESE SOFT-HEARTED PEOPLE WHO FORGIVE EVERYTHING AND LOOK THE OTHER WAY, AND SINCE I CANNOT BE A MARILYN MONROE, I HAVE TO BE WHAT I AM. HOW MUCH TIME DO I HAVE, MR. SPEAKER, MR. PRESIDENT? [LB909]

SPEAKER HADLEY: ONE MINUTE. [LB909]

SENATOR CHAMBERS: THANK YOU. I'M GOING TO END AND THEN TURN MY LIGHT ON SO I CAN FINISH ON THAT TIME. [LB909]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB909]

SENATOR CHAMBERS: THANK YOU. ACROSS THE TOP IS A QUOTE FROM A WRITING CALLED EVERYMAN. "O, DEATH, THOU COMEST WHEN I HAD THEE LEAST IN MIND." I WAS LEAST IN MIND THIS MORNING WHEN WE GOT TO SELECT FILE AND THESE CONSENT CALENDAR BILLS. HERE'S WHAT IS WRITTEN. "AH, THE REAPER GRIM AM I. 'CENTRAL CASTING' WOVE A LIE--ASSURING ME THAT IF I'D TRY I COULD CHANGE MY IMAGE--SO I FOOLISHLY DID 'GIVE IT A GO': ON A GRATE I STOOD AND--LO, TRULY A FIASCO! I KNOW I'LL NOT BE A MARILYN MONROE. I ACCEPT THAT FACT, AND SO--BACK TO 'REAPING' SHALL I GO. WHETHER YOU BE A 'HER' OR 'HIM,' YOU HAVE A DATE WITH THIS REAPER GRIM. FUTILE 'TIS WITH FATE TO SPAR--ALL CAN BE BUT WHAT THEY ARE." EVEN DEATH CAN ONLY BE DEATH, SO I MUST REVERT TO MY GRIM REAPER ROLE. AND ALTHOUGH IN THESE MODERN TIMES EVERYTHING IS UPDATED AS A RESULT OF TECHNOLOGY, THE SAME HOLDS TRUE FOR DEATH. THE GRIM REAPER DEPICTION HAS THAT CREATURE HOLDING A SCYTHER--NOT S-I-G-H, PEOPLE MAY SIGH--BUT THIS IS AN IMPLEMENT WITH A LARGE, CURVING BLADE, A CURVED HANDLE WITH TWO LITTLE KNOBS FOR YOU TO HOLD. WELL, NO LONGER IS THE DEPICTION OF DEATH LABELED THE GRIM REAPER. DEATH HAS NOW BECOME THE INTERNATIONAL HARVESTER, AND THAT IS A NOD TO THE FARMING COMMUNITY JUST AS CARRYING THE SCYTHER. AND EVERYBODY KNOWS WHAT INTERNATIONAL HARVESTER SIGNIFIES TO THE AGRICULTURAL SECTOR. SO I WANT US TO HAVE A RELAXED, CALM TIME THIS MORNING, AND I'M GOING TO DO ALL I CAN TO CONTRIBUTE TO THAT. I WILL TRY TO SPEAK IN

Floor Debate
March 22, 2016

DULCET TONES. I WILL TRY TO SPEAK IN A MELLOW, SOOTHING, RELAXING, MAYBE EVEN SLEEP-INDUCING MANNER. IF YOU DON'T PAY CLOSE ATTENTION YOU MAY NOT EVEN KNOW THAT I AM HERE. BUT AS I STATED, THIS CONSENT CALENDAR CONSTITUTES WHAT CAN BE LABELED LOW-HANGING FRUIT. YOU DON'T NEED A LADDER TO REACH IT. YOU DON'T NEED TO STAND ON TIPTOE TO REACH IT. IN FACT, ALL YOU NEED DO IS STAND BENEATH IT AND CUP BOTH OF YOUR HANDS, AND THE FRUIT OF YOUR CHOICE WILL FALL RIGHT INTO YOUR HANDS. ALL YOU NEED DO IS BID THAT FRUIT, FALL, AND IT FALLS. YOU CATCH IT AND YOU DO WITH IT WHAT YOU WILL. I HAVE SOME ISSUES THAT ARE VERY IMPORTANT TO ME... [LB909]

SPEAKER HADLEY: ONE MINUTE. [LB909]

SENATOR CHAMBERS: ...AND THEY WILL NOT BE ADVANCED TO THE FLOOR BY EITHER COMMITTEE WHERE THEY ARE BOTTLED UP. ONE HAS BEEN KILLED; THE OTHER IS DEADLOCKED IN THE JUDICIARY COMMITTEE. AND I INTEND TO DISCUSS THE CONTENTS OF BOTH OF THOSE BILLS. AND IF PEOPLE DON'T WANT ME TO TAKE TIME THEN THEY CAN COME NEGOTIATE WITH ME. OR THEY CAN BE A STIFF-NECKED PEOPLE AND DECIDE THAT THERE'S NO NEED TO DO THAT, AND I WOULD NOT DISAGREE WITH THAT. MY NEEDS WILL BE MET BY THE WAY I SHALL CONDUCT MYSELF. BUT THERE ARE SOME MEASURES THAT ARE STILL OUT THERE, AND SOME OF THEM FLY... [LB909]

SPEAKER HADLEY: TIME, SENATOR. [LB909]

SENATOR CHAMBERS: ...A FALSE FLAG. THANK YOU, MR. PRESIDENT. [LB909]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR HANSEN FOR A MOTION. [LB909]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB909 TO E&R FOR ENGROSSING. [LB909]

SPEAKER HADLEY: QUESTION IS ADVANCEMENT OF LB909. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB909 ADVANCES. (DOCTOR OF THE DAY INTRODUCED.) MR. CLERK. [LB909]

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

Floor Debate
March 22, 2016

CLERK: MR. PRESIDENT, LB731. SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER208, LEGISLATIVE JOURNAL PAGE 1112.) [LB731]

SPEAKER HADLEY: SENATOR HANSEN. [LB731]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB731. [LB731]

SPEAKER HADLEY: QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. (MICROPHONE MALFUNCTION) OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB731]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB731]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB731]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB731 TO E&R FOR ENGROSSING. [LB731]

SPEAKER HADLEY: QUESTION IS THE ADVANCEMENT TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB731 ADVANCES. MR. CLERK. [LB731]

CLERK: SENATOR, LB814. I HAVE NO AMENDMENTS TO THE BILL. [LB814]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB814]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB814 TO E&R FOR ENGROSSING. [LB814]

SPEAKER HADLEY: THE QUESTION IS ADVANCEMENT OF LB814. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB814 ADVANCES. MR. CLERK. [LB814]

CLERK: LB814A, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB814A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB814A]

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

Floor Debate
March 22, 2016

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB814A TO E&R FOR ENGROSSING. [LB814A]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. MR. CLERK. [LB814A]

CLERK: LB784, SENATOR. I HAVE NO AMENDMENTS. [LB784]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB784]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB942... [LB784]

CLERK: LB784, SENATOR. [LB784]

SENATOR HANSEN: ...EXCUSE ME, LB784 TO E&R FOR ENGROSSING. [LB784]

SPEAKER HADLEY: QUESTION IS THE ADOPTION OR THE ADVANCEMENT OF LB784. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB784]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR FRIESEN A QUESTION OR TWO. [LB784]

SPEAKER HADLEY: SENATOR FRIESEN, WILL YOU PLEASE YIELD TO A QUESTION? [LB784]

SENATOR FRIESEN: YES, I WOULD. [LB784]

SENATOR CHAMBERS: SENATOR FRIESEN, JUST IN A THUMBNAIL SKETCH, WHAT DEFICIT EXPENDITURES ARE INVOLVED AND HOW DOES THAT EXPENDITURE OCCUR WITH REFERENCE TO A COUNTY BOARD? [LB784]

SENATOR FRIESEN: WELL, WHEN A COUNTY IS DOING THEIR BUDGET, A TYPICAL BUDGET ENDS ON JUNE 30 OF A YEAR AND THE NEW BUDGET DOES NOT TAKE EFFECT UNTIL SEPTEMBER 30, I BELIEVE, OF THAT YEAR. SO DURING THOSE MONTHS THAT YOU'RE OPERATING WITHOUT A BUDGET, IT'S CONSIDERED A DEFICIT EXPENDITURE BECAUSE YOU'RE NOT OPERATING WITH A BUDGET. AND

Floor Debate
March 22, 2016

WHAT THIS DOES IS SPELL OUT. THEY CURRENTLY BELIEVE THE WAY THE LAW IS CURRENTLY WRITTEN FOR COUNTIES, AND IT'S DIFFERENT FOR CITIES, BUT FOR COUNTIES YOU'RE SUPPOSED TO TAKE YOUR SPECIFIC BUDGET ITEM. LET'S TAKE THE ROADS, FOR INSTANCE. YOU TAKE THAT AND DIVIDE IT BY 12. AND THEN FOR EACH OF THOSE MONTHS DURING YOUR INTERIM BUDGET TIME, YOU'RE ALLOWED TO SPEND ONLY THAT AMOUNT OF MONEY DURING THOSE TIMES. SO WHAT THIS DOES IS ALLOW THEM TO SPEND MORE THAN THAT MONTHLY ALLOCATION OF LAST YEAR'S BUDGET, YOU KNOW, LIKE ON ROADS, BECAUSE THE SUMMERTIME IS A PRIORITY TIME FOR BUILDING AND MAINTAINING ROADS BECAUSE OF CONSTRUCTION AND THE WEATHER AND THINGS LIKE THAT. SO THEY THOUGHT THE WAY THEY READ THE STATUTES, THEY'RE LIMITED TO ONLY EXPENDING ONE-TWELFTH OF THEIR LAST YEAR'S BUDGET EACH MONTH DURING THE SUMMER, WHEN THEY SHOULD HAVE BEEN SPENDING THE MAJORITY OF THEIR BUDGET PROBABLY DURING THOSE CONSTRUCTION TIMES. [LB784]

SENATOR CHAMBERS: WELL, THEY ACTUALLY HAVE MONEY AVAILABLE FOR SPENDING. AND THEY'RE NOT PURCHASING THESE SERVICES OR ANYTHING ON CREDIT, SO TO SPEAK? [LB784]

SENATOR FRIESEN: NO. THEY'RE JUST OPERATING ON AN INTERIM BUDGET APPROPRIATION, I GUESS, YOU COULD CALL IT. IT'S KIND OF A WEIRD SETUP, I WILL AGREE. [LB784]

SENATOR CHAMBERS: WELL, IF WHEN A BUDGET IS BEING SET, DO THEY ANTICIPATE THIS DEAD TIME BETWEEN THE JULY, OR WHATEVER THAT DATE WAS, AND DECEMBER THE PREVIOUS TIME WHEN THEY'RE SETTING A BUDGET? DO THEY TAKE INTO CONSIDERATION THAT PERIOD SO THAT IF THEY DO NEED TO SPEND MORE THAN ONE-TWELFTH, MONEY HAS BEEN PUT INTO THE BUDGET TO COVER THAT? [LB784]

SENATOR FRIESEN: WELL, THERE IS FUNDS IN THERE, BUT THE WAY THE LAW READS, NO MATTER HOW MUCH EACH MONTH YOU DID SPEND IN THE PREVIOUS YEAR, YOU TAKE THE TOTAL AND DIVIDE IT BY 12 AND IT'S ALLOCATED OUT IN THOSE THREE MONTHS IN YOUR INTERIM, BEFORE YOU HAVE THE NEW BUDGET. [LB784]

SENATOR FRIESEN: OKAY. NOW, DID NACO SUPPORT THIS BILL? [LB784]

Floor Debate
March 22, 2016

SENATOR FRIESEN: I BELIEVE THEY DID OR THEY CAME IN, IN NEUTRAL. HALL COUNTY IS THE ONE THAT QUESTIONED THEIR ABILITY TO SPEND ROAD FUNDS DURING THE SUMMER. [LB784]

SENATOR CHAMBERS: SO IT WAS A COUNTY THAT WANTED THIS BROUGHT TO US. THAT'S ALL I HAVE TO ASK OF YOU. THANK YOU, SENATOR FRIESEN. [LB784]

SENATOR FRIESEN: THANK YOU. [LB784]

SENATOR CHAMBERS: AND I DID GET AN UNDERSTANDING FROM THAT EXCHANGE OF WHAT IS ENTAILED HERE. I HAD SAID EARLIER IN THE SESSION THAT BECAUSE OF SOME THINGS THAT NACO HAD DONE AND POSITIONS THEY HAD TAKEN, I WOULDN'T SUPPORT ANYTHING THAT THEY HAD AN INTEREST IN. AND IT JUST HAPPENS THAT SENATOR WATERMEIER HAD ONE OF THEIR BILLS THAT HAD TO DO WITH HIGH-SPEED CHASES OR POLICE PURSUITS. AND NACO AND OTHERS WERE CALLING HIM OUT THERE AND HE WAS RUNNING BACK AND FORTH. AND I DIDN'T WANT TO ASK TOO MANY QUESTIONS THAT WOULD HAVE HIM RUNNING BACK AND FORTH BECAUSE I DON'T THINK HE'S IN AS GOOD OF CONDITION AS I AM, EVEN THOUGH HE'S A LOT YOUNGER, AND I WOULDN'T WANT HIM TO HAVE GIVEN HIS LIFE IN PURSUIT OF A PURSUIT BILL TAKING THE FORM THAT NACO WANTED. HAD I BEEN HERE WHEN THIS BILL WAS ON GENERAL FILE MAYBE I WOULD HAVE RIBBED SENATOR FRIESEN... [LB784]

SPEAKER HADLEY: ONE MINUTE. [LB784]

SENATOR CHAMBERS: ...A BIT ON IT. BUT SINCE I WAS NOT HERE, IT WILL SERVE A MORE PERTINENT PURPOSE NOW BECAUSE I DO HAVE A STRATEGY. SOME PEOPLE MAY NOT BE AWARE OF THE DIFFERENCE BETWEEN A TACTIC AND A STRATEGY, BUT BEFORE I EMBARK ON IT, I THINK I SHOULD MAKE AN EXPLANATION. THANK YOU, MR. PRESIDENT. [LB784]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE NEXT IN THE QUEUE. [LB784]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, IN MILITARY PARLANCE THE TERM "TACTIC," FOR SIMPLIFICATION, WOULD REFER TO A RELATIVELY SMALLER OPERATION. IF SOMETHING IS STRATEGIC IT COVERS, SO TO SPEAK, THE WATERFRONT. SO STRATEGIC PLANNING IS CARRIED ON BY THOSE INDIVIDUALS WHO HAVE A LOT

Floor Debate
March 22, 2016

OF DECORATIONS ON THEIR UNIFORMS. SOMETIMES THEY TAKE THE FORM OF RAPTORS, WHICH IS A BIRD OF PREY. AND THEY HAVE THESE SYMBOLS AND EMBLEMS ON THEIR UNIFORMS. GENERALLY, THEY'RE NOT IN THE BEST OF PHYSICAL SHAPE, AND GENERALLY THE TERM THAT APPLIES TO THEM MAY BE "GENERAL." AND THEY WILL HAVE A LARGE TABLE ON WHICH IS A MAP THAT COULD LOOK LIKE A CHART TO THE UNINITIATED, AND THEY HAVE LITTLE TOYS ON THAT MAP. SOME WILL BE LITTLE TANKS. SOME MIGHT EVEN USE LITTLE SOLDIERS, LITTLE G.I. JOEs. AND THEY MAY HAVE STICKS, AND THESE STICKS HAVE A FIXTURE ON THE END OF IT THAT COULD MAKE IT LOOK LIKE A BULL FLOAT. IF YOU DON'T KNOW WHAT A BULL FLOAT IS, WHEN YOU WORK WITH MASONRY AND YOU POUR CONCRETE FLOORS, YOU HAVE A VERY LONG POLE WITH A RECTANGULAR PIECE ON THE END OF IT, AND IT'S NOT LIKE A TROWEL. A TROWEL IS A SMALLER DEVICE THAT YOU HOLD IN YOUR HAND AND IT'S A RECTANGULAR PIECE OF METAL AND IT HAS A HANDLE THAT LOOKS SOMETHING LIKE AN L. IT COMES, LOOPS, BUT THE BACK END IS OPEN. AND YOU HOLD THAT TROWEL AND WHEN YOU PUSH IT ONE DIRECTION, YOU HOLD THE FRONT END UP SO IT WON'T GOUGE INTO THE SOFT CONCRETE. THEN WHEN YOU TURN IT BACK, YOU LAY THAT END, WHICH WAS UP, FLAT AND PUT THE OTHER END UP AND YOU MOVE IT. THAT KIND OF GOES ALONG WITH EXPLAINING THE BALANCE OF NATURE. WHEN ONE SIDE IS UP, THE OTHER ONE IS DOWN. AND IF YOU'VE BECOME VERY SKILLFUL, YOU CAN MOVE IT WITH LIGHTNING-LIKE SPEED AND PRECISION, AND THAT IS SMOOTH WHEN YOU GET THROUGH WITH IT. SO THE BULL FLOAT IS WHAT THESE GENERALS HAVE IN MINIATURE. BUT THE BULL FLOAT IS A VERY LARGE VERSION OF THE TROWEL WHEN YOU PUSH IT FARTHER AWAY FROM YOU, BECAUSE YOU CAN'T WALK ON THAT SOFT CONCRETE WITHOUT LEAVING DEPRESSIONS AND THAT'S NOT WHAT YOU WANT TO DO. BY THE WAY, CEMENT IS NOT THE SAME AS CONCRETE, AND THESE ARE NOT INTERCHANGEABLE TERMS. SOME PEOPLE WILL TALK ABOUT CEMENT BLOCKS. BLOCKS OF CONCRETE ARE MADE WITH CEMENT. AND IF YOU'VE EVER DONE ANY WORK OF THE KIND THAT I DID MANY YEARS AGO, YOU MIXED WHAT THEY CALL MORTAR. AND YOU WOULD TAKE MOISTENED SAND AND YOU POUR IT INTO THIS LARGE...IT COULD LOOK LIKE A BARGE ONLY IT'S SMALLER. AND YOU TAKE THE SAND AND YOU TAKE A HOE AND YOU PULL HALF OF IT TOWARDS YOU, PUSH HALF OF IT THE OTHER WAY. THEN YOU WILL TAKE A BAG OF CEMENT AND POUR IT... [LB784]

SPEAKER HADLEY: ONE MINUTE. [LB784]

SENATOR CHAMBERS: ...BETWEEN THESE PILES OF SAND. THEN YOU CAREFULLY COVER IT WITH SAND. THEN YOU TAKE THE HOE AND YOU MAKE LITTLE CHOPS

Floor Debate
March 22, 2016

AND PULL IT TOWARDS YOU. AND LADIES WHO MAKE CAKES MAY GO THROUGH A SIMILAR BUT NOT EXACTLY THE SAME PROCESS, AND CERTAINLY NOT ON THAT SCALE. SO YOU CONTINUE TO GENTLY BLEND THE SAND AND THE CEMENT. USUALLY IT MIGHT BE ASH GROVE CEMENT. THEN YOU HAVE ANOTHER SUBSTANCE THAT YOU PUT INTO IT, BUT I WON'T TELL YOU WHAT THAT IS CALLED SO THAT YOU MIGHT WANT TO GO TO GOOGLE IF YOU'RE INTERESTED AND DO A LITTLE RESEARCH ON YOUR OWN. BUT YOU PUT THAT INTO THE MIXTURE. THEN YOU MAKE A...YOU HOLLOW OUT A MIDDLE AREA SO IT'S LIKE A LITTLE VALLEY, AND YOU FILL THAT... [LB784]

SPEAKER HADLEY: TIME, SENATOR. [LB784]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB784]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE, SENATOR CHAMBERS, YOU'RE RECOGNIZED, AND IT'S YOUR LAST TIME. [LB784]

SENATOR CHAMBERS: IF A TASK IS ONCE BEGUN, NEVER LEAVE IT UNTIL IT IS DONE. FOR BE THAT LABOR GREAT OR SMALL, DO IT WELL OR NOT AT ALL. SINCE I'VE UNDERTAKEN TO DO THIS I MUST COMPLETE IT. YOU PULL SOME OF THAT DRY MIXTURE, OR MOIST, INTO THE WATER AND YOU CONTINUE TO DO THAT. THEN YOU REACH A POINT WHERE YOU CAN BE A LITTLE MORE VIGOROUS IN YOUR MIXING IT. THEN YOU COME UP WITH WHAT IS CALLED MORTAR. AND IF YOU DO THE KIND OF GRUNT WORK THAT I DID, YOU MIX THE MORTAR, YOU PUT IT IN A BUCKET. AND IF THEY ARE WORKING ON TOP OF A HOUSE, WHICH IS CALLED THE ROOF, IN ORDER TO CONSTRUCT A CHIMNEY, THE CHIMNEY OFTEN WOULD BE MADE OF DECORATIVE BRICK. THEY WOULD HAVE A LINING AND THEN THEY WANT THESE DECORATIVE STONES PUT AROUND THE CHIMNEY. AND I ALSO WAS A STONE CUTTER, NOT A SCULPTOR. AND WHAT YOU WOULD DO IS HAVE A WIDE-BLADED CHISEL AND A HAMMER AND YOU WOULD TAP GENTLY ALONG THAT STONE YOU WANTED TO CUT SO THAT THEN WHEN YOU GAVE A LITTLE HARDER HIT THEN YOU CAME ALONG, THEN VOILA, THE STONE WOULD FALL INTO TWO PIECES RIGHT WHERE YOU HAD MADE THE GROOVE. AND YOU'D MEASURE IT. AND IN ORDER TO MEASURE IT YOU HAD TO BE ABLE TO READ WHAT PEOPLE CALL A RULER, BUT A RULER IS NOT WHAT YOU CALL THAT PIECE OF WOOD THAT MAY BE A FOOT LONG OR 36 INCHES OR 3- FEET LONG. THAT REALLY IS A RULE, NOT A RULER. BUT POPULAR PARLANCE WILL OFTEN NAME SOMETHING OTHER THAN WHAT IT IS IN THE TRADE. OR YOU CAN USE A TAPE MEASURE. THAT COULD BE MADE OF CLOTH. IT COULD BE

Floor Debate
March 22, 2016

MADE OF METAL. AND ON THE END OF IT THERE IS A LITTLE HOOK OVER, OR LIP, AND YOU PUT THAT LIP OVER THE END OF WHAT IT IS YOU WANT TO MEASURE, IN CASE YOU'RE DOING IT BY YOURSELF AND DON'T HAVE ANYBODY TO HOLD IT. AND THEN YOU PULL THIS LITTLE CONTAINER IN WHICH THAT METAL IS WRAPPED AROUND AN AXLE INSIDE, AND AS YOU PULL IT, THAT METAL IS DISPENSED, AND YOU READ THE NUMBERS ON THIS PIECE OF METAL. AND IF THE PIECE OF STONE IS TO BE 18 INCHES, THAT WOULD BE ONE FOOT AND A HALF. EACH FOOT CONTAINS 12 INCHES. SO SINCE YOU WANT 18 INCHES, YOU WOULD GO PAST THE ONE-FOOT MARK AND CONTINUE TO DISPENSE THAT TAPE UNTIL YOU REACH THE SIX-INCH MARK BEYOND THAT ONE FOOT, AND THAT IS WHERE YOU WOULD MAKE THE SMALL MARK ON THE STONE. THEN YOU WOULD HAVE A HOD, WHICH COULD BE COMPARED TO A V-SHAPE PIECE OF EQUIPMENT, TWO WIDE BOARDS AND A HANDLE UNDERNEATH. AND YOU PUT STUFF ON THERE AND YOU WHO CARRY THAT WOULD BE KNOWN AS A HOD CARRIER. BUT YOU WOULDN'T WANT TO CARRY THOSE DECORATIVE STONES IN THAT MANNER. YOU MIGHT HAVE TO CARRY THEM ONE AT A TIME... [LB784]

SPEAKER HADLEY: ONE MINUTE. [LB784]

SENATOR CHAMBERS: NOT BEING SUPERMAN, YOU COULD NOT LEAP TO THE TOP OF A HOUSE IN A SINGLE BOUND. YOU WOULD TAKE A DEVICE WHICH CONSISTS OF TWO PARALLEL BOARDS, AND THEY ARE PLACED EQUIDISTANT APART OR PARALLEL. AND BETWEEN THOSE BOARDS, SPACED AT REGULAR INTERVALS, WOULD BE A SMALL PIECE OF WOOD. IT COULD BE SQUARE. IT COULD BE CIRCULAR. THESE ARE KNOWN AS STEPS OR RUNGS. AND WHEN YOU HAVE PLACED ALL THESE RUNGS, YOU'RE ABLE TO HOLD THAT ITEM UP AND STAND IT ON END, AND THE TOP END REACHES TO THE TOP OF THE HOUSE. AND YOU PLACE ONE FOOT ON THE FIRST RUNG, YOUR NEXT FOOT ON THE NEXT RUNG. YOU REMOVE THAT FIRST FOOT FROM THE LOWER RUNG,... [LB784]

SPEAKER HADLEY: TIME, SENATOR. [LB784]

SENATOR CHAMBERS: ...PLACE...THANK YOU, MR. PRESIDENT. [LB784]

SPEAKER HADLEY: WE HAVE REACHED THE END OF 15 MINUTES OF DEBATE. SENATOR HANSEN FOR A MOTION. [LB784]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB784 TO E&R FOR ENGROSSING. [LB784]

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

Floor Debate
March 22, 2016

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB784 IS ADVANCED. MR. CLERK. [LB784]

CLERK: SENATOR, LB942. I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER196, LEGISLATIVE JOURNAL PAGE 1112.) [LB942]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB942]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB942. [LB942]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. ALL OPPOSED SAY NAY. YES, I WILL, SIR. WE'RE IN THE MIDDLE OF A VOTE RIGHT NOW ON THE (MICROPHONE MALFUNCTION) AMENDMENTS, AND AS SOON AS THAT IS DONE I WILL RECOGNIZE YOU, SIR. MOTION PASSES. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB942]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I WAS IN THE MIDDLE OF A DISCUSSION. I APOLOGIZE TO YOU AND ALL MY COLLEAGUES. WITH AN EXPERT IN CONCRETE, EVERYTHING I SAID WAS LETTER PERFECT. AND HE WONDERED IF I HAD EVER Poured CONCRETE BEFORE. AND I TOLD HIM, FIBBING, NEVER, I WAS MAKING IT UP AS I GO ALONG. BUT YOU NEVER KNOW. I COULD HAVE. AND IF NOBODY HAD BEEN HERE WHO HAD DONE THAT KIND OF WORK, THEY WOULDN'T KNOW. BUT ON THIS BILL, I DO HAVE A SERIOUS QUESTION OF SENATOR SCHEER, IF HE WOULD RESPOND. [LB942]

SPEAKER HADLEY: SENATOR SCHEER, WILL YOU YIELD? [LB942]

SENATOR SCHEER: CERTAINLY. [LB942]

SENATOR CHAMBERS: SENATOR SCHEER, THIS COULD BE TWO QUESTIONS. THE FIRST ONE I WOULD ASK: WHAT IS A NONCOMPETE AGREEMENT? [LB942]

SENATOR SCHEER: THOSE ARE USUALLY, IN THIS CONTEXT, THEY ARE IN A FRANCHISE AGREEMENT THAT WOULD RESTRICT SOMEONE THAT HAS PURCHASED THE FRANCHISE FOR A CERTAIN TYPE OF BUSINESS FROM, ONCE THEY'VE STARTED THAT BUSINESS, FROM SIMPLY JUST CHANGING THEIR NAME TO JOE'S HARDWARE STORE IF THEY HAPPENED TO BE AN ACE HARDWARE AND

Floor Debate
March 22, 2016

USE ALL THE INFORMATION THEY RECEIVED FROM ACE TO START THAT STORE, THE PRODUCTS THAT THEY RUN IN THE STORE VIA ACE AND JUST CHANGE THEIR NAME, TRYING NOT TO PAY A FRANCHISE FEE FOR THAT INFORMATION. [LB942]

SENATOR CHAMBERS: WOULD THE PERSON STILL, IN EFFECT, BE A FRANCHISE OF THAT ORIGINAL COMPANY THAT THE AGREEMENT HAD BEEN MADE WITH? OR WOULD THE FRANCHISEE BREAK ALL FORMAL CONNECTION TO THE ONE FROM WHOM THE FRANCHISE WAS PURCHASED? [LB942]

SENATOR SCHEER: THEY WOULD TRY. I WOULD ASSUME THEY WOULD ATTEMPT TO, YES. AND IT COULD WORK IN REVERSE, SENATOR. THE FRANCHISEE COULD TECHNICALLY BREAK WITH THE FRANCHISOR AS WELL OVER A DISPUTE. EITHER DIRECTION IT COULD HAPPEN, NOT NECESSARILY ONE. [LB942]

SENATOR CHAMBERS: BUT THE FRANCHISEE WOULD STILL BE IN BUSINESS EVEN IF THAT BREAK OCCURRED? [LB942]

SENATOR SCHEER: YES, THAT IS CORRECT. [LB942]

SENATOR CHAMBERS: AND THIS WOULD BE TO PREVENT THAT PERSON FROM COMPETING AGAINST THE FRANCHISOR'S OPERATION ONCE THAT BREAK HAD OCCURRED? IS THAT WHAT THE NONCOMPETE MEANS? [LB942]

SENATOR SCHEER: IT COULD. IT COULD DO THAT, AS WELL AS IT COULD ALSO STOP...THOSE AGREEMENTS USUALLY HAVE THE PORTION OF THE FRANCHISE AGREEMENT WHERE THE FRANCHISOR COULD NOT BREAK THAT AGREEMENT WITH THE FRANCHISEE OVER CERTAIN STIPULATIONS AS WELL. [LB942]

SENATOR CHAMBERS: OKAY. NOW HERE'S THE SECOND PART. WHAT DOES THE DISCLOSURE REFER TO? AND IN CONTEXT, WHY SHOULD THERE BE WHATEVER THAT REFERS TO? [LB942]

SENATOR SCHEER: WELL, A DISCLOSURE AGREEMENT IS ALL THE RULES AND REGULATIONS THAT GO ALONG WITH THAT FRANCHISEE AGREEMENT. AND WHAT THIS BILL SIMPLY DOES IS IT PROTECTS BOTH THE FRANCHISEE AND THE FRANCHISOR FROM THOSE PARTICULAR ITEMS SO THAT THEY AREN'T EITHER IMPEDED ON OR LOSE THE VALUE OF THOSE IF YOU'RE A FRANCHISEE. [LB942]

Floor Debate
March 22, 2016

SENATOR CHAMBERS: DOES THAT...AND MAYBE I MISSED SOME OF WHAT YOU SAID. THIS DISCLOSURE WOULD BE BETWEEN THE FRANCHISOR AND FRANCHISEE... [LB942]

SENATOR SCHEER: CORRECT. [LB942]

SENATOR CHAMBERS: ...AND NOT TO AN OUTSIDE THIRD PARTY. [LB942]

SENATOR SCHEER: CORRECT. CORRECT. [LB942]

SENATOR CHAMBERS: SO THIS ALL IS WITHIN THE CONTEXT OF THIS FRANCHISE RELATIONSHIP. [LB942]

SENATOR SCHEER: YES,... [LB942]

SENATOR CHAMBERS: I MEANT OF... [LB942]

SENATOR SCHEER: ...IN WHAT'S...I'M SORRY. GO AHEAD. [LB942]

SENATOR CHAMBERS: NO, THAT'S OKAY. I MEANT IT'S NOT TALKING ABOUT A PERSON BEING TOLD THAT ONCE YOU'VE HAD A FRANCHISE YOU CANNOT USE ANYTHING YOU LEARNED WHILE YOU WERE IN THAT FRANCHISEE-FRANCHISOR RELATIONSHIP IN ANY OTHER BUSINESS SHOULD YOU SEPARATE ENTIRELY FROM THAT FRANCHISOR. IT'S NOT SOMETHING THAT RESTRICTS YOU FROM USING WHAT YOU LEARNED IN A BUSINESS OF YOUR OWN OR IT DOESN'T GO TO THAT. [LB942]

SPEAKER HADLEY: ONE MINUTE. [LB942]

SENATOR SCHEER: YES, IT WOULD, I WOULD ASSUME. [LB942]

SENATOR CHAMBERS: AND I'M...THE QUESTION THAT IS REALLY IN MY MIND, AND MAYBE I SHOULD ASK IT LIKE THIS, SOMETIMES IF I WORK FOR A COMPANY, I AGREE FOR A CERTAIN PERIOD OF TIME WHEN I LEAVE THAT I'M NOT GOING TO COMPETE AGAINST THEM. IS IT SOMETHING LIKE THAT? [LB942]

Floor Debate
March 22, 2016

SENATOR SCHEER: YES, IT WOULD BE. HOWEVER, IT IS ONLY BEHOLDEN UPON THE FRANCHISEE. THERE ARE PROBABLY INSTANCES WHERE AN EMPLOYEE MAY HAVE LEARNED, GLEANED EVERYTHING FROM THEIR EMPLOYER AND PERHAPS STARTED SOMETHING COMPETING, BUT HE HAS NO AGREEMENT THAT WOULD STOP HIM FROM DOING SO... [LB942]

SENATOR CHAMBERS: OKAY. [LB942]

SENATOR SCHEER: ...UNLESS HE HAD ONE WITH HIS EMPLOYER. BUT THE FRANCHISE AGREEMENT WOULD NOT BEHOLD THAT. [LB942]

SENATOR CHAMBERS: THANKS. AND SINCE I HAD SERIOUS QUESTIONS TO ASK YOU, I WON'T RESUME MY DISCUSSION OF POURING CONCRETE. THANK YOU, SENATOR SCHEER. [LB942]

SENATOR SCHEER: UH-HUH. [LB942]

SPEAKER HADLEY: SENATOR EBKE, YOU'RE RECOGNIZED. [LB942]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR CHAMBERS WOULD YIELD FOR A QUESTION OR TWO. [LB942]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB942]

SENATOR CHAMBERS: HAPPILY. [LB942]

SENATOR EBKE: THANK YOU. SENATOR CHAMBERS, DID I HEAR YOU RIGHT? YOU WERE TALKING ABOUT CONCRETE AND THE MIXING OF MORTAR, CORRECT? [LB942]

SENATOR CHAMBERS: YES. [LB942]

SENATOR EBKE: AND DID YOU ANALOGIZE OR CONNECT THAT WITH LADIES WHO BAKE CAKES? IS THAT CORRECT? [LB942]

SENATOR CHAMBERS: NO. I WAS TRYING TO INDICATE THAT MIXING THIS MORTAR WOULD BE SIMILAR TO THE WAY A CAKE IS BAKED BECAUSE YOU

Floor Debate
March 22, 2016

DON'T JUST POUR ALL OF THE INGREDIENTS IN AND START BEATING IT UP. SOME OF THEM, WHEN THEY'RE DRY, YOU BLEND OR MIX THEM IN THAT FASHION, AND THEN THAT'S WHEN YOU ADD THE LIQUID. [LB942]

SENATOR EBKE: THANK YOU. AND SO EITHER LADIES OR GENTLEMEN COULD BAKE THOSE CAKES, RIGHT? (LAUGH) [LB942]

SENATOR CHAMBERS: WELL, IN MY EXPERIENCE, THE ONLY CAKES I EVER ATE THAT WERE EDIBLE HAD BEEN BAKED BY WOMEN. BUT I KNOW MEN BAKE CAKES IF THEY'RE CALLED CHEFS, BUT I NEVER WAS WEALTHY ENOUGH TO PURCHASE ANYTHING MADE BY A CHEF. [LB942]

SENATOR EBKE: VERY WELL. THANK YOU, SENATOR CHAMBERS. I JUST WANTED TO CLARIFY THAT AND THAT THERE WAS NO CAKE THAT ACTUALLY TASTED LIKE MORTAR. [LB942]

SPEAKER HADLEY: THANK YOU, SENATOR EBKE. SEEING NO OTHER LIGHTS ON, SENATOR HANSEN FOR A MOTION. [LB942]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB942 TO E&R FOR ENGROSSING. [LB942]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB942. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. MR. CLERK. [LB942]

CLERK: LB726, SENATOR. IT DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER197, LEGISLATIVE JOURNAL PAGE 1112.) [LB726]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB726]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB726. [LB726]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADOPT ER197. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R IS ADOPTED. [LB726]

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

Floor Debate
March 22, 2016

CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER ON THE BILL. [LB726]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB726]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB726 TO E&R FOR ENGROSSING. [LB726]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB726. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB726 ADVANCES. MR. CLERK. [LB726]

CLERK: LB813, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB813]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB813]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB813 TO E&R FOR ENGROSSING. [LB813]

SPEAKER HADLEY: YOU'VE HEARD THE QUESTION, THE ADVANCEMENT TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. IT'S ADVANCED. MR. CLERK. [LB813]

CLERK: LB924, SENATOR. I DO HAVE ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER202, LEGISLATIVE JOURNAL PAGE 1113.) [LB924]

SPEAKER HADLEY: SENATOR HANSEN. [LB924]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB924. [LB924]

SPEAKER HADLEY: QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THEY ARE ADOPTED. [LB924]

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB924]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB924]

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

Floor Debate
March 22, 2016

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB924 TO E&R FOR ENGROSSING. [LB924]

SPEAKER HADLEY: QUESTION IS THE ADVANCEMENT OF LB924. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB924 ADVANCES. MR. CLERK. [LB924]

CLERK: LB770, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB770]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB770]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB770 TO E&R FOR ENGROSSING. [LB770]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB770 ADVANCES. [LB770]

CLERK: LB770A, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB770A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB770A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB770A TO E&R FOR ENGROSSING. [LB770A]

SPEAKER HADLEY: ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB770A]

SENATOR CHAMBERS: MR. PRESIDENT, I DON'T WANT TO BE DIFFICULT, BUT SHOULD I HOLLER OUT THAT MY LIGHT IS ON, BECAUSE I THOUGHT WHEN I TURN ON THE LIGHT IT WOULD BE SEEN. AND I DON'T WANT TO TAKE EXTRA TIME AND I'M WILLING TO DO WHATEVER OUR PROCESS WILL BE. [LB770A]

SPEAKER HADLEY: I HAD ASKED SENATOR HANSEN TO MAKE THE MOTION FOR ADVANCEMENT. [LB770A]

SENATOR CHAMBERS: UH-HUH. RIGHT. BUT MY LIGHT WAS ON, AND THEN YOU SAID ALL... WELL, ANYWAY, FORGET IT. I'M GOING TO ASK MY QUESTION, THOUGH, IF I'M RECOGNIZED. [LB770A]

Floor Debate
March 22, 2016

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB770A]

SENATOR CHAMBERS: THANK YOU. AND IF YOU WANT TO CONFIRM IT, I THINK THEY'LL TELL YOU THAT MY LIGHT WAS ON. WE MAY AS WELL DO JUST LIKE I DO IN THE STREET. IF SOMEBODY SLAPS ME IN THE STREET AND DOESN'T KNOCK ME OUT, THEN HE'S GOT SOMETHING COMING. I DON'T CARE HOW BIG HE IS. I DON'T CARE HOW MANY OF THEM THERE ARE. THAT'S THE WAY I OPERATE. I'M NOT GOING TO SLAP ANYBODY. BUT IF SOMEBODY SLAPS ME, I WANT THEM TO KNOW THAT THERE'S A RECIPROCATING ACTION THAT'S GOING TO TAKE PLACE. I'D LIKE TO ASK, MR. CHAIRMAN, I WOULD LIKE TO ASK A QUESTION OF SENATOR GROENE. [LB770A]

SENATOR KRIST PRESIDING

SENATOR KRIST: SENATOR GROENE, WILL YOU YIELD? [LB770A]

SENATOR GROENE: YES, I DO, MR. PRESIDENT. [LB770A]

SENATOR CHAMBERS: SENATOR GROENE, THIS, THE UNDERLYING BILL, IS CALLED THE NEBRASKA EXCHANGE TRANSPARENCY ACT. WHAT IS THAT ACT? [LB770A]

SENATOR GROENE: THAT ACT WAS ENACTED BY THIS LEGISLATURE, I BELIEVE IT WAS '13, '12-13, THAT IF THE STATE CREATED A EXCHANGE, AN INSURANCE EXCHANGE, THIS COMMISSION WAS SUPPOSED TO OVERSEE ITS OPERATION AND GIVE RECOMMENDATIONS TO THIS BODY ON HOW IT SHOULD BE OPERATED. [LB770A]

SENATOR CHAMBERS: AND WHAT IS THE SIGNIFICANCE OF THE TERM "TRANSPARENCY"? WHY WAS THAT PUT IN THERE? [LB770A]

SENATOR GROENE: IF THE EXCHANGE WAS CREATED, THE COMMISSION'S PURPOSE, WHICH I AM PRO TRANSPARENCY, WAS TO MAKE SURE THERE WAS TRANSPARENCY IN HOW INSURANCE COMPANIES WHO CHOSE TO BE PART OF THE STATE EXCHANGE WERE SELECTED AND HOW THEY OPERATED. BUT YOU CANNOT HAVE TRANSPARENCY IN SOMETHING THAT DOESN'T EXIST. [LB770A]

Floor Debate
March 22, 2016

SENATOR CHAMBERS: THANK YOU. AND, SENATOR GROENE, THE REASON I ASKED YOU THE QUESTION, BECAUSE I KNOW YOU BELIEVE IN TRANSPARENCY,... [LB770A]

SENATOR GROENE: I KNOW WHERE YOU'RE COMING FROM. [LB770A]

SENATOR CHAMBERS: ...YOUR NAME IS ON THE BILL AND IT FITS. SO I'M NOT EVEN BEING CRITICAL, BUT IT'S APPROPRIATE. THANKS. THAT'S ALL I WILL ASK YOU. [LB770A]

SENATOR GROENE: YEAH, AND THANKS FOR LETTING ME CLARIFY THINGS, SENATOR CHAMBERS. THAT WAS VERY HELPFUL OF YOU. [LB770A]

SENATOR CHAMBERS: WELL, OKAY, SINCE YOU'RE ON YOUR FEET, LET ME ASK YOU A QUESTION. IS IT YOUR GENERAL PHILOSOPHY THAT ACTIONS THAT INVOLVE THE PUBLIC'S BUSINESS AND THE EXPENDITURE OF PUBLIC MONEY SHOULD BE DONE IN A TRANSPARENT MANNER? [LB770A]

SENATOR GROENE: I AGREE. [LB770A]

SENATOR CHAMBERS: I DON'T KNOW IF YOU WERE PICKED UP. DO YOU AGREE WITH THAT? [LB770A]

SENATOR GROENE: YES, SIR. [LB770A]

SENATOR CHAMBERS: AND IN OBSERVING YOU, I'VE NOTED THAT YOUR CONDUCT GOES ALONG WITH THAT PHILOSOPHY. [LB770A]

SENATOR GROENE: YES, I HAVE SOME BASIC TENETS, SIR, JUST LIKE YOU DO, AND I CANNOT VARY FROM THEM. [LB770A]

SENATOR CHAMBERS: AND I NOTICE THAT YOU, EVEN WHEN IT CAME TO THE UNIVERSITY WANTING THE LEGISLATURE, AS A FAVOR TO IT, TO DO AWAY WITH TRANSPARENCY, YOU WERE NOT WILLING TO DO AWAY WITH THAT TRANSPARENCY, AND YOU FELT THAT THE PUBLIC SHOULD BE ENTITLED TO OBSERVE HOW THIS PROCESS IS UNFOLDING. [LB770A]

Floor Debate
March 22, 2016

SENATOR GROENE: YES. [LB770A]

SENATOR CHAMBERS: THANK YOU. [LB770A]

SENATOR GROENE: YES, SIR. AND I THANK YOU FOR THE PECK ON THE CHEEK. I WAS EXPECTING A SLAP. THANK YOU. [LB770A]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, I DON'T SEE HOW YOU ALL COULD VOTE FOR THIS BILL. I'M GLAD YOU DID, BUT YOU OBVIOUSLY DON'T BELIEVE IN TRANSPARENCY, OR YOU PLAY FAVORITES. SENATOR GROENE DOESN'T. DID YOU VOTE FOR TRANSPARENCY BECAUSE YOU THOUGHT BY DOING THIS IT WOULD GIVE YOU A CHANCE TO TAKE A SLAP AT THE AFFORDABLE CARE ACT? IS THAT WHY YOU VOTED FOR IT? BECAUSE YOU DON'T BELIEVE IN TRANSPARENCY. OR DO YOU BELIEVE IN TRANSPARENCY ONLY FOR THOSE PUBLIC OPERATIONS THAT ARE FUNDED PUBLICLY THAT YOU DON'T PARTICULARLY CARE FOR? BUT IF YOU LIKE THAT ENTITY, THEN YOU SAY TO BLAZES WITH TRANSPARENCY, THE PUBLIC IS NOT ENTITLED TO KNOW; IT'S NONE OF THE PUBLIC'S BUSINESS. AND THE LEGISLATURE IS GOING TO FORMALLY GO ON RECORD WITH A VOTE SAYING, MIND YOUR OWN BUSINESS, AND ESPECIALLY... [LB770A]

SENATOR KRIST: ONE MINUTE. [LB770A]

SENATOR CHAMBERS: ...IF SOMEBODY WITH THE NAME OF A RAPTOR, PLURAL, TELLS YOU THIS IS WHAT YOU MUST DO. MR. HAWKS BROUGHT A BILL TO THE GOVERNMENT COMMITTEE, OR WHATEVER COMMITTEE IT WAS THAT HANDLED THE BILL, AND SAID CURRENTLY THESE BUSYBODY NEBRASKANS, ALL THEY DO IS PAY TAXES TO RUN THE UNIVERSITY. THAT DOESN'T GIVE THEM ENTITLEMENT TO KNOW ANYTHING ABOUT WHAT WE DO HERE UNLESS WE DECIDE TO TELL THEM. WE'LL THROW THE SUCKERS A FEW CRUMBS, BUT WE'RE NOT GOING TO GIVE THEM THE BAKERY. SO I WANT YOU TO TAKE THIS BILL AND TAKE IT TO YOUR COMMITTEE AND YOU TELL THAT COMMITTEE THAT MR. HAWKS IS SERIOUS ABOUT THIS. [LB770A]

SENATOR KRIST: TIME, SENATOR CHAMBERS. AND YOU'RE RECOGNIZED AGAIN. THIS IS YOUR SECOND TIME. [LB770A]

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

Floor Debate
March 22, 2016

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND WHAT MR. HAWKS WANTS, MR. HAWKS GETS. I'D LIKE TO ASK SENATOR McCOLLISTER A QUESTION, IF HE WILL RESPOND. [LB770A]

SENATOR KRIST: SENATOR McCOLLISTER, WILL YOU YIELD? [LB770A]

SENATOR McCOLLISTER: YES, I WILL. [LB770A]

SENATOR CHAMBERS: SENATOR McCOLLISTER, WHAT IS MR. HAWKS'S FIRST NAME, THE HAWKS WHO IS ON THE BOARD OF REGENTS? [LB770A]

SENATOR McCOLLISTER: HOWARD HAWKS. [LB770A]

SENATOR CHAMBERS: AND IT IS PLURAL. HIS LAST NAME HAS AN S ON THE END OF IT. [LB770A]

SENATOR McCOLLISTER: YES, INDEED. [LB770A]

SENATOR CHAMBERS: HAVE YOU HEARD A SONG WRITTEN FOR HIM? [LB770A]

SENATOR McCOLLISTER: I HAVEN'T HEARD A SONG WRITTEN FOR HIM BUT... [LB770A]

SENATOR CHAMBERS: (SINGING) WHATEVER HOWARD HAWKS WANTS, HOWARD HAWKS GETS. WELL, NOW YOU'VE HEARD SOME OF IT, HAVEN'T YOU? [LB770A]

SENATOR McCOLLISTER: YES, I HAVE. THANK YOU. [LB770A]

SENATOR CHAMBERS: ARE YOU FAMILIAR WITH THE BILL THAT I WAS DISCUSSING EARLIER? [LB770A]

SENATOR McCOLLISTER: THE ONE THAT'S ON THE BOARD NOW OR...? [LB770A]

SENATOR CHAMBERS: NO, THE ONE THAT RELATES TO THE UNIVERSITY. [LB770A]

SENATOR McCOLLISTER: I AM FAMILIAR WITH THAT BILL. [LB770A]

Floor Debate
March 22, 2016

SENATOR CHAMBERS: AND IT WAS MR. HAWKS WHO WANTED THE LEGISLATURE TO AGREE THAT NO LONGER WOULD THE PUBLIC KNOW THE IDENTITY OF THE FOUR TOP CANDIDATES. MR. HAWKS WANTED THAT, DIDN'T HE? [LB770A]

SENATOR McCOLLISTER: YES, AMONG OTHERS, INCLUDING THE REGENTS, THE UNIVERSITY PRESIDENT. AND HE DID WANT THAT, YES. [LB770A]

SENATOR CHAMBERS: YOUR HONOR, I WOULD ASK YOU TO TELL THE WITNESS TO CONFINE HIS ANSWERS TO THE QUESTION. (LAUGHTER) THANK YOU. SENATOR McCOLLISTER, MR. HAWKS WANTED THAT. ARE YOU AWARE THAT MR. HAWKS WAS THE ONE WHO INITIATED THE BILL AND REQUESTED THAT IT BE INTRODUCED? ARE YOU AWARE OF THAT OR YOU'RE NOT SURE THAT THAT'S THE WAY THE SCENARIO UNFOLDED? [LB770A]

SENATOR McCOLLISTER: I DON'T KNOW WHERE THE GENESIS FOR THAT BILL CAME FROM, BUT IT'S QUITE TRUE TO SAY THAT HE SPEARHEADED THE EFFORT. [LB770A]

SENATOR CHAMBERS: AND MR. HAWKS WANTED THAT DONE, DIDN'T HE? [LB770A]

SENATOR McCOLLISTER: YES, HE DID. [LB770A]

SENATOR CHAMBERS: AND MR. HAWKS SO FAR HAS GOTTEN WHAT HE WANTED DONE, HASN'T HE? [LB770A]

SENATOR McCOLLISTER: YES, HE HAS. [LB770A]

SENATOR CHAMBERS: SO MY LYRIC WAS ACCURATE, WASN'T IT? WHAT MR. HAWKS WANTS, MR. HAWKS GETS, FROM THE LEGISLATURE IN THIS INSTANCE. [LB770A]

SENATOR McCOLLISTER: IN THIS PARTICULAR CASE, THAT IS TRUE. [LB770A]

SENATOR CHAMBERS: THANK YOU, SENATOR McCOLLISTER. YOU'VE BEEN VERY HELPFUL. MEMBERS OF THE LEGISLATURE, I COULDN'T RESIST BRINGING THIS UP BECAUSE THE BILL THAT YOU ALL ARE GOING TO VOTE FOR, AND HAVE

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

Floor Debate
March 22, 2016

VOTED FOR ALREADY ON GENERAL FILE, HAS THE WORD "TRANSPARENCY" IN THE TITLE OF IT. YOU VOTED FOR THAT BECAUSE THAT'S THEORETICAL, THAT'S ABSTRACT. WHEN WE COME TO REALITY AND WE WANT TO APPLY THE NOTION OF TRANSPARENCY, WHICH MEANS NO OBSTRUCTION BETWEEN THE OBJECT TO BE OBSERVED AND THE OBSERVER, YOU VOTED CONTRARY. SO I GUESS YOU PICK AND CHOOSE WHEN YOU WANT TO BE TRANSPARENT. AND THAT IS OBVIOUS. BUT I JUST WANT TO CALL ATTENTION TO THAT FACT. OTHER THAN THAT, I DON'T KNOW THAT I HAVE ANYTHING ELSE I WANT TO SAY ON THIS BILL. THANK YOU, MR. PRESIDENT. [LB770A]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS, SENATOR McCOLLISTER, AND SENATOR GROENE. SENATOR HANSEN FOR A MOTION. [LB770A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB770A TO E&R FOR ENGROSSING. [LB770A]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. NEXT ITEM, MR. CLERK. [LB770A]

CLERK: LB875, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB875]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB875]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB875 TO E&R FOR ENGROSSING. [LB875]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB875]

CLERK: LB948, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB948]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB948]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB948 TO E&R FOR ENGROSSING. [LB948]

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

Floor Debate
March 22, 2016

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB948]

CLERK: LB725, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB725]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB725]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB725 TO E&R FOR ENGROSSING. [LB725]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB725]

CLERK: LB680, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB680]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB680]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB680 TO E&R FOR ENGROSSING. [LB680]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. BILL ADVANCES. [LB680]

CLERK: LB680A, SENATOR. ONCE AGAIN I HAVE NO AMENDMENTS TO THE BILL. [LB680A]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB680A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB680A TO E&R FOR ENGROSSING. [LB680A]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. BILL ADVANCES. [LB680A]

CLERK: LB823, SENATOR. THERE ARE ENROLLMENT AND REVIEW AMENDMENTS. (ER201, LEGISLATIVE JOURNAL PAGE 1113.) [LB823]

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

Floor Debate
March 22, 2016

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB823]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB823. [LB823]

SENATOR KRIST: YOU HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB823]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB823]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB823]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB823 TO E&R FOR ENGROSSING. [LB823]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB823]

CLERK: LB865, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB865]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB865]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB865 TO E&R FOR ENGROSSING. [LB865]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. BILL ADVANCES. [LB865]

CLERK: LB1002. THERE ARE E&R AMENDMENTS, SENATOR. (ER200, LEGISLATIVE JOURNAL PAGE 1113.) [LB1002]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB1002]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1002. [LB1002]

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

Floor Debate
March 22, 2016

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB1002]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL. [LB1002]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB1002]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1002 TO E&R FOR ENGROSSING. [LB1002]

SENATOR KRIST: YOU HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB1002]

CLERK: LB1086, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB1086]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB1086]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1086 TO E&R FOR ENGROSSING. [LB1086]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB1086]

CLERK: LB567, SENATOR. THERE ARE E&R AMENDMENTS FIRST OF ALL. (ER207, LEGISLATIVE JOURNAL PAGE 1121.) [LB567]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB567]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB567. [LB567]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY ARE ADOPTED. [LB567]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB567]

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

Floor Debate
March 22, 2016

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB567]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB567 TO E&R FOR ENGROSSING. [LB567]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB567]

CLERK: LB684, SENATOR. THERE ARE ENROLLMENT AND REVIEW AMENDMENTS. (ER206, LEGISLATIVE JOURNAL PAGE 1122.) [LB684]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB684]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB684. [LB684]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB684]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL. [LB684]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB684]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB684 TO E&R FOR ENGROSSING. [LB684]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. BILL ADVANCES. [LB684]

CLERK: LB887, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB887]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB887]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB887 TO E&R FOR ENGROSSING. [LB887]

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

Floor Debate
March 22, 2016

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. BILL ADVANCES. STAND BY, MR. CLERK. (VISITORS INTRODUCED.) [LB887]

SENATOR COASH PRESIDING

SENATOR COASH: NEXT ITEM, MR. CLERK.

CLERK: LB736, SENATOR. I HAVE E&R AMENDMENTS FIRST OF ALL. (ER215, LEGISLATIVE JOURNAL PAGE 1122.) [LB736]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB736]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB736. [LB736]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB736]

CLERK: SENATOR FRIESEN WOULD MOVE TO AMEND WITH AM2668. (LEGISLATIVE JOURNAL PAGES 1141-1142.) [LB736]

SENATOR COASH: SENATOR FRIESEN, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB736]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. ALL THIS DOES IS CLARIFY A LITTLE BIT MORE LANGUAGE. WHEN THEY WERE DOING THE DRAFTING, THEY FOUND ANOTHER SPOT WHERE "ELECTRIC SUPPLIER" NEEDED TO BE CHANGED. SO THAT'S ALL IT IS, A TECHNICAL CLEANUP. THANK YOU. [LB736]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO AM2668. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB736]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR FRIESEN A QUESTION. [LB736]

SENATOR COASH: SENATOR FRIESEN, WILL YOU YIELD? [LB736]

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

Floor Debate
March 22, 2016

SENATOR FRIESEN: YES, I WOULD. [LB736]

SENATOR CHAMBERS: SENATOR FRIESEN, IS THIS MOTION BY YOU A WILY, CRAFTY, DELAYING TACTIC? [LB736]

SENATOR FRIESEN: I WISH IT WAS. [LB736]

SENATOR CHAMBERS: THAT'S A GOOD ENOUGH ANSWER. THANK YOU. [LB736]

SENATOR COASH: SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR FRIESEN, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR FRIESEN, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR FRIESEN WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM2668 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB736]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR FRIESEN'S AMENDMENT. [LB736]

SENATOR COASH: AM2668 IS ADOPTED. [LB736]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB736]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB736]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB736 TO E&R FOR ENGROSSING. [LB736]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB736 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB736]

CLERK: LB679, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB679]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB679]

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

Floor Debate
March 22, 2016

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB679 TO E&R FOR ENGROSSING. [LB679]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB679 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB679]

CLERK: LB891, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB891]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB891]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB891 TO E&R FOR ENGROSSING. [LB891]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB891 ADVANCES. NEXT ITEM, MR. CLERK. [LB891]

CLERK: LB881. NO E&R. SENATOR SCHILZ WOULD MOVE TO AMEND WITH AM2669. (LEGISLATIVE JOURNAL PAGE 1143.) [LB881]

SENATOR COASH: SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON AM2669. [LB881]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. BILL DRAFTERS SENT THIS UP TO US. BASICALLY, WHAT THIS AMENDMENT DOES IS IT STRIKES SOME REDUNDANT LANGUAGE ON PAGE 2, LINE 5 AND 6, AND SO WE PUT THAT IN PLACE. AND THIS CLEANS THE BILL UP AND PRETTY MUCH THIS WAS A TECHNICAL AMENDMENT, JUST A LITTLE TOO SUBSTANTIVE FOR E&R. SO WITH THAT, I'D APPRECIATE YOUR SUPPORT. THANK YOU. [LB881]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO AM2669. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM2669 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB881]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SCHILZ'S AMENDMENT. [LB881]

Floor Debate
March 22, 2016

SENATOR COASH: AM2669 IS ADOPTED. [LB881]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB881]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB881]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB881 TO E&R FOR ENGROSSING. [LB881]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB881 DOES ADVANCE. MEMBERS, WE WILL NOW MOVE ON TO SELECT FILE, COMMITTEE PRIORITY BILLS. MR. CLERK. [LB881]

CLERK: MR. PRESIDENT, YESTERDAY, LEGISLATURE CONSIDERED LB894. WHEN THE ISSUE WAS LEFT, SENATOR SCHUMACHER HAD PENDING AM2629. THERE WAS AN AMENDMENT BY SENATOR PANSING BROOKS THAT WAS ADOPTED TO AM2629. SENATOR SCHUMACHER'S AMENDED AMENDMENT IS PENDING. I DO HAVE A PRIORITY MOTION. SENATOR KRIST WOULD MOVE TO BRACKET LB894 UNTIL APRIL 20, 2016. [LB894]

SENATOR COASH: SENATOR KRIST, YOU ARE RECOGNIZED TO OPEN ON YOUR MOTION. [LB894]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. THIS BRACKET MOTION IS NOT A SERIOUS BRACKET. IT IS AN OPPORTUNITY FOR ME TO GET UP ON THE MIKE. YESTERDAY I ATTENDED MY MOTHER-IN-LAW'S FUNERAL, AND WHEN THERE WAS SPARE TIME, WATCHED THE CHAOS THAT WAS GOING ON IN HERE. I WAS DUMBFOUNDED IN TERMS OF THE DISCUSSION THAT WENT ON, PARTICULARLY WITH LB894. AND I HAVE BEEN DUMBFOUNDED. MANY OF YOU KNOW I'M COCHAIR OF THE JUVENILE DETENTION ALTERNATIVE INITIATIVE STATEWIDE MOVEMENT AND THAT THAT MOVEMENT HAS CAUSED INCREDIBLY GOOD THINGS TO HAPPEN FOR OUR KIDS. WE'RE TREATING OUR KIDS LIKE KIDS. WE'RE TRYING TO FIND ALTERNATIVES TO DETENTION. THEY'RE GETTING THEIR CONSTITUTIONAL RIGHTS AFFORDED TO THEM. WE'RE NOT THROWING THEM SOME PLACE IN A JUMPSUIT THAT'S THREE TIMES THEIR SIZE AND NOT DEALING WITH THEIR PROBLEMS. BUT THIS DISCUSSION, IN MY OPINION, WAS GOING COMPLETELY BACKWARDS. SO I HAVE A BRACKET MOTION THAT I CAN TALK

Floor Debate
March 22, 2016

ABOUT FOR TEN MINUTES AND THEN ANOTHER MOTION AND THEN ANOTHER MOTION UNTIL THE REVISOR'S OFFICE GETS ME MY AMENDMENT WHICH I'LL TALK ABOUT AT PROBABLY A LATER TIME ON THE MIKE. NOW I'VE TALKED TO BOTH SENATOR HUGHES AND TO SENATOR SCHUMACHER AND IF I PUT MY MOTION UP, MY AMENDMENT UP, THEY'LL PULL THEIRS. THEY BOTH AGREED TO PULL THEIRS. AND THEN WE CAN HAVE A DISCUSSION ABOUT HOW WE TREAT OUR KIDS STATEWIDE. FIVE YEARS AGO, SENATOR ASHFORD AND I AND A FEW OTHERS BROUGHT FORWARD LB561. LB561 WAS A PILOT PROJECT THAT WAS SUPPOSED TO START IN DOUGLAS COUNTY, WHICH IS ITS OWN JUDICIAL DISTRICT. BY THE TIME WE TALKED ABOUT THAT BILL FOR SEVERAL HOURS, SEVERAL OTHER MEMBERS IN HERE STOOD UP, INCLUDING SENATOR JOHN HARMS, SENATOR TOM HANSEN, AND SAID, WAIT A MINUTE, YOU'RE TREATING YOUR KIDS; WE WANT OUR KIDS TREATED THE SAME WAY. SO THE 11TH AND THE 12TH JUDICIAL DISTRICTS WERE ADDED IN. AND GUESS WHAT? THAT PILOT PROJECT BECAME A HUGE SUCCESS. DOUGLAS COUNTY, SARPY COUNTY, AND THE JUVENILE COURT JUDGES THERE...AND GRANTED, WE HAVE A REAL ADVANTAGE. WE HAVE A DEDICATED JUVENILE COURT SYSTEM. BUT YOU ALSO HAVE SOME TREMENDOUSLY TALENTED JUDGES THAT KNOW THEIR PROFESSION, KNOW THEIR JOBS, AND HANDLE JUVENILE JUSTICE ISSUES AS WELL AS ANYONE IN THIS STATE. SO I'M BANKING THAT WHEN WE GET TO MY AMENDMENT AND YOU SEE WHAT IT ACTUALLY SAYS, YOU'RE GOING TO WONDER WHY AREN'T I TREATING...WHY AREN'T WE TREATING OUR KIDS THE SAME WAY THEY TREAT THEIR KIDS IN DOUGLAS AND SARPY AND OTOE AND CASS AND SARPY--SARPY, CASS, OTOE, YEAH, I NAMED THEM ALL--WHY AREN'T WE TREATING OUR KIDS THE SAME WAY? AND THEN WE'LL HAVE A DEBATE ABOUT KIDS, CHILDREN, AND WHETHER THEY SHOULD BE REPRESENTED. I GUARANTEE YOU THAT IF ONE OF YOUR CHILDREN GOES BEFORE A JUDGE AND EVEN IF THEY DO HAVE TWO PARENTS WHICH I HEARD OVER AND OVER AGAIN, WE OUT HERE IN THE COUNTRY, WE KNOW HOW TO TREAT OUR KIDS. WE KNOW HOW TO TAKE CARE OF OUR KIDS. YESTERDAY, THAT'S THE DEBATE THAT WENT ON. WELL, GUESS WHAT? FIND A PARENT THAT OWNS UP TO GO WITH A KID FROM NORTH OMAHA, IF THEY CAN GET OFF WORK, IF THEY'RE A SINGLE PARENT. I TEXTED MANY OF YOU WHILE THE DEBATE WAS GOING ON BECAUSE I JUST CAN'T KEEP MY MOUTH SHUT. YOU KNOW ME. AND I DIDN'T HAVE A BUTTON IN FRONT OF ME. AND I SAID, WHAT'S UP WITH THIS? AND SEVERAL OF YOU TEXTED ME BACK. SENATOR, ONE SIZE DOES NOT FIT ALL. WELL, GRANTED, IT DOES NOT. SO IF GREATER NEBRASKA WANTS TO TREAT THEIR KIDS DIFFERENTLY, NOT AFFORD THEM THEIR CONSTITUTIONAL RIGHTS, WANTS TO DO THINGS DIFFERENTLY THAN WE'RE DOING IT SOMEPLACE ELSE, ONE SIZE DOESN'T FIT ALL. WHAT I'VE LEARNED IN SEVEN YEARS IN THIS LEGISLATURE IS

Floor Debate
March 22, 2016

YOU CAN TAKE BABY STEPS. YOU CAN TAKE LITTLE BITES OUT OF A SITUATION, AND YOU CAN MAKE A WORLD OF DIFFERENCE FOR A FEW PEOPLE AT A TIME AND EVENTUALLY IT WILL CATCH ON. IT WILL BE A GOOD IDEA. IT WILL BE SOMETHING THAT TAKES OFF. IT WILL BE SOMETHING THAT WE CAN TALK ABOUT. THE AMENDMENT IS PRETTY SIMPLE. IT BASICALLY IS THE ANTITHESIS OF WHAT YOU TALKED ABOUT YESTERDAY. IT DOESN'T WORK ALL OVER THE STATE THE SAME WAY. THAT'S FINE. THEN LET'S LET IT WORK IN THE PARTS OF THE STATE WHERE IT IS WORKING RIGHT NOW. AND THEN WHY DON'T YOU TAKE NOTICE OF THAT BECAUSE IF ONE OF YOUR KIDS GOES IN AND IS NOT ADVISED CORRECTLY AND SAYS I PLEAD GUILTY, THERE IS A REAL GOOD CHANCE THEY WILL NEVER BE A PRACTICING LAWYER. THEY WILL NEVER BE ABLE TO SIGN ON THE DOTTED LINE AND BE AN OFFICER IN THE UNITED STATES MILITARY. THERE'S A REAL GOOD CHANCE THEY GET THEMSELVES FURTHER DOWN THE RABBIT HOLE. AND WE ALL KNOW WHAT HAPPENS WITH RABBIT HOLES. USUALLY IT'S ONLY THE RABBIT THAT GETS OUT ALIVE. I NEED SOME HELP TALKING ABOUT THIS ISSUE FOR A LITTLE WHILE, AT WHICH POINT SENATOR HUGHES AND SENATOR SCHUMACHER HAVE BOTH AGREED TO PULL THEIR AMENDMENTS WHEN MY AMENDMENT GETS UP THERE. HOW MUCH TIME DO I HAVE LEFT? [LB894]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: 3:50. [LB894]

SENATOR KRIST: I WOULD YIELD THE BALANCE OF MY TIME, AND I HAVE NOT WARNED HIM SO I HOPE HE'S READY TO TALK ABOUT IT, TO SENATOR WILLIAMS WHO IS A GREATER NEBRASKA SENATOR, WHO HAS HEARD ALL THE THINGS THAT WE HAVE HEARD IN COMMITTEE, WHO KNOWS, I THINK, THE PRINCIPLES OF JDAI, THE MacARTHUR FOUNDATION, THE THINGS WE'VE TALKED ABOUT IN COMMITTEE FOR THE LAST YEAR, TWO YEARS, IF HE HAS ANY THOUGHTS ON THE ISSUE. I YIELD THE BALANCE OF MY TIME TO SENATOR WILLIAMS. [LB894]

SENATOR WILLIAMS: THANK YOU, SENATOR KRIST. AND WE APPRECIATE YOUR STEADY HAND AND YOUR GUIDANCE TO THIS BODY. YOU KNOW, YESTERDAY I THINK WAS A DIFFICULT DAY FOR MANY OF US BECAUSE OF HOW THE DEBATE WENT. AND I MENTIONED ON THE MICROPHONE YESTERDAY THAT WE ALL RECOGNIZE THAT WE ARE HERE DOING THE DIFFICULT THINGS BECAUSE ALL THE EASY THINGS HAVE BEEN DONE. BUT I SIT AND LOOK AT THE SITUATION DIFFERENTLY TODAY THAN I DID WHEN I WAS ELECTED AND WHEN I STEPPED IN

Floor Debate
March 22, 2016

TO THIS BODY A FEW YEARS AGO. HAVING THE EXPERIENCE NOW OF SEEING WHAT'S BEEN HAPPENING IN OUR CRIMINAL JUSTICE SYSTEM, HAVING THE OPPORTUNITY TO VISIT WITH THE CHIEF JUSTICE ON NUMEROUS OCCASIONS ABOUT ISSUES OF DETENTION, JUVENILE JUSTICE, WHAT'S HAPPENING ACROSS THE BOARD. AND I ALSO THINK ABOUT THE ISSUES THAT THIS BODY IS GOING TO BE FACING AND DISCUSSING OVER THE NEXT SEVERAL HOURS AND NEXT SEVERAL DAYS THAT WILL GRAB AT OUR HEARTS AND GRAB AT OUR SOULS. BUT FOR MANY OF US, PROTECTING THOSE VULNERABLE ADULTS AND VULNERABLE KIDS BECOMES A SIGNIFICANT ISSUE. AND YESTERDAY THERE WAS AN ATTEMPT TO TALK ABOUT THAT THIS IS A DIFFERENT ISSUE IF YOU'RE IN RURAL NEBRASKA THAN IT IS IF YOU'RE IN URBAN NEBRASKA. AND I WOULD TELL YOU IF WE WANT TO TREAT KIDS DIFFERENTLY IN RURAL NEBRASKA THAN WE TREAT THEM IN OTHER PLACES, WE ARE CLEARLY MISSING THE BOAT. I HAD AN INTERESTING SITUATION HAPPEN TO ME SUNDAY IN CHURCH. THE CHURCH THAT I WAS AT WAS INSTALLING SOME NEW LEADERS TO THE CHURCH. AND ONE OF THE QUESTIONS THAT WAS ASKED OF THOSE LEADERS WAS, WILL YOU LEAD WITH WISDOM? WILL YOU LEAD WITH IMAGINATION? AND WILL YOU LEAD WITH LOVE? [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR WILLIAMS: AND WHEN THE MINISTER SAID THOSE WORDS, I THOUGHT ABOUT WHAT PLEDGE DID I MAKE TO MYSELF WHEN I BECAME A STATE LEGISLATOR. AND I WOULD ASK EACH ONE OF US ON THE ISSUES, THE ONE THAT'S IN FRONT OF US RIGHT NOW, AND THE ISSUES THAT WE ARE GOING TO BE LOOKING AT OVER THE COURSE OF THE NEXT DAYS, THAT WE CONSIDER THAT, THAT WE ARE HERE TO LOOK WITH WISDOM, WITH IMAGINATION, AND I WILL CHANGE THE WORD LOVE TO COMPASSION, COMPASSION THAT...FOR THOSE PEOPLE THAT ARE LESS FORTUNATE FOR US. THANK YOU, SENATOR KRIST, FOR YIELDING ME THIS TIME. I APPRECIATE THE DISCUSSION AND LOOK FORWARD TO FINDING A SOLUTION TO THIS ISSUE. THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST AND SENATOR WILLIAMS. THOSE IN THE QUEUE ARE SENATOR CHAMBERS, SEILER, GROENE, COASH, CAMPBELL, AND OTHERS. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB894]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KRIST. I KNOW WHERE YOU WERE NOW, BUT YESTERDAY I WASN'T AWARE AND IN MY MIND WAS GOING THROUGH THAT REFRAIN, SENATOR KRIST, WHERE ARE

Floor Debate
March 22, 2016

YOU WHEN I NEED YOU? I WAS TOLD OR A COMMENT WAS ADDRESSED TO ME ABOUT THE CHILDREN IN THE AREA WHERE I LIVE...I GUESS DOUGLAS COUNTY BEING TAKEN CARE OF AND LET SOMETHING ELSE HAPPEN SOMEWHERE ELSE. AND MY REJOINER WAS THAT BECAUSE I KNOW AND SEE THE CHILDREN IN THE AREA WHERE I LIVE TAKEN CARE OF IS THE REASON WHY I WANT TO SEE CHILDREN EVERYWHERE TREATED IN AN APPROPRIATE MANNER. I EVEN TRIED TO EMPHASIZE THAT WE WERE NOT DEALING SO MUCH WITH WHERE CHILDREN LIVE EVEN BUT A COURTROOM SETTING, THAT COURTS ARE NOT FRIENDLY PLACES. EVEN ADULTS WHO MAY NOT HAVE DONE ANYTHING WRONG BUT HAVE TO GO TO COURT WILL FEEL UNCOMFORTABLE AND OUR CHILDREN SHOULD NOT BE PUT IN THAT SITUATION. AND I WILL ACKNOWLEDGE THAT INTENTIONALLY I DID RAISE MY VOICE. I DID ALLOW MY ANGER TO COME THROUGH BECAUSE I WAS VERY ANGRY. I TRIED TO INVOKE THE JESUS THAT SOME OF THESE PEOPLE CLAIM THEY BELIEVE IN AND RECITED HOW HE DEALT WITH CHILDREN BUT GOT NOT VERY FAR. SO I'M GLAD NOW THAT THE DISCUSSION WILL BE SQUARELY ON HOW CHILDREN ARE TO BE TREATED. I ALSO EMPHASIZE AS I OFTEN DO THAT MY TITLE IS NOT DOUGLAS COUNTY SENATOR, NOT OMAHA SENATOR BUT STATE SENATOR. AND THAT SELF-APPLIED DESIGNATION OF "DEFENDER OF THE DOWNTRODDEN" EMBRACED ANY- AND EVERYBODY WHO FELL INTO THAT CATEGORY. AND CHILDREN OFTEN ARE IN THAT CATEGORY. SO BASED ON WHAT SENATOR KRIST HAS TOLD US--I HAVEN'T SEEN HIS AMENDMENT--WE WILL BE ABLE TO DISCUSS WHAT WE OUGHT TO BE TALKING ABOUT: THE WELFARE OF CHILDREN, THE RIGHTS THAT WE AS ADULTS HOLD TO BE SACRED, BUT THAT THE CHILDREN WHO NEED THE PROTECTION OF THESE RIGHTS MORE THAN ANYBODY ELSE ARE TO BE DENIED THOSE PROTECTIONS. I WILL WELCOME A DISCUSSION OF THAT KIND AND I WILL BE ABLE TO DO MORE LISTENING TODAY THAN TALKING PERHAPS BECAUSE WE ARE STARTING FROM A DIFFERENT PREMISE. I'D LIKE TO ASK SENATOR KRIST A QUESTION IF HE WOULD LIKE TO...IF HE WOULD RESPOND. [LB894]

SPEAKER HADLEY: SENATOR KRIST, WILL YOU YIELD TO A QUESTION? [LB894]

SENATOR KRIST: YES. [LB894]

SENATOR CHAMBERS: SENATOR KRIST, DID YOU HAVE TO TAKE AN ANTACID TABLET OR ANYTHING AS YOU WATCHED WHAT WE WERE DOING YESTERDAY? [LB894]

SENATOR KRIST: SEVERAL. [LB894]

Floor Debate
March 22, 2016

SENATOR CHAMBERS: THANK YOU. YOU'RE HUMAN. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SEILER, YOU'RE RECOGNIZED. [LB894]

SENATOR SEILER: GOOD MORNING, MR. SPEAKER, MEMBERS OF THE UNICAMERAL. ONE OF THE THINGS I LEARNED AFTER I TRIED ABOUT THREE JURY TRIALS IS THAT LAWYERS SHOULD NOT SPEAK IN LEGALESE BECAUSE THE PEOPLE DON'T UNDERSTAND IT. I WANT TO RUN THROUGH A TYPICAL PICKUP OF A CHILD FOR, SAY, MIP. THE POLICE OFFICER TAKES HIM TO THE POLICE STATION. HIS PARENTS ARE CALLED TO COME AND GET HIM. THEY COME AND GET HIM. THEN WHAT HAPPENS IS THE COUNTY ATTORNEY IS NOTIFIED THAT THIS PERSON HAS BEEN ARRESTED AND HE LOOKS AT THE CHARGES. HE LOOKS AT THE HISTORY OF THIS CHILD. HAS HE EVER BEEN BEFORE THE COURT? HAS HE EVER BEEN A PROBLEM IN THE COUNTY ATTORNEY'S OFFICE? IF ALL OF THAT TURNS POSITIVE, THAT HE HAS NOT BEEN A PROBLEM, THE COUNTY ATTORNEYS WOULD RECOMMEND DIVERSION. AND DIVERSION SIMPLY IS THAT THE COUNTY ATTORNEY HAS THE CHARGES. AND HE LOOKS AT THE PARENTS AND HE LOOKS AT THE KID AND SAID, I'M GOING TO GIVE YOU YOUR ONLY BREAK. I'M GOING TO TELL YOU RIGHT NOW THAT IF YOU DO THESE THINGS AND, SENATOR KOLOWSKI, ONE OF THE FIRST THINGS THEY SAY IS YOU WILL ATTEND SCHOOL, YOU WILL CARRY A CERTAIN GRADE POINT AVERAGE, WHICH I KNOW YOU CAN DO. AND I'VE TALKED TO THE SUPERINTENDENT. HE'S WILLING TO TAKE YOU BACK INTO THE SCHOOL SYSTEM, OR A PRINCIPAL. AND HE SAYS YOU CAN MAKE THESE GRADES. THERE'S ABOUT FIVE OTHER THINGS. YOU'LL REFRAIN FROM ALCOHOL. YOU WILL REFRAIN FROM BEING OUT PAST A CERTAIN TIME, 10:00 USUALLY. YOUR PARENTS CAN REPORT YOU AS NOT BEING COMPLIANT WITH THEIR REQUEST AND YOU WILL BE CALLED BACK IN HERE IN VIOLATION. STOPS RIGHT THERE. IF THE COUNTY ATTORNEY EXAMINES THOSE RECORDS AND THIS KID HAS BEEN BEFORE THEM MANY TIMES, HE WILL PROBABLY FILE THE CHARGE. HE WILL FILE THE CHARGE OF A JUVENILE. THE CHILD IS BROUGHT WITH THE PARENTS TO THE COURTROOM AND THEY ARE READ THEIR RIGHTS. NOW THE ONLY DIFFERENCE THAT WE SEE IN THIS BILL AS FAR AS COSTS--AND I WANT TO COVER THAT RIGHT NOW--IS THAT A PUBLIC DEFENDER, IF IT'S A ONE-CHILD, ONE-ARREST, THE PUBLIC DEFENDER WILL BE APPOINTED TO REPRESENT THAT CHILD. PUBLIC DEFENDERS ARE SALARIED. THEIR COSTS ARE THERE NO MATTER HOW MANY CASES THEY HANDLE OR HOW FEW CASES. THEY GET PAID A SALARY. SO THERE'S NOT AN ADDITIONAL CHARGE FOR THESE APPEARANCES. THAT'S...YOU'RE KIND OF LED ASTRAY BY SOME OF THE MATERIALS I'VE SEEN HANDED OUT. THEIRS SAY THEY'RE CHARGING FOR THE

Floor Debate
March 22, 2016

WHOLE GROUP OF CASES WHICH THE PUBLIC DEFENDER HANDLES MOST OF. SO IT'S KIND OF MISLEADING. WHEN THEY SAY THEY GET UNINTENDED CONSEQUENCES, THEY'RE STRETCHING IT. WHAT I'M SAYING IS THAT THERE IS A TIME WHEN MORE ATTORNEYS ARE APPOINTED. SAY THEY PICK UP FOUR CHILDREN. IT'S A CONFLICT FOR THE PUBLIC DEFENDER TO REPRESENT MORE THAN ONE. SO THEY DO APPOINT THREE OTHER ATTORNEYS TO REPRESENT THE OTHER THREE BOYS. AND THEY'RE PAID USUALLY \$100 AN HOUR. [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR SEILER: THAT IS A LITTLE HIGH. SO I QUESTION THE CALCULATIONS ON HOW MUCH MORE THIS BILL IS GOING TO COST THE COUNTIES. AND BESIDES THAT, THERE'S AN INDIGENT FUND THAT THE COUNTIES CAN APPLY TO. AND AS I UNDERSTAND IT FROM OUR LEGAL STAFF THAT NONE OF THE COUNTIES HAVE BEEN APPLYING FOR ANY OF THIS MONEY IN ANY MASS AMOUNTS. SO THAT FUND IS STILL THERE IF THEY ARE OVERLOADED WITH COST. BUT THE BOTTOM LINE OF THIS BILL IS THERE'S A GAP AT THE TOP BETWEEN WHERE THE CHILD IS CHARGED AND THE DIVERSION THAT IS THE ONLY ADDITIONAL COSTS THAT WOULD BE NORMAL FOR A CHILD RECEIVING ATTORNEY FEES. IT DOES NOT... [LB894]

SPEAKER HADLEY: TIME, SENATOR. [LB894]

SENATOR SEILER: ...RUN UP LARGE BILLS. THANK YOU, MR. SPEAKER. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR SEILER. THOSE IN THE QUEUE: SENATOR GROENE, COASH, CAMPBELL, CRAWFORD, HANSEN, AND OTHERS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB894]

SENATOR GROENE: THANK YOU, MR. SPEAKER. DID I GET PASSIONATE YESTERDAY? YES, BECAUSE ASSUMPTIONS WERE MADE ABOUT WHAT WE DO IN RURAL NEBRASKA. I TOLD ONE SENATOR IF YOU THINK...IF ANYBODY THINKS WE'RE A FLYOVER COUNTRY, WALK THE HALLWAYS ON BOTH SIDES OF THIS CHAMBER AND SEE WHERE THOSE PEOPLE...THE BUS THAT THOSE PEOPLE CAME FROM. THEY CAME FROM RURAL NEBRASKA, THE VAST MAJORITY OF THEM. WE ARE WELL-EDUCATED, VERY WISE INDIVIDUALS AND WE LOVE OPEN SPACES AND WE LOVE OUR FREEDOMS. I WAS VERY GLAD WHEN I LOOKED AT MY E-MAILS LAST NIGHT THAT I HAD MORE JUDGES AND ATTORNEYS FROM OUT IN RURAL AREAS THANKING ME PROFUSELY FOR MY STANDS YESTERDAY AND MY

Floor Debate
March 22, 2016

ARTICULATE, THEY SAID, AND TO-THE-POINT ARGUMENTS. I GUESS I'M NOT AS SIMPLE AS SOME PEOPLE THOUGHT. THE JUDGES OFFERED THIS INFORMATION: EVERY SINGLE PERSON WHO COMES IN FRONT OF THEM, NO MATTER WHAT THE AGE, IS INFORMED THAT THEY HAVE A RIGHT TO COUNSEL. THEY ARE INFORMED OF THAT. THEY ALSO HAVE THE RIGHT TO WAIVE COUNSEL; 70 PERCENT OF THE JUVENILES THAT COME TO OUR JUVENILE COURT OUT THERE SEEK DIVERSION. THEY NEVER SEE THE JUDGE. THE REST OF THEM, THERE'S NOT A SERIOUS FELONY WHO THE FAMILY BRINGS A LAWYER OR SEEKS COUNSEL, END UP IN THE SAME PLACE, IN DIVERSION WITH NO RECORD. MY POINT YESTERDAY WAS WE DO NOT HAVE A PROBLEM IN RURAL NEBRASKA. WE TAKE CARE OF OUR OWN AND I'M PROUD OF THAT STATEMENT. WE DO. OUR VILLAGES, OUR NEIGHBORS, OUR GRANDPARENTS, OUR MINISTERS, THAT'S OUR VILLAGE. WE TAKE CARE OF EACH OTHER. WE DO NOT NEED THE STATE TO DO IT FOR US. LINCOLN COUNTY, WE DO HAVE A DIVERSION PROGRAM. WE DO HAVE AN ELECTED PUBLIC DEFENDER. I'VE BEEN VISITING WITH SENATOR SEILER. THEY ARE BUSY WITH THE ADULT COUNSELS THAT THEY...PUBLIC DEFENDERS. IF AN INDIVIDUAL CHILD HAS A SERIOUS FELONY, THEY HANDLE THAT. THEY DO NOT HAVE THE BUDGET OR THE TIME TO TAKE...TO SERVE EVERY SINGLE, BY MANDATE, COUNSEL. THEY DO NOT HAVE THAT. BY THE WAY, THE RIGHT TO WAIVE COUNSEL IS A CONSTITUTIONAL RIGHT ALSO. THIS BILL DENIES THAT-- DENIES IT. NOW THAT ALL SAID, I GOT THAT OFF MY CHEST, IF WHAT I HEAR OF SENATOR KRIST'S AMENDMENT IS CORRECT, I WILL PROBABLY SUPPORT IT. I'LL THROW THE PARENTS IN THE URBAN COUNTIES UNDER THE BUS, THAT THEY WILL HAVE TO HAVE COUNSEL AND NOT BE ABLE TO BE PARENTS. THEY'LL LOSE THEIR PARENTAL RIGHTS TO HANDLE IN THEIR FAMILY IF THEY WANT COUNSEL OR NOT. BUT, HEY, APPARENTLY THE MAJORITY OF THE PEOPLE ELECTED THESE URBAN SENATORS, JUST LIKE I GOT ELECTED. [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR GROENE: AND IF THAT'S WHAT YOU WANT THEN YOU'RE WELCOME TO IT, BUT JUST LEAVE US ALONE. AND WE APPRECIATE SENATOR KRIST'S EFFORTS AND WE'LL WAIT TO SEE WHAT HIS AMENDMENT SAYS. THANK YOU. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR COASH, YOU'RE RECOGNIZED. [LB894]

SENATOR COASH: THANK YOU, MR. PRESIDENT. OKAY, SO I'VE HEARD ON THIS FLOOR SO FAR YESTERDAY AND THIS MORNING, ONE SIZE DOESN'T FIT ALL. YOU

Floor Debate
March 22, 2016

TAKE CARE OF OURS, WE'LL TAKE CARE...YOU TAKE CARE OF YOURS, WE'LL TAKE CARE OF OURS. SENATOR GROENE, YOU MENTIONED THE DIVERSION PROGRAM IN YOUR PART OF THE STATE. LET ME TELL YOU WHERE THE MONEY COMES FROM THAT. IT COMES FROM A \$6.2 MILLION APPROPRIATION THAT WE PASSED LAST YEAR TO BE USED FOR DIVERSION, ALTERNATIVES TO DETENTION, EVIDENCE-BASED PRACTICES THAT SHORTEN THE LENGTH OF STAY IN THE SYSTEM. AND THAT WAS A STATEWIDE PROGRAM, STATEWIDE APPROPRIATION. WOULD SENATOR GROENE YIELD TO A QUESTION? [LB894]

SENATOR GROENE: YES. [LB894]

SPEAKER HADLEY: YES, SENATOR GROENE, WILL YOU YIELD? [LB894]

SENATOR GROENE: YES. [LB894]

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR GROENE, GIVEN YOUR STATEMENTS, SHOULD WE TAKE THAT \$6.2 MILLION APPROPRIATION AND ONLY APPLY IT TO THOSE COUNTIES THAT ARE GOING TO BE... [LB894]

SENATOR GROENE: COULD YOU CLARIFY SOMETHING, SIR, BEFORE I ANSWER THAT? [LB894]

SENATOR COASH: SURE. [LB894]

SENATOR GROENE: IS IT MANDATORY THAT MY COUNTY TAKES PART IN THIS DIVERSION PROGRAM? [LB894]

SENATOR COASH: NO. [LB894]

SENATOR GROENE: OH. YOU JUST ANSWERED...YOU JUST DEFENDED MY STANCE. IT'S NOT MANDATORY. THANK YOU. [LB894]

SENATOR COASH: SO... [LB894]

SENATOR GROENE: WELL, ANYWAY... [LB894]

Floor Debate
March 22, 2016

SENATOR COASH: SENATOR GROENE, IF I WERE TO PUT AN AMENDMENT UP TO SAY THAT THIS MONEY WAS ONLY TO BE USED IN THE COUNTIES WHERE THEY WANT IT, WOULD YOU BE SUPPORTIVE OF THAT AMENDMENT? [LB894]

SENATOR GROENE: IT'S WHAT WE ALREADY DO. IF IT'S BY CHOICE, WE ALREADY DO THAT, SIR. [LB894]

SENATOR COASH: SO SHOULD I PUT AN AMENDMENT UP THAT SAYS THIS IS ONLY AVAILABLE TO COUNTIES THAT PROVIDE COUNSEL FOR THEIR YOUTH, MANDATORY LEGAL COUNSEL? IN OTHER WORDS, IF SENATOR KRIST'S AMENDMENT... [LB894]

SENATOR GROENE: I'M TRYING TO FIGURE OUT HOW YOU'RE TYING THOSE TWO TOGETHER. BECAUSE YOU WERE TRYING TO MANDATE TO US THAT YOU HAVE TO ISSUE...AND BY THE WAY, MY JUDGES SAID THEY HANDLED IT BEFORE THE DIVERSION TOO. YOU CLEANED THE STREETS OR YOU DID SOMETHING AND NO KIDS ENDED UP IN JAIL OR WITH A RECORD. BUT THANK YOU FOR THE...GIVING US BACK SOME OF OUR STATE MONEY THAT WE DON'T GET IN OUR STATE AID IN EDUCATION. I APPRECIATE IT. [LB894]

SENATOR COASH: OKAY. HERE'S MY POINT, COLLEAGUES, AND I APPRECIATE THE DIALOGUE, SENATOR GROENE. I JUST...I FIND IT INTERESTING THAT WE HAVE INITIATIVES ON THIS FLOOR WHERE SOME PEOPLE WANT TO GET CARVED OUT, BUT NOT WHEN IT COMES TO MONEY. NOBODY WANTS CARVED OUT THEN. I'LL BET IF I PUT THAT AMENDMENT UP, THE JUDGES WOULD BE CALLING EVERY SENATOR SAYING, OH MY GOSH, NO, WE CAN'T HAVE THAT. WE NEED TO HAVE THE MONEY THAT'S APPROPRIATED BUT WE JUST DON'T WANT TO HAVE THE RESPONSIBILITY THAT GOES WITH IT. AND THAT'S KIND OF WHAT I...THAT'S HOW I DO SEE THIS APPROACH. I'M GOING TO YIELD THE BALANCE OF MY TIME IN A MOMENT TO SENATOR KRIST SO HE CAN PULL HIS BRACKET AND PUT UP HIS AMENDMENT, WHICH I'M NOT GOING TO VOTE FOR. I UNDERSTAND WHAT HE'S TRYING TO DO. IT'S A COMPROMISE, BUT IT'S NOT GOING TO HAVE MY SUPPORT. WITH THAT, I WILL GIVE SENATOR KRIST THE REMAINDER OF MY TIME. [LB894]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE YIELDED 1:45. [LB894]

SENATOR KRIST: SO I JUST WANT TO MAKE SURE THAT I FOLLOW UP WITH WHAT SENATOR COASH SAID AND MAKE SENATOR GROENE AND OTHERS IN OUTSTATE NEBRASKA, GREATER NEBRASKA, OUT THERE ON THE WESTERN PRAIRIE AWARE

Floor Debate
March 22, 2016

OF WHAT'S CURRENTLY IN STATUTE. SINCE 2003...AND YOU CAN COPY THIS DOWN AND LOOK AT IT FOR YOURSELF, 43-260.04, JUVENILE PRETRIAL DIVERSION PROGRAM REQUIREMENTS. THIS IS HOW YOU GET PART OF THAT \$6.2 MILLION. BE AN OPTION AVAILABLE FOR THE COUNTY ATTORNEY AND THE COUNTY (SIC--CITY) ATTORNEY BASED UPON HIS OR HER DETERMINATION UNDER THIS SUBDIVISION. THE COUNTY ATTORNEY OR CITY ATTORNEY MAY USE THE FOLLOWING INFORMATION: THE JUVENILE'S AGE; THE NATURE OF THE OFFENSE; THE NUMBER AND NATURE OF PREVIOUS OFFENSES; THE RECOMMENDATION OF THE REFERRING AGENCY; PERMIT... [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR KRIST: ...PARTICIPATION BY A JUVENILE ONLY ON A BASIS OF...INCLUDING A JUVENILE DIVERSION PROGRAM; AND ALLOW THE JUVENILE TO CONSULT WITH COUNSEL PRIOR TO A DECISION TO PARTICIPATE IN THE PROGRAM. AND YOU'VE NOT BEEN TAKING ADVANTAGE OF THAT MONEY. SO SENATOR COASH IS ABSOLUTELY RIGHT. WITH THAT, I WOULD LIKE TO PULL THE BRACKET MOTION AT THIS TIME, MR. SPEAKER. [LB894]

SPEAKER HADLEY: WITHOUT OBJECTION, SO ORDERED. MR CLERK. [LB894]

CLERK: MR. PRESIDENT, THEN RETURNING TO SENATOR SCHUMACHER'S AMENDMENT AS AMENDED BY SENATOR PANSING BROOKS. SENATOR SCHUMACHER, I UNDERSTAND YOU WISH...ASKING UNANIMOUS CONSENT TO WITHDRAW THE AMENDED AMENDMENT. [LB894]

SENATOR SCHUMACHER: YES, I DO, PURSUANT TO THE DISCUSSION WITH SENATOR KRIST. [LB894]

SPEAKER HADLEY: WITHOUT OBJECTION, SO ORDERED. [LB894]

CLERK: SENATOR HUGHES, I UNDERSTAND YOU WANT TO WITHDRAW TEMPORARILY AND REFILE YOUR AMENDMENT. IS THAT RIGHT? [LB894]

SENATOR HUGHES: THAT IS CORRECT. [LB894]

SPEAKER HADLEY: WITHOUT OBJECTION, SO ORDERED. [LB894]

Floor Debate
March 22, 2016

CLERK: MR. PRESIDENT, SENATOR KRIST WOULD MOVE TO AMEND WITH AM2700. (LEGISLATIVE JOURNAL PAGES 1143-1144.) [LB894]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB894]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. AGAIN, THIS AMENDMENT IS VERY SIMPLE. "WHETHER SUCH COUNSEL SHALL BE PROVIDED AT THE COST OF THE COUNTY SHALL BE DETERMINED AS PROVIDED IN SUBSECTION (1) OF SECTION 43-272." ON PAGE 18: IN A COUNTY HAVING A POPULATION OF LESS THAN 150,000 INHABITANTS, WHEN...SO WHAT THIS DOES IS SET A THRESHOLD. YOU HAVE TO HAVE COUNSEL FOR A CHILD WHO COMES BEFORE YOUR COURT IF YOU LIVE IN A JURISDICTION, A JUDICIAL DISTRICT THAT HAS MORE THAN 150,000 PEOPLE. WHAT DOES THAT MEAN? WELL, THE PILOT TRANSLATION OF THAT IS...BECAUSE PILOTS ARE STUPID. AS HOUSES GET BIGGER, HOUSES GET SMALLER, I GO FASTER AND I GO SLOWER. THE PILOT DEFINITION OF THIS IS SIMPLE. THE 2ND, THE 3RD, AND THE 4TH, IF YOU LIVE IN THE 2ND, 3RD, AND 4TH, AND I DO, I FEEL COMPELLED TO MAKE SURE THAT MY CHILDREN, AND I CONSIDER THEM MY CONSTITUENTS AND THEIR CHILDREN TO BE CHILDREN OF MY OWN THAT I MUST ADVOCATE FOR, THEY WILL HAVE PROPER COUNSEL WHEN THEY FIND THEMSELVES IN A SITUATION WHERE THEY'RE SITTING IN A COURTROOM, JUST AS SEVERAL YEARS AGO I HELPED PASS A BILL, SPONSORED A BILL SO THAT THEY'RE NOT SHACKLED IN THAT COURTROOM. THEY NEED PROPER REPRESENTATION AND IF YOU HAVE ANY DOUBT IN YOUR MIND THAT PROPER REPRESENTATION IS NOT...SHOULD BE AFFORDED, SHOULD BE AFFORDED THEN I WOULD INVITE YOU TO GO ON-LINE TO THE MacARTHUR FOUNDATION AND PULL DOWN A NICE LITTLE VIDEO CALLED "KIDS FOR CASH." FIND OUT WHAT HAPPENS WHEN KIDS ARE NOT REPRESENTED IN A COURTROOM. IT IS COMPELLING. NOW IF YOU DON'T THINK YOU NEED IT IN GREATER NEBRASKA, AND I SAY THAT WITH A BIT OF SARCASM, THEN VOTE FOR THIS BILL BECAUSE THE 2ND, 3RD, AND 4TH ARE ALREADY DOING IT AND WE'LL ESTABLISH THIS AS A PILOT PROGRAM. AND WHEN IT COMES TO YOU PULLING DOWN MONEY WHEN YOU DON'T HAVE EVIDENCE-BASED PRACTICES AND METRICS TO PROVE THAT YOU SHOULD HAVE SUCH A PROGRAM AND SUCH MONEY, SO BE IT. GO HOME AND EXPLAIN TO YOUR KIDS AND YOUR JUDGES. AM2700 MAY NOT BE THE BEST ALTERNATIVE, BUT IT'S THE BEST ALTERNATIVE FOR MY KIDS. AND IN THIS PARTICULAR CASE, I AM REPRESENTING 40,000 PEOPLE IN DISTRICT 10 AND THE PREPONDERANCE OF DOUGLAS COUNTY WHICH I REPRESENT--I DON'T REPRESENT THE PREPONDERANCE BUT THE PREPONDERANCE OF THE KIDS IN

Floor Debate
March 22, 2016

DOUGLAS COUNTY WHO ARE ALREADY USING THIS PROGRAM AND VERY SUCCESSFULLY. SO LET'S HAVE A DISCUSSION. IF YOU DON'T WANT THIS TO HAPPEN IN YOUR JUDICIAL DISTRICT, THEN VOTE FOR AM2700 AND LET'S MOVE ON. THIS, BY THE WAY, DOES NOT CHANGE ANY OTHER REFERENCES IN LB894. THIS IS STRICTLY A CHILD AND REPRESENTATION IN A COURTROOM, JUST THAT PART OF LB894. THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. YOU'VE HEARD THE OPENING ON AM2700. THOSE IN THE QUEUE ARE SENATORS CAMPBELL, HANSEN, PANSING BROOKS, SCHILZ, SCHNOOR, AND OTHERS. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB894]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, AS LONG AS I'VE WORKED WITH SENATOR KRIST OVER THE YEARS ON JUVENILE JUSTICE AND CHILD WELFARE AND WE TRAVEL THE STATE IN HEARINGS ON THE CHILD WELFARE SITUATION, I CANNOT SUPPORT THIS AMENDMENT. YOU CANNOT BEGIN TO DEAL WITH CHILDREN'S ISSUES--CHILD WELFARE, JUVENILE JUSTICE, WHICHEVER COMPONENT OF IT YOU THINK OF--AND SAY, WELL, LET'S START PARCELING IT OUT. SENATOR CRAWFORD GOES, I DON'T NEED IT, I GOT ENOUGH PROGRAMS. WE'RE DOING GREAT IN MY COMMUNITY. WE'RE HERE TO REPRESENT EVERY CHILD IN THE STATE OF NEBRASKA, NOT JUST THOSE THAT LIVE IN OUR DISTRICT. LAST YEAR I FOUGHT REALLY HARD. I EVEN WENT SO FAR AS TO OVERCOME A VETO OF A BILL ON AID TO DEPENDENT CHILDREN. AND I SAID, THAT'S IT, DREW THE LINE AND SAID WE HAVE TO HAVE IT. AND A LOT OF YOU CAME TOGETHER AND HELPED ME. BUT YOU KNOW WHAT? IN THE STATE OF NEBRASKA, THE DISTRICT WITH THE LARGEST NUMBER OF CHILDREN UNDER THE AGE OF FIVE IN POVERTY IS SENATOR CHAMBERS' DISTRICT. AND THE DISTRICT WITH THE LEAST NUMBER OF CHILDREN IN POVERTY IS DISTRICT 25, MINE. IF I WAS ONLY REPRESENTING GOOD OLD DISTRICT 25, WHY WOULD I CARE ABOUT THAT ISSUE? BECAUSE I'M HERE TO CARE ABOUT EVERY CHILD AND EVERY YOUTH. PLEASE THINK VERY SERIOUSLY ABOUT WHAT YOU'RE DOING HERE. THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR CAMPBELL. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB894]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. YESTERDAY THROUGHOUT THE DEBATE I DIDN'T GET A CHANCE TO RISE AND SPEAK ON THIS BILL. BUT AN OLD ADAGE WAS KIND OF RUNNING THROUGH THE

Floor Debate
March 22, 2016

BACK OF MY HEAD THAT I FELT WE NEEDED TO INCLUDE. AND I WAS JUST TAKING A MOMENT TO FIND SOME HISTORY ON IT AND, INSTEAD, I FOUND A SUPREME COURT CASE THAT USES AND EXPLAINS IT. SO I'M JUST GOING TO READ A PASSAGE FROM KAY v. EHRLER, WHICH WAS A 1991 SUPREME COURT CASE ABOUT ATTORNEYS WHO REPRESENT THEMSELVES. THE QUOTE STARTS: EVEN A SKILLED LAWYER WHO REPRESENTS HIMSELF IS AT A DISADVANTAGE IN CONTESTED LITIGATION. ETHICAL CONSIDERATIONS MAKE IT INAPPROPRIATE FOR HIM TO APPEAR AS A WITNESS. HE IS DEPRIVED OF THE JUDGMENT OF AN INDEPENDENT THIRD PARTY IN FRAMING THE THEORY OF THE CASE, EVALUATING ALTERNATIVE METHODS OF PRESENTING THE EVIDENCE, CROSS-EXAMINING HOSTILE WITNESSES, FORMULATING LEGAL ARGUMENTS, AND MAKING SURE THAT REASON, RATHER THAN EMOTION, DICTATES THE PROPER TACTICAL RESPONSE TO UNFORESEEN DEVELOPMENTS IN THE COURTROOM. THE ADAGE THAT "A LAWYER WHO REPRESENTS HIMSELF HAS A FOOL FOR A CLIENT" IS THE PRODUCT OF YEARS OF EXPERIENCE BY SEASONED LITIGATORS. COLLEAGUES, WE AS ATTORNEYS AND JUDGES WOULD RECOGNIZE THAT IF PRESENTED IN A COURT CASE, WHETHER CIVIL OR CRIMINAL, IT'S IN OUR BEST INTEREST TO NOT REPRESENT OURSELVES FOR MANY OF THOSE REASONS, TO HAVE A LITTLE BIT OF EMOTIONAL DISTANCE SO YOU'RE NOT GOING WITH GUT RESPONSES, TO HAVE AN OBJECTIVE VIEW, TO HAVE MORE THAN ONE OPINION IN THE COURTROOM. AND THIS IS WHAT I'M TALKING ABOUT AS AN ATTORNEY, AS A MEMBER OF THE BAR, AS SOMEONE WHO COULD GO OUT AND SOLICIT CLIENTS AND REPRESENT PEOPLE. I KNOW MYSELF WELL ENOUGH, I KNOW MY SKILLS, AND I KNOW HOW A COURTROOM WORKS WELL ENOUGH THAT I WOULD NEVER REPRESENT MYSELF. I WOULD INSIST ON HAVING COUNSEL ONE WAY OR THE OTHER. AND THE NOTION THAT IS OUT THERE THAT WE HAVE SOME SORT OF SYSTEMIC ISSUES IN WHICH THERE ARE PLACES IN THE STATE WHERE JUVENILES, OF ALL PEOPLE, JUVENILES, KIDS DO NOT HAVE ACCESS OR RELIABLE ACCESS TO ATTORNEY OR ARE DISSUADED FROM USING AN ATTORNEY AND THE FACT THAT WE HAVE PEOPLE ON THIS FLOOR THAT ARE SAYING, NAH, IT'S FINE, JUST GO TELL THE JUDGE YOU'RE SORRY, JUST IS SHOCKING TO ME. YOU KNOW, THERE ARE SO MANY DIFFERENT THINGS, INS AND OUTS OF THE COURTROOM, IT'S TOUGH TO FOLLOW. I'VE BEEN HELPING OUT A CONSTITUENT. I'VE HAD A CONSTITUENT CONTACT ME ABOUT THE DIFFICULTIES SHE'S HAD ABOUT JUST HAVING A CHARGE ON HER CRIMINAL HISTORY--AND THIS ISN'T A JUVENILE--BUT EVEN JUST A CHARGE IN CRIMINAL HISTORY. SHE WAS SUCCESSFUL IN GETTING THE CHARGES DROPPED. STILL SHOWS UP IN BACKGROUND CHECKS. NOW WE'VE GOT, I BELIEVE, LEGISLATION HOPEFULLY IN FINAL READING THAT WILL ADDRESS SOME OF THAT. I WAS GLAD TO SEE THAT ADVANCE. BUT THIS ISN'T JUST A SIMPLE DYNAMIC, YOU CAN JUST

Floor Debate
March 22, 2016

GO IN FRONT OF THE JUDGE AND GET A SLAP ON THE WRIST. YOU KNOW, IT'S EASIER AND CHEAPER TO PLEAD NO CONTEST OR WHAT HAVE YOU. WELL, THAT'S NOT FACTORING IN ALL OF THE CONCERNS. LATER...I CAN'T SPEAK FOR EVERY PROFESSION IN THE STATE, BUT YOU KNOW, I REMEMBER WHEN...I CAN'T SPEAK FOR EVERY PROFESSION IN THE STATE, BUT YOU KNOW, THEY...EMPLOYERS, COLLEGES, CERTIFICATIONS LOOK AT HISTORY. AND EVEN IF YOU'VE GOT A WHAT, QUOTE UNQUOTE, IS A SLAP ON THE WRIST OR, YOU KNOW, THE JUDGE SENTENCES YOU TO COMMUNITY SERVICE, THAT "SOMETHING" SHOWS UP AND THAT'S SOMETHING THAT CAN HAVE LONG-TERM CONSEQUENCES AND IMPLICATIONS THAT YOU JUST HEARING THAT IT'S ESSENTIALLY A PLEA OF IF I DON'T HAVE A LAWYER AND I BE NICE TO THE JUDGE I GET THIS RATHER THAN GOING INTO DETENTION IS NOT A SCENARIO I WANT TO ENCOURAGE IN THIS STATE. [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR HANSEN: IT'S NOT A...THANK YOU, MR. PRESIDENT. IT'S NOT A SCENARIO I THINK WE AS A BODY WANT TO ENCOURAGE AS A STATE. NOW I THINK MAYBE SOME OF THE ARGUMENTS ABOUT WHO PAYS FOR THIS AND WHAT HAVE YOU IS FAIR. BUT CERTAINLY LET'S NOT PRETEND LIKE A TEENAGER, A PRETEEN OR WHAT HAVE YOU IS GETTING UP IN FRONT OF A JUDGE AND IS IN ANY WAY IN THE BEST POSITION, IN THE BEST CAPACITY MENTALLY, EMOTIONALLY TO REPRESENT THEMSELVES IN ANY WAY THAT'S FAIR TO THEM. THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR HANSEN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB894]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. WILL SENATOR PANSING BROOKS YIELD TO A QUESTION, PLEASE? [LB894]

SPEAKER HADLEY: WILL SENATOR PANSING BROOKS YIELD TO A QUESTION? [LB894]

SENATOR PANSING BROOKS: YES, I'D BE HAPPY TO. [LB894]

SENATOR SCHNOOR: OKAY. THIS HAS BEEN GOING ON NOW FOR THE LAST DAY AND A HALF. AND I SEE ALL THE ATTORNEYS ARE WALKING BACK AND FORTH

Floor Debate
March 22, 2016

AND DISCUSSING AND TRYING TO FIGURE OUT HOW TO GET TO THE FINISH LINE ON THIS. SO YOU HAVE MANY OTHER PEOPLE IN HERE THAT AREN'T ATTORNEYS THAT MAY OR MAY NOT UNDERSTAND WHAT SPECIFICALLY IS GOING ON. SO A QUESTION I HAVE FOR YOU, I MEAN WE'RE TALKING ABOUT JUVENILE JUSTICE AND WE'RE TALKING ABOUT WHETHER OR NOT THESE JUVENILES SHOULD BE EITHER ALLOWED TO OR MAYBE EVEN FORCED TO GET REPRESENTED. AND AS AN ADULT, YOU KNOW, FOR ME, THE LEGAL THINGS THAT HAPPEN ARE VERY CONFUSING SO I CAN ONLY IMAGINE FOR A JUVENILE HOW BAD IT COULD BE AND THE PRESSURES THEY COULD HAVE. BUT IS...IF THIS PASSES, ARE JUVENILES...IS IT MANDATORY THAT THEY RECEIVE REPRESENTATION OR IS IT OPTIONAL? [LB894]

SENATOR PANSING BROOKS: THANK YOU FOR THAT QUESTION, SENATOR SCHNOOR. AND I APPRECIATE THE ADMISSION THAT, YES, IT IS CONFUSING, ESPECIALLY FOR PEOPLE WHO HAVEN'T BEEN TRAINED IN THE LAW. THERE, IN THE BILL, IS...THERE IS STILL A RIGHT TO WAIVE COUNSEL. BUT WHAT WE ARE DOING WITH THIS BILL IS SAYING THAT FOR A CHILD TO BE ABLE TO DETERMINE WHETHER OR NOT THEY'RE GOING TO WAIVE THAT COUNSEL, THEY NEED REPRESENTATION TO EXPLAIN IT ALL, WHICH MAKES IT MUCH FASTER. YOU COME IN TO THE COURT HEARING. YOU KNOW WHETHER OR NOT YOU'RE GOING WAIVE OR NOT. THE JUDGE DOESN'T HAVE TO TAKE THE EXTRA TIME, THE COUNTY ATTORNEY DOESN'T HAVE TO TAKE THE EXTRA TIME TO MAKE SURE THAT THOSE RIGHTS ARE...THAT THE CHILD'S RIGHTS HAVE NOT BEEN VIOLATED. AND THEN IF YOU LOOK AT PAGE 19, SECTION 14 OF THE AMENDMENT, IT GOES THROUGH THE ENTIRE PART ABOUT HOW IT IS NOT CORRECT, SENATOR GROENE, THEY DO HAVE A RIGHT TO WAIVE. WE'RE NOT TAKING AWAY THE RIGHT TO WAIVE, EVEN THOUGH TEXAS AND IOWA HAVE COMPLETELY TAKEN AWAY THE CHILD'S RIGHT TO WAIVE. AND I'LL SAY THAT AGAIN. CONSERVATIVE STATES OF TEXAS AND IOWA HAVE TAKEN AWAY THE CHILD'S RIGHT TO WAIVE BECAUSE THEY DON'T BELIEVE THAT A CHILD CAN ACTUALLY KNOWINGLY, INTELLIGENTLY WAIVE THEIR RIGHT AND UNDERSTAND WHAT THEY'RE DOING. SO TO MAKE SURE THAT THOSE CONSTITUTIONAL RIGHTS HAVE NOT BEEN VIOLATED OR TROMPED UPON IN ANY WAY, STATES ALL OVER THE COUNTRY ARE DOING WHAT WE'RE TRYING TO DO. AND THIS IS A MUCH MORE GENTLE WAY, BUT IT IS A WAY TO MAKE SURE THAT JUVENILES ARE REPRESENTED IN THE VERY COMPLEX AND CONFUSING JUVENILE COURT SYSTEM. AND THE REASON THAT IT'S THIS WAY IS THAT JUVENILES CAN BE PUT INTO DETENTION AND ARE PUT INTO DETENTION FOR EVEN MINOR INFRACTIONS. SO THAT'S WHAT THE ISSUE IS HERE. IT'S NOT LIKE THE ADULT SYSTEM. IN THE ADULT SYSTEM, THEY CAN ONLY...THEIR LIBERTY

Floor Debate
March 22, 2016

AND THEIR ABILITY TO BE FREE IS TAKEN AWAY ONLY FOR FELONIES. IN THE JUVENILE COURT SYSTEM, IT'S TOTALLY DIFFERENT. A JUDGE CAN PUT SOMEBODY INTO DETENTION OR OUT-OF-HOME PLACEMENT FOR A MINOR INFRACTION. THEY LOOK AT THE TOTALITY. THEY LOOK AT THE RISKS OF...TO THE CHILD AND NOT THE SEVERITY OF THE CRIME. SO, AGAIN, IT'S THE RISKS OF THE CHILD AND NOT THE SEVERITY OF THE CRIME THAT THEY LOOK AT. AND THAT'S WHY WE GIVE THE JUDGES SUCH A BROAD RANGE OF ABILITIES TO TAKE THE FREEDOMS AWAY FROM THOSE CHILDREN. [LB894]

SENATOR SCHNOOR: OKAY. I HAVE MORE QUESTIONS FOR YOU. [LB894]

SENATOR PANSING BROOKS: OKAY. THANK YOU. [LB894]

SENATOR SCHNOOR: SO... [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR SCHNOOR: WE HAVE ONE MINUTE TO GET THIS DONE. SO THEY'RE GIVEN REPRESENTATION. THEY CAN WAIVE THAT LATER ON. IF THEY GET TO A POINT WHERE FOR WHATEVER HAPPENS AND WE HAVE NO IDEA, BUT IF THEY GET TO A POINT WHERE THEY'RE GETTING IN OVER THEIR HEAD THEY NEED REPRESENTATION, CAN THEY GET IT BACK OR HAS THEIR...WHEN THEY HAVE WAIVED THAT, HAVE THEY WAIVED IT FOR THE ENTIRETY OF THE, I'LL SAY, THE TRIAL? [LB894]

SENATOR PANSING BROOKS: IT IS NOT A PERMANENT WAIVER IF THEY SAY...THEY DECIDE THAT THEY'RE OVER THEIR HEADS. BUT THAT JUST DOES NOT HAPPEN IN PRACTICE, SENATOR SCHNOOR, SO. [LB894]

SENATOR SCHNOOR: OKAY. ALL RIGHT. THANK YOU, SIR. [LB894]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH. SIR? [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR SCHNOOR. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB894]

Floor Debate
March 22, 2016

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR KRIST WOULD YIELD TO A QUESTION. [LB894]

SPEAKER HADLEY: SENATOR KRIST, WILL YOU YIELD TO A QUESTION? [LB894]

SENATOR KRIST: YES. ABSOLUTELY. [LB894]

SENATOR BLOOMFIELD: THANK YOU, SENATOR KRIST. WITH YOUR AMENDMENT, I WONDER IF THERE MIGHT NOT BE SOME CONSTITUTIONAL ISSUES. DO YOU SEE ANY IN THAT WE GIVE CERTAIN THINGS TO ONE PART OF THE STATE AND THE OTHER PART WE DO NOT? [LB894]

SENATOR KRIST: SENATOR BLOOMFIELD, THE ART OF CRAFTING A BILL IS TO KNOW WHEN THAT PARTICULAR DRAFT WOULD BE CALLED SPECIAL LEGISLATION AND THAT WOULD MAKE IT UNCONSTITUTIONAL. SO IN THIS PARTICULAR CASE, WHAT WE SAID IS...INCLUDED MULTIPLE JURISDICTIONS BY THE SIZE OF THE JUDICIAL DISTRICT. SO, NO, SIR, IT WOULD NOT. AND I'D FLASH BACK TO LB561 A FEW YEARS AGO. I THINK YOU WERE HERE. WE STARTED OUT WITH JUST USING THE WORDS "CITY OF THE MUNICIPAL CLASS." WHEN YOU DO IT BY CLASS, YOU CAN ALSO AVOID THE TERM...HAVING CONSTITUTIONAL PROBLEM BY DOING A SINGLE SUBJECT OR GETTING INTO A CONSTITUTIONAL ISSUE. [LB894]

SENATOR BLOOMFIELD: OKAY, I WILL ACCEPT YOUR ANSWER AT THIS POINT. BUT I WONDER IF IT ENDS UP IN A COURTROOM IF IT WOULDN'T BE A DIFFERENT ANSWER. BUT THANK YOU, SENATOR. AND, MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR KRIST. [LB894]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE YIELDED 3:18. [LB894]

SENATOR KRIST: I WON'T USE ALL OF IT. SENATOR BLOOMFIELD, THANK YOU FOR THE QUESTION. AND I WOULD INVITE ANY OF YOU TO ASK THAT SAME QUESTION IN TERMS OF WHETHER IT IS A CONSTITUTIONAL ISSUE, WHETHER IT'S A SINGLE SUBJECT, OR WHETHER IT'S SPECIAL LEGISLATION. AND I THINK THIS WOULD PASS THE MUSTER. I BELIEVE SENATOR SEILER MAY HAVE...CAN WEIGH IN ON IT AND LET YOU KNOW IF YOU HAVE OTHER QUESTIONS FOR EITHER OFF THE MIKE OR ON. BUT I AM 100 PERCENT SURE THAT THIS IS NOT AN ISSUE WITH A CONSTITUTIONAL...ANY KIND OF CONSTITUTIONAL PROBLEM. I

Floor Debate
March 22, 2016

JUST WANT TO REEMPHASIZE TO YOU ALL THAT LB894, WITHOUT MY INITIAL...WITHOUT MY BILL, WHICH WAS LB675 WHICH I WITHDREW BECAUSE OF GREATER NEBRASKA'S CONCERN ABOUT WHERE TO PUT YOUR KIDS AND NOT PUTTING THEM IN A DETENTION FACILITY--REWIND, REMEMBER THAT? REMEMBER THE CONCESSION WE MADE BASICALLY WITH SAYING I UNDERSTAND NOT EVERY SHOE FITS EVERY FOOT. SO WE WITHDREW LB675 FROM THIS PACKAGE. SO AS WE STAND RIGHT NOW, LB894 IN ITS PRESENT SHAPE SHOULD NOT FAIL, SHOULD NOT FAIL BECAUSE OF THIS PARTICULAR ISSUE. SO WHATEVER WE DO IN MANEUVERING OVER THE NEXT HOUR, LET'S MAKE SURE THAT LB894 HAS A CHANCE TO SUCCEED WITH ITS REMAINING PIECES, PARTS. SO WITH THAT, I WOULD YIELD THE BALANCE OF MY TIME BACK TO THE CHAIR. THANK YOU, SENATOR BLOOMFIELD. [LB894 LB675]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. (VISITORS INTRODUCED.) SENATOR FRIESEN, YOU'RE RECOGNIZED. SENATOR FRIESEN. [LB894]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WELL, I THINK IF I UNDERSTAND THE AMENDMENT NOW, I THINK I DO SUPPORT THE BILL AND I WOULD LIKE TO ASK SENATOR KRIST A FEW QUESTIONS. [LB894]

SPEAKER HADLEY: SENATOR KRIST, WILL YOU YIELD TO A QUESTION? [LB894]

SENATOR KRIST: YES, I WOULD. [LB894]

SENATOR FRIESEN: COULD YOU DESCRIBE THE PROCESS THAT HAPPENS NOW IN OMAHA IN A COURT SYSTEM WHERE A JUVENILE IS BROUGHT BEFORE A JUDGE. [LB894]

SENATOR KRIST: SURE. IN DOUGLAS COUNTY, WHICH IS ITS OWN JUDICIAL DISTRICT IN THE STATE, COUNTYWIDE, DISTRICTWIDE, IF A CHILD APPEARS IN A JUVENILE COURT OR IF A CHILD IS CHARGED IN AN ADULT COURT, THAT CHILD IS PROVIDED WITH LEGAL COUNSEL. [LB894]

SENATOR FRIESEN: SO AT THAT POINT, ARE PARENTS USUALLY INVOLVED OR IT DOESN'T MATTER WHETHER THE PARENTS ARE THERE OR NOT? [LB894]

SENATOR KRIST: IF THERE ARE PARENTS OR IF THEY WANT TO BECOME INVOLVED. I THINK THAT'S A...IN ALL FAIRNESS AND SPEAKING VERY CALMLY

Floor Debate
March 22, 2016

ABOUT THE ISSUE, I THINK THAT IS A BIG DIFFERENCE BETWEEN WHERE YOU LIVE AND WHERE I LIVE. LACK OF PARENTAL INVOLVEMENT OR PROBLEMS WITHIN A FAMILY STRUCTURE SOMETIMES DON'T AFFORD A CHILD AN OPPORTUNITY TO HAVE ADULT GUIDANCE, AND WE'VE ALL TALKED ABOUT THE JUVENILE BRAIN. [LB894]

SENATOR FRIESEN: IF PARENTS SHOWED UP AT THE HEARING AND SAID THEY DID NOT WANT TO BE REPRESENTED, WOULD THE JUDGE HONOR THAT REQUEST OR WHAT HAPPENS? [LB894]

SENATOR KRIST: CURRENTLY IN STATUTE THERE IS ALREADY A PROVISION THAT IF YOU WAIVE COUNSEL, IT WILL BE WAIVED. [LB894]

SENATOR FRIESEN: OKAY. [LB894]

SENATOR KRIST: NOW THE CHILD IN THIS PARTICULAR CASE, IN MY ESTIMATION, DOES NOT HAVE THAT COGNITIVE ABILITY TO WEIGH OUT WHETHER OR NOT HE OR SHE SHOULD WAIVE. THE PARENTS OR THE GUARDIANS, IF THEY ARE PRESENT, WOULD HAVE THAT COGNITIVE ABILITY AND WOULD BE ALLOWED TO WAIVE COUNSEL. [LB894]

SENATOR FRIESEN: THANK YOU. THANK YOU, SENATOR KRIST. AND WHEN I WAS SPEAKING WITH HALL COUNTY, TOO, WHEN A JUVENILE IS BROUGHT, THEY ARE AUTOMATICALLY ALL OFFERED COUNSEL AT NO COST. THE PARENTS MAY REJECT THAT ADVICE AND SAY THEY WANT TO, YOU KNOW, MOVE FORWARD IF IT'S A MINOR CASE. BUT I THINK THEY ARE GIVEN ADVICE THAT, IN ALL CASES, THAT THEY ARE OFFERED AN ATTORNEY AT NO COST, AND SO AT THAT POINT THEY CAN CHOOSE WHETHER OR NOT TO ACCEPT THE COUNSEL. AND THEN LATER ON, IF THEY DETERMINE THAT THE PARENTS CAN AFFORD IT, THEN THE PARENTS ARE BILLED THAT COST. I DON'T KNOW HOW OFTEN THAT HAPPENS. BUT IN CASES WHERE THERE IS A POTENTIAL, I GUESS, FOR OUT-OF-HOME PLACEMENT OF A JUVENILE, THEN AN ATTORNEY IS ASSIGNED TO THEM AND THEY ARE REQUIRED TO HAVE AN ATTORNEY. SO I GUESS WHEN THEY...IT JUST DEPENDS ON THE CASE, I GUESS, ON HOW ADAMANT THEY ARE. AND THEN SOMETIMES, I THINK THE WAY I UNDERSTOOD IT, THERE CAN BE AN ATTORNEY APPOINTED FOR THE HUSBAND AND ONE FOR THE WIFE, EITHER PARENT AND THE CHILD. SO YOU COULD HAVE...POTENTIALLY HAVE THREE ATTORNEYS REPRESENTING THEM, WHICH IN SOME CASES I THINK IS WISE. SO THE WAY I UNDERSTAND THE BILL AND THE WAY I VIEW IT NOW, I THINK THIS IS

Floor Debate
March 22, 2016

SOMETHING THAT DOES WORK IN DIFFERENT AREAS IN DIFFERENT WAYS. I UNDERSTAND THE SITUATION IN THE LARGER CITIES. IF IT'S WORKING FOR THEM, GREAT. I JUST LOOK AT IT LIKE, IN OUR AREAS, IN THE SMALLER COUNTIES, I JUST BELIEVE THAT THE OPPORTUNITY FOR PARENTS TO BE INVOLVED IS MORE. IT'S SMALLER. YOU HAVE MORE OPPORTUNITIES TO BE WITH YOUR KIDS WHEN THEY'RE IN THAT PROBLEM. IT'S NOT AS DIFFICULT AS IT IS IN THE LARGER CITIES WHERE BOTH PARENTS ARE WORKING. SOMETIMES HERE IT'S JUST ONE PARENT WORKING. BUT I DO THINK THAT DIFFERENT SITUATIONS REQUIRE DIFFERENT SOLUTIONS. SO I... [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR FRIESEN: ...I SUPPORT THIS BILL AND WE'LL SEE WHERE IT GOES FROM HERE. THANKS, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB894]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. WELL, THIS HAS BEEN QUITE THE CONVERSATION. WE HAVE A LOT OF GOOD PEOPLE IN THIS STATE BUT WE ARE FAR FROM PERFECT, WHEREVER WE LIVE, WHETHER IT'S IN RURAL OR URBAN. AND I'M NOT SURE THAT I'M WILLING TO SAY THAT WE'RE A LITTLE BIT BETTER OUT IN RURAL NEBRASKA, THAT WE CAN TAKE CARE OF OUR KIDS BETTER OUT THERE, THAT WE HAVE MORE PARENTAL INVOLVEMENT OUT THERE. I MEAN, I THINK WE'RE SETTling FOR LESS WITH AM2700. I THINK WE WOULD ALL BE SURPRISED. OKAY, SENATOR CAMPBELL SAYS THAT SHE HAS THE LOWEST NUMBERS OF CHILDREN IN POVERTY IN HER DISTRICT; THE HIGHEST NUMBERS ARE IN SENATOR CHAMBERS' DISTRICT. BUT LET'S LOOK AT THE MIDDLE. AND I THINK ALL OF US WOULD BE SURPRISED AT THE DEPTHS OF POVERTY THAT EXISTS ALL OVER OUR STATE. AND WHAT ARE WE SAYING? I MEAN, I JUST DON'T FEEL COMFORTABLE WITH SAYING THAT, OKAY, UNDER AM2700, THIS REPRESENTATION WILL BE GIVEN TO JUVENILES IN JUST A FEW SELECT COUNTIES. WHAT ABOUT THE REST OF NEBRASKA? I WOULDN'T BE FULFILLING MY RESPONSIBILITY AS A STATE SENATOR TO PAY ATTENTION TO WHAT'S HAPPENING TO KIDS ALL OVER OUR STATE. SO WE ARE HERE WITH A BILL. I THINK THERE ARE LOTS OF GOOD THINGS IN LB894, SO I DON'T WANT IT TO FAIL. BUT RIGHT NOW, AS I'M THINKING THROUGH AM2700, I DON'T THINK THAT THAT BODES WELL FOR OUR KIDS IN OUR STATE. I LISTENED TO SENATOR PANSING BROOKS, AND HER APPROACH IS A GENTLER VERSION, TO STILL ALLOW A

Floor Debate
March 22, 2016

JUVENILE TO WAIVE RIGHT TO COUNSEL. BUT IN THE WHOLE SCHEME OF THINGS, AT LEAST WITH THAT, WITH LB894, THEY ARE GIVEN THE OPPORTUNITY FOR COUNSELING AND EXPLANATION OF WHAT'S BEFORE THEM. I THINK THAT SHOULD BE AFFORDED TO EVERY JUVENILE, WHEREVER THEY LIVE IN THIS STATE. WE HAVE TO BE VERY CAREFUL OF SEGMENTING OURSELVES AND SAYING, WELL, WE HAVE A DIFFERENT SITUATION. DO WE REALLY KNOW THAT? I DON'T THINK SO. I THINK WE ARE, UNFORTUNATELY, REINFORCING SOME STEREOTYPES IN THIS CONVERSATION. THINK ABOUT WHAT'S BEST FOR A CHILD, FOR A JUVENILE, NO MATTER WHERE THEY LIVE. AND, YES, THERE MIGHT BE A COST THAT GOES WITH THAT. BUT I THINK WITH AM2700, WE ARE SHIRKING OUR RESPONSIBILITY TO CHILDREN IN THIS STATE. THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. (VISITORS INTRODUCED.) SENATOR MURANTE. [LB894]

SENATOR MURANTE: QUESTION. [LB894]

SPEAKER HADLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB894]

ASSISTANT CLERK: 27 AYES, 0 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: DEBATE DOES CEASE. SENATOR KRIST, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB894]

SENATOR KRIST: THANK YOU, MR. PRESIDENT AND COLLEAGUES. AND AGAIN, GOOD MORNING, NEBRASKA. IT IS NOT WITHOUT A GREAT DEAL OF THOUGHT THAT I HAVE PUT AM2700 UP THERE TODAY. WOULD I LIKE TO AFFORD, AS A STATEWIDE COCHAIR FOR JDAI, ALL CHILDREN IN NEBRASKA THE OPPORTUNITY TO HAVE COUNSEL? YOU BET, NO QUESTION. I HEARD SENATOR SULLIVAN AND OTHERS' COMMENTS ABOUT MAKING SURE. IT IS TRUE--AND SENATOR FRIESEN AND I TALKED OFF THE MIKE--IT IS TRUE THAT COUNSEL IS OFFERED IN MANY CASES ACROSS THE STATE BUT RIGHT NOW IT IS NOT MANDATORY. IT'S NOT COMPULSORY THAT THEY HAVE LEGAL COUNSEL. THIS BILL WOULD MAKE IT THAT WAY ACROSS THE STATE. WHAT I HAVE SEEN IN MY LEGISLATIVE DISTRICT, MY COUNTY, AND OUR JUDICIARY DISTRICT IS A WONDERFUL BLEND OF EVERY CHILD BEING AFFORDED ALL OF THEIR CONSTITUTIONAL RIGHTS IN THE

Floor Debate
March 22, 2016

COURTROOM. AND IN MY ESTIMATION, IN MY COUNTY THAT IS A REQUIREMENT BECAUSE WE DON'T OFTEN SEE TWO PARENTS APPEARING IN COURT, ONE PARENT APPEARING IN COURT, A GUARDIAN THERE TO HELP THEM OUT. THAT'S ESSENTIALLY WHY WE CAME TO THAT. AND AGAIN, ONE WINGTIP DOES NOT FIT ALL FEET. I GET IT. AND THAT'S WHY AM2700 ONLY APPLIES TO THE 2ND, 3RD, AND THE 4TH JUDICIARY DISTRICTS. I WILL SAY, THOUGH, SENATOR COASH'S COMMENTS ARE RIGHT ON THE MONEY. WE HAVE GONE OUT OF OUR WAY IN THE LAST FIVE OR SIX YEARS TO MAKE SURE THAT THERE IS A POT OF MONEY SO YOU CAN'T CALL THIS AN UNFUNDED MANDATE. YOUR COUNTY HAS THE OPPORTUNITY TO DRAW DOWN ON COUNTY ASSISTANCE MONEY. IT HAS AN OPPORTUNITY TO DRAW DOWN ON THESE FUNDS. THERE'S THREE WAYS I'VE LEARNED TO KILL A BILL OR TO KILL A NOTION OR A GOOD IDEA: IT'S NOT CONSTITUTIONAL; I'LL KILL IT BY FISCAL NOTE; OR I'LL CALL IT A MANDATE. THIS IS ONE OF THOSE THAT WE HAVE TO COME TO GRIPS WITH IN TERMS OF WHAT KIND OF SERVICES WE'RE AFFORDING OUR CHILDREN. I WOULD ASK FOR A GREEN VOTE ON AM2700 AND A GREEN VOTE ON LB894 AND ALLOW US TO MOVE ON WITH THE SCHEDULE. IF AM2700 FAILS, I WOULD ASK YOU FOR AN OPPORTUNITY TO MAKE SURE THAT THE BALANCE OF LB894, WITHOUT THIS SUBJECT MATTER, IS ABLE TO MOVE FORWARD. WITH THAT, I'D ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE IN REGULAR ORDER. [LB894]

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. [LB894]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB894]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR BURKE HARR, SENATOR KUEHN, SENATOR GLOOR, SENATOR SMITH, SENATOR LARSON, SENATOR KINTNER, SENATOR HILKEMANN, THE HOUSE IS UNDER CALL. SENATORS LARSON AND HILKEMANN, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. MR. CLERK, THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. I'M SORRY, SENATOR HILKEMANN, THE HOUSE IS UNDER CALL. MR. CLERK, THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB894]

Floor Debate
March 22, 2016

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1144-1145.) 33 AYES, 7 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB894]

SPEAKER HADLEY: AM2700 PASSES. RAISE THE CALL. MR. CLERK. [LB894]

CLERK: SENATOR HUGHES, MAY I ASSUME YOU'RE AMENDMENT GOES AWAY, SENATOR? IS THAT RIGHT? OKAY. THANK YOU. MR. PRESIDENT, I HAVE NOTHING FURTHER ON THE BILL AT THIS POINT. [LB894]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB894]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. THANK YOU FOR THE DEBATE AND THANK YOU FOR YOUR INPUT, SENATOR KRIST. I'M STILL LOOKING AT IT OVERALL TO MAKE SURE IT STRIKES EVERYTHING OR IF IT JUST STRIKE THE ORIGINAL LANGUAGE. BUT IT LOOKS GOOD SO FAR AS I PERUSE THROUGH IT AND I VOTED FOR IT. AS TO THE DIVERSION PROGRAM, IT SAYS IN STATUTE THAT THE CHILD SHOULD BE OFFERED COUNSEL, SHOULD BE TOLD THEY CAN HAVE COUNSEL. IT DOESN'T SAY THEY HAVE TO HAVE COUNSEL. THAT IS WHAT WE DO. EVERY JUDGE IN OUR AREA ASKS IF YOU NEED COUNSEL. IF YOU WANT COUNSEL, YOU CAN HAVE IT AND YOU CAN WAIVE IT. THE DIVERSION PROGRAM LANGUAGE DOESN'T ALTER FROM THAT. I HAVE A QUESTION JUST FOR CLARIFICATION ON THIS BILL FROM--FOR, YOU KNOW, I HAVE RELATIVES IN THE EAST, TOO, WITH CHILDREN--TO CLARIFY FOR SENATOR PANSING BROOKS SOME LANGUAGE IN THE ER181, THE FORM THE BILL IS IN RIGHT NOW, IF SHE WOULD TAKE A QUESTION. SENATOR PANSING BROOKS, QUESTION? [LB894]

SPEAKER HADLEY: SENATOR PANSING BROOKS, WILL YOU YIELD TO A QUESTION? [LB894]

SENATOR PANSING BROOKS: YES, MR. PRESIDENT. THANK YOU. HAPPY TO DO SO. [LB894]

SENATOR GROENE: SENATOR PANSING BROOKS, ON ER181, ON LINE 12 ON PAGE 15: IF CONTINUED DETENTION--AND GO ON--SERVICES, OR SUBDIVISION (SIC--SUPERVISION) IS NECESSARY. THE JUVENILE SHALL BE REPRESENTED BY COUNSEL AT THE HEARING. AND THEN ON PAGE 19 IN SECTION 14, STARTING ON LINE 26, IT SAYS: IN ANY COURT PROCEEDING, ANY WAIVER OF THE RIGHT TO COUNSEL BY A JUVENILE SHALL BE MADE IN OPEN COURT, SHALL BE

Floor Debate
March 22, 2016

RECORDED. SO AM I READING THIS RIGHT? THE CHILD STILL HAS TO BE GIVEN COUNSEL, CANNOT WAIVE IT PRIOR TO THE HEARING. THEY CAN ONLY WAIVE IT AFTER COUNSEL HAS BEEN GIVEN AND THEN IN THE HEARING THEY CAN WAIVE COUNSEL AND THEN THE COUNSEL GOES AWAY. IS THAT THE WAY I'M READING THIS? [LB894]

SENATOR PANSING BROOKS: THAT'S RIGHT. THEY HAVE COUNSEL TO BE ABLE TO EXPLAIN TO THEM WHAT THE ISSUES ARE SO THEY CAN KNOWINGLY...THE REQUIREMENT IS KNOWINGLY, INTELLIGENTLY WAIVE. [LB894]

SENATOR GROENE: THANK YOU. SO THIS BILL DOES TAKE AWAY THE RIGHT, THE PARENTAL RIGHTS OF THE PARENT, AND IT DOES TAKE AWAY THE RIGHTS OF THE JUVENILE TO WAIVE COUNSEL. [LB894]

SENATOR PANSING BROOKS: NO, IT DOESN'T. [LB894]

SENATOR GROENE: IT SAYS IT RIGHT THERE. THE COUNSEL IS WAIVED LATER DURING THE HEARING, WITH THE COUNSEL STANDING BESIDE HIM. SO, NO, YOU HAVE LOST THE RIGHT TO WAIVE COUNSEL. YOU HAVE LOST THE RIGHT OF THE PARENTAL RIGHTS--THIS IS A PARENTAL RIGHTS BILL, BY THE WAY, FOLKS--TO SAY, NO, WE'LL TAKE CARE OF THIS AS A FAMILY. AND WE, BECAUSE THIS CHILD HAS NOT REACHED THE AGE OF ADULTHOOD, WE AS PARENTS WILL DECIDE HOW THIS ISSUE IS HANDLED IN THE COURTS. YOU HAVE TO APPOINT A COUNSEL PRIOR TO THE HEARING. YOU HAVE LOST YOUR RIGHT IN THREE JUDICIAL DISTRICTS TO WAIVE COUNSEL. THANK YOU. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB894]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. WILL SENATOR PANSING BROOKS YIELD TO A QUESTION OR TWO? [LB894]

SPEAKER HADLEY: SENATOR PANSING BROOKS, WILL YOU YIELD TO A QUESTION? [LB894]

SENATOR PANSING BROOKS: YES, I'D BE HAPPY TO. [LB894]

Floor Debate
March 22, 2016

SENATOR KINTNER: WELL, THANK YOU. WELL, YOU KNOW I'M NOT AN ATTORNEY. I'M MARRIED TO ONE. I'VE STAYED IN A HOLIDAY INN EXPRESS A FEW TIMES. I SIT BEHIND SENATOR SCHUMACHER THERE. I HAVE THAT GOING FOR ME. BUT I WANT TO KIND OF FLESH OUT HOW AN ATTORNEY IS APPOINTED. IF YOU HAVE A 13-YEAR-OLD THAT HAS VIOLATED THE LAW, STOLEN SOMETHING, ASSAULTED SOMEONE, HE DOESN'T HAVE THE RIGHT TO WAIVE AN ATTORNEY OR ANYTHING. I MEAN, HE HAS TO HAVE A PARENT OR GUARDIAN. HE'S NOT OF LEGAL AGE TO MAKE DECISIONS. SO DOESN'T HIS GUARDIAN HAVE TO MAKE THE DECISIONS FOR HIM IN TERMS OF HOW TO PROCEED, IF HE WANTS AN ATTORNEY, IF HE DOESN'T, ALL THAT STUFF? [LB894]

SENATOR PANSING BROOKS: THAT'S A REALLY GOOD QUESTION, SENATOR KINTNER. AND THE SUPREME COURT HAS RULED THAT IT ACTUALLY IS THE CHILD'S RIGHT TO WAIVE. BUT, AGAIN, WE HAVE AN ISSUE HERE, AND THAT'S WHERE PEOPLE ACROSS THE NATION, PEOPLE ARE TORN, BECAUSE HOW DOES A CHILD ACTUALLY KNOWINGLY AND INTELLIGENTLY WAIVE THEIR RIGHT AND UNDERSTAND WHAT THEY'RE DOING? AND SO THAT'S PART OF THE ISSUE OF WHY HAVING CHILDREN UNREPRESENTED AND WAIVING MAKES NO SENSE IN OUR STATE. [LB894]

SENATOR KINTNER: SO YOU HAVE AN 11-YEAR-OLD KID. YOU DON'T ALLOW HIM TO GO OUT PAST 9:00. YOU MAKE HIM EAT HIS VEGETABLES WHEN HE DOESN'T WANT TO. BUT THE KID COULD ACTUALLY SAY, NO, MOM, I DON'T WANT AN ATTORNEY? HE COULD OVERRULE THE PARENT AND SAY, NO ATTORNEY? [LB894]

SENATOR PANSING BROOKS: ARE YOU TALKING ABOUT IF THEY'RE IN A COURTROOM... [LB894]

SENATOR KINTNER: YEAH, YEAH. [LB894]

SENATOR PANSING BROOKS: ...THAT IF THE PARENTS SAY THEY WANT TO DO THIS? [LB894]

SENATOR KINTNER: WELL, YOU KNOW, THE PARENTS ARE SAYING, WE'RE GOING TO...WE WOULD LIKE AN ATTORNEY FOR OUR CHILD. THE KID STANDS UP AND GOES, NAH, I DON'T WANT AN ATTORNEY. AND BY THE WAY, I WANT SOME CUPCAKES WHEN I GET HOME TOO. I MEAN YOU CAN'T DO THAT, CAN YOU, REALLY? [LB894]

Floor Debate
March 22, 2016

SENATOR PANSING BROOKS: WELL, THEORETICALLY THE COURTS WOULD HOLD THAT. BUT AGAIN, COURTS LOOK AT ALL THE CIRCUMSTANCES AND DETERMINE. AND RIGHT NOW THEY'RE TAKING A HUGE PORTION OF THE PARENTS' INTERESTS INTO CONSIDERATION WHEN THEY'RE DOING THIS. AND IF THE PARENTS WANT TO HIRE THEIR OWN ATTORNEY, THAT'S POSSIBLE AS WELL, WHICH ALSO SAVES THE COUNTIES MONEY. [LB894]

SENATOR KINTNER: SO THE PARENT WOULD SAY, I WANT AN ATTORNEY. THE KID MIGHT SAY I MIGHT NOT AND THE JUDGE WOULD HAVE TO DECIDE WHAT THEY'RE GOING TO DO? [LB894]

SENATOR PANSING BROOKS: NO. WHAT WE TALKED ABOUT IS THE ATTORNEY IS APPOINTED TO EXPLAIN WHAT THE OPTIONS ARE. WHAT KIND OF LOSSES WILL OCCUR FROM THE RIGHTS THAT WOULD...FROM ANY KIND OF DISPOSITION OF THE CASE. AND SO THEN THE CHILD, WITH CONSULTATION WITH THEIR PARENTS, NO DOUBT, OR A GUARDIAN, WOULD MAKE THAT DECISION. AND THE JUDGE MAKES SURE THAT THE CHILD IS KNOWINGLY AND INTELLIGENTLY EITHER WAIVING COUNSEL OR REQUESTING... [LB894]

SENATOR KINTNER: IF THE PARENT SAYS, WE NEED TO PLEAD GUILTY AND THE KID SAYS, NO, I WANT TO PLEAD NOT GUILTY, WHAT DOES THE COURT DO THE THEN? [LB894]

SENATOR PANSING BROOKS: THERE'S THE WHOLE PROBLEM. PARENTS ARE SICK OF THEIR KIDS. THEY'RE SAYING, FORGET IT, WE DON'T WANT TO TAKE OFF WORK. WE DON'T CARE ABOUT THE FACT THAT YOU HAVE TO PLEAD GUILTY AND THIS IS GOING TO AFFECT YOUR RIGHTS TO SCHOLARSHIP. IT'S GOING TO AFFECT YOUR ABILITY TO GET A JOB WHEN YOU'RE 18. THAT IS THE PROBLEM, RIGHT THERE. AND SENATOR GROENE IS SAYING THAT, OH, YOU KNOW, WE ALL TAKE CARE OF OUR KIDS OUT THERE. WELL, MAYBE HE DOES AND MAYBE OTHERS THAT HE KNOWS ALSO TAKE CARE OF THEIR KIDS. BUT THAT IS NOT THE CASE ACROSS THE STATE WITH EVERY CHILD. [LB894]

SENATOR KINTNER: SO WE'RE....THIS IS NEEDED BECAUSE SOME PARENTS ARE NOT GOOD PARENTS? [LB894]

SENATOR PANSING BROOKS: IT'S NEEDED FOR A LOT OF REASONS. THERE'S ALL SORTS OF SYSTEMIC FACTORS THAT CAUSE... [LB894]

Floor Debate
March 22, 2016

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR PANSING BROOKS: ...CHILDREN TO WAIVE ATTORNEYS, INCLUDING THE CALENDAR OF THE JUDGE, INCLUDING THE FACT THAT IT'S MUCH EASIER FOR THE COUNTY ATTORNEYS TO PROSECUTE THE CASE WITHOUT OPPOSING COUNSEL, INCLUDING THE FACT PARENTS DON'T WANT TO TAKE OFF FROM WORK TO COME IN TO REPRESENT THAT CHILD. THERE ARE MANY REASONS. [LB894]

SENATOR KINTNER: OKAY. ALL RIGHT. [LB894]

SENATOR PANSING BROOKS: AND IF YOU LOOK AT THE STUDY THAT YOU ALL FUNDED IN 2009, IT'S QUITE CLEAR THAT THERE ARE MANY REASONS THAT CHILDREN ARE FORCED TO WAIVE. [LB894]

SENATOR KINTNER: THANK YOU VERY MUCH, SENATOR PANSING BROOKS. I APPRECIATE YOU TAKING THE TIME TO FILL ME IN ON HOW THIS WORKS. I FEEL LIKE I'M A LITTLE BETTER EDUCATED. THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB894]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I DELIBERATELY STAYED OUT OF THE DISCUSSION. I LISTENED VERY CAREFULLY. AND I'M GOING TO SPEAK TO THE BEST OF MY ABILITY ON THE LAW AND THE CONSTITUTION. I DON'T CARE ABOUT THE COUNTIES OR ANY OF THOSE OTHER UNDERCURRENTS. I WAS VERY IMPRESSED BY WHAT THE CHAIRPERSON OF THE EDUCATION COMMITTEE HAD TO SAY, SENATOR SULLIVAN. I'M GOING TO START WITH THE NEBRASKA CONSTITUTION, ARTICLE I, SECTION 3. "NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR BE DENIED EQUAL PROTECTION OF THE LAWS." WHEN YOU ENACT A LAW AND YOU ENSHRINE A RIGHT IN THAT LAW SUCH AS THE RIGHT TO COUNSEL, YOU CANNOT SAY THIS RIGHT APPLIES HERE, PERIOD, AND OVER HERE, IT'S LEFT TO THE WHIM OF POLITICIANS AS TO WHETHER IT'S GRANTED OR DENIED. I THINK WHAT YOU JUST DID IS UNCONSTITUTIONAL. WE GO BEYOND DUE PROCESS IN THE NEBRASKA CONSTITUTION, AS DOES THE FEDERAL CONSTITUTION, BY PUTTING IN ANOTHER PROVISIO. YOU CANNOT BE DENIED EQUAL PROTECTION OF THE LAW. THE LAW THAT YOU ARE PASSING SAYS JUVENILES ARE ENTITLED TO REPRESENTATION. THEN YOU'RE SAYING, ONLY IF THEY'RE IN THESE

Floor Debate
March 22, 2016

PARTICULAR LOCATIONS. AND THE CHILDREN SIMILARLY SITUATED, BECAUSE OF WHERE THEY LIVE, ARE DENIED THAT RIGHT. THAT IS NOT EQUAL PROTECTION OF THE LAW. THAT'S ALL THAT I'M GOING TO SAY AND YOU ALL CAN PROCEED WITH THE BILL AS YOU PLEASE. I'M NOT GOING TO HAVE ANYTHING FURTHER TO DO WITH IT. AND THIS IS NOT LIKE ONE OF THOSE SITUATIONS WHERE PILATE SAYS I'M WASHING MY HANDS. I'VE STATED THE STRONGEST POSITION THAT I CAN. I'M NOT GOING TO DO TODAY AS I DID YESTERDAY OVER AND OVER AND OVER BECAUSE IT SERVES NO PURPOSE. AND I WANT, IF THE TRANSCRIPT IS EVER REVIEWED, TO SEE THIS ONE POINT UNCLUTTERED BY ANYTHING ELSE, THAT MY VIEW IS THAT THE AMENDMENT YOU ALL JUST ADOPTED VIOLATES ARTICLE I, SECTION 3 OF THE NEBRASKA CONSTITUTION IN THAT IT DENIES EQUAL PROTECTION OF THE LAW TO CERTAIN JUVENILES. THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB894]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. FIRST, I JUST WANT TO SAY, OUT OF FINDING COMMON GROUND, I WAS NOT THRILLED ABOUT THAT AMENDMENT AND I HAVE CONCERNS SIMILAR TO SENATOR SULLIVAN'S. AND SHE DID ARTICULATE THAT VERY WELL, AS DID SENATOR CHAMBERS. BUT ON THE GOAL OF GOING FORWARD, THERE ARE IMPORTANT THINGS IN THIS BILL BESIDES THE FACT THAT IT'S IMPORTANT TO GIVE COUNSEL TO JUVENILES. WE NEED TO GO FORWARD ON THIS. SO WITH THAT, I GIVE MY TIME TO SENATOR KRIST. [LB894]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE YIELDED 4:25. [LB894]

SENATOR KRIST: THANK YOU. I WAS HOPING SENATOR CHAMBERS WOULD STILL BE IN THE CHAMBER. SENATOR CHAMBERS, IF YOU'RE WITHIN AN EARSHOT, I'D LIKE TO ADDRESS A QUESTION. BUT HERE IS, I THINK, A POINT IN TERMS OF THE UNCONSTITUTIONAL PART OF HIS CONCERNS AND I'D JUST LIKE TO CARRY ON A BIT OF A DISCUSSION WITH SENATOR CHAMBERS, IF HE WOULD YIELD. [LB894]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD TO A QUESTION?
[LB894]

SENATOR CHAMBERS: YES, I WILL. [LB894]

Floor Debate
March 22, 2016

SENATOR KRIST: YOU KNOW I'M NOT A LAWYER. YOU KNOW THAT I RESPECT YOUR OPINION WHEN IT COMES TO LEGAL MATTERS AND SO I WOULD ASK YOU, JUST...THERE'S NO INTENT TO DISCUSS OR TO GET INTO ANY KIND OF AN ARGUMENTATIVE PHASE HERE. BUT WHAT WE'VE DONE WITH THAT AMENDMENT ACTUALLY SAYS WHAT YOU ARE CURRENTLY DOING IN THOSE THREE JUDICIAL DISTRICTS, WE ARE TELLING YOU TO CONTINUE TO DO THAT. WE HAVEN'T MANDATED THAT THEY DO SOMETHING DIFFERENT THAN WHAT THEY ARE CURRENTLY DOING. DOES THAT AT ALL CHANGE YOUR MIND IN TERMS OF MAKING SURE THAT THOSE KIDS WHO ARE CURRENTLY BEING TREATED WITHIN THOSE JURISDICTIONS THAT WAY CONTINUE TO BE TREATED THAT WAY? [LB894]

SENATOR CHAMBERS: WHAT I'M LOOKING AT, SENATOR KRIST, IS THAT YOU ARE SAYING, WHEN YOU ENACT THIS LAW, THAT CHILDREN WHO ARE NOT IN COUNTIES WITH A CERTAIN POPULATION ARE NOT ENTITLED TO REPRESENTATION BY COUNSEL. THE LAW CANNOT...AND REMEMBER, I'M GIVING MY OPINION. THE LAW CANNOT ON THE ONE HAND SAY THAT THE RIGHT TO COUNSEL IS IMPORTANT AND IT'S IMPORTANT FOR JUVENILES, BUT IF THE JUVENILES DON'T LIVE IN A CERTAIN COUNTY OF A CERTAIN POPULATION, THEY DON'T HAVE THAT RIGHT. IT IS SAYING THAT THEY ARE NOT EQUAL BEFORE THE LAW. AND PEOPLE CAN DISAGREE WITH WHAT I'M SAYING AND I'M NOT GOING TO GET UPSET. I SAID THAT I'M EXPRESSING MY UNDERSTANDING OF THE LAW AND THE CONSTITUTION, AND THAT'S WHY I'M LEAVING THE BILL ALONE. [LB894]

SENATOR KRIST: OKAY. [LB894]

SENATOR CHAMBERS: I'M NOT SAYING PEOPLE SHOULD KILL IT OR ANYTHING. I JUST CANNOT SUPPORT IT. [LB894]

SENATOR KRIST: OKAY. I JUST WANTED TO PUT THAT ON THE RECORD. THANK YOU, SENATOR CHAMBERS, AND I APPRECIATE YOU COMING BACK IN. SO IT IS TRUE THAT WHAT WE HAVE DONE IN TERMS OF, I GUESS, THE PROPER TERMINOLOGY IS TO MAKE SURE THAT THAT...THOSE JURISDICTIONS THAT ARE CURRENTLY DOING WHAT THEY'RE DOING, NOT DO ANYTHING DIFFERENTLY, THAT THEY CONTINUE TO DO THAT. SO I WANTED TO MAKE SURE THAT WE PUT THAT ON THE RECORD. THANK YOU, SENATOR PANSING BROOKS AND SENATOR CHAMBERS, FOR YOUR COURTESY. [LB894]

Floor Debate
March 22, 2016

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD TO A QUESTION...
YIELDED 1:30. OH, I'M SORRY. IT'S YOUR TIME, SENATOR SCHUMACHER. [LB894]

SENATOR SCHUMACHER: SO I'VE GOT A 1:30, IS THAT IT? 5:00. OKAY, ALL RIGHT. WE'RE ALL SET. LB894 IS OF THE BEST INTENTIONS, AND IF WE WERE LIVING IN A WORLD OF UNLIMITED RESOURCES, THERE WOULD HAVE BEEN NO SPAT OUT OF ME. UNFORTUNATELY, WE ARE NOT LIVING IN SUCH A WORLD. UNFORTUNATELY, WE'VE GOT TO SET THINGS SO THAT WE PAY THE BILLS AND RAISE THE REVENUE. AND ALL TOO EASILY WE SEEM TO, ON AN INCREMENTAL BASIS, ADOPT THIS GOOD IDEA, THAT NICE IDEA, AND INCREMENTALLY WE AND THE LOCAL GOVERNMENTS PUT OURSELVES IN A POSITION OF NOT WATCHING THE SPENDING. LOOK AT YOUR GREEN SHEET FOR TODAY. I KIND OF WATCH THAT. I TAKE A CASH RESERVE AS AN INDICATOR OF ECONOMIC HEALTH, AN INDICATOR OF WHETHER OR NOT WE ARE BALANCING THE BUDGET, WHETHER WE LEAVE THIS INSTITUTION STRONGER THAN WE CAME TO IT. IF YOU TAKE THAT BOTTOM LINE ON THE SECOND COLUMN FOR THIS YEAR, 2015-16 AT \$728 MILLION, AND YOU GO UP TO LINE 9, AND YOU TAKE THE \$728 MILLION, DIVIDE IT BY LINE 9, YOU GET 16.9 PERCENT IN OUR CASH RESERVE. NOW I REALIZE THERE'S A LOT OF WRINKLES THAT CAN HAPPEN BETWEEN NOW AND THREE YEARS FROM NOW, BUT THEY TRY TO MAKE A PROJECTION OUT THERE BASED SOMETIMES ON WHAT I THINK ARE OPTIMISTIC ASSUMPTIONS. BUT EVEN USING THOSE OPTIMISTIC ASSUMPTIONS, YOU TAKE THAT BOTTOM LINE OF \$634 MILLION THAT'S DOWN IN THE LOWER RIGHT-HAND CORNER AND YOU DIVIDE IT BY ITS LINE 9, AND YOU COME UP WITH 12.8 PERCENT. JUST IN RAW NUMBERS, NOT IN PERFECTION BUT JUST A GENERAL INDICATION, THAT'S DOWN ABOUT A QUARTER OVER THAT THREE-YEAR PERIOD. THAT MEANS WE HAD MORE SPENDING PROPORTIONATELY, AND WE HAD AN INABILITY TO RAISE REVENUE TO HOLD US FLAT. THAT'S NOT GETTING INTO THE ARGUMENT WHO SHOULD...IF THAT MONEY SHOULD BE...IS TOO MUCH OR TOO LITTLE. IT TELLS US WE ARE NOT PAYING THE BILLS. WE ARE NOT CASH FLOWING. YOU ADD THAT INTO THE ABSOLUTE QUAGMIRE WE ARE IN OUR TAXING SYSTEM WITH PROPERTY TAXES, PEOPLE, PARTICULARLY THE AG SECTOR WHO HAS INCREASED VALUATIONS, COMPLAINING ABOUT CASH FLOW, SAYING THAT WE NEED SOME TYPE OF LIMITS, AND WE'VE DISCUSSED WITH INTENSITY PUTTING LIMITS ON THIS FORM OF GOVERNMENT OR THAT FORM OF GOVERNMENT AND FIND THAT IT'S REALLY HARD TO MAKE ONE SHOE FIT ALL. WE'VE GOT THE BUSINESS COMMUNITY TELLING US THAT OUR INCOME TAXES ARE TOO HIGH, THAT THE WORLD WOULD BE BETTER IF WE ROLLED THEM BACK. WE HAVE PEOPLE IN OUR \$20,000-\$120,000 PRICE RANGE WHO PAY MOST OF THE SALES TAX FEELING VERY STRAPPED. AND WE NEED TO WATCH EVERY INCREMENTAL BIT OF SPENDING, EVERY ONE OF

Floor Debate
March 22, 2016

THESE. WE'RE GOING BACKWARDS. THAT'S NOT A GOOD FEELING, WITH ALL THE THINGS WE'VE TALKED ABOUT IN THE PAST REGARDING OUR FUTURE EXPENSES. WE'RE GOING TO BE TALKING ABOUT ONE IN THE NEXT BILL THAT'S A BIG ONE. WE'RE ALREADY TALKING ABOUT SENATOR KOLTERMAN'S... [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR SCHUMACHER: ...RETIREMENT ISSUES, WHICH ARE A BIG ONE. THESE ARE NOT HAPPY THINGS. I'M SATISFIED THAT WITH THE AMENDMENT TO LB894 WE'VE MET OUR FISCAL RESPONSIBILITIES. THE RIGHTS OF THE CHILDREN IN THE OUT-STATE DISTRICTS ARE STILL VERY MUCH PROTECTED, AS THEY WERE BEFORE. AND IF ONE OF THOSE DISTRICTS WANTS TO DO VOLUNTARILY, THOSE JUDICIAL DISTRICTS, GET ON THE BANDWAGON OF FORCED COUNSEL, NOTHING IS STOPPING THEM. BUT I WOULD CALL TO THE ATTENTION OF THE BODY THE FACT THAT THIS SPENDING THING, IF WE DON'T HAVE THE REVENUE FOR THINGS, THAT CASH RESERVE IS NOT GOING TO LAST FOREVER AND THAT PICNIC BASKET IS GOING TO GO DRY AND SOME FUTURE LEGISLATURE IS GOING TO HAVE A REAL, REAL TOUGH SERIES OF DECISIONS. THANK YOU. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR KRIST, YOU'RE RECOGNIZED. SENATOR KRIST WAIVES. SENATOR BLOOMFIELD. [LB894]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, EDUCATION IN THE LAW APPARENTLY CARRIES A LOT OF WEIGHT. I QUESTIONED THE CONSTITUTIONALITY OF THAT AMENDMENT AND IT WAS PRETTY WELL PASSED OVER AS YOU HAVE NO IDEA WHAT YOU'RE TALKING ABOUT. SENATOR CHAMBERS CAME UP AND SAID HE DIDN'T THINK IT WOULD POSSIBLY PASS CONSTITUTIONAL MUSTER. I AGREE WITH SENATOR CHAMBERS. AND FORTUNATELY, IN THIS CASE, SENATOR CHAMBERS AGREES WITH ME. I THINK IF THIS ENDS UP IN FRONT OF A JUDGE, WE ARE PICKING WINNERS AND LOSERS OR CHOOSING FAVORITES HERE AND I DON'T THINK IT WILL HOLD UP ON A CONSTITUTIONAL ISSUE. I THINK THIS JUST MAYBE KIND OF NEEDS TO GO AWAY AND LET'S COME BACK AND LOOK AT IT NEXT YEAR. YOU COME BACK, THOSE OF YOU WHO ARE ABLE, AND TAKE ANOTHER RUN AT THIS AND TRY TO GET IT RIGHT BECAUSE WHERE WE'RE HEADED NOW I DON'T BELIEVE GETS US THERE. YOU KNOW, I DON'T KNOW THAT THERE WAS AN EFFECTIVE FILIBUSTER PUT IN ON THIS PER SE, BUT I THINK WE ARE PRETTY CLOSE TO THAT TIME FRAME, SO MAYBE WE DO NEED TO TALK ABOUT THIS A LITTLE MORE. SO, COLLEAGUES, BEFORE WE RUSH IN AND PASS SOMETHING THAT MINDS FAR BRIGHTER THAN

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

Floor Debate
March 22, 2016

MINE THINK MAY BE UNCONSTITUTIONAL, LET'S DISCUSS IT A LITTLE BIT MORE.
THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR HANSEN,
YOU'RE RECOGNIZED. [LB894]

SENATOR HANSEN: QUESTION. [LB894]

SPEAKER HADLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I
DO. THE QUESTION IS SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE;
ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB894]

CLERK: 28 AYES, 3 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB894]

SPEAKER HADLEY: GIVEN THE LENGTH OF DEBATE AND TENOR, SENATOR
PANSING BROOKS, WOULD YOU LIKE TO CLOSE ON YOUR BILL? SENATOR
PANSING BROOKS WAIVES CLOSING. SENATOR HANSEN FOR A MOTION. [LB894]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB894 TO E&R FOR
ENGROSSING. [LB894]

SPEAKER HADLEY: ALL THOSE IN FAVOR SAY AYE. THERE'S BEEN A REQUEST
FOR A RECORD VOTE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED
VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB894]

CLERK: 33 AYES, 1 NAY, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL.
[LB894]

SPEAKER HADLEY: LB894 ADVANCES. MR. CLERK. [LB894]

CLERK: MR. PRESIDENT, NEXT BILL. SENATOR HANSEN, LB910. I HAVE
ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL, SENATOR. (ER182,
LEGISLATIVE JOURNAL PAGE 957.) [LB910]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB910]

Floor Debate
March 22, 2016

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB910. [LB910]

SPEAKER HADLEY: ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB910]

CLERK: MR. PRESIDENT. [LB910]

SPEAKER HADLEY: I'M SORRY. [LB910]

CLERK: I HAVE OTHER AMENDMENTS, MR. PRESIDENT. SENATOR GROENE WOULD MOVE TO AMEND WITH AM2624. (LEGISLATIVE JOURNAL PAGE 1075.) [LB910]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB910]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. A LITTLE HISTORY OF WHERE WE'RE AT: LB910 CAME THROUGH JUDICIARY COMMITTEE. LB690 CAME THROUGH THE HHS COMMITTEE AND WAS ON THE FLOOR IN GENERAL FILE AND THEN WAS ALSO AMENDED INTO LB910. AND I THINK THE SPEAKER'S OFFICE SAID YOU CAN'T DO THAT, AMEND A BILL INTO ANOTHER BILL THAT'S ALREADY ON THE FLOOR. SO CORRECT ME IF I'M WRONG, MR. SPEAKER. BUT THEN THE CHAIRMAN OF THE JUDICIARY ASKED FOR THE AMENDMENT TO BE VOTED DOWN. AND SENATOR MORFELD THEN INTRODUCED AN AMENDMENT TO...AM2469 TO LB910 TO INJECT IT IN THERE INTO THAT BILL. WE TALKED A LOT ABOUT GERMANENESS. WE TALKED A LOT ABOUT PROCEDURE AND THE ACCURACY OF IT. WE TALKED VERY LITTLE ABOUT THE BILL. I'VE BEEN TRYING TO GET THE TRANSCRIPTS BUT THEY'RE NOT AVAILABLE YET. BASICALLY WHAT WE WERE SOLD ON AND TESTIMONY FOR A LITTLE BIT WAS THAT IT'S NOT FAIR THAT SOMEBODY WITH TWO...WITH THREE OR MORE DRUG FELONIES SHOULD BE DENIED FOOD STAMPS, SNAP PROGRAM. THAT'S WHAT WE WERE TOLD. I CAUGHT IT LATE. BUT ACTUALLY AM2469 TO LB690 NOT ONLY STRUCK THE REMOVING...TAKING AWAY THE FOOD STAMPS FROM ANYBODY WITH THREE OR MORE; IT ALSO STRUCK ANY ACCOUNTABILITY THAT WAS IN THE EXISTING LAW, ANYTHING THAT WE THOUGHT WOULD HELP THESE PEOPLE STAY ON THE RIGHT PATH, TO HELP THEM WITH COUNSELING, TO MAKE SURE THEY TOOK COUNSELING. IT ALSO STRUCK THAT DRUG DEALERS WERE BANNED FROM LIFE IN NEBRASKA, ANYBODY CONVICTED OF DRUG DEALING. IT STRUCK THAT. SO

Floor Debate
March 22, 2016

WHAT I DID, AS A GOOD CHRISTIAN--EVERYBODY HAS A CHANCE TO BE BORN AGAIN--I PUT UP AN AMENDMENT THAT SAYS A PERSON WITH ONE OR MORE FELONY CONVICTIONS FOR THE POSSESSION OR USE OF CONTROLLED SUBSTANCE SHALL ONLY BE ELIGIBLE TO RECEIVE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS UNDER THIS SUBSECTION IF HE OR SHE--NOW REMEMBER, YOU CAN HAVE TEN CONVICTIONS NOW AND STILL APPLY FOR FOOD STAMPS, WE'RE CHANGING THAT PART OF THE LAW--IS PARTICIPATING IN OR HAS COMPLETED A STATE-LICENSED OR NATIONALLY ACCREDITED SUBSTANCE ABUSE TREATMENT PROGRAM SINCE THE DATE OF HIS OR HER MOST RECENT CONVICTION. ALL THEY GOT TO DO IS PROVE THEY'VE BEEN THROUGH A PROGRAM, WHICH WE DID IN THE PAST, OR ARE PRESENTLY ENROLLED. I'VE HEARD COMMENTS ABOUT, WELL, SOME POOR GUY THAT WAS...COME OUT OF PRISON AND HE'S GOT A HUNDRED BUCKS IN HIS POCKET, HOW DOES HE DO A PROGRAM? WELL, WITH LB605, THEY'RE PRETTY MUCH IN A PROGRAM. I WAS TOLD BY MY PROBATION OFFICER BACK HOME DISTRICT THAT EVERYBODY, EVERY FELON, NO MATTER WHAT, IS DRUG TESTED AND IN SOME TYPE OF PROGRAM OR IN SOME TYPE OF PROGRAM. ALSO, VOLUNTARY...OR BECAUSE WE HEARD ON THIS FLOOR THAT, WELL, IF YOU LIVE IN VENANGO, NEBRASKA, YOU DON'T HAVE ACCESS TO A PROGRAM. SO OUT OF THE KINDNESS OF OUR HEARTS WE HAD SAID, IF YOU'RE CLEAN, YOU GOT YOUR LIFE BACK TOGETHER, VOLUNTARILY TAKE A DRUG TEST AND SHOW IT TO THE SOCIAL WORKER AND PROVE THAT YOU ARE CLEAN. AND THEN YOU CAN AVOID PROVING THAT YOU HAD...IN COUNSELING OR NEED OR HAVE COMPLETED IT, VOLUNTARILY. "VOLUNTARILY," ALWAYS REMEMBER THAT WORD WHEN DISCUSSION CONTINUES HERE. AND IF YOU CONTINUE INTO THE PROGRAM, IF THAT IS THE ROUTE YOU TOOK, IN THE SNAP PROGRAM, EVERY SIX MONTHS YOU GOT TO PROVE YOU'RE CLEAN. THAT'S NOT EVERYBODY. IF YOU CAN PROVE YOU DID COUNSELING TEN YEARS AGO AND YOU'VE BEEN CLEAN AND NOT CONVICTED SINCE, YOU DON'T HAVE TO TAKE A DRUG TEST. YOU GOT A TICKET. VOLUNTARY. THE DETERMINATION OF PARTICIPATION OR COMPLETION OF SUCH A SUBSTANCE ABUSE TREATMENT PROGRAM OR NEGATIVE DRUG TESTS RESULTS SHALL BE CERTIFIED BY THE TREATMENT PROVIDER ADMINISTERING THE PROGRAM OR THE LABORATORY VERIFYING THE DRUG TEST TO THE DEPARTMENT. THAT'S WHAT WE DO NOW ON THE PROGRAM; THAT'S EXISTING LAW. MOST OF THIS IS EXISTING LAW. WE ADDED THE DRUG TEST BECAUSE OF THE CONCERN OF SOME URBAN SENATORS THAT SAID, YOU POOR RURAL FOLKS DON'T HAVE ACCESS TO PROGRAMS, SO WE'RE GIVING THEM AN OPTION. WE ALSO ADDED BACK IN WHAT THE EXISTING LAW SAYS, A PERSON SHALL BE INELIGIBLE FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS UNDER THIS SUBSECTION IF HE OR SHE HAS BEEN CONVICTED OF A FELONY

Floor Debate
March 22, 2016

INVOLVING THE SALE OR DISTRIBUTION OF A CONTROLLED SUBSTANCE. THAT'S FEDERAL LAW, EXISTING FEDERAL LAW AND WE HAD IT IN OUR EXISTING LAW. BEFORE YOU MAKE CLAIMS ABOUT, DO YOUR TIME, YOU SHOULDN'T BE PENALIZED, I HAVE HEARD ADVOCATES OF THIS SNAP PROGRAM THAT IT'S A RIGHT TO EAT. IF IT IS, THEN I'VE BEEN WAY OFF COURSE PAYING FOR MY FOOD THE LAST 60 YEARS. WHAT A WASTE, I SHOULD HAVE HAD IT FREE. IF YOU ARE A FELON IN THE STATE OF NEBRASKA FOR ANY, YOU LOSE YOUR RIGHT TO VOTE. THAT IS IN THE CONSTITUTION. IF YOU ARE A FELON IN THE STATE OF NEBRASKA, YOU LOSE YOUR RIGHT FOR THE SECOND AMENDMENT. THAT IS IN THE CONSTITUTION. SO DON'T TELL ME WE'RE PENALIZING A DRUG DEALER BECAUSE HE CAN'T GET FOOD STAMPS. YOU LOSE YOUR SECOND AMENDMENT RIGHTS, YOU LOSE THEM. YOU LOSE THE ABILITY TO BE IN THE SNAP PROGRAM, YOU CAN GO TO A CHURCH FOOD PANTRY. YOU CAN GET A JOB AND YOU CAN BUY FOOD. TELL ME ABOUT LOSING RIGHTS. THERE'S NO COMPARISON. WHY ARE WE DOING THIS AND WHY CAN WE DO IT? BECAUSE OF THE FEDERAL LAW, WHICH I GAVE A PAMPHLET OUT YESTERDAY DESCRIBING WHAT YOU CAN DO AND WHAT YOU CAN'T DO IF YOU OPT OUT OF THE DRUG FELONY DISQUALIFICATION. BY THE WAY, THE FEDERAL RULES BY A DEMOCRATIC PRESIDENT, CLINTON, AND A REPUBLICAN HOUSE WHEN THEY DID WELFARE REFORM AND IT'S BEEN...EVERYBODY SAYS IT'S BEEN A HUGE SUCCESS OVER TIME, PUT A LOT OF PEOPLE BACK TO WORK, PUTS MANDATES THAT YOU HAVE TO HAVE A JOB AND WORK SO MUCH ON AVERAGE TO GET FOOD STAMPS. PART OF THAT WAS FEDERAL LAW. ONE DRUG CONVICTION, ONE DEALER CONVICTION, YOU WERE BANNED FROM WELFARE, FROM SNAP. WE TOOK THE EXEMPTION ROUTE IN 2003. AND THAT EXEMPTION SAYS, WHICH IS COMMONLY...BY THE STATE OPTIONS REPORTED THE SNAP PROGRAM, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM--AND I'VE GOT THE LATEST ONE I PASSED OUT, IN 2013--BASED ON BEHAVIOR WHICH OCCURRED AFTER 1996 INVOLVING THE POSSESSION, USE, OR DISTRIBUTION OF CONTROLLED SUBSTANCE, STATE LEGISLATURES CAN OPT OUT OF THE PENALTY ENTIRELY--WHICH SENATOR MORFELD'S BILL TRIES TO DO--OR CHOOSE TO IMPOSE LESS SEVERE RESTRICTIONS THROUGH A MODIFIED BAN. EXAMPLES OF THESE MODIFIED APPROACHES ARE: LIMITING THE CIRCUMSTANCES IN WHICH THE PERMANENT DISQUALIFICATION APPLIES, SUCH AS ONLY WHEN CONVICTIONS INVOLVE THE SALE OF DRUGS--WE'VE DONE THAT, THAT'S A SEGMENT OF OUR AMENDMENT; NUMBER TWO, REQUIRING THE PERSON CONVICTED TO SUBMIT TO DRUG TESTING--WE'RE NOT REQUIRING THEM TO SUBMIT TO DRUG TESTING, WE'RE GIVING THEM THAT VOLUNTARY OPTION; THREE, REQUIRING PARTICIPANTS IN THE DRUG TREATMENT PROGRAM; OR FOUR, IMPOSING A TEMPORARY DISQUALIFICATION PERIOD. WE'RE NOT DOING NUMBER FOUR,

Floor Debate
March 22, 2016

THAT'S HARSH. NUMBER THREE, YOU CAN BE IN A PROGRAM. I'VE GOT A WHOLE LIST I GOT FROM THE...IT'S THAT THICK, IT'S A HALF-INCH THICK, OF ALL THE PROGRAMS AVAILABLE ACROSS THE STATE THAT QUALIFY, FROM OUR HHS DEPARTMENT. THERE'S A COUPLE IN NORTH PLATTE. I'VE TALKED TO SENATOR LARSON. IN HIS RURAL AREA, THERE'S ONE IN O'NEIL. OR IF YOU DON'T HAVE TIME, YOU MADE A MISTAKE AND GOT YOUR LIFE TOGETHER, GO TAKE A DRUG TEST AND PROVE IT, YOU'VE GOT IT TOGETHER, VOLUNTARILY. WE ARE SUPPOSEDLY A LAW AND ORDER, PERSONAL RESPONSIBILITY, CONSERVATIVE STATE. THIRTY-FIVE OF US WITH AN R BY OUR NAME. [LB910 LB690 LB605]

SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR GROENE: THAT IS WHAT WE BELIEVE. THAT'S WHAT I THOUGHT WE BELIEVED. THIS IS THE CHRISTIAN THING TO DO. THIS IS NOT THROWING PEOPLE OUT IN THE SYSTEM WITHOUT ANY HELP. THIS IS THE BEST THING TO DO TO ALLOW THAT PERSON TO SAY, LISTEN, MY PEERS, I CANNOT GO WITH YOU TONIGHT AND HAVE DRUGS BECAUSE I MIGHT BE DRUG TESTED. I HAVE TO GO TO COUNSELING. MY CHILDREN ARE MORE IMPORTANT THAN YOU AND YOUR PARTYING. I AM HELPING THEM. WE ARE HELPING THEM. HELP US GIVE ACCOUNTABILITY TO THESE PEOPLE AND VOTE GREEN ON AM2624. THANK YOU. [LB910]

SPEAKER HADLEY: THANK YOU FOR THE OPENING ON AM2624. SENATOR LARSON, YOU'RE RECOGNIZED. [LB910]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I'VE REALLY GONE THROUGH THIS ISSUE AND I CAN UNDERSTAND WHERE SENATOR GROENE IS COMING FROM. I SEE THAT VERY WELL AND I CAN SEE HOW HE GOT THERE, BEING A CONSERVATIVE AND THAT SENSE OF JUSTICE. BUT AT THE SAME TIME I STRUGGLE TO COMPLETELY AGREE WITH HIM AND COME...AND I WOULD CONSIDER BOTH OF US VERY CONSERVATIVE. I'M MAYBE A LITTLE MORE LIBERTARIAN, BUT STILL BE ABLE TO COME TO DIFFERENT ANSWERS. I UNDERSTAND WHAT HE'S TRYING TO DO WHEN IT COMES TO ENSURING THAT THOSE THAT HAVE THOSE FELONY CONVICTIONS ARE CLEAN IF THEY ARE GETTING THE SNAP BENEFITS OR HAVE ATTENDED ONE OF THESE PROGRAMS. AND HE PUT IN THERE THAT THEY CAN TAKE THE TEST IF THEY DON'T HAVE ACCESS TO THE PROGRAMS. BUT THEN IT COMES BACK TO THE QUESTION THAT ISN'T NECESSARILY ADDRESSED IN THE AMENDMENT: WHO'S PAYING FOR THESE PROGRAMS? ARE WE PUTTING THAT ONTO THOSE INDIVIDUALS TO PAY? ARE

Floor Debate
March 22, 2016

THE COUNTIES PAYING? IS THE STATE PAYING? ON THE DRUG TEST, WHO'S PAYING FOR THAT? THAT'S SOMETHING THAT ISN'T NECESSARILY ADDRESSED. IS THIS ANOTHER MANDATE OR ARE WE PUTTING IT ON THE INDIVIDUAL? AND I HEAR THE..YOU KNOW, HE COMBATED THE..."PAID YOUR DEBT TO SOCIETY," THE ARGUMENT THAT'S GOING TO BE USED. AND, AGAIN, I GET THAT. BUT WHEN WE TALK ABOUT IN OTHER CASES THEY'VE PAID THEIR DEBT TO SOCIETY, ALL FELONS LOSE THE RIGHT TO VOTE. ALL FELONS LOSE THE RIGHT TO, SECOND AMENDMENT, TO BEAR ARMS. WITH THIS SPECIFIC BENEFIT OR THIS SPECIFIC THING WE'RE DISCUSSING, IT'S ONLY THESE TYPES OF FELONS THAT LOSE THIS BENEFIT. IN EVERY OTHER ONE IT'S COMPLETELY EQUAL. AND THEN WE GET INTO...AND, AGAIN, I SEE THE LOGIC, I UNDERSTAND THE LOGIC WHERE WE'RE TALKING ABOUT TAKING AWAY THE ABILITY TO HAVE THESE BENEFITS FOR ANYBODY FOR THE SALE AND DISTRIBUTION. WELL, IF THEY COME OUT OF PRISON AND THEY'VE DONE, YOU KNOW, THEY'VE GONE THROUGH THE PROGRAMS IN PRISON, THE JOB TRAINING PROGRAMS OR WHAT IT MAY OR MAY NOT BE AND THEY GET BACK OUT AND THEY'RE LOOKING AT THINGS AND THEY MAY BE TRYING TO EARN A CLEAN LIVING. BUT I THINK WE CAN ALL RECOGNIZE THAT WHAT THEY WERE IN IS PROBABLY AN EASIER AND FASTER WAY TO MAKE MONEY AND EAT. SO ARE WE GOING TO COST THE STATE MORE MONEY AND SOCIETY MORE ISSUES IF THEY RETURN TO THAT PIPELINE? WE TALK ABOUT OVERCROWDING AS WELL. I'M TRYING TO COME AT THIS FROM THE MOST CONSERVATIVE POINT OF VIEW THAT I CAN. AND I UNDERSTAND THAT THE MEDICAID BENEFITS DO COST THE STATE, BUT WHAT ARE THE OTHER IMPLICATIONS THAT WE'RE LOOKING AT FROM A VERY CONSERVATIVE POINT OF VIEW? AND WE HEAR REAGAN'S COMPASSIONATE CONSERVATISM. IF WE'RE GOING TO INVOKE REAGAN, WE CAN, BUT LET'S BE CONSISTENT WITH IT. [LB910]

SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR LARSON: I SEE THE POINTS THAT SENATOR GROENE IS MAKING AND THEY MAKE SENSE IN A LOT OF WAYS, BUT I JUST CAN'T QUITE GET THERE. AND I WANT TO ENSURE THAT INDIVIDUALS HAVE AS MANY OPPORTUNITIES NOT ONLY TO GET CLEAN BUT TO STAY CLEAN. AND THAT'S SOMETHING THAT WE HAVE TO CONTINUE TO WORK TOWARDS AND I THINK WE CAN DO THAT AND I CAN REASON THAT IN A VERY CONSERVATIVE MANNER AND COME FROM IT...START AT THE SAME POINT AS SENATOR GROENE AND HAVE A LOT OF THE SAME CORE BELIEFS BUT STILL COME TO A DIFFERENT SOLUTION. AND I APPRECIATE WHAT HE'S DOING AND I, LIKE I SAID, I UNDERSTAND AND I APPRECIATE IT. I'M JUST NOT QUITE THERE, AND THANK YOU, MR. PRESIDENT. [LB910]

Floor Debate
March 22, 2016

SPEAKER HADLEY: THANK YOU, SENATOR LARSON. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB910]

SENATOR MORFELD: THANK YOU, MR. SPEAKER, AND THANK YOU, SENATOR LARSON AND OTHERS THAT HAVE SUPPORTED THIS BILL. IT PROBABLY SURPRISES NO ONE THAT I RISE IN OPPOSITION TO AM2624 FOR SEVERAL DIFFERENT REASONS. FIRST, IF YOU LOOK AT THE ENTIRE AMENDMENT, IT TAKES US BACK TO WHERE WE CURRENTLY ARE NOW, BUT ALLOWS A DRUG TEST TO SUFFICE IN PLACE OF DRUG TREATMENT. SENATOR GROENE BRINGS UP WELL, WE'RE TAKING AWAY THE INCENTIVE TO HAVE DRUG TREATMENT. WELL, THE PROBLEM IS, IS THAT IF THEY DON'T HAVE DRUG TREATMENT THAT'S ALREADY COURT ORDERED, WHICH MANY OF THEM DON'T--WHICH IS WHY 770 PEOPLE ARE DENIED EACH YEAR FOR THESE BENEFITS--THEN THEY HAVE TO PAY \$2,500 ON AVERAGE FOR THOSE SERVICES. AND THAT NUMBER CAME FROM PEOPLE THAT ACTUALLY PROVIDE THOSE SERVICES. SO RIGHT NOW WE HAVE A DE FACTO BAN FOR THOSE PEOPLE ANYWAY, BECAUSE IF THEY NEED FOOD STAMPS THEY CERTAINLY DON'T HAVE \$2,500. IN ADDITION, IF WE PUT THIS PARTICULAR DRUG TEST AMENDMENT IN HERE, ALL WE'RE DOING IS MAINTAINING OUR CURRENT, BAN BECAUSE IT BANS A WHOLE CLASS OF PEOPLE WITH THE AMENDMENT, IT MAINTAINS THAT BAN, AND THEN ADDING ON AN ADDITIONAL ADMINISTRATIVE BURDEN. NOW, THESE DRUG TESTS ARE GOING TO COST \$75 TO \$125 EACH. SO DO THOSE PEOPLE WHO DON'T EVEN HAVE ENOUGH MONEY FOR FOOD THEN PAY FOR THAT OR IS THAT THE STATE? AND THEN WHO MAKES SURE THAT THEY DO THE DRUG TEST? THE BOTTOM LINE IS, COLLEAGUES, THAT I THINK THAT THIS GOES TO THE CORE OF WHO WE ARE AS HUMAN BEINGS. NO ONE SHOULD BE DENIED FOOD, PARTICULARLY THOSE WHO HAVE PAID THEIR DEBT TO SOCIETY. AND IF WE'RE GOING TO MAKE SURE THAT WE'RE CONSISTENT WITH OUR EFFORTS OVER THE LAST SEVERAL YEARS TO COMPLETELY REFORM OUR CRIMINAL JUSTICE SYSTEM WITH LB605, WE'RE GOING TO MAKE SURE THAT THERE ARE MINIMAL SERVICES AVAILABLE TO THOSE THAT ARE GETTING OUT IN A TEMPORARY WAY TO ENSURE THAT THEY'RE SUCCESSFUL IN SOCIETY, SO THEY DON'T GO BACK ON THE STREETS AND START SELLING DRUGS OR DOING OTHER THINGS THAT THEY PROBABLY LEARNED IN PRISON. THIS POLICY CHANGE MAKES IT CONSISTENT WITH EVERYONE ELSE WHO HAS SERVED THEIR TIME, WHO HAVE SERVED THEIR TIME, PAID THEIR DEBT TO SOCIETY, AND MAKES SURE THAT THEY GET TEMPORARY ASSISTANCE--THE AVERAGE IS NINE MONTHS--TEMPORARY ASSISTANCE TO GET BACK ON THEIR FEET AND BE A PRODUCTIVE AND SUCCESSFUL MEMBER OF SOCIETY. NOW, WE WANT TO KEEP BRINGING UP THE FOOD BANKS. WELL, THERE'S FOOD BANKS, THERE'S FOOD BANKS, THERE'S PRIVATE CHARITIES. YOU

Floor Debate
March 22, 2016

KNOW WHO BROUGHT THIS BILL TO ME? I DIDN'T THINK OF THIS IN THE SHOWER ONE DAY AND DECIDE TO INTRODUCE THIS BILL. IT WAS THE FOOD BANKS THAT BROUGHT THIS TO ME. IT'S THE PEOPLE THAT SERVE THESE PEOPLE THAT YOU'RE SAYING, GO TO THOSE PEOPLE, BECAUSE THEY SEE A NEED. THEY SEE A NEED. SEVERAL DIFFERENT RIGHTS WERE BROUGHT UP EARLIER. THE RIGHT TO VOTE IS TAKEN AWAY. WELL, IT'S ACTUALLY ONLY TAKEN AWAY FOR TWO YEARS AND THEN YOU GET YOUR RIGHT TO VOTE RESTORED. WITH THAT BEING SAID, YOU CAN'T VOTE IF YOU CAN'T EAT. THIS IS SOMETHING THAT IS FUNDAMENTAL TO WHO WE ARE AS HUMAN BEINGS. THESE PEOPLE HAVE PAID THEIR DEBT TO SOCIETY. AND WHILE I DON'T THINK THAT EVERYTHING THAT THEY DID WAS GREAT, THEY SHOULD HAVE THE OPPORTUNITY TO HAVE THE SAME LEVEL OF SERVICES AS ANY OTHER INMATE THAT COMES OUT OF OUR CORRECTIONAL SYSTEM TO BE ABLE TO GET BACK UP ON THEIR FEET AND BE SUCCESSFUL. I KNOW FOR SOME OF YOU THIS MAY BE A TOUGH VOTE POLITICALLY, BUT IN THE END I THINK IT'S EVEN TOUGHER TO MAKE THIS VOTE AGAINST THIS BILL AND SAY THAT WE'RE BEING CONSISTENT WITH MAKING SURE THAT OUR STREETS ARE SAFE, THAT EVERYBODY HAS THE OPPORTUNITY TO REENTER SOCIETY AND TO BE ABLE TO HAVE TEMPORARY BENEFITS IN ORDER TO DO SO. IN THE END, COLLEAGUES, WE SHOULD... [LB910 LB605]

SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT...IN THE END, COLLEAGUES, WE SHOULD HAVE INCENTIVES TO FOLLOW THE LAW, AND WE DO AND IT'S PLAYING OUT. WE'VE GOT A TON OF PEOPLE IN PRISON, SO IF THAT'S THE DETERRENT, THEN WE'RE DOING AN EFFECTIVE JOB OF IT WHETHER WE LIKE IT OR NOT. BUT THE BOTTOM LINE IS, IS THAT IF WE TRULY WANT TO MAKE SURE THAT PEOPLE DON'T GO BACK INTO THE PRISON SYSTEM, WE'RE GOING TO MAKE SURE THAT THEY'RE ALL ON A LEVEL PLAYING FIELD WITH THE SERVICES THAT THEY CAN RECEIVE. I WILL ALSO NOTE THAT UNDER LB605 MORE AND MORE PRISONERS THAT ARE GETTING OUT OF THE SYSTEM ARE ON PAROLE, SUPERVISED RELEASE, PROBATION, AND THEY'RE MORE LIKELY TO GET THESE TYPES OF SERVICES. AND A JUDGE CAN HAVE THE DISCRETION--THAT SENATOR GROENE VALUED SO MUCH IN ONE OF THE FEW BILLS BEFORE THIS--THE JUDGE WILL HAVE THE DISCRETION WHETHER OR NOT THEY ORDER THESE SUBSTANCE ABUSE TREATMENTS AND THEN THEY CAN GET THEM. BUT THERE'S STILL A GAP OF PEOPLE THAT DON'T HAVE THOSE ORDERED AND CAN'T AFFORD THEM AND THEY WON'T BE ABLE TO AFFORD \$100 DRUG TEST. [LB910 LB605]

SPEAKER HADLEY: TIME, SENATOR. [LB910]

Floor Debate
March 22, 2016

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: SENATOR COOK, YOU'RE RECOGNIZED FOR A POINT OF PERSONAL PRIVILEGE. [LB910]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. BY NOW YOU'VE RECEIVED YOUR COPY OF THE PLANNING COMMITTEE'S 2015 REPORT AND DATABASE UPDATE. THE PLANNING COMMITTEE DATABASE IS MAINTAINED BY OUR FRIENDS AT THE COLLEGE OF PUBLIC AFFAIRS AND COMMUNITY SERVICE AT THE UNIVERSITY OF NEBRASKA-OMAHA. IT CONTAINS A WIDE VARIETY OF DATA MEASURES, FACTS ABOUT OUR STATE IN SEVERAL KEY POLICY AREAS THAT HAVE BEEN IDENTIFIED SINCE THE INCEPTION OF THE PLANNING COMMITTEE. THE PLANNING COMMITTEE'S GOAL HAS ALWAYS BEEN TO PROVIDE A FUTURE-ORIENTED, DATA-DRIVEN RESEARCH. AND THIS YEAR'S DATABASE UPDATES FURTHERS THAT ORIGINAL MANDATE. I HOPE THAT EACH OF YOU FIND THE INFORMATION USEFUL AS WE FINISH OUT THE 2016 SESSION, AND ESPECIALLY AS YOU BEGIN TO CRAFT IDEAS, FACT-BASED IDEAS FOR YOUR POLICY PROPOSALS WHEN MANY OF YOU WILL RETURN FOR 2017. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: THANK YOU, SENATOR COOK. MR. CLERK FOR ITEMS.

CLERK: MR. PRESIDENT, ENROLLMENT AND REVIEW REPORTS LB783, LB783A, LB842, LB750, LB816, LB952, AND LB678 TO SELECT FILE, SOME HAVING ENROLLMENT AND REVIEW AMENDMENTS ATTACHED. SENATOR WILLIAMS, NEW A BILL. (READ LB1083A BY TITLE FOR THE FIRST TIME.) MR. PRESIDENT, A SERIES OF RESOLUTIONS: SENATOR STINNER, LR502, CALLING FOR AN INTERIM STUDY; SENATOR KRIST, LR503, THAT WILL BE LAID OVER; LR504 BY SENATOR MURANTE, AN INTERIM STUDY RESOLUTION; LR505 BY SENATOR MURANTE, THAT WILL BE LAID OVER; LR506, SENATOR SEILER, A STUDY RESOLUTION. I HAVE A REFERENCE REPORT REGARDING CERTAIN GUBERNATORIAL APPOINTEES. AND A MOTION TO BE PRINTED WITH RESPECT TO LB710, MR. PRESIDENT. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1145-1150.) [LB783 LB783A LB842 LB750 LB816 LB952 LB678 LB1083A LR502 LR503 LR504 LR505 LR506 LB710]

SPEAKER HADLEY: THANK YOU, MR. CLERK. WE WILL NOW STAND AT EASE UNTIL 12:30. AT THAT TIME WE WILL COME BACK AND SENATOR BOLZ WILL

Floor Debate
March 22, 2016

START. SHE IS THE FIRST ONE IN THE QUEUE AT 12:30. WE ARE NOW STANDING AT EASE.

EASE

SENATOR KRIST PRESIDING

SENATOR KRIST: CONTINUING WITH SELECT FILE, LB910, SENATOR BOLZ, AND AM2624, SENATOR GROENE. WISHING TO SPEAK: SENATOR BOLZ, SCHILZ, WILLIAMS, KINTNER, AND OTHERS. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB910]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AND WELCOME BACK FROM LUNCH, COLLEAGUES. AND THANK YOU TO THE HANDS THAT PREPARED OUR MEAL AND TO THOSE WHO SERVED IT TO US. I THINK IT'S AN APROPOS MOMENT TO BE GRATEFUL FOR THE THINGS THAT WE ARE OFFERED IN THIS BODY AND THANKFUL FOR THE WAY THAT WE ARE ABLE TO MEET OUR BASIC NEEDS. I WANT TO ADDRESS THE AMENDMENT ON THREE ISSUES, AND THE FIRST IS RESOURCES, THE SECOND IS EXPENSES, AND THE THIRD IS ACCOUNTABILITY. SO THE FIRST ISSUE THAT I WANT TO ADDRESS IN TERMS OF THINKING ABOUT THE GROENE AMENDMENT IS ACCOUNTABILITY. CURRENTLY, IF YOU ARE NOT A PARTICIPANT IN THE SNAP PROGRAM YOU DO NOT NECESSARILY HAVE THE ACCOUNTABILITY THAT THOSE WHO DO PARTICIPATE HAVE. PARTICIPANTS IN THE SNAP PROGRAM HAVE TO WORK AT LEAST 30 HOURS PER WEEK, HAVE TO PROVE THAT THOSE HOURS WERE COMPLETED. AND IF YOU CANNOT FIND EMPLOYMENT YOU HAVE AN AVENUE THROUGH THE SNAP EMPLOYMENT AND TRAINING PROGRAM TO ACCESS WORK AND TO ACCESS TRAINING AND TO ACCESS EDUCATION SO THAT YOU CAN BECOME FULLY EMPLOYED. SO I WOULD ARGUE THAT PARTICIPATION IN THE SNAP PROGRAM ACTUALLY HAS GREATER ACCOUNTABILITY THAN NONPARTICIPATION IN THE SNAP PROGRAM. THE SECOND ISSUE I WANT TO ADDRESS IS THE USE OF STATE RESOURCES. ONE MODEL WE CAN LOOK TOWARDS IN TERMS OF DRUG TESTING WAS AN APPROACH THAT WAS TRIED IN FLORIDA. AND IN FLORIDA ONLY 1 PERSON OUT OF THE 800 WHO WERE TESTED--AND THIS WAS IN THE WELFARE PROGRAM--TESTED POSITIVE. THERE ARE OTHER STATE EXAMPLES AS WELL, BUT WE'VE SEEN ACROSS THE BOARD THAT DRUG TESTING ISN'T A GOOD USE OF STATE ADMINISTRATIVE RESOURCES OR STATE RESOURCES IN TERMS OF DOLLARS, BECAUSE WE ARE NOT FINDING PEOPLE WHO ARE PARTICIPATING IN DRUG ACTIVITY. THE THIRD PIECE I WANT TO ADDRESS IS THE EXPENSE OF THIS IDEA. I

Floor Debate
March 22, 2016

CONFIRMED WITH THE FISCAL OFFICE THIS MORNING THAT THE COSTS OF THE DRUG TESTS REFLECTED IN THE AMENDMENT WOULD BE REFLECTED IN OUR FISCAL NOTE. SO THE COST OF ONE DRUG TEST, AS ESTIMATED BY THE FISCAL OFFICE, IS \$55. THE AMENDMENT REQUIRES TWO, SO THAT WOULD BE \$110 PER PERSON. WE COULD ASSUME THAT BECAUSE THERE ARE MULTIPLE GENERATIONS OF PEOPLE WHO HAVE EXITED THE CRIMINAL JUSTICE SYSTEM AND HAVE THESE CONVICTIONS ON THEIR RECORD, WE CAN ASSUME THAT THOSE COSTS WILL BE FRONT LOADED, THAT THE INITIAL COST OF THIS IDEA COULD BE VERY EXPENSIVE, ONLY TO FIND VERY FEW INDIVIDUALS WHO WERE NOT PLAYING BY THE RULES. THE FINAL POINT I WANT TO MAKE IN TERMS OF THIS AMENDMENT AND WHY I STAND IN OPPOSITION IS BECAUSE AFTER THE TEST EXPERIMENT IN FLORIDA THERE WAS A COURT CASE. AND THE FINDING OF THE STATE OF FLORIDA COURT SAYS, THE COURT HAS ONCE AGAIN CONFIRMED THAT WHAT WE ARGUED ALL ALONG, THAT THE STATE OF FLORIDA CANNOT TREAT AN ENTIRE CLASS OF PEOPLE LIKE SUSPECTED CRIMINALS SIMPLY BECAUSE THEY'VE ASKED THE STATE FOR TEMPORARY ASSISTANCE. COLLEAGUES, IT'S A FAIRNESS ISSUE, IT'S A RESOURCE ISSUE, IT'S A PRACTICALITY ISSUE, AND IT'S AN ACCOUNTABILITY ISSUE. SO I HOPE THAT WE DON'T SPEND A LOT OF TIME DISCUSSING THIS AMENDMENT. IT'S NOT PRACTICAL, IT'S NOT USEFUL, AND THE UNDERLYING BILL NOT ONLY HELPS US WITH OUR REENTRY AND OUR CRIMINAL JUSTICE OBJECTIVES, BUT LB910 ITSELF MOVES FORWARD ON SEVERAL VERY IMPORTANT ISSUES RELATED TO OUR REENTRY INITIATIVES INCLUDING TRANSPARENCY, OVERSIGHT, REPORTING, AND MAKING SURE THAT THE INSPECTOR GENERAL... [LB910]

SENATOR KRIST: ONE MINUTE. [LB910]

SENATOR BOLZ: ...CAN CONTINUE TO DO HIS JOB AND DO HIS DUTIES. SO, COLLEAGUES, I HOPE WE DISPERSE WITH AM2624 QUICKLY, MOVE ON THROUGH THE UNDERLYING BILL, AND GET BACK TO THE REST OF THE WORK ON THE AGENDA. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB910]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. YOU KNOW AND I KNOW THAT SENATOR GROENE IS NOT AT HIS MIKE, BUT I JUST WANT TO ASK HIM A COUPLE QUESTIONS, BUT HE CAN ANSWER AT SOME OTHER TIME IF HE WANTS TO. OKAY. WOULD SENATOR GROENE YIELD FOR A QUESTION? [LB910]

Floor Debate
March 22, 2016

SENATOR KRIST: SENATOR GROENE, WILL YOU YIELD TO A QUESTION FROM SENATOR SCHILZ? [LB910]

SENATOR GROENE: I WILL. [LB910]

SENATOR SCHILZ: THANK YOU, SENATOR GROENE. AS I SIT AND LOOK AT THIS, JUST A COUPLE PRACTICAL QUESTIONS. AND I KNOW SENATOR LARSON HAD BROUGHT IT UP EARLIER, BUT WHEN YOU TALK ABOUT THE PROGRAMS AND THINGS LIKE THAT OR THE TESTING AND STUFF, WHO DO YOU ENVISION WOULD BE RESPONSIBLE FOR PAYING FOR THAT AND FOR KEEPING TRACK OF ALL OF THE INFORMATION THAT NEEDS TO BE KEPT TRACK OF? [LB910]

SENATOR GROENE: REMEMBER, WE HAVE EXISTING LAW NOW THAT SAYS ZERO...ONE TO TWO CONVICTIONS AND YOU HAVE TO HAVE TAKEN...PROVE YOU'VE TAKEN COUNSELING OR YOU'RE IN THE PROCESS OF DOING IT. THAT'S ALL IN PLACE. THAT'S ALL IN PLACE. I JUST GOT--WHICH I HAVEN'T BEEN ABLE TO LOOK THROUGH COMPLETELY--FROM OUR NORTH PLATTE REGION II HUMAN SERVICES A SCHEDULE ON PROGRAMS AND IT GOES THROUGH ALL OF THEM. BUT BASICALLY, THEY'RE ALL ABOUT THE SAME: LESS THAN \$12,000, IT'S FREE; \$12,000 TO \$20,000, IF YOU'RE A SINGLE YOU PAY UP TO 40 PERCENT; AFTER THAT, FAMILY OF TWO IT'S FREE. IT'S A SLIDING SCALE. YOU REALLY DON'T START PAYING FOR MUCH AS A FAMILY, AS AN INDIVIDUAL UNTIL YOU HIT THE \$40,000 RANGE OF INCOME. WE'RE ALSO LOOKING INTO THE...OUR COUNTY HEALTH CLINIC WILL DO DRUG TESTS AND IT'S A SLIDING SCALE ON INCOME. SO THIS, THIS EXCUSE THAT SOMEHOW PEOPLE WHO PREVIOUSLY HAD MONEY TO BUY DRUGS NOW HAVE NO MONEY TO PAY A VERY MINIMUM FEE ON A DRUG TEST. SO IT WILL BE PAID FOR BY THE INDIVIDUAL OR THE EXISTING SYSTEM IN SOCIAL SERVICES. IF YOU'RE ON MEDICAID, MEDICAID WILL COVER THEM, THE PROGRAMS. SO THERE IS A HUGE SAFETY NET OUT THERE. BUT ALONG WITH THAT SAFETY NET WE NEED TO GIVE SOME PERSONAL RESPONSIBILITY AND THAT'S WHAT MY AMENDMENT DOES (INAUDIBLE). [LB910]

SENATOR SCHILZ: THANK YOU, SENATOR GROENE. AND THEN THE NEXT QUESTION IS, AS WE TALKED ABOUT THE INDIVIDUAL THERE, I UNDERSTAND WHERE YOU'RE COMING FROM THERE. BUT THERE IS A COST TO ALL OF THIS. AND, AS YOU SAID, MEDICAID PAYS FOR PART OF IT AND I WOULD GUESS THAT IN SOME INSTANCES WOULD THE JUDICIAL SYSTEM OR THE COUNTIES HAVE TO PAY FOR ANY OF THAT? [LB910]

Floor Debate
March 22, 2016

SENATOR GROENE: IF...REMEMBER, IF YOU HAVE SUCCESSFULLY COMPLETED TREATMENT--I DON'T CARE IF IT'S 20 YEARS AGO--AND YOU CAN GO BACK TO YOUR LOCAL HHS OR YOUR PROBATION OFFICE AND SAY, CAN YOU GIVE ME SOME PROOF THAT I TOOK THAT TREATMENT, YOU'RE HOME FREE. YOU'RE HOME FREE. OR IF YOU'RE IN AN EXISTING PROGRAM AND IT'S...IF YOU'RE IN AN EXISTING PROGRAM NOW, IT'S BEING PAID BY SOCIAL SERVICES OR THROUGH THE PROBATION SYSTEM. REMEMBER, LB605 PUTS EVERYBODY IN PROBATION PRETTY MUCH WHEN THEY COME OUT, SO THEY WILL BE DRUG TESTED AND THEY WILL BE IN COUNSELING. THIS JUST REINFORCES OUR JUDICIARY SYSTEM, OUR PAROLE SYSTEM, HHS, OUR SOCIAL SERVICE SOCIAL WORKERS THAT THEY HAVE SOME TOOLS TO WORK WITH TO HELP THESE PEOPLE TOW THE LINE, STAY CLEAN. WE ARE TRYING TO HELP PEOPLE. WE'RE NOT TRYING TO THROW THEM UNDER THE BUS, LEAVE THEM OUT WITH NO HELP,... [LB910 LB605]

SENATOR KRIST: ONE MINUTE. [LB910]

SENATOR GROENE: ...NOBODY TO TALK TO, NOWHERE TO SAY, I NEED TO STAY STRAIGHT. THANK YOU. [LB910]

SENATOR SCHILZ: THANK YOU, SENATOR GROENE. AND THEN...THAT'S ALL THE QUESTIONS I HAVE. AND THEN THE OTHER THING THAT I LOOK AT AND I UNDERSTAND WHERE YOU'RE COMING FROM ON THIS, BUT IF YOU HAVE SOMEONE THAT'S BEEN CONVICTED OF BEING A DISTRIBUTOR OR A DRUG PUSHER, WHATEVER, THEN...AND THEY CAN'T GET THINGS LIKE SNAP OR WHATEVER, IT WOULD SEEM TO ME IN LOGICALLY THINKING THAT IF SOMEONE NEEDS HELP AND THEY CAN'T FIND THE HELP THERE COULD BE A PROPENSITY TO FALL BACK INTO THAT WHICH GOT THEM THERE IN THE FIRST PLACE, AND I DO HAVE CONCERNS ABOUT THAT. BUT I'LL CONTINUE TO LISTEN AND CONTINUE TO EVALUATE HERE AS WE MOVE ALONG. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR KRIST: THANK YOU, SENATOR SCHILZ AND SENATOR GROENE. SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB910]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, FELLOW MEMBERS OF THE NEBRASKA LEGISLATURE. WE HAVE THE ABILITY EVERY TIME WE'RE IN THIS GROUP TO MAKE THE EASY COMPLICATED AND MAKE THE COMPLICATED EASY. FOR ME THIS ISSUE IS MUCH EASIER THAN IT MAY BE FOR OTHERS. I SIMPLY LOOK AT THE FACT THAT TAKING FOOD AWAY

Floor Debate
March 22, 2016

FROM PEOPLE IS NOT WHAT WE ARE ABOUT IN OUR STATE AND IN OUR COUNTRY. AND WHERE WE END UP IS THE DISTINCTION BETWEEN IF YOU HAVE A DRUG FELONY WE CAN DENY YOU SNAP BENEFITS, YOU, YOUR FAMILY, AND ALL OF THAT. BUT YET IF YOU HAVE ANOTHER KIND OF FELONY, IF YOU ARE A MURDERER AND YOU HAVE SERVED YOUR TIME AND RELEASED, IF YOU ARE A ALCOHOL ABUSER WITH DUIs AND HAVE SERVED YOUR TIME AND ARE RELEASED, AND OTHER VERY SERIOUS FELONIES, THIS PROHIBITION DOESN'T APPLY. AND IT GOES BACK, AS WE HAVE HEARD TODAY, TO THE DAYS OF THE GET TOUGH ON DRUG ISSUES OF THE 80s THAT ARE STILL MISGUIDED AND CARRIED OVER TO TODAY. WE'VE SPENT A LOT OF TIME ON LB605 AND THE PRISON OVERCROWDING ISSUES AND RECOGNIZING THAT ALLOWING PEOPLE TO JAM OUT WITHOUT SERVICES WHILE THEY'RE IN PRISON AND THEN SERVICES WHEN THEY GET OUT OF PRISON DOESN'T WORK. SO WE HAVE FACED THOSE AND CERTAINLY, I THINK, WE WILL SEE SOME RESULTS OF THAT THAT WILL HELP THIS PROGRAM. BUT THE PLAIN FACT IS, PEOPLE HAVE TO HAVE FOOD BEFORE THEY WILL BE ABLE TO HAVE A JOB. THEY'LL HAVE TO HAVE FOOD BEFORE THEY WILL BE WILLING AND CAPABLE OF SENDING THEIR KIDS TO SCHOOL, ALL OF THOSE KIND OF THINGS. SO I STILL AM OPPOSED TO AM2624 AND WILL SUPPORT LB910 WHEN IT COMES UP FOR A VOTE. THANK YOU, MR. PRESIDENT. [LB910 LB605]

SENATOR KRIST: THANK YOU, SENATOR WILLIAMS. THOSE STILL WISHING TO SPEAK: SENATOR KINTNER, CHAMBERS, BLOOMFIELD, McCOLLISTER, GROENE, AND OTHERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB910]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. AND HEARING WHAT SENATOR WILLIAMS SAID AND SOME OF MY COLLEAGUES, THEY ACT LIKE THE FIRST PLACE, THE ONLY PLACE YOU CAN GET ANYTHING IS THE GOVERNMENT. NO GOVERNMENT, NO FOOD. NO GOVERNMENT, WE STARVE TO DEATH. IF YOU'LL LOOK AT WHAT I GAVE YOU, I GAVE YOU A LIST OF FOOD PANTRIES RIGHT HERE. THIS IS NOT AN EXHAUSTIVE LIST. THIS IS JUST SOME OF THE ONES. AND WE'VE GOT 71 RIGHT HERE AND THEN IF YOU LOOK IN THE LAST PAGES, I LISTED ALL THE ONES IN LINCOLN AND ALL THE ONES IN OMAHA. AND MY OFFICE HAS GUESSTIMATED WE HAVE OVER 100 IN THE COUNTRY OR IN THE STATE. WE'VE GOT 71 LISTED RIGHT HERE. SO FIRST OF ALL, THE ONLY PLACE IN THE WORLD TO GET FOOD IS NOT TAKING IT FROM YOUR NEIGHBOR IN THE FORM OF TAXES AND FOOD STAMPS. IF THERE WERE NO FOOD STAMPS, THERE IS STILL PLENTY OF FOOD, NO DOUBT ABOUT IT. I PUT IT RIGHT HERE IN FRONT OF YOU, YOU CAN READ IT FOR YOURSELF. SO THE GOVERNMENT IS NOT THE END-ALL BE-ALL. THE GOVERNMENT IS NOT THE ONLY PROVIDER OF FOOD. I THINK IT'S WRONG

Floor Debate
March 22, 2016

TO THINK THAT IT IS. SECOND THING IS, I HEARD A SENATOR SAY THAT THIS MAKES, I GUESS, DRUG FELONS SECOND-CLASS CITIZENS. NO, IT DOESN'T. IT SIMPLY SAYS YOU HAVE TO TAKE A DRUG TEST, THAT'S ALL IT SAYS, OR BE IN DRUG COUNSELING. AND WE REALLY WANT YOU TO GET HELP. THAT'S THE GOAL HERE. THE GROENE AMENDMENT IS PRETTY GOOD. IT DOESN'T KICK ANYBODY OFF. NO ONE GETS KICKED OFF. ALL WE WANT YOU TO DO IS GET HELP. DON'T LET THESE DRUGS KILL YOU. DON'T BECOME A STATISTIC. GO GET THE HELP YOU NEED. WHEN YOU GET THE HELP AND YOU'RE EITHER IN COUNSELING OR YOU PASS A DRUG TEST, FOOD STAMPS ARE RIGHT THERE FOR YOU. I THINK THAT'S THE COMPASSIONATE THING TO DO. WE WANT TO GET PEOPLE OFF THESE DRUGS. WE WANT PEOPLE TO GET THEIR LIFE BACK ON TRACK. WE DON'T WANT PEOPLE TO BE A SLAVE TO DRUGS. AND I THINK THIS IS A PRETTY GOOD COMPROMISE, IT REALLY IS, THAT ACCOMPLISHES TWO THINGS. ONE, FOR PEOPLE WHO THINK THAT THEY DON'T HAVE ACCESS TO FOOD, YOU HAVE FOOD STAMPS. BY THE WAY, FOOD STAMPS ISN'T GOING TO MAKE YOU...YOU'RE NOT GOING TO GET A TON OF FOOD ON FOOD STAMPS. WE STILL GOT THE FOOD PANTRIES THERE FOR YOU. AND YOU'RE WELCOME TO USE THE FOOD PANTRIES, BUT IF YOU WANT THOSE...IF YOU WANT SNAP, FOOD STAMPS, THEN THIS IS THERE FOR YOU. THE SECOND THING IT DOES, IT ENCOURAGES YOU TO GET HELP, ENCOURAGES YOU TO GET OFF THE DRUGS, ENCOURAGES YOU TO GET YOUR LIFE CLEAN. AND THAT'S VERY HARD. ONCE YOU'RE ON DRUGS IT'S SOMETIMES VERY, VERY TOUGH TO GET OFF. SO THIS IS A VERY FORGIVING AMENDMENT. IT WILL HELP YOU GET YOUR LIFE TURNED IN THE RIGHT DIRECTION, AND I AM GLAD THAT SENATOR GROENE CAME UP WITH THIS. I THINK IT'S A GREAT, GREAT COMPROMISE. BUT IF YOU DON'T WANT TO DO IT YOU STILL GOT THE FOOD PANTRIES. IF YOU WANT TO STAY ON DRUGS YOU'VE STILL GOT THE FOOD PANTRIES. I APPRECIATE SENATOR GROENE FOR INTRODUCING THIS. I WOULD ENCOURAGE EVERYONE TO SUPPORT THIS, BECAUSE IT WOULD BE THE FASTER WAY TO MOVE ON AND GET RID OF THIS BILL AND MOVE ON TO THE OTHER THINGS WE GOT TO DO. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB910]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO BEGIN WITH THREE WORDS: PRACTICAL, PRAGMATIC, REALISTIC. AND I WOULD APPLY THOSE THREE WORDS--IT MAY SEEM IRONIC AND I'M NOT BEING SARCASTIC--TO WHAT SENATOR LARSON SAID EARLIER AND TO WHAT SENATOR WILLIAMS SAID JUST A FEW MINUTES AGO. I

Floor Debate
March 22, 2016

DON'T KNOW THAT THE CASE FOR THIS BILL COULD BE LAID OUT MORE SUCCINCTLY, MORE CLEARLY, AND MORE PERSUASIVELY. SO I DON'T SEE THE NEED TO SAY A GREAT DEAL AND I HAVE CONFIDENCE IN MY COLLEAGUES. WHEN I DON'T HAVE CONFIDENCE I'LL TELL YOU, BUT WHEN I DO I THINK I OUGHT TO MENTION THAT ALSO. THIS AMENDMENT IS GOING TO BE SEEN FOR WHAT IT IS AND IT WILL BE DEFEATED. THE BILL, IN ALL ITS WORTHWHILENESS, WILL BE ADVANCED. AND FOR SENATOR GROENE, I HATE TO TELL HIM THIS, BUT I WOULD NOT WANT THE WHOLE LEGISLATURE TO BE CHARACTERIZED ON THE BASIS OF WHAT SENATOR GROENE SAYS ABOUT THINGS LIKE THIS, NOR SENATOR KINTNER. THEY CAN SAY WHATEVER THEY PLEASE. I'M GLAD THEY WILL SAY IT, BECAUSE IT SHOWS THROUGH THEIR OWN WORDS AND DEEDS WHAT THEY ARE ABOUT. WITH THAT, I WANT TO EXPRESS MY STRONG SUPPORT FOR THE BILL, MY OBJECTION TO THIS AMENDMENT. AND THANK YOU, MR. PRESIDENT. [LB910]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB910]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I JUST DID A QUICK, INTERESTING STUDY. I WENT TO SEVERAL SENATORS AND ASKED THEM IF I NEEDED SNAP BENEFITS WHERE I WOULD GO APPLY. NOBODY KNEW. THAT KIND OF SURPRISED ME. I FINALLY GOT OVER TO SENATOR MORFELD AND HE SAID, WELL, YOU DO IT ON-LINE. WONDERFUL. NOW, THIS FELLOW WE JUST EASED OUT OF JAIL UNDER LB605, THAT DOESN'T HAVE MONEY TO BUY FOOD, OBVIOUSLY HAS MONEY TO GO BUY A COMPUTER SO HE CAN DO THINGS ON-LINE. DOESN'T MAKE A LOT OF SENSE. I WAS WONDERING MAYBE IF HE HAD TO GO TO THE COURTHOUSE IF HE WERE IN A RURAL COUNTY AND IF, AT THAT POINT, MAYBE WHOEVER HE WAS APPLYING TO FOR THE SNAP BENEFITS COULD EASE HIM INTO A DRUG PROGRAM, WHICH UNDER SENATOR GROENE'S AMENDMENT WOULD ALLOW HIM TO GET THE SNAP BENEFITS. SEEMED TO MAKE SENSE, BUT THAT DOESN'T MATTER ANYMORE WHETHER IT MAKES SENSE OR NOT, IT'S JUST WHETHER OR NOT WE CAN SPEND MORE MONEY. I ALSO KIND OF WONDERED IF WHEN WE EASED THEM OUT IF THEY JUST AUTOMATICALLY...MAYBE WE SHOULD JUST GIVE THEM SNAP BENEFITS FOR 30 DAYS. THAT GIVES THEM TIME TO GET THEIR FEET UNDER THEM, GET A JOB, AND THEY DON'T HAVE TO WORRY ABOUT GOING IN AND APPLYING. I THINK THE FIRST TIME THEY GET OUT MAYBE WE OUGHT TO DO THAT FOR THEM FOR 30 DAYS. BUT I WAS GIVEN A RAFT OF REASONS THAT WOULDN'T WORK. I SUPPOSE IT PROBABLY MAKES TOO MUCH SENSE. BUT WHEN THESE PEOPLE GO OUT AND SELL DRUGS TO OUR KIDS, GET OUT ONCE, GET OUT A SECOND TIME,

Floor Debate
March 22, 2016

GET OUT A THIRD TIME, AND WE'RE STILL GOING TO GIVE THEM THESE SNAP BENEFITS. I THINK IF THEY GET THEM AT ALL, IT SHOULD BE SEVERELY LIMITED. COLLEAGUES, IF THEY HAD PAID THEIR DEBT TO SOCIETY AND ARE CLEAN AND GOOD TO GO WHEN THEY'RE ALL ON THE UP AND UP NOW, I THINK THEY CAN FIND THEIR WAY WITHOUT REACHING INTO THE TAXPAYER'S POCKET ONE MORE TIME. I AM GOING TO SUPPORT AM2624. I'M CERTAINLY NOT THAT EXCITED ABOUT LB910. AND I'D YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE, IF HE COULD USE IT. [LB910 LB605]

SENATOR KRIST: SENATOR GROENE, 1:50. [LB910]

SENATOR GROENE: THANK YOU, SENATOR BLOOMFIELD. WORDS MEAN STUFF AND ACCURACY IS VERY IMPORTANT. I UNDERSTAND SENATOR BLOOMFIELD...NOT SENATOR BLOOMFIELD, SENATOR BOLZ QUOTED A LAW CASE THAT YOU COULD NOT DENY A CLASS OF PEOPLE BENEFITS DUE TO DRUG TESTING. A FLORIDA STATUTE MANDATES SUSPICIONLESS DRUG TESTING FOR ALL APPLICANTS, ALL APPLICANTS. I AGREE, YOU CAN'T DO THAT, BECAUSE IN FEDERAL LAW THAT MANDATES SNAP, THE 1996 LAW, ONLY HAS THAT ONE EXCEPTION--CONVICTIONS FOR DRUG ABUSE, DRUG DEALING, DRUG USE, DRUG POSSESSION; ONLY HAS THAT ONE EXCEPTION. SO DO NOT... [LB910]

SENATOR KRIST: ONE MINUTE. [LB910]

SENATOR GROENE: ...DECIDE ON FRIVOLOUS CROSS-REFERENCES OF COURT CASES. THIS COURT CASE THAT HAPPENED IN FLORIDA HAD NOTHING TO DO WITH WHAT WE'RE DISCUSSING HERE. EVERYTHING WE HAVE IN OUR AMENDMENT HAS BEEN UPHELD IF IT DEALS WITH THAT CLASS OF FELON. LET'S STICK TO THE ISSUE. LET'S STICK TO THE FACTS. DECISIONS ARE GOING TO BE MADE HERE. I HAPPEN TO BELIEVE THERE'S A FEW SENATORS HERE WHO HAVE PERSONAL, RESPONSIBLE LEANINGS THAT ARE UNDECIDED YET, SO LET'S GIVE THEM THE FACTS. LET'S NOT DISTORT THE FACTS. THANK YOU, SENATOR BLOOMFIELD AND THE PRESIDENT. [LB910]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD AND SENATOR GROENE. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB910]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I DON'T THINK WE SHOULD OVERLY DEBATE THIS AMENDMENT

Floor Debate
March 22, 2016

OR THE BILL. I OPPOSE THE AMENDMENT, BUT CERTAINLY SUPPORT LB910. I WONDERED IF SENATOR GROENE WOULD YIELD FOR A FEW QUESTIONS. [LB910]

SENATOR KRIST: SENATOR GROENE, WILL YOU YIELD? [LB910]

SENATOR GROENE: YES. [LB910]

SENATOR McCOLLISTER: SENATOR BOLZ INDICATED THAT A TYPICAL DRUG TEST COSTS ABOUT \$55. DOES THAT SEEM REASONABLE TO YOU? [LB910]

SENATOR GROENE: AT MY COUNTY HEALTH CLINIC IT'S A SLIDING SCALE. AT SOME OF MY OTHER NONPROFIT ORGANIZATIONS IT'S A SLIDING SCALE DEPENDING ON INCOME. I'M SURE YOU BELIEVE IF SOMEBODY HAS THE INCOME THEY OUGHT TO PAY FOR IT. [LB910]

SENATOR McCOLLISTER: AND UNDER YOUR AMENDMENT, YOU'D CONDUCT TWO TESTS A YEAR? [LB910]

SENATOR GROENE: YES, IF YOU REMAIN IN THE SNAP PROGRAM. [LB910]

SENATOR McCOLLISTER: AND THE COST TO ADMINISTER THOSE TESTS WOULD BE BORNE BY THE PAROLEE OR BY THE COUNTY OR BY THE STATE? [LB910]

SENATOR GROENE: I JUST TALKED TO THE COUNSEL OF HHS OR SOMEBODY REPRESENTING HHS AND I ASKED THAT QUESTION. THE WAY IT IS WRITTEN IT IS UNCLEAR. THEREFORE, COUNSEL FOR HHS SAYS THE STATE, IF THE INDIVIDUAL WANTED THE STATE TO PAY FOR IT, WOULD PROBABLY HAVE TO. THE REASON I LEFT IT UNCLEAR, BECAUSE IF WE SAID THE STATE HAS TO PAY FOR IT, THEN AN INDIVIDUAL IN THE SNAP PROGRAM, YOU HAVE TO BE WORKING 30 HOURS A WEEK. I ASKED MY LOCAL CLERK AT MY CONVENIENCE STORE... [LB910]

SENATOR McCOLLISTER: THANK YOU, SENATOR GROENE. [LB910]

SENATOR GROENE: YES. I'M UP NEXT, I'LL EXPLAIN IT THEN. [LB910]

Floor Debate
March 22, 2016

SENATOR McCOLLISTER: THE OTHER QUESTION IS THE ADMINISTRATION OF THIS. AS I RECALL, SENATOR GROENE, THIS WOULD BE ADMINISTERED BY HHS? WOULD YOU YIELD FOR ANOTHER QUESTION? [LB910]

SENATOR GROENE: YES, AS IT PRESENTLY IS. [LB910]

SENATOR McCOLLISTER: SO THEY WOULD KEEP TRACK OF THE RESULTS OF EACH TEST AND IF SOMEBODY DIDN'T PASS A TEST THEY WOULD PASS THAT WORD ALONG AND NOTIFY THE FEDERAL GOVERNMENT THAT THEY ARE NO LONGER ELIGIBLE FOR FOOD STAMPS? IS THAT THE WAY THIS WOULD WORK? [LB910]

SENATOR GROENE: I BELIEVE THE SNAP PROGRAM IS ADMINISTERED BY OUR LOCAL HHS. IT'S A FEDERAL PROGRAM, BUT I BELIEVE, JUST LIKE MEDICAID,... [LB910]

SENATOR McCOLLISTER: THANK YOU. [LB910]

SENATOR GROENE: ...IT IS ADMINISTERED LOCALLY. [LB910]

SENATOR McCOLLISTER: AND AS I RECALL, SNAP PAYMENTS ARE FULLY FUNDED BY THE FEDERAL GOVERNMENT, BUT YET ADMINISTRATION IS FUNDED HALF BY THE STATE GOVERNMENT AND HALF BY THE FEDERAL GOVERNMENT. IS THAT CORRECT? [LB910]

SENATOR GROENE: IF YOU SAY SO. [LB910]

SENATOR McCOLLISTER: IT IS. DO YOU HAVE A FISCAL NOTE ON THIS AMENDMENT OF ANY KIND? [LB910]

SENATOR GROENE: IF IT PASSES...IF I UNDERSTAND...IF YOU DON'T UNDERSTAND THE PROCESS, SIR, IF IT PASSES, THEN WE'LL GET A FISCAL NOTE. BUT REMEMBER THE ORIGINAL BILL HAD A FISCAL NOTE OF \$46,000 OR SO. I DOUBT A FEW DRUG TESTS AT \$50 WILL AMOUNT TO THAT MUCH. [LB910]

SENATOR McCOLLISTER: WELL, IF WE AREN'T GOING TO BE SAVING ANY MONEY FOR THE STATE OF NEBRASKA, WHAT IS THE MOTIVATION FOR THIS

Floor Debate
March 22, 2016

AMENDMENT? IS IT A JUSTICE ISSUE FOR YOU OR IS IT...WHAT IS THE MOTIVATION FOR THE AMENDMENT? [LB910]

SENATOR GROENE: UNLIKE YOU, SIR, I WANT TO HELP THESE PEOPLE. I DON'T WANT TO THROW THEM UNDER THE BUS AND JUST LEAVE THEM HANGING OUT THERE JUST WITH FOOD STAMPS WITH NOBODY TO GO TO TO SAY, I'VE GOT A HECK OF AN URGE TO TAKE DRUGS AGAIN, BECAUSE IT IS THE HIGHEST FELONY OF RECIDIVISM. [LB910]

SENATOR McCOLLISTER: THANK YOU. [LB910]

SENATOR GROENE: AND YOU WANT TO THROW THEM UNDER THE BUS. I WANT TO GIVE THEM A CRUTCH. I WANT TO HELP THEM. [LB910]

SENATOR McCOLLISTER: I THINK THE OPPOSITE IS THE CASE. BUT I WOULD MAINTAIN THAT THIS WHOLE AMENDMENT IS COUNTERPRODUCTIVE. IT'S GOING TO COST THE STATE MORE MONEY THAN THE BENEFIT WE'LL RECEIVE. THERE'S NO COST-BENEFIT RATIO IN THIS PROGRAM AT ALL. LET'S TALK ABOUT FOOD BANKS IN THE REMAINING TIME THAT I HAVE. I PARTICIPATE IN ONE EVERY MONTH AND THE PEOPLE THAT COME THERE DON'T GET ENOUGH FOOD FOR AN ENTIRE MONTH. IT MAY LAST THEM THREE OR FOUR DAYS. IT'S NOT AN ENTIRE MONTH'S WORTH OF FOOD. [LB910]

SENATOR KRIST: ONE MINUTE. [LB910]

SENATOR McCOLLISTER: AND ALSO AND LASTLY, I'D MAINTAIN THAT WE ARE TAKING FOOD STAMPS AWAY FROM PEOPLE WHEN THEY ARE AT THEIR MOST VULNERABLE. HERE SOMEBODY COMES OUT OF JAIL AND IF THEY DON'T HAPPEN TO PASS THE DRUG TEST, THEY'RE KICKED OFF OF THE PROGRAM. AND SO WHAT'S THE LIKELY RESULT? SO, COLLEAGUES, I'D ENCOURAGE YOU TO VOTE AGAINST THE AMENDMENT AND FOR THE BILL. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. (VISITORS INTRODUCED.) THOSE STILL WISHING TO SPEAK: SENATOR GROENE, MORFELD, BRASCH, CAMPBELL, AND OTHERS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB910]

Floor Debate
March 22, 2016

SENATOR GROENE: THANK YOU, MR. SPEAKER. TO ANSWER SOME QUESTIONS THAT HAVE BEEN ON THE FLOOR, NO, FOOD STAMPS ARE ADMINISTRATED INDIVIDUALLY, INDIVIDUALLY, FOR A CHILD CANNOT BE DENIED SNAP. SO IF A PARENT COMES IN AND DOES NOT HAVE TREATMENT AND CAN'T PROVE IT OR HAS NOT TAKEN A DRUG TEST AND DOESN'T WANT TO, THE CALCULATION FOR TOTAL FOOD STAMPS FOR THE FAMILY IS BY INDIVIDUAL. THE INDIVIDUAL WILL BE DENIED; THE FOUR KIDS WILL GET FOOD STAMPS. NOW, YOU FOLKS CLAIM THAT THESE PARENTS DON'T NEED ANY SUPERVISION, THAT DRUG DEALER, SO I'M SURE YOU BELIEVE THAT THAT PARENT WILL MAKE SURE THAT MONEY IS SPENT ON THEM CHILDREN'S FOOD INSTEAD OF DRUGS. NOBODY CAN BE DENIED. IF YOU HAVE A HUSBAND AND WIFE LIVING TOGETHER AND ONE OF THEM HAS A DRUG CONVICTION AND THE ONE DOESN'T, THE ONE CAN GO IN AND APPLY FOR THE FOOD STAMPS FOR THE FAMILY. THE HUSBAND WILL BE DENIED, UNLESS THEY TAKE A DRUG TEST, IF THAT'S THE FELON. SO DON'T MAKE CLAIMS THAT AREN'T TRUE. AND I'VE GONE INTO WHO WILL PAY FOR THE STATE. WE LEFT IT AMBIGUOUS FOR A REASON. IN ORDER TO BE...FOOD STAMPS, DUE TO THAT SAME 1996 WELFARE REFORM BY SENATOR CLINTON...I MEAN NOT SENATOR CLINTON, SHE'S NOT PRESIDENT, PRESIDENT CLINTON, YOU HAVE TO HAVE A JOB TO RECEIVE THEM. AND ALMOST EVERY JOB YOU HAVE TO TAKE A DRUG TEST. IF WE WOULD HAVE SAID THE STATE PAID IT AND NOT LEFT IT AMBIGUOUS, THAT PERSON COULD NOW BRING THE DRUG TEST IN THEY TOOK AT THEIR PLACE OF EMPLOYMENT AND SHOW IT TO THEM. THAT SAVES THE STATE MONEY. HAVE YOU SEEN THE...DID YOU SEE THE LINCOLN JOURNAL STAR EDITORIAL YESTERDAY? DO WE LIVE IN A DREAM WORLD? DO WE LIVE IN FICTION HERE? MY EIGHT-YEAR-OLD GRANDSON THE OTHER DAY WAS DRAWING A PICTURE AND HAD SOME...AN EXHAUST PIPE SHOOTING MISSILES. I SAID, THAT CAN'T HAPPEN. HE SAID IN FICTION, GRANDPA, IT'S FICTION. I SAID, WELL, SO THAT CAN HAPPEN IN FICTION? HE SAID, EVERYTHING CAN HAPPEN IN FICTION. I COME DOWN...I GO HOME AND I'M IN THE REAL WORLD. I COME DOWN HERE, I'M IN FICTION. DO YOU IGNORE WHAT'S HAPPENING IN THIS COUNTRY ABOUT DRUGS? DO YOU REALLY KNOW WHAT'S GOING ON? IN THE FREE MARKET EVERYBODY'S GETTING DRUG TESTED. DRUGS ARE RAMPANT, AND HERE YOU'VE GOT A CHANCE TO HELP PEOPLE WHEN THEY GO BACK TO THEIR PEERS TO SAY, I CANNOT TAKE THOSE DRUGS. I GOT TO LOOK AFTER MY CHILDREN. I GOT TO HAVE FOOD STAMPS. I'M IN COUNSELING. NO, YOU'RE GOING TO THROW THEM BACK INTO THAT VICIOUS CIRCLE WITHOUT ANY HELP. DRUG DEALERS, YES. I DO NOT WANT DRUG DEALERS, AND THE SUPPORTERS OF THIS AMENDMENT DO NOT WANT DRUG DEALERS GETTING FOOD STAMPS. YOU WHOLEHEARTEDLY SUPPORTED A BILL THIS YEAR BY SENATOR HARR THAT SAID, IF YOU GET CONVICTED OF DRUG DEALING, THE LANDLORD HAS TEN DAYS, YOU CAN EVICT

Floor Debate
March 22, 2016

THEM, THROW THEM OUT ON THE STREET AND YOU APPLAUD IT. GREAT IDEA. THROW THEM DRUG DEALERS IN THE STREET. BUT HERE YOU WANT TO GIVE THEM FOOD STAMPS. WHAT IS IT, MY FELLOW CONSERVATIVE, FISCAL CONSERVATIVE, PERSONAL RESPONSIBILITY, THE 35 THAT GOT AN R BY THEIR NAME? WHAT DO YOU BELIEVE IN? WHAT DID YOU TELL THE FOLKS WHEN YOU RAN FOR OFFICE? DID YOU STAND UP AND DEBATE AND SAY, I THINK DRUG DEALERS SHOULD GET FOOD STAMPS? YOU WOULDN'T BE HERE. YOU WOULD NOT BE HERE IN THIS BODY IF YOU WOULD HAVE SAID THAT, I'LL GUARANTEE YOU THAT. SO WHO ARE WE? [LB910]

SENATOR KRIST: ONE MINUTE. [LB910]

SENATOR GROENE: ARE WE IN FICTION HERE AND WHEN YOU GO BACK HOME...WHAT'S REAL LIFE? APPARENTLY, THIS IS REAL LIFE FOR SOME AND BACK HOME IT'S FICTION. THIS AMENDMENT HELPS PEOPLE. IT HELPS PEOPLE. IT HELPS THEM STAY ON THE PATH TO RECOVERY. NO CHILD...REMEMBER, NO CHILD, BY THIS AMENDMENT, WILL BE DENIED FOOD STAMPS. NOW, YOU TAKE A DRUG TEST AND YOU FAIL, THAT SOCIAL WORKER ALL OF A SUDDEN KNOWS WE GOT A PROBLEM IN THAT HOME. WE'RE HELPING THE CHILDREN. THANK YOU, MR. SPEAKER. [LB910]

SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB910]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I JUST WANT TO ADDRESS A FEW OF THE THINGS AND I WON'T BELABOR TOO MANY OF THESE POINTS AFTER MAKING THIS POINT HERE TODAY. BUT I JUST WANT TO COMMENT ON SENATOR GROENE'S NOTION THAT HE'S TRYING TO HELP THESE FOLKS. THAT'S DISINGENUOUS AT BEST. THE POINT IS, IS THAT THE FOOD BANKS, THE PEOPLE THAT ACTUALLY SERVE THESE FOLKS, CAME TO ME AND SAID, WE NEED TO DO SOMETHING DIFFERENT. AND I DOUBT THAT THEY WOULD WASTE THEIR TIME ON THIS AND WASTE THEIR TIME AND RESOURCES TO COME TO ME TO TALK TO ME ABOUT FIXING THIS PROBLEM IF THERE WASN'T A PROBLEM. AND WHO WORKS WITH THESE FOLKS THE MOST? I WOULD SUBMIT TO YOU, NOT SENATOR GROENE. I WOULD SUBMIT TO YOU THE FOOD BANKS ARE THE ONES THAT SERVICE THESE INDIVIDUALS THE MOST. THEY ARE PAID TO SERVE THESE INDIVIDUALS WITH STATE DOLLARS TO SIGN THEM UP FOR FOOD STAMPS. AND THEY SEE THEM DENIED AND THEY SEE THE STRUGGLES THAT THEY GO THROUGH TRYING TO STAY ON TRACK AND DO THE RIGHT THINGS AFTER

Floor Debate
March 22, 2016

SERVING THEIR TIME...AFTER SERVING THEIR TIME. HOW LONG ARE WE GOING TO PUNISH INDIVIDUALS AFTER THEY'VE PAID THEIR DEBT TO SOCIETY? I'LL TELL YOU THAT GOING THROUGH MY DISTRICT, A DISTRICT THAT HAS A LOT OF FOLKS WHO HAVE PAID THEIR DEBT TO SOCIETY AND ARE TRYING TO GET BACK ON THEIR FEET, A LOT OF THOSE INDIVIDUALS SEE BARRIERS THEY COULD HAVE NEVER EVEN DREAMED OF OR IMAGINED BEFORE THEY GOT OUT. AND MAYBE THEY SHOULD HAVE THOUGHT ABOUT THAT BEFORE BREAKING THE LAW; I'LL GIVE YOU THAT. BUT THE FACT OF THE MATTER IS THEY SERVED THEIR TIME, THEY GOT OUT AND NOW THEY'RE TRYING TO GET BETTER. AND THIS ISN'T FOOD STAMPS FOR LIFE. MOST OF THESE FOLKS ARE ABLE BODIED AND THEY CAN ONLY BE ON FOOD STAMPS FOR A CERTAIN AMOUNT OF TIME AS IT IS. IT'S SIMPLY TEMPORARY HELP, GETTING THEM A LEG UP. SO TO SAY THAT YOU'RE HELPING THESE INDIVIDUALS, YOU'RE GIVING THEM THE SUPPORT SYSTEMS NECESSARY TO GET BACK UP ON THEIR FEET IS DISINGENUOUS. IT'S A DIFFERENT REALITY AND IT'S CERTAINLY NOT THE REALITY THAT WE ALL LIVE IN HERE TODAY, BECAUSE THE PEOPLE THAT WORK WITH THESE PEOPLE THE MOST HAVE COME TO US AND SAID, WE NEED TO MAKE THIS CHANGE. THIS IS GOOD FOR OUR SOCIETY. IT'S GOOD FOR THE PEOPLE WE SERVE. IT'S GOOD FOR OUR COMMUNITY. ALSO, SENATOR McCOLLISTER WAS GETTING AT THIS JUST A LITTLE BIT EARLIER, BUT WHY ARE WE USING FOOD AS THE PUNISHMENT? THERE'S ALL KINDS OF DIFFERENT WAYS THAT WE CAN PUNISH PEOPLE AFTER THEY'VE SERVED THEIR TIME, IF THAT'S WHAT YOU FEEL INCLINED TO DO. BUT WHY ARE WE USING FOOD AS PUNISHMENT? WHENEVER WE MAKE A PUNISHMENT IN JUDICIARY COMMITTEE--WHICH IS ESSENTIALLY WHAT WE DO, WE CREATE CRIMINAL LAWS OR REDUCE THEM OR DO WHATEVER WITH THEM--WHEN WE LOOK AT MAKING A PUNISHMENT, THE NUMBER ONE QUESTION WE SHOULD BE ASKING IS, HOW IS THIS GOING TO PREVENT SOMEBODY FROM COMMITTING THIS CRIME? I WOULD SUBMIT TO ALL OF YOU, COLLEAGUES, THAT WHEN SOMEBODY IS ADDICTED TO DRUGS, WHETHER THEY'RE JUST ADDICTED AND THEY'RE USING DRUGS OR THEY'RE ADDICTED AND ALSO SELLING, USUALLY TO FEED THEIR HABIT, THEY'RE NOT THINKING, GEE, AFTER I GET OUT OF THE PENITENTIARY SERVING FIVE TO TEN I'M GOING TO LOSE MY FOOD STAMPS; I SHOULD THINK ABOUT THIS. NO, THESE ARE PEOPLE THAT ARE ADDICTED TO DRUGS OFTENTIMES. SOME OF THEM ARE DOING THINGS THEY'RE NOT SUPPOSED TO AND FOR WHATEVER REASON, BUT THEY'VE SERVED THEIR TIME. AND TAKING AWAY THEIR FOOD STAMP BENEFIT ISN'T A DETERRENT IN ANY OF THESE CRIMES. IT DOESN'T MAKE ANY LOGICAL SENSE. THE BOTTOM LINE IS, IS THAT WE SHOULD DENY NO ONE FOOD; THAT THE PEOPLE THAT WORK WITH THESE INDIVIDUALS AND THESE COMMUNITIES THE CLOSEST HAVE COME TO US AND SAID, WE NEED A CHANGE. THIS DOESN'T MAKE SENSE. WE'RE

Floor Debate
March 22, 2016

BETTER THAN THIS. AND THEY HAVE SERVED AND PAID THEIR DEBT TO SOCIETY. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR KRIST: THANK YOU, SENATOR MORFELD. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB910]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. I AM SO GLAD TO BE FOLLOWING SENATOR MORFELD BECAUSE WHAT HE JUST SAID ABOUT GROENE HE'S PROBABLY GOING TO SAY ABOUT ME, BECAUSE I DON'T BELIEVE THIS IS DISINGENUOUS AND I DON'T BELIEVE THAT THIS AMENDMENT IS UNREASONABLE. AND I SUPPORT THIS AMENDMENT BECAUSE I DO BELIEVE THAT A PERSON WHO HAS AN ADDICTION MOST LIKELY CANNOT FIND A JOB. MOST JOBS REQUIRE DRUG TESTING. WE NEED TO MAKE SURE THAT WE UNDERSTAND THAT THIS PERSON NEEDS HELP, SO MOVING FORWARD THEY'RE NOT ASKING THE GOVERNMENT FOR A HANDOUT OR ASKING THE GOVERNMENT TO FEED THEM. MY HERITAGE LOVES EXPRESSIONS AND THERE'S AN EXPRESSION THAT I ESPECIALLY LIKE AND IT GOES LIKE THIS: WHAT IF I TOLD YOU THAT THE LEFT WING AND THE RIGHT WING BELONG TO BUT ONE BIRD? THESE ARE HUMAN BEINGS. THEY HAVE GOTTEN IN TROUBLE REPEATEDLY. I HAVE SUPPORTED LEGISLATION IN THIS BODY TO PREVENT RECIDIVISM. AND UNLESS WE STOP THESE ADDICTIONS, IDENTIFY THEM AND DON'T TURN A BLIND EYE TO WHY I CAN'T EAT IS BECAUSE I HAVE A DRUG PROBLEM, THE PROBLEM WILL PERPETUATE. IT WILL BE SEEMING ENDLESS, AND THAT'S MORE CRUEL IN MY MIND THAN TO DENY THEM FOOD. WHAT WE'RE SAYING IS, LET'S SEE WHAT THE ROOT OF THE PROBLEM IS, SO IT'S REASONABLE, IT'S HUMANITY, IT'S KIND, IT'S THOUGHTFUL. AND, YES, WE WILL FIND FOOD, BUT FIRST WE NEED TO GET TO THE ROOT OF THIS PROBLEM. I KNOW OF A SITUATION AT A FAST FOOD RESTAURANT HERE IN LINCOLN WHERE THERE ARE INDIVIDUALS SELLING THEIR FOOD STAMP CARD FOR MONEY, BECAUSE THEY CAN'T BUY DRUGS WITH THAT FOOD STAMP CARD. WE ALSO HAVE STORIES NATIONALLY WHERE IT'S HAPPENING OUTSIDE OF LINCOLN WHERE THESE CARDS ARE TURNED INTO MONEY FOR DRUGS, THINGS YOU DON'T WANT THEM TO HAVE, THINGS WHERE THEY'LL SPIRAL DOWNWARD AND DOWNWARD TILL THEY CANNOT GET HELP. A JOB DOES REQUIRE DRUG TESTING IN MOST CASES. AND FOR THE FOOD PANTRIES TO WANT THIS LEGISLATION, I BELIEVE THEY REALLY WANT THOSE INDIVIDUALS TO GET HELP, BECAUSE WITH HELP THOSE INDIVIDUALS CAN BE VOLUNTEERS HELPING. I'VE HELPED AT THE PANTRY ON OCCASION IN CUMING COUNTY. THERE'S PEOPLE FROM ALL WALKS OF LIFE, BUT DRUG ADDICTION IS A GROWING PROBLEM IN OUR NATION. IT'S TERRIBLE. WE ARE OUR OWN WORST ENEMIES WITH DRUGS IN OUR COUNTRY. WE NEED TO

Floor Debate
March 22, 2016

GET TO THE ROOT OF THAT PROBLEM. WE NEED TO FIGHT RECIDIVISM. WE NEED TO HELP THOSE CRIMINALS WHO ARE BEING REHABILITATED, WHO ARE BEING FREE FROM DRUGS, TO STAY OFF OF DRUGS. WE NEED TO MAKE SURE THAT OUR EMPLOYERS DO SEE THAT THESE INDIVIDUALS ARE EMPLOYABLE. MANY EMPLOYERS WILL TURN PEOPLE AWAY IF THEY SEE A CONVICTION, BUT BY GETTING THEM DRUG FREE, GETTING THEM TRAINED, GETTING THEM BACK ONTO THE TAX ROLLS TO CONTRIBUTE,... [LB910]

SENATOR KRIST: ONE MINUTE. [LB910]

SENATOR BRASCH: ...TO HELP RAISE FAMILIES, TO BE A RESPONSIBLE CITIZEN AND PARENT IS WHAT THIS BILL IS ABOUT. IT'S MAKING SURE THAT WE AREN'T FEEDING A PROBLEM. WE'LL TAKE CARE OF THE INDIVIDUAL, BUT WE HAVE TO STOP THE ADDICTION AND THIS BILL HAS THE ABILITY TO DO SO. THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. [LB910]

SENATOR KRIST: THANK YOU, SENATOR BRASCH. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB910]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO ANSWER SENATOR BLOOMFIELD'S QUESTION OR POINT ABOUT ACCESSNEBRASKA. IF YOU DO NOT HAVE A COMPUTER YOU CAN CONTACT YOUR LOCAL OFFICE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES OR YOU CAN CONTACT THE STATE OFFICE AND THEY WILL HELP YOU FILL OUT OR SEND YOU A PAPER APPLICATION. THERE'S PLENTY OF WAYS TO HELP SOMEONE. THEY DON'T NEED TO BUY A COMPUTER. THE SECOND POINT I WANT TO MAKE IS THAT ABOUT FIVE YEARS AGO A BILL WAS INTRODUCED INTO THE HEALTH AND HUMAN SERVICES COMMITTEE WITH REGARD TO DRUG TESTING. AND SOME OF THE RESEARCH THAT WE FOUND WAS THAT IT COST FAR MORE--THIS IS SENATOR McCOLLISTER'S POINT--IT COSTS FAR MORE TO ADMINISTER THAN THE NUMBERS OF PEOPLE WHO WERE, QUOTE, CAUGHT. AND THE STATE SAID, WE'RE GOING TO GET RID OF THIS. THE THIRD POINT, SENATOR GROENE SAID, WELL, BUT THEY CAN GET MEDICAID. OKAY, MEDICAID 101. HOW DO YOU QUALIFY FOR MEDICAID? YOU HAVE TO BE LOW INCOME, AT THE FEDERAL POVERTY LEVEL. YOU HAVE TO FIT, IN ADDITION TO THAT, ONE OF FOUR CATEGORIES: YOU HAVE TO BE A CHILD; YOU HAVE TO BE PREGNANT; YOU HAVE TO BE BLIND OR DISABLED; OR ELDERLY. A LOT OF THE PEOPLE THAT WE'RE TALKING ABOUT HERE ARE NOT ELIGIBLE FOR MEDICAID. THEY COULD BE A VERY LOW-INCOME PARENT, BUT MY GUESS IS, IS THAT MOST OF THESE ARE SINGLE PEOPLE COMING OUT AND

Floor Debate
March 22, 2016

THEY DON'T QUALIFY. ONE OF THE INTERESTING POINTS WHEN WE DID OUR STUDY IN THE COMMITTEE WAS I RAN ACROSS A STORY THAT WAS IN THE NCSL NEWSLETTER. AND IN THE STATE OF GEORGIA, WAS INTRODUCED TO THEIR LEGISLATURE TO HAVE DRUG TESTING FOR BENEFIT ASSISTANCE. AND THAT BILL WAS MOVING ALONG PRETTY WELL IN THE HOUSE OR SENATE, I CAN'T REMEMBER, IN GEORGIA UNTIL SOMEONE INTRODUCED AN AMENDMENT TO IT THAT REQUIRED THE VERY SAME DRUG TESTING OF EVERY MEMBER OF THE HOUSE AND SENATE OF GEORGIA. THE BILL DISAPPEARED. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB910]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. AS I LISTEN TO THIS BILL BEING DEBATED BACK AND FORTH, I REMEMBER WHEN WE TALKED ABOUT IT IN COMMITTEE, BECAUSE THIS BILL ORIGINALLY...THIS AMENDMENT OR THE PART THAT GIVES SNAP BENEFITS REALLY CAME THROUGH HHS COMMITTEE. AND I RECALL LAST YEAR AS WE TALKED ABOUT SNAP BENEFITS AND WE TALKED ABOUT DIFFERENT ASPECTS OF PAROLE AND PEOPLE, IN LB605, JAMMING OUT AND GETTING OUT ON PAROLE, I REMEMBER GOING SOUTH, SOUTH LINCOLN BECAUSE I WANTED TO LEARN ABOUT EXACTLY WHAT TRANSPIRES WHEN YOU GET OUT OF JAIL. FORTUNATELY, I GUESS I'VE BEEN BLESSED BECAUSE I HAVEN'T HAD THAT PROBLEM WITH MY FAMILY OR MYSELF. BUT THERE ARE MANY PEOPLE WHO FOR MANY UNKNOWN REASONS END UP IN PRISON. SOME OF THEM ARE THREE-TIME OFFENDERS, SOME OF THEM ARE FOUR- OR FIVE-TIME OFFENDERS. THEY'VE SERVED THEIR TIME. AND CONTRARY TO WHAT WE WANT TO BELIEVE, MANY OF THEM REALLY WOULD LIKE TO FIND A WAY OUT. I THINK LB605 HAS GONE A LONG WAYS TOWARDS THAT. AND I BELIEVE THIS MAJOR BILL, LB910, COULD ALSO HELP WITH THAT AS WELL, BECAUSE WE'RE FINALLY PUTTING SOME TEETH INTO WHAT WE REALLY NEED TO DO. BUT I RECALL GOING DOWN SOUTH AND LISTENING WITH FOUR OR FIVE OF MY COLLEAGUES LAST FALL, LISTENING TO FIVE OR SIX PEOPLE TALK ABOUT THE CHALLENGES THEY FACE AS THEY CAME OUT OF PRISON. AND THE FACT OF THE MATTER IS, THEY DIDN'T KNOW WHERE TO TURN. WE LET THEM OUT OF PRISON, WE GIVE THEM \$100 AND SAY, GO MAKE IT ON YOUR OWN. SO THEY END UP AT PLACES LIKE HONU HOUSE. IT WAS THE ONE WE HAPPENED TO VISIT THAT NIGHT. AND IT GAVE US AN OPPORTUNITY TO INTERACT WITH THESE PEOPLE, BOTH MEN AND WOMEN, THAT ARE LIVING IN THIS FACILITY TRYING TO MAKE A BETTER LIFE FOR THEMSELVES. SO, WHEN THIS CAME TO OUR COMMITTEE IN HHS, I REALLY THOUGHT HARD ABOUT THIS. AND I THOUGHT, HAVING SEEN WHAT THEY GO

Floor Debate
March 22, 2016

THROUGH, NOT KNOWING WHAT IT'S LIKE...AND I'M STILL NOT SURE OF THE WHOLE PROCESS. BUT THE IDEA THAT WE CAN, FOR SIX TO NINE MONTHS, HELP SOMEBODY WITH FOOD, HELP THEM TURN THEIR LIFE AROUND, MAYBE HELP THEM FIND A JOB, GIVE THEM A ROOF OVER THEIR HEAD, I THINK THAT'S IMPORTANT. I THINK THAT'S WHAT WE...I THINK THAT'S OUR CALLING IN LIFE, TO HELP THE PEOPLE THAT ARE IN NEED. I UNDERSTAND WHERE SENATOR GROENE IS COMING FROM WITH THE AMENDMENT THAT HE'S BROUGHT. AND I KNOW THAT DRUG TESTING, WHILE IN ITSELF, MANY OF THESE PEOPLE ARE DRUG TESTED BECAUSE THEY'RE ON PAROLE ANYWAY. BUT I WONDER REALLY HOW MANY WE'RE REALLY CATCHING, HOW MANY MORE WE'RE CATCHING THAT DON'T NECESSARILY HAVE TO GO THROUGH THAT PROCESS. I DON'T KNOW IF IT'S NECESSARY OR NOT. I'M STRUGGLING WITH THAT ASPECT OF THIS. BUT I DO KNOW THAT I BELIEVE THAT THEY OUGHT TO BE ENTITLED TO SNAP BENEFITS. WHEN YOU'RE DOWN AND OUT AND YOU CAN'T EAT, I CAN'T IMAGINE WHAT THAT WOULD BE LIKE. SO TO DEPRIVE PEOPLE OF A BASIC NEED WHEN WE'RE TRYING TO HELP THEM MOVE BACK INTO SOCIETY IS ONE OF THE LEAST THINGS WE CAN DO. AND AS I UNDERSTAND IT, WE'RE ONLY TALKING ABOUT SIX TO NINE MONTHS OF BENEFITS ANYWAY. SO I WOULD ENCOURAGE YOU TO THINK HARD ABOUT HOW YOU WANT TO VOTE ON THIS BILL. DO THE COMPASSIONATE THING. I DON'T THINK I'M...I'M NOT UNCOMPASSIONATE. [LB910 LB605]

SENATOR KRIST: ONE MINUTE. [LB910]

SENATOR KOLTERMAN: MAYBE WE DO NEED TO DO THE DRUG TEST; MANY OF THEM ARE ALREADY HAVING IT HAPPEN. BUT THE BOTTOM LINE IS, THESE ARE PEOPLE. IF WE EXPECT TO TURN THEM AROUND, TURN THEIR LIVES AROUND, THEN WE NEED TO HELP THEM. AND I'M NOT SURE, THE DRUG TESTING MIGHT NOT COST US MORE THAN WHAT THE BILL IS GOING TO COST US, \$27,000 A YEAR. SO I WOULD ENCOURAGE YOU TO THINK HARD ON HOW YOU VOTE ON THIS. THANK YOU. [LB910]

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB910]

SENATOR HANSEN: QUESTION. [LB910]

SENATOR KRIST: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO SEE FIVE HANDS. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. THERE'S BEEN A REQUEST TO PLACE THE HOUSE

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

Floor Debate
March 22, 2016

UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB910]

CLERK: 25 AYES, 2 NAYS, TO PLACE THE HOUSE UNDER CALL. [LB910]

SENATOR KRIST: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS GLOOR, LINDSTROM, MURANTE, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR GROENE, COULD YOU PLEASE APPROACH THE CHAIR? EVERYONE IS ACCOUNTED FOR. SENATOR HANSEN, HOW WOULD YOU LIKE TO PROCEED? SENATOR HANSEN, YOU CALLED THE QUESTION, SO HOW WOULD YOU LIKE TO PROCEED? CALL-INS OR DO YOU WANT A ROLL CALL? [LB910]

SENATOR HANSEN: CAN I DEFER TO THE CHAIR? (LAUGHTER) [LB910]

SENATOR KRIST: WANT ME TO HELP YOU? (LAUGHTER) [LB910]

SENATOR HANSEN: WE'LL DO ROLL CALL. [LB910]

SENATOR KRIST: THANK YOU. BEEN A REQUEST FOR A ROLL CALL VOTE, REGULAR ORDER. THE QUESTION IS TO CEASE DEBATE. [LB910]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1151.) 34 AYES, 9 NAYS TO CEASE DEBATE. [LB910]

SENATOR KRIST: DEBATE DOES CEASE. SENATOR GROENE, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB910]

SENATOR GROENE: THANK YOU, MR. SPEAKER. SENATOR MORFELD SAID, THE FOOD PANTRY SAID THESE PEOPLE NEED TO BE ABLE TO GET FOOD STAMPS. WELL, WE ARE. THE MAJOR ONES, THE BIGGEST, HUGEST PROPORTION WERE THE ONES WITH THREE STRIKES AND THEY WERE OUT. MY AMENDMENT ALLOWS THEM NOW TO APPLY FOR FOOD STAMPS. NOW, THESE ARE INDIVIDUALS. AS SENATOR BLOOMFIELD SAID, HOW DO YOU GET FOOD STAMPS? THE FOLKS YOU'RE TALKING ABOUT AT FOOD KITCHENS ARE INDIVIDUALS, HOMELESS, USUALLY MALE. THE MOTHER AND CHILDREN PRESENTLY IN THE

Floor Debate
March 22, 2016

STATE OF NEBRASKA IS TAKEN CARE OF WITH MEDICAID. SO IF THEY NEED TO TAKE TREATMENT, IT'S COVERED. IF THEY NEED TO TAKE A DRUG TEST, IT'S COVERED. IF THEY WISH NOT TO TAKE A DRUG TEST THEIR CHILDREN ARE COVERED BY FOOD STAMPS. THE CHECK YOU RECEIVE FROM FOOD STAMPS IS A MULTIPLIER--HOW MANY MOUTHS ARE YOU FEEDING TIMES SO MUCH. I HAVE BEEN TOLD BY THE OPPOSITION THAT THESE PARENTS, CHILDREN FIRST, NO MATTER IF THEY'RE DRUG ADDICTS, THEY WILL TAKE CARE OF THEIR CHILDREN. SO I'M ASSUMING THEY WILL MAKE SURE THEIR CHILDREN ARE FED WITH THE AMOUNT OF FOOD STAMPS THEY HAVE, BECAUSE THE OPPONENTS OF AM2624 SAID THAT WE DON'T NEED ANY ACCOUNTABILITY. WE DON'T NEED ANY TREATMENT. WE DON'T NEED ANY ACCOUNTABILITY, BECAUSE THESE PEOPLE, IF WE GIVE THEM STAMPS, THEY WILL NOT USE IT FOR DRUGS. THEY WILL NOT ABANDON THEIR CHILDREN. THEY WILL FEED THEM. SO MY ASSUMPTION IS THEY WILL. I'M NOT TAKING THAT AWAY FROM THEM. I HAVE HERE WHY THE FEDERAL GOVERNMENT IN 1996, PRESIDENT CLINTON AND THE HOUSE, AT THAT TIME, OF REPRESENTATIVES AND THE SENATE, PUT INTO LAW THE WELFARE REFORM BILLS. THIS WAS DEMOCRATS AND REPUBLICANS. I GUESS, THIS MANY YEARS LATER THE REPUBLICANS ARE MORE LIKE THE DEMOCRATS BECAUSE WE HAVE 35 HERE AND THEY WANT TO DO THEIR GOOD WORKS WITH MY TAX DOLLARS AND FEED THE POOR. RECIDIVISM...THIS IS FROM THE BUREAU OF JUSTICE STATISTICS: PRISONERS RELEASED IN 30 STATES IN 2005, PATTERNS FROM 2005-2010. ABOUT TWO-THIRDS, 68 PERCENT OF RELEASED PRISONERS WERE ARRESTED FOR A NEW CRIME WITHIN THREE YEARS; AND THREE-QUARTERS, 77 PERCENT WERE ARRESTED WITHIN FIVE YEARS. WITHIN FIVE YEARS OF RELEASE, 82.1 PERCENT OF PROPERTY OFFENDERS WERE ARRESTED FOR A NEW CRIME; 77 PERCENT OF DRUG OFFENDERS; 74 PERCENT OF PUBLIC ORDER OFFENDERS; AND 71 PERCENT OF VIOLENT OFFENDERS. THERE'S A LOT OF CORRELATION TO PROPERTY OFFENDERS, THEFT, AND DRUG OFFENDERS IF YOU TALK TO YOUR LOCAL SHERIFF OR COUNTY ATTORNEY. THEY STEAL TO BUY DRUGS. WHAT WE ARE TRYING TO DO HERE IS PUT SOME ACCOUNTABILITY...ANOTHER STEP IN PLACE FOR ACCOUNTABILITY. THE FACT ARE DRUG OFFENDERS DO IT AGAIN AND AGAIN AND AGAIN AND AGAIN. YOU ARE REMOVING, IF YOU DO NOT VOTE FOR AM2624, ONE LEVEL OF ACCOUNTABILITY THAT WAS PUT INTO PLACE BACK IN 2003 BY THIS BODY. THE WHOLE SYSTEM IS IN PLACE NOW TO DO JUST THAT WITH HHS TO MAKE SURE IF YOU WANT FOOD STAMPS AND YOU'RE A CONVICTED CRIMINAL, A DRUG OFFENDER, THAT YOU HAVE TO PROVE YOU HAVE COMPLETED... [LB910]

SENATOR KRIST: ONE MINUTE. [LB910]

Floor Debate
March 22, 2016

SENATOR GROENE: ...COMPLETED OR PRESENTLY TAKING A PROGRAM TO HELP YOU NOT BE ONE OF THOSE 77 PERCENT WHO DO IT AGAIN. THESE ARE THE 77 PERCENT THAT GET CAUGHT AGAIN. THIS IS COMMON SENSE, FOLKS. THIS IS DOING WHAT'S RIGHT. GIVE THESE PEOPLE A PATH AND SOME HELP TO STAY CLEAN. WE HAVE A TOOL HERE, FOOD STAMPS, TO HELP THEM DO THAT. WE HAVE A TOOL TO TIE IT TO THEM. YOU GO OUT AND GET A JOB, YOU PAY FOR YOUR FOOD. THESE FOLKS GET FOOD, THEY ARE LEARNING THAT THERE'S A CONSEQUENCE. SO I VOTE...PLEASE VOTE GREEN ON AM2624. [LB910]

SENATOR KRIST: YOU'VE HEARD THE CLOSING ON AM2624. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. SENATOR GROENE, FOR WHAT REASON DO YOU RISE? [LB910]

SENATOR GROENE: I WANT A ROLL CALL VOTE IN REVERSE ORDER. [LB910]

SENATOR KRIST: THANK YOU, SENATOR. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK. [LB910]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1151-1152.) 16 AYES, 18 NAYS ON THE AMENDMENT, MR. PRESIDENT. [LB910]

SENATOR KRIST: THE AMENDMENT IS NOT ADOPTED. AND BEFORE I TAKE THE CALL OFF, JUST A REMINDER TO STAFF. WHEN WE'RE ON CALL, NOBODY IS PERMITTED ON THE FLOOR. AND THAT'S NOT TO SINGLE ANYBODY OUT, JUST A REMINDER ON THE RULES. THE CALL IS NOW LIFTED. MR. CLERK. RAISE THE CALL. [LB910]

CLERK: MR. PRESIDENT, THANK YOU. SENATOR BLOOMFIELD WOULD MOVE TO RECONSIDER THE VOTE WITH RESPECT TO AM2624. [LB910]

SENATOR KRIST: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED ON YOUR MOTION. [LB910]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I DON'T KNOW JUST WHERE THE TIME FALLS FOR FULL AND FAIR DEBATE. THAT AMENDMENT HAD LESS THAN AN HOUR BEFORE THE QUESTION WAS CALLED. I THINK THERE ARE A LOT OF QUESTIONS TO BE ASKED YET. I WONDER IF SENATOR MORFELD WOULD YIELD TO A QUESTION. [LB910]

Floor Debate
March 22, 2016

SENATOR KRIST: SENATOR MORFELD, WILL YOU YIELD TO A QUESTION, PLEASE?
[LB910]

SENATOR MORFELD: I'D BE HAPPY TO. [LB910]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. UNDER LB605, AS WE EASE SOMEONE OUT OF THE SYSTEM, IF THEY'RE IN THERE FOR A DRUG OFFENSE, ARE THEY NOT, UNDER LB605, GIVEN COUNSELING AND TESTED AND ALL THAT STUFF BEFORE THEY GET OUT, BEFORE THEY'RE RELEASED FINALLY INTO THE PUBLIC? [LB910 LB605]

SENATOR MORFELD: GREAT QUESTION, SENATOR. LB605 DID A COMBINATION OF GIVING JUDGES AND PAROLE BOARD MORE TOOLS TO REQUIRE THAT TYPE OF COUNSELING AND DRUG TESTING WHEN THEY GET OUT. SO IF A JUDGE DETERMINES THAT THEY ARE IN NEED OF THAT, THEY WILL ORDER THAT AND THEN THEY WILL RECEIVE THAT TYPE OF COUNSELING. THAT BEING SAID, SENATOR, THERE'S A LOT OF PEOPLE WHERE THEY DON'T GET ORDERED DRUG COUNSELING THAT HAVE DRUG OFFENSES AND THESE ARE THE INDIVIDUALS THAT WE'RE TALKING ABOUT HERE. [LB910 LB605]

SENATOR BLOOMFIELD: IT WOULD APPEAR TO ME THAT IF THEY'RE COMING OUT, AND YOU TALKED ABOUT BEING IN FOR FIVE TO TEN, IF THEY'RE COMING OUT, GOLLY, BY THEN I WOULD THINK THEY'D BE ABLE TO PASS A DRUG TEST.
[LB910]

SENATOR MORFELD: THEY WOULD AND THEY SHOULD, BUT A LOT OF THEM HAVE NOT RECEIVED SERVICES AT THIS POINT IN THE PRISON SYSTEM. NOW, LB605 AND SOME OF THE FUNDING THAT WE'VE GIVEN THE PRISON SYSTEM, THERE SHOULD BE MORE OF THAT IN THE FUTURE. [LB910 LB605]

SENATOR BLOOMFIELD: OKAY. IT WOULD APPEAR TO ME THEN, SENATOR, THAT WE'RE PUTTING THE CART OUT IN FRONT OF THE HORSE HERE. LET'S GIVE LB605 TIME TO KICK IN AND DO WHAT IT'S SUPPOSED TO DO. AND THEN WHEN THESE PEOPLE COME OUT, THEY ARE TESTED ON THE WAY OUT. AND IT WOULD LOOK TO ME LIKE THEY WOULD THEN BE, UNDER SENATOR GROENE'S AMENDMENT, THEY WOULD BE GOOD TO GO. THEY WERE CLEAN WHEN THEY CAME OUT OR THEY HAD BEEN THROUGH THE COUNSELING PROGRAM. SO I DON'T SEE WHERE SENATOR GROENE'S AMENDMENT WOULD BE A PROBLEM TO PEOPLE COMING OUT. WHERE AM I WRONG, SENATOR MORFELD? [LB910 LB605]

Floor Debate
March 22, 2016

SENATOR MORFELD: WELL, SENATOR, FIRST OFF, I THINK AT A FUNDAMENTAL LEVEL WE SHOULD NEVER BE USING FOOD AS PUNISHMENT AND I'VE SAID THAT SEVERAL TIMES. SO JUST AT A FUNDAMENTAL LEVEL, I THINK THAT WE CAN LOOK AT A LOT OF OTHER WAYS OF PUNISHING PEOPLE AFTER THEY'VE SERVED THEIR TIME, IF WE WANT TO DO THAT. BUT I DON'T THINK IT SHOULD BE DONE WITH FOOD. THAT'S JUST A MORAL AND PHILOSOPHICAL ISSUE. SECOND, TO ANSWER YOUR QUESTION, THOUGH, I THINK THE PROBLEM THAT WE HAVE RIGHT NOW IS, LB605 IS PUTTING IN ALL THESE DIFFERENT SYSTEMS IN PLACE AND THIS IS AN EXTRA LAYER OF BUREAUCRACY AND BARRIERS FOR FOLKS WHO ARE GETTING OUT TO TRY TO GET THE RESOURCES THAT THEY NEED TO BE SUCCESSFUL. JUDGES... [LB910 LB605]

SENATOR BLOOMFIELD: SENATOR MORFELD, THANK YOU. [LB910]

SENATOR MORFELD: YEP. THANK YOU. [LB910]

SENATOR BLOOMFIELD: I THINK YOU JUST SAID THE MAGIC WORD. WE'RE DEVELOPING ANOTHER LEVEL OF BUREAUCRACY. I DON'T THINK THAT'S WHAT WE NEED HERE. LB605 GAVE THE AUTHORITIES THE OPPORTUNITY TO HELP THESE PEOPLE ON THEIR WAY OUT. ALL THE GROENE AMENDMENT SAYS IS, IF YOU GO THROUGH A TREATMENT PROGRAM, YOU'RE GOOD TO GO, YOU CAN GET THE SNAP BENEFITS. SO LB605 GIVES THEM THE PROGRAM, THERE'S NOT AN ISSUE. SOUNDS TO ME LIKE WE'VE ALREADY GOT THE BASES COVERED, SO WHY DO WE NEED MORE BUREAUCRACY? THANK YOU, MR. PRESIDENT. [LB910 LB605]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD AND SENATOR MORFELD. THOSE STILL WISHING TO SPEAK: SENATORS SCHNOOR, HILKEMANN, GROENE, BLOOMFIELD, AND CHAMBERS. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB910]

SENATOR SCHNOOR: THANK YOU, SIR. THROUGHOUT MY YEARS IN THE MILITARY, I GOT TO TRAVEL AROUND OVER MOST PARTS OF THE WORLD. AND ONE TIME...AND I'VE SEEN A LOT OF NASTY PLACES. SO EVEN THOUGH WE TALK ABOUT THIS AND WE TALK ABOUT HOW BAD THINGS ARE HERE, THERE'S PLACES IN THE WORLD WHERE IT'S A WHOLE LOT WORSE. ONE TIME I GUESS I WAS ON VACATION ONCE AT AN ISLAND CALLED GRAND CAYMAN. AND I WAS TALKING TO THIS GENTLEMAN AND HE SAID, WE HAVE NO WELFARE PROGRAM AND WE HAVE NO UNEMPLOYMENT. AND I SAID, REALLY? I SAID, HOW DOES THAT WORK? HE SAYS, IT'S PRETTY SIMPLE. HE SAID, IF YOU DON'T WORK, YOU

Floor Debate
March 22, 2016

DON'T EAT. AND I JUST, LIKE, WOW, AMAZING HOW THAT WORKS. AND I DO THINK IT SAYS THAT IN THE BIBLE. IF YOU DON'T WORK, YOU DON'T EAT. I'VE NEVER BEEN ON FOOD STAMPS. I HAVE FAMILY MEMBERS THAT ARE ON WELFARE AND I'VE SEEN WHAT HAPPENS. I'VE SEEN HOW IT'S ABUSED. I'VE SEEN HOW...AND I'M SPEAKING IN GENERAL TERMS AND I KNOW THIS ISN'T EVERY...APPLY TO EVERYONE. I'VE SEEN HOW THEY SMOKE. I'VE SEEN HOW THEY HAVE PETS. I'VE SEEN HOW THEY ALL HAVE SMARTPHONES. AND I'VE SEEN HOW THEY WORK THE SYSTEM. THEY'RE SMART. BUT I THINK THERE NEEDS TO BE A LEVEL OF ACCOUNTABILITY. AND SINCE WE'RE STILL TALKING ABOUT GROENE'S...SENATOR GROENE'S AMENDMENT, I THINK THAT SMALL LEVEL OF ACCOUNTABILITY IS ACCEPTABLE. THERE ARE CONSEQUENCES TO OUR ACTIONS, AND WE...I KEPT HEARING THAT THEY'VE PAID THEIR DEBT TO SOCIETY. CAN I REMIND EVERYBODY WHAT HAPPENS TO A SEX OFFENDER? HIS NAME GOES ON THE SEX OFFENDER REGISTRY FOREVER. HIS DEBT TO SOCIETY NEVER ENDS. SO YOUR CONSEQUENCES CAN LAST A WEEK, THEY CAN LAST A MONTH, THEY CAN LAST THE REST OF YOUR LIFE, AND THEY CAN ALSO LAST THE REST OF YOUR CHILDREN'S LIVES. THAT'S WHAT CONSEQUENCES ARE. SO HAVING A SMALL LEVEL OF ACCOUNTABILITY FOR THIS IS NOT BAD. I HAVE A FRIEND THAT WAS A FOSTER...HER AND HER HUSBAND WERE FOSTER PARENTS. TWO OF THE CHILDREN THEY WERE TAKING CARE OF, THESE CHILDREN'S BIOLOGICAL PARENTS WERE ADDICTED DRUG USERS. THE BIOLOGICAL MOTHER SAID, WHAT KEEPS ME OFF OF DRUGS IS KNOWING THAT THE STATE IS WATCHING. WHEN THE STATE STOPS, SHE GOES BACK ON DRUGS. SO THAT IS ONE EXAMPLE, AND IT'S JUST ONE, BUT IT IS AN EXAMPLE OF A LEVEL OF ACCOUNTABILITY. I DRIVE TRUCK PART-TIME; I HAVE A CDL. I HAVE TO GO IN AND GET TESTED ONCE...I DON'T KNOW, IT'S RANDOM, BUT I'VE BEEN TESTED TWO OR THREE TIMES ALREADY. DAVE BLOOMFIELD CAN PROBABLY TELL YOU HOW MANY...PROBABLY CAN'T, HE'S BEEN TESTED SO MANY TIMES. IT'S A LEVEL OF ACCOUNTABILITY. IN THE MILITARY, THAT'S ONE TIME I CANNOT TELL YOU HOW MANY TIMES I WAS DRUG TESTED. IT WAS JUST AN ACCEPTED FACT, THAT'S A LEVEL OF ACCOUNTABILITY. [LB910]

SENATOR KRIST: ONE MINUTE. [LB910]

SENATOR SCHNOOR: THANK YOU. SO THERE IS ACCOUNTABILITY OUT THERE. SO WHAT'S WRONG WITH US SAYING THAT WE NEED A LITTLE BIT HIGHER LEVEL OF ACCOUNTABILITY? SENATOR GROENE'S AMENDMENT IS NOT OUT OF LINE, NOT AT ALL. SO WE ARE HELPING THEM BY HOLDING THEM ACCOUNTABLE FOR THEIR ACTIONS, BECAUSE AS SENATOR MORFELD SAID AND I'M KIND OF PUTTING THIS IN MY OWN WORDS, THEY THINK DIFFERENT AND THEY ACT

Floor Debate
March 22, 2016

DIFFERENT BECAUSE THEY'RE DRUG USERS. SO THEY'RE NOT THINKING LIKE YOU AND I, ANYWAY. SO AS WE RECONSIDER THIS, LET'S ADOPT THIS AMENDMENT. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR KRIST: THANK YOU, SENATOR SCHNOOR. SENATOR HILKEMANN, YOU ARE RECOGNIZED. [LB910]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. SENATOR GROENE, WOULD YOU YIELD TO A COUPLE OF QUESTIONS? [LB910]

SENATOR KRIST: SENATOR GROENE, WILL YOU YIELD? [LB910]

SENATOR HILKEMANN: I PICK UP, SENATOR GROENE, ON A COUPLE OF THE QUESTIONS THAT SENATOR McCOLLISTER ASKED YOU EARLIER. AND I'M JUST GOING TO...LET ME ASK THIS QUESTION AND THEN I'LL GIVE YOU A LITTLE BACKGROUND ON THIS. THE QUESTIONS I...SO RIGHT NOW WE'RE NOT REALLY CHANGING THE SNAP BENEFITS. IN OTHER WORDS, THEY WILL CONTINUE TO GET THE SNAP BENEFITS JUST AS WE HAD BEFORE THE DAY STARTED. IS THAT CORRECT? [LB910]

SENATOR GROENE: IF MY AMENDMENT IS ADOPTED, YES. [LB910]

SENATOR HILKEMANN: OKAY. IF YOUR AMENDMENT IS NOT ADOPTED, THEY'RE GOING TO GET THEIR SNAP BENEFITS AFTER...BUT THEY WON'T HAVE TO DO THE DRUG TESTING. IS THAT RIGHT? [LB910]

SENATOR GROENE: CORRECT YOU. RIGHT NOW IN EXISTING LAW...LB910 IS NOT ENACTED SO WE'RE TALKING EXISTING LAW. PRESENTLY, YOU HAVE TO PROVE THAT YOU ARE IN COUNSELING OR ARE IN A PROGRAM OR HAVE SUCCESSFULLY COMPLETED ONE. THAT'S PRESENT LAW. THE DRUG TESTING I'VE ADDED FOR AN ADDED HELP TO THOSE INDIVIDUALS IF THEY VOLUNTARILY WANT TO TAKE A DRUG TEST INSTEAD OF ENROLLING INTO A PROGRAM OR PROVING THAT THEY'VE BEEN IN ONE. [LB910]

SENATOR HILKEMANN: SO ALL THIS AMENDMENT IS DOING IS, IT'S KIND OF A CHECKS AND BALANCES TO MAKE SURE THAT THEY'RE FOLLOWING THROUGH WITH THE LAW. IS THAT CORRECT? [LB910]

Floor Debate
March 22, 2016

SENATOR GROENE: WE ALSO...THE MAJOR...IN THE GENERAL FILE, WHAT THIS WAS SOLD ON WAS THAT IF YOU'VE BEEN CONVICTED THREE TIMES, YOU ARE OUT, YOU ARE DONE. YOU COULDN'T THE REST OF YOUR LIFE GET...WE CHANGED THAT TO SAY ONE OR MORE. GOOD LORD WILLING, YOU'RE BORN AGAIN AND IT'S BEEN TEN CONVICTIONS AND YOU'RE TURNING YOUR LIFE AROUND, YOU CAN GET FOOD STAMPS IF YOU WANT TO GET A DRUG TEST OR TAKE SOME TREATMENT. WE DID CHANGE THAT. [LB910]

SENATOR HILKEMANN: NOW, SENATOR, YOU PASSED OUT A MAP HERE EARLIER TODAY AND WE'RE ONE OF THE PURPLE STATES. WE GOT BLUE STATES, WE HAVE WHITE STATES. AND THE BLUE STATES SAY THAT IT'S A PARTIAL BAN. WOULD WE, IF WE ADOPTED THIS, WOULD WE BE A BLUE STATE? [LB910]

SENATOR GROENE: NO, BECAUSE WHY WE ARE CONSIDERED A PURPLE STATE WHERE WE HAVE A FULL ENFORCEMENT IS BECAUSE OF THE DRUG DEALERS. THEY'RE COMPLETELY OUT. SO THAT ONE EXCEPTION KEEPS US IN THE PURPLE STATES. [LB910]

SENATOR HILKEMANN: ARE YOU AT ALL CONCERNED THAT IF WE PASS THIS, THAT WE WON'T PUT OTHER...FOR OTHER...I KNOW SOME STATES HAVE BEEN TRYING TO CHANGE SNAP BENEFITS AND PUT OTHER REQUIREMENTS, NOT JUST ON THE DRUG DEALERS. BUT DOES THAT CONCERN YOU AT ALL THAT THIS MIGHT BE KIND OF AN OPENING UP THE DOOR TO ADDITIONAL RESTRICTIONS ON PEOPLE WHO RECEIVE SNAP BENEFITS? [LB910]

SENATOR GROENE: NO, I'M PUTTING BACK INTO THIS LEGISLATION WHAT WE ALREADY HAVE BEEN DOING SINCE 2003. NOBODY IS TRYING TO PUT...WE ARE FOLLOWING FEDERAL LAW, AND THE ONE FEDERAL LAW EXCEPTION IS CONVICTIONS FOR DRUGS, THAT'S ALL. AND WE HAVE TO FOLLOW THE FEDERAL PROGRAM GUIDELINES. SO NOBODY COULD PUT MORE RESTRICTIONS ON ANYONE ELSE BECAUSE WE'VE GOT TO FOLLOW THE FEDERAL GUIDELINES. AND WE ARE BECAUSE THERE'S AN EXCEPTION FOR DRUG CONVICTIONS. [LB910]

SENATOR HILKEMANN: AND ONE OTHER QUESTION I HAVE IS THAT--BECAUSE I'VE BEEN CALLED OUT A COUPLE TIMES DURING THE DAY--WAS THE QUESTION ANSWERED, ARE THERE ANY OTHER STATES THAT ARE PUTTING THIS RESTRICTION ON PEOPLE WHO HAVE THE FELONIES AS FAR AS THE SNAP? [LB910]

Floor Debate
March 22, 2016

SENATOR GROENE: NOT THAT I KNOW OF. WE'RE NOT DEBATING THAT ONE.
[LB910]

SENATOR HILKEMANN: OKAY. SO WE WOULD BE THE FIRST STATE. [LB910]

SENATOR GROENE: WELL, YES, THERE WAS STATES. THE LAWSUIT THAT SENATOR BOLZ BROUGHT UP WAS FLORIDA. AND THE COURTS HAVE SAID, NO, YOU CANNOT PUT A...MANDATORY DRUG TESTING ON ALL APPLICANTS TO SNAP. AND I HAPPEN TO AGREE WITH THAT. BUT THAT ISN'T WHAT WE'RE DOING HERE.
[LB910]

SENATOR HILKEMANN: OKAY. SO WHAT YOU WOULD SAY, THAT THIS BILL REPRESENTS...WE'RE TALKING ABOUT ACCOUNTABILITY RATHER THAN BEING RATHER MEAN TO THE PEOPLE? [LB910]

SENATOR GROENE: TRYING TO HELP THEM. "RECIDIVITY" IS HIGH IN DRUG CRIMES. [LB910]

SENATOR HILKEMANN: OKAY. [LB910]

SENATOR GROENE: WE'RE TRYING TO GIVE THEM...I HAVE SOME INFORMATION HERE THAT WHEN I SPEAK NEXT TIME ABOUT DRUG TREATMENT IN OUR PENAL SYSTEM...I LIKE FACTS, FOLKS. YOU CAN FEEL GOOD AS MUCH AS YOU WANT, BUT YOU'RE NOT GOING TO HELP A LOT OF PEOPLE. [LB910]

SENATOR HILKEMANN: THANK YOU, SENATOR GROENE. I'LL JUST FINISH UP. I RECEIVED...I VOTED FOR THIS WHEN IT CAME THROUGH ON THE FIRST ROUND. I WAS NOT HAPPY THAT THIS BILL...THAT LB690 WAS ATTACHED TO THAT. I DID NOT THINK IT WAS GERMANE AND I'M SORRY THAT IT'S PART OF THIS BILL AND THAT'S KIND OF WHY I'VE BEEN A... [LB910 LB690]

SENATOR KRIST: TIME, SENATORS. TIME. [LB910]

SENATOR HILKEMANN: THANK YOU. [LB910]

SENATOR KRIST: THANK YOU, SENATOR HILKEMANN AND SENATOR GROENE. (VISITORS INTRODUCED.) THOSE STILL WISHING TO SPEAK: SENATOR GROENE,

Floor Debate
March 22, 2016

BLOOMFIELD, BRASCH, SCHUMACHER, MORFELD, AND OTHERS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB910]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. REMEMBER, WE ARE TALKING ABOUT DRUG OFFENSES, CONVICTIONS. WE'RE TALKING ABOUT PEOPLE WHO, YOU KNOW, SOMEBODY WHO ROBS A CONVENIENCE STORE DOESN'T WAKE UP IN THE MIDDLE OF THE NIGHT WITH COLD SWEATS, WANTING TO GO ROB ANOTHER CONVENIENCE STORE. DRUGS ARE ADDICTIVE, HIGHLY ADDICTIVE. THAT IS WHY THERE'S SO MUCH RECIDIVISM IN IT. THAT IS WHY THE FEDERAL GOVERNMENT AND GOVERNMENTS IN THE PAST HAVE TRIED THEIR BEST TO HELP PEOPLE WITH LONG-TERM HELP, EVEN AFTER THEY'VE DONE THEIR TIME. THAT'S WHAT MY AMENDMENT TRIES TO DO...WILL DO. HERE'S A REPORT FROM THE NATIONAL INSTITUTE OF JUSTICE RESEARCH REPORT, "THE EFFECTIVENESS OF TREATMENT FOR DRUG ABUSERS UNDER CRIMINAL JUSTICE SUPERVISION." VARYING PERSPECTIVE OF EFFECTIVENESS OF TREATMENT: EFFECTIVENESS IS RELATED SPECIFICALLY TO THE LENGTH OF TIME AN INDIVIDUAL REMAINS IN TREATMENT, REGARDLESS OF THE TYPE OF TREATMENT PROVIDED. HOWEVER, IT SHOULD BE KEPT IN MIND THAT ONCE A PERSON IS ADDICTED, THE CONDITION IS CHRONIC AND THE SUBSTANCE ABUSER IS PRONE TO RELAPSE. THESE TWO ASPECTS OF DRUG ABUSE OFTEN MAKE THE EFFECTIVENESS OF DRUG ABUSE TREATMENT DIFFICULT FOR MANY TO UNDERSTAND. VIEWED FROM A HEALTH PERSPECTIVE, TREATMENT SHOULD BE FOLLOWED BY A CURE, WITH NO FURTHER DRUG ABUSE. VIEWED FROM THE PERSPECTIVE OF THE LEGISLATOR AND THE LAY PUBLIC, THE OUTCOME OF TREATMENT SHOULD REDUCE RECIDIVISM; THAT IS, A REDUCED TENDENCY TO RETURN TO CRIMINAL BEHAVIOR. TOGETHER WITH ELIMINATION OF THE SUBSTANTIAL REDUCTION OF DRUG ABUSE, IN THE FIELD OF CORRECTIONS, THE HEALTH GOAL AND THE CRIMINAL JUSTICE GOALS ARE COMPATIBLE BUT ARE NOT FREQUENTLY IMPLEMENTED COHERENTLY. THIS OFTEN GIVES RISE TO TENSION THROUGH AN UNINTENDED CONSEQUENCE. LEGISLATORS AND THE PUBLIC ALSO APPEAR TO SUSPECT THAT DRUG ABUSE TREATMENT IS FUTILE, DESPITE RESEARCH FINDINGS WHICH HAVE CONSISTENTLY INDICATED IT IS EFFECTIVE, ESPECIALLY WHEN COMBINED WITH CRIMINAL JUSTICE SANCTIONS. THIS SUSPICION UNDERLIES SOME OF THE RELUCTANCE TO ESTABLISH TREATMENT PROGRAMS. I'M TRYING TO ESTABLISH ONE, GUYS. I'M THE LIBERAL HERE. I'M THE PROGRESSIVE. I'M TRYING TO HELP THESE PEOPLE LONG TERM. YOU THINK THE GOOD LORD WANTS YOU TO GIVE THE DRUG ABUSER ON THE STREET CORNER SOME FOOD STAMPS AND THEN WALK AWAY? WHEN THE GOOD LORD FED 4,000, DID HE NOT MAKE THEM SIT THROUGH A COUNSELING SERVICE FIRST BEFORE HE FED THEM? SHOW ME IN THE GOOD BOOK WHERE YOU'RE SUPPOSED TO JUST

Floor Debate
March 22, 2016

GIVE THEM A SANDWICH. SECULAR HUMANISM RELIGION DOES IT. YOU DO YOUR GOOD WORKS WITH YOUR NEIGHBOR'S TAX DOLLARS. THEN YOU WALK AWAY AND YOU PAT YOURSELF ON THE BACK. THAT'S WHAT LB690 DOES--MAKES YOU FEEL GOOD. YOU DID SOMETHING. YOU GIVE THAT GUY ON THE STREET CORNER FIVE BUCKS AND YOU WALK AWAY. I'M GOING TO TAKE HIS HAND AND SAY, NO, NO. YOU'RE GOING TO TAKE SOME COUNSELING, YOU'RE GOING TO PROVE YOU'RE TRYING TO CHANGE YOUR LIFE. AND IF YOU WANT TO BE IN MY FACE AND SAY, I CAN DO IT MYSELF, THEN TAKE A DRUG TEST VOLUNTARILY AND SHOW ME YOU DID IT YOURSELF. LB910 AS IT NOW STANDS SAYS, NO, WE'RE NOT GOING TO HELP YOU. WE'RE GOING TO FEED YOU AS YOU DIE, AS YOUR VEINS DRY UP, AS YOU'RE ADDICTED TO THOSE DRUGS, AS YOUR CHILDREN CRY IN THE CORNERS, YOU'RE PASSED OUT ON THE COUCH. THAT'S WHAT LB910 ALLOWS, AS WRITTEN. WHERE DO YOU STAND? DO YOU WANT TO HELP PEOPLE? DO YOU WANT TO THROW YOUR MONEY IN THE COLLECTION PLATE AND GO HOME AND HOPE THEY SEND IT TO MISSIONS OR DO YOU WANT TO HELP PEOPLE? I WANT TO HELP THEM, SO DOES THE CONSERVATIVES THAT BACK THIS BILL, MY AMENDMENT, AM2624. [LB910 LB690]

SENATOR KRIST: ONE MINUTE. [LB910]

SENATOR GROENE: I WOULD LIKE YOU TO RECONSIDER YOUR VOTE. LET'S HELP THESE FOLKS. LET'S NOT DO THE LIBERAL THING AND THROW MONEY AT STUFF WITHOUT ANY ACCOUNTABILITY. WE DON'T DO THAT. THANK YOU, MR. PRESIDENT, FOR YOUR TIME AND KEEPING AN EYE ON ME. [LB910]

SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB910]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I HAD A PHONE CALL A LITTLE BIT AGO TO MY OFFICE FROM A CONSTITUENT THAT SAID, WHEN WE LET THEM OUT OF JAIL, THEY'RE NOT CLEAN. DRUGS ARE AS READILY AVAILABLE IN PRISON AS THEY ARE ON THE STREET. THAT'S A BIT CONCERNING. IF THAT IS TRUE, WE HAVE BIGGER ISSUES THAN WHETHER OR NOT WE'RE GOING TO GIVE THEM FOOD STAMPS WHEN THEY GET OUT. I'M LOOKING AROUND TO SEE WHO I COULD ASK THAT QUESTION TO. SENATOR CHAMBERS WOULD HAVE BEEN A LIKELY CANDIDATE, BUT I DON'T SEE HIM. WOULD SENATOR SEILER YIELD TO A QUESTION, PERHAPS? [LB910]

SENATOR COASH PRESIDING

Floor Debate
March 22, 2016

SENATOR COASH: SENATOR SEILER, WILL YOU YIELD? [LB910]

SENATOR SEILER: YES. [LB910]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. HOW FAMILIAR ARE YOU WITH OUR PRISON SYSTEM? DO WE HAVE A RAMPANT DRUG PROBLEM WITH PEOPLE THAT ARE COMING OUT OF PRISON? ARE THEY ALREADY SO DIRTY, THERE'S NO HOPE FOR THEM? [LB910]

SENATOR SEILER: FOR THE LAST THREE YEARS I'VE BEEN ON THE COMMITTEES THAT HAVE BEEN INVESTIGATING THAT AND I HAVEN'T SEEN ANY STATISTICS THAT BACK THAT UP. [LB910]

SENATOR BLOOMFIELD: OKAY. LET ME FOLLOW UP WITH YOU A LITTLE LONGER, IF I COULD, SENATOR. [LB910]

SENATOR SEILER: NO PROBLEM. [LB910]

SENATOR BLOOMFIELD: UNDER LB605 AND WHAT WE'RE DOING, ARE THE DRUG OFFENDERS, FOR THE MOST PART, GETTING SOME COUNSELING AND TESTED AND WHATNOT AS THEY COME OUT? [LB910 LB605]

SENATOR SEILER: THEY HAVE NOT BEEN, BUT THEY WILL AFTER LB605 KICKS IN, YES. [LB910 LB605]

SENATOR BLOOMFIELD: AND DO YOU KNOW THE DATE ON THAT? [LB910]

SENATOR SEILER: LAST AUGUST. [LB910]

SENATOR BLOOMFIELD: SO ANYONE BEING RELEASED AT THIS POINT IN TIME SHOULD BE GOING THROUGH A PROGRAM OF SOME SORT. AM I CORRECT? [LB910]

SENATOR SEILER: NO, IT'S WHETHER OR NOT THEY WERE CONVICTED UNDER LB605 VERSUS WERE THEY CONVICTED PRIOR TO AUGUST, THIS LAST AUGUST. [LB910 LB605]

Floor Debate
March 22, 2016

SENATOR BLOOMFIELD: OKAY. SO THOSE THAT ARE CURRENTLY IN THERE WE'RE STILL JUST KICKING OUT, THAT WERE IN THERE BEFORE THE FIRST OF AUGUST? [LB910]

SENATOR SEILER: YEAH, AND THERE'S NO...THAT'S THE BIGGEST PROBLEM THEY'VE GOT IS THEY'RE GOING THROUGH A CLASSIFICATION NOW TO ORGANIZE THE PRISONERS BY CLASSIFICATION SO THEY CAN TEACH PROGRAMS. BEFORE THEY WERE JUST CHASING BEDS. IT DIDN'T MATTER WHAT YOUR CLASSIFICATION WAS, YOU'D BE JUST PUT IN A BED WHEREVER ONE WAS AVAILABLE. [LB910]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. COLLEAGUES, I WONDER IF OUR EFFORTS WOULDN'T BE BETTER PUT TO REACHING THESE PEOPLE THAT ARE ALREADY INCARCERATED PRIOR TO AUGUST 1, RATHER THAN SEEING WHETHER OR NOT THEY GET FOOD STAMPS WHEN THEY GET OUT. I AM GOING TO STAND IN SUPPORT OF SENATOR GROENE'S AMENDMENT. I MENTIONED THAT BEFORE. I'VE SEEN NOTHING TO CHANGE MY MIND. BUT WE'VE GOT SOME WORK TO DO WITHIN OUR PRISONS AND I THINK EVERYBODY HERE WAS ALREADY AWARE OF THAT. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR COASH: THANK YOU, SENATOR BLOOMFIELD. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB910]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I DO STAND IN SUPPORT OF THE RECONSIDERATION, MO223, BY SENATOR BLOOMFIELD, IN SUPPORT OF AM2624. I STOOD BEFORE, TELLING YOU THAT I SINCERELY BELIEVE THAT WE ARE DOING INDIVIDUALS WITH AN ADDICTION A SERVICE BY ENSURING THAT THEY HAVE PROPER TREATMENT AND NOT JUST GIVE THEM FOOD STAMPS OR FOOD ASSISTANCE ON A REGULAR, ACCEPTED BASIS. IF YOU LOOK AT NEBRASKA 211--THAT'S THE NEBRASKA ASSISTANCE LINE--IF YOU CALL 211--IT'S SPONSORED BY THE UNITED WAY, THE HEARTLAND UNITED WAY. AND ON THEIR WEB SITE IT WILL SHOW YOU THAT THIS ORGANIZATION, THEIR PURPOSE IS TO CONNECT FAMILIES AND INDIVIDUALS WITH IMMEDIATE NEEDS. I LEARNED ABOUT THEM DURING THE FLOODING ALONG THE MISSOURI RIVER, THAT A PERSON COULD CALL IF THEY'RE WITHOUT FOOD, WITHOUT SHELTER. THEY WOULD GET A CONNECTION WITH ONE OF THE MANY, MANY ORGANIZATIONS THAT WILL PROVIDE FOOD, AS WELL AS MULTIPLE OTHER ITEMS. ONE OF THE COLLEAGUES, SENATOR BAKER HERE, WAS SAYING, WELL, WHAT IF SOMEBODY IS HUNGRY NOW AND THEY

Floor Debate
March 22, 2016

DON'T WANT TO WAIT FOR A PANTRY? AND I THINK BY CALLING 211, INDIVIDUALS WILL HELP. I ALSO PRINTED OUT FROM THEIR WEB PAGE, PAGES AND PAGES OF SOUP KITCHENS, ABILITIES TO GET FOOD, AND IT'S ACROSS THE ENTIRE STATE. HERE'S NORTH PLATTE, HASTINGS, KEARNEY, SCOTTSBLUFF, GERING, OMAHA, LINCOLN, MORE IN OMAHA AND KEARNEY, MORE IN SCOTTSBLUFF. THE LIST GOES ON, GRAND ISLAND, THAT THERE ARE SOUP KITCHENS AVAILABLE. SOUP KITCHENS TYPICALLY PROVIDE SOME SORT OF A DAILY MEAL, BUT THAT HELP LINE IS ONE AVENUE THAT SOMEONE WHO NEEDS FOOD NOW CAN CALL AND TRY TO GET SOME SORT OF ASSISTANCE. BUT BACK TO THE ROOT OF THE PROBLEM, NOT FOR THE LACK OF FOOD, BUT WHEN WE DO GIVE THEM FOOD WE DO IT AFTER THEIR FIRST OFFENSE. WE ALSO DO IT AFTER THEIR SECOND OFFENSE. AND, OBVIOUSLY, PROVIDING FOOD IS NOT A CURE OR A SOLUTION TO THEIR DRUG ADDICTION PROBLEMS. I BELIEVE WE HAVE A RESPONSIBILITY TO GET TO THE ROOT OF ALL OF THESE DRUG PROBLEMS, WHETHER IT'S METH OR WHAT, AND FIND OUT WHY PEOPLE ARE USING. WHY ARE THEY NOT ABLE TO WORK? WHY ARE THEY NOT ABLE TO FEED THEMSELVES AND HELP ON THE ADDICTION LEVEL? AND THE FOOD NEED AND THE FOOD PROVIDING SITUATION WILL TAKE CARE OF ITSELF. IT'S LIKE THE PROVERB, IF YOU TEACH A MAN TO FISH, HE CAN FEED HIMSELF. BUT JUST BY GIVING THEM SOMETHING, I BELIEVE THAT WE ARE TELLING THEM IT'S OKAY TO USE. SO YOU HAVE AN ADDICTION, SO WHAT? AND THAT'S ENTIRELY WRONG IN MY VIEW, BECAUSE IT'S NOT, SO WHAT? THAT LEADS TO BROKEN LIVES, BROKEN FAMILIES, BROKEN OPPORTUNITIES. [LB910]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR BRASCH: IT'S A DOWNWARD SPIRAL. AND IF YOU LOOK AT THE AMENDMENT...I ENCOURAGE ALL OF YOU TO LOOK AT IT BECAUSE THEY VOLUNTARILY SUBMIT TO A DRUG TEST. THAT'S A SHORTCUT TO WELL-BEING, A SHORTCUT. THAT'S THE FIRST STEP. COLLEAGUES, IT'S A GOOD AMENDMENT. PLEASE RECONSIDER, VOTE GREEN. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB910]

SENATOR COASH: THANK YOU, SENATOR BRASCH. MR. CLERK FOR AN ANNOUNCEMENT.

CLERK: MR. PRESIDENT, SENATOR KRIST WOULD LIKE TO HAVE A MEETING OF THE LR413 TASK FORCE ON BEHAVIORAL HEALTH AND MENTAL HEALTH IN

Floor Debate
March 22, 2016

ROOM 2102 RIGHT NOW; ROOM 2102 FOR THE BEHAVIORAL HEALTH AND MENTAL HEALTH TASK FORCE. [LB910]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB910]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I THINK BOTH SIDES OF THIS ISSUE HAVE GOT VERY, VERY GOOD POINTS. CERTAINLY WE SHOULD NOT DRIVE PEOPLE WHO HAVE SERVED THEIR SENTENCES, ARE TRYING TO RETURN THEIR LIVES TO NORMALCY, TO GO HUNGRY. AND THAT IS AN ADMIRABLE TRAIT. SENATOR GROENE IS POINTING OUT THAT WE SHOULD ALSO USE THAT SITUATION AS AN OPPORTUNITY TO HELP THEM STAY ON THE RIGHT TRACK. NOT A BAD IDEA, EITHER. SO, SENATOR GROENE, WOULD YOU YIELD TO A QUESTION? [LB910]

SENATOR COASH: SENATOR GROENE, WILL YOU YIELD? [LB910]

SENATOR GROENE: YES. [LB910]

SENATOR SCHUMACHER: SENATOR GROENE, WHAT IF WE PUT A TIME LIMIT ON THAT? WOULDN'T YOU AGREE THAT 50 YEARS LATER, AFTER THEY'VE BEEN RELEASED AND DONE THEIR SENTENCE, WOULD BE A BIT MUCH? [LB910]

SENATOR GROENE: WELL, IF IN 1997, BECAUSE EVERYBODY BEFORE 1996 WAS EXEMPT FOR THEIR CONVICTIONS BECAUSE THE FEDERAL LAW DIDN'T GO UNTIL '96, IF YOU...I'VE THOUGHT ABOUT THIS, SENATOR SCHUMACHER, BECAUSE WE DISCUSSED IT OFF MIKE. IF YOU WERE IN 1997 AND YOU GOT CONVICTED OF A DRUG OFFENSE AND YOU CLEANED YOUR LIFE UP AND YOU GOT A PIECE OF PAPER THAT SAYS YOU WENT THROUGH COUNSELING IN 1997, YOU GOT A FREE PASS. YOU ALREADY HAVE THAT FREE PASS. [LB910]

SENATOR SCHUMACHER: WELL, SENATOR, WE PASSED A THING LAST YEAR I BELIEVE THAT SAID, BEFORE YOU'RE RELEASED FROM THE PENITENTIARY AND CERTAINLY IF YOU DON'T GO TO THE PENITENTIARY, YOU'RE ON PROBATION, YOU'VE GOT TO GO THROUGH PAROLE. AND BOTH PAROLE AND PROBATION, BEST I CAN REMEMBER, HAVE DRUG TESTING AS PART OF THEIR PROTOCOL BEFORE THEY CUT YOU LOOSE. AND SO WOULD THAT, IF THEY GOT A DRUG

Floor Debate
March 22, 2016

TESTING IN CONNECTION OR A VOLUNTARY COURSE IN CONNECTION WITH THEIR PROBATION AND PAROLE, WOULD THAT BE GOOD ENOUGH? [LB910]

SENATOR GROENE: NO, OUR AMENDMENT SAYS THEY HAVE TO TAKE...IF THAT'S THE ROUTE THEY TAKE, THEY HAVE TO TAKE A DRUG TEST AT LEAST SEMIANNUAL, EVERY SIX MONTHS. [LB910]

SENATOR SCHUMACHER: WELL, THERE'S AN "OR" IN THERE. IT SAYS, IS PARTICIPATING IN OR HAS COMPLETED A ACCREDITED TREATMENT PROGRAM SINCE THE DATE OF THEIR MOST RECENT CONVICTION. AND THEN IT DOESN'T SAY AND, IT SAYS, OR THEY VOLUNTARILY GO AND TAKE THESE TESTS. [LB910]

SENATOR GROENE: I THINK THE CRITICAL WORD THERE, SIR, IS VOLUNTARILY. [LB910]

SENATOR SCHUMACHER: RIGHT. BUT, OR VOLUNTARILY SUBMITS. [LB910]

SENATOR GROENE: YEAH. [LB910]

SENATOR SCHUMACHER: AND SO IF THEY TAKE THIS DRUG COURSE, NATIONALLY ACCREDITED, WHILE THEY'RE ON PAROLE AND PROBATION AS PART OF THE PROBATION AND PAROLE PROTOCOL, DOES THAT MEET THE REQUIREMENTS OF YOUR BILL? [LB910]

SENATOR GROENE: YES, IF IT'S A CERTIFIED COURSE OR WHATEVER, PROGRAM, AND THEY TOOK IT WHILE THEY WERE IN THE STATE PEN AND THEY SUCCESSFULLY COMPLETED IT AND THE WARDEN OR WHOEVER DOES IT IN THE PRISON SAYS, HERE'S THE CERTIFICATE, YOU COMPLETED THIS. YOU GO DOWN AND APPLY FOR FOOD STAMPS, YOU GET FOOD STAMPS. [LB910]

SENATOR SCHUMACHER: OKAY. AND THAT'S ALL YOU'RE REQUIRING, IS THAT AS PART OF THEIR PAROLE OR PROBATION, THEY'VE HAD SOME DRUG COUNSELING. [LB910]

SENATOR GROENE: I'M NOT...YOU DON'T HAVE...IT WOULD HAVE...IT DOESN'T HAVE TO BE TIED TO PAROLE OR PROBATION. YOU COULD... [LB910]

Floor Debate
March 22, 2016

SENATOR SCHUMACHER: BUT THEY COULD USE THE ONES... [LB910]

SENATOR GROENE: YEAH. [LB910]

SENATOR SCHUMACHER: OKAY. SENATOR MORFELD, WILL YOU ANSWER A QUESTION? [LB910]

SENATOR COASH: SENATOR MORFELD, WILL YOU YIELD? [LB910]

SENATOR MORFELD: YES. [LB910]

SENATOR SCHUMACHER: WOULD YOU OBJECT IF THIS WAS PART OF PROBATION OR PAROLE THAT THEY HAD TO TAKE THIS EDUCATION COURSE THAT'S REQUIRED IN THE FIRST PART OF THE "OR," NUMBER (i) UNDER SENATOR GROENE'S AMENDMENT? [LB910]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR MORFELD: SENATOR, I WAS NOT FOLLOWING THE CONVERSATION AS I WAS COUNTING VOTES. SO IF YOU WANT TO TALK ABOUT THIS OFF THE MIKE, I'M MORE THAN WILLING TO SIT DOWN AND LOOK AT THE LANGUAGE, BUT I WOULD HAVE TO HAVE IT IN FRONT OF ME. [LB910]

SENATOR SCHUMACHER: ALL OF US HAVE PRIORITY BILLS THAT ARE TICKING AWAY HERE LIKE BOMBS AND READY TO GO OFF. SO MAYBE IT WOULD BEHOOVE US TO SEE...I DON'T...THERE'S ONE OTHER FINE-TUNING POINT, WHETHER OR NOT THIS PAINTS WITH TOO BROAD A BRUSH BY SAYING PEOPLE WHO CLEANED UP THEIR ACT BUT AT ONE TIME SOLD A BAGGY OF MARIJUANA OR DISTRIBUTED IT, SHOULD BE INCLUDED IN THIS NET. SO WE'RE PRETTY CLOSE HERE, IF PAROLE AND PROBATION EDUCATION IS THE STANDARD. AND I'D BE HAPPY TO MEET WITH BOTH OF YOU AND SEE IF WE CAN COME UP WITH LANGUAGE AND MOVE ON WITH LIFE HERE, BECAUSE IT DOESN'T LOOK TO...I MEAN, IF SENATOR GROENE IS WILLING TO ACCEPT AN EDUCATION PROGRAM, WHICH I THINK IS ALREADY NORMALLY DONE UNDER PAROLE AND PROBATION. [LB910]

SENATOR COASH: TIME, SENATORS. [LB910]

Floor Debate
March 22, 2016

SENATOR SCHUMACHER: THANK YOU. [LB910]

SENATOR COASH: THANK YOU, SENATOR SCHUMACHER AND SENATOR MORFELD. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB910]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I'M CERTAINLY WILLING TO LOOK INTO OTHER OPTIONS, BUT I'LL BE HONEST WITH YOU. THE EASIEST OPTION IS TO SIMPLY ELIMINATE THE BAN. IT SEEMS TO ME LIKE THE PURPOSE OF THE BAN WAS TO BE PUNITIVE AND PUNISH PEOPLE FOR EITHER USING DRUGS OR DISTRIBUTING DRUGS. AND I'M TELLING YOU RIGHT NOW, IF YOU THINK ABOUT THAT FOR A MINUTE, IF YOU LOGICALLY THINK ABOUT THAT FOR A MINUTE IT'S NOT EFFECTIVE, BECAUSE PEOPLE THAT ARE ADDICTED TO DRUGS OR EVEN DISTRIBUTING DRUGS--WHICH THEY'RE USUALLY ADDICTED TO THE DRUGS AS WELL AND USUALLY FEEDING THEIR HABIT BY BEING ABLE TO DISTRIBUTE--THEY AREN'T THINKING, AND MANY OF THEM PROBABLY AREN'T EVEN AWARE, THAT THE BENEFIT FOR FOOD STAMPS IS AT STAKE. IT IS NOT SOMETHING THAT PREVENTS PEOPLE FROM USING OR DISTRIBUTING DRUGS. IT JUST SIMPLY DOESN'T. IT DOESN'T MAKE ANY SENSE. AND SO WHAT IS THE POINT OF THIS PROHIBITION? ALL IT DOES IS MAKE IT HARDER FOR INDIVIDUALS TO BE ABLE TO INTEGRATE BACK INTO SOCIETY. THAT'S ALL IT DOES. THE EASIEST AND CLEANEST WAY TO MAKE THIS MORE EFFECTIVE AND MORE EFFICIENT IS TO SIMPLY GET RID OF THE BAN. IF THIS WAS SUCH AN EFFECTIVE BAN, THEN WHY DON'T WE APPLY IT TO ALL FELONIES? THERE MIGHT BE SOME PEOPLE IN THE BODY THAT WANT TO DO THAT. BUT IF WE'RE REALLY SERIOUS ABOUT REENTRY AND GETTING PEOPLE BACK ON THEIR FEET AND BECOMING PRODUCTIVE MEMBERS OF SOCIETY, THEY WILL HAVE ACCESS TO PROGRAMS LIKE THIS, PROGRAMS THAT ARE, BY AND LARGE, TEMPORARY PROGRAMS. I UNDERSTAND THE URGE TO PUNISH PEOPLE AND I UNDERSTAND HOW THE GUT CHECK IS, WELL, YOU KNOW WHAT, THESE PEOPLE DID DRUGS OR DISTRIBUTED DRUGS; THEY DON'T DESERVE TO HAVE THESE BENEFITS. BUT THE FACT OF THE MATTER IS, IT'S INCONSISTENT WITH OUR CURRENT POLICY. IT'S INCONSISTENT WITH WHAT WE'VE BEEN DOING WITH LB605. AND NOBODY SHOULD BE DENIED FOOD--AS A MORAL ISSUE--WHO NEEDS IT, PARTICULARLY FOLKS THAT ARE GETTING OUT OF PRISON, HAVE SERVED THEIR TIME, AND ARE TRYING TO BE PRODUCTIVE MEMBERS OF SOCIETY AGAIN. I ASK THAT YOU VOTE NO ON THE RECONSIDERATION MOTION; THAT YOU VOTE NO ON THE GROENE AMENDMENT, WHICH I DON'T THINK WE ACTUALLY NEED TO DO, BUT IF THE RECONSIDERATION AMENDMENT IS SUCCESSFUL; AND VOTE YES ON LB910. IT MAY NOT BE THE MOST POPULAR BILL, I GET THAT, BUT IT'S A BILL THAT DOES THE RIGHT THING. AND THE INDIVIDUALS THAT ARE TALKING ABOUT

Floor Debate
March 22, 2016

ACCOUNTABILITY ON THE FLOOR AREN'T ACTUALLY LOOKING AT THE PRACTICAL REALITY OF HOW THIS WORKS. THESE PROGRAMS ARE NOT AVAILABLE FOR INDIVIDUALS WHO EVEN WANT TO SEEK THEM. THEY EITHER COST TOO MUCH OR THERE'S A WAITING LIST THAT GOES ON FOR A FAIRLY LONG TIME. SO FOLKS THAT SAY, WELL, WE'RE TAKING AWAY ALL THE ACCOUNTABILITY, WE'RE DOING ALL THIS, THE ACCOUNTABILITY SYSTEM ISN'T IN PLACE AS IT IS. IT'S NOT IN PLACE AS IT IS, BECAUSE THERE'S NOT ENOUGH RESOURCES FOR THAT SYSTEM. AND WE'VE BUILT RESOURCES ON THE BACK END THAT CAN FULFILL SOME OF THAT ANYWAY, WITHOUT TAKING FOOD AWAY FROM PEOPLE. COLLEAGUES, I ASK THAT YOU VOTE NO ON THE RECONSIDERATION MOTION AND SUPPORT LB910. [LB910 LB605]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR MORFELD: IT'S GOOD POLICY. IT'S POLICY THAT MAKES SENSE, DESPITE THE RHETORIC. THANK YOU. [LB910]

SENATOR COASH: THANK YOU, SENATOR MORFELD. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB910]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. AS WE LOOK AT THE ARGUMENTS HERE FROM MY FRIENDS ON THE LEFT THAT ARE FIGHTING THIS ACCOUNTABILITY MEASURE, THEY KEEP SAYING WE'RE TRYING TO PUNISH PEOPLE. I'M NOT SURE HOW ASKING PEOPLE TO TAKE A DRUG TEST OR GET INTO DRUG COUNSELING OR A DRUG PROGRAM IS PUNISHING ANYONE. I THINK IT'S CALLED SAVING LIVES. THESE DRUGS WILL KILL YOU. THEY ARE DANGEROUS. THEY TAKE YEARS OFF OF YOUR LIFE. THERE IS A REASON THEY ARE ILLEGAL, BECAUSE THEY KILL PEOPLE. WE TRULY WANT YOU TO GET OFF OF DRUGS, THAT'S THE FIRST STEP TOWARD GETTING OFF OF FOOD STAMPS AND GETTING ON YOUR FEET. BUT FIRST YOU GOT TO BE CLEAN AND YOU GOT TO BE SOBER. AND WE ARE NOT HELPING PEOPLE GET CLEAN AND SOBER BY JUST GIVING THEM FOOD STAMPS AND REQUIRING NOTHING ELSE OF THEM. I DON'T SEE HOW THIS IS PUNITIVE, HOW WE'RE PUNISHING PEOPLE BECAUSE WE REQUIRE THEM TO GET DRUG TESTED OR BE IN A DRUG PROGRAM. THAT SEEMS PRETTY HUMANE TO ME. I DON'T KNOW HOW FEEDING PEOPLE AS THEY TAKE DRUGS IS GOING TO HELP THEM. IT MAY VERY WELL KILL THEM. IF THERE WAS...NOW, UNFORTUNATELY, IF YOU TOOK SOMEONE'S DRUG...FOOD STAMPS AWAY, THERE'S PLENTY OF PLACES TO GET FOOD. THEY'RE NOT GOING TO STARVE. SO THAT MAY NOT CURE THEIR DRUG PROBLEM. THEY MAY NOT GET IN TREATMENT,

Floor Debate
March 22, 2016

THEY MAY NOT DO ANYTHING BETTER, BUT AT LEAST WE WON'T BE SUBSIDIZING THEM. THERE'S PLENTY OF PLACES TO GET FOOD. I'LL HOLD IT UP AGAIN JUST SO ANYONE CAN SEE. WE HAVE A LIST OF PLACES, 71 PLACES ACROSS THE STATE, AND THEN WE LISTED EACH ONE IN LINCOLN AND OMAHA. THERE'S PLENTY OF FOOD OUT HERE. SO EVEN IF YOU'RE ON DRUGS AND YOU DON'T WANT TO GET DRUG TESTED, YOU DON'T WANT TO GET INTO DRUG TREATMENT AS YOUR LIFE SPIRALS OUT OF CONTROL AS YOU'RE ON DRUGS, YOU'RE STILL GOING TO HAVE FOOD. BUT WE'D RATHER YOU GET INTO A DRUG PROGRAM. WE'D RATHER YOU BE ACCOUNTABLE. AND FOR THE MOST PART, I THINK MOST PEOPLE ON DRUGS DO WANT TO GET OFF DRUGS. I THINK THEY DO UNDERSTAND THAT IT'S DANGEROUS. I THINK AFTER THEY'VE BEEN ON DRUGS FOR A WHILE, THEY PROBABLY DON'T LIKE THEIR LIFE AND WHERE IT'S GOING. AND THIS MAY BE THE PUSH TO GET THEM IN DRUG TREATMENT. IT MAY BE THE PUSH TO GET THEM TO DO SOMETHING AND FIX THEIR LIFE. AND WE'RE HOPING THAT PEOPLE DO GET OFF OF DRUGS, THEY DO TAKE CONTROL OF THEIR LIFE, THEY DO GET A JOB, THEY DO RAISE A FAMILY, THEY DO ALL THE THINGS THAT MAKES YOU A SUCCESSFUL PERSON. I THINK THERE'S PEOPLE ON DRUGS ARE NOT NECESSARILY BAD PEOPLE. THEY JUST GOT INTO A BAD SPOT AND THEY GOT INTO SOME DRUGS AND, NEXT THING, IT'S TAKEN OVER THEIR LIFE. AND I DON'T THINK YOU'RE A HORRIBLE PERSON BECAUSE YOU'RE ON DRUGS. YOU'RE A PERSON WHO NEEDS HELP USUALLY. CAN'T SAY THE SAME FOR DRUG DEALERS. BUT THIS IS KIND OF IMPORTANT STUFF. AND TO HEAR THE HISTRIONICS OF THE PEOPLE SUPPORTING THIS UNDERLYING BILL AND OPPOSING THIS AMENDMENT, TRYING TO SAY PEOPLE ARE BEING PUNISHED, I THINK IS A... [LB910]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR KINTNER: ...IS NOT AN HONEST LOOK AT WHAT'S GOING ON. SOMEONE ELSE SUGGESTED, WELL, WHY ARE WE ONLY SINGLING OUT DRUG PEOPLE? WHY ARE WE ONLY SINGLING THEM OUT? WELL, THERE'S A REASON, BECAUSE THE FEDERAL GOVERNMENT WON'T LET US DO IT TO ANYBODY ELSE. YOU JUST CAN'T TEST EVERYONE ON THESE THINGS. THE FEDERAL GOVERNMENT HAS CLEARLY SAID, YOU CAN'T TEST EVERY FOOD STAMP PERSON. YOU HAVE TO HAVE A REASON. THERE'S GOT TO BE SOMETHING THAT TRIGGERS THAT DRUG TEST. IT JUST CAN'T BE, HEY, YOU'RE ON FOOD STAMPS, WE'RE STICKING YOU ON DRUG TESTING. THEY HAVE NOT ALLOWED THAT AND YOU SEE OTHER STATES DON'T DO THAT. SO THE FEDERAL GOVERNMENT TELLS US WHAT WE CAN DO. [LB910]

Floor Debate
March 22, 2016

SENATOR COASH: TIME, SENATOR. [LB910]

SENATOR KINTNER: THANK YOU VERY MUCH, MR. PRESIDENT. [LB910]

SENATOR COASH: THANK YOU, SENATOR KINTNER. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB910]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS DEBATE HAS BEEN INTERESTING FOR ME. I'VE HAD MULTIPLE THINGS I'VE WANTED TO SAY AT MULTIPLE TIMES AND MULTIPLE THINGS I FELT LIKE I NEEDED TO REBUT OR CHALLENGE PRETTY DIRECTLY, BUT I'M THINKING NOW AS I HIT THE PODIUM I'M GOING TO SPEAK IN A LITTLE BIT MORE BROAD STROKES. I'M GOING TO LOOK AT THE SILVER LINING OF THIS. WE'RE HAVING A PRETTY DISTINCT DISPUTE OVER THIS ISSUE. BUT IT SEEMS TO US, AS A BODY, ARE COMING...KIND OF COALESCING AROUND THIS IDEA THAT A LOT OF OUR PROBLEMS WITH CRIME IN NEBRASKA ARE RELATED TO DRUGS AND THE IMPORTANCE OF MAKING SURE DRUG TREATMENT IS PROVIDED AND AVAILABLE. I ACTUALLY THOUGHT THE EXCHANGE EARLIER BETWEEN SENATOR BLOOMFIELD AND SENATOR SEILER, I BELIEVE IT WAS, TALKING ABOUT THE DIFFICULTIES OF PROVIDING DRUG TREATMENT SERVICES IN OUR PRISONS WAS VERY GOOD TO HAVE ON THE RECORD. THAT BEING SAID, I THINK THIS IS AN ISSUE THAT IN A VACUUM MAKES A LOT OF SENSE, SOUNDS FAIRLY GOOD, YOU COULD BE SIMULTANEOUSLY COMPASSIONATE AND TOUGH ON CRIME. IT'S A GREAT PLACE TO BE IF THERE WAS ACTUALLY, LIKE, OPPORTUNITIES FOR THESE INDIVIDUALS TO GET DRUG TREATMENT. THAT'S SOMETHING WE'VE BEEN STRUGGLING WITH THE STATE. WE CAN'T EVEN PROVIDE THAT IN PRISON, WE CAN'T EVEN PROVIDE THAT IN PRISON WHEN WE'RE SUPPOSED TO AND WHEN THEY NEED IT. WE CAN'T GET PEOPLE PAROLED OUT OF PRISON, BECAUSE THEY CAN'T TAKE DRUG TREATMENT, BECAUSE WE CAN'T PROVIDE IT FOR VARIOUS OTHER REASONS. I COMMEND THE WORK OF ALL THOSE INVOLVED IN LB605 IN THE JUDICIARY AND THE SPECIAL INVESTIGATIVE COMMITTEES, BOTH IN THIS BODY NOW AND ALL THOSE WHO STARTED THAT PROCESS. WE'RE MAKING A LOT OF IMPORTANT STRIDES THERE. BUT THESE ARE INDIVIDUALS THAT, AS SENATOR SEILER SAID, ANYBODY CONVICTED BEFORE AUGUST, THESE ARE INDIVIDUALS THAT WE ARE FRANKLY...HAVE BEEN FAILING FOR MULTIPLE REASONS AND MULTIPLE YEARS. IF THEY HAVE A DRUG PROBLEM, WE'RE LOCKING THEM UP IN PRISON. THE NUMBER ONE THING THEY NEED IS DRUG TREATMENT AND, COLLEAGUES, THEY AREN'T GETTING IT IN ANY SORT OF RELIABLE WAY OR GUARANTEED WAY. WE INVENTED A NEW TERM OF "JAM OUT" WHERE PEOPLE WHO FRANKLY COULD HAVE GOTTEN DRUG TREATMENT AND BE RETURNED TO SOCIETY DIDN'T GET

Floor Debate
March 22, 2016

THAT, AND INSTEAD WERE KEPT IN PRISON UNTIL LITERALLY THE LAST DAY OF THEIR SENTENCE AND THEN THEY JAMMED OUT. WHAT MAKES YOU THINK IN A SYSTEM LIKE THIS WHERE WE'RE DOING MASSIVE, MASSIVE OVERHAULS AND HAVING TO DO ALL SORTS OF THINGS JUST TO GET DRUG TREATMENT FOR DRUG CRIMINALS WHEN WE KNOW WHERE THEY ARE AND ALREADY HAVE TO HOUSE THEM AND FEED THEM, WHAT MAKES YOU THINK THAT WE HAVE THE OPPORTUNITIES OUT IN THE COMMUNITY? WE'VE BEEN TALKING ABOUT THE FOOD BANKS AND I'M GLAD WE'VE REACHED THE MINIMUM THRESHOLD IN NEBRASKA WHERE THERE'S ENOUGH PUBLIC CHARITY THAT NO ONE STARVES TO DEATH IN THE STREETS. I'M GLAD WE'VE CROSSED THAT THRESHOLD. BUT IS THAT REALLY WHAT WE WANT TO HANG OUR HATS ON, NOBODY IS LITERALLY STARVING TO DEATH? THAT'S THE THRESHOLD WE'RE CONTENT TO BE IN THIS STATE? I DON'T THINK IT IS. IT'S NOT THE THRESHOLD I WANT TO BE AT. WE CAN HAVE OUR DEBATES OVER THE MERITS OF SNAP, WE CAN HAVE DEBATES OVER THE MERITS OF HOW OUR CORRECTION SYSTEM IS RUN, BUT SOME OF THE ARGUMENTS WE'VE HAD HAVE JUST BEEN INTERESTING. SO I'M CIRCLING BACK TO MY ORIGINAL POINT, THOUGH. I AM VERY OPTIMISTIC AND VERY GLAD THAT SO MANY PEOPLE ARE FOCUSING ON DRUG ABUSE AND SPECIFICALLY DRUG TREATMENT AS A SOLUTION TO VARIOUS ELEMENTS, INCLUDING AN AVENUE OF CRIME IN NEBRASKA, AN AVENUE OF POVERTY IN NEBRASKA. AND I HOPE IN THE FUTURE YEARS WHEN YOU HAVE THE OPPORTUNITY TO HELP DHHS PROVIDE DRUG TREATMENT, HELP PRIVATE DRUG TREATMENT CENTERS... [LB910 LB605]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT...I HOPE ALL THOSE COLLEAGUES NOW WHO ARE SUPPORTING SENATOR GROENE'S AMENDMENT AND SENATOR GROENE'S...SENATOR BLOOMFIELD'S MOTION, I HOPE ALL THOSE WHO ARE SUPPORTING THAT, WHEN WE HAVE AN OPPORTUNITY TO PROVIDE MORE AGGRESSIVE DRUG TREATMENT AND SUBSTANCE ABUSE TREATMENT IN THE STATE, I SURE LOOK FORWARD TO YOUR STRONG SUPPORT ON THOSE ISSUES WHEN WE GET THERE. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR COASH: THANK YOU, SENATOR HANSEN. SENATOR GROENE, YOU'RE RECOGNIZED. [LB910]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. TO GO BACK TO THE FEDERAL STATUTE THAT WE'RE BASING THIS ALL ON--AND EXISTING LAW ALREADY DOES

Floor Debate
March 22, 2016

PUT SOME QUALIFIERS ON FOOD STAMPS FOR PEOPLE WITH FELONIES, DRUG FELONIES--EXISTING LAW, SECTION 8 OF TITLE 21, FOOD AND DRUGS, PAGE 577, DENIAL OF ASSISTANCE AND BENEFITS FOR CERTAIN DRUG-RELATED CONVICTIONS: (a) IN GENERAL, AN INDIVIDUAL CONVICTED UNDER FEDERAL OR STATE LAW OF ANY OFFENSE WHICH IS CLASSIFIED AS A FELONY BY LAW OF THE JURISDICTION INVOLVED AND WHICH HAS AN ELEMENT, THE POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 802-6 OF THIS TITLE, SHALL NOT BE ELIGIBLE FOR: (1) ASSISTANCE UNDER ANY STATE PROGRAM FUNDED UNDER PART A OF TITLE IV OF THE SOCIAL SECURITY ACT; (2) BENEFITS UNDER THE FOOD STAMP PROGRAM AS DEFINED IN SECTION 3(l) OF THE FOOD STAMP ACT OF 1977, OR ANY STATE PROGRAM CARRIED OUT UNDER THE FOOD STAMP ACT OF 1977. THEN YOU GO OVER TO THE STATE ELECTIONS, OPT OUT. A STATE MAY, BY SPECIFIC REFERENCE IN A LAW ENACTED AFTER AUGUST 22, 1996, EXEMPT ANY OR ALL INDIVIDUALS DOMICILED IN THE STATE FROM THE APPLICATION OF SUBSECTION (a) OF THIS SECTION, WITH QUALIFIERS. FEDERAL LAW SAYS, IF YOU HAVE ANY CONVICTION, DRUG-RELATED, YOU'RE OUT. YOU'RE OUT OF WELFARE, YOU'RE OUT OF FOOD STAMPS. SO OUR EXISTING LAW IS PRETTY LENIENT, THE ONE I'M TRYING TO PUT BACK INTO PLACE. REMEMBER, THERE'S A REASON FOR THIS. WE HAVE HAD A FIGHT...WAR ON DRUGS OR WHATEVER YOU WANT TO CALL IT. WE USED TO HAVE ONE ON POVERTY, WE STILL GOT THAT, I HEAR GOT WORST CASES EVER, BUT WE HAVE FOUND OVER TIME LOCKING THEM UP, THROWING THE KEY AWAY DOESN'T WORK. LB605 AND SOME OF THE...ACROSS THE NATION WE ARE LETTING PEOPLE OUT BECAUSE WE DON'T HAVE ROOM FOR THEM AND CAN'T AFFORD THEM. SO ANYTIME WE CAN AFFORD TREATMENT OR ENCOURAGE TREATMENT, ENCOURAGE PEOPLE TO KEEP TAKING TREATMENT, I BELIEVE WE OUGHT TO DO THAT. LB910, IN ITS FORM RIGHT NOW, TAKES ONE OF THOSE TOOLS AWAY. I'M WORKING WITH SENATOR SCHUMACHER ON AN AMENDMENT ON MY BILL, BUT WE FIRST HAVE TO HAVE MY AMENDMENT PASSED AND RECONSIDERED, THAT WILL EVEN GIVE SOME CHRISTIAN LOVE TO THE DRUG DEALERS, EVEN THOUGH SENATOR HARR'S RENTAL BILL, THAT YOU GUYS PASSED BY 30 VOTES, KICKS THEM OUT OF THEIR APARTMENT IF THEY GET A-- WE JUST PASSED THAT THIS YEAR--KICKS THEM OUT OF THEIR APARTMENT WITHIN TEN DAYS IF THEY GET A DRUG DEALING CONVICTION, WOULD SAY THREE STRIKES AND YOU'RE OUT. ONE STRIKE, TWO STRIKES, YOU CAN GET FOOD STAMPS, BECAUSE THE POINT IS THIS: WITH OUR THREE STRIKES AND YOU'RE OUT LAW THAT WE HAVE ON THE BOOKS NOW, ANY DRUG DEALER THAT GETS HIS THIRD CONVICTION, HE'S SPENDING LIFE IN PRISON, PROBABLY, ANYWAY. HE'S GETTING ALL SORTS OF TREATMENT. SO WORKING ON THAT AMENDMENT, THAT CLEANS UP SOME OF THE CONCERNS OF SENATOR

Floor Debate
March 22, 2016

KOLTERMAN, SENATOR DAVIS, SENATOR LARSON, SENATOR SCHUMACHER. GOT TO SHOW A LITTLE CHRISTIAN LOVE TO THE DRUG DEALERS, TOO. [LB910 LB605]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR GROENE: SO IF WE...I ENCOURAGE EVERYBODY TO VOTE TO RECONSIDER AM2624, SO THAT SENATOR SCHUMACHER AND I AND A FEW OTHERS CAN GET THAT AMENDMENT PLACED ABOUT THE THREE STRIKES AND YOU'RE OUT ON THE DRUG DEALERS AND WE CAN CREATE GOOD LAW AND MAKE EXISTING LAW BETTER. THINK ABOUT IT, FOLKS. YES, IT'S NICE THAT EVERYBODY EATS AND EVERYBODY WILL EAT, EVERYBODY IN THIS COUNTRY EATS. THINK ABOUT THAT MOTHER LAYING ON THE COUCH, THAT FATHER LAYING ON THE COUCH COMPLETELY DRUGGED OUT, ARM LAYING OVER THE SIDE OF THE COUCH WITH THEIR SNAP CARD IN HAND AND THE CHILDREN SITTING ON THE FLOOR. REALLY, YOU'RE HELPING THEM? [LB910]

SENATOR COASH: TIME, SENATOR. [LB910]

SENATOR GROENE: THANK YOU. [LB910]

SENATOR COASH: SENATOR COOK, YOU'RE RECOGNIZED. [LB910]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I RISE IN OPPOSITION TO THE MOTION TO RECONSIDER THE VOTE AND IN OPPOSITION TO SENATOR GROENE'S AMENDMENT TO LB910. I THINK IT'S IMPORTANT, AS PEOPLE STAND UP AND I SUPPOSE SOMEWHAT SINCERELY EXPRESS THEIR DEEP COMPASSION FOR THE DRUG ADDICTED, FOR THE PERSON REENTERING SOCIETY FROM THE CORRECTIONAL SYSTEM. I THINK THAT IS AN EXAMPLE OF PROGRESS. WHETHER IT'S SINCERE OR NOT IS LEFT UP FOR OUR ONLY JUDGE TO DECIDE. BUT THAT'S THE ARGUMENT THAT IS BEING PUT FORTH AS THE REASON FOR AM2624, WHICH WAS NOT ADVANCED A FEW MINUTES AGO. WHAT THE PEOPLE IN "TV LAND" AND PEOPLE WHO MAY BE FOLLOWING US ON THE INTERNET NEED TO REALIZE IS THAT THE PROPOSED AMENDMENT DOES NOT STOP AT MENTIONING DRUG TREATMENT MANDATES OR DRUG TESTING. THE SECTION (c) OF THE AMENDMENT BASICALLY RETURNS THE LANGUAGE OF NOT...THAT DRUG FELONS, EVEN AFTER THEY ARE DONE SERVING THEIR DEBT TO SOCIETY, THEY'VE REENTERED, THEIR TRYING TO PUT THEIR LIFE BACK ON TRACK, IT PUTS THAT BACK AS A STATUTE. WE ALREADY DID THAT ON GENERAL FILE, ADVANCED A BILL THAT WOULD PERMIT SNAP BENEFITS FOR PEOPLE WHO

Floor Debate
March 22, 2016

HAVE SERVED THEIR TIME RELATED TO THAT PARTICULAR FELONY. THE LANGUAGE, THE PRETTY WORDS ABOUT LET'S BE COMPASSIONATE, AND LET'S MAKE SURE PEOPLE GET TREATMENT, AS AN ASIDE, IF YOU'RE 18 TO 64 YEARS OF AGE IN THE STATE OF NEBRASKA, WE HAVEN'T EXPANDED MEDICAID YET IN THIS STATE. YOU'RE NOT ELIGIBLE FOR MEDICAID IF YOU CAN FIND A TREATMENT PROGRAM WORTH ANYTHING THAT WILL TAKE MEDICAID IN ANY SORT OF TIMELY FASHION. SO, I WANT YOU, AS YOU'RE LISTENING, TO RECOGNIZE THAT PEOPLE, WHEN THEY'RE PUTTING FORTH THEIR ARGUMENT, ARE UNDER ABSOLUTELY NO OBLIGATION TO OFFER YOU THE FULL STORY. BUT ANYBODY OPENING UP THE INTERNET OR FINDING A HARD COPY OF THE AMENDMENT WILL SHOW YOU THAT UNDER THE LETTER (c), THAT'S A LOWER CASE (c), IT'S IN PARENTHESES, THE LANGUAGE WOULD REMOVE OR WOULD PUT BACK INTO THE STATUTE THE PROHIBITION FOR THIS AUDIENCE TO HAVE SNAP BENEFITS. SO THAT'S WHAT THE THING ACTUALLY SAYS. ONCE AGAIN, I'D LOVE THIS HOLY WEEK TO BELIEVE THAT PEOPLE ARE SINCERE, BUT I'VE WORKED HERE NOW FOR EIGHT YEARS. BEYOND THAT, SOMETHING ELSE THAT'S COME UP WITH THIS, I SERVED FOR SEVERAL YEARS ON THE STATE LEGISLATURE'S HEALTH AND HUMAN SERVICES COMMITTEE. AND THERE IS ANOTHER NATIONAL TREND GOING AROUND TO ENSURE, YOU KNOW, THOSE BAD PEOPLE THAT ARE THE ONLY ONES EVER REACHING OUT FOR ASSISTANCE, BECAUSE YOU DID SOMETHING WRONG OR YOU ARE SOMETHING WRONG, BECAUSE OF THE WAY YOU LOOK OR THE PART OF TOWN YOU LIVE IN OR THE AMOUNT OF MONEY THAT YOU HAVE IN YOUR BANK ACCOUNT, IF YOU HAVE A BANK ACCOUNT, THEN THEY DESERVE TO BE VETTED THOROUGHLY BEFORE THEY ARE ELIGIBLE FOR BENEFITS OR THEY THEY'RE REMOVED FROM ELIGIBILITY FOR BENEFITS. [LB910]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR COOK: THANK YOU, MR. PRESIDENT...WITHOUT REGARD FOR THE CHILDREN THAT LIVE IN THE HOUSEHOLD. THIS IS A VARIATION ON THAT THEME, LISTENERS AND WATCHERS. A VARIATION ON THE THEME: ICKY OLD DRUG FELONS SELLING ICKY OLD ILLEGAL STREET DRUGS--SOME OF WHICH ARE BECOMING LEGAL MINUTE BY MINUTE--ICKY OLD DRUG FELONS WHO ARE SELLING ICKY OLD DRUGS ILLEGALLY, PUTTING THE MONEY IN THEIR POCKET, THE WAY PEOPLE IN THE UNITED STATES HAVE DONE FROM BOOTLEGGING TIMES AND BEFORE MARIJUANA BECAME ILLEGAL, THE AMERICAN WAY, IN OTHER WORDS, THOSE ICKY OLD PEOPLE DON'T NEED ASSISTANCE AND THEY'RE INELIGIBLE FOR ASSISTANCE. THE DRUNK THAT EVERYBODY HAS IN THEIR FAMILY, HOW DO YOU TEST THEM FOR ELIGIBILITY FOR BENEFITS? [LB910]

Floor Debate
March 22, 2016

SENATOR COASH: TIME, SENATOR. [LB910]

SENATOR COOK: THANK YOU. [LB910]

SENATOR COASH: THANK YOU, SENATOR COOK. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB910]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I SEE THE TWO PRINCIPALS OF THIS AND A POSSIBLE PEACEMAKER WITHDRAWING FROM THE FRONT OF THE BUILDING HERE. HOPEFULLY, AN ACCOMMODATION HAS BEEN REACHED, BUT I DON'T KNOW THAT. I KNOW THEY WERE WORKING ON ONE. WHETHER THEY GOT TO IT OR NOT, I DO NOT KNOW. BUT SENATOR COOK POINTED OUT THAT ACROSS THE NATION THERE'S A MOVE TO POSSIBLY TEST FOR DRUGS ON RECIPIENTS. SHE'S RIGHT, THAT IS MOVING ACROSS THE NATION. I DON'T BELIEVE THAT'S WHAT THIS IS. I KIND OF WISH IT WERE, BUT I DON'T BELIEVE IT IS. THE ARGUMENT USUALLY MADE, AND SENATOR SCHNOOR TOUCHED ON IT, IF I HAVE TO BE TESTED TO GET A JOB, WHY SHOULDN'T THOSE PEOPLE BE TESTED TO GET FREE WHAT OTHER PEOPLE WORK FOR? I DON'T BELIEVE THAT'S A BAD MOVEMENT TO HAVE GOING ACROSS THE COUNTRY, BUT THAT'S NOT WHAT'S AT STAKE HERE. THAT'S SOMETHING THE FOLKS THAT COME BACK WILL HAVE TO DEAL WITH IN FUTURE YEARS. NEITHER SENATOR COOK OR I WILL BE INVOLVED IN THAT FOR A WHILE, SO WE'LL LEAVE THAT TO YOU GOOD PEOPLE. BUT WHERE WE'RE AT NOW, JUST TRY AND DECIDE WHETHER PEOPLE THAT ARE CONVICTED OF A CRIME SHOULD HAVE TO GO THROUGH A TEST BEFORE...OR A PROGRAM BEFORE THEY GET THESE FOOD STAMPS. AND I HAD A CONVERSATION ON THE MIKE WITH SENATOR SEILER AND THEN I HAD ANOTHER LITTLE CONVERSATION OFF THE MIKE WITH HIM. AND HE TELLS ME THAT THE NUMBER OF PEOPLE COMING OUT IS PRETTY LOW THAT HAVE THE PROBLEM ANYMORE. SO APPARENTLY THE TESTING IS GOING ON EVEN FOR THOSE WHO WERE CONVICTED BEFORE LAST AUGUST. AND AS I UNDERSTAND THE GROENE AMENDMENT, AND I THINK THAT WAS CLARIFIED, IF YOU'VE GONE THROUGH THE PROGRAM IN PRISON AND/OR YOU CHECKED OUT CLEAN WHEN YOU CAME OUT, YOU'RE QUALIFIED. I DON'T SEE ANY HARM IN THE AMENDMENT. I THINK THE NEW THING THAT THEY'VE BEEN WORKING ON DEALS WITH THE ISSUE THAT SENATOR COOK RAISED ABOUT SECTION (c), SO WE WILL SEE. I WANT TO THANK THE BODY FOR, I THINK, SERIOUSLY RECONSIDERING AND WE'LL SEE HOW SERIOUS THAT WAS, TOO, BUT WE DID GET SOME GOOD CONVERSATION IN ON IT. THANK YOU, MR. PRESIDENT. [LB910]

Floor Debate
March 22, 2016

SENATOR COASH: THANK YOU, SENATOR BLOOMFIELD. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB910]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU ONCE AGAIN, COLLEAGUES. THERE'S BEEN A LOT OF INTERESTING TALK AND WHAT I KEEP HEARING IS THE WORD PUNISH. AND I TRULY BELIEVE THOSE WHO ARE INCARCERATED, OUR SYSTEM OF JUSTICE IS DESIGNED TO PUNISH FIT TO THE CRIME. I AM ONE WHO DOES BELIEVE IN REHABILITATION, BUT I'M ALSO ONE WHO KNOWS THAT DRUG ADDICTION IS A PROBLEM. IT'S A PROBLEM FOR OUR COUNTRY, IT'S A PROBLEM ACROSS THE BORDER, AND IT'S NOT A PROBLEM THAT PICKS AND CHOOSES ITS VICTIMS. ADDICTS COME FROM ALL WALKS OF LIFE, FROM ALL ECONOMIC SITUATIONS, FROM ALL AGES. AND OUR MEDIA, YOU TURN ON THE TV OR THE RADIO AND YOU HEAR, SADLY, ABOUT SOMEONE WHO MAY HAVE BEEN IN A TREATMENT PROGRAM, SUCCEEDED OR FAILED. MOVIE STARS, MUSICIANS, EVERYDAY PEOPLE SUFFER FROM ADDICTIONS. I'M NOT TRYING TO PUNISH BY DEPRIVING ANYONE OF FOOD, BUT WHAT I HOPE WE CAN DO IS HELP FIGHT AND SOLVE THAT ADDICTION. HUNGER IS A SECONDARY PROBLEM COMPARED TO THE HELL THAT THEY ARE GOING THROUGH AND THAT THEIR FAMILIES ARE SUFFERING FROM. IT'S A NATIONAL PROBLEM. AND WHAT THIS AMENDMENT WANTED TO DO IS HAVE SOME TYPE OF VOLUNTARY TESTING, SOME PROGRAMS. AND, YES, IT WAS ALSO TAKING DEALERS OUT OF THE PICTURE. IT WAS FOR THOSE ADDICTS WHO ARE NOT THE DEALERS, BUT I DO KNOW AN AMENDMENT IS COMING. THERE ARE SO MANY DOCUMENTS, WEB SITES, ORGANIZATIONS THAT TALK ABOUT THE PROBLEMS WITH DRUGS, THE CARTELS, THE DEALERS, OUR I-80 CORRIDOR, LAW ENFORCEMENT. IT'S REAL. IT'S NOT THE BOGEYMAN. IT'S NOT SOMETHING YOU READ ABOUT IN SCIENCE FICTION. IT'S NOT ZOMBIES AND THE WALKING DEAD. THESE ARE PEOPLE WITH LIVES. AND IF WE CAN HELP TO SORT THIS OUT, HELP THOSE WHO ARE ON THE PATH TO RECOVERY TO ACHIEVE SOBRIETY AND, YES, THERE IS ALCOHOLISM, THAT'S A PROBLEM, TOO. AND I'M NOT GOING TO DIMINISH ANYONE'S PROBLEMS. I'M NOT GOING TO CALL THEM ICKY. I'M GOING TO CALL THEM REAL, REAL SAD. AND TO JUDGE MY HEART, THAT'S SAD, TOO, OR ANYONE'S HEART, BECAUSE THAT IS TRULY WHY WE ARE HERE SACRIFICING OUR TIME, IS TO HELP OTHERS. AND IF I CAN HELP SOMEONE BEAT AN ADDICTION, IT'S BEEN A GOOD DAY. IF I CAN HELP FEED SOMEONE, THAT'S A GREAT DAY. AND THERE ARE MANY ENTITIES, INDIVIDUALS, I BELIEVE THE GROCERS ASSOCIATION EVEN HAVE A SPECIAL PROGRAM THAT GIVES A SMALL AMOUNT TO INDIVIDUALS IN CRISIS I'VE HEARD OF. OUR OFFICE KEEPS A NOTEBOOK AND WE TAKE A LOT OF PHONE CALLS ON CONSTITUENT SERVICES AND TRYING TO HELP THOSE IN A CRISIS. AND GOD BLESS THOSE WHO ARE OUT THERE, HELPING THOSE. BUT

Floor Debate
March 22, 2016

HELPING ADDICTS IS A WHOLE DIFFERENT LEVEL OF CHALLENGES. AND JUST BY SAYING, I'M GOING TO IGNORE THAT YOU HAVE AN ADDICTION, I DON'T CARE IF YOU DRUG TEST OR NOT, THAT'S JUST SAYING, I DON'T CARE. [LB910]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR BRASCH: BECAUSE I DO CARE IS WHY I SUPPORTED THE AMENDMENT, I STILL SUPPORT THE AMENDMENT. IF THEY CAN FIND ONE THAT WILL MAKE BOTH THE INTRODUCER AND THE AMENDMENT, SENATOR GROENE, FIND A GROUNDS TO HELP ADDICTS, I'M FOR THAT. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB910]

SENATOR COASH: THANK YOU, SENATOR BRASCH. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB910]

SENATOR BOLZ: QUESTION. [LB910]

SENATOR COASH: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. SENATOR BOLZ. [LB910]

SENATOR BOLZ: I'D LIKE A CALL OF THE HOUSE. [LB910]

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; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB910]

CLERK: 23 AYES, 3 NAYS TO PLACE THE HOUSE UNDER CALL. [LB910]

SENATOR COASH: THE 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. SENATOR SCHUMACHER, PLEASE CHECK IN. SENATOR GROENE, PLEASE CHECK IN. SENATOR PANSING BROOKS, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. THE HOUSE IS UNDER CALL. SENATOR MELLO, PLEASE CHECK IN. SENATOR PANSING BROOKS, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL

Floor Debate
March 22, 2016

MEMBERS ARE PRESENT OR OTHERWISE ACCOUNTED FOR. HOW WOULD YOU LIKE TO PROCEED? [LB910]

SENATOR BOLZ: BOARD VOTE. [LB910]

SENATOR COASH: SENATOR BOLZ, WOULD YOU LIKE...WILL YOU ACCEPT CALL-INS OR DO YOU WANT A ROLL CALL VOTE? [LB910]

SENATOR BOLZ: ROLL CALL, REGULAR ORDER. [LB910]

SENATOR COASH: THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. COLLEAGUES, THE QUESTION BEFORE THE BODY IS, SHALL DEBATE CEASE? MR. CLERK, PLEASE CALL THE ROLL. [LB910]

CLERK: SENATOR BAKER. [LB910]

SENATOR BAKER: WHAT IS IT WE'RE VOTING ON? [LB910]

SENATOR COASH: SENATORS, THE QUESTION BEFORE THE BODY IS, SHALL DEBATE CEASE? [LB910]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1152-1153.) 34 AYES, 11 NAYS TO CEASE DEBATE. [LB910]

SENATOR COASH: DEBATE DOES CEASE. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION TO RECONSIDER. [LB910]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I DO BELIEVE NOW WE HAVE HAD FULL AND FAIR DEBATE ON AM2624. WHEN LAST WE VOTED ON IT, I DON'T BELIEVE WE HAD. I THINK WE'VE HAD PROBABLY LONGER DEBATE ON THE RECONSIDERATION MOTION THAN WE DID THE ORIGINAL AMENDMENT, SO I'M PLEASED WITH THE EXTRA DEBATE WE HAD. COLLEAGUES, WE'RE TOLD THAT WE'RE PUNISHING BY TAKING FOOD AWAY FROM PEOPLE. WE'RE NOT TAKING FOOD AWAY FROM THEM. THERE'S NO...NOTHING HERE THAT SAYS THEY CAN'T GO GET A JOB AND BUY SOME FOOD OR GO TO THE FOOD PANTRY. WE'RE NOT RUNNING UP TO SOMEBODY THAT GOT OUT OF JAIL THAT'S GOT A PLATE OF FOOD THERE AND GRABBING HIS PLATE AND TAKING OFF WITH IT. WE'RE

Floor Debate
March 22, 2016

SAYING WE'VE TAKEN CARE OF YOU FOR THE LAST FIVE YEARS, IT'S TIME FOR YOU TO STAND ON YOUR OWN TWO FEET NOW. SO, COLLEAGUES, I THINK THIS IS A GOOD AMENDMENT. I SUPPORT IT. AND I'M GOING TO YIELD THE REMAINDER OF MY CLOSING TIME TO SENATOR GROENE. [LB910]

SENATOR COASH: SENATOR GROENE, YOU'VE BEEN YIELDED 3:30. [LB910]

SENATOR GROENE: THANK YOU, SENATOR BLOOMFIELD. JUST TO REMIND YOU WHAT WE ARE DOING HERE, I HAVE ANOTHER--THREE MINUTES, YOU SAID?--A SUMMARY FROM THE CONGRESSIONAL RESEARCH SERVICE. DRUG TESTING AND CRIME RELATED RESTRICTIONS, AS I SAID, WE'RE VOLUNTARY. FOR THE MOST PART, USDA DOES NOT ALLOW STATES TO USE DRUG TESTING TO DETERMINE ELIGIBILITY FOR THE SUPPLEMENTAL NUTRITIONAL ASSISTANCE PROGRAM. THERE ARE TWO EXCEPTIONS TO THE RULE, BUT BOTH GIVE STATES DISCRETION AND RELATED TO THE INTERRELATIONSHIP OF SNAP WITH TANF AND THE LAW THAT CREATES IT. AS DESCRIBED EARLIER, PERMANENTLY DISQUALIFIED APPLICANTS WITH A FELONY DRUG CONVICTION, THE FEDS PERMANENTLY DISQUALIFY HIM--ONE CONVICTION--PARTICIPATING IN SNAP OR TANF. HOWEVER, STATE LEGISLATURES ARE PERMITTED TO OPT OUT AND MODIFY THE DRUG FELON BAN. SOME STATES HAVE CHOSEN TO MODIFY THE BAN BY LEGISLATING THAT THOSE CONVICTED OF A DRUG FELONY MAY BE ELIGIBLE FOR SNAP BENEFITS SUBJECT TO A DRUG TEST. AS OF AUGUST 2015, FIVE STATES--KANSAS, MARYLAND, MINNESOTA, MISSOURI, AND WISCONSIN--MANDATE IT. WE'RE GIVING THAT AS JUST AN OPTION. WANTED TO CLARIFY SOMETHING REAL QUICK. SENATOR COOK SAID, WE ARE PUTTING BACK IN THAT WE ARE GOING TO THROW OUT FELONY DRUG CONVICTIONS. THAT IS NOT TRUE. WE ARE GOING TO LET ANYBODY WITH AS MANY CONVICTIONS AS POSSIBLE TAKE...HAVE FOOD STAMPS IF THEY'D TAKE ACCREDITED COURSES OR VOLUNTARILY TAKE A DRUG TEST. WHAT WE DID WAS SAY THAT THE SALE OR DISTRIBUTION, THE WORST OF THE WORST, THE DRUG DEALER, THERE'S NO TAKING A COURSE FOR THEM BECAUSE THE MAJORITY OF THEM ARE NOT ADDICTED TO DRUGS. IT'S A BUSINESS TO THEM. COUNSELING WOULDN'T HELP THEM. THEY PREY ON CHILDREN AND WOMEN AND ALL OF THOSE IN POVERTY ON DRUGS. BUT EVEN AT THAT, IF YOU WILL VOTE TO RECONSIDER, I'VE WORKED SOMETHING OUT WITH SENATOR SCHUMACHER THAT WE WILL ADD AN AMENDMENT, ONCE WE RECONSIDER AM2624, TO SAY A PERSON SHALL BE INELIGIBLE FOR SUPPLEMENTAL NUTRITIONAL ASSISTANCE PROGRAM BENEFITS UNDER THIS SUBSECTION IF HE OR SHE HAS BEEN CONVICTED OF A FELONY THREE OR MORE TIMES INVOLVING THE SALE OR DISTRIBUTION OF A CONTROLLED SUBSTANCE, BECAUSE THE REALITY, FOLKS, IF YOU'RE THAT BAD

Floor Debate
March 22, 2016

AN INDIVIDUAL AND YOU'RE THIRD STRIKE, YOU'RE SPENDING THE REST OF YOUR LIFE IN TREATMENT IN THE STATE PEN WHERE YOU HOPEFULLY AIN'T GOT ANY ABILITY TO GET AHOLD OF ANY DRUGS. [LB910]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR GROENE: SO WE WILL DO THAT IF YOU RECONSIDER. THAT SHOULD HELP SENATOR LARSON, SENATOR KOLTERMAN, SENATOR SCHUMACHER, AND A FEW OTHERS WHO DON'T WANT TO BAN EVERYBODY FOR LIFE, GIVE EVERYBODY A SECOND CHANCE. SO PLEASE VOTE GREEN ON THE RECONSIDER MOTION AND GIVE US A LITTLE TIME THEN TO DRAW UP THE AMENDMENT TO SOFTEN IT JUST A TOUCH. SO I WOULD APPRECIATE A GREEN VOTE. LET'S HELP THESE PEOPLE. LET'S GIVE THEM A HAND UP. LET'S NOT JUST ABANDON THEM WITH A CREDIT CARD THAT SAYS YOU CAN GO GET FREE FOOD WHILE THEY'RE ADDICTED TO DRUGS. LET'S GIVE THEM A LITTLE GUIDANCE. THAT'S WHAT GOOD GOVERNMENT DOES. APPRECIATE A GREEN VOTE ON THE RECONSIDER MOTION. THANK YOU. [LB910]

SENATOR COASH: SENATOR BLOOMFIELD. [LB910]

SENATOR BLOOMFIELD: ROLL CALL VOTE IN REGULAR ORDER. [LB910]

SENATOR COASH: MEMBERS, THE QUESTION BEFORE THE BODY IS, SHALL THE VOTE LAST TAKEN BE RECONSIDERED? THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK, PLEASE READ THE ROLL. [LB910]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1153-1154.) 23 AYES, 22 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER.

SENATOR COASH: THE MOTION TO RECONSIDER FAILS. I RAISE THE CALL. ITEMS, MR. CLERK? [LB910]

CLERK: YES, MR. PRESIDENT, I DO. I HAVE RESOLUTIONS: LR507 BY SENATOR DAVIS, STUDY RESOLUTION; LR508 BY SENATOR BURKE HARR, STUDY RESOLUTION; AND LR509 BY SENATOR MELLO, STUDY RESOLUTION. NOTICE OF HEARING FROM THE RETIREMENT SYSTEMS COMMITTEE. ENROLLMENT AND REVIEW REPORTS THEY'VE EXAMINED AND ENGROSSED LB843, LB956, LB957,

Floor Debate
March 22, 2016

LB960, LB960A, LB981, AND LB1081. THOSE ARE ALL REPORTED CORRECTLY ENGROSSED. AN ANNOUNCEMENT FROM THE EXECUTIVE BOARD REGARDING SELECTION OF MEMBERSHIP ON THE TASK FORCE ON BEHAVIORAL HEALTH AND MENTAL HEALTH. AMENDMENTS TO BE PRINTED: SENATOR HAAR TO LB824; SENATOR KUEHN TO LR378CA. (LEGISLATIVE JOURNAL PAGES 1154-1157.) [LR507 LR508 LR509 LB843 LB956 LB957 LB960 LB960A LB981 LB1081 LB824 LR378CA]

MR. PRESIDENT, SENATOR SCHUMACHER, I NOW HAVE AM2651. BUT, SENATOR, IF I'M CORRECT, I BELIEVE YOU WANT TO WITHDRAW AND SUBSTITUTE AM2715. [LB910]

SENATOR SCHUMACHER: IT'S A DIFFERENT LANGUAGE, WORDING. [LB910]

CLERK: BUT YOU DO WANT AM2715, RIGHT? [LB910]

SENATOR SCHUMACHER: YES. YES. [LB910]

SENATOR COASH: NO OBJECTION, SO ORDERED. [LB910]

CLERK: SENATOR, I HAVE AM2715. (LEGISLATIVE JOURNAL PAGES 1157-1158.) [LB910]

SENATOR COASH: SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO OPEN ON AM2715. [LB910]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. AM2715 ADDRESSES A SORRY SITUATION. AND PERHAPS THIS ISN'T THE PERFECT ANSWER, BUT IN THIS WORLD AND THE SITUATION WE HAVE IN OUR CORRECTIONS INSTITUTIONS, IS A GOOD BEGINNING. DURING THE NIKKO JENKINS HEARINGS AND THE SUBSEQUENT HEARINGS REGARDING THE CORRECTIONS FACILITIES, ONE SORRY FACT CAME TO LIGHT. AND THAT SORRY FACT WAS THAT WE WERE RUNNING UPWARDS OF 300 PEOPLE IN SOLITARY CONFINEMENT. IN FACT, A STUDY DONE BY YALE UNIVERSITY INDICATED THAT NEBRASKA RANKED SECOND IN THE COUNTRY FOR FOLKS IN SOLITARY CONFINEMENT PER CAPITA. AT ANY GIVEN TIME WE HAVE AND STILL HAVE, EVEN THOUGH THIS PROCESS HAS BEEN GOING ON FOR THREE, FOUR YEARS, 300-AND-SOME PEOPLE IN SOLITARY CONFINEMENT. WE SOMETIMES MAKE OURSELVES FEEL BETTER BY CALLING IT RESTRICTIVE HOUSING, BUT IT'S SIX

Floor Debate
March 22, 2016

OF ONE, HALF A DOZEN OF THE OTHER. AND OVER 100 OF THOSE PEOPLE, MAYBE CLOSER TO 150--THE AVERAGE NUMBER IS REALLY NOT PERFECTLY CLEAR, BUT SOMEWHERE IN THAT NEIGHBORHOOD--HAVE BEEN IN SOLITARY CONFINEMENT FOR TIMES EXCEEDING 90 DAYS. THE PROFESSIONAL PEOPLE AND THE PSYCHOLOGISTS AND PSYCHIATRISTS SEEM TO BE PRETTY MUCH IN AGREEMENT THAT WHEN YOU PUSH OVER 30 DAYS, YOU START DRIVING PEOPLE CRAZY IF THEY WEREN'T ALREADY. AT 90 DAYS, IT'S PRETTY EXTREME, BUT WE DO IT. AND SOLITARY CONFINEMENT IS A VERY, VERY TINY LITTLE ROOM, WHICH YOU'RE LET OUT TO RUN IN WHAT AMOUNTS TO BE A DOG RUN FOR A HALF HOUR OR SO A DAY. IT DROVE, I THINK IT'S FAIR TO SAY, NIKKO JENKINS FROM CRAZY TO REAL CRAZY. AND I THINK THAT WOULD PROBABLY BE THE CASE FOR ALL OF US IF WE WERE CONFINED UNDER THOSE CONDITIONS FOR AS LONG AS HE WAS--SIX OUT OF HIS TEN YEARS AT THE PENITENTIARY UNDER THOSE CONDITIONS. AND WHAT WAS ODD, WHEN HE WENT UP TO OMAHA FOR A FUNERAL OR SOMETHING, HE TOOK A SWING AT SOMEBODY AND ENDED UP BEING CHARGED IN DOUGLAS COUNTY WITH A CRIME FOR WHICH HE HAD TO STICK IT OUT IN THE DOUGLAS COUNTY JAIL FOR ABOUT A YEAR. AND THERE THEY HANDLED HIM JUST FINE IN THE GENERAL POPULATION. HE WAS A NUISANCE, A PROBLEM, BUT HE WAS NOT IN SOLITARY CONFINEMENT. THE MINUTE THEY SENT HIM BACK TO LINCOLN, TO THE STATE FACILITIES, HE WENT STRAIGHT TO SOLITARY CONFINEMENT. AND WE KNOW THE SORRY RESULT OF THAT STORY. SO PART OF THE REVIEW LAST YEAR AND THE LEGISLATION WE PASSED LAST YEAR WAS AN ATTEMPT TO WRITE SOME PRETTY CLEAR RULES WITH REGARD TO SOLITARY CONFINEMENT: WHEN IT COULD BE USED, HOW IT WOULD BE REVIEWED, HOW ABUSES COULD BE CONTROLLED. AND WE, QUITE FRANKLY, ADMITTED WE WEREN'T EXPERTS. AND WE SAID IN THE LEGISLATION--AND WE GAVE IT PLENTY OF TIME TO GO TO WORK, JULY 1 OF 2016--THAT THE PROFESSIONALS OF THE DEPARTMENT OF CORRECTIONS WERE TO WRITE RULES AND REGULATIONS TO REMEDY THE PROBLEM. AND THEY WERE TO WRITE THOSE IN CONNECTION WITH A WORK GROUP THAT WAS ASSIGNED TO REPRESENT VARIOUS INTERESTS. THAT WORK DIDN'T REALLY START GETTING INTO GEAR UNTIL THE END OF THE YEAR. THE DRAFT REGULATIONS, WHICH WERE PUBLISHED IN REGULATION FORM, THERE WAS A ROUGH DRAFT ABOUT THREE WEEKS OR SO, A MONTH BEFORE THAT. BOTTOM LINE, THERE'S ENOUGH WIGGLE ROOM IN THOSE DRAFT REGULATIONS FOR THE DEPARTMENT, IF IT WANTED TO, TO CONTINUE ON WITH BUSINESS AS USUAL. GIVING THE DEPARTMENT THE BEST BENEFIT OF THE DOUBT IS NOT GOOD ENOUGH, BECAUSE THERE'S NO TEETH IN THE REGULATIONS AROUND WHICH IF IT WANTED SOME EXTRA ROOM TO CONTINUE ON WITH THE PRACTICE, IT WOULDN'T HAVE. SO THIS IS A VERY SIMPLE SAFETY VALVE. AND IT SAYS THAT

Floor Debate
March 22, 2016

IF YOU ARE IN SOLITARY CONFINEMENT FOR 90 DAYS IN A YEAR--A QUARTER OF THE YEAR--WHICH IS FAR GREATER THAN THE 30 DAYS THAT'S GENERALLY THOUGHT TO BE PRETTY MUCH MAXIMUM, FAR GREATER THAN THE SUGGESTED REGULATIONS SHOW AT 45 DAYS WHERE THE DIRECTOR HAS GOT TO PERSONALLY GET INVOLVED, BUT DOUBLE THAT, AMPLE PERIOD OF TIME, IF YOU ARE, YOU CAN FILE A REQUEST TO HAVE YOUR SITUATION REVIEWED WITH THE DISTRICT COURT. THE RULES OF THE DISTRICT COURT ARE FAIRLY LOOSE, CALLS FOR A REVIEW. NOT TO CONSUME JUDICIAL TIME, IT ALLOWS THE JUDGE TO APPOINT A SPECIAL MASTER TO LOOK AT THESE PARTICULAR REQUESTS FOR REVIEW AND DETERMINE WHETHER OR NOT HE SHOULD HOLD FURTHER PROCEEDINGS OR ENTER AN ORDER CONSISTENT WITH THE RECOMMENDATIONS OF THE SPECIAL MASTER. THIS DOESN'T MANDATE A HEARING. IT DOESN'T MANDATE EVEN AN APPEARANCE OF THE INCARCERATED PERSON, BUT IT DOES PUT THE SITUATION ON A DESK OF A RESPONSIBLE PERSON OUTSIDE OF THE DEPARTMENT OF CORRECTIONS. IN SPEAKING WITH THE DEPARTMENT OF CORRECTIONS, THERE WAS CONCERN--AND I'M CERTAINLY NOT GOING TO REPRESENT THERE'S AN AGREEMENT ON THIS--BUT THERE WAS CONCERN THAT WE WOULD HAVE TOO MUCH OF A RUSH IF WE PASSED THIS AND IT WENT INTO EFFECT AND THE PEOPLE, THE HUNDRED-SOME PEOPLE WHO WERE IN THERE 90 DAYS ALREADY FILED ALL AT ONCE. SO THERE IS...THE CALENDAR COUNTING STARTS WITH THE EFFECTIVE DATE OF THIS ACT, WHICH GIVES THEM TIME TO DO TWO THINGS: LOOK AT WHO IS IN THERE AND MOVE THEM OUT, UNLESS IT'S A REALLY EXTREME CASE; AND THEN TO PREPARE TO RESPOND TO ANY REQUESTS FOR HEARINGS THAT ARE FILED BEFORE THE DISTRICT COURT. THIS PROCEEDING IS DESIGNED TO CREATE A RECORD OF THE PROBLEMS, TO GIVE RELIEF IN THOSE CASES WHERE IT IS SIMPLY BEYOND THE PALE OF JUSTICE AND COMMON SENSE TO CONFINE PEOPLE, TO PUT ADDITIONAL PRESSURE--WE PUT SOME, BUT NOT ENOUGH--ON THE DEPARTMENT SO THAT NEBRASKA IS NOT NEAR THE TOP OF THE STATES USING SOLITARY CONFINEMENT, TO MAKE THE ARGUMENT TO THE ACLU OR ANY OTHER ORGANIZATION THAT MIGHT BRING A CASE ON BEHALF OF SOMEONE CONFINED THAT WE ARE TRYING, DEAR FEDERAL JUDGE. WE HAVE SET UP ANOTHER MECHANISM BECAUSE WE HAVEN'T DONE VERY WELL SO FAR. OUR CONFINEMENT NUMBERS HAVEN'T DROPPED, EVEN THOUGH THE NEW ADMINISTRATION HAS HAD NOW OVER A YEAR TO MAKE GREAT PROGRESS AND TELLS US THAT THEY THINK SOMETIME IN THE FUTURE THAT PROGRESS WILL BE FORTHCOMING. IT IS SOMETHING THAT WE NEED TO DO TO SAY, WE ARE SERIOUS AND WE MEAN FOR THE...IF THEY NEED ADDITIONAL FACILITIES, FOR THEM TO COME TO US AND ASK FOR THE FINANCES TO BUILD ADDITIONAL FACILITIES FOR SOLITARY CONFINEMENT. IF THEY NEED ADDITIONAL MONEY

Floor Debate
March 22, 2016

FOR PROGRAMMING AND TRAINING OR MENTAL HEALTH, TO GET IN HERE AND ASK FOR IT, NOT TO DELAY AND DELAY, SAYING THAT, OH, WE'RE JUST WORKING ON OUR METRICS. WE'RE TRYING TO FIGURE OUT WHAT WE SHOULD DO, WHICH WAY IS UP, GIVE US MORE TIME. DON'T WANT TO SPEND MONEY THIS YEAR, MAYBE NEXT YEAR OR THE YEAR AFTER THAT. SO THIS IS A MESSAGE THAT WE ARE SERIOUS AND IT ALSO IS A VEHICLE FOR THOSE CASES WHERE THIS AMOUNTS TO NEGLECT OR INJUSTICE, OF OVERSTEPPING THE BOUNDS OF REASONABLE BEHAVIOR BY THE PART OF THE AUTHORITIES, FOR THE DISTRICT COURT TO STEP IN. AND UNDOUBTEDLY I WOULD PREDICT THAT... [LB910]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR SCHUMACHER: ...WHEN WE PASS THIS, WE WILL BE LOOKING AT REVISIONS AND LEARNING FROM OUR EXPERIENCE WITH IT IN THE NEXT SESSION. BUT, IN THE MEANTIME, LET'S TURN THE HEAT UP, LET'S SHOW OUR SERIOUSNESS, AND LET'S GIVE EVERY INCENTIVE TO THE SYSTEM TO GET NEBRASKA OFF THE TOP OF A LIST WE DON'T WANT TO BE ON. THANK YOU. [LB910]

SENATOR COASH: THANK YOU, SENATOR SCHUMACHER. MEMBERS, YOU'VE HEARD THE OPENING TO AM2715. THE FLOOR IS NOW OPEN FOR DISCUSSION. (VISITORS INTRODUCED.) SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB910]

SENATOR SCHNOOR: THANK YOU, SIR. WHAT A CHANGE OF PACE HERE. WE GO FROM FOOD STAMPS TO SOLITARY CONFINEMENT ALL IN THE SAME BILL. SENATOR SCHUMACHER, WILL YOU YIELD TO SOME QUESTIONS, PLEASE? [LB910]

SENATOR COASH: SENATOR SCHUMACHER, WILL YOU YIELD? [LB910]

SENATOR SCHUMACHER: YES, I WILL. [LB910]

SENATOR SCHNOOR: OKAY. I'M TRYING TO UNDERSTAND THIS A LITTLE BETTER. ONE OF THE CHANGES THAT YOU HAVE, AN INMATE CONFINED IN RESTRICTIVE HOUSING MAY, AFTER THE 19th DAY IN THE CALENDAR YEAR OF HIS OR HER CONFINEMENT AND AFTER THE EFFECTIVE DATE OF THIS ACT, SEEK A REVIEW OF THE DECISION TO PLACE HIM OR HER IN RESTRICTIVE HOUSING. DOES THAT

Floor Debate
March 22, 2016

MEAN...I GUESS, AM I UNDERSTANDING THAT IT'S AFTER 19 DAYS HE CAN GET THAT REVIEWED? IS THAT CORRECT? [LB910]

SENATOR SCHUMACHER: SENATOR, I'M HOPING THAT'S NOT A TYPO, BUT IT SAYS 90th DAY. DOES YOURS SAY 19th? [LB910]

SENATOR SCHNOOR: MINE SAYS 19th. [LB910]

SENATOR SCHUMACHER: N-I-N-E-T-I-E-T-H, NINETIETH. [LB910]

SENATOR SCHNOOR: NO, THAT'S NOT... [LB910]

SENATOR SCHUMACHER: I HOPE I CAN READ ENGLISH. [LB910]

SENATOR SCHNOOR: ALL RIGHT. OKAY. WELL, WHETHER IT'S 19 OR 90th, I GUESS MY QUESTION STILL STANDS THE SAME. AFTER THAT AMOUNT OF TIME, THEN HIS DECISION TO GO IN CONFINEMENT GETS REVIEWED? [LB910]

SENATOR SCHUMACHER: IF HE MAKES APPLICATION TO THE COURT, YES. [LB910]

SENATOR SCHNOOR: OKAY. WHO...NOT UNDERSTANDING THIS PROCESS AT ALL, NOT HAVE EVER BEEN INVOLVED IN THE JUDICIAL PROCESS OR THE REVIEWS THAT HAVE GONE OVER THE LAST FEW YEARS, WHO MAKES THE DETERMINATION THAT A CRIMINAL OR A CONVICTED FELON, WHOEVER IS IN PRISON, WHO MAKES THAT DECISION THAT HE GOES INTO SOLITARY CONFINEMENT? [LB910]

SENATOR SCHUMACHER: THAT'S A VERY INTERESTING THING. GENERALLY, THE INITIAL DECISION IS MADE BY FAIRLY LOW-LEVEL PEOPLE IN THE HIERARCHY AT CORRECTIONS. AND SOMETIMES THE INITIAL CONFINEMENT, AS I UNDERSTAND IT, IS FOR QUICK DISCIPLINE. THEY MAY DO SOMETHING THAT IS OBNOXIOUS OR KICK SOMEBODY OR WHATEVER. IT'S QUICK DISCIPLINE. THE LENGTH...AND NO ONE...THIS LEGISLATION DOESN'T SAY, SOME QUICK DISCIPLINE IS NOT AN APPROPRIATE WAY TO COOL PEOPLE OFF OR MAKE A POINT. THIS LOOKS AT THE PROLONGED SOLITARY CONFINEMENT, REPEATED SOLITARY CONFINEMENT, AND SAYS, LOOK IT, THAT IS A PROBLEM. YOU SHOULDN'T HAVE TO LOCK PEOPLE UP IN A CAGE FOR LONG PERIODS OF TIME TO MAKE YOUR POINT OR IF THEY'RE MENTALLY ILL, IN ORDER TO DEAL WITH A

Floor Debate
March 22, 2016

PROBLEM. YOU SHOULD, IF THEY'RE MENTALLY ILL, DEAL WITH THE PROBLEM IN THE MENTAL FACILITIES. IF THEY ARE MISBEHAVING, THE 90 DAYS OF CONFINEMENT IS EXCESSIVE. JUST LIKE NIKKO JENKINS, DOUGLAS COUNTY CAN DO IT; WE CAN DO IT, TOO. [LB910]

SENATOR SCHNOOR: OKAY. NOW WHEN WE TALK ABOUT THIS REVIEW PROCESS, HOW...WHAT TYPE OF DOCUMENTS DOES THE COURT NEED OR EXACTLY WHO DO THEY GO TO FOR THIS REVIEW? [LB910]

SENATOR SCHUMACHER: TO SEEK ACTION BY A COURT YOU FILE YOUR REQUEST WITH THE CLERK OF THE DISTRICT COURT. MOST OF THESE GUYS, AS I UNDERSTAND IT, SPEND A GREAT DEAL OF TIME IN THE PRISON LIBRARY LEARNING HOW TO DO THAT ON OTHER MATTERS BESIDES THIS MATTER. AND IN THIS PARTICULAR CASE... [LB910]

SENATOR COASH: ONE MINUTE. [LB910]

SENATOR SCHUMACHER: ...YOUR REQUEST WOULD STATE THAT YOU'VE BEEN IN CONFINEMENT FOR MORE THAN 90 DAYS IN A CALENDAR YEAR AND THAT YOUR CONFINEMENT IS NOT IN CONFORMITY WITH THE LAW, WITH STATUTE WE PASSED LAST YEAR, WITH THE RULES AND REGULATIONS, AND WITH YOUR CONSTITUTIONAL RIGHTS. AND AT THAT POINT, THAT PAPER WOULD GO TO THE DISTRICT JUDGE. AND THIS CONTEMPLATES, INSTEAD OF THE DISTRICT JUDGE KILLING HIS TIME WITH REGARD TO THAT, AND YOU WOULD SUBMIT WHATEVER SUPPORTING DOCUMENTS YOU HAVE OR WRITTEN COMPLAINTS YOU HAVE IN ORDER TO MAKE YOUR CASE; NO HEARING AT THAT STAGE. AND THAT JUDGE WOULD ASSIGN THAT TO A SPECIAL MASTER TO TAKE A LOOK AT THE SITUATION. AND THAT SPECIAL MASTER WOULD, I WOULD GUESS, MUCH LIKE WHAT YOU DO WHEN YOU... [LB910]

SENATOR COASH: TIME, SENATORS. [LB910]

SENATOR SCHNOOR: THANK YOU. [LB910]

SENATOR COASH: SENATOR KINTNER, YOU'RE RECOGNIZED. [LB910]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR SCHUMACHER. YOU'VE GIVEN ME ANOTHER CONFUSING AMENDMENT

Floor Debate
March 22, 2016

THAT DOES 50,000 THINGS IT LOOKS LIKE. WOULD SENATOR SCHUMACHER YIELD TO A FEW QUESTIONS? MAYBE YOU CAN SET ME STRAIGHT. [LB910]

SENATOR COASH: SENATOR SCHUMACHER, WILL YOU YIELD? [LB910]

SENATOR SCHUMACHER: IF YOU PROMISE, JUST A FEW. [LB910]

SENATOR KINTNER: OKAY, JUST A FEW. I HAVE PUT SOME NOTES HERE. I'M TRYING TO FIGURE ALL THIS STUFF OUT. EXACTLY...WHEN YOU'RE LOOKING AT THIS, IT GOES BEFORE A JUDGE ON THIS? HOW DOES A JUDGE DETERMINE IF THE INMATE SHOULD NOT BE IN RESTRICTIVE HOUSING? WHAT'S THE PROCESS WE'RE WALKING THROUGH THERE? [LB910]

SENATOR SCHUMACHER: IT CONTEMPLATES AT THE FIRST STAGE, UNLESS IT'S A REALLY EXTREME CASE, THAT IT GO TO A SPECIAL MASTER. A SPECIAL MASTER IS A PERSON, GENERALLY AN ATTORNEY--IT COULD BE I SUPPOSE ANOTHER JUDGE, BUT GENERALLY AN ATTORNEY OR SOMEONE WITH SPECIAL TRAINING IN THE PARTICULAR FIELD--AND TO REVIEW THE ALLEGATIONS THAT ARE IN THERE AND TO REVIEW WHATEVER PAPERWORK AND CLAIMS OF IMPROPER CONFINEMENT IS THERE. THE PRESUMPTION IS, AT 90 DAYS THERE IS A PROBLEM, BECAUSE THE REGULATIONS THAT ARE PROPOSED SAY IT'S A PROBLEM AT 45 DAYS BECAUSE THE DIRECTOR HAS GOT TO LOOK AT IT IN 45 DAYS AND THIS IS 45 DAYS BEYOND THAT. AND THAT SPECIAL MASTER, USING HIS TRAINING AND EDUCATION, COMES TO A DETERMINATION AND A RECOMMENDATION TO THE DISTRICT JUDGE, WHICH MIGHT INCLUDE A HEARING. IT MIGHT INCLUDE REQUEST FOR ADDITIONAL INFORMATION FROM THE DEPARTMENT. AND SINCE CERTAINLY US HERE IN THE LEGISLATURE ARE NOT CORRECTIONS OFFICIALS, WE VERY WELL CANNOT WRITE IN THE STATUTE WHAT THEY SHOULD BE LOOKING FOR. BUT, NEVERTHELESS, THE JUDGE HAS AUTHORITY, MUCH LIKE HE WOULD HAVE IN A JUVENILE CASE, OVER THE SITUATION. AND THE JUDGE CAN SAY, THIS GUY IS A...DOESN'T DESERVE ANYTHING OR THE JUDGE CAN SAY, MY GOD, SOMETHING IS WRONG HERE. LET'S LOOK INTO THIS THING, FUTURE. IT DOES NOT TIE THE JUDGE'S HANDS. [LB910]

SENATOR KINTNER: YEAH, I MEAN, THE MORE YOU ANSWER THE QUESTION, THE MORE QUESTIONS I GET. WHERE IS THE SPECIAL MASTER? WHERE DOES HE COME FROM? WHO IS HE? IS HE APPOINTED? EXPLAIN HOW THAT WORKS. [LB910]

Floor Debate
March 22, 2016

SENATOR SCHUMACHER: OUR LAWS HAVE PROVISIONS REGARDING THINGS THAT JUDGES CAN DO TO HELP THEM WITH SPECIALIZED MATTERS. SOMETIMES THE SPECIALIZED MATTER IS NEED FOR AN ACCOUNTANT TO LOOK THROUGH AN ACCOUNTING BOOK. AND, THEREFORE, THERE'S A PROVISION THAT SAYS WHEN A JUDGE NEEDS EXPERT ASSISTANCE AND EXPERT INPUT, HE CAN APPOINT SOMEBODY WITH...THAT HE THINKS HAS GOT THE PROPER SKILLS IN ORDER TO HELP HIM. AND THAT PERSON, FOR LACK OF A BETTER WORD, IS CALLED A SPECIAL MASTER. THEY HAVE THEM IN FEDERAL COURT. THEY HAVE THEM IN STATE COURTS. AND IT IS A SKILLED PERSON TO BE THE JUDGE'S RIGHT-HAND ASSISTANT IN LOOKING AT A PARTICULAR SPECIALIZED MATTER. [LB910]

SENATOR KINTNER: DOES HE DO ANYTHING BESIDES BE A SPECIAL MASTER? DOES HE HAVE A BUNCH OF JOBS OR THAT IS THE ONLY JOB HE DOES? [LB910]

SENATOR SCHUMACHER: THERE MAY BE ENOUGH OF THESE CASES THAT MAY BE THE ONLY ONE. AND THERE MAY BE MULTIPLE SPECIAL MASTERS THAT COULD BE APPOINTED JUST LIKE YOU HAVE MULTIPLE COURT APPOINTED ATTORNEYS ON THINGS. [LB910]

SENATOR KINTNER: SO HE'S JUST APPOINTED TO DO THIS TASK? [LB910]

SENATOR SCHUMACHER: RIGHT. [LB910]

SENATOR KINTNER: OH, OKAY. OKAY. OKAY. WHAT DOCUMENTS, IF ANY, DOES THE COURT GET TO REVIEW ON THIS? [LB910]

SENATOR SCHUMACHER: WHAT DOCUMENT, IF ANY? [LB910]

SENATOR KINTNER: YEAH. [LB910]

SENATOR SCHUMACHER: THE DOCUMENT...FIRST OF ALL, THE INITIAL PETITION FOR REVIEW OR REQUEST. I DOUBT IF IT WILL BE TYPED UP VERY PRETTY, ANY OTHER PAPERS OR ALLEGATION. [LB910]

SENATOR COASH: ONE MINUTE. [LB910]

Floor Debate
March 22, 2016

SENATOR SCHUMACHER: IF THE SPECIAL MASTER SAYS, LOOK IT, THIS LOOKS LIKE A SITUATION WE NEED TO LOOK AT AS MORE SERIOUS, SPECIAL MASTER CAN ASK THE DEPARTMENT FOR THAT INFORMATION. IF THE SPECIAL MASTER GETS TOO MUCH STATIC ON REQUESTS FOR INFORMATION, MY GUESS IS WE'LL LEARN THAT AND WE'LL HAVE A PROVISION FOR...THAT MIGHT SPECIFICALLY DEAL WITH THIS NEXT YEAR. OTHERWISE, THE COURT HAS SUBPOENA POWERS INHERENT IN THE JUDICIAL SYSTEM AND CAN ASK FOR THE RECORDS WITH REGARD TO THIS PARTICULAR PERSON. [LB910]

SENATOR KINTNER: THANK YOU, SENATOR SCHUMACHER. I'M NOT SURE I UNDERSTAND IT BETTER. I THINK I'VE GOT MORE QUESTIONS NOW. YOU DON'T KNOW WHAT YOU DON'T KNOW UNTIL YOU START EXPLAINING STUFF. BUT I THINK I'M ABOUT OUT OF TIME, SO THANK YOU, MR. PRESIDENT. [LB910]

SENATOR COASH: THANK YOU, SENATOR SCHUMACHER AND SENATOR KINTNER. SENATOR MORFELD, YOU'RE RECOGNIZED. SENATOR MORFELD WAIVES. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB910]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SOLITARY CONFINEMENT IS BEING VIEWED MORE AND MORE BY EXPERTS ALL AROUND THE WORLD IN CIVILIAN LIFE AND THE MILITARY AND IN INTELLIGENCE AGENCIES AS TORTURE. IT IS USED EXPLICITLY TO TORTURE BY SOME ENTITIES, BECAUSE NOTHING IS MORE DEVASTATING OR CAN DISINTEGRATE A PERSON'S MENTAL STABILITY QUICKER THAN BEING ISOLATED COMPLETELY FROM HUMAN CONTACT, HUMAN DISCUSSION. WHEN YOU HAVE A PRISON AND PEOPLE, FOR ANY REASON...AND AS SENATOR SCHUMACHER POINTED OUT, RELATIVELY LOW-LEVEL INDIVIDUALS OUT THERE CAN DETERMINE THAT SOMEBODY WILL WIND UP IN SOLITARY. THIS WHOLE NOTION OF SOLITARY CONFINEMENT STARTED WITH A RELIGIOUS NOTION, AS MANY THINGS THAT ARE TORTUROUS WILL DO. IT WAS BELIEVED AND IT WAS SUPPOSED TO BE AT THAT TIME A CHANGE FOR THE BETTER THAT A PERSON WHO IS CONVICTED OF A CRIME SHOULD HAVE TIME TO REPENT. AND TO DO THAT THE PERSON SHOULD BE ISOLATED FOR A GOOD LONG PERIOD OF TIME TO THINK ABOUT WHAT HAD BEEN DONE, TO CONTEMPLATE ABOUT WHAT MIGHT HAPPEN TO THAT PERSON IN THE NEXT WORLD, AND THEN THAT PERSON'S CONDUCT WOULD BE REFORMED. IT NEVER WORKED THAT WAY. WHEN PEOPLE BEGAN TO FALL APART MENTALLY, THAT IN AND OF ITSELF PROVED THAT THEY NEEDED MORE OF THIS TREATMENT, BECAUSE THERE WERE FORCES AT WORK THAT WERE WORKING THEMSELVES OUT AND LEADING THIS PERSON TO CARRY ON LIKE THAT. AND INSTEAD OF REALIZING THAT THIS ENFORCED, LENGTHY,

Floor Debate
March 22, 2016

SOLITARY CONFINEMENT WAS THE PROBLEM, IT WAS VIEWED AS THE SOLUTION. SO YOU SHOULD KEEP PEOPLE IN SOLITARY CONFINEMENT. THERE WAS NO SCIENTIFIC BASIS FOR THAT. IN MODERN TIMES, YOU CAN TAKE SOMETHING LIKE THE CURRENT DIRECTOR, SCOTT FRAKES, WHEN HE WAS OUT IN WASHINGTON HE DID THINGS, IF WHAT WE READ IS TRUE, TO RESTRICT AND LIMIT THE USE OF SOLITARY CONFINEMENT. THERE ARE PRISONS ALL OVER THE COUNTRY DOING AWAY WITH SOLITARY CONFINEMENT AS A ROUTINE PRACTICE. I THINK 90 DAYS IS EXCESSIVE, BUT WHAT THIS BILL WILL DO IS PUT A SPUR TO THE FLANK OF THE DEPARTMENT OF CORRECTIONS TO GOAD THEM TO PUT IN PLACE REGULATIONS, RULES, THAT CAN BE EXAMINED. AS TIME GOES ON, THE DEPARTMENT IS SLIPPING MORE AND MORE BACK INTO THE VERY WAYS THEY WERE DOING THINGS BEFORE AN INVESTIGATIVE LEGISLATIVE COMMITTEE STARTED OPERATIONS, SO MR. FRAKES IS NOT FREE TO USE HIS KNOWLEDGE AND EXPERTISE. HE IS DICTATED TO, PRIMARILY BY THE GOVERNOR AND THE ATTORNEY GENERAL, TO STOP DOING THESE THINGS THAT COULD BE CONSIDERED REFORMATIVE. AND AS A RESULT, MANY PEOPLE ARE QUESTIONING... [LB910]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: ONE MINUTE. [LB910]

SENATOR CHAMBERS: ...WHETHER SCOTT FRAKES'S QUALIFICATIONS WERE FALSIFIED. MUCH OF WHAT HE IS DOING AND TRYING TO DO GOES CONTRARY TO THE VERY THINGS THAT LED HIM TO BE BROUGHT HERE IN THE FIRST PLACE AS A REFORMER. SO I SUPPORT WHAT SENATOR SCHUMACHER IS OFFERING AS SOMETHING BEING BETTER THAN NOTHING, BUT I THINK AFTER 30 DAYS THERE SHOULD BE A REVIEW. AND I WILL WAGER THAT WHEN THIS BILL PASSES, YOU'RE GOING TO SEE A DIMINUTION IN THE UTILIZATION OF LENGTHY PERIODS OF SOLITARY CONFINEMENT. IF WE DON'T DO ANYTHING, THEY WILL FEEL THAT IT'S ALL RIGHT TO GO BACK INTO THE OLD WAY OF DOING THINGS, WHICH I THINK IS A HORRIBLE MISTAKE. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR KRIST, SENATOR HUGHES, SENATOR BOLZ, AND OTHERS. SENATOR KRIST, YOU ARE RECOGNIZED. [LB910]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. SENATOR SCHUMACHER, THANK YOU FOR

Floor Debate
March 22, 2016

BRINGING THIS AMENDMENT, WHICH WAS INDEED A BILL THAT WE HEARD IN JUDICIARY AND IT WAS THE FALLOUT FROM, AS YOU SAID, THE SPECIAL INVESTIGATIVE COMMITTEES IN GENERAL, PLURAL, AND WHAT WE LEARNED ABOUT CORRECTIONS. I BELIEVE, HONESTLY, THAT YOU COULD READ NOTHING ABOUT THIS SUBJECT MATTER AND SIMPLY LOOK AT THIS ON ITS FACE, SIMPLY LOOK AT THIS ON ITS FACE, AND REALIZE THAT FOR 23 HOURS A DAY A MAN OR WOMAN IS IN THEIR CELL, NOT VERY BIG CELL, VERY STERILE ENVIRONMENT. AND IF THEY'RE GOOD, FOR ONE HOUR A DAY THEY MAY BE ABLE TO WALK IN A WALKWAY THAT YOU AND I WOULDN'T EVEN CONSIDER A PROPER VERANDA ON THE SIDE OF AN APARTMENT COMPLEX, AND STILL CONFINED AND, IN SOME CASES, NOT SEEING THE LIGHT OF DAY. WHAT DOES THAT HAVE TO DO TO YOUR PSYCHE? WE ALL KNOW, MOST OF US FROM EITHER HAVING CHILDREN, BEING AUNTS, UNCLES, BEING CHILDREN OURSELVES, HUMAN CONTACT AND CONVERSATION IS OUR SANITY IN MANY CASES. NOW IMAGINE THAT, AS SENATOR SCHUMACHER SAID AND NOT TO THROW A LOT OF DRAMA INTO THIS SITUATION, BUT THIS IS NOT DRAMA, THIS IS A MAN'S LIFE. THIS IS A MAN WHO COULD NOT EXIST IN GP, IN GENERAL POPULATION, IN A PRISON. AND YET, WHEN HE WENT TO MY COUNTY, DOUGLAS COUNTY, AND HE WAS CONFINED, THE PSYCHIATRISTS, PSYCHOLOGISTS, AND THERAPISTS HAD HIM ON HIS MEDICATIONS, EXISTING IN AN ENVIRONMENT WHERE HE WAS EXPOSED TO OTHER PEOPLE AND COMMUNICATING. WASN'T PERFECT, BUT IT WASN'T ADMINISTRATIVE SEGREGATION. IT WASN'T SOLITARY CONFINEMENT. IT WASN'T BEING CUT OFF FROM SOCIETY AND NOT BEING ABLE TO SOCIALIZE AND NOT BEING ABLE TO COMMUNICATE WITH PEOPLE. AS A RESULT OF THOSE SPECIAL INVESTIGATIONS AND AS A RESULT OF ONGOING CONVERSATIONS WITH THE DEPARTMENT, I SHARE SENATOR SCHUMACHER, SENATOR CHAMBERS, SENATOR SEILER, SENATOR MELLO, SENATOR PANSING BROOKS, THE REST...AND SENATOR WILLIAMS AND THE REST OF THE JUDICIARY COMMITTEE'S CONCERNS THAT THEY HAVE NOT TAKEN PROPER ACTION TO GET TO A POINT WHERE THERE ARE PROGRAMS--PLURAL--AND WHERE THERE ARE POLICIES AND PROCEDURES TO ELIMINATE OR LIMIT THE AMOUNT OF TIME THAT SOMEONE SPENDS IN ADMINISTRATIVE SEGREGATION. I'LL REMIND YOU OF A QUOTE THAT I HAVE SAID AND HAVE BROUGHT FORWARD MANY TIMES. A PAST DIRECTOR OF CORRECTIONS MADE IT VERY CLEAR THAT THEY COULD NOT TAKE MR. JENKINS OUT OF SOLITARY CONFINEMENT. THEY WERE AFRAID FOR THE GENERAL POPULATION. THEY COULDN'T TAKE HIM OUT OF GP...THEY COULDN'T TAKE HIM OUT OF SOLITARY AND PUT HIM IN GP. BUT THEY COULD RELEASE HIM DIRECTLY INTO SOCIETY, WHERE HE KILLED FOUR PEOPLE. THERE IS NO QUESTION, MR. JENKINS HAS AN INCREDIBLE AMOUNT OF PROBLEMS AND

Floor Debate
March 22, 2016

PROBABLY WILL NEVER BE ABLE TO EXIST, BUT IS THIS WHAT WE WANT TO DO,...
[LB910]

SENATOR WATERMEIER: ONE MINUTE. [LB910]

SENATOR KRIST: ...BECAUSE WE ASSISTED IN BUILDING THIS MONSTER? WE ALL
HAVE TO TAKE CREDIT FOR THE KINDS OF PARAMETERS THAT EXISTED IN
BUILDING THE PSYCHE OF THIS MAN. AND WHAT ABOUT THE NEXT? AND WHAT
ABOUT THE NEXT? YOU NEED TO SUPPORT AM2715--SENATOR SCHUMACHER,
THANK YOU FOR BRINGING IT--AND THEN VOTE GREEN ON LB910, THE
UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR WATERMEIER: THANK YOU, SENATOR KRIST. SENATOR HUGHES, YOU
ARE RECOGNIZED. [LB910]

SENATOR HUGHES: THANK YOU, MR. CHAIRMAN. SENATOR SCHUMACHER,
WOULD YOU ANSWER SOME QUESTIONS, PLEASE? [LB910]

SENATOR WATERMEIER: SENATOR SCHUMACHER FOR A QUESTION. [LB910]

SENATOR SCHUMACHER: SURE. [LB910]

SENATOR HUGHES: THIS AMENDMENT IS BASICALLY A BILL THAT YOU BROUGHT
BEFORE JUDICIARY, IS THAT CORRECT? IS THAT MY UNDERSTANDING? [LB910]

SENATOR SCHUMACHER: THAT'S CORRECT. IN FACT, THE BILL WAS BROUGHT
BEFORE JUDICIARY IN PREPARATION FOR THIS EXACT CONTINGENCY, THAT THE
RULES AND REGULATIONS THAT WE WOULD BE LOOKING AT--AND THEY'VE GOT
TO GET THESE THINGS DONE BY JUNE, THE END OF JUNE--WOULD NOT BE
SUFFICIENT AND WOULD NOT ACCOMPLISH THE OBJECTIVES OF GIVING US
SOMETHING DEFINITIVE, AND SO THAT WAS TRIPPED. [LB910]

SENATOR HUGHES: SO THE...THERE'S ALREADY PROCEDURES IN PLACE IN THE
CORRECTIONS DEPARTMENT TO HANDLE THIS AND THIS JUST ACCELERATES
THAT TIME LINE, AM I UNDERSTANDING THAT CORRECTLY? [LB910]

Floor Debate
March 22, 2016

SENATOR SCHUMACHER: NO, THERE REALLY WAS VERY FEW, IF ANY, THINGS IN PLACE. THE LEGISLATURE LAST YEAR SAID LOOK, AFTER I THINK IT'S JULY 1 OR JUNE 30 OF THIS YEAR, YOU HAVE CLEAR RULES, BINDING RULES AND REGULATIONS, WITH PROCESS FOR APPEALS--AND APPEALS FROM A RULE AND REGULATION GO TO THE DISTRICT COURT--IN PLACE OR YOU CUT EVERYBODY IN THERE LOOSE. AND THEY DID JUST WITHIN THE LAST MONTH--IN FACT, I GOT THESE LAST THURSDAY, THE ACTUAL ADMINISTRATIVE PROPOSALS--TYPE UP SOME THINGS, WHICH IF YOU READ THROUGH THEM YOU COME TO THE CONCLUSION THAT THERE'S ALL KINDS OF WIGGLE ROOM IN THE SYSTEM. AND IF THEY WANT TO CONTINUE TO DO EXACTLY WHAT WAS BEING DONE IN THE NIKKO JENKINS DAYS, THEY CAN WITHIN THEIR PURPORTED REGULATIONS. AND THIS SAYS, WAIT A MINUTE, AT 90 DAYS A JUDGE IS GOING TO LOOK AT THAT, NOT ONLY THE WARDEN, NOT ONLY THE SHIFT SUPERVISOR, NOT ONLY THE NURSE, AND THE DIRECTOR. DIRECTOR, SAYS IN HERE, 45 DAYS HE LOOKS AT IT. BUT IF THEY'RE IN THERE ANOTHER 45 DAYS AFTER THAT, THEN THERE'S SOMETHING REALLY, REALLY WRONG OR REALLY EXTREME AND A JUDGE NEEDS TO TAKE A LOOK AT IT. [LB910]

SENATOR HUGHES: OKAY. SO THE CORRECTIONS DEPARTMENT HAS WRITTEN THE RULES. [LB910]

SENATOR SCHUMACHER: THESE RULES ARE NOT IN FORCE YET. THERE IS A PROCEDURE CALLED THE ADMINISTRATIVE PROCEDURE ACT IN WHICH THEY FIRST GOT TO WRITE PROPOSED RULES; THEY GOT TO HOLD A HEARING ON THE PROPOSED RULES; AND THEN THEY CAN MAKE ANY CHANGES. AND I THINK IT'S THE SECRETARY OF STATE AND THE GOVERNOR AND MAYBE THE ATTORNEY GENERAL ARE THE THREE...THERE'S THREE OF THE TOP CONSTITUTIONAL OFFICERS HAVE GOT TO SIGN OFF ON THE RULES. AND THERE'S A TIMETABLE. THERE'S VERY LITTLE TIME TO MAKE ANY CHANGES IN THESE THINGS, BECAUSE THEY GOT TO HAVE THEM IN FORCE IN JUST A COUPLE MONTHS HERE. [LB910]

SENATOR HUGHES: SO THIS AMENDMENT JUST ACCELERATES THAT TIME LINE? OR DOES IT PUT IN...IT PUTS IN PLACE RULES OTHER THAN WHAT THEY RECOMMENDED? [LB910]

SENATOR SCHUMACHER: THIS DOESN'T ACCELERATE THAT TIME LINE. THE DEADLINE IS STILL THERE. THIS SAYS, IF AFTER THESE RULES AND ALL GO INTO

Floor Debate
March 22, 2016

PLACE, THAT SOMEBODY IS IN THERE FOR 90 DAYS OUT OF A YEAR, HE CAN ASK A JUDGE TO LOOK AT THE SITUATION. [LB910]

SENATOR HUGHES: OKAY. SO THE 90 DAYS, IS THAT CONSECUTIVE OR IS THAT JUST CUMULATIVE OVER THE FULL YEAR? [LB910]

SENATOR SCHUMACHER: AS IT'S WRITTEN, IT'S CUMULATIVE OVER THE WHOLE YEAR. IT'S ONE OF EVERY FOUR DAYS. [LB910]

SENATOR HUGHES: OKAY. MY UNDERSTANDING, THIS IS IN RESPONSE TO THE NIKKO JENKINS CASE? [LB910]

SENATOR SCHUMACHER: THE NIKKO JENKINS CASE AND ABOUT 300 OTHERS IN SOLITARY CONFINEMENT, BUT NIKKO JENKINS IS OFTEN USED AS AN EXAMPLE, BECAUSE THAT IS SUCH A STARK EXAMPLE OF WHY THEY THOUGHT SOMEBODY SHOULD BE INCARCERATED FOR SIX OUT OF TEN YEARS WHEN, WHEN HE WAS UP IN DOUGLAS COUNTY JAIL, HE WASN'T IN SOLITARY CONFINEMENT. HE WAS BASICALLY AMONG THE GENERAL POPULATION. SOMETHING IS WRONG. [LB910]

SENATOR WATERMEIER: ONE MINUTE. [LB910]

SENATOR HUGHES: OKAY. WELL...AND IN YOUR OPENING I CAUGHT THAT, THAT APPARENTLY HE WAS FOR A TIME IN THE DOUGLAS COUNTY JAIL IN GENERAL POP. AND WAS DISRUPTIVE, BUT NOT TO THE POINT...OR THEY DIDN'T HAVE SOLITARY CONFINEMENT THERE? [LB910]

SENATOR SCHUMACHER: I THINK THE WORDING WAS, HE WAS ABLE TO BE MANAGED IN THE GENERAL POPULATION. THEY DIDN'T NEED TO PUT HIM IN A HOLE. AND I THINK THAT SPEAKS JUST A LOT ABOUT THE DIFFERENCE IN ADMINISTRATIVE APPROACHES. WE GOT 300-AND-SOME PEOPLE NOW IN DOG CAGES. [LB910]

SENATOR HUGHES: ONCE THEY'RE OUT OF THE SOLITARY CONFINEMENT, IS THE ONLY OTHER OPTION GENERAL POPULATION OR IS THERE SOMEWHERE IN BETWEEN THAT THEY COULD BE HOUSED? [LB910]

SENATOR SCHUMACHER: THAT'S A VERY GOOD QUESTION. THEORETICALLY AND IN THE IDEAL WORLD, THERE ARE MANY STEPS THAT COULD BE IN BETWEEN.

Floor Debate
March 22, 2016

ALL THOSE STEPS REQUIRE IN-BETWEEN FACILITIES. ALL THOSE THINGS REQUIRE MONEY AND STAFF AND PROGRAMMING. ALL THOSE THINGS MEAN YOU CAN'T SPEND YOUR LIFE WAITING FOR THE METRICS TO DECIDE WHAT YOU'RE GOING TO DO AND BE THERE... [LB910]

SENATOR WATERMEIER: TIME, SENATORS. [LB910]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHUMACHER. [LB910]

SENATOR WATERMEIER: THANK YOU, SENATOR HUGHES, SENATOR SCHUMACHER. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR BOLZ, SENATOR FRIESEN, SENATOR BLOOMFIELD, SENATOR KINTNER, SENATOR CHAMBERS, AND OTHERS. SENATOR BOLZ, YOU ARE RECOGNIZED. [LB910]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I YIELD MY TIME TO SENATOR MELLO. [LB910]

SENATOR WATERMEIER: SENATOR MELLO, 5:00. [LB910]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I THINK TO GIVE A LITTLE HISTORICAL PERSPECTIVE IN REGARDS TO HOW WE GOT, I THINK, TO SENATOR SCHUMACHER'S AMENDMENT, AM2715, LAST YEAR, LB598, WHICH WAS A PRODUCT OF THE INVESTIGATIVE COMMITTEE OF LR424 UNDER THE HEINEMAN ADMINISTRATION'S DEPARTMENT OF CORRECTIONAL SERVICES SAID THAT WE HAD A PROBLEM WITH SOLITARY CONFINEMENT AND WE WERE KEEPING TOO MANY PEOPLE IN SOLITARY CONFINEMENT FOR TOO LONG OF PERIODS OF TIME AND THEN RELEASING THEM DIRECTLY TO THE PUBLIC, WHERE THERE WAS NO OVERSIGHT FROM THE LEGISLATURE, NO OVERSIGHT FROM THE PUBLIC. AND ESSENTIALLY, IT WAS THE DEPARTMENT OF CORRECTIONAL SERVICES OPERATING OUTSIDE OF THE PUBLIC VIEW. IN THE DISCUSSIONS LAST YEAR, I KNOW IN LB598, SENATOR SCHUMACHER BROUGHT A BILL THAT WAS INCORPORATED IN LB598 WHICH DEALT WITH SOLITARY CONFINEMENT, WHICH REQUIRED THE DEPARTMENT OF CORRECTIONAL SERVICES TO DEVELOP RULES AND REGULATIONS REGARDING SOLITARY...THE USE OF SOLITARY CONFINEMENT AND A PROCESS THAT LIMITED THE UTILIZATION OF THOSE SOLITARY CONFINEMENT BEDS. WHAT WE HAVE IN FRONT OF US IS, WE HAVE ADMINISTRATIVE REGULATIONS FROM THE DEPARTMENT OF CORRECTIONAL SERVICES THAT LAYS OUT A PROCESS ON THE

Floor Debate
March 22, 2016

UTILIZATION OF SOLITARY CONFINEMENT, WHICH, AS I READ THEM, GIVES THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONAL SERVICES THE ABILITY TO KEEP SOMEONE IN SOLITARY CONFINEMENT INDEFINITELY. THEY REVIEW IT EVERY 15 DAYS, BUT THE DIRECTOR DOES NOT HAVE TO TAKE SOMEONE AWAY FROM SOLITARY CONFINEMENT IF THE DIRECTOR BELIEVES HE WANTS TO KEEP THEM THERE. HE SIMPLY HAS TO REVIEW IT, OKAY IT, AND THEY STAY THERE LONGER. THAT'S A PROBLEM, COLLEAGUES, IN REGARDS TO WHAT YOU MAY HEAR PEOPLE DEFENDING THE DEPARTMENT OF CORRECTIONAL SERVICES THIS AFTERNOON THROUGH THIS PROCESS. NOW I WOULD BE REMISS NOT TO SAY THE DEPARTMENT OF CORRECTIONAL SERVICES STARTS ON APRIL 1--AND I JUST SPOKE WITH THEM--THEY'RE GOING TO START WHAT'S REQUIRED IN STATUTE, THE ADMINISTRATIVE PROCEDURES ACT PROCESS, OF PUTTING THESE RULES AND REGULATIONS REGARDING SOLITARY CONFINEMENT OUT TO THE PUBLIC FOR PUBLIC REVIEW ON APRIL 1. THOSE REGULATIONS ARE DUE TO BE ESSENTIALLY FINISHED AND COMPLETED BY JULY 1 OF THIS YEAR. SO TO SOME EXTENT, THEY'VE EXPRESSED TO ME AND I THINK EXPRESSED TO SENATOR SCHUMACHER AND OTHER MEMBERS THAT THAT PROCESS WILL START IN APRIL. IT SHOULD BE FINISHED BY JULY. BUT IF YOU SIMPLY LOOK AT WHAT THEY PROPOSED SO FAR IN THE ADMINISTRATIVE REGULATION, ASSUMING THIS IS THE DOCUMENT THAT WILL BE RELEASED ON DAY 53 OF THIS LEGISLATIVE SESSION, WHERE THIS BODY WILL ESSENTIALLY NOT BE ABLE TO ACT ANY FURTHER ON ANYTHING REGARDING THE DEPARTMENT OF CORRECTIONAL SERVICES AS IT RELATES TO SOLITARY CONFINEMENT, THEIR REGULATION FALLS SHORT. AND IF PEOPLE WANT TO STAND ON THIS FLOOR AND DEFEND THE PREROGATIVE OF GIVING THE DEPARTMENT OF CORRECTIONAL SERVICES THE ABILITY TO KEEP SOMEONE IN SOLITARY CONFINEMENT INDEFINITELY, THAT'S YOUR PREROGATIVE. BUT YOU BETTER COME WITH SOME FACTS, YOU BETTER COME WITH SOME RESEARCH TO BACK UP WHY YOU'RE DEFENDING THE UNLIMITED USE OF SOLITARY CONFINEMENT WHEN THIS BODY HAS DONE INVESTIGATORY WORK OVER THE LAST TWO AND A HALF YEARS TO SHOW THIS IS A SIGNIFICANT PROBLEM FACING OUR STATE. IT PREDATES THIS GOVERNOR. IT PREDATES THIS DEPARTMENT OF CORRECTIONAL SERVICES. AND WE STARTED TO TAKE ACTION, COLLEAGUES, LAST YEAR ON LB598. NOW, I'M WILLING TO MEET THE DEPARTMENT HALFWAY IN THE FACT THAT THEY'RE TRYING TO FULFILL WHAT WE PUT IN STATUTE LAST YEAR. BUT IF THIS IS THE DOCUMENT THAT THEY'RE TRYING TO CONVINCING ALL OF US IN THE BODY AS THIS IS THE ROAD MAP TO ADDRESS THIS PROBLEM, COLLEAGUES, IT FALLS SHORT. I'M NOT SAYING SENATOR SCHUMACHER'S AMENDMENT IS PERFECT. I'M NOT SAYING THAT IT'S ABSOLUTELY WHAT NEEDS TO BE DONE THE WAY IT'S DRAFTED. BUT THE ISSUE HE'S RAISING IS, THERE NEEDS TO BE SOME FORM OR ANOTHER OF

Floor Debate
March 22, 2016

EXTERNAL REVIEW FOR INMATES WHEN THEY'RE IN SOLITARY CONFINEMENT LONGER THAN 90 DAYS. AND 90 DAYS, COLLEAGUES, IS BEING GENEROUS,... [LB910 LB598]

SENATOR WATERMEIER: ONE MINUTE. [LB910]

SENATOR MELLO: ...LOOKING AT A NUMBER OF OTHER RESEARCH REPORTS, A NUMBER OF OTHER NATIONAL AND INTERNATIONAL REPORTS THAT SUGGEST YOU SHOULD LIMIT SOLITARY CONFINEMENT TO 30 DAYS. I'LL LET SENATOR SCHUMACHER...MR. PRESIDENT, I THINK I'VE MADE MY POINT IN REGARDS TO SOME OF THE CONCERNS I HAVE IN REGARDS TO WHAT I'M HEARING, SOME OF THE CONCERNS I'VE HEARD FROM THE DEPARTMENT OF CORRECTIONAL SERVICES, AND WHERE I THINK THEY'RE WOEFULLY SHORT OF FULFILLING WHAT OUR STATUTORY OBLIGATION WE SET OUT LAST YEAR WAS. AND I'M AFRAID THAT IF WE DON'T KEEP THEM IN CHECK IN REGARDS TO WHAT WE ORIGINALLY HAD DISCUSSED LAST YEAR--AS PART OF SENATOR SCHUMACHER'S PROPOSAL--WE SIMPLY ARE GIVING THE DEPARTMENT OF CORRECTIONAL SERVICES THE ABILITY TO CONTINUE TO DO WHAT THEY'RE DOING AND BUSINESS AS USUAL AS IT HAS BEEN WHERE THE DEPARTMENT HAD UNLIMITED ABILITY TO KEEP SOMEONE IN SOLITARY CONFINEMENT WITH SIMPLY SAYING THEY GOT TO REVIEW IT EVERY 15 DAYS. COLLEAGUES, THAT'S NOT GOOD ENOUGH. WE CAN DO BETTER THAN THAT. I THINK WE DESERVE BETTER THAN THAT. AND I THINK OUR PUBLIC SAFETY SYSTEM AND THE PUBLIC, WHO MAY HAVE TO DEAL WITH THESE PEOPLE AFTER THEY'RE RELEASED FROM SOLITARY CONFINEMENT,... [LB910]

SENATOR WATERMEIER: TIME, SENATOR. [LB910]

SENATOR MELLO: ...DO BETTER THAN THAT. THANK YOU, MR. PRESIDENT. [LB910]

SENATOR WATERMEIER: THANK YOU, SENATOR MELLO AND SENATOR BOLZ. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB910]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. SENATOR SCHUMACHER, WOULD YOU YIELD TO A QUESTION? [LB910]

SENATOR WATERMEIER: SENATOR SCHUMACHER FOR A QUESTION. [LB910]

Floor Debate
March 22, 2016

SENATOR SCHUMACHER: YES, I WILL. [LB910]

SENATOR FRIESEN: SO EARLIER IN YOUR CONVERSATIONS, YOU SAID THE DEPARTMENT OF CORRECTIONS ARE...THEY ARE FORMULATING NEW RULES AND REGS AND THEY WILL BE OUT SOMETIME THIS SUMMER? [LB910]

SENATOR SCHUMACHER: I HAVE HERE A DRAFT, SUPPOSEDLY VERY CLOSE TO WHAT THEY WILL BE PUBLISHING AROUND THE FIRST OF APRIL. THEY HAVE TO...THE ADMINISTRATIVE PROCEDURES ACT SAY THEY HAVE TO LET IT OUT FOR PUBLIC COMMENT. AND THEN AFTER PUBLIC COMMENT, THEY CAN TWEAK IT IF THEY LIKE. AND THEN THEY CAN MAKE A FINAL RELEASE OF IT AFTER...WITH THE CONSTITUTIONAL OFFICERS' SIGNATURES. [LB910]

SENATOR FRIESEN: SO THEY COULD MAKE QUITE A FEW CHANGES TO IT YET AFTER THEY'VE RELEASED IT AND TAKEN COMMENTS? [LB910]

SENATOR SCHUMACHER: THEY COULD, BUT THEY'VE HAD OVER A YEAR ON IT ALREADY, SO IT SHOULD BE PRETTY CLOSE TO WHAT THEY THINK IS RIGHT. [LB910]

SENATOR FRIESEN: DO THEY SPELL OUT IN THERE WHAT THEY WOULD DO WITH AN INMATE THAT IS JUST TOTALLY UNCONTROLLABLE, SOMEBODY LIKE NIKKO JENKINS? WAS THERE...I MEAN, OTHER THAN IF...I GUESS SETTING ASIDE THAT HE HAD MENTAL HEALTH ISSUES, WHAT IF YOU HAD AN INMATE WHO WAS JUST TOTALLY UNCONTROLLABLE? WHAT DO THEY DO WITH THEM? [LB910]

SENATOR SCHUMACHER: IF THEY'RE TOTALLY UNCONTROLLABLE AND THEY DON'T HAVE A MENTALLY ILL SITUATION, THEIR FIRST STEP IS TO PUT THEM IN SOME TYPE OF...BE CONCERNED ABOUT THE OTHER INMATES. AND IF THEY'RE DANGEROUS TO THE OTHER INMATES, THEN THEY NEED TO CONFINE THEM. AND NOBODY IS QUESTIONING THAT. WHAT IS QUESTIONING IS HOW LONG THEY ARE CONFINED THERE. BECAUSE THE CONSISTENT TESTIMONY, AT LEAST UP TO THE POINT OF THE PRESENT ADMINISTRATION, HAS BEEN THAT THAT'S BEEN VINDICTIVE. IT HAS BEEN SHORT-TEMPERED ON THE PART OF THE GUARDS. AND THAT'S A CULTURE WHICH IS EMBEDDED THERE, WHICH--GIVE THE NEW DIRECTOR ALL THE CREDIT IN THE WORLD--HE'S GOT TO GET THROUGH, HE'S GOT TO CHANGE AND IS NOT RAPID A CHANGE. AND WE NEED TO HELP HIM BY GIVING HIM THE ABILITY TO SAY LOOK, FOLKS LOWER DOWN ON MY CHAIN OF COMMAND, I'VE GOT TO ANSWER TO SOMEBODY TOO. AND, THEREFORE, YOU

Floor Debate
March 22, 2016

NEED TO MAKE THESE CHANGES, NOT GET A LOT OF STATIC BACK UP THE LADDER FROM THEM. [LB910]

SENATOR FRIESEN: BUT IN THE END, THEIR STANDING OPERATING PROCEDURES THAT THEY PUT IN PLACE SHOULD ADDRESS THOSE SAME ISSUES, CORRECT? [LB910]

SENATOR SCHUMACHER: THEIR STANDARD OPERATING SYSTEM SHOULD, BUT THE BOTTOM LINE IS, IF THIS WERE ON A PAR WITH OTHER PRISON OPERATIONS, WE WOULD NOT HAVE NEARLY AS MANY PEOPLE, 300 OF THEM, CAGED UP. THAT'S...SOMETHING IS WRONG THERE. AND WE NEED TO...TO THE EXTENT WE NEED TO HELP HIM SAY, LOOK IT, I NEED TO GO AHEAD AND MAKE THESE CHANGES, DON'T GIVE ME STATIC FROM BELOW. HE NEEDS TO DO THAT. AND WE ARE THE BAD BOYS THAT HAVE TO DO THAT. [LB910]

SENATOR FRIESEN: SO WHEN THEY ASK A JUDGE TO REVIEW IT, IS THERE GOING TO BE REQUIRED PSYCHIATRIC EXAMS OR THINGS LIKE THAT A JUDGE CAN REVIEW AND LOOK AT OR MAKE HIS DETERMINATION? OR WHAT WILL HE BASE IT ON? [LB910]

SENATOR SCHUMACHER: THIS PARTICULAR...THE LAW SAYS THAT THE JUDGE MAY HOLD FURTHER PROCEEDINGS ONCE HE GETS THE REPORT OF THE SPECIAL MASTER OR HE CAN JUST ENTER AN ORDER AND SAY, THIS GUY IS BAD NEWS, HE SHOULD BE THERE. BUT THAT...THE JUDGE HAS GOT BROAD DISCRETION-- AND I WOULD MAKE IT COMPARABLE TO THAT OF A JUDGE IN A JUVENILE COURT--IN ORDER TO DO...TO EFFECT THE INTENT OF THE LEGISLATURE, WHICH HAS CLEARLY BEEN SPELLED OUT THAT WE DON'T WANT SOLITARY CONFINEMENT USED. IT IS TO BE THE LEAST RESTRICTIVE ALTERNATIVE THAT'S TO BE IMPLEMENTED. AND IT IS TO BE CONSISTENT WITH WHAT WE'VE ARTICULATED HERE, AND THE OBJECT OF INMATE SAFETY AND THE OBJECT OF INMATE CONTROL OF THE PERSON, BUT NOT TO THE EXTENT WHERE WE ARE ONE OF THE LEADING STATES IN OUR POPULATION OF SOLITARY CONFINEMENT. [LB910]

SENATOR WATERMEIER: ONE MINUTE. [LB910]

SENATOR FRIESEN: WHEN I WAS LISTENING TO TESTIMONY I THINK OVER A YEAR AGO WHEN SOME OF THE HEARINGS WERE BEING HELD, THEY TALKED ABOUT A PSYCHIATRIST WOULD VISIT REGULARLY. IS THAT PART OF THEIR

Floor Debate
March 22, 2016

PROCEDURE NOW? DO THEY HAVE A REGULAR VISIT BY A PSYCHIATRIST WEEKLY, SEMIWEEKLY? [LB910]

SENATOR SCHUMACHER: IN TESTIMONY, IN SOME OF IT, THERE WASN'T A WEEKLY VISIT BY A PSYCHIATRIST. SOMETIMES THEY WAITED FOR, I BELIEVE IF MY MEMORY IS CORRECT, UP TO THREE WEEKS AND THEN THE VISIT WAS THROUGH THE DOOR OF THE SOLITARY CONFINEMENT DOOR. I MEAN, HOW DO YOU DO A PSYCHIATRIC EXAMINATION THROUGH A INCH OF STEEL? [LB910]

SENATOR FRIESEN: IS THEIR NEW RULES AND REGS GOING TO ADDRESS SOME OF THOSE ISSUES? [LB910]

SENATOR SCHUMACHER: I THINK IT CALLS FOR MENTAL HEALTH TEAMS. OF COURSE, THEY HAD TEAMS BEFORE. IT CALLS FOR REVIEWS. I DON'T THINK, AT LEAST I DON'T BELIEVE, READING IN HERE, WHERE THEY ARE REQUIRED TO HAVE WEEKLY VISITS WITH THE PSYCHIATRIST. BUT THIS IS A STRUGGLE. [LB910]

SENATOR FRIESEN: THANK YOU, SENATOR SCHUMACHER. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB910]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. WE'VE GOT OR I'VE GOT SOME QUESTIONS I NEED TO ASK ON SOLITARY CONFINEMENT. AGAIN, I THOUGHT WE TOOK CARE OF A LOT OF THOSE ISSUES LAST YEAR. SENATOR SCHUMACHER ASSURES ME OFF THE MIKE THAT THEY'RE PLAYING GAMES WITH WHAT WE DECIDED THEY SHOULD DO. SO I DON'T KNOW WHERE I'M GOING TO GO ON THIS YET, BUT I DO HAVE A QUESTION OR TWO FOR SENATOR CHAMBERS, IF HE WOULD YIELD. [LB910]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB910]

SENATOR CHAMBERS: YES, I WILL. [LB910]

Floor Debate
March 22, 2016

SENATOR BLOOMFIELD: SENATOR CHAMBERS, OVER THE LAST FOUR YEARS I'VE COME TO UNDERSTAND THAT YOU PROBABLY KNOW MORE ABOUT WHAT GOES ON IN OUR PRISONS THAN ANYBODY ELSE IN THE BODY. [LB910]

SENATOR CHAMBERS: WELL, I KNOW SOME OF WHAT GOES ON. [LB910]

SENATOR BLOOMFIELD: YEAH. [LB910]

SENATOR CHAMBERS: OKAY. [LB910]

SENATOR BLOOMFIELD: WHEN YOU ARE PLACED IN SOLITARY CONFINEMENT, HOW BIG AN AREA IS THAT, THAT YOU'RE PLACED IN? AND ARE THERE ANY ACCOMMODATIONS IN THERE LIKE TVs OR ANY OF THAT STUFF? CAN YOU EXPLAIN THAT TO US? [LB910]

SENATOR CHAMBERS: WELL, NOW, SENATOR, THAT IS ONE OF THE AREAS WHERE I CAN'T GIVE YOU THAT INFORMATION, BECAUSE I NEVER DEALT WITH THAT ASPECT OF IT BECAUSE WE ALWAYS HAD PEOPLE SPEAKING TO THE COMMITTEE WHO COULD LAY OUT THOSE DIMENSIONS, BUT THEY'RE VERY SMALL. THERE MIGHT BE A BUNK, A TOILET, SOMEPLACE I GUESS WHERE YOU CAN GET WATER NEAR THE TOILET. BUT YOU SHOULD GET THAT FROM SOMEBODY WHO ACTUALLY VISITED, BECAUSE SOME OF THE SENATORS DID. I WON'T GO OUT THERE BECAUSE OF REASONS OF MY OWN. [LB910]

SENATOR BLOOMFIELD: OKAY. THANK YOU. SENATOR SCHUMACHER, WOULD YOU YIELD TO A QUESTION? [LB910]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB910]

SENATOR SCHUMACHER: YES, I WILL. [LB910]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. WERE YOU INVOLVED IN ANY OF THESE VISITS THAT SENATOR CHAMBERS JUST MENTIONED? [LB910]

SENATOR SCHUMACHER: NO, I WAS NOT. BUT I SEEM TO REMEMBER THE DIMENSIONS AND IF MY RECOLLECTION AND IMAGING IS CORRECT, IT'S...THE WIDTH OF A CELL IS NOT A WHOLE LOT DIFFERENT THAN THE WIDTH OF

Floor Debate
March 22, 2016

THE...BETWEEN OUR DESKS HERE. AND A BED, A SINK, A RACK OF SOME KIND, BECAUSE NIKKO JENKINS CUT HIS HEAD BY BEATING HIS HEAD AGAINST A RACK, AND A LITTLE SHOWER KIND OF DEAL. [LB910]

SENATOR BLOOMFIELD: SENATOR, CAN YOU TELL ME WHO WAS MAYBE INVOLVED IN SOME OF THOSE? WAS SENATOR SEILER? [LB910]

SENATOR SCHUMACHER: I THINK SENATOR KRIST WENT OUT. [LB910]

SENATOR BLOOMFIELD: I DON'T SEE HIM IN THE CHAMBER. [LB910]

SENATOR SCHUMACHER: I DON'T THINK SENATOR KRIST IS IN HERE. WHO ELSE WENT OUT THERE? [LB910]

SENATOR BLOOMFIELD: WAS SENATOR SEILER OUT THERE, DO YOU KNOW? OKAY. I WONDER IF SENATOR KRIST WOULD YIELD TO A QUESTION. [LB910]

SPEAKER HADLEY: SENATOR KRIST, WOULD YOU YIELD TO A QUESTION? [LB910]

SENATOR KRIST: ABSOLUTELY. [LB910]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. DID YOU HEAR THE QUESTIONS I WAS TRYING TO ASCERTAIN AN ANSWER TO? [LB910]

SENATOR KRIST: THE EXACT DIMENSIONS OF THE CELL...JAMES, FROM THE OMBUDSMAN'S OFFICE IS SITTING RIGHT BEHIND YOU AND HE COULD PROBABLY GIVE YOU THE EXACT DIMENSIONS. I HAVE TO SAY THAT FROM MY CALCULATIONS IT WOULD BE ABOUT THREE TIMES THE WIDTH OF A BUNK, SO NO MORE THAN SEVEN FEET ACROSS, NO MORE THAN NINE FEET DEEP, MAYBE TEN FEET. IN THAT CONFINED AREA IT'S A DOUBLE DOOR TO GET IN THERE. SO HE MAY NOT EVER HAVE HUMAN CONTACT, BECAUSE THEY COULD SLIDE THE TRAY INSIDE THE FIRST DOOR AND HE WOULD BE FREE, WHEN THEY UNLOCKED THAT ONE, TO TAKE HIS MEALS INSIDE. AND THERE IS A TOILET, NOT AS YOU WOULD KNOW IT. IT HAS NO SEAT. IT IS JUST A ROUND ALUMINUM TYPE FIXTURE... [LB910]

SPEAKER HADLEY: ONE MINUTE. [LB910]

Floor Debate
March 22, 2016

SENATOR KRIST: ...ON THE FLOOR, AND THEN A WATER SOURCE WHERE HE COULD WASH. THERE IS A SHOWER IN THE CONFINES OF THAT PLACE, VERY, VERY SMALL CABINET LIKE YOU WOULD ENVISION AN RV KIND OF SHOWER ARRANGEMENT. [LB910]

SENATOR BLOOMFIELD: SENATOR, IS THAT THE CASE IN ALL OF THE CONFINEMENTS OR IS THAT SOME OF THEM OR ARE SOME BETTER THAN OTHERS OR ARE THEY ALL LIKE THAT? [LB910]

SENATOR KRIST: I SAW TWO SIDE BY SIDE AT TECUMSEH AND I KNOW THAT THE ROW OF CONFINEMENT UNITS OR CELLS THAT I SAW WERE ALL IDENTICAL ALL THE WAY DOWN THERE ON BOTH SIDES. [LB910]

SENATOR BLOOMFIELD: OKAY. ANY AMENITIES LIKE A TV OR ANYTHING? [LB910]

SENATOR KRIST: NO. IN FACT, MR. JENKINS IS NOT EVEN ALLOWED TO HAVE ANYTHING SHARP BECAUSE OF THE KINDS OF THINGS THAT HAVE GONE ON. SO YOU DON'T GET A WHOLE LOT OF AMENITIES WHEN YOU'RE IN ADMINISTRATIVE SEGREGATION. [LB910]

SENATOR BLOOMFIELD: OKAY. THANK YOU. I BELIEVE I'M OUT OF TIME, MR. PRESIDENT, SO THANK YOU. [LB910]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR KINTNER, YOU'RE RECOGNIZED. SENATOR CHAMBERS, YOU'RE...OH, HERE IS SENATOR KINTNER. YOU'RE RECOGNIZED. [LB910]

SENATOR KINTNER: YOU KNOW, THIS BILL HAS GONE IN A LOT OF DIFFERENT DIRECTIONS. WE'VE BEEN TALKING ABOUT FOOD STAMPS AND TRYING TO GET PEOPLE IN DRUG REHAB. AND I GOT TO TELL YOU, PEOPLE ARE WATCHING THIS AND THEY THINK WE'VE LOST OUR MIND. THEY ABSOLUTELY THINK WE LOST OUR MIND. AND THAT'S BEFORE WE EVEN HAVE DEALT WITH ANYTHING THAT SENATOR SCHUMACHER WANTS TO DO. BUT LET ME JUST READ SOME OF THE COMMENTS I'VE GOTTEN HERE. THIS IS FROM A GUY NOT IN MY DISTRICT BUT FROM OMAHA, HE SAYS, WHAT IN THE H-E-DOUBLE TOOTHPICKS IS GOING ON DOWN THERE? WHY ARE THESE REPUBLICANS NOT VOTING? NEXT GUY SAYS, I THINK THIS HOUSE NEEDS A GOOD CLEANING OUT DUE TO PLAIN LACK OF

Floor Debate
March 22, 2016

RESPECT FOR THE PEOPLE THAT PUT THEM THERE IN THE FIRST PLACE. I AM SO TIRED OF ELECTED OFFICIALS DOING WHAT THEY FEEL LIKE AND TAKING THE COWARD'S WAY OUT AND NOT VOTING. AND HE GOES ON TO COMPLIMENT ME. I WON'T READ THE COMPLIMENT ON ME BECAUSE THAT'S NOT WHAT THIS IS ABOUT. PEOPLE ARE WATCHING US AND THEY CAN'T BELIEVE, AT LEAST ON THE REPUBLICAN SIDE, THAT THEY SENT REPUBLICANS DOWN HERE AND THIS IS THE STUFF WE'RE DOING. I GET THESE NOTES. I GET THESE E-MAILS. I GET THESE QUESTIONS ON SOCIAL MEDIA ALL THE TIME, ESPECIALLY AFTER LAST SESSION. AND NOW PEOPLE ARE SITTING AT HOME WATCHING THIS AND THEY CANNOT BELIEVE WHAT THEY'RE SEEING. YOU KNOW, I SAY YOU HAVE TO CONTACT YOUR OWN SENATOR, IT'S NOT FOR ME TO COMMENT ON MY COLLEAGUES, AND I DON'T. IT'S NOT MY PLACE TO TELL MY COLLEAGUES HOW TO VOTE AND WHAT TO DO. BUT I SEE THE FRUSTRATION OUT THERE. I HEAR IT EVERY DAY. I SEE IT AS I WALK THROUGH MY DISTRICT, AS I WALK DOWN MAIN STREET IN PLATTSMOUTH, OR I'M AT THE FISH FRY AT SAINT "JOE'S" IN SPRINGFIELD. PEOPLE KEEP COMING UP TO ME AND SAYING, WHAT IS GOING ON DOWN THERE? IS THERE SOMETHING IN THE WATER IN LINCOLN? NO, BECAUSE I DRINK THE WATER, DOESN'T AFFECT ME. SO I JUST AM VOICING THE FRUSTRATION I THINK OF A LOT OF PEOPLE IN OUR STATE THAT THINK THAT WE ARE SO OUT OF TOUCH THAT WE WILL SUBSIDIZE SOMEONE'S DRUG HABIT ON FOOD STAMPS, NOT REQUIRE THEM TO GET HELP AND SAVE THEIR LIFE. I THINK TO THE AVERAGE NEBRASKAN THAT'S AN OUTRAGE. AND I'M NOT SURE HOW MANY MORE OUTRAGES...HOW MANY TIMES CAN WE STICK OUR FINGER IN THE EYES OF THE CITIZENS OF THE STATE AND GO OUR OWN LITTLE MERRY WAY, NOT CARING WHAT THEY THINK, BECAUSE WE'VE GOT "SENATOR" IN FRONT OF OUR NAME. WE'RE JUST SO MUCH SMARTER THAN THE AVERAGE PERSON IN THIS STATE. LET ME TELL YOU SOMETHING. NO, WE'RE NOT SMARTER. I DEFINITELY KNOW I'M NOT SMARTER THAN THE PEOPLE IN MY DISTRICT. I AM ONE OF THE PEOPLE IN MY DISTRICT. JUST BECAUSE I'M A SENATOR, MY IQ DIDN'T GO UP 20 POINTS. [LB910]

SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR KINTNER: AND AS WE MOSEY ON DOWN THE ROAD HERE, WE'RE GOING TO BE AT FOUR HOURS PRETTY SOON AND WE'RE GOING TO HAVE A CLOTURE VOTE ON THIS. AND I WOULD JUST TELL THE PEOPLE OF THIS BODY, REMEMBER WHO SENT YOU HERE. REMEMBER WHAT YOU TOLD THEM TO GET HERE. I THINK IF YOU DID THAT, I DON'T THINK THEY'D BE TOO MAD. SO, MR. PRESIDENT, THANK YOU VERY MUCH FOR THE TIME. [LB910]

Floor Debate
March 22, 2016

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB910]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I THINK FROM LISTENING TO THE DISCUSSION YOU CAN TELL WHO THOSE SENATORS ARE AMONG US WHO HAVE SPENT A LOT OF TIME IN TERMS, NOT JUST OF DAYS, BUT YEARS GRAPPLING WITH THESE PROBLEMS. THIS ISSUE DID PREDATE GOVERNOR RICKETTS. THERE SHOULD HAVE BEEN AN EMERGENCY SITUATION DECLARED OR PROCLAIMED BY GOVERNORS BEFORE HIM, BUT IT NEVER WAS. HE WILL NOT DO IT. AND I THINK THE STATE IS RIPE FOR A LAWSUIT. PEOPLE CAN STAND ON THIS FLOOR AND STYLE AND MAKE ALL THE KIND OF REMARKS THAT THEY WANT. BUT WHAT COURTS HAVE DONE IS TO GIVE STATES THE OPPORTUNITY TO MAKE CHANGES. AND THEN THEY GET TIRED AND THEY SAY WE ARE GOING TO ORDER THOSE CHANGES. THAT'S WHAT HAPPENED TO CALIFORNIA. IN NEBRASKA, IT WON'T BE NECESSARY FOR THE COURT TO GIVE A LOT OF TIME, BECAUSE THE RECORD WILL SHOW HOW LONG, HOW MANY YEARS THE OVERCROWDING HAS EXCEEDED 146 PERCENT AND NOTHING WAS DONE. AND WHEN THOSE OF US ON THE FLOOR TRY TO MAKE CHANGES, THE GOVERNOR'S OFFICE WILL SEND PEOPLE IN HERE, MAKE MR. FRAKES ACT LIKE HE KNOWS NOTHING ABOUT CORRECTIONS. THE SENATORS WHO KNOW NOTHING WILL ACT IN THIS MINUTE AND SAY, WE'RE NOT GOING TO DO ANYTHING. WE'LL KILL THIS BILL. BUT THE ACE THAT WE HAVE TO PLAY, THOSE OF US WHO ARE TRYING TO DO SOMETHING, IS THE LAWSUIT THAT IS LOOMING. SOME OF US HAVE BEEN ABLE TO PERSUADE ACLU NOT TO DO ANYTHING AND THE THREAT OF THE SUIT MIGHT PUT US IN A POSITION TO DO SOME THINGS LEGISLATIVELY. AND IT WOULD BE BETTER FOR THE LEGISLATURE TO ACT AND MAKE CORRECTIONS THAN TO LET A COURT HAVE TO TAKE OVER THE MANAGEMENT AND OPERATION OF THE PRISONS. BUT THERE IS MUCH HISTORY IN THE FEDERAL JUDICIARY FOR DOING THIS. BUT IF YOU GO BACK TO THE CASE OF NIKKO JENKINS, WITH ALL THAT HAS BEEN SAID, HE REMAINS IN SOLITARY CONFINEMENT. THE REGIONAL CENTER, WHICH IS A STATE INSTITUTION, REFUSES TO ACCEPT HIM. THERE ARE INMATES DIAGNOSED MENTALLY ILL WHO RIGHT NOW ARE CONFINED IN SOLITARY CONFINEMENT. PEOPLE PRETEND TO BE CONCERNED ABOUT THE MENTALLY ILL, BUT THEY ARE NOT. NIKKO JENKINS HAS OBTAINED MEANS BY WHICH HE HAS HURT HIMSELF. ONE STAFF MEMBER LEFT A BADGE ON HIS GARMENT WHERE NIKKO JENKINS COULD GET IT. HE CUT HIS PENIS WITH IT, HAD TO GET STITCHES. ANOTHER MADE KEYS AVAILABLE TO HIM. AND HE SWALLOWED SEVERAL OF THOSE KEYS. THEN WHEN HE WAS TO TAKE A SHOWER, A RESTRAINT WAS LEFT WHERE HE COULD GET IT AND THERE WAS AN ATTEMPTED HANGING. SO WHEN YOU HAVE A MAN IN THAT SMALL AN

Floor Debate
March 22, 2016

AREA AND THIS NUMBER OF THINGS--AND THESE ARE NOT ALL--BUT I'M MENTIONING THOSE INSTANCES WHERE STAFF MEMBERS MADE ITEMS AVAILABLE FOR HIM TO HARM HIMSELF WITH, THERE IS SOMETHING WRONG AT THE TOP. EITHER DIRECTOR FRAKES IS BEING CONSTRAINED, WHICH I THINK IS THE CASE, OR EVERYTHING WRITTEN ABOUT HIM IS A LIE, WHICH I THINK IS NOT THE CASE. HE HAD EVEN PUT PROGRAMS IN PLACE OUT THERE IN WASHINGTON STATE WHERE INMATES LIVED IN RESIDENCES APART FROM THE GROUNDS OF THE INSTITUTION. HE DID A GREAT AMOUNT OF WORK IN REDUCING THE USE OF SOLITARY CONFINEMENT. BUT WHEN HE COMES HERE NOW, WHEN HE SPEAKS BEFORE THE JUDICIARY COMMITTEE, WHEN HE SPEAKS BEFORE THE APPROPRIATIONS COMMITTEE, HE'S VERY GUARDED IN WHAT HE SAYS. HE IS ILLUSIVE, HE IS EVASIVE, HE WILL NOT DIRECTLY ANSWER QUESTIONS ON SUBJECTS ABOUT WHICH YOU KNOW HE CAN GIVE DEFINITIVE ANSWERS. ALL THIS TALK ABOUT NOT DOING ANYTHING ELSE ANYWHERE ELSE SO THERE CAN BE TAX BREAKS...WELL, I'M NOT GOING TO SAY WHAT I INTEND TO DO, BUT IF THIS BILL GOES NOWHERE, THEN THE WELL INDEED WILL BE POISONED, BECAUSE IT WILL HAVE BEEN DONE BY THE GOVERNOR'S OFFICE... [LB910]

SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR CHAMBERS: ...AND THE DIRECTOR OF CORRECTIONS. THE WORST THING THAT COULD HAPPEN IS FOR US NOT TO DO ANYTHING, BECAUSE IT WOULD BE AN ENDORSEMENT AND RATIFICATION OF THE CURRENT ADMINISTRATION'S DRAGGING OF ITS HEELS. THEY'VE HAD OVER A YEAR, WELL OVER A YEAR, TO DO SOMETHING. THEY'VE CHOSEN NOT TO. AND ALL THEY HAVE TO DO IS COME IN HERE. YOU HEARD WHAT SENATOR KINTNER SAID. IF YOU'RE A REPUBLICAN, YOU KNOW WHAT YOU'RE SUPPOSED TO DO. WELL, WE'RE GOING TO FIND OUT WHAT REPUBLICANS FEEL THEY'RE SUPPOSED TO DO. AND IF WE BECOME TOTALLY POLITICIZED THIS SESSION, I'M GOING TO SHOW YOU THAT ALTHOUGH I DON'T BELONG TO ANY POLITICAL PARTY, I KNOW HOW TO PLAY POLITICS. AND I'LL PLAY IT FOR THE JUGULAR. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB910]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. I HAVE APPRECIATED THE EXPERIENCE AND THE DEDICATION OF MANY OF OUR

Floor Debate
March 22, 2016

COLLEAGUES OVER THE SERIES OF THE PAST SEVERAL YEARS, WHETHER IT BE WITH REGARD TO THE SPECIAL INVESTIGATIONS, LOOKING INTO PROVIDING ADDITIONAL LEGISLATIVE OVERSIGHT, AND THE COMMITMENT OF OUR COLLEAGUES TO CONTINUE TO DO THAT AND ENGAGE IN OVERSIGHT COMMITTEES GOING FORWARD. I'M GOING TO BE THE FIRST TO ADMIT THAT WHEN I TOOK OFFICE, I NEVER ANTICIPATED I WOULD KNOW NEARLY AS MUCH ABOUT CORRECTIONS OR THE CORRECTIONS PROCESS AS I HAVE COME TO KNOW. I NEVER ANTICIPATED THAT I WOULD BE SPENDING AS MUCH OF MY TIME TRYING TO UNDERSTAND THE SITUATION THAT IS BEFORE US AS WE ARE. AND IT'S ONE OF THOSE CHALLENGES THAT WE ALL EXPERIENCE WHEN WE COME TO OFFICE. I'M NOT GOING TO PRETEND TO KNOW OR HAVE EXPERTISE IN THE PROCESS OF CORRECTIONS. I HAVE A DEEP ABHORRENCE OF SO MANY OF THE REPORTS THAT I HAVE READ FROM THE COMMITTEE. THE ISSUE ASSOCIATED WITH THE INMATE DISCUSSED TODAY, NIKKO JENKINS, AND OTHERS ARE CERTAINLY THINGS THAT I THINK ANY REASONABLE PERSON WOULD RECOGNIZE ARE PROBLEMS, AND PROBLEMS THAT NEED TO BE ADDRESSED. I HAVE ACTIVELY SUPPORTED, AS A MEMBER OF THE APPROPRIATIONS COMMITTEE, ADDITIONAL DOLLARS BEING SPENT FOR THE CONSTRUCTION OF ADDITIONAL FACILITIES AND BEDS. AND I FULLY SUPPORT OUR STATE'S ATTEMPT TO MOVE TO GREATER OVERSIGHT AND A MORE RESPONSIBLE DEPARTMENT OF CORRECTIONS. THESE ARE INDIVIDUALS WHICH ARE UNDER THE CARE OF THE STATE OF NEBRASKA AND TO WHOM WE OWE A CONTINUAL VIGILANCE IN ENSURING THAT THAT CARE IS DONE IN THE BEST AND MOST EFFECTIVE WAY POSSIBLE. WITH REGARD TO AM2715, MY CONCERN IS NOT TO DEFEND ANY OF THE PROCESSES ASSOCIATED WITH RESTRICTIVE HOUSING. I CERTAINLY HAVE READ AND UNDERSTAND ALL OF THE COMPLICATIONS AND CHALLENGES THAT COME THROUGH. MY CONCERN IS MORE ONE RELATIVE TO THE PROCESS IN WHAT WE'RE ASKING AT THIS POINT IN TIME WITH REGARD TO DEADLINES THAT WERE IN A BILL THAT WE PASSED LAST YEAR IN LB598. WE PASSED LB598 WITH THE REQUIREMENT THAT RULES BE PROMULGATED BY JULY 1 OF 2016, AND I THINK THAT IS A REASONABLE TIME LINE. IT'S A TIME LINE WHICH WE AGREED TO AS A BODY. I'M CONCERNED THAT NOW IN MARCH WE ARE WANTING THAT TIME LINE TO BE MOVED BACK OR ACCELERATED BECAUSE WE DON'T FEEL THAT PROGRESS IS MADE IN A TIMELY ENOUGH FASHION. MY CONCERN BECOMES ONE OF HOW ARE AGENCIES OR ANYONE TO KNOW WHAT THE EXPECTATION IS IF THE EXPECTATION THAT WE SET OUT IN STATUTE IS NOT GOING TO BE SUPPORTED? THIS YEAR IN APPROPRIATIONS WE HAD A DISCUSSION ABOUT A REPORTING REQUIREMENT REGARDING THE ECONOMIC DEVELOPMENT PART OF LB960, WHICH AWAITS FINAL READING AT THIS POINT. I THINK WE HAD A VERY HEALTHY AND ROBUST

Floor Debate
March 22, 2016

DISCUSSION ABOUT HOW WE SET THAT TIME LINE SO THAT WE GET THE INFORMATION WE NEED WHEN GOING INTO THE NEXT BUDGET CYCLE. SO ARE THOSE DOLLARS BEING USED APPROPRIATELY WHILE WE HAVE TIME, AS A LEGISLATURE, TO ACT? I'M CONCERNED FROM A PROCESS AND A PROCEDURAL POINT THAT IF WE SET A JULY 1 TIME LINE WE SHOULD, IN GOOD FAITH, ADHERE TO THE JULY 1 TIME LINE. I HAVE ABSOLUTE FULL CONFIDENCE THAT IF THE REQUIREMENTS ARE NOT FULLY MET FOR UNDER THE APA PROCESS BY JULY 1, THAT OUR LEGISLATIVE OVERSIGHT COMMITTEE AND THOSE WHO'VE INVESTED YEARS OF THEIR TIME INTO UNDERSTANDING AND PROVIDING OVERSIGHT WILL BE ALL OVER THE DEPARTMENT OF CORRECTIONS AND ACCOUNTABILITY WILL BE MADE. THERE IS NO DOUBT IN MY MIND THAT WE WILL HOLD THEM PUBLICLY ACCOUNTABLE AND PROCEED FORWARD. I'M CONCERNED PROCEDURALLY ABOUT CHANGING DATES. IF WE WERE CONCERNED THAT... [LB910 LB598 LB960]

SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT...IF WE WERE CONCERNED AS A BODY THAT THERE WOULD NOT BE ADEQUATE PROGRESS BY ONE POINT IN TIME, WE SHOULD HAVE SET THE DEADLINE AT MARCH 1 OR FEBRUARY 15 OR REQUIRED REPORTING AT DECEMBER 31, AN UPDATE OR A PROGRESS REPORT. THEN WE COULD, OR AT LEAST I COULD, IN GOOD FAITH, SAY, YOU'RE NOT MAKING THE PROGRESS WE REQUIRED STATUTORILY AND WE NEED YOU TO...WE NEED TO ACT AS WE ARE IN THIS CASE. THAT SAID, I WANT TO BE CAREFUL ABOUT CHANGING DATES, MOVING THE GOAL LINE, AND NOT FOLLOWING THROUGH ON A BILL THAT WE PASSED THE YEAR PRIOR. SO WITH THAT, I THANK YOU FOR THE CONSIDERATION RELATIVE TO THE PROCESS. AND, AGAIN, I DO WANT NONE OF MY COMMENTS TO DIMINISH THE HARD WORK AND THE OVERSIGHT THAT THIS BODY HAS HAD PRIOR TO MY TIME SERVING IN IT AND WILL CONTINUE TO HAVE GOING FORWARD. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: THANK YOU, SENATOR KUEHN. THOSE IN THE QUEUE ARE SENATORS BRASCH, BOLZ, PANSING BROOKS, MORFELD, BLOOMFIELD, AND OTHERS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB910]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I BELIEVE THAT AM2715 IS A GOOD BILL, A GOOD AMENDMENT IN WHAT IT'S INTENDED TO DO. IN SPEAKING WITH JAMES FROM THE

Floor Debate
March 22, 2016

OMBUDSMAN'S OFFICE, IN JUST A SHORT FOUR-MINUTE DIALOGUE I'VE LEARNED MANY THINGS, QUESTIONS I HAD ABOUT THE RESTRICTIVE FACILITIES. GENERALLY--AND I MAY BE REPEATING THIS--GENERALLY, THE SIZE IS ABOUT A 6-FOOT BY 9-FOOT RESTRICTIVE AREA. THERE IS A VARIANCE BETWEEN THE LINCOLN CORRECTIONAL FACILITY AND THE NEBRASKA STATE PRISON AND ALSO TEKAMAH (SIC--TECUMSEH), OR IS IT...IT COULD BE ONE IN THE SAME. BUT GENERALLY, WHAT DID SURPRISE ME, THAT SOLITARY CONFINEMENT OR RESTRICTIVE HOUSING IS NOT LIMITED TO ONE INDIVIDUAL. IT COULD BE TWO INDIVIDUALS. AND TWO INDIVIDUALS, WHERE ONE INDIVIDUAL MAY HAVE A DIAGNOSED MENTAL BEHAVIORAL ILLNESS OR CONDITION OF SOME SORT, WITH ANOTHER INMATE WHO MAY NOT, MAY BE A VERY TENSE AND TRULY DANGEROUS SITUATION. THESE INDIVIDUALS ARE OFFERED INCENTIVES, THAT THEY GO BEFORE A COMMITTEE, IT'S DETERMINED IF THEY WILL BE IN RESTRICTIVE HOUSING. INCENTIVES MAY VARY FROM A MAGAZINE TO A BOOK, OTHER ITEMS, BUT THEY ARE NOT GUARANTEED AND...THESE INCENTIVES ARE NOT GUARANTEED AND THEY'RE BASED UPON THE PENALTY THAT THEY'RE BEING GIVEN. AND THE PENALTIES MAY ALSO BE VERY SUBJECTIVE TO INTERPRETATION BY THE COMMITTEE THAT REVIEWS THEM. RESTRICTIONS THAT THEY ARE GIVEN UPON BREAKING A RULE OR CODES THAT THEY ARE AWARE OF, BUT IT COULD BE BECAUSE SOMEONE ELSE BELIEVES THAT THEY BROKE A CODE. SO THERE'S A LOT HERE, THERE TRULY IS. LOOKING AT THIS, I THINK WE NEED TO DO SOMETHING. I BELIEVE SENATOR KUEHN IS CORRECT THAT WE NEED TO ENSURE THAT WE'RE ABLE TO FOLLOW THIS OUT AND IN A SUSTAINABLE MANNER; THAT WE ARE CONSIDERING THE SAFETY OF EVERYONE, NOT JUST THOSE IN RESTRICTIVE BUT THOSE WHO ARE EMPLOYED IN THOSE FACILITIES. AND AS SENATOR SCHUMACHER IS ATTEMPTING TO DO, HE'S LOOKING AT A 90-DAY WINDOW THAT REQUIRES SOME REPORTING OF THOSE RELEASED. AND I BELIEVE THAT THAT IS REASONABLE. THE DIFFICULTY FOR ME HERE IS, NOT BEING A PROFESSIONAL IN THE CORRECTIVE...CORRECTIONS INSTITUTIONS,... [LB910]

SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR BRASCH: ...THAT, YOU KNOW, ARE WE TRULY ABLE TO EXPEDITE THIS EFFECTIVELY TO CREATE SOME LAWS? AND I WILL BE LISTENING AND I AM SUPPORTIVE AT THIS POINT, BUT I DO NEED TO KNOW MORE. IS THIS READY FOR TODAY FOR JULY OR WHAT IS THE TIME LINE THAT WE CAN DO A SOUND, SYSTEMATIC WAY TO ADDRESS THOSE IN RESTRICTIVE HOUSING? THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. BUT I BELIEVE JAMES HAS

Floor Debate
March 22, 2016

OUTLINED SOME VERY VALID AND IMPORTANT FACTS FOR US TO ALL CONSIDER MOVING FORWARD. THANK YOU. [LB910]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB910]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I JUST WANTED TO ADD MY VOICE TO THE IMPORTANCE OF THE SCHUMACHER AMENDMENT BECAUSE I THINK FROM A HUMAN WELL-BEING PERSPECTIVE, THERE'S CLEAR EVIDENCE THAT SOLITARY CONFINEMENT CAN HAVE A SIGNIFICANT IMPACT ON A PERSON'S MENTAL HEALTH AND WELL-BEING. AND DISABILITY RIGHTS NEBRASKA HAS GIVEN ME LITERALLY A VOLUME OF RESEARCH HERE RELATED TO THE EFFECTS OF SOLITARY CONFINEMENT. AND ONE OF THE ARTICLES FROM THIS RESEARCH IS "THE PSYCHIATRIC EFFECTS OF SOLITARY CONFINEMENT" FROM THE WASHINGTON UNIVERSITY JOURNAL OF LAW AND POLICY, AND IT LISTS THE SPECIFIC PSYCHIATRIC SYNDROMES ASSOCIATED WITH SOLITARY CONFINEMENT, INCLUDING: PANIC ATTACKS, OBSESSIVE THOUGHTS, OVERT PARANOIA, PROBLEMS WITH IMPULSE CONTROL, HYPERRESPONSIVITY TO EXTERNAL STIMULI, AND MORE. SO FROM A RESEARCH-BASED, PROFESSIONAL PSYCHIATRIST APPROACH, I THINK IT'S IMPORTANT TO RECOGNIZE THAT EVEN LIMITED PERIODS IN SOLITARY CONFINEMENT CAN HAVE A DEEP AND LONG-LASTING IMPACT ON A PERSON'S MENTAL HEALTH AND MENTAL WELL-BEING. AND SO I THINK THE IDEA OF A REVIEW IS APPROPRIATE GIVEN THE DEPTH AND THE SEVERITY OF THE IMPACT ON MENTAL ILLNESS FOR FOLKS WHO MAY BE ENTERING SOLITARY CONFINEMENT WITH AN UNDERLYING MENTAL ILLNESS ALREADY, GIVEN WHAT WE ALREADY KNOW ABOUT THE STATISTICS OF INDIVIDUALS WHO ARE INCARCERATED. SO I WON'T TAKE TOO MUCH TIME ON THE MIKE, I JUST WANTED TO RISE IN SUPPORT OF AM2715 AND ARTICULATE THAT, FROM AN EVIDENCE AND RESEARCH BASED PERSPECTIVE, THE POTENTIAL IMPACTS ON MENTAL HEALTH AND WELL-BEING ARE SIGNIFICANT AND ARE WORTHY OF REVIEW. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: THANK YOU, SENATOR BOLZ. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB910]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF SENATOR SCHUMACHER'S AM2715. SENATOR KUEHN TALKED ABOUT THE DATE FOR RULES AND REGULATIONS TO BE PROMULGATED BY THE DEPARTMENT. THAT REALLY DOESN'T HAVE ANYTHING TO DO WITH SENATOR SCHUMACHER'S

Floor Debate
March 22, 2016

AMENDMENT. AS I READ SENATOR SCHUMACHER'S AMENDMENT, IT DOESN'T HAVE A DATE IN IT. BUT...AND IT ALSO HAS NOTHING TO DO AND DOESN'T EVEN DISCUSS THE FACT THAT THE GOVERNOR OR THE DEPARTMENT OF CORRECTIONS SHALL CREATE THE RULES AND REGULATIONS. BUT CLEARLY, COLLEAGUES, HAVING A MINIMUM NUMBER OF 90 DAYS AS A POINT AT WHICH SOMEBODY WOULD BE IN SOLITARY, AND AFTER THAT A COURT NEEDS TO GET INVOLVED, THAT'S JUST REASONABLE. AND, ACTUALLY, WHEN SENATOR SCHUMACHER FIRST BROUGHT ME THAT AMENDMENT, I WAS REALLY AGAINST IT BECAUSE I THOUGHT IT WAS WAY TOO LONG. NINETY DAYS IN SOLITARY IS UNREASONABLE. AND WHEN WE TALKED WITH DIRECTOR FRAKES, HE MADE STATEMENTS ABOUT HIS CONCERN ABOUT SOLITARY AS WELL. AND ALSO WE HAVE TALKED TO DR. MARTIN WETZEL, WHO WORKS WITH THE DEPARTMENT OF CORRECTIONS. AND HE WROTE A LETTER AND I WANT TO READ THAT TO YOU, MY FRIENDS. DEAR MEMBERS OF THE LEGISLATIVE SUBCOMMITTEE, AS A FOLLOW-UP TO MY TESTIMONY ON NOVEMBER 6, 2015, I AM WRITING TO CLARIFY MY MENTION OF ONE STUDY ON PSYCHOLOGICAL EFFECTS OF SEGREGATION. FIRST, I FULLY ACKNOWLEDGE THAT NUMEROUS STUDIES HAVE REPORTED MANY PSYCHOLOGICAL FEATURES ASSOCIATED WITH SEGREGATION. THE STUDY I REFERRED TO BY O'KEEFE, ET AL. WAS REPORTED IN THE OXFORD TEXTBOOK OF CORRECTIONAL PSYCHIATRY AND WAS MEANT TO STIMULATE THE PURSUIT OF STRONG APPLIED RESEARCH IN CORRECTIONAL SETTINGS. AS I NOTED IN MY TESTIMONY, THE AUTHORS ASSERT, QUOTE, THE FINDINGS ARE NOT INTENDED TO PROMOTE THE USE OF SEGREGATION, UNQUOTE. AND WE SHOULD, QUOTE, MINIMIZE THE USE OF SEGREGATION AND EXPLORE MEANS OF HOUSING OFFENDERS IN THE LEAST RESTRICTIVE ENVIRONMENT POSSIBLE, UNQUOTE. I WOULD ALSO LIKE TO NOTE THE FOLLOWING 2012 POSITION STATEMENT BY THE AMERICAN PSYCHIATRIC ASSOCIATION. QUOTE, PROLONGED SEGREGATION OF ADULT INMATES WITH SERIOUS MENTAL ILLNESS, WITH RARE EXCEPTIONS, SHOULD BE AVOIDED DUE TO THE POTENTIAL FOR HARM TO SUCH INMATES. IF AN INMATE WITH SERIOUS MENTAL ILLNESS IS PLACED IN SEGREGATION, OUT-OF-CELL, STRUCTURED, THERAPEUTIC ACTIVITIES, I.E., MENTAL HEALTH, PSYCHIATRIC TREATMENT IN APPROPRIATE PROGRAMMING SPACE AND ADEQUATE UNSTRUCTURED, OUT-OF-CELL TIME SHOULD BE PERMITTED. CORRECTIONAL MENTAL HEALTH AUTHORITIES SHOULD WORK CLOSELY WITH ADMINISTRATIVE CUSTODY STAFF TO MAXIMIZE ACCESS TO CLINICALLY INDICATED PROGRAMMING AND RECREATION FOR THESE INDIVIDUALS, END QUOTE. WITH THE ABOVE IN MIND, WE CONTINUE TO THE EXPAND AND REFINE OUR MENTAL HEALTH SERVICES TO INMATES. I REMAIN GRATEFUL FOR YOUR EFFORTS IN ASSISTING US IN THIS MISSION AND LOOK FORWARD TO PARTNERING WITH ALL STATE AGENCIES IN PROVIDING THE

Floor Debate
March 22, 2016

BEST POSSIBLE MEDICAL CARE TO THIS POPULATION. SINCERELY, MARTIN WETZEL, M.D., AND HE WORKS FOR THE DEPARTMENT OF CORRECTIONS. SO THERE'S NO QUESTION, AND AFTER SPEAKING WITH DIRECTOR FRAKES NUMEROUS TIMES IN HEARINGS AND OTHERWISE, DIRECTOR FRAKES HAS SAID THAT HE WANTS TO LIMIT THE USE OF SOLITARY CONFINEMENT. AND DR. WETZEL ALSO IS INDICATING HIS PREFERENCE THAT WE NEED TO BE LIMITING THE USE OF SOLITARY. [LB910]

SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. SO WITH THAT UNDERSTANDING, I DON'T KNOW WHAT SENATOR KUEHN WAS EXACTLY TALKING ABOUT ON THE DATE. MAY I ASK A QUESTION TO SENATOR KUEHN? IS HE HERE? [LB910]

SPEAKER HADLEY: SENATOR KUEHN, WILL YOU YIELD TO A QUESTION? [LB910]

SENATOR PANSING BROOKS: OKAY, I DON'T THINK HE'S HERE. SO AGAIN, COLLEAGUES, NOTHING IN SENATOR SCHUMACHER'S AMENDMENT HAS ANYTHING ABOUT A DATE THAT IS CONTRARY TO ANYTHING THAT THE DIRECTOR WANTS TO DO WITH HIS RULES AND REGULATIONS AND WHICH WE AGREED TO. I'M TOTALLY PLEASED TO WAIT FOR THAT DATE TO GET THOSE RULES AND REGULATIONS, BUT THAT HAS NOTHING TO DO WITH SPECIFIC BILLS AND SPECIFIC ACTS THAT WE WANT TO IMPLEMENT REGARDING SOLITARY AND HAVING A JUDGE OVERSEE IT AFTER 90 DAYS. THAT'S JUST TOTALLY REASONABLE. ACTUALLY, IT'S... [LB910]

SPEAKER HADLEY: TIME, SENATOR. [LB910]

SENATOR PANSING BROOKS: ...WAY MORE THAN REASONABLE. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: SENATOR MORFELD, YOU'RE RECOGNIZED. [LB910]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. IT APPEARS AS THOUGH WE'RE AT ABOUT TIME FOR CLOTURE. AND I KNOW THERE'S BEEN A LOT OF DEBATE ON AM2715 FOR SENATOR SCHUMACHER. I'LL JUST NOTE THAT I'M IN SUPPORT OF AM2715, AND SOLITARY CONFINEMENT IS A SERIOUS ISSUE THAT HAS TO BE

Floor Debate
March 22, 2016

ADDRESSED AND I DON'T BELIEVE HAS BEEN ADDRESSED SUFFICIENTLY TO THIS POINT. I ALSO WANT TO DISCUSS THE DEBATE THAT WE HAD EARLIER. NOW, I TALKED TO SENATOR GROENE AND I TALKED TO SENATOR SCHUMACHER AND WE COULDN'T COME TO NECESSARILY A COMPROMISE THAT MADE EVERYBODY HAPPY. BUT I'LL REMIND THE BODY THAT WE HAVE DEBATED THAT ISSUE AT LENGTH AND THAT THIS BILL IS ABOUT MAKING SURE THAT PEOPLE REENTERING OUR COMMUNITY FROM PRISON WHO NEED STABILITY AND ACCESS TO FOOD, THAT'S THE KEY TO CIVILITY BECAUSE FOOD IS FOUNDATIONAL TO MEETING A PERSON'S BASIC NEEDS. AND IF A PERSON CAN'T MEET THEIR MOST BASIC NEEDS, THEN THEIR ABILITY TO BE SUCCESSFUL AND THEIR ABILITY TO REENTER OUR SOCIETY AND HAVE ALL OF THE TOOLS THEY NEED IS THAT MUCH LESS. AND IF THEY CAN'T DO THAT, THEN THE LIKELIHOOD OF THEM GOING BACK TO A LIFESTYLE THAT THEY SERVED TIME FOR IS THAT MUCH HIGHER. THIS IS A BILL ABOUT ENSURING THAT WE HAVE SUCCESSFUL REENTRY FOR FOLKS WHO SERVED THEIR TIME. COLLEAGUES, THEY SERVED THEIR TIME. SO NOW ALLOW THEM THE OPPORTUNITY TO COME BACK INTO THE COMMUNITY SUCCESSFULLY. A LOT OF ARGUMENTS HAVE BEEN MADE TODAY ABOUT HOW THE INDIVIDUALS TRYING TO AMEND THE BILL DO CARE ABOUT THAT. AND MAYBE THEY DO, I'LL TAKE THEM AT THEIR WORD. BUT THE FACT OF THE MATTER IS, IS OUR CURRENT SYSTEM DOES NOT PROVIDE FOR THE SERVICES THAT ARE NECESSARY FOR THEM TO REENTER SUCCESSFULLY AND ALSO BE ABLE TO GET SNAP BENEFITS. WE HEARD TIME AFTER TIME ABOUT HOW THESE INDIVIDUALS WOULD SIGN UP FOR SNAP BENEFITS AT THE FOOD BANK, THEY WOULD BE DENIED BY THE DEPARTMENT OF HEALTH AND (HUMAN) SERVICES BECAUSE OF OUR CURRENT LAW, AND THEN THEY WOULDN'T HAVE SERVICES AVAILABLE TO THEM. SO THE SERVICES THAT, YES, ARE IN STATUTE, AREN'T GETTING TO THEM. AND THAT WAS ONE OF THE BIG PROBLEMS THAT WE HAD WITH PEOPLE JAMMING OUT. NOW WE PASSED LB605. YES, THERE ARE MORE SAFEGUARDS NOW, WHICH MAKES OUR CURRENT LAW EVEN MORE REDUNDANT. AND ALL OF THE ARGUMENTS ASIDE REGARDING WHETHER YOU AGREE THAT DRUG OFFENDERS SHOULD BE ABLE TO HAVE ACCESS TO SNAP BENEFITS OR NOT, ALL OF THOSE ARGUMENTS ASIDE, I JUST BELIEVE, AS HUMAN BEINGS, WE SHOULD NEVER DENY INDIVIDUALS, WHO NEED FOOD, FOOD. THAT SHOULD NOT BE THE CARROT THAT WE HOLD OUT AND SAY, YOU DID SOMETHING WRONG, AND EVEN THOUGH YOU SPENT ALL OF THE TIME AND PAID YOUR DEBT BACK TO SOCIETY, WE'RE GOING TO DENY YOU THESE BENEFITS. NOT ONLY THAT, WE'RE GOING TO CREATE A SYSTEM THAT'S PRETTY MUCH SET UP TO FAIL BECAUSE WE DON'T HAVE THE SERVICES AVAILABLE TO ACTUALLY GIVE YOU WHAT YOU NEED TO BE SUCCESSFUL AND BE ABLE TO GET THOSE SNAP BENEFITS. AND EVEN WITH THE DRUG TEST... [LB910 LB605]

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

Floor Debate
March 22, 2016

SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT...EVEN WITH THE DRUG TESTS, THAT WOULD COST \$75 TO \$125. SO ARE WE GOING TO PAY FOR THAT AS A STATE? ARE WE GOING TO REQUIRE THAT THE FOLKS THAT NEED THE SNAP BENEFITS TO PAY FOR THAT? BECAUSE, REMEMBER, THEY'RE APPLYING FOR BENEFITS THAT GIVE THEM, REALLY, AN INDIVIDUAL, I THINK IT'S \$192 IS THE MAXIMUM AMOUNT. SO IF THEY'RE THAT DESPERATE THAT THEY NEED \$192 IN SNAP BENEFITS, \$75 TO \$125 IS A BIG DEAL TO THEM. AND I KNOW FOR MANY OF US, THAT'S NOT A BIG DEAL. THAT MIGHT BE WHAT YOU HAVE IN YOUR WALLET. BUT THESE ARE INDIVIDUALS WHO ARE GETTING OUT OF JAIL, THEY'VE PAID THEIR DEBT TO SOCIETY AND OFTENTIMES, BECAUSE OF WHAT THEY DID--AND GRANTED, YOU KNOW, WE CAN BELIEVE WHAT WE WANT ABOUT THAT--THEY'RE HAVING A HARD TIME REINTEGRATING AND GETTING A JOB AND DOING THOSE THINGS. NOW MANY OF THEM EVENTUALLY DO GET A JOB, BUT SOMETIMES IT TAKES A LITTLE WHILE. AND THAT'S WHAT THESE SNAP BENEFITS ARE FOR, IS MAKING SURE... [LB910]

SPEAKER HADLEY: TIME, SENATOR. [LB910]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. [LB910]

SPEAKER HADLEY: MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB910]

CLERK: I DO, MR. PRESIDENT. SENATOR BOLZ WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB910]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE ACCORDED TO LB910. SENATOR BOLZ, FOR WHAT PURPOSE DO YOU RISE? [LB910]

SENATOR BOLZ: I'D LIKE A CALL OF THE HOUSE, PLEASE, AND A ROLL CALL VOTE IN REVERSE ORDER. [LB910]

SPEAKER HADLEY: YES. 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. [LB910]

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

Floor Debate
March 22, 2016

CLERK: 34 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB910]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR McCOLLISTER, SENATOR MORFELD, IF YOU WOULD CHECK IN, SENATOR BURKE HARR, SENATOR SCHNOOR, SENATOR GLOOR, SENATOR MELLO, SENATOR SCHILZ, SENATOR COASH, SENATOR KOLTERMAN, THE HOUSE IS UNDER CALL. SENATOR MELLO, THE HOUSE IS UNDER CALL. MR. CLERK, THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. [LB910]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1159.) 28 AYES, 15 NAYS ON THE MOTION TO INVOKE CLOTURE, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS NOT ADOPTED. I RAISE THE CALL. MR. CLERK. [LB910]

CLERK: MR. PRESIDENT, LB1093. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL, SENATOR. (ER188, LEGISLATIVE JOURNAL PAGE 963.) [LB1093]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1093]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE ENROLLMENT AND REVIEW AMENDMENTS TO LB1093. [LB1093]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SAY AYE. OPPOSED, NAY. THE AMENDMENTS ARE ADOPTED. [LB1093]

CLERK: SENATOR MELLO, AM2547. (LEGISLATIVE JOURNAL PAGE 1000.) [LB1093]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1093]

Floor Debate
March 22, 2016

SENATOR MELLO: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, AM2547 IS A COMMITTEE CLEANUP AMENDMENT, ESSENTIALLY, ON THE UNDERLYING BILL, LB1093. THERE WAS TWO BILLS THAT WE INCORPORATED INTO THE LB1093, SENATOR LINDSTROM'S BILL INVOLVING THE InternNE PROGRAM, SENATOR MORFELD'S BILL INVOLVING THE BUSINESS INNOVATION ACT. THE FIRST ADDED LANGUAGE THAT WE INCLUDED BACK INTO THE BILL WAS FROM SENATOR LINDSTROM'S BILL ON THE InternNE PROGRAM THAT ALLOWS 11th AND 12th GRADERS TO QUALIFY FOR THE INTERNSHIP NEBRASKA PROGRAM. THE SECOND COMPONENT OF AM2547 STRIKES LANGUAGE THAT CREATES NEW THRESHOLDS FOR THE EXISTING APPROPRIATION FOR THE BUSINESS INNOVATION ACT. BECAUSE THE ORIGINAL BILL THAT WE INCORPORATED HAD AN INCREASE ATTACHED TO THE BILL AND THE APPROPRIATIONS COMMITTEE DID NOT INCREASE OR APPROPRIATE ANY NEW MONEY TO THE PROGRAM, THESE NEW THRESHOLDS ARE NO LONGER NEEDED. WITH THAT, I'D URGE THE BODY TO ADOPT AM2547. THANK YOU, MR. PRESIDENT. [LB1093]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1093]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I WAS REVIEWING THE LIST, SO I HAVE TO ASK SENATOR MELLO TO RUN DOWN THOSE BILLS THAT ARE BEING ADDED AGAIN. [LB1093]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD TO A QUESTION? [LB1093]

SENATOR MELLO: OF COURSE. [LB1093]

SENATOR CHAMBERS: SENATOR MELLO, DOES THIS AMENDMENT THAT YOU'RE OFFERING INCLUDE SEVERAL BILLS THAT ARE BEING ADDED NOW BY THIS AMENDMENT OR YOU WERE MERELY MENTIONING OTHER BILLS THAT HAD ALREADY BEEN ADDED? [LB1093]

SENATOR MELLO: NO. THE BILL...SENATOR CHAMBERS, THE COMMITTEE AMENDMENT TO LB1093 ON GENERAL FILE HAD ALREADY INCLUDED SENATOR LINDSTROM'S LB1017 AND SENATOR MORFELD'S LB1028. WE SIMPLY ARE MAKING TWO CHANGES TO EACH ONE OF THOSE BILLS THAT WERE INCORPORATED BASED ON COMMITTEE DISCUSSION AND OVERSIGHT ON OUR END ON THE COMMITTEE...INITIAL COMMITTEE AMENDMENT. [LB1093 LB1017
LB1028]

Floor Debate
March 22, 2016

SENATOR CHAMBERS: AND WHAT ARE THOSE CHANGES? [LB1093]

SENATOR MELLO: AS I JUST DESCRIBED, SENATOR CHAMBERS, ON SENATOR LINDSTROM'S LB1017, WE INCLUDED LANGUAGE BACK INTO THE BILL THAT WE ORIGINALLY HAD TAKEN OUT, BUT WE DISCUSSED IT FURTHER AFTER LOOKING INTO THE PROGRAM WHICH INCORPORATES 11th AND 12th GRADERS TO BE ABLE TO QUALIFY FOR THE InternNE PROGRAM. SENATOR MORFELD'S COMPONENT, LB1028, WE ACTUALLY INCLUDED NEW THRESHOLDS FOR THE EXISTING BUSINESS INNOVATION ACT, BUT WE INCLUDED THAT LANGUAGE BASED ON THE ORIGINAL GREEN COPY OF THE BILL THAT ACTUALLY ALSO HAD AN INCREASED APPROPRIATION. WE DID NOT INCLUDE THE NEW APPROPRIATION, BUT WE INCLUDED THE LANGUAGE, SO WE NEEDED TO STRIKE THAT LANGUAGE BECAUSE IT WOULD HAVE CHANGED THE NATURE OF THE PROGRAM WITHOUT THE APPROPRIATION INCLUDED. [LB1093 LB1017 LB1028]

SENATOR CHAMBERS: WHY WAS LANGUAGE THAT PERTAINED TO SENATOR LINDSTROM'S BILL TAKEN OUT ORIGINALLY? [LB1093]

SENATOR MELLO: WE HAD A VERY LENGTHY CONVERSATION IN THE COMMITTEE IN REGARDS TO WHETHER OR NOT WE THOUGHT 11th AND 12th GRADERS SHOULD QUALIFY, SO TO SPEAK, FOR THE InternNE PROGRAM IN LIGHT BECAUSE THE InternNE PROGRAM IS GEARED TOWARDS TRYING TO PROVIDE WAYS TO BUILD CAREER PATHWAYS AND TO KEEP COLLEGE STUDENTS IN NEBRASKA THROUGH AN INTERNSHIP MODEL. IN TALKING THROUGH THE BILL AGAIN AFTER WE DISCUSSED IT ON GENERAL FILE, THERE WAS A NUMBER OF US WHO WANTED TO REVISIT THE ISSUE IN LIGHT OF TRYING TO FIND MORE WAYS TO FIND CAREER EDUCATION OPPORTUNITIES FOR HIGH SCHOOL STUDENTS, AND WE DISCUSSED IT AS A COMMITTEE AND FELT THAT ADDING 11th and 12th GRADERS BACK INTO THE ORIGINAL BILL AS IT WAS PROPOSED WAS A GOOD POLICY FOR US TO CONSIDER IN ADDING CAREER OPPORTUNITIES OR CAREER EDUCATION OPPORTUNITIES TO HIGH SCHOOL STUDENTS. [LB1093]

SENATOR CHAMBERS: AND THE GOAL IS TO TRY TO ENTICE COLLEGE GRADUATES, WHOM THESE 11th AND 12th GRADERS WILL BECOME, TO STAY IN NEBRASKA, OR DID I MISUNDERSTAND? [LB1093]

SENATOR MELLO: THE GOAL IS TO NOT ONLY STAY IN NEBRASKA. YOU'RE CORRECT IN SOME RESPECTS, SENATOR CHAMBERS. IT'S NOT ONLY TO STAY IN NEBRASKA. IT'S ALSO TO HAVE THEM IDENTIFY POTENTIAL CAREER PATHWAYS

Floor Debate
March 22, 2016

OR CAREER FIELDS THAT THEY'RE INTERESTED IN THROUGH AN INTERNSHIP THAT CAN LEAD THEM TOWARD SOME KIND OF CAREER EDUCATION OR POSTGRADUATE OR JOB TRAINING AFTER HIGH SCHOOL. [LB1093]

SENATOR CHAMBERS: SENATOR MELLO, BUT FOR THE FACT THAT YOU ARE ON THIS BILL, I WOULD BEGIN A COURSE THAT I INTEND TO PURSUE THIS SESSION, BUT YOU MENTIONED SOME THINGS THAT I THINK ARE OF CONSEQUENCE THAT WILL BE DONE BY THIS BILL. SO YOU ANSWERED THE QUESTIONS I HAD, AND I APPRECIATE THAT. THANK YOU. [LB1093]

SENATOR MELLO: THANK YOU, SENATOR CHAMBERS. [LB1093]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MELLO. SENATOR MELLO WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM2547. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1093]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB1093]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB1093]

CLERK: SENATOR MORFELD WOULD MOVE TO AMEND WITH AM2632. (LEGISLATIVE JOURNAL PAGE 1076.) [LB1093]

SPEAKER HADLEY: SENATOR MORFELD, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1093]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. MEMBERS, AM2632 INCORPORATES LB987, A BILL THAT WAS PASSED UNANIMOUSLY FROM THE EXECUTIVE BOARD, THE PURPOSE OF WHICH IS TO DIRECT A COMMITTEE OF THE NEBRASKA LEGISLATURE TO PREPARE A STRATEGIC PLAN FOR GROWING THE BIOSCIENCE ECONOMY IN NEBRASKA. THE STRATEGIC PLAN SHALL REPORT ON ANY PROGRESS OR REMAINING WORK SINCE THE LAST STUDY CONDUCTED ON THE BIOSCIENCE INDUSTRY, WHICH WAS DIRECTED BY THE LEGISLATURE IN 2009-2010. THE REPORT FOUND THAT THE BIOSCIENCE INDUSTRY IS A VITAL GROWING INDUSTRY IN NEBRASKA AND EMPLOYS 15,400 NEBRASKANS STATEWIDE WITH AN AVERAGE WAGE OF \$58,300 COMPARED WITH THE

Floor Debate
March 22, 2016

STATEWIDE PRIVATE SECTOR AVERAGE OF \$38,600. NEBRASKA'S BIOSCIENCE INDUSTRY IS MADE UP OF THE FOLLOWING SUBSECTORS: AGRICULTURAL FEEDSTOCK AND CHEMICALS, DRUGS AND PHARMACEUTICALS, MEDICAL DEVICES AND EQUIPMENT, RESEARCH TESTING, AND MEDICAL LABS. THE STRATEGIC PLAN IS INTENDED TO GROW UPON THE CURRENT STRATEGIES FOR DEVELOPING THE BIOSCIENCE INDUSTRY. THIS INCLUDES STRATEGIES TO STIMULATE SCIENCE, ENGINEERING AND TECHNOLOGY GROWTH IN NEBRASKA, ALONG WITH MANY OTHER INITIATIVES. THE BIOSCIENCE STEERING COMMITTEE WILL BE MADE UP OF WITH THE CHAIR OF REVENUE AND HIS OR HER DESIGNEE, THE CHAIR OF APPROPRIATIONS AND/OR HER DESIGNEE, AND THREE OTHER AT-LARGE MEMBERS OF THE LEGISLATURE SELECTED BY THE EXECUTIVE BOARD. IN 2010 WHEN THIS STUDY WAS LAST CONDUCTED THE NATURAL RESOURCES COMMITTEE LED THE EFFORT IN CONSULTATION WITH THE EXEC BOARD. LB987 ENVISIONS A BROADER GROUP OF LEGISLATORS AS MEMBERS OF THE COMMITTEE, BUT WILL STILL WORK IN CONSULTATION WITH THE EXEC BOARD. I ALSO WANT TO NOTE THAT THIS WILL BE PAID FOR OUT OF REMAINING FUNDS OUT OF THE BIOTECHNOLOGY CASH FUND, WHICH ALREADY EXISTS AND HAS \$36,000 REMAINING IN IT FROM UNSPENT FUNDS FROM THE 2010 STUDY. IN 2010, \$200,000 WAS APPROPRIATED FOR THE STUDY, BUT SINCE LB987 JUST ENVISIONS AN UPDATE, LESS FUNDING IS REQUIRED AND CAN UTILIZE LEFTOVER FUNDS FROM THE 2010 STUDY. AS WAS DONE IN THE 2009 STUDY, LB987 DIRECTS THE COMMITTEE TO PARTNER WITH NEBRASKA NONPROFIT TO PROVIDE RESEARCH, ANALYSIS, AND RECOMMENDATIONS FOR A STRATEGIC PLAN. I URGE YOUR FAVORABLE CONSIDERATION OF THIS AMENDMENT. THANK YOU. [LB1093 LB987]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. SEEING NO ONE IN THE QUEUE, SENATOR MORFELD, YOU'RE... YOU MAY CLOSE. SENATOR MORFELD WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM2632. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NO. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1093]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MORFELD'S AMENDMENT. [LB1093]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB1093]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB1093]

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

Floor Debate
March 22, 2016

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1093]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1093 TO E&R FOR ENGROSSING. [LB1093]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF THE BILL FOR E&R ENGROSSING. ALL IN FAVOR SAY AYE. OPPOSED, NAY. LB1093 ADVANCES. MR. CLERK. [LB1093]

CLERK: MR. PRESIDENT, THE NEXT BILL, LB977, I HAVE E&R AMENDMENTS, FIRST OF ALL, SENATOR. (ER189, LEGISLATIVE JOURNAL PAGE 969.) [LB977]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB977]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB977. [LB977]

SPEAKER HADLEY: YOU'VE HEARD THE QUESTION, THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB977]

CLERK: SENATOR SMITH, I HAVE AM2478 WITH A NOTE YOU WISH TO WITHDRAW THAT AMENDMENT, SENATOR. [LB977]

SENATOR SMITH: THAT'S CORRECT. [LB977]

SPEAKER HADLEY: WITHOUT OBJECTION. [LB977]

CLERK: MR. PRESIDENT, SENATOR SMITH WOULD MOVE TO AMEND WITH AM2623. (LEGISLATIVE JOURNAL PAGE 1063.) [LB977]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB977]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. JUST A REFRESHER HERE, LB977 IS THE TRANSPORTATION AND TELECOMMUNICATIONS OMNIBUS BILL THIS SESSION. THE UNDERLYING BILL

Floor Debate
March 22, 2016

WOULD EXEMPT CERTAIN IMPLEMENTS OF HUSBANDRY FROM WEIGHT AND LOAD LIMITATIONS WHEN OPERATED ON ANY HIGHWAY OF THE STATE EXCEPT FOR THE INTERSTATE SYSTEM. I WORKED CLOSELY WITH THE GOVERNOR'S OFFICE, THE FARM EQUIPMENT DEALERS, NEBRASKA CATTLEMEN, LAVON HEIDEMANN, JESSICA KOLTERMAN IN DRAFTING THIS BILL, AND WORKED WITH THE DEPARTMENT OF ROADS AS WELL. AM2623 IS AN AMENDMENT THAT IS THE RESULT OF FURTHER DISCUSSIONS HELD BETWEEN GENERAL AND SELECT FILE BY NACO, THE NEBRASKA CATTLEMEN, FARM BUREAU, AND THE ADMINISTRATION. THE AMENDMENT LEAVES IN PLACE THE DEFINITION OF IMPLEMENTS OF HUSBANDRY AS DISCUSSED ON GENERAL FILE. THE AMENDMENT WILL ADD SECTION 60-681 TO THE BILL. CURRENTLY, LOCAL AUTHORITIES, BY RESOLUTION, MAY PROHIBIT THE OPERATION OF ANY VEHICLE UPON ANY ROAD OR IMPOSE RESTRICTIONS UPON THE WEIGHT OF VEHICLES FOR A PERIOD NOT TO EXCEED 90 DAYS IN ANY CALENDAR YEAR. THE AMENDMENT INCREASES THIS TIME PERIOD TO 180 DAYS IN ANY CALENDAR YEAR. NACO BELIEVES THIS PROVIDES LOCAL AUTHORITIES THE NECESSARY FLEXIBILITY TO OVERSEE ROADS UNDER THEIR JURISDICTION, AND THE AG GROUPS ENDORSE AND SUPPORT THIS CHANGE. AGAIN, I WANT TO THANK NACO, THE CATTLEMEN, AND FARM BUREAU FOR WORKING TO RESOLVE THIS ISSUE, AND I WOULD ALSO LIKE TO THANK SENATOR WILLIAMS FOR HIS HELP ON CRAFTING AND DRAFTING THIS AMENDMENT. I WOULD MOVE ADOPTION OF THIS AMENDMENT. THANK YOU, MR. PRESIDENT. [LB977]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING BY SENATOR SMITH. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB977]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT AND MEMBERS. I JUST WANTED TO MAKE A FEW COMMENTS ABOUT THE ANIMAL HUSBANDRY PIECE WHICH IS A VERY IMPORTANT PART OF THIS BILL, AND IT WAS SOMETHING THAT WE HEARD A LOT ABOUT IN OUR COMMITTEE WORK THIS SUMMER. I WANT TO THANK SENATOR SMITH AND ALL THE PARTIES THAT CONTRIBUTED TO THE WORK THAT WAS DONE TO MAKE THAT FEASIBLE AND GET SOMETHING THAT WAS ACCEPTABLE TO EVERYONE. ONE THING THAT I THOUGHT WAS IMPORTANT TO PUT ON THE RECORD WAS THAT BOTH THE NEBRASKA CATTLEMEN AND THE FARM BUREAU HAVE AGREED AND SAID TO ME THAT, YOU KNOW, IF THERE ARE ISSUES AND PROBLEMS THAT DEVELOP WITH THIS ISSUE OF OVERWEIGHT VEHICLES AND DAMAGE TO COUNTY ROADS AND HIGHWAYS, THEY'RE WILLING TO TALK ABOUT THAT AGAIN DOWN THE ROAD. I JUST THOUGHT IT WAS IMPORTANT TO GET THAT ON THE RECORD, SO. THANK YOU, MR. PRESIDENT. [LB977]

Floor Debate
March 22, 2016

SPEAKER HADLEY: THANK YOU, SENATOR DAVIS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB977]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB977 AND THE AMENDMENT, AM2623, WHICH ADDRESSES SOME OF THE CONCERNS THAT HALL COUNTY HAD WITH SOME OF THE WEIGHT RESTRICTIONS. I THINK THIS IS A GOOD AGREEMENT THAT THEY'VE REACHED WORKING WITH COUNTY OFFICIALS AND WITH HALL COUNTY. IN THEIR AREA THEY DO HAVE A LOT OF WHAT THEY WOULD CALL LIGHT-DUTY BLACKTOP ROADS ON THE EXTERIOR PARTS OF THE CITY, AND I THINK THAT WAS WHERE THEIR BIGGEST PROBLEM WAS. AND WHAT THIS WILL DO IS ALLOW THEM TO SET SOME RESTRICTIONS DURING CERTAIN TIMES OF THE YEAR WHERE THEY CAN LOWER WEIGHT LIMITS AND CONTROL SOME OF THE TRAFFIC THAT WAS HAPPENING ON THOSE ROADS. SO I THINK THIS IS A GOOD COMPROMISE THAT ALLOWS EVERYTHING TO MOVE FORWARD. THANK YOU, MR. PRESIDENT. [LB977]

SPEAKER HADLEY: THANK YOU, SENATOR FRIESEN. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB977]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I WOULD LIKE TO ASK SENATOR SMITH A QUESTION, IF HE WILL YIELD. [LB977]

SPEAKER HADLEY: SENATOR SMITH, WILL YOU YIELD TO A QUESTION? [LB977]

SENATOR SMITH: YES, I WILL. [LB977]

SENATOR CHAMBERS: SENATOR SMITH, YOUR AMENDMENT EXTENDED A PERIOD OF TIME FROM 90 DAYS TO 180 DAYS. WHAT IS ALLOWED DURING THAT EXTENSION BECAUSE I'M NOT SURE IF I GOT THAT CLEAR? [LB977]

SENATOR SMITH: IT COULD LIMIT ACCESS BY CERTAIN VEHICLES OR VEHICLES OF A CERTAIN WEIGHT, AND IT COULD BE FOR THE PURPOSES OF SEASONALITY, SO MAYBE THE ROADS ARE MORE SUSCEPTIBLE TO DAMAGE DURING A PARTICULAR SEASON, OR FOR THE REPAIR OF SUCH ROADS. [LB977]

SENATOR CHAMBERS: THIS ALLOWS THEM TO REGULATE AND RESTRICT DURING THAT 180-DAY PERIOD? [LB977]

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

Floor Debate
March 22, 2016

SENATOR SMITH: YES. THEY ARE ALREADY ABLE TO DO IT FOR 90 DAYS. IT EXTENDS IT BY ANOTHER 90 DAYS. [LB977]

SENATOR CHAMBERS: IS SOME KIND OF NOTICE POSTED WHICH WILL SAY THAT THESE...IF THEY DECIDE CERTAIN VEHICLES SHOULD NOT BE ALLOWED ON THAT ROAD, WILL THERE BE A NOTICE POSTED... [LB977]

SENATOR SMITH: YES. [LB977]

SENATOR CHAMBERS: ...OR SOMETHING TO MAKE IT CLEAR THAT THAT'S WHAT THE SITUATION IS? [LB977]

SENATOR SMITH: YES, THAT IS CORRECT. [LB977]

SENATOR CHAMBERS: THAT'S ALL I WOULD HAVE ON THAT. THANK YOU, MR. PRESIDENT. [LB977]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE. SENATOR SMITH WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM2623. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB977]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SMITH'S AMENDMENT. [LB977]

SPEAKER HADLEY: SENATOR SMITH'S AMENDMENT IS ADOPTED, AM2623. [LB977]

CLERK: SENATOR CHAMBERS WOULD MOVE TO AMEND FA104. (LEGISLATIVE JOURNAL PAGE 1160.) [LB977]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR FLOOR AMENDMENT. [LB977]

SENATOR CHAMBERS: MR. PRESIDENT, ON PAGE 2 OF THE BILL, THERE IS NEW LANGUAGE INSERTED. THAT LANGUAGE SAYS "MAY" ADOPT AND PROMULGATE.

Floor Debate
March 22, 2016

THEN THE FOLLOWING WORD "ISSUE" IS STRICKEN. I WOULD LIKE TO ASK SENATOR SMITH A QUESTION OR TWO ABOUT THIS, IF HE'S AVAILABLE. [LB977]

SPEAKER HADLEY: SENATOR SMITH, WILL YOU YIELD TO A QUESTION? [LB977]

SENATOR SMITH: YES, I WILL YIELD. [LB977]

SENATOR CHAMBERS: SENATOR SMITH, WOULD YOU TURN TO PAGE 2 OF THE BILL, AND WE STILL ARE WORKING WITH THE GREEN COPY, BASICALLY AREN'T...OR NO, THIS IS THE AMENDMENT. [LB977]

SENATOR SMITH: THIS HAS BEEN AMENDED, YES. [LB977]

SENATOR CHAMBERS: OKAY. PAGE 2, LINE 22. [LB977]

SENATOR SMITH: I'M THERE. [LB977]

SENATOR CHAMBERS: DO YOU SEE THE LANGUAGE THAT HAS THE WORD "MAY" AS THE BEGINNING OF THE NEW LANGUAGE? [LB977]

SENATOR SMITH: I DO. [LB977]

SENATOR CHAMBERS: MY AMENDMENT WILL CHANGE THAT "MAY" TO "SHALL," AND THIS I WAS INTENDING TO DO WITH SOME PROVISIONS IN THAT GAME AND PARKS COMMISSION BILL. AND I DON'T SEE THE LOGIC OF SAYING THAT THESE RULES MAY BE IMPLEMENTED WHEN, ON LINE 24, WE'RE TALKING ABOUT RULES AND REGULATIONS THAT ARE NECESSARY. IF THEY ARE NECESSARY, THAT MEANS IT'S NOT A MATTER OF WHIM BUT SOMETHING THAT IS ESSENTIAL. SO IF WE'RE DEALING WITH SOMETHING THAT IS ESSENTIAL, WE SHOULD SAY THAT THE RULES "SHALL" BE PROMULGATED. IT SHOULDN'T BE LEFT TO A "MAY." SO LET ME ASK THIS QUESTION BEFORE I DISCUSS IT FURTHER WITH YOU. THE CURRENT LANGUAGE SAYS, STARTING IN LINE 21, THE DEPARTMENT OF ROADS SHALL ADMINISTER SECTIONS, AND IT MENTIONS THOSE OF STATUTE, AND GO PAST THE NEW LANGUAGE SO THAT I CAN READ IT THE WAY THE CURRENT LAW WOULD BE. SHALL ADMINISTER THESE GIVEN SECTIONS AND ISSUE SUCH RULES AND REGULATIONS PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT AS ARE NECESSARY, INCLUDING, BUT NOT LIMITED TO. WHY ARE YOU SAYING THEY MAY ADOPT THESE RULES, WHEN I THINK IT SHOULD BE MANDATORY? IF

Floor Debate
March 22, 2016

THESE ARE NECESSARY REGULATIONS, THE WORD SHOULD BE "SHALL" AND NOT "MAY." IF THE WORD IS "MAY," THEY DON'T HAVE TO ISSUE ANY, ISN'T THAT TRUE? IF IT'S "MAY," THEY DON'T HAVE TO ADOPT AND PROMULGATE ANY RULES, DO THEY? [LB977]

SENATOR SMITH: IS THAT A QUESTION FOR ME, SENATOR? [LB977]

SENATOR CHAMBERS: YES, THAT'S A QUESTION TO YOU. [LB977]

SENATOR SMITH: I UNDERSTAND YOUR REASONING, YOUR LOGIC. [LB977]

SENATOR CHAMBERS: BUT I'M ASKING YOU FOR THE RECORD. WITH THE WORD "MAY," IT MEANS THEY DON'T HAVE TO ADOPT AND PROMULGATE ANY RULES. ISN'T THAT TRUE? [LB977]

SENATOR SMITH: THAT WOULD APPEAR TO BE THE CASE, YES. [LB977]

SENATOR CHAMBERS: IS IT YOUR INTENTION OR DO YOU BELIEVE THAT THEY SHOULD BE REQUIRED TO ISSUE THESE RULES AND REGULATIONS? [LB977]

SENATOR SMITH: IF YOU DON'T MIND, I'M GOING TO...LET ME RESPOND THIS WAY. [LB977]

SENATOR CHAMBERS: OKAY. [LB977]

SENATOR SMITH: THIS PARTICULAR SECTION OF THE BILL WAS THE BILL THAT WAS INTRODUCED BY SENATOR BOLZ, AND I CERTAINLY UNDERSTAND YOUR REASONING THERE AND I DON'T PARTICULARLY HAVE A PROBLEM. I WOULD LIKE TO CONSULT WITH SENATOR BOLZ ON THAT, BUT I UNDERSTAND WHAT YOU'RE SAYING. I DON'T HAVE ANY PARTICULAR HEARTBURN WITH WHAT YOU'RE SAYING. [LB977]

SENATOR CHAMBERS: I DON'T SEE SENATOR BOLZ NOW, SO HOW ARE WE GOING TO DO THIS? [LB977]

SENATOR SMITH: WELL, YOU KEEP TALKING, AND I'LL FIGURE THAT OUT. [LB977]

Floor Debate
March 22, 2016

SENATOR CHAMBERS: I CERTAINLY CAN DO THAT. AND IF YOU GET ME STARTED, WE MAY BE ON THIS BILL UNTIL ABOUT 6:00 BECAUSE I SEE SOME OTHER MATTERS THAT I WAS NOT GOING TO RAISE THAT I MIGHT. SO IF YOU ONCE GET ME ROLLING, THIS IS A VEHICLE THAT DOES NOT HAVE A BRAKING MECHANISM, ONLY AN ACCELERATOR. NOW, IT DOES HAVE A NEUTRAL, WHICH IS WHERE I AM NOW, BUT YOU WANT ME TO SHIFT OUT OF NEUTRAL AND HIT THE ACCELERATOR, CORRECT, AND GO WHEREVER THAT TAKES US? [LB977]

SENATOR SMITH: NO, KEEP IT IN FIRST OR SECOND GEAR. [LB977]

SENATOR CHAMBERS: NO, NO, THERE'S NO FIRST OR SECOND GEAR. THERE'S ONLY ONE GEAR ONCE I HIT THE ACCELERATOR. AND I'LL BE HONEST, I'M KIND OF MIFFED ABOUT THAT LAST VOTE THAT WAS TAKEN HERE. AND I DON'T CARE ABOUT THE REST OF THE SESSION NOW BECAUSE SOME VERY IMPORTANT THINGS WERE KILLED WHEN THAT BILL WAS KILLED, THINGS THAT I HAD SPENT YEARS WORKING ON. AND SENATOR KUEHN CAME IN HERE AND GAVE US A MESSAGE FROM THE GOVERNOR, AND THE BODY FOLLOWED THE GOVERNOR'S LINE, AND ERASED ALL THE WORK THAT THOSE COMMITTEES THAT SOME OF US SERVED ON AND WORKED FOR YEARS, AND IT WAS ERASED AND THROWN OUT THE WINDOW. SO WHY SHOULD I CARE ABOUT ANYTHING THAT ANYBODY ELSE IS DOING? AND I'M TIRED OF THE GOVERNOR BEING ABLE TO DO THAT. AND SENATOR KUEHN ADMITTED HE DIDN'T KNOW ANYTHING, BUT HE CAN WORK FOR THE GOVERNOR IN THAT FASHION. AND WHEN WE GET TO SENATOR MORFELD'S BILL ABOUT NOT DISCRIMINATING AGAINST GAY AND LESBIAN PEOPLE, I'M GOING TO TALK ABOUT A PERSON WHO WORKS FOR HIS ADMINISTRATION WHO, WHEN SHE WAS IN...AT THE UNIVERSITY, HAD SOME VERY NEGATIVE THINGS TO SAY ABOUT GAY AND LESBIAN PEOPLE, ABOUT THE SANCTITY OF MARRIAGE AND A PERSON OUGHT TO STAY MARRIED TO ONE PERSON FOR LIFE, MARRIAGE WAS SACRED, STAY MARRIED FOR LIFE. AND THERE WERE VERY NEGATIVE STATEMENTS OF AN INSULTING NATURE MADE TOWARD THE LGBT COMMUNITY, AND THAT PERSON WAS PUT BY THE GOVERNOR IN A POSITION TO DEAL WITH WHAT WERE CALLED CONSTITUENCIES THAT THE GOVERNOR WAS CONCERNED ABOUT REACHING OUT TO IN THE ARTICLE THAT I READ. AND IT'S OBVIOUS THAT THE LGBT COMMUNITY IS ONE OF THOSE NOT TO BE REACHED OUT TO. AND WHEN SOMEBODY IS PUT IN THAT POSITION...I DIDN'T EVEN KNOW THIS WAS A PERSON WHO HAD BEEN THERE BEFORE BECAUSE SHE'S NOT MARRIED ANYMORE, AFTER ALL THOSE STRONG STATEMENTS. YEAH, WE GOING TO PLAY ROUGH. WHEN YOU KILLED THAT BILL, YOU GOT TO REALIZE WHAT YOU STIRRED UP. AND I'M PREPARED TO DEAL WITH IT AND ANYBODY. AND I WANT SOMEBODY TO

Floor Debate
March 22, 2016

TRY ME. AND THOSE WHO ARE LOOKING LIKE THEY'RE LOOKING, STOP ME, IF YOU CAN, BUT KNOW WHAT IT IS YOU'RE GOING AFTER. LIKE I SAID IN THAT...I'M JUST DOING WHAT SENATOR SMITH ASKED ME TO DO NOW, WHICH IS TO TALK. I HAVE GIVEN YOU THAT POEM THAT KIPLING WROTE. HE SAID: BUT COUNT WHO COME FOR THE BROKEN MEATS BEFORE YOU MAKE A FEAST. / THEY WILL FEED THEIR HORSE ON THE STANDING CROP, / THEIR MEN ON THE GARNERED GRAIN. / AND THE THATCH OF THE BYRES WILL SERVE THEIR FIRES WHEN ALL THE CATTLE ARE SLAIN. / BUT IF THOU THINKEST THE PRICE BE FAIR,--THY BRETHREN WAIT TO SUP, / THE HOUND IS KIN TO THE JACKAL-SPAWN--HOWL, DOG, AND CALL THEM UP! WHICH MEANS I'M PREPARED FOR ANY AND EVERYTHING, ANY AND EVERYBODY. AND I HAD MENTIONED THAT IF THAT BILL WENT DOWN IN FLAMES, THEN THAT MEANT THAT THE GOVERNOR'S OFFICE WANTS TO PLAY POLITICAL HARDBALL. AND I'M PREPARED TO ENGAGE IN THAT ACTIVITY. NOW I WOULD LIKE TO ASK SENATOR SMITH THAT QUESTION, AND HE CAN CONSULT WITH SENATOR BOLZ, WHO IS NOW HERE. [LB977]

SENATOR KRIST PRESIDING

SENATOR KRIST: SENATOR SMITH, WILL YOU YIELD? [LB977]

SENATOR SMITH: YES, I WILL. [LB977]

SENATOR CHAMBERS: SENATOR SMITH, MY AMENDMENT ON PAGE 2, LINE 22, WOULD STRIKE THE UNDERSCORED "MAY" AND INSERT AN UNDERSCORED "SHALL." [LB977]

SENATOR SMITH: YES, SENATOR, AND WE DISCUSSED THAT BEFORE. I DID HAVE A CONVERSATION WITH SENATOR BOLZ AND AS A COURTESY TO HER. I JUST WANTED TO GET HER TAKE ON THAT. SHE HAS NO REASON TO THINK THAT IT SHOULD NOT BE "SHALL" INSTEAD OF "MAY." I CONSULTED WITH OUR LEGAL COUNSEL. I HAVE NO PARTICULAR PROBLEMS WITH THAT CHANGE. [LB977]

SENATOR CHAMBERS: THANK YOU. AND, MR. PRESIDENT,... [LB977]

SENATOR KRIST: ONE MINUTE. [LB977]

SENATOR CHAMBERS: ...I MAY AS WELL TALK ABOUT THE WAY LEGISLATION IS DRAFTED. THIS ISN'T THE ONLY BILL WHERE "MAY" IS UTILIZED. IN THAT GAME

Floor Debate
March 22, 2016

AND PARKS COMMISSION BILL, THEY DO THIS IN A NUMBER OF PLACES. IF WE AS A LEGISLATURE FEEL THAT THE PUBLIC SHOULD BE NOTIFIED OF CERTAIN ACTIVITIES THAT ARE GOING TO BE CARRIED OUT BY A STATE AGENCY, AND THE WAY TO DO THAT IS BY WAY OF RULES AND REGULATIONS, WE SHOULD NOT LEAVE IT TO THE WHIM OF THAT AGENCY TO DECIDE WHETHER OR NOT TO ISSUE SUCH RULES AND REGULATIONS. WE SHOULD SAY "SHALL." AND THE FORMULA IS, IT WOULD BECOME "SHALL," BUT MAY PROMULGATE, MAY ADOPT AND PROMULGATE SUCH RULES AND REGULATIONS, INCLUDING, BUT NOT LIMITED TO. SO WHEN YOU PUT THAT LANGUAGE THAT ALLOWS A GREAT AMOUNT OF WIGGLE ROOM, YOU ARE NOT WRITING INTO STATUTE THE RULES AND REGULATIONS. [LB977]

SENATOR KRIST: SENATOR CHAMBERS, CAN I INTERRUPT YOU FOR A SECOND? [LB977]

SENATOR CHAMBERS: YES. [LB977]

SENATOR KRIST: YOUR TIME HAS EXPIRED BUT YOU'RE ON YOUR OWN TIME FOR A NEW TIME. [LB977]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. WHEN YOU SAY THAT YOU SHALL ADOPT AND PROMULGATE RULES AND REGULATIONS, INCLUDING, BUT NOT LIMITED TO, WHAT IS STATED BY THE LEGISLATURE AS THAT PART THAT SHALL BE THERE, NO MATTER WHAT RULES AND REGULATIONS YOU ADOPT, THESE THINGS ARE WHAT THE LEGISLATURE FEELS SHOULD BE A POLICY THAT IS STATUTORY. BUT IN ADDITION TO THAT, ADDITIONAL REGULATIONS SHOULD BE PUT IN PLACE. SO SINCE THAT DISCRETION IS BEING LEFT TO THE AGENCY TO DECIDE WHICH RULES AND REGULATIONS, OR THE SPECIFIC CONTENT, THERE SHOULD NEVERTHELESS BE THE MANDATORY REQUIREMENT THAT RULES AND REGULATIONS BE ADOPTED. NOW, TO BACK UP. THIS LANGUAGE THAT IS CURRENTLY IN THE STATUTE MENTIONS SOME OF THE THINGS THAT ARE TO BE IN IT, THESE RULES AND REGULATIONS. IT SAYS, INCLUDING, BUT NOT LIMITED TO. THESE WOULD BE THE THINGS THAT ARE MANDATED BY STATUTE. ELIGIBLE CAPITAL ACQUISITION AND OPERATING COST ESTABLISHING CONTRACTUAL AND OTHER REQUIREMENTS, AND IT GOES ON AND GIVES A LIST. BUT IT DID NOT INTEND TO LIST OUT EVERYTHING THAT WOULD BE IN EVERY RULE AND REGULATION, BUT SOME ADDITIONAL RULES AND REGULATIONS ARE NECESSARY. SO IN ORDER THAT THE AGENCY KNOWS THAT THIS IS A MANDATED REQUIREMENT, YOU PUT "SHALL." THIS IS THE FIRST BILL SINCE THAT

Floor Debate
March 22, 2016

DISCUSSION THAT HAS COME BEFORE US THAT I THOUGHT WOULD BE APPROPRIATE TO MAKE THAT POINT. AND I DON'T KNOW HOW MANY OTHER PLACES IN THIS BILL THAT STRUCTURE OF LANGUAGE WOULD BE. AND TO BE QUITE FRANK, HAD I REALIZED THAT THAT BILL, LB910, WOULD GO DOWN AFTER THE DISCUSSIONS, I WOULD HAVE BEEN SPENDING TIME COMBINING THIS BILL TO FIND OTHER ITEMS THAT I THOUGHT SHOULD BE CHANGED. NOW, I'M GOING TO TAKE SOME TIME. IF THERE ARE THINGS IN BILLS WHICH WOULD MAKE THEM AMENABLE TO AMENDMENTS OR AMENDMENTS TO BE OFFERED, THAT I WOULD DO. BUT I'M NOT GOING TO HAVE THAT KIND OF TIME, SO I'M PROBABLY GOING TO HAVE TO PULL OUT MY LITTLE YELLOW PAD AND START DOING LIKE SOME OF MY COLLEAGUES DID ON LB910, LB910, AND OFFERING MY USUAL COLLECTION OF AMENDMENTS, OR THEY REALLY ARE MOTIONS, BUT I COULD DEPART FROM THAT AND OFFER AMENDMENTS, JUST FOR VARIETY'S SAKE. AND THOSE AMENDMENTS WILL CONSIST OF ATTEMPTS TO STRIKE SECTIONS FROM THIS BILL. THERE ARE PROVISIONS IN THIS BILL THAT I THINK ARE VERY WORTHWHILE. EVEN IN THAT GAME AND PARKS COMMITTEE BILL...GAME AND PARKS COMMISSION BILL THERE WERE PARTS I THOUGHT WERE WORTHWHILE, BUT I COULDN'T GET TO THOSE... [LB977 LB910]

SENATOR KRIST: ONE MINUTE. [LB977]

SENATOR CHAMBERS: ...BECAUSE THE INTRODUCER WAS NOT ALLOWED BY HIS HANDLERS, BY HIS MANAGERS, BY HIS MASTERS. DID YOU GET THAT? MANAGERS, MASTERS, AND THERE'S ONE OTHER WORD THAT BEGINS WITH M, THAT I'M NOT GOING TO USE, THEN WE'D HAVE THE 3M. THERE'S A COMPANY CALLED 3M AND THEY MAKE STICKY TAPE THAT YOU PUT ON HIGHWAYS. IT'S REFLECTING TAPE. WELL, WHAT MY FRIEND WHO IS THE INTRODUCER OF THAT BILL THAT I DON'T LIKE IS DOING IS REFLECTING THAT COMMISSION AND NOT THE SOUND DISCRETION THAT HE HAS THE REPUTATION FOR. BUT THERE'S STILL TIME FOR ME TO SALVAGE HIM. MR. PRESIDENT, I WOULD GO AHEAD AND TERMINATE MY DISCUSSION OF THIS PARTICULAR ITEM BECAUSE THERE'S NO OBJECTION TO THE AMENDMENT ITSELF. THANK YOU. [LB977]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE WISHING TO SPEAK, SENATOR CHAMBERS YOU'RE RECOGNIZED TO CLOSE. YOU WAIVE CLOSING. THE QUESTION BEFORE YOU IS THE ADOPTION OF FA104 TO LB977. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL VOTED THAT WISH TO? PLEASE...STAND BY. PLEASE RECORD, MR. CLERK. [LB977]

Floor Debate
March 22, 2016

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR CHAMBERS' AMENDMENT. [LB977]

SENATOR KRIST: FA104 IS ADOPTED. [LB977]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB977]

SENATOR KRIST: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB977]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD ADVISE...OR INVITE MY YOUNG COLLEAGUE, SENATOR HANSEN, TO EITHER STAND WITH ME OR TAKE A SEAT AND SIT WITH THE REST OF YOU, BECAUSE I INTEND TO BE ON THIS BILL FOR A WHILE. I DON'T KNOW HOW LONG THE SPEAKER INTENDS TO KEEP US HERE, BUT I KNOW HOW LONG...THANK YOU. I KNOW HOW LONG I'M ABLE TO KEEP US HERE. I HEARD PEOPLE SPEAKING WITH INDIGNATION ABOUT GRANTING FOOD TO PEOPLE. WELL, I FEEL GREATER INDIGNATION ABOUT WHAT HAPPENED TO THAT BILL. THERE WERE VERY CRITICAL AND CRUCIAL PORTIONS OF THAT BILL WHICH MANY PEOPLE HAD WORKED ON ASSIDUOUSLY. THEN THE GOVERNOR IS GOING TO SHOW HOW MUCH CONTROL HE HAS OVER THE LEGISLATURE BY SENDING SENATOR KUEHN IN HERE TO TALK ABOUT SOMETHING HE DID NOT KNOW ANYTHING ABOUT. AND HE ACKNOWLEDGED THAT IN THAT NICE OPENING. AND WHEN SOMEBODY GIVES THOSE KIND OF STATEMENTS, YOU KNOW THAT WHEN THEY GET THROUGH, THEY'RE GOING TO DELIVER THE KIBOSH ON WHATEVER IT IS THEY'RE DISCUSSING. WERE HE GOING TO SUPPORT THAT VERY WORTHWHILE EFFORT, IT WOULDN'T HAVE BEEN NECESSARY TO GIVE THAT LONG, INVOLVED INTRODUCTION ABOUT WHAT HE DIDN'T KNOW, WHAT HE HAD NOT DONE, AND ALL THE HARD WORK THAT OTHERS HAD DONE. HE WOULDN'T HAVE HAD TO DO THAT. BUT WHEN HE'S GOING TO TRY TO ERASE IT ALL, WHICH HE AND THE GOVERNOR AND HIS PEOPLE OUT THERE SUCCEEDED IN DOING, THEN THERE'S A PRICE TO PAY. YOU KNOW WHY I'M EXACTING THIS THAT I'M EXACTING, WHETHER IT'S CALLED REVENGE, GET EVEN, OR WHATEVER? I'M DOING THIS FOR THE INTEGRITY OF OUR PROCESS AS A LEGISLATURE. THERE ARE OTHER BILLS THAT HAVE BEEN WORKED ON VERY HARD BY MEMBERS OF THIS LEGISLATURE, AND I SUPPORT THOSE BILLS. THEN THE ATTORNEY GENERAL WILL GATHER PEOPLE TOGETHER AND PUT TOGETHER A FORCE THAT WILL RUSH THE LEGISLATURE AND SAY, THIS BILL SHOULD BE KILLED. AFTER THE JUDICIARY COMMITTEE WORKED VERY HARD, STAFF WORKED VERY HARD, THEN THE ATTORNEY GENERAL IS GOING TO GET THESE COPS AND THESE

Floor Debate
March 22, 2016

SHERIFFS TO COME IN HERE AND TELL THE SENATORS, DON'T VOTE FOR THIS. AND WHAT AM I TALKING ABOUT? A BILL THAT WOULD STOP THESE LAW ENFORCEMENT AGENCIES FROM LAUNDERING MONEY JUST LIKE COMMON CRIMINALS, WHERE THEY WANT TO BE ABLE TO TAKE PROPERTY FROM CITIZENS WHO HAVE NOT BEEN CONVICTED OF A CRIME. AND IF THAT MONEY IS CALLED BEING FORFEITED, IF IT'S CONNECTED WITH DRUG ACTIVITY AND FORFEITED, THE CONSTITUTION OF THIS STATE SAYS SOMETHING ABOUT THAT. A SENATOR NAMED CAROL PIRSCH WAS HERE AND OBTAINED THAT AMENDMENT BECAUSE SHE WAS INTERESTED IN SOME MONEY GOING TO VICTIM'S PROGRAMS. PART OF THAT AMENDMENT MENTIONED THIS CONFISCATION OR FORFEITURE, AND HALF OF WHAT WAS OBTAINED WAS TO GO TO THE PUBLIC SCHOOLS. BUT THESE MEN AND WOMEN IN BLUE, THE ONES YOU ALL LIONIZE, DIDN'T WANT TO SEE THAT HAPPEN, OR THE SHERIFFS. SO THEY FIGURED A WAY TO DO AN END RUN AROUND THE CONSTITUTION AND PREVENT THAT MONEY FROM GOING TO THE EDUCATION OF YOUR CHILDREN, WHICH SOME OF YOU YAMMER ABOUT SO MUCH IN HERE. [LB977]

SENATOR KRIST: ONE MINUTE. [LB977]

SENATOR CHAMBERS: YOU KNOW WHERE THE MONEY WENT INSTEAD? IT WENT TO THESE POLICE AGENCIES AND IT SUPPLEMENTED THE BUDGET OF SOME OF THEM AND BECAME THE MAIN BUDGET OF OTHERS, LIKE THE DOUGLAS COUNTY SHERIFF. BUT I'LL WAIT UNTIL MY NEXT AMENDMENT COMES UP TO PROCEED BECAUSE MY TIME IS UP. THANK YOU, MR. PRESIDENT. [LB977]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. MR. CLERK. [LB977]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD OFFER FA105. (LEGISLATIVE JOURNAL PAGE 1160.) [LB977]

SENATOR KRIST: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN. [LB977]

SENATOR CHAMBERS: THANK YOU. AND FOR THE RECORD, IT'S A VERY SIMPLE AMENDMENT. IT SIMPLY STRIKES SECTION 1 OF THE BILL. AND WHAT SECTION 1 SAYS IS, BEGINNING ON PAGE 1, LINE 3, SECTION 13-1209, REISSUE REVISED STATUTES OF NEBRASKA, IS AMENDED TO READ. THEN IT GIVES YOU THE EXISTING LANGUAGE IN THE STATUTE AND UNDERSCORED LANGUAGE TO SHOW YOU WHERE CHANGES WILL BE MADE. NOW, IF I THINK I'M GOING TO RUN OUT OF THINGS TO SAY, THEN I WILL FALL BACK ON READING THIS, BUT THERE'S

Floor Debate
March 22, 2016

SOME THINGS I WANT INTO THE RECORD RIGHT NOW SO THE ATTORNEY GENERAL, WITH HIS DUMB SELF, WILL KNOW WHAT MY VIEW ABOUT IT IS. AND IF THE LEGISLATURE IS GOING TO LET HIM PULL THAT GAME, LIKE THE GOVERNOR JUST DID, THEN YOU ALL ARE GIVING ME THE SESSION. YOU ARE GIVING ME THE SESSION, AND YOU THINK I DON'T MEAN IT. I KNOW YOU THINK I DON'T MEAN IT. I'VE BEEN GOOD. AND YOU THINK I MAY HAVE GOTTEN CONVERTED. BUT I ASSURE YOU SUCH HAS NOT HAPPENED. HOW CAN THESE LAW ENFORCEMENT AGENCIES DO AN END RUN? NOW, SENATOR RIEPE IS SITTING THERE WITH HIS FOREFINGER BESIDE HIS HEAD, THINKING. THAT'S A THOUGHTFUL POSTURE. NOW, IT'S UNLIKE SANTA CLAUS, WHEN LAYING A FINGER ASIDE OF HIS NOSE AND GIVING A NOD, UP THE CHIMNEY HE ROSE. THERE ARE NO CHIMNEYS HERE SO I'M NOT EXPECTING SENATOR RIEPE TO GO UP, UNLESS THE RAPTURE COMES AND HE'S THE ONLY ONE WHO IS GOING TO LEAVE HERE WITHOUT DYING. AND, SENATOR RIEPE, WHEN YOU DO THAT, YOU SHOULD SAY THREE "HAIL MARY'S" AND SEVEN "OUR FATHERS" TO GO ALONG WITH IT. SENATOR RIEPE AND I HAVE A WAY OF COMMUNICATING. WE DON'T ALWAYS AGREE, BUT WE DON'T DISAGREE TO SUCH AN EXTENT THAT I CANNOT SHOW MY CONCERN AND INTEREST IN THE WELFARE OF HIS IMMORTAL SOUL. AND WHILE I'M JUST TALKING, SOME PEOPLE SAY, YOUR MORTAL SOUL. NO, THAT WHICH IS MORTAL WILL DIE. IT IS IMMORTAL, YOUR IMMORTAL SOUL, IF YOU BELIEVE IN A SOUL THE WAY RELIGIOUS PEOPLE TALK ABOUT IT. BUT BACK TO THIS END RUN AROUND THE CONSTITUTION. THE FEDERAL GOVERNMENT ENTERED AN UNHOLY ALLIANCE WITH THESE UNHOLY MEN AND WOMEN IN BLUE AND BROWN, BECAUSE SHERIFFS USUALLY WEAR BROWN GARMENTS, AND SAID, HERE'S WHAT WE'RE GOING TO DO. IF YOU STOP SOMEBODY AND YOU THINK THAT THEY'VE GOT CARS OR MONEY OR SOMETHING OF VALUE THAT WE WANT TO STEAL FROM THEM, DON'T YOU DO IT, YOU CALL US, AND WE WILL DO THE FORFEITURE. AND THAT WAY, NONE OF THAT GOES TO THE PUBLIC SCHOOLS. AND WE KNOW THAT YOU WANT THE BULK OF THIS, SO WE'LL GIVE YOU BACK 90 PERCENT AND WE'LL KEEP 10 PERCENT, WHICH IS OUR SHARE FOR LAUNDERING THE MONEY FOR YOU. AND THEN, IF IT'S A MILLION DOLLARS THAT HAS BEEN FORFEITED, \$999...\$990,000 WILL COME BACK TO THAT POLICE AGENCY. NOT ONE RED CENT GOES TO THE PUBLIC SCHOOLS. AND THAT WICKED FEDERAL GOVERNMENT, THAT YOU ALL SPEND SO MUCH TIME EXCORIATING, RAKES 10 PERCENT OFF THE TOP. THAT'S WHAT THE FEDERAL GOVERNMENT IS DOING, BUT I HAVEN'T HEARD ALL THESE CONSERVATIVES TALK ABOUT THAT. I HAVEN'T HEARD SENATOR GROENE WHISPER A GROAN. I HAVEN'T HEARD SENATOR KINTNER OFFER A HINT. I HAVEN'T HEARD ANY OF THOSE CONSERVATIVES WHICH...SENATOR MURANTE HAS NOT SAID A WORD. NONE OF THEM BECAUSE THEY DON'T CARE ABOUT YOUR CHILDREN AND THEY'RE

Floor Debate
March 22, 2016

INTIMIDATED OR EITHER SO LOCKED UP WITH THESE PEOPLE WHO WEAR BLUE CLOTHES THAT THEY GO ALONG WITH THE THEFT OF THIS MONEY. AND I CALL IT STEALING. IF YOU WERE ON THE ROAD IN THE OLD DAYS IN ENGLAND, THERE WERE PEOPLE CALLED HIGHWAYMEN. NOW THEY WERE NOT TRAFFIC DIRECTORS. THEY WERE NOT WORKERS. IN FACT, A MAN NAMED ALFRED NOYES WROTE ABOUT ONE. SENATOR BLOOMFIELD, HE USED VERY PICTURESQUE LANGUAGE: THE WIND WAS A TORRENT OF DARKNESS AMONG THE GUSTY TREES. / THE MOON--I THOUGHT SENATOR McCOLLISTER WOULD LOOK UP--THE MOON WAS A GHOSTLY GALLEON TOSSED UPON CLOUDY SEAS. / THE ROAD WAS A RIBBON OF MOONLIGHT OVER THE PURPLE MOOR, / THE HIGHWAYMAN CAME RIDING--RIDING--RIDING-- / THE HIGHWAYMAN CAME RIDING, UP TO THE OLD INN-DOOR. AND YOU KNOW WHAT DREW HIM TO THAT INN? LOVE. THERE'S NOTHING IN THE WORLD, SENATOR BLOOMFIELD, FOR A BOY AND A GIRL LIKE LOVE, LOVE, LOVE. AND IT WOUND UP WITH A TRAGIC TURN OF EVENTS, WHICH YOU CAN FIND OUT BY READING THE HIGHWAYMAN BY ALFRED NOYES. BUT THAT GIVES ME THE OPPORTUNITY TO DISCUSS WHAT THESE HIGHWAYMEN WOULD DO. YOU WOULD BE CANTERING OR RIDING DOWN THE ROAD, MINDING YOUR OWN BUSINESS, AND SOMEBODY WOULD JUMP OUT OF THE BUSHES AND PUT A PISTOL ON YOU. AND THEY DIDN'T SAY, YOUR MONEY OR YOUR LIFE. THEY SAID, GET DOWN OFF THAT HORSE. GIVE ME EVERYTHING YOU GOT. AND YOU DECIDED THAT YOU WOULD RATHER LIVE WITHOUT THESE TRINKETS THAN TO DIE WITH THEM, SO YOU'D GIVE UP WHAT YOU HAD. THAT WAS ROBBERY. BUT IF YOU WERE A HIGHWAYMAN AND THE LOCAL CONSTABULARY APPREHENDED YOU, THEN THEY WOULD SEE HOW MUCH A HEMP AND ROPE COULD STRETCH YOUR NECK WHEN THE WEIGHT OF YOUR BODY WAS SUSPENDED FROM THAT ROPE. AND THERE WERE SOME PEOPLE WHO DID SURVIVE. AND THERE WAS ONE MAN IN ENGLAND WHO WAS FAMOUS, KNOWN AS HALF-HUNG SMITH, BECAUSE HE WAS PUT THROUGH THIS PROCESS. THEY PUT HIM OVER THE TRAP DOOR. THEY HAD WHAT THEY CALLED A NEW BAND OF LEATHER AND THEY BOUND HIS HANDS BEHIND HIS BACK, PUT A HOOD OVER HIS HEAD. NOT SO THAT HE WOULD NOT SEE WHAT WAS GOING TO HAPPEN, BUT SO THAT THE PUBLIC COULD NOT SEE WHAT HAPPENED TO HIM. AND HERE'S SOMETHING THAT OSCAR WILDE SAID ABOUT THAT. OH, IT IS SWEET TO DANCE WHEN LOVE AND LIFE ARE FAIR: / TO DANCE TO FLUTES, TO DANCE TO LUTES / IS DELICATE AND RARE: / BUT IT IS NOT SWEET WITH NIMBLE FEET / TO DANCE UPON THE AIR. AND HALF-HUNG SMITH DANCED UPON THE AIR AND HE DID NOT DIE. AND YOU CAN GOOGLE THAT AND SEE IF THEY ATTEMPTED ANOTHER APPLICATION TO ACHIEVE THE SECOND TIME WHAT THEY FAILED TO DO THE FIRST TIME. BUT ANYWAY, BACK TO WHAT THESE MEN AND WOMEN IN BLUE WILL DO. THEY WOULD STEAL THIS MONEY FROM YOUR CHILDREN. THE

Floor Debate
March 22, 2016

DOUGLAS COUNTY SHERIFF IS OFFENDED BECAUSE THE COUNTY ATTORNEY AND THE MAYOR OF OMAHA ARE TALKING ABOUT COMBINING THE LABS, THE POLICE LAB, OMAHA, THE COUNTY LAB, AND PUTTING IT INTO A FACILITY ON THE CAMPUS OF UNMC. [LB977]

SENATOR KRIST: ONE MINUTE. [LB977]

SENATOR CHAMBERS: THEY WOULD DO AWAY WITH DUPLICATION. THEY WOULD HAVE MORE HIGHLY TRAINED PEOPLE, THE EQUIPMENT TO DO WHAT THESE LABS DO IN TERMS OF EXAMINING, ANALYZING BIOLOGICAL AND OTHER PHYSICAL EVIDENCE. THE SHERIFF SAID HE DIDN'T WANT THAT DONE. HE WANTED THIS PUT OUT IN SOME PLACE IN WEST OMAHA BECAUSE \$3 MILLION OR SO THAT THEY GOT FROM STEALING THIS MONEY--HE DIDN'T CALL IT STEALING--FORFEITING MONEY, AND BUILT THAT PLACE WITH IT. THAT'S WHAT THEY WERE DOING. THAT'S THE AMOUNTS OF MONEY THEY WERE GETTING. AND A PERSON NEED NOT EVEN BE CONVICTED OF A CRIME. WHAT THAT BILL THAT YOU ALL KILLED WOULD HAVE DONE WAS TO REQUIRE THAT BEFORE THERE COULD BE ANY FORFEITURE, THE INDIVIDUAL WOULD HAVE TO BE CONVICTED. AND THAT UNHOLY ALLIANCE FROM BETWEEN THE LOCALS AND THE FEDS COULD CONTINUE FOR ANY AMOUNT ABOVE \$50,000. THEY COULD STILL STEAL THAT MONEY. THAT WAS A COMPROMISE WITH THE DEVIL, THE MAFIA, AND THE LAW. [LB977]

SENATOR KRIST: TIME, SENATOR. AND YOU ARE RECOGNIZED, SENATOR CHAMBERS. [LB977]

SENATOR CHAMBERS: THANK YOU. AREN'T MY EXTENDED DEBATES, SENATOR BLOOMFIELD, MORE INTERESTING THAN WHEN MY COLLEAGUES WHO LACK IMAGINATION GET UP HERE AND JUST REPEAT THE SAME THING OVER AND OVER AND OVER, AND STUMBLE AND FUMBLE AND BUMBLE, AND START HERE, WIND UP THERE, AND DON'T KNOW WHERE THEY INTENDED TO GO, SO WHEN THEY GOT THERE, THEY DIDN'T EVEN KNOW THEY WERE THERE? AND IT'S LIKE THEY SAY ABOUT CALIFORNIA. THE PROBLEM WITH CALIFORNIA IS THAT THERE IS NO THERE, THERE, AND THAT'S TRUE. BUT IN THIS SITUATION, I WANT THE ATTORNEY GENERAL TO KNOW THAT SOMEBODY ON THIS FLOOR OBJECTS TO WHAT HE IS DOING AND I'M ADVISING MY COLLEAGUES--I DIDN'T SAY WARNING--I'M ADVISING MY COLLEAGUES THAT YOU SHOULD NOT SUCCUMB TO THE CHICANERY BY THE ATTORNEY GENERAL. HE GATHERS THESE PEOPLE TOGETHER SELECTIVELY AND THEY WILL SWOOP DOWN ON YOU. DO YOU

Floor Debate
March 22, 2016

KNOW WHY? YOU'VE SHOWN YOURSELVES TO BE WEAK AND IF SOMEBODY FROM THE EXECUTIVE BRANCH TELLS YOU, DO THIS, YOU'LL DO IT. AND ONCE YOU GIVE IN, YOU'RE NEVER GOING TO BE FREE OF THAT KIND OF UNDUE INFLUENCE. SO IF YOU WOULD HAVE LEFT THAT BILL ALONE, IF YOU HAD LET IT GO FORWARD, THERE WAS NOTHING SAID SPECIFICALLY ABOUT SOME OF THE THINGS I'M TALKING ABOUT NOW, BECAUSE THEY WERE NOT IN THAT BILL. THERE'S A BILL, LB1106, WHERE YOU WILL FIND ATTEMPTS TO REMEDY THIS LAUNDERING OF MONEY. AND IT'S NOT JUST THESE CROOKS IN BLUE WHO DO IT. THIS WAS BEING DONE BY PEOPLE IN THE VATICAN. YES, THE VATICAN. THE COMPTROLLER OF ITALY GOT BUSY AND BEGAN TO LOOK AT THE FINANCES, AND GUESS WHOSE MONEY WAS BEING LAUNDERED? THAT OF THE MAFIA. AND WHEN THE POPE FOUND OUT ABOUT IT, HE SAID, UH-UH. BUT IT WAS PUBLICIZED FIRST. THROUGHOUT HISTORY, THE CHURCH ACCEPTED MONEY FROM THE MOBSTERS. AND THEY SAID ONCE IT CAME INTO THE CHURCH'S POSSESSION, IT WAS SANCTIFIED AND PURIFIED, AND THEY NEVER TOLD WHERE IT CAME FROM. AND IF YOU THINK I'M MAKING IT UP, GO READ SOME THINGS. THIS INFORMATION IS READILY AVAILABLE. THAT'S WHY THE "BIBBLE" SAID, SENATOR RIEPE, IT IS THE LOVE OF MONEY THAT IS THE ROOT OF ALL EVIL. IT WILL CORRUPT EVEN THE BEST OF PEOPLE. BUT IT ALSO SAYS, MONEY ANSWERETH ALL THINGS, SO PROPERLY USED, MONEY CAN DO GREAT THINGS, BUT THAT INORDINATE LOVE WILL LEAD ORDINARILY GOOD PEOPLE TO BECOME BAD PEOPLE. AND THOSE WHO ARE WEALTHY WILL TELL YOU, EVEN WARREN BUFFET, IT'S POSSIBLE TO HAVE TOO MUCH MONEY, BUT YOU CAN NEVER HAVE ENOUGH. AND BECAUSE OF THAT, A FRIEND OF MINE WAS WALKING THROUGH THE MALL IN WEST OMAHA AND HE BUMPED AGAINST THIS ELDERLY WHITE GUY WHO LOOKED KIND OF DISHEVELED BECAUSE HE WAS BENDING DOWN. AND WHEN HE STOOD UP, IT WAS WARREN BUFFET AND HE HAD BENT OVER TO PICK UP A PENNY, BENT OVER TO PICK UP A PENNY. WARREN BUFFET SAID HIS SUITS MAY LOOK CHEAP, BUT THEY'RE NOT CHEAP. ONCE I HEARD HIM SAY THAT... [LB977 LB1106]

SENATOR KRIST: ONE MINUTE. [LB977]

SENATOR CHAMBERS: YOU SAID ONE MINUTE? I STARTED CALLING HIM "RUMPLEDSUITSKIN," "RUMPLEDSUITSKIN." RUMPELSTILTSKIN WAS A LITTLE FELLOW WHO COULD TAKE STRAW AND SPIN IT INTO GOLD. AND HE HAD A LITTLE SONG THAT HE'D SING: TODAY I BREW, / TONIGHT I BAKE, / TOMORROW I SHALL THE QUEEN'S CHILD TAKE, / FOR GIFTS THAT SHE MAY, / SHE NEVER CAN KNOW, / THAT MY NAME IS RUMPELSTILTSKIN, OH. BUT THERE WAS A SPY, HIS NAME WAS FOUND AND THE QUEEN, THE PRINCESS WON. IN THOSE DAYS, GOOD

Floor Debate
March 22, 2016

ALWAYS HAD TO FAIL, VIRTUE HAD TO ALWAYS TRIUMPH, THE GUILTY HAD TO ALWAYS BE PUNISHED, THE INNOCENT WERE ALWAYS EXONERATED. AND THAT'S WHY THEY WERE CALLED FAIRY TALES BECAUSE NONE OF THAT HAPPENS IN THE REAL WORLD. BUT BACK TO WHAT I WAS TALKING ABOUT, WHEN LB1106 GETS ON THE AGENDA, I'M GOING TO TALK IN GREATER DETAIL ABOUT WHAT I'M TALKING ABOUT NOW AND LET YOU KNOW THAT I HAVE NO RESPECT FOR THE ATTORNEY GENERAL AS A LAWYER. [LB977 LB1106]

SENATOR KRIST: TIME, SENATOR. [LB977]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB977]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB977]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I ORIGINALLY TURNED MY LIGHT ON BECAUSE WHEN SENATOR CHAMBERS WAS TALKING ABOUT THE CIVIL FORFEITURE, I WAS GOING TO MENTION THAT THERE WAS A BILL COMING DOWN THE LINE, WHICH IS LB1106, AND HOPEFULLY WE'LL GET TO IT. I DON'T KNOW IF WE WILL, BUT BEING AS WE'RE KILLING TIME, I DO HAVE A QUESTION I'D LIKE TO ASK SENATOR CHAMBERS. [LB977 LB1106]

SENATOR KRIST: SENATOR CHAMBERS, WILL YOU YIELD TO A QUESTION FROM SENATOR BLOOMFIELD? [LB977]

SENATOR CHAMBERS: YES, I WILL. DO YOU SEE THE SMILE ON MY FACE? YES, SENATOR BLOOMFIELD. [LB977]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. I AM FREQUENTLY AMAZED BY YOUR KNOWLEDGE OF POETRY. ARE YOU FAMILIAR WITH THE CREMATION OF SAM McGEE? [LB977]

SENATOR CHAMBERS: THE WHAT? [LB977]

SENATOR BLOOMFIELD: THE CREMATION OF SAM McGEE. [LB977]

SENATOR CHAMBERS: SAM...OH, WAS HE RELATED TO...NO, I'M NOT. [LB977]

Floor Debate
March 22, 2016

SENATOR BLOOMFIELD: OKAY. IT'S A PIECE OF POETRY WRITTEN BY ROBERT SERVICE. I WILL SHARE IT WITH YOU OFF OF THE MIKE SOMETIME. I THINK YOU WOULD ENJOY IT. [LB977]

SENATOR CHAMBERS: WELL, MAYBE EVERYBODY WANTS TO HEAR IT. IS HE...WAS HE...DID HE HAVE A BROTHER NAMED DAN AND THE REAL LAST NAME WAS McGREW AND DAN WAS CALLED DANGEROUS? [LB977]

SENATOR BLOOMFIELD: YOU'RE GETTING CLOSE, BUT NO, IT'S A ENTIRELY DIFFERENT PIECE OF POETRY. THANK YOU. [LB977]

SENATOR CHAMBERS: OKAY, BUT JUST ONE THING. IF I TELL YOU ONE THING ABOUT DAN McGREW, WILL YOU TELL ME SOMETHING ABOUT HIM? ALL RIGHT, THIS...THERE WAS A PLACE CALLED THE MALAMUTE CAFE. IT WAS UP THERE WHERE IT WAS VERY, VERY COLD IN CANADA, AND THIS IS WHERE THE DRAMA CAME IN. AND THERE WAS A LADY THAT'S KNOWN AS LOU WHO WAS BEHIND ALL THIS, AND DAN McGREW WAS KIND OF INFATUATED WITH HER. BUT THIS IS WHERE THE DRAMA CAME IN: SUDDENLY, WHAM, ALL OF THE LIGHTS WENT OUT AND A VOICE CRIED, DIE YOU MUST. A WOMAN SCREAMED, A SHOT RANG OUT, AND SOMEBODY BIT THE DUST. THE LIGHT FLASHED ON AND THE NORTHWEST MOUNTED POLICE CAME CRASHING THROUGH. THEY DREW THEIR GUNS AND SAID, WHICH ONE IS DANGEROUS DAN McGREW? THAT'S ALL I'M GOING TO TELL YOU. YOU WANT TO TELL ME ABOUT SOMETHING ABOUT ROBERT SERVICE ON THAT ONE? [LB977]

SENATOR BLOOMFIELD: I WILL START THE CREMATION OF SAM McGEE, BUT ONLY ONE STANZA: THERE ARE STRANGE THINGS DONE IN THE MIDNIGHT SUN / BY THE MEN WHO MOIL FOR GOLD; / THE ARCTIC TRAILS HAVE THEIR STRAIGHT (SIC) SECRET TALES / THAT WOULD MAKE YOUR BLOOD RUN COLD; / THE NORTHERN LIGHTS HAVE SEEN QUEER SIGHTS / BUT THE QUEEREST THEY EVER DID SEE / WAS THAT NIGHT ON THE MARGE OF LAKE LEBARGE / I CREMATED SAM McGEE. [LB977]

SENATOR CHAMBERS: VERY GOOD. YOU GET AN A FOR THAT, SON. [LB977]

SENATOR BLOOMFIELD: THERE IS MORE THERE, SENATOR CHAMBERS, AND I WILL SHARE IT WITH YOU OFF THE MIKE. AGAIN, I THINK YOU WOULD ENJOY IT. THANK YOU. [LB977]

Floor Debate
March 22, 2016

SENATOR CHAMBERS: I APPRECIATE THAT. AND IF YOU GIVE ME A COUPLE OF DAYS, I MAY SHARE THE WHOLE THING WITH YOU. MEMBERS OF THE LEGISLATURE, I WAS GIVEN SOME INFORMATION. AND SMOKEY ROBINSON SANG A SONG ABOUT THE SMILE ON MY FACE. [LB977]

SENATOR KRIST: SENATOR BLOOMFIELD, DID YOU YIELD THE REST OF YOUR TIME TO SENATOR CHAMBERS? OKAY. BUT, SENATOR CHAMBERS, YOU'RE THE NEXT ONE IN THE QUEUE, SO YOU'RE RECOGNIZED ON YOUR TIME. [LB977]

SENATOR CHAMBERS: I'M ON MY OWN. IF THERE'S A SMILE ON MY FACE, IT'S ONLY THERE TRYING TO FOOL THE PUBLIC. THAT'S NOT WHAT I'M SAYING. THE SMILE THAT I HAD WAS GENUINE AND IT WAS BROUGHT TO ME BY SENATOR SEILER, THE CHAIRPERSON OF THE JUDICIARY COMMITTEE. AND WHAT I'VE SAID JUST A FEW DAYS AGO THAT THE ONE WHO HAS TRUE POWER IS NOT THE ONE WHO CAN ANNOUNCE OR PRONOUNCE A DEATH SENTENCE, NOT THE ONE WHO CAN CARRY IT OUT, BUT THE ONE WHO CAN GRANT CLEMENCY. AND BASED ON THAT INFORMATION I GOT, I'M GOING TO GRANT CLEMENCY TO MY COLLEAGUES THIS AFTERNOON. BUT I WANT SENATOR FRIESEN TO KNOW THAT THIS IS TEMPORARY. IT HAS CAVEATS AND CONDITIONS. BUT, BROTHERS AND SISTERS, FRIENDS, ENEMIES, AND NEUTRALS, THIS IS A BIT OF PHILOSOPHICAL INSIGHT. WE CAN ONLY LIVE IN THE INSTANT. WHAT HAPPENED JUST BEFORE IS THE PAST. WHAT'S GOING TO HAPPEN JUST AFTER IS THE FUTURE. I MAY DIE. DON'T GET YOUR HOPES UP BECAUSE I'M NOT GOING TO COOPERATE. BUT ONLY IN THIS INSTANT CAN WE LIVE. YOUR LIFE CONSISTS OF AN INFINITE NUMBER OF INSTANTS, STRUNG TOGETHER LIKE A STRING OF PEARLS. AND WHEN YOU STUDY PHILOSOPHY, SOME PHILOSOPHERS SAYS THERE'S NO SUCH THING AS MOTION. SO YOU ASK, WHY DOES IT APPEAR THAT THERE'S MOTION? THAT IS AN ILLUSION. THERE ARE A LOT OF STOP ACTION PIECES LIKE WHEN YOU RUN A FILM THROUGH A PROJECTOR, NOT ONE OF THOSE SQUARES MOVES IF YOU LOOK AT IT. IF YOU HOLD IT UP TO THE LIGHT, NOT ANYONE MOVES. IF YOU PUT THEM ON THE PROJECTOR, THEN THEY'RE PULLED IN SUCH A WAY THAT THERE ARE MINUTE CHANGES AND THAT GIVES THE ILLUSION OF MOTION. SO MAYBE THERE'S MOTION, MAYBE THERE'S NOT. BUT OTHER THAN TO PHILOSOPHERS, WHAT DIFFERENCE DOES IT MAKE? BECAUSE IF I TOOK MY GLASSES, DREW MY HAND BACK AND MY AIM WAS GOOD, I COULD POP SENATOR FRIESEN WITH MY EYEGASSES. AND HE'S SHOWING THAT MAYBE HE WOULD TAKE HIS OFF AND RECIPROCATATE. AND BOTH OF US, NOT BEING PHILOSOPHERS, WOULD PROBABLY SAY THERE WAS MOTION, AND EACH OF US HIT THE OTHER. BUT A PHILOSOPHER WOULD SAY, BOTH OF YOU WERE WRONG, THERE WAS NO MOTION. THESE ARE THE TIMES THAT TRY CERTAIN PEOPLE'S SOULS, IF THEY HAVE SOULS. BUT

Floor Debate
March 22, 2016

HAVING SAID THAT, I DON'T LIKE TO LEAVE ANYTHING HANGING. THERE WAS A MAN WHO WROTE PAMPHLETS DURING THE REVOLUTIONARY PERIOD, HIS NAME WAS THOMAS PAINE, P-A-I-N-E. AND ONE OF HIS FAMOUS STATEMENTS IS, "THESE ARE THE TIMES THAT TRY MEN'S SOULS." AND THERE WAS A REASON FOR HIM TO HAVE WRITTEN THAT. AT THE TIME HE WROTE IT, NEW JERSEY WAS NOT SINGULAR, THAT AREA WAS CALLED THE JERSEYS, PLURAL, AND GEORGE WASHINGTON AND HIS ARMY WERE STEPPING FAST, FAST, FAST, TRYING TO GET AWAY FROM THE BRITISH. THEY WERE IN FULL RETREAT. AND THERE WERE SOME BRITISH SOLDIERS...GEORGE WASHINGTON WAS NOT THE MILITARY MASTER THAT THEY SAID. SOME BRITISH SOLDIERS NEVER KNEW WHAT GEORGE WASHINGTON'S FACE LOOKED LIKE BECAUSE ALL THEY SAW WAS THE BACK OF HIS UNIFORM, HIS COATTAILS FLAPPING AND THE SOLES AND HEELS OF HIS FEET AS HE WAS STEPPING FAST, FAST, FAST, MOVING AWAY FROM THEM AS QUICKLY AS POSSIBLE. AND THEY DIDN'T KNOW WHAT GEORGE WASHINGTON LOOKED LIKE, SENATOR GARRETT, UNTIL THEY PICKED UP A QUARTER... [LB977]

SENATOR KRIST: ONE MINUTE. [LB977]

SENATOR CHAMBERS: ...AND SAW HIS FACE IN PROFILE. THEY SAID, GOLLY, THAT'S WHAT THE FELLOW LOOKS LIKE. BUT THAT'S WHEN NEWS CAME AND THOMAS PAINE WROTE, "THESE ARE THE TIMES THAT TRY MEN'S SOULS." AND I, BEFORE THE SESSION IS OVER, AM SURE THAT I WILL HAVE THE OPPORTUNITY TO TRY YOUR SOULS BECAUSE I THINK THAT THAT ATTORNEY GENERAL IS GOING TO BE ABLE TO SLAP YOU ALL DOWN. BUT WHEN HE DOES IT, THERE'S GOING TO BE ONE PERSON TO STAND UP TO HIM AND GET THAT FROM THE BODY IN TERMS OF TIME. I GOT TO TURN MY LIGHT ON ONE MORE TIME TO GIVE MY MEA CULPA. [LB977]

SENATOR KRIST: THE NEXT TIME YOU SPEAK, SENATOR, WOULD BE YOUR CLOSING, I'M SORRY. OKAY. SENATOR SCHNOOR, YOUR RECOGNIZED. [LB977]

SENATOR SCHNOOR: QUESTION. [LB977]

SENATOR KRIST: THERE'S NO ONE ELSE IN THE QUEUE BUT SENATOR CHAMBERS, SO WE COULD ALLOW HIM TO CLOSE AND TAKE A VOTE. BUT THANK YOU FOR THE THOUGHT, SENATOR SCHNOOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB977]

Floor Debate
March 22, 2016

SENATOR CHAMBERS: YOU MEAN THE THOUGHTLESSNESS. THAT WAS NOT A THOUGHT. I'VE TALKED TO SENATOR SCHNOOR. I KNOW SENATOR SCHNOOR AND THAT STATEMENT FROM SENATOR SCHNOOR WAS NOT A THOUGHT. BUT ANYWAY, TIME PASSES FASTER WHEN YOU'RE HAVING FUN. I'M HAVING FUN. BUT IF THAT BILL, LB1106, SHOULD NOT BE HANDLED THE WAY IT SHOULD, THEN I'M NOT GOING TO BACK AWAY. I'M NOT REALLY BACKING AWAY NOW, BECAUSE WHAT I THOUGHT WAS ETCHED IN STONE TURNS OUT NOT TO BE THE CASE. INSTEAD, IT'S LIKE WORDS WRIT IN WATER. YOU CAN DISTURB THE SURFACE OF WATER AND IF YOU GET AWAY AND LEAVE IT ALONE, IT WILL RECOMPOSE ITSELF AND IT WILL BE AS SMOOTH AS A MIRROR, AS THOUGH NOTHING HAD TROUBLED IT. THE INFORMATION I GOT INDICATES TO ME THAT MAYBE I HAD MISCALCULATED BECAUSE I DIDN'T HAVE ALL OF THE FACTS AND THE WATER INDEED WAS NOT TROUBLED. IT WAS AN ILLUSION, AND I WAS TAKEN IN BY THE ILLUSION. BUT THE ILLUSION TO ME WAS REALITY. AND IF A PERSON PERCEIVES SOMETHING AS REAL, IT IS REAL TO THAT PERSON IN ITS CONSEQUENCES. THAT'S A PRINCIPLE OF PSYCHOLOGY, AND IT IS TRUE. BUT THIS WILL ALSO SHOW THAT SOMETHING CAN HAPPEN ON THIS FLOOR LIKE WHAT SENATOR SCHEER DESCRIBED TO ME HAPPENING THE OTHER DAY. HE LOOKED OUT THE WINDOW, HE HEARD THIS WHOOSH AND LOOKED OUT, AND IT LOOKED LIKE A BLIZZARD. SERIOUSLY, A BLIZZARD. THEN AS HE DREW IN HIS HEAD AND WAS TURNING AROUND, THE BLIZZARD STOPPED AND OUT CAME THE SUN WITH A BOUND, AND IT WAS AS THOUGH IT NEVER HAPPENED. SO WHAT I THOUGHT WAS GOING TO BE A BLIZZARD WAS LIKE WHAT SENATOR SCHEER DESCRIBED TO ME. AND WHAT I MIGHT START CALLING HIM IS "PROPHET" SCHEER BECAUSE THINGS HAPPEN FOR A REASON AND SENATOR SCHEER WAS PROBABLY SENT WITH THAT MESSAGE TO ME. AND, SENATOR RIEPE, BASED ON THAT, NEITHER SENATOR SCHEER NOR I KNOWS FOR SURE WHAT HE DESCRIBED TO ME AND WHAT I RECOUNTED TO YOU ACTUALLY HAPPENED BECAUSE THOSE THINGS DON'T HAPPEN IN NEBRASKA. BLIZZARDS DON'T PLAY. THEY DON'T COME IN THE MIDDLE OF A WARM SUNSHINY DAY, BUT THAT'S WHEN THAT HAPPENED, BASED ON WHAT SENATOR SCHEER TOLD ME AND I BELIEVE HIM. AND IT'S BEEN DEMONSTRATED HERE AND THIS IS THE POINT THAT I WANT TO MAKE. PEOPLE WHO ARE NOT MEMBERS OF THE LEGISLATURE DO NOT UNDERSTAND THE DYNAMICS OF HOW THIS BODY OPERATES. SOMETIMES IT CAN LOOK LIKE EVERYTHING IS GOING TO CRUMBLE LIKE A HOUSE, OR CRUMPLE, HOUSE OF CARDS. BUT MIRACULOUSLY, SOMEBODY REVERSES THE CAMERA OR THE MACHINE, AND INSTEAD OF THE CARDS FALLING, THEY LOOK LIKE THEY'RE BEING REASSEMBLED FROM THE GROUND UP. THAT'S WHAT SENATOR SEILER DID. MAGICIANS ARE REALLY ILLUSIONISTS. THEY DISTRACT YOU WITH ONE HAND AND DO THE TRICK WITH THE OTHER, BUT SENATOR SEILER GENUINELY

Floor Debate
March 22, 2016

DEALS IN MAGIC. HE BROUGHT REALITY OUT OF NOTHING. AND FOR THAT, I APPLAUD HIM, AND IF I HAD THE ABILITY THAT SENATOR SEILER HAS, I WOULDN'T BE IN THIS LEGISLATURE, I ASSURE YOU THAT. [LB977 LB1106]

SENATOR KRIST: ONE MINUTE. [LB977]

SENATOR CHAMBERS: AND I'M NOT SAYING THAT SO HE WILL LEAVE THE LEGISLATURE BECAUSE I NEED SENATOR SEILER FOR RIGHT NOW. AND SENATOR SMITH'S BILL HAS BEEN RELEASED THANKS TO SENATOR SEILER. SO YOU MAY HAVE SOME OTHER THINGS YOU WANT TO DO, BUT I WITHDRAW THAT MOTION OR AMENDMENT THAT I HAVE PENDING NOW. THANK YOU, MR. PRESIDENT. [LB977]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR LARSON FOR A MOTION. [LB977]

SENATOR LARSON: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB977 TO E&R FOR ENGROSSING. [LB977]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. MR. CLERK. [LB977]

ASSISTANT CLERK: MR. PRESIDENT, ON LB977A, I HAVE NO E&R AMENDMENTS. [LB977A]

SENATOR KRIST: SENATOR LARSON FOR A MOTION. [LB977A]

SENATOR LARSON: MR. PRESIDENT, I MOVE LB977A TO E&R FOR ENGROSSING. [LB977A]

SENATOR KRIST: YOU HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. MR. CLERK. [LB977A]

ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB1105, THERE ARE E&R AMENDMENTS. (ER184, LEGISLATIVE JOURNAL PAGE 970.) [LB1105]

SENATOR KRIST: SENATOR LARSON FOR A MOTION. [LB1105]

Floor Debate
March 22, 2016

SENATOR LARSON: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB1105. [LB1105]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB1105]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT AMENDMENT FROM SENATOR LARSON IS AM1927, BUT I HAVE A NOTE THAT HE WISHES TO WITHDRAW THAT ONE. [LB1105]

SENATOR LARSON: (MICROPHONE MALFUNCTION)...AM2634. [LB1105]

ASSISTANT CLERK: SENATOR LARSON WOULD OFFER AM2634. (LEGISLATIVE JOURNAL PAGE 1132.) [LB1105]

SENATOR KRIST: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN. [LB1105]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AM2634 IS A TECHNICAL AMENDMENT THAT WAS BROUGHT TO OUR ATTENTION THIS MORNING...OR LAST WEEK BY THE NEBRASKA LIQUOR CONTROL COMMISSION. LB1105 CREATES A SPECIAL LIQUOR LICENSE THAT IS INTENDED FOR SMALL BOUTIQUES THAT DON'T NORMALLY SELL ALCOHOL BUT MIGHT WANT TO SELL PRODUCTS SUCH AS BOTTLES OF NEBRASKA WINE OR CANS OF NEBRASKA CRAFT BEER AS PART OF A GIFT BASKET OR SOME OTHER TOURIST-TYPE ITEM. THE LICENSE WAS DESIGNATED AS A CLASS G LIQUOR LICENSE. WE LEARNED LAST WEEK THAT THE COMMISSION IS ALREADY USING CLASS G AS AN INTERNAL DESIGNATION FOR GROWLERS, AND THEREFORE THIS AMENDMENT SIMPLY CHANGES THE DESIGNATION TO A CLASS J IN ORDER TO AVOID ANY CONFUSION. THANK YOU, MR. PRESIDENT. [LB1105]

SENATOR KRIST: THANK YOU, SENATOR LARSON. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB1105]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. SENATOR LARSON, WOULD YOU YIELD FOR A FEW QUESTIONS? [LB1105]

SENATOR KRIST: SENATOR LARSON, WILL YOU YIELD? [LB1105]

Floor Debate
March 22, 2016

SENATOR LARSON: YES. [LB1105]

SENATOR McCOLLISTER: WE HAD A DISCUSSION OVER THE LAST COUPLE OF DAYS ABOUT THE ZIP TOPS ON SOME OF THE CANS. IS THAT CORRECT? [LB1105]

SENATOR LARSON: YES, SENATOR McCOLLISTER. [LB1105]

SENATOR McCOLLISTER: YOU'RE AWARE THAT IN 1981 THE ZIP TOP THAT WOULD COME OFF OF THE CAN AND WOULD OFTEN POLLUTE THE TRAILWAYS AND WOULD POLLUTE LAKES WAS OUTLAWED. IS THAT CORRECT? [LB1105]

SENATOR LARSON: YES. THE LEGISLATIVE RESEARCH SHOWS THAT IN 1981 THEY DID THAT. I WASN'T AROUND AT THAT TIME, BUT I'M AWARE OF THAT. [LB1105]

SENATOR McCOLLISTER: (LAUGH) LB1105 TAKES THAT PROVISION OUT OF THE LAW AND WE NOW HAVE A PROVISION THAT WILL ALLOW REMOVING THE ENTIRE TOP OF A CAN. IS THAT CORRECT? [LB1105]

SENATOR LARSON: YEAH. STUDYING THAT ISSUE AND WHAT IT WAS FOCUSED ON IN 1981, IT FOCUSED PLAINLY ON CANS OF ALCOHOL, BEER CANS, AND POP CANS. BUT AS TECHNOLOGY HAS ADVANCED, NOW WE SEE IT ON ALMOST ALL TYPES OF CANS THAT YOU GO TO THE GROCERY STORE, WHETHER THAT'S YOUR CAN OF CREAMED CORN OR CHEF BOYARDEE. SO WE'RE, ESSENTIALLY IN THE STATE, WE'RE ALLOWING IT ON SOME CANS BUT NOT ON OTHERS, AND WE JUST KIND OF FELT THAT WE UNDERSTOOD WHAT THE LEGISLATURE WAS TRYING TO DO IN 1981, BUT THOSE CONCERNS JUST AREN'T NECESSARILY AS RAMPANT AS THEY WERE AND THAT THIS IS A...THAT THIS SHOULD BE ALLOWED FOR ALL TYPES OF PRODUCTS. [LB1105]

SENATOR McCOLLISTER: WELL, I WANT TO THANK YOU FOR YOUR ANSWERS. THIS PARTICULAR ISSUE IS BROUGHT TO ME BY A GROUP IN MY DISTRICT AND THEY WERE CONCERNED ABOUT THE ZIP TABS AND FELT THAT THAT COULD BE AN ENVIRONMENTAL HAZARD. BUT YOU HAVE SUFFICIENTLY SATISFIED THEM AND ME, AND I'M GRATEFUL FOR IT. THANK YOU VERY MUCH, SENATOR LARSON. I YIELD THE BALANCE OF MY TIME, MR. PRESIDENT. [LB1105]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER AND SENATOR LARSON. (VISITORS INTRODUCED.) SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1105]

Floor Debate
March 22, 2016

SENATOR BLOOMFIELD: HELLO. THANK YOU, MR. PRESIDENT. I WANTED SENATOR McCOLLISTER TO BE AWARE THAT THOSE POP TOPS OR PULL TOPS, WHATEVER YOU CHOOSE TO CALL THEM, IN TOUGH CIRCUMSTANCES WILL MAKE A DECENT RIBBON OR BOW FOR A CHRISTMAS TREE AS WELL. WE UTILIZED THEM HEAVILY IN VIETNAM. WOULD SENATOR McCOLLISTER YIELD TO A QUESTION? [LB1105]

SENATOR KRIST: SENATOR McCOLLISTER, WILL YOU YIELD? [LB1105]

SENATOR McCOLLISTER: YES, SIR. AND THAT'S A GOOD UTILIZATION FOR THOSE POP TOPS, BUT YOU COULD VERY WELL USE SOMETHING LIKE THAT FOR A RAZOR ON TOP OF YOUR LIP, SHAVE THAT MUSTACHE. [LB1105]

SENATOR KRIST: THANK YOU, GENTLEMEN. [LAUGHTER] [LB1105]

SENATOR BLOOMFIELD: I DON'T RECALL THAT WE EVER ATTEMPTED TO USE ONE FOR THAT PURPOSE, BUT I GUESS WHAT GROWS ON MY LIP WOULD BE MORE MY CONCERN. [LB1105]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD. [LB1105]

SENATOR BLOOMFIELD: BUT THANK YOU FOR THE SUGGESTION. [LB1105]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD AND SENATOR McCOLLISTER. SENATOR LARSON, SEEING NO ONE ELSE IN THE QUEUE, YOU'RE RECOGNIZED TO CLOSE. SENATOR LARSON WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2634. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB1105]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT, MR. PRESIDENT. [LB1105]

SENATOR KRIST: THE AMENDMENT IS ADOPTED. [LB1105]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER ON THE BILL. [LB1105]

Floor Debate
March 22, 2016

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB1105]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1105 TO E&R FOR ENGROSSING. [LB1105]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. NEXT ITEM. [LB1105]

ASSISTANT CLERK: MR. PRESIDENT, LB1105A, THERE ARE E&R AMENDMENTS. (ER198, LEGISLATIVE JOURNAL PAGE 1111.) [LB1105A]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB1105A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS ON LB1105A. [LB1105A]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB1105A]

ASSISTANT CLERK: NOTHING FURTHER ON THE BILL. [LB1105A]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB1105A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1105A TO E&R FOR ENGROSSING. [LB1105A]

SENATOR KRIST: YOU HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. NEXT ITEM. [LB1105A]

ASSISTANT CLERK: MR. PRESIDENT, NEXT BILL IS LB938, WHICH IS INTRODUCED BY SENATOR SMITH. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 13 OF THIS YEAR, REFERRED TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2356, LEGISLATIVE JOURNAL PAGE 836.) [LB938]

Floor Debate
March 22, 2016

SENATOR KRIST: I SHOULD HAVE NOTED, WE ARE NOW ON GENERAL FILE IN THE MELLO DIVISION. SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB938]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. LB938, A TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE PRIORITY BILL, PROPOSES THE ADOPTION OF THE 911 SERVICE SYSTEM ACT. THE BILL WAS ORIGINALLY HEARD IN COMMITTEE ON FEBRUARY 1. HOWEVER, AFTER QUESTIONS REGARDING THE FUNCTIONING OF THE WIRELESS 911 LOCATION CAPABILITIES WERE RAISED FOLLOWING THE INCIDENT IN DOUGLAS COUNTY ON FEBRUARY 12, THE COMMITTEE HELD A SECOND PUBLIC HEARING ON THE BILL ON FEBRUARY 29. LB938 WOULD PROPOSE THE ADOPTION OF THE 911 SERVICE SYSTEM ACT AND WOULD DESIGNATE THE NEBRASKA PUBLIC SERVICE COMMISSION AS THE STATEWIDE COORDINATOR FOR 911 SERVICE IN THE STATE. THE LEGISLATION IS THE NEXT STEP IN THE CONSIDERATION BY THE LEGISLATURE OF THE SUBJECT OF NEXT GENERATION 911 SERVICE CAPABILITY. SO WHAT IS NEXT GENERATION 911? IT IS THE ABILITY OF A 911 EMERGENCY CALL CENTER, ALSO KNOWN AS A PUBLIC SAFETY ANSWERING POINT, OR PSAP, TO RECEIVE 911 CALLS FOR EMERGENCY ASSISTANCE BY VOICE, TEXT, OR VIDEO UTILIZING, IN WHOLE OR IN PART, INTERNET PROTOCOL. THE PROVISION OF 911 HAS TRADITIONALLY BEEN A LOCALLY BASED SERVICE. IT IS NOT THE INTENT OF THIS LEGISLATION TO SUPPLANT LOCAL GOVERNMENTS AS THE PROVIDER OF PUBLIC SAFETY ANSWERING POINT SERVICES, OR AS THE PROVIDER OF EMERGENCY SERVICES DISPATCH SERVICES, BUT INSTEAD TO, AT THE STATE LEVEL, PROVIDE COORDINATION, MANAGEMENT, AND MAINTENANCE ASSISTANCE, ALONG WITH STATE-FUNDING ASSISTANCE FOR A STATEWIDE 911 SERVICE SYSTEM, WHICH INCLUDES THE IMPLEMENTATION OF STATEWIDE NEXT GENERATION 911 SERVICE CAPABILITY. I WANT TO STATE UP-FRONT AND FOR THE RECORD, THE INTENT OF THIS LEGISLATION IS THAT COST INCURRED FOR THE IMPLEMENTATION AND DEVELOPMENT OF THIS ACT, AT THE STATE LEVEL, BE FUNDING...BE FUNDED SOLELY FROM THE EXISTING SURCHARGES THAT THE LEGISLATURE HAS APPROVED FOR 911 SERVICE. THIS ACT WILL NOT, AND IN THE FUTURE SHOULD NOT, UTILIZE SUPPORT FROM THE GENERAL FUND. 911 SERVICE IS A LOCAL FUNCTION, BUT THERE IS A LONG HISTORY OF STATE ACTION AND INVOLVEMENT. AND LET ME PROVIDE JUST A BRIEF HISTORY OF 911 LEADING UP TO LB938. IN 1990, THE INITIAL WIRE LINE 911 SURCHARGE WAS ADOPTED. AUTHORITY WAS GIVEN TO CITIES AND COUNTIES AND THEY WERE ALLOWED TO IMPOSE A SURCHARGE UP TO \$1 PER LINE PER MONTH, 50 CENTS IN DOUGLAS COUNTY. IN 2001, LB585 WAS PASSED; IT ESTABLISHED THE WIRELESS E-911 SURCHARGE. IT WAS ADMINISTERED BY THE PSC TO ASSIST LOCAL

Floor Debate
March 22, 2016

GOVERNMENT AND CARRIERS TO DEFRAY THE COST OF IMPLEMENTING ENHANCED WIRELESS, THE LOCATION DETERMINATION, SERVICE. THE PSC WAS PERMITTED TO ASSESS UP TO 70 CENTS PER LINE PER MONTH; AGAIN, 50 CENTS IN DOUGLAS COUNTY. IN 2013, LB595 AUTHORIZED THE PUBLIC SERVICE COMMISSION TO USE MONEY FROM THE ENHANCED WIRELESS 911 FUND TO UNDERTAKE A STUDY OF THE IMPLICATIONS AND COST OF NEXT GENERATION 911 SERVICE. THAT STUDY WAS COMPLETED IN 2014 AND PRESENTED TO THE LEGISLATURE IN 2014. THE STUDY RESULTED IN THE INTRODUCTION OF LB652, LAST SESSION, BY THE MEMBERS OF THIS COMMITTEE. LB652 WAS DRAFTED BY THE PSC'S WIRELESS E-911 ADVISORY BOARD AND ATTEMPTED TO TAKE THE FINDINGS OF THE STUDY AND PROVIDE TO THE LEGISLATURE A COMPLETE AND FULL PROPOSAL FOR THE IMPLEMENTATION OF NEXT GENERATION 911 SERVICE IN THE STATE. AT THE PUBLIC HEARING BEFORE THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE LAST YEAR, NO ONE, INCLUDING THE E-911 ADVISORY BOARD, TESTIFIED IN SUPPORT OF LB652. AT THE CONCLUSION OF LAST SESSION, LARRY DIX OF NACO OFFERED ASSISTANCE OF THE NEBRASKA COUNTY OFFICIALS ASSOCIATION, NACO, TO CONTINUE DISCUSSIONS OF NEXT GENERATION 911 SERVICE AND LB652. LAST FALL, NACO HOSTED A NUMBER OF MEETINGS WITH THE IDEA OF FINDING A CONSENSUS PATH TO CONTINUE THE DISCUSSION OF NEXT GENERATION 911 AND LEGISLATION THAT COULD SECURE BROAD SUPPORT OF ALL INTERESTED PARTIES. AT THOSE MEETINGS, THOSE MEETINGS INCLUDED THE ADMINISTRATION AND THE OFFICE OF CIO, NACO, PSAPs, PSC, WIRELESS AND LANDLINE INDUSTRIES. LB938, WITH THE TRANSPORTATION AND COMMUNICATIONS COMMITTEE AMENDMENT, IS A PRODUCT OF THOSE MEETINGS AND DISCUSSIONS. THIS BILL WOULD PROPOSE TO STEP BACK FROM THE MORE AGGRESSIVE APPROACH THAT LB652 PROPOSED LAST YEAR AND IT WOULD DO THE FOLLOWING. FIRST, IT ESTABLISHES THE PUBLIC SERVICE COMMISSION STATEWIDE IMPLEMENTATION AND COORDINATION AUTHORITY TO PLAN, IMPLEMENT, COORDINATE, MANAGE, MAINTAIN, AND PROVIDE STATE FUNDING ASSISTANCE FOR A STATEWIDE 911 SERVICE SYSTEM, INCLUDING THE IMPLEMENTATION OF NEXT GENERATION 911 SERVICE CAPABILITY. SECONDLY, IT DIRECTS THE PSC TO APPOINT A STATE 911 DIRECTOR TO OVERSEE A DEPARTMENT WITHIN THE PSC THAT WILL MANAGE THE STATE 911 SYSTEM. THE DIRECTOR WILL RETAIN APPROPRIATE AND NECESSARY STAFF AND SHALL ADDITIONALLY ESTABLISH ADVISORY COMMITTEES TO AID IN THE DEVELOPMENT OF THE STATE 911 PLAN. AND, IT DIRECTS THE NEBRASKA PUBLIC SERVICE COMMISSION TO DEVELOP A PLAN FOR THE IMPLEMENTATION OF A STATE 911 SYSTEM. SUCH PLAN MAY NOT BE IMPLEMENTED UNTIL, ON OR AFTER, JULY 1 OF 2018. THE PLAN DEVELOPED SHALL BE DELIVERED TO THE APPROPRIATIONS AND TRANSPORTATION AND

Floor Debate
March 22, 2016

TELECOMMUNICATIONS COMMITTEES OF THE LEGISLATURE NO LATER THAN DECEMBER 1 OF 2017, AN INTERIM REPORT ON THE DEVELOPMENT OF THE IMPLEMENTATION PLAN SHALL BE PROVIDED TO BOTH COMMITTEES BY FEBRUARY 1 OF 2017. THE PSC SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE PROPOSAL 30 DAYS PRIOR TO THE FINAL ADOPTION. THE TIMING OF THE IMPLEMENTATION ENSURES INVOLVEMENT OF THIS LEGISLATURE IN ACCEPTING THE PLAN. THE PLAN, ONCE ADOPTED, SHALL INCLUDE THE FOLLOWING: A START-UP AND ONGOING COST OF STATEWIDE 911 SYSTEM; RECOMMENDATIONS TO THE LEGISLATURE FOR COST RECOVERY; A DISCUSSION OF HOW THE STATE 911 COORDINATION ROLE WILL BE IMPLEMENTED; A RECOMMENDATION OF THE NUMBER OF PUBLIC SAFETY ANSWERING POINTS, PSAPs, THAT SHOULD BE MAINTAINED IN THE STATE THAT ARE NEXT GENERATION 911 CAPABLE AND WOULD BE SUPPORTED BY STATE-PROVIDED FUNDING; AND A RECOMMENDATION FOR ALL ADDITIONAL LEGISLATION THAT WILL BE REQUIRED TO IMPLEMENT AND ADMINISTER THE STATEWIDE 911 SERVICE. THE BILL CREATES THE 911 SERVICE SYSTEM FUND. THE FUND WILL BE USED TO PAY THE EXPENSES OF ADMINSTRATING THE ACT. THE FUND WILL CONSIST OF TRANSFERS FROM THE ENHANCED WIRELESS 911 FUND, ANY FEDERAL FUNDING RECEIVED, AND ANY OTHER FUNDING CREDITED TO THE FUND. AGAIN, I WANT TO EMPHASIZE IT IS THE INTENT OF THE COMMITTEE THAT THIS LEGISLATION WILL NOT EVER BE FUNDED FROM THE GENERAL FUND. THE STATE ROLE IN 911 HAS ALWAYS BEEN FUNDED BY THE SURCHARGE AUTHORITY WE HAVE DELEGATED TO LOCAL GOVERNMENT AND THE WIRELESS SURCHARGE AUTHORITY WE HAVE DELEGATED TO THE NEBRASKA PUBLIC SERVICE COMMISSION. THIS NEW SYSTEM AND THE PLAN WILL BE DEVELOPED PURSUANT TO THIS LEGISLATION...AND THE PLAN TO BE DEVELOPED PURSUANT TO THIS LEGISLATION NEED TO BE FUNDED AND OPERATED FROM THIS REVENUE STREAM. THAT CONCLUDES MY OPENING ON THE BILL. AND THERE IS AN AMENDMENT, AM2356, A STANDING COMMITTEE AMENDMENT, AND THE AMENDMENT SUBSTITUTES FOR THE BILL. THE AMENDMENT RECEIVED SEVERAL DEFINITIONS THAT ARE USED IN THE 911 SERVICE SYSTEM ACT. THE AMENDMENT REVISES THE ROLE OF THE PUBLIC SERVICE COMMISSION IN THE OVERSIGHT OF THE 911 DEPARTMENT, CLARIFYING THE COMMISSION'S AUTHORITY TO MAKE FINAL DECISIONS ON ACTIONS UNDERTAKEN BY THE DIRECTOR OF THE 911 DEPARTMENT. AS INTRODUCED, LB938... [LB938 LB652]

SENATOR KRIST: ONE MINUTE. [LB938]

SENATOR SMITH: ONE MINUTE?...REQUIRED THE COMMISSION TO HOLD A HEARING 30 DAYS PRIOR TO THE ADOPTION OF THE FINAL PLAN THAT IS TO BE

Floor Debate
March 22, 2016

SUBMITTED TO THE LEGISLATURE. THE AMENDMENT ADDS THE REQUIREMENT FOR ANOTHER HEARING 90 DAYS PRIOR TO ADOPTION OF THE PLAN. A SUNSET OF JUNE 30, 2018, IS ADDED TO THE BILL AS WELL. AGAIN, THE INTENT HERE IS THAT ONCE THE PUBLIC SERVICE COMMISSION DEVELOPS A FINAL PLAN FOR IMPLEMENTATION AND PRESENTS IT TO THE LEGISLATURE IN DECEMBER OF 2017, WE WILL HAVE THE 2018 SESSION TO REVIEW THE PLAN, REVIEW THE FUNDING REQUIREMENTS OF THAT PLAN, AND CONSIDER ANY FURTHER LEGISLATION THAT IS NECESSARY TO IMPLEMENT THE NEXT GENERATION 911 SERVICE. BY ADDING THE SUNSET, IT WILL REQUIRE THE LEGISLATURE TO ACT IN 2018. THAT CONCLUDES MY LENGTHY OPENING. MY APOLOGIZES FOR THAT. THANK YOU, MR. PRESIDENT. [LB938]

SENATOR KRIST: THANK YOU, SENATOR SMITH. JUST TO CLARIFY, THAT WAS YOUR OPENING ON BOTH LB938 AND AM2356. IS THAT CORRECT? [LB938]

SENATOR SMITH: CORRECT. [LB938]

SENATOR KRIST: THANK YOU, SENATOR SMITH. YOU'VE HEARD THE OPENING. SENATOR HADLEY, YOU'RE RECOGNIZED. [LB938]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I JUST WANTED TO CONGRATULATE THE BODY. AFTER MUCH RESEARCH, WE HAVE DISCOVERED THAT WE SET A RECORD IN TIME IN WHAT IT TOOK TO MOVE 17 SELECT BILLS. THANK YOU.

SENATOR KRIST: THANK YOU, SENATOR HADLEY. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR SMITH, YOU ARE RECOGNIZED TO CLOSE. SENATOR SMITH WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADOPTION OF AM2356. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB938]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB938]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. MR. CLERK. [LB938]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR SMITH, YOU HAD PREVIOUSLY HAD AM2301, BUT I HAVE A NOTE TO WITHDRAW THAT. [LB938]

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

Floor Debate
March 22, 2016

SENATOR SMITH: THAT IS CORRECT. [LB938]

SENATOR KRIST: WITHDRAWN. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR SMITH WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADVANCEMENT OF LB938 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB938]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB938]

SENATOR KRIST: LB938 ADVANCES. NEXT ITEM. [LB938]

ASSISTANT CLERK: MR. PRESIDENT, LB938A INTRODUCED BY SENATOR SMITH. (READ TITLE.) [LB938A]

SENATOR KRIST: SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON LB938A. [LB938A]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND THIS IS JUST THE TRAILING A BILL TO LB938. [LB938A LB938]

SENATOR KRIST: YOU HEARD THE OPENING ON LB938A. SEEING NO ONE WISHING TO SPEAK, SENATOR SMITH WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB938A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB938A]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB938A]

SENATOR KRIST: LB938A ADVANCES. NEXT ITEM. [LB938A]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB774, WHICH IS INTRODUCED BY SENATOR SCHEER. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 7 OF THIS YEAR; REFERRED TO THE REVENUE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2422, LEGISLATIVE JOURNAL PAGE 893.) [LB774]

Floor Debate
March 22, 2016

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB774]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. CAUGHT ME BY SURPRISE THERE. I WASN'T EXPECTING SUCH RAPID MOVEMENT THAT WE WOULD GET HERE AT THIS POINT IN TIME. LB774 PROVIDES THE SALES AND USE TAX EXEMPTION FOR PURCHASES OF NONPROFIT SUBSTANCE ABUSE TREATMENT CENTERS. FROM MY EXPERIENCE AND IN THE REVIEW OF THE STATUTES, THE OVERALL TAX POLICY OF NEBRASKA IS NEVER INTENDED TO TAX NONPROFIT HEALTHCARE PROVIDERS. THAT POLICY IS PRIMARILY SET OUT IN SECTION 77-2704.12 AND THAT IS THE ONLY SECTION OF THE BILL THAT THIS IS SEEKING TO AMEND. IN 2012, SENATOR PETE PIRSCH INTRODUCED AND PASSED LB1097. THAT BILL FROM 2012 ADDED MENTAL HEALTH CENTERS TO THE LIST OF NONPROFIT HEALTHCARE PROVIDERS THAT ARE EXEMPTED FROM SALES AND USE TAX UNDER SECTION 77-2704.12. THE INTENT OF THOSE THAT WERE ADVOCATING OF LB1097 WAS THAT THE SUBSTANCE ABUSE TREATMENT CENTERS WOULD BE CONSIDERED UNDER THE MENTAL HEALTH CENTER UMBRELLA. DEPARTMENT OF REVENUE IS NOT TREATING THESE SUBSTANCE ABUSE CENTERS THE SAME, AND I THINK CORRECTLY SO, TO BE QUITE HONEST. BECAUSE OF THIS, THE CENTERS ARE STILL BEING TAXED ON THE PURCHASES THEY MADE. THE NEBRASKA ASSOCIATION OF BEHAVIORAL HEALTH ORGANIZATIONS BROUGHT IT TO MY ATTENTION THAT THESE NONPROFIT SUBSTANCE ABUSE TREATMENT CENTERS ARE STILL BEING TAXED ON PURCHASES BEING MADE TO KEEP THOSE ORGANIZATIONS RUNNING. THE SUBSTANCE ABUSE TREATMENT CENTERS PROVIDE ESSENTIAL SERVICES TO OUR NEBRASKA COMMUNITIES AND ALREADY FINANCIALLY BURDENED AS NONPROFITS. AGAIN, I'M INTRODUCING THIS AS A TECHNICAL CLEANUP TO BELIEVE THE INTENT OF THE LEGISLATURE HAS ALWAYS BEEN AND CONTINUES TO BE, ESPECIALLY WHAT I BELIEVE THE INTENT OF LB1097 FROM 2012. I WOULD SAY THAT, GOING BACK TO SENATOR PIRSCH'S BILL, I BELIEVE HE TRULY BELIEVED THAT HE THOUGHT HE WAS GETTING BOTH OF THOSE. AND MY COMMENT ON THE DEPARTMENT OF REVENUE, IT CLEARLY STATES THAT BOTH...THAT MENTAL HEALTH FACILITIES AND SUBSTANCE ABUSE FACILITIES ARE UNDER DIFFERENT NUMBERING FOR THE REVENUE DEPARTMENT. AND SO THEREFORE, THEY DID NOT BELIEVE THEY SHOULD BOTH BE UNDER THE SAME UMBRELLA, AND I CAN'T ARGUE WITH THAT RATIONALE. SO THAT IS WHY WE'RE BRINGING IT TODAY. LB774 WAS ADVANCED OUT OF THE REVENUE COMMITTEE 8-0. AND I ASK FOR YOUR GREEN VOTE ON THIS BILL, AS WELL AS THE COMING COMMITTEE AMENDMENT, AM2422, WHICH COVERS AND AMENDS BILLS FROM...OTHER BILLS OF THIS SESSION. I'D LIKE TO POINT OUT THAT NONE OF

Floor Debate
March 22, 2016

THE BILLS IN AM2422 HAD ANY OPPOSING TESTIMONY DURING THEIR HEARINGS. WITH THAT, I WOULD URGE YOUR SUPPORT. JUST FOR THOSE THAT ARE WONDERING, THIS IS THE OMNIBUS BILL. I AM THE DRIVER, MY BILL IS, THE REVENUE BILL. THERE ARE SEVERAL BILLS THAT WILL BE ATTACHED TO THIS: LB510 BY SENATOR COOK; LB542 BY SENATOR HARR; LB888 BY SENATOR MELLO; LB1015 BY SENATOR HARR; LB1047 BY SENATOR HARR, AND LB1088 BY SENATOR DAVIS. I WOULD URGE YOUR SUPPORT OF THOSE BILLS AND THE UNDERLYING BILL ITSELF, AND THANK THE COMMITTEE FOR CHOOSING MY BILL AS THE ENGINE. THANK YOU, MR. PRESIDENT. [LB774 LB510 LB542 LB888 LB1015 LB1047 LB1088]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. AS THE CLERK STATED, THERE'S AN AMENDMENT FROM THE REVENUE COMMITTEE. SENATOR GLOOR, AS THE CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON YOUR COMMITTEE AMENDMENTS. [LB774]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. SENATOR SCHEER HAS DONE A NICE JOB, NOT ONLY IN PRESENTING LB774 BUT DESCRIBING THE FACT THAT THIS IS THE REVENUE COMMITTEE'S OMNIBUS BILL, AND, SENATOR SCHEER, INDEED, IS THE DRIVER OF THIS BUS. I WILL GIVE JUST A VERY BRIEF OVERVIEW AND THEN WE HAVE INDIVIDUAL INTRODUCERS OF THE BILLS THAT ARE ON THE BUS WHO MAY WISH TO MAKE SOME COMMENTS ABOUT THOSE INDIVIDUAL BILLS. I WILL TELL YOU THIS. IF YOU WERE LISTENING TO SENATOR SCHEER'S PRESENTATION WHICH WAS VERY CLEAR AND SUCCINCT, HIS WAS...IS VERY A STRAIGHTFORWARD BILL THAT, I BELIEVE, IS IMPORTANT, BUT NOT EARTHSHAKING. AND WE, IN FACT, REQUIRED FOR MEMBERSHIP ON THE BUS THAT ALL OF THE BILLS WE GATHERED FIT INTO THAT CATEGORY. LB510, IN ADDITION TO LB774, SENATOR SCHEER'S, WAS INTRODUCED LAST YEAR BY SENATOR COOK AND PROVIDES A NONREFUNDABLE CREDIT TO EMPLOYERS OF ANY ELIGIBLE EMPLOYEE WHO IS A PARENT OR RESPONSIBLE RELATIVE, A MEMBER OF A FAMILY THAT'S RECEIVED BENEFITS UNDER TANF FOR ANY 9 MONTHS OF THE 18 MONTHS PRIOR TO THE EMPLOYEE'S HIRING DATE; CREDIT WAS FOR NOT MORE THAN TWO YEARS, EQUAL TO 20 PERCENT OF EXPENDITURES FOR SPECIFIC SERVICES PROVIDED TO ELIGIBLE EMPLOYEES. AND THOSE SPECIFIC SERVICES ARE PAYMENT OF TUITION TO A NEBRASKA PUBLIC INSTITUTION OF POSTSECONDARY EDUCATION, PAYING COSTS ASSOCIATED WITH A HIGH SCHOOL EQUIVALENCY PROGRAM, OR TRANSPORTING ELIGIBLE EMPLOYEES TO AND FROM WORKS OF HIGH SCHOOL. LB542, INTRODUCED BY SENATOR HARR, IS ALSO A CARRYOVER BILL FROM 2015 AND CREATES A SALES TAX EXEMPTION FOR COUNTY AGRICULTURAL

Floor Debate
March 22, 2016

SOCIETIES, SIMILAR TO YOUR COUNTY FAIR BOARDS. LB888, INTRODUCED BY SENATOR MELLO, CLARIFIES THE INSURANCE COMPANIES MAY UTILIZE CREDITS UNDER THE NEBRASKA JOB CREATION AND MAIN STREET REVITALIZATION ACT. LB1015, ALSO INTRODUCED BY SENATOR HARR, CREATES A SALES TAX EXEMPTION FOR MUSEUMS THAT RENT OR LEASE PROPERTY AS DEFINED IN SECTION 51-702. LB1047 IS ALSO SENATOR HARR'S AND CREATES AN ADDITIONAL QUALIFIED PROCESSING ACTIVITY UNDER THE SALES TAX EXEMPTION FOR ENERGY USED IN MANUFACTURING AND PROCESSING FOR THE DRYING AND AERATING OF GRAIN IN COMMERCIAL AGRICULTURAL FACILITIES. AND FINALLY, LB1088, INTRODUCED BY SENATOR DAVIS, CREATES A SALES TAX EXEMPTION FOR A CENTER FOR INDEPENDENT LIVING AS DEFINED IN 29 U.S.C. 796a. THE TOTAL IMPACT FOR '16-17, THE TOTAL FISCAL IMPACT FOR ALL SEVEN OF THOSE BILLS IS \$1.5 MILLION. SO WE AGAIN, FROM A FINANCIAL STANDPOINT, WERE VERY CAREFUL ON WHO WE LET ON THE BUS. AND THAT IS THE OPENING ON THE REVENUE COMMITTEE BILL, AM2422. THANK YOU, MR. PRESIDENT. [LB774 LB510 LB542 LB888 LB1015 LB1047 LB1088]

SENATOR KRIST: THANK YOU, SENATOR GLOOR. MR. CLERK. [LB774]

ASSISTANT CLERK: MR. PRESIDENT, I DO HAVE AN AMENDMENT TO THE COMMITTEE AMENDMENT FROM SENATOR STINNER, AM2648. (LEGISLATIVE JOURNAL PAGE 1096.) [LB774]

SENATOR KRIST: SENATOR STINNER, YOU'RE RECOGNIZED. [LB774]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I'D LIKE TO THANK CHAIRMAN GLOOR FOR ALLOWING ME TO ATTACH AM2648 TO LB774 AS AMENDED BY THE COMMITTEE AMENDMENT. THIS LEGISLATION IS CRITICAL TO THE COUNTY AIRPORT IN MY DISTRICT SO IT COULD REFINANCE ITS CURRENT OUTSTANDING BOND ISSUE, SAVING THE DISTRICT APPROXIMATELY \$235,000. THE SCOTTS BLUFF COUNTY AIRPORT AUTHORITY BROUGHT THIS LEGISLATION TO ME IN HOPES OF PROVIDING BELT AND SUSPENDERS LANGUAGE TO EXISTING LAW. NEBRASKA REVISED STATUTE 77-3442 PROVIDES THAT BONDED INDEBTEDNESS APPROVED BY LAW BY A COUNTY AIRPORT AUTHORITY IS NOT INCLUDED IN THE LEVY LIMITS. THE AUTHORITY TO ISSUE BONDS BY A PUBLIC AIRPORT AUTHORITY WAS GRANTED IN 1969 AND IS CONTAINED IN NEBRASKA REVISED STATUTE 3-617. HOWEVER, THE STATUTE APPLICABLE TO A COUNTY AIRPORT AUTHORITY'S POWERS, NEBRASKA REVISED STATUTE 3-613, DOES NOT CONTAIN THE LANGUAGE

Floor Debate
March 22, 2016

REGARDING BONDING EXEMPTIONS TO LEVY LIMITATIONS. AS A RESULT, BOND COUNSEL BELIEVES AN AMBIGUITY EXISTS BETWEEN THE TWO STATUTES CREATING A PROBLEM IN REFINANCING BONDS FOR COUNTY AIRPORT AUTHORITIES. THE AIRPORT AUTHORITY HAS PROVIDED BOND COUNSEL WITH TWO LETTERS FROM THE STATE AUDITOR'S OFFICE, ONE DATED OCTOBER 21, 2015, AND ONE DATED FEBRUARY 6, 2001, STATING THAT BONDED INDEBTEDNESS APPROVED ACCORDING TO LAW AND SECURED BY A LEVY ON PROPERTY IS NOT INCLUDED IN THE LEVY LIMITS. OBVIOUSLY, BOND COUNSEL STILL MAINTAINS AN AMENDMENT IS NECESSARY. AM2648 REPRESENTS THE MINIMUM CHANGE NECESSARY FOR BOND COUNSEL APPROVAL AS TO THE COUNTY AIRPORT AUTHORITY BEING EXEMPT FROM LEVY LIMITATIONS WHEN IT DECIDES TO REISSUE BONDS. THIS AMENDMENT IS LB1014, WHICH ADVANCED UNANIMOUSLY FROM THE REVENUE COMMITTEE WITH NO ONE TESTIFYING AGAINST THE BILL. THANK YOU, AND I WOULD ASK YOU FOR YOUR SUPPORT TO ADVANCE THIS CRITICAL LEGISLATION. THANK YOU. [LB774 LB1014]

SENATOR KRIST: THANK YOU, SENATOR STINNER. YOU HAVE HEARD THE OPENING ON AM2648, THE AMENDMENT FROM THE REVENUE COMMITTEE, AM2422, AND LB774. THOSE WISHING TO SPEAK: SENATOR DAVIS, SCHNOOR, GLOOR, AND FRIESEN. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB774]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I'D LIKE TO JUST TALK A LITTLE BIT ABOUT MY PART OF THE BILL, WHICH IS LB1088. IT WAS INTRODUCED ON BEHALF OF THREE INDEPENDENT LIVING CENTERS IN NEBRASKA: THE LEAGUE OF HUMAN DIGNITY HEADQUARTERS IN LINCOLN, INDEPENDENT RISING HEADQUARTERED IN GRAND ISLAND, AND THE PANHANDLE INDEPENDENT LIVING SERVICES IN SCOTTSBLUFF. INDEPENDENT LIVING CENTERS ARE AUTHORIZED UNDER FEDERAL LAW AND ARE AGENCIES WHOSE PURPOSE IS TO PROVIDE SERVICES THAT ALLOW PERSONS WITH DISABILITIES TO REMOVE BARRIERS TO THEIR HOME SO THAT THEY MAY CONTINUE TO LIVE IN THEM. THE DEFINITION OF CENTER FOR INDEPENDENT LIVING MEANS A CONSUMER-CONTROLLED, COMMUNITY-BASED, CROSS-DISABILITY, NONRESIDENTIAL PRIVATE NONPROFIT AGENCY FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES REGARDLESS OF AGE OR INCOME THAT IS DESIGNED AND OPERATED WITHIN A LOCAL COMMUNITY BY INDIVIDUALS WITH DISABILITIES AND PROVIDES AN ARRAY OF INDEPENDENT LIVING SERVICES, INCLUDING, AT A MINIMUM, INDEPENDENT LIVING CORE SERVICES. BY CORE SERVICES, THE LAW MEANS INFORMATION AND REFERRAL SERVICES; INDEPENDENT LIVING SKILLS; TRAINING; PEER COUNSELING, INCLUDING CROSS-DISABILITY PEER COUNSELING; AND INDIVIDUAL AND SYSTEMS ADVOCACY. IT IS IMPORTANT TO

Floor Debate
March 22, 2016

REMEMBER THAT INDEPENDENT LIVING SERVICES DOES NOT MEAN AN INDEPENDENT LIVING FACILITY, AND THAT IS WHY THE FISCAL NOTE HAS A DE MINIMIS IMPACT TO THE BUDGET. BASICALLY, THESE THREE FEDERALLY AUTHORIZED CENTERS ARE JUST THAT--CENTERS FOR THE COORDINATION OF SERVICES AND NOT FACILITIES FOR LIVING ARRANGEMENTS. I ASK FOR YOUR SUPPORT TO THE AMENDMENT. THANK YOU. [LB774 LB1088]

SENATOR KRIST: THANK YOU, SENATOR DAVIS. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB774]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I REALIZE WE'RE DEBATING ABOUT THIS AMENDMENT. WHAT I INTENDED ON POINTING OUT ABOUT THE OVERALL BILL, WE HAVE ONE, TWO, THREE, FOUR, FIVE, WE HAVE SIX DIFFERENT BILLS OF TAX RELIEF, ALTHOUGH NOT A SIGNIFICANT AMOUNT OF MONEY, WE HAVE YET IN THIS LEGISLATURE THIS SESSION TO TALK ABOUT PROPERTY TAXES, NOT ONE BILL WE HAVE DEBATED ON THE FLOOR YET. BUT WE'RE WILLING TO GIVE TAX RELIEF, SO I JUST WANTED TO POINT THAT OUT. SO THANK YOU, SIR. [LB774]

SENATOR KRIST: THANK YOU, SENATOR SCHNOOR. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB774]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AS I LOOK THROUGH THE BILLS AGAIN, YEAH, I NOTICED THAT ALSO THAT THERE'S NUMEROUS SALES TAX EXEMPTIONS AGAIN. I WAS NOT SURPRISED TO SEE SENATOR HARR'S NAME BY THEM. SO, SENATOR HARR, WOULD YOU YIELD TO A QUESTION? [LB774]

SENATOR KRIST: SENATOR HARR, WILL YOU YIELD? [LB774]

SENATOR HARR: YES, I WILL. [LB774]

SENATOR FRIESEN: SO LB542, I TAKE IT, IS ONE OF YOUR BILLS? [LB774 LB542]

SENATOR HARR: LB542, YES, TO HELP AG SOCIETIES. [LB774 LB542]

SENATOR FRIESEN: COULD YOU EXPLAIN WHO THAT AND WHAT THAT MIGHT ALL...WHO THAT WOULD IMPACT? [LB774]

Floor Debate
March 22, 2016

SENATOR HARR: YEP. SO LB542, WHICH IS PART OF THE AMENDMENT OF AM2422, NOT AM2648, WAS A BILL BROUGHT TO ME BY LANCASTER AGRICULTURAL SOCIETY. THE BILL WOULD PROVIDE A NEW SALES AND USE TAX EXEMPTION OR, AS I LIKE TO CALL IT, TAX BREAK FOR COUNTY AGRICULTURAL SOCIETIES. THE STATUTE CURRENTLY PROVIDES SALES AND USE TAX EXEMPTIONS FOR MANY OTHER POLITICAL SUBDIVISIONS, INCLUDING COUNTY FAIRS. HOWEVER, WE DON'T FOR COUNTY AGRICULTURAL SOCIETIES. COUNTY AGRICULTURAL SOCIETIES ARE POLITICAL SUBDIVISIONS THAT ARE TYPICALLY SUPPORTED BY PROPERTY TAX LEVIES WHICH ARE APPROVED BY A COUNTY BOARD. SO WE DO HAVE SOME PROPERTY TAX RELIEF THERE. [LB774 LB542]

SENATOR FRIESEN: THAT WOULD BE IN A ROUNDABOUT WAY. [LB774]

SENATOR HARR: SOME IS BETTER THAN NONE. [LB774]

SENATOR FRIESEN: LB1015, IS THAT ALSO ONE OF YOUR BILLS? [LB774 LB1015]

SENATOR HARR: IT SURE IS. AND THAT'S ANOTHER ONE...THIS ONE APPLIES TO MUSEUMS. THERE WAS KIND OF A GENERAL THEME THAT RAN THROUGH A LOT OF OUR BILLS THIS YEAR IN THAT TAX LAW IS BROADLY...THE APPLICATION IS BROADLY APPLIED AND EXEMPTIONS ARE NARROWLY DEFINED, MEANING THE INTENT OF THE LEGISLATURE MAY NOT ALWAYS FOLLOW WITH WHAT THE DEPARTMENT OF REVENUE, BECAUSE THEY HAVE A FIDUCIARY DUTY TO MAKE SURE THAT THEY DON'T JUST GIVE AWAY TAXES. SO THIS WAS A BILL ORIGINALLY PASSED THAT WAS MEANT TO PROVIDE EXEMPTIONS FOR MUSEUMS WHEN THEY PURCHASED ITEMS FOR DISPLAY AND ALSO WHEN THEY LEASE ITEMS FOR DISPLAY. WELL, IT TURNS OUT THAT WE DIDN'T DEFINE WHAT FINE ART IS AND WE DIDN'T DEFINE WHAT WOULD BE COMPLETELY EXEMPT, SO THERE WAS SOME AMBIGUITY. SO THIS PROVIDES SOME CLARITY THAT SAYS IF THERE IS A RENTAL OF A DISPLAY, SAY FROM THE SMITHSONIAN OR FROM THE FOLGER MUSEUM, THAT, IN TURN, THEY WOULDN'T HAVE TO PAY SALES TAX FOR THAT. [LB774]

SENATOR FRIESEN: THANK YOU, SENATOR HARR. AND HOW ABOUT...COULD YOU JUST CONTINUE ON WITH LB1047? [LB774 LB1047]

SENATOR HARR: THIS IS ANOTHER TAX BREAK THAT I LIKE TO SEE US SUPPORT THIS YEAR. THIS PROVIDES A SALES TAX EXEMPTION RELATING TO PURCHASE OF ENERGY AND FUEL. THIS IS BASED ON AN AGREEMENT WITH A LONG-TERM

Floor Debate
March 22, 2016

DISPUTE BETWEEN OUR CO-OPS AND DEPARTMENT OF REVENUE AND THIS IS A COMPROMISE THAT WAS WORKED OUT BETWEEN THE TWO PARTIES. I WANT TO THANK OUR NEW COMMISSIONER OF DEPARTMENT OF REVENUE, FORMER SENATOR FULTON, FOR WORKING WITH OUR CO-OPS TO FIND A SOLUTION ON HOW TO HANDLE FUEL AND ENERGY AS ARE USED BY OUR CO-OPS, FOUND ALL ACROSS THE STATE BUT MOSTLY IN OUR SMALL TOWNS AND VILLAGES. [LB774]

SENATOR FRIESEN: THANK YOU, SENATOR HARR. FROM MY STANDPOINT, AGAIN, WE ARE TALKING ABOUT STATE REVENUES AGAIN AND IF YOU LOOK AT OUR BALANCE SHEET AND WHERE WE'RE HEADED, WE'RE SLOWLY WHITTILING AWAY AT EXCESS FUNDS IN THE CASH RESERVE BY SPENDING MORE THAN WE'RE TAKING IN. AND WHEN WE HAVE CONTINUED TO TALK ABOUT PROPERTY TAX RELIEF, WHENEVER ANY OF THOSE BILLS MAY COME FORWARD, OR ANY OF THOSE ITEMS WHEN WE TALK ABOUT HOW WE'RE GOING TO CHANGE FUNDING OF SCHOOLS INTO A MORE FAIR AND EQUITABLE WAY, WE ALL WILL TALK ABOUT WHERE THE TAX SHIFT IS GOING TO BE. AND, AGAIN, NOW WE ARE GIVING AWAY SOME SALES TAX EXEMPTIONS, WHICH IS ONE OF THE MAIN SOURCES OF REVENUE WHERE WE WOULD PROBABLY LOOK TO PLACE SOME OF THAT BURDEN. WHEN I'VE TALK ABOUT PROPERTY TAXES AND THE SHIFT THAT IS GOING TO HAPPEN, I HAVE NOT TALKED ABOUT CUTTING FUNDING TO SCHOOLS. I HAVE NOT WANTED TO HURT EDUCATION IN ANY WAY. I'VE JUST WANTED TO SHIFT HOW WE FUND SCHOOLS AND GET MORE STATE AID. AND BY GIVING AWAY MORE SALES TAX EXEMPTIONS, WHETHER THEY ARE TO AGRICULTURAL SOCIETIES OR TO CO-OPS, I WOULD HAVE TO LOOK AT EACH ONE OF THOSE VERY CAREFULLY, BUT I WOULD TEND TO SAY THAT I WILL NOT SUPPORT THOSE EXEMPTIONS. IF WE ARE GOING TO LOOK AT THE TAX BASE IN THE NEAR FUTURE AND TO DECIDE WHAT KIND OF SALES TAX EXEMPTIONS WE MAY NEED TO GET RID OF IN ORDER TO HELP FUND SCHOOLS THROUGH STATE AID, WE ARE GOING TO HAVE TO LOOK AT ALL OF THESE EXEMPTIONS AND START OVER. RIGHT NOW, I THINK WE GIVE MORE EXEMPTIONS ALREADY THAN WHAT WE COLLECT. AND WHEN WE LOOK AT THE REVENUE THAT WE'RE GOING TO NEED FOR SCHOOL FUNDING, IF WE DO MAKE A SUBSTANTIAL SHIFT FROM PROPERTY TAXES, AND I'M TALKING PROPERTY TAXES OF ALL CLASSES, WHETHER IT'S... [LB774]

SENATOR KRIST: TIME, SENATOR. [LB774]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. [LB774]

Floor Debate
March 22, 2016

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. AND I APOLOGIZE, SENATOR FRIESEN, I MISSED YOUR ONE MINUTE CALL. [LB774]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I APOLOGIZE, COLLEAGUES, FOR BEING AWAY FROM THE MIKE. WE HAVE GOT QUITE A FEW BILLS AMENDED INTO HERE RIGHT NOW, BUT I MAY ADD ANOTHER ONE OR ATTEMPT TO ADD ANOTHER ONE ON SELECT FILE. I HAD A BILL TO REMOVE A TAX EXEMPTION FROM POLITICIANS. I THOUGHT IT WAS GOING TO BE PART OF THIS, FOR LACK OF A BETTER WORD, OMNIBUS BILL, BUT SOMEHOW IT MAGICALLY DISAPPEARED. SO I MAY BE BRINGING THAT BACK IN AN ATTEMPT TO PUT IT ON HERE ON SELECT FILE; LB689, IF YOU ARE INTERESTED IN IT. PULL IT UP, TAKE A LOOK. THANK YOU, MR. PRESIDENT. [LB774 LB689]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD. SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB774]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, COLLEAGUES...OR GOOD EVENING, COLLEAGUES. I AM HAPPY THAT WE'VE OPENED UP THE TOPIC OF PROPERTY TAXES AND FARM INCOME. THAT SEEMS TO BE A RECURRENT THEME IN THIS BODY. AND I THINK I HAVE A SOLUTION FOR US TO OFFER AND WE'LL HEAR A BILL TOMORROW THAT I WOULD EXPECT THAT WILL DO THAT TO A GREATER EXTENT. OVER THE LAST FEW YEARS, OVER A BILLION DOLLARS HAS BEEN INVESTED IN NEBRASKA IN WIND DEVELOPMENT...WIND DEVELOPMENT. AND THAT HAS RESULTED IN \$2.4 MILLION IN ANNUAL LANDOWNER LEASE PAYMENTS AND OVER \$62 MILLION IN WAGES AND SALARIES. THAT IS A LOT OF MONEY AND THAT IS AN AWFUL LOT OF PROPERTY TAX RELIEF. WE ENVISION THAT PERHAPS AS MUCH AS \$2 BILLION COULD BE INVESTED IN NEBRASKA, GIVING LANDOWNERS INCOME, GIVING COUNTIES PROPERTY TAX, GIVING THE STATE NAMEPLATE FEES, SO IT COULD BE A RATHER LARGE DEVELOPMENTAL BOON. SO THAT IS ONE ANSWER TO OUR PROPERTY TAX ISSUES. AND WE'LL...YOU'LL, IN DUE COURSE, YOU'LL GET MORE INFORMATION ON THAT. THANK YOU, MR. PRESIDENT. [LB774]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. SENATOR GROENE, YOU ARE RECOGNIZED. [LB774]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I WAS LOOKING AT THE A BILLS IN ALL OF THESE. AND AS SOME OF THE OTHER SENATORS HAVE SAID, AND I'VE

Floor Debate
March 22, 2016

SAID ON THE FLOOR, I HAVE A HARD TIME SUPPORTING ANY TAX REDUCTION BILLS THAT DOESN'T GIVE TAX RELIEF TO EVERYBODY. IT'S PICKING WINNERS AND LOSERS. AND THESE BILLS, I DON'T KNOW HOW YOU COULD EVEN GET A VOTE FOR DOING THIS. WHY WOULD YOU DO THESE? BECAUSE LAST YEAR WE WERE TOLD WOODMEN OF THE WORLD WAS LEAVING THE STATE IF WE DIDN'T GIVE THEM PROPERTY TAX RELIEF. WELL, MY COUNTY FAIR IS GOING TO HAVE A HARD TIME LEAVING THE STATE IF WE DON'T GIVE THEM TAX RELIEF. AND ALWAYS REMEMBER, WE'RE NOT GIVING THE FAIR TAX RELIEF, WE'RE NOT GIVING THE MUSEUM TAX RELIEF. AN INDIVIDUAL HAS SOME ENTERTAINMENT MONEY, THEY EITHER GO INTO McDONALD'S AND PAY SALES TAX ON THEIR HAMBURGER OR THEY GO TO THE COUNTY FAIR AT THE FOOD STAND AND BUY A HAMBURGER AND PAY SALES TAX. I DON'T...WHY DO WE DO THIS? HOW DO WE EVER GET TO THE POINT WHERE EVERYBODY IN THE STATE GETS TAX RELIEF? IF WE KEEP GIVING A LITTLE HERE AND HAVE...CALL IT LEAKAGE. WE KEEP LEAKING OUR TAX BASE WHERE YOU'RE PUTTING MORE AND MORE PRESSURE ON THE MIDDLE CLASS AND THE FOLKS WHO PAY THEIR TAXES. MUSEUMS, WHERE ARE THEY GOING TO LEAVE? HOW WOULD IT HURT ANYBODY? ARE THEY GOING TO HAVE ONE MORE CUSTOMER OR ONE LESS CUSTOMER COME TO THE MUSEUM BECAUSE OF A SALES TAX BREAK? I THINK IT WAS \$297,000 AND THEN \$470,000. THEN YOU'VE GOT ANOTHER ONE HERE. WELL, I COULD GO ON AND ON...\$206,000, \$197,000. WHAT IS GAINED HERE? IS ECONOMIC DEVELOPMENT GAINED? IS...ARE WE GOING TO LOSE A BUSINESS? ARE PEOPLE NOT GOING TO SPEND THEIR MONEY BECAUSE WE GAVE THE MUSEUM AND THE COUNTY FAIRS A TAX BREAK? IT MAKES NO SENSE. YOU ARE GIVING INDIVIDUALS A TAX BREAK, YOU'RE NOT GIVING A MUSEUM A TAX BREAK, YOU'RE NOT GIVING A COUNTY FAIR A TAX BREAK. YOU'RE GIVING PEOPLE WHO HAVE MONEY TO SPEND, DECIDING WHERE THEY'RE GOING TO GO SPEND IT. AND IN ONE PLACE THEY'RE GOING TO PAY SALES TAX AND THE OTHER ONE THEY'RE NOT GOING TO. THIS MAKES NO SENSE. IT'S FEEL-GOOD LEGISLATION, I GUESS. YOU KNOW, I COULD UNDERSTAND WOODMEN OF THE WORLD, YOU COULD THREATEN US THAT THEY'RE GOING TO LEAVE AND TAKE JOBS. THE ZOO I NEVER UNDERSTOOD; THE ZOO IS STILL THERE. MAYBE THEY USED THE SALES TAX CREDIT TO BRING ELEPHANTS HERE. I DON'T KNOW. BUT, COME ON, WHY EVEN MESS WITH THESE? YOU KNOW, THIS IS ONE, SENATOR,...THEY DON'T BRING THESE BILLS TO ME BECAUSE THEY KNOW THE ANSWER THEY'RE GOING TO GET. BUT, AS I SAID, WE CAN TIE IT INTO PROPERTY TAXES. PROPERTY TAX RELIEF IS GOING TO TAKE STATE EXPENDITURES. AND IF WE KEEP GIVING LEAKAGE OF STATE TAX RECEIPTS, WE'LL NEVER GET PROPERTY TAX RELIEF. BUT THANK YOU. THAT'S ALL I'VE GOT TO SAY. APPRECIATE IT. [LB774]

Floor Debate
March 22, 2016

SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR STINNER, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT, AM2648. SENATOR STINNER WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADOPTION OF AM2648. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. MR. CLERK, PLEASE RECORD. [LB774]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADOPTION OF SENATOR STINNER'S AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB774]

SENATOR KRIST: THE AMENDMENT IS ADOPTED. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB774]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I WILL JUST CONTINUE A LITTLE BIT WITH MY CONVERSATION. I DIDN'T MEAN TO HOLD UP SENATOR STINNER'S BILL, BUT I THINK IT'S STILL APPLICABLE. SO NOW WE JUST CONTINUE ON WHERE WE WERE AT. WHEN WE LOOK AT DOWN THE ROAD OF HOW WE'RE GOING TO ACCOMPLISH THIS, I'M LOOKING NOW THAT MAYBE I SHOULD COME UP WITH A BILL THAT I CAN GIVE TO SENATOR HARR THAT HE COULD THROW INTO THIS POT AND MAYBE IT WOULD ALL FLOW AND WE COULD JUST DO THIS TOGETHER. BUT, I DON'T KNOW, I JUST KIND OF LIKE DOING THINGS MY OWN WAY, I GUESS. SO WE'LL LEAVE SENATOR HARR ALONE FOR THE MOMENT. BUT THIS IS...THIS GOES BACK AGAIN TO LAST YEAR. WE START GIVING AWAY SALES TAX EXEMPTIONS. AND WHEN YOU LOOK AT THE DATA THAT IS OUT THERE AND HOW MANY DOLLARS IN SALES TAX EXEMPTIONS WE GIVE AWAY, THE HOMEOWNERS, THE BUSINESS OWNERS, THE PROPERTY OWNERS, THEY WANT PROPERTY TAX RELIEF. AND WE HAVE DONE A FAIR AMOUNT OF THAT, BUT I DON'T THINK WE HAVE GONE FAR ENOUGH AND WE HAVE NOT DONE ANYTHING THAT I WOULD BE CALLING PERMANENT SOLUTIONS TO WHAT WE'RE DOING. THE PROPERTY TAX CREDIT RELIEF FUND, TO ME, DOWN THE ROAD, IF THE STATE RUNS SHORT OF REVENUE, THAT WILL BE THE FIRST THING THEY CHIP AWAY AT. SO I WOULD LIKE TO COME UP WITH SOMETHING MORE PERMANENT THAT SCHOOLS CAN COUNT ON FOR FUNDING, WHETHER IT'S THROUGH THE TEEOSA FORMULA, THROUGH FOUNDATION AID, HOWEVER WE MAY STRUCTURE IT. BUT UNTIL WE CAN COME UP WITH A REVENUE STREAM, DOWN THE ROAD, TO FUND THAT, IT IS GOING TO BE HARD TO MAKE THE SHIFT FROM PROPERTY TAXES TO OUR GENERAL FUND. AND YOU CAN SAY IT'S GENERAL FUND, EVERYBODY IS...IF YOU FOCUS IN ON IT, IT'S GOING TO END UP BEING SALES TAX THAT CARRIES THE BURDEN. WE HAVE NUMEROUS BILLS IN HERE DEALING WITH INCOME TAX, AND I'M SUPPORTIVE OF THAT ALSO. I THINK WE CAN MAKE SOME CUTS TO THE INCOME TAX TO MAKE

Floor Debate
March 22, 2016

OUR STATE A LITTLE BIT MORE BUSINESS FRIENDLY. BUT I THINK WE NEED TO DO IT IN A CAUTIOUS AND JUDICIOUS WAY SO WE DON'T HAVE SOME OF THE STRESS MAYBE THAT KANSAS IS GOING THROUGH. BUT I THINK WE CAN DO IT. AND IF WE DO IT IN A CONSERVATIVE MANNER WHERE WE APPROACH IT STEADILY, I DON'T EXPECT TOTAL PROPERTY TAX RELIEF PACKAGE TO BE FUNDED IN ONE YEAR. WE ARE TALKING ABOUT TOO MANY DOLLARS. BUT IF WE WOULD AT LEAST SET A PATH TO WHERE WE'RE GOING TO GO, SO THAT IN THE NEXT THREE, FOUR, FIVE YEARS WE KNOW WHERE WE'RE GOING TO HEAD WITH PROPERTY TAX RELIEF. AND I WANT SCHOOLS TO FEEL COMFORTABLE THAT THEY'RE GOING TO BE FUNDED IN A MANNER THAT THEY NEED. WE CAN HAVE SOME DISCUSSIONS ON SAVINGS IN SCHOOL AND THE EDUCATION PROGRAM. I THINK THERE ARE SOME THINGS THAT WE COULD DO, YET, TO HAVE SOME FURTHER COST SAVINGS THERE. BUT THAT SHOULDN'T BE PART OF OUR DISCUSSION RIGHT NOW. TO ME, THE DISCUSSION IS HOW DO WE SHIFT SOME FUNDING AND GET IT TO STATE AID SO WE'RE NOT SO DEPENDENT ON PROPERTY TAXES. YOU KNOW, AND I'VE STOOD HERE LAST YEAR AND WAITED FOR BILLS TO COME FORWARD, NONE CAME OUT OF THE COMMITTEE. AND SO THIS YEAR WHEN SOMETHING DOES COME OUT ON PROPERTY...ON SALES TAX RELIEF, AGAIN, I GUESS, GIVING EXEMPTIONS, I'M GOING TO TALK ABOUT PROPERTY TAXES. WHEN WE LOOK AT THE TOTAL DOLLARS IN PROPERTY TAXES COLLECTED, THE RESIDENTIAL PEOPLE ARE JUST AS UPSET AS FARMERS. THE COMMERCIAL GUYS ARE PAYING GOOD HIGH PROPERTY TAXES THERE ALSO. BUT AS WE WATCH LAND VALUES GO DOWN IN THE NEXT COUPLE OF YEARS, WHICH THEY COULD, AND I'M NOT TRYING TO FORECAST WHERE THEY'RE GOING TO GO, THEY HAVE BEEN HOLDING PRETTY STEADY. [LB774]

SENATOR KRIST: ONE MINUTE. [LB774]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. BUT IF THEY WOULD, ALL OF A SUDDEN, START TO DROP, FOR WHATEVER REASON THEY WOULD DROP 30-40 PERCENT, THE DOLLARS...THE VALUE THAT WE'RE GOING TO LOSE ON AG LAND IS GOING...THAT TAX PROBLEM IS GOING TO BE SHIFTED ONTO THE RESIDENTIAL HOMEOWNERS. AND IF WE THOUGHT THEY WERE ANGRY THEN, THEY'RE GOING TO BE REALLY ANGRY WHEN THAT HAPPENS. AND THAT SHIFT MAY, TO SOME EXTENT, OCCUR; WE JUST DON'T KNOW WHEN OR HOW SEVERE THAT MAY BE. THANK YOU, MR. PRESIDENT. [LB774]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB774]

Floor Debate
March 22, 2016

SENATOR JOHNSON: THANK YOU. I'LL BE ON THE SAME SUBJECT, TO A CERTAIN EXTENT, WITH THE TAX CREDITS, EXEMPTIONS. AND FAIR BOARDS, I'VE SAT ON A COUPLE OF THEM AND...OR AG SOCIETIES, AND THEY GET A LOT OF THEIR FUNDING THROUGH PROPERTY TAX. SO I GUESS I COULD SAY IT'S A STRETCH OF LESS MONEY NEEDED BY THE COUNTY FAIR BOARD FOR SOME OF THEIR STUFF GOING ON IF WE EXEMPT THAT. SO I GUESS THAT IS A STRETCH FOR PROPERTY TAX RELIEF. IT'S A VERY SMALL AMOUNT, BUT...SO THAT'S ONE OF THE THINGS THAT'S IN THIS CHRISTMAS TREE. WHEN I TALK, PROBABLY TALK ABOUT...AGAINST THE CO-OP SYSTEM, SOMETHING I DON'T ALWAYS DO, BUT PROBABLY NOT THE RIGHT YEAR FOR US TO LOOK AT, YOU KNOW, SOME EXEMPTIONS OUT THERE. IF IT GOES DIRECTLY TO THE FARMER, YOU KNOW, THEN IT'S TAX RELIEF FOR THE FARMER. I'M NOT SURE, I HAVEN'T READ THAT CLOSE ENOUGH TO KNOW HOW IT AFFECTS...BECAUSE THE COMMENT WAS ON THE CO-OP SYSTEM AND HOW THAT RELATES BACK TO FARMERS. I'LL HAVE TO LOOK ON THAT BEFORE WE GET TO SELECT FILE. I VOTED...I WAS GOING TO VOTE FOR LB910 A WHILE AGO. I THOUGHT IT WAS A PRETTY GOOD BILL. AND THEN WHEN YOU START BUILDING THE CHRISTMAS TREE ON IT, THAT IS WHEN I WENT THE OTHER WAY. I'M JUST NOT COMFORTABLE WHEN WE START THROWING STUFF TOGETHER LIKE THIS; AND IT ALWAYS HAPPENS AT THE END OF THE YEAR. BUT I WILL BE REVIEWING AM2422, IF IT DOES ADVANCE, BEFORE WE GET TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB774 LB910]

SENATOR KRIST: THANK YOU, SENATOR JOHNSON. SENATOR HUGHES, YOU ARE RECOGNIZED. [LB774]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, COLLEAGUES. I LOVE TAX CUTS. I THINK THEY ARE GREAT. I AGREE WITH SENATOR HARR. I THINK TAX CUTS ARE A WONDERFUL THING. IF WE WANT TO GET CONTROL OF OUR STATE BUDGET, WE START WITH REVENUE; MAKE US FOCUS ON THE THINGS THAT WE NEED TO PRIORITIZE. BUT UNFORTUNATELY, WE HAVE ONE GROUP OF TAXPAYERS IN THE STATE OF NEBRASKA WHO'S BEING TAKEN ADVANTAGE OF, AND THAT IS THE PROPERTY TAXPAYERS, NOT AGRICULTURAL PROPERTY TAXPAYERS BUT ALL PROPERTY TAXPAYERS. WE HAVE PUT QUITE A LITTLE MONEY IN THE PROPERTY TAX RELIEF FUND, BUT THERE IS STILL A HUGE INEQUITY IN THAT TAX COLLECTION ARENA, AND THEY ARE ALL STATE TAXES. PROPERTY TAX IS NOT A LOCAL TAX. WE SAY HOW MUCH IT IS; HOW IT IS SPENT. I'M NOT GOING TO TALK A LOT ABOUT THIS. I DEBATED WHETHER TO EVEN GET UP BECAUSE I DO HAVE AN A BILL COMING UP. AND IT IS A LITTLE BIT OF A CONFLICT WHERE I'M COMPLAINING ABOUT TAXES, BUT YET I HAVE A MILLION-DOLLAR ASK A COUPLE BILLS DOWN FOR A VERY GOOD

Floor Debate
March 22, 2016

PROGRAM. THERE ARE THINGS THAT THE STATE NEEDS TO SPEND MONEY ON, THERE'S NO QUESTION ABOUT THAT. BUT I'M MORE CONCERNED ABOUT THE EQUITY OF WHERE THAT MONEY COMES FROM. WE HAVE A REAL DISPARITY BETWEEN ALL PROPERTY TAXPAYERS AND INCOME TAX AND SALES TAXPAYERS. WE NEED TO BE FOCUSING ON THAT. I HOPE THE REVENUE COMMITTEE WILL PASS A BILL OUT THAT WE CAN LOOK AT SOME SIGNIFICANT PROPERTY TAX RELIEF NEXT WEEK OR THE WEEK AFTER THAT AT THE LATEST. BUT SALES TAX, WE KEEP WINNOWING DOWN THE AMOUNT OF MONEY THAT THE STATE GENERATES. WE NEED TO DO THAT IN ALL CATEGORIES. THANK YOU, MR. PRESIDENT. [LB774]

SENATOR KRIST: THANK YOU, SENATOR HUGHES. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB774]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT; AND THANK YOU, COLLEAGUES. YES, WE DO NEED TAX RELIEF AND PROPERTY TAX RELIEF, SPECIFICALLY, IS WHAT WE ARE TRYING TO TACKLE. WE HAVE FOR SEVERAL SESSIONS. AND WHEN WE LOOK AT PROPERTY TAX, WE SEE RESIDENTIAL, COMMERCIAL, AND AG LAND, WHICH HAS BEEN DISPROPORTIONATELY TAXED, WHEN YOU LOOK AT THE NUMBERS THERE. AND I AGREE. HOWEVER, I AM ON THE REVENUE COMMITTEE. AND WHEN WE ARE BEING ASKED ABOUT TAXES FOR THE...FOR OUR AG SOCIETIES, FOR OUR FAIRS, YES, I DO SUPPORT THAT. WE HAD COUNTY FAIRS BEFORE WE EVEN HAD A STATE OF NEBRASKA, WE HAD COUNTY FAIRS WITH THE TERRITORIES. THEIR INFRASTRUCTURE IS AGING AS WELL; THEY HAVE MANY NEEDS. THEY PROVIDE A LOT OF EDUCATION ON AGRICULTURE THROUGHOUT THE COMMUNITIES AND THE STATE. I SEE VALUE IN THAT. SO PEOPLE ARE ASKING, WHAT ABOUT THE MUSEUMS? I BELIEVE WE ALSO WANT PEOPLE TO COME AND LIVE IN NEBRASKA AND THAT WE WANT OUR CHILDREN AND OUR GRANDCHILDREN AND GENERATIONS MOVING FORWARD NOT TO HAVE TO MOVE TO CHICAGO OR NEW YORK TO SEE ARTWORK AND SEE ARTIFACTS AND ART AND CULTURE. I BELIEVE THAT WE HAVE TO HAVE SOME OF THAT AS WELL HERE. WE ARE NOT GIVING AWAY THE BANK. WE ARE NOT SACRIFICING DISPROPORTIONATELY TAXPAYERS' DOLLARS, BECAUSE IT SOUND LIKE WE ARE TALKING ABOUT OUR REVENUES HERE, OR SOMETHING THAT BELONGS IN A BIG VAULT IN THE CAPITOL. NO, THESE ARE MONIES THAT WERE PAID BY EVERYDAY PEOPLE, IN ALL KINDS OF OCCUPATIONS. AND WE SHOULD BE LOOKING AFTER EDUCATION, ABSOLUTELY. BUT WE ALSO NEED TO LOOK AFTER THE ARTS, AFTER OUR CULTURE, OUR HERITAGE, AND THE COUNTY FAIRS, AND WE TRY TO BUILD OUR ROADS AND OUR BRIDGES. WE ARE A COMPLETE PICTURE, WE ARE NOT JUST A PIECE OF THIS AND A PIECE OF THAT.

Floor Debate
March 22, 2016

ALTOGETHER WE MAKE ONE STATE AND EVERYTHING IS VALUABLE. THE QUESTION ABOUT WHO PAYS MORE TAXES THAN SOMEONE ELSE--INEQUITY-- THAT IS SOMETHING THAT THE TAX MODERNIZATION COMMITTEE THOUGHTFULLY PUT TOGETHER AN ENTIRE STATEWIDE...PUBLIC HEARINGS. WE HAD EXPERTS COME IN. WE SPENT INTERIM TIME AND, YES, WE NEED TO WORK ON FAIR TAXES. TAXES THAT NOT ONE OCCUPATION IS PAYING MORE THAN ANOTHER. WE ARE AN AG STATE AND WE DO NEED TO RESPECT THAT BECAUSE WE COMPETE WITH OTHER STATES. OTHER STATES DEPEND ON TOURISM OR THEY DEPEND ON INDUSTRY. EVERY STATE HAS ITS STRENGTH AND BEAUTY, AND WE ARE SO BLESSED TO BE AN AG STATE AND THAT IS WHAT CARRIED US THROUGH THE LAST RECESSION. BUT TO FEEL GUILTY BECAUSE I WANT TO MAKE SURE THAT OUR MUSEUMS CAN COMPETE SO I DON'T HAVE TO GET MY KIDS OR GRANDKIDS IN A CAR AND TRAVEL A GREAT DISTANCE TO SEE SOMETHING THAT SOMEONE IN A METROPOLITAN-SIZE CITY OR LARGER HAS? WE NEED TO LOOK AFTER EVERY PIECE OF OUR INVESTMENT AND THOSE ARE OUR TAX DOLLARS AND WE NEED TO INVEST IN OUR FUTURE. AND I BELIEVE THAT SOME OF THESE ITEMS THAT ARE BEING QUESTIONED TODAY, THEY ARE IMPORTANT ITEMS TOO. AND, YES, WE NEED TO LOOK AT OUR TAX FORMULA ON HOW TAXES ARE BEING ASSESSED. IS IT FAIR? THAT IS THE GREATEST CHALLENGE,... [LB774]

SENATOR KRIST: ONE MINUTE. [LB774]

SENATOR BRASCH: ...NOT WHO IS TAKING WHAT, BECAUSE WE ALL PAY INTO THAT; AND SOME PAY IN MUCH, MUCH MORE THAN OTHERS. AND THAT, MY FRIENDS, IS THE CHALLENGE AND THAT IS THE PROBLEM. AND THAT IS WHAT WE OWE TO THE STATE OF NEBRASKA TO PUT AT THE TOP OF THE LIST. BUT DON'T BELITTLE FUNDS THAT ARE NEEDED FOR OUR FAIRS OR OUR MUSEUMS OR OUR ZOOS. THEY ARE ALSO A PART OF WHAT MAKES OUR GOOD STATE GREAT. THANK YOU, COLLEAGUES. [LB774]

SENATOR KRIST: THANK YOU, SENATOR BRASCH. THOSE STILL WISHING TO SPEAK: SENATOR FRIESEN, GROENE, SMITH, MURANTE, AND OTHERS. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB774]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WELL, I WILL JUST SAY AGAIN, THIS IS HOW SERIOUS I AM ABOUT THIS, I WILL GO AFTER ANY KIND OF AG SALES TAX EXEMPTIONS. WE CAN TALK ABOUT THEM; LET'S BRING THEM UP. THE TAX MODERNIZATION COMMITTEE, THE STUDY THAT THEY DID SAID THAT

Floor Debate
March 22, 2016

YOU SHOULDN'T PUT A SALES TAX ON ANYBODY'S INPUT COSTS. I'M OKAY WITH THAT; THAT'S A GOOD POLICY. SO LET'S...BUT LET'S LOOK AT EVERYTHING ELSE. WE'VE HAD THE TAX POLICY STUDIES DONE YEAR AFTER YEAR AFTER YEAR AND THEY'VE SHOWN THAT WE ARE TOO DEPENDENT ON PROPERTY TAXES TO FUND OUR SCHOOLS. AND YET, WE STILL STRUGGLE TO FIND A PERMANENT SOLUTION. WE'VE GOT A TEMPORARY SOLUTION; WE HAVE DONE SOMETHING. I'M NOT GOING TO SAY WE HAVE ACCOMPLISHED NOTHING. THERE HAVE BEEN SOME...SEVERAL...AS THE SHEETS THAT'S BEEN PASSED OUT HAS SHOWN, WE'VE DONE QUITE A BIT FOR INCOME TAX; WE'VE DONE SOME FOR PROPERTY TAX. WE HAVE SPREAD IT AROUND. BUT WHEN YOU LOOK AT WHAT WE ARE DOING NOW WITH THE SALES TAX, I JUST LOOK AT EACH ONE OF THOSE AND I THINK WE NEED TO BE REAL CAREFUL WHEN WE START CARVING THESE OUT. YOU TAKE...SENATOR BRASCH BROUGHT UP THE ART PURCHASE FOR THE MUSEUM. WELL, THOSE PURCHASES, I WOULD ASSUME, ARE DONE MOSTLY WITH DONATED DOLLARS, WHERE THEY HAVE DEDUCTED THEM FROM THEIR TAXES IN THE FIRST PLACE. SO IF THEY PAY A LITTLE SALES TAX, IT JUST GOES BACK TO THE COMMUNITY AND HELPS THE COMMUNITY AND THE STATE IN THEIR PURCHASES. I JUST...I DON'T...HAVEN'T SEEN AN AMOUNT, HOW BIG A DOLLAR AMOUNT THAT AFFECTS THEM, BUT WE NEED TO LOOK AT ALL EXEMPTIONS. AND WE NEED TO LOOK AND SEE ONCE WHAT OUR PRIORITIES ARE. IF OUR PRIORITIES ARE PROPERTY TAX RELIEF AND HOW WE'RE GOING TO CHANGE FUNDING OF SCHOOLS, ALL OF THESE ITEMS HAVE TO BE ON THE TABLE. AND I WILL QUIT TALKING ABOUT THIS FOR NOW, BUT WE WILL BE TALKING MORE ABOUT THIS IN THE FUTURE. THANK YOU, MR PRESIDENT. [LB774]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. SENATOR GROENE, YOU ARE RECOGNIZED. [LB774]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I HEARD SENATOR GLOOR SAY THIS COST US \$1.5 MILLION. WOULD YOU TAKE A QUESTION, SENATOR GLOOR? [LB774]

SENATOR KRIST: SENATOR GLOOR, WILL YOU YIELD? [LB774]

SENATOR GLOOR: YES, I WILL. [LB774]

SENATOR GROENE: WAS THAT \$1.5 MILLION FOR THIS FISCAL YEAR,... [LB774]

SENATOR GLOOR: YES. [LB774]

Floor Debate
March 22, 2016

SENATOR GROENE: ...THE SECOND YEAR OF THE BIENNIUM? [LB774]

SENATOR GLOOR: YES, THIS IS FOR THE SECOND YEAR OF THE BIENNIUM.
[LB774]

SENATOR GROENE: WELL, ALL RIGHT, THANK YOU. [LB774]

SENATOR GLOOR: WOULD YOU CARE TO KNOW WHAT IT IS FOR THE NEXT
BIENNIUM? [LB774]

SENATOR GROENE: WELL, THAT'S GOING TO BE MY POINT. THIS ISN'T A ONE-TIME
LOSS. WHAT IS IT GOING TO BE FOR THE FIRST...THE FIRST...EACH YEAR OF THE
NEXT BIENNIUM? [LB774]

SENATOR GLOOR: I THINK '17-18 IT'S \$2.6 (MILLION), SO IT GOES UP ABOUT A
MILLION DOLLARS. [LB774]

SENATOR GROENE: ALL RIGHT, AND THEN GOES FROM THERE. WELL, WE'VE
BEEN TALKING ABOUT HOW DO WE GET PROPERTY TAX RELIEF FOR
EVERYBODY, AND EVERYBODY KNOWS THE ANSWER. THE STATE HAS GOT TO
STEP UP AND PAY ITS SHARE OF STATE AID TO EDUCATION, WHICH WE'RE 49TH,
PROBABLY 50TH BY NOW IN THE NATION. AND THERE WERE SOME BILLS OUT
THERE THIS YEAR, WOULD GIVE SOME PROPERTY TAX RELIEF TO SCHOOL
DISTRICTS, THE PAYERS. ONE OF THEM WAS \$8 MILLION, WHICH WE HOPEFULLY
GET PASSED; ANOTHER WAS, I THINK IT WAS \$15 (MILLION) OR \$16 MILLION. AND
THE GOVERNOR PUT HIS HEELS IN THE SAND AND SAID NO WAY; AND
APPROPRIATIONS SAID NO WAY. WELL, HERE'S GOING TO BE ABOUT \$2.6
MILLION, THE ZOO WAS \$2 MILLION LAST YEAR; THERE'S \$4.6 (MILLION). IT ALL
ADDS UP; IT'S NOT CHUMP CHANGE. IT DON'T MAGICALLY REAPPEAR. YOU
KNOW, THE BIG SALES PITCH ON GIVING SOMEBODY A TAX CUT IS IT CREATES
MORE ECONOMIC ACTIVITY AND YOU'RE GOING TO COLLECT MORE TAXES.
NONE OF THESE DO THAT. NONE OF THESE HURTS THE PRESENT ECONOMIC
ACTIVITY. THIS IS JUST FEEL GOOD FOR...WE WERE GIVEN LISTS AND LISTS
WHEN WE HAD HEARINGS THIS SUMMER OF HOW WE GIVE SALES TAX BREAKS
TO TOO MANY SERVICES, TOO MANY LITTLE NICHE MARKETS. SENATOR
SCHUMACHER, YEAR AFTER YEAR, INTRODUCES MORE BILLS ABOUT SALES TAX
AND STUFF AND REVENUE. AND I HAVE BEEN HERE TWO YEARS AND WE
HAVEN'T INCREASED ONE SALES TAX ON ANY ENTITY THAT'S BEEN GIVEN A
FREE RIDE, BUT WE'VE GIVEN AWAY FIVE OR SIX ENTITIES, OR GROUPS OF

Floor Debate
March 22, 2016

ENTITIES, THAT DON'T HAVE TO PAY FOR SALES TAX NOW. AND REMEMBER, IT'S...SOME OF IT IS FOR THE ENTITY ITSELF, BUT A LOT OF IT IS...IS TO THE END USER. THIS ABSOLUTELY NO...MAKES ANY SENSE WHY WE'RE DOING THIS. FISCALLY, IT IS NOT SOUND; ECONOMICAL GROWTH, IT IS NOT SOUND. WE'RE JUST DOING IT. I GUESS THAT IS THE ONLY CONCLUSION I CAN COME TO. WE GOT TO GIVE MORE MONEY, STATE AID TO EDUCATION; WE HAVE TO FULFILL OUR NEEDS. AND IF WE'RE GOING TO GIVE PROPERTY TAX RELIEF, LET'S GIVE SOME INCOME TAX RELIEF. BUT WE'RE NEVER GOING TO GET THERE EITHER IF WE KEEP NICKEL-AND-DIMING OUR TAX BASE AWAY WITH THESE TYPES OF LITTLE SO-CALLED NICETIES. THANK YOU. [LB774]

SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR SMITH, YOU ARE RECOGNIZED. [LB774]

SENATOR SMITH: THANK YOU, MR. PRESIDENT; AND GOOD EVENING, COLLEAGUES. AND I PROMISED SENATOR GLOOR I WOULDN'T TALK MORE THAN ONCE AND I'M GOING TO TRY NOT TO TAKE MY FULL AMOUNT OF TIME; WE NEED TO MOVE FORWARD. I DO SIT ON THE REVENUE COMMITTEE AND I DO SUPPORT THE AMENDMENT AND THE UNDERLYING BILL. I DO BELIEVE IT IS RELATIVELY THOUGHTLESS...THOUGHTLESS (LAUGH)...THOUGHTFUL AND CAUTIOUS, YES, THOUGHTFUL AND CAUTIOUS. AND YOU KNOW, AND I APPRECIATE WHAT SENATOR GROENE MENTIONED. HE DID MAKE A REFERENCE TO INCOME TAXES AND I APPRECIATE THAT BALANCED PERSPECTIVE, SENATOR GROENE. AS A MEMBER OF THE REVENUE COMMITTEE, I JUST WANT TO STAND UP AND TALK FOR A MOMENT HERE BECAUSE I HAVE HEARD A LOT OF CONVERSATION ABOUT PROPERTY TAXES. AND I HAVE LONG SUPPORTED TRYING TO DO WHAT WE CAN WITH PROPERTY TAXES. I'VE SUPPORTED THE INCREASES TO PROPERTY TAX CREDIT FUND. BUT, COLLEAGUES, I'M A BELIEVER THAT THERE IS VERY LITTLE THAT WE CAN DO AS A STATE. WE DO NOT COLLECT PROPERTY TAXES IN THE STATE GOVERNMENT. WE COLLECT INCOME TAXES AND WE COLLECT SALES TAXES. AND WE CAN REDUCE UNFUNDED MANDATES ON OUR LOCAL GOVERNMENTS. AND LAST YEAR, WE HAD AN LB610 BILL, GAS TAX BILL, THAT WAS INTENDED TO REDUCE SOME OF THE BURDEN ON LOCAL GOVERNMENTS AND ON THE COUNTIES. AND THAT WAS TO HELP LOCAL GOVERNMENT TAX LESS. SO THERE ARE SOME SMALL THINGS WE CAN DO. BUT BIG SCALE, COLLEAGUES, I SEE VERY FEW OPTION THAT WE HAVE AS A STATE TO DO BIG SCALE CHANGES WITH PROPERTY TAX, OTHER THAN PUSH MORE MONEY INTO STATE AID TO SCHOOLS. AND WHERE'S THAT MONEY GOING TO COME FROM? WE'RE GOING TO HAVE THOSE DISCUSSIONS, I'M CERTAIN. WE CAN HAVE THOSE DISCUSSIONS. BUT THERE WAS A STATEMENT MADE ABOUT A

Floor Debate
March 22, 2016

HUGE DISPARITY BETWEEN PROPERTY TAX AND INCOME TAX. FOR THE PERSON THAT DOES NOT OWN PROPERTY TAX...FOR THE PERSON THAT DOES NOT OWN PROPERTY, THEY PAY INCOME TAXES AND THEY PAY SALES TAXES, AND THERE IS A HUGE BURDEN ON THOSE FOLKS. SMALL BUSINESSES THAT PAY THROUGH INDIVIDUAL TAX BRACKETS, HUGE BURDEN ON THESE SMALL BUSINESSES TO GROW. YOU KNOW, ON THE INDIVIDUAL TAX BRACKETS, WE HAVE A BILL IN COMMITTEE, LB357. IT'S NOT COMING OUT OF COMMITTEE. I INTRODUCED IT LAST YEAR, FOR INCOME TAX REFORM FOR INDIVIDUALS AND BUSINESSES. MOST OF OUR SMALL BUSINESSES PAY THROUGH THE INDIVIDUAL TAX BRACKETS AND WE NEED TO PROVIDE SOME RELIEF TO THEM. THAT IS HOW WE'RE GOING TO GROW OUR STATE; THAT'S HOW WE'RE GOING TO REDUCE THE DEPENDENCY ON AGRICULTURE TO PAY THE PROPERTY TAXES IN THE LONG TERM IS TO DIVERSIFY OUR ECONOMY AND TO GROW OUR ECONOMY. SO WE DO HAVE TO LOOK AT INCOME TAXES. AND WE NEED TO LOOK AT THAT SOONER RATHER THAN LATER. I DO NOT BELIEVE THAT THIS...THE SOLUTION IS AGRICULTURE FIRST OR PROPERTY TAXES FIRST AND THEN WE'RE GOING TO GET TO INCOME TAXES. FOR THOSE COLLEAGUES OF MINE THAT ARE BUSINESS-FRIENDLY SENATORS, WE NEED TO BUILD A COALITION TOGETHER FOR THE PURPOSE OF HELPING ALL BUSINESSES, WHETHER IT'S AGRICULTURE OR NONAGRICULTURE. BUT WE ALSO HAVE TO HELP OUR MIDDLE INCOME FAMILIES. WE NEED TO GET TO REDUCING THE TOP BRACKET ON OUR INCOME TAXES. WE NEED TO ADJUST THE SALES TAXES AS WELL. YES, AND WE NEED TO HELP AS MUCH AS WE CAN WITH PROPERTY TAXES. BUT WE HAVE TO BE REALISTIC AND WE NEED TO PUT THE FOCUS WHERE THAT FOCUS IS DUE AND THAT IS ON LOCAL GOVERNMENT SPENDING. FOR LB357, THAT'S IN COMMITTEE, THAT FISCAL NOTE TO GIVE TAX REFORM TO INDIVIDUALS AND BUSINESSES, IT WOULD HAVE BEEN ABOUT ONE-FIFTH OF WHAT WE ARE PUTTING IN ANNUALLY TO THE PROPERTY TAX CREDIT FUND. AND THE PREDICTIONS ARE THAT THAT COULD DO A GREAT AMOUNT OF GOOD TO GROW OUR STATE, TO HELP MIDDLE INCOME FAMILIES, AND TO HELP OUR SMALL BUSINESSES. [LB774 LB610 LB357]

SENATOR KRIST: ONE MINUTE. [LB774]

SENATOR SMITH: SO LET'S KEEP PERSPECTIVE; LET'S KEEP A BALANCE. WE NEED TAX REFORM. AND I APPRECIATE, AGAIN, WHAT SENATOR GROENE SAID. I THINK HE PROVIDED A GOOD BALANCED STATEMENT--INCOME TAXES, AS WELL AS PROPERTY TAXES. THANK YOU, MR. PRESIDENT. [LB774]

SENATOR KRIST: THANK YOU, SENATOR SMITH. SENATOR GLOOR, YOU ARE RECOGNIZED TO CLOSE ON YOUR COMMITTEE AMENDMENTS. [LB774]

Floor Debate
March 22, 2016

SENATOR GLOOR: THANK YOU, MR. PRESIDENT; AND THANK YOU, MEMBERS. I APPRECIATE THE QUESTIONS. IT IS IMPORTANT TO HAVE THESE QUESTIONS. IT'S ALSO KIND OF NICE TO KNOW THAT PEOPLE ARE LOOKING AT THE BILLS AND READING THROUGH THEM. ALTHOUGH, PLEASE ALLOW ME TO PUT THIS IN PERSPECTIVE. THIS IS A VERY MISERLY BILL. AND TO BE QUITE FRANK, I THINK WE LACK A LITTLE PERSPECTIVE ON OMNIBUS BILLS AND WHAT A SMALL PRICE TAG THIS IS. WERE YOU TO QUESTION SENATOR MELLO, I THINK SENATOR MELLO WOULD SAY HE EXPECTED SOME OF THE PRICE TAGS COMING OUT OF THE REVENUE COMMITTEE TO BE MUCH HIGHER THAN THEY ARE. WE ARE VERY PROUD OF THE FACT THAT THIS OMINOUS BILL, WE BELIEVE, DOES SOME GOOD THINGS FOR THE STATE, BUT DOES SO WITH VERY LITTLE MONEY. WE ARE DISCERNING, TO THE POINT, SOME MEMBERS OF THIS BODY WOULD SAY, TO THE POINT OF PROBABLY BEING CONSIDERED SOMEWHAT OBNOXIOUS. SENATOR BURKE HARR'S COMMENT, AS A MEMBER OF THE BILL (SIC--COMMITTEE), IS WHEN YOU COME TO THE REVENUE COMMITTEE, SOMETIMES THE CONVERSATION IS--WELCOME TO THE REVENUE COMMITTEE, NO; YOU MAY OPEN ON YOUR BILL NOW. I THINK THAT IS A BIT OF AN OVERSTATEMENT. ON THE OTHER HAND, ALL THE QUESTIONS THAT HAVE BEEN ASKED HERE WERE ASKED BY THE COMMITTEE. EIGHT MEMBERS, TRIED AND TRUE, WHO'VE ASKED QUESTIONS AND WHAT THEY HAVE BROUGHT FORWARD HAVE BEEN SEVEN BILLS, AND I AM SUPPORTIVE OF SENATOR STINNER'S BILL THAT IS NOW PART OF THE BUS--EIGHT FOR \$1.5 MILLION. WE'RE TALKING BILLS FOR SEVERAL HUNDRED THOUSAND DOLLARS HERE AND THERE THAT WE FELT WOULD MAKE A DIFFERENCE FOR THE STATE OF NEBRASKA, MAKE A DIFFERENCE FOR CO-OPs, MAKE A DIFFERENCE FOR WORK FORCE DEVELOPMENT, MAKE A DIFFERENCE FOR COMMUNITIES AND CITIES. WE FELT THESE BILLS WILL MAKE A DIFFERENCE, A SMALL ONE BUT A POSITIVE DIFFERENCE OVERALL. WE HAD 52 BILLS THIS YEAR. SEVENTY PERCENT OF THOSE BILLS ASKED FOR SOME SORT OF TAX BREAK. LAST SESSION WE HAD 92 BILLS. ALMOST 80 PERCENT OF THEM ASKED FOR A TAX BREAK. YOU DIDN'T SEE VERY MANY OF THOSE BILLS. IT'S BECAUSE WE SAID NO. AND YOU DIDN'T SEE VERY MANY OF THOSE BILLS THIS YEAR EITHER, BECAUSE WE SAID NO. TRUST YOUR REVENUE COMMITTEE. TRUST YOUR REVENUE COMMITTEE TO HAVE ASKED THE QUESTIONS; AND WHAT WE BROUGHT OUT OF COMMITTEE ARE SMALL BILLS THAT WE THINK WILL MAKE A DIFFERENCE. AND THERE ARE BIG BILLS...OR A BIG BILL ON THE WAY, WE BELIEVE. I THINK MOST THIS BODY KNOWS WE'LL BE HAVING A HEARING ON THURSDAY. THE SMALL ONES ARE EASY TO GET OUT. THE BIGGER ONES, ESPECIALLY WHEN YOU'RE WORKING COLLABORATIVELY WITH THE GOVERNOR'S OFFICE, A LITTLE MORE CHALLENGING, BUT WE'LL GET THERE. WE WILL GET THERE. I WOULD ASK YOU TO TRUST US AND UNDERSTAND THE

Floor Debate
March 22, 2016

SMALL NUMBERS WITH THIS ARE ONES WE ACTUALLY TAKE SOME DEGREE OF PRIDE IN BRINGING FORWARD. WITH THAT, PLEASE VOTE FOR AM2422 AND THE UNDERLYING BILL. THANK YOU. [LB774]

SENATOR KRIST: THANK YOU, SENATOR GLOOR. YOU HAVE HEARD THE CLOSING ON AM2422. THE QUESTION BEFORE YOU IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB774]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB774]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SENATOR SCHEER, YOU ARE RECOGNIZED TO CLOSE ON YOUR BILL. [LB774]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT; AND THANK YOU, COLLEAGUES. YOUR QUESTIONS WERE ON TARGET. WE APPRECIATE THE INFORMATION. I DO WANT TO THANK CHAIRMAN GLOOR FOR HIS LEADERSHIP THIS YEAR OF THE COMMITTEE AND SELECTING MY BILL AS ONE OF THOSE THAT WAS PRESENTED TO THE BODY. I'D LIKE TO, AS WELL, THANK THE REST OF THE COMMITTEE, ALTHOUGH SOME OF US HAD BILLS IN THIS, SOME OF US DID NOT. AND ALL OF US WERE INTEGRAL PARTS OF THE PROCESS AS THE SESSION WENT THROUGH. AND I BELIEVE THAT WE'VE CAME WITH A VERY COMPREHENSIVE BUT YET RESPECTABLE BILL THAT IS BROUGHT BEFORE YOU, WITH THE BILLS THAT WE FELT WERE IMPORTANT TO THE REST OF NEBRASKA. SO THANK YOU VERY MUCH. AND I WOULD URGE YOUR GREEN VOTE ON LB774. THANK YOU, MR. PRESIDENT. [LB774]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. YOU'VE HEARD THE CLOSING ON LB774. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB774]

ASSISTANT CLERK: 40 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB774]

SENATOR KRIST: LB774 ADVANCES. ITEMS? [LB774]

Floor Debate
March 22, 2016

ASSISTANT CLERK: MR. PRESIDENT, THANK YOU. YOUR COMMITTEE ON JUDICIARY REPORTS LB1000 TO GENERAL FILE WITH AMENDMENTS. NEW RESOLUTIONS: LR510 BY SENATOR HOWARD CALLS FOR INTERIM STUDY; LR511 BY SENATOR DAVIS, INTERIM STUDY; LR512 AND LR513, THOSE WILL BE REFERRED TO THE BOARD. AMENDMENTS TO BE PRINTED TO LB910 FROM SENATOR KINTNER AND FROM SENATOR GROENE. (READ LB1103A BY TITLE FOR FIRST TIME.) AND THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 1161-1171.) [LB1000 LB910 LB1103A LR510 LR511 LR512 LR513]

SENATOR KRIST: THANK YOU, MR. CLERK. NEXT ITEM.

ASSISTANT CLERK: MR. PRESIDENT, LB1038, INTRODUCED BY SENATOR DAVIS. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 19 OF THIS YEAR, REFERRED TO THE NATURAL RESOURCES COMMITTEE, PLACED ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2472, LEGISLATIVE JOURNAL PAGE 907.) [LB1038]

SENATOR KRIST: SENATOR DAVIS, YOU ARE RECOGNIZED TO OPEN ON YOUR BILL. [LB1038]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. GOOD EVENING, COLLEAGUES. I WOULD LIKE TO GIVE YOU A VERY BRIEF OPENING, AS THERE IS A COMMITTEE AMENDMENT. LB1038 WOULD ALLOW THE OWNER OF A HYDROPOWER FACILITY WITH A WATER APPROPRIATION FOR THE MANUFACTURE OF POWER TO WILLINGLY TRANSFER THE OWNERSHIP OF THE WATER APPROPRIATION JOINTLY TO THE NEBRASKA GAME AND PARKS COMMISSION AND ANY NATURAL RESOURCES DISTRICT OR COMBINATION OF NATURAL RESOURCES DISTRICTS AND TO CHANGE THE USE OF THAT APPROPRIATION TO MAINTAIN STREAM FLOW FOR THE CONSERVATION OF FISH, WILDLIFE, RECREATION, AND TO ASSIST IN THE IMPLEMENTATION OF INTEGRATED MANAGEMENT OF GROUND AND SURFACE WATERS. LB1038, I BELIEVE, ENCOMPASSES A COMMONLY HELD DESIRE BY NEBRASKANS TO UTILIZE MULTIJURISDICTIONAL COOPERATION, BENEFITING MULTIPLE TYPES OF WATER USERS IN DEVELOPING CREATIVE SOLUTIONS THAT ALLOW THE EFFICIENT, BENEFICIAL USE OF WATER. LB1038 IS THE RESULT OF HUNDREDS OF HOURS OF MEETINGS AND IMPORTANT DISCUSSIONS ABOUT HOW STAKEHOLDERS, BOTH PUBLIC AGENCIES AND PRIVATE LANDOWNERS, CAN WORK TOGETHER TO CREATE VIABLE SOLUTIONS AND OPPORTUNITIES FOR NEBRASKANS. SENATOR SCHILZ AND HIS LEGAL COUNSEL, LAURIE LAGE, HAVE BEEN BOTH PROACTIVE IN IDENTIFYING KEY

Floor Debate
March 22, 2016

QUESTIONS AND PROACTIVE IN IDENTIFYING WHO SHOULD BE INVOLVED IN DISCUSSIONS AND MAKING THEM A PART OF THE DECISION-MAKING PROCESS. I'LL TURN THIS OVER NOW TO DISCUSSION OF THE COMMITTEE AMENDMENT, BUT I ASK YOU THAT YOU SUPPORT THE AMENDMENT AND THE AMENDMENTS AND THE BILL. THANK YOU, MR. PRESIDENT. [LB1038]

SENATOR KRIST: THANK YOU, SENATOR DAVIS. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SCHILZ, AS THE CHAIR OF NATURAL RESOURCES, YOU CAN OPEN ON YOUR AMENDMENT. [LB1038]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. THIS IS COMMITTEE AMENDMENT AM2472, AND THE COMMITTEE AMENDMENT WOULD REPLACE THE BILL. THE AMENDMENT REVISES THE LANGUAGE OF LB1038 AND IT ADDS THE CONTENTS OF LB711, SENATOR HUGHES'S BILL TO REINSTATE THE RIPARIAN VEGETATION MANAGEMENT TASK FORCE AND REINSTATE THE LEGISLATIVE INTENT FOR AN APPROPRIATION TO FUND THAT PROGRAM. AND I'LL GIVE SOME OF MY OPENING TIME A LITTLE LATER TO SENATOR HUGHES SO HE CAN EXPLAIN THAT PORTION OF THE BILL. ON THE ORIGINAL BILL, LB1038, THE AMENDMENT ALLOWS AN APPROPRIATION OF WATER FOR THE MANUFACTURING OF HYDROPOWER AT A FACILITY ON A NATURAL STREAM CHANNEL TO BE PERMANENTLY CHANGED IN FULL TO AN INSTREAM BASIN MANAGEMENT APPROPRIATION IF IT WILL BE HELD JOINTLY BY THE GAME AND PARKS COMMISSION AND NATURAL RESOURCES DISTRICTS OR GROUP OF DISTRICTS. CURRENT LAW ALLOWS TRANSFERS AND CHANGES IN USE OF SURFACE WATER RIGHTS. ALL SUCH TRANSFERS AND CHANGES AND USE MUST APPLY TO THE DEPARTMENT OF NATURAL RESOURCES FOR APPROVAL. THE DEPARTMENT MUST DETERMINE WHETHER CRITERIA SET IN STATUTE, SPECIFICALLY 46-294, ARE MET AND THEN DECIDE WHETHER TO ALLOW THE TRANSFER OR CHANGE IN USE. FOR INSTANCE, THE DEPARTMENT MUST FIND THAT THE CHANGE IN USE WILL NOT HARM ANY OTHER EXISTING SURFACE WATER USERS, AND THAT THAT CHANGE IN USE IS IN THE PUBLIC INTEREST, THAT IT IS A BENEFICIAL USE, AND THAT IT IS CONSISTENT WITH STATE AND FEDERAL LAW. LB1038 AS AMENDED DOES THE FOLLOWING: ADDS CHANGING A HYDROPOWER APPROPRIATION TO AN INSTREAM BASIN MANAGEMENT APPROPRIATION TO THE LIST OF CHANGES IN USE THAT ARE ALLOWED IN 46-290; STATES THE BENEFICIAL USE OF THE CHANGE IS TO MAINTAIN THE STREAM FLOW FOR FISH, WILDLIFE, AND RECREATION THAT WAS AVAILABLE FROM THE MANUFACTURING OF HYDROPOWER PRIOR TO THE CHANGE; ALLOWS THE CHANGE IN APPROPRIATION TO BE USED FOR IMPLEMENTATION OF AN APPROVED INTEGRATED MANAGEMENT PLAN; SUBJECTS THE CHANGE IN

Floor Debate
March 22, 2016

APPROPRIATION TO REVIEW BY THE DEPARTMENT TO ENSURE THERE IS BENEFICIAL USE; ALLOWS THE CHANGED APPROPRIATION TO MAINTAIN THE PRIORITY DATE AND PREFERENCE CATEGORY OF THE ORIGINAL HYDROPOWER APPROPRIATION; AND ALLOWS THE PERSON WHO HOLDS THE SUBORDINATION AGREEMENT ESTABLISHED PRIOR TO THE CHANGE IN USE TO ENTER INTO A NEW AGREEMENT AT NO ADDITIONAL COST. IT REQUIRES CONDEMNATION AWARDS ESTABLISHED PRIOR TO THE CHANGE IN USE TO BE UPHELD AND PROHIBITS INCREASES IN THE COMPENSATION PAY FOR SUBORDINATION AGREEMENTS FROM EXCEEDING THE ANNUAL CHANGE IN THE CONSUMER PRICE INDEX FROM THE TIME THE CHANGE IS APPROVED. AS SENATOR DAVIS STATED, THIS BILL WOULD ALSO...WOULD ALLOW PARTIES WHO ARE OFTEN AT ODDS ON WATER ISSUES TO WORK TOGETHER FOR THE GOOD OF ALL THE INTERESTS, INCLUDING IRRIGATION FOR AGRICULTURE; MAINTAINING STREAM FLOW FOR FISH, WILDLIFE, AND RECREATION; ADDRESSING FEDERAL REQUIREMENTS RELATING TO THE WILD AND SCENIC RIVER DESIGNATION; AND BALANCING THE MANAGEMENT OF GROUNDWATER AND SURFACE WATER. WE HAVE WORKED CLOSELY WITH THE DEPARTMENT OF NATURAL RESOURCES TO ENSURE THEY HAVE THE TOOLS AND UNDERSTANDING THEY NEED TO MAKE SURE THE PROCESS WORKS AS INTENDED. I WANT TO THANK VARIOUS PARTIES: NPPD, THE GAME AND PARKS COMMISSION, AND THE NATURAL RESOURCES DISTRICTS FOR THEIR FORWARD-THINKING AND COLLABORATIVE EFFORTS TO BRING THIS CONCEPT TO THE LEGISLATURE. AND I WOULD ALSO LIKE TO THANK THOSE OTHER INTERESTS FOR BRINGING THEIR CONCERNS AND THEIR WILLINGNESS TO FIND COMMON GROUND. THE IDEA IS A NEW CONCEPT AND HAS REQUIRED EVERYONE TO MOVE OUTSIDE OF THEIR COMFORT ZONE TO UNDERSTAND AND TRUST THAT THEIR INTERESTS WILL BE PROTECTED. THEY HAVE OFFERED RECOMMENDATIONS AND OBSERVATIONS THAT LED TO IMPROVEMENTS IN THE BILL. THERE ARE SOME ISSUES FOR WHAT WE NEED TO MAKE SURE THE LEGISLATIVE INTENT IS CLEAR, WHICH WE WILL DO SO IN THE COURSE OF THE DEBATE. AND THIS IS A POLICY CHANGE THAT WILL HELP FOSTER POSITIVE WORKING RELATIONSHIPS AMONG THE STATE'S WATER INTERESTS THAT I HOPE YOU WILL SUPPORT. AND NOW I WOULD LIKE TO OFFER SENATOR HUGHES THE REMAINDER OF MY TIME TO EXPLAIN THE LB711 PORTION OF THE BILL. [LB1038 LB711]

SENATOR KRIST: SENATOR HUGHES, 5:50. [LB1038]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. THANK YOU, CHAIRMAN SCHILZ. LB711...IN 2007 THE LEGISLATURE APPROPRIATED FUNDS TO HELP CONTROL INVASIVE VEGETATION IN NEBRASKA'S RIPARIAN CORRIDORS. THE

Floor Debate
March 22, 2016

FUNDING WAS INSTRUMENTAL IN STARTING THE WORK NEEDED TO INCREASE FLOW CONVEYANCE, WILDLIFE HABITAT, AND WATER AVAILABLE FOR HUMAN USES BY REDUCING CONSUMPTION FROM INVASIVE VEGETATION. THE INITIAL \$4 MILLION APPROPRIATED IN FY '78 AND '89 WAS LEVERAGED TO OVER \$18 MILLION SPENT ON RIPARIAN INVASIVE SPECIES MANAGEMENT BETWEEN '07 AND '14. MY BILL WILL REINSTATE THE RIPARIAN VEGETATION MANAGEMENT TASK FORCE, WHICH HELPED DEVELOP THE MANAGEMENT PLAN. THE TASK FORCE WAS CHARGED WITH THE FOLLOWING DUTIES: DEVELOPING AND PRIORITIZING VEGETATION MANAGEMENT GOALS AND OBJECTIVES; ANALYZING THE COST-EFFECTIVENESS OF AVAILABLE VEGETATION TREATMENTS; DEVELOPING PLANS AND POLICIES TO ACHIEVE GOALS AND OBJECTIVES; AND MAKING RECOMMENDATIONS FOR LEGISLATION. THE ORIGINAL TASK FORCE WAS VERY SUCCESSFUL IN HELPING MANAGE RIPARIAN VEGETATION IN FULLY AND OVERAPPROPRIATED RIVER BASINS IN THE STATE OF NEBRASKA. THERE WAS NO OPPOSITION TO THIS BILL. IT CAME OUT OF COMMITTEE 8-0. AND I ORIGINALLY ASKED FOR \$2 MILLION. SENATOR MELLO AND I HAVE PARED THAT BACK TO A MILLION. I HOPE THAT IS STILL IN PLACE. I THINK MAYBE HE WILL DISCUSS THAT. WITH THAT, THANK YOU, MR. PRESIDENT. [LB1038 LB711]

SENATOR KRIST: THANK YOU, SENATOR HUGHES AND SENATOR SCHILZ. MR. CLERK FOR AN AMENDMENT. [LB1038]

ASSISTANT CLERK: MR. PRESIDENT, I DO HAVE AMENDMENTS TO THE COMMITTEE AMENDMENTS, THE FIRST BY SENATOR GARRETT, AM2688. (LEGISLATIVE JOURNAL PAGE 1137.) [LB1038]

SENATOR KRIST: SENATOR GARRETT, YOU ARE RECOGNIZED. [LB1038]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. AS WE ALL KNOW, A WEED IS AN INVASIVE PLANT THAT IS GROWING IN COMPETITION WITH OTHER PLANNED VEGETATION. THE GOAL OF SECTION 2 OF AM2472, AS WAS STATED EARLIER, IS TO REINSTATE THE APPROPRIATION AND RIPARIAN VEGETATION MANAGEMENT TASK FORCE THAT HELPED DEVELOP THE MANAGEMENT PLAN TO CONTROL INVASIVE VEGETATION IN NEBRASKA'S RIPARIAN CORRIDORS. I AM BRINGING AM2688 BECAUSE I DID NOT WANT US TO OVERLOOK THE PROBLEMS OF INVASIVE VEGETATION AND VOLUNTEER TREES GROWING ON OR AROUND OUTDOOR ADVERTISING. FOR EXAMPLE, NEBRASKA BILLBOARD OWNERS, ADVERTISERS, AND PROPERTY OWNERS ARE EXPERIENCING UNNECESSARY LAWSUITS BECAUSE THEY ARE NOT ALLOWED TO REMOVE OR TRIM THE

Floor Debate
March 22, 2016

INVASIVE VEGETATION GROWING IN THE VICINITY OF OR ON THE BILLBOARDS. THIS AMENDMENT ALLOWS BILLBOARD OWNERS THE ABILITY TO ASK FOR A PERMIT TO REMOVE INVASIVE VEGETATION FROM THE DEPARTMENT OF ROADS. OVER 30 OTHER STATES HAVE SOME SORT OF VEGETATION CONTROL PLAN. THE AMERICAN NATIONAL STANDARDS INSTITUTE RECOMMENDED THESE PROGRAMS, AFTER CONFERRING WITH THE NATIONAL ARBORISTS ASSOCIATION, THE FEDERAL HIGHWAY ADMINISTRATION, THE OUTDOOR ADVERTISING ASSOCIATION, AND THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS. I ASK YOU TO SUPPORT AM2688 AND WILL ANSWER ANY QUESTIONS YOU MAY HAVE. THANK YOU, MR. PRESIDENT. [LB1038]

SENATOR KRIST: THANK YOU, SENATOR GARRETT. YOU HAVE HEARD THE OPENING ON AM2688, AM2472, LB1038. THOSE WISHING TO SPEAK: SENATOR FRIESEN, STINNER, LINDSTROM, BLOOMFIELD, AND CAMPBELL. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB1038]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I STAND IN SUPPORT OF ALL OF THE AMENDMENTS AND THE BILL. SENATOR SCHILZ, WOULD YOU YIELD TO A QUESTION? [LB1038]

SENATOR KRIST: SENATOR SCHILZ, WILL YOU YIELD? [LB1038]

SENATOR SCHILZ: YES, I WOULD. [LB1038]

SENATOR FRIESEN: WE'VE HAD A LOT OF DISCUSSION IN COMMITTEE ON THIS BILL. WE HEARD A LOT OF TESTIMONY, AND THERE WERE SOME QUESTIONS THAT NEEDED TO BE ANSWERED. AND SO I'M JUST GOING TO ASK YOU A COUPLE OF QUESTIONS AND YOU CAN GIVE A GOOD RESPONSE. YOU KNOW, WE'VE TALKED ABOUT INSTREAM MANAGEMENT OF AN INSTREAM FLOW. AND THIS IS A NEW TYPE OF APPROPRIATION THAT'S GOING TO BE MADE. AND I WAS JUST WONDERING, IS THERE, YOU KNOW...IS INSTREAM BASIN MANAGEMENT APPROPRIATION A NEW TYPE OF APPROPRIATION THAT ANYBODY CAN APPLY FOR? OR IS THIS A SPECIAL TYPE OF PROGRAM? [LB1038]

SENATOR SCHILZ: THANK YOU, SENATOR FRIESEN. YES, IT IS A NEW TYPE OF APPROPRIATION; BUT IT IS LIMITED IN USE. THE APPROPRIATION CAN ONLY BE OBTAINED BY CHANGING A MANUFACTURING OF HYDROPOWER RIGHT, AND IT CAN ONLY BE TRANSFERRED TO A GROUP COMPRISED OF THE GAME AND PARKS COMMISSION AND ONE OR MORE NATURAL RESOURCES DISTRICTS. THE

Floor Debate
March 22, 2016

CHANGE IN USE APPLICATION IS THE ONLY WAY AN INSTREAM BASIN MANAGEMENT APPROPRIATION MAY BE OBTAINED. IT IS BEING CREATED FOR INSTREAM AND BASIN MANAGEMENT USE AND MAY ONLY BE GRANTED ACCORDING TO THE PROCESSES OUTLINED IN THE BILL. [LB1038]

SENATOR FRIESEN: THANK YOU, SENATOR SCHILZ. WHAT KIND OF FACILITIES WOULD HAVE AN APPROPRIATION FOR MANUFACTURING OF HYDROPOWER AT A FACILITY LOCATED ON A NATURAL STREAM CHANNEL? [LB1038]

SENATOR SCHILZ: THANK YOU. AND TO PRODUCE HYDROPOWER, AN ENTITY MUST HAVE AN APPROPRIATION FOR SURFACE WATER TO OPERATE THAT HYDROPOWER FACILITY. THIS BILL WOULD ALLOW THE HYDROPOWER APPROPRIATION OWNER TO REQUEST THAT THE PURPOSE OF THE APPROPRIATION BE CHANGED ONLY IF THE FACILITY PRODUCING HYDROPOWER IS LOCATED ON A NATURAL STREAM CHANNEL. A NATURAL STREAM CHANNEL IS JUST THAT--A STREAM CHANNEL THAT IS NATURAL. IT DOES NOT INCLUDE MAN-MADE CANAL. [LB1038]

SENATOR FRIESEN: THANK YOU, SENATOR SCHILZ. THIS BILL THAT WE PUT TOGETHER WITH THE INSTREAM FLOW RIGHTS AND WORKING WITH THE NRDS AND NPPD, THIS GAME AND PARKS...THIS GROUP THAT CAME TOGETHER TO FORM THIS COALITION, IT'S CREATED QUITE AN OPPORTUNITY UP THERE DEALING WITH THE SPENCER DAM. AND I THINK THIS IS A REALLY GOOD OPPORTUNITY FOR EVERYONE INVOLVED SO I URGE YOU TO VOTE GREEN ON ALL OF THESE AMENDMENTS AND BILL. THANK YOU, MR. PRESIDENT. [LB1038]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN AND SENATOR SCHILZ. SENATOR STINNER, YOU ARE RECOGNIZED. [LB1038]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB1038 AND THE ACCOMPANYING AMENDMENTS. I WOULD ASK SENATOR SCHILZ TO PLEASE YIELD FOR A COUPLE OF QUESTIONS. [LB1038]

SENATOR KRIST: SENATOR SCHILZ, WILL YOU YIELD? [LB1038]

SENATOR SCHILZ: YES. [LB1038]

Floor Debate
March 22, 2016

SENATOR STINNER: WOULD YOU EXPLAIN THE ALLOWED USES OF THE INSTREAM BASIN MANAGEMENT APPROPRIATION? [LB1038]

SENATOR SCHILZ: SURE. AT THE OUTSET, THE NEW INSTREAM BASIN MANAGEMENT APPROPRIATION CAN ONLY BE USED TO MAINTAIN THE STREAM FLOW FOR FISH, WILDLIFE, AND RECREATION. THE APPROPRIATION CANNOT BE USED FOR ANYTHING OTHER THAN STREAM FLOW MAINTENANCE UNLESS AND UNTIL AN INTEGRATED MANAGEMENT PLAN IS PUT INTO PLACE. THE INTEGRATED MANAGEMENT PLAN MUST BE DEVELOPED PURSUANT TO CURRENT LAW AND THIS INCLUDES THE REQUIREMENT UNDER 46-717 THAT THE DEPARTMENT OF NATURAL RESOURCES AND THE AFFECTED NRDs CONSULT WITH ANY IRRIGATION DISTRICT, RECLAMATION DISTRICT, PUBLIC POWER AND IRRIGATION DISTRICT, MUTUAL IRRIGATION COMPANY, CANAL COMPANY, OR MUNICIPALITY THAT RELIES ON WATER FROM THE AFFECTED RIVER BASIN. [LB1038]

SENATOR STINNER: THANK YOU. MY NEXT QUESTION IS HOW DO YOU KNOW THAT EXISTING USERS OF SURFACE WATER IN THE SAME BASIN WILL NOT BE HARMED? [LB1038]

SENATOR SCHILZ: THANK YOU FOR THAT ONE, SENATOR STINNER. THE CHANGE IN APPROPRIATION APPLICATION WILL BE SUBJECT TO A NO HARM REVIEW BY THE DEPARTMENT OF NATURAL RESOURCES UNDER 46-294. UNDER THAT SECTION, A CHANGE CAN ONLY BE APPROVED IF IT WILL NOT DIMINISH THE SUPPLY OF WATER AVAILABLE FOR OR OTHERWISE ADVERSELY AFFECT ANY WATER APPROPRIATOR. AND THE DIRECTOR OF DNR MAY IMPOSE ANY REASONABLE CONDITIONS NECESSARY TO ENSURE OTHER WATER APPROPRIATORS ARE NOT ADVERSELY AFFECTED. THE INTENT OF THE BILL IS TO PROTECT AND MAINTAIN THE STATUS QUO FOR THE BASIN AND EXISTING USERS. AS THE DIRECTOR OF DNR MAKES A NO HARM DETERMINATION UNDER 46-294, HE SHOULD CONSIDER CURRENT ADMINISTRATION OF THE RIVER AND THE HISTORICAL OPERATIONS. [LB1038]

SENATOR STINNER: THANK YOU, SENATOR. AND THANK YOU, MR. PRESIDENT. [LB1038]

SENATOR KRIST: THANK YOU, SENATOR STINNER AND SENATOR SCHILZ. SENATOR LINDSTROM, YOU ARE RECOGNIZED. [LB1038]

Floor Debate
March 22, 2016

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT. I WAS WONDERING IF SENATOR SCHILZ WOULD YIELD TO A QUESTION, PLEASE. [LB1038]

SENATOR KRIST: SENATOR SCHILZ, WILL YOU YIELD? [LB1038]

SENATOR SCHILZ: YES, I WILL. [LB1038]

SENATOR LINDSTROM: THANK YOU, SENATOR SCHILZ. IF NPPD APPLIES TO CHANGE ITS SPENCER DAM HYDROPOWER APPROPRIATION TO AN INSTREAM BASIN MANAGEMENT APPROPRIATION, HOW WILL THE STATUS QUO FOR EXISTING USERS BE MAINTAINED, PARTICULARLY FOR IRRIGATION DISTRICTS THAT STORE WATER WHEN POSSIBLE? [LB1038]

SENATOR SCHILZ: AND THANK YOU, SENATOR LINDSTROM. FOR SUCH AN APPLICATION, THE NPPD'S HISTORICAL OPERATIONAL PRACTICE OF REMOVING THE CALL FROM THE RIVER AFTER IRRIGATION SEASON WILL BE TAKEN INTO CONSIDERATION BY THE DEPARTMENT AND THE NEW APPROPRIATION HOLDERS. THIS PRACTICE HAS ALLOWED FOR STORAGE BY IRRIGATION DISTRICTS. THE DEPARTMENT HAS THE POWER TO CONSIDER CONDITIONS TO ENSURE NO HARM TO EXISTING USERS. AND THE NATURAL RESOURCES DISTRICTS HAVE ALREADY ENGAGED IN DISCUSSIONS WITH THE BUREAU OF RECLAMATION ABOUT COORDINATING CALL EFFORTS SO THAT STORAGE BY THE IRRIGATION DISTRICTS MAY CONTINUE. [LB1038]

SENATOR LINDSTROM: THANK YOU, SENATOR SCHILZ. MR. PRESIDENT, WOULD SENATOR DAVIS YIELD TO A QUESTION, PLEASE? [LB1038]

SENATOR KRIST: SENATOR DAVIS, WILL YOU YIELD? [LB1038]

SENATOR DAVIS: I WILL. [LB1038]

SENATOR LINDSTROM: THANK YOU, SENATOR DAVIS. SENATOR DAVIS, WHAT ROLE WILL DNR AND THE DIRECTOR PLAY WHEN THERE IS A CHANGE TO THE USE APPLICATION? [LB1038]

SENATOR DAVIS: THE PROVISIONS OF 46-294 APPLY TO AN APPLICATION FOR A CHANGE IN USE OF APPROPRIATION. SUBSECTION (3) ALLOWS THE DEPARTMENT TO CRAFT APPROPRIATE CONDITIONS AND LIMITATIONS AS PART OF A NO HARM

Floor Debate
March 22, 2016

REVIEW BEFORE APPROVING THE APPLICATION. THE BILL IS STRUCTURED TO ENSURE THAT PROTECTION PROVISIONS AND DEPARTMENT AUTHORITIES EXISTING IN STATUTE APPLY TO THE PROVISIONS OF LB1038. THE BILL AND ITS PLACEMENT IN EXISTING STATUTE GIVE THE DIRECTOR OF DNR DISCRETION AND AUTHORITY TO LIMIT THE REQUESTED CHANGE AS MAY BE APPROPRIATE OR NEEDED. THIS INCLUDES THE ABILITY OF THE DIRECTOR TO AUTHORIZE THE CHANGE IN USE, IN FULL OR IN PART. [LB1038]

SENATOR LINDSTROM: THANK YOU, SENATOR DAVIS. I STAND IN SUPPORT OF THE TWO AMENDMENTS, UNDERLYING BILL LB1038. I'LL YIELD MY TIME BACK TO THE CHAIR. THANK YOU. [LB1038]

SENATOR KRIST: THANK YOU, SENATOR LINDSTROM AND SENATOR SCHILZ AND SENATOR DAVIS. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB1038]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SCHILZ WOULD YIELD FOR A QUESTION. [LB1038]

SENATOR KRIST: SENATOR SCHILZ, WILL YOU YIELD? [LB1038]

SENATOR SCHILZ: I WOULD BE HAPPY TO, YES. [LB1038]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. I NOTICED OUR POOR, OLD, DESTITUTE FRIENDS FROM GAME AND PARKS ARE MENTIONED IN THE NATURAL RESOURCES AMENDMENT. CAN YOU TELL ME HOW MUCH INVOLVEMENT THEY WILL HAVE AND ARE THEY GOING TO BE ABLE TO AFFORD IT? [LB1038]

SENATOR SCHILZ: WELL, THE QUESTION OF WHETHER THEY ARE GOING TO BE ABLE TO AFFORD IT WILL BE ANSWERED AFTER THIS BILL PASSES. WITHOUT THE ABILITY TO ASK FOR THE APPROPRIATION, THERE IS NO REASON TO PAY FOR IT, SO WE'D HAVE TO WAIT UNTIL THAT IS DONE. BUT WHAT I UNDERSTAND IS THAT THEY WILL USE THE NEW WATER SUSTAINABILITY FUND AS WELL AS THEY WILL LOOK FOR AN APPLICATION WITH THE NEBRASKA ENVIRONMENTAL TRUST TO BE ABLE TO DO THIS AS WELL AS NOT ONLY DOES...IS IT GAME AND PARKS THAT'S INVOLVED IN THIS. IT IS ALSO THE FIVE NATURAL RESOURCES DISTRICTS THAT ARE UP THERE. SO THEY WILL ALL HAVE TO AGREE IN PARTNERSHIP IN ORDER TO MAKE THIS WORK. [LB1038]

Floor Debate
March 22, 2016

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR. I CERTAINLY WOULDN'T WANT TO PLACE A BURDEN ON GAME AND PARKS. MR. PRESIDENT, I YIELD THE REMAINDER OF MY TIME TO SENATOR CAMPBELL. [LB1038]

SENATOR KRIST: SENATOR CAMPBELL, YOU HAVE BEEN YIELDED 3:40. [LB1038]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. IF SENATOR HUGHES WOULD ENTERTAIN A QUESTION, PLEASE. [LB1038]

SENATOR KRIST: SENATOR HUGHES, WILL YOU YIELD TO A QUESTION? [LB1038]

SENATOR HUGHES: ABSOLUTELY. [LB1038]

SENATOR CAMPBELL: SENATOR HUGHES, OVER THE PAST YEAR SOMETIMES WHEN WE'VE DISCUSSED THESE KINDS OF ISSUES, WE HAVE TALKED ABOUT HOW DIFFICULT IT HAS BEEN TO CONTROL PHRAGMITES. DO YOU ANTICIPATE THAT THAT IS STILL A PROBLEM AND WILL BE LOOKED AT BY YOUR TASK FORCE? [LB1038]

SENATOR HUGHES: YES. [LB1038]

SENATOR CAMPBELL: THANK YOU. [LB1038]

SENATOR KRIST: SENATOR CAMPBELL, YOU'RE NEXT IN THE QUEUE. WOULD YOU...SENATOR CAMPBELL WAIVES. SENATOR KOLOWSKI, YOU ARE RECOGNIZED. [LB1038]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I STAND IN FULL SUPPORT OF THE AMENDMENTS AS WELL AS THE ORIGINAL BILL. I THINK IT IS AN EXCELLENT MOVE ON OUR PART. WE'VE HAD GREAT SUCCESS IN THE STATE IN THE PAST WITH THE SPRAYING AND EXTRACTION OF INVASIVE SPECIES AND THE ROOTS OF MANY OF THOSE PLANTS AS THEY HAVE BEEN VERY DISRUPTIVE OF THE WATER FLOW IN MANY OF OUR RIVERS AND STREAMS. I WANT TO ESPECIALLY THANK SENATOR HUGHES FOR BRINGING FORWARD THE SPRAYING ASPECT, ASKING FOR THE MONEY TO CONTINUE THAT PROCESS, WHICH HAS PLAYED A MAJOR ROLE IN THE...ASSISTING US IN MEETING OUR WATER RESPONSIBILITIES WITH OUR NEIGHBORING STATES--KEEPING THOSE...THAT WATER FROM BEING SUCKED UP BY MANY OF THESE INVASIVE SPECIES PLANTS.

Floor Debate
March 22, 2016

AND WE HAVE HAD GREAT SUCCESS IN THE PAST. WE NEED TO CONTINUE THIS. THANK YOU VERY MUCH. [LB1038]

SENATOR KRIST: THANK YOU, SENATOR KOLOWSKI. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB1038]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I WONDER IF SENATOR DAVIS WILL YIELD TO A QUESTION. [LB1038]

SENATOR KRIST: SENATOR DAVIS, YOU'VE BEEN ASKED TO YIELD TO A QUESTION. SENATOR BRASCH, HE'S YIELDING. GO AHEAD AND ASK YOUR QUESTION. [LB1038]

SENATOR BRASCH: THANK YOU. SENATOR DAVIS, I'M CURIOUS, IF THE AMENDMENT HERE BY SENATOR GARRETT, IT LOOKS VERY SIMILAR TO A BILL YOU INTRODUCED TO THE TRANSPORTATION COMMITTEE REGARDING OBSTRUCTION OF SIGNS BY VEGETATION. IS THIS THAT SAME BILL? AND IF NOT, WHAT IS THE DIFFERENCE? [LB1038]

SENATOR DAVIS: SO, SENATOR BRASCH, THAT BILL WAS SENATOR GARRETT'S BILL AND I THINK HE'LL GET TO THAT WHEN HE HAS AN OPPORTUNITY TO DO SO. IT IS THE SAME BILL. THEY APPROACHED ME AND ASKED ME IF IT COULD BE AMENDED INTO THIS SINCE SENATOR HUGHES'S BILL DEALS WITH ISSUES OF FOLIAGE AND INVASIVE SPECIES AND THAT BILL ALSO DEALS WITH FOLIAGE. [LB1038]

SENATOR BRASCH: SO THAT IS YOUR BILL, AMENDED INTO...BY SENATOR GARRETT INTO THIS BILL. CORRECT? [LB1038]

SENATOR DAVIS: WELL, MY BILL IS LB1038... [LB1038]

SENATOR BRASCH: RIGHT. [LB1038]

SENATOR DAVIS: ...AND SENATOR GARRETT WOULD LIKE TO AMEND HIS BILL INTO IT. YES. [LB1038]

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

Floor Debate
March 22, 2016

SENATOR BRASCH: OKAY. AND ARE THERE ANY FEES IN THIS BILL ASSOCIATED WITH THAT AS WELL? [LB1038]

SENATOR DAVIS: FOR THE SIGN TRIMMING, YOU MEAN? [LB1038]

SENATOR BRASCH: YES, UH-HUH. [LB1038]

SENATOR DAVIS: YES, I BELIEVE SO. [LB1038]

SENATOR BRASCH: THERE ARE? [LB1038]

SENATOR DAVIS: I HAVEN'T REVIEWED THE BILL BUT I BELIEVE SO. [LB1038]

SENATOR BRASCH: I'M LOOKING FOR IT AND I DON'T SEE THAT. I AM CONCERNED WHEN... [LB1038]

SENATOR DAVIS: SENATOR BRASCH. [LB1038]

SENATOR BRASCH: ...IT JUMPED ONE COMMITTEE TO ANOTHER. [LB1038]

SENATOR DAVIS: SO, SENATOR BRASCH, THE FEES ARE \$50, WHICH I THINK IS THE FEE THAT WE AGREED TO. I THINK IT HAD GONE TO CONSENT CALENDAR REQUEST AND DIDN'T MAKE CONSENT CALENDAR. SO, YOU KNOW, WE THINK IT IS AN IMPORTANT BILL AND WE WANTED TO PUT IT INTO THIS ONE. [LB1038]

SENATOR BRASCH: OKAY. I HAVE NO OTHER QUESTIONS. THANK YOU, SENATOR DAVIS. I WILL CONTINUE READING THROUGH THIS AND SEE IF I DO WANT TO ASK QUESTIONS WHEN SENATOR GARRETT SPEAKS ON IT. THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. [LB1038]

SENATOR KRIST: THANK YOU, SENATOR BRASCH AND SENATOR DAVIS. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB1038]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I WAS JUST WONDERING IF SENATOR HUGHES WOULD BE WILLING TO ANSWER A COUPLE OF QUESTIONS. [LB1038]

Floor Debate
March 22, 2016

SENATOR KRIST: SENATOR HUGHES, WILL YOU YIELD? [LB1038]

SENATOR HUGHES: OF COURSE. [LB1038]

SENATOR PANSING BROOKS: SENATOR HUGHES, I UNDERSTAND THE IMPORTANCE OF WORRYING ABOUT INVASIVE SPECIES BECAUSE WE OFTEN GO TO A PLACE IN MINNESOTA THAT HAS SOME OF THOSE SPECIES THAT WE HAVE TO WORRY ABOUT. BUT HERE IN LINCOLN, WE REALLY, WE REALLY DON'T HAVE THAT ISSUE. SO, I GUESS...I DON'T KNOW WHETHER WE THINK WE SHOULD CARVE OUT LINCOLN AND OMAHA FROM THAT KIND OF A BILL SINCE THAT WAS WHAT'S HAPPENED PREVIOUSLY IN THE DAY? [LB1038]

SENATOR HUGHES: THE... [LB1038]

SENATOR PANSING BROOKS: DO YOU THINK THAT? [LB1038]

SENATOR HUGHES: THE INVASIVE SPECIES IN THE RIVER SYSTEMS ACROSS THE STATE OF NEBRASKA ARE A STATE ISSUE. THEY HAVE A VERY SERIOUS IMPACT ON THE AMOUNT OF WATER THAT IS AVAILABLE FOR THE CITIZENS OF THE STATE OF NEBRASKA. [LB1038]

SENATOR PANSING BROOKS: OKAY. THANK YOU. I HAVE ONE MORE QUESTION OR I GUESS I JUST HAVE ONE MORE LITTLE COMMENT. THANK YOU, SENATOR HUGHES. I DO FIND IT QUITE IRONIC, MY FRIENDS, THAT WE CAN EASILY DISCUSS AND JUST IN A QUICK MOMENT GIVE A MILLION DOLLARS FOR WEEDS AND INVASIVE SPECIES. BUT, BOY, IF YOUR KIDS NEED REPRESENTATION IN THE WESTERN PART OF THE STATE, FORGET THAT. THEY SHOULD BE FORCED TO WAIVE COUNSEL IMMEDIATELY. SO JUST A LITTLE REMINDER. THANK YOU, MR. PRESIDENT. [LB1038]

SENATOR KRIST: THANK YOU, SENATOR PANSING BROOKS AND SENATOR HUGHES. SENATOR GARRETT, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR GARRETT WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADOPTION OF AM2688. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1038]

ASSISTANT CLERK: 38 AYES, 0 NAYS ON THE ADOPTION OF SENATOR GARRETT'S AMENDMENT. [LB1038]

Floor Debate
March 22, 2016

SENATOR KRIST: THE AMENDMENT IS ADOPTED. MR. CLERK FOR AN AMENDMENT. [LB1038]

ASSISTANT CLERK: NEXT AMENDMENT, MR. PRESIDENT, IS SENATOR DAVIS, AM2675. (LEGISLATIVE JOURNAL PAGES 1171-1173.) [LB1038]

SENATOR KRIST: SENATOR DAVIS, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1038]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. THIS IS A VERY SIMPLE AMENDMENT. I'M GOING TO GO THROUGH IT JUST VERY BRIEFLY IF I CAN. IT IS THE BILL THAT I INTRODUCED, WHICH WAS LB1019, WHICH DEALT WITH THE RECONSTRUCTION OF THE NIOBRARA COUNCIL AND MAKING SOME CHANGES TO THE NIOBRARA COUNCIL. IT CAME OUT OF...IT WAS INTRODUCED IN COMMITTEE ON THE 24th OF FEBRUARY, CAME OUT OF COMMITTEE ON THE 1ST OF MARCH WITH AN 8-0 VOTE. THERE WAS NO OPPOSITION TO THE TESTIMONY, A SIGNIFICANT NUMBER OF SUPPORTERS AT THAT TIME. I ASKED TO HAVE IT PUT ON THE CONSENT CALENDAR. IT DID NOT MAKE IT. SO I'M TRYING TO AMEND IT IN HERE. I THINK IT IS AN IMPORTANT PIECE OF LEGISLATION. SO IT DOES JUST A VERY FEW THINGS, AND IT CAME OUT OF SOME DISCUSSION THAT TOOK PLACE LAST FALL WHEN WE HAD A NIOBRARA COUNCIL INTERIM STUDY IN VALENTINE. I WORKED WITH SENATOR KEN HAAR A LITTLE BIT ON THIS PIECE OF LEGISLATION. WHAT WE DO HERE IS WE'RE DOING JUST A VERY FEW THINGS. WE ARE PROVIDING FOR LEGISLATIVE CONFIRMATION OF THE GOVERNOR'S APPOINTEES TO THE COUNCIL. WE ARE PROVIDING FOR AN ANNUAL REPORT TO THE NATURAL RESOURCES COMMITTEE TO THE CHAIRMAN OF THE WORK THAT THE NIOBRARA COUNCIL DOES AND THEIR EXPENDITURES. WE'RE REMOVING A STATUTORY CAP ON FUNDING THAT IS PROVIDED THROUGH GAME AND PARKS COMMISSION. AND WE'RE ADDING SOME ADDITIONAL ADMINISTRATIVE, BUDGETARY, OPERATIONAL, AND PROGRAMMATIC PARAMETERS TO GAME AND PARKS' AUTHORITY THERE. THAT'S ESSENTIALLY IT. I'D ASK FOR YOUR GREEN VOTE ON THIS AMENDMENT. THANK YOU. [LB1038 LB1019]

SENATOR KRIST: THANK YOU, SENATOR DAVIS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1038]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR DAVIS WOULD YIELD. [LB1038]

Floor Debate
March 22, 2016

SENATOR KRIST: SENATOR DAVIS, WILL YOU YIELD? [LB1038]

SENATOR DAVIS: I WILL. [LB1038]

SENATOR BLOOMFIELD: SENATOR DAVIS, WHAT WAS THE ORIGINAL BILL NUMBER? [LB1038]

SENATOR DAVIS: LB1019. [LB1038 LB1019]

SENATOR BLOOMFIELD: AND WAS THERE A FISCAL NOTE WITH IT? [LB1038]

SENATOR DAVIS: NO. [LB1038]

SENATOR BLOOMFIELD: OKAY. THANK YOU. [LB1038]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD. SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE ON AM2675. SENATOR DAVIS WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2675. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1038]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB1038]

SENATOR KRIST: AMENDMENT IS ADOPTED. SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE ON YOUR COMMITTEE AMENDMENT. [LB1038]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, AND I WILL GO AHEAD AND CLOSE HERE. I THINK THAT WHAT WE'VE SEEN HERE TODAY, AND I KNOW THAT THERE WAS A FEW OF THESE BILLS THAT GOT PUT IN AND EVERYTHING LIKE THAT, BUT I THINK WE SHOULD GET USED TO THAT, GUYS. WE'RE GOING TO SEE A LOT MORE OF THAT BEFORE THIS THING IS ALL OVER, I WOULD GUESS. BUT I DO APPRECIATE EVERYBODY TAKING THE TIME TO LISTEN. I WOULD APPRECIATE A GREEN VOTE ON AM2472. AND I WANT TO LOOK OVER TO SENATOR WATERMEIER AND MAKE SURE THAT WE'RE STILL ON LINE FOR ONE MORE THING. BUT WITH THAT, I WOULD ASK FOR YOUR GREEN VOTE. THANK YOU VERY MUCH. [LB1038]

Floor Debate
March 22, 2016

SENATOR KRIST: THANK YOU, SENATOR SCHILZ. YOU'VE HEARD THE CLOSING ON AM2472. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1038]

ASSISTANT CLERK: 37 AYES, 1 NAY ON THE ADOPTION OF THE COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB1038]

SENATOR KRIST: THE COMMITTEE AMENDMENTS ARE ADOPTED. RETURNING TO DISCUSSION ON LB1038, SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB1038]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I DECIDED TO HOLD OFF UNTIL WE GET BACK TO THE LEGISLATIVE BILL. I JUST WANT TO THANK THE COMMITTEE AND THOSE MEMBERS INVOLVED IN PUTTING THIS WORK TOGETHER BECAUSE WE ARE PULLING SOMETHING OFF HERE THAT'S VERY IMPORTANT FOR THE STATE OF NEBRASKA--TALKING ABOUT SURFACE WATER RIGHTS, TALKING HOW THEIR CONJUNCTIVE USE TO GROUNDWATER. AND I REALLY WANT TO ADMIRE AND TAKE MY HAT OFF TO SENATOR SCHILZ. NOT THAT HE PULLED A RABBIT OUT OF THE HAT, BUT THIS IS A BIG DEAL. I JUST WANT TO COMMEND HIM AND THE COMMITTEE AND ALL THOSE PEOPLE THAT WERE PARTICIPATING. BUT I DO HAVE A QUESTION FOR SENATOR SCHILZ IF HE WOULD YIELD. [LB1038]

SENATOR KRIST: SENATOR SCHILZ, WILL YOU YIELD? [LB1038]

SENATOR SCHILZ: I WOULD, YES. [LB1038]

SENATOR WATERMEIER: SENATOR SCHILZ, THIS QUESTION IS INVOLVING SUBORDINATION AGREEMENTS. WHAT DOES IT MEAN IF A PERSON HOLDING A SUBORDINATION AGREEMENT BEFORE THE CHANGE IN USE SHALL BE ENTITLED TO, TO ENTER INTO A NEW SUBORDINATION AGREEMENT? KIND OF EXPAND ON THAT JUST A LITTLE BIT FOR ME. [LB1038]

SENATOR SCHILZ: THANK YOU, SENATOR WATERMEIER. AND HERE'S THE ANSWER. IF THE HOLDER OF A SUBORDINATION AGREEMENT ENTERED INTO BEFORE THE CHANGE IN THE APPROPRIATION USE AND WANTS TO ENTER INTO A NEW SUBORDINATION AGREEMENT, THEY ARE ENTITLED TO DO SO. IF THEY DO NOT WANT TO DO SO, THEY DO NOT HAVE TO. THEY CAN HAVE THE SAME TERMS FOR THE SAME COST. THE BILL REQUIRES THAT ANY NEW SUBORDINATION

Floor Debate
March 22, 2016

AGREEMENT ENTERED INTO HAVE TERMS CONSISTENT WITH THE ORIGINAL SUBORDINATION AGREEMENT AT NO ADDITIONAL COST. HOWEVER, FOR EXISTING PAID-IN-FULL PERPETUAL SUBORDINATION AGREEMENTS THAT WERE INTENDED TO BE BINDING REGARDLESS OF A CONTRACT SUCCESSOR, OUR INTENTION IS THAT THOSE AGREEMENTS WILL REMAIN IN PLACE AND BE HONORED UNDER THE AGREEMENT'S ORIGINAL TERMS. [LB1038]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHILZ. I APPRECIATE THAT. AND ONCE AGAIN, I'VE BEEN INVOLVED IN WATER ISSUES IN THE STATE OF NEBRASKA FOR 25 YEARS. AND THIS IS A GOOD BILL. THIS IS A BIG BILL, BUT GOOD BILL. AND ALL THE AMENDMENTS THAT WE PASSED ALONG WITH IT ARE IMPORTANT--INVASIVE SPECIES AND THE SIGN ISSUE. I AGREE WITH ALL OF THOSE AMENDMENTS. THIS IS A GOOD BILL. SO I JUST REALLY WANT TO TIP MY HAT ONCE AGAIN TO ALL THOSE WORKING BEHIND THE SCENES ON THIS BILL. THIS IS GOING TO BE BETTER FOR THE STATE OF NEBRASKA. THANK YOU, MR. PRESIDENT. [LB1038]

SENATOR KRIST: THANK YOU, SENATOR WATERMEIER AND SENATOR SCHILZ. MR. CLERK. [LB1038]

ASSISTANT CLERK: SENATOR SCHILZ, YOU HAD AM1966 FILED TO THE BILL BUT I HAVE A NOTE TO WITHDRAW. [LB1038]

SENATOR SCHILZ: WE NEED TO WITHDRAW THAT, YES. [LB1038]

SENATOR KRIST: WITHDRAWN. SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB1038]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I JUST WANT TO SAY AGAIN A BIG THANK YOU TO SENATOR SCHILZ AND LAURIE LAGE FOR THE HOURS OF WORK THAT THEY PUT IN; TO ALL THE ATTORNEYS AND ALL THE MEMBERS OF THE NRDs WHO CAME DOWN TO TALK ABOUT THE BILL, COMPROMISE; GAME AND PARKS. IT'S BEEN QUITE AN EXPERIENCE AND IT WOULD NEVER HAVE HAPPENED WITHOUT A LOT OF HARD WORK FROM A LOT OF PEOPLE. IT'S A GOOD BILL. IT TAKES NEBRASKA TO A NEW PLACE. I THINK IT'S GOING TO BE A GOOD FIT FOR US WITH THIS WILD AND SCENIC RIVER IN THE NIOBRARA BASIN. SO I'M GOING TO CLOSE AND URGE YOU TO VOTE GREEN ON THIS BILL. THANK YOU. [LB1038]

Floor Debate
March 22, 2016

SENATOR KRIST: THANK YOU, SENATOR DAVIS. YOU'VE HEARD THE CLOSING ON LB1038. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. THERE'S BEEN A REQUEST FOR A RECORD VOTE, MR. CLERK. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB1038]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1173-1174.) THE VOTE IS 41 AYES, 0 NAYS, 5 PRESENT AND NOT VOTING, 3 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1038]

SENATOR KRIST: LB1038 ADVANCES. MR. CLERK. [LB1038]

ASSISTANT CLERK: MR. PRESIDENT, LB1038A BY SENATOR HUGHES. (READ TITLE.) [LB1038A]

SENATOR KRIST: SENATOR HUGHES, YOU'RE RECOGNIZED TO OPEN ON YOUR A BILL. [LB1038A]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT, COLLEAGUES. I MENTIONED BEFORE THIS IS A MILLION DOLLAR ASK. THE ORIGINAL ASK WAS A LITTLE OVER \$2 (MILLION). IN CONSULTATION WITH CHAIRMAN MELLO, WE HAVE PARED THAT BACK. I WOULD APPRECIATE YOUR SUPPORT. THANK YOU. [LB1038A]

SENATOR KRIST: THANK YOU, SENATOR HUGHES. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1038A]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I JUST WANTED TO CLARIFY MY GOOD FRIENDS, SENATOR DAVIS AND HUGHES, I JUST MISSED MY BUTTON IN TIME ON THE LAST VOTE AND I DO SUPPORT THIS. WE ALONG THE PLATTE HAD THAT, EXCUSE ME IF I BUTCHER THE NAME, PHRAGMITES, INVASIVE VEGETATION THAT WILL TAKE OVER A RIVER IN A HURRY. WATER IS PRECIOUS OUT WEST, AND THAT INVASIVE SPECIES CONSUMES AN AWFUL LOT OF IT. TREES, PLANTS, WE NEED TO MANAGE IT. AND IT WORKED GREAT THE LAST TIME. WE JUST RAN OUT OF FUNDING. AND I APPRECIATE SENATOR HUGHES'S AND DAVIS' WORK ON THIS AND SENATOR SCHILZ. I WILL MAKE SURE I HIT MY BUTTON THIS TIME. THANK YOU. [LB1038A]

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

Floor Debate
March 22, 2016

SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR HUGHES, YOU'RE RECOGNIZED TO CLOSE. SENATOR HUGHES WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB1038A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1038A]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB1038A]

SENATOR KRIST: LB1038A ADVANCES. ITEMS? [LB1038A]

ASSISTANT CLERK: I HAVE AN AMENDMENT TO BE PRINTED TO LB1094 FROM SENATOR BOLZ. NAME ADD TO LR506 BY SENATOR PANSING BROOKS. (LEGISLATIVE JOURNAL PAGES 1174-1177.) [LB1094 LR506]

AND A PRIORITY MOTION: SENATOR HADLEY WOULD MOVE TO ADJOURN UNTIL WEDNESDAY, MARCH 23, AT 9:00 A.M.

SENATOR KRIST: YOU HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. WE ARE ADJOURNED. DRIVE CAREFUL.