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Floor Debate
April 03, 2014

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SENATOR COASH PRESIDING

SENATOR COASH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-fifth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Father Lloyd Gnirk of the St. John Evangelist Catholic Church in Valley, Senator McCoy's district. Please rise.

FATHER GNIRK: (Prayer offered.)

SENATOR COASH: Thank you, Father. I call to order the fifty-fifth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

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

SENATOR COASH: Thank you. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR COASH: Thank you. Any messages, reports, or announcements?

CLERK: Mr. President, lobby report as required by statute to be inserted in the Journal and a listing of reports or released legislative Web site acknowledging receipt of agency reports on file and available for member review on the legislative Web site. That's all that I have, Mr. President. (Legislative Journal page 1389.)

SENATOR COASH: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda.

CLERK: Mr. President, on Final Reading this morning, LR41CA. The first series of motions: Senator Chambers, I understand you wish to withdraw yours, Senator. [LR41CA]

SENATOR CHAMBERS: Yes. [LR41CA]

SENATOR COASH: Withdrawn. [LR41CA]

CLERK: Mr. President, the next motion I have, Senator McCoy. Senator McCoy would

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move to return LR41CA to consider AM2378. [LR41CA]

SENATOR COASH: Senator McCoy, you're recognized to open on your motion.
[LR41CA]

SENATOR McCOY: I would like to withdraw that motion, please. [LR41CA]

SENATOR COASH: Withdrawn. [LR41CA]

CLERK: Mr. President, Senator Karpisek would move to return LR41CA for purposes of considering FA316. (Legislative Journal page 1390.) [LR41CA]

SENATOR COASH: Senator Karpisek, you're recognized to open on your motion.
[LR41CA]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I filed FA316 this morning to take up just a little bit of time to make sure that we get everybody here, probably not supposed to be quite that honest about it, but I will be. We won't take much time, but we've had some car trouble, we've had doctor's appointments, we've had all sorts of things going on this morning. So we just want to make sure that we have everyone in their seats for an important vote. I know that we don't have much time on this bill, and we don't want to take up much time of the body to do this. But we do need to take up just a little bit of time. I appreciate your willingness to do that. You probably needed a cup of coffee anyway. With that, I will close on my opening. Thank you, Mr. President. [LR41CA]

SENATOR COASH: Thank you, Senator Karpisek. You've heard the opening to the motion to return to Select File for a specific amendment. The floor is now open. Senator Lautenbaugh, you're recognized. [LR41CA]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. And someone just described Senator Karpisek's opening as the most honest opening of all time and it was because he's an honest man. He has some peculiar ideas about election law, and it was probably a blessing that I was gone yesterday for everyone, but that's neither here nor there. This is an important bill, though. And we did want to make the time and take the time to make sure that we had basically everyone here first thing in the morning. And people are still trickling in so we thought we'd take some time and talk about what this actually does and what this hopefully will do for the state. What it's designed to do is put on the ballot the question of authorizing historic horse racing machines at licensed tracks and nowhere else. And we've discussed this time and time again for years literally. I've been persistent on this topic because it's come to mean a lot to me, even though it's a peculiar thing to mean a lot to me because I have no connection to the industry. I don't really even go to the tracks. And on the occasions that

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I do, I don't wager. It's not my deal. But I understand people who enjoy that kind of thing. And I've understood that horse racing is different in my mind than the lottery and keno and everything else because of the jobs it brings, the people that are employed by the tracks. And that what I'm trying to do here would exist to support the actual live racing and not vice versa because that's what this is all about--increasing purses, increasing racing days, providing increased revenue which would plow back into the industry. And this is an industry worth keeping in Nebraska. I came to this with no knowledge of it whatsoever, believe me. You've heard me speak at the mike on this over the years. You've heard me try to describe at one point what horses eat and the people who grow whatever it is the horses eat. I don't have a history in this area, but I came to understand that there's multiple levels to this and multiple levels to this industry. And when I first got involved in this with Senator Giese years ago, I was contacted by a lot of good Nebraskans, some of who raised horses here, who were talking about not doing it anymore. And some of them have stopped because we just weren't supporting the tracks, the revenue wasn't there, the live racing days weren't there, purses weren't there, etcetera. And this is reversible. People do like this. Kentucky has seen a turnaround where they've installed these. They've had success. We can do that too. We can save these jobs. We can save this important industry. And I don't think we can cavalierly turn our backs on any jobs in this state, and I don't think we should. [LR41CA]

SENATOR COASH: One minute. [LR41CA]

SENATOR LAUTENBAUGH: Thank you, Mr. President. And that's my whole purpose in bringing this bill, this amendment, excuse me. And the reason it's an amendment is because we'd had arguments in the past over whether or not the language in our constitution which allowed simulcasting, which referred to racing wherever run, would also allow for whenever run. This would address that. And it's a vote of the people. This will be a clear indication of whether Nebraskans want to support this activity, and they have supported horse racing in the past. They have voted to support this industry. When you explain what it is and that we're just trying to help this industry stay alive, people do like horse racing. They understand it's part of our agricultural tradition. They understand it's part of our history. [LR41CA]

SENATOR COASH: Time, Senator. [LR41CA]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LR41CA]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Hansen, you're recognized. [LR41CA]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I thought I better stand up and some people are questioning what I plan to vote this morning. This

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bill was introduced on January 23...no, that can't be right. It was evidently first debated on January 23 (sic) I would guess. Anyway, on February 14 it was debated again and that was the Valentine's Day where I spent in the Nebraska Heart Institute for a couple of days and missed the debate then. But by the time we got around to putting this on Final Reading, I had talked to a lot of people out in my district, talked to people across the state, and what the people said, you know, let it come to the people. Let the people vote on it. And I don't see how anyone could say the people aren't the ones who should vote on it. I voted for cloture on Final Reading or on...to bring it to Final Reading, and I will vote for cloture again today and I will vote for the bill. And I will spend next summer campaigning against it. I don't think it's a good idea, but it does deserve a vote of the people. And I think the people will turn this down. Horse racing has been a great event, several great events. There were people down here last Sunday that said they were going to stop in Grand Island and go to the races so more power to them. And they like to do it and they like to bet on the ponies. It's great. I hope we can keep some venues open. But to put these machines in there, I'm not sure that the people will vote for that. But I think it deserves a vote of the people. And I would encourage anyone that's sitting on the fence, which I doubt if anybody is at this particular time, to vote for the amendment or vote for the bill and not to...the idea to return it to Select File is just a time-wasting course. I realize that, but I would encourage you to think about the vote of the people and how important that is. Some of the things we do down here need to be thought out and let the people that don't have time to come down here and tell us what they think to vote on it. And they'll vote on it in November. Other than that, those are my feelings and that's the rationale I came to, and it's changed. It's changed from a year ago. But I think that the people of the state of Nebraska deserve a vote on this item. Thank you, Mr. President. [LR41CA]

SENATOR COASH: Thank you, Senator Hansen. Senator Karpisek, you're recognized. [LR41CA]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. We shouldn't be too much longer and again, I apologize. I guess we should have asked the Speaker to put it up at 1:30. I'm heading out to Grand Island Saturday to Fonner. I haven't been there for a while, probably been a couple of years. So I am going out and see what the crowds are like. I hear that it's up. I hear the handle is up, which is good unless you don't like gambling, of course, then it's bad. But then on the other hand, the horse people...everybody pretty much has said they like horse racing, they like horses, but they should do something for themselves. Well, this is something for themselves. All the bills that I've brought over the years for them is something for themselves. This is not any way that we're giving them money. We're just trying to give them another opportunity to bring in some money. I think that we as a state have put the horse racing industry in so much jeopardy because we allow keno, the state lottery, never forget church bingo, which in many people's minds is not gambling, it's something different because it's for the church and all that good. And we make it so everyone...well, we

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don't make it, but everyone can drive right across any of our borders to go to a casino. But yet we blame the horsemen because, well, they should do something to help themselves. What can they do? I tease Senator Brasch quite often that I think that they should...she talks about something like NASCAR and get sponsors. And I said, well, I would be willing to pay for a couple of people's campaigns if they put the sticker on the backside of the horse. But I don't know what else they can do. They're in a tough economy trying to get by. Other states are doing all sorts of things to get the better horses. If we don't have the people going as much, the purses can't be as high so the better horses go somewhere else. So then the people don't come as much because the horses aren't as good. We've talked about that it's a dying industry. I don't know that it's dying, but it's not what it once was. But again, I think that the Legislature has had a lot to do with that. It does create jobs. It does bring in money. Let's talk about Fonner. You know, people come from all over to go there. A lot of people may just go to watch the horses. But it brings in tax money. They drink, they eat. [LR41CA]

SENATOR COASH: One minute. [LR41CA]

SENATOR KARPISEK: They probably even play some keno. But it is a nice place to go and it brings the money in. It provides jobs. This isn't anything like the money that we give to businesses to entice them in tax breaks to come to Nebraska. This LR would just let the people of Nebraska vote on if they want to help the horse racing industry. Thank you, Mr. President. [LR41CA]

SENATOR COASH: Thank you, Senator Karpisek. (Doctor of the day introduced.) Senator Johnson, you're recognized. [LR41CA]

SENATOR JOHNSON: Thank you, Mr. Speaker. As the committee knows, General Affairs Committee, knows my feelings on most of the subjects we talk about, I've never bought a keno ticket. I've never bought a lottery ticket or I never played keno. I guess you don't buy tickets. I never bought a lottery ticket. Will confess that about 15 maybe more years ago I went to a horse race with an association. And I think I bet on maybe two horses or two times anyway. I support horse racing as an industry. I'm opposed to expanded gambling. And whether this is or is not, I guess I'm probably leaning toward it might be. I would hope that there was some way that we could move forward and resolve this within the body, but it doesn't appear that we're going that way. So I'm probably like Senator Hansen. I will support this from the standpoint of taking it out to the citizens to again vote on gambling. If people ask me about it, I will say that I'm not supportive of gambling; and that's going to be my position on that. So again, I'm probably not going to pay any money for campaigning against it, but I will not speak for gambling out in the public. Thank you, Mr. President. [LR41CA]

SENATOR COASH: Thank you, Senator Johnson. Senator Gloor, you're recognized. [LR41CA]

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SENATOR GLOOR: Thank you, Mr. President. Good morning, members. I will miss Senator Karpisek by a day. It's my intent to be at Fonner Park on Sunday, and I hope there is some popcorn left after Senator Karpisek finishes his Saturday rounds. I am looking forward to going to Fonner Park. I always do. It is, and for those of you who haven't gone, it is an enjoyable outing with families in attendance, with an opportunity to interact with people that I don't get a chance to see on a regular basis, especially when I'm down here in the Legislature. And I am a wise person, I think, when it comes to my money because I work hard for it, especially the \$12,000 we get here for the work we do, and I don't like to give it up easily. So I set a budget for myself when I go to Fonner Park of how much I'm comfortable spending on the ponies and when I call it quits. And I am not great at reading the sheet, but I am great at paying attention to what other folks pick as potential winners. In the final analysis, I usually leave some money there. And if it isn't a result of betting, it's a result of eating too much popcorn. That's okay. Now I understand the challenge here is that there are other people who aren't as mindful of how much they spend when they gamble because horse racing is gaming. There's no doubt about it. I understand that there are people who put their financial well-being at risk. Within that same population of people who are at the races, there are also individuals who don't temper the amount of alcohol they take in. And, of course, this body knows how much I love tobacco products. I also know there are people there who use tobacco products and aren't mindful of their own personal health and how much tobacco products they use. There are excesses in life. There are excesses in life, and we can't control all those excesses. What we can do, I believe, is provide healthy outlets for gaming in this state. Keno is one that we felt comfortable with. Lottery is one that we felt comfortable with. Pari-mutuel wagering is one we felt comfortable with. And we have the horse racing industry that is struggling a bit again, what we consider to be a healthy outlet for gaming. I don't buy into, have never bought into this being the camel's nose under the tent. And what I do buy into is the opportunity for a healthy release of people's interest in gaming, rather than hopping on buses and cars and traveling across state lines to do that. Keeping a healthy racing industry alive and well in the state of Nebraska to me is good for Nebraskans to make a decision about. Let them decide whether this is, as I see it, an appropriate way to provide for gaming opportunities and whether they see the connection between thoroughbred racing and an ag economy, an ag industry, and an opportunity for Nebraskans to enjoy themselves. [LR41CA]

SENATOR COASH: One minute. [LR41CA]

SENATOR GLOOR: Thank you, Mr. President. [LR41CA]

SENATOR COASH: Thank you, Senator Gloor. Senator Schilz, you're recognized. [LR41CA]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. Good morning. I

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haven't spoke on this issue this year yet, but here I go. As you look at what's going on and what we're doing here this morning, and it's a culmination of a lot of time and a lot of effort by a lot of people, and you can call it what you want. You can say that it expands gambling. But what this vote will do is it will allow the people of the state of Nebraska to voice their opinion on an issue that I think is important. You know, Nebraska is an ag state. And whether you believe it or not, horse racing is an ag issue. My wife's family was in horse racing for a lot of years, and it brings back a lot of memories, a lot of good memories--in the barns, on the track, in the paddocks, a lot of good memories were there. We need to maintain horse racing in the state of Nebraska. It's important. It's essential, and it is a part of our ag heritage. You might not believe that, but it's true. So I just ask everyone to understand this and understand that the people of the state of Nebraska are competent and able to make this decision, and we should let them do that because quite honestly, they are voting every day with their dollars going out of this state. There's no two ways about it. They're driving across the border; they're driving to Colorado; they're driving to South Dakota; they're going to Kansas. Let's keep those dollars here. Let's keep those dollars working for Nebraska and Nebraskans and let's keep it working for the agriculture aspects of our state. Horse racing isn't what you would call everyday agriculture, but it's one more thing that keeps those folks connected to the ag aspects of our state. So I'm all in support of this. I want to see it go through, and I don't want to see horse racing ended because some people don't think that the people of the state of Nebraska should have the opportunity to vote. I think that's wrong. I think everybody here should understand that we 49 get to vote on a lot of issues every day. Let's let the people of the state of Nebraska vote on this important issue, this important agricultural issue. It is. So with that, I would just encourage and urge everyone to vote green on this one. Let the people decide. Thank you very much. [LR41CA]

SENATOR COASH: Thank you, Senator Schilz. Senator Bloomfield, you're recognized. [LR41CA]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, colleagues. Everyone pretty well knows my position on this. I can't support it, not necessarily because of what it is, but because of the process by which it is being done. Putting in a slot machine and telling us that it's a horse race still doesn't get it. But since Senator Karpisek is in charge of burning time, I'd like to ask him a question or two with the intent of a little humor. [LR41CA]

SENATOR COASH: Senator Karpisek, will you yield? [LR41CA]

SENATOR KARPISEK: Yes, I will, Senator Bloomfield. And I don't like to be in charge of wasting time, but. [LR41CA]

SENATOR BLOOMFIELD: I know, Senator Karpisek, but it happens to all of us once in

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a while. Did I...Senator Karpisek. [LR41CA]

SENATOR KARPISEK: Yes. [LR41CA]

SENATOR BLOOMFIELD: Did I hear you say just a little bit ago that keno and the lottery were harmful to the horse racing industry? And with that, I would yield you the remainder of my time to answer. Thank you. [LR41CA]

SENATOR KARPISEK: Thank you, Senator Bloomfield. Yes, I do think that those things are harmful to the horse racing industry. I think there are so many dollars, entertainment dollars to go around. And I feel that those things are harmful to horse racing just like maybe going to the movies or going out to eat. People only have so much disposable income, and they have so many more places where they can use it, go to use their entertainment dollars now. So I think it's just wherever you can go to spend money. Kind of think back in the '40s there weren't all these places to go. There weren't phones to buy apps and all those sort of things. So I do think all those things, including church bingo, get into our entertainment dollar. With that, Mr. President, I would like to withdraw FA316. [LR41CA]

SENATOR COASH: FA316 is withdrawn. (Visitors introduced.) Members, please return to your seats in preparation for Final Reading. Senator Lautenbaugh. [LR41CA]

SENATOR LAUTENBAUGH: Mr. President, I'd request members check in. [LR41CA]

SENATOR COASH: There has been a request for a check-in. Members, please check in. Senators Burke Harr and Hadley, please return to the Chamber. Senator Burke Harr, please return to the Chamber and check in. All members are checked in. Senator Lautenbaugh. [LR41CA]

SENATOR LAUTENBAUGH: I'd request a roll call in reverse order. [LR41CA]

SENATOR COASH: Mr. Clerk, please read the resolution. [LR41CA]

CLERK: (Read LR41CA on Final Reading.) [LR41CA]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LR41CA pass, providing for the submission of such proposition at the next general election? This requires 30 votes. There has been a request for a roll call vote in reverse order. Mr. Clerk, please read the roll. [LR41CA]

CLERK: (Roll call vote taken, Legislative Journal page 1392.) Senator Lautenbaugh. [LR41CA]

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SENATOR LAUTENBAUGH: I would change to not voting. [LR41CA]

CLERK: Senator Lautenbaugh changing from yes to not voting. 28 ayes, 19 nays, Mr. President, on the final passage of LR41CA. [LR41CA]

SENATOR COASH: The resolution fails. Items, Mr. Clerk. [LR41CA]

CLERK: Mr. President, Senator Brasch offers LR615 and LR616. Those will be laid over. I have confirmation reports from the Judiciary Committee and a series of reports from Health and Human Services. And, Mr. President, Judiciary Committee chaired by Senator Ashford reports LB877 to General File with amendments attached. That's all that I had, Mr. President. (Legislative Journal pages 1392-1396.) [LR615 LR616 LB877]

SENATOR COASH: Next item, Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to reconsider the vote taken with respect to LB671 becoming law notwithstanding the objections of the Governor. [LB671]

SENATOR COASH: Senator Chambers, you are recognized to open on your motion. [LB671]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, when this bill was up yesterday, there were things I wanted to get into the record, and all of those things I succeeded in getting into the record. So my comments will not be extensive this morning. The picture I handed out was to show you that Game and Parks' concept of hunting is really target practice. I will spend what little time I'm going to take on these animals. I have applied the term "regal." That means kingly, of royal bearing. There are so few of them that there is not even a necessity for Game and Parks itself to "manage" these animals. I pointed out yesterday that since December of last year seven of these animals have been killed; 3 by hunting, 2 in traps, 1 was shot by a person, and the other was killed by an automobile. Seven of these animals killed in the space of two or three months. A very small population existed before that and it's even smaller now. As far as cougars or mountain lions migrating to this state from one of the Dakotas, there is a member on the Game and Parks Commission from that area who said that it is not likely that any more of these animals will take up residency in the Pine Ridge area because the habitat will not support them. There is not habitat for them in other parts of the state of sufficient amount to result in any significant increase of these animals throughout the entire state. I'm asking that you vote so that I have the opportunity to reconsider, and that will require 30 votes. Thank you, Mr. President. [LB671]

SENATOR COASH: Thank you, Senator Chambers. Members, you've heard the

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opening to the motion to reconsider. Seeing no members wishing to speak, Senator Chambers, you're recognized to close on your motion to reconsider. Senator Chambers waives closing. The question before the body is, shall the vote be reconsidered? All those in favor vote aye; all those opposed vote nay. Senator Chambers. [LB671]

SENATOR CHAMBERS: I would ask for a roll call vote in regular order. [LB671]

SENATOR COASH: There's been a request for a roll call vote. Members, the question before the body is, shall the vote last taken be reconsidered? Mr. Clerk, please read the roll. [LB671]

CLERK: (Roll call vote taken, Legislative Journal page 1396.) 30 ayes, 17 nays, Mr. President, on the motion to reconsider. [LB671]

SENATOR COASH: The motion to reconsider is adopted. Senator Chambers, you are recognized to open on your motion. [LB671]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I do appreciate that vote. And as I stated, I will not have any remarks. I just hope I can duplicate it on this, the crucial motion. Thank you, Mr. President. [LB671]

SENATOR COASH: Thank you, Senator Chambers. Members, you've heard the opening to the motion. Seeing no members wishing to speak, Senator Chambers, you're recognized to close on your motion. [LB671]

SENATOR CHAMBERS: I would just ask for a roll call vote in regular order. [LB671]

SENATOR COASH: Thank you, Senator Chambers. Members, this motion requires 30 votes. The question is, shall LB671 become law notwithstanding the objections of the Governor? There has been a request for a roll call vote. Mr. Clerk, please read the roll. [LB671]

CLERK: (Roll call vote taken, Legislative Journal page 1397.) 28 ayes, 21 nays, Mr. President, on the motion. [LB671]

SENATOR COASH: The motion fails. Next item, Mr. Clerk. Members, please return to your seats in preparation for Final Reading. Mr. Clerk, the first bill is LB438E. [LB671 LB438]

CLERK: (Read LB438 on Final Reading.) [LB438]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB438E pass? All those in favor vote aye; all those opposed

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vote nay. Record, Mr. Clerk. [LB438]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1397-1398.) The vote is 48 ayes, 0 nays, 1 present and not voting, 0 excused, Mr. President. [LB438]

SENATOR COASH: LB438 passes with the emergency clause attached. We'll now proceed to LB438A. [LB438 LB438A]

ASSISTANT CLERK: (Read LB438A on Final Reading.) [LB438A]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB438A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB438A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1398.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB438A]

SENATOR COASH: LB438A passes with the emergency clause attached. We will now proceed to LB674. [LB438A LB674]

ASSISTANT CLERK: (Read LB674 on Final Reading.) [LB674]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB674 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB674]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1399.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB674]

SENATOR COASH: LB674 passes. Mr. Clerk, we will now move to LB717 where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB674 LB717]

ASSISTANT CLERK: 41 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB717]

SENATOR COASH: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB717]

ASSISTANT CLERK: (Read title of LB717.) [LB717]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB717 pass with the emergency clause attached? All those in

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favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB717]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1400.) The vote is 47 ayes, 0 nays, 2 present and not voting, Mr. President. [LB717]

SENATOR COASH: LB717 passes with the emergency clause attached. (Visitors introduced.) We will now move to LB759 where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB717 LB759]

ASSISTANT CLERK: 37 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB759]

SENATOR COASH: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB759]

ASSISTANT CLERK: (Read title of LB759.) [LB759]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB759 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB759]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1401.) The vote is 47 ayes, 0 nays, 2 present and not voting, Mr. President. [LB759]

SENATOR COASH: LB759 passes. We will now proceed to LB800 where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB759 LB800]

ASSISTANT CLERK: 33 ayes, 4 nays to dispense with the at-large reading, Mr. President. [LB800]

SENATOR COASH: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB800]

ASSISTANT CLERK: (Read title of LB800.) [LB800]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB800 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB800]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1402.) The vote is 49 ayes, 0 nays, Mr. President. [LB800]

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SENATOR COASH: LB800 passes. We will now move on to LB851 where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB800 LB851]

ASSISTANT CLERK: 41 ayes, 2 nays to dispense with the at-large reading. [LB851]

SENATOR COASH: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB851]

ASSISTANT CLERK: (Read title of LB851.) [LB851]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB851 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB851]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1403.) The vote is 49 ayes, 0 nays, Mr. President. [LB851]

SENATOR COASH: LB851 passes with the emergency clause attached. Members, we will be passing over LB863. Mr. Clerk, the next bill is LB908 where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB851 LB908]

ASSISTANT CLERK: 34 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB908]

SENATOR COASH: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB908]

ASSISTANT CLERK: (Read title of LB908.) [LB908]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB908 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB908]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1404.) The vote is 49 ayes, 0 nays, Mr. President, on the final passage of LB908. [LB908]

SENATOR COASH: LB908 passes. Members, there were amendments filed to bills on Final Reading that have been removed. We will return to LB863 where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB908 LB863]

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ASSISTANT CLERK: 30 ayes, 4 nays, Mr. President. [LB863]

SENATOR COASH: That at-large reading is dispensed with. Mr. Clerk, please read the title. [LB863]

ASSISTANT CLERK: (Read title of LB863.) [LB863]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB863 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB863]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1405.) Vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB863]

SENATOR COASH: LB863 passes with the emergency clause attached. We will proceed to LB998, where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB863 LB998]

ASSISTANT CLERK: 35 ayes, 4 nays to dispense with the at-large reading, Mr. President. [LB998]

SENATOR COASH: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB998]

ASSISTANT CLERK: (Read title of LB998.) [LB998]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB998 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB998]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1406.) Vote is 49 ayes, 0 nays, Mr. President. [LB998]

SENATOR COASH: LB998 passes with the emergency clause attached. We'll now move to LB1048 where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB998 LB1048]

ASSISTANT CLERK: 39 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB1048]

SENATOR COASH: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1048]

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ASSISTANT CLERK: (Read title of LB1048.) [LB1048]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB1048 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1048]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1407.) Vote is 49 ayes, 0 nays on the passage of LB1048, Mr. President. [LB1048]

SENATOR COASH: LB1048 passes. We'll now proceed to LB1067 where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1048 LB1067]

ASSISTANT CLERK: 41 ayes, 1 nay to dispense with the at-large reading, Mr. President. [LB1067]

SENATOR COASH: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1067]

ASSISTANT CLERK: (Read title of LB1067.) [LB1067]

SENATOR COASH: All provisions of law relative to procedure having been complied with, the question is, shall LB1067 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1067]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1407-1408.) Vote is 49 ayes, 0 nays on the final passage of LB1067E, Mr. President. [LB1067]

SENATOR COASH: LB1067 passes with the emergency clause attached. [LB1067]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB438, LB438A, LB674, LB717, LB759, LB800, LB851, LB863, LB908, LB998, LB1048, LB1067, LR514, LR515, LR516, LR524, LR550. Mr. Clerk, we'll move to Select File. [LB438 LB438A LB674 LB717 LB759 LB800 LB851 LB863 LB908 LB998 LB1048 LB1067 LR514 LR515 LR516 LR524 LR550]

CLERK: Mr. President, with respect to Select File, Senator Murante, LB994, I have no amendments to the bill, Senator. [LB994]

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SPEAKER ADAMS: Senator Murante for a motion. [LB994]

SENATOR MURANTE: Mr. President, I move to advance LB994 to E&R for engrossing. [LB994]

SPEAKER ADAMS: You've heard the motion. All in favor indicate aye. Opposed? Bill advances. [LB994]

CLERK: Senator, LB994A, I do have E&R amendments. (ER229, Legislative Journal page 1234.) [LB994A]

SPEAKER ADAMS: Senator Murante for a motion. [LB994A]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB994A]

SPEAKER ADAMS: Members, you have heard the motion. All in favor indicate with aye. Opposed? It does advance. [LB994A]

CLERK: I have nothing further on the bill, Senator. [LB994A]

SPEAKER ADAMS: Senator Murante for a motion. [LB994A]

SENATOR MURANTE: Mr. President, I move to advance LB994A to E&R for engrossing. [LB994A]

SPEAKER ADAMS: Members, you have heard the motion. All in favor indicate aye. Opposed? It advances. [LB994A]

CLERK: Senator, LB719, I do have E&R amendments. (ER218, Legislative Journal page 1236.) [LB719]

SPEAKER ADAMS: Senator Murante for a motion. [LB719]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB719]

SPEAKER ADAMS: Members, you have heard the motion. All in favor indicate aye. Opposed? It advances. [LB719]

CLERK: I have nothing further on the bill, Senator. [LB719]

SPEAKER ADAMS: Senator Murante for a motion. [LB719]

SENATOR MURANTE: Mr. President, I move to advance LB719 to E&R for engrossing.

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[LB719]

SPEAKER ADAMS: Members, you've heard the motion. All in favor indicate aye. Opposed? Bill advances. [LB719]

CLERK: LB565, Senator, I do have E&R amendments pending. (ER233, Legislative Journal page 1346.) [LB565]

SPEAKER ADAMS: Senator Murante for a motion. [LB565]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB565]

SPEAKER ADAMS: You've heard the motion. All in favor indicate aye. Opposed? [LB565]

CLERK: I have nothing further on the bill, Mr. President. [LB565]

SPEAKER ADAMS: Senator Chambers, you're recognized. [LB565]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature, mountain lions are shy, reclusive, unoffending animals. They don't attack livestock. They don't attack people unless they are provoked. They leave people alone. And the problem happens when people won't leave them alone. Now I have some traits in common with them. I don't know that I'm shy, but I don't bother anybody, but I don't let anybody bother me. And you can vote any way you want to, just as I will do, and we respond to those votes in the way we decide. I have a list, I'm like Santa Claus, and I've checked it enumerable times. And I could have started today, but not having read the agenda carefully I had not noted that any bill with a motion or an amendment offered would be taken off the agenda. I pulled the motions that I have, and I could have had those bills off the agenda today. But I'm not going to sneak up on anybody as people sneak up on me. I feel there was a breach of trust and a breach of faith. You all got your pound of flesh. You tricked me. I put myself in that position, though, by trusting, not completely, knowing that there could be betrayal so when it occurred it wasn't a surprise. But that doesn't mean I don't have the appropriate response. There are a few days left. Some of you are getting out of here and you won't be back. Others of you will be back and I'll be here, and my memory is longer than that of an elephant. And I don't speak at the height of emotion which is going to dissipate and I will take back what I said. But today I was not going to ambush anybody's bill. That doesn't mean that the rest of the session is going to flow along smoothly. Corner one of those animals and what does the animal do? Responds. Some of the reasoning people gave me, they should have just left me alone and not said anything. Once bitten, as they say, shame on the biter; twice bitten, shame on me. It won't happen again and I'm going to show you what it is that I can and will do. Will I attack the bill of everybody who voted in a way

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that I disagreed with? I'll say like General Patton said: That's for me to know and you to wonder about. Anybody to whom I've made a pledge, the pledge stands because my word means something to me. Senator Carlson, my word means something to me. The rest of the season...the session, seasons are for hunting, watch me if you have any interest. You don't have to watch me, but I'll get your interest and I'll get your attention. [LB565]

SPEAKER ADAMS: One minute, Senator. [LB565]

SENATOR CHAMBERS: I had a motion on this bill and I pulled it, so Senator Nelson need not worry about me offering a motion on his bill. I want Senator Lathrop to know, however, our little feud on his bill continues and it has nothing to do with the mountain lion issue, and that bill is the one where it creates special categories of people who get special consideration under the law. But the others, they know who they are and they feel very triumphant right now, and I'm going to see how they feel as the session moves on. Don't try to bargain with me. Don't try to negotiate with me. Leave me be. Leave me alone. [LB565]

SPEAKER ADAMS: Time, Senator. [LB565]

SENATOR CHAMBERS: Thank you, Mr. President. [LB565]

SPEAKER ADAMS: Senator Karpisek, you're recognized. [LB565]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I have to stand and hang my head and apologize to Senator Chambers. I promised him that I would be the 30th vote on that or the 29th. I did not vote; everyone else did. I should have given a thumbs up for 29 and I didn't. I voted no. I blew it. I blew my word that I would be 29. I guess in my head I thought everybody else voted; it's not going to help to be 29. Well, maybe somebody else said that they were going to be 30. I blew it. I don't like the bill. But I did give my word and I broke it and I'm pretty ashamed of myself. I don't like to win that way and I don't think I've ever done that before. I made a split-second decision and it was wrong. I don't know what else I can say other than I do apologize, Senator Chambers. Thank you for pulling your amendments off those bills. I will talk to you in person, but I had to...I had to say it to everyone because it's the truth. And I think if more people would get up and tell the truth, we'd all be better off. I would yield the remainder of my time to Senator Chambers. [LB565]

SPEAKER ADAMS: Senator Chambers, you're given 3 minutes. [LB565]

SENATOR CHAMBERS: Thank you, Senator Karpisek. Thank you, Mr. President. But, Senator Karpisek, my comments were plural. You couldn't do what happened by yourself. It wasn't on you alone. See, when the mob acts, the one who is seen by the

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one being pursued is the one in front. But a mob consists of several people, so it's not just on you. You didn't have to do that and I wasn't calling...the only name I called was Senator Carlson. That's the only name that I uttered. But my light is on and I'm not going to take any more of Senator Karpisek's time. I'll do it on my own. Thank you, Mr. President. [LB565]

SPEAKER ADAMS: Thank you, Senator Chambers, and you are next in the queue. [LB565]

SENATOR CHAMBERS: Thank you, Mr. President. And I'm going to turn my light on again. I have as much right to speak on this floor, as often and as long as I please, unless we're on a bill and somebody invokes cloture and it's successful. But other than that, I will do with the rest of the session what I please. And if you don't like it, you're going to have to find a way to stop me. None of those who did what they indicated they'd do have anything to worry about from me. I do make distinctions and I don't paint everybody with the same brush. And I don't feel that Senator Karpisek was the one who had to stand up and say anything. If I would have felt that strong an offense at what he did, I would have left my motion on his bills. And I would have, as Santa Claus, since I invoked that, he whistled and shouted and called them by name, which is not what I'll do today because actions speak louder than words. And some of you all think that I speak in the way you think. You're under the emotion of the moment and you say things without thinking, and then you have to swallow it. But that's not the case with me. I know what I'm saying. And I'll say this too. I made a couple of agreements and one of the ones with whom I agreed is in the front of the Chamber making his way out of here now and the other one is in a conversation at the back of the Chamber. I never should have agreed to let Game and Parks alone. And as for the calls that the people at Cabela's are making to people, and I know the pressure that was put on you weaklings, you cowards, you sniveling, knock-kneed, pigeon-toed cowards. That's what I think of you, but I won't call you that. (Laughter) It doesn't take much to frighten you, but you're foolish. The ones who scared you are not in this Chamber to deal with me; you are. But maybe it doesn't matter. But we're going to see as time goes on. There's going to be something that's going to mean a whole lot to you. When I was...am I on my third time, Mr. President? [LB565]

SPEAKER ADAMS: I think you have one more after this, Senator. [LB565]

SENATOR CHAMBERS: Okay. I've touched on this before. When I was in one of the lower grades--and I'm not going to give the whole story but I want to make a point--that white teacher whom my parents taught me to respect all teachers--I only had white teachers--read the story of Little Black Sambo, one of the worst, most hateful, hellish things ever written and read to children in a classroom. Subsequent to that, after I became a man, I got them out of all the classrooms in this state, not just for the benefit of black children who were humiliated but for white children who were misled and

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"mistaught" by their elders, by their preachers, by their mamas, by their daddies, and everybody in their society. They're not the ones who speak up and say you should not hurt a child, but since I was black I had no feelings, in their mind, but I did have feelings and my feelings were hurt and nobody cared. And when those white children laughed, as children will do,... [LB565]

SPEAKER ADAMS: One minute, Senator. [LB565]

SENATOR CHAMBERS: ...at the caricatures in that book that the teacher held up and showed around, I didn't laugh. And the teacher didn't tell those little white children, we don't laugh at each other when I was the butt of the joke, as she said, if a white child was being laughed at. So white people taught me...they were teaching me very important life lessons from the time that I was a child, so don't any of you be arrogant enough to think that you can tell me how I ought to feel about anything. But I'm going to tell you what that bad experience did for me. I'm going to turn my light on. Will I continue or is there somebody next before I do? [LB565]

SPEAKER ADAMS: I'm sorry? [LB565]

SENATOR CHAMBERS: Will I continue or is there somebody who's... [LB565]

SPEAKER ADAMS: You're going to continue. [LB565]

SENATOR CHAMBERS: Thank you. Because I don't want to break this, I would have stopped. Because of what that did to me, I didn't want any child to feel like I felt. I was alone. I had nobody to speak for me. My parents were not there. The only adult, the one I was taught by my parents to respect, was the one who put me in the middle of it and all these little white children laughing. But the funny thing, even then I wasn't upset with them. They were doing like children do. They had laughed at each other, but not for the same reason. So I didn't want a child to feel like I felt, but no white child would ever feel like I felt, for the same reason. White children are not mistreated because they're white. A little boy, he was a little white boy, and he was from a poor white family and everybody knew it, but he had a birthday and his family bought him some new clothes. But you know what his new clothes were? And all those little white children who didn't come from poor families, if your parents are going to buy you new clothes it's not a pair of overalls, it's not a pair of brogans, it's not a red plaid lumberjack shirt. I remember what he wore after all these years and his white brothers and sisters mocked him and laughed at him. His parents didn't know that when they dressed that child that way it was going to make him a source of ridicule. And you know what I did? I stood up and I spoke for the child and I told them they were wrong and they shouldn't have done that, they shouldn't make fun of him, those are the clothes his parents bought for him. I don't even know if it made any difference to anybody, but it made a difference to me, because there was a child who was made to feel like I felt, and I knew what it meant to feel like

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that. But unlike the cowards that I deal with in here, I did something about it and I was not going to watch somebody set upon by the mob and sit there and not do anything even though I was still outnumbered by all of them. That same white woman was the teacher, who could have done anything she wanted to, to me, but I've developed a feeling of cowardice and fear of anybody. There's only so much that people can do to you. When I'm adult, they can't do any more to me than I let them do. But when you're a child, they can do things to you against your will and it's not a matter of you letting them do it. You cannot stop them. But at that moment, I didn't care what that teacher would have tried to do to me. So now I'm a man. And if that white woman hadn't done to me what she did to me when I was a child, maybe you'd have a different type of man to deal with if I were in this Legislature. But I am who I am. I am what I am. And in the same way that the people designated by the term "Negro" are creations of white people, I am the product of white people. White people made me what I am. But unlike some of my classmates, there were just a few of us at Lothrop School then who were black, it didn't destroy me. It could have. I don't know why it didn't. All I know is that it didn't. But it put something in me. I didn't trust adults. I didn't even tell my parents about it,... [LB565]

SPEAKER ADAMS: One minute, Senator. [LB565]

SENATOR CHAMBERS: ...because in the confused state of my child's mind why would my parents tell me to respect somebody who's going to do that to me? And it didn't occur to me then that they didn't know anything about this woman. They didn't send me to school to be mistreated like that. But the fact is, that's what happened and I know how I reacted in my mind. But I became a very obedient child. I didn't say much. People thought because I wasn't always talking, I wasn't paying attention, but I was absorbing everything, just like I absorb things around here. Thank you, Mr. President. [LB565]

SPEAKER ADAMS: Thank you, Senator Chambers. Senator Wallman, you're recognized. [LB565]

SENATOR WALLMAN: Thank you, Mr. President. As you probably noticed, I did not vote for this bill and it seems like we're always messing with voter registration or something. And then we're against trying to have some accountability in redistricting late last night? This, I just can't quite figure it out, what's going on. You want voter suppression, that's what's going on, and that bothers me and it also bothers my constituents because they stripped some of them around too. And why do we keep doing this? Because we want total control. Thank you, Mr. President. [LB565]

SPEAKER ADAMS: Thank you, Senator Wallman. Question is the advancement of LB565. All in favor say aye. Opposed? The bill advances. Next bill, Mr. Clerk. [LB565]

CLERK: Mr. President, LB464A. I have no E&Rs. Senator Krist would move to amend with AM2709. (Legislative Journal page 1346.) [LB464A]

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SPEAKER ADAMS: Senator Krist, before we start, let me read a couple of introductions. (Visitors introduced.) Senator Krist, you are now recognized. [LB464A]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. I told you that the changes that we made to LB464 would result in a fiscal note that would be substantially smaller, and it is. The removal of \$5 million is contained in the package and you can see the, if you look at your gadget, you can see the numbers that are reduced. This is a promise that I made to the Chair of the Appropriations Committee, Senator Ashford and I made to the Chair of the Appropriations Committee in order to bring this fiscal note within range to fit into the budget and to make significant strides in juvenile justice as a result as well. And then I need to explain to you that on page 1 are...I've always said and will continue to say our job here in the Legislature is to legislate, appropriate, and apply oversight. Well, it came to our attention just about a week ago that in the oversight capacity a significant amount of money that was going into problem gambling was not shifted over last year when we formed the Problem Gambling Commission. So that has been rectified on page 1 of the fiscal note (sic), a reappropriation or a change of appropriation that goes into the Problem Gambling Fund, \$250,000 a year out of our Health Care Cash Fund. So again for general appropriations purposes, this is neutral. It is not new money. It is money that's already been appropriated by the Health Care Cash Fund and it goes now where it's supposed to go to follow the problem gambling issue. With that, I stand for any questions, but I'd ask you to move LB464A with the amendment and let's get the job done. Thank you. [LB464A LB464]

SPEAKER ADAMS: Thank you, Senator Krist. Floor is now open for discussion on AM2709. Senator Mello, you're recognized. [LB464A]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. I rise in support of Senator Krist's amendment, AM2709, and this has been an awful lot of work, I know, on Senator Krist's part, Senator Ashford's part, the Judiciary Committee counsel, as well as the Fiscal Office to get our hands wrapped around the costs with LB464. With the adoption of the underlying amendment, if you look at your green sheet, LB464 is slated to be \$11.6 million in fiscal year '14-15; \$14.9 million, fiscal year '15-16; and \$20.2 million in fiscal year '16-17. With the adoption of the amendment, that changes it to roughly \$5.4 million, fiscal year '14-15; \$8.6 million, fiscal year '15-16; and \$17.7 million in fiscal year '16-17. So as Senator Krist mentioned, it really takes the fiscal note for this biennium down and cuts it in half, which if you look at the green sheet will put us above about \$2 million, give or take, about \$2.2 million above the minimal reserve with the adoption of this amendment. Obviously, it stairsteps in, which was something we talked about on Select and Final Reading with the underlying bill. It steps in a little bit more next year or, I should say the first year of next biennium, and then kind of comes into full impact the second year of the next biennium. It's obviously something

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that Senator Krist and myself mentioned multiple times on the underlying bill. We'll be continuing to work on this legislation come next biennium. Once again, sometimes the fiscal notes, particularly as this fully gets implemented, may change dependent upon the services and a number of juveniles that will be placed in juvenile court versus adult court. That's something that all we can do right now is look at the projections. But this is good public policy at the end of the day, colleagues, and I appreciate the work that Senator Ashford and Senator Krist and the Judiciary Committee legal counsel did in working with the Fiscal Office to make this, one, work in this year's biennium and to be able to bring that fiscal note down pretty sizably next biennium. With that, I'd urge the body to adopt AM2709. Thank you, Mr. President. [LB464A LB464]

SPEAKER ADAMS: Thank you, Senator Mello. Senator Carlson, you're recognized. [LB464A]

SENATOR CARLSON: Thank you, Mr. President, members of the Legislature. And I'm rising not to speak about LB464. I'm rising to speak about Senator Chambers. Mountain lion bill went through the Natural Resources Committee, and the committee voted it out on a 6-2 vote. We had debate. We had a vote on the first round. Very quickly, he got 31 votes. I didn't vote. He was happy with the vote. Second vote on Select File was not a record vote. It was a voice vote. I didn't vote on that either. Final Reading, it was a vote. It got to 27 votes and I hadn't voted on the bill, and I voted. I voted green. That made 28 votes. The bill went to the Governor; the Governor vetoed it. And with that being the first time that I had voted on that bill, I heard from a lot of constituents. Mountain lion bill is not a bill on morality; some things are. All of us have things that are part of our convictions and if we vote a certain way it won't matter what constituents say; other things, we listen to our constituents. So I went to Senator Chambers' office in the morning of the day of the override, attempted override, told him I can't support the override. Said, you've caved in. We had the vote on the override; I didn't support it. Yesterday I introduced LB1098, so right away Senator Chambers put up a bracket motion and it disappointed me. It didn't really surprise me. So here we go. I didn't ask him to. I didn't go talk to him, but he came over to me. Said, I'm asking if you will reconsider. I said, I'll reconsider. So he took the bracket motion off. Now it's an interpretation of what that response meant: I'll think about it, I'll reconsider. I did. Later yesterday he came over to me. I don't know the exact words but the question was, are you now with me? Shook my head, no. So then we had the vote this morning and I voted no, and so that's what it is. Over four years of serving with Senator Chambers, for the most part I've had a lot of enjoyable experience with him. And I really don't understand vendettas. I don't understand, when there's a vote that goes against you, I'm going to get you. And of course, I've observed that a lot. This is really pretty much the first time I've experienced it with Senator Chambers. [LB464A LB464 LB1098]

SPEAKER ADAMS: One minute. [LB464A]

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SENATOR CARLSON: I regret it. I regret that this is part of the experience, because I do have so much respect for his knowledge, for his ability on the floor, for his ability with legislation, for the way that he can do things. He's called into question my character. I don't appreciate that. It hasn't changed my view on Senator Chambers. I hope that as time passes that he and I can correspond, that he and I can communicate, but I have offended him and he's offended me, and I'm sorry. Thank you, Mr. President. [LB464A]

SPEAKER ADAMS: Thank you, Senator Carlson. Senator Chambers, you're recognized. [LB464A]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. Senator Carlson had supported this bill. He helped get it out of his committee. He brought Jim Douglas to my office and we had a conversation. I had no reason to think he was going to back away from the bill. He did come to my office and the first thing I told him, people told me that you're going to leave the bill, although they had other words more harsh than that. I said, Senator Carlson? They said, yeah, the man you call "Parson." So when he came to my door, he looked very crestfallen. And as he got ready to speak--see, we remember things differently--I said, you don't even have to tell me, I know what you're going to do, you're going to leave the bill; you had supported it, you had voted for it at least once, and now you're not going to support it. So he wanted to explain things to me. I told him, I don't even want to hear it. And it didn't end right there, but that was the tone of the conversation. I told him, I'm not his father, he doesn't have to justify himself to me. And I told him that you're changing, as I had it explained to me, because you're running for Governor and you had a lot of pressure from people and you can't withstand the pressure. That's what I said to him. Then he left. And he got the part right about our conversation the other day. I told him that I did not enjoy saying what I said during my interrogation of you. And somebody had even told me that they were watching our exchange and it didn't look to them like I was having fun, and I said I was not having fun, and I told him that. And I can't tell you the amount of time that elapsed, but we did have a conversation. I asked him, would he reconsider. Now he remembers it differently. I remember our last meeting of him saying, I will reconsider. That's what I remember, and he remembers it differently. So I'm going on the basis of what I remember and I will not change or back away from it. And he knows what "reconsideration" means or "reconsider" means here. If I asked you to vote to reconsider or are you going to reconsider, what does that mean? And I told him, you're playing the lawyer. You're playing with words now. You know what words mean, and when we say "reconsider," we know what that means here. And I'm not going to back away from anything that I've said and I will say it to the person and I'll say it to everybody. And when he left here just a minute ago he asked me, he said, I thought you said you came in peace. I said, yeah, those are the words I said. He said, then why did you say what you said? I looked at him; I said, well, I changed my mind, because the last thing I remember him saying he'd reconsider, then he voted no. That's what happened. Then his mouth kind of quivered and he said, baloney. I'll tell the whole

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story. I said, don't...I said, say the word that's in your mind, say the word you feel like saying, then giving him his Bible, for of the abundance of the heart the mouth speaketh; say the words that are in your mind. And if he remembers what I said, he'll confirm that that's exactly what I told him this morning. And he walked away. But he's a grown man, just like I am. And things change. People change and you're changing, and that's what happened. [LB464A]

SPEAKER ADAMS: One minute. [LB464A]

SENATOR CHAMBERS: And I'm going to function in this Legislature effectively, in the way that I always have, and I'm going to conduct my affairs in the way that I think I should. And I don't care what anybody thinks about that, just like they don't care what I think about what they do. That's the way life goes. Thank you, Mr. President. [LB464A]

SPEAKER ADAMS: Thank you, Senator Chambers. Senator Carlson, you're recognized. [LB464A]

SENATOR CARLSON: Thank you, Mr. President, members of the Legislature. Good, bad, right, or wrong, Senator Chambers asks me if I will reconsider and I say yes to reconsider, that meant to me will I think about the vote that I had made. Yes, I did. I thought long and hard. Then I have to come to a conclusion. Now he's saying that I ought to be smart enough, when he said, would you reconsider, that that meant would you reconsider the vote. And if you say yes, that means you're going to change your vote. Would you reconsider--will you think about it, is what it means to me, and I did. Then I have to come to the decision that I think I need to make and it's not a fun decision. This whole thing hasn't been fun for anybody. And I know yesterday, I could tell in his time that he's grilling me, he's not enjoying that, and I didn't enjoy it. And we're going to have some more of those moments as this session goes on and I'm not going to wilt and die. I'm not going to shrivel up and hide. I'll be right here and I'll conduct myself in a manner going forward that I think is the right way. If Senator Chambers doesn't like that, unfortunately, that's the way it is. And I don't care what he does from this point on, when this session is over, that won't change the respect that I have for him. It won't change memories of our bantering back and forth. And it won't change the fact that I've told people all over the state, as I've spoken to various groups, Senator Chambers may be the smartest man I've ever met. So this is unfortunate. This is not the way to end a relationship. This is not the way to proceed, but we are where we are. I'll do the best I can. Thank you, Mr. President. [LB464A]

SPEAKER ADAMS: Thank you, Senator Carlson. Senator Chambers, you're recognized. [LB464A]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this will not be a point/counterpoint all day, but while the iron is hot you have to strike it. And

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that's what Senator Carlson is doing in his way; it's what I'm doing in my way. I don't come down here to try to get people to think a certain way of me. We're not...we don't socialize, he doesn't eat with me, I don't eat with him, we don't visit each other at home. We're never going to do that. I don't do that with people here. This is all transitory. "General" Garrett knows that when you go into the military, you meet people and you think that because of the way you get along you might stay in touch with each other, and once you go your way and I go mine, you don't ever have contact again and you don't even think about it again. That's the way stuff is in this Legislature. It's transient and it's based on the things that we do, the things that we say. But I've often told you all, I haven't come down here, I wasn't sent down here to make friends with people and be friends. I'm sent down here to do a job. And if people are friendly, I'm friendly too. But that's not the main thrust of what's going on. But I think it's kind of good that this happened because it might clear the air for some, but I've never tried to hide what I think and what I believe and what I intend to do. And what I used to tell some of these people, because I can read minds, they want to keep me at the end of a ten-foot pole, I say that's fine with me because while I'm ten feet away from you, you're ten feet away from me also. So put your pole up there. But like whatever that flag was, don't tread on me, remember this, brothers and sisters, friends, enemies, and neutrals. That lion that I care so much about is a shy, reclusive, unoffending creature. And if I was able to make the essence of that lion materialize on this desk, that lion would look around this room and say, why don't any of you like me, what have I done to you? Why? Because nature made me in a way that you deem beautiful, you won't look at me and see beauty. You look at me and see a head hanging on your wall, a hide hanging on your door, a rug on the floor. That's what you see. Why does it have to be that way? I did not attack you. I didn't come into your cities. You came where I am. And even when you came where I am, I do everything I can to avoid you. I try to get away from you. So what do you do? You chase me down with dogs; then, when I say I surrender, you kill me. You know another reason I feel so much kinship to those animals? When black people were enslaved and we might escape and be going through the swamp, who comes after us? The dogs. The dogs. That's what dogs do. But I had sense enough to know that dogs were not that way by nature. Their nature was corrupted by these same people who want to make a piece of property out of me. I tie all those things together and I hear the same cruelty, the lack of compassion in you all when you want to make it possible to kill those animals for the love of killing. No mountain lion or cougar kills anything for the love of killing or because it can kill. It can kill more than what it does. It could kill human beings. [LB464A]

SPEAKER ADAMS: One minute. [LB464A]

SENATOR CHAMBERS: It could take your children. [LB464A]

SPEAKER ADAMS: One minute, Senator. [LB464A]

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SENATOR CHAMBERS: Oh. But it chooses, if it can make a choice, not to do that. You will not let it alone. You will not let it hide from you. You bring your dogs, because you haven't got sense enough to do it on your own, but you're so set to kill and you love to kill and you love to do it in a mob. Every time you go after a black man, you came with a mob. One black man and you always came with a mob. And the black man always had to stand against the odds alone, and you were brave and bold when you had the mob. You could lynch us. You could cut off our testicles. You could set us afire. You could take chunks of our flesh while we're swinging in the breeze, and you, in your Christian way,... [LB464A]

SPEAKER ADAMS: Time, Senator. [LB464A]

SENATOR CHAMBERS: ...are enjoying it. [LB464A]

SPEAKER ADAMS: And, Senator Chambers, you're on your own time now. [LB464A]

SENATOR CHAMBERS: And I'm going to take it. You wouldn't hear this if I wasn't here. You could go along...I watch the way I'm treated in that Ag Committee, how they do things for each other. Senator Schilz comes to me with stuff and I've never told him, you won't let anything out of the committee so I'm going to be against everything the committee does. You think I'm stupid? You think I don't know what's going on around here that I can't see it? Maybe I should have come here reacting to you all the way you do me, and then you'd know. But when one of us tries to be nice, you misunderstand it. You think we're stupid and you want to try us again and again and again. And you sit there smug because there are all of you and you act in bunches. That's when you're at your best. But there's some of you who know better and there are some of you who do better, and there's some of you who try to do better but you're just not strong and you fold under the pressure. But I know what I'm dealing with and I know that's going to happen. So it doesn't come as a surprise. And it's going to happen more and more and more. But I'm going to stay here and I'm the one who doesn't shrivel up and run and hide. And whatever I think I ought to do is what I'm going to do. Whatever I think I ought to say is what I'm going to say. And I say again, and people around here understand that, that if I enter an agreement with you and it's clear-cut, this that's going on now is not going to have any impact on that, none whatsoever, because I can make distinctions. I know what nuanced thinking means. But sometimes the circumstances are right and there are things that need to be said. If you don't want that mountain lion to have a bad encounter with you, leave it alone. It doesn't come where you are. It might stumble up and, by mistake, like stumble into a city. And then they'll do like in one of these little towns. The animal is terrified, so they'll run and get it under a car. And when the animal is cowering under the car, the sheriff and these other people come and they shoot it, and don't even know how to kill it. And the thing dies a slow, horrible death. Then they pull it out and hold it up and take pictures of it--cruel, savage, bloodthirsty, vicious. And you know where I find out about these things? I read the newspapers about

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what you all do to these animals. Somebody even told me that I ought to go on the Internet and see how they set these dogs lose on a coyote, rip it to shreds. And I told the man, I can't look at that. I cannot bear to look at it. But you all know it happens. You might even participate in it. Then you're going to sit up here sanctimoniously and say, well, the Game and Parks is so good, let them do it. You may really believe that, but I don't. I got six years and I'm going to fight them. But next session, no deals. Will I win every bet? No, there are enough of you to stop me, but it's going to take you some time and a whole lot of work, and it's going to bleed over onto other issues. And I won't get tired. [LB464A]

SPEAKER ADAMS: One minute, Senator. [LB464A]

SENATOR CHAMBERS: I won't stay away from here for days at a time. When I'm not on this floor, I'm down there watching you on that television set. That's why I can get up here so fast when they say a call of the house. I don't be drinking in my office or going with a lobbyist to drink. I'm not mooching their food. You ought to hear the way they laugh at you all. They mock you, you spongers and moochers. You won't do anything to help anybody else, yet you're begging this food. You ought to be ashamed of yourselves, but you don't have any shame. You don't like that? Then stop doing it. But I'm sure going to talk about it. The Speaker is the one who stopped me from bringing a resolution last year that would say the job of the legislators is to do the people's business; therefore, there should be no appearance of impropriety and they will stop taking this free food and the lobbyists will not be allowed to feed by setting up a trough. But the Speaker persuaded me not to offer it. [LB464A]

SPEAKER ADAMS: Time, Senator, and that was your third time. [LB464A]

SENATOR CHAMBERS: Thank you, Mr. President. [LB464A]

SPEAKER ADAMS: Senator Krist, there are no other lights on. You can close on your amendment. [LB464A]

SENATOR KRIST: Normally I'd waive, but I just want to remind you what we're about today with LB464A and to promise that the oversight from this senator will continue as we go down the road. My fiscal note, as it exists right now, our fiscal note, Senator Ashford's and my fiscal note, reflects a lot of hard effort, a lot of work. Doug Gibbs, Doug Nichols, thank you for your efforts, and Jennifer Piatt for helping to put this together. With that, I would say that this fiscal note is much smaller than it was before and I'd ask for your green vote. [LB464A]

SPEAKER ADAMS: Thank you, Senator Krist. The question is, shall the amendment to LB464A be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB464A]

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CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of Senator Krist's amendment. [LB464A]

SPEAKER ADAMS: The amendment is adopted. [LB464A]

CLERK: I have nothing further on the bill, Mr. President. [LB464A]

SPEAKER ADAMS: Senator Murante for a motion. [LB464A]

SENATOR MURANTE: Mr. President, I move to advance LB464A to E&R for engrossing. [LB464A]

SPEAKER ADAMS: Members, you have heard the motion. All those in favor say aye. Opposed? LB464A is advanced. Items, Mr. Clerk? [LB464A]

CLERK: Thank you, Mr. President. Enrollment and Review reports LB1098, LB1098A to Select File. And I have an amendment to LB1042 to be printed by Senator Nordquist. That's all that I have. (Legislative Journal pages 1409-1410.) [LB1098 LB1098A LB1042]

SPEAKER ADAMS: (Visitors introduced.) Mr. Clerk, we'll proceed to General File, LB485. [LB485]

CLERK: LB485, a bill by Senator Conrad. (Read title.) The bill was introduced on January 22 of last year, at that time referred to the Judiciary Committee. The bill was advanced to General File. I have committee amendments, Mr. President. (AM2111, Legislative Journal page 1299.) [LB485]

SPEAKER ADAMS: Senator Conrad, you're recognized to open on your bill. [LB485]

SENATOR CONRAD: Thank you, Mr. Speaker. And just as a point of clarification, do I have ten minutes to open or five minutes to open? [LB485]

SPEAKER ADAMS: You have ten minutes. [LB485]

SENATOR CONRAD: Very good. Thank you very much. Good morning, colleagues. I am ecstatic that we have the opportunity to begin debate on LB485 this morning. LB485 is my personal priority bill for this year and it's an important idea whose time has come. LB485 makes it an unlawful employment practice for most employers to discriminate against an individual on the basis of sexual orientation or gender identity with the inclusion of the important committee amendment to follow. This bill applies to employers having 15 or more employees, employers who have state contracts, the state of

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Nebraska, governmental agencies, and political subdivisions. Friends, I introduced LB485 because I believe no one should be fired for who they are, no one should be fired for who they love. It's a matter of justice; it's a matter of fairness. And to quote Victor Hugo: Nothing is as powerful as an idea whose time has come. Friends, this is an idea whose time has come. It is time for Nebraska to join the ranks of about half of our sister states and over 180 local governments to adopt this critical equal rights legislation. Since the last time we entertained this legislation--back in 2007 under Senator Chambers' leadership--significant developments have happened within society. Look at the repeal of the "don't ask, don't tell" policy that negatively impacted brave men and women serving in our military. Look at the ever-growing number of states who have established marriage equality provisions. And right here in Nebraska we've seen additional developments in progress and equality with the adoption of a similar ordinance in Omaha in 2012 and an inclusive measure by the Grand Island City Council to cover public employees in a capacity similar to LB485. Friends, LGBT Nebraskans work hard, they pay taxes, they walk the dog, they attend church, and they take care of their families just like other Nebraskans. They deserve the same rights we all presently enjoy in the workplace. And let me be clear on that topic: This legislation is not about special rights for anyone. It's about equal rights for everyone. That's a Nebraska value, equality under the law. The workplace should be governed by qualification, merit, performance, not governed by arbitrary distinctions, such as your sexual orientation. I want to point out a few important policy considerations in relation to the bill and I want to point out a few important policy considerations in terms of the amendment. I also want to reinforce some recent information in support of public support for this measure and I want to clarify some misconceptions. Friends, this is an instance in our public policy wherein the business community is way out in front of the Legislature. About 91 percent of Fortune 500 companies have already adopted similar strong antidiscrimination policies because it's good for business, it's important for economic development. Tolerance and diversity is critical to ensuring that all Nebraskan citizens have a right to be productive and have a place at the table. Additionally, we've made good progress in Nebraska on equality issues. As I noted, the city of Omaha has passed a similar ordinance covering over 427,000 Nebraskans about two years ago. University of Nebraska employees, which number in the tune of about 13,500, are already covered by a strong antidiscrimination policy which includes sexual orientation. Grand Island city employees, which number about 500, enjoy this protection. And for many, many years, litigants, judges, court personnel, and attorneys in our justice system have been governed by the same strong nondiscrimination policy which includes sexual orientation. So when you add those numbers--137 judges, 511 court employees, 5,443 practicing lawyers in Nebraska--the numbers continue to add up. With the repeal of "don't ask, don't tell," our military proudly serves in a nondiscriminatory manner, covering an additional 6,000 Nebraska citizens. And federal employees enjoy strong nondiscrimination protection in Nebraska, and that's about 16,300. Friends, last year 29 of us voted in support of an amendment that Senator Chambers brought to pursue equality measures on another topic. Last year a majority of the Judiciary Committee

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advanced critical equality measures in the foster care realm for consideration to this body. We are making unmistakable progress in this country and in this state. However, it's a reminder that LB485 is more important than ever so that we have a uniform, consistent statewide policy with the force of law. That's business friendly in terms of application and implementation; that's critical to ensuring equal rights for all citizens in the public work force and in the private work force, those citizens in rural Nebraska, those citizens in our more metro areas. LB485 and the necessary committee amendment ensures a uniform statewide policy with clear application and easy implementation. Now let me be clear about some of the things that LB485 does not address. LB485 has nothing to do with marriage equality--and in full disclosure, I am a strong advocate for marriage equality. However, I think we're all well aware of the "constrictures" of our Defense of Marriage Act within the Nebraska Constitution and the inability to change that through legislative measures. LB485 is narrow in scope and application to only the employment context. This is not a public accommodations bill. This does not cover the license-to-discriminate type of issues that other states have grappled with this year in serving gay and lesbian clientele. This legislation has nothing to do with same-sex insurance benefits which have been afforded and extended to many Nebraskans in the public and private work force outside of this legislation. This legislation is overwhelmingly supported by 64 percent of Nebraska voters spanning diversity of age, partisanship, geography, and religiosity. This legislation is supported by many faith leaders and many faith traditions. This legislation is supported by many business leaders. I want to take a moment to read to you a personal appeal that our office received, and hopefully your offices received yesterday as well, from a Nebraskan named Eric Lueshen who made some headlines this year in relation to his sexual orientation and his status as a Nebraska football player. And he speaks eloquently on these topics of tolerance, of diversity, and the critical essence that LB485 ensures for youth retention in our state. Quoting Eric Lueshen: Dear Nebraska State Senators, from 2003 to 2006 I was an openly gay Husker football player hailing from the small town of Pierce, Nebraska. [LB485]

SENATOR KRIST PRESIDING

SENATOR KRIST: One minute. [LB485]

SENATOR CONRAD: Thank you, Mr. President. My story is one of love and acceptance. I ask you this: If my fellow teammates over a decade ago could love me for being gay, why is it so hard to accept other LGBT people in the workplace here in Nebraska now? Can you believe in this day and age you can get fired for being gay and lesbian? It's almost unbelievable. I'll have time to read more of that as we get further into the debate. Friends, I also want to note something briefly. You may have received some communications spreading misinformation about certain aspects of this legislation, and I filed an amendment to address that distraction. Let me be clear: The information referencing 48-1109 was part of Bill Drafting due to a likely obsolete section

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of Nebraskan Revised Statutes due to the federal law it referenced being repealed in the 1970s, and I'll have a chance to address that a little bit more. Friends, as we move forward, we can and we should have a vigorous debate; we shouldn't engage in McCarthyism; we shouldn't question the character of those in this body nor their patriotism. I urge your favorable consideration of the legislation. I look forward to a healthy and good debate on this critical equal rights legislation. Friends, today is a good day for equal rights in Nebraska,... [LB485]

SENATOR KRIST: Time, Senator. [LB485]

SENATOR CONRAD: ...and I urge you to join our progress forward. Thank you. [LB485]

SENATOR KRIST: Thank you, Senator Conrad. (Visitors introduced.) Senator Ashford, as the Chair of the Judiciary Committee, you are recognized on your committee amendment. [LB485]

SENATOR ASHFORD: Thank you, Mr. President. And the Judiciary Committee did vote this matter out 5 to 1 last week. I woke up this morning remembering my mother who used to come and sit here and she...and I remember many times Senator Chambers spending time with her and telling her that, just be patient with your son (laugh), as I recall, or something to that effect. But she sort of...she kicked me out of bed this morning by...and said, now you get down there, Brad, and you fight for LB485. So in my experience, my life experience being brought up by a Lutheran mother and a Catholic father who taught me that there was nothing...and grandfather who taught me that there is nothing more important in life than to fight intolerance and discrimination--nothing, zero, zilch, nothing. It's not a debatable point. We may look at it differently. We may take different approaches to it. But it was in my DNA from the very moment I arrived on this earth from my family, and that is never, ever, never, ever cower to intolerance by...no matter what the institution is. And there are many religious institutions that have issues with gay rights for whatever reason and that's fine and this amendment deals with that. But out on the street, in the communities, in the schools, I believe every one of us has an absolute moral obligation to every day uncover and fight discrimination and intolerance. LB485 is a mild start along the road towards intolerance and discrimination. When Pope Francis told me and every other human being on earth, who am I to judge, I think he sent a message so strong and so important to the future of this world and the future of all of us that we would have to be locked up in a closet with pillows around our heads to not see what is right in front of us. When the Pope tells us, who am I to judge, as far as I'm concerned, that ends the moral and religious debate on this issue. When I...I grew up in the clothing business and in the clothing business many of those who are involved in the clothing business are gay or are lesbians, they're homosexuals. And I remember as a young person in the '50s, I remember listening to people and being around people who were gay who attempted not to be gay, who attempted not to appear gay or lesbian for fear that they would lose their jobs. I experienced not once; I

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experienced it many, many times. It's real. It's not feigned. If a religious institution wants to say to a parishioner, we won't marry you because that's our religious view, that's their right in this country to say that. That's their right to say that. That's what our constitution, I believe, says. But the freedom of religion which I cherish more than just about any freedom there is, the ability to have faith, the faith that I want to have in my Lutheran church, is my faith. But never, ever can that faith mean, or that right to have that faith and the right to worship the way I believe I should, that faith never should mean that I have any right whatsoever to deny anyone, because of their sexual orientation, the right to a job, to work, to feed their families. It is so fundamental. This state is a great state, but it's got to show it. We have gone through periods of terrible discrimination. In my city we not only discriminated horrifically against African-Americans, but we discriminated against Greeks, we discriminated against Irish people, we discriminated against Jews. When my grandfather started the National Conference of Christians and Jews chapter in Nebraska, he started in the '30s because there was discrimination against Jews that was horrific and African-Americans that was horrific. And he was no radical; he was a clothing salesman. He saw it. We cannot...we must vote for this bill and we must continue on the road that is so important to me and I think everyone in this place and to every citizen of this state, and that's move towards a place where intolerance will be wiped off the face of the earth, at least in Nebraska. Let's start here in this place today and wipe off intolerance. Let's follow the Pope. Let's follow other religious leaders. Let's follow political leaders and let's say, who am I to judge what someone else believes about their sexual orientation? Who am I to judge? In my 16 years there is no more important vote. I care deeply about prison reform. It's something we've worked on for a long time because I think we can help people. Doesn't even come close in my mind to this vote today because when we vote, hopefully, to send this bill across and to pass this law, we will be going down a road of hope, of opportunity, and faith in our fellow citizens and human beings. Senator Conrad has done a wonderful job of getting this bill to you. She is tenacious, she is patient, and she is impatient. She's all those things. (Laughter) This is her last bill in this Legislature. She deserves a yes vote. Not only does she deserve a yes vote, but every single citizen of this state, every person who lives in this state deserves a yes vote. Even if they don't know it, they deserve it. I urge the adoption of AM2111 and the advancement of LB485. Thank you. [LB485]

SENATOR KRIST: Thank you, Senator Ashford. Mr. Clerk for a motion. [LB485]

CLERK: Mr. President, I have amendments to the committee amendment. The first is by Senator Christensen. Senator, I have FA301. (Legislative Journal page 1293.) [LB485]

SENATOR KRIST: Senator Christensen, you are recognized. [LB485]

SENATOR CHRISTENSEN: Thank you, Mr. President. FA301 is simple. It just strikes Section 6. There's no hidden agenda here. This is a filibuster. I'm not going to pretend to what we're doing here. I don't believe that this is a proper step, and I know my district

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is very adamant that this is not what they want to see. And so, you know, if I understood Senator Conrad right this morning, she mentioned this dealing with the hiring process, and this is where I might be wrong in what she said, I could clarify it with her, but talking about not dealing with holding the employment, but it is clearly...in line 14 of page 14, this pertains to the sexual orientation or gender identity. It safeguards the right to obtain and hold employment. You know, I come back to that and I go, how do people know? You know, I've talked about I've hired people before and I don't know if they're gay or not. And I ask, how do you know unless they're telling you or they're exhibiting that in the workplace? Which, I don't care if it's heterosexual or homosexual, I don't think that should be in the workplace. And so I just struggle with it on that end of things and that is where I'm coming from. I'm not caring to get into an ugly debate over this. Like I said, I just admitting this is a procedure that we use here in the Legislature that we can drag bills out eight hours and raise the standard to pass it. And I'm going to read through a little study here that I found very interesting in my preparation here. It says identical twins proves homosexuality is not genetic. Eight major studies of identical twins in Australia and the United States and Scandinavia during the last two decades all arrived at the same conclusions: gays were not born that way. At best genetics is a minor factor, says Dr. Neil Whitehead, Ph.D. Whitehead worked for the New Zealand government as a scientific researcher for 24 years, then spent four years working for United Nations and the International Atomic Energy Agency. Most recently, he served as a consultant to Japanese universities about the efforts (sic--effects) of radiation exposure. He's got a Ph.D. in biochemistry and statistics. But identical twins have the same genes or DNA. They are nurtured in equal prenatal conditions. If homosexuality is caused by genetics or prenatal conditions and one twin is gay, the co-twin should also be gay. Because they have identical DNA, it ought to be 100 percent, Dr. Whitehead notes. But the studies reveal something else. If an identical twin has a same-sex attraction the chances the co-twin has it is only about 11 percent for men and 14 percent for women. Because identical twins are always genetically identical, homosexuality cannot be genetically dictated. No one is born gay, he notes. The predominant thing that creates homosexuality is in one identical twin and not in the other have to be post-birth factors. Dr. Whitehead believes that same-sex attraction is caused by the nonsharing factors, things happening to one twin but not the other, or a personal response to an event by one of the twins and not the other. For example, one twin might have been exposed to pornography or sexual abuse, but not the other. One twin may interpret and respond to their family or classroom environment differently than the other. These individuals' responses to random events and common environmental factors predominate, he says. The first very large, reliable study of identical twins was conducted in Australia in 1991, followed by a large U.S. study about 1997. Then Australia and the U.S. conducted more twin studies in 2000, followed by several studies in Scandinavia, according to Dr. Whitehead. Twin registers are the foundation of modern twin studies. They are now very large and exist in many countries. A gigantic European twin registry with a projected 600,000 members is being organized, but one of the largest in use is in Australia, with more than 25,000 twins on the books. A significant

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twin study among adolescents show an even weaker genetic correlation. In 2002 Bearman and Brueckner study, tens of thousands of adolescent students in the U.S. The same-sex attraction concordance between identical twins was about 7.7 percent for males and 5.3 percent for females--lower than the 11 percent and the 14 percent in the Australian study by Bailey conducted in 2000. In the identical twin study, Dr. Whitehead has been struck by how fluid and changeable sexual identity can be. Neutral academic surveys show that...in substantial change, about half of the homosexual/bisexual population in a nontherapeutic environment moves towards heterosexuality over a lifetime. About 3 percent of the present heterosexual population once firmly believed themselves to be homosexual or bisexual. Sexual orientation is not set in concrete, he notes. Even more remarkable, most of the changes occur without counseling or therapy. These changes are not therapeutically induced but happen naturally in life, some very quickly. Dr. Whitehead observes, most changes in sexual orientation are towards exclusive heterosexuality. Number of people who have changed towards exclusive heterosexuality are greater than current number of bisexual and homosexuals combined. In other words, ex-gays outnumber actual gays. This fluidity is even more pronounced among adolescents, as Bearman and Brueckner's study demonstrates. They found that from 16- to 17-year-olds, if a person had a romantic attraction to the same sex, almost all had switched one year later. The authors were pro-gay and they commented that the only stability was among the heterosexuals, who stayed the same year after year. Adolescents are a special case, generally changing their attractions from year to year. Still, many of the misconceptions persist in the popular culture. Namely, that homosexuality is genetic--so hard-wired into one's identity that it can't be changed. The academics who work in this field are not happy with the portrayals by the media on this subject, Dr. Whitehead notes, but they prefer to stick with their academic research and not get involved in the activist side. At this time I'd like to yield the balance of my time to Senator McCoy. [LB485]

SENATOR KRIST: Senator McCoy, 1 minute. [LB485]

SENATOR MCCOY: I'll turn that back with just that short of a time period. Thank you, Mr. President. [LB485]

SENATOR KRIST: Thank you, Senator Christensen and Senator McCoy. Those wishing to speak: Senator Nordquist, Dubas, McGill, Avery, Chambers, Conrad, McCoy, Ken Haar, and Christensen. Senator Nordquist, you are recognized. [LB485]

SENATOR NORDQUIST: Thank you, Mr. President and members. I rise in strong support of LB485 because I don't think there's any doubt that this is the right thing for us to do morally for the state of Nebraska but also the right thing to do for the future of our state's economy. From 2010 to 2012, we saw a significant outmigration of young people from our state; a 3.6 percent drop in 25- to 29-year-olds from 2000 to 2010; and a 2.8 percent drop of 30- to 34-year-olds. My question for the opponents is, have you ever

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tried to think about why we see this brain drain of young people--why are young people leaving our state in flocks?--because I have. These people are my peers, they're my college classmates; they're my neighbors and friends, and we talk about it quite a bit, about what they're looking for when they leave our state. And certainly, they want to live in a safe community with a lot of employment opportunities, but they also want to live in a diverse community that's inclusive and welcoming. Between now and the end of this decade, between now and 2020, we're going to spend \$1.1 billion on tax incentives to attract businesses to our state. But if we don't remove barriers like this, we are going to struggle to keep a young, vibrant, educated, professional work force to fill those jobs as our neighboring states, like Iowa and Colorado, have. They have already moved forward with legislation like this. They have put out the welcome mat and say, come to our state regardless of your colors, your stripes, you're welcome here. And we have not said that. I've heard from a few people say, this is a nonissue, no one is affected by this. Well, you're flat-out wrong. I've sat with constituents, with friends who have been fired because of their lifestyle, who have been passed over for a promotion because of their lifestyle. And let me tell you who these people are, what they are. They're amazing. They're brilliant. They're great neighbors and they're better friends. They're our family members; they're Christians; they're creative; they're innovative; they're entrepreneurs; they're successful. They're not just contributing to our economy, they're growing our economy. They're dedicated workers and public servants. They're community volunteers. They're everything we want in a person. But apparently that's not good enough for some. Some may not agree with the personal lifestyle choices of my neighbors, my friends, my constituents, and I guess that's your right. But that desire that you have to discriminate should never trump their right to work, to be a part of our economy, and to provide for themselves and their loved ones. Now I've received a few e-mails from people on this bill claiming it violates their religious liberties, their religious freedoms, and I'm very sad to say some of these people claim to profess to be of the same faith that I am because clearly theirs is a very deeply perverted view of the Catholic faith. I cannot imagine how someone can take the teachings and the word of Christ and say that the right to discriminate against their fellow human created in the image of God is so fundamental, so core to their religion, that they can't practice their faith without that right to discriminate. I don't know how that makes any sense. [LB485]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: One minute. [LB485]

SENATOR NORDQUIST: I don't know how you can call yourself a Christian or a Catholic and think that. We all know that in John, Chapter 13, God gave us a new commandment, Jesus gave us a new commandment: Just as I have loved you, you should love one another; by this everyone will know that you are my disciples, if you have love for one another. But according to the e-mails I've received on this issue, it's as if Jesus said to us, ignore the love I've given you, you can demean your fellow man

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and discriminate your fellow man if you feel like it. Discrimination is wrong, folks, for whatever reason, and those that are defending it don't have any ground to stand on. Thank you. [LB485]

SPEAKER ADAMS: Thank you, Senator Nordquist. Senator Dubas, you're recognized. [LB485]

SENATOR DUBAS: Thank you, Mr. President. I stand in strong support of LB485 and AM2111. This issue hits me hard and it hits me very close to home. My brother is gay. He is an incredible person. He works in the area of social services, working with young people who are battling mental and behavioral health issues and the areas of substance abuse. He's spent most of his professional life working in this field. But he represents most people in the LGBT community that deal with outright discrimination or fear of retribution simply for who they are--it's not a lifestyle choice, it's who they are--job discrimination based not on their capabilities or their performance, simply on who they are. No one should have to live in fear about losing their job or not getting fair consideration for a new job simply for who they are. My brother is a good employee. He works hard. He contributes to his community. He's a good friend. He pays his taxes. He loves his family. Say it about anybody in this entire Chamber or across the state. He does not bring his personal life into his job any more than any of the rest of us do. But while the rest of us sit down and talk about our spouses and our children and our grandchildren, my brother and other members of that community are afraid to talk about that. This bill does not represent special treatment. This bill represents equal treatment. The vast majority of us in this Chamber have never experienced blatant discrimination. We have no idea what it must be like to live in fear, knowing that people hate you simply for who you are, who won't hire you, or who will fire you when they do find out who you are. This bill is about fairness and equality. It's a founding principle of our democratic society. I, too, appreciate the words of Pope Francis when he said, we must always consider the person. When God looks at a gay person, does he endorse their existence, the existence of this person, with love, or does he reject and condemn this person? I don't tell you about my brother to exploit or turn him into the poster child for LB485. I tell you to put a face on this issue. I tell you to understand that when we talk about this issue it's not in the abstract. We're talking about people. We're talking about people's lives. And this bill will make a positive difference not only in the lives of those in the LGBT community, but for all of us across the state, because we will be able to fully benefit from their gifts, from their talents, from what they have to offer to their jobs, to their communities, and this state. This bill is so important. My brother doesn't live in Nebraska and he doesn't live here because he doesn't feel welcome. Can any of us say that we've ever experienced that? How many people does my brother represent in this issue? Far too many. Please, please give serious consideration and your support to LB485. Thank you. [LB485]

SPEAKER ADAMS: Thank you, Senator Dubas. Senator McGill, you're recognized.

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[LB485]

SENATOR MCGILL: Thank you, Mr. President, members of the body. It's incredibly difficult to follow Senator Dubas and her personal story and how heartfelt she was and how near and dear this issue is to her family. I also have many friends and family who are gay, especially, you know, my time in college 15 years ago and seeing some of those friends come out to their families and how difficult it was and still seeing people to this day who are in the closet and terrified or who, as Senator Dubas and Nordquist talked about, who have left our state. I mean, as I sit and think in my head of my friends who are impacted by this, many of them have left, or other good friends who leave to live in places that are more supportive even though they're heterosexual because they don't like this attitude. It is definitely a part of the brain drain that we're facing here in Nebraska. But I've got to tell you, I've also been encouraged by the change I've seen in many Nebraskans as their friends and family or the children of their friends have begun to come out. I've seen people who used to say discriminatory things go to, you know, being shocked that this person they've known for a long time was gay to then being supportive. You know, it takes folks getting out there and some of us standing up and encouraging and inviting and creating an environment where people will feel safe, and then we can share these experiences and introductions with people in our state who just haven't met someone who is gay. It's easy to dislike or hate or draw conclusions about people when you haven't met them and in some parts of our state people don't feel comfortable coming out. I spent most of yesterday working to stop an act of discrimination. A high school state champion in speech was told to censor out pieces about gender identity from his poetry program and I was proud of the reaction of many Nebraskans on social media and in the press standing up and saying, this is wrong to censor what this young man has to say, has to say about community acceptance, a message that's positive and full of love and understanding, a young man from Gordon-Rushville, not from Omaha or Lincoln. I'm very grateful that a decision was...that decision was changed, and today at 1:00 he'll be recording his performance as he performed it originally in that state championship. While I was disappointed that that decision had initially been made to ask him to change his program, I was also glad that it happened so that we could raise awareness of this issue and that discrimination is still happening. And I don't even think the director in this case, you know, is someone who felt a lot of hate or discrimination but was scared of the reaction of Nebraskans. We need to show leadership. No one should be discriminated against for who they are and who they love. We protect the right to practice whatever religion you choose. We need to protect the right to be whoever you are. Thank you, Mr. President. [LB485]

SPEAKER ADAMS: Thank you, Senator McGill. Senator Avery, you are recognized.
[LB485]

SENATOR AVERY: Thank you, Mr. President. In 2007, I came into this body a brand-new senator, and I remember two things stand out and both of them involved

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Senator Chambers. We had a very serious debate on the death penalty. And I remember sitting back here. From my perspective, I can see the whole body. And I don't know if it was unconscious or not, but everybody was in their seat and everybody was wearing a dark suit. It was so amazing and it was one of the most moving debates that I have ever experienced until we later had another bill by Senator Chambers, and that was a human rights issue much like we are talking about now. It involved not discriminating against people based upon their sexual preference or gender identity. And I remembered thinking, okay, am I going to get up and speak on this, because I supported it and I didn't really know what to expect from my constituents. But I said, you know, this is the right thing to do, it's right, it's just. So I got up and I spoke. Got back to my office, I had a flood of communication. Almost nobody criticized me. I'm proud of my district because I've got a stack of e-mails right here, virtually 95 percent say, do the right thing, support LB485. And I'm going to do that because back in 2007 when we were discussing this issue I remember saying, this is the right thing to do. It was right then and it's right now. This is the right thing to do. It's a fairness issue. People who are of a different persuasion than perhaps you might be or people who have a different orientation sexually or people who are...have a different gender identity, they should not live in fear, they should not have to worry about their jobs being threatened because of sexual orientation. This is an issue of fundamental fairness. In a democracy, if we are not tolerant of people who are different, people who have different ideas, different lifestyles, if you can't tolerate people in a democracy, democracy cannot survive in a world of intolerance because the essence of democracy is the willingness to tolerate different points of view, different lifestyles, and still forge a consensus on how society ought to be organized. Now it is true that there are...the state can discriminate against people based upon behavior. We've got a prison system that's full and running over with people who have been discriminated against by the state for their behavior. But the state cannot discriminate against people because of who they are and what they are. Employers should not be able to do that either. Employers certainly can have workplace standards of performance and behavior, yes. [LB485]

SPEAKER ADAMS: One minute. [LB485]

SENATOR AVERY: They can have discriminatory policies relating to behavior, but not relating to how...who people are, what they are. I have to say something about Senator Christensen's scientific evidence. He was relying on scientists who are not normally involved in research of this type, certainly not involved in credible research on gender identity and sexual preference. These are chemists. What about the psychologists who actually know this literature and know the research? What about the American Psychological Association? Let's talk about their evidence and, when you do, you find out that sexual preference is just like the color of your eyes--it's a part of your DNA. You don't get up one morning and say, I think I'm going to be gay today. [LB485]

SPEAKER ADAMS: Time, Senator. [LB485]

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SENATOR AVERY: Thank you, Mr. President. [LB485]

SPEAKER ADAMS: Senator Chambers, you're recognized. [LB485]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I strongly support this bill too. I've brought bills of this kind down through the years, but the first time I got involved was when former Senator Tim Hall, who represented a district in south Omaha, had a constituent who asked him to bring a bill that would outlaw discrimination against people because of sexual orientation. Having lived in Nebraska all of my life, I told Tim, you don't have any idea what you're about to get into and these people are so hateful that you shouldn't have to face it alone, so I'm going to cosponsor this bill with you, and I did. And we became known as Hall and Oates--Hall and Chambers, but they based it on Hall and Oates--because when you saw the bill you saw his name and mine. After Tim left, I continued to do it because the problem is still there and it's not difficult at all for me to support this legislation. You don't have to be altruistic, noble, or anything. If you can look at anybody born of a man and woman and see another human being, that should be enough. When it comes to the rights and privileges, my view is: Any right which is considered inalienable--the state can't give it and the state can't take it away--the state ought to protect those rights for everybody. If they are civil rights, those which are created by the state, they should be extended to everybody. So to me, whether it's marriage, employment, medical care, housing, education, all of it, these are human beings and that ends the discussion as far as I'm concerned. When I was married, people used to bring up interracial marriage because I've always had strong views on race. They asked me what I thought about interracial marriage. I'd say, what do you mean? Well, how do you feel about the white guy marrying a black woman? I said, when it comes to a woman, the only one I care about anybody marrying other than me is my wife, whoever they want to marry is between them, it's hard enough to make it when you have a lot of things in common, it's going to be difficult when you have other issues, so I don't even get into that, if they think they're strong enough to do it, let them. I'm a minister--not by religion, but I purchased from an outfit in Illinois some papers which are recognized at law--so I perform marriages. I'd marry any two people, any two people, except some of my colleagues in here who vote wrong. (Laughter) Then maybe I could make an exception when it comes to marriage because maybe nobody else would perform the ceremony because they see so much in them as to why they should not be parties to that particular individual marrying anybody. But in all seriousness, when that Defense of Marriage Act was before Congress, I got an urgent call because the subcommittee of the House Judiciary Committee was having a hearing on it and they needed somebody who would speak on the other side, and I knew what that meant, who would speak against the bill, because Americans, whether they would be in favor of allowing people to marry, are so afraid of stepping outside the mainstream that they will say things they don't believe to get along. So they told me that if I'd come to Washington, and I had about two days' notice, they'd pay my way, give me

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a place to stay, and everything. I said, how soon can you get the plane off the ground? And I let them know that I don't like to stay overnight, so if I can get in that day and get out that day I will do it. And they brought me there and I talked to these people on that... [LB485]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: One minute. [LB485]

SENATOR CHAMBERS: ...committee and I spoke very strongly against what they were trying to do, told them it was absolutely wrong, gave my reasons for it. And it took years but it wound up with the Supreme Court coming out supporting not the position that I took, because they knew me, but the position that I'd argued all those years before was the position the court took. So these things do take time. We make progress incrementally, and that's what we're doing with this bill. And I will have other things to say and in a sense assist Senator Christensen in doing what he said he wants to do. He wants to talk about it a long time, and so will I, and I'll be right here with him. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Chambers. Senator Conrad, you are recognized. [LB485]

SENATOR CONRAD: Thank you, Mr. President. Again, good afternoon, colleagues. Friends, I just want to take a moment at the outset. While it's important that every senator has a right to engage in this debate however they see fit, I want to make clear to the record and those Nebraskans watching here today and those Nebraskans watching at home that you may hear a lot of hate, you may hear a lot of misinformation, you may hear a lot of junk science, and let me assure you that will be nothing more than a dark footnote in a chapter on our civil rights because not all Nebraska leaders feel that way. All major medical associations reject that point of view. In fact, the American Psychiatric Association says there's no question that people who are LGBT have always been LGBT. All major professional mental health organizations agree there is nothing wrong with being LGBT. Neither the American Psychiatric Association nor any other major professional health organization imply that the concept of sexual orientation or gender identity is too vague to understand. And ask yourself a simple question: What day did you wake up and come out as a heterosexual, or is it part of who you are? Is it a part of your humanity? And why wouldn't we extend that same sort of understanding to folks that have a different sexual orientation or gender identity than us, or whose family might look a little bit different than ours? Just take it from a commonsense perspective reinforced by sound medicine and sound science that reject the notion that it's a choice, that reject the notion that it can be changed. It's an immutable characteristic, just as your race, just as your gender, just as your religion, just as your marital status, all of these pieces which are already covered in our nondiscrimination laws. And LB485 is

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just a simple evolution, an update to taking a look at the status of our nondiscrimination laws to make sure that they're modernized and appropriately applied to ensure full participation by all citizens. And I want to point out a couple of things, just again for the record. And Senator Christensen noted this is a dilatory amendment, so I'll take him at this word. But, friends, if you would agree to strike Section 6, as his amendment proposes, you would remove the language that doesn't require preferential treatment for protected classes. So in essence, if you strike this section, you run the risk of then requiring a preference in hiring to all protected classes. So I just want to point that out. I also want to talk a little bit about religious freedom because I think that that's a key piece of this debate and a key part of how we move forward in regards to these issues. Folks, again, religious leaders in faith traditions don't speak with one voice on this topic. The poll that we conducted in Nebraska in January 2014 demonstrates just that: 67 percent of Catholics support this measure; 62 percent of Protestants support this measure; 56 percent of weekly churchgoers support this measure. Our country has a rich and beautiful tradition of religious freedom, religious tolerance, and respect for all faith and religions. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR CONRAD: But it's important to keep in mind that our society, while always celebrating a diverse religious landscape, doesn't think in a monotone way on these issues. Some citizens are Protestant; some are Catholic; some are Jewish, some are Buddhists; some are Muslim; some don't affiliate with a religion at all. The First Amendment is clear: We as government can make no law respecting an establishment of religion or prohibiting the free exercise thereof. And that's one of the important aspects of the Judiciary Committee amendment which extends a broad religious exemption to not only churches, but other institutions, other organizations, and schools, consistent with the effort in Omaha wherein the Catholic church was neutral on that effort. And in previous debates on this issue with a similar religious exemption, the church as been neutral, as well. They've changed their position during that time. That's up to them to decide. But I do think that is an important point to point out from a historical perspective. You may hear today that this somehow impedes upon the religious freedom of... [LB485]

SENATOR WATERMEIER: Time, Senator. [LB485]

SENATOR CONRAD: Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Senator McCoy, you are next and recognized. [LB485]

SENATOR McCOY: Thank you, Mr. President and members. I carry a copy around of our United States Constitution in my pocket, and I have for a long time. I think the First Amendment is pretty clear cut what it says: Congress shall make no law respecting an

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establishment of religion or prohibiting the free exercise thereof. You know, in America and in Nebraska I think people should be free to live and work according to their beliefs. I don't think anyone in here, any of us, believe that discrimination is right. I think we all believe in loving our fellow man. That's the faith that I was raised with that's important to me, to my wife, and to our family. And LB485 demands that Nebraskans choose between two really, really difficult poison pills--comply and desert your faith or resist and lose your job or your small business. You're going to hear me talk a lot about that today and I'm sure in probably future days as we continue to talk about this issue. Similar laws to LB485 have been used across the country not as a shield against discrimination but as a sword to punish business owners and people of faith. LB485 would allow unelected bureaucrats to decide what faith is, who the faithful are, and where and how faith may be lived out. A lot of you have heard me talk about being part of small business all my life, and my family has for generations in agriculture and today we have a construction company. Small business is really all I know. It's a part of who I am. It's part of my family. That's the case for many, many, many Nebraskans. You know, the Small Business Administration from data from last year in 2013 says that in Nebraska we have somewhere near 41,000 small businesses that have 500 or less employees. That's a lot of jobs; it's a lot of businesses. They're the backbone of our economy. This bill had a hearing. You're going to hear me talk quite a bit about the hearing, as well, and the hearing process, and how we go about our business here in the Nebraska Unicameral. I'm going to quote something that Senator Conrad said in her opening on LB485 back on March 14 of last year, over a year ago now. Quote, second, to address the concerns raised by those in opposition that on the basis of religious freedom for private business owners, that really has no sound basis in law or policy and, quite simply, the reason is because a business cannot or does not have afforded to it the same rights that we as individual citizens do, unquote. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR McCOY: Members, those were the words of Senator Conrad in her opening statement on this bill. That troubles me a great deal, and I daresay it would trouble an awful lot of Nebraskans to hear that. There will be a lot of conversation on this bill. You're going to hear me talk an enormous amount about the impact that this legislation would have, if it were to become law, on hardworking families and small businesses all across our state. [LB485]

SENATOR WATERMEIER: Time, Senator. Those in the queue wishing to speak: Senator Ken Haar, Senator Christensen, Senator Bolz, and others. Senator Ken Haar, you are recognized. [LB485]

SENATOR HAAR: Mr. President, members of the body, I rise in strong support of LB485 and at this time...I'll speak again, but I'd like to give my time to Senator Conrad. [LB485]

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SENATOR WATERMEIER: Senator Conrad, you're yielded 4:45. [LB485]

SENATOR CONRAD: Thank you very much, Mr. President. Thank you so much, Senator Haar, for your support and your time. And, colleagues, Senator McCoy is absolutely right. That is definitely my position and I don't really think it's debatable at this point in time. It's his assertion that a Taco Bell or a car dealership has a religion. I don't think that that's established through any understanding of theology, law, or policy, and that's exactly why I said that, because those sort of intimate, personal, critical, important facets of our humanity, including your religion, are personal, require humanity, are not afforded to a legal fiction, which is a corporation, for a variety of good reasons. I think it's very sad, but not surprising, and convenient that while Senator McCoy talks about some legitimate statistics in relation to the amount of businesses in Nebraska...and I'm looking at the exact same stats from the Census Bureau. He's right, we do have about 41,000 firms in Nebraska that have 500 employees or less. Well, folks, look at my bill. The entire aspect of those things contemplated in LB485 and other areas of our equal employment law apply only to businesses with 15 or more employees, which is consistent with federal law. So keep looking at the stats, Senator McCoy, and I hope you do clarify the record to let people know that this does protect small businesses. In fact, about 30,000 of those 41,000 would not be subject to this legislation due to the number of employees that they have on their payroll. So again, we can have different viewpoints, we can have sincerely held beliefs, but we can't use different facts and we can't use incomplete pictures when we're dialoguing on this critical topic. I think it's important to point out that, again, Senator Ashford gave such an incredibly moving and important moral and legal and policy statement in his opening on the Judiciary Committee amendment that he ran out a little bit...he ran out of time a little bit to cover some of the important technical aspects that I do want to draw to your attention. Senators, I introduced LB485, which is verbatim, based upon a previous version of similar legislation that Senator Chambers brought forward in 2007. It was brought to move the ball forward on this critical debate and it was brought with prejudice to no one. During the course of my work on this legislation, we've been working with the Judiciary Committee to improve the original bill. And the three important components in the committee amendment which do that are this. It ensures that we have clear and specific inclusion on the basis of gender identity throughout the Nebraska employment opportunity statutes. This is consistent with the Omaha ordinance that was passed in 2012 and it, again, ensures and equal and level, consistent, clear playing field for all in a uniform statewide policy. It's also important because it provides the broader religious exemption, consistent with the Omaha ordinance, to have a uniform statewide policy. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR CONRAD: And finally--thank you, Mr. President--it provides clear definitions,

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well tested and well utilized in other jurisdictions, to define sexual orientation and gender identity. And you might hear a lot of red herring arguments today about, you know, a slippery slope or the threat of litigation and the fact of the matter is this, colleagues: We don't have to guess. It's not just conjecture. Over 20 states have passed similar laws and 180 communities and the facts are clear. The litigation and investigation on the basis of sexual orientation and gender identity come in below gender, race, age, and other protected classes. So it demonstrates that it does address extreme cases of discrimination when they occur, but it's also a preventative measure to ensure in a proactive manner that all citizens and all employers are on the same page in ensuring equal opportunity in the workplace. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Conrad and Senator Ken Haar. Senator Christensen, you are recognized. [LB485]

SENATOR CHRISTENSEN: Thank you, Mr. President. You know, since the Bible is being thrown around here a little bit, I may correct a little bit of what's been said. You know, Christ tells us to love the person but to hate the sin. He didn't tell us to love the person, love the sin. And so you've got to think about...take things in context the way they are said. You know, I look at...I've lived in the same place here in Lincoln for eight years. I've had two different sets of neighbors. The current neighbors, I got to know them for about six months or a year before they put up their gay symbol. I talked to them then, I talk them now, made no difference to me, and it should to no one. But why do they put up the symbol? I guess I don't understand. I don't put up a heterosexual symbol. I just am who I am. So I always just wonder if this is an agenda, if this isn't just pushing special things. And why do they have to advertise it? That's always been questions that I have had. I don't understand. But you know, it has made me no difference. I talk to my neighbors. He goes out, walks his dog almost every morning. He's out in front of my window and every morning if he's there we speak, may talk, we...I may be running straight to work, not have a lot of time, but I always speak. It hasn't changed our relationship at all for that sign to go up and it shouldn't. I agree that there should not be discrimination. But I also know in following other states, every time that you pass it, discrimination just changes a little bit. It's always turned to, well, that's why I was fired, instead of the way it is now. You know, one side or the other has always got to prove, and it's too bad. It shouldn't be that way. You know, people talk of tolerance or intolerance. You know, each one of us is tolerant of each other. This has been very tolerant in here of different beliefs, different ideas on this bill. I appreciate the very cordial discussion and how people are handling this and normally we are very tolerant of one another and that's the way it should be. But tolerance is accepting me for what I believe as I accept you for what you believe. It's not tolerance to use it against someone and I think we all agree there. But what is and how is it being used comes down to the character of the person. I've had people jump all over me because I don't believe this bill should be passed and be absolutely nasty about it. I was very tolerant. I listened to them... [LB485]

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SENATOR WATERMEIER: One minute. [LB485]

SENATOR CHRISTENSEN: ...even though--thank you, Mr. President--they were very intolerant to me. I had to have their belief. And I told them, we're going to have to agree to disagree. And so intolerance goes both ways and I think you guys know that, too, and that's why I appreciate the discussion we're having and the time that we're sharing here. And it will be interesting when we get to the end of this total debate what happens with this bill. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Christensen. Senator Bolz, you are recognized. [LB485]

SENATOR BOLZ: Thank you, Mr. President. I feel compelled to stand and articulate that there is a duplicity of perspective and ideas about moral righteousness. And as a person of faith, one of the things that I see and I hear among all people of faith is a respect for the sacred value of every human being, and I think that this bill reflects that fundamental human tenet that we need to respect and value the sacred self-worth of all human beings. And as a person of faith, I was thoughtful about how we need to both protect religion and how that becomes a part of who someone is, as well as sexual orientation and how that becomes a part of who someone is. And I think that Senator Conrad has done a thoughtful and positive and worthwhile job of protecting religious right within this piece of legislation. So I yield the remainder of my time to her should she like to elaborate on that further. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Senator Conrad, you are yielded 3:40. [LB485]

SENATOR CONRAD: Thank you, Mr. President. And again, on the topic of religious freedom and striking an appropriate balance, as Senator Bolz noted in her supportive commentary, and I thank her for that, let me be very clear. From my perspective, discrimination, no matter where it occurs, is wrong. I don't think that a church or a religious-related school or institution or organization should be afforded a license to discriminate. However, from a political, pragmatic perspective, in order to achieve balance of competing interests, I've worked with the committee to expand and extend the original religious exemption, which does strike the appropriate balance, which has been supported by major faith institutions in the Omaha effort in 2012 and in previous attempts before this Legislature. And let's walk a little bit further down that road. Let's do be careful though when we do talk about tipping that balance too far in the wrong direction and where do we as government and where do we as policymakers draw the line. Some religions oppose blood transfusions. Should business owners who follow those tenets be allowed an opportunity to deny employment to employees who have had a blood transfusion? Some religions don't believe in the use of pharmaceuticals to treat serious mental health issues. Should those business owners be allowed to deny

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an employee an opportunity to work because they treat their mental health condition with a prescription drug? Let's be very careful about where we draw that line and how far and quickly we slide down that slippery slope because, again, our state, our country has a beautiful tradition of religious freedom and tolerance but never, never have we tipped the balance to allow those sincerely held and personal religious beliefs to impugn the rights of others and their beliefs and their humanity, and that's what opponents are asking for as they ask for you to reject LB485. They're saying, our rights are more important than other citizens', and that's wrong. That's special treatment. All we're asking for is equal treatment, equal treatment under the law,... [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR CONRAD: ...not special treatment for anyone, equal treatment for all that's already afforded to each of us in this body based on our religion, our gender, our age, our race, our marital status. This is a simple update, an evolution to ensure a modern perspective which recognizes real discrimination in our society is afforded those same equal rights to gay and lesbian and transgender citizens. And there is a need and it's not just anecdotal. Recent studies have indicated the unemployment rate for gay Nebraskans is almost twice what is enjoyed by other citizens in this state. That should cause pause for concern. Imagine the economic benefit to all if all citizens' talents and productivity is put to its highest and best use. And imagine what happens if we don't allow that. There is additional pressure on the social safety net. When Nebraskans have a full opportunity to (recorder malfunction)... [LB485]

SENATOR WATERMEIER: Time, Senator. [LB485]

SENATOR CONRAD: ...responsibility...okay. Thank you. [LB485]

SENATOR WATERMEIER: Thank you, Senator Conrad and Senator Bolz. Senator Smith, you are recognized. [LB485]

SENATOR SMITH: Thank you, Mr. President, and good afternoon, colleagues. I had a brief conversation with Senator Conrad before I began my remarks and I just wanted to visit with her a little bit about the spirit in which I'm making my remarks today. And I do appreciate Senator Conrad's compassion and the spirit in which she's brought this bill forward. I did want to speak on it. I'm going to speak on it from a little different angle. And I'm not going to be before you and trying to express any moral judgment one way or the other. That's not the perspective that I want to bring to this discussion. To prevent discrimination means to promote the right to be treated equally and regardless of differences and beliefs, appearances, or any other personal characteristic. I believe that there's just absolutely no excuse for anything else and I believe the vast majority of our citizens in Nebraska feel the same way. And our businesses in Nebraska are comprised of those same good people with those good intentions. So again, I appreciate Senator

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Conrad's comments and I appreciate the spirit in which she's brought this legislation. I'm not going to be able to support this legislation and the reason I pressed my light to get on the mike was I heard Senator Nordquist make some comments about the economy. And if you've listened before, you know that I usually get engaged when it comes down to issues of business and things that affect businesses in our state and the job creators and the ability for our families to earn a wage and to pay their bills and to have prosperity. That's what we want in our state. Colleagues, I believe this bill is a...is one additional burden to our employers and to our job creators in our state, particularly the small businesses that I like to say I represent, those with fewer than 50 employees, under 100 employees, but certainly under 50 employees. Employment practices liability insurance is one of the growing types of insurance in our country. If you're listening today and you're in a small business and you don't have that, you'd better go get it. Employment-related lawsuits pose significant business risks, and I pulled out some information that I just took off line. There is a number of legal commentaries and...on-line that you can find, research studies, even go to EEOC Web site. There's plenty of information there. The incidence of employment practices liability claims is widespread. Studies today show an employer is more likely to have an EPL, which is an employment practice liability claim, than a general liability claim or a property loss claim. Almost 75 percent of all litigation against corporations today involves employment disputes. Over 40 percent of employment practice claims today are filed against private employers who have between 15 and 100 employees. I saw in the intent language that we wanted to exclude under 15 employees, employers of under 15 employees in this piece of legislation, but again, those employers that have fewer than 100 employees, most of these folks do not have a human resources department. They can't afford that. They may not be that sophisticated. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR SMITH: And they're certainly--thank you--and they're certainly going to have to spend more money on legal counsel to make certain that they are covered. I'm going to run out of time quickly here, but I'm going to...I think we'll have probably plenty of time to go over more and more of this. The amount for defense costs for these employers on average for employment practice liability claims: \$100,000 on average for an employer. And I have a breakdown of that, that I'm going to be covering here and next time on the mike, if it's today or if it's Monday, and I'm going to break that down and show you exactly where those costs are incurred if there's any doubt that it is that much. Even an employer, a small employer with internal controls and procedures, can be sued, and they're going to incur those costs, and those costs go... [LB485]

SENATOR WATERMEIER: Time, Senator. [LB485]

SENATOR SMITH: Thank you. [LB485]

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SENATOR WATERMEIER: Senator Burke Harr, you are recognized. [LB485]

SENATOR HARR: Thank you, Mr. President, members of the body. Well, this is an interesting topic because there are a lot of people I respect that disagree with me and what I think on this issue. I fully support LB485 and I think I owe it to them to explain why I support this. Let me start by addressing Senator Smith and the burden of business. Businesses exist to provide a living for their employees. Now they have to make money to do that and if it's a burden to not discriminate, I think that's a burden we should be willing to take. We have this in Omaha right now. Not one person has been sued on this issue. He ran about stats about employment disputes and how expensive they are. What I haven't heard is where there is a gay employee who is upset or who has a different sexual preference. There was an incident in Omaha. A young kid going to communion wanted to go as a girl, felt she was a girl. The church wouldn't let him do it, so the question is, is that a religious problem? I don't know. There's a...Elane Photography, it's in front of the...well, the "Supremes" are debating it right now whether they're going to take it. But let me tell you something. That girl didn't go back to the Catholic school. She went to a public school. Let me tell you about the community around that public school--brings tears to my eyes, great community. You know what they did? They accepted this girl. She went to that school for four years. The only disputes she had were fights that girls have when you're a girl. There was not a parent who said, I don't want this kid there, because we are accepting, loving people. There was another student who probably would have been mimicking what they heard at home who said, you're no good, you're less than something. Folks, we don't want bullying, whether it's in our elementary schools, our dinner tables, or whether it's in the business place. We want to judge people, as another minister said, on the content of their character, on the work they do. This isn't about whether a person is gay or not, what they do on their own time. This is an issue of do we want to judge this worker on the work that they do. This is very personal to me. There are a lot of good people I know, and probably you know, that are gay, and they're great people and they're no less of a person because they are. Matter of fact, it's tough to come out. The society doesn't really accept them. We're seeing that here today. It can be tough. Senator Dubas talked about her brother who still does not feel welcome in Nebraska. There are businesses that will not move to Nebraska because of the culture. This is a way of opening our arms. The Chamber of Commerce in Omaha was for this. Now I don't know if they're taken a stand on this now, I don't know if the Nebraska Chamber has, but this is good business sense and this is the right thing to do. You look around this body. The time is changing. We are more accepting. Anyone under the age of 45 who is a state senator in here, unless they're running for statewide office, is okay with this. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR HARR: Thank you. And there's a reason why. Society is changing, folks. You can fight it but you're on the wrong side. These are people. These are human

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beings. We need to embrace them. If you don't like them, do that in your own time. But that doesn't affect the quality of the work they do. So I would ask that we please advance LB485. Thank you. [LB485]

SENATOR WATERMEIER: Thank you, Senator Harr. Next in the queue, Senator Kintner, you are recognized. [LB485]

SENATOR KINTNER: Well, thank you, Mr. President. You know, you've heard people today try to shame the opponents of this into supporting it, try to browbeat them a little bit and shame them and make them feel bad because they support religious liberty, religious freedom. You know, I don't figure there's anything wrong with that. And my colleague, Senator Harr, just said, you know, if we could pass this it would be good business sense. I'll tell you what good business sense is. Get out of business. Let them make their own decisions. That would be good business sense because I got to tell you something. If you're a Christian book store, you certainly want people that reflect your Christian values, and there's nothing wrong with that. And you shouldn't have to apologize for holding that view. It's not intolerance. You know what the intolerance is? Using the heavy hand of government to force businesses to hire people that goes against their conscience. That's the intolerance we're talking about here. When you have the heavy hand of government at the point of a gun forcing a viewpoint on you that you don't agree with, that is the best definition of intolerance that I've seen. Now let's just get into the bill a little bit and kind of talk about some of the aspects because this is a pretty wide-ranging bill that I see could cause an awful lot of problems for business potentially, may not but it potentially could. You know, LB485 defines sexual orientation as follows: "Sexual orientation means actual or perceived homosexuality, heterosexuality, or bisexuality." It does not offer any further definition of what these terms mean. Now the definition presents significant problems to the public sector since sexual behavior and sexual identity oftentimes change throughout a person's life. Unlike the color of one's skin, there is no way to look at a person and know whether they are heterosexual, homosexual, bisexual, or any other sexual out there that they may come up with. In fact, scientists who study sexual behavior can't even agree on a universal definition of sexual orientation. LB485 defines gender identity as follows: "Gender identity shall mean the actual or perceived appearance, expression, identity, or behavior of an individual, whether or not that appearance, expression, identity, or behavior is different from the individual's assigned sex at birth." This is an attorney's dream. What does that mean? It means the person has the right to choose their own gender irrespective of what their biological disposition may be. You are doing away with the idea that you were born male or female. You're actually born as somebody with a choice. Essentially, it protects the right of a person to define their sex, however they want... [LB485]

SENATOR WATERMEIER: One minute. [LB485]

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SENATOR KINTNER: ...irrespective of the truth of the biological makeup. You know, legally speaking when gender identity is protected and somebody has a right to define their own gender and you as an employer don't accept it, you're discriminating unlawfully against that person. That I think is a problem. It does not make me want to expand if I'm a small business above 15 employees. And I think we're going to talk a lot more about this as we go. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Kintner. Senator Chambers, you are recognized. [LB485]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this is a subject that I don't even argue with people about. If they think that somebody's sexual orientation will remove him or her from the human race, they are beneath contempt as far as I'm concerned. They don't know enough to engage intellectually in a conversation, a discussion, or a debate about something as fundamental as the right of every human being to be treated like a human being. So those attitudes are outside the realm of intelligent, rational discussion as far as I'm concerned. During my time in the Legislature, I have received more abusive treatment in the form of racial slurs, profanity, and threats from people who profess to be religious. They start out with that. And then when I refuse to get angry and I just continue to tell them, well, you can believe whatever you want to. This is America. You believe that. I just don't believe it, but you called me so I listened to you. Well, they go on and go on and then when I don't get angry, they will begin to use the slurs and racial epithets I guess to try to get a rise out of me. And I'll just say, well, I think that the conversation has ended and I'll hang up. And they always start, either I'm a Bible-believing Christian or I'm a born again Christian or I'm a Catholic or a Baptist or a Methodist and as soon as I hear that, then I know it's not going to be a conversation worthy of being taken seriously. When those kind of people call me, I know what to expect. And my maxim is where religion flourishes, hatred it nourishes. That's why it's said don't argue with people about religion. And it seems to me invariably that those who hide behind religion do so either to deprive somebody of some right or to inflict pain on somebody and to do other things that are hateful and they cannot find any justifiable basis for it. Now when Senator Kintner and other people go into these rambling discussions as they read things, just let them read it. If that's the life they live, that's the level on which they operate, those are the things that they believe, it's America and they have the right to believe it. But I think it's a waste of time meeting point by point what they bring up. And maybe that's why I get invited to speak before Congress, and that wasn't the first time by the way, rather than some of the other people who will ramble and wrangle but have nothing really of substance to say. I was invited to the White House and the president at that time was Jimmy Carter. He was accepting questions. We were talking about ICBMs and the treaties to regulate these nuclear weapons, but nothing was off limits. So I asked him questions about some issues of the day and he got so upset that he wound up leaving the room. It's his White House and he wound up leaving. And some people thought that I was

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inappropriate because I asked the president questions that he couldn't answer. Well, he's the president. But the point I'm getting to is this. In a setting like this, we will hear things read like those Senator Christensen reads, like Senator Kintner would read,... [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR CHAMBERS: ...like Senator McCoy might read. But they go no further than this room. And those of us who really are interested in seeing that the rights that all citizens are to have will be made a reality must continue to push in that direction. And the people who hear us know which ones make sense, which are just mimicking or echoing things that they've heard or making campaign statements. I hope we can stay on course and recognize that this bill is dealing with fundamental rights that should be so commonly accepted in America that they might be commented on but never have to be justified or explained. Everybody...well, my time is up. I won't launch onto another point at this time. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Chambers. Those in the queue wishing to speak: Senator Dubas, Senator Brasch, Senator Conrad, Senator Nordquist, Senator Campbell, and many others. Senator Dubas, you are recognized. [LB485]

SENATOR DUBAS: Thank you, Mr. President. I just want to make a couple comments here that might clarify or correct the record. LGBT is not a lifestyle, and I know some of my colleagues have used that word, and I don't believe many of them have used it necessarily in a derogatory fashion. But I just want to be very clear that it's not a lifestyle. I mean if you decide you want to be a vegan, that's a lifestyle. If you decide you want to move from the city to the country or the country to the city, that's making a lifestyle choice. But being gay is not a lifestyle choice. It's simply who they are just like we're heterosexual is simply who we are. It's not our lifestyle; it's who we are. I can't imagine any one of us at some point in our life waking up one day and saying, I think I'll make a lifestyle choice today and I think I'll be gay, knowing that from that moment on you're going to live in an environment that demeans you and hates you and calls you names and basically wants to make your life miserable. So, you know, I'm just trying to put myself in that position, can't imagine that any one of us would want to do that. And then there was reference to a sign that was displayed. I don't believe that sign is an announcement of: hey, I'm gay. I believe that sign is an announcement of tolerance and equality and support for people for who they are, what they bring to society, and what they can do for our communities. So I don't see those signs as necessarily a proclamation. And I would say the vast majority of LGBTs that I know are doing a lot to make sure that they aren't walking around with a sign around their neck announcing that they're gay. So I just want to make a couple points to clarify that for the record and would yield the remainder of my time to Senator Campbell. [LB485]

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SENATOR WATERMEIER: Senator Campbell, yielded 2 minutes 3 minutes. [LB485]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. As many of you know, my husband's family owns a small family business, a nursery and garden center business. And I would guess that it's been well over 30 years ago that a young man walked in and answered an ad for a job and talked to my husband, wanting to be a landscape designer. And my husband and I had supported friends when we were in college who were gay, some openly and others chose not to be. But Dick still felt that he should sit down and discuss the fact that he was going to hire this young man with his dad. And if anybody knew Bob Campbell, solid, you know, of the earth businessperson, had started a family business from scratch, that type of thing, and Bob Campbell said to my husband, Is the young man a good designer? And Dick said, very. And he said, is he a good worker do you think? Yes, recommendations are good. Do you think that he will be a good person to work with our customers? And Dick said, oh, absolutely. And Bob Campbell said, that's all that counts. And really, folks, my father-in-law summed up how we should look at this bill--that's all that really counts is can they do the job and can they work at their capacity and what they are trained and their expertise and skills. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Campbell and Senator Dubas. Senator Brasch, you are recognized. [LB485]

SENATOR BRASCH: Thank you, Mr. President, and good afternoon, colleagues. I stand in support of faith, and I believe LB485 does not support faith-based organizations. The foundation of this country is based on faith. And I believe that by not supporting LB485 it is not hate based. It is not saying less of anyone of who they love. It is simply faith based. I have known, I still know, I am friends with, individuals who are gay. It's not a basis for our friendship. I don't judge them. I don't believe when we are faith based that we judge other people. That is what God does. It is his and his alone to judge. But when I read the bill, I have to say I have disagreement, not hate but disagreement. Because when I am reading what the committee statement says here, it talks about to discriminate against an individual on the basis of one's sexual orientation. I think sexuality should not be a part of the law. I believe that marital status is already a protected class. And typically when it comes to employment, that is not something you're looking for. You're looking for qualifications, ability to do the job. When you hire someone, they are employed on the basis of doing a good job. If they are not meeting their employment qualifications, they are not kept on the job. It's not about their sexuality. That's not for the workplace. And because we disagree, it doesn't mean that we hate anyone. At times we disagree in here like we do now. At times we agree. But when we disagree, it doesn't mean that we hate someone. I have had volumes of e-mail, individuals very concerned about their religious rights and their faith base being diluted. I do have concerns about that, and my concerns stem from the fact that I've shared on the floor that when my parents immigrated here from the Ukraine they always

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were grateful and thankful to this country because they could openly pray. They did not have to hide in a closet with a secret Bible and a secret candle. They can openly be Christian no matter where they were. And I think that this does discriminate against faith-based beliefs. And when I stand in opposition to this bill, I'm also thinking about everyone in here who, like myself, supported the ban the box. You should hire a person on their job qualifications and not what they may have or may have not done in the past. That they are going to be hired purely on merit, purely on what the job requires. And I believe that that is business practice,... [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR BRASCH: ...sound business practice. We are protected in our constitution. We are protected for our race, our color, religion, sex. You know, we have many areas that prohibits discrimination. And I think we need to protect privacy. Sometimes I think there's just too much information and we need to move away from that. We need our privacy. We need to protect those with behavioral health concerns. We have many protections. And I do believe that employment law does protect individuals. And there are volumes of books, e-mails. You know, we talk about...Senator Avery had mentioned the psychology. Human behavior is very unpredictable. I'm not believing that psychology is a true science. That is subject to many factors and many changes. [LB485]

SENATOR WATERMEIER: Time, Senator. [LB485]

SENATOR BRASCH: Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Brasch. Senator Conrad, you are recognized. [LB485]

SENATOR CONRAD: Thank you, Mr. President; and again, good afternoon, colleagues. And, you know, I want to point out just a few pieces that we've heard from opponents and then move back to some of the issues that I want to focus on. But let me be clear about something. Gay Nebraskans are not for us to judge, and they're definitely not for government to judge. Regardless of LB485, there will be gay Nebraskans in every one of your districts working hard, taking care of their families, taking care of their communities. And I just find it really interesting when people say it's no based on bigotry, it's not based on hatred. I just don't think those people, those people deserve the same rights I enjoy. What is it based on? It just doesn't make logical sense. I also want to clear up some confusion based on the hypothetical situation that Senator Kintner brought up that somehow or another gay Nebraskans aren't religious. Many of the gay Nebraskans I know have a very deep faith tradition and experience. In the course of working on this legislation, I was privileged to spend an evening at First Plymouth Church here in Lincoln that has a vibrant LGBT section in their church where they enjoyed faith and fellowship together, which included advocacy for equal rights and

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support for each other. So let's clear that up before we move too far forward down the line. From a business litigation perspective, let me provide a little free legal advice to the small businesses out there that may or may not be struggling with this if we indeed move forward. It doesn't take a team of lawyers. You don't have to be an employment specialist. The compliance with LB485 is simple and straightforward as it is in the 20 other states that have adopted it and 180 communities. Here's how you update your employment manual and your practices. Don't fire somebody just because they're gay. Don't refuse to hire somebody just because they're gay. It's that simple, folks. It's not a trial lawyers dream. The experience just doesn't bear that out. Look at the national statistics and look just up the road in Omaha where for over two and a half years we've had the similar law on the books. It was reported in the World-Herald just last week, March 23, 2014, that "city officials have not received many calls from business owners looking for help or clarification about the law and they were not even aware of any lawsuits tied to the ordinance." It goes on to detail the fact that there have been a few investigations initiated, and those that were baseless were immediately thrown out. Those that had merit and required additional attention based upon a sincere potential for actual discrimination are under investigation. And that experience in Omaha is not unique, it is not an outlier. It represents exactly what's happened in over half of our states and 180 communities where we see very little in terms of claim, very little in terms of litigation, in terms of compliance with equal opportunity legislation on the basis of sexual orientation and gender identity. Now I also want to talk a little bit at this time on the mike about another business perspective because we have heard some competing concerns about small businesses, but we also know that the business community is as diverse as we are in political philosophy. And I want to share some information provided... [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR CRAWFORD: Thank you, Mr. President...to our offices from ConAgra Foods, one of our leading industries and largest employers in the state that...and I probably won't get through much of it with just one minute left but will go ahead and get a start. Thank you for the opportunity to reaffirm our commitment to diversity and inclusion, specifically of lesbian, gay, bisexual, and transgender individuals. At ConAgra Foods, we're building a culture in which all of our employees can be authentic and know that their diverse thoughts and capabilities are valued. We've built a strong business case for diversity and inclusion which has enabled us to focus on attracting, retaining, and developing employees that reflect the diversity of our consumer base. The letter goes on to detail efforts that this leading industry, this leading employer in our state has taken in a proactive manner to ensure that they have a discrimination-free workplace... [LB485]

SENATOR WATERMEIER: Time, Senator. [LB485]

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SENATOR CONRAD: ...and a tolerant workplace. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Senator Nordquist, you are recognized. [LB485]

SENATOR NORDQUIST: Thank you, Mr. President and members. I'm kind of confused by some of the comments that have been made. And I think it was Senator Brasch who said let us hire purely on merit. And that's what Senator Campbell just articulated beautifully from the story of her father-in-law, that that's what this bill would allow us to do to ensure that businesses and business owners are hiring purely on merit, not discriminating. And I think Senator Brasch also said, we don't judge, we don't discriminate in the Christian community. And I certainly hope that's the case. That's certainly my understanding of my Christian faith that we don't do that. But I don't understand how someone can say that, say we don't judge and then send an e-mail or make a call and say, if I don't have the right to discriminate you are violating my freedom to practice my religion. I have to have that right to discriminate. That's the message. That's what they're saying. So you are...you have to have that right to judge and discriminate or you can't practice your religion. That's the message coming from some in the faith community unfortunately, and that's very confusing to me. Would Senator McCoy yield to a question? [LB485]

SENATOR WATERMEIER: Senator McCoy, would you yield to a question? [LB485]

SENATOR McCOY: Yes. [LB485]

SENATOR NORDQUIST: Thank you, Senator McCoy. You read the First Amendment and as part of the First Amendment it says essentially no law prohibiting free exercise of religion. Is that correct? You can read verbatim if you would. [LB485]

SENATOR McCOY: That's how I...that's how I under...that would be correct and how I read it, Senator Nordquist. [LB485]

SENATOR NORDQUIST: So do you think reading that verbatim there should be absolutely no laws prohibiting free exercise of religion? [LB485]

SENATOR McCOY: Well, that's an unanswerable hypothetical, Senator Nordquist. [LB485]

SENATOR NORDQUIST: Well, did...okay. So I don't think it's unanswerable or a hypothetical. I think the question is do you take the First Amendment to the Constitution for what it says? [LB485]

SENATOR McCOY: Well, I think I already articulated how I take the First Amendment, Senator Nordquist, when I talked about it. [LB485]

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SENATOR NORDQUIST: Okay. Well, my concern is there's a number of thousands of different religions out there and there's one that's growing in popularity, unfortunately, called Kinism, K-i-n-i-s-m, in America and across the world which is racist and anti-Semitic. What if I believe that faith and I said, I don't want to hire Senator Cook? [LB485]

SENATOR McCOY: I don't...am not...I don't know anything about the religion that you're speaking of, Senator Nordquist. So I can't answer a question about a religion I'm not... [LB485]

SENATOR NORDQUIST: Okay. [LB485]

SENATOR McCOY: ...I don't know anything about. [LB485]

SENATOR NORDQUIST: Okay. Thank you, Senator McCoy. The point that I'm trying to make here is if I believe that I have the right to discriminate against someone because of the color of their skin or because of their religion if I'm anti-Semitic that I should have the right to discriminate against them based on those things, otherwise you're violating my right, my religious freedom. Folks, that argument just doesn't hold water or we would never be able to protect people from discrimination. Would Senator Kintner yield to a question? [LB485]

SENATOR WATERMEIER: Senator Kintner, would you yield to a question? [LB485]

SENATOR KINTNER: I'd be happy to. [LB485]

SENATOR NORDQUIST: Senator Kintner, you talked about the heavy hand of government and the heavy hand of government should not come in and tell businesses who to hire. Do you think we should have a law on the books that says that businesses should not be able to make that decision based on somebody's sex? [LB485]

SENATOR KINTNER: Well, I think that we've carved out and we've said that race and sex and creed... [LB485]

SENATOR NORDQUIST: Right. [LB485]

SENATOR KINTNER: ...age are things that we are not going to allow discrimination against. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR NORDQUIST: So you do think there is a role for that regulation. [LB485]

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SENATOR KINTNER: Yes. [LB485]

SENATOR NORDQUIST: Thank you. That would be all, Mr. President. Thank you. [LB485]

SENATOR WATERMEIER: Thank you, Senator Nordquist, Senator McCoy, and Senator Kintner. Those in the queue wishing to speak are Senator Campbell, Senator Ken Haar, and Senator McCoy. Senator Campbell waives. Senator Ken Haar, you're recognized to speak. [LB485]

SENATOR HAAR: Mr. President, members of the body, earlier Senator Christensen brought up love the sinner but hate the sin so I Googled that. That was said by Saint Augustine about 424 A.D., was followed by the Spanish Inquisition in the 20th century where they loved people so much that they killed them. And this kind of stuff is why I and I think many people have stepped away from organized religion. It's that kind of abuse of the facts, the biblical facts even if you accept that. The whole trouble with loving somebody but hating them, what they do, that's such a fine line. And we've seen that happen in recent times, for example, when people have hated so much the idea of abortion that they've gone out and killed directors of abortion clinics and so on. And that's such a fine line--hate the sin but love the sinner--I think it's a very dangerous line. But, you know, I do have hope that we as human beings are becoming more civilized. And Senator Chambers talked about that a little bit earlier in a slightly different way, but I'm sure there's still slavery going on in the world, but it's not legal as far as I know anywhere. And in this country at one time women were not allowed to vote and I know Lutherans were not allowed to buy...were encouraged not to buy insurance, and there was some biblical reason for that. Most Lutherans I think now probably do have insurance. But we've gotten by in this country at least the whole idea that women don't...aren't able to think for themselves or really don't know what they want we've heard lately. But I think we've gotten by that mostly and women can vote and we all feel good about that and we wouldn't go backwards. And on this issue that we're dealing with about...I mean the law as we have it right now doesn't allow discrimination based on national origin, race, color, religion, those things; and we're putting in sexual orientation. And there's going to come a time soon when people say, really, you had to deal with that issue? And so I feel good about the future because young people overwhelmingly, overwhelmingly and increasingly don't see that, you know, sexual orientation as being something that they really think about too much because it's accepted. It's accepted that people who are gay, you know, it's okay. And so one of the things I'd like to say to many of my colleagues is just get out of the way. You know, this will simply not be an issue that we have to address and justify that we should be able to discriminate against people based on their sexual orientation. And so I'm sorry... [LB485]

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SENATOR WATERMEIER: One minute. [LB485]

SENATOR HAAR: ...about this rambling speech, but it's sort of I get up here today saying why do we even have to deal with this issue? You know, it should be assumed just as it's now assumed that women in this country should be allowed to vote or, you know, we can't have slaves legally in this country and those kinds of things. So I see my hope in the future for young people who overwhelmingly and increasingly are saying, really? You have to deal with this issue? Come on now. So I'd like to give the rest of my time to Senator Conrad. [LB485]

SENATOR WATERMEIER: Senator Conrad, 20 seconds. [LB485]

SENATOR CONRAD: (Laugh) Thank you so much, Mr. President. Thank you, Senator Haar. I think I will...I think that I will give back the additional 10 seconds. Thank you. [LB485]

SENATOR WATERMEIER: Time, Senators. Senator...thank you, Senator Ken Haar and Senator Conrad. Senator McCoy, you're up next. [LB485]

SENATOR McCOY: Thank you, Mr. President, members. I want to continue where I left off at my last time on the microphone about the challenges this presents. You heard Senator Smith talk about this earlier--I imagine he will again--on the challenges that LB485 presents for small businesses. But I particularly want to zero in on a couple of things that Senator Nordquist I think talked about on his first time on the microphone and that is that the anecdotal evidence, perhaps he has some statistics, I don't know, on young people leaving the state of Nebraska for this very reason. I don't think anyone is going to question that we have way too many young Nebraskans that leave Nebraska. I believe the vast majority of them probably leave for altogether different reasons than the issue that we're talking about today. I think they probably leave Nebraska because maybe there aren't the job opportunities they're looking for or they leave to take an educational, higher education opportunity somewhere else. There are young people that leave to go to the military. There are young people that leave because taxes are too high. And I want to draw your attention to a few statistics that I think are important since Senator Nordquist brought up this issue. Moneyrates.com, ten states where youth rules, 2013; Nebraska ranks number three out of those top ten states. Out of those top ten states, only three have nondiscrimination laws. And you don't have to take my word for it, the list that I'm looking at for which states have nondiscrimination laws comes from the ACLU Web site. So ten states where youth rules in 2013 Nebraska is ranked number three with an unemployment rate for people age 20-24 at 7 percent...percentage of the population that's age 20-24 is 7 percent. And what it says at the conclusion of talking about the Nebraska category, and again this is from moneyrates.com, continuing a strong showing for the upper Midwest, Nebraska's youth unemployment rate is lower than any other states except North Dakota. And it also

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ranked in the top ten for affordability of college and of residential rentals. I'll talk to you about another ranking that I think is important. CNBC, I think I've seen Senator Nordquist tweet about this quite a number of times, CNBC top states overall rankings from 2013, out of the top ten states, only one, the state of Colorado, has such nondiscrimination laws as what are being proposed in LB485. I'll jump to Forbes.com, best states for business list. Out of the top ten of those states, only three have nondiscrimination laws like what we're talking about with LB485: be Colorado, Minnesota, and the state of Washington. Now then I'll talk about something that I find very interesting. You've heard Senator Harms talk about this many times. I think Senator Mello talks about this often. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR McCOY: Thank you, Mr. President. The 2013 best and worst states for business, now this is Chief Executive magazine, which is a very interesting read. I often find a lot of useful information in there about what CEOs look at to bring jobs to certain states. And in their 2013 best and worst states, out of the top ten states only one, the state of Nevada, has nondiscrimination laws like this. I bring to you these statistics because to me I don't know how you could argue with these. I didn't make them up. They are things that are looked at in the business community. It's an overall business climate that matters, colleagues. [LB485]

SENATOR WATERMEIER: Time, Senator. Those in the queue wishing to speak are Senator Christensen, Senator Howard, Senator Smith, Senator Kolowski, and others. Senator Christensen, you are recognized. [LB485]

SENATOR CHRISTENSEN: Thank you, Mr. President. I was hoping Senator Avery would come back. I avoided addressing him earlier because he was gracious enough to mention he was going to try to dispute what I give for evidence. And he went in and, you know, he talked about what the academic had achieved and what his degree was in and trying to say that it was not valid for that reason. But I'd like to challenge him. He didn't provide any evidence to why it was wrong. Because when I read that study, it talked about identical twins, yet they're not identical in sexual preferences. And he avoided all of the evidence of the study. And so I'd just like to, you know, would have liked to ask him about it but I'll just quote from the American Psychology Association: Sexual orientation includes a person's sense of identity based on sexual attractions, related behaviors, and membership in a community of persons who share those attractions. The American Psychiatric Association: No one knows what causes sexual orientation. To date, there are no replicated scientific studies supporting any specific biological, etiological for homosexuality. Sexual orientation falls along a continuum and sexual orientation develops across a person's lifetime. Treating one's lifestyle choices like we treat nonbehavioral characteristics like race, sex, national origin, undermines their inherent dignity as human beings. I believe people have control over their own

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behaviors. You know, I just...I don't understand yet. You know, I think it's been pretty evident on the proponent side that they believe we are born this way. They can't change that. But yet I think probably everyone knows someone that's been gay that becomes straight again or was straight and then went gay. I've seen them go all directions. And the study I read talked about that. And so I don't think it's something that we're born into. I never have believed that. And I guess I'm going to have to be shown the gay gene or whatever it is if that's the case. And that's why I read that one study that talked about identical twins. I've got some friends of mine that are identical twins. They are in college. One of them is gay; one is heterosexual. And I talk to both of them, doesn't make me any difference. They're both human beings. They're both good people and that's the way they should be treated. And I don't believe it has to be done any other direction. And that's why I brought this up was just because Senator Avery had said just because a person didn't have a psychology or psychiatric degree that it wasn't a valid study. I go back to employers all the time. Do they only hire someone... [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR CHRISTENSEN: ...thank you, Mr. President, someone that only has studied in the single field that they want to hire them in? No. College really is, unless it's a specific thing like a doctor or something that way, is to prove that you can learn and then it's based on your capabilities. And, you know, that's the way the employer should act. I know we agree on that part. And I don't care what topic you look at, there's always some bad actors on both sides and that's unfortunate. I wished that there wasn't. I wished people could treat them like I believe people here do--every one of the senators and myself included--that they are human beings regardless of their choice in sexuality and that's the way it should be. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Christensen. (Visitors introduced.) Those in the queue wishing to speak: Senator Howard, Senator Smith, Senator Kolowski, and others. Senator Howard, you are recognized. [LB485]

SENATOR HOWARD: Thank you, Mr. President. Today I rise in support of LB485 and the committee amendment. I want my time in the Legislature to be coined by my boundless optimism. I have this belief that we can save all the babies and the mountain lions and the puppies and make sure that everybody has access to healthcare and we will single-handedly, as a body, all 49 of us eradicate sexually transmitted diseases. We did that last year. We don't have to worry about it this year. Okay. And I believe in the best in each of us. Each of us has a gift and a skill and it brought us here. And sometimes it concerns me when we talk about how we're helping those other people because those other people are us. They're Nebraskans. They're our constituents. There is no other because we are all the same. We are all one state. But I'm also a young person and I am...I was potentially a classic case of brain drain. I was educated at Duchesne in my district, and I immediately left to go to school in Massachusetts at

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Smith. And when I was done with my undergraduate career, I came back to Nebraska and left very quickly after that and I went to law school in Chicago and I stayed there. And my family brought me home. But I worry that I'm unique. I don't want to be unique. And it reminded me of some comments from my friend Drew who is...the only words for him are terrifyingly smart. He was top of his class at Brownell. He graduated magna cum laude from Brown, which is crazy. And he wrote me a note that said Nebraska is not an inviting place for recent graduates, gay or otherwise. He said most of his friends from college at Ivy League schools or MIT or Stanford they didn't return. And many of my friends who went to UNL and Creighton have also moved away. For LGBTQ graduates, the choice is easy. Why move back to a state that allows you to be fired for who you are? As if the brain drain weren't already economically damaging, the lack of workplace protections for LGBT people statewide is hurting our economy and creating unnecessarily complicated scenarios for businesses that have employees in Omaha where an ordinance protects LGBT workers and greater Nebraska where they're not protected at all. See, what's unique about Drew, though, is incidentally his dad, who is Gregory Heckman, CEO of the 2,000-employee, Omaha-based company, Gavilon, he agrees that workplace protections for people like his gay son Drew aren't only the right thing to do morally but economically as well. Nearly all Fortune 500 companies and Gavilon have nondiscrimination policies that include gay people for a good reason. I rise in support of LB485 because I don't want Nebraska to seem like a backwards place that doesn't recognize the value of their gay friends and family, that wouldn't protect them from being fired for just that reason. And so, Mr. President, I would yield the balance of my time to Senator Conrad. [LB485]

SENATOR WATERMEIER: Senator Conrad, you are yielded one minute. [LB485]

SENATOR CONRAD: Oh, very good. Thank you so much, Senator Howard, for your passionate advocacy and for a nice shout out to our mutual good friend Drew, who is truly an amazing force in helping to organize and bring this critical issue forward. Friends, my next time at the mike I'm going to go through some of the recent polling data in greater detail. But I think what Senator Howard's main point was right on. The arch of the universe is bending towards progress. Our country, our state, our communities are not going back. Regardless of what happens on LB485 and believe me, we have a majority of senators supporting our efforts on this measure, we're never going back. Let's work together in a proactive manner to be inclusive, to be tolerant, to be welcoming, to value all Nebraskans for who they are and on their merits. Let's not get hung up... [LB485]

SENATOR WATERMEIER: Time, Senator. [LB485]

SENATOR CONRAD: Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Conrad and Senator Howard. (Visitors

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introduced.) Those in the queue wishing to speak: Senator Smith, Senator Kolowski, Senator Burke Harr, Senator Kintner, and others. Senator Smith, you are recognized. [LB485]

SENATOR SMITH: Thank you, Mr. President and colleagues. I was up on the mike earlier and I want to pick up and continue where I had left off. I do want to once again, though, mention that my basis for standing is I'm not standing here from a moral perspective nor from a religious perspective, but from a business perspective. And my concern with LB485 is that it creates layering of yet one more opportunity for unintended consequences on businesses. Senator Howard mentioned brain drain. Well, the biggest source of brain drain in our state, colleagues, is lack of jobs. And we do not want to do anything more to our businesses and to the business climate to cause a lack of jobs. And Senator Harr, Burke Harr, probably one of the brightest attorneys we have in this body, was wrong when he said businesses exist to provide income for employees. That's a very noble thought and I love creating jobs myself. But businesses are created, people are entrepreneurs and they start businesses because they want to create a profit. And for them to have a profit, they cannot afford these additional costs on their operations. Senator Conrad mentioned employment...employee manuals. Colleagues, I'm sorry to tell you the majority of small businesses out there with fewer than 50 employees, they probably don't have employee manuals. Now I know that just sounds crazy that why would someone not have an employee manual, but that's the fact of life. A lot of these small businesses, they're too busy running their business than to get out ahead on some of these employment practice requirements. But they're being forced further and further towards that...towards doing these things because of litigation today. It's...we cannot pass another law that's going to create yet one more burden for our small businesses, for our small business owners. One of the legal commentaries I was referring to earlier, I'm going to read through this and hopefully I'll be able to finish it before my time is up, it says for many employers the need for employment practice liability insurance, EPL, has moved from a nice-to-have endorsement to a must-have insurance policy. According to data from the U.S. EEOC, the agency that's responsible for enforcing federal discrimination laws, the number of complaints received in 2010 alone was up 7 percent from the prior year. By far the most interesting statistic is not the new 100,000 complaints, but rather the 64 percent that were for no reasonable cause. Now this sounds like great news. You have good employee manual, you're well versed in what you can do and not say...do and not do and say and not say during an interview. Your employees like you. And you would never make a disparaging comment about anyone. So with a better than 50/50 chance of there being no reasonable cause for a complaint, who needs insurance? Well, businesses do. Even an organization with sound human resource policies and procedures in place can be sued and the average cost, the average cost to defend an employment practice claim is in excess of \$100,000. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

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SENATOR SMITH: That's going to put businesses out of business. A lot of our small businesses, they live paycheck to paycheck themselves. Defense of an Equal Employment Opportunity Commission or administrative charge against your business costs \$4,000 to \$7,000; lawsuit filed against your business costs \$12,000 and \$18,000; pretrial filings and preparation, \$20,000 to \$30,000; mediation, \$10,000 to \$15,000; motion for summary judgment filed cost is \$8,000 to \$12,000; trial costs \$15,000 to \$25,000; total cost between \$69,000 and \$107,000. One more sobering thought: If you go to trial, the plaintiffs win about 50 percent of the employment cases tried before juries. Again, I appreciate the intent of this bill, but it just poses too much of a risk for our small businesses. [LB485]

SENATOR WATERMEIER: Time, Senator. [LB485]

SENATOR SMITH: Thank you. [LB485]

SENATOR WATERMEIER: Senator Kolowski, you are recognized. [LB485]

SENATOR KOLOWSKI: Thank you, Mr. President. Good afternoon, colleagues. I'd like to...I'm standing in support of LB485 and the amendment. I believe it's the legal and right thing to do. But I want to approach my comments today in two segments: one with questions that I wish we would have perhaps started with as well as some comments from a high school perspective that I want to leave you with. If we would have started this conversation in this particular way, I wonder how much different it might have been. If someone would have said, do you know any gays, have you worked with gays, do you have friends and family members who are gay, and then have a silent period for about two minutes and let people think on that. Over their life experiences, all their contacts, who they know, where they've been, and where people are now, that might have had some sinking in time that might have directed our conversations in different ways. My second point is one from a high school perspective that I want to share with you because this happened in my lifetime in my experiences as a high school principal. I still am basically driven I think internally by a high school clock and a high school calendar. When this time of the year comes about, I don't know what you think about, but my mind goes to one thing I did for many, many years. In the fall, it's homecoming. In the spring, it's prom. Everybody looks and thinks about that in different ways, and a lot of students in high schools, of course, partake in those experiences as part of their high school time. I hope with the comments I'm going to make that you won't drive past a high school in the next couple of weeks without thinking about what's happening in that school and how students are responding to the opportunity they have to attend their spring prom. We had students that came to staff members and then came to me as the high school principal about two decades ago when we were looking at our structure and what we were doing and how we were operating as far as the culture and climate of our building. At the same time, students were becoming more comfortable and courageous

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about coming out--boys to boys, girls to girls, all different things that were happening as far as their culture and the things that were happening within schools within our culture. As staff and I talked about that and as I met with student council representatives as well as the prom organizations and the parents and all the rest, I brought these issues up. And my comment to all of them was very direct and very simple. These dances are for all the students, and our job is to have the safety and security for all who attend. They're all welcome and they all attended. It was really important that we had that kind of culture and climate available that students would feel comfortable coming in different varieties of ways. Now we've had nongay students come with friends before, come in groups of friends, come with guys in one bunch, gals in another bunch. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR KOLOWSKI: All that kind of flow took place in schools but it started changing when gay partners started coming to the dances. We did not permit name calling or bullying and harassment or anything else that would be degrading to the people that were attending. And for all those years with the openness that we approached and the fun that they had, we never had a single problem at a prom or at a homecoming or a sock hop even in our gym. And this situation and one of our pages, Reid Jensen, is not here right now but Reid was one of our students at Millard West after I was there, but he did graduate from West and I think he could also chime in... [LB485]

SENATOR WATERMEIER: Time, Senator. [LB485]

SENATOR KOLOWSKI: ...for the same reason. Thank you very much. [LB485]

SENATOR WATERMEIER: Thank you, Senator Kolowski. Those in the queue wishing to speak: Senator Burke Harr, Senator Kintner, Senator Wallman, and others. Senator Burke Harr, you are recognized. [LB485]

SENATOR HARR: Thank you, Mr. President, members of the body. I think it's been a good thorough debate. I'm happy to hear or that I haven't heard one time that the homosexual lifestyle, the sexual preference is an evil. What I have heard is discrimination is evil and that's right. In any form, it's evil. So that's good. I want to commend the body for that. When it comes to...the only issue I've really heard of any substance as to why we shouldn't do this, I've heard the economic development. I'm not sure if I buy that. Doing the right thing is priceless. I know it can sometimes...you know, summary judgment costs money. I haven't heard anyone being sued for that reason ever in Nebraska because it hasn't happened. But there is this issue with religious freedom, and it is a hard line to figure out where that line...or hard decision to figure out where that line is. The Supreme Court is right now debating whether to take up a case of a photographer down in Southwest, I think in Utah, yeah Utah (sic), Elane

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Photography where she refused to take a picture of a wedding because it was a same sex wedding. This was done before same sex weddings were legal in Utah. They are now. And the Supreme Court has met three times and they're meeting another time next week to decide whether even to take the case. It's a tough call. I understand the concerns of religious freedom. I get that. My fear is that people are hiding behind that religious freedom as a way of hiding...not them hiding. Let me restate that. That it may be abused and others will hide behind that for their bigotry. No one here I think would do that, but it's a concern. And so it's that line of how do we determine where that...I mean it's what we're facing on contraception to a certain degree right now on Obamacare, Affordable Care Act, Obomneycare, whatever you want to call it. It's a tough decision. I get that. I respect that. But at the same time, folks, times are changing and we accept. This is much more acceptable. Like I said, I don't know; I said 45. I might even go as high as 50. No one in here under the age of 50 would be against this bill, LB485, (inaudible) those running for statewide office. We need to realize that those who have different sexual preferences than myself, I'll speak only for myself, are all around us. They're not evil people. They're great people. They're wonderful people. They make this building run, folks. They're the ones who are willing to work hard, and it doesn't have anything to do with their sexual preference. They're good people. And so if I have to side with someone actively being discriminated against versus something that hypothetically could happen, hasn't happened but could happen, I'm going to side with that individual because they're right there. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR HARR: Thank you. This is real life, folks. You know, there is less bullying that goes on because it is an accepted lifestyle. There are those who are afraid to come out to their parents, to their grandparents for fear of what might happen to them, for fear that they'd be disowned from their family and that's wrong. This is a way of us saying we love you and we accept you. And by the way, if it makes any difference, it's also good economic sense. It brings new businesses to Nebraska. Thank you. [LB485]

SENATOR WATERMEIER: Thank you, Senator. Senator Kintner, you are recognized. [LB485]

SENATOR KINTNER: Well, thank you, Mr. President. I was very interested in hearing Senator Harr speak. You know, he said that this building gays make it run and I would not know if that was true or not because I really don't care who somebody has a relationship with. It's none of my business. It's none of the government's business. And segregating people by who you sleep with or what you look like or what your religion is I think is wrong. It's absolutely wrong. And I don't think that we should engage in that. We shouldn't be looking at people. We shouldn't define people by who they sleep with, what they look like, what religion they are. I think that's wrong. But this law makes you do that. It defines people by those things. Now we talked about or I talked about earlier

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some of the things in this bill, some of the areas of the bill that are problematic, and I want to keep talking about it. The next thing I want to talk about is that LB485 prohibits discrimination on the basis of an individual's perceived sexual orientation or gender identity. First, we ought to ask what is meant by the word "perceived"? Perceived by whom? It could be the employer doing the perceiving or it may not be. But the use of the possessive case suggests it's the individual's perceived sexual orientation or gender identity. Either way there is a dangerous, dangerous cloudiness there in LB485's use of language that sets up a legal framework that singles out, either for punishment or special protection, personal perceptions. When a plaintiff swears that an employer's perceptions are malicious, how does the employer defend himself? Is accusing an employer of perceptions enough to insist on punitive damages? On the other hand, if the law purports to protect our self-perceptions, then we're still on shaky foundation. Self-perceptions can change over time and can be based on many different factors. There are countless self-perceptions a person can have, each one of them very complex. Feelings change. One's sense of identity can change. Any law that's set up to protect or to punish perceptions is suspect and very conducive to abuse. Thus, LB485 offers boundless possibilities for thought policing in the workplace and society at large. It opens the door to endless litigation against employers. And I think we're going to stop right there and... [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR KINTNER: ...only got a minute? Well, you know what? We're going to stop right there and we're going to take this apart section by section, line by line of this law and we're going to look at it, we're going to talk about it for at least eight hours. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Kintner. Senator Wallman, you are recognized. [LB485]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I've been listening to this very carefully. It's obvious some people are against it and that's the way it is. And why are we so worried about somebody that is not the same gender or preference sexually as we are? We have a national habit of loving to hate something. Hate the minorities. Hate the people that are different than we are. And that's why I got a sticker on my car. I, at my church, you know, a church of hope and faith, not hate. And I can hate pretty easy myself. It's pretty easy to get in that mode. That guy over there, you know, he did this to me or he did this or she did this. And when I was growing up, women couldn't vote in the church. They just couldn't vote. I want to tell you one thing. When I married, that was pretty high on my wife's agenda (laugh) and it got done. And so it didn't bother me, but it bothered her. And so it's very easy as to get in a narrow line here to discriminate. It's very easy for us to discriminate. It's unbelievable how fast, even myself, I can discriminate against people. And for a while it was immigrants and

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then I got over that. I have to pray every day that I live the best I can because I'm definitely not perfect. And so this here thing I knew it would be controversial, Senator. And Danielle has been a friend of mine for a long time ever since we ran together so we got a special bond and I know she's not afraid to tackle the tough issues. She's for the down-and-outers. She's for people with different preferences in their life, and she's just a genuinely good person. And they don't come around every day, folks. And they can thank God that they've got an advocate like her. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Wallman. Senator Chambers, you are recognized and this is your third time on the amendment to the committee amendment. [LB485]

SENATOR CHAMBERS: Thank you. Mr. President, while Senator Kintner is up there, I'm going to prepare to ask him a question if he would yield by the time he returns to his desk and his microphone. Senator Kintner, would you yield to... [LB485]

SENATOR WATERMEIER: Senator Kintner, would you yield? [LB485]

SENATOR CHAMBERS: He was going to come right back here and we're going to have a nose-to-nose conversation. (Laughter) [LB485]

SENATOR KINTNER: Yes, I will. [LB485]

SENATOR CHAMBERS: Senator Kintner, do you believe the earth is flat? [LB485]

SENATOR KINTNER: No. Let's talk about the bill. I want to talk about the bill or I don't want to talk. [LB485]

SENATOR CHAMBERS: Now I do. You know, when you paused at that question, that's why I react to what I'm hearing. If I told you that I genuinely believed the earth is flat, you wouldn't feel there was any way you could persuade me that it's not. Correct? [LB485]

SENATOR KINTNER: Okay, yeah. [LB485]

SENATOR CHAMBERS: And how long would you argue with me as to whether or not the earth is flat? [LB485]

SENATOR KINTNER: I wouldn't. [LB485]

SENATOR CHAMBERS: Thank you. That's why I don't deal with their issues. They come in here with all this nonsense. They're not connected to reality. They don't live in the real world. Now what all of these people who are reading these papers from Senator

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McCoy, Senator Christensen, and Senator Kintner don't understand is that an accusation of being gay can get you fired. And the very fact that you can use the word accusation when you're describing somebody indicates the discriminatory nature. I've been through discrimination against me and it's always the same thing. Well, you're imagining it. And the very one denying it is a discriminator himself. When Senator Raikes was here, some of you all were not here. You didn't have the opportunity to spend time with him or hear him talk. He had a dry sense of humor, sharp as a razor. And he was in the cafeteria and we were dealing with a bill like...it was one of my bills against sexual orientation. And some of the lunkheads from the Legislature were down there saying and talking so people could hear them. You know, them people is trying to take over everything. They're trying to take over everything. And Senator...the senator whom I named, Senator Raikes, he said, oh, we are? Are we? And all of them just shut up. They don't know who they're talking around. And if what they said was valid, why shut up? There was even a senator getting something from a food server and made a remark about the child's intellectual capability and that he wasn't interested in receiving food from somebody like that and then has the nerve to talk about there's no such thing as discrimination and how hard it is on these employers. The reality is that whispering, gossiping by the whisperers and the gossipers create the problems. If these busybodies could get their noses out of other people's crotches, if they could get their ear away from the wall of people's bedroom, if they could get their eyes away from other people's keyholes and mind their own business, then we wouldn't have these problems. The hell as envisioned by a puritan, one of the busybodies, is a place where you have to mind your own business. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR CHAMBERS: For those people, that is indeed hell. I've been told that a goodly number of the senators favor this legislation. And I'm tired of arguing with people who think the earth is flat. And that's why I won't engage them. They're just posturing. They're reading because they don't have an original thought in their dome. Put a flashlight to one side, somebody said, and the beam comes out the other side. That was amusing to me. And this is such a serious matter that when the only thing that people can spout is what they read and what they read is inaccurate, it shows the level the discourse has sunk to in this Legislature. There are people facing real problems and this bill is designed to address those. Let those who want to read and dispute those kind of things do so. I genuinely hope we have enough votes to move a bill like this. [LB485]

SENATOR WATERMEIER: Time, Senator. [LB485]

SENATOR CHAMBERS: Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Senator Brasch, you are recognized. [LB485]

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SENATOR BRASCH: Thank you, Mr. President. I stand one more time after hearing thorough debate, valid arguments, thoughts, experiences. You know, we all love our family members and respect that unconditionally and that's the way it should be. And as colleagues, we respect each other and we listen and we don't hate each other because we have different ideas. We don't agree on a bill because we're perhaps different political parties. We have a respect. I do respect this bill coming forward. However, as I had said before and I'll just say it again is I do believe there is threat, there is questions, there is great concern on what will it do to our existing employment law. Will it do more harm than good? That question has been raised on many occasions, been e-mails, texts I've been reading, and that's...I guess it's spelled the same way, not the little text on thumbs, but copy, words on paper. And here again many of us do know, don't know what job is being done, what their sexuality is. It's not something that we think about. I believe that we do the work at hand, that we look at the task. Are they doing a good job? End of story. Are they doing a good job? In our areas where we look for employees, I have talked with individuals that they just want someone to come and work, period. And if a person is doing a good job and a great job, you keep them there. So in respect to Senator Burke Harr and others who have stood up saying that this dialogue is on task of employment, I believe that's the issue here and that's what we're wondering about as well is will this do more harm. I'd like to yield the rest of my time to Senator McCoy. Thank you. [LB485]

SENATOR WATERMEIER: Senator McCoy, you are yielded 2:30. [LB485]

SENATOR McCOY: Thank you, Mr. President and Senator Brasch. Would Senator Conrad yield, please? [LB485]

SENATOR WATERMEIER: Senator Conrad for a question. [LB485]

SENATOR CONRAD: Yes, yes, absolutely. [LB485]

SENATOR McCOY: Thank you, Senator. Earlier in the conversation you referenced a poll. What poll is that? [LB485]

SENATOR CONRAD: Yeah. So in preparing with this legislation I've been working with a coalition of folks to organize support for the effort. And one thing that we utilized in that tool bag was to conduct a statewide poll on this issue. It was conducted in January 2014 by Anzalone Liszt Grove out of D.C. which has been rated as one of the top three most accurate pollsters in D.C. by Nate Silver. And it was conducted utilizing likely voters of 600 Nebraskans and came back with extraordinarily strong results across all demographics that Nebraskans on a 2 to 1 margin support this effort. [LB485]

SENATOR McCOY: Where is that poll available for us to look at, Senator? [LB485]

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SENATOR CONRAD: I have information available if you'd like to see it. [LB485]

SENATOR McCOY: Well, I'd certainly love a copy of that. Do you know who paid for that poll? [LB485]

SENATOR CONRAD: Yeah. We were working with a coalition of folks, Stay Equal Nebraska I think was the main folks who... [LB485]

SENATOR McCOY: Say that again, who? [LB485]

SENATOR CONRAD: Stay Equal Nebraska. They're a group of... [LB485]

SENATOR McCOY: State (sic) Equal Nebraska? [LB485]

SENATOR CONRAD: ...individuals, businesses, and faith leaders who are supporting our effort. [LB485]

SENATOR McCOY: Okay, so Stay Equal Nebraska, okay. I would certainly would welcome a copy of that... [LB485]

SENATOR CONRAD: Sure. [LB485]

SENATOR McCOY: ...poll, Senator, if I could. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR McCOY: And all the cross tabs and I assume a report or some sort of a summary paper came with the poll. [LB485]

SENATOR CONRAD: Yeah, we've got an executive summary that we'd be happy to share with anybody who would like to see it. [LB485]

SENATOR McCOY: I would love that if I could. Thank you, Senator Conrad. I think our time is probably drawing or I should rephrase that. I think the time is drawing near for us to adjourn for the day is my understanding. I may be the last or second to the last I think to speak yet today. And I don't have much time other than I will say that again, and I'll have further opportunities next week...I believe this bill is very detrimental to small business in Nebraska. And the rhetoric, the harsh rhetoric, if there has been any, has been so far today has been from those as proponents of this legislation and I think that's unfortunate. It shouldn't be that way. [LB485]

SENATOR WATERMEIER: Time, Senator. [LB485]

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SENATOR McCOY: Thank you. [LB485]

SENATOR WATERMEIER: Thank you, Senator Conrad, Senator McCoy, and Senator Brasch. Senator Conrad, you are recognized. [LB485]

SENATOR CONRAD: Thank you, Mr. President, again good... [LB485]

SENATOR WATERMEIER: This is your third time on this amendment to the committee. [LB485]

SENATOR CONRAD: Very good. Thank you, Mr. President. Again, good afternoon, colleagues. I have a copy of the executive summary of the poll that I've referenced. We've shared it with the media, other partners inside and outside the body. I'll be walking a copy over to Senator McCoy as soon as my comments conclude, and I'm going to go through some of that information right now because...and let me set the stage for this. Friends, here's the facts. Our country is changing. Our state is changing. It's becoming younger. It's becoming more diverse. It's becoming more tolerant. It's becoming more inclusive. And nothing is going to stop that thankfully, and that makes people nervous as they cling to protect the status quo. And it causes them to embrace strident and radical viewpoints that are antithetical to diversity, tolerance, and inclusion. And that's too bad. But let me be clear to all those in this body and all of those watching. A majority of Nebraska state senators support this legislation, and a majority of Nebraskans support this legislation. There are loud and scared voices that are part of the debate, but they are the minority. Our poll demonstrates that overall Nebraskans support this 2 to 1. In fact, looking at every demographic those over 50 support it by 65 percent or, I'm sorry, under 50 support it by 65 percent; over 50, 64 percent. Democrats at 82 percent; Independents at 60 percent; Republicans at 54 percent; Protestants, 62 percent; Catholics, 67 percent; weekly churchgoers, 56 percent; nonreligious, 78 percent. When you break it down by the three congressional districts, which we're all familiar with, First and Second Congressional Districts see the margin increase to 67 percent of voters across all demographics supporting this measure. When you look at the Third, 57 percent. The last time we saw numbers like that we moved a pipeline. That doesn't happen every day. It's hard to find consensus on difficult public policy issues. But it's not hard for the public to agree that workplace discrimination is wrong. It's not hard for the business community to agree it makes good business sense to support all workers. It shouldn't be hard for the Nebraska Legislature to move forward on this journey of progress to embrace all Nebraskans, their talents, their abilities, and who they are and who they love and move forward together in a proactive manner to not only remedy discrimination when it occurs but to send a clear message across this state and across this country that Nebraska is open for business to all of those who are willing to work hard and play by the rules. And we welcome you home and we welcome businesses here that support inclusion. You can pass however many tax incentive packages you want to, but you're never going to attract the big fish like Facebook and

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Google and those kinds of companies that care deeply about inclusion if you stand in the way of progress and you let a minority viewpoint rule the day. That's not how democracy works. I am confident as we continue through this debate, as we continue through this process we're going to continue to meet any challenges that are presented because we know not only do we stand on the right side of history, we stand with the vast majority of Nebraskans. We stand with the vast majority of Nebraska businesses. [LB485]

SENATOR WATERMEIER: One minute. [LB485]

SENATOR CONRAD: And we're working for what is right and what is just and what is fair and that is equal employment opportunity for all, special rights for no one, equal rights for everyone. We level the playing field to allow all Nebraskans to enjoy the same rights and privileges each and every one of us currently enjoys right now. Join the effort. Join the movement and move Nebraska forward in a positive and proactive way that values all citizens and their contributions to our great state. Thank you, Mr. President. [LB485]

SENATOR WATERMEIER: Thank you, Senator Conrad. Mr. Clerk. [LB485]

CLERK: Mr. President, bills read on Final Reading this morning were presented to the Governor at 11:53 a.m. (re LB438, LB438A, LB674, LB717, LB759, LB800, LB851, LB863, LB908, LB998, LB1048, and LB1067) I have a motion to reconsider the Final Reading vote on LR41CA. That's offered by Senator Lautenbaugh. Amendments to be printed: Senator Conrad to LB799 (and LB485); Senator Seiler, LB390; Senator Ashford, LB907; Senator Krist to LB788; Senator Howard to LB526. A series of name adds: A number of members to LR427 and Senator Pirsch would like to add his name to LB505. (Legislative Journal pages 1410-1415.) [LB485 LB438 LB438A LB674 LB717 LB759 LB800 LB851 LB863 LB908 LB998 LB1048 LB1067 LR41CA LB799 LB390 LB907 LB788 LB526 LR427 LB505]

Mr. President, I have a priority motion. Senator Howard would move to adjourn the body until Monday, April 7, at 10:00 a.m.

SENATOR WATERMEIER: Members, there's a motion to adjourn. All those in favor say aye; those opposed. We are adjourned.