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Floor Debate
April 25, 2013

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SENATOR KRIST PRESIDING

SENATOR KRIST: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixty-seventh day of the One Hundred Third Legislature, First Session. Our chaplain for today is Bishop James Conley from the Catholic Diocese of Lincoln, Lincoln, Nebraska. Please rise.

BISHOP CONLEY: (Prayer offered.)

SENATOR KRIST: Thank you, Bishop, for the blessing. I call to order the sixty-seventh day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

SENATOR KRIST: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

SENATOR KRIST: Are there any messages, reports, or announcements?

CLERK: Mr. President, I have a Reference report referring LR155. I have the lobby report, as required by statute, to be inserted in the Legislative Journal; and an acknowledgement of reports from various state agencies, on file and available on the legislative Web site, Mr. President. That's all that I have. Thank you. (Legislative Journal pages 1147-1148.)

SENATOR KRIST: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda.

CLERK: Mr. President, Senator Hadley would offer LB23A. (Read title.) [LB23A]

SENATOR HADLEY: Mr. President, members of the body, please do not be shocked by LB23A. LB23A contains the legislative authority necessary for administration of the ICF/MR Reimbursement Protection Act in the coming bicentennial. The most important thing to note in approaching LB23A is that, despite its totals, LB23, as we will propose to amend on Select File, proposes no new expenditures of General Fund dollars. It could be argued that, as advanced from the committee, LB23 captures for the ICF/MR Reimbursement Protection Act an undetermined amount of the proceeds of the ICF/MR

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provider tax that has over the years been latched to the General Fund, as opposed to being used to enhance Medicaid reimbursement of the ICF/MRs on behalf of the vulnerable Nebraskans whom they serve. However, with the amendment we will propose for the LB23, which is later on Select File, the bill will actually distribute an annual amount of \$1 million to the General Fund without restriction, in addition to the \$312,000, General Fund dollars, allocated to community-based programs for persons with intellectual disabilities. In that amendment, the nongovernment ICF/MRs will realize roughly the amount of the additional federal revenue which is generated by their own payment of the ICF/MR provider tax. And that's all LB23 really does. If it serves your comfort level, please remember that LB600A, the appropriations bill for the nursing home provider tax enacted in the 2011 Session of the Legislature, appropriated for a program that has not and will not ever result in the new and additional expenditures of \$1 of General Fund monies, totals \$68,801,000. That bill was enacted by a vote of 42 to 0. Keeping in mind that the original fiscal note for LB23, as introduced, which did not include the distribution of \$1 million to the General Fund, was \$0 to \$400,000, I ask the body to give LB23A the same overwhelming vote of approval. And again, we will have an amendment on Select on LB23 for the million dollars going to the General Fund. I would appreciate your green vote on LB23A. [LB23A LB23]

SENATOR KRIST: And again just a reminder, sidebar discussions are always encouraged, but try to use your inside voices, please. Seeing no one wishing to speak, Senator Hadley, you're...he's waiving closing. The question is, shall LB23A be approved? All those in favor vote aye; all opposed, nay. Have all those voted that wish to? Record, Mr. Clerk. [LB23A]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB23A. [LB23A]

SENATOR KRIST: LB23A advances. Next item? [LB23A]

CLERK: LB366A by Senator Cook. (Read title.) [LB366A]

SENATOR KRIST: Senator Cook, you're recognized. [LB366A]

SENATOR COOK: Thank you, Mr. President, and good morning, colleagues. I feel like we just left here, but apparently it's a brand new day with brand new topics of discussion. Mine is rather a continuation of a conversation on LB366, which I introduced last night. The Diploma of High School Equivalency Assistance Act provides assistance to institutions that offer high school equivalency, in this case the GED program. The act reviews, establishes, and funds a new statewide system for providing GED education. I think you can see on your gadgets or on your laptops LB366A appropriates both General Funds for the administration of the program. These are reimbursed to the institutions based on their reporting. It also gives a one-time \$85,000 allocation from the lottery funds for hardware and software updates which will be necessary due to the

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changes that are federally mandated to begin in January 2014. As we heard from the Appropriations Chair last night, we're moving forward in light of brand new information or as information becomes available and managing within our resources as we get more information about what that final number will be. And also I did not mention the appropriation and the prioritization of an important function such as this reduces the pressure that some institutions and political subdivisions might feel to increase property taxes to meet these increasing demands. So with that, I would ask for a green light on LB366A. Thank you very much, Mr. President. [LB366A LB366]

SENATOR KRIST: Thank you, Senator Cook. Seeing no one wishing to speak, Senator Cook, you're recognized to close on the advancement of your bill. Senator Cook waives. The question is the advancement of LB366A to E&R Initial. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB366A]

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB366A. [LB366A]

SENATOR KRIST: The bill advances. Next item. [LB366A]

CLERK: LB553A by Senator Nordquist. (Read title.) [LB553A]

SENATOR KRIST: Senator Nordquist, you're recognized. [LB553A]

SENATOR NORDQUIST: Thank you, Mr. President and members. LB553A would appropriate \$39,325 from the School Expense Fund, which is the employees' expense fund for their pension plan. It is cash funds and that money is used for actuarial studies that have been conducted on this proposal. And also the most significant portion of this cost is for IT programming, to update the system, the IT system, to do benefit calculations to align it with the benefit changes that we have made in LB553. I would appreciate your support of this bill. Thank you. [LB553A LB553]

SENATOR KRIST: Thank you, Senator Nordquist. Seeing no one wishing to speak, Senator Nordquist, you are recognized. Senator Nordquist waives his closing. The question is the advancement of LB553A to E&R Initial. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Record, Mr. Clerk. [LB553A]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB553A. [LB553A]

SENATOR KRIST: Next item.

CLERK: Mr. President, the next bill is LB407, a bill originally introduced by Senator Sullivan. (Read title.) The Legislature discussed the issue on April 22. Senator Sullivan presented her bill. Committee amendments were presented. I do have other amendments pending to the bill at this time, Mr. President. (AM1018, Legislative Journal

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page 1007.) [LB407]

SENATOR KRIST: Good morning, Senator Sullivan. Would you like to update the body? [LB407]

SENATOR SULLIVAN: Thank you, Mr. President, and certainly I will. Just to give you a recap, first of all, as you all know, this LB407 has been under close scrutiny this week and involved in very intense discussions, and I'm happy to report that we do have a compromise amendment that we have successfully arrived at and I will be talking about in detail when I introduce AM1102. But to recap, of course, LB407 changes calculations under the Tax Equity and Educational Support Act. The committee amendment that accompanied the bill sought to reinstate one of the components that under the LB407 was going to be eliminated, and that was the teacher education allowance. And I will say that that is embodied, that committee amendment, is embodied in the amendment that I'll be talking about a little later on. I introduced then what was the subject that we left, we were on when we left LB407, and that was AM1047, which would have reinstated averaging adjustment in a revised format, and it would start in 2015-16. But again, as I said, we have successfully reached a compromise on many of these components and I will be talking about them in detail with AM1102. So at this time, I would respectfully ask to withdraw AM1047. [LB407]

SENATOR KRIST: So ordered. Mr. Clerk. [LB407]

CLERK: Mr. President, AM1047, thank you, Senator. Senator, your next amendment, Senator Sullivan, AM...excuse me, Senator. Senator Hadley, AM1034. [LB407]

SENATOR KRIST: Senator Hadley. [LB407]

CLERK: I do have a note that he wishes to withdraw, Mr. President. [LB407]

SENATOR KRIST: So ordered. [LB407]

CLERK: Next amendment, Senator Karpisek, AM1055. I have a note you wish to withdraw, Senator. [LB407]

SENATOR KRIST: So ordered. [LB407]

CLERK: Senator Haar, AM1036, Senator, I have a note you wish to withdraw. [LB407]

SENATOR HAAR: That's correct. [LB407]

SENATOR KRIST: So ordered. [LB407]

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CLERK: Senator Kolowski, AM1039. I have a note you wish to withdraw, Senator. [LB407]

SENATOR KRIST: So ordered. [LB407]

CLERK: Senator Bolz, AM1038, again a note to withdraw, Mr. President. [LB407]

SENATOR KRIST: So ordered. [LB407]

CLERK: Senator Krist, AM1041, a note to withdraw, Mr. President. [LB407]

SENATOR KRIST: So ordered. [LB407]

CLERK: Senator Gloor, AM1060, a note to withdraw, Mr. President. [LB407]

SENATOR KRIST: So ordered. [LB407]

CLERK: Senator Sullivan, AM1102. Oh, excuse me. I have nothing further to the committee amendments, Mr. President. [LB407]

SENATOR KRIST: Mr. Clerk. Senator Kolowski and Senator Chambers, you're in the queue. Senator Kolowski, would you like to speak to the amendments? [LB407]

SENATOR KOLOWSKI: Thank you, Mr. President, fellow senators. I want to thank Senator Sullivan and the Education Committee for bringing this forward, and the discussion and compromises were important to all involved and it was handled in a very professional way. And I yield the rest of my time back to Senator Sullivan, please. Thank you. [LB407]

SENATOR KRIST: Senator Sullivan, you're yielded 4:42. [LB407]

SENATOR SULLIVAN: Thank you, Senator Kolowski. And in the spirit of moving this along and expecting fully to talk about the compromise amendment in AM1102, I'll yield my time back to the Chair. [LB407]

SENATOR KRIST: Thank you, Senator Sullivan. Harmoniously, Senator Chambers, you are recognized. [LB407]

SENATOR CHAMBERS: Not on this. [LB407]

SENATOR KRIST: And he waives. Senator Sullivan, you're recognized to close on the committee amendment. [LB407]

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SENATOR SULLIVAN: Thank you, Mr. President. Yes, AM1018 is the committee amendment. And as I mentioned in my first remarks, this whole LB407 and all of the components related to it have been the subject of intense discussions this week. I will tell you that AM...all of the elements in LB1018 are embodied in the upcoming AM1102. So as to create a clear record of our process in our discussion and to avoid any confusion as people look back in the record on this process, I'm going to ask you to do one thing. As I said, AM1018, which has to do with the teacher education allowance, is embodied, as it is currently written, in the compromise amendment that you will be hearing about shortly. So while I am going to move for the adoption of AM1018, I would respectfully ask you to follow my lead and vote down this amendment. Thank you, Mr. President. [LB407]

SENATOR KRIST: You have heard the closing, which is very important. The question is, shall the committee amendments to LB407 be adopted? All those in favor vote aye; opposed, nay. Have all those voted that wish to? The amendment fails. Record, Mr. Clerk. [LB407]

CLERK: 1 aye, 22 nays, Mr. President, on adoption of committee amendments. [LB407]

SENATOR KRIST: The amendment fails. Mr. Clerk. [LB407]

CLERK: Senator Sullivan would move to amend, AM1102. (Legislative Journal page 1146.) [LB407]

SENATOR KRIST: Senator Sullivan, you're recognized. [LB407]

SENATOR SULLIVAN: Thank you, Mr. President. This has been quite a remarkable week for me. It's been a process which I respect. It has not been easy. It's been a series of highs and lows. Somebody reminded me in the whole process this week of, well, when you think you are losing, perhaps you should redefine what winning is. And who has won in this process? Well, I sincerely hope our kids have won because that's what we are all trying to do with TEEOSA and state aid to schools is to help our kids, provide them appropriate educational opportunities. Are we happy, is everyone happy with the outcome? Well, I hope not, because I've truly decided this will always be a work in progress. And I will tell you, too, that the Education Committee is determined to continue to look at this process. They know, as well as I do, and I think you folks realize it, too, there is no perfect formula, there is no silver bullet. So it's safe to say that we will always be working on it, but we can always work to make it better, to move us along those goals that I talked about when I first introduced LB407 to give this formula more predictability, more sustainability, certainly more simplicity but also, most importantly, more equity. Sure, the last few days have not been easy, but as one of my colleagues said to me, just look at it as a character-building experience. (Laugh) I thought about that when I said...when I had to carry out the garbage and my husband said, it's

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character-building, Kate. But truly, this week has been...there have been good things come of it and I appreciate that, and certainly thanks are in order for all the people that helped build my character and help us arrive at this compromise. I thank my committee and I certainly thank the committee staff that worked so hard to respond to what we were talking about, to explain the components as they're being changed. I thank all the senators who came to this negotiation table in the Speaker's Office and worked so hard to listen to each other and arrive at this compromise. I thank the school superintendents and business managers who e-mailed, who called, who looked at the components that we were working on and the compromise and weighed in appropriately. And I thank all of you who I know believe so much in our responsibility to fund education for our kids in this state. So with that backdrop, I'd like to just go through the components of the compromise represented in AM1102. First of all, it retains two things in LB407 that I thought were very important which builds growth into the formula that helps all our 249 school districts. The basic allowable growth rate will be at 1.5 percent for 2013-14 and then, bumping up a percent, 2.5 percent thereafter; the local effort rate at \$1.03 for 2013-14 and 2014-15. Those are the two biggest drivers of the formula that send aid to our school districts. We are retaining in this compromise amendment two allowances--the teacher education allowance that recognizes a need of a district if they have teachers on their staff with advanced degrees; and instructional time, recognizing the value of a longer school year with extra days, but recognizing that as needs for the districts. And in AM1102, it...there are new versions of calculating those allowances. A third component retains the averaging adjustment with a new threshold that will take effect next year in the 2014-15 school year. Another component will allow districts to be able to access a 2 percent additional budget growth with a supermajority vote of their board. This is for 2013-14 only. It also adds several technical revisions to avoid double counting of any of the allowances. The bottom line in pure dollar figures, it represents as an estimate about \$208 million the first year of the biennium, and second year, \$240 million. This is actually slightly below what the Appropriations Committee has budgeted and represents about a 5 percent increase on average for the two years. Those are the major components and they are based on estimates. The modeling is not in front of you. That was not possible to have before you today. The Department of Education is working on it as we speak and more than likely you will have that, those models on these components, in front of you by next week. So it's safe to say that the discussion will continue on LB407 and this amendment, and I full expect that there may...not only will there be some discussion on Select File, but some potential changes. But as I said, after a long week of discussion and negotiation, we have arrived at a compromise in AM1102 that at the end of last evening my committee fully supported. And as indicated, I appreciated the comments of Senator Kolowski. So I do sincerely appreciate all the efforts that have been made to arrive at this decision and this amendment, and I respectfully ask your green vote for this amendment. Thank you. [LB407]

SENATOR KRIST: Thank you, Senator Sullivan. Colleagues, you've heard the opening to AM1102 to LB407. Those wishing to speak: Senator Scheer, Senator Gloor, Senator

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Campbell, Senator Chambers, and Senator Ken Haar. Senator Scheer, you're recognized. [LB407]

SENATOR SCHEER: Thank you, Mr. President. I want to thank Senator Sullivan for her leadership and her determination and her ability to work within the system and with the senators, trying to develop something that works for everybody. I don't want this solution to be determined to be winners and losers. This was not urban versus rural. This is trying to find a way to fund education throughout the state of Nebraska. Anytime you move any of the dials in the state aid formula, there will be changes in funds in how they're distributed. That's inevitable. What we have is a problem in the state in relationship to funding education. There's a lot of districts that are on very, very tight budgets. Almost all districts have had to reduce staff, both either from a paraprofessional or administrative or instructional. It's not an easy world and we, as a Legislature, made it very tough on school districts the last three or four years. We gave them no growth and we gave them less money from a state aid perspective, and you have to remember that as we're moving forward. I'm not saying that the proverbial catch-up is always needed, but bear in mind education continued even during the recession. Kids went to school. We still had to have teachers. We still had to have buildings. We still had to have buses. I appreciate all those that worked as a larger committee in the last five days to develop a compromise, and I guess I won't even call it a compromise because it's a bill and it provides for education. And we all worked on things that will help education. Every one of the items we're talking about helps education. All four parts of the solution help education and that's what we're really talking about as we look at the state aid proposal in front of you. So as you think about your vote on AM1102 and LB407, just remember this is an education bill, it's funding. It's not winners and losers. It's just trying to provide dollars to educational facilities so that the children in Nebraska will be able to have a quality education and hopefully we'll be able to provide them with sustainable jobs. And that's part of our job is to make sure once we educate the youth and they graduate from higher education or community college or a technical facility that we have someplace for them to go to work. This is a far-reaching bill. It always is. Again, I want to thank all those that were involved. Sometimes it was very arduous and it should have been. These are tough decisions. But at the end, everyone did what they needed to do to make sure that we have high-quality education for the state of Nebraska. This does not solve all the problems for districts. Your larger districts that have had no real estate growth, they still have problems. This doesn't solve the problem. The small districts that perhaps have revenue available to them as far as valuation still have the controls based on their expenditures and receipts. This doesn't solve their problem. We get down the road and that's something that we have to do. We have to keep moving. So again, I want to thank Senator Sullivan. I want to thank those that were involved in the discussions and the work towards AM1102, and I appreciate all the work that was done and I would ask for your support of both the amendment and the bill. Thank you. [LB407]

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SENATOR KRIST: Thank you, Senator Scheer, for your hard work. Senator Gloor, you're recognized. [LB407]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. I had an amendment that was withdrawn or was involved in the negotiations. Wanted to make a few comments, first of all, thanking Senator Sullivan, the Education Committee, those involved in these discussions for the effort, the considerable time, and the tenor of those discussions. I want to offer a couple of comments that are more long term in nature because I plan to vote green on both the amendment as well as the bill, well constructed and I think important for kids' education. TEEOSA is a complicated formula and ever since I've been down here I have heard comments about the need to simplify the formula, and I always reflect back to two things. One is in my previous life issues in dealing with the federal government and the state government usually involved formulas that were complicated and not easy for a layperson, and (laugh) frankly, even running a hospital, when it came to payments by Medicare and Medicaid, even for me to understand, which is why I had to trust staff to do it. But I reflect back on the second point, which is the old saying that if it's difficult, whatever it is that you face in life, whether in business, in your personal life, it's probably important. And the TEEOSA formula is extremely important to this state, the education of our children, which is a constitutional authority or constitutional requirement that we of the Legislature have to educate our children. And so my caution is, and it comes up all the time, we've got to simplify the TEEOSA formula, I don't know that that's true. I think it needs to be revamped and changed. Certainly as demographics change, as the financial nature of our state changes, we should also look at change. But I don't know that we need to rush towards a very simple formula, because this is important. I will tell you that I am extremely comfortable and optimistic that part of the negotiations and part of the change that you see in AM1102 is, I believe, an underpinning for some of the changes that need to be in TEEOSA, certainly not a scrapping of TEEOSA. And so I'm very pleased with what AM1102 represents, not just as relates to this year's budget but also as relates to long term and the TEEOSA formula and how it should be laid out. How do you eat an elephant? One bite at a time. And AM1102 is probably three or four bites of that elephant as we seek to revise it and make sure that there is a degree of fairness, however we want to determine...define fairness, in the education of our children and the distribution of the tax money that makes that possible. Again, my thanks to Senator Sullivan and the Education Committee and those folks who were involved in this discussion, and I would urge my fellow senators to vote green on AM1102 and LB407. Thank you, Mr. President. [LB407]

SENATOR KRIST: Thank you, Senator Gloor. Senator Campbell, you're recognized. [LB407]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. I know I'm not going to get this right and Senator Chambers is probably going to be able

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to quote it exactly, but I'm going to paraphrase a favorite quote from someone who I believe is certainly a hero in history, Winston Churchill: For the work and the labor of a few should deserve the gratitude of many. This is an example of how the Legislature, it seems to me, works at its best--when a group of senators work and labor very diligently on behalf of all of us to bring a solution. And so I join in thanking Senator Sullivan, a friend of mine since college who now is a seatmate behind me. And we've had some discussions over the last week. It's not easy being the Chair in a situation in which there are a lot of competing interests and bringing one solution together. So for the few who labored for all of us, thank you. I want to mention a couple of things for the future and how important the tax commission or the tax committee, or whatever we shall finally call the group that will come together, is at this juncture for us in the Legislature. One of those is property taxes. We talk a lot in this body about property taxes, but we don't often have to deal with the underlying factor to property taxes, which is property valuation. I spent 16 years immersed in property valuation and property taxes. They are a tie. They come to play. They show how all of the tax issues come together and are interrelated. It is an underlying factor in the TEEOSA formula. It is an underlying factor in how we fund government. And we are going to have to pay a lot more attention and learn a lot more about how property valuation sets forward property taxes. The second issue that should be on the screen for the commission that also affects that TEEOSA formula in a very unusual way, and that is TIF. The tax increment financing is a tool that certainly is a great tool and shouldn't be thrown out. But we need to realize that tax increment financing does have an effect even in dealing with TEEOSA. I went to the Lancaster County Assessor and I wanted to know what was the valuation of the Lincoln Public Schools in the last four years and what the TIF was. The TIF in 2012 for all of Lancaster County, which a great percentage would be the Lincoln Public Schools, was \$245 million. Those \$245 million of value are not levied upon, and so therefore it falls back to the state because you can't locally levy against those funds. So, colleagues, I hope we all realize how interrelated all these issues are and how important it becomes for us to understand how our tax structure can also affect what we want to do for the education of our children. Thank you, Mr. President. [LB407]

SENATOR KRIST: Thank you, Senator Campbell. Senator Chambers, you're recognized. [LB407]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm glad "Parson" Carlson is here now because he'll know that this quote is correct. At one place in the "Bible" it said, "This is my beloved Son in whom I am well pleased." At my age, nobody will be offended when I say these are my fractious children in whom I am well pleased. When the Speaker told me what he was working on yesterday and the chance of reaching an accord, I came up with a rhyme. I don't often read them into the record, but I'm going to read it. But I want to say a word to Senator Sullivan. Senator Sullivan, you don't always get what you want, but you got more than what you had. And since Senator Campbell mentioned Churchill, he made a comment: This is not the end.

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This is not the beginning of the end. But it may be the end of the beginning. So we know there is work to be done, but you have operated in such a way that the Legislature has taken control of this issue and I have confidence in those who are working on it to give us a product that we will want. And maybe nobody will be happy with the ultimate outcome, but they can take pleasure in the process that brought us there. And the last line will be what Senator Sullivan should keep in mind because what she's doing is harder than making a horse fly. This is called When a Horse Flies... "The introduction: Idle minds be prone to lie, entertainment they supply to all who stand--or happen by. A tale that's true true to tell, have I. 'This horse,' he told the Sultan, 'can fly!' 'Really!' the Sultan, delighted, did cry. 'Such a rare creature, would I buy with purest gold piled five hands high!' Then he warned, with narrowed eye, 'Hideously, a man shall die if he utters to me a lie.'" And I'll skip some of it. It went to the point where the man, when he first said the horse could fly, was jesting, but the Sultan took it seriously. So we get to the point where this person was pleading with the Sultan about why he shouldn't expect the horse to fly this day. So he gets to this point in his explanation, "Quoth the man (voice weak and dry): 'To explain this case, I'll try. As this Horse's birth drew nigh, Lo, there blazed an Eastern sky,'" Senator "Parson"...I meant "Parson" Carlson, "LIGHT that dazzled every eye. Then, a thundering Voice did cry: BORN THIS NIGHT NEAR YON PIG STY--...IS A HORSE THAT SHALL NOT DIE ERE IT LEARNS THE TRICK TO FLY!" Then the guy went on and said, give me the chance and maybe I can help this horse fly. So it reaches the point where the Sultan is very angry and he tells him that you've got to pay for what you did, so the man asked the Sultan, give me one year and if at the end of the year I haven't taught the horse to fly then you can kill me and I won't complain. So when he left the Sultan's presence, he passed three wise men. This concludes it. "Clucked a Wise Man: 'My, O, my. Foolish One, you'll surely die! None can teach a Horse to fly. So, we bid you tell us why Thus you bargained?' With grin, wry, Said the man, 'Your words belie Wisdom--are you not MAGI? Speaking without thinking, I 'Round my neck, did tightly tie Hangman's noose, to hang me high, For jesting that a Horse could fly. One sweet year to live, bought I. In that year, perhaps I'll pry From the gods of Earth and Sky Favor from their vast supply. Verily, I exemplify One whom Fear cannot petrify. Fate's silk ribbon shall I tie. The Sultan is as old as I;... [LB407]

SENATOR KRIST: One minute. [LB407]

SENATOR CHAMBERS: ...Maybe in that year, he'll die; Or I'll bid this World goodbye...Or the old Horse, dead, may lie. Or the World's end may draw nigh. Or...' (a twinkle in his eye): 'I MAY TEACH THAT HORSE TO FLY!'" Senator Sullivan, good luck, you have my wishes and, I'm going to quote "Parson" Carlson, Godspeed. (Laugh) [LB407]

SENATOR KRIST: Thank you, Senator Chambers. Senator Ken Haar, you are recognized. [LB407]

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SENATOR HAAR: Mr. President, members of the body, Einstein said things ought to be simple but not too simple. I came on to the Education Committee four years ago thinking that, wow, we just need to simplify this whole thing. But I tend, after this session, to agree with Senator Gloor that our goal should not be to necessarily simplify TEEOSA this formula but to understand it. And I think I'm going to start with the bad stuff and move to the good. My disappointment was how many people just left the floor when we were discussing TEEOSA. I think it's incumbent on all of us, since this is a billion dollars' worth of expenditure in our budget, well, only \$900 million, but it's close to a billion dollars of expenditure in our budget and I think that everyone in this Chamber needs to know a little bit more about TEEOSA. I want to thank...this is a good part. I want to thank Chairman...Chairwoman Sullivan for her hard work, for the Speaker. And after some of the negotiation sessions yesterday and the day before, we should probably be calling him Parson Adams. But he was very influential and I want to thank him. I want to thank my colleagues on the Education Committee. Some of them have helped me understand what I see as a huge challenge that 208 of our schools...our school districts have less than 900 students in this state. And so tomorrow is Arbor Day and a year ago two dozen blue herons were circling our woods and they settled and built nests, and they're back this spring. And so tomorrow my commitment is to take my binoculars and walk down and watch the blue herons, probably cut a few red cedars out of my lawn (laugh), relax a little bit and come back, because we have a lot of work to do. And then I'd simply like to say I can fully support AM1102 and LB407. Thank you very much, colleagues. [LB407]

SENATOR KRIST: Thank you, Senator Haar. Senator Dubas, you are recognized. [LB407]

SENATOR DUBAS: Thank you, Mr. President, colleagues. I couldn't agree with what Senator Haar said more about the importance of this legislation and the formula. And while for most of us, when we begin this discussion, our eyes glaze over and we're not sure what, if any, we're going to be able to grasp out of it, it is still...it is our main constitutional obligation, next to the budget, is providing a K-12 education. And so we should all be very invested in the discussion, as well as the outcome of that discussion. So I would really like to take the opportunity to thank Senator Sullivan for her leadership. I know Senator Sullivan not only as a colleague but truly as my friend. And I never doubted for a moment that her heart and her commitment would never waiver when it came to putting the students' needs first. So I, even though there was a great deal of turmoil over this discussion, I knew that's what would always drive Senator Sullivan as she led her committee and other vested parties through this process. So that was always reassuring for me. Creating a state aid formula that is both fair and equitable is our challenge, especially when you have the diversity that we have in Nebraska. From the smallest to the largest districts, how do we ensure that we are meeting that constitutional obligation to provide a K-12 education for all children. No matter where they live, no matter their socioeconomic status, no matter any of the other

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circumstances, that is our obligation. Creating something that is simple, equitable, and fair oftentimes is in the eye of the beholder, but that is what we are charged to do. And I think this compromise is what we need to do, is how we need to move forward. I think the passion that was demonstrated through this past week, even though at times was very contentious and difficult for those who were in the throes of it, only underscores the belief that I think we all hold very dear about the importance of educating our children. I agree with the comments that Senator Campbell made as far as we're looking at the tax study and looking at our tax structure. How we fund education through our tax structure is certainly a part of that. And in regards to TIF, I introduced legislation this session looking at TIF, not that I am opposed to TIF and I see it as a very valuable economic development tool. But we have to recognize, as we TIF projects, that it does have an impact on our local school districts. And so that...it's important when we're talking about this that we're talking about all of the components of how things work. This issue, the formula, will always be a challenge, as I stated, because of our diversity. Times and circumstances are ever-changing and, as human beings, we struggle to keep up with those changes. And even though many times we can see the positive things that will come from those changes, there's still a level of discomfort that comes as we move through those changes to get to the other side. And that's, I think, where we're at as far as how do we help this state aid formula continue to evolve, meet our needs, stay relevant, stay current with the times, where we're at in our state as far as our economy, the makeup of our population, where that population is distributed and where those children are at, and continue to try to meet their needs. So again, I do want to thank Senator Sullivan for her leadership, for her open mind as she went into this and stayed in it, for her efforts to build consensus, and to all of those who were involved in coming up with AM1102. This, again, demonstrates how the Unicameral works so well because we are able to stay... [LB407]

SENATOR KRIST: One minute. [LB407]

SENATOR DUBAS: Thank you, Mr. President,...we're able to stay focused on the issue at hand. We have our disagreements. We, you know, stick to our guns where we feel we need to stick to our guns, and we move towards the middle when we realize that's what needs to be done. So I appreciate the hard work of the committee and those involved, and especially Senator Sullivan. [LB407]

SENATOR KRIST: Senator Sullivan, you're yielded...do you want to yield the...oh, Senator Sullivan waives. Thanks. Senator Karpisek, you are recognized. [LB407]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I continue the lovefest, I guess, as Senator Friend would have said, on this bill. About the time when it looked like nothing would be done for anyone to be able to be okay with, something comes out, and that often happens. It gets tough and it's not a lot of fun. It's not a lot of fun to stand up for what you think is right, but sometimes you have to. That's why we're

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here. I thank the committee and Senator Sullivan and everyone working on the bill for getting a part of my amendment in. I wish I would have gotten more, but doesn't everyone? It will be okay. I appreciate what I did...was able to get into the bill. It's how we need to work and I just appreciate that. And to remind everyone when it does sometimes look the darkest, it will come back around. Thank you, Mr. President. [LB407]

SENATOR KRIST: Thank you, Senator Karpisek. Senator Carlson, you are recognized. [LB407]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I, too...I don't even understand the amount of time and all the hard work that's gone into putting forth AM1102, but I know there's been a lot and I appreciate what Senator Sullivan has done. I think that it may be that we have two groups in this body today, if AM1102 goes through, and one group is going to be about 70 percent happy and 30 percent unhappy, and another group is going to be about 70 percent unhappy and 30 percent happy. Fact is, there is something in AM1102 for everyone. But I would like to address Senator Campbell for a moment, if she would yield. [LB407]

SENATOR KRIST: Senator Campbell, will you yield? [LB407]

SENATOR CAMPBELL: Certainly. [LB407]

SENATOR CARLSON: Senator Campbell, you said...you brought up TIF. And this isn't to put you on the spot. It's just to bring out a point that I think we should not forget in this whole process of trying to find dollars. I think you said that there's \$235 million in valuation that is not in Lancaster County as far as taxing is concerned because of TIF. Is that what you said? [LB407]

SENATOR CAMPBELL: Yes, it's \$245 million that's not levied upon. [LB407]

SENATOR CARLSON: Okay. And so my figure is going to be off a little bit, but if I use a 90-cent levy on that amount of money, I think that's over \$2 million. So that's over \$2 million that's not available to help the county's portion of what goes into education. Would I be in the ballpark? [LB407]

SENATOR CAMPBELL: Math was not my strong point so I'm going...I'm going to agree with you. [LB407]

SENATOR CARLSON: Okay. [LB407]

SENATOR CAMPBELL: It is a factor. I'm not sure I know the exact amount but I'm sure your facts are right. [LB407]

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SENATOR CARLSON: Okay. But let's assume it's in the area of \$2 million or a little bit more. Now this property that has a value of \$245 million, there were some things...and you don't know specifically, I know. I wouldn't expect you to. But there's some reason that we gave TIF financing, because it brings other values into Lancaster County and other entities, and those entities pay income and sales tax, would you agree? [LB407]

SENATOR CAMPBELL: Certainly. Senator Carlson, I think TIF is an important tool that we have. We just need to be cognizant of how interrelated all of these factors are. That was my point. [LB407]

SENATOR CARLSON: Okay. And I'm...I agree with you. I have reservations about TIF financing because it's not the easiest thing to grant, because it comes into a new business and then there's an existing business maybe right alongside and they don't get the TIF financing. And so it's not an easy thing to deal with but we have to, and there is an advantage to it. I think that...and you didn't mean this but it kind of sounded like if this \$235 million or \$245 million would be on the valuation, we wouldn't lose any sales and income tax dollars. We'd just gain some property tax. And of course, you and I both know that's not true. [LB407]

SENATOR CAMPBELL: Yes. [LB407]

SENATOR CARLSON: There's a trade-off and that's why we have TIF financing in the first place. And sometimes we have to grant tax exemptions and we have to grant tax increment financing because it's best for the overall economy. And you would agree with that. [LB407]

SENATOR CAMPBELL: I certainly would, Senator. [LB407]

SENATOR CARLSON: Okay. Thank you, Senator Campbell. [LB407]

SENATOR KRIST: Thank you, Senator Carlson and Senator Campbell. (Doctor of the day introduced.) Returning to debate, Senator Hansen, you are recognized. [LB407]

SENATOR HANSEN: Thank you, Mr. President. Sorry for the delay. I've been talking to a few other senators, some that were on the committee, some that weren't, about the process that this bill went through. And I understand what the Education Committee was facing after that first vote the other day, and then the Speaker pulled the bill off the floor. And that is somewhat the process that I have a problem with, that most of this discussion was done behind closed doors, wasn't done on the floor of the Legislature. Any other bill that comes in here we have...if we want a word change we have an amendment, if we want a section change we have an amendment. We talk about the amendment, vote on the amendment. And that process teaches us about the bill. Well,

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I, for one, didn't learn anything about TEEOSA this past week other than what we had on the floor debate. And I think through the Select File, we'll probably open up some of this debate a little bit more. But I promised my folks back home that I would learn more about TEEOSA, and now I have to go back and tell them that I will be able to explain TEEOSA to them when pigs fly, not a horse, Senator Chambers, but a pig fly. So it's a...now how can I put this? This is an educational process that the Education Committee needs to do. I think we need to have more of this discussion out in the open. We came here this morning and people just started pulling amendments, and that was done behind closed doors, too, and no votes were taken in public, I assume; maybe they were. But the process just bothered me a little bit. And do appreciate the work that you...that the Education and the expanded committee did. I think you probably met more hours than we had discussion on the floor. And I think, you know, we'll go forward and we'll vote on this at some time. And then the...we can't find out who the winners and losers were until we get that printout from the department. And no matter what you say, you know, if you don't look at the winners and losers, people will. People will download that at home and look and see how their school district came out. So appreciate the work you did. I just question the process. Thank you, Mr. President. [LB407]

SENATOR KRIST: Thank you, Senator Hansen. Seeing no one else in the queue wishing to speak, Senator Sullivan, you're recognized to close on the committee amendments. [LB407]

SENATOR SULLIVAN: Thank you, Mr. President. First of all, in my remarks when I opened on AM1102, I made what I think amounts to be sort of a grave clerical error, misspeaking on the total dollar amount. I'm not about to leave \$700 million on the table for the first year of this biennium. So it's \$908 million the first year, \$940 million the second year. So I wanted to correct that for the record. And in AM1102, which represents a compromise...and in all due respect to Senator Hansen, I appreciate his concern about having the discussion out in the open. And maybe we can have a more thorough discussion on Select File of some of these components that we are proposing to change within TEEOSA. With the amendment, we are looking at the components of teacher education allowance, the instructional time allowance, an averaging adjustment, as well as giving additional budget growth for districts. The modeling is not here. We will have it next week and you will be able to see how the components that we are changing impact your individual districts. But in this process that has transpired this week and even in the committee, we truly have tried to look at the policy that's represented in TEEOSA, rather than looking at how it impacts individual districts. And I hope to a large extent we can stay true to that and still have that discussion and answer some of the questions on how the components drives the policy in TEEOSA. And I will underscore, too, that hopefully with your green vote on AM1102 and LB407 the discussions will continue. I've always said that I want to keep the door open and the discussions will continue here in this body. You will hear from your superintendents and your business managers, and subsequently we will have perhaps other decisions to make. I stand true

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to what I had started out with in LB407, which was to reach out to the 249 school districts in our state and distribute the aid in a predictable, sustainable, and equitable manner. I think we've tried to and achieve that in our compromise, but the work is not done. And you know, education is a wonderful thing. That's why we care about it so much. It opens children's minds. It opens doors of opportunity. And, Senator Chambers, we're going to put a twinkle in some kid's eye and maybe he will teach that horse to fly. Thank you. I ask for your support of AM1102. [LB407]

SENATOR KRIST: Thank you, Senator Sullivan. You've heard the closing on AM1102. The question is, shall the committee amendments to LB407 be adopted? All those in favor, aye; opposed, nay. And for the record, I misspoke. It is not the committee amendment, it is Senator Sullivan's amendment. Please record, Mr. Clerk. [LB407]

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of Senator Sullivan's amendment. [LB407]

SENATOR KRIST: The amendment passes. [LB407]

CLERK: I have nothing further on the bill, Mr. President. [LB407]

SENATOR KRIST: Seeing no one else in the queue, Senator Sullivan, you're recognized to close on...I'm sorry. Senator Chambers snuck in there. You're recognized. [LB407]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm not going to upset the applecart at all, but those who are deeply involved in this issue know that the vote we've taken today is not the last word and there continues to be hard work. And no matter how hard the work is, this is an issue that we have to resolve this session. And we're going to resolve it this session. And no matter how hard those who have borne the heat of the day find it to be, no matter how tired you get, you're going to come out on the other side of it. So those who really believe in what they're doing, you have to push for what it is that you believe. And then when you reach that impasse where you cannot move forward, the other side cannot move forward, but there has to be some kind of movement, that's when you start talking about compromise--how much can I keep and how little will I have to give up. You have to fight to try to get as much as you can of what it is you believe in. And you all are different from me and here's where you have an advantage. As hard as this issue is for you, you can compromise and you can compromise without compromising a principle. When you compromise on an issue like state aid, it shouldn't even be called a compromise. It should be more in the nature of a negotiation. You're not really giving up a principle or a part of yourself. We're talking about dollars and cents. Even though it's money that's going to be spent for what we consider to be a worthwhile cause, we're not fighting for the cause itself. We are not fighting to get people to agree that there should be public education, how important

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public education is, that public education should be funded adequately, and that there are a lot of moving parts in reaching the goal. And that's where you say...well, you all say the devil is in the details. I don't think...that's where the angels are in the details. People like me are the devil. We get things done. The angels are the ones who flap their wings and play their harps and drink milk and honey. And by the way, milk and honey is a laxative, just so you all will remember that. (Laughter) And that's another reason I don't want to go to heaven because that's all they're going to be eating. So I guess everybody will be supplied with water skis or something along that line. Now I believe in object lessons. As serious as we are, and everybody was so solemn, I was going to tell people we're not at a funeral, and you can find laughter even at a time like this. So when the tension is the greatest, you're still going to have to maintain your sanity and realize that, like that thing said, the poem, it's not the end of the world, and I don't believe the world will end before you finish your work, but it could. There are things that could be a lot worse. And while everybody was thanking everybody, it reminded me of the Academy Awards. They...some of them just have to stand there and think of somebody else to thank. So rather than run down the list, I will just say look at the list on the board and those are the people that I thank for bringing us to where we are. And you better enjoy this moment that I'm giving you now because you're not going to see me like this very often. And I also will not participate in you-all's debate on state aid because there are enough people on each side of the issue to make sure that all the things that need to be considered will be considered. And then when we reach the point where a vote is to be taken, I will have made up my mind as to which way I'm going to vote. But as far as you thinking you're going to have to hear my voice while you're having this discussion, forget it, unless somebody makes a remark that opens the door, Senator Hadley, for me to discuss LB266. [LB407 LB266]

SENATOR KRIST: One minute. [LB407]

SENATOR CHAMBERS: And here is what I told Senator Davis, and it was right when Senator Karpisek talked about it being a lovefest. Everybody is in such a good mood, they're talking about compromising. I was going to see if maybe you'd consider attaching LB266, (laughter) but I didn't want to push you too far. Thank you, Mr. President. [LB407 LB266]

SENATOR KRIST: Thank you, Senator Chambers. Senator Hadley, you are recognized. [LB407]

SENATOR HADLEY: (Laugh) At the risk of standing up after that great oration, I just do want to thank the Education Committee. Thank you very much. And now I'll sit down. [LB407]

SENATOR KRIST: Thank you, Senator Hadley. Seeing no other lights on now, Senator Sullivan, you're recognized to close on the bill. [LB407]

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SENATOR SULLIVAN: Thank you, Mr. President. And at the risk of overusing the word "thank you," I thank Senator Chambers for giving me some perspective on this, because that's important. And I'll gain a little more perspective when I'm home this weekend taking care of my two little granddaughters. I thank my colleagues for the support of AM1102, and I look forward to additional discussion on TEEOSA, answering some additional questions when we deal with it on Select File. I want you to know that I and my staff stand ready to answer any questions when the models come out. My door is open and they're willing to help you work through the process. But again, I do thank you for your support and ask for your green light on LB407. Thank you. [LB407]

SENATOR KRIST: Colleagues, you've heard the closing on LB407. The question is the advancement of LB407 to E&R Initial. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB407]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB407. [LB407]

SENATOR KRIST: Thank you, Mr. Clerk. The bill advances. Items for the record? [LB407]

CLERK: Real quickly, Mr. President, new resolutions: LR161, LR162, LR163, LR164 by Senator Dubas; those will be laid over at this time. That's all that I have. (Legislative Journal pages 1149-1151.) [LR161 LR162 LR163 LR164]

SENATOR KRIST: Next item.

CLERK: Mr. President, Select File. Senator Murante, with respect to LB306, I have Enrollment and Review amendments, Senator. (ER59, Legislative Journal page 998.) [LB306]

SENATOR KRIST: Senator Murante for a motion. [LB306]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB306]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. Motion is advanced. [LB306]

CLERK: Mr. President, the next amendment I have to the bill is Senator Lathrop. Senator Lathrop will offer AM1114. Pursuant to that offer, Mr. President, Senator Lathrop would move to suspend Rule 7, Section 3(d), the germaneness rule, so as to permit consideration of AM1114 to the bill. [LB306]

SENATOR KRIST: Senator Lathrop, you are recognized. [LB306]

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SENATOR LATHROP: Thank you, Mr. President. Colleagues, good morning. In order for me to explain my motion to suspend the germaneness rule, I want to give you a little background on judges' pay raise and a concession they're making and the legal implications of having a concession being made by the court or by the judges of the state of Nebraska and the possibility or foreclosing the possibility of a legal challenge. Years ago, the Legislature required of the district court judges or all the judges that they make an additional contribution from their own pocket to the retirement. And there was a legal challenge on account of that bill or that legislation and the judges won. And essentially what the federal court said that reviewed it, they said you can't take and require a judge to contribute more without them getting something in exchange. In other words, there needs to be consideration in the form of additional compensation or the concession on the retirement side is unconstitutional. It's an unconstitutional taking. And you may disagree. You may not like it, but that's the fact. We cannot, in Senator Nordquist's LB306, require the district court judges to make a contribution that that bill would require, unless we give them something in exchange. And we have the judges' pay raise. What I am doing with my amendment, and I will ask for your support on the motion, is to put into one bill both the concession and the consideration so that it is evident on a review, if there is a challenge, it is evident on review that there was a quid pro quo or consideration in the form of additional compensation in exchange for the concession in retirement. We are putting the two together, which has been done in the past. Now I've filed a motion to suspend the germaneness rule. I'm not sure I need to. I believe that they are germane because they both deal with the compensation of the judges of this state. We will, after this is adopted, have an opportunity to take up Senator Bloomfield's motion which would...or amendment which would knock these raises in half. All we're doing in this process right now is to put them together so that we make the retirement bill challenge-proof. In other words, so it is not a constitutional taking from the judges of this state as we ask them to make a concession, which, by the way, they've agreed to. But that doesn't stop one judge somewhere from filing a lawsuit and arguing, asserting, claiming that there's been an unconstitutional taking. This does not foreclose Senator Bloomfield's motion or amendment to knock the pay in half. We can take that up after we get the two settled into one bill. I would ask for your support. And by the way, salary increases start out in Judiciary Committee. They have forever. Retirement bills start out in the Retirement Committee. We put them together on the floor, and we've done this in the past, so that there is consideration or...and the agreement that has been reached, which is pay raise and concession in retirement, are all found in one place. So if there is a legal challenge at some point in the future, that the consideration or the qui pro quo, if you will, is evident in a single bill, it will be found in LB306. This will make the concessions in LB306 challenge-proof, in my opinion, and I believe it makes perfect sense. And I would encourage your support of my motion to suspend the germaneness rule. And I'm happy to answer any questions you might have in that respect. But trust me, this all goes to compensation. It all goes to salary in a broader sense. And if we don't prevail on this, then I'm still going to argue that some

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motion that this is not germane is out of order. But I think the simpler and the cleaner way is for your support on the motion to suspend, as it will make this process and the concessions in LB306 challenge-proof, in my legal judgment. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator. Any announcements, Mr. Clerk? [LB306]

CLERK: I do, Mr. President, thanks. The Health and Human Services Committee will meet in Executive Session at 10:30 in Room 2022.

SENATOR KRIST: Thank you, Mr. Clerk. You've heard the opening on the motion. Those wishing to speak: Senator Ashford, Karpisek, Nordquist, Bloomfield, Murante, Lautenbaugh, and Nelson. Senator Ashford, you are recognized. [LB306]

SENATOR ASHFORD: Thank you, Mr. President. I don't want to get too much in the weeds on this, but Senator Lathrop is absolutely right. The Opinion in the case that was referenced by him, the memorandum and order makes it quite clear that the judges must have consideration for the concession that they're making to the state. I might also add that...and in this case it's 1 percent. We're continuing the 1 percent additional contribution over and above the prior contribution by the judges into the pension plan. I might also add that the judges or the courts generally have made an offer and the Appropriations Committee has accepted a return of \$2.3 million back to pay for the vast majority of this pay increase. I think \$2.3 million out of \$2.9 million is money that was paid back to the General Fund by the courts. The courts have...were not required to do that but it did have a...that offer and that acceptance by the committee does significantly reduce the fiscal note on...for this, for LB306...or, I'm sorry, for AM1114. With that, I would...that's about all I have to say. I think it's very clear-cut that...in my view, and has been before us. This issue has been before us in the past, and was before us years ago when I was in the Legislature before, that it is required of the state, of the Legislature, that we do give consideration to...for the 1 percent increase in contribution. So with that, I would urge the adoption of AM1114 at this time. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator Ashford. Senator Karpisek, you are recognized. [LB306]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I do not support suspending the rules on germaneness today. The reason why Senator Lathrop brought that is because he knew that I would try to challenge the germaneness, and so that's fine. So here we are. I do think that there would be a very good argument to say that it is not germane. Since it is in the same chapter of statute, it is not in the same section. I was very up-front about a week ago or so on the mike, very upset about my priority bill. I asked people on the other side who were chiming in behind the scenes, not coming to work with me, that if they didn't want to come work with me, I would...they better start counting votes. How many did I see in my office? Zero. So here I am. I also

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told Senator Lathrop, I apologize to go after your bill, but I feel I have no other choice. I feel that I have been manipulated behind the scenes by the judges, by the bar association not working with me, changing their position on my priority bill. And if that's the way that we want to treat people, by giving them a raise of 5 percent for what they've done, I'm sorry, I have to disagree. I feel that the judges violated the separation of powers by aggressively lobbying LB22, and if anyone doesn't want to believe that, I have the e-mails that I can show you. If they had not violated the constitution or at least being up-front with me and trying to work with me, I would not be doing this. I probably wouldn't support their pay raise of 5 percent, but I would not be fighting it. I agree that there has to be...the judges have to get something for giving the money to retirement. I'm on the Retirement Committee. I understand that. If that's the issue, maybe we should just put money into their retirement account and forget about the raises--gets to them one way or another. I don't think that this amendment has to be done. They're both priority bills. One is already on Select File, well, actually both, so why didn't we do this on General File if that was the reason the whole time, to put them together? I agree that there are times that we need to suspend the rules of germaneness. I do not believe that this is one of them. But if anyone thinks that I think that I'm not going to get "outlawyered" on this, don't worry, I fully understand that. But as I said on the last bill, sometimes you have to draw a line in the sand, and I walked over my line in the sand about a mile ago and I'm done. I've had it. I've tried to work... [LB306 LB22]

SENATOR KRIST: One minute. [LB306]

SENATOR KARPISEK: ...the whole time this session, not trying to get in the way but trying to help with compromise. I don't feel that I've got it, and I'm not talking about so much in this body. Senator Lathrop has helped me with my priority bill immensely and I feel horrible doing this to him. And I know, he says, so what are you doing? I asked him to hand this bill off to someone else so it would be easier for me to go after it. It's not him. It's really not anyone in here. But I have had it and I'm not going to back down until I either get what I want or they don't. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Karpisek. Senator Nordquist, you are recognized. [LB306]

SENATOR NORDQUIST: Thank you, Mr. President, members. And I appreciate Senator Karpisek's frustration. I will just say, you know, I am going to support the suspension of the germaneness rule but I don't necessarily think we would need it. I'll just give you a little bit of history on this type of a compromise. In 2009, working...at that time I was Vice Chair of the Retirement Committee, and myself, Senator Pankonin had several meetings with Speaker Flood, Senator Adams, Senator Heidemann from the Appropriations Committee with the judges and put together this same type of package. Now I know that that doesn't mean that the, you know, the interpretation of germaneness doesn't change from Legislature to Legislature, but we do have clear

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precedent that we often combine these issues. They've been combined in the past. The courts in the case Wilson v. Marsh have basically said retirement contributions are a part of salary, part of compensation, so they very much are germane. And that package in 2009, when we increased contribution rates and salaries at the same time, passed with 46 votes in this body and became law. So historically, this is something we do. This is a package we often come to agreement on because, as Senator Lathrop said, of the unique nature of ensuring that there is some corresponding benefit when we maintain the contribution rate that we have. So I would appreciate your support of suspending the germaneness rule and combining these two bills. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator Nordquist. Senator Bloomfield, you're recognized. [LB306]

SENATOR BLOOMFIELD: Thank you, Mr. President, colleagues. I don't suppose anybody will be greatly surprised that I rise in opposition to the motion to suspend the rules. We have rules for reasons and now all of a sudden we're told, well, this looks a little questionable, let's just suspend the rules, we've done it before. And we have. We did it just a couple days ago. While we're in the process of this, though, if we're going to continue to suspend the rules, maybe we should suspend the rules and get Senator Chambers' bill out of committee. We could have a long discussion on that. I don't intend to go into a long discussion here. I don't have an axe to grind. I also don't think the state has money going forward to grant this large a pay raise. Granted, the judges have donated back enough to get us by the first two years. After that, it all falls back on the state. There is a lot of money being spent in this bill. It is curious to me that none of these germaneness rules were going to be suspended or was this going to be combined into one bill until I filed an amendment to cut the pay package in half, which is all I'm asking to do here. I don't want to punish the judges. I think they do a fine job. I'm glad they had a little money to chip back in, but it doesn't cover the state going forward. So I would ask you to vote against the suspension of these rules. They're there for a reason. Let this bill, that is now the amendment, stand on its own if it can. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator Bloomfield. (Visitors introduced.) Returning to debate, Senator Murante, you are recognized. [LB306]

SENATOR MURANTE: Thank you, Mr. President and members. Would Senator Lathrop yield to a question? [LB306]

SENATOR LATHROP: Yes, I'd be happy to. [LB306]

SENATOR KRIST: Senator Lathrop, will you yield? [LB306]

SENATOR LATHROP: Yes. [LB306]

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SENATOR MURANTE: Senator Lathrop, I've looked at your amendment, I've looked at the bill. The amendment deals with compensation to judges. The bill deals with compensation for judges. Both the amendment and the bill deal with Chapter 24 of the statute. I'm trying to come up with an argument as to how the amendment is not germane to the bill. How did you even come up with the idea that a suspension of the rules was necessary? [LB306]

SENATOR LATHROP: Because I knew someone was going to challenge the germaneness, and I thought it would be better to get ahead of it, because I can tell you, if I don't prevail on this, I'm going to make the argument that it is germane. [LB306]

SENATOR MURANTE: Okay. [LB306]

SENATOR LATHROP: I mean I believe it is. Both deal with compensation. One is a giving and one is a taking of compensation. I think they belong together. I think they're germane. But this gives me two bites at the apple and an opportunity to explain and to make it a little bit cleaner by saying let's suspend the rules. The other thing is, I think it's a lot easier to suspend the rules when the subject matter is germane and I probably don't even need to. So...but I appreciate your question and what it implies about how obvious this should be. [LB306]

SENATOR MURANTE: Okay. Thank you, Senator Lathrop. Colleagues, I'll tell you, I spoke on the rules a little bit earlier and something I find a little bit troubling, how we vote on suspension of the rules or any rules interpretation really shouldn't be guided by how we feel about the underlying amendment or proposal. What Senator Lathrop is offering here, it's clearly a germane amendment, in my view. I don't know that we need to suspend the germaneness rule. I'll probably vote for it anyway. But I wanted to articulate something that Senator Bloomfield, my good friend, Senator Bloomfield, articulated. The suspension of the rules is a rule. It's in the rule book. We're not undermining the rules by voting to suspend germaneness. What Senator Lathrop is proposing here isn't out of order. It's clearly articulated that what he's trying to do is permissible within the rules. I don't see any problem with it. And going forward, I think we need to remember where we're at on this and how we're approaching this rules vote and the underlying amendments, and understand that when we vote for an interpretation like this, it really shouldn't be based on how we feel about the underlying proposal. I'll listen to Senator Lathrop's argument on AM1114 when we get there, but the amendment is clearly germane. I don't think we need to suspend germaneness, but I'll vote for it just the same. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Murante. Those still wishing to speak: Senator Lautenbaugh, Nelson, Adams, Karpisek, and Bloomfield. Senator Lautenbaugh, you are recognized. [LB306]

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SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And I do rise in support of this motion and I do also agree with Senator Murante that I'm not even sure it's necessary, based upon what these two bills individually deal with. And it gives me no joy to stand up and disagree with Senator Karpisek. I mean I routinely disagree with Senator Lathrop and he's sort of fine with it, but Senator Karpisek and I are usually on the same page. But this, well, I support these bills, for one thing. And as all of you learned last night, my knowledge of pension and retirement issues is unrivaled, so I hope you're listening when I speak on this. But that said, it's kind of a tangled web we weave when we will do anything, virtually anything, other than the thing that is plainly set forth in the rules. So Senator Karpisek is upset, understandably, that his bill is stuck in committee. And I like his bill. I want it out on the floor. And so the method that we're employing today is to attack this unrelated bill. And I'm not above that, heaven knows, but it's possible to dial direct in this instance, too, and file a pull motion, and it's a very simple thing. When you file a pull motion, there's a certain Latin incantation we have to do and there's this cauldron that's wheeled out of the back room and we open up an untested bill and put its heart in the cauldron and we say this dark incantation over it and, voila, we pull the bill from committee. It's part of the dark arts, the black arts set forth in the rules that we're not supposed to speak of. Or we just get a simple majority vote of the members. I can't remember which procedure is proper there. Actually, no, now that I think about it, I'm pretty sure that with a very simple majority vote of the members, you can pull a bill from committee. And if that's what you want to do, that's what you should do. And I'm sure you're all tired of hearing this, but that is in the rule for this various scenario that...this very scenario that Senator Karpisek is upset about. His bill is stuck. It enjoys support on the floor, but it can't get out of committee. So what do we do? We attack the judges' bill, of course. That's not the way to do this. And I sympathize with Senator Karpisek because there seems to be a prevailing belief in here that you can't do, for the love of God, you can't do the thing that's actually set forth in the rules when you find yourself in this circumstance, which is ask to pull your bill from committee and get 24 friends to agree with you. You just don't do that. So here we are. We're going through some crazy gyration here of attacking something that has nothing to do with that issue because we are afraid or unwilling or told that we can't do the proper thing that's set forth in the rules, with a very low threshold, 25 votes, to pull a bill from committee. And not to put too fine a point on it or belabor the point, I guess, I will support that motion if he brings it. There's probably any number of pull motions I'll support because I don't believe that the committees always get the final word. And I have an advantage. There's a rule that suggests that very point is correct. And we're here doing things like suspending the rules and now attacking unrelated bills rather than just do the simple thing. And we've had this discussion on the floor before, as you all know. Senator Chambers and I go on and on about this. And someone opposing, the last time we talked about this, said, well, gee, that hasn't happened in living memory or, you know, no one knows where...when it last was employed. Well, a casual conversation with Senator Erdman, who was here not very long ago, said, oh yeah, I had to pull my first priority bill out of committee; it was no big deal. [LB306]

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SENATOR KRIST: One minute. [LB306]

SENATOR LAUTENBAUGH: Somehow we have made the leap from "no big deal" to something we can never do no matter what because the earth will spin off its axis and the republic will fall and it will just be the end of days. That's not the case, folks. It's in the rules. I sympathize with Senator Karpisek. I like his bill. I'll support his pull motion, if and when it comes, and I hope it comes. But I can't support him on this. I have to support Senator Lathrop's motion to suspend germaneness, even if it isn't necessary, and I do support these two bills. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Lautenbaugh. Senator Nelson, you are recognized. [LB306]

SENATOR NELSON: Thank you, Mr. President, members of the body. I stand to object to the suspension of the rules in this case and will certainly not vote in support of that. I think it's ironic that we were standing on the floor here last night talking about retirement and the compelling reasons why we needed to go with the committee's bill, because it was said if we didn't do that, we were going to break an understanding and an agreement that we had with the teachers. And the suggestion was that if we decided to change or do anything different, why, we could be sued by the teachers. Well, we went ahead, we passed it. And I don't think there's any fear whatsoever that an individual teacher is going to come up and say you're taking compensation away from me because we could have returned to a 7.2 percent contribution instead of the 9.8 percent that we're committed to now if the sunset is removed. So why would we ever think that a judge was going to do that? I mean the judges are going to stand together. They have to make their contribution and they realize that. I see no compelling reason to think that we have to bring in AM1114 to avoid a lawsuit of any sort. I would argue that that's just not going to happen. AM1114 needs to stand on its own. That's a different discussion. We have Senator Bloomfield's amendment there. That can be discussed to see if there are any adjustments that need to be made. But in a way, I think using AM1114 to guarantee that we don't get sued is a very specious argument and something that we should not consider in any way. I don't think this is the appropriate thing. It may be we'll have another discussion on germaneness, but in my mind this is not the way to go, this is not, to merge the two at this time. So I urge the body to vote against the suspension of the rules at this time. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator Nelson. Speaker Adams, you're recognized. [LB306]

SPEAKER ADAMS: Thank you, Mr. President, members. If you read the rules, much of what we have to make rulings on there's gray areas. And I suspect if you did read the rules, and I have and I reviewed this, you can make pretty good arguments on both

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sides of it. Hence, I appreciate the fact that Senator Lathrop is very straightforward about this and is saying to you, if there is question of germaneness, let's resolve it right here. And I would tell you, and obviously when you go to the mike you have your choice to say pretty much what you want to say, but to me the issue right now is whether you are willing to suspend the rule on germaneness. We did that just yesterday, if I remember right. I think Senator Hansen, Senator Schilz had a bill. They came to me early on, asked me how to approach it. I asked them to file the motion to suspend the rules on germaneness. And every one of us in here had to make that decision ourselves. That's what we're doing here. There is still relevant debate that can be had on the salary, on retirement, and certainly you can bring that up now. But I would ask you to focus on the issue at hand, which is are you willing to suspend the rules on germaneness. I think this is an appropriate issue at this point and I appreciate the fact that Senator Lathrop is willing to say to the body, if 30 people are willing to do that like we did yesterday, we move on with this bill. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Speaker Adams. Those still wishing to speak: Karpisek, Bloomfield, Pirsch, and Kintner. Senator Karpisek, you are recognized. [LB306]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. We have done this before. Germaneness is not an issue until it is raised. If I wouldn't have raised any issue when Senator Lathrop wanted to amend the bill in, it would have gone. So past experience or how we've done it before doesn't really count. These two bills are in the same chapter of law but not the same sections of law. We can argue if they're germane or not, I guess, but again, Senator Lathrop did the right thing by putting up a motion to suspend. I came forward the other day and told him that I would be going after the judges' salary bill. Had I laid in the weeds and not told him and just grabbed him right at the end, maybe I would be in a lot better shape, which brings me to the point of why I'm going after this bill. To me, it is not unrelated. The judges have been laying in the weeds, sending e-mails amongst each other to different people, that I have intercepted and I have. So is it unrelated? Not in my mind. About a week ago on the mike I told you it was not a threat, it was a promise, I would go after any bills that those people had if they didn't come and work with me. I laid it out there. Not one person has come forward. One lobbyist talked to me out in the Rotunda, and I appreciate that, but we got nothing done on the bill. And I probably will try to pull my bill out of committee and I'm going to do everything I can because I don't lightly prioritize a bill, and it was my own silliness that I prioritized it still in committee, but I thought it would come out and I thought it would come out a long time ago. And what are we talking about? Senator Chambers talks about bills. He's on bills that we're not...he's after bills that he doesn't even care about, because there's one ten down that he doesn't like. We all know that. We've all done that too. I'm just not going to sit around and take what I've been taking. I've tried. I've sat in my chair most of this session and not caused much trouble, which for me is not my M.O. When I don't like something, you're going to know it. So this is one way to go after this bill, and I'll have others. So we can argue about this and we can

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argue about the next amendment and the next one, because there will be more to come, like I said, unless something starts to budge. And if it doesn't budge here then I'll work on something else. What I don't like is how this has been handled, and if that's the way they want to play then this is the way I'm going to play. I have not been anything more than up-front and honest about what I would do. I don't care, I want my bill out. [LB306]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: One minute, Senator. [LB306]

SENATOR KARPISEK: I want an up or down vote out here. And I know it has a huge, huge hill to fight out here. That's fine. And I know that some of the people who supported my bill in committee did nothing but hurt the bill. I know that too. But that isn't fair to the thousands of other people that are affected. I don't think that the people behind the scenes, if they don't have enough gumption to come up and try to work on some sort of compromise, they shouldn't be shooting flaming arrows from the back row. I'm standing right here, front lines, telling you what I think, and I mean it again. Thank you, Mr. President. [LB306]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Karpisek. (Visitors introduced.) Returning to debate, Senator Bloomfield, you are recognized. [LB306]

SENATOR BLOOMFIELD: Thank you, Mr. President. Again, I'm not angry about any bill that is in committee that we can't get out or anything else. I don't have an axe to grind with the judges. I want to save a little money for the taxpayers as we go forward. We were told that these things are quite often married together. You know, if it was the plan to marry them together, why did we request and receive two separate Speaker priorities on separate bills if we were going to marry them together in the first place? There is a, in my mind, some things going on here that don't quite smell right. None of this came to the front until I dropped an amendment. And I didn't drop an amendment over anger over some bill. I dropped an amendment because I thought we were spending money like drunken sailors down here, and I say that at the risk of giving drunken sailors a bad name. At some point there is going to be a reckoning. We're covered for two years on this. We are not covered going on beyond that. We're throwing out priority bills here like they're candy and then we're always going to blend them together anyway. Senator Karpisek and I don't agree probably about 80 percent of the time. We just happen to be on the same side of this one, and I'm glad to have him along, but we're on the side...same side for very different reasons. He's upset with the judges; I'm not. I just don't want to give them more money than we have to. I don't believe we're going to see a rush to the exits if we don't give the judges a 10 percent raise over the next two years.

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They get a pretty handsome pay package as it is, and their retirement is not bad either. So as we go forward with this, just bear in mind where I'm going and either way I'm going to get a vote on my amendment. I just...I think the way we're going about it now smells just a little bit and I continue to oppose the suspension of the rules. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator Bloomfield. Senator Pirsch, you are recognized. [LB306]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I know there is a hodgepodge of conversations that are occurring now, some over the bill, the LB306, the amendment, and some over our process here in the Legislature. And my remarks here are going to be addressed towards the latter here and, in particular, those that had been raised I think by Senator, I think it was, Lautenbaugh, and that deals with kind of an overarching conversation I've been having with respect to the concept of pulling bills from committee. And so I will reiterate what I have stated in past years and hopefully this...I'm hoping that this does make a difference. And for those who have joined the Legislature in recent years, I'm hoping that they understand that when we structure ourselves from, you know, where there's 49 of us all equal and being elected here, we organize ourselves just out of necessity to help the flow of ideas and to make sure that we're well-informed. But there's nothing about the way in which we organize ourselves that is, you know, sacrosanct and that it is just one method of organizing ourself that we utilize. And I think we have to be careful that we don't allow our process and procedures to rule and govern our substance. And so when it comes to committee systems, I view them, just because of the volume flow of bills here, as a necessary evil. There is a plethora of issues, from energy, education, healthcare, etcetera, and it does help to have a down-in-the-weeds understanding. And so that is how we do it is through committees. But, you know, some of the committees have seven individuals on them and they're all...not to say not working hard, but a majority of the committee is all it takes to have a bill remain in committee, which means as few as four people can determine that a bill...and they are the gatekeepers, these committees. As few as 4 people out of the 49 of us can effectively prevent a very important idea from coming in and even being discussed. And so I think we have to be, as we're talking about pull motions, not in the mind-set that somehow that is subversive and against the, I guess, kind of foul play and unfair. When we're talking about 4 individuals--and that it is important, you know, obviously our committee system--but 4 individuals may not at all reflect the overall viewpoint of the 49 of us as a whole. It's a very small sample. It's less than one-twelfth of the body, obviously. So I think as you encounter, as we encounter these pull motions, you know, I think the body--we all serve on committees--we understand that the committees play a down-in-the-weeds kind of role and that they have an understanding. But if you feel comfortable with respect to... [LB306]

SENATOR KRIST: One minute. [LB306]

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SENATOR PIRSCH: ...any particular bill that you would like it out on the floor, that you understand the nature of the committees and that they do have, you know, some insight, but notwithstanding you'd like to pull it, by all means do not hesitate to support a pull motion. It's not subversive. It's not against the rules. I think it is going to lead to the best outcomes for this institution as a whole. So that being said, thank you. [LB306]

SENATOR KRIST: Thank you, Senator Pirsch. Mr. Clerk for announcements. [LB306]

CLERK: Mr. President, Judiciary will have an Exec Session now under the south balcony...or north balcony, excuse me; Judiciary Committee, Exec Session now, north balcony. [LB306]

SENATOR KRIST: Thank you, Mr. Clerk. Returning to debate, Senator Karpisek, you're recognized. And this is your third time. [LB306]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Tell you another reason I'm upset with the judges and why I brought this bill in the first place. That is, in cases of divorce or separation, where there's a child or children, 30 percent of the time it's shared parenting; 10 percent the father gets sole custody; 60 percent the mother gets sole custody. I am not hung up on if the mothers or the fathers, who gets more time, but I feel that it should be more joint parenting. I feel that we have a lot of research that shows that it's a good thing to do. Now I realize that it is not for everyone. I understand that. There's nothing that I want to do to make it be...that it has to be. However, a 30 percent success rate, in my opinion, stinks. And for the judges not to want anything to do about trying to change that, it's slowly moving. I keep hearing, well, it's better than it was. If kids keep getting about 10 percent better every year on test scores, is that okay? No. The whole reason behind this is because I think there's something wrong--why I brought the bill. If I didn't bring the correct bill, and actually now it's Senator Hadley's bill, if it's not right then try to sit down and let's try to find some middle ground. Said the other night on the mike, Voices for Children have been the only people who have come to the table. I do want to say that that doesn't mean that they're ecstatic about the bill, nor did they support the bill, and we've come to places where we don't agree. But at least they've come and sat down. I don't want to use their name as, oh, they're all for it. They're not, but they've come and talked. No one else has, except sit on the outside and say how terrible it is, what a bad idea it is. However, Florida has quite the same sort of bill going to the Governor's desk I think today, passed by wide margins; Arkansas. My problem isn't so much with the Judiciary Committee. My problem is the people on the outside shooting in. If you don't like how something is going, then try to make it better. It's why we've all come here. I don't think that 30 percent shared joint parenting is enough to get a 5 percent raise. That's why I'm after this bill. [LB306]

SENATOR KRIST: One minute. [LB306]

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SENATOR KARPISEK: I also don't think it's right to sit on the outside and not try to help. I greatly respect many judges. I know it's a tough job and I wouldn't want it. But we're all here to do jobs, whatever job it is. And if nothing else happens, hopefully I've shaken things up enough that we'll look at something and maybe things will start to change a little bit more. But to just sit quietly while everybody pounds on my bill, Senator Hadley's bill, and sit? No more. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Karpisek. (Visitors introduced.) Returning to debate, Senator Bloomfield, you are recognized and this is your third time. [LB306]

SENATOR BLOOMFIELD: Thank you, Mr. President. I don't intend to do any trickery to get any more time. Everybody knows where I stand on this. If you look up in the balcony, you see the future of Nebraska. By the time they get out of high school, this pay package will cost them an extra \$20 million when they go into the work force. Look around. Look who you're affecting with this. I'm not going to go on a long time. Everybody knows I don't like to do that. But as we pass this raise, if it passes, to the judges, look up above you at who is going to be affected in the years to come. Again, I would ask you not to support the suspension of the rules here. If Senator Lathrop's bill, LB232, is a good bill that doesn't need amending, let it stand on its own. Thank you. [LB306 LB232]

SENATOR KRIST: Thank you, Senator Bloomfield. Senator Chambers, you are recognized. [LB306]

SENATOR CHAMBERS: Mr. President, I will pass at this point. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator Chambers. Senator Lautenbaugh, you are recognized. [LB306]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. And I will not belabor the point that I've already belabored, but Senator Karpisek is absolutely right. And sometimes we do send bills out of committee just to make some on the outside be more willing to negotiate and come to some sort of an agreement on a policy that needs to be addressed. And so just on that simple basis, but also because I support the underlying goal and point of the legislation, I believe that it does need to come out of committee and I will help Senator Karpisek however I can in that but, again, not to the impairment of these bills. So thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Lautenbaugh. Seeing no other speakers in the queue, Senator Lathrop, you are recognized to close on your motion to suspend the germaneness rule. [LB306]

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SENATOR LATHROP: Thank you, Mr. President. Sometimes we wander afield, and when we oppose an underlying bill, we let it leak into a motion. Sometimes we come to the floor to make a point. I'll call it a legislative tantrum. And I understand Senator Karpisek's frustration. I have been trying to help him with his bill. I understand his frustration. But today, colleagues, this is about whether we're going to put the retirement bill and the pay bill in the same bill. Now I've tried to explain there's a legal reason for this. It avoids a constitutional challenge. Let me say that again: It avoids a constitutional challenge, which could be successful. Now I also chair the Business and Labor Committee. I'm going to share something with you for those of you that want to...well, I'm going to share something with you. When a bill is determined by our courts to be unconstitutional, and I've been around here long enough to see bills come through here and be determined to be unconstitutional, here's what happens. And you can like this or not; it's a fact. When a bill is unconstitutional, the guy bringing the constitutional challenge has his attorney fees paid for by, guess who, us. We do. So you'll see almost every year we are going to pay attorney fees to an attorney who made a successful constitutional challenge to some of our work. We should avoid walking into that trap. It is a \$200,000 to \$300,000 bill every time it happens. And you can say, I don't want the judges to get a 5 percent raise because we're spending money like drunk sailors. It's beside the point. These two bills need to be in the same place. They are germane. Suspending the rules to put them in the same place avoids a constitutional challenge, avoids the prospect that we will pay because we stood up too soon. Our problem is with the pay raise apparently and not with marrying the two together to avoid a constitutional challenge. That's what this motion is about. Notwithstanding the number of things that we've talked about, we need them together. And whether they're together or not, we will have an opportunity to take up Senator Bloomfield's effort to reduce what we agreed to on General File. And with that, I would encourage your support of the motion to suspend the germaneness rule. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator Lathrop. You've heard the closing on the motion to suspend the germaneness rule. Just a reminder, colleagues, this takes 30, 3-0, votes. All those...for what reason do you rise, Senator Lathrop? [LB306]

SENATOR LATHROP: I would like a call of the house, if I may. [LB306]

SENATOR KRIST: 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. Please record, Mr. Clerk. [LB306]

CLERK: 28 ayes, 0 nays to place the house under call. [LB306]

SENATOR KRIST: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is

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under call. Senator Wightman and Senator McGill. Thank you, ma'am. Senator Mello, Senator Conrad, Senator Nordquist, Senator Janssen, Kintner, Senator Nelson, Bolz, Larson, Senator Schumacher. Thank you. Senator Conrad. Thank you. Senator Janssen, Senator Kintner, please check in. Senator Kintner, please check in. Senator Kintner, hello. Thank you. Most of you have heard the closing on the motion to suspend the germaneness rule. All those in favor say aye; opposed, nay. Please record, Mr. Clerk. [LB306]

CLERK: 34 ayes, 4 nays, Mr. President, to suspend Rule 7, Section 3(d). [LB306]

SENATOR KRIST: The rules are suspended. Motion passed. Senator Lathrop, you are recognized to open on your motion. And please raise the call. (AM1114, Legislative Journal page 1121.) [LB306]

SENATOR LATHROP: Thank you, Mr. President and colleagues. AM1114 simply takes the judges' pay raise from a standalone bill and marries it to the retirement bill. The reasons for that I've explained in the motion to suspend the germaneness rule. This will avoid a constitutional challenge. It will allow the record to reflect that there is consideration for the concession made by the judges in the retirement bill. It will reflect the quid pro quo that's taken place between the concession with the retirement and the judges' pay raise. There is consideration for the retirement concessions. It is important that they be together. I would encourage your support for all the reasons. After I get done, we'll take up Senator Bloomfield's...after I am finished speaking, we'll take up Senator Bloomfield's motion to or amendment to knock the pay raise in half. I believe that the 5 percent and the 5 percent are in order and warranted. We did it, passed it General File. You all voted on it and it moved to Select File. We are taking the judges' pay raise from Select File over to LB306, which is, of course, on Select File. Colleagues, I want to talk about the amount while I am introducing AM1114. It is 5 percent and 5 percent, and I will tell you historically during the difficult times there's a couple things you should know. During the difficult times, when we were experiencing our version of the Great Recession, these judges went one year with no raise and another year with a 2 percent raise. They have made the sacrifice. And we must be mindful that this is another branch of government. This is another branch of government that does not get to participate in the political process. They're forbidden to have fund-raisers to raise money to do the things that other people can do to influence our vote, and it is important for that reason that we take special care in dealing with the judges across the state. This is not a code agency. Let me say that again. This is not a code agency. This is another branch of government. And I will say and repeat what I said on General File, colleagues. These are men and women who are trained in the law and they leave their practice at the pinnacle of their practice, at their highest earning potential, to be of service to the state. And we have a special trust with that branch of government that they will be compensated in a way that is commensurate with the fact that they are professionals, that they have left their practices at the pinnacle of their

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career, that most of them would be making more than we can pay them, that they are there in service to our state. And notwithstanding their interest in serving our state, we still owe them a fair compensation. It's time that we let them catch up. I also want to tell you that the judges and the court system in this state is administered by the Chief Justice. The court has deliberately filled vacancies after a period of time so that there would be a savings. They had saved a million...\$2,300,000 that they gave back to the General Fund. Okay? This is not...this is a court that saved the money for these raises, not all of it, not all of it, but they are conservative in their approach to filling vacancies so that they can create savings. We're not spending money like drunken sailors out here. We're compensating professionals who have left the practice of law at the pinnacle of their career so that we will encourage others to follow, so that we will encourage other talented men and women to serve in the third branch of government, which is important. It is important public policy that we compensate these men and women in a way that allows us to draw the talented from the practice of law to come serve the state of Nebraska. I would encourage your support of AM1114. Thank you. [LB306]

SENATOR KRIST: Mr. Clerk. [LB306]

CLERK: Mr. President, Senator Bloomfield would move to amend Senator Lathrop's amendment with AM1164. (Legislative Journal page 1152.) [LB306]

SENATOR KRIST: Senator Bloomfield, you are recognized. [LB306]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, Senator Lathrop said a little bit earlier that I maybe stood up a little too soon, and maybe I did. Everybody knows what I'm about here. I have no animosity toward the judges. I just think we're spending money more rapidly than we need to. The people of Nebraska spoke very clearly last year when we asked them for a raise. We had a bill in Government Committee this year seeking to give the constitutional officers a raise. It never made it out of committee. We don't have the money. Now we have the money to throw 10 percent out there in two years. It just seems like a lot of money. My amendment simply takes the 5 percent raise every year to 2.5 percent each year. I'm not denying the judges a raise. I'd just like to scale it back a little bit. You'll have the final say on this. I'm not going to belabor it for a long time. I'm not going to bad mouth the judges or Senator Lathrop or anybody else up here. I think we need to be careful with the future's money. And I think a 5 percent increase over two years is something most folks in Nebraska have not seen, and I question the wisdom of going 10 percent in two years to the judiciary. That's about all I'm going to say on this. You folks will make that decision. We can stand here and talk about it for eight hours or we can talk about it for 15 minutes. The decision is still yours how much money, how much money that we don't currently have, do we want to spend three years out. We have the money for the next two years; three years and beyond we do not. It's not only your pocketbook you're voting on; it's your children's pocketbook. Let's be a little careful how we spend their money. Thank

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you. [LB306]

SENATOR KRIST: Thank you, Senator Bloomfield. You've heard the opening on AM1164 to AM1114. Those wishing to speak: Senator Coash, Senator Karpisek, and Senator Seiler. Senator Coash, you are recognized. [LB306]

SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. I'm happy to follow Senator Bloomfield because I have some similar comments, although I do oppose his amendment. Senator Bloomfield mentioned that the voters of the state chose not to give us a raise in this last election. And I'm going to give you my opinion on why I think that is. We asked for over 100 percent raise increase when it went on the ballot for our salaries. Now I want you to apply that concept to judges' salaries. If we don't give them a raise this year and we don't give them a raise next year and we decide the year after that we can't give them a raise, at some point we'll have to come back and the Legislature will say, well, I guess now it's time to give them a raise. And in order to keep up, we'll be looking at a double-digit increase. We won't be asking for 2.5 percent, 5 percent; we'll be asking for 12 percent and 15 percent. And how do you think that's going to play in this Legislature? How do you think that will play with your constituents when you go and say, look, I'm going to give them a raise, but since we haven't done it in so long we need to ask for 15 percent? So those raises will stay flat. And then you have a problem in the judiciary. And Senator Lathrop has already laid it out so I'm not going to repeat what he said, but I do want to...give you my spin on it. Do you want the best attorneys on the bench? And you may say, well, a lawyer is a lawyer; they all graduated from law school. But if you care about our branch of government, you care about the quality of the bench. And like it or not, the pay is a factor in the quality we will get. And if you care about what we do, you care about the quality of their work. A poor judge, and we've seen it, will run roughshod over the legislation that we pass in this body. A subpar judge will take the laws that we pass and throw them out the window and do what they want. And then you have an appeal and another appeal. And that's not what we want. We have to protect this branch of government. We have to protect our quality because it affects the quality of our work. We want the best that we can put on those benches and it will take good compensation to keep the best. And if you think passing a 5 percent raise is hard, vote these down, be here in four years when we have to pass an 8 percent raise, be here in eight years when we have to pass a 12 percent raise and see if that's a challenge for this body. I asked you to take those things into consideration, colleagues, because this is more than about the budget. This is more than what can we...what should somebody deserve. This is about a branch of government that we need to be strong. [LB306]

SENATOR KRIST: One minute. [LB306]

SENATOR COASH: Thank you, Mr. President. [LB306]

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SENATOR KRIST: Thank you, Senator Coash. (Visitors introduced.) Returning to debate, Senator Karpisek, you are recognized. [LB306]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Senator Lathrop referred to my legislative tantrum. I kind of like that, but as they say, you ain't seen nothing yet. So we were okay making an exception there, whether it was germane or whether it was not germane. Good. I haven't quite decided yet, but it might take all those green votes to get this thing moved. I'm very upset and I think that I've said that more times than once. So we'll see how this plays out, I guess. Senator Coash talked about, well, if you don't want to give them 5 percent and 5 percent now, it will be harder down the road. He's right. But at some point you have to look at how much is enough. Quality of work, it's exactly what I'm upset about, exactly why I'm working on this. Are 60 percent of our kids, who are in a divorce or a separation, not spending a significant time...amount of time with both parents, is that quality work? I don't believe so. I would have to say the 30 percent of time that there is joint parenting, it's because the parents agreed to it. And is there any more work being done? Doesn't seem like it. I also think that our pay raise went down, part of it was maybe it was too much but part of it is because people are not happy with what's going on. Whether they like it or not, people are upset about different things that happen to them. I understand that this was an agreement between the judges or with the judges. We'll still give you 1 percent more for retirement if we get a raise. I'll take some of that. That doesn't seem right to me. Just because we give them a raise now they'll put a little more in? It's their retirement, for crying out loud. It's theirs when they retire, and they've got a sweet plan. It's not a Cadillac, I'll tell you that; it's better than that, which is fine. I don't care. I've been on the Retirement Committee since I've been here and I've always supported it. I did not support this pay raise on General File. I did not support it however many years ago it was that we did it then. Might have been another two red votes. That's okay. This is about a lot of things other than just their pay raises. This, to me, is about another branch of government... [LB306]

SENATOR KRIST: One minute. [LB306]

SENATOR KARPISEK: ...sticking their nose in, not being up-front on what we're trying to do, and I don't like it any better than when the executive branch does it. And it happens all the time. My phone still hasn't rang, nor have I gotten a note to come out and say let's sit down and try to work this out; just more flaming arrows. I can shoot them back. Again, I did not threaten; I promised a couple nights ago or about a week ago, following through on my promise. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Karpisek. (Visitors introduced.) Returning to debate, still in the queue: Senator Seiler, Wallman, Chambers, Bloomfield, Karpisek. Senator Seiler, you are recognized. [LB306]

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SENATOR SEILER: Mr. Speaker, members of the Unicameral, I've spoke before on the quality of judges that we needed too. There is something that is going on that's directly connected to that \$2.3 million those judges saved us. Most districts that the judges sit on have full schedules. When you extend out the appointment of a judge over a period of time to save that \$2.3 million, you're imposing on the neighboring judges to cover that district. Do we pay them overtime? No. Do they get any benefit for covering their neighboring district? No. This is just...they just do it because it's part of their job. They do a good job covering. I think this is a little bit of a payback for them for doing that. And I think that is a very important thing that most people don't understand that they are...they're handling the cases in their own district and helping out in the districts. That's saving you money. I think they deserve this raise. I think the comments made about it attracting good lawyers to fill their shoes are excellent arguments, and I encourage you to pass this bill. [LB306]

SENATOR KRIST: Thank you, Senator Seiler. Senator Wallman, you are recognized. [LB306]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I think a little bit of trouble...we have trouble giving lower-end employees 2 percent and now we want to give higher-end on the salary 5 percent? That's quite a difference. And the retirement benefit, I have nothing against the judges and I think they're doing a fine job, but the perception is on the percentage thing the salaries are growing apart in our own government entities, the people that work for us. It's getting wider and wider. So as long as we do this perception thing, I mean percentage, we're not going to straighten this out. And, folks, people in my district have told me many times this percentage thing has to stop, whether it be for administrative salaries or teachers' salaries. So if you're going to encourage young people to get in certain professions, maybe you ought to start them out a little higher and give block raises instead of percentage. And, well, how are we ever going to straighten this country out unless we get on top of this, I don't know, because percentages is bad for the average person. And thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Wallman. Senator Chambers, you're recognized. [LB306]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I believe I've had more conflicts, contentions, and battles with individual judges and, on occasion, the judiciary than all the other senators put here together. But I'll tell you where I have an ability that maybe some of my colleagues or people at large don't have. I can look beyond those battles to the integrity of a branch of government. I'm concerned about the Legislature as an institution. I'm concerned about the judiciary as an institution. "If you pay peanuts," as Armand Hammer said, "you get monkeys." Now if we could get the public to vote us a \$50,000 salary, who would reject it? Just because

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we cannot get a certain thing doesn't mean we tie everything together and say, we realize how unfairly we are being treated so we're going to use that poor model and treat an entire branch of government unfairly. There are more members in the judiciary than there are in the executive branch, I would suspect. And that is a unique branch, not just because of the work they do in resolving the disputes that occur in society, disputes that must be resolved somewhere by somebody. The constitution says, in effect, the doors of the courthouse have to be open to everybody--it said every man--for any grievance he has in his lands, rights, and so forth. Those court doors have to be open. If I want to sue God, they cannot stop me at the courthouse door. They have to let me in and make my case. They cannot stop. We can reject bills. And here's something else. Judges cannot work, as we can work. They cannot accept the kind of handouts that senators accept all the time. They cannot accept donations, as Governors accept, and their wives are given some consideration now on trips because of legislation I got. I didn't think the Governor should have to be out here panhandling to get money to take his wife with him or the spouse, I should say, because we've had a female Governor, on these official occasions. There is such a thing as dignity and integrity that we ought to want to attach to every branch of government that makes up the tripartite government of this state. When we get to talking about these trivial matters and we forget the big picture, then we encourage the people to disrespect the judiciary. And I don't think that should happen. We can campaign; judges cannot. We can put all kind of ads out there that we please; they cannot. So when you have a judiciary, a branch of government which has restrictions placed by the constitution that are not on the other two branches, how are we going to say that a comparison can validly be made? It cannot. You don't have to have any training to be a Governor. Look at some of those you've had. And with all due respect to my colleagues, all you have to do to be in the Legislature is a certain age, live somewhere a certain amount of time, and not be in the penitentiary at the time that you're running. But it takes more to be a judge. The law sets qualifications. The constitution sets qualifications. And you're going to take one of those positions, which is essential, and compare it to a situation where there are no qualifications to speak of. [LB306]

SENATOR KRIST: One minute. [LB306]

SENATOR CHAMBERS: I don't have to know how to read to be in the Legislature. I don't have to have spent a day in school at all. And, frankly, I've never held a job in my life that required any education, including this one, especially this one, and nobody can call me to account on it. I'm in favor of the raise. I would like to see a bigger raise. I know the value of government. And despite all of this antigovernment talk, without the government there would be chaos. And you think you got a problem? Look how two men shut down...one man shut down the entire city of Boston, one man who couldn't be every place at the same time. Suppose there were an outbreak. You would look to the government. I'll have to put my light on again, but I'm for this increase. And I like Senator Bloomfield if for no other reason that he sounds like Johnny Cash, but I have to

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oppose his amendment. [LB306]

SENATOR KRIST: Thank you, Senator Chambers. Senator Bloomfield, you're recognized. [LB306]

SENATOR BLOOMFIELD: Thank you, again, Mr. President. Colleagues, I said earlier I'm not going to spend a lot of time speaking on this, but I was just handed a letter that came in just this morning from a county attorney up in my area. He gave me permission to use his name. I probably won't. I don't care to throw him to the wolves, if there are wolves about. But I am going to read his letter into the record. Regards LB232, Dear Senator Bloomfield: As the Legislature considers the merits of LB232, I thought you might benefit from my observations on the effect of the Supreme Court's cost savings, which have been widely touted as justification for granting a pay raise to the Supreme Court and, thus, the entire judiciary throughout the state. The impact of these cost savings has had significant effect on the operation of the rural court in which I primarily practice. Staffing has been cut to the point where my county judge has no assistance in the courtroom. He has to run the recording equipment, mark exhibits, etcetera--tasks which were previously done by the clerk magistrate or her assistant. This often results in considerable delays in the courtroom proceedings while the judge performs these administrative tasks from the bench. These tasks are a distraction from the judge's primary function in the courtroom and I believe increase the risk error in the legal proceedings before the court. As anyone who works with the county court knows, it cannot operate without the clerk magistrate. She performs most of the administrative tasks of the local court and has historically had an assistant to help her, either on a full-time or part-time basis. The Supreme Court's cost savings has resulted in not replacing the part-time assistant for our clerk magistrate, not even for one day a week. On days when the court is in session, rather than assist the judge in the courtroom, she must now remain in the office to collect fines, copy journal entries, answer the telephone, file pleadings, make the necessary computer entries to document the day's proceedings, and otherwise assist the attorneys and other members of the public wishing to do business with the court. I have already described the effect this has had on the courtroom proceedings. The lack of adequate staffing can also lead to significant delays in the performance of day-to-day tasks the clerk magistrate must perform. One of the most significant effects of the Supreme Court's cost savings is the closing of the county court's office when the clerk magistrate, the only person in the office when the judge is elsewhere, is absent because of illness or vacation, etcetera. This is a great disservice to the public and an inconvenience for the practicing bar. In summation, while the actions of the Supreme Court and the State Court Administrator's Office have resulted in these cost savings, it has been at the expense of rural courts and citizens of our rural counties. The offices of the rural courts should be adequately staffed and open to the public. I am not opposed to raises for our judges, but I think the Legislature, when reviewing the budget request of the Supreme Court, should also see that adequate funds are provided to ensure that our courtrooms and county court offices remain open

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to the public and adequately staffed. Sincerely...and again, I will omit his name. [LB306 LB232]

SENATOR KRIST: One minute. [LB306]

SENATOR BLOOMFIELD: Colleagues, the courts who have saved all this money and donated it back to us are asking that we give it back to them in the form of a 10 percent raise over the next two years. Senator Lathrop said the judges have gone some years without any pay raises. So have other employees of the state of Nebraska. So can we look forward to a bill next year giving all the employees a 10 percent pay raise? Sounds like a wonderful idea if we could possibly afford it. We cannot. And I don't think we can afford to do what we're doing here either. I would ask you to support my amendment. Let's give them a raise. Let's make it 5 percent over two years, not 10 percent, which is a large, large increase. Thank you. [LB306]

SENATOR KRIST: Time. Thank you, Senator Bloomfield. Senator Karpisek, you're recognized. [LB306]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I would like to report that someone representing the bar has called me out and said that we would sit down and try to hammer something out on LB22, and I greatly appreciate that. Senator Chambers says that won't happen. It can come out here and we can kill it on the floor. Senator Chambers has a bill stuck in committee that he wants out that I would support on the floor, and I didn't support that bill last time, last year, two years ago, whenever it was. But I've heard Senator Chambers harp and harp and harp about pulling his bill out of committee. But now when I want to do it, it's no, because there are differences between the two, and I recognize that. That is also not his priority bill. This is mine. I would think Senator Chambers would love to get LB22 out here and just tear it up. I would think that that would just be right up his alley. He says no, because he knows that it just might pass if it got out here. Then what? So what this is all about: I want my way, he wants his way, we all want our ways. I've heard Senator Chambers also go off about the judges for the first...my first two years that we were together and now, but he thinks they need a raise. Surprises me, Senator Chambers. I know you have your reasons and that's fine. I don't think that they're doing, in my situation on shared parenting, I don't think they're doing a good job. I'm not talking about all the other things. We could go on for days about the different things that they do. That is what is in my craw. But what really got me on this are the e-mails that I intercepted from judges that are supposed to stay out of it. That's what has me upset, and I want to send a very clear message to them that I don't appreciate it. And I will get backed in a corner; I'll fight back too. For some reason, that's not what you're supposed to do. Only Senator Chambers is mean enough to do that. He's not the only one that can be mean. I'm not near as mean. I don't think I'd like to be near that mean. (Laugh) I have to live with myself too. But I am upset. I don't like how this has been handled and I don't think anyone else here would either.

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There are great a many kids out there seeing...not seeing one parent but maybe four days a month. We hear about what's wrong with kids today, why do they do this, why do they do that. Maybe that is a huge part of it. And again, not every kid needs to see those parents. Not every parent deserves it. [LB306 LB22]

SENATOR KRIST: One minute. [LB306]

SENATOR KARPISEK: I will be the first to admit that. But there are a lot of good parents that don't get to see their kids and be a part of their lives. Again, I appreciate if someone will sit down and talk with me. I know Senator Chambers again is upset with the people who came in and testified, and I am too. Many of them did a very poor job. But that should be no reason to try to help something that is going wrong for a lot of other people. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Karpisek. Senator Lathrop, you're recognized. [LB306]

SENATOR LATHROP: Thank you, Mr. President and colleagues. We are getting near the end of this debate it would appear from the people in the queue. And since this is Senator Bloomfield's motion and not mine, I thought I'd get up one last time and address his amendment, which I encourage you to oppose. It essentially says I'm going to cut what Lathrop has proposed in half, and it says we're spending money like drunken sailors. And then we hear the Clerk's office is having trouble being...the Clerk is having trouble being in two places at one time. Well, I want to share something with you, Senator Bloomfield. Probably before you got here we went through our version of the Great Recession in Nebraska and we had to make some significant cuts. And down in the Judiciary Committee we had different plans that were placed before us as we tried to find savings in the administration of the courts. Not only did the judges get no pay raise, but there was talk of closing the rural courts, closing the rural courts, having regional courts. And the Judiciary Committee opposed that idea and we found other ways to make savings. But understand the Chief Justice didn't short your clerk an extra person--we did. When we figure that we're going to hate on government and we're going to find ways to trim it down because everybody thinks government is chuck full of waste and we make cuts, that's what happens. That's what happens. And now what we're talking about is what the judges should receive. And without any data, without any information, just by saying 5 percent sounds too high, let's cut it to 2.5 because we're spending money like drunk sailors, that's the rationale and it has nothing to do with policy. And when we compensate lawyers to leave the practice of law at the pinnacle of their career, with all the training they've accumulated over their career and come serve the state of Nebraska in that capacity, we better have a better argument than that sounds like a lot and we're spending money like drunken sailors because we could probably say that about a lot of different areas if we're not worried about the policy. But the policy question today is what do we have to do to properly compensate and to

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encourage people to serve in that capacity? And Senator Coash said it well. You need to compensate well. It...you know, it's funny. I was sitting in my chair and thinking, we don't have this discussion when we're figuring out what we're going to pay the head football coach over at the university. Pay whatever you got to pay to get a talented guy; we want to win. We want to win. I don't know what Bo Pelini's salary is, but it's an awful lot more than the guy who's deciding the next custody case Senator Karpisek is worried about. And by the way, when he gets done or she gets done with that case, there's 25 more on the docket waiting to be decided. And in-between that, we're going to try a half a dozen jury trials and maybe take up a capital punishment case and decide if we're going to sentence somebody to death. That's what these people do. That's what they leave the practice of law to do. That's their service to our state. They have been without a pay raise and then followed by a 2 percent pay raise. This one is in order. It is good policy because we need good men and women to leave the practice of law with their training, with their experience, and serve. [LB306]

SENATOR KRIST: One minute. [LB306]

SENATOR LATHROP: The branch of government that is independent of politics, that takes good compensation to draw those people to that service. I would encourage you to oppose Senator Bloomfield's amendment and advance AM1114. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator Lathrop. Senator Chambers, you're recognized. [LB306]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I listened to Senator Karpisek. I made reference to Johnny Cash. And Senator Karpisek, on that bill that he had, he might could go for one of Johnny Cash's song: (singing) I stepped into a burning ring of fire. I went down, down, down and the flames went higher (end singing). And it burns, burns, burns, this ring of fire. And you can see how a fellow reacts when he's burning. That's not the issue here. What I intend to do is share with my colleagues some of the complaints that I filed against judges, the nature of the complaints, but I can look beyond what those individuals did and see what it is that the judiciary performs. You all wouldn't be getting expenses which in a lot of cases provides you a greater amount of income than the salary that the public has voted for you. And do you know why you got those expenses? Because the Nebraska Supreme Court upheld a bill that I got through the Legislature, over a Governor's veto, and the Supreme Court reversed a decision by a lower court that said that bill was unconstitutional. The court did what its job was. And you should read the case to see the kind of close, meticulous reasoning that has to go into these decisions. And I'm not going to talk about rewarding lawyers or how much they make somewhere else. I'm looking at the person who is in the position of a judge now. People like to say you get what you pay for. It would be more accurate to say you don't get as much for your money as what you put out. You get less than what you pay for if you're going to make it strictly money. But in

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this society, there is a certain amount of respect and esteem accorded by the public based on the amount of salary that a person receives for the work that he or she does. I don't think that Senator Bloomfield's...his motion should be adopted. I don't think that the body will adopt it. Sometimes when the senators put a proposition on the ballot to vote, for the public to vote, they think that we're doing what's happening in Washington. Some people think that when we leave our homes in Omaha or whatever city we're in we're going to Washington. Some of them think we make over \$100,000. They think we have an insurance plan. When you tell them we get only \$12,000 before taxes, we have no insurance plan, we have no retirement, and then you talk about the amount of time that goes into it, the first thing they want to say is, well, you knew the salary when you took the job, which is true. But very few people knew the amount of work that would be involved in this job when they signed on. But we stay here and we still more or less...well, I won't indicate what we do here. But some of us do the best that we can and it takes a lot of time. I was the one who got a bill through after many years that raised the salary of all the constitutional officers. There was an Attorney General at that time for whom I had little regard, a Governor for whom I had little regard, all the officers who were in those positions were people that I had not thought too highly of. But I was attaching a salary to the office and not looking at the individual who was there. It is a skewing of values... [LB306]

SENATOR KRIST: One minute. [LB306]

SENATOR CHAMBERS: ...when a law professor can make a larger salary than a Supreme Court judge. And I don't like to have to put it on that basis, but apparently that's the mind-set of some of the people who are here. We have staff members who make far more than we make. So because we get \$12,000 a year, should we slash all their salaries so that they get only what we get, then we want them to do the amount of work that they do and that needs to be done? I don't think Senator Bloomfield is wrong for bringing his amendment, and whatever reasons he had are valid for him. But we don't have to accept his reasoning, and we certainly don't have to accept what he's offering. We voted for the raise on General File. The reasoning that was valid then is valid now, and I hope we will defeat "Johnny's" amendment. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Chambers. Senator Karpisek, you're recognized, and this is your third time. [LB306]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. And, Senator Chambers, you're in fairly good voice today. We all appreciate that. We should go sing a little karaoke sometime--that's one of my favorite songs--and bring Senator Bloomfield with us. I haven't quite decided yet if Senator Chambers really thinks this is a good idea or if he thinks that maybe if he's in favor of it everyone will vote against it. That didn't get a rise out of him. I thought maybe I'd get a facial, some sort of facial

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expression on that (laugh). I don't think...Senator Lathrop said that just because it's half there's no reasoning behind that. I haven't heard a reason for the 5 percent each year. Why not 10 percent? These people are so important and doing such a great job we should jump their salary 100 percent. We can't compare this to a football coach. We don't decide that here. And if I had my way, I sure wouldn't vote that much for a football coach. And if anybody bleeds Husker red more than I do, and it's all about the same. We can't compare that. We have many people that leave their lucrative jobs to go do other things, to volunteer, to go somewhere else to do things. It happens all the time. No one forces these people onto the bench. No one forced us here, probably quite a few that would like to force a few of us out. I don't think that 5 percent is right. As Senator Bloomfield said, we have many in state government that have not gotten raises. What are we going to do when that hits up to a certain number? Are they as trained? Are they...have as many degrees as lawyers? Possibly not, but maybe they do. There's always arguments about doctors at the university. Now again, we're back to the university. How do they get paid? We give some money to the university I've noticed every year, and they do a great job. But we let them decide those things. I cannot vote for a 5 percent raise. I don't know that I can vote for a 2.5 percent raise today. I don't know that I've ever voted for a raise for the judges. I don't know that I've voted for a raise for the administrative...executive branch either. I do have some problems. I know we are a body who isn't here full time. But I think that there are many, many lawyers who are conflicted here and what do they do? And I'm not trying to throw them under the bus in any way or say that they're doing it for the wrong thing. But I think it's a pretty tough vote to vote no against it. I think that's too bad. [LB306]

SENATOR KRIST: One minute. [LB306]

SENATOR KARPISEK: Still not sure where I'm going to go with this bill, how long we'll be on it. I'm deciding and I probably won't have any help with it. That doesn't bother me. That doesn't scare me. I know that it's just me between your longer weekend. Sometimes people like to go home for that long weekend early, start leaving early. Probably see where the vote count is heading. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Karpisek. Seeing no other senators wishing to speak, Senator Bloomfield, you are recognized to close on your amendment. [LB306]

SENATOR BLOOMFIELD: Thank you, Mr. President. Maybe I should stand up and shout hallelujah, the recession is over; money is falling out of the trees. We can give 10 percent raises to everybody. Just so you think or don't think I'm screaming sour grapes because we didn't get a raise, I opposed that too. That doesn't ingratiate me to a lot of you on the floor. I'm aware of that. Nebraska doesn't have the money. I opposed the constitutional officers' pay raise. Nebraska doesn't have the money. The recession is not over. Money is not pouring in faster than we have ever seen it. The rain is falling outside, maybe we'll get a corn crop. Maybe it will quit raining and we won't. Maybe the

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proceeds from next year won't come in the way we'd like to see them come in. Three years out we may have less money. Giving a 10 percent raise to people who have chosen to be judges; nobody put a gun to their head and said we demand you to go down there and be a judge. They, like we, knew what the pay package was walking in. Certainly they anticipate a raise down the road. I'm in favor of giving them one. I just think 10 percent over two years is too much. Senator Watermeier handed me a chart, and I don't know if I can ask him a question on closing or not. Is that appropriate? [LB306]

SENATOR KRIST: You can ask him. Senator Watermeier, will you yield? [LB306]

SENATOR BLOOMFIELD: Senator Watermeier, would you... [LB306]

SENATOR WATERMEIER: Yeah. [LB306]

SENATOR BLOOMFIELD: Would you explain this chart and what percentage it takes us to a few years out (inaudible)? [LB306]

SENATOR WATERMEIER: Well, I was just concerned about this, spent a little bit of time with it and it showed some numbers here that...and I apologize for bringing it late in the process here, but it showed judges' salary of 2.5 percent back in 2009-10; 2.5 in '10-11; 0 in '11-12; 2 percent '12-13; and then we added 5 of 5. It basically showed a higher...like an 18 percent increase over the five-year period compared to the state employees of 12.5 and 12.5 roughly. That was my point. [LB306]

SENATOR BLOOMFIELD: Thank you. We have not shortchanged the judges going back the last few years. A 2.5 percent raise per year for the next two years going forward is not shortchanging the judges. It is giving us a fighting chance to save a couple of million dollars a year down the road. I ask you to give serious consideration to this amendment. Let's not spend money in future years that we have no guarantee is going to be there. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator Bloomfield. Colleagues, you've heard the closing on AM1164 to AM1114. The question is, shall the amendment pass? All those in favor vote aye; all those opposed vote nay. Senator Bloomfield, for what purpose do you rise? [LB306]

SENATOR BLOOMFIELD: Mr. President, I'd ask for a call of the house. [LB306]

SENATOR KRIST: There's been a request for a call of the house. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB306]

CLERK: 41 ayes, 0 nays, Mr. President, to place the house under call. [LB306]

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SENATOR KRIST: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel leave the floor. The house is under call. Senator McGill, please check in. Thank you. Senator Mello, Senator Nordquist, Senator Howard, Senator Bolz, Senator Davis, please check in. Senator Mello, please check in. Thank you. Senator Davis, please return to the Chamber. Senator Bloomfield, how would you like to proceed? [LB306]

SENATOR BLOOMFIELD: I'd like a roll call vote in regular order. [LB306]

SENATOR KRIST: Mr. Clerk. Would you like to wait for Senator Davis to arrive or proceed? Okay. Please stand at ease. Senator Davis is on his way. [LB306]

SENATOR BLOOMFIELD: Mr. President. [LB306]

SENATOR KRIST: Yes, Senator. [LB306]

SENATOR BLOOMFIELD: Let's go ahead and proceed. He'll be here. He can cast his vote. [LB306]

SENATOR KRIST: Okay. Thank you very much. Mr. Clerk. [LB306]

CLERK: (Roll call vote taken, Legislative Journal page 1152.) 16 ayes, 28 nays, Mr. President, on the amendment to the amendment. [LB306]

SENATOR KRIST: The amendment fails. Lift the call. Returning to debate on AM1114, Senator Chambers, you are recognized. [LB306]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, when we take these kinds of votes, we should not be voting on individual judges. When we vote on a salary increase for constitutional officers, we should not be voting on a particular person. So the vote in favor of this increase is not approving of what every judge has done, maybe not approving of what any judge has done. We are attaching a salary to the office. Whoever takes that office will get the salary. Now if we were going to say each individual would be evaluated and given a salary or compensation on the basis of the outcome of that evaluation and we did it in the Legislature, I'd be a millionaire several times over. And I would share that largess with some of my colleagues who wouldn't fare as well because I'm also a generous spirit, and that's why I would get such a high ranking. But in all seriousness, Nebraska--I'm now speaking of the Legislature when I say the state--has to get out of the mind-set of traveling cheap. Everything on the cheap. Nebraska ranks low in most categories where you're measuring excellence. If you're measuring nonsense, Nebraska would rank high; and

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that's not something to be proud of, to say Nebraska is more backward than any other state and feel proud of that. We have to incrementally improve the image of the state. And when you don't pay the elected officials a decent salary, you as the Legislature are saying that the people in office in this state are not worth anything. Then anybody else is justified in saying, well, why are they in office? Why don't you find a way to get them out of office? Issues are raised that are nonissues and that should not even enter the discussion. But many times, people can grasp the little things. "Parson" Carlson is here, and a lot of you have heard the expression: You strain at a gnat and you swallow a camel. All of these... Senator Campbell, I'm not talking about anybody's name. I saw you looking at me so I thought I'd better clarify. It's one of those situations where every time I make a comment, by the way, I'm not disparaging anybody or being sly like Senator Karpisek will be back there. Senator Karpisek has a bur under his blanket because a bad bill that he brought is not getting what he wants, but it's receiving the fate that it deserves. And I'm proud to say that I will do everything I can to keep that thing from coming to the floor. And since Senator Karpisek, I don't know if he has a high regard for lawyers, it's a lawyer spearheading and orchestrating that entire LB22. And he's representing his clients by doing so. I'm not going to condemn the lawyer. Everybody has got to have some way to make a living that's more or less honest. Even con persons, they need to make a living. Thieves need to make a living. We may not approve of how they do it, but they've got to live too. All of them are people too. Senator Karpisek is a people also, but he is often wrong. [LB306 LB22]

SENATOR KRIST: One minute. [LB306]

SENATOR CHAMBERS: But he generally does it in a less damaging way. The bile that Senator Karpisek is generating is harmful to his health. And were I a doctor, I would tell him, Senator Karpisek, take two aspirins, lie down, go to sleep, and see me in the morning. And he would say, Dr. Chambers, I feel so much better. All he needs is a little bit of rest. Senator Karpisek, at bottom, is a very likeable person. He is an easy going person and he's one of the easiest people to get along with. But when you get on the wrong side of him, like a porcupine, he'll throw a quill or two. But he's not going to track you down, and that's why porcupines can't move very fast. It's because they would do some great damage. By the time they get through taking one step and they hit you with one quill, well, you're out of danger. Senator Karpisek, we're going to survive you today; but I like you. I genuinely do, and I will miss you when term limits gives you your final fate. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Chambers. Senator Karpisek, you're now recognized. [LB306]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I did ask that Senator Chambers refer to me as a different animal than a Cheshire cat the other day, but I was working toward a wolverine. I'm getting closer, I guess, with the porcupine and

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their quills. I thought that maybe the body would go for that last round. I thought they might just say, look, let's do 2.5. So now I'm put into the position of do we see if they get zero or not. Do I take this to a cloture vote? I want to read you one of the e-mails that I did get intercepted. Speaking from the bar, talking about LB22, we did oppose it, but our reasons should not be interpreted in any way as an opposition to the idea of joint custody. There were simply some parts of the bill that we thought were extremely poorly written and which would result in excessive litigation. Hmm, but couldn't try to work on it because they're a bunch of lawyers, would rather just oppose it. That was the primary reason for the opposition. A secondary reason is that we get lobbied fairly hard by the judges to oppose anything that limits judicial discretion. That's what has me so upset--judges lobbying the bar that would limit any judicial discretion. Now if that doesn't irritate anyone else in here, I don't know what would. That's why I'm upset. That's why I want to send a message. That's why I want some of these things to be talked about. I guess if for nothing else I've gotten some of my points across today on LB22. I realize Senator Chambers doesn't like it because of the way the people acted that came to testify. I've had many times where I haven't liked how the people testified, but you know what? I still voted for the bill because I thought it was the right thing to do. Now he may still not think that the bill is the right thing to do. And he is right--there are lawyers behind bringing the bill. I don't think there's a lot of bills that there aren't. Ten percent in two years raises, that's just a pretty good raise. I don't care who you are. Is it justified for all? Absolutely not. Are some worth more? Absolutely. But again, many people leave lucrative jobs to go do something else. Some take off and volunteer in another continent for years. They're doing good or maybe they do it here. [LB306 LB22]

SENATOR KRIST: One minute. [LB306]

SENATOR KARPISEK: It's their choice. I think everyone always deserves a raise. I think that our staffs need...deserve more raises. But it has to end somewhere. I know that the judges saved money for the last couple of years to try to help with this, and I appreciate that; but then don't complain about the long hours. I don't know that it's the right way to go. Their staffs do not get any part of this raise, and I think they're looking at a 3.5 percent raise. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Karpisek. Senator Lautenbaugh, you're recognized. [LB306]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And again, I do support this bill. I do support Senator Lathrop's amendment. And I wholeheartedly understand Senator Karpisek's frustration. And I did hear Senator Chambers note that we might have a disappointment with a single judge, but we shouldn't make policy regarding all the judges based upon those individual disappointments. So I know the fact that he was disappointed with some of the members who testified...or some of the public that testified on this bill will not lead him

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to punish all the members of the public on this bill because that would be akin to singling out one judge and making policy detrimental to them all. But further, and I wasn't going to speak on this because I think it's getting late in our day today, but Senator Karpisek really touched on something that you've heard me talk about before. And I'm hoping he is helping all of us understand what it is that I am complaining about. The bar association is weighing in on this bill. The bar association is a mandatory association that all the attorneys have to pay into. Many attorneys disagree with the bar association's position on this bill. I'm one of them. The attorneys, some of them that are pushing this bill who don't practice in this area, a lot of them, but are divorced fathers, some of them, don't agree with the bar's position on this bill. And there is a line of Supreme Court cases that say, I believe, if you are a mandatory bar you are supposed to be weighing in on legislative issues that deal with the regulation of the bar and not much else. And I don't see any colorable argument on how LB22 deals with the regulation of the bar or access or quality of legal services so they are violating my rights. I can't put it any plainer than that. They are violating my rights. They are violating the rights of every attorney in this state and they will not stop. And now it's come around to bite Senator Karpisek and Senator Hadley because they're weighing in on this bill. They have no business, they have no right, they have no standing, it's improper, and it's wrong. And it will not stop. I mean I'm a plaintiff now in a federal court action. I never thought that day would come, and yet there I am. I am a movant before the Supreme Court trying to get the rules changed so we no longer have a mandatory bar. I'm not used to being in that position either. There aren't even rules on how you go about petitioning for a rule change. I had no idea what to do. I still don't. We're just sort of feeling our way through it, but that's a problem. This is a problem. And it wouldn't be so bad, but the bar shows up on an awful lot of things that there's disagreement about. And many of you are thinking, well, you know, Senator Lautenbaugh, they're not going to make a movie about your struggles with the bar and your rights. You know, nobody is going to write a song about your particular rights being violated in this way and that's true. Some people are saying, I wish I had your problem. I wish my rights were only being violated in your way because there are worse things out there. But this is something I can do something about, and this is something I am aware of. And it continues on and there is no better example of what I've been harping on for years than this LB22 and what's gone on here. And I'm thrilled, no, that's not the right word, be pleased doesn't work either, it's agreeable to have this opportunity to bring it to light again. And I hope it's becoming clear what it is I'm complaining about. Thank you, Mr. President. [LB306 LB22]

SENATOR KRIST: Thank you, Senator Lautenbaugh. (Visitors introduced.) Returning to debate, Senator Chambers, you're recognized. [LB306]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, had Senator Karpisek been here for more years and had he paid attention during the years he was here when I was here before my hiatus, he would be aware that I have always

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opposed joint custody, always. And it's not because of the way people testified on bills. I used that to show how poor the judgment was of those who were managing his bill. He brought some unmanageable people to the committee. Anybody who watched the hearing would say they are exactly why judges rule the way they rule. And if these people are going to show out like this in public before a public body whom they're trying to get to go their way on an issue and their argument is that they're suitable to be in the life of a child, then the ones who are making that judgment would say, uh-uh, buddy, not you. You don't have the judgment. You don't have the maturity to have a child placed in your custody when your marriage or your togetherness with the mother of the child has ruptured and you want to have equal access to the child granted to you, not because the two people involved want it that way, but you want the state to intervene. And you want the state to say that this child is going to be put in the partial custody of a lunatic. I will not do it. When two people split, whether they were married or not, and they have not maintained the kind of relationship where each feels comfortable with the child being with the other one, that's on them and the state should not come in and say, we're going to choose sides and say this one has as much right as that one. We're going to, since you put it into our forum, we're going to say come before us. We have a standard of what is in the best interest of the child, not the disputing spouses or parents, whether spouses or not. And we're going to let each side present evidence, and a judgment will be made on the basis of that evidence as to how this custody matter should be resolved. And our decision is this way. And you don't like it, appeal it and you'll go either to the appellate court or to the Supreme Court. And they'll look at the record, look at the evidence, and they'll either affirm what the judge did, modify what the judge did, reverse what the judge did, remand it with directions or instructions to do one thing or another. The lawyers all know this. And I will not support LB22 under any circumstances. And it's not just because of the way those troglodytes came down here and conducted themselves in a way that would be embarrassing to a self-respecting neanderthal. And I'm saying it on the mike and they know how to find me, Senator Karpisek. They can slap a woman around. They can abuse children. Well, slap me around. I'm the one stopping them from getting what they want. All a woman can say is, please don't hurt me. Don't hit me again. Don't knock me down in front of the children. Don't bloody my eye. I've seen what has happened to women, and I've seen the attitude of the one who did it and those troglodytes who came before the Judiciary Committee. And not everyone fits into that category. [LB306 LB22]

SENATOR KRIST: One minute. [LB306]

SENATOR CHAMBERS: But I'll tell you what happened in one instance. You sit at these tables and you lean forward on the table to rest. One senator did that to my right and the guy testifying acted like he was going to lunge out of his chair at that senator. I saw it, I was there, I sit through these committee hearings. And Senator Karpisek can say all he wants to, but the first thing out of his mouth almost was, I told them how to behave themselves and they disregarded my instruction. So they disregarded the

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instruction of the man who is trying to help them, and they're going to probably treat the judge the same way. Let the judge see the same thing because they're used to bullying women and abusing children. Well, let them find some men who are men and show what they are. Since they like violence, inflict it on somebody who knows how to fight and will fight back. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Chambers. Senator Bloomfield, you're recognized. [LB306]

SENATOR BLOOMFIELD: Thank you, Mr. President. I'm going to go back to the bill at hand. I think we've talked enough about bills that haven't managed to come out of committee. I offered an amendment. It was turned down. I appreciate that. I can live with that. We had an opportunity to reach the decision; the body did that. Let's move on from here. Let's get a vote on this thing. Let's go home and have a good weekend, come back a little bit refreshed hopefully. But I would ask the committees involved here, if we have money flowing around, let's look at going back and making our county courts whole again. If there's money out there, let's put some of it where I believe it needs to go. And with that, I'd like to see us get back to voting on AM1114. It would be no big surprise that I will be a red vote. I was before, I will be again. But let's get something done. Thank you. [LB306]

SENATOR KRIST: Thank you, Senator Bloomfield. Senator Karpisek, you are recognized. [LB306]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Senator Chambers is correct about how some of those people managed themselves at that hearing. And I did, he is right, probably the first thing out of my mouth was an apology to the committee. And if he wants to stand up to those guys, I will be right there beside him. I don't like to tell a lot of stories just to tell them, but I understand. I understand the abuse that Senator Chambers is talking about, hitting on women and kids. I lived it. I understand. And it's hard for me to watch how this has played out because not everyone conducts themselves that way. And not everyone deserves to see their kids two days every other week because of some idiot that beats on women and kids. That is like saying that everybody that is right-handed throws baseballs like a girl. I don't know because I saw one guy that did. I understand what Senator Chambers says. And no one gets more upset about that than I do, probably not even Senator Chambers. I just don't yell about it as much on the mike. So I don't think that I have ever talked about or not said what happened there. I don't think that those people...I know they weren't with the group of people that I came in and asked to testify. But that hearing room was overflowing. They had to open up another hearing room because there are a lot of people who are caught up in this problem. I've heard the bill would make more litigation. Well, it won't make less litigation. Well, it will do this, it will do that. Fine. Let's sit down and talk about it. And like I said now, I greatly appreciate that the bar will come sit down

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and talk. They probably talked me off the ledge, maybe. I'm glad to know that Senator Chambers has always not supported joint custody, and we had a nice off-the-mike talk the other day. And I respect him for what he told me, but that was his...how it worked for him, not for me, not for many other people. My issue here is that there are people weighing in on this bill, trying to submarine it rather than work on it. And if anybody thinks that there aren't flaws in that system, they are not opening their eyes. They need to step back and look at how it's working. It's not working. I have no interest in LB212 or LB22 to take the decision out of the judges' hands. I don't know how many times I've heard that. Read the bill. I know Senator Chambers has. [LB306 LB212 LB22]

SENATOR KRIST: One minute. [LB306]

SENATOR KARPISEK: It doesn't take it out of their hands. In my opinion, it gives them some parameters, probably like every other bill that we do here. I don't think back to the bill that 5 percent each year is right. Thank you, Mr. President. [LB306]

SENATOR KRIST: Thank you, Senator Karpisek. Seeing no other senators wishing to speak, Senator Lathrop, you're recognized to close. [LB306]

SENATOR LATHROP: Thank you, Mr. President and colleagues. You know, I was listening to Senator Karpisek and it took me back to when I first started practicing law. I got out of law school in 1981; and once I got out of law school, I started doing trial work. And I didn't do as much of what I do now, which most of you know what I do, but I started out doing criminal stuff and I started doing some domestic relations stuff. And maybe it's fortuitous that we grafted Senator Karpisek's conversation about LB22 into this discussion because it took me back to the days when I did domestic relations work. And let me tell you because it illustrates what our district court judges are doing every day across the state. They have people that once committed themselves for the rest of their lives to one another and had children and then found the relationship doesn't work. Those trials, colleagues, those trials are some of the hardest things to watch. They're the hardest things to preside over. We ask judges to play Solomon, to take a two-day snapshot of a 20-year relationship and make a decision about the kids. That's not easy to do. Sometimes it's "lawyering" that wins the day, sometimes it's somebody did something bad and it overcomes the fact that they're an otherwise decent parent. But that's what we ask our district court judges to do every day. They are sitting in the courtrooms across the state day in and day out listening to the emotionally charged fight over kids. They have a docket full of those cases. And in addition to the domestic relations cases where they're supposed to take a snapshot of a marriage that went bad, that has children, then they have to try civil cases, contract cases, criminal cases. And you know what? They have to do it with the rules that we provide them. So they may disagree with what we've decided is good policy or the policy of the state and they still have to do the right thing. Because if they don't, some appellate court will tell them they did the wrong thing. We have good people in place to make judgments. They have to

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make judgments every day. And I can tell you I've been in a courtroom and I have seen judges near tears when they have to sentence somebody for something so senseless, when they see the victims' families, when they have to put somebody to death when it might violate their moral principles and where they're at. Those are the people we're talking about. That's the office of the bench of the judiciary that we are talking about providing fair compensation. And Senator Chambers is right--it isn't about the judge in your district. It isn't about the judge that did your divorce or the one that heard your contract claim. It's about the office and that office needs to be filled with good people. And to do that, we need to make the salary commensurate with the responsibilities so that we attract capable lawyers from the practice of law. I think that AM1114 needs to be in LB306 and the two need to move forward. Thank you. [LB306 LB22]

SENATOR KRIST: Thank you, Senator Lathrop. You have heard the closing on AM1114. The question is, shall the amendment to LB306 be adopted? All those in favor vote aye; opposed, nay. Have all those voted that wish to? Mr. Clerk, please record. [LB306]

CLERK: 29 ayes, 4 nays, Mr. President, on the adoption of the amendment. [LB306]

SENATOR KRIST: The amendment passes. [LB306]

CLERK: I have nothing further on the bill, Mr. President. [LB306]

SENATOR KRIST: Senator Murante for a motion. [LB306]

SENATOR MURANTE: Mr. President, I move to advance LB306 to E&R for engrossing. [LB306]

SENATOR KRIST: You've heard the motion. All those in favor say aye. Opposed, nay. [LB306]

SENATOR KRIST: Passes. Speaker Adams for an announcement. [LB306]

SPEAKER ADAMS: Thank you, Mr. President. Members, we've had a good week. I know it doesn't always feel that way, particularly at the end of the week, but we've again taken on some tough issues this week. We actually, from a productivity standpoint, we've moved some bills. I think it's time to go home. Thank you, Mr. President.

SENATOR KRIST: No, thank you, Speaker Adams. Mr. Clerk for some announcement.

CLERK: Mr. President, Enrollment and Review reports LB69, LB205, LB240, LB429A, LB487, LB585, LB589, LB595, LB595A, and LB646 correctly engrossed. Hearing notice from Executive Board regarding hearing on LR155. Amendments: Senator Campbell an

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amendment to LB269A; Senator Conrad to LB507. New A bill: Senator Campbell offers LB507A. (Read LB507A by title for the first time.) That's all that I have, Mr. President. [LB69 LB205 LB240 LB429A LB487 LB585 LB589 LB595 LB595A LB646 LB269A LB507 LB507A]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR152, LR153. Mr. Clerk for a motion. [LR152 LR153]

CLERK: Mr. President, Senator Mello would move to adjourn the body until Monday, April 29, at 10:00 a.m.

SPEAKER ADAMS: Members, you have heard the motion to adjourn. All in favor indicate by aye. Opposed. We are adjourned.