

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

Floor Debate
March 06, 2015

[LB15 LB19 LB25 LB33 LB37 LB45 LB46 LB52 LB55 LB87 LB88 LB90 LB94 LB106
LB107 LB116 LB122 LB129 LB132 LB138 LB142A LB142 LB152 LB160 LB167 LB175
LB177 LB180 LB181 LB188 LB194 LB196 LB241 LB242 LB245 LB252 LB260 LB261
LB266 LB268 LB269 LB271 LB272 LB283 LB286 LB298 LB301 LB304 LB305 LB308
LB312 LB313 LB314 LB324 LB335 LB352 LB366A LB366 LB400A LB419 LB439 LB446
LB479 LB538 LB577 LB598]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FORTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR JOHN NELSON OF THE MOUNT OLIVE LUTHERAN CHURCH IN NORFOLK, NEBRASKA, SENATOR SCHEER'S DISTRICT. PLEASE RISE.

PASTOR NELSON: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR NELSON. I CALL TO ORDER THE FORTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

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

CLERK: I HAVE NO CORRECTIONS, MR. PRESIDENT.

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

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB37, LB46, LB129, THOSE THREE BILLS AS CORRECTLY ENGROSSED. ENROLLMENT AND REVIEW ALSO REPORTS LB245, LB304, LB366, LB366A TO SELECT FILE, SOME WITH ENROLLMENT AND REVIEW AMENDMENTS. REVENUE COMMITTEE REPORTS LB419 AND LB538 TO GENERAL FILE. I HAVE A NATURAL RESOURCES CONFIRMATION REPORT. COMMUNICATION FROM THE GOVERNOR:

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

Floor Debate
March 06, 2015

(READ RE LB52, LB87, LB90, LB94, LB107, LB116, LB142, LB142A, LB194, LB241, LB252, LB260, LB261, LB266, LB269, LB271, LB286, LB301, LB305, LB312, LB314.)
PRIORITY BILL DESIGNATIONS: SENATOR KRIST, LB15; URBAN AFFAIRS COMMITTEE, LB152 AND LB324. I HAVE AMENDMENTS TO BE PRINTED: SENATOR WATERMEIER--AMENDMENTS TO LB106, MR. PRESIDENT. I ALSO HAVE REPORTS RECEIVED IN THE CLERK'S OFFICE AVAILABLE ON THE LEGISLATIVE WEB SITE FOR MEMBER REVIEW. THE LOBBY REPORT IS REQUIRED BY STATUTE. MR. PRESIDENT, UNANIMOUS CONSENT REQUEST: SENATOR BURKE HARR, AS CHAIR OF THE BUSINESS AND LABOR COMMITTEE, WOULD ASK UNANIMOUS CONSENT TO CONDUCT HIS HEARING ON MARCH 9 IN ROOM 1510 AS OPPOSED TO ROOM 2102. (LEGISLATIVE JOURNAL PAGES 731-734.) [LB37 LB46 LB129 LB245 LB304 LB366 LB419 LB538 LB366A LB52 LB87 LB90 LB94 LB107 LB116 LB142 LB142A LB194 LB241 LB252 LB260 LB261 LB266 LB269 LB271 LB286 LB301 LB305 LB312 LB314 LB15 LB152 LB324 LB106]

PRESIDENT FOLEY: WITHOUT OBJECTION, SO ORDERED.

CLERK: THAT'S ALL THAT I HAVE, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. MEMBERS, IF YOU COULD PLEASE MOVE TO YOUR SEATS, PURSUANT TO THE RULES, WE'RE GOING TO MOVE RIGHT INTO FINAL READING THIS MORNING. SENATORS, THE DOUGHNUTS ON YOUR DESK THIS MORNING ARE A TREAT FROM SENATOR SCHEER. THANK YOU, SENATOR SCHEER. MR. CLERK, WE'LL NOW PROCEED TO FINAL READING. OUR FIRST BILL IS LB45. [LB45]

CLERK: (READ LB45 ON FINAL READING.) [LB45]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB45 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB45]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 735.) 45 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING. [LB45]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB45 PASSES. WE NOW PROCEED TO LB88. MR. CLERK. [LB45 LB88]

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

Floor Debate
March 06, 2015

CLERK: (READ LB88 ON FINAL READING.) [LB88]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB88 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB88]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 735-736.) 42 AYES, 4 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB88 PASSES. WE NOW PROCEED TO LB122. [LB88 LB122]

CLERK: (READ LB122 ON FINAL READING.) [LB122]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB122 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB122]

CLERK: (RECORD VOTE READ, LEGISLATIVE PAGE 736.) 46 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB122]

PRESIDENT FOLEY: LB122 PASSES. WE NOW PROCEED TO LB160. [LB122 LB160]

CLERK: (READ LB160 ON FINAL READING.) [LB160]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB160 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB160]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 737.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB160]

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

Floor Debate
March 06, 2015

PRESIDENT FOLEY: LB160 PASSES. WE NOW PROCEED TO LB167. [LB160 LB167]

CLERK: (READ LB167 ON FINAL READING.) [LB167]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB167 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB167]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 737-738.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB167]

PRESIDENT FOLEY: LB167 PASSES. SENATORS, THE COOKIES BEING DISTRIBUTED ON THE FLOOR TODAY ARE A GIFT FROM SENATOR HANSEN WHO GOT ENGAGED ON SATURDAY. CONGRATULATIONS, SENATOR HANSEN. MR. CLERK, WE'LL NOW PROCEED TO LB177. [LB167 LB177]

CLERK: (LB177 READ ON FINAL READING.) [LB177]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB177 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB177]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 738.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB177]

PRESIDENT FOLEY: LB177 PASSES. WE NOW MOVE TO LB180. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB177 LB180]

CLERK: 43 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB180]

PRESIDENT FOLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB180]

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

Floor Debate
March 06, 2015

CLERK: (READ TITLE OF LB180.) [LB180]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB180 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. REMINDER, SENATORS, THIS VOTE WILL BE HELD OPEN FOR THREE MINUTES. RECORD, PLEASE, MR. CLERK. [LB180]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 739.) 45 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB180]

PRESIDENT FOLEY: LB180 PASSES. WE NOW PROCEED TO LB181. [LB180 LB181]

CLERK: (READ LB181 ON FINAL READING.) [LB181]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB181 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB181]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 740.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB181]

PRESIDENT FOLEY: LB181 PASSES. WE NOW PROCEED TO LB272. [LB181 LB272]

ASSISTANT CLERK: (READ LB272 ON FINAL READING.) [LB272]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB272 PASS? ALL THOSE IN FAVOR VOTE AYE, THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB272]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 740-741.) VOTE IS 45 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB272]

PRESIDENT FOLEY: LB272 PASSES. WE NOW PROCEED TO LB298. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR

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

Floor Debate
March 06, 2015

VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB272 LB298]

ASSISTANT CLERK: 44 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB298]

PRESIDENT FOLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB298]

ASSISTANT CLERK: (READ TITLE OF LB298.) [LB298]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB298 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB298]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 741-742.) VOTE IS 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING ON FINAL PASSAGE OF THE BILL, MR. PRESIDENT. [LB298]

PRESIDENT FOLEY: LB298 PASSES. WE'LL NOW PROCEED TO LB313. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB298 LB313]

ASSISTANT CLERK: 42 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB313]

PRESIDENT FOLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB313]

ASSISTANT CLERK: (READ TITLE OF LB313.) [LB313]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB313 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB313]

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

Floor Debate
March 06, 2015

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 742-743.)
THE VOTE IS 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT.
[LB313]

PRESIDENT FOLEY: LB313 PASSES. WE NOW PROCEED TO LB352. [LB313 LB352]

ASSISTANT CLERK: (READ LB352 ON FINAL READING.) [LB352]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING
BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB352 PASS? ALL THOSE IN
FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK.
[LB352]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 743-744.)
VOTE IS 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB352]

PRESIDENT FOLEY: LB352 PASSES. WE NOW PROCEED TO LB446. MR. CLERK, THE
FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR
VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB352
LB446]

ASSISTANT CLERK: 46 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING,
MR. PRESIDENT. [LB446]

PRESIDENT FOLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK,
PLEASE READ THE TITLE. [LB446]

ASSISTANT CLERK: (READ TITLE OF LB446.) [LB446]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING
BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB446 PASS? ALL THOSE IN
FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK.
[LB446]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 744.)
VOTE IS 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING ON THE FINAL PASSAGE
OF THE BILL, MR. PRESIDENT. [LB446]

Floor Debate
March 06, 2015

PRESIDENT FOLEY: LB446 PASSES. THAT WILL CONCLUDE FINAL READING FOR THE DAY. WE'LL NOW RETURN TO GENERAL FILE, LB242. EXCUSE ME, MR. CLERK, I JUST WANT TO READ SOMETHING INTO THE RECORD. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LB45, LB88, LB122, LB160, LB167, LB177, LB180, LB181, LB272, LB298, LB313, LB352, AND LB446. MR. CLERK. [LB242 LB45 LB88 LB122 LB160 LB167 LB177 LB180 LB181 LB272 LB298 LB313 LB352 LB446]

ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB242:(READ TITLE.) THE BILL WAS INTRODUCED BY SENATOR STINNER. IT WAS REFERRED TO THE COMMITTEE ON AGRICULTURE. THE COMMITTEE ADVANCED THE BILL TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. THE COMMITTEE AMENDMENTS WERE CONSIDERED ON MARCH 4 AND AT THAT TIME THEY WERE NOT ADOPTED. [LB242]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR STINNER, WOULD YOU LIKE TO TAKE A COUPLE OF MINUTES TO JUST REFRESH US ON THE BILL? [LB242]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, ON BEHALF OF THE DRY BEAN COMMISSION AND THE DRY BEAN GROWERS, IT IS MY PRIVILEGE TO PRESENT LB242. DRY EDIBLE BEANS ARE A VERY IMPORTANT AGRICULTURAL COMMODITY GROWN IN MY DISTRICT AND THE DISTRICTS OF SCHILZ, HUGHES, DAVIS, GROENE, AND LARSON. APPROXIMATELY 500 FARMERS AND 15 DIFFERENT PROCESSORS ARE INVOLVED IN THE DRY BEAN BUSINESS. NEBRASKA RANKS THIRD IN COMMERCIAL DRY BEAN PRODUCTION AND ACCOUNTS FOR 11 PERCENT OF THE U.S. DRY BEAN CROP. IN 2012, NEBRASKA HARVESTED DRY BEANS VALUED AT \$117,700,000. THE MISSION OF THE DRY BEAN COMMISSION IS TO DEVELOP, CARRY OUT, AND PARTICIPATE IN PROGRAMS OF RESEARCH, EDUCATION, MARKET DEVELOPMENT, AND PROMOTION TO ENHANCE THE PROFITABILITY AND EXPAND THE DEMAND AND VALUE OF THE NEBRASKA GROWN DRY EDIBLE BEANS. THE COMMISSION'S MISSION IS FUNDED BY AN ASSESSMENT OR A CHECKOFF. AND THE CHECKOFF IS...TWO-THIRDS OF THE CHECKOFF IS PAID BY THE PRODUCERS AND A THIRD BY THE PROCESSORS. LB242 IS A CULMINATION OF OVER A YEAR'S WORTH OF WORK BY THE DRY BEAN ASSOCIATION. THEY HAVE HAD MEETINGS WITH MEMBERS, THEY HAVE HAD PUBLICATIONS, THEY HAVE ALSO HAD SURVEYS CONDUCTED. AND THE CULMINATION OF THIS... [LB242]

Floor Debate
March 06, 2015

PRESIDENT FOLEY: EXCUSE ME, SENATOR. MEMBERS, WE'RE HAVING TROUBLE HEARING THE SPEAKER. CONTINUE, SENATOR STINNER. SENATOR STINNER, YOU MAY CONTINUE FOR ANOTHER MINUTE. [LB242]

SENATOR STINNER: THANK YOU. THE CULMINATION IS...OF ALL OF THAT WORK IS LB242. IN BRIEF, LB242 PROPOSES THE FOLLOWING CHANGES: THE CHECKOFF IS RAISED FROM THE CURRENT MAXIMUM ALLOWED OF 10 CENTS PER HUNDRED WEIGHT TO 15 CENTS PER HUNDRED WEIGHT AS OF AUGUST 1, 2015, WITH THE AUTHORITY FOR THE COMMISSION TO ADJUST THE ASSESSMENT WITHIN A 24 CENT MAXIMUM. THE SECOND ISSUE IS, THE PROPOSAL FOR A REPEAL OF THE REFUND PROVISION IN THE STATUTE. AND THIS WILL HARMONIZE THE DRY BEAN GROWERS WITH THE WHEAT GROWERS, WITH THE CORN GROWERS, AND OTHER AGRICULTURAL GROUPS. IT ALSO AMENDS THE LAW REGARDING THE PUBLICATION OF ANNUAL REPORTS IN ITS CONTENTS AND IT AMENDS THE PROVISION OF THE COMMISSION'S CASH FUND AND SPECIFIES RECEIPTS TO BE CREDITED TO THE FUNDS INCLUDING... [LB242]

PRESIDENT FOLEY: TIME. [LB242]

SENATOR STINNER: ...LICENSING FEES, ROYALTIES, AND REPAYMENTS. THIS... [LB242]

PRESIDENT FOLEY: TIME. TIME, SENATOR. SENATOR STINNER... [LB242]

SENATOR STINNER: THIS CONCLUDES MY EXPLANATION OF LB242. I WOULD URGE YOUR SUPPORT ON THIS BILL. THANK YOU. [LB242]

PRESIDENT FOLEY: THANK YOU, SENATOR STINNER. MR. CLERK. [LB242]

ASSISTANT CLERK: MR. PRESIDENT, AS MENTIONED PREVIOUSLY WHEN THE BILL WAS CONSIDERED YESTERDAY, THE COMMITTEE AMENDMENTS WERE NOT ADOPTED. I HAVE NOW A MOTION...A PRIORITY MOTION TO RECONSIDER THE VOTE ON THE ADOPTION OF THE COMMITTEE AMENDMENTS. [LB242]

PRESIDENT FOLEY: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB242]

Floor Debate
March 06, 2015

SENATOR LARSON: THANK YOU, MR. PRESIDENT. A FEW THINGS: WE HEARD LB242 IN THE AGRICULTURE COMMITTEE. AND DURING THAT COMMITTEE HEARING, IT WENT FAIRLY WELL, BUT THERE WERE CONCERNS RAISED ABOUT THE AMOUNT THAT THE DRY BEAN BOARD COULD USE TO SPEND ON FEDERAL LOBBYING AND THE REFUND PROVISION. THIS IS ALSO, I THINK, ALMOST A 25 PERCENT INCREASE IN THE LEVYING AUTHORITY. AND WHAT YOU'RE GOING TO HEAR FROM SENATOR STINNER, SENATOR HUGHES, SENATOR KOLTERMAN IS THAT THE DRY BEAN PRODUCERS, THEY ALL WANT THIS OR THAT IT'S JUST THE BIG GUYS THAT ARE GOING TO ASK FOR THE REFUND. WELL, THAT'S NOT HAPPENING NOW, CONSIDERING THERE'S 98 PERCENT PARTICIPATION IN THE DRY BEAN REFUND PROVISION. THIS ISN'T ABOUT WHAT THEY WANT. THIS COMES DOWN TO PRINCIPLE. AND THAT PRINCIPLE IS THE CONCEPT OF WHETHER IT'S RIGHT TO RESTRICT AN INDIVIDUAL OR A DISSENTING VOICE FROM BEING ABLE TO FORCE THEM TO PAY A TAX. AND I KNOW THERE'S BEEN A NUMBER OF PEOPLE WORKING THIS OFF THE FLOOR, WHETHER, YOU KNOW, TALKING TO MEMBERS AND HAVING CONCERNS. BUT I KNOW SENATOR KOLTERMAN RAISED A CONCERN IN COMMITTEE ABOUT THIS AND MAKING SURE EVERYBODY PAID AND EVERYBODY SHOULD HAVE TO PAY. IF SENATOR KOLTERMAN WOULD YIELD TO A QUESTION, I'D APPRECIATE IT. [LB242]

PRESIDENT FOLEY: SENATOR KOLTERMAN, WOULD YOU YIELD? [LB242]

SENATOR KOLTERMAN: YES, I WOULD. [LB242]

SENATOR LARSON: SENATOR KOLTERMAN, WHAT DO YOU KNOW ABOUT THE STAMP ACT OF 1765? [LB242]

SENATOR KOLTERMAN: ABSOLUTELY NOTHING. [LB242]

SENATOR LARSON: WELL, LET ME EXPLAIN THE STAMP ACT OF 1765. IT WAS AN ACT BY KING GEORGE III ON THE AMERICAN COLONISTS. AND WHAT IT DID IS, IT PUT A DIRECT TAX ON THE COLONIES OF BRITISH AMERICA THAT REQUIRED PRETTY MUCH ALL PRINTED MATERIALS IN THE COLONIES, WHETHER THAT'S PLAYING CARDS, LEGAL DOCUMENTS, MAGAZINES, AND ANY OTHER TYPE OF PAPER USED IN THE AMERICAN COLONIES, IT PUT A TAX ON IT. THE AMERICAN COLONIES FOUND THIS TO BE SO EGREGIOUS...THE STAMP ACT OF 1765, IT IS RECOGNIZED AS ONE OF THE FIRST TRIGGER POINTS THAT STARTED THE REVOLUTIONARY WAR. AND WHAT WAS IT ABOUT THE STAMP ACT OF 1765, DO

Floor Debate
March 06, 2015

YOU THINK, SENATOR KOLTERMAN, THAT THE COLONISTS FOUND SO EGREGIOUS? [LB242]

SENATOR STINNER: I DON'T KNOW, WOULD YOU? [LB242]

SENATOR LARSON: IT WAS TAXATION WITHOUT REPRESENTATION. THE AMERICAN COLONIES HAD NO REPRESENTATION IN ENGLAND. BEN FRANKLIN WAS IN ENGLAND AS A--IF YOU WANT TO CALL--AMBASSADOR, TRYING TO EXPLAIN THE COLONISTS' BEHAVIOR AS THINGS SUCH AS THE BOSTON TEA PARTY HAPPENED OR WHY RIOTS IN THE STREETS OF BOSTON AND PHILADELPHIA WERE HAPPENING. THE COLONISTS SAW THIS AS THE FIRST STEP OF GOING TOO FAR BY THE BRITISH GOVERNMENT OF TAXING INDIVIDUALS WHEN THEY HAD NO VOICE. THEY WERE BEING PUSHED DOWN AND BULLIED BY KING GEORGE III AND THEY DIDN'T HAVE A VOICE IN ANYTHING THAT WAS HAPPENING. I DON'T MIND THE INCREASE WITHIN THE DRY BEAN BOARD. MY ISSUE WITH THIS CONCEPT OF WHAT THE UNDERLYING BILL OF LB242 DID AND AM357 FIXES IS TAXATION WITHOUT REPRESENTATION. OUR COUNTRY WAS STARTED ON THAT FOUNDATION THAT GIVES INDIVIDUALS THE RIGHT TO DISSENT WHEN THEY DON'T AGREE WITH THEIR GOVERNMENT, WHETHER THAT'S THROUGH ELECTED BOARDS--AND SOME OF OUR COMMODITY BOARDS ARE ELECTED, SOYBEAN, BEEF--OR A REFUND PROVISION IF YOU DO NOT AGREE WITH WHAT IS HAPPENING. AND THAT'S WHAT THE DRY BEAN BOARD HAS. THEY ARE AN APPOINTED BOARD BY THE GOVERNOR, THEREFORE, THOSE DRY BEAN PRODUCERS HAVE NO SAY IN WHO IS REPRESENTING THEM AND LEVYING THE TAXES. AND BY TAKING AWAY THE REFUND PROVISION, NOT ONLY DO YOU SAY YOU DON'T GET TO DECIDE WHO REPRESENTS YOU ON THE BOARD, YOU HAVE TO PAY TO BE PART OF THAT. NOW, SENATOR STINNER MIGHT SAY THE ARGUMENT, WELL, YOU DON'T HAVE TO GROW DRY BEANS, THAT'S YOUR CHOICE. BUT IF YOU GROW DRY BEANS I'M GOING TO MAKE YOU PAY THIS TAX. WELL, LUCKILY, IN NEBRASKA WE DON'T HAVE THIS, BUT IN OTHER STATES...SOME STATES DO HAVE THIS CONCEPT OF--I MAY WANT TO BE AN ELECTRICIAN. AND IN ORDER TO BE AN ELECTRICIAN AND GET STATE CERTIFIED, I FIRST HAVE TO JOIN A UNION. BUT I REALLY WANT TO BE AN ELECTRICIAN, BUT I MAY BE DISAGREEING WITH WHAT THIS IS HAPPENING OVER HERE. THAT'S WRONG AS WELL. AND THAT IS WHAT IS HAPPENING WHEN YOU TAKE AWAY AN INDIVIDUAL'S RIGHT TO DISSENT. WE HAVE TO ASK OURSELVES ON THE PRINCIPLE, DO YOU BELIEVE THAT TAXATION WITHOUT REPRESENTATION IS AN ACCEPTABLE THING? IT DOESN'T MATTER TO SAY ALL THE DRY BEAN PRODUCERS WANT IT OR JUST THE BIG GUYS ARE GOING TO TRY TO GET OUT. NO. IT'S THE PRINCIPLE ON WHICH OUR COUNTRY WAS FOUNDED

Floor Debate
March 06, 2015

ON. ALSO THERE COMES A POINT WHERE THE COMMITTEE PROCESS--AND WE HEAR A LOT ABOUT THE COMMITTEE PROCESS WITHIN THE BODY--WHEN WE HEARD THIS BILL IN COMMITTEE, WE HEARD FROM THE INTRODUCER, REALLY WANT TO GET OUT, REALLY WANT TO GET IT OUT. WE HAD A NUMBER OF TESTIFIERS. FARM BUREAU WAS ONE OF THOSE TESTIFIERS AND THEY CAME IN AND THEY SAID, YOU KNOW, WE SUPPORT THE INCREASE. AND I DON'T MIND THE UNDERLYING BILL. I HAVE PROBLEMS WITH THE ONE PORTION OF IT. BUT WHEN FARM BUREAU CAME IN AND THEY SAID, WE SUPPORT THE INCREASE. WE JUST WANT THE REFUND PROVISION TO STAY IN BECAUSE WE BELIEVE THAT FARMERS SHOULD HAVE THE RIGHT TO HAVE A DISSENTING VOICE. WE DON'T WANT THAT VOICE TAKEN AWAY FROM THEM SINCE THE BOARD IS UNELECTED. THEY SHOULD HAVE A RIGHT TO SAY, HEY, WE DON'T APPRECIATE YOU USING OUR MONEY FOR X REASON OR Y REASON. AND THEY WANTED TO LOWER THE AMOUNT THAT COULD BE USED FOR FEDERAL LOBBYING. THAT'S WHAT THE COMMITTEE AMENDMENT DOES, THOSE TWO ISSUES, AND THE TWO ISSUES THAT I HAD CONCERNS WITH FROM THE BEGINNING. WHEN WE TALK ABOUT THIS AND THINK ABOUT WHAT WE'RE TAKING AWAY, IF AM357 FAILS...WE'VE HAD THE HISTORY LESSON OF THE STAMP ACT OF 1765, NOW LET'S THINK A LITTLE MORE MODERN. OKAY, WE'LL OPERATE UNDER THE ASSUMPTION THE DRY BEAN PRODUCERS WANT THIS. WELL, WE, AS AN AMERICAN PEOPLE, WE WANT THE PATRIOT ACT. WHAT ARE WE WILLING TO GIVE UP TO GOVERNMENT IN THIS LITTLE PIECE RIGHT HERE OF OUR FREEDOMS AND OUR DISSENTING VOICE... [LB242]

PRESIDENT FOLEY: ONE MINUTE. [LB242]

SENATOR LARSON: ...FOR GREATER SECURITY? THE DRY BEAN PRODUCERS SAY, WE'RE WILLING TO GIVE UP X A LITTLE BIT HERE FOR ONE OF OUR FREEDOMS, OUR FREEDOM OF SPEECH, OF FREE SPEECH, OUR FREEDOM OF DISSENT. WE ARE WILLING TO GIVE THAT UP AND THAT IS, TO ME, NOT ACCEPTABLE. WHAT HAPPENS? YOU START TO READ BOOKS LIKE NINETEEN EIGHTY-FOUR OR THINGS OF THAT NATURE. WHAT AM I...GOVERNMENT...YEAH, GOVERNMENT, WE KNOW BEST. WE'RE WILLING TO GIVE UP A FEW FREEDOMS OR OUR ABILITY TO HAVE A DISSENTING VOICE FOR X. WE DID THAT IN THE PATRIOT ACT AND WE SEE THE NSA WATCHES EVERY ONE OF OUR TEXTS AND CELL PHONES, HAS COLLECTED MASSIVE AMOUNTS OF METADATA, AND CAN NOW TARGET AND KNOW WHERE WE MADE THOSE CALLS, PINPOINT THEM DOWN, KNOW EVERYBODY ELSE THAT WERE IN THAT SAME GENERAL VICINITY. [LB242]

Floor Debate
March 06, 2015

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR LARSON. (VISITORS INTRODUCED.) DEBATE IS NOW OPEN ON THE RECONSIDERATION MOTION AND THE UNDERLYING BILL, LB242. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB242]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER AND LIEUTENANT GOVERNOR. CHAIRMAN OF THE AG COMMITTEE...AND WE DID HAVE THIS DISCUSSION AS SENATOR LARSON INDICATED AND UNDERSTAND THE PRINCIPLE OF WHAT HE'S GOING AFTER. I WILL ALSO SAY THAT WHAT I HEARD WAS, THIS BILL CAME UP A LOT QUICKER THAN MOST PEOPLE THOUGHT IT WOULD. THOUGHT MAYBE THE BILL PRIOR TO THIS WOULD TAKE MORE TIME. I'M NOT SURE IF ALL OF THE PEOPLE IN THE BODY WERE READY FOR THIS BILL. A LOT OF PEOPLE WERE ABSENT WHEN THE BILL WAS INTRODUCED AND WHEN THE AMENDMENT WAS INTRODUCED. I ALSO GET A FEEL THIS MORNING THAT NOT EVERYBODY IS IN THE BODY, NOT EVERYBODY IS LISTENING MAYBE TO THE INTENT THAT SOME OF US THINK THEY SHOULD BE. SO HERE'S WHAT I'M GOING TO OFFER. FIRST OF ALL, I MENTIONED TWO DAYS AGO THAT I'VE HAD INTEREST IN CREATING A REPORT THAT OUTLINES ALL OF THE CHECKOFF PROGRAMS, HOW THEY'RE SET UP, WHICH COULD DEAL WITH FEDERAL, WHETHER IT'S A STATE OR A FEDERAL PROGRAM, WHETHER IT'S AN ELECTED OR APPOINTED BOARD, THE REFUND OPTIONS, THE SIZE OF THE BOARD, IF THEY'RE IN DISTRICTS DO THEY HAVE AT-LARGE, ALL THOSE QUESTIONS. IF THEY'RE RESTRICTING THE USE OF FUNDS, SOME OF THE THINGS THAT WE'RE TALKING ABOUT TODAY. AND THIS REPORT HAS CREATED SOME INTEREST OUTSIDE THE BODY. I'VE TALKED WITH THE DEPARTMENT OF AG, AND THEY ARE INTERESTED IN SEEING THIS REPORT AND HELPING GET IT OUT. LEGISLATIVE RESEARCH HAS TALKED TO MY OFFICE AND THEY WOULD LIKE TO BE PART OF THIS IN ORDER TO CLEAR UP SOME OF THIS CONFUSION. AND MY COMMITTEE STAFF, LEGISLATIVE RESEARCH HAS TOLD ME IN MY CONVERSATION THIS MORNING THAT HE WOULD BE ABLE TO CREATE THIS REPORT BETWEEN NOW AND SELECT FILE. WE WOULD NOT BE LOOKING AT AN ANALYSIS OF THE REPORT, BUT WE WOULD HAVE THE REPORT AVAILABLE SO THAT ALL OF THE SENATORS WOULD HAVE THAT REPORT, WE'D HAVE BETTER INFORMATION, WE'D KNOW A LITTLE BIT MORE WHAT WE'RE REFERRING TO. I WOULD RECOMMEND NOT RECONSIDERING THIS VOTE. LEAVE IT AS IT STANDS NOW AND IN THE MEANTIME WE'LL CREATE THIS REPORT, WE'LL GET IT OUT TO EVERYBODY, AND AT THE SELECT FILE POINT THEN WE CAN DISCUSS IT AGAIN. AND I THINK WE'LL HAVE MORE COMPLETE AND ACCURATE INFORMATION. THANK YOU, MR. SPEAKER. [LB242]

SPEAKER HADLEY PRESIDING

Floor Debate
March 06, 2015

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB242]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I THINK I UNDERSTAND WHAT SENATOR LARSON IS SAYING, AND I THINK ALSO I'M BEGINNING TO UNDERSTAND THE PURPOSE OF THE BILL. SENATOR LARSON'S ARGUMENT IS THAT YOU SHOULD NOT BE ABLE TO TAKE PEOPLE'S MONEY BY VIRTUE OF A GOVERNMENT ACTION OR SOME GOVERNMENT BOARD UNLESS THAT BOARD IS ELECTED BY THE CONSTITUENCY, ELECTED BY THE PEOPLE, ACCORDING TO THE PROPER ROLES. IN THIS PARTICULAR CASE, A BOARD IS CREATED, THE GOVERNOR FILLS THE SEATS ON THE BOARD, AND THERE IS AN ASSESSMENT OF THE GRAIN, AND THE MONEY GOES INTO A KITTY FOR MARKETING PURPOSES AND APPARENTLY LOBBYING PURPOSES. AND UNDER THE EXISTING LAW, IF YOU HAVE HEARTBURN AND SOME OF YOUR MONEY WAS TAKEN, YOU CAN ASK FOR YOUR MONEY BACK. AND THAT KIND OF FIXES THE PROBLEM THAT THE BOARD ISN'T ELECTED AND KIND OF FIXES THE ISSUE THAT THIS ISN'T A TAX, BUT IT IS A KIND OF VOLUNTARY WAY OF ORGANIZING YOUR MONEY FOR PURPOSES OF BEANS. WHEN YOU TAKE AWAY THE REFUNDABILITY, THEN IT BEGINS TO LOOK A LOT MORE LIKE THIS BOARD, APPOINTED BY A GOVERNOR, NOT THE LEGISLATURE, IS LEVYING A TAX. AND I THINK THAT'S WHAT'S CAUSING SOME OF THE HEARTBURN AND SOME OF THE ISSUES HERE. LAST YEAR, SENATOR LAUTENBAUGH SUED THE NEBRASKA BAR ASSOCIATION BECAUSE THE BAR ASSOCIATION...YOU HAD TO BELONG TO IT AND YOU HAD TO GIVE IT DUES, KIND OF LIKE THIS THING. AND THE BAR ASSOCIATION WAS USING SOME OF THE MONEY TO LOBBY FOR THINGS THAT SOME OF THE LAWYERS DIDN'T AGREE WITH. AND THE THING WENT TO THE SUPREME COURT. AND, BASICALLY, THE SUPREME COURT SAID, OKAY, YOU CAN FORCE PEOPLE TO THROW MONEY INTO THE POT, BUT YOU DARN WELL BETTER LIMIT VERY STRICTLY WHAT THAT MONEY CAN BE SPENT FOR. AND IT CAN'T JUST BE SPENT FOR GENERAL LOBBYING THAT THE ADMINISTRATIVE BOARD OF THE ORGANIZATION THINKS IS KIND OF A COOL THING TO DO. AND THAT ALMOST SOUNDS LIKE THE LOBBYING PROVISION IN THIS BILL. AND SO I THINK THE ISSUE THAT WE'VE GOT TO CONSIDER--AND I HAVEN'T FIGURED OUT THE ANSWER, IF THERE IS AN ANSWER--IS HOW TIGHTLY CAN THE ACTIVITIES OF THIS BOARD BE WHEN IT COMES TO POLITICAL ACTIVITY AND FREE SPEECH IF THE TAX ISN'T REFUNDABLE, IF THE ASSESSMENT OR WHATEVER IT'S CALLED ISN'T REFUNDABLE. AND I THINK THAT'S GOING TO TAKE SOME TIME TO FIGURE OUT AND TO INTEGRATE THE LAUTENBAUGH DECISION AS WELL AS THE PRINCIPALS OF REPRESENTATION AND TAXATION THAT SENATOR LARSON IS ARTICULATING. THE PARTIES MAY NOT BE VERY FAR APART HERE. THIS CAN BE FIXED BY MAKING IT REFUNDABLE. IT MAY BE FIXED BY PUTTING

Floor Debate
March 06, 2015

RESTRICTIONS, AS THE AGRICULTURE COMMITTEE AMENDMENT SUGGESTS, ON EXACTLY WHAT THE MONEY CAN BE SPENT ON SO THAT THIS BOARD ISN'T FORCING POLITICAL CONTRIBUTIONS OUT OF PEOPLE TO GO LOBBY FOR GENERAL FEDERAL PURPOSES THAT IT MIGHT KIND OF THINK IT LIKES. SO I'D ENCOURAGE EVERYBODY TO LOOK AT THIS SITUATION AND SEE HOW WE CAN RESTRICT THE ACTIVITIES...THE POLITICAL ACTIVITIES OF THIS BOARD AND WHETHER OR NOT WE WANT A SITUATION WHERE AN UNELECTED BOARD CAN USE THIS ASSESSMENT AUTHORITY TO TAKE PEOPLE'S MONEY... [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR SCHUMACHER: ...AND EXPEND IT TOWARD THE OTHER PURPOSES OF SOYBEAN MARKETING, ETCETERA. I THINK THE RATIONALE BEHIND ALL THIS MUST BE ALONG THE LINES THAT FARM PRODUCERS ARE VERY HARD TO ORGANIZE, THEY NEED SOME ORGANIZATION TO PROMOTE THEIR GENERAL WELLBEING AND THEIR INDUSTRY. AND SINCE THEY CAN'T...HAVE A REAL HARD TIME DOING IT PRIVATELY IN ANY TYPE OF ORGANIZATION, THEY CAME TO THE LEGISLATURE AND SAID, LOOK, ENABLE US TO DO SOMETHING. GIVE US A TOOL. AND NOW WE'RE WRESTLING WITH SOME PRINCIPLES OF LAWS TO HOW THAT TOOL SHOULD BE APPLIED. AND I THINK THAT PROBABLY THE PARTIES AREN'T VERY FAR APART AND WITH JUST A LITTLE GOODWILL WE CAN GET THIS WORKED OUT. THANK YOU. [LB242]

SPEAKER HADLEY: SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB242]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I JUST WANTED TO EXPLAIN MY POSITION. I'M ON THE AG COMMITTEE AND WHEN THIS CAME UP FOR A VOTE, I DID VOTE TO BRING IT OUT OF COMMITTEE. PEOPLE NEED TO UNDERSTAND THAT. IT'S ON THE RECORD. I WANT TO MAKE IT VERY CLEAR THAT I VOTED THAT WAY. AT THE SAME TIME, AFTER WE HAD THE HEARINGS AND WE ADVANCED THE BILL, I HAD AN OPPORTUNITY TO VISIT WITH SEVERAL OF MY COLLEAGUES THAT HAVE INTRODUCED THIS LEGISLATION AND WE TALKED ABOUT WHAT THEY WERE TRYING TO ACCOMPLISH. AND I AGREED WITH WHAT THEY'RE TRYING TO ACCOMPLISH AND SO WHEN IT CAME TO A VOTE, I CHANGED MY VOTE ON THE FLOOR. IF IT HAPPENS AGAIN LIKE THAT...AND I RESERVE THE RIGHT TO CHANGE MY MIND. I'M VOTING FOR WHAT I THINK IS RIGHT FOR MY CONSTITUENTS, AS WELL AS THE FARMERS IN WESTERN NEBRASKA. AND SO I JUST WANTED EVERYBODY TO KNOW THAT I'M SUPPORTIVE OF THIS BILL. I'M NOT SUPPORTIVE OF THE RECONSIDERATION.

Floor Debate
March 06, 2015

WE'VE ALREADY VOTED THE AMENDMENT DOWN. AND I WOULD ENCOURAGE YOU TO PASS LB242 AS IT WAS ORIGINALLY PRESENTED. THANK YOU. [LB242]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED. [LB242]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. WE DO HAVE TO STAND ON PRINCIPLE SOMETIMES. I THANK SENATOR SCHUMACHER IN HIS COMMENTS IN TERMS OF THE QUESTIONS OF THE CONSTITUTIONALITY AND RAISING THE LAUTENBAUGH DECISION ON THE STATE BAR ASSOCIATION. NOW, THERE ARE SIMILARITIES BETWEEN THE STATE BAR DECISION AND THE DRY BEAN COMMISSION. THEY'RE NOT COMPLETELY SIMILAR. NOW, A LAWYER WAS FORCED TO JOIN THE STATE BAR, IS STILL, AND PAY NOW A SMALLER FEE THAT THAT POINT A HIGHER FEE. AND THE CONSTERNATION WAS--DO THOSE LAWYERS HAVE ANY RIGHT TO SAY--I DON'T WANT TO JOIN THAT ASSOCIATION? THE SUPREME COURT SAID THAT THE STATE BAR DOES DO SOME DISCIPLINARY THINGS AND A NUMBER OF OTHER THINGS THAT, YES, YOU HAVE TO JOIN BECAUSE THEY ARE USING DISCIPLINE OR THEY ARE DOING THESE CERTAIN THINGS AND WE HAVE TO HAVE TO FUND THOSE. BUT EVERY OTHER ACTIVITY OF SPEECH, OF LOBBYING, ALL THOSE OTHER ACTIVITIES YOU DON'T HAVE TO PAY FOR. I DON'T SEE THE DRY BEAN COMMISSION HANDING OUT ANY DISCIPLINE TO DRY BEAN FARMERS IF THEY DON'T FARM THE DRY BEANS THE RIGHT WAY. THEREIN LIES THE DIFFERENCE. OTHERWISE, ALL THE DRY BEAN COMMISSION IS DOING IS PROMOTING DRY BEANS. THEREFORE, IF WE WANT TO TAKE THE LAUTENBAUGH DECISION TO ITS LOGICAL CONCLUSION, THE SUPREME COURT WOULD SAY THAT SINCE THE DRY BEAN BOARD IS OFFERING NO DISCIPLINARY OR ANY OF THESE OTHER THINGS THAT THE STATE BAR WAS OFFERING, THIS WOULD BE UNCONSTITUTIONAL IN THE SIMPLE FACT OF USING THE MONEY AS SPEECH AND LOBBYING FEDERAL GOVERNMENT. NOW WE HAVE LMA, WHICH WHEN COMMODITY BOARDS WERE CHALLENGED ON WHETHER THEY WERE CONSTITUTIONAL, THE CHECKOFFS ARE CONSTITUTIONAL, BUT THE ONE THAT WAS CHALLENGED HAD AN ELECTED BOARD. AND I WOULD BE OKAY WITH A MANDATORY CHECKOFF IF IT HAD AN ELECTED BOARD. BUT AN INDIVIDUAL HAS TO HAVE THE RIGHT OF DISSENT. IF AN INDIVIDUAL DOESN'T HAVE A RIGHT OF DISSENT, YOU'RE LIMITING THEIR FIRST AMENDMENT RIGHTS AND CAUSING TAXATION WITHOUT REPRESENTATION. WOULD SENATOR HUGHES YIELD TO A QUESTION? [LB242]

SPEAKER HADLEY: WOULD SENATOR HUGHES YIELD TO A QUESTION? [LB242]

Floor Debate
March 06, 2015

SENATOR HUGHES: ABSOLUTELY. [LB242]

SENATOR LARSON: THANK YOU, SENATOR HUGHES. DO YOU BELIEVE IN TAXATION WITHOUT REPRESENTATION? [LB242]

SENATOR HUGHES: NO. [LB242]

SENATOR LARSON: THANK YOU. WILL SENATOR STINNER YIELD TO A QUESTION? [LB242]

SPEAKER HADLEY: WILL SENATOR STINNER YIELD TO A QUESTION? [LB242]

SENATOR STINNER: YES. [LB242]

SENATOR LARSON: SENATOR STINNER, DO YOU BELIEVE IN TAXATION WITHOUT REPRESENTATION? [LB242]

SENATOR STINNER: I DO NOT. [LB242]

SENATOR LARSON: THANK YOU. THE COINTRODUCERS OF THIS LEGISLATION DO NOT BELIEVE IN TAXATION WITHOUT REPRESENTATION, YET THE MEMBERS OF THE DRY BEAN COMMISSION ARE NOT ELECTED. THEY ARE APPOINTED BY A POLITICAL APPOINTMENT. [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR LARSON: AND IT MIGHT NOT BE...YOU KNOW, WE MIGHT HAVE A GREAT GOVERNOR NOW AND THE NEXT ONE MIGHT BE GREAT, BUT WHO KNOWS WHAT THE NEXT ONE IS? OR WHO KNOWS WHAT THE...YOU KNOW, THESE APPOINTMENTS GET POLITICAL. THEY MIGHT NOT BE REPRESENTATIVE OF THE INDIVIDUALS THEY REPRESENT. YET THEY HAVE THE LEVYING...THE TAXING AUTHORITY TO TELL THE INDIVIDUALS THEY REPRESENT HOW MUCH THEY HAVE TO PAY. THIS ISN'T ABOUT DRY BEANS. THIS IS ABOUT THE PRINCIPLE. DO WE WANT TO SET A PRECEDENT IN THIS BODY OF TAXING INDIVIDUALS AND NOT LETTING THEM HAVE A DISSENTING VOICE? IF YOU'RE COMFORTABLE WALKING DOWN THAT LINE BECAUSE, OH, THEY SAY IT'S OKAY, THEY'RE OKAY GIVING UP THEIR DISSENTING VOICE. THAT'S NOT ACCEPTABLE. [LB242]

Floor Debate
March 06, 2015

SPEAKER HADLEY: TIME, SENATOR. [LB242]

SENATOR LARSON: THANK YOU. [LB242]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB242]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY, GOOD MORNING. I, TOO, HAVE SERVED ON THE AGRICULTURE COMMITTEE FOR FOUR YEARS, HAVE SERVED AS CHAIR FOR TWO, WE'VE SEEN THESE ISSUES BEFORE US ON THE FLOOR OF THIS LEGISLATURE, AND WE'VE HAD THE SAME ARGUMENTS ON THE FLOOR OF THIS LEGISLATURE. AND ANOTHER WAY THEY'VE GONE EACH TIME. SO AS I SIT HERE AND I LISTEN TO THIS, I WANT PEOPLE TO UNDERSTAND. THE DRY BEAN COMMISSION HAS ASKED TO HAVE THIS BILL PUT IN. THEY'VE ASKED TO HAVE THE RATES RAISED AND THEY'VE ASKED TO TAKE THE REFUNDABILITY AWAY. I THINK THAT IT'S ESSENTIAL THAT WE UNDERSTAND WHERE EVERYBODY IS ON THIS ISSUE. I THINK WE'RE GETTING TO THAT POINT. I THINK, TOO, THAT IT'S IMPORTANT THAT WE UNDERSTAND WHAT'S TRULY IMPORTANT IN THIS AND THAT WE UNDERSTAND ALSO THAT I'M SURE THE MONEY IS NEEDED. THAT CHECKOFF IS WHAT HELPS THEM WITH MARKETING, RESEARCH, AND EVERYTHING ELSE. WHEN WE VOTED IT OUT OF COMMITTEE, AND HAD CONVERSATIONS WITH FOLKS, I SAID, LOOK, SENATOR LARSON AND SENATOR CHAMBERS ARE NOT COMFORTABLE WITH THAT THE WAY THAT IS, BUT IT WILL GET OUT IF WE CHANGE THE THINGS THAT ARE IN THE COMMITTEE AMENDMENT. IT CAME OUT OF COMMITTEE WITH THE COMMITTEE AMENDMENT MAKING THOSE CHANGES. I FULLY UNDERSTAND WHERE SENATOR STINNER IS COMING FROM AND SENATOR HUGHES AND OTHERS, I GET THAT. WE'VE...ALL OF US THAT HAVE HAD TO DEAL WITH COMMODITY CHECKOFFS UNDERSTAND THAT AT TIMES THERE'S NO REFUNDABILITY, AND WE HAVEN'T LOOKED AT THAT. BUT I CAN TELL YOU THIS, THERE'S SOME THAT HAVE REFUNDABILITY, THERE'S SOME THAT DON'T. SO WE'RE NOT EVEN CONSISTENT THERE. WHAT I IMPLORE EVERYBODY TO DO HERE IS TO COME TOGETHER, FIGURE THIS OUT ONCE AND FOR ALL BECAUSE THIS BILL SHOULDN'T BE ONE THAT WE SPEND EIGHT HOURS ON. THIS BILL SHOULDN'T BE ONE WHERE WE'RE PITTING AG INTERESTS AGAINST AG INTERESTS. THIS BILL SHOULD BE ONE THAT MOVES THROUGH THE PROCESS THAT GETS ENACTED INTO LAW. AND IF THERE'S ISSUES ON EITHER SIDE THAT PEOPLE WANT TO DEAL WITH ON THESE BROADER QUESTIONS, WE'VE GOT THE INTERIM TO DO THE STUDY AND TO BRING IT IN LINE. I WANT TO HAVE A VOTE ON THIS BILL. I WANT TO GET IT DONE AND I WANT TO GO HOME FOR THE

Floor Debate
March 06, 2015

WEEKEND AND BE ABLE TO TELL THE BEAN BOARD, YES, YOUR NEW CHECKOFF DOLLARS ARE IN PLACE, YOUR RATES ARE SAFE, AND WE CAN MOVE FORWARD. THANK YOU, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB242]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. AGAIN, A COUPLE OF THE SPEAKERS AFTER ME HAVE KIND OF EMPHASIZED WHERE I THINK WE'RE AT, WHERE I KNOW WE'RE AT. SENATOR SCHUMACHER AGAIN BRINGS UP A LOT OF POINTS THAT WE NEED TO BE CONSIDERING IN OUR CONSISTENCY AND WHAT'S RIGHT IN PRINCIPLES. SENATOR SCHILZ IS CORRECT. IT CAME OUT OF COMMITTEE. IT CAME OUT OF COMMITTEE WITH THIS IN ORDER TO GET IT...TO MOVE IT OUT OF COMMITTEE. WE NEED TO RESOLVE THIS. I DON'T KNOW THAT WE HAVE ENOUGH FACTS YET TODAY TO MAKE EVERYBODY FEEL COMFORTABLE AND EVERYBODY UNDERSTAND. IF WE RECONSIDER THE VOTE, I HOPE WE CAN DO IT SOON. I VOTED FOR THE AMENDMENT. I WILL PROBABLY VOTE FOR THE AMENDMENT AGAIN. EITHER WAY, I HOPE THE BILL MOVES FORWARD. MY SUGGESTION IS, WE NOT SPEND A LOT OF TIME ON THE RECONSIDERING, LET IT STAND AS THE VOTE WAS. WE WILL GET MORE INFORMATION AND WE WILL FIND THINGS IN THERE THAT IT WILL REQUIRE AN INTERIM STUDY SO WE CAN HARMONIZE SOME OF THESE POLICIES SO WE CAN GET EVERYBODY ON BOARD AND THE UNDERSTAND...EVEN TO THE POINT OF WHAT THEY CAN BRING TO THE LEGISLATURE THAT'S LIKELY GOING TO PASS THE MUSTER TEST. LET'S NOT SPEND A LOT OF TIME ON THIS. I DON'T KNOW IF WE CAN RESOLVE ALL THE ANSWERS OR NOT. I SUGGEST WE NOT RECONSIDER, WE MOVE ON, AND THEN HAVE SOME DETAILS AS WE GO TO SELECT FILE. THANK YOU, MR. SPEAKER. [LB242]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE GROENE, LARSON, CHAMBERS, HUGHES, AND FRIESEN. SENATOR GROENE, YOU'RE RECOGNIZED. [LB242]

SENATOR GROENE: THANK YOU, PRESIDENT. I'M FROM WESTERN NEBRASKA. I DO MY BUSINESS IN WESTERN NEBRASKA. OF THOSE FIVE HUNDRED BEAN GROWERS, I PROBABLY KNOW HALF OF THEM AND I'VE PROBABLY DONE BUSINESS WITH A THIRD OF THEM OVER THE LAST 25 YEARS. SO I AM FOR LB242, BUT I AM ALSO FOR AM357, AND THE REASON WHY IS...HAVE YOU ALL READ THE ORIGINAL LANGUAGE? TO OPT OUT IS NOT EASY. IT TAKES A PROCESS. LET ME READ IT TO YOU. A GROWER WHO HAS SOLD DRY BEANS AND HAS HAD AN ASSESSMENT DEDUCTED FROM THE SALE PRICE MAY BY WRITTEN APPLICATION

Floor Debate
March 06, 2015

TO THE COMMISSION SECURE A REFUND OF THE AMOUNT DEDUCTED. COMMISSION SHALL NOTIFY FIRST PURCHASER, WHOEVER BOUGHT THE BEANS, OF GROWERS REFUNDS AT THE END OF EACH QUARTER AT WHICH TIME THE FIRST PURCHASER MAY REQUEST A REFUND. FIRST PURCHASER REFUNDS SHALL ONLY BE ON THOSE BEANS THAT GROWERS RECEIVE A REFUND ON. THE GROWER SHALL HAVE 30 DAYS FROM THE DATE OF SALE TO REQUEST A REFUND. THE REFUND SHALL BE REPAYABLE BY THE COMMISSION UPON APPLICATION WITHIN 90 DAYS AFTER RECEIPT OF THE REFUND REQUEST. EACH APPLICATION FOR REFUND BY A GROWER SHALL HAVE ATTACHED THERETO PROOF OF THE ASSESSMENT DEDUCTED. THIS IS NOT A ONE TIME, ALL TIME, OPT OUT. THEY HAVE TO DO IT, THE WAY I READ IT, ON EACH TIME THEY SELL THE BEANS. SO, MY POINT IS, WOULD AN APPOINTED BOARD AND MANDATORY TAKE OF THE TAXES, CALL IT A TAX, CALL IT A FEE, CALL IT A CHECKOFF, BUT IT IS TAKEN. YOU CANNOT OPT OUT PRIOR TO SALE AND IT MUST BE REFUNDED, THAT WE, BECAUSE IT'S AN APPOINTED BOARD, NEED TO GIVE THE DEMOCRATIC PROCESS A CHANCE TO WORK. THAT BOARD MAY TAKE POLITICAL POSITIONS IN THE FUTURE. IT MAY DO LOBBYING THAT CERTAIN FARMERS DO NOT AGREE WITH, IT MAY GET OFF TRACK. IN THE NORMAL DEMOCRATIC PROCESS, THE PEOPLE HAVE A RIGHT TO ELECT THEIR REPRESENTATIVES. HERE THEY DO NOT. SO THE ONLY POP-OFF VALVE FOR PRESSURE IS THAT IF ENOUGH FARMERS GET UPSET WITH THE DIRECTION OF THE BOARD, THEY CAN OPT OUT. THEY CAN SEND A MESSAGE. THERE'S NO OTHER MECHANISM IN THIS CHECKOFF FOR THOSE MEMBERS TO SEND A MESSAGE TO THE BOARD THAT WE DON'T LIKE THE DIRECTION YOU'RE GOING. AND REMEMBER, IT'S NOT OPT OUT FIRST TIME, ALWAYS OUT. THEY HAVE TO DO IT ON EACH SALE. THE MECHANISM IS NOT EASY. ALSO, WE HAVEN'T EVEN MENTIONED THE OTHER PART OF THAT AMENDMENT WHERE THEY WANT...THE COMMITTEE DECIDED THAT A 25 PERCENT OF THE FUNDS COULD BE USED FOR LOBBYING, THAT THE COMMITTEE DECIDED 15 WAS ENOUGH. THERE'S MORE THAN ONE PART OF THIS AMENDMENT INVOLVED HERE. AND THIS IS IMPORTANT TOO. APPARENTLY THE COMMITTEE THOUGHT USING ONE-FOURTH OF THE PROCEEDS FOR LOBBYING WAS TOO MUCH. SO THERE'S MORE FACTORS HERE THAN JUST THE OPT OUT. AM I FOR EDIBLE BEANS? DO I THINK YOU NEED TO ADVERTISE IN A FREE MARKET SOCIETY? YES, YOU DO. AM I FOR THE GROWERS? YES, I AM. BUT I'M ALSO PRO-DEMOCRACY WHICH...WHY WE'RE STANDING HERE. AND THERE NEEDS TO BE A MECHANISM IN ALL TAXATION WHERE YOU HAVE AN OPPORTUNITY TO SHOW YOUR DISPLEASURE OF THE DIRECTION THE BOARD THAT YOU ARE INVOLVED WITH, BE IT A SCHOOL BOARD, COUNTY COMMISSIONERS, WHATEVER, THIS ENTITY, WE HAVE ELECTIONS. THIS BOARD DOES NOT. THIS IS THE ONLY MECHANISM... [LB242]

Floor Debate
March 06, 2015

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR GROENE: ...THOSE FARMERS HAVE TO OPT OUT. SO I WOULD YIELD ANY TIME I HAVE TO SENATOR LARSON. AND I DO SUPPORT LB242 AND WHEN THAT VOTE COMES, EITHER WAY, I WILL SUPPORT IT. THANK YOU. [LB242]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 0:45. [LB242]

SENATOR LARSON: THANK YOU, SENATOR GROENE. I SUPPORT SEVEN-EIGHTHS OF LB242. I HAVE HAD A PROBLEM WITH TAXATION WITHOUT REPRESENTATION, THE CONCEPT THAT BUILT THIS NATION, SINCE THE BEGINNING. IT IS SOMETHING THAT GOES TO THE CORE. YOU EITHER TRULY BELIEVE IN THE CONCEPT, OR YOU'RE WILLING TO FUDGE ON IT A LITTLE HERE AND A LITTLE THERE. NOW, I UNDERSTAND THERE IS A POSSIBILITY ON THE FEDERAL... [LB242]

SPEAKER HADLEY: SENATOR, YOU'RE ON YOUR OWN TIME. [LB242]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I UNDERSTAND THAT A MAJORITY OF PEOPLE MAY WANT X OR Y. THE AMERICAN PEOPLE WANT TO BE SAFE. BUT HOW MUCH OF YOUR PERSONAL FREEDOMS AND YOUR DISSENTING VOICES ARE YOU WILLING TO GIVE UP FOR THAT SAFETY? IT IS ALWAYS A FINE BALANCE AND THE LAUTENBAUGH DECISION WITH THE SUPREME COURT HAS BEEN MENTIONED A NUMBER OF TIMES. AND THE REASON THAT THEY'RE STILL FORCED TO JOIN THE BAR AND PAY MINIMAL DUES IS THE BAR PERFORMS MINIMAL FUNCTIONS WHEN IT COMES TO DISCIPLINARY ACTIONS ON THEIR COLLEAGUES, AND PROVIDES MINIMAL FUNCTIONS IN SUPPORTING THE LAWYERS. BUT THE REST OF IT, THE REST OF THE DUES THAT THE LAWYERS HAD TO PAY THE BAR ASSOCIATION FOR THINGS SUCH AS LOBBYING OR PROMOTING THE BAR ASSOCIATION WERE STRUCK DOWN. WHAT THE DRY BEAN BOARD HAS IS THAT CONCEPT. THEY DON'T RESTRICT OR DISCIPLINE DRY BEAN PRODUCERS. THIS IS A PURE, A PROMOTION AND LOBBYING FUND. THIS GOES BACK TO THE CONCEPT. WE'RE PAST DRY BEANS. LIKE I SAID, I SUPPORT SEVEN-EIGHTHS OF LB242. THIS GOES TO REPRESENTATION ON THE BOARD AND THE ABILITY OF ANY PRODUCER TO DISSENT WITHIN THAT. AND WE'RE NOT EVEN REALLY TALKING ABOUT THE TAX INCREASE. THE DRY BEAN COMMISSION HAS THE ABILITY TO LEVY A TAX. THE LEGISLATURE PUTS IT WITHIN A RANGE, BUT THE DRY BEAN COMMISSION GETS TO LEVY THAT TAX. AND WE HAVE WHAT IS CLOSE TO A 25 PERCENT TAX INCREASE IN THIS, WHILE AT THE SAME TIME TAKING AWAY AN INDIVIDUAL'S ABILITY TO GET ANY OF THAT MONEY BACK

Floor Debate
March 06, 2015

WHEN THEY HAVE NO VOICE ON WHO IS ON THE BOARD. THE COMMITTEE PROCESS WORKED. THIS IS A SIGNIFICANT POLICY SHIFT TO TAKE AWAY THE REFUNDABLE PORTION OF THE DRY BEAN COMMISSION. THE AGRICULTURE COMMITTEE VOTED 6 - 2 IN THEIR COMMITTEE AMENDMENT TO ADOPT THE COMMITTEE AMENDMENT TO GET THIS OUT AND PUT THE REFUNDABLE PORTION BACK IN. SIX TO TWO, AND THEN WE COME OUT AND DON'T RESPECT THE COMMITTEE PROCESS... [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR LARSON: ...IN THE SENSE OF THIS IS WHAT IT TOOK TO GET IT OUT OF COMMITTEE. NOW YOU MIGHT NOT LIKE THE BILL BECAUSE THERE'S A TAX INCREASE, A SIGNIFICANT TAX INCREASE, AND A NUMBER OF PEOPLE VOTED AGAINST THE MARRIAGE LICENSE BECAUSE OF A TAX INCREASE, BUT YOU'RE TAKING AWAY THE TAX INCREASE...OR YOU'RE ADDING A TAX INCREASE AND TAKING AWAY REPRESENTATION. I'M NOT SURE LB242 WOULD HAVE EVEN GOT OUT OF COMMITTEE WITHOUT THE COMMITTEE AMENDMENT. I'M NOT SURE IT WOULD HAVE GOTTEN OUT OF COMMITTEE WITHOUT THE COMMITTEE AMENDMENT. [LB242]

SPEAKER HADLEY: TIME, SENATOR. [LB242]

SENATOR LARSON: THANK YOU. [LB242]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB242]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THE OTHER DAY SENATOR LARSON GAVE ME SOME TIME TO SPEAK ON THIS MATTER, SO I'M RETURNING THE FAVOR TODAY BY EXTENDING HIM WHATEVER OF MY TIME REMAINS. [LB242]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 4:45. [LB242]

SENATOR LARSON: THANK YOU, SENATOR CHAMBERS. LIKE I SAID, AM357 GOES, AS AGREED UPON BY THE AGRICULTURE COMMITTEE AND THE INTRODUCER, AT THE TIME, TO GET THE BILL OUT OF COMMITTEE, WHICH IS WHAT HAPPENED, IN ORDER TO GET THE BILL OUT OF COMMITTEE IN A TIMELY FASHION, IT WAS

Floor Debate
March 06, 2015

AGREED THAT WE WOULD DO THIS COMMITTEE AMENDMENT AND THEN ONCE IT'S OUT, WE SWITCH. THAT'S NOT HOW I'VE OPERATED WHEN I WANT A BILL OUT AND SAY, I'M OKAY IF WE AMEND IT AND THEN TURN AROUND AND FIGHT THAT AMENDMENT ON THE FLOOR. THIS GOES BACK, AGAIN, IT'S NOT ABOUT THE DRY BEAN COMMISSION. I'M EVEN OKAY WITH THE INCREASE, AND THAT'S WHAT THEY REALLY WANT IS AN INCREASE, BUT IT'S ALSO...GOES BACK TO THE FUNDAMENTAL ISSUE THAT STARTED THE AMERICAN REVOLUTION AND REALLY STARTED TO BUILD DISCONTENT WITHIN THE COLONIES. WILL SENATOR STINNER YIELD TO A QUESTION? [LB242]

SPEAKER HADLEY: SENATOR STINNER, WILL YOU YIELD? [LB242]

SENATOR STINNER: YES, I WILL. [LB242]

SENATOR LARSON: I'M GUESSING SINCE YOU SAID YOU BELIEVED...YOU DIDN'T BELIEVE IN TAXATION WITHOUT REPRESENTATION, YOU FEEL THAT THE DRY BEAN...THIS ISN'T TAXATION WITHOUT REPRESENTATION, CORRECT? [LB242]

SENATOR STINNER: SENATOR LARSON, I RECEIVED A CALL FROM THE DRY BEAN GROWERS AND THEY FEEL LIKE THE ASSOCIATION REALLY PUTS FORTH THE SIX PEOPLE WHO SIT ON THE COMMISSION. THEY FEEL VERY STRONGLY THAT THEY HAVE REPRESENTATION. [LB242]

SENATOR LARSON: BUT SENATOR STINNER, THE ASSOCIATION ISN'T THE DRY BEAN COMMISSION. [LB242]

SENATOR STINNER: SO YOUR IDEA THAT THEY DON'T HAVE REPRESENTATION DOESN'T HOLD WATER WITH THE DRY BEAN GROWERS, NOR ME. [LB242]

SENATOR LARSON: SENATOR STINNER, THE ASSOCIATION ISN'T THE DRY BEAN COMMISSION, IS IT? [LB242]

SENATOR STINNER: THE DRY BEAN COMMISSION ALSO WILL BE THE BODY THAT WILL ASK THE COMMISSION TO COME UP WITH THE INCREASES IF THEY SO DEEM IT OR DECREASES. EVERYTHING EMANATES OUT OF THE 500 PEOPLE THAT ARE FARMERS THAT ARE PART OF THE ASSOCIATION. [LB242]

Floor Debate
March 06, 2015

SENATOR LARSON: SENATOR...IS THE ASSOCIATION THE COMMISSION? ARE THEY THE SAME ENTITY? [LB242]

SENATOR STINNER: TWO DIFFERENT ENTITIES. [LB242]

SENATOR LARSON: THANK YOU. HERE RAISES ANOTHER CONCERN THEN. IF IT'S THE ASSOCIATION PICKING, AS SENATOR STINNER SAYS, THEREFORE, IT IS REPRESENTATIVE. NO, IT IS NOT REPRESENTATIVE BECAUSE NOW YOU HAVE AN OUTSIDE BODY DECIDING WHO TO... [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR LARSON: ...NOMINATE TO THE GOVERNOR. IT GOT WORSE WITH THAT ARGUMENT BECAUSE IT'S STILL NOT THE PEOPLE. SO THAT ARGUMENT MAKES THE CONCEPT WORSE AS WE MOVE FORWARD. AM357 WAS WELL THOUGHT OUT BY THE COMMITTEE. AM357 RESOLVES ALL THE CONCERNS THAT FARM BUREAU BROUGHT UP IN THE HEARING, RESOLVES THE CONCERNS OF TAXATION WITHOUT REPRESENTATION BECAUSE IN THE END THEY'RE NOT AN ELECTED BOARD, NOR IF THE UNDERLYING LB242 PASSES, WILL AN INDIVIDUAL HAVE THE ABILITY TO HAVE DISSENT... [LB242]

SPEAKER HADLEY: TIME, SENATOR. MR. CLERK, FOR ITEMS. [LB242]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. SERIES OF THINGS: YOUR COMMITTEE ON HEALTH AND HUMAN SERVICES REPORTS LB19, LB196, LB335 ALL TO GENERAL FILE. COMMITTEE ON URBAN AFFAIRS REPORTS LB152 TO GENERAL FILE WITH COMMITTEE AMENDMENTS, ALONG WITH LB324. COMMITTEE ON JUDICIARY REPORTS LB25 TO GENERAL FILE WITH AMENDMENTS, AS WELL AS LB188. AGRICULTURE REPORTS LB175. APPROPRIATIONS REPORTS LB33. HAVE A NEW A BILL, LB400A BY SENATOR SMITH. (READ LB400A BY TITLE FOR THE FIRST TIME.) EDUCATION REPORTS ON A GUBERNATORIAL APPOINTMENT. THE BILLS THAT WERE READ ON FINAL READING THIS MORNING HAVE BEEN PRESENTED TO THE GOVERNOR AT 9:57 A.M. (RE LB45, LB88, LB122, LB160, LB167, LB177, LB180, LB181, LB272, LB298, LB313, LB352, AND LB446.) PERFORMANCE AUDIT HAS SELECTED LB598 AS ITS COMMITTEE PRIORITY BILL. HAVE A REPORT FROM THE EXECUTIVE BOARD REGARDING THE REFERENCE OF A GUBERNATORIAL APPOINTMENT. A MOTION TO LB268 TO BE PRINTED FROM SENATOR McCOY. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 745-749.) [LB242 LB19 LB196 LB335 LB152

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

Floor Debate
March 06, 2015

LB324 LB25 LB188 LB175 LB33 LB400A LB45 LB88 LB122 LB160 LB167 LB177 LB180
LB181 LB272 LB298 LB313 LB352 LB446 LB598 LB268]

SPEAKER HADLEY: THANK YOU, MR. CLERK. THE CHAIR RECOGNIZES SENATOR HUGHES. [LB242]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO YIELD MY TIME TO SENATOR STINNER, IF HE WOULD TAKE IT. [LB242]

SPEAKER HADLEY: SENATOR STINNER, YOU'RE YIELDED 4:45. [LB242]

SENATOR STINNER: THANK YOU VERY MUCH. MEMBERS OF THE LEGISLATURE, THIS IS A GOOD BILL. IT'S A BILL THAT REALLY EMANATED FROM THE NEBRASKA DRY BEAN GROWERS ASSOCIATION. THEY'VE HAD MEETINGS, THEY'VE CONDUCTED SURVEYS, 98 PERCENT OF THE PEOPLE PARTICIPATE IN THE CHECKOFF VOLUNTARILY. CERTAINLY WHEN YOU LOOK AT THE WHEAT GROWERS, CERTAINLY WHEN YOU LOOK AT THE CORN GROWERS, THE LIVESTOCK PEOPLE, THEY HAVE CHECKOFF PROGRAMS. THEY BELIEVE IN THAT BUSINESS MODEL OF INVESTING BACK INTO THEIR INDUSTRY. I WOULD SUGGEST THAT WE HAVE THIS VOTE, WE ADVANCE THE BILL TO SELECT FILE, AND WE'LL TRY TO MAKE SOME MODIFICATIONS WHILE IT'S IN SELECT FILE TO HARMONIZE WITH THE LAWS THAT SENATOR SCHUMACHER HAS REPRESENTED HERE TODAY AT THE BODY, SO WE CAN GET THIS CONSTITUTIONALITY QUESTION OUT OF THE WAY. AND I WOULD ASK THAT WE ADVANCE...THAT WE VOTE DOWN RECONSIDERATION, WE ADVANCE THE BILL TO SELECT FILE, AND MOVE ON. [LB242]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB242]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. THERE ARE SEVERAL QUESTIONS THAT HAVE COME UP TODAY, ONE OF WHICH IS WHETHER OR NOT THE EXECUTIVE BRANCH HAS GOT THE POWER TO LEVY THIS ASSESSMENT OR THIS TAX, OR WHETHER OR NOT THAT'S WITHIN THE PURVIEW OF THE LEGISLATURE. AND IF THE LEGISLATURE SETS A RANGE, AS IT HAS DONE HERE, WHETHER IT CAN...THE EXECUTIVE CAN RAISE OR LOWER THE TAX WITHIN THE RANGE. A SECOND ISSUE THAT'S COME UP IS WHETHER OR NOT AN UNELECTED BOARD, NOT ELECTED IN A TRADITIONAL WAY, HAS GOT SUCH POWER. QUITE FRANKLY, ON THOSE TWO ISSUES, THOSE ISSUES ARE COURT ISSUES. THEY'RE GOING TO HAVE TO BE DECIDED BY THE COURT. NOW, EVEN

Floor Debate
March 06, 2015

THOUGH WE DON'T HAVE GAMBLING IN NEBRASKA, THE SOYBEAN...OR THE BEAN GROWERS ARE TAKING A BIT OF A GAMBLE HERE BECAUSE IF THE COURT SAYS, AS THEY MIGHT, THAT SENATOR LARSON IS RIGHT, THEY'RE GOING TO BE WITHOUT FEES UNTIL THE LEGISLATURE REIMPLEMENTS IT. THAT'S A GAMBLE THEY'RE APPARENTLY WILLING TO TAKE. THE THIRD ISSUE IS SOMETHING THAT WE CAN DO SOMETHING WITH, AND IT IS THE ISSUE THAT'S RAISED ON PAGE TWO OF THE AMENDMENT WHERE THERE IS A LIMITATION PUT ON THE USE OF THE MONEY FOR FEDERAL LOBBYING, AND IT SHOULD ALSO PROBABLY BE FOR STATE LOBBYING, LIMITED TO SUPPORT OF THE UNDERLYING OBJECTIVES OF THE DRY BEAN PROGRAM RELATED TO MARKETING, DEVELOPMENT, EDUCATION, AND RESEARCH. THAT PROBABLY SHOULD BE IN THERE. AND IT SHOULD BE IN THERE BECAUSE THE SUPREME COURT GAVE US A PRETTY GOOD HINT OF ITS THINKING IN THE WAY IT APPROACHES THIS ISSUE IN THE LAUTENBAUGH CASE. IT SAID--BY LIMITING THE USE OF MANDATORY ASSESSMENTS TO THE ARENA OF REGULATION OF THE LEGAL PROFESSION, WE ASSURED THAT THE BAR ASSOCIATION REMAINS WELL WITHIN THE LIMITS OF THE COMPELLED SPEECH JURIS PRUDENCE OF THE U.S. SUPREME COURT AND AVOID EMBROILING THIS COURT AND THE LEGAL PROFESSION IN UNENDING QUARRELS AND LITIGATION OVER THE GERMANENESS OF ACTIVITY IN WHOLE OR PART THE CONSTITUTIONAL ADEQUACY OF A PARTICULAR OPT-IN OR OPT-OUT SYSTEM OR THE APPROPRIATENESS OF A GIVING GRIEVOUS PROCEDURE. IN SOME RESPECTS THAT SOUNDS AN AWFUL LOT LIKE THE ARGUMENTS THAT WE'RE HEARING TODAY. SO I THINK IT WOULD BE GOOD IN THIS PROCESS, AND WHETHER IT'S DONE NOW OR IN THE PROCESS OF SELECT FILE, TO MAKE SURE THAT WE INSERT A PROPER RESTRICTION ON THE SPENDING OF THIS AT FEDERAL AND STATE LOBBYING. AND ALSO TO THEN MAKE SURE THAT THE BEAN GROWERS ARE WILLING TO TAKE THE RISK, THAT SENATOR LARSON IS RIGHT, IN THE EVENT SOMEBODY WHO IS FORCED TO PAY THIS QUESTIONABLE TAX, OR FEE OR WHATEVER, TAKES IT TO COURT AND THE COURT SAYS, YOU KNOW, THIS IS NOT THE WAY YOU ASSESS PEOPLE, AND WE STRIKE THE LEGISLATION, GO BACK, DO IT OVER AGAIN. AND IN THAT CASE, THE BEAN GROWERS WILL BE WITHOUT FUNDING WHILE WE WORK OUT THE WRINKLES. AND THAT'S A GAMBLE THAT THEY'RE GOING TO HAVE TO DECIDE WHETHER THEY WANT TO TAKE OR NOT. THANK YOU, MR. SPEAKER. [LB242]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED, AND THIS WILL BE YOUR CLOSE AS THERE'S NO ONE ELSE IN THE QUEUE. [LB242]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. YOU HEARD SOME INTERESTING ISSUES FROM SENATOR SCHUMACHER. THERE ARE

Floor Debate
March 06, 2015

CONSTITUTIONAL CONCERNS AND AM357 ALLEVIATES PRETTY MUCH ALL OF THOSE. AM357 ELIMINATES THE CONSTITUTIONAL CONCERNS THAT SENATOR SCHUMACHER IS RAISING BECAUSE IT GIVES THE INDIVIDUAL THE RIGHT TO REQUEST A REFUND. NOW LET'S ASK OURSELVES--THE DRY BEAN COMMISSION IS WILLING TO POSSIBLY MAKE THEMSELVES UNCONSTITUTIONAL FOR 2 PERCENT OF THE PEOPLE CURRENTLY ASKING FOR A REFUND. TWO PERCENT ASK FOR A REFUND. SO THEY'RE WILLING TO PUT NEBRASKA THROUGH A LEGAL COURT CASE FOR 2 PERCENT OF THE PEOPLE THAT THEY WANT TO FORCE TO PAY THIS TAX AND HAVE NO REPRESENTATION. THAT IS SHORTSIGHTED AND IRRESPONSIBLE. AM357 MAKES THIS CONSTITUTIONAL. ARE WE WILLING TO RISK A LAWSUIT ON THE DRY BEAN COMMISSION, A LAWSUIT THAT WILL MORE THAN LIKELY BE LOST FOR 2 PERCENT OF THE GROWERS TO MAKE THEM PAY A TAX IN WHICH THEY DON'T...THEY CANNOT HAVE A DISSENTING VOICE? THE FIX IS EASY. AM357 ELIMINATES THE CONCERNS. THERE WILL BE NO WORK BETWEEN SELECT FILE...BETWEEN NOW AND SELECT FILE. AM357, IF ADOPTED, MAKES IT CONSTITUTIONAL AND WE DON'T EVER HAVE TO HEAR ABOUT THE DRY BEAN COMMISSION AGAIN FOR ANOTHER 15 YEARS. IT'S AS SIMPLE AS THAT. AM357 GETS ADOPTED, THIS GOES AWAY, COMPLETELY. AM357 DOESN'T GET ADOPTED, WE CONTINUE ON WITH THE THREE AMENDMENTS THAT WE HAVE AND PRIORITY MOTIONS ON GENERAL FILE, ON SELECT FILE, ON FINAL READING. WE HAVE A CHANCE TO MAKE THIS CONSTITUTIONAL TODAY AND NEVER HAVE TO WORRY ABOUT IT, OR WE CAN RISK THE LAWSUIT, RISK THE UNCONSTITUTIONALITY. THE DRY BEAN COMMISSION CAN RISK HAVING NO FUNDS FOR A YEAR UNTIL THE LEGISLATURE FIXES THE PROBLEM, WHICH IT SOUNDS THEY'RE WILLING TO RISK THOSE FUNDS, THEY'RE WILLING TO RISK 98 PERCENT OF THE DOLLARS THEY'RE CURRENTLY GETTING FOR THE MANDATING OF THE OTHER 2 PERCENT. HOW DOES THAT MAKE SENSE? SHOOT, I'M HALF-TEMPERED TO GO GROW A PATCH OF DRY BEANS AND SELL THEM JUST SO I HAVE STANDING. AND ONCE YOU HAVE THE STANDING, WE'LL FIND OUT. HOW CAN WE RESPONSIBLY RISK UNCONSTITUTIONALITY FOR 2 PERCENT OF THE PEOPLE THAT WE WANT TO FORCE TO PAY SOMETHING AND NOT GIVE THEM AN ELECTED REPRESENTATIVE? THAT IS WHAT YOU'RE GOING TO DO. THIS IS OVER 2 PERCENT RISK, A MASSIVE LAWSUIT. IT'S NOT SOMETHING THAT IS WORTH THAT. AM357 CLEARS UP ALL CONSTITUTIONALITY ISSUES. THERE WILL BE...THERE WILL HAVE TO BE NO WORK TO IT. [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR LARSON: AND WE WILL JUST MOVE ON, ON OUR HAPPY WAY, AND START ON SENATOR JOHNSON'S LB138. AND THEN SENATOR SCHEER'S, LB55, WILL

Floor Debate
March 06, 2015

FOLLOW IN QUICK ORDER, OTHERWISE WE'RE HERE. SO WHY DO WE WANT TO RISK CONSTITUTIONALITY, WHY WOULD YOU VOTE FOR SOMETHING THAT WE KNOW HAS CONSTITUTIONALITY ISSUES SO WE CAN GO THROUGH A FILIBUSTER AND THEN HIT PRIORITIES AND GO THROUGH THAT? LET'S DO THE SMART THING, FIX THE CONSTITUTIONAL CONCERNS WITH AM357 AND NOT HAVE TO HEAR ABOUT DRY BEANS FOR THE REST OF SESSION. THANK YOU. [LB242 LB138 LB55]

SPEAKER HADLEY: THE QUESTION BEFORE US IS MO40, A MOTION TO RECONSIDER. A VOTE AYE IS TO RECONSIDER; A VOTE NAY IS NOT TO RECONSIDER. SENATOR LARSON. [LB242]

SENATOR LARSON: CALL OF THE HOUSE, ROLL CALL VOTE, REGULAR ORDER. [LB242]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB242]

ASSISTANT CLERK: 30 AYES, 1 NAY TO GO UNDER CALL, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SCHEER, BAKER, SMITH, McCOY, THE HOUSE IS UNDER CALL. (SENATOR) McCOY, WILL YOU PLEASE CHECK IN. LOOKING FOR SENATOR SMITH. SENATOR SMITH, PLEASE REPORT TO THE CHAMBER, THE HOUSE IS UNDER CALL. SENATOR LARSON, HOW DID YOU WISH TO PROCEED? [LB242]

SENATOR LARSON: REGULAR ORDER. [LB242]

SPEAKER HADLEY: ROLL CALL VOTE, REGULAR ORDER. MR. CLERK. [LB242]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 750.) THE VOTE IS 12 AYES, 26 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER. [LB242]

Floor Debate
March 06, 2015

SPEAKER HADLEY: THE MOTION TO RECONSIDER FAILS. RAISE THE CALL. IS THERE ANYONE HERE TO SPEAK FOR SENATOR BLOOMFIELD'S AMENDMENT? SEEING NONE, MR. CLERK. [LB242]

ASSISTANT CLERK: MR. PRESIDENT, IN THAT CASE, THE NEXT AMENDMENT I HAVE IS FROM SENATOR LARSON. SENATOR, THAT WOULD BE AM699. (LEGISLATIVE JOURNAL PAGES 750-751.) [LB242]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON AM699. [LB242]

SENATOR LARSON: IS THAT ONE THAT STRIKES SECTION 5? [LB242]

ASSISTANT CLERK: YES. [LB242]

SENATOR LARSON: THANK YOU. COLLEAGUES, AM699 STRIKES SECTION 5 OF LB242. AND THIS IS THE REFUNDABILITY PORTION THAT WE HAVE BEEN DISCUSSING, THE CONCEPT OF UNCONSTITUTIONALITY THAT HAS BEEN RAISED THAT WITH NO REFUND PROVISION, LB242 IS UNCONSTITUTIONAL. THE LAUTENBAUGH DECISION IS A GREAT PRECEDENT FOR THAT. YET, WITH AM699, THERE WILL BE NO QUESTION WHETHER OR NOT LB242 IS CONSTITUTIONAL. SO WE HAVE A QUESTION THAT WE CAN ASK OURSELVES. ARE WE READY TO GO TO COURT OVER A DRY BEAN COMMISSION THAT RAISES ROUGHLY \$300,000 TO \$350,000 A YEAR FOR THAT PURPOSE? THESE ARE 2 PERCENT OF THE PRODUCERS, I BELIEVE. I'LL DOUBLE-CHECK. WILL SENATOR STINNER, YIELD TO A QUESTION? [LB242]

SPEAKER HADLEY: SENATOR STINNER, WILL YOU YIELD TO A QUESTION? [LB242]

SENATOR STINNER: YES, I WILL. [LB242]

SENATOR LARSON: WHAT'S THE PARTICIPATION RATE WITHIN THE DRY BEAN COMMISSION? [LB242]

SENATOR STINNER: WHAT'S THE PARTICIPATION RATE? [LB242]

Floor Debate
March 06, 2015

SENATOR LARSON: YEAH, HOW MANY...HOW MUCH...HOW MANY REQUEST A REFUND, IS IT...AM I RIGHT AT 2 PERCENT OR IS IT 3, OR... [LB242]

SENATOR STINNER: IT VARIES BETWEEN 2 AND 3 PERCENT, SO... [LB242]

SENATOR LARSON: TWO AND 3 PERCENT. [LB242]

SENATOR STINNER: SO FROM THE GROWERS' STANDPOINT, THEY BELIEVE THAT... [LB242]

SENATOR LARSON: THAT'S...YEAH, 2 OR 3 PERCENT IS WHAT WE'RE TALKING ABOUT. LB242 WANTS TO MANDATE THAT THAT 2 PERCENT PAYS THEIR PORTION, THEIR TAX. AND THAT MANDATE, BECAUSE WE WANT TO MAKE SURE, YOU KNOW, WE, I, AS A DRY BEAN PRODUCER, SUPPORT THE DRY BEAN COMMISSION. AND I KNOW THE VALUE I GET FROM THEM. I KNOW THAT VALUE AND I DON'T CARE IF SENATOR MURANTE, WHO MAY DISAGREE WITH HOW SOME OF THOSE FUNDS ARE BEING USED...HIS DRY BEAN FUNDS ARE BEING USED, AND HE MAY HAVE SOME DRY BEANS IN GRETNA THAT HE GROWS, BUT I AM SO UPSET THAT HE ASKED FOR A REFUND ON HIS DRY BEANS BECAUSE HE DISAPPROVES OF WHAT THE COMMISSION IS DOING I WANT TO FORCE HIM TO PAY THAT TAX TOO, AND THEN NOT LET HIM HAVE ANY SAY IN HOW THAT MONEY IS SPENT. HE DOESN'T GET TO ELECT A BOARD MEMBER. HE DOESN'T GET ASKED FOR A REFUND. WE FOUGHT A WAR OF INDEPENDENCE ON THIS ISSUE. AND IT DIDN'T HAPPEN...IT WAS SUCCESS OF THINGS. IT WAS THIS ONE, AND THEN THIS ONE, AND THEN THIS ONE, BUILDING UP, AND WE SEE THAT HAPPENING NOW. ONE FREEDOM TAKEN AWAY FOR THE GREATER GOOD. ONE TAX IMPOSED WITH NO DISSENTING VOICES AVAILABLE FOR THE GREATER GOOD. NINETY-EIGHT...97 TO 98 PERCENT OF DRY BEAN PRODUCERS SUPPORT THE CHECKOFF. ONLY 2 TO 3 PERCENT DISAGREE WITH HOW THE MONEY IS BEING SPENT. AND IT IS SO EGREGIOUS TO THOSE 97 OR 98 PERCENT THAT THAT 2 OR 3 PERCENT DISAGREE WITH THEM THAT WE'RE GOING TO FORCE THEM TO PAY. IT IS SO EGREGIOUS THAT THEY DON'T NECESSARILY WANT THEIR MONEY BEING USED TO LOBBY THE FEDERAL GOVERNMENT THAT WE'RE GOING TO FORCE THEM TO PAY. THIS IS AN ISSUE WHERE THE TYRANNY OF THE MAJORITY IS COMING INTO PLAY. AND WHEN THIS CAME THROUGH COMMITTEE, THEY WANTED IT OUT OF COMMITTEE SO BAD, THEY'RE LIKE--WHATEVER THE COMMITTEE NEEDS TO DO TO GET IT OUT, I'LL SUPPORT. AND THEN WHAT THE COMMITTEE DID DECIDE TO DO IS NO LONGER SUPPORTED. SO HEREIN LIES THE ISSUE OF NOT ONLY A TYRANNY MAJORITY WE'RE WILLING TO MAKE SOMETHING UNCONSTITUTIONAL AS A

Floor Debate
March 06, 2015

BODY TO FORCE 2 TO 3 PERCENT OF DRY BEAN PRODUCERS TO PAY A TAX. AND WE'RE TALKING IF YOU HAVE A \$300,000 BUDGET, 2 PERCENT, \$6,000. THAT'S 2 PERCENT OF \$300,000. WE'RE WILLING TO MAKE AN UNCONSTITUTIONAL LAW, RISK THE POSSIBILITY OF A LAWSUIT, FOR \$6,000 TO \$10,000 BECAUSE WE WANT TO FORCE EVERY PRODUCER TO PAY. SIX THOUSAND (DOLLARS)...I'M NOT SURE HOW WE CAN RATIONALE THAT THROUGH THE PROCESS. THIS ISN'T NATIONAL SECURITY. AND IF YOU GET AN UPSET DRY BEAN PRODUCER, THAT'S WHAT'S GOING TO HAPPEN WHEN YOU TAKE AWAY THEIR VOICE, WE CAN WATCH THE LITIGATION GO THROUGH, COST THE STATE POSSIBLY HUNDREDS OF THOUSANDS OF DOLLARS DEFENDING THIS FOR WHAT IS LIKELY UNCONSTITUTIONAL BECAUSE WE'VE SEEN IN THE LAST YEAR... [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR LARSON: ...HOW THE COURT VIEWS THESE ISSUES. BUT THAT DOESN'T MATTER TO SOME PEOPLE. THERE ARE SIMPLE, SIMPLE FIXES. SIMPLE FIXES TO SOLVE THE PROBLEM AND THEY WANT TO TURN DOWN THOSE SIMPLE FIXES FOR \$6,000, AND THAT IS VERY SURPRISING TO ME. WE ALSO, WITH THE VOTING DOWN OF THE COMMITTEE AMENDMENT, LET THEM CONTINUE TO USE 25 PERCENT OF THEIR BUDGET FOR FEDERAL LOBBYING. SO NOT ONLY DID WE TAKE AWAY THEIR ABILITY TO ASK FOR A REFUND, WE TOOK... [LB242]

SPEAKER HADLEY: TIME, SENATOR. [LB242]

SENATOR LARSON: THANK YOU. [LB242]

SPEAKER HADLEY: YOU'RE RECOGNIZED FOR YOUR FIRST TIME. [LB242]

SENATOR LARSON: SO NOT ONLY DID WE TAKE AWAY THEIR ABILITY TO HAVE A DISSENTING VOICE FOR \$6,000, THAT DISSENTING VOICE, THAT'S WHAT IT'S COSTING THE DRY BEAN BOARD, \$6,000 TO \$10,000, IT'S WORTH SQUASHING THAT DISSENTING VOICE AND IT'S WORTH GOING TO COURT. THAT IS SHORTSIGHTED AND OBTUSE, ESPECIALLY WHEN THE TWO COSPONSORS SAID THEY DON'T BELIEVE IN TAXATION WITHOUT REPRESENTATION. THE ASSOCIATION AND THE DRY BEAN COMMISSION ARE TWO VERY DIFFERENT THINGS, TWO VERY, VERY DIFFERENT THINGS. THEY BOTH HAVE THE INTEREST OF DRY BEANS AT HEART, BUT THE ASSOCIATION IS A VOLUNTARY GROUP OF PRODUCERS THAT GET TO CHOOSE ON WHETHER OR NOT THEY JOIN. AND THEN SENATOR STINNER SAYS, WELL, THEN THE...AND THEN THE ASSOCIATION ARE THE ONES THAT DECIDE,

Floor Debate
March 06, 2015

YOU KNOW, WHO'S GOING TO REPRESENT THEM ON THE COMMISSION. WELL, THE GOVERNOR MAKES THAT DECISION, BUT MAYBE HE WAS REFERRING TO THE FACT THAT THE ASSOCIATION IS THE ONE THAT RECOMMENDS THESE PEOPLE TO THE GOVERNOR. SO YOU HAVE AN ASSOCIATION...IF WE'RE GOING TO FOLLOW THAT LOGIC ALL THE WAY DOWN, WE HAVE AN ASSOCIATION IN WHICH DOESN'T INCLUDE ALL THE DRY BEAN PRODUCERS, MEANING NOT EVERYBODY HAS JOINED, NOR DO THEY HAVE TO JOIN, A SMALL GROUP OF PEOPLE DECIDING ON WHO THEY ARE GOING TO RECOMMEND TO THE GOVERNOR TO REPRESENT THEM AND, THEREFORE, IT'S REPRESENTATIVE. SO, THERE IT IS AGAIN. HOW IS THAT REPRESENTATION IF NOT EVERYBODY GETS A VOICE ON WHO ACTUALLY GOES? JUST THE PEOPLE THAT JOIN THE ASSOCIATION. IT GETS WORSE. IT GOT WORSE, THEIR ARGUMENT, THEIR REPRESENTATIVE ARGUMENT. IF WE'RE GOING TO MOVE THIS, LB242, WE HAVE A CHANCE TO MAKE IT CONSTITUTIONAL AND TO BLATANTLY DECIDE NOT TO IS IRRESPONSIBLE. OVER A FEW THOUSAND DOLLARS, YOU'RE GOING TO TAKE AWAY INDIVIDUAL'S RIGHT TO DISSENT FOR A FEW THOUSAND DOLLARS. THE CONCEPT OF TAXATION WITHOUT REPRESENTATION MEANS SO LITTLE. A FUNDAMENTAL BELIEF THAT STARTED THIS COUNTRY MEANS SO LITTLE OVER A FEW THOUSAND DOLLARS JUST BECAUSE A GROUP OF GUYS WANT THIS. IT SHOULDN'T. [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR LARSON: IT SHOULD MATTER THAT WE CAN WORK WITH THIS AND AM699 ALLEVIATES EVERY CONSTITUTIONAL CONCERN THAT LB242 COULD HAVE. NOW, I'M HAPPY TO WORK WITH SENATOR STINNER OVER THE INTERIM TO MAKE THE DRY BEAN COMMISSION ELECT A BODY BY EVERY PRODUCER, NOT A BODY THAT GETS A MEMBER PICKED BY AN ASSOCIATION THAT NOT EVERYBODY JOINS AND THEN HAS THE GOVERNOR ACTUALLY MAKE THAT DECISION AND PUT THERE, BUT I MEAN, AN ELECTED BODY BY EVERY DRY BEAN PRODUCER. AND THEN I WILL HAVE NO PROBLEM WITH A MANDATORY CHECKOFF, ZERO PROBLEM WITH A MANDATORY CHECKOFF AT THAT POINT. [LB242]

SPEAKER HADLEY: TIME, SENATOR. [LB242]

SENATOR LARSON: THANK YOU. [LB242]

SPEAKER HADLEY: YOU'RE NEXT IN THE QUEUE. [LB242]

Floor Debate
March 06, 2015

SENATOR LARSON: I WILL HAVE NO ISSUE WITH THAT CONCEPT, BUT YOU HAVE TO GIVE AN INDIVIDUAL THE RIGHT OF DISSENT. EVERY ONE OF OUR CONSTITUENTS HAS THE RIGHT TO DISSENT. IF THEY DON'T APPROVE OF WHAT IS HAPPENING, THEIR DISSENT IS TO VOTE AGAINST US. IF WE MOVE THE DRY BEAN COMMISSION TO AN ELECTED BOARD, EVERY PRODUCER'S RIGHT OF DISSENT COULD BE A VOTE AGAINST THEIR BOARD MEMBER. BUT TO NOT...TO TAKE AWAY THAT RIGHT OF DISSENT, POSSIBLY LET IT BECOME UNCONSTITUTIONAL, MORE THAN LIKELY AS WE'VE LOOKED INTO IT AND SEEN WHAT THE SUPREME COURT DID WITH THE LAUTENBAUGH CASE, IS WORTH ALL THAT MONEY, THAT EXTRA \$6,000, \$10,000 A YEAR THAT THE DRY BEAN COMMISSION IS GOING TO BRING IN. AND IF IT IS DECLARED UNCONSTITUTIONAL, THEY WILL THEN HAVE A...PROBABLY AT LEAST A YEAR IN WHICH THEY COLLECT NO CHECKOFF. SO, THEY'D LOSE ALL THEIR MONEY FOR THAT YEAR AND AT \$6,000 A YEAR THAT THEY MIGHT BRING IN FOR THAT 2 TO 3 PERCENT, IF THEY LOSE \$300,000 ALL AT ONCE, THAT'S 50 YEARS WORTH OF TAXING AUTHORITY...OF CHECKOFF AUTHORITY. FIFTY YEARS, AND ONE COURT CASE, AND THEY GET NOTHING FOR A YEAR. I AM MORE THAN HAPPY TO WORK WITH SENATOR STINNER, AND EVEN IF HE WANTED TO DO IT THIS YEAR, TO MAKE THIS BOARD ELECTED, IF WE COULD FIND A WAY TO DO IT, I WOULD BE OKAY WITH THE MANDATORY CHECKOFF. IF WE CAN MAKE THIS BOARD ELECTED, THEN IT'S FINE. BUT IF WE'RE GOING TO HAVE AN APPOINTED BOARD, YOU HAVE TO GIVE THEM THAT RIGHT. NOW WE CAN GO INTO THE TAX INCREASE BECAUSE I KNOW SENATOR BLOOMFIELD'S AMENDMENT LOWERED IT FROM 24 TO 20, AND LB242, I THINK, TAKES IT FROM 16 TO 18...OR 16 TO 24, I'D HAVE TO GO BACK AND COMPLETELY DOUBLE-CHECK. AND THE DRY BEAN ASSOCIATION CAME INTO THE HEARING AND THEY SAID, WE SUPPORT THIS. ALL RIGHT. I CAN APPRECIATE THAT. IT GOES BACK TO THE FACT--IS EVERY DRY BEAN MEMBER OF THE ASSOCIATION...DOES EVERY DRY BEAN FARMER JOIN THE ASSOCIATION? NO, BECAUSE IT'S VOLUNTARY AND SOME OF THEM DON'T AGREE WITH WHAT THE ASSOCIATION IS DOING. AND THOSE ONES THAT DISAGREE WITH WHAT THE ASSOCIATION MAY BE DOING, HAVE THAT RIGHT TO NOT JOIN. AND WHEN THEY DON'T JOIN... [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR LARSON: ...THEY ARE SAYING, WE MIGHT JOIN IF YOU USE OUR MONEY A LITTLE BETTER, OR WE DISAGREE WITH HOW THIS IS GOING. WITH THE DRY BEAN COMMISSION, AS IT'S CURRENTLY SET IN STATUTE, THEY HAVE THE OPPORTUNITY TO ASK FOR A REFUND. THIS HAS BEEN THE PROCESS OF THE DRY BEAN COMMISSION FOR THE LAST...SINCE ITS INCEPTION. AND IN THAT

Floor Debate
March 06, 2015

INCEPTION, THE MEMBERS OF THIS LEGISLATURE THOUGHT IT WISE AND PRUDENT, THEY SAID, HEY, IF WE'RE NOT GOING TO HAVE AN ELECTED BODY THAT DECIDES AND LEVIES AND RAISES AND SPENDS THESE TAX DOLLARS... [LB242]

SPEAKER HADLEY: TIME, SENATOR. [LB242]

SENATOR LARSON: THANK YOU. [LB242]

SPEAKER HADLEY: AND YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB242]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. IF WE'RE NOT GOING TO HAVE AN ELECTED BODY...OR IF WE ARE GOING TO HAVE AN APPOINTED BODY, THEN THEY HAVE TO HAVE THE REFUND PROVISION TO MAKE THIS CONSTITUTIONAL. BUT IT SEEMS LIKE WE NO LONGER CARE ABOUT THE CONSTITUTIONALITY. THIS IS MORE ABOUT MAKING SURE THAT EVERYBODY PAYS. AND IT DOESN'T MATTER BECAUSE THEY...WE WANT THEIR MONEY. AND NOT ONLY ARE WE GOING TO MAKE THEM PAY, WE'RE GOING TO INCREASE THE TAX AT THE SAME TIME. AND TODAY, I DO CALL THAT TYRANNY OF THE MAJORITY. IN 1765, WHEN THE AMERICAN COLONISTS REBELLED AGAINST THE STAMP ACT, THEY DIDN'T HAVE ANY REPRESENTATIVES AND BY NO MEANS WERE THE BRITISH IN THE MAJORITY TO IMPOSE THAT STAMP TAX. OUR COUNTRY WAS FOUNDED, AND THE REVOLUTIONARY WAR WAS SPARKED ON THIS ISSUE. THIS STARTED THE RIOTS, THIS ABSOLUTE CONCEPT. IT MAY HAVE BEEN 250 YEARS AGO, IF MY MATH IS CORRECT, BUT THAT HAPPENED, AND WHAT HAS CHANGED SINCE THEN? ARE WE NOW COMFORTABLE WITH NOT LETTING PEOPLE DISSENT? ARE WE NOW COMFORTABLE WITH EXTORTING MONEY FROM THOSE THAT MAY DISAGREE AND HAVE NO VOICE TO DISSENT? IT SOUNDS LIKE WE'RE COMFORTABLE WITH THAT EXTORTION OF MONEY, THAT LARGE EXTORTION OF \$6,000 CURRENTLY. WELL, AND I GUESS IF THEY GET THEIR INCREASE, 33 PERCENT INCREASE, IT COULD BE \$400,000 IN THEIR TOTAL BUDGET MEANING \$8,000, IF THE INCREASE GOES THROUGH. WE ARE NOW COMFORTABLE WITH TAKING AWAY AN INDIVIDUAL'S RIGHT FOR \$8,000. AND TO SAY THAT THEIR REPRESENTATIVE, BECAUSE THE ASSOCIATION GETS TO PICK THE BOARD MEMBERS, IS LUDICROUS BECAUSE NOT EVERYBODY JOINS THE ASSOCIATION. THE ONLY WAY THAT INDIVIDUALS HAVE TRUE REPRESENTATION IS THROUGH AN ELECTION OF ALL THE DRY BEAN PRODUCERS. AND IF THERE'S NOT AN ELECTION OF ALL THE DRY

Floor Debate
March 06, 2015

BEAN PRODUCERS, THEN THEY HAVE TO HAVE THE REFUNDABILITY OPTION.
[LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR LARSON: THAT'S THE POINT. IF YOU'RE NOT GOING TO HAVE AN ELECTION, LET DISSENT HAPPEN. SHOOT, WE SEE THAT IN RUSSIA. THE TOP OPPOSITION LEADER JUST HAD CONTRACT KILLED IN THE MIDDLE OF THE STREET WALKING ACROSS THE BRIDGE ON THE WAY TO THE KREMLIN. YOU KNOW, WHEN EASTERN EUROPE FELL IN COMMUNISM, THE FIRST PRESIDENT TO COME THROUGH RUSSIA WAS BORIS YELTSIN. NOW, WE CAN SAY THAT HE DID HAVE AN ELECTORAL MANDATE AND THERE WERE CONCERNS, ESPECIALLY WITH THE TRANSITION ECONOMICALLY, BUT PEOPLE HAD A VOICE. [LB242]

SPEAKER HADLEY: TIME, SENATOR. [LB242]

SENATOR LARSON: THANK YOU. I'D REQUEST...I'M NOT SURE THERE'S A QUORUM, SO I'D REQUEST A CALL OF THE HOUSE, OR TO CHECK IN FIRST. [LB242]

SPEAKER HADLEY: THERE HAS BEEN A CALL... [LB242]

SENATOR LARSON: I'LL ASK FOR A CHECK IN FIRST. [LB242]

SPEAKER HADLEY: YOU WISH TO PLACE THE HOUSE UNDER CALL, IS THAT CORRECT? [LB242]

SENATOR LARSON: YES. [LB242]

SPEAKER HADLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB242]

ASSISTANT CLERK: 21 AYES, 1 NAY TO GO UNDER CALL, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL

Floor Debate
March 06, 2015

UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS SCHEER, HANSEN, CRAWFORD, BURKE HARR, BOLZ, KOLOWSKI, McCOY, BRASCH, CHAMBERS, FRIESEN, AND HILKEMANN, PLEASE REPORT TO THE CHAMBER, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, SENATOR KOLOWSKI, PLEASE REPORT TO THE CHAMBER, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, THE HOUSE IS UNDER CALL. SENATOR LARSON, HOW DID YOU WISH TO PROCEED? [LB242]

SENATOR LARSON: MACHINE VOTE FIRST. [LB242]

SPEAKER HADLEY: MR. CLERK. THE QUESTION IS, SHALL THE AMENDMENT TO LB242 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. SENATOR LARSON, FOR WHAT REASON DO YOU RISE? [LB242]

SENATOR LARSON: ROLL CALL, REGULAR ORDER. [LB242]

SPEAKER HADLEY: THERE'S BEEN A REQUEST FOR A ROLL CALL, REGULAR ORDER. MR. CLERK. [LB242]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 751.) THE VOTE IS 1 AYE, 30 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB242]

SPEAKER HADLEY: THE AMENDMENT FAILS. MR. CLERK. [LB242]

ASSISTANT CLERK: MR. PRESIDENT, I NOW HAVE A PRIORITY MOTION. SENATOR LARSON WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN. [LB242]

SPEAKER HADLEY: RAISE THE CALL. SENATOR LARSON, YOU ARE RECOGNIZED TO OPEN ON YOUR MOTION TO RECONSIDER. [LB242]

SENATOR LARSON: FIRST, I'D LIKE TO THANK SENATOR CHAMBERS FOR TEACHING US ALL THIS PROCESS AND HOW WE CAN SIT FOR A LONG TIME ON JUST A FEW THINGS. THERE WILL BE MORE TO COME. LB...OR AM699 IS WHAT MAKES LB242 CONSTITUTIONAL. WE HAVE AN ADMITTED ISSUE THAT THERE ARE CONSTITUTIONAL CONCERNS WITH IT. THIS ISN'T OVERLY HOSTILE SINCE AM699 WAS PART OF THE COMMITTEE AMENDMENT AND WAS AN ISSUE THAT FARM BUREAU SAID WAS IMPORTANT THAT IT BE ADOPTED THROUGH THIS

Floor Debate
March 06, 2015

PROCESS BECAUSE IT ALLOWED THE INDIVIDUAL THE RIGHT TO HAVE A DISSENTING VOICE. WOULD SENATOR STINNER YIELD TO A QUESTION? [LB242]

SPEAKER HADLEY: SENATOR STINNER, WILL YOU YIELD TO A QUESTION? [LB242]

SENATOR STINNER: I WILL YIELD. [LB242]

SENATOR LARSON: SENATOR STINNER, DO YOU BELIEVE EVERY MEMBER THAT GROWS DRY BEANS SHOULD BE FORCED TO JOIN THE DRY BEAN ASSOCIATION? [LB242]

SENATOR STINNER: YES, I DO. [LB242]

SENATOR LARSON: A PRIVATE ASSOCIATION, YOU FEEL THAT THEY SHOULD BE FORCED TO JOIN THIS, A PRIVATE ASSOCIATION? [LB242]

SENATOR STINNER: YOU'RE AUTOMATICALLY IN THE ASSOCIATION BY VIRTUE OF THE FACT THAT YOU ARE A GROWER. [LB242]

SENATOR LARSON: DO THEY PAY DUES? [LB242]

SENATOR STINNER: DO THEY PAY DUES? [LB242]

SENATOR LARSON: YEAH, TO BE IN THE ASSOCIATION, THE DRY BEAN ASSOCIATION, IF YOU'RE AUTOMATICALLY IN IT BY BEING A GROWER, DO YOU HAVE TO PAY DUES TO THE ASSOCIATION? [LB242]

SENATOR STINNER: YOU KNOW, I'D HAVE TO CHECK THAT WITH THE DRY BEAN GROWERS. I KNOW WHEN I WAS...OWNED A FARM OR TWO AND GREW DRY BEANS, I DID NOT PAY, BUT I WAS A MEMBER, SO. [LB242]

SENATOR LARSON: SO, YOU'RE JUST AUTOMATICALLY INTO THE ASSOCIATION. HOW DOES THE...SO, DO WE KNOW HOW THE ASSOCIATION GETS ITS MONEY TO OPERATE? [LB242]

SENATOR STINNER: I'M NOT A HUNDRED PERCENT SURE. [LB242]

Floor Debate
March 06, 2015

SENATOR LARSON: OKAY. DO YOU HAVE AN ISSUE WITH INDIVIDUALS BEING ABLE TO DISSENT IF THEY DISAGREE WITH SOMETHING THAT'S HAPPENING? [LB242]

SENATOR STINNER: EVERYBODY IS ALLOWED TO DISSENT. [LB242]

SENATOR LARSON: AND WHAT IS YOUR...WHEN IT COMES TO GOVERNMENT, WHAT IS YOUR IDEAL METHOD OF DISSENT? HOW SHOULD GOVERNMENT ENSURE THAT AN INDIVIDUAL HAS AN ABILITY TO DISSENT AND DISAGREE? [LB242]

SENATOR STINNER: WELL, IT DEPENDS. OBVIOUSLY, WE ARE VOTED IN OR VOTED OUT OF OFFICE VIA TAXPAYERS, BUT THERE IS ALSO THE OPPORTUNITY TO LOBBY, TO EXPRESS OUR OPINIONS, AND THAT COUNTS JUST ABOUT AS EQUAL. [LB242]

SENATOR LARSON: AN INDIVIDUAL, YES, CAN LOBBY, SENATOR STINNER, BUT THE TRUE DISSENT IS THROUGH THE BALLOT BOX BECAUSE THAT IS WHEN YOU ACTUALLY HAVE A VOICE. THE ABILITY TO LOBBY IS THE CONCEPT OF YOU'RE TRYING TO LOBBY AN INDIVIDUAL TO DO SOMETHING THAT YOU WANT. BUT THAT IS NOT VOICING DISSENT, OR ESSENTIALLY THE ABILITY TO ELECT THOSE WHO PUT YOU IN. SO, BUT YOU'RE OKAY WITH A NONELECTED DRY BEAN BOARD ESSENTIALLY, CORRECT? [LB242]

SENATOR STINNER: I AM REPRESENTING, IN MY BILL, EXACTLY THE INTENTION OF THE DRY BEAN GROWERS. AND THAT WAS WORKED OUT OVER A LONG PERIOD OF TIME. AND I BELIEVE THAT IT'S...THERE HAS BEEN NO OPPOSITION EXPRESSED OUT OF THE DRY BEAN GROWERS TO WHAT'S IN THERE. [LB242]

SENATOR LARSON: SO THE 2 TO 3 PERCENT OF PEOPLE THAT REQUEST A REFUND CURRENTLY, YOU KNOW A HUNDRED PERCENT THEY'RE OKAY WITH THEIR ABILITY NOT TO NOT ONLY REQUEST A REFUND, BUT THE INCREASE IN THE PORTION? YOU KNOW THAT FOR SURE THAT...? [LB242]

SENATOR STINNER: I'M NOT GOING TO TESTIFY TO THAT. [LB242]

SENATOR LARSON: OKAY. WELL, THIS BRINGS UP INTERESTING POINTS IN THIS. I GUESS EVERYBODY IS PART OF THE DRY BEAN ASSOCIATION. I WASN'T...I DIDN'T

Floor Debate
March 06, 2015

KNOW THAT, AND I APPRECIATE THAT. IT'S A PRIVATE ASSOCIATION, OBVIOUSLY. NOW, I WONDER IF THERE'S MANDATORY DUES INTO THAT ASSOCIATION, IF YOU'RE FORCED TO PAY THOSE DUES, BECAUSE WE WILL...WE WOULD THEN SEE THE LAUTENBAUGH CASE WOULD TAKE EFFECT THERE AS WELL. AND WHAT HAPPENS IF A MEMBER OF THAT DRY BEAN ASSOCIATION DOESN'T WANT TO PAY THEIR DUES? I KNOW THAT'S DIFFERENT THAN THE OTHER...YOU KNOW, COMMODITY ASSOCIATIONS, YOU KNOW, CORN GROWERS, AND WHATNOT. I BELIEVE THAT MOST OF THOSE HAVE DUES. MAYBE SENATOR FRIESEN COULD ANSWER THAT QUESTION FOR ME. WILL SENATOR FRIESEN YIELD? [LB242]

SPEAKER HADLEY: SENATOR FRIESEN, WILL YOU YIELD? [LB242]

SENATOR FRIESEN: YES, I WOULD. [LB242]

SENATOR LARSON: I'M ASKING YOU BECAUSE I KNOW YOU'RE A FORMER MEMBER OF THE CORN BOARD AND VERY INVOLVED IN THE CORN GROWERS. THAT'S A VOLUNTARY ASSOCIATION, CORRECT, THE CORN GROWERS? [LB242]

SENATOR FRIESEN: YES, IT'S A VOLUNTARY ASSOCIATION. [LB242]

SENATOR LARSON: AND DO YOU...YOU PAY DUES AS...TO BE PART... [LB242]

SENATOR FRIESEN: YES. [LB242]

SENATOR LARSON: THANK YOU. [LB242]

SENATOR FRIESEN: YES, THERE'S AN ANNUAL DUES THAT YOU PAY TO JOIN THE ASSOCIATION. [LB242]

SENATOR LARSON: ALL RIGHT. THANK YOU. THANK YOU, SENATOR FRIESEN. I'D ASK SENATOR HUGHES IF...OH, THERE'S SENATOR HUGHES. WILL SENATOR HUGHES YIELD? [LB242]

SPEAKER HADLEY: SENATOR HUGHES, WILL YOU YIELD? [LB242]

SENATOR HUGHES: OF COURSE. [LB242]

Floor Debate
March 06, 2015

SENATOR LARSON: THANK YOU, SENATOR HUGHES. AND I'M ASKING THIS OF YOU BECAUSE I KNOW YOU'RE VERY INVOLVED IN THE WHEAT GROWERS. [LB242]

SENATOR HUGHES: THAT'S CORRECT. [LB242]

SENATOR LARSON: THE WHEAT GROWERS HAVE THEIR OWN ASSOCIATION AS WELL, A PRIVATE ASSOCIATION THAT'S OUTSIDE THE WHEAT BOARD, CORRECT? [LB242]

SENATOR HUGHES: IT'S A MEMBERSHIP DRIVEN ORGANIZATION. [LB242]

SENATOR LARSON: AND DO THEY HAVE...DOES EVERYBODY JOIN OR DO YOU HAVE A CHOICE? [LB242]

SENATOR HUGHES: IT'S VOLUNTARY. [LB242]

SENATOR LARSON: AND ARE THERE DUES? [LB242]

SENATOR HUGHES: YES. [LB242]

SENATOR LARSON: THANK YOU, SENATOR HUGHES. SO MAYBE THE DRY BEAN ASSOCIATION IS...EVERYBODY JUST AUTOMATICALLY IS ON. OH, WELL, ACTUALLY, SENATOR HUGHES WILL YOU YIELD, I THINK YOU'RE A MEMBER OF THE DRY BEAN AS WELL? [LB242]

SPEAKER HADLEY: SENATOR HUGHES, WILL YOU YIELD? [LB242]

SENATOR HUGHES: OF COURSE. [LB242]

SENATOR LARSON: SENATOR HUGHES, YOU GROW DRY BEANS AS WELL, CORRECT? [LB242]

SENATOR HUGHES: THAT'S CORRECT. [LB242]

Floor Debate
March 06, 2015

SENATOR LARSON: THE DRY BEAN ASSOCIATION, IS IT A VOLUNTARY ORGANIZATION? [LB242]

SENATOR HUGHES: I'M NOT SURE. I'M NOT A MEMBER OF THAT ASSOCIATION SO I CANNOT SPEAK TO THAT. [LB242]

SENATOR LARSON: SO YOU'RE NOT A MEMBER OF AN...WE HEARD SENATOR STINNER SAY THAT IF YOU GROW DRY BEANS YOU'RE AUTOMATICALLY A MEMBER OF THE ASSOCIATION. [LB242]

SENATOR HUGHES: THAT COULD BE CORRECT. I'M NOT AWARE THAT I'M A MEMBER, BUT PAYING A CHECKOFF, I MAY BE A MEMBER. [LB242]

SENATOR LARSON: OKAY. THANK YOU, SENATOR HUGHES. PAYING THE CHECKOFF WON'T MAKE YOU A MEMBER OF THE ASSOCIATION AND I KNOW YOU SUPPORT THE CHECKOFF PROGRAMS TREMENDOUSLY AND THAT'S PROGRAMS THAT I SUPPORT AS WELL, BUT THE CONCEPT THAT SENATOR STINNER SAID THAT EVERYBODY IS A MEMBER OF THE ASSOCIATION BY DEFAULT IF THEY GROW DRY BEANS, DOESN'T APPEAR TO BE THE CASE BECAUSE WE HAVE A DRY BEAN PRODUCER HERE IN THE BODY THAT ISN'T A MEMBER OF THE ASSOCIATION NOR DO THEY PAY THE DUES, WHICH ANSWERS THE OTHER QUESTION OF WHETHER OR NOT THEY WERE MANDATORY DUES. THEN IT COMES TO THE QUESTION, WE'LL EXPOUND DOWN INTO THE LAUTENBAUGH CASE A LITTLE MORE WHEN IT COMES TO THE DRY BEAN ASSOCIATION. DO THE MEMBERS THAT DON'T PAY THE DUES, DO THEY HAVE FULL VOTING RIGHTS WITHIN THE ASSOCIATION? IN THE WAY THAT THE BAR ASSOCIATION WORKS NOW, IT'S MY BELIEF, THAT ONLY THOSE THAT PAY THE FULL DUES GET TO PARTICIPATE IN A MORE, WE'LL SAY, ACTIVE MANNER WITHIN THE BAR ASSOCIATION... [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR LARSON: ...AND THOSE THAT DON'T PAY THE FULL DUES, DON'T GET TO PARTICIPATE IN A FULL MANNER. SO, ARE WE...DO WE HAVE AN ASSOCIATION THAT'S PICKING...AND THEN THERE'S SENATOR STINNER, WHAT HE SAID, PICKING WHO IS THERE, OR WHO GETS TO BE NOMINATED TO THE COMMISSION BY A GROUP OF PEOPLE, LIKE I SAID, IN A VOLUNTARY ASSOCIATION THAT NOT EVERYBODY HAS A VOICE. IT DOESN'T SOUND LIKE SENATOR HUGHES HAS EVER REALLY HAD A VOICE IN WHO IS ON THE DRY BEAN COMMISSION, IF IT'S THE

Floor Debate
March 06, 2015

ASSOCIATION JUST TELLING PEOPLE...TELLING THE GOVERNOR WHO THEY WANT NOMINATED. SO, WE'VE TAKEN AWAY ONE VOICE. THERE ARE CONSTITUTIONAL CONCERNS WITH LB242. [LB242]

SPEAKER HADLEY: TIME, SENATOR, AND YOU ARE RECOGNIZED FOR YOUR FIRST TIME. [LB242]

SENATOR LARSON: THANK YOU, SPEAKER...OR MR. PRESIDENT. GOING BACK TO RUSSIA. I KNOW IT DOESN'T SOUND LIKE WE'RE DEVIATING OFF THE PATH, BUT WE'VE HAD THE HISTORY LESSON THIS MORNING. WE'VE HAD THE HISTORY LESSON THIS MORNING OF GOVERNMENT TAKES A LITTLE BIT HERE, TAKES A LITTLE BIT THERE, AND WHAT'S GOING TO HAPPEN. WHEN YELTSIN WAS ELECTED, THEY HAD A MASSIVE TRANSITION, ECONOMICALLY, POLITICALLY, HAD HYPERINFLATION, A NUMBER OF PROBLEMS THAT WERE HAPPENING. BUT THERE WAS DISSENT, THERE WAS CHANGE, THERE WERE PROGRESS. AFTER YELTSIN COMES A GENTLEMAN, FORMER KGB, NAMED PUTIN. AND WHEN MR. PUTIN, HE STARTED OFF PROMISING, BUILDING GOOD RELATIONSHIPS, DEMOCRATICALLY ELECTED. AND THEN HE SAID, I'M GOING TO TAKE THIS FREEDOM AWAY RIGHT HERE FOR THE HOMELAND BECAUSE THIS IS IMPORTANT FOR OUR SAFETY AS RUSSIANS. THEY SAID, ALL RIGHT, PRESIDENT, WE'LL GIVE YOU THAT. AND THEN HE SAID A LITTLE BIT DOWN THE ROAD, WELL, I NEED THIS TOO OVER HERE. AND THEN THAT HAPPENS A FEW MORE TIMES. AND WHAT HAPPENS NEXT? OH, I HAVEN'T BEEN YOUR PRESIDENT LONG ENOUGH, I NEED A SECOND TERM, EVEN THOUGH IT'S NOT CONSTITUTIONAL, WE NEED TO CHANGE THIS. ALL RIGHT. WE'LL INCREASE THE...AND THEN HE DOES GET TERMED OUT UNDER CONSTITUTIONAL LIMITS AND HE JUST BECOMES PRIME MINISTER. WE MAY THINK THIS IS JUST DRY BEANS, BUT FOR ME IT'S MUCH MORE THAN THAT. FOR ME IT GOES BACK TO THE FOUNDING OF THIS NATION. AND AM I WILLING TO COMPROMISE MY VALUES, MY TRUE BELIEF IN TAXATION WITHOUT REPRESENTATION? BECAUSE IT HAS NOT BEEN SHOWN THAT THEY ARE ACTUALLY BEING REPRESENTED. IS IT WORTH THAT FOR THE POSSIBILITY OF \$6,000 TO \$10,000 TO THE DRY BEAN COMMISSION? AND THAT IS AN ABSOLUTE NO. THAT CONCEPT IS ONE THAT FOLLOWS ME TO THE CORE. [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR LARSON: ONE THAT I WILL CONTINUE TO WORK ON AND FIGHT AGAINST, BECAUSE EVEN IF IT'S JUST ONE PERSON, WE HEAR ALL THE TIME IF THIS SAVES ONE KID, IT'S WORTH IT. YOU KNOW, I HAVE A BILL IN

Floor Debate
March 06, 2015

APPROPRIATIONS THAT BRINGS A PEDIATRIC NEUROONCOLOGIST WITH MATCHING FUNDS FROM AN ORGANIZATION CALLED "TEAM JACK" TO OMAHA AND UNMC AND MAKE IT A CENTER OF EXCELLENCE. AND THE ARGUMENT, YOU KNOW, WE HEAR... WE HEAR A NUMBER OF THINGS THAT ARE IMPORTANT...IF THIS SAVES ONE KID, THEN IT'S WORTH IT. I MAKE THE ARGUMENT THAT AM699, IF IT GIVES ONE INDIVIDUAL THE OPPORTUNITY... [LB242]

SPEAKER HADLEY: TIME, SENATOR. YOU'RE NEXT IN THE QUEUE. [LB242]

SENATOR LARSON: IF IT GIVES ONE INDIVIDUAL THE OPPORTUNITY TO DISSENT FROM GOVERNMENT THE OVERREACH AND THE TYRANNY THAT GOVERNMENT PLACES ON INDIVIDUALS, THEN IT IS SUCCESSFUL, NOT TO MENTION AM699 MAKES THIS BILL CONSTITUTIONAL. AND THE BODY IS WILLING TO PASS SOMETHING THAT WE KNOW IS UNCONSTITUTIONAL FOR \$6,000 TO \$10,000, THIS IS SOMETHING THAT ISN'T ACCEPTABLE. BECAUSE IT ONLY TAKES THAT ONE PERSON THAT WE AS A STATE ARE SUPPRESSING THEIR DISSENT TO RISE UP, FILE A COURT CASE, AND MAKE US SPEND A QUARTER OF A MILLION DOLLARS. ONE PERSON CAN CAUSE THAT MUCH PROBLEM, AND WE HAVE, AS I SAID, A GOOD IDEA OF THIS COURT. I UNDERSTAND COURTS CHANGE AND A DECISION. IF THAT DECISION...IF THE LAUTENBAUGH DECISION HAD BEEN MADE 50 YEARS AGO, 60 YEARS AGO, THEN IT MAY HAVE... YOU KNOW, SENATOR STINNER MIGHT HAVE AN OPPORTUNITY TO SEE A COURT CHANGE BECAUSE THAT HAPPENS, BUT THIS COURT HASN'T CHANGED YET AND WE KNOW WHERE THEIR HEAD'S AT. WE KNOW WHAT'S GOING TO HAPPEN MORE THAN LIKELY. FRANKLY, MY WIFE'S GOT A LITTLE RAISED-GARDEN RIGHT IN OUR FRONT YARD, IT'S A 5 BY 5. I'VE GOT TO FIGURE OUT HOW TO GROW SOME DRY BEANS. MAYBE SENATOR HUGHES CAN SHOW ME HOW. AND I JUST GOT TO SELL A FEW OF THOSE DRY BEANS, PAY THE CHECKOFF, AND THERE'S STAND-IN. IS IT WORTH IT? AND I'D HAVE TO ASK MYSELF, IS IT WORTH IT? GROWING THE DRY BEANS WOULDN'T BE THAT BIG OF A DEAL, I GUESS. MIGHT NEED TO GO TO LAW SCHOOL, REPRESENT MYSELF, SAVE MYSELF SOME MONEY AS I SPEND THE STATE'S FIGHTING THE TYRANNY OF THE MAJORITY IN WHAT'S UNCONSTITUTIONAL BECAUSE THAT'S EVIDENT. THE PRINCIPLES OF THIS NATION ARE UNCOMPROMISING FOR ME. WHAT DROVE A PEOPLE TO RISE UP AND CREATE THE FIRST DEMOCRATICALLY ELECTED GOVERNMENT, IF YOU WANT TO CALL IT A REPRESENTATIVE DEMOCRACY, A REPUBLIC, A DEMOCRATICALLY ELECTED GOVERNMENT IN OVER TWO CENTURIES STARTED WITH AN ISSUE JUST LIKE THIS. [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

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

Floor Debate
March 06, 2015

SENATOR LARSON: AND THAT ISSUE IS SOMETHING THAT WE HAVE TO DEAL WITH. AND I WILL NOT STAND DOWN WHEN THAT HAPPENS BECAUSE IT'S THAT IMPORTANT. AND AS WE MOVE FORWARD, WE HAVE TO CONTINUE TO ASK OURSELVES--WHAT IS GOING TO HAPPEN? I TRULY BELIEVE... [LB242]

SPEAKER HADLEY: TIME, SENATOR. [LB242]

SENATOR LARSON: THANK YOU. [LB242]

SPEAKER HADLEY: YOUR'E RECOGNIZED TO CLOSE ON YOUR AMENDMENT TO LB242. I'M SORRY, A MOTION TO RECONSIDER. I'M SORRY. [LB242]

SENATOR LARSON: SO THIS IS MY CLOSING? [LB242]

SPEAKER HADLEY: YES, IT'S YOUR CLOSE. [LB242]

SENATOR LARSON: WHEN WE MOVE FORWARD WITH THIS, WE HAVE TO ASK OURSELVES--DO WE WANT TO FIX THIS NOW, WHICH WE CAN DO, OR WE CAN TRY TO SIT HERE FOR THE NEXT THREE DAYS ON DRY BEANS, THEN SEND IT TO SELECT FILE BECAUSE THE VOTES MIGHT BE THERE TO SEND IT TO SELECT FILE, TO HOPE TO DEAL WITH IT ON CONSTITUTIONALITY OF IT, AND THEN POSSIBLY DEAL WITH ANOTHER FOUR HOURS ON SELECT FILE. IS THAT WHAT WE WANT WHEN THE CONSTITUTIONALITY IS FIXED RIGHT HERE AND RIGHT NOW? AND WE NEED TO CONTINUE TO ASK OURSELVES, IS IT WORTH \$10,000 TO MAKE AN UNCONSTITUTIONAL BILL GO THROUGH TO POSSIBLY SEE A COURT CASE? I DON'T THINK IT IS. WE CHOOSE...WE ARE CHOOSING UNCONSTITUTIONALITY OVER TEN GRAND. FIX IT NOW AND WE DON'T HAVE TO HEAR ABOUT THE DRY BEAN BOARD AT ALL. GIVE AN INDIVIDUAL THE RIGHT TO DISSENT AND IT'S DONE. THANK YOU, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: THE MOTION BEFORE YOU IS A RECONSIDERATION. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB242]

ASSISTANT CLERK: 0 AYES, 24 NAYS ON THE MOTION TO RECONSIDER, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: THE MOTION FAILS. ITEMS. [LB242]

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

Floor Debate
March 06, 2015

ASSISTANT CLERK: MR. PRESIDENT, ITEMS FOR THE RECORD: A MOTION TO BRACKET THIS BILL. THAT WILL BE PRINTED IN THE JOURNAL. LB106, LB132, LB479, AND LB577, ALL HAVE BEEN REPORTED TO GENERAL FILE BY THE GOVERNMENT COMMITTEE, ALONG WITH LB308 WHICH IS REPORTED AS INDEFINITELY POSTPONED. HAVE A NOTICE OF COMMITTEE HEARING FROM THE APPROPRIATIONS COMMITTEE. AMENDMENTS TO BE PRINTED: SENATOR MORFELD TO LB439; SENATOR BAKER TO LB283, AND SENATOR LARSON TO LB242. NAME ADDS: SENATORS LINDSTROM AND CAMPBELL TO LB268. (LEGISLATIVE JOURNAL PAGES 752-756.) [LB242 LB106 LB132 LB479 LB577 LB308 LB439 LB283 LB268]

AND FINALLY A PRIORITY MOTION, SENATOR BRASCH WOULD MOVE TO ADJOURN UNTIL MONDAY MORNING, MARCH 9, AT 10:00 A.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE; OPPOSED, NAY. MOTION CARRIES.