

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

Floor Debate  
April 04, 2016

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[LB10 LB235 LB463 LB580 LB686 LB716 LB721 LB744 LB746A LB756 LB768 LB774  
LB774A LB804 LB821 LB829 LB830 LB835 LB843 LB851A LB851 LB874 LB884 LB886  
LB886A LB889 LB889A LB930 LB935 LB938A LB938 LB958 LB959A LB1000 LB1012  
LB1038 LB1038A LB1056 LB1066 LB1067 LB1067A LB1098 LB1098A LB1106 LB1108  
LB1110 LB1110A LR616]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR JEAN VARGO OF THE GRACE LUTHERAN CHURCH IN WEST POINT, NEBRASKA, SENATOR BRASCH'S DISTRICT. PLEASE RISE.

PASTOR VARGO: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR VARGO. I CALL TO ORDER THE FIFTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. ATTENTION, MEMBERS: IF YOU'RE IN THE CHAMBER, IF YOU COULD PLEASE RECORD YOUR PRESENCE WE'D APPRECIATE THAT. THANK YOU. MR. CLERK, PLEASE RECORD.

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

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

CLERK: I HAVE NO CORRECTIONS.

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

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS THE FOLLOWING BILLS AS CORRECTLY ENGROSSED: LB686, LB744, LB746A, LB774, LB774A, LB835, LB843, LB874, LB886, LB886A, LB889, LB935, LB938, LB938A, LB1000, LB1012, LB1038, LB1038A, LB1066, LB1098, LB1098A, LB1110, AND LB1110A, THOSE ALL REPORTED CORRECTLY ENGROSSED. IN ADDITION, ENROLLMENT AND REVIEW REPORTS LB1067, LB1067A, LB821, LB958, LB889A,

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LB959A TO SELECT FILE, SOME OF WHICH HAVE ENROLLMENT AND REVIEW AMENDMENTS ATTACHED. MR. PRESIDENT, ATTORNEY GENERAL'S OPINION ADDRESSED TO SENATOR SCHEER (RE LB830). THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1429-1446.) [LB686 LB744 LB746A LB774 LB774A LB835 LB843 LB874 LB886 LB886A LB889 LB935 LB938 LB938A LB1000 LB1012 LB1038 LB1038A LB1066 LB1098 LB1098A LB1110 LB1110A LB1067 LB1067A LB821 LB958 LB889A LB959A LB830]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. (VISITORS INTRODUCED.) PROCEEDING NOW TO THE FIRST ITEM ON THE AGENDA, MOTION TO PLACE BILL ON GENERAL FILE. MR. CLERK.

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO PLACE LB1056 ON GENERAL FILE PURSUANT TO RULE 3, SECTION 20(b). [LB1056]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB1056]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THE SPEAKER GAVE ME ONE HOUR FOR THIS, AND WHEN IT'S A MOTION, THAT IS NOT AN UNREASONABLY SHORT PERIOD OF TIME. I REALIZE THAT I'M NOT GUARANTEED A VOTE, BUT IN THE SAME WAY THAT A MAN WHOSE WIFE CHOSE TO LEAVE THIS WORLD GENTLY WHEN SHE HAD A HORRIFIC CANCER, SHE HAD HAD EIGHT HOURS OF SURGERY, SHE HAD FEWER THAN SIX MONTHS TO LIVE. THE DOCTORS HAD, SEVERAL OF THEM, DESCRIBED WHAT HER CONDITION WAS. SHE WOULD BEGIN TO HAVE SEIZURES. SHE COULDN'T SLEEP. SHE WOULD EVENTUALLY GO BLIND. SHE COULDN'T DO ANYTHING FOR HERSELF. AND HE PROMISED HER THAT HE WOULD DO ALL THAT HE COULD--HER HUSBAND--TO SEE THAT OTHERS HAD THE OPPORTUNITY TO LEAVE THE WORLD THE WAY SHE DID. AND THE PROMISE THAT I MADE TO PEOPLE WHO HAVE CALLED ME WHEN THEY FOUND OUT I WAS BRINGING THIS BILL AND HAVE WRITTEN LETTERS AND SENT E-MAILS THAT I'M GOING TO FIND A WAY TO BRING IT BEFORE THE LEGISLATURE AND I'M DELIVERING ON THAT PROMISE. THIS, FOR ME, I'M SURE IS JUST GOING TO BE THE FIRST STEP IN A VERY LONG AND ARDUOUS JOURNEY, BUT IT'S ONE OF THOSE MATTERS WHICH IS AN ISSUE OF PRINCIPLE WITH ME. I'M NOT, AS FAR AS I KNOW, GOING TO CHECK OUT ANY TIME SOON. BUT IF I SHOULD BE IN A SET OF CIRCUMSTANCES BASED ON THOSE THAT I'VE READ ABOUT THAT OTHER PEOPLE WERE FACING, PERHAPS I WOULD LIKE TO GO GENTLY INTO THAT GOOD NIGHT. BUT AT ANY

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RATE, THERE ARE PEOPLE WHO ARE OF SUCH A MIND. AN HOUR REALLY IS NOT ENOUGH TIME TO EVEN THOROUGHLY DESCRIBE THE BILL. I SAID DESCRIBE, NOT EXPLAIN IT ALL. BUT I'M GOING TO READ MY STATEMENT OF INTENT SO SOMETHING IS IN THE RECORD, AND I'M GOING TO START BEFORE THAT WITH A LETTER FROM A MAN WITH WHOM I SERVED IN THE LEGISLATURE NAMED DAVID NEWELL. HE WAS VERY LOQUACIOUS. HE WAS VERY ACTIVE. HE BELIEVED IN PARTICIPATORY LEGISLATING. BUT WHEN HE WAS HERE NOT TOO MANY DAYS AGO WHEN THEY HAD THAT OLD SENATOR DAY WHEN PEOPLE CAME BACK, I SAW HIM FOR THE FIRST TIME SINCE HE HAD BEEN HERE. HE WAS SITTING IN A WHEELCHAIR, PROPPED UP. HIS HEAD WAS SLIGHTLY TILTED BACKWARD. I COULD SEE THAT SOME OF HIS TEETH WERE ROTTED. HIS MOUTH WAS HANGING OPEN. HE HAD A PAD IN FRONT OF HIM ON HIS WHEELCHAIR WHERE HE TRIED TO TAP OUT A MESSAGE TO ME. BUT HE WAS SO TIRED AT THAT POINT, I JUST SPENT THE TIME TALKING TO HIM AND DID NOT NEED HIM TO WRITE...TRY TO WRITE A RESPONSE. BUT THIS IS A LETTER, AND HE MAY HAVE SENT IT TO ALL THE SENATORS. ANYWAY, I'M GOING TO READ IT: I APOLOGIZE IN ADVANCE FOR TAKING THIS OCCASION TO SHOW SUPPORT FOR SENATOR CHAMBERS' PRIORITY BILL, LB1056, WHICH HAS MANY NAMES. FOR ME, I CHOOSE TO CALL IT "END OF LIFE WITH CARE ACT." AS YOU KNOW, WE ALL ARE GOING TO DIE. FOR ME IT WILL BE SOONER RATHER THAN LATER. ALS IS A PROGRESSIVE NEUROLOGICAL DISEASE, A.K.A. LOU GEHRIG'S DISEASE, WHICH CAUSES ALL OF THE BODY'S VOLUNTARY MUSCLES TO DIE. MY HEALTH IS RAPIDLY FAILING AND I AM USING A WHEELCHAIR FOR MOBILITY. I HAVE A MACHINE FOR BREATHING TO SAVE MY DIAPHRAGM. ANOTHER MACHINE FOR COMMUNICATING REQUIRES ME TO TYPE FOR SPEAKING, WHICH IS SLOW AND TIRING. I AM RELEGATED TO SIT IN A CHAIR ALL DAY WATCHING TELEVISION OR TAPPING OUT MESSAGES ON MY COMPUTER. I CAN NO LONGER SWALLOW FOOD, SO I NEED SOMEONE TO FEED ME THROUGH A PEG TUBE. SO YOU WILL NOT SEE ME AT THE REUNION LUNCHEON. EVERY EFFORT IS DIFFICULT AND TIRING. I AM WAITING TO DIE. I'M NOT AFRAID TO DIE. IN FACT, I'M MORE AFRAID OF SUFFERING. THE WAY YOU DIE WITH ALS IS YOUR DIAPHRAGM, WHICH IS A MUSCLE, STOPS WORKING. IMAGINE LYING IN BED ON YOUR BACK FOR WEEKS OR MONTHS, WAITING TO SUFFOCATE. YOU CANNOT TURN OVER BECAUSE YOU'RE TOO WEAK. DYING MUSCLES CRAMP AND THAT PAIN STILL REGISTERS BECAUSE YOUR MIND STILL WORKS. THAT IS MY NIGHTMARE. AS AN ADULT WITH MY FULL FACILITIES, I WOULD LIKE TO CHOOSE WHEN ENOUGH IS ENOUGH. MY DOCTORS--AND I EMPHASIZE THIS--MY DOCTORS ARE MORE THAN SUPPORTIVE OF THIS LAW, WHICH WOULD ACTUALLY LET ME BE THE CAPTAIN OF MY OWN SHIP AND ALLOW ME TO PLAN MY FINAL GOOD-BYE. I PRAY THIS BILL DOES NOT GET CAUGHT UP IN THE RIGHT-TO-LIFE DEBATE. LB1056 DEALS

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WITH ONLY THE LAST SIX MONTHS OF LIFE. IN MY CASE, I RECEIVE SOCIAL SECURITY BENEFITS AND VIETNAM VETERAN'S BENEFITS. YOU COULD SAVE OUR FEDERAL GOVERNMENT THE COST OF BENEFITS AND MEDICAL CARE AND SAVE ME EMBARRASSMENT AND PAIN. I DON'T SEE ANY VALUE IN POINTLESS, USELESS SUFFERING. AND IF I WERE THE ONLY ONE WHO WOULD STAND FOR THIS, TRYING TO GIVE PEOPLE A WAY OUT OF HERE, I WOULD BE THAT LONE PERSON. BUT THAT'S NOT THE CASE. AND I JUST WISH ONE OF THE TWO LARGE NEWSPAPERS IN THIS STATE, EITHER THE OMAHA WORLD-HERALD OR THE LINCOLN JOURNAL STAR, WOULD COMMISSION A VALID SURVEY OR POLL ON THIS MATTER. AND ALTHOUGH, AS I'VE SAID BEFORE, I DON'T MAKE BOOK, I WOULD WAGER THAT MORE THAN 60 PERCENT WOULD FAVOR THIS BILL WHICH ALLOWS A PERSON TO DETERMINE WHEN AND HOW HE OR SHE WILL DIE. HERE IS A LETTER THAT APPEARED IN THE OMAHA WORLD-HERALD PUBLIC PULSE ON FEBRUARY 28. THE HEADLINE OR CAPTION, "A DOCTOR'S DUTY IS TO ALLEVIATE PAIN." AS A PHYSICIAN, I'VE COME TO REALIZE THAT WE ARE HELPLESS TO PREVENT THE EVENTUALITY OF DEATH. HOW ONE DIES SHOULD BE A PERSONAL DECISION, NOT DECIDED BY BUREAUCRATS OR RELIGIOUS ORGANIZATIONS. LB1056 IN NO WAY PLACES PHYSICIANS IN THE POSITION OF VIOLATING THEIR OATH AS IT IS A VOLUNTARY ACTION THAT CAN BE REFUSED BY A PHYSICIAN. IS IT MORE OR LESS HARM TO DENY THE REQUEST OF A PATIENT WHO IS SUFFERING THE LAST FEW MONTHS OF LIFE? HOSPICE IS THE ANSWER FOR MANY, BUT NOT ALL. WHILE NOT PLEASANT TO CONTEMPLATE, ANY ONE OF US MAY FACE THIS FATE OF A LINGERING, PAINFUL DEATH. SO I ASK AGAIN, WHOSE LIFE IS IT? DR. BRETT V. KETTELHUT, K-E-T-T-E-L-H-U-T. I HAD THOSE THINGS I WANTED TO READ INTO THE RECORD. AND SHOULD I HAVE ANOTHER OPPORTUNITY TO SPEAK, I'M GOING TO READ MY STATEMENT OF INTENT SO THAT THAT ALSO WILL BE IN THE RECORD. THIS, AS I SAID, IS THE FIRST STEP, AND IT WILL BE A LONG JOURNEY FOR ME AS WAS TRYING TO ABOLISH THE DEATH PENALTY. I WILL NOT HAVE AS MUCH TIME, NOT BECAUSE I'M PLANNING TO CROAK ANYTIME SOON, AS I STATED. BUT SHOULD I BE REELECTED...AND THERE ARE VAGARIES IN POLITICS THAT KEEPS US FROM SPEAKING WITH CERTITUDE ABOUT THINGS THAT ARE BEYOND OUR CONTROL. BUT SHOULD I BE REELECTED THIS TIME AROUND, I WILL HAVE FOUR YEARS, AND I WILL DEDICATE THOSE YEARS NOT ONLY TO THIS, BUT THIS IS ONE OF THE EFFORTS I WILL UNDERTAKE. IT IS COMPLETELY VOLUNTARY. IT IS NOT ANYBODY ELSE'S BUSINESS. THEY HAVE WHAT THEY CALL PALLIATIVE CARE OR TERMINAL PALLIATIVE CARE WHERE THEY INDUCE A VERY DEEP COMA. NOBODY KNOWS WHETHER A PERSON IS REALLY GONE AND TOTALLY UNAWARE OF EVERYTHING IN THAT SET OF CIRCUMSTANCES. THERE WAS A PROGRAM ON 60 MINUTES A COUPLE OF WEEKS OR SO AGO AND THERE WAS A DESCRIPTION OF HOW THIS

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HAPPENED IN A FAMILY. AND ON A COUPLE OF OCCASIONS THE PERSON STARTED TO COME OUT FROM UNDER THE SEDATION, AND THOSE MOMENTS WERE DESCRIBED AS HORRIFIC FOR THE WOMAN WHO WAS DYING... [LB1056]

PRESIDENT FOLEY: ONE MINUTE. [LB1056]

SENATOR CHAMBERS: ...AND FOR THE FAMILY. AND IT TOOK HER FIVE DAYS TO DIE. THEY DEPRIVE YOU OF FOOD AND WATER, AND GENERALLY A PERSON DIES FROM DEHYDRATION RATHER THAN STARVATION. BUT IN ANY CASE, IT CANNOT BE PLEASANT. IT IS DEGRADING. IT IS DEHUMANIZING. IT CERTAINLY IS NOT HUMANE. AND THE PERSON IS DEPRIVED COMPLETELY OF HIS OR HER HUMAN DIGNITY. THANK YOU, MR. PRESIDENT. [LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. AND YOU ARE FIRST IN THE QUEUE, SENATOR. SO YOU MAY CONTINUE. [LB1056]

SENATOR CHAMBERS: MEMBERS OF THE LEGISLATURE, THIS IS THE KIND OF BILL WHICH IN A SOCIETY SUCH AS AMERICA WILL NOT HAVE UNIVERSAL ACCEPTANCE, CERTAINLY NOT UNIVERSAL REJECTION. I WILL NOT CONDEMN ANYBODY FOR WHATEVER THEIR VIEW IS. WE ARE PRODUCTS OF OUR EDUCATION, OUR UPBRINGING, OUR EXPERIENCES, THE PHILOSOPHY THAT WE DEVELOP AS WE GO ALONG. I HAVE ALWAYS BEEN ON THE SIDE OF THOSE WHO ARE CONSIDERED THE "UNDERDOG"--THE ONES WHO HAVE NO FRIENDS, THE ONES WHO ARE BULLIED, THE ONES WHO ARE GANGED ON, THE ONES WHO ARE MARGINALIZED, THE ONES WHO ARE CONVERTED INTO WHAT MIGHT BE CONSIDERED NONPERSONS. SOMEBODY HAS TO SPEAK FOR THOSE PEOPLE. THEY ARE PEOPLE. THEY ARE HUMAN BEINGS. AND APPARENTLY IT FALLS TO ME, NOT AS THE ONLY ONE BUT I WOULD SAY THE MOST CONSISTENT ONE, TO DO THIS. THERE'S A LINE FROM A POEM THAT I LEARNED WHEN I WAS IN THE SIXTH GRADE. I DON'T KNOW WHY A TEACHER HAD SIXTH GRADE STUDENTS READ THAT POEM, BUT IT STUCK IN MY MIND, PART OF IT, AND IT TALKS ABOUT CARRYING THE BURDENS OF THE WORLD. IT'S CALLED "THE MAN WITH THE HOE," BY EDWIN MARKHAM: BOWED BY THE WEIGHT...AND IT'S A LONG POEM AND I'M NOT GOING TO GIVE IT ALL. I WOULDN'T REMEMBER IT ALL ANYWAY. BOWED BY THE WEIGHT OF CENTURIES HE LEANS UPON HIS HOE AND GAZES AT THE GROUND, THE EMPTINESS OF AGES IN HIS FACE, AND ON HIS BACK THE BURDEN OF THE WORLD. WHO MADE HIM DEAD TO THE RAPTURE AND DESPAIR, A THING THAT GRIEVES NOT, THAT NEVER HOPES, STOLID AND STUNNED, THE BROTHER TO THE OX? WHOSE HAND LOOSENED AND LET DOWN THIS BRUTAL

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JAW? WHOSE WAS THE HAND THAT SLANTED BACK THIS BROW? WHOSE WAS THE BREATH THAT BLEW OUT THE LIGHT WITHIN THIS BRAIN? THEN IT GOES ON TO TALK ABOUT THE CONDITIONS UNDER WHICH PEOPLE, WHOM THIS MAN WITH THE HOE SYMBOLIZED, WERE MISTREATED IN THE WORLD. AND IT CONCLUDED WITH WORDS SOMETHING LIKE THIS: OH LORDS, MASTERS AND RULERS IN ALL LANDS, WHERE WILL YOU BE WHEN THIS DUMB TERROR SHALL RISE TO JUDGE THE WORLD AFTER THE SILENCE OF CENTURIES? IF PEOPLE HAD TO WALK IN OTHERS' SHOES, THEY WOULD AT LEAST BE MORE SYMPATHETIC EVEN IF NOT EMPATHETIC. THAT WORD "COMPASSION" WOULD BE MORE THAN JUST A CLICHE TO THROW AROUND. IT WOULD MEAN THAT WE DO, IN FACT, FEEL, AT LEAST EMPATHETICALLY, OUR BROTHERS', OUR SISTERS' PAIN. WE WOULD NOT BE COMFORTABLE IN THE PRESENCE OF OTHER PEOPLE'S AGONY. IF THERE WERE ANYTHING WE COULD DO TO GIVE THEM RELEASE OR SURCEASE OF SORROW, WE WOULD DO IT. YOU ALL KNOW THAT I MAKE NO CLAIM OF RELIGION, NOBILITY, SPIRITUALITY, OR ANYTHING ELSE. ALL THAT I HAVE TO GO ON IS WHAT MY BRAIN, THROUGH REASONING, TELLS ME IS THE WAY THINGS OUGHT TO BE. AND WHEN MY BRAIN LETS ME KNOW HOW I WANT TO BE TREATED, IT TEACHES ME A STANDARD TO FOLLOW TO LET ME KNOW HOW I OUGHT TO TREAT OTHER PEOPLE. [LB1056]

PRESIDENT FOLEY: ONE MINUTE. [LB1056]

SENATOR CHAMBERS: AND THIS BILL IS DESIGNED TO OFFER PEOPLE THE OPPORTUNITY TO MAINTAIN THEIR DIGNITY. AND NOTHING, EVEN FOR THOSE WHO ARE NOT IN THE THROES OF DEATH, THAT IS SO DEMEANING AS TO BE DENIED THE POWER TO TAKE CARE OF YOUR OWN PHYSICAL NEEDS, WHEN YOU LOSE THAT ABILITY YOU LOSE SOMETHING, AND IN MANY CASES IT'S IRREPLACEABLE. SO THE BILL IS BEFORE YOU BY WAY OF THIS MOTION. THANK YOU, MR. PRESIDENT. [LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB1056]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. ALSO, I WANT TO THANK SENATOR CHAMBERS FOR BRINGING THIS FORWARD. I THINK IT'S A VERY IMPORTANT DISCUSSION TO HAVE AS YOU...AS EVERY FAMILY IN THIS ROOM HAS PROBABLY GONE THROUGH DIFFERENT CHALLENGES. WE HAD AN EXPERIENCE JUST TWO WEEKENDS AGO IN NORTHERN ILLINOIS WHERE ONE OF MY WIFE'S OLDER SISTERS DIED OF CANCER. SHE WAS IN HOSPICE FOR THREE DAYS AND

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FINALLY PASSED AWAY, A VERY PAINFUL, HEAVILY SEDATED, AND A SITUATION THAT I'M SURE EVERY FAMILY IN HERE HAS GONE THROUGH IN SOME WAY, SHAPE, OR FORM. I ALSO REMEMBER READING A NUMBER OF ARTICLES ABOUT THE NUMBER OF SUICIDES THAT TAKE PLACE IN THIS COUNTRY EVERY YEAR, MANY OF THEM WITH FIREARMS, OTHERS IN OTHER WAYS, OVERDOSING ON DRUGS OR SOMETHING OF THAT NATURE, TO RELIEVE THEMSELVES OF THE PAIN AND SUFFERING THEY'RE GOING THROUGH, ESPECIALLY FIGHTING SOMETHING LIKE CANCER. THIS IS A TOPIC THAT MAKES FOR A GOOD DISCUSSION. I THINK IT'S IMPORTANT. AND I'LL GIVE THE REST OF MY TIME TO SENATOR CHAMBERS, PLEASE. [LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLOWSKI. SENATOR CHAMBERS, 3:45. [LB1056]

SENATOR CHAMBERS: THANK YOU, SENATOR KOLOWSKI. THANK YOU, MR. PRESIDENT. AS I STATED, I WANT TO PUT MY STATEMENT OF INTENT INTO THE RECORD, AND I'M GOING TO READ IT RAPIDLY. LB1056 IS DENOMINATED THE "PATIENT CHOICE AT END OF LIFE ACT," AND PROVIDES THAT ACTIONS TAKEN IN COMPLIANCE WITH THE ACT SHALL NOT FOR ANY PURPOSE CONSTITUTE SUICIDE, ASSISTED SUICIDE, MERCY KILLING, HOMICIDE, OR ELDER ABUSE. ITS SOLE AIM IS TO ALLOW A PERSON TO CHOOSE A MANNER OF DYING, WHEN DEATH IS CERTAIN AND IMMINENT, THAT IS PEACEFUL, HUMANE, AND DIGNIFIED. WHEN IT COMES TO THE MOST SIGNIFICANT AND PORTENTOUS DECISION IN A DYING PERSON'S LIFE, NO THIRD PARTY, INCLUDING THE GOVERNMENT, HAS THE RIGHT TO INTERFERE WITH, IMPEDE, OR COUNTERMAND THE WISHES OF THE PERSON. POINTLESS, NEEDLESS PAIN, WHOLLY USELESS AGONY AND SUFFERING, AND THE LOSS OF PERSONAL DIGNITY IS NEITHER GOOD NOR ENNOBLING, NOR DOES IT COMPORT WITH THE CONCEPT OF HUMAN DIGNITY. FOR THE GOVERNMENT TO WITHHOLD FROM SUCH A PERSON THE RIGHT AND MEANS TO CARRY OUT HIS OR HER FINAL DECISION IS TOTALLY UNJUSTIFIED, INEXCUSABLE, AND UNACCEPTABLE. FOR A PERSON SO SITUATED TO BE DEPRIVED OF THE RIGHT TO FACE DEATH IN THE MANNER OF HIS OR HER CHOOSING, BECAUSE OTHERS FIND THE DECISION TO NOT SIT WELL WITH THEM, IS NOT ONLY INSENSITIVE AND WANTONLY CRUEL. IT CONSTITUTES MORAL PERVERSION. THE ACT IS PLANTED THICK WITH RULES, REGULATIONS, PROTECTIONS, AND SAFEGUARDS TO PREVENT AND SEVERELY PUNISH ANY ABUSE OR VIOLATION OF ITS PROVISIONS THAT RESULT IN HARM TO THE PERSON SEEKING TO USE ITS PROVISIONS. FOR EXAMPLE, IT IS A CLASS III FELONY FOR ANYONE TO FORGE A REQUEST FOR A PRESCRIPTION OF LIFE-ENDING MEDICATION FOR ANOTHER PERSON OR TO CONCEAL OR DESTROY THE

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RESCISSION OF A REQUEST FOR SUCH MEDICATION WRITTEN BY ANOTHER PERSON. EVERYTHING INVOLVED IN THE PROCESS MUST BE TOTALLY VOLUNTARY AND UNCOERCED IN ANY FORM, FASHION, OR MANNER. THE PATIENT MUST EXPRESS HIS OR HER REQUEST FOR LIFE-ENDING MEDICATION BOTH ORALLY AND IN WRITING, AND MUST SELF-ADMINISTER THE MEDICATION WITHOUT THE ASSISTANCE OF ANY OTHER PERSON, EXPLICITLY SET FORTH AT PAGE 12, LINES 2 THROUGH 4. AN ATTENDING PHYSICIAN, AS WELL AS A CONSULTING PHYSICIAN, MUST CONCUR AND DOCUMENT THEIR BELIEF THAT THE PATIENT IS COMPETENT TO MAKE MEDICAL DECISIONS... [LB1056]

PRESIDENT FOLEY: ONE MINUTE. [LB1056]

SENATOR CHAMBERS: ...AND IS ACTING VOLUNTARILY. OTHERWISE, NO PRESCRIPTION CAN BE WRITTEN. ANY REFERENCE TO PHYSICIAN-ASSISTED SUICIDE IS INACCURATE ON BOTH COUNTS. AS NOTED, NO PERSON MAY ASSIST A PERSON IN THE ADMINISTERING OF THE MEDICATION. SUICIDE IS THE NEGATION OF OR GIVING UP ON LIFE. THE PATIENT HERE IS NEITHER NEGATING NOR GIVING UP ON LIFE BUT, RATHER, CHOOSING THE MANNER OF HIS OR HER INEXORABLE, INEVITABLE, IMMINENT DEATH. MEANINGFUL LIFE, BOTH AS TO QUALITY AND DURATION, IS NOT AN OPTION. AND I'LL STOP THERE. IF I GET ANOTHER CHANCE, I WILL COMPLETE THAT. BUT I WANT TO EMPHASIZE IT IS COMPLETELY VOLUNTARY. DEATH IS ALL BUT CERTAIN. THIS GIVES THAT PERSON THE OPPORTUNITY, AND SOME PEOPLE HAVE BEEN MADE TO FEEL MORE AT EASE KNOWING THAT THEY HAVE THAT OPTION, ALTHOUGH I THINK A STATISTIC MAY HAVE INDICATED... [LB1056]

PRESIDENT FOLEY: TIME, SENATOR. [LB1056]

SENATOR CHAMBERS: ...MORE THAN 50 PERCENT DO NOT EVEN TAKE THE MEDICATION. THANK YOU, MR. PRESIDENT. [LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB1056]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING AND GOOD WEEK, MEMBERS. I WANT TO MAKE TWO DIFFERENT SETS OF COMMENTS, ONE IS PROCEDURAL. I BELIEVE IT WAS MY FIRST YEAR DOWN HERE THERE WAS A MOTION TO PULL A BILL OUT OF COMMITTEE. AND ALMOST EVERY COMMITTEE CHAIR THAT I CAN RECALL BACK IN THOSE DAYS STOOD UP AND SPOKE

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AGAINST THE MOTION AND ADMONISHED US AS A LEGISLATURE TO NOT DO THIS AND THAT IT UNDERMINES THE IMPORTANCE OF COMMITTEES TO ANALYZE AND VET BILLS THAT COME BEFORE US. AND SO I RECALL THAT AND FEEL A RESPONSIBILITY TO SHARE THAT HISTORY THAT I HAD ABOUT THIS BILL, AND I STILL FEEL VERY STRONGLY ABOUT IT. HOWEVER, I DO APPRECIATE THAT SENATOR CHAMBERS IS TALKING ABOUT A BILL OF GREAT IMPORTANCE TO A LOT OF PEOPLE, A LOT OF FAMILIES. IT'S A SERIOUS, SERIOUS TOPIC. AND SO I UNDERSTAND THE NEED TO, IF NOTHING ELSE, VISIT ABOUT THIS TOPIC A LITTLE BIT. AND IT'S ONE I HAVE SOME FAMILIARITY WITH, NOT AS A CLINICIAN, CERTAINLY, BUT AS A HEALTHCARE ADMINISTRATOR. I HAVE SAT ON COMMITTEES, MY HOSPITAL HAD AN ORGANIZED COMMITTEE THAT TALKED ABOUT END-OF-LIFE ISSUES WITH FAMILIES WHO WISHED TO DISCONTINUE FEEDINGS, NUTRIENTS; COMFORT CARE AS OPPOSED TO ANY ACTUAL TREATMENT CARE. I HAVE BEEN ON PHONE LINES AND CONFERENCE CALLS WITH FAMILY MEMBERS IN DIFFERENT PARTS OF THE COUNTRY WHERE WE TALKED ABOUT THIS ISSUE TO GET PERMISSION TO MAKE SOME DECISIONS ABOUT PALLIATIVE CARE FOR FAMILY MEMBERS. AND I HAVE HAD FRIENDS, ONE IN PARTICULAR, WHO SUFFERED FROM ALS, A PATIENT IN MY HOSPITAL; HIS PHYSICIAN, MY PHYSICIAN. I HAVE SOME CLOSE PERSONAL CONTACT WITH THIS TOPIC. AND YET, I STAND IN OPPOSITION WITH ANY FORM OF AID IN DYING. IT IS A COMPLICATED ISSUE. AND I WILL TELL YOU, FROM THE STANDPOINT OF SOCIETY AND MEDICINE, WE HAVE MADE GREAT ADVANCES IN GETTING AHOLD OF HOSPICE CARE, PALLIATIVE CARE, RESPITE CARE, PAIN CONTROL. THERE IS A SCIENCE HERE THAT PUTS US IN A POSITION SO THAT PEOPLE DON'T NEED TO SUFFER. WE'RE NOT AS GOOD AS WE SHOULD BE IN MAKING SURE THAT IS...THAT THOSE DECISIONS GET DISCUSSED THE WAY THEY SHOULD OR THAT WE HAVE CLINICIANS WHO ARE AS SCHOOLED AS THEY SHOULD BE IN PROVIDING THAT CARE, BUT WE DO NOT NEED TO MAKE THE LEAP TO ASSISTED SUICIDE. AND I'M AFRAID, IN MAKING THAT LEAP TO ASSISTED SUICIDE, WE FORGET THAT THERE ARE INTERIM STEPS THAT HAVE YET TO COME TO FRUITION THAT NEED TO BE PUSHED, AND THAT THIS MOVE MAY WELL BE A SHORTCUT THAT MAKES IT HARDER FOR US TO COME TO GRIPS WITH MAKING THOSE DECISIONS, DECISIONS THAT MEDICARE AND MEDICAID HAVE ALREADY MADE BY WAY OF REIMBURSEMENT FOR PROGRAMS AND SERVICES THAT ARE APPROPRIATE FOR END OF CARE. THIS IS A BLUNT TOPIC. I HAVE BEEN INVOLVED IN THOSE MEETINGS AND DISCUSSIONS WITH FAMILY MEMBERS COMING TO CONSENSUS, ONLY TO FIND US, AFTER WE PROVIDE COMFORT CARE, BEING SUED SIX MONTHS LATER BECAUSE WE DIDN'T PROVIDE ALL THE CARE THAT WE WERE SUPPOSED TO. THAT ALSO HAS ME CONCERNED WHEN WE'RE INVOLVED IN ASSISTED SUICIDE, AID-IN-DYING ISSUES; THAT THERE IS A HUMAN NATURE

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COMPONENT TO THIS THAT IS FRIGHTENING. CERTAINLY WE CAN'T CHANGE THE OUTCOME WHEN THIS DECISION IS...WHEN SOMEBODY HAS A DIAGNOSIS THAT'S AN END-OF-LIFE DIAGNOSIS. BUT TO ASSIST THEM IN THAT AND ASSUME THAT WE CAN CROSS THE T'S AND DOT ALL THE I'S... [LB1056]

PRESIDENT FOLEY: ONE MINUTE. [LB1056]

SENATOR GLOOR: ...MAKES ME UNCOMFORTABLE. I WONDER IF SENATOR CHAMBERS WOULD YIELD FOR A QUESTION. [LB1056]

PRESIDENT FOLEY: SENATOR CHAMBERS, WILL YOU YIELD, PLEASE? [LB1056]

SENATOR CHAMBERS: YES. [LB1056]

SENATOR GLOOR: SENATOR CHAMBERS, AGAIN, I UNDERSTAND AND APPRECIATE, AND I'VE HAD THIS CONVERSATION WITH A NUMBER OF FOLKS IN THE PAST. BUT A TECHNICAL QUESTION FOR YOU: DO YOU HAVE ANY IDEA--I UNDERSTAND YOU'RE NOT A PHARMACIST, NEITHER AM I--WHAT IS AID-IN-DYING MEDICATION SPECIFICALLY? IS IT A...IS IT DRUGS THAT ARE READILY AVAILABLE OR IS THERE SOME SPECIFIC DEFINITION OF AID-IN-DYING MEDICATION? [LB1056]

SENATOR CHAMBERS: THERE WAS AN ARTICLE AND IT MENTIONED THE NAME OF A PARTICULAR DRUG, BUT THERE ARE SEDATIVES, AND THE MEDICAL PROFESSION IS FAMILIAR WITH ANY AND ALL OF THEM OR WHICHEVER ONE MIGHT BE PREFERRED. BUT I CANNOT GIVE YOU THE NAMES OF THEM. [LB1056]

SENATOR GLOOR: OKAY. THANK YOU, SENATOR CHAMBERS. MEMBERS, SERIOUS TOPIC, BUT WE CAN DO A BETTER JOB WITH END-OF-LIFE CARE. BUT I DO NOT BELIEVE THAT THIS APPROACH IS THE RIGHT ONE. [LB1056]

PRESIDENT FOLEY: TIME, SENATOR. [LB1056]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT, SENATOR CHAMBERS. [LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1056]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'M NOT WILLING AT THIS TIME TO TAKE A POSITION ON THIS, BUT I WOULD YIELD MY TIME TO SENATOR CHAMBERS. [LB1056]

PRESIDENT FOLEY: SENATOR CHAMBERS, 5:00. [LB1056]

SENATOR CHAMBERS: THANK YOU VERY MUCH, SENATOR BLOOMFIELD. MEMBERS OF THE LEGISLATURE, IF THE STATE PLAYED ANY ROLE IN THIS, I WOULD FIGHT IT HARDER PROBABLY THAN ANYBODY ELSE IN THE SAME WAY I FOUGHT AGAINST THE DEATH PENALTY. THIS IS STRICTLY VOLUNTARY. NO PHYSICIAN IS MANDATED TO PARTICIPATE. GENERATIONS...PEOPLE WHO ARE OF MY GENERATION WHO ARE FACING PAINFUL DEATHS SUPPORT THIS LEGISLATION OVERWHELMINGLY. OTHERS WHO ARE OF MUCH YOUNGER GENERATIONS ARE FAR MORE OBJECTIVE BECAUSE THEY HAVEN'T BEEN INCULCATED WITH SOME OF THE OLD-TIME IDEAS SUCH AS HELL FIRE AND BRIMSTONE AND "BUSYBODYNESS" CONTROLLING OTHER PEOPLE'S LIVES. AND THEY, IN SURVEYS, SUPPORT IT OVERWHELMINGLY. AND I THINK THE MAIN IDEA THAT ALLOWS PEOPLE TO SUPPORT IT IS THAT THERE IS NO COERCION. THERE IS NO COMPULSION. THERE WAS ONE MAN WHO SAID THAT HE HAD A CANCER OF THE SAME TYPE AS MR. DIAZ, WHOSE WIFE HAD CHOSEN THIS WAY OUT. AND HE, ACCORDING TO HIS CLAIM, IS IN REMISSION. HE WON THE LOTTERY. THERE IS ONE WINNER OR A FEW WINNERS IN EVERY LOTTERY, BUT THERE ARE MILLIONS WHO DON'T WIN. AND IF I HAVE A TREMENDOUS, ALMOST SUPERHUMAN ABILITY TO WITHSTAND PAIN, THAT SHOULD NOT BECOME THE STANDARD, THE TEMPLATE, THE PARADIGM FOR EVERYBODY ELSE. EACH PERSON KNOWS WHEN HE OR SHE HAS HAD ENOUGH. ALL THIS DOES IS REMOVE THE IMPEDIMENT. THERE ARE DOCTORS WHO ARE WILLING TO ASSIST. THERE WAS A SURVEY TAKEN. MEDSCAPE I THINK WAS THE NAME OF THE OPERATION THAT TOOK IT. AND THEY SUBMITTED THE QUESTION TO, I THINK, 21,000 DOCTORS: 50-SOMETHING PERCENT SUPPORTED IT, SUPPORTED IT; 31 PERCENT OPPOSED IT; 15 PERCENT HAD NO OPINION THAT THEY WANTED TO EXPRESS. THIS IS NOT SOMETHING THAT COMES FROM OUT OF LEFT FIELD. THE PERSON FACING THESE CIRCUMSTANCES IS NOT DEALING WITH SOMETHING WHICH IS ABSTRACT, THEORETICAL, OR WHAT IF. IT'S SOMETHING THAT IS HERE AND NOW. IN ONE OF THOSE PALLIATIVE CARE OR ADMINISTRATION SITUATIONS IT WAS DESCRIBED BY SOME FAMILY MEMBERS WHO WATCHED IT. IT HAPPENED TO BE A WOMAN WHO WAS IN THIS DEEP COMA, SUPPOSEDLY, AND IT TOOK HER A GOOD, LONG WHILE TO DIE. SHE DIED JUST AS PEOPLE COULD CHOOSE UNDER THIS BILL TO DIE, BUT HER DEATH...DYING WAS STRETCHED OUT. SHE DEFINITELY WAS GOING TO DIE, BUT IT WOULD BE FROM DEHYDRATION AND

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STARVATION. AND THEY SAID THAT THERE WERE TIMES WHEN FOAM WOULD BUBBLE OUT OF HER NOSE. SHE WOULD OPEN HER MOUTH. FOAM WOULD BUBBLE OUT OF HER MOUTH. THERE WOULD BE SOUNDS THAT SHE WOULD MAKE. AND IT LED THEM TO FEEL THAT MAYBE THERE IS SUFFERING BUT AN INABILITY TO EXPRESS IT. [LB1056]

PRESIDENT FOLEY: ONE MINUTE. [LB1056]

SENATOR CHAMBERS: AND IT CREATED A HARDER SITUATION THAN IF NONE OF THAT HAD BEEN DONE. THIS IS SUPPOSEDLY A CIVILIZED SOCIETY. SENATOR GLOOR MENTIONED ALL THE ADVANCEMENTS IN MEDICINE, AND THAT IS TRUE, AND SCIENCE. BUT WHAT THEY HAVE DONE IS TO MAKE IT POSSIBLE TO EXTEND THE DYING PROCESS ALMOST INTERMINABLY AND PUT PEOPLE WHO HAVE RELIGIOUS CONVICTIONS OF ONE KIND OR ANOTHER TO SAY, AS LONG AS YOU CAN KEEP LIFE IN THAT PERSON'S BODY, YOU MUST DO SO. AND THAT IS SOMETHING I STRONGLY DISAGREE WITH, AND THAT'S WHY I'M BRINGING THE BILL. THANK YOU, MR. PRESIDENT. [LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1056]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. BELIEVE IT OR NOT, I'M KIND OF GLAD THAT SENATOR CHAMBERS PUT A PULL MOTION ON THIS. I THINK WE DON'T DO THIS ENOUGH. IT'S ALWAYS BEEN, IF YOU TRY TO DO IT, ALL THE COMMITTEE CHAIRMEN GET UP AND SMACK YOU DOWN. BUT YOU KNOW, WE NEED TO DO IT SOMETIMES. I MEAN, I...BILLS THAT I DON'T LIKE SEEM TO COME OUT ALL THE TIME OUT OF HHS COMMITTEE AND JUDICIARY COMMITTEE. THEY COME ROLLING RIGHT OUT. BUT YOU TRY TO GET A MAJOR TAX CUT THROUGH, YOU TRY TO DO SOMETHING TO PROTECT INNOCENT LIFE, TRY TO PROTECT GUN RIGHTS, THAT DOESN'T GO ANYWHERE. SO I THINK WE NEED TO DO MORE PULL MOTIONS. WE NEED TO PULL MORE BILLS OUT. AND I THINK IT TAKES SOMEONE LIKE SENATOR CHAMBERS TO GET THAT BALL ROLLING. I APPRECIATE THIS. NOW, UNFORTUNATELY, THE UNDERLYING BILL I DON'T SUPPORT. AND YOU KNOW, WE TALK ABOUT DIGNITY AT THE END OF LIFE AND CHOOSING HOW YOU WANT TO GO, BUT, YOU KNOW, I'VE READ SO MANY STORIES ABOUT PEOPLE WHO WERE SUFFERING AND THEY WERE AT THE...THEY JUST FELT THAT THEY DIDN'T WANT TO LIVE ANY LONGER. THE NEXT THING YOU KNOW, THEY GET BETTER AND THEY'RE LIVING A PRETTY GOOD LIFE. YOU KNOW, THEY RECOVER AND THEY GET OUT OF THE HOSPITAL AND THEY LIVE A GOOD LIFE. AND THEY

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SAY, BOY, I'M GLAD I DIDN'T TAKE MY LIFE. YOU CAN'T HELP SOMEBODY END THEIR LIFE WHEN THEY ARE DOWN IN DESPAIR. THAT IS NOT THE...THEY NEED SUPPORT. THEY NEED TO BE BOOSTED UP. THEY NEED OUR LOVE. AND YOU DON'T NEED TO HELP THEM END THEIR LIFE BECAUSE WE VERY WELL MAY FIX THAT PROBLEM OR MAKE IT LIVABLE OR NOT AS BAD. WE DON'T KNOW WHAT THE FUTURE HOLDS, AND I DON'T THINK THAT WE NEED TO PLAY GOD. I DON'T THINK THAT WE NEED TO SAY WHO LIVES AND WHO DIES. EVERYBODY LIVES, AND I THINK THAT'S IMPORTANT FOR LAWMAKERS THAT WE HELP PEOPLE LIVE. WE DON'T HELP PEOPLE DIE. AND IF WE KEEP THAT IN MIND, I THINK WE'RE GOING TO DO A GOOD JOB AS LAWMAKERS ON THESE ISSUES. SO AS MUCH AS I APPRECIATE SENATOR CHAMBERS DOING A PULL MOTION, WHICH IS A BOLD MOTION, I APPRECIATE THAT. I'M GLAD HE DID IT. THE UNDERLYING BILL IS NOT A BILL THAT I WOULD SUPPORT IN ANY WAY, SHAPE, OR FORM. WITH THAT, MR. PRESIDENT, I'LL YIELD THE REMAINDER OF MY TIME TO SENATOR MURANTE. [LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR MURANTE, 2:30. [LB1056]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. AND THANK YOU, SENATOR KINTNER, FOR YIELDING ME A LITTLE BIT OF TIME. I ALSO OPPOSE LB1056, BUT I DO THINK THIS IS A GOOD OPPORTUNITY TO DO SOMETHING THAT WE DO I THINK FAR TOO SELDOM IN THE LEGISLATURE, WHICH IS TO DISCUSS THE BEST PRACTICES FOR HOW WE OPERATE WITHIN THE BODY. AND WHAT SENATOR CHAMBERS HAS PROPOSED TO US IS WITHIN THE BOUNDS OF THE RULES OF THE LEGISLATURE, TOTALLY APPROPRIATE. AND I THINK IT'S WORTHWHILE TO HAVE A DISCUSSION ABOUT WHETHER OUR SYSTEM WITHIN THE BODY OF ALLOWING AS FEW AS FOUR MEMBERS TO BLOCK A PRIORITY BILL IN A COMMITTEE IS A POLICY WORTH HAVING. AND ON A BROADER SCALE, I THINK WE SPEND FAR TOO LITTLE TIME DISCUSSING THE BEST PRACTICES OF HOW LEGISLATURES SHOULD FUNCTION, FAR TOO LITTLE TIME REVIEWING WHAT IN THIS BODY WORKS AND DOESN'T, AND WHAT CAN BE REFORMED AND WHAT CAN BE IMPROVED. I BELIEVE THE LAST MAJOR REFORM TO LEGISLATIVE PROCESSES OCCURRED IN THE 1960s, AND I THINK EVERY 40 OR 50 YEARS OR SO WE SHOULD PROBABLY EVALUATE... [LB1056]

PRESIDENT FOLEY: ONE MINUTE. [LB1056]

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SENATOR MURANTE: ...HOW WE OPERATE AS A LEGISLATURE. AND SO I APPRECIATE SENATOR CHAMBERS' MOTION. I WILL OPPOSE THE MOTION TO PULL THIS PARTICULAR BILL FROM COMMITTEE, BUT I APPRECIATE THE DISCUSSION. AND HOPEFULLY, WE CAN HAVE A MORE LONG-WINDED DISCUSSION ABOUT OUR PROCESS FROM START TO FINISH IN THIS LEGISLATURE AND DISCUSS THOSE BEST PRACTICES TO SEE WHAT WE CAN DO TO MAKE THIS LEGISLATURE AS EFFICIENT AS IT POSSIBLY CAN BE. THANK YOU, MR. PRESIDENT. [LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB1056]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. SENATOR CHAMBERS, AS HE SO OFTEN DOES, RAISES PROFOUND ISSUES THAT IS HIGHLY RELEVANT TO THE COMPLEXITIES OF EXISTENCE, AND THEY'RE CERTAINLY WORTHY OF CONSIDERATION. SO THAT HE MAY CONTINUE WITH HIS PRESENTATION, I YIELD HIM THE REST OF MY TIME. [LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, 4:30. [LB1056]

SENATOR CHAMBERS: THANK YOU, MR. SCHUMACHER. THANK YOU, MR. PRESIDENT. AND FOR THOSE NEWBIES WHO DON'T HAVE THE EXPERIENCE I'VE HAD IN THE LEGISLATURE, YOU ALL HAD THAT DISCUSSION, WHO ARE CHAIRPERSONS, WHEN I HAD BEEN TERM LIMITED OUT. IT WAS NOT UNCOMMON TO PULL BILLS FROM COMMITTEE. AS A MATTER OF FACT, I PULLED A BILL TO ABOLISH THE DEATH PENALTY FROM COMMITTEE. A LOT OF THINGS WERE DONE WHEN I WAS GONE BECAUSE PEOPLE DID NOT KNOW THE TRADITIONS OR THE HISTORY OF THE LEGISLATURE. THEY DID NOT UNDERSTAND THAT YOU CANNOT PUT THE LEGISLATURE, ANY LEGISLATIVE BODY IN A STRAITJACKET. YOU CANNOT HAVE METAL RULES THAT ARE INFLEXIBLE. BUT EVEN IF THOSE KIND OF RULES ARE ADOPTED, I WILL FIND A WAY TO OPERATE WITHIN THEM AND I WILL DO WHATEVER I THINK IS APPROPRIATE TO BE DONE. AND THAT'S WHAT I'M DOING WITH THIS BILL, KNOWING IT HAS NO CHANCE TO BE PULLED FROM COMMITTEE. BUT AS I STATED, I HAD PROMISED TO HAVE A DISCUSSION OF THE BILL. AND I'M GOING TO COMPLETE MY STATEMENT OF INTENT, WHICH IS WHAT I PROMISED. TALKING ABOUT THE PERSON WHO'S MAKING THE DECISION AND THAT SUICIDE IS NOT WHAT'S INVOLVED, THESE PEOPLE ARE NOT SUICIDAL. A PERSON IN SUCH CIRCUMSTANCES IS NOT DEALING WITH ABSTRACT

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SPECULATION BUT IS IN THE INESCAPABLE EMBRACE OF IMPENDING DEATH AND MAY BE EXPERIENCING A TYPE OR DEGREE OF MENTAL AND PHYSICAL SUFFERING WHICH EQUATES TO TORTURE, AND IF INFLICTED BY THE STATE OR THE U.S. GOVERNMENT AS PUNISHMENT FOR A CRIME WOULD BE PROHIBITED BY THE UNITED STATES AND NEBRASKA CONSTITUTIONS ON THE BASIS OF ITS BEING CRUEL AND UNUSUAL PUNISHMENT. THE ONLY THING THE SUFFERING, DYING PATIENT HAS DONE TO "DESERVE" SUCH A WANTONLY CRUEL FATE IS TO HAVE LIVED AND CONTRACTED THE CONDITION THAT IS SLOWLY AND EXCRUCIATINGLY DRAINING AWAY NOT ONLY LIFE BUT HUMAN DIGNITY AND PEACE OF MIND. ALL OF THOSE WHO FIND THE RELIEF PROVIDED BY THE PATIENT CHOICE AT END OF LIFE ACT TO BE ABHORRENT ARE COMPLETELY FREE TO REJECT IT FOR THEMSELVES, BUT THEY HAVE NO RIGHT TO STAND IN THE WAY OF OTHERS SEEKING THE SOLACE THEY MAY OBTAIN THEREFROM. SUCH ARE THE CONSIDERATIONS IMPELLING ME TO INTRODUCE LB1056 AND DESIGNATE IT AS MY PRIORITY BILL FOR THE CURRENT SESSION, AND I DESIGNATED IT A PRIORITY BILL KNOWING IT WOULD NOT GO ANYWHERE. I COULD NOT ANTICIPATE WITH CERTITUDE THAT IT WOULD NOT COME OUT OF THE COMMITTEE, BUT BECAUSE THERE WAS A GOOD CHANCE OF THAT AND NO CHANCE OF ITS BEING ENACTED, AT THIS POINT NOTHING VENTURED, NOTHING GAINED. THE DISCUSSION WILL BE HAD, ONLY NOT TO THE EXTENT I WOULD PREFER, BUT THE ISSUE HAS BEEN RAISED AND JOINED. AND I INTEND TO BE LIKE OLD MAN RIVER ON THIS. I'M GOING TO KEEP ROLLING ALONG. I'M IN NO WAY DISCOURAGED. I'M IN NO WAY DISHEARTENED. I HAVE READ TOO MANY OF THE PUBLICATIONS THAT OPPOSE THIS PROPOSITION. THE IRONY IS THAT MANY OF THE ARTICLES ARE WRITTEN BY PEOPLE WHO ARE EITHER PRO-LIFE AND THEY INVOLVE IT WITH THOSE ISSUES OF ABORTION,... [LB1056]

PRESIDENT FOLEY: ONE MINUTE. [LB1056]

SENATOR CHAMBERS: ...OR THEY HAVE TAKEN OTHER POSITIONS, WHICH YOU COULD ANTICIPATE WOULD MAKE THEM AUTOMATICALLY AGAINST AN IDEA LIKE THIS. BUT ALL OF THAT IS A PART OF THIS SOCIETY. ALL OF THOSE VIEWS, NOT ONLY HAVE THE RIGHT TO BE EXPRESSED BUT OUGHT TO BE EXPRESSED. BUT THOSE WHO ARE OPPOSED TO THIS IDEA DO NOT HAVE THE RIGHT, AND I WOULD NOT SUBMIT TO ANYTHING LIKE THAT BEING IMPOSED ON ME, TO SUPPRESS OR PREVENT THE DISCUSSION. AND WHO KNOWS? MAYBE SOMEDAY THOSE HORRENDOUS SITUATIONS WHERE A SPOUSE WHO HAS A SUFFERING SPOUSE WILL NOT FEEL THE NEED TO KILL THAT SPOUSE, THEN COMMIT SUICIDE HIMSELF OR HERSELF. THANK YOU, MR. PRESIDENT. [LB1056]

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.)  
MR. CLERK FOR ANNOUNCEMENT. [LB1056]

CLERK: MR. PRESIDENT, THE HEALTH AND HUMAN SERVICES COMMITTEE WILL  
HAVE AN EXECUTIVE SESSION UNDER THE NORTH BALCONY; HEALTH AND  
HUMAN SERVICES, NORTH BALCONY.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CHAMBERS, YOU'RE  
RECOGNIZED. THIS IS YOUR THIRD OPPORTUNITY, SENATOR. [LB1056]

SENATOR CHAMBERS: MR. PRESIDENT, I'M GOING TO CALL THE QUESTION.  
[LB1056]

PRESIDENT FOLEY: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO.  
QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE  
VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK.  
[LB1056]

CLERK: 27 AYES, 3 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB1056]

PRESIDENT FOLEY: DEBATE DOES CEASE. SENATOR CHAMBERS, YOU'RE  
RECOGNIZED TO CLOSE ON YOUR MOTION. [LB1056]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I HAVE NEVER CALLED THE  
QUESTION SINCE I'VE BEEN IN THIS LEGISLATURE, SO THIS IS A FIRST FOR ME.  
THE SPEAKER AND I COME TO AN UNDERSTANDING ON ISSUES IN WHICH WE  
BOTH TAKE A DEEP INTEREST AND KNOW THAT WE COULD EITHER BE AT  
LOGGERHEADS OR, INSTEAD OF HAVING OUR FINGERS CURLED INTO A TIGHT  
FIST AND THE FISTS BUMP EACH OTHER, WE SPREAD OUR FINGERS, REACH OUR  
HANDS OUT TO EACH OTHER AND FIGURATIVELY LOCK HANDS AND SHAKE  
HANDS. IN REALITY, AS YOU ALL KNOW, I DON'T SHAKE HANDS WITH PEOPLE.  
BUT THAT'S AN ANALOGY THAT I'M MAKING. HE MADE IT CLEAR THAT I WOULD  
HAVE ONE HOUR. I'M NOT GUARANTEED A VOTE. THIS IS NOT LIKE CONSENT  
CALENDAR WHERE AFTER THE TIME ON THE BILL EXPIRES A VOTE IS TAKEN. I  
WANT TO LET THIS FIRST STEP GO THROUGH EVERYTHING THAT IN THE  
ORDINARY COURSE OF EVENTS ON THIS FLOOR WILL HAPPEN WITH A BILL.  
THERE WILL BE A VOTE. I AM NOT UNFAMILIAR WITH A VOTE ON SOMETHING I  
BRING WHERE THE BOARD LIGHTS UP, I CAN'T SAY LIKE A CHRISTMAS TREE BUT

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LIKE A FOREST FIRE, WITH MY ONE GREEN LIGHT BEING THE ONLY LIGHT THAT INDICATES THAT THERE REMAINS HOPE FOR THOSE WHO ARE THOUGHTFUL, INTELLIGENT, AND CORRECT. SO THERE WILL BE A VOTE TAKEN. I'M GOING TO ASK FOR A CALL OF THE HOUSE WHEN I FINISH. I'M GOING TO ASK FOR A ROLL CALL VOTE BECAUSE I WANT TO KEEP A RECORD FROM DAY ONE, WHEN THE MEDIA DISCUSSED THE POSSIBILITY OF MY INTRODUCING THE BILL AND I SAID IT WAS A CERTAINTY THAT I WOULD, THROUGH THE HEARING, THROUGH THE BILL BEING LOCKED UP IN COMMITTEE 4-4, THE MOTION TO PULL IT FROM COMMITTEE, WHICH WILL BE UNSUCCESSFUL, AND EVERY OTHER STEP ALONG THE WAY. THIS IS NOT LIKE THE DEATH PENALTY. THIS IS AN ISSUE WHERE THE PUBLIC, IF GIVEN THE OPPORTUNITY, WILL SHOW THAT THEY FAVOR HAVING THIS VOLUNTARY OPTION AVAILABLE. SOME PEOPLE WOULD RATHER THAT A PERSON ATTEMPT TO COMMIT SUICIDE. SOME HAVE TRIED BY GOING UNDER THEIR SINK INTO THAT PLACE WHERE THEY KEEP ALL THESE COMPOUNDS THAT ARE LABELED POISONOUS AND ATTEMPT TO POISON THEMSELVES. BUT THEY DON'T DIE, SO THEIR CONDITION IS MADE EVEN WORSE. AND I HAVE ACTUALLY READ OF SITUATIONS, ONE OCCURRED IN IOWA MAYBE A COUPLE OF YEARS AGO, WHERE AN ELDERLY MAN WENT TO THE HOSPITAL WHERE HIS WIFE WAS TERMINALLY ILL, AND SHE WANTED TO DIE. BUT SHE DIDN'T WANT THAT LONG, STRETCHED-OUT DYING THAT PEOPLE ON THIS FLOOR AND IN THIS SOCIETY APPROVE OF, THAT PALLIATIVE, TERMINABLE...THEY ARE IN A TERMINABLE SITUATION. THIS IS AT THE VERY END OF LIFE, BUT IT CAN GO ON FOR DAYS, AND I READ IN SOME CASES MAYBE EVEN WEEKS. IT DEPENDS ON HOW MUCH YOUR BODY CAN FUNCTION WITHOUT TAKING IN WATER OR NOURISHMENT. AND THIS SOCIETY IS COMFORTABLE WITH THAT KIND OF DYING, WHICH I... [LB1056]

PRESIDENT FOLEY: ONE MINUTE. [LB1056]

SENATOR CHAMBERS: ...CONSIDER TO BE VERY CRUEL. I CONSIDER IT TO BE INHUMANE. I CONSIDER IT TO BE UNCIVILIZED. SO THIS IS ONE OF THOSE IDEAS WHICH IN NEBRASKA ITS TIME HAS NOT COME, BUT IT'S ON THE WAY. IT IS INEVITABLE. I JUST HOPE THAT I'M HERE TO WELCOME IT. MR. PRESIDENT, I WOULD ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD PLEASE. [LB1056]

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CLERK: 39 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB1056]

PRESIDENT FOLEY: 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 SMITH, SCHILZ, PLEASE CHECK IN. ALL UNEXCUSED MEMBERS ARE NOW PRESENT. MEMBERS, THE QUESTION BEFORE US IS A MOTION TO PULL LB1056 FROM COMMITTEE AND PLACE THE BILL ON GENERAL FILE. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK, PLEASE CALL THE ROLL. [LB1056]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1446-1447.) 9 AYES, 28 NAYS, MR. PRESIDENT, ON THE MOTION. [LB1056]

PRESIDENT FOLEY: MOTION IS NOT ADOPTED AND I RAISE THE CALL. PROCEEDING NOW ON THE AGENDA, GENERAL FILE, 2016 PRIORITY BILLS. MR. CLERK. [LB1056]

CLERK: MR. PRESIDENT, LB756. (READ TITLE.) INTRODUCED ON JANUARY 6, REFERRED TO THE REVENUE COMMITTEE FOR A PUBLIC HEARING, AND THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2375, LEGISLATIVE JOURNAL PAGE 855.) [LB756]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR WATERMEIER, YOU'RE RECOGNIZED TO OPEN ON LB756. [LB756]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. GOOD MORNING, NEBRASKA. TODAY I BRING YOU LB756 ON BEHALF OF THE PERFORMANCE AUDIT COMMITTEE. LB756 WOULD ELIMINATE THE LONG-TERM CARE SAVINGS PLAN WHICH THE COMMITTEE RECOMMENDED FOLLOWING A PERFORMANCE AUDIT. IN THE AUDIT, THE LEGISLATIVE AUDIT OFFICE LOOKED AT WHETHER THE PLAN WAS EFFECTIVE IN ENCOURAGING NEBRASKANS TO SAVE FOR LONG-TERM CARE AND REDUCING THE LONG-TERM CARE BURDEN ON NEBRASKA'S MEDICAID PROGRAM. THE AUDIT FOUND THAT TOO FEW PEOPLE WERE PARTICIPATING AND THEY WERE NOT SAVING ENOUGH TO MEET EITHER OF THESE GOALS. THE AUDIT ALSO EXAMINED HOW THE FEDERAL GOVERNMENT AND OTHER STATES TRIED TO INCENTIVIZE SAVINGS FOR LONG-TERM CARE OR PURCHASING OF LONG-TERM CARE INSURANCE. IT FOUND THAT NONE OF THESE

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STRATEGIES USED BY OTHERS HAVE BEEN VERY EFFECTIVE. FOR THESE MEMBERS NOT FAMILIAR WITH THE LONG-TERM CARE SAVINGS PLAN, IT WAS CREATED IN 2006 IN RESPONSE TO CONCERNS ABOUT FUTURE MEDICAID LONG-TERM CARE COSTS. THE PROGRAM IS ADMINISTERED BY THE STATE TREASURER WHO CONTRACTS WITH BANKS AND CREDIT UNIONS TO MANAGE SAVINGS ACCOUNTS CREATED UNDER THE PLAN. INDIVIDUALS WHO MAKE DEPOSITS UNDER THESE ACCOUNTS CAN REDUCE THE AMOUNT OF THEIR INCOME THAT IS SUBJECT TO STATE INCOME TAX UP TO STATUTORY LIMITS. EACH YEAR A SINGLE PERSON MAY RECEIVE A TAX BENEFIT FOR DEPOSITING UP TO \$1,000 RESULTING IN A MAXIMUM TAX BENEFIT OF \$68. A COUPLE FILING JOINTLY CAN RECEIVE A BENEFIT ON UP TO \$2,000 DEPOSITED FOR THE MAXIMUM ANNUAL TAX BENEFIT OF \$136. ANY PARTICIPANT MAY WITHDRAW FUNDS FOR LONG-TERM CARE EXPENSES AND PARTICIPANTS OVER THE AGE OF 50 MAY ALSO WITHDRAW FUNDS TO PAY FOR LONG-TERM CARE INSURANCE PREMIUMS. IF A PARTICIPANT MAKES A WITHDRAWAL FOR ANY OTHER PURPOSES, THEY MUST PAY A PENALTY. AS I MENTIONED, THE AUDIT OFFICE FOUND THAT THE PLAN WAS NOT EFFECTIVE ENCOURAGING PEOPLE TO SAVE FOR LONG-TERM CARE. FIRST, THE AUDIT FOUND THAT VERY FEW OF THE PEOPLE IN NEBRASKA WITH LONG-TERM CARE INSURANCE PARTICIPATE IN THE PLAN. SPECIFICALLY, THE AUDIT FOUND THAT EVEN IF EVERY SINGLE PLANNED PARTICIPANT USED THEIR YEARLY CONTRIBUTIONS TO PAY FOR LONG-TERM CARE INSURANCE PREMIUMS, THEY WOULD STILL ACCOUNT FOR LESS THAN ONE-HALF OF 1 PERCENT OF ALL LONG-TERM CARE INSURANCE POLICIES IN NEBRASKA. SECONDLY, THE AUDIT FOUND THAT THE MAJORITY OF INDIVIDUALS WERE DEPOSITING JUST ENOUGH TO GET THE MAXIMUM TAX CREDIT BUT NOT NEARLY ENOUGH TO COVER THE COST OF LONG-TERM CARE AND, IN SOME CASES, NOT EVEN ENOUGH TO COVER INSURANCE PREMIUMS. THE AVERAGE ANNUAL PLAN CONTRIBUTION RANGED BETWEEN \$1,300 AND \$1,850 DEPENDING ON EACH YEAR. OVER THE LIFE OF THE PROGRAM, THE AUDIT FOUND THAT THE MAJORITY, OVER 80 PERCENT OF THE CONTRIBUTIONS WERE FOR \$2,000 OR LESS. TO GIVE YOU A MORE CONCRETE EXAMPLE, IN 2012, THE AVERAGE PREMIUM COST FOR A 55-YEAR-OLD POLICY WITH A \$164,000 IN COVERAGE WAS JUST OVER \$2,000. THE AVERAGE CONTRIBUTION UNDER THE PLAN IN 2012 WAS \$1,400. LB756 WAS ADVANCED FROM THE COMMITTEE UNANIMOUSLY. IT DOES HAVE A COMMITTEE AMENDMENT TO MOVE THE ELIMINATION DATE TO 2018 TO WHICH THE PERFORMANCE AUDIT COMMITTEE DOES NOT OBJECT. I WOULD LIKE TO THANK SPEAKER HADLEY FOR MAKING THIS A SPEAKER PRIORITY. THE LONG-TERM CARE SAVINGS PLAN WAS A WELL-INTENDED PROGRAM THAT JUST WASN'T ABLE TO DO WHAT CREATORS HAD HOPED FOR. TOO FEW PEOPLE ARE SAVING TOO LITTLE MONEY TO HAVE A MEANINGFUL IMPACT ON LONG-TERM CARE

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COSTS TO TAXPAYERS. IT IS TIME THE PROGRAM BE ELIMINATED. THANK YOU, MR. PRESIDENT. [LB756]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. MEMBERS, BEFORE WE PROCEED ON THE BILL, SPEAKER HADLEY HAS REQUESTED SOME TIME TO MAKE AN ANNOUNCEMENT. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB756]

SPEAKER HADLEY: MR. PRESIDENT AND MEMBERS OF THE BODY, JUST TO LET YOU KNOW, WE HAVE 11 BILLS ON SELECT FILE, 8 OF WHICH I'M GUESSING COULD GO TO CLOTURE ENTAILING 32 HOURS OF SELECT FILE DEBATE. IF SIX OF THESE BILLS ARE ADVANCED TO FINAL READING AND IF OPPONENTS WANT TO FORCE ANOTHER CLOTURE ON FINAL READING, THAT'S ANOTHER 12 HOURS. THURSDAY IS OUR LAST DAY FOR SELECT FILE AND AMENDING BILLS ON FINAL READING. WE HAVE 38 HOURS OF FLOOR TIME THIS WEEK. IF WE GO TO 7:00, WHICH I THINK WE'LL PROBABLY GO A LITTLE LATER AT TIMES, YOU DO THE MATH. MY PRIORITIES ARE FINISHING THE PEOPLE'S BUSINESS TO WHICH WE WERE ELECTED TO DO. YOU WILL BE RECEIVING A FLIER INDICATING THURSDAY'S SINE DIE SHOW WILL BEGIN ONE HOUR AFTER WE ADJOURN ON THURSDAY, IF WE ADJOURN AFTER 6:30. THURSDAY IS THE DAY WE NEED TO STAND AT EASE AFTER DEBATE IS COMPLETED TO ALLOW BILL DRAFTERS TO TURN AROUND ALL BILLS. THIS MAY TAKE UP TO TWO HOURS. WE WILL NOT BE ADJOURNING UNTIL ALL OF THE BILLS ARE RETURNED. IN ORDER TO ACCEPT THOSE BILLS, WE WILL NEED A QUORUM. THUS, THE SINE DIE SHOW WILL NOT BEGIN UNTIL ONE HOUR AFTER THAT TIME. THANK YOU, MR. PRESIDENT. [LB756]

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. (VISITORS INTRODUCED.) CONTINUING NOW WITH LB756. AS THE CLERK INDICATED, THERE IS AN AMENDMENT FROM THE REVENUE COMMITTEE. SENATOR GLOOR, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. SENATOR GLOOR. [LB756]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. THE AMENDMENT BECOMES THE BILL. IT EXTENDS THE TERMINATION DATE OF THE LONG-TERM CARE SAVINGS PLAN UNTIL JANUARY 1, 2018. IT ALLOWS THE DEDUCTION AGAINST AGI TO BE CLAIMED FOR TAX YEARS BEGINNING OR DEEMED TO BEGIN BEFORE JANUARY 1, 2018, AND REQUIRES AN ADD-BACK TO AGI FOR UNAPPROVED WITHDRAWALS FOR TAX YEARS BEGINNING OR DEEMED TO BEGIN BEFORE JANUARY 1, 2018. AND MEMBERS IN STRAIGHTFORWARD LANGUAGE WHAT THAT MEANS IS WHEN THE COMMITTEE DISCUSSED THIS, THE DECISION WAS, LET'S PROVIDE PEOPLE

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WITH THE OPPORTUNITY TO TRANSITION, TO SIT DOWN WITH THEIR FINANCIAL PLANNERS AND MAKE A DECISION ON WHAT THEY MAY CHOOSE TO DO WITH THEIR FUNDS, WHETHER THERE ARE OPTIONS THEY MAY WANT TO PURSUE, AND SO RATHER THAN BEING...ACTUALLY I THINK THIS BILL HAD THE E CLAUSE. WE CONTINUED THE E CLAUSE WITH THE PROVISION OF THE JANUARY 1, 2018, DATE; BUT THIS IS JUST FOR A TRANSITION PERIOD. IT'S ALSO WORTH NOTING THAT AMONG TESTIFIERS WAS REPRESENTATIVES FROM AARP. THEY WERE IN...WE'VE GOT THEM LISTED AS IN SUPPORT OF THIS BILL AND I WOULD READ FROM MY HANDED MATERIAL THEY GAVE US: REPEALING THE LONG-TERM CARE SAVINGS PLAN PROVIDES AN OPPORTUNITY TO TAKE A NEW LOOK AT THE OPTIONS THAT ARE AVAILABLE TO STATE GOVERNMENT TO ENCOURAGE NEBRASKANS TO PREPARE FOR FUTURE LONG-TERM CARE COSTS. AS HAS BEEN POINTED OUT BY SENATOR WATERMEIER, THE PROGRAM JUST HASN'T BEEN UTILIZED AND THEREFORE THE COMMITTEE SUPPORTS THE BILL, LB756, WITH THE COMMITTEE AMENDMENT ATTACHED. THANK YOU. [LB756]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. MEMBERS, YOU'VE HEARD THE OPENING ON LB756 AND THE COMMITTEE AMENDMENT. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB756]

SENATOR KOLTERMAN: GOOD MORNING. THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF THE AMENDMENT AS WELL AS THE BILL TO ELIMINATE THIS PROGRAM, BUT I DO SO WITH RESERVATION. THE REASON IT HASN'T BEEN SUCCESSFUL AS WE'VE WORKED THROUGH THIS OVER THE YEARS, AND I'VE BEEN INVOLVED IN TRYING TO CONVINCE PEOPLE TO PUT MONEY INTO THIS PROGRAM, IS THE FACT OF THE MATTER IS THERE'S NOT ENOUGH INCENTIVE TO DO SO. WE'RE ONLY GIVING A SMALL TAX CREDIT FOR THE STATE AND THEN WE'RE LIMITING WHERE YOU CAN PUT YOUR MONEY. IN THE PAST WE'VE ONLY BEEN LIMITED TO FDIC INSURED ACCOUNTS SO PEOPLE COULDN'T PUT THEM INTO ACCOUNTS THAT COULD GROW AT A LARGER RATE THAN THAT. AND EVERYBODY KNOWS RIGHT NOW IF YOU PUT MONEY INTO A CD, WHICH IS REALLY WHERE THEY'RE GOING, YOU'RE LOOKING AT MAYBE 1, 1.5 PERCENT OVER THE LONG TERM. SO, WE NEED TO GET SERIOUS ABOUT LOOKING AT THIS. IT'S EXACTLY WHAT SENATOR SCHUMACHER WAS TALKING ABOUT LAST FRIDAY, THE CHALLENGES THAT WE'RE GOING TO FACE. I'D LIKE TO REMIND YOU THAT 52 PERCENT OF THE PEOPLE THAT ARE IN THE NURSING HOMES ARE BEING SPONSORED RIGHT NOW BY THE STATE OF NEBRASKA AND WE'RE PAYING THE BILL. WE NEED TO FIGURE OUT HOW WE CAN INCENT PEOPLE. IF THIS PROGRAM HAD SOME GOOD INCENTIVES, IT WOULD HAVE BEEN UTILIZED, BUT THE FACT OF THE MATTER IS, THERE WAS JUST NO VALUE TO IT. SO I RISE IN SUPPORT OF

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GETTING RID OF THE PROGRAM THAT WE HAVE, BUT LIKE AARP SAID, WE NEED TO LOOK AT WAYS TO ENHANCE PEOPLE TO PLAN FOR THE FUTURE SO THE STATE DOESN'T CONTINUE TO TAKE ON THE LIABILITY OF THOSE THAT ARE ENTERING THE NURSING HOME. THANK YOU. [LB756]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB756]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. IT SEEMS UNUSUAL THAT NEBRASKA GOVERNMENT END A PROGRAM. I'M GENERALLY IN FAVOR OF THAT. THIS TIME, I'M NOT QUITE SO SURE. I AGREE WITH WHAT SENATOR KOLTERMAN HAD TO SAY, THAT MAYBE THE INCENTIVES TO CONTRIBUTE TO THAT SHOULD HAVE BEEN A LITTLE BETTER THAN WHAT THEY WERE. I WONDER IF SENATOR WATERMEIER WOULD YIELD TO A QUESTION. [LB756]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB756]

SENATOR WATERMEIER: YES. [LB756]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. COULD THIS PROGRAM HAVE BEEN FIXED OR DOES IT JUST NEED TO GO AWAY AND, HOPEFULLY, YOU GUYS WILL COME BACK WITH SOMETHING A LITTLE BETTER? [LB756]

SENATOR WATERMEIER: WE DISCUSSED THAT BRIEFLY INSIDE OF THE COMMITTEE AND DECIDED IT WAS BETTER TO JUST ELIMINATE THIS. THERE'S SOME FLAWS ABOUT IT, THE REQUIREMENTS OF THE STATE AUDITOR TO BE INVOLVED. IF YOU'D WANT TO TALK TO SENATOR DAVIS AND SENATOR BOLZ, THEY'VE HAD A REALLY GOOD INTERIM STUDY AND I'M LEANING HEAVILY ON THAT TO COME UP WITH SOME BETTER IDEAS, SO I THINK THIS JUST NEEDS TO GO AWAY. [LB756]

SENATOR BLOOMFIELD: OKAY, THANK YOU. HOW MANY OTHER PROGRAMS DID WE LOOK AT THAT MAYBE HAVE BEEN AROUND LONGER THAT ARE NO MORE EFFICIENT THAN IS THIS ONE? [LB756]

SENATOR WATERMEIER: WELL, THERE'S CERTAINLY SOME, PROBABLY, BUT WE WERE FOCUSED. WE HAVE TO BE LIMITED TO WHAT WE'RE ASKED BY THE BODY TO LOOK AT AND THEN WE DEFINE THE SCOPE, SO ALL WE COULD LOOK AT WAS

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JUST THIS ONE PROGRAM. BUT WE COULD ENTERTAIN SOME IDEAS IF YOU WANT TO FROM THE PERFORMANCE AUDIT IF YOU HAVE A SPECIFIC PROGRAM. [LB756]

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR. [LB756]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD AND SENATOR WATERMEIER. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB756]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AND THAT'S A NICE SEGUE TO WHAT I WANTED TO MENTION THIS MORNING. AS THE CHAIR OF THE AGING NEBRASKANS TASK FORCE, I WAS PART OF THE GROUP THAT ACTUALLY REQUESTED THE PERFORMANCE AUDIT BE PERFORMED AND I SUPPORT THE BILL AND THE UNDERLYING AMENDMENT. THIS JUST DIDN'T TURN OUT THE WAY THAT WE HAD ORIGINALLY INTENDED. BUT TO SUPPORT THE STATEMENTS THAT HAVE BEEN MADE ON THE FLOOR THIS MORNING, THERE ARE STRATEGIES THAT WE MUST CONSIDER MOVING FORWARD TO THEN THE COST CURVE ON LONG-TERM CARE IN NEBRASKA. AND TWO OF THOSE STRATEGIES HAVE BEEN RECOMMENDED BY THE AGING NEBRASKANS TASK FORCE. THE FIRST IS AN EDUCATION INITIATIVE. NOT EVERY PERSON CAN AFFORD LONG-TERM CARE INSURANCE, NOT EVERY PERSON CAN FIGURE OUT HOW TO MAKE THEIR FINANCES WORK FOR THE RIGHT RETIREMENT PLAN AT THE RIGHT TIME, BUT THOSE WHO CAN, SHOULD. AND WE NEED TO PROVIDE BETTER INFORMATION TO PEOPLE SO THAT THEY CAN MAKE THE RIGHT CHOICES FOR THEIR SPECIFIC CIRCUMSTANCES. LONG-TERM CARE INSURANCE CAN APPLY VERY APPROPRIATELY TO SOME OF THE POPULATIONS THAT WE WERE TALKING ABOUT JUST THE OTHER DAY RELATED TO SENATOR SCHUMACHER'S BILL, INDIVIDUALS WHO HAVE ASSETS TO PROTECT, INDIVIDUALS WHO WANT TO SHARE THOSE ASSETS WITH THEIR FAMILY AND WHO CAN PURCHASE LONG-TERM CARE INSURANCE TO HAVE A LONG-TERM STRATEGY TO CARE FOR THEIR NEEDS. IN A RELATED POINT, SENATOR KOLTERMAN IS RIGHT. WE NEED STRONGER INCENTIVES TO ENCOURAGE PEOPLE TO PARTICIPATE. AND SOMETHING THAT WE'LL BE LOOKING AT OVER THE INTERIM IS AN INITIATIVE TO PROVIDE TAX INCENTIVES FOR FIRST-TIME PURCHASERS OF LONG-TERM CARE INSURANCE. WHAT WE FOUND IS THAT IF PEOPLE PURCHASE IT THE FIRST TIME, THEY TEND TO KEEP IT AND SEE AND UNDERSTAND AND USE THAT VALUE. NOW, WE STILL NEED TO WORK ON THE AFFORDABILITY OF LONG-TERM CARE INSURANCE, BUT THAT TAX INCENTIVE CAN HELP MAKE AFFORDABILITY MORE REAL AND TO HELP MAKE PEOPLE TAKE THAT STEP TOWARDS PURCHASING THE INSURANCE FOR THEMSELVES. LAST, BUT NOT LEAST, I THINK IT'S A GOOD STRATEGY AND A STRATEGY THAT I'D LIKE TO TALK WITH THE

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EXEC BOARD ABOUT TO MAKE LONG-TERM CARE INSURANCE A PART OF THE BENEFITS PACKAGE FOR STATE EMPLOYEES AND FOR THE EMPLOYEES IN THIS BUILDING. WE SHOULD START WITH OUR OWN AND WE SHOULD ENCOURAGE STATE EMPLOYEES, WHICH ARE A LARGE POPULATION OF WORKERS IN THE STATE, TO PLAN FOR THEIR LONG-TERM CARE NEEDS. SO I DO WANT TO SUPPORT LB756 AND THE GOOD WORK OF THE PERFORMANCE AUDIT COMMITTEE, BUT I ALSO WANT TO ENCOURAGE THIS BODY TO CONTINUE THE CONVERSATION ABOUT LONG-TERM FINANCIAL PLANNING. THANK YOU, MR. PRESIDENT. [LB756]

PRESIDENT FOLEY: THANK YOU, SENATOR BOLZ. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB756]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. I'M ON THE REVENUE COMMITTEE AND I JUST WANTED TO SHARE A LITTLE BIT WITH THE THOUGHTS THAT WE HAD DISCUSSED IN RELATIONSHIP TO THE AMENDMENT. THE BILL CALLED...ESSENTIALLY, IT WOULD HAVE BEEN RETROACTIVE BECAUSE THE EFFECTIVE DATE FOR DEDUCTIONS WOULD HAVE BEEN JANUARY 1 OF 2016. SO ESSENTIALLY THE BILL KILLED THE PROGRAM RETROACTIVELY. WE THOUGHT BY EXTENDING IT A YEAR, IT WOULD ALSO GIVE, ONE, TIME FOR PEOPLE TO MOVE THOSE DOLLARS INTO A PROGRAM THAT PERHAPS WOULD HELP THEM. BUT SECONDLY, AND TO ME MORE IMPORTANTLY, IT GIVES THE REVENUE COMMITTEE NEXT YEAR TO TRY TO DEVELOP SOME TYPE OF PROGRAM THAT WOULD PROVIDE SOME ADDITIONAL INCENTIVES OR SOMETHING THAT WOULD INCREASE THE PARTICIPATION OF THE PROGRAM BECAUSE IT GETS BACK TO SENATOR SCHUMACHER'S POINT IN RELATIONSHIP TO THE LONG-TERM CARE, IT IS BECOMING A PROBLEM. AND IF YOU LOOKED AT SENATOR KOLTERMAN'S HANDOUT LAST FRIDAY AS WELL, THE COST OF THAT INSURANCE IS VERY, VERY EXPENSIVE AND THE REASON IT'S EXPENSIVE BECAUSE THERE'S NO POOL THERE. VERY FEW PEOPLE PARTICIPATE IN IT SO, THEREFORE, IT HAS TO BE A HIGHER PREMIUM. TAKING THAT INTO CONSIDERATION, I WOULD EXPECT THAT THERE WILL BE SOMETHING THAT THE REVENUE COMMITTEE WILL LOOK AT NEXT YEAR AND TRY TO DEVELOP SOME TYPE OF PROGRAM THAT THOSE FOLKS CAN ROLL THEIR DOLLARS INTO AND THAT WE MAYBE EXPAND TO GET AN INCREASED POOL SO THAT SOME OF THAT BURDEN DOES NOT FALL UPON THE STATE OF NEBRASKA. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB756]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE AND HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE

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AMENDMENT, AM2375. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB756]

CLERK: 26 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB756]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SENATOR WATERMEIER...HE WAIVES CLOSING ON THE BILL. THE QUESTION IS THE ADVANCE OF THE BILL, LB756, TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB756]

CLERK: 29 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB756]

PRESIDENT FOLEY: LB756 ADVANCES. NEXT BILL, MR. CLERK. [LB756]

CLERK: LB829 IS BY SENATOR BURKE HARR. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO THE JUDICIARY COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2056, LEGISLATIVE JOURNAL PAGE 716.) [LB829]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BURKE HARR, YOU'RE RECOGNIZED TO OPEN ON LB829. [LB829]

SENATOR HARR: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. LB829 ADOPTS THE REVISED FIDUCIARY ACCESS TO DIGITAL ASSETS ACT. THE ACT ENSURES THAT INTERNET USERS HAVE THE POWER TO MANAGE AND DISPOSE OF THEIR DIGITAL ASSETS IN A WAY SIMILAR TO THE WAY THEY CAN MAKE PLANS FOR THEIR TANGIBLE PROPERTY. THIS LAW WILL FACILITATE ACCESS AND MANAGEMENT OF DIGITAL ASSETS WHEN PEOPLE DIE OR OTHERWISE LOSE THE ABILITY TO MANAGE THEIR OWN DIGITAL ASSETS. LAST SESSION I INTRODUCED LB463, THE TECHNOLOGY INFORMATION MANAGEMENT ACT. AT THE HEARING FOR LB463, AND NATIONALLY, CONCERNS WERE RAISED BY VARIOUS CUSTODIANS SUCH AS FACEBOOK, GOOGLE, AND BY PRIVACY ORGANIZATIONS SUCH AS THE ACLU. SUBSEQUENTLY, THE UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT WAS REVISED BY THE UNIFORM LAW COMMISSION TO ADDRESS THOSE CONCERNS. THE CURRENT ACT PROVIDES FOR AN APPROPRIATE BALANCE BETWEEN THE USER'S PRIVACY INTEREST AND THE INTEREST IN FAIR AND EFFICIENT MANAGEMENT OF DIGITAL ASSETS.

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OPPONENTS TO THE OLD BILL, LB463, ARE NOT RAISING OBJECTIONS TO THE NEW LEGISLATION. THEY ARE FOR IT. THIS ADVANCED OUT OF JUDICIARY UNANIMOUSLY. I WOULD ASK FOR YOUR SUPPORT AND ALSO, I WOULD LIKE TO THANK THE SPEAKER FOR MAKING THIS A PRIORITY. [LB829 LB463]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. (VISITORS INTRODUCED.) AS THE CLERK INDICATED, THERE IS AN AMENDMENT FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB829]

SENATOR SEILER: THANK YOU, MR. LIEUTENANT GOVERNOR. MEMBERS OF THE UNICAMERAL, THIS IS A SIMPLE ADDITION. LB829, WITH AM2056, WAS ADVANCED FROM THE JUDICIARY COMMITTEE ON AN 8-0 VOTE. AND WHAT AM2056 DOES IS WHERE THE ORIGINAL GREEN BILL PUT "FIDUCIARY," WE ADDED BEHIND THE FIDUCIARY "OR DESIGNATED RECIPIENTS." THE REASON IS FIDUCIARIES ARE USUALLY A PR IN A WILL, A TRUSTEE FOR A TRUST, SOME POWER OF ATTORNEY. BUT THERE WOULDN'T BE A PROVISION IF THEY DIDN'T HAVE A REFERENCE TO A CONTRACT, SO THEY WOULDN'T BE A FIDUCIARY UNDER A CONTRACT OR JUST A VERBAL AGREEMENT. SO BY ADDING THIS SIMPLE DESIGNATION, WE COVER ALL OF OUR BASES. THANK YOU. I ASK FOR THE GREEN LIGHT ON THIS AMENDMENT AND ON LB829. [LB829]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. DEBATE IS NOW OPEN ON LB829 AND THE COMMITTEE AMENDMENT. SENATOR BURKE HARR, YOU'RE RECOGNIZED. SENATOR BURKE HARR. [LB829]

SENATOR HARR: THANK YOU, MR. PRESIDENT. I JUST WANT TO CLARIFY THE RECORD AS FAR AS WHAT DIGITAL ASSETS ARE. THIS IS NOT AIMED AT BITCOIN, THIS IS NOT AIMED AT SIMILAR MECHANISM. DIGITAL ASSETS IN THIS DAY AND AGE ARE WHAT WE STORE ON OUR iPHONE. THIS IS OUR FACEBOOK ACCOUNT FOR SOME OF YOU OUT THERE, THIS IS YOUR MYSPACE PASSWORD. IT'S ALSO YOUR PHOTOS ON YOUR PHONE. HOW DO WE ACCESS THOSE? HOW DO YOU SHUT THEM DOWN? AND SO THAT'S REALLY...HOW DO YOU CHANGE YOUR STATUS ON LINKED IN? HOW DO YOU DO ALL THOSE NEW PROGRAMS OUT THERE THAT OUR PAGES LOOK AT ME AND KNOW WHAT THEY ARE AND I JUST SMILE AND HAVE NO IDEA. SO, THAT'S WHAT THIS IS. I WOULD ASK FOR YOUR SUPPORT ON AM2056. AS SENATOR SEILER SAID, THESE ARE MERE TECHNICAL CHANGES BROUGHT UP MAINLY BY THOSE ON THE OTHER SIDE OF THE GLASS. THANK YOU. [LB829]

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SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: THANK YOU, SENATOR HARR. IS THERE ANYONE ELSE WISHING TO SPEAK? SEEING NONE, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON THE JUDICIARY COMMITTEE AMENDMENT. SENATOR SEILER WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF AM2056. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB829]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB829]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. WE ARE NOW BACK TO THE ORIGINAL BILL. SEEING NO ONE ELSE IN THE QUEUE, SENATOR HARR, YOU'RE RECOGNIZED TO CLOSE. SENATOR HARR WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF LB829. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB829]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB829. [LB829]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK. [LB829]

CLERK: LB851 IS A BILL BY SENATOR McCOLLISTER. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO THE GOVERNMENT, MILITARY AND VETERAN AFFAIRS COMMITTEE FOR PUBLIC HEARING, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2149, LEGISLATIVE JOURNAL PAGE 690.) [LB851]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO OPEN ON LB851. [LB851]

SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER, AND GOOD MORNING, COLLEAGUES. I WANT TO THANK CHAIRMAN MURANTE AND THE MEMBERS OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE FOR ADVANCING LB851 TO GENERAL FILE ON A UNANIMOUS VOTE OF THE MEMBERS PRESENT. LB851 RECEIVED STRONG SUPPORT AND NO OPPOSITION IN ITS PUBLIC HEARING. I ALSO WANT TO THANK TREASURER STENBERG FOR HIS SUPPORT

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AND GUIDANCE AND SPEAKER HADLEY FOR SELECTING THIS BILL AS A SPEAKER PRIORITY. I'M HERE TO OFFER LB851 AS INTRODUCED. I PROVIDED AM2149 DURING MY OPENING AT THE PUBLIC HEARING. AM2149 WHICH REPLACES THE GREEN COPY OF THE BILL, IS NOW THE COMMITTEE AMENDMENT WHICH SENATOR MURANTE WILL OFFER THIS MORNING. CURRENTLY, FINANCIAL RECORDS FROM ALL STATE AGENCIES AND FOR THE UNIVERSITY OF NEBRASKA ARE INCLUDED ON THE STATE SPENDING WEB SITE, BUT FINANCIAL INFORMATION FOR A VARIETY OF QUASI PUBLIC ENTITIES IS NOT. A LIST OF LIKELY STATE ENTITIES TO BE AFFECTED BY THE PROPOSED CHANGES HAS BEEN PROVIDED TO YOU. LB851 WOULD DEFINE A STATE ENTITY AS ANY STATE AGENCY, BOARD, COMMISSION, OR DEPARTMENT OF THE STATE AND ANY OTHER BODY CREATED BY STATE STATUTE THAT INCLUDES A PERSON APPOINTED BY THE GOVERNOR, THE HEAD OF A STATE AGENCY OR DEPARTMENT, AN EMPLOYEE OF THE STATE OF NEBRASKA, OR A COMBINATION OF SUCH PERSONS, AND THAT IS EMPOWERED BY THE STATE LAW TO COLLECT AND DISBURSE STATE RECEIPTS. THE BILL WOULD DEFINE STATE RECEIPTS AS REVENUE OR OTHER INCOME RECEIVED BY THE STATE ENTITY FROM TAXES, FEES, CHARGES, INTEREST, AND OTHER SOURCES, AND WHICH IS USED BY THE ENTITY TO PAY EXPENSES NEEDED TO PERFORM THE STATE'S DUTIES. STATE RECEIPTS WOULD NOT INCLUDE PASS-THROUGH FUNDS. PASS-THROUGH FUNDS ARE THOSE RECEIVED BY THE STATE ENTITY ACTING ONLY AS AN INTERMEDIARY OR CUSTODIAN OF THE FUNDS AND OBLIGATED TO PAY OR RETURN THE FUNDS TO AN ENTITLED PERSON. UNDER LB851, EXPENDITURES OF STATE FUNDS WOULD MEAN EXPENDITURE OF STATE RECEIPTS WHETHER APPROPRIATED OR NONAPPROPRIATED. THE TRANSFER OF FUNDS BETWEEN TWO STATE ENTITIES, PAYMENTS OF STATE OR FEDERAL ASSISTANCE TO AN INDIVIDUAL OR EXPENDITURE OF PASS-THROUGH FUNDS WOULD NOT FIT THE DEFINITION OF EXPENDITURE FOR PURPOSES OF THIS ACT. THE BILL WOULD FURTHER REQUIRE STATE ENTITIES TO SUBMIT TO THE STATE TREASURER FOR INCLUSION ON THE STATE SPENDING WEB SITE, ALL EXPENDITURES OF STATE RECEIPTS WHETHER APPROPRIATED OR NONAPPROPRIATED, INCLUDING GRANTS, CONTRACTS, SUBCONTRACTS, AID TO POLITICAL DIVISIONS, TAX REFUNDS OR CREDITS THAT MAY BE DISCLOSED UNDER EXISTING STATE LAWS, AND ANY OTHER DISBURSEMENTS OF STATE RECEIPTS IN THE PERFORMANCE OF AN ENTITY'S FUNCTION. MANY OTHER GOVERNMENTAL BODIES SUBJECT TO THE CHANGES IN PROPOSED LB851 CURRENTLY OPERATE INDEPENDENT WEB SITES. CONSEQUENTLY, THE IMPLEMENTATION DEALING WITH SECURITY ISSUES COULD BE CHALLENGING. IF SUCH ISSUES ARISE, THE TREASURER, LIKE THE REST OF STATE GOVERNMENT, CAN AND SHOULD CONSULT WITH THE

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TECHNOLOGY EXPERTS IN THE OFFICE OF THE CHIEF INFORMATION OFFICER.  
THANK YOU, MR. PRESIDENT. [LB851]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB851. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR MURANTE, AS CHAIR OF THE GOVERNMENT COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB851]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT AND MEMBERS, GOOD MORNING. I'D LIKE TO THANK SENATOR McCOLLISTER FOR BRINGING THIS BILL BEFORE THE GOVERNMENT COMMITTEE. IT RECEIVED OVERWHELMING SUPPORT. AM2149, THE COMMITTEE AMENDMENT, MAKES THE FOLLOWING CHANGES TO LB851. FIRST, IT REDEFINES THE TERM EXPENDITURE OF STATE FUNDS TO EXPRESSLY INCLUDE EXPENDITURES AUTHORIZED BY GOVERNING BODIES OF STATE HIGHER EDUCATION ENTITIES THAT EXPRESSLY EXCLUDE FEDERAL OR OTHER ASSISTANCE TO AN INDIVIDUAL. SECONDLY, IT REDEFINES STATE RECEIPTS TO MEAN REVENUE OR INCOME WHICH IS RECEIVED BY A STATE ENTITY USED TO PAY THE EXPENSES NECESSARY TO PERFORM THE STATE ENTITY'S FUNCTIONS AND REPORT IT TO THE STATE TREASURER IN TOTAL AMOUNTS BY CATEGORY OF INCOME. FINALLY, IT EXEMPTS CONTRACTS ENTERED INTO BY THE NEBRASKA INVESTMENT FINANCE AUTHORITY FOR THE PURPOSE OF PROVIDING A SPECIFIC SERVICE OR FINANCIAL ASSISTANCE TO A SPECIFICALLY NAMED INDIVIDUAL, OR HIS OR HER FAMILY, FROM THE BILL'S DISCLOSURE REQUIREMENTS. AGAIN, I THANK SENATOR McCOLLISTER FOR BRINGING THIS BILL BEFORE THE GOVERNMENT COMMITTEE AND ENCOURAGE YOUR SUPPORT OF THE COMMITTEE AMENDMENT AND OF LB851. THANK YOU, MR. PRESIDENT. [LB851]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON THE GOVERNMENT COMMITTEE AMENDMENT. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB851]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB851 AND THE COMMITTEE AMENDMENT AND I WOULD LIKE TO THANK SENATOR McCOLLISTER AND THE GOVERNMENT COMMITTEE FOR THEIR WORK ON CONTINUING TO EXPAND THIS TRANSPARENCY PROGRAM. IT'S IMPORTANT FOR PEOPLE TO KNOW THAT YOU CAN GET ON THE WEB SITE AND SEE NEBRASKA'S EXPENDITURES AND ALSO SEE THE CONTRACTS, AND THIS IS AN IMPORTANT NEXT STEP IN MAKING SURE THAT THESE QUASI PUBLIC ENTITIES THAT ARE USING STATE FUNDS ARE ALSO REPORTING THOSE TO THIS WEB SITE. AND I

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THANK SENATOR McCOLLISTER AND THE GOVERNMENT COMMITTEE FOR THEIR WORK ON ENSURING THAT WE CONTINUE TO MOVE FORWARD IN THIS EFFORT. THANK YOU, MR. PRESIDENT. [LB851]

SPEAKER HADLEY: THANK YOU, SENATOR CRAWFORD. IS THERE ANYONE ELSE WISHING TO SPEAK ON THE COMMITTEE AMENDMENT? SEEING NONE, SENATOR MURANTE WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF THE GOVERNMENT COMMITTEE AMENDMENT. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB851]

CLERK: 30 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB851]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB851]

SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER, I'D LIKE TO ACKNOWLEDGE THE HARD WORK OF SENATOR CRAWFORD. SHE, IN 2009, ALSO MADE SOME AMENDMENTS AND CHANGES IN THE STATE WEB SITE SO SHE NEEDS TO BE CONGRATULATED FOR HER PIONEERING WORK. AND LASTLY, BUT NOT LEAST, TREASURER STENBERG. HIS HELP AND GUIDANCE WAS IMPORTANT IN MOVING THIS FORWARD. THANK YOU, MR. PRESIDENT. [LB851]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON LB851. THE QUESTION IS, SHALL LB851 BE ADOPTED? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB851]

CLERK: 33 AYES, 0 NAYS ON THE ADVANCEMENT OF LB851. [LB851]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK. [LB851]

CLERK: MR. PRESIDENT, LB851A. (READ TITLE.) [LB851A]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO OPEN ON LB851A. [LB851A]

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SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER AND MEMBERS. LB851 WOULD APPROPRIATE FOR FISCAL YEAR '16-'17 AND '17-'18, \$63,000 FROM THE MATERIEL DIVISION'S REVOLVING FUND TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO SUPPORT THE DEPARTMENT'S RESPONSIBILITIES TO CARRY OUT THE PROVISIONS OF LB851. DAS WOULD NEED TO MODIFY THE STATE CONTRACT'S DATABASE TO ADD NEW STATE ENTITIES AND DEVELOP NEW USER AUTHENTICATION PORTALS FOR THESE ENTITIES. DAS ESTIMATES A START-UP COST OF ABOUT \$59,000 AND OUR ONGOING MAINTENANCE COSTS OF \$4,220. THIS WORK WOULD BE PERFORMED WITH EXISTING STAFF. LB851 WOULD APPROPRIATE FOR THE FISCAL TWO YEARS \$7,750 FROM THE GENERAL FUND TO THE BOARD OF TRUSTEES FOR THE STATE COLLEGES TO CARRY OUT THEIR COMPLIANCE OR RESPONSIBILITIES FOR LB851. THE THREE STATE COLLEGES ANTICIPATE THIS COST TO PREPARE A RECEIPT, RECORDS IN AN APPROPRIATE MANNER FOR PLACEMENT ON THE STATE'S SPENDING WEB SITE. MEMBERS, I BELIEVE THE GENERAL FUND IMPACT OF LESS THAN \$3,900 PER YEAR TO EXPAND CITIZEN'S ABILITY TO VIEW THE STATE FINANCIAL INFORMATION IS AN EXTREMELY MODEST SUM AND IS MONEY WELL SPENT. I DO, HOWEVER, FULLY ANTICIPATE THE ADOPTION OF THE COMMITTEE AMENDMENT WHICH WILL ALLOW RECEIPTS TO BE SUBMITTED BY CATEGORY, WILL REDUCE OR ELIMINATE EVEN THE \$3,900 PER YEAR COST ANTICIPATED BY THE PROVISIONS OF THE LB851 WHEN IT WAS INTRODUCED. I WOULD ASK FOR YOUR GREEN VOTE ON THE AMENDMENT, OR ON THE LB851A. [LB851A LB851]

SPEAKER HADLEY: ANYONE WISHING TO SPEAK ON LB851A? SEEING NO ONE, SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO CLOSE. SENATOR McCOLLISTER WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB851A. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB851A]

CLERK: 35 AYES, 0 NAYS ON THE ADVANCEMENT OF LB851A. [LB851A]

SPEAKER HADLEY: LB851A ADVANCES. MR. CLERK. [LB851A]

CLERK: LB930 IS A BILL INTRODUCED BY SENATOR SCHEER. (READ TITLE.) INTRODUCED ON JANUARY 12, REFERRED TO THE EDUCATION COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2280, LEGISLATIVE JOURNAL PAGE 708.) [LB930]

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SPEAKER HADLEY: SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB930]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. AND FIRST, I WOULD LIKE TO THANK THE SPEAKER FOR MAKING THIS BILL ONE OF HIS PRIORITY BILLS. I THINK IT'S VERY IMPORTANT. IT WILL HELP THE STUDENTS ACROSS NEBRASKA AND, AGAIN, I THANK THE SPEAKER FOR THAT DESIGNATION. LB930 IS A COMMONSENSE BILL THAT WILL REPLACE THE 11th GRADE NeSA TEST WITH THE STANDARD COLLEGE ADMISSION TEST TO BE DETERMINED BY THE STATE BOARD OF EDUCATION. I WAS PRESIDENT OF THE STATE BOARD OF EDUCATION FIVE YEARS AGO WHEN WE CREATED A PILOT PROJECT TO ALLOW EIGHT SCHOOL DISTRICTS TO BEGIN USING THE STANDARDIZED, STANDARD COLLEGE ASSESSMENT TEST FOR 11th GRADE STUDENTS INSTEAD OF THE NeSA TEST. THE REASONING WAS THAT MOST STUDENTS DO NOT CARE ABOUT THE 11th GRADE NeSA TEST AND THE NeSA SCORES HAVE NO BENEFIT TO THE STUDENT. WHEREAS, EVERYONE KNOWS THAT A 32 ON AN ACT, OR 1520 ON A SAT MEANS NOT ONLY ARE YOU GOING TO GO TO COLLEGE BUT SOMEBODY ELSE IS GOING TO PAY FOR IT. THIS PILOT PROJECT TERMINATES AT THE END OF THIS SCHOOL YEAR. THE BILL WOULD SIMPLY SAY THAT THE LEGISLATURE RECOGNIZES THE IMPORTANCE AND THE AIM OF THE PROJECT AND BELIEVES IT SHOULD BE CONTINUED ON A STATEWIDE BASIS. WE ARE ALREADY REQUIRED UNDER FEDERAL MANDATE TO GIVE AN ACCOUNTABILITY TEST TO ALL 11th GRADERS STATEWIDE. THIS CAN BE VIEWED AS A SIMPLE REPLACEMENT OF ONE TEST WITH ANOTHER. HOWEVER, I BELIEVE THAT GIVING STUDENTS A TEST IN WHICH THEY UNDERSTAND IT'S IMPORTANT, AND PROVIDING THEM WITH THE DATA TO SHOW THEM WHERE THEY ARE IN RELATIONSHIP TO THEIR PEERS, AND WHERE THEY NEED REMEDIATION BEFORE COLLEGE OR CAREER, WILL HELP STUDENTS STATEWIDE. WITH THIS BILL, I HOPE TO ACHIEVE MANY THINGS. FIRST, THE BILL WILL REPLACE THE TEST THAT STUDENTS DO NOT CARE NOR STRIVE ABOUT, THE 11th GRADE NeSA, WITH A TEST THAT STUDENTS UNDERSTAND THE IMPORTANCE OF. CURRENTLY, STUDENTS HAVE NO INCENTIVE TO DO WELL ON NeSA. THE TEST HAS ABSOLUTELY NO BENEFIT TO THEM. THEY WILL NOT BE PENALIZED FOR DOING POORLY AND THE SCORES MEAN NOTHING. THEREFORE, ANY METRICS THAT THE STATE HOPES TO OBTAIN TO MEASURE ACCOUNTABILITY AND PERFORMANCE FROM THIS TEST ARE INHERENTLY SKEWED. BY REPLACING THE NeSA WITH A STANDARD COLLEGE ADMISSION TEST, WE CAN STILL MEASURE THE SAME DATA POINTS, BUT WE WILL HAVE BETTER DATA TO DO IT WITH. THIS IS BECAUSE STUDENTS WILL BE MORE APT TO TAKE THE REPLACEMENT TEST SERIOUSLY AS IT CAN BENEFIT THEM AND THE SCORES DO MEAN SOMETHING. PROVIDING ALL STUDENTS WITH ONE FREE

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OPPORTUNITY TO TAKE A COLLEGE ADMISSION TEST WILL HAVE A POSITIVE EFFECT FOR THEM FOR NUMEROUS REASONS. RIGHT NOW, IF YOU WANT TO GO TO COLLEGE, YOU HAVE TO TAKE AN ACT, SAT, OR SOME OTHER TYPE OF ADMISSION TEST. THIS BILL, THE STATE WILL PAY FOR, WILL TAKE IT...FOR YOU TO TAKE IT ONCE AND EVERYONE WILL TAKE IT, NOT JUST THOSE GOING TO COLLEGE. THOSE STUDENTS WHO ARE PLANNING TO GO TO COLLEGE AND HAVE TAKEN IT OR WILL TAKE IT, EITHER OF THESE TESTS, CAN USE THIS AS THE TEST TO SEE WHERE THEY NEED TO IMPROVE FOR THE NEXT TIME. STUDENTS WHO ARE NOT PLANNING TO GO TO COLLEGE MAY TAKE THE TEST AND REALIZE THAT THEY DO HAVE THE GRADES TO GET INTO COLLEGE. IN ADDITION, ACT AND SAT SCORES CAN HELP YOU GET SCHOLARSHIPS TO PAY FOR THAT COLLEGE. EVEN STUDENTS WHO KNOW THEY'RE NOT GOING TO A FOUR-YEAR COLLEGE WILL BENEFIT FROM THESE TESTS. THE NEW ACT AND SAT PROVIDE METRICS THAT SHOW COLLEGE...SHOW CAREER READINESS AND WILL ALLOW STUDENTS WHERE THEY REQUIRE REMEDIATION BEFORE GOING INTO THAT CAREER. FURTHERMORE, MOST PEOPLE WHO GO STRAIGHT FROM HIGH SCHOOL TO CAREER WILL REQUIRE SOME TYPE OF A CERTIFICATE OR A TWO-YEAR DEGREE AT SOME POINT. NEBRASKA COMMUNITY COLLEGES REQUIRE A COLLEGE ADMISSION TEST FOR ADMISSION TO THEIR SERVICES. THIS TEST WILL ALLOW THEM TO MEET THAT REQUIREMENT. ANOTHER BIG BONUS WITH SWITCHING TO THE TEST SUCH AS THE ACT OR SAT IS THAT THEY ARE ADMINISTERED IN A MUCH SHORTER TIME FRAME, LESS THAN ONE DAY, WHEREAS, THE NeSA IS ADMINISTERED OVER MULTIPLE DAYS. THIS WILL PROVIDE EDUCATORS WITH EXTRA DAYS OF CLASS TIME NOT TAKEN UP WITH TESTS. ONE OF THE CONCERNS I'VE HEARD WITH THIS BILL IS THAT THE NEW TESTS WILL NOT ACCURATELY BE ABLE TO MEASURE NEBRASKA'S ACCOUNTABILITY STANDARDS. I'VE SPOKEN WITH INDIVIDUALS FROM BOTH SAT AND ACT REGARDING THE SWITCH TO ONE OF THEIR TESTS FROM NeSA. CURRENTLY, ACT IS USED IN THE 11th GRADE ASSESSMENT IN 15 STATES. SAT IS USED AS ASSESSMENT IN FOUR, SOON TO BE FIVE, AND FIVE STATES HAVE SOME COMBINATION AVAILABLE. BOTH ORGANIZATIONS HAVE COMMITTED TO WORK WITH THE DEPARTMENT OF EDUCATION TO ENSURE THAT ANY METRICS THE DEPARTMENT REQUIRES TO MEASURE ACCOUNTABILITY ARE PROVIDED. ALSO BOTH OF THESE TESTS MEASURE MANY MORE DATA POINTS THAN ARE REPORTED BACK TO THE STUDENT AND WILL BE ABLE TO PROVIDE THE DEPARTMENT WITH METRICS THAT REQUIRE TO ACCURATELY MEASURE NEBRASKA'S STANDARDS. FURTHER, THE STATE BOARD OF EDUCATION SHOWED THAT THEY BELIEVE THAT THIS TEST IS THE BEST PATH FORWARD WHEN THEY VOTED UNANIMOUSLY TO SUPPORT LB930. ANOTHER CONCERN I'VE HEARD IS THE BILL REVOLVING STATEWIDE WRITING TEST. IT IS TRUE THAT THE

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COMMITTEE AMENDMENT, AM2280, REMOVES THE REQUIREMENT FOR INDIVIDUAL WRITING TEST. HOWEVER, IT ALSO REQUIRES THE STATE BOARD OF EDUCATION TO INCORPORATE WRITING STANDARDS INTO THE READING ASSESSMENT. THEREFORE, WRITING ABILITY WILL STILL BE TESTED AT THE SAME HIGH LEVELS, JUST NOT IN ITS OWN TEST. FURTHER, THE STATE WILL BE REQUIRED TO ADMINISTER TO WRITING PORTIONS OF ANY STANDARD COLLEGE ADMINISTRATIVE TEST CHOSEN UNDER THIS BILL AS INDICATED BY THE FISCAL NOTE. WITH THAT, I WOULD ASK AND ENCOURAGE YOU TO SUPPORT LB930, THE EDUCATION COMMITTEE'S AMENDMENT, AS WELL AS SENATOR SULLIVAN'S SECOND AMENDMENT THAT SHE HAS FILED THIS MORNING. THE ORIGINAL SET DATE FOR THIS BILL TO START WAS IN 2017. SENATOR SULLIVAN'S AMENDMENT WILL MOVE THAT SO THAT THEY COULD ACTUALLY DO IT THIS COMING YEAR. THE DEPARTMENT IS SO ENTHUSIASTIC ABOUT THIS THEY BELIEVE THEY HAVE THE POTENTIAL TO BE ABLE TO TURN AROUND THIS IN A VERY SHORT PERIOD OF TIME AND, QUITE POSSIBLY, BE ABLE TO PROVIDE THAT FOR THIS YEAR'S JUNIORS AS WE MOVE FORWARD. AGAIN, I WOULD URGE YOUR SUPPORT OF SENATOR SULLIVAN'S AMENDMENT, THE COMMITTEE AMENDMENT, AND THE BILL, LB930. THANK YOU, MR. SPEAKER. [LB930]

SPEAKER HADLEY: THANK YOU, SENATOR SCHEER. (VISITORS INTRODUCED.) SENATOR SULLIVAN, AS CHAIR OF THE EDUCATION COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE EDUCATION COMMITTEE AMENDMENTS. [LB930]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB930 WITH AM2280 ATTACHED WAS ADVANCED FROM THE EDUCATION COMMITTEE BY AN 8-0 VOTE. AM2280 WAS CREATED WITH INPUT FROM SENATOR SCHEER AND THE DEPARTMENT OF EDUCATION AND MAKES THE FOLLOWING CHANGES TO LB930. FIRST OF ALL, ON PAGE 6, LINES 30 THROUGH 31, CHANGES MADE PROVIDES THAT THE USE OF LOTTERY FUNDS AS PROVIDED UNDER THIS ACT WILL BE FOR THE 2017-18 SCHOOL YEAR ONLY, AFTER WHICH THE DEPARTMENT OF EDUCATION SHOULD INCLUDE THE COST ASSOCIATED WITH ADMINISTERING THE TEST UNDER THEIR ANNUAL BUDGET REQUEST. PAGES 7 THROUGH 8, LINES 24 THROUGH 12, CHANGES MADE PROVIDES FOR THE FOLLOWING: REQUIRES THE DEPARTMENT OF EDUCATION TO ADMINISTER A STANDARD COLLEGE ADMISSION TEST AS SELECTED BY THE STATE BOARD OF EDUCATION TO 11th GRADERS IN PUBLIC SCHOOLS; AND THE DEPARTMENT OF EDUCATION IS DIRECTED TO PAY THE ADMINISTRATION COSTS ASSOCIATED WITH THE TEST AND MAY USE LOTTERY FUNDS UNDER 9-812 FOR THIS PURPOSE. ON PAGE 9, LINE 11, WOULD AMEND 79-760.03 TO PROVIDE THAT THE TECHNICAL ADVISORY COMMITTEE CREATED UNDER THIS SECTION, IN ADDITION TO

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REVIEWING THE STATEWIDE ASSESSMENT PLAN AND THE STATE ASSESSMENT INSTRUMENTS, WILL ALSO INCLUDE IN REVIEW THE ACCOUNTABILITY SYSTEM DEVELOPED UNDER THE QUALITY EDUCATION ACCOUNTABILITY ACT. ON PAGE 9, LINE 25, AMENDS 79-760.03(4) TO PROVIDE THAT THE REQUIREMENT FOR STATEWIDE WRITING ASSESSMENT UNDER THIS SUBSECTION ENDS AFTER THE 2016-17 SCHOOL YEAR. PAGE 10, LINE 5, AMENDS 79-760.03(5) TO PROVIDE THAT THE STATEWIDE READING ASSESSMENT CURRENTLY REQUIRED UNDER THIS SECTION SHALL NOW INCLUDE A WRITING COMPONENT AS DETERMINED BY THE STATE BOARD. ON PAGE 11, LINE 1, AMENDS 79-760.03(9) WHICH SECTION CURRENTLY REQUIRES THE STATE BOARD TO RECOMMEND NATIONAL ASSESSMENT INSTRUMENTS FOR THE PURPOSE OF NATIONAL COMPARISON, WOULD ALSO REQUIRE THE STATE BOARD BEGINNING IN 2017-18 TO SELECT A NATIONAL ASSESSMENT INSTRUMENT THAT IS TO BE USED FOR A STANDARD COLLEGE ADMISSION TEST TO BE ADMINISTERED TO 11th GRADE STUDENTS IN EACH PUBLIC SCHOOL DISTRICT. AND PAGE 12, LINE 3, AMENDS SECTION 79-760.03 TO ALLOW THE STATE BOARD OF EDUCATION THE ABILITY TO SELECT ASSESSMENT INSTRUMENTS FOR STATEWIDE ASSESSMENT THAT IS CONSISTENT WITH FEDERAL REQUIREMENTS. CURRENTLY, THIS SECTION ALLOWS THE STATE BOARD TO SELECT ADDITIONAL GRADE LEVELS AND ADDITIONAL SUBJECT MATTER AREAS FOR STATEWIDE ASSESSMENT INSTRUMENTS TO COMPLY WITH FEDERAL REQUIREMENTS. I BELIEVE THE CHANGES MADE UNDER THIS AMENDMENT ADDRESSES THE CONCERNS EXPRESSED TO THE COMMITTEE WHILE ALSO MAKING THE BILL EASIER TO IMPLEMENT AND MORE EFFECTIVE. AND FOR THESE REASONS, I ASK FOR YOUR VOTE ON AM2280 AND THE ADVANCEMENT OF THE BILL. THANK YOU, MR. PRESIDENT. [LB930]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. MR. CLERK. [LB930]

CLERK: SENATOR SULLIVAN, I HAVE AM2551 WITH A NOTE YOU WISH TO WITHDRAW. MR. PRESIDENT, SENATOR SULLIVAN WOULD MOVE TO AMEND WITH AM2836. (LEGISLATIVE JOURNAL PAGE 1448.) [LB930]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON AM2836. [LB930]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. SENATOR SCHEER ALLUDED TO THIS IN HIS OPENING COMMENTS BUT THAT THERE ARE JUST SOME, A FEW TECHNICAL THINGS AND VERY BASIC THINGS THAT THIS AMENDMENT SEEKS TO DO. FIRST OF ALL, IT PROVIDES THE DEPARTMENT FLEXIBILITY WITH RESPECT

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TO THE IMPLEMENTATION DATE. ALSO THE DEPARTMENT BELIEVES THAT EXISTING FUNDS WILL COVER THE COST OF THIS CHANGE, AND IT ALSO CLARIFIES THAT THE DEPARTMENT WILL ISSUE A SINGULAR TEST, NOT TESTS, PLURAL. THOSE IN ESSENCE ARE WHAT AM2836 SEEKS TO ACCOMPLISH. THANK YOU, MR. PRESIDENT. [LB930]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. YOU'VE HEARD THE OPENING TO THE AMENDMENT TO THE COMMITTEE AMENDMENTS. SENATOR BAKER, YOU'RE RECOGNIZED. [LB930]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF THE AMENDMENTS AND UNDERLYING BILL, LB930. THIS IS AN IDEA THAT I FAVORED FOR A LOT OF YEARS. IN FACT, I HAD INTENDED TO COME UP WITH LEGISLATION MYSELF AND WAS PLEASED TO FIND THAT SENATOR SCHEER HAD ALREADY DONE THAT. YOU KNOW, THERE WAS SOME QUESTION AS TO WHETHER OR NOT THIS IS AN ATTEMPT TO GUIDE ALL STUDENTS INTO A FOUR-YEAR SCHOOL, AND THAT'S NOT IT AT ALL. AND AS SENATOR SCHEER EXPLAINED, YOU KNOW, THESE SAME SCORES CAN BE USED FOR ADMISSION INTO JUNIOR COLLEGES, COMMUNITY COLLEGES, AND THOSE KINDS OF THINGS. THERE WAS A CONCERN, HEY, THIS DOESN'T MEASURE OUR STANDARDS BUT, YOU KNOW, IN THE REPORT FROM THE STATE DEPARTMENT OF EDUCATION, IN THE PILOT PROJECTS THERE'S A HIGH CORRELATION BETWEEN THE JUNIOR NeSA TEST AND ACT TEST RESULTS. LASTLY, THIS PROVIDES ME AN OPPORTUNITY TO SUPPORT ONE OF SENATOR SCHEER'S BILLS, AND I'M ALWAYS HAPPY TO SUPPORT HIM WHEN HE HAS A GOOD IDEA. THANK YOU. [LB930]

SPEAKER HADLEY: THANK YOU, SENATOR BAKER. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB930]

SENATOR MORFELD: THANK YOU, MR. SPEAKER AND I RISE IN SUPPORT OF THE BILL AND THE UNDERLYING AMENDMENT. AS SENATOR BAKER SAID, HE WAS THINKING ABOUT INTRODUCING A BILL ON THIS AND SO WAS I AND THEN WE BOTH FOUND OUT THAT SENATOR SCHEER WAS DOING THAT THIS SESSION. SO WE WERE HAPPY TO SEE THAT AND I'M HAPPY TO SUPPORT THIS BILL. I DO WANT TO GET ONE THING ON THE RECORD, THOUGH, IF SENATOR SCHEER WILL YIELD TO A QUESTION. [LB930]

SPEAKER HADLEY: SENATOR SCHEER, WILL YOU YIELD? [LB930]

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SENATOR SCHEER: YES, I WILL. [LB930]

SENATOR MORFELD: SENATOR SCHEER, IS IT YOUR INTENT THAT THE STATE INCLUDE THE OPTIONAL WRITING TEST FOR THE ACT AS A PART OF THE PACKAGE FOR SCHOOLS AND STUDENTS REQUIRED TO TAKE THIS? [LB930]

SENATOR SCHEER: YES, IT WOULD BE MY INTENT AND THE LAST CONVERSATION I HAD WITH THE DEPARTMENT, THAT IS THEIRS AS WELL. [LB930]

SENATOR MORFELD: EXCELLENT. THANK YOU, SENATOR SCHEER. [LB930]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB930]

SENATOR KOLOWSKI: THANK YOU, MR. CHAIRMAN. WOULD SENATOR SCHEER STAND FOR A QUESTION, PLEASE? [LB930]

SPEAKER HADLEY: SENATOR SCHEER, WILL YOU YIELD FOR A QUESTION? [LB930]

SENATOR SCHEER: WELL, CERTAINLY. [LB930]

SENATOR KOLOWSKI: SENATOR SCHEER, THANK YOU FOR BRINGING THIS FORWARD AGAIN. IT'S AN EXCELLENT BILL AND IT'S GOING TO HAVE EXCELLENT...I AM SURE, EXCELLENT IMPACT UPON OUR SCHOOLS AS WE MOVE ALONG. I KNOW IN A RECENT READING THAT I DID IN EDUCATION WEEK--I'M TRYING TO FIND MY COPY OF WHAT I READ IN THE LAST THREE WEEKS--THERE IS A MOVEMENT WITHIN ACT OR SAT TO DEVELOP A 10th GRADE TEST THAT WOULD BE AVAILABLE AT THAT GRADE LEVEL EARLIER IN HIGH SCHOOL SO WE CAN CATCH AND REMEDIATE AT A BETTER PACE INSTEAD OF JUST IN THE LAST YEAR OR LAST THREE SEMESTERS OF A STUDENT'S PROGRESS IN HIGH SCHOOL. AND HAS THAT COME INTO THE CONVERSATION IN ANY WAY AS FAR AS YOUR BACKGROUND DISCUSSIONS WITH THE COMPANIES? [LB930]

SENATOR SCHEER: WELL, NOT NECESSARILY, SENATOR. AND ALTHOUGH I DO BELIEVE AN EARLIER TEST WOULD BE MORE PRODUCTIVE, UNFORTUNATELY, WE STILL HAVE THE REQUIREMENT OF THE 11th GRADE FEDERAL TESTING. AND IN ORDER TO DO THAT AGAIN AT A SOPHOMORE LEVEL WOULD DUPLICATE THE

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COSTS. SO I WOULD SUSPECT THAT UNTIL WE'RE ABLE TO SIMPLY HAVE THE FEDERAL GOVERNMENT DICTATE ONE TEST...ONE ASSESSMENT IN A HIGH SCHOOL 9-12 SYSTEM, PROBABLY WE WILL BE STUCK ON THE 11th GRADE. [LB930]

SENATOR KOLOWSKI: WELL, JUST FOR THE RECORD, A DISTRICT COULD SPEND THEIR OWN FUNDS IN ORDER TO DO THAT IN THE SOPHOMORE LEVEL AND BETTER PREPARATION OF SOME OR ALL OF THEIR STUDENTS FOR THE 11th GRADE TESTING. [LB930]

SENATOR SCHEER: WELL, THIS CERTAINLY DOES NOT PRECLUDE ANY DISTRICT FROM UTILIZING ANY OTHER TYPE OF ASSESSMENT THAT THEY CHOOSE TO DO SO. AND IF MILLARD OR ANY OTHER DISTRICT WOULD BE WANTING TO PROVIDE THEIR STUDENTS WITH THAT ADDITIONAL INFORMATION AND STATISTICS TO THE DEPARTMENT, CERTAINLY, I'M SURE EVERYONE WOULD BE...WELCOME THAT. [LB930]

SENATOR KOLOWSKI: THANK YOU. AGAIN, I SUPPORT THIS BILL, SUPPORT THE AMENDMENTS TO THIS BILL, AND WOULD ASK FOR YOUR GREEN LIGHT ON THOSE. THANK YOU VERY MUCH. [LB930]

SPEAKER HADLEY: THANK YOU, SENATOR KOLOWSKI. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB930]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. AND I HAVE A COUPLE QUESTIONS ON THE FISCAL NOTE. I WONDER IF SENATOR SCHEER WOULD YIELD. [LB930]

SPEAKER HADLEY: SENATOR SCHEER, WILL YOU YIELD TO A QUESTION? [LB930]

SENATOR SCHEER: CERTAINLY. [LB930]

SENATOR BLOOMFIELD: THANK YOU, SENATOR SCHEER. IT LOOKS TO ME TO BE A PRETTY SUBSTANTIAL FISCAL NOTE HANGING ON THERE. CAN YOU EXPLAIN WHY IT COSTS \$1.3 MILLION? [LB930]

SENATOR SCHEER: WELL, INITIALLY, THAT WAS THE ESTIMATE FROM THE FISCAL OFFICE. IN THE CONVERSATIONS WE'VE HAD SINCE INTRODUCING THE BILL

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WITH THE DEPARTMENT, THEY BELIEVE THAT THEY WILL NOT HAVE TO EXPEND ANY ADDITIONAL DOLLARS THAN THEY CURRENTLY ARE. IN FACT, THEY THOUGHT THEY MAY BE ABLE TO SPEND PERHAPS A LITTLE LESS, BUT NO GUARANTEES THERE. THE FISCAL NOTE WILL HOPEFULLY NOT BE PART OF THE PROCESS, BUT I GUESS IT'S A SAFEGUARD THAT THE FUNDS ARE THERE FOR THE FIRST YEAR TO DEVELOP IT. BUT CERTAINLY FROM MY DISCUSSIONS WITH THE DEPARTMENT, THEY BELIEVE THAT THERE WILL BE NO ADDITIONAL COSTS TO THE STATE FOR THIS TYPE OF ASSESSMENT. [LB930]

SENATOR BLOOMFIELD: OKAY, THANK YOU. SECONDLY, IN THE COMMITTEE AMENDMENT IT MENTIONS SOME FUNDS BEING UTILIZED OUT OF THE LOTTERY FUNDS FOR A WHILE, THEN THAT GOES AWAY AFTER A WHILE. CAN YOU EXPLAIN THAT A LITTLE MORE? [LB930]

SENATOR SCHEER: THOSE ARE EXACTLY WHAT WE JUST DISCUSSED. THE MILLION DOLLARS THAT YOU'RE TALKING ABOUT WAS NOT GENERAL FUNDS, THOSE WOULD HAVE BEEN LOTTERY FUNDS. AND IF THEY'RE NEEDED FOR THE FIRST YEAR TO DO THAT, THEY ARE...THEY WOULD BE OUT OF THE LOTTERY, NOT GENERAL FUNDS. [LB930]

SENATOR BLOOMFIELD: OKAY. I'D LIKE TO SEE US AT SOME POINT, AND I HAD A BILL ATTEMPTING TO DO THAT, TO MOVE MORE OF THOSE LOTTERY FUNDS TO EDUCATION. I THINK THAT'S WHERE THE PEOPLE OF THE STATE WOULD LIKE TO SEE THEM UTILIZED. THANK YOU, MR. PRESIDENT. [LB930]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR GROENE, YOU'RE RECOGNIZED. [LB930]

SENATOR GROENE: THANK YOU. MR. PRESIDENT. I VOTED, AS THEY SAY, 8-0, BUT THERE WAS SOME FEARS ABOUT THIS TEST. IT WAS AVID DEBATE WITHIN THE COMMITTEE ABOUT IF WE GO THIS ROUTE, ARE WE GOING TO TURN OUR SCHOOLS INTO COLLEGE PREPS. AND WE'RE GOING TO FORGET ABOUT THE KID WHO HAS TACTILE SKILLS WHO WANTS TO GO INTO LABOR TO USE HIS HANDS OR HER HANDS. ARE WE GOING TO START SCHOOLS...SCHOOLS ACROSS THE STATE STARTING A RACE TO THE TOP TYPE OF THING WHERE WE FORCE ALL OF THE KIDS TO TAKE LITERATURE CLASSES, COLLEGE PREP-TYPE CLASSES, CHEMISTRY CLASSES, PHYSICS CLASSES THAT THEY DON'T BELONG IN, SO THAT MAYBE THEY'LL PICK UP JUST ENOUGH THAT WE'LL BUMP OUR SCORE, OUR AVERAGE SCORE FROM 23 TO 24. THAT IS THE FEAR SOME OF US HAD ABOUT

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ACCEPTING THIS TEST AS OUR 11th GRADE TEST. AND THEN I WAS TOLD THAT EVERYBODY HAS TO DO THAT IF THEY GO TO TRADE SCHOOL, THEY HAVE TO TAKE A TEST SIMILAR TO THIS. WE HAVE A DROPOUT PROBLEM IN THIS STATE. SOMETHING IS GOING WRONG IN OUR PUBLIC SCHOOLS THAT CERTAIN STUDENTS WITH CERTAIN SKILLS ARE BEING ELECTED AND THEY'RE DROPPING OUT OF SCHOOL. IF WE'RE GOING TO TURN THEM INTO COLLEGE PREPS, THEN LET'S SAY WE'RE GOING TO TURN IT INTO COLLEGE PREPS. I HAVE A FEAR THAT THAT MIGHT HAPPEN. I VOTED FOR IT BECAUSE OF COST. WE'RE SPENDING A LOT OF MONEY NOW FOR SOMEBODY TO DESIGN A...WHATEVER THAT TEST IS, NeSA's TEST THAT REALLY HAS NO MEANING, BUT AT LEAST IT DOESN'T HARM THE KIDS. AND THEN THOSE WHO WANT TO GO TO COLLEGE HISTORICALLY HAVE JUST...THEIR PARENTS AND THEM GOT TOGETHER AND THEIR ADVISERS IN SCHOOL AND TOOK THE TEST. BUT NOW WE'RE GOING TO FORCE THAT. BUT THAT IS THE WAY WE'RE GOING, I GUESS. WE'RE GOING TO TURN THEM INTO COLLEGE PREP SCHOOLS. AND WE'VE ALREADY DONE THAT, SO I DIDN'T SEE ANY HARM, SO I VOTED IT OUT OF COMMITTEE. BUT DON'T BELIEVE THAT THERE WASN'T DEBATE. I WASN'T THE ONLY SENATOR TO HAVE THAT CONCERN, BUT WE VOTED OUT. SO SOMETIMES, FOLKS OUT THERE, 8-0 VOTES, DON'T BELIEVE THEM ALL THE TIME. JUST LIKE YOUR LOCAL SCHOOL BOARD WITH PRESSURE AND STUFF, THEY SAY 8-0, 8-0, CITY COUNCILS. THERE'S ALWAYS DEBATE BEHIND THE SCENES AND I BELIEVE YOU OUGHT TO KNOW THAT THIS WAS NOT A UNANIMOUS BELIEF THAT THIS WAS THE RIGHT THING TO DO. THANK YOU. [LB930]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR FOX, YOU'RE RECOGNIZED. [LB930]

SENATOR FOX: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, NEBRASKA. I RISE IN SUPPORT OF SENATOR SCHEER'S LB930 AND THE ACCOMPANYING AMENDMENTS THAT REPLACE THE 11th GRADE NeSA TEST WITH THE STANDARDIZED COLLEGE ADMISSIONS TEST. I AGREE WITH SOME OF SENATOR SCHEER'S MAJOR TALKING POINTS, INCLUDING, FIRST OF ALL, THE ADMINISTRATION TIME FRAME WHICH IS LESS THAN ONE DAY, AS OPPOSED TO MULTIPLE DAYS. THIS WILL FREE UP MORE CALENDAR TIME FOR CLASSES. ALSO, BECAUSE STUDENTS HAVE A BETTER UNDERSTANDING OF THE RELEVANCE OF THE ACT AND SAT, THEY CAN MORE EASILY USE THEIR SCORES FOR COMPARISON WHERE THEY STAND IN RELATION TO THEIR PEERS AS WELL AS USE THEIR SCORES TO BETTER UNDERSTAND IF THERE ARE SUBJECT AREAS IN WHICH THEY HAVE STRENGTHS OR WEAKNESSES. THIRD, AND MOST IMPORTANTLY, AS A SENATOR WHOSE DISTRICT SEES SIGNIFICANT RATES OF

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POVERTY, I FIND THE FINANCIAL BENEFITS TO STUDENTS AND THEIR FAMILIES MOST APPEALING. WE ALL KNOW THAT THE COST OF HIGHER EDUCATION IS EVER INCREASING AND JUST APPLYING TO COLLEGES CAN GET EXPENSIVE. THIS BILL WOULD PROVIDE ALL STUDENTS WITH ONE FREE OPPORTUNITY TO TAKE A COLLEGE ADMISSION EXAM, NOT JUST THOSE INTERESTED IN APPLYING TO COLLEGE. FOR A FAMILY IN POVERTY, THIS MAY BE AN EXPENSE THEY CANNOT AFFORD AND STUDENTS IN THESE FAMILIES MAY OPT TO NOT TAKE THE EXAM EVEN ONCE, OR EVEN THINK THAT HIGHER EDUCATION IS AN OPTION FOR THEM. FOR A STUDENT NEEDING TO TAKE A COLLEGE ENTRANCE EXAM MORE THAN ONCE EITHER DUE TO TEST TAKING ANXIETIES WHICH NEGATIVELY AFFECT THEIR SCORES OR JUST THE GENERALIZED NEED TO RETAKE IT IN ORDER TO IMPROVE IN CERTAIN SUBJECT AREAS OR OVERALL SCORES, THEY HAVE ONE LESS FEE TO PAY. IF THEY DO WELL ON THE EXAM, OPPORTUNITIES FOR SCHOLARSHIPS MAY LEAD TO OPPORTUNITIES THEY OTHERWISE MAY NOT HAVE PURSUED. HIGH SCHOOL TEACHERS IN MY DISTRICT HAVE REACHED OUT TO ME ASKING ME TO SUPPORT THIS BILL, AND I HAVE SHARED THESE SENTIMENTS WITH THEM. COLLEAGUES, I ASK YOU TO JOIN ME IN SUPPORTING HIGHER EDUCATION OPPORTUNITIES FOR NEBRASKA STUDENTS AND VOTE WITH YOUR GREEN LIGHT TO ADVANCE LB930. THANK YOU. [LB930]

SPEAKER HADLEY: THANK YOU, SENATOR FOX. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SULLIVAN. SENATOR SULLIVAN WAIVES ON THE AM2836. THE QUESTION IS THE ADVANCEMENT...THE ADOPTION OF THE AMENDMENT. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB930]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, TO ADOPT THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB930]

SPEAKER HADLEY: AM2836 IS ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SULLIVAN, YOU'RE RECOGNIZED. SENATOR SULLIVAN WAIVES ON THE COMMITTEE AMENDMENT. THE QUESTION IS THE ADOPTION OF AM2280. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB930]

CLERK: 34 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB930]

SPEAKER HADLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. SENATOR SCHEER, YOU'RE RECOGNIZED TO CLOSE ON LB930. [LB930]

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SENATOR SCHEER: THANK YOU, MR. SPEAKER. JUST A COUPLE OF COMMENTS. ONE, THIS IS NOT TRYING TO FORCE STUDENTS INTO A FOUR-YEAR ACADEMIA OR NECESSARILY TWO-YEAR COMMUNITY COLLEGES. STUDENTS NEED THE ABILITY, EVEN IN ARTISAN POSITIONS AS FAR AS MASONS OR ELECTRICIANS OR HVAC PEOPLE, TECHNOLOGY HAS GOTTEN INTO THOSE FIELDS AS WELL. AND I THINK IT DOES STUDENTS WELL TO BE ABLE TO KNOW HOW WELL THEY PREPARED THEMSELVES TO GO EVEN INTO THOSE AREAS THAT PERHAPS ARE MORE SKILL RELATED RATHER THAN EDUCATIONAL, BECAUSE THE COMPONENT OF WHAT YOU NEED TO KNOW NOW IS DRASTICALLY DIFFERENT. AND I'D ALSO LIKE TO THANK SENATOR FOX. I DID NOT MENTION THAT AND I WAS NEGLECT IN DOING SO. ONE OF THE PURPOSES OF THE PILOT PROGRAM WAS TO SEE IF WE COULD ENCOURAGE AND INCREASE THE AMOUNT OF STUDENTS FROM LOWER- AND MIDDLE-INCOME LEVELS, AND ESPECIALLY THOSE NONENGLISH SPEAKING STUDENTS, THE ABILITY TO GO ON TO COMMUNITY COLLEGE OR COLLEGES OR UNIVERSITIES. AND THE TEST AREAS WERE...THE TEST DISTRICTS, I BELIEVE THAT INCREASE WAS VERY SUBSTANTIAL. I BELIEVE ABOUT 15 PERCENT IN THOSE SPECIFIC AREAS. SO, IT IS WORKING. IT IS GETTING MORE KIDS INTO HIGHER EDUCATION, BOTH COMMUNITY COLLEGE DEGREES, UNIVERSITIES, AND CERTIFICATION. SO I WOULD, AGAIN, WITH...NOW THE AMENDMENT IS BEING ACCEPTED, URGE YOUR SUPPORT OF LB930. THANK YOU, MR. SPEAKER. [LB930]

SPEAKER HADLEY: THANK YOU, SENATOR SCHEER. THE QUESTION FOR THE BODY IS THE ADOPTION OF LB930, THE ADVANCEMENT. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB930]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB930. [LB930]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK. [LB930]

CLERK: LB580 WAS A BILL ORIGINALLY INTRODUCED BY SENATOR MURANTE. (READ TITLE.) INTRODUCED ON JANUARY 21 OF LAST YEAR, MR. PRESIDENT. AT THAT TIME REFERRED TO THE EXECUTIVE BOARD. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING BY THE EXECUTIVE BOARD, MR. PRESIDENT. (AM1961, LEGISLATIVE JOURNAL PAGE 637.) [LB580]

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SPEAKER HADLEY: SENATOR MURANTE, YOU'RE RECOGNIZED TO OPEN ON LB580. [LB580]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT AND MEMBERS, GOOD MORNING. THE BILL BEFORE YOU, LB580, IS THE PRODUCT OF MANY YEARS OF WORK BETWEEN MYSELF, SENATOR MELLO, AND MANY MEMBERS OF THE STAFF OF THIS LEGISLATURE AND FORMER LEGISLATORS. WHAT WE'RE DOING HERE IS REFORMING HOW REDISTRICTING IS DONE IN NEBRASKA. AND IN CREATING THIS BILL, I EVALUATED THE REDISTRICTING REFORMS THAT HAVE BEEN ADOPTED BY NUMEROUS OTHER STATES. I WORKED WITH NCSL AS A MEMBER OF THEIR REDISTRICTING AND ELECTION STANDING COMMITTEE, AND IN EVALUATING THE OTHER STATES, I TOOK WHAT I BELIEVED TO BE THEIR BEST IDEAS, PUT THEM TOGETHER INTO A NEBRASKA MODEL WHICH I BELIEVE IS THE BEST REDISTRICTING MODEL IN THE NATION. AND IT'S ONE THAT I HOPE BECOMES A RUBRIC FOR OTHER STATES TO ADOPT. AND WE ACCOMPLISHED THAT BY DOING A NUMBER OF THINGS. FIRST OF ALL, THE METHOD OF REDISTRICTING WHICH HAS BEEN USED IN YEARS PAST, THE CREATION OF A SPECIAL COMMITTEE OF MEMBERS OF THE LEGISLATURE OR REDISTRICTING COMMITTEE IS ABOLISHED. IT IS REPLACED WITH AN INDEPENDENT CITIZEN'S REDISTRICTING COMMISSION. CITIZENS FROM...THAT ARE SELECTED BY MEMBERS OF THIS LEGISLATURE FROM AROUND THE STATE, CITIZENS WHO ARE NOT LOBBYISTS, THEY ARE NOT ELECTED OFFICIALS. THEY ARE REMOVED FROM THE POLITICAL PROCESS. THEY ARE NOT OFFICERS OF A POLITICAL PARTY. THEY ARE CITIZENS OF THE STATE. IT IS OUR HOPE THAT THEY ARE REPRESENTATIVE OF THE ENTIRE POPULATION SO THAT THE CITIZENS OF THIS STATE CAN HAVE GREATER BUY-IN AND GREATER PUBLIC CONFIDENCE IN THE MAPS THAT WE ADOPT. AND IT'S IMPORTANT TO NOTE THAT IF YOU ADOPT AND PASS LB580 INTO LAW, WE WILL NOT BE HAVING A NEW REDISTRICTING PROCESS ANYTIME SOON. THE CONSTITUTION IS VERY CLEAR THAT REDISTRICTING TAKES PLACE AFTER DECENNIAL CENSUSES AND THERE'S NO ACT OF THE LEGISLATURE WHICH CAN EXPEDITE THAT PROCESS. SO WHAT WE'RE TALKING ABOUT HERE IS HOW THE LEGISLATURE AND HOW THE STATE OF NEBRASKA IN 2021 WILL DRAW THE MAPS. I'LL WALK THROUGH, BRIEFLY, THE STEPS THAT WILL GO FROM THE BEGINNING OF THE PROCESS UNTIL THE GOVERNOR SIGNS THE BILL INTO LAW. AND IF YOU HAVE ANY QUESTIONS, I'D BE HAPPY TO ANSWER THEM. FIRST, WE PUT A LOT OF POWER AND A LOT OF AUTHORITY INTO THE STATE LEGISLATURE'S LEGISLATIVE RESEARCH OFFICE. THEY WILL BE IN CHARGE OF DRAWING WHAT WE ARE CALLING BASE MAPS AND SUBMITTING THEM TO THE INDEPENDENT REDISTRICTING COMMISSION. THAT PROCESS IS VERY SIMILAR TO THE PROCESS THAT WE HAVE NOW, BUT I HAVE YET TO HEAR

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ANY COMPLAINTS ABOUT THE FAIRNESS AND PROPRIETY OF THE LEGISLATURE'S RESEARCH OFFICE. THOSE BASE MAPS WILL BE SUBMITTED TO THE INDEPENDENT REDISTRICTING COMMISSION WHICH WILL BE COMPRISED OF NINE MEMBERS, THREE FROM EACH CONGRESSIONAL DISTRICT CHOSEN FROM WITHIN THE CONGRESSIONAL DISTRICT CAUCUSES OF THIS STATE LEGISLATURE, AND THOSE CITIZEN REDISTRICTING COMMISSIONERS WILL TAKE THAT BASE MAP, KNOWING WHAT THEY KNOW OF THEIR CONGRESSIONAL DISTRICTS, MODIFY THOSE MAPS, AND SUBMIT THEM. THE NEXT STEP IN THE PROCESS WOULD BE SUBMITTING THOSE MAPS TO THE ATTORNEY GENERAL AND THE SECRETARY OF STATE FOR THE PURPOSES OF RECEIVING A FORMAL OPINION. FORMAL, LEGAL OPINION ABOUT THE CONSTITUTIONALITY OF THE MAPS DRAWN BY THE INDEPENDENT REDISTRICTING COMMISSIONERS AND THE EXTENT TO WHICH THOSE MAPS CONFORM TO THE REDISTRICTING ACT THAT WE ARE ADOPTING HERE TODAY. THEN WE'LL BEGIN PUBLIC HEARINGS. THERE WILL BE AT LEAST FOUR PUBLIC HEARINGS CONDUCTED FROM ACROSS THE STATE OF NEBRASKA IN WHICH THE CITIZENS OF THIS STATE WILL HAVE AN OPPORTUNITY TO GIVE US THEIR OPINIONS ABOUT HOW THE MAPS ARE DRAWN. AND THE MAPS WE'RE TALKING ABOUT AREN'T JUST LEGISLATIVE MAPS, BUT WE'RE ALSO TALKING ABOUT CONGRESSIONAL DISTRICTS, THE PUBLIC SERVICE COMMISSION, THE BOARD OF REGENTS, THE STATE BOARD OF EDUCATION, AND OUR JUDICIARY DISTRICTS. AND AFTER THAT, THOSE BILLS...THOSE MAPS WILL BE INTRODUCED IN THE FORM OF LEGISLATIVE BILLS AND PLACED DIRECTLY ON GENERAL FILE, AT WHICH TIME AS WE'LL DISCUSS IN AMENDMENTS TO COME, WE HAVE TEN LEGISLATIVE DAYS TO GET THOSE BILLS PASSED BY THIS LEGISLATURE AND SIGNED INTO LAW BY THE GOVERNOR. AND IF THEY ARE NOT PASSED AND SIGNED BY THE GOVERNOR WITHIN TEN LEGISLATIVE DAYS, WE REINSTITUTE THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION AND WE TELL THEM TO START THEIR WORK OVER AGAIN. IN THIS BILL WE SET OUT A LIST OF TRADITIONAL REDISTRICTING PRINCIPLES. WE LAY IT OUT VERY SPECIFICALLY AS TO HOW THIS...THE MAPS ARE TO BE DRAWN. THOSE TRADITIONAL REDISTRICTING PRINCIPLES ARE RANKED IN PRIORITY AND I'D ENCOURAGE YOU TO READ THOSE REDISTRICTING PRINCIPLES BECAUSE THAT'S VERY IMPORTANT, THAT IS THE FOUNDATION BY WHICH THE MAPS IN 2021 WILL BE DRAWN. WE ALSO CREATE AN APPORTIONMENT FORMULA BASED ON COUNTIES TO DETERMINE HOW MANY DISTRICTS EACH COUNTY IN THIS STATE WILL HAVE. THE LOGIC THAT WE USED WAS THAT OF THE CONGRESSIONAL APPORTIONMENT FORMULA, THE FORMULA BY THE FEDERAL GOVERNMENT TO ASSIGN THE NUMBER OF CONGRESSIONAL DISTRICTS TO EACH STATE. WE TOOK THAT LOGIC AND APPLIED IT AT THE STATE LEVEL TO THE COUNTIES. IT IS MY HOPE THAT BY DOING THAT WE TAKE A LEVEL OF CONTROVERSY OUT OF THE

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NEXT REDISTRICTING PROCESS TO DETERMINE WHICH LEGISLATIVE DISTRICTS AND OTHERWISE WILL BELONG TO WHICH PART OF THE STATE OF NEBRASKA. BY DOING THIS, I BELIEVE THAT WE ACCOMPLISH SEVERAL FUNDAMENTAL GOALS, THE FIRST OF WHICH, INCREASING THE PUBLIC TRUST IN THE MAPS THAT ARE BEFORE US. WE ADHERE TO THE CONSTITUTIONAL PRINCIPLES THAT FUNDAMENTALLY REDISTRICTING AND THE AUTHORITY FOR REDISTRICTING RESIDES IN THE LEGISLATURE. WE AREN'T PUNTING THAT RESPONSIBILITY. WE MAINTAIN THAT RESPONSIBILITY, BUT WE'RE DOING IT IN A WAY THAT SEPARATES THE DRAWING OF THE MAPS FROM POLITICIANS. AND I THINK THAT'S A GOOD THING. SENATOR KRIST WILL HAVE AN AMENDMENT WHICH OUTLINES THE BILL AS SENATOR MELLO AND I HAVE WORKED IT OUT TO DATE, AND THEN I WILL HAVE AN AMENDMENT AFTER THAT. BUT IT'S IMPORTANT TO NOTE THAT THE AMENDMENT THAT I WILL BE INTRODUCING, BRIEFLY, WAS THE PRODUCT OF WORK BY NANCY CYR, JANICE SATRA, PATRICK O'DONNELL, MY RESEARCH ANALYST, ANDREW La GRONE, AND I CAN'T GIVE ENOUGH THANKS TO DYLAN FREDERICK WHO IS MY LEGISLATIVE AIDE WHO HAS BEEN WORKING ON THIS SINCE I'VE BEEN ELECTED A MEMBER OF THE LEGISLATURE, AND I THANK ALL OF THEM FOR THEIR HARD WORK. IF YOU HAVE ANY QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM FOR YOU, BUT I ENCOURAGE YOUR SUPPORT OF LB580 AND THE AMENDMENTS THAT ARE TO COME. THANK YOU, MR. PRESIDENT.  
[LB580]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. (VISITORS INTRODUCED.) AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR KRIST, AS CHAIR OF THE EXECUTIVE BOARD, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB580]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. AS SENATOR MURANTE HAS ALREADY HIGHLIGHTED, WHEN THE BILL CAME OUT WITH THIS COMMITTEE AMENDMENT ON IT, IT WAS GIVEN, I THINK, ONE OF THE BEST LEGAL REVIEWS THAT IT CAN BE GIVEN WITH THE MANY YEARS OF EXPERIENCE FROM OUR CLERK, MY LEGAL COUNSEL JANICE SATRA, AND NANCY CYR IN LEGISLATIVE RESEARCH. SO I WOULD HATE TO SAY THAT...BUT I WOULD GUARANTEE...I'D HATE TO SAY THAT I GUARANTEE THAT THERE IS NOT AN ISSUE, BUT IF THERE IS, I'D BE SURPRISED. THE COMMITTEE AMENDMENT STRIKES THE ORIGINAL SECTIONS, ALTHOUGH IT INCLUDES MANY OF THE SAME PROCEDURES AND REQUIREMENTS AS THE BILL. I'D LIKE TO HIGHLIGHT A FEW OF THOSE. NO LATER THAN 30 DAYS AFTER THE DIRECTOR OF THE LEGISLATIVE RESEARCH RECEIVES THE CONSENSUS DATA, THE DIRECTOR SHALL DELIVER TO THE CLERK

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OF THE LEGISLATURE FINAL MAPS ILLUSTRATING EACH OF THE SIX REDISTRICTING PLANS ADOPTED BY THE INDEPENDENT REDISTRICTING CITIZENS ADVISORY COMMISSION, AND AGAIN REEMPHASIZE WHAT SENATOR MURANTE SAID IN THE FACT OF TAKING THE PROCESS OUT OF THE POLITICIANS' HANDS AT THE STAGE OF DRAWING MAPS. NOW LESS THAN TWO DAYS AFTER THE DIRECTOR DEVELOPS THE FINAL MAPS, THE CHAIRPERSON OF THE EXECUTIVE BOARD SHALL INTRODUCE A LEGISLATIVE BILL FOR EACH REDISTRICTING PLAN ADOPTED BY THE COMMISSION. THE BILL SHALL BE PLACED DIRECTLY ON GENERAL FILE. IF ANY OF THE BILLS FAIL TO BE PASSED OR ARE VETOED BY THE GOVERNOR, THE SPEAKER SHALL REQUEST THAT A NEW REDISTRICTING PLAN BE PREPARED AND THE PROCESS BEGINS AGAIN AS SET FORTH IN THE BILL. EACH OF THE THREE LEGISLATIVE CAUCUSES SELECTS THE MEMBERS OF THE COMMISSION, NO MORE THAN FIVE MEMBERS OF THE COMMISSION AFFILIATED WITH THE SAME POLITICAL PARTY. THE AMENDMENT SETS OUT A PROCESS FOR SELECTION OF THE COMMISSION MEMBERS BY THE LEGISLATIVE CAUCUSES. A SPECIFIC REDISTRICTING FUND IS CREATED. TO SERVE ON THE COMMISSION, A MEMBER MAY NOT HAVE CHANGED POLITICAL PARTY AFFILIATION WITHIN THE PREVIOUS 24 MONTHS INSTEAD OF 12 MONTHS. FURTHERMORE, A PERSON WHO IS A RELATIVE OR IS EMPLOYED BY A MEMBER OF CONGRESS, THE LEGISLATURE, A CONSTITUTIONAL OFFICER, OR AN EMPLOYEE OF THE UNIVERSITY OF NEBRASKA MAY NOT SERVE ON THAT COMMISSION. IN ESTABLISHING EACH OF THE DISTRICT'S, EXCEPT FOR THE UNITED STATES HOUSE OF REPRESENTATIVES, THE NUMBER OF DISTRICTS ENTIRELY CONTAINED WITHIN A COUNTY SHALL BE TURNED UPON THE COUNTY APPORTIONMENT FORMULA WHICH IS EXTREMELY IMPORTANT PARTICULARLY IN LOOKING AT THE MINORITY REQUIREMENTS. AS SENATOR MURANTE ALSO STATED, AS A RESULT OF THAT LEGAL REVIEW, HE HAS COME UP WITH AN AMENDMENT, AND I THANK BOTH SENATOR MURANTE AND SENATOR MELLO FOR WORKING IN A NONPARTISAN WAY TO BRING THIS ACROSS THE FINISH LINE. I URGE YOUR SUPPORT FOR SENATOR MURANTE'S AMENDMENT, THE COMMITTEE AMENDMENT, AND THE UNDERLYING BILL. THANK YOU. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. MR. CLERK. [LB580]

CLERK: MR. PRESIDENT, SENATOR MURANTE WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM2800. (LEGISLATIVE JOURNAL PAGE 1380.) [LB580]

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SPEAKER HADLEY: SENATOR MURANTE, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB580]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. THIS IS THE CLARIFYING AMENDMENT WHICH WAS DEVELOPED WITH THE HELP OF MY RESEARCH ANALYST, JANICE SATRA WITH THE EXECUTIVE BOARD, NANCY CYR WITH LEGISLATIVE RESEARCH, AND PATRICK O'DONNELL, THE CLERK OF THE LEGISLATURE, SO I'LL TRY TO GO THROUGH THIS AS QUICKLY AS POSSIBLE, BUT I THINK IT'S A VERY GOOD AMENDMENT. AM2800 MAKES CLARIFYING CHANGES TO THE COMMITTEE AMENDMENT ALONG WITH TECHNICAL AND ORGANIZATIONAL CHANGES. IT DIFFERS FROM THE CURRENT COMMITTEE AMENDMENT IN FIVE WAYS. FIRST, IT CLARIFIES THAT AFTER A BILL IS INTRODUCED PURSUANT TO THE REDISTRICTING ACT, ALL OF THE NORMAL RULES OF THE LEGISLATURE WILL APPLY. SECOND, IT CLARIFIES WHICH INDIVIDUALS ARE DISQUALIFIED FROM SERVING ON THE COMMISSION BY DEFINING THE TERM, CONSTITUTIONAL OFFICER. UNDER THE AMENDMENT ANYONE WHO IS RELATED TO OR EMPLOYED BY AN INDIVIDUAL THAT IS IN AN ELECTED CONSTITUTIONAL OFFICE IS DISQUALIFIED FROM SERVING ON THE COMMISSION. THIRD, THE AMENDMENT ASSIGNS COORDINATION OF THE COMMISSION MEMBER SELECTION PROCESS TO THE CHAIRPERSON OF THE EXECUTIVE BOARD. THIS DOES NOT CHANGE WHO IS ULTIMATELY RESPONSIBLE FOR APPOINTING THE COMMISSION MEMBERS. THAT POWER RESTS WITH THE MEMBERS OF THE LEGISLATIVE DISTRICT CAUCUSES. THIS SIMPLY REQUIRES THE CHAIRPERSON OF THE EXEC BOARD TO FACILITATE THE PROCESS IN A MANNER THAT ENSURES COMPLIANCE WITH THE VARIOUS PROVISIONS OF THIS ACT. FOURTH, THE AMENDMENT CHANGES WHO IS RESPONSIBLE FOR DEVELOPING THE COMMISSION'S SUBSTANTIVE AND PROCEDURAL GUIDELINES. AS WRITTEN, THE COMMITTEE AMENDMENT WOULD GIVE THAT POWER TO THE COMMISSION ITSELF. UNDER THIS AMENDMENT, THAT POWER WOULD REST WITH THE EXECUTIVE BOARD AND ALL THE GUIDELINES WOULD BE SUBJECT TO THE APPROVAL OF THE FULL LEGISLATURE. THE AMENDMENT ALSO REQUIRES THAT THE GUIDELINES INCLUDE A PROCESS BY WHICH CITIZENS CAN APPLY TO SERVE ON THE COMMISSION. FINALLY, THE AMENDMENT PROTECTS AN OFFICEHOLDER'S RIGHT TO SERVE THE REMAINDER OF THEIR TERM WITHOUT BEING SUBJECT TO AN ELECTION OR TERM LIMITS SOLELY DUE TO A REDISTRICTING CHANGE. I'LL ADDRESS ONE QUESTION THAT WAS BROUGHT TO ME AND I THINK IT'S A GOOD ONE. IT WAS A QUESTION OF HOW THE BILLS ARE INTRODUCED. IT'S IMPORTANT TO NOTE THAT WHILE THE LEGISLATURE IS RESPONSIBLE FOR DRAWING MAPS FOR CONGRESSIONAL DISTRICTS, LEGISLATIVE DISTRICTS, PUBLIC SERVICE COMMISSION, AND SO ON AND SO

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FORTH, EACH OF THOSE CONSTITUTIONAL OFFICES ARE INTRODUCED AS A SINGLE MAP, AS A SINGLE LEGISLATIVE BILL. SO THERE WOULD BE LB1, LB2, LB3, LB4 DEPENDING ON WHICH OFFICE IS BEING REDISTRICTED. IF ONE MAP FAILS, THAT DOESN'T BRING THE REST OF THEM DOWN. IF ONE MAP FAILS, IF, FOR EXAMPLE IN THE 2011 REDISTRICTING PROCESS, THE BOARD OF REGENTS, THE STATE BOARD OF EDUCATION, THE PUBLIC SERVICE COMMISSION, ALL PASSED UNANIMOUSLY AND WITH LITTLE DEBATE. IF 2021 OPERATES LIKE THAT, THOSE MAPS WOULD BE ENACTED INTO LAW, BUT IF THE...HYPOTHETICALLY THE CONGRESSIONAL DISTRICT MAPS FAIL TO BE ADOPTED WITHIN TEN DAYS, THEN THE REDISTRICTING COMMISSION WOULD GO BACK TO WORK ON THE CONGRESSIONAL DISTRICT MAPS, BUT NOT THE MAPS THAT WERE ADOPTED INTO LAW. SO, THAT IS THE AMENDMENT THAT WE HAVE BEFORE US. IF YOU HAVE ANY QUESTIONS, AGAIN, I'D BE HAPPY TO ANSWER THEM. THANK YOU, MR. PRESIDENT. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. YOU'VE HEARD THE OPENING ON THE AMENDMENT TO THE COMMITTEE AMENDMENTS. THE FLOOR IS NOW OPEN FOR DISCUSSION. SENATOR MELLO, YOU'RE RECOGNIZED. [LB580]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I RISE IN STRONG SUPPORT FOR SENATOR MURANTE'S AMENDMENT, AM2800, AND THE UNDERLYING COMMITTEE AMENDMENT FROM THE EXECUTIVE BOARD IN PART BECAUSE OF THIS LABOR OF LOVE THAT HAS BEEN WORKED ON FOR THE LAST FOUR YEARS SINCE ESSENTIALLY WE WENT THROUGH THE 2011 REDISTRICTING PROCESS. AND I, FIRST OFF, WANT TO START BY THANKING SENATOR MURANTE FOR COMMITTING BACK IN 2014 WHEN THE LAST TIME WE HAD AN INDEPENDENT REDISTRICTING BILL ON THIS FLOOR, THAT IT DID NOT MEET WHAT SENATOR MURANTE THOUGHT WAS A MODEL THAT COULD BUILD BIPARTISAN CONSENSUS IN REGARDS TO LAYING OUT A PROCESS THAT CREATES AN INDEPENDENT REDISTRICTING COMMISSION WHERE THE CITIZENS DECIDE HOW MAPS ARE DRAWN INSTEAD OF ELECTED OFFICIALS OR PARTISAN INTERESTS. NOW, I'M SURE WE'RE GOING TO HEAR FROM SOME MEMBERS ON THE FLOOR WHO OBVIOUSLY WILL OPPOSE THIS BILL BECAUSE THEY SUPPORT PARTISAN INTERESTS DRAWING REDISTRICTING MAPS AND THEY WOULD PREFER TO MAKE IT NONTRANSPARENT, AND THEY WOULD PREFER TO MAKE THIS AN ISSUE WHERE ONLY THEY GET TO DECIDE THE POLITICAL RAMIFICATIONS AND THE POLITICAL CONSTITUENCY INSTEAD OF THE PUBLIC. BUT I WANT TO THANK SENATOR MURANTE FOR HIS PUBLIC DECLARATION IN 2014 THAT LED US TO LB580 LAST YEAR AND SPENDING THE INTERIM, AS HE MENTIONED IN HIS OPENING, WORKING WITH NCSL; WORKING WITH THE

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CLERK'S OFFICE; JANICE SATRA, THE EXECUTIVE BOARD LEGAL COUNSEL; AND NANCY CYR, THE LEGISLATIVE RESEARCH OFFICE DIRECTOR, TO HELP BUILD A MODEL BASED OFF OF WHAT WE HAD DONE THE PREVIOUS COUPLE REDISTRICTING CYCLES THAT'S BASING OUR RULES. IS LB580 A PERFECT PIECE OF LEGISLATION? COLLEAGUES, NO PIECE OF LEGISLATION IS PERFECT. BUT I CAN TELL YOU, SENATOR MURANTE CAME TO THE TABLE, WORKED THROUGH ISSUES THAT WERE DIFFICULT, WORKED THROUGH A PROCESS THAT WE NEEDED TO CLARIFY A NUMBER OF COMPONENTS TO MEET WHAT WE BOTH THOUGHT WAS A POSITIVE AND TRANSPARENT WAY MOVING FORWARD FOR THIS LEGISLATURE AND FOR THE STATE OF NEBRASKA MOVING FORWARD, WHICH IS WHAT YOU HAVE IN FRONT OF YOU WITH THE EXECUTIVE BOARD AMENDMENT AS WELL AS SENATOR MURANTE'S CLARIFYING AMENDMENT, AM2800. I FEEL COMFORTABLE ADOPTING THESE TWO AMENDMENTS THAT WE SET THE STAGE MOVING FORWARD OF PUTTING THE PUBLIC IN CHARGE OF THIS PROCESS INSTEAD OF POLITICIANS. GRANTED THE LEGISLATURE WILL ALWAYS STILL HAVE THE FINAL SAY OF VOTING IN A MAP AND SENDING THAT LEGISLATIVE BILL TO THE GOVERNOR FOR HIS OR HER SIGNATURE OR VETO, BUT THE GENESIS OF THESE POLITICAL DISTRICTS ARE NOT CREATED BY PARTISAN INTEREST, NOT CREATED WITH PARTISAN MEANS IN MIND, THEY'RE CREATED WITH THE PUBLIC'S INTEREST IN MIND. AND, YES, THERE WILL BE, NO DOUBT, A MEMBERSHIP OF FIVE MEMBERS OF ONE POLITICAL PARTY AND FOUR MEMBERS OF ANOTHER. AND I THINK TO SOME EXTENT, COLLEAGUES, THAT WAS A GOOD-FAITH NEGOTIATION THAT SENATOR MURANTE AND MYSELF CAME TO. AND I FEEL VERY COMFORTABLE WITH THAT BASED ON HOW THAT GETS DETERMINED BY THIS LEGISLATURE, GETS DETERMINED BY THE EXECUTIVE BOARD, AND ULTIMATELY, GETS DETERMINED BY THE ELECTORAL OUTCOMES OF THE GUBERNATORIAL ELECTION. THIS, COLLEAGUES, AS SENATOR MURANTE MENTIONED IN HIS OPENING, CAN SET THE NEW GOLD STANDARD ACROSS THE COUNTRY. BASED OFF OUR NONPARTISAN UNICAMERAL LEGISLATURE, WE TAKE A GOOD PROCESS, PUT IT IN STATUTE, AND ENHANCE IT TO TRULY MAKE IT A NONPARTISAN, CITIZEN-LED PROCESS, WHERE SENATORS IN THIS BODY PURELY FOCUS ON GIVING UP OR DOWN VOTES INSTEAD OF TINKERING WITH MAPS, INSTEAD OF TRYING TO CHANGE A POLITICAL BOUNDARY TO BENEFIT THEIR INTEREST OR THEIR POLITICAL PARTY'S INTEREST, WHICH WE KNOW, COLLEAGUES, ONLY DENIGRATES THE NONPARTISAN NATURE OF THIS UNIQUE BODY, DENIGRATES THE POLITICAL PROCESS IN WHICH CONSTITUENTS ACROSS THE STATE HAVE BEEN CLAMORING FOR REFORM FOR YEARS AND WE'VE BEEN ABLE TO BRING... [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

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SENATOR MELLO: ...WE'VE BEEN ABLE TO BRING A UNIQUE COLLABORATION OF INTERESTED PARTIES BEHIND LB580 VOTED OUT OF THE EXECUTIVE BOARD ON A UNANIMOUS VOTE BECAUSE THIS SETS THE STAGE FOR MORE TRANSPARENCY, BUT COLLEAGUES, MORE CONFIDENCE IN THE POLITICAL PROCESS, WHICH IS WHAT WE NEED NOW MORE THAN EVER. I SINCERELY WANT TO EXPRESS MY GRATITUDE FOR SENATOR MURANTE, HIS LEADERSHIP OVER THE LAST FEW YEARS OF PULLING TOGETHER A BILL THAT, LIKE I SAY IS NOT PERFECT, BUT IT SETS THE STAGE, COLLEAGUES, FOR MOVING US AHEAD IN AN INDEPENDENT REDISTRICTING PROCESS, STILL HAS THE LEGISLATURE BEING THE FINAL SAY OVER A BILL OF UP AND DOWN VOTE, AND IF FOR SOME REASON THE LEGISLATURE CAN'T COME TO AN AGREEMENT, THE PROCESS CONTINUES UNTIL THERE IS UNANIMOUS AGREEMENT WITHIN THE LEGISLATURE TO BE ABLE TO PASS A VOTE AND SEND THAT BILL TO THE GOVERNOR. WITH THAT, I WOULD URGE THE BODY TO ADOPT AM2800 AND THE UNDERLYING COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB580]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, THE METHOD WE CURRENTLY USE IS UGLY AND CAN BE A LITTLE PARTISAN, BUT IT WORKS. WHEN IT'S ALL SAID AND DONE, IT WORKS. AND THE WHOLE BODY IS INVOLVED IN THE DECISION, NOT JUST GIVEN AN OPTION TO LOOK AT THIS MAP AND EITHER TAKE IT OR LEAVE IT. I WOULD ASK, PARTICULARLY MY RURAL COLLEAGUES TO TAKE A LOOK AT THE MAPS WHERE OUR CURRENT CONGRESSIONAL DISTRICTS LIE. I SEE ONE IS MADE UP ENTIRELY OF OMAHA AREA, THE OTHER WAS PRETTY WELL-CONTROLLED OMAHA-LINCOLN AREA, SO WE'RE GOING TO PUT SIX MEMBERS ON THIS BOARD FROM THOSE TWO DISTRICTS, AND WE'RE GOING TO PUT THREE ON FROM THE RURAL DISTRICTS. TAKE A GOOD, HARD LOOK AT THIS BEFORE WE DO IT BECAUSE I THINK IT'S GOING TO ALTER THE MAKEUP OF THE DISTRICTS, OR CONGRESSIONAL OR LEGISLATIVE DISTRICTS, CONSIDERABLY. WITHIN THIS BODY, AND I DON'T KNOW WHAT THE PERCENTAGE IS OF REPUBLICANS AND DEMOCRATS, I GUESS I'VE NEVER TAKEN THAT COUNT, I KNOW PRETTY MUCH, WHO'S WHO, BUT I'VE NEVER DONE THE MATH. BUT I THINK WITHIN THE BODY ITSELF, THAT PERCENTAGE IS ELECTED BY THE STATE OF NEBRASKA TO PUT A SOLID NUMBER IN THERE THAT FOUR FROM ONE PARTY AND FIVE FROM ANOTHER PARTY WILL SERVE ON THIS COMMISSION, AGAIN, SHORTCHANGES THE PEOPLE IN NEBRASKA. IF THEY ELECT A 70 PERCENT DEMOCRAT BODY, THEY DESERVE TO HAVE 70 PERCENT LOOKING AT THIS. IF THEY'D LIKE THE 70 PERCENT

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REPUBLICAN BODY, THE PEOPLE DESERVE TO HAVE THE 70 PERCENT LOOKING AT IT. MY DISTRICT WAS ADVERSELY...NOT ADVERSELY, BUT MY DISTRICT WAS CHANGED LAST SESSION WHEN IT DIDN'T NEED TO BE. WE MOVED ANOTHER SENATOR FROM RURAL TO OMAHA THAT DIDN'T HAVE TO HAPPEN. SENATOR KRIST WORKED WITH ME TO CREATE A MAP THAT WOULD HAVE PREVENTED THAT. IT REALLY WASN'T NECESSARY. BUT I THINK UNDER THIS FORMULA THAT IS PROPOSED NOW, THAT WILL HAPPEN MORE AND MORE BECAUSE YOU'RE GOING TO HAVE SIX PEOPLE, FROM THE LACK OF A BETTER TERM, URBAN DISTRICTS, AND THREE FROM THE RURAL DISTRICTS. SIX, ONE WAY, THREE, THE OTHER, SOMEHOW DOESN'T SEEM QUITE FAIR TO ME. SO, COLLEAGUES, BE CAREFUL WHAT YOU DO HERE. THIS IS A LONG-TERM SITUATION. I DON'T INTEND TO SPEAK A LOT ON IT, BUT I BELIEVE THAT DECISION NEEDS TO BE MADE WITHIN THIS BODY NOT DELEGATED OUT OF IT. THANK YOU, MR. PRESIDENT. [LB580]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE RECOGNIZED. [LB580]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I'VE BEEN AROUND THE BLOCK A FEW TIMES ON THESE TYPES OF ISSUES AND I'VE WATCHED THIS PLAY OUT ACROSS THE COUNTRY AND I'M TRYING TO FIGURE HOW THIS WOULD BE DIFFERENT. I'D LIKE TO ASK SENATOR MURANTE A QUESTION OR TWO IF HE WOULD YIELD TO A QUESTION. [LB580]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION? [LB580]

SENATOR MURANTE: YES, I WOULD. [LB580]

SENATOR KINTNER: THANK YOU, SENATOR MURANTE. WHAT PROBLEM ARE WE TRYING TO SOLVE HERE? [LB580]

SENATOR MURANTE: I THINK...THAT'S A VERY GOOD QUESTION, SENATOR KINTNER, AND I THINK THAT AFTER THE 2011 REDISTRICTING THERE WERE SOME IN THE STATE OF NEBRASKA WHO LEFT THAT DISTRICTING PROCESS WITH A BAD TASTE IN THEIR MOUTH, AND AFTER THAT, I UNDERTOOK TO IMPROVE THE PROCESS IN A WAY THAT I THINK MAKES THE LEGISLATURE EMPOWERED. IT DOESN'T DEFER LEGISLATIVE AUTHORITY AND THAT IMPROVES THE PROCESS AND I THINK WE'VE DONE THAT. [LB580]

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SENATOR KINTNER: WHO WERE THOSE PEOPLE THAT HAD A BAD TASTE IN THEIR MOUTH? CAN YOU TELL ME WHO THEY WERE? [LB580]

SENATOR MURANTE: I CAN'T GIVE YOU THEIR NAMES, BUT I CAN TELL YOU I...WELL, SENATOR BLOOMFIELD JUST RAISED HIS HAND, SO THERE'S ONE. (LAUGHTER) WE GOT TWO. BACK HERE, I GUESS, SO THERE'S TWO. OKAY, SO THE NUMBER'S RISING AS WE SPEAK, SENATOR KINTNER. [LB580]

SENATOR KINTNER: HOW HAS NONPARTISAN REDISTRICTING WORKED IN OTHER STATES? HOW HAS THAT WORKED FOR THE PEOPLE? [LB580]

SENATOR MURANTE: WELL, INDEPENDENT REDISTRICTING COMMISSIONS ACROSS THE COUNTRY ARE HANDLED IN VERY, VERY DIFFERENT WAYS. YOU HAVE THE IOWA MODEL, FOR EXAMPLE, WHICH IS RUN BASICALLY THROUGH THEIR EQUIVALENT OF A LEGISLATIVE RESEARCH OFFICE. YOU HAVE A CALIFORNIA MODEL WHICH STATES AS AN OBJECTIVE, FOR EXAMPLE, THAT THEY STRIVE TO ACHIEVE DISTRICTS WITH BALANCED PARTISAN MAKEUP, WHICH IS SORT OF THE OPPOSITE OF WHAT WE'RE TRYING TO DO, WHICH IS TO TAKE PARTISAN CONSIDERATIONS OUT OF IT ENTIRELY. SO IT RUNS THE GAMUT FROM CONSTITUTIONAL OFFICERS DRAWING THE MAPS, TO CITIZENS DRAWING THE MAPS, TO LEGISLATIVE STAFFERS DRAWING THE MAPS. IT'S ACROSS THE BOARD. THERE'S MANY DIFFERENT WAYS OF DOING IT. [LB580]

SENATOR KINTNER: AND SPECIFICALLY, WHO HAS ASKED YOU TO DO THIS? I MEAN, WHAT TYPES OF PEOPLE? REPUBLICANS, DEMOCRATS? WHO'S ASKED YOU TO DO THIS? [LB580]

SENATOR MURANTE: AS UNFORTUNATELY AS SOME OF THE MATTERS RELATIVE TO ELECTIONS IN REDISTRICTING, THEY DON'T HAVE THE SAME LEVEL OF PUBLIC INTEREST AS PROPERTY TAXES OR REVENUE COMMITTEE ISSUES OR LEARNING COMMUNITY ISSUES AND THINGS LIKE THAT, BUT JUST THE SAME I THINK THEY'RE VERY IMPORTANT AND WE SHOULD STRIVE TO HAVE THE BEST PUBLIC POLICY ON THOSE SUBJECT MATTERS THAT WE POSSIBLY CAN. [LB580]

SENATOR KINTNER: SO WAS IT MORE DEMOCRATS OR REPUBLICANS ASKING TO DO THIS? [LB580]

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SENATOR MURANTE: HONESTLY, THIS WAS SORT OF AN INTELLECTUAL PROCESS THAT STARTED WITH THE REDISTRICTING PROCESS OF 2011, BUT THE PUBLIC INPUT HAS BEEN ONE OF, YOU KNOW, I THINK TRYING...PEOPLE SAYING THAT WE SHOULD TRY TO HAVE THE BEST PROCESS POSSIBLE WITHOUT DEFERRING LEGISLATIVE AUTHORITY. [LB580]

SENATOR KINTNER: THANK YOU, SENATOR MURANTE. I DON'T QUITE HAVE YOUR DIPLOMACY SKILLS. I CAN TELL YOU FLAT OUT, I HAVEN'T HAD A REPUBLICAN ANYWHERE COME AND ASK ME TO TINKER WITH THIS THING, TO CHANGE IT, TO DO ANYTHING WITH IT AT ALL. NONE. ZERO. THIS IS NOT A BIPARTISAN PROBLEM, THIS IS A PARTISAN PROBLEM. THIS IS NOT BOTH PARTIES COMING TO THE TABLE AND SAYING, WE'VE GOT TO CHANGE THIS THING TO MAKE IT WORK. NO, IT'S NOT. IT'S NOT THAT AT ALL. [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

SENATOR KINTNER: SO IF IT'S ONLY ONE PARTY ASKING FOR IT, I GOT TO ASK MYSELF, WHO'S GOING TO BENEFIT FROM THIS? AND YOU HAVEN'T NAMED A PROBLEM THAT WE NEED TO SOLVE YET. AND I LOOK AT THE REDISTRICTING PROCESS LAST TIME, AND I THINK WE TOOK CARE OF ALL THE INCUMBENTS PRETTY MUCH. IT DIDN'T MATTER WHAT PARTY THEY WERE IN, BUT WE WERE PRETTY MUCH IN THE INCUMBENCY PROTECTION RACKET LAST TIME WE DID REDISTRICTING, AT LEAST ON THE LEGISLATIVE LINES. AND I THINK WE CAN TALK A LITTLE BIT MORE ABOUT THIS LATER, BUT I HAVE YET TO SEE A PROBLEM THAT WE ACTUALLY HAVE TO SOLVE HERE OTHER THAN A PARTISAN PROBLEM THAT ONE PARTY WANTS TO TRY TO GET A LITTLE MORE GAIN THAN THE OTHER PARTY. [LB580]

SPEAKER HADLEY: TIME, SENATOR. [LB580]

SENATOR KINTNER: THANK YOU. [LB580]

SPEAKER HADLEY: SENATOR BRASCH, YOU'RE RECOGNIZED. [LB580]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND GOOD MORNING, COLLEAGUES, AND GOOD MORNING TO THOSE WHO ARE WATCHING FROM THEIR HOMES OR OFFICES TODAY. I AM ONE OF THE 2010 REDISTRICTING SURVIVORS. AND YES, IN 2010, IT WAS HIGHLY CONTENTIOUS. IT BECAME VERY,

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VERY EMOTIONAL IN HERE AS MANY OF US HAD JUST BECOME ELECTED, AND WITHIN SIX MONTHS THOSE WHO WE HAD LEARNED TO RESPECT, SPENT A LOT OF SWEAT EQUITY TIME WITH AND GETTING OUR POSTS HERE, NO LONGER BECAME CONSTITUENTS. IT DIVIDED US IN HERE. HOWEVER, AS ONE WHO IS HIGHLY CONCERNED ABOUT THE REDISTRICTING, I AM VERY PLEASED TODAY AT WHAT THE OUTCOME WAS. I DID GAIN ALL OF WASHINGTON COUNTY WHERE I ONLY HAD A SMALL PORTION AND I HAD LOST THURSTON COUNTY, STANTON COUNTY, WOODLAND PARK IN THAT AREA, AND IT WAS VERY DIFFICULT TO LET GO. BUT I THINK NOT JUST FOR THE SENATORS, IT WAS FOR THOSE WHO HAD WORKED REALLY HARD TO GET US INTO THIS OFFICE, AND THERE WAS THE PUSH AND PULL. WE DID HAVE PUBLIC MEETINGS, AND THIS IS WHERE WHEN YOU'RE...I'M VERY INTERESTED IN THIS COMMITTEE, QUOTE UNQUOTE, AND THE MEETINGS THEY WOULD HOLD BECAUSE AT THE MEETINGS WE HELD, THEY WERE DURING THE WEEKDAYS, THEY WERE DURING HOURS THAT PEOPLE COULD NOT ADEQUATELY COME TO VOICE THEIR SUPPORT OR THEIR NONSUPPORT OF PROPOSED CHANGES. SO I DO BELIEVE, IF YOU WOULD FIND ALL THE NUMBERS OF WHO CAME TO SPEAK UP, IT IS A VERY, VERY SMALL PORTION OF THE POPULATION. AND I THINK IT ALL BOILS BACK TO SOMETHING THAT THIS BODY DOES NOT WANT TO DO IS TO PROMOTE MORE TRANSPARENCY IN HERE. WHEN WE CAME IN AS A SMALL MINORITY OF FIVE, SIX SENATORS, ONE APPOINTED, FIVE ELECTED, AND WE REALLY DIDN'T HAVE A VOICE. WE DIDN'T HAVE ANY ABILITY TO GET INTO THE REDISTRICTING CAUCUS AT THAT POINT, VERY LITTLE. IT WAS VERY...THE CAUCUSES, FOR THOSE WHO ARE LISTENING, WE'RE DIVIDED HERE IN OUR CONGRESSIONAL CAUCUSES. IT'S NOT BY REPUBLICAN OR DEMOCRAT. I STARTED OUT IN A RURAL CAUCUS AND NOW MOVED TO A MORE URBAN ONE THROUGH REDISTRICTING WHERE ONLY SENATOR SCHUMACHER AND I ARE MAYBE THOSE WHO DON'T LIVE IN LINCOLN OR CLOSE TO IT. AND SO THE CAUCUS CHANGED. THERE WAS SO MANY CHANGES AT ONCE THAT I BELIEVE SHIP...SHIFT THE CAUCUS IN HERE AND THE ABILITY AND THERE WAS NO, AGAIN, NO TRANSPARENCY WITHIN THE CAUCUS TO SEE OR UNDERSTAND THE COMMITTEE ON COMMITTEE PROCESS, AND MOVING FORWARD FOR A VERY SMALL GROUP. WELL, THAT'S CHANGED WITH TERM LIMITS BECAUSE NOW THE GROUPS ARE BIGGER AND MORE ROBUST AND BETTER ABLE TO CLIMB THE STEEP HILL OF SOME OF THE RULES WITHIN THIS BODY. SO WITH THAT SAID... [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

SENATOR BRASCH: ...I'M HAVING A VERY DIFFICULT TIME THINKING THAT THIS IS FOR BETTER, OR IS IT FOR WORSE. IF THERE'S AN ASSURANCE THAT OUR

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CONSTITUENTS WILL TRULY, TRULY HAVE A VOICE IN THIS, AND IT'S NOT JUST ANOTHER GROUP OF INDIVIDUALS DRIVING PROCESS THAT'S CRITICAL, I WOULD LIKE MORE INFORMATION. THANK YOU, MR. SPEAKER, AND I'LL SPEAK AGAIN. THANK YOU, COLLEAGUES, AND THOSE LISTENING. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR KRIST, YOU'RE RECOGNIZED. [LB580]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. AND A MEMBER JUST CAME UP AND SAID, SO YOU'RE VOTING AGAINST THIS? I SAID, ABSOLUTELY NOT. I AM, JUST FOR THE RECORD, TO START OUT WITH AM2800, AM1961, AND LB580 SHOULD BE PASSED BY THIS BODY AND IF THERE'S ANY DISCUSSION TO BE HAD, IT SHOULD HAPPEN BETWEEN GENERAL AND SELECT. I WOULD HAVE ASKED SENATOR KINTNER A FEW QUESTIONS. IT'S PROBABLY BETTER HE'S NOT ON THE FLOOR. I'LL JUST MAKE MY STATEMENTS AND MOVE ON. SENATOR KINTNER, THIS IS NOT ABOUT ONE PARTY. THIS IS NOT ABOUT ONE PARTY. THIS IS ABOUT THE REPUBLICANS IN THIS BODY. IF YOU WERE HERE AND YOU UNDERSTOOD THE DISCUSSION, IF YOU UNDERSTOOD THE DISCUSSION THAT WAS GOING ON, WE HOISTED A DISTRICT OUT OF WESTERN NEBRASKA AND PLOPPED IT ON THE EASTERN SIDE OF THE STATE, AND WE DID NOT HAVE TO DO THAT. AND SO, LET'S TALK ABOUT THE DEMOCRAT THAT ASKED ME TO WORK VERY SERIOUSLY ON THAT. HER NAME IS DEB FISCHER. SHE CAME TO ME AND SAID, I'M ON THE BOARD, I'M NOT GETTING ANY TRACTION, I NEED YOU TO START WORKING ON A MAP THAT KEEPS AS MANY DISTRICTS IN OUTSTATE NEBRASKA AS WE CAN OUTSTATE, GREATER NEBRASKA, WESTERN NEBRASKA, HOWEVER YOU WANT TO PLACE IT. THERE WAS A WAY TO MOVE THE LINE WITH POPULATION TO THE WEST AND STILL LEAVE A DISTRICT OUT THERE. IT WAS VERY, VERY POLITICALLY ORIENTED, AND SENATOR KINTNER, GOVERNOR HEINEMAN HAD A LOT OF MAP PLAYING IN THIS WHOLE THING. I'LL REMIND THE BODY THAT ONE OF THE BIGGEST FACTORS INVOLVED WITH THE REDISTRICTING, PARTICULARLY THE CONGRESSIONAL REDISTRICT, WAS TO MAKE IT ACCOMMODATING FOR THE SECOND CONGRESSIONAL DISTRICT TO REMAIN REPUBLICAN. HOW WELL DID THAT WORK OUT FOR THEM? THAT WAS A STATED GOAL AND OBJECTIVE. LET'S MAKE SURE WE CAN PROTECT THE SECOND CONGRESSIONAL DISTRICT FOR A REPUBLICAN TO BE REELECTED. DIDN'T HAPPEN. TAKE A LOOK AT DISTRICT 10, MY OWN DISTRICT; YOU WANT TO TAKE A LOOK AT THE DEFINITION OF GERRYMANDERING. SO WHEN MAPS ARE DRAWN BY PEOPLE WHO HAVE POLITICAL INFLUENCE OR POLITICAL ASPIRATIONS OR POLITICAL TILT, THOSE MAPS CAN ADJUST ONE WAY OR ANOTHER WITHIN THOSE VARIABLES. WHEN

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MAPS ARE DRAWN AND THEY CAN BE BY A COMPUTER THAT LOOKS AT HOW MANY PEOPLE IN MINORITY STATUS, HOW MANY PEOPLE WERE IN THE DISTRICT, WHETHER IT'S A PERCENTAGE, PLUS OR MINUS 2.5 PERCENT IN THAT DISTRICT, 39,000-PLUS OR MINUS 2.6, THE MAP CAN DO A GREAT JOB OF DOING IT. AND THEN YOU GET THE HUMAN INFLUENCE IN THERE, THE POLITICAL INFLUENCE, THAT WANTS TO MOVE THINGS AROUND. IF YOU WEREN'T HERE DURING THE PAST REDISTRICTING, ASK A REPUBLICAN THAT WAS HERE, ASK A DEMOCRAT WHO WAS HERE, ASK ANYBODY YOU WANT TO WHO WAS HERE. IT WAS PAINFUL. IT WAS PAINFUL BECAUSE, AS I RECALL, SENATOR BLOOMFIELD TO MAKE THE EXAMPLE, REALLY WANTED TO KEEP JUST ONE LITTLE PIECE. NOPE, THAT'S NOT GOING TO HAPPEN BECAUSE WE GOT TO MOVE IT OVER HERE AND DO THIS. IT WASN'T PLEASANT. AND TO SENATOR BRASCH'S POINT, IT WAS CONTENTIOUS AND EMOTIONS WERE FLARING HIGH, AND YOU SEE THAT WOULD ALL BE TAKEN AWAY FROM THOSE OF YOU WHO WILL BE HERE IN THIS NEXT REDISTRICTING PROCESS. YOU'LL HAVE SOME INDEPENDENT MAPS. YOU'LL BE ABLE TO JUDGE THOSE MAPS FOR FACE VALUE IN TERMS OF WORK, ALL OF THOSE PARAMETERS COMPLIED WITH. DID WE MAKE SURE WE DIDN'T PASS OVER ONE OF THOSE FEDERALLY REGULATED... [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

SENATOR KRIST: ...OR STATE-REGULATED PARAMETERS THAT HAVE TO BE IN PLACE? THANK YOU, MR. PRESIDENT. [LB580]

SPEAKER HADLEY: WAS ONE MINUTE CALL, SENATOR KRIST. [LB580]

SENATOR KRIST: OKAY, THANK YOU. AGAIN, I WOULD ASK YOU TO ASK SOMEONE WHO WAS HERE DURING THE LAST PROCESS AND INSTEAD OF CRANKING UP THE POLITICS, WHETHER YOU'RE A DEMOCRAT OR REPUBLICAN, ASK THEM HOW IT WAS, WHAT WE DID, AND THEN FIGURE OUT IF YOU WANT TO GO THROUGH THAT SAME PROCESS AGAIN. THANK YOU, MR. PRESIDENT. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. THOSE IN THE QUEUE ARE SENATORS CAMPBELL, CRAWFORD, MURANTE, KINTNER, GROENE, BRASCH AND OTHERS. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB580]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I STAND IN STRONG SUPPORT OF THE TWO AMENDMENTS AND THE UNDERLYING BILL. THE CURRENT SYSTEM THAT WE HAVE DOES NOT WORK. I WAS HERE. I WAS ONE OF THOSE PEOPLE. I

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FOUND THAT THE PROCESS WAS THE MOST DIFFICULT PROCESS IN MY EIGHT YEARS THAT I WITNESSED ON THE FLOOR OF THE LEGISLATURE. IT WAS THE MOST PARTISAN PROCESS. IT WAS THE MOST RANCOROUS. EVERYONE WATCHED THIS PLAY OUT IN AN INCREDIBLE AMOUNT OF TENSION. PEOPLE WERE IN OFFICES DRAWING MAPS, HOW CAN WE MAKE THIS WORK? IT HAD...IT CAME DOWN TO PARTISAN POLITICS, NOT WHAT WAS OVERALL BEST FOR THE STATE OF NEBRASKA IN MY ESTIMATION. A NUMBER OF REPUBLICAN SENATORS WHO WERE IN LEADERSHIP POSITIONS AT THAT TIME, SENATOR HARMS, SENATOR WIGHTMAN, SPEAKER ADAMS, ALL COMMENTED THAT WE NEED A BETTER SYSTEM. IF YOU CAN THINK OF A DAY THAT YOU'VE EXPERIENCED IN THE LEGISLATURE THAT WAS TENSION FILLED AND PEOPLE WERE AT EACH OTHER'S THROATS, TAKE THAT TIMES TEN. AND WHEN WE WERE ON SOME OF THE FINAL VOTES OF THIS, WE WERE IN A NIGHT SESSION AND I REALLY DID THINK SEVERAL SENATORS WERE GOING TO COME TO FISTICUFFS. COLLEAGUES, THE SYSTEM THAT SENATOR MURANTE AND SENATOR MELLO HAVE BROUGHT FORWARD IS AN EXCELLENT STEP FORWARD TO ENSURE THAT DISTRICTS ARE DRAWN FOR THE BENEFIT OF ALL NEBRASKANS, NOT JUST DIVIDED BETWEEN PARTY POLITICS. I'LL YIELD THE REST OF MY TIME TO SENATOR MELLO. [LB580]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE YIELDED 2:50. [LB580]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I'M GOING TO BE VERY DIRECT AND VERY STRAIGHT TO THE POINT. SENATOR KINTNER, I SEE HIM WALKING AROUND TRYING TO PULL SENATORS OFF, TRYING TO TELL YOU NOT TO VOTE FOR THIS BILL AND HIS REASON, BECAUSE HE SAYS IT'S NOT REPUBLICAN. THAT'S HIS REASON, COLLEAGUES, AND I FIND IT OFFENSIVE THAT THAT'S THE STRATEGY YOU SEE EMPLOYED RIGHT NOW ON A BILL THAT WAS WORKED ON FOR CLOSE TO THREE YEARS TO BUILD MORE CONFIDENCE IN A PROCESS TO TAKE POLITICIANS OUT OF THE PROCESS OF DRAWING POLITICAL MAPS. SENATOR KINTNER GOT ON THE FLOOR AND SAID, WHY DO WE NEED THIS BILL? BECAUSE POLITICIANS HAVE THEIR SELF-INTEREST IN MIND, SENATOR KINTNER. AND THEY WANT TO DRAW MAPS THAT WORK FOR THEM, NOT WHAT WORKS FOR THE VOTERS OR WHAT WORKS FOR THE PUBLIC. THAT'S WHAT IS AT THE CRUX OF WHAT WE HAVE IN FRONT OF US, COLLEAGUES. BELIEVE ME WHEN I SAY IF SENATOR MURANTE AND MYSELF, A DEMOCRAT AND A REPUBLICAN, CAN COME TO SOME AGREEMENT ON A PROCESS THAT MAKES THE MOST POLITICAL PARTISAN PROCESS IN THIS BODY AS PAINLESS AS WE COULD MAKE IT KNOWING THAT THE LEGISLATURE STILL CONTROLS THE OUTCOME, COLLEAGUES, THAT'S A LONG WAY WE'VE TRAVELED. THERE'S COMPONENTS THAT I WOULD HAVE LIKED

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IN THIS BILL THAT ARE NOT INCLUDED IN THERE, AND SENATOR MURANTE HAD COMPONENTS HE WANTED IN THIS BILL THAT ARE NOT INCLUDED IN THERE BECAUSE WE TRIED TO BUILD WHAT WE THOUGHT WAS A PROCESS THAT WORKS FOR THE LEGISLATURE AND A PROCESS THAT WORKS FOR THE PUBLIC. AND FOR SOMEONE TO SIMPLY STAND ON THE FLOOR AND SAY THIS PARTISAN, WE...ONLY PEOPLE WHO WANT THIS ARE DEMOCRATS OR LIBERALS OR WHATEVER ELSE HE'S GOING TO THROW AT YOU, COLLEAGUES, IT'S OFFENSIVE BECAUSE HE WASN'T HERE IN 2011. I WAS. I WAS ON THE REDISTRICTING COMMITTEE, AND GO TALK TO SENATOR JOHN HARMS. GO TALK TO SENATOR FISCHER. GO TALK TO SENATOR ADAMS. [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

SENATOR MELLO: IS THAT TIME, MR. PRESIDENT? [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

SENATOR MELLO: ONE MINUTE, THANK YOU. GO TALK TO A NUMBER OF OTHER PEOPLE SENATOR CAMPBELL JUST EXPLAINED TO YOU, COLLEAGUES. WE TRY TO MITIGATE WHAT WE THINK IN THIS BILL IS AN URBAN-RURAL FIGHT AND A PARTISAN FIGHT BECAUSE WE'VE ALL BEEN THERE AND GONE THROUGH IT. SENATOR KINTNER WASN'T HERE, SO HE CAN'T TELL YOU HOW GREAT THE PROCESS WAS. HE CAN'T GIVE YOU ANY DETAILS OR BACKGROUND BECAUSE HE WASN'T HERE AND HE DOESN'T HAVE IT. I UNDERSTAND HE IS A LOYAL PARTISAN REPUBLICAN WHO WANTS TO BE ABLE TO CONTROL THE LEVELS OF GOVERNMENT TO DICTATE AN OUTCOME THAT HE SEES FITTING FOR EVERYONE. COLLEAGUES, THAT'S NOT WHAT THIS BILL DOES, AND THAT'S NOT WHAT SENATOR MURANTE AND I CAME INTO AGREEMENT TWO YEARS AGO TO WORK ON THIS. WE SIMPLY WANTED TO MAKE A PROCESS THAT WORKED FOR THIS BODY, WORKED FOR THE PUBLIC AT LARGE, AND TOOK THE PARTISAN POLITICS OUT OF THE MOST CONTENTIOUS... [LB580]

SPEAKER HADLEY: TIME, SENATOR. [LB580]

SENATOR MELLO: ...FIGHT THAT THE LEGISLATURE HAS EVERY DECADE. THANK YOU, MR. PRESIDENT. [LB580]

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SPEAKER HADLEY: THANK YOU, SENATOR CAMPBELL AND SENATOR MELLO. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB580]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB580 AND THE AMENDMENTS. I THINK THIS IS AN IMPORTANT STEP FORWARD IN OUR STATE. ONE OF THE CORE FUNCTIONS, I WOULD SAY, MOST IMPORTANT FUNCTIONS FOR THE STATE GOVERNMENT IS TO MAKE SURE THAT ELECTIONS ARE FREE AND FAIR AND TO MAKE SURE THAT THERE IS STRONG LEGITIMACY FOR THOSE ELECTIONS. I WAS NOT HERE FOR THE REDISTRICTING DISCUSSION, SO I DID NOT SEE THE PARTISAN FIGHTS ON THE FLOOR. HOWEVER, I HAPPEN TO LIVE IN A PART OF THE STATE THAT WAS REDISTRICTED OUT OF CD2 AND INTO CD1 AND I KNOW THERE WERE CONCERNS FOR MANY OF MY NEIGHBORS ABOUT THE LEGITIMACY OF THAT REDISTRICTING DECISION. AND SO, I THINK IT WOULD...IT WAS IMPORTANT THAT WE HAVE A PROCESS THAT MAKES SURE THAT THE CITIZENS CAN FEEL A SENSE OF LEGITIMACY WHEN THOSE KINDS OF DECISIONS ARE MADE AND KNOW THAT THERE WAS A FAIR DISCUSSION ABOUT THOSE DECISIONS, AND KNOW THAT THERE WAS ACTUALLY DOUBLE THE PUBLIC DISCUSSIONS ABOUT THAT DECISION AND IT WILL BE THE CASE THAT THE COMMISSION WOULD HAVE THAT DISCUSSION AND THEN THE LEGISLATURE WOULD HAVE AN UP AND DOWN VOTE. AND SO THAT DOUBLES UP THE AMOUNT OF ATTENTION TO MAKING SURE THOSE DECISIONS ARE FAIR. I THINK THAT'S VERY IMPORTANT PROGRESS IN TERMS OF OUR STATE. AS SENATOR MELLO NOTED, SO MUCH OF WHAT WE HAVE IN LB580, AS AMENDED, IS REALLY THE GOLD STANDARD OF WHAT WE SEE ACROSS THE STATES. I WOULD SAY THE ONE PIECE THAT IS NOT THERE YET NOW, BUT I UNDERSTAND THIS IS SOMETHING WE'LL PROBABLY NEED TO TALK ABOUT, AND IN THE FUTURE, IS REALLY THE ROLE FOR NONPARTISANS. SO THIS IS A NONPARTISAN LEGISLATURE. WE ARE HERE, WE TRY TO WORK ACROSS PARTY LINES. HOWEVER, IT IS THE CASE THAT I THINK MAYBE ALL OF US BUT ONE, ARE REGISTERED WITH A PARTICULAR PARTY. HOWEVER, COLLEAGUES, 20 PERCENT OF NEBRASKANS ARE REGISTERED NONPARTISAN. AND IN MY DISTRICT 20 PERCENT...26 PERCENT OF THE CITIZENS IN MY DISTRICT, LD45, ARE REGISTERED NONPARTISANS. SO I THINK IT'S IMPORTANT AS WE CONTINUE TO WORK ON IMPROVING THE TRANSPARENCY AND LEGITIMACY OF OUR REDISTRICTING PROCESS, I THINK IT'S IMPORTANT THAT WE BEGIN THE DISCUSSION ABOUT WHAT THAT MEANS FOR OUR CITIZENS, A PRETTY SUBSTANTIAL NUMBER OF OUR CITIZENS WHO ARE REGISTERED NONPARTISANS. AND SO TO BUILD A RECORD ON THAT, I JUST WOULD LIKE TO ASK SENATOR MURANTE A QUESTION ABOUT THE INCLUSION OF NONPARTISANS. [LB580]

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SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION?  
[LB580]

SENATOR MURANTE: I WOULD. [LB580]

SENATOR CRAWFORD: SO, SENATOR MURANTE, AS I SAID, I THINK THE MAIN DIFFERENCE BETWEEN LB580 AND WHAT WE SEE IN MANY OTHER STATES THAT USE AN INDEPENDENT COMMISSION, AS IN MANY OTHER STATES THAT TIE-BREAKER SEAT, AT LEAST ONE OF THE SEATS ON THE COMMISSION IS A NONPARTISAN MEMBER. I WONDER IF YOU WOULD COMMENT ON WHY THE DECISION WAS MADE NOT TO INCLUDE NONPARTISANS ON THE COMMISSION AT THIS TIME. [LB580]

SENATOR MURANTE: SURE. BECAUSE IT SEEMED LIKE THE CONFLICT, AND WE'VE HEARD IT HERE ON THE FLOOR TODAY, THE COMPLAINTS WERE LARGELY PARTISAN DRIVEN. IT WAS COMPLAINTS BETWEEN REPUBLICANS AND DEMOCRATS. SO THE COMMISSION IS NOT A NONPARTISAN COMMISSION, IT IS A BIPARTISAN COMMISSION. IT IS AN EFFORT TO PUT MEMBERS OF THE TWO POLITICAL PARTIES ON THE SAME BOARD TO SEE IF THEY CAN SUBMIT SOMETHING TO THE LEGISLATURE THAT HAS BIPARTISAN SUPPORT. I'VE NEVER HEARD ANY REAL ARGUMENTS THAT THE REPUBLICANS AND THE DEMOCRATS ARE GOING TO UNITE TO DISENFRANCHISE THE NONPARTISAN VOTERS OF THE MEMBERS OF THE STATE OF NEBRASKA. SO IT'S REALLY MAKING SURE THAT THE REPUBLICANS AND DEMOCRATS BOTH FEEL LIKE, AT THE END OF THE DAY, THEY'RE TREATED FAIRLY. [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

SENATOR CRAWFORD: THANK YOU, SENATOR MURANTE. SO I WILL SUPPORT LB580, AND I THINK IT'S A VERY IMPORTANT STEP FORWARD IN OUR STATE. I DO KNOW THAT IT'S IMPORTANT THAT WE ARE ATTENTIVE TO THE CONCERNS AND QUESTIONS OF THE REGISTERED NONPARTISANS IN OUR STATE, AND ACTUALLY I DID HAVE E-MAIL FROM A REGISTERED NONPARTISAN RAISING THIS ISSUE. AND I THINK IT'S AN IMPORTANT ISSUE FOR US TO CONSIDER AS WE'RE HERE MAKING THESE DECISIONS THAT WE'RE ATTENTIVE TO WHAT THEY ALSO MEAN FOR THE PEOPLE IN OUR STATE WHO CHOOSE TO REGISTER AS NONPARTISANS, AND THAT WE'RE ATTENTIVE TO WHAT THAT MEANS AS WE'RE WORKING HARD TO MAKE SURE THAT OUR ELECTIONS ARE FREE AND FAIR AND LEGITIMATE AND HAVE

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THE LEGITIMACY OF OUR CITIZENS IN MIND. THANK YOU, MR. PRESIDENT.  
[LB580]

SPEAKER HADLEY: SENATOR CRAWFORD, THANK YOU. SENATOR MURANTE,  
YOU'RE RECOGNIZED. [LB580]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING,  
AGAIN. I'D LIKE TO ADDRESS A COUPLE OF THE QUESTIONS THAT HAVE BEEN  
BROUGHT UP TODAY, AND I'LL TRY AND GO THROUGH THEM AS EXPEDITIOUSLY  
AS I CAN. THE FIRST IS THE QUESTION OF THE HEARING SCHEDULES, THE  
CONCERNS FROM THE 2011 REDISTRICTING PROCESS THAT THE PUBLIC  
HEARINGS TOOK PLACE DURING THE DAY WHICH LIMITED PEOPLE'S ABILITY TO  
PARTICIPATE IN THEM. WHAT WE HAVE DONE TO ACCOMMODATE FOR THAT  
PARTICULAR PROBLEM IS THAT WE GIVE THE EXECUTIVE BOARD IN 2021 THE  
AUTHORITY TO ADOPT SUBSTANTIVE AND PROCEDURAL GUIDELINES, SO TO  
THE EXTENT THAT PUBLIC HEARINGS OUGHT TO OCCUR AFTER BUSINESS  
HOURS, OR WHEN THEY SHOULD OCCUR, TO HAVE THE MOST AMOUNT OF  
PUBLIC INFLUENCE, THAT AUTHORITY IS GIVEN TO THE EXECUTIVE BOARD IN  
2021. THAT DOESN'T SEEM LIKE A POLICYMAKING NECESSITY FOR THIS POINT. IT  
WAS ASKED, WHAT'S THE PROBLEM? SENATOR KINTNER ASKED THIS QUESTION.  
HE SAID, WHAT'S THE PROBLEM, AND THEN HE WENT ON TO SAY THAT THE 2011  
REDISTRICTING PROCESS INCLUDED A LOT OF INCUMBENCY PROTECTION  
METHODS. WELL, SENATOR KINTNER, THAT'S THE PROBLEM. THE REDISTRICTING  
PROCESS SHOULDN'T BE AN EXERCISE IN INCUMBENCY PROTECTION AND THAT  
IS ONE OF THE REASONS. NOW, I WILL SAY, I HAVE TO AGREE WITH SENATOR  
KINTNER ON THAT FRONT. THAT FROM MY POINT OF VIEW, THE 2011  
REDISTRICTING PROCESS AS IT RELATED TO THE LEGISLATIVE DISTRICTS, THE  
BIGGEST INFIRMITY IN THAT PROCESS WAS THE EXTENT TO WHICH THE  
INCUMBENTS PROTECTED THEMSELVES, AND THEN I RECALL HEARING A  
LITANY OF REQUESTS FROM MEMBERS OF THE LEGISLATURE, BOTH PARTIES, OF  
HOW THEIR DISTRICTS OUGHT TO LOOK AND WHICH NEIGHBORHOODS OUGHT  
TO BE IN THEIR DISTRICTS AND WHETHER CERTAIN ENTERTAINMENT DISTRICTS  
SHOULD BE IN THEIR DISTRICTS AND WHETHER THEY WANTED...THINGS LIKE  
THAT. LAKES AND THINGS LIKE THAT. THINGS THAT AREN'T...THAT HAVE NO  
BASIS IN TRADITIONAL REDISTRICTING PRINCIPLES. THEY DIDN'T REALLY HAVE  
MUCH TO DO ABOUT GIVING ONE PARTY OR ANOTHER AN ADVANTAGE. IT WAS  
MORE THEY ENJOYED KNOCKING THIS NEIGHBORHOOD WHEN THEY GOT  
ELECTED IN THE FIRST PLACE AND THEY'D RATHER HAVE THAT NEIGHBORHOOD  
CONTINUE TO BE IN THE DISTRICT. IT IS MY HOPE THAT WITH THIS BILL THAT  
PARTICULAR PROBLEM, WHICH I BELIEVED TO BE THE BIGGEST PROBLEM OF

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THE 2011 REDISTRICTING PROCESS, IS MITIGATED SOMEWHAT THAT WE DON'T HAVE SORT OF ARBITRARY RECOMMENDATIONS FOR MEMBERS OF THE LEGISLATURE THAT HAVE NO BASIS IN TRADITIONAL REDISTRICTING PRINCIPLES, THAT WE GET THAT PROCESS OUT. AND IT WAS STATED ON THE FLOOR, AND I AGREE, IT WAS STATED ON THE MICROPHONE IN 2011, THERE WAS A FUNDAMENTAL GOAL STATED TO KEEP AS MANY DISTRICTS AS POSSIBLE IN WESTERN NEBRASKA. THAT IS ALSO A GOAL WHICH IS IN DIRECT CONFLICT WITH TRADITIONAL REDISTRICTING PRINCIPLES. IT SHOULD NOT BE THE GOAL OF ANY REDISTRICTING PROCESS TO EITHER KEEP LEGISLATIVE DISTRICTS IN CERTAIN AREAS OF THE STATE OR MOVE LEGISLATIVE DISTRICTS TO A CERTAIN AREA OF THE STATE. THAT SHOULD BE ENTIRELY BASED ON MATHEMATICAL PROCESSES, WHICH I BELIEVE IS TAKEN CARE OF BY THE COUNTY APPORTIONMENT FORMULA IN THIS BILL. HOPEFULLY, WE DON'T HAVE TO HAVE THAT DISCUSSION GOING FORWARD, BUT THOSE WERE THE TWO MAIN CONCERNS THAT WERE ADDRESSED ON THE LEGISLATIVE DISTRICT MAPS. AND I THINK IT'S ALSO IMPORTANT TO HAVE A BIT OF A REALITY CHECK REGARDING HOW THE 2011 REDISTRICTING PROCESS PLAYED ITSELF OUT. THE PUBLIC SERVICE COMMISSION MAPS WERE ADOPTED UNANIMOUSLY. THE BOARD OF EDUCATION MAPS WERE ADOPTED UNANIMOUSLY. THE BOARD OF REGENT'S MAPS WERE ADOPTED UNANIMOUSLY. THE JUDICIARY DISTRICTS WERE ADOPTED UNANIMOUSLY. THE LEGISLATIVE DISTRICT MAPS... [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

SENATOR MURANTE: ...WERE ADOPTED WITH NINE NEGATIVE VOTES, FIVE REPUBLICANS AND FOUR DEMOCRATS. NOW, I'LL ACKNOWLEDGE THAT THE CONGRESSIONAL DISTRICT MAPS, THERE WAS QUITE A BIT OF CONTENTION BETWEEN WHICH SIDE OF SARPY COUNTY SHOULD BE IN THE FIRST OR THE SECOND CONGRESSIONAL DISTRICT, IT WAS MY HOPE THAT WE WOULDN'T RELITIGATE THE 2011 REDISTRICTING PROCESS WITH THIS BILL BECAUSE AT THE END OF THE DAY THIS BILL DOESN'T REALLY HAVE ANYTHING DIRECTLY TO DO WITH THAT. BUT IT'S IMPORTANT TO COMPARE WHAT WE DID IN 2011 WITH THE REDISTRICTING PROCESSES THAT WE SEE FROM AROUND THE COUNTRY. AND WHEN WE DO THAT, I THINK IT'S IMPORTANT TO ACKNOWLEDGE THE INFIRMITIES OF WHAT HAPPENED BECAUSE WHEN WE DO THAT WE CREATE THE BEST BILL POSSIBLE HERE TODAY. SO THAT'S A LITTLE BIT ABOUT HOW I SEE IT. BUT AGAIN, I SEE A COUPLE OTHER LIGHTS ON AND WOULD BE HAPPY TO ANSWER ADDITIONAL QUESTIONS. THANK YOU, MR. PRESIDENT. [LB580]

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SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB580]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I AM LOOKING AT STATE LAW HERE, AND IT SAID THE BASIS OF APPORTIONMENT SHALL BE THE POPULATION EXCLUDING ALIENS AS SHOWN BY THE NEXT PRECEDING FEDERAL CENSUS. THE LEGISLATURE SHALL REDISTRIBUTE THE STATE. THE LEGISLATURE SHALL REDISTRIBUTE THE STATE. WE DIDN'T ELECT A COMPUTER TO DO THAT. PEOPLE ELECTED ME BECAUSE THEY KNEW WHERE I STOOD. THEY KNEW WHAT MY BASIS FOR GOVERNING WAS. THEY DID NOT ELECT ME TO HAND OFF MY RESPONSIBILITY TO SOME UNELECTED BOARD TO SOME APPOINTED BOARD. NOW, I AND A FELLOW SENATOR SAID, VOTERS FEEL...THEY WANT TO FEEL A SENSE OF FAIRNESS. THEY CAN'T POINT TO A PROBLEM WE HAVE, BUT THEY WANT TO FEEL A SENSE OF FAIRNESS, AND THAT'S FAIR ENOUGH. I CAN...I'M OKAY WITH THAT. BUT THEN THE SAME SENATOR VOTED AGAINST VOTER ID WHEN WE ARGUED THE VOTERS JUST WANT TO FEEL A SENSE OF FAIRNESS, THAT THEIR VOTE COUNTS, THAT THERE'S NOT SOME ILLEGAL VOTER CANCELING IT OUT. BUT, NO, WE COULDN'T DO THAT. WE COULDN'T SAY, WE'RE GOING TO REQUIRE VOTER ID SO EVERYONE FEELS THEY'RE ENFRANCHISED, EVERYONE FEELS THAT THEIR VOTE MATTERS. WE COULDN'T DO THAT. WELL, NOW WE'RE BEING TOLD THAT WE'VE GOT TO TAKE OUR RESPONSIBILITY TO REDRAW THE DISTRICTS. WE'VE GOT TO GIVE IT TO SOME UNELECTED BOARD, SO ACCORDING TO ONE OF MY FELLOW SENATORS, THE VOTERS FEEL A SENSE OF FAIRNESS. WELL, WHAT HAPPENED TO THAT FAIRNESS LAST YEAR WHEN WE WANTED TO DO VOTER ID. IT SEEMS TO BE PRESELECTED FAIRNESS TO ME. SO, LET ME TELL YOU WHAT NONPARTISAN LOOKS LIKE. NOW WHEN THE LEGISLATURE GETS TOGETHER AND DOES SOMETHING THAT'S NONPARTISAN, THE DEFINITION OF NONPARTISAN IS BOTH PARTIES GET TOGETHER TO SCREW THE TAXPAYER. BUT WHAT REAL, TRUE NONPARTISAN LOOKS LIKE IS BOTH PARTIES COME TOGETHER, THEY AGREE ON A PROCESS TO FIX WHATEVER THE PROBLEM IS--IN THIS CASE IT WOULD BE WHATEVER THE PROBLEM IS THAT NO ONE HAS DEFINED FOR ME--AND THEY WOULD COME TOGETHER AND THEY WOULD HAVE AN AGREEMENT. THIS IS WHAT WE AGREE AS DEMOCRATS, THIS IS WHAT WE AGREE AS REPUBLICANS IS FAIR. THEN THEY BRING IT TO LEGISLATURE AND WE GO AHEAD AND WE WOULD TAKE IT FROM THERE. THE TWO PARTIES HAVE NOT COME TO US AND SAID, WE HAVE A PROBLEM THAT NEEDS TO BE FIXED. THAT IS WHEN WE WOULD HAVE AGREEMENT THAT THERE'S A PROBLEM WHEN BOTH PARTIES HAVE COME TOGETHER. STILL WAITING FOR THAT TO HAPPEN. SO WE ARE SOLVING A PROBLEM THAT HAS NOT BEEN DEFINED. THE BEST I'VE HEARD IS, WE WANT TO HAVE PEOPLE FEEL A

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SENSE OF FAIRNESS, BUT ONLY ON CERTAIN THINGS, NOT ON THE SANCTITY OF THE BALLOT, ONLY ON REDISTRICTING. I'LL GIVE YOU ANOTHER EXAMPLE. IF WE WERE TRULY PARTISAN, IF THIS WAS TRULY A ROTTEN OPERATION WHERE WE'RE TRYING TO STICK IT TO THE DEMOCRATS, WE HAD TWO SENATORS THAT LIVED WITHIN BLOCKS OF EACH OTHER. IT WAS SENATOR NORDQUIST AND SENATOR MELLO. IF WE WERE TRULY A PARTISAN OPERATION, WE WOULD HAVE THROWN THEM IN THE SAME DISTRICT AND SAID.... [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

SENATOR KINTNER: ...FIGHT IT OUT, GUYS, FIGHT IT OUT. BUT WE DIDN'T DO THAT. WE DREW A LINE BETWEEN THEM, MERE BLOCKS APART, AND THAT WAS FAIR. NO ONE HAD A PROBLEM WITH THAT. TO SAY THAT WE'RE BEING BLATANTLY UNFAIR TO ONE PARTY HAS NOT BEEN PROVEN. SO UNTIL SOMEONE COMES UP WITH A PROBLEM FOR US TO SOLVE, UNTIL THEY COME UP WITH AGREEMENT FROM BOTH PARTIES THAT WE'RE GOING TO SOLVE THIS PROBLEM TOGETHER, I'M NOT GOING TO SUPPORT THIS BILL. I ENCOURAGE MY OTHER SENATORS TO, LET'S MOVE ON AND FIX A REAL PROBLEM. THANK YOU, MR. PRESIDENT. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB580]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. SENATOR MURANTE, WOULD YOU ANSWER SOME QUESTIONS? [LB580]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION? [LB580]

SENATOR MURANTE: I WOULD. [LB580]

SENATOR GROENE: I'VE BEEN TRYING TO READ THAT BILL, BUT THERE'S A LOT IN IT. [LB580]

SENATOR MURANTE: THERE IS A LOT IN IT. [LB580]

SENATOR GROENE: SO EACH OF THE LEGISLATIVE CAUCUSES FROM THE CONGRESSIONAL DISTRICT PICK TWO CANDIDATES, RIGHT? [LB580]

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SENATOR MURANTE: EACH PICK THREE. [LB580]

SENATOR GROENE: THREE. TWO ARE CHOSEN. [LB580]

SENATOR MURANTE: NO, EACH SELECT THREE. THERE ARE THREE MEMBERS FROM EACH CONGRESSIONAL DISTRICT CAUCUS ON THE INDEPENDENT REDISTRICTING COMMISSION. YOU MIGHT BE LOOKING AT THE GREEN COPY OF THE BILL, THE COMMITTEE AMENDMENT CHANGED THAT. [LB580]

SENATOR GROENE: I DID WHERE IT SAID SIX MEMBERS. ALL RIGHT. SO, THANK YOU. SO, IN FACT, YOU CAN'T TAKE THE POLITICS OUT OF IT. THESE MEMBERS ARE SELECTED BY ELECTED OFFICIALS, WHICH IS POLITICS. SO I'M TRYING TO FIGURE OUT HOW, LET'S SAY I'M TERM LIMITED OUT AND I'M ON THE CAUCUS AND I PICK A MEMBER, SOMEBODY ELSE IS ELECTED, POLITICS CHANGE IN A LEGISLATIVE DISTRICT. NOW, I'M BOUND AND MY CITIZENS ARE BOUND BY STATE SENATORS IN THE PAST. I DON'T SEE THE PRACTICALITY OF THAT. IS POLITICS NASTY? YEAH, GO BACK AND READ SOME OF THE FOUNDING FATHERS DEBATES IN OUR...AND THE DUALS THAT WERE FOUGHT. FREEDOM IS HARD TO PROTECT. MAJORITIES DO RULE EVEN IN A REPUBLIC. ONE THING THAT BOTHERED ME DOWN HERE WAS HOW OFTEN THERE WAS A EFFORT TO PUSH OFF OUR RESPONSIBILITY TO SOME UNELECTED COMMISSION. YOU SEE MORE AND MORE OF IT. COMMISSION COMES BACK WITH A FINDING AND QUOTE UNQUOTE, WE'RE SUPPOSED TO ACCEPT IT BECAUSE THEY DID A LOT OF STUDYING. THEY STUDIED FOR HOW MANY YEARS? THREE YEARS ON THIS THING, AND WE'RE JUST SUPPOSED TO GO HOME. WELL, MAYBE I MIGHT ADDRESS THE...I'D LIKE TO GO HOME. MAYBE WE ONLY SHOULD MEET EVERY, ONCE EVERY TWO YEARS LIKE TEXAS DOES OR WYOMING BECAUSE, HECK, LET'S GET RULED BY COMMISSIONS. LET'S ALL GET TOGETHER WITH THE LOBBYISTS AND GET ALONG AND HIGH SCHOOL REUNIONS AND NOT FIGHT ON THE FLOOR BECAUSE IT'S UNCOMFORTABLE. WELL, I'M READY TO FIGHT. I'M READY TO ARGUE. I'M READY TO DEBATE. I WAS ELECTED TO MAKE DECISIONS, NOT PASS IT OFF TO COMMISSIONS. I DON'T LIKE THIS COMMISSION IDEA AT ALL. WHO ARE THESE PEOPLE? YOU'RE PROBABLY GOING TO APPOINT SOME RETIRED LEGISLATOR TO IT WHO LIKES TO COME TO LINCOLN A LOT. WELL, HE'S NOT EVEN ELECTED, BUT HE HAS THE EXPERIENCE OF THE LEGISLATURE. THIS THING IS PARTISAN. YOU WILL SEE, AS PEOPLE STAND UP. WHEN I SEE ONE DEMOCRAT STAND UP AND SAY THEY DON'T LIKE THIS, I'LL AGREE IT ISN'T PARTISAN, BUT YOU WON'T SEE THAT HERE. THE MAJORITY OF PEOPLE HAVE A CERTAIN MINDSET, A POLITICAL MINDSET IN THIS STATE AND THAT SHOULD BE REFLECTED IN HOW WE ALLOW THEM TO VOTE AS A GROUP IN DIFFERENT DISTRICTS. THE REGENTS, PUBLIC

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SERVICE COMMISSION, WE'RE GOING TO TURN THAT ALL OVER TO THIS UNELECTED COMMISSION THAT ON THE FIRST...I BELIEVE, THEY'RE DONE ON THE FIRST YEAR AFTER A CENSUS. TEN YEARS IS A LONG TIME. NINE OR TEN YEARS LATER WHEN THAT DECISION IS MADE TO WHAT THEIR FINDINGS ARE. LET'S FIGHT, LET'S ARGUE, LET'S DEBATE, THAT'S WHY WE WERE SENT HERE. THANK YOU, MR. PRESIDENT. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. (VISITORS INTRODUCED.) SENATOR BRASCH, YOU'RE RECOGNIZED. [LB580]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND AGAIN, I HAVE TROUBLE WITH THIS, NOT BECAUSE IT'S A REPUBLICAN THING OR IT'S A DEMOCRAT THING, BUT YES, I WAS HERE AND I SEE HOW THE PROCESS WORKED THEN AND I BELIEVE WE NEED TO CONTINUE TO MAKE THE PROCESS IN THIS BODY MORE TRANSPARENT, AND THAT WILL RESOLVE ALL THINGS, I BELIEVE ALSO IN REDISTRICTING. WE ARE BROUGHT HERE TO GIVE THE PEOPLE A VOICE, THAT SECOND HOUSE. AND WHEN OUR VOICE DOES NOT ALIGN WITH THAT OF THE SECOND HOUSE, WE DON'T COME BACK. WE ARE HELD ACCOUNTABLE. AND IF WE KICK THE CAN DOWN THE ROAD AND HAVE THIS GROUP OF PEOPLE WHO I DON'T BELIEVE...MAYBE WE SHOULD PUT THEM ON THE BALLOT TO MAKE A VOICE ON REDISTRICTING, THAT THEY HAVE POWER OVER 1.8 MILLION INDIVIDUALS WHO HAVE ABSOLUTELY NO ABILITY TO REMOVE THEM OR PLACE THEM. THAT'S NOT SOLVING THE REDISTRICTING CHALLENGES THAT WE HAVE. AGAIN, THE WAY THE DIVIDE IS, AND I AGREE WITH SENATOR BLOOMFIELD, WHEN YOU'RE LOOKING AT THREE RURAL SENATORS VERSUS...AND SIX URBAN ONES, WE ARE JUST REWARDING THAT URBAN-RURAL DIVIDE. I THOUGHT WE'RE BETTER THAN THAT, BECAUSE WE'RE AN AGRICULTURAL STATE WE DON'T DIVIDE OURSELVES. THAT'S WHY WE DO THINGS DIFFERENT THAN ANY OTHER STATE. I WOULD HOPE THAT THIS GROUP, AND I SEE SENATOR MURANTE WRITING A NOTE, MAYBE THAT IS GOING TO BE RESOLVED. AND I WOULD LIKE TO ASK SENATOR MURANTE A QUESTION BECAUSE THAT IS A BIG ISSUE WITH ME WHEN I DID HEAR THAT SAID EARLIER. [LB580]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION? [LB580]

SENATOR MURANTE: I WOULD. [LB580]

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SENATOR BRASCH: WOULD YOU CLARIFY THAT FOR ME? TELL ME ABOUT THIS GROUP, THEIR DEMOGRAPHICS. [LB580]

SENATOR MURANTE: THE DEMOGRAPHICS OF... [LB580]

SENATOR BRASCH: OF THE GROUP SELECTED. WILL THEY BE FROM EVERYWHERE IN THE STATE OR WILL THEY BE... [LB580]

SENATOR MURANTE: IT WILL BE...IT IS FUNDAMENTALLY THE SAME CONSTRUCT AS WE HAVE NOW, BUT INSTEAD OF HAVING MEMBERS OF THE LEGISLATURE, YOU WILL HAVE CITIZENS OF NEBRASKA. SO THERE WILL BE THREE FROM EACH CONGRESSIONAL DISTRICT CAUCUS, AS WE HAVE NOW, BUT NO MORE THAN FIVE OF THE SAME POLITICAL PARTY. AGAIN, THE SAME AS WE HAVE NOW. [LB580]

SENATOR BRASCH: OKAY. SO, THERE WILL NOT BE A BIAS TOWARDS URBAN DISTRICTS, OR WILL THERE BE? [LB580]

SENATOR MURANTE: WELL, I...WE HAVE MADE IT AS REPRESENTATIVE AS WE POSSIBLY CAN MAKE IT. I CAN'T GUARANTEE TO YOU THAT THE LEGISLATURE IN 2021 WILL APPOINT PEOPLE WHO ARE LOOKING OUT FOR THE ENTIRE STATE OF NEBRASKA. I CAN'T GUARANTEE THAT FOR YOU RIGHT NOW. IT WOULD SEEM TO ME ENTIRELY UNLIKELY THAT THE MEMBERS OF THE LEGISLATURE WOULD LOOK EXCLUSIVELY AT PAROCHIAL INTERESTS, BECAUSE SO MUCH OF WHAT WE'RE TALKING ABOUT ARE STATEWIDE ISSUES. BUT AT THE END OF THE DAY, THE CONSTRUCT IN TERMS OF HOW MANY REPRESENTATIVES THERE ARE DRAWING THE MAPS DOESN'T CHANGE BETWEEN... [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

SENATOR MURANTE: ...WHERE WE ARE NOW AND WHERE WE'RE GOING WITH LB580. IT'S SIMPLY A MATTER OF ASKING THE QUESTION, DO YOU WANT THOSE PEOPLE TO BE STATE SENATORS OR DO YOU WANT THEM TO BE CITIZENS OF NEBRASKA WHO ARE NOT ELECTED OFFICIALS AND ARE FREE FROM PARTISAN INFLUENCE WHO ARE CHOSEN BY STATE SENATORS? THAT'S WHAT WE'RE TALKING. THAT'S THE CHOICE WE HAVE TO MAKE HERE. [LB580]

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SENATOR BRASCH: I SEE. THANK YOU FOR CLARIFYING THAT BECAUSE IT IS A QUESTION THAT I BELIEVE ALL OF RURAL NEBRASKA HAS A CONCERN ABOUT. WE'RE RESPONSIBLE FOR THE MOST LANDMASS ACROSS THE STATE, HOWEVER, WE HAVE THE SMALLEST VOICE. SO IF THERE'S A WAY, LIKE THE UNICAMERAL, THAT WE COME IN THIS MAKING ALL THINGS EQUAL, THAT WOULD BE A PREFERENCE. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB580]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB580]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. WE'RE TOLD WE'RE TRYING TO AVOID CONFRONTATION WITHIN THIS BODY. COLLEAGUES, THAT'S WHAT WE'RE HERE FOR IS TO HANDLE THESE THINGS, NOT TO DELEGATE IT TO SOMEONE ELSE. THOSE OF YOU THAT WERE HERE FOR REDISTRICTING WERE ALSO HERE FOR THE FIGHT ON PRENATAL CARE FOR ILLEGAL IMMIGRANTS. I WOULD SAY THAT WAS JUST AS CONTENTIOUS. THERE WERE FRIENDSHIPS LOST OVER THAT THAT HAVE NEVER RECOVERED. JUST LAST YEAR, WE HAD A FAIRLY CONTENTIOUS ISSUE WITH THE DEATH PENALTY. WE'RE ALL BACK, WE'RE ALL STILL WORKING OUR ISSUES, AND WE FINALLY PASSED THAT OUT TO AN INDEPENDENT COMMISSION CALLED THE NEBRASKA PEOPLE. THE VOTERS OF NEBRASKA WILL ULTIMATELY DECIDE THAT. SENATOR CRAWFORD MENTIONED THE INDEPENDENT VOTERS. PEOPLE ARE SO UPSET WITH BOTH POLITICAL PARTIES AT THIS POINT THAT MORE AND MORE OF THEM TEND TO REGISTER AS INDEPENDENTS. THIS BILL ELIMINATES THEM HAVING A VOICE WHATSOEVER. WE HAVE ONE INDEPENDENT MEMBER OF THIS BODY. A COUPLE YEARS AGO THERE WERE TWO, OR FOUR YEARS AGO THERE WERE TWO, BUT HE FINALLY DECIDED HE WAS DEMOCRAT AFTER ALL. BUT WHAT IF WE HAVE SIX OR EIGHT ELECTED INDEPENDENTS IN HERE? WHERE IS THEIR VOICE? WITH THIS COMMISSION, IT'S GONE. THIS IS NOT A BILL, IN MY MIND, TO PREVENT CONTENTION IN HERE, BUT PROBABLY MORE TO PROTECT BOTH POLITICAL PARTIES. I DON'T BELIEVE THIS IS AN AREA WE SHOULD GO TO. COLLEAGUES, THAT'S WHY YOU GET THE WHOLE THOUSAND DOLLARS EVERY MONTH, IS TO MAKE THESE DECISIONS. I'D YIELD THE REMAINDER OF MY TIME TO SENATOR KINTNER. [LB580]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE YIELDED 2:30. [LB580]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. WELL, YOU KNOW, A COUPLE THINGS. HOW DO WE KNOW THAT THE REPUBLICANS WE PUT ON THIS

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COMMISSION AND THE DEMOCRATS WE PUT ON THIS COMMISSION AREN'T GOING TO BE WHAT YOU'D CALL PARTY HACKS? WHAT'S GOING TO MAKE THEM BE FAIR? YOU KNOW WHAT? ONE THING I'VE LEARNED IN 30 YEARS OF POLITICS IS THERE IS NOTHING THAT'S NOT POLITICAL. THERE IS NO ONE THAT IS TOTALLY NONPARTISAN. THERE'S POLITICS IN EVERY SINGLE THING WE DO. THE ONLY DIFFERENCE IS, ARE WE GOING TO DO IT OURSELVES AND STAND BEHIND IT AND PUT OUR NAME ON IT AND SAY THIS IS WHAT WE DID, OR ARE WE GOING TO SLOUGH IT OFF TO SOMEONE ELSE WHO'S UNELECTED AND LET THEM DO IT SO WE CAN WASH OUR HANDS AND SAY, HEY, I DIDN'T DO IT? IT'S GETTING TO BE LIKE CONGRESS. LET'S DO A BLUE RIBBON COMMISSION. LET'S LET THEM DO IT. YEAH, WE'LL WASH OUR HANDS. WE'LL BE LIKE PONTIUS PILATE, WE'LL JUST WASH OUR HANDS OF THE WHOLE THING. IT DOESN'T WORK THAT WAY. PEOPLE EXPECT US TO COME DOWN HERE AND MAKE THE TOUGH DECISIONS. I'M PREPARED TO MAKE THOSE TOUGH DECISIONS AND I DON'T SEE ANY NEED TO SLOUGH IT OFF ON A GROUP THAT IS UNELECTED AND NOT RESPONSIBLE TO ANYONE, NOT RESPONSIVE TO ANYONE, DOESN'T REPORT TO ANYONE, JUST PUTS THIS FORTH AND WE GIVE IT A UP OR DOWN VOTE OR START TO FIGHT ON IT RIGHT THERE. SO THAT'S WHERE IT IS. I THINK THAT THE ELECTED OFFICIALS WHO GET ELECTED TO DO THIS, NEED TO DO IT. SO WHAT I WOULD SAY IS, MEMBERS, DO YOUR JOB. DO WHAT YOU WERE ELECTED TO DO. THEY SENT US DOWN HERE FOR A REASON. PEOPLE SENT ME HERE FOR A REASON. THEY KNEW WHAT I WAS GOING TO DO. I CLEARLY LAID OUT WHERE I STOOD ON THESE THINGS. AND MAJORITY OF PEOPLE SAID, YEP, THAT'S THE REPRESENTATION WE WANT. SO THAT IS WHY I THINK WE NEED TO DO OUR JOB HERE, AND NOT SLOUGH IT OFF ON SOMEBODY ELSE, THAT WE CAN WASH OUR HANDS LIKE PONTIUS PILATE. THANK YOU, MR. PRESIDENT. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD AND SENATOR KINTNER. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB580]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. VERY, VERY BRIEFLY. COLLEAGUES, SENATOR KINTNER WAS CHASTISED A WHILE AGO FOR GOING AROUND WORKING PEOPLE THAT MIGHT BE OPPOSED TO THIS BILL TO TRY TO GET THEM TO VOTE ONE WAY OR THE OTHER. I NOTE NOW THE SUPPORTERS OF THIS BILL ARE RUNNING AROUND WANTING THE PEOPLE TO TURN THEIR LIGHTS OFF AND NOT TALK ON IT. SO BOTH SIDES ARE WORKING THE ISSUE. THANK YOU, MR. PRESIDENT. [LB580]

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SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB580]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. IT'S THE FIRST TIME I'VE SPOKE ON THIS, AND I'M IN DISTRICT 1, AND I THINK IT'S GOING TO BE AWFUL...ALMOST IMPOSSIBLE EVEN AFTER WE HAVE THE ELECTION TO SAY, OKAY, IS THIS STILL NONPARTISAN AS THESE PEOPLE ARE ELECTED. SO WE LOOKED AT THE THREE DISTRICTS. DISTRICT 3 IS, I THINK, PRETTY MUCH EVERYBODY CONSIDERED IT RURAL. DISTRICT 2, PRETTY MUCH METRO. THE DISTRICT I'M IN INCLUDES MOSTLY RURAL, BUT INCLUDES LANCASTER COUNTY, WHICH IS LINCOLN, SECOND LARGEST CITY, METROPOLITAN CITY IN THE STATE. HOW THE PEOPLE IN THAT GOING TO FEEL? ARE WE GOING TO SEE SOMEBODY FROM LINCOLN MAKE SURE THEY'RE IN THERE OR IS IT GOING TO BE SOMEBODY FROM RURAL? I DON'T THINK THERE IS ANY WAY, REALLY, TO GET AWAY FROM NONPARTISANSHIP (SIC) IN THE STATE OR ANY POLITICAL PROCESS. I SUPPORT THE CONCEPT OF IT. I JUST HAVE CONCERNS THAT WE'RE NEVER GOING TO GET RID OF THE ISSUE OF, BOY, IS THIS NEW COMMITTEE NONPARTISAN? THANK YOU. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR JOHNSON. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MURANTE, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB580]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT, AND THANK YOU FOR THE DIALOGUE, COLLEAGUES. I WANT TO ADDRESS A COUPLE OF THE POINTS THAT WERE BROUGHT UP. FIRST OF ALL, THE ISSUE OF BINDING FUTURE LEGISLATURES. WE WERE EXTREMELY CAREFUL IN THE CREATION OF THIS LEGISLATION TO ENSURE THAT WE ARE NOT BINDING ANY FUTURE LEGISLATURE TO ACCEPT ANYTHING. AT THE END OF THE DAY, THE LEGISLATURE STILL RETAINS COMPLETE AUTHORITY TO ACCEPT OR REJECT ANYTHING SENT, OR AMEND, ANYTHING SENT TO THE LEGISLATURE BY THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION. THE LEGISLATURE ISN'T GIVING AWAY ANY AUTHORITY. WHAT WE'RE DOING HERE IS REPLACING THE REDISTRICTING COMMITTEE, THE SPECIAL COMMITTEE COMPRISED OF LEGISLATORS AND REPLACING IT WITH AN INDEPENDENT CITIZEN'S REDISTRICTING COMMISSION. THAT IS NOT GIVING AWAY ANY LEGISLATIVE AUTHORITY. AT THE END OF THE DAY, WE WILL HAVE THE FINAL SAY. AND BY WE, I MEAN THE MEMBERS WHO ARE HERE IN 2021. I WON'T BE HERE. WE'RE GIVING THOSE MEMBERS OF THE LEGISLATURE THE ULTIMATE AUTHORITY. AND SENATOR JOHNSON SAID SOMETHING THAT IS ABSOLUTELY CORRECT, AND I

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HAVE NEVER SAID ANYTHING TO THE CONTRARY TO DATE, WHICH IS, WE ARE NOT GOING TO GET RID OF PARTISANSHIP WITH THIS BILL. THAT'S ABSOLUTELY TRUE. TO DATE, NO ONE HAS BEEN ABLE TO COME UP WITH ANY FORM OF REDISTRICTING THAT COMPLETELY ELIMINATES PARTISANSHIP FROM THE REDISTRICTING PROCESS. IF SOMEONE COMES UP WITH THAT GREAT IDEA, I WOULD HAPPILY INTRODUCE IT AS A PIECE OF LEGISLATION AND HOPEFULLY WE CAN ENACT IT INTO LAW. UNFORTUNATELY, THAT IDEA HAS NOT BEEN INVENTED YET. THIS IS THE BEST I THINK THAT WE CAN DO. IT DOESN'T ELIMINATE PARTISANSHIP. IT ISN'T PERFECT, BUT IT DOES MINIMIZE THE PARTISANSHIP, I BELIEVE, AND IT ENCOURAGES PUBLIC TRUST. WE ARE NOT DEFERRING ANY LEGISLATIVE AUTHORITY. WE CONTINUE TO HAVE THE AUTHORITY AND AS STATED IN THIS AMENDMENT, THE BILL ONCE IT HITS GENERAL FILE, IT'S SUBMITTED BY THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION, IT HAS RECEIVED ITS FORMAL OPINIONS BY THE SECRETARY OF STATE AND THE ATTORNEY GENERAL, IT HITS THE FLOOR OF THE LEGISLATURE AND THE LEGISLATURE CAN DEAL WITH IT HOWEVER IT SEES FIT PURSUANT TO ITS OWN RULES. I DON'T KNOW HOW MUCH MORE WE CAN EMPOWER THE LEGISLATURE BEYOND WHAT CURRENTLY EXISTS. WE AREN'T LIMITING THEM IN ANY WAY. THEY CAN DO WHATEVER THEY LIKE, BUT WHAT WE ARE DOING IS CREATING MAPS, SUBMITTED TO THIS LEGISLATURE BY CITIZENS THAT CREATE SUCH MOMENTUM, I BELIEVE, THAT MAKES IT POLITICALLY IMPRACTICAL FOR MEMBERS OF THIS BODY TO OPPOSE IT. THAT'S OUR OBJECTIVE. IT IS NOT TO LIMIT LEGISLATIVE AUTHORITY. I THINK WE HAVE BALANCED THOSE TWO INTERESTS, AND I ENCOURAGE YOUR SUPPORT OF AM2800. THANK YOU, MR. PRESIDENT. [LB580]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON THE AMENDMENT TO THE COMMITTEE AMENDMENTS. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB580]

CLERK: 28 AYES, 1 NAY, MR. PRESIDENT, ON THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB580]

SPEAKER HADLEY: AM2800 IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB580]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. WOULD SENATOR MURANTE YIELD TO SOME QUESTIONS? [LB580]

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SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD? [LB580]

SENATOR MURANTE: I WOULD. [LB580]

SENATOR SCHUMACHER: OKAY. SENATOR MURANTE, I'M JUST TRYING TO WORK THROUGH THE FORMULA AND THE MATH HERE, AND UNDERSTAND WHAT SOME OF THIS LANGUAGE MEANS. LET'S ASSUME A SITUATION WHERE WE HAVE 49 EQUAL DISTRICTS OF 40,000 PEOPLE. [LB580]

SENATOR MURANTE: OKAY. [LB580]

SENATOR SCHUMACHER: OKAY. AND SO THAT WILL BE 10 PERCENT, WOULD BE 4,000, 5 PERCENT WOULD BE 2,000. [LB580]

SENATOR MURANTE: RIGHT. [LB580]

SENATOR SCHUMACHER: OKAY. IN THE FIRST LANGUAGE APPEARING ON THE COMMITTEE AMENDMENT, PAGE 10, WE TALK IN TERMS OF, NO PLAN WILL BE CONSIDERED WHICH RESULTS IN AN OVERALL RANGE OF DEVIATION IN EXCESS OF 10 PERCENT. DOES THAT MEAN DISTRICTS CAN RANGE BETWEEN 36,000 AND 44,000? [LB580]

SENATOR MURANTE: YES. AND THAT'S NOT OUR STANDARD, THAT'S THE SUPREME COURT'S STANDARD. WE DIDN'T TINKER AROUND WITH WHAT THE SUPREME COURT SAID. POPULATION DEVIATIONS ARE NECESSARY FOR LEGISLATIVE DISTRICT LEVELS. [LB580]

SENATOR SCHUMACHER: AND THE SUPREME COURT SAID 10 PERCENT? [LB580]

SENATOR MURANTE: IT'S 10 PERCENT OVERALL DEVIATION, PLUS OR MINUS 5 PERCENT. [LB580]

SENATOR SCHUMACHER: AND 10 PERCENT... [LB580]

SENATOR MURANTE: IT'S NOT PLUS OR MINUS 10 PERCENT. IT'S 10 PERCENT OVERALL, PLUS OR MINUS 5 PERCENT. [LB580]

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SENATOR SCHUMACHER: OKAY. SO, I'M JUST TRYING TO GET THIS DOWN BECAUSE THAT'S RATHER CONFUSING. A DISTRICT GENERALLY BETWEEN...PROPOSED BETWEEN 36 AND 44 WOULD BE OKAY? [LB580]

SENATOR MURANTE: NO, NO. [LB580]

SENATOR SCHUMACHER: 36,000, 44,000. [LB580]

SENATOR MURANTE: NO, BECAUSE THAT'S PLUS OR MINUS 10 PERCENT. IT NEEDS TO GET DOWN TO PLUS OR MINUS 5 PERCENT WITH THE OVERALL DEVIATION BEING 10 PERCENT. [LB580]

SENATOR SCHUMACHER: THEN WHAT'S THE MEANING OF, WILL BE CONSIDERED WHICH RESULTS IN AN OVERALL RANGE OF DEVIATION IN EXCESS OF 10 PERCENT? [LB580]

SENATOR MURANTE: THAT'S THE SUPREME COURT STANDARD. IT'S PLUS OR MINUS 5 PERCENT, OVERALL DEVIATION OF 10 PERCENT. [LB580]

SENATOR SCHUMACHER: PUT IT THIS WAY. WITH 40,000 AS THE PERFECT, HOW SMALL COULD THE DISTRICT BE AND HOW LARGE COULD THEY BE UNDER THE FIRST STANDARD, THE 10 PERCENT? [LB580]

SENATOR MURANTE: IN YOUR 40,000 RANGE? [LB580]

SENATOR SCHUMACHER: RIGHT. [LB580]

SENATOR MURANTE: IT WOULD BE 42,000 ON THE MAXIMUM END AND 38,000 ON THE MINIMAL END. [LB580]

SENATOR SCHUMACHER: OKAY. THEN MOVING ON, OR RELATIVE DEVIATION IN EXCESS OF PLUS OR MINUS 5 PERCENT. WHAT WOULD...USING THAT STANDARD, WHAT'S THE TOP AND WHAT'S THE BOTTOM? [LB580]

SENATOR MURANTE: THAT...THE STANDARD I WAS USING WAS THE PLUS OR MINUS 5 PERCENT. SO, THE PLUS OR MINUS 5 PERCENT IS THE 42,000 TO 38,000, SOMEWHERE IN THAT RANGE. THE OVERALL DEVIATION WOULD BE THE

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DEVIATION FROM...THE MAXIMUM DISTRICT TO THE MINIMUM DISTRICT CANNOT EXCEED 10 PERCENT. [LB580]

SENATOR SCHUMACHER: WELL, IF THE MINOR OR THE PART B, THE RELATIVE DEVIATION IN EXCESS OF PLUS OR MINUS 5 (PERCENT) IS JUST 5 (PERCENT), HOW COULD IT EVER BE MORE THAN 10 (PERCENT)? [LB580]

SENATOR MURANTE: I DON'T BELIEVE THAT IT COULD. [LB580]

SENATOR SCHUMACHER: OKAY, SO IS THAT KIND OF REDUNDANT IN THERE? [LB580]

SENATOR MURANTE: I WOULD URGE YOU TO CONTACT THE SUPREME COURT OF THE UNITED STATES. THEY'RE THE ONES WHO CAME UP WITH IT. [LB580]

SENATOR SCHUMACHER: WELL, I'M...NOW, THE...IT'S POSSIBLE UNDER THIS TO HAVE GREATER THAN 10 PERCENT DEVIATION TO REALIZE A RATIONAL STATE POLICY. WHAT MIGHT THAT BE? [LB580]

SENATOR MURANTE: AGAIN, THAT'S LANGUAGE DIRECTLY BROUGHT TO US BY CASE LAW FROM THE SUPREME COURT OF THE UNITED STATES. A RATIONAL STATE POLICY...I THINK IN SUPREME COURT CASES RECENTLY, THE OVERWHELMING MAJORITY OF CASE LAW DEALS WITH RACIAL GERRYMANDERING TO THE EXTENT THAT DISTRICTS CAN BE CREATED. WHEN DISTRICTS HAVE TO BE CREATED... [LB580]

SPEAKER HADLEY: ONE MINUTE. [LB580]

SENATOR MURANTE: ...USING MAJORITY, MINORITY DISTRICTS, AND WHEN THEY CAN BE ARE...THERE'S A STRICT TEST THAT'S CALLED THE GINGLES STANDARD. THINGS LIKE THAT. [LB580]

SENATOR SCHUMACHER: THANK YOU, SENATOR MURANTE. JUST TO GET THE LAST...THE STATUTE DEFINES RELATIVE AS A FATHER, MOTHER, BROTHER, SISTER, COUSINS, IN-LAWS. WHEN YOU TALK OF RELATIVE DEVIATION, YOU'RE NOT TALKING ABOUT DEVIANT RELATIVES ARE YOU? (LAUGHTER) [LB580]

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SENATOR MURANTE: NOT UNLESS YOUR SUPREME COURT CAME UP WITH THAT, TOO, SENATOR SCHUMACHER. [LB580]

SENATOR SCHUMACHER: THANK YOU, SENATOR MURANTE. I GUESS WHAT CONCERNED ME A LITTLE BIT IS WHAT KIND OF DEVIATION GREATER THAN 10 PERCENT IS PERMISSIBLE UNDER THIS PARTICULAR LANGUAGE, ASSUMING THAT REALLY IS SUPREME COURT LANGUAGE. BUT I THINK WE AT LEAST CLARIFIED IN MY MIND SOME OF THE MATH THAT'S INVOLVED HERE. THANK YOU. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SEEING NO ONE IN THE QUEUE, SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB580]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND AGAIN, GOOD MORNING...OR GOOD AFTERNOON, I GUESS, COLLEAGUES AND NEBRASKA. I WILL CLOSE SIMPLY BY SAYING THREE THINGS. THANK YOU, THANK YOU, THANK YOU, TO THE CLERK, TO LEGAL COUNSEL FOR THE EXEC BOARD JANICE SATRA, AND TO THE DIVISION CHIEF, NANCY CYR, FOR YOUR WORK IN MAKING SURE THAT THIS BILL WAS AS TECHNICALLY CORRECT AS IT COULD BE. SO THANK YOU, AGAIN, AND I ASK FOR YOUR APPROVAL ON AM1961. [LB580]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON AM1961. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB580]

CLERK: 26 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB580]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SENATOR MURANTE, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB580]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT AND MEMBERS. I ALSO WOULD LIKE TO SHARE SENATOR KRIST'S SENTIMENTS AND THANK ALL THE STAFF AND ALL THE PEOPLE WHO WORKED VERY HARD ON THIS. I'D ALSO THANK SENATOR MELLO. WE TALKED BRIEFLY WITH SENATOR SCHUMACHER ABOUT THE SUPREME COURT AND ITS RULINGS AND ITS INFINITE WISDOM AND POOR, POOR TIMING CHOICES RELEASED A LANDMARK REDISTRICTING CASE THIS MORNING, WHICH WE WILL BE PORING OVER TO MAKE SURE WE AREN'T

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PASSING ANYTHING TOO TERRIBLY UNCONSTITUTIONAL. AND TO THE EXTENT THAT ANY CHANGES NEED TO BE MADE, WE WILL BE DOING THAT BETWEEN NOW AND SELECT FILE, ALTHOUGH IT APPEARS THAT NO CHANGES WILL BE NECESSARY. SO I URGE YOUR CONTINUED SUPPORT OF LB580. THANK YOU, MR. PRESIDENT. [LB580]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. YOU'VE HEARD THE CLOSING. THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB580. THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE. ALL THOSE IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB580]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB580]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS CRAIGHEAD, SCHEER, SCHNOOR, COOK, McCOY, COASH, KOLTERMAN, CHAMBERS, AND LARSON, THE HOUSE IS UNDER CALL. SENATOR KOLTERMAN AND SENATOR LARSON, THE HOUSE IS UNDER CALL. SENATOR KINTNER, THEY'RE TRYING TO FIND SENATOR KOLTERMAN BUT THEY DO NOT KNOW WHERE HE IS. WOULD YOU LIKE TO WAIT OR PROCEED? [LB580]

SENATOR KINTNER: CAN WE WAIT JUST ABOUT 30 SECONDS MORE AND THEN DO A ROLL CALL VOTE? [LB580]

SPEAKER HADLEY: SHALL WE PROCEED, SENATOR KINTNER? MR. CLERK, THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE. [LB580]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1449.) 30 AYES, 5 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB580. [LB580]

SPEAKER HADLEY: LB580 IS ADVANCED. I RAISE THE CALL. MR. CLERK FOR ITEMS. [LB580]

CLERK: I DO, MR. PRESIDENT. VERY QUICKLY. AMENDMENTS BY SENATOR SCHEER TO BE PRINTED (RE LB884), AND LB804 IS REPORTED TO GENERAL FILE

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FROM THE HEALTH COMMITTEE WITH COMMITTEE AMENDMENTS ATTACHED.  
THAT'S ALL THAT I HAVE. (AM2791, LEGISLATIVE JOURNAL PAGES 1449-1450.)  
[LB804 LB884]

SPEAKER HADLEY: WE WILL NOW STAND AT EASE UNTIL 12:55. AT THAT TIME WE  
WILL COME BACK TO LB1106 FOR SENATOR GARRETT. [LB1106]

EASE

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: THE LEGISLATURE WILL NOW COME BACK TO ORDER. NEXT  
BILL, MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, LB1106 WAS INTRODUCED BY SENATOR  
GARRETT. (READ TITLE.) THE BILL INTRODUCED ON JANUARY 20, REFERRED TO  
THE JUDICIARY COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL  
FILE WITH COMMITTEE AMENDMENTS. (AM2389, LEGISLATIVE JOURNAL PAGE  
933.) [LB1106]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR GARRETT, YOU'RE  
RECOGNIZED TO OPEN ON LB1106. [LB1106]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. GOOD  
AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. I WOULD LIKE  
TO START OFF BY THANKING SPEAKER HADLEY FOR MAKING LB1106 ONE OF HIS  
SPEAKER PRIORITIES, AND THE JUDICIARY COMMITTEE FOR THEIR  
THOUGHTFUL CONSIDERATION AND THEIR COMMITTEE AMENDMENT. LB1106 IS  
A BILL THAT IS ALL ABOUT PROPERTY RIGHTS AND CREATING A JUDICIAL  
SYSTEM WHERE THE GUILTY ARE PUNISHED, NOT THE INNOCENT. NO  
NEBRASKAN ACQUITTED OF A CRIMINAL CHARGE IN CRIMINAL COURT SHOULD  
LOSE HIS OR HER PROPERTY THROUGH FORFEITURE IN CIVIL COURT. I BECAME  
INTERESTED IN THE ISSUE OF CIVIL FORFEITURE WHEN I HEARD THE PLIGHT OF  
SOME INNOCENT PROPERTY OWNERS WHO HAD EXPERIENCED HAVING THEIR  
CASH CONFISCATED FROM LAW ENFORCEMENT WITHOUT A CITATION EVER  
BEING ISSUED. DURING A BUSINESS TRIP TO WASHINGTON, D.C., LAST SUMMER, I  
ATTENDED A SEMINAR HOSTED BY GROVER NORDQUIST AND THE HERITAGE  
FOUNDATION AT THE AMERICANS FOR TAX REFORM. AT THE SEMINAR I MET A

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YOUNG MUSICIAN FROM ROMULUS, MICHIGAN, NAMED JOSEPH RIVERS. JOSEPH WAS AN ASPIRING HIP-HOP ARTIST AND AGENTS FROM THE MUSIC INDUSTRY HAD SUGGESTED TO JOSEPH THAT HIS CAREER COULD REALLY TAKE OFF IF HE HAD A PROFESSIONALLY PRODUCED MUSIC VIDEO. OVER A PERIOD OF TIME, JOSEPH AND HIS MOTHER SCRAPED TOGETHER \$16,000 SO HE COULD TRAVEL TO LOS ANGELES TO PAY TO MAKE A MUSIC VIDEO. DURING A STOP IN ALBUQUERQUE, NEW MEXICO, A NUMBER OF DEA AGENTS BOARDED THE AMTRAK TRAIN HE WAS TRAVELING ON AND BEGAN QUESTIONING VARIOUS PASSENGERS ON WHERE THEY WERE GOING AND WHAT THEIR BUSINESS WAS. THE DEA AGENT ASKED TO SEARCH RIVERS' BAG. IT'S WORTH NOTING THAT JOSEPH RIVERS WAS THE ONLY BLACK PASSENGER ON THE TRAIN. IN ONE OF HIS BAGS, THE DEA AGENT FOUND A MICHIGAN BANK ENVELOPE AND OPENED IT. THE AGENT CONCLUDED THAT THE MONEY HAD DRUG RESIDUE AND CONFISCATED IT. HE ALSO TOOK THE 20-SOME DOLLARS RIVERS HAD IN HIS WALLET, LEAVING HIM ESSENTIALLY PENNILESS. JOSEPH WAS NEVER CITED FOR ANY CRIME. WHEN I CAME BACK TO NEBRASKA AFTER THE CONFERENCE, I LEARNED OF SIMILAR INSTANCES HAPPENING HERE IN NEBRASKA. COLLEAGUES, I THINK FORFEITURE COULD BE A VALUABLE TOOL FOR LAW ENFORCEMENT, BUT IT SHOULD BE USED ONLY WHEN ACTUAL CRIMES ARE COMMITTED. I ALSO BELIEVE THAT FOR AMERICAN IDEALS TO LIVE ON, WE NEED TO ENSURE THAT THE BURDEN OF PROOF LIE WITH THE STATE AND NOT THE CITIZENS. THE ACLU OF NEBRASKA ISSUED A REPORT THIS LAST FALL SHOWING THAT BETWEEN 2004 AND 2014, \$43 MILLION WAS FORFEITED. I HAVE NO PROBLEM WITH THAT EXCEPT FOR THE FACT THAT OVER \$16 MILLION OF THAT TOTAL WAS FORFEITED WITHOUT ISSUING A CRIMINAL CITATION, \$16 MILLION. THESE STATISTICS SHOW ME THAT NEBRASKA CIVIL FORFEITURE SYSTEM IS HARD BROKE. THE HERITAGE FOUNDATION FINDS THAT 78 PERCENT OF ALL CURRENCY IN CIRCULATION IN THE U.S. HAS SOME SORT OF DRUG RESIDUE ON IT, WHILE RESEARCHERS AT THE UNIVERSITY OF MASSACHUSETTS DARTMOUTH PUT THAT FIGURE AT 90 PERCENT. THIS MAKES IT EASY FOR LAW ENFORCEMENT TO SEIZE CASH. ANOTHER ISSUE IS THE FRANCO CASE IN NEBRASKA OUR BURDEN OF PROOF IN CIVIL FORFEITURE CASES IS BEYOND A REASONABLE DOUBT. SINCE THE BURDEN OF PROOF IS SO HIGH IN THE CIVIL PROCESS, THE NEBRASKA SUPREME COURT RULED THAT IN CRIMINAL CASES THE DEFENDANT WAS ESSENTIALLY BEING TRIED TWICE. THAT IS WHY LB1106 PROPOSES ESSENTIALLY ABOLISHING CIVIL FORFEITURE AND INSTITUTING A CRIMINAL FORFEITURE PROCESS AFTER THE ACCUSED HAS BEEN CONVICTED OF A CRIME. THE PROSECUTOR WOULD HAVE TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE CASH WAS USED IN CONNECTION WITH ILLEGAL ACTIVITY OR ILL-GOTTEN GAINS OF CRIMINAL ACTIVITY. LB1106 DOES

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NOT CHANGE SEIZURE LAWS. EXCEPT FOR REQUIRING SEIZURES AND FORFEITURES TO BE REPORTED, THE WORK OF POLICE, SHERIFFS AND THE STATE PATROL IN NEBRASKA STREETS AND HIGHWAYS WILL CONTINUE ON UNCHANGED. LB1106 CHANGES THE WORK OF PROSECUTORS BY PROVIDING A PROCESS IN COURTROOMS FOR THE TRANSFER OF TITLE TO THE STATE OF PROPERTY THAT WAS RELATED TO ILLEGAL ACTIVITY. THE BILL RESPONDS TO THE NEBRASKA SUPREME COURT'S DECISION IN 1999 THAT DECLARED OUR CIVIL FORFEITURE STATUTE UNCONSTITUTIONAL. LAW ENFORCEMENT CANNOT USE OUR CURRENT FORFEITURE LAW BECAUSE THE SUPREME COURT RULED IT VIOLATED THE PROHIBITION AGAINST DOUBLE JEOPARDY. LB1106 PROVIDES A SINGLE PROCESS THAT AVOIDS THAT PROBLEM AND DOES NOT SUBJECT THE SUSPECT TO BEING PUNISHED FOR THE SAME CRIME IN TWO DIFFERENT COURTS. CREATING A PROCESS UNDER STATE LAW IS ESSENTIAL FOR LAW ENFORCEMENT FOR AN ADDITIONAL REASON, THE DEPARTMENT OF JUSTICE'S EQUITABLE SHARING PROGRAM. IN DECEMBER, THE UNITED STATES DEPARTMENT OF JUSTICE SUSPENDED PAYMENTS TO STATE AND LOCAL LAW ENFORCEMENT UNDER THE EQUITABLE SHARING PROGRAM, BUT JUST LAST WEEK REINSTATED THE PROGRAM. NEBRASKA LAW ENFORCEMENT HAS LONG COLLABORATED WITH THE FEDS ON JOINT TASK FORCES UNDER THE FEDERAL EQUITABLE SHARING PROGRAM. I THANK THE MEMBERS OF THE JUDICIARY COMMITTEE FOR INCLUDING AN ANTICIRCUMVENTION MEASURE IN THE COMMITTEE AMENDMENT. UNDER THE COMMITTEE AMENDMENT, WE COMPROMISED BY SETTLING ON A \$50,000 CAP ON FORFEITURE BEFORE WE DELEGATE OUR LITIGATION TO THE FEDERAL GOVERNMENT. THE IDEA IS THAT WHEN A NEBRASKA SHERIFF OR STATE TROOPER SEIZES AN ITEM, THAT THE FORFEITURE PROCEEDINGS TAKE PLACE IN THE SAME PROSECUTION AS THE NEBRASKA CRIMINAL CASE. I'M A FIRM BELIEVER IN THE TENTH AMENDMENT AND I'M A SUPPORTER OF NEBRASKA SCHOOLS, SO SUPPORTING THE JUDICIARY COMMITTEE'S ANTICIRCUMVENTION MEASURE IS A NO-BRAINER. ACCORDING TO THE INSTITUTE OF JUSTICE, SCHOOLS HAVE MISSED OUT ON OVER \$31 MILLION IN FUNDING SINCE 2004, AND THE STATE OF NEBRASKA HAS LOST OVER \$12 MILLION DUE TO THE LOCAL LAW ENFORCEMENT AGENCY SEEKING FORFEITURE THROUGH THE FEDERAL SYSTEM RATHER THAN THE STATE. THIS FUNDING WAS REQUIRED UNDER...ACCORDING TO ARTICLE VII, SECTION 5, OF THE NEBRASKA STATE CONSTITUTION. THE PEOPLE OF NEBRASKA WENT TO THE POLLS IN 1984 TO PASS A CONSTITUTIONAL AMENDMENT REQUIRING THAT 50 PERCENT OF FORFEITURE PROCEEDS GO TO NEBRASKA'S COMMON SCHOOLS, AND THE OTHER 50 PERCENT BE APPROPRIATED FOR LAW ENFORCEMENT PURPOSES. WHEN LOCAL SHERIFFS, POLICE, AND STATE TROOPERS CONTACT FEDERAL OFFICIALS AFTER A SEIZURE, THEIR DEPARTMENTS GET 80 PERCENT

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TO DO WITH AS THEY WANT AND THERE'S NO APPROPRIATION. THE FEDERAL GOVERNMENT RECEIVES A 20 PERCENT COMMISSION, I'LL CALL IT A TAX, FOR LAUNDERING THE MONEY AND CIRCUMVENTING ARTICLE VII, SECTION 5. AGAIN, AS A SUPPORTER OF NEBRASKA SCHOOLS AND THE TENTH AMENDMENT, I AM VERY PROUD OF THE JUDICIARY COMMITTEE FOR INCLUDING THIS ANTICIRCUMVENTION MEASURE. I KNOW MANY OF YOU HAVE BEEN CONTACTED BY POLICE CHIEFS, COUNTY ATTORNEYS, COUNTY SHERIFFS, THE ATTORNEY GENERAL, AND OTHERS, WHO WANT TO ALLOW THE FEDERAL GOVERNMENT TO CONTINUE TO RECEIVE A 20 PERCENT COMMISSION FOR LAUNDERING THE MONEY AWAY FROM NEBRASKA'S COMMON SCHOOLS. WE ARE SYMPATHETIC TO LAW ENFORCEMENT AND THE ATTORNEY GENERAL'S REQUEST AND THAT IS WHY WE NEGOTIATED BY ALLOWING THEM TO CONTINUE TO USE THE FEDERAL FORFEITURE SYSTEM, WHERE NO CRIMINAL CITATION IS REQUIRED FOR FORFEITURE, FOR INSTANCES WHERE THE SEIZED ASSETS ARE WORTH OVER \$50,000. THIS IS A BIG CONCESSION, BUT THE JUDICIARY COMMITTEE MADE IT IN THE SPIRIT OF COOPERATION. NEXT, LB1106 INCREASES THE TYPES OF CRIMES FOR WHICH LAW ENFORCEMENT CAN USE FORFEITURE TO EXTRACT FROM CRIMINALS THE FRUITS OF THOSE CRIMES. UNDER LB1106, IN ADDITION TO ILLEGAL DRUGS, LAW ENFORCEMENT CAN USE FORFEITURE AGAINST PEOPLE CONVICTED OF CHILD PORNOGRAPHY AND ILLEGAL GAMBLING. NEXT, LB1106 MAKES PROSECUTORS WORK EASIER. IT LOWERS THE STANDARD OF PROOF NEEDED FOR A JUDGE TO RULE THE PROPERTY IS LINKED TO A CRIME FROM TODAY'S STANDARD OF BEYOND A REASONABLE DOUBT TO A LOWER STANDARD OF CLEAR AND CONVINCING EVIDENCE. THE BILL'S NEW STANDARD IS STILL HIGHER THAN THE FEDERAL GOVERNMENT STANDARD OF PROOF FOR PROPERTY LITIGATION OF PREPONDERANCE OF THE EVIDENCE. AGAIN, LB1106 ABOLISHES CIVIL FORFEITURE IN NEBRASKA AND REPLACES IT WITH CRIMINAL FORFEITURE. IN CRIMINAL COURT A NEBRASKAN ENJOYS MORE CONSTITUTIONAL PROTECTIONS, INCLUDING A PRESUMPTION OF INNOCENCE AND THE RIGHT TO AN ATTORNEY. IT REQUIRES A CONVICTION AS A PREREQUISITE TO FORFEITURE. THIS INCREASES THE PROCESS DUE EVERY NEBRASKAN. LB1106 ENSURES THAT IF ACQUITTED, OUR CONSTITUENTS WILL AUTOMATICALLY AND PROMPTLY GET THEIR PROPERTY BACK. THE BILL ALSO PROTECTS THIRD PARTIES SUCH AS THE SUSPECT'S SPOUSE, PARENTS, AND NEIGHBOR WHO LENT THE SUSPECT THEIR VEHICLES. LB1106 SWITCHES THE BURDEN OF PROOF TO THE GOVERNMENT TO SHOW THAT THE SPOUSE, PARENT, OR NEIGHBOR HAD ACTUAL KNOWLEDGE OF THE CRIME. REQUIRING THAT THE GOVERNMENT PROVE ACTUAL ACKNOWLEDGE OFFERS GREATER PROTECTION OF PROPERTY RIGHTS. CURRENTLY THE BURDEN OF PROOF ON THE SPOUSE, PARENT, OR NEIGHBOR

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REQUIRES THEM TO SHOW THAT THEY HAD A REASONABLE...THAT A REASONABLE PERSON... [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR GARRETT: THANK YOU...WOULD NOT HAVE KNOWN OF THE CRIME, THE SO-CALLED CONSTRUCTIVE KNOWLEDGE TEST. THE JUDICIARY COMMITTEE ALSO AMENDED OUR ORIGINAL LB1108 INTO LB1106 WITH THE COMMITTEE AMENDMENT. LB1106 NOW REQUIRES REPORTING OF FORFEITURES AND SEIZURES. LB1106 WILL REQUIRE LAW ENFORCEMENT TO SEND QUARTERLY REPORTS TO THE STATE AUDITOR. THE REPORT SHALL STATE THE TYPE OF PROPERTY SEIZED, ITS VALUE, AND THE LOCATION OF WHERE IT WAS SEIZED. THE STATE AUDITOR WILL THEN ANNUALLY, ELECTRONICALLY SEND A REPORT TO THE LEGISLATURE. OUR RECEIVING THIS INFORMATION AND OUR SUCCESSORS RECEIVING THIS INFORMATION WILL ENHANCE FUTURE DEBATES IN THIS CHAMBER AND ALLOW NEBRASKANS...ABOUT HOW NEBRASKA USES FORFEITURE. I THANK THE STATE AUDITOR, CHARLIE JANSSEN, FOR HIS HELP IN CRAFTING THE RESPONSE. IN SEWARD COUNTY, PASTOR MARCO SILVA WAS STOPPED FOR FAILING TO SIGNAL A LANE CHANGE. THE SHERIFF ASKED PASTOR SILVA IF HE HAD ANY CASH OR DRUGS. PASTOR SILVA TOLD THE SHERIFF ABOUT THE CHURCH OFFERING MONEY THAT WAS IN THE VEHICLE WITH HIM. THE SEWARD COUNTY SHERIFF'S DEPARTMENT SEIZED \$3,900... [LB1106 LB1108]

PRESIDENT FOLEY: TIME. THAT'S TIME, SENATOR. [LB1106]

SENATOR GARRETT: THANK YOU. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS, AM2389. [LB1106]

SENATOR SEILER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE UNICAMERAL. I WANT TO CAUTION A LITTLE BIT HERE. OUR HEARING WAS HELD AND OUR MEETING WAS ON EXECUTIVE SESSION ON FEBRUARY 10, 2016. SO SINCE FEBRUARY 10, THERE HAS BEEN A LOT OF FLUID MOTION IN THIS...ON THIS PARTICULAR BILL. AND RIGHT UP UNTIL RIGHT NOW, THERE IS STILL NEGOTIATIONS GOING ON, ON THIS BILL. SO SOME OF THE SENATORS WHO VOTED 8-0 IN COMMITTEE TO BRING OUT LB1106 AND AM2389 MAY HAVE A

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DIFFERENT VIEW OR A SLIGHTLY DIFFERENT VIEW OF WHAT THEY VOTED ON BECAUSE THE BILLS HAVE CHANGED AND THE ARGUMENTS HAVE CHANGED, AND EVEN THE SIDES HAVE CHANGED. SO, THEY'RE BACK AND FORTH. BUT LB1106, AS AMENDED BY AM2389, REALLY REPLACES THE GREEN BILL WITH THAT AMENDMENT, BUT IT ADOPTED LB1108 WHICH BASICALLY SAYS EITHER A LAW ENFORCEMENT OFFICER OR A COUNTY ATTORNEY OR THE PROSECUTING ATTORNEY, TO BE MORE ACCURATE, HAS TO REPORT THESE FORFEITURES TO THE STATE AUDITOR. AND WHY TRANSPARENCY IS SO OBJECTIONABLE TO, I CAN'T UNDERSTAND. IF THEY TAKE IN A MILLION DOLLARS, AND IT'S...AND THEY GET THEIR CUT, THAT'S NONBUDGETED MONEY. THAT'S FREE MONEY TO THE AGENCY THAT GETS THAT PERCENTAGE FOR ITS...DOING ITS DUTY. WE'VE GOT TO KNOW, SOMEBODY HAS TO KNOW, HOW MUCH MONEY THAT IS AND WHERE IT'S BEING SPENT AND WHERE IT'S BEING DISTRIBUTED, IF NOTHING ELSE, JUST TO MAKE SURE EVERYTHING'S ON THE UP AND UP. THAT'S A REAL GOOD REASON TO PASS THE AMENDMENT. THE AMENDMENT WOULD...LET ME GIVE YOU A LITTLE HISTORY. THE FEDERAL GOVERNMENT FOR YEARS HAS SAID, OKAY, IF WE WORK WITH YOU ON A DRUG BUST AND WE CAPTURE A MILLION DOLLARS IN CASH, WE'RE GOING TO SPLIT THAT WITH THE LOCAL AGENCY. AND THAT'S YOUR MONEY, JUST SEND IN THE MONEY, WE'LL SEND YOU A CHECK BACK. AND THAT'S WORKED FOR QUITE A WHILE. NOW WHAT'S HAPPENED IS THE FEDERAL GOVERNMENT DECIDED, OH, WAIT A MINUTE, MAYBE WE OUGHT TO JUST KEEP ALL THAT MONEY AND THEY CHANGED THE POLICY. AND THAT'S WHEN THIS BILL STARTED TO COME BEFORE US, BEING DRAFTED AND THOUGHT ABOUT, SO THAT THE STATE HAS SOME SAY IN THOSE INSTANCES WHERE THEY DO THE DRUG BUST. IT'S INTERESTING TO NOTE THAT NOW AFTER ABOUT, OH, I WOULD SAY ALMOST A YEAR, NOW THE FEDERAL GOVERNMENT'S GOING TO...HAS ANNOUNCED BY THE ATTORNEY GENERAL, SHE'S THINKING ABOUT NOW REVERSING HER POSITION AND MAYBE IT WASN'T SUCH A BAD IDEA TO SHARE WITH THE LOCAL POLICE OFFICERS. SO WE'RE NOT QUITE SURE AGAIN WHETHER...WHEN THAT GOES INTO EFFECT, OR IF IT GOES INTO EFFECT, OR IF SHE'S JUST THINKING ABOUT IT. SO THIS BILL DOES FILL IN THE GAP THERE THAT NEEDS TO BE TAKEN CARE OF. ONCE IN A WHILE LAWYERS USE A TERM THAT'S NOT COMMON IN THE REGULAR PLACE, LEXION OF THE PEOPLE AND IT'S CALLED IN REM, AND THAT MEANS BASICALLY THE PERSONAL PROPERTY. WHERE IT WAS ALWAYS FUN TO READ THE DAILY RECORD IN OMAHA, IS YOU'D SEE, STATE OF NEBRASKA VERSUS 2016 WHITE CADILLAC. WELL, THAT'S AN IN REM SITUATION AND THOSE WERE FORFEITURES. THEY WOULD...AND IT DOESN'T HAVE TO BE A CAR. IT CAN BE ANY TYPE OF PERSONAL PROPERTY, OR REAL ESTATE, TOO, THAT THEY ARE CLAIMING THAT THEY HAVE A RIGHT TO UNDER THE OLD RULES. BASICALLY, THIS REMOVES THE IN REM

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SCENARIO AND PUTS IT BACK UNDER THE CRIMINAL AREA RATHER THAN CIVIL, AS SENATOR GARRETT EARLIER SAID. LIKE I SAID, THIS COMMITTEE...OUR JUDICIARY COMMITTEE VOTED ON THIS 8-0. WE ASK THAT YOU CONSIDER THE ARGUMENTS THAT YOU'RE GOING TO HEAR AND VOTE FOR THE GREEN BILL AND FOR THE WHITE BILL. THANK YOU VERY MUCH. [LB1106 LB1108]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. DEBATE IS NOW OPEN ON LB1106 AND THE RELATED COMMITTEE AMENDMENTS. SENATOR COASH, YOU'RE RECOGNIZED. [LB1106]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WANT TO START OFF BY THANKING SENATOR GARRETT. THIS ISSUE TOOK SOME WORK TO GET TO WHERE WE HAD A HEARING ON THIS PARTICULAR BILL, AND A PATH FORWARD TO TRY TO GET SOMETHING DONE ON THIS ISSUE. SENATOR GARRETT WORKED HARD ON THIS, AND HE'S TO BE COMMENDED. I WANT TO EXPLAIN KIND OF WHERE WE WERE, WHERE WE ARE, AND FINALLY WHERE I BELIEVE THE BODY SHOULD GO WITH REGARD TO THIS PARTICULAR BILL, BUT AT THE END OF THE DAY I HAVE ONE VOTE, BUT I'M GOING TO TRY TO MAKE AN ARGUMENT FOR HOW WE CAN MOVE THIS FORWARD. FIRST OF ALL, LB1106, AS SENATOR GARRETT SAID IN HIS OPENING, FIXED SOME REALLY EGREGIOUS PROBLEMS, BASED OFF OF A COURT...I WON'T SAY BASED OFF OF A COURT CASE, BUT BROUGHT TO LIGHT BY A COURT CASE IN 1999, I BELIEVE, WHERE THERE WAS NO CRIMINAL PROCEDURE THAT HAD TO HAPPEN BEFORE THE GOVERNMENT DECIDED THAT WHAT THEY HAD SEIZED FROM YOU WAS NOW THEIRS. THAT IS NOW ADDRESSED IN LB1106. COLLEAGUES, IF YOU LOOK AT THE COMMITTEE STATEMENT ON THE ORIGINAL BILL OF LB1106 YOU'RE GOING TO SEE SOMETHING WHICH I THINK IS PRETTY AMAZING, WHICH IS WHERE YOU HAVE THE COUNTY ATTORNEYS, THE ATTORNEY GENERAL'S OFFICE AND THE ACLU ALL COMING IN TOGETHER IN SUPPORT OF A PARTICULAR BILL. AND THEY DID THAT ON THE GREEN COPY OF LB1106. AND AS LONG AS I'VE BEEN HERE, I CAN TELL YOU THAT THAT IS A REMARKABLE FEAT WHEN YOU SEE THOSE KIND OF GROUPS COMING TOGETHER AND SAYING, THIS IS WHAT WE OUGHT TO DO, AND THE TESTIMONY AT THE HEARING WAS COMPELLING. AND I'M GLAD WE'RE GOING TO HAVE THAT DISCUSSION OUT HERE ON THE FLOOR AS WELL. SINCE THAT HEARING AND THE ADOPTION OF THE COMMITTEE AMENDMENT, I JUST WANT TO BE CLEAR WITH EVERYBODY, MUCH OF THAT SUPPORT IS NOW ERODED AWAY. AND I KNOW MANY OF YOU HAVE HEARD FROM PEOPLE FROM THE COUNTY ATTORNEY'S OFFICE, THE ATTORNEY GENERAL'S OFFICE, AND NOW LAW ENFORCEMENT, AND THE LEAGUE OF MUNICIPALITIES IS NOW COMING IN AND SAYING, WHAT YOU

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DID WITH THE COMMITTEE AMENDMENT IS NOT WORKING FOR US, BUT WE'RE STILL COMMITTED TO MOVING THIS FORWARD. THE PATH FORWARD THAT I SEE WITH THIS PARTICULAR BILL IS THIS. WE NEED TO GIVE SENATOR GARRETT AN OPPORTUNITY TO GO BACK WITH THESE GROUPS AND WORK WITH THEM TO FIND A PATH FORWARD. THAT CAN HAPPEN WITH THE GREEN COPY. I WANT TO BE CLEAR, LB1106, AS INTRODUCED, EVERYBODY THOUGHT WAS GOOD LEGISLATION, AND I AGREE WITH THEM. LB1106, AS BROUGHT TO THE COMMITTEE, HAD HARMONY. IT IS THE COMMITTEE AMENDMENT THAT IS STARTING TO GIVE PEOPLE HEARTBURN. NOW, THERE'S A LOT OF REASONS, I GUESS, WHY THE HEARTBURN STARTED TO HAPPEN, AND I PUT IT ON MYSELF AS A MEMBER OF THE COMMITTEE TO GO BACK TO SOME OF THESE GROUPS AND SAY, HEY, WE'RE GOING TO DO A PRETTY SIGNIFICANT CHANGE HERE, WHAT DO YOU THINK ABOUT THIS, AND GET THEIR FEEDBACK. BUT AT THE END OF THE DAY, HERE IS WHAT WE HAVE. WE'VE GOT A GREEN COPY OF THE BILL THAT PEOPLE THINK IS GOOD. WE HAVE COMMITMENT BY A LOT OF DIFFERENT PEOPLE WHO SAY, WE THINK WE CAN MAKE THIS BETTER. WE CAN MAKE THIS BETTER WITH REGARD TO THINGS THAT I THINK YOU'RE GOING TO HEAR ABOUT, AND CHAIRMAN SEILER TALKED ABOUT, WITH REGARD TO HOW DO WE DEAL WITH THOSE FORFEITURES THAT WE CAN'T FIND THE OWNER. HOW DO WE MAKE THE REPORTING REQUIREMENT THAT IS NOW IN THE JUDICIARY COMMITTEE WORK FOR THE PEOPLE WHO HAVE TO REPORT IT? THOSE ARE ALL THINGS THAT PEOPLE HAVE COMMITTED TO FIXING AND I'M OPTIMISTIC THAT SENATOR GARRETT CAN... [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR COASH: ...GIVEN THE OPPORTUNITY, CAN MAKE THOSE THINGS WORK. AND SO WHAT I AM PROPOSING THAT WE DO TODAY, COLLEAGUES, BECAUSE TIME IS SHORT, BECAUSE WE HAVE AN OPPORTUNITY TO GET SOMETHING ACROSS THE FINISH LINE HERE, IS THAT WE STICK WITH THE GREEN COPY OF THE BILL, MOVE THAT FORWARD TODAY, AND GIVE SENATOR GARRETT AN OPPORTUNITY TO COME BACK AND SAY, I'VE WORKED WITH THE PARTIES, HERE'S WHAT WE THINK WE CAN DO TO GET SOMETHING DONE. THOSE CONVERSATIONS HAVE BEEN HAPPENING OVER THE PAST WEEK OR SO, AND I THINK THEY'LL CONTINUE, BUT I THINK WE NEED TO MOVE THE GREEN COPY FORWARD TO BE ABLE TO DO THAT. THANK YOU, MR. PRESIDENT. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB1106]

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SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF THE JUDICIARY COMMITTEE AMENDMENT AND THE GREEN COPY. THERE'S A FEW THINGS I WANT TO TALK A LITTLE BIT ABOUT, I GUESS SOME OF THE CONTROVERSY BEHIND THE GREEN COPY, OR EXCUSE ME, THE COMMITTEE AMENDMENT. FIRST, IT REQUIRES REPORTING, REPORTING OF ALL THESE ASSETS THAT ARE SEIZED. AND I DON'T THINK THAT'S THE MAIN POINT OF CONTENTION WITH SOME LAW ENFORCEMENT, BUT THE REPORTING REQUIREMENT IS CRITICAL. IF THE GOVERNMENT IS SEIZING ASSETS, OUR PROPERTY, THERE SHOULD BE REPORTING OF THOSE ASSETS THAT ARE SEIZED. THAT SHOULD BE OPEN TO THE PUBLIC. THERE IS NO DOUBT ABOUT THAT. NOW, THERE IS SOME DISCUSSION AMONG SOME CITY POLICE DEPARTMENTS ON WHAT SHOULD BE REPORTED. A REPORTING CASH, GUNS, CARS, LARGER OBJECTS THAT ARE MORE VALUABLE, OR DO WE HAVE TO ALSO REPORT THE SNEAKERS THAT WERE ALSO SEIZED IN THE DRUG BUST, OR WHATEVER THE CASE MAY BE. I THINK WE'VE BEEN ABLE TO WORK SOME OF THOSE THINGS OUT. BUT THE REPORTING REQUIREMENT IN THE COMMITTEE AMENDMENT, I THINK IS CRITICAL. SECOND, THE ANTICIRCUMVENTION CLAUSE IS AN ISSUE OF MUCH DEBATE. THE FEDERAL...RIGHT NOW AS IT CURRENTLY STANDS, THE FEDERAL GOVERNMENT OFTENTIMES HAS MORE FAVORABLE SEIZURE REQUIREMENTS AND ABILITY THAN SOME OF THE LOCAL GOVERNMENTS AND NOT ONLY THAT, 80 PERCENT OF ALL THE PROCEEDS GOES BACK TO THE LOCAL GOVERNMENT, WHEREAS, IF IT GOES THROUGH OUR STATE PROCESS, 50 PERCENT GOES BACK TO THE COUNTY AND 50 PERCENT GOES TO THE SCHOOLS. SO THERE'S ALREADY A BUILT-IN BENEFIT FOR A LOCAL GOVERNMENT TO COOPERATE WITH THE FEDERAL AUTHORITIES AND HAVE THEM SEIZE THE ASSETS BECAUSE THE COUNTY GOVERNMENT, OR EXCUSE ME, THE LOCAL GOVERNMENT RECEIVES MUCH MORE BACK AFTER THE ASSETS AND EVERYTHING HAVE BEEN LIQUIDATED AND SENT BACK. AND SO, THE COMMITTEE AMENDMENT MAKES IT SO THAT ANYTHING OVER \$50,000 CANNOT BE SENT TO THE FEDERAL GOVERNMENT, AND THE LOCALITIES WILL STILL HAVE THE OPTION UNDER \$50,000. SO, TO ME, THAT'S A BIT OF A COMPROMISE AS IT STANDS. AND IT ALSO PREVENTS LOCAL GOVERNMENTS FROM PARTNERING WITH THE FEDERAL AUTHORITIES JUST SIMPLY BECAUSE IT'S MORE ADVANTAGEOUS TO FUND SOME OF THE LOCAL POLICE PROGRAMS THAT ARE FUNDED BY SOME OF THE SEIZURE OF THESE ASSETS. THAT COMBINED WITH THE REQUIREMENT UNDER THE COMMITTEE AMENDMENT TO REPORT ALL THESE ASSETS BEING SEIZED SO THAT THE PUBLIC CAN AT LEAST KNOW WHAT'S GOING ON, NUMBER ONE, AND THEN NUMBER TWO, ADVOCACY ORGANIZATIONS CAN ALSO LOOK AT THAT AND MAKE SURE THAT WE'RE HOLDING PEOPLE ACCOUNTABLE AND PARTICULARLY OUR LAW ENFORCEMENT

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ACCOUNTABLE TO THE PERSONAL ASSETS THAT ARE SEIZED. NOW, THE GREEN COPY, AS SENATOR COASH MENTIONED, IS SOMETHING THAT ALL THE PARTIES COULD AGREE UPON AND THOUGHT WAS GOOD. THE GREEN COPY MAKES IT SO THAT WE GET RID OF THE DOUBLE JEOPARDY ISSUE, AND MAKES IT SO THAT COUNSEL CAN BE PROVIDED TO THIRD PARTIES WHOSE PROPERTY MAY HAVE BEEN SEIZED, AND SEVERAL OTHER PROVISIONS. SO, THE GREEN COPY, NO MATTER WHAT WE DO HERE TODAY, COLLEAGUES, I FIRMLY BELIEVE THAT WE NEED TO MOVE FORWARD THE GREEN COPY. THAT BEING SAID, I THINK AM2389 HAS SOME VERY IMPORTANT, VERY SENSIBLE PROVISIONS IN IT THAT REQUIRES REPORTING, ACCOUNTABILITY, AND THEN ALSO MAKES IT SO THAT WE'RE NOT SIMPLY PARTNERING WITH THE FEDS SO THAT WE CAN GET MORE MONEY BACK AND CIRCUMVENT SOME MONEY THAT I THINK SHOULD BE GOING TO OUR SCHOOLS, BUT THEN ALSO TO SOME OF THE REASONABLE COSTS AS LONG AS IT'S FOUND... [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT...AS LONG AS IT'S FOUND THAT THAT MONEY HAS BEEN PROPERLY SEIZED AND THAT PERSON HAS ACTUALLY COMMITTED A CRIME. WITH THAT BEING SAID, I WOULD ENCOURAGE YOU TO ADOPT AM2389 AS I THINK IT'S CRITICAL, BUT AT THE VERY LEAST, PLEASE MOVE FORWARD LB1106. THANK YOU. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1106]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, THIS IS ONE TIME I AND THE KOCH BROTHERS ARE ON THE SAME SIDE. I DON'T UNDERSTAND HOW SO-CALLED CONSERVATIVES CAN AGREE WITH THE GOVERNMENT TAKING PEOPLE'S PROPERTY WITHOUT ANY SIGNIFICANT PROCEEDING. THE ORIGINAL LAWS THAT ALLOW FOR FORFEITURE WERE DESIGNED TO TAKE THE FRUITS OF CRIME FROM THE CRIMINAL. AS THE SHADOW SAID ON THE RADIO, THE WEED OF CRIME BEARS BITTER FRUIT. THE SHADOW KNOWS. THEN HE'D LAUGH. WELL, WHAT HAS HAPPENED IS THAT THE LOCAL LAW ENFORCEMENT AGENCIES HAVE BECOME CORRUPTED. I WAS HERE WHEN THIS PROVISION IN ARTICLE VII, SECTION 5, WAS PUT IN THE...BEFORE THE PUBLIC, SENATOR PIRSCH, THE MOTHER OF THE LAST SENATOR PIRSCH, WAS THE ONE WHO BROUGHT IT AND I WAS OPPOSED TO IT. THIS WAS DONE TO ALLOW FORFEITURES. THAT'S WHAT THE PURPOSE WAS. THERE WAS SO MUCH

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OPPOSITION, I WON'T SAY THAT I WAS THE ONLY ONE RESPONSIBLE FOR IT, BUT INSTEAD OF ALLOWING THE FORFEITURE ENTIRELY, HALF OF THAT WOULD GO TO THE PUBLIC SCHOOLS. HALF. THE TOTAL AMOUNT OF ANY FINE WITH A FEW EXCEPTIONS THAT DON'T APPLY WOULD GO TO THE...AND PENALTIES WOULD GO TO THE PUBLIC SCHOOLS. HER PROVISION WOULD ALLOW 50 PERCENT OF WHAT SHOULD HAVE GONE TO THE SCHOOLS TO GO TO THE LOCAL LAW ENFORCEMENT PEOPLE. IT DIDN'T JUST DEAL WITH MONEY, IT DEALT WITH CONVEYANCES, WHICH WOULD BE VEHICLES AND OTHER MEANS OF TRANSPORTING THINGS. IF ANYTHING LIKE THAT WAS FORFEITED, LAW ENFORCEMENT WAS TO BE ALLOWED TO MAKE USE OF IT IN DRUG ENFORCEMENT LAWS. AND WHEN THEY NO LONGER WERE USED FOR THAT PURPOSE, THESE CONVEYANCES WERE TO BE SOLD, AND THE PROCEEDS TURNED OVER TO THE PUBLIC SCHOOLS. PEOPLE NEED TO UNDERSTAND WHERE THESE THINGS CAME FROM. WHAT THE LOCAL LAW ENFORCEMENT PEOPLE SAW WAS A WAY TO STEAL MONEY LITERALLY. THEY SAID, NOW IF WE CAN LAUNDER THIS MONEY THAT IS DERIVED FROM FORFEITURES, WE DON'T HAVE TO GIVE THE PUBLIC SCHOOLS, WE DON'T HAVE TO GIVE THE CHILDREN OF NEBRASKA ANYTHING, WE'LL HAVE A WAY TO KEEP MOST OF IT. SO HERE'S WHAT WE'RE GOING TO DO. WE'RE GOING TO...EVEN IF WE MAKE THE BUST, WE'RE GOING TO TURN THE PROCEEDS OVER TO THE FEDERAL GOVERNMENT. THEY WILL SKIM OFF 20 PERCENT AS THE COST OF LAUNDERING THE MONEY FOR THE LOCALS. THE LOCALS WOULD THEN GET THE 80 PERCENT. AND SINCE THAT HAD BEEN LAUNDERED BY THE FEDERAL GOVERNMENT, NONE OF IT WOULD GO TO THE SCHOOLS. THAT'S HOW WE GOT WHERE WE ARE NOW. THE PURPOSE OF ALL OF THESE SHENANIGANS WAS TO CHEAT THE SCHOOLS OUT OF THE MONEY THAT THAT CONSTITUTIONAL PROVISION INTENDED TO GO TO THE SCHOOLS AS A RESULT OF THESE DRUG FORFEITURES. IN THE SAME WAY THAT THESE GUARDS AT THE BORDER WERE CORRUPTED BY THE DRUG CARTELS BECAUSE THEY'D GIVE THEM MORE ON ONE DEAL THAN MAYBE SOME OF THESE PEOPLE WOULD MAKE IN A YEAR, THIS MONEY CORRUPTED LOCAL LAW ENFORCEMENT AND THEY BECAME THIEVES. THE ONES WHOSE JOB IT IS TO OBEY THE CONSTITUTION FOUND A WAY TO CIRCUMVENT THE CONSTITUTION. THOSE WHOSE SWORN DUTY IS TO UPHOLD THE LAW, HAD FOUND A WAY TO GET AROUND THE LAW. [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR CHAMBERS: AND IF YOU ARE A SO-CALLED CONSERVATIVE, AND YOU BELIEVE IN LAW AND ORDER, YOU BELIEVE IN THE GOVERNMENT NOT OVERSTEPPING WHETHER IT'S THE FEDERAL GOVERNMENT OR THE LOCAL, YOU

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SHOULD BE DOUBLY OFFENDED WHEN THE LOCAL AND THE FEDERAL COMBINE TO CHEAT THE CHILDREN OUT OF MONEY. THAT'S WHAT THIS IS ABOUT, TO KEEP THE SCHOOLS FROM GETTING THAT MONEY. AND I'M GOING TO TURN MY LIGHT ON AND TRY TO ELABORATE FURTHER. THANK YOU, MR. PRESIDENT. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB1106]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. I'D LIKE TO FINISH WHERE I LEFT OFF ON MY OPENING. IN SEWARD COUNTY, PASTOR MARCO SILVA WAS STOPPED FOR FAILING TO SIGNAL A LANE CHANGE. THE SHERIFF ASKED PASTOR SILVA IF HE HAD ANY CASH OR DRUGS. PASTOR SILVA TOLD THE SHERIFF ABOUT THE CHURCH OFFERING MONEY THAT WAS IN THE VEHICLE WITH HIM. THE SEWARD COUNTY SHERIFF'S DEPARTMENT SEIZED \$3,900 IN CASH AND \$10,000 IN CASH AND CREDIT CARD RECEIPTS AFTER THE CASH TESTED POSITIVE FOR DRUG RESIDUE. PASTOR SILVA WAS NEVER CITED FOR A TRAFFIC OR CRIMINAL VIOLATION, AND IF IT WASN'T FOR THE WORK OF THE ATTORNEYS AT THE ACLU OF NEBRASKA, PASTOR SILVA AND HIS CHURCH MAY HAVE NEVER GOTTEN THAT MONEY BACK. A SIMILAR INCIDENT HAPPENED TO THE OWNER OF AN OMAHA-BASED ITALIAN ICE BUSINESS WHO HAD THEIR ASSETS SEIZED BY THE SEWARD COUNTY SHERIFF WITHOUT ANY CITATION ON HIS WAY BACK FROM AN EVENT IN YORK. THE ACLU IS STILL WORKING THE CASE AND WORKING ON GETTING THE CASE RESOLVED. I ALSO HAVE SOME OF THE OTHER CASES THAT THE ACLU HAS BEEN WORKING ON. A 72-YEAR-OLD WOMAN PULLED OVER FOR SPEEDING WHILE TRAVELING TO HER NEW HOME NEAR HER GRANDCHILDREN, THEN LOST HER LIFE SAVINGS IN A SEIZURE SINCE, QUOTE, THAT MUCH MONEY IS JUST VERY SUSPICIOUS, UNQUOTE. NO CONTRABAND WAS PRESENT. THE CASE IS PENDING IN COURT NOW. WE HAVE AN AFRICAN-AMERICAN ENTREPRENEUR ON HIS WAY TO BUY ICE CREAM EQUIPMENT. HE LOST SEVERAL THOUSAND DOLLARS BECAUSE DEPUTIES THOUGHT HE WAS ACTING NERVOUS AND HE HAD AN OLD CONVICTION. NO CONTRABAND WAS PRESENT AND THE CASE IS PENDING IN COURT NOW. WE HAVE A LATINO HUSBAND AND WIFE GROCERY STORE OWNERS. THEY LOST SEVERAL THOUSAND DOLLARS WHEN POLICE BECAME CONVINCED THAT IT WAS SUSPICIOUS TO HAVE THAT MUCH CASH. NO CONTRABAND WAS PRESENT. THE CASE IS PENDING IN COURT NOW. FORFEITURES ARE HAPPENING TODAY. IT'S JUST...IT'S ABSOLUTELY AMAZING TO ME. WHEN I FIRST SAW THIS, I HAD ONE WORD THAT RANG IN MY MIND, AND IT WAS SCANDAL. HOW CAN THIS POSSIBLY BE HAPPENING IN THE UNITED STATES OF AMERICA? WE NEED TO BRING TRANSPARENCY AND REQUIRING REPORTING OF SEIZURES AND FORFEITURES

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NOT ONLY TO HELP ENSURE OUR CHURCHES IN NEBRASKA'S OFFERING PLATE PROCEEDS ARE PROTECTED, BUT THE PROPERTY OF ALL NEBRASKANS. I'D LIKE TO ASK THE BODY, WHATEVER HAPPENED TO DUE PROCESS? WHATEVER HAPPENED TO INNOCENT UNTIL PROVEN GUILTY? WHY AREN'T WE RESPECTING THE LAW? WHY AREN'T WE RESPECTING THE CONSTITUTION? AND I'LL ASK THE ATTORNEY GENERAL THAT. WHY AREN'T WE RESPECTING THE CONSTITUTION? (IN) 1984, WE AMENDED THE CONSTITUTION. ARTICLE VII, SECTION 5, THAT SAYS HOW FORFEITED FUNDS WERE TO BE ALLOCATED. AND WE FOUND A CONVENIENT WAY TO END RUN THAT AND INVOLVE THE FEDS, AND FOR A MERE 20 PERCENT VIG, TAX, WHATEVER YOU WANT TO CALL IT, THE FEDS LAUNDER THE MONEY BACK TO THE LOCAL LAW ENFORCEMENT. WELL, THAT'S NOT HOW IT'S SUPPOSED TO WORK. IT'S NOT HOW IT'S SUPPOSED TO WORK. WE'RE OUTSOURCING THE PROSECUTION OF THESE CASES TO THE FEDERAL GOVERNMENT. THAT'S JUST AMAZING TO ME. THE COMMITTEE AMENDMENT MADE THIS BILL A BETTER BILL. THE COMMITTEE AMENDMENT, I DON'T NORMALLY FEEL THAT WAY ABOUT MY BILLS, BUT COMING OUT OF JUDICIARY, THIS MADE IT A BETTER BILL. IT DID THREE THINGS. IT PUT THE REPORTING REQUIREMENT IN THERE, OUR ORIGINAL LB1108, AND RIGHT NOW ALL LAW ENFORCEMENT HAS TO DO IS ONCE A YEAR REPORT THE TOTAL NUMBER OF FORFEITED, SEIZURES/FORFEITURES. ALL THEY HAVE TO DO IT REPORT A NUMBER. NO SPECIFICS. SO ARE THEY TARGETING HISPANICS? ARE THEY TARGETING AFRICAN-AMERICANS? WHO ARE THEY TARGETING? ARE THEY JUST HITTING EASTBOUND TRAFFIC OR WESTBOUND TRAFFIC? EASTBOUND TRAFFIC IS TAKING THE DRUGS, WESTBOUND TRAFFIC IS TAKING THE CASH. WE'D LIKE SOME SPECIFICS ABOUT WHO THOSE SEIZURES WERE FROM AND, OH, BY THE WAY, HOW MUCH THOSE SEIZURES WERE BECAUSE WITH THAT TOTAL NUMBER, WE DON'T KNOW WHAT'S GOING ON. MINNESOTA HAS A REPORTING REQUIREMENT, AND GUESS WHAT THEIR AVERAGE FORFEITURE IS IN MINNESOTA? [LB1106 LB1108]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR...\$1,300. \$1,300. THIS LAW WAS ORIGINALLY INTENDED TO GO AFTER THE BIG DRUG CARTELS, YOU KNOW, EL CHAPO, THOSE KIND OF GUYS, BUT WHAT'S HAPPENING IS, THE SMALL CITIZEN IS GETTING ROLLED UP IN THERE. AVERAGE SEIZURE, \$1,300. THAT IS ABSOLUTELY STUNNING TO ME. THE OTHER PART IS THE PART THAT SENATOR CHAMBERS PUT IN THERE ABOUT THE ANTICIRCUMVENTION. WE PUT A \$50,000 LIMIT IN THERE SO THAT, HEY, IF IT'S UNDER \$50,000, WE HAVE TO KEEP THE PROSECUTION IN THE STATE. DON'T INVOLVE THE FEDS, TAKING OUT THEIR

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20 PERCENT, WE ARE CHEATING OUR SCHOOL CHILDREN. THAT MONEY SHOULD HAVE RIGHTFULLY BEEN GOING TO OUR SCHOOLS AND FOR DRUG EDUCATION ON THE LAW ENFORCEMENT SIDE. IT'S WRONG, COLLEAGUES, IT'S WRONG. AND THE IN REM PROCESS, GUESS WHAT? WE DON'T NEED IN REM. IN REM IS CHARGES AGAINST PROPERTY AND NOT PEOPLE. WE HAVE AN ABANDONED PROPERTY PROCESS ALREADY IN PLACE WHERE THE TREASURER CAN GET THAT MONEY BACK INTO THE STATE COFFERS. WE DON'T NEED IN REM BECAUSE IN REM ALLOWS THEM TO GET THE FEDS INVOLVED.... [LB1106]

PRESIDENT FOLEY: TIME, SENATOR. [LB1106]

SENATOR GARRETT: ...AGAINST CIRCUMVENTING OUR PROCESS. THANK YOU, LIEUTENANT GOVERNOR. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATOR EBKE, YOU'RE RECOGNIZED. [LB1106]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. AND MUCH OF WHAT I WAS GOING TO SAY HAS BEEN SAID ALREADY, BUT I STAND IN SUPPORT OF AM2389, AS WELL AS LB1106. AS A MEMBER OF THE JUDICIARY COMMITTEE, LET ME JUST SAY THAT IT WAS...I HESITATE TO USE THE WORD, BUT I WILL USE IT AGAIN, IT WAS GOBSMACKING. THE...IT WAS CERTAINLY AN ECUMENICAL EFFORT. WE HAD THE ACLU, COMMON CAUSE, THE NAACP, THE NATIONAL RIFLE ASSOCIATION, AMERICANS FOR TAX REFORM, THE HEARTLAND INSTITUTE, THE CAMPAIGN FOR LIBERTY, STATE AUDITOR CHARLIE JANSSEN, THE HERITAGE FOUNDATION. WE'VE HAD COUNTLESS ORGANIZATIONS ON BOTH SIDES WHO HAVE INDICATED THEIR SUPPORT FOR THIS LEGISLATION. JUST BECAUSE WE LIVE IN NEBRASKA DOESN'T MEAN THAT IT'S NOT HAPPENING. SO, I THINK IT'S IMPORTANT FOR US TO LOOK AT THIS. IN FACT, THIS MAY BE THE MOST IMPORTANT PIECE OF LEGISLATION THAT WE DEAL WITH IF YOU BELIEVE IN PROPERTY RIGHTS, AND IF YOU BELIEVE IN THE NOTION OF INNOCENT UNTIL PROVEN GUILTY. SENATOR GARRETT HAS MENTIONED A NUMBER OF THESE IDEAS ALREADY. LET ME JUST SAY WITH RESPECT TO THE AMENDMENTS, THE ANTICIRCUMVENTION PROVISION IS AN IMPORTANT THING FOR THOSE OF US WHO BELIEVE IN STATE'S RIGHTS, BUT ALSO STATE RESPONSIBILITIES. WE HAVE THE RESPONSIBILITY TO ENACT SANCTIONS FOR OUR OWN CRIMINAL CODE. LAW ENFORCEMENT CIRCUMVENTING OUR STATE LAW BY OUTSOURCING FORFEITURE TO LITIGATION TO THE FEDERAL GOVERNMENT REALLY VIOLATES NEBRASKA'S AUTHORITY AND KEY CONCEPTS OF FEDERALISM. THE QUESTION IS, SHOULD

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THE EXECUTIVE BRANCH, AND THAT INCLUDES SHERIFFS AND OTHERS, SHOULD THEY BE ALLOWED TO OPERATE UNFETTERED TO PURSUE 80 PERCENT PAYOUTS UNDER THE FEDERAL EQUITABLE SHARING PROGRAM BECAUSE IT PAYS BETTER THAN THE 50 PERCENT PAYOUT UNDER STATE LAW? I THINK THAT THAT'S SOMETHING THAT WE AS POLICYMAKERS, WE AS A LEGISLATURE, NEED TO LOOK CAREFULLY AT. I REALLY DO SUPPORT EVERY ELEMENT OF THE AMENDMENT. I THINK THAT IT'S AN IMPORTANT THING FOR US TO DO IF WE BELIEVE IN PROPERTY RIGHTS. IF THERE ARE PROBLEMS WITH IT, THOSE WILL MAKE THEMSELVES APPARENT DURING THE INTERIM, I'M SURE, AND WE CAN ALWAYS COME BACK AND TWEAK THINGS. BUT I THINK THAT THIS AMENDMENT MAKES THE BILL A BETTER BILL AND I WILL BE SUPPORTING BOTH. AND IF SENATOR CHAMBERS WOULD LIKE WHATEVER TIME I HAVE LEFT, HE MAY CERTAINLY HAVE IT. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. SENATOR CHAMBERS, 2:15. [LB1106]

SENATOR CHAMBERS: THANK YOU, SENATOR EBKE. THANK YOU, MR. PRESIDENT. THIS IS ONE OF THOSE ISSUES THAT I FEEL VERY STRONGLY ABOUT THAT I'M GOING TO TRY TO MAINTAIN MY COOL AND USE MEASURED TONES. THE ISSUE IS STRONG ENOUGH TO CARRY ITSELF, IN MY OPINION. ALL THAT POLICE OFFICERS SHOULD BE INTERESTED IN DOING IS UPHOLDING THE LAW, NOT BUDGETARY MATTERS, NOT ANYTHING ELSE. WHAT HAS BEEN DONE WITH THIS MONEY IS TO PURCHASE THINGS THAT THE CITY OR THE COUNTY SHOULD PUT IN THEIR BUDGETS. THERE IS A PROBLEM WITH TRYING TO CONSOLIDATE THE DOUGLAS COUNTY CRIME LAB AND THE OMAHA CRIME LAB AND MOVING IT TO THE UNMC CAMPUS, BECAUSE THE DOUGLAS COUNTY SHERIFF SAID THEY USED CLOSE TO \$5 MILLION TO RENOVATE AN OLD BUILDING THAT IS NOT WORTH \$5 MILLION ITSELF. AND THEY DON'T WANT TO REPORT BECAUSE SOMETHING IS WRONG. IF I TAKE...AND THIS IS JUST OUT OF THE AIR FIGURE FOR THE SAKE OF AN ANALOGY. [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR CHAMBERS: I'VE GOT A BUILDING WORTH \$100 AND I SPEND \$1,000 TO PUT SOMETHING IN THAT BUILDING, SOMETHING IS WRONG SOMEWHERE. AND, THEREFORE, HE IS SAYING, DO NOT COMBINE THESE TWO LABS. THAT'S HOW FAR THE CORRUPTION GOES. THIS LAB IS SOMETHING THAT WOULD BENEFIT THE STATE PATROL, COUNTY LAW ENFORCEMENT, AND THE CITY OF OMAHA,

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AND OTHER LAW ENFORCEMENT AGENCIES AROUND THE STATE. BUT BECAUSE THE DOUGLAS COUNTY SHERIFF SPENT CLOSE--HE SAID--TO \$5 MILLION ON THIS BOONDOGGLE OF A BUILDING, THEY SHOULD DERAIL WHAT OUGHT TO BE DONE WITH THIS CRIME LAB. WHEN I AM RECOGNIZED, I'LL TRY TO ELABORATE IN CASE I HAVEN'T MADE THAT CLEAR. THANK YOU AGAIN, SENATOR EBKE.  
[LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR COASH KIND OF INDICATED THAT MAYBE WE SHOULD JUST LET THE AMENDMENT DIE AND SUPPORT LB1106 BECAUSE IT COULD BE CHANGED IF SOMETHING NEEDED TO BE DONE WITH IT. COLLEAGUES, SOMETHING HAS ALREADY BEEN DONE WITH IT. THE JUDICIARY COMMITTEE AMENDMENT HAS BEEN ADDED TO IT. I HAVE SEEN NOTHING TO TELL ME THAT THE JUDICIARY COMMITTEE WAS MISTAKEN. WE CAN AMEND BETWEEN NOW AND SELECT. WE CAN TINKER WITH THE BILL WITH THE COMMITTEE AMENDMENT ADDED TO IT JUST AS WELL AS WE CAN WITH IT BEING DELETED FROM IT. SO, IF WE'RE GOING TO MAKE SOME CHANGES, AND I REALLY DON'T SEE ANY DRASTIC CHANGES THAT ARE NEEDED, LET'S LEAVE THE JUDICIARY AMENDMENT INTACT AND MAKE WHATEVER CHANGES THE BODY FEEL NEEDS TO BE MADE FROM THERE. LET'S NOT KILL OFF THE JUDICIARY AMENDMENT THAT WAS INTENDED TO HELP THE BILL AND FROM WHAT I CAN SEE AND WHAT I HEAR MOSTLY, DOES MAKE IT A BETTER BILL. AND THIS JUST SCARES THE BEJESUS OUT OF ME BECAUSE THIS IS THE SECOND TIME THIS YEAR I HAVE AGREED WITH THE ACLU. (LAUGHTER) I'D YIELD THE REMAINDER OF MY TIME TO SENATOR GARRETT. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR GARRETT, 3:20. [LB1106]

SENATOR GARRETT: THANK YOU, SENATOR BLOOMFIELD, AND THANK YOU, LIEUTENANT GOVERNOR. I WANTED ON THE REPORTING REQUIREMENT JUST TO SHOW YOU HOW IMPORTANT IT IS, RIGHT NOW ALL THAT IS REQUIRED IS THAT LAW ENFORCEMENT ONCE A YEAR REPORT THE TOTAL NUMBER OF FORFEITED ASSETS, SEIZED ASSETS, WITH NO GRANULARITY, NO SPECIFICITY. LOOKING AT THE MINNESOTA...IN 2014, THIS IS THE RANGE OF NET PROCEEDS ON THE CIVIL ASSET FORFEITURE. THERE WERE 465 FORFEITURES, WHICH IS 10 PERCENT, THAT WERE LESS THAN \$100. LESS THAN \$100, THEY JUST PULL YOU OVER AND WE

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THINK THAT \$100 IS ILL-GOTTEN GAIN. WE THINK YOU'RE GOING TO DO SOMETHING BAD WITH IT, WE'RE TAKING IT; 1,918 FORFEITURES, ABOUT 40 PERCENT OF THE TOTAL, RANGED FROM \$100 TO \$499. AGAIN, THAT'S EL CHAPO KIND OF NUMBERS THERE FOR YOU, HUH, GUYS?; 884 FORFEITURES, ABOUT 19 PERCENT, WERE BETWEEN \$500 AND \$999; AND THEN ONLY 259, WHICH IS 5 PERCENT OF THE FORFEITURES WERE EQUAL TO OR GREATER THAN \$5,000. HERE IS A SYSTEM THAT'S GONE AMUCK. YOU KNOW, WHEN WE FIRST INSTITUTED THIS SYSTEM FOR FORFEITURES, IT WAS ALL ABOUT GETTING MONEY AWAY FROM BAD GUYS, FROM THE BIG DRUG CARTELS, THE EL CHAPO KIND OF GUYS, BUT WE'RE NOT SEEING THESE KIND OF NUMBERS HERE. AND AGAIN, WE HAVE A CONSTITUTION THAT TELLS US WHAT WE'RE SUPPOSED TO BE DOING WITH FORFEITURES: 50 PERCENT TO EDUCATION, 50 PERCENT BACK TO THE LEGISLATURE TO ALLOCATE TO LAW ENFORCEMENT FOR DRUG EDUCATION. AND WE'VE BEEN TOTALLY CIRCUMVENTING IT. WE'VE BEEN OUTSOURCING PROSECUTIONS TO THE FEDERAL GOVERNMENT. HOW ON GOD'S GREEN EARTH DOES THAT MAKE SENSE? HOW CAN YOU GO TO YOUR CONSTITUENTS AND EXPLAIN TO THEM THAT THIS IS GOING ON? SIXTEEN MILLION DOLLARS, THINK ABOUT THAT; \$16 MILLION FORFEITED WITHOUT THERE EVER HAVING BEEN A CRIMINAL CITATION MUCH LESS A CONVICTION, \$16 MILLION. AND LET'S TALK ABOUT ANOTHER \$12 MILLION THAT WE PAID HUSH MONEY OR... [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR GARRETT: ...VIG, OR WHATEVER THE MAFIA CALLS IT, TO THE FEDERAL GOVERNMENT TO LAUNDER THE MONEY FOR US. I'M JUST ABSOLUTELY STUNNED. YOU KNOW, OUR ATTORNEY GENERAL IS SUPPOSED TO SUPPORT AND DEFEND THE CONSTITUTION OF THE STATE OF NEBRASKA. WE HAVE IT RIGHT THERE IN OUR CONSTITUTION. HE'S BEEN RUNNING AROUND HERE MEETING WITH YOU ALL. I TAKE GREAT UMBRAGE AT THE FACT THAT HE'S BEEN MEETING WITH A LOT OF YOU, MY COLLEAGUES, TELLING YOU THAT MY OPPOSITION TO HIM ON THIS IS BASED ON HIS OPPOSITION TO MY LB643. HE'S HAD THE NERVE TO TELL A BUNCH OF YOU THAT, QUESTIONING MY INTEGRITY. THAT'S OBSCENE. THAT'S ABSOLUTELY OBSCENE. WHEN I FOUND OUT ABOUT IT LAST WEEK, I WAS HOT AS I COULD BE, AND GOING OUT THERE WANTING TO TALK TO ONE OF THE AG GUYS BECAUSE A LOT OF YOU HAVE HEARD THAT. THAT'S INSULTING AND IT QUESTIONS MY INTEGRITY, AND I JUST...HE NEEDS TO SUPPORT THE LAWS AND HE NEEDS TO SUPPORT THE CONSTITUTION. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB1106]

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PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATOR COASH, YOU'RE RECOGNIZED. [LB1106]

SENATOR COASH: THANK YOU, MR. PRESIDENT. FOR THE RECORD, COLLEAGUES, WHEN I HEAR FROM PEOPLE THAT HAVE PROBLEMS...AND I HAVE HEARD FROM PEOPLE WHO HAVE CHALLENGES WITH THE AMENDMENT. THEY'RE ALL BASED ON AN ANALYSIS OF THE LAW, NOT ANOTHER ISSUE UNRELATED TO LB1106. THAT'S BEEN MY EXPERIENCE. BUT I WANT TO TALK ABOUT SOME OF WHAT I HAVE BEEN PRESENTED WITH AS CHALLENGES WITH THE JUDICIARY COMMITTEE AMENDMENT THAT WEREN'T PRESENTED AT THE TIME WHEN WE ADVANCED THE BILL OUT WITH THE COMMITTEE AMENDMENT, PARTLY BECAUSE WE DIDN'T ASK, AND PARTLY BECAUSE IT JUST DIDN'T HAPPEN THAT WAY. BUT I JUST WANT TO GO THROUGH A COUPLE OF THOSE CHALLENGES, AND AGAIN, LB1106, THE GREEN COPY, IF WE DID NOTHING ELSE THIS YEAR AND MOVED LB1106 AS INTRODUCED, WE HAVE DONE A GREAT SERVICE TO THE CITIZENS. WE'RE PUTTING IN A PROCESS THAT SAYS, BEFORE THE GOVERNMENT CAN TAKE YOUR MONEY, YOU'VE GOT TO BE CONVICTED OF A CRIME IN FRONT OF A JUDGE OR A JURY OF YOUR PEERS. THEY HAVE TO SAY YOU'RE GUILTY BEFORE THE GOVERNMENT CAN TAKE YOUR MONEY. UNDER THE LAW AS IT IS NOW, THEY CAN TAKE IT WITHOUT THAT. THAT'S THE CHALLENGE. BUT WITH THE COMMITTEE AMENDMENT THERE'S SOME THINGS...AND THESE ARE THINGS THAT I BELIEVE HAVE A PATH THAT CAN BE WORKED FORWARD, BUT I JUST WANT TO GO THROUGH A FEW OF THEM. FIRST OF ALL, BY PUTTING A DOLLAR AMOUNT AND PROHIBITING FEDERAL GOVERNMENT INTERVENTION HERE, THAT'S PRETTY LIMITING. WHAT IF THERE'S A BIG CASE AND WE WANT THE FEDERAL GOVERNMENT TO HELP US, NOT JUST BECAUSE WE WANT TO GET THE MONEY, WHICH MAY BE A MOTIVE, I'M NOT GOING TO DENY THAT, BUT MAYBE WE NEED THEM. WE MAY HAVE A CASE WHERE WE CAN'T DO THAT. IT MAY PREVENT ANY LAW ENFORCEMENT AUTHORITY FROM REQUESTING THE FEDERAL FORFEITURE UNLESS IT'S ABOVE THAT \$50,000 MARK. IT MAY CONFLICT WITH THE SUPREMACY CLAUSE OF THE CONSTITUTION AND ALSO THE DUE PROCESS CLAUSE. IT WOULD PREVENT THE PURSUIT OF FEDERAL FORFEITURES FOR ANYTHING OTHER THAN CASH. THE ONLY THING WE'VE GOT IN THE JUDICIARY COMMITTEE AMENDMENT IS CASH. SENATOR SEILER TALKED ABOUT CADILLACS. THAT'S NOT ADDRESSED HERE IN THE COMMITTEE AMENDMENT. IT COULD FORCE THE STATE TO GIVE DRUG DEALERS THEIR MONEY, CARS, AND GUNS BACK TO THEM IF THE CASE IS PROSECUTED FEDERALLY SINCE IT CANNOT BE REFERRED FEDERALLY AND THERE WILL BE NO STATE CONVICTION ALLOWING US TO PURSUE THE FORFEITURES. I DON'T THINK THAT'S THE INTENT OF SENATOR GARRETT OR ANYBODY WHO WANTS TO

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SEE SOMETHING IN PLACE, BUT THAT COULD BE THE OUTCOME ON THIS COMMITTEE AMENDMENT. IT MAY REQUIRE THE ALLOCATION OF ADDITIONAL GENERAL FUNDS TO MAKE UP SHORTFALLS. I DON'T WANT TO GO THERE TOO MUCH, COLLEAGUES, BUT THAT'S A CONCERN THAT I'M SURE YOU'RE HEARING FROM LAW ENFORCEMENT. I UNDERSTAND WHY IT SHOULDN'T BE A CONCERN, BUT THERE IT IS. COLLEAGUES, LB1106 IS A GOOD BILL. WE SHOULD DO THAT. WE SHOULD MOVE FORWARD WITH SOMETHING WHERE WE'VE GOT SOME HARMONY AND THAT'S WHAT WE HAVE HERE. I THINK WE SHOULD GIVE SENATOR GARRETT AN OPPORTUNITY TO FIGURE OUT THOSE PATHS FORWARD AND I'M WILLING TO DO THAT FOR HIM. AND WITH ANY REMAINING TIME I HAVE LEFT, I WOULD YIELD IT TO SENATOR CHAMBERS. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR CHAMBERS, 1:20. [LB1106]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR COASH. MEMBERS OF THE LEGISLATURE, THE JUDICIARY COMMITTEE WORKED HARD ON THIS BILL, LONG AND HARD, AND WENT THROUGH IT ALMOST WORD BY WORD, LINE BY LINE... [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR CHAMBERS: ...AND CAME TO AN AGREEMENT. I AM, LIKE WHAT SENATOR BLOOMFIELD POINTED OUT, UNWILLING BECAUSE THE ATTORNEY GENERAL COMES IN HERE AT THE 12th HOUR AND SAYS, HEY, GET RID OF ALL THAT WORK THE JUDICIARY COMMITTEE DID AND LET US TELL YOU WHAT TO DO. WE ARE THE LEGISLATIVE BRANCH. HE IS THE EXECUTIVE BRANCH. WE WRITE THE LAWS, NOT THE ATTORNEY GENERAL. AND HE DERAILED SEVERAL BILLS I HAD LAST YEAR, COUPLE OF THEM ON FINAL READING. NOW HE HAS SEEN THAT THE TACTIC TO USE IS TO WAIT UNTIL THE LAST MINUTE. ON THAT GRAND JURY BILL I HAD, HE WANTED TO RAISE SOME ISSUES ON THAT WHEN IT WAS ON SELECT ABOUT TO MOVE TO FINAL, BUT SENATOR COASH SPOKE UP THEN AND SPIKED THE ISSUE THAT THE ATTORNEY GENERAL WAS TRYING TO RAISE, WHICH WAS A NONISSUE. BUT THAT'S THE WAY HE DERAILS WHAT HE DOESN'T LIKE, AND IT SHOULDN'T BE DONE ON THIS BILL. THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR COASH. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS. [LB1106]

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SENATOR PANSING BROOKS: QUESTION. [LB1106]

PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED ON THE COMMITTEE AMENDMENT. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB1106]

CLERK: 26 AYES, 2 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB1106]

PRESIDENT FOLEY: DEBATE DOES CEASE ON COMMITTEE AMENDMENTS. SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT, AM2389. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. SENATOR SEILER. [LB1106]

SENATOR SEILER: CALL OF THE HOUSE. [LB1106]

PRESIDENT FOLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1106]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB1106]

PRESIDENT FOLEY: 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 BOLZ, RIEPE, BURKE HARR, KRIST, DAVIS, HADLEY, BRASCH, SCHILZ, LARSON, KINTNER, HUGHES, GROENE, PLEASE CHECK IN. THE HOUSE IS UNDER CALL. SENATOR SEILER. [LB1106]

SENATOR SEILER: A ROLL CALL VOTE IN REGULAR ORDER. [LB1106]

PRESIDENT FOLEY: WHEN ALL MEMBERS ARE PRESENT, WE WILL TAKE THAT ROLL CALL VOTE. ALL UNEXCUSED MEMBERS ARE NOW PRESENT. THE QUESTION BEFORE US IS THE ADOPTION OF THE COMMITTEE AMENDMENT.

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THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK, PLEASE CALL THE ROLL. [LB1106]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1450-1451.) 27 AYES, 10 NAYS...SENATOR? SENATOR KOLTERMAN, I'M SORRY. CHANGING FROM NO TO NOT VOTING. 27 AYES, 9 NAYS, MR. PRESIDENT, ON THE COMMITTEE AMENDMENTS. [LB1106]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT AM2389 IS ADOPTED. I RAISE THE CALL. DEBATE NOW CONTINUES ON LB1106 AS AMENDED. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1106]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS IS A GOOD BILL. I'M PLEASED THAT MY COLLEAGUES DID NOT ALLOW THEMSELVES TO BE DERAILED AT THE LAST MINUTE. THIS IS A TACTIC BY THE ATTORNEY GENERAL. HE DOESN'T HAVE A REGARD FOR THE LAW. WHEN HE HAD NOTIFICATION FROM THE FOOD AND DRUG ADMINISTRATION, FROM THE DEA, DRUG ENFORCEMENT ADMINISTRATION, THAT SODIUM THIOPENTAL COULD NOT BE IMPORTED INTO THIS COUNTRY, PERIOD, HE CONTINUED TO MOVE EVEN THOUGH HE KNEW IT WOULD VIOLATE FEDERAL LAW. HERE IS YOUR ATTORNEY GENERAL WILLING TO VIOLATE FEDERAL LAW AND ADVISE THE DIRECTOR OF CORRECTIONS TO TAKE ACTION, WHICH IF SUCCESSFUL, VIOLATED FEDERAL LAW. AND THE U.S. CONSTITUTION SAYS THAT THE SUPREME LAW OF THIS COUNTRY IS THE CONSTITUTION AND LAWS ENACTED THERETO AND TREATIES. WHENEVER THE FDA, OR THE FOOD AND DRUG ADMINISTRATION, THE DRUG ENFORCEMENT ADMINISTRATION ISSUE A RULING, THAT BECOMES PART OF FEDERAL LAW AND THE ATTORNEY GENERAL WAS ADVISING THE STATE, ITS CLIENT, TO VIOLATE FEDERAL LAW, AND YOU ALL TRUST HIM. IF HE THOUGHT THAT WAS WRONG, LET HIM GO TO COURT AND CHALLENGE IT, BUT HE KNEW HE'D LOSE. INSTEAD OF DOING THAT, HE DECIDED TO SUE COLORADO BECAUSE THAT STATE'S LEGISLATURE LEGALIZED MARIJUANA. SO HE SUED COLORADO. AND THE U.S. SUPREME COURT WOULD NOT EVEN HEAR IT. THAT'S WHAT YOUR ATTORNEY GENERAL HAS DONE. HE HAS MADE NEBRASKA A LAUGHING STOCK IN THE LEGAL COMMUNITY. WE NOW HAVE A BILL WHICH WAS WORKED ON. SENATOR EBKE MENTIONED THE DIFFERENT GROUPS THAT HAVE WORKED AND FAVORED THIS BILL. I DON'T KNOW OF ANOTHER BILL THAT YOU COULD GET THESE DISPARATE GROUPS TO AGREE ON. NOW, ON BEHALF OF THE KOCH BROTHERS, WHEN IT COMES...FOR SOME STRANGE REASON, WHEN IT COMES TO PRISON REFORM AND MODERNIZING THE CRIMINAL LAW, THE KOCH BROTHERS NOT ONLY HAVE SUPPORTED IT, THEY HAVE CONTRIBUTED MONEY. BUT I'M NOT

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LIKE SOME PEOPLE WHO SAY, I AM SO IDEOLOGICALLY OPPOSED TO SOMEBODY THAT I AM AGAINST THEM NO MATTER WHAT THEY DO. THEY ARE RIGHT ON THIS ISSUE. THEY SEE THE DESTRUCTION OF THE CONCEPT OF DUE PROCESS WHEN THE FEDERAL GOVERNMENT, AND THEY INFECT STATE GOVERNMENTS, CAN TAKE PEOPLE'S PROPERTY WITHOUT CHARGING THEM WITH A CRIME. AND NOW BY SEIZING THESE RELATIVELY SMALL AMOUNTS, THEY MAKE IT IMPRACTICAL FOR A PERSON TO HIRE A LAWYER BECAUSE IT WOULD COST MORE TO HIRE A LAWYER THAN TO TRY TO GET YOUR PROPERTY BACK. SO, YOU KNOW THAT IT'S YOUR PROPERTY. YOU KNOW IF YOU GO TO COURT YOU CAN GET IT BACK, BUT YOU CAN'T AFFORD A LAWYER. THAT'S WHAT THIS GOVERNMENT IS DOING, AND YOUR STATE IS INVOLVED THROUGH THE CITY AND THROUGH THE COUNTIES BECAUSE THAT IS CONSIDERED STATE ACTION. THE BILL IS IN VERY GOOD CONDITION. I'M SORRY THAT SOME OF THE MEMBERS, OR AT LEAST ONE OF THEM ON THE JUDICIARY COMMITTEE, WAS SCARED OFF. THE ATTORNEY GENERAL HAS SHOWN HIMSELF NOT TO BE A THOROUGH LAWYER. HIS IDEOLOGY REPLACES WHAT I'VE BEEN TOLD IS A GOOD LEGAL MIND. THE US ATTORNEY FINALLY HAD TO TELL HIM... [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR CHAMBERS: ...IF YOU BRING THOSE DRUGS INTO THIS COUNTRY, IF YOU FIND A WAY TO DO IT, YOU ARE VIOLATING FEDERAL LAW. THEN HE BACKED OFF. IT SHOULDN'T TAKE ALL THAT. WE ARE THE ONES WHO ENACT THE LAWS. THERE WAS HARD WORK DONE BY THE JUDICIARY COMMITTEE. THERE WAS PUSH, PULL, BACK AND FORTH. THERE IS NOTHING IN THIS BILL THAT HINDERS LEGITIMATE LAW ENFORCEMENT ACTIVITY. IF THOSE OF YOU WHO HAVE BEEN ARGUING ON EDUCATION ISSUES AND FUNDING OF EDUCATION ARE GOING TO FIND FAULT WITH THE PROVISION OF THE NEBRASKA CONSTITUTION THAT SAYS, HERE IS MONEY THAT SHOULD GO TO THE SCHOOLS AND THIS LAW WILL MAKE THAT PROVISION OF THE CONSTITUTION OPERATIONAL. WHY SHOULD YOU OPPOSE THAT? YOU OWE MORE TO THE CONSTITUTION. YOU SWORE TO UPHOLD THE CONSTITUTION OF THIS STATE, NOT THE WHIM OF THE POLICE UNION. [LB1106]

PRESIDENT FOLEY: TIME, SENATOR. [LB1106]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1106]

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED)  
CONTINUING DEBATE. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB1106]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I'VE HAD AN OPPORTUNITY TO LOOK THROUGH THE AMENDMENT THAT WE ADOPTED AND NOW REPLACES LB1106. AND IT IS, AS SENATOR CHAMBERS SAYS, A GOOD AMENDMENT. I DO SEE ON PAGE 30, AT LINE 2, SOMETHING THAT GIVES ME SOME CONCERN AND MAYBE THAT WE CAN FIX IF INDEED MY CONCERNS ARE JUSTIFIED. IT SAYS, ANY MONEY, ETCETERA, DEVICES, ETCETERA, MAY BE FORFEITED PURSUANT TO A PLEA AGREEMENT BETWEEN THE STATE AND THE DEFENDANT SUBJECT TO NOTICE TO OR APPROVAL OF THE COURT. SO IT WOULD SEEM TO ME THAT IN SOME RESPECTS THE ENTIRE MECHANISM CAN BE CIRCUMVENTED VERY EASILY BECAUSE ALL THE PROSECUTOR HAS GOT TO DO IS SAY, LOOK, YOU AGREED TO A FORFEITURE AND I WON'T FILE A CHARGE, AND THAT'S OUR PLEA AGREEMENT. AND ALL YOU HAVE TO DO THEN IS NOTIFY THE COURT AND THEN INSTITUTE YOUR FORFEITURE PROCEEDING. I THINK THAT THAT PROBABLY SHOULD BE CLARIFIED OR FIXED IF IT IS OUR INTENT THAT WE SHOULD STOP THE PROCESS OF BASICALLY BEING ABLE TO SEIZE PROPERTY AND THEN WITHOUT A CRIMINAL CONVICTION, IN FACT, CAUSE THE FORFEITURE OF THE PROPERTY SIMPLY BECAUSE OF THE LEVERAGE YOU HAVE IN THOSE SITUATIONS WHERE THE DEFENDANT MAY NOT HAVE THE RESOURCES TO FIGHT AND ROLLS OVER, LETS THE PROPERTY, AND GOES BACK HOME TO ANOTHER STATE, AND THE PROPERTY IS LEFT STRANDED HERE UNDER A FORFEITURE PROCEEDING. I ALSO WANT TO POINT OUT THAT I THINK THE BILL BY USING THE WORDS "INFORMATION" AND BY TALKING IN TERMS OF THE DISTRICT COURT, AS A PRACTICAL MATTER MUST REFER BASICALLY TO FELONIES AND TO CRIMES SERIOUS ENOUGH TO BE FILED IN DISTRICT COURT AND NOT COUNTY COURT. AND YOU MIGHT WANT TO CONSIDER GIVING, IN THESE KIND OF CASES WHERE THE CRIME IS A MISDEMEANOR, THE COUNTY COURT SOME FORFEITURE JURISDICTION SO THE DISTRICT JUDGE DOES NOT HAVE TO MESS WITH MISDEMEANOR CASES. AT ANY RATE, I THINK THAT WE HAVE A PROBLEM IN THE LANGUAGE THAT WE PROBABLY SHOULD FIX IF IT'S OUR INTENTION NOT TO LET THE LAW ENFORCEMENT BASICALLY PUT A DEFENDANT IN A POSITION OF WALKING AWAY FROM HIS OR HER PROPERTY IN ORDER TO SAVE THE BATTLE OVER A CRIMINAL CONVICTION. THE LANGUAGE THAT I READ TO YOU ON PAGE 30 OF THE AMENDMENT WOULD NOT PRECLUDE A PRACTICE WHERE BUSINESS WENT ON AS USUAL AND THE PROPERTY WAS FORFEITED IN A FORFEITURE PROCEEDING WHICH WAS AGREED TO BY THE DEFENDANT SIMPLY FOR ROLLING OVER AND GETTING A GET OUT OF JAIL FREE PASS IF THEY ABANDON THEIR

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CAR OR THEIR MONEY OR WHATEVER THEY HAD. I THINK THAT'S SOMETHING THAT WE SHOULD ADDRESS. SENATOR GARRETT, WOULD YOU YIELD TO A QUESTION? [LB1106]

PRESIDENT FOLEY: OH, I'M SORRY. SENATOR GARRETT, WOULD YOU YIELD, PLEASE? [LB1106]

SENATOR GARRETT: YES, I WILL. [LB1106]

SENATOR SCHUMACHER: SENATOR GARRETT, I DON'T KNOW IF YOU HAD AN OPPORTUNITY TO HEAR WHAT I WAS SAYING OR NOT ABOUT THE WAY THAT YOU COULD, AT LEAST APPEARS TO, CIRCUMVENT THIS LAW IN A PLEA AGREEMENT BY SIMPLY SAYING, OKAY, I WON'T FILE CHARGES, YOU AGREE TO LEAVE YOUR MONEY BEHIND AND GET OUT OF HERE. [LB1106]

SENATOR GARRETT: I WASN'T HEARING BECAUSE I WAS TALKING TO SOMEONE ELSE, BUT THAT'S ESSENTIALLY THE WAY THINGS ARE NOW. THEY ESSENTIALLY COERCE PEOPLE INTO... [LB1106]

SENATOR SCHUMACHER: AND THAT'S EXACTLY WHAT IS STILL PERMITTED BY THE LANGUAGE AT LINE 2 ON PAGE 30 WHICH SAYS THAT ANY MONEY OR OTHER STUFF MAY BE FORFEITED PURSUANT TO A PLEA AGREEMENT. WHAT I WAS TRYING TO POINT OUT... [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR SCHUMACHER: ...IS THAT WE MIGHT WANT TO SAY A PLEA AGREEMENT WHERE THE DEFENDANT AGREES TO ENTER A PLEA TO A...WHATEVER, CLASS I MISDEMEANOR OR GREATER OFFENSE OR SOME STANDARD. OTHERWISE, I DON'T SEE HOW YOU FIXED VERY MUCH, BECAUSE THE PROSECUTOR COULD SIMPLY SAY, ROLL OVER, LET US HAVE YOUR PROPERTY. AND OUR PLEA AGREEMENT IS YOU CAN GET OUT OF HERE WITH A GET OUT OF JAIL FREE PASS, BECAUSE WE KNOW YOU JUST AS SOON BE GONE FROM NEBRASKA; WE'RE SUCH A NICE PLACE, AND WE'D LIKE TO KEEP YOUR PROPERTY. GOODBYE. DO YOU SEE WHAT I AM SAYING? DOESN'T SAY WHAT THAT PLEA AGREEMENT IS. IT MAY BE TO DO EXACTLY WHAT WE'RE DOING NOW. [LB1106]

SENATOR GARRETT: I'D HAVE TO TAKE A LOOK AT THAT. [LB1106]

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SENATOR SCHUMACHER: WHAT'S THAT? [LB1106]

SENATOR GARRETT: I'LL HAVE TO TAKE A LOOK AT THAT AND GET BACK TO YOU.  
[LB1106]

SENATOR SCHUMACHER: OKAY. THANK YOU, SENATOR. THAT'S ALL. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER AND SENATOR  
GARRETT. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB1106]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I DO SUPPORT THE GREEN COPY  
AND I SUPPORT MANY OF THE THINGS IN THE AMENDMENT, AND I DID HAVE MY  
LIGHT ON BEFORE THE VOTE WAS TAKEN AND DID NOT HAVE AN OPPORTUNITY  
TO ASK SOME QUESTIONS, SO THEREFORE, I DID VOTE NO AGAINST IT. BUT I  
WILL BE LISTENING AND HOPING THAT THERE'S SOME CHANGES MADE, BUT I DO  
HAVE SOME QUESTIONS AND I WAS WONDERING IF SENATOR SEILER WOULD  
YIELD TO A QUESTION. [LB1106]

PRESIDENT FOLEY: SENATOR SEILER, WOULD YOU YIELD, PLEASE? [LB1106]

SENATOR SEILER: I WILL. [LB1106]

SENATOR FRIESEN: SENATOR SEILER, WHEN I AM ASKING QUESTIONS, I'M JUST  
TRYING TO CLARIFY THE DIFFERENCE BETWEEN THE GREEN COPY AND THE  
AMENDMENT AND DOES THE AMENDMENT COMPLETELY REWRITE THE GREEN  
COPY? [LB1106]

SENATOR SEILER: IT DOES, AND ADDS THREE THINGS. [LB1106]

SENATOR FRIESEN: SO WHEN I'M READING THROUGH THE TWO DIFFERENT  
COPIES AND I'M TRYING TO CLARIFY WHAT...YOU KNOW, THE ORIGINAL GREEN  
COPY LOOKS GOOD TO ME, BUT THERE'S A LOT OF GOOD THINGS IN THE  
AMENDMENT, BUT THERE SEEM TO BE A FEW THINGS LEFT OUT. AND IF...IN THE  
GREEN COPY IT TALKED ABOUT WHAT HAPPENED IF SOMEBODY WOULD SKIP  
THEIR TRIAL, SKIPPED BAIL AND TAKE OFF AND THEY WERE HOLDING ASSETS  
YET, OR IF SOMEONE HAPPENED TO DIE IN CUSTODY, THOSE TYPES OF THINGS,  
WHAT WOULD HAPPEN TO THOSE ASSETS OR WHAT COULD BE DONE WITH  
THOSE? [LB1106]

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SENATOR SEILER: THOSE ASSETS...THERE ARE...PERSONAL PROPERTY RECOVERY ACT ALLOWS YOU TO FILE ON THOSE AND GET THOSE BACK UNDER A CIVIL PROCEDURE. [LB1106]

SENATOR FRIESEN: EVEN IF THERE WAS NO DEFENDANT LEFT TO GO AFTER IT? [LB1106]

SENATOR SEILER: THAT'S WHEN YOU USE IT. IF THE DEFENDANT IS IN CUSTODY OR STILL OUT ON BOND IN THE LOCAL AREA, YOU USE YOUR CRIMINAL LAW. BUT IF THE GUY ABSCONDS AND LEAVES, THEN THERE ARE PERSONAL PROPERTY AND REAL ESTATE LAWS ALREADY ON THE BOOKS THAT YOU WOULD PROCEED UNDER. [LB1106]

SENATOR FRIESEN: SO THE GREEN COPY DID ADDRESS IN IT A DIFFERENT MANNER THAN THE AMENDMENT. [LB1106]

SENATOR SEILER: YES. BASICALLY, SENATOR, WHAT HAPPENED WAS IN THAT FRANCO CASE WHERE THEY WERE USING BOTH A CIVIL AND A CRIMINAL AT THE SAME TIME WITH THE SAME BURDEN OF PROOF, AND THE COURT HELD THAT THAT WAS DOUBLE JEOPARDY AND WAS ILLEGAL. [LB1106]

SENATOR FRIESEN: OKAY. AND I DO LIKE THE REPORTING REQUIREMENTS. I THINK THAT IS NECESSARY TO KEEP TRACK OF HOW MANY DOLLARS AND STUFF WE'RE TALKING ABOUT. WHEN IT SAYS THEY'RE SUPPOSED TO PLACE A VALUE ON IT, COULD YOU TELL ME HOW DO THEY GO ABOUT PLACING A VALUE ON THINGS THAT ARE NOT CASH? [LB1106]

SENATOR SEILER: USUALLY YOU HAVE AN AUCTIONEER OR A USED CAR SALESMAN, IF IT WAS CARS. THAT'S THE WAY IT'S BEEN TRADITIONALLY DONE. [LB1106]

SENATOR FRIESEN: SO WHEN WE SEIZE ASSETS LIKE WE TALK IN HERE...WE TALKED ABOUT CASH BEING SEIZED, BUT WHEN WE SEIZE HIGH VALUE PROPERTIES, HOUSES, THINGS LIKE THAT, HOW ARE THOSE DIFFERENT THAN HOW WE DEAL WITH CASH? [LB1106]

SENATOR SEILER: WELL, THE CASH IS PRETTY EVIDENT, BUT A DOLLAR IS A DOLLAR, OR A DECLINING DOLLAR. BUT LIKE A BUILDING, THEY WOULD HAVE

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PROBABLY AN AUCTION, STATE AUCTION UNDER THE STATE SALES PROGRAM.  
[LB1106]

SENATOR FRIESEN: SO THERE WAS RECENTLY A CASE WHERE A PERSON WAS HAULING SEVERAL MILLION DOLLARS DOWN THE INTERSTATE AND, OBVIOUSLY, I DON'T THINK THEY FOUND ANY DRUGS, BUT THERE WAS DRUG RESIDUE ON THE MONEY AND THEY DID CONFISCATE THAT. HOW SHOULD THOSE ISSUES BE ADDRESSED? I MEAN, OBVIOUSLY WHEN SOMEONE IS CARRYING THAT KIND OF CASH, IT'S PROBABLY LAUNDERING DRUG MONEY AND I THINK THE INTENT BACK WHEN THESE LAWS WERE FIRST WRITTEN WAS TO DISCOURAGE TRAFFICKING AND DRUGS AND THEY WERE TAKING THEIR ILL-GOTTEN GAINS.  
[LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR FRIESEN: SO WHEN YOU SEE MILLIONS OF DOLLARS BEING TRANSPORTED DOWN THE INTERSTATE AND EVEN THOUGH THERE WOULD PROBABLY BE NO POSSIBILITY OF CONVICTION, SHOULD THAT DOLLARS JUST BE RETURNED TO THAT PERSON EVEN THOUGH THEY CAN'T PROVE MAYBE WHERE THEY GOT IT? [LB1106]

SENATOR SEILER: WELL, THAT'S ONE OF THE REASONS WE NEED TO PASS THIS FORFEITURE LAW TO MAKE SURE THAT...BECAUSE THERE'S A DIFFERENCE RIGHT NOW. THE FEDERAL GOVERNMENT STARTED OUT AT FIRST SAYING, WE'LL CONFISCATE IT, YOU SEND IT IN TO US, WE'LL SEND YOU A CHECK BACK FOR 80 PERCENT. THEN THE ATTORNEY GENERAL OF THE UNITED STATES SAID, WELL, MAYBE WE WON'T DO THAT. WELL, THEN THE LACK OF...THINGS QUIETED DOWN AND THEY WEREN'T MAKING THE BIG RAIDS THEY WERE MAKING, AND SO NOW THE ATTORNEY GENERAL HAS SAID PROSPECTIVELY, I THINK MAYBE WE'LL START SHARING AGAIN WITH THE LOCAL POLICE OFFICERS. [LB1106]

SENATOR FRIESEN: WELL, IF WE DO IT AT THE LOCAL LEVEL THOUGH, HOW WOULD THAT HAVE BEEN HANDLED? [LB1106]

SENATOR SEILER: IF WE HAD DONE IT AT THE LOCAL LEVEL, IT WOULD HAVE COME INTO THE PROGRAM. [LB1106]

PRESIDENT FOLEY: TIME, SENATOR. [LB1106]

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SENATOR SEILER: SAY IF UNDER THE FORFEITURE AND A CRIMINAL CHARGE AGAINST THE TRUCK DRIVER, THEN THAT MONEY WOULD HAVE... [LB1106]

PRESIDENT FOLEY: TIME. IT'S TIME, SENATOR. [LB1106]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. [LB1106]

SENATOR SEILER: I'M SORRY. [LB1106]

PRESIDENT FOLEY: THANK YOU. IT'S TIME, SENATOR. THANK YOU, SENATOR SEILER AND SENATOR FRIESEN. (VISITORS INTRODUCED.) CONTINUING DEBATE. SENATOR HILKEMANN. I DO NOT SEE SENATOR HILKEMANN AT THE MOMENT. WE'LL PASS OVER TO SENATOR BLOOMFIELD. [LB1106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, WE'VE KEPT THE AMENDMENT INTACT FOR NOW. CHANGES CAN BE MADE, IF NECESSARY. WE WERE KIND OF BEING LED DOWN THE PATH THAT WE HAD TO GET RID OF THAT AMENDMENT IN ORDER TO MAKE CHANGES AND I THINK THE BODY HAS DECIDED THAT WASN'T NECESSARY. IF YOU LOOK AT YOUR COMMITTEE STATEMENT, NONE OF THE LEGALLY TRAINED INDIVIDUALS ON THAT COMMITTEE STOOD UP AND SAID THAT THE AMENDMENT WAS A BAD IDEA OR THAT SOMETHING IN IT NEEDED CHANGED. THIS BILL NEEDS TO BE PASSED. PRIVATE PROPERTY BEING CONFISCATED BY STATE, FEDERAL, OR LOCAL LAW, WITHOUT DUE PROCESS, IS UNCONSTITUTIONAL. THE VERY IDEA THAT WE ALLOW IT TO HAPPEN IN NEBRASKA IS UNTHINKABLE. THIS BILL NEEDS TO BE PASSED. ARE THERE ADJUSTMENTS THAT NEED TO BE MADE? SENATOR SCHUMACHER BROUGHT UP ONE. MAYBE. BUT LET'S GET THIS PASSED. BACK, OH, '99, 2000, WE TRADED CARS OVER THE PHONE OUT AT NORTH PLATTE. IT WAS TO BE A CASH TRANSACTION. WE WENT TO THE BANK, CLEANED OUT OUR ACCOUNTS, GOT THE CASH PUT TOGETHER TO TAKE OUT TO NORTH PLATTE TO MAKE THE TRADE. IF I REMEMBER RIGHT, IT WAS \$16,000 DIFFERENCE. HAD WE BEEN STOPPED GOING OUT TO TRADE CARS, UNDER THE RULES THAT ARE IN ORDER NOW, THAT \$16,000 COULD HAVE BEEN CONFISCATED. WE GOT OUT THERE AND FOUND OUT THAT THE DEALER CAN'T ACCEPT ANYTHING OVER \$10,000, SO WE ENDED UP GIVING HIM \$9,999 IN CASH AND THEN WE HAD TO PUT THE REST ON A CREDIT CARD BECAUSE WE DIDN'T BOTHER TO TAKE THE CHECKBOOK ALONG AND WE HAD ALREADY DRAINED THE CHECK ACCOUNT ANYWAY. BUT IF I WANT TO CARRY \$100,000 AROUND IN MY BILLFOLD, THAT'S NONE OF THE GOVERNMENT'S DOGGONE BUSINESS. IT'S MY MONEY. THEY FIND

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SOME RESIDUE ON IT FROM THE GUY THAT HAD IT BEFORE, GO FIND HIM, TAKE THE MONEY AWAY FROM HIM. IF I OBTAINED IT LEGALLY, LEAVE IT THE HECK ALONE, IT'S MINE. IT'S NOT THE GOVERNMENTS. THEY'RE GOING TO TAKE MORE THAN THEIR SHARE IN TAXES ANYWAY. THANK YOU, MR. PRESIDENT. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB1106]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB1106. AGAIN, IT'S...I'M SURPRISED THAT WE DON'T HAVE THE...ANY OF THE REPRESENTATIVES FROM THE SCHOOL DISTRICTS OUT THERE RAISING SOME CAIN ON THIS BECAUSE THIS IS MONEY DIRECTLY OUT OF THEIR POCKETS. WHEN THAT MONEY IS ALLOWED TO GO STRAIGHT TO THE FEDERAL GOVERNMENT AND THEN WE GET...THEN LAW ENFORCEMENT GETS BACK 80 PERCENT, OUR SCHOOLS ARE LOSING SOME MONEY THERE. AND WHEN WE'RE TALKING ABOUT THIS GIANT POT OF MONEY THAT WE HAVE TO GO AFTER BECAUSE PROPERTY TAXES ARE TOO HIGH, AND WE'RE COMPLETELY LIMITING AND DIVERTING DOLLARS THAT WOULD GO TO SCHOOLS BY ALLOWING THE CIRCUMVENTION AND ALLOWING LAW ENFORCEMENT TO JUST SEND IT ON UP TO THE FEDERAL GOVERNMENT AND THEN IT COMES BACK AT 80 PERCENT, JUST DOESN'T MAKE ANY SENSE TO ME. SO, OBVIOUSLY, THESE ARE DUE PROCESS ISSUES THAT WE CARE ABOUT THAT WE HAVE TO FIGHT FOR. AND I WILL GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR CHAMBERS, 3:50. [LB1106]

SENATOR CHAMBERS: THANK YOU, SENATOR PANSING BROOKS. THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, THERE IS WHAT IS CALLED THE ASSET FORFEITURE FUND AT THE FEDERAL LEVEL. THERE WAS ONE YEAR THEY TOOK IN MORE MONEY IN THIS WAY THAN ALL THE MONEY TAKEN AROUND THE COUNTRY IN BURGLARIES. THIS HAS BEEN CALLED, BY THE WASHINGTON POST AND VARIOUS LAW PROFESSORS, AS CLOSE TO HIGHWAY ROBBERY AS YOU CAN GET. WHEN YOU TALK ABOUT MONEY HAVING DRUG RESIDUE, COURTS ARE NOW SAYING, AND IT WAS FOUND TO BE A CASE, THAT ALMOST ALL MONEY IN THE UNITED STATES HAS DRUG RESIDUE. AND AT ONE PLACE THEY CONDUCTED AN EXPERIMENT, THE COUNTY ATTORNEY GAVE SOME DOLLAR BILLS AND THEY TOOK THEM TO THE LAB AND IT HAD DRUG RESIDUE ON IT. THERE IS SO MUCH IN THE WAY OF DRUGS AND MONEY THAT

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YOU CANNOT LET A PRESUMPTION ARISE, AS SENATOR BLOOMFIELD WAS POINTING OUT, BECAUSE YOU HAVE A CERTAIN AMOUNT OF MONEY. THERE IS NOTHING IN THE U.S. CONSTITUTION, THERE'S NOTHING IN THE STATE CONSTITUTION THAT SETS A LIMIT ON THE AMOUNT OF MONEY THAT YOU CAN HAVE AND THE POLICE CANNOT ON THEIR OWN, OUT OF WHOLE CLOTH, CREATE PROBABLE SUSPICION THAT YOU ARE ENGAGING IN CRIMINAL ACTIVITY BECAUSE YOU HAVE A CERTAIN AMOUNT OF MONEY. THE POLICE ARE BEING ALLOWED TO BECOME A LAW UNTO THEMSELVES. THAT IS WRONG. AND IF YOU HAVE PROBABLE CAUSE TO BELIEVE THAT A CRIME WAS COMMITTED, YOU MAKE THE ARREST. ONE OF THE REASONS THEY JUST TAKE THIS MONEY FROM PEOPLE IS BECAUSE OF WHAT I STATED EARLIER. THE DIFFICULTY OF COMING BACK TO A STATE AND GETTING A LAWYER, IF IT'S NOT A SUBSTANTIAL AMOUNT OF MONEY, YOU CANNOT AFFORD TO DO THAT AND THAT'S WHAT THE POLICE COUNT ON. DON'T THINK OF THESE AS INNOCENT, NAIVE PEOPLE, IT IS CALCULATED. AND I'M SHOCKED THAT THE AUDITOR OF PUBLIC ACCOUNTS DOES NOT AUDIT THAT BUILDING IN DOUGLAS COUNTY WHERE THE SHERIFF SPENT \$5 MILLION TO PUT IN A DRUG LABORATORY. FIVE MILLION DOLLARS IN A BUILDING THAT IS NOT WORTH IT AND YET THIS AUDITOR CAN ATTACK PLANNED PARENTHOOD FOR SOME REASONS THAT ARE, IN MY OPINION, TOTALLY INVALID. IF THESE PEOPLE'S JOB IT IS TO ENFORCE THE LAW WOULD CONCENTRATE ON DOING THAT, THERE WOULD BE MORE TRUST ON THE SIDE OF THE PUBLIC, AND THERE WOULD NOT BE THIS INCLINATION... [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR CHAMBERS: ...FOR LAW ENFORCEMENT TO ENGAGE IN WHAT HAS BEEN CALLED CASH REGISTER JUSTICE. RAISING REVENUE FOR THE POLICE IS WHY THESE ACTIVITIES ARE UNDERWAY. ONE REASON THEY GOT RID OF THE JUSTICE OF THE PEACE SYSTEM WAS BECAUSE THE SALARY OR THE COMPENSATION FROM THE JUSTICE OF THE PEACE WOULD BE DERIVED FROM THE CONVICTIONS AND THE FINES THAT WERE LEVIED. IT BECAME CLEAR THAT THEY WERE RUNNING PEOPLE THROUGH AND EVEN HAVING THE POLICE TO BRING PEOPLE IN. THEY WOULD BE CONVICTED AND THE POLICE AND THE JUSTICE OF THE PEACE WOULD SPLIT THAT MONEY. THAT'S HOW CORRUPT LAW ENFORCEMENT CAN BE AND YOU ALL DON'T WANT TO BELIEVE THAT. THIS HAS NOTHING TO DO WITH PUBLIC SAFETY. IT HAS NOTHING TO DO WITH ENFORCING THE LAW. IT HAS EVERYTHING TO DO WITH CIRCUMVENTING THE NEBRASKA CONSTITUTION. IT HAS EVERYTHING TO DO WITH ROBBING THE TILL OF THE SCHOOL CHILDREN IN THIS STATE, AND NOBODY DOING ANYTHING LEGITIMATE IN LAW ENFORCEMENT WILL BE HARMED IN ANYWAY BY THIS BILL. [LB1106]

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PRESIDENT FOLEY: TIME, SENATOR. [LB1106]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR COASH, YOU'RE RECOGNIZED. [LB1106]

SENATOR COASH: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS REFERENCED ME EARLIER WHEN HE SAID I WAS SCARED OFF BY THE ATTORNEY GENERAL. I'M NOT SCARED OFF. I'M NOT AN ATTORNEY, SO I LISTEN TO ATTORNEYS, AND I DID MAKE A CONSCIOUS DECISION TO LISTEN TO THE HIGHEST ELECTED ATTORNEY GENERAL THAT WE HAVE ON A LEGAL OPINION. WHAT WILL BE THE PRACTICAL EFFECTS OF LB1106 AS AMENDED BY THE JUDICIARY COMMITTEE AMENDMENT? THESE WERE THE ANSWERS THAT I RECEIVED. IT PREVENTS LAW ENFORCEMENT AUTHORITY FROM REQUESTING FEDERAL HELP IF IT'S MORE THAN \$50,000 IN CASH. IT PREVENTS IT. WE'VE JUST TAKING AWAY A TOOL OF LAW ENFORCEMENT. WE CANNOT ENGAGE THE FBI, THE DEA. WE CANNOT DO IT NOW UNLESS IT'S \$50,000 OR MORE. WE MAY WANT TO. NOW THE REASONS FOR WANTING TO DO THAT THAT HAVE BEEN PUT OUT ON THIS FLOOR IS, SO WE CAN GET 80 PERCENT OF THE MONEY BACK. THAT COULD BE A REASON. BUT MAYBE THERE'S A SIGNIFICANT OTHER REASON THAT WE MAY WANT TO INVOLVE THE FEDERAL GOVERNMENT ON THIS. MAYBE IT'S A MULTISTATE DEAL. MAYBE WE'RE GOING AFTER A DRUG TRAFFICKER WHO NOT ONLY CAME THROUGH NEBRASKA, BUT COLORADO AND IOWA AND MISSOURI AND WE'RE TRYING TO GET A RING TOGETHER. GUESS WHAT? WE CAN'T DO IT NOW. IT WOULD FORCE THE STATE TO GIVE DEALERS THEIR MONEY, THEIR CARS, THEIR GUNS BACK TO THE DRUG DEALER IF THE CASE IS PROSECUTED FEDERALLY SINCE THEY CANNOT BE REFERRED FEDERALLY AND THERE WILL BE NO STATE CONVICTION. THOSE ARE PROBLEMS. COLLEAGUES, IF THIS BILL MOVES FORWARD, BETWEEN NOW AND SELECT, HERE'S WHAT I'D LIKE YOU TO DO. CALL YOUR LAW ENFORCEMENT AGENCY. ASK THEM IF THIS BILL BECOMES LAW, WHAT WILL HAPPEN TO YOUR ABILITY TO GO FORWARD WITH THESE FORFEITURES? ASK THEM IF THEY WILL GO FORWARD WITH THEM. LAW ENFORCEMENT WILL TELL YOU, WE'RE DONE. NOW THAT MAY BE THE AIM OF SOME OF US IN THIS ROOM, THAT'S NOT MY AIM, BECAUSE IF WE DON'T GO FORWARD WITH FORFEITURES, THEN THE DRUG MONEY GOES BACK TO THE DRUG DEALER. AND NOBODY WANTED THAT. THAT'S THE REASON THAT LAW ENFORCEMENT, COUNTY ATTORNEYS, ACLU, EVERYBODY CAME TO THE HEARING ON THE GREEN COPY AND SAID, WE DON'T WANT THAT. I HAVE TO BELIEVE THE LAW ENFORCEMENT IN MY COMMUNITY WHEN THEY TELL ME AS

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AMENDED NOW, WE WON'T PURSUE THESE. AND WHETHER THEY DON'T PURSUE THEM BECAUSE IT'S NOT FINANCIALLY VIABLE FOR THEM TO DO IT, OR THEY WON'T DO IT BECAUSE WE PUT TOO MANY BARRIERS IN, I'M NOT SURE. BUT I THINK THE ANSWER THAT I'VE GOTTEN FROM MY LAW ENFORCEMENT IS, THIS ENDS THIS PROCESS FOR US. IT DIDN'T WITH THE GREEN COPY, NOW IT DOES. [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR COASH: THAT'S WHAT I GET CONCERNED ABOUT, COLLEAGUES. I WASN'T SCARED OFF, I LISTENED. AND WHEN LAW ENFORCEMENT TELLS ME THAT IT WILL PREVENT THEM FROM ENJOINING WITH THE FEDERAL GOVERNMENT WHEN THEY WANT TO, I FOUND THAT TO BE PROBLEMATIC AND I WANTED TO SEE IF THERE'S A WAY FORWARD. I STILL THINK THERE IS A WAY FORWARD AND I'LL DO WHAT I CAN TO WORK WITH THE INTERESTED PARTIES, BUT I'M NOT SURE WITH THE ADOPTION OF THE COMMITTEE AMENDMENT IF PEOPLE ARE GOING TO BE WILLING TO GET TOGETHER ANYMORE AND THAT WAS MY FEAR. THANK YOU, MR. PRESIDENT. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1106]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I WANT TO THANK SENATOR GARRETT FOR HIS HARD WORK ON THIS. IT'S NOT EASY TO BRING EVERYONE TOGETHER AND TO MAKE EVERYTHING WORK LIKE WE SHOULD. BUT THE NUMBER ONE THING WE'VE GOT TO DO IS MAKE SURE THERE'S NO MORE SEIZURES OF CASH, WHERE THERE ARE NO CRIMINAL CHARGES, AND NO CONVICTIONS. THAT'S THE NUMBER ONE THING WE HAVE TO DO. NUMBER TWO IS, I WANT TO MAKE SURE WE TAKE CARE OF THE CONCERNS OF LAW ENFORCEMENT, ATTORNEY GENERAL, COUNTY ATTORNEYS. I THINK THERE'S A WAY FORWARD TO DO BOTH OF THOSE. I DON'T THINK THEY'RE MUTUALLY EXCLUSIVE. CAN'T TELL YOU EXACTLY HOW THAT'S GOING TO WORK. YOU KNOW, I WANT TO REMIND YOU, I'M NOT AN ATTORNEY. I MARRIED AN ATTORNEY, I STAYED AT HOLIDAY INN EXPRESS A COUPLE OF WEEKS AGO, I SIT BEHIND SENATOR SCHUMACHER, I'VE GOT THAT GOING FOR ME, BUT I'M NOT AN ATTORNEY. BUT THERE'S A WAY WE CAN DO THIS. WE CAN STOP THESE SEIZURES OF CASH WITHOUT A CONVICTION, WITHOUT EVEN CHARGES. WE CAN STOP THAT, AND WE CAN STILL MAKE SURE THE LAW ENFORCEMENT CAN DO THEIR JOB THE WAY THEY NEED TO DO IT. THERE'S A WAY TO DO THIS. I WANT TO MAKE

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SURE THAT GETS DONE. SO WE OUGHT TO BE ABLE TO COME TO SELECT FILE WITH EVERYONE GETTING WHAT THEY WANT AND EVERYONE BEING ABLE TO DO WHAT THEY NEED TO DO. THERE'S A WAY FORWARD. I'M GOING TO CHALLENGE SENATOR GARRETT, I'M GOING TO CHALLENGE EVERYONE TO MOVE FORWARD ON THAT. YOU KNOW, WE GOT THAT E-MAIL LAST NIGHT FROM AMY MILLER AT THE ACLU. AND I GOT TO TELL YOU, JUST WHEN I THINK THERE'S NO REDEEMING VALUE AT THE ACLU, THAT THEY CAN'T SINK ANY LOWER, THEY CAN'T DO ANYMORE DAMAGE TO OUR STATE, THEY STUMBLE ON THE RIGHT SIDE OF A BILL LIKE THIS, AND I GO, OKAY, WELL, MAYBE THERE IS SOME REDEEMING VALUE WITH THE ACLU. YOU KNOW, SHE GAVE US A COUPLE OF EXAMPLES HERE, THE 72-YEAR-OLD WOMAN, PULLED OVER FOR SPEEDING TRAVELING TO HER HOME NEAR HER GRANDCHILDREN, AND HER LIFE SAVINGS WERE SEIZED BECAUSE SHE LOOKED SUSPICIOUS. IN THEIR WORDS, AN AFRICAN-AMERICAN ENTREPRENEUR ON HIS WAY TO BUY ICE CREAM EQUIPMENT HAD HIS MONEY SEIZED BECAUSE HE WAS ACTING NERVOUS. WHO HASN'T GOTTEN PULLED OVER AND BEEN NERVOUS BEFORE? EVERYONE OF US HAS, PROBABLY, AT SOME POINT. AND THEN THEY TALK ABOUT A LATINO HUSBAND AND WIFE, GROCERY STORE, HAD MONEY SEIZED BECAUSE IT WAS SUSPICIOUS THAT THEY HAD THAT CASH. NOW, I HAVE NO IDEA WHY I NEED TO KNOW IT'S AN AFRICAN-AMERICAN, WHY I SHOULD CARE IF IT'S A LATINO, BECAUSE I WANT TO PROTECT ALL CITIZENS. I DON'T CARE WHAT THEIR RACE. DOESN'T MATTER TO ME. BUT THAT IS PROBLEMATIC WHEN THOSE THINGS ARE HAPPENING AND THEY HAVE TO GO TO COURT AND THEY HAVE TO GET AN ATTORNEY AND FIGHT FOR THEIR OWN MONEY. THAT HAS GOT TO STOP. I WANT TO CHALLENGE THIS BODY TO STOP IT IN A WAY TO MAKE SURE LAW ENFORCEMENT CAN STILL DO THEIR JOB. SO I'M GOING TO ENCOURAGE EVERYONE TO MOVE THIS FORWARD, BUT LET'S KEEP WORKING ON IT. THERE WILL BE A GREEN VOTE FROM ME ON LB1106, BUT I THINK WE STILL HAVE A LITTLE MORE WORK TO DO AND I CHALLENGE EVERYONE HERE TO LET'S WORK TOGETHER AND LET'S GET THIS THING DONE RIGHT. THERE'S A WAY FORWARD THAT THE MAJORITY OF SENATORS IN THIS BODY CAN SUPPORT. AND I THANK YOU, MR. PRESIDENT. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB1106]

SENATOR MORFELD: QUESTION. [LB1106]

PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING

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DEBATE VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB1106]

CLERK: 28 AYES, 3 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB1106]

PRESIDENT FOLEY: DEBATE DOES CEASE. SENATOR GARRETT, YOU'RE RECOGNIZED TO CLOSE ON LB1106. [LB1106]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. WE'VE HAD SOME GREAT DEBATE HERE. COLLEAGUES, HONESTLY, THIS IS...I SAID THE WORD BEFORE, IN THE FIRST WORD THAT CAME TO ME WHEN I REALLY GOT INTO THIS THING, IS SCANDAL. HOW WE'VE GOTTEN AWAY FROM RESPECTING THE LAW AND RESPECTING THE CONSTITUTION IS JUST AMAZING TO ME EVEN BY THE FOLKS WHO ARE MOST DEEPLY INVESTED IN UPHOLDING THE CONSTITUTION. SOMETHING SENATOR COASH SAID EARLIER, I WANT TO READ A LETTER FROM THE INSTITUTE OF JUSTICE. IT ADDRESSES SOME OF WHAT HE SAYS AND COUNTERS WHAT HE SAYS. THIS IS WHAT LEE McGRATH WROTE TO ME. YOUR BILL DOES NOT CHANGE NEBRASKA'S SEIZURE LAWS. POLICE, SHERIFFS, AND HIGHWAY PATROL WILL BE ABLE TO SEIZE CONTRABAND AND PROPERTY LINKED TO IT YESTERDAY, TODAY, AND TOMORROW, THE SAME WAY WHEN THEY HAVE PROBABLE CAUSE. NOTHING CHANGES IN THEIR WORK. YOUR BILL ONLY CHANGES WHAT HAPPENS IN COURTS IN WHICH FORFEITURE IS LITIGATED. REMEMBER, FORFEITURE INVOLVED THE LITIGATION ABOUT THE PERMANENT TRANSFER OF TITLE FROM THE PROPERTY OWNER TO THE GOVERNMENT. YOUR BILL DRAWS A LINE. IF THE SEIZURE HAS LESS THAN \$50,000 IN CASH, THE LITIGATION MUST BE CONDUCTED BY NEBRASKA'S PROSECUTORS IN NEBRASKA COURTROOMS UNDER NEBRASKA LAW. IT IS CALLED SOVEREIGNTY. IF THE SEIZURE IS MORE THAN \$50,000, THEN THE POLICE OR THE JOINT TASK FORCE MAY ASK THE FEDERAL PROSECUTORS TO DO THE FORFEITURE LITIGATION IN FEDERAL COURTROOMS UNDER FEDERAL LAW. ALL THE PROPERTY RELATED TO GAMBLING AND HUMAN TRAFFICKING LISTED BELOW WOULD BE FORFEITED IN STATE COURT. THE WRITER IS VERY IGNORANT. HE DOES NOT KNOW THAT YOUR BILL INCREASES THE CRIMES IN WHICH FORFEITURE CAN BE USED TO INCLUDE CHILD PORNOGRAPHY AND GAMBLING UNDER THE NEW STATE PROVISIONS IN YOUR BILL. THIS IS ONE OF THE BENEFITS TO LAW ENFORCEMENT THAT MAKES YOUR BILL BALANCED. HE'S FURTHER BEING DISHONEST RAISING THESE CRIMES BECAUSE THE FEDERAL GOVERNMENT...THE FEDERAL PROGRAM OF FEDERAL FORFEITURE ONLY DEALS WITH ILLEGAL DRUGS. THE EQUITABLE SHARING PROGRAM DOES NOT DEAL WITH PORN, TRAFFICKING, OR GAMBLING. I AGREE THAT NO ONE HAS A RIGHT TO THE FRUIT OF THE POISONOUS TREE. IT IS

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INSULTING THAT HE THINKS YOUR BILL DOES NOT RECOGNIZE THAT. COLLEAGUES, THIS IS ALL ABOUT RESPECT FOR THE LAW. I LOVE OUR LAW ENFORCEMENT GUYS, THE THIN BLUE LINE, THE GUYS THAT STAND BETWEEN US AND THE BAD GUYS, AND THEY HAVE PROFITED TREMENDOUSLY FROM THE FRUITS OF FORFEITURE. I SAID THIS DURING THE TESTIMONY BEFORE THE JUDICIARY COMMITTEE. THE STATE PATROL HAS BEEN USING A LOT OF FORFEITED FUNDS FOR THE NEW CRIME LAB. WELL, THAT'S SHAMEFUL AND THAT'S SHAMEFUL FOR US IN THE LEGISLATURE BECAUSE IF WE NEED A NEW CRIME LAB, THEN WE OUGHT TO BE PAYING THE BILL FOR THAT CRIME LAB, NOT INCENTIVIZING LAW ENFORCEMENT TO GO OUT AND USE FORFEITURE AND VIOLATE OUR CONSTITUTION IN ORDER TO FUND THAT. I'VE GOT E-MAILS HERE FROM A LOT OF DIFFERENT SHERIFF'S DEPARTMENTS THAT TELL ME WHAT THEY'VE BEEN USING THE MONEY FOR, EVERYTHING FROM VESTS TO CANINE DOGS, SURGERY FOR CANINE DOGS. THEY'RE NOT SQUANDERING THE MONEY, BUT THAT'S MONEY THAT THEY SHOULD BE GETTING FROM THE STATE, FROM THEIR COUNTIES, AND FROM THEIR MUNICIPALITIES. IT OUGHT NOT BE MONEY COMING FROM FORFEITURE AND IN MANY TIMES FROM INNOCENT CIVILIANS. AGAIN WHEN YOU...THE FACT THAT WE DON'T EVEN HAVE REPORTING TO SHOW WHAT THE AVERAGE FORFEITURE IS, AND WE LOOK AT MINNESOTA AND WE SEE THE VAST MAJORITY OF THE FORFEITURES ARE LESS THAN \$1,000. THESE ARE INNOCENT CIVILIANS GETTING THEIR CASH, THEIR MONEY TAKEN AWAY FROM THEM. AND AGAIN, VIOLATING OUR CONSTITUTION INVOLVING THE FEDS, THEM KEEPING 20 PERCENT IS LIKE THEM TAXING US 20 PERCENT. AND OUR SCHOOL KIDS SHOULD HAVE BEEN GETTING THAT MONEY. NOT JUST THE SCHOOL KIDS, THEY SHOULD HAVE GOTTEN 50 PERCENT, BUT 50 PERCENT WAS SUPPOSED TO COME TO THE LEGISLATURE. [LB1106]

PRESIDENT FOLEY: ONE MINUTE. [LB1106]

SENATOR GARRETT: THANK YOU, LIEUTENANT GOVERNOR. FIFTY PERCENT GOES TO THE LEGISLATURE TO ALLOCATE TO LAW ENFORCEMENT FOR DRUG EDUCATION PROGRAMS. COLLEAGUES, THIS IS A RIGHTEOUS BILL. I KNOW IT'S GOING TO HURT LAW ENFORCEMENT, BUT THE ENDS DO NOT JUSTIFY THE MEANS. WE'RE A NATION OF LAWS. WE'VE GOT A CONSTITUTION. WE NEED TO FIX THIS, AND WE NEED TO FIX IT NOW. THANK YOU, MR. LIEUTENANT GOVERNOR. AND I URGE YOU TO VOTE GREEN ON LB1106. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. MEMBERS, YOU'VE HEARD THE DEBATE IN CLOSING ON LB1106. THE QUESTION IS THE ADVANCE OF THE BILL TO E&R INITIAL. SENATOR GARRETT. [LB1106]

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SENATOR GARRETT: I'D LIKE A CALL OF THE HOUSE AND A ROLL CALL VOTE IN REGULAR ORDER. [LB1106]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB1106]

CLERK: 39 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB1106]

PRESIDENT FOLEY: 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 WATERMEIER, RIEPE, McCOY, KINTNER, PLEASE CHECK IN. ALL UNEXCUSED MEMBERS ARE NOW PRESENT. THE QUESTION BEFORE US IS THE ADVANCE OF LB1106 TO E&R INITIAL. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK, PLEASE CALL THE ROLL. [LB1106]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1451.) 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB1106]

PRESIDENT FOLEY: LB1106 ADVANCES. I RAISE THE CALL. [LB1106]

CLERK: MR. PRESIDENT, MAY I READ A COUPLE OF ITEMS?

PRESIDENT FOLEY: ITEMS FOR THE RECORD.

CLERK: THANK YOU. SENATOR JOHNSON OFFERS LR616. THAT WILL BE LAID OVER. AND I HAVE A CONFIRMATION REPORT FROM THE GENERAL AFFAIRS COMMITTEE. (LEGISLATIVE JOURNAL PAGE 1452.) [LR616]

MR. PRESIDENT, NEXT BILL. LB721 IS A BILL ORIGINALLY INTRODUCED BY SENATOR BAKER. (READ TITLE.) INTRODUCED ON JANUARY 6 OF THIS YEAR, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2057, LEGISLATIVE JOURNAL PAGE 600.) [LB721]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BAKER, YOU'RE RECOGNIZED TO OPEN ON LB721. [LB721]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. LB721 PROVIDES FOR LICENSURE OF SURGICAL FIRST ASSISTANTS. WE'VE HAD TO DEAL WITH SOME COMPLEX ISSUES HERE TODAY. THIS ONE IS PRETTY SIMPLE. THERE'S A HANDOUT THAT WILL PROVIDE MOST OF THE ANSWERS TO THE QUESTIONS YOU MAY HAVE. THE SITUATION IS THIS, OVER THE YEARS IN SOME INSTANCES WHEN THERE IS ONLY ONE SURGEON PRESENT IN THE OPERATING ROOM, SURGEONS USE A WELL-TRAINED ASSISTANT TO ASSIST WITH CERTAIN TASKS. IN THE REAL WORLD IT'S NOT LIKE GREY'S ANATOMY WHERE YOU HAVE FIVE OR SIX SURGEONS SHOULDER TO SHOULDER IN THE OPERATING ROOM. DURING AN AUGUST 2013 FACILITY SURVEY AT THE SIDNEY REGIONAL MEDICAL CENTER, IT WAS CALLED TO ATTENTION CASE LAW FROM 1898 THAT PROHIBITS PHYSICIANS FROM DELEGATING TASKS TO UNLICENSED HEALTHCARE PRACTITIONERS. STATE OF NEBRASKA THEN ISSUED A CEASE AND DESIST ORDER INFORMING FACILITIES IT WAS ILLEGAL FOR A PHYSICIAN TO DELEGATE IN THIS MANNER. CURRENTLY THERE ARE ABOUT 20 PEOPLE SERVING IN THAT CAPACITY. AND THESE PEOPLE HAVE THREE OR FOUR YEARS OF SCHOOL AND/OR TRAINING AND HAVE WORKED ALONGSIDE SURGEONS FOR YEARS. THEY PROVIDE A SAFE SURGICAL ENVIRONMENT IN THE TASK DELEGATED TO THE SURGEONS UNDER THEIR SUPERVISION. TO CONTINUE TO BE ABLE TO USE THESE PEOPLE, IT WAS DETERMINED THAT SEEKING LICENSURE FOR THE SFA<sub>s</sub> WAS NECESSARY AND APPROPRIATE. NEBRASKA HOSPITAL ASSOCIATION WORKED WITH THE SURGICAL FIRST ASSISTANTS AND BEGAN THE 407 REVIEW PROCESS THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THIS CREDENTIALING REVIEW PROCESS FOR SURGICAL FIRST ASSISTANTS WAS APPROVED AND NOW I'M HERE WITH LB721. LB721 ENACTS A LICENSURE PROCESS OF SURGICAL FIRST ASSISTANTS. THE BILL ESTABLISHES A SCOPE OF PRACTICE, WHICH IS ON THE BACKSIDE OF YOUR HANDOUT, AND EDUCATION OF PRACTICE GUIDELINES APPROVED BY THE BOARD OF MEDICINE AND SURGERY WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THERE IS AN AMENDMENT THAT CHANGES THE OPERATING DATE AND A COUPLE OF OTHER CHANGES. THIS BILL WAS VOTED OUT UNANIMOUSLY FROM THE COMMITTEE AND THE FISCAL NOTE IS ZERO. THANK YOU. [LB721]

PRESIDENT FOLEY: THANK YOU, SENATOR BAKER. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB721]

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SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM2057 TO LB721 REPRESENTS A COMPRISE AMONG THE INTERESTED STAKEHOLDERS: HOSPITALS, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE SURGICAL FIRST ASSISTANTS, DOCTORS, NURSES, AND AMBULATORY SURGICAL CENTERS. THE MAIN CHANGE IS TO ALLOW CURRENT PRACTITIONERS AN OPPORTUNITY TO BECOME LICENSED AS SURGICAL FIRST ASSISTANTS. CURRENT PRACTITIONERS NEED NO EXTRA TRAINING OR EDUCATION IF THEY PRESENT EVIDENCE TO THE BOARD OF MEDICINE AND SURGERY THAT THEY HAVE (1) BEEN PRACTICING IN THE LAST FIVE YEARS OR (2) SUBMIT A CURRENT CERTIFICATION AS A SURGICAL FIRST ASSISTANT. THOSE WILL BE ACCEPTED FOR LICENSURE UP UNTIL JANUARY 1, 2017, SO THAT IT IS TIME-LIMITED OPPORTUNITY. ANY SURGICAL FIRST ASSISTANT WHO SUBMITS A CREDENTIAL FROM ANOTHER STATE MAY ALSO BE LICENSED. OTHER CHANGES WERE REQUESTED BY THE DEPARTMENT CREATING AN OPERATIVE DATE OF JANUARY 2017 TO CLEARLY DELINEATE DUTIES OF THE DEPARTMENT AND THE BOARD. THE PROPOSAL WENT THROUGH A SUCCESSFUL CREDENTIALING REVIEW PROCESS AND WAS ADVANCED FROM THE COMMITTEE, AS SENATOR BAKER INDICATED, UNANIMOUSLY. I WOULD LIKE TO THANK SENATOR BAKER FOR HIS TIRELESS WORK ON THIS. WE HAVE ALSO HAD CONTRIBUTIONS FROM MEMBERS OF THE HEALTH AND HUMAN SERVICES COMMITTEE IN GETTING THIS AMENDMENT READY. WE NEED THIS LEGISLATION THIS YEAR. WE NEED TO CLARIFY WHAT HAPPENS AND WHO CAN PRACTICE WITHIN THEIR SCOPE OF PRACTICE IN THE OPERATING ROOM. SO IT IS VERY IMPORTANT THAT YOU GIVE YOUR ATTENTION TO THIS BILL AND VOTE GREEN ON THE UNDERLYING AMENDMENT AND LB721. THANK YOU, MR. PRESIDENT. [LB721]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MEMBERS YOU'VE HEARD THE OPENING ON LB721 AND THE COMMITTEE AMENDMENT. DEBATE IS NOW OPEN. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB721]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I WILL BE BRIEF. IT DAWNED ON ME THAT GIVEN ALL THE SCOPE-OF-PRACTICE BILLS THAT I'VE EITHER CARRIED OR BEEN INVOLVED IN, THIS WILL PROBABLY BE MY LAST OPPORTUNITY TO SAY SOMETHING ABOUT SCOPE OF PRACTICE AND I JUST COULDN'T RESIST THE URGE. BUT IT'S A GOOD BILL AND IT'S A NECESSARY BILL, AS IS THE AMENDMENT. SENATOR RIEPE AND I PROBABLY SHARE A COMMON BACKGROUND IN RECALLING WHEN SURGICAL ASSISTANTS WERE BASICALLY INDIVIDUALS WHO WERE HANDPICKED BY SURGEONS. THEY MAY HAVE BEEN RNs, THEY MAY HAVE BEEN LPNs, THEY MAY HAVE BEEN AIDES, THEY MAY HAVE BEEN SOMETHING ELSE, BUT THEY WERE TRAINED ON THE JOB AND WORKED

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FOR THOSE SURGEONS. DON'T GET ME WRONG, MANY WERE EXCELLENT IN WHAT THEY DID, YET THEY OPERATED OUTSIDE OF LICENSURE. THEY OPERATED WITH NO BASIC SCOPE OF PRACTICE. IT IS APPROPRIATE THAT THESE INDIVIDUALS NOW HAVE SOME GUIDELINES, SOME REQUIREMENTS, SOME LICENSURE GUIDANCE FOR A VARIETY OF REASONS NOT THE LEAST OF WHICH IS IT'S JUST A STANDARD OF CARE THAT PATIENTS DESERVE AND PROVIDES A DEGREE GUIDANCE THAT IS APPROPRIATE FOR THE DEPARTMENT TO HAVE IN PLACE FOR THE PUBLIC'S SAFETY. AND SO IT'S A GOOD BILL, LB721. AND THE AMENDMENT IS A RECOGNITION THAT IT WASN'T PERFECT TO BEGIN WITH BUT IT WAS CLOSE TO IT. AGAIN, SENATOR BAKER SHOULD BE CONGRATULATED FOR BRINGING THIS BILL FORWARD. IT'S COMMON SENSE AND SHOULD GET GREEN LIGHTS. THANK YOU. [LB721]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB721]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF AM2057 AND LB721. SENATOR BAKER HAS DONE A LOT OF WORK ON THIS AND IT DESERVES TO PASS. BUT, SENATOR GLOOR, THERE'S ANOTHER BILL COMING ON SCOPE OF PRACTICE. YOU'LL GET ONE MORE OPPORTUNITY. THANK YOU. [LB721]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB721]

SENATOR HILKEMANN: THANK YOU, MR. LIEUTENANT GOVERNOR. I JUST WONDERED IF SENATOR BAKER WOULD TAKE A...ANSWER A QUESTION FOR ME. [LB721]

PRESIDENT FOLEY: SENATOR BAKER, WILL YOU YIELD, PLEASE? [LB721]

SENATOR BAKER: YES, I'LL TRY TO ANSWER YOUR QUESTION, SENATOR HILKEMANN. [LB721]

SENATOR HILKEMANN: TELL ME WHAT CONSTITUTES THE TRAINING FOR A SURGICAL FIRST ASSISTANT. I SEE IT SAYS A HIGH SCHOOL DIPLOMA. [LB721]

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SENATOR BAKER: WELL, THERE IS TRAINING AND/OR EXPERIENCE. SO I'M GOING TO HAVE TO SAY THAT I CAN'T TELL YOU EXACTLY WHAT IT IS, THESE PEOPLE. BUT BEAR IN MIND, THESE PEOPLE HAVE BEEN OPERATING...THEY'VE BEEN IN A OPERATING ROOM FOR YEARS, AND YOU KNOW IT HAS NOT BEEN AN ISSUE. SO IT'S JUST PUTTING BACK INTO PRACTICE WHAT HAD BEEN DONE BEFORE. I'M SORRY I CAN'T MORE SPECIFICALLY ANSWER YOUR QUESTION. [LB721]

SENATOR HILKEMANN: NOW SO THESE...IS THIS BASICALLY ON-THE-JOB TRAINING THAT THEY RECEIVE? [LB721]

SENATOR BAKER: I THINK THAT HAS BEEN TRUE IN THE PAST AND THERE MAY WELL BE DEGREE PROGRAMS. REMEMBER, THERE'S ONLY 15 OR 20 OF THEM WHO ARE IN THE STATE OF NEBRASKA AT THIS TIME. THEY'RE PRESENT IN THIS CAPACITY IN OTHER STATES. [LB721]

SENATOR HILKEMANN: AND THIS CERTIFICATION PROCESS, WHAT'S IT GOING TO DO THAT'S PRESENTLY NOT HAPPENING? [LB721]

SENATOR BAKER: WELL, RIGHT NOW, BY CASE LAW IT'S BEEN SAID YOU CAN'T. A SURGEON CANNOT DELEGATE TO A NONLICENSED HEALTHCARE PROFESSIONAL. I SEE ON THE HANDOUT SHEET IT TALKS ABOUT THREE TO FOUR YEARS OF EXTENSIVE TRAINING AND IN ADDITION EACH PRACTITIONER MUST PASS A NATIONAL CERTIFYING EXAM TO BE CONSIDERED A SURGICAL FIRST ASSISTANT. [LB721]

SENATOR HILKEMANN: SO WHAT HAPPENS TO...I HAVE BEEN IN THE OR A LOT OVER MY LIFE. SO WHAT...WHAT REALLY CHANGES IN THIS PROCESS? [LB721]

SENATOR BAKER: THE CHANGE IS THAT THERE IS NOW A LICENSED SURGICAL FIRST ASSISTANT. THERE ARE PEOPLE ACTING IN THAT CAPACITY AND DIDN'T KNOW THEY COULDN'T BE. THE SURGEONS DIDN'T KNOW THEY COULDN'T DELEGATE THESE SAME KIND OF TASKS, BECAUSE THEY'RE ON THE BACKSIDE ON THE PAPER, BECAUSE IT CAME...CALLED TO OUR ATTENTION OUT AT SIDNEY A COUPLE OF YEARS AGO THAT, YOU KNOW, WHERE THERE WAS A 1898 CASE LAW THAT SAYS YOU CAN'T DO THAT. [LB721]

SENATOR HILKEMANN: AND SO YOU SAID THERE IS 25 PEOPLE POSSIBLY IN THE STATE? [LB721]

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SENATOR BAKER: FIFTEEN TO TWENTY. [LB721]

SENATOR HILKEMANN: OKAY. ALL RIGHT. THANK YOU VERY MUCH. [LB721]

SENATOR BAKER: YOU'RE WELCOME. [LB721]

PRESIDENT FOLEY: THANK YOU, SENATORS HILKEMANN AND BAKER. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU ARE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB721]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. JUST A QUICK NOTE FOR SENATOR HILKEMANN, THEY WERE NOT LICENSED. AND THEREFORE, THEY WENT THROUGH THE 407 PROCESS TO DEVELOP THIS SCOPE OF PRACTICE THAT'S ON THE BACK. THAT'S WHAT IS CRITICAL, IS THAT THEY BE LICENSED AND THE AMENDMENT, THE COMMITTEE AMENDMENT ALLOWS A PATHWAY FOR THE CURRENT STAFF ACROSS THE STATE THAT SERVE IN THAT CAPACITY. I WOULD URGE YOUR GREEN VOTE ON THE UNDERLYING AMENDMENT AND THE BILL. THANK YOU, MR. PRESIDENT. [LB721]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE DEBATE AND CLOSING ON THE COMMITTEE AMENDMENT, AM2057. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB721]

CLERK: 29 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB721]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON THE AMENDED BILL, SENATOR BAKER, YOU'RE RECOGNIZED TO CLOSE ON LB721. AND HE WAIVES CLOSING. THE QUESTION IS ADVANCE OF LB721 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB721]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB721. [LB721]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB721 ADVANCES. NEXT BILL, MR. CLERK. [LB721]

CLERK: MR. PRESIDENT, LB235 IS A BILL ORIGINALLY INTRODUCED BY SENATOR HOWARD. (READ TITLE.) INTRODUCED ON JANUARY 13 OF LAST YEAR. AT THAT TIME IT WAS REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM751, LEGISLATIVE JOURNAL PAGE 883.) [LB235]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN ON LB235. [LB235]

SENATOR HOWARD: THANK YOU, LIEUTENANT GOVERNOR. TODAY WE'RE GOING TO DISCUSS LB235 WHICH FOR ABOUT A YEAR AND HALF HAS ALWAYS BEEN A BRIDESMAID AND NEVER A BRIDE. LAST YEAR IT WAS AT THE VERY END OF OUR AGENDA AND IT WAS READY TO GO AND WE JUST NEVER GOT TO IT. AND SO THIS AFTERNOON IS VERY EXCITING FOR ME. WE'RE GOING TO TALK ABOUT THE CONSUMER PROTECTION IN EYE CARE ACT. I INTRODUCED THIS BILL LAST YEAR AND IT WAS ADVANCED FROM THE HEALTH AND HUMAN SERVICES COMMITTEE UNANIMOUSLY AND IT HAS NO FISCAL NOTE. I WOULD LIKE TO THANK THE SPEAKER FOR PRIORITIZING LB235 AND I'M VERY, VERY HAPPY THAT WE'RE GETTING TO IT THIS YEAR. LB235 ADDRESSES CONSUMER PROTECTIONS RELATED TO EYE CARE. IT RECOGNIZES THE ADVENT OF NEW TECHNOLOGIES THAT WILL ENABLE CONSUMERS TO GET VARIOUS ASSESSMENTS OF THEIR VISIONS FROM KIOSKS AND OTHER REMOTE EQUIPMENT. AS HEALTHCARE CONTINUES TO EVOLVE, NEW TECHNOLOGIES AND NEW APPLICATIONS OF TELEHEALTH WILL CREATE EXPANDED OPPORTUNITIES FOR PATIENT CARE AND EXPANDED ACCESS TO CARE, BUT THESE NEW TECHNOLOGIES ALSO CREATE NEW CHALLENGES FOR HOW THE STATE SHOULD REGULATE AND OVERSEE THEIR USE AND FOR HOW THE STATE CAN ASSURE THAT THERE ARE APPROPRIATE CONSUMER AND PATIENT SAFEGUARDS IN PLACE. SOME OF THESE TECHNOLOGIES WILL HAVE THE POTENTIAL FOR SUGGESTING OR EVALUATING REFRACTIVE ERROR. A REFRACTIVE ERROR IS AN ERROR IN THE FOCUSING OF LIGHT BY THE EYE AND A FREQUENT REASON FOR REDUCED VISUAL ACUITY. AS A RESULT, SOME CONSUMERS COULD ASSUME THEY HAD SUFFICIENT INFORMATION FROM THESE ASSESSMENTS TO CONSTITUTE A PRESCRIPTION FOR EYEGASSES OR CONTACT LENSES. THERE ARE IMPORTANT SAFEGUARDS IN PLACE TODAY FOR CONSUMERS WHO RELY ON PRESCRIPTIONS FOR EYEGASSES AND CONTACTS, BUT ABSENT THE CHANGES SUGGESTED BY LB235, THOSE SAFEGUARDS WOULD NOT BE APPLICABLE FOR CONSUMERS USING MANY OF

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THESE NEW TECHNOLOGIES. AND SINCE PRESCRIPTIONS OF ALL KINDS ARE APPROPRIATELY REGULATED BY THE STATE, I THINK IT'S IMPORTANT THAT WE UPDATE THE REQUIREMENTS FOR PRESCRIPTION EYE WEAR TO REFLECT NEW TECHNOLOGIES AND NEW CAPABILITIES FOR EYE CARE THAT ARE COMING INTO THE HEALTHCARE MARKETPLACE. THERE ARE THREE KEY ELEMENTS OF THE CONSUMER PROTECTION IN EYE CARE ACT. NUMBER ONE, IT ESTABLISHES THAT PRESCRIPTIONS FOR EYEGASSES AND CONTACT LENSES MAY NOT BE BASED SOLELY ON REFRACTIVE DATA OR INFORMATION GENERATED BY AUTOMATED EQUIPMENT. THIS IS IN KEEPING WITH THE STANDARD OF CARE FOR VIRTUALLY ALL OTHER PRESCRIPTIONS ISSUED IN HEALTHCARE. FOR THE PATIENT'S SAFETY, PRESCRIPTIONS ARE NOT ISSUED WITHOUT EVALUATION BY A DOCTOR OR LICENSED PROVIDER AND SOME ASSESSMENT OF HEALTH OR MEDICAL STATUS OF THE PATIENT. THIS BILL IS PREMISED ON THAT STANDARD. NUMBER TWO, IT REQUIRES THAT THE HEALTHCARE PROVIDER EVALUATING DATA FROM KIOSKS OR OTHER REMOTE TECHNOLOGY MUST BE LICENSED TO PRACTICE IN NEBRASKA. THIS IS IMPORTANT SO THAT THE STATE OF NEBRASKA, THROUGH OUR HEALTH PROFESSIONAL LICENSING BOARDS, IS ABLE TO HAVE REGULATORY OVERSIGHT OF THE HEALTHCARE PROVIDED TO OUR CITIZENS. IT ESTABLISHES...AND THIRDLY, IT ESTABLISHES BASIC STANDARDS FOR THE OPERATIONS OF KIOSKS AND OTHER REMOTE TECHNOLOGIES, INCLUDING COMPLIANCE WITH THE AMERICANS WITH DISABILITY ACT, COMPLIANCE WITH HIPAA, AND APPROVAL BY THE FDA FOR THE INTENDED USE AND ASSURANCE OF APPROPRIATE LIABILITY INSURANCE COVERAGE RELATED TO THE EQUIPMENT USED. THE GREAT NEWS IS THAT LB235 IS NOT A SCOPE-OF-PRACTICE ISSUE. USE OF THE TECHNOLOGIES THAT WOULD BE ADDRESSED IN THIS BILL WOULD NOT CHANGE OR IMPACT THE CURRENT SCOPE OF PRACTICE FOR OPTOMETRISTS OR OTHER HEALTHCARE PROVIDERS. THIS BILL OFFERS APPROPRIATE PARAMETERS TO SAFEGUARD CONSUMERS AND PROVIDE THAT WHEN REMOTE AND AUTOMATED TECHNOLOGIES ARE USED TO EVALUATE PATIENTS FOR PRESCRIPTION EYE WEAR, THOSE PATIENTS HAVE SOME OF THE SAME ASSURANCES AS TO STANDARD OF CARE THAT THEY WOULD HAVE WITHOUT THESE TECHNOLOGIES. THERE IS A COMMITTEE AMENDMENT ON THE BILL AND I HAVE FILED AN AMENDMENT TO THAT AMENDMENT AS THE RESULT OF SOME SUGGESTIONS FROM THE HEALTH AND HUMAN SERVICES DEPARTMENT WHO IS SUPPORTIVE OF THE BILL AND SOME CHANGES SUGGESTED BY THE OPHTHALMOLOGISTS. I WOULD ASK THAT YOU SUPPORT THE COMMITTEE AMENDMENT AND MY AMENDMENT AND I THANK YOU FOR YOUR CONSIDERATION OF LB235. THANK YOU, MR. PRESIDENT. [LB235]

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PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB235]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM751 TO LB235 WAS REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. FIRST, THE AMENDMENT REFERENCES THE DEFINITION OF "PROVIDER" IN SECTION 1 AND NARROWS THAT SCOPE TO APPLICABLE PROVIDERS AS IT IS A VERY WIDE DEFINITION IN THE GREEN COPY AND WE FELT IT SHOULD BE A LITTLE NARROWER. IN SECTION 3, THE COMMITTEE AMENDMENT CHANGES THE EXPIRATION DATE REQUIREMENT ON SPECTACLES AND CONTACTS TO MIRROR THE FEDERAL TRADE COMMISSION GUIDELINES. AND LASTLY, AMENDS SECTION 6 REGARDING THE COMPLAINT PROCESS AND INCLUDES A REFERENCE TO THE UNIFORM CREDENTIALING ACT AS THEY GOVERN PHYSICIANS AND OPTOMETRISTS AND OTHER CREDENTIAL HOLDERS. THE BILL AS AMENDED BY THE COMMITTEE ADVANCED UNANIMOUSLY FROM COMMITTEE. AND I WOULD HAVE TO SAY THAT THIS IS THE RESULT OF PERSEVERANCE BY SENATOR HOWARD. SO WE WOULD ASK FOR YOUR GREEN LIGHT ON THE UNDERLYING AMENDMENT AND THE BILL. THANK YOU, MR. PRESIDENT. [LB235]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MR. CLERK. [LB235]

CLERK: MR. PRESIDENT, SENATOR HOWARD WOULD MOVE TO AMEND WITH AM2577. (LEGISLATIVE JOURNAL PAGE 1007.) [LB235]

PRESIDENT FOLEY: SENATOR HOWARD, YOU ARE RECOGNIZED TO OPEN ON AM2577. [LB235]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. AM2577 TO THE COMMITTEE AMENDMENT IS MORE TECHNICAL CHANGES. WHEN IT TAKES A YEAR AND A HALF ON A BILL, YOU WILL ALWAYS FIND MORE TECHNICAL CHANGES. AFTER THE COMMITTEE AMENDMENT WAS ADOPTED, WE HAD SOME FURTHER CONVERSATIONS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THEY ASKED FOR A LITTLE MORE CLARITY AROUND THE UNIFORM CREDENTIALING ACT. AND THE REST OF THE AMENDMENT IS CLARIFYING LANGUAGE FROM THE OPHTHALMOLOGISTS THAT WAS AGREED TO BY ALL PARTIES. I WOULD BE HAPPY TO TRY TO ANSWER ANY QUESTIONS AND I WOULD URGE YOUR GREEN VOTE ON AM2577. THANK YOU, MR. PRESIDENT. [LB235]

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PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. DEBATE IS NOW OPEN ON LB235 AND THE RELATED AMENDMENTS. SEEING NO SENATORS WISHING TO SPEAK, SENATOR HOWARD, YOU'RE RECOGNIZED TO CLOSE. AND SHE WAIVES CLOSING ON AM2577. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB235]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB235]

PRESIDENT FOLEY: AM2577 IS ADOPTED. CONTINUING TO DEBATE. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENTS, AM751. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB235]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB235]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. RETURNING TO DEBATE ON LB235. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR HOWARD WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB235 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB235]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB235. [LB235]

PRESIDENT FOLEY: LB235 ADVANCES. NEXT BILL, MR. CLERK. [LB235]

CLERK: MR. PRESIDENT, LB768 IS BY SENATOR GARRETT (READ TITLE.) INTRODUCED ON JANUARY 6 OF THIS YEAR. AT THAT TIME REFERRED TO THE TRANSPORTATION COMMITTEE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2058 LEGISLATIVE JOURNAL PAGE 696.) [LB768]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR GARRETT, YOU'RE RECOGNIZED TO OPEN ON LB768. [LB768]

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SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. LB768 WAS A BILL THAT CREATES THE CHOOSE LIFE LICENSE SPECIALTY PLATE WITH THE DEPARTMENT OF MOTOR VEHICLES TO CREATE A DESIGN THAT REFLECTS SUPPORT FOR THE PROTECTION OF NEBRASKA'S CHILDREN, BOTH BORN AND UNBORN. WE TOOK THIS TO THE TRANSPORTATION, TELECOMMUNICATIONS COMMITTEE. IT CAME OUT WITH AN 8-0 VOTE. BUT THERE HAVE BEEN SOME AMENDMENTS PUT ON IT THAT WOULD KIND OF UNDERMINE THE SUPPORT THAT WE ORIGINALLY HAD FOR THE PLATE. SO WE'VE DECIDED IN THE SPIRIT OF THIS LATE HOUR IN THE SESSION AND HAVING TO PRIORITIZE OTHER BILLS, WE'RE GOING TO GO AHEAD AND REQUEST THIS BILL BE BRACKETED AND WE'LL BE BACK EARLY NEXT YEAR WITH THE SAME BILL. SO, REQUEST UNANIMOUS CONSENT TO BRACKET THE BILL TO 4-20-16. [LB768]

PRESIDENT FOLEY: WITHOUT OBJECTION, THE BILL IS BRACKETED. PROCEEDING ON THE AGENDA TO THE NEXT BILL, LB716. MR. CLERK. [LB768 LB716]

CLERK: MR. PRESIDENT, LB716 IS A BILL BY SENATOR KOLOWSKI (READ TITLE.) INTRODUCED ON JANUARY 6 OF THIS YEAR. AT THAT TIME REFERRED TO THE TRANSPORTATION COMMITTEE. BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2134, LEGISLATIVE JOURNAL PAGE 731.) [LB716]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KOLOWSKI, YOU'RE RECOGNIZED TO OPEN ON LB716. [LB716]

SENATOR KOLOWSKI: THANK YOU, MR. SPEAKER. GOOD AFTERNOON, MEMBERS OF THE LEGISLATURE. TODAY I HAVE LB716 WHICH IS A SPEAKER PRIORITY BILL. IT'S TIME TO CHANGE OUR LAWS SO THAT WE CAN BETTER PROTECT PEOPLE WHO RIDE BICYCLES. LB716 CLARIFIES THE STATUTE BY MAKING THE RULES OF THE ROAD MORE STRAIGHTFORWARD FOR BIKE RIDERS AND FOR MOTORISTS. LB716 ALSO ASSISTS LAW ENFORCEMENT OFFICERS IN ENFORCING THE LAW. FIRST, LB716 GIVES PEDESTRIANS AND BIKE RIDERS ON TRAILS THE RIGHT OF WAY WITH THE TRAFFIC CONTROL SIGNAL AT THAT LOCATION. THE CURRENT LAW IS PROBLEMATIC FOR MULTI-USE TRAILS THAT HAVE AT-GRADE STREET CROSSINGS. SECOND, THIS BILL REPEALS THE MANDATORY SIDEPATH LAW THAT STATES WHENEVER A USEFUL PATH FOR BICYCLES HAS BEEN PROVIDED ADJACENT TO A HIGHWAY, A PERSON OPERATING A BICYCLE SHALL USE SUCH PATH AND SHALL NOT USE SUCH HIGHWAY. THIS LAW HAS NOT BEEN UPDATED SINCE 1968. THIS IS PROBLEMATIC FOR PEOPLE ON BICYCLES AND THE LEAGUE

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OF AMERICAN BICYCLISTS IN WASHINGTON, D.C., STATES, LAWS THAT MANDATE THAT A BICYCLIST USE A PARTICULAR FACILITY UNDERMINE THE ABILITY OF THE BICYCLIST TO PROTECT HIMSELF OR HERSELF WHEN THOSE FACILITIES ARE NOT WELL PLANNED, DESIGNED, AND/OR POORLY MAINTAINED. THERE ARE NUMEROUS OPERATIONAL REASONS WHY A DEDICATED BIKE FACILITY MIGHT BE RENDERED UNSAFE OR IMPRACTICAL SUCH AS AN ACCUMULATION OF DEBRIS, ILLEGALLY PARKED VEHICLES, THE NEED TO MAKE A LEFT TURN, AND IN SOME CASES, CYCLISTS NEED TO BE ABLE TO RIDE IN THE ADJACENT OR PARALLEL TRAVEL LANES WITHOUT FEAR OF PROSECUTION. CYCLISTS NEED TO BE ABLE TO EXERCISE THEIR OWN JUDGMENT TO CHOOSE A SAFE ROUTE. FORTY-SIX OTHER STATES DO NOT HAVE MANDATORY SIDEPATH LAWS AND NEBRASKA SHOULD BE THE 47th. LB716 WOULD MAKE THIS HAPPEN. FINALLY, LB716 ALLOWS BICYCLISTS TO CAREFULLY ENTER AN INTERSECTION IN ACCORDANCE WITH THE TRAFFIC SIGNALS SIMILAR TO THE CURRENT REQUIREMENTS FOR PEDESTRIANS. YOU HAVE BEEN GIVEN A HANDOUT AT YOUR TABLE THAT WILL HELP LIST THE NUMBER OF ITEMS THAT ARE CONNECTED TO THIS PARTICULAR BILL. THE REASONS FOR THIS BILL ARE THAT IT CLARIFIES THE RIGHTS OF BICYCLISTS AND PEDESTRIANS; CLARIFIES THE EXPECTATIONS OF MOTORISTS, BICYCLISTS, AND PEDESTRIANS; AND ASSISTS LAW ENFORCEMENT'S ABILITY TO ENFORCE THE LAWS; ENCOURAGES BICYCLISTS TO FOLLOW THE RULES OF THE ROAD; REPEALS AN OUTDATED PROVISION BRINGING NEBRASKA IN LINE WITH OTHER STATES; AND CREATES CONSISTENCY FOR BOTH PEDESTRIANS AND BICYCLE USERS. WE BELIEVE THAT THESE COMMONSENSE LEGAL CLARIFICATIONS STRENGTHEN THE RIGHT OF PEDESTRIANS AND BICYCLE USERS, CLARIFY A MOTORIST'S RESPONSIBILITIES, AND ASSIST LAW ENFORCEMENT IN THE ABILITY TO ENFORCE THE LAWS. PUBLIC KNOWLEDGE, PUBLIC SAFETY, AND PUBLIC ACTION ARE THE DIRECT CONCEPTS BEHIND LB716. OUR SOCIETY IS FACING BOTH INCREASED MOTOR VEHICLE TRAFFIC AND MORE BICYCLE RIDERS. THE CENTERPIECE OF THIS BILL IS THE SAFETY AND THE SECURITY OF ALL ROAD USERS THROUGHOUT ALL OF NEBRASKA. LB716 IS A GREAT STEP TOWARD MAKING NEBRASKA BICYCLE FRIENDLY AND I URGE YOU TO PLEASE ADVANCE THIS BILL TO SELECT FILE. THANK YOU VERY MUCH. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLOWSKI. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE TRANSPORTATION, TELECOMMUNICATIONS COMMITTEE. SENATOR SMITH, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB716]

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SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. THIS AMENDMENTS MAKES MINOR TECHNICAL CHANGES TO THE UNDERLYING BILL. REFERENCES TO THE TERM "TRAFFIC CONTROL SIGNAL" ARE CHANGED TO "TRAFFIC CONTROL DEVICE". BOTH TERMS ARE DEFINED TERMS IN THE RULES OF THE ROAD. TRAFFIC CONTROL DEVICE, WHICH IS THE TERM SUBSTITUTED BY THE AMENDMENT, IS THE BROADER TERM AND WOULD INCLUDE SIGNS AS WELL AS TRAFFIC LIGHTS. NEW LANGUAGE ON PAGE 4, LINES 27-31 IS CLARIFIED AS WELL. AN INDIVIDUAL RIDING A BICYCLE ON A DESIGNATED BICYCLE PATH MAY ENTER A HIGHWAY WHEN THE PATH CROSSES THE HIGHWAY AND SHALL GIVE THE RIGHT OF WAY WHEN INDICATED AND ALLOWED BY A TRAFFIC CONTROL DEVICE. LANGUAGE ON PAGE 4, LINES 30-31 IS REDUNDANT AND HAS BEEN STRICKEN. THE BILL WAS ADVANCED WITH THE COMMITTEE AMENDMENT ON A VOTE OF 6-1. I WOULD ASK FOR YOUR SUPPORT OF THE COMMITTEE AMENDMENT AND ENCOURAGE ITS ADOPTION. THANK YOU, MR. PRESIDENT. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. DEBATE IS NOW OPEN ON LB716 AND THE COMMITTEE AMENDMENTS. SENATOR COASH, YOU'RE RECOGNIZED. [LB716]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WANT TO SPEND A LITTLE BIT OF TIME TALKING ABOUT ONE OF THE PROVISIONS IN LB716 WHICH I'VE RECEIVED SOME CORRESPONDENCE ABOUT. AND THAT IS THE REPEAL OF THE SIDEPATH MANDATE. COLLEAGUES, ACROSS THIS STATE, NOT JUST IN THE CITIES, OKAY, CERTAINLY HERE IN LINCOLN WE HAVE A PRETTY ROBUST BIKE TRAIL PATH SYSTEM. I KNOW OMAHA DOES AS WELL. BUT IN GREATER NEBRASKA, THERE'S ALSO BIKE TRAILS. AND ONE OF THE PHENOMENON YOU'LL SEE IF YOU SPEND TIME IN GREATER NEBRASKA IS THAT YOU MIGHT BE GOING DOWN A HIGHWAY AND LOOK TO YOUR RIGHT OR LOOK TO YOUR LEFT AND SEE A BIKE PATH 100 YARDS FROM YOU ON THE HIGHWAY RUNNING PARALLEL TO THE HIGHWAY AND YET BEING FORCED TO GO AROUND CYCLISTS ON THE HIGHWAY. I DIDN'T KNOW THAT UNTIL LB716 WAS GOING TO REPEAL THIS PART OF THE LAW THAT IT WAS UNLAWFUL FOR SOMEONE TO RIDE DOWN THE HIGHWAY IF THERE'S A PERFECTLY GOOD BIKE PATH PARALLEL TO IT. AND WHAT LB716 IS GOING TO DO IS REMOVE THAT OBLIGATION OF THAT CYCLIST TO USE A BIKE PATH. AND I DON'T UNDERSTAND THE RATIONALE BEHIND REMOVING A REQUIREMENT TO USE A BIKE PATH WHEN THERE'S ONE THERE PARALLEL TO THE HIGHWAY. AND I WAS WONDERING IF SENATOR SMITH WOULD YIELD TO A QUESTION. [LB716]

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PRESIDENT FOLEY: SENATOR SMITH, WILL YOU YIELD, PLEASE? [LB716]

SENATOR SMITH: YES, I WILL. [LB716]

SENATOR COASH: THANK YOU, SENATOR SMITH. YOU SAT THROUGH THE HEARING. YOU LISTENED TO THE CYCLISTS. WHAT RATIONALE WAS GIVEN TO THE COMMITTEE THAT THEY SHOULDN'T BE...THAT IT SHOULDN'T BE UNLAWFUL FOR THEM TO USE A HIGHWAY VERSUS A BIKE PATH...SIDEPATH WHEN IT'S RIGHT THERE. [LB716]

SENATOR SMITH: RIGHT. SENATOR COASH, AS I RECALL FROM THE TESTIMONY, COMMENTS MADE BY BICYCLISTS IS THAT THEY PREFER TO HAVE A SIDEPATH AND TO USE A SIDEPATH, BUT THERE ARE OFTENTIMES THE CONDITIONS IN WHICH THE SIDE HAS NOT BEEN WELL MAINTAINED. IT MAY HAVE POTHOLES IN IT. IT MAY NOT BE IN GOOD CONDITION. AND THEY WOULD LIKE TO HAVE THE OPTION OF BEING ON THE ROADWAY UNDER THOSE CONDITIONS. [LB716]

SENATOR COASH: THANK YOU, SENATOR SMITH. A FOLLOW-UP QUESTION FOR YOU. WE KNOW ABOUT THE FUNDING FOR THE ROADS. WE KNOW WHO FUNDS AND THE DIFFERENT SOURCES OF REVENUE FOR ROADS FUNDING. CAN YOU TELL ME WHAT THE SOURCES ARE FOR MAINTAINING THOSE SIDEPATHS SINCE THEY DO COME IN DISREPAIR JUST LIKE ANY OTHER ROAD WOULD. [LB716]

SENATOR SMITH: MY UNDERSTANDING, SENATOR COASH, AND I CAN FOLLOW UP ON THIS FOR YOU OFF MIKE AS WELL, BUT THAT WOULD COME FROM OTHER CITY FUNDING OR COUNTY FUNDING. [LB716]

SENATOR COASH: OKAY. THANK YOU, SENATOR SMITH. WOULD SENATOR KOLOWSKI YIELD TO A QUESTION? [LB716]

PRESIDENT FOLEY: SENATOR KOLOWSKI, WOULD YOU YIELD, PLEASE? [LB716]

SENATOR KOLOWSKI: ABSOLUTELY. [LB716]

SENATOR COASH: THANK YOU, SENATOR KOLOWSKI. SENATOR KOLOWSKI, YOU HEARD THE QUESTIONS I WAS ASKING SENATOR SMITH. [LB716]

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SENATOR KOLOWSKI: YES, SIR. [LB716]

SENATOR COASH: DO YOU...THIS IS YOUR BILL. WOULD YOU WEIGH IN ON WHY A CYCLIST SHOULDN'T BE FORCED TO USE THE SIDEPATH WHEN THERE IS SIDEPATH AVAILABLE TO THEM. [LB716]

SENATOR KOLOWSKI: ABSOLUTELY. BACK TO THE FUNDING SOURCES AS WELL THAT TIES INTO THE ANSWER AS FAR AS MAINTENANCE. A LOT OF THE BIKE PATHS, EVEN IN OUR OWN COMMUNITIES, COULD BE FUNDED BY A NUMBER OF DIFFERENT RESOURCES. THE CITY OF OMAHA, FOR EXAMPLE, IS IN CHARGE OF ZORINSKY LAKE. THERE ARE NRD PATHS AROUND DIFFERENT RESERVOIRS THAT THEY MAINTAIN OUT OF THEIR NRD BUDGETS. THERE IS A COMBINATION OF MONEY FROM THE FEDS AND AS WELL AS THE STATE THAT ALSO MIGHT BE COMING TO ANY ONE OF THOSE AGENCIES, CITY OR NRD TYPE, TO HELP WITH THE MAINTENANCE OR CONNECTION OF THINGS BETWEEN... [LB716]

PRESIDENT FOLEY: ONE MINUTE. [LB716]

SENATOR KOLOWSKI: ...RESERVOIR TO RESERVOIR. SO THERE'S LOTS OF DIFFERENT SOURCES OF FUNDING THAT HELP MAINTAIN THOSE. YOU'D WANT TO TRY TO CHOOSE THE BEST PATH FOR YOUR OWN SAFETY AND SECURITY, NOT JUST SPEED. BUT I'VE SEEN MANY SIDEPATHS THAT HAVE BEEN TERRIBLY KEPT AND THE CHUCKHOLES AND OTHER OBSTACLES OR FALLEN-DOWN TREES, DIFFERENT THINGS ON THE PATH WOULD DISRUPT THE BIKE RIDER POTENTIALLY. YOU AND I HAVE TALKED ALSO ABOUT THE...IF IT'S A GRAVEL-LADEN PATH, THAT MAY BE MORE DIFFICULT ON TIRES DEPENDING ON THE TIRE OF THE BIKE, THE WIDTH OF THE TIRE BEING USED, AND THE SIZE OF THE BIKE THAT'S BEING USED, THAT MIGHT BE MORE DIFFICULT THAN AN ASPHALT TRAIL, FOR EXAMPLE. [LB716]

SENATOR COASH: THANK YOU, SENATOR KOLOWSKI. HERE'S MY CHALLENGE, COLLEAGUES. TAXPAYERS ARE PAYING FOR THESE BIKE PATHS, THEY'RE COMING INTO DISREPAIR AND NOW WE'RE... [LB716]

PRESIDENT FOLEY: TIME, SENATOR. [LB716]

SENATOR COASH: THANK YOU, MR. PRESIDENT. [LB716]

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PRESIDENT FOLEY: THANK YOU, SENATOR COASH. (VISITORS INTRODUCED.)  
CONTINUING WITH DEBATE, SENATOR PANSING BROOKS. [LB716]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN FAVOR OF LB716 AND AM2134. I JUST WANTED TO PUT INTO THE RECORD PART OF A LETTER FROM MAYOR BEUTLER, THE CITY OF LINCOLN, REGARDING THIS BILL. HE SAYS THAT THE CITY OF LINCOLN WISHES TO CONVEY ITS SUPPORT FOR LB716 AND THAT IT WILL REMOVE AN UNNECESSARY MANDATORY SIDEPATH LAW FOR BICYCLISTS AND PROTECT ITS CYCLISTS WHILE IN THE CROSSWALKS. LB716 WILL ELIMINATE AN ANTIQUATED MANDATORY SIDEPATH LAW THAT LIMITS THE ABILITY OF BICYCLISTS TO USE OUR STREETS. THIS UNNECESSARY LIMITATION ON BICYCLE USE IS IN CONFLICT WITH THE CITY OF LINCOLN'S INCREASED EMPHASIS ON ENSURING RESIDENTS ARE ABLE TO USE THE...BICYCLING AS BOTH A MODE OF TRANSPORTATION AND AS A MEANS TO BE MORE ACTIVE. HE GOES ON TO TALK ABOUT HOW IMPORTANT IT IS TO BE ABLE TO BE...THAT SOME OF OUR LAWS HAVE BECOME ANTIQUATED. OUR STATE NOW RANKS 47 OUT OF 50 IN STATES THAT HAVE LAWS THAT ARE FRIENDLY TO BICYCLISTS AND THAT ENCOURAGE THIS HEALTHY ACTIVITY. SO WITH THAT, I URGE YOUR SUPPORT OF AM2134, UNDERLYING LB716 AND I GIVE THE REST OF MY TIME TO SENATOR KOLOWSKI, IF HE'D LIKE IT. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR KOLOWSKI, 3:30. [LB716]

SENATOR KOLOWSKI: THANK YOU VERY MUCH, SIR. THANK YOU, SENATOR PANSING BROOKS. THE ISSUES SHE'S TALKED ABOUT ARE VERY TYPICAL OF WHAT'S TAKING PLACE IN METRO AREAS AROUND THE COUNTRY. I KNOW FROM ONE PERSPECTIVE, MY YOUNGEST SON, OUR YOUNGEST SON GRADUATED FROM UNL IN 2003. AS HE'S RETURNED TO THE CITY AT DIFFERENT TIMES OVER THE YEARS, HE'S AMAZED AT THE NUMBER OF BIKE PATHS, TRAILS, AND RECONFIGURATION THAT'S BEEN DONE AS FAR AS THE USE OF BICYCLES IN THE CITY OF LINCOLN JUST IN THE 13 YEARS SINCE HE GRADUATED. IT'S BEEN A TREMENDOUS CHANGE IN FLOW OF TRAFFIC AND OPPORTUNITIES FOR THE USE OF BIKES, NOT ONLY FOR RECREATION BUT ALSO FOR TRANSPORTATION ON THE PART OF SOME PEOPLE. THIS IS THEIR ONLY MEANS OF TRANSPORTATION. AND THEY NEED TO OBEY THE LAWS AND USE THOSE BIKE PATHS AND STREETS IN A NORMAL FASHION LIKE EVERY OTHER VEHICLE USER OR BICYCLE USER THAT WOULD USE THOSE. SO I THINK WE'RE IN A SITUATION WHERE A GREAT DEAL OF CHANGE IS TAKING PLACE. WE KNOW THAT IN OMAHA AND IN LINCOLN AND IN OTHER CITIES AROUND THE STATE, METRO AREAS AROUND THE COUNTRY ARE

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SEEING THIS HAPPEN IN GREAT DETAIL. AND I THINK IT WILL BECOME MORE AND MORE POSSIBLE TO RIDE SAFELY AND SECURELY IN ANY URBAN AREA WITHOUT ANY PROBLEMS IN THE FUTURE IF WE WATCH THESE PARTICULAR LAWS AND RULES OF THE ROAD FOR BOTH MOTORISTS AS WELL AS THE CYCLISTS. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLOWSKI. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB716]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR KOLOWSKI WOULD YIELD TO A COUPLE OF QUESTIONS. [LB716]

PRESIDENT FOLEY: SENATOR KOLOWSKI, WOULD YOU YIELD, PLEASE? [LB716]

SENATOR KOLOWSKI: SURELY. [LB716]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. DOES THIS BILL ELIMINATE HAVING TO WALK YOUR BIKE ACROSS INTERSECTIONS? [LB716]

SENATOR KOLOWSKI: YES, FOR THE MOST PART, YOU HAVE THE SAME RIGHTS AS THE VEHICLES THAT ARE USING THE ROADS AND YOU WOULD HAVE THE OPPORTUNITY TO RIDE YOUR BIKE ACROSS WITH THE FLOW OF TRAFFIC ACCORDING TO THE LIGHTS... YOU'RE TALKING ABOUT A TRAFFIC-LIT CORNER OR INTERSECTION IN THAT WAY, SIR? [LB716]

SENATOR BLOOMFIELD: THE TRAFFIC LIGHT. MY CONCERN WITH THAT, AS IT WAS LAST YEAR, IS THAT IF YOU ARE TRAVELING 20, 25 MILES DOWN THE STREET AND YOU CAN MAKE A RIGHT-HAND TURN, YOU CANNOT SEE THAT INDIVIDUAL THAT MAY BE TRAVELING 20 MILES AN HOUR ON A BICYCLE ON THE SIDEWALK. AND HE'S GOING TO COME RIGHT ACROSS THERE AND YOU ARE GOING TO BAG HIM ABOUT HALFWAY ACROSS. THAT WAS THE CONCERN LAST YEAR. THAT'S STILL A CONCERN. [LB716]

SENATOR KOLOWSKI: I UNDERSTAND THAT CONCERN. I THINK YOU WOULD HAVE TO, EACH OF US WOULD HAVE TO SIT DOWN TO DRAW WHAT YOU ARE TALKING ABOUT EXACTLY. ANYONE GOING THAT PARTICULAR SPEED WOULD NOT BE USING CAUTION AND SAFE APPROACH METHODS TO COME UP TO THAT PARTICULAR CORNER AND THAT WOULD PUT HIMSELF OR HERSELF AT RISK AS

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A BIKE RIDER WITH THE AMOUNT OF TRAFFIC THAT MIGHT BE ON A PARTICULAR CORNER. [LB716]

SENATOR BLOOMFIELD: HOWEVER, WERE THEY TO GET OFF OF THE BICYCLE AND WALK IT ACROSS THE INTERSECTION, YOU CAN SEE IF THERE'S SOMEBODY STARTING THE TURN OR SOMEBODY THAT IS COMMENCING THAT TURN WOULD HAVE A 50-50 SHOT AT LEAST OF SEEING THE BICYCLIST. [LB716]

SENATOR KOLOWSKI: WELL, I HOPE THERE WOULD... [LB716]

SENATOR BLOOMFIELD: MY NEXT QUESTION TO YOU, SENATOR, WOULD BE ON ALL THE WORK THAT HAS BEEN DONE ON N STREET TO CREATE A SAFE PLACE FOR BICYCLISTS, AS I UNDERSTAND THIS, THAT THEY GO AHEAD AND RIDE OUT IN THE OTHER TRAFFIC IF THEY WANTED TO. [LB716]

SENATOR KOLOWSKI: YOU'RE TALKING ABOUT LINCOLN? [LB716]

SENATOR BLOOMFIELD: YES, SIR. [LB716]

SENATOR KOLOWSKI: OKAY, I DON'T KNOW THAT LOCATION SO I COULDN'T SPEAK TO IT BECAUSE I DON'T KNOW THAT PART OF THE CITY. I'M SORRY. [LB716]

SENATOR BLOOMFIELD: I WOULD SUGGEST YOU FAMILIARIZE YOURSELF WITH IT BECAUSE THEY TURNED ONE LANE OF TRAFFIC OVER ENTIRELY TO BICYCLES. THEY BUILT A DIVISION BETWEEN THAT AND THE AUTOMOBILE TRAFFIC. THEY PAINTED THE ROUTE GREEN... [LB716]

SENATOR KOLOWSKI: YES. [LB716]

SENATOR BLOOMFIELD: ...SO THE BICYCLISTS KNOW IT'S THEIRS. BUT YOU'RE TELLING ME THAT UNDER THIS BILL THEY CAN GO AHEAD AND RIDE IN THE OTHER TWO LANES OF TRAFFIC THAT ARE LEFT FOR AUTOMOBILES AND I FIND THAT PROBLEMATIC. [LB716]

SENATOR KOLOWSKI: NO, THEY SHOULD CONCENTRATE ON THE LANE THAT WAS DESIGNED FOR THEM SPECIFICALLY. [LB716]

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SENATOR BLOOMFIELD: THEY SHOULD. [LB716]

SENATOR KOLOWSKI: YES. [LB716]

SENATOR BLOOMFIELD: BUT UNDER YOUR LAW I BELIEVE THEY CAN GO RIGHT ON OUT RIDE IN THE TRAFFIC AGAIN. [LB716]

SENATOR KOLOWSKI: WELL, THAT WOULD BE CONSIDERED A SIDEPATH BUT THAT WOULD BE A SPECIFIC ONE THAT YOU WOULDN'T WANT TO PUT YOURSELF AT RISK OUT IN THE TRAFFIC. JUST IN THE SAME LETTER THAT WE'VE RECEIVED FROM THE MAYOR'S OFFICE, CHRIS BEUTLER'S OFFICE... [LB716]

SENATOR BLOOMFIELD: OKAY, SENATOR, YOU ARE GETTING INTO MY TIME HERE. [LB716]

SENATOR KOLOWSKI: THAT'S FINE. GO AHEAD. [LB716]

SENATOR BLOOMFIELD: BUT I THINK THAT'S SOMETHING WE MAY WANT TO LOOK AT ON THIS BILL BECAUSE THAT IS A SIDEPATH. IT WAS SPECIFICALLY CREATED FOR SAFETY AND CONVENIENCE OF THE BICYCLISTS AND TO PROTECT THE MOTOR VEHICLE OPERATORS FROM HAVING TO DEAL WITH A BICYCLIST CUTTING ACROSS IN FRONT OF THEM ALL THE TIME. AND UNDER YOUR BILL YOU'RE GIVING THEM BACK THAT VERY OPPORTUNITY TO JUMP OUT IN FRONT OF A CAR. I THINK WE HAVE A LITTLE WORK TO DO ON THIS YET. [LB716]

SENATOR KOLOWSKI: WE HAVE... [LB716]

SENATOR BLOOMFIELD: IF I HAVE ANY TIME LEFT, MR. PRESIDENT, I'D YIELD IT TO SENATOR COASH. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR COASH, 1:17. [LB716]

SENATOR COASH: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. THANK YOU, SENATOR BLOOMFIELD, FOR POINTING OUT WHAT'S HAPPENING RIGHT HERE IN LINCOLN. WE SPENT A LOT OF MONEY IN LINCOLN HERE TO CREATE A BIKE PATH. [LB716]

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PRESIDENT FOLEY: ONE MINUTE. [LB716]

SENATOR COASH: AND I WAS SUPPORTIVE OF THAT AND REMAIN SUPPORTIVE OF THAT BECAUSE THAT'S WHERE I WANT THEM TO RIDE AND I DON'T WANT TO GIVE THEM A FREE PASS TO GO RIGHT IN MIDDLE OF THE STREET JUST AFTER WE SPENT ALL THIS MONEY TO GIVE THEM A PATH. IF THE ANSWER TO A POORLY KEPT SIDESPLITTING WE HAVE A POORLY KEPT SIDEPATH THEN WE SHOULD REPAIR IT, NOT REMOVE THE RESTRICTION. I THINK THE TAXPAYER, THE PERSON WHO IS PAYING TO MAINTAIN THESE, THAT'S BEEN ASKED FOR MONEY TO CREATE A SIDEPATH HAS A LEGITIMATE COMPLAINT WHEN THEY SAY, HEY, WAIT A SECOND. YOU ASKED US TO FUND THIS SIDEPATH AND NOW YOU'RE ASKING YOU'RE GIVING THE CYCLISTS PERMISSION NOT TO USE IT. I THINK THE ANSWER IS, IF WE NEED TO FUND THE SIDEPATHS SO THAT THEY HEAVYHEARTED ARE ADEQUATE FOR THE RIDERS, THAT'S A BILL I CAN SUPPORT. BUT GIVING THEM PERMISSION TO GO OFF THE SIDEPATH DOESN'T SEEM TO MAKE SENSE TO ME. [LB716]

PRESIDENT FOLEY: TIME, SENATOR. [LB716]

SENATOR COASH: THANK YOU, MR. PRESIDENT. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB716]

PRESIDENT BRASCH: THANK YOU, MR. LIEUTENANT GOVERNOR, AND THANK YOU, COLLEAGUES. I WAS ONE OF THE MEMBERS OF THE COMMITTEE WHO WAS PRESENT BUT NOT VOTING. IN THE PAST AND TODAY, I DO HAVE CONCERNS ABOUT THE SAFETY OF OUR BICYCLISTS. I APPLAUD THEM FOR THEIR MODE OF TRANSPORTATION, HEALTH ACTIVITY, EXERCISE. THERE'S ALL THE RIGHT REASONS WHY A PERSON CAN AND SHOULD USE A BICYCLE. HOWEVER, I HAVE SEEN INCREASINGLY DRIVERS WITH NEAR MISSES NOT ONLY WITH BICYCLISTS BUT WITH PEDESTRIANS. AND I BELIEVE BICYCLISTS IN ANYWAY AREA ARE AT EXTREME RISK OF A DRIVER OR PERHAPS EVEN THE BICYCLIST, NOT PAYING ATTENTION. AND THERE'S ONE THING FOR CERTAIN, THAT WHEN IT COMES TO A BICYCLIST AND A VEHICLE, MOST OF THE DAMAGE, INJURY, AND PERHAPS DEATH WILL COME UPON THE PERSON ON THE BICYCLE. WE CAN PUT MANY LAWS IN PLACE, MANY RED FLAGS IN PLACE, MANY ITEMS. I DON'T BELIEVE A DRIVER WANTS TO HIT A PEDESTRIAN OR A BICYCLIST. AND MY CONCORDANCE I VALIDATED IT WITH ONE OF THE SHUTTLE DRIVERS AT ONE OF THE HOTELS

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HERE IN LINCOLN. I ASKED, SO WHAT DO YOU THINK ABOUT THE BICYCLISTS? AND THEY SAID THEY'RE SCARED TO DEATH AT THE SPEED THEY MOVE, ESPECIALLY THEM IN THE CROSSWALKS. AND YOU KNOW, IF WE CAN REFINE THE CROSSWALKS, YOU KNOW, A WAY THAT DRIVERS AND BICYCLISTS, YOU KNOW, WOULD BE MORE CAUTIOUS OR EXTREMELY CAUTIOUS, THAT WOULD CERTAINLY MAKE ME FEEL A LOT BETTER ABOUT THIS BILL. NO MATTER WHO IS RIGHT OR WRONG, THE BICYCLIST, I BELIEVE, IS THE PERSON WHO WILL END UP DEARLY PAYING FOR THIS BILL ONCE IT'S PASSED, WHICH IT MAY BE HERE SHORTLY. AND I, LIKE SENATOR BLOOMFIELD, I HAVE NOTICED THE SEPARATE LANE ON N STREET FOR THE BICYCLISTS AND I THINK IT'S WONDERFUL. AND THIS MORNING I DID NOTICE THAT EVEN THAT ONE LANE IS DIVIDED INTO TWO LANES FOR THE BICYCLISTS. AND I OBSERVED A SITUATION WHERE EVEN THE ONE BICYCLIST WAS NOT SURE HOW TO RESPOND TO THE SECOND BICYCLIST APPROACHING THEM. SO I'M HOPING THAT COMMUNICATOR THERE ARE A SET OF LAWS OR SUB-LAWS THAT HAVE PROTOCOL FOR BICYCLISTS AND SOME ENFORCEMENT IN BREAKING ANY PORTION OF THAT PIECE OF LAW. AGAIN, I DID NOT VOTE. I'M CONCERNED ABOUT WHAT THE OUTCOME WILL BE HERE. I AM SUPPORTIVE OF PROTECTION OF OUR BICYCLISTS BUT I BELIEVE IT'S NOT JUST GOING TO COME BY MEANS OF STATUTES, INK AND PAPER. THERE HAVE TO BE A LOT OF BEHAVIORS THAT WILL NEED TO CHANGE. IS SENATOR COASH IN THE BODY OR NOT? HE HADJI WAS GOING TO YIELD HIM MORE TIME IF HE IS AVAILABLE, BUT I BELIEVE HE HAS LEFT THE FLOOR TEMPORARILY. THANK YOU, MR. SPEAKER, AND THANK YOU, COLLEAGUES. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB716]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER, I RISE TO SUPPORT LB716 AND THEN THE ACCOMPANYING AMENDMENT. I'VE DONE A LOT OF RIDING, MY FRIENDS. AND THE RULE OF THE ROAD IS, IS THAT A BIKER IS TO RIDE AS FAR TO THE RIGHT AS PRACTICABLE. THAT'S THE RULE OF THE ROAD AND CARS ARE TO GIVE THE BIKER AT LEAST THREE FEET; THAT'S WHAT IT IS WHEN YOU'RE RIDING OUT ON A HIGHWAY OR A STREET OR WHATEVER ELSE. NOW ADDITIONALLY WE HAVE A SITUATION HERE WHERE WE ARE TALKING ABOUT BICYCLE TRAILS THAT CROSS A REGULAR STREET. AND I CAN TELL YOU FROM PERSONAL EXPERIENCE THAT I WAS GOING ACROSS ON THE CERTIFIED TRAIL, GOING ACROSS THE STREET WITH A GREEN LIGHT IN THE PEDESTRIAN AREA AND AT THAT TIME I HAD A PERSON COMING UP THAT STOPPED THEIR CAR FOR JUST MOMENTARILY, DIDN'T LOOK AND DID A RIGHT TURN ON RED. BANG. I HAD NORTHERNER WAS NOTHING'S GIVES MENANDER I LEARNED AFTER THAILAND

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FORTUNATELY I WAS NOT HURT BADLY. MY BIKE WAS RATHER MESSED UP BUT I WAS FORTUNATE IN THAT. I LEARNED AFTER THAT I WAS IN THE WRONG BECAUSE IT WAS GOING ACROSS THE STREET. EVEN THOUGH I WAS ON THE DESIGNATED BIKE PATH WHEN THE ONLOOKING I HAD WANTED TO FILE A LAWSUIT I WOULD HAVE LOST BECAUSE I SHOULD HAVE BEEN PUSHING MY BIKE ACROSS THAT. SO THIS WILL RECTIFY THAT PARTICULAR PORTION OF THIS BILL. AND SO THAT IS WHAT IS IMPORTANT HERE ON THIS. NEBRASKA IS NUMBER 48 AS I UNDERSTAND IT IN WHAT THEY CALL BICYCLE FRIENDLINESS AS FAR AS RULES OF THE ROAD ARE CONCERNED. WE ARE STARTING TO GET SPECIAL LANES SUCH AS WE HAVE IN LINCOLN. NOW WE HAVE ONE IN OMAHA AS WELL WITH SPECIAL STREETS THAT ARE DESIGNED. ONE OF THE UNDERTHINGS, SENATOR BRASCH, YOU ASKED THE QUESTION ABOUT THE RULES OF THE ROAD FOR BIKERS. WELL, BIKERS HAVE WONDERFUL RULES OF THE ROAD. BIKER UP, BIKER BACK, THINGS OF THIS SORT OF A THING. THERE IS SOME COMMUNICATION THAT GOES ACROSS ON THAT. BUT WE TAKE A GREAT DEALING DON'T RIDE THE STREETS IN OMAHA ANYMORE EXCEPT FROM MY HOUSE, THE GARAGE OF MY HOUSE TO THE ZORINSKY TRAIL WHICH IS TOTALLY RESIDENTIAL AND NOT A WHOLE LOT OF TRAFFIC. I WOULD NOT ENDANGER MYSELF. BUT A CYCLIST DOES HAVE THE RIGHT TO RIDE ON THOSE STREETS AS PROVIDED THEY'RE AS FAR TO THE RIGHT. SO THIS IS JUSTIFYING THIS IS GOING TO IMPROVE BIKE SAFETY IN NEBRASKA, AND THEREFORE, I SUPPORT IT. AND I WOULD GIVE ANY ADDITIONAL TIME I HAVE TO SENATOR KOLOWSKI IF HE WOULD LIKE IT. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN. SENATOR KOLOWSKI, 1:30. [LB716]

SENATOR KOLOWSKI: THANK YOU. THANK YOU, SENATOR HILKEMANN. PART OF THE ANSWER TO SENATOR BLOOMFIELD'S QUESTION ON THE CYCLIST ON N STREET, N STREET HAS ITS OWN BIKE LANE THERE AND IT'S NOT A TRAFFIC LANE FOR AUTOMOBILES. IT'S FOR BICYCLES, BUT THEY CAN ALSO TRAVEL ON THE STREET IF THEY SO DESIRE. AND THE MAJORITY OF PEOPLE PROBABLY WOULD NOT WANT TO BECAUSE OF THE TRAFFIC AND THEY WOULD USE THE BICYCLE LANE ON THE SIDE, NOT A SIDEPATH, BUT IT'S GOT...THEY'VE GOT THEIR OWN LANE THERE ON N STREET HERE IN LINCOLN. SO I THINK WE HAVE SOME REAL POSITIVE DIRECTIONS THAT ARE BEING TAKEN BY THE CITIES THAT ARE HELPING TO MAKE BICYCLE USAGE MUCH MORE SAFE THAN EVER BEFORE. AND IF YOU'VE LOST ANYONE OR HEARD OF ANYONE THAT YOU KNOW OF BEING HURT, WITH THOSE KIND OF TRAGIC SITUATIONS IN THE PAST, WE HOPE WE CAN MINIMIZE THOSE BY THE SMART USE OF OUR STREETS, BY BOTH THE

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BICYCLE RIDERS AS WELL AS VEHICLES THAT FILL OUR CITIES AT THE CURRENT TIME. THANK YOU, MR. PRESIDENT. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLOWSKI. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB716]

SENATOR RIEPE: CALL THE QUESTION, PLEASE. [LB716]

PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? SENATOR HANSEN. [LB716]

SENATOR HANSEN: CALL OF THE HOUSE. [LB716]

PRESIDENT FOLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB716]

CLERK: 22 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB716]

PRESIDENT FOLEY: 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 SCHEER, MORFELD, McCOLLISTER, BURKE HARR, KUEHN, McCOY, STINNER, MURANTE, HUGHES, CHAMBERS, GROENE, GARRETT, PLEASE RETURN TO THE CHAMBER, RECORD YOUR PRESENCE. THE HOUSE IS UNDER CALL. SENATORS MURANTE AND GARRETT, THE HOUSE IS UNDER CALL. SENATOR RIEPE, WOULD YOU ACCEPT CALL-IN VOTES ON CALLING THE QUESTION? [LB716]

SENATOR RIEPE: YES, MR. PRESIDENT. [LB716]

PRESIDENT FOLEY: CALL-IN VOTES ARE ACCEPTED. THE MATTER IS WHETHER OR NOT TO CEASE DEBATE. CALL-IN VOTES HAVE BEEN ACCEPTED. [LB716]

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CLERK: SENATOR LINDSTROM VOTING YES. SENATOR SCHNOOR VOTING YES.  
[LB716]

PRESIDENT FOLEY: RECORD, PLEASE, MR. CLERK. [LB716]

CLERK: 26 AYES, 2 NAYS, MR. PRESIDENT. [LB716]

PRESIDENT FOLEY: DEBATE IS NOW CEASED. SENATOR SMITH, YOU'RE  
RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. HE WAIVES CLOSING.  
THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT. ALL THOSE  
IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO  
CARE TO? RECORD, PLEASE, MR. CLERK. [LB716]

CLERK: 34 AYES, 4 NAYS, MR. PRESIDENT, ON THE COMMITTEE AMENDMENTS.  
[LB716]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. I RAISE THE  
CALL. THE DEBATE RETURNS TO LB716 AS AMENDED. SENATOR GROENE, YOU'RE  
RECOGNIZED. [LB716]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. EVERY MORNING I COME DOWN  
HERE, I HEAD WEST ON NORMAL, WHICH I THINK TURNS INTO J. IT'S A ONE-WAY.  
I GET IN THE FAR LEFT LANE AND I TURN ONTO 16th STREET TO GO DOWN TO  
THE SENATORS' PARKING LOT. I CAN'T TELL YOU HOW MANY TIMES, GREEN  
LIGHT, MY PERIPHERAL VISION, I'VE SEEN THE PEDESTRIANS COME IN TO WALK  
ACROSS AND ALL OF A SUDDEN A BICYCLE JUST COMES 20, 30 MILES AND ZIPS  
ACROSS THAT CROSSWALK. AND I HAVE MISSED HIM A COUPLE OF TIMES,  
LUCKILY. SENATOR KOLOWSKI, WOULD YOU STAND FOR A QUESTION? [LB716]

PRESIDENT FOLEY: SENATOR KOLOWSKI, WOULD YOU YIELD TO QUESTIONS,  
PLEASE? [LB716]

SENATOR KOLOWSKI: YES, OF COURSE. [LB716]

SENATOR GROENE: SENATOR KOLOWSKI, DOES THIS STILL KEEP IN EFFECT THAT  
THE DEFINITION OF A CROSSWALK IS WALK, OR DOES THIS ALLOW BICYCLISTS  
NOW TO STAY ON THEIR BIKES AND ZIP THROUGH THE CROSSWALK? [LB716]

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SENATOR KOLOWSKI: WELL, MR. GROENE, YOU'RE ASKING A MULTIFACETED QUESTION. I DON'T KNOW IF THERE IS A TRAFFIC LIGHT IN THAT PARTICULAR INTERSECTION OR NOT. [LB716]

SENATOR GROENE: THERE IS. [LB716]

SENATOR KOLOWSKI: OKAY, IF THERE IS THAT BIKE USER SHOULD BE ABLE TO...SHOULD FOLLOW THE SAME RULES OF THE ROAD AS ANYONE IN A MOTOR VEHICLE. [LB716]

SENATOR GROENE: AND HE'S ON THE SIDEWALK. HE'S NOT ON A HIGHWAY, HE'S ON THE SIDEWALK. THEN WHAT RULE DOES HE FOLLOW, THAT OF A PEDESTRIAN OR THAT OF A VEHICLE, AN AUTOMOBILE? [LB716]

SENATOR KOLOWSKI: NOT KNOWING THE INTERSECTION EXACTLY HOW THAT'S LAID OUT, HE SHOULD BE FOLLOWING ANY...THE BASIC SAFETY RULES OF WATCHING OUT FOR OTHER VEHICLES, COMING EITHER WAY THAT WOULD BE INTERFERING WITH HIS CROSSING... [LB716]

SENATOR GROENE: SO, EXCUSE ME, BUT APPARENTLY YOU DON'T KNOW THE ANSWER. SO HE CAN...OTHERWISE HE CAN STAY ON THE BICYCLE AND NOT GET OFF... [LB716]

SENATOR KOLOWSKI: CORRECT. [LB716]

SENATOR GROENE: ...WHAT WE CONSIDER A CROSSWALK. THE DEFINITION OF WALK IS STAY ON YOUR BIKE AND RIDE ACROSS, I GUESS. SENATOR SMITH, YOU MADE A MOTION... [LB716]

PRESIDENT FOLEY: SENATOR SMITH... [LB716]

SENATOR GROENE: ...WOULD YOU ANSWER A QUESTION? [LB716]

PRESIDENT FOLEY: SENATOR SMITH, WOULD YOU YIELD, PLEASE? [LB716]

SENATOR SMITH: YES, I WILL. [LB716]

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SENATOR GROENE: WOULD YOU ANSWER THAT SAME QUESTION? DID YOU UNDERSTAND IT AS CHAIRMAN OF THE TRANSPORTATION COMMITTEE? [LB716]

SENATOR SMITH: SURE, AND I UNDERSTAND WHAT YOU ARE DESCRIBING IS...WE'RE NOT TALKING ABOUT BIKE PATHS IN THIS PARTICULAR CASE. WE'RE TALKING ABOUT A SIDEWALK, TWO SIDEWALKS ON EITHER SIDE OF A STREET THAT ARE CONNECTED WITH A CROSSWALK. AND IF THERE IS A WALK SIGN, THAT BICYCLIST, RATHER THAN WALKING THEIR BIKE ACROSS, THEY MAY BE ON THEIR BIKE AND TRAVEL ACROSS. BUT I WOULD REFER YOU TO PAGE 4 OF THE GREEN COPY. THERE IS A CHANGE IN THE BILL THAT SAYS: "NO BICYCLIST SHALL SUDDENLY LEAVE A CURB OR OTHER PLACE OF SAFETY AND WALK OR RIDE INTO THE PATH OF A VEHICLE WHICH IS SO CLOSE THAT IT IS IMPOSSIBLE FOR THE DRIVER TO STOP." SO YOU ARE ABSOLUTELY RIGHT, SENATOR GROENE, THAT THERE NEEDS TO BE DUE DILIGENCE DONE BY THE BIKE RIDER, NOT TO TRAVEL SO QUICKLY ACROSS THAT CROSSWALK AS TO CREATE AN UNSAFE CONDITION. [LB716]

SENATOR GROENE: THANK YOU. THANK YOU, SENATOR SMITH. SO, I GUESS I'M STILL CONFUSED. THIS LAW REFERS TO PATHS DESIGNED FOR BICYCLES...BICYCLISTS, THAT THEY CAN DRIVE ACROSS THE STREET IF THEY ARE ON THAT PATH WITHOUT GETTING OFF. I'M CONFUSED HOW A BICYCLIST WILL NOT GET IN THE HABIT THAT IT REALLY MAKES NO DIFFERENCE IF THEY'RE ON THE SIDEWALK OR A PATH. WHEN DOES IT...YOU KNOW, AS YOU DRIVE DOWN NORMAL AND SEE SOME OF THE PATHS THROUGH ANTELOPE PARK THERE, HOW YOU DECIDE WHEN THAT'S A SIDEWALK AND WHEN IT'S A PATH. AND I'M CONCERNED FOR THESE BICYCLISTS BECAUSE WE DON'T MANDATORILY MAKE THEM WEAR HELMETS AS WE DO MOTORCYCLISTS. SO MAYBE WE OUGHT TO PUT AN AMENDMENT ON THIS THAT THEY ALSO WEAR A HELMET SINCE THEY'RE IN THE TRAFFIC. BUT I'LL BE VIGILANT WHEN I MAKE THAT LEFT TURN BUT I REALLY DON'T LIKE THIS BILL. IT'S CONFUSING AS TO WHAT A PATH IS... [LB716]

PRESIDENT FOLEY: ONE MINUTE. [LB716]

SENATOR GROENE: ...AND WHAT A SIDEWALK IS AND WHAT RULES...WHEN DO YOU FOLLOW ONE RULE...AS I SAID LAST TIME THIS CAME UP, WHEN THEY'RE ON THE STREET, ARE THEY A VEHICLE LIKE AN AUTOMOBILE? AND THEN THEY DECIDE TO JUMP UP ON THE SIDEWALK, DO THEY AUTOMATICALLY BECOME A

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PEDESTRIAN? OR DO WE JUST SAY THEY HAVE THEIR SPECIAL LAWS AND RULES AND EVERYBODY IS CONFUSED? THANK YOU. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB716]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I'M NOT GOING TO BELABOR THE ISSUE EXCEPT TO SAY I BELIEVE IT IS A GOOD BILL. IT'S BEEN WORKED ON FOR A WHILE. SENATOR HILKEMANN AND I HAVE ACTUALLY BICYCLED TOGETHER. WE'RE BOTH RECREATIONAL BICYCLISTS. WE'VE DONE 50-MILERS AND HOPEFULLY WE'LL DO AGAIN. WE'D LIKE TO INVITE SENATOR BLOOMFIELD BUT HE WON'T WEAR A HELMET, SO WE WON'T LET HIM RIDE WITH US IF HE'S NOT GOING TO WEAR A HELMET. (LAUGH) I MEAN THAT FACETIOUSLY, OBVIOUSLY. SENATOR HILKEMANN AND I AND A FEW OTHER ADULT CYCLISTS WOULD BE THE VERY, VERY MINUTE PORTION OF PEOPLE WHO RIDE BICYCLES IN THE STATE. MOST OF THE BICYCLISTS IN THE STATE ARE KIDS AND THIS IS A SAFETY BILL. AND SENATOR KOLOWSKI HAS WORKED ON THIS BILL FOR TWO YEARS NOW TRYING TO MAKE IT ACCEPTABLE. THE TRANSPORTATION COMMITTEE UNDER SENATOR SMITH'S GUIDANCE HAS CONTINUED TO WORK IT AND TWEAK IT AND MAKE IT ONE THAT'S COMMONSENSICAL AND TRIES TO ADDRESS THE CONCERNS THAT ARE OUT THERE. THIS IS A SAFETY PIECE OF LEGISLATION THAT I THINK WILL WORK VERY WELL AS IT'S DESIGNED, AS IT HAS BEEN CHANGED OVER THE PAST TWO YEARS. I PLAN TO SUPPORT IT AND I HOPE PEOPLE DON'T TAKE A LOOK AT THE DIFFERENT COMPONENTS OF IT, ESPECIALLY IF THEY ARE NOT BICYCLISTS AND DON'T UNDERSTAND PART OF WHAT'S GOING ON HERE, TO LOOK AT THE EPISODIC THINGS THAT HAPPENED TO US IN LINCOLN AND ASSUME THAT LINCOLN IS REPRESENTATIVE OF WHAT HAPPENS TO OUR SMALL TOWNS AND HIGHWAYS ALL ACROSS THIS STATE WHERE WE HAVE PRIMARILY KIDS ON BICYCLES. THIS IS A SAFETY ISSUE AND I WOULD ENCOURAGE PASSAGE OF IT. AND WITH THAT, I WOULD END MY COMMENTS. THANK YOU, MR. PRESIDENT. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB716]

SENATOR RIEPE: MR. PRESIDENT, THANK YOU, AND MEMBERS OF THIS DELEGATION. I GREW UP ON A PATH. THAT PATH I GREW UP ON WITH MY SCHWINN BICYCLE AND THAT PATH HAPPENED TO BE A COW PATH AND THAT WAS A PATH WITHOUT ANY RULES AND REGULATIONS. I WON'T BE LONG, BUT

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MY SENSE IS THIS IS LEGISLATION THAT WE'RE TRYING TO LEGISLATE AT THE STATE LEVEL WHEN IN FACT IT SHOULD BE AT THE LOCAL LEVEL. THIS IS PRIMARILY LEGISLATION WITH ULTIMATELY, PROBABLY EXPENSES THAT WILL GO ALONG, THAT SHOULD BE EXPENSES THAT ARE BORNE BY THE CITY OF LINCOLN OR THE CITY OF OMAHA OR ANY OTHER METROPOLITAN AREA, URBAN AREA THAT WOULD LIKE TO HAVE THESE PARTICULAR SERVICES. I DON'T THINK IT'S APPROPRIATE THAT THEY DELEGATE THESE UP TO US AS AN ENTIRE STATE. I HAD SOME QUESTIONS, BUT IN THE INTEREST OF TIME I'M GOING TO PASS ON THOSE. I WOULD...I'M GOING TO...I'M JUST GOING TO YIELD THE BALANCE OF MY TIME BACK TO YOU, MR. PRESIDENT. [LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB716]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. WE'RE TOLD THAT THIS IS A SAFETY BILL. I'D LIKE TO BELIEVE THAT, BUT I DON'T. WHEN YOU HAVE A BICYCLIST COME RIDING OFF OF A SIDEWALK IN FRONT OF A CAR THAT IS ATTEMPTING TO MAKE A RIGHT-HAND TURN, THAT BICYCLIST CANNOT BE SEEN IN TIME TO PREVENT AN ACCIDENT. AND SENATOR SMITH QUOTED AN AREA IN THE GREEN COPY THAT SAYS THE BIKERS WON'T DO THAT IF THERE'S A CAR FIXING TO MAKE A TURN THERE. TELL THAT TO AN 8-YEAR-OLD. WE ARE REMOVING A HUGE SAFETY FACTOR WHEN WE DON'T HAVE THEM WALK A BICYCLE ACROSS A CROSSWALK. IT'S NOT A "CROSSRIDE." IT IS A CROSSWALK. AND IF YOU HAVE AN 8- OR 9-, 10-YEAR-OLD KID RIDING ALONG THE SIDEWALK, HE SEES THAT GREEN LIGHT AND THE LAW NO LONGER TELLS HIM HE HAS TO GET OFF AND WALK IT ACROSS, HE'S GOING. HE'S NOT GOING TO OBSERVE WHETHER OR NOT THERE'S A CAR MAKING A RIGHT-HAND TURN THERE. AND HE OR SHE IS GOING TO GET HIT BY THAT CAR MAKING THE RIGHT-HAND TURN. AND IF SENATOR SMITH WOULD YIELD TO A QUESTION I'D LIKE TO ASK HIM IF THAT... [LB716]

PRESIDENT FOLEY: SENATOR SMITH, WILL YOU YIELD, PLEASE? [LB716]

SENATOR SMITH: YES, I WILL YIELD. [LB716]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. IF THE CAR IS MAKING A RIGHT-HAND TURN OR STARTING TO MAKE A RIGHT-HAND TURN, AND THE 8-YEAR-OLD KID COMES OFF THE SIDEWALK, THROUGH THE CROSSWALK AND GETS HIT BY THAT CAR, WHO IS AT FAULT? [LB716]

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SENATOR SMITH: WELL, FIRST OF ALL, SENATOR BLOOMFIELD, THE BILL YOU ARE REFERRING TO IS SENATOR KOLOWSKI'S BILL. WE HAD A COMMITTEE AMENDMENT TO THAT BILL AND THAT IS WHAT I INTRODUCED. [LB716]

SENATOR BLOOMFIELD: I'M AWARE OF THAT, BUT YOU MADE THE QUOTE TO SENATOR GROENE. [LB716]

SENATOR SMITH: I QUOTED TO YOU, SENATOR BLOOMFIELD, YOU ASKED ME A QUESTION EARLIER, AS TO WHAT DOES THE BILL PROVIDE FOR TO AVOID THAT TYPE OF A CIRCUMSTANCE AND I POINTED THAT TO YOU IN THE BILL. [LB716]

SENATOR BLOOMFIELD: OKAY. WHEN SENATOR GROENE SAID SOMETHING, HE ASKED YOU A QUESTION. AND IT WAS MY UNDERSTANDING THAT YOU SAID HE WASN'T SUPPOSED TO COME OFF OF THE STREET WITHOUT LOOKING, WHICH I UNDERSTAND, BUT IT'S GOING TO HAPPEN. AND IF YOU'RE UNABLE ANSWER THAT QUESTION, I'LL DIRECT IT TO SENATOR KOLOWSKI. [LB716]

SENATOR SMITH: YES, WHY DON'T YOU DIRECT IT TO SENATOR KOLOWSKI. [LB716]

SENATOR BLOOMFIELD: OKAY, THANK YOU. WOULD SENATOR KOLOWSKI...? [LB716]

PRESIDENT FOLEY: SENATOR KOLOWSKI, WOULD YOU YIELD, PLEASE? [LB716]

SENATOR KOLOWSKI: YES. [LB716]

SENATOR BLOOMFIELD: SAME QUESTION. [LB716]

SENATOR KOLOWSKI: WOULD YOU REPEAT THAT, PLEASE? I KNOW WHAT YOU SAID, A CROSSWALK...? [LB716]

SENATOR BLOOMFIELD: OKAY. YOU HAVE A STREET AND A CROSSWALK. YOU HAVE A CAR, WANTING TO MAKE A RIGHT-HAND TURN ON THE GREEN LIGHT. YOU ALSO HAVE A 10-YEAR-OLD BOY OR GIRL COMING DOWN THE SIDEWALK AND LOOKS UP AND SEES WALK OR GREEN. IF HE OR SHE RIDES OUT AT THE

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SAME TIME THAT CAR MAKES THE TURN AND THEY COLLIDE, WHO IS AT FAULT?  
[LB716]

SENATOR KOLOWSKI: WELL, THIS BILL DOESN'T DEAL WITH CROSSWALKS, SIR.  
[LB716]

SENATOR BLOOMFIELD: YES, IT DOES. [LB716]

SENATOR KOLOWSKI: NO, IT DOESN'T. [LB716]

SENATOR BLOOMFIELD: IF YOU ARE TELLING US THAT YOU NO LONGER HAVE TO  
WALK YOUR BICYCLE ACROSS A CROSSWALK, IT DEALS WITH CROSSWALKS.  
[LB716]

SENATOR KOLOWSKI: SENATOR BLOOMFIELD, WHO'S AT FAULT WITH THAT  
PARTICULAR SITUATION, YES, THE STUDENT OR THE YOUNG PERSON, 8 OR 10  
YEARS OLD, SHOULD BE KNOWLEDGEABLE OF THE TRAFFIC AROUND HIM OR  
HER... [LB716]

PRESIDENT FOLEY: ONE MINUTE. [LB716]

SENATOR KOLOWSKI: ...AND BE CAREFUL WHEN THEY GET TO THAT PARTICULAR  
WALK IF THAT'S A CROSSWALK THAT THEY'RE GOING TO BE RIDING ACROSS IF  
THEY ARE ON A SIDEWALK AT THAT TIME. SO, THE...TWO DIFFERENT PEOPLE  
NEED TO BE AWARE: THE BICYCLE RIDER NEEDS TO BE AWARE OF WHAT  
THEY'RE DOING... [LB716]

SENATOR BLOOMFIELD: I'M NOT TALKING ABOUT WHO NEED TO BE AWARE,  
SENATOR. I'M TALKING ABOUT WHO IS AT FAULT. WHICH INSURANCE COMPANY  
IS GOING TO GET STUCK FOR THE INJURIES DONE TO THAT YOUNG CHILD?  
[LB716]

SENATOR KOLOWSKI: SENATOR, IT'S, AGAIN, NOT A CROSSWALK BILL. IT'S  
LARGER THAN THAT. [LB716]

SENATOR BLOOMFIELD: I'M AWARE THAT IT'S LARGER THAN THAT. BUT YOU  
HAVE STATED, SENATOR GROENE HAS ASKED ABOUT, I ASKED ABOUT

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ORIGINALLY AND NOBODY IS WILLING TO ANSWER THE QUESTION OF WHETHER OR NOT YOU ARE FORCED TO GET OFF AND WALK YOUR BICYCLE ACROSS A CROSSWALK. EVERYTHING I AM HEARING TELLS ME THAT YOU NO LONGER ARE UNDER THIS BILL, AND IT CERTAINLY DOES THEN APPLY TO CROSSWALKS. [LB716]

SENATOR KOLOWSKI: AND YOU ARE STILL... [LB716]

PRESIDENT FOLEY: TIME, SENATORS. [LB716]

SENATOR KOLOWSKI: YOU'RE STILL BOUND... [LB716]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR BLOOMFIELD AND SENATOR KOLOWSKI. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB716]

SENATOR HILKEMANN: QUESTION. [LB716]

PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB716]

CLERK: 26 AYES, 2 NAYS TO CEASE DEBATE. [LB716]

PRESIDENT FOLEY: DEBATE DOES CEASE. SENATOR KOLOWSKI, YOU'RE RECOGNIZED TO CLOSE ON LB716. [LB716]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS IS A BILL THAT IS EXTREMELY IMPORTANT ALL THE WAY UP TO THE MAYOR'S OFFICE IN LINCOLN AND INTERESTS IN OMAHA ARE THE SAME. WE HAVE A GROWING BIKE POPULATION WITHIN OUR STATE AND WE ARE NOT FOOTING THE BILL FOR ANY PARTICULAR LAW THAT WE'RE PASSING HERE. THIS IS SOMETHING THAT WOULD BE ADVANTAGEOUS AND CONNECTED TO THE CITY LAWS AND THE JURISDICTIONS OF WHATEVER BOUNDARIES THAT YOU'D FIND BIKE PATHS OR ROADS WITHIN. IT BECOMES A MATTER OF SAFETY AND SECURITY OF ALL USERS, ANY AGE AT ANY TIME IN ANY LOCATION. COMMON SENSE, HOPEFULLY, WILL ALSO PREVAIL, THAT YOU WILL BE ABLE TO KNOW WHERE YOU ARE AND WHAT THE SURROUNDINGS ARE, WHETHER YOU'RE IN THAT VEHICLE OR RIDING

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A BIKE AND LOOKING FOR THE BEST POSSIBLE LOCATION WHERE YOU CAN RIDE SAFELY AND SECURELY. I WOULD HOPE THAT YOU WOULD SEE THIS AS A MAJOR SAFETY BILL, A MOVE IN THE RIGHT DIRECTION THAT CATCHES US UP TO WHERE WE NEED TO BE AND THERE WILL BE ADDITIONAL BILLS IN THE FUTURE FROM OTHER SENATORS, I'M SURE, THAT WILL HELP SOLIDIFY THESE LAWS FOR BIKE USERS IN OUR STATE. WE WANT IT TO BE SAFE, WE WANT IT TO BE SECURE, AND WE WANT EVERYONE TO ENJOY THE ROAD. THANK YOU, MR. PRESIDENT.  
[LB716]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLOWSKI. MEMBERS, YOU'VE HEARD THE DEBATE AND CLOSING ON LB716. THE QUESTION IS THE ADVANCE OF THE BILL TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK.  
[LB716]

CLERK: 26 AYES, 5 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB716.  
[LB716]

PRESIDENT FOLEY: LB716 ADVANCES. PURSUANT TO THE AGENDA, WE'RE NOW GOING TO MOVE TO THE 3:45, SELECT FILE, 2016 SENATOR PRIORITY BILL. MR. CLERK. [LB716]

CLERK: MR. PRESIDENT, LB10 WAS A BILL ORIGINALLY INTRODUCED BY SENATOR McCOY. (READ TITLE.) INTRODUCED IN JANUARY OF LAST YEAR. AT THAT TIME REFERRED TO THE GOVERNMENT COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE WITHOUT COMMITTEE AMENDMENT. THERE WERE AMENDMENTS CONSIDERED. SENATOR COOK HAD AN AMENDMENT THAT WAS ADOPTED. THE BILL WAS EVENTUALLY ADVANCED TO SELECT FILE. E&R AMENDMENTS WERE CONSIDERED. I DO HAVE AN AMENDMENT PENDING, AS WELL AS SEVERAL OTHER AMENDMENTS. I MIGHT INDICATE THAT THERE WAS A MOTION TO INVOKE CLOTURE ON MARCH 17 OF LAST YEAR, MR. PRESIDENT. THAT MOTION FAILED. SO, PENDING NOW IS AN AMENDMENT FROM SENATOR CHAMBERS TO LB10. (AM528, LEGISLATIVE JOURNAL PAGE 639, FIRST SESSION, 2015.) [LB10]

PRESIDENT FOLEY: SENATOR McCOY, BEFORE WE MOVE TO DEBATE ON THE AMENDMENT THAT'S PENDING, WOULD YOU LIKE TO TAKE A MOMENT OR SO TO REFRESH US ON WHERE WE LEFT OFF? [LB10]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I COME BEFORE THE BODY TODAY BRINGING BEFORE YOU LB10. AS HAS BEEN JUST MENTIONED BY THE CLERK, WE HAVE HAD A LENGTHY DEBATE ON THIS ISSUE BUT NOT DURING THIS SESSION, OF COURSE, DURING THE 2015 SESSION. THIS IS AN ISSUE THAT'S NOT NEW TO MOST OF US IN THIS BODY WHO HAVE BEEN FOLLOWING THIS ISSUE, SOME OF US FOR MANY YEARS. IT GOES BACK 26 YEARS SINCE THIS ISSUE WAS FIRST BROUGHT TO THE BODY. NINETEEN NINETY-ONE, 25 YEARS AGO, SENATOR DIANNA SCHIMEK WAS ABLE TO BE SUCCESSFUL IN PASSING THE CURRENT METHOD OF APPORTIONMENT OF ELECTORAL VOTES THAT WE HAVE TODAY IN NEBRASKA. OF COURSE, WE ARE THE ONLY STATE IN THE UNION OTHER THAN THE STATE OF MAINE THAT CURRENTLY APPORTIONS ELECTORAL VOTES IN THIS CONGRESSIONAL DISTRICT METHOD. MAINE HAS HAD THE DISTRICT MODEL OF APPORTIONMENT SINCE 1969. THIS ISSUE HAS BEEN ONE THAT THE UNICAMERAL OVER THE YEARS, OVER THE LAST 25 YEARS, HAS TALKED ABOUT MANY, MANY TIMES. AND, IN FACT, THIS LEGISLATURE HAS SEEN FIT, BOTH IN 1995 WHEN IT WAS THEN-SENATOR DOUG KRISTENSEN TO ADVANCE THIS LEGISLATION, TO THEN-GOVERNOR BEN NELSON'S DESK AND HE VETOED THE BILL, AND ALSO IN 1997 WHEN SENATOR KRISTENSEN WAS THE SPEAKER OF THE LEGISLATURE. IN A SIMILAR FASHION, THE LEGISLATION WAS ADVANCED TO GOVERNOR NELSON AGAIN, AND FOR THE SECOND TIME HE VETOED THE LEGISLATION TO RETURN US TO THE WINNER-TAKE-ALL SYSTEM OF APPORTIONMENT. THE WINNER-TAKE-ALL SYSTEM HAS BEEN THE NATIONAL STANDARD SINCE 1836. AND THERE'S BEEN A LOT OF DISCUSSIONS. IN FACT, THERE WAS QUITE A BIT OF DISCUSSION WHEN THIS LEGISLATION WAS FIRST PASSED IN 1991 THAT THIS WOULD BE A TREND ACROSS THE UNITED STATES FOR STATES TO GO TO THE DISTRICT...CONGRESSIONAL DISTRICT METHOD OF APPORTIONMENT. AND, COLLEAGUES, WE JUST HAVEN'T SEEN THAT, THE EVIDENCE OF THAT AT ALL IN THE LAST 25 YEARS. IN FACT, NO OTHER STATE HAS MADE ANY SORT OF EVEN HALFWAY SERIOUS MOVE TO CHANGE. BECAUSE OF THAT, IT'S MY BELIEF THAILAND I WANT TO THANK SENATOR ROBERT HILKEMANN FOR PRIORITIZING LB10 THIS YEAR. THUS, WE HAVE THE OPPORTUNITY TO DISCUSS THIS BILL. IT'S MY BELIEF, IT'S OUR BELIEF AND I THINK IT'S THE BELIEF OF A GOOD NUMBER OF US IN THE BODY HERE THAT WE SHOULD RETURN TO THE WINNER-TAKE-ALL METHOD OF APPORTIONMENT OF ELECTORAL VOTES AS A MATTER OF FAIRNESS, TO MAKE SURE THAT OUR FIVE ELECTORAL VOTES COUNT TO THE BEST EXTENT POSSIBLE IN PRESIDENTIAL ELECTIONS. WE'VE SEEN HOW CLOSE THESE ELECTIONS CAN BE. THIS YEAR'S ELECTION CYCLE IS EVIDENCE OF THAT JUST ON THE PRIMARY SIDE, AT LEAST WITH ONE OF OUR POLITICAL PARTIES. IT COULD VERY WELL BE THAT A GENERAL ELECTION COULD BE JUST AS CLOSE AT SOME ELECTION IN THE

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FUTURE, PERHAPS EVEN IN THE NOT TOO DISTANT FUTURE. SO BECAUSE OF THOSE REASONS AND OTHERS, WHICH I'M SURE WE'LL HEAR A CHANCE TO TALK ABOUT THIS AFTERNOON, MR. PRESIDENT, I WOULD ASK THE BODY THAT THEY WOULD ADVANCE LB10 TO FINAL READING. THANK YOU. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON AM528. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, TO GIVE PEOPLE TIME TO CATCH THEIR BREATH, REALIZE THAT WE ARE STILL IN SESSION, WE HAVE VERY IMPORTANT WORK TO DO, I'M GOING TO READ WHAT MY MOTION IS. STRIKE THE ORIGINAL SECTIONS AND ALL AMENDMENTS THERETO AND INSERT THE FOLLOWING. SECTION 1, "THE LEGISLATURE FINDS THAT: (a) THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES ARE ELECTED BY THE ELECTORAL COLLEGE, WHICH CONSISTS OF 538 PRESIDENTIAL ELECTORS FROM THE FIFTY STATES AND THE DISTRICT OF COLUMBIA; (b) A CANDIDATE MUST CURRENTLY RECEIVE A MAJORITY OF 270 ELECTORAL VOTES TO WIN THE OFFICE OF PRESIDENT OR VICE PRESIDENT; (c) ARTICLE II, SECTION 1, CLAUSE 2, OF THE UNITED STATES CONSTITUTION REQUIRES EACH STATE LEGISLATURE TO DETERMINE HOW PRESIDENTIAL ELECTORS FOR EACH STATE ARE CHOSEN; (d) IN EVERY STATE EXCEPT MAINE AND NEBRASKA, PRESIDENTIAL ELECTORS ARE CHOSEN BY A 'WINNER-TAKE-ALL' METHOD WHICH AWARDS ALL PRESIDENTIAL ELECTORS TO THE CANDIDATE WHO RECEIVES THE MOST VOTES IN THOSE STATES; (e) MAINE AND NEBRASKA USE A PROPORTIONAL METHOD WHEREBY PRESIDENTIAL ELECTORS ARE ALLOCATED BASED ON THE POPULAR VOTE WINNER WITHIN EACH STATE'S CONGRESSIONAL DISTRICTS AND THE STATEWIDE POPULAR VOTE WINNER RECEIVES TWO ADDITIONAL PRESIDENTIAL ELECTORS; (f) ADVOCATES OF THE PROPORTIONAL METHOD FOR ALLOCATING PRESIDENTIAL ELECTORS BELIEVE IT ENCOURAGES GRASSROOTS ORGANIZING WITHIN EACH CONGRESSIONAL DISTRICT AND INCENTIVIZES PRESIDENTIAL CANDIDATES TO BROADEN THEIR CAMPAIGNS IN OTHERWISE NONCOMPETITIVE STATES; AND (g) IN THE INTEREST OF FAIRNESS, ALL STATES SHOULD HAVE THE SAME METHOD FOR ALLOCATING PRESIDENTIAL ELECTORS AND THE PROPORTIONAL METHOD IS MOST DEMOCRATIC METHOD WHILE STILL MAINTAINING THE ELECTORAL COLLEGE." SUBSECTION (2), "IT IS THE INTENT OF THE LEGISLATURE TO URGE EACH STATE TO ADOPT OR CONTINUE THE PROPORTIONAL METHOD FOR ALLOCATING PRESIDENTIAL ELECTORS." THAT WILL BECOME THE BILL. IT IS OFTEN SAID IF YOU HAVE SOMETHING OF VALUE, FLAUNT IT. THERE ARE STATES WHICH HAVE TOYED WITH THE IDEA OF ADOPTING THE UNICAMERAL SYSTEM FOR

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ORGANIZING ITS LEGISLATURE. WHEN YOU HAVE A DEMOCRACY, SUPPOSEDLY IT IS PREMISED ON THE NOTION THAT YOU WANT ALL OF THE CITIZENS TO PARTICIPATE IN THE PUBLIC LIFE OF THAT STATE. NEBRASKA GETS FIVE ELECTORS BECAUSE THERE IS ONE FOR EACH CONGRESSIONAL DISTRICT AND YOU GET THE NUMBER OF REPRESENTATIVES TO THE HOUSE BASED ON YOUR POPULATION, AND EVERY STATE, REGARDLESS OF SIZE, WILL GET TWO SENATORS AND THAT WAS KNOWN, AND SOME OF THE THINGS HAVE BEEN KNOWN AS SUCH, "THE GREAT COMPROMISE." THE LITTLE STATES WANTED TO KNOW WHY THEY SHOULD PARTICIPATE IN THE CREATION OF A FEDERAL SYSTEM OF GOVERNMENT WHEN THEY WOULD ALWAYS BE OUTVOTED BY THE BIGGER STATES IF THERE'S PROPORTIONAL ALLOCATION OF SEATS IN THE SENATE, AS WILL BE THE CASE IN THE HOUSE. THE NUMBER OF MEMBERS IN THE HOUSE WILL NOT CHANGE UNLESS THERE IS SOME LEGISLATION AT THE FEDERAL LEVEL TO DO SO. BUT THAT NUMBER REMAINS THE SAME. THEN, DEPENDING ON SHIFTING POPULATION NUMBERS IN THE VARIOUS STATES, SOME STATES MAY LOSE ONE OR MORE REPRESENTATIVES TO THE HOUSE, OTHER STATES MAY GAIN. BUT IN THE SENATE, IT DOESN'T MATTER. EVERYBODY IN NEBRASKA COULD DIE EXCEPT I, AND I WOULD HAVE TWO SEATS IN THE U.S. SENATE. AND THUS FAR, THAT HASN'T HAPPENED SO THEY HAVEN'T HAD TO DEAL WITH A STATE WHERE THERE WERE TWO SEATS BUT ONLY ONE PERSON WHO COULD FILL BOTH OF THEM. SO WERE IT TO BE ME, I WOULD TELL THEM TO PUT THE TWO SEATS SIDE BY SIDE, AND SINCE I'M ACCUSTOMED TO HAVING STOOD UP ALL THE TIME THAT I'VE BEEN IN THE LEGISLATURE, I'D PUT ONE FOOT IN ONE SEAT AND ONE FOOT IN THE OTHER SEAT, AND I WOULD BE ENTITLED TO TWO VOTES TO GIVE THE STATE THAT EQUAL REPRESENTATION WITHIN THE SENATE. WHEN WE TALK IN THIS STATE, IN EVERY STATE, WHETHER IT'S A FEDERAL ELECTION, A STATE ELECTION, OR A LOCAL ELECTION, THAT CITIZEN PARTICIPATION IS DESIRED. WHERE THEY HAVE ELECTION COMMISSIONERS, THEY BEAT THE DRUM FOR PEOPLE TO GET OUT THE VOTE. WHERE THEY MIGHT HAVE A CLERK WHERE THEY DON'T HAVE AN ELECTION COMMISSIONER, THE SAME THING. AND THE SECRETARY OF STATE IS ALWAYS TELLING PEOPLE, REGISTER AND THEN VOTE. THERE ARE ORGANIZATIONS THAT TRY TO DO THAT. BUT THEN, AFTER TELLING PEOPLE THAT EVERY VOTE COUNTS, EVERY VOTE MEANS SOMETHING, THE LEGISLATURE WANTS TO ESTABLISH A SYSTEM WHERE ALL OF THE VOTES CAST IN A GIVEN AREA WILL MEAN NOTHING. THEY COUNT FOR NOTHING. THOSE PEOPLE HAVE NO REPRESENTATION IN THE HOUSE OF REPRESENTATIVES. THEY CANNOT HAVE THEIR VOTE COUNTED. EVEN IF IN THAT DISTRICT THEY...ONE CANDIDATE GETS EVERY VOTE THAT'S CAST, BUT IN THE OTHER TWO, WINNER TAKES ALL. SO WHICHEVER PARTY GETS THE MOST VOTES IS THE ONE THAT WILL TAKE

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EVERYTHING. THAT IS NOT THE WAY PARTICIPATORY DEMOCRACY SHOULD OPERATE. AND BASED ON THAT THERE ARE THOSE OF US WHO THINK THAT IT IS DISINGENUOUS FOR US TO TELL PEOPLE YOUR VOTE COUNTS WHEN WE KNOW GOOD AND WELL IT DOES NOT COUNT, IT DOES NOT MATTER. AND WHEN YOU HAVE A STATE WHICH IS OVERWHELMINGLY ONE PARTY OR THE OTHER, THOSE WHO DO NOT BELONG TO THAT MAJOR PARTY ARE NOT IN THE GAME. AS I SAY, THEY SIT AT THE TABLE, SENATOR HILKEMANN, BUT THEY'RE NOT DINERS. THEY MAY EVEN HAVE A PLATE SITTING IN FRONT OF THEM, BUT THERE'S NOTHING ON IT, NOTHING. I SEE SENATOR HILKEMANN. THEY HAVE A GREAT BIG TURKEY SITTING IN THE MIDDLE OF THE TABLE AND THEY HAVE A CHEF WHO SHARPENS THAT KNIFE AND CUTS OFF HUGE CHUNKS OF THAT TURKEY AND WILL SLICE IT, AND EVERY PLATE HAS SOMETHING ON IT. CRANBERRY SAUCE...I DON'T LIKE CRANBERRY BUT OTHER PEOPLE EAT. SOME PEOPLE EAT INSECTS WHICH I ALSO DON'T LIKE. BUT EVERYBODY'S PLATE IS LOADED. THEN THERE I SIT, WATCHING SENATOR HILKEMANN, WITH A CONTENTED SMILE ON HIS FACE JUST AS HE HAS IT NOW. HE LOOKS ALMOST CHERUBIC. THEN I LOOK OVER AND I SEE SENATOR RIEPE, WHO IS MORE CONTEMPLATIVE BUT THERE'S STILL A SENSE OF CONTENTMENT ON HIS FACE. ALL IS WELL WITH THE WORLD BECAUSE THEY HAVE A FULL PLATE. THEY HAVE THE TOOLS WITH WHICH TO CONSUME THAT FOOD WITHOUT HAVING TO USE THEIR HANDS, BUT THEY CAN DO THAT IF THEY WANT TO BECAUSE THEY ARE DINERS. BUT THEN THEY PLAY A CRUEL JOKE ON ME. I SAY, BUT WHEN I WAS INVITED, IT SAID ALL ARE INVITED. I THOUGHT I WAS INCLUDED IN THAT "ALL" BUT I FIND OUT THAT I'M NOT. I DON'T EVEN BELONG AT THIS TABLE. SO BECAUSE I WAS DUMB ENOUGH TO COME HERE--I DID NOT REALIZE OR TAKE THE TIME TO FIND OUT THE KIND OF PEOPLE I'M DEALING WITH--I CAME. SO, TO SOME EXTENT, SOME OF THEM FEEL A LITTLE TWINGE OF CONSCIENCE, SO... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...THEY SAY, WELL, PUT A PLATE IN FRONT OF HIM. AND THEY PUT A PLATE IN FRONT OF ME. I STILL HAD THAT UNHAPPY LOOK. SOMEBODY SAYS, GIVE HIM A KNIFE. SOMEBODY ELSE SAYS, GIVE HIM A FORK. AND THEN I SAY, BUT I DON'T...I DON'T EAT CHINAWARE. I MIGHT EAT CHINESE FOOD, BUT I DON'T EAT CHINA PLATES. SO I'M TO SIT HERE AND NOT HAVE ANYTHING TO EAT? AND THEN THEY IGNORE ME AND JUST BEGIN CHOWING DOWN. THAT'S NOT FAIR. IN THE METAPHOR IT'S NOT FAIR. WHAT THIS BILL ATTEMPTS TO DO IS NOT FAIR. SO I THINK RATHER THAN CONTINUE THE UNFAIRNESS, WE SHOULD FLOUT...FLAUNT WHAT WE HAVE IN NEBRASKA AND

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TRY TO PERSUADE OTHER STATES TO DO THE SAME. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. DEBATE IS NOW OPEN ON LB10, THE PENDING AMENDMENT. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB10]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I DID PRIORITIZE LB10. FROM THE POINT THAT THIS WAS...BECAME LAW IN THIS STATE, I HAVE FELT THAT IT BASICALLY IS NOT FAIR FOR THE CITIZENS OF THE STATE OF NEBRASKA, BECAUSE I BELIEVE WHEN IT COMES TO ELECTING THE PRESIDENT OF THE UNITED STATES, THAT THE ELECTION PROCESS SHOULD BE UNIFORM IN ALL 50 STATES. WE WERE TOLD 25 YEARS AGO THAT THIS WAS THE NEW FORMULA. IN 25 YEARS, NOTHING HAS CHANGED. AS SENATOR McCOY SAID EARLIER, EFFORTS TO CHANGE ELECTION LAWS IN OTHER STATES HAVE NOT EVEN BEEN...GOTTEN A CHANCE TO MOVE FORWARD. NOT A SINGLE STATE HAS CHANGED AND I'M ABSOLUTELY CONVINCED THAT NOT A SINGLE STATE WILL CHANGE THE SELECTION PROCESS. SO THAT'S WHY I THINK IT'S IMPORTANT THAT WE JOIN THE REST OF THE UNION AND AT LEAST MAKE IT UNIFORM FOR THE PEOPLE OF THE STATE OF NEBRASKA AND THAT WE RETURN TO WINNER TAKE ALL. THANK YOU VERY MUCH. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB10]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE TODAY IN OPPOSITION OF LB10. IF YOU LOOK IN THE COMMITTEE STATEMENT, YOU'LL NOTICE I WAS THE ONE NAY VOTE COMING OUT OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. AND I OPPOSED IT THE LAST FEW TIMES WE DEBATED IT LAST YEAR. OVERALL, MY OPPOSITION TO THE BILL, WHICH HAS OBVIOUSLY STARTED IN COMMITTEE AND CARRIED THROUGH, IS A LACK OF A FUNDAMENTAL JUSTIFICATION, OTHER THAN PERSONAL PREFERENCE FOR WHY THIS IS GOING TO BE DONE. I'VE HEARD EVERYTHING FROM THIS WILL DRAW MORE CANDIDATES INTO OUR STATE, TO IT'S MORE FAIR, TO ALL SORTS OF OTHER THINGS. AND THEY SIMPLY, SIMPLY, IN EACH OF THOSE INSTANCES, IT DOESN'T QUITE TRACK. WE HAVE A UNIQUE SYSTEM IN NEBRASKA, A VERY UNIQUE FORM OF DEMOCRACY WITH THE UNICAMERAL OUR NONPARTISAN ELECTIONS HELPED TO ADVANCE, THAT, FRANKLY, OTHER STATES ARE STARTING TO EMULATE. IT'S MY UNDERSTANDING THAT OVER...AT LEAST NOT...MAYBE THE

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"STARTING TO EMULATE" IS A BIT STRONG. OTHER STATES ARE STARTING TO LOOK AT. THERE'S GROUPS SUPPORTING. I THINK FUNDAMENTALLY STATES CAN BE LABORATORIES OF DEMOCRACY. AND IF THIS IS OUR UNIQUE QUIRK THAT WE SHARE WITH MAINE, SO BE IT. LET'S BE PROUD OF IT. LET'S KEEP IT. YOU KNOW, WE TALK ABOUT IN THE PAST, AND I'M SURE THIS WILL GET BROUGHT UP TO YOU LATER TODAY, THAT SOMEHOW CHANGING TO WINNER TAKE ALL, WINNER TAKE ALL WILL MAKE MORE CANDIDATES COME TO NEBRASKA AND MAKE CANDIDATES COME OUT TO ALL PARTS OF STATES. YOU KNOW, CANDIDATES FOR PRESIDENT ARE GOING TO BE GIVING STUMP SPEECHES OUT IN SCOTTSBLUFF AND CHADRON AND ALLIANCE, WHILE NOW THEY'RE ONLY FOCUSING IN OMAHA. I WOULD CHALLENGE EVERYBODY IN HERE, IN THEIR MEMORY OF ANY ELECTION IN NEBRASKA IN WHICH THERE WAS A SERIOUSLY CONTESTED RACE FOR PRESIDENT IN THE STATE OF NEBRASKA, WHERE CANDIDATES WERE DROPPING STAFF, WERE ADVERTISEMENTS, WERE DROPPING...OPENING OFFICES. WELL, THAT'S GOT TO BE THE ONE TIME THE 2ND CONGRESSIONAL DISTRICT IN 2008 WAS ACTUALLY IN PLAY. YOU KNOW, I DARE SAY, IF WE CHANGE TO WINNER TAKE ALL, WE'RE GOING TO BE A "NONSWING" STATE. I DON'T THINK THAT'S A CONTROVERSIAL THING TO SAY, AND I DON'T THINK THAT WILL DRAW PEOPLE IN. I MEAN, I CAN GO THROUGH, AND MAYBE IF WE HAVE TIME I CAN DIG SOME OF THIS INFORMATION UP, BUT IF WE'RE ARGUING THAT THIS IS GOING TO BE MORE FAIR AND DIRECT CANDIDATES TO REALLY FOCUS ON VOTERS IN, YOU KNOW, SCOTTSBLUFF AND GRAND ISLAND AND ALL OF THESE PLACES, AS OPPOSED TO JUST FOCUSING ON OMAHA, THE ONLY REASON THEY FOCUS ON OMAHA IN THE 2ND CONGRESSIONAL DISTRICT IS BECAUSE THAT'S... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR HANSEN: ...REASONABLY IN PLAY. THANK YOU, MR. PRESIDENT. SO THAT ARGUMENT SIMPLY DOESN'T FLY WITH ME. WE COULD TALK ABOUT AN ISSUE OF FAIRNESS AND I'LL BE HAPPY TO ADDRESS THIS MORE AT A FUTURE TIME ON THE MICROPHONE. BUT IF AN ISSUE IN FAIRNESS, WHAT'S MORE FAIR THAN A SOMEWHAT PROPORTIONAL SYSTEM AND SHARING THAT? IF THERE IS A SIGNIFICANT GROUP OF VOTERS IN ONE AREA OF THE STATE THAT BELIEVE A CERTAIN WAY, THEY GET AT LEAST SOME REPRESENTATION. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR HANSEN. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB10]

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SENATOR CRAWFORD: THANK YOU, MR. LIEUTENANT GOVERNOR. I STAND IN OPPOSITION TO LB10 AND SUPPORT OF AM528. COLLEAGUES, SENATOR McCOY SAID HE WANTS TO MAKE SURE THAT THE FIVE ELECTORAL VOTES IN NEBRASKA COUNT. COLLEAGUES, YOU DON'T NEED A PH.D. IN POLITICAL SCIENCE TO KNOW THAT IN ORDER FOR YOUR VOTES TO COUNT THERE HAS TO BE A SENSE THAT THEY'RE CONTESTED. AND THE FIVE ELECTORAL VOTES IN NEBRASKA, IF IT IS CHANGED SO THAT IT IS A WINNER-TAKE-ALL SYSTEM, ARE SIMPLY HAVE NOT...SIMPLY HAVE NOT BEEN CONTESTED AND WILL NOT ASSUME TO BE CONTESTED. IF NEBRASKA WANTS TO BE RELEVANT, WE NEED TO RETAIN OUR CURRENT SYSTEM. WE GIVE UP A GREAT DEAL BY MOVING TO WINNER TAKE ALL BECAUSE WE AGAIN ARE TAKEN FOR GRANTED AND THE SEATS HERE WILL NOT BE CONSIDERED CONTESTED. IN 2008, WHEN WE HAD A HIGHLY CONTESTED RACE, WE ACTUALLY HAD CAMPAIGN OFFICES IN NEBRASKA. IF WE PASS LB10, WE WILL NOT HAVE THOSE CAMPAIGN OFFICES IN NEBRASKA. WE WILL NOT HAVE CAMPAIGN STAFF SPENDING TIME IN NEBRASKA. WE WILL NOT HAVE COLLEGE STUDENTS BEING RECRUITED TO WALK NEIGHBORHOODS IN NEBRASKA. IT IS NOT THE CASE THAT IF YOU PASS LB10 THAT YOU WILL FIND A CAMPAIGN OFFICE IN SCOTTSBLUFF. IT'S SIMPLY THERE WILL BE NO CAMPAIGN OFFICES FOR PRESIDENTIAL ELECTIONS IN THE STATE OF NEBRASKA. IN ORDER TO BE RELEVANT, WE NEED TO MAKE SURE THAT WE HAVE AT LEAST SOME OF OUR ELECTORAL VOTES THAT ARE RECOGNIZED TO BE HIGHLY CONTESTED. AND, COLLEAGUES, THIS IS ABSOLUTELY NOT THE YEAR TO EVEN BE CONSIDERING MAKING OURSELVES IRRELEVANT. WE HAVE...I THINK WE HAVE A RACE THAT COULD BE A VERY CLOSE RACE AT THE PRESIDENTIAL LEVEL. AND WE HAVE JUST NOW SEEN WHAT A CLOSE RACE BRINGS TO THE STATE. WE HAD PEOPLE COMING TO OUR STATE FOR THE DEMOCRATIC CAUCUSES. WE HAD PEOPLE RALLYING. WE HAD, JUST DOWN THE ROAD, WE HAD PEOPLE STANDING IN LINE TO TRY TO GET INTO A RALLY FOR ONE OF THE PRESIDENTIAL CANDIDATE RACES. WE HAVE ONE OF OUR BODY WHO'S BEEN SELECTED BY ONE OF THE REPUBLICAN PRESIDENTIAL CANDIDATES TO RUN HIS EFFORT IN THIS STATE. AND IT'S...AND OFTEN IT'S THE CASE THAT BY THE TIME IT GETS TO NEBRASKA IT DOESN'T MATTER AS MUCH ON THE REPUBLICAN SIDE. BUT IT LOOKS LIKE IT COULD THIS YEAR, AND ISN'T THAT A LOT MORE EXCITING? AND THAT GETS PEOPLE INVOLVED. AND IT GETS NEW PEOPLE...CITIZENS INVOLVED, AND IT MAKES OUR STATE RELEVANT. AND IT CAUSES CAMPAIGNS TO SPEND MONEY HERE. AND WHY DO YOU WANT TO GIVE UP ATTENTION, MONEY, OPPORTUNITIES TO RALLY OUR CITIZENS? THIS IS VALUABLE FOR BOTH PARTIES, BECAUSE GETTING CITIZENS INVOLVED HELPS BOTH PARTIES. HAVING CAMPAIGNS SPEND MONEY HERE HELPS BOTH PARTIES. IT'S AN IMPORTANT EFFORT TO MAKE SURE THAT WE REMAIN RELEVANT. AND SO IT'S VERY

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IMPORTANT THAT WE DON'T GIVE THAT UP. AND IT'S EXTREMELY IMPORTANT, RIGHT NOW WE HAVE AN OPPORTUNITY IN THIS NEXT ELECTION CYCLE WHERE WE MIGHT ACTUALLY BE VERY RELEVANT. AND SO NOW IS DEFINITELY NOT THE TIME TO GIVE THAT UP. NOW I HEARD SENATOR HILKEMANN'S ARGUMENT ABOUT HOW HE'S CONCERNED ABOUT ALL STATES BEING THE SAME FOR THIS TO BE FAIR. COLLEAGUES, THE CONSTITUTION ALLOWS STATES TO MAKE THESE DECISIONS. AND SO IT'S HARD FOR ME TO IMAGINE WHY CONSERVATIVES WHO PUSH FOR STATE'S RIGHTS WOULD NOW BE ARGUING, NO, WE DON'T WANT STATES TO HAVE THIS FLEXIBILITY; WE WANT ALL THE STATES TO BE THE SAME. THE CONSTITUTION ALLOWS STATES TO MAKE THIS CHOICE ABOUT THEIR ELECTORS BECAUSE IT ALLOWS STATES TO MAKE THOSE CHOICES IN WAYS THAT ARE FITTING FOR THEIR STATE. AND SO I URGE YOU, COLLEAGUES, NOT TO VOTE FOR... [LB10]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT...NOT TO VOTE FOR LB10. LET'S KEEP NEBRASKA RELEVANT. LET'S KEEP THE MONEY FLOWING TO NEBRASKA. LET'S KEEP THE CANDIDATES VISITING NEBRASKA. AND LET'S KEEP OUR CITIZENS ENGAGED AND MOBILIZED IN NEBRASKA. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR CRAWFORD. SENATOR COOK, YOU'RE RECOGNIZED. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. I RISE IN SUPPORT OF SENATOR CHAMBERS' AM528 AND, AS I HAVE IN YEARS PAST, IN OPPOSITION TO LB10 OR FOR THE STATE TO MOVE TO A WINNER-TAKE-ALL MODEL. I SEE, IN MY WORK AS A STATE SENATOR AND SOMEONE WHO HAS BEEN ENGAGED IN COMMUNITY WORK, POLITICAL, AND NONPROFIT WORK FOR MANY YEARS, THAT OUR FAMILIES, PARTICULARLY THOSE WITH...PARTICULARLY THOSE FAMILIES WE DISPROPORTIONATELY IMPACT THROUGH OUR POLICYMAKING HERE AND THOSE WHO ARE DISPROPORTIONALLY IMPACTED BY THE POLICY CHANGES THAT ARE PROPOSED IN WASHINGTON, D.C., AND ON A NATIONAL LEVEL, THEIR VOTER TURN OUT, BY NECESSITY, BECAUSE OF THEIR WORK SCHEDULES, BECAUSE OF THEIR SENSE OF BEING TRULY INCLUDED IN THE OUTCOME, IS IMPACTED BY NOT ONLY THE

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CANDIDATES AND THE MESSAGES BUT ALSO BY THE METHOD IN WHICH THE VOTES ARE COUNTED. I STAND IN SUPPORT OF AM528 AND LB10...I'M SORRY, AND AGAINST LB10 BECAUSE IT REMINDS US OF THE IMPORTANCE OF CIVIC ENGAGEMENT AND PEOPLE BEING, FIRST OF ALL, AWARE THAT THERE IS AN ELECTION COMING UP, AWARE THAT THEY...THE ELIGIBLE VOTERS SHOULD TURN OUT FOR THAT OR MAKE PROVISIONS TO DO AN ABSENTEE BALLOT OR COMPLETE AN EARLY BALLOT IN PERSON. AS I MENTIONED EARLIER, LEGISLATIVE DISTRICT 13 IS EXTREMELY DIVERSE. AND WHEN I SAY DIVERSE, I MEAN IN ALL OF THE POSSIBLE WAYS. DISTRICT 13 IS POPULATED BY VOTERS WHO ARE REGISTERED IN EACH OF THE MAJOR PARTIES IN THE UNITED STATES. THERE IS ALSO A SIGNIFICANT NUMBER OF VOTERS WITHIN LEGISLATIVE DISTRICT 13 WHO ARE REGISTERED INDEPENDENTS. I THINK WHEN WE START TO TALK ABOUT ELIMINATING THIS AS A WAY IN WHICH WE DISTRIBUTE OUR ELECTORAL VOTES WE ARE GOING TO BE ELIMINATING THE VOICE OF A GROUP OF PEOPLE WHO ARE JUST AS PROUD TO BE NEBRASKANS BUT MAYBE DON'T PERHAPS AGREE WITH WHAT PEOPLE IN THE REST OF THE STATE SEEM TO THINK IS THE POLITICAL PHILOSOPHY THAT SHOULD PREVAIL. IT'S EXTREMELY IMPORTANT THAT THESE VOTERS BE HEARD, THAT THEIR PHILOSOPHY BE VALIDATED ON THIS LEVEL FOR MANY, MANY REASONS. AGAIN, I RISE IN SUPPORT OF AM528. I THINK IT GOES A LONG WAY TO EXPLAINING WHY WE ARE HERE THIS AFTERNOON SPEAKING OUT AGAINST LB10. IT IS VERY IMPORTANT FOR VOTERS, FOR PEOPLE IN GENERAL TO BE AWARE OF THE CANDIDATES, TO GET A CHANCE TO BECOME FAMILIARIZED WITH WHAT DISTINGUISHES ONE CANDIDATE FROM ANOTHER. AND ONCE AGAIN, I HEAR THIS OVER AND OVER AGAIN IN MY DISTRICT. AND AGAIN, IT'S EXTREMELY DIVERSE. I'VE GOT FARMERS. I'VE GOT URBAN DWELLERS. I HAVE PEOPLE WHO HAVE ACREAGES. I HAVE PEOPLE WHO LIVE IN APARTMENTS. FORTY PERCENT OF THE PEOPLE IN MY DISTRICT DO NOT OWN PROPERTY AT ALL, DO NOT OWN REAL PROPERTY AT ALL. IT'S EXTREMELY DIVERSE. BUT THEY'RE NEBRASKANS AND THEY DESERVE TO BE REPRESENTED BEYOND THE PREVAILING POLITICAL PHILOSOPHY. SO IT'S EXTREMELY IMPORTANT THAT WE ADOPT AM528. I KNOW THERE ARE A NUMBER OF OTHER AMENDMENTS TO THIS BILL THAT HAVE BEEN FILED. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT. I HAVE AN AMENDMENT THAT I WILL BE SPEAKING TO LATER. I'VE ALSO GOT SOME INFORMATION THROUGH THE LEGISLATURE'S LONG-TERM PLANNING COMMITTEE. THAT'S MY PUBLIC SERVICE ANNOUNCEMENT FOR THE COMMITTEE TODAY. THE LEGISLATURE'S LONG-TERM PLANNING COMMITTEE HAS A LOT OF INFORMATION THAT THE

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REST OF US TODAY WOULD DO WELL TO TAKE ANOTHER LOOK AT IN TERMS OF POPULATION TRENDS. IF YOU THINK YOU CAN SOLIDIFY YOUR HOLD ON THE POLITICAL VOICES IN THIS STATE THROUGH MAKING THIS VOTE OR, IN THIS CASE, A VOTE RELATED TO CLOTURE, PERHAPS YOU SHOULD TAKE ANOTHER LOOK AT THE POPULATION TRENDS IN NEBRASKA AND RECONSIDER YOUR VOTE. ONCE AGAIN, I AM GOING TO STAND IN SUPPORT OF SENATOR CHAMBERS' AM528, AND CONTINUE TO VOICE MY OPPOSITION TO SENATOR McCOY'S LB10. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR COOK. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN PEOPLE ARE INTELLIGENT THEY OBSERVE THE ENVIRONMENT AROUND THEMSELVES IN WHICH THEY FUNCTION. THE LAST FEW DAYS I'VE HEARD PEOPLE IN THE RURAL AREAS TALK ABOUT HOW THE URBAN AREAS ARE TAKING OVER, THEY HAVE ALL OF THIS POWER, AND SOMETHING HAS TO BE PUT INTO THE LAW TO PROTECT THOSE RURAL INTERESTS--FARMERS, RANCHERS, THEN THE PEOPLE IN THE RURAL AREAS WHO ARE NOT NECESSARILY FARMERS AND RANCHERS BUT THEY ARE NOT A PART OF WHAT WOULD BE CONSIDERED THE URBAN SCENE. IF YOU WENT BY WHAT THE RURAL PEOPLE ARE TALKING ABOUT WITH REFERENCE TO THEMSELVES, IT'S HARD TO UNDERSTAND HOW THEY COULD SAY, BUT DEPRIVE PEOPLE IN SOME OF THESE CONGRESSIONAL DISTRICTS, AT LEAST ONE OF THEM, OF ALL RELEVANCY WHERE THEIR VOTE DOES NOT COUNT. RIGHT NOW THE LAW SAYS THOSE VOTES COUNT. SENATOR HILKEMANN SURPRISES ME BECAUSE I PICTURE HIM AS A PERSON WHO DOES WANT TO BE FAIR, NOT ONE WHO IS BOUND IN A HIDEBOUND WAY TO A POLITICAL PARTY. THIS IS A REPUBLICAN EFFORT, THAT'S ALL IT IS, BECAUSE THEY ARE IN THE MAJORITY, HAVE ALWAYS BEEN IN THE MAJORITY. AND IF THEY COULD, THEY WOULD CRUSH OUT ANYBODY WHO IS NOT A REPUBLICAN FROM ANY AND ALL PARTICIPATION IN THE GOVERNMENT OF ANY KIND WHATSOEVER. BUT WHEN IT COMES TO THEIR OWN POCKETBOOK, WHEN IT COMES TO HOW THEIR LAND IS GOING TO BE ASSESSED, VALUED, AND TAXED, WHEN IT COMES TO METHODOLOGIES THEY HAVE FOUND WHEREBY THEY MIGHT BE ABLE TO KIND OF GAME MEDICAID IN THE STATE, THEY DON'T WANT THE SPOTLIGHT OF OBJECTIVITY SHINED ON THEM. THEY WANT TO HAVE CERTAIN NICHES CARVED OUT THAT WILL PROTECT THEM, PRESERVE THEM, AND THEY WANT IT PUT INTO THE LAW. AND HERE THEY ARE TODAY SAYING, USE THE LAW TO DISCRIMINATE POLITICALLY AGAINST THOSE WHO DO NOT BELONG TO THE REPUBLICAN PARTY, ENSURE THAT THEIR VOTE MEANS

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NOTHING. SO SENATOR HILKEMANN, BEING A FAIR PERSON BUT NOT HAVING THOUGHT THIS THROUGH, WOULD DISCUSS IT WITH ME. HE'D SAY, WELL, SENATOR CHAMBERS, YOU CAN VOTE. I'D SAY, YEAH, BUT YOU FIX IT SO I'M VOTING FOR NOBODY AND THAT IS NOT A VOTE. WHEN MY VOTE DOES NOT COUNT, WHEN IT PLAYS NO PART WHATSOEVER IN DETERMINING THE OUTCOME OF AN ELECTION, IT DOES NOT COUNT. WHETHER I VOTE, WHETHER I REFRAIN FROM VOTING, IT'S ALL THE SAME, UNLESS I'M A "REPELICAN," AND THEY HAVE EVERYTHING THEIR WAY ANYWAY. I HAVE NEVER BEEN ONE TO JOIN IN AN UNFAIR CONTEST ON THE SIDE OF THOSE WHO ARE THE BULLIES, WHO HAVE EVERYTHING ON THEIR SIDE ALREADY. THERE WAS A FOOTBALL PLAYER NAMED BRIAN BOSWORTH WHO PLAYED FOR OKLAHOMA. HE PLAYED A POSITION CALLED LINEBACKER. AND OKLAHOMA WAS CONSIDERED LIKE A THRESHER. WHEN IT WENT THROUGH THE FIELD, NOTHING WAS LEFT, EVERYTHING WAS FLAT. THEY WERE CONSIDERED ALMOST IRRESISTIBLE IN TERMS OF BEING ABLE TO HAVE ANYBODY DEFEAT THEM ON THE FOOTBALL FIELD. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: BRIAN BOSWORTH SAID THAT OKLAHOMA, LIKE OTHER SCHOOLS, WOULD PUT ON THEIR SCHEDULE WEAK TEAMS THAT HAD NO CHANCE. AND HE SAID THE PLAYERS DIDN'T LIKE THAT, MAYBE THE ALUMNI, THE FANS AND OTHERS. BUT THEY ALWAYS LIKED TO PLAY NEBRASKA BECAUSE THEN THEY WERE PLAYING AND PICKING ON SOMEBODY THEIR OWN SIZE. THE "REPELICANS" ARE NOT PICKING ON SOMEBODY THEIR OWN SIZE NOW. THEY DON'T WANT TO HAVE ANYBODY THEIR OWN SIZE. SO THEY'RE TAKING THIS, WHAT I CONSIDER TO BE, UNFAIR APPROACH. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB10]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. APOLOGIES, COLLEAGUES. I THOUGHT THERE WAS ANOTHER IN THE QUEUE. I RISE AGAIN AGAINST LB10, THE ELECTORAL COLLEGE WINNER-TAKE-ALL PROVISION. EARLIER, I GUESS I TALKED ABOUT THE IMPACT ON CAMPAIGNS. THIS TIME I WANTED TO KIND OF ADDRESS SOME OF THE ISSUES OF FAIRNESS. I GUESS THERE'S A LOT OF WAYS TO ADDRESS FAIRNESS IN AN ISSUE RELATED TO THIS, AND I COULD SEE THE ARGUMENT. I GUESS IT'S MAYBE EARLY TO START MAKING CONCESSIONS, BUT I

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COULD SEE THE ARGUMENT OR AT LEAST SEE HOW PEOPLE BELIEVE A FAIRNESS ISSUE ON THE OTHER SIDE. BUT TO MAKE THIS A CARTE BLANCHE FAIRNESS OF SUPPORTERS FOR LB10 ARE FOR FAIRNESS AND PEOPLE AGAINST LB10 ARE AGAINST FAIRNESS, AS WE'VE TEETERED DANGEROUSLY CLOSE TO IN SOME OF THE INTRODUCTIONS FOR THIS BILL, I THINK IT JUST ISN'T, WELL, I GUESS, ISN'T FAIR IN ITSELF. WE'RE TALKING ABOUT KIND OF ELECTIONS AND HAVING PROPORTIONAL ELECTIONS. OBVIOUSLY, THE INHERENT HISTORY OF THE ELECTORAL COLLEGE ISN'T SOMETHING THAT'S INHERENTLY FAIR IN ITSELF. YOU KNOW, A TRUE FAIR ELECTION PROBABLY WOULD BE A NATIONAL POPULAR VOTE. AND I KNOW THERE HAS BEEN SOME PRIORITIES TO SEND SOME BILLS IN THE LEGISLATURE TO SUGGEST DOING AN INTERSTATE VOTE COMPACT TO THAT MEASURE. I THINK THAT'S PROBABLY A BETTER ARGUMENT OF FAIRNESS THAN SWITCHING NEBRASKA TO WINNER TAKE ALL. IN THEORY, WE DO A LOT OF THINGS PROPORTIONALLY, AND THIS, ALTHOUGH IT'S NOT INCREDIBLY PROPORTIONAL, IT'S JUST ONE OR TWO OUT OF FIVE REPRESENTING A CANDIDATE WHO WINS IN SPECIFIC AREAS, IT DOES TREND TOWARDS PROPORTIONALITY. YOU CAN HAVE A CANDIDATE WHO GETS, YOU SAY, A SIGNIFICANT SHARE OF THE VOTE ACTUALLY GET SOME OF THE ELECTORAL COLLEGE. I MEAN WE UNDERSTAND THE KIND OF INTERESTING RESULTS THAT COME WITH ELECTORAL COLLEGE. WE ALL STAY UP LATE ON ELECTION NIGHT OR I PRESUME WE DO. IF YOU'RE RUNNING FOR OFFICE, I PRESUME YOU'RE ENOUGH OF A POLITICAL JUNKIE TO STAY UP UNTIL THE ELECTION IS CALLED. IT'S SOMETHING I REMEMBER DOING WITH MY FAMILY GOING FOR QUITE A WHILE. AND YOU REMEMBER SOME OF THE ELECTION RESULTS AND ELECTION RETURNS WE'VE HAD IN THE COUNTRY AND SEEING STATES WHERE LARGE NUMBERS, MORE NUMBERS THAN THE NEBRASKA ELECTORAL VOTES, ARE ALLOCATED TO A SINGLE CANDIDATE WITHOUT EVEN HAVING... WITH ONLY THE BAREST OF MAJORITIES OR IN MANY CASES PLURALITIES, IF THERE'S A THIRD-PARTY CANDIDATE THAT'S GARNERED ANY SIGNIFICANT INTEREST. AND THAT RAISES THEN AN INTEREST OF FAIRNESS. IF SOMEBODY COULD, SAY, GET 48 PERCENT OF A STATE, THEY'RE IN FIRST WITH A PLURALITY, THEY GET ALL THE DELEGATES. WELL, I CHALLENGE YOU TO THINK ABOUT THAT, HOW THAT'S FAIR TO THE 52 PERCENT OF THE STATE, IN MY EXAMPLE, THE 52 PERCENT OF THE STATE WHO DIDN'T WANT THAT CANDIDATE TO GET AN ELECTORAL VOTE FROM THE STATE. THEY DIDN'T WANT IT AT ALL. SO THAT'S WHY I HAVE SOME HESITATION TO THE CONCEPT OF FAIRNESS IN THE SENSE OF WINNER TAKE ALL IS THE FAIR METHOD. TIME AND TIME AGAIN WE COULD SEE SOME ABSURD ELECTION RESULTS AT ALL SORTS OF DIFFERENT LEVELS, ALL SORTS OF DIFFERENT THINGS. AND I DO AGREE WE SHOULD STRIVE TO HAVE OUR ELECTIONS BE FAIR. BUT IS A WINNER-TAKE-ALL SYSTEM IN WHICH A MAJORITY

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OF THE VOTERS DON'T GET WHAT THEY WANT, AS IS POSSIBLE IN MANY INSTANCES, IS THAT THE SYSTEM WE'RE GOING TO STAND UP AND DECLARE IS THE FAIREST SYSTEM, THE BEST SYSTEM? YOU KNOW, I KNOW, BASED ON SOME CONVERSATIONS, BOTH...WE HAD THIS BILL IN GOVERNMENT LAST YEAR, REFERRING AGAIN TO NATIONAL VOTER...NATIONAL POPULAR VOTE COMPACT WHERE THERE'S SOME PEOPLE WHO WOULD MAYBE SUPPORT THAT METHOD, MAYBE WOULD SUPPORT THAT OVER... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT...OVER WINNER TAKE ALL. YOU KNOW, I APPRECIATE THAT ARGUMENT. I APPRECIATE THAT CONCEPT. HAVING SOME OPPORTUNITIES FOR DISCUSSION IN THAT WAY IS INTERESTING. SO AGAIN, WAS JUST SAYING I WAS RISING IN OPPOSITION TO LB10. I WANTED TO MAKE SURE I GOT ON THE MICROPHONE AND ADDRESSED BOTH THE...BOTH ISSUES, INCLUDING THE FAIRNESS ISSUE. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR HANSEN. SENATOR COOK, YOU'RE...OH, EXCUSE ME, SENATOR COOK. (VISITORS INTRODUCED.) I APOLOGIZE. SENATOR COOK, YOU'RE NOW RECOGNIZED. [LB10]

SENATOR COOK: THANK YOU MR. PRESIDENT. AND GOOD AFTERNOON AGAIN, COLLEAGUES. I RISE AGAIN IN SUPPORT OF SENATOR CHAMBERS' AM528, AND WANT TO FOCUS MY ATTENTION THIS TURN ON THE MIKE ON WHAT IS DRAFTED HERE IN SECTION (f). AND IT READS, "ADVOCATES OF THE PROPORTIONAL METHOD FOR ALLOCATING PRESIDENTIAL ELECTORS BELIEVE IT ENCOURAGES GRASSROOTS ORGANIZING WITHIN EACH CONGRESSIONAL DISTRICT AND INCENTIVIZES PRESIDENTIAL CANDIDATES TO BROADEN THEIR CAMPAIGNS IN OTHERWISE NONCOMPETITIVE STATES." AND I'LL GO AHEAD AND READ (g). IN THE INTEREST OF FAIRNESS, ALL STATES SHOULD HAVE THE SAME METHOD OF ALLOCATING PRESIDENTIAL ELECTORS AND PROPORTIONAL METHOD IN THE MOST DEMOCRATIC METHOD...IS THE MOST DEMOCRATIC METHOD WHILE STILL MAINTAINING THE ELECTORAL COLLEGE. AND THERE'S A WHOLE HISTORY OF THE ELECTORAL COLLEGE, WHICH I WON'T GO INTO ON MY NEXT TURN ON THIS AMENDMENT, WHICH GIVES ME PAUSE AS THE DESCENDANT OF SOMEBODY WHO WAS NOT QUITE FULLY FACTORED INTO THE DEVELOPMENT OF THE ELECTORAL COLLEGE. I WANT TO FOCUS THIS TURN ON THE MIKE...ON THE MICROPHONE AS A WAY TO TALK A LITTLE BIT ABOUT THE TRUE IMPACT ON VOTER TURNOUT. AS I MENTIONED LAST TIME, AND AS I'VE MENTIONED A

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COUPLE TIMES IN MY OPPOSITION TO LB10 AND ITS PREDECESSORS, THE IMPETUS, THE ENTHUSIASM WITH WHICH VOTERS IN MY DISTRICT, VOTERS WHO WOULD BE DISPROPORTIONATELY IMPACTED BY THE POLICIES THAT ARE MADE CERTAINLY ON THE FEDERAL LEVEL, AND CERTAINLY THE POLICIES THAT ARE PRIORITIZED BY PRESIDENTIAL CANDIDATES, ARE GOING TO BE NOT AS LIKELY TO SHOW UP OR NOT AS LIKELY FOR, I SHOULD SAY, BETTER SAID, NOT AS LIKELY FOR THEIR VOICE TO BE HEARD IF NEBRASKA ADOPTS THE WINNER-TAKE-ALL PHILOSOPHY. I'M GOING TO SHARE WITH YOU SOME INFORMATION. AND I DID NOT DISTRIBUTE THE CHARTS BUT WHAT I WILL DO IS INTERPRET THE ANALYSIS OF THE CHARTS, SOME CHARTS ABOUT VOTER TURNOUT. INDEED, WHEN PRESIDENT OBAMA WAS AWARDED, FOR THE ONLY TIME WE'VE EVER GIVEN OUT, THAT ONE ELECTORAL VOTE, SEPARATE FROM THE OTHERS, PRESIDENT OBAMA WON THE 2008 PRESIDENTIAL ELECTION. AND WE DISCUSS IT AND WE DISCUSS THE RECORD VOTER TURNOUT. WE WANT TO LOOK AT WHAT THE DATA ACTUALLY SAYS AND DOES THE DATA BACK UP THE CLAIM THAT GOING TO WINNER TAKE ALL WOULD INCLUDE...INCREASE VOTER TURNOUT. IN THE STATE OF NEBRASKA, THE 2008 VOTER TURNOUT RATE RANKS, WE SHOULD BE PROUD, NUMBER FOUR IN THE STATE'S HISTORY OF VOTER TURNOUTS. BUT TO GET TO YEARS NUMBER ONE THROUGH THREE, YOU NEED TO LOOK ALL THE WAY BACK TO THE 1950s AND THE 1960s--INDEED, A DIFFERENT ERA, A DIFFERENT GENERATION IN TERMS OF THEIR PHILOSOPHY ABOUT THAT CIVIC ENGAGEMENT AND CIVIC INVOLVEMENT AND CITIZENSHIP. VOTER TURNOUT HAS FALLEN NATIONWIDE FROM THE HIGHS OF THE 1950s AND 1960s, AND NEBRASKA VOTERS SHOULD NOT BE EXPECTED TO COMPLETELY MOVE AWAY FROM THOSE TRENDS. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT. EVEN WITH THE NATIONAL TREND BEING DOWN, NEBRASKA'S VOTER TURNOUT IS AND HAS BEEN CONSISTENTLY HIGHER. WE SHOULD BE PROUD OF THAT. THAT'S NEBRASKA'S TURNOUT OVERALL, I SHOULD QUALIFY. THE GAP BETWEEN NEBRASKA AND THE NATIONAL TURNOUT DID ACTUALLY WIDEN ONCE THIS ORIGINAL LEGISLATION WAS ADOPTED. THOUGH THAT POSITIVE GAP HAS SINCE NARROWED VERY SLIGHTLY, NEBRASKA'S TURNOUT REMAINS RELATIVELY HIGH COMPARED TO THE NATIONAL RATE. WHEN PEOPLE TALK ABOUT THE RECORD TURNOUT IN 2008, WHEN PRESIDENT OBAMA RECEIVED ONE ELECTORAL VOTE FROM THE STATE OF NEBRASKA, THEY'RE PRIMARILY TALKING ABOUT MINORITIES, THAT IS RACIAL/ETHNIC MINORITIES, AND YOUNG PEOPLE, AND NOT THE WHOLE VOTING POPULATION. AND ON MY NEXT TURN AT THE MIKE OR ONE OF MY

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NEXT TURNS AT THE MICROPHONE, I WILL GET TO THOSE POPULATION TRENDS WHICH WILL HIGHLIGHT THE IMPORTANCE OF THAT STATEMENT. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR COOK. SENATOR CHAMBERS, YOU'RE RECOGNIZED AND THE NEXT TIME WOULD BE YOUR CLOSE. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I HAVE OFTEN, PROBABLY SO MANY TIMES, SAID THIS OR ALLUDED TO IT THAT PEOPLE ARE TIRED OF HEARING IT. BUT IF I HAD TALKED ABOUT IT EVERY DAY, SEVERAL TIMES A DAY, IT WOULD BE RELEVANT, AND THAT'S THE STATUS OR LACK OF STATUS, OF PEOPLE IN THIS COUNTRY OF MY COMPLEXION. I SHOULD NOT BE PARTICIPATING IN THE POLITICAL PROCESS AT ALL. IT'S NOT FAIR TO US, NEVER HAS BEEN, AND IN MY VIEW NEVER WILL BE. BUT IF THERE IS ANY AVENUE OPEN WHEREBY, THROUGH PEACEFUL MEANS, A CHANGE CAN BE WROUGHT, I WILL PURSUE THAT AS LONG AS I REMAIN SANE. AND SOME PEOPLE THINK I'VE CROSSED OVER THE LINE AND LEFT THAT STATUS SOME TIME AGO. BUT AS YOU ALL KNOW, IT'S THE CRAZY PEOPLE WHO ALWAYS SAY THEY'RE NOT CRAZY. HERE'S WHAT I DID. AS I GREW UP, I SAW THAT ON THE CITY COUNCIL OF OMAHA NO BLACK PERSON EVER WAS ELECTED. ON THE COUNTY BOARD IN DOUGLAS COUNTY NO BLACK PERSON HAD EVER BEEN ELECTED. ON THE SCHOOL BOARD NO BLACK PERSON HAD EVER BEEN ELECTED. IN SOME STATES, THERE WERE LARGE CIVIC ORGANIZATIONS OR THE NAACP HAD STRENGTH AND LEGAL MUSCLE AND THEY OBTAINED RULINGS FROM COURTS THAT REQUIRED A DISTRICT SYSTEM OF ELECTION. BUT WHAT I DID WAS CAME TO THIS ALL-WHITE LEGISLATURE, AND I WATCHED HOW WHITE CANDIDATES WOULD RUN FOR THIS OFFICE AND THEIR WHITE OPPONENTS WOULD COMPETE AGAINST THAT CANDIDATE BUT RUN AGAINST ME. WHAT THEY WOULD DO IN THEIR CAMPAIGN LITERATURE IS POINT OUT HOW THAT WHITE CANDIDATE HAD VOTED THE SAME WAY I DID ON AN ISSUE. THE LINCOLN JOURNAL STAR HAD EDITORIALIZED ABOUT THIS. TAKE THE CITY COUNCIL FIRST. ON SEVERAL OCCASIONS, PEOPLE THOUGHT IT WAS MIRACULOUS, BUT I MANAGED TO PERSUADE ENOUGH LEGISLATORS TO PASS A BILL CALLING FOR THE DISTRICT ELECTION FOR MEMBERS OF THE OMAHA CITY COUNCIL, AND THERE WERE TIMES THAT THE BILL WAS VETOED. THERE WAS A GOVERNOR NAMED EXON WHO WAS ONE OF THE VETOERS. THEN, WONDER OF WONDERS,

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WHEN I FINALLY MANAGED TO GET THAT BILL ACROSS THE FINISH LINE AND IT WAS ENACTED INTO LAW BY BEING SIGNED BY A "REPELICAN" GOVERNOR, GOVERNOR THONE, FORMER-GOVERNOR EXON'S SON, STEVE EXON, RAN FOR THE OMAHA CITY COUNCIL BY DISTRICT AND WON A SEAT, WHICH HE NEVER COULD HAVE DONE AT LARGE. SO THERE I WAS PARTICIPATING IN THE POLITICAL PROCESS, USING THIS SYSTEM, AS DIFFICULT AS IT WAS, TO OBTAIN A CHANGE OF SEISMIC PROPORTIONS. RECENTLY PEOPLE USE THE TERM SEA CHANGE BUT THEY WEREN'T USING IT IN THOSE DAYS, ALTHOUGH THAT TERM COMES FROM LITERATURE MANY, MANY, MANY YEARS AGO. SOME WRITER OR PUNDIT PROBABLY USED IT, THEN IT BECAME A FAD, THEN A CLICHE, THEN IT FADED AWAY. AND MOST PEOPLE DON'T EVEN KNOW WHAT SEA CHANGE ACTUALLY REFERS TO. BUT IN THEIR MIND, IT MEANT A REMARKABLE CHANGE. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: SO I USED THE SYSTEM AND I PLAYED BY ALL THE RULES THERE, AS I DO HERE. BUT OVERALL, IT DID NOT MAKE ANY SIGNIFICANT DIFFERENCE IN HOW THINGS WERE DONE IN OMAHA, BECAUSE THERE WERE SIX MEMBERS OF THE CITY COUNCIL, ONE BLACK PERSON. SO THERE WERE SIX MEMBERS WHO WERE WHITE, ONE PERSON WHO WAS BLACK, SO THEY STILL COULD OUTVOTE US. BUT WE PARTICIPATED. AND I DOUBT THAT ANYBODY ON THIS FLOOR COULD GO THROUGH WHAT I WENT THROUGH AND HAVE GONE THROUGH FOR 41 YEARS, GOING ON 42, 43 YEARS IN THIS PLACE, AND STILL FUNCTION EFFECTIVELY. AND I HAVE TO IGNORE THINGS LIKE WHAT IS BEING DONE TODAY WHERE THERE ARE PEOPLE... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB10]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF SENATOR CHAMBERS' AM528 AND THE...AND OPPOSE THE UNDERLYING BILL, LB10. COLLEAGUES, THE SPLIT VOTE ALLOWS NEBRASKA TO BE IN THE NATIONAL GAME. IT BRINGS DOLLARS TO OUR STATE. IT ENCOURAGES IMPORTANT GRASS-ROOTS ACTIVITY. AS A REMINDER, IN 2008 WHEN SENATOR McCain WAS RUNNING FOR PRESIDENT, HE OPTED TO SKIP NEBRASKA. AND

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BARACK OBAMA AT THAT TIME, WHEN HE WAS RUNNING, VISITED OMAHA IN A CAMPAIGN AND WAS AWARDED AN ELECTORAL VOTE. I THINK THAT SOME OF YOU MAY SAY, WELL, THERE'S THE REASON WE WANT TO NOT DO IT ANYMORE. AND I WOULD ARGUE IF YOU LOOK AT THE MESS THAT'S HAPPENING NATIONALLY, I THINK YOU BETTER BE CAREFUL ABOUT WHAT YOU WISH, BECAUSE THE TIDE COULD TURN IN THIS STATE IF PUSHED TOO FAR. POSSIBLE, IT IS POSSIBLE. IS IT PROBABLE? I'M NOT SURE. BUT WITH THE FRENZY AND THE UNCERTAINTY OF THE NATIONAL ELECTIONS, I'M JUST NOT SO SURE THAT AT SOME POINT THE REPUBLICAN PARTY WON'T WISH THAT THEY DID HAVE THE SPLIT VOTE. THIS HAS HAPPENED ONE TIME SINCE 1964. AND I'VE HEARD, WELL, WE'RE ONE OF TWO STATES THAT DOES THIS. BUT, OF COURSE, TIME AND AGAIN NEBRASKA SHOWS HOW WE ARE INDEPENDENT AND UNIQUE. WE HAVE OUR WONDERFUL UNICAMERAL SYSTEM. I DON'T HEAR PEOPLE SAYING, OH, WELL, WE SHOULD BE LIKE EVERYBODY ELSE. WE ARE OUR OWN STATE. WE ARE OUR OWN INDIVIDUALS. SO AGAIN, I WOULD SAY THAT WE NEED TO BE CAREFUL WHAT WE WISH. AND WE NEED TO MAKE SURE THAT PEOPLE DO HAVE THE OPPORTUNITY TO PARTICIPATE AND SEE THEMSELVES AS NOT BEING DISENFRANCHISED OR CUT OUT OF THE WHOLE SYSTEM. WE SEE A RISE OF YOUNG PEOPLE, SOME OF THEM REALLY ANGRY ABOUT THE FACT THAT THEY AREN'T...THEY FEEL THAT THEY AREN'T INCLUDED IN THE SYSTEM. AND TO ME, THIS IS JUST ONE MORE STEP OF MAKING SURE THAT PEOPLE'S VOICES AREN'T HEARD AND THAT PEOPLE FEEL THAT THEY AREN'T INCLUDED IN THE SYSTEM. IN SENATOR CHAMBERS' AMENDMENT, SECTION (f) ENCOURAGES GRASS-ROOTS ORGANIZING WITHIN EACH CONGRESSIONAL DISTRICT. AND IT INCENTIVIZES. IT TALKS ABOUT THE INCENTIVES THAT THE SPLIT VOTE BRINGS TO THE PRESIDENTIAL CANDIDATES AND THEIR CAMPAIGNS TO BROADEN THEIR CAMPAIGNS, AND TO COME AND PARTICIPATE AND BRING THEIR CAMPAIGNS TO OTHERWISE NONCOMPETITIVE STATES, LIKE NEBRASKA. THOSE WERE IMPORTANT DOLLARS. WE JUST SAW WHAT HAPPENED WITH THE PRIMARIES. AND THE FACT THAT WE HAVE SUCH A LATE PRIMARY HAS CAUSED SO FAR, I BELIEVE IT'S CORRECT, THAT ONLY ONE REPUBLICAN PRESIDENTIAL CANDIDATE HAS COME TO NEBRASKA. BOTH DEMOCRATIC PRESIDENTIAL CANDIDATES HAVE COME TO NEBRASKA PRIOR TO THE CAUCUS, AND THAT'S BECAUSE THE CAUCUS WAS SET UP AT AN EARLY POINT SO THAT IT COULD MAKE A DIFFERENCE. AND THEY WOULD COME AND BRING THEIR CAMPAIGNS AND SPEND THEIR DOLLARS HERE AND ALLOW US TO PARTICIPATE... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

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SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT...ALLOW US TO PARTICIPATE IN THE ENTIRE POLITICAL PROCESS. THAT'S IMPORTANT. AND THE SAME THING IS HAPPENING WITH THE ALLOCATION OF PRESIDENTIAL ELECTORS. IF WE KEEP IT OPEN AND KEEP PEOPLE...ALLOW OURSELVES TO CONTINUE TO BE A PLAYER IN THE POLITICS, RATHER THAN MAINTAINING OUR IMAGE AS A FLY-OVER STATE, I THINK THAT WE HAVE SOME STRENGTH. THE CLAIM THAT WE ARE ONE OF TWO STATES DOING THIS IS NOT AN ARGUMENT. WE ARE UNIQUE. WE ARE VALUABLE. WE HAVE A VOICE THAT'S DIFFERENT IN THIS NATION. AND I WOULD HOPE THAT WE CONTINUE THIS POWERFUL VOICE THAT WE HAVE, POWERFUL IN A SUBTLE, QUIET WAY. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR McCOY, YOU'RE RECOGNIZED. [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I THOUGHT THAT I SHOULD RISE BRIEFLY TO SAY THAT I DO NOT SUPPORT AM528 BY SENATOR CHAMBERS. HOWEVER, I DO AGREE WITH SOME OF THE VERBIAGE FOR WHICH IT'S BEEN SAID. PAGE 1 OF HIS AMENDMENT WHERE IT TALKS ABOUT, "IN THE INTEREST OF FAIRNESS, ALL STATES SHOULD HAVE THE SAME METHOD FOR ALLOCATING PRESIDENTIAL ELECTORS," I WOULD AGREE WITH THAT. THAT'S THE WHOLE NATURE OF LB10 IN THE FIRST PLACE. AND I DON'T, AND I'VE SAID THIS MANY TIMES BEFORE, I DON'T HAVE A REAL CHALLENGE OR EVEN HARTBURN OVER THE ACTUAL CONGRESSIONAL DISTRICT METHOD OF APPORTIONMENT. MIGHT COME AS A SHOCK TO SOME. THE REALITY IS, THOUGH, IS THAT, BUT FOR MAINE, IT'S NOT THE SYSTEM THE REST OF THE COUNTRY USES, NOR IS IT THE SYSTEM THE REST OF THE COUNTRY IS GOING TO USE, IT WOULD APPEAR. LET ME GIVE YOU ONE QUICK EXAMPLE. AND FEEL FREE TO DO YOUR OWN RESEARCH ON THIS. AS SOME OF YOU KNOW, AT LEAST ON THE REPUBLICAN SIDE, THE CALIFORNIA REPUBLICAN PARTY IS ESSENTIALLY SPLIT INTO TWO WINGS, THE NORTH AND THE SOUTH, FOR PURPOSES OF ORGANIZATION AND OTHERWISE, IN MANY RESPECTS. IT'S BEEN THAT WAY FOR A LONG TIME. THE MOVE WAS MADE IN THE CALIFORNIA LEGISLATURE NOT ALL THAT MANY YEARS AGO TO CHANGE TO WHAT WE HAVE AND MAINE HAS--THE CONGRESSIONAL DISTRICT METHOD OF APPORTIONMENT. AND I WOULD ENCOURAGE ANY OF YOU WHO FIND IT INTERESTING TO SEARCH ON YOUR GADGETS WHAT OCCURRED. THE DEMOCRATIC PARTY IN CALIFORNIA, ALONG WITH MANY DEMOCRATIC LAWMAKERS, THREW AN ENORMOUS FIT OVER THAT MOVE. AND HERE'S WHY. BECAUSE A STATE THAT IS AS DELEGATE RICH AND ELECTORAL VOTE RICH AS THE STATE OF CALIFORNIA IS, IF YOU

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WERE TO SPLIT CALIFORNIA AND APPORTION THEIR ELECTORAL VOTES BY CONGRESSIONAL DISTRICT AND YOU WERE TO GO BACK, IF MY MEMORY SERVES--IT'S BEEN A LITTLE BIT OF TIME SINCE I LOOKED AT THE STATISTICS--I BELIEVE THERE'S ONLY ONE ELECTION OR, I SHOULD SAY, OTHER THAN PRESIDENT OBAMA'S ELECTION IN 2008 AND HIS REELECTION IN 2012, I BELIEVE THERE'S ONLY ONE OTHER TIME SINCE THE 1960s THAT THERE WOULD HAVE BEEN MORE DEMOCRATIC CONGRESSIONAL DISTRICT VOTES, ELECTORAL VOTES, THAN REPUBLICANS. LET ME CLARIFY THAT AND SIMPLIFY THAT. THERE ARE MANY, MANY CONGRESSIONAL DISTRICTS IN CALIFORNIA THAT ARE OVERWHELMINGLY REPUBLICAN. BUT BECAUSE CALIFORNIA IS WINNER TAKE ALL, OBVIOUSLY, WE KNOW WHAT HAPPENS TO ALL THEIR ELECTORAL VOTES ALMOST EVERY PRESIDENTIAL ELECTION CYCLE. IF CALIFORNIA WERE TO GO THE ROUTE OF THE WAY WE ARE AND MAINE IS, ALL OF THE SUDDEN REPUBLICAN PRESIDENTIAL CANDIDATES WOULD BE ABLE TO GO IN AND WIN A GREAT NUMBER OF CONGRESSIONAL DISTRICTS IN THE STATE OF CALIFORNIA. I DON'T HAVE A PROBLEM, PER SE, WITH THE CONGRESSIONAL DISTRICT METHOD OF APPORTIONMENT. BUT, COLLEAGUES, WE'RE DELUDING OURSELVES IF WE THINK THAT ANY OTHER STATE IN THE UNION... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR McCOY: ...IS GOING TO GO THIS DIRECTION. THEY'RE NOT. AND IF THEY AREN'T THEN WHY SHOULD WE? WE ONLY HAVE FIVE ELECTORAL VOTES AS IT IS. WHY NOT HAVE THEM BE UTILIZED TO THE FULL EXTENT THAT WE CAN? THAT ONLY SEEMS TO MAKE SENSE. TO ME IT'S A MATTER OF FAIRNESS. IT'S NOT PARTISAN POLITICS, CONTRARY TO WHAT SOME MAY BELIEVE. IT'S JUST A MATTER OF FAIRNESS. CONGRESSIONAL DISTRICT BOUNDARIES CAN BE CHANGED THROUGH REDISTRICTING; STATE BOUNDARIES CANNOT. THAT'S THE NATURE OF WHY I BRING LB10 TO YOU TODAY AND WHY I DON'T SUPPORT AM528. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR HOWARD, YOU'RE RECOGNIZED. [LB10]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I WOULD YIELD MY TIME TO SENATOR CHAMBERS. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED, 4:45. [LB10]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HOWARD. WE HAVE A MICROCOSM HERE OF THE MACROCOSM. THE ONES WHO SUPPORT WHAT SENATOR McCOY'S BILL DOES FEELS THAT THEY HAVE THE VOTES. THIS IS A SERIOUS ISSUE. LOOK HOW EMPTY THIS CHAMBER IS. THERE'S NO PARTICIPATION BECAUSE THEY FEEL THEY'VE GOT EVERYTHING THEIR WAY. THEY CAN COUNT ON THOSE WHO HAVE THE R IN FRONT OF THEIR NAME TO VOTE THE WAY THE R SAYS THEY SHOULD VOTE. I'M NOT...I DON'T WEAR ANY MAN'S LIVERY, NOT CHURCH, NOT POLITICAL PARTY, NOT ORGANIZATION, NOT CLUB, NOT GANG, NOT ANY WHATSOEVER. AND ALL THE TIME WHEN I WAS GROWING UP I WAS AN OUTSIDER. BUT A STRANGE THING ABOUT THAT: I COULD TALK TO ANYBODY BELONGING TO ANY OF THOSE THINGS THAT I MENTIONED, BECAUSE ALL OF THEM KNEW I WAS NOT PROSELYTIZING, I WAS NOT TRYING TO MAKE THEM JOIN ANYTHING, I WAS NOT TRYING TO GET THEM TO UNJOIN THEMSELVES FROM ANYTHING. BUT THOSE WHO HAVE THAT LABEL CAN BE PREDICTED IN TERMS OF WHAT THEY WILL DO AND THEY KNOW WHAT THEY'VE GOT TO DO. SOME WILL TRY TO ASSERT THEIR INDIVIDUALITY AND THEN THEY ARE PUNISHED. AND BECAUSE THERE IS SOMETHING THAT THEY WANT FROM THESE POLITICAL PARTIES, THEY MUST DO WHAT THE PARTIES SAY. WHEN I SAY I WILL RUN FOR ELECTION, AND I'M RUNNING FOR REELECTION NOW, AND THE REPUBLICAN PARTY HAS A GUY RUNNING AGAINST ME. AND A LADY WHO WAS AT THEIR CONVENTION OR WHATEVER THEY CALL IT, WHEN IT WAS DECIDED THAT THIS WOULD BE DONE SHE SAID THEY WERE WAVING BANNERS AND THE GOVERNOR WAS BEHIND IT, AND SHE WAS WORRIED. AND WHEN IT CAME TO MY ATTENTION, I LAUGHED. YOU THINK I'M GOING TO CAMPAIGN AFTER ALL THESE YEARS? THERE'S A SONG, I'M NOT GOING TO SING IT, BUT A MAN NAMED TEDDY PENDERGRASS SANG IT. HE WAS A GOOD SINGER. HE HAS ONE OF THESE KIND OF ROUGH VOICES. IT WASN'T LIKE DAVID RUFFIN'S, WHICH WAS KIND OF ROUGH, BUT IT WAS LIKE A PIECE OF SANDPAPER RUBBING ACROSS SILK. THERE WAS KIND OF A SOFT EDGE TO THIS ROUGH VOICE. AND PENDERGRASS SANG: IF YOU DON'T KNOW ME BY NOW, YOU WILL NEVER, EVER KNOW ME. AND THAT'S WHAT I SAY TO THE PEOPLE IN MY DISTRICT. DO YOU THINK I KOWTOW TO THE PEOPLE IN MY DISTRICT? DO YOU THINK THEY LIKE EVERYTHING THAT I SAY, EVERYTHING THAT I DO? CERTAINLY NOT. THAT COMMUNITY IS NOT MONOLITHIC. THE CLOSEST THEY COME TO BEING THAT IS WHEN IT COMES TO VOTING FOR ME. THERE ARE A LOT OF BLACK PEOPLE WHO DON'T BELIEVE IN SAME-SEX MARRIAGE. THEY DON'T BELIEVE IN DEFENDING AND PROTECTING THE RIGHTS OF GAY AND LESBIAN PEOPLE. BUT THEY KNOW I STRONGLY SUPPORT THOSE PRINCIPLES BECAUSE I STRONGLY SUPPORT THE RIGHT OF PEOPLE TO MAINTAIN THEIR DIGNITY AND THEIR SELF-RESPECT, WHOEVER THEY ARE. AND THAT'S WHAT THE PEOPLE IN MY DISTRICT KNOW. SO YOU CAN

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LINE UP TEN PEOPLE AND ASK EACH ONE OF THEM, DO YOU AGREE WITH ERNIE ON THIS? NO. DO YOU AGREE WITH HIM ON THIS? NO, NO, NO. THEN WHY DO YOU VOTE FOR HIM? BECAUSE ON THE ONES I DO AGREE WITH HIM ON HE'LL FIGHT HARDER FOR ME THAN ANYBODY ELSE. AND WATCH ME ON THIS FLOOR, THE ISSUES I'LL STAND FOR. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: THIS IS NOT MY ISSUE. I'M NOT A DEMOCRAT. WHERE ARE THE DEMOCRATS? WHO IS SPEAKING? WHO WILL SPEAK ON ALL OF THE ISSUES OF SIGNIFICANCE HERE? I WILL. WHO WILL BE APPROACHED TO CARRY THE BALL WHEN YOU HAVE 47 WHITE PEOPLE, AND ALL OF THE ISSUES, PRACTICALLY SPEAKING, ARE WHITE PEOPLE'S ISSUES? WHO DO THEY COME TO? NOT GHOSTBUSTERS. THEY COME TO ME BECAUSE THEY KNOW THAT MY PRINCIPLES ARE PURE, NOT NOBLE, BUT THEY ARE WHAT THEY ARE. AND LIKE TODAY, I WILL STAND AND I WILL SPEAK IF NOBODY ELSE DOES, BECAUSE WHAT'S BEING ATTEMPTED BY LB10 IS WRONG. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR COOK, YOU'RE RECOGNIZED. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON AGAIN, COLLEAGUES. AND THANK YOU, SENATOR CHAMBERS, FOR REMINDING ME OF THAT REALLY GREAT SONG, THE ORIGINAL VERSION, HAROLD MELVIN AND THE BLUE NOTES, TEDDY PENDERGRASS AS LEAD SINGER, AND NOT, AS SOME OF MY YOUNGER COLLEAGUES MAY THINK, A SONG BY SIMPLY RED. BUT I DIGRESS. I WANT TO CONTINUE SOME INFORMATION ABOUT VOTER TURNOUT, AND ITS ANALYSIS AS IT RELATES TO THIS BILL, AND STAND IN SUPPORT AGAIN OF AM528 AND AGAINST LB10. STARTING OVER AGAIN, WHEN PEOPLE TALK ABOUT THE RECORD TURNOUT IN 2008, THEY'RE PRIMARILY TALKING ABOUT THE RECORD UPTICK, IF YOU WILL, AMONG MINORITY VOTERS, RACIAL/ETHNIC MINORITY VOTERS, AND YOUNG PEOPLE, AND NOT THE WHOLE VOTING ELIGIBLE POPULATION THAT YOU...NOT THE VOTING ELIGIBLE POPULATION AS A WHOLE. THEIR SPECULATION ABOUT RECORD OVERALL TURNOUT STILL EXISTS BUT NEITHER IDEA IS SUPPORTED THROUGH ANY SORT OF STATISTICAL ANALYSIS THAT YOU MIGHT HAVE RELATED TO THE ELECTION RESULTS. BECAUSE OF THE TURNOUT IN 2008, THERE IS A...HAS BEEN A REFERENCE TO, ONCE AGAIN, RACIAL/ETHNIC MINORITY VOTERS. IT IS RELEVANT TO LOOK AT

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NEBRASKA'S CURRENT DEMOGRAPHICS. AND I HAVE, ONCE AGAIN, A PUBLIC SERVICE ANNOUNCEMENT FOR THE WORK OF THE LEGISLATURE'S LONG-TERM PLANNING COMMITTEE. THIS IS A REPORT ENTITLED "NEBRASKA'S POPULATION TRENDS," AND THIS WAS SOMETHING PRESENTED TO OUR SPECIAL COMMITTEE ON AUGUST 21, 2015. THERE ARE THREE MAJOR TRENDS IN NEBRASKA'S POPULATION, THE FIRST BEING NEBRASKA'S POPULATION IS BECOMING MORE AND MORE CONCENTRATED IN ITS MOST POPULOUS COUNTIES. THE STATE'S POPULATION IS GETTING OLDER AND WILL CONTINUE TO AGE. WE'VE TALKED ABOUT THAT, AND THAT WAS THE REASON...ONE OF THE REASONS WHY THE TASK FORCE FOR AGING NEBRASKANS OR AGING NEBRASKANS TASK FORCE WAS FORMED AND SOME OF THE POLICIES THAT HAVE COME OUT OF THAT. AND THE THIRD POINT, MAJOR TREND, THE STATE'S POPULATION IS BECOMING MORE RACIALLY AND ETHNICALLY DIVERSE. SO WITH THAT I'M FLIPPING OVER TO THE SECOND TO THE LAST PAGE OF THIS REPORT AND IT REPEATS NEBRASKA'S POPULATION GROWTH IS PREDOMINANTLY IN MINORITY RACIAL AND ETHNIC GROUPS. THAT'S BETWEEN THE YEARS 2000 AND 2010. HISPANIC OR LATINO OF ANY RACE GREW BY 77 PERCENT AND ACCOUNTED FOR NEARLY TWO-THIRDS OF THE STATE'S OVERALL GROWTH. AND WHEN WE'RE TALKING ABOUT REPRESENTATION IN WASHINGTON, D.C., I DON'T HAVE TO EXPLAIN TO ANYBODY IN THIS ROOM HOW IT'S EASY TO DO THE ARITHMETIC AND FIND OUT HOW CLOSE WE WOULD HAVE COME TO LOSING A SEAT IN THE UNITED STATES CONGRESS HAD IT NOT BEEN FOR THE GROWTH IN THIS POPULATION. THE WHITE NON-HISPANIC POPULATION INCREASED DURING THAT SAME TIME PERIOD AT 0.4 PERCENT. IN 2014, THE MINORITY POPULATION OF THE STATE OF NEBRASKA WAS 19.5 PERCENT OF THE TOTAL. THAT IS UP FROM 17.9 (PERCENT) IN 2010, 12.7 (PERCENT) IN 2000, 7.4 PERCENT IN 1990. NOW SOMETHING ELSE LINKED TO WHAT I WAS TALKING ABOUT WITH VOTER TURNOUT IN 2008 AND AS WE PROJECT INTO THE FUTURE TO THE DEGREE THAT ONE CAN, THE MINORITY POPULATION IN THE STATE OF NEBRASKA IS MUCH YOUNGER. THERE ARE RELATIVELY MORE THAT ARE UNDER 40 YEARS OF AGE, AND RELATIVELY FEWER... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT...RELATIVELY FEWER WHO ARE OVER OR MORE THAN 40 YEARS OF AGE. A BREAKOUT IS ALSO INCLUDED IN THIS POWERPOINT PRESENTATION. TOTAL POPULATION: RIGHT NOW POPULATION CHANGE, THE DELTA, BETWEEN 2010 AND 2014 OF RACE AND HISPANIC/LATINO ORIGIN, THE DELTA BETWEEN 2010 AND 2014 WAS 3 PERCENT. THE DELTA, OR THE CHANGE, IN RACE AND HISPANIC/LATINO ORIGIN BETWEEN

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2000 AND 2010 WAS 6.7 PERCENT. AGAIN, I WILL LEAVE THE VOTERS, AS WE MOVE TOWARD THE NEXT FEW HOURS OF OUR DISCUSSION OF THIS BILL, TO DRAW YOUR OWN CONCLUSIONS ABOUT WHETHER OR NOT WINNER TAKES ALL... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR HANSEN, YOU ARE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB10]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AS WE WERE GETTING READY TO DEBATE THIS BILL, I WAS REVIEWING SOME OF MY MATERIALS AND THE COMMITTEE STATEMENT, FISCAL NOTE, THINGS LIKE THAT, AS YOU ARE TYPICALLY TO DO ON DEBATE ON A BILL. AND SOME OF THE DEBATE WE'VE HAD ON OTHER BILLS KIND OF SPILLED OVER TO THIS WHEN THERE'S BEEN MULTIPLE TIMES WHERE PEOPLE HAVE COME UP ON THE FLOOR, POINTED AT THE COMMITTEE STATEMENT, POINTED AT WHO TESTIFIED OR HOW THE VOTE WENT, AND GOT UP AND DEMANDED SOMEBODY TO JUSTIFY WHY ARE WE DOING THIS; WHY ARE WE WASTING TIME ON THIS; YOU KNOW, WHO'S PUSHING THIS, WHAT'S DOING THAT? SO, COLLEAGUES, PEOPLE OF NEBRASKA, THOSE WATCHING, I WOULD ENCOURAGE YOU TO DO THAT, TO LOOK AT THE COMMITTEE STATEMENT. YOU'RE MORE THAN WELCOME TO DRAW YOUR OWN CONCLUSIONS FROM THAT, BUT I WILL LET YOU KNOW, AS SOMEBODY WHO SAT THROUGH THE HEARING, IT WAS INTERESTING. THERE WEREN'T MANY PROPONENTS. THE OPPONENTS OUTWEIGHED THE OPPONENTS (SIC), FOR THOSE WHO ARE INTERESTED. SO THAT'S JUST SOMETHING I WOULD LIKE TO KIND OF KEEP IN MIND. YOU KNOW, THERE'S BEEN ISSUES ON THIS FLOOR THAT I'VE SUPPORTED THAT HAVE HAD A MINIMAL SHOWING, A SPARING SHOWING ON...IN COMMITTEE HEARING, AND THEN PEOPLE ARE GETTING UP AND DEMANDING TO KNOW, WELL, IF NOBODY WANTS THIS, NOBODY WANTS THIS, WHY ARE WE EVEN WASTING TIME ON THAT? I'M JUST KIND OF...NOT NECESSARILY BEING THAT BRASH ON THIS BILL. I UNDERSTAND THE REASONS BEHIND IT, AND BUT I'D LIKE PEOPLE TO FACT THAT INTO THEIR ATTENTION. YOU KNOW, I WILL SAY THIS IS A BILL--I JUST DOUBLE-CHECKED WITH MY STAFF--I HAVE YET TO DO...HAVE A CONSTITUENT CONTACT ME IN FAVOR OF THAT, A FAVOR OF IT. I UNDERSTAND THAT THIS IS SOMETHING THAT PROBABLY DOESN'T IMPACT MY DISTRICT IN THE 1ST CONGRESSIONAL DISTRICT. ALL THAT MATTERS. I

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WOULDN'T CHARACTERIZE THE 1ST CONGRESSIONAL DISTRICT AS A SWING DISTRICT AS OF YET. I DON'T KNOW HOW LONG IT WILL TAKE TO GET THERE. I SUPPOSE THAT PARTIALLY DEPENDS ON WHETHER IN THE NEXT REDISTRICTING, THE NEXT CENSUS WE GAIN OR LOSE. WELL, WE'RE PROBABLY NOT GOING TO GAIN. WHETHER OR NOT WE LOSE A CONGRESSIONAL DISTRICT AS WELL AS I GUESS THE FINAL STATUS OF OUR NONPARTISAN REDISTRICTING REFORM, WHICH LET'S SAY I WAS HAPPY TO SEE YOU GO THROUGH THIS MORNING. SO I JUST KIND OF RISE. I KNOW A LOT OF PEOPLE HAVE THEIR MINDS MADE UP ON THIS. I KNOW THIS IS AN ISSUE THAT HAS BEEN DEBATED ON AND ON AND ON THROUGHOUT THE YEARS. IF I REMEMBER RIGHT, SENATOR McCOY HANDED OUT A...SOME INFORMATION LAST YEAR SHOWING JUST EXACTLY HOW MANY TIMES THIS HAD BEEN DEBATED. AND IT'S SOMETHING THAT'S COME UP. TOOK SUPPORTERS SEVERAL YEARS TO GET THROUGH. AND IT'S SOMETHING THAT'S COME UP FROM...AND THE APPEAL OF IT HAS COME UP FROM TIME TO TIME OR FRANKLY MORE OFTEN FROM TIME TO TIME IT'S COME UP FREQUENTLY. WITH THAT, MR. PRESIDENT, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS, SHOULD HE HAVE ANYTHING ELSE HE'D LIKE TO ADD. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 2:10. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HANSEN. MEMBERS OF THE LEGISLATURE, AMERICA IS SUCH A HYPOCRITICAL COUNTRY AND IT'S MANIFESTED HERE. I WANT SENATOR HILKEMANN TO HEAR THIS BECAUSE HE TAKES UMBRAGE SOMETIMES AT WHAT I SAY AND HE DOESN'T ALWAYS EXPRESS IT. IN AFGHANISTAN, YOU KNOW WHAT AMERICA SAID? THAT THERE'S GOING TO HAVE TO BE A PROPORTIONAL GOVERNMENT--SHIITES, SUNNIS, AND KURDS--NOT BASED ON AN ELECTION. YOU'RE GOING TO HAVE TO GUARANTEE EACH ONE OF THESE GROUPS A PLACE IN THE GOVERNMENT. YOU MAY NOT HAVE BEEN AWARE OF THAT. THAT'S WHAT AMERICA, THE COUNTRY THAT TALKS ABOUT DEMOCRACY AND TEACHES OTHER PEOPLE HOW TO DO. THEN YOU COME AND LOOK AT AMERICA. THAT WOULD BE THE GREATEST ARGUMENT THOSE COUNTRIES COULD GIVE AGAINST EVERYTHING AMERICA BRINGS UP WHEN THEY TALK ABOUT DEMOCRACY. EVERY TIME YOU TURN AROUND, THEY'RE TRYING TO FIND A WAY TO DEPRIVE CERTAIN PEOPLE OF THE VOTE, AND THEY ARE ALWAYS A MINORITY GROUP OF ONE KIND OR ANOTHER. SO THEY HAVE A MAJORITY GROUP WHO ARE GOING TO BE OPPRESSIVE. AND THEY SAY, WELL, WE HAVE A CONSTITUTION. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

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SENATOR CHAMBERS: AND THESE OTHER COUNTRIES CAN SAY, WELL, WE DO IT OUR WAY. AND AMERICA SAYS, NO, WE HAVE THE KILL POWER, WE HAVE THE MILITARY POWER; YOU'RE GOING TO DO IT THE WAY WE TELL YOU TO DO. AND DON'T BRING UP WHAT HAPPENS IN AMERICA. THAT'S A WHITE MAN'S COUNTRY. WHITE MEN DO WHAT THEY WANT TO DO AND THEY TELL NONWHITE PEOPLE LIKE YOU OVER HERE WHAT YOU HAD BETTER DO. AND YOU'LL SEE THE ROCKETS' RED GLARE. YOU'LL HEAR THE BOMBS BURSTING IN AIR. YOU'LL SEE THE FIGHTER PLANES, THE BOMBERS, THE MISSILES FLYING OVER YOUR COUNTRY, KILLING YOUR WOMEN AND CHILDREN BECAUSE THIS IS DEMOCRACY IN ACTION. AND WHAT I SEE HERE IS A DEMOCRACY IN ACTION. BUT IT'S THE MOCKERY OF DEMOCRACY, AND IT HAPPENS REGULARLY. BUT I CONTINUE TO FUNCTION. YOU KNOW WHAT GIVES YOU ALL THE GREATEST PLEASURE? WHEN LIKE THE SPEAKER HAS TO STAND UP BECAUSE HE IS PROVOKED INTO DOING IT, TO STAND UP. AND I'M A GROWN MAN. HE'S GOT TO TALK TO ME LIKE... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: ...HE'S A TEACHER AND I'M A KINDERGARTNER. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR HOWARD, YOU'RE RECOGNIZED. [LB10]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I WOULD YIELD MY TIME TO SENATOR CHAMBERS. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:52. [LB10]

SENATOR CHAMBERS: THANK YOU, SENATOR HOWARD. THANK YOU, MR. PRESIDENT. I'M ON A ROLL NOW. SO YOU ALL WILL STAND UP AND CHEER BECAUSE YOU CAN'T STAND UP TO ME ONE ON ONE. SO WHEN THE OLD MOBOCRACY ATTITUDE TAKES OVER AND YOU BECOME THE MOB AND YOU CAN ALL JOIN IN, YOU THINK STANDING UP, CLAPPING, AND CHEERING PUNISHES ME, PUTS ME IN MY PLACE, IS GOING TO IN ANY WAY INTIMIDATE OR IMPEDE ME? NOT ON YOUR LIFE. AND THESE KINDS OF THINGS THAT WE'RE TALKING ABOUT TODAY VINDICATE EVERYTHING I SAY ABOUT THE HYPOCRISY OF THIS COUNTRY AS A WHOLE, OF THIS STATE AS A WHOLE, AND OF THE "REPELICAN" PARTY PARTICULARLY AND SPECIFICALLY. THIS IS SOMETHING THAT THE PARTY IS DOING BECAUSE IT HAS THE NUMBERS TO DO IT. AND SOME PEOPLE MIGHT

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SAY, WELL, IF ERNIE HAD THAT POWER, HE'D DO IT TOO. NO, I WOULDN'T. I COULD GANG UP ON SOME OF YOU BY JOINING THE REST OF YOU. BUT THAT'S NOT HOW I OPERATE. I DON'T NEED A WHOLE LOT OF COMPANY ALONG WITH ME. IF I BELIEVE SOMETHING IS RIGHT, THEN WHAT I AM COMPELS AND IMPELS ME TO DO WHAT IS RIGHT FOR ME TO DO, NO MATTER WHAT ANYBODY ELSE DOES OR DOES NOT DO. BUT I LISTEN. AND I SEE THE FARMERS AND THEIR REPRESENTATIVES WHINE. ALL THE LAST FEW DAYS THEY'VE WHINED AND WHINED AND WHINED. THEN THEY GET THE OTHER SENATORS TO BACK AWAY FROM A PROPOSAL THAT WOULD KEEP THE STATE FROM BEING GOUGED BY THESE DISHONEST PEOPLE IN THE RURAL AREAS. AND THE RURAL PEOPLE WERE THE ONES FIGHTING AGAINST IT BECAUSE THEY ARE THE ONES WHO IN FACT ARE DISHONEST AND WANT TO USE THESE DISHONEST PRACTICES AND TACTICS. AND SENATOR GROENE TRIED TO TELL THEM WHAT THEY WERE SHOWING ABOUT THEMSELVES. BUT WHEN GREED IS AFOOT, THAT'S ALL THAT THEY CAN SEE IS WHAT IT IS THAT MAKES THEM GREEDY. THEY DON'T CARE ABOUT ANYTHING ELSE. IF THEY HAD INTEGRITY, THEY WOULDN'T DO THOSE GREEDY THINGS ANYWAY. IT'S A PRACTICE OUT THERE AND EVERYBODY KNOWS IT. BUT THEN WHEN THE PRESSURE IS ON, IT'S LIKE FROSTY THE SNOWMAN WHEN THE SUNSHINE COMES OUT. POOR FROSTY MELTS AWAY, AND MAYBE HE'LL COME BACK ANOTHER DAY WHEN IT SNOWS AND THE CONDITIONS ARE CONDUCIVE FOR A SNOWMAN TO SURVIVE. I SEE ALL THOSE THINGS. I'VE GOT A SHEAF OF PAPERS HERE THAT I DISCUSSED WITH YOU ALL THE OTHER DAY THAT WERE BROUGHT TO ME BY SOMEBODY WHO HAS DONE RESEARCH ON ALL THE SUBSIDIES THAT ARE GOING ON IN THE VARIOUS SENATORS' DISTRICTS, AND EVEN MENTIONS FAMILIES. SINCE I TALKED ABOUT IT, I'M GOING TO HAND OUT ALL OF THAT MATERIAL. AND IRONICALLY, ALL THOSE WHO VOTED, PRACTICALLY, AGAINST EXPANDING THE REACH OF MEDICAID, THEY OR THEIR FAMILY MEMBERS WERE GETTING GOVERNMENT SUBSIDIES. THEY'RE GETTING THOSE FREEBIES. THEY ARE GETTING WHAT BELONGS TO OTHER PEOPLE. THEY ARE PARTICIPATING IN THE REDISTRIBUTION OF WEALTH. AND IF THEY HAD ALL THIS PRIDE, ALL OF THIS SELF-RESPECT AND NOT THE GIMME-GIMME ATTITUDE, THEY WOULDN'T DO IT. BUT YOU ALL KNOW THIS IS A WHITE PERSON'S COUNTRY, WHITE PERSON'S LEGISLATURE. EVERYTHING IN THIS COUNTRY IS. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: AND IT BEHAVES THAT WAY. AM I SURPRISED? WOULD I BE SURPRISED IF I SUSPENDED A PENCIL BY A PIECE OF THREAD FROM THAT CEILING AND THEN I REACHED UP WITH A LONG HANDLED SCISSORS AND CUT

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THE THREAD, WOULD I BE SURPRISED IF THE PENCIL FELL AND CONTINUED TO FALL UNTIL IT REACHED SOMETHING THAT WOULD NOT LET IT FALL ANYMORE? NO, I WOULDN'T BE SURPRISED. AM I SURPRISED TO SEE WHAT THESE WHINERS AND GOUGERS ARE DOING? CERTAINLY NOT. BUT NOBODY TALKS ABOUT IT. IT'S THE DIRTY LITTLE SECRET THAT EVERYBODY WHO IS WHITE AND IN THE RURAL AREAS KNOWS ABOUT. BUT NOBODY IS GOING TO DO ANYTHING ABOUT IT. AND THEN THEY COLLECT OUT THERE IN THE ROTUNDA AND MAKE THEIR DEALS AND SELL OUT. WELL, FORTUNATELY, SOME OF THEM WILL BE GONE AFTER THIS SESSION, THOSE WHO ARE UNDERMINING PROGRAMS THAT OFFERED SOMETHING IN THE WAY OF EDUCATIONAL OPPORTUNITY TO POOR CHILDREN IN OMAHA, BLACK AND WHITE. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR MURANTE, YOU'RE RECOGNIZED. [LB10]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD EVENING. I RISE TODAY TO SUPPORT LB10 BUT TO MAKE A COUPLE OF DIFFERENT COMMENTS. FIRST, I THINK IT'S A GOOD DAY TO BE DISCUSSING LB10 AFTER WE ADVANCED LB580 EARLIER TODAY, BECAUSE IF WE ADOPT LB10 ON THE SAME DAY THAT WE ADVANCED LB580, I WOULD SUBMIT TO YOU THAT WE WILL DO MORE TO LIMIT GERRYMANDERING IN THE STATE OF NEBRASKA THAN ANY OTHER LEGISLATURE HAS DONE IN THE HISTORY OF THIS STATE, BECAUSE IF YOU WANT TO LIMIT ANYTHING, REMOVE ITS DEMAND. REMOVE THE DEMAND FOR SOMETHING AND YOU WILL ELIMINATE IT. AND WHAT LB10 PROPOSES TO DO IS TO LIMIT THE NEED FOR GERRYMANDERING IN THIS STATE. NOW WHAT WE DID IN LB580 HELPED THE CAUSE. WHAT WE'RE DOING IN LB10 HELPS FURTHER BECAUSE NO LONGER WILL A PRESIDENT BE ELECTED ON THE DISTRICTS THAT ARE DRAWN BY THIS LEGISLATURE. IT WILL BE...THE BASIS OF THE ELECTION OF THE PRESIDENT WILL BE THE BOUNDARIES OF THE STATE OF NEBRASKA, WHICH ARE IMMUNE FROM POLITICAL INTERFERENCE. SO IF YOU SUPPORTED LB580, YOU SHOULD SUPPORT LB10 BECAUSE AT THE END OF THE DAY THEY ACHIEVE THE SAME END. AND THERE IS ANOTHER POINT THAT NEEDS TO BE REPUDIATED EVERY TIME IT IS STATED BECAUSE IT WAS SAID AFFIRMATIVELY THAT A VOTE ONLY COUNTS IF YOU CAST A VOTE FOR SOMEONE WHO HAS A CHANCE TO WIN. LET ME SAY, WITHOUT EXCEPTION, THAT IS MATERIALLY FALSE. I DON'T KNOW WHO THE REPUBLICAN IS RUNNING AGAINST NANCY PELOSI RIGHT NOW, BUT

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THAT PERSON IS PROBABLY GOING TO LOSE. AND THE REPUBLICANS WHO GO TO SUPPORT THE CANDIDATES RUNNING AGAINST NANCY PELOSI OUGHT TO SHOW UP AND VOTE. THEIR VOTE COUNTS. JUST BECAUSE THE PERSON THEY VOTE FOR IS GOING TO LOSE DOESN'T MEAN THEIR VOTE DOESN'T COUNT. THERE ARE MEMBERS OF THIS BODY WHO ARE OVERWHELMING FAVORITES TO WIN THEIR REELECTION. AND JUST BECAUSE A VOTER HAPPENS TO LIVE IN A DISTRICT WHERE THEIR NEIGHBORS ARE LIKELY TO VOTE FOR SOMEONE ELSE DOES NOT MEAN THEIR VOTE DOESN'T COUNT. IT IS A SENTIMENT THAT NEEDS TO BE REJECTED BY ALL 49 OF US. IT HAS NO BASIS IN ELECTION LAW. AND FINALLY, MR. PRESIDENT, LET ME GUARANTEE THE MEMBERS OF THIS LEGISLATURE, ALL 49 OF US, SOMETHING. ALL 49 OF US WILL BE VOTING ON LB10 BEFORE THIS LEGISLATURE ADJOURNS SINE DIE. THE CONTENTS OF THIS ISSUE WILL BE VOTED ON BY ALL 49 OF US, AND ALL OF US WILL STATE A POSITION, UP OR DOWN, WHERE WE STAND ON THIS ISSUE. REGARDLESS OF SICKNESS, REGARDLESS OF WHETHER YOU CONTRACT THE LB10 VIRUS TODAY, THERE WILL BE A DAY THAT YOU WILL BE HERE AND YOU WILL BE ASKED TO CAST YOUR VOTE ON THIS BILL. AND YOU CAN BE HIDING OUT SOMEWHERE IN THIS STATE, BUT THERE WILL BE A DAY THAT YOU WILL BE IN THIS CHAMBER, THE HOUSE WILL BE UNDER CALL, AND YOU WILL GIVE AN UP-OR-DOWN VOTE. SO HIDE OUT WHEREVER YOU LIKE, BUT THE DAY IS COMING WHERE ALL 49 OF US WILL BE STATING THEIR POSITION ON LB10. THAT I CAN GUARANTEE. THANK YOU, MR. PRESIDENT. [LB10 LB580]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: THANK YOU, SENATOR MURANTE. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB10]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. AFTER THAT HARBINGER OF DOOM AND GLOOM, I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. [LB10]

SENATOR SCHEER: SENATOR CHAMBERS, WILL YOU YIELD? OH, I GUESS YOU'VE BEEN AWARDED 4:45. I BETTER PAY ATTENTION, APOLOGIZE. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. AND TO SENATOR MURANTE, HE IS A POLITICAL OPERATIVE PAR EXCELLENCE. THAT SPIN HE JUST PUT IS WORTHY OF THE BEST YO-YO THAT IS ABLE TO HESITATE AT THE BOTTOM OF THE STRING AND CONTINUE SPINNING

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WITHOUT RUNNING UP THE STRING UNTIL THE PERSON WHOSE FINGER IS...THE STRING IS ATTACHED TO FLICKS IT. THEN THE YO-YO RUNS BACK UP THE STRING. TO SAY YOU ELIMINATE THE NEED FOR GERRYMANDERING BY FIXING AND PUT IN PLACE A POLITICAL SYSTEM IN STATUTE, WHERE THE VOTES OF CERTAIN PEOPLE DON'T COUNT AT ALL. SO HE SAID YOU DON'T HAVE TO GERRYMANDER ANYMORE BECAUSE THEY'RE PUTTING IT IN THE LAW RIGHT NOW. BUT HE DIDN'T SAY IT THE WAY THAT I'M SAYING IT. THERE IS A DIFFERENCE BETWEEN A SITUATION WHERE A RACE CAN BE CONTESTED AND ONE IS LIKELY TO WIN AND THE OTHER LIKELY TO LOSE, OBVIOUSLY. BUT THAT'S BECAUSE OF THE VAGARIES OF THE ELECTION ITSELF AND THE WHIMS OF THE VOTERS. THIS THAT'S BEING DONE TODAY IS PUTTING IN PLACE A SYSTEM WHERE YOU GUARANTEE THAT THE "REPELICANS" GET EVERYTHING. AND IF ALL OF THOSE WHO ARE NOT "REPELICANS" VOTE THE SAME WAY, THEIR VOTE MEANS NOTHING. AND THAT'S WHY THE "REPELICANS" ARE DOING THIS. WHAT OTHER REASON WOULD THEY HAVE FOR DOING IT? YOU THINK THEY'RE DOING IT TO TRY TO BE FAIR? THEY'RE THE ONES WHO RUN THE STATE. IF THERE'S BEEN GERRYMANDERING, THEY DID IT. AND WHY DID THEY DO IT? TO ENSURE THAT THEY WOULD GET EVERYTHING THE WAY THEY WANTED TO AND MAKE IT AS NEARLY AS THEY CAN TO IMPOSSIBLE FOR THE OTHERS TO GET ANYTHING. WHY DO YOU THINK THEY SPLIT SOME PEOPLE WHO SHOULD HAVE BEEN IN THE SAME DISTRICT AND PUT SOME OF THEM DOWN HERE IN LINCOLN AND SOME UP THERE NEAR OMAHA? THEY DID THAT ON PURPOSE. THAT WAS CHICANERY. BUT THEY HAD THE NUMBERS AND THEY COULD DO IT. SO FOR SENATOR MURANTE TO SIT BACK...STAND BACK THERE AND SAY WHAT HE SAID IS PIFFLE. WE ALL KNOW BETTER. IT SHOWS HOW NAIVE AND DUMB HE THINKS THE REST OF YOU ALL ARE. HE KNOWS THAT I KNOW BETTER. HE KNOWS THAT I KNOW BETTER. AND IF HE DIDN'T KNOW, HE KNOWS IT NOW. WHAT IS THE REALITY HERE? HE SAID THAT A DAY IS COMING WHEN EVERYBODY IS GOING TO VOTE ON THIS BILL. THAT MEANS HE'S CONFIDENT THEY'LL GET CLOTURE. WHY CAN HE BE CONFIDENT? BECAUSE EVERY "REPELICAN" HAD BETTER VOTE FOR THIS BILL. I CAN PREDICT THAT. THAT YOU CAN TAKE TO THE BANK. HOW ELSE CAN SENATOR MURANTE SAY WHAT HE'S SAYING, BECAUSE HE KNOWS WHAT YOU ALL WHO ARE REPUBLICANS ARE GOING TO DO ON THIS? AND I KNOW ALSO. CAN YOU COUNT? IF YOU CAN COUNT, YOU KNOW THE WAY IT'S GOING TO COME OUT. THERE'S NO REPUBLICAN WHO WILL BREAK RANKS. I DON'T CARE WHAT THEY THINK. I DON'T CARE WHAT THEY PROFESS TO BELIEVE. THERE COME SITUATIONS SUCH AS THIS ONE WHERE THEY MUST BEHAVE A CERTAIN WAY. THERE'S NO CERTAIN WAY I MUST BEHAVE EXCEPT THE WAY THAT I BELIEVE I OUGHT TO. IF I WAS GOING TO BE LIKE THE PEOPLE WHO

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BELONG TO THESE POLITICAL PARTIES, I WOULD NOT SAY ANYTHING TODAY.  
[LB10]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: THIS DISCUSSION COULD HAVE BEEN OVER. I'M SURE THERE ARE MORE THAN ONE, TWO, THREE...I'M SURE THERE ARE MORE THAN THREE MEMBERS WHO ARE NOT "REPELICANS" BESIDES MYSELF. WHERE ARE THEY? I'M SURE THAT THEY'RE NOT THE ONES SENATOR MURANTE MEANT WERE HIDING OUT. MAYBE THEY ARE. HOW DO I KNOW? BUT I KNOW WHAT I'M GOING TO DO. AND THE DIFFERENCE BETWEEN ME AND PEOPLE ON THIS FLOOR AND ME AND PEOPLE WHEREVER YOU FIND THEM IS THAT I'M GOING TO DO WHAT I BELIEVE I OUGHT TO DO, REGARDLESS OF WHAT ANYBODY ELSE DOES OR DOES NOT DO. WHY DO YOU THINK TIME IS YIELDED TO ME? BECAUSE I'LL HAVE SOMETHING TO SAY. I'M NOT GOING TO RUN AND HIDE. I'M NOT GOING TO BE A SHRINKING VIOLET. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: MR. CLERK. [LB10]

CLERK: MR. PRESIDENT, SENATOR McCOY ASKS UNANIMOUS CONSENT TO BRACKET LB10 UNTIL APRIL 5 OF 2016. [LB10]

SPEAKER HADLEY: WITHOUT OBJECTION, SO MOVED. [LB10]

SENATOR HANSEN: NO. [LB10]

SPEAKER HADLEY: OBJECTION RAISED. WE WILL PROCEED ON. SENATOR HOWARD, YOU ARE RECOGNIZED. [LB10]

SENATOR HOWARD: I WOULD YIELD MY TIME TO SENATOR CHAMBERS. THANK YOU. [LB10]

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SPEAKER HADLEY: AND THAT WAS YOUR THIRD TIME, SENATOR HOWARD.  
SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MAYBE SOME OF THOSE WHO ARE ALSO AGAINST LB10 WILL STOP HIDING OUT AND COME UP HERE AND GIVE ME SOME TIME AND LET ME SHOW THEM HOW TO BE A MAN. COME ON UP HERE WHEREVER YOU ARE. SHOW YOURSELF. NOW THEY'RE TOO EMBARRASSED TO COME. I WILL USE THE TIME. THIS IS ONE DAY. WHY DO YOU THINK A UNANIMOUS CONSENT BRACKET WAS OFFERED? THEY THINK SOME OF THEIR PEOPLE MAY NOT BE HERE. SO WE'VE GOT TO CARRY THEM TO CLOTURE. WE...SOME AT LEAST ARE GIVING ME TIME AND I WILL TAKE THE TIME. THEY KNOW THAT I WILL TAKE THE TIME. EVEN THOSE, AS I WAS SAYING EARLIER, WHO SIT UP AND CHEERED AND CLAPPED WHEN OLD TATTLETALE KINTNER MADE THE TEACHER HAVE TO SAY SOMETHING TO ME. AND TO SHOW HOW SILLY THE PEOPLE IN HERE ARE, YOU BEHAVE LIKE LITTLE GRADE SCHOOL CHILDREN. AND I'M SUPPOSED TO BE INTIMIDATED BY THAT, MADE TO SHUT UP BECAUSE A BUNCH OF SCARED, MOBBING WHITE PEOPLE STAND UP AND CHEER? WHY, THAT'S THE SILLIEST THING I EVER SAW. AND YOU KNOW WHAT PUTS ME IN A POSITION TO SAY THIS? YOU DO, THE WAY YOU ACT, THE WAY YOU CARRY ON. I DON'T HAVE TO FICTIONALIZE. I CAN GO BY WHAT YOU ACTUALLY DO. I WATCH YOU. OTHER THAN SENATOR FRIESEN, I SPEND MORE TIME ON THIS FLOOR THAN ANYBODY ELSE. AND ALTHOUGH I'M NOT COOKING, I'M ALSO NOT "FRIESEN." BUT OTHER THAN SENATOR FRIESEN, HERE I AM. WE ARE AS RELIABLE AND PREDICTABLE WHEN IT COMES TO BEING HERE AS THE SUN RISING IN THE EAST AND SETTING IN THE WEST. THE REASON SENATOR LINDSTROM DOESN'T COUNT, BECAUSE THERE'S SOME DAYS WHEN HE'S NOT HERE. I WATCH PEOPLE. I ONLY HAVE 48 PEOPLE TO WATCH. YOU THINK I CAN'T DO THAT? THERE WAS A CREATURE IN MYTHOLOGY NAMED JANUS. AS YOU KNOW, JANUARY IS THE FIRST MONTH OF THE YEAR, AS THEY RECKON IT. AND JANUS HAD A FACE IN FRONT AND ONE IN BACK. AND IT COULD SEE FORWARD AND IT COULD SEE BACKWARD. SO IT WAS AWARE OF THE PAST AND COULD ALSO SEE THE FUTURE. THERE WAS ANOTHER NAMED ARGUS WHO HAD EYES ALL AROUND ITS HEAD AND IT COULD SEE EVERYWHERE AT THE SAME TIME, SAW EVERYTHING, KNEW EVERYTHING. SO WHEN YOU'RE IN A POLITICAL SETTING LIKE THIS, YOU KNOW WHO THE PLAYERS ARE. YOU KNOW WHAT THEY ARE. YOU CAN PREDICT WHAT THEY'RE GOING TO DO, HOW THEY VOTE, AND WHAT THEY'RE GOING TO SAY. YOU CAN PREDICT THE SIDE OF AN ISSUE THAT I'M GOING TO BE ON, BUT IN A GIVEN SITUATION YOU MAY NOT BE ABLE TO PREDICT PRECISELY WHAT I'M LIKELY TO SAY, BECAUSE MY BAG HAS MORE IN IT THAN THE MENTAL BAG OF A LOT OF MY COLLEAGUES. YOU KNOW, ONE OF THE

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DIFFERENCES IS THIS. IF YOU ARE A CREATIVE, IMAGINATIVE PERSON THEN YOU UNDERSTAND THAT TO KEEP YOUR STOCK UP, WHEN THAT FEATHERED BIRD OF INSPIRATION IS ON THE SCENE, YOU MUST CAPTURE IT BEFORE IT FLIES AWAY. SO YOU MAKE NOTES, UNDER THAT SPELL OF THE BIRD OF INSPIRATION. THEN LATER ON, IT REMINDS YOU OF WHAT YOU MAY HAVE FORGOTTEN IN THE RUSH, THE JANGLING, THE CLANGING OF DOING WHAT WE DO IN THE LEGISLATURE. [LB10]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR CHAMBERS: BUT AFTER TODAY, I THINK WE HAVE FIVE DAYS TO GO. AND YOU MIGHT GET WHAT YOU WANT ON THIS BILL. BUT IF I DECIDE TO, I CAN REALLY...I CAN REALLY FOUL UP THE REST OF THIS SESSION. I CAN DO THAT. AND YOU KNOW WHY I'M TAKING ALL THIS TIME ON A BILL LIKE TODAY WHEN THERE ARE NOT PEOPLE TALKING? TO GIVE YOU A SAMPLE OF WHAT I CAN DO WHEN PEOPLE ARE HERE, WHEN THEY ARE GETTING NERVOUS, WHEN THEY ARE GETTING ANTSY BECAUSE THE TIME IS RUNNING OUT. THE CLOCK IS AGAINST THEM. AND YET, I'LL BE STANDING STRONG. [LB10]

SENATOR SCHEER: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: I'LL BE ROLLING ALONG. THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR HOWARD AND SENATOR CHAMBERS. MR. CLERK FOR A MOTION. [LB10]

CLERK: MR. PRESIDENT, SENATOR McCOY WOULD MOVE TO BRACKET THE BILL UNTIL APRIL 5 OF 2016. [LB10]

SENATOR SCHEER: SENATOR McCOY, YOU'RE ACKNOWLEDGED TO OPEN. [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. WE'VE NOW BEEN ON THIS BILL SINCE ABOUT 3:40, BY MY COUNT, SO WE ARE A WAYS INTO THIS DISCUSSION BUT FAR SHORT OF FOUR HOURS HERE ON SELECT FILE IF THAT ENTIRE TIME WOULD BE NECESSARY. NOW, AS MANY OF US KNOW, OUR

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TIME DRAWS SHORT FOR A WHOLE LOT OF PIECES OF LEGISLATION, BOTH ON GENERAL FILE, SELECT FILE, AND FINAL READING. AS SENATOR MURANTE NOTED, THERE ARE A COUPLE OF RECALCITRANT MEMBERS THAT HAVE DECIDED NOT TO BE WITH US THE REST OF THE EVENING, WHICH MAY OR MAY NOT AFFECT A CLOTURE MOTION IF ONE WERE TO BE TAKEN UPON CONCLUSION OF THE SELECT FILE DEBATE ON THIS LEGISLATION, SOMEWHERE IN THE NEIGHBORHOOD OF 7:40 OR 7:45 THIS EVENING. NOW, THERE'S A LOT OF OTHER LEGISLATION BEHIND THIS ONE. NO SENSE IN SPENDING THE NEXT TWO AND A HALF HOURS, ROUGHLY SPEAKING, ON THIS LEGISLATION IF WE'RE NOT GOING TO HAVE A SUCCESSFUL CLOTURE VOTE. THEREFORE, I SUBMITTED THE BRACKET MOTION YOU SEE BEFORE YOU. FIRST, I TRIED UNANIMOUS CONSENT TO EVEN TAKE FEWER MINUTES, BUT THERE WERE THOSE WHO OBJECTED. SO NOW YOU SEE A REGULAR BRACKET MOTION BEFORE YOU. THERE'S A GOOD NUMBER OF OTHER SELECT FILE BILLS EVEN ON THE AGENDA YET THIS EVENING THAT ARE THERE IF WE MOVE OFF OF THIS LEGISLATION. OUR HOURS ARE SHORT. IF WE HAVE FOLKS THAT WOULD RATHER NOT BE HERE FOR THE DISCUSSION, THAT'S THEIR CHOICE. BUT, THEREFORE, THEN THERE'S NO NEED TO SIT HERE FOR THAT LENGTH OF TIME AND GO THROUGH THE MOTIONS. THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR McCOY. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB10]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO THE BRACKET MOTION AND IN OPPOSITION TO LB10. COLLEAGUES, HOW WE ELECT OUR PRESIDENT IS A CRITICAL ISSUE. AND IT'S ALSO A CRITICAL ISSUE TO MAINTAIN A SYSTEM IN OUR STATE, WITH THE POWER THAT WE HAVE BY THE CONSTITUTION THAT ALLOWS US AS A STATE TO MAKE THAT CHOICE, TO MAKE A CHOICE THAT RETAINS NEBRASKA'S RELEVANCE. I'M DISAPPOINTED THAT SENATOR EBKE IS NOT UP HERE. I THINK THAT SHE HAD SOME VERY PROFOUND STATEMENTS THAT SHE MADE WHEN WE HAD THIS DISCUSSION LAST TIME ABOUT HER SENSE OF WHAT THE FOUNDERS HAD IN MIND WHEN THEY WERE TALKING ABOUT THE ELECTORAL COLLEGE. AND I WANT TO TALK ABOUT THAT DISTRIBUTION OF ELECTORAL VOTES THAT WE HAVE IN OUR SYSTEM. SO IN OUR SYSTEM, A STATE LIKE NEBRASKA, WE HAVE ELECTORAL VOTES THAT ARE DESIGNATED FOR US GIVEN OUR TWO SENATORS, AND WE HAVE ELECTORAL VOTES THAT WE HAVE BECAUSE OF OUR CONGRESSIONAL SEATS. SO THE TWO THAT ARE DESIGNATED TO US BECAUSE OF OUR SENATE SEATS, THAT GIVES EVERY STATE, NO MATTER HOW LARGE OR SMALL, NO MATTER HOW LARGE OR SMALL THEIR POPULATION IS, IT GIVES EVERY STATE THAT SHOT OF HAVING

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THOSE TWO ELECTORAL VOTES. AND THOSE TWO ELECTORAL VOTES ARE REALLY STATE ELECTORAL VOTES. SO IT MAKES SENSE THAT THOSE TWO ELECTORAL VOTES WOULD BE REFLECTIVE OF WHAT THE STATE VOTE IS. BUT THE OTHER ELECTORAL VOTES ARE DESIGNATED BY YOUR CONGRESSIONAL DISTRICT. AND JUST AS WE HAVE A DIFFERENT SENSE OF REPRESENTATION IN CONGRESS, WITH THE SENATE BEING EQUAL REPRESENTATION AND DESIGNED TO REPRESENT STATE INTERESTS, WHERE THE HOUSE IS ABLE TO REPRESENT DIVERSITY OF INTERESTS IN A STATE. SO LIKEWISE IN OUR ELECTORAL SYSTEM THAT WE HAVE IN OUR STATE NOW, WE ARE ADOPTING THAT LOGIC SO THAT OUR STATE ELECTORAL SEATS THAT ARE BASED ON OUR SENATE SEATS ARE WINNER TAKE ALL. THEY REPRESENT AND REFLECT THE UNIFIED VISION OF NEBRASKA THAT COMES OUT OF WHO WINS THE MOST STATES IN THE STATE (SIC). BUT THE ELECTORAL VOTES THAT WE DESIGNATE BY CONGRESSIONAL DISTRICTS ALLOW US TO REPRESENT DIVERSITY IN OUR STATE. AND SO IT ALLOWS US TO RECOGNIZE THAT DIFFERENT PARTS OF THE STATE MAY VOTE DIFFERENTLY AND OUR ELECTORAL COLLEGE CAN REFLECT THAT. AND AGAIN, THAT'S SIMILAR TO THE IDEA BEHIND MAKING SURE WE HAVE REPRESENTATION IN CONGRESS. AND AS SENATOR EBKE SO ELOQUENTLY DISCUSSED LAST TIME, THERE'S A SENSE THAT THAT'S PROBABLY VERY MUCH WHAT THE FOUNDERS HAD IN MIND IS ALLOWING THAT DIFFERENCE. BUT AGAIN, THE CONSTITUTION ALLOWS EACH STATE TO DECIDE. SO WE CAN DECIDE WHICH DIRECTION TO GO. BUT I THINK IT'S FAIR TO SAY THAT THE DIRECTION THAT WE HAVE GONE IN OUR STATE REFLECTS THAT UNDERSTANDING OF REPRESENTATION THAT BOTH REFLECTS THE UNITY OF THE STATE WITH THE SENATE ELECTORAL VOTES, BUT REPRESENTS THE DIVERSITY OF THE STATES WITH THE ELECTORAL COLLEGE SEATS THAT ARE DESIGNATED BY CONGRESSIONAL DISTRICT. IT ALLOWS US TO REFLECT THAT DIVERSITY WITH THOSE SEATS. AND AGAIN, COME BACK TO THE ARGUMENT THAT THAT DIVERSITY OF VOTES ALLOWS US TO BE COMPETITIVE, AS A RECOGNITION THAT PEOPLE WILL COME TO OUR STATE AND SPEND MONEY IN OUR STATE AND SPEND TIME IN OUR STATE. I JUST CANNOT FATHOM WHY YOU DO NOT WANT... [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I CANNOT FATHOM WHY ANYONE OF EITHER PARTY DOES NOT WANT PEOPLE...DOES NOT WANT PRESIDENTIAL CANDIDATES TO VISIT OUR STATE, DOES NOT WANT CAMPAIGNS TO SPEND MONEY IN OUR STATE, AND DOES NOT WANT CAMPAIGNS TO SPEND TIME MOBILIZING AND RECRUITING PEOPLE TO BE INVOLVED IN PRESIDENTIAL ELECTIONS IN OUR STATE. THAT IS OFTEN THE PATHWAY THAT CITIZENS HAVE OF

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GETTING INVOLVED IN POLITICS FOR THE FIRST TIME IS THEIR ATTENTION AND ENGAGEMENT IN A PRESIDENTIAL CAMPAIGN. LET'S MAKE SURE THAT THAT'S HAPPENING IN NEBRASKA AND DEFEAT LB10 AND DEFEAT THE BRACKET MOTION. THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR CRAWFORD. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB10]

SENATOR PANSING BROOKS: THANK YOU. THANK YOU, MR. PRESIDENT. WELL, THIS IS TOWARDS THE END OF MY FIRST BIENNIUM. AND IT'S THE FIRST TIME THAT I'VE BEEN ABLE TO WATCH TWO FULL SESSIONS GO FORWARD. AND I HAVE TO SAY THAT THIS IS THE FIRST TIME I'VE HEARD ANYBODY RISE AND WITH A SERIOUS FACE SAY, OH, WELL, WE HAVE TO BRACKET THIS BECAUSE WE CAN'T HAVE A POSITIVE VOTE ON CLOTURE. THIS IS EXACTLY THE TYPE OF SHENANIGANS THAT IS HAPPENING IN WASHINGTON--DON'T PULL IT TO A VOTE; THERE AREN'T THE PEOPLE HERE THAT WE EXPECT, DON'T PULL IT TO A VOTE. THIS IS THE PROCESS, MY FRIENDS. AND IF PEOPLE HAVE LEFT, THEN I GUESS THAT'S PART OF THE ISSUE. I CAN'T IMAGINE STANDING AND SAYING, OH, I'M GOING TO BRACKET IT TILL TOMORROW SO THAT I CAN MAKE SURE THAT MY PEOPLE ARE HERE. IT'S JUST SO DISINGENUOUS. IT'S SUCH A SHOCK TO ME TO HAVE THIS SERIOUSLY ATTEMPTED BY MY COLLEAGUE. AND I JUST...I HAVEN'T SEEN THIS BEFORE. AND IF ALL OF YOU THINK THIS IS A GREAT WAY TO GO FORWARD, WE'RE LEARNING THIS ONE REALLY WELL. THIS IS THE PROCESS. IF YOU'RE TELLING US THAT THIS IS HOW YOU ALL WANT TO GO FORWARD, THAT THERE ARE NOT ENOUGH VOTES SO WE'RE GOING TO BRACKET IT TILL TOMORROW SO THAT MY VOTES CAN GET HERE, THEN THANK YOU FOR THAT LESSON, IF THAT'S WHAT YOU'D LIKE TO TEACH US, BECAUSE I'M WATCHING AND I'M LISTENING. AND YOU'RE SETTING A BIG STANDARD HERE. EVERYBODY WAS ALL WORRIED ABOUT PAUL...SENATOR SCHUMACHER'S APRIL FOOL JOKE ON FRIDAY. WELL, THIS IS AS SCARY TO ME. SO SENATOR HADLEY HAS ASKED FOR TIME, SO I YIELD THE REST OF MY TIME TO SENATOR HADLEY. [LB10]

SENATOR SCHEER: SENATOR HADLEY, YOU ARE YIELDED 2:55. [LB10]

SPEAKER HADLEY: MR. PRESIDENT AND MEMBERS OF THE BODY, THIS IS A BRACKET UNTIL 4/5/16, WHICH IS TOMORROW. I WILL TELL YOU THIS WILL NOT SHOW UP ON THE AGENDA AGAIN THIS YEAR IF IT IS BRACKETED. IT IS THE PREROGATIVE OF THE SPEAKER TO SET THE AGENDA AND I HAVE BEEN CONSISTENT. ON ANY BRACKET MOTION, THE BILL DOES NOT SHOW UP AGAIN.

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IF YOU WANT TO OVERRULE THAT, YOU CAN GO TO THE RULE BOOK AND FIGURE OUT WHAT YOU HAVE TO DO TO CHANGE THE AGENDA FOR EITHER TOMORROW OR WEDNESDAY OR THURSDAY, BUT ARE YOU SURE YOU REALLY WANT TO DO THAT? LET ME TELL YOU, THERE'S BEEN OTHER PEOPLE. I SEE SENATOR BLOOMFIELD. I THINK SENATOR BLOOMFIELD WILL TELL YOU LAST YEAR HE HAD A VOTE WHERE SOME OF THESE SAME PEOPLE INVOLVED IN THIS WEREN'T HERE. THIS YEAR, I SEE SENATOR...IS SENATOR WATERMEIER...I DON'T SEE SENATOR WATERMEIER. SENATOR WATERMEIER HAD 31 VOTES ON CLOTURE AND WE HAD 2 PEOPLE MISSING. I THINK WE ALL KNOW WHO THOSE TWO PEOPLE WERE THAT WERE MISSING. HE CAME TO ME AND ASKED, CAN WE HOLD OVER THE VOTE? I SAID, NO. I HAVE BEEN ABSOLUTELY CONSISTENT SINCE I'VE BEEN SPEAKER THAT WE DO NOT HOLD OVER THE VOTES BECAUSE YOU DO NOT HAVE PEOPLE HERE. THAT'S PART OF THIS PROCESS. IF YOU DON'T HAVE THE PEOPLE HERE, THAT'S CONSIDERED THE SAME AS A NO VOTE. SO, AGAIN, I REEMPHASIZE, YOU CAN VOTE FOR THE BRACKET VOTE IF YOU WANT, BUT THIS BILL WILL NOT, IF IT IS BRACKETED, IT WILL NOT SHOW UP ON THE AGENDA AGAIN THIS YEAR. THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR HADLEY AND SENATOR PANSING BROOKS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB10]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. WOW, WHAT A SPEAKER. YOU KNOW, I PUSHED MY BUTTON WHEN THIS STARTED IN ORDER TO COMPLAIN A LITTLE BIT THAT THE OTHER DAY I WAS TOLD THAT WE TOOK THE CLOTURE VOTE ON THE BILL THAT I HAD OR IT WASN'T GOING TO HIT THE CALENDAR AGAIN. I WAS A LITTLE CONCERNED. I MUST CONFESS, I HAD A DOUBT OR TWO AS TO WHETHER OR NOT THE SPEAKER WOULD DO WHAT WAS RIGHT AND TREAT EVERYBODY FAIRLY. THANK YOU, SENATOR HADLEY. I ALSO WAIT TODAY, FOR FOUR YEARS I WAITED, LAYING IN WAIT FOR SENATOR CHAMBERS TO SAY SOMETHING WHERE I COULD PROVE HE WAS WRONG. AND TODAY I THINK I GOT HIM. I YIELD THE REST OF MY TIME TO SENATOR CHAMBERS. [LB10]

SENATOR SCHEER: SENATOR CHAMBERS, YOU'RE YIELDED 3:55. [LB10]

SENATOR CHAMBERS: MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THE "PROFESSOR" WILL STAND UNCHALLENGED BY ME BUT I'LL TELL YOU WHAT, I TOLD YOU ALL EARLIER IN THE SESSION THAT WE WERE GOING TO GET TO THE END AND THE TIME WAS GOING TO BE SHORT AND ALL OF THESE THINGS ARE

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GOING TO BE PUSHED TOGETHER. SENATOR McCOY, WHO COULD NOT SPEND MUCH TIME HERE, HAS DECIDED TO COME HERE NOW. WELL, I'LL TELL YOU WHAT, THE REST OF THE SESSION IS MINE. YOU CANNOT STOP ME. IF THIS BILL GOES FORWARD, THEN WATCH WHAT I DO THE REST OF THE SESSION. YOU SEE THESE BILLS ON HERE? HOW MANY BILLS CAN WE GET THROUGH IF WE HAVE TO GO TO CLOTURE ON EVERY ONE OF THEM? HOW ELSE ARE YOU GOING TO MOVE THEM? IF I DECIDE THAT I CAN GO FORWARD...ONE REASON I'M GLAD WE'RE HERE TODAY AND I'M GLAD YOU SEE HOW I FUNCTION. I STARTED AT 9:00 THIS MORNING WITH A BILL THAT MEANT A LOT TO ME AND LOST, WHICH I KNEW WOULD HAPPEN. THEN I CAME BACK AND WE TALKED ABOUT A BILL THAT MEANT A LOT NOT ONLY TO SENATOR GARRETT, BUT IT MEANT A LOT TO HIM BECAUSE HE WAS THE INTRODUCER. BUT I FOUGHT HARD ON THAT ALSO. AND OTHER PEOPLE HAVE GONE TO REST AND I'VE BEEN HERE AND I'M NOT TIRED NOW. AND I DON'T HAVE THE REAL INCENTIVE THAT I WILL HAVE TOMORROW AND EVERY OTHER DAY, BECAUSE YOU ALL ARE FORCING ME TO PROVE SOMETHING NOW. AM I THE MAN THAT I SAY THAT I AM? HAVE I BEEN BLUFFING WHEN I SAY THAT I CAN TAKE THE REST OF THE SESSION? TEST ME. I WILL STAY HERE AS LONG AS YOU WANT TO STAY TONIGHT. I'VE GIVEN YOU THE OPPORTUNITY TO TEST ME ON OTHER NIGHTS AND YOU'VE CHOSEN TO ADJOURN. WHEN THE AGENDA COMES OUT TOMORROW, CHECK HOW MANY BILLS ARE ON THERE. AND IF I JUST TAKE ONE HOUR ON EACH BILL, JUST ONE HOUR...BUT THERE ARE SOME BILLS I'M GOING TO TAKE MORE THAN AN HOUR ON ANYWAY. BUT YOU KNOW WHAT I'M GOING TO DO SINCE WE'RE GOING TO PLAY LIKE THEY DO IN CONGRESS? AND SENATOR McCOY AND SENATOR MURANTE ARE SHOWING HOW THEY CONTROL THE REPUBLICANS AND THEREBY CONTROL THIS LEGISLATURE. I'M GOING TO SHOW HOW I CONTROL THE LEGISLATURE BECAUSE OF THE WAY YOU FASHION YOUR RULES. NOW, IF I'M SO POWERFUL THAT YOU WANT TO FIND A WAY TO THROW OUT ALL OF YOUR RULES TO TRY TO STOP ME, THEY'RE ALSO THROWN OUT FOR ME TOO AND THERE WILL BE NO RULES WHATSOEVER FOR ANYBODY TO PLAY BY. HOW MANY OF YOU THINK THAT I WILL GET TIRED? HOW MANY OF YOU THINK I WILL WEAR DOWN? DO YOU EVER SEE ME OVER THERE SPONGING AND MOOCHING OFF THE LOBBYISTS WHEN YOU ARE ALL OVER THERE? YOU SEE ME RUNNING AND HIDING? WHEN YOU DON'T SEE ME ON THIS FLOOR, I'M PREPARING FOR WHAT I HAVE TO DO FOR THE REST OF THE SESSION. I HAVE MUCH, MUCH MATERIAL AND I'M GOING TO DO,... [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

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SENATOR CHAMBERS: ...AS I SAID, LIKE THEY DO IN CONGRESS. I MIGHT EVEN READ SOME FROM THE PHONE BOOK. I MAY READ SOME RECIPES. I MAY READ YOU SOME HISTORY. I MAY EVEN READ FROM THE "BIBBLE." THE GOVERNOR IS A MAN OF FAITH. HE LIKES TO HAVE RELIGION IN THE PUBLIC SQUARE. WHAT COULD BE MORE RELIGIOUS THAN THE "BIBBLE." I'LL PICK SOME OF MY FAVORITE PASSAGES AND READ AND COMMENT ON THEM ALL DAY. LB10 IS THE LINE I'M DRAWING IN THE SAND. MOVE IT ANY KIND OF WAY AND THE SESSION IS MINE. NOW, TEACH ME A LESSON. MOVE IT. AND TOMORROW THINK OF HOW YOU'LL FEEL AS I BEGIN TO DO WHATEVER I WANT TO DO. I'M THE FREEST PERSON IN THIS LEGISLATURE BECAUSE I DON'T REALLY HAVE TO DO ANYTHING. I CAN BE JUST AS KIND AND ACCOMMODATING IF I CHOOSE TO BE. I'M LIKE DONALD TRUMP, MAYBE. I LIKE TO BE UNPREDICTABLE. [LB10]

SENATOR SCHEER: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR SCHUMACHER AND SENATOR CHAMBERS. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB10]

SENATOR BOLZ: I YIELD MY TIME TO SENATOR CHAMBERS. [LB10]

SENATOR SCHEER: SENATOR CHAMBERS, YOU'RE YIELDED 4:55. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BOLZ. I ONLY HAVE SEVEN HOURS TO...WELL, SIX AND A HALF HOURS TO GO. AND WE CAN PUT ME TO THE TEST NOW, BUT YOU'RE GOING HAVE TO DO SOMETHING WITH LB10 BEFORE THAT TIME COMES AROUND. AND I'M GOING TO SEE HOW INGENIOUS SENATOR MURANTE--THE POLITICAL OPERATIVE PAR EXCELLENCE--IS; SENATOR McCOY, WHO SHOULD BE WELL RESTED, BECAUSE HE'S BEEN RESTING MOST OF THE SESSION, HASN'T BEEN HERE. I READ IN THE PAPER WHERE HE'S MEETING WITH CONTRACTORS ALL OVER THE COUNTRY WITH HIS NEW BOSS DOWN THERE IN FALLS CITY OR WHEREVER HE IS. HE'S GOT DESIGNS ON BEING GOVERNOR. WE'RE ALL ADULTS. THERE'S NO NEED TO PLAY GAMES HERE, SO GIVE ME THE SESSION. YOU WOULDN'T EVEN LET ME PULL A BILL OUT OF COMMITTEE THIS MORNING, BUT I WAS WILLING TO FORGIVE AND FORGET ON THAT ONE. BUT NOW WE'RE INTO A DIFFERENT TYPE OF GAME AND I WILL PLAY THE GAME THAT ANYBODY WANTS TO PLAY AND I WILL BEAT YOU AT YOUR OWN GAME. YOU KNOW WHY? (SINGING) TIME IS ON MY SIDE, YES IT

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IS. I MIGHT EVEN SING ALL DAY TOMORROW--(SINGING) IT AIN'T NECESSARILY SO, IT AIN'T NECESSARILY SO, THE THINGS THAT THEY'RE LIABLE TO READ IN THE BIBLE, THEY AIN'T NECESSARILY SO--TEACH YOU ALL SOMETHING. AND WHAT DIFFERENCE DOES IT MAKE? ELEVEN OR TWELVE OF YOU WILL NEVER COME THIS WAY AGAIN. YOU WON'T BE BACK. THE REST OF YOU WILL FORGET. SENATOR SCHILZ WILL BE RUNNING FOR THAT COMMISSION THAT REGULATES THE TELEPHONES, PUBLIC SERVICE COMMISSION. OTHERS WILL BE DOING OTHER THINGS. AND I THINK I'M GOING TO WRITE A RHYME FOR THE LAST DAY FOR ALL OF THOSE WHO ARE LEAVING. NOT ONLY FOR THEM, BUT TO ACKNOWLEDGE THEIR DEPARTURE. WHO BROUGHT US TO THIS POINT? SENATOR HILKEMANN. HE PRIORITIZED A BILL FOR SENATOR McCOY WHICH SENATOR McCOY COULD HAVE PRIORITIZED FOR HIMSELF. BUT YOU CATCH THESE NEWBIES WHO DON'T KNOW ANYTHING AND YOU TAKE ADVANTAGE OF THEM AND YOU HEAT THEM ALL UP AND LIFT THEM ALL UP. SENATOR GARRETT, YOU KNOW THAT I FAVOR THAT CANNABIS BILL. BUT WE MAY NOT GET TO IT IN THAT SESSION AND IF WE DO, IT MAY NOT GO ANYWHERE. BUT I'LL BE BACK AND SO WILL YOU. AND SO SOME OF THOSE WHO WOULD OPPOSE IT ANYWAY WON'T BE HERE. BUT THERE ARE BILLS NOT MY OWN, IN WHICH I HAVE AN INTEREST. BUT WHEN THE WAGON COMES, EVERYBODY HAS GOT TO GO. AND YOU KNOW WHAT TIME I'M GOING TO TAKE ON SENATOR McCOLLISTER'S GAME AND PARKS BILL. AND THE BILLS ON THIS AGENDA DO NOT COMPRISE ALL OF THE BILLS THAT WE HAVE LEFT ON THE AGENDA. I KNOW SENATOR HADLEY WOULD LIKED TO HAVE GONE OUT OF HERE IN A BLAZE OF GLORY, SO TO SPEAK, BY GETTING TO ALL OF THE PRIORITY BILLS. MINE DIDN'T EVEN GET ON THE FLOOR, BUT THAT'S A PART OF IT. SOME PEOPLE ASK ME IF I MEANT IT WHEN I SAID, I KNEW THAT THAT BILL... [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...RELATING TO THE END OF LIFE CHOICES, IF I KNEW IT WOULDN'T GET OUT ON THE FLOOR, WHY DID I WASTE MY PRIORITY DESIGNATION? IN ATHLETICS THEY CALL IT HAVING SOME SKIN IN THE GAME. I WANTED TO SHOW THAT THAT BILL MEANT SOMETHING TO ME. SO THE THING THAT IS MOST CONSEQUENTIAL IN THE LEGISLATURE, I ATTACHED TO THAT BILL KNOWING I WAS LOSING A PRIORITY DESIGNATION BY PUTTING IT ON A BILL THAT HAD NO CHANCE. BUT THAT SHOWS THE SERIOUSNESS OF MY INTENT. AND NOW I'M SERIOUS ABOUT WHAT'S GOING TO HAPPEN WITH THE REST OF THE SESSION. BUT PART OF THAT IS IN YOU ALL'S HANDS. I KNOW WHAT I CAN DO. YOU ALL KNOW WHAT YOU WISH YOU CAN DO, BUT YOU KNOW YOU CAN'T

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CARRY THROUGH ON IT. AND THE GOVERNOR CANNOT SAVE YOU IN HERE.  
THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS AND SENATOR BOLZ.  
SENATOR KOLOWSKI, YOU'RE RECOGNIZED. SENATOR KOLOWSKI WAIVES.  
SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I WOULD LIKE TO ADD SOME SERIOUS DISCUSSION TO WHAT WE'RE TALKING ABOUT HERE. FOR A NUMBER OF YEARS I WORKED ON THIS AND THEN I THINK MAYBE IT WAS SENATOR MURANTE WHO WORKED ON IT FOR A COUPLE OF YEARS. BUT THERE IS A STATE-BASED PLAN FOR ELECTING THE PRESIDENT BY NATIONAL POPULAR VOTE THAT COMES OUT OF A PERSON IN CALIFORNIA. AND I HAVE A BUNCH OF THESE BOOKS IF ANYBODY WOULD LIKE A COPY. THIS IS CALLED EVERY VOTE EQUAL: A STATE-BASED PLAN FOR ELECTING THE PRESIDENT OF THE UNITED STATES AND I WOULD LIKE TO GIVE A LITTLE INTRODUCTION TO THIS. THERE'S THE FOREWORD BY QUITE A NUMBER OF POLITICIANS AND THIS ONE IS BY THOMAS L. PEARCE WHO SERVED AS A REPUBLICAN MICHIGAN STATE REPRESENTATIVE FROM 2005 TO 2010. "IN 2008, THE STATE OF MICHIGAN HAD 17 ELECTORAL VOTES. AS A STATE WITH NEARLY TWICE THE POPULATION OF THE AVERAGE STATE, NOT TO MENTION TWICE THE PROBLEMS, MICHIGAN SHOULD HAVE HAD A STRONG VOICE IN THE PRESIDENTIAL ELECTION. YOU WOULD HAVE EXPECTED BOTH CANDIDATES TO FIGHT LONG AND HARD FOR OUR VOTE. NOT SO. IN FACT, JOHN McCAIN PULLED OUT OF MICHIGAN FOUR WEEKS BEFORE THE ELECTION, CEDING MICHIGAN'S ELECTORAL VOTES TO BARACK OBAMA. AS A REPUBLICAN I WAS DISAPPOINTED, OF COURSE. BUT AS A CITIZEN OF THIS GREAT STATE, I WAS OUTRAGED. OF COURSE, MICHIGAN WAS THE VICTIM OF A POLICY THAT ACTUALLY REWARDS PRESIDENTIAL CANDIDATES FOR IGNORING THE MAJORITY OF STATES. THE WINNER-TAKE-ALL SYSTEM OF AWARDED ELECTORAL VOTES TREATS ELECTION RESULTS IN MORE THAN 30 STATES AS A FOREGONE CONCLUSION. THE RESULT? NO CAMPAIGN STOPS, NO CAMPAIGN DOLLARS, AND NO INCENTIVE TO REPRESENT THE NEEDS OF MICHIGAN VOTERS AT A NATIONAL LEVEL." I WANT TO READ THAT LAST PART AGAIN: NO INCENTIVE TO REPRESENT THE NEEDS OF MICHIGAN VOTERS AT A NATIONAL LEVEL. "IF EVERY SINGLE VOTER IN MICHIGAN HAD CAST HIS OR HER VOTE FOR BARACK OBAMA, THE OUTCOME WOULD HAVE BEEN EXACTLY THE SAME. THE WINNER-TAKE-ALL SYSTEM OF AWARDED ELECTORAL VOTES EFFECTIVELY DISENFRANCHISES EVERY VOTER BEYOND THOSE NEEDED TO ESTABLISH A PLURALITY. IN 2008, THE PEOPLE OF MICHIGAN SPOKE, AND NOBODY LISTENED." AND I'M GOING TO SKIP THROUGH THIS INSTEAD OF READING ALL OF IT, OF

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COURSE. "THE WINNER-TAKE-ALL RULE, WHICH MAY HAVE ONCE MADE SENSE, CAN BE CONTINUED OR DISCONTINUED AT OUR, OR ANY, STATE'S DISCRETION. IT'S NOT MENTIONED ANYWHERE IN THE CONSTITUTION, MUCH LESS MANDATED." AND THEN GOING ON...AND BY THE WAY, FOR SOME REASON I WOUND UP WITH A WHOLE BOX OF THESE BOOKS. AND IF YOU'RE INTERESTED IN THIS--AND IT'S GOT A LOT OF HISTORY IN THIS BOOK ABOUT PRESIDENTIAL ELECTIONS--JUST LET ME KNOW AND I'LL GET YOU A COPY. "INTRODUCTION: IN ELECTIONS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, EVERY VOTE SHOULD BE EQUAL. THE PRESIDENTIAL CANDIDATE WHO RECEIVES THE MOST POPULAR VOTES THROUGHOUT THE UNITED STATES SHOULD WIN THE PRESIDENCY. EVERY VOTER IN EVERY STATE SHOULD BE POLITICALLY RELEVANT IN EVERY ELECTION." AND I'LL COME LATER, DEPENDING ON HOW LONG WE GO WITH THIS, TO SHOWING THE RESULTS ACROSS THE UNITED STATES, INCLUDING IN NEBRASKA, WHERE A POLL THAT SAID,... [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR HAAR: ...THANK YOU...HOW DO YOU THINK WE SHOULD ELECT THE PRESIDENT? SHOULD IT BE THE CANDIDATE WHO GETS THE MOST VOTES IN ALL 50 STATES OR THE CURRENT ELECTORAL COLLEGE SYSTEM? AND 67 PERCENT OF NEBRASKANS SAID IT SHOULD BE THE PERSON WITH THE MOST VOTES IN ALL 50 STATES. ONE WAY, OF COURSE, WOULD BE TO CHANGE THE CONSTITUTION TO GET RID OF THE ELECTORAL COLLEGE. BUT I WANT TO TALK SOME MORE, IF I GET THE CHANCE, ABOUT THIS PLAN FOR NATIONAL POPULAR VOTE WHICH WOULD NOT REQUIRE A CHANGE IN THE U.S. CONSTITUTION BUT WOULD ELECT THE PRESIDENT BY POPULAR VOTE, WHICH IS WHAT MOST AMERICANS WANT. THANK YOU VERY MUCH. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR HAAR. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB10]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF THE BRACKET MOTION, ESPECIALLY GIVEN SPEAKER HADLEY'S EXPLANATION OF HIS SCHEDULING PRIORITIES. I WILL SAY, I WAS ONE OF THE SENATORS WHO OBJECTED TO THE UNANIMOUS CONSENT MOTION. PARTIALLY, THAT WAS MY SURPRISE THAT THE BRACKET MOTION WAS FOR TOMORROW AS OPPOSED TO THE LAST DAY OF SESSION, AS BEEN TYPICAL FOR THE REST OF US IN THE LEGISLATURE WHEN BILLS ARE BEING PULLED OFF THE AGENDA FOR THE YEAR. IT WAS THAT CONFUSION AND THE FACT THAT THE INTRODUCER OF THE

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MOTION HADN'T EXPLAINED HIMSELF THAT LED TO ME BEING ONE OF THE I BELIEVE TWO OR THREE VOICES CALLING OUT AS AN OBJECTION. WITH THAT, COLLEAGUES, I WANTED JUST TO ADD A LITTLE BIT MORE TO THE RECORD. I CHECKED WITH MY STAFF--I THINK I SAID THIS LAST TIME ON THE MIKE--WHEN I CHECKED WITH MY STAFF THE LAST TIME ON THIS ISSUE, WHETHER OR NOT THERE HAD BEEN A SINGLE CONSTITUENT SUPPORTING THIS BILL IN FAVOR, AND THERE HADN'T. AND I WAS GOING THROUGH MY RECORDS AS WELL. I DON'T THINK I'VE EVEN FOUND A NONCONSTITUENT SUPPORTING THIS, IN FAVOR OF THIS. I'M SURE THERE'S SOME OUT THERE AND I'M SURE I'M GOING TO GET AN E-MAIL THE SECOND I SIT DOWN OR MY PHONE IS ALREADY RINGING, BUT I JUST WANTED TO PUT THAT IN THE RECORD AS IT STANDS AS OF RIGHT NOW. I'M JUST GOING TO READ A COUPLE OF THE E-MAILS I'VE GOTTEN. SOME OF THESE ARE BOTH FROM LAST YEAR AND THIS YEAR. SOME OF THEM HAVE RANGED FROM ME BEING A COMMITTEE MEMBER THAT HEARD THIS, TO ME PERSONALLY, AS A SENATOR. IT'S A CONSTITUENT. BUT I JUST WANTED TO MAKE SURE WE HAD AT LEAST SOME VOICES OF NEBRASKANS ON THE RECORD. SO THE E-MAIL STARTS: THIS IS A REMINDER OF MY STRONG OPPOSITION TO SENATOR McCOY'S BILL TO CHANGE THE METHOD BY WHICH NEBRASKANS CAST THEIR VOTE IN PRESIDENTIAL ELECTIONS. THE WINNER-TAKE-ALL PROPOSITION PROPOSED IN LB10 DEPRIVES MINORITY VOTERS FROM HAVING EQUAL REPRESENTATION IN AN ELECTION THAT SHOULD REPRESENT THE BEST WISHES OF ALL AMERICANS. AT A TIME WHEN CITIZENS SHOULD BE ENCOURAGED TO VOTE, A BILL SUCH AS LB10 SAYS TO EACH OF US, IF YOU ARE NOT PART OF THE MAJORITY, YOUR VOTE IS NOT IMPORTANT. THIS IS NOT THE MESSAGE I LEARNED WHEN STUDYING NEBRASKA HISTORY SOME 65 YEARS AGO IN CHADRON. LET IT NOT BE PART OF NEBRASKA HISTORY THAT OUR STUDENTS STUDY TODAY. I HAVE A SECOND E-MAIL THAT STARTS: I OPPOSE LB10. I BELIEVE THAT DIVVYING UP THE ELECTORATE ACCORDING TO DISTRICTS IS A MORE FAIR WAY TO SELECT ELECTORS. JUST BECAUSE WE ARE ONLY ONE OF ONLY TWO STATES THAT DOES THIS DOES NOT MEAN IT'S NOT GOOD. WE'RE THE ONLY STATE THAT HAS A NONPARTISAN UNICAMERAL AND WE DO NOT FEEL WE NEED TO CHANGE THAT SO THAT WE'RE LIKE OTHER STATES, SO WHY SHOULD WE FEEL THE NEED TO CHANGE THE APPORTIONING OF ELECTORS SO THAT WE ARE LIKE OTHER STATES? WE SHOULD BE PROUD THAT NEBRASKA IS DOING THE RIGHT THING. I CAN GO ON AND ON AND I MAY WELL LATER, DEPENDING ON HOW THE EVENING GOES. BUT I JUST WANTED TO MAKE SURE A FEW OF THE VOICES OF CONSTITUENTS WHO CONTACTED ME HAVE EITHER NOT BEEN IN SUPPORT OR NOT, FRANKLY, BEEN TOO INTERESTED IN THIS. WITH THAT, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS, COULD HE USE IT. [LB10]

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SENATOR SCHEER: SENATOR CHAMBERS, YOU'RE YIELDED 1:35. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THE SESSION IS GETTING "INTERESTING" AND "INTERESTING." THE REPUBLICAN PARTY HAS CRACKED THE WHIP AND NOW THEIR MINIONS ARE GOING TO COME RUNNING IN. AND WE'LL SEE WHAT DOES HAPPEN, BECAUSE WE ARE GOING TO VOTE ON THE BRACKET MOTION. WHEN MY TIME COMES, I WILL DO FOR THE SECOND TIME ON ONE DAY AND THE SECOND TIME IN MY POLITICAL CAREER...I'M GOING TO CALL THE QUESTION ON THE BRACKET MOTION. [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR CHAMBERS: SO SINCE THAT'S MY INTENT, I'M GRATEFUL TO SENATOR HANSEN FOR YIELDING ME THE TIME, BUT I'M GOING TO STOP AT THIS POINT. THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS AND SENATOR HANSEN. SENATOR COOK, YOU'RE RECOGNIZED. [LB10]

SENATOR COOK: QUESTION. [LB10]

SENATOR SCHEER: DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. 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. [LB10]

CLERK: 27 AYES, 1 NAY TO PLACE THE HOUSE UNDER CALL. [LB10]

SENATOR SCHEER: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. FOR 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 GROENE, SENATOR BURKE HARR, SENATOR SULLIVAN, SENATOR CAMPBELL, SENATOR KUEHN, SENATOR HADLEY, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR SULLIVAN, SENATOR CAMPBELL...ALL THOSE ARE ACCOUNTED FOR. RETURNING TO THE CALL OF

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THE QUESTION, ALL OF THOSE IN FAVOR SHALL DEBATE CEASE, VOTE AYE; ALL THOSE OPPOSED, VOTE...SENATOR COOK, DO YOU WANT A ROLL CALL OR DO YOU WANT CALL-INS? OKAY. CALL-INS ARE...HAVE BEEN APPROVED. ANY OF THOSE WISHING TO VOTE? [LB10]

CLERK: SENATOR WILLIAMS VOTING YES. SENATOR BURKE HARR VOTING YES. SENATOR STINNER VOTING YES. SENATOR KOLTERMAN VOTING YES. SENATOR SULLIVAN VOTING YES. SENATOR MORFELD VOTING YES. SENATOR HUGHES VOTING YES. SENATOR KOLOWSKI VOTING YES. SENATOR KRIST VOTING YES. SENATOR CRAIGHEAD VOTING YES. SENATOR MELLO VOTING YES. SENATOR GLOOR VOTING YES. SENATOR KINTNER VOTING YES. [LB10]

SENATOR SCHEER: RECORD, MR. CLERK. [LB10]

CLERK: 26 AYES, 1 NAY TO CEASE DEBATE, MR. PRESIDENT. [LB10]

SENATOR SCHEER: DEBATE DOES CEASE. SENATOR McCOY, YOU ARE RECOGNIZED TO CLOSE. [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I'LL WITHDRAW MY BRACKET MOTION AT THIS TIME. THANK YOU. [LB10]

SENATOR SCHEER: WITHOUT EXCEPTION, IT'S WITHDRAWN. MOVING BACK TO AM528. SENATOR KRIST, YOU'RE...RAISE THE CALL. SENATOR KRIST, YOU'RE RECOGNIZED. [LB10]

SENATOR KRIST: GOOD EVENING, MR. PRESIDENT, COLLEAGUES. AND GOOD EVENING, NEBRASKA. I WOULD DARE ANYONE IN THIS CHAMBER OR ANYONE I HAVE BEEN ASSOCIATED WITH IN ANY PAST MEMBERSHIP TO SAY THAT WHEN KRIST GIVES YOU HIS WORD, HIS WORD IS GOLD. THE THINGS THAT WERE SAID INADVERTENTLY ABOUT ME ON THE MIKE, I WANT AN APOLOGY FOR. THE WAY THAT THIS GOVERNMENT WINS WARS IS GOOD INTELLIGENCE. AND IF YOU HAD IT ON ANYBODY'S AUTHORITY THAT I WOULD NOT BE HERE FOR A CLOTURE VOTE WHEN I GAVE MY WORD, SHAME ON YOU. ONE WAY OR ANOTHER, I THINK EVERYBODY HAS BEEN ABSENT FROM THIS CHAMBER IN ONE WAY OR ANOTHER BECAUSE OF FAMILY REASONS, BECAUSE OF BUSINESS REASONS, BECAUSE THEY JUST DIDN'T FEEL GOOD. WE DON'T DEMONIZE EACH OTHER BECAUSE THEY'RE NOT HERE. AND BY THE WAY, IF YOU WANT EVERY ONE OF THE FOLKS

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THAT STOOD UP ON THE MIKE AND SAID SOMETHING ABOUT MY INTENT, YOU'VE GOT MY CELL PHONE NUMBER. LB10 HAS BEEN ARGUED IN ONE FORM OR ANOTHER THE ENTIRE TIME THAT I'VE BEEN IN THIS BODY AND BEFORE, AS HAS BEEN POINTED OUT. IS IT STRONGER TO KEEP OUR VOTES TOGETHER? IS IT STRONGER TO MATTER? I WOULD REWIND TO A POINT WHERE A VERY KNOWLEDGEABLE PROFESSIONAL POLITICIAN, PROFESSIONAL POLITICIAN WHO'S BEEN IN THE PUBLIC EYE AT THE NATIONAL LEVEL FOR MANY YEARS SAID, THE SECOND CONGRESSIONAL DISTRICT WAS KEY, KEY TO A PRESIDENTIAL ELECTION. AND ON THE OTHER SIDE THERE'S THE, HE WON'T COME TO CHADRON UNLESS THEY'RE ALL TOGETHER OR, HE WON'T COME TO OTHER PARTS OF THE STATE UNLESS THEY'RE ALL TOGETHER. I COULD ARGUE EITHER WAY, AND I HAVE. I HAVE VOTED ON BOTH SIDES OF THIS THE ENTIRE TIME I'VE BEEN HERE. BUT I GAVE MY WORD AND UNLIKE FOUR OF YOU WHO GAVE YOUR WORD TO ME ON A BILL EARLIER THIS YEAR, I'M HERE. I'M NOT CONFUSED ABOUT THE VOTE. I DIDN'T KNOW WHAT WAS BEING ASKED FOR, EVEN THOUGH IT'S UP THERE IN GREEN PRINT. I THINK I'VE SAID ALL I NEED TO SAY UNTIL THERE'S A CLOTURE VOTE. I'M BACK. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR KRIST. SENATOR CHAMBERS, YOU'VE SPOKEN TWICE, YOUR CLOSE IS ALL THAT'S REMAINING. THERE ARE OTHERS IN THE QUEUE. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. YES. [LB10]

SENATOR CHAMBERS: ARE PEOPLE TO TALK STILL? [LB10]

SENATOR SCHEER: YES. YES, THERE ARE, SENATOR. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB10]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'M NOT SURE WHAT PRECIPITATED THE REMARKS THAT WE JUST HEARD FROM SENATOR KRIST, BUT I WILL TELL YOU IF SENATOR KRIST SAYS HE'S GOING TO BE HERE FOR A CLOTURE VOTE, THE MAN WILL BE HERE FOR A CLOTURE VOTE. HE CAME IN THE DAY HIS MOTHER-IN-LAW PASSED AWAY, BECAUSE HE TOLD ME HE WOULD GIVE ME A CLOTURE VOTE ON THE MOTORCYCLE HELMET. AND HE DID. NOW BACK TO THE THINGS AT HAND. TWENTY-FIVE YEARS AGO I SUPPORTED THE IDEA OF SPLITTING NEBRASKA'S VOTES BECAUSE WE WERE SOLD ON THE IDEA THE OTHER STATES WERE GOING TO DO IT. DIDN'T WORK OUT. THE OTHER STATES HAVEN'T DONE IT AND, COLLEAGUES, IF THEY HAVEN'T DONE IT IN 25 YEARS, THEY'RE NOT LIKELY TO DO IT IN THE NEXT 25 YEARS. LET'S PUT OUR STATE BACK IN ONE PIECE ON THIS. SENATOR PANSING BROOKS, YOU'VE BEEN HERE

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FOR TWO YEARS NOW. IN ANOTHER TWO YEARS OR SO, YOU'LL UNDERSTAND THIS IS A POLITICAL BODY; POLITICAL THINGS HAPPEN HERE. MORE POLITICAL THINGS ARE GOING TO HAPPEN HERE. YES, THIS IS A POLITICAL DECISION, AS ARE A GOOD SHARE OF THE DECISIONS THAT ARE MADE WITHIN THIS BODY. YOU CONTINUE TO SEE THINGS YOU'VE NEVER SEEN BEFORE. SENATOR CHAMBERS HAS BEEN HERE 42 YEARS. HE MAY THINK HE'S SEEN IT ALL, BUT I WOULDN'T BET ON IT. THINGS CHANGE. THE ONE THING THAT DOESN'T CHANGE IS THE FACT THAT POLITICAL THINGS HAPPEN WITHIN A POLITICAL BODY. I YIELD THE REMAINDER OF MY TIME TO SENATOR McCOY, IF HE WOULD WISH TO HAVE IT. [LB10]

SENATOR SCHEER: SENATOR McCOY, YOU'RE YIELDED 2:30. SENATOR McCOY WAIVES. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME AT THE MIKE ON THIS MOTION. [LB10]

SENATOR PANSING BROOKS: OKAY. THANK YOU, MR. PRESIDENT. I YIELD MY TIME TO SENATOR CHAMBERS. [LB10]

SENATOR SCHEER: SENATOR CHAMBERS, YOU'RE YIELDED 4:55. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, SOMETHING MUST HAVE HAPPENED BECAUSE PEOPLE SUDDENLY HAVE STARTED COMING TO THE CHAMBER. I WONDER WHY. THERE'S NO INTEREST IN THIS ISSUE. EVERYBODY HAS THEIR MARCHING ORDERS. THEY KNOW WHAT THEY'VE GOT TO DO BECAUSE OF WHAT THE REPUBLICAN PARTY HAS TOLD THEM TO DO. AND I WOULD CHALLENGE ANYBODY TO SHOW ME THIS IS ANYTHING OTHER THAN WHAT THE REPUBLICAN PARTY INSISTS ON, WHAT THE REPUBLICAN PARTY WANTS. I CHALLENGE ANYBODY TO SAY THAT'S NOT SO. AND THEIR SAYING IT'S NOT SO WOULD NOT MEAN IT'S NOT SO. AND SENATOR BLOOMFIELD IS RIGHT AND I'VE OFTEN SAID THAT A LEGISLATURE IS A POLITICAL ENTITY. EVERYTHING IS POLITICAL; AND THE WORD ITSELF IS NOT BAD. AND WHATEVER HAPPENS IN A POLITICAL SETTING IS SOMETHING THAT COULD BE ANTICIPATED. YOU DON'T EXPECT PEOPLE TO KEEP THEIR WORD. YOU DON'T EXPECT PEOPLE TO TELL THE TRUTH. BUT I TELL YOU WHAT, I DON'T CARE ENOUGH ABOUT ANYBODY IN HERE TO TELL A LIE. IN FACT, I SAID THAT I MISSPOKE SOME TIME AGO WHEN I SAID SENATOR GROENE AND SENATOR KINTNER SAID THAT THEY WOULD WORK AGAINST THE REELECTION OF PEOPLE WHO VOTED FOR...DIDN'T VOTE FOR CLOTURE OR WHATEVER IT WAS AND SENATOR KINTNER CORRECTED ME. AND SENATOR GROENE CORRECTED ME,

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TOO, SAYING THAT HE WOULD NOT WORK AGAINST THE REELECTION OF ANYBODY. I'D LIKE TO ASK SENATOR GROENE A QUESTION BEFORE I START TALKING ABOUT WHAT HE SAID. [LB10]

SENATOR SCHEER: SENATOR GROENE, WOULD YOU PLEASE YIELD? [LB10]

SENATOR GROENE: YES. [LB10]

SENATOR CHAMBERS: SENATOR GROENE, I THINK I WAS CORRECT WHEN I SAID YOU STOOD ON THE FLOOR AND SAID YOU WOULD WORK AGAINST THE REELECTION OF SENATORS WHO VOTED A CERTAIN WAY WITH REFERENCE TO THE DEATH PENALTY. YOU DIDN'T SAY THAT? [LB10]

SENATOR GROENE: NO, I DID NOT SAY THAT. WHAT I DID SAY, IF ANYBODY RAN FOR A HIGHER OFFICE, I WOULD FIND IT HARD TO SUPPORT THEM. BUT I NEVER... [LB10]

SENATOR CHAMBERS: SO IF I HAVE AN ARTICLE WHERE IT QUOTES YOU SAYING WHAT I'VE INDICATED, THEN YOU WOULD SAY THAT THE REPORTER GOT IT WRONG? [LB10]

SENATOR GROENE: IT WOULDN'T BE THE FIRST TIME. [LB10]

SENATOR CHAMBERS: OKAY, THAT'S ALL I WANTED, BECAUSE I FOUND AN ARTICLE...I DON'T THROW THINGS AWAY, BUT I DON'T ALWAYS READ EVERYTHING IN ALL THE ARTICLES. BUT AS WE WERE GETTING NEAR THE END OF THIS SESSION--IT'S THE SECOND PART OF THE TWO-SESSION CYCLE--I WAS STARTING TO THROW THINGS AWAY THAT I KNEW I WOULDN'T NEED ANYMORE AND I SAW AN ARTICLE I HAD. AND WRITTEN ON THE TOP IN PURPLE LETTERING WAS "GROENE." SO I LOOKED THROUGH IT TO SEE WHAT WAS ON THERE. AND LO AND BEHOLD, UP JUMPED "TOMMY TUCKER." THAT'S AN EXPRESSION IN THE NEIGHBORHOOD WHICH MEANS SOMETHING THAT YOU WEREN'T EVEN LOOKING FOR POPPED UP. AND YOU'LL BE ABLE TO TAKE UP SOMETHING WITH THE REPORTER WHO WROTE THE ARTICLE. BUT AT ANY RATE, IN THE SAME WAY THAT SENATOR KRIST SAID THAT WHEN HE GIVES HIS WORD IT'S GOLD AND YOU CAN COUNT ON IT, I LEAVE MYSELF WRIGGLE ROOM. I TOLD YOU THAT TOMORROW I COULD BE AS NICE AS PIE OR I CAN BE ANYTHING ELSE THAT I WANT TO DO AND THERE'S NO WAY ANYBODY CAN STOP ME. I'M NOT THE

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REASON THAT ALL THESE DIFFERENT ISSUES WERE PUSHED TO THE END OF THE SESSION, BUT THAT'S WHAT HAS HAPPENED. YOU KNOW HOW I KNOW IT? I'M NOT A PSYCHIC. YOU DON'T HAVE TO BE. WHEN YOU'VE BEEN HERE AS LONG AS I HAVE,... [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...YOU SEE HOW THINGS GENERALLY HAPPEN. AND THIS PARTICULAR THING THAT'S GOING ON NOW HAPPENS EVERY SESSION. AND I'M GOING TO DECIDE WHAT IT IS THAT I'M GOING TO DO. BUT I KNOW FOR SOME OF THAT SESSION I'M GOING TO GIVE SOME OF YOU ALL SOME BAD NERVES, BECAUSE I'M GOING TO TAKE TIME ON SOME BILLS THAT ORDINARILY I WOULDN'T AND WE'LL SEE HOW LONG EVERYBODY IS WILLING TO STAY HERE. BUT IF WE STAY HERE AND YOU'RE STAYING ON ONE BILL OR TWO BILLS, THEN YOU'RE GOING TO FEEL LIKE YOUR STAYING MIGHT BE IN VAIN. BUT WE'LL HAVE THE OPPORTUNITY TO EXAMINE ALL OF THOSE CONSIDERATIONS. SOME PEOPLE MAY BE GLAD THAT THEY WON'T HAVE TO COME BACK HERE AGAIN. OTHERS...I KNOW WHAT SENATOR BLOOMFIELD WOULD DO. THAT'S WHY I LOOKED OVER THERE SO I COULD SEE HIS REACTION. BUT... [LB10]

SENATOR SCHEER: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR GROENE, SENATOR CHAMBERS, AND SENATOR PANSING BROOKS. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB10]

SENATOR BOLZ: I YIELD MY TIME TO SENATOR CHAMBERS. [LB10]

SENATOR SCHEER: SENATOR CHAMBERS, 4:55. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BOLZ, AND TO SENATOR HAAR. SENATOR HAAR, WE'VE BEEN DISCUSSING THIS ISSUE FOR I DON'T KNOW HOW LONG, BUT EVERYBODY WAS HIDING OUT. THOSE WHO ARE AGAINST IT WERE GONNA LET ME CARRY THE BALL. THOSE WHO WERE FOR IT HAD THEIR MARCHING ORDERS. THEY KNEW THEY BETTER BE UP HERE WHEN THE VOTE CAME, SO THEY DIDN'T SHOW UP FOR ANY OTHER THING. BUT I WHO HAVE THE LEAST INTEREST IN AND CONCERN ABOUT THIS FROM A

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POLITICAL STANDPOINT AM THE ONE WHO HAS BEEN HERE DISCUSSING IT MORE THAN ANYBODY ELSE. DO YOU KNOW WHY? BECAUSE IT IS SOMETHING BEFORE THIS LEGISLATURE OF WHICH I'M A PART AND IT'S AN IMPORTANT ISSUE. EVEN THOUGH I THINK IT'S BOGUS, IT'S STILL HERE. IT DOESN'T MATTER WHAT I THINK ABOUT IT. AND WE WILL GET A VOTE ON IT. AND MAYBE SENATOR MURANTE WAS TALKING ABOUT HOW THINGS WOULD PAN OUT TODAY, BUT HE DIDN'T SEEM LIKE HE WAS TALKING ABOUT TODAY. HE WAS SAYING PEOPLE COULD HIDE OUT, BUT A DAY WOULD COME BEFORE THE SESSION ENDED WHEN ALL 49 OF US WOULD BE HERE AND THEY WOULD HAVE TO VOTE. HE SAID WORDS TO THAT EFFECT. AND IF I'M MISQUOTING HIM, HE CAN CORRECT IT. BUT I HEARD HIM SAY THAT AND WE'RE GONNA SEE HOW THIS PLAYS OUT. IN THE REAL WORLD, THERE ARE LARGE MILITARY POWERS AND THERE HAVE BEEN WHAT THE MEDIA DESCRIBED AS PROXY WARS BETWEEN THEM, ON SOMEBODY ELSE'S SOIL, NOT THE SOIL OF EITHER OF THESE ANTAGONISTS. AND ONE OF THE BIG ONES WILL TAKE ONE SIDE, THE OTHER BIG ONE WILL TAKE THE OTHER SIDE AND IN THE COUNTRY AND ON THE TERRITORY OF NEITHER OF THE TRUE PARTIES AT INTEREST, WOMEN, CHILDREN WILL BE SLAUGHTERED, BUILDINGS WILL BE DESTROYED. BUT THE TWO MAIN ONES NEVER CLOSE AGAINST EACH OTHER. WELL, THERE CAN BE SOME PROXY ACTIVITY GOING ON AROUND HERE TOWARD THE END OF THE SESSION. AND THE END OF THE SESSION IS HERE. THIS AGENDA LABELS TODAY THE 54th DAY. SO TOMORROW WE WILL HAVE FIVE DAYS. BUT YOU MIGHT AS WELL SAY FOUR BECAUSE YOU'RE GOING TO WANT TO CELEBRATE AND DO A LOT OF THINGS ON THAT 60th DAY. AND I MIGHT JUST ACT OUT ON THAT DAY, TOO. I THINK MOTIONS CAN BE MADE ON THAT DAY. IF THEY MAKE A MOTION FOR ANYTHING, IT'S DEBATABLE, ISN'T IT? ARE WE STILL IN SESSION IF WE COME HERE ON THE 60th DAY AND YOU ALL SAY THE FLAG SALUTE AND PRAY? AND THEN THEY TAKE THE ROLL CALL. AND ONE THING I'VE NOTICED WHEN THEY GIVE A PANORAMIC VIEW OF THE LEGISLATURE, YOU ALL ARE SO INSISTENT ON PRAYING AND I DON'T SEE MANY PEOPLE IN HERE. BUT THAT'S ALL RIGHT, BECAUSE GOD HEARS YOU PRAYING WHEREVER YOU ARE. AND YOU JUST DON'T WANT TO PRAY IN PUBLIC BECAUSE JESUS SAID THAT'S WHAT THE HYPOCRITES DO, THEY MAKE A SHOW OF PUBLIC PRAYERS. THEY STAND ON STREET CORNERS AND IN THE CORNER OF THE SYNAGOGUE AND PRAY THAT THEY MAY BE SEEN AND HEARD OF MEN BECAUSE YOUR FATHER KNOWS WHAT YOU HAVE NEED OF IN SECRET. SO, THEREFORE, BE NOT LIKE THE HEATHEN WHO THINK THEY WILL BE HEARD FOR THEIR MUCH SPEAKING, BUT YOU GO TO YOUR CLOSET AND YOU PRAY TO YOUR FATHER IN SECRET AND HE WILL REWARD YOU OPENLY BECAUSE HE KNOWS WHAT YOU HAVE NEED OF BEFORE YOU ASK HIM. [LB10]

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SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR CHAMBERS: BUT ALL THAT DOESN'T MEAN ANYTHING TO YOU. WHAT DID YOU SAY? [LB10]

SENATOR SCHEER: ONE MINUTE, SENATOR. [LB10]

SENATOR CHAMBERS: OH, THANK YOU, BECAUSE I WANT TO ABIDE BY THE RULES. WHEN MY TIME IS UP, I'M GOING TO ACKNOWLEDGE THAT. BUT I'M JUST NOW STARTING TO GET THAT EUPHORIC FEELING THAT COMES TO ME TOWARD THE END OF THE SESSION AND WE'RE GETTING OFF INTO THE NIGHT AND THE HEAVENLY SHADES OF NIGHT ARE FALLING, IT'S TWILIGHT TIME. AND THAT'S WHEN I'M IN MY ELEMENT. SO WE CAN STAY HERE AND WE DON'T HAVE TO QUIT WHEN A CLOTURE VOTE IS TAKEN. THERE STILL ARE BILLS ON THIS AGENDA AND IT WILL GIVE ME A CHANCE TO START TONIGHT TO SHARPENING MY BLADES FOR WHATEVER I DECIDE TO DO. BUT I WANT EVERYBODY WHO'S GOT A BILL TO KNOW THAT UNLESS I SAY SO, I DON'T HAVE ANYTHING PERSONAL AGAINST YOU. IN FACT, I THANK YOU FOR PROVIDING ME WITH THE OPPORTUNITY TO TAKE SOME TIME AND OCCUPY THIS SPACE AND MAKE IT MY BULLY PULPIT. [LB10]

SENATOR SCHEER: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. THANK YOU, SENATOR BOLZ. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB10]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. GOOD EVENING, COLLEAGUES. I THOUGHT I WOULD FIRST START BY TALKING A BIT ABOUT ONE OF THE QUESTIONS THAT'S BEEN RAISED BY SOME OF THE SUPPORTERS OF LB10. WHAT I'VE HEARD IS THAT SEVERAL YEARS AGO WHEN WE DECIDED TO DIVIDE UP OUR ELECTORAL VOTES, WE THOUGHT OTHER STATES WOULD DO IT AS WELL AND OTHER STATES HAVEN'T DONE IT. AND I HAVE A HARD TIME UNDERSTANDING WHY THAT'S A REASON FOR US TO CHANGE OUR MIND ON THE ISSUE. BUT I THINK IT'S IMPORTANT TO LAY ON THE RECORD A GOOD EXPLANATION FOR WHY THOSE OTHER STATES HAVE NOT FOLLOWED SUIT. IT IS NOT BECAUSE OF EMPIRICAL EVIDENCE THAT THIS DOESN'T WORK IN SOME

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WAY. WHAT WE HAVE AT PLAY IS PARTISAN POLITICS. AND AS SAID ON THE FLOOR HERE ALREADY, YOU CAN EXPECT THAT THAT'S AT PLAY. SO IN MOST STATES THAT THEY HAVE A PARTISAN LEGISLATURE AND THE MAJORITY PARTY HAS A PARTY CAUCUS THAT DRIVES THE VOTES. AND IN MOST STATES THEN, IF THERE IS A MAJORITY PARTY THAT HAS THE MAJORITY OF VOTES, THEY WILL BE PUSHING TO TRY TO MAKE SURE THAT THEY RETAIN A WINNER-TAKE-ALL WHETHER THAT MAJORITY IS DEMOCRAT OR REPUBLICAN, BECAUSE THEY'LL SEE THAT AS TO THEIR PARTISAN ELECTORAL ADVANTAGE. WHETHER IT IS TO THE ADVANTAGE OF THE CITIZENS OF THEIR STATE OR NOT, WHETHER IT IS TO THE ADVANTAGE OF ECONOMIC DEVELOPMENT IN THEIR STATE OR NOT, WHETHER IT IS TO THE ADVANTAGE OF MOBILIZING NEW PEOPLE FOR EITHER PARTY OR NOT, IT SIMPLY GETS KILLED BECAUSE THE MAJORITY CAUCUS IN A PARTISAN STATE LEGISLATURE HAS ALL OF THE ADVANTAGES OF THE RULES AND PRESSURE ON THEIR SIDE. AND THE PARTY DEMANDS IT AND THE PEOPLE FOLLOW. NOW, ONE OF THE GREAT ADVANTAGES WE HAVE IN THE STATE OF NEBRASKA AND THAT WE HAVE THAT NO OTHER STATE HAS IS THAT WE HAVE A NONPARTISAN LEGISLATURE WITH A STRONG CULTURE AGAINST PARTY CAUCUSES. AND ONE OF THE IMPORTANT REASONS THAT GEORGE NORRIS SAID IT WAS CRITICAL AND THAT HE FOUGHT THE NEBRASKA REPUBLICAN PARTY AND SAID NO, THIS LEGISLATURE HAS TO BE NONPARTISAN. AND HE SAID IT'S CRITICAL BECAUSE I WANT THE PEOPLE IN THOSE SEATS TO THINK WHAT'S BEST FOR NEBRASKA. AND IF THE LEGISLATURE IS PARTISAN, THEN INSTEAD WHAT HAPPENS IN THIS CHAMBER, WHAT HAPPENS IN THE STATE LEGISLATURE IN NEBRASKA, WILL SIMPLY BE A REFLECTION OF PARTY FIGHTS THAT ARE HAPPENING NATIONALLY. AND INSTEAD, I WANT THE PEOPLE IN THE UNICAMERAL TO BE ABLE TO FOCUS ON WHAT'S BEST FOR NEBRASKA. COLLEAGUES, TONIGHT I'M CALLING ON YOU TO RECOGNIZE THIS IMPORTANT GEORGE NORRIS TRADITION IN OUR STATE THAT WHEN WE'RE IN THIS CHAMBER, WHEN WE'RE MAKING DECISIONS IN THIS BODY THAT WE THINK, WHAT'S BEST FOR THE STATE OF NEBRASKA. AND CREATING A STRUCTURE...KEEPING A STRUCTURE THAT MADE OUR STATE A TARGET FOR ELECTORAL SPENDING,... [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR CRAWFORD: ...THANK YOU...ELECTORAL MOBILIZATION IN A TIGHT PRESIDENTIAL RACE, KEEPING THAT STRUCTURE IS WHAT'S BEST FOR NEBRASKA. WE ARE ON THE EVE OF POTENTIALLY ANOTHER VERY CLOSE RACE. LET'S KEEP NEBRASKA RELEVANT, LET'S KEEP THE CAMPAIGN STAFF COMING, LET'S KEEP THE CAMPAIGN MONEY COMING, LET'S KEEP THE CITIZEN

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MOBILIZATION COMING. IN 2008, THERE WAS A STOREFRONT IN BELLEVUE THAT WAS A PRESIDENTIAL CAMPAIGN OFFICE WITH PEOPLE WHO CAME TO BELLEVUE SPENDING MONEY IN BELLEVUE, BUYING LUNCH AT BELLEVUE. I WANT TO CONTINUE TO KEEP NEBRASKA RELEVANT AND DO WHAT'S BEST FOR NEBRASKA. AND WHAT IS BEST FOR NEBRASKA IS TO DEFEAT LB10. THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR CRAWFORD. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB10]

SENATOR HAAR: I OBVIOUSLY OPPOSE LB10. I DON'T THINK IT'S GOOD FOR NEBRASKA. BUT I THINK THERE IS A BETTER WAY OF DOING THIS AND PERHAPS SOME FUTURE PERSON IN THE LEGISLATURE WILL BRING BACK THIS IDEA IN A BILL TO JOIN THE COMPACT OF THE NATIONAL POPULAR VOTE. SO ONCE AGAIN IN ELECTIONS FOR PRESIDENT AND VICE PRESIDENT EVERY VOTE SHOULD BE EQUAL AND POLLS ACROSS THE COUNTRY HAVE SHOWN THAT CITIZENS AGREE WITH THIS. IN NEBRASKA WHEN CITIZENS ARE ASKED, HOW DO YOU THINK WE SHOULD ELECT THE PRESIDENT? SHOULD IT BE THE CANDIDATE WHO GETS THE MOST VOTES? IN ALL 50 STATES OR THE CURRENT ELECTORAL COLLEGE SYSTEM, 67 PERCENT SAID, IT SHOULD BE ELECTED...THE PRESIDENT SHOULD BE ELECTED BY POPULAR VOTE. SO I WOULD LIKE TO TALK ABOUT THIS ANOTHER WAY, WITHOUT CHANGING THE CONSTITUTION, WHICH IS VERY DIFFICULT, TO ELECT THE PRESIDENT OF THE UNITED STATES BY POPULAR VOTES, CALLED THE NATIONAL POPULAR VOTE. SO FIRST OF ALL, WHAT DOES THE U.S. CONSTITUTION SAY AND NOT SAY ABOUT PRESIDENTIAL ELECTIONS? THE POLITICALLY MOST IMPORTANT ASPECTS OF THE SYSTEM FOR ELECTING THE PRESIDENT OF THE UNITED STATES ARE NOT ESTABLISHED IN THE U.S. CONSTITUTION. INSTEAD, THE CONSTITUTION DELEGATES THE POWER TO MAKE THESE DECISIONS TO THE STATES. AND IN MY OPINION AND WITH MY VOTE, I AM SAYING THAT WINNER-TAKE-ALL IS NOT IN THE BEST INTEREST OF NEBRASKA. THE CONSTITUTION SPECIFIES THAT THE PRESIDENT AND VICE PRESIDENT ARE TO BE CHOSEN EVERY FOUR YEARS BY A SMALL GROUP OF PEOPLE--CURRENTLY 538--WHO ARE INDIVIDUALLY REFERRED TO AS PRESIDENTIAL ELECTORS. THE PRESIDENTIAL ELECTORS ARE COLLECTIVELY REFERRED TO AS THE ELECTORAL COLLEGE, ALTHOUGH THIS TERM DOES NOT COME FROM THE CONSTITUTION. THE U.S. CONSTITUTION DELEGATES THE POWER TO CHOOSE THE METHOD OF APPOINTING PRESIDENTIAL ELECTORS TO THE STATES. SECTION 1 OF ARTICLE II STATES, "THE EXECUTIVE POWER SHALL BE VESTED IN A PRESIDENT OF THE UNITED STATES OF AMERICA. HE," OR SHE, "SHALL HOLD THIS OFFICE DURING THE TERM OF FOUR YEARS, AND, TOGETHER WITH THE

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VICE PRESIDENT, CHOSEN FOR THE SAME TERM, BE ELECTED, AS FOLLOWS: EACH STATE SHALL APPOINT, IN SUCH MANNER AS THE LEGISLATURE THEREOF MAY DIRECT, A NUMBER OF ELECTORS, EQUAL TO THE WHOLE NUMBER OF SENATORS AND REPRESENTATIVES TO WHICH THE STATE MAY BE ENTITLED IN THE CONGRESS: BUT NO SENATOR OR REPRESENTATIVE, OR PERSON HOLDING AN OFFICE OF TRUST OR PROFIT UNDER THE UNITED STATES, SHALL BE APPOINTED AN ELECTOR." AND THEN TO GO ON TO TALK ABOUT...THERE ARE SOME ISSUES THAT HAVE DEVELOPED OVER THE YEARS. AND OVER THE YEARS THE STATES HAVE USED THE CONSTITUTION'S BUILT-IN FLEXIBILITY CONCERNING PRESIDENTIAL ELECTIONS IN A REMARKABLE VARIETY OF WAYS. MANY OF THE MOST FAMILIAR FEATURES OF PRESENT DAY PRESIDENTIAL ELECTIONS--NOTABLY, VOTING BY THE PEOPLE IN THE STATE BY STATE WINNER-TAKE-ALL RULE--DID NOT COME INTO WIDESPREAD USE UNTIL DECADES AFTER THE FOUNDERS DIED. FIRST POINT, WHO VOTES FOR PRESIDENTIAL ELECTORS? IN THE NATION'S FIRST PRESIDENTIAL ELECTION IN 1789... [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR HAAR: ...THANK YOU...ONLY SIX STATES PERMITTED THE VOTERS TO ELECT THE STATE'S PRESIDENTIAL ELECTORS. IN MANY STATES, THERE WAS NO ELECTION FOR PRESIDENT AT ALL. IN NEW JERSEY, THE GOVERNOR AND HIS COUNCIL APPOINTED THE STATE'S PRESIDENTIAL ELECTORS. IN MANY STATES, THE LEGISLATURE APPOINTED THE PRESIDENTIAL ELECTORS. IN THE NATION'S SECOND PRESIDENTIAL ELECTION IN 1792, THE VERMONT GOVERNOR AND HIS COUNCIL IN THE STATE HOUSE OF REPRESENTATIVES APPOINTED THE PRESIDENTIAL ELECTORS. OVER A PERIOD OF DECADES, THE STATE LEGISLATURES GRADUALLY EMPOWERED THEIR VOTERS TO VOTE DIRECTLY FOR PRESIDENTIAL ELECTORS. BY 1836, THE VOTERS ELECTED THE PRESIDENTIAL ELECTORS IN ALL STATES EXCEPT SOUTH CAROLINA. AND BETWEEN 1836 AND 1876, THERE WAS NEVER MORE THAN ONE STATE IN ANY GIVEN PRESIDENTIAL ELECTION WHERE THE VOTERS DID NOT ELECT THE STATE'S PRESIDENTIAL ELECTORS. [LB10]

SENATOR SCHEER: TIME, SENATOR. [LB10]

SENATOR HAAR: THANK YOU. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR HAAR. SENATOR GROENE, YOU'RE RECOGNIZED. [LB10]

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SENATOR GROENE: MR. PRESIDENT. THE HISTORY I REMEMBER AND READ IS THAT THE UNITED STATES WAS CREATED BY THE STATES, CONFEDERATION OF THE STATES, A FEDERATION OF THE STATES WHO MET TO UNITE FOR THE COMMON GOOD IN COMMERCE AND DEFENSE. AND IT CREATED THE OFFICE OF THE CHIEF EXECUTIVE, WHO WAS AN EMPLOYEE OF THE STATES, THE WAY I UNDERSTAND IT AND READING BETWEEN THE LINES AND LOOKING AT HISTORY. WE ARE NOT A CONFEDERATION OF CONGRESSIONAL DISTRICTS. THAT IS NOT HOW OUR GOVERNMENT IS SET UP. STATES...WE SEE IT NOW IN THE PRIMARIES. YOU GOT TO WIN THE STATE. YOU GOT TO WIN THE STATE. NOBODY IS TALKING ABOUT WINNING THE POPULAR VOTE IN ORDER TO EVEN WIN YOUR PARTY'S NOMINEE. WE ARE STILL A FEDERATION OF STATES. I DO NOT UNDERSTAND HOW WE GOT HERE. I'M GOING TO ASK SENATOR McCOY HERE A QUESTION OR TWO LATER. BUT WHEN YOU SPLIT THE VOTE BY ARBITRARY LINES OF CONGRESSIONAL DISTRICTS, YOU HAVE LOST YOUR POWER AS A STATE AND STATE RIGHTS TO DECIDE WHO YOU WISH TO BE THE EXECUTIVE OFFICER OF THE UNITED STATES, WHO YOU HIRE. THIS POPULAR VOTE THING IS...WE WERE WARNED ABOUT IT. IT SOUNDS GREAT, BUT THINGS CAN GET OUT OF CONTROL AND YOU LOSE CONTROL, REGIONALLY AND STATEWIDE. SENATOR McCOY, WOULD YOU ANSWER A QUESTION OR TWO? [LB10]

SENATOR SCHEER: SENATOR McCOY, WOULD YOU PLEASE YIELD? [LB10]

SENATOR McCOY: YES, I WOULD. [LB10]

SENATOR GROENE: COULD YOU...YOU WERE THERE AND YOU UNDERSTAND THE HISTORY OF HOW DID WE GET HERE? HOW DID NEBRASKA GET TO THE POINT THAT WE SPLIT OUR ELECTORAL COLLEGE? [LB10]

SENATOR McCOY: WELL, IF YOU MEAN WAS I HERE AS IN ON PLANET EARTH... [LB10]

SENATOR GROENE: DO YOU KNOW THE HISTORY? [LB10]

SENATOR McCOY: YES, I WAS. I WAS NOT PART OF THE LEGISLATURE. THE ONLY ONE OBVIOUSLY THAT WAS, IS SENATOR CHAMBERS. THIS STARTED IN 1990 WITH SENATOR DIANNA SCHIMEK FIRST INTRODUCING A BILL TO MOVE TO THE CONGRESSIONAL DISTRICT METHOD OF APPORTIONMENT FOR ELECTORAL VOTES. AND THEN IN 1991, SHE REINTRODUCED THAT LEGISLATION WHICH HAD

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NOT ADVANCED THE PREVIOUS YEAR AND AT THAT POINT IT PASSED AND BECAME LAW IN THE 1991 SESSION. [LB10]

SENATOR GROENE: CAN YOU TELL ME WHAT THE RATIONALE WAS? HAVE YOU HEARD WHY A DOMINANT PARTY IN THE STATE AGREED TO THAT? [LB10]

SENATOR McCOY: WELL, I CAN'T SPEAK AS TO WHY ANY PARTICULAR POLITICAL PARTY AGREED TO IT OR NOT. I CAN'T SPEAK TO THAT. BUT NEAR AS I CAN TELL AND MY OFFICE HAVE LOOKED AT ALL THESE TRANSCRIPTS AND THE RECORDS AND THEY'RE VOLUMINOUS RECORDS WITH AS MANY TIMES AS THIS LEGISLATION HAS BEEN AROUND, OVER THE COURSE OF THE LAST 26 YEARS. I THINK IT REALLY BOILED DOWN TO...WELL, IF I MAY, I DON'T WANT TO TAKE UP TOO MUCH OF YOUR TIME, SENATOR, BUT I THINK IT BOILED DOWN TO A SIMILAR TYPE OF AN ARGUMENT THAT YOU HEARD FOR A WHILE IN THE 1970S AND 1980S WHEN A FEW OTHER STATES, NOTABLY MINNESOTA AND I THINK AT ONE POINT IN TIME VERMONT, LOOKED AT BECOMING A UNICAMERAL LEGISLATURE. IT WAS SORT OF A PASSING FAD, IF YOU WILL; THOSE ARE MY WORDS. AND THE ARGUMENT WAS THAT THIS WOULD BE THE DIRECTION--YOU HEARD SENATOR BLOOMFIELD INDICATE THIS EARLIER--THAT OTHER STATES WERE GOING TO GO, AND IT NEVER CAME TO FRUITION. [LB10]

SENATOR GROENE: ALL RIGHT, THANK YOU. THANK YOU. [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR GROENE: WHEN I HEAR ARGUMENTS OF, WELL, IT HELPS OUR ECONOMY IF WE GET THE CANDIDATES HERE WITH...THAT ISN'T WHY YOU ELECT INDIVIDUALS, TO TRY TO GET A JOB IN A POLITICAL OFFICE ON YOUR MAIN STREET. IT'S SERIOUS BUSINESS WHAT WE'RE DOING HERE WHEN WE ELECT OUR CHIEF EXECUTIVE OF THE UNITED STATES. AND I ALWAYS GIVE THE EXAMPLE OF WHAT IF ONE OF OUR ELECTORAL COLLEGE VOTES WENT TO THE OTHER CANDIDATE AND THAT CANDIDATE WON? THAT ONE ELECTORAL COLLEGE, IF THAT CANDIDATE WON BY ONE, DECIDED FOR OUR WHOLE STATE WHO THE PRESIDENT WAS, DOES THAT MAKE SENSE? IT DOESN'T, DOES IT? THE MAJORITY AND THE STATE SHOULD MAKE A DECISION ON HOW THE STATE VOTES TO PICK OUR EXECUTIVE...CHIEF EXECUTIVE OF THE UNITED STATES. THANK YOU. [LB10]

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SENATOR SCHEER: THANK YOU, SENATOR McCOY AND SENATOR GROENE.  
SENATOR CRAWFORD, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME.  
[LB10]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD EVENING, COLLEAGUES. SO I JUST WANT TO FIRST RESPOND TO THAT LAST COMMENT AS A PARENT OF A GOALIE. THE POINTS MATTER THE SAME NO MATTER WHEN THEY'RE SCORED IN THE GAME. AND SO IF MY SON FAILS A SAVE AT THE ENDS OF THE GAME, IT'S NO MORE DIFFERENT THAN A POINT SCORED EARLIER IN THE GAME. LIKEWISE, THE ELECTORAL VOTES ALL COUNT. AND ACTUALLY WHAT WE'RE TRYING TO DO BY KEEPING OUR CURRENT SYSTEM IS MAKING SURE THAT THEY ALL COUNT. AND SO IF ONE ELECTORAL VOTE IN NEBRASKA DID GO TO A CANDIDATE AND THAT CANDIDATE WON BY ONE VOTE, THAT IS NO MORE NEBRASKA'S FAULT OR NO MORE UNREPRESENTATIVE THAN ANY OF THE OTHER ELECTORAL VOTES THAT THAT CANDIDATE LOST. ALL THE ELECTORAL VOTES MATTER. WHAT WE'RE TRYING TO DO BY KEEPING OUR CURRENT SYSTEM IS MAKE SURE EACH OF THOSE ELECTORAL VOTES MATTER EVEN MORE. AND SO AGAIN, SO THAT OUR TWO SENATORIAL ELECTORAL VOTES REFLECT THE STATE AND SO THAT OUR THREE CONGRESSIONAL DISTRICT ELECTORAL VOTES CAN REPRESENT THE DIVERSITY OF PEOPLE IN OUR STATE. AND, COLLEAGUES, ACTUALLY SENATOR CHAMBERS' COMMENT ABOUT THIS DOESN'T IMPACT HIM AS MUCH AS OTHERS REALLY GOT ME TO THINKING MORE ABOUT THE QUESTION OF WHAT DOES THIS ISSUE MEAN FOR THOSE NONPARTISANS WHO ARE REGISTERED IN OUR STATE? AND I COMMENTED--EARLIER WE WERE TALKING ABOUT REDISTRICTING TODAY--THAT I THINK IT'S IMPORTANT THAT WE RECOGNIZE THAT WE HAVE A LARGE NUMBER OF NONPARTISANS, PEOPLE REGISTERED AS NONPARTISANS IN OUR STATE. BUT NOT VERY MANY OF US HERE WHO ARE ELECTED HERE ARE REGISTERED NONPARTISAN OURSELVES AND SO IT IS IMPORTANT THAT WE THINK ABOUT WHAT THESE ISSUES MEAN FOR THOSE VOTERS AS WELL. AND ACTUALLY IN LEGISLATIVE DISTRICT 45, 26 PERCENT OF THE REGISTERED VOTERS IN MY DISTRICT ARE REGISTERED AS NONPARTISAN. AND IN SARPY COUNTY, 25 PERCENT OF THE VOTERS ARE REGISTERED NONPARTISAN. AND SO IN SARPY COUNTY THEN, 46 PERCENT ARE REGISTERED AS REPUBLICAN AND 28 PERCENT AS DEMOCRAT, 25 PERCENT IN THAT COUNTY REGISTERED AS NONPARTISAN. COLLEAGUES, WHEN WE'RE THINKING ABOUT WHAT MAKES A VOTE RELEVANT, AS I SAID BEFORE, WHAT MAKES A VOTE RELEVANT IS MAKING SURE THERE IS CONTESTATION. AND IF A VOTE IS ASSUMED TO ALWAYS GO A CERTAIN WAY, THEN PEOPLE ASSUME THEY DON'T HAVE TO WORK FOR THAT VOTE. THEY DON'T HAVE TO COME ASK US QUESTIONS. THEY DON'T HAVE TO COME TALK TO US. I MEAN, WE CAN SEE JUST

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BY LOOKING ACROSS THE BORDER AT HOW MUCH ATTENTION OUR NEIGHBORS IN IOWA GET THAT IT MATTERS IF PEOPLE THINK THEY HAVE TO COME AND GET YOUR VOTE. AND COLLEAGUES, IF ALL FIVE OF OUR ELECTORAL VOTES ARE TOGETHER, THAT'S FIVE. BUT WE WILL NOT HAVE PEOPLE KNOCKING ON OUR DOORS FOR THOSE FIVE. BUT WE DIVIDE THEM UP AND WE DO CREATE A STRATEGY WHERE CAMPAIGNS CAN DECIDE TO GO FOR ONE OF THOSE VOTES OR TWO OF THOSE VOTES. AND COLLEAGUES, I THINK MOST OF THE PEOPLE IN THIS ROOM KNOW HOW CAMPAIGNING WORKS NOW. PEOPLE USE DATA AND THEY TARGET. SO WHEN YOU'RE ABLE TO DIVIDE UP ELECTORAL VOTES OF NEBRASKA, YOU CREATE MORE INCENTIVES FOR THE PRESIDENTIAL CANDIDATES TO TARGET PARTS OF OUR STATE AND COME VISIT THE STATE AND TALK TO OUR VOTERS. IT'S NOT JUST ABOUT THE MONEY, IT'S NOT JUST ABOUT HAVING AN OFFICE,... [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

SENATOR CRAWFORD: ...THANK YOU, MR. PRESIDENT...IT'S ABOUT HAVING PRESIDENTIAL CANDIDATES TAKE TIME TALKING TO THE VOTERS IN OUR STATE AND CARE ABOUT THE VOTERS IN OUR STATE. AND COLLEAGUES, SO WE HAVE MANY PARTS OF OUR STATE THEN WHERE THE PERCENT OF DEMOCRATS PLUS THE PERCENT OF INDEPENDENTS IS EQUAL TO OR GREATER THAN THE PERCENT OF REPUBLICANS. AND SO CANDIDATES COULD LOOK ACROSS THOSE STATES--I DIDN'T HAVE TIME TO FIGURE OUT THE PERCENT OF EVERY COUNTY--BUT THE PRESIDENTIAL CANDIDATES WILL TAKE THAT TIME AND THEY'LL FIND WHERE OUR POCKETS IN OUR STATE, WHERE IT IS INVALUABLE FOR US TO SPEND TIME TALKING TO VOTERS AND GOING AFTER THOSE ELECTORAL VOTES IN A TIGHT RACE. AND SO AGAIN, I URGE YOU TO NOT VOTE FOR LB10, TO KEEP OUR CURRENT SYSTEM THAT KEEPS OUR ELECTORAL...KEEPS US IN AS A RELEVANT PLAYER IN CLOSE PRESIDENTIAL RACES. THANK YOU, MR. PRESIDENT. [LB10]

SENATOR SCHEER: THANK YOU, SENATOR CRAWFORD. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I WILL GET BACK TO THE NATIONAL POPULAR VOTE BECAUSE IT ALSO INVOLVES A LOT OF HISTORY. BUT WHEN I WENT ON THE CAMPAIGN TRAIL, FOUR YEARS AGO NOW, AND IT WAS ALSO A PRESIDENTIAL YEAR, OF COURSE, IT'S HARD TO CONVINCING PEOPLE THAT THEIR VOTE COUNTS WHEN IT'S A PRESIDENTIAL RACE BECAUSE NEBRASKA IS REPUBLICAN. WELL, THAT'S NOT TRUE. THERE ARE A LOT OF

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DEMOCRATS AND A GROWING NUMBER OF INDEPENDENTS AS WELL. BUT PEOPLE, I THINK IF YOU ASKED JUST ABOUT ANYBODY ON THE STREET SHOULD YOUR VOTE COUNT, THEY WOULD SAY YES. THIS WHOLE IDEA OF NEBRASKA HAS A VOTE. NO, PEOPLE HAVE VOTES IN THIS STATE. AND BY THE WAY, SOUTH DAKOTA RIGHT NOW, THERE IS A CAMPAIGN TO GO TO A UNICAMERAL. AND GUESS WHO'S FIGHTING IT, THE POLITICAL PARTIES, OF COURSE, BECAUSE IT TAKES AWAY THE POWERFUL "CHAIRSHIPS" AND ALL THOSE KINDS OF THINGS THAT GO ALONG WITH BEING IN CONTROL OF PARTIES. SO MAYBE THERE IS MORE INTEREST AGAIN IN A UNICAMERAL AND AT LEAST THE PEOPLE WHO ARE FOR GOING TO A UNICAMERAL IN SOUTH DAKOTA ARE LOOKING TO NEBRASKA AS HAVING AN INNOVATIVE SYSTEM THAT SERVES THE PEOPLE. SO I DON'T THINK WE SHOULD DISCOUNT THE FACT THAT WE'RE ONLY ONE OF TWO STATES THAT HAS A PARTICULAR WAY OF DOING OUR ELECTORS. AND THEN THE COMMENT WAS MADE, GOSH, YOU GIVE THE POPULAR VOTE FOR THE PRESIDENT SO THAT ONE VOTE PER PERSON COUNTS, THIS WOULD BE AN OUT OF CONTROL ELECTION. WELL, FRIENDS, IF YOU LOOK BACK TO SEVERAL PRESIDENTIAL ELECTIONS AGO, WE SAW AN OUT OF CONTROL RESULT IN THE STATE OF FLORIDA, CERTAINLY. SO I WANT TO GO BACK TO NATIONAL POPULAR VOTE. AND I'M NOT ARGUING THAT THE STATE CAN'T DO THIS. THE CONSTITUTION SAYS WE CAN DO WHATEVER WE WANT AS A STATE TO ELECT...TO APPOINT OR ELECT THOSE ELECTORS. AND HERE WOULD BE SOME THINGS WE COULD DO, FOR EXAMPLE. WE COULD JUST HAVE THE GOVERNOR APPOINT OUR FIVE ELECTORS; THAT WOULD BE CONSTITUTIONAL. OR WE COULD GO BACK TO THE SYSTEM THAT MOST STATES USED IN THE BEGINNING, AND THAT'S TO HAVE THE LEGISLATURE APPOINT THE ELECTORS. OR I THINK THIS IS A PARTICULAR CREATIVE ONE, SENATOR CHAMBERS, WE COULD SAY THAT THE SENIOR MEMBER BY AGE OF THE LEGISLATURE WOULD ELECT THE FIVE ELECTORS. AND ANY ONE OF THOSE THREE AND ANY OTHER CREATIVE WAY THAT WE COULD COME UP WITH WOULD BE CONSTITUTIONAL ACCORDING TO THE U.S. CONSTITUTION. IT WOULD ALSO BE, I BELIEVE, CONSTITUTIONAL BY THE STATE CONSTITUTION BECAUSE NOW HOW WE ELECT ELECTORS IS A DECISION MADE BY THE LEGISLATURE IN TERMS OF A LAW. SO GOING BACK, I REALLY LIKE THIS IDEA OF GOING TO A NATIONAL POPULAR VOTE THAT DOESN'T INCLUDE HAVING TO CHANGE THE CONSTITUTION. AND SO, AS I ALREADY SAID, THE FIRST ELECTIONS, MOST OF THE STATES USED THE SYSTEM OF THE LEGISLATURE APPOINTED THE ELECTORS. [LB10]

SENATOR SCHEER: ONE MINUTE. [LB10]

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SENATOR HAAR: THANK YOU. AND THE SYSTEM BASICALLY BOILS DOWN TO THIS--AND THEN I'LL GO INTO MORE DETAIL EACH TIME I SPEAK--IS THAT THE NATIONAL POPULAR VOTE IDEA--AND THEY'RE ALREADY A LOT OF STATES THAT HAVE SIGNED UP FOR THIS--WOULD BE THAT A COMPACT WOULD BE FORMED AND THAT COMPACT IS LEGALLY BINDING FOR AN ELECTION SAYING THAT WHOEVER GETS THE MOST POPULAR VOTES IN THE COUNTRY WOULD GET THE STATE'S ELECTORAL VOTE. IT'S AN IDEA AGAIN FROM...IT STARTED WITH A MAN BY THE NAME OF DR. KOZA, WHO INVENTED THE ALGORITHM FOR PICKLE CARDS, LIVES IN CALIFORNIA, IS A RICH MAN NOW. HE'S A REPUBLICAN AND MOST OF THIS MOVING TOWARDS NATIONAL POPULAR VOTE HAS BEEN A REPUBLICAN EFFORT. [LB10]

SENATOR KRIST PRESIDING

SENATOR KRIST: TIME, SENATOR. [LB10]

SENATOR HAAR: THANK YOU. [LB10]

SENATOR KRIST: THANK YOU, SENATOR HARR. SEEING NO ONE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I REGRET THAT SENATOR KRIST IS IN THE CHAIR, BUT I'M GOING TO SAY SOMETHING ANYWAY AND IT IS NOT TO TAKE ADVANTAGE, BECAUSE HE'LL HAVE AN OPPORTUNITY IF HE WOULD WANT TO RESPOND. BUT IT'S NOT AN ATTACK ON HIM. I QUOTE SOMETIMES RUDYARD KIPLING AND HE WROTE THIS POEM, GUNGA DIN. AND THEY REALLY MISTREATED HIM. AND KIPLING HAD A WAY AT THE END OF SOME OF HIS POEMS TO SHOW THAT THE ONE WHO WAS TREATED IN A VERY DISPARAGING WAY WAS REALLY BETTER THAN THOSE WHO WERE DOING THE DISPARAGING. SO AFTER GUNGA DIN HAD CARRIED WATER FOR THESE PEOPLE, HAD TAKEN BULLETS, AND EVERYTHING THAT YOU COULD WANT OF A SLAVE AND SOMEBODY WHO IS SUBHUMAN, THE GUY WHO WAS NARRATING FINALLY SAID, THOUGH I BELTED YOU AND FLAYED YOU, BY THE LIVING GOD THAT MADE YOU, YOU'RE A BETTER MAN THAN I AM, GUNGA DIN. SENATOR KRIST IS A BETTER MAN THAN I AM AND LET ME TELL YOU WHY. WE DEAL WITH SERIOUS ISSUES HERE. AND IF I HAD MADE AN AGREEMENT WITH SOMEBODY AND THEN THAT PERSON, WITHOUT CONTACTING ME, SAID THINGS THAT DISPARAGED ME, THAT INSULTED ME, THAT REFLECTED ON MY INTEGRITY, THAT WOULD BREAK

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ANY AGREEMENT. I WOULDN'T FEEL BOUND TO SUPPORT SOMEBODY, I DON'T CARE WHAT THE ISSUE WAS OR WHO THE PERSON WAS, WHO SAW FIT TO INSULT ME AFTER COMING TO ME TO GET MY WORD ON SOMETHING. SENATOR KRIST IS DIFFERENT FROM I. BUT THAT'S THE WAY THINGS GO; WE'RE NOT ALL THE SAME. THE SESSION TENDS TO GET UGLY TOWARD THE END. I THINK I MIGHT STILL HAVE TWO PROPOSALS OF SOMETHING THAT'S OUT THERE, WHICH IF I TIE UP THE SESSION WON'T GET ACTED ON, SO I DO HAVE SKIN IN THE GAME. BUT AS I'VE SAID, THIS PLACE, EVEN THOUGH I COME HERE A LOT, I STAY LATE, I COME EARLY, I WORK HARD WHEN I'M HERE, REALLY IT'S NOT MY LIFE OR MY WIFE. BUT ANY TIME I UNDERTAKE TO DO SOMETHING I DO IT THE BEST THAT I CAN. AND I DO FEEL AN ATTACHMENT TO THE LEGISLATURE AS AN INSTITUTION. BUT THAT DOESN'T MEAN ANYTHING GOES WITH ANY MEMBER WHO HAPPENS TO BE A PART OF THE LEGISLATURE ALSO. SO IF I TAKE IT INTO MY HEAD TO MESS UP THE REST OF THE SESSION, THAT'S WHAT I'M GOING TO DO, BECAUSE I FEEL IN THE LONG RUN IT'S IN THE BEST INTEREST OF THE LEGISLATURE AS AN INSTITUTION. I THINK ONE OF THE WORST, "BONEHEADEDEST" THINGS THAT HAPPENED WAS WHEN THESE WET-BEHIND-THE-EARS CHAIRPERSONS GOT TOGETHER AND SAID, YOU SHOULD NEVER LET ANYBODY PULL A BILL FROM COMMITTEE BECAUSE IT WEAKENS THE COMMITTEE STRUCTURE. ARE THEY THAT LACKING IN CONFIDENCE, THAT WEAK, THEY DON'T UNDERSTAND THINGS? AND THEN THEY ALL LUMP TOGETHER AND AGREE, THEN THEY DO IT MINDLESSLY, WITHOUT THINKING. AND I DON'T CARE WHAT THEY DO. AND I LOOK AT SOME OF THE CHAIRS, I LOOK AT SOME OF THE COMMITTEES AND I SEE HOW THEY BEHAVE. AND THEY, IN MY OPINION, ARE NOT WORTHY OF RESPECT, NOT WORTHY OF CONSIDERATION. SOME OF THEM RIDICULE PEOPLE WHEN THEY COME AND TESTIFY. MISS LOONTJER, WHEN SHE TESTIFIES, IS OFTEN TREATED IN A DISPARAGING WAY. AND THEY MAKE INSULTING COMMENTS ABOUT HER, GROWN MEN, COWARDS, IN MY OPINION. AND I'M GOING TO RESPECT THE CHAIR OF THAT COMMITTEE AND THE PEOPLE ON IT? I LOOK AT THE WAY THE NATURAL RESOURCES COMMITTEE OPERATES. I DON'T RESPECT THAT COMMITTEE. I DON'T, AND I DON'T PLAY LIKE IT. THEY DON'T RESPECT ME. I DON'T OWE THEM ANYTHING. AND AS FOR THAT GOVERNMENT COMMITTEE, LOCK UP BILLS THAT COULD HELP THE INTEGRITY OF THE BODY... [LB10]

SENATOR KRIST: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...BY REQUIRING ACCOUNTABILITY OF CANDIDATES AND THE WAY THEY HANDLE MONEY. AND THAT COMMITTEE LOCKS SOMETHING LIKE THAT UP AND WON'T LET IT COME OUT HERE. AND I'M SUPPOSED TO RESPECT THEM? I DON'T RESPECT THEM. THEY'RE NOT WORTHY OF RESPECT, IN

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MY OPINION, AND I'LL LET THEM KNOW IT. AND AFTER THE THINGS THAT HAVE HAPPENED TODAY, I'M GONNA SHOW YOU SOMETHING. I WANT TO SEE SENATOR MURANTE STOP ME. I WANT TO SEE SENATOR McCOY STOP ME. THEY'RE THE ONES WHO RAN THINGS TODAY. I WANT TO SEE SENATOR SULLIVAN STOP ME. I'M AWARE OF SOME OF THE NEGOTIATIONS THAT WERE SUPPOSEDLY GOING ON ON SOMETHING THAT MEANS A LOT TO ME, NAMELY THE LEARNING COMMUNITY. THE WAY THAT HAS BEEN HANDLED IS NOT WORTHY OF RESPECT. AND YOU ALL ARE GOING TO PLAY LIKE YOU HAVE RESPECT AND YOU KNOW YOU CAN'T RESPECT ANYTHING LIKE THAT. SO DO WHAT YOU WANT TO THIS EVENING. AND I'M GOING TO DO WHAT I FEEL LIKE I'M GOING TO DO THE REST OF THE SESSION. AND I CHALLENGE ANYBODY TO STOP ME. [LB10]

SENATOR KRIST: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. YOU'VE HEARD THE CLOSING ON AM528. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. [LB10]

SENATOR CHAMBERS: I'D LIKE A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB10]

SENATOR KRIST: YES, SIR. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE BE PLACED UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB10]

CLERK: 27 AYES, 1 NAY, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB10]

SENATOR KRIST: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS PLEASE...OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SCHNOOR, SENATOR MORFELD, SENATOR HANSEN, SENATOR McCOLLISTER, SENATOR WILLIAMS, SENATOR STINNER, SENATOR KOLOWSKI, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. EVERYONE HAS

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BEEN ACCOUNTED FOR. SENATOR CHAMBERS, HOW WOULD YOU LIKE TO PROCEED? [LB10]

SENATOR CHAMBERS: ROLL CALL. [LB10]

SENATOR KRIST: REGULAR ORDER? [LB10]

SENATOR CHAMBERS: YES. [LB10]

SENATOR KRIST: ROLL CALL, REGULAR ORDER, WAS REQUESTED. MR. CLERK. [LB10]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1454-1455.) 8 AYES, 31 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB10]

SENATOR KRIST: THE ADOPTION FAILS. RAISE THE CALL. MR. CLERK. [LB10]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THAT VOTE. [LB10]

SENATOR KRIST: SENATOR CHAMBERS, YOU ARE RECOGNIZED ON YOUR MOTION. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, (SINGING) TO CLOTURE WE SHALL GO, TO CLOTURE WE SHALL GO, HI-HO THE DERRY-O, TO CLOTURE WE SHALL GO. THANK YOU. THANK YOU VERY MUCH. I THOUGHT I WAS GOING TO GET SOME APPLAUSE ON THAT ONE. IT WAS MELODIOUS. IT WAS INNOCENT. IT WAS COLLEGIAL. THEY HAD 31 VOTES GOING THEIR WAY. MAYBE THOSE OTHER TWO VOTES ARE THERE SOMEWHERE. BUT WE ARE GOING TO STAY HERE TO CLOTURE AND I DON'T MIND IF I'M THE ONLY ONE HERE. THEN I KNOW THEY WON'T GET IT. BUT I WILL NOT WEAKEN, I WILL NOT RELENT, AND I HAVE MY THREE OPPORTUNITIES TO SPEAK HERE. IF NOBODY ELSE SPEAKS, THAT WILL TAKE US AT LEAST UNTIL 7:00. THEN I COULD MAKE A BRACKET MOTION, BECAUSE IT WAS WITHDRAWN. IT WAS NOT VOTED ON. THEN I COULD MAKE A MOTION TO RECOMMIT TO COMMITTEE AND I COULD RECONSIDER THOSE JUST TO SHOW YOU THAT IF I HAVE TO DO IT ALONE, I WILL. THAT REMINDS ME OF A STORY THAT I HAD TOLD TO ME WHEN I WAS VERY SMALL. FIRST OF ALL, THERE ARE SOME CLICHES THAT ARE USED IN THE

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STORIES, LIKE ONCE UPON A TIME, SOME CREATURE IS GOING TO GO THROUGH THE WORLD AND SEEK HIS OR HER FORTUNE. BUT THIS WAS ABOUT THE LITTLE RED HEN AND SOME BREAD WAS WHAT SHE WANTED TO BAKE, SO SHE HAD TO START FROM THE GROUND UP. SHE SAID, WHO WILL PLANT THE WHEAT? NOT I, SAID THE DOG. NOT I, SAID THE CAT. NOT I, SAID COW. NOT I, SAID THE GOOSE. NOT I, SAID THE DUCK. NOT I, SAID THE CHICKEN. NOT I, SAID EVERYBODY. SHE SAID, THEN I'LL DO IT MYSELF. SO WHEN THE WHEAT NEEDED TENDING, WHO WILL CHOP THE WEEDS? NOT I, RIGHT DOWN THE LIST. SHE SAID I'LL DO IT MYSELF, AND SHE DID. THAT WAS A REFRAIN. THEN TIME CAME TO CUT THE WHEAT. WHO WILL HELP DO THAT? NOT I, NOT I, NOT I. I'LL DO IT MYSELF. WHO WILL THRESH THE WHEAT? NOT I, NOT I. NOT I. I'LL DO IT MYSELF. WHO WILL GRIND THE WHEAT INTO FLOUR? NOT I. NOT I. NOT I. NOT I. I'LL DO IT MYSELF. WHO WILL HELP ME BAKE THE BREAD? NOT I. NOT I. NOT I. THEN I'LL DO IT MYSELF. THEN AFTER SHE PUT THE CONCOCTION IN THE OVEN AND HEAT ACTED ON IT IN THE WAY THAT HEAT DOES...AND I DON'T KNOW WHAT SHE HAD TO LEAVEN IT, BUT IT ROSE LIKE BREAD IS SUPPOSED TO, JUST LIKE ON EASTER. THAT'S WHERE EASTER CAME FROM, SENATOR BLOOMFIELD. YOU KNOW IF YOU PUT YEAST IN BREAD, YEAST MAKES BREAD RISE. AND IT WAS JUST A HOP, STEP, AND A JUMP FROM YEAST, THE ONE WHO PUT THE YEAST IN WAS KNOWN AS THE "YEASTER." AND IN THE WAY THAT THEY DROPPED LETTERS OFF WORDS, THE Y WAS DROPPED AND IT BECAME THE EASTER. AND SINCE YEAST MADE BREAD RISE, THEN THE DAY WHEN ANYTHING ROSE OR WHEN ANYTHING ROSE, IT WAS CALLED "EASTERING." THAT WAS THE PROCESS, BUT THE DAY WAS KNOWN AS EASTER. NOW YOU KNOW WHERE IT CAME FROM. BUT WHILE THAT DISCUSSION WAS GOING ON, THE BREAD WAS FINISHED. AND THOSE DELIGHTFUL AROMAS WAFTED THROUGHOUT THE BARNYARD. AND THE LITTLE RED HEN SAID, WHO WILL EAT THE BREAD? THE CAT SAID, I WILL. THE DOG SAID, I WILL. THE COW SAID, I WILL. THE DUCK SAID, I WILL. THE GOOSE SAID, I WILL. AND THE WOODPECKER WHO WASN'T INVOLVED IN ANY OF IT FLEW DOWN AND SAID, I WILL. SHE SAID, NO, YOU WON'T. I WILL EAT IT MYSELF. I SAID THAT TO SAY THIS, I WILL TAKE US TO CLOTURE MYSELF AND I WILL BE PLEASED TO DO IT. AND THERE ARE PEOPLE WHO DON'T CARE ABOUT THE LEGISLATURE. THEY DON'T CARE ABOUT ITS PROCESSES. THEY CARE ABOUT THEIR PERSONAL, POLITICAL FORTUNES. AND SOMETIMES A PROCEDURE MUST BE PERFORMED THAT MIGHT SEEM PAINFUL, COUNTERINTUITIVE, AND CONTRADICTORY TO WHAT THE ONE PERFORMING THE PROCEDURE SAID THE PURPOSE WAS. SOMETIMES IN SURGERY THERE'S A LOT OF TRAUMA CAUSED TO TISSUE. THERE'S A LOT OF BLEEDING. BUT ULTIMATELY WHEN THAT IS DONE THERE IS A RECONSTRUCTION, A RECONFIGURING, A BINDING UP, AND HEALING IS THE RESULT. BUT THERE WERE SOME THINGS THAT HAD TO BE GONE

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THROUGH FIRST THAT SEEMED THAT HEALING AFTER THAT WOULD BE IMPOSSIBLE. IN THE SAME WAY THAT THOSE PEOPLE BECAME CHAIRPERSONS GOT TOGETHER AND IN A MOMENT OF INSANITY OR DELUSION TOOK A DECISION THAT WAS DETRIMENTAL TO THE OVERALL HEALTH OF THE LEGISLATURE, I HAVE THOUGHT ABOUT WHAT I WOULD DO IN A SITUATION LIKE THIS. AND I GAVE NOTICE EARLY IN THE SESSION. I LIKE TO RUB IT IN. THAT'S HOW SOMETIMES YOU TAKE A LESSON HOME TO PEOPLE. YOU SAY, I TOLD YOU. I TOLD YOU. I WARNED YOU. YOU LAUGHED, YOU MOCKED, YOU SCOFFED BECAUSE THERE WERE A LOT OF DAYS FROM MAY TO DECEMBER. BUT THE DAYS GROW SHORT WHEN YOU REACH SEPTEMBER. AND SEPTEMBER, SPEAKING FIGURATIVELY, IS UPON US. WE ARE NEAR THE END OF THE TRAIL. AND THERE IS A VERSE THAT SAYS, THE HARVEST IS PAST, THE SUMMER IS ENDED. AND WE ARE NOT SAVED. THE HARVEST IS PAST. WHAT YOU DO THIS EVENING DETERMINES WHETHER THE SUMMER IS ENDED. THERE WERE THESE TWO BOYS, THEY WENT TO AN ORACLE. THE ORACLE KNEW EVERYTHING. SO AS BOYS WOULD DO, THEY FIGURED HOW THEY WOULD TRICK THE ORACLE AND GIVE A QUESTION WHICH HOWEVER THE ORACLE ANSWERED IT, THEY WOULD BE ABLE TO DEFEAT THE ORACLE. SO ONE TOOK A BIRD AND PUT IT BEHIND HIS BACK AND THE LITTLE CREATURE WAS ALIVE. AND THE QUESTION TO THE ORACLE WOULD BE, WHAT DO I HAVE IN MY HAND? AND THE ORACLE WOULD GIVE THE ANSWER WHICH WOULD BE CORRECT. AND THE NEXT QUESTION, IS IT DEAD OR ALIVE? IF THE ORACLE SAID DEAD, THE BOY WOULD PRODUCE A LIVING BIRD. IF THE ORACLE SAID ALIVE, THE BOY WOULD CRUSH IT AND PRODUCE A DEAD BIRD. SO THINKING THEY WERE SMARTER THAN THE ORACLE, THEY ASKED THE QUESTION, IS IT DEAD OR ALIVE? AND THE ORACLE SAID, MY BOY, THE ANSWER DEPENDS ON YOU. AND THAT'S WHAT I SAY. WHAT HAPPENS FROM THIS POINT ON DEPENDS ON YOU ALL. GO AHEAD AND VOTE CLOTURE. AND IF YOU DON'T GET TO THE BILL AGAIN, WHAT WILL YOU HAVE GAINED? WHAT DOETH IT PROFIT A MAN TO GAIN THE WHOLE WORLD AND LOSE HIS SOUL? TO GAIN THE WHOLE WORLD, BUT TO GAIN A CLOTURE VOTE? WE'LL SEE HOW YOU VALUE THINGS. I VALUE ME AND I VALUE WHAT I THINK ABOUT ME AND DON'T PARTICULARLY CARE WHAT ANYBODY ELSE THINKS. WHAT DIFFERENCE DOES IT MAKE WHAT ANYBODY THINKS? AROUND THIS PLACE, IT MEANS NOTHING. BUT WE ARE CIVILIZED, WE ARE MORE OR LESS COURTEOUS, POLITE, SOMETIMES EVEN COURTLY. BUT BENEATH IT ALL AND BEHIND IT ALL IS WHAT WE REALLY ARE OR CAN BE. [LB10]

SENATOR KRIST: ONE MINUTE. [LB10]

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SENATOR CHAMBERS: AND YOU'RE GOING TO HAVE A CHANCE TO SEE WHAT I CAN BE. AND ANYBODY COULD DO WHAT I'M DOING IF THEY HAVE THE DRIVE THAT I HAVE, IF THEY HAVE THE DETERMINATION THAT I HAVE, AND IF THEY HAVE THE BACKBONE THAT I HAVE. BUT THEY'D BE AFRAID TO DO WHAT I MAY WIND UP DOING. THEY WOULD FOLD AS I'VE SEEN THEM FOLD ON IMPORTANT ISSUES. SOMEBODY FROM THE GOVERNOR'S OFFICE POPS THE FINGER, THEY ALL RUN OUT THERE ONE WAY, COME BACK HERE SAYING THE OPPOSITE. THANK YOU, MR. PRESIDENT. [LB10]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. YOU'VE HEARD THE MOTION ON MO261, A RECONSIDER MOTION BY SENATOR CHAMBERS. THOSE WISHING TO SPEAK, SENATOR KEN HAAR, CRAWFORD, COOK, BLOOMFIELD, AND CHAMBERS. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, IT'S BEEN BROUGHT UP AND IT'S A FACT THAT THERE ARE ONLY A SMALL NUMBER OF STATES THAT PRESIDENTIAL CANDIDATES VISIT. AND ACTUALLY THAT MEANS A LOT FOR THE ECONOMY OF THE STATES IN TERMS OF ADVERTISING AND SO ON, BUT I DON'T CARE ABOUT HOW MUCH MONEY GETS SPENT. WHAT I CARE ABOUT IS THAT IN THE CURRENT ELECTORAL SYSTEM--AND YOU COULD PULL THIS UP ON YOUR COMPUTER IF YOU WANT--BUT ANALYSTS ARE SAYING ONLY ABOUT SEVEN STATES WILL MATTER IN 2016. ONLY SEVEN STATES AND NEBRASKA IS NOT ONE OF THEM. WHAT I DO CARE ABOUT IS THAT THEY DON'T HAVE TO LISTEN TO NEBRASKA. WHAT I DO CARE ABOUT IS THAT FOR THOSE SEVEN STATES, THAT'S WHERE THE PRESIDENTIAL MESSAGES WILL CONCENTRATE WHEN IT COMES DOWN TO THE WIRE. AND ONLY IN THOSE SEVEN STATES WILL WE FIND THE PRESIDENTIAL CANDIDATES EVEN TAKING TIME TO COME. THAT'S WHAT I CARE ABOUT. IN TERMS OF THE WINNER-TAKE-ALL STATES, THOSE THAT ARE COMMONLY RED STATES WILL GET IGNORED. THOSE THAT ARE COMMONLY BLUE STATES WILL GET IGNORED. AND ONLY THOSE SWING STATES, A VERY SMALL NUMBER OF STATES, WILL GET THE ATTENTION OF THE PRESIDENTIAL CANDIDATES, NOT JUST IN TERMS OF THEIR SPENDING IN TERMS OF MEDIA AND SO ON, BUT IN TERMS OF LISTENING TO THE ISSUES OF THOSE STATES. AND IT'D BE REALLY NICE IF IN NEBRASKA, AS HAS HAPPENED ONCE, A PRESIDENTIAL CANDIDATE CAME AND LISTENED TO THE CONCERNS OF NEBRASKANS BECAUSE THERE WAS ONE PRESIDENTIAL ELECTOR VOTE. NOW, WHAT'S REALLY INTERESTING, GOING BACK TO THE NATIONAL POPULAR VOTE, AND THE WHOLE DEAL ABOUT THE NATIONAL POPULAR VOTE IS IF A GROUP OF STATES AGREES AND FORMS A COMPACT AND THAT'S LEGALLY BINDING FOR ONE ELECTION, THAT WHOEVER GETS THE NATIONAL POPULAR VOTE WILL GET THEIR STATE'S

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ELECTORS. NATIONAL POPULAR VOTE IS ALREADY 61 PERCENT OF THE WAY THERE. AND WHAT'S REALLY INTERESTING IS IF THEY GET ENOUGH STATES TO AGREE TO THIS, IT WON'T MATTER WHAT THE REST OF THE STATES DO. I THINK NEBRASKA SHOULD BE ON BOARD. BUT STATE POWER--THIS IS INTERESTING TO ME--THAT STATE POWER OVER CONGRESSIONAL ELECTIONS IS SUBJECT TO CONGRESSIONAL VETO, WHEREAS STATE POWER OVER PRESIDENTIAL ELECTIONS IS COMPLETE, IT'S PLENARY. THE U.S. SUPREME COURT HAS CHARACTERIZED STATE POWER CONCERNING THE CHOICE OF MANNER OF APPOINTING PRESIDENTIAL ELECTORS AS EXCLUSIVE AND PLENARY. AS THE COURT WROTE IN AN 1892 CASE OF McPHERSON V. BLACKER, THE LEADING CASE ON THE MANNER OF APPOINTING PRESIDENTIAL ELECTORS, "FROM THE FORMATION OF THE GOVERNMENT UNTIL NOW THE PRACTICAL CONSTRUCTION OF THE CLAUSE HAS CONCEDED PLENARY POWER TO THE STATE LEGISLATURES IN THE MATTER OF THE APPOINTMENT OF ELECTORS." AND THEN ANOTHER QUOTE, "IN SHORT, THE APPOINTMENT AND MODE OF APPOINTMENT OF ELECTORS BELONG EXCLUSIVELY TO THE STATES UNDER THE CONSTITUTION OF THE UNITED STATES." [LB10]

SENATOR KRIST: ONE MINUTE. [LB10]

SENATOR HAAR: THANK YOU. AND THAT'S FROM THE U.S. CONSTITUTION. SO, SENATOR CHAMBERS, I APOLOGIZE FOR NOT RELEGATING THE TALKING EXCLUSIVELY TO YOU, BUT I THINK THAT THERE ARE SOME IMPORTANT THINGS I NEED TO SAY, BECAUSE I HOPE IN THE FUTURE SOME SENATOR WILL GET BACK TO INTRODUCING A NATIONAL POPULAR VOTE IN THE NEBRASKA STATE LEGISLATURE. THANK YOU VERY MUCH. [LB10]

SENATOR KRIST: THANK YOU, SENATOR HAAR. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB10]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND GOOD EVENING AGAIN, COLLEAGUES. I THINK IT'S IMPORTANT TO KEEP COMING BACK TO THE QUESTION OF WHAT IMPACT PASSING LB10 HAS FOR THE STATE OF NEBRASKA AND TO KEEP ASKING OURSELVES WHAT'S GOOD FOR THE STATE OF NEBRASKA? AND, COLLEAGUES, SUNDAY, MARCH 20 IN THE PAPER THERE WAS A DISCUSSION ABOUT WHAT'S HAPPENING IN THE PRIMARY RACES. AND I'M GOING TO READ JUST A LITTLE BIT OF THAT AND TALK ABOUT ITS IMPLICATION AND ITS IMPORTANCE AS WE THINK ABOUT HOW YOU SHOULD VOTE FOR LB10. NEBRASKA REPUBLICANS MAY BE THE FOCUS OF A LITTLE PRESIDENTIAL

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WOONG THIS YEAR FOR THE FIRST TIME IN 40 YEARS, ANOTHER TWIST IN THIS YEAR'S HISTORIC GOP PRESIDENTIAL RACE. SO WE HAVE PRESIDENTIAL CANDIDATES COMING AND IT APPEARS THAT WE'RE GOING TO HAVE VISITS BY THE PRESIDENTIAL CANDIDATES. THE REASON THEY'RE COMING IS BECAUSE THE RACE IS CLOSE AND THEY KNOW THERE MAY BE VOTES THAT THEY CAN GET IN NEBRASKA. IN THIS SAME ARTICLE, MARK FAHLESON, A FORMER CHAIRMAN OF THE NEBRASKA REPUBLICAN PARTY SAID, HE, TOO, EXPECTS THE PRESIDENTIAL CANDIDATES TO VISIT THE STATE THIS YEAR. HE HAS BEEN "ENVIIOUS" OF NEBRASKA DEMOCRATS IN RECENT PRESIDENTIAL CYCLES, NOTING THAT DEMOCRATS HAVE ATTRACTED PRESIDENTIAL CANDIDATES' VISITS BY HOLDING A PARTY CAUCUS EARLIER IN THE CYCLE RATHER THAN WAITING UNTIL THE MAY PRIMARY. AND, COLLEAGUES, SENATOR MURANTE HAS TALKED ABOUT THE BENEFIT OF MOVING UP THE PRESIDENTIAL SELECTION PRIMARY IN THE STATE OF NEBRASKA FOR THIS VERY SAME REASON, SO THAT THE PRESIDENTIAL CANDIDATES KNOW THAT NEBRASKA MATTERS, SO THAT THEY WILL VISIT THE STATE, SPEND MONEY IN THE STATE, LISTEN TO THE VOTERS OF THE STATE. COLLEAGUES, AGAIN, THE NEBRASKA REPUBLICAN PARTY RECOGNIZES HOW IMPORTANT IT IS TO BE RELEVANT IN THE REPUBLICAN PRESIDENTIAL PRIMARY. THEY ARE HAPPY TO HAVE THE CANDIDATES COMING TO VISIT THE STATE IN THE REPUBLICAN PRIMARY AND EVEN ONE IN OUR BODY HAS TALKED ABOUT HOW WE MAY NEED TO CHANGE OUR PRIMARY SYSTEM TO MAKE SURE THAT THE STATE IS RELEVANT IN THE REPUBLICAN PRIMARY. COLLEAGUES, THAT SAME LOGIC APPLIES AND IS A REASON THAT IF YOU WANT NEBRASKA TO BE RELEVANT, IF YOU WANT REPUBLICAN CANDIDATES TO VISIT NEBRASKA, YOU SHOULD VOTE NO ON LB10. THIS IS IMPORTANT TO MAKE SURE THAT BOTH PARTIES HAVE TO COMPETE IN NEBRASKA, JUST AS RIGHT NOW YOU'RE SEEING THE BENEFIT OF ALL THREE CANDIDATES THINKING THAT THEY NEED TO COMPETE IN THE PRIMARIES IN NEBRASKA, WHICH THEY HAVEN'T HAD TO DO FOR 40 YEARS. FOR 40 YEARS THE REPUBLICAN PRESIDENTIAL CANDIDATES HAVE BEEN ABLE TO IGNORE NEBRASKA FOR 40 YEARS. NOW WE HAVE A CHANCE THAT SINCE THE RACE IS CLOSE, THEY MAY HAVE TO COME AND SPEND SOME TIME IN NEBRASKA. AND THAT'S EXCITING, THAT'S GOOD. IT'S GOOD FOR THE STATE. SO THAT MAKES IT ALL THE MORE PUZZLING THAT NOW WHILE REPUBLICANS ARE SEEING IN THEIR OWN STATE RIGHT NOW IN THIS PRIMARY RACE HOW GOOD IT IS FOR THE STATE AND HOW EXCITING IT IS FOR THE STATE AND THE VOTERS, INCLUDING THE REPUBLICAN VOTERS--THAT IS WHO WE'RE TALKING ABOUT RIGHT NOW--... [LB10]

SENATOR KRIST: ONE MINUTE. [LB10]

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SENATOR CRAWFORD: ...THANK YOU, MR. PRESIDENT...WE'RE SEEING HOW EXCITING IT IS FOR THE REPUBLICAN CANDIDATES TO COME VISIT THIS RACE BECAUSE THE RACE IS STILL TIGHT ON THE PRIMARY SIDE. HOW PARADOXICAL IT IS THAT AT THE SAME TIME YOU'RE CONSIDERING VOTING FOR LB10, WHICH REMOVES NEBRASKA FROM BEING IN THAT POSITION OF HAVING CANDIDATES COME VISIT OUR STATE AND CHASE VOTES IN OUR STATE. SO I URGE YOU TO VOTE NO ON LB10, TO RECOGNIZE HOW EXCITING THIS PROSPECT OF HAVING THESE REPUBLICAN PRESIDENTIAL CANDIDATES VISIT IS, AND TO RECOGNIZE IF YOU WANT THOSE REPUBLICAN...THE WINNER OF THE REPUBLICAN PRIMARY TO COME VISIT NEBRASKA, YOU SHOULD VOTE NO ON LB10. THANK YOU, MR. PRESIDENT. [LB10]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. ITEMS, MR. CLERK? [LB10]

CLERK: THANK YOU, MR. PRESIDENT. ENROLLMENT AND REVIEW REPORTS LB756, LB829, LB851, LB851A, LB930 TO SELECT FILE. THAT'S ALL THAT I HAVE. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1455-1456.) [LB756 LB829 LB851 LB851A LB930]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR COOK, YOU'RE RECOGNIZED. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD EVENING, COLLEAGUES. I RISE IN CONTINUED OPPOSITION TO LB10, IN SUPPORT OF THE RECONSIDERATION MOTION AND AM528. THIS MAY BE MY LAST OPPORTUNITY TO SPEAK ON THE BILL AS TIME FOR CLOTURE IS APPROACHING, SO I WANTED TO REINFORCE THE CONCEPT--WHICH I HOPE I'M ABLE TO DRIVE HOME AMONG SOME OF YOU--THAT THERE ARE PEOPLE IN THE GREAT STATE OF NEBRASKA THAT HAVE A DIFFERENT POLITICAL PHILOSOPHY FROM THE PREDOMINANT ONE, IN TERMS OF RAW NUMBERS. AND THAT'S ALLOWED. I REPRESENT A GOOD NUMBER OF THEM AND THEIR EXPECTATION IS THAT I USE MY VOICE TO REMIND PEOPLE OF THEIR EXISTENCE AND OF THE LEGITIMACY OF THAT POINT OF VIEW. AND WITH THAT, I WOULD OFFER THE BALANCE OF MY TIME TO SENATOR CHAMBERS, IF HE WOULD LIKE IT. [LB10]

SENATOR KRIST: SENATOR CHAMBERS, 3:55. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR COOK, AND I WOULD LIKE IT. YOU KNOW, THERE ARE CONFERENCES THAT GO

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ON, ON THE FLOOR. THEY SHOULD HAVE ME IN EVERY ONE OF THEM, AND ESPECIALLY IF THEY'RE TALKING ABOUT DOING SOMETHING TO THE LEARNING COMMUNITY, BECAUSE THEY MAY NOT GET TO THAT BILL AGAIN. AND I WAS TOLD THAT THERE ARE AT LEAST THREE BILLS THAT ALL HAVE TO GO TOGETHER. I DON'T KNOW WHY. SOMETHING LIKE LB958, LB959, AND THE LEARNING COMMUNITY. SO IF ANY ONE OF THOSE FAILS, THE WHOLE HOUSE OF CARDS COMES DOWN. ALL I HAVE TO DO, FIVE DAYS--NOT FIVE FULL DAYS-- BECAUSE SOME BILLS ARE NOT YET ON FINAL READING AND THEY HAVE TO LAY OVER A DAY. SO I CAN'T DO THAT KIND OF CALCULATING IN MY BRAIN, BECAUSE I'VE GOT OTHER IMPORTANT THINGS TO CONSIDER. BUT TOMORROW WE WILL HAVE FIVE DAYS BEFORE THE SESSION MUST END UNLESS IT'S EXTENDED. SO WOULDN'T IT BE SOMETHING IF THE FIRST GUY TO COME BACK AFTER BEING TERM LIMITED OUT WOULD MAKE THE LEGISLATURE HAVE TO SEEK AN EXTENSION BECAUSE THEY CAN'T GET THEIR WORK DONE WITHIN THE CONSTITUTIONALLY SET NUMBER OF DAYS. THAT WOULD BE A FEATHER IN THE CAP THAT I DON'T WEAR. JUST LIKE SENATOR BLOOMFIELD, PEOPLE WANT ME TO PULL A RABBIT OUT OF A HAT WHEN I DON'T EVEN HAVE THE HAT. BUT THIS IS GOING TO BE AN INTERESTING FEW DAYS. SO IF THERE ARE PEOPLE HAVING THEIR CONFERENCES AND THEIR MEETINGS...FIRST OF ALL, THEY CAN'T BRING THE GOVERNOR IN HERE TO TELL THEM WHAT TO DO. THEY OUGHT TO GO IN THE GOVERNOR'S OFFICE BECAUSE HE'S CALLING THE SHOTS ON THEM. AND THE GOVERNOR HAS HAD SOME VERY UNKIND THINGS TO SAY ABOUT ME, VERY UNKIND. BUT THEY ARE FUNNY TO ME. AND WE, IN MY COMMUNITY, THINK OF HIM AS A FUNNY LITTLE MAN, AS A SILLY LITTLE MAN, BECAUSE HE WANTS TO TALK ABOUT BEING A MAN OF FAITH, BUT HE IS ONE OF THE MOST RABIDLY PRO-DEATH PENALTY PEOPLE YOU CAN FIND. HE WAS WILLING TO VIOLATE FEDERAL LAW...TO VIOLATE THE LAW TO BRING ILLEGAL DRUGS INTO THIS COUNTRY. THAT'S HOW RABID HE IS. AND HE'S SUPPOSED TO BE THE EXAMPLE OF HOW THE LAW IS TO BE RESPECTED? WHY, HE HAS NO RESPECT FOR THE LAW. HE CERTAINLY HAS NO RESPECT FOR THE LEGISLATURE. AND I SEE THAT BY THE WAY HE POPS HIS FINGER AND HAS SENATORS RUNNING IN AND OUT. AND THEY'RE NOT EVENING TALKING TO THE GOVERNOR HIMSELF, THEY'RE TALKING TO UNDERLINGS. BUT THAT'S THE WAY PEOPLE IN THIS LEGISLATURE WILL BEHAVE AND THAT'S WHY THEY'RE NOT RESPECTED. [LB10 LB958 LB959]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB10]

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SENATOR CHAMBERS: THE GOVERNOR WOULDN'T DREAM OF POPPING HIS FINGER AND EXPECTING ME TO COME RUNNING. BUT OTHERS IN HERE, HE KNOWS THAT'S ALL HE HAS TO DO. AND THEY'RE SO HAPPY TO HAVE THAT ATTENTION THAT THEY FOLD ON THINGS THAT THEY GAVE THEIR WORD THEY WERE GOING TO DO. AGREEMENTS THAT THEY HAD ENTERED INTO, THEY VIOLATE. SO THEY HAVE INDICATED THAT THE ONLY RULE IN THIS GAME IS THAT THERE ARE NO RULES. IF EVERYBODY IN A CARD GAME, SENATOR BLOOMFIELD, IS CHEATING, THEY'RE NOT GAMBLING. AND IF YOU ARE GOING TO TRY TO PLAY WITHOUT CHEATING YOU'RE NOT AN HONEST MAN, YOU ARE A FOOL, BECAUSE THE ONLY RULE IS THAT THERE ARE NO RULES AND YOU GET AWAY WITH EVERYTHING THAT YOU CAN. SO, WHEN THE GOVERNOR SETS THE RULES... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. THOSE IN THE QUEUE: SENATORS BLOOMFIELD, CHAMBERS, PANSING BROOKS, CRAWFORD, AND OTHERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB10]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR CRAWFORD MENTIONED A LITTLE BIT AGO HOW THE CANDIDATES FLOCK TO IOWA. THAT'S A WINNER-TAKE-ALL STATE; IMAGINE THAT. SENATOR CHAMBERS REGALED US WITH THE STORY OF THE LITTLE RED HEN. I REMEMBER THAT STORY, SENATOR. YOU LEFT OFF THE FINISH PART OF IT. ONCE THE LITTLE RED HEN SAID, NO, I'M GOING TO KEEP IT, THE LIBERAL THAT RAN THE BARNYARD CAME IN AND SAID, WHY, YOU GREEDY CHICKEN, WHY WOULD YOU POSSIBLY THINK YOU GET TO KEEP ALL OF THAT? THE CAT GETS 10 PERCENT, THE DOG GETS 10 PERCENT, THE PIG GETS 10 PERCENT, THE COW GETS 10 PERCENT, AND THE GOVERNMENT GETS 20 PERCENT JUST BECAUSE WE'RE THE GOVERNMENT. LITTLE RED HEN, YOU DID ALL OF THE WORK. IF YOU'RE FORTUNATE, YOU'LL GET TO KEEP 30 PERCENT. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I APPRECIATE WHAT SENATOR BLOOMFIELD DID. I LIKE TO ADD

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THE FINISHING TOUCH TO A STORY WHICH IS LEFT UNFINISHED, AND ESPECIALLY WHEN AN APPLICATION LIKE THAT CAN BE MADE. SENATOR BLOOMFIELD IS IN THE SPIRIT THAT I'M IN RIGHT NOW, BUT I DON'T THINK OTHER PEOPLE ARE IN THAT LIGHTHEARTED MOOD. BUT THEY MAY AS WELL BE BECAUSE THERE'S NOTHING THAT THEY CAN DO. AS ONE MAN SAID TO HIS FRIEND, HE LOOKED OUT, IT WAS RAINING, HE WAS UPSET AND THE GUY WHO WAS HIS FRIEND SAID, WELL, I GUESS THERE'S NOTHING YOU CAN DO BUT LET IT RAIN. THAT'S THE WAY IT IS WITH SOME THINGS, WE CAN ONLY LET THEM BE. AND THE BEATLES SANG A SONG, LET IT BE, LET IT BE, LET IT BE, LET IT BE. WHISPER WORDS OF WISDOM, LET IT BE. AND YOU KNOW, THAT WAS "MOTHER MARY." AND I THOUGHT IT WAS SINGING ABOUT THE VIRGIN MARY BUT HE WAS SINGING ABOUT HIS NATURAL MOTHER. AND I DIDN'T KNOW THAT AT FIRST, BECAUSE IT'S ALMOST LIKE A PRAYERFUL RENDERING. BUT IT COULD BE THAT SUNG BY A PERSON WHO HAD GREAT RESPECT FOR THE PERSON WHO BROUGHT HIM INTO THIS WORLD, WHO NURTURED HIM, AND WHATEVER A MOTHER WILL DO FOR A CHILD, EVEN SOME OF THOSE MOTHERS WHO DO NOT BEHAVE ALWAYS IN THE WAY THAT SENTIMENTALLY WE'D LIKE TO BELIEVE. BUT IT'S EASY FOR PEOPLE WHO ARE NOT A MOTHER TO CONDEMN A WOMAN WHO IS WHEN SOMETIMES THOSE OF US WHO DON'T HAVE TO CARRY A CHILD TO TERM, HAVE TO BRING THE CHILD UP, CAN MAKE A LOT OF THOSE CRITICAL STATEMENTS. AND I GUESS THAT'S WHY WOMEN WHO HAVE FALLEN ON HARD TIMES HAVE GROUPS WHERE THEY CAN TALK TO EACH OTHER BECAUSE THERE IS UNDERSTANDING. AND NOTHING BRINGS UNDERSTANDING LIKE SHARED EXPERIENCES. THAT'S WHY I'LL NEVER BE UNDERSTOOD ON THIS FLOOR. AND I'LL ALWAYS UNDERSTAND YOU BETTER THAN YOU UNDERSTAND ME, BECAUSE I'VE ALWAYS BEEN AROUND YOU. I NEVER HAD A BLACK TEACHER IN MY LIFE. I NEVER WENT TO A SCHOOL WHERE THE MAJORITY OF STUDENTS WERE BLACK. IN THE AREAS WHERE THEY ARE ALL BLACK NOW, THERE WERE ABOUT NINE OF US IN A SCHOOL, THE WHOLE SCHOOL. SACRED HEART--WHICH NOW WHITE PEOPLE DON'T EVEN KNOW WHERE IT IS--THEY'VE GOT A BIG CHURCH ON BINNEY STREET BECAUSE IT'S TOO BIG FOR THEM TO MOVE, A CATHOLIC CHURCH. BUT THE WHITE KIDS LEFT. THEY HAD A HIGH SCHOOL RIGHT ACROSS THE STREET FROM THE GRADE SCHOOL. IT WAS SEGREGATED. BOTH OF THE SCHOOLS WERE SEGREGATED BY THE CATHOLIC CHURCH. BLACK CHILDREN WHO WERE CATHOLICS COULD NOT GO THERE. THEY HAD A LITTLE RINKY-DINK BUILDING ABOUT A MILE AWAY CALLED SAINT BENEDICT WHERE SOMEBODY HAD THROWN TOGETHER SOMETHING AND A FEW CHAIRS AND DESKS THAT THEY CALLED A SCHOOL. AND PEOPLE WOULDN'T EVEN SEND THEIR CHILDREN THERE, BUT THEY COULDN'T GO TO THE WHITE SCHOOL WHICH WAS IN A CHANGING NEIGHBORHOOD. SO I'VE SEEN THESE CHURCHES AND THEY SHOW

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THEIR REAR END TO US BECAUSE WE DON'T COUNT. AND WE HAVE A CHANCE TO SEE THEM AND SEE WHAT THEY REALLY ARE. JUST LIKE THOSE BLACK WOMEN WHO WORK IN WHITE PEOPLE'S HOUSES, THEY HAVE A CHANCE TO SEE THE MAN OF THE HOUSE GETTING UP WITH A HEADACHE, SEE HIS UNDERWEAR WHERE HE DOESN'T WIPE HIMSELF WELL WHEN HE FINISHES THE BATHROOM, SEE URINE STAINED UNDERWEAR, SEEING MEN WHO DON'T TAKE A BATH BUT PUT ON DEODORANT TO TRY TO COVER UP THE ODOR AND ARE NOT SANITARY OR NOT CLEAN. WE ARE THE INVISIBLE PEOPLE AND YOU ALL LET US COME AROUND AND SEE YOU AT YOUR WORST. AND THAT'S WHY A VALET NEVER RESPECTS THE GENTLEMAN FOR WHOM HE WORKS, BECAUSE HE HAS SEEN WHAT HE IS... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...AND HE'S EVERYTHING BUT THAT. SO WE KNOW YOU, BUT YOU DON'T KNOW US. AND THAT'S WHY I WILL ALWAYS HAVE THE UPS ON YOU, I WILL ALWAYS BE A STEP AHEAD. BUT YOU DON'T EVEN CARE IF PEOPLE SEE THE WAY YOU ARE BECAUSE I SEE HOW WORDS ARE BROKEN IN HERE. I SEE THE WAY PEOPLE RIDICULE EACH OTHER AND TALK ABOUT EACH OTHER BEHIND THEIR BACK THEN PLAY LIKE THEY'RE THE BEST OF FRIENDS. AND MY GOOD FRIEND, SENATOR KRIST, EXPERIENCED SOME THINGS TODAY, WHICH SURPRISES ME THAT SOME OF THOSE THINGS THAT I HEARD ON THE FLOOR WERE DIRECTED AT HIM. I HAD NO IDEA WHO THEY WERE TALKING ABOUT, ESPECIALLY THE IDEA OF HIDING OUT. AND WHEN I TAILGATED ON IT, I WAS TALKING ABOUT THOSE WHO WERE SUPPOSED TO BE DEMOCRATS WHO WERE AGAINST THIS BILL AND THEY WEREN'T UP HERE, BUT I DIDN'T KNOW WHO THOSE WHO ORIGINATED THOSE WORDS WERE TALKING ABOUT. AND THEY WERE BACK THERE GIGGLING AND GUFFAWING AND LAUGHING. IT'S A JOKE TO THEM. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB10]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. AS ONE OF THE DEMOCRATS, I HAVE BEEN HERE THE WHOLE TIME I JUST WANT TO SAY, SENATOR CHAMBERS. I DO THINK THIS IS AN IMPORTANT DISCUSSION. AND I'D

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LIKE TO SAY THAT I JUST...I DON'T THINK THAT...THERE'S BEEN SOME TALK THAT WE SHOULDN'T THINK OF THIS ELECTION IN TERMS OF MONEY OR THE FACT THAT...BECAUSE THIS IS SUCH A SERIOUS ISSUE, THE FACT THAT HAVING CAMPAIGNS COME HERE AND INJECTING MONEY INTO OUR ECONOMY IS NOT ANYTHING WE SHOULD BE CONCERNED ABOUT. THIS IS TOO SERIOUS. AND I WOULD JUST SAY THAT, HOW ABOUT THE EXCITEMENT OF HAVING A PRESIDENTIAL HOPEFUL OR A PRESIDENTIAL CANDIDATE IN OUR COMMUNITY? A CHANCE FOR OUR CHILDREN TO BE ABLE TO SEE SOMEBODY WHO MIGHT BE PRESIDENT AT SOME POINT IN THEIR OWN STATE? THESE ARE ISSUES THAT WE CAN PRETEND ARE NOT IMPORTANT OR THAT WE CAN PRETEND WE DON'T CARE AT ALL WHETHER OR NOT THEY COME. SENATOR MURANTE IS NOW TALKING ABOUT POSSIBLY MOVING THE PRIMARY UP TO A TIME EARLIER IN MARCH, WHICH I THINK IS A GOOD IDEA. BUT PART OF THE REASON IS SO THAT WE CAN GET SOME OF THE ATTENTION FROM THE CANDIDATES, SO WE CAN HAVE SOME TIME FOR THEM TO UNDERSTAND OUR ISSUES IN NEBRASKA, SO THAT WE CAN HAVE THEM RESEARCH AND UNDERSTAND A LITTLE BIT MORE ABOUT OUR PEOPLE AND ABOUT OUR ISSUES. SO I PREFER THAT. I PREFER TO HAVE THE PRESIDENTIAL CANDIDATES WANT TO COME HERE, TO BRING THEIR PRESS CORPS WITH THEM. I PREFER TO BE A STATE THAT COULD MAKE A LITTLE PIECE OF DIFFERENCE AND SOMETHING WHERE WE DON'T HAVE THE CANDIDATES AVOIDING US, LIKE SENATOR McCAIN DID IN 2008 WHEN HE BYPASSED OUR STATE. I PREFER TO BE PART OF THE SYSTEM AND NOT JUST A STATE THAT DOESN'T MATTER. AND I WANTED TO SPEND JUST A BIT OF TIME REMINDING PEOPLE THAT LAST YEAR WE RECEIVED A LETTER FROM THE NEBRASKA BROADCASTERS SAYING ONE OF THE MANY BENEFITS OF LIVING IN NEBRASKA IS THE FACT THAT WE ARE INDEPENDENT MINDED AND NOT EASILY SWAYED BY MOVEMENTS AND TRENDS DEEMED POPULAR IN OTHER PARTS OF THE COUNTRY. WE'RE WILLING TO LET OTHERS HAVE THEIR SAY, EVEN WHEN WE MAY DISAGREE WITH THEIR POINT OF VIEW. WE STAND TALL IN OUR BELIEFS, EVEN THOUGH WE SOMETIMES STAND ALONE. WITH THE INTRODUCTION OF LB10, THE NEBRASKA BROADCASTERS ASSOCIATION IS CONCERNED THAT THE FREEDOM OF SPEECH NEBRASKANS ENJOY WOULD BE, IN PART, SUPPRESSED THROUGH THIS AGGREGATION OF THE ELECTORAL VOTE. THE DIVERSITY OF OUR STATE COMBINED WITH THE DISTANCE BETWEEN POPULATION BASES MAKES FOR A UNIQUE ELECTORAL CHALLENGE. CURRENTLY, THE INDIVIDUAL VOICES OF DIVERSITY IN OUR STATE CAN BE HEARD FROM SCOTTSBLUFF TO OMAHA AND FROM BEATRICE TO VALENTINE. WE HEAR IT FROM YOUR CONSTITUENTS, OUR LISTENERS AND VIEWERS EVERY DAY. AND JUST AS WE KNOW IT IS OUR JOB TO GIVE A MEGAPHONE TO THESE INDIVIDUAL VOICES, WE UNDERSTAND IT IS YOUR JOB TO REPRESENT THEM. WE HAVE A COMMON GOAL,

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TO SERVE THE PEOPLE OF NEBRASKA. ON BEHALF OF THE HUNDREDS OF THOUSANDS OF NEBRASKANS WHO COUNT ON OUR LOCAL RADIO AND TV STATIONS TO DELIVER THEIR LOCAL NEWS, WEATHER, AND SPORTS, THE NEBRASKA BROADCASTERS ASSOCIATION RESPECTFULLY ASKS YOU TO CONSIDER THE EFFECTS OF LB10 CAREFULLY. LIKE THE EXISTENCE OF THE NEBRASKA UNICAMERAL, THE ABILITY TO SPLIT OUR ELECTORAL VOTES IS ONE OF NEBRASKA'S DEFINING CHARACTERISTICS. FOR THE FOREGOING REASONS, THE NEBRASKA BROADCASTERS ASSOCIATION OPPOSES... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR PANSING BROOKS: ...THANK YOU, MR. PRESIDENT...THE NEBRASKA BROADCASTERS ASSOCIATION OPPOSES LB10. RESPECTFULLY SUBMITTED FOR YOUR CONSIDERATION, JASON EFFINGER, CHAIRMAN OF THE BOARD, NEBRASKA BROADCASTERS ASSOCIATION. SO I ASK THAT WE STAND TONIGHT AND VOTE AGAINST LB10, SUPPORT SENATOR CHAMBERS' RECONSIDERATION MOTION, AND LET'S MOVE FORWARD AND GIVE PEOPLE THE VOICE THEY DESERVE IN OUR ELECTORAL PROCESS. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB10]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. COLLEAGUES, FOR MOST OF THE VOTES WE HAVE HERE, AND ESPECIALLY AT THE END OF THE SESSION, BUT I THINK IN GENERAL FOR MOST OF THE VOTES WE HAVE HERE, THERE ARE IMMEDIATE PRESSURES AND PEOPLE WHO ARE TALKING TO US NOW ABOUT THEIR CONCERNS AND QUESTIONS. BUT THERE ARE SOME VOTES, AND THE VOTE ON LB10 IS ONE OF THOSE, WHERE YOUR VOTE IS NOT JUST GOING TO BE ABOUT THE IMMEDIATE PEOPLE TELLING YOU TO VOTE ONE WAY OR ANOTHER TODAY. YOUR VOTE IS GOING TO HAVE A LEGACY FOR THE STATE. AND I URGE YOU TO THINK ABOUT WHAT THAT MEANS FOR THE STATE OF NEBRASKA IF YOU CHOOSE TO VOTE FOR CLOTURE OR VOTE FOR LB10. RIGHT NOW, EVERY TIME THE NEWS MEDIA TALKS ABOUT THE ELECTORAL COLLEGE AND THE PRESIDENTIAL RACE, THEY TALK ABOUT NEBRASKA, NEBRASKA AND MAINE, BECAUSE WE'RE DIFFERENT. RIGHT? NEBRASKA GETS MENTIONED. EVERY TEXTBOOK THAT TALKS ABOUT THE ELECTORAL COLLEGE IN OUR COLLEGES AND IN OUR HIGH SCHOOLS THROUGHOUT THE COUNTRY INCLUDES A LITTLE ASTERISK, A LITTLE DISCUSSION ABOUT HOW NEBRASKA IS DIFFERENT. WE NEED PEOPLE TO PAY ATTENTION TO NEBRASKA. WE NEED PEOPLE TO

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RECOGNIZE NEBRASKA IS UNIQUE. AND RIGHT NOW, EVERY DISCUSSION IN EVERY CLASSROOM OF THE ELECTORAL COLLEGE RECOGNIZES NEBRASKA IS UNIQUE. EVERY NEWS MEDIA COVERAGE OF THE MAPS OF THE RACE RECOGNIZES THAT NEBRASKA IS UNIQUE. IF YOU VOTE FOR CLOTURE, IF YOU VOTE FOR LB10, NEBRASKA WILL NO LONGER BE UNIQUE IN THIS WAY. WE WILL NO LONGER GET MENTIONED AS A STATE THAT TREATS ITS ELECTORAL COLLEGE DIFFERENTLY THAN OTHER STATES. WE'LL NO LONGER BE A PART OF THOSE DISCUSSIONS AT ALL. IN THE FIRST YEAR OR SO THERE MIGHT BE SOME DISCUSSIONS ABOUT THE FACT, WELL, NEBRASKA DECIDED NOT TO DO THAT ANYMORE. I JUST ASK YOU TO THINK ABOUT WHAT YOU'RE GOING TO TELL STUDENTS, YOUNG PEOPLE INTERESTED IN POLITICS, YOUR CHILDREN, GRANDCHILDREN, ABOUT WHY IT WAS SO IMPORTANT TO VOTE FOR CLOTURE AND LB10. WHAT WAS IT THAT WAS SO IMPORTANT TO TAKE AWAY THIS UNIQUE PART OF NEBRASKA'S POLITICAL SYSTEM THAT MAKES IT MORE LIKELY TO BE RELEVANT IN POLITICAL CAMPAIGNS AND THAT GIVES PEOPLE MORE OF A VOICE IN THE PROCESS? WHAT WAS SO IMPORTANT IN 2016 THAT YOU DECIDED NOW IS THE TIME TO NO LONGER HAVE THIS UNIQUE PRESIDENTIAL SYSTEM? WHAT DO YOU GAIN FROM THAT? WHAT WILL YOU SAY ABOUT THAT LEGACY? I KNOW WHAT YOU'LL TELL THE PEOPLE WHO ARE TELLING YOU TO VOTE FOR IT NOW. YOU'LL TELL THEM, I VOTED THE WAY YOU WANTED ME TO VOTE FOR IT. I WAS LOYAL TO THE PARTY. BUT, COLLEAGUES, WHAT ARE YOU GOING TO SAY ABOUT THE LEGACY THAT YOU LEAVE IF YOU VOTE FOR CLOTURE AND VOTE FOR LB10? WHAT ARE YOU GOING TO SAY ABOUT THE LEGACY THAT'S HERE IN 2016, THIS WAS WHEN NEBRASKA STOPPED DIVIDING UP ITS ELECTORAL VOTES. THIS IS WHEN NEBRASKA BECAME IRRELEVANT IN PRESIDENTIAL CAMPAIGNS. THIS IS THE YEAR WE DECIDED THAT WE DIDN'T CARE IF CANDIDATES CAME TO VISIT OUR STATE. HOW ARE YOU GOING TO EXPLAIN THAT LEGACY? HOW ARE YOU GOING TO EXPLAIN WHAT WAS SO IMPORTANT IN 2016 THAT YOU DECIDED WE NO LONGER WANT PEOPLE TO TALK ABOUT NEBRASKA,... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CRAWFORD: ...WE NO LONGER WANT PRESIDENTIAL CANDIDATES TO VISIT NEBRASKA. THANK YOU, MR. PRESIDENT. WE NO LONGER WANT CANDIDATES TO COME AND MOBILIZE STUDENTS IN OUR STATE. INSTEAD, WE WANT TO MAKE SURE THAT WE VOTED FOR CLOTURE SO WE CAN SAY WE DID WHAT THE PEOPLE IMMEDIATELY AROUND US THIS YEAR ARE TELLING US TO DO. COLLEAGUES, I JUST URGE YOU TO THINK CAREFULLY ABOUT THE LEGACY THAT YOU LEAVE IN THE BODY, GIVEN HOW YOU VOTE ON THIS ISSUE TONIGHT. THIS IS A CRITICAL ISSUE. THIS IS A UNIQUE PART OF OUR NEBRASKA POLITICAL

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CULTURE, OUR NEBRASKA POLITICAL STRUCTURE. ASK YOURSELF A HARD QUESTION OF WHETHER IT IS WORTH GETTING RID OF THIS UNIQUE COMPONENT OF NEBRASKA POLITICAL STRUCTURE TONIGHT. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR CRAWFORD. THOSE IN THE QUEUE: SENATOR KEN HAAR, MURANTE, McCOY, HANSEN, CHAMBERS, BLOOMFIELD, AND OTHERS. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, JUST TO BRING HOME THE POINT OF, IF WE GO BACK TO WINNER-TAKE-ALL WE WILL NOT BE NOTICED AS A STATE. THERE'S JUST NO QUESTION ABOUT THAT. AND TO GIVE YOU A CURRENT EXAMPLE, I'VE BEEN PRETTY FASCINATED WATCHING THE CAMPAIGNS ON BOTH SIDES, THE REPUBLICAN AND DEMOCRAT. AND ONE OF THE CANDIDATES, AND I CAN'T REMEMBER IF THEY...IN THEIR VISIT TO NEBRASKA OR THEIR VISIT TO IOWA, WAS ASKED ABOUT ETHANOL, WHAT'S THEIR POSITION ON ETHANOL. AND THE CANDIDATE STUMBLED AND OF COURSE HAD AN ANSWER THAT WAS PRETTY CIRCUITOUS, BUT STUMBLED ON THE ANSWER TO THAT QUESTION. BUT I BET YOU ANYTHING THAT WHEN THEY WENT HOME THAT NIGHT, SOMEBODY FILLED THEM IN ON THE VALUE OF ETHANOL TO AGRICULTURE IN IOWA AND NEBRASKA. THAT'S THE IMPORTANCE OF CANDIDATES HAVING TO COME TO THIS STATE. IF WE GO SIMPLY TO WINNER-TAKE-ALL, THERE'S NO REASON THAT A CANDIDATE WILL COME TO NEBRASKA BECAUSE THE PREDICTION, WE'RE A RED STATE IF IT'S WINNER-TAKE-ALL. BUT IF IT'S BY CONGRESSIONAL DISTRICT AND IT'S A CLOSE RACE, A CANDIDATE FOR PRESIDENT WILL HAVE TO COME TO NEBRASKA TO LEARN WHAT OUR ISSUES ARE, TO LISTEN TO THE QUESTIONS THAT NEBRASKANS ASK. AND SO ONCE AGAIN, I THINK IT'S REALLY IMPORTANT THAT WE STAY WITH OUR CURRENT SYSTEM. I'VE TALKED ABOUT NATIONAL POPULAR VOTE, A SYSTEM IN WHICH STATES AGREE IN A COMPACT--AND A COMPACT IS LEGALLY BINDING, IN THIS CASE FOR ONE ELECTION--THAT THEY WILL...THE WAY IT WORKS AGAIN IS THAT A STATE WOULD AGREE THAT WHOEVER GETS THE NATIONAL POPULAR VOTE WOULD GET THE STATE ELECTORS. AND ALREADY THERE ARE--AND I'M GOING TO HAVE TO LOOK THIS UP--THERE ARE 11 STATES THAT ARE 61 PERCENT OF THE WAY TO ACHIEVING A NATIONAL POPULAR VOTE. BECAUSE IT TAKES 270...THERE ARE 270 ELECTORAL VOTES AND SO IF YOU GET 136 VOTES AGREEING TO...136 PERCENT OF THE ELECTORAL VOTES AGREEING TO NATIONAL POPULAR VOTE, THAT'S THE WAY THE ELECTION WOULD GO. SO FAR, HERE'S THE WAY IT RUNS. THE DISTRICT OF COLUMBIA WITH...THESE ARE STATES WHO HAVE AGREED TO NATIONAL POPULAR VOTE: DISTRICT OF COLUMBIA, 3 ELECTORAL VOTES;

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HAWAII, 4; ILLINOIS, 20; MARYLAND, 10; MASSACHUSETTS, 11; NEW JERSEY, 14; WASHINGTON, 12; VERMONT, 3; CALIFORNIA, 55; RHODE ISLAND, 4; AND NEW YORK, 29. AND THERE ARE HOUSES IN THE LEGISLATURES OF OTHER STATES LIKE ARIZONA AND OKLAHOMA THAT HAVE ALSO PASSED NATIONAL POPULAR VOTE. SO I WANT TO GO BACK AGAIN AND LOOK AT WHAT THE PAST TELLS US. IN 1879,... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR HAAR: IN 1789, ONLY THREE STATES AWARDED THEIR ELECTORAL VOTES USING A METHOD THAT RESEMBLES THE SYSTEM THAT WE NOW CALL WINNER TAKE ALL. IN 1789, VIRGINIA ELECTED PRESIDENTIAL ELECTORS IN SPECIALLY CREATED PRESIDENTIAL ELECTOR DISTRICTS, THEREBY CREATING THE POSSIBILITY MINORITY SENTIMENT WOULD WIN SOME OF THE STATE'S ELECTORAL VOTES. AT VARIOUS TIMES IN OTHER STATES, VOTERS ELECTED PRESIDENTIAL ELECTORS FROM CONGRESSIONAL DISTRICTS BY COUNTY OR FROM MULTIMEMBER REGIONAL DISTRICTS. SEVERAL STATES OCCASIONALLY USED INDIRECT METHODS. IN 1828, SOME OF NEW YORK'S PRESIDENTIAL ELECTORS WERE CHOSEN BY OTHER PRESIDENTIAL ELECTORS. IN TENNESSEE IN 1796, A MINIATURE STATE LEVEL ELECTORAL COLLEGE CHOSE THE STATE'S NATIONAL MEMBERS OF THE ELECTORAL COLLEGE. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR HAAR: THANK YOU. [LB10]

SPEAKER HADLEY: MR. CLERK. [LB10]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO BRACKET THE BILL UNTIL APRIL 20, 2016. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR BRACKET MOTION. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I KNOW THAT SOME OF MY COLLEAGUES WHO DON'T READ HAVE COPIED ON THEIR MOTIONS WHAT THEY'LL DO, YOU KNOW, TO BRACKET OR TO RECOMMIT. NOW THERE'S ONE LESSON THAT I DID NOT TEACH YET. I COULD

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HAVE STOPPED SENATOR McCOY FROM WITHDRAWING HIS BRACKET MOTION. HE WOULD HAVE HAD TO VOTE. A BRACKET...I MEAN...OH, NO, THAT WAS RECONSIDERATION. I GOT HIS ATTENTION, THOUGH, DIDN'T I? DIDN'T I? HE WASN'T SURE. ALL YOU HAVE TO DO IS CALL SOMEBODY'S NAME AND THEN YOU CAN GET THEM. BUT IN THIS PARTICULAR SITUATION I WANT TO HAVE SOMETHING UP THERE THAT WILL TAKE US TO CLOTURE. THAT THAT YOU'RE TALKING ABOUT CAN RUN OUT. THIS IS A MOTION WHICH IF NOBODY SPEAKS ON BUT ME I CAN DEAL WITH IT, BECAUSE IF WE TAKE IT TO A VOTE AND IT FAILS, THEN I RECONSIDER, THEN THEY HAVE TO GET THE 33 VOTES. I REALLY NOW AM CURIOUS TO SEE WHAT MANNER OF PERSONS WE HAVE IN THIS LEGISLATURE. SEE, THE NATIVE AMERICANS WERE PEOPLE WHO GAVE THEIR WORD BECAUSE THEY THOUGHT THE OTHER SIDE WAS GIVING ITS WORD. THEN THEY FOUND OUT THE OTHER SIDE BROKE ITS WORD AND THE TREATIES MEANT NOTHING. SO THEY DIDN'T FEEL THAT THEY WOULD ENTER INTO TREATIES WITH THESE PEOPLE ANYMORE. I THINK WHAT WAS SHOWN HERE TODAY WAS A DISRESPECT FOR SOMEBODY WHOM THE MAJORITY HERE HAD NEGOTIATED WITH, HAD OBTAINED A PROMISE, THEN THEY DISRESPECTED HIM, OPENLY, NOTORIOUSLY. AND I DIDN'T HEAR A PUBLIC APOLOGY IN THE SAME WAY I HEARD THE INSULT GIVEN. WE JUST DIDN'T KNOW WHO THE PERSON WAS BEING INSULTED. WE DIDN'T KNOW WHO WAS HIDING OUT, WHO WAS TRYING TO AVOID GIVING A VOTE BUT WOULD BE BROUGHT BACK HERE ON ANOTHER DAY AND HAVE TO GIVE A VOTE, HAVE TO STAND UP, HAVE TO BE COUNTED. THAT'S WHAT WE'RE DEALING WITH HERE. NOW WE'RE DEALING WITH POLITICS AT ITS WORST, AT ITS LOWEST. THERE HAS BEEN A POISONING, A TOXIFICATION OF THE ATMOSPHERE BY WHAT DONALD TRUMP HAS DONE. SEE, I MIGHT GO HARD AFTER SOME OF MY FOES IN HERE, BUT I'D NEVER DO IT TO A FRIEND, NEVER. BUT NOBODY IS OFF LIMITS FOR THEM BECAUSE THEY'RE SELF-CENTERED, THEY'RE DISHONEST, THEY'RE DISRESPECTFUL, THEY LACK INTEGRITY. AND THEY SHOW IT. I WOULDN'T PUT THEM IN A POSITION TO DO ME LIKE THAT BECAUSE I KNOW WHAT THEY ARE. I'VE WATCHED THEM. THERE WAS A VERY GOOD BILL THAT ONE OF MY COLLEAGUES HAD IN THAT GOVERNMENT COMMITTEE. AND I WAS GOING TO MAKE THE MOTION TO PULL IT BECAUSE IT HAD 30 VOTES OR SO, 30 COSIGNERS. BUT THEN I WASN'T AWARE OF THAT UNGODLY PLEDGE THAT ALL THE CHAIRPERSONS HAD MADE. SO BECAUSE OF THAT, A VERY IMPORTANT PIECE OF LEGISLATION WAS BOTTLED UP IN THAT GOVERNMENT COMMITTEE AND BESMIRCHED THE REPUTATION AND INTEGRITY OF THE LEGISLATURE, BECAUSE THERE WAS A DISINCLINATION TO HAVE TRANSPARENCY WHERE IT SHOULD HAVE EXISTED, ESPECIALLY SINCE WE HAD AT LEAST ONE COLLEAGUE VERY RECENTLY WHO SERVED WITH THEM WHO STOLE CAMPAIGN MONEY. NOW, THEY HAD A CONCRETE EXAMPLE OF THAT, MORE THAN ONE, BUT THAT

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WASN'T ENOUGH. HERE WHEN THEY WANT TO DEPRIVE BLACK PEOPLE OF THE RIGHT TO VOTE, THEY CAN'T FIND A SINGLE INSTANCE OF VOTER FRAUD BUT THEY SAY, WELL, IT MIGHT HAPPEN, IT MIGHT HAPPEN. BUT THREE FELONIES THAT DID HAPPEN ARE NOT ENOUGH. THAT'S WHAT I MEAN ABOUT HYPOCRISY, LACK OF INTEGRITY. I'M HERE, I SAY IT WHERE THEY CAN HEAR ME. LET THEM RESPOND TO ME. LET THEM EXPLAIN THE DIFFERENCE IN WHAT THEY DO. BUT THEY KNOW THAT I KNOW AND THEY KNOW THAT I DON'T CARE WHAT THEY SAY. I'M GOING TO BE HERE. AND I'M NOT GOING TO MISS DAY AFTER DAY AFTER DAY, EVEN THOUGH I COULD BECAUSE I DON'T HAVE TO ACCOUNT TO ANYBODY HERE. NOBODY ON THIS FLOOR HAS TO ACCOUNT TO ANYBODY ELSE ON THIS FLOOR. BUT THERE ARE CERTAIN PEOPLE WHO WANT TO CREATE A CERTAIN IMAGE AND A CERTAIN AURA. POPEYE AND I HAVE THIS IN COMMON: WE ARE WHAT WE ARE AND THAT'S ALL THAT WE ARE. AND I YAM WHAT I AM AND THAT'S ALL THAT I YAM AND I YAM GOING TO BE THAT EVERYWHERE. AND YOU ALL CAN STAND UP AND CHEER WHEN I GET CHASTISED BY THE TEACHER BECAUSE THE TATTLETALE RAN RUNNING AND TELLING. AND YOU THINK THAT BOTHERS ME? IT MAKES THE LEGISLATURE LOOK SMALL. AND THAT'S WHEN I KNOW THAT I'VE WON. AND THAT'S WHY I STAND RIGHT HERE, FOLD MY ARMS, AND JUST WATCH AND AM HIGHLY AND GREATLY AMUSED. BUT THERE IS A RULE WHICH WILL ALLOW YOU ALL TO CENSURE. YOU ALL NEED TO READ THAT RULE AND THEN TRY APPLYING IT TO ME. I DON'T CARE WHETHER YOU DO OR NOT. YOU THINK IT MEANS SOMETHING TO ME? WE DON'T LIKE WHAT SENATOR CHAMBERS SAID AND HE'D BETTER NOT SAY IT AGAIN OR WE'LL CENSURE HIM AGAIN. THEN I'LL SAY IT AGAIN. WHO DO YOU THINK YOU'RE DEALING WITH? I'M NOT A CHILD. I'M NOT A COWARD. I DON'T NEED A LOT OF COMPANY ALONG WITH ME. I DON'T NEED A POLITICAL PARTY. ON THIS, I REALLY DON'T CARE WHAT YOU DO, BECAUSE MY PLAN IS STARTING TO SOLIDIFY MORE AND MORE IN MY MIND BECAUSE THESE PEOPLE OUGHT TO RUN AND GET THE RULE BOOK AND SEE IF THEY CAN STOP ME. THAT'S WHAT THEY OUGHT TO BE DOING TONIGHT. THEY OUGHT TO BE READING THAT RULE BOOK TO FIND A WAY TO STOP ME. AND ALL OF YOU ALL WHO WERE SO HAPPY, CHEERING, CLAPPING, YOU GET YOUR OPPORTUNITY TO DO IT AGAIN. BUT REMEMBER THIS, HE WHO "LAUGHETH LASTEST, LAUGHETH BESTEST." AND I WILL PICK THE TIME WHEN I SHALL LAUGH. OR WHO KNOWS, THE SPIRIT OF THE LORD MAY DESCEND UPON ME AND I WILL BEHAVE LIKE A CHRISTIAN. OH, NO, IF I BEHAVE LIKE A CHRISTIAN, I'D BE THROWING ROCKS AT THEM AND SNEAKING UP BEHIND THEM HITTING THEM IN THE HEAD WITH BRICKS AND SO FORTH. THAT'S THE WAY CHRISTIANS DO. MAYBE I'LL BEHAVE LIKE A GENUINE SINNER WHO BELIEVES IN TELLING THE TRUTH AND WILL STAND ALONE AND SPEAK THE TRUTH, AS THEY SAY, SPEAK THE TRUTH TO POWER OR TO WEAKNESS, IF THOSE WEAK ONES ARE

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SITTING IN A SEAT OF POWER. AND WE'RE GOING TO GO SEE WHO HAS THE POWER IN THIS LEGISLATURE. WILL 47 BE STRONGER THAN 2? WILL 48 BE STRONGER THAN 1? YOU KNOW WHAT GIVES ME THE ADVANTAGE? THE RULES THAT YOU ALL PUT IN PLACE, THE RULES THAT I ALWAYS VOTE AGAINST, BUT THE RULES THAT I PAY ATTENTION TO AND THE RULES THAT I FOLLOW. AND I WILL DO EVERYTHING I DO ACCORDING TO THE RULES. AND I THINK WE CAN END THIS SESSION AS NO OTHER SESSION HAS ENDED BEFORE. THIS CREW WHO HAVE BEEN TERM LIMITED OUT...SENATOR RIEPE, ONE THING THAT MAKES ME FEEL GOOD, THEY PUT TERM LIMITS IN ORDER TO GET RID OF ME AND NOW IT'S GETTING RID OF ALL OF THEM, GETTING RID OF EVERY ONE OF THEM AND I'M THE ONLY ONE LEFT. AND I TOLD THEM WHEN THEY WERE VOTING ON IT, TRYING TO GET PEOPLE TO PUT IT ON THE BALLOT, I AM MORE IMPORTANT THAN ALL 48 OF YOU. ALL 48 OF YOUR KIND ARE OF LESS VALUE THAN I, BECAUSE YOU'RE WILLING TO GUT THE LEGISLATURE AND KICK ALL OF THEM OUT TO TRY TO GET ME. BUT LIKE THE PHOENIX, I'LL BE BACK. AND I AM BACK. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: MAYBE ARNOLD SCHWARZENEGGER WAS BEING A PROPHET WHERE I AM CONCERNED. I'LL BE BACK, HE SAID. AND HE WAS TALKING ABOUT ME, BUT LITTLE DID I KNOW THAT HE WAS PROPHECYING MY SECOND COMING. BUT HERE I AM. AND HERE WE ARE. AND WE'RE GOING TO SEE HOW THIS PLAYS OUT. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR MURANTE, YOU'RE RECOGNIZED. [LB10]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. I'LL YIELD MY TIME TO SENATOR McCOY. [LB10]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 4:55. [LB10]

SENATOR McCOY: THANK YOU, SENATOR MURANTE, AND THANK YOU, MR. PRESIDENT AND COLLEAGUES. I WOULD IMAGINE THAT OUR TIME IS DRAWING VERY CLOSE HERE TO A CLOTURE VOTE. WHEN THAT TIME COMES, AS A MATTER OF PROCEDURE, I WOULD ASK THAT FOLKS WOULD VOTE FOR CLOTURE AND AGAINST THE BRACKET MOTION, AGAINST THE RECONSIDER MOTION AND FOR LB10 SINCE WE DO HAVE QUITE A NUMBER OF MOTIONS AND AMENDMENTS

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AND WHATNOT UP ON THE BOARD. THERE PROBABLY ISN'T A WHOLE LOT TO SAY ON THIS BILL THAT HASN'T ALREADY BEEN SAID EITHER THIS AFTERNOON, THIS EVENING OR LAST YEAR OR IN PREVIOUS SESSIONS OTHER THAN THAT I VERY FIRMLY BELIEVE, AS I SAID WHEN I OPENED THIS AFTERNOON AND I'VE SAID MANY OTHER TIMES BEFORE, THAT I DON'T HAVE THAT MUCH OF AN ISSUE WITH THE CONGRESSIONAL DISTRICT METHOD OF APPORTIONMENT, BUT IT'S NOT THE SYSTEM THAT EVERY OTHER STATE IN THE UNION USES EXCEPT FOR MAINE. AND BECAUSE OF THAT, WE SHOULD MOVE BACK TO A WINNER-TAKE-ALL SYSTEM. OTHER STATES HAVEN'T SEEN FIT TO FOLLOW SUIT. AND IT'S BEEN BROUGHT UP, WHICH IS TRUE, WE'RE UNIQUE IN MANY ASPECTS. THE UNICAMERAL, THE BODY THAT WE ALL SERVE IN IS ONE OF THEM. AT THE TIME SENATOR NORRIS THOUGHT THAT THERE WOULD BE OTHER STATES THAT WOULD FOLLOW SUIT WITH NEBRASKA AS WELL AND THAT HASN'T HAPPENED IN OVER 75-PLUS YEARS. I JUST THINK THIS MAKES SENSE FOR NEBRASKA. IT MAKES SENSE TO HAVE US SPEAK WITH ONE VOICE WITH OUR ELECTORAL VOTES. THAT'S THE WAY THAT ALL OTHER STATES EXCEPT FOR MAINE HAVE SEEN FIT TO USE FOR MANY, MANY YEARS AND IT'S A SYSTEM I THINK WE SHOULD GO BACK TO. I THINK IT MAKES SENSE FOR OUR STATE, BORDER TO BORDER, URBAN, RURAL, AND EVERYTHING IN BETWEEN. IF CANDIDATES COME TO OUR STATE AND THEY WANT TO CAMPAIGN FOR NEBRASKANS' VOTES, THEY SHOULD CARE EVERY BIT AS MUCH ABOUT A NEBRASKA VOTER IN VALENTINE OR BEATRICE OR McCOOK OR BENKELMAN AS THEY DO IN OMAHA, BECAUSE IN A VERY CLOSE PRESIDENTIAL ELECTION CYCLE--AS WE SEE HAPPEN IN MANY OTHER STATES, BATTLEGROUNDS ACROSS THE NATION--CANDIDATES COMPETE AND VISIT WITH VOTERS IN A PERSONAL WAY IN MANY SMALL HAMLETS AND LARGE METROPOLITAN AREAS. THAT COULD HAPPEN IN NEBRASKA AS WELL. I THINK LB10 HELPS OR CAN WORK AS THE VEHICLE TO HELP THAT HAPPEN, AT LEAST FOR IT TO BE AN OPPORTUNITY, A POTENTIAL FOR IT TO HAPPEN. I THINK IT MAKES THE MOST SENSE FOR NEBRASKANS THAT DON'T LIVE IN THE SECOND CONGRESSIONAL DISTRICT TO MAKE SURE THAT THEY FEEL THAT THEIR VOTE IS JUST AS MUCH APPRECIATED AND IS VALUED JUST AS MUCH AS A VOTER IN THE SECOND CONGRESSIONAL DISTRICT. NEBRASKANS WHO TURN OUT YEAR AFTER YEAR, ELECTION CYCLE AFTER ELECTION CYCLE THROUGHOUT THEIR LIVES IN THE THIRD DISTRICT AND IN THE FIRST DISTRICT, THEIR VOTES MATTER JUST AS MUCH AS SOMEONE IN OMAHA, WHETHER THEY BE REPUBLICAN, DEMOCRAT, INDEPENDENT, OR ANYTHING IN BETWEEN. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

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SENATOR McCOY: THEIR VOTES COUNT, TOO. I THINK BY ADVANCING LB10 WE HELP MAKE SURE THAT THEY FEEL...THOSE NEBRASKANS FEEL THAT WE CARE AS MUCH FOR THEIR VOTES AS THEY DO. THAT'S THE VALUE, I BELIEVE, WITH THIS PIECE OF LEGISLATION. THAT'S WHY I BROUGHT THIS BILL AND...SEVERAL TIMES IN MY TIME HERE, AND THERE ARE MANY BEHIND ME IN THE PAST THAT HAVE AS WELL. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: MR. CLERK, YOU HAVE A MOTION ON THE DESK? [LB10]

CLERK: I DO, MR. PRESIDENT. SENATOR McCOY WOULD MOVE TO INVOKE CLOTURE. [LB10]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE'S BEEN FULL AND FAIR DEBATE ACCORDED TO LB10. [LB10]

SENATOR McCOY: MR. PRESIDENT. [LB10]

SPEAKER HADLEY: (RECORDER MALFUNCTION). [LB10]

SENATOR McCOY: IF I MAY, MR. PRESIDENT, I'D REQUEST A CALL OF THE HOUSE AND A ROLL CALL VOTE IN REGULAR ORDER, PLEASE, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB10]

CLERK: 38 AYES, 0 NAYS TO GO UNDER CALL. [LB10]

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 SULLIVAN, BURKE HARR, MELLO, KRIST, SMITH, AND LARSON. MR. CLERK, THERE HAS BEEN A CALL FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB10]

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CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1456.) 34 AYES, 15 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB10]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON THE ADOPTION OF THE BRACKET MOTION. ALL THOSE IN FAVOR VOTE AYE, ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB10]

CLERK: 14 AYES, 32 NAYS, MR. PRESIDENT, ON THE MOTION TO BRACKET THE BILL. [LB10]

SPEAKER HADLEY: THE BRACKET MOTION FAILS. MEMBERS, THE NEXT VOTE IS ON THE RECONSIDERATION MOTION. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB10]

CLERK: 12 AYES, 31 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER. [LB10]

SPEAKER HADLEY: THE RECONSIDERATION MOTION FAILS. THE NEXT VOTE IS THE ADOPTION OF LB10. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB10]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1457.) 32 AYES, 15 NAYS ON THE ADVANCEMENT, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: LB10 ADVANCES. I RAISE THE CALL. MR. CLERK, FOR ANNOUNCEMENTS. [LB10]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR WATERMEIER WOULD MOVE TO ADJOURN THE BODY UNTIL TUESDAY, APRIL 5, AT 9:00 A.M.

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