

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
April 29, 2015

[LB15 LB55 LB56 LB72 LB80 LB89A LB89 LB104 LB123 LB132 LB138 LB141 LB152
LB156 LB195 LB206 LB216 LB217 LB218 LB222 LB240 LB243A LB243 LB245 LB246
LB257 LB264 LB277 LB283 LB287 LB291 LB292 LB292A LB296 LB310 LB324 LB330A
LB334 LB342 LB360A LB365 LB375 LB408 LB412 LB413 LB413A LB414 LB415 LB419
LB422 LB423A LB423 LB424 LB441 LB449 LB455 LB456 LB458 LB464 LB477 LB479
LB482 LB511 LB513 LB515 LB519A LB519 LB541 LB559 LB561 LB566A LB566 LB570
LB575 LB598 LB599 LB622 LB629 LB640 LB641 LB662 LR210 LR211 LR212 LR213
LR214 LR215 LR216 LR217 LR218]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE SEVENTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR EARL FUOSS FROM THE LUTHERAN CHURCH, MISSOURI SYNOD, WAYNE, NEBRASKA, SENATOR BLOOMFIELD'S DISTRICT. PLEASE RISE.

PASTOR FUOSS: (PRAYER OFFERED.)

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

ASSISTANT CLERK: THERE'S A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: CORRECTIONS FOR THE JOURNAL?

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

SPEAKER HADLEY: MESSAGES, REPORTS, OR ANNOUNCEMENTS?

ASSISTANT CLERK: MR. PRESIDENT, I HAVE NO MESSAGES, REPORTS, OR ANNOUNCEMENTS THIS MORNING.

SPEAKER HADLEY: MR. CLERK, WE'LL GO TO THE FIRST ITEM ON GENERAL FILE.

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Floor Debate
April 29, 2015

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST BILL, LB423A BY SENATOR NORDQUIST. (READ TITLE.) [LB423A]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB423A]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT. MEMBERS, LB423A IS RELATED TO THE RENEWABLE ENERGY TAX CREDIT. IT WOULD BE A STAFFING POSITION AT THE DEPARTMENT OF REVENUE TO CARRY OUT LB423. THANK YOU. [LB423A LB423]

SPEAKER HADLEY: ANYONE WISHING TO SPEAK ON THE BILL? SEEING NONE, SENATOR NORDQUIST WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF LB423A. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB423A]

ASSISTANT CLERK: 26 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB423A]

SPEAKER HADLEY: THE BILL ADVANCES TO E&R INITIAL. MR. CLERK. [LB423A]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB566A BY SENATOR COASH. (READ TITLE.) [LB566A]

SPEAKER HADLEY: SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB566A]

SENATOR COASH: THANK YOU, MR. PRESIDENT. LB566A IS A SIGNIFICANTLY AMENDED DOWN A BILL FROM THE ORIGINAL LB566. AS AMENDED, THIS A BILL WILL PROVIDE FOR ONE FULL-TIME PROGRAM STAFF TO CARRY OUT THE PROVISIONS OF LB566. URGE YOUR ADVANCEMENT. THANK YOU, MR. PRESIDENT. [LB566A LB566]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR COASH WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB566A. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB566A]

Floor Debate
April 29, 2015

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB566A]

SPEAKER HADLEY: LB566A IS ADVANCED TO E&R INITIAL. WE WILL NOW GO TO GENERAL FILE CONSENT CALENDAR. JUST SO TO REMIND YOU OF THE RULES, IF ANY THREE MEMBERS OF THE LEGISLATURE OBJECT TO THE BILL BEING CONSIDERED ON CONSENT CALENDAR, PLEASE ADVISE THE CLERK IN WRITING. SUCH REQUESTS MUST BE FILED WITH THE CLERK PRIOR TO THE EXPIRATION OF 15 MINUTES OF DEBATE AT THIS STAGE OF CONSIDERATION ON THE BILL TO BE REMOVED. UPON EITHER THE COMPLETION OF THE BILL OR THE EXPIRATION OF 15 MINUTES, WHICHEVER COMES FIRST, A VOTE SHALL BE TAKEN TO ADVANCE THE BILL AND ANY PENDING MOTION OR AMENDMENTS PURSUANT TO RULE 5, SECTION 6(D). ANY AMENDMENT ADOPTED, OTHER THAN A STANDING COMMITTEE AMENDMENT, WHICH ADD NEW SUBJECT MATTER TO THE BILL WILL RESULT IN THE BILL NOT BEING SCHEDULED AT THE NEXT STAGE OF DEBATE. MR. CLERK. [LB566A]

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST BILL, LB138 INTRODUCED BY SENATOR JOHNSON. (READ TITLE.) BILL WAS READ FOR THE FIRST TIME ON JANUARY 9, REFERRED TO THE GOVERNMENT COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB138]

SPEAKER HADLEY: SENATOR JOHNSON, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB138]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. LAST FALL I BEGAN WORKING ON A QUESTION THAT AROSE DEALING WITH COUNTY SURVEYORS WHERE COUNTIES DO NOT ALWAYS HAVE AN ELECTED FULL-TIME POSITION BUT THEY HAVE A PART-TIME POSITION BECAUSE THEY ALLOCATE SO MANY DOLLARS IN THE BUDGET. AND THAT PERSON WORKS FOR THE COUNTY IN ORDER TO FULFILL THE WORK OF THE COUNTY. BUT AT TIMES THAT..THE MONEY ISN'T SUFFICIENT OR THE PROJECT IS TOO BIG FOR ONE SURVEYOR, AND SO THEY HAVE TO HIRE EXTRA PEOPLE. MOST OF THE TIME THAT PERSON THAT'S EMPLOYED BY THE COUNTY ON A PART-TIME BASIS ALSO WORKS FOR A COMPANY THAT COULD BE USING...BE USED BY THE COUNTY FOR OTHER SERVICES. SO THERE APPEARED THERE MIGHT BE A CONFLICT THERE. IN THAT DISCUSSION, WE TALKED WITH THE BOARD OF EXAMINERS OF THE LAND SURVEYORS AND THEY FIRST ASKED US TO PRESENT A BILL THAT WOULD

Floor Debate
April 29, 2015

ACTUALLY PUT TOGETHER A CODE OF CONDUCT OR PRACTICES FOR THE SURVEYORS. SO WE DID CREATE LB138, WHICH IS NAMED THE LAND SURVEYORS REGULATION ACT, IN ORDER TO PROVIDE FOR A CREATION OF THE BOARD OF...CODE OF PRACTICE FOR LAND SURVEYORS. THE BOARD OF EXAMINERS DETERMINED THAT A CODE OF PRACTICE FOR LAND SURVEYORS WILL BE BENEFICIAL TO THE STATE AND WILL SAFEGUARD THE LIFE, HEALTH, AND PROPERTY OF CITIZENS. THE CODE OF PRACTICE WILL PROVIDE A GUIDELINE BY WHICH THE SURVEYORS MAY GOVERN THEIR PROFESSIONAL CONDUCT. THE CONDUCT...THE CODE OF PRACTICE WILL BE MADE PART OF THE RULES AND REGULATIONS OF THE NEBRASKA BOARD OF EXAMINERS OF LAND SURVEYORS. THE LANGUAGE IN SECTION 10 OF LB138 AUTHORIZES THE ESTABLISHMENT OF THE CODE OF PRACTICE AND IS SIMILAR TO THE LANGUAGE IN SECTION 81-3434 OF THE ENGINEERS AND ARCHITECTS REGULATION ACT FROM 1997 AND SECTION 81-3526 OF THE GEOLOGISTS REGULATION ACT IN 1998. THE PROFESSIONAL SURVEYORS ASSOCIATION OF NEBRASKA, THE SOUTHEAST LAND SURVEYORS ASSOCIATION, AND THE TWO PROFESSIONAL LAND SURVEYOR ORGANIZATIONS IN NEBRASKA ALL SUBMITTED LETTERS OF SUPPORT. THERE IS NO FISCAL IMPACT TO ANY REGISTERED LAND SURVEYOR, THE GENERAL PUBLIC, OR THE BOARD OF EXAMINERS SO THERE IS NO FISCAL NOTE. I ENCOURAGE THE PASSAGE OF LB138. [LB138]

SPEAKER HADLEY: IS THERE ANYONE WISHING TO SPEAK ON THE BILL? SEEING NONE, SENATOR JOHNSON, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. SENATOR JOHNSON WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB138 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB138]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB138]

SPEAKER HADLEY: THE BILL ADVANCES TO E&R INITIAL. MR. CLERK. [LB138]

ASSISTANT CLERK: MR. PRESIDENT, LB55 INTRODUCED BY SENATOR SCHEER. (READ TITLE.) BILL WAS READ FOR THE FIRST TIME ON JANUARY 8, REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM78, LEGISLATIVE JOURNAL PAGE 507.) [LB55]

Floor Debate
April 29, 2015

SPEAKER HADLEY: SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB55]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. LB55 IS A CONTINUATION OF A BILL SENATOR DAVIS INTRODUCED AND WAS PASSED TWO YEARS AGO THAT ALLOWED THE ADJUTANT GENERAL TO UTILIZE AN ADDITIONAL \$25,000 FOR FUEL FOR AIRPLANES FOR FIRE SUPPRESSION, AFTER IT WAS FOUND THAT WE WERE A LITTLE LATE IN GETTING SOME FUEL FOR OUR PLANES WHEN WE HAD THE TREMENDOUS FIRES IN NORTH-CENTRAL NEBRASKA. SO LB55 AMENDS THE EMERGENCY MANAGEMENT ACT TO ALLOW THE ADJUTANT GENERAL TO MAKE EXPENDITURES OF UP TO \$25,000, WHICH IS THE CURRENT LEVEL--IT DOES NOT INCREASE THE LEVEL--BUT IN RESPONSE TO ANY DISASTER OR EMERGENCY WITHOUT THE DECLARATION OF AN EMERGENCY BY THE GOVERNOR. BY DOING THIS, FOR EXAMPLE, IF WE HAD A FLOOD IN ONE AREA OF THE STATE AND PERHAPS A TORNADO IN ANOTHER PART AND HE NEEDED ADDITIONAL STAFF, THIS WAY HE WOULD BE ABLE TO USE THOSE FUNDS FOR STAFF, ADDITIONAL STAFF RATHER THAN JUST FUEL ALONE IF THERE WERE NO FIRES AND WE NEEDED THE FIRE SUPPRESSION. THE BILL WAS HEARD BEFORE OUR MILITARY...GOVERNMENT, MILITARY AND VETERANS ON JANUARY 22. THERE WERE NO OPPONENTS. AND NEUTRAL CAPACITY WAS MAJOR GENERAL DARYL BOHAC. AFTER THE MEETING I MET WITH MAJOR GENERAL BOHAC AND THE GOVERNMENT AFFAIRS COMMITTEE, AND WE FORMULATED AM78, WHICH SIMPLY CODIFIES THE GOVERNOR'S EMERGENCY PROGRAM FUNDS ARE PERMITTED TO BE SPENT ON INTO THE NEW SECTION OF REFERENCE, SUBSECTION (5) OF THE EMERGENCY ACT. THE BILL WAS PASSED BY THE GOVERNMENT COMMITTEE UNANIMOUSLY ON FEBRUARY 12. THERE IS NO FISCAL COMMENT BECAUSE WE'RE NOT INCREASING ANYTHING. WE'RE SIMPLY ALLOWING A BROADER USE OF THOSE FUNDS. AND WITH THAT, I WOULD ASK FOR ADOPTION OF LB55 ALONG WITH THE GOVERNMENT COMMITTEE'S AMENDMENT, AM78. THANK YOU, MR. SPEAKER. [LB55]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS TO THE BILL. SENATOR MURANTE, AS CHAIR OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENT. [LB55]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. AS SENATOR SCHEER STATED, LB55 WAS HEARD BY YOUR COMMITTEE ON GOVERNMENT, MILITARY AND VETERANS AFFAIRS ON THURSDAY, JANUARY 27, AND WAS ADVANCED TO THE FLOOR UNANIMOUSLY. THE COMMITTEE

Floor Debate
April 29, 2015

AMENDMENT IS TECHNICAL IN NATURE AND WAS ADDED AT THE REQUEST OF THE ADJUTANT GENERAL'S OFFICE TO PROVIDE CLARIFICATION THAT EXPENDITURES CAN ONLY BE USED AS PROVIDED BY SUBSECTION (5) OF THIS BILL. I URGE MY COLLEAGUES TO SUPPORT THE COMMITTEE AMENDMENT AND LB55. THANK YOU, MR. PRESIDENT. [LB55]

SPEAKER HADLEY: ANYONE WISHING TO SPEAK ON THE COMMITTEE AMENDMENT? SEEING NONE, SENATOR MURANTE. SENATOR MURANTE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF THE COMMITTEE AMENDMENT. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB55]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB55]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE ON THE...TO SPEAK ON THE BILL, SENATOR SCHEER. SENATOR SCHEER WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF THE BILL, LB55. ALL IN FAVOR SIGNIFY BY VOTING AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB55]

ASSISTANT CLERK: 41 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB55]

SPEAKER HADLEY: THE BILL ADVANCES TO E&R INITIAL. MR. CLERK. [LB55]

ASSISTANT CLERK: MR. PRESIDENT, LB334 INTRODUCED BY SENATOR MELLO. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15 OF THIS YEAR, REFERRED TO THE BUSINESS AND LABOR COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM283, LEGISLATIVE JOURNAL 511.) [LB334]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB334]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, LB334 IS A BILL I INTRODUCED ON BEHALF OF THE DEPARTMENT OF LABOR THAT REPEALS THE NEBRASKA WORKFORCE INVESTMENT ACT, OTHERWISE KNOWN AS WIA. LAST JULY PRESIDENT BARACK OBAMA SIGNED INTO THE LAW

Floor Debate
April 29, 2015

THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014. THE ACT REPEALED AND REPLACED THE WORKFORCE INVESTMENT ACT OF 1998. SINCE THE NEBRASKA WORKFORCE INVESTMENT ACT WAS ADOPTED TO PLACE THE STATE IN COMPLIANCE WITH THE FEDERAL LAW, AN UPDATE TO THE FEDERAL LAW NECESSITATES THAT WE UPDATE OUR STATUTES, WITH THE FIRST STEP BEING THE REPEAL OF THE WORKFORCE INVESTMENT ACT. LB334 ONLY REMOVES LANGUAGE FROM STATE STATUTE AND DOES NOT COMPLY WITH THE NEW FEDERAL LAW. GUIDELINES FOR THE IMPLEMENTATION OF STATE LAWS REGARDING THE WORKFORCE INNOVATION AND OPPORTUNITY ACT ARE CURRENTLY BEING DEVELOPED BY THE U.S. DEPARTMENT OF LABOR. HOWEVER, THE DEPARTMENT HAS ADVISED THE STATES THAT PRELIMINARY FEDERAL REGULATIONS FOR IMPLEMENTING WIOA WILL BE DELAYED UNTIL LATER THIS YEAR, AND FINAL REGULATIONS WILL NOT BE PUBLISHED UNTIL AT LEAST JANUARY 2016. OVER THE INTERIM THE NEBRASKA DEPARTMENT OF LABOR WILL BE WORKING WITH MY OFFICE, OTHER WORKFORCE DEVELOPMENT STAKEHOLDERS, AND THE U.S. DEPARTMENT OF LABOR TO DEVELOP LEGISLATION THAT WILL COMPLY WITH THE NEW FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT. GOVERNOR RICKETTS HAS ALREADY ISSUED EXECUTIVE ORDER 15-03 AUTHORIZING THE CREATION OF THE NEBRASKA WORKFORCE DEVELOPMENT BOARD, WHICH IS AN EARLY STEP TOWARD MEETING NEBRASKA'S OBLIGATION UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT. UNTIL FURTHER GUIDANCE IS RECEIVED, IMPLEMENTATION OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT IN NEBRASKA WILL CONTINUE TO PROCEED THROUGH EXECUTIVE ORDER. LB334 HAD THE SUPPORT OF THE DEPARTMENT OF LABOR AND THE GREATER OMAHA CHAMBER OF COMMERCE. IT WAS ADVANCED OUT OF COMMITTEE ON UNANIMOUS VOTE. I'D URGE THE BODY TO ADVANCE LB334. THANK YOU, MR. PRESIDENT. [LB334]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. AS CHAIR OF THE BUSINESS AND LABOR COMMITTEE, SENATOR BURKE HARR, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB334]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. AS SENATOR MELLO EXPLAINED, THIS IS A DEPARTMENT OF LABOR BILL REPEALING, WIA, THE WORKFORCE INNOVATION ACT. AM283 SIMPLY ADDS AN EMERGENCY CLAUSE TO THE BILL. AM283 ADVANCED OUT OF COMMITTEE ON A 7 TO 0 VOTE. I WOULD ASK FOR YOUR SUPPORT ON AM283. THANK YOU, MR. SPEAKER. [LB334]

Floor Debate
April 29, 2015

SPEAKER HADLEY: ANYONE WISHING TO COMMENT ON THE COMMITTEE AMENDMENT? SEEING NONE, SENATOR HARR. SENATOR HARR WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF THE COMMITTEE AMENDMENTS. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB334]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB334]

SPEAKER HADLEY: SEEING NO ONE WISHING TO SPEAK ON THE BILL, SENATOR SCHEER...OR, SENATOR MELLO, I'M SORRY. SENATOR MELLO WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF LB334. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB334]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB334]

SPEAKER HADLEY: LB334 IS ADVANCED TO E&R INITIAL. MR. CLERK. [LB334]

ASSISTANT CLERK: MR. PRESIDENT, LB257 INTRODUCED BY SENATOR NORDQUIST. (READ TITLE.) BILL WAS READ FOR THE FIRST TIME ON JANUARY 14; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB257]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB257]

SENATOR NORDQUIST: THANK YOU, MR. SPEAKER. AND GOOD MORNING, MEMBERS. LB257 WOULD REQUIRE INSURERS TO PROVIDE, UPON REQUEST, TO A POLICYHOLDER OR CERTIFICATE HOLDER OR A HEALTHCARE PROVIDER A DESCRIPTION OF THE TELEHEALTH AND TELEMONITORING SERVICES COVERED UNDER THE RELEVANT POLICY OR CONTRACT. THE PURPOSE OF TELEHEALTH IS TO REDUCE DISPARITIES IN ACCESS TO CARE, ENHANCE PHYSICIAN AVAILABILITY, IMPROVE QUALITY OF CARE, REDUCE HEALTHCARE COSTS, AND TO CREATE INNOVATIVE PAYMENT AND SERVICE MODEL DESIGN. TO BE CLEAR, TELEHEALTH IS NOT A SEPARATE MEDICAL SPECIALTY BUT, RATHER, A LARGER INVESTMENT BY THE HEALTHCARE INSTITUTIONS TO DELIVER CARE, CLINICAL

Floor Debate
April 29, 2015

CARE, THROUGH INFORMATION TECHNOLOGY. LAST SESSION I INTRODUCED AND PASSED LEGISLATION THAT INCLUDED TELEMONITORING IN THE DEFINITION OF TELEHEALTH, ALLOWED FOR THE USE OF STORE AND FORWARD IN REMOTE PATIENT MONITORING, AND ELIMINATED A 30-MILE RADIUS LIMITATION FOR MEDICAID REIMBURSEMENT FOR TELEHEALTH SERVICES. THE BILL, AS IT WAS ORIGINALLY INTRODUCED, CONTAINED...THE BILL LAST YEAR AS ORIGINALLY INTRODUCED CONTAINED PARITY THAT WOULD HAVE REQUIRED PRIVATE INSURERS TO REIMBURSE TELEHEALTH SERVICES THAT WERE ALREADY COVERED...IF THEY WERE ALREADY COVERED IN A FACE-TO-FACE VISIT. INSURANCE COMPANIES OPPOSED THE PARITY PORTION OF THE BILL. SO WE AGREED TO WORK ON THE ISSUE OVER THE INTERIM TO HELP REMOVE BARRIERS TO TELEHEALTH ACCESS IN NEBRASKA. IN WORKING TOGETHER, IT WAS AGREED UPON THAT ONE ISSUE THAT EXISTS REGARDING HEALTHCARE IS THAT HEALTHCARE PROVIDERS DO NOT HAVE SUFFICIENT INFORMATION ABOUT WHAT INSURERS DO AND DO NOT COVER RELATED TO TELEHEALTH. REQUIRING INSURANCE COMPANIES TO PROVIDE CLEARLY STATED PARAMETERS FOR STANDARDS FOR PAYMENT OF TELEHEALTH CLAIMS IS A CENTRAL NEED THAT WOULD BENEFIT PROVIDERS AND HAS SUPPORT OF ALL INTERESTED PARTIES. MORE TRANSPARENCY AND ACCESS TO TELEHEALTH WILL ALLOW COMMUNITIES TO OFFER GREATER...OFFER AND RECEIVE CLINICAL LIFESAVING TREATMENT REGARDLESS OF ECONOMIC MEANS, PHYSICAL ABILITY, OR WHERE THEY LIVE. AS WE REFORM OUR HEALTHCARE SYSTEM AND TRANSITION INTO MANAGED CARE MODELS, TELEHEALTH IS ONE WAY TO ALIGN INCENTIVES OF STAKEHOLDERS, INCLUDING THE INSURANCE COMPANIES, PROVIDERS, AND MOST IMPORTANTLY, PATIENTS TOWARDS IMPROVED CLINICAL AND HEALTH OUTCOMES AT LOWER COSTS TO ENRICH POPULATION HEALTH. THIS BILL IS ANOTHER STEP TOWARDS REDUCING BARRIERS TO TELEHEALTH SERVICES AND, IN GENERAL, ACCESS TO HEALTH SERVICES. LB257 WAS ADVANCED UNANIMOUSLY FROM THE BANKING, COMMERCE AND INSURANCE COMMITTEE, AND HAS THE SUPPORT OF THE NEBRASKA MEDICAL ASSOCIATION, BLUE CROSS BLUE SHIELD, NEBRASKA MEDICINE, AND SEVERAL OTHER ORGANIZATIONS. INSURERS AND HEALTHCARE PROVIDERS SUBMITTED LETTERS IN SUPPORT OF THIS BILL. THANK YOU. [LB257]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR NORDQUIST WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF LB257. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB257]

Floor Debate
April 29, 2015

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB257]

SPEAKER HADLEY: THE BILL IS ADVANCED TO E&R INITIAL. (DOCTOR OF THE DAY INTRODUCED.) MR. CLERK. [LB257]

ASSISTANT CLERK: MR. PRESIDENT, LB342 INTRODUCED BY SENATOR HOWARD. (READ TITLE.) BILL WAS READ FOR THE FIRST TIME ON JANUARY 15; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB342]

SPEAKER HADLEY: SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB342]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. LB342 WAS INTRODUCED ON BEHALF OF THE NEBRASKA PHARMACISTS ASSOCIATION TO RECOGNIZE THE COGNITIVE SERVICES AND CLINICAL ROLE THAT PHARMACISTS PLAY AS MEMBERS OF THE HEALTHCARE TEAM. THE BILL WAS ADVANCED FROM THE BANKING, COMMERCE AND INSURANCE COMMITTEE WITH 7 VOTES AND 1 MEMBER ABSENT. THERE WERE NO OPPONENTS OR NEUTRAL TESTIMONY. LB342 DOES NOT EXPAND THE SCOPE OF PRACTICE FOR PHARMACISTS. LB342 DOES NOT MANDATE ADDITIONAL BENEFITS FOR INSURANCE PLANS OR POLICIES. LB342 RECOGNIZES PHARMACISTS AS PROVIDERS OF HEALTHCARE SERVICES FOR BENEFITS ALREADY INCLUDED IN INSURANCE PLANS AND POLICIES WHICH PHARMACISTS ARE ALLOWED, PER THEIR LICENSE, TO PROVIDE. THE BILL ALLOWS INSURERS TO CONTRACT WITH PHARMACISTS FOR THESE CLINICAL SERVICES AND SPECIFICALLY STATES THAT THE CLINICAL SERVICES ARE NOT PART OF THE PRESCRIPTION FILLING AND DISPENSING PROCESS WHICH OCCURS IN PHARMACIES. THAT DISTINCTION IS MADE BECAUSE CLINICAL SERVICES AND DISPENSING ARE NOT THE SAME. CLINICAL PHARMACY IS A HEALTH SCIENCE DISCIPLINE IN WHICH PHARMACISTS PROVIDE PATIENT CARE THAT OPTIMIZES MEDICATION THERAPY AND PROMOTES HEALTH, WELLNESS, AND DISEASE PREVENTION. THE SHORTAGE OF PRIMARY CARE PROVIDERS IS SOMETHING THE NEBRASKA LEGISLATURE HAS DISCUSSED FREQUENTLY THESE PAST FEW YEARS. WHAT YOU MAY NOT KNOW IS THAT THERE IS NOT A SHORTAGE OF PHARMACISTS. AS A PUBLIC POLICY...A PUBLIC HEALTH POLICY, WE SHOULD PAY PHYSICIANS, NURSE PRACTICERS, AND PHYSICIAN ASSISTANTS TO CARE FOR ACUTE MEDICAL

Floor Debate
April 29, 2015

NEEDS, SUCH AS FIXING BROKEN BONES, SURGERY, AND EMERGENCY TRAUMAS. AND IT MAKES SENSE NOW TO ALLOW INSURANCE COMPANIES THE OPPORTUNITY TO PAY PHARMACISTS, THE MEDICATION EXPERTS, TO SPEND TIME WITH PATIENTS EDUCATING THEM. MANY THINGS, SUCH AS MEDICATION ADHERENCE, MANAGEMENT OF CHRONIC DISEASE THROUGH MEDICATION, PROVIDING MEDICATION RECONCILIATION IN CARE TRANSITION FROM THE HOSPITAL TO THE LONG-TERM CARE FACILITY OR HOME SETTING AND EVEN AT DISMISSAL FROM THE HOSPITAL ARE EXAMPLES OF COUNSELING OUR PHARMACISTS MIGHT PROVIDE. NEBRASKA MEDICAID AND MEDICARE CURRENTLY CREDENTIAL AND RECOGNIZE PHARMACISTS FOR TOBACCO CESSATION COUNSELING AND RECENTLY ADDED IMMUNIZATION PROVISION TO THE LIST OF SERVICES THAT PHARMACISTS CAN PROVIDE IN NEBRASKA. THE CLINICAL SERVICES THAT PHARMACISTS PROVIDE TO THEIR PATIENTS NOT ONLY IMPROVE PATIENT HEALTH OUTCOMES BUT ARE COST SAVINGS FOR EMPLOYERS, INSURERS, AND THE HEALTHCARE SYSTEM. AS MORE OF OUR PATIENTS BECOME INSURED, MORE ACOS COME INTO EXISTENCE. MEDICAL HOME MODELS ARE IMPLEMENTED, AND MANAGED CARE PLANS TAKE SHAPE. AND AS THE NUMBER OF PRIMARY CARE PROVIDERS DECREASE AND THE SHORTAGE CONTINUES, PHARMACISTS ARE UNIQUELY QUALIFIED TO PROVIDE CHRONIC DISEASE MANAGEMENT, MEDICATION THERAPY MANAGEMENT, AND OTHER HEALTHCARE SERVICES WITHIN THEIR SCOPE AND TRAINING TO ALLOW PRIMARY CARE PROVIDERS MORE TIME WITH ACUTE PATIENTS. THANK YOU FOR YOUR TIME AND ATTENTION TO THIS LEGISLATION, AND I WOULD URGE THE BODY TO VOTE GREEN ON LB342. THANK YOU, MR. PRESIDENT. [LB342]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB342. SEEING NO ONE IN THE QUEUE, SENATOR HOWARD. SENATOR HOWARD WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB342. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB342]

ASSISTANT CLERK: 38 AYES, 0 NAYS ON THE ADVANCEMENT OF LB342, MR. PRESIDENT. [LB342]

SPEAKER HADLEY: LB342 ADVANCES TO E&R INITIAL. MR. CLERK. [LB342]

ASSISTANT CLERK: NEXT BILL, MR. PRESIDENT, LB456 INTRODUCED BY SENATOR GLOOR. (READ TITLE.) BILL WAS READ FOR THE FIRST TIME ON JANUARY 20,

Floor Debate
April 29, 2015

REFERRED TO THE BANKING COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB456]

SPEAKER HADLEY: SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB456]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. JUST A QUICK REVIEW OF HISTORY, AND I WILL BE QUICK: WHEN THE AFFORDABLE CARE ACT CAME ABOUT THERE WAS A REQUIREMENT THAT STATES WOULD ESTABLISH INSURANCE EXCHANGES. THERE WERE TWO OPTIONS FOR STATES. ONE WAS TO HAVE A STATE EXCHANGE RUN BY STATES OR TO OPT OUT OF THAT INTO A FEDERAL EXCHANGE. THIS STATE ENDED UP WITH A FEDERAL EXCHANGE, EXCEPT IF YOU HAD A FEDERAL EXCHANGE YOU WERE GOING TO NEED TO ESTABLISH WHAT WAS CALLED THE NEBRASKA EXCHANGE STAKEHOLDER COMMISSION--A GROUP OF VOLUNTEER NEBRASKANS FITTING SPECIFIC CRITERIA. AND THEIR RESPONSIBILITY WAS TO WORK WITH FEDERAL OFFICIALS TO APPROPRIATELY HELP TWEAK WHATEVER THE FEDS WERE DOING TO RUN THE STATE EXCHANGE IN THE STATE OF NEBRASKA. LEGISLATION WAS PUT IN PLACE, CAME THROUGH THIS BODY, TO AUTHORIZE THAT. IT'S BEEN IN EXISTENCE SINCE 2013. THAT BOARD HAS COME BACK TO US AND HAVE SAID, UNDER STATUTE, THEY WERE TO MEET FOUR TIMES A YEAR. MEETING FOUR TIMES A YEAR IS NOT SEEN AS NECESSARY FOR THE LEVEL OF WORK THAT'S REQUIRED OF THEM, AND THEY HAVE ASKED IF THEY COULD MEET THREE TIMES A YEAR. THAT'S A NICE REQUEST. WELL, WHEN A GROUP COMES TO US AND SAYS, THANK YOU, BUT WE CAN MEET LESS, SAVE OURSELVES TIME, SAVE THE STATE A LITTLE MONEY, AND SO THIS BILL SIMPLY REQUIRES THEM TO MEET THREE TIMES A YEAR, NOT FOUR TIMES A YEAR. IT'S IMPORTANT TO NOTE THAT THE BILL WAS COSIGNED BY SENATOR NORDQUIST, WHO INTRODUCED THE ORIGINAL LEGISLATION, AND SENATOR GROENE. SENATOR GROENE ACTUALLY SERVED ON THE COMMISSION BEFORE HE CAME TO US. THIS IS A CHANCE TO THANK SENATOR GROENE AND THE OTHER MEMBERS OF THAT COMMISSION FOR THEIR VOLUNTEER TIME. AND THAT IS THE BILL. THANK YOU. [LB456]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB456. SENATOR GROENE, YOU'RE RECOGNIZED. [LB456]

SENATOR GROENE: YES, THANK YOU, MR. PRESIDENT. I WAS A MEMBER OF THAT COMMISSION. AND WITH MODERN COMMUNICATION AND STUFF, REALLY TO

Floor Debate
April 29, 2015

GET MORE PEOPLE FROM RURAL AREAS TO VOLUNTEER TO BE ON THOSE COMMISSIONS AND COME TO LINCOLN, IF WE CAN LOWER THE AMOUNT OF MEETINGS THAT WE HAVE, I THINK THE WORK CAN BE DONE. SO I APPRECIATE SENATOR GLOOR BRINGING THIS BILL. THANK YOU. [LB456]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE. SENATOR GLOOR WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB456. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB456]

ASSISTANT CLERK: 37 AYES, 0 NAYS ON THE ADVANCEMENT OF LB456, MR. PRESIDENT. [LB456]

SPEAKER HADLEY: LB456 ADVANCES TO E&R INITIAL. MR. CLERK. [LB456]

ASSISTANT CLERK: MR. PRESIDENT, LB464 INTRODUCED BY SENATOR BURKE HARR. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 20, REFERRED TO THE BANKING COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB464]

SPEAKER HADLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB464]

SENATOR HARR: THANK YOU, MR. SPEAKER. CURRENTLY, NEBRASKA LAW REQUIRES THAT THE SECRETARY OF STATE COLLECT A SOCIAL SECURITY NUMBER, AN INTERNAL REVENUE SERVICE TAX IDENTIFICATION NUMBER, OR AN APPROVED UNIQUE IDENTIFIER WHEN AN EFFECTIVE FINANCING STATEMENT IS FILED BY A DEBTOR. THE EFFECTIVE FINANCING STATEMENTS FILINGS ARE FINANCING STATEMENTS RELATED TO FARM PRODUCTS. THE SECRETARY OF STATE HAS NOW IMPLEMENTED A UNIQUE IDENTIFICATION NUMBER FOR THE DEBTOR AND THEY ARE NO LONGER ACCEPTING SOCIAL SECURITY NUMBERS FOR TAX IDS. HOWEVER, THEY WOULD BE REQUIRED UNDER CURRENT LAW TO ACCEPT A FILING WITH A DEBTOR SOCIAL SECURITY NUMBER OR TAX IDENTIFICATION NUMBER SHOULD THE DEBTOR CHOOSE NOT TO USE THE UNIQUE IDENTIFICATION NUMBER. LB464 WOULD REMOVE THE LANGUAGE REGARDING THE USE OF SOCIAL SECURITY NUMBER AND THE TAX IDENTIFICATION NUMBER FROM STATE LAW. IF LB464 BECOMES LAW, EVERYONE WHO FILES AN EFFECTIVE FINANCING STATEMENT WOULD BE ISSUED AN APPROVED, UNIQUE IDENTIFICATION NUMBER, AND THE SECRETARY OF STATE

Floor Debate
April 29, 2015

WOULD NO LONGER BE REQUIRED NOR ALLOWED TO COLLECT SOCIAL SECURITY NUMBERS OR INTERNAL REVENUE SERVICES TAX IDENTIFICATION NUMBERS IN PUBLIC RECORDS MAINTAINED BY THEIR OFFICE. PASSING LB464 WOULD RESULT IN BETTER BUSINESS PRACTICES FOR THE SECRETARY OF STATE AND ADDITIONAL SECURITY FOR CONSUMERS WHO FILE THESE EFFECTIVE FINANCING STATEMENTS. THE BANKING, COMMERCE AND INSURANCE COMMITTEE ADVANCED THE BILL TO GENERAL FILE WITHOUT ANY OPPOSITION, AND I WOULD ASK FOR YOUR SUPPORT ON LB464. THANK YOU. [LB464]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB464. ANYONE WISHING TO SPEAK? SEEING NONE, SENATOR HARR. SENATOR HARR WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB464. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB464]

ASSISTANT CLERK: 38 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB464]

SPEAKER HADLEY: LB464 ADVANCES TO E&R INITIAL. MR. CLERK. [LB464]

ASSISTANT CLERK: MR. PRESIDENT, LB104 INTRODUCED BY SENATOR KRIST. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 8, REFERRED TO THE NATURAL RESOURCES COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE; NO COMMITTEE AMENDMENTS. [LB104]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB104]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. AND GOOD MORNING, NEBRASKA. I WANT TO THANK SPEAKER HADLEY FOR DESIGNATING LB104 AS A CONSENT CALENDAR BILL. LB104 ADVANCED OUT OF THE NATURAL RESOURCES COMMITTEE ON A UNANIMOUS 8 TO 0 VOTE. NO ONE TESTIFIED AS AN OPPONENT OR IN THE NEUTRAL CAPACITY. I WANT TO THANK CHAIRMAN SCHILZ AND THE OTHER MEMBERS OF THE COMMITTEE FOR ADVANCING THIS BILL. THE PURPOSE OF LB104 IS RATHER SIMPLE. IT IS TO ALLOW A UTILITY TO GIVE NOTICE OF DISCONNECTION BY ELECTRONIC MAIL IF THE CUSTOMER HAS SELECTED TO RECEIVE BILLINGS OR NOTIFICATION BY ELECTRONIC MAIL. IN TODAY'S AGE OF ELECTRONIC BILLING, THIS CHANGE JUST MAKES SENSE FOR THOSE WHO ARE USED TO SEEING OR RECEIVING THE NOTIFICATIONS AND BILLING VIA E-MAIL RATHER THAN A HARD COPY VIA THE

Floor Debate
April 29, 2015

MAIL. SENATOR McCOLLISTER HAS FILED AN AMENDMENT, WHICH I SUPPORT AND I ASK YOU TO SUPPORT. THANK YOU, MR. PRESIDENT. [LB104]

SPEAKER HADLEY: MR. CLERK. [LB104]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR McCOLLISTER OFFERS AM642. (LEGISLATIVE JOURNAL PAGE 1304.) [LB104]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB104]

SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER. GOOD MORNING, COLLEAGUES. I WORKED WITH SENATOR KRIST, AS WELL AS THE UTILITIES THAT SUPPORT LB104, IN DEVELOPING THIS AMENDMENT. I THINK SENATOR KRIST CONSIDERS IT TO BE A FRIENDLY AMENDMENT, AS HE INDICATED. MY CONCERN IN COMMITTEE WAS THAT I WANTED TO MAKE SURE THAT AS MUCH AS POSSIBLE SHOULD BE DONE TO MAKE SURE THAT THE CUSTOMER HAS ACTUAL KNOWLEDGE OF A DISCONTINUATION NOTICE. THE AMENDMENT MAKES IT CLEAR THAT THE CUSTOMER WOULD HAVE TO SPECIFICALLY INDICATE TO THE UTILITY, THEY WANT TO RECEIVE NOTICE OF A DISCONNECT VIA ELECTRONIC DELIVERY. IF THE CUSTOMER DOES NOT SPECIFICALLY INDICATE THAT HE OR SHE WANTS ELECTRONIC DELIVERY, THE NOTICE MUST BE GIVEN IN PERSON OR BY FIRST-CLASS MAIL. I'D APPRECIATE YOUR GREEN VOTE ON THE AMENDMENT. [LB104]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING TO THE AMENDMENT. ANYONE WISHING TO SPEAK? SEEING NONE, SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO CLOSE. SENATOR McCOLLISTER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB104]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE ADOPTION OF SENATOR McCOLLISTER'S AMENDMENT. [LB104]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. SEEING NO ONE, SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE ADOPTION...THE ADVANCEMENT

Floor Debate
April 29, 2015

OF LB104. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB104]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB104]

SPEAKER HADLEY: LB104 ADVANCES TO E&R INITIAL. MR. CLERK. [LB104]

ASSISTANT CLERK: LB206 INTRODUCED BY SENATOR SCHILZ. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 13, REFERRED TO THE NATURAL RESOURCES COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM170, LEGISLATIVE JOURNAL PAGE 536.) [LB206]

SPEAKER HADLEY: SENATOR KRIST...OH, I'M SORRY. SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB206]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. GOOD MORNING. AND I WANT TO ALSO EXTEND MY APPRECIATION TO SPEAKER HADLEY FOR PLACING LB206 ON THE CONSENT CALENDAR AGENDA. LB206 WAS INTRODUCED TO COMPLETE THE WORK THAT SENATOR TOM CARLSON BEGAN LAST SESSION WITH LB896. LB206 IS IDENTICAL TO THE VERSION OF LB896 THAT ADVANCED UNANIMOUSLY TO THE FLOOR LAST YEAR, WITH THE NATURAL RESOURCES COMMITTEE RECOMMENDING AMENDMENTS ATTACHED. UNFORTUNATELY, DUE TO THE SHORT SESSION AND LARGE AMOUNT OF ISSUES, WE WERE UNABLE TO GET TO THE BILL AND SO IT SAT THERE AND DIED. IT ADVANCED FROM NATURAL RESOURCES COMMITTEE WITH AN 8 AND 0 VOTE. THE FISCAL NOTE IS ZERO. LEGISLATIVE FISCAL OFFICE DEEMED THE CHANGES AS CAUSING SUCH MINIMAL FISCAL IMPACT, IT WOULD BE ABSORBED INTO THE BUDGET AS IT CURRENTLY EXISTS. AND I'LL JUST GIVE YOU A LITTLE BIT OF BACKGROUND. IN 1986 THE LEGISLATURE PASSED THE EROSION AND SEDIMENT CONTROL ACT WHICH REQUIRED THE STATE TO CREATE A COMPREHENSIVE EROSION AND SEDIMENT CONTROL PROGRAM DESIGNED TO REDUCE SOIL EROSION TO TOLERABLE LEVELS. THE ACT ALSO REQUIRED NATURAL RESOURCES DISTRICTS TO ADOPT A PLAN TO IMPLEMENT THE STATE'S PROGRAM AND PROVIDED THEM WITH THE AUTHORITY TO RECEIVE SOIL EROSION AND SEDIMENTATION COMPLAINTS BY LANDOWNERS. SINCE THEN, THE CONVERSION AND DEVELOPMENT OF MARGINAL AND HIGHLY ERODIBLE LANDS FROM CONSERVATION RESERVE PROGRAM LANDS, PASTURES AND RANGELAND, AND RIPARIAN LANDS TO CROPLAND RAISED THE POTENTIAL FOR

Floor Debate
April 29, 2015

INCREASED EROSION AND SEDIMENTATION PROBLEMS. THIS LED TO GREATER FRUSTRATIONS FOR LANDOWNERS WHOSE LANDS WERE BEING DAMAGED BY STORM RUNOFF AND SEDIMENTATION. AS A RESULT, THE NARD ADOPTED A RESOLUTION TO REQUEST CHANGES TO THE EROSION AND SEDIMENT CONTROL ACT BECAUSE THE ACT, AS CURRENTLY WRITTEN, PROVIDED LIMITED ABILITY FOR THE NATURAL RESOURCES DISTRICT TO EFFECTIVELY ADDRESS THE EROSION AND SEDIMENT PROBLEMS THAT WE ARE CAUSING THEM. AND WITH THAT, I WOULD ASK FOR YOUR GREEN VOTE ON LB206. THANK YOU, MR. PRESIDENT. [LB206]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SCHILZ, AS CHAIR OF THE NATURAL RESOURCES COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB206]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. THE COMMITTEE AMENDMENT, AM170, WOULD FIX A SMALL PROBLEM POINTED OUT BY POWER AND IRRIGATION DISTRICTS. IT EXCLUDES PUBLIC POWER AND IRRIGATION DISTRICTS WHEN THEIR ACTIONS ARE RELATED TO THE OPERATION, CONSTRUCTION, OR MAINTENANCE OF INDUSTRIAL OR COMMERCIAL PUBLIC POWER OR PUBLIC POWER AND IRRIGATION DISTRICT FACILITIES OR SITES WHEN THE ACTIVITIES ARE PURSUANT TO STATE OR FEDERAL LAW OR PART OF THE UTILITIES OPERATIONAL PLAN. THE AMENDMENT WOULD PROTECT POWER AND IRRIGATION DISTRICTS FROM THE REGULATIONS PUT FORTH WHILE IN THE COURSE OF THEIR STATUTORY DUTY. THE CONSENSUS IS THAT THE WORK THAT SENATOR CARLSON AND PREVIOUS NATURAL RESOURCES COMMITTEES WAS NOT INTENDED TO INCLUDE THESE PUBLIC ENTITIES. THEREFORE, WE'VE MADE THIS CHANGE IN THE ORIGINAL LB206 WITH AM170. THANK YOU, MR. PRESIDENT. [LB206]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING TO THE COMMITTEE AMENDMENT. SEEING NO ONE IN THE QUEUE, SENATOR SCHILZ YOU'RE RECOGNIZED. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF THE COMMITTEE AMENDMENT. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB206]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS. [LB206]

Floor Debate
April 29, 2015

SPEAKER HADLEY: COMMITTEE AMENDMENT IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR SCHILZ. SENATOR SCHILZ WAIVES CLOSING ON THE BILL. THE QUESTION IS THE ADVANCEMENT OF LB206 TO E&R INITIAL. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB206]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADVANCEMENT OF LB206. [LB206]

SPEAKER HADLEY: LB206 ADVANCES TO E&R INITIAL. MR. CLERK. [LB206]

ASSISTANT CLERK: MR. PRESIDENT, LB455 INTRODUCED BY SENATOR GLOOR. (READ TITLE.) BILL WAS READ FOR THE FIRST TIME ON JANUARY 20 OF THIS YEAR, REFERRED TO THE URBAN AFFAIRS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB455]

SPEAKER HADLEY: SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB455]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. MEMBERS, THIS IS TRULY A CONSENT AGENDA TYPE ITEM. IT'S CLEANUP LANGUAGE FOR LEGISLATION WE PASSED A COUPLE OF YEARS AGO. SINCE 1943, ALL FULL-TIME FIREFIGHTERS, POLICE OFFICERS OF A MUNICIPALITY, INCLUDING THE FIRE CHIEFS, HAVE BEEN HIRED THROUGH THE CIVIL SERVICE ACT. CIVIL SERVICE ACT SPELLS OUT THE SYSTEM FOR THE HIRING, FIRING, PROMOTING, DISCIPLINING OF POLICE OFFICERS, FULL-TIME FIREFIGHTERS, INCLUDING POLICE AND FIRE CHIEFS. PURPOSE OF THE ACT IS TO MAKE SURE THAT, BECAUSE WE'VE GOT A MAJOR PUBLIC SAFETY ISSUE HERE, THAT HIRING AND PROMOTIONS ARE BASED ON MERIT, EFFICIENCY, AND FITNESS, AND TAKE AS MUCH OF THE POLITICAL ARENA OUT OF IT AS POSSIBLE. UNDER THE ACT, THE CIVIL SERVICE COMMISSION EVALUATES CANDIDATES, MAKES THE RECOMMENDATIONS TO WHAT WE CALL A HIRING AUTHORITY--USUALLY THE MAYOR AND COUNCIL OR THE CITY MANAGER. BACK IN 2008 THE LEGISLATURE ADOPTED LB1096 TO REQUIRE, REQUIRE CITIES OF THE FIRST CLASS WITH A POPULATION ABOVE 37,500 TO EMPLOY A FULL-TIME FIRE CHIEF. THAT AFFECTED TWO COMMUNITIES: MY COMMUNITY, GRAND ISLAND; AND BELLEVUE. ALTHOUGH THE BILL PROVIDES WHO WILL MAKE THE APPOINTMENT, THE HIRING AUTHORITY, IT DID NOT SPECIFICALLY SPELL OUT THAT THE FIRE CHIEF WOULD BE APPOINTED THROUGH THE CIVIL SERVICE ACT. BECAUSE THE 2008 LAW DID

Floor Debate
April 29, 2015

NOT REFER TO THE CIVIL SERVICE ACT, IT'S RAISED A QUESTION OF WHETHER FIRE CHIEFS ARE ACTUALLY COVERED IN THESE CITIES AND ARE TO BE APPOINTED OUTSIDE OF THE ACT. EVEN THOUGH, AS I SAID, OVERALL WE HAVE SPELLED OUT IN OTHER COMPONENT OF THE STATUTES THAT THE CIVIL SERVICE ACT DOES APPLY, THIS WAS OVERLOOKED. SO THAT ALL LB455 ATTEMPTS TO DO IS CLARIFY THAT THE FIRE CHIEFS ARE, AS WAS ALWAYS INTENDED, WITHIN THESE CITIES ARE APPOINTED THROUGH THE CIVIL SERVICE ACT. THANK YOU. [LB455]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB455. SEEING NO ONE, SENATOR GLOOR. SENATOR GLOOR WAIVES CLOSING. QUESTION IS THE ADVANCEMENT OF LB455 TO E&R INITIAL. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB455]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB455]

SPEAKER HADLEY: LB455 ADVANCES TO E&R INITIAL. MR. CLERK. [LB455]

ASSISTANT CLERK: LB123 INTRODUCED BY SENATOR SCHUMACHER. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 9 OF THIS YEAR, REFERRED TO THE REVENUE COMMITTEE, PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB123]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB123]

SENATOR SCHUMACHER: THANK YOU, SPEAKER HADLEY. I'D LIKE TO THANK SPEAKER HADLEY FOR INCLUDING THIS AMONG THE CONSENT FILE ITEMS. THE PURPOSE OF LB123 IS TO REMOVE EXISTING AMBIGUITIES REGARDING WHETHER GOVERNMENTAL ENTITIES, SUCH AS SIDs, CAN FORM SEPARATE FUNDS IN WHICH THE CASH OF THE ENTITY CAN BE DEPOSITED AND FROM WHICH WARRANTS OF THAT ENTITY CAN BE DRAWN. EACH FUND OF AN ENTITY IS FORMED FOR A PARTICULAR PURPOSE, SUCH AS A GENERAL EXPENDITURE, A CAPITAL IMPROVEMENT, BOND PAYMENTS, ETCETERA. EACH WARRANT OF A GOVERNMENT ENTITY IS DRAWN ON THE PARTICULAR FUND IT IS ASSOCIATED WITH, AND THE FUND RECEIVES THE ASSESSMENT, TAXES, AND OTHER CASH FUNDS AND INCOME RELATED TO ITS SPECIFIC PURPOSE. WHEN AN ENTITY HAS SEPARATE FUNDS, ITS WARRANTS ARE REGISTERED TO EACH PARTICULAR FUND

Floor Debate
April 29, 2015

FROM WHICH IT CAN...IS TO BE DRAWN. WHEN CASH FUNDS ARE AVAILABLE IN A PARTICULAR FUND TO PAY OUT THE WARRANTS, THE WARRANTS REGISTERED TO THAT PARTICULAR FUND ARE TO BE PAID OUT IN THE ORDER THEY WERE REGISTERED IN THAT FUND, REGARDLESS OF WHETHER THERE MAY BE AN OLDER OUTSTANDING WARRANT REGISTERED TO A DIFFERENT FUND THAT GOVERNMENT ENTITY HAS CREATED. THIS SEGREGATION ASSURES CASH FUNDS RECEIVED BY THE ENTITY FOR A PARTICULAR PURPOSE, SUCH AS SPECIAL ASSESSMENT FOR A CAPITOL IMPROVEMENT PROJECT, WILL BE SPECIFICALLY USED FOR THAT PROJECT AND TO PAY WARRANTS ON THAT PROJECT. AND PAYMENTS FROM CASH FUND...AND IT PREVENTS PAYMENTS FROM CASH FUNDS TO BE DRAWN AGAINST REVENUE THAT THEY WERE NOT INTENDED TO. THIS ADVANCED OUT OF REVENUE COMMITTEE ON AN 8 TO 0 VOTE. I'D APPRECIATE YOUR GREEN LIGHT. THANK YOU. [LB123]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB123. SEEING NO ONE WISHING TO SPEAK, SENATOR SCHUMACHER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF LB123. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB123]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB123]

SPEAKER HADLEY: LB123 ADVANCES TO E&R INITIAL. MR. CLERK. [LB123]

ASSISTANT CLERK: NEXT BILL, LB246 INTRODUCED BY SENATOR SULLIVAN. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 14, REFERRED TO THE REVENUE COMMITTEE, PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB246]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB246]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. LB246 AMENDS THE NEBRASKA ADVANTAGE MICROENTERPRISE TAX CREDIT ACT TO INCREASE THE ALLOWABLE NET WORTH OF AN INDIVIDUAL ACTIVELY ENGAGED IN AN OPERATION OF A FARM OR LIVESTOCK OPERATION FROM \$350,000 TO \$500,000 AND STILL MEET THE DEFINITION OF A MICROENTERPRISE. CURRENTLY, AN APPLICATION WILL NOT BE ACCEPTED FROM AN INDIVIDUAL ACTIVELY ENGAGED IN THE OPERATION OF A FARM OR LIVESTOCK OPERATION WITH A NET

Floor Debate
April 29, 2015

WORTH OF MORE THAN \$350,000, INCLUDING ANY HOLDINGS BY A SPOUSE OR DEPENDENT, BASED ON FAIR MARKET VALUE. THE ACT DOES NOT, I MIGHT MENTION, THE ACT DOES NOT PLACE A NET WORTH REQUIREMENT ON ANY OTHER INDIVIDUAL OTHER THAN SOMEONE ACTIVELY ENGAGED IN THE OPERATION OF A FARM OR LIVESTOCK OPERATION. THE AVERAGE VALUE OF AN ACRE OF LAND TODAY IN CENTRAL NEBRASKA WAS OVER \$4,200, ACCORDING TO REPORTS IN 2013. A SMALL FARMER OR RANCHER WHO OWNS PROPERTY AND WANTS TO BRANCH OUT INTO A MICROENTERPRISE WOULD BE AUTOMATICALLY DISQUALIFIED BY THE CURRENT NET WORTH PROVISION. LB246 ISN'T A BIG INCREASE BUT IT WILL EXPAND THE POOL OF THOSE ELIGIBLE TO TAP INTO THE POTENTIAL TAX CREDITS THAT THE LEGISLATURE CREATED IN THE NEBRASKA ADVANTAGE MICROENTERPRISE TAX CREDIT ACT. I ENCOURAGE YOU TO ADVANCE LB246 TO SELECT FILE. THANK YOU. [LB246]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB246. SEEING NO ONE WISHING TO SPEAK, SENATOR SULLIVAN WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB246. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB246]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADVANCEMENT OF LB246, MR. PRESIDENT. [LB246]

SPEAKER HADLEY: LB246 ADVANCES TO E&R INITIAL. MR. CLERK. [LB246]

ASSISTANT CLERK: LB277 INTRODUCED BY SENATOR BURKE HARR. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 14, PLACED ON GENERAL FILE BY THE REVENUE COMMITTEE. [LB277]

SPEAKER HADLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB277]

SENATOR HARR: THANK YOU, MR. SPEAKER, AND THANK YOU FOR PUTTING THIS ON CONSENT CALENDAR. I APPRECIATE IT. LB277 IS A BILL REGARDING TAX DEED CHANGES. CURRENTLY, IF A PROPERTY OWNER FAILS TO TIMELY PAY THE PROPERTY TAXES DUE ON HIS OR HER PROPERTY, THE COUNTY SELLS A TAX CERTIFICATE TO A THIRD PARTY FOR THAT TAX AMOUNT. SUBSEQUENTLY, THERE ARE TWO PROCESSES THROUGH WHICH A HOLDER OF A TAX CERTIFICATE CAN AND MAY EXERCISE HIS OR HER RIGHT TO THE PROPERTY PURCHASED AT A TAX SALE. UNDER THE TAX DEED METHOD IN CHAPTER 77, ARTICLE 18, THE

Floor Debate
April 29, 2015

HOLDER OF A TAX CERTIFICATE CAN OBTAIN, AFTER PROPER NOTICE, A TAX DEED FROM THE COUNTY TREASURER. ALTERNATIVELY UNDER CHAPTER 77, ARTICLE 19, THE TAX HOLDER OF A TAX CERTIFICATE CAN FORECLOSE UPON A TAX LIEN IN A COURT PROCEEDING AND COMPEL THE SALE OF A PROPERTY YIELDING A SHERIFF'S DEED. THIS PROCESS IS KNOWN AS THE JUDICIAL FORECLOSURE METHOD. A RECENT SUPREME COURT DECISION DISCUSSED THESE TWO PRACTICES IN GREAT DETAIL, AND IN ITS DECISION THE COURT STATED THAT, "ALTHOUGH THE TWO METHODS BEAR SIMILARITIES, THEY ARE NEITHER COMPARABLE NOR FUNGIBLE." ONE OF THE KEY DIFFERENCES BETWEEN THE TWO PROCESSES IS HOW PREVIOUS LIENS AND INCUMBRANCES ARE TREATED. IN 2011 THE LEGISLATURE ADOPTED LB423, WHICH PROVIDED THAT SANITARY IMPROVEMENT DISTRICTS, COMMONLY REFERRED TO AS SIDs, PROVIDES THAT SID SPECIAL ASSESSMENTS SURVIVE THE JUDICIAL FORECLOSURE METHOD. SID SPECIAL ASSESSMENTS ARE USED BY AN SID TO PAY OFF DEBT INCURRED TO CONSTRUCT THE INFRASTRUCTURE OF AN SID. LB277, THIS BILL, IS INTENDED TO CLARIFY THAT SID SPECIAL ASSESSMENTS ALSO SURVIVE THE TAX DEED METHOD, AND CHANGES ARE MADE IN STATUTORY 77-1838 AND 77-1842 IN ORDER TO DO THIS. BY DOING THIS, THE SID ASSESSMENTS ARE TREATED THE SAME NO MATTER WHICH METHOD A TAX CERTIFICATE HOLDER USES TO EXERCISE HIS OR HER RIGHT TO THE PROPERTY PURCHASED AT A TAX SALE. ALLOWING SPECIAL ASSESSMENTS TO BE EXTINGUISHED WOULD BE A WINDFALL TO TAX CERTIFICATE HOLDER TO THE DETRIMENT OF OTHER RESIDENTS AND PROPERTY OWNERS IN THE SID. AT THE TIME, THE TAX DEED METHOD WAS OVERLOOKED BECAUSE IT WAS NOT BEING USED WITH ANY FREQUENCY. HOWEVER, IT IS, DUE TO THIS LOOPHOLE, NOW BEING USED. THE REVENUE COMMITTEE UNANIMOUSLY ADVANCED THIS BILL TO GENERAL FILE, AND I WOULD ASK FOR YOUR SUPPORT. THANK YOU. [LB277]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB277. SEEING NO ONE WISHING TO SPEAK, SENATOR HARR, YOU'RE RECOGNIZED TO CLOSE. SENATOR HARR WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB277. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB277]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB277]

SPEAKER HADLEY: LB277 ADVANCES TO E&R INITIAL. MR. CLERK. [LB277]

Floor Debate
April 29, 2015

ASSISTANT CLERK: NEXT BILL, MR. PRESIDENT, IS LB283 INTRODUCED BY SENATOR BAKER. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 15. IT WAS REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB283]

SPEAKER HADLEY: SENATOR BAKER, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB283]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. LB283 DEALS WITH THE EMERGENCY MANAGEMENT ACT, WHICH IS CONTAINED IN STATUTE 81-829.51. IT'S A SHORT PARAGRAPH. I'M GOING TO READ IT TO YOU: IN THE EVENT OF DISASTER, EMERGENCY, OR CIVIL DEFENSE EMERGENCY, EACH LOCAL GOVERNMENT MAY MAKE EMERGENCY EXPENDITURES, ENTER INTO CONTRACTS, INCUR OBLIGATIONS FOR EMERGENCY MANAGEMENT PURPOSES REGARDLESS OF EXISTING STATUTORY LIMITATIONS AND REQUIREMENTS PERTAINING TO THE APPROPRIATION, BUDGETING, LEVIES, OR THE MANNER OF ENTERING INTO CONTRACTS. IF SUCH EXPENDITURES, CONTRACT, OR OBLIGATION WILL BE IN EXCESS OR IN VIOLATION OF EXISTING STATUTORY LIMITATIONS, REQUIREMENTS, THEN BEFORE ANY SUCH EXPENDITURES, CONTRACT, OR OBLIGATION IS UNDERTAKEN IT SHALL BE APPROVED BY A VOTE OF THE GOVERNING BODY OF SUCH LOCAL GOVERNMENT AND SUCH GOVERNING BODY MAY NOT VOTE ITS APPROVAL UNLESS IT HAS SECURED THE CERTIFICATE OF THE CITY, VILLAGE, COUNTY, OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT DIRECTOR SERVING SUCH LOCAL GOVERNMENT THAT SUCH ACTION IS NECESSARY IN THE PUBLIC INTEREST FOR EMERGENCY MANAGEMENT PURPOSES. LB283 SPECIFICALLY ADDS IN SCHOOL DISTRICTS AND SERVICE UNITS IN ADDITION TO EACH LOCAL GOVERNMENT. THE PRIMARY PURPOSE IS TO...IS TIMING. YOU KNOW, IN TERMS OF SCHOOL DISTRICT AND SERVICE UNIT INVOLVEMENT, SCHOOL STRUCTURES ARE INSURED, SO YOU'RE DEALING WITH AN INSURANCE COMPANY. THE TIMING IS EVERYTHING. YOU KNOW, I LIVED THROUGH THAT IN 2004 WHEN SCHOOL DISTRICT WHERE I WAS SUPERINTENDENT WAS STRUCK BY AN F4 TORNADO, \$35 MILLION WORTH OF DAMAGE. EVEN THOUGH IT'S NOT SPECIFIC THAT SCHOOL DISTRICTS ARE LOCAL GOVERNMENT, WE WERE GIVEN...YOU KNOW, MAYBE RULES WERE BENT FOR US. WE GOT AN EMERGENCY PROCLAMATION. HAD WE NOT RECEIVED THAT, WE PROBABLY COULDN'T HAVE HAD SCHOOL THE NEXT YEAR BECAUSE OF THE SPEED WHICH IS REQUIRED TO PROCEED AFTER A DISASTER OR EMERGENCY. THERE'S A SLIGHT TECHNICAL AMENDMENT THAT FOLLOWS, BUT I URGE YOUR SUPPORT OF LB283. [LB283]

Floor Debate
April 29, 2015

SPEAKER HADLEY: (VISITORS INTRODUCED.) MR. CLERK. [LB283]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR BAKER WOULD OFFER AM631.
(LEGISLATIVE JOURNAL PAGE 754.) [LB283]

SPEAKER HADLEY: SENATOR BAKER, YOU'RE RECOGNIZED TO OPEN ON YOUR
AMENDMENT. [LB283]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. FEEDBACK WE GOT WAS THAT
SOME OF THE SMALLER COUNTIES APPARENTLY HAVE NEVER EXPERIENCED AN
EMERGENCY OR A DISASTER, AND SO THE TERM "CERTIFICATE" WAS
SOMETHING THEY SAID, WELL, WE DON'T HAVE CERTIFICATES. SO AMENDMENT
TO LB283 IS A SIMPLE ONE THAT IT SUBSTITUTES IN THE LANGUAGE OF "A COPY
OF THE PROCLAMATION AS PROVIDED IN SECTION 81-829.50." THAT SUBSTITUTES
FOR THE WORD "CERTIFICATE," AND AGAIN IN LINE 29, STRIKE THE WORD
"CERTIFICATE," INSERT "PROCLAMATION." AS IT WERE, CERTIFICATE IS ALREADY
IN EXISTING STATUTE, SO THIS IS, I GUESS, HELPING THEM CLEAN UP
SOMETHING THAT WOULD APPLY TO OTHER ENTITIES OTHER THAN SCHOOL
DISTRICTS AND SERVICE UNITS. THANK YOU. [LB283]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU ARE RECOGNIZED. [LB283]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I CERTAINLY HAVE NO
PROBLEMS WITH THE AMENDMENT. AND I'VE TALKED TO SENATOR BAKER AND
HE'S NOT HAPPY WITH ME. I PROBABLY SHOULD HAVE TALKED TO HIM EARLIER
AND THIS WAS AN OVERSIGHT ON MY PART. I RISE JUST WITH A LITTLE BIT OF
BACKGROUND AS WELL AS A CAUTIONARY NOTE ON THIS PIECE OF
LEGISLATION. FIRST OF ALL, WE HAVE INCORPORATED INTO A BILL THAT WILL
BE FORTHCOMING FROM THE EDUCATION COMMITTEE--IT'S OUR ANNUAL
TECHNICAL BILL--THAT INCLUDES SOMEWHAT OF A RELATED SUBJECT OF THIS
BILL. AND IT STARTED WITH A BILL FROM SENATOR BAKER THAT WOULD
HAVE...THAT RAISES THE CEILING FOR WHICH A SCHOOL DISTRICT HAS TO GO
OUT FOR BIDS FOR CONSTRUCTION PROJECTS. WE'VE AMENDED IT TO MEAN
THAT...TO SAY THAT A SCHOOL DISTRICT DOESN'T HAVE TO GO OUT FOR BIDS IN
AN EMERGENCY SITUATION WHEN THEY ARE TRYING TO SECURE THE BUILDING
AFTER A DISASTER. AND I FULLY REALIZE THAT SENATOR BAKER HAS LIVED
THROUGH THESE KINDS OF SITUATIONS AND HE KNOWS FIRSTHAND THE
CHALLENGES THAT GO ALONG WITH IT. HOWEVER, WITH RESPECT TO LB283, MY
MAIN CONCERN IS THAT...AND EVEN THOUGH READING THE STATEMENT OF

Floor Debate
April 29, 2015

INTENT AND THE WAY IT IS DEVELOPED RIGHT NOW, THAT WHEN THERE'S AN EMERGENCY DECLARATION AND THINGS NEED TO BE DONE, THAT IF IT MEANS EXCEEDING IN THE SCHOOL DISTRICT'S LEVY, THEY HAVE TO GET A VOTE OF THEIR BOARD. BUT IT REALLY ALSO MEANS THAT THEN THEY GET THAT APPROVAL WITHOUT A VOTE OF THE PEOPLE. SO AGAIN, IT'S JUST A CAUTIONARY NOTE BECAUSE I THINK WE'RE ALL SENSITIVE TO PROPERTY TAXES AND PROPERTY TAX CONCERNS IN OUR RESPECTIVE DISTRICTS AND SCHOOL DISTRICTS. AND SO THAT'S ONE OF MY CONCERNS ABOUT THIS BILL AND THAT'S...JUST WANTED TO BRING THAT TO YOUR ATTENTION. THANK YOU, MR. PRESIDENT. [LB283]

SPEAKER HADLEY: SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR BAKER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB283]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. AND AGAIN, THIS IS A SIMPLE CHANGE IN WORDING. TAKES THE WORD "CERTIFICATE" OUT AND INSERTS THE WORD "PROCLAMATION" AS STATED IN THE WRITTEN FORM. THANK YOU. [LB283]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB283]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON ADOPTION OF SENATOR BAKER'S AMENDMENT. [LB283]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. SENATOR BAKER, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB283]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. AGAIN, I THINK THE MOST IMPORTANT THING TO REMEMBER HERE IS THAT AFTER AN EMERGENCY, AFTER A CRISIS SUCH AS WE EXPERIENCED, THE NEED TO MOVE RAPIDLY IS THE MOST IMPORTANT THING. WE NEVER CHANGED ANY LEVY IN THE PROCESS. BUT WE DID NEED...YOU KNOW, WE OBVIOUSLY WORKED WITH OUR INSURANCE COMPANY. YOU KNOW, WE DID NEED TO PASS A BUDGET AMENDMENT. YOU KNOW, WHEN YOU SPEND \$35 MILLION MORE THAN YOU SAID YOU WERE GOING TO, YOU DO HAVE TO DO THOSE KINDS OF THINGS. BUT, YOU KNOW, I REALLY DON'T SEE ANY OPPORTUNITY HERE FOR MISCHIEF IN SOMEBODY USING AN EMERGENCY PROCLAMATION, WHICH YOU CAN'T ISSUE TO YOURSELF. IT HAS TO

Floor Debate
April 29, 2015

BE PROCURED FROM WHOEVER IS THE EMERGENCY MANAGEMENT DIRECTOR IN THE PARTICULAR COUNTY. SO I DON'T BELIEVE THERE'S ANY CHANCE FOR MISCHIEF IN THIS. AND I'LL GUARANTEE YOU THAT IF YOU'RE INVOLVED IN ONE OF THIS YOU WANT ALL THE STUMBLING BLOCKS REMOVED THAT YOU POSSIBLY CAN. AND THOSE WHO DID THAT FOR US WERE MUCH APPRECIATED. THANK YOU. I URGE YOUR GREEN VOTE ON LB283. [LB283]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB283. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB283]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADVANCEMENT OF LB283, MR. PRESIDENT. [LB283]

SPEAKER HADLEY: LB283 ADVANCES TO E&R INITIAL. MR. CLERK FOR ANNOUNCEMENTS. [LB283]

ASSISTANT CLERK: MR. PRESIDENT, THANK YOU. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB566 TO SELECT FILE WITH AMENDMENTS, LB575 TO SELECT FILE WITH AMENDMENTS, AND LB330A TO SELECT FILE. AMENDMENT TO BE PRINTED TO LB629 FROM SENATOR MELLO. (LEGISLATIVE JOURNAL PAGES 1309-1311.) [LB566 LB575 LB330A LB629]

SPEAKER HADLEY: MR. CLERK, THE NEXT ITEM. [LB365]

ASSISTANT CLERK: NEXT BILL, MR. PRESIDENT, IS LB365 INTRODUCED BY SENATOR BAKER. (READ TITLE.) BILL WAS READ THE FIRST TIME ON JANUARY 15; REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE; PLACED ON GENERAL FILE BY THAT COMMITTEE WITH NO COMMITTEE AMENDMENTS. [LB365]

SPEAKER HADLEY: SENATOR BAKER, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB365]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. LB365 IS EXTREMELY SIMPLE. IT JUST SPECIFICALLY ALLOWS SCHOOL DISTRICTS AND EDUCATIONAL SERVICE UNITS TO KEEP RECORDS THAT THEY ARE REQUIRED TO KEEP IN ELECTRONIC FORM, AND THAT INCLUDES BOARD OF EDUCATION MINUTES AS WELL. IT'S A

Floor Debate
April 29, 2015

WAY...IT REFLECTS THE WAY THAT SCHOOL DISTRICTS OPERATE THIS WAY AS WE'RE MOVING TO...AND SERVICE UNITS, MOVING TO A PAPERLESS ERA. AND OFTENTIMES PAPER RECORDS ARE NEVER NEEDED AND THERE'S NO NEED TO HAVE TO CREATE THOSE THINGS JUST TO MAINTAIN PERMANENT RECORD. IT'S MUCH EASIER TO STORE DATA IN ELECTRONIC FORM, MUCH EASIER TO RETRIEVE DATA IN ELECTRONIC FORM. AND I THINK THAT THAT ABOUT SAYS IT ALL. SO I REQUEST YOUR GREEN VOTE ON THIS BILL. THANK YOU. [LB365]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING TO LB365. SEEING NO ONE IN THE QUEUE, SENATOR BAKER, YOU'RE RECOGNIZED TO CLOSE. SENATOR BAKER WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB365. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB365]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB365]

SPEAKER HADLEY: LB365 ADVANCES TO E&R INITIAL. MR. CLERK. [LB365]

ASSISTANT CLERK: LB375 INTRODUCED BY SENATOR CRAIGHEAD. (READ TITLE.) BILL WAS READ FOR THE FIRST TIME ON JANUARY 15; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB375]

SPEAKER HADLEY: SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB375]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THANK YOU, MR. SPEAKER, FOR ADDING THIS TO YOUR CONSENT CALENDAR. LB375 WAS INTRODUCED AND PASSED UNANIMOUSLY BY THE BANKING, COMMERCE AND INSURANCE COMMITTEE. AND, COMMITTEE MEMBERS, THANK YOU FOR THAT. LB375 CHANGES PROVISIONS RELATING TO A BROKER'S PRICE OPINION AND COMPARATIVE MARKET ANALYSIS. THE BILL WOULD ALLOW PROPERTY OWNERS TO USE CMAs AND BPOs WHEN FILING FOR VALUATION DISPUTES. THIS WOULD ALLEVIATE THE BURDEN ON APPRAISERS OF DOING SALES, PURCHASE, AND TAXATION VALUATIONS. APPRAISERS ARE IN AGREEMENT WITH THIS BILL. IT SIMPLY AMENDS SECTION 81-885.01 AND 81-885.16 OF THE NEBRASKA REAL ESTATE LICENSE ACT. I WOULD ASK FOR YOUR SUPPORT OF LB375. [LB375]

Floor Debate
April 29, 2015

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB375. SEEING NO ONE WISHING TO SPEAK, SENATOR CRAIGHEAD WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB375. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB375]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF LB375, MR. PRESIDENT. [LB375]

SPEAKER HADLEY: LB375 ADVANCES TO E&R INITIAL. MR. CLERK. [LB375]

ASSISTANT CLERK: LB515 INTRODUCED BY SENATOR CRAIGHEAD. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 21; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM380, LEGISLATIVE JOURNAL PAGE 614.) [LB515]

SPEAKER HADLEY: SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB515]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. AND THANK YOU FOR ADDING THIS TO YOUR CONSENT CALENDAR. LB515 WAS PASSED UNANIMOUSLY THROUGH THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THE NEBRASKA INVESTMENT FINANCE AUTHORITY WAS CREATED BY THE LEGISLATURE IN 1983 PURSUANT TO SPECIFIC STATE STATUTE--THE NIFA ACT--AS A BODY...AS A BODY OF A POLITIC AND CORPORATE STRUCTURE AND NOT A STATE AGENCY. IT IS ALSO AN INDEPENDENT INSTRUMENT OF THE STATE WHICH EXERCISES ESSENTIAL PUBLIC FUNCTIONS IDENTIFIED BY THE LEGISLATURE. THE LEGISLATURE HAD PREVIOUSLY FOUND THAT THE COST OF AGRICULTURAL LOANS AND THE GENERAL UNAVAILABILITY OF SUCH LOANS AT FAVORABLE RATES AND TERMS FOR FARMERS AND RANCHERS, PARTICULARLY BEGINNING FARMERS AND RANCHERS, HAD RESULTED IN DECREASED CROP, LIVESTOCK, AND BUSINESS PRODUCTIVITY, AND PREVENTED FARMERS AND RANCHERS FROM ACQUIRING MODERN AGRICULTURAL EQUIPMENT AND PROCESSES. TO HELP ADDRESS THIS NEED, NIFA ADMINISTERS THE BEGINNING FARMER AND RANCHER LOAN PROGRAM IN ACCORDANCE WITH SECTION 147 OF THE INTERNAL REVENUE CODE OF 1986. WORKING CLOSELY WITH NEBRASKA BANKS, NIFA PROVIDES A PROGRAM TO PROVIDE FINANCING TO BEGINNING FARMERS AND RANCHERS FOR THE ACQUISITION OF FARMLAND, EQUIPMENT, AND, IN SOME CASES, LIVESTOCK. PURSUANT TO THE CODE IN THE NIFA ACT,

Floor Debate
April 29, 2015

INTEREST ON THE BONDS ISSUED TO FINANCE THESE LOANS IS EXEMPT FROM FEDERAL AND NEBRASKA STATE INCOME TAXES. BOTH THE CODE AND THE NIFA ACT CONTAIN CERTAIN RESTRICTIONS TO ENSURE THAT THE PUBLIC PROPOSALS OF THE PROGRAM ASSISTING BEGINNING FARMERS AND RANCHERS ARE CARRIED OUT. ONE OF THESE RESTRICTIONS IS THE AMOUNT OF THE BOND THAT MAY BE ISSUED AND THE LOAN THAT BE MADE TO THE BEGINNING FARMER OR RANCHER WITH THE PROCEEDS OF THE BOND. THE RESTRICTION IS PROVIDED FOR IN BOTH THE CODE AND THE NIFA ACT. CURRENTLY, THOSE LIMITS ARE SET AT DIFFERENT LEVELS. TEN YEARS AGO, LB90 WAS ENACTED ADJUSTING THE NIFA LOAN LIMIT TO THE FIXED AMOUNT OF \$500,000 WHEN THE FEDERAL LOAN LIMIT WAS FIXED AT \$450,000. IN 2008 AN AMENDMENT TO THE IRS CODE SECTION 147(c)(2)(A) PROVIDED FOR A LOAN LIMIT FOR THIS PROGRAM THAT IS ANNUALLY ADJUSTED FOR INFLATION PURSUANT TO A PRICE LEVEL INDEX. THE FEDERAL LOAN LIMIT FOR SECTION 142 PROGRAM IS NOW \$517,700, WHILE THE LOAN LIMIT APPLICABLE IN THE NIFA ACT REMAINS AT \$500,000. PROVIDING FOR AN INCREASE IN THE LOAN LIMIT UNDER THE NIFA ACT TO MATCH THAT IN THE FEDERAL CODE WILL BETTER ENABLE NIFA TO ASSIST BEGINNING FARMERS AND RANCHERS IN THE STATE. LB515 WOULD AMEND THE NIFA ACT TO ADJUST THE AGGREGATE AMOUNT OF THE LOAN RECEIVED BY A BEGINNING FARMER OR RANCHER THROUGHOUT THE NIFA PROGRAM IN A MANNER TO KEEP IT CONSISTENT WITH THE FEDERAL LOAN LIMIT FOR THE PROGRAM, AS SPECIFIED IN THE CODE. TO ENABLE NIFA TO BETTER SERVE NEBRASKA'S BEGINNING FARMERS AND RANCHERS, I ASK FOR YOUR SUPPORT OF LB515. [LB515]

SPEAKER HADLEY: (VISITORS INTRODUCED.) AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR MURANTE, AS CHAIR OF THE BANKING, COMMERCE AND INSURANCE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. SENATOR SCHEER, I'M SORRY. [LB515]

SENATOR SCHEER: (LAUGH) I GUESS, THANK YOU, MR. SPEAKER. LB515 IS AN IMPORTANT BILL TO UPDATE OUR LAWS AS THEY RELATE TO THE NIFA LOANS FOR BEGINNING FARMERS AND RANCHERS. THE COMMITTEE AMENDMENT WAS SUGGESTED TO THE COMMITTEE BY REPRESENTATIVES OF NIFA AT THE PUBLIC HEARING FOR LB515. THE AMENDMENT IS A ONE-WORD CHANGE, THE INSERTION OF THE WORD "MINOR." THERE ARE AGGREGATION RULES APPLICABLE TO THE NIFA LOANS UNDER THE FIRST TIME FARMER/RANCHER PROGRAM. IN COMPUTING THE AMOUNT OF THE LOAN RECEIVED BY AN INDIVIDUAL, THE AMOUNT SHALL BE AGGREGATED WITH THOSE LOANS RECEIVED BY HIS OR HER SPOUSE AND CHILDREN. THE COMMITTEE

Floor Debate
April 29, 2015

AMENDMENT WOULD SPECIFY THAT THE LOAN BE AGGREGATED WITH LOANS RECEIVED BY MINOR CHILDREN AND NOT ADULT CHILDREN. THIS CHANGE WILL TRACK WITH EXISTING PROVISIONS OF THE INTERNAL REVENUE CODE. I WOULD URGE YOUR ADOPTION OF THE COMMITTEE AMENDMENT AND ADVANCEMENT OF LB515. THANK YOU, MR. SPEAKER. [LB515]

SPEAKER HADLEY: SEEING NO ONE WISHING TO SPEAK, I APOLOGIZE TO SENATOR SCHEER. SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE AMENDMENT, COMMITTEE AMENDMENT. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB515]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB515]

SPEAKER HADLEY: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR CRAIGHEAD WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF LB515. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB515]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB515]

SPEAKER HADLEY: LB515 ADVANCES TO E&R INITIAL. MR. CLERK. [LB515]

ASSISTANT CLERK: MR. PRESIDENT, LB570 INTRODUCED BY SENATOR BRASCH. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 21, REFERRED TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM398, LEGISLATIVE JOURNAL PAGE 623.) [LB570]

SPEAKER HADLEY: SENATOR BRASCH, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB570]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND GOOD MORNING, MEMBERS OF THE LEGISLATURE, MY FELLOW COLLEAGUES HERE. AND GOOD MORNING TO THE STATE OF NEBRASKA WHO ARE WATCHING. LB570 BUILDS ON CURRENT STATE LAW REGARDING THE LOCAL AUTHORITY OF CITIES, VILLAGES, AND

Floor Debate
April 29, 2015

COUNTIES TO PERMIT OR NOT PERMIT THE USAGE OF GOLF CARTS WITHIN THEIR JURISDICTION. CURRENTLY, A CITY, VILLAGE, OR COUNTY MAY ONLY AUTHORIZE THE USE OF GOLF CART VEHICLES WITHIN ITS JURISDICTION IF THE STREET IS CONTIGUOUS OR ADJACENT TO A GOLF COURSE. LB570 EXPANDS THE AUTHORITY OF THE CITIES, VILLAGES, AND COUNTIES TO PERMIT THE USAGE THROUGHOUT THEIR JURISDICTION. AS SENATOR SMITH WILL BE OFFERING AN OVERVIEW OF THE COMMITTEE AMENDMENT, I WILL BRIEFLY ARTICULATE SOME REASONS FOR THIS CHANGE. FIRST, LB570 LOCALS...OFFERS LOCAL GOVERNING BODIES THE AUTHORITY TO PERMIT OR NOT PERMIT AN EXPANDED USE OF GOLF CART VEHICLES. WITHIN THIS AUTHORITY, THE LOCAL GOVERNING BODY MUST MEET THE BASELINE SAFETY REQUIREMENTS DESIGNED BY THE BILL. HOWEVER, THE LOCAL GOVERNING BODY CAN CERTAINLY GO ABOVE AND BEYOND THESE BASELINE SAFETY REQUIREMENTS BY IMPLEMENTING MORE STRINGENT STANDARDS TO MEET THEIR COMMUNITY NEEDS. IN THIS SENSE, LB570 PROVIDES A MEANS FOR LOCAL COMMUNITIES TO SAFELY AND SUFFICIENTLY REGULATE AND AUTHORIZE THE OPERATION OF GOLF CARTS WITHIN THEIR COMMUNITY, OR THEY MAY CHOOSE NOT TO DO SO. ANOTHER REASON FOR THIS LEGISLATION IS THE INCREASE IN THE USE OF GOLF CART VEHICLES AS AN ALTERNATIVE FORM OF TRANSPORTATION HAPPENING THROUGHOUT OUR NATION. OUR SURROUNDING STATES, SUCH AS IOWA, KANSAS, AND COLORADO, HAVE STATUTES REGARDING THE AUTHORIZATION OF GOLF CART VEHICLES WITHIN LOCAL JURISDICTIONS. IN FACT, LB570 IS LARGELY BASED OFF OF THESE STATES' STATUTES THAT HAVE BEEN IN PLACE FOR YEARS AND HAVE BEEN IMPLEMENTED WITHOUT SERIOUS RISKS TO HEALTH AND SAFETY. IN REGARD, LB570 PROVIDES OUR LOCAL COMMUNITIES WHO MAY WISH TO IMPLEMENT THIS LEGISLATION TO DO SO. OVERALL, LB570 PROVIDES A SAFE METHOD OF PERMITTING OUR LOCAL GOVERNING BODIES THE ABILITY TO AUTHORIZE OR NOT AUTHORIZE THE USE OF GOLF CART VEHICLES WITHIN THEIR JURISDICTION. IT OFFERS IMPORTANT BASELINE SAFETY PROVISIONS WHICH LOCAL COMMUNITIES ARE ABLE TO GO ABOVE AND BEYOND TO ENSURE THE SAFETY OF THEIR COMMUNITIES. I THANK YOU FOR YOUR ADOPTION OF LB570 AND THE COMMITTEE AMENDMENT. AND THANK YOU, COLLEAGUES, FOR YOUR TIME. [LB570]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SMITH, AS CHAIR OF THE TRANSPORTATION, TELECOMMUNICATIONS COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENT. [LB570]

Floor Debate
April 29, 2015

SENATOR SMITH: THANK YOU, MR. PRESIDENT, THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE AMENDMENT WILL SUBSTITUTE FOR AND REPLACE THE BILL AS INTRODUCED. THE AMENDMENT RETAINS THE EXISTING LAW THAT AUTHORIZES A CITY OR COUNTY TO AUTHORIZE THE OPERATE OF A GOLF CART...TO AUTHORIZE THE OPERATION OF GOLF CART VEHICLES ON STREETS THAT ARE ADJACENT TO AND CONTIGUOUS TO A GOLF COURSE. THE LAW CURRENTLY AUTHORIZING THE OPERATION OF A GOLF CART ON A STREET ADJACENT TO A GOLF COURSE DOES REQUIRE THAT THE OWNER OF THE VEHICLE HAVE LIABILITY COVERAGE. THE COMMITTEE AMENDMENT STATES THAT THE PERSON OPERATING THE GOLF CART SHALL HAVE FIVE DAYS TO PRESENT PROOF OF SUCH INSURANCE FOLLOWING A REQUEST FROM A LAW ENFORCEMENT OFFICER. THE COMMITTEE AMENDMENT THEN ADDS A NEW SUBSECTION THAT ADDRESSES THE INTENT OF SENATOR BRASCH'S ORIGINAL LB570. UNDER THE COMMITTEE AMENDMENT, CITIES AND COUNTIES WOULD BE AUTHORIZED TO EXPAND THE OPERATION OF GOLF CART VEHICLES ON STREETS AND ROADS, SUBJECT TO THE FOLLOWING LIMITATIONS: OPERATION ONLY BETWEEN SUNRISE AND SUNSET; OPERATION ONLY UPON A STREET WITH A POSTED SPEED LIMIT OF 35 MILES PER HOUR OR LESS; THE VEHICLE CANNOT BE OPERATED AT A SPEED IN EXCESS OF 20 MILES PER HOUR; THE VEHICLE MAY NOT BE OPERATED ON ANY STATE OR FEDERAL HIGHWAY EXCEPT FOR A CROSSING OF A HIGHWAY; AND A CITY OR COUNTY MAY, BY ORDINANCE, ADOPT STRICTER OPERATING REQUIREMENTS. ANY PERSON OPERATING A GOLF CART UNDER THIS NEW SUBSECTION SHALL POSSESS A VALID CLASS O DRIVER'S LICENSE AND SHALL DEMONSTRATE FINANCIAL RESPONSIBILITY AT THE STATE MINIMUM INSURANCE REQUIREMENTS. MR. PRESIDENT, I'D BE HAPPY TO ANSWER ANY QUESTIONS THAT MAY ARISE AND I URGE THE ADOPTION OF THE COMMITTEE AMENDMENT. THANK YOU. [LB570]

SPEAKER HADLEY: YOU'VE HEARD THE INTRODUCTION OF THE COMMITTEE AMENDMENT. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB570]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SMITH WOULD YIELD FOR A QUICK QUESTION. [LB570]

SPEAKER HADLEY: SENATOR SMITH, WILL YOU YIELD? [LB570]

SENATOR SMITH: I WILL. [LB570]

Floor Debate
April 29, 2015

SENATOR BLOOMFIELD: THANK YOU, SENATOR. YOUR AMENDMENT, YOU SPECIFIED CLASS O DRIVER'S LICENSE? [LB570]

SENATOR SMITH: YES. [LB570]

SENATOR BLOOMFIELD: WHAT ABOUT MY CDL? AM I GOING TO BE ALLOWED TO OPERATE? I THINK THAT'S SOMETHING WE MAY NEED TO LOOK AT BETWEEN NOW AND SELECT. [LB570]

SENATOR SMITH: THEY WOULD BE ABLE TO OPERATE WITH A CDL, YES. [LB570]

SENATOR BLOOMFIELD: OKAY, THANK YOU. [LB570]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE. SENATOR SMITH WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE; OPPOSED, VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB570]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS. [LB570]

SPEAKER HADLEY: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR BRASCH, YOU'RE RECOGNIZED TO CLOSE. SENATOR BRASCH WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF LB570 ADVANCEMENT TO E&R INITIAL. ALL IN FAVOR VOTE AYE; OPPOSED, VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB570]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB570]

SPEAKER HADLEY: LB570 ADVANCES TO E&R INITIAL. MR. CLERK. [LB570]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB477, IS A BILL INTRODUCED BY SENATOR DAVIS. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 20 OF THIS YEAR; REFERRED TO THE EDUCATION COMMITTEE; PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB477]

Floor Debate
April 29, 2015

SPEAKER HADLEY: SENATOR DAVIS, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB477]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, FOR PUTTING THIS ON THE CONSENT AGENDA; AND GOOD MORNING, MEMBERS. LB477 MAKES AN EXCEPTION TO THE CURRENT SCHOOL DISTRICT REORGANIZATION PROCEDURES FOR A CLASS II OR CLASS III SCHOOL DISTRICT IF THAT DISTRICT MAINTAINS THE ONLY PUBLIC HIGH SCHOOL IN A COUNTY, EVEN IF THAT DISTRICT IS WITHIN 15 MILES OF ANOTHER DISTRICT. LB477 PROVIDES THAT IF THE AVERAGE DAILY MEMBERSHIP IN GRADES 9 THROUGH 12 AT SUCH SCHOOL DISTRICT FALLS BELOW 25 STUDENTS, THE DISTRICT MAY CONTINUE TO OPERATE, PROVIDED A MAJORITY OF RESIDENT VOTERS WITHIN THE SCHOOL DISTRICT APPROVE A BALLOT ISSUE EVERY YEAR TO CONTINUE OPERATING THE HIGH SCHOOL FOR THE FOLLOWING SCHOOL YEAR AND PROVIDED THAT A CURRICULUM PLAN IS IN PLACE TO ASSURE A QUALITY EDUCATION FOR THE RESIDENT STUDENTS. IF HIGH SCHOOL MEMBERSHIP FALLS BELOW 15 STUDENTS, THAT WOULD NO LONGER APPLY AND THE STATE COMMITTEE FOR THE REORGANIZATION OF SCHOOL DISTRICTS WOULD FOLLOW THEIR CURRENT PROCEDURES TO DISSOLVE THE DISTRICT. THE SCHOOL OF CONCERN IN MY DISTRICT IS LOUP COUNTY PUBLIC SCHOOLS LOCATED IN TAYLOR, THE ONLY TOWN IN LOUP COUNTY. ENROLLMENTS IN GRADES 9 THROUGH 12 HAS HOVERED AROUND 30, BUT BASED ON THE LOW NUMBER OF GRADE-SCHOOLERS COMING UP, HIGH SCHOOL ENROLLMENT WILL LIKELY FALL TO 24 IN 2015-2016, AND TO 23 THE FOLLOWING YEAR. LOUP COUNTY IS HOME TO THE CALAMUS RIVER AND TAYLOR IS SEEING AN INCREASING NUMBER OF ITS RESIDENTIAL HOMES BEING PURCHASED FOR SEASONAL RESIDENCES. WHILE THE ECONOMIC DEVELOPMENT IS WELCOME, THIS LOWERS THE AVAILABILITY OF HOUSING OF FAMILIES MOVING INTO THE AREA, AND AS A RESULT, THE NUMBER OF STUDENTS WHO COULD MOVE INTO THE TAYLOR SCHOOL DISTRICT. TAYLOR IS SITUATED A FEW MILES NORTH OF THE CUSTER COUNTY LINE IN THE EXTREME SOUTHERN PORTION OF LOUP COUNTY. THE NEAREST HIGH SCHOOLS ARE EACH IN A DIFFERENT NEIGHBORING COUNTY AND WHILE TWO OF THOSE SCHOOLS ARE WITHIN 15 MILES, OTHER RESIDENTS OF THE DISTRICT MAY ALREADY BE TRAVELLING OVER 25 MILES TO BRING THEIR CHILDREN TO SCHOOL IN TAYLOR. CONSOLIDATION WOULD CREATE AN INCREASINGLY LONG DISTANCE FOR SEVERAL OF THESE FAMILIES. A SCHOOL CLOSING CAN BE DEVASTATING FOR A LOCAL COMMUNITY AND THIS BILL WOULD ALLOW SOME LOCAL INPUT INTO THE DECISION TO KEEP A COUNTY'S ONLY HIGH SCHOOL OPEN. TO BE CLEAR, THIS WOULD REQUIRE A MAJORITY VOTER APPROVAL IN A DISTRICT-WIDE VOTE EACH SCHOOL YEAR STARTING IN NOVEMBER OF THE SECOND CONSECUTIVE

Floor Debate
April 29, 2015

YEAR THAT FALL MEMBERSHIP IS BELOW 25. BY REQUIRING A VOTE OF THE MEMBERS OF THE ELECTORATE IN THOSE COUNTIES EACH YEAR, THE LEGISLATURE WILL BE ASSURED THAT THERE IS STRONG SUPPORT FOR THE CONTINUATION OF THIS SCHOOL DISTRICT AND THE SCHOOL WILL BE HELD TO A HIGH STANDARD OF ACCOUNTABILITY. THE OTHER IMPORTANT ELEMENT OF THIS BILL IS THE INPUT OFFERED TO LANDOWNERS WITHIN THE DISTRICT. UNDER LB477, IF THE BALLOT ISSUE WERE TO FAIL, THE SCHOOL DISTRICT WOULD BE DISSOLVED AND ITS TERRITORY ATTACHED TO CONTIGUOUS EXISTING SCHOOL DISTRICTS BASED ON THE PREFERENCES OF LANDOWNERS WITHIN THE DISSOLVED DISTRICT. A LANDOWNER WOULD HAVE THE OPTION TO SUBMIT A PREFERENCE OF WHICH DISTRICT THEY WOULD LIKE TO BE ATTACHED TO AS LONG AS THEY SPECIFY IT IS THEIR INTENT THAT ANY CHILDREN WHO MIGHT RESIDE ON THE PROPERTY IN THE FUTURE WOULD BE EXPECTED TO ATTEND THAT SCHOOL DISTRICT. I CAN SPEAK FROM EXPERIENCE, THAT PRIOR ORGANIZATION PLANS PUT FORWARD BY THE STATE DID NOT SERVE THE BEST INTEREST OF THE CHILDREN, PARENTS, AND LANDOWNERS INVOLVED. SOME LANDOWNERS HAVE BEEN ATTACHED TO HIGH SCHOOLS WHICH ARE OVER 100 MILES AWAY, OR IN OTHER INSTANCES, THE DISTRICTS WHICH ARE INACCESSIBLE DUE TO THE LACK OF GOOD PASSABLE ROADS. I DON'T WANT THAT TO HAPPEN TO LANDOWNERS IN LOUP COUNTY. LB477 WOULD GIVE COMMUNITIES AND PROPERTY OWNERS A LITTLE MORE LOCAL CONTROL IN A UNIQUE SITUATION THAT REALLY DOES NEED TO BE ADDRESSED THIS YEAR. I URGE YOU TO VOTE TO ADVANCE THIS BILL TO SELECT FILE. THANK YOU VERY MUCH. [LB477]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE. SENATOR DAVIS WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB477 TO E&R INITIAL. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB477]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB477]

SPEAKER HADLEY: LB477 ADVANCES TO E&R INITIAL. MR. CLERK. [LB477]

CLERK: LB513, INTRODUCED BY SENATOR CRAIGHEAD, (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 21; REFERRED TO THE EDUCATION COMMITTEE, PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB513]

Floor Debate
April 29, 2015

SPEAKER HADLEY: SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB513]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. AND THANK YOU FOR ADDING THIS TO THE CONSENT CALENDAR. LB513 CHANGES PROVISIONS RELATING TO THE USE AND LEASING OF SCHOOL PROPERTY. IT AMENDS SECTION 79-10,107 TO PROVIDE SCHOOL DISTRICTS MORE FLEXIBILITY TO LEASE SCHOOL DISTRICT PROPERTY. THE CURRENT STATUTE ALLOWS A SCHOOL DISTRICT TO LEASE PROPERTY WHEN IT DETERMINES THAT THE PROPERTY IS NOT NEEDED FOR IMMEDIATE USE BY THE SCHOOL DISTRICT. LB513 AMENDS THAT STATUTE TO ALLOW A DISTRICT TO LEASE PROPERTY IF IT DETERMINES THAT ANY PROPERTY OR PORTION THEREOF IS NOT NEEDED FOR FUTURE USE. THE NUANCE IN THE LANGUAGE IS IMPORTANT. THE WORDS "IMMEDIATE USE" HAVE DETERMINED IN LEGAL DOCUMENTS TO MEAN A PERIOD OF A YEAR OR TWO AT BEST. FUTURE USE WOULD ALLOW FOR PERIODS OF MANY YEARS TO BE COMMITTED TO FOR THE PURPOSE OF PROPERTY LEASE. IN SMALL SCHOOL DISTRICTS, ESPECIALLY IN RURAL TOWNS WHERE SCHOOL-AGED POPULATIONS ARE SHRINKING LEAVING VALUABLE BUILDINGS EMPTY, THE NEW WORDING COULD MAKE IT POSSIBLE FOR SCHOOL DISTRICTS TO ENTER INTO CONTRACTS WITH BUSINESSES WISHING TO USE THE PROPERTY. THIS IS A WIN-WIN FOR COMMUNITIES WITH VACANT BUILDINGS. THERE IS POTENTIAL INCREASED REVENUE FOR THE COMMUNITY WITH THE ADDITIONAL VALUE OF REVITALIZING VACANT AREAS. LB513, ESSENTIALLY, DOES TWO THINGS: PARAGRAPH ONE CLARIFIES THE ABILITY OF THE SCHOOL DISTRICT TO PERMIT THE USE OF THE SCHOOL DISTRICT PROPERTY AT TIMES WHEN IT IS NOT NEEDED FOR SCHOOL USE. THIS WOULD BE VIEWED AS A SHORT-TERM LEASE OR RENTAL. PARAGRAPH TWO PROVIDES SCHOOL DISTRICTS WITH THE AUTHORITY TO ENTER INTO LONGER-TERM AGREEMENTS. UNDER PARAGRAPH TWO, THE SCHOOL DISTRICT MUST FIRST DETERMINE THAT A PROPERTY IS NOT CURRENTLY NEEDED AND THAT THE PROPERTY MAY BE NEEDED FOR FUTURE USE. ONCE THOSE DETERMINATIONS HAVE BEEN MADE, THE SCHOOL BOARD OR BOARD OF EDUCATION MAY LEASE THE PROPERTY OR A PORTION OF IT, OR ON WHATEVER TERMS AND CONDITIONS IT DETERMINES. I ASK FOR YOUR SUPPORT OF LB513. [LB513]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING. SEEING NO ONE WISHING TO SPEAK, SENATOR CRAIGHEAD WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB513. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB513]

Floor Debate
April 29, 2015

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE ADVANCEMENT OF LB513, MR. PRESIDENT. [LB513]

SPEAKER HADLEY: LB513 ADVANCES TO E&R INITIAL. MR. CLERK. [LB513]

ASSISTANT CLERK: MR. PRESIDENT, LB640 INTRODUCED BY SENATOR GARRETT, (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 21; REFERRED TO THE GOVERNMENT COMMITTEE, PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB640]

SPEAKER HADLEY: SENATOR GARRETT, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB640]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. TODAY, I RISE AND ASK YOU TO SUPPORT LB640 WHICH AMENDS SECTION 80-413 IN ORDER TO MAKE THE OMAHA NATIONAL CEMETERY CONSISTENT WITH THE FORT McPHERSON NATIONAL CEMETERY, ALONG WITH THE VETERANS ADMINISTRATION HOSPITALS IN OMAHA, LINCOLN, AND GRAND ISLAND. THE LAND FOR THE OMAHA NATIONAL CEMETERY IN SARPY COUNTY IS CURRENTLY UNDER THE JURISDICTION OF THE U.S. DEPARTMENT OF VETERAN'S AFFAIRS. IF THE OMAHA NATIONAL CEMETERY EVER STOPS USING THE LAND, THEN THE LAND WILL REVERT BACK TO JURISDICTION OF THE STATE OF NEBRASKA WHICH IS THE RETROCESSION. COLLEAGUES, I ASK FOR YOUR SUPPORT OF LB640. THANK YOU. [LB640]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING TO LB640. SEEING NO ONE, SENATOR GARRETT, YOU'RE RECOGNIZED TO CLOSE. SENATOR GARRETT WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF THE BILL: ALL IN FAVOR VOTE AYE; OPPOSED, VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB640]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB640]

SPEAKER HADLEY: LB640 ADVANCES TO E&R INITIAL. MR. CLERK. [LB640]

ASSISTANT CLERK: NEXT BILL, MR. PRESIDENT, IS LB291 INTRODUCED BY SENATOR COASH. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 15; REFERRED TO THE GOVERNMENT, MILITARY, AND VETERANS AFFAIRS

Floor Debate
April 29, 2015

COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM553, LEGISLATIVE JOURNAL PAGE 693.) [LB291]

SPEAKER HADLEY: SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB291]

SENATOR COASH: THANK YOU AND GOOD MORNING, COLLEAGUES. "CAPTAIN CHAOS" COASH WOULD LIKE TO ASK FOR YOUR SUPPORT OF LB291, WHICH IS A BILL TO REMOVE PROFESSIONAL WRESTLING FROM THE JURISDICTION OF THE STATE ATHLETIC COMMISSION. I BROUGHT THIS BILL ON BEHALF OF PINNACLE BANK ARENA, FROM MY DISTRICT; OMAHA CENTURYLINK CENTER, AND FOR PROFESSIONAL WRESTLING FANS FROM ACROSS THE STATE. THE BILL ADVANCED UNANIMOUSLY FROM THE GOVERNMENT COMMITTEE AND "CAPTAIN CHAOS" WOULD LIKE TO THANK CHAIRMAN JOHN "BIG FRED" MURANTE, TOMMY "GRASSGROWER" GARRETT, DAVE "THE MAN IN BLACK" BLOOMFIELD, JONI "CANDY CRUSHER" CRAIGHEAD, MIKE "THE GRAPPLER" GROENE, MATT "THE HIT MAN" HANSEN, "LAWLESS" TYLER (SIC) LARSON, AND BEAU "THE BOWTIE" McCOY FOR THEIR SUPPORT. IN ADDITION, I WOULD LIKE TO THANK SPEAKER GALEN "HAMMER HEAD" HADLEY FOR PLACING LB291 ON CONSENT CALENDAR. CURRENTLY, THE NEBRASKA ATHLETIC COMMISSION INCORPORATES A 5 PERCENT TAX OF GROSS REVENUE ON THE RIGHTS, BROADCAST FEE FOR LIVE TELEVISED EVENTS, EXCLUSIVE OF STATE AND FEDERAL TAXES. BY REMOVING PROFESSIONAL WRESTLING FROM THE JURISDICTION OF THE ATHLETIC COMMISSION, THE 5 PERCENT TELEVISION TAX WOULD NOT APPLY TO LIVE PROFESSIONAL WRESTLING EVENTS. NOW, I'M SORRY IF THERE ARE ANY CHILDREN IN THE BALCONY, BUT I DO HAVE A CONFESSION TO MAKE, BUT IN CASE YOU ARE UNAWARE OF THIS, "CAPTAIN CHAOS" IS TELLING YOU FOR THE FIRST TIME, PROFESSIONAL WRESTLING IS NOT A REAL SPORT. (LAUGHTER) IT IS NOT A COMPETITIVE SPORT. IT IS NO DIFFERENT THAN A SCRIPTED PLAY OR A MUSICAL THAT YOU MIGHT SEE AT THE LIED CENTER, SOKOL AUDITORIUM, OR NORFOLK COMMUNITY CENTER. PROFESSIONAL WRESTLING IS NOT BOXING OR MIXED MARTIAL ARTS. IT IS ENTERTAINMENT AND IT SHOULD NOT BE UNDER THE SAME JURISDICTION OF THOSE TWO SPORTS. PROFESSIONAL WRESTLING HAS MORE IN COMMON WITH CIRQUE DU SOLEIL AND RINGLING BROTHERS THAN IT DOES WITH BOXING. LB291 WILL HELP ENSURE THAT LIVE PROFESSIONAL WRESTLING EVENTS LIKE WWE, MONDAY NIGHT RAW, THURSDAY NIGHT SMACKDOWN, OR (INAUDIBLE) NEBRASKA. I HAVE IT ON GOOD AUTHORITY THAT THEY MAY NOT SEND LIVE ENTERTAINMENT BACK TO NEBRASKA BECAUSE OF THE ADDITIONAL TAXES PLACED ON TICKET SALES THAT GO TO THE STATE ATHLETIC COMMISSION. LAST

Floor Debate
April 29, 2015

YEAR ALONE, NEBRASKA SAW THE WWE SELL OUT OMAHA CENTURYLINK CENTER FOR MONDAY NIGHT RAW AND LINCOLN'S PINNACLE BANK ARENA FOR THURSDAY NIGHT SMACKDOWN. THE WWE HAD TO FORK OVER \$60,000 OF REVENUE FOR EVENTS IN NEBRASKA. LOSING OUT ON THESE EVENTS WOULD HAVE A FISCAL IMPACT ON THE SURROUNDING COMMUNITY AND THE CITIES INCLUDING LOST REVENUE FROM THE STATE. REMOVING PROFESSIONAL WRESTLING FROM THE ATHLETIC COMMISSION WOULD MAKE NEBRASKA MORE ATTRACTIVE TO THE WWE AND ENTITIES LIKE IT THAN THE STATES THAT IMPOSE A SIMILAR TAX. THE CHANCES OF ATTRACTING FUTURE LIVE EVENTS IN NEBRASKA WOULD BE IN JEOPARDY IF THE BILL IS NOT PASSED. PROFESSIONAL WRESTLING HAS A HUGE FAN BASE AND A LARGE MARKET APPEAL. AND GROWING UP, "CAPTAIN CHAOS" DID WATCH WWF ON SUNDAY MORNINGS AND WAS CAUGHT UP IN THE STORY LINES. I REMEMBER WATCHING THE GREATS LIKE MACHO MAN SAVAGE, RANDY SAVAGE, AND THE ULTIMATE WARRIOR. BUT IT WOULD BE A TRAVESTY IF NONE OF THESE ENTERTAINERS AND THE FUTURE GENERATIONS OF PROFESSIONAL WRESTLERS NEVER HAD THE OPPORTUNITY TO PROVIDE LIVE ENTERTAINMENT TO ALL OF NEBRASKANS. SO IN CLOSING, "CAPTAIN CHAOS" WOULD ASK FOR YOUR SUPPORT OF LB291, ESPECIALLY FROM KATE "BAD NEWS" BOLZ, AL "DIESEL" DAVIS, DAVE "THE STORM CHASER" SCHNOOR, "STONE COLD" PAUL SCHUMACHER, KATE "THE SHIP WRECK" SULLIVAN, MATT "WALL STREET" WILLIAMS, SARA "THE HUNTER" HOWARD, JOHN "COBRA KAI" KUEHN. AND ADDITIONAL SUPPORT, OF COURSE FROM DAN "THE HURRICANE" HUGHES, "MR. SENSATIONAL" KEN SCHILZ, LYDIA "THE BOSS" BRASCH, BILL "KING KONG" KINTNER, AND JOHN "THE MAD DOG" McCOLLISTER, AND, OF COURSE, LAURA "EXTINCTION" EBKE WILL ENSURE THAT WE HAVE THE SUPPORT NEEDED TO BRING PROFESSIONAL WRESTLING ORGANIZATIONS LIKE THIS BACK TO NEBRASKA. I WAS UNABLE TO LIST EVERY SENATOR'S NAME IN MY OPENING, BUT DO NOT WORRY, THE MASTER LIST HAS BEEN DISTRIBUTED. FEEL FREE TO SPEAK IN A THIRD PERSON TODAY AND REFER TO YOUR COLLEAGUES ACCORDINGLY FOR THE REST OF THE DAY OR EVEN THE SESSION. THANK YOU, MR. PRESIDENT. [LB291]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. AS CHAIR OF THE GOVERNMENT, MILITARY, AND VETERANS AFFAIRS COMMITTEE, SENATOR MURANTE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB291]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. THIS AMENDMENT DOES LITTLE MORE THAN ATTACH THE EMERGENCY CLAUSE. AND I THINK THAT WE CAN ALL AGREE THAT ON THE

Floor Debate
April 29, 2015

ISSUE OF WRESTLING, AND THE STATE WRESTLING ATHLETIC COMMISSIONER, THAT AN EMERGENCY CERTAINLY DOES EXIST AND THAT WE NEED TO DO THIS IMMEDIATELY. SENATOR COASH PRESENTED ME WITH AN ENORMOUS CHALLENGE THAT WE LIKE HAVING THEME DAYS IN THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. AND IT TURNS OUT THAT THIS WAS THE ONLY BILL REFERENCED TO OUR COMMITTEE THAT HAS ANYTHING TO DO WITH PROFESSIONAL WRESTLING, BELIEVE IT OR NOT. SO, IN LIEU OF FINDING SOMETHING DIRECTLY ON POINT, WE JUST PUT IT IN WITH THE ACCOUNTABILITY AND DISCLOSURE BECAUSE NEBRASKA'S STATE GOVERNMENT "HULK HOGAN" FRANK DALEY APPEARED SEVERAL TIMES AND FLEXED HIS MUSCLES. SO HE GOT HIMSELF A NEW NICKNAME THAT DAY, AND I THINK HE LIKES IT. SO I ENCOURAGE YOU TO SUPPORT THE COMMITTEE AMENDMENT TO ATTACH THE EMERGENCY CLAUSE AND LB291. THANK YOU, MR. PRESIDENT. [LB291]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING TO THE COMMITTEE AMENDMENT. SEEING NO ONE IN THE QUEUE, SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT. ALL IN FAVOR VOTE AYE; OPPOSED, VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB291]

ASSISTANT CLERK: 40 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB291]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR COASH WAIVES CLOSING ON THE BILL. THE QUESTION IS THE ADOPTION OF LB291. ALL IN FAVOR VOTE AYE; OPPOSED, VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB291]

ASSISTANT CLERK: 42 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB291]

SPEAKER HADLEY: LB291 ADVANCES TO E&R INITIAL. MR. CLERK. [LB291]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB408, INTRODUCED BY SENATOR KOLTERMAN. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 16, REFERRED TO THE REVENUE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM586, LEGISLATIVE JOURNAL PAGE 716.) [LB408]

Floor Debate
April 29, 2015

SPEAKER HADLEY: SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB408]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. AND THANK YOU FOR PUTTING THIS ON THE CONSENT CALENDAR. GOOD MORNING, COLLEAGUES. THIS BILL WAS BROUGHT TO ME BY A CONSTITUENT. HE HAD MISSED PAYING HIS PROPERTY TAXES ON AN \$85 BILL. HE GOT A LETTER FROM OUR COUNTY SAYING THAT IF HE DIDN'T PAY HIS \$85 BILL THEY COULD FILE A FELONY COUNT AGAINST HIM. HE THOUGHT THAT WAS RATHER EXCESSIVE. SO HE BROUGHT THE BILL TO ME AND ASKED ME IF I WOULD LOOK AT IT THIS PAST SUMMER. I LOOKED AT THE STATUTE AND I AGREED WITH HIM THAT I THOUGHT A FELONY CHARGE FOR MISSING AN \$85 TAX BILL WAS A LITTLE EXCESSIVE. SO I HAD A BILL DRAFTED. WE TOOK IT TO THE COMMITTEE. THE COMMITTEE LOOKED AT IT. MY INTENT WAS TO REDUCE IT TO A MISDEMEANOR AT BEST. THE COMMITTEE LOOKED AT IT AND SAID WE DON'T EVEN SEE A NEED FOR THE STATUTE. SO YOU'RE GOING TO HEAR AN AMENDMENT TO ELIMINATE THE STATUTE. AND I APPRECIATE A GREEN LIGHT ON LB408, AS WELL AS THE AMENDMENT. THANK YOU. [LB408]

SENATOR COASH PRESIDING

SENATOR COASH: THANK YOU, SENATOR KOLTERMAN. AS THE CLERK HAS STATED, THERE'S AN AMENDMENT FROM THE REVENUE COMMITTEE. SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB408]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I SEE THAT I'M THE "GARGOYLE." HOPEFULLY THAT DOESN'T RELATE TO MY LOOKS, BUT RELATES MORE TO MY HARD HEAD AND STONE HEART WHEN IT COMES TO SERVING AS CHAIR OF THE COMMITTEE. THE AMENDMENT BECOMES THE BILL. COUNTY TREASURERS WOULD NO LONGER BE REQUIRED TO COMPLY WITH THE SECTION. IT LEAVES TO THE PENALTY ON THE BOOKS. IT'S RARELY, IF EVER, USED; ALTHOUGH, AS SENATOR KOLTERMAN HAS POINTED OUT, IT WAS USED AS RELATES TO ONE OF HIS CONSTITUENTS. BUT THE TREASURERS ARE NO LONGER REQUIRED TO COMPLY IN ORDER TO FINALIZE THE COLLECTION OF DELINQUENT PROPERTY TAXES. IT'S A PRETTY SIMPLE CHANGE; BUT ONE, WE THINK, WILL MAKE IT WORK BETTER. THANK YOU, MR. PRESIDENT. AND I WOULD ASK FOR APPROVAL OF BOTH THIS, AS WELL AS THE BILL. [LB408]

Floor Debate
April 29, 2015

SENATOR COASH: THANK YOU, SENATOR GLOOR. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR GLOOR IS RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SENATOR GLOOR WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL THE COMMITTEE AMENDMENT TO LB408 BE ADOPTED? ALL THOSE IN FAVOR, VOTE AYE; ALL THOSE OPPOSED, VOTE NAY. RECORD, MR. CLERK. [LB408]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB408]

SENATOR COASH: COMMITTEE AMENDMENTS ARE ADOPTED. RETURN TO DISCUSSION ON LB408. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR KOLTERMAN IS RECOGNIZED TO CLOSE. HE WAIVES CLOSING. QUESTION BEFORE THE BODY--SHALL LB408 ADVANCE? ALL THOSE IN FAVOR, VOTE AYE; THOSE OPPOSED, VOTE NAY. RECORD, MR. CLERK. [LB408]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB408]

SENATOR COASH: LB408 DOES ADVANCE. NEXT ITEM. [LB408]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL IS LB310, INTRODUCED BY SENATOR DAVIS. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 15, REFERRED TO THE NATURAL RESOURCES COMMITTEE, THAT COMMITTEE PLACED THE BILL ON THE GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB310]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR DAVIS, YOU'RE RECOGNIZED TO OPEN ON LB310. [LB310]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I INTRODUCED LB310 AT THE REQUEST OF THE NIOBRARA COUNCIL WHICH VOTED IN DECEMBER TO APPROVE THE STATUTORY CHANGES THAT ARE PROPOSED BY THE BILL. LB310 WAS HEARD BY THE NATURAL RESOURCES COMMITTEE ON JANUARY 12 AND WAS ADVANCED TO GENERAL FILE UNANIMOUSLY. THE NIOBRARA RIVER RUNS PRIMARILY THROUGH PRIVATE LAND IN THE NORTHERN TIER OF THE STATE AND IS FEDERALLY PROTECTED AS AN OFFICIAL WILD AND SCENIC RIVER. THE STATE CREATED THE NIOBRARA

Floor Debate
April 29, 2015

COUNCIL IN 2000 AS A QUASI-GOVERNMENTAL BODY TO HELP PROTECT THE INTEREST OF PRIVATE LANDOWNERS. THE COUNCIL SERVES TO MEDIATE BETWEEN THE FEDERAL AGENCIES INVOLVED AND THE OUTFITTERS, LANDOWNERS, AND OTHER PRIVATE AND PUBLIC ENTITIES WITH A LOCAL INTEREST IN THE LAND ALONG THE RIVER CORRIDOR. LB310 HARMONIZES THE STATUTORY LANGUAGE WITH HOW THE COUNCIL HAS CONSISTENTLY OPERATED AND ENSURES THAT THE INPUT OF LOCAL BOARD MEMBERS ARE NOT UNNECESSARILY LIMITED. THE FIRST CHANGE SPECIFIES THAT THE REPRESENTATIVES SELECTED BY THE COUNTY BOARDS OF BROWN, CHERRY, KEYA PAHA, AND ROCK COUNTY WILL BE COMMISSIONERS. SINCE NIOBRARA COUNCIL BUSINESS OFTEN DIRECTLY AFFECTS THE COUNTIES, IT IS LOGICAL TO INCLUDE COMMISSIONERS WHICH HAS BEEN THEIR PRACTICE SO FAR. SECONDLY, LB310 SIMPLIFIES THE APPOINTMENT OF THE COUNCIL'S REPRESENTATIVES FROM THE UNITED STATES FISH AND WILD LIFE SERVICE AND THE UNITED STATES PARKS SERVICE. RATHER THAN HAVE THESE INDIVIDUALS APPOINTED BY THE GOVERNOR FROM A SHORT LIST PROVIDED BY THE FEDERAL AGENCIES, AS CURRENT LAW REQUIRES, THE BILL SIMPLY STATES THAT THE REGIONAL DIRECTORS FOR THESE TWO AGENCIES SHALL BE THE REPRESENTATIVES FOR THE ORGANIZATIONS ON THE NIOBRARA COUNCIL. THIS REFLECTS WHAT HAS CUSTOMARILY BEEN OCCURRING AND SIMPLIFIES THE PROCESS. LB310 ALSO CLARIFIES THE PROCESS FOR THE NONVOTING MEMBERS OF THE NIOBRARA COUNCIL WHO REPRESENT THE UNITED STATES PARK SERVICE AND THE FISH AND WILDLIFE SERVICE WHO MAY BECOME VOTING MEMBERS ON A SPECIFIC ISSUE BY AUTHORIZATION OF THEIR AGENCY. THESE INDIVIDUALS CUSTOMARILY MAKE AND SECOND MOTIONS, BUT HAVE NOT VOTED ON ISSUES. CURRENT STATUTE STATES THAT THE FEDERAL AGENCIES THEMSELVES MUST FORMALLY AUTHORIZE THE REPRESENTATIVES TO VOTE. LB310 INSERTS LANGUAGE WHICH DIRECTS THE AGENCIES TO NOTIFY THE COUNCIL AND THE GOVERNOR IF THEY FORMALLY AUTHORIZE THEIR REPRESENTATIVES TO VOTE. THE LAST CHANGE REMOVES LANGUAGE REQUIRING COUNCIL MEMBERS TO ABSTAIN FROM VOTING ON AN ISSUE IF THEY HAVE BEEN PART OF A FORMAL DISCUSSION ON THE SAME ISSUE IN THEIR ROLE AS A MEMBER OF A COUNTY BOARD, ZONING BOARD, OR NRD. THE COUNCIL HAS 16 MEMBERS. OF THESE, FOUR ARE COUNTY COMMISSIONERS, TWO ARE NRD MANAGERS, ONE REPRESENTS THE PARK SERVICE, AND ONE REPRESENTS THE FISH AND WILDLIFE SERVICE, AND NEITHER OF THE LAST TWO, TRADITIONALLY, VOTE ON AN ISSUE. A STRICT INTERPRETATION OF THE EXISTING STATUTE COULD RESULT IN HALF THE MEMBERS OF THE COUNCIL BEING DISQUALIFIED TO VOTE, ALTHOUGH THEY ARE OFTEN THE ONES MOST KNOWLEDGEABLE ABOUT THE PARTICULAR ISSUE. I URGE YOU TO VOTE IN

Floor Debate
April 29, 2015

SUPPORT OF THIS BILL AND HELP THE COUNCIL CONTINUE TO OPERATE EFFECTIVELY AND EFFICIENTLY. THANK YOU VERY MUCH. [LB310]

SENATOR COASH: THANK YOU, SENATOR DAVIS. YOU'VE HEARD THE OPENING TO LB310. SENATOR KEN HAAR, YOU ARE RECOGNIZED TO SPEAK. [LB310]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, LATER, I WOULD LIKE TO FIND OUT WHAT SENATOR COASH HAD FOR BREAKFAST AND REMIND HIM THAT MEDICAL MARIJUANA IS NOT YET LEGAL. I ENJOYED THAT. THANK YOU VERY MUCH. I RISE NOT IN OPPOSITION TO LB310, BUT TO TALK A LITTLE BIT ABOUT THE NIOBRARA SCENIC RIVER COUNCIL. I'VE CANOED AND KAYAKED THE NIOBRARA SCENIC RIVER A NUMBER OF TIMES. AND IF YOU HAVEN'T BEEN THERE, I RECOMMEND THAT YOU DO IT. IT'S JUST A BEAUTIFUL, BEAUTIFUL RIVER; A BEAUTIFUL PART OF THE STATE. AND VALENTINE ALWAYS LOVES IT WHEN YOU LEAVE A LITTLE BIT OF YOUR SALES TAX MONEY IN VALENTINE. THE ISSUE THAT I WANT TO TALK ABOUT WAS INTRODUCED AS LB622 THIS YEAR BY SENATOR LARSON AND IT'S STILL IN COMMITTEE. LB622 IS INTRODUCED TO UPDATE THE BOUNDARIES OF THE NIOBRARA SCENIC RIVER COUNCIL. AND THIS IS IMPORTANT FOR THE STATE. THE BACKGROUND: THE NIOBRARA RIVER WAS DESIGNATED AS A NATIONAL SCENIC RIVER BY THE FEDERAL GOVERNMENT AND THE FEDERAL GOVERNMENT SETS AND UPDATES THE BOUNDARIES OF THE SCENIC RIVERS AS NEEDED. A UNIQUE MANAGEMENT STRUCTURE WAS CREATED BY THE NIOBRARA SCENIC RIVER WHICH ALLOWED THE FEDERAL GOVERNMENT, IN THIS CASE, THE PARK SERVICE, TO MANAGE THE RIVER WITH A LOCAL PARTNER AND THAT'S UNUSUAL. IN ORDER TO GIVE THE LOCAL PARTNER ENOUGH CONTROL AND AUTHORITY, THE NEBRASKA LEGISLATURE, IN 2001, CREATED THE NIOBRARA COUNCIL IN STATUTE. AND IN DOING SO, GAVE THE COUNCIL AUTHORITY OVER AN AREA MATCHING THE SCENIC RIVER BOUNDARY. SINCE THAT TIME, BECAUSE OF A LAWSUIT THAT WAS BROUGHT BY A OMAHA BUSINESSMAN, THE FEDERAL GOVERNMENT HAS CHANGED THEIR NIOBRARA SCENIC RIVER BOUNDARY AND THE BOUNDARIES OF THE NIOBRARA COUNCIL, OUR LOCAL PARTNER, HAVE NOT BEEN CHANGED. IN FACT, IN RECENT YEARS, THE COUNCIL HAS OPPOSED CHANGING THE BOUNDARY TO MATCH THE FEDERAL'S UPDATED BOUNDARIES. THIS FAILURE ON THE PART OF THE NEBRASKA LEGISLATURE TO UPDATE OUR STATUTES TO ENSURE OUR LOCAL PARTNER ON THE NIOBRARA HAS THE AUTHORITY OVER THE SAME LANDS THE FEDERAL GOVERNMENT HAVE AUTHORITY OVER HAS CONSEQUENCES. AND THE FIRST ONE IS A MATTER OF LOCAL CONTROL. A LACK OF LOCAL COOPERATION COULD RESULT IN THE FEDERAL GOVERNMENT'S REFUSAL TO WORK WITH OUR NIOBRARA COUNCIL AND INSTEAD MANAGE THE ENTIRE SCENIC RIVER

Floor Debate
April 29, 2015

CORRIDOR FEDERALLY. THE NATIONAL PARK SERVICE HAS OTHER MANAGEMENT OPTIONS AVAILABLE FOR MANAGING SCENIC RIVERS AND PARTNERING WITH A LOCAL ENTITY, AGAIN IS A SOMEWHAT RARE OPPORTUNITY THAT WE SHOULD NOT LOSE. WE AS A STATE DO NOT WANT TO FORCE THE NATIONAL PARK SERVICE'S HAND DOWN THIS SLIPPERY SLOPE. THE SECOND IS THAT THE CONFUSION THAT IS CAUSED BY BOUNDARIES THAT DO NOT MATCH BETWEEN THE FEDERAL GOVERNMENT AND THE LOCAL COUNCIL IS COSTING THE AREA MONEY. THE BUDGET OF THE NATIONAL PARK SERVICE IN THE REGION HAS BEEN CUT BY TWO-THIRDS IN THE TIME THE BOUNDARIES HAVE NOT MATCHED AND THE GRANTS AVAILABLE TO THE NIOBRARA COUNCIL ARE DWINDLING. AND IN AT LEAST ONE CASE, THE DIFFERING BOUNDARIES AND THE PROBLEMS THAT HAS CAUSED HAS BEEN CITED AS THE REASON THAT GRANTS WERE NOT GIVEN. LESS MONEY MEANS LESS JOBS IN THE REGION, LESS CEDAR CONTROL, AND FIRE PROTECTION IN THE SCENIC RIVER CORRIDOR, AND LESS ACCESS BY ALL NEBRASKANS TO ONE OF OUR STATE TREASURES. AND FINALLY, DOING NOTHING ABOUT THIS ISSUE IS NOT NEUTRAL. A BILL WAS INTRODUCED BY SENATOR LARSON THIS SESSION TO UPDATE THE NIOBRARA COUNCIL BOUNDARIES TO CORRESPOND TO THE FEDERAL BOUNDARIES. [LB310 LB622]

SENATOR COASH: ONE MINUTE. [LB310]

SENATOR HAAR: AND THAT BILL REMAINS IN THE NATURAL RESOURCES COMMITTEE. I HOPE YOU'LL JOIN ME IN STUDYING THE ISSUE OVER THE SUMMER AND ENSURING OUR LOCAL PARTNERSHIP ON THE SCENIC RIVER IS RETAINED. AND THE MAP I PASSED OUT SHOWS THE FEDERAL BOUNDARIES IN ORANGE AND THE BLUE BOUNDARIES IN THE NIOBRARA COUNCIL. AND IT'S THE OPINION OF MANY THAT THOSE SHOULD BE THE SAME SO THAT THERE'S MORE FUNDING, AND SO THAT WE RETAIN THE LOCAL NIOBRARA SCENIC RIVER COUNCIL. THANK YOU VERY MUCH. [LB310]

SENATOR COASH: THANK YOU, SENATOR HAAR. (VISITORS INTRODUCED.)
SENATOR LARSON, YOU ARE RECOGNIZED. [LB310]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I DID INTRODUCE A BILL THIS YEAR ON THE NIOBRARA RIVER COUNCIL. AND IT'S LB622 AND IT'S STILL IN NATURAL RESOURCES. AND I UNDERSTAND THERE WASN'T THE WILL TO DO IT. I HAVE FOUGHT DURING MY TIME IN THE LEGISLATURE HEAVILY AGAINST THINGS LIKE THE GOVERNMENT TAKING LAND THROUGH WAYS SUCH AS THE

Floor Debate
April 29, 2015

ENVIRONMENTAL TRUST AND IT COMING OFF THE PROPERTY TAX ROLLS OR INDIVIDUAL ORGANIZATIONS USING ENVIRONMENTAL TRUST DOLLARS AND THEN, IN TURN, DONATING IT TO THE FEDERAL OR THE STATE GOVERNMENT. I THINK SENATOR HAAR KNOWS THAT. AND SENATOR HAAR AND I HAVE BEEN IN THE MIDDLE OF THOSE FIGHTS, BUT ON THE NIOBRARA RIVER COUNCIL, SENATOR HAAR AND I ARE IN LOCKSTEP TOGETHER, BECAUSE WE RECOGNIZE WHAT IS NECESSARY. THE NIOBRARA RIVER COUNCIL DOES OFFER LOCAL CONTROL TO THE INDIVIDUALS ON THE NIOBRARA SCENIC RIVER. THE NIOBRARA COUNCIL WAS CREATED IN STATE STATUTE BUT, FOR THE MOST PART, THE NIOBRARA RIVER COUNCIL IS FUNDED BY THE FEDERAL GOVERNMENT. WE DO GIVE THEM A TOKEN AMOUNT OF MONEY. I THINK IT'S \$20,000 OR \$30,000. BUT A MAJORITY OF THEIR MONEY COMES FROM THE FEDS. AND FRANKLY, IF WE DON'T MAKE CHANGES TO THE BOUNDARIES, WE ARE IN A RISK OF LOSING THOSE DOLLARS. AND LET ME TELL YOU WHY THOSE DOLLARS ARE IMPORTANT AND WHY IT'S IMPORTANT THAT THE FEDERAL GOVERNMENT WANTS TO WORK WITH THE LOCALS. IT'S IMPORTANT BECAUSE OF THINGS LIKE THE FIRES THAT WE HAD UP IN THAT AREA THREE OR FOUR YEARS AGO, BECAUSE THESE DOLLARS GO TO WORK TO CLEAR CEDAR TREES OFF THE RIVER AND IN THE BOUNDARIES AREA. IT GOES TO CLEAR VEGETATION; TO WORK WITH THE NRDs AND THE SURFACE WATER IRRIGATORS THAT COME THROUGH THE NIOBRARA RIVER BASIN. THESE ARE THINGS THAT CONTINUE TO HELP SUPPORT AND PROTECT AGRICULTURE. AND IF WE LOSE THOSE FEDERAL DOLLARS, BECAUSE WE DO NOT WISH TO RECOGNIZE THESE FEDERAL BOUNDARIES IN AN OBTUSE MANNER BECAUSE WE ARE WORRIED THAT THIS IS MORE GOVERNMENT CONTROL FROM THE FEDS, I THINK YOU ARE WRONG. BECAUSE IF THE FEDS DECIDE NOT TO KEEP WORKING WITH US, YES, THE NIOBRARA SCENIC RIVER COUNCIL WILL CONTINUE TO EXIST IN STATE STATUTE, BUT THE PARK SERVICE CAN PRETTY MUCH TELL US TO GO POUND SAND, AND WE'RE NOT GOING TO WORK WITH YOU. AND THEY HAVE CONTROL BECAUSE THEY HAVE CONTROL OVER THE NIOBRARA SCENIC RIVER AND CHOOSE TO PARTNER WITH THE STATE OF NEBRASKA AT THIS CURRENT POINT IN TIME. I WOULD RATHER HAVE A FUNCTIONING WORKING COUNCIL THAN ONE THAT BURIES ITS HEAD IN THE SAND AND SAYS WE'RE NOT GOING TO PLAY NICE. I CAN UNDERSTAND THE SENTIMENT AT TIMES. AS I SAID, I HAVE BEEN A STRONG CRITIC OF THE NEBRASKA ENVIRONMENTAL TRUST AND THEIR PRACTICES. BUT AT THE SAME TIME, I SEE SENSE WHEN THERE'S SENSE TO BE SEEN. AND THIS IS ONE OF THOSE MATTERS. LB310 IS FAIRLY INNOCUOUS AND DOES PRETTY MUCH NOTHING. BUT WHEN WE LOOK AT THE BOUNDARIES AND WHAT WE HAVE TO DO IN THE FUTURE, OR WE ARE GOING TO CONTINUE TO PUT THOSE LANDOWNERS IN DANGER... [LB310 LB622]

Floor Debate
April 29, 2015

SENATOR COASH: ONE MINUTE. [LB310]

SENATOR LARSON: ...WE HAVE TO MAKE CHANGES AND WE HAVE TO REALIZE WHAT IS RIGHT. UNDER OUR CURRENT BOUNDARY STRUCTURE, I WANT TO SAY THERE ARE...AND WHAT NEBRASKA DEFINES AS BOUNDARIES, I THINK THERE ARE 24 LANDOWNERS THAT ARE CURRENT BOUNDARIES THAT WE RECOGNIZE THAT THE FEDERAL GOVERNMENT DOESN'T RECOGNIZE. THERE ARE...WE, AS A STATE, CONTROL LAND ON 24 DIFFERENT PEOPLE'S LAND THAT THE FEDS, IF WE CHANGE OUR BOUNDARIES, WOULD HAVE NO CONTROL OVER. IF WE WANT TO TALK ABOUT CONTROL IN LIMITED GOVERNMENT AND LIMITED FEDERAL CONTROL, THAT'S WHERE WE NEED TO TALK. WHAT IS THE RIGHT POLICY DECISION? IS THAT POLICY DECISION TO IGNORE... [LB310]

SENATOR COASH: TIME, SENATOR. [LB310]

SENATOR LARSON: THANK YOU. [LB310]

SENATOR COASH: SENATOR LARSON, YOU'RE RECOGNIZED. [LB310]

SENATOR LARSON: THANK YOU. IS THAT POLICY DECISION TO IGNORE WHAT IS COMING DOWN THE PIPE? IGNORE THE RULINGS FROM THE NATIONAL PARK SERVICE THAT IF YOU GUYS WANT TO CONTINUE TO BE OUR PARTNER, YOU NEED TO MAKE THESE CHANGES, BECAUSE WHEN THE NATIONAL PARK SERVICE DECIDES THAT THEY'RE NOT GOING TO PARTNER WITH US ANYMORE, WE WON'T HAVE THAT VOICE. WE WON'T HAVE THAT VOICE WHEN IT COMES TO ZONING, WE WILL HAVE AN OBSOLETE COMMITTEE ON THE NEBRASKA STATE STATUTES THAT HAS NO MONEY TO DO ANYTHING, THAT WON'T BE ABLE TO HIRE STAFF. THEY WON'T BE ABLE TO HAVE ANY SAY. THEY WON'T BE ABLE TO PAY THE MEMBERS' PER DIEM. IT WILL BE DEFUNCT AND THE NATIONAL PARK SERVICE WILL HAVE FULL REIGN AND FULL CONTROL OVER THE SCENIC RIVER. THAT'S NOT WHAT I WANT. I WANT THAT LOCAL CONTROL. AND TO GET THAT LOCAL CONTROL AND TO ENSURE THAT WE KEEP THAT LOCAL CONTROL, WE MUST CHANGE THE BOUNDARIES. IT'S ONE OF THOSE THINGS THAT IT'S PRETTY CUT AND DRY. FRANKLY, I LOOK AT THE COUNCIL AND A FEW OF THE UNWILLINGNESS TO RECOGNIZE THE BOUNDARIES AS SOMETHING THAT THEY THINK THEY'RE STANDING UP FOR LOCAL CONTROL; BUT IN REALITY, THEY'RE CUTTING THEIR OWN THROATS IN THE END. I ALSO LOOK AT THE MAKEUP OF THE COUNCIL, WHICH IS FAR TOO LARGE, I THINK THERE'S 15 OR 16 MEMBERS, BUT I QUESTION THE MAKEUP OF THE COUNCIL. THEY HAVE A TIMBER

Floor Debate
April 29, 2015

REPRESENTATIVE CURRENTLY. I THINK HE'S THE TIMBER REPRESENTATIVE, THAT FROM WHAT I'VE HEARD HAS REALLY NO DAILY INTERACTION WITHIN THE TIMBER INDUSTRY. THE JOURNAL STAR DID AN ARTICLE THAT THEY FOUND THAT HE OPENLY LIED ON HIS APPLICATION TO THE GOVERNOR HEINEMAN... [LB310]

SENATOR COASH: TIME, SENATOR. [LB310]

SENATOR LARSON: THAT WAS ANOTHER FIVE MINUTES? [LB310]

SENATOR COASH: TIME'S UP. MEMBERS, AS THE AGENDA STATES--AT THE CONCLUSION OF 15 MINUTES, A VOTE WILL BE TAKEN. THE QUESTION FOR THE BODY IS: SHALL LB310 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED, VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB310]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB310]

SENATOR COASH: LB310 DOES ADVANCE. ITEMS, MR. CLERK. [LB310]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. SENATOR SCHUMACHER HAS AMENDMENTS TO LB72 AND TO LB598 TO BE PRINTED. THAT'S ALL I HAVE. (LEGISLATIVE JOURNAL PAGES 1312-1315.) [LB72 LB598]

SENATOR COASH: THANK YOU, MR. CLERK. NEXT ITEM.

ASSISTANT CLERK: NEXT BILL, LB412, INTRODUCED BY SENATOR MELLO. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 16; REFERRED TO THE NATURAL RESOURCES COMMITTEE, AND THE COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB412]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB412. [LB412]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. FIRST, AS A QUICK BACKGROUND, THE RURAL COMMUNITY-BASED ENERGY DEVELOPMENT ACT, BETTER KNOWN AS C-BED WAS PASSED IN 2007 IN AN

Floor Debate
April 29, 2015

EFFORT TO TAP INTO NEBRASKA'S RENEWABLE ENERGY POSSIBILITIES BY ENCOURAGING THE CONSTRUCTION OF RENEWABLE ENERGY PROJECTS IN NEBRASKA THROUGH SALES TAX EXEMPTIONS ON EQUIPMENT. LB412 IS A CLEANUP BILL THAT ADDRESSES TWO PROBLEMS THAT HAVE ARISEN WITHIN THE C-BED PROCESS. CURRENTLY, STATUTES STATES THAT THE BOARD OF EVERY COUNTY IN WHICH A C-BED PROJECT IS TO BE LOCATED, MUST PASS A RESOLUTION OF SUPPORT BEFORE THE C-BED PROJECT CAN MOVE FORWARD. FOR MOST COUNTIES IN NEBRASKA, THIS IS NOT A PROBLEM. HOWEVER, A FEW COUNTIES DO NOT REQUIRE COUNTY LEVEL APPROVAL FOR ANY ENERGY PROJECTS. SINCE THESE COUNTY BOARDS DO NOT HAVE JURISDICTION OVER ANY ENERGY PROJECT REQUIRING THEM TO PASS A RESOLUTION IN SUPPORT OF A C-BED QUALIFYING PROJECT OPENS UP AN INCONSISTENCY IN THEIR AUTHORITY. ACCORDINGLY, THE FIRST CHANGE THAT LB412 MAKES IT TO AMEND SECTION 70-1903 TO STATE THAT ONLY COUNTIES THAT HAVE ADOPTED ZONING REGULATIONS REQUIRING EITHER A PLANNING COMMISSION, A COUNTY BOARD, OR A COUNTY COMMISSION TO APPROVE A C-BED PROJECT NEED TO PASS A RESOLUTION IN SUPPORT. APPROXIMATELY, 89 OF NEBRASKA'S 93 COUNTIES WOULD STILL NEED TO PASS A RESOLUTION OF SUPPORT FOR A PROJECT TO MOVE FORWARD. SECOND, THE STATUTE CURRENTLY WRITTEN REQUIRES A C-BED PROJECT DEVELOPER TO PROVIDE WRITTEN NOTIFICATION TO EACH PROPERTY OWNER ON WHOSE PROPERTY A TURBINE IS PLANNED TO BE PLACED AN OPPORTUNITY TO BECOME A QUALIFIED OWNER. THIS MEANS THAT THE LANDOWNER MUST BE OFFERED THE OPPORTUNITY TO PARTICIPATE IN THE C-BED DEVELOPMENT AS A PARTIAL OWNER OF THE PROJECT. HOWEVER, CURRENT LAW DOES NOT DEFINE WHAT AN OFFER IS. AND NOTIFICATIONS ARE ONLY ISSUED TO LANDOWNERS WITH PROPOSED TURBINE SITES ON THEIR PROPERTY. THEREFORE LB412 AMENDS THE NOTIFICATION REQUIREMENT FOUND IN SECTION 70-1907. THE UPDATED PROVISION WOULD REQUIRE THAT THE NOTIFICATION CLEARLY SHOW THE INCENTIVES AVAILABLE WITH LOCAL OWNERSHIP AND PARTICIPATION TO POTENTIAL PARTICIPANTS IN THE C-BED PROJECT. IT WOULD ALSO REQUIRE THAT NOTIFICATIONS BE SENT TO THE ELECTED GOVERNING BOARD OF EACH MUNICIPALITY OR POLITICAL SUBDIVISION REPRESENTED IN A TERRITORY OF THE PROJECT GIVING BROADER NOTICE OF THE PROJECT IN ITS POTENTIAL BENEFITS TO LOCAL COMMUNITIES. LB412 FIXES THESE TWO PROCESS-RELATED ISSUES THAT HAVE ARISEN IN THE IMPLEMENTATION OF THE C-BED STATUTES AND I'D URGE THE BODY TO ADVANCE LB412 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB412]

SENATOR COASH: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE OPENING TO LB412. MR. CLERK. [LB412]

Floor Debate
April 29, 2015

ASSISTANT CLERK: MR. PRESIDENT, SENATOR MELLO OFFERS AM1367.
(LEGISLATIVE JOURNAL PAGE 1283.) [LB412]

SENATOR COASH: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON AM1367.
[LB412]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE.
AM1367 MAKES SMALL CHANGES TO LB412. FIRST, THE CHANGE IS IN THE
DEFINITIONAL SECTION. AS IT'S CURRENTLY WRITTEN, THE C-BED STATUTES
REQUIRE A COUNTY BOARD TO VOTE ON A RESOLUTION OF SUPPORT BEFORE
THE PROJECT IS APPROVED. THIS WOULD CHANGE THE LANGUAGE TO STATE
THAT BEFORE THE PROJECT IS APPROVED, EITHER A COUNTY BOARD
RESOLUTION OF SUPPORT OR ZONING APPROVAL IS REQUIRED. THAT WAY IF A
COUNTY MUST VOTE FOR ZONING APPROVAL, THEY DO NOT ALSO NEED TO VOTE
ON A SEPARATE RESOLUTION OF SUPPORT. THE SECOND CHANGE IS
REFERENCING A MORE APPROPRIATE DEFINITION OF AN ELECTRIC SUPPLIER.
WHEN THE ORIGINAL C-BED BILL WAS PASSED, THERE WAS ONLY ONE
DEFINITION OF AN ELECTRIC SUPPLIER IN STATUTE. A NEW DEFINITION OF
ELECTRIC SUPPLIER HAS SINCE BEEN ADDED THAT IS SPECIFIC TO NEBRASKA
PUBLIC UTILITIES IN WHICH IS MORE APPROPRIATE TO C-BED PROJECTS. THE
LAST TWO CHANGES ARE THE ADDITION OF THE WORD "QUALIFIED" AND THE
STRIKING OF THE WORD "OWNERSHIP." THESE TWO CHANGES HARMONIZE
LANGUAGE THROUGHOUT THE BILL IN STATUTE. I'D URGE THE BODY TO ADOPT
AM1367 TO THESE SMALL CHANGES IN THE C-BED STATUTES. THANK YOU, MR.
PRESIDENT. [LB412]

SENATOR COASH: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE
OPENING TO LB412 AND THE UNDERLYING AMENDMENT. THE FLOOR IS NOW
OPEN FOR DISCUSSION. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR
MELLO IS RECOGNIZED TO CLOSE ON HIS AMENDMENT. HE WAIVES CLOSING.
THE QUESTION BEFORE THE BODY IS SHALL AM1367 BE ADOPTED? THOSE IN
FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL VOTED WHO WISH? RECORD, MR.
CLERK. [LB412]

ASSISTANT CLERK: 28 AYES, 1 NAY ON THE ADOPTION OF SENATOR MELLO'S
AMENDMENT. [LB412]

SENATOR COASH: THE AMENDMENT IS ADOPTED. RETURNING TO DISCUSSION
ON LB412. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB412]

Floor Debate
April 29, 2015

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. SENATOR MELLO, WOULD YOU YIELD TO A QUESTION? [LB412]

SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB412]

SENATOR MELLO: YES. [LB412]

SENATOR FRIESEN: WITH SOME OF THE CHANGES THAT YOU PROPOSE IN YOUR PRODUCTION TAX CREDIT THAT WE'RE DISCUSSING ON THE FLOOR YET, WITH THOSE CHANGES, IF THEY WERE ADOPTED, AND LOOKING AT THIS BILL AND REMOVING THE LANGUAGE THAT ALLOWS A LANDOWNER TO BE A PART OWNER OFFERS THAT OPPORTUNITY THERE. WHAT IS THE...WHAT ARE THE CONSEQUENCES OF THAT? DO YOU FEEL WITH THE EXTRA PRODUCTION TAX CREDITS THAT THERE MIGHT BE MORE LANDOWNERS INTERESTED IN OWNING PART OF THIS? [LB412]

SENATOR MELLO: SENATOR FRIESEN, LET ME MAKE A QUICK CLARIFICATION. LB412 IS NOT A PRODUCTION TAX CREDIT. IT'S A...THE C-BED STATUTES IS A SALES TAX EXEMPTION THAT IS ALLOWED FOR COMMUNITY-BASED ECONOMIC...OR ENERGY DEVELOPMENT PROJECTS WHICH IS SEPARATE FROM A PRODUCTION TAX CREDIT...DEALING WITH THE SALES TAX EXEMPTION. [LB412]

SENATOR FRIESEN: I UNDERSTAND THAT. BUT THERE...THE BILL... [LB412]

SENATOR MELLO: THE ISSUE THAT YOU'RE RAISING REGARDING THE LANGUAGE, IT PROVIDES A BROADER NOTIFICATION TO THE PUBLIC IN REGARDS TO BEING AND BECOMING LOCAL OWNERS. IT'S NOT SIMPLY...NOT PROVIDING AN OPPORTUNITY FOR THE LANDOWNER. THEY HAVE THAT SAME OPPORTUNITY THAT ANYONE ELSE WOULD IN REGARDS TO BEING A LOCAL OWNER. THE LANGUAGE THAT WE HAVE IN LB412 BROADENS THAT NOTIFICATION TO ENCOURAGE MORE PEOPLE TO BE LOCAL OWNERS, NOT SIMPLY THE LANGUAGE THAT WAS USED WHEN THE BILL PASSED, WHICH IT SAYS JUST TO THE LANDOWNER. [LB412]

SENATOR FRIESEN: I WILL AGREE WITH WHAT YOU'RE SAYING THERE. I AM JUST VERY CONCERNED THAT MAYBE...YOU SAY IN THE BROADER SENSE THAT YOU WANT THEM TO BE OWNERS OR THE OPPORTUNITY, BUT I AM CONCERNED THAT SOMETIMES IN THESE PROJECTS THAT DOESN'T HAPPEN. DOES IT THAT...DOES IT

Floor Debate
April 29, 2015

CHANGE THE OUTLOOK OF THINGS BY OFFERING THE PRODUCTION TAX CREDIT DOWN THE ROAD? DOES IT CHANGE THE OUTLOOK FINANCIALLY FOR A LANDOWNER? WOULD HE LOOK AT IT DIFFERENTLY IF THE OTHER BILL WAS PASSED? [LB412]

SENATOR MELLO: ARE YOU REFERRING TO THE BILL THAT WE'RE DISCUSSING THIS YEAR ON LB423, I BELIEVE, WITH SENATOR NORDQUIST? [LB412 LB423]

SENATOR FRIESEN: YES, YES. [LB412]

SENATOR MELLO: YOU KNOW WHAT, SENATOR FRIESEN, THAT'S A CONVERSATION MAYBE LEFT BEST FOR LB423, NOT SO MUCH, MAYBE, THE CLEANUP LANGUAGE THAT WE HAVE HERE OF LB412. I THINK THAT GENERAL CONCEPT OF A PRODUCTION TAX CREDIT IS TRYING TO INCENTIVIZE, OBVIOUSLY, MORE RENEWABLE ENERGY PROJECTS, SO TO SPEAK, NOT SIMPLY WIND, BUT ALSO SOLAR. THE HOPE WILL BE IS THAT THEY'LL USE C-BED, OBVIOUSLY, TO QUALIFY FOR. AND THAT'S THE ONLY WAY THAT THEY CAN GET THE PRODUCTION TAX CREDIT. SO THIS SIMPLY IS TRYING TO ENCOURAGE MORE LOCAL OWNERSHIP BESIDES JUST THE PROPERTY OWNER WHERE THE PROJECT IS BEING DEVELOPED. [LB412 LB423]

SENATOR FRIESEN: ALL RIGHT. THANK YOU, MR. PRESIDENT. [LB412]

SENATOR COASH: THANK YOU SENATOR FRIESEN AND SENATOR MELLO. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR MELLO RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS SHALL LB412 ADVANCE? ALL IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB412]

ASSISTANT CLERK: 31 AYES, 2 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB412]

SENATOR COASH: LB412 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB412]

ASSISTANT CLERK: MR. PRESIDENT, LB479 INTRODUCED BY SENATOR BLOOMFIELD; (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 20 OF THIS YEAR; REFERRED TO THE GOVERNMENT, MILITARY, AND VETERANS AFFAIRS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE

Floor Debate
April 29, 2015

WITH COMMITTEE AMENDMENTS. (AM485, LEGISLATIVE JOURNAL PAGE 753.)
[LB479]

SENATOR COASH: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO OPEN ON
LB479. [LB479]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING,
COLLEAGUES. I'M PRESENTING YOU WITH LB479. THIS IS A VERSION OF A BILL
THAT JOHN HILGERT, DIRECTOR OF THE DEPARTMENT OF VETERANS' AFFAIRS,
BROUGHT TO ME. SIMPLY PUT, I'M NOT ADDING ANYTHING TO THE CURRENT
STATUTE. I'M ACTUALLY STRIKING AND MODIFYING LANGUAGE FROM 80-201. I
SHOULD MENTION THAT SENATOR BURKE HARR ALSO HAD A BILL THAT
ATTEMPTED TO DO SIMILAR THINGS, LB222. IT WENT A BIT FURTHER IN THAT IT
ESTABLISHED A BOARD WHERE WE COULD DONATE SOME MONEY TO. THE
COMMITTEE OPTED FOR THIS BILL AT THIS TIME. I HOPE SENATOR HARR BRINGS
THAT OTHER THING BACK. I BELIEVE THERE IS SOME VALUE IN IT. CURRENTLY
80-201 STATES THAT CITIES, COUNTIES, AND VILLAGES MAY ERECT ON PUBLIC
PROPERTY MEMORIALS OR MONUMENTS COMMEMORATING THE SERVICE OF
MEMBERS OF THE ARMED FORCES OF THE CIVIL, SPANISH AMERICAN, OR
WORLD WARS OR THE KOREAN OR VIETNAM CONFLICT. AT VERY LEAST, WE
NEED TO UPDATE THIS SECTION OF STATUTE TO INCLUDE THE MOST CURRENT
WARS. LB479 GOES ONE STEP FURTHER AND STRIKES THE LANGUAGE THAT
IDENTIFIES SPECIFIC CONFLICTS, OPENING IT UP TO ALLOW FOR THE
COMMEMORATING THE SERVICE OF THE MEMBERS OF THE ARMED FORCES.
LB479 CAME OUT OF COMMITTEE, GOVERNMENT, MILITARY, AND VETERANS
AFFAIRS, 8-0. THERE ISN'T A COMMITTEE...THERE IS A COMMITTEE AMENDMENT,
AM485 TO LB479. IT IS AN AMENDMENT TO CORRECT AN OVERSIGHT ON MY
PART. THE AMENDMENT SPECIFIES THAT COMMEMORATING THE SERVICE OF THE
MEMBERS OF THE ARMED FORCES OF THE UNITED STATES. COLLEAGUES, WHEN
I WAS WORKING WITH SENATOR HARR, WE PUT THAT IN HIS BILL. I NEGLECTED
TO PUT IT IN MINE. SENATOR GROENE CAUGHT IT, THE COMMITTEE FIXED IT,
AND SENATOR MURANTE WILL INTRODUCE THAT. THANK YOU, MR. PRESIDENT.
[LB479 LB222]

SENATOR COASH: THANK YOU, SENATOR BLOOMFIELD. SENATOR MURANTE, AS
CHAIR OF THE GOVERNMENT COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON
THE COMMITTEE AMENDMENT. [LB479]

Floor Debate
April 29, 2015

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. SENATOR BLOOMFIELD ABLY DESCRIBED WHAT AM485 DOES WHICH SIMPLY CLARIFIES THAT THE ARMED FORCES TO BE RECOGNIZED UNDER HIS BILL ARE ARMED FORCES OF THE UNITED STATES. I WOULD ENCOURAGE YOU TO SUPPORT THE COMMITTEE AMENDMENT AND LB479. THANK YOU, MR. PRESIDENT. [LB479]

SENATOR COASH: THANK YOU, SENATOR MURANTE. MEMBERS, YOU'VE HEARD THE OPENING TO THE COMMITTEE AMENDMENT. THE FLOOR IS NOW OPEN FOR DEBATE. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MURANTE IS RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION FOR THE BODY IS SHALL THE GOVERNMENT COMMITTEE AMENDMENTS BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED, VOTE NAY. RECORD, MR. CLERK. [LB479]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS. [LB479]

SENATOR COASH: THE COMMITTEE AMENDMENTS ARE ADOPTED. RETURN TO DISCUSSION ON LB479. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR BLOOMFIELD IS RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION FOR THE BODY SHALL LB479 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB479]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB479]

SENATOR COASH: LB479 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB479]

ASSISTANT CLERK: NEXT BILL, MR. PRESIDENT, IS LB296, INTRODUCED BY SENATOR KOLTERMAN. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15; REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM447 LEGISLATIVE JOURNAL PAGE 758.) [LB296]

SENATOR COASH: SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO OPEN ON LB296. [LB296]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. GOOD MORNING, AGAIN, COLLEAGUES. LB296 UPDATES THE DEFINITION OF "SIBLING" TO COMPLY WITH

Floor Debate
April 29, 2015

AND MIRROR THE DEFINITION IN THE FEDERAL FOSTER CARE PROGRAM. IN ADDITION, THIS BILL REVISES NOTIFICATION TO PARENTS AND JUVENILE CASES TO INCLUDE PARENTS OF CHILD SIBLINGS. THIS BILL WAS BROUGHT TO ME BY HEALTH AND HUMAN SERVICES. IT'S A CLEANUP BILL. AND THE WORDING...IT PUTS US IN COMPLIANCE WITH THE FEDERAL REGULATIONS AND IT ALLOWS US, IF WE DON'T DO THIS, IT COULD COST US UP TO \$144 MILLION ANNUALLY IN MONEY THAT WE RECEIVE FROM THE FEDERAL GOVERNMENT. SO I WOULD ENCOURAGE YOU TO VOTE GREEN ON LB296. THANK YOU. [LB296]

SENATOR COASH: THANK YOU, SENATOR KOLTERMAN. MEMBERS, YOU'VE HEARD THE OPENING OF LB296. THE CLERK HAS STATED THERE'S AN AMENDMENT FROM THE HEALTH COMMITTEE. SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB296]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM447 TO LB296 WAS REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AS SENATOR KOLTERMAN INDICATED, TO CLARIFY THE EFFECTIVE DATE OF THIS BILL WHICH NECESSITATED AND DOES NEED AN EMERGENCY CLAUSE. IN ORDER TO BE IN COMPLIANCE WITH FEDERAL LAW AND ENSURE THAT WE ARE NOT AT RISK TO LOSING THE \$144 MILLION ANNUALLY, THE DEPARTMENT NEEDS THIS TO BE ENACTED SOONER THAN THE STANDARD 90 DAYS AFTER THE LAST SESSION AND SO WE WILL NEED THE EMERGENCY CLAUSE ON THIS BILL, AND THAT'S THE PURPOSE OF THE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB296]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU HEARD THE OPENING TO LB296 AND COMMITTEE AMENDMENT. THE FLOOR IS NOW OPEN FOR DISCUSSION. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION FOR THE BODY, SHALL THE COMMITTEE AMENDMENT BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB296]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB296]

SENATOR COASH: COMMITTEE AMENDMENTS ARE ADOPTED. TURNING DISCUSSION ON THE BILL, SEEING NO MEMBERS WISHING TO SPEAK, SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION FOR THE BODY, SHALL LB296 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, VOTE NAY. RECORD, MR. CLERK. [LB296]

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

Floor Debate
April 29, 2015

ASSISTANT CLERK: 28 AYES, 0 NAYS, ON THE MOTION TO ADVANCE THE BILL.
[LB296]

SENATOR COASH: LB296 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB296]

ASSISTANT CLERK: LB216, INTRODUCED BY SENATOR HADLEY, (READ TITLE.)
THE BILL WAS INTRODUCED ON JANUARY 13, REFERRED TO THE REVENUE
COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO
COMMITTEE AMENDMENTS. [LB216]

SENATOR COASH: SENATOR HADLEY, YOU'RE RECOGNIZED TO OPEN ON LB216.
[LB216]

SPEAKER HADLEY: THANK YOU, MR. PRESIDENT. THE NEXT THREE BILLS ARE
SIMPLY "REVISITORY" MEASURES. THEY WERE BROUGHT TO ME BY STAFF.
THEY'RE PROBABLY THE THREE OF THE EASIEST BILLS WE'LL HAVE ALL YEAR.
LB216 WOULD AMEND SECTION 77-2712.03 TO CORRECT A REFERENCE TO
MEMBERSHIP IN THE STREAMLINE SALES AND USE TAX AGREEMENT BY
CHANGING AN INCORRECT REFERENCE TO ARTICLES...FROM "ARTICLES" TO
"ARTICLE." THIS IS ONLY A ONE-WORD CHANGING. SEE PAGE 2 OF THE GREEN
COPY, LINE 2. THANK YOU, MR. PRESIDENT. [LB216]

SENATOR COASH: THANK YOU, SENATOR HADLEY. MEMBERS YOU'VE HEARD THE
OPENING TO LB216. THE FLOOR IS NOW OPEN. SEEING NO MEMBERS WISHING TO
SPEAK, SENATOR HADLEY, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING.
THE QUESTION FOR THE BODY, SHALL LB216 ADVANCE? ALL THOSE IN FAVOR
VOTE AYE; THOSE OPPOSED, VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD,
MR. CLERK. [LB216]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADVANCEMENT OF LB216. [LB216]

SENATOR COASH: LB216 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB216]

ASSISTANT CLERK: LB217, INTRODUCED BY SENATOR HADLEY: (READ TITLE.)
THE BILL WAS INTRODUCED ON JANUARY 13; REFERRED TO THE REVENUE
COMMITTEE, PLACED ON GENERAL FILE, NO COMMITTEE AMENDMENTS. [LB217]

Floor Debate
April 29, 2015

SENATOR COASH: SENATOR HADLEY, YOU'RE RECOGNIZED TO OPEN ON LB217. [LB217]

SPEAKER HADLEY: THANK YOU, MR. PRESIDENT. LB217, WE RESTRUCTURE AND RECODIFY SECTION 77-218 BY ADDING SUBSECTION NUMBERING. THIS WILL MAKE IT EASIER TO REFERENCE SPECIFIC PORTIONS OF THIS STATUTE ADDRESSING PREMIUM TAXES. THE NUMBERING CHANGES APPEAR ON PAGE 2 OF THE GREEN COPY, LINE 2. I'D APPRECIATE YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB217]

SENATOR COASH: THANK YOU, SENATOR HADLEY. MEMBERS, YOU'VE HEARD THE OPENING TO LB217. THE FLOOR IS NOW OPEN. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR HADLEY, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION FOR THE BODY IS SHALL LB217 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB217]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB217]

SENATOR COASH: LB217 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB217]

ASSISTANT CLERK: NEXT BILL, MR. PRESIDENT, LB218, INTRODUCED BY SENATOR HADLEY. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 13; REFERRED TO REVENUE; PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB218]

SENATOR COASH: SENATOR HADLEY, YOU'RE RECOGNIZED TO OPEN ON LB218. [LB218]

SPEAKER HADLEY: THANK YOU, MR. PRESIDENT. LB218 WOULD AMEND SECTION 77-2716 TO CORRECT REFERENCES TO THE FEDERAL JOBS IN GROWTH TAX ACT BY ADDING THE TERM "RELIEF RECONCILIATION." THE TWO CHANGES APPEARS ON PAGE 5 AND 7 OF THE GREEN COPY. CHANGE THE TITLE OF THE FEDERAL JOBS AND GROWTH ACT TO "JOBS AND GROWTH RELIEF RECONCILIATION ACT." I WOULD APPRECIATE YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB218]

Floor Debate
April 29, 2015

SENATOR COASH: THANK YOU, SENATOR HADLEY. MEMBERS, YOU'VE HEARD THE OPENING TO LB218. SENATOR GLOOR, YOU ARE RECOGNIZED. SENATOR GLOOR WAIVES. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR HADLEY IS RECOGNIZED TO CLOSE. HE WAIVES. THE QUESTION FOR THE BODY-- SHALL LB218 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB218]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB218]

SENATOR COASH: LB218 ADVANCES. NEXT ITEM. [LB218]

ASSISTANT CLERK: LB424, INTRODUCED BY SENATOR DAVIS. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 16 OF THIS YEAR, REFERRED TO THE REVENUE COMMITTEE, PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB424]

SENATOR COASH: SENATOR DAVIS, YOU ARE RECOGNIZED TO OPEN ON LB424. [LB424]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB424 EXPANDS THE TAXATION METHODOLOGY THAT CURRENTLY APPLIES TO WIND ENERGY GENERATION FACILITIES TO INCLUDE FACILITIES THAT GENERATE ELECTRICITY BY MEANS OF OTHER RENEWABLE ENERGY SOURCES. SPECIFICALLY THE BILL ADDS SOLAR, BIOMASS, OR LANDFILL GAS TO THE CURRENT NAMEPLATE CAPACITY TAX THAT SUBSTITUTES FOR TAXATION OF PERSONAL PROPERTY BELONGING TO WIND ENERGY GENERATION FACILITIES. THE BILL LIMITS THIS TO RENEWABLE FACILITIES WITH A NAMEPLATE CAPACITY OF MORE THAN 100 KILOWATTS SO IT DOES NOT INCLUDE SMALLER SOLAR-POWERED SYSTEMS FOR INDIVIDUAL USE. THE NAMEPLATE CAPACITY TAX WORKS BY EXEMPTING DEPRECIABLE, TANGIBLE PERSONAL PROPERTY USED IN THE GENERATION OF ENERGY BY RENEWABLE FACILITIES FROM PERSONAL PROPERTY TAX, AND THEN REPLACING THAT PERSONAL PROPERTY TAX WITH AN EXCISE TAX CALCULATED TO RESULT IN THE SAME AMOUNT OF REVENUE TO THE TAXING ENTITIES OVER THE LIFE OF THE PROJECT. THAT AMOUNT IS ESTIMATED AT \$3,513 PER MEGAWATT PER YEAR. THE RENEWABLE FACILITIES STILL PAY REAL PROPERTY TAX ON FOUNDATIONS, ROADS, AND BUILDINGS. IN 2010, THE LEGISLATURE PASSED LB1048 WHICH CREATED THE NAMEPLATE CAPACITY TAX. PREVIOUSLY, NEARLY ALL

Floor Debate
April 29, 2015

EQUIPMENT IN A WINDFARM ABOVE THE GROUND WAS CLASSIFIED AND TAXED AS PERSONAL PROPERTY WITH A VERY SHORT CLASS-LIFE. THIS MEANT A LARGE SPIKE IN REVENUE AND EXPENSES VERY EARLY IN THE PROJECT WHICH DECREASED TO ALMOST NOTHING IN TERMS OF PERSONAL PROPERTY TAX GENERATED. THIS CAUSED BUDGETING CHALLENGES FOR BOTH THE HOST COUNTY AND THE DEVELOPER. WE NOW HAVE AT LEAST THREE SOLAR DEVELOPERS INTERESTED IN NEBRASKA. HOWEVER, UNDER CURRENT LAW, THEY FACE THE SAME PERSONAL PROPERTY TAX SPIKE ISSUE THAT TROUBLED THE WIND INDUSTRY AND THE HOST COUNTIES WOULD FACE THE SAME ISSUES OF INCONSISTENT REVENUE FROM YEAR TO YEAR. LB424 SIMPLY EXTENDS THE NAMEPLATE CAPACITY TAX TO ENERGY GENERATION FACILITIES THAT UTILIZE APPROVED RENEWABLE FUEL SOURCES BEYOND WIND. THIS WILL INCENTIVIZE THESE TYPES OF PROJECTS TO LOCATE IN NEBRASKA AND WILL MAKE BUDGETING EASIER FOR THE TAXING ENTITIES THAT BENEFIT FROM THEM. THE REVENUE COMMITTEE VOTED 8-0 TO ADVANCE THIS BILL TO GENERAL FILE, AND I URGE YOUR GREEN VOTE. THANK YOU VERY MUCH. [LB424]

SENATOR COASH: THANK YOU, SENATOR DAVIS. YOU'VE HEARD THE OPENING TO LB424. THE FLOOR IS NOW OPEN FOR DISCUSSIONS. SEEING NONE, SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE. SENATOR DAVIS WAIVES CLOSING. THE QUESTION FOR THE BODY IS, SHALL LB424 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB424]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF LB424. [LB424]

SENATOR COASH: LB424 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB424]

ASSISTANT CLERK: LB287, INTRODUCED BY SENATOR KEN HAAR, (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15; REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THAT COMMITTEE ADVANCED THE BILL TO GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM730, LEGISLATIVE JOURNAL PAGE 801.) [LB287]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR HAAR, YOU'RE RECOGNIZED TO OPEN ON LB287. [LB287]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY. FIRST OF ALL, I'D LIKE YOU TO KNOW THAT 1 PERCENT OF THE POPULATION IN NEBRASKA IS DEAF; AND 9 PERCENT OF THE POPULATION IN NEBRASKA IS HARD OF HEARING. AND

Floor Debate
April 29, 2015

SO WE HAVE THE NEBRASKA COMMISSION FOR THE DEAF AND THE HARD OF HEARING. AND I INTRODUCED LB287 ON THEIR BEHALF. THE BILL ADVANCED OUT OF HEALTH AND HUMAN SERVICES COMMITTEE UNANIMOUSLY AND THERE WAS NO OPPOSITION TESTIMONY. THE BILL EXPANDS LICENSURE REQUIREMENTS FOR COMMUNITY SIGN LANGUAGE INTERPRETERS BECAUSE, CURRENTLY, NOT ALL COMMUNITY INTERPRETERS ARE LICENSED. FOR UNLICENSED INTERPRETERS, THERE IS NO REGULATORY CONTROL TO MONITOR AND ADDRESS PROFICIENCY AND COMPETENCY ISSUES. IN ADDITION, THE COMMISSION IS ASKING TO LICENSE VIDEO REMOTE INTERPRETING, VRI, PROVISIONS FOR THE STATE OF NEBRASKA. THE PASSAGE OF LB287 GUARANTEES THAT ALL NEBRASKANS RECEIVING SIGN LANGUAGE INTERPRETING SERVICES WILL OBTAIN A HIGHER STANDARD OF COMMUNICATION ACCESS. I WANT TO THANK THE DIRECTOR OF THE NEBRASKA COMMISSION FOR THE DEAF AND HARD OF HEARING, JOHN WYVILL, FOR HIS WORK ON THIS BILL. HE HAS TALKED TO ALL INTERESTED PARTIES, AND I APPRECIATE THAT VERY MUCH IN INTRODUCING THIS BILL. I ASK YOU TO ADVANCE LB287. THANK YOU VERY MUCH. [LB287]

SENATOR COASH: THANK YOU, SENATOR HAAR. AS THE CLERK HAS STATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB287]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM730 TO LB287 WAS REQUESTED BY THE NEBRASKA COMMISSION FOR THE DEAF AND HARD OF HEARING TO ENSURE WE DID NOT LIMIT THE TYPE OF SIGN LANGUAGE COMMUNICATION. IN ESSENCE, THERE ARE VARIOUS SIGN LANGUAGES. AMERICAN SIGN LANGUAGE IS THE MOST COMMON IN THIS AREA. OTHERS COULD BE CODED SIGN LANGUAGE OR SPANISH, BUT THE AMENDMENT IS NECESSARY TO ENSURE WE ARE NOT LIMITING THE TECHNOLOGY TO A PARTICULAR LANGUAGE. ONE MAJOR PURPOSE OF THE BILL IS TO ALLOW THE USE OF TECHNOLOGY TO HELP THOSE WITH HEARING IMPAIRMENTS COMMUNICATE, AND WE DID NOT INTEND TO LIMIT THE LANGUAGES USED TO SIGN SUCH COMMUNICATION. AND I WOULD URGE YOUR GREEN VOTE ON AM730. THANK YOU, MR. PRESIDENT. [LB287]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING TO THE COMMITTEE AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. QUESTION FOR THE BODY: SHALL AM730 BE ADOPTED? ALL THOSE IN

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

Floor Debate
April 29, 2015

FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB287]

ASSISTANT CLERK: 27 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB287]

SENATOR COASH: COMMITTEE AMENDMENTS ARE ADOPTED. RETURN TO THE DISCUSSION ON LB287? SEEING NO MEMBERS WISHING TO SPEAK, SENATOR HAAR, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION BEFORE THE BODY: SHALL LB287 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB287]

ASSISTANT CLERK: 27 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB287]

SENATOR COASH: LB287 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB287]

ASSISTANT CLERK: NEXT BILL. LB541, INTRODUCED BY SENATOR CRAWFORD. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 21; REFERRED TO THE GOVERNMENT COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB541]

SENATOR COASH: SENATOR CRAWFORD, YOU'RE RECOGNIZED TO OPEN ON LB541. [LB541]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB541 BRINGS THE RETENTION OF EXPIRED STATE CONTRACTS POSTED ON THE STATE CONTRACT WEB SITE CREATED BY THE TAXPAYER TRANSPARENCY ACT IN LINE WITH THE STATE AGENCY GENERAL RETENTION SCHEDULE OF FIVE YEARS POST EXPIRATION. THE CURRENT STATUTE REQUIRES INDEFINITE RETENTION OF RECORDS BECAUSE THERE IS CURRENTLY NO TIME LINE FOR RETENTION FOR THE STATE CONTRACT WEB SITE. INDEFINITE RETENTION REQUIRES SIGNIFICANT RESOURCES FOR CARE AND CUSTODY AND COMMITS RESOURCES LONG TERM FOR STORAGE OF RECORDS. CURRENTLY, STATE RECORDS, INCLUDING CONTRACTS, CANNOT BE DISPOSED OF UNLESS THE DISPOSAL IS PURSUANT TO OUR RECORDS MANAGEMENT RETENTION SCHEDULE. LB541 REQUIRES THE EXPIRED CONTRACTS POSTED ON-LINE TO FOLLOW THE SAME RETENTION SCHEDULE ESTABLISHED FOR STATE

Floor Debate
April 29, 2015

CONTRACTS GENERALLY, ALIGNING THE WEB SITE WITH THE RECORDS MANAGEMENT ACT. THESE SCHEDULES ARE CREATED AND UPDATED BY THE SECRETARY OF STATE WITH APPROVAL FROM AGENCY, STATE ARCHIVES, AND THE STATE AUDITOR AND ARE BASED ON THE LEGAL, FISCAL, HISTORICAL, AND ADMINISTRATIVE VALUE OF A RECORD. FOR CONTRACTS, THIS RETENTION SCHEDULE IS FIVE YEARS AFTER COMPLETION, FULFILLMENT, OR VOIDING OF A CONTRACT. AS RETURNING MEMBERS MAY RECALL, IN 2013, THE LEGISLATURE PASSED LB429 TO CREATE A PUBLICLY AVAILABLE WEB SITE FOR ALL STATE CONTRACTS AS PART OF THE TAXPAYER TRANSPARENCY ACT. I INTRODUCED AND PRIORITIZED LB424 TO BRING ADDITIONAL TRANSPARENCY TO THE STATE CONTRACT PROCESS. THE BILL PASSED 43-0 AND BECAME LAW JUNE 4, 2013. LB541, IN FRONT OF US TODAY, CLARIFIES THE STATE CONTRACT WEB SITE TO CLARIFY THAT IT WILL FOLLOW THE STATE AGENCY GENERAL RETENTION SCHEDULE. THAT'S IN LINE WITH ITS INTENT TO MAKE IT EASIER FOR CITIZENS TO SEE THINGS THAT ARE PUBLIC RECORD. AT WWW.STATECONTRACTS.NEBRASKA.GOV, CITIZENS CAN REVIEW ALL CURRENT STATE CONTRACTS BY VENDOR, DOLLAR AMOUNT, AND AGENCY. LB429 ALSO PROVIDED AN ABILITY FOR CITIZENS TO VIEW EXPIRED CONTRACTS. SINCE ITS LAUNCH THIS PAST JULY, OVER 2,000 USERS HAVE VISITED THE WEB SITE VIEWING OVER 55,000 PAGES OF CONTRACTS. GOVERNMENT TRANSPARENCY IS IMPORTANT, WHICH IS WHY I PRIORITIZED LB429 IN 2013. THE STATE OF NEBRASKA HAS AN OBLIGATION TO PROVIDE THIS INFORMATION IN A USABLE FORMAT. THESE CONTRACTS ARE EXECUTED WITH TAXPAYER MONEY AND NEBRASKA TAXPAYERS DESERVE TO KNOW WHERE THEIR MONEY IS BEING SPENT. LB541 ENSURES THIS ADDED TRANSPARENCY IS MAINTAINED FOR CONTRACTS THAT ARE PUBLIC RECORD AND ALLOWS THOSE THAT ARE NO LONGER PUBLIC RECORD TO BE REMOVED. I APPRECIATE SPEAKER HADLEY'S SELECTING OF LB541 AS A CONSENT CALENDAR BILL AND ENCOURAGE YOUR GREEN VOTE ON THE ADVANCEMENT OF LB541 TO ADVANCEMENT. THANK YOU. [LB541]

SENATOR COASH: THANK YOU, SENATOR CRAWFORD. MEMBERS, YOU'VE HEARD THE OPENING TO LB541. THE FLOOR IS NOW OPEN. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY: SHALL LB541 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB541]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB541]

Floor Debate
April 29, 2015

SENATOR COASH: LB541 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB541]

ASSISTANT CLERK: MR. PRESIDENT, LB195, INTRODUCED BY SENATOR SEILER, (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 13; REFERRED TO THE JUDICIARY COMMITTEE; THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM499, LEGISLATIVE JOURNAL PAGE 836.) [LB195]

SENATOR COASH: SENATOR SEILER, YOU'RE RECOGNIZED TO OPEN ON LB195. [LB195]

SENATOR SEILER: MR. PRESIDENT, MEMBERS OF THE UNICAMERAL, I BRING YOU LB195 WHICH IS A...HOW TO SERVE A GARNISHMENT SUMMONS AND THE INTERROGATORIES THAT ACCOMPANY THE SUMMONS. AND THE BILL IS NOT AS IMPORTANT AS THE AMENDMENTS. THE AMENDMENTS, WHICH I WILL INTRODUCE IN A MINUTE, BASICALLY, ARE THE NEGOTIATIONS OF ABOUT TWO YEARS THAT I KNOW OF. SO I WOULD STOP AT THIS POINT AND HAVE THE AMENDMENT BROUGHT UP. [LB195]

SENATOR COASH: THANK YOU, SENATOR SEILER. AS CHAIR OF THE JUDICIARY COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB195]

SENATOR SEILER: AM499 WAS ADVANCED FROM COMMITTEE ON AN 8-0 VOTE. AND, BASICALLY, IT HAS ABOUT THREE DIFFERENT THINGS THAT IT DOES. ONE IS THAT IT APPLIES TO ALL FINANCIAL INSTITUTIONS IN THE STATE OF NEBRASKA, AND OUT OF THE STATE IF THEY'RE DOING BUSINESS HERE. SECOND, IT SETS UP A NOTICE OF SUMMONS, A NOTICE OF DESIGNATION, EXCUSE ME, ON THE NEBRASKA DEPARTMENT OF BANKING AND FINANCE WEB SITE. SO ANYBODY WANTING TO FILE A SUMMONS TOGETHER WITH THE INTERROGATORIES KNOWS EXACTLY WHERE TO FILE THEM. AND THAT'S REALLY IMPORTANT WHEN YOU GOT FIVE OR SIX BRANCHES OR BANKS THAT HAVE OUTLYING FACILITIES AS TO WHERE TO FILE. SO THE PERSON WANTING TO FILE THE SUMMONS JUST CAN LOOK ON THE WEB SITE AND HE GETS ALL THE INFORMATION WHERE THE BANK WANTS IT SERVED, WHO'S THE PERSON AUTHORIZED TO RECEIVE IT, AND THE PHYSICAL ADDRESS. THE LAST THING THAT BECAME IMPORTANT WAS THE RIGHT TO MOVE THAT DESIGNATION AND THE PROCEDURE TO DO THAT. I WOULD REQUEST THE ADOPTION OF AM499 AND THE ADVANCEMENT OF LB195 TO SELECT FILE. [LB195]

Floor Debate
April 29, 2015

SENATOR COASH: THANK YOU, SENATOR SEILER. MEMBERS, YOU'VE HEARD THE OPENING TO LB195 AND THE COMMITTEE AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SEILER IS RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION FOR THE BODY: SHALL THE COMMITTEE AMENDMENT BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB195]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB195]

SENATOR COASH: COMMITTEE AMENDMENTS ARE ADOPTED. TURNING TO DISCUSSION ON LB195. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SEILER IS RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION BEFORE THE BODY: SHALL LB195 ADVANCE? THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB195]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB195]

SENATOR COASH: LB195 ADVANCES. NEXT ITEM, MR. CLERK. [LB195]

ASSISTANT CLERK: LB511, INTRODUCED BY SENATOR COOK, (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 21; REFERRED TO THE EDUCATION COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB511]

SENATOR COASH: SENATOR COOK, YOU'RE RECOGNIZED TO OPEN ON LB511. [LB511]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB511 IS A VERY STRAIGHTFORWARD BILL. THIS LEGISLATION REQUIRES SCHOOLS TO DEVELOP RETURN TO LEARN PROTOCOLS FOR PEDIATRIC CANCER SURVIVORS. THESE PROTOCOLS ARE BASED ON THE IDEA THAT STUDENTS RECOVERING FROM PEDIATRIC CANCER, THERAPIES, OFTEN NEED ASSISTANCE REINTEGRATING INTO THE CLASSROOM. SCHOOLS CAN PLAN AHEAD TO ESTABLISH POLICIES TO MAKE THAT TRANSITION AS SEAMLESS AS POSSIBLE. PEDIATRIC CANCER TAKES AN EXTREME TOLL ON BOTH PATIENTS AND THEIR FAMILIES. REMARKABLY, ALMOST 80 PERCENT OF CHILDREN WITH

Floor Debate
April 29, 2015

THE MOST COMMON TYPES OF PEDIATRIC CANCER WILL SURVIVE THEIR DISEASE. HOWEVER, MANY ARE LEFT WITH LONG-TERM HEALTH IMPACT. MANY SURVIVORS WILL FACE CHRONIC MEDICAL CONDITIONS FOR THE REST OF THEIR LIVES. COGNITIVE, BEHAVIORAL, PHYSICAL, DEVELOPMENTAL, AND SOCIAL IMPAIRMENTS ARE COMMON AMONG SURVIVORS OF PEDIATRIC CANCER. THAT IS WHY LB511 IS SO IMPORTANT. THIS LEGISLATION WILL HELP WITH THE DIFFICULT TRANSITION BACK TO SCHOOL. DURING THE EDUCATION COMMITTEE PUBLIC HEARING IN JANUARY, MEDICAL PROFESSIONALS AND PARENTS OF CANCER SURVIVORS TESTIFIED ABOUT THE IMPORTANCE OF RETURN TO LEARN PROTOCOLS IN THE LIVES OF YOUNG CANCER PATIENTS. EXAMPLES INCLUDE A LONGER PERIOD OF TIME TO COMPLETE TESTS, GREATER OVERSIGHT FROM THE SCHOOL NURSE, FORGIVENESS OF MEDICAL ABSENCES, OR MORE INDIVIDUAL ATTENTION FROM ACADEMIC STAFF AND TEACHERS. I'D LIKE TO THANK THE SPEAKER'S OFFICE FOR ADDING THIS BILL PROPOSAL TO THE CONSENT CALENDAR AND WOULD ASK EACH OF YOU FOR YOUR VOTE TO ADVANCE LB511 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB511]

SENATOR COASH: THANK YOU, SENATOR COOK. MEMBERS, YOU'VE HEARD THE OPENING TO LB511. THE FLOOR IS NOW OPEN FOR DISCUSSION. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR COOK IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION FOR THE BODY: SHALL LB511 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB511]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB511]

SENATOR COASH: LB511 DOES ADVANCE. (VISITORS INTRODUCED.) NEXT ITEM, MR. CLERK. [LB511]

ASSISTANT CLERK: MR. PRESIDENT, LB422, INTRODUCED BY SENATOR HOWARD, (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 16; REFERRED TO JUDICIARY COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB422]

SENATOR COASH: SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN ON LB422. [LB422]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. LB422 IS THE ONLY THING STANDING BETWEEN US AND LUNCH, SO LET'S GET IT DONE. (LAUGHTER) LB422

Floor Debate
April 29, 2015

PROVIDES COURTS THE STATUTORY AUTHORITY TO ORDER THE PAYMENT OF COST INCURRED IN A VERY NARROW WINDOW OF CASES, CASES WHERE A GUARDIAN AD LITEM, OR GAL, IS APPOINTED FOR PROCEEDINGS TO ESTABLISH A GUARDIANSHIP APPOINTMENT FOR A MINOR CHILD. THERE ARE REALLY ONLY TWO SITUATIONS WHERE A GAL WOULD BE NECESSARY WHEN APPOINTING A GUARDIAN FOR A MINOR. THE FIRST SITUATION IS WHERE THERE IS A QUESTION ABOUT THE GUARDIAN AND THE PLACEMENT. THE GAL IS APPOINTED TO INVESTIGATE AND REPORT BACK TO THE COURT IF THE PLACEMENT AND THE GUARDIAN ARE APPROPRIATE. THE SECOND SITUATION, WHICH IS MORE FREQUENT, IS A GUARDIAN HAS BEEN APPOINTED AND THEY STOP FILING REPORTS WITH THE COURT AND DO NOT RESPOND TO SHOW-CAUSE ORDERS. IN SOME SITUATIONS, EVEN THE MAIL GETS RETURNED. THE COURTS HAVE TO BE ABLE TO APPOINT A GUARDIAN AD LITEM IN ORDER TO FIND THE MINOR. SOME COUNTIES HAVE BEEN PAYING FOR THE GAL, BUT UNDER CASE LAW, AS IT IS NOW, IT IS CLEAR THEY DO NOT HAVE TO, ESPECIALLY BECAUSE THERE IS NO STATUTORY AUTHORITY TO MAKE THE COUNTIES PAY. THAT IS WHY THIS LEGISLATION IS SO IMPORTANT. THE COURTS NEED TO MAKE SURE MINORS ARE BEING PLACED IN APPROPRIATE HOMES. AND IF THE GUARDIANS DISAPPEAR WITH THE MINOR, WE HAVE TO FIND A WAY TO FIND THE MINOR. THIS BILL IS A RECOMMENDATION OF THE SUPREME COURT'S COMMISSION ON GUARDIANSHIPS AND CONSERVATORSHIPS AND WAS DRAFTED IN RESPONSE TO THE 2013 SUPREME COURT CASE WHERE THE NEBRASKA SUPREME COURT DETERMINED THAT THERE IS NO STATUTORY AUTHORITY OR UNIFORM COURSE OF PROCEDURE THAT AUTHORIZES A COUNTY COURT TO ASSESS FEES OR COSTS AGAINST ANYONE IN A GUARDIANSHIP PROCEEDING FOR A MINOR. THIS COULD RESULT IN AN INTERPRETATION THAT A COURT DOES NOT HAVE THE ABILITY TO APPOINT A GUARDIAN AD LITEM FOR A MINOR IN A GUARDIANSHIP CASE BECAUSE THERE IS NO AUTHORITY TO PAY THE GAL FOR THE WORK THAT THEY DO. LB422 IS DRAFTED TO GIVE COURTS THE SAME AUTHORITY TO ORDER PAYMENT OF COST FOR A MINOR AS ALREADY EXISTS FOR CASES DETERMINING THE GUARDIANSHIP OF A VULNERABLE ADULT UNDER NEBRASKA STATUTES. SUCH COSTS MAY INCLUDE THE FEES FOR AN ATTORNEY, A GUARDIAN AD LITEM, A PHYSICIAN, AND A VISITOR APPOINTED BY THE COURT FOR THE MINOR. THE BILL ALSO ALLOWS FOR THE PAYMENT OF SUCH COSTS FROM THE ESTATE OF THE MINOR IN THE FEW CASES WHERE SUCH AN ESTATE MAY EXIST. AN ESTATE IS UNUSUAL UNLESS THEY ARE THE RECIPIENT OF FUNDS FROM A SETTLEMENT OR INHERITANCE. LB422 WAS ADVANCED UNANIMOUSLY FROM THE JUDICIARY COMMITTEE. AND I WOULD URGE THE BODY TO ADVANCE THE BILL TO SELECT FILE. AND I THANK YOU FOR YOUR TIME TODAY. THANK YOU, MR. PRESIDENT. [LB422]

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

Floor Debate
April 29, 2015

SENATOR COASH: THANK YOU, SENATOR HOWARD. MEMBERS, YOU'VE HEARD THE OPENING TO LB422. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR HOWARD IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION FOR THE BODY: SHALL LB422 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB422]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB422]

SENATOR COASH: LB422 DOES ADVANCE. ITEMS, MR. CLERK? [LB422]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR KRIST WOULD MOVE TO RECESS UNTIL 1:30 P.M.

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. WE ARE IN RECESS.

RECESS

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD AFTERNOON, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER. THE AFTERNOON SESSION IS ABOUT TO RECONVENE. 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 ITEMS FOR THE RECORD?

CLERK: I HAVE A NEW RESOLUTION. SENATOR DAVIS, LR210. THAT WILL BE LAID OVER. REVENUE COMMITTEE WILL MEET IN EXECUTIVE SESSION AT 2:00 UNDER THE NORTH BALCONY. REVENUE AT 2:00. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1317-1318) [LR210]

Floor Debate
April 29, 2015

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AFTERNOON'S AGENDA. I UNDERSTAND WE'RE NOW AT SELECT FILE, SENATOR PRIORITY BILLS, LB414. MR. CLERK. [LB414]

CLERK: LB414, DISCUSSED YESTERDAY, MR. PRESIDENT. I HAVE THE NEXT AMENDMENT TO THE BILL, SENATOR DAVIS WOULD MOVE TO AMEND WITH AM1447. (LEGISLATIVE JOURNAL PAGE 1305.) [LB414]

PRESIDENT FOLEY: SENATOR DAVIS, YOU'RE WELCOME TO OPEN ON AM1447. [LB414]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, AND I APOLOGIZE FOR NOT BEING HERE WHEN I SHOULD HAVE BEEN. THE AMENDMENT THAT WE HAVE BEFORE US IS SOMETHING WE DESIGNED TO TRY TO EXEMPT THE PART OF THE PROPERTY WHICH IS BEING USED STRICTLY FOR THE CHARITABLE FUNCTION. SO THAT WOULD BE THE PEOPLE THAT ARE WORKING ON THE GRANTS, THE PEOPLE THAT ARE FACILITATING THE ADMINISTRATIVE PART OF THAT. BUT THE OBJECTIVE HERE IS ESSENTIALLY NOT TO EXEMPT THE MONEY MAKING PART OF THE WOODMEN PROJECT WHICH I THINK IS TAKING PLACE IN MANY OF THE OTHER FLOORS. I UNDERSTAND THERE'S MAYBE A LEGITIMATE PURPOSE FOR INCENTIVIZING AND EXEMPTING PART OF THAT PROPERTY WHICH IS BEING USED STRICTLY FOR CHARITABLE PURPOSES, BUT I DON'T THINK THE WHOLE BUILDING IS. I THINK MOSTLY IT'S BEING USED FOR ECONOMIC PURPOSES, AND SO IT SHOULD NOT BE EXEMPT. BUT HAVING SAID THAT, I'D LIKE TO TALK A LITTLE ABOUT WHAT I THINK THE REALLY PROPER APPROACH SHOULD BE TO THIS ISSUE. AND THAT IS THAT THIS ISSUE HAS BEEN TAKEN BEFORE THE TERC BOARD, WHICH WAS A BOARD ESTABLISHED BY THIS LEGISLATURE TO DEAL WITH PROPERTY TAX QUESTIONS. THAT DECISION IS LYING BEFORE THEM AND THEY'LL MAKE IT SOMETIME IN THE NEXT SEVERAL MONTHS, I'M SURE. SO IF WOODMEN DOESN'T LIKE THE DECISION THEY MAKE, THEY CAN APPEAL THAT DECISION FARTHER UP THE BOARD. BUT PERHAPS THE TERC BOARD WILL FIND THAT WOODMEN IS CORRECT AND THEY SHOULD BE EXEMPT. AND IF THE OTHER DECISION IS MADE BY THE TERC BOARD, I THINK IT TELLS THE LEGISLATURE WHAT OUR PROPER ROLE SHOULD BE HERE. SO IF SENATOR HARR IS AMENABLE TO THAT, THAT BILL WILL STILL BE THERE NEXT YEAR. COULD STILL BE A PRIORITY NEXT YEAR AND IT COULD BE DEALT WITH AND FIXED NEXT YEAR RATHER THAN HAVING US JUMP INTO SOMETHING THAT WE REALLY SHOULDN'T BE INJECTING OURSELF INTO RIGHT NOW. I THINK EVERYBODY IN HERE PROBABLY KNOWS THAT THE DOUGLAS COUNTY COMMISSIONERS CAME OUT IN OPPOSITION TO THIS. SO THEY HAVE A STAKE IN IT, THE SCHOOL

Floor Debate
April 29, 2015

DISTRICTS HAVE A STAKE IN IT, THE NRDS HAVE A STAKE IN IT, THE COMMUNITY COLLEGES DO, AND SO DOES THE STATE BECAUSE OF THE WAY SCHOOLS ARE FUNDED IN THE STATE AND THE WAY A LOT OF OTHER THINGS THAT PERCOLATE OUT. SO I'M HAPPY TO TAKE DISCUSSION ON MY AMENDMENT. AGAIN, I'M AMENABLE TO HAVING THE CHARITABLE PART OF THE INDUSTRY EXEMPT IF THAT'S THE FLOOR, IF THAT'S TWO OFFICES OR WHATEVER THAT IS, BUT I DON'T THINK THE WHOLE BUILDING SHOULD BE BECAUSE IT'S A PROFIT-MAKING INDUSTRY, NO DIFFERENT THAN ANY OTHER INSURANCE AGENCY IN THE CITY OF OMAHA OR THE STATE OF NEBRASKA. THANK YOU, MR. PRESIDENT. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. (VISITORS INTRODUCED.) DEBATE IS NOW OPEN ON LB414 AND THE PENDING AMENDMENT. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB414]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR. YOU KNOW, I WAS LISTENING TO WHAT SENATOR DAVIS SAID. MAKE NO MISTAKE, AM1447 WAS BROUGHT BY DOUGLAS COUNTY. DOUGLAS COUNTY HAS A RESOLUTION THAT SAYS THAT THEY OPPOSE LB414 AND THAT THEY HAVE REQUESTED THEIR LOBBYIST TO OPPOSE LB414. AND, YOU KNOW, I'M AMAZED, IS WHAT I'LL SAY. I WAS A DOUGLAS COUNTY EMPLOYEE FOR FIVE AND A HALF YEARS, AND SO I UNDERSTAND THE IMPORTANCE OF COUNTIES, I UNDERSTAND THE IMPORTANCE OF REVENUE, MONEY, PROPERTY TAXES. BUT AT THE END OF THE DAY, FOLKS, THIS IS ABOUT \$104 (SIC). AND THAT'S BASED ON THE NUMBERS THEY'VE HANDED OUT TO YOU. THEY SAY, HEY, FIRST OF ALL, WE ALL AGREE THE AG, DEPARTMENT OF REVENUE, I THINK MAYBE EVEN SENATOR DAVIS, THAT THE WHOLE BUILDING WOULD NOT BE EXEMPT. ONLY THAT PORTION THAT WAS USED FOR NONCHARITABLE PURPOSES, I.E., THE LAW FIRM AND THE BANK AND WHATEVER ELSE THERE IS, PRIVATE RESIDENCE, WHATEVER. YOU PAY TAXES ON THAT. THAT'S \$800,000. YOU HAVE THEIR HANDOUT THAT SAYS THE COUNTY GETS 13 PERCENT OF THAT; 13 PERCENT OF \$800,000 IS \$104,000. DO NOT FOOL YOURSELF INTO THINKING THEY CARE THAT MUCH ABOUT \$104,000. THERE ARE OTHER BILLS THIS YEAR THAT WE WILL DEBATE AND HAVE DEBATED THAT AFFECT THE COUNTY MORE THAN \$104,000. AND THEY HAVE NOT TAKEN THE EXTRAORDINARY STEPS THAT THEY ARE HERE. THEY'RE UPSET BECAUSE THEY INTERPRET THE STATUTE DIFFERENT THAN 92 OTHER COUNTIES; 92. THERE ARE 93. AND I'LL BE HONEST WITH YOU, I PROBABLY THINK THEIR INTERPRETATION IS RIGHT. AND THAT'S WHY I BROUGHT THIS BILL, BECAUSE I THINK WE SHOULD HARMONIZE THE STATUTE SO THAT ALL COUNTIES ARE TREATED THE SAME. EVEN WITHIN DOUGLAS COUNTY, THEY DIDN'T TREAT ALL FRATERNAL BENEFIT ORDER SOCIETIES THE SAME UNTIL IT WAS BROUGHT TO THEIR ATTENTION.

Floor Debate
April 29, 2015

AND THEY HAD EGG ON THEIR FACE FROM THAT AND THEY'RE EMBARRASSED. MAYBE THEY SHOULD BE, MAYBE THEY SHOULDN'T; I'M NOT MAKING JUDGMENTS. BUT THIS IS A POISON PILL. THIS IS NOT MEANT TO HELP THE BILL. THE FACT THAT SENATOR DAVIS SUGGESTED WE PUT THIS ON SELECT, HOLD AND PUT IT ON SELECT, KEEP IT ON SELECT UNTIL NEXT YEAR, THAT'S NOT DOING ANY FAVORS EITHER. YOU KNOW, THERE'S NEVER A PERFECT WORLD WHERE WE CAN SAY, OKAY. WHOA, LET'S NOT PASS ANY STATUTES UNTIL EVERYTHING IS PERFECTLY SETTLED, UNTIL WE KNOW EVERYTHING. THE WORLD DOESN'T COME TO A HALT. THE WORLD DOESN'T STOP. THE WORLD, MUCH TO MY DISAPPOINTMENT, DOES NOT REVOLVE AROUND THE LEGISLATURE. I WISH IT DID. NOT ONLY FOR AN EAGLE POINT OF VIEW, BUT BECAUSE LIFE WOULD BE A LOT EASIER. IT'D BE A LOT EASIER TO MAKE LAWS IF THE WORLD WERE STATIC. IT ISN'T. WE'RE MAKING JUDGMENT CALLS EVERY DAY, FOLKS, HOW WE THINK THE WORLD SHOULD BE, HOW WE THINK THE STATE SHOULD BE, AND HOW WE CAN DO WHAT WE NEED TO DO. FOR THAT REASON, I STAND AND I WOULD ASK FOR YOUR NO VOTE ON AM1447. THANK YOU VERY MUCH. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR GROENE, YOU'RE RECOGNIZED. [LB414]

SENATOR GROENE: THANK YOU, MR. SPEAKER. WOULD SENATOR HARR YIELD FOR A QUESTION? [LB414]

PRESIDENT FOLEY: SENATOR HARR, WOULD YOU YIELD, PLEASE? [LB414]

SENATOR HARR: I WILL. [LB414]

SENATOR GROENE: DO YOU HAVE ANY CORRESPONDENCE, I GUESS, FROM THE WOODMEN PEOPLE THEMSELVES OR HAS THERE BEEN ANY DOCUMENT WHERE THEY SAID WE'LL LEAVE OMAHA IF WE DON'T GET THIS RULING FROM THE COURTS OR FROM THE TERC BOARD? [LB414]

SENATOR HARR: WHAT I HAVE IS IN THE HEARING. THEY SAID THEY WILL REMAIN HERE IF THEY DO NOT HAVE TO PAY TAXES. [LB414]

SENATOR GROENE: THAT'S AN EXACT QUOTE? [LB414]

Floor Debate
April 29, 2015

SENATOR HARR: WELL, I WOULDN'T SAY EXACT. BUT IT'S A PARAPHRASE OF WHAT THEY SAID, YES. [LB414]

SENATOR GROENE: THEY DIDN'T ACTUALLY SAY THEY WILL ABANDON THE BUILDING AND THEN TAKE THE EXPENSE TO BUILD A NEW BUILDING IN ANOTHER STATE FOR \$800,000 DIFFERENCE IN TAXES? [LB414]

SENATOR HARR: YOU KNOW WHAT, THAT QUESTION WAS NOT ASKED TO THEM. THEIR PRESIDENT IS HERE TODAY. IF YOU WOULD LIKE, YOU CAN GO OUT AND ASK HIM. [LB414]

SENATOR GROENE: ALL RIGHT. I MIGHT DO THAT. THANK YOU. [LB414]

SENATOR HARR: THANK YOU. [LB414]

SENATOR GROENE: SENATOR DAVIS SAID IT, WE HAVE THE SYSTEM IN PLACE, THE TERC BOARD. THERE'S A COURT CASE. THE SYSTEM IS WORKING. I DON'T SEE WHY THIS IS NECESSARY. I'M HEARING FROM MY CONSTITUENTS, THEY'RE WONDERING WHY WE ARE EVEN TALKING ABOUT THIS ON THE FLOOR BECAUSE THE OPPOSITE OF WHAT SENATOR HARR SAID, THAT THE WHOLE WORLD ISN'T LOOKING DOWN ON US. THEY'RE WONDERING WHY WE'RE WORRIED ABOUT ONE BUSINESS AND THE PROPERTY TAXES THEY PAY LOCALLY ON THE FLOOR OF THIS LEGISLATURE AND WE WON'T REVISIT THE PROPERTY TAX DEBATE. I'M TRYING TO STICK TO THE WOODMEN TODAY. BUT THEY'RE WONDERING WHY, WHY WE'RE EVEN HERE. WE'VE GOT A SYSTEM IN PLACE. THE TERC BOARD WILL LOOK AT IT. THEY'LL DECIDE IF 92 COUNTIES ARE ALREADY DOING IT WHEN IT REACHES THE STATE. IF THEY APPEAL IT TO THE STATE, I'M SURE THE STATE BOARD WILL TAKE THAT INTO CONSIDERATION AND RULE PROPERLY IF THEY ARE BEING TAXED UNJUSTLY. THIS SETS A PRECEDENT. I WOULDN'T BLAME EVERY CHARITABLE ORGANIZATION OUT THERE THAT HAS ANY PROPERTY TO START SHOWING UP AT THE DOOR HERE AND SAYING, WE WANT A BILL, A STATUTE FOR US, FOR OUR SITUATION. WHY THEM, NOT US? THIS ISN'T NECESSARY. IT'S PREMATURE. WE'LL BE BACK NEXT YEAR. IF IT ISN'T SOLVED THROUGH THE CHANNELS, THE CORRECT CHANNELS, WE CAN ADDRESS IT. BUT WE GOT A LOT OF PROBLEMS TO TAKE CARE OF, A BUDGET TO HANDLE, AND WE'RE WORRIED ABOUT \$1.2 MILLION OF PROPERTY TAXES THAT ARE LOCALLY IN DOUGLAS COUNTY. AND THAT'S NOT OUR PURVIEW OF PROPERTY TAX. WE CAN SET THE RULES. THIS BODY HAS ALREADY SET THE RULES ON HOW THIS TYPE OF SITUATION SHOULD BE HANDLED. LET'S FOLLOW THE RULES. LET'S

Floor Debate
April 29, 2015

DON'T JUMP IN THE MIDDLE OF IT AND CHANGE THE RULES IN THE MIDDLE OF THE GAME. THIS IS COMPLETELY UNNECESSARY. I UNDERSTAND SENATOR HARR IS TRYING TO TAKE CARE OF ONE OF HIS CONSTITUENTS AND THAT'S A GOOD THING. BUT IT SENDS THE WRONG MESSAGE ACROSS THE STATE THAT IF YOU SCREAM LOUD ENOUGH AND YOU'RE BIG ENOUGH, YOU CAN COMMANDEER A DAY AND A HALF AT THE STATE CAPITOL OVER DEBATE OVER YOUR \$1.2 MILLION OF PROPERTY TAXES AND THAT'S WHAT'S HAPPENED HERE. SO I WOULD ENCOURAGE MY COLLEAGUES TO SAY NO TO THIS BILL OR SEND IT BACK, BRING IT BACK NEXT YEAR IF WE BELIEVE SOMETHING WASN'T HANDLED CORRECTLY THROUGH THE SYSTEM. BUT I THINK...I GOT A LOT OF FAITH IN THE SYSTEM. OUR GOVERNMENT SYSTEM IN THE STATE OF NEBRASKA. THIS ISSUE HAS THE PROPER AVENUE TO GO THROUGH AND LET'S LET IT DO IT. LET'S JUST LET THE SYSTEM WORK. THANK YOU, AND THAT'S ALL I GOT TO SAY. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB414]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR. WOULD SENATOR HARR YIELD TO A COUPLE QUESTIONS? [LB414]

PRESIDENT FOLEY: SENATOR HARR, WOULD YOU YIELD, PLEASE? [LB414]

SENATOR HARR: YES. [LB414]

SENATOR SCHUMACHER: SUCH EAGERNESS. FOLLOWING UP ON SENATOR GROENE'S QUESTION, I THINK YOU INDICATED THAT THEY WOULD REMAIN IN NEBRASKA. WHAT IS MEANT BY REMAIN IN NEBRASKA WHEN YOU'RE TALKING ABOUT A COMPANY? [LB414]

SENATOR HARR: HEY, THAT'S A GREAT QUESTION. I HAD THAT SAME QUESTION. YOU KNOW, I THINK IT MEANS THEY KEEP THEIR JOBS HERE, ALL THEIR JOBS HERE, AND THEY KEEP THEIR DOMICILE HERE. [LB414]

SENATOR SCHUMACHER: OKAY. AND HAVE THEY SPECIFICALLY PROMISED THEY WOULD NOT CUT THEIR WORK FORCE HERE? [LB414]

SENATOR HARR: YES. I ASKED THAT DIRECT QUESTION AND THE ANSWER IS, YES. [LB414]

Floor Debate
April 29, 2015

SENATOR SCHUMACHER: FOR WHAT PERIOD OF TIME? [LB414]

SENATOR HARR: WELL, IT'S WHILE HE'S PRESIDENT. HE CAN'T MAKE ANY PROMISES BEYOND THAT PERIOD WHEN HE'S NO LONGER AROUND. [LB414]

SENATOR SCHUMACHER: AND HOW LONG IS THAT? [LB414]

SENATOR HARR: YOU KNOW, COULD BE TWO MINUTES FROM NOW. I MEAN, WHO KNOWS? BUT IT COULD BE TEN YEARS FROM NOW TOO. YOU KNOW, THERE ARE NO GUARANTEES IN LIFE, MY FRIEND. YOU COULD BE GONE IN TWO MINUTES. [LB414]

SENATOR SCHUMACHER: THIS IS TRUE. PROBABLY QUICKER. DID THEY EVER THREATEN TO LEAVE? [LB414]

SENATOR HARR: THEY NEVER THREATENED ME. [LB414]

SENATOR SCHUMACHER: DID THEY EVER THREATEN...TO YOUR KNOWLEDGE, DID THEY EVER THREATEN TO LEAVE? [LB414]

SENATOR HARR: I DON'T KNOW WHAT THE...I'M NOT TRYING TO BE COY HERE, BUT I REALLY DON'T KNOW WHAT YOU MEAN BY THREATEN. [LB414]

SENATOR SCHUMACHER: OKAY. THANK YOU, SENATOR HARR. THE ATTORNEY GENERAL'S OPINION IS KIND OF INTERESTING BECAUSE WE'RE DOING SOMETHING IN ADDITION TO THE FIRST LINE OF THIS WHICH EXEMPTS THEIR PROPERTY. WE'RE ACTUALLY CHANGING THE DEFINITION OF A CHARITABLE ORGANIZATION IN THIS STATE. THE ATTORNEY GENERAL POINTS OUT THAT CURRENTLY THE LAW STATES FOR PURPOSES OF THIS SUBDIVISION, A CHARITABLE ORGANIZATION MEANS AN ORGANIZATION OPERATED EXCLUSIVELY FOR THE PURPOSE OF THE MENTAL, SOCIAL, OR PHYSICAL BENEFIT OF THE PUBLIC OR AN INDEFINITE NUMBER OF PERSONS. OKAY. THE NUMBER OF MEMBERS IN THE WOODMEN ORGANIZATION IS CERTAINLY NOT INDEFINITE. IT'S A DEFINITE NUMBER. BUT WE'RE GOING TO CHANGE IT WITH THIS LAW AND IT'S GOING TO SAY, IF WE ADOPT THIS, FOR PURPOSES OF THE SUBDIVISION, CHARITABLE ORGANIZATIONS MEANS AN ORGANIZATION OPERATING EXCLUSIVELY--NO OTHER OPERATING PURPOSE--FOR THE PURPOSE OF MENTAL, SOCIAL, OR PHYSICAL BENEFIT OF THE PUBLIC OR AN INDEFINITE

Floor Debate
April 29, 2015

NUMBER OF PROVISIONS, AND IT MEANS A FRATERNAL BENEFIT SOCIETY ORGANIZED AND LICENSED UNDER THE SECTIONS OF THE FRATERNAL BENEFIT LAW. SO WE ARE CARVING OUT A WHOLE NEW SCOPE OF WHAT IS CHARITABLE FOR PURPOSES OF ONE BUILDING, FOR WHICH THERE HAS BEEN NO COMMITMENT, BINDING FOR ANYTHING MORE THAN MAYBE MY LIFETIME OF TWO MINUTES, TO STAY OR TO LEAVE. NOW IF WE ADOPT THAT AS TAX POLICY AND WE START WONDERING WHAT BUSINESS MIGHT LEAVE NEBRASKA BECAUSE THEY FIND AN ATTRACTIVE OFFER FROM ANOTHER STATE AND PREEMPTIVELY WITHOUT ANY COMMITMENTS WHATSOEVER STARTING TO MODIFY OUR TAX LAW TO SAVE THAT BUSINESS IN THAT TOWN AND THAT BUSINESS IN THAT TOWN AND THAT BUSINESS IN THIS TOWN, WHERE DOES THAT LEAVE US AS A MATTER OF POLICY? PREEMPTIVE SPECIAL FAVORS. THERE'S NOTHING ON THE TABLE HERE EITHER WAY. WE'RE JUST PREEMPTIVELY ACTING WHEN WE ALREADY HAVE A MECHANISM IN PLACE... [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR SCHUMACHER: ...WITH THE TAX REVIEW BOARD TO RULE ON THIS. PREEMPTIVE TAX FAVORS. IN NEBRASKA, YOU NO LONGER HAVE TO ASK. YOU JUST GOT TO GET SOMEBODY IN THE LEGISLATURE WORRIED THAT YOU MIGHT AND WE WILL GIVE YOU A SPECIAL TREATMENT. OF COURSE, IF YOU'RE AN ORDINARY CITIZEN, THAT DOESN'T APPLY TO YOU. THANK YOU. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB414]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, AND SENATOR HARR, I HAVE NOTHING NEW TO SAY TODAY. IF I DID, IT WOULDN'T MATTER. THE THINGS THAT I'VE SAID DO MATTER, BUT THEY DON'T MATTER HERE. POOR SENATOR GROENE. THAT'S WHAT I SAY ABOUT THESE KIDS. THEY DON'T PAY ATTENTION AND THEY DON'T LEARN. EVERYBODY IS A KID IN HERE COMPARED TO ME. THERE IS NO FEMININE EQUIVALENT FOR SONNY OR JUNIOR, OTHERWISE MY FEMALE COLLEAGUES WOULD HAVE A SIMILAR DIMINUTIVE APPLIED TO THEM. SENATOR GROENE IN HIS YOUTH, HIS CALLOW YOUTH, THINKS THAT RULES ARE TO BE COMPLIED WITH. THAT SHOWS HE HASN'T LIVED LONG ENOUGH, SENATOR FRIESEN, IN THIS WORLD. RULES ARE WRITTEN BY LEGISLATURES TO BE BROKEN BY THOSE WHO HAVE THE POWER TO DO SO. AND IN WHAT DOES THAT POWER IN HERE? THREATS. IF YOU DON'T DO WHAT I WANT, I'M GOING HOME. WELL, WHERE IS HOME? ANY PLACE OTHER

Floor Debate
April 29, 2015

THAN HERE. AND ALL OF MY COLLEAGUES START SHAKING AND QUAKING. YOU ALL GOT SO MAD ABOUT WHAT I SAID ABOUT ISIS AND THE POLICE. I'M SAYING WORSE THINGS ABOUT YOU. BUT YOU KNOW WHY YOU DON'T GET UPSET? BECAUSE YOUR CONDUCT BEARS WITNESS TO THE TRUTH OF EVERYTHING THAT I SAY. YOU'RE GOING TO TALK ABOUT PROPERTY TAX RELIEF. WE'RE ALL SICK OF HEARING THAT, TIRED OF IT. THE MEDIA, THOUGH, DUTIFULLY, HAVE TO WRITE ARTICLES ABOUT IT EVERY DAY. NOW THEY'RE STARTING TO GET HEADLINES SIMILAR TO A LOT OF TALK, BUT NOTHING DONE. LIKE THE MOUNTAIN THAT DOES ALL THIS RUMBLING AND SHAKING AND IT DOESN'T HAPPEN LIKE IN NEPAL. THIS MOUNTAIN SETTLES DOWN, A HOLE OPENS, AND OUT WALKS A LITTLE MOUSE. MICKEY MOUSE'S GREAT, GREAT GRANDFATHER, AND ALL HE SAYS IS SQUEAK, SQUEAK, SQUEAK. AND THE PEOPLE THROUGHOUT THE LAND WHO WERE TERRIFIED SAY THAT SOMETHING LIKE A LITTLE MOUSE HAD US ALL IN FEAR FOR OUR LIVES. SO WOODMEN OF THE WORLD SHAKES UP THE ENTIRE LEGISLATURE AND THE LEGISLATURE COMES RUNNING. I TOOK SOME OF YOU SERIOUSLY. YOU WERE SERIOUSLY MISTAKEN, BUT I TOOK YOU SERIOUSLY WHEN YOU TALKED ABOUT PROPERTY TAX RELIEF. AND SOME OF THE BALLOONS YOU FLOATED, I WAS GOING TO TRY TO SHOOT DOWN AND I WOULD OPPOSE SOME OF IT. BUT YOU HAVEN'T EVEN PUT UP A CREDIBLE STRUGGLE. YOU'RE SIMPERING, YOU'RE WHIMPERING CHILDREN AGAIN, AND THAT'S PARAPHRASING A SONG. WILD AGAIN, BEGUILLED AGAIN, A SIMPERING, WHIMPERING, CHILD AGAIN. BEWITCHED...AND THIS IS WHERE SENATOR HARR COMES IN. HE'S GOT YOU BEWITCHED, BE-BOTHERED AND BEWILDERED. YOU'RE SIMPERING, YOU'RE WHIMPERING, AND I CAN SAY IT. I WAS READING THE TRANSCRIPT OF THE OTHER TIME WHEN SENATOR McCOY LED THE LYNCH MOB AROUND HERE AGAINST ME, AND SENATOR HILKEMANN SAID THAT I SAID THINGS ON THIS FLOOR THAT NOBODY ELSE WOULD DARE TO SAY BUT THEY GOT A MOUTH. HE'S RIGHT WHEN HE SAYS THEY WOULDN'T DARE BECAUSE NOBODY CAN STOP THEM. THEY STOP THEMSELVES. BUT HERE'S SENATOR HARR... [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR CHAMBERS: SENATOR HARR HAS BEEN ABLE TO BEWITCH THIS LEGISLATURE BECAUSE BEHIND HIM STANDS THE WIZARD OF OZ, WOODMEN OF THE WORLD. I'M GOING TO PUT MY LIGHT ON BECAUSE I WANT TO DO SOME INQUIRING ABOUT THIS WOODMEN BUSINESS. ARE THEY WOODMEN IN THE SENSE THAT PAUL BUNYAN WAS A WOODSMAN? DO THEY CHOP DOWN TREES? WHAT ARE THE KIND OF TREES THAT THEY CHOP DOWN? THE LEGISLATIVE

Floor Debate
April 29, 2015

TREES? ANYWAY, I'LL CONTINUE WHEN I'M RECOGNIZED AGAIN. THANK YOU, MR. PRESIDENT. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. YOU ARE NEXT IN THE QUEUE. YOU MAY CONTINUE AT THIS TIME. [LB414]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I'D LIKE TO ASK SENATOR HARR A QUESTION OR TWO NOW. [LB414]

PRESIDENT FOLEY: SENATOR HARR, WOULD YOU YIELD, PLEASE? [LB414]

SENATOR HARR: YES. [LB414]

SENATOR CHAMBERS: SENATOR HARR, THIS GROUP KNOWN AS WOODMEN OF THE WORLD... [LB414]

SENATOR HARR: YEP. [LB414]

SENATOR CHAMBERS: ...IS THAT WORD WOODMEN SPELLED W-O-O-D-M-E-N OR M-A-N? [LB414]

SENATOR HARR: YES, SIR. THE PLURAL, M-E-N. [LB414]

SENATOR CHAMBERS: M-E-N. AND WHAT DOES THE WORD WOODMEN MEAN IN POPULAR PARLANCE, IF THERE IS SUCH A MEANING, AND YOU HAVE AN AWARENESS OF IT? [LB414]

SENATOR HARR: GENERALLY IT'S SOMEONE WHO...IT'S A GENTLEMAN WHO CHOPS DOWN TREES, HAS A BEARD, WEARS A RED PLAID--BUFFALO PLAID--FLANNEL SHIRT, JEANS, BOOTS. AND THAT... [LB414]

SENATOR CHAMBERS: IF THERE IS A SAINT OF WOODMEN, WHO WOULD THAT SAINT BE? [LB414]

SENATOR HARR: PAUL BUNYAN, IN MY OPINION. [LB414]

Floor Debate
April 29, 2015

SENATOR CHAMBERS: IT WOULD BE ST. PAUL BUNYAN, WOULDN'T IT? [LB414]

SENATOR HARR: YES, SIR. [LB414]

SENATOR CHAMBERS: WHAT IS A BUNYAN, IF YOU KNOW? [LB414]

SENATOR HARR: (LAUGHTER) I'D SAY SOMETHING ONLY I COULD SAY. [LB414]

SENATOR CHAMBERS: SAY IT. NO, THAT CHUCKLE DOESN'T SAY IT. SAY IT IN ENGLISH, SON, ENGLISH, SO I CAN UNDERSTAND. [LB414]

SENATOR HARR: THE ONLY BUNION I KNOW IS ON MY FOOT. HOW IS THAT? [LB414]

SENATOR CHAMBERS: AND THAT BUNION IS CREATED BY THAT FOOT RUBBING AGAINST THE INNER SURFACE OF YOUR SHOE, IS THAT TRUE OR FALSE? AND WE'VE GOT AN EXPERT AND AUTHORITY, EVEN THOUGH HE'S IN RETIREMENT, ON BUNIONS AND RELATED GROWTHS. SO THINK WELL BEFORE YOU ANSWER. [LB414]

SENATOR HARR: WELL, IT'S AN ABNORMAL ENLARGEMENT OF THE JOINT AT THE BASE OF THE GREAT OR BIG TOE. [LB414]

SENATOR CHAMBERS: AND IS IT PAINFUL? [LB414]

SENATOR HARR: YES. YES, IT IS, AND IT IS CAUSED BY INFLAMMATION USUALLY A RESULT OF CHRONIC IRRITATION AND PRESSURE FROM POORLY FITTING FOOTWEAR. [LB414]

SENATOR CHAMBERS: AND THIS IS AN EXAMPLE OF HOW VALUABLE THOSE GADGETS ARE THAT YOU HAVE ON YOUR DESKS AND WHY IT'S AN ADVANTAGE TO BE ABLE TO OPERATE THEM IN THE WAY THAT SENATOR HARR IS DOING. BUT SINCE I DON'T KNOW HOW TO OPERATE THE GADGET, THE ONLY ONE THAT I HAVE AVAILABLE IS INSIDE MY SKULL KNOWN AS A BRAIN. SENATOR HARR, WOULD PAUL BUNYAN BE A LARGE PERSON WITH AN AX WHO IS A PAIN OR WHO CAUSES PAIN TO TREES? [LB414]

Floor Debate
April 29, 2015

SENATOR HARR: HE IS A LARGE MAN WITH A LARGE AX TO GRIND AGAINST TREES. [LB414]

SENATOR CHAMBERS: AND WHEN A TREE IS CUT DOWN, IN EFFECT, IT'S NO LONGER A LIVING ORGANISM. WOULD YOU AGREE? [LB414]

SENATOR HARR: AS A GENERAL RULE, YES. [LB414]

SENATOR CHAMBERS: OKAY. NOW THAT WE KNOW WHAT WOODMEN ARE, WAS THIS COMPANY STARTED BY LUMBERJACKS, BECAUSE THAT'S ANOTHER TERM FOR THEM? [LB414]

SENATOR HARR: IT WAS FOUNDED BY JOSEPH CULLEN ROOT, WHO WAS A MEMBER OF SEVERAL FRATERNAL ORGANIZATIONS. [LB414]

SENATOR CHAMBERS: DID ANY OF THEM INCLUDE LUMBERJACKS AS FAR AS YOU KNOW? [LB414]

SENATOR HARR: IN 1883 AFTER HEARING A SERMON ABOUT PIONEER WOODMEN CLEARING AWAY THE FORESTS TO PROVIDE FOR THEIR FAMILIES, HE WANTED TO START A SOCIETY THAT COULD CLEAR AWAY THE PROBLEMS OF FINANCIAL SECURITY FOR IT'S MEMBERS. [LB414]

SENATOR CHAMBERS: AND THOSE MEMBERS WERE PEOPLE WHO DID CUT TREES. [LB414]

SENATOR HARR: THAT'S MY...WELL... [LB414]

SENATOR CHAMBERS: GENERALLY SPEAKING. [LB414]

SENATOR HARR: YOU KNOW, I CAN'T ANSWER THAT, TO BE HONEST. [LB414]

SENATOR CHAMBERS: BUT YOU CAN ANSWER THIS QUESTION, THAT IS NOT WHAT THAT FRATERNITY IS KNOWN FOR DOING NOW, IS IT, CUTTING DOWN LITERAL TREES? THEY DON'T DEFOREST THE LAND, DO THEY? [LB414]

Floor Debate
April 29, 2015

SENATOR HARR: NO, THEY CLEAR AWAY THE PROBLEMS OF FINANCIAL SECURITY FOR ITS MEMBERS. [LB414]

SENATOR CHAMBERS: AND ONE OF THE PROBLEMS THAT THAT ORGANIZATION ITSELF HAS CONSISTS IN RULES THAT HAVE BEEN ENACTED BY THE LEGISLATURE AND THERE IS DISAGREEMENT IN SOME QUARTERS AS TO WHAT THOSE RULES MEAN. [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR CHAMBERS: IS THAT TRUE OR FALSE? [LB414]

SENATOR HARR: I WOULD ARGUE...ORIGINALLY, THEY'RE A 501(C)...I THINK IT'S...I CAN'T REMEMBER RIGHT NOW, THAT'S SET UP BY FEDERAL STATUTE THAT RECOGNIZE THEM AS A CHARITABLE ORGANIZATION, NONPROFIT CHARITABLE ORGANIZATION. AND THEN THERE IS THE STATE-LEVEL INTERPRETATION OF THAT OR APPLICATION OF THAT. [LB414]

SENATOR CHAMBERS: LET ME ASK YOU A QUESTION. YOU SAID NONPROFIT. IS THERE A DIFFERENCE BETWEEN NOT-FOR-PROFIT AND NONPROFIT? [LB414]

SENATOR HARR: THE ANSWER IS YES...AND...YES. [LB414]

SENATOR CHAMBERS: YOU DON'T HAVE TO GIVE IT. I JUST WANT PEOPLE TO KNOW THAT SOMETIMES WORDS ARE USED INTERCHANGEABLY WHEN THEY DON'T MEAN THE SAME THING AT ALL. BUT THEY BOTH MAY APPLY TO ONE ORGANIZATION AT THE SAME TIME, ISN'T THAT TRUE? OR IS IT TRUE? CAN AN ORGANIZATION AT THE SAME TIME BE NONPROFIT AND AT THE SAME TIME NOT-FOR-PROFIT? [LB414]

SENATOR HARR: YES. [LB414]

SENATOR CHAMBERS: IS WOODMEN OF THE WORLD SUCH AN ORGANIZATION? [LB414]

SENATOR HARR: THAT'S A LEGAL DEFINITION AND I... [LB414]

Floor Debate
April 29, 2015

PRESIDENT FOLEY: TIME, SENATOR. [LB414]

SENATOR CHAMBERS: THANK YOU, MR. SENATOR. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS AND SENATOR HARR. SENATOR CHAMBERS, YOU ARE NEXT IN THE QUEUE FOR YOUR THIRD OPPORTUNITY. [LB414]

SENATOR CHAMBERS: THANK YOU. NOW I WILL MAKE SOME OF MY COMMENTS. I'M HELPING TO RUN THE CLOCK ON THIS BILL. THE ISSUE IS WHETHER OR NOT SENATOR HARR IS GOING TO GET 33 VOTES. HE SHOULD NOT BE ABLE TO GET 33 VOTES ON A BILL SUCH AS THIS. THIS BILL SHOWS YOUR CONSTITUENTS THAT YOU'RE BEHAVING IN THE WAY I CHARACTERIZED YOU YESTERDAY. ALL OF THIS TALK, TALK, TALK, AND THAT'S ALL THAT IT IS. BUT WHEN SOME ENTITY THAT IS VIEWED AS HAVING SOME POWER, SOME CLOUT COMES TO THIS LEGISLATURE AND SAYS, GIVE ME WHAT I WANT, THEN YOU GIVE IT TO THEM. BUT THEY DON'T HAVE ENOUGH VOTES TO PUT YOU IN OFFICE. THEY PROBABLY WOULDN'T EVEN VOTE FOR YOU, AND I'M SURE THEY WOULDN'T GIVE YOU A JOB OF RESPONSIBILITY IN THEIR COMPANY BECAUSE YOU'RE NOT RELIABLE. THERE WAS A PROGRAM ON TELEVISION ABOUT AL CAPONE, AND HE BECAME AWARE OF HOW MUCH MONEY WAS MADE IN NUMBERS. AT FIRST, THEY USED AN N WORD AND TALKED ABOUT IT BEING CHICKEN FEED. THEN WHEN HE BECAME AWARE OF HOW MUCH MONEY WAS IN IT, HE WANTED TO TAKE IT OVER. HE HAD THIS BLACK PERSON WHOM BLACK PEOPLE WOULD REFER TO AS AN UNCLE TOM, WHO WOULD GO INTO THE BARBER SHOPS AND OTHER LITTLE ESTABLISHMENTS IN THE BLACK COMMUNITY AND COLLECT THIS MONEY FOR AL CAPONE. SO IN ONE OF THE SCENES, AL CAPONE WAS SITTING IN THE BACKSEAT OF HIS LITTLE COUPE. HE HAD A DRIVER WHO WAS WHITE IN THE FRONT SEAT, PROBABLY AN ITALIAN. ALL GANGSTERS ARE ITALIANS, JUST LIKE ALL PEOPLE WHO ARE ON WELFARE ARE BLACK, HUH? YOU GIVE IT, TAKE IT. SO THIS ITALIAN IN THE BACK, THIS GANGSTER. HE'S GOT AN ITALIAN DRIVER WHO WAS ALSO A GANGSTER BECAUSE THAT'S WHAT THEY DO. AND THIS UNCLE TOM, BLACK MAN, CAME IN WITH ALL THIS MONEY AND GAVE IT TO AL CAPONE, SET IT IN THE SEAT NEXT TO HIM AND MADE A DEROGATORY, RACIAL EPITHETICAL COMMENT ABOUT THE BLACK PEOPLE FROM WHOM HE WAS EXTORTING THIS MONEY. AND WHEN THIS UNCLE TOM LEFT THE CAR AND SHUT THE DOOR, YOU KNOW WHAT AL CAPONE SAID TO THE MAN IN THE FRONT SEAT? BECAUSE ALL ITALIANS CARRY GUNS, ALL OF THEM--YOU GIVE IT, TAKE IT--HE SAID, ICE HIM, AND THAT MEANT KILL HIM. AND AL CAPONE HAD THIS GUY TURN AROUND AND SAID, YOU MEAN I SHOULD REALLY ICE HIM? WHY?

Floor Debate
April 29, 2015

LOOK AT ALL THIS MONEY THAT HE BRINGS YOU. HE SAID, ANY MAN WHO DISRESPECTS HIS OWN PEOPLE TO SUCH AN EXTENT IS NOT A MAN I CAN TRUST. ICE HIM. NOT ISIS, ICE HIM. AND WHEN HE MADE THAT STATEMENT AND WHOEVER MADE THAT SCENE, I SAID, THANK GOD FOR AL CAPONE AND THE ONE WHO MADE THAT SCENE. I TALK REALITY AND YOU ALL DON'T. BUT THERE IS NOTHING I'VE SAID ON THIS FLOOR WHEN I'M SPEAKING IN GENERAL TERMS AS I AM NOW THAT YOU DON'T KNOW. I DIDN'T SET UP THE STEREOTYPE OF ITALIANS. I'M NOT THE ONE WHO SAID THESE PEOPLE ARE OF A LESSER ORDER. AND ESPECIALLY THOSE WHO CAME FROM SOUTHERN ITALY. YOUR ANCESTORS DID THAT. AND SPEAKING OF ANCESTORS, I HAVE WHITE PEOPLE TODAY TELL ME, I NEVER OWNED ANY SLAVES, MY ANCESTORS DID. AND DON'T BLAME ME FOR WHAT MY ANCESTORS DID. BUT WHETHER IT COMES TO THESE CHILDREN GETTING A DRIVER'S LICENSE, YOU KNOW WHAT THEY SAY? THE PARENTS DID WRONG, BUT PUNISH THE CHILDREN. THEN YOU ARE RESPONSIBLE FOR THE SLAVEHOLDING. [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR CHAMBERS: AND YOU SHOW IT BY THE WAY YOU'RE DEALING WITH THESE CHILDREN TODAY. THE PARENTS HAVE EATEN SOUR GRAPES AND THE CHILDREN'S TEETH ARE SET ON EDGE AND THAT'S THE WAY THESE CHRISTIANS DO. THAT'S WHAT I WITNESS AND THAT'S WHAT YOUR CONDUCT SHOWS. I SIMPLY PUT THE PROPER NAME ON IT AND YOU GET ANGRY AT ME FOR NAMING WHAT YOU DO AND YOU KNOW WHY YOU'RE SO ANGRY? BECAUSE WHAT I SAY IS TRUE AND THE TRUTH HURTS. THANK YOU, MR. PRESIDENT. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR EBKE, YOU'RE RECOGNIZED. [LB414]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I HAVE TO SAY THAT I VERY MUCH ENJOYED SENATOR COASH'S DISCUSSION THIS MORNING AND HIS NAMING OF ALL OF US. I'M ALSO ENJOYING THIS CONVERSATION ABOUT LUMBERJACKS AND MOBSTERS. I WONDER IF SENATOR ERNIE "THE LION WHISPERER" CHAMBERS WOULD LIKE A LITTLE BIT OF MY TIME. [LB414]

PRESIDENT FOLEY: SENATOR CHAMBERS, FOUR AND A HALF MINUTES. [LB414]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR EBKE. AND ON BEHALF OF ALL THOSE TO WHOM I WHISPER, (GROWL-WHISPERS).

Floor Debate
April 29, 2015

THAT'S THANK YOU. MEMBERS OF THE LEGISLATURE, ALL THAT I'M SAYING IS DESIGNED TO MAKE A POINT. I USE ANALOGIES AND TODAY I'M GOING TO EXPLAIN THE ANALOGY I USED WHEN THAT INFAMOUS ISIS ISSUE AROSE. I ASKED SENATOR GARRETT WHY ALL THESE WHITE PEOPLE ARE SO AFRAID AND WHY THEY HAVE TO CARRY THESE GUNS. AND HE INDICATED THAT WITH THE CONDITIONS OF THE WORLD--AND I'M PARAPHRASING, YOU CAN GET THE TRANSCRIPT--PEOPLE ARE WORRIED ABOUT TERRORISTS LIKE ISIS AND ISIL AND THE TALIBAN. AND I SAID, MY ISIS IS THE POLICE. THAT'S CLEARLY AN ANALOGY. WHAT PUTS YOUR PEOPLE IN FEAR AND MAKE THEM FEEL LIKE THEY HAVE TO CARRY GUNS ARE ISIL, ISIS, AND THE TALIBAN. FOR BLACK PEOPLE, ISIS, ISIL, AND THE TALIBAN DON'T ENTER INTO THE PICTURE. IF I WERE GOING TO NAME AN ENEMY, MY ENEMY WOULD BE THE POLICE. NOW WHO DOESN'T KNOW THAT'S ANALOGY? EVERYBODY KNEW IT. THAT'S WHY THE LOCAL MEDIA DIDN'T PICK IT UP. BUT AS SOON AS FOX NEWS PICKED IT UP, THEN EVERYBODY STARTED RUNNING AND THEIR EDITOR SAID, YOU GOT TO GO ASK SENATOR CHAMBERS SOME QUESTIONS ABOUT WHAT HE SAID AND YOU HEARD HIM SAY THIS BEFORE. BUT IT WASN'T ANYTHING BUT NOW FOX NEWS HAS SAID IT AND PEOPLE WONDER WHAT'S HAPPENING IN NEBRASKA. AND HERE YOU COME RUNNING. HERE YOU COME. THAT'S WHY I HAVE SO MUCH CONTEMPT WHEN THAT KIND OF NONSENSE HAPPENS. AND SENATOR McCOY, OF ALL PEOPLE, IS THE ONE WHO LED YOU TO DO IT. AND HE WAS MAD BECAUSE I MENTIONED THAT HE PARLAYED THIS JOB INTO A JOB WITH THE GUY WHO GAVE OVER A MILLION DOLLARS TO HIS CAMPAIGN. THAT'S WHAT WAS THE GENESIS OF ALL OF THIS. THEN THE GOVERNOR JUMPED IN, MAYOR STOTHERT JUMPED IN, FORTENBERRY JUMPED IN, POLICE CHIEF SCHMADERER JUMPED IN, THE SENATORS JUMPED IN. AND HERE WAS POOR, POOR, PITIFUL ME. THE CONTEMPT THAT I HAD WAS BASED ON WHY YOU ALL WERE CARRYING ON LIKE THAT. AND YOU DIDN'T GET IT FROM READING THE TRANSCRIPT. YOU GOT IT FROM FOX NEWS BECAUSE IF YOU READ THE TRANSCRIPT, YOU HEARD ME SAY, SHOOT FIRST AND ASK QUESTIONS LATER, LIKE THE POLICE ARE TOLD TO DO. IS THAT NOT AN ANALOGY? MENTIONING THE OTHER THINGS THAT COULD AND SHOULD BE DONE TO YOUR ENEMY, AND THEN ADDING RIGHT AWAY, BUT YOU KNOW I COULDN'T GET AWAY WITH THAT. YOU DIDN'T READ ANY OF THAT, DID YOU, BECAUSE YOU DON'T READ. GO BY WHAT OTHER PEOPLE TELL YOU TO DO. THAT'S WHY IT'S HARD TO TAKE YOU SERIOUSLY. THEN WHEN WE GET AWAY FROM YOU KNUCKLING UNDER TO FOX NEWS, YOU'RE TALKING ABOUT YOUR CONSTITUENTS AND HOW YOU CARE FOR THEM. WHO SENT YOU DOWN HERE? THE ONLY MAN WHO DID SOMETHING THAT NONE OF US HAS DONE IS STANDING UP THERE IN THE FRONT OF THE CHAMBER. ANYBODY CAN COME TO THIS ROOM WHO HAS BEEN ELECTED. THAT MAN WAS NOT ELECTED. HE GOT INTO THE

Floor Debate
April 29, 2015

LEGISLATURE WITHOUT BEING ELECTED. NOW, ISN'T THAT AN ACHIEVEMENT?
[LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR CHAMBERS: HE WAS NOT ELECTED, AND YET HE'S A SENATOR BECAUSE HE WAS GIVEN THE JOB. AND WHEN YOU'RE GIVEN SOMETHING, YOU DON'T VALUE IT, YOU DON'T UNDERSTAND IT. YOU DON'T KNOW WHAT'S ENTAILED IN TRYING TO GET THERE AND YOU HAVE A CERTAIN MIND-SET, WHICH IS NOT BASED ON EXPERIENCE, NOT BASED ON KNOWLEDGE, BUT THE FACT THAT YOU KNEW THE ONE, THE GOVERNOR WHO HAD THE POWER TO SAY, I CHOOSE YOU. GO DOWN THERE AND BE A SENATOR. I LOOK AT WHAT HAPPENS HERE. I PAY ATTENTION TO WHAT HAPPENS HERE. AND I LISTEN TO YOU ALL. AND DESPITE THE CRITICISMS, ON OCCASION YOU ALL MAKE VERY GOOD SENSE AND THAT'S WHY I GET SO UPSET, BECAUSE I KNOW YOU CAN THINK. BUT YOU CHOOSE NOT TO THINK. YOU CHOOSE TO HITCH YOURSELF TO A WAGON AND LET SOMEBODY POP THE WHIP OVER YOU LIKE A MULE SKINNER AND SAYS, GEE, AND YOU GEE; HAW, AND YOU HAW; WHOA, AND YOU STOP; GO, AND YOU GO. AND YOU KNOW BETTER. [LB414]

PRESIDENT FOLEY: TIME, SENATOR. [LB414]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB414]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I JUST RAN THE NUMBERS AND I'VE BEEN TOLD, WELL, WITH NAIVE ROOKIES AND STUFF SOMETIMES WE WORRY ABOUT A LITTLE BIT OF MONEY HERE AND THERE, \$15,000, A MILLION THERE. IT'S NOTHING COMPARED TO THE \$4 BILLION BUDGET. WELL, I LOOKED UP HOW MANY JOBS, FULL-TIME JOBS ARE IN NEBRASKA, DEPARTMENT OF LABOR, AND THERE'S 1,005,000 JOBS. AND WE'RE TALKING ABOUT 500 JOBS HERE. HECK, THAT'S ONLY...LET ME SEE HOW THE NUMBERS CAME OUT, THAT'S ONLY .04974 PERCENT OF THE TOTAL JOBS. SO WHY ARE WE WASTING OUR TIME OVER 500 JOBS? FOR TIT FOR TAT. I UNDERSTAND SENATOR HARR'S CONCERN ABOUT 500 JOBS. AND I ALSO UNDERSTAND OUR CONCERN, FISCAL CONSERVATIVES, OVER \$15,000 WHEN WE WORRY ABOUT HOW IT'S BEING SPENT. BUT AS I SAID EARLIER, THIS DOESN'T BELONG ON THE FLOOR OF THE LEGISLATURE. LET THE

Floor Debate
April 29, 2015

SYSTEM WORK. LET'S GO THROUGH THE TAX PROTEST SYSTEM AND LET'S LET IT WORK ITS WAY OUT THAT WAY. AND NOT...I'M NOT GOING TO SAY WASTE YOUR TIME. I'VE BEEN CASTIGATED ONCE BY SAYING THAT WORD ON THE FLOOR. EVERYTHING IS WORTH TALKING ABOUT IN A FREE-SPEECH SOCIETY. SO AS TO...I MENTIONED EARLIER, BUT TO SAY IT A LITTLE LOUDER, THE WOODMEN BUILDING IS WORTH \$40 MILLION VALUED. I WOULD SAY IT'S GOING TO TAKE THEM \$150 MILLION TO REPLACE THAT BUILDING, I WOULD GUESS, OVER IN IOWA. DIVIDED BY \$1,000,200. THAT TAKES A LITTLE BIT. A FEW YEARS TO PAY THAT OFF EVEN BEFORE YOU BREAK EVEN. PLUS WE DO HAVE VERY GOOD TAX LAWS FOR INSURANCE COMPANIES. I UNDERSTAND...I FOUND OUT IOWA HAS GOOD TAX LAWS, TOO, FOR INSURANCE COMPANIES. SO THAT WOULDN'T BE A VERY GOOD TRADE-OFF. I JUST DON'T SEE THE REASONING HERE WHEN THE COMPANY REALLY HASN'T...I JUST GOT A GUT FEELING THEY'RE LOYAL TO NEBRASKA. THEY'RE NEBRASKANS. I UNDERSTAND THEY'RE CONCERNED. THEY'RE BUSINESSMEN. THEY'RE GOING TO LOOK AT THEIR BOTTOM LINE. AND I CAN'T EVEN SAY WE'RE GOING TO PULL THEIR...THAT WE SHOULD TAKE THEIR BLUFF BECAUSE THEY HAVEN'T BLUFFED. THEY HAVEN'T SAID THEY'RE GOING TO MOVE OUT. SO THE THREAT ISN'T THERE. THEY JUST HAVE A CONCERN ABOUT PAYING TAXES FOR THEIR NONPROFIT PORTION OF THEIR BUSINESS AND THE SYSTEM SHOULD BE ALLOWED TO ADDRESS THAT. AND AS SENATOR SCHUMACHER SAID, WE'RE JUST SETTING OURSELVES UP FOR...EVERY ONE OF US SENATORS HAVE AN INDUSTRY, A NONPROFIT THAT IS PAYING TAXES THAT THEY PROBABLY THINK THEY SHOULDN'T BE PAYING ON. I KNOW WE HAVE A TOURIST ATTRACTION THERE THAT THE GIFT SHOP, THEY PAY PROPERTY TAXES ON IT. THE REST OF IT IS NOT. AND THEY PAY...AND BECAUSE THE COUNTY COMMISSIONERS DECIDED THAT PART OF THE...BUT THEY'RE A NONPROFIT; COMPLETELY NONPROFIT. ARE THEY GOING TO COME NOW TO ME AND SAY, HEY, SENATOR GROENE, CAN YOU PASS A LAW THAT TELLS OUR COUNTY COMMISSIONERS THAT WE SHOULDN'T PAY PROPERTY TAXES ON THE GIFT SHOP PORTION OF OUR GOLDEN SPIKE? THEY GOT A LEGITIMATE CLAIM. BUT SOMEBODY HAS TO PAY PROPERTY TAXES. WE WANT GOOD SCHOOLS, WE WANT GOOD ROADS, AND I'LL KEEP REPEATING THIS. WE ALL SHOULD PAY. WE ALL SHOULD BE PART OF IT. AND THEN WE SHOULD ALL SHARE WHEN PROPERTY TAXES GO DOWN BECAUSE WE'VE KEPT THE GOOD ECONOMY GOING. WE SHOULD ALL SHARE IN THAT BENEFIT, NOT PICK WINNERS AND LOSERS BECAUSE OF A HOT-BUTTON ISSUE. SO THANK YOU. I DON'T KNOW HOW MUCH TIME I HAVE. SENATOR CHAMBERS, DO YOU WANT ANY MORE TIME? I'LL YIELD IT TO YOU. [LB414]

Floor Debate
April 29, 2015

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. ONE MINUTE, SENATOR CHAMBERS. [LB414]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR GROENE. MEMBERS OF THE LEGISLATURE, WHEN I TAKE TIME, I TRY TO SAY SOMETHING THAT I THINK IS WORTH SAYING AND I MENTIONED SENATOR HARR USING HIS GADGET. EVERYBODY SAYS THAT W-O-W HAS NOT THREATENED TO LEAVE. SO I STARTED GOING THROUGH THE ROLODEX OF MY MIND, NOT ROLEX, BUT THE ROLODEX OF MY MIND AND I'M PICTURING A PAGE IN THE WORLD-HERALD OF A SECTION CALLED MONEY. AND WHAT I SEE AS A HEADLINE, WORDS TO THE EFFECT, W-O-W, OR WOODMEN OF THE WORLD SAYS, IF GRANTED A TAX BREAK, WE WILL NOT LEAVE. AND IF I GET ANOTHER CHANCE TO SPEAK, I WANT TO ASK SENATOR HARR ABOUT THAT HEADLINE TO SEE IF HE REMEMBERS IT OR IF HE RELIES TOTALLY ON HIS GADGET. THANK YOU, MR. PRESIDENT. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR LARSON, YOU'RE RECOGNIZED. [LB414]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS, YOU HAVE INSPIRED ME SO MUCH AND FOR THE CAPITAL E IN ENJOYMENT, I YIELD YOU ALL OF MY TIME. [LB414]

PRESIDENT FOLEY: SENATOR CHAMBERS, FIVE MINUTES. [LB414]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR LARSON, AND NOW I WOULD LIKE TO ENGAGE SENATOR HARR IN AN EXCHANGE. THE LAWYERS CALL IT, I BELIEVE, A COLLOQUY. [LB414]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB414]

SENATOR CHAMBERS: SENATOR HARR. [LB414]

SENATOR HARR: YES. [LB414]

SENATOR CHAMBERS: SENATOR HARR, I HAD GIVEN MY RECOLLECTION OF A HEADLINE THAT I WAS PARAPHRASING THAT SAID W-O-W, OR WOODMEN OF THE

Floor Debate
April 29, 2015

WORLD SAYS, WE WILL STAY OR WE WILL NOT LEAVE IF WE'RE GIVEN A TAX BREAK. DO YOU REMEMBER SUCH A HEADLINE IN THE WORLD-HERALD? [LB414]

SENATOR HARR: MAYBE NOT A HEADLINE, BUT DO REMEMBER AN ARTICLE. [LB414]

SENATOR CHAMBERS: SO THEY HAVE EITHER AFFIRMATIVELY OR NEGATIVELY SUGGESTED THAT THEY WILL LEAVE IF THEY DON'T GET WHAT THEY WANT, HAVEN'T THEY? [LB414]

SENATOR HARR: THAT'S A CONCLUSION I THINK YOU DREW, YES. [LB414]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, THEY HAVE SAID THAT THEY'LL LEAVE, BUT I DON'T THINK THEY WILL. BUT IF THEY DO, SO WHAT? WHAT IS MORE IMPORTANT? KNUCKLING UNDER TO ONE OUTFIT OR MAINTAINING THE INTEGRITY OF THE LEGISLATURE AND OUR LEGISLATIVE PROCESSES? IF THE LEGISLATURE CAN BE BLUDGEONED AND MADE TO DO WHAT SENATOR GROENE DESCRIBES ACCURATELY AS BREAKING THE RULES IN THE SAME WAY THAT BREAKING THAT RULE ENCOURAGES OTHERS TO DO THE SAME THING, IT ENCOURAGES THE LEGISLATORS TO FEEL THAT THE RULES DON'T MEAN ANYTHING. THEY WERE MADE TO BE BROKEN, AND THEY WILL BE BROKEN AGAIN AND AGAIN AND AGAIN. DO I BLAME THESE COMPANIES FOR COMING HERE TO THUMP THE LEGISLATURE'S HEAD? NO. BECAUSE ONE OF THOSE GUYS ON THE ORDER OF BARNUM OR THAT OTHER FELLOW SAID IF YOU FIND A FOOL, BUMP HIS HEAD, AND THE LEGISLATURE IS SHOWING ITSELF TO BE A COLLECTIVE FOOL. WHO ENACTED THE LAWS? WHO DECIDED WHAT THE TAX POLICY SHOULD BE? THE LEGISLATURE. AND ONE LEGISLATURE CANNOT BIND A FUTURE LEGISLATURE. BUT THIS LAW, THIS CHANGE IS NOT BEING WROUGHT AS A RESULT OF ANY KIND OF STUDY. SOME OF THE SENATORS WENT ALL OVER THE STATE STUDYING TAXES, ESPECIALLY PROPERTY TAXES. AND NO LAWS ARE GOING TO BE CHANGED THIS SESSION, AFTER ALL OF THAT STUDY, AFTER ALL OF THE DISCUSSION. THEN ONE OUTFIT COMES HERE, NOT BASED ON ANY STUDY, NOT BASED ON ANY RATIONAL RATIONALE. THIS LEGISLATURE IS GOING TO ROLL OVER AND CHANGE THE LAW FOR THAT ONE ENTITY. I'M WATCHING WHAT YOU ALL DO. YOU KNOW WHY I SAY YOU ALL, I'M ONE VOTE. YOU ALL HAVE THE VOTES, PLURAL. YOU ALL BEHAVE COLLECTIVELY. I BEHAVE INDIVIDUALLY. I CANNOT MAKE ANYTHING HAPPEN ON THIS FLOOR. WHEN SOMETHING FOOLISH OCCURS, IT'S BECAUSE YOU ALL COLLECTIVELY BEHAVE IN A FOOLISH MANNER. AND WHEN THAT HAPPENS, THE INNOCENT, IN THIS

Floor Debate
April 29, 2015

CASE, THOSE WHO WANT TO RESPECT THE RULES...ARE PUNISHED WITH THE GUILTY... [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR CHAMBERS: ...OR THOSE WHO WOULD HAVE TO BE CALLED FOOLS. THAT'S WHAT WE'RE LOOKING AT. THIS IS THE KIND OF DISCUSSION PEOPLE ON THIS FLOOR DON'T WANT TO HEAR. BUT YOU KNOW THAT IT'S TRUE. AND BEFORE THIS SESSION IS OVER, PEOPLE ARE GOING TO BE STANDING UP HERE LAMENTING THE ABSENCE OF LEGISLATION DEALING WITH PROPERTY TAX RELIEF. BUT THERE IS ALWAYS ROOM FOR TAX RELIEF FOR A BIG COMPANY, JUST LIKE THERE'S ALWAYS ROOM FOR JELLO. AND UNFORTUNATELY, THE SPINES OF MY COLLEAGUES HAVE LESS SUBSTANCE THAN JELLO. THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR...OH, HE IS HERE, SENATOR LARSON. SOMETIMES HE DISAPPEARS. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB414]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. WE HAVE A SITUATION WHERE JUST ABOUT NO ONE WANTS TO VOLUNTEER TO PAY TAXES. AND IF THERE IS AN IDEA THAT PERHAPS BY APPROACHING THE LEGISLATURE YOU WILL GET YOUR TAXES REDUCED, YOU CAN'T BLAME SOMEBODY FOR TRYING. SO IF WE'VE ESTABLISHED THIS PRECEDENT THAT EVEN IF THERE IS NO THREAT ONE WAY OR THE OTHER, BUT IF WE COULD BE HINTED TO THAT MAYBE YOU MIGHT WANT A TAX SPECIAL TREATMENT, ALL YOU GOT TO DO IS HINT AND WE WILL RESPOND. THINK, IF YOU WERE ON THE BOARD OF THAT ORGANIZATION, BE IT A NONPROFIT ORGANIZATION THAT WAS PAYING TAXES ON ITS BUSINESS FUNCTIONS, OR A BUSINESS CORPORATION THAT WAS PAYING TAX, OR ANY OTHER KIND OF ENTITY THAT WAS PAYING TAX, ONCE YOU KNEW THAT WAS OUR MOOD HERE, WOULDN'T YOU FEEL AN OBLIGATION TO YOUR SHAREHOLDERS, TO YOUR MEMBERSHIP, TO YOUR INSURED IF YOU'RE A MUTUAL INSURANCE COMPANY TO COME AND AT LEAST HINT THAT GEE, WE'D CERTAINLY LIKE A TAX TREATMENT? IN FACT, WOULDN'T YOU MORE THAN FEEL THAT, WOULDN'T YOU HAVE AN OBLIGATION TO COME AND ASK FOR A SPECIAL DEAL? THAT'S YOUR FIRST OBLIGATION IS TO YOUR MEMBERS, TO YOUR SHAREHOLDERS, TO YOUR EQUITY INTERESTS. THAT'S YOUR FIRST OBLIGATION. AND WHEN WE SIGNAL THAT WE ARE WILLING TO GO OUT OF OUR WAY AND EVEN INTERVENE IN A

Floor Debate
April 29, 2015

LEGAL PROCESS...IN PROCESS LIKE BEFORE THE TERC BOARD, TO HELP YOU OUT, WELL, I WOULD EXPECT THAT YOU'D BE ASKING YOUR LOCAL SENATOR TO INTRODUCE A BILL. YOU'D BE COMING DOWN TO THE REVENUE COMMITTEE AND YOU'D BE MAKING YOUR CASE, AND THE REVENUE COMMITTEE WOULD BE HAVING SOME LONG NIGHTS WITH A LONG LIST OF PEOPLE WITH THEIR PETITIONS FOR SPECIAL RELIEF. THIS IS NOT GOOD POLICY HERE. WE MAY HAVE TO ARBITRATE A CONFLICT NEXT YEAR, DEPENDING ON THE RULING OF THE TERC BOARD. WE MAY BE POSED WITH THAT QUESTION. BUT THERE'S NO NEED UNDOING IT THIS YEAR. THIS IS NOT ONLY AS A PRACTICAL MATTER NOT GOOD TAX POLICY, BUT IT IS NOT A GOOD MESSAGE FOR THE LEGISLATURE TO SEND TO THE POPULATION, WHO AS INDIVIDUALS, WHETHER THEY'RE BUSINESS PEOPLE, WAGE EARNERS, PEOPLE WORKING SECOND JOBS, RETIREES THAT HAVE TO GO BACK TO WORK, ALL OF THOSE FOLKS, FARMERS, WOULD LIKE TO HAVE A BREAK. AND FOR US TO SYMBOLICALLY SAY THAT ONE OF THE TALLEST BUILDINGS IN THE STATE GETS A BREAK, BUT FOR THE FOLKS WHO ARE IN THE FIELD AND THE FOLKS WHO ARE IN THE FACTORIES AND THE FOLKS WHO ARE THE GREETERS AT THE WALMART STORES, THEY DON'T GET A BREAK WOULD NOT BE RIGHT ON OUR PART. WE CAN DEFER THIS UNTIL WE SEE WHAT SITUATION DEVELOPS, BUT WE NEED TO SEND A MESSAGE THAT BECAUSE WE'RE NOT ABLE TO RESPOND AS PEOPLE HAVE BEEN TOLD WHAT THEY SHOULD EXPECT BY POLITICIANS, THAT WE RESPOND ONLY TO SPECIAL PEOPLE. WE HAVE TO DO THIS FAIR FOR EVERYONE. AND I THINK THAT SENATOR DAVIS' AMENDMENT--GOOD AMENDMENT IF WE'RE GOING TO MOVE FORWARD, BUT IF WE'RE NOT GOING TO MOVE FORWARD--LET'S LET THIS BILL SET OVER. LET'S NOT PROCEED ON THIS BILL. LET'S SEE WHAT THE RESULT OF THE TERC BOARD IS AND LET'S...IF WE'RE GOING TO GIVE AID HERE, LET'S HAVE IT AS PART OF A LARGER AID PACKAGE. AND LET'S ALSO KEEP OUR FINGERS CROSSED THAT WE DON'T HAVE TO FACE A HARSHER REALITY IN A COUPLE DAYS BY ALL OF A SUDDEN TRYING TO FIND MONEY IN THE BUDGET THAT EVERYONE WAS HOPED WOULD BE SPENT THEIR DIRECTION AND WE HAVE TO TAKE SOME OF IT BACK TO MAKE THE THING BALANCE. THANK YOU. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR LARSON, YOU'RE RECOGNIZED. [LB414]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS OBVIOUSLY SOMETIMES FORGETS WHO I AM OR MOST MEMBERS, AND AS HE SAID, WE ARE ALL CHILDREN COMPARED TO THE AMOUNT OF TIME HE'S BEEN HERE AND COMMENTED THAT AT TIMES I DISAPPEAR. AND OFTENTIMES THE BODY TAKES A COLLECTIVE SIGH OF RELIEF BECAUSE THAT MEANS I WON'T BE

Floor Debate
April 29, 2015

ON THE MIKE. KIND OF JUST LIKE WHEN HE DISAPPEARS, THEY TAKE A COLLECTIVE SIGH OF RELIEF BECAUSE IT MEANS HE WON'T BE ON THE MIKE ANYMORE. BUT WITH THAT, AS I SAID, I REALLY HAVE ENJOYED HIS DRONING THIS AFTERNOON. SO I'D YIELD THE REST OF MY TIME TO SENATOR CHAMBERS AGAIN. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR CHAMBERS, FOUR AND A HALF MINUTES. [LB414]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR LARSON. HE'S BEGINNING TO KNOW ME PRETTY WELL. MEMBERS OF THE LEGISLATURE, AL GREEN SANG A SONG, LET'S JUST BE GLAD WE'VE HAD THIS TIME TO SPEND TOGETHER. THERE IS NO NEED TO CROSS THE BRIDGES THAT WE'VE BURNED. NOW, MEMBERS, "PROFESSOR" SCHUMACHER HAS STATED A PRINCIPLE THAT WE AS POLITICIANS UNDERSTAND. IF YOU ALLOW ONE PERSON TO PILLAGE THE VINEYARD, OTHERS SIMILARLY SITUATED ARE GOING TO DO THE SAME THING. YOU ARE INVITING IT. WHY CANNOT WE STAND? THERE IS AN EXPRESSION, IT'S IN THE FORM OF A QUESTION THAT I HAVE POSED IN THE PAST WHEN I'M TRYING TO GET MY COLLEAGUES TO STAND UP TO BE STARS OF MEN, MANHOOD, AND WOMANHOOD. IF ONLY ONCE, MY COLLEAGUES, IF ONLY ONCE--AND IT COULD BE THIS ONCE--THAT A FLOCK OF SHEEP COULD BEHAVE LIKE A PRIDE OF LIONS. IF JUST THIS ONCE, BUT YOU'RE NOT GOING TO DO IT. SO I SAY IT FOR THE RECORD AND POSTERITY. PEOPLE DO READ SOME OF THE THINGS THAT WE SAY AND THEY WONDER HOW IN THE WORLD, AFTER ALL THE TYPES OF DISCUSSIONS WE'VE HAD, THE KIND OF ACTION CAN BE TAKEN THAT RESULTED AFTER ALL OF THAT DISCUSSION. THERE IS ANOTHER PRINCIPLE, A FLOCK OF SHEEP, SENATOR SCHEER, A FLOCK OF SHEEP LED BY A LION WILL DEFEAT A PRIDE OF LIONS LED BY A SHEEP; LEADERSHIP OR LACK OF LEADERSHIP. WE HAVE ALL THESE "CHAIRPERSONHOODS" FILLED. THESE ARE TO BE THE LEADERS. WHERE IS THE LEADERSHIP WHEN YOU NEED IT? WHERE? IN HIDING. THERE WAS A CONTEST BETWEEN THE PROPHETS OF GOD AND THE PROPHETS OF BAAL. AND THEY DECIDED THAT THEY WOULD HAVE A CONTEST. AND THE GOD WHO ANSWERED BY FIRE WOULD BE THE TRUE GOD. SO THESE PROPHETS OF BAAL SAID THAT'S FINE. SO THEY BUILT THIS ALTAR. THEY DUG A TRENCH, WHICH WOULD BE LIKE A MOAT, AROUND IT AND THEY FILLED IT WITH WATER. [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

Floor Debate
April 29, 2015

SENATOR CHAMBERS: IT'S GOING TO TAKE ME LONGER THAN A MINUTE, BUT I'LL SAY WHAT I CAN AND MAYBE BEFORE MY TIME IS UP, THE WORLD WILL COME TO AN END AND IT WON'T MATTER ANYWAY. IN THE OLD DAYS WHEN YOU WENT TO THE SHOW, THEY HAD SERIALS, A SERIES OF LITTLE MOVIES AND AT THE END OF EACH ONE, SOMETHING WAS ABOUT TO HAPPEN AND THEY WOULD STOPPED IT RIGHT THERE SO THAT YOU'D COME BACK NEXT WEEK TO SEE WHAT HAPPENED. SO THAT'S ABOUT WHERE I FIND MYSELF NOW. THANK YOU, MR. PRESIDENT. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB414]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. I'M NOT SURE WHERE I'M GOING TO START. FIRST OF ALL, WHEN SENATOR CHAMBERS REMARKED ABOUT THE TAX MODERNIZATION COMMITTEE LOOKING FOR STATEWIDE PUBLIC HEARINGS, YES, THOSE WERE HELD. AND AS A LEGISLATURE, WE WORKED TO RESPOND TO AS MANY, MANY PARTS OF A VERY LARGE PICTURE. THIS BILL ADDRESSES THE FRATERNAL SOCIETIES HERE AND SPECIFICALLY WE HAVE CALLED OUT WOODMEN OF THE WORLD. AND ON THE REVENUE COMMITTEE, I HAVE A HUGE STRUGGLE WITH NOT WANTING TO JUST LOOK AT ONLY, ONLY MY PRIORITY BILL, WHICH WAS THE REDUCTION AND IS THE REDUCTION OF AG LAND VALUE THAT WAS ALSO A PART OF THE TAX MODERNIZATION STUDY. BUT I'M ALSO LOOKING AT THIS SINGLE BILL BECAUSE EVERY PART, EVERY CONSTITUENT, EVERYONE THAT COMES TO A PUBLIC HEARING, REGARDLESS OF WHAT COMMITTEE IT IS IN, THEY ARE THE SECOND HOUSE AND WE ARE DEEMED WITH THE RESPONSIBILITY TO ADDRESS AND TRY TO HELP MAKE THINGS BETTER. IN REGARDS TO WOODMEN OF THE WORLD, I DID CALL OUT AND SPEAK WITH JOHN CEDERBERG. I WAS QUESTIONING...THEY HAVE A \$1.3 BILLION--WITH A B AS IN BIRD--IN GROSS REVENUE. AND I WAS NOT CONFIDENT OF HOW MUCH WAS GOING TO CHARITIES. AND THEY RESPONDED. AND I AM CONFIDENT, IT IS A GOOD PURPOSE BECAUSE, FIRST OF ALL, THEY DO...THE INSURANCE COMPANIES, THEY ARE FINANCIAL INTERMEDIARIES, THEY PAY PREMIUMS. THE COMPANY INVESTS THOSE PREMIUMS IN EARNING ASSETS FROM WHICH THE INVESTMENT INCOME FUNDS AND THE EVENTUAL RETURN TO THE MEMBERS OF MORE THAT THEY ARE PAID IN. SO THOSE WHO ARE SEEKING INSURANCE MUST BE PAID OUT. EVERY YEAR THEY ARE FULFILLING THEIR FINANCIAL OBLIGATIONS. AND WHEN THERE IS QUITE A BIT OF MONEY HERE AVAILABLE, I SEE THEY DO PAY OUT QUITE A BIT. THEY PROVIDED THE FIGURES FOR 2012 AND 2013. IN 2012, THEY PAID OUT \$30,920,000 TO CHARITABLE, EDUCATIONAL, AND SIMILAR FRATERNAL COMMUNITY ACTIVITIES. SO THEY

Floor Debate
April 29, 2015

ARE GIVING BACK. THEY DID LIKEWISE IN THE PAST YEAR, \$29,780,000. AND IT SAYS AS YOU CAN SEE FROM THE TABLE, OVER TWO YEARS, APPROXIMATELY 95 PERCENT TO 96 PERCENT OF WOODMEN'S ACTIVITIES INCLUDED CHARITABLE, EDUCATIONAL, AND SIMILAR FRATERNAL USES. I BELIEVE IT'S IMPORTANT THAT WE HAVE A FRATERNAL ORGANIZATION THAT DOES CONTRIBUTE AND ALSO PROVIDE LIFE INSURANCE. LIFE INSURANCE IS IMPORTANT. IF THOSE NEEDS ARE MET, THEN WHERE IS AN INDIVIDUAL TO GO? WHERE ARE THE FAMILIES TO GO, THE SURVIVORS? I ALSO AGREE AG LAND VALUE... [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR BRASCH: ...IS ESSENTIAL AND IMPORTANT AND THAT WE SHOULD NOT BEMOAN OR BELITTLE THOSE NEBRASKANS THAT CAME ACROSS THE ENTIRE STATE TO ASK FOR THAT. AND I STILL BELIEVE THAT WE CAN SUPPORT LB414 AND AG LAND REDUCTION, EVEN IF IT IS A SMALL AMOUNT SO WE CAN FIND ANOTHER SOLUTION THAT CAN HELP OUR TAXING IN NEBRASKA. I DON'T BELIEVE EVERYONE IS A TAX EVADER. I DON'T BELIEVE EVERYONE IS OUT FOR JUST THEIRSELVES. BUT I BELIEVE WE DO NEED TO WORK TOGETHER. IF THIS IS MEANINGFUL AND WE ARE SEEING SIGNIFICANT RETURNS--WHICH I BELIEVE WE ARE--ON LB414, THEN WE SUPPORT THAT. AND I DID VOTE FOR THIS IN COMMITTEE AND INTEND TO SUPPORT IT ON THE FLOOR, BUT I WILL ALSO... [LB414]

PRESIDENT FOLEY: TIME, SENATOR. [LB414]

SENATOR BRASCH: THANK YOU. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB414]

SENATOR HARR: QUESTION. [LB414]

PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB414]

CLERK: 26 AYES, 5 NAYS TO CEASE DEBATE. [LB414]

Floor Debate
April 29, 2015

PRESIDENT FOLEY: DEBATE HAS CEASED. SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE ON AM1447. [LB414]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. AGAIN, WHAT MY AMENDMENT DOES IS IT TRIES TO IMPLEMENT A PROCESS BY WHICH THE CHARITABLE FUNCTION OF THE WOODMEN BUILDING, WHICH IS USED FOR THE CHARITABLE GRANT GIVING, THE BOOKKEEPING THAT GOES WITH THAT, THE STAFFING THAT'S IN PLACE THERE IN THOSE ROOMS, AND ALL THE THESE THINGS THAT ARE ASSOCIATED WITH THE GIVING OF CONTRIBUTIONS TO CHARITABLE ENTITIES WILL BE EXEMPT. BUT THE STATE WILL MAKE THOSE DECISIONS. IT WON'T BE WOODMEN AND IT WON'T BE THE ENTIRE BUILDING WHICH IS HONESTLY GEARED TOWARDS INCOME PRODUCING AND MONEYSMAKING. THAT'S WHAT THE INSURANCE INDUSTRY DOES IN THAT BUILDING. YOU KNOW, IF YOU REVIEW SOME OF THE DOCUMENTS, THESE PEOPLE ARE VERY HIGHLY PAID THAT WORK THERE. SO WHAT ARE WE GOING TO DO? WE'RE GOING TO GIVE THEM A TAX EXEMPTION WHICH IS GOING TO SHIFT A LOT OF BURDEN ONTO OTHER TAXPAYERS IN DOUGLAS COUNTY WHO ARE ALREADY OVERBURDENED BY TAXES SO THAT THESE FOLKS CAN HAVE ANOTHER \$800,000 TO PUT INTO SALARIES, TO PUT INTO WHATEVER THEY NEED TO DO. YOU KNOW, I UNDERSTAND THIS IS AN IMPORTANT INDUSTRY IN OMAHA. I RECOGNIZE THAT. IT'S BEEN THERE FOR A LONG TIME. IT'S GOT A BUILDING THAT WAS A LANDMARK BUILDING OF DOWNTOWN OMAHA. BUT LET'S BE HONEST, FOLKS, IN HERE. DOUGLAS COUNTY OPPOSED THIS. THEY TOOK IT TO THE TERC BOARD AND THAT TERC BOARD CAN RULE ON IT. AND THEY SHOULD BE RULING ON IT SOMETIME THIS SUMMER. WE DON'T NEED THIS BILL NOW. BUT IF WE'RE GOING TO PASS THIS BILL NOW BECAUSE PEOPLE MADE PROMISES IN HERE TO OTHER FOLKS OR PEOPLE FEEL THAT THERE'S SOME KIND OF PRESSURE FROM WOODMEN, THEN LET'S AT LEAST REDUCE IT SO IT'S ONLY THE CHARITABLE PART OF THAT INDUSTRY THAT'S GOING TO BE EXEMPT, BECAUSE I WOULD THINK A LOT OF OTHER FOLKS MIGHT SAY, YOU KNOW, THIS MIGHT BE A GOOD IDEA FOR US TO LOOK TO SWITCH TO THIS KIND OF MODEL IF WE DO THIS. IT'S OPENING A DOOR WE SHOULDN'T OPEN. WE SHOULD RESPECT THE COUNTY'S DECISION. WE SHOULD GO TO THE TERC BOARD, LET THEM DECIDE WHAT TO DO. SENATOR HARR WILL STILL HAVE THE BILL HERE NEXT YEAR IF THIS BILL IS NOT KILLED TODAY OR LATER. AND IT COULD BE PRIORITIZED NEXT YEAR IF HE WANTS TO DO THAT AFTER THE TERC BOARD MAKES THEIR RULING. BUT, AGAIN, I WOULD CERTAINLY APPRECIATE THE SUPPORT ON MY AMENDMENT BECAUSE I THINK IT'S JUST GOOD, LOGICAL PUBLIC POLICY, WHICH IS NOT WHAT THE BILL ITSELF IS. AND I'M TRYING TO LIMIT THE DAMAGES THAT ARE BEING DONE BY THIS BILL. THANK YOU, MR. PRESIDENT. [LB414]

Floor Debate
April 29, 2015

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. YOU'VE HEARD THE DEBATE ON AM1447. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. THERE'S BEEN A REQUEST FOR THE CALL OF HOUSE. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB414]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB414]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER, PLEASE RETURN TO THE CHAMBER, RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL, PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. ALL SENATORS ARE PRESENT. SENATOR DAVIS, HOW DO YOU WISH TO PROCEED? ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK. [LB414]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1318.) 18 AYES, 23 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB414]

PRESIDENT FOLEY: AM1447 IS NOT ADOPTED. MR. CLERK. THE CALL IS RAISED. [LB414]

CLERK: SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN. [LB414]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE WELCOME TO OPEN ON YOUR RECONSIDERATION MOTION. [LB414]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WE ALL KNOW WHAT'S GOING ON HERE TODAY. I SAID WHEN I FIRST STARTED I'M HELPING TO RUN DOWN THE CLOCK. SO NOW I WILL QUOTE THAT FAMOUS BIRD WHO WAS ALMOST A SYMBOL OF THIS COUNTRY, GOBBLE, GOBBLE, GOBBLE, IT'S TIME TO TALK TURKEY. THEY HAVEN'T GOT ENOUGH VOTES TO GET 33 FOR CLOTURE. MAYBE SOME PEOPLE HAVE SAID I WON'T SUPPORT THE BILL, BUT I'LL GIVE A CLOTURE VOTE. THIS IS ONE OF THOSE SITUATIONS WHERE A WISE MAN WOULD MAKE A WISE DECISION. IS SENATOR

Floor Debate
April 29, 2015

HARR AVAILABLE? AND IF SO, WOULD HE YIELD TO A QUESTION OR TWO?
[LB414]

PRESIDENT FOLEY: SENATOR HARR, WOULD YOU YIELD TO A QUESTION,
PLEASE? [LB414]

SENATOR CHAMBERS: MAY I BEGIN AS HE APPROACHES? [LB414]

SENATOR HARR: I WILL. [LB414]

PRESIDENT FOLEY: YES. [LB414]

SENATOR CHAMBERS: SENATOR HARR, IT IS SAID THAT IN DIPLOMACY, "YES"
MEANS "MAYBE." IF A DIPLOMAT SAYS "MAYBE," IT MEANS "NO." IF A PERSON
SAYS NO, HE OR SHE IS NOT A DIPLOMAT. SENATOR HARR, YOU'RE ABLE TO READ
THE TEA LEAVES, IN A MANNER OF SPEAKING, AREN'T YOU? [LB414]

SENATOR HARR: I AM NOT A DIPLOMAT. [LB414]

SENATOR CHAMBERS: SENATOR HARR, YOU ARE ABLE TO DIVINE THE
SIGNIFICANCE OF NUMBERS THAT GO UP ON THE VOTING BOARD. IS THAT TRUE
OR FALSE? [LB414]

SENATOR HARR: (LAUGH) AT TIMES, YES. THERE, I SAID IT. MAYBE. [LB414]

SENATOR CHAMBERS: SENATOR HARR, DID YOU PAY ATTENTION TO THE LAST
VOTE IN TERMS OF HOW MANY WERE ON ONE SIDE AS OPPOSED TO ON THE
OTHER SIDE? [LB414]

SENATOR HARR: MAYBE. [LB414]

SENATOR CHAMBERS: IF YOU HAD GOTTEN ALL OF THE NONVOTING MEMBERS,
MINUS ME, YOU WOULD NOT HAVE HAD 33 VOTES UP THERE. ARE YOU AWARE OF
THAT? THERE WERE 17 NOs. I MEANT 17 IN FAVOR OF THAT AMENDMENT. [LB414]

SENATOR HARR: IS THAT RIGHT? OKAY. I'LL TAKE YOUR WORD ON IT. [LB414]

Floor Debate
April 29, 2015

SENATOR CHAMBERS: YES. ALL RIGHT. AND I KID YOU NOT. [LB414]

SENATOR HARR: WELL, YEAH. I HAVE NO REASON TO DISBELIEVE YOU. [LB414]

SENATOR CHAMBERS: OKAY. WOULD IT BE BETTER TO ADOPT THE ATTITUDE CONTAINED IN THE LITTLE RHYME: HE WHO LAUGHS AND RUNS AWAY WILL LIVE TO LAUGH ANOTHER DAY? HAVE YOU HEARD THAT? [LB414]

SENATOR HARR: YOU JUST SAID IT, YES. [LB414]

SENATOR CHAMBERS: NOW, I'M GOING TO GIVE YOU ANOTHER VERSION. AND I WANT TO KNOW IF YOU'VE HEARD THIS BEFORE YOU HEARD ME SAY IT JUST NOW. HE WHO FIGHTS AND RUNS AWAY WILL LIVE TO FIGHT ANOTHER DAY. HAD YOU HEARD THAT? [LB414]

SENATOR HARR: YES. [LB414]

SENATOR CHAMBERS: ARE YOU IN A POSITION...WE'RE SPEAKING THEORETICALLY...TO LET THIS BILL STAY WHERE IT IS AND TAKE IT UP ANOTHER DAY DURING A FUTURE SESSION, WHEREAS IF YOU PUSH IT ALL THE WAY, YOU MAY LOSE IT? IS THAT A POSSIBILITY? [LB414]

SENATOR HARR: EVERYTHING IS POSSIBLE. WHAT I WOULD SAY IS, I WAS TAUGHT FROM A CHILDHOOD NOT FAILURE, BUT LOW AIM IS A CRIME. AND SO I'M GOING TO KEEP ON REACHING FOR THE STARS. [LB414]

SENATOR CHAMBERS: SAY THAT AGAIN. [LB414]

SENATOR HARR: NOT FAILURE, BUT LOW AIM IS A CRIME. AND SO YOU MOVED... [LB414]

SENATOR CHAMBERS: NOT FAILURE, BUT WHAT IS A CRIME? [LB414]

SENATOR HARR: NOT FAILURE, BUT LOW AIM. [LB414]

SENATOR CHAMBERS: OH, LOW AIM. [LB414]

Floor Debate
April 29, 2015

SENATOR HARR: AND SO I WILL KEEP ON REACHING. I THINK, YOU KNOW, THAT SOME PEOPLE MAY NOT REALIZE THAT AM1447 IS A POISON PILL AND MAY HAVE GIVEN A VOTE TO SENATOR DAVIS. I DON'T KNOW WHY EVERYONE VOTED THE WAY THEY DID. WHAT I KNOW IS THAT THE UNDERLYING BILL IS A GOOD PUBLIC POLICY AND SO I WILL CONTINUE TO FIGHT FOR IT. [LB414]

SENATOR CHAMBERS: SENATOR HARR, YOU ARE AN EDUCATED MAN. YOU'VE STUDIED LITERATURE. YOU SHARE LITERATURE WITH YOUR LITTLE CHILDREN. [LB414]

SENATOR HARR: I DO. [LB414]

SENATOR CHAMBERS: ALL THESE THINGS I KNOW. SO I EXPECT THAT YOU'RE FAMILIAR WITH A WORK CALLED THE CHARGE OF THE LIGHT BRIGADE. ARE YOU FAMILIAR WITH THAT? [LB414]

SENATOR HARR: YES. YES. [LB414]

SENATOR CHAMBERS: DO YOU KNOW WHAT WAS ENTAILED IN THAT CHARGE OF THE LIGHT BRIGADE? [LB414]

SENATOR HARR: MY BRAIN IS FAILING ME ON THAT. [LB414]

SENATOR CHAMBERS: DID SOMEBODY SAY SOMETHING ABOUT INTO THE VALLEY OF... [LB414]

SENATOR HARR: DOOM? [LB414]

SENATOR CHAMBERS: ...CHARGE THE LIGHT BRIGADE. [LB414]

SENATOR HARR: SOMETHING TO THAT DEGREE, I BELIEVE. CAN I CHECK WITH MY GOOGLE? [LB414]

SENATOR CHAMBERS: AND WHAT HAPPENED WHEN THEY RAN...WHEN THEY CHARGED INTO THAT VALLEY, WHAT HAPPENED TO THEM? [LB414]

Floor Debate
April 29, 2015

SENATOR HARR: I HAVEN'T HEARD. I'M ON PINS AND NEEDLES. WOULD YOU REFRESH ME? [LB414]

SENATOR CHAMBERS: BUT YOU'RE GOING TO DO SOME INVESTIGATING? [LB414]

SENATOR HARR: I CAN, IF YOU'D LIKE ME TO. [LB414]

SENATOR CHAMBERS: DID YOU SAY TIME, MR. CHAIRMAN? [LB414]

PRESIDENT FOLEY: FOUR MINUTES AND 50 SECONDS, SENATOR. [LB414]

SENATOR CHAMBERS: FOUR MINUTES? THANK YOU. MEMBERS OF THE LEGISLATURE, LET ME TELL YOU SOMETHING THAT HAPPENED ONE TIME AND IT'S HISTORICAL. THERE WAS NO CHANCE FOR THESE PEOPLE ON THESE HORSES TO PREVAIL. BUT SOMEBODY TOLD THEM WHAT THEY WERE SUPPOSED TO DO. AND THEY WERE TO RIDE INTO THE TEETH OF CANNON FIRE, WITHERING SMALL ARMS FIRE WHICH NO LIVING PERSON COULD SURVIVE, BUT THEY DID IT ANYWAY. AND THEY WERE SLAUGHTERED--NEEDLESSLY, SENSELESSLY, PURPOSELESSLY. SENATOR HARR SAID, IT'S NOT THE LOSING, BUT THE LOW AIM...OR SOMETHING LIKE THAT. THAT SOUNDS GOOD, BUT IT DOESN'T MAKE SENSE AT ALL AND IT CERTAINLY DOES NOT APPLY HERE. SENATOR HARR HAS BEEN IN THIS LEGISLATURE LONG ENOUGH TO KNOW THE SIGNIFICANCE OF 33 VOTES. HE KNOWS THAT IF HE LACKS 17 OF THE 49 VOTES, HE CAN ONLY GET 32 AT MOST. AND IF HE MAKES A CERTAIN MOTION AND DOES NOT GET 33 VOTES, THEN IT'S CURTAINS FOR HIS BILL. LIKE SENATOR HARR, I DON'T KNOW WHY PEOPLE VOTED FOR SENATOR DAVIS' AMENDMENT. I DON'T KNOW WHETHER THEY VOTED FOR HIS AMENDMENT BECAUSE THEY OPPOSE THE BILL OR IF THEY WERE TRYING TO MAKE A BAD BILL BETTER. I DON'T KNOW WHETHER ALL OF THOSE WHO WERE NOT VOTING WOULD REMAIN NOT VOTING OR VOTE NO SHOULD SENATOR HARR MAKE A CLOTURE MOTION. THIS BILL IS NOT WORTHY OF THE TIME THAT IT HAS TAKEN. BUT SENATOR SCHEER AND I KNOW THAT THERE ARE BILLS OF FAR LESS SUBSTANCE THAN THIS ONE THAT HAVE TAKEN THIS MUCH TIME. BUT YOU KNOW WHY IT'S PARTICULARLY SIGNIFICANT THAT THIS BILL IS TAKING THIS MUCH TIME? BECAUSE IT RELATES TO PROPERTY TAX RELIEF. AND SO MUCH MORE TIME THAN HAS BEEN SPENT ON THIS BILL AND A LOT OF THE TIME SPENT ON THIS BILL DEALT WITH PROPERTY TAX RELIEF, NOT FOR WOODMEN OF THE WORLD, BUT FOR THOSE PEOPLE WHERE SENATORS PRETEND THERE IS SO MUCH CONCERN. SENATOR..."PROFESSOR" SCHUMACHER WAS ALMOST POETIC WHEN HE MENTIONED THE FOLKS IN THE

Floor Debate
April 29, 2015

FACTORIES, THE FOLKS IN THE FIELDS, AND THOSE WHO SENT YOU DOWN HERE, THE ONES WHO HEARD THE FALSE PROMISES YOU MAKE, THE ONES WHO FIT IN THOSE CATEGORIES, WHO HAD BEEN MISLED BY PROMISES YOU MADE TO THINK THERE WOULD BE PROPERTY TAX RELIEF. AND YOU'RE TALKING ABOUT IT, NOT IN THE CONTEXT OF A BILL THAT WOULD GIVE THAT PROPERTY TAX RELIEF, BUT A BILL WHERE YOU'RE GOING TO DO THE OPPOSITE AND DENY THOSE YOU MADE THE PROMISE TO. NOT ONE OF YOU TALKED TO THE W-O-W PEOPLE WHILE YOU WERE RUNNING FOR OFFICE. W-O-W COULDN'T HAVE DELIVERED YOU ENOUGH VOTES TO GET INTO THIS LEGISLATURE. [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR CHAMBERS: THE ONES WHO VOTED FOR YOU ARE THE ONES SUFFERING THE BETRAYAL, IF IT IS A BETRAYAL TO MAKE A PROMISE AND THEN NOT KEEP IT...KNOWINGLY, DELIBERATELY, INTENTIONALLY NOT KEEPING IT. YOU DECIDED THAT THE ONE YOU PROMISED YOU WOULD TAKE TO THE PROM IS NOT SO APPEALING NOW, BECAUSE YOU SEE SOMEBODY ELSE THAT YOU FIND MORE SO. THANK YOU, MR. PRESIDENT. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB414]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. SOMEWHERE IN THE EXERCISE OF OUR DUTIES AND RESPONSIBILITIES, WE HAVE TO TRY TO FIND A CONSISTENT, PHILOSOPHICAL BACKGROUND TO WHAT WE DO. IF WE DON'T DO THAT, WE LOOK ARBITRARY, WE LOOK LIKE WE'RE PLAYING FAVORITISM, AND WE, FRANKLY, LOOK FOOLISH. SENATOR BLOOMFIELD HAD A BILL IN REVENUE COMMITTEE I REALLY LIKED, REALLY WANTED TO VOTE FOR IT. I THINK THERE WERE OTHER MEMBERS OF THE REVENUE COMMITTEE THAT DID TOO. IT WAS TO GRANT A LITTLE BIT OF A SALES TAX EXEMPTION TO VETERANS CLUBS. SURE SOUNDED LIKE A GOOD IDEA. THEY HAVE TROUBLE DOING THE PAPERWORK FOR THE SALES TAX, THEY HAVE VOLUNTEER HELP, THEY SOMETIMES MANAGE TO GET IT RIGHT, SOMETIMES NOT, AND CERTAINLY WE OWE OUR VETERANS A BIT OF A BREAK. BUT WHERE WE HAD TO TURN A COLD SHOULDER TO THAT IDEA WAS THAT NO MORE THAN SENATOR BLOOMFIELD'S BILL HAD A HEARING, THERE WERE OTHERS WHO HAVE A LOT OF VETERANS AS MEMBERS, WHO ARE IN THE BUSINESS OF RUNNING A LITTLE HALL WHO ARE OPENED TWO OR THREE DAYS A WEEK, WHO HAVE VOLUNTEER HELP, WHO SERVE FOOD AND HAMBURGERS

Floor Debate
April 29, 2015

AND TRY TO HAVE A LITTLE SOCIAL FUNCTION IN A COMMUNITY. AND THEY WERE BEGINNING TO SAY, WELL, WHAT ABOUT US? WHY DON'T WE GET SIMILAR TREATMENT? AND ONCE WE SAID YES TO ONE, IT WOULD BE INCREASINGLY DIFFICULT TO SAY NO TO THE NEXT OR THE ONE AFTER THAT OR THE ONE AFTER THAT. AND SO YOU SAY NO UNLESS YOU ARE PREPARED TO SAY YES TO EVERYONE WHO MAY BE IN A POSITION TO ARGUE THAT THEY ARE SIMILARLY SITUATED. THAT'S THE RESPONSIBILITY OF GOVERNMENT. ONCE YOU SAY YES, YOU BETTER BE PREPARED TO BE CONSISTENT OR LOOK LIKE A FOOL. THIS PARTICULAR CASE, IT'S A BIT MYSTIFYING BECAUSE WE'RE DEALING WITH A COMPANY THAT CLAIMS TO BE CHARITABLE AND INDEED IS...LOTS OF CHARITY. I THINK ONE NUMBER WAS TOSSED OUT, \$29 MILLION; I THINK I HEARD \$40-SOME MILLION IN COMMITTEE HEARINGS. AND WHERE DOES THAT PROPERTY TAX MONEY GO? IT GOES TO LIBRARIES; IT GOES TO SCHOOLS, AND THEIR PRESCHOOL PROGRAMS, THEIR AFTER SCHOOL PROGRAMS; IT GOES TO ROADS THAT TAKE THE KIDS TO SCHOOL AND THE PEOPLE TO WORK; GOES TO VARIOUS PUBLIC-AID PROGRAMS; GOES TO, I ASSUME, THE NATURAL RESOURCE DISTRICT FOR FLOOD PROTECTION SO PEOPLE DON'T DROWN AND HAVE THEIR HOMES...BASEMENTS FLOODED, ETCETERA. IT GOES TO, EVEN THOUGH IT'S DONE BY GOVERNMENT, TO WHAT WOULD NORMALLY CLASSIFY AS A CHARITABLE PURPOSE, WHICH IS PART OF THE MYSTERY OF THIS. AND PERHAPS PART OF THE REASON THAT THE BILL IS POSTURED AS IT IS. NOT UNDER ANY THREATS, BUT UNDER AN UMBRELLA OF CORPORATE RESPONSIBILITY... [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR SCHUMACHER: ...TO SAY IF WE CAN MAINTAIN CONTROL OF OUR MONEY RATHER THAN DELEGATING IT TO THE COUNTY BOARD OR THE CITY OR THE SCHOOL BOARD WE HAVE THAT OBLIGATION TO OUR POLICYHOLDERS. THIS BILL IS MORE OF A TEST OF THE LEGISLATURE'S ABILITY TO GOVERN THAN IT IS OF A THREAT OR OF ECONOMIC DEVELOPMENT OR OF ANYTHING ELSE. IT IS A CHALLENGE, A TEST OF OUR ABILITY TO GOVERN. AND IF WE BEHAVE RESPONSIBLY AND WE BEHAVE CONSISTENT WITH THE REASON WE ARE SENT HERE, WE WILL HAVE PASSED THIS PHASE OF THE TEST. WE WILL HAVE GOVERNED AND THE MONEY WILL BE SPENT ON CHARITY AS IT WAS INTENDED. THANK YOU. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR LARSON, YOU'RE RECOGNIZED. [LB414]

Floor Debate
April 29, 2015

SENATOR LARSON: SENATOR CHAMBERS TOLD ME THAT I NEEDED TO TELL A STORY. I'M A LITTLE GUN-SHY ON THE MIKE SO I TOLD HIM I WOULD JUST LET HIM TELL ONE FOR ME, SO I YIELD MY TIME TO SENATOR CHAMBERS. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR CHAMBERS. [LB414]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, HE JUST TOLD A STORY WHEN HE SAID WHAT HE SAID. IT WAS PARTIALLY TRUE. BUT BACK TO WHAT WE'RE TALKING ABOUT HERE, AT LEAST WHAT I'M TALKING ABOUT, AND SENATOR SCHUMACHER TOUCHED ON IT. THE REPUTATION OF THE LEGISLATURE MEANS SOMETHING. EVERY VOTE WE TAKE, EVERY MOVE WE MAKE, CONTRIBUTES TO IT OR DETRACTS FROM IT. AND I'M GOING TO REVEAL SOMETHING THAT SENATOR WILLIAMS AND I HAVE CHUCKLED ABOUT. THE OTHER DAY I WAS QUOTING FROM A SONG: EVERY MOVE YOU MAKE, EVERY BREATH YOU TAKE, EVERY SMILE YOU FAKE, EVERY VOW YOU BREAK, I'LL BE WATCHING YOU. DO YOU ALL KNOW WHO SANG THAT SONG? A GROUP CALLED THE POLICE. A GROUP CALLED THE POLICE, AND I WAS QUOTING FROM THE POLICE. AND IT WAS LOST ON MY COLLEAGUES. NOT ALL OF THEM, I SEE, NOT ALL OF THEM. BUT WHAT THE LEGISLATURE IS WILL BE DETERMINED BY THE WAY WE BEHAVE. NOW, A LOT OF PEOPLE DON'T LIKE THE WAY THAT I BEHAVE, BUT THEY CAN NEVER SAY I DID ANYTHING TO UNDERMINE THE POWER AND THE PREROGATIVES OF THE LEGISLATURE. THEY MIGHT SAY I'VE BEEN TOO PUSHY, I'VE BEEN TOO FORCEFUL, I'VE BEEN TOO INSENSITIVE TO THE OTHER BRANCHES OF GOVERNMENT. THEY'RE ALL PEOPLED AND POPULATED BY ADULTS. YOU DON'T NEED TO WORRY ABOUT THEM. WORRY ABOUT WHAT WE HAVE GOING HERE. YOU KNOW WHAT W-O-W IS THINKING ABOUT RIGHT NOW? A NURSERY RHYME ABOUT LITTLE JACK HORNER. THIS IS THE STORY THAT SENATOR LARSON SHOULD HAVE TOLD. LITTLE JACK HORNER SAT IN A CORNER, EATING HIS CHRISTMAS PIE. HE STUCK IN HIS THUMB AND PULLED OUT A PLUM, AND SAID, "WHAT A GOOD BOY AM I!" SUBSTITUTE WOODMEN OF THE WORLD FOR LITTLE JACK HORNER, AND THE LEGISLATURE IS THE PIE. THE PLUM IS THIS TAX BREAK. I'M GIVING YOU ALL AN ANALOGY, BUT I'M TELLING YOU THAT IT'S AN ANALOGY SO YOU WON'T THINK I'M TALKING ABOUT A LITERAL LITTLE BOY WITH A LITERAL PIE STICKING IN A LITERAL THUMB PULLING OUT A LITERAL PLUM. SOME THINGS I EXPECT YOU ALL TO UNDERSTAND. AND I KNOW YOU UNDERSTAND, BUT YOU PRETEND NOT TO WHEN IT'S CONVENIENT. WHO USES ANALOGIES MORE THAN I DO? WHY, I TELL MORE PARABLES THAN JESUS TOLD AND AESOP PUT TOGETHER. THEN WHEN I GIVE AN OBVIOUS ANALOGY, PARABLE, YOU ALL PLAY LIKE YOU DON'T

Floor Debate
April 29, 2015

KNOW WHAT IT MEANS, BECAUSE FOX NEWS TOLD YOU THAT AND YOU WENT FOR IT. BUT YOU KNEW BETTER AND YOU KNOW BETTER NOW. AND YOU KNOW BETTER THAN TO DO WHAT SENATOR HARR IS ASKING US AS A LEGISLATURE TO DO. AND NOTICE EVEN THOUGH I FOUGHT AGAINST IT, I'LL DO ALL I CAN TO DEFEAT IT. I'M SAYING--ASKING US TO DO; THAT EDITORIAL "US," IF YOU WILL. I'M PUTTING MYSELF RIGHT IN THE MIDDLE OF WHERE ALL OF US ARE, ALL 49 OF US. I'M A MEMBER OF THE LEGISLATURE. [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR CHAMBERS: AND THERE ARE CERTAIN THINGS THAT I DON'T WANT TO SEE THAT OF WHICH I AM A MEMBER ALLOW ITSELF TO BE SUBJECTED TO. THE DISRESPECTING OF THE LEGISLATURE IS DISRESPECTING ME. NOW, I THINK A LOT OF ME, I THINK MORE OF ME THAN I THINK OF ANYBODY IN THIS WORLD OR OUT OF THIS WORLD, UNDER THIS WORLD OR ABOVE THIS WORLD, AND IF I SAID OTHER THAN THAT I WOULD BE A LIAR. SO I DON'T COTTON TO BEING TREATED AS THOUGH I'M A FOOL AS WOODMEN OF THE WORLD IS DOING. SENATOR HARR IS NOT THE ONE TREATING US LIKE A FOOL, HE'S MERELY A WATER CARRIER FOR THE ONES WHO WANT TO TREAT US LIKE A FOOL. HE'S THE CHARLIE McCARTHY. EDGAR BERGEN SITS IN DOWNTOWN OMAHA. BUT THE THING ABOUT IT, CHARLIE SMILES WHEN EDGAR BERGEN MAKES HIM SMILE. CHARLIE'S MOUTH MOVES WHEN EDGAR BERGEN MAKES IT MOVE. [LB414]

PRESIDENT FOLEY: TIME, SENATOR. [LB414]

SENATOR CHAMBERS: BUT THE WORDS THAT COME OUT ARE EDGAR BERGEN'S NOT CHARLIE McCARTHY. THANK YOU, MR. PRESIDENT. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB414]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR. WE'RE GETTING SOMEWHAT NEAR THE END. AND I WANT TO SAY THERE'S BEEN A LOT OF CONVERSATION FOR THE LAST HOUR AND A HALF OR SO, SOME OF IT TRUE, SOME OF IT NOT TRUE, SOME OF IT REALLY TAKING THE TRUTH AND MAYBE STRETCHING IT, SOME OF IT FULL-OUT LIES. THIS BILL, AND I ENCOURAGE YOU TO READ LB414, BECAUSE IT'S NOT A COMPLICATED BILL. IT'S A CLARIFICATION BILL. IT'S NOT A CHANGE. NINETY-TWO STATES, EXCUSE ME 92 COUNTIES CURRENTLY TREAT FRATERNAL BENEFIT ORDERS THE WAY THIS BILL ASKED US

Floor Debate
April 29, 2015

TO TREAT IT. ONE COUNTY, ONE COUNTY, DOUGLAS, DOES IT DIFFERENTLY. AND UNTIL A YEAR AGO, THEY WEREN'T EVEN CONSISTENT WITH THEMSELVES. THEY TREATED...THERE ARE 31 FRATERNAL BENEFIT ORDERS. OF THOSE 31, 30 ARE TREATED ONE WAY, 1 IS TREATED ANOTHER. YOU TELL ME WHERE THE UNIFORMITY IS THERE. YOU TELL ME WHERE THE FAIRNESS IS. YOU TELL ME WHERE THE JUSTICE IS. I AGREE WHAT SENATOR BLOOMFIELD WANTED TO DO EARLIER, BUT THERE'S A DIFFERENCE WHEN YOU ARE A FOR-PROFIT, AND THIS IS NOT US IN THE LEGISLATURE, THIS IS FEDERAL LAW. WE ARE TREATED...WE TREAT THEM DIFFERENTLY. IF YOU ARE TRYING TO MAKE A PROFIT, UNFORTUNATELY WE HAVE TO TREAT YOU DIFFERENTLY WHETHER YOU LIKE IT OR NOT. NOW, WE CAN SAY WE DON'T HAVE TO CHARGE SALES TAX AND GIVE AN EXEMPTION FOR THAT, SURE. BUT OUR STATE CONSTITUTION SAYS THERE'S A UNIFORMITY CLAUSE AND WE HAVE TO TREAT EVERYONE THE SAME. AND SO WHAT WE HAVE IS A SITUATION NOW WHERE THERE IS NOTHING BEFORE THE COURTS. I KEEP HEARING, LET'S WAIT FOR TERC TO RESPOND. WELL THAT'S NICE, THAT'S GOOD, AND THAT'S FAIR, AND THAT'S WELL. BUT THAT'S NOT THE COURTS. IT HAS NO PRECEDENTIAL VALUE. SO THIS IS A HARMONIZING BILL. I DON'T WANT YOU GUYS TO HAVE TO GO HOME AND SAY I RAISED PROPERTY TAXES. I RAISED IT ON THESE NONPROFITS, THESE CHARITABLE ORGANIZATIONS. I KNOW KNIGHTS OF COLUMBUS, YOU GUYS, GREAT JOB WHAT YOU DO. AND I WANT YOU TO KNOW I THINK YOU DO SUCH A GOOD JOB I'VE DECIDED TO RAISE YOUR TAXES. I KNOW YOU WEREN'T TAXED BEFORE, BUT NOW YOU ARE. IS THAT WHAT WE WANT TO DO? IS THAT WHAT YOU WANT TO DO? I WASN'T SENT DOWN HERE TO DO THAT. WHAT I WAS SENT DOWN HERE TO DO WAS TO CREATE GOOD PUBLIC POLICY AND TO SAVE THOSE CHARITABLE ORGANIZATIONS AS FOUND UNDER 501(C)(7) OF THE FEDERAL CODE...OF THE FEDERAL TAX CODE...SAYS THESE ARE NONPROFITS. AND THAT'S WHAT WE'RE TRYING TO DO IS TO TAKE THESE ORGANIZATIONS AND TREAT THEM THE SAME. I HEAR, WELL, WHAT IF A BUSINESS WANTS TO BE TAXED, SAY THEY DON'T WANT TO PAY PROPERTY TAXES? FOLKS, YOU CAN'T DO IT. IT'S A NICE ARGUMENT, BUT YOU CAN'T DO IT UNDER STATE CONSTITUTION, A LITTLE THING CALLED UNIFORMITY. THE ONLY ONE WHO CANNOT BE TAXED AT 100 PERCENT, OR CLOSE THERETO, IS OUR AG LAND, AND THAT TOOK AN AMENDMENT TO OUR CONSTITUTION. AND I THINK WE WOULD HAVE A TOUGH TIME HAVING AN AMENDMENT TO A CONSTITUTION FOR ONE BUSINESS. BUT THIS ISN'T ABOUT ONE BUSINESS. THIS IS ABOUT FRATERNAL BENEFIT SOCIETIES, OF WHICH THERE ARE 31 IN THE STATE OF NEBRASKA. HOW DO WE WANT TO TREAT THEM? THAT'S THE QUESTION, NOTHING MORE, NOTHING LESS. IF YOU WANT TO TALK ABOUT WHAT WE GIVE TO BUSINESSES, WE CAN HAVE THAT CONVERSATION. I DON'T THINK THIS IS THE PROPER BILL OR THE PROPER

Floor Debate
April 29, 2015

TIME TO DO IT. I THINK WE NEED TO LOOK AT SOME OTHER OF OUR INCENTIVE PACKAGES... [LB414]

PRESIDENT FOLEY: ONE MINUTE. [LB414]

SENATOR HARR: THANK YOU...AND DECIDE HOW WE WANT TO DO IT. AND WHAT MAY HAVE WORKED TEN YEARS AGO MAY NOT BE THE DIRECTION WE WANT TO GO AS A STATE, OR MAY NOT BE EFFECTIVE USE OF THE TAX DOLLARS ANYMORE. BUT THAT'S NOT WHAT THIS BILL IS ABOUT. THIS IS ABOUT HOW DO YOU WANT TO TREAT FRATERNAL BENEFIT SOCIETIES...ORDERS...SOCIETIES, THAT SIMPLE. WE HAVE ONE IN OMAHA. IT HAS ITS CORPORATE HEADQUARTERS IN NEBRASKA. IT'S THE ONLY ONE. DO WE WANT TO CHASE THEM OUT? FIVE HUNDRED AND FIFTY JOBS THAT ON AVERAGE PAY...I THINK IT'S \$60,000 AND THAT DOESN'T INCLUDE KEY EMPLOYEES. THAT'S A PRETTY GOOD DOLLAR AMOUNT. YESTERDAY, WE HAD DISTANCE LEARNING. EVERYBODY SAID, OH, IT'S JUST A MILLION DOLLARS. DISTANCE LEARNING, JUST A MILLION DOLLARS. FOLKS, THIS HAS NO FISCAL IMPACT ON THE STATE. AND THERE IS NO, JUST A MILLION DOLLARS; IT'S \$800,000. IT'S LESS. [LB414]

PRESIDENT FOLEY: TIME, SENATOR. [LB414]

SENATOR HARR: THANK YOU. [LB414]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB414]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SENATOR HARR REMINDS ME OF SOME TELEVISION PROGRAMS I'VE SEEN. THE PROSECUTION LAYS OUT ITS CASE AND YOU SAY THAT IS THE BEST CASE THAT CAN BE LAID OUT, THEN THE OTHER LAWYER SPEAKS AND THAT'S WHAT I INTEND TO DO. SENATOR HARR JUST CREATED HIS OWN COFFIN FOR HIS OWN BILL. HE SAID THAT TERC CANNOT MAKE A DECISION THAT HAS PRECEDENTIAL VALUE, BUT THAT DECISION IS MADE BY THE COURT AND THIS ISSUE IS NOT BEFORE THE COURT. HE SAID THAT THERE IS A UNIFORMITY CLAUSE IN THE CONSTITUTION AND IT'S NOT BEING COMPLIED WITH. IF W-O-W IS AGGRIEVED, WHERE SHOULD THEY TAKE THEIR GRIEVANCE? TO COURT, AS SENATOR HARR SUGGESTED. IF THEY WANT A COURT TO MAKE A DECISION AND RESOLVE THIS MATTER ONCE AND FOR ALL, UNDER THE EXISTING LAW, LET THEM GO TO COURT. NOBODY HAS STOPPED THEM FROM GOING TO COURT. MY

Floor Debate
April 29, 2015

LAWSUIT AGAINST GOD, SENATOR HARR, PROVED THAT THE DOORS OF THE COURTHOUSE HAVE TO BE OPEN TO EVERYBODY INCLUDING WOODMEN OF THE WORLD. IF THEY WANT A JUDICIAL DECISION, THEY CAN SEEK IT. YOU KNOW WHY THEY WON'T SEEK IT? BECAUSE THEY CANNOT GET IT. IT WILL NOT TURN OUT THE WAY SENATOR HARR IS SUGGESTING IT OUGHT TO. HE KNOWS THERE IS NO VIOLATION OF ANY CONSTITUTIONAL PRINCIPLE NOR EVEN THE SPIRIT OF ANY CONSTITUTIONAL PRINCIPLE IN THIS ISSUE THAT WE'RE TALKING ABOUT. IT'S STRICTLY A MATTER OF A CORPORATION SHOWING ITS MUSCLE AND ITS ABILITY TO MANIPULATE, TO MANEUVER, AND CONTROL THE LEGISLATURE. IF THIS BILL IS NOT PASSED, WOODMEN OF THE WORLD WILL NOT GO ANYWHERE. BUT IF THEY DO, THAT IS NOT HURTING THIS STATE. THAT IS NOT UNDERMINING ANY PRINCIPLE OF THE LEGISLATURE AND ITS DUTY. BUT TO KNUCKLE UNDER, UNDER THESE CIRCUMSTANCES, WOULD BE VERY DETRIMENTAL. I WON'T EVEN TALK ABOUT THE SLIPPERY SLOPE. LET US SAY THIS IS THE ONLY CASE OF ITS KIND THAT WILL EVER COME UP; A STAIN WILL BE ON THE LEGISLATURE WHICH CAN NEVER BE ERASED. SENATOR HARR KNOWS THAT. SENATOR HARR'S HEART IS NOT IN THIS BILL. I HAVE SEEN SENATOR HARR WHEN HE IS REALLY--I HAVE TO USE THAT CLICHE--PASSIONATE ABOUT SOMETHING. AND THIS DOES NOT FIT THAT CATEGORY. BUT EVEN IF IT DID, YOU DON'T OWE IT TO SENATOR HARR TO GIVE IN TO THIS CORPORATION. ONE BUILDING...SENATOR HARR SAID THE CONSTITUTION WON'T BE CHANGED FOR ONE BUILDING. THAT BUILDING CAN GO TO COURT. THAT BUILDING HAS CHOSEN NOT TO GO TO COURT, BUT TO COME TO THE LEGISLATURE AND USING PROPAGANDA PERSUADE THE LEGISLATURE TO ABDICATE ITS RESPONSIBILITY TO THE PUBLIC IN A WAY IT COULD NOT GET THE COURT TO DO. WHY WON'T W-O-W GO TO COURT? WHY WILL THEY NOT GET A DECISION THAT DOES HAVE PRECEDENTIAL VALUE? BECAUSE THEY WILL LOSE. EVERY GAMBLER KNOWS THAT THE WORST COURSE IS TO PUT YOUR MONEY ON A LOSING HORSE. AND THIS IS A LOSING HORSE IF IT WENT TO COURT. [LB414]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB414]

SENATOR CHAMBERS: AND W-O-W KNOWS IT. THEY HAVE HOUSE COUNSEL. THEY CAN HIRE THE MOST POWERFUL, PRESTIGIOUS LAW FIRM IN THE STATE. THEY CAN BRING IN LAW PROFESSORS FROM OUTSIDE THE STATE. SO WHY DON'T THEY GO TO COURT? WHY SHOULD THEY WHEN THEY CAN GO TO A COURT OF FOOLS AS THEY VIEW US. YOU THINK THEY VIEW US WITH RESPECT? YOU THINK THEY HAVE ANY REGARD FOR US AT ALL? AND YOU THINK IF YOU

Floor Debate
April 29, 2015

GIVE THEM THEIR WAY THAT IS GOING TO MAKE THEM RESPECT YOU WHEN THE ONLY WAY THEY CAN GET THEIR WAY IS BY SHOWING THEIR DISRESPECT? I THINK IT IS A SAD DAY, AND IT WILL BE A SHAME ON THE LEGISLATURE. BUT YOU CAN LEAD A HORSE TO WATER, YOU CAN'T MAKE IT DRINK. YOU CAN LEAD A FOOL TO SCHOOL, BUT YOU CAN'T MAKE HIM THINK. [LB414]

SPEAKER HADLEY: TIME, SENATOR. [LB414]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB414]

SPEAKER HADLEY: SENATOR DAVIS, YOU'RE RECOGNIZED. [LB414]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, I APPRECIATE THAT. I WOULD LIKE TO MAKE A COUPLE CORRECTIONS. SENATOR HARR MADE A REFERENCE A FEW MINUTES AGO TO A MILLION DOLLARS HERE FROM THE EDUCATIONAL EXPENSES. THAT WAS A HALF A MILLION DOLLARS, ACTUALLY, COLLEAGUES, AND IT WAS FROM REVENUE THAT WAS ALREADY ALLOCATED FROM THE LOTTERY FUNDS, SO IT WASN'T ANY ADDITIONAL DRAIN ON THE TAXING AUTHORITY THAT WE HAVE HERE. UNLIKE THIS BILL, WHICH WILL AFFECT EVERY SCHOOL DISTRICT IN THE STATE BY REQUIRING MORE TEEOSA FUNDING TO BE POURED INTO THE OMAHA PUBLIC SCHOOLS. AND IN LIGHT OF THE FACT THAT WE HAVE ONLY A FINITE AMOUNT OF MONEY TO PUT OUT FOR OUR EDUCATIONAL FACILITIES IN THE STATE, SOME DISTRICT IS GOING TO BE SHORTED SOMEWHERE, SOMEWHERE OUT STATE, IN A PART OF THE STATE WHERE PEOPLE HAVE BEEN CRYING FOR PROPERTY TAX RELIEF FOR A LONG, LONG TIME AND WHERE THE TAX MODERNIZATION COMMITTEE SAT DOWN TWO YEARS AGO, AS SENATOR BRASCH SAID, AND SAID WE HAVE TO DEAL WITH THE AG PROPERTY TAX PROBLEM, AND WE HAVEN'T DONE IT YET. BUT WE'RE BENDING OVER BACKWARDS TO TAKE CARE OF SOME ENTITY THAT'S THREATENING TO LEAVE THE CITY OF OMAHA. I AGREE WITH SENATOR CHAMBERS, I THINK IT'S DESPICABLE BEHAVIOR FOR US TO BE CAVING IN HERE WHEN THESE PEOPLE HAVE A JUDICIAL SOLUTION IN FRONT OF THEM RIGHT NOW THAT THEY COULD PURSUE. THEY DON'T WANT TO DO THAT BECAUSE THIS IS A HECK OF A LOT EASIER TO COME IN HERE ARM TWIST, BEG PEOPLE TO GIVE THEM A TAX EXEMPTION, AND, YOU KNOW, LO AND BEHOLD WE'RE GOING TO FOLD OVER AND DO THAT BECAUSE WE'RE SCARED TO DEATH OF THEM. I SAID IT BEFORE AND I'LL SAY IT AGAIN, DOUGLAS COUNTY APPEALED THIS TO THE TERC BOARD AND WE OWE DOUGLAS COUNTY THE DUTY TO RESPECT THEIR DECISION AND SUPPORT THEM. LET THE DECISION GET THROUGH TERC BEFORE

Floor Debate
April 29, 2015

WE DO ANYTHING ELSE. BUT I WONDER IF SENATOR HARR WOULD YIELD TO A FEW QUESTIONS. [LB414]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD? [LB414]

SENATOR HARR: YES. [LB414]

SENATOR DAVIS: THANK YOU, SENATOR HARR. HAVE YOU EVER REVIEWED THE TAX RETURNS FOR THE WOODMEN OF THE WORLD COMPANY? [LB414]

SENATOR HARR: I AM NOT A CPA, SO, NO, I HAVE NOT. [LB414]

SENATOR DAVIS: SO I HAVE DONE A LITTLE BIT OF THAT, AND I WAS HOPING THAT YOU COULD HELP ME WITH SOME QUESTIONS WHICH HAVE TO DO WITH THE CHARITABLE PART OF IT. SO WE KEEP HEARING THAT THERE'S \$40 MILLION IN CHARITABLE CONTRIBUTIONS. AND I'M NOT DISPUTING THAT, I JUST DON'T SEE THAT IN THE REPORT. WHAT I SEE IS A LITTLE OVER \$2 MILLION IN CHARITABLE CONTRIBUTIONS. SO I WONDERED IF YOU HAD ANY IDEA ABOUT THAT. [LB414]

SENATOR HARR: I HAVE NOT SEEN IT, SO I CAN'T RESPOND. I APOLOGIZE. IF YOU WOULD LIKE TO GIVE ME A COPY, MAYBE WE CAN TALK ABOUT IT. BUT I HAVEN'T SEEN IT, I WOULDN'T KNOW. [LB414]

SENATOR DAVIS: SO WHEN YOU GOT THE \$40 MILLION FIGURE FROM THEM, THAT WAS SOMETHING THEY JUST TOLD YOU; WE HAVE NO DOCUMENT THAT DEMONSTRATES THERE'S A \$40 MILLION CHARITABLE CONTRIBUTION? [LB414]

SENATOR HARR: YEAH, I WOULD HAVE NO REASON TO DOUBT THEM. [LB414]

SENATOR DAVIS: WOULDN'T THAT BE IN THEIR 990? [LB414]

SENATOR HARR: I'M NOT...AGAIN, I'M NOT AN ACCOUNTANT, I DON'T KNOW. [LB414]

SENATOR DAVIS: JUST QUESTIONS I THINK ARE IMPORTANT FOR US TO LOOK AT. SO YOU KNOW, WHEN YOU PULL UP THE SALARY SHEET, IT'S KIND OF SHOCKING,

Floor Debate
April 29, 2015

YOU KNOW, ONE INDIVIDUAL MAKES \$1.1 MILLION; ONE MAKES \$686,000 PLUS ANOTHER \$1.15 MILLION IN ESTIMATED COMPENSATION FROM ORGANIZATIONS AND RELATED ORGANIZATIONS; \$636,000 PLUS \$200,000 IN BENEFITS--PRETTY HIGHLY PAID FOLKS. AND PROBABLY THAT'S ONE OF THE REASONS EVERYBODY IS WORRIED TO DEATH THAT THEY'RE GOING TO LEAVE. I DON'T THINK THEY'RE GOING TO PULL OUT OF THE STATE OF NEBRASKA, FOLKS. BUT... [LB414]

SENATOR HARR: WELL, CAN I ANSWER...THAT PORTION OF THE QUESTION? [LB414]

SENATOR DAVIS: CERTAINLY. [LB414]

SENATOR HARR: SO, IF THEY MOVED OUT OF THE STATE OF NEBRASKA, BY THE WAY, YOU WOULDN'T HAVE THAT INFORMATION. IF YOU RECALL LAST YEAR, THERE WAS A BILL BROUGHT BY THIS LEGISLATURE; WE ARE THE ONLY STATE THAT REQUIRES ALL THEIR SALARIES TO BE REPORTED. [LB414]

SPEAKER HADLEY: ONE MINUTE. [LB414]

SENATOR HARR: AND SO, YOU'RE WELCOME, BECAUSE I FOUGHT THAT BILL TOOTH AND NAIL LITERALLY UNTIL MIDNIGHT LAST YEAR. [LB414]

SENATOR DAVIS: YOU KNOW, SENATOR HARR, I THINK YOU AND I WERE ON THE SAME PAGE AT THAT TIME, BECAUSE THAT'S OPEN AND DISCLOSURE FIGURES THAT I THINK ARE IMPORTANT FOR US TO SEE. SO, COLLEAGUES, I'VE BEAT THE HORSE TO DEATH. I DON'T WANT TO BEAT IT ANYMORE, BUT I'LL DO WHAT I HAVE TO DO. LET THE TERC BOARD MAKE THE DECISION. LET THE JUDICIAL PROCESS BE FOLLOWED IN THE STATE OF NEBRASKA. IT'S THE WAY WE NEED TO DO IT. THE LEGISLATURE HAS NO BUSINESS JUMPING IN AND SAYING WE'RE GOING TO CUT OUT A SPECIAL EXEMPTION HERE FOR THIS ENTITY. THERE ARE OTHER INDUSTRIES THAT MIGHT LEAVE THE STATE OR MIGHT THREATEN TO, I DON'T WANT TO BE HERE NEXT YEAR HAVING TO DEAL WITH SOME OTHER INDUSTRY THAT'S COME IN AND SAID, OH, WE SAW WHAT HAPPENED LAST YEAR. AND, HEY, WE SURE WOULD LIKE TO BE EXEMPT FROM OUR PROPERTY TAXES, TOO? CAN YOU LEGISLATIVE GUYS DO THAT FOR ME? COLLEAGUES, THINK LONG AND HARD BEFORE YOU VOTE. AND WHEN WE GET TO CLOTURE, I URGE YOU TO VOTE NO. [LB414]

Floor Debate
April 29, 2015

SPEAKER HADLEY: TIME, SENATOR. [LB414]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. [LB414]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB414]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I LOOKED UP THE LAWS ABOUT TAX PROTESTS AND I'LL JUST READ THEM TO YOU. I'M NOT A LAWYER, SO IF I MISPRONOUNCE SOMETHING...77-1510: ANY ACTION OF THE COUNTY BOARD OF EQUALIZATION PURSUANT TO SECTION 77-102 MAY BE APPEALED TO THE TAX EQUALIZATION AND REVIEW COMMISSION IN ACCORDANCE WITH SECTION 77-5013. ON OR BEFORE AUGUST 24, OR ON OR BEFORE SEPTEMBER 10, IF THE COUNTY HAS ADOPTED A RESOLUTION TO EXTEND THE DEADLINE FOR HEARING PROTESTS UNDER THE SECTION. THERE IS A PRESUMPTION THAT A BOARD OF EQUALIZATION THAT'S FAITHFULLY PERFORMED IT'S OFFICIAL DUTIES AND MAKING AN ASSESSMENT AND HAS ACTED UPON ITS SUFFICIENT COMPETENT EVIDENCE TO JUSTIFY ITS ACTIONS. THAT PRESUMPTION REMAINS UNTIL THERE IS COMPETENT EVIDENCE TO THE CONTRARY PRESENTED. AND PRESUMPTION DISAPPEARS WHEN THERE IS COMPETENT EVIDENCE ON APPEAL TO THE CONTRARY. FROM THAT POINT FORWARD, THE REASONABLENESS OF THE VALUATION FIXED BY THE BOARD OF EQUALIZATION BECOMES ONE OF FACT BASED UPON ALL OF THE EVIDENCE PRESENTED. THE BURDEN OF SHOWING SUCH VALUATION TO BE UNREASONABLE RESTS UPON THE TAXPAYER ON APPEAL FROM THE ACTION OF THE BOARD...THEY QUOTE A COUPLE COURT CASES. A TAXPAYER WHO HAS NOT FIRST FILED A PROTEST WITH THE COUNTY BOARD OF EQUALIZATION MAY NOT APPEAL TO THE DISTRICT COURT, A CLAIMED OVER ASSESSMENT ON HIS OR HER PROPERTY. AND IT GOES ON AND ON. THE TAX EQUALIZATION REVIEW COMMISSION JURISDICTION IS LIMITED TO THOSE APPEALS FILED WITHIN THE STATUTORY 30-DAY PERIOD AND IT DOES NOT HAVE THE AUTHORITY TO ADOPT THE MAILBOX RULE. BUT, I GOT A QUESTION FOR SENATOR HARR, IF HE WOULD TAKE A QUESTION. [LB414]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD? [LB414]

SENATOR HARR: YES. [LB414]

SENATOR GROENE: SENATOR HARR, DID WOODMEN OF THE WORLD FILE A TAX PROTEST BEFORE AUGUST 24? [LB414]

Floor Debate
April 29, 2015

SENATOR HARR: I'LL TAKE YOUR WORD IF YOU SAY THEY HAVE. [LB414]

SENATOR GROENE: I DON'T KNOW. [LB414]

SENATOR HARR: I DON'T KNOW. I HAVEN'T INVESTIGATED THE TERC. [LB414]

SENATOR GROENE: WE KEEP TALKING ABOUT TERC. AND I'M JUST CURIOUS IF THEY'VE GOT LAWYERS. I'M SURE, THEY'RE A BIG CORPORATION. [LB414]

SENATOR HARR: YEAH, I'M NOT THE ONE... [LB414]

SENATOR GROENE: I FOUND THIS; I'M SURE THEIR LAWYERS DID. [LB414]

SENATOR HARR: OKAY. [LB414]

SENATOR GROENE: DO YOU KNOW IF THEY WENT THROUGH THE PROCESS?
[LB414]

SENATOR HARR: I THINK THEY'RE IN THE PROCESS, BUT I'M NOT SURE, AGAIN, BECAUSE I'M MORE CONCERNED ABOUT LB414 THAN WHERE THEY ARE IN THE PAST. I'M LOOKING FORWARD. [LB414]

SENATOR GROENE: ALL RIGHT. ANYWAY, THANK YOU. I GUESS MY POINT IS, WE'VE DONE A GOOD JOB IN THE PAST, THIS BODY, AND HAVE STATUTES IN PLACE TO HANDLE A SITUATION LIKE THIS. I CALLED MY COUNTY COMMISSIONER AND HE SAID, YES, IN LINCOLN COUNTY, IF THE EAGLES CLUB DOES BUSINESS AND THEY HAVE A MEETING ROOM THE MEETING ROOM IS EXEMPT. THEY DO, AS SENATOR HARR SAID. IN OUR COUNTY, THEY'RE 1 OF 92 THAT DO IT. NOW I'M GOING TO DO AN ASSUMPTION THAT IF WOODMEN OF THE WORLD WALKED IN WITH THEIR LOBBY...LAWYERS WALKED INTO A TAX EQUALIZATION MEETING AND SAID 92 COUNTIES RULED THIS WAY, AND THIS IS WHAT STATE STATUTE SAID, THAT THEY WOULD PROBABLY WIN THIS APPEAL. SO THEN I'M WONDERING WHY WE'RE STANDING HERE DEBATING THIS. THE SYSTEM IS THERE TO HANDLE THIS IN STATUTES THAT EVEN A LAYMAN LIKE ME THAT'S NOT A LAWYER CAN READ AND UNDERSTAND. I JUST DON'T UNDERSTAND WHY WE WOULD SEND THAT...IT'S A MESSAGE OF A BULLY THAT WE SEND INTO THE AVERAGE TAXPAYER THAT IF YOU'RE BIG ENOUGH, WHO CARES ABOUT THE STATUTES. YOU DON'T HAVE TO GO THROUGH THE LAW, YOU JUST COME DOWN

Floor Debate
April 29, 2015

TO LINCOLN AND YOU WASTE A COUPLE DAYS IN THE LEGISLATURE OVER A MILLION AND A HALF BUCKS AND YOU PROBABLY GET YOUR WAY. THERE IS A WAY FOR THEM TO HANDLE THIS SITUATION, AND IT DOESN'T NEED TO BE DONE IN THIS BODY. [LB414]

SPEAKER HADLEY: ONE MINUTE. [LB414]

SENATOR GROENE: BUT AS I WAS SAYING EARLIER, WHY WOULD A COMPANY, WHO HAS BEEN A FAITHFUL CORPORATE MEMBER OF NEBRASKA'S BUSINESS COMMUNITY FOR OVER 100 YEARS, I HEARD A COUPLE TIMES, THEY PAID THEIR PROPERTY TAXES, WHY ARE THEY HERE NOW? IT'S THE TEA POT, FOLKS. PROPERTY TAXES ARE HITTING THE POINT WHERE THEY'RE BOTHERING EVEN HUGE CORPORATIONS, PUTTING PRESSURE ON THEM, THE TEA POT IS BOILING OVER. THIS IS A HINT TO ALL OF US THAT WE HAVE A PROPERTY TAX PROBLEM IN THE STATE OF NEBRASKA. IF WE'VE GOT WOODMEN OF THE WORLD COMING HERE, SPENDING THEIR TIME, TO HAVE A BILL PASSED, THAT JUST FAVORS THEM. BUT LET THE PROCESS...LET'S VOTE NO ON THIS AND LET THIS PROCESS GO THE WAY IT SHOULD THROUGH THE TAX EQUALIZATION BOARD. THANK YOU. [LB414]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB414]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I THINK I FIGURED OUT PART OF THE PROBLEM...PART OF AN ANSWER TO A QUESTION. WHY DIDN'T WOODMEN GO TO THE LEGAL SYSTEM AND TO THE COURTS? MAYBE BECAUSE IT'S CHEAPER TO COME HERE. TWENTY THOUSAND DOLLARS IS ALL THEY PAID THEIR LOBBYISTS SO FAR THIS YEAR. I THINK, PROBABLY, THE COURT CASE WOULD HAVE BEEN MORE EXPENSIVE THAN THAT. AND COMPARED TO WHAT THAT INSURANCE COMPANY LAST YEAR--WHO WAS TRYING TO HIDE ITS SALARIES AND HIDE ALL OTHER INSURANCE COMPANIES' SALARIES--THEY WERE PAID \$50,000. SO THESE GUYS ARE GETTING BY PRETTY CHEAP OF PAYING ONLY \$6,600 A MONTH TO THEIR LOBBYIST. FOLKS, BACK UP AND THINK IF YOU WERE THE COMMON PERSON WHO PICKS UP A PAPER TOMORROW, ONE OF TWO HEADLINES. ONE SAYS, LEGISLATURE ADVANCES WOODMEN OF THE WORLD EXEMPTION. YOU'RE PROBABLY NOT GOING TO HAVE TUNED IN TO ALL THE FINE POINTS AND THE ARGUMENTS THAT WERE HERE AND ALL THE LEGAL ANALYSIS BY THE ATTORNEY GENERAL SAYING THAT WE HAVE TO CHANGE THE DEFINITION OF CHARITABLE IN ORDER TO MAKE THIS WORK. WHAT YOU'RE GOING TO SAY IS YOU'RE GOING TO REMEMBER THAT YOU ARE SUPPOSED TO GET BIG PROPERTY TAX RELIEF OR TAX RELIEF OF SOME

Floor Debate
April 29, 2015

KIND. AND YOU'RE GOING TO THINK, THEM S-O-...WHATEVERS, THEY'RE DOING IT TO US AGAIN. AND IN THE EYES OF THE PEOPLE, WE'RE GOING TO LOOK JUST A LITTLE BIT SMALLER; JUST A LITTLE BIT SMALLER. THAT LINE READS THE OTHER WAY, WOODMEN OF THE WORLD EXEMPTION GOES NOWHERE. THAT'S A BETTER FEELING. YOU'RE NOT HAPPY BECAUSE YOU STILL DIDN'T GET ANY TAX RELIEF OR AT LEAST YOU DON'T PERCEIVE THAT YOU DID, BUT IT'S A BETTER FEELING. AT LEAST YOU'RE TREATED FAIRLY, A BETTER FEELING. THE PEOPLE YOU SENT DOWN HERE AT LEAST TOOK YOU INTO ACCOUNT. WHILE YOU WERE WORKING YOUR SECOND JOB, PAYING AN EXTRA \$60 MILLION IN TAXES...NO, THAT'S THE OLD FOLKS, THEY PAY THE EXTRA \$60 MILLION, THE PEOPLE WHO ARE OVER 65 WORKING...OR YOUR SECOND JOB PAYING \$40 MILLION A YEAR AND COULDN'T AFFORD TO COME DOWN AND SIT IN THE LOBBY AND ROAM THE HALLS OF THE CAPITOL. AT LEAST THE GENTLEMAN OR THE LADY THAT YOU SENT DOWN HERE WAS REMEMBERING YOU; WASN'T SO INTIMIDATED BY POWER, OR THE FEAR OF MONEY, OR OBLIGATIONS AND DEALS TO LOBBYISTS, OR OTHER DEALS, THAT THEY REMEMBERED YOU...REMEMBERED YOU, TREATED YOU FAIRLY. AND YOU DON'T HAVE TO THINK, WHY THAT DIRTY S.O.-- SOMETHING OR ANOTHER. THAT'S OUR OBLIGATION, FIRST TO THE INTEGRITY OF THE SYSTEM. IN LAW SCHOOL THEY TRIED TO TEACH LAWYERS AND LAWYERS ARE PRETTY HARD CREATURES TO TEACH... [LB414]

SPEAKER HADLEY: ONE MINUTE. [LB414]

SENATOR SCHUMACHER: ...THAT THERE SHOULD BE NO APPEARANCE OF IMPROPRIETY. THEY SHOULD TRY TO AVOID THAT IF YOU CAN, EVEN IF YOU ARE LEGALLY ON SOUND GROUND. HERE, IF WE MOVE FORWARD WITH THIS BILL FOR THE MAJORITY OF THE PEOPLE OF THIS STATE, THERE WILL BE A CLOUD OF IMPROPRIETY THAT WILL MARK THIS LEGISLATURE AND CAST DOUBT ON THE ACTS OF FUTURE LEGISLATURES. LET'S DO WHAT IS RIGHT IN THE EYES OF THE PEOPLE. IF IT TURNS OUT THE TERC BOARD OR THE COURTS SAY WE NEED TO ADDRESS THE ISSUE, THERE'S A TOMORROW IN WHICH WE CAN ADDRESS IT AND THE PEOPLE WILL UNDERSTAND. [LB414]

SPEAKER HADLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB414]

SENATOR HARR: THANK YOU, MR. SPEAKER. THANK YOU "PASTOR" SCHUMACHER. I MAY NO LONGER CALL YOU THE "PROFESSOR." I THINK I MIGHT CALL YOU "PASTOR." SO THIS IS, BASICALLY, MY CLOSE, FOLKS. WE'RE GOING TO...AS SOON AS I'M DONE HERE, I'M GOING TO GO UP AND MAKE A MOTION FOR

Floor Debate
April 29, 2015

CLOTURE. SO I NEED YOU TO PAY ATTENTION. WHAT I WOULD LIKE, WHAT I'M ASKING FOR, IS FOR A GREEN VOTE ON CLOTURE. I WOULD REALLY APPRECIATE THAT. IF WE GET 33...WHEN WE GET 33 OR 34, DEPENDING ON HOW SENATOR CHAMBERS VOTES, WE WILL THEN HAVE A MOTION TO RECONSIDER. I WOULD ASK ON AM1447, I WOULD ASK THAT YOU VOTE RED ON THAT AND THEN WE WILL VOTE ON THE UNDERLYING BILL, LB414, WHICH IS THE BILL. AND I WOULD ASK FOR A GREEN VOTE ON THAT. NOW, YOU KNOW, I'M THE ONE BRINGING FORTH THE CASE ON THIS, SO I HAVE THE BURDEN TO TELL YOU WHY YOU SHOULD VOTE FOR IT. AND I'M GOING TO REPEAT MYSELF A LITTLE BIT, BUT I THINK IT'S IMPORTANT...I THINK IT BEARS REPEATING. WE HAVE A SITUATION RIGHT NOW WHERE YOU HAVE 31 FRATERNAL BENEFITS IN THE STATE. THIRTY ARE TREATED ONE WAY, ONE IS TREATED DIFFERENTLY. "PASTOR" SCHUMACHER TALKED ABOUT FAIRNESS AND JUSTICE AND THE AVOIDANCE OF IMPROPRIETY. YOU TELL ME WHERE THE FAIRNESS AND THE JUSTICE IS THERE. WHY IS ONE TREATED DIFFERENTLY? THE ONE WHO HAS 548 NON-KEY EMPLOYEES. SENATOR DAVIS WAS NICE ENOUGH TO READ YOU THE SALARIES OF SOME OF THEIR KEY EMPLOYEES. WELL, LET ME TELL YOU WHAT THE WORKING JOE THERE MAKES. BASED ON A 50-HOUR WORK WEEK, THEIR ANNUAL SALARY IS \$62,582. THAT'S A GOOD SALARY, FOLKS. THEY PAY GOOD JOBS. THOSE ARE GOOD MIDDLE-CLASS JOBS. THOSE ARE THE KIND OF EMPLOYERS WE WANT TO HAVE HERE IN NEBRASKA. THOSE ARE THE KIND WE WANT TO INCENTIVIZE TO COME AND TO STAY IN NEBRASKA AND TO GROW IN NEBRASKA, NOT TO DEMONIZE, NOT TO BEAT UP, NOT TO SAY THEY'RE SPECIAL INTEREST. THEY'RE THE ONES BEING PICKED ON, FOLKS. THEY'RE THE ONES BEING TREATED DIFFERENTLY. ALL I'M TRYING TO DO IS TO SAY, ALL YOU ALL FROM OUTSIDE DOUGLAS COUNTY, WE WANT TO TREAT OUR FRATERNAL BENEFIT ORDERS THE SAME WAY YOU DO. THAT'S WHAT THIS DOES. NINETY-TWO OUT OF THE NINETY-THREE COUNTIES TREAT THEM ONE WAY. DOUGLAS COUNTY, WELL, WE WENT BOTH WAYS FOR A WHILE AND NOW WE'RE SAYING, NO, YOU HAVE TO PAY TAXES. SORRY, KNIGHTS OF COLUMBUS, YOU DIDN'T BEFORE, BUT YOU DO NOW. WELL, I THINK WE ALL AGREE, KNIGHTS OF COLUMBUS DOES A GREAT JOB. I THINK THEY PROVIDE A SERVICE. THE FEDERAL GOVERNMENT SURE DOES. THAT'S WHY THEY GIVE THEM THE STANDING THAT THEY HAVE. THAT WASN'T A DECISION BY THE STATE. NO ONE IS GOING TO POOH-POOH THE STATE FOR SAYING, HEY, YOU'RE HARMONIZING WITH FEDERAL STATUTE...WITH FEDERAL LAW, WITH FEDERAL CODE. YOU'RE NOT GOING TO HEAR THAT. THIS IS...AGAIN, YESTERDAY, I HEAR, DON'T WORRY, THIS IS JUST A MILLION DOLLARS. DON'T WORRY, WE'RE JUST REAPPROPRIATING MONEY. WE DON'T HAVE TO PASS LB414. YOU CAN GO HOME AND TELL YOUR CONSTITUENTS, YEAH, I RAISED YOUR TAXES AND EXPLAIN

Floor Debate
April 29, 2015

HOW YOU DID...BECAUSE I DIDN'T WANT OMAHA TO GET THE BETTER OF ME SO I RAISED YOUR TAXES. [LB414]

SPEAKER HADLEY: ONE MINUTE. [LB414]

SENATOR HARR. THANK YOU, MR. SPEAKER. IMAGINE TELLING THEM THAT. THIS ISN'T ABOUT WOODMEN OF THE WORLD, THIS IS ABOUT ALL FRATERNAL BENEFITS. THIS IS ABOUT HOW DO WE WANT TO ENCOURAGE AND INCENTIVIZE BUSINESSES TO STAY IN NEBRASKA, TO GROW IN NEBRASKA. DO WE WANT TO DEMONIZE THEM? OR DO WE WANT TO SAY, HEY, WE SUPPORT YOU. THANKS FOR BEING HERE. AND YOU KNOW WHAT? WE'RE GOING TO TREAT YOU THE SAME WAY AS WE DO ALL THE OTHER 501(C)(7), BECAUSE THAT'S WHAT THIS BILL DOES. WE HAD GREAT ARGUMENTS ON THE OTHER SIDE. I APPRECIATE THE PEOPLE ON THE OTHER SIDE. BUT I WOULD...AGAIN, I'M ASK YOU TO VOTE GREEN ON CLOTURE, RED ON THE RECONSIDER OF AM1447, AND I WOULD PLEASE ASK FOR YOUR SUPPORT ON THE BILL, LB414. THANK YOU FOR YOUR PATIENCE AND YOUR TIME. IT'S BEEN ENJOYABLE FOR ME. I HOPE YOU'VE ENJOYED IT ONE-THIRD AS MUCH AS I HAVE. THANKS. [LB414]

SPEAKER HADLEY: MR. CLERK, YOU HAVE A MOTION ON THE DESK? [LB414]

CLERK: MR. PRESIDENT, I DO. SENATOR BURKE HARR WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB414]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE ACCORDING TO LB414. SENATOR HARR, FOR WHAT PURPOSE DO YOU RISE? [LB414]

SENATOR HARR: I WOULD ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE IN REVERSE ORDER. [LB414]

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. [LB414]

CLERK: 40 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB414]

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Floor Debate
April 29, 2015

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS NORDQUIST, McCOY, HUGHES, AND KINTNER, THE HOUSE IS UNDER CALL. MR. CLERK, A ROLL CALL VOTE IN REVERSE ORDER. [LB414]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1319.) [LB414]

SPEAKER HADLEY: RECORD, MR. CLERK. [LB414]

CLERK: JUST A SECOND. SENATOR McCOY, I THINK I MADE A MISTAKE UP HERE. SENATOR MURANTE WANTS TO VOTE YES. HOW DID YOU VOTE, SENATOR? [LB414]

SENATOR McCOY: (INAUDIBLE) [LB414]

CLERK: YOU WERE NOT VOTING. OKAY. THANK YOU. 33 AYES, 12 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB414]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOSURE IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON THE ADOPTION OF THE...THE RECONSIDERATION MOTION. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. ROLL CALL VOTE. [LB414]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1319-1320.) 13 AYES, 34 NAYS, ON THE MOTION TO RECONSIDER. [LB414]

SPEAKER HADLEY: THE MOTION TO RECONSIDER FAILS. SENATOR HANSEN. [LB414]

SENATOR CHAMBERS: ROLL CALL VOTE. [LB414]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB414 ADVANCE TO E&R FOR ENGROSSING. [LB414]

SPEAKER HADLEY: MR. CLERK. [LB414]

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Floor Debate
April 29, 2015

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1320-1321.) 29
AYES, 13 NAYS, ON ADVANCEMENT, MR. PRESIDENT. [LB414]

SPEAKER HADLEY: LB414 IS ADVANCED TO E&R FOR ENGROSSING. I RAISE THE
CALL. MR. CLERK. [LB414]

CLERK: MR. PRESIDENT, SOME ITEMS BEFORE WE PROCEED: LB80, LB141, LB156,
LB264, LB458, LB519, LB519A, LB559, AND LB561, ARE REPORTED CORRECTLY
ENGROSSED. SENATOR McCOY OFFERS LR211, THAT WILL BE REFERRED TO THE
EXECUTIVE BOARD. APPOINTMENT LETTER FROM THE GOVERNOR TO THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION; CONFIRMATION
REPORT FROM THE GOVERNMENT COMMITTEE. NEW A BILL, LB360A BY
SENATOR JOHNSON; (READ LB360A BY TITLE FOR THE FIRST TIME). AND STUDY
RESOLUTIONS LR212 THROUGH LR218, THOSE OFFERED BY SENATOR JOHNSON,
ALL CALLING FOR STUDIES, ALL WILL BE REFERRED TO THE EXECUTIVE BOARD.
THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES
1321-1326.) [LB80 LB141 LB156 LB264 LB458 LB519 LB519A LB559 LB561 LR211
LB360A LR212 LR213 LR214 LR215 LR216 LR217 LR218]

SPEAKER HADLEY: MR. CLERK, WE WILL CONTINUE WITH SELECT FILE.

CLERK: SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS TO
LB243. (ER78, LEGISLATIVE JOURNAL PAGE 1153.) [LB243]

SPEAKER HADLEY: SENATOR HANSEN. [LB243]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R
AMENDMENT TO LB243. [LB243]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS
TO LB243. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. THE
AMENDMENTS ARE ADOPTED. [LB243]

CLERK: SENATOR BOLZ WOULD MOVE TO AMEND WITH AM1045. (LEGISLATIVE
JOURNAL PAGE 1044.) [LB243]

SPEAKER HADLEY: SENATOR BOLZ, YOU ARE RECOGNIZED TO OPEN ON YOUR
AMENDMENT. [LB243]

Floor Debate
April 29, 2015

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AM1045 INCORPORATES LB441 INTO LB243. THIS IS A PIECE OF LEGISLATION RELATED TO THE BRIDGE TO INDEPENDENCE ACT, WHICH I'LL REFRESH YOUR MEMORIES. THIS PIECE OF LEGISLATION CREATES OUR FOSTER CARE TO 21 PROGRAM WHICH HELPS YOUNG ADULTS TRANSITION SUCCESSFULLY INTO ADULTHOOD. THE BILL IS MAINLY TECHNICAL IN NATURE, BUT I WOULD LIKE TO WALK YOU THROUGH THE IMPROVEMENTS THAT ARE MADE BY THIS AMENDMENT. FIRST, IT IS RELATED TO CHOICE AND INDEPENDENCE. UNDER THE AMENDMENT, THE BRIDGE TO INDEPENDENCE PROGRAM WOULD OFFER YOUTH THE CHOICE BETWEEN THE BRIDGE TO INDEPENDENCE PROGRAM OR THE EXTENDED GUARDIANSHIP ASSISTANCE PROGRAM. SO YOUNG PEOPLE COULD EITHER PARTICIPATE IN THE BRIDGE TO INDEPENDENCE OR FOSTER CARE TO 21 PROGRAM WITH SUPPORTS LIKE RENT AND OTHER TYPES OF ASSISTANCE; OR THEY COULD PARTICIPATE IN EXTENDED GUARDIANSHIP, WHICH MEANS THEY HAVE AN ADULT IN THEIR LIFE THAT IS HELPING THEM MAKE DECISIONS. THIS OPTION HELPS YOUNG PEOPLE CHOOSE THE OPPORTUNITY THAT'S RIGHT FOR THEM AND FITS FOR THEIR FAMILY. LB441 ALSO ESTABLISHES AN INDEPENDENCE HEARING. AND WHAT THIS HEARING WOULD DO IS ALLOW THE YOUNG PERSON TO BE TOLD ALL OF HIS OR HER RIGHTS OR RESPONSIBILITIES IN THE BRIDGE TO INDEPENDENCE PROGRAM, AS WELL AS THE DRAWBACKS OF NONPARTICIPATION. THE AMENDMENT ALSO ESTABLISHES FAIRNESS IN THE BRIDGE TO INDEPENDENCE PROGRAM BY CLARIFYING PARTICIPATION AND ACCESS TO MEDICAL ASSISTANCE TO THE FULL POPULATION OF YOUTH THAT THE BILL HAS ORIGINALLY INTENDED TO COVER. YOUNG PEOPLE WHO PARTICIPATE IN THE BRIDGE TO INDEPENDENCE PROGRAM SHOULD ALL BE COVERED BY MEDICAL ASSISTANCE THAT IS OFFERED THROUGH THIS PROGRAM. FINALLY, THE BILL ENSURES THAT WE DRAW DOWN THE MAXIMUM AMOUNT OF FEDERAL FUNDS AND MAKE SOME OTHER MINOR ADJUSTMENTS, SUCH AS CONSISTENTLY USING THE TERM "CHILD" TO REFER TO ANYONE HAVING NOT ACHIEVED THE AGE OF 21. COLLEAGUES, I'VE LEARNED NOT TO CALL ANY AMENDMENT SIMPLY A TECHNICAL AMENDMENT, BECAUSE THAT MAKES PEOPLE SUSPICIOUS THAT YOU'RE GLOSSING SOMETHING OVER. BUT, IN FACT, THIS IS AN AMENDMENT THAT IS VERY TECHNICAL IN NATURE. WE INTRODUCED THE BILL A FEW YEARS AGO...WE INTRODUCED A CLEANUP INITIATIVE A COUPLE OF YEARS AGO, AND THIS IS WHAT I THINK IS ALMOST A FINAL STAGE OF CLARIFYING AND MAKING TECHNICAL CHANGES TO ENSURE THAT THIS PROGRAM WORKS AS THIS BODY INTENDED IT TO. SO I ASK FOR YOUR SUPPORT FOR AM1045. THANK YOU, MR. PRESIDENT. [LB441 LB243]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB243]

Floor Debate
April 29, 2015

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I STAND IN SUPPORT OF AM1045. I'M ON THE HEALTH AND HUMAN SERVICES COMMITTEE, SO I WAS THERE TO HEAR THE HEARING ON LB441. I'VE ALSO BEEN INVOLVED IN THAT COMMITTEE AS WE'VE CONTINUED TO REFINE BRIDGES TO INDEPENDENCE. THIS IS A VERY IMPORTANT PROGRAM TO MAKE SURE THAT WE CREATE A SETTING IN WHICH OUR FOSTER YOUTH ARE ABLE TO TRANSITION TO INDEPENDENCE. SO THAT'S BRIDGES TO INDEPENDENCE. WE STARTED THIS WORK EVEN BEFORE I GOT HERE, STARTING THIS PROGRAM CALLED BRIDGES TO INDEPENDENCE. SOME OF YOU HAVE PROBABLY MET SOME OF THE YOUTH, ESPECIALLY THOSE WITH EVERLAST WHO HAVE TALKED ABOUT HOW IMPORTANT THIS PROGRAM IS TO THEM. AND THIS AM1045 IS A REFINEMENT AS WE CONTINUE TO WORK ON THIS PROGRAM AND FIND WAYS TO WORK BETTER. IN PARTICULAR, WHAT'S SO IMPORTANT HERE IS THAT WE HAVE FOSTER YOUTH WHO ARE NOT QUALIFYING IN THIS PROGRAM, BECAUSE THEY WERE IN GUARDIANSHIPS. AND WE THINK, OVERALL, IT IS GOOD FOR OUR YOUTH TO HAVE GUARDIANS, BUT IT IS IMPORTANT THAT THEY'RE THEN ABLE TO ENTER THE PROGRAM AND BE ABLE TO HAVE THAT HELP TO MOVE INTO INDEPENDENCE AS A FOSTER YOUTH WHO DID NOT HAVE THE SITUATION OF BEING IN GUARDIANSHIP. SO IT IS A VERY IMPORTANT CLARIFICATION OF THE POLICY TO MAKE SURE THAT WE INCLUDE THOSE YOUTH AS WELL. AND, AGAIN, IT IS A GREAT PROGRAM AND IT HAS BEEN VERY IMPORTANT IN HELPING THOSE FOSTER YOUTH BE ABLE TO BE SELF-SUFFICIENT. AND I KNOW THAT WE ALL WANT THAT TO HAPPEN FOR THEM. AND SO I URGE YOUR SUPPORT OF AM1045. THANK YOU, MR. PRESIDENT. [LB441]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR BOLZ, YOU'RE RECOGNIZED TO...SENATOR BOLZ WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1045. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, VOTE NAY. FOR WHAT PURPOSE DO YOU RISE? [LB243]

SENATOR BOLZ: NO PURPOSE AT ALL. [LB243]

SPEAKER HADLEY: RECORD, MR. CLERK. [LB243]

CLERK: 25 AYES, 1 NAY, MR. PRESIDENT, ON ADOPTION OF THE AMENDMENT. [LB243]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. MR. CLERK. [LB243]

Floor Debate
April 29, 2015

CLERK: SENATOR BOLZ WOULD MOVE TO AMEND AM1217. (LEGISLATIVE JOURNAL PAGE 1161.) [LB243]

SPEAKER HADLEY: SENATOR BOLZ, YOU ARE RECOGNIZED TO OPEN ON AM1217. [LB243]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AM1217 ALSO IS A SOMEWHAT TECHNICAL AMENDMENT. THIS BILL INCORPORATES EXISTING LANGUAGE THAT DEFINES A KINSHIP HOME. AND THIS WAS A REFLECTION OF DEBATE THAT WE HAD ON THE PREVIOUS ROUND. THIS BASICALLY ALIGNS THE LANGUAGE IN LB243 WITH EXISTING STATUTORY LANGUAGE. I THINK IT IS A POSITIVE CHANGE THAT ALIGNS US BETTER WITH OUR EXISTING STATUTES AND I ASK FOR YOUR SUPPORT. THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: SENATOR SCHEER, YOU ARE RECOGNIZED. [LB243]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. WOULD SENATOR BOLZ BE RESPONSIVE TO A COUPLE OF QUESTIONS, PLEASE? [LB243]

SPEAKER HADLEY: SENATOR BOLZ, WILL YOU YIELD? [LB243]

SENATOR BOLZ: SURE. [LB243]

SENATOR SCHEER: THANK YOU, SENATOR BOLZ. I WAS NOT AT MY DESK, MY OWN FAULT. UNDER AM1045, READING ON PAGE 6, IT TALKS ABOUT THE CHILD AND IT APPEARS THAT THE STATE HAD THE ABILITY TO EXTEND MEDICAID HEALTH COVERAGE TO THAT INDIVIDUAL. AND, ESSENTIALLY, UNDER YOUR AMENDMENT YOU ARE GUARANTEEING THAT COVERAGE. WOULD THAT BE A CORRECT STATEMENT? [LB243]

SENATOR BOLZ: SENATOR, I BELIEVE YOU ARE REFERENCING THE AMENDMENT THAT WE JUST PASSED. [LB243]

SENATOR SCHEER: CORRECT, YES. [LB243]

SENATOR BOLZ: SO THE DISTINCTION THAT THE AMENDMENT IS ATTEMPTING TO MAKE IS THIS: INDIVIDUALS WHO PARTICIPATE IN THE BRIDGE TO

Floor Debate
April 29, 2015

INDEPENDENCE PROGRAM UNDER THE ORIGINAL INTENTION OF THE BILL SHOULD ALL BE ELIGIBLE FOR MEDICAL ASSISTANCE. THAT IS THE ORIGINAL INTENT OF THE BRIDGE TO INDEPENDENCE PROGRAM. THE DEPARTMENT OF HEALTH AND HUMAN SERVICES HAD A QUESTION ABOUT HOW THAT WOULD BE INTERPRETED AND HAD BEEN MAKING SOME DISTINCTIONS ABOUT KIDS WHO WOULD OTHERWISE BE ELIGIBLE UNDER MEDICAID INDEPENDENTLY OF THE BRIDGE TO INDEPENDENCE PROGRAM. SO THIS LANGUAGE CLARIFIES THAT ANY YOUNG PERSON WHO IS ELIGIBLE FOR THE BRIDGE TO INDEPENDENCE PROGRAM GETS MEDICAL ASSISTANCE ALONG WITH THAT. THE DISTINCTION BETWEEN THE STATUS QUO AND WHAT THE AMENDMENT DOES IMPACTS, AT THIS POINT IN TIME, ONLY 16 YOUNG PEOPLE. SO THERE ARE ONLY 16 YOUNG PEOPLE WHO ARE HIGH INCOME ENOUGH TO NOT QUALIFY FOR MEDICAID, BUT STILL ARE LOW INCOME ENOUGH AND OTHERWISE QUALIFY FOR THE BRIDGE TO INDEPENDENCE PROGRAM. [LB243]

SENATOR SCHEER: SO IN OTHER WORDS, THE 16 THAT YOU ARE TALKING ABOUT, TECHNICALLY, WOULD FALL INTO THE MEDICAID GAP THAT WE HAVE BEEN DISCUSSING FOR THE LAST THREE YEARS. SO BY CHANGING THE "MAY" TO "SHALL" WE NOW HAVE PROVIDED THOSE 16 INDIVIDUALS CARE UNDER THIS BILL? IS THAT A FAIR ASSESSMENT? [LB243]

SENATOR BOLZ: I'M NOT SURE I FOLLOWED EVERY... [LB243]

SENATOR SCHEER: WELL, LET ME CLARIFY. YOU DID STATE THAT THESE 16 INDIVIDUALS HAD TOO HIGH OF AN INCOME TO QUALIFY FOR MEDICAID, BUT THEY MADE TOO LITTLE MONEY TO GET AN ASSISTANCE THROUGH THE EXCHANGE. SO, CONSEQUENTLY, WE ARE CARVING OUT A NICHE WITHIN THIS AMENDMENT FOR PEOPLE THAT OTHERWISE WOULD NOT BE ELIGIBLE FOR MEDICAID AND GUARANTEEING THEM COVERAGE UNDER THIS AMENDMENT. AND, GRANTED, I'M A DAY LATE AND A DOLLAR SHORT BECAUSE THIS WE'VE ALREADY PASSED. I'M TRYING TO CLARIFY. [LB243]

SENATOR BOLZ: I'M SORRY. I PERHAPS DIDN'T STATE THAT AS ELOQUENTLY AS I COULD HAVE. BUT FORMER FOSTER YOUTH QUALIFY FOR MEDICAID REGARDLESS OF THEIR INCOME. SO THIS IS...IT'S A TECHNICAL AMENDMENT THAT TRIES TO ADDRESS THESE...THIS VERY SMALL POPULATION OF YOUNG PEOPLE WHO QUALIFY FOR BRIDGE TO INDEPENDENCE AND HAVE NOT PREVIOUSLY BEEN ABLE TO ACCESS MEDICAID. [LB243]

Floor Debate
April 29, 2015

SENATOR SCHEER: OKAY, BUT THEN...THEN THIS IS NOT MAKING SENSE TO ME. WHY ARE WE DOING ANYTHING AT ALL TO THE STATUTE? IF IT DOESN'T DO ANYTHING, WHY DID WE DO ANYTHING WITH THE STATUTE? [LB243]

SENATOR BOLZ: IT IS AN ATTEMPT TO CLARIFY AND TO MAKE IT CRYSTAL CLEAR. THERE HAS BEEN A QUESTION OF INTERPRETATION, AND SO THE PURPOSE IS TO MAKE IT ABSOLUTELY CLEAR THAT AS FORMER FOSTER YOUTH... [LB243]

SPEAKER HADLEY: ONE MINUTE. [LB243]

SENATOR BOLZ: ...THESE KIDS, WHO PARTICIPATE IN THE BRIDGE TO INDEPENDENCE PROGRAM, CAN AND SHOULD QUALIFY FOR MEDICAL ASSISTANCE. [LB243]

SENATOR SCHEER: OKAY, THANK YOU, SENATOR BOLZ. THANK YOU, MR. SPEAKER. [LB243]

SPEAKER HADLEY: SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB243]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB243. I SUPPORTED IT ON GENERAL FILE. AND I WANT TO GIVE YOU A LITTLE BIT OF INPUT BECAUSE I HAVE BEEN ASKED SOME QUESTIONS ABOUT THIS. I DID VISIT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THE DIRECTOR WAS IN MY OFFICE AND WE TALKED ABOUT THE ABILITY OF THEM HANDLING THIS IN-HOUSE, THIS PARTICULAR PROGRAM. WHILE THEY COULD DO THIS IN-HOUSE, THEY ARE NOT CURRENTLY TRAINED TO DO THIS IN-HOUSE. AND SO JUST MAKES A LOT OF SENSE TO OUTSOURCE THIS TO THE ORGANIZATIONS THAT ARE TRAINED IN THIS ARENA. AND SO I STILL THINK THAT THIS MAKES A LOT OF SENSE. I THINK BY USING THIS AS A TRIAL PROJECT, WE CAN GIVE IT A FEW YEARS. WE CAN ACCOMPLISH WHAT WE NEED TO ACCOMPLISH BY OUTSOURCING THIS. AND THEN AT THE SAME TIME, WE CAN TRAIN OUR PEOPLE IN-HOUSE TO LEARN HOW TO DO THIS VALUABLE SERVICE. AND THEN FROM THERE PERHAPS IT CAN BE BROUGHT BACK IN-HOUSE TO HEALTH AND HUMAN SERVICES. WE JUST NEED THE TIME AND THE ABILITY TO DO IT. AND I'D LIKE TO ENCOURAGE YOU TO VOTE GREEN ON LB243 AND AMENDMENT AM1217. THANK YOU. [LB243]

Floor Debate
April 29, 2015

SPEAKER HADLEY: SENATOR RIEPE, YOU ARE RECOGNIZED. [LB243]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT, FELLOW SENATORS AND NEBRASKANS. I DID VOTE LB243 OUT OF COMMITTEE. BUT WHEN SENATOR SCHEER BROUGHT UP THE POINT, I THOUGHT IT WAS...I FELT COMPELLED TO ADD TO THAT BECAUSE IT IS, IN FACT, IF YOU EXPAND THE COVERAGE FROM 19-YEAR-OLDS TO 21, THERE IS NO WAY TO AVOID SAYING WHAT IT IS, AND THAT IS IT IS EXPANDED MEDICAID. IT'S ALL THAT I HAVE. [LB243]

SPEAKER HADLEY: SEEING NO...I'M SORRY, SENATOR CRAWFORD. [LB243]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I JUST WANT TO CLARIFY, AS SENATOR BOLZ HAD MENTIONED BEFORE, THE RULES FOR FORMER FOSTER YOUTH ARE THAT THEY QUALIFY UNTIL THEY'RE 26 AND THERE ARE NO INCOME RESTRICTIONS. AND SO ACTUALLY WHAT WE DO IN THIS BILL IS WE HELP CLARIFY, THERE IS THIS ONE SMALL SET OF FOSTER YOUTH WHO ARE IN GUARDIANSHIP. AND BEFORE THE WAY OUR POLICY WAS HANDLED, THEY WEREN'T CONSIDERED AGING OUT LIKE THE OTHER YOUTH WERE. AND SO THOSE YOUTH WHO WERE IN GUARDIANSHIP WERE NOT BEING TREATED AS FORMER FOSTER YOUTH WHO WOULD FALL INTO THIS PROGRAM. SO IT IS A CLARIFICATION OF OUR COVERAGE FOR FORMER FOSTER YOUTH. IT IS THE FORMER FOSTER YOUTH POPULATION, NOT THE MEDICAID EXPANSION POPULATION THAT WE'RE TALKING ABOUT, THAT THESE, YOU KNOW, ABOUT 20ISH YOUTH ARE THAT WE'RE WANTING TO BE SURE WE ARE ABLE TO COVER AND MAKE SURE THAT OUR WRAPAROUND SERVICES FOR BRIDGE TO INDEPENDENCE WORK FOR THEM TO HELP THEM BECOME SELF-SUFFICIENT. THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: SENATOR SCHEER, YOU ARE RECOGNIZED. [LB243]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I DON'T SEE SENATOR CAMPBELL, SO WOULD SENATOR CRAWFORD ANSWER A FEW QUESTIONS...IF YOU KNOW THE ANSWERS, I'M (INAUDIBLE)... [LB243]

SPEAKER HADLEY: SENATOR CRAWFORD, WILL YOU YIELD? [LB243]

SENATOR CRAWFORD: I WILL. I WILL YIELD AND I WILL TRY TO ANSWER QUESTIONS. [LB243]

Floor Debate
April 29, 2015

SENATOR SCHEER: IN RELATIONSHIP TO THIS SUBGROUP, WHEN A CHILD IS A FOSTER CHILD, DOES IT MAKE A DIFFERENCE TO THE STATE THE FINANCIAL ABILITY OF THE PARENTS? SO IF A CHILD IS...WANTS TO BE REMOVED FROM A FAMILY THAT HAVE MEANS AND BECOMES A FOSTER CHILD, THIS CHILD THAT MAY BE 22 YEARS OLD, BUT FAMILY HAS FINANCIAL ABILITY, IS IT THE STATE'S RESPONSIBILITY TO PROVIDE THE COVERAGE OR WOULD IT STILL FALL BACK UPON THE PARENTS TO PROVIDE THAT COVERAGE, IF YOU KNOW? [LB243]

SENATOR CRAWFORD: SO THE STATE'S RESPONSIBILITY FOR THE FOSTER YOUTH WOULD END WHEN THEY AGE OUT, WHEN THEY TURN 19, SO FOSTER...AND SO WOULD THE FOSTER PARENTS' RESPONSIBILITY END. SO A 22-YEAR-OLD WHO HAPPENED TO BE A FOSTER CHILD WHEN THEY WERE A FOSTER YOUTH WITH A FAMILY THAT HAD MEANS, THAT FAMILY NO LONGER HAS AN OBLIGATION FOR THEM WHEN THEY ARE 22, BECAUSE THEY ARE NO LONGER A FOSTER YOUTH. THE AFFORDABLE CARE ACT SAID THAT THE FOSTER YOUTH ARE, BASICALLY, CHILDREN OF THE STATE, SO IN THE SAME WAY THAT A CHILD OF A FAMILY THAT HAS COVERAGE CAN STAY ON THAT COVERAGE UNTIL 26, A FOSTER CHILD OF THE STATE OF NEBRASKA CAN STAY ON MEDICAID UNTIL THEY ARE 26. [LB243]

SENATOR SCHEER: OKAY, LET ME REPHRASE MY QUESTION. [LB243]

SENATOR CRAWFORD: YEAH. [LB243]

SENATOR SCHEER: A 16-YEAR-OLD CHILD WANTS TO BE REMOVED FROM ITS FAMILY. THAT FAMILY HAS AN INCOME OF, WE'LL SAY, IN EXCESS OF \$500,000. IT IS REMOVED; IT BECOMES A FOSTER CHILD, IT HAS FOSTER PARENTS AT AGE 16. IT AGES OUT AT 18, BUT THE STATE WAS PROVIDING THE HEALTHCARE THEN, ONCE IT BECAME A FOSTER CHILD, FROM SOME FOSTER PARENTS? I'M WONDERING IF THOSE...IF... [LB243]

SENATOR CRAWFORD: THE...THE COVERAGE...THE...AGAIN, ONCE SOMEONE IS 22, THEY ARE NO LONGER THAT RESPONSIBILITY. [LB243]

SENATOR SCHEER: I'M NOT BACK AT 22, I'M AT 17. [LB243]

SENATOR CRAWFORD: OKAY. [LB243]

Floor Debate
April 29, 2015

SENATOR SCHEER: IF THAT CHILD CAME FROM AN AFFLUENT ENOUGH FAMILY AND WANTED TO BE A FOSTER...AND WANTED TO LEAVE THAT FAMILY, BECAME A FOSTER CHILD AT 17 AND IS NOW IN A FAMILY WITH FOSTER PARENTS, WHOSE RESPONSIBILITY IS THE HEALTHCARE? IS IT OF THE ORIGINAL FAMILY OR IS IT NOW A RESPONSIBILITY OF THE STATE? [LB243]

SENATOR CRAWFORD: I DON'T KNOW EXACTLY ALL THAT IT TAKES TO BECOME REMOVED FROM A FAMILY. SO WHETHER...I DO NOT THINK THAT A 16-YEAR-OLD CAN JUST DECIDE TO DO THAT. SO, BUT AGAIN, THIS BILL IS REALLY ABOUT THE YOUTH WHO ARE AGING OUT. SO THE 16-YEAR-OLD ISN'T MATERIAL TO THIS BILL OR THE AMENDMENTS. [LB243]

SENATOR SCHEER: WELL...(INAUDIBLE)...IT WOULD NOT...IT COULD BE MATERIAL BECAUSE I'M MOVING ON UP THE AGE FRAME TO WHERE AT 18 OR 22...AND ALTHOUGH THAT...IF THE 16-YEAR-OLD HAD STAYED WITH HIS PARENTS, IT, CERTAINLY, AT 22 COULD STILL BE ON ITS PARENTS' COVERAGE. BUT THAT'S NOT NECESSARILY A GUARANTEE, BUT WE AS A STATE ARE GUARANTEEING THAT THAT INDIVIDUAL, UP THROUGH 26, BASED ON THE AMENDMENT THAT WE PASSED, HEALTH COVERAGE THROUGH...UP TILL AGE 26. [LB243]

SENATOR CRAWFORD: RIGHT. WE ARE GUARANTEEING THAT THEY MAY HAVE ACCESS TO THAT UP TO AGE 26. OTHER FAMILIES MAY OR MAY NOT... [LB243]

SENATOR SCHEER: BUT IT DOESN'T SAY WE HAVE ACCESS, IT SAYS WE WILL COVER THEM...THAT DIDN'T...THAT'S THE POINT OF MY CONCERN WAS WE CHANGED FROM "MAY" TO "SHALL" AND THAT IS A BIG DIFFERENCE. AS SENATOR CHAMBERS WOULD TELL US, WORDS MAKE A DIFFERENCE AND OBVIOUSLY THAT WAS THE INTENT OF THE AMENDMENT... [LB243]

SPEAKER HADLEY: ONE MINUTE. [LB243]

SENATOR SCHEER: ...IF THERE WAS CONFUSION BECAUSE WE DID CHANGE FROM "MAY" TO "SHALL." [LB243]

SENATOR CRAWFORD: FOR THE SMALL POPULATIONS IN THIS GUARDIAN PROGRAM. [LB243]

Floor Debate
April 29, 2015

SENATOR SCHEER: AND THAT'S WHAT I'M GETTING AT IS, IN THAT SMALL UNIT COULD THERE BE PEOPLE, CHILDREN, FROM FAMILIES THAT WOULD HAVE HAD THE WHEREWITHAL TO COVER THEM IF THEY HAD NOT BECOME FOSTER CHILDREN? [LB243]

SENATOR CRAWFORD: I CAN'T...WELL, I CAN'T IMAGINE THAT WE WOULD HAVE VERY MANY OF THESE CHILDREN WHO ARE IN SITUATIONS WHERE THEIR FAMILIES WOULD HAVE THAT ABILITY. I MEAN, THEY USUALLY END UP IN THE FOSTER SYSTEM BECAUSE THEY DO NOT HAVE SUPPORT FROM THE FAMILIES OR THE FAMILY IS UNABLE TO TAKE CARE OF THEM. [LB243]

SENATOR SCHEER: OKAY, FAIR ENOUGH. THANK YOU, SENATOR CRAWFORD. THANK YOU, MR. SPEAKER. [LB243]

SENATOR CRAWFORD: THANKS. [LB243]

SPEAKER HADLEY: SENATOR BOLZ, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB243]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I APPRECIATE THE QUESTIONING AND THE DIALOGUE. AND I WOULD REITERATE A COUPLE OF THINGS. ONE IS THAT THE INTENT OF THIS AMENDMENT IS TO ADDRESS A VERY, VERY SMALL GAP, A VERY NARROW POPULATION OF YOUNG PEOPLE WHO ARE IN THE FOSTER CARE SYSTEM. SO IT'S NOT FOR ANYONE AND EVERYONE, IT IS ONLY FOR FOSTER YOUTH. THE SECOND POINT I WOULD REITERATE IS THAT MEDICAID IS ALWAYS THE PAYER OF LAST RESORT. SO IF THERE ARE OTHER OPPORTUNITIES FOR A YOUNG PERSON, THROUGH THEIR OWN EMPLOYMENT, PERHAPS, TO BE ABLE TO AFFORD MEDICAL COVERAGE, THEY WOULD BE REQUIRED TO DO SO. I WOULD ALSO MAKE A DISTINCTION BETWEEN A FOSTER FAMILY AND AN ADOPTIVE FAMILY. A FOSTER FAMILY IS A FAMILY THAT IS PROVIDING A SERVICE TO THE STATE TO TAKE CARE OF YOUNG PEOPLE WHO ARE WARDS OF THE STATE, OF YOUNG PEOPLE WHO WE HAVE TAKEN INTO OUR CARE AS THE STATE OF NEBRASKA. AND SO THERE IS A DIFFERENCE BETWEEN A FOSTER FAMILY AND AN ADOPTIVE FAMILY. YOU MAY HAVE A FOSTER FAMILY OF MEANS WHO DOESN'T HAVE THE MEANS TO CARE FOR THEIR OWN CHILDREN AND AN ADDITIONAL CHILD WITHOUT SUPPORT FROM THE STATE, AND THAT IS WHY WE HAVE FOSTER CARE PAYMENT RATES. AN ADOPTIVE FAMILY, IF THE FAMILY CHOSE TO MAKE THAT NEXT STEP AND GO AHEAD AND ADOPT, THEN THEY WOULD ALSO TAKE ON THE RESPONSIBILITIES THAT WOULD COME WITH

Floor Debate
April 29, 2015

ADOPTING A CHILD, INCLUDING MEDICAL COVERAGE. I WOULD ALSO SAY THAT THIS TRIES TO ADDRESS A DISINCENTIVE TO PERMANENCY. IF WE DON'T ALLOW MEDICAL COVERAGE TO FOLLOW THE YOUNG PEOPLE, THEN THEY ARE MORE INCLINED TO STAY IN AN EXTENDED GUARDIANSHIP SITUATION RATHER THAN MOVE INTO THE BRIDGE TO INDEPENDENCE PROGRAM AND GAIN THOSE SKILLS THAT THEY NEED TO BE SUCCESSFUL AS AN ADULT. THE INTENT OF THIS PIECE OF LEGISLATION IS TO ENSURE THAT YOUNG PEOPLE HAVE EVERYTHING THAT THEY NEED TO BE SUCCESSFUL AS ADULTS. AND THE MOST RECENT DHHS REPORT INDICATES THAT MEDICAID IS CURRENTLY COVERING THE VAST MAJORITY OF THESE YOUNG PEOPLE. WE JUST DON'T WANT YOUNG PEOPLE WHO CURRENTLY GET MEDICAID ASSISTANCE THROUGH THE EXTENDED GUARDIANSHIP PROGRAM TO BE DISINCENTIVIZED TO PARTICIPATE IN THE BRIDGE TO INDEPENDENCE PROGRAM. SO I ASK FOR YOUR SUPPORT NOT ONLY OF LB243, WHICH, COLLEAGUES, I WOULD REMIND YOU IS THE HEART AND SOUL OF THIS BILL. THIS IS ABOUT CREATING LONG-TERM PERMANENCY FOR KIDS AND CONNECTING THEM TO THEIR EXTENDED FAMILIES. BUT I WOULD ALSO, COLLEAGUES, AND I KNOW WE'RE GETTING LATE IN THE AFTERNOON, BUT I WOULD REMIND YOU THAT THE AMENDMENT THAT WE ARE CURRENTLY VOTING ON IS THE AMENDMENT THAT CLARIFIES THE STATUTORY LANGUAGE REGARDING THE DEFINITION OF A KINSHIP HOME. SO JUST TO BE ABSOLUTELY CLEAR... [LB243]

SPEAKER HADLEY: ONE MINUTE. [LB243]

SENATOR BOLZ: ...THE AMENDMENT THAT WE ARE DEBATING CURRENTLY IS THE AMENDMENT THAT ALIGNS OUR DEFINITIONS AND OUR LANGUAGE REGARDING KINSHIP HOMES WITH CURRENT STATUTES. SO I WOULD ASK FOR YOUR SUPPORT FOR THE AMENDMENT, AS WELL AS THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: THE QUESTION IS, SHALL THE AMENDMENT TO LB243 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB243]

CLERK: 26 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF SENATOR BOLZ'S AMENDMENT. [LB243]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB243]

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Floor Debate
April 29, 2015

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB243]

SPEAKER HADLEY: SENATOR HANSEN. [LB243]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB243 TO E&R FOR ENGROSSING. [LB243]

SPEAKER HADLEY; YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL OPPOSED SAY NAY. LB243 IS ADVANCED. MR. CLERK. [LB243]

CLERK: MR. PRESIDENT, LB243A, NO E&R; SENATOR BOLZ WOULD MOVE TO AMEND WITH AM1414. (LEGISLATIVE JOURNAL PAGE 1326-1327.) [LB243A]

SPEAKER HADLEY: SENATOR BOLZ, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB243A]

CLERK: SENATOR BOLZ, LET ME CLARIFY. YOU WANT TO WITHDRAW AM1363, IS THAT RIGHT? [LB243A]

SENATOR BOLZ: YES. [LB243A]

CLERK: SENATOR BOLZ WOULD OFFER AM1414. [LB243A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS IS THE TRAILING A BILL THAT FUNDS THE PACKAGE THAT WE JUST PASSED. AND I WOULD JUST ASK FOR YOUR SUPPORT FOR THE A BILL FOR LB243. THANK YOU, MR. PRESIDENT. [LB243A LB243]

SPEAKER HADLEY: THE QUESTION IS, SHALL THE ADOPTION OF LB243A BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. SENATOR BOLZ? RECORD, MR. CLERK. [LB243A]

CLERK: 26 AYES, 0 NAYS ON THE ADOPTION OF SENATOR BOLZ'S AMENDMENT. [LB243A]

SPEAKER HADLEY: SENATOR BOLZ'S AMENDMENT IS ADOPTED. [LB243A]

Floor Debate
April 29, 2015

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB243A]

SPEAKER HADLEY: SENATOR HANSEN. [LB243A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB243A TO E&R FOR ENGROSSING. [LB243A]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. LB243A IS ADVANCED. MR. CLERK. [LB243A]

CLERK: LB292, NO E&Rs, SENATOR CRAWFORD WOULD MOVE TO AMEND WITH AM899. (LEGISLATIVE JOURNAL PAGE 1073.) [LB292]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB292]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. THE AMENDMENT IS ACTUALLY A BILL THAT WE HAD PRESENTED AND HAD STRONG SUPPORT FOR IN THE JUDICIARY COMMITTEE TO PROTECT OUR CHILDREN WHO HAVE BEEN VICTIMS OF A CRIME, WHEN THEY HAVE HAD THEIR EXPERIENCE VIDEOTAPED IMMEDIATELY AFTER THE CASE. AND WE HAVE WONDERFUL CHILD ADVOCACY CENTERS WHO WORK WITH THESE CHILDREN TO MAKE SURE THERE IS GOOD...THERE ARE PEOPLE WHO ARE TRAINED TO WORK WITH THE CHILDREN AND MAKE SURE THAT THEY TALK TO THEM, SO THAT THE CHILD DOESN'T GET TRAUMATIZED BY HAVING TO SHARE THEIR EXPERIENCE OVER AND OVER AGAIN. SO IT IS AN IMPORTANT BILL THAT I BELIEVE THAT WE WILL PASS WITH FULL SUPPORT NEXT YEAR. BUT I HAVE HAD SOME COLLEAGUES WHO HAVE EXPRESSED A CONCERN THAT THEY WOULD LIKE TO HAVE MORE TIME TO TALK ABOUT THE BILL. AND SO OUT OF RESPECT FOR THE PROCESS AND RESPECT FOR THOSE WHO RECEIVED PRIORITY FOR THEIR BILL, I'M GOING TO WITHDRAW THE AMENDMENT AND I ENCOURAGE THOSE OF YOU WHO ARE INTERESTED IN THIS BILL TO TALK TO ME ABOUT BECOMING A COSPONSOR OR HELPING TO MAKE SURE WE GET THIS BILL PASSED NEXT YEAR. AND I WANT TO THANK SENATOR COASH, WHO IS AN ADVOCATE FOR THIS BILL, FOR INVITING ME TO AMEND IT ONTO HIS BILL, BUT I'LL WITHDRAW MY AMENDMENT. THANK YOU, MR. PRESIDENT. [LB292]

SPEAKER HADLEY: MR. CLERK. [LB292]

Floor Debate
April 29, 2015

CLERK: MR. PRESIDENT, SENATOR COASH WOULD MOVE TO AMEND, AM849.
(LEGISLATIVE JOURNAL PAGE 1129.) [LB292]

SPEAKER HADLEY: SENATOR COASH, YOU ARE RECOGNIZED. [LB292]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. AND BEFORE I GO ON TO MY AMENDMENT, I WANT TO ECHO WHAT SENATOR CRAWFORD SAID. THE BILL THAT SHE HAS ADVANCED THROUGH JUDICIARY COMMITTEE AND WAS, FOR A BRIEF MOMENT, AN AMENDMENT TO MY BILL IS A GOOD BILL. AND IT'S UNFORTUNATE WE CAN'T GET THAT THROUGH THIS YEAR, BUT I'VE PLEDGED TO HER THAT I WILL HELP HER NEXT YEAR GET THAT BILL THROUGH. BUT ON TO AM849...AM849 IS LANGUAGE FROM ANOTHER BILL DEALING WITH REGISTRIES. AS YOU MAY RECALL, LB292 DEALS WITH THE CHILD ABUSE REGISTRY; THE AMENDMENT, AM849, DEALS WITH THE SEX OFFENDER REGISTRATION ACT IN THE REGISTRY. AND WHAT AM849 DOES IS ELIMINATE OFFENSES OF UNLAWFUL USE OF INTERNET BY A PROHIBITED SEX OFFENDER. THIS BILL WAS ADVANCED UNANIMOUSLY OUT OF THE JUDICIARY COMMITTEE AND HAD NO OPPOSITION AT THE HEARING. IT WAS BROUGHT TO ME BY THE STATE COURT ADMINISTRATOR IN ORDER TO AMEND THE STATUTES THAT WERE RULED UNCONSTITUTIONAL IN OCTOBER OF 2012 BY FEDERAL DISTRICT COURT CASE, DOE v. THE STATE. BUT IN A QUICK GLANCE AT THE AMENDMENT, YOU WILL NOTICE IT DOES NOTHING MORE THAN STRIKE LANGUAGE THAT WAS DEEMED UNCONSTITUTIONAL BY THE COURTS. THIS AMENDMENT UPDATES PORTIONS OF THE NEBRASKA SEX OFFENDER REGISTRY THAT WERE RULED UNCONSTITUTIONAL. THE CHALLENGE...LEGISLATION ORIGINATED IN LB97 AND IN LB285 THAT WERE BOTH PASSED IN 2009. GENERALLY, THIS SECTION REQUIRES DISCLOSURE BY PERSONS REQUIRED TO REGISTER UNDER THE ACT OF REMOTE COMMUNICATION DEVICES, IDENTIFIERS, ADDRESSES, DOMAIN NAMES, AND INTERNET BLOG SITES; REQUIRES REGISTRANTS TO CONSENT TO THE SEARCH AND INSTALLATION OF MONITORING HARDWARE AND SOFTWARE AND CRIMINALIZES SOME REGISTRANTS' USES OF SOCIAL NETWORKING WEB SITES, INSTANT MESSAGING, AND CHAT ROOM SERVICES ACCESSIBLE TO MINORS. FOLLOWING THE DECISION BY THE COURT, THE SEX OFFENDER REGISTRY FORM WAS CHANGED BY THE ATTORNEY GENERAL'S OFFICE TO REMOVE THE UNCONSTITUTIONAL REQUIREMENTS, BUT THOSE REQUIREMENTS REMAIN IN STATUTE AND THIS IS PROBLEMATIC FOR JUDGES WHO ARE CHARGED WITH ACTING WITHIN THE LAW, WHILE ENSURING THE INDIVIDUALS' CONSTITUTIONAL RIGHTS AS WELL. AM849 IS A CLEANUP AMENDMENT WHICH IS INTENDED TO CORRECT THESE CONFLICTS BETWEEN STATUTES AND THE FEDERAL COURT'S DECISIONS. SO IN

Floor Debate
April 29, 2015

CLOSING, THIS AMENDMENT DOES NOTHING MORE THAN REMOVE UNCONSTITUTIONAL LANGUAGE FROM OUR LAWS. AND I WOULD APPRECIATE YOUR SUPPORT WITH...TO AM849. THANK YOU, MR. PRESIDENT. [LB292]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING TO THE AMENDMENT. SENATOR COASH, YOU ARE RECOGNIZED TO CLOSE. SENATOR COASH WAIVES CLOSING. QUESTION BEFORE THE BODY IS THE ADOPTION OF THE AMENDMENT. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB292]

CLERK: 27 AYES, 0 NAYS ON THE ADOPTION OF SENATOR COASH'S AMENDMENT. [LB292]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB292]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB292]

SPEAKER HADLEY: SENATOR HANSEN. [LB292]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB292 TO E&R FOR ENGROSSING. [LB292]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. [LB292]

CLERK: YOU HAVE A LIGHT ON. [LB292]

SPEAKER HADLEY: I'M SORRY. SENATOR PANSING BROOKS. [LB292]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I WAS JUST QUICKLY GOING TO STAND UP BECAUSE SOME PEOPLE WERE GONE WHEN THIS BILL WENT ON...CAME THROUGH FROM GENERAL FILE. AND I, JUST AGAIN, WANTED TO SAY THAT THE PRIVILEGE OF BEING HERE AND DOING THE WORK THAT WE DO ARISES EVERY ONCE IN A WHILE WHERE WE GET TO HELP PASS A BILL OR TO DO SOMETHING THAT WILL MAKE A DIFFERENCE TO SO MANY LIVES THAT WE CAN'T EVEN UNDERSTAND IN OUR FUTURE. AND I JUST WANT TO THANK SENATOR COASH FOR HIS ABILITY TO ASK THE RIGHT QUESTIONS, TO REALIZE

Floor Debate
April 29, 2015

THAT THERE WAS SOME INJUSTICE BEING DONE, NOT NECESSARILY PURPOSEFULLY, BUT THE WORK THAT HE DID WILL AFFECT MANY LIVES AND I JUST WANT TO CONGRATULATE HIM FOR THIS FINE EFFORT. [LB292]

SPEAKER HADLEY: SEEING NO ONE ELSE WILLING... WISHING TO SPEAK, SENATOR HANSEN. [LB292]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB292 TO E&R FOR ENGROSSING. [LB292]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. LB292 IS ADVANCED. MR. CLERK. [LB292]

CLERK: LB292A, I HAVE NO AMENDMENTS TO THE BILL, SENATOR. [LB292A]

SPEAKER HADLEY: SENATOR HANSEN. [LB292A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB292A TO E&R FOR ENGROSSING. [LB292A]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. LB292A IS ADVANCED. MR. CLERK. [LB292A]

CLERK: LB240, NO E&R. SENATOR SCHUMACHER WOULD MOVE TO AMEND; AM1143, SENATOR. (LEGISLATIVE JOURNAL PAGE 1074.) [LB240]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB240]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. IF YOU RECALL ON GENERAL FILE, THIS IS SUPPOSED TO BE A PILOT PROJECT. IT HAD A LIMITED TIME SPAN AND THAT TIME SPAN HAD NOT YET EXPIRED. AND IT WAS A PROGRAM IN WHICH CHILDREN, LITTLE KIDS ON UP THROUGH TEENS, WOULD BE GIVEN A TEST IN A DOCTOR'S OFFICE, AND THEN BASED ON THAT TEST WOULD BE SCREENED. AND ONCE THEY WERE SCREENED THEY WOULD BE, IF THE PARENTS WANTED THEM TO, FUNNELED OVER TO PSYCHOLOGICAL COUNSELING, PERHAPS MEDICAL TREATMENT FOR MENTAL ILLNESS. ANYWAY, GET THEM INTO THE PSYCHOLOGY WORLD. AT THAT PARTICULAR TIME, THERE

Floor Debate
April 29, 2015

WAS GOING TO BE THREE PILOT PROJECTS. THE STATUTE DID NOT SPECIFICALLY SAY WHAT WAS GOING TO BE PILOTTED IN THE PILOT PROJECT, BUT IT WOULD LAST FOR A PERIOD OF TIME. AND THEN AT THAT PARTICULAR...I THINK IT WAS...TERMINATES TWO YEARS AFTER SEPTEMBER 6, 2013. AND THE BILL BASICALLY SAYS AT THAT TIME THE NUMBER OF SITES WOULD BE OPENED UP AND WOULD BE ABLE TO SPREAD ACROSS THE STATE. WHAT GAVE ME SOME DISCOMFORT AT THE TIME WAS EVEN THOUGH THIS BILL DOES NOT TALK IN TERMS OF MUCH EXPENSE ON ITS FACE FOR THE SCREENING, THE UNIVERSITY WAS HEAVILY INVOLVED IN IT. WHEN THE CHILDREN ARE REFERRED, THERE IS A FAIR AMOUNT OF EXPENSE. JUST IN ROUGH NUMBERS, ABOUT 2,400 KIDS WERE GIVEN THE FORM AND THEIR PARENTS. THE FORM WAS FILLED OUT. ABOUT 688 WERE INDICATED BY THE FORM THAT THEY NEEDED HELP. AND OF THOSE ABOUT, I THINK THE NUMBER IS 294, SAID OKAY, GIVE US SOME HELP. AND THEN OF THOSE KIDS WHO WENT THROUGH THE PSYCHOLOGY AND THE TRAINING, THE PARENTS WERE ASKED, DO YOU THINK IT HELPED? AND THAT'S HOW THEY DEEMED IT TO BE A SUCCESS. THE COST OF THE SESSIONS WERE...WAS ABOUT FOUR SESSIONS, WERE GIVEN TO EVERY CHILD WHO WAS SCREENED AS MAYBE NEEDING HELP. AND THAT COST IS \$650 FOR THE FOUR SESSIONS, PAID HALF BY MEDICAID AND HALF BY INSURANCE. ACTUALLY, THE FIGURE THEY GIVE ME WAS 49 PERCENT AND 49 PERCENT; AND I'M NOT SURE WHERE THE OTHER 2 PERCENT CAME FROM. BUT, BASICALLY, THIS STUDY DID NOT TELL US WHETHER OR NOT THE CHILDREN WHO WERE SCREENED AS BEING ELIGIBLE FOR REFERRAL WERE THE RIGHT ONES; WHETHER OR NOT THERE WOULD BE BETTER PERFORMANCE AGAINST A RANDOMLY SELECTED BUNCH OF "SCREENEES". DIDN'T TELL US HOW SUCCESSFUL THE PROGRAM WAS, OTHER THAN JUST THE OPINION OF THE PARENTS OF WHETHER OR NOT THIS PARTICULAR FOUR SESSIONS DID THEM ANY GOOD. THIS PARTICULAR AMENDMENT SAYS, WAIT A MINUTE, THIS IS A POORLY CONDUCTED PILOT PROJECT. WE DON'T KNOW ANY MORE THAN WE DID WHEN WE STARTED. AND THIS REPRESENTS, IF YOU JUST LOOK AT THE RAW NUMBERS, SOMEWHERE BETWEEN 16 PERCENT AND 28 PERCENT OF THE POPULATION OF CHILDREN IN THE STATE COULD BE ELIGIBLE AT A COST OF \$640 APIECE. WE'RE LOOKING AT A SUBSTANTIAL AMOUNT OF MONEY AND A SUBSTANTIAL COMMITMENT ONCE THEY GET BEYOND THE SCREENING AND PLUGGED INTO THE SYSTEM. WE NEED BETTER ANSWERS THAN WHAT THIS PILOT PROJECT GAVE US. SO GIVING THE THING THE BENEFIT OF THE DOUBT, AND THERE ARE SOME ARGUMENTS THAT IT DOES GOOD. THIS AMENDMENT, I THINK, EXTENDS IT OUT TWO YEARS ON THE PILOT PROJECT WHICH WOULD BE TWO YEARS FROM SEPTEMBER OF 2015. HOPEFULLY, THE UNIVERSITY, IN THAT TIME PERIOD, AND THE PEOPLE INVOLVED WOULD GIVE US SOME STRAIGHT ANSWERS. WE'LL HAVE SOMETHING TO COMPARE THIS TO:

Floor Debate
April 29, 2015

WHETHER OR NOT THIS SCREENING MECHANISM OVERSCREENS OR UNDERSCREENS; HOW DOES IT COMPARE AGAINST A RANDOM COMPARABLE GROUP FROM COMPARABLE COMMUNITIES? JUST ASKING A PARENT, DID IT DO ANY GOOD? NATURALLY, IF THEY ARE NOT PAYING THE BILL, OF COURSE YOU'D SAY IT DID GOOD, PARTICULARLY IF YOU SELECTED TO HAVE THE CHILD GO THROUGH THE PROCESS TO BEGIN WITH. I THINK THAT THIS IS A BETTER ALTERNATIVE THAN JUST DECLARING VICTORY AND MAKING A COMMITMENT TO FURTHER SCREENING AND RATHER SUBSTANTIAL EXPENSES IN THIS AREA WITHOUT KNOWING FOR SURE IF THE SCREEN IS DOING ITS JOB; IF IT IS OVERSCREENING, UNDERSCREENING, HOW IT COMPARES TO ANOTHER SCREENING MECHANISM OR RANDOMNESS. AND THIS STUDY, AND I THINK THEY PROBABLY ADMIT, HAS NOT BEEN ADEQUATELY DOCUMENTED AS A TRUE PILOT PROJECT AND PROBABLY A BETTER JOB CAN BE DONE ON IT. AND SO I WOULD ASK THE BODY TO CONSIDER INSTEAD OF JUST MAKING IT A PERMANENT PROJECT WITH REALLY UNKNOWN FINANCIAL CONSEQUENCES TO EITHER MEDICAID OR TO THE INSURANCE COMPANIES, TAKING TIME, DO ANOTHER TWO YEARS, EXTEND IT AT THE SAME THREE LOCATIONS AND SEE HOW IT WORKS OUT. IT MAY TURN OUT TO BE JUST FINE, BUT RIGHT NOW WE ARE LOOKING AT WHAT COULD BE SUBSTANTIAL MONEY AND NOT KNOWING IF IT IS THE BEST WAY OF DOING IT OR WHETHER OR NOT IT IS DOING ANY GOOD AT ALL. THANK YOU, MR. SPEAKER. [LB240]

SPEAKER HADLEY: SENATOR HANSEN, YOU ARE RECOGNIZED. [LB240]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AND THANK YOU, AS SPEAKER, FOR MAKING THIS ONE OF YOUR SPEAKER PRIORITIES, AGAIN. AS LB242'S INTRODUCER, I RISE IN OPPOSITION TO AM1143. I CONSIDER THIS AN UNFRIENDLY AMENDMENT, ALBEIT ON THE FRIENDLIER END OF THE SPECTRUM OF UNFRIENDLY AMENDMENTS. IT'S NOT A POISON PILL. IT WILL NOT GET ME TO WITHDRAW MY SUPPORT OF THE BILL. HOWEVER, I DO THINK THERE'S BEEN ENOUGH EVIDENCE AND ENOUGH SHOWN TO MAKE THIS PROGRAM PERMANENT. SO WITH THAT I'M ASKING TO OPPOSE THE AMENDMENT AND COMMIT TO THE GREEN COPY OF THE BILL. AS A REFRESHER, THIS BILL CAME OUT OF THE HHS COMMITTEE UNANIMOUSLY. BHECN, THE BEHAVIORAL HEALTH EDUCATION CENTER OF NEBRASKA, ADDRESSES THE SHORTAGES OF TRAINED BEHAVIORAL HEALTH PROVIDERS IN RURAL AND UNDERSERVED AREAS. AND IN 2013, THE LEGISLATURE AUTHORIZED THIS PROGRAM AS A PILOT PROGRAM CONDUCTED WITH BHECN AND THE UNIVERSITY OF NEBRASKA MEDICAL CENTER. IT CREATED THE BEHAVIORAL HEALTH SCREENING REFERRAL PILOT PROGRAM, WHICH AS SENATOR SCHUMACHER INDICATED, MY BILL SEEKS TO

Floor Debate
April 29, 2015

MAKE PERMANENT. SUCH A PROGRAM IS AN OPTIONAL SCREENING PROGRAM THAT ALLOWS FOR BEHAVIORAL HEALTH SCREENINGS IN PEDIATRICIANS AND DOCTORS OFFICES. THESE SCREENINGS ARE FILLED OUT BY A PARENT AND ARE OPTIONAL. THE PROGRAM COVERS THE COST OF THE SCREENINGS AS THEY ARE NOT COVERED BY EITHER MEDICAID OR PRIVATE INSURANCE. ALL FUTURE TREATMENT FOR ISSUES IDENTIFIED BY THE SCREENING ARE PAID FOR BY WHATEVER THE INSURANCE THE PATIENT ALREADY HAS. AS SENATOR SCHUMACHER INDICATED, THAT IS THE DATA WE HAVE INDICATES THAT'S ABOUT 49 PERCENT PRIVATE, 49 PERCENT MEDICAID, AND THE REMAINING 2 PERCENT IS EITHER PAID OUT OF POCKET BY THE FAMILIES OR OTHERWISE PAID FOR. SO THAT IS THE POTENTIAL FISCAL IMPACT. THE ONLY POTENTIAL FISCAL IMPACT OF MY BILL THAT I SEE IS THAT IN THE FUTURE MORE PEOPLE WILL GET HEALTHCARE. NOW, I UNDERSTAND THE STATE IS A BIG PROVIDER THROUGH MEDICAID, BUT THIS ISN'T EXPANDING WHO IS ELIGIBLE. THIS IS JUST MAKING SURE THAT PEOPLE WHO HAVE BEHAVIORAL HEALTH AND MENTAL PROBLEMS CAN BE IDENTIFIED AND REFERRED TO THE CORRECT TREATMENT. OTHERWISE, THIS BILL HAS NO FISCAL IMPACT ON THE STATE AND REMAINS IN THE BASE BUDGET. BRIDGING THE GAP BETWEEN SCREENING AND IDENTIFYING ISSUES AND RECEIVING TREATMENT IS A VERY IMPORTANT STEP IN THE CREATED CARE MODEL AND ENDORSED BY ORGANIZATIONS SUCH AS THE AMERICAN ACADEMY OF PEDIATRICS. THE REAL ISSUE AT HAND, AS SENATOR SCHUMACHER INDICATED, IS THIS EFFICACY OF THIS PROGRAM. I TAKE INCREASING THE NUMBER OF CHILDREN SCREENED FOR BEHAVIORAL HEALTH PROBLEMS AND INCREASING THE NUMBER OF THOSE CHILDREN RECEIVING TREATMENT AS JUST A NET POSITIVE AS A GIVEN. WE HAVE SEEN THIS PROGRAM CAN INCREASE THE NUMBERS, BUT HAVE PROVIDED MORE SCREENINGS AND MORE SERVICES IN MORE DOCTORS' OFFICES ACROSS THE STATE. AS FOR THE EFFECTIVENESS OF THIS PROGRAM, WE CAN CERTAINLY CALL INTO QUESTION PSYCHOLOGICAL PRACTICES. BUT THERE ARE COMMON PRACTICES...COMMON ACCEPTED PRACTICES SUCH AS USING PATIENT SATISFACTION SURVEYS AS A MODEL TO INDICATE THE EFFECTIVENESS OF TREATMENT. SO WITH THAT, I WOULD LIKE YOU TO JOIN ME IN OPPOSING AM1143 AND CARRYING THROUGH WITH THE GREEN COPY OF THE BILL. THANK YOU, MR. PRESIDENT. [LB240]

SPEAKER HADLEY: SENATOR MORFELD, YOU ARE RECOGNIZED. [LB240]

SENATOR MORFELD: THANK YOU, SPEAKER HADLEY. I RISE IN OPPOSITION TO THE AMENDMENT. I WONDER IF SENATOR SCHUMACHER WOULD YIELD TO A QUESTION. [LB240]

Floor Debate
April 29, 2015

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB240]

SENATOR SCHUMACHER: YES, I WILL. [LB240]

SENATOR MORFELD: SENATOR SCHUMACHER, I AM NEW TO THE BODY, OBVIOUSLY, SO MAYBE I JUST DON'T UNDERSTAND HOW THE AMENDMENT PROCESS WORKS WITH FISCAL NOTES. BUT I DIDN'T SEE ANY ADDITIONAL FUNDING TO PROVIDE THIS TYPE OF ANALYSIS THAT YOU WOULD LIKE TO SEE HAPPEN IN YOUR AMENDMENT. IS THERE SOME KIND OF FUNDING? [LB240]

SENATOR SCHUMACHER: THAT'S THE PROBLEM WITH THE WHOLE THING HERE. THERE WAS...IT WAS CALLED A PILOT PROJECT... [LB240]

SENATOR MORFELD: I'M SORRY, SENATOR. BUT IS THERE FUNDING PROVIDED TO RESEARCH THE THINGS THAT YOU WANT TO SEE RESEARCHED IN THE TWO YEARS IN YOUR AMENDMENT? [LB240]

SENATOR SCHUMACHER: THERE IS NO ADDITIONAL FUNDING. [LB240]

SENATOR MORFELD: OKAY, THANK YOU. THAT'S ONE OF MY CONCERNS WITH THIS AMENDMENT AND WITH SENATOR SCHUMACHER'S ARGUMENT FOR THIS AMENDMENT IS THAT AS A PERSON THAT RUNS A NONPROFIT AND RUNS PROGRAMS THAT HAVE TO BE ACCOUNTABLE, THE TYPE OF ANALYSIS THAT HE'S ASKING FOR IS VERY COSTLY, AND TAKES A LOT OF TIME AND ENERGY. AND I'M NOT SAYING THERE IS NO MERIT TO IT. BUT UNLESS YOU'RE GOING TO DO A DOUBLE-BLIND, INDEPENDENT SAMPLE WHERE SOME STUDENTS RECEIVE THE TYPE OF BEHAVIORAL HEALTH SCREENING AND SOME DON'T, AND QUITE FRANKLY OVER THE COURSE OF AT LEAST 10 OR 15 YEARS, WHICH WOULD RUN INTO PROBABLY \$2 MILLION OR \$3 MILLION TO RUN THAT TYPE OF STUDY AND ANALYSIS AT LEAST, I DON'T BELIEVE WE'RE GOING TO BE ABLE TO PROVIDE THE TYPE OF DATA THAT SENATOR SCHUMACHER IS TALKING ABOUT. NOW I CAN TELL YOU THOUGH THAT FROM EXPERIENCE WITH CLOSE FAMILY MEMBERS, CLOSE FAMILY MEMBERS WHO PROBABLY SHOULD HAVE RECEIVED BEHAVIORAL HEALTH SCREENINGS AND RAN INTO A LOT OF, QUITE FRANKLY, ALCOHOL ADDICTION, DRUG ADDICTION, AND OTHER ISSUES IN THEIR LIFE, THAT COULD HAVE BEEN HEADED OFF WITH COMMONSENSE SCREENINGS LIKE THIS, THAT THESE TYPES OF SCREENINGS WILL BE EFFECTIVE AND, IN FACT, SHOULD BE DONE ON MORE PEOPLE. AND SO I OPPOSE AM1143 BOTH IN THE SENSE THAT I DON'T THINK IT NEEDS TO BE SUNSETTED IN TWO YEARS. AND

Floor Debate
April 29, 2015

EVEN IF WE DID SUNSET IN TWO YEARS, THIS STILL WOULDN'T BE ABLE TO PROVIDE THE TYPE OF DATA THAT I THINK SENATOR SCHUMACHER IS TRYING TO GET AT WITH EXTENDING IT JUST TWO MORE YEARS AS A PILOT PROGRAM UNLESS WE, IN FACT, APPROPRIATE SUBSTANTIALLY MORE FUNDING TO BE ABLE TO PROVIDE THAT TYPE OF DATA. SO I RISE IN OPPOSITION TO AM1143 AND IN SUPPORT OF LB240. THANK YOU. [LB240]

SPEAKER HADLEY: SENATOR RIEPE, YOU ARE RECOGNIZED. [LB240]

SENATOR RIEPE: MR. PRESIDENT, SENATORS, AND NEBRASKA, I WOULD RISE IN SUPPORT OF AM1143, PRIMARILY, BECAUSE EVEN IN THE OPERATION OF LB240, METRICS HAVE TO EXIST FOR EVALUATION OR THEY SHOULD IN A GOOD OPERATION. I ALSO BELIEVE IN THE CONCEPT OF NO BLOOD, NO FOUL. I SEE NO HARM IN GOING ANOTHER TWO YEARS UNDER AN EVALUATION PROCESS TO MAKE SURE THAT WE HAVE WHAT WE HAVE. WE ALL KNOW THAT WHEN AN ITEM OR A PROGRAM IS ENACTED INTO LAW, IT IS VERY, VERY DIFFICULT TO THEN BACK OUT OF THAT SITUATION. IT BECOMES A PERMANENT PART OF GOVERNMENT. SO WHILE I DID SUPPORT THIS COMING OUT OF COMMITTEE, I THINK THE AMENDMENT MAKES A WHOLE LOT OF SENSE TO ME. IF...I WOULD YIELD ANY TIME TO SENATOR SCHUMACHER IF HE'D LIKE. [LB240]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU ARE YIELDED 4 MINUTES AND 3 SECONDS. [LB240]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER; AND THANK YOU FOR THE TIME, SENATOR RIEPE. THE AMENDMENT SIMPLY SAYS LET'S CONTINUE WHAT WE WERE DOING FOR TWO YEARS. I DIDN'T WRITE THE BILL OR THE LAW. THAT WAS WRITTEN BY THE PEOPLE WHO CAME TO THIS BODY AND WHO INTRODUCED IT A COUPLE OF YEARS AGO AND SAID, LOOK, LET'S DO A PILOT PROJECT TO FIND OUT IF THIS WORKS. AND ALL OF A SUDDEN WE'RE MAKING IT PERMANENT AND WE'RE DECLARING VICTORY AND WE REALLY DON'T KNOW ANYTHING OTHER THAN WITH THIS INTAKE SHEET THAT PARENTS AND THAT CHILDREN FILL OUT WHEN THEY SEE A DOCTOR. TWENTY PERCENT OF THEM ROUGHLY, FOR ROUGH FIGURES, WILL END UP BEING PULLED ASIDE AND PUT INTO A PROGRAM AT A COST OF \$650; TWENTY PERCENT OF THE CHILDREN INTO THAT PROGRAM. NOW YOU MAY SAY THAT FILLING OUT THAT SHEET DOESN'T COST MUCH MONEY, BUT THE PROGRAM AT \$650 A POP DOES. AND WE DON'T KNOW IF WE ARE...THAT SHEET, THAT PILOT IS GETTING THE RIGHT KIDS INTO THAT PROGRAM. WE DON'T KNOW IF THEY ARE GETTING TOO MANY KIDS IN,

Floor Debate
April 29, 2015

TOO LITTLE KIDS. WE DON'T KNOW IF THE KIDS THAT ARE GOING INTO IT IN ORDER TO MAKE THE PROGRAM LOOK SUCCESSFUL ARE GETTING PUT ON DRUGS OF SOME KIND IN ORDER TO SIMMER THEM DOWN OR HYPE THEM UP. WE DON'T KNOW ANY OF THAT. WE'RE JUST BEING ASKED WITHOUT ANY FURTHER DATA TO SAY, HEY, THIS WAS GREAT, LET'S DO IT FOR EVERYBODY IN AN UNLIMITED NUMBER OF LOCATIONS ACROSS THE STATE AND WE DON'T CARE WHAT THE EXPENSE IS. AT SOME POINT, MONEY HAS GOT TO START MAKING A DIFFERENCE AND WE'VE GOT TO START CHOOSING BETWEEN A GOOD PROGRAM AND A LITTLE BETTER PROGRAM. AND WE HAVE TO MAKE THOSE TRADE-OFFS. WE DON'T HAVE THE DATA HERE, NOR DO THEY CLAIM THAT THE DATA IS HERE, WHETHER OR NOT THIS IS WORKING, WHETHER OR NOT THERE IS A BETTER ALTERNATIVE TO DOING IT, OR HOW MUCH THE TOTAL COST TO THE SYSTEM, NOT JUST TO THIS BILL FOR THIS INTAKE SHEET, BUT THE TOTAL COST OUR INSURANCE SYSTEM AND OUR MEDICAID BUDGET IS. WE DON'T KNOW. WHY DID WE DO A PILOT TO BEGIN WITH? WHY DIDN'T WE JUST ROLL THE DICE, BECAUSE THAT IS WHAT WE'RE BEING ASKED TO DO NOW, ROLL THE DICE? AND I KNOW THAT IT IS A WAY YOU SELL THINGS BY...IN THIS BODY BY CALLING IT, OH, IT IS JUST A PILOT PROJECT, AND SAYING IT WILL JUST GO ON FOR A COUPLE OF YEARS AND IT LOOKS REASONABLE AND PEOPLE SAY, WELL, LET'S CHECK IT OUT. BUT AT THE END OF THE PILOT PROJECT WHICH HASN'T EVEN OCCURRED YET, WE'RE DECLARING VICTORY AND MAKING IT A PERMANENT PROJECT. I THINK THAT THE FOLKS AT THE UNIVERSITY REALIZE THAT THIS HASN'T BEEN HANDLED RIGHT, THAT THEY DON'T HAVE THE ANSWERS THAT WE REQUEST. THAT WE SHOULD HAVE IN ORDER TO KNOW HOW MUCH IT'S GOING TO COST US. [LB240]

SPEAKER HADLEY: ONE MINUTE. [LB240]

SENATOR SCHUMACHER: AND SO I THINK WE HAVE A RESPONSIBILITY, PARTICULARLY IN LIGHT OF TIGHTENED BUDGET SITUATIONS, TO SAY--OKAY, IT MAY BE A GOOD IDEA; IT MAY BE A BAD IDEA, BUT IT'S NO DIFFERENT AN IDEA THAN WE SAW TWO YEARS AGO WHEN WE DECIDED WE NEEDED A PROJECT...PILOT. WE DON'T HAVE ANY ANSWERS. LET'S BE KIND TO THE IDEA. IT MAY BE VERY, VERY NECESSARY AND VERY HELPFUL AND LET'S EXTEND IT OUT TWO YEARS AND SEE IF WE'VE GOT SOME ANSWERS. BUT JUST TO DECLARE VICTORY, MAKE IT A PERMANENT PART OF THE BUDGET, AND IT...NOT JUST A SCREENING, BUT THE OTHER CONSEQUENCES TO OUR INSURANCE COMPANY AND OUR MEDICAID BUDGET WHICH IS JUST A BIG NUMBER, \$640 TIMES 20 PERCENT OF THE SCHOOL-AGE POPULATION. WOW! WE HAVE AN OBLIGATION TO

Floor Debate
April 29, 2015

SAY, WAIT A MINUTE, GUYS, IS THIS WORTH IT? IS IT THE BEST WAY WE CAN SPEND OUR INSURANCE AND MEDICAID MONEY? THANK YOU. [LB240]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS GROENE, BLOOMFIELD, CAMPBELL, HANSEN, AND CRAWFORD. SENATOR GROENE, YOU ARE RECOGNIZED. [LB240]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I ORIGINALLY VOTED AGAINST THIS AND I'M STILL AGAINST IT AND I'M FOR...WELL, I'M FOR SENATOR SCHUMACHER'S AM1143. I GOT A CALL FROM A CONSTITUENT WHO WAS UPSET THAT I VOTED AGAINST IT, BECAUSE THEY HAVE A CONCERN OF AUTISM IN THEIR FAMILY. AND THEY SAID, WELL, IT CAN BE CAUGHT WITH THESE SCREENINGS. WELL, I APPRECIATE SENATOR HANSEN, HE CAME...HE HAD...BECAUSE OF MY CONCERNS, I ASKED HIM ABOUT IT AND HE HAD PEOPLE FROM THE UNIVERSITY OF NEBRASKA MEDICAL CENTER COME BY AND I QUIZZED THEM, LIKE I'M KNOWN TO DO. AND THE REALITY IS THEY DON'T SCREEN FOR AUTISM, THIS IS MENTAL HEALTH, JUST PERIOD. THEY DON'T ASK ANYTHING ABOUT AUTISM. THAT'S NOT IN THEIR PROGRAM. THEY DON'T DO IT. AND THAT IS A MAJOR CONCERN OF FAMILIES OUT THERE. THEY COULDN'T GIVE ME...YOU KNOW, ACTUALLY, I HATE TO SAY IT, BUT THE PERSON I TALKED TO FROM THE UNIVERSITY OF NEBRASKA LOOKED LIKE A DEER CAUGHT IN THE HEADLIGHTS. THEY WERE UNPREPARED, AS SENATOR SCHUMACHER SAID. THEY HAD TO THROW HASTILY TOGETHER SOME NUMBERS ON THIS PROGRAM TO PROVE THAT IT EVEN EXISTED. AND WHEN I READ A PILOT PROGRAM AND I PUT SOMEBODY IN CHARGE TO CREATE IT, MY ASSUMPTION IS ONCE IT IS CREATED THEY DISAPPEAR; THE CONSULTANT DISAPPEARS, THE ENGINEER DISAPPEARS, THE UNIVERSITY OF NEBRASKA MEDICAL CENTER DISAPPEARS. AND NOW THIS PILOT PROGRAM TAKES OFF ON ITS OWN. AND FREE MARKET DOCTORS WILL CONTRACT WITH PSYCHIATRISTS WHO OFFER THIS SCREENING. THIS WAS A PILOT PROGRAM...A BILL...A COUPLE OF WORDS WERE CROSSED OFF AND TURNED INTO PERMANENCE. I DON'T THINK THAT IS GOOD LEGISLATION. THERE SHOULD BE A TIME WHEN WE DON'T HAVE TO TAKE THE TAX DOLLARS TO THE UNIVERSITY MEDICAL CENTER TO BE RUNNING A PILOT PROGRAM; AND NOW IT IS A PROGRAM. SO NOW WE HAVE A HEALTHCARE ISSUANCE...PROGRAM IN THE STATE OF NEBRASKA THAT IS RUN THROUGH OUR MEDICAL COLLEGE. WHY? IF THE SEEDS WERE PLANTED AND THE PROGRAM TOOK OFF, THEY SHOULD DISAPPEAR, BUT THEY ARE STAYING IN HERE. AS FOR THE FISCAL NOTE, NO, THERE'S NO FISCAL NOTE BECAUSE--I DON'T UNDERSTAND THIS--BECAUSE IT WAS SUPPOSED TO BE SUNSET AFTER TWO YEARS. SO IF YOU REDO THE PROGRAM, I WOULD THINK YOU WOULD HAVE TO PUT THE MONEY BACK INTO

Floor Debate
April 29, 2015

THE PROGRAM, INTO THE BUDGET. BUT IT SAID IT WAS \$450,000 A YEAR FOR THE PILOT PROGRAM. AND THEY'RE ASSUMING HERE, THE UNIVERSITY HAS ESTIMATED AN IMPACT OF \$450,000 GENERAL FUND FOR '15-16 AND \$450,000 FOR '16-17. THAT, I WOULD CALL, A FISCAL NOTE. MY CONCERN IS...ANOTHER CONCERN I HAD AS I QUIZZED THEM WAS, IS THIS WHERE THE PARENTS COME AND SAY, I HAVE A PROBLEM WITH MY CHILD; CAN YOU HELP ME, HIS BEHAVIOR? NO, THAT AIN'T HOW IT WORKS. THE DOCTOR OFFERS. THEY COME INTO GET A KINDERGARTEN PHYSICAL, THE DOCTOR SAYS, WELL, WE CAN DO A MENTAL HEALTH SCREENING, TOO. AND BEFORE YOU KNOW IT, MY FIVE-YEAR-OLD GRANDSON, WHO IS HAVING A BAD DAY, IS DIAGNOSED WITH ONE VISIT OF HAVING BEHAVIORAL HEALTH PROBLEMS BECAUSE HE WENT IN FOR A KINDERGARTEN PHYSICAL. DOES ANYBODY KNOW A FIVE YEAR OLD THAT DON'T HAVE A BAD DAY? AND I DON'T CARE HOW PROFESSIONAL YOU ARE, YOU'RE GOING TO COME TO A CONCLUSION ON THAT BAD DAY AND HE'S GOING TO BE LABELED. THIS KIND OF MEDICAL HELP SHOULD BE ASKED FOR; SHOULD BE SOUGHT OUT. SHOULD NOT BE FOISTED ON PEOPLE. I STAND AGAINST THIS BILL. IT IS A BAD BILL. IT'S NANNY STATE. IT'S FEEL GOOD. I'M GOING TO TAKE CARE OF YOUR CHILDREN, YOUR GRANDCHILDREN,... [LB240]

SPEAKER HADLEY: ONE MINUTE. [LB240]

SENATOR GROENE: ...INTRODUCED BY PEOPLE WHO DON'T HAVE CHILDREN. SO ANYWAY, I STAND AGAINST THIS. IF YOU'RE GOING TO DO IT, PUT SOME TEETH IN IT AND DO SENATOR SCHUMACHER'S AMENDMENT. BUT THE BEST THING TO DO WITH THIS IS TO SEND IT WHERE IT BELONGS. WE DON'T NEED A NANNY STATE. THANK YOU, MR. SPEAKER. [LB240]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB240]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD EVENING, COLLEAGUES. I WONDER IF SENATOR HANSEN WOULD YIELD TO A COUPLE OF QUESTIONS. [LB240]

SPEAKER HADLEY: WILL YOU YIELD? [LB240]

SENATOR HANSEN: YES, I WOULD. [LB240]

Floor Debate
April 29, 2015

SENATOR BLOOMFIELD: THANK YOU, SENATOR HANSEN. YOU SAID THERE IS NO FISCAL NOTE, AND THERE, APPARENTLY, IS NONE TO THE GENERAL FUND. BUT WHERE DOES THAT \$900,000 OVER THE NEXT TWO YEARS COME FROM? [LB240]

SENATOR HANSEN: THAT WAS THE AMOUNT THAT WAS REQUESTED AND APPROPRIATED AS PART OF THE UNIVERSITY'S BASE BUDGET IS THE \$450,000 PER YEAR FOR TWO YEARS. [LB240]

SENATOR BLOOMFIELD: WHERE ARE THEY GETTING THAT \$900,000? IS THEIR BASE BUDGET COMING OUT OF OUR GENERAL FUND? [LB240]

SENATOR HANSEN: LET ME DOUBLE-CHECK THE FISCAL NOTE. [LB240]

SENATOR BLOOMFIELD: OKAY. [LB240]

SENATOR HANSEN: YES, IT WOULD BE OUT OF OUR GENERAL FUNDS. [LB240]

SENATOR BLOOMFIELD: THANK YOU. WE MAY HAVE HIDDEN THE \$900,000; BUT, COLLEAGUES, THAT'S STILL A FISCAL NOTE. IT DOESN'T COME OUT RIGHT STRAIGHT OUT OF THE GENERAL FUND, BUT LET'S MAKE NO MISTAKE, NEBRASKA TAXPAYERS ARE PAYING FOR IT. SO...I, LIKE SENATOR GROENE, DO NOT LIKE LB240. I WILL SUPPORT AM1143, SENATOR SCHUMACHER'S AMENDMENT. AND I WONDER IF SENATOR SCHUMACHER HAS ANYTHING MORE TO SAY, IF HE DOES HE CAN HAVE WHATEVER TIME I HAVE LEFT. [LB240]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU ARE YIELDED 3 MINUTES AND 20 SECONDS. [LB240]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. WILL SENATOR HANSEN YIELD TO A QUESTION? [LB240]

SPEAKER HADLEY: SENATOR HANSEN, WILL YOU YIELD? [LB240]

SENATOR HANSEN: YES, I WOULD. [LB240]

SENATOR SCHUMACHER: SENATOR HANSEN, THE GREEN COPY OF THE BILL, STARTING PAGE 3, LINE 20, SAYS WHAT THE LEGISLATURE INTENDED TO BE ABLE

Floor Debate
April 29, 2015

TO HAVE RESULTS ON...FROM THIS PILOT PROGRAM AND IT GOES THROUGH A, B, C, D, E, F, G, H, I, J, K, L, M, N, O...LOOKS LIKE IT STOPS AT N. SO A LOT OF QUESTIONS THAT WERE SUPPOSED TO BE ANSWERED. WAS THERE A REPORT THAT ANSWERS THOSE QUESTIONS? [LB240]

SENATOR HANSEN: YES, I REQUESTED THAT INFORMATION AND I HAVE IT. [LB240]

SENATOR SCHUMACHER: YOU HAVE ANSWERS TO ALL THOSE QUESTIONS? [LB240]

SENATOR HANSEN: YES, I HAVE THEIR DATA. AND I BELIEVE I GAVE YOU A COPY WHEN I MET WITH YOU IN YOUR OFFICE. AT LEAST IT WAS MY INTENT TO, BASED ON YOUR FACIAL EXPRESSION. [LB240]

SENATOR SCHUMACHER: OKAY. WELL, COULD...YOU KNOW, IF WE ARE GOING TO EVALUATE THIS AND DECIDE WHETHER TO MOVE AHEAD OR EXTEND THE PROGRAM OR JUST KILL IT, IF YOU HAVE THAT DATA, IF YOU WOULD...AND I'LL YIELD THE REST OF THE TIME HERE AND EVEN GIVE YOU SOME TIME TO GO THROUGH, STARTING AT PAGE 3, LINE 20, AND GIVE US THE DATA AND YOUR INTERPRETATION OF THE DATA...AND I'LL YIELD...CAN I YIELD TIME? [LB240]

SPEAKER HADLEY: NO. [LB240]

SENATOR SCHUMACHER: I CAN'T. I GUESS I CAN'T DO THAT. BUT...THANK YOU, SENATOR HANSEN. THE BILL DOES SPECIFY QUITE A LOT OF THINGS THAT IT WANTED TO KNOW. AND, IN FACT, IT CLEARLY IMPLIES THAT WE'RE TO TAKE INTO ACCOUNT THE COST OF THE BIG PICTURE, NOT JUST THE LITTLE PICTURE, BECAUSE THEY WANT DATA COLLECTION ON PROGRAM COSTS AND FINANCIAL IMPACT AS RELATED TO THE CAPACITY FOR REPLICATION IN OTHER CARE PRACTICES, PRIMARY COST INCLUDE: PHYSICIANS' AND PSYCHOLOGISTS' TIME FOR CONDUCTING THE SCREENINGS; FAMILY INTERVIEWS FOR THE TESTING; SPECIALIST CONSULTING COSTS RELATED TO COMMUNITY SERVICES BY THE PSYCHIATRIC NURSES AND DEVELOPMENTAL PEDIATRICIANS AND PSYCHOLOGISTS; TREATMENT OR MEDICATION PAID FOR BY PRIVATE INSURANCE; WHAT MEDICAL ASSISTANCE OR STATE HEALTH INSURANCE PROGRAMS...CHILDREN'S HEALTH INSURANCE PROGRAMS... [LB240]

Floor Debate
April 29, 2015

SPEAKER HADLEY: ONE MINUTE. [LB240]

SENATOR SCHUMACHER: THOSE KIND OF THINGS. SO, I THINK THAT WE'RE WAY PREMATURE ON THIS. AND SENATOR GROENE'S OBSERVATION OF THE DEPTH OF REPORT AND THE EXPECTATIONS WAS ABOUT THE SAME AS MINE. WHEN THE FOLKS FROM THE UNIVERSITY CAME IN, THEY WEREN'T PREPARED TO BE QUESTIONED ON THEIR CONCLUSION IN MOVING FORWARD WITH THIS. AND I THINK IT IS OUR OBLIGATION, IN LIGHT OF SHORT MONEY, THAT WE SHOULD QUESTION. WE HAVE AN OBLIGATION TO KNOW THAT...WHAT THE COST IS AND WHETHER OR NOT IT IS AN EFFECTIVE WAY TO SPEND OUR MONEY. THANK YOU. [LB240]

SPEAKER HADLEY: SENATOR CAMPBELL, YOU ARE RECOGNIZED. [LB240]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I WANT TO GIVE A LITTLE HISTORY HERE, JUST AS A REMINDER. NONE OF US...I BELIEVE THAT IS CORRECT, WERE IN THE ROOM WHEN THE LEGISLATURE DEALT WITH SAFE HAVEN. IT WAS A SPECIAL SESSION IN 2008, THE SENIOR MEMBERS IN THE BODY WERE RUNNING FOR ELECTION TO THE LEGISLATURE. AND THE LEGISLATURE CORRECTED A PROBLEM THAT IT HAD CREATED. IN THE NEXT REGULAR SESSION OF THE LEGISLATURE, 2009, THERE WERE A NUMBER OF BILLS THAT CAME FORWARD TO ADDRESS THE PROBLEMS THAT WE SAW IN SAFE HAVEN. AND BY AND LARGE, THOSE PROBLEMS WERE BEHAVIOR HEALTH ISSUES OF YOUNG PEOPLE. AND THERE WERE A NUMBER OF BILLS AND IT WAS LIKE, OKAY, WHAT DO WE DO WITH THESE BILLS? SO SPEAKER FLOOD GOT ALL OF US TOGETHER THAT HAD SOME BILL OR SOME INTEREST IN THIS AND WE CREATED ONE PACKAGE, LB603. AND IN THAT PACKAGE WE HAD A NUMBER OF THINGS THAT WE TRIED TO ADDRESS IN BEHAVIORAL HEALTH ISSUES FOR YOUNG PEOPLE. ONE OF THOSE COMPONENTS WAS BHECN. THIS IS NOT THE FIRST EFFORT OF BHECN. THE FIRST EFFORT OF BHECN WAS A CREATION IN LB603. AND WHAT THEY WERE ASKED TO DO, THEY WERE ASKED TO BEGIN BUILDING RELATIONSHIPS WITH PHYSICIANS ACROSS THE STATE OF NEBRASKA TO PROVIDE CONSULTATION ON BEHAVIORAL HEALTH ISSUES. IF YOU ARE IN AN AREA WHERE THERE IS NO BEHAVIORAL HEALTH PROFESSIONAL AND A YOUNG PERSON WALKS INTO YOUR FAMILY PRACTICE AND YOU ARE GRAVELY CONCERNED THAT THIS YOUNG PERSON HAS DEPRESSION, ANXIETY, LOTS OF SIGNS HERE; WHAT SHOULD I BE LOOKING FOR? THEY COULD PICK UP THE PHONE AND THEY COULD TALK TO THE PEOPLE AT BHECN. BHECN ALSO ORGANIZED ACROSS THE STATE TRAINING AREAS AND CONFERENCES AND SEMINARS AND IT WAS THE SUCCESS OF THAT PROGRAM THAT LED SENATOR

Floor Debate
April 29, 2015

McGILL TO SAY, LET'S GO THE NEXT STEP WITH BHECN, AND LET'S LOOK AT THREE LOCATIONS IN THE STATE. AND THE HEALTH AND HUMAN SERVICES COMMITTEE HEARD A REPORT FROM TWO OF THOSE COORDINATORS. ONE OF THEM IS THE COORDINATOR OF THE WORK IN WESTERN NEBRASKA, DR. CATHERINE JONES-HAZLEDINE, WHO IS LOCATED AND WORKS WITH THE CLINICS IN WESTERN NEBRASKA. WE ALSO HAD THE TESTIMONY OF KATHRYN MENOUSEK, AND SHE IS AN ASSISTANT PROFESSOR OF PEDIATRIC PSYCHOLOGY AND SHE WORKED WITH THE COLUMBUS CLINIC. ALL THE DATA MAY NOT BE THERE YET. BUT, IF YOU GO TO YOUR HOME COMMUNITY AND TALK TO YOUR ELEMENTARY SCHOOLTEACHERS, A INCREASING CONCERN THAT HAS COME TO ME IS WHAT ARE WE GOING TO DO TO HELP CHILDREN AND YOUTH WITH MENTAL HEALTH PROBLEMS? [LB240]

SPEAKER HADLEY: ONE MINUTE. [LB240]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. THAT IS EXACTLY WHAT LB240 IS MEANT TO DO IS TO CONTINUE THE WORK THAT WAS STARTED IN 2009. THIS IS NOT A NEW RODEO. THIS IS AN EXTENSION OF A PROGRAM THAT WAS VERY SUCCESSFUL. THANK YOU, MR. PRESIDENT. [LB240]

SPEAKER HADLEY: SENATOR HANSEN, YOU ARE RECOGNIZED. [LB240]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I JUST WANTED, AGAIN, TO MAKE SURE I SUMMARIZE MY POSITION IN OPPOSITION TO AM1143 AND THE SUPPORT OF, OBVIOUSLY, MY OWN BILL. I'D ASK PEOPLE TO STICK TO THE GREEN COPY. AGAIN, THERE'S BEEN A LOT OF TALK ABOUT DATA AND POTENTIAL THINGS, BUT EVEN SOME OF...AND SOME OF THE DATA I'M HEARING CONCERNS ABOUT ARE STEMMING TOWARDS THE COST OF PRIVATE INSURANCE, THE COST OF THINGS, THE THINGS ELSEWHERE. THE EFFECTIVENESS OF THE PROGRAM IS NOT BEING CHALLENGED UNLESS YOU ARE CHALLENGING KIND OF THE IMPACT OF MENTAL HEALTHCARE ITSELF. SO WE CAN DEFINITELY CONTINUE TO INTERPRET THE DATA, CONTINUE TO DEBATE. I IMAGINE WE'LL HAVE SOME EVEN BETWEEN SELECT AND FINAL. BUT I WOULD JUST ASK PEOPLE TO VOTE AGAINST AM1143 AND VOTE FOR LB240. THANK YOU, MR. PRESIDENT. [LB240]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB240]

Floor Debate
April 29, 2015

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THERE WAS ONE MORE QUESTION I WANTED TO ASK SENATOR HANSEN IF HE WOULD YIELD. [LB240]

SPEAKER HADLEY: SENATOR HAAR/HARR (SIC), WILL YOU YIELD? [LB240]

SENATOR BLOOMFIELD: HANSEN. [LB240]

SENATOR HANSEN: YES, I WOULD; WHETHER I'M HAAR, HARR OR HANSEN, I'LL YIELD. [LB240]

SENATOR BLOOMFIELD. THANK YOU, SENATOR HANSEN. WHEN WAS THE ORIGINAL PROGRAM SUPPOSED TO END? WHEN WAS THAT SUNSET? [LB240]

SENATOR HANSEN: SEPTEMBER 6, 2015. [LB240]

SENATOR BLOOMFIELD: OF 2015? [LB240]

SENATOR HANSEN: YEAH. [LB240]

SENATOR BLOOMFIELD: OKAY, THANK YOU. [LB240]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE RECOGNIZED. [LB240]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, WE'VE TALKED A NUMBER OF TIMES ABOUT PILOT PROGRAMS AND THEY NEVER SEEM TO GO AWAY. AND ONCE THAT CAMEL GETS HIS NOSE UNDER THE TENT, THEN IT'S TOUGH TO GET HIS NOSE BACK OUT OF THE TENT. ONCE WE START IT, WE CAN'T SEEM TO GET RID OF IT. AND I WOULD JUST AS SOON LET A PILOT PROGRAM AT LEAST FINISH OUT ITS YEARS SO IT CAN BE PROPERLY EVALUATED BEFORE WE DO ANYTHING ON IT. AS I AM...I THINK THAT SENATOR SCHUMACHER IS ONTO SOMETHING HERE. I THINK HIS AMENDMENT GREATLY IMPROVES THIS BILL AND I WOULD ENCOURAGE MY COLLEAGUES TO SUPPORT THIS. LET'S JUST SLOW IT DOWN A LITTLE BIT. LET'S GO WITH SCHUMACHER'S AMENDMENT, AND I THINK WE MAY ARRIVE WHERE WE CAN FIND A CONSENSUS. MR. PRESIDENT, I WOULD LIKE TO YIELD ANY TIME I HAVE REMAINING TO SENATOR SCHUMACHER. [LB240]

Floor Debate
April 29, 2015

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE YIELDED 3 MINUTES AND 40 SECONDS. [LB240]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. I DON'T WANT TO BEAT A DEAD HORSE HERE ONE WAY OR THE OTHER. THIS, BASICALLY, IS NOT AT THE POINT WHERE WE SHOULD CONVERT A PILOT PROGRAM TO AN ETERNAL PROGRAM. AND WE ARE TALKING A WHOLE LOT MORE THAN \$900,000 HERE BECAUSE THIS PROGRAM MAY VERY WELL SKYROCKET UP FROM 20 PERCENT TO A 40 PERCENTAGE TAKE TIMES \$640 A HEAD. AND ONCE IT'S A PERMANENT PROGRAM AND NO LONGER SUBJECT TO MUCH SCRUTINY EXCEPT THE NORMAL APPROPRIATIONS PROCESS, IT MAY BE MORE THAN \$640 A HEAD. WE DON'T EVEN KNOW IF IT'S EFFECTIVE BECAUSE THE TEST FOR EFFECTIVENESS WAS ASKING THE PARENTS AFTERWARDS, DID YOU LIKE IT? WELL, WHY WOULDN'T YOU SAY YES? YOU GOT INSURANCE TO PAY FOR IT AND MEDICAID TO PAY FOR IT. WE DON'T KNOW AT ALL WHETHER OR NOT THE RIGHT 20 PERCENT WERE SCREENED INTO IT OR WHETHER THAT WAS A HIGH NUMBER OR A LOW NUMBER. WE DON'T KNOW HOW MANY KIDS ARE WALKING AROUND ON DRUGS BECAUSE THEY HAD A BAD DAY ON THE DAY THEY WERE SCREENED OR IN THEIR FIVE SESSIONS. WE DON'T KNOW A LOT OF THIS STUFF. AT THE SAME TIME, I'M NOT ENTIRELY INCLINED TO CLOSE THE DOOR ON THE IDEA AND SAY LET'S JUST KILL IT RIGHT HERE DEAD BECAUSE WE DO KNOW THAT MENTAL HEALTH WITH KIDS IS A PROBLEM. AND IT'S A PROBLEM THAT IF WE INTERVENE AT THE RIGHT TIME AND IN THE RIGHT WAY CAN KEEP THE KIDS FROM GOING ASTRAY, KEEP THE KIDS FROM GETTING DEPRESSED OR ENGAGE IN WILD SEXUAL BEHAVIORS TO MAKE NEW BABIES, SO I'M NOT WILLING TO THROW THIS OUT JUST WITHOUT ANY...JUST BECAUSE THIS STUDY OR THIS PILOT HAS BEEN POORLY DONE. I THINK THAT THE AM1143 IS A GOOD WAY TO PROCEED. WE'LL GO FOR TWO MORE YEARS AND THE UNIVERSITY AND THE PEOPLE BEHIND THE PROJECT BETTER BE ABLE TO HAVE, AT THE END OF THOSE TWO YEARS--I THINK I'LL STILL BE HERE UNLESS I DIE TWO MINUTES AFTER THE THING IN THE LAST DEBATE--WILL BE HERE TO EVALUATE IT. AND WE'LL EXPECT A WHOLE LOT MORE AND A WHOLE LOT MORE STRAIGHT ANSWERS THAN WE'RE GETTING TODAY. THIS IS A PROGRAM WHERE THE PILOT IS NOT READY TO LAND THE PLANE. THANK YOU. [LB240]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB240]

SENATOR GROENE: THANK YOU, MR. SPEAKER. FIRST, I WANT TO APOLOGIZE TO SENATOR HANSEN. HE'S PROBABLY GOT BROTHERS AND SISTERS AND NEIGHBOR KIDS THAT ARE FIVE YEARS OLD AND HE'S GOING TO GET MARRIED SO HE'LL

Floor Debate
April 29, 2015

FIND OUT SOONER OR LATER WHAT A FIVE-YEAR-OLD IS LIKE. I'M JUST PASSIONATE ABOUT THIS. I JUST DON'T LIKE THE NANNY STATE. I JUST DON'T THINK WE KNOW WHAT WE'RE DOING. AND I DON'T LIKE BEING A RURAL PERSON AND KEEP HEARING RURAL PEOPLE JUST DON'T HAVE SERVICES. WE HAVE SERVICES. WE HAVE HEALTHCARE. WE HAVE DENTISTS. WE HAVE PSYCHOLOGISTS. WE HAVE CLINICAL PSYCHOLOGISTS. WE HAVE THEM. WE ARE JUST USED TO DRIVING 40 AND 50 MILES SOMETIMES TO DO THAT. BY THE WAY, THAT'S WHY THE GAS TAX IS REGRESSIVE, BECAUSE WE PUT A LOT OF MILES ON FOR RURAL FOLKS. BUT ANYWAY, AS I SAID EARLIER, THIS BILL SHOULD BE REWRITTEN AND NOT JUST SOME WORDS CROSSED OFF AND TURNED IT INTO A PERMANENT PROGRAM FROM A PILOT, BECAUSE I DON'T KNOW WHY THE UNIVERSITY OF NEBRASKA MEDICAL CENTER NEEDS TO BE INVOLVED ANY MORE THAN THEY NEED TO BE INVOLVED IN CHILDREN'S PHYSICALS...PHYSICAL PHYSICALS. IT'S JUST...YOU START SOMETHING UP, YOU START THE PILOT PROGRAM OFF AND THEN YOU GO HOME. THAT'S WHAT CONSULTANTS DO. BUT WE'RE KEEPING THEM INVOLVED IN THIS. WE'RE KEEPING THEM INVOLVED THAT WE HAVE TO BUDGET EVERY YEAR, IT MIGHT BE IN THEIR OVERALL BUDGET, BUT IT'S IN THERE. AND IF WE GO FROM AT LEAST...WE USED TO BE THREE CLINICS, NOW WE'RE AT LEAST THREE. AS SENATOR SCHUMACHER SAID, WHERE DOES THAT END UP? ARE WE GOING TO HAVE UNIVERSITY OF NEBRASKA EMPLOYEES ACROSS THE STATE WORKING OUT OF DOCTOR'S OFFICES? BECAUSE WHEN I TALKED TO THE PEOPLE FROM THE MEDICAL CENTER, I THINK ONE WAS A CONTRACT AND TWO OF THEM ARE ACTUALLY--IF I REMEMBER RIGHT, MIGHT BE THE OTHER WAY AROUND--WERE ACTUALLY EMPLOYEES OF THE UNIVERSITY OF NEBRASKA MEDICAL CENTER DOING THIS PSYCHOLOGICAL WORK ON OUR THREE- AND FOUR-YEAR-OLDS. THE OTHER THING, ANYBODY THAT'S HAD KIDS, GRANDKIDS, IF THEY GOT A PROBLEM LIKE THAT, IT'S CAUGHT IN SCHOOL. I MEAN, THEY'RE THERE EVERY DAY. IT WON'T BE LONG BEFORE A TEACHER OR AN ADMINISTRATOR WILL BE TELLING YOU, I THINK YOU HAVE TO...YOU NEED TO HAVE YOUR CHILD LOOKED AT BECAUSE WE HAVE SOME BEHAVIORAL PROBLEMS. IT'S NOT SOMETHING THAT JUST APPEARS AND ALL OF A SUDDEN BECAUSE YOU TOOK IT TO A DOCTOR'S OFFICE, THIS TRAINED DOCTOR WITH A Ph.D. NOTICES THIS CHILD HAS A PROBLEM. PARENTS KNOW IT. TEACHERS KNOW IT. IT'S THERE. NOW, IF YOU WANT TO TALK ABOUT THE TREATMENT, BUT THIS ISN'T ABOUT THE TREATMENT, THIS IS ABOUT THE DIAGNOSTICS OF IT. BECAUSE THE TREATMENT GOES ON FROM THERE WHERE YOU PAY WITH YOUR INSURANCE AND YOUR MEDICAID. THIS DOESN'T CHANGE ANY OF THAT. BUT WHAT IT DOES IS GIVE A FALSE SECURITY, AGAIN, BY GOVERNMENT IS GOING TO TAKE CARE OF YOU. AND IT'S A PAINTING ON THE WALL. IT DOESN'T DO ANYTHING WHEN MOST PARENTS KNOW THEIR CHILD HAS

Floor Debate
April 29, 2015

A PROBLEM. THE TEACHER KNOWS THEY HAVE A PROBLEM AND THEY ADVISE HAVING THAT CHILD LOOKED AT. THIS IS JUST NANNY STATE, WASTED TAX DOLLARS. QUITE FRANKLY, YOU GUYS CAN KEEP YOUR EMPLOYEES IN OMAHA AND THE UNIVERSITY OF NEBRASKA MEDICAL CENTER, THEY DON'T NEED TO BE FLOATING AROUND OUT IN MY SANDHILLS OUT THERE. WE'RE QUITE CAPABLE OF TAKING CARE OF OUR CHILDREN AND FINDING HEALTHCARE FOR THEM. SO I WOULD HOPE THAT IF WE DO ANYTHING, WE SUPPORT SENATOR SCHUMACHER'S AMENDMENT, AM1143, AND YOU VOTE NO ON LB240. THIS IS JUST SOMETHING THAT NEEDS TO GO AWAY. IF IT NEEDS TO BE IMPROVED WITH SOME BETTER LANGUAGE AND SOME MORE MONEY TO MAKE SURE THE STUDY IS DONE PROPERLY,... [LB240]

SPEAKER HADLEY: ONE MINUTE. [LB240]

SENATOR GROENE: ...THEN IT NEEDS TO COME BACK. BUT THIS THING NEEDS TO DISAPPEAR BECAUSE...REMEMBER, THIS IS PERPETUAL. THIS IS IN THERE FOREVER. AND WHO'S GOING TO TAKE IT AWAY? AND WHO IS GOING TO EVEN NOTICE? IT'S JUST GOING TO BE FLOATING AROUND IN THE UNIVERSITY OF NEBRASKA MEDICAL CENTER'S BUDGET FROM NOW ON. SO I HOPE EVERYBODY WOULD VOTE NO ON LB240 AND YES ON SENATOR SCHUMACHER'S AM1143. THANK YOU. [LB240]

SPEAKER HADLEY: SENATOR SCHEER, YOU'RE RECOGNIZED. [LB240]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. WOULD SENATOR HANSEN ANSWER A FEW QUESTIONS, PLEASE? [LB240]

SPEAKER HADLEY: WOULD SENATOR HANSEN YIELD? [LB240]

SENATOR HANSEN: YES, I WOULD. [LB240]

SENATOR SCHEER: THANK YOU, SENATOR HANSEN. IN LOOKING AT THE INTENT OF THE PROGRAM, IF I AM LOOKING AT IT CORRECTLY, WAS THAT IF PHYSICIANS FELT THEY WERE SPENDING TOO MUCH TIME WITH CHILDREN WITH BEHAVIORAL PROBLEMS AND IT WAS TAKING 200 PERCENT OF THE NORMAL TIME TO TREAT A CHILD WITH THIS VERSUS A NORMAL CHILD--SO TWICE AS MUCH TIME--AND THEY WEREN'T TRAINED NOR COULD THEY BILL FOR

Floor Debate
April 29, 2015

BEHAVIORAL HEALTH PROBLEMS, IS THAT THE SUM AND SUBSTANCE OF THE PROGRAM? [LB240]

SENATOR HANSEN: YES, THE ISSUE WITH THE PROGRAM WAS THAT WE KNOW THE VAST MAJORITY OF PEOPLE GO SEE THEIR REGULAR PHYSICIAN, THEIR REGULAR PEDIATRICIAN, SO A LOT OF ISSUES WITH BEHAVIORAL HEALTH ARE PRESENTED THERE. HOWEVER, SINCE THOSE PEOPLE ARE TYPICALLY M.D.s, THEY'RE NOT Ph.D.s, THEY DON'T, NECESSARILY-- DEPENDING ON WHAT TRAININGS THEY'VE HAD--THEY HAVE DIFFERENT ABILITIES. SO THAT'S WHY WE'RE ADDING IN THE SCREENING ELEMENT SO THAT THEY COULD THEN HAVE A TOOL HELPING THEM IDENTIFY BEHAVIORAL HEALTH ISSUES. AND THEN FROM THERE REFERRING THEM TO THE CORRECT TREATMENT. [LB240]

SENATOR SCHEER: OKAY, THANK YOU. BASED ON THE INFORMATION YOU PROVIDED ME, IT APPEARS--AND IF I'M READING THIS INCORRECTLY PLEASE CORRECT ME--THAT THE REQUEST FOR HELP BASED ON RESULT OF THE SCREEN, AND I'M NOT EXACTLY SURE HOW THE SCREENING WAS DETERMINED, IF IT WAS REQUESTED BY THE PARENT OR WHATEVER, BUT 76 PERCENT DECLINED ANY FURTHER HELP ONCE THEY WERE SCREENED. SO HOW DOES THAT FUNCTIONALLY HELP THE PROBLEM IF LITERALLY THREE-FOURTHS OF THE PARENTS, ESSENTIALLY, DECLINED ANY ADDITIONAL HELP THAT WOULD RESULT IN EASIER, QUICKER DIAGNOSIS OR TIME WITH PHYSICIANS OR MORE ADDITIONAL BEHAVIORAL HEALTHCARE FOR THE CHILD? [LB240]

SENATOR HANSEN: WOULD YOU LIKE ME TO RESPOND TO THAT? [LB240]

SENATOR SCHEER: YEAH, I MEAN,... [LB240]

SENATOR HANSEN: SURE. [LB240]

SENATOR SCHEER: ...I'M JUST TRYING TO FIGURE OUT HOW WE BASE IT SUCCESSFUL IF THREE-FOURTHS OF THE PEOPLE DON'T TAKE ADVANTAGE OF THE USAGE. [LB240]

SENATOR HANSEN: WELL, YOU NOTICE THAT THREE-FOURTHS WERE PEOPLE WHO SCREENED NEGATIVE FOR BEHAVIORAL HEALTH PROBLEMS AND THEREFORE SINCE THEY SCREENED NEGATIVE, THEY DID NOT ASK FOR ANY FURTHER HELP. SO WHICH IS PROBABLY... [LB240]

Floor Debate
April 29, 2015

SENATOR SCHEER: SO, IN ESSENCE, YOU'RE SAYING THAT THE MONEY WE'RE SPENDING OF THOSE THAT WE SCREENED, WE SPENT THE MONEY ON SCREENING. THE SCREENING IS \$600, IS THAT CORRECT? [LB240]

SENATOR HANSEN: NO, THE SCREENING IS NOT. [LB240]

SENATOR SCHEER: PARDON. [LB240]

SENATOR HANSEN: THE SCREENING IS NOT \$600. [LB240]

SENATOR SCHEER: HOW MUCH IS THE SCREENING? [LB240]

SENATOR HANSEN: THEY SAID THE AVERAGE WAS CLOSER TO \$100, ALTHOUGH THE COST VARIED BASED ON CLINIC. [LB240]

SENATOR SCHEER: OKAY, BUT IF WE'RE SCREENING AND LITERALLY THREE-FOURTHS OF THOSE THAT WE'RE SCREENING ARE NEGATIVE, IS SOMETHING WRONG WITH THAT SCREENING PROCESS THAT WE...I MEAN, I WOULD THINK YOU WOULD HAVE A BIGGER HIT PERCENTAGE THAN ONE OUT OF FOUR. I MEAN, HOW ARE WE DIAGNOSING, HOW ARE WE COMING UP WITH THE CONCLUSION WHO SHOULD BE SCREENED IF...AND THEN ONCE WE SCREEN, WE HAVE SUCH A LOW PERCENTAGE THAT DON'T NEED HELP. AM I INTERPRETING THAT CORRECTLY? THEY DON'T NEED HELP OR THEY PERHAPS DO AND THEY JUST DON'T WANT IT? [LB240]

SENATOR HANSEN: THE GROUP THAT'S NEGATIVE DECLINED HELP ARE PEOPLE WHO DID NOT SCREEN SO THEY SCREENED NEGATIVE FOR BEHAVIORAL HEALTH PROBLEMS AND THEN AGREED WITH THAT AND DIDN'T WANT ANY FURTHER TREATMENT. I WOULD SAY IT'S REASSURING THAT...SO BASED ON THE SCREENINGS THAT 76 PERCENT OF OUR CHILDREN ARE SCREENING NEGATIVE FOR BEHAVIORAL HEALTH PROBLEMS AND THEIR PARENTS ARE AGREEING. THE GOAL OF THIS WAS TO HAVE THIS BE... [LB240]

SPEAKER HADLEY: ONE MINUTE. [LB240]

SENATOR HANSEN: THINK OF ALL THE FORMS YOU HAVE TO FILL OUT WHEN YOU ENTER A DOCTOR'S OFFICE. THIS WAS AMONG THEM WHEN YOU'RE TRYING TO DIAGNOSE DIFFERENT PROBLEMS BASED ON, KIND OF, SCREENING TOOLS.

Floor Debate
April 29, 2015

THIS WAS ONE OF THEM OF, WELL, WE'LL CHECK ON BEHAVIORAL HEALTH. SO THE GOAL WAS TO CAST A FAIRLY WIDE NET BECAUSE...TO, FRANKLY, IDENTIFY KIDS WHOSE BEHAVIORAL PROBLEMS, EITHER BY THE SCHOOL, BY THE PARENTS, BY THE DOCTORS THEMSELVES WEREN'T BEING IDENTIFIED IN OTHER WAYS. [LB240]

SENATOR SCHEER: CAN YOU JUST BRIEFLY TELL ME HOW...WHO OR HOW A CHILD WAS DETERMINED TO BE SCREENED? [LB240]

SENATOR HANSEN: YES. IT IS...IT'S CALLED THE VANDERBILT STUDY. IT'S A STANDARD PSYCHOLOGICAL DIAGNOSTIC TOOL. AND THE PARENTS FILL IT OUT SUMMARIZING THEIR CHILD'S BEHAVIOR. [LB240]

SENATOR SCHEER: SO THAT THE PARENT ASKS FOR THE SCREENING INITIALLY? [LB240]

SENATOR HANSEN: IT IS OFFERED TO THEM AS PART OF THE INTAKE FORMS FOR A REGULAR CLINIC VISIT. [LB240]

SENATOR SCHEER: SO IF THE CHILD WAS GOING...AND I DON'T MEAN TO CUT YOU OFF, I KNOW I'M RUNNING OUT OF TIME, IF I WAS TAKING MY CHILD IN FOR A COLD THEY WOULD STILL JUST PROVIDE ME THE FORM (INAUDIBLE)... [LB240]

SPEAKER HADLEY: TIME, SENATOR. [LB240]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. [LB240]

SPEAKER HADLEY: SENATOR MORFELD, YOU'RE RECOGNIZED. [LB240]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. QUESTION. [LB240]

SPEAKER HADLEY: DO I SEE FIVE HANDS? I DO. ALL THOSE IN FAVOR OF CALLING THE QUESTION VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB240]

CLERK: 25 AYES, 7 NAYS, TO CEASE DEBATE, MR. PRESIDENT. [LB240]

Floor Debate
April 29, 2015

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB240]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER AND MEMBERS OF THE BODY. THERE'S NO NEED TO BELABOR THIS PARTICULAR AMENDMENT ANYMORE. I THINK IT'S PERFECTLY OBVIOUS FROM THOSE WHO PAID ATTENTION TO THE DEBATE THUS FAR, THAT THIS PILOT PROGRAM IS INCONCLUSIVE AND HAS NOT GIVEN US THE KIND OF DATA WE NEED IN ORDER TO MAKE IT A PERMANENT PROGRAM AND INCUR ITS COST ON A PERMANENT BASIS. THIS IS A BIG TICKET ITEM. THE SCREEN DOES NOT COST THAT MUCH. BUT WHAT HAPPENS WHEN YOU CATCH SOMEONE IN THE SCREEN, YOU SPEND \$600 TO \$700 ON THEM. WHETHER THAT MONEY IS EFFECTIVELY BEING SPENT, WE DON'T KNOW. WHETHER OR NOT THE RIGHT KIDS WERE CAUGHT IN THE SCREEN, WE DON'T KNOW. WE DON'T KNOW IF THERE IS A BETTER WAY TO SCREEN OR NOT. WE DON'T KNOW THE ANSWERS THAT THIS PILOT PROGRAM WAS SET UP TO GIVE US. AND IN ALL FAIRNESS, IT'S A REAL CLOUDY SITUATION THAT THIS PILOT IS IN. NOW, RATHER THAN JUST THROWING THE WHOLE THING OUT, WHICH MIGHT NOT BE WISE BECAUSE BEHAVIORAL INTERVENTION IS GOOD IN SOME CASES, THIS SUGGESTION IS THAT WE DON'T MAKE IT PERMANENT AT THIS TIME AND WE EXTEND THE STUDY OUT TWO MORE YEARS AND LET THE PEOPLE DOING IT KNOW THAT WE EXPECT A WHOLE LOT BETTER ANALYSIS THAN WHAT WE'RE GETTING HERE. THAT'S ALL IT IS. THIS IS A BIG TICKET ITEM. IT HAS BIG CONSEQUENCES ON INSURANCE AND ON MEDICAID, AFFECTS A LOT OF KIDS, A LOT OF FAMILIES. WE DON'T HAVE THE ANSWERS NECESSARY TO MAKE A DECISION. AND IF YOU FEEL THE SAME WAY, I'D ENCOURAGE YOUR VOTE ON...YES FOR AM1143. THANK YOU. [LB240]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING. THE QUESTION IS THE ADVANCEMENT OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE, ALL THOSE OPPOSED VOTE NAY. WE'RE VOTING ON THE ADOPTION OF THE SCHUMACHER AMENDMENT. WE'RE GOING TO RECAST THE VOTE. [LB240]

CLERK: SENATOR. EXCUSE ME, MR. SPEAKER. SENATOR, WE HAD SOMETHING HAPPEN TO THE SCREEN, SO I THINK IT'S BEST IF WE RECAST THE VOTE SO EVERYBODY KNOWS WHAT THEY'RE VOTING ON. [LB240]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE SCHUMACHER AMENDMENT. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB240]

Floor Debate
April 29, 2015

CLERK: 26 AYES, 9 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SCHUMACHER'S AMENDMENT. [LB240]

SPEAKER HADLEY: AM1143, THE SCHUMACHER AMENDMENT, IS ADOPTED. MR. CLERK. [LB240]

CLERK: MR. PRESIDENT, SENATOR KINTNER WOULD MOVE TO AMEND THE BILL WITH FA52. (LEGISLATIVE JOURNAL PAGE 1328.) [LB240]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE RECOGNIZED. [LB240]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. WHAT WE'RE DOING ON THIS IS WE'RE STRIKING OUT LINES 24 ON PAGE 2 TO LINE 3 ON PAGE 3. AND I'D LIKE TO TALK A LITTLE BIT ABOUT THESE PILOT PROGRAMS AND HOW THEY WORK. AND I'M VERY GLAD THAT WE'VE JUST PASSED THE SCHUMACHER AMENDMENT. AND IF SENATOR SCHUMACHER WOULD YIELD TO SOME QUESTIONS I WOULD APPRECIATE IT. [LB240]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB240]

SENATOR SCHUMACHER: YES, I WILL. [LB240]

SENATOR KINTNER: SENATOR, YOU VERY WISELY ADDED THAT LAST AMENDMENT, AND, OBVIOUSLY, MAJORITY OF US HERE THOUGHT IT WAS A GOOD IDEA. BUT I WANTED TO KIND OF TALK ABOUT SOME OF THE THINGS YOU BROUGHT UP ABOUT THESE PILOT PROGRAMS AND HOW THEY NEVER GO AWAY. IN YOUR YEARS HERE, I THINK YOU'RE IN YEAR FIVE, I BELIEVE, DO YOU REMEMBER ANY TIME THAT A PILOT PROGRAM WE CAME BACK AND WE STOPPED IT AND SAID, NO, WE'RE NOT GOING TO DO IT ANYMORE? [LB240]

SENATOR SCHUMACHER: I DON'T REMEMBER SUCH AN ANIMAL, SENATOR KINTNER. [LB240]

SENATOR KINTNER: SO TO YOUR...BEST OF YOUR KNOWLEDGE, EVERY TIME WE'VE HAD A PILOT PROGRAM WE'VE RENEWED IT? [LB240]

Floor Debate
April 29, 2015

SENATOR SCHUMACHER: DURING THE TIME THAT I'VE BEEN HERE, I CAN'T RECALL NOT RENEWING A PILOT PROGRAM. [LB240]

SENATOR KINTNER: OKAY, IN YOUR OPINION, WHEN SOMEONE INTRODUCES A PILOT PROGRAM, WHAT ARE THEIR INTENTIONS? WHY ARE WE DOING THAT? [LB240]

SENATOR SCHUMACHER: WELL, THERE'S PROBABLY A LEGITIMATE REASON FOR DOING IT AND THERE'S PROBABLY A POLITICAL REASON FOR DOING IT. THE LEGITIMATE REASON IS YOU WANT TO FIND OUT IF SOMETHING WORKS. AND IF IT DOES, YOU WANT TO THEN EXPAND IT TO A BIGGER PROGRAM. THE POLITICAL REASON IS IT'S EASIER TO SLIDE A PILOT PROGRAM THROUGH THAN A PERMANENT PROGRAM. [LB240]

SENATOR KINTNER: DURING MY...I THINK, IT WAS MY FIRST YEAR, WE DID A FOUR-YEAR TRAINING PROGRAM FOR PEOPLE TO GIVE THEM EXPERIENCE. IT WASN'T A ONE-YEAR PROGRAM, IT WAS A FOUR-YEAR PROGRAM. AND I THOUGHT AT THE TIME WHEN WE DID THAT, THE REASON WE DID IT, WE WAITED, WE SPREAD IT OUT FOR FOUR YEARS, WAS TO MAKE SURE WE COULD GET A FEW SUCCESS STORIES SO WE COULD COME BACK AND REPLACE THE FEDERAL MONEY THAT WE WERE USING WITH STATE MONEY. IF YOU ONLY DID IT FOR ONE YEAR, YOU WOULDN'T HAVE ENOUGH SUCCESS STORIES. BUT IF WE WERE USING OUR OWN MONEY AND WE WERE DONATING TO A SALVATION ARMY CAMPAIGN AND THEY WERE GOING TO DO SOME POVERTY RELIEF PROGRAM, WOULDN'T WE WANT TO KNOW BEFORE FOUR YEARS IF THAT PROGRAM WAS WORKING? WOULDN'T WE WANT TO KNOW BY YEAR TWO IF IT WAS WORKING BEFORE WE PUT ANY MORE OF OUR OWN MONEY IN, SENATOR SCHUMACHER? [LB240]

SENATOR SCHUMACHER: WELL, IT'S BEEN MY MEAGER EXPERIENCE HERE THAT MOST PROGRAMS WE DON'T KNOW MUCH OF ANYTHING AFTER TWO YEARS. THAT'S WHY LIKE ON THE NEBRASKA ADVANTAGE ACT WE'RE SEVERAL YEARS INTO THAT. WE STILL DON'T KNOW...AREN'T READY FOR CONCLUSIONS. I THINK THE PERFORMANCE AUDIT COMMITTEE STANDARDS AND LOOKING AT SOME OF THE TAX INCENTIVES ARE HOLDING THAT DOOR OPEN AND LOOKING AT THAT OVER A NUMBER OF YEARS. PRETTY HARD TO FIGURE OUT ANYTHING IN TWO YEARS, EVEN THOUGH I WOULD HAVE TO AGREE WITH YOU THAT WE PROBABLY DON'T DO A TERRIFIC GOOD JOB OF DETECTING A MALFUNCTION EARLY ON IN A PROGRAM IF THERE IS SUCH A THING. [LB240]

Floor Debate
April 29, 2015

SENATOR KINTNER: SENATOR SCHUMACHER, IF YOU WERE DESIGNING A PILOT PROGRAM...IF YOU BOUGHT INTO THE CONCEPT OF A PILOT PROGRAM, HOW WOULD YOU DESIGN IT AND WHAT SAFEGUARDS WOULD YOU HAVE IN PLACE SO THAT WE COULD TELL IF IT WAS WORKING OR NOT? [LB240]

SENATOR SCHUMACHER: I THINK, PROBABLY, SOME OF THOSE QUESTIONS HAVE BEEN ANSWERED IN THE WORK THAT WAS DONE ON THE TAX INCENTIVE GROUP EARLIER THIS YEAR AND OVER THE SUMMER. ONCE YOU LAY OUT YOUR GOALS, YOU LAY OUT YOUR TESTS, SOME TYPE OF DECISIONMAKING METRICS, YOU MAKE SURE THAT YOU'RE COLLECTING THE DATA AND MAKE SURE THAT YOU'RE ASKING FAIR QUESTIONS OF WHETHER OR NOT IT'S MEETING YOUR EXPECTATIONS. AND I THINK THAT GROUP DID A PRETTY GOOD JOB ON...AND PROBABLY DEVELOPED A PRETTY GOOD MODEL FOR OTHER PROGRAMS. [LB240]

SENATOR KINTNER: DOES LB240, THE BILL WE'RE TALKING ABOUT, DOES IT HAVE ANY OF THE METRICS AND DOES IT HAVE ANY BENCHMARKS OR ANYTHING IN IT THAT WE CAN JUDGE HOW WELL IT'S WORKING TO YOUR KNOWLEDGE? [LB240]

SENATOR SCHUMACHER: WELL, I THINK THERE WAS AN EFFORT MADE THAT I MENTIONED EARLIER, STARTING ON PAGE 3, LINE 20, TO OUTLINE SOME OF THE THINGS THAT IT CONSIDERED. BUT IT DID NOT...THOSE METRICS NOT ONLY WERE NOT REALLY ANSWERED VERY MUCH, BUT THEY ALSO DIDN'T GO FAR ENOUGH TO TELL US WHETHER OR NOT THIS WAS THE BEST WAY TO SPEND THIS MONEY IN AN AGE OF LIMITED RESOURCES. [LB240]

SENATOR KINTNER: AND, SENATOR SCHUMACHER, IN YOUR FIVE YEARS, HAVE YOU EVER SEEN A PILOT PROGRAM THAT YOU THOUGHT WAS DESIGNED IN A WAY THAT WE COULD MEASURE THE EFFECTIVENESS OF IT? [LB240]

SENATOR SCHUMACHER: I HONESTLY DON'T REMEMBER ALL THE PILOT PROGRAMS. BUT I HONESTLY CAN'T ANSWER THAT QUESTION, SENATOR. [LB240]

SENATOR KINTNER: WELL, YEAH, I WAS WONDERING IN YOUR FIVE YEARS HERE IF YOU HAD EVER SEEN A PROGRAM THAT YOU THOUGHT WAS DESIGNED IN A WAY THAT WE COULD ACTUALLY MEASURE THE EFFECTIVENESS OF THE PROGRAM AT THE END OF THE YEARS...AT THE END OF THE PILOT PROGRAM, LET'S SAY IT THAT WAY? [LB240]

Floor Debate
April 29, 2015

SENATOR SCHUMACHER: I CAN'T RECALL ONE RIGHT NOW. [LB240]

SENATOR KINTNER: SO IF THERE WOULD HAVE BEEN ONE, YOU PROBABLY WOULD HAVE REMEMBERED IT, RIGHT? [LB240]

SENATOR SCHUMACHER: I DON'T KNOW. [LB240]

SENATOR KINTNER: WELL, ALL RIGHT, THANK YOU VERY MUCH, SENATOR SCHUMACHER, I APPRECIATE IT. SO THAT'S KIND OF WHAT I WAS GETTING AT. AND SENATOR SCHUMACHER IS KIND OF THE GUY THAT WANT'S TO SEE HOW THINGS WORK. HE ASKED THE TOUGH QUESTIONS. WHEN HE BROUGHT THIS BILL UP, HE OBVIOUSLY HAD SOMETHING IN MIND, AND THAT WAS THAT, JEEZ, YOU'VE GOT TO LET IT PLAY OUT SO THAT WE CAN ACTUALLY MEASURE HOW THE PROGRAM IS WORKING. AND I AGREE WITH THAT. AND ONCE AGAIN, I APPRECIATE SENATOR SCHUMACHER'S AMENDMENT. I THINK THAT MAKES THIS BILL A LOT BETTER. I LOOK FORWARD TO HAVING LOTS OF DEBATE ON THIS. THANK YOU. [LB240]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE RECOGNIZED NEXT IN THE QUEUE. [LB240]

SENATOR KINTNER: WOULD SENATOR McCOLLISTER YIELD TO SOME QUESTIONS? [LB240]

SPEAKER HADLEY: SENATOR McCOLLISTER, WILL YOU YIELD? [LB240]

SENATOR McCOLLISTER: YES, I WILL. [LB240]

SENATOR KINTNER: SENATOR McCOLLISTER, YOU HAVE A LOT OF EXPERIENCE IN PUBLIC POLICY. YOU HAVE A LOT OF EXPERIENCE LOOKING AT PROGRAMS. YOU'VE SEEN GOOD PROGRAMS. YOU'VE SEEN BAD PROGRAMS IN ALL YOUR YEARS. CAN YOU TELL ME, IF YOU WERE DESIGNING A PILOT PROGRAM IN A WAY THAT WE COULD UNDERSTAND IT AND EVALUATE IT, WHAT WOULD THAT PROGRAM LOOK LIKE? [LB240]

SENATOR McCOLLISTER: CERTAINLY WOULD NOT RESEMBLE WHAT WE'RE SEEING WITH THIS BILL. YOU'D HAVE DEFINITE GOALS AND PARAMETERS THAT YOU'D USE FOR CONSIDERATION. YOU MIGHT OUTLINE WHAT THE PROCESS

Floor Debate
April 29, 2015

WOULD ENTAIL. YOU WOULD PERHAPS ESTABLISH THRESHOLDS OR SOME OTHER BENCHMARK THAT WOULD SHOW OR INDICATE PROGRESS OR LACK THEREOF. NO, THIS IS A PRETTY SKIMPY REPORT AND I WAS DISAPPOINTED THAT IT DIDN'T CONTAIN MORE. [LB240]

SENATOR KINTNER: SENATOR McCOLLISTER, IN ALL YOUR YEARS OF WATCHING THE LEGISLATURE--AND YOU WATCHED IT FOR A LONG TIME, YOU TESTIFIED, YOU'VE BEEN INVOLVED WITH IT--HAVE YOU SEEN A PILOT PROGRAM DESIGNED THE WAY IT SHOULD BE SO THEY CAN BE EVALUATED EFFECTIVELY AT THE END OF THE PILOT PROGRAM? [LB240]

SENATOR McCOLLISTER: I MUST CONFESS THAT I HAVE NOT EVALUATED A NUMBER OF PILOT PROGRAMS. SO I'M AFRAID I COULDN'T ANSWER THAT, SENATOR. [LB240]

SENATOR KINTNER: WHEN I ASK SENATOR SCHUMACHER A QUESTION ABOUT THE PILOT PROGRAMS BEING SET UP WITHOUT THE SAFEGUARDS IN IT SO THAT THEY COULD JUST HAVE ENOUGH YEARS TO GET SOME SUCCESS STORIES SO THAT THEY CAN BE MADE PERMANENT, HAVE YOU SEEN THAT HAPPEN? [LB240]

SENATOR McCOLLISTER: WELL, I KNOW THERE'S A MISSION OCCURS IN GOVERNMENT LIKE MOST THINGS, PERHAPS IT'S MOST PRONOUNCED ON SOME GOVERNMENT PROGRAMS. SO THIS DOES NOT SURPRISE ME AT ALL, AND IT'S A...FROM WHAT I CAN TELL, A FAIRLY EFFECTIVE TACTIC THAT FOLKS HAVE USED. [LB240]

SENATOR KINTNER: THANK YOU FOR LENDING US YOUR EXPERTISE, SENATOR McCOLLISTER. WOULD SENATOR GARRETT YIELD TO A QUESTION OR TWO? [LB240]

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD? [LB240]

SENATOR GARRET: CERTAINLY. [LB240]

SENATOR KINTNER: SENATOR GARRETT, THE REASON I WANTED TO BRING YOU UP TO THE MIKE IS YOU'VE SPENT A LIFETIME IN THE MILITARY. YOU'VE HAD TO EVALUATE PROGRAMS, YOU'VE HAD TO LOOK AT PROGRAMS, YOU'VE HAD TO REPORT ON WHAT'S WORKING AND WHAT'S NOT WORKING. YOU'VE HAD MEN

Floor Debate
April 29, 2015

REPORT TO YOU ON WHAT'S WORKING AND WHAT'S NOT WORKING. IF YOU WERE GOING TO DESIGN A PROGRAM THAT HAD BENCHMARKS IN IT, WHAT WOULD IT LOOK LIKE? HOW WOULD YOU DESIGN A PROGRAM THAT WE COULD EVALUATE AT THE END OF FOUR YEARS OR THREE YEARS OR TWO YEARS OR WHATEVER IT IS, AND WHAT WOULD IT LOOK LIKE? [LB240]

SENATOR GARRETT: WELL, YOU CLEARLY WANT TO HAVE SOME MILESTONES AND THEN MAKE A PERIODIC DETERMINATION AS TO HOW YOU'RE PROGRESSING AND WHETHER YOU'RE MEETING THOSE MILESTONES OR NOT. [LB240]

SENATOR KINTNER: HOW MANY YEARS WOULD A PROGRAM NEED TO BE? IN YOUR ESTIMATION BASED UPON 30-SOME YEARS IN THE MILITARY, HOW LONG WOULD YOU HAVE TO HAVE A PROGRAM IN A PILOT STATUS BEFORE YOU COULD EVALUATE IT? [LB240]

SENATOR GARRETT: WELL, DEPENDING ON THE COMPLEXITY OF THE PROGRAM, IT WOULD VARY WITH THAT. BUT, YOU KNOW, TYPICALLY, YOU HAVE TO GIVE A PROGRAM A COUPLE YEARS, AT LEAST, TO EVALUATE IT FAIRLY, I THINK. [LB240]

SENATOR KINTNER: IF WE'RE LOOKING AT A PROGRAM THAT HELPS PEOPLE; IF WE'RE LOOKING AT A PROGRAM THAT PROVIDES A SERVICE, IS IT GOOD TO LOOK AT HOW MANY PEOPLE IT'S SERVING? IS IT GOOD TO LOOK AT HOW MANY PEOPLE NO LONGER NEED THE PROGRAM? HOW DO WE WANT TO SET UP METRICS IN TERMS OF DESIGNING A PROGRAM FROM YOUR EXPERIENCE IN THE UNITED STATES AIR FORCE? [LB240]

SENATOR GARRETT: WELL, YOU CLEARLY NEED TO LOOK AT WHAT THE INTENT IS... [LB240]

SPEAKER HADLEY: ONE MINUTE. [LB240]

SENATOR GARRETT: ...OF YOUR BILL, THE INTENT OF YOUR PROJECT, YOUR PROGRAM, WHAT YOU'RE TRYING TO ACCOMPLISH, AND SET THE METRICS ACCORDINGLY. I DON'T MEAN TO BE EVASIVE, BUT... [LB240]

SENATOR KINTNER: ALL RIGHT. WELL, THANK YOU VERY MUCH, SENATOR GARRETT. AND THANK YOU VERY MUCH, MR. PRESIDENT. [LB240]

Floor Debate
April 29, 2015

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: THANK YOU, SENATOR. MR. CLERK, FOR A PRIORITY MOTION. [LB240]

CLERK: MR. PRESIDENT, SENATOR BLOOMFIELD WOULD MOVE TO BRACKET LB240 UNTIL JUNE 5, 2015. [LB240]

SENATOR WATERMEIER: THANK YOU, MR. CLERK. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB240]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS BRACKET MOTION IS NOT PART OF ANY FILIBUSTER SCHEME OR ANYTHING ELSE. I JUST THINK WE OUGHT TO HAVE A VOTE ON THIS AFTER THE AMENDMENT HAS BEEN ADDED. I THINK THE AMENDMENT HELPS THE BILL. I STILL DON'T LIKE THE BILL, BUT I'D LIKE TO SEE US GET TO AN UP OR DOWN VOTE ON THAT RATHER THAN JUST A VOICE VOTE TO MOVE IT ON FORWARD. SO COLLEAGUES, I AM SERIOUS ABOUT THE BRACKET BILL. I DON'T INTEND TO TAKE A LOT OF TIME ON IT. I THINK IF WE PUSH THIS BACK UNTIL NEXT YEAR, IT GIVES THE PILOT PROGRAM TIME TO FINISH UP. AND THEN, MAYBE, WE'LL HAVE SOME RESULTS THAT ARE TANGIBLE AND WE CAN MOVE FORWARD WITH SOME KNOWLEDGE THAT WE DON'T APPARENTLY HAVE NOW. SO I AM GOING TO ASK YOUR SUPPORT IN BRACKETING LB240 UNTIL JUNE. THANK YOU, MR. PRESIDENT. [LB240]

SENATOR WATERMEIER: THANK YOU, SENATOR BLOOMFIELD. MEMBERS, YOU'VE HEARD THE OPENING ON THE BRACKET MOTION TO BRACKET LB240 UNTIL JUNE 5, 2015. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR GLOOR, SENATOR KOLTERMAN. SENATOR GLOOR, YOU ARE RECOGNIZED. [LB240]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I AM SO HAPPY THAT I CAN BE RESPONSIBLE FOR HELPING SENATOR KINTNER SLEEP BETTER TONIGHT BY GIVING HIM A PILOT PROGRAM THAT WASN'T CONTINUED AND CONTINUED AND CONTINUED. MY FIRST YEAR DOWN HERE, GIVEN MY INTEREST IN PRIMARY CARE, APPROPRIATE COVERAGE FOR ALL NEBRASKANS FOR PRIMARY CARE PRACTICES, I BROUGHT FORWARD A PATIENT-CENTERED MEDICAL HOME TO ROLL OUT WITH MEDICAID THAT WAS A PILOT PROJECT, WORKED COLLABORATIVELY WITH MEDICAID; TWO YEARS CAME AND WENT. WE ISSUED A REPORT TO THIS BODY AND TO THE GOVERNOR'S OFFICE ON THE RESULTS OF

Floor Debate
April 29, 2015

IT. AND THAT WAS THE END OF THE PILOT PROJECT. EXCEPT, THE RESULTS OF THAT PROJECT GAVE MEDICAID SOMETHING TO WORK ON AND BUILD ON AND ALSO WAS EMBRACED BY THE PRIVATE INSURANCE COMPANIES, AND WE CONTINUED TO DIALOGUE WITH THEM WITHOUT LEGISLATION FORCED BY THIS BODY. BUT THE FINDINGS FROM THAT PILOT PROJECT, WHICH WERE TWO YEARS, CAME AND WENT AND WERE USED. AND I AM SURE BY TOMORROW MORNING THERE WILL BE LOTS OF OTHER EXAMPLES OF PILOT PROJECTS THAT PEOPLE BRING FORWARD. I DON'T SUPPORT THE BRACKET MOTION. I DO SUPPORT LB240, BECAUSE ONE OF THE THINGS WE FOUND AS A RESULT OF THAT PILOT PROJECT, REMEMBER A TWO-YEAR PILOT PROJECT WAS ROLLED OUT FOR TWO YEARS, WE TOOK THE RESULTS. WE MEASURED THOSE RESULTS, WE REPORTED ON THOSE RESULTS TO THIS BODY, AND THEN WE DISCONTINUED THOSE FUNDS AND TURNED THE INFORMATION OVER TO MEDICAID TO BUILD ON. BUT ONE OF THE THINGS WE FOUND OUT WAS WE HAD A SHORTCOMING IN THAT SO MANY PATIENTS WHO WERE COMING INTO THE PATIENT-CENTERED MEDICAL HOME TO PRIMARY CARE NEEDED BEHAVIORAL HEALTH SUPPORT THAT COULDN'T BE PROVIDED BY MOST OF THE PRACTICES THAT WERE INVOLVED. WHAT LB240 IS ATTEMPTING TO DO IS PROVIDE A GAP THAT WAS DISCOVERED BY ANOTHER PILOT PROJECT. IT WAS APPROVED BY THIS BODY SIX YEARS AGO, AND REPORTED BACK TO THIS BODY AND THEN DISCONTINUED. AND WE STILL HAVE THAT ISSUE HANGING WHICH IS BEHAVIORAL HEALTH IS AN IMPORTANT PART OF PRIMARY CARE PRACTICES, AND IT'S A SHORTCOMING THAT'S RECOGNIZED NOT ONLY THROUGH OUR STUDY WITH MEDICAID, BUT ALSO BY AN INCREASING NUMBER OF PRIVATE INSURERS AS WELL AS MEDICARE. BEHAVIORAL HEALTH IS A SHORTCOMING. NOW, I VOTED FOR SENATOR SCHUMACHER'S AMENDMENT BECAUSE I THINK A REQUIREMENT OF TWO YEARS WITH FIRM REPORTS COMING BACK TO THIS BODY THAT REASSURE THIS BODY IN TWO YEARS IS AN APPROPRIATE THING TO VOTE FOR, NUMBER ONE. NUMBER TWO IS, I GOT TO TELL YOU, THE WAY HEALTHCARE IS MOVING, ESPECIALLY IN THE ARENA OF PRIMARY CARE AND WITH PATIENT-CENTERED MEDICAL HOME, WITHIN TWO YEARS EVEN MORE PEOPLE IN THIS BODY WILL UNDERSTAND THAT, BE COMFORTABLE WITH THAT AND NOT SEE THIS AS SOMETHING THAT'S PART OF A NANNY STATE OR INAPPROPRIATELY UNDERMINING PARENTAL INVOLVEMENT OR CONTROL. IT IS A SHORTCOMING. IT'S THE REASON IT COMES UP ALL THE TIME IN PRIMARY CARE PRACTICES. WE INSTALLED IN GRAND ISLAND, IN THE SENIOR HIGH SCHOOL, 2,000 STUDENTS DURING THE SCHOOL DAY, A PATIENT OR STUDENT WELLNESS CENTER. WE HAD A PRIMARY-CARE PRACTITIONER...A NURSE PRACTITIONER WHO WAS ESTABLISHED THERE IN THE LATE 1990s TO PROVIDE FOR IMMUNIZATIONS AND THE SORT OF COLDS AND RUNNY NOSE AND FLU THAT YOU WOULD EXPECT TO

Floor Debate
April 29, 2015

SEE IN A PRIMARY-CARE PRACTICE. WITHIN A YEAR, THE STAFF THERE CAME BACK TO US AND SAID SO MANY OF THE KIDS THAT WE'RE SEEING--EVEN IF IT'S ONLY 25 PERCENT IN A SCHOOL POPULATION OF 2,000, THAT'S 500 KIDS--SO MANY OF THE KIDS THAT ARE COMING TO US ARE COMING FOR BEHAVIORAL HEALTH PROBLEMS. THEY'RE NOT COMING FOR THE TRADITIONAL MEDICAL PROBLEMS. THEY'RE COMING FOR BEHAVIORAL HEALTH PROBLEMS. AND PARENTS WERE HAPPY TO HAVE THIS SUPPORT, ESPECIALLY THE PARENTS OF THE TWO KIDS WE STOPPED FROM COMMITTING SUICIDE. [LB240]

SENATOR WATERMEIER: ONE MINUTE. [LB240]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. IT'S A SERIOUS ISSUE WITH OUR KIDS. IT'S A SERIOUS ISSUE WITH ADULTS. AND I KNOW IT'S AN UNCOMFORTABLE TOPIC, BUT I WANTED TO CHIME IN. I KNOW WE'RE KILLING TIME FOR THE MOST PART HERE, BUT I WANTED TO CHIME IN AND TELL YOU WE'VE HAD SUCCESSFUL PILOT PROJECTS THAT HAVE WORKED, BEEN MEASURED, REPORTS HAVE COME BACK TO THIS BODY, AND THE INFORMATION HAS THEN BEEN USED IN AN APPROPRIATE MANNER, AND NOT BEEN USED AS A SPONGE TO USE ADDITIONAL TAX DOLLARS. THAT'S ONE EXAMPLE. PATIENT-CENTERED MEDICAL HOME, I HAVE THE REPORT DOWN IN MY OFFICE, I'D BE GLAD TO BRING IT UP HERE IF ANYBODY WOULD LIKE TO LOOK AT IT. THANK YOU, MR. PRESIDENT. [LB240]

SENATOR WATERMEIER: THANK YOU, SENATOR GLOOR. SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB240]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB240 AND OPPOSE THE BRACKET. I DON'T UNDERSTAND SENATOR KINTNER'S AMENDMENT, SO I CAN'T TALK TO THAT. BUT I THINK IT'S IMPORTANT THAT WE UNDERSTAND EXACTLY WHAT THIS PROJECT DOES. WHEN YOU...I SAT THROUGH ALL THE TESTIMONY THAT CAME BEFORE THE HEALTH AND HUMAN SERVICES COMMITTEE. AND DR. EVANS, DR. JOE EVANS IS A PROFESSOR AND DIRECTOR OF PSYCHOLOGY AT THE NEBRASKA MEDICAL CENTER. HE TALKED ABOUT THE IMPORTANCE OF THIS PROJECT. AND YOU'VE HEARD SOME OF THE INFORMATION THAT WAS PRESENTED BY SENATOR HANSEN. BUT TO THINK THAT THE MOST VALUABLE ASSET WE HAVE IN THIS STATE IS OUR YOUTH. THINK ABOUT THAT. THIS IS GOING TO IMPACT OUR YOUTH. ONE THING THAT I HEAR CONSTANTLY FROM TEACHERS AND FROM PARENTS IS, IT'S TOUGH RAISING KIDS TODAY. THEY'VE GOT ALL KINDS OF CHALLENGES. AND I APPRECIATE WHAT SENATOR

Floor Debate
April 29, 2015

GLOOR JUST SAID ABOUT THE FACT THAT IN HIGH SCHOOL WE'VE GOT BULLYING, WE'VE GOT SUICIDE PROBLEMS, WE'VE GOT ADHD PROBLEMS. SO MENTAL HEALTH IS A VERY IMPORTANT ASPECT OF WHAT WE'RE TALKING ABOUT HERE BECAUSE THAT'S WHAT THIS BILL IS ALL ABOUT. AND WHO DO WE GO TO WHEN WE ASK TO DO A PILOT PROJECT? WE GO TO OUR LAND GRANT UNIVERSITY, THE UNIVERSITY OF NEBRASKA, AND WE ASK THE UNIVERSITY OF NEBRASKA MEDICAL CENTER TO PUT THIS PROGRAM TOGETHER. COULD I HAVE A GAVEL, SIR? THANK YOU. SO WE GO TO THE UNIVERSITY OF NEBRASKA AND ASK THEM TO PUT THIS PROGRAM TOGETHER AND THEN WE ASK THEM TO COME BACK LESS THAN TWO YEARS LATER AND TELL US HOW SUCCESSFUL IT IS. AND YOU HEARD THE STATISTICS. IT IS A SUCCESSFUL PROGRAM. THE QUESTION ABOUT HOW WE FUND IT, IS IT FUNDED THROUGH THE UNIVERSITY OF NEBRASKA? IS IT FUNDED THROUGH OUR GENERAL APPROPRIATIONS? THOSE ARE ISSUES THAT WE PROBABLY OUGHT TO DEAL WITH. BUT THE REALITY IS, THIS PROGRAM IS WORKING. I KNOW WE DON'T HAVE CONCRETE EVIDENCE, BUT WE HAVEN'T EVEN BEEN TO THE END OF THE FIRST STUDY. I THINK THAT WILL COME AND I THINK WE NEED TO HOLD DR. EVAN'S FEET TO THE FIRE AND ASK HIM TO BRING IT. BUT THE REALITY IS, FOLKS, IT IS WORKING. AND WE HEARD FROM THE BEHAVIORAL HEALTH PEOPLE IN WESTERN NEBRASKA. WE HAD TESTIMONY FROM A CATHERINE JONES-HAZLEDINE, SHE'S A Ph.D., SHE'S A LICENSED PSYCHOLOGIST, SHE RUNS WESTERN NEBRASKA BEHAVIORAL HEALTH CLINICS. AND WHEN SHE TESTIFIED WITH US, SHE TALKED TO US ABOUT HOW SUCCESSFUL THIS HAS BEEN AND THE DIFFERENCE ABOUT HOW IT WORKS IN WESTERN NEBRASKA VERSES HOW IT WOULD WORK IN AN URBAN SETTING. THERE'S A MAJOR DIFFERENCE THERE. SO JUST...I AGREE THAT MAYBE WE NEED TO EXTEND THIS FOR TWO-YEAR OR MORE PERIOD. I DON'T HAVE A PROBLEM WITH THE AMENDMENT THAT WE JUST PASSED, BUT TO BRACKET THIS AND THROW THIS OUT JUST BECAUSE WE DON'T HAVE ENOUGH EVIDENCE? IF WE...WE'RE HEARING THAT IT'S 25 PERCENT EFFICIENT. THAT MEANS 25 PERCENT OF THE KIDS THAT ENTERED INTO THIS PROGRAM HAD SOME SUCCESS. THAT MEANS 25 PERCENT OF THE FAMILIES THAT HAVE BEEN HELPED WITH THIS PROGRAM HAVE BENEFITED. WHY WOULD WE THROW THAT AWAY? FOR THE MONEY THAT IT'S COSTING US, WE NEED TO CONTINUE IT. WE NEED TO VOTE YES ON SENATOR HANSEN'S BILL, AS AMENDED, AND WE NEED TO GET AWAY FROM THIS NONSENSE OF BRACKETING THIS BILL UNTIL 2015. IT'S GOOD LEGISLATION. WE PASSED IT ON GENERAL FILE. IT NEEDS TO PASS TO SELECT, AND THEN WE NEED TO PASS IT TO THE GOVERNOR AND GET IT APPROVED. THIS IS A BILL THAT WILL HELP KIDS. [LB240]

SPEAKER HADLEY PRESIDING

Floor Debate
April 29, 2015

SPEAKER HADLEY: ONE MINUTE. [LB240]

SENATOR KOLTERMAN: IT WILL HELP FAMILIES. AS I SAID IN MY FIRST REMARKS, THERE'S NOTHING MORE IMPORTANT IN THIS STATE THAN OUR YOUTH. AND IF YOU THINK WE'VE GOT EASY THINGS GOING ON IN OUR SCHOOLS, THIS BILL HELPS ADDRESS THE PROBLEMS THAT WE HAVE IN OUR SCHOOLS WITH KIDS. SO I WOULD ENCOURAGE YOU TO NOT BURY YOUR HEAD IN THE SAND. MENTAL HEALTH IS A SERIOUS ISSUE. WE NEED TO ADDRESS IT. THIS IS ADDRESSING IT. AND I WOULD HOPE THAT YOU WOULD SUPPORT THE AMENDMENT AND LB240 AND VOTE GREEN ON THIS BILL. THANK YOU. [LB240]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO CLOSE ON YOUR BRACKET MOTION. [LB240]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, AGAIN THE BRACKET MOTION WOULD JUST MOVE US TO THE END OF THIS SESSION. THE BILL WOULD STILL BE ALIVE NEXT SESSION WHEN WE COULD HAVE THE INFORMATION. I AM AGAIN, GOING TO ASK YOU TO SUPPORT THE BRACKET MOTION. AND THAT'S REALLY ABOUT ALL I GOT TO SAY. I SAID I WASN'T GOING TO TAKE A LOT OF TIME AND I'M NOT. THANK YOU. [LB240]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE BRACKET MOTION. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? SENATOR BLOOMFIELD. [LB240]

SENATOR BLOOMFIELD: I'D LIKE TO HAVE A CALL OF THE HOUSE, PLEASE. [LB240]

SPEAKER HADLEY: THERE'S BEEN A REQUEST FOR A CALL OF THE HOUSE. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB240]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB240]

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

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Floor Debate
April 29, 2015

CALL. SENATORS CRAIGHEAD, SULLIVAN, MELLO, SEILER, GLOOR, BURKE HARR, COASH, STINNER, AND CHAMBERS AND KRIST, THE HOUSE...(MICROPHONE MALFUNCTION.) SENATOR BLOOMFIELD, HOW DO YOU WISH TO PROCEED? [LB240]

SENATOR BLOOMFIELD: LET'S DO A ROLL CALL IN REGULAR ORDER. [LB240]

SPEAKER HADLEY: ROLL CALL IN REGULAR ORDER, MR. CLERK. [LB240]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1328.) 14 AYES, 31 NAYS, MR. PRESIDENT, ON THE MOTION TO BRACKET. [LB240]

SPEAKER HADLEY: THE BRACKET MOTION FAILS. RAISE THE CALL. [LB240]

CLERK: SENATOR KINTNER, DID I UNDERSTAND YOU WISH TO WITHDRAW YOUR AMENDMENT, SENATOR? [LB240]

SENATOR KINTNER: THAT IS CORRECT, THANK YOU. [LB240]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB240]

SPEAKER HADLEY: SENATOR HANSEN. [LB240]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB240 TO E&R FOR ENGROSSING. [LB240]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, SAY AYE. THERE'S BEEN A REQUEST FOR BOARD VOTE. ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB240]

CLERK: 26 AYES, 14 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB240. [LB240]

SPEAKER HADLEY: LB240 ADVANCES TO E&R ENGROSSING. MR. CLERK. [LB240]

Floor Debate
April 29, 2015

CLERK: MR. PRESIDENT, IF I MIGHT READ AN ITEM OR TWO BEFORE WE PROCEED. I HAVE AN AMENDMENT TO BE PRINTED TO LB662, SENATOR CHAMBERS. I ALSO HAVE A CONFLICT OF INTEREST STATEMENT FROM SENATOR CRAWFORD; THAT WILL BE ON FILE IN THE CLERK'S OFFICE. (LEGISLATIVE JOURNAL PAGE 1329.) [LB662]

MR. PRESIDENT, LB599. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER84, LEGISLATIVE JOURNAL PAGE 1214.) [LB599]

SENATOR KRIST PRESIDING

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB599]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB599. [LB599]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. ADOPTED. [LB599]

CLERK: FIRST AMENDMENT, MR. PRESIDENT, SENATOR NORDQUIST, AM1319. (LEGISLATIVE JOURNAL PAGE 1244.) [LB599]

SENATOR KRIST: GOOD AFTERNOON, SENATOR NORDQUIST. YOU'RE RECOGNIZED TO OPEN. [LB599]

SENATOR NORDQUIST: GOOD EVENING, MR. PRESIDENT AND MEMBERS. AM1319 MAKES A SIMPLE CHANGE TO THE BILL IN AN ATTEMPT TO REMEDY WHAT IS A VERY UNFORTUNATE ADVERSE CONSEQUENCE THAT THE BILL WOULD CREATE, MAYBE AN UNINTENDED CONSEQUENCE, BUT DEFINITELY A SIGNIFICANT CONSEQUENCE AT THAT. AND AS THE BILL READS RIGHT NOW, IF YOU ARE UNDER 18 AND YOU ATTEND ANY PUBLIC OR PRIVATE HIGH SCHOOL AND YOU DO NOT QUALIFY FOR THE WAGE RATE PRESCRIBED IN SECTION 3 OF THIS SECTION, THEN YOU CAN QUALIFY FOR THE LOWER MINIMUM WAGE AS PROPOSED IN LB599, WHICH WOULD BE \$8 AN HOUR. THIS BILL WOULD SAY RATHER THAN ATTEND ANY PUBLIC OR PRIVATE HIGH SCHOOL, WE WOULD SAY "DOES NOT ATTEND." AND THE REASON BEING IS WE ARE TRYING TO GET RID OF THE DISINCENTIVE FOR KIDS TO DROP OUT OF SCHOOL. THE BILL, AS IT IS IN ITS CURRENT FORM, CREATES THAT INCENTIVE. IT CREATES AN INCENTIVE FOR

Floor Debate
April 29, 2015

TEENAGERS ALL ACROSS THE STATE TO DROP OUT OF SCHOOL TO BE ABLE TO MAKE AN EXTRA DOLLAR AN HOUR. AND YOU MAY SAY, WELL, THAT'S NOT IN THE BEST...TEENAGERS AREN'T GOING TO GO AND DO THAT. WELL, TALK TO...THERE ARE A LOT OF TEENAGERS WHO MAKE RASH, FOOLISH DECISIONS, FOLKS. AND UNFORTUNATELY WE DON'T NEED, AS POLICYMAKERS, TO GIVE THEM ANY ADDITIONAL INCENTIVE TO DO THAT. SO WITH THIS AMENDMENT, ANYONE UNDER AGE 18 WHO IS NOT ATTENDING SCHOOL GETS THE LOWER WAGE RATE. THIS MAKES IT CRYSTAL CLEAR THAT WE WANT YOU TO BE IN SCHOOL. SO FOR ANY OF THE TEENS SITTING AT HOME ON A--TRYING TO THINK WHAT NIGHT OF THE WEEK IT IS--WEDNESDAY NIGHT AT 5:50 P.M. WATCHING US ON NET OR WATCHING US ON THEIR LAPTOPS PAYING ATTENTION TO EVERY WORD WE'RE SAYING, WE WANT, AS POLICYMAKERS, WE WANT YOU TO STAY IN SCHOOL. WE ARE NOT GOING TO CREATE AN INCENTIVE FOR YOU TO DROP OUT OF SCHOOL. RATHER, WE ARE GOING TO CREATE AN INCENTIVE TO...A DISINCENTIVE FOR YOU TO DROP OUT OF SCHOOL BECAUSE IF YOU DROP OUT OF SCHOOL YOU'RE NOT GOING TO MAKE, AS LONG AS YOU'RE UNDER 18, YOU'RE NOT GOING TO MAKE THE FULL MINIMUM WAGE OF \$9 AN HOUR. AND YOU KNOW, I KNOW WE HEARD SOME DISPARAGING MARKS ABOUT WORKERS ON GENERAL FILE. AND I SURE HOPE WE AVOID THAT THIS TIME, SAYING THEY'RE NOT WORTH IT OR SOME WORKERS AREN'T WORTH VERY MUCH OR THEY'RE LAZY. THEY'RE NOT RELIABLE. HOPEFULLY WE CAN STEER CLEAR OF VERBALLY BASHING WORKERS IN THIS STATE. BUT AS FAR AS THE DROPOUT ISSUE, THIS IS A REAL ISSUE, FOLKS. YOU KNOW, I HAD SOMEONE FORWARD ME AN E-MAIL, UNFORTUNATELY. WE HAD A COLLEAGUE WHO RESPONDED TO FOLKS, AND THAT'S OBVIOUSLY GREAT. BUT VERBATIM IN THAT E-MAIL THAT COLLEAGUE--AND I'M NOT GOING TO NAME NAMES, ANYONE INTERESTED I GUESS I CAN SHOW YOU--SAID I'M NOT CONCERNED ABOUT THE DROPOUT RATE IN NEBRASKA. I DON'T CARE HOW LOW THE DROPOUT RATE IS IN NEBRASKA, EVERYONE HERE SHOULD BE CONCERNED ABOUT IT BECAUSE IT IS A PROBLEM. THERE ARE ISOLATED POCKETS WHERE IT'S A REAL PROBLEM. BUT I DON'T CARE WHAT COMMUNITY YOU'RE FROM AND WHAT THE DROPOUT RATE IS IN THAT DISTRICT BUT EVERYONE HERE SHOULD BE CONCERNED ABOUT IT. BUT I WANT TO READ YOU AN E-MAIL OF SUPPORT...I'M SORRY, AN E-MAIL OF OPPOSITION TO LB599 THAT WE RECEIVED FROM AN ORGANIZATION IN OMAHA CALLED THE D2 CENTER, THE DROPOUT AND DIPLOMA CENTER...THE DIRECTIONS AND DIPLOMA CENTER. THEY'RE RESPONSIBLE FOR WORKING WITH HIGH SCHOOL DROPOUTS, TRYING TO REENGAGE THEM IN SCHOOL. AND THEY SAID OVER THE PAST FOUR YEARS, WE HAVE ASSISTED A NUMBER OF STUDENTS AT THE D2 CENTER WHO ARE LIVING AT HOME, WORKING FULL-TIME OR PART-TIME JOBS, AND ARE 18 OR YOUNGER. AND ALL OR PART OF THEIR WAGES ARE SUPPORTING THE BASIC

Floor Debate
April 29, 2015

NEEDS OF THEIR FAMILIES. MANY OF THESE STUDENTS CAN ONLY ATTEND ALTERNATIVE EDUCATION PROGRAMS BECAUSE THEIR NEED TO WORK IN ORDER TO SUPPORT THEMSELVES OR THE FAMILY. NOT ONLY DOES LB599 MEAN THESE STUDENTS WOULD NOT EARN EQUAL PAY FOR EQUAL WORK BUT IT ENCOURAGES THEM TO LEAVE SCHOOL ENTIRELY AND EARN A HIGHER WAGE. A HIGH SCHOOL DIPLOMA IS A BASIC NECESSITY FOR SUCCESS IN TODAY'S ECONOMY AND LEADS TO HIGHER LIFE EARNINGS. AND THAT'S FROM GREG EMMEL AND CAROLYN MILLER WHO ARE THE COEXECUTIVE DIRECTORS OF THE D2 CENTER, WHICH AGAIN, ITS OWN FOCUS OF THAT ORGANIZATION IS REENGAGING HIGH SCHOOL DROPOUTS. AND IT ROSE TO THEIR ATTENTION TO COME UP AND SAY THAT LB599 CREATES A BAD PUBLIC POLICY. WE HAVE STORIES ALSO FROM INDIVIDUALS WHO HAVE BEEN THROUGH THAT CENTER AND OTHER FOLKS WHO THIS BILL WOULD NEGATIVELY IMPACT. BUT THE ESSENCE OF AM1319 IS TO LB599 IS TO ELIMINATE THAT RIDICULOUS INCENTIVE THAT SAYS IF YOU DROP OUT OF SCHOOL, WE'RE GOING TO GIVE YOU A HIGHER WAGE. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. YOU'VE HEARD THE OPENING ON AM1319. THOSE WISHING TO SPEAK, SENATOR NORDQUIST, YOU'RE FIRST IN THE QUEUE, SENATOR MORFELD, HANSEN, AND EBKE. SENATOR NORDQUIST, YOU'RE RECOGNIZED. SORRY, SENATOR MORFELD IS NOW RECOGNIZED. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO LB599 AS DISCUSSED A WEEK OR TWO AGO. AND WHILE I APPRECIATE SENATOR NORDQUIST'S AMENDMENT, I'M ALSO OPPOSED TO HIS AMENDMENT AND ANY AND ALL OTHER AMENDMENTS. I BELIEVE THAT AS EMPLOYERS, WE HAVE A MORAL OBLIGATION TO, NUMBER ONE, PROVIDE A LIVING WAGE ON OUR OWN, BUT THEN, NUMBER TWO, TO AT VERY LEAST PROVIDE A DECENT MINIMUM WAGE. AND LB599 UNDERMINES THAT EVEN AS AMENDED. AS A PERSON THAT EMPLOYS 30 FULL- AND PART-TIME STAFF, I UNDERSTAND THERE ARE CONSTRAINTS, PARTICULARLY WHEN THERE'S LIMITED REVENUE AND FUNDING. HOWEVER, THAT BEING SAID, THERE ARE CLEAR BENEFITS TO BEING ABLE TO PROVIDE A DECENT WAGE NOT ONLY FOR THE EMPLOYEE BUT ALSO FOR THE EMPLOYER. NOW AT MY NONPROFIT, WE PAY WELL ABOVE \$7 AND \$8 AN HOUR. AND BECAUSE WE DO THAT, WE ACTUALLY HAVE HIGHER RETENTION OF EMPLOYEES. WE HAVE LESS TRAINING COSTS. AND NOT ONLY THAT, WE ENSURE THAT WE PROVIDE THE DIGNITY OF A LIVING WAGE. NOW IF I PAID MY EMPLOYEES A LOT LESS, WOULD I BE ABLE TO TAKE HOME MORE? YEAH, THAT WOULD BE NICE. I'VE GOT OVER \$100,000 IN STUDENT LOANS FROM LAW

Floor Debate
April 29, 2015

SCHOOL. IT'D BE GREAT TO HAVE MORE MONEY FOR MYSELF. BUT I BELIEVE THAT THERE IS A MORAL OBLIGATION THAT EMPLOYERS PAY A DECENT LIVING WAGE NOT ONLY SO THAT MY EMPLOYEES RECEIVE THAT LIVING WAGE AND CAN LIVE OFF IT, BUT ALSO SO THAT WE CAN BENEFIT OUR GREATER SOCIETY BECAUSE IF WE HAVE PEOPLE THAT DO NOT MAKE A LIVING WAGE, LET ALONE A MINIMUM WAGE THAT IS RESPECTABLE AND PASSED BY THE VOTERS OF THIS STATE, I'LL REMIND EVERYONE, THEN THERE ARE OTHER GREATER PRESSURES THAT ARE PUT ON SOCIAL WELFARE SYSTEMS, PEOPLE THAT CAN'T AFFORD MEDICAL BILLS, YOU NAME IT. IN THE END, WE PAY FOR IT AS TAXPAYERS, AS A STATE ONE WAY OR ANOTHER. AND THAT'S WHY IT'S SO CRITICAL TO BE ABLE TO PROVIDE NOT ONLY PEOPLE ABOVE THE AGE OF 19 A RESPECTABLE WAGE, BUT ALSO PEOPLE BELOW THE AGE OF 19 BECAUSE MAKE NO MISTAKE, COLLEAGUES, YOUNG PEOPLE HAVE EXPENSES, TOO, AND THEY'RE NOT ALL COVERED BY THEIR PARENTS DEPENDING ON THEIR CIRCUMSTANCES. MANY OF THE PEOPLE IN MY DISTRICT WHICH ENCOMPASSES THE UNIVERSITY OF NEBRASKA, CITY AND EAST CAMPUS AND ALSO BLEEDS INTO SEVERAL OTHER DIFFERENT CAMPUSES WHERE STUDENTS LIVE, MOST OF THOSE STUDENTS ARE ON STUDENT LOANS. THEY'RE USUALLY WORKING TWO OR THREE JOBS, MAYBE EVEN HAVE AN INTERNSHIP ON TOP OF THAT INCLUDING THEIR FULL CLASS LOAD. AND WHILE MANY OF THEM ARE ABOVE THE AGE OF 19 AND ABOVE, SOME OF THEM ARE NOT. AND MANY OF THEM ARE ON STUDENT LOANS AND THEN ALSO WORKING FULL TIME BECAUSE THEY WEREN'T ABLE TO SAVE UP THE MONEY BEFOREHAND TO BE ABLE TO PAY FOR THAT INCREASING COST OF HIGHER EDUCATION. AND THAT'S AN ISSUE THAT WE'LL DISCUSS A LITTLE BIT LATER THIS EVENING. BUT IT'S IMPORTANT TO REMEMBER THAT YOUNG PEOPLE HAVE INCREASING COSTS AS WELL, AND THAT THOSE YOUNG PEOPLE ALSO NEED TO SAVE UP TO ENSURE THAT THEY DON'T GO INTO DEBT WHEN THEY GET TO COLLEGE. AND IN MANY CASES MANY OF THEM ARE ALSO PROVIDING FOR BASIC NEEDS IN THEIR FAMILY. I THINK SENATOR COOK STATED A STATISTIC ABOUT MY DISTRICT, WHICH I'LL GET INTO A LITTLE BIT... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR MORFELD: THANK YOU...THAT I'LL GET INTO A LITTLE BIT LATER. BUT IN MY DISTRICT, 44 PERCENT OF YOUTH LIVE IN POVERTY. AND AFTER GOING DOOR TO DOOR TO ABOUT 16,000 DOORS IN MY DISTRICT OVER THE COURSE OF A YEAR AND A HALF WHEN I CAMPAIGNED FOR THIS LEGISLATIVE SEAT, I CAN'T TELL YOU HOW MANY OF THOSE YOUTH SUPPORTED THEIR FAMILY, HELP SUPPORT THEIR GRANDMOTHER WHO MAYBE WAS TAKING CARE OF THEM BECAUSE SOMETHING HAPPENED TO THEIR PARENTS. AND SO MANY OF THEM

Floor Debate
April 29, 2015

WEREN'T EVEN SAVING UP FOR A LUXURY CALLED COLLEGE. MANY OF THEM WERE HELPING PROVIDE FOR THE EXPENSES IN THEIR FAMILY. AND THAT'S WHAT HAPPENS WHEN YOU HAVE A DISTRICT WHERE YOUTH ARE 44 PERCENT IN POVERTY. AND WHEN WE HAVE BILLS LIKE LB599, THEY MAY SOUND GOOD ON PAPER AND IN THEORY, BUT THEY HAVE REAL CONSEQUENCES ON REAL PEOPLE, PEOPLE IN MY DISTRICT, YOUTH IN MY DISTRICT. [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR MORFELD: THANK YOU. [LB599]

SENATOR KRIST: THANK YOU, SENATOR MORFELD. SENATOR HANSEN, YOU'RE RECOGNIZED. I'M SORRY. STANDBY ONE...WE HAVE AN AMENDMENT. MR. CLERK. [LB599]

CLERK: MR. PRESIDENT, SENATOR KUEHN WOULD MOVE TO AMEND SENATOR NORDQUIST'S AMENDMENT WITH AM1412. (LEGISLATIVE JOURNAL PAGE 1304.) [LB599]

SENATOR KRIST: SENATOR KUEHN, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE AMENDMENT. [LB599]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. AM1412 IS AN AMENDMENT TO AM1319 TO ADDRESS BOTH THE ISSUE THAT SENATOR NORDQUIST RAISED AS WELL AS TO JUST CLARIFY SOME INTENT IN ORIGINALLY HOW LB599 WAS INTENDED TO BE AND ADDRESS A FEW OF THOSE ISSUES. THE FIRST COMPONENT OF AM1412 IS TO ADD LANGUAGE WITH REGARD TO THE \$8 PER HOUR MINIMUM WAGE WHICH WOULD ALLOW THE WAGE TO RAISE IN THE EVENT THAT THE FEDERAL MINIMUM WAGE RAISES. SO AS AMENDED, THE LANGUAGE FOR AM1412 TO LB599 WOULD STATE, QUOTE, ANY EMPLOYER EMPLOYING YOUNG STUDENT WORKERS SHALL PAY SUCH YOUNG WORKERS AT A RATE OF AT LEAST \$8 PER HOUR OR 85 PERCENT OF THE FEDERAL MINIMUM WAGE, WHICHEVER IS HIGHER, UNQUOTE. SO IT SIMPLY ALLOWS THE WAGE TO INCREASE AS THE FEDERAL MINIMUM WAGE SHOULD INCREASE OVER TIME. THE SECOND IS TO ADDRESS THE ISSUE WHICH SENATOR NORDQUIST AND OTHERS AS AN UNINTENDED CONSEQUENCE OF LB599, WHICH IS TO CLARIFY THE DEFINITION OF A YOUNG STUDENT WORKER AS A STUDENT WHO DOES NOT HAVE A HIGH SCHOOL DIPLOMA. THE REASON WE CHOSE THIS PARTICULAR LANGUAGE TO AMEND TO LB599 WAS NOT ONLY TO DISINCENTIVIZE OR REMOVE

Floor Debate
April 29, 2015

THE INCENTIVE FOR A STUDENT TO DROP OUT OF SCHOOL TO RECEIVE A HIGHER WAGE, IT ALSO TOOK CARE OF A KIND OF UNIQUE SITUATION THAT I MYSELF WOULD HAVE FALLEN INTO. I WAS 17 WHEN I GRADUATED FROM HIGH SCHOOL. AND SO THIS ALSO THEN CLARIFIES THAT ANY STUDENT WHO RECEIVES A DIPLOMA BEFORE THE AGE OF 18 WOULD NO LONGER BE IN THE DEFINITION OF A YOUNG STUDENT WORKER. SO IT TAKES CARE OF TWO ISSUES WITH ONE LANGUAGE CHANGE. FINALLY, AM1412 STATES THAT WORKERS WHO HAVE A DEPENDENT CHILD DO NOT MEET THE DEFINITION OF YOUNG STUDENT WORKERS AND ARE NOT ELIGIBLE FOR THE YOUNG STUDENT WORKER WAGE. SO, ADDRESSES THE ISSUE THAT HAS BEEN BROUGHT UP, THE UNINTENDED CONSEQUENCE WITH REGARD TO PROVIDING AN INCENTIVE FOR STUDENTS TO DROP OUT AND RECEIVE A HIGHER WAGE; CLOSES A POTENTIAL PROBLEM ASSOCIATED WITH STUDENTS WHO GRADUATE FROM HIGH SCHOOL UNDER THE AGE OF 18; ENSURES THAT THE WAGE RATE WILL INCREASE AS THE FEDERAL MINIMUM WAGE INCREASES, AND ALSO EXCLUDES THOSE INDIVIDUALS WHO MAY HAVE DEPENDENT CHILDREN. WITH THAT, I ENCOURAGE MY COLLEAGUES FOR THEIR GREEN VOTE ON AM1412. AND THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR KUEHN. YOU'VE HEARD THE AMENDMENT TO THE AMENDMENT. THE FLOOR IS OPEN FOR DEBATE. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE AGAIN IN OPPOSITION TO LB599. AND I GUESS I WILL DISCUSS AM1319 AND AM1412. I LISTENED TO SENATOR KUEHN'S INTRODUCTION OF AM1412, BUT I WAS TRYING TO READ IT AS WELL. SO I WILL HOPEFULLY HAVE A CHANCE TO DIGEST THAT MORE. BUT MY FUNDAMENTAL OPPOSITION TO LB599 IS THE NOTION OF PAYING YOUNG PEOPLE LESS. I KNOW THERE'S SOME ATTEMPTS BY SENATOR NORDQUIST'S BILL AND SENATOR KUEHN'S...SENATOR NORDQUIST'S AMENDMENT AND SENATOR KUEHN'S AMENDMENT TO FIX SOME OF THE UNINTENDED CONSEQUENCES--AND I SURE HOPE THEY WERE UNINTENDED--UNINTENDED CONSEQUENCES OF, SAY, ENCOURAGING...DISENCOURAGING EDUCATION IN FAVOR OF WORKING FOR A HIGHER RATE. BUT WE GO BACK TO THE ISSUE I TALKED ABOUT ON GENERAL FILE IS IF WE PASS LB599, IF WE CREATE THIS CATEGORY THAT IS CALLED THE YOUNG STUDENT MINIMUM WAGE, THE YOUNG MINIMUM WAGE, WHAT HAVE YOU, WHERE FOR JUST ON THEIR FACE, EMPLOYERS CAN PAY PEOPLE UNDER THE AGE OF 18 LESS, WE'RE SAYING WHATEVER THEY CAN DO IS VALUED MUCH LESS THAN A HIGHER INDIVIDUAL. WELL, THAT JUST DOESN'T SIT WELL WITH ME. YOU KNOW THERE WAS SOME DISCUSSION OF, WELL, IT HELPS YOUNG PEOPLE BECAUSE IF I HAVE AN 18-YEAR-OLD AND A 40-YEAR-OLD, I'M GOING

Floor Debate
April 29, 2015

TO...OR BETTER EXAMPLE IS A 17-YEAR-OLD AND 40-YEAR-OLD, I'M GOING TO HIRE 40-YEAR-OLD BECAUSE THE 40-YEAR-OLD CAN WORK MORE HOURS, CAN GET MORE CERTIFICATES, CAN DO MANY MORE THINGS. WELL, I UNDERSTAND THAT LOGIC. BUT YOU KNOW, WE HEARD ON MY TIPPED MINIMUM WAGE BILL HOW FEW PEOPLE ACTUALLY ARE RELYING ON THE MINIMUM WAGE AND IT'S ALL YOUNG PEOPLE AND IT'S ALL...AND WHATNOT. SO THAT ARGUMENT KIND OF FLIES IN THE FACE. WE EITHER HAVE THE TYPE OF ECONOMY AND THE TYPE OF SYSTEM WHERE THERE ARE ADULTS WHO ARE STRUGGLING TO GET BY AND THERE ARE ADULTS ON MINIMUM WAGE WHO ARE COMPETING WITH YOUTH ENTERING THE MARKET THE FIRST TIME. OR THE MINIMUM WAGE IS JUST A LUXURY WE GIVE TO STUDENTS IN THE FIRST JOB, IN THEIR FIRST SIX MONTHS AND THEN EVERYBODY GETS PROMOTED HIGHER AS WE ALL KNOW. I'VE HEARD BOTH OF THOSE THINGS ON THIS FLOOR. I'VE HEARD BOTH OF THE THINGS IN POLITICS IN THE PAST. I'VE HEARD BOTH OF THOSE THINGS ON THE CAMPAIGN TRAIL. THEY CAN'T BOTH BE TRUE. SO THAT'S SOMETHING WE'RE GOING TO HAVE TO ANALYZE. THAT'S SOMETHING WE'RE GOING TO HAVE TO TALK ABOUT MORE. SO THAT'S...IT GOES BACK TO MY FUNDAMENTAL OPPOSITION TO JUST TELLING YOUNG PEOPLE THEY ARE WORTH LESS, NOT WORTHLESS BECAUSE THEY ARE CLEARLY WORTH AT LEAST, I GUESS, \$8 AN HOUR OR 85 PERCENT OF THE MINIMUM WAGE OR WHATEVER WE ARE TALKING ABOUT. SO THEY'RE NOT WORTHLESS; THEY'RE WORTH LESS, WHICH IS AN IMPORTANT DISTINCTION, I GUESS. BUT IS THAT REALLY A CONVERSATION YOU WANT TO HAVE WITH A 17-YEAR-OLD IN YOUR DISTRICT, OF, YOU KNOW, I DON'T THINK YOU ARE WORTHLESS. I JUST THINK YOU ARE WORTH LESS THAN AN 18-YEAR-OLD. AND I DON'T KNOW ABOUT YOUR E-MAILS AND YOUR PHONES, BUT I CERTAINLY HAVE GOTTEN SOME RESPONSES FROM STUDENTS IN MY DISTRICT. PEOPLE HAVE NOTICED. I'VE HAD...BE ABLE TO READ SOME LATER. BUT YOU KNOW, BUT I'VE GOT...POSSIBLY. BUT I'VE GOT SOME CONTACTS FROM HIGH SCHOOL STUDENTS IN MY DISTRICT--LINCOLN NORTHEAST IS IN MY DISTRICT--WHO ARE PAYING ATTENTION, WHO KNOW PEOPLE WHO ARE, AS SENATOR MORFELD SAID, WORKING TO SUPPORT THEIR FAMILIES, WHO ARE WORKING TO SUPPORT THEMSELVES IN WAY MORE THAN FRIVOLOUS LUXURIES. YOU KNOW, THEY'RE STUDENTS THAT IF THEY NEED A NEW PAIR OF SHOES, THAT COMES OUT OF THEIR BUDGET BECAUSE THEIR FAMILY BUDGET IS SO STRAPPED. I MEAN THAT'S THE KIND OF ISSUES WE'RE TALKING WITH HERE. AND ALL OF SUDDEN WE'RE GOING TO SAY YOU HAVE TO WORK AN EXTRA COUPLE OF HOURS TO HAVE THE SHOES YOU NEED TO WEAR TO WORK BECAUSE WE'RE GOING TO PAY YOU A DOLLAR LESS. WE'RE GOING TO PAY YOU LESS THAN OTHER COWORKERS. YOU KNOW, WE COULD JUST GO ON AND ON AND ON WHERE WE'RE JUST GOING TO TELL THE YOUTH IN A SOCIETY THAT THEY ARE NOT AS IMPORTANT. [LB599]

Floor Debate
April 29, 2015

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR HANSEN: WE DON'T FEEL THEY'RE AS IMPORTANT. THANK YOU, MR. PRESIDENT. WE DON'T FEEL THEY'RE IMPORTANT. AND WHY IS THAT? I MEAN, I'VE HEARD SOME OF THE ARGUMENTS. I'VE HEARD SOME OF THE ARGUMENTS OF THIS IS THE ONLY THING THAT'S KEEPING SMALL TOWN GROCERY STORES FROM DEVASTATION. AND BELIEVE ME--ACTUALLY, I'LL SHARE THIS THE NEXT TIME ON MIKE; REMIND ME IF I DON'T--THE FOOD DESERTS AND ACCESS TO GROCERIES ARE A BIG CONCERN OF MINE AND I CAN TALK ABOUT THAT BASED ON SOME PERSONAL EXPERIENCE IN MY OWN NEIGHBORHOOD HERE IN LINCOLN. BUT IF IT'S REALLY THE SCENARIO IN WHICH A...PAYING YOUNG PEOPLE LESS TO WORK IN YOUR STORE IS THE ONLY, ONLY, ONLY VIABLE WAY TO KEEP YOUR STORE AFLOAT, I FRANKLY FIND THAT UNBELIEVABLE. I DON'T ARGUE THAT IT WOULDN'T HELP. IT WOULD BE NICE TO PAY ALL OF YOU EMPLOYEES LESS. AND FRANKLY, THAT'S WHY WE HAVE TO HAVE A MINIMUM WAGE IN THE FIRST PLACE. [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR HANSEN: THANK YOU. [LB599]

SENATOR KRIST: THANK YOU, SENATOR HANSEN. SENATOR EBKE, YOU ARE RECOGNIZED. [LB599]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. WELL, WE'VE STARTED SOMETHING HERE, HAVEN'T WE? A GREAT TRADITION FOR OUR FIRST LONG NIGHT. I HAVE A COUPLE THINGS. FIRST OF ALL, I WANT TO THANK SENATOR KUEHN FOR NOT ONLY PRIORITIZING THE BILL, BUT ALSO FOR INTRODUCING AM1412. AS HE MENTIONED, AM1412 COVERS A LOT OF THE THINGS THAT WE INTENDED AND SOMEWHERE ALONG THE LINE, DIDN'T GET IN THERE. IT ALSO DOES ADDRESS THE ISSUES WITH RESPECT TO THE...IT ENCOURAGES KIDS TO DROP OUT. I THINK IT'S IMPORTANT FOR US TO CONSIDER WHO THIS IS AIMED AT. AND FOR THOSE OF YOU WHO ARE ECONOMISTS, WHO UNDERSTAND BASIC MARKET ECONOMICS, YOU WILL UNDERSTAND I THINK THAT IN ALL LIKELIHOOD, I WON'T SAY THAT IT WON'T HAPPEN, BUT I WILL SAY THAT IT IS UNLIKELY TO AFFECT LARGER COMMUNITIES, COMMUNITIES WHERE YOU HAVE A WALMART THAT ALREADY STARTS AT \$9 AN HOUR OR YOU HAVE A McDONALD'S THAT PAYS \$10 AN HOUR. YOU KNOW, LOGIC WOULD SUGGEST, I BELIEVE, THAT IF YOU ARE A YOUNG PERSON, THAT YOU WILL FIRST GO TO THE

Floor Debate
April 29, 2015

PLACES THAT PAY MORE AND THAT THOSE WHO PAY LESS WITHIN THAT COMMUNITY ARE GOING TO HAVE TO COMPETE FOR THE BEST OF THE EMPLOYEES. I THINK THAT'S AN IMPORTANT THING TO KEEP IN MIND AS WE PROCEED. IT'S ALSO IMPORTANT TO REMEMBER THAT THIS BILL ADDRESSES...IT DEALS WITH ONLY 25 PERCENT OF AN EMPLOYER'S TOTAL PAYROLL. A RELATIVELY SMALL NUMBER OF HOURS CAN ACTUALLY BE PAID AT THIS RATE. SO IF YOU HAVE A PLACE THAT EMPLOYS A LOT OF STUDENT EMPLOYEES, THEY'RE GOING TO HAVE TO DECIDE HOW THEY'RE GOING TO PAY THEM. THEY CAN'T PAY THEM ALL AT THAT RATE. IT WILL HAVE TO BE...THEY WILL HAVE TO DETERMINE IT SOME OTHER WAY. AND WHEN THEY GET PAST THAT \$8, THEN THEY MOVE UP TO \$9. AGAIN, THIS BILL IS AN ALLOWANCE. ONE OF THE THINGS I'VE HEARD OVER AND OVER IN E-MAILS IS THAT THIS MANDATES A WAGE THAT'S LOWER. IT DOES NOT MANDATE ANYTHING. IT MANDATES A FLOOR AND CERTAINLY EMPLOYERS ARE FREE TO PAY MORE. LET'S DON'T FORGET WHO MOST OF THESE EMPLOYERS ARE. YOU KNOW, WE'RE NOT TALKING ABOUT THE WALMARTS, AND THE BURGER KINGS AND McDONALD'S OF THIS WORLD. WE'RE TALKING ABOUT LOCAL BUSINESS OWNERS WHO SUPPORT THEIR LOCAL SCHOOLS. THEY MAY BE GROCERY STORES. THEY MAY BE HARDWARE STORES. THEY MAY BE SOME SORT OF OTHER SMALL RETAIL BUSINESS. THESE ARE TYPICALLY PEOPLE WHO...I KNOW A NUMBER OF THEM WHO ARE IN VILLAGES OF LESS THAN 500 WHO THERE MAY BE ONE GROCERY STORE IN TOWN, AND THAT GROCERY STORE MAY NOT SEE MORE THAN TEN CUSTOMERS IN A DAY. IF WE WANT TO SHUT DOWN THE GROCERY STORE OR IF WE WANT TO ENSURE THAT THERE ARE NO STUDENT JOBS AVAILABLE, THEN IGNORING THE POSSIBILITY OF AN INCENTIVE FOR THESE EMPLOYERS TO HIRE YOUNGER EMPLOYEES IS JUST WHAT WE OUGHT TO DO. WE OUGHT TO GET RID OF THAT. BUT THESE EMPLOYERS PROVIDE A MUCH-NEEDED SERVICE TO THEIR LOCAL COMMUNITIES WHO OTHERWISE MIGHT HAVE TO DRIVE A GREAT DISTANCE. MY MOTHER-IN-LAW, FOR INSTANCE, LIVES IN THE SMALL TOWN OF DAYKIN. WITHOUT A GROCERY STORE IN DAYKIN ANYMORE, SHE HAS TO DRIVE INTO FAIRBURY WHICH IS 15 MILES AWAY. MY 89-YEAR-OLD MOTHER-IN-LAW IN ORDER TO GET HER GROCERIES HAS TO DRIVE 15 MILES AWAY. AND THERE ARE COUNTLESS PEOPLE AROUND, BECAUSE OF THE FOOD DESERTS THAT SENATOR HANSEN REFERRED TO, WHO HAVE TO DRIVE A LONG WAYS. THESE SMALL TOWN GROCERY STORES AND THE SMALL TOWN HARDWARE STORES ALL PROVIDE A SERVICE TO THEIR COMMUNITIES. [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

Floor Debate
April 29, 2015

SENATOR EBKE: THANK YOU, MR. PRESIDENT. SO WE ALL KNOW ALL TOO WELL WHEN SMALL BUSINESSES START TO CLOSE DOWN, ESPECIALLY GROCERY STORES, THAT THE COMMUNITIES AROUND THEM DIE DOWN AS WELL. IF YOU DON'T BELIEVE THAT, I WOULD BE HAPPY TO TAKE ANY OF MY URBAN COLLEAGUES TO ANY NUMBER OF COMMUNITIES IN MY DISTRICT THAT LOST THEIR GROCERY STORE AND THE TOWN JUST STARTED TO DRY UP. WHEN THE SCHOOL GOES AND THE GROCERY STORE GOES, THE TOWN PRETTY WELL DRIES UP. LIKE I SAID, I THINK THAT THE LARGER COMMUNITIES ARE BETTER ABLE TO OFFSET THESE WAGES AND LIKELY WILL. AND I'M SURE WE WILL HAVE MANY DISCUSSIONS ABOUT THIS OVER THE COURSE OF THE EVENING. SO THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR EBKE. THOSE WISHING TO SPEAK, SENATOR NORDQUIST, MORFELD, COOK, CRAWFORD, KEN HAAR, AND HANSEN. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB599]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. YOU KNOW, MY CONCERN HERE IS THAT WE TOOK AN UNINTENDED CONSEQUENCE THAT WE WERE TRYING TO ADDRESS IN AM1319, AND NOW WE'RE UNFORTUNATELY CREATING ANOTHER UNINTENDED CONSEQUENCE IN AM1412. IN AM1319 WE WERE TRYING TO GET RID OF THE DISINCENTIVE THAT'S IN LB599 RIGHT NOW...OR THE INCENTIVE FOR TEENAGE KIDS TO DROP OUT OF SCHOOL TO EARN AN EXTRA DOLLAR AN HOUR. NOW WE'RE SAYING, OKAY, WE'RE GOING TO CORRECT THAT PROBLEM WITH AM1412, BUT WE'RE ALSO GOING TO SAY THAT IF YOU'RE A WORKING TEEN PARENT YOU CAN GET \$9 AN HOUR. THE PROBLEM IS, THAT BEING A PARENT IS NOT A PROTECTED CLASS. SO AN EMPLOYER HAS FULL RIGHTS TO DISCRIMINATE BASED ON THAT. AND NOW WE'RE GIVING EMPLOYERS AN INCENTIVE TO SAY, HEY, DON'T HIRE THE TEENAGER WITH A KID BECAUSE YOU GOT TO PAY THEM \$9 AN HOUR. YOUR GROCERY STORE NEEDS TO SAVE MONEY. SO HIRE A TEENAGER WITHOUT THE KID FOR \$8 AN HOUR. SO WE'RE CHASING OUR TAIL HERE, FOLKS, TRYING TO ADDRESS SOME PROBLEM WITH ALL OF THESE DIFFERENT SOLUTIONS, AND THE FACT OF THE MATTER IS THERE ARE ALREADY AMPLE SOLUTIONS FOR THE REAL-WORLD PROBLEMS IN STATUTE RIGHT NOW. THERE ARE ALREADY EXCEPTIONS TO THE MINIMUM WAGE LAW. AND I DON'T KNOW IF WE DIDN'T DO A GOOD-ENOUGH JOB TALKING ABOUT THOSE ON GENERAL FILE BECAUSE I HAD A NUMBER OF COLLEAGUES AFTER THE FACT SAY, WELL, I DIDN'T KNOW THERE WAS A TRAINING WAGE PROVISION. I DIDN'T KNOW THAT THERE WAS AN EXEMPTION TO THE MINIMUM WAGE FOR REALLY SMALL BUSINESSES. SO I WANT TO MAKE SURE WE GET THIS CLEARLY ON THE RECORD AND I HOPE COLLEAGUES ARE LISTENING. THE FIRST

Floor Debate
April 29, 2015

IS...I'LL READ THE DEFINITIONS IN OUR MINIMUM WAGE LAW. EMPLOYER SHALL INCLUDE ANY INDIVIDUAL, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, CORPORATION, BUSINESS TRUST, LEGAL REPRESENTATIVE, OR ORGANIZED GROUP OF PERSONS EMPLOYING FOUR OR MORE EMPLOYEES AT ANY ONE TIME EXCEPT FOR SEASONAL EMPLOYMENT OF NOT MORE THAN 20 WEEKS IN ANY CALENDAR YEAR ACTING DIRECTLY OR INDIRECTLY IN THE INTEREST OF AN EMPLOYER IN RELATION TO AN EMPLOYEE BUT SHALL NOT INCLUDE THE UNITED STATES, THE STATE, OR ANY POLITICAL SUBDIVISION THEREOF. SO ANY BUSINESS THAT HAS LESS THAN FOUR EMPLOYEES, AND THAT EXCLUDES SEASONAL WORKERS, SO IF YOU'RE HIRING SEASONABLE WORKERS AND YOU GO PAST THAT THRESHOLD OF FOUR, YOU'RE STILL FINE. SO THE SMALL BUSINESSES THAT ACTUALLY BRING IN, HAVE A SMALL NUMBER OF WORKERS ACCORDING TO OUR DEFINITION, IS COMPLETELY EXEMPT FROM ANYTHING IN THE STATUTES RELATING TO MINIMUM WAGE. THEY CAN PAY THEM WHATEVER THEY WANT. EMPLOYEES SHALL INCLUDE ANY INDIVIDUAL EMPLOYED BY ANY EMPLOYER BUT SHALL NOT INCLUDE--SO HERE ARE SOME MORE EXCEPTIONS--ANY INDIVIDUAL EMPLOYED IN AGRICULTURE. IF YOU'RE EMPLOYED IN AGRICULTURE IN ANY WAY, YOU ARE NOT ENTITLED BY STATUTE TO THE MINIMUM WAGE OF \$9 AN HOUR. YOU'RE COMPLETELY EXEMPT. ANY INDIVIDUAL EMPLOYED AS A BABY-SITTER IN OR ABOUT A PRIVATE HOME, ANY INDIVIDUAL EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY, OR AS A SUPERINTENDENT OR SUPERVISOR. I WOULD HOPE THOSE PEOPLE GET PAID MORE THAN \$9 AN HOUR BUT THEY DON'T HAVE TO BE. ANY INDIVIDUAL EMPLOYED BY THE UNITED STATES OR BY THE STATE OR ANY POLITICAL SUBDIVISION THEREOF IS EXEMPT. ANY INDIVIDUAL ENGAGED IN THE ACTIVITY OF AN EDUCATIONAL CHARITABLE RELIGIOUS OR NONPROFIT ORGANIZATION WHEN THE EMPLOYER-EMPLOYEE RELATIONSHIP DOES NOT IN FACT EXIST OR WHEN THE SERVICES RENDERED TO SUCH ORGANIZATION ARE ON A VOLUNTARY BASIS... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR NORDQUIST: ...APPRENTICES AND LEARNERS OTHERWISE PROVIDED BY LAW, VETERANS IN TRAINING UNDER SUPERVISION OF THE UNITED STATES DEPARTMENT OF VETERAN AFFAIRS, A CHILD IN THE EMPLOYMENT OF HIS OR HER PARENT OR A PARENT IN THE EMPLOYMENT OF HIS OR HER CHILD--BOY, THAT IS INTERESTING--ANY PERSON WHO DIRECTLY OR INDIRECTLY IS RECEIVING ANY FORM OF FEDERAL, STATE, COUNTY, OR LOCAL AID OR WELFARE AND WHO IS PHYSICALLY OR MENTALLY DISABLED AND EMPLOYED IN A PROGRAM OF REHABILITATION WHO SHALL RECEIVE A WAGE AT A LEVEL

Floor Debate
April 29, 2015

CONSISTENT WITH HIS OR HER HEALTH AND GENERAL WELL-BEING. OCCUPATIONAL CLASSIFICATION SHALL MEAN THE CLASSIFICATION ESTABLISHED BY THE DICTIONARY OF OCCUPATIONAL TITLES PREPARED BY THE U.S. DEPARTMENT OF LABOR. SO THOSE ARE THE EXCEPTIONS, DID YOU SAY TIME? OH, I'M SORRY. [LB599]

SENATOR KRIST: NOW IT'S TIME. [LB599]

SENATOR NORDQUIST: OKAY. SORRY. [LB599]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I WANT TO CONTINUE WHERE I LEFT OFF A LITTLE BIT EARLIER. BUT I ALSO WANT TO NOTE THAT AS A PERSON THAT WORKED AT A GROCERY STORE FOR FIVE YEARS, TWO YEARS FULL-TIME AS A MANAGER, I CAN TELL YOU THAT I SAW EMPLOYEES THAT WERE VERY PRODUCTIVE, EMPLOYEES THAT WEREN'T VERY PRODUCTIVE, LIKE ANY OTHER WORKPLACE. I CAN ALSO TELL YOU SOME OF MY MOST PRODUCTIVE EMPLOYEES WERE THE ONES WHO WERE PRETTY EAGER, 14, 15, 16, 17 YEARS OLD. AND OFTENTIMES, THEY WORKED MUCH HARDER THAN THE PERSON THAT WAS MAYBE 20 YEARS OLD. BUT UNDER THIS LAW THEY WOULD START AT THE SAME TIME AND BE AUTOMATICALLY MAKING LIKELY A DOLLAR LESS OR COULD BE, AT THE VERY LEAST. AND SO I DON'T UNDERSTAND WHY WE'RE CREATING THIS COMPLETELY ARBITRARY CUTOFF IN TERMS OF...WELL, I MEAN, IF YOU'RE OVER 19 YOU'RE SUDDENLY MORE PRODUCTIVE OR WORTH MORE THAN IF YOU'RE UNDER 19. A LOT HAS BEEN SAID ABOUT THIS BEING ABOUT THE VITALITY AND ECONOMIC DEVELOPMENT IN RURAL AREAS. I'M A BIG PROPONENT OF STRENGTHENING RURAL AREAS. MY NONPROFIT, WE HAVE PROGRAMS IN RURAL AREAS TO STRENGTHEN YOUTH DEVELOPMENT, LEADERSHIP, AND ENGAGEMENT. AND I CAN TELL YOU WHAT, IF THIS IS THE ANSWER, IF THIS IS THE KEY OR ONE OF THE KEYS TO RURAL ECONOMIC DEVELOPMENT, THEN I'M SCARED. IF PAYING PEOPLE LESS IN THE STATE OF NEBRASKA IS THE KEY TO ENSURING VIBRANT, RURAL COMMUNITIES, THEN WE NEED TO GO BACK TO THE DRAWING BOARD, FOLKS, PARTICULARLY WHEN I KNOW RURAL AREAS HAVE A BIG PROBLEM WITH LOSING YOUNG PEOPLE AND NOT SEEING THEM COME BACK. WHAT KIND OF MESSAGE ARE WE SENDING TO YOUNG PEOPLE BOTH IN OUR URBAN AREAS AND OUR RURAL AREAS WHEN WE SAY, OH, YOU KNOW, IT DOESN'T MATTER HOW HARD YOU WORK OR IF YOU'RE A

Floor Debate
April 29, 2015

HARDER WORKER THAN THE PERSON THAT STARTS ON THE SAME DAY AS YOU. YOUR EMPLOYER CAN PAY YOU LESS. THIS IS ABOUT ENSURING THAT YOUNG PEOPLE ARE VALUED THE SAME, THAT YOUNG PEOPLE EARN THEIR PAY, AND THEY'RE PAID BASED ON THEIR WORK ETHIC AND NOT SIMPLY SOME KIND OF ARBITRARY MEASURE BASED ON THEIR AGE. I THINK IT'S ALSO IMPORTANT AS AN ATTORNEY TO POINT OUT SOME OF THE LEGAL ISSUES THAT WE HAVE HERE. GRANTED, WHILE IT'S STILL A QUESTION THAT'S UP IN THE AIR AND I DON'T THINK IT'S BEEN LITIGATED YET WHETHER OR NOT THIS WOULD CONSTITUTE AGE DISCRIMINATION BECAUSE UNDER THE FEDERAL LAW, I BELIEVE THE PROTECTION IS 40 YEARS AND ABOVE FOR AGE DISCRIMINATION, NOT BELOW. BUT THINK ABOUT THE INCENTIVE THAT THIS CREATES FOR AN EMPLOYER. AND THINK ABOUT THE UNINTENDED CONSEQUENCES THEN OR MAYBE, BASED ON THE EMPLOYER MAKING FINANCIAL OR ECONOMIC DECISIONS, THE INTENDED CONSEQUENCES AND THE LIABILITY THAT WE WILL BE MAKING THEM FACE IF, FOR INSTANCE, THEY DECIDE TO HIRE A 17-YEAR-OLD INSTEAD OF A 42-YEAR-OLD THAT IS A PROTECTED CLASS. AND I GUARANTEE YOU, EMPLOYERS GIVEN THIS OPPORTUNITY AND GIVEN THE FORMULA BASED ON LB599 PROVIDED IN THERE WILL BE MAKING THOSE DECISIONS. AND IT WILL BE TOUGH TO SAY THAT THEY'RE NOT MAKING THOSE DECISIONS WHEN WE HAVE GIVEN THEM THE EXPLICIT AUTHORITY TO PAY PEOPLE LESS AND TO ALLOW THEM TO HIRE A CERTAIN AMOUNT OF PEOPLE BASED ON THEIR PAYROLL BECAUSE THEY'RE YOUNGER AND SOMEBODY IS OLDER. AGAIN, COLLEAGUES, IF THIS IS THE SOLUTION TO ENSURING...OR ONE OF THE SOLUTIONS, AT THE VERY LEAST, TO ENSURING... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR MORFELD: ...THAT WE HAVE--THANK YOU, MR. PRESIDENT--WE HAVE VIBRANT RURAL COMMUNITIES THEN I'M SCARED. WE NEED TO GO BACK TO THE DRAWING BOARD, BECAUSE I GUARANTEE YOU THAT IS GOING TO EXPOSE THE EMPLOYERS THAT USE THIS INCENTIVE, IF THAT'S WHAT YOU WANT TO CALL IT, OR THIS OPPORTUNITY TO PAY PEOPLE LESS. THEY WILL BE ENGAGING IN AGE DISCRIMINATION NOT AGAINST THE YOUNGER NEBRASKANS, BUT RATHER THE OLDER NEBRASKANS THAT THEY DON'T HIRE BECAUSE THEY CAN HIRE THE YOUNGER NEBRASKANS. THIS WILL BE A SERIOUS ISSUE, A SERIOUS LIABILITY ISSUE. AND WE HAVE A STATE COMMISSION, THE EEOC, THAT LOOKS INTO COMPLAINTS IN REGARD TO AGE DISCRIMINATION FOR PEOPLE ABOVE THE AGE OF 40. AND I CAN GUARANTEE YOU THERE WERE A LOT OF THE PEOPLE AT THE GROCERY STORE THAT I MANAGED THAT WERE ABOVE THE AGE OF 40. MY STEPFATHER WAS ONE OF THEM. AFTER HE HAD HIS HEART ATTACK, HE WANTED

Floor Debate
April 29, 2015

SOME EXTRA INCOME SO HE STARTED WORKING IN THE PRODUCE DEPARTMENT. WELL, NOW SOMEBODY THAT'S 19 AND UNDER WILL BE ABLE TO MAKE LESS AND DO MAYBE THE SAME QUALITY OF WORK AS MY STEPFATHER, AND HE MAY NOT BE HIRED INSTEAD OF THEM. [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR MORFELD: THANK YOU. [LB599]

SENATOR KRIST: THANK YOU, SENATOR MORFELD. SENATOR COOK, YOU ARE RECOGNIZED. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD EVENING, COLLEAGUES. I RISE IN OPPOSITION TO LB599, IN SUPPORT OF AM1319, AND IN OPPOSITION TO AM1412 TO AM1319. BUT BEFORE I GO INTO PART OF MY ARGUMENT, I WOULD LIKE TO THANK SENATOR EBKE FOR BRINGING UP THE TOPIC OF FOOD DESERTS AS THEY EXIST ACROSS THE STATE. WHEN I FIRST JOINED THE LEGISLATURE, THERE WAS A BILL PROPOSAL BEFORE THE BODY RELATED TO FOOD DESERTS. AND, AS I RECALL, THAT PROPOSAL WENT OUT IN A BLAZE OF GLORY BECAUSE THE IDEA THAT SOMEBODY, FOR EXAMPLE, ME LIVING IN THE FLORENCE AREA, WOULD STILL POTENTIALLY HAVE A NEIGHBORHOOD THAT'S DEFINED AS A FOOD DESERT BECAUSE OF DIMINISHED ACCESS TO FRESH, SEASONAL PRODUCE, COMPARED WITH THE FAMILY, FOR EXAMPLE, THAT IS COMPELLED TO PURCHASE MILK FROM A CASEY'S. SO I FIND THAT INTERESTING THAT THAT'S BEEN BROUGHT UP AGAIN. AND MAYBE IT'S THE RIGHT TIME NOW TO BRING A BILL BACK TO THIS BODY NOW THAT THERE'S SOME EDUCATION ABOUT THE EXISTENCE OF AND THE IMPORTANCE OF ADDRESSING THE ISSUES AS THEY RELATE TO FOOD DESERTS. BUT BACK TO LABOR POLICY, AS I MENTIONED ON OUR FIRST ROUND WITH THIS BILL, I ALSO REPRESENT A LEGISLATIVE DISTRICT THAT HAS A GREAT NUMBER OF PEOPLE LIVING IN POVERTY. AND JUST AS SENATOR MORFELD MENTIONED, IT IS NOT UNUSUAL FOR A TEENAGE MEMBER OF THE FAMILY, WHO MAY OR MAY NOT BE A PARENT HERSELF OR HIMSELF, TO LEAVE SCHOOL IN ORDER TO HELP SUPPORT THEIR FAMILY AS A WHOLE, CONTRIBUTE TO THINGS LIKE THE GAS BILL, THE ELECTRIC BILL, AND ALSO JUST PAY FOR THEIR OWN NEEDS WITHIN THAT FAMILY, BECAUSE THE INCOME LEVEL WITHIN THE FAMILY IS NOT ENOUGH TO SUPPORT EVERYBODY LIVING IN THE HOME. SO I AM OPPOSED TO THIS MEASURE, AND SUPPORT OF IT MINIMALLY OF A FIX, A SMALL FIX WITH AM1319. AGAIN, THIS--THE BILL AS IT STANDS--OFFERS, I'M CERTAIN NOT ON PURPOSE,

Floor Debate
April 29, 2015

BUT AN INCENTIVE, AN ADDITIONAL INCENTIVE BEYOND LIVING IN POVERTY FOR CHILDREN TO DROP OUT OF SCHOOL. ALSO, SINCE I'VE BEEN SERVING IN THE LEGISLATURE, WE'VE HAD A BILL INTRODUCED AS I RECALL, BY SENATOR JOHN WIGHTMAN, FORMERLY THE REPRESENTATIVE OF THE LEXINGTON AREA. AND THEY HAD AN ISSUE WITHIN THE LEXINGTON AREA PARTICULARLY AMONG HISPANIC LATINO CHILDREN, IN THAT THE WORD KIND OF GOT AROUND THAT THE RULES SAY THAT YOU ONLY HAVE TO STAY IN SCHOOL UNTIL YOU'RE 16. AND THEN YOU CAN GO ON OUT AND START EARNING MONEY FOR YOUR FAMILY AND FOR YOURSELF. SO THIS BODY--AND ACTUALLY QUITE...WAS ONE OF THE FIRST STATES, SOME OTHER STATES ARE STILL LOOKING AT THIS LAW, TO REQUIRE STUDENTS TO STAY IN SCHOOL UNTIL THEY ARE 18--SO THAT WAS SOMETHING THAT WAS ACTUALLY KIND OF ANTITHETICAL TO THIS SORT OF PROPOSAL. WE WANT TO OFFER AN INCENTIVE FOR STUDENTS TO STAY IN SCHOOL. EXTRA MONEY IS GREAT, BUT WHAT WE NEED TO RECOGNIZE IS THAT MANY STUDENTS OR PEOPLE THAT SHOULD BE IN HIGH SCHOOL OR EVEN JUNIOR HIGH SOMETIMES, ARE EARNING MONEY... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT...ARE EARNING MONEY TO SUPPORT THEMSELVES AND THEIR FAMILIES. SO WITH THAT, MR. PRESIDENT, I WOULD YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU. [LB599]

SENATOR KRIST: THANK YOU FOR THAT TIME, SENATOR COOK. SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB599]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND I RISE IN OPPOSITION TO LB599 AND IN OPPOSITION TO AM1412. I WANTED TO JUST SHARE A COUPLE OF STORIES. I WANT TO TALK ABOUT THE COST OF THIS BILL TO INDIVIDUALS AND FAMILIES VERSUS THE COST OF THIS BILL TO A RURAL GROCER WHO I THINK IS WHAT THE INTENT IS OF THE INTRODUCER, IS TO PROTECT A RURAL GROCERY STORE. SO FIRST I WANT TO TALK A BIT ABOUT THE COST OF THE BILL TO AN INDIVIDUAL AND TO A FAMILY. WHEN...I ACTUALLY HAVE A HIGH SCHOOL STUDENT AT HOME, SO I PERSONALLY KNOW SOMEONE WHO WOULD BE IMPACTED BY THIS BILL. WHEN I WENT HOME AND WAS TALKING TO MY SON ABOUT THIS BILL, WELL, HIS FIRST REACTION WAS, HEY, THAT'S NOT FAIR. BUT THE NEXT SENTENCE WAS ONE IN WHICH HE SHARED A VERY COMPELLING STORY WITH ME. HE SHARED A STORY WITH ME ABOUT A FRIEND OF HIS WHO HAD BEEN ENGAGED IN AN AFTER-SCHOOL ACTIVITY WITH HIM AND HE SAID

Floor Debate
April 29, 2015

THAT THEY HAD NOTICED THAT SHE WAS NO LONGER COMING. AND SO THEY STARTED TO GIVE HER A HARD TIME ABOUT THAT, LIKE WHAT HAPPENED TO YOU? WHY AREN'T YOU COMING NOW? AND SHE TOLD THEM THAT SHE HAD TO GET AN EARLY OUT BECAUSE SHE NEEDED TO HAVE A JOB TO HELP SUPPORT HER FAMILY. SHE'S A SINGLE MOM AND THEY ARE IN A SITUATION WHERE THEY NEEDED THAT HIGH SCHOOL STUDENT'S INCOME TO SUPPORT THE FAMILY. IT MAKES A BIG DIFFERENCE IN THAT CASE. I ALSO HAD A SITUATION: MY HUSBAND AT ONE TIME WAS, AS A YOUNG PERSON, A PRIMARY BREADWINNER FOR A SHORT TIME. HIS FATHER HAD TRIED TO BE A SMALL BUSINESS ENTREPRENEUR WITH A PARTS SHOP. IT DID NOT GO AS WELL. AND SO IN THAT PROCESS, WHEN THE STORE WAS NOT GOING WELL AND THEY HAD TO SHUT IT DOWN, HE WAS THE PERSON BRINGING HOME AN INCOME TO THE FAMILY, WORKING AT McDONALD'S AT THAT TIME. SO THESE ARE VERY REAL PEOPLE WHO ARE IMPACTED BY THIS BILL. AND I DON'T KNOW THE STATISTICS OF HOW MANY OF OUR HIGH SCHOOL STUDENTS WORK BUT, COLLEAGUES, I DO KNOW THAT THE STATE OF NEBRASKA HAS ONE OF THE HIGHEST RATES OF BOTH ADULTS IN THE FAMILY WORKING. SO I AM GUESSING THAT WE HAVE A PRETTY HIGH RATE OF STUDENTS WORKING AS WELL, BECAUSE WE HAVE AN ALL-HANDS-ON-DECK MENTALITY HERE. AND ALSO, WE DO HAVE A PROBLEM WITH WAGES AND NEEDING MULTIPLE WAGES FOR A FAMILY TO BE ABLE TO SUSTAIN THEMSELVES. SO THE COST OF ONE LESS DOLLAR AN HOUR IS A CRITICAL COST TO AN INDIVIDUAL AND TO A FAMILY. NOW WHEN WE WERE...I WAS ON BUSINESS AND LABOR WHEN WERE...HAD THE HEARING FOR THIS BILL. I DON'T RECALL ANY DISCUSSIONS ABOUT WHAT THIS REALLY MEANS IN TERMS OF COST TO A GROCER. BUT RECALL, AS WE'VE BEEN ASSURED, THAT THIS IS ONLY GOING TO IMPACT 25 PERCENT OF A PAYROLL. SO LET'S JUST HYPOTHETICALLY IMAGINE WE HAVE A STORE THAT EMPLOYS FIVE OF THESE YOUTH, FIVE. AND THOSE FIVE STUDENTS WORK 20 HOURS A WEEK AROUND THEIR SCHOOL SCHEDULE. THEN I THINK, IF MY MATH IS CORRECT AT THIS HOUR, WE ARE TALKING \$100 A WEEK, \$100 A WEEK. [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR CRAWFORD: SO I DO NOT...I APPRECIATE THE CONCERN ABOUT MAKING SURE OUR RURAL GROCERY STORES ARE VIBRANT AND ALL OF OUR SMALL BUSINESSES ARE VIBRANT. BUT THE ACTUAL LABOR COSTS OF PASSING THIS BILL WHEN IT'S 25 PERCENT OF THEIR PAYROLL AND WHEN WE ARE TALKING ABOUT INITIALLY A \$1 SAVINGS AND EVENTUALLY A \$2 SAVINGS PER HOUR IS NOT THAT BIG OF A HIT TO THE BOTTOM LINE AND IT IS A VERY BIG HIT

Floor Debate
April 29, 2015

TO THOSE INDIVIDUAL FAMILIES' BOTTOM LINE. THANK YOU, MR. PRESIDENT.
[LB599]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. SENATOR KEN HAAR,
YOU'RE RECOGNIZED. [LB599]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, FIRST, A MESSAGE TO THOSE IN THE LOUNGE: DON'T EAT ALL THE FOOD. SOME OF US HAVEN'T HAD SUPPER YET. I SEE A LOT OF SATISFIED PEOPLE COMING BACK IN HERE. BUT I ASSUME THERE'S QUITE A BIT OF FOOD SINCE WE'RE GOING TO LATE NIGHT TONIGHT. I HAVE A NUMBER OF CONCERNS AT THIS TIME ON THE MIKE. FIRST OF ALL IS THE PEOPLE OF NEBRASKA JUST PASSED THE MINIMUM WAGE LAW. AND IT WAS FAIRLY SIMPLE AND IT DIDN'T INCLUDE ALL KINDS OF EXCEPTIONS. AND AS WE ARE FINDING--AND I'LL TALK MORE ABOUT THIS IN A MINUTE--THERE ARE ALL KINDS OF EXCEPTIONS. I THINK BEING FAIR TO THE PEOPLE OF NEBRASKA WE OUGHT TO TAKE WHAT THEY PASSED. AND THAT'S AN INCREASE IN THE MINIMUM WAGE. THEN THERE'S THE ISSUE, OF COURSE, OF FAIRNESS. AND SENATOR CRAWFORD MENTIONED TALKING TO YOUNG PEOPLE. WELL, I TALKED TO MY GRANDCHILDREN AND I CAN'T REMEMBER THE WORDS THAT YOUR SON USED, BUT IT WAS A LITTLE BIT MORE HARSH THAN IT'S NOT FAIR. AND THEN THEY SAID TO ME, AND OF COURSE, GRANDPA, THAT MEANS THAT WHEN WE COME OUT AND HELP YOU PULL WEEDS, YOU'RE GOING TO PAY US MINIMUM WAGE. AND I SAID THERE'S AN EXCEPTION. (LAUGH) THERE'S AN EXCEPTION FOR RELATIVES. I THINK THAT'S TRUE. ALTHOUGH I PAY THEM...I WOULD CERTAINLY PAY THEM THE MINIMUM WAGE BECAUSE I'M GETTING THEIR LABOR. AND THAT'S THE WAY THEY LOOK AT IT. THEY'RE PROVIDING LABOR. AND IF IT'S FAIR FOR ONE GROUP OF PEOPLE, THE SAME KIND OF LABOR, WHY SHOULD IT BE DIFFERENT FOR THEM? IN OUR SOCIETY, I THINK, EXCEPT MAYBE WHEN YOU RUN FOR THE LEGISLATURE, WE GO BY THE PRINCIPLE THAT THE AMOUNT OF PAY THAT YOU GET IS INCENTIVE FOR WORKING. I MEAN, WHY ELSE WOULD YOU GO TO A JOB? AND MOST PEOPLE LOOK AT THE FACT THAT THE MORE THEY GET PAID, AS THEY GO UP THE JOB SCALE, THEY SHOULD GET PAID MORE BECAUSE THEIR LABOR IS WORTH MORE. AGAIN, FOR THE LEGISLATURE, PAY IS NOT THE INCENTIVE. I GOT TO TELL YOU THAT. BUT I MEAN IT'S SOMETHING WE'RE TEACHING TO YOUNG PEOPLE AS WELL AND I THINK THAT'S VALID, THAT PAY IS SOME MEASURE OF THE JOB THAT YOU'RE DOING. AND SO TO SAY, JUST BECAUSE YOU'RE BELOW A CERTAIN AGE, PAY MEANS SOMETHING DIFFERENT. PAY MEANS SOMETHING DIFFERENT. THAT DOESN'T MAKE SENSE TO ME, AND IT DOESN'T MAKE SENSE TO YOUNG PEOPLE. PAY IS AN INCENTIVE FOR WHAT WE DO WITH OUR LIVES AND WHAT WE DO WITH OUR

Floor Debate
April 29, 2015

WORK HOURS. AND PAY DOES GIVE US A CERTAIN AMOUNT OF SATISFACTION. AND AGAIN, TO EXPLAIN TO YOUNG PEOPLE THAT NOW PAY FOR YOU MEANS SOMETHING DIFFERENT, BECAUSE YOU'RE TOO YOUNG. AND THEN WE GET TO THIS WHOLE THING OF THE 18 OR YOUNGER, YOU DON'T NECESSARILY NEED TO GET MINIMUM WAGE, BUT THERE ARE ALL KINDS OF EXCEPTIONS. AND THAT'S THE THING THAT BOTHERS ME, TOO, IS HERE WE'RE TALKING ABOUT A LAW WHERE WE'VE WRITTEN EXCEPTIONS. AND YOU KNOW, I JUST KNOW FOR SURE THAT WE ARE GOING TO KEEP COMING UP WITH EXCEPTIONS AND MORE EXCEPTIONS AND MORE EXCEPTIONS AND UNINTENDED CONSEQUENCES. WE'VE HEARD THIS, YOU KNOW, WHAT IF A PERSON ISN'T...A YOUNG MOTHER, A SINGLE MOTHER WITH CHILDREN AND SO ON, YOU KNOW, SHOULD THAT BE WRITTEN INTO THE BILL? [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR HAAR: AND THEN IF PEOPLE ARE EARNING MONEY FOR COLLEGE, EVEN THOUGH THEY'RE UNDER THE AGE, SHOULD THAT BE WRITTEN INTO THE BILL? AND ON AND ON AND ON, SO AS TIME GOES ON, WE'RE GOING TO THINK OF MORE EXCEPTIONS. AND I THINK THAT'S THE KIND OF MICROMANAGING THAT'S GOING TO GET US A LOT OF TROUBLE AND IT'S GOING TO TAKE SOMEBODY'S PRIORITY BILL TO KEEP THINGS FAIR, TO MAKE THOSE EXCEPTIONS FAIR. SO I'M OPPOSED TO LB599. I SUPPORT AM1319. AND I THINK WE OUGHT TO DO WHAT THE VOTERS PASSED, AND THAT'S RAISE THE MINIMUM WAGE. THANK YOU. [LB599]

SENATOR KRIST: THANK YOU, SENATOR HAAR. SENATOR HANSEN, YOU ARE RECOGNIZED. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AS I SAID LAST TIME ON THE MIKE, I WANTED TO EXPAND A LITTLE BIT MORE ABOUT FOOD DESERTS, BECAUSE I KNOW WE HAD TALKED ABOUT ALLEVIATING THE BURDEN OF SMALL TOWN GROCERY STORES IS A LOT OF THE IMPETUS FOR THIS BILL. AND JUST WANTED TO RECONFIRM, I UNDERSTAND THE PROBLEM. I APPRECIATE THE PROBLEM AND, FRANKLY, IT'S SOMETHING I WANT TO HELP WITH. JUST WHILE I WAS SITTING DOWN, I REMEMBER WE GOT A MAP OF THE WEEKEND, I THINK IT WAS...ACCORDING TO MY E-MAIL IT WAS MARCH 25. AND I HAVE A LITTLE TAG FORWARDED TO BOTH MY LA AND MY AA OF LIKE IDEAS FOR THE INTERIM. AND IT WAS A MAP OF ALL THE FOOD DESERTS IN NEBRASKA. AND THE REASON THIS IS IMPORTANT TO ME AND THE REASON I UNDERSTAND IT AND THE REASON I

Floor Debate
April 29, 2015

WANT TO LOOK FOR SOLUTIONS TO THIS PROBLEM THAT AREN'T SIMPLY PAYING YOUNG WORKERS LESS AND HOPING THAT BY DEVALUING THE VALUE OF THEIR WORK WE CAN KEEP THE STORES AFLOAT, IS SOMETHING THAT HAPPENS IN MY DISTRICT. I APPRECIATED SENATOR COOK'S COMMENTS, BECAUSE I DO THINK THERE ARE SOME KIND OF MISCONCEPTIONS WITH ACCESS TO GROCERY STORES, ESPECIALLY IN URBAN AREAS. THE NEIGHBORHOOD I LIVE IN, THE NEIGHBORHOOD REPRESENTS A LARGE PORTION OF MY DISTRICT. IT'S CALLED UNIVERSITY PLACE. IT'S CENTERED AROUND NEBRASKA WESLEYAN UNIVERSITY. IT'S A LARGE PORTION OF MY DISTRICT. THE LAST CENSUS ESTIMATE I HEARD FOR THE DISTRICT WAS ABOUT 11,000 PEOPLE. I DON'T KNOW WHERE THAT WOULD PUT IT, RANK ON A LIST OF TOWNS IN NEBRASKA, BUT I IMAGINE IT WOULD BE UP THERE. AND BELIEVE ME, THEY'RE STILL UPSET THEY GOT ANNEXED BY LINCOLN MANY DECADES AGO, MAYBE NOT EVERYONE BUT THERE'S CERTAINLY SOME UNIVERSITY PLACE PRIDE STILL GOING THROUGH. AND FOR THE SECOND TIME IN THE DECADE, MY NEIGHBORHOOD OF 11,000 PEOPLE DOESN'T HAVE A GROCERY STORE. WE HAD A GROCERY STORE FOR QUITE A LONG TIME. IT CLOSED. IT MOVED OUT. WE HAD A CAMPAIGN TO TRY AND GET A GROCERY STORE IN, NOW, I WANT TO SAY 6, 7, 8 YEARS AGO, SOMEWHERE IN THERE. I DON'T REMEMBER THE EXACT TIME PERIOD. WE GOT A PILOT PROGRAM GROCERY STORE. IT WAS A TEMPLATE FOR ONE OF THE BIG CHAINS. IT WAS A SMALLER VERSION OF A GROCERY STORE, BUT IT STILL HAD FRESH PRODUCE. AND THAT PILOT PROGRAM GOT ENDED IN FEBRUARY. AS OF THE END OF FEBRUARY, WE NO LONGER HAD A GROCERY STORE IN MY DISTRICT. NOT MY DISTRICT, IN MY NEIGHBORHOOD, WHICH IS ABOUT A QUARTER OF MY DISTRICT. SO THIS IS SOMETHING THAT WE REALLY STRUGGLE WITH. YOU KNOW, IT'S A NEIGHBORHOOD THAT HAS A LOT OF PEOPLE WHO HAVE ACCESS ISSUES. I WAS LOOKING AT THE STATISTICS. ACTUALLY WHEN WE WERE JUST TALKING ABOUT THE ISSUE WITH MY NEIGHBORHOOD BOARD, I REMEMBER LOOKING AT THE STATISTICS. AND I'M REMISS, I DON'T HAVE THEM WITH ME. THEY'RE AT MY HOME COMPUTER. BUT WE A VERY SIGNIFICANT PORTION OF PEOPLE IN MY DISTRICT WHO DON'T OWN THEIR OWN CAR, DON'T HAVE ACCESS TO A CAR SO, THEREFORE, TO GET TO A GROCERY STORE IT'S RELIANCE ON PUBLIC TRANSPORTATION. AND WITH THE RECENT CLOSURE OF THE GROCERY STORE, THERE'S NOT NECESSARILY EVEN A CONVENIENT GROCERY STORE ON THE BUS LINE NECESSARILY. I WOULD HAVE TO LOOK AND DOUBLE-CHECK. I DO KNOW THAT THE HUB-AND-SPOKE SYSTEM OF LINCOLN'S BUS LINE IS IN DOWNTOWN IN SENATOR IN SENATOR MORFELD'S DISTRICT. AND I BELIEVE THAT'S ANOTHER KEY FOOD DESERT, IS THE AREA KIND OF DOWNTOWN AND NEAR CITY CAMPUS. THERE'S NOT BEEN A GROCERY THERE AS LONG AS I REMEMBER. SO I UNDERSTAND...SO THAT BRINGS US BACK, THERE'S A

Floor Debate
April 29, 2015

LARGE PORTION OF PEOPLE IN MY DISTRICT WHO DON'T HAVE ACCESS TO FRESH PRODUCE, DON'T HAVE ACCESS TO FRESH FOOD. YOU KNOW, YOU CAN GET WHAT YOU CAN GET. WE STILL HAVE A PHARMACY SO STILL GET WHAT THEY HAVE. CERTAINLY NOT EXPANSIVE FRESH PRODUCE, FRESH MEAT OPTIONS. YOU KNOW, IT'S A LITTLE BIT OF... YOU CAN GET A GALLON OF MILK AND YOU CAN GET SOME MICROWAVEABLE THINGS, BUT NOT NECESSARILY ENOUGH TO DO A GOOD HOME-COOKED MEAL. SO THAT'S WHY I'VE BEEN INTERESTED IN THIS IDEA FOR A WHILE OF ALLEVIATING FOOD DESERTS. [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AND I APPRECIATE THE CONCERN THAT SENATOR EBKE AND SENATOR KUEHN HAVE FOR THEIR DISTRICTS BECAUSE I SHARE SIMILAR CONCERN FOR MY DISTRICT. IN FACT, I'LL BE INTERESTED IN TALKING WITH SENATOR COOK, AND SHE MIGHT HAVE...SHE REFERENCED SOME LEGISLATION THAT CAME IN THE PAST. I'D BE INTERESTED IN LOOKING AT THAT AS WELL AS I PERSONALLY WAS WONDERING IF AN INTERIM STUDY WAS DUE AND WAS TOLD THERE MIGHT HAVE BEEN SOME INTERIM STUDIES IN THE PAST AS WELL. SO I'LL BE PLANNING ON LOOKING AT ALL THIS, AND HOPEFULLY WE'LL HAVE SOME THINGS TO BRING IN THE FUTURE. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR HANSEN. SENATOR HILKEMANN, YOU ARE RECOGNIZED. [LB599]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. WONDERING IF SENATOR NORDQUIST WOULD ANSWER SEVERAL QUESTIONS. [LB599]

SENATOR KRIST: SENATOR NORDQUIST, WILL YOU YIELD? [LB599]

SENATOR NORDQUIST: YES. [LB599]

SENATOR HILKEMANN: SENATOR, I APPRECIATED THE LIST YOU GAVE US A LITTLE BIT AGO ABOUT...AND UNFORTUNATELY, YOU GAVE IT KIND OF INTO AN EMPTY ROOM AT THAT POINT. [LB599]

SENATOR NORDQUIST: RIGHT. RIGHT. [LB599]

Floor Debate
April 29, 2015

SENATOR HILKEMANN: AND ONE OF THE THINGS THAT I THOUGHT WAS INTERESTING BECAUSE ON INITIAL I SUPPORTED THIS BILL, BECAUSE OF MY SMALL TOWN BACKGROUND. I CERTAINLY REMEMBER, RESPECT A LOT OF THOSE PEOPLE THERE THAT I THINK THAT ARE POSSIBLY PAYING THE MINIMUM WAGE MAY BE A DIFFICULT TIME, PARTICULARLY FOR A 14-YEAR-OLD KID THAT'S NEVER DONE A JOB BEFORE. BUT, YOU SAID...TELL ME, HOW LONG IS THE TRAINING PROGRAM, HOW LONG CAN THAT TRAINING WAGE BE UTILIZED? [LB599]

SENATOR NORDQUIST: YEAH, I DIDN'T GET A CHANCE TO READ THAT STATUTE. BUT SHORT ANSWER TO YOUR QUESTION IS A 90-DAY WINDOW. STATUTE SAYS THEY HAVE TO BE PAID AT LEAST 75 PERCENT OF THE FEDERAL MINIMUM WAGE. NOW I DON'T KNOW...THE STATUTE SAYS FEDERAL, SO I ASSUME OUR DEPARTMENT OF LABOR IS TAKING THAT TO MEAN FEDERAL. SO THAT MEANS 75 PERCENT OF \$7.25 AN HOUR. I WAS GOING TO DO THE MATH ON IT. I DID IT LAST TIME WE DEBATED THIS. I THINK IT WAS \$5.60 OR SOMETHING, BUT I CAN DO SOME QUICK MATH HERE. BUT, YEAH. SO 90 DAYS AT 70 PERCENT OF THE FEDERAL MINIMUM WAGE. [LB599]

SENATOR HILKEMANN: OKAY. AFTER THE 90 DAYS, DO THEY HAVE TO GO THEN DIRECTLY TO THE MINIMUM WAGE AT THAT POINT, THE \$9? [LB599]

SENATOR NORDQUIST: THERE IS...THIS WOULDN'T APPLY FOR GROCERY STORES. THERE IS AN ADDITIONAL 90, BUT THERE ARE SOME MORE HOOPS AND YOU HAVE TO GO THROUGH THE DEPARTMENT OF LABOR AND PROVE THAT IT'S A MORE ROBUST TRAINING PERIOD THAN JUST STACKING BOXES OR WHATEVER, THAT...THE 90 APPLIES TO EVERYBODY AND THEN, IT LOOKS, FOR AN ADDITIONAL 90-DAY PERIOD YOU CAN GET AN EXTENSION IF IT'S A LITTLE MORE TECHNICAL. AND JUST TO PUT ON THE MIKE, IT WOULD BE \$5.43...\$5.44 AN HOUR WOULD BE THE TRAINING WAGE THAT CAN APPLY. [LB599]

SENATOR HILKEMANN: AND THEN AFTER THAT TRAINING WAGE, THEN THEY WOULD HAVE TO GO TO... [LB599]

SENATOR NORDQUIST: YEAH, EITHER THEY HAVE TO GO TO THE \$9 AN HOUR, OR THEY CAN TRY TO GET THE ADDITIONAL 90-DAY EXTENSION. [LB599]

SENATOR HILKEMANN: OKAY. NOW YOU ALSO MENTIONED THAT AGRICULTURE IS EXEMPTED FROM THIS. [LB599]

Floor Debate
April 29, 2015

SENATOR NORDQUIST: RIGHT. [LB599]

SENATOR HILKEMANN: AND THEN WHAT WAS THE NUMBER OF EMPLOYEES? I THOUGHT YOU ALSO SAID THERE WAS AN EXEMPTION FOR THE NUMBER OF EMPLOYEES. [LB599]

SENATOR NORDQUIST: RIGHT. SO IF YOU ARE AN EMPLOYER EMPLOYING FOUR OR MORE, THEN THAT'S WHEN YOU FIT THE DEFINITION. SO IT WOULD BE LESS THAN FOUR EMPLOYEES. BUT THAT DOESN'T INCLUDE: THERE IS A SEASONAL WORKER PROVISION OF NOT MORE THAN 20 WEEKS IN ANY CALENDAR YEAR. SO IF YOU'RE A BUSINESS THAT'S HEAVY IN SEASONAL WORKERS AND YOU HAVE THREE BASE EMPLOYEES, YOU DON'T HAVE TO PAY THE MINIMUM WAGE. BUT IF YOU HAVE FOUR OR MORE NONSEASONALS, THAT'S WHEN YOU HAVE TO...THE MINIMUM WAGE LAW APPLIES TO YOU. [LB599]

SENATOR HILKEMANN: SO THERE'S A POSSIBILITY THAT IN SOME OF THE SMALL BUSINESSES, THAT THEY'RE ALREADY EXEMPTED FROM THIS, IS THAT CORRECT? [LB599]

SENATOR NORDQUIST: RIGHT, BECAUSE FAMILY IS ALSO EXEMPTED AS WELL, THE CHILDREN. [LB599]

SENATOR HILKEMANN: OKAY. I THINK THAT THAT...I WANTED TO...WHEN YOU SAID THAT, THAT CLARIFIES SOME THINGS FOR ME ON THIS, BECAUSE I THINK THAT CREATES SOME OF THE EXEMPTION THAT WE'RE LOOKING FOR OUT HERE IN SOME OF THESE RURAL AREAS. AND SO THOSE OF YOU THAT DIDN'T HEAR THAT, I'D HAVE YOU LISTEN UP ON THAT ONE. THE OTHER THING I WOULD TAKE...SENATOR MORFELD, I JUST WANTED TO MAKE A COMMENT. YOU SAID THAT WE'RE NOT PAYING THESE PEOPLE PROPERLY IF WE'RE NOT PAYING THEM THE FULL \$9 OR WHATEVER ELSE. SOMETIMES IN A SMALLER COMMUNITY, EVEN A JOB AT \$7, IT MEANS A WHOLE LOT MORE THAN SOMEONE THAT'S GOING TO GET NO DOLLARS IF THAT'S...IF THERE'S SUCH A... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR HILKEMANN: ...HIGH BAR FOR THEM TO START BRINGING IN. SO I THINK THAT'S WHERE I HAVE THAT...THAT'S WHERE I STILL HAVE THE CONCERN

Floor Debate
April 29, 2015

ON THIS BILL. I APPRECIATED SENATOR KUEHN. I LIKE THE AM1412, AND I WILL BE SUPPORTING AM1412 ON THIS ONE. THANK YOU. [LB599]

SENATOR KRIST: THANK YOU, SENATOR HILKEMANN AND SENATOR NORDQUIST. AND, SENATOR NORDQUIST, YOU ARE NEXT IN THE QUEUE. [LB599]

SENATOR NORDQUIST: ALL RIGHT. THANK YOU, MR. PRESIDENT AND MEMBERS. I KNOW THERE'S A FEW MORE PEOPLE IN HERE THAN BEFORE. AND SENATOR HILKEMANN MENTIONED IT, SO MAYBE I'LL TAKE JUST A QUICK SECOND AND RUN THROUGH WHAT I READ LAST TIME. SO THERE IS FOR AN EMPLOYER, LESS THAN FOUR EMPLOYEES, THEY ARE--AND INCLUDING THEY CAN HAVE SEASONAL EMPLOYEES ON TOP OF THAT--THEY ARE COMPLETELY EXEMPTED FROM THE MINIMUM WAGE LAW. EMPLOYEE DOES NOT INCLUDE PEOPLE WHO WORK IN AGRICULTURE, EMPLOYED AS A BABY-SITTER IN A PRIVATE HOME. THEY'RE...ADMINISTRATIVE OR PROFESSIONAL EXECUTIVES ARE NOT REQUIRED TO BE PAID MINIMUM WAGE. IF YOU'RE A GOVERNMENT EMPLOYEE, WHETHER FEDERAL, STATE, OR POLITICAL SUBDIVISION, YOU'RE EXEMPTED. INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, CHILDREN IN THE EMPLOYMENT OF HIS OR HER PARENTS OR PARENTS IN THE EMPLOYMENT OF THEIR CHILDREN. APPRENTICES AND LEARNERS OTHERWISE AS PROVIDED BY LAW. SO THERE ARE A NUMBER OF EXCEPTIONS, EXEMPTIONS TO THE MINIMUM WAGE LAW. BUT I DO WANT TO READ THE STATUTE THAT INCLUDES THE TRAINING WAGE. SO OUTSIDE OF BEING COMPLETELY EXEMPT FROM THE MINIMUM WAGE LAW, THIS APPLIES TO EVERYONE WHO HAS TO PAY THE MINIMUM WAGE. THEY GET A 90-DAY WINDOW UP FRONT TO PAY A LOWER MINIMUM WAGE RATE, AND THIS IS IN SECTION 48-1203.01. AND IT SAYS: "AN EMPLOYER MAY PAY A NEW EMPLOYEE WHO IS YOUNGER THAN TWENTY YEARS OF AGE AND IS NOT A SEASONAL OR MIGRANT WORKER A TRAINING WAGE OF AT LEAST SEVENTY-FIVE PERCENT OF THE FEDERAL MINIMUM WAGE FOR NINETY DAYS FROM THE DATE THE NEW EMPLOYEE WAS HIRED." SO 75 PERCENT, AS I JUST TOLD SENATOR HILKEMANN, WAS \$5.44 AN HOUR. "AN EMPLOYER MAY PAY SUCH NEW EMPLOYEE THE TRAINING WAGE RATE FOR AN ADDITIONAL NINETY-DAY PERIOD WHILE THE NEW EMPLOYEE IS PARTICIPATING IN ON-THE-JOB TRAINING WHICH (1) REQUIRES TECHNICAL, PERSONAL, OR OTHER SKILLS WHICH ARE NECESSARY FOR HIS OR HER EMPLOYMENT AND (2) IS APPROVED BY THE COMMISSIONER OF LABOR. NO MORE THAN ONE-FOURTH OF THE TOTAL HOURS PAID BY THE EMPLOYER SHALL BE AT THE TRAINING WAGE RATE." SO IF YOU CAN MAKE THE CASE THAT THIS WORKER NEEDS PERSONAL SKILLS--WHICH PROBABLY ANYONE WORKING IN ANY KIND OF SERVICE INDUSTRY, GROCERY STORE, ANYTHING LIKE THAT NEEDS PERSONAL SKILLS--AND YOU GET APPROVED BY THE

Floor Debate
April 29, 2015

COMMISSIONER OF LABOR YOU CAN HAVE 180 DAYS OR A HALF A YEAR OF PAYING \$5.44 AN HOUR FOR A TEENAGER. I MEAN WHAT MORE DO WE NEED THAN WHAT'S ALREADY ON THE BOOKS INCLUDING THE EXEMPTIONS THAT ARE ON THE BOOKS? WHAT WE'RE DOING HERE IS WE'RE CREATING A VERY COMPLEX SYSTEM NOW THAT YOU HAVE TO GO INTO THE...YOU KNOW, HOW OFTEN DOES THE DEPARTMENT OF LABOR GOING TO HAVE TO GO IN AND CHECK THE BOOKS ON THESE GROCERY STORES OR OTHER BUSINESSES? OH, YOU KNOW, SHE HAS KIDS OR SHE DOESN'T HAVE KIDS. HOW IN THE WORLD IS THAT GOING TO BE VERIFIED BY STATE AGENCIES TRYING TO OVERSEE THAT? BUT AGAIN, WE'RE CREATING MULTIPLE CLASSES THAT CAN LEAD TO DISCRIMINATION HERE. JUST THINK, IF YOU'RE A BUSINESS OWNER AND MAYBE AN UNSCRUPULOUS ONE, MOST LIKELY AN UNSCRUPULOUS ONE THAT'S JUST FOCUSED ON TURNING THE BUCK AND NOT CONCERNED ABOUT OTHER THINGS, YOU ARE NOW--IF WE ADOPT AM1412 AND PASS LB599--YOU ARE CREATING AN INCENTIVE FOR THAT UNSCRUPULOUS BUSINESS OWNER TO NOT HIRE THE PREGNANT TEENAGER BECAUSE SHE'S GOING TO COST AN EXTRA DOLLAR AN HOUR. AND YOU'RE CREATING AN INCENTIVE TO NOT HIRE THE 60-YEAR-OLD, 65-YEAR-OLD, 70-YEAR-OLD BECAUSE WHAT I CAN HAVE THEM DO, I CAN HAVE THE 17-YEAR-OLD DO FOR A DOLLAR LESS AN HOUR. WE ARE CREATING A CLEAR INCENTIVE TO HIRE TEENAGERS AT A LOW RATE OVER PREGNANT OR PARENTING TEENS, TEENS THAT HAVE CHILDREN AND OVER OLDER PEOPLE. [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR NORDQUIST: YOU KNOW, THEY DON'T HAVE TO BE SENIORS. THEY CAN BE A 40-YEAR-OLD. YOU KNOW, I CERTAINLY THINK IN A LOT OF WAYS TEENAGERS BRING A LOT OF ENERGY TO THE JOB AND MAYBE ARE AS VALUABLE ANYWAY. SO NOW YOU'RE GETTING THEM FOR A REDUCED RATE. IT CERTAINLY ISN'T EQUAL PAY FOR EQUAL WORK, AND THAT SHOULD BE THE GOAL THAT WE ARE STRIVING FOR. BUT INSTEAD, WE STARTED WITH A BILL THAT HAD A INCENTIVE TO DROP OUT OF SCHOOL. NOW THERE'S AN ATTEMPT TO FIX THAT AND ADD ON THIS LAYER OF THE TEEN PARENT WHICH IS IMPORTANT BECAUSE OBVIOUSLY THOSE TEEN PARENTS ARE TRYING TO SUPPORT A FAMILY. BUT THERE'S NOTHING IN THE LAW THAT PROTECTS THAT TEEN PARENT FROM DISCRIMINATION. THERE IS NOTHING THAT A BUSINESS OWNER CAN ASK. DO YOU HAVE KIDS? WELL, I WILL HIRE THIS GUY BECAUSE I CAN PAY HIM A DOLLAR LESS AN HOUR. AND THAT'S THE STATED INTENT OF LB599. WE'VE GOT TO HAVE LOW-WAGE WORKERS. WE'VE GOT TO PAY THEM \$8

Floor Debate
April 29, 2015

AN HOUR BECAUSE OUR GROCERY STORE IS GOING TO CLOSE. SO THE GROCERY STORE IN RURAL NEBRASKA ISN'T GOING TO HIRE THE TEEN PARENT. [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR NORDQUIST: THANK YOU. [LB599]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. MR. CLERK, ITEMS. [LB599]

CLERK: THANK YOU, MR. PRESIDENT. ENROLLMENT AND REVIEW REPORTS LB132, LB419, LB449 CORRECTLY ENGROSSED. THEY ALSO REPORT LB423A, LB566A, LB138, LB55, LB334, LB257, LB342, LB456, LB464 TO SELECT FILE. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1329-1330.) [LB132 LB419 LB449 LB423A LB566A LB138 LB55 LB334 LB257 LB342 LB456 LB464]

SENATOR KRIST: THANK YOU, MR. CLERK. RETURNING TO DEBATE, THOSE STILL WISHING TO SPEAK, SENATOR KOLOWSKI, MORFELD, PANSING BROOKS, CRAWFORD, AND OTHERS. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB599]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. GOOD EVENING, FELLOW SENATORS. I STAND IN OPPOSITION TO LB599 AND FOR THE AMENDMENT, AM1319. I HOPE AS WE HAVE FUTURE CONVERSATIONS, THAT WE'LL BE ABLE TO TALK MORE ABOUT THE FOOD DESERT CONCEPT. IT'S AN EXTREMELY IMPORTANT CONCEPT THAT HAS REPERCUSSIONS AND IMPLICATIONS FOR ALL OF US AS FAR AS OUR CITIZENS AND THEIR ABILITY AND PROXIMITY TO GOOD, HEALTHY FOOD IN THEIR LOCAL NEIGHBORHOODS AND REGIONAL AREAS. IT'S SOMETHING MY STAFF AND BOTH MY STAFF AND MYSELF ARE VERY INTERESTED IN. WE'VE DONE RESEARCH ON THIS AND WILL BE LOOKING AT BRINGING SOME THINGS FORWARD IN THE FUTURE AS THE LOCAL GROWERS ARE EXPANDING THROUGHOUT NEBRASKA AND THROUGHOUT OUR COUNTRY AS WE LOOK AT THE POSSIBILITY OF CUTTING DOWN ON THE CARBON FOOTPRINT OF TOMATOES BROUGHT FROM CALIFORNIA IN THE MIDDLE OF FEBRUARY. THOSE ARE JUST ONE SMALL EXAMPLE OF WHAT WE'RE TALKING ABOUT. I WANT TO TALK ABOUT HIGH SCHOOL STUDENTS WORKING. MY 41-YEAR CAREER IN PUBLIC EDUCATION, THE LAST 15 YEARS AS A HIGH SCHOOL PRINCIPAL, LED ME TO MANY RELATIONSHIPS WITH FAMILIES AND STUDENTS THAT WORK WITHIN OUR COMMUNITY THROUGHOUT THE MILLARD AREA THAT I WAS INVOLVED IN. IT'S HARD TO UNDERSTAND OR EVEN BELIEVE WHEN I TELL PEOPLE THIS FIGURE, BUT THE MILLARD PUBLIC SCHOOLS HAS A FREE AND

Floor Debate
April 29, 2015

REDUCED LUNCH PERCENTAGE OF 20 PERCENT AT THE CURRENT TIME. THAT'S ONE OUT OF EVERY FIVE STUDENTS. YES, WE HAVE SOME OF THE HIGHEST SOCIOECONOMIC STATUS IN WEST OMAHA ALONG WITH OPS SECTIONS OF THE CITY AND OTHER AREAS OF THE CITY BUT WE ALSO HAVE SOME VERY, VERY CHALLENGING AREAS WHERE PEOPLE ARE STRUGGLING ON A DAILY BASIS TO FIND ENOUGH FINANCES TO MEET THEIR NEEDS AND PUT FOOD ON THEIR TABLE. ONE OF THE THINGS THAT I LEARNED OVER TIME WAS THE QUALITY OF THE WORK OF THE HIGH SCHOOL STUDENTS. THEY WERE AS GOOD AS ADULTS IN MANY CASES, NOT JUST IN FOOD STORES BUT ALL THROUGHOUT OUR NEIGHBORHOODS AND THROUGHOUT OUR COMMUNITY. AS A WHOLE, WE HAD VERY AMBITIOUS AND HARDWORKING HIGH SCHOOL STUDENTS WHO COMBINED THEIR ACADEMIC WORK AND ACTIVITIES WORK AT SCHOOL WITH SOMETIMES BEING THE SOLE SUPPORTER OF THEMSELVES, BECAUSE THE FAMILIES DID NOT HAVE THE EXTRA MONEY TO GO THE EXTRA MILE TO DO SOME THINGS WITH THEM OR FOR THEM. I KNOW OF SITUATIONS WHERE STUDENTS NEEDED ASSISTANCE IN BUYING DIFFERENT ATHLETIC EQUIPMENT SO THEY COULD PARTICIPATE FULLY WITH THEIR PEERS THAT HAD THE RESOURCES TO BE ABLE TO BUY THE NEW SHOES OR BUY THE...WHATEVER IT WOULD TAKE IN DIFFERENT SITUATIONS WHERE THEY FOUND THEMSELVES. AS A PRINCIPAL, MY MANTRA WAS NO STUDENT WOULD EVER GO HUNGRY. FROM THAT PERSPECTIVE, I BOUGHT A LOT OF LUNCHES FOR KIDS. IN THE SAME WAY, I MADE SURE THAT MY HEAD OF FOOD SERVICES ALWAYS HAD PLENTY OF GRANOLA BARS ON HAND. AND THE KIDS KNEW WHERE TO GO IF THEY HAD NO ADDITIONAL FUNDS FOR LUNCH THAT DAY. THEY'D GET A COUPLE, THREE GRANOLA BARS AND MILK AND MY INSTRUCTIONS WERE, CHARGE THAT TO MY OFFICE. NO KIDS WOULD GO HUNGRY WITHOUT ANYTHING TO EAT IF THEY WOULD JUST WORK THE SYSTEM AND KNEW WHERE TO GO WITH THE KNOWLEDGE OF HOW THEY COULD GET SOMETHING TO EAT THAT PARTICULAR DAY. [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR KOLOWSKI: THE LAST THING WE NEED IS SOMETHING TO INCENTIVIZE STUDENTS NOT...TO DROP OUT AND TO WORK FULL-TIME. THAT'S COUNTER TO EVERYTHING ELSE THAT WE TRY TO DO. IT'S COUNTER TO THE BILL I HAD LAST WEEK THAT WAS NOT SUCCESSFUL ON THIS FLOOR BUT WILL SEE THE LIGHT OF DAY AGAIN IN THE FUTURE. IT'S SOMETHING THAT IS TOTALLY AGAINST THE DIRECTIONS WE SHOULD BE GOING, AND WE SHOULD TRY TO FUND AND PAY OUR STUDENTS A FULL EQUAL WAGE TO ANYONE ELSE WORKING IN THE STORES OR ANY OTHER LOCATION IN THEIR COMMUNITIES. I HOPE WE'LL BE

Floor Debate
April 29, 2015

ABLE TO DO THAT, AND I HOPE YOU'LL JOIN ME AGAINST THIS PARTICULAR BILL AND SUPPORT OF THE AMENDMENT, AM1319. THANK YOU, MR. PRESIDENT.
[LB599]

SENATOR KRIST: THANK YOU, SENATOR KOLOWSKI. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I WANT TO RESPOND TO JUST A FEW DIFFERENT COMMENTS AND PARTICULARLY ONE THAT SENATOR EBKE MENTIONED. AND I MAY BE INCORRECT AND SHE CAN CORRECT ME IF I'M WRONG OFF THE MIKE HERE AND I'LL CORRECT MYSELF DOWN THE ROAD. BUT I POSED THE QUESTION, WELL, IF WE WANT TO SHUT DOWN GROCERY STORES...WELL, WE'RE NOT MAKING GROCERY STORES SHUT DOWN. GROCERY STORES OPERATE IN A FREE MARKET SYSTEM. AND WHEN MY EXPENSES GO UP, WHETHER IT IS BECAUSE OF SALARIES OR BECAUSE OF RAISES OR SOMETHING ELSE, I INCREASE HOW MUCH MONEY WE HAVE TO BRING IN TO BE ABLE TO COVER THOSE WAGES AND THOSE SALARIES. I CAN TELL YOU IF THESE GROCERY STORES ARE IMPORTANT TO THE COMMUNITY, WHICH I KNOW THEY ARE--WE RECENTLY HAD A GROCERY STORE CLOSE DOWN IN MY COMMUNITY--PEOPLE WOULD BE WILLING TO PAY A LITTLE BIT MORE. I KNOW I WOULD. AND I THINK THAT IT'S ALSO IMPORTANT TO NOTE THAT IF GROCERY STORES ARE STRUGGLING BECAUSE THEY CAN'T PAY THE DIFFERENCE BETWEEN \$8 AND \$9 AN HOUR FOR EMPLOYEES THAT WORK HARD FOR THEM, THERE ARE OTHER ECONOMIC INCENTIVES AND DEVELOPMENT OPPORTUNITIES THAT WE CAN LOOK INTO. I WOULD BE MUCH MORE AMENABLE TO LOOKING AT SOME KIND TAX CREDIT FOR CERTAIN GROCERY STORES THAT ARE STRUGGLING AND PROVIDING SERVICES IN CERTAIN COMMUNITIES. I'D BE MORE THAN WILLING TO LOOK AT A WHOLE ARRAY AND HOST OF OTHER OPTIONS. I'M FINE WITH THAT. I'LL COSPONSOR A BILL THAT PROVIDES THOSE OPPORTUNITIES. BUT WHAT I CAN'T SUPPORT IS THE GROCERY INDUSTRY GOING AFTER YOUNG NEBRASKANS WHO DON'T HAVE A POLITICAL VOICE. AND THAT'S ONE OF THE THINGS THAT BOTHER ME ABOUT THIS BILL IS, AS A FORMER GROCERY MANAGER, WE HAD A LOT OF YOUNG PEOPLE AND WE ALSO HAD A LOT OF OLDER PEOPLE, RETIRED FOLKS TRYING TO SUPPLEMENT THEIR INCOME, STAY BUSY, DO WHATEVER. AND THIS BILL ISN'T TARGETED TO PEOPLE 60 AND ABOVE BECAUSE I TELL YOU WHAT, THAT WOULD BE A DEATH KNELL TO A LOT OF MEMBERS OF THIS BODY IF WE STARTED DISCRIMINATING AGAINST OLDER PEOPLE. BUT WE CAN CERTAINLY GO AFTER THE YOUNGER PEOPLE. THAT'S NOT A PROBLEM, AND THAT'S EXACTLY WHAT THIS BILL DOES. AND THAT'S WHY I FIND IT SO OFFENSIVE. AND AS A PERSON THAT HAS MANAGED A GROCERY STORE, I KNOW

Floor Debate
April 29, 2015

FOR A FACT THAT IT DIDN'T MATTER WHAT THEIR AGE WAS, PEOPLE WERE EITHER MORE PRODUCTIVE OR NOT MORE PRODUCTIVE. IN ADDITION, I THINK IT'S ALSO IMPORTANT TO NOTE THAT WHETHER IT IS STUDENTS GOING TO THE UNIVERSITY WITH MONEY THEY SAVED UP OR WHETHER IT'S STUDENTS BUYING GAS OR BUYING OTHER ESSENTIAL ITEMS THAT THEIR PARENTS AND THEIR FAMILIES CAN'T AFFORD THEM, YOUNG PEOPLE ALSO DRIVE ECONOMIC GROWTH, NOT ONLY IN URBAN AREAS BUT ALSO IN RURAL AREAS. AND SO NOW WE'RE GIVING THEM LESS MONEY THAT THEY CAN INVEST OR EVEN SPEND AT THEIR OWN GROCERY STORE. I KNOW THAT WHEN I WAS ON BREAK I BOUGHT A LOT OF FOOD TO EAT. AND SO IF THIS IS HOW WE ARE TRYING TO KEEP GROCERY STORES IN RURAL AREAS ALIVE AND WELL, IT'S THE WRONG PATH. AND I CAN TELL YOU THAT MYSELF AND PROBABLY MANY OF MY COLLEAGUES WOULD BE WILLING TO LOOK AT MORE FAIR OPPORTUNITIES TO PROVIDE ECONOMIC INCENTIVES FOR CERTAIN INDUSTRIES THAT ENSURE GROWTH AND ECONOMIC VITALITY IN RURAL AREAS. BUT DISCRIMINATING AGAINST A POLITICALLY VOICELESS CLASS TO ME IS COMPLETELY UNACCEPTABLE, AND IT'S THE WRONG PATH. AND IT'S SENDING THE WRONG MESSAGE TO YOUNG NEBRASKANS, YOUNG NEBRASKANS THAT WE HAVE A HARD TIME KEEPING HERE TO BEGIN WITH. [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR MORFELD: I TALK TO A LOT OF OLDER NEBRASKANS THAT TALK ABOUT LEAVING THE STATE BECAUSE OF CERTAIN OTHER ECONOMIC OPPORTUNITIES AND ADVANTAGES THAT OTHER STATES PROVIDE. AND I ALSO TALK TO YOUNG PEOPLE THAT LOOK AT THE AFFORDABILITY OF HIGHER EDUCATION AND THE WAY...AND THE OPPORTUNITIES THAT THEY ARE PROVIDED WHEN THEY ARE LOOKING INTO WHERE THEY WANT TO GO AFTER THEY TURN THE AGE OF 18 OR MOVE OUT OF THE HOME OR GRADUATE HIGH SCHOOL. AND I WOULD SUBMIT TO YOU THAT BY LOWERING THE MINIMUM WAGE FOR YOUNG NEBRASKANS, WE'RE SENDING A MESSAGE TO YOUNG NEBRASKANS. AND I'VE HEARD LOUD AND CLEAR FROM MANY OF THEM, E-MAILS AND LETTERS THAT I'LL READ HERE ON THE FLOOR TONIGHT, TELLING ME THE TYPE OF MESSAGE THAT THIS IS SENDING TO THEM BEFORE WE EVEN PASS IT. COLLEAGUES, THERE ARE MANY OTHER WAYS THAT WE CAN PROVIDE ECONOMIC INCENTIVES TO CRITICAL INDUSTRIES IN RURAL AREAS... [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

Floor Debate
April 29, 2015

SENATOR MORFELD: ...WITHOUT DISCRIMINATING AGAINST YOUNG PEOPLE.
THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR MORFELD. SENATOR PANSING BROOKS,
YOU ARE RECOGNIZED. [LB599]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION OF LB599 AND IN FAVOR OF AM1319. AND I AM JUST WANTING TO POINT OUT A COUPLE OF LETTERS THAT I RECEIVED RECENTLY. ONE COMES FROM STUDENTS FROM LINCOLN NORTH STAR, ANOTHER FROM LINCOLN HIGH STUDENTS, AND ALSO SOME LINCOLN SOUTHWEST STUDENTS WHO OPENLY SAID TO...WROTE TO ME AND SAID THAT THEY OPENLY STAND AGAINST PAY DISCRIMINATION OF ANY SORT AND FEEL THAT WE ARE IGNORING THE NEBRASKA VOTERS. THEY WENT ON TO SAY WITH ALL DUE RESPECT TO ALL MEMBERS OF THE UNICAMERAL, LB599 DIRECTLY DISCRIMINATES AGAINST STUDENT EMPLOYEES AND IGNORES THE NEBRASKANS ALL OVER THE STATE. THEY FEEL LIKE THEIR ORGANIZATIONS...THAT THERE HAVE NOT BEEN ENOUGH VOICES HEARD ON THIS AND ESPECIALLY THEIR YOUNGER VOICES. AND FOR THAT REASON, THEY BELIEVE IT'S DISCRIMINATORY AND IGNORES THE VOICES OF THE NEBRASKANS WHO VOTED TO RAISE THE MINIMUM WAGE. AND THEY ASK THAT ALL SENATORS CONSIDER OPPOSING THIS PIECE OF LEGISLATION. THEY GO ON TO SAY THAT IT SHOWS EVERYDAY KIDS THAT THEIR WORK IS NOT AS IMPORTANT AS THEIR COLLEAGUES JUST BECAUSE OF THEIR AGE. AND THAT IT WOULD BE FROWNED UPON IF IT WERE ANY DIFFERENT AGE GROUP, AS SENATOR MORFELD POINTED OUT. IT ALSO TARGETS ONLY A GROUP OF PEOPLE WHO CANNOT VOTE IN ELECTIONS. AND IT WILL ONLY INCREASE THE BURDEN OF SAVING FOR COLLEGE AT A TIME WHEN COLLEGE TUITION IS RISING SIGNIFICANTLY. IT ALSO IGNORES THE NEBRASKA VOTERS WHO ALREADY VOTED JUST LAST NOVEMBER. WE HAVEN'T EVEN HAD A YEAR OF THIS, THEY VOTED JUST IN NOVEMBER TO INCREASE THE MINIMUM WAGE FOR ALL WORKING AGES. THERE WAS NO EXCEPTION. THE VOTERS ARE NOT IGNORANT. THEY UNDERSTAND THAT IT WAS FOR ALL AGES OF WORKERS. SO IGNORING THE VOTER ALSO LEADS TO, I BELIEVE, LOWER VOTER TURNOUT IN FUTURE ELECTIONS. WE HAVE SO MANY INSTANCES WHERE EVERYBODY SAYS, OH, THE PEOPLE HAVE VOTED. TEN YEARS AGO THEY VOTED ON THIS OR THAT; 15 YEARS AGO THEY VOTED ON CERTAIN LAWS. AND SO WE'RE SUPPOSED TO BELIEVE THE WILL OF THE VOTERS. OH, EXCEPT IN THIS ONE INSTANCE OF COURSE. MORE THAN 4,426 INDIVIDUALS HAVE SPOKEN OUT AGAINST THE BILL AND THEY DESERVE TO BE REPRESENTED. AGAIN, I BELIEVE THAT THIS BILL HAS UNINTENDED CONSEQUENCES. I DON'T THINK MOST PEOPLE THAT I'VE TALKED TO IN THIS BODY REALIZE THAT THERE

Floor Debate
April 29, 2015

WAS A 90-DAY TRAINING PERIOD ALREADY IN OUR LAW WHERE 75 PERCENT OF THE FEDERAL MINIMUM WAGE CAN BE APPLIED TO PEOPLE THAT ARE YOUNGER THAN 20; 75 PERCENT. AS SENATOR NORDQUIST SAID, THAT'S \$7.25 AN HOUR...OR THAT'S...IT GOES DOWN TO \$5.43 AN HOUR FOR 90 DAYS. THAT'S 3 MONTHS. HOW LONG A TRAINING PERIOD DO WE NEED? OR ARE WE JUST TRYING TO HELP BUSINESSES TO BE ABLE TO GET AHEAD ON THE BACKS OF OUR YOUNGER WORKERS? THAT'S NOT APPROPRIATE. IT'S NOT...DOES NOT MAKE ECONOMIC SENSE, AND I THINK IT'S DISCRIMINATORY. WE HAVE ALL SORTS OF EXEMPTIONS FOR AGRICULTURE AND FOR EMPLOYERS OF LESS THAN FOUR PEOPLE AND NONSEASONAL WORKERS. BUT THE UNINTENDED CONSEQUENCES OF THIS BILL INCLUDE: WE WILL FAVOR TEENAGE DROPOUTS OVER WORKING MOMS WHO ARE TRYING TO MAKE ENDS MEET, OVER RETIREES WHO ARE ALSO LIVING ON A FIXED INCOME. WE WILL PRIORITIZE TEENAGE... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR PANSING BROOKS: ...BECAUSE WHAT HAPPENS IS THAT IF YOU STAY IN SCHOOL, THEN YOU'RE GOING TO BE PAID A LOWER MINIMUM WAGE. SO AGAIN, A STORE WILL PRIORITIZE DROPOUTS AND I THINK THAT THAT IS A TOTALLY UNINTENDED CONSEQUENCE OF THIS. WE HAVE A THREE-MONTH TRAINING PERIOD FOR YOUNG PEOPLE. HOW MUCH MORE TIME DO WE NEED? THREE MONTHS IS QUITE A BIT OF TIME, 90 DAYS. YOU CAN FIGURE OUT IN THAT TIME WHETHER OR NOT YOU THINK THE PERSON IS ANY GOOD OR NOT, NO MATTER THEIR AGE. HOW LONG DOES IT TAKE TO TEACH, TO TRAIN A PERSON ON A REGISTER, TO SWEEP A FLOOR, TO BE POLITE, TO DRESS APPROPRIATELY. HOW LONG IS THAT GOING TO TAKE? I'LL TELL YOU WHAT, IF IT TAKES MORE THAN 90 DAYS, THAT YOUNG TEEN WILL NO LONGER BE WORKING FOR THAT COMPANY AND THEY'LL MOVE ON TO THE NEXT PERSON. [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR PANSING BROOKS. SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB599]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND I RISE IN OPPOSITION TO LB599. I HAD THE PRIVILEGE AS A GRADUATE STUDENT TO BE TRAINED UNDER THE ONLY WOMAN WHO HAS EARNED A NOBEL LAUREATE IN

Floor Debate
April 29, 2015

ECONOMICS, AND SO I'D LIKE TO TALK ABOUT ECONOMICS FOR A LITTLE BIT. ONE OF THE KEY INSIGHTS THAT DR. OSTROM HAD ABOUT ECONOMICS WAS THAT IF YOU ALLOW YOUR ABSTRACT MODELS IN ECONOMICS TO GET REMOVED FROM REALITY, THEN ACTUALLY YOU DO NOT GET REALITY-BASED FINDINGS. AND SO ONE OF HER INNOVATIONS IN ECONOMICS, WHICH I'M SURE HELPED HER WIN THE NOBEL PRIZE, WAS THAT SHE FELT IT WAS IMPORTANT TO MARRY THE ECONOMIC MODELS THAT ARE BASED ON ABSTRACT, FORMAL CONSTRUCTS WITH EMPIRICAL ANALYSIS; THAT YOU HAVE TO HAVE BOTH OF THOSE IN ORDER TO REALLY BE ABLE TO SAY SOMETHING ABOUT WHAT'S HAPPENING IN THE ECONOMY OR TO UNDERSTAND HOW POLICY IMPACTS THE ECONOMY. WHAT I FIND STRIKING IN ECONOMIC ANALYSIS...ANALYSES OF THE MINIMUM WAGE IS THAT WHEN THERE ARE ANALYSES THAT ARE BASED PRIMARILY ON FORMAL MODELS, THEN WE GET DISCUSSIONS ABOUT HOW INCREASING THE WAGE WILL REDUCE THE NUMBER OF JOBS AND THE SUPPLY-DEMAND BASIC ARGUMENT. BUT, COLLEAGUES, FORMAL MODELS ARE SIMPLIFICATIONS OF REALITY. THAT IS WHAT THEY ARE BY DESIGN. AND SO WHAT WE HAVE FOUND IS THAT WHEN WE TEST EMPIRICALLY WHAT HAPPENS WHEN YOU RAISE THE MINIMUM WAGE, YOU FIND A DIFFERENT STORY. SO BACK INITIALLY, DURING THE CLINTON PRESIDENCY, THERE WERE ALL KINDS OF DIRE WARNINGS OF WHAT WOULD HAPPEN IF WE INCREASED THE MINIMUM WAGE-- THAT WE WOULD LOSE JOBS; BUSINESSES WOULD GO OUT OF BUSINESS--BASED ON THE SIMPLE, SIMPLIFIED MODELS. BUT, COLLEAGUES, ONE OF THE GREAT THINGS ABOUT OUR FEDERAL SYSTEM IS WE HAVE MANY LABORATORIES OF DEMOCRACY, SO NOW WE HAVE MANY STATES THAT ARE EXPERIMENTING WITH DIFFERENT MINIMUM WAGES. AND WHAT WE FIND EMPIRICALLY WHEN WE SEE WHAT ACTUALLY HAPPENS WHEN THE WAGES INCREASE IS WE SEE ACTUAL JOB INCREASES. I DON'T KNOW IF YOU MAY OR MAY NOT HAVE NOTICED THE STUDIES THAT CAME OUT IN THE SUMMER OF I THINK 2014 SHOWING THAT THOSE STATES THAT HAD INCREASED THE MINIMUM WAGE ACTUALLY HAD INCREASES IN JOBS, COLLEAGUES. SO THE STORY WE'RE HEARING FROM THE GROCERS IS THE STORY WE ALWAYS HEAR WHEN THERE ARE DISCUSSIONS OF INCREASING WAGES: YOU CANNOT DO THAT, YOU WILL ELIMINATE JOBS, YOU WILL RUN BUSINESSES OUT. BUT, COLLEAGUES, WHAT WE HAVE SEEN IN ACTUAL REALITY IN THOSE STATES THAT HAVE INCREASED THE MINIMUM WAGE IS WE HAVE SEEN INCREASES, JOB INCREASES. AND WE ALSO DISCUSSED RESULTS WHEN WE WERE DEBATING MINIMUM WAGE ON THE FLOOR OF MANY STUDIES THAT HAVE LOOKED AT WHAT HAPPENS WHEN THERE'S A HIGHER MINIMUM WAGE ACROSS THE STATE BORDER. STILL, POSITIVE RESULTS IN THOSE STATES THAT INCREASED THE MINIMUM WAGE. SO, COLLEAGUES, I

Floor Debate
April 29, 2015

BELIEVE THAT THE DIRE PREDICTIONS BASED ON THE ABSTRACT MODEL HAVE PROVEN FALSE AGAIN AND AGAIN WHEN WE LOOK AT... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT...WHAT ACTUALLY HAPPENS WHEN THERE IS AN INCREASE IN THE MINIMUM WAGE. THAT'S BECAUSE THE SIMPLE MODEL OF SUPPLY AND DEMAND DOESN'T TAKE INTO ACCOUNT FACTORS, LIKE SENATOR MORFELD MENTIONED, OF YOUR EMPLOYEES ACTUALLY BUYING...USING SOME OF THAT MONEY TO BUY FOOD AT YOUR OWN GROCERY STORE. THAT MONEY THAT IS PAID HELPS TO SUPPORT A FAMILY. THEN THAT FAMILY CAN ACTUALLY BUY MORE GROCERIES AT THE GROCERY STORE. SO THERE ARE ALL KINDS OF ACTUAL REALITIES THAT HAPPEN ON THE GROUND AND WE HAVE SEEN TIME AND TIME AGAIN THAT THOSE DIRE PREDICTIONS DO NOT BEAR OUT. THIS WILL NOT CLOSE THE GROCERY STORES. WE'LL SIMPLY HAVE FAMILIES AND STUDENTS WHO ARE MAKING BETTER WAGES AND BETTER ABLE TO SUPPORT THEIR FAMILIES, SUPPORT THEMSELVES, AND SAVE FOR COLLEGE. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. SENATOR COOK, YOU ARE RECOGNIZED. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AND GOOD EVENING, COLLEAGUES. I RISE AGAIN IN OPPOSITION TO SENATOR KUEHN'S AM1412, IN SUPPORT OF AM1319 AND, ULTIMATELY, IN OPPOSITION TO LB599. AND WHAT I HOPE TO DO IS POINT OUT SOME OF THE IRONIES THAT I'VE IDENTIFIED THUS FAR IN THIS SESSION. AS I MENTIONED ON OUR FIRST ROUND OF DEBATE ON THIS BILL, WE HAVE AN EQUAL PAY ISSUE IN THE UNITED STATES. IT'S QUITE EVIDENT HERE IN THE STATE OF NEBRASKA. AND I HAD THE EXPERIENCE, WHICH RIGHT NOW AT 7:12 ON A WEDNESDAY NIGHT I'M FINDING SOMEWHAT IRONIC, IN THAT THE SELFSAME GROCERS' ASSOCIATION THAT STANDS IN SUPPORT OF LB599 CAME IN TO TESTIFY IN OPPOSITION TO MY EQUAL PAY BILL. SO ONE HAS TO THINK, IS THE ORGANIZATION IN ADDITION TO PROMOTING AND SUPPORTING GROCERS ACROSS THE STATE, WHY ARE THEY SO INTERESTED IN LOWER WAGES AND SECRECY ABOUT WAGES, WHETHER THEY'RE WAGES BY THE HOUR OR WAGES WITH SALARY? I ALSO WANTED TO, AS I SAID EARLIER, PICK UP SOME OF MY DISCUSSION ABOUT THE EQUAL PAY ISSUE IN GENERAL. I HAPPEN TO NOT BE OF THE CATHOLIC FAITH, BUT I FOUND OUT TODAY THAT POPE FRANCIS IS CALLING EQUAL PAY FOR WOMEN, HAVING THAT DISPARITY,

Floor Debate
April 29, 2015

FRAMING IT IN HIS WORDS AS PURE SCANDAL. AND I THINK THAT IS VERY IMPORTANT FOR US TO REALIZE. I MADE MY POINTS ON GENERAL FILE ABOUT THE DISPARITIES, NOT ONLY BETWEEN MEN AND WOMEN, BUT THE DISPARITIES AS YOU BREAK OUT THE RACIAL, ETHNIC GROUPS OF WOMEN, THE DISPARITIES AMONG THOSE RATES OF PAY AND SALARIES. SO I'M GOING TO CONTINUE WITH THAT DISCUSSION. I STARTED OUT LAST TIME WITH AN ANALYSIS OFFERED BY THE NATIONAL WOMEN'S LAW CENTER AND THE TITLE OF THIS ANALYSIS IS CALLED "UNDERPAID AND OVERLOADED: WOMEN IN LOW-WAGE JOBS." IT'S ACTUALLY AN EXECUTIVE SUMMARY. BUT I MADE A MARK WHERE I STOPPED LAST TIME, SO I'LL JUST START UP THERE RIGHT NOW. THIS ANALYSIS FOCUSES ON THE ROLE OF GENDER IN LOW-WAGE WORK FORCE USING DATA ON WORKER CHARACTERISTICS FROM THE CURRENT POPULATION SURVEY AND AMERICAN COMMUNITY SURVEY AND DATA ON MEDIAN HOURLY WAGES FOR OCCUPATIONS FROM THE BUREAU OF LABOR STATISTICS' OCCUPATIONAL EMPLOYMENT STATISTICS. IT REVEALS A STARK REALITY. REGARDLESS OF THEIR EDUCATION LEVEL, AGE, MARITAL OR PARENTAL STATUS, RACE, ETHNICITY, OR NATIONAL ORIGIN, WOMEN MAKE UP LARGER SHARES OF THE LOW-WAGE WORK FORCE THAN DO THEIR MALE COUNTERPARTS. THIS PATTERN HOLDS IN EACH OF THESE GROUPS, EVEN THOUGH IN VIRTUALLY ALL OF THEM WOMEN REPRESENT A SIMILAR OR SMALLER SHARE OF THE OVERALL WORK FORCE THAN THEIR MALE COUNTERPARTS. LOOKING AT THE DATA ANOTHER WAY, COMPARING WOMEN'S AND MEN'S SHARES OF THE LOW-WAGE WORK FORCE TO THEIR RESPECTIVE SHARES OF THE OVERALL WORK FORCE, NEARLY EVERY GROUP OF THE WOMEN IS OVERREPRESENTED IN THE LOW-WAGE WORK FORCE. FOR MEN, THIS IS RARELY THE CASE. AND ONCE AGAIN, WE ARE COMPARING A GENTLEMAN WHO MIGHT HAVE... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR COOK: THANK YOU...MIGHT HAVE A HIGH SCHOOL DIPLOMA IN THE SAME BATCH WITH A WOMAN WHO MIGHT HOLD A COLLEGE DEGREE. THE EXISTENCE OF A WAGE GAP BETWEEN WOMEN AND MEN AT EVERY EDUCATIONAL LEVEL HAS BEEN WELL DOCUMENTED. HOWEVER, THE FINDING THAT IN THIS DAY AND AGE WOMEN NEED A BACHELOR'S DEGREE TO AVOID BEING OVERREPRESENTED IN LOW-WAGE JOBS, WHILE MEN ONLY NEED TO FINISH HIGH SCHOOL, IS STARTLING. MOREOVER, IN THESE LOW-WAGE JOBS, WORKING FULL-TIME, YEAR-ROUND, FACE A 13-PERCENT WAGE GAP AND THE GAP IS EVEN LARGER FOR AFRICAN-AMERICAN AND HISPANIC WOMEN WHEN COMPARED TO... [LB599]

Floor Debate
April 29, 2015

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR COOK: ...WHITE, NOT-HISPANIC MEN. THANK YOU, MR. PRESIDENT.
[LB599]

SENATOR KRIST: THANK YOU, SENATOR COOK. SENATOR HANSEN, YOU ARE
RECOGNIZED. [LB599]

SENATOR HANSEN: THANK YOU,... [LB599]

SENATOR KRIST: AND THIS IS YOUR THIRD TIME. [LB599]

SENATOR HANSEN: IT IS? OKAY. THANK YOU, MR. PRESIDENT. I RISE AGAIN IN
OPPOSITION TO LB599. I THINK THAT SOME OF THE DEBATES AND DISCUSSION
WE HAVE HAD SO FAR IS INTERESTING. BUT ONE THING I HAD MENTIONED
EARLIER THAT I WAS INTERESTED IN DOING IS RELAYING SOME OF THE
MESSAGES I'VE GOTTEN FROM CONSTITUENTS IN TERMS OF THIS BILL. SO ONE
PARTICULAR ONE, JUST TO GIVE A FRAME OF REFERENCE, ONE PARTICULAR
ONE, AND I'LL LEAVE THEIR NAME OUT BECAUSE I DIDN'T NECESSARILY GET
THEIR PERMISSION TO SAY THAT ON THE FLOOR, BUT: HELLO, MY NAME IS--
BLANK--AND I'M A SENIOR AT NORTHEAST HIGH SCHOOL. I'M 18 YEARS OLD AND
I AM REALLY OPPOSED TO THE IDEA OF PEOPLE 18 AND UNDER GETTING PAID
\$7.25 UNTIL THEY ARE ADULTS. EVEN THOUGH IT MAY NOT AFFECT ME, I CAN
FEEL FOR THOSE WHO WOULD HAVE TO GO THROUGH THAT. THEY ARE
WORKING THE SAME JOB AS A 20-YEAR-OLD. WHY SHOULD THEY NOT...BE
GETTING PAID ANY LESS? IT IS VERY UNFAIR. SOME PARENTS DEPEND ON THEIR
CHILDREN TO BRING IN SOME MONEY TO SUPPORT THE FAMILY, SO WHY KEEP
THEM FROM THE MONEY THAT THEY NEED AND DESERVE? THOUGH THEY ARE
NOT PAYING THE MORTGAGE LIKE...BILL LIKE MOST ADULTS AND OTHER
SERIOUS BILLS, THEY COULD CERTAINLY BE HELPING OUT WITH THOSE BILLS AT
HOME. IF THIS PASSES, IT WILL JUST SHOW THAT SOCIETY DOES NOT VALUE THE
YOUTH. AND I WOULD VALUE THE YOUNG BECAUSE WE ARE ONLY GOING TO
GROW UP TO BE THE FUTURE OF THE STATE AND THIS COUNTRY ONE DAY. MR.
HANSEN, I WOULD REALLY LIKE IT IF YOU'D TAKE MY E-MAIL INTO SERIOUS
CONSIDERATION. THANK YOU. WELL, READING INTO THE OFFICIAL RECORD OF
THE STATE IS ABOUT AS SERIOUS AS I COULD TAKE IT. BUT THE REASON I
WANTED TO READ THAT E-MAIL AND SPECIFICALLY THAT E-MAIL IS THIS IS A
DEMOGRAPHIC WE'RE NOT HEARING FROM. I JUST...IS, SPECIFICALLY, THE
YOUNG. YOU KNOW, THIS A YOUNG HIGH SCHOOLER IN MY DISTRICT WHO GOES

Floor Debate
April 29, 2015

TO MY DISTRICT, LINCOLN NORTHEAST, AND SHE IS RELAYING TO US DIRECTLY FROM THE FIELD OF...IN PEOPLE WHO WOULD BE IMPACTED WITH THIS-- ESPECIALLY AS THIS BILL IS WRITTEN--THE GREEN COPY, OF YOUNG HIGH SCHOOL STUDENTS. YOU KNOW, FROM THIS WE COULD TELL SHE DEFINITELY KNOWS PEOPLE WHO DO WORK, WHO DO WORK TO SUPPORT THE FAMILY AND SUPPORT THEMSELVES. THAT'S...JUST HAS TO BE TAKEN AS A GIVEN THAT THERE ARE SOME YOUNG HIGH SCHOOLERS, WHILE IN SCHOOL, WHO ARE BEING TASKED WITH SUPPORTING THE FAMILY, SUPPORTING THE FAMILY BUDGET, AND PROBABLY SUPPORTING THEMSELVES TO A CERTAIN EXTENT OR DEFINITELY SUPPORTING THEMSELVES TO A CERTAIN EXTENT. SO WE SEE TIME AND TIME AGAIN. WHY WOULD WE INCENTIVIZE HIGH SCHOOL DROPOUTS, IN TERMS OF THE GREEN COPY, AND WHY WOULD WE...EVEN IF WE FIX THE PROBLEM OF INCENTIVIZING HIGH SCHOOL DROPOUTS, WHY WOULD WE WANT TO PAY THOSE STUDENTS LESS? I JUST...I...OUTSIDE OF THE MOTIVATION THAT'S BEEN SAID TO MAYBE HELP FOOD DESERTS, THOSE JUST DON'T WEIGH IN COMPARISON WITH ME. YOU KNOW WE'RE ASKING YOUNG PEOPLE WHO ARE, YOU KNOW, AT THE AGE OF 16-17, ALREADY CONTRIBUTING TO THE FAMILY BUDGET, PROBABLY HELPING TO BUDGET, KNOWING HOW MANY HOURS THEY HAVE TO WORK, KNOWING HOW MUCH MONEY HAS TO GO INTO WHAT PILE FOR WHAT PURPOSE. YOU KNOW, WE'RE REALLY PUTTING A LARGE BURDEN ON THOSE STUDENTS BY JUST SIMPLY TAKING AWAY MONEY. AND WE KEEP TALKING ABOUT THE SMALL TOWN GROCERY STORES, BUT I DON'T NECESSARILY SEE ANYTHING IN THIS BILL THAT, YOU KNOW, WOULDN'T APPLY TO SOME OF THE LARGEST EMPLOYERS IN THE TOWN OR THE STATE OR WHAT HAVE YOU. I DON'T SEE ANYTHING. I DON'T SEE ANYTHING THAT WOULDN'T PREVENT WALMART FROM... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT...FROM PAYING LESS. SO WE ARE GOING TO BASICALLY CUT MONEY...CUT...HELP WALMART'S BUDGETS WHILE HURT FAMILY BUDGETS. THAT'S JUST NOT SOMETHING I'M GOING TO BE ABLE TO STAND FOR, YOU KNOW. AND FURTHER, I'LL JUST READ HER FINAL LINE AGAIN: AND WOULD I VALUE THE YOUNG BECAUSE WE ARE ONLY TO GROW UP TO BE FUTURE OF THE STATE AND THE COUNTRY ONE DAY. THIS IS SOMETHING STUDENTS AND YOUNG PEOPLE ARE PAYING ATTENTION TO. THEY DO PAY ATTENTION TO OUR LEGISLATURE. YOU KNOW, THEY MIGHT NOT HAVE NECESSARILY HAD THE OPPORTUNITY AND THE ABILITY TO TESTIFY ON LB599. BUT I CAN IMAGINE, IF THEY DID, I WOULD IMAGINE THEY'D BE VERY OVERWHELMINGLY IN OPPOSITION. SO THANK YOU, MR. PRESIDENT. [LB599]

Floor Debate
April 29, 2015

SENATOR KRIST: THANK YOU, SENATOR HANSEN. SENATOR KUEHN, YOU ARE RECOGNIZED. [LB599]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I APPRECIATE YOUR ATTENTION TO THIS IMPORTANT POLICY DISCUSSION THAT TENDS TO RUN A LOT THIS EVENING ON IDEOLOGICAL LINES. SO I APPRECIATE YOUR PERSPECTIVE AND YOUR PATIENCE THIS EVENING, AS WELL AS ALL OF THAT CONTRIBUTED BY MY COLLEAGUES. A COUPLE OF THINGS I DID JUST WANT TO POINT OUT AS JUST A COUPLE OF MATTERS OF FACT AND REALITY. FIRST, WE KNOW THAT IN RESPONSE TO THE INCREASED MINIMUM WAGE WE SEE DECREASED LABOR FORCE PARTICIPATION BY YOUNG ADULTS AND WE SEE INCREASED UNEMPLOYMENT. SO THE IDEA OR ARGUMENT THAT THIS IS IN...UNIVERSALLY BENEFICIAL TO SOME OF OUR YOUNG ADULTS SIMPLY DOES NOT STAND UP TO MUSTER OR FACT. IN FACT, IF YOU LOOK AT STATISTICS OF YOUTH UNEMPLOYMENT, THE TOP 20 STATES IN TERMS OF YOUTH UNEMPLOYMENT, 10 OF THOSE TOP 20 HAVE A MINIMUM WAGE GREATER THAN THE FEDERAL MINIMUM WAGE. SO THE DATA SUPPORTS THE CONCEPT THAT WE ARE TRYING TO ADDRESS HERE IN LB599, AND THAT IS, IS THAT IN THE FACE OF AN INCREASED MINIMUM WAGE, THE FIRST WORKERS WHO SUFFER AND LOSE THEIR JOBS ARE THOSE WHO ARE YOUNG ADULT WORKERS. WE'RE TRYING TO INCENTIVIZE OUR EMPLOYERS TO EMPLOY YOUNG ADULTS, TO GIVE THEM THEIR FIRST JOBS, THOSE JOBS THAT INCREASE THEIR EARNING POTENTIAL BY 20 PERCENT IN THE FIVE TO SIX YEARS FOLLOWING GRADUATION FROM HIGH SCHOOL WITH SIMPLY A PART-TIME JOB. SO THE FACTS ARE THERE. SO LET'S BE CLEAR WHEN WE'RE DISCUSSING THAT WE'RE DEALING WITH DOGMA HERE, THAT THIS A QUESTION OF LOOKING AT THE FACTS, DEVELOPING GOOD PUBLIC POLICY THAT ADDRESSES AN UNINTENDED CONSEQUENCE OF A VERY BROAD POLICY STATEMENT IN THE INITIATIVE, AND ATTEMPTS TO ALLEVIATE THOSE CONSEQUENCES ON AN AFFECTED GROUP. THE OTHER THING THAT I HAVE JUST PASSED OUT THAT I WOULD LIKE YOU TO TAKE A MOMENT TO LOOK AT, THERE HAS BEEN SOME DISCUSSION ABOUT THE GROCERS AND WHY THAT IS IMPORTANT. SOME OF MY COLLEAGUES, MY DEAR FRIEND SENATOR COOK AND OTHERS, HAVE TALKED ABOUT FOOD DESERTS. AND I'VE HEARD A LOT FROM THE CONSTITUENTS IN DISTRICT 38 WITH REGARD TO THIS BILL, WITH REGARD TO THE IMPORTANCE OF KEEPING THESE JOBS FOR YOUNG HIGH SCHOOL WORKERS, AND ESPECIALLY WHEN IT COMES TO THE VALUE OF RURAL GROCERY STORES. I HANDED OUT, JUST SO YOU CAN SEE HOW IMPORTANT THIS IS TO ME FROM A SOCIAL JUSTICE PERSPECTIVE IN DISTRICT 38, THIS IS A MAP FROM THE LEGISLATIVE RESEARCH OFFICE THAT THEY PUT OUT A COUPLE WEEKS AGO AS THEIR MAP OF THE WEEK WHICH SHOWED POPULATION

Floor Debate
April 29, 2015

DENSITIES AND DISTANCES TO A GROCERY STORE. WHERE I LIVE, AT MY HOME IN HEARTWELL IN EASTERN KEARNEY COUNTY, I'M 12 MILES TO THE NEAREST GROCERY STORE. FOR MANY OF MY COLLEAGUES, THAT WOULD BE AN INCREDIBLE INCONVENIENCE. AND WHEN YOU RECOGNIZE THAT THAT MEANS EXTENSIVE PLANNING, AND EXTENSIVE CHALLENGES SOMETIMES, SIMPLY GETTING GROCERIES, THOSE GROCERY STORES ARE VITAL. ONE OF THE MOST IMPORTANT THINGS YOU'LL NOTICE IN THESE COUNTIES, FOUR OF WHICH ARE IN DISTRICT 38, I PUT DOWN BELOW, BASED ON THE U.S. CENSUS, THE PERCENTAGE OF POPULATION COMPARED TO THE NEBRASKA AVERAGE OF RESIDENTS IN SOME OF MY COUNTIES THAT ARE 65 YEARS AND OLDER. I WANT YOU TO LOOK AT WEBSTER COUNTY. WEBSTER COUNTY, THE COMMUNITY OF BLUE HILL, THEY LOST THEIR ONE AND ONLY GROCERY STORE IN A FIRE. AND IT WAS THE COMMUNITY AND THE COMMUNITY DEVELOPMENT GROUP THAT REBUILT THE BUILDING, THAT OWNS THE BUILDING, THAT PROVIDES, RENT FREE, THE SPACE FOR THE LOCAL GROCERY STORE. AND IT WAS THE GROCER IN BLUE HILL, ACTUALLY, DURING THE CAMPAIGN, WAS THE FIRST PERSON TO TALK TO ME ABOUT THE IMPACTS TO BLUE HILL IN TERMS OF HIS ABILITY TO EMPLOY INDIVIDUALS WITH THE INCREASED MINIMUM WAGE. IT'S NICE TO TALK ABOUT INDIVIDUAL, ANECDOTAL CASES. IT'S NICE TO TALK ABOUT THE IDEA THAT KIDS MAY BE MAKING A DOLLAR LESS. THE REALITY IS, WE'RE TALKING ABOUT STUDENTS WHO MAY HAVE NO JOB AT ALL, NOTHING TO CONTRIBUTE TO THEIR FAMILIES, NOTHING TO CONTRIBUTE TO THEIR OWN SAVINGS, REDUCED EARNING POTENTIAL IMMEDIATELY PAST HIGH SCHOOL. AND WHAT'S EVEN WORSE IS WE'RE COMMITTING ELDERLY INDIVIDUALS, PEOPLE IN EXTREME RURAL AREAS IN THE CASE OF THE CONCERN OF THE GROCERS WHO... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR KUEHN: ...BROUGHT THIS BILL FORWARD TO HAVING AN ABILITY TO ACCESS FOOD IN THEIR LOCAL COMMUNITIES. GROCERY STORES ARE FOR MANY OF OUR SENIOR CITIZENS A LINCHPIN ELEMENT OF WHERE THEY ARE GOING TO OBTAIN THEIR GOODS, THEIR GROCERIES, THEIR PERSONAL ITEMS. AND HAVING TO DRIVE 25-30 MILES TO THE NEAREST GROCERY STORE DOES REPRESENT A SIGNIFICANT BURDEN TO SENIOR CITIZENS ON A FIXED INCOME AND IS A LEGITIMATE CONCERN. I HAVE HEARD FROM THESE CONSTITUENTS. I'VE HEARD FROM HIGH SCHOOL STUDENTS IN MY DISTRICT. I HAVE SOUGHT THEIR INPUT ON HOW THEY FEEL ABOUT LB599 BEFORE I PRIORITIZED IT. AND CERTAINLY, THE OVERWHELMING OPINION I HAVE HEARD IS THAT THIS ADDRESSES AN UNINTENDED CONSEQUENCE, IT HELPS KEEP OUR LOCAL SMALL

Floor Debate
April 29, 2015

BUSINESSES AND GROCERY STORES SOLVENT, AND HELPS KEEP OUR RURAL COMMUNITIES VITAL. AND I HOPE WE ALL TAKE THAT INTO CONSIDERATION AS WE SUPPORT AM1412 TO LB599. THANK YOU AGAIN FOR YOUR ATTENTION, COLLEAGUES, THIS EVENING, AND I LOOK FORWARD TO MOVING THIS BILL FORWARD. [LB599]

SENATOR KRIST: THANK YOU, SENATOR KUEHN. SENATOR NORDQUIST, YOU'RE RECOGNIZED. THIS YOUR THIRD TIME. [LB599]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I WANT TO START WITH A FACT. THE FACT IS THAT, SINCE NEBRASKA RAISED THE MINIMUM WAGE, OUR UNEMPLOYMENT RATE HAS FALLEN EVERY SINGLE MONTH. AND I WANT TO POINT OUT JUST A POINT: IF THERE ARE THOSE TEENAGERS SITTING AT HOME LISTENING TO US, THAT IF SOMEBODY SAYS THEY ARE DOING SOMETHING IN YOUR INTEREST AND THEN TAKES A DOLLAR OUT OF YOUR CHECK EVERY HOUR, I WOULD QUESTION THAT PERSON'S INTENTIONS. THEY ARE NOT LOOKING OUT FOR YOUR INTEREST. SENATOR KUEHN THREW THE WORDS "IDEOLOGY" AND "DOGMA" OUT THERE, AND THAT IS REALLY CONCERNING TO ME BECAUSE THE FACT OF THE MATTER IS THAT THE NEBRASKANS THAT VOTED FOR THIS BILL WEREN'T...DIDN'T VOTE FOR INITIATIVE 425 BASED ON DOGMA OR IDEOLOGY. OUT OF THE SIX MAPS ON THIS...SIX COUNTIES ON THIS MAP, FIVE OF THEM VOTED TO RAISE THE MINIMUM WAGE; AND THE ONE THAT DIDN'T, NUCKOLLS COUNTY, VOTED NOT BY A TOTAL OF NINE VOTES OUT OF THE ENTIRE COUNTY. SO IT WAS PRETTY OVERWHELMING THAT THE PEOPLE IN THIS DISTRICT, NOT BASED ON DOGMA OR IDEOLOGY, THOUGHT IT WAS A GOOD THING TO RAISE THE MINIMUM WAGE AND THEY WEREN'T DUPED INTO IT. THEY'RE NOT STUPID. THESE PEOPLE GET IT. THEY KNOW WHAT IT TAKES TO DRIVE A GOOD ECONOMY AND WHAT IT TAKES TO DRIVE A GOOD ECONOMY IS HAVING CONSUMERS WITH DOLLARS IN THEIR POCKET. THAT'S WHY 60 PERCENT OF NEBRASKANS VOTED TO RAISE THE MINIMUM WAGE. THAT'S WHY 73 OUT OF OUR 93 COUNTIES VOTED TO RAISE THE MINIMUM WAGE. NOW GOING BACK TO AM1412, THE MORE I THINK ABOUT IT, AS SOMEONE WHO IS PROLIFE AND WHO VALUES LIFE THIS IS VERY OFFENSIVE TO ME, THAT WE ARE NOW CREATING AN INCENTIVE TO NOT HIRE PEOPLE WITH CHILDREN. THAT'S EXACTLY WHAT IS HAPPENING IN AM1412 IS WE ARE SAYING...BECAUSE THE WHOLE ARGUMENT...LET'S GET BACK TO THE WHOLE ARGUMENT OF LB599. THE ENTIRE ARGUMENT IS WE HAVE TO HIRE PEOPLE AT A LOWER COST, AT \$8 AN HOUR, OR WE CAN'T KEEP OUR BUSINESS OPEN. NOW, WITH AM1412, WE ARE SAYING, YEAH, WE'RE GOING TO CARVE THESE PEOPLE OUT, THEY GET \$9 AN HOUR. GUESS WHAT, IF THE...IF IT IS THE CASE THAT THESE

Floor Debate
April 29, 2015

BUSINESSES HAVE TO HIRE PEOPLE AT \$8 AN HOUR, THEY'RE NOT GOING TO HIRE THE PEOPLE AT \$9 AN HOUR, WHICH MEANS THEY'RE NOT HIRING TEEN PARENTS. SO EITHER THE ENTIRE BASIC PREMISE OF LB599 IS FAULTY--WHICH I THINK IT IS--OR UNDER AM1412 TEEN PARENTS WILL NOT GET HIRED, WE WILL HAVE A HIGHER RATE OF UNEMPLOYED TEEN PARENTS, MORE PEOPLE ON GOVERNMENT ASSISTANCE. AND AS SOMEONE WHO VALUES LIFE AND IS PROLIFE, IT IS A BAD INCENTIVE FOR OUR STATE TO GO TO, TO HEAD THAT DIRECTION. BACK TO THE ISSUE THAT WE REALLY HAVEN'T SPENT THAT MUCH TIME TALKING ABOUT ON SELECT FILE, BUT I HEARD A LOT ABOUT FROM CONSTITUENTS WHO WERE VERY UPSET ABOUT THE DEBATE THEY HEAR ON OTHER ISSUES. BUT ON THIS ISSUE, FOR SOME REASON, WE ARE NOT GOING TO LISTEN TO THE VOTERS. ON OTHER ISSUES, WE HEARD ON THE CONSTITUTIONAL AMENDMENT, ON TERM LIMITS--WHICH I DIDN'T SUPPORT--BUT WE HEARD PEOPLE STAND UP AND SAY, THE VOTERS HAVE SPOKEN ON THIS. WE CANNOT MOVE FORWARD WITH ANOTHER ATTEMPT TO ASK THE VOTERS WHAT THEY WANT. THAT'S JUST WRONG. WELL, GUESS WHAT, THE VOTERS JUST VOTED IT IN NOVEMBER, FOLKS. AND THEY KNEW WHAT THEY WERE VOTING ON: A UNIFORM MINIMUM WAGE OF \$9 AN HOUR. THAT'S EXACTLY WHAT THEY WERE VOTING ON. THEY DIDN'T DO IT BASED ON A LIBERAL IDEOLOGY; I DON'T THINK 60 PERCENT OF NEBRASKANS HAVE A LIBERAL IDEOLOGY. THEY DIDN'T DO IT ON DOGMA. THEY DID IT BECAUSE THEY SAW IT WAS THE RIGHT THING TO DO FOR THIS ECONOMY; THAT THEY SAW IN OTHER STATES THAT RAISED THE MINIMUM WAGE THAT THOSE STATES WERE CREATING JOBS FASTER; THAT NEBRASKANS WERE WORKING HARDER THAN ANY OTHER STATE IN THE COUNTRY. WE HAVE THE LOWEST UNEMPLOYMENT RATE IN THE COUNTRY, THE HIGHEST RATE OF WORKING PARENTS IN THE COUNTRY, AND THE FACT OF THE MATTER IS OUR CHILDREN IN POVERTY RATE AND OUR OVERALL POVERTY RATE HAVE SIGNIFICANTLY INCREASED OVER THE LAST FIVE YEARS WHILE PEOPLE ARE WORKING LONGER AND HARDER THAN EVER. THAT'S WHY 60 PERCENT OF NEBRASKANS SPOKE. [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR NORDQUIST: ...AND WE HEARD COLLEAGUES SAY ON OTHER ISSUES, OH, WE'RE JUST THE LIBERAL ELITE DOWN HERE. WE COME DOWN HERE AND DON'T LISTEN TO OUR CONSTITUENTS. WE DON'T LISTEN TO THE VOTERS. YES, ON THIS ISSUE YOU ARE NOT LISTENING TO THE VOTERS, BECAUSE THE VOTERS COULD NOT HAVE SPOKE MORE CLEARLY THAN THEY DID. FOLKS, LETS LISTEN TO THE VOTERS. LET'S NOT CREATE...YOU KNOW, THIS BILL STARTED AS ONE THING AND NOW IT'S MORPHING INTO CARVING OUT ALL THESE OTHER

Floor Debate
April 29, 2015

EXEMPTIONS. IT PROBABLY NEEDS TO BE RECOMMITTED TO COMMITTEE TO ACTUALLY HAVE A THOROUGH THOUGHT PROCESS OF WHAT SHOULD BE ADOPTED. BUT LET US JUST PUT THIS THING TO AN END AND STAND UP FOR WHAT NEBRASKANS TOLD US JUST A FEW MONTHS AGO, AND THAT WAS A UNIFORM MINIMUM WAGE AT \$9 AN HOUR. LET'S LISTEN TO NEBRASKANS AND NOT THE SPECIAL INTERESTS WHO ARE TWISTING YOUR ARMS. THANK YOU. [LB599]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. SENATOR MORFELD, YOU'RE RECOGNIZED. THIS IS YOUR THIRD TIME. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I WANT TO ADDRESS SOME OF THE THINGS THAT MY COLLEAGUE, SENATOR KUEHN, DISCUSSED. FIRST, THE MAP THAT HE HANDED OUT ABOUT SOME OF THE GROCERY DATA AND FOOD DESERTS. WELL, I'M CONCERNED ABOUT FOOD DESERTS, AS WELL. BUT THE FACT OF THE MATTER IS, IS THE SOLUTION ISN'T GOING OUT AND CREATING A LAW THAT DISCRIMINATES AGAINST PEOPLE UNDER THE AGE OF 19 IN ORDER TO PROVIDE ECONOMIC DEVELOPMENT AND ECONOMIC INCENTIVES TO AN INDUSTRY IN AN AREA THAT MAY BE DISTRESSED. AND AS I NOTED EARLIER, I THINK THAT WE COULD ACHIEVE A WHOLE LOT MORE BY PROVIDING ECONOMIC DEVELOPMENT AND INCENTIVES TO SOME OF THESE GROCERY STORES IN THE FORM OF TAX CREDITS OR WHATEVER THE CASE MAY BE THAT WOULD ACTUALLY BENEFIT THEM MORE THAN NOT PAYING A WORKER WHO IS WORKING 20 HOURS A WEEK MAYBE, FOUR WEEKS A MONTH. SO WHAT IS THAT, \$80? EIGHTY DOLLARS A MONTH PER EMPLOYEE IN SOME OF THESE STORES WHERE THEY SUPPOSEDLY ONLY EMPLOY FOUR OR FIVE PEOPLE. THAT'S WHAT'S GOING TO KEEP THAT GROCERY STORE AFLOAT? AND IT'S NOT JUST GROCERY STORES THAT WE'RE TALKING ABOUT HERE. IT'S ALL THE BUSINESSES THAT EMPLOY INDIVIDUALS UNDER THE AGE OF 19. I THINK IT'S ALSO IMPORTANT TO START TALKING ABOUT SOME OF THE DIFFERENT LEGAL ARGUMENTS AND THE LEGAL PROBLEMS AND MESS THAT THIS WILL CAUSE MANY OF THESE SMALL TOWN GROCERS WHO MAY BE FACING AGE DISCRIMINATION CLAIMS. WE LOOKED UP SOME AGE DISCRIMINATION CLAIMS THAT ARE EITHER PENDING OR RESOLVED, AND I'M GOING TO READ FROM JUST A FEW OF THEM THROUGHOUT THIS EVENING. FIRST, IN MARYMOUNT MANHATTAN COLLEGE, THE COMMISSION--AND BY THE COMMISSION, THIS IS THE EEOC COMMISSION--THE COMMISSION ALLEGES THAT THE CHARGING PARTY, A 64-YEAR-OLD CHOREOGRAPHY INSTRUCTOR, WAS NOT HIRED FOR AN ASSISTANT PROFESSORSHIP IN DANCE COMPOSITION BECAUSE OF HER AGE IN VIOLATION OF THE ADEA. THE DEFENDANT, A PRIVATE LIBERAL ARTS COLLEGE--I'M SURE

Floor Debate
April 29, 2015

THEY STRUGGLE, TOO; LIBERAL ARTS COLLEGES ARE CRITICAL INSTITUTIONS IN MANY OF OUR SMALLER AND BIGGER COMMUNITIES--INITIALLY SELECTED THE 64-YEAR-OLD CHOREOGRAPHY INSTRUCTOR AND TWO OTHER APPLICANTS AS FINALISTS. HOWEVER, AFTER DETERMINING THAT THE 64-YEAR-OLD WAS THE LEADING CANDIDATE, THE DEFENDANT EXPANDED ITS SEARCH TO INCLUDE A LESS-QUALIFIED 37-YEAR-OLD APPLICANT AS A FOURTH FINALIST BECAUSE IT CONSIDERED HER TO BE AT, QUOTE, THE RIGHT MOMENT OF HER LIFE FOR THE RIGHT COMMITMENT TO A FULL-TIME POSITION. I'M SURE THAT THEY ALSO HAPPENED TO SAVE SOME MONEY, TOO. ANOTHER CASE THAT WAS FILED WAS AGAINST HIGHLINE ELECTRIC, INCORPORATED. THE COMMISSION ALLEGES THAT A CLASS OF APPLICANTS OVER THE AGE OF 40 WAS EXCLUDED FROM CONSIDERATION FOR HIRE AS TERRITORY MANAGERS BECAUSE OF THEIR AGE. DEFENDANT, A TOOLS MANUFACTURING AND MARKETING COMPANY, DEVELOPED HIRING CRITERIA THAT INCLUDED...EXCLUDED APPLICANTS OLDER THAN AGE 50. WELL, I HOPE THAT ALL THESE SMALL GROCERY STORES PUT TOGETHER FAIRLY RIGOROUS HIRING GUIDELINES AND CRITERIA BECAUSE IF THEY GET SUED THEY'RE GOING TO HAVE TO PROVE THAT THEY IN FACT DID NOT ENGAGE IN AGE DISCRIMINATION WHEN THEY DECIDE THAT THEY'RE GOING TO HIRE A YOUNGER PERSON OVER AN OLDER PERSON BECAUSE OUR LAW ALLOWED THEM TO DO THAT. WE HAVE TO REMEMBER THAT OUR LAW DOES NOT SUPERSEDE FEDERAL LAW, FEDERAL AGE DISCRIMINATION LAW, AND THAT THEY WILL BE SUBJECT TO FEDERAL LAWSUIT REGARDLESS OF WHETHER OUR LAW ALLOWS THEM TO MAKE LESS THAN THE MINIMUM WAGE OR NOT. AND I CAN TELL YOU THAT PEOPLE WHO ARE HIRING OTHER PEOPLE AND WANT THIS LAW AND WANT TO PAY YOUNG PEOPLE LESS... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR MORFELD: ...ARE GOING TO BE ENGAGING IN AGE DISCRIMINATION BECAUSE THEY'RE GOING TO BE LOOKING AT A POOL OF YOUNGER PEOPLE AND THEY'RE GOING TO BE TAKING THE FACT THAT THEY'RE YOUNG INTO CONSIDERATION OVER SOMEBODY WHO IS LIKELY OLDER, SOMEBODY LIKE MY STEPFATHER WHO WENT TO WORK PART TIME IN A GROCERY STORE WELL ABOVE THE AGE OF 50, IF I CAN RECALL CORRECTLY, WHICH WOULD BE THE PROTECTED AGE GROUP UNDER THE FEDERAL LAW. THIS LAW WILL EXPOSE SMALL BUSINESSES, SMALL BUSINESSES THAT WE'RE ALREADY TOLD ARE STRUGGLING, TO COSTLY LITIGATION, ALL TO SAVE \$80 TO \$100 A MONTH. AS I NOTED EARLIER, IF THE PURPOSE OF THIS LAW IS TO ENSURE STRONG RURAL COMMUNITIES AND TO ENSURE ECONOMIC DEVELOPMENT IN THOSE

Floor Debate
April 29, 2015

COMMUNITIES, THEN THERE ARE MUCH BETTER MECHANISMS BY WHICH TO DO IT THAN TO DISCRIMINATE AGAINST THE VERY YOUNG PEOPLE... [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR MORFELD: ...THAT THEY'RE TRYING TO KEEP IN THEIR COMMUNITIES. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR MORFELD. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB599]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE TO AGAIN SPEAK ABOUT MY OPPOSITION TO LB599 AND IN SUPPORT OF AM1319. AGAIN, I'VE SPOKEN ABOUT IT BEFORE AND WILL CONTINUE TO DO SO BECAUSE IT WAS IMPORTANT TO ME AS I WALKED THE DISTRICT, 36 PERCENT OF MY DISTRICT, WHERE WE ARE SITTING RIGHT NOW, LIVE AT OR BELOW \$25,000 HOUSEHOLD INCOME. PUTTING CHILDREN AT A LOWER LEVEL...I VISITED WITH MANY FAMILIES. I VISITED WITH MANY YOUNG TEENS WHO WOULD ANSWER THE DOOR AND I'D ASK THEM WHAT THEY WERE DOING AND WHAT SOME OF THEIR ISSUES WERE. AND MANY OF THEM TALKED ABOUT THE FACT THAT THEY'RE HELPING THEIR FAMILIES TO MAKE ENDS MEET. THE ECONOMY IS VERY TOUGH FOR MANY OF THE PEOPLE IN OUR DISTRICT. AND WHEN WE START TO THE SAY, NO, A TEEN'S EFFORTS ARE NOT WORTHY OF AN ADULT'S, A TEEN'S EFFORTS ARE WORTH LESS MONEY THAN SOMEBODY ELSE SIMILARLY SITUATED, ARGUABLY, IF THERE'S ANY COMPUTERS INVOLVED IN THE WORK OR IN THE EMPLOYMENT IN WHICH THE TEEN IS WORKING, I WOULD SAY THAT THE TEEN WOULD HAVE AN ADVANTAGE AND OBVIOUSLY THE EMPLOYER WOULD HAVE AN ADVANTAGE IN HIRING THAT TEEN. IN SOME CASES, THE CHILDREN OF WORKING PARENTS HAVE TO HAVE THEIR OWN JOBS AND EARN THEIR OWN MONEY TO CONTRIBUTE TO THE FAMILY BUDGET. MANY OF THE STUDENTS AND CHILDREN THAT I SPOKE WITH AS I WAS GOING DOOR TO DOOR WERE TRYING TO RAISE ENOUGH MONEY TO PAY FOR THEIR TRANSPORTATION TO GET TO SCHOOL, TO PAY FOR AN EDUCATION AT SOME POINT IN THEIR LIVES. AND WHAT WE'RE DOING HERE IS SAYING, THAT'S NOT WORTHY, WE...YOU ARE NOT WORTHY OF THAT EFFORT. WE ARE GIVING A THREE-MONTH PERIOD FOR EMPLOYERS TO TRAIN...TO TRAIN THESE TEENS. I WOULD ARGUE THAT THAT'S PLENTY. AND IF IT'S NOT LONG ENOUGH, THERE'S EVEN ANOTHER 90-DAY PERIOD THAT THE DEPARTMENT OF LABOR ALLOWS AN EMPLOYER TO APPLY FOR. SO THAT WOULD BE A SIX-MONTH PERIOD. HOW LONG DOES AN EMPLOYER GET TO STEP ON THE BACKS OF

Floor Debate
April 29, 2015

THESE TEEN EMPLOYEES? HOW LONG IS REASONABLE? I WOULD ARGUE THAT 90 DAYS OR THREE MONTHS IS PLENTY. IF THE TEEN ISN'T WORTHY AT A THREE-MONTH PERIOD, THEN FIRE THEM. IF THEY AREN'T COMPLETING THEIR TASKS, IF THEY AREN'T COMPLYING WITH WHAT NEEDS TO BE DONE, IF THEY AREN'T UNDERSTANDING THE JOB, IF THEY DON'T KNOW HOW TO SACK PROPERLY, IF THEY DON'T KNOW HOW TO SWEEP THE FLOORS PROPERLY, THEN FIRE THEM. WE HAVE...FURTHERMORE, AS THOSE YOUNG STUDENTS ARE STRUGGLING TO SAVE MONEY FOR COLLEGE, WE'RE JUST DECIDING THAT THAT EFFORT IS OF NO VALUE TO US. INSTEAD, TOO BAD FOR YOU. IF COLLEGE IS YOUR GOAL, WE ARE NOT...WE ARE GOING TO GO AGAINST THE VOTERS OF THE STATE OF NEBRASKA. WE UNDERSTAND WHAT THE PEOPLE OF THE STATE OF NEBRASKA INTENDED-- HOW MANY MONTHS AGO WAS THAT, SENATOR NORDQUIST, SIX MONTHS AGO?-- SIX MONTHS AGO. WE UNDERSTAND SO MUCH BETTER AND, REALLY, LISTEN, NEBRASKA, THE PEOPLE IN THIS BODY AND ON THIS FLOOR UNDERSTAND WAY BETTER THAN YOU WHAT TO DO ABOUT THE MINIMUM WAGE. YOU WERE WRONG. YOU WERE FOOLHARDY WHEN YOU VOTED. YOU DID NOT UNDERSTAND. AGAIN, I DON'T BELIEVE THAT. AND I DON'T BELIEVE MOST PEOPLE IN HERE DO BELIEVE THAT. DO WE CARE ABOUT... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. DO WE CARE ABOUT THE GROCERY STORES? ABSOLUTELY. WE NEED THEM TO THRIVE. WE WANT THEM TO THRIVE. THERE ARE ALL SORTS OF BENEFITS BEING GIVEN TO DIFFERENT KINDS OF COMPANIES AND CORPORATIONS IN OUR COMMUNITY. BUT WE ALSO NEED OUR PEOPLE TO THRIVE. THIS IS ABOUT THE PEOPLE. AND AGAIN, THESE ARGUMENTS ABOUT, OH, THE CONSTITUTIONAL AMENDMENTS, YOU KNOW, WE CAN...THIS IS NO PROBLEM IF WE CHANGE THAT. BUT YET ON THE TERM LIMITS WE HAVE...WE KEEP HEARING THE ARGUMENT OH, DON'T CHANGE THE TERM LIMITS, THE PEOPLE HAVE SPOKEN. THE CONSTITUTIONAL AMENDMENT ON LGBT AND ON MARRIAGE, OH, OH, WE CAN'T CHANGE THAT, THE PEOPLE HAVE SPOKEN...IN 2000, 2000! AND NOW WE'RE TALKING ABOUT A CONSTITUTIONAL AMENDMENT SIX MONTHS AGO. SO REALLY, IT'S SO CONVENIENT, THE TRUTHS BEING SPOKEN ON THIS FLOOR. [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. [LB599]

Floor Debate
April 29, 2015

SENATOR KRIST: THANK YOU, SENATOR PANSING BROOKS. SENATOR CRAWFORD, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB599]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO LB599 AND AM1412. I WANT US TO JUST THINK FOR A FEW MINUTES IN THIS SPEAKING TURN, HAVE YOU THINK FOR A FEW MINUTES ABOUT POLICY CONSEQUENCES. AND AS WE'RE TRYING TO MAKE OUR DECISIONS HERE AND VOTE ON BILLS, WE ARE TRYING TO FIGURE OUT WHAT ARE THE PROBLEMS WE'RE TRYING TO SOLVE AND HOW DO WE ADDRESS THOSE. BUT WE ALSO HAVE TO THINK ABOUT WHAT THIS ACTUALLY LOOKS LIKE AND WHAT IMPACT IT HAS ON THE GROUND AND I WANT TO TALK ABOUT A COUPLE OF THOSE IMPLICATIONS OF THE LB599 AND OF THE AMENDMENT. COLLEAGUES, IF...I SUSPECT...I'M A SOCIAL SCIENTIST. SO LET ME SAY, IF...I WOULD HYPOTHEZIZE THAT IF YOU WERE TO ASK RURAL GROCERY STORES, RURAL, SMALL TOWN STORES, WHAT IS THEIR BIGGEST THREAT TO SURVIVAL, I SUSPECT IT WOULD NOT BE, I MIGHT HAVE TO PAY THE FEW...25 PERCENT OF MY WORK FORCE WHO ARE YOUNGER A DOLLAR MORE AN HOUR. I SUSPECT IT WOULD BE, INSTEAD, THE THREAT OF A LARGE STORE, LIKE A WALMART, COMING INTO THEIR COMMUNITY OR EVEN INTO THE NEAREST COMMUNITY WHERE PEOPLE CAN DRIVE THERE TO GET SUPPLIES AND GROCERIES. AND, COLLEAGUES, I WANT YOU TO NOTICE THAT LB599 IS NOT RESTRICTED TO SMALL BUSINESSES. IT IS 25 PERCENT OF YOUR WORK FORCE. SO FOR A VERY SMALL STORE, THAT MIGHT BE JUST A SMALL HANDFUL OF STUDENTS. FOR A PRETTY SMALL STORE, WE'D BE TALKING THREE OR FOUR STUDENTS MAYBE. FOR A LARGE STORE, LIKE A WALMART, TO BE ABLE TO PAY 25 PERCENT OF THEIR WORK FORCE A DOLLAR LESS, THAT'S A HUGE BENEFIT TO THE LARGE STORES. SO THAT 25 PERCENT COMPONENT IN LB599 IS A HUGE BENEFIT TO THE LARGER STORES AND A PRETTY TIGHT RESTRICTION ON A SMALLER STORE THAT HAS FEWER EMPLOYEES. NOW I WANT TO TURN TO AM1412. AND I APPRECIATE THE THOUGHTFULNESS OF SENATOR KUEHN IN BRINGING AM1412, BECAUSE HE'S TRYING TO ADDRESS SOME OF THE CONCERNS THAT ARE...THAT HAPPEN WHEN YOU PULL OUT SPECIAL EXCEPTIONS AND EXEMPTIONS IN A WAGE. AND THE FIRST PROBLEM THAT HAPPENS THAT WE TALKED ABOUT ALREADY IN THE FIRST ROUND IS, ANYTIME YOU PULL OUT ONE TYPE OF WAGE, IT GETS STUCK. AND WE JUST SAW THAT IN THIS ROOM JUST RECENTLY ON TIPPED MINIMUM WAGE. BACK IN THE '90s, TIPPED MINIMUM WAGE GOT PULLED OUT AS A SEPARATE WAGE AND IT HAS STAYED STUCK EVER SINCE. SO IT IS THE CASE IN AM1412. SENATOR KUEHN, RECOGNIZING THIS CONCERN ABOUT PULLING OUT A SEPARATE WAGE, HAS INDICATED...HAS ALLOWED THE WORKERS' WAGE TO GO UP IF THE FEDERAL GOVERNMENT CHOOSES TO RAISE THE WAGE. COLLEAGUES,

Floor Debate
April 29, 2015

THAT DOES NOT GO UP IF THE STATE...WE AS A STATE DECIDE TO RAISE OUR WAGE. SO THEN THE OTHER COMPONENTS IN AM1412 ARE TRYING TO DEAL WITH SOME OF OUR COMPASSIONATE CONCERNS THAT WE MIGHT HAVE. WE DO NOT WANT TO CREATE AN INCENTIVE FOR STUDENTS TO DROP OUT, SO WE ADD HAVING A HIGH SCHOOL DIPLOMA. WHAT ABOUT STUDENTS WITH A GED? DOES THAT COUNT? AND THEN WHAT I THINK IS MOST CONCERNING IN TERMS OF HOW IT ACTUALLY PLAY OUT IS THAT WE... [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT...IS WE ADD THE CONDITION OF "DOES NOT HAVE A DEPENDENT CHILD." WELL, COLLEAGUES, IN ANY HIRING PROCESS I'VE BEEN INVOLVED IN, WE HAVE BEEN TOLD YOU MAY NOT ASK PEOPLE IF THEY HAVE DEPENDENT CHILDREN. YOU MAY NOT DISCRIMINATE UPON WHETHER OR NOT SOMEONE HAS A DEPENDENT CHILD. SO IT'S STRIKING TO ME THAT WE WOULD ADD A PROTECTED CLASS LIKE THAT TO OUR WAGE STATUTE IN TERMS OF ADDING A DEPENDENT CHILD AS A CONDITION THAT DETERMINES YOUR WAGE. SO I FIND THAT VERY DISCONCERTING IN TERMS OF WHAT IT MEANS FOR EMPLOYERS TO ASK SOMEONE OR MAKE SOMEONE REVEAL WHETHER OR NOT THEY HAVE A DEPENDENT CHILD. THAT'S A PROTECTED CLASS. THAT'S A PROTECTED PIECE OF INFORMATION THAT WE'RE NOT SUPPOSED TO BE TREATING EMPLOYERS (SIC) DIFFERENTLY BASED ON THAT, AND SO THAT RAISES A CONCERN FOR ME LEGALLY ABOUT WHAT THE LEGAL IMPLICATIONS ARE... [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR CRAWFORD: ...OF HAVING THAT IN THE STATUTE. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. SENATOR COOK, YOU ARE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB599]

SENATOR COOK: QUESTION. [LB599]

SENATOR KRIST: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO SEE FIVE HANDS. QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB599]

Floor Debate
April 29, 2015

ASSISTANT CLERK: 28 AYES, 0 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB599]

SENATOR KRIST: DEBATE DOES CEASE. SENATOR KUEHN, YOU'RE RECOGNIZED TO CLOSE ON AM1412. [LB599]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. I APPRECIATE YOUR ATTENTION AGAIN THIS EVENING AS WE TAKE UP THIS ISSUE AS AMENDING AM1412 TO AM1319 TO THE UNDERLYING BILL OF LB599. AGAIN, JUST TO CLARIFY WHAT THE AMENDMENT DOES, THE AMENDMENT DOES NOT MAKE INDIVIDUALS WHO HAVE ALREADY RECEIVED A HIGH SCHOOL DIPLOMA ELIGIBLE, SO IT REMOVES THE INCENTIVE, AS HAS BEEN STATED, TO DROP OUT OF HIGH SCHOOL TO OBTAIN A HIGHER WAGE. IT DOES EXEMPT INDIVIDUALS WITH DEPENDENTS FROM QUALIFYING FOR THE WAGE AND IT ALSO TIES THE WAGE TO 85 PERCENT OF THE FEDERAL MINIMUM WAGE, WHICHEVER IS HIGHER, SO THAT, SHOULD THE FEDERAL MINIMUM WAGE INCREASE, THIS WILL AUTOMATICALLY RESET WITH IT FOR THE HIGHER WAGE. AGAIN, I APPRECIATE YOUR SUPPORT ON AM1412, AND WITH THAT I WOULD LIKE TO ASK FOR A CALL OF THE HOUSE AND ROLL CALL VOTE. [LB599]

SENATOR KRIST: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB599]

ASSISTANT CLERK: 38 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB599]

SENATOR KRIST: HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS MELLO, BURKE HARR, McCOY. SENATOR KINTNER, WOULD YOU CHECK IN, PLEASE? THANK YOU. SENATOR MELLO, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR KUEHN, ALL MEMBERS ARE ACCOUNTED FOR. HOW WOULD YOU LIKE TO PROCEED? [LB599]

SENATOR KUEHN: REGULAR ORDER, PLEASE. [LB599]

SENATOR KRIST: ROLL CALL VOTE, REGULAR ORDER, MR. CLERK, PLEASE. [LB599]

Floor Debate
April 29, 2015

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1331.)
VOTE IS 32 AYES, 13 NAYS, MR. PRESIDENT. [LB599]

SENATOR KRIST: AM1412 IS ADOPTED. CONTINUING WITH DISCUSSION, THOSE
WISHING TO SPEAK: SENATOR KEN HAAR, SENATOR KINTNER, PANSING BROOKS,
AND NORDQUIST. MR. CLERK, YOU HAVE A MOTION ON YOUR DESK. RAISE THE
CALL, PLEASE. [LB599]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR
HANSEN WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN ON AM1412.
[LB599]

SENATOR KRIST: SENATOR HANSEN, YOU'RE RECOGNIZED TO OPEN ON YOUR
MOTION. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. COLLEAGUES, I MADE THIS
MOTION TO RECONSIDER BECAUSE OF A POINT SUE CRAWFORD MADE AND
UNFORTUNATELY WE DIDN'T GET TIME TO MORE DISCUSS IT AT LENGTH. I
BELIEVE THE PORTION OF AM1412 THAT DISCUSSES STATUS AS A CUSTODIAL
PARENT SIMPLY VIOLATES EMPLOYMENT LAW. THERE IS A GREAT PROBLEM WE
COULD HAVE HERE WHERE IF AN EMPLOYER, IN ORDER TO DECIDE TO GIVE A
LOWER WAGE TO A STUDENT, HAS TO NECESSARILY ASK QUESTIONS IN ORDER
TO PROTECT THEMSELVES "LIABLY" AS TO THE FAMILIAL STATUS, THE
PARENTHOOD STATUS AND ALL SORTS OF QUESTIONS THAT AS ANYBODY WHO
HAS PROBABLY EVER MADE A HIRING DECISION OR ANYBODY WHO HAS EVER
MADE A...WELL, FRANKLY, TAKEN A JOB INTERVIEW KNOWS THEY'RE JUST
SIMPLY OFF THE TABLE. SO WE REALLY RUN THE RISK WITH ACCEPTING AM1412
AS AN AMENDMENT TO AM1319 OF RUNNING INTO SOME SERIOUS KIND OF
EMPLOYMENT LAW SITUATIONS SHOULD THIS LAW EVER COME INTO EFFECT. SO
I AM ASKING PEOPLE TO RECONSIDER. THE OVERALL IMPLICATIONS OF THIS
BILL AND THE AMENDMENT AND NOW THAT WE'RE AN AMENDMENT ON TOP OF
AN AMENDMENT--WHICH IS ALWAYS AN ALARMING NOTION, WHERE
ESPECIALLY WHEN IT'S A SUPPORTIVE AMENDMENT ON TOP OF AN
AMENDMENT--THERE ARE SIMPLY IMPLICATIONS AND CONNECTIONS THAT WE
ARE RUNNING INTO ON THIS BILL THAT I DON'T THINK WE FULLY CONSIDERED
AND I THINK, FRANKLY, MERIT NO MORE DEBATE. AND THAT'S WHY I'M ASKING
PEOPLE TO RECONSIDER THE VOTE ON AM1412. YOU KNOW, THERE ARE CERTAIN
THINGS JUST AS AN EMPLOYER OR AS A WORKER WITH AN EMPLOYER THAT
YOU DON'T WANT TO HAVE TO CONSIDER AND DISCLOSE, SO ADDING EXTRA

Floor Debate
April 29, 2015

QUESTIONS AND EXTRA...COULD I GET A GAVEL, MR. PRESIDENT? SO ADDING EXTRA THINGS ONTO AN ALREADY EMPLOYMENT...ALREADY INTENSE EMPLOYMENT DISCUSSION REALLY RAISES SOME CONCERNS AND PROBLEMS FOR ME. FRANKLY, I SEE SCENARIOS IN WHICH, YOU KNOW, WE'RE NOW ASKING, AND WITH THE AMENDMENT ALSO, I BELIEVE, DISCUSSING DIPLOMA STATUS. THAT'S ANOTHER THING OF OBVIOUSLY EMPLOYERS CAN VERIFY EDUCATION, BUT WE'RE NOW ASKING EMPLOYEES TO HAVE TO MAKE THE DIFFERENCE OF A DOLLAR BASED ON THE PRESENCE OR "DISPRESENCE" OF A DIPLOMA. I DON'T THINK THAT RAISES CONCERNS, AS WELL. YOU KNOW, WE'RE PUTTING NOW ALL THESE SCENARIOS IN WHICH EMPLOYERS, IN ORDER TO GIVE THIS NEW SUBMINIMUM WAGE TO STUDENT WORKERS, IN ORDER TO PAY STUDENT WORKERS \$1 LESS, HAVE TO VERIFY EMPLOYMENT, HAVE TO VERIFY FAMILY STATUS, HAVE TO VERIFY ALL SORTS OF DIFFERENT THINGS THAT FRANKLY WE WOULDN'T EXPECT IN ANY OTHER SITUATION, WE WOULDN'T EXPECT IN ANY OTHER SCENARIO. AND, FRANKLY, IF I WAS AN EMPLOYER WOULD GIVE ME PAUSE. EVEN IF THIS WAS AN OPTION AND IT MADE VIABLE SENSE TO ME, YOU KNOW, THE THREAT OF MESSING UP AND BEING...FACING AN EMPLOYMENT DISCRIMINATION LAWSUIT WOULD BE...WOULD, FRANKLY, TO ME...AND UNLESS THE...FRANKLY, TO ME JUST MAKE AN ECONOMIC ARGUMENT OF WHY I SHOULDN'T PAY LESS. YOU KNOW, THE PROBLEMS HERE JUST ARE...SEEM TO BE MULTIPLYING AND MULTIPLYING AND MULTIPLYING. AND SO I WOULD CONTINUE TO ASK MY FELLOW COLLEAGUES TO RECONSIDER AM1412 AND ULTIMATELY DEFEAT AM1412 AND ULTIMATELY DEFEAT LB599. YOU KNOW, THERE'S A SAYING ABOUT WHAT YOU CAN PAVE WITH GOOD INTENTIONS. AND SO I DEFINITELY THINK THERE IS GOOD INTENTIONS ON THIS BILL. THERE'S GOOD INTENTIONS IN AM1412. BUT I THINK WE'RE GETTING INTO A WHOLE MESS OF EMPLOYMENT LAW ISSUES, EMPLOYMENT LAW SCENARIOS, HIRING AND FIRING, AND HE-SAID, SHE-SAID LAWSUITS THAT, FRANKLY, AS AN EMPLOYER I'D WANT TO STAY AWAY FROM AND KEEP MORE THAN ARM'S LENGTH FROM. SO I THINK THAT'S AN IMPORTANT THING THAT WE FRANKLY NEED TO CONSIDER. YOU KNOW, I'M FRANKLY DISAPPOINTED TO SEE AM1412 PASS, JUST TAKING A STRAW POLL OF THE PEOPLE WHO SPOKE IN THE MICROPHONE. YOU KNOW, I DON'T KNOW HOW MANY PEOPLE I HEARD IN FAVOR OF THE BILL OR IN FAVOR OF THE AMENDMENT. A COUPLE? CERTAINLY NOT WELL OVER 25, WHICH ENDED UP HAPPENING. SO I WOULD ASK MY COLLEAGUES TO CONSIDER...TO RECONSIDER AM1412. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR HANSEN. YOU'VE HEARD THE OPENING ON THE RECONSIDER MOTION. THOSE WISHING TO SPEAK: SENATOR KEN HAAR,

Floor Debate
April 29, 2015

KINTNER, PANSING BROOKS, NORDQUIST, AND OTHERS. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB599]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, REALLY WHAT LB599 BOILS DOWN TO IS THAT WE SET THIS AGE LIMIT AND WE SAY THAT GENERALLY YOUNG PEOPLE BELOW THAT AGE LIMIT DON'T NEED TO MAKE MONEY. AND SO WE'RE GOING TO INCENT THE RETAILERS, WHATEVER KIND THEY ARE, BY GIVING...LETTING THEM PAY LESS IN WAGES. SO LOGICALLY, IT WOULD ALSO SEEM THAT THE SAME KIND OF REASONING COULD BE APPLIED TO RETIRED PEOPLE, FOR GOD SAKES. IF SOMEBODY IS OVER, YOU KNOW, RETIREMENT AGE AND THEY'RE ON A PENSION, ESPECIALLY IF THEY'RE ON A PENSION OR SOCIAL SECURITY AND THEY DON'T REALLY NEED THE MONEY, THEN WHY NOT INCENT RETAILERS BY LOOKING AT WHETHER PEOPLE REALLY NEED THE MONEY OR NOT? THAT'S WHAT WE'RE TALKING ABOUT HERE. AND SO IF YOUNG PEOPLE GENERALLY DON'T NEED THE MONEY AND WE NEED TO INCENT RETAILERS, THEN MAYBE WE SHOULD LOOK AT RETIRED PEOPLE OR OLDER PEOPLE AND RAISE THE QUESTION, DO THEY REALLY NEED THE MONEY, WHEN THEY RETIRE AND THEY GET JOBS OR ARE THEY JUST MAKING MONEY SO THEY CAN GO TO THE MOVIES OR WHATEVER THEY'RE MAKING MONEY FOR? SO AGAIN, THE WHOLE QUESTION OF FAIRNESS COMES UP. AND YOUNG PEOPLE DON'T...CERTAINLY DON'T FEEL IT WOULD...IT'S FAIR TO PAY THEM LESS. AND I WOULD GUESS THAT OLDER PEOPLE WOULDN'T THINK IT'S FAIR TO PAY THEM LESS, EVEN THOUGH IN SOME CASES THEY MAY BE SLOWER, ABLE TO LIFT LESS, WHAT ELSE. BUT THIS WHOLE IDEA THAT SOME PEOPLE NEED THE MONEY AND SOME DON'T REALLY GOES BACK TO THAT TIME WHEN IT WAS ASSUMED THAT WOMEN DIDN'T NEED TO MAKE AS MUCH MONEY BECAUSE THE HUSBAND, THE BREADWINNER, WAS MAKING THE MONEY. SO WE'RE KIND OF GOING BACK TO THAT TIME OF SAYING, YOU KNOW, WE REALLY OUGHT TO LOOK AND SEE IF PEOPLE NEED TO MAKE THE MONEY OR NOT AND PAY THEM ACCORDINGLY. AND THAT JUST ISN'T FAIR AND WE DON'T ACCEPT THAT IN MODERN SOCIETY AND I DON'T THINK WE SHOULD ACCEPT IT FOR YOUNG PEOPLE. IF WE'RE TALKING ABOUT INCENTIVES, EMPLOYMENT IS NOT ABOUT...THE WAGES THAT ARE PAID ARE NOT ABOUT INCENTIVES TO THE PERSON WHO HIRES SOMEBODY, PEOPLE THAT...WORKERS SHOULD BE PAID FOR WHAT THEY DO AND THAT'S WHAT MINIMUM WAGE IS ABOUT. I THINK...I DO BELIEVE IT IS A SLIPPERY SLOPE OF GOING BACK TO THIS CONCEPT OF WHO REALLY NEEDS TO MAKE MONEY AND NOT. AND, YOU KNOW, DO WE EVEN LOOK AT MARRIED COUPLES AND IF THEY'RE MAKING OVER A CERTAIN INCOME AND SAYING, WELL ONE OR THE OTHER? I GUESS TODAY WE'D SAY, WELL, MAYBE IT'S THE MALE THAT SHOULDN'T BE MAKING SUCH A HIGH SALARY BECAUSE, YOU KNOW, THE

Floor Debate
April 29, 2015

SPOUSE IS A BETTER BREADWINNER OR WHATEVER. SO I DON'T SEE WHERE THE LOGIC COMES FROM THIS, OTHER THAN TO SAY WE SHOULD BE INCENTING RETAILERS, AND I THINK THAT'S NOT WHERE THIS DISCUSSION SHOULD BE. I DON'T THINK IT'S FAIR AND I THINK YOUNG PEOPLE ARE GOING TO UNDERSTAND THAT IT'S NOT FAIR. AND I WOULD GIVE THE REST OF MY TIME TO SENATOR CRAWFORD IF SHE WANTS IT. [LB599]

SENATOR KRIST: SENATOR CRAWFORD, ONE MINUTE. [LB599]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND I APPRECIATE THAT, SENATOR. SENATOR HAAR RAISED THE ISSUE OF WHEN WE DECIDE ONE TYPE OF WORKER IS WORTH MORE THAN ANOTHER TYPE OF WORKER. SO JUST FOR A HISTORICAL PERSPECTIVE, I WOULD SAY, AS A WOMAN, THAT ARGUMENT HAS TOO OFTEN BEEN USED TO PAY LOWER WAGES FOR WOMEN THROUGHOUT THE AGES. AND I HAVE MANY WOMEN THAT I HAVE TALKED TO IN MY DISTRICT WHO TELL STORIES OF WORKING AT A TIME WHEN IT WAS VERY OPEN AND OVERT THAT THE WOMEN WOULD BE PAID LESS THAN THE MEN AND THE ASSUMPTION WAS THAT IT WAS FINE. IT WAS FINE BECAUSE A MAN HAS TO SUPPORT HIS FAMILY, SO IT'S FINE TO PAY A WOMAN LESS...AND SO...AND THAT WAS OPEN AND OVERTLY ACCEPTED AT THE TIME BECAUSE THAT WAS THE STANDARD. AND I THINK...SO, COLLEAGUES, WE NEED TO BE VERY CAREFUL ABOUT OUR ASSUMPTIONS THAT IT'S FINE AND OKAY TO PAY PEOPLE OF A CERTAIN KIND, IN THIS CASE A DIFFERENT AGE, LESS BECAUSE WE HAVE DONE THAT IN THE PAST AND WE NOW RECOGNIZE IN MANY OF THOSE CASES THAT THOSE WERE... [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR CRAWFORD: ...INAPPROPRIATE DISCRIMINATION, AND I THINK THIS IS, AS WELL. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. COLLEAGUES, CERTAINLY, SIDEBAR DISCUSSIONS ARE ENCOURAGED AND I UNDERSTAND. BUT LET'S TRY TO REMIND EACH OTHER TO USE OUR INSIDE VOICES AND TRY TO KEEP IT AT A LOW ROAR. THOSE STILL WISHING TO SPEAK: SENATOR KINTNER, PANSING BROOKS, NORDQUIST, AND MORFELD AND OTHERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB599]

Floor Debate
April 29, 2015

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I CERTAINLY DON'T INTEND TO HELP THE LIBERALS FILIBUSTER TONIGHT, BUT I DID WANT TO MAKE A COUPLE POINTS. YOU KNOW, WHEN THIS WHOLE THING ALL HAPPENED, I GOT A CALL FROM A GUY THAT OWNS A BLIMPIE; BLIMPIE IS A SUBWAY SHOP. AND THIS WAS IN SENATOR SMITH'S DISTRICT, 84TH AND GILES. HE CALLS ME UP AND SAYS, HEY, THIS IS GOING TO HURT ME, WILL YOU COME OVER TO MY BUSINESS AND TALK TO ME? SO I WENT OVER THERE. AND, NO, I DIDN'T GET ANY FREE FOOD. BUT HE WALKED ME THROUGH. HE WALKED ME THROUGH HIS ASSEMBLY LINE, TOOK ME BACK TO HIS FREEZER, SHOWED ME WHERE HE DOES HIS BOOKS, AND SAYS: LOOK, I'VE GOT FIVE EMPLOYEES HERE, SIX EMPLOYEES, AND THESE KIND OF THINGS HURT ME. NOW I HIRE KIDS WHO ARE 16. THEY START COMING. THEY CAN'T SWEEP A FLOOR. THEY CAN'T CLEAN A WINDOW. THEY CAN TALK AND THEY CAN COME IN LATE BUT THEY REALLY DON'T DO THE JOB VERY WELL. AND AFTER TWO WEEKS, IF THEY'RE STILL COMING IN, WE PROBABLY HAVE THEM SWEEPING THE FLOOR, RIGHT, AND MAYBE EMPTYING THE TRASH. AFTER A MONTH OR TWO WE GET THEM WORKING THE CASH REGISTER, MAKING SOME SANDWICHES. MAYBE, AFTER THREE OR FOUR MONTHS, THEY LEARN HOW TO CLOSE OUT AT NIGHT, CLOSE OUT A CASH REGISTER, BUT THEY ARE NOT WORTH MINIMUM WAGE TO ME. I WORK 60 HOURS A WEEK. IF YOU'RE GOING TO MAKE ME PAY THESE KIDS MINIMUM WAGE, I'LL WORK 75 HOURS A WEEK, I'LL CLEAN MY OWN WINDOWS, I'LL SWEEP MY OWN FLOORS AND I'M JUST NOT GOING TO DO IT. NOW YOU MULTIPLY THAT TIMES ALL THE LITTLE BUSINESSES WHERE THE GUY JUST DOESN'T HIRE ANYONE, HE DOES THE WORK HIMSELF. HE'S GOT EIGHT OR NINE PART-TIME EMPLOYEES. BY THE WAY, HE SAYS, IF THEY'RE GOOD, AFTER THREE MONTHS THEY GET ANOTHER QUARTER, THREE MORE MONTHS THEY GET ANOTHER QUARTER. AT THE END OF THE YEAR, THEY GET ANOTHER 50 CENTS, SO NOW THEY'RE UP A DOLLAR. AND THIS IS BEFORE WE INCREASED THE MINIMUM WAGE...WENT INTO EFFECT. HE SAYS, YOU KNOW, THEY'RE MAKING NINE BUCKS AN HOUR, MOST OF MY EMPLOYEES ARE MAKING NINE BUCKS A HOUR. NOW THE PROBLEM IS, WITH MINIMUM WAGE UP, ALL THAT'S JUMPED UP. IF YOU WONDER WHY IT COSTS SO MUCH AT McDONALD'S NOW, HERE IS YOUR REASON. ONE THING I HEARD SOMEONE ON THE OTHER SIDE SAY, HEY, UNEMPLOYMENT IS LOW. LOOK, WE RAISED THE MINIMUM WAGE, UNEMPLOYMENT WENT DOWN. WELL, THAT'S NOT BECAUSE OF RAISING THE MINIMUM WAGE, THAT'S IN SPITE OF THE MINIMUM WAGE. AND THIS BILL THAT WE'RE WORKING, SHOULD IT PASS, WILL HAVE ABSOLUTELY NO EFFECT UNTIL WE HAVE AN ECONOMIC DOWNTURN, UNTIL THINGS ARE TOUGH, UNTIL THEY START THINKING ABOUT NOT HIRING SOMEONE OR MAYBE HIRING SOMEONE AT A LESSER RATE. THE ONLY TIME THIS BILL HAS ANY EFFECT IS WHEN THINGS ARE NOT GOOD. NO ONE IS GOING TO PAY A SUBMINIMUM WAGE

Floor Debate
April 29, 2015

WHEN UNEMPLOYMENT IS 2.6 PERCENT. SO I THINK THOSE ARE SOME OF THE POINTS I WANTED TO MAKE TO...I DON'T THINK SOME OF THE THINGS WE'VE HEARD UP TO THIS POINT HAVE BEEN VERY ACCURATE AND THEY CERTAINLY DON'T SHOW US AN UNDERSTANDING OF ECONOMICS, AT TIMES. MR. PRESIDENT, I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR KUEHN. [LB599]

SENATOR KRIST: SENATOR KUEHN, TWO MINUTES. [LB599]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KINTNER. SENATOR MORFELD, I WAS WONDERING IF I COULD ASK YOU A QUESTION, IF YOU ARE AVAILABLE, AS YOU'RE COMING TO THE MIKE. [LB599]

SENATOR KRIST: SENATOR MORFELD, WILL YOU YIELD? [LB599]

SENATOR MORFELD: YES, I WILL. [LB599]

SENATOR KUEHN: THANK YOU, SENATOR MORFELD. I WAS JUST WONDERING, HAVE YOU EVER HIRED OR UTILIZED AN INTERN BEFORE FOR WORK, EITHER FOR YOURSELF, YOUR OFFICE, OR YOUR AGENCY? [LB599]

SENATOR MORFELD: YES. [LB599]

SENATOR KUEHN: SO HOW MUCH DID YOU PAY THOSE INTERNS FOR THAT WORK? [LB599]

SENATOR MORFELD: THEY EARNED CLASS CREDIT. [LB599]

SENATOR KUEHN: SO THEY DIDN'T RECEIVE A WAGE. THEY ACTUALLY PAID TUITION FOR AN EXPERIENCE, FOR A JOB, IN LIEU OF HIRING AN EMPLOYEE. SO WOULD IT BE YOUR ASSERTION THEN THAT WE SIMPLY TOLD EMPLOYERS, YOU KNOW WHAT, GIVE HIGH SCHOOL CREDIT, GIVE COLLEGE CREDIT, AND YOU WORK FOR FREE, THEN THAT DOESN'T CREATE A PROBLEM FOR YOU? [LB599]

SENATOR MORFELD: NO, BECAUSE IT WAS FOR CLASS CREDIT OR REQUIREMENT AND TIME, THEY WOULD HAVE HAD TO SPEND ON...EITHER IN CLASS OR AT MY NONPROFIT AGENCY ANYWAY. [LB599]

Floor Debate
April 29, 2015

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR KUEHN: SO AS LONG AS WE CALL IT AN EDUCATIONAL EXPERIENCE, THE WAGE DOESN'T MATTER? [LB599]

SENATOR MORFELD: NO, THAT'S NOT WHAT I SAID, SENATOR. [LB599]

SENATOR KUEHN: SO HOW WOULD YOU CLASSIFY IT? WHAT IS SO UNIQUE ABOUT WORKING ON THE JOB WHILE GETTING CREDIT ON A TRANSCRIPT AND BEING COVERED BY THE COLLEGES' OR UNIVERSITIES' INSURANCE, AS OPPOSED TO YOUR EMPLOYERS', AS OPPOSED TO BEING PAID A WAGE BY THAT EMPLOYER? [LB599]

SENATOR MORFELD: WHAT MAKES IT UNIQUE IS THAT ALL OF MY INTERNS HAVE TO SPEND THAT TIME LEARNING IN THE CLASSROOM AND IN LIEU OF LEARNING IN THE CLASSROOM THEY FOLLOW FAIRLY GUIDED GUIDELINES AS FAR AS TO WHAT THEY HAVE TO BE DOING AT MY NONPROFIT AGENCY TO GAIN THE EXPERIENCE THAT THEY OTHERWISE WOULD HAVE LEARNED IN THE CLASSROOM. SO IT'S... [LB599]

SENATOR KUEHN: SO NOT UNLIKE THE GUIDELINES OR RESTRICTIONS THAT A YOUTH WORKER HAS ON THEIR WORK THAT THEY WOULD HAVE, AS WELL? [LB599]

SENATOR MORFELD: ACTUALLY, I THINK IT'S COMPLETELY DIFFERENT. [LB599]

SENATOR KUEHN: OKAY, I APPRECIATE THAT. THANK YOU, SENATOR MORFELD. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR KINTNER, KUEHN, AND MORFELD. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB599]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. USING MY BEST INDOOR VOICE, I WOULD LIKE TO DEFER MY TIME TO SENATOR NORDQUIST. [LB599]

Floor Debate
April 29, 2015

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT. I'LL TRY TO USE MY BEST INDOOR VOICE TOO. WOULD SENATOR KINTNER YIELD TO A QUESTION? [LB599]

SENATOR KRIST: SENATOR KINTNER, WITH YOUR BEST INDOOR VOICE, WILL YOU YIELD? [LB599]

SENATOR KINTNER: YES. [LB599]

SENATOR NORDQUIST: THANK YOU, SENATOR KINTNER. SO WITH THE DISCUSSION YOU TALKED ABOUT...AND ALSO, I MET THE GENTLEMAN THAT OWNS THE BLIMPIE IN SENATOR SMITH'S DISTRICT. WE HAD A LONG DISCUSSION ABOUT THE MINIMUM WAGE. AND ONE OF THE THINGS HE ACTUALLY BROUGHT UP, HE DIDN'T THINK IT WAS FAIR THAT WE HAD A TIPPED MINIMUM WAGE THAT WAS LOWER BECAUSE IT CREATED A DISTINCTION IN RESTAURANTS. BUT MY QUESTION IS, AS YOU WERE TALKING, YOU SAID IT TOOK HIM THREE MONTHS FOR THE WORKERS TO GET UP TO SPEED AND THEY WEREN'T WORTH MINIMUM WAGE. IS THAT GENERALLY THE DISCUSSION THAT YOU JUST LAID OUT? [LB599]

SENATOR KINTNER: WELL, HE JUST SAID IT TAKES A LOT OF TIME AND HE STARTS BRINGING ABOUT...HE BRINGS IT UP ABOUT A QUARTER EVERY THREE MONTHS, AND AFTER SIX MONTHS THEY GO UP ANOTHER 50 CENTS, SO THEY'RE UP ABOUT A DOLLAR AFTER ONE YEAR. [LB599]

SENATOR NORDQUIST: DID HE TALK ABOUT THE AVAILABILITY IN STATUTE RIGHT NOW OF BEING ABLE TO PAY THEM \$5.44 AN HOUR FOR 90 DAYS, THE TRAINING WAGE THAT'S AVAILABLE IN OUR STATUTE? [LB599]

SENATOR KINTNER: NO, HE DID NOT. [LB599]

SENATOR NORDQUIST: SO THAT WOULD CERTAINLY APPLY TO THAT. AND, SENATOR KINTNER, YOU, YOU KNOW, SAID THIS WAS A LIBERAL FILIBUSTER. I WOULD CERTAINLY CALL IT A FILIBUSTER ON BEHALF OF THE NEBRASKA VOTERS, THE 60 PERCENT OF NEBRASKA VOTERS THAT VOTED FOR THIS. AND YOU THREW OUT THERE THAT WE DIDN'T KNOW MUCH ABOUT ECONOMICS. DO YOU THINK NEBRASKA VOTERS KNOW MUCH ABOUT ECONOMICS? [LB599]

SENATOR KINTNER: WELL, THEY CERTAINLY KNOW HOW TO VOTE THEMSELVES SOMEONE ELSE'S MONEY. AND IF YOU GIVE PEOPLE A CHANCE TO VOTE

Floor Debate
April 29, 2015

SOMEONE ELSE'S MONEY, IT DOESN'T MATTER IF THEY'RE REPUBLICAN OR DEMOCRAT, THEY'LL REACH OUT THERE AND GRAB IT. [LB599]

SENATOR NORDQUIST: SO YOU THINK NEBRASKANS ARE GREEDY? [LB599]

SENATOR KINTNER: I THINK WHEN SOMEONE GETS A CHANCE TO GRAB SOMEONE ELSE'S MONEY, THEY'LL CERTAINLY DO IT; AT LEAST 60 PERCENT WILL. [LB599]

SENATOR NORDQUIST: THAT SOUNDS LIKE GREED TO ME. DOES IT SOUND LIKE GREED TO YOU? [LB599]

SENATOR KINTNER: NO, I WON'T CHARACTERIZE IT AS THAT. I'LL CHARACTERIZE IT AS GETTING SOMETHING FOR NOTHING. [LB599]

SENATOR NORDQUIST: WHY WOULD...WHY DO YOU THINK THE NEBRASKA VOTERS VOTED FOR...YOU'RE SAYING THEY JUST WANTED TO GRAB OTHER PEOPLE'S MONEY? THAT'S WHY THEY VOTED FOR THIS? [LB599]

SENATOR KINTNER: NO. I THINK OUR FOUNDING FATHERS SAID IT PRETTY SUCCINCTLY, THAT WE HAVE A REPUBLIC IF WE CAN KEEP IT. AND WHEN PEOPLE LEARN THAT THEY CAN USE THE GOVERNMENT TO VOTE THEMSELVES OTHER PEOPLE'S MONEY, THAT COULD VERY WELL BE THE END OF OUR REPUBLIC. [LB599]

SENATOR NORDQUIST: SO YOU THINK NEBRASKA VOTERS WERE UNWISE AND FOLLOWED, WHAT, MISINFORMATION TO VOTE FOR THIS EFFORT? [LB599]

SENATOR KINTNER: NO, THEY VOTED TO GET FREE MONEY. THEY VOTED TO HAVE SOMEONE ELSE PAY MONEY. THEY...IT'S HUMAN NATURE. I MEAN, I...JUST THE WAY IT IS. [LB599]

SENATOR NORDQUIST: SO WHAT'S THE DISTINCTION OF THE SELF-INTERESTED HUMAN NATURE OF VOTING YOURSELF FREE MONEY AND GREED? CAN YOU DESCRIBE THE DISTINCTION THERE? [LB599]

Floor Debate
April 29, 2015

SENATOR KINTNER: I THINK GREED IS ENRICHING YOURSELF AT OTHER PEOPLE'S EXPENSES, WALKING OVER SOMEONE. YOU WOULD SAY WALKING OVER SOMEONE TO GET SOMETHING. [LB599]

SENATOR NORDQUIST: ISN'T GRABBING OTHER PEOPLE'S MONEY FOR FREE GREED? OR ISN'T THAT ENRICHING YOURSELF? [LB599]

SENATOR KINTNER: WELL, I'LL LET WHOEVER...IT'S...I'M NOT GOING TO DEFINE GREED. I'LL JUST SAY I THINK IT'S ENRICHING YOURSELF AT SOMEONE ELSE'S EXPENSE, AND YOU CAN DEFINE IT AS YOU SEE FIT. [LB599]

SENATOR NORDQUIST: THANK YOU, SENATOR KINTNER. SO I'LL SPEAK TO THE PUBLIC WHO VOTED FOR THIS, THE 60 PERCENT OF VOTERS. WE HAVE HEARD, YOU KNOW, THIS...THE ARGUMENT FOR THIS BILL IS THAT WE'VE HEARD FROM A FEW BUSINESSES THAT NEED A BREAK AND THAT'S THE REASON THAT'S BEEN LAID OUT FOR THIS CAVALIER ATTITUDE TOWARDS WHAT VOTERS SAID SIX MONTHS AGO. AND I'M CONCERNED THAT MAYBE THERE ARE MORE PEOPLE IN THIS BODY WHO SHARE SENATOR KINTNER'S PERSPECTIVE THAT NEBRASKANS WERE GREEDY OR NEBRASKANS WERE MISINFORMED OR NEBRASKANS DON'T KNOW MUCH ABOUT ECONOMICS. HOPEFULLY, THE REST OF THIS LEGISLATURE DOESN'T FEEL THAT WAY BECAUSE THE VOTERS WERE CRYSTAL CLEAR ABOUT THE WAY THEY FELT. I THINK THE VOTERS KNEW ABOUT THIS ISSUE, THEY KNEW ABOUT THE IMPACTS, THEY KNEW WHAT THEY WANTED, AND THEY STOOD UP AND SAID, RESOUNDINGLY, YES. NEBRASKANS ARE NOT GREEDY. [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR NORDQUIST: NEBRASKANS ARE NOT STUPID. THEY WERE NOT MISLED. THEY KNEW WHAT WAS GOOD FOR THE ECONOMY. AND IT'S VERY UNFORTUNATE THAT WE HAVE PEOPLE IN THIS BODY WHO HAVE THAT PERCEPTION OF THE ELECTORATE AND WANT TO COME DOWN HERE AND SAY THAT WE DON'T CARE WHAT YOU SAID, WE'RE DOING OUR OWN THING HERE, FOLKS. WE KNOW WHAT WE WANT TO DO. AND WE HAVE YET TO HEAR A GOOD ARGUMENT. IS THIS GOOD ECONOMICS? IS THIS GOING TO HELP PEOPLE GET OUT OF POVERTY? WHAT IS THE REAL ARGUMENT TO LB599 BESIDES A FEW BUSINESSES, THROUGH THEIR LOBBYISTS, CAME AND ASKED US TO DO IT? THIS CAVALIER APPROACH WE HAVE TO THE VOICE OF THE VOTERS AND THE BALLOT INITIATIVE PROCESS... [LB599]

Floor Debate
April 29, 2015

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR NORDQUIST: ...IS REALLY CONCERNING ME, FOLKS. THANK YOU.
[LB599]

SENATOR KRIST: SENATOR NORDQUIST, YOU'RE NEXT IN THE QUEUE. [LB599]

SENATOR NORDQUIST: I WILL YIELD MY TIME TO SENATOR PANSING BROOKS.
[LB599]

SENATOR KRIST: SENATOR PANSING BROOKS, YOU'RE YIELDED FIVE MINUTES.
SENATOR PANSING BOOKS WAIVES. SENATOR MORFELD, YOU'RE RECOGNIZED.
[LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I WANT TO KEEP TALKING A LITTLE BIT ABOUT SOME OF THE DIFFERENT LEGAL STANDARDS NECESSARY TO BE ABLE TO PROVE A CLAIM FOR AGE DISCRIMINATION UNDER THE FEDERAL LAW, FEDERAL LAW THAT WILL STILL APPLY IF LB599 IS PASSED INTO LAW BECAUSE FEDERAL LAW IS SUPREME TO STATE LAW, PARTICULARLY ON DISCRIMINATION CLAIMS. BUT I ALSO WANT TO TALK A LITTLE BIT ABOUT THE RISING COST OF COLLEGE EDUCATION. AND COLLEGE EDUCATION FOR MANY STUDENTS IN MY DISTRICT IS SOMETHING THAT THEY HAVE TO SAVE FOR THEMSELVES BECAUSE THEY'RE EITHER, ONE, HELPING SUPPORT THEIR FAMILIES THROUGH THEIR JOB, WHICH THEY WOULD RECEIVE LESS MONEY FOR UNDER THIS LAW, OR, TWO, OR...AND, TWO, TO SAVE FOR THEIR COLLEGE EDUCATION, MOST OF THE TIME OF WHICH IS NOT VERY SIGNIFICANT SAVINGS BECAUSE, AS COMPARED TO THE INCREASING COST OF HIGHER EDUCATION, IT'S VERY HARD TO EVEN WORK PART TIME IN HIGH SCHOOL AND STILL DO WELL ENOUGH IN HIGH SCHOOL TO BE ABLE TO GET INTO A GOOD COLLEGE AND THEN ALSO BE ABLE TO SAVE, AS WELL. ACCORDING TO THE NATIONAL CENTER FOR EDUCATION STATISTICS, BETWEEN 2001 AND 2012, PRICES FOR UNDERGRADUATE TUITION, ROOM AND BOARD AT PUBLIC INSTITUTION ROSE 40 PERCENT. PRICES AT NONPROFIT INSTITUTIONS ROSE 28 PERCENT AFTER ADJUSTMENT FOR INFLATION. IT'S ALSO IMPORTANT TO NOTE THAT, ACCORDING TO THE INSTITUTE FOR COLLEGE ACCESS AND SUCCESS IN ITS REPORT, "STUDENT DEBT AND THE CLASS OF 2013," 62 PERCENT OF NEBRASKA GRADUATES HAVE DEBT AND AN AVERAGE DEBT OF THOSE LOANS OF \$26,490. THE COLLEGE BOARD ALSO ESTIMATED THAT STUDENT LOAN VOLUME IN CONSTANT 2011 DOLLARS INCREASED FROM \$23 BILLION IN 1992-1993; TO \$100

Floor Debate
April 29, 2015

BILLION, 2007-2008, WITH ABOUT \$25 BILLION IN 2007-2008 BORROWED FROM PRIVATE LOAN SOURCES. AND I CAN TELL YOU WHAT, THE STUDENT LOAN RATES FOR INTEREST ARE NOT GOING DOWN. GETTING BACK TO AGE DISCRIMINATION, THERE'S A CASE THAT WAS IN THE NEBRASKA SUPREME...OR, EXCUSE ME, U.S. DISTRICT COURT, WITHERS v. MUTUAL PROTECTIVE INSURANCE, AND THE FACTS GO AS THIS: FOR MANY YEARS, THE EMPLOYEE HAD WORKED AS AN ADMINISTRATIVE ASSISTANT TO ONE OF THE EMPLOYER'S TOP EXECUTIVES. WHEN THE EXECUTIVE DIED, THE EMPLOYEE WAS DISCHARGED, ALLEGEDLY BECAUSE THE EMPLOYER NO LONGER NEEDED THE EMPLOYEE'S SERVICES. THE EMPLOYER REFUSED TO HIRE THE EMPLOYEE FOR AN OPEN POSITION AND WOULD NOT CONSIDER TRANSFERRING HER TO OTHER JOBS BECAUSE SHE WAS TOO HIGHLY PAID. IN ADDITION, THE EMPLOYER ALLEGED THAT THE EMPLOYEE WAS NOT HIRED FOR ONE POSITION BECAUSE OF A PERSONALITY CONFLICT WITH THE HIRING MANAGER. BASED ON THOSE NONDISCRIMINATORY REASONS FOR TERMINATING THE EMPLOYEE, THE EMPLOYER ARGUED IT WAS ENTITLED TO SUMMARY JUDGMENT, WHICH WE'LL GET TO TALK ABOUT THAT LEGAL THEORY IN A MINUTE. THE EMPLOYEE, HOWEVER, ALLEGED THAT SHE WAS QUALIFIED FOR OTHER POSITIONS IN THE COMPANY; THAT SHE WAS NEVER ASKED TO ACCEPT LESS PAY; AND THAT SHE WAS DISCHARGED...THAT AFTER SHE WAS DISCHARGED THE EMPLOYER SOUGHT AND HIRED AN EXECUTIVE ASSISTANT THAT WAS YOUNGER; AND THAT YOUNGER PEOPLE WERE HIRED TO FILL THE POSITIONS FOR WHICH THE EMPLOYEE WAS QUALIFIED; AND AT LEAST ONE OCCASION, A PERSON WHO WAS LESS THAN 40 YEARS OF AGE FILLED THOSE OPENINGS. BASED ON THOSE ALLEGATIONS OF MATERIAL FACT, DISPUTES PRECLUDED SUMMARY JUDGMENT AND THE CASE WENT TO TRIAL, A CASE THAT MAY AFFECT MANY OF THESE SMALL TOWN GROCERY STORES, PARTICULARLY WHEN THEY'RE PUT IN A POSITION WHERE THEY GET TO CHOOSE UNDER STATE LAW A YOUNGER PERSON OVER AN OLDER PERSON, SAY, OVER THE AGE OF 40. [LB599]

SENATOR KRIST: ONE MINUTE. [LB599]

SENATOR MORFELD: NOW IN ORDER TO ESTABLISH A PRIMA FACIE CASE FOR AGE DISCRIMINATION, A PLAINTIFF MUST SHOW, ONE, SHE WAS IN A PROTECTED AGE GROUP; TWO, SHE APPLIED AND WAS QUALIFIED FOR A JOB IN WHICH...FOR WHICH THE EMPLOYER WAS SEEKING APPLICANTS; THREE, SHE WAS REJECTED OR SUFFERED ADVERSE EMPLOYMENT ACTION; AND FOUR, THE EMPLOYER HIRED A YOUNGER PERSON. NOW IT'S IMPORTANT THAT OFTENTIMES THE COURT ALSO CONSIDERS NOT DIRECT EVIDENCE, BUT INDIRECT EVIDENCE, AS WELL, BECAUSE OFTENTIMES THERE IS NOT DIRECT PROOF THAT IN FACT THERE

Floor Debate
April 29, 2015

WAS DISCRIMINATION. SO THEY CAN LOOK AT THE OTHER FACTORS OUTSIDE OF THAT, WHICH LEADS TO LONG LITIGATION, LOTS OF DEPOSITIONS, WHICH ARE ALSO EXPENSIVE, AND A LOT OF UNCERTAINTY FOR SOME OF THESE EMPLOYERS. SO BEFORE WE START CREATING DISCRIMINATORY CLASSES THAT ALLOW PEOPLE TO BE ABLE TO DISCRIMINATE AGAINST OLDER PEOPLE, TO BE ABLE TO HIRE YOUNGER PEOPLE, I THINK... [LB599]

SENATOR KRIST: TIME, SENATOR. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. [LB599]

SENATOR KRIST: THANK YOU, SENATOR MORFELD. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB599]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. WHEN WE ARE DEBATING, EVEN IF IT'S EXTENDED DEBATE, IT IS VERY IMPORTANT THAT WE ARE LEAVING A CLEAR, ACCURATE RECORD. SO I DO WANT TO CORRECT A STATEMENT THAT I MADE EARLIER THAT I HAVE NOW DISCOVERED WAS INCORRECT AND THAT IS THAT HAVING A DEPENDENT CHILD IS A PROTECTED CLASS LEGALLY. SO JUST IN CONFERENCE WITH OUR LEGAL COUNSEL, I HAVE DISCOVERED THAT IS NOT ACCURATE, AND SO I WILL CORRECT THAT NOW. OUR CHAIR OF BUSINESS AND LABOR MAY GIVE US MORE ABOUT THE LEGAL IMPLICATIONS. THE EXPERTISE FROM WHICH WE DREW THAT STATEMENT DID RAISE SOME CONCERNS ABOUT HOW MANY CONDITIONS YOU PUT IN STATUTES, BUT TO HAVE A DEPENDENT IS NOT A PROTECTED CLASS, APPARENTLY. SO I WANT TO JUST AGAIN BRING OUR ATTENTION TO THE QUESTION OF HOW MUCH DOES THIS REALLY COST A SMALL, RURAL GROCERY STORE, A SMALL SHOP. COLLEAGUES, A VERY POWERFUL, POLITICAL, RHETORICAL STRATEGY IS TO ROMANTICIZE BY STRESSING THE SMALL. SO WHEN WE TALK ABOUT AGRICULTURAL POLICY, WE ROMANTICIZE BY TALKING ABOUT THE SMALL FAMILY FARM THAT EVERYONE HAS AN IMAGE OF IN THEIR MIND. AND, COLLEAGUES, AS WE'RE TALKING ABOUT SMALL, RURAL GROCERY STORES, WE ALL PROBABLY HAVE AN IMAGE OF WHAT THAT MEANS IN OUR OWN MIND, SOME KIND OF MOM-AND-POP STORE, FAMILY-OWNED STORE--AND AGAIN, FOOTNOTE, THERE ARE EXCEPTIONS IN TERMS OF FAMILY WORKERS TO THE WAGE LAWS--FAMILY-OWNED STORE THAT WE MAY HAVE FREQUENTED WHEN WE WERE YOUNG OR WHEN WE VISITED GRANDPARENTS. SO WE HAVE THAT ROMANTIC IMAGE. BUT AGAIN I WANT TO CALL YOU BACK TO THE CONTENTS OF LB599 AND RECALL THAT THIS LOWER WAGE WE'RE

Floor Debate
April 29, 2015

ESTABLISHING WITH COMPLEX CONDITIONS INCLUDING EMPLOYMENT AND DEPENDENTS, ONLY APPLIES TO 25 PERCENT OF THE WORK FORCE. SO A SMALL STORE THAT WE MIGHT IMAGINE MIGHT HAVE TEN EMPLOYEES. AND SO THAT 25 PERCENT OF THE WORK FORCE MIGHT BE TWO EMPLOYEES OR, IF THEY WORK HALF TIME AND WE'RE COUNTING 25 PERCENT OF THE HOURS THEY WORK, THAT IT MIGHT BE MORE BUT WE'RE KEEPING A SMALL NUMBER OF HOURS. AND SO IF YOU'RE PAYING THEM A DOLLAR MORE AN HOUR FOR THOSE TWO EMPLOYEES AND THEY FIND A WAY SOMEHOW TO WORK FULL TIME, AROUND THEIR SCHEDULE, \$80 A WEEK, THAT'S THE SAVINGS WE'RE TALKING ABOUT? THAT'S WORTH CREATING A DIFFERENT CLASS IN OUR WAGE LAW? THAT'S WORTH RAISING QUESTIONS ABOUT HOW YOU TELL IF SOMEONE HAS A DEPENDENT? NOW COMPARE THAT THOUGH TO WHAT THIS MEANS FOR THE LARGE GROCER WHO HAS 100 EMPLOYEES. THE COMPETITION, THE COMPETITION THAT LIVES IN THAT...THAT IS IN THAT TOWN OF 1,000 OR SO...I GREW UP 20 MILES FROM A TOWN OF ABOUT 1,000, EIGHT MILES FROM TWO TOWNS OF 200. THE GROCERY STORES IN THOSE TWO TOWNS OF 200 WENT OUT OF BUSINESS BECAUSE EVERYBODY DRIVES 20 MILES TO THE TOWN OF 1,000. [LB599]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR CRAWFORD: THANK YOU. THAT LARGER GROCERY STORE MAY HAVE 100 EMPLOYEES, THEN THEY COULD PAY THIS WAGE TO 25 OF THOSE EMPLOYEES. SO THAT IS AGAIN...THIS...WE MIGHT ROMANTICIZE IT BY TALKING ABOUT A MOM-AND-POP, SMALL GROCERY STORE IN A VERY SMALL TOWN, BUT THAT'S...THERE IS NO RESTRICTION IN THIS BILL THAT IT HAS TO BE A SMALL, RURAL GROCERY STORE. SO THE LARGE STORES AND THE LARGE CHAIN STORES WILL BE ABLE TO USE THIS WAGE AS WELL. AND WHEN I TALK TO PEOPLE ABOUT THEIR CONCERNS ABOUT WORK FORCE IN NEBRASKA, I QUITE OFTEN HEAR HOW HARD IT IS TO FIND PEOPLE TO WORK. AND SO NOW IT WILL BE EVEN HARDER FOR THOSE SMALL GROCERY STORES TO STAY VIABLE, BECAUSE THE LARGER GROCERY STORES WILL HAVE A HUGE WAGE ADVANTAGE, AND IT MAY BE HARDER TO RECRUIT THE WORKERS TO ACTUALLY WORK IN THOSE GROCERY STORES BECAUSE AGAIN... [LB599]

SENATOR WATERMEIER: TIME, SENATOR. [LB599]

Floor Debate
April 29, 2015

SENATOR CRAWFORD: THANK YOU. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR CRAWFORD. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR HANSEN, SENATOR BURKE HARR, SENATOR PANSING BROOKS, SENATOR NORDQUIST, AND OTHERS. SENATOR HANSEN, YOU ARE RECOGNIZED. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I WANTED TO ADDRESS KIND OF WHAT I COVERED IN MY OPENING OF MY RECONSIDER MOTION. I THINK THAT BY ADOPTING AM1412, AND IF THAT WAS ULTIMATELY SUCCESSFUL AND LB599 WAS ULTIMATELY SUCCESSFUL, WE HAVE ESSENTIALLY CREATED A SCENARIO WHERE THE LAW AS WE HAVE WRITTEN IT WOULD BE IMPRACTICAL FOR EMPLOYERS TO APPLY, WHICH AS AN OPPONENT OF THE BILL IS NOT THE WORST-CASE SCENARIO FOR ME. I WOULD STILL ASK PEOPLE TO OPPOSE THIS AT EACH STEP OF THE WAY. BUT IF WE'RE ASKING AS PART OF AM1412 THAT A STUDENT CAN HAVE A LOWER RATE ONLY IF THEY DON'T HAVE DEPENDENT CHILDREN--AND THE ONLY WAY AN EMPLOYER CAN VERIFY THAT IS ASKING IF THEY HAVE CHILDREN, THAT'S SIMPLY THE ONLY WAY YOU COULD DO IT--FIRST OFF, JUST THROWING THAT OUT THERE, SHORT OF DEMANDING BIRTH CERTIFICATES AND WHATNOT, IF SAYING I HAVE A CHILD GETS ME AN EXTRA DOLLAR, THAT'S...AND I'M ALREADY IN DIRE CIRCUMSTANCES OF THAT...THAT WOULD PROBABLY GO THROUGH PEOPLE'S MINDS TO SAY YES TO SUCH A QUESTION. NOW I DON'T NECESSARILY THINK THAT'S GREED. SURE, IT'S ASKING FOR A HIGHER PAYCHECK. I DON'T NECESSARILY THINK ASKING FOR A HIGHER PAYCHECK IS GREED. I DON'T THINK ASKING FOR WAGES THAT YOU CAN LIVE ON IS GREED. I DON'T THINK THAT'S GREEDY OF NEBRASKANS TO ASK. I DON'T THINK THAT'S GREEDY OF WORKERS TO ASK. I DON'T THINK THAT'S SOMETHING UNREASONABLE TO ASK FOR AND NEITHER DO OVER 60 PERCENT OF NEBRASKANS WHO VOTED LAST FALL. BUT ANYWAY, GOING BACK TO THE POINT, I WAS JUST LOOKING...AND I WANTED TO PRINT OFF A NICE HANDOUT AND I COULDN'T SETTLE ON WHICH ONE, SO WE'LL HAVE TO GO WITHOUT. BUT IF YOU GOOGLE THE PHRASE "ILLEGAL INTERVIEW QUESTIONS, ILLEGAL JOB INTERVIEW QUESTIONS," IT'LL PRINT ALL THESE THINGS THAT EVERY SOURCE, EVERY JOB-HOSTING WEB PAGE, EVERY UNIVERSITY WILL SAY, DON'T ASK IN A JOB INTERVIEW, IF YOU'RE AN EMPLOYER DON'T ASK THESE QUESTIONS. AND SOMEWHERE IN THE LIST WILL BE, DO YOU HAVE CHILDREN? NOW WE TRULY CAN'T MAKE A QUESTION ILLEGAL. YOU COULD CERTAINLY ASK IT. BUT IF YOU ARE LATER SUED FOR DISCRIMINATION BASED ON PARENTHOOD, BASED ON CHILD STATUS, BASED ON FAMILY STATUS, WELL, YOU NOW HAVE THIS HUGE PRESUMPTION: WELL, YOU ASKED IF I HAD CHILDREN, YOU ASKED IF I WAS

Floor Debate
April 29, 2015

PLANNING ON HAVING CHILDREN. THAT'S A CASE YOU'RE GOING TO LOSE AS AN EMPLOYER. THAT'S WHY THEY TELL YOU NOT TO ASK IT. IT'S NOT ILLEGAL BECAUSE YOU CAN'T SAY IT. IT'S OFTEN REFERRED TO AS ILLEGAL BECAUSE YOU WILL LOSE THE LAWSUIT MORE OFTEN THAN NOT. SO THAT'S WHAT WE'RE GOING TO ASK EMPLOYERS TO DO NOW IF WE...WITH AM1412. THAT IS SOMETHING THAT, IF THERE IS ANY EMPLOYER WHO IS EMPLOYING A YOUNG STUDENT WORKER, I WOULD DARE SAY THEY HAD A JOB INTERVIEW THAT VIOLATED SOME EMPLOYMENT PROTECTION, BECAUSE AT BARE MINIMUM THEY HAD TO VERIFY OR THE...WHETHER OR NOT THE WORKER HAD A CHILD. AND THAT'S JUST SOMETHING WE AS A SOCIETY DON'T ALLOW. I MEAN I WOULD CERTAINLY BE HORRIFIED, AND I KNOW THIS IS WHY IT'S PROTECTED AGAINST. BUT IF CHILD STATUS WAS A WAY FOR PEOPLE TO BE DENIED JOBS IN THE FIRST PLACE, THAT'S WHAT THE EMPLOYMENT PROTECTION IS DESIGNED FOR IS OBVIOUSLY, YOU KNOW, PEOPLE WHO HAVE KIDS TAKE MORE SICK DAYS. PEOPLE WHO MIGHT HAVE KIDS MIGHT TAKE MATERNITY LEAVE. THEY MIGHT HAVE HEALTH PROBLEMS. THEY MIGHT COST MORE IN HEALTH INSURANCE. THEY MIGHT TALK ABOUT THEIR KIDS ALL THE TIME. THESE ARE THINGS WE WANT TO...THESE ARE THINGS WE, AS A SOCIETY, HAVE DEEMED ARE WORTH PROTECTION IN EMPLOYMENT BECAUSE WE WANT PARENTS TO BE PRODUCTIVE MEMBERS OF SOCIETY AND BE ABLE TO RAISE THEIR KIDS ON A LIVING WAGE. [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. THESE ARE THINGS THAT WE'VE DECIDED. SO NOW WE'RE GOING TO SAY WE HAVE THIS LOWER MINIMUM WAGE. WE'RE GOING TO PAY YOU A SUBMINIMUM WAGE BUT ONLY IF YOU DON'T HAVE DEPENDENTS. I MEAN I UNDERSTAND THE RATIONALE THERE. WE WANT TO GIVE PARENTS A BUMP FROM \$1 BELOW OUR REGULAR MINIMUM WAGE, JUST REGULAR MINIMUM WAGE. BUT THAT'S JUST SIMPLY A JOB INTERVIEW QUESTION THAT I, AS AN EMPLOYER, WOULD BE SO HORRIFIED TO ASK, BOTH JUST ON PERSONAL GROUNDS OF BEING TOO INVASIVE OF AN INDIVIDUAL, AS WELL AS JUST HAVING SOME SEMBLANCE OF EMPLOYMENT LAW. I DON'T WANT TO GET SLAPPED WITH A LAWSUIT THAT'S GOING TO COST ME WAY MORE THAN THE DOLLAR I SAVED IN THE SUBMINIMUM WAGE. AND I DON'T WANT TO REALLY EVEN BOTHER WITH THE HASSLE OF HAVING MY NAME APPEAR IN THE PAPER WITH EMPLOYMENT DISCRIMINATION. THANK YOU, MR. PRESIDENT. [LB599]

Floor Debate
April 29, 2015

SENATOR WATERMEIER: THANK YOU, SENATOR HANSEN. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB599]

SENATOR HARR: THANK YOU, MR. PRESIDENT. I'M GOING TO BE ASKING SENATOR EBKE SOME QUESTIONS IF SHE WOULD BE WILLING TO ANSWER THEM. IN THE MEANTIME, YOU KNOW, I'M FOLLOWING UP ON WHAT SENATOR HANSEN SAID. THIS BILL IS FEEL GOOD. LOOK, WE ALL LOVE OUR SMALL TOWN GROCERS, RIGHT, THE JACK AND JILL'S, STEPS (PHONETIC)? AND, YOU KNOW, AS A LITTLE KID, I LOVED GOING TO LITTLE-TOWN GROCERY STORES IN MY PARENTS' TOWN. I GET IT. THEY DON'T REALLY EXIST ANYMORE. IT'S A BYGONE ERA, KIND OF LIKE THE FOUR FAMILIES TO A SECTION. AND WE HAVE TO BE CAREFUL THAT WE'RE NOT MAKING LAWS FOR WHAT WE WANT TO HAVE INSTEAD OF WHAT WE REALLY HAVE. SENATOR EBKE, WOULD YOU BE WILLING TO YIELD TO SOME QUESTIONS? [LB599]

SENATOR WATERMEIER: SENATOR EBKE, YIELD FOR A QUESTION? [LB599]

SENATOR EBKE: SURE. [LB599]

SENATOR HARR: HOW OLD ARE YOU? [LB599]

SENATOR EBKE: FIFTY-TWO. [LB599]

SENATOR HARR: OKAY. YOU WORKED AT BURGER KING? [LB599]

SENATOR EBKE: I DID. [LB599]

SENATOR HARR: OKAY, WHAT WAS YOUR JOB THERE? [LB599]

SENATOR EBKE: WELL, I STARTED OUT AS AN HOURLY EMPLOYEE MAKING MINIMUM WAGE AND THEN I BECAME AN ASSISTANT MANAGER AND SOMETIME LATER I BECAME MANAGER OF THE STORE. [LB599]

SENATOR HARR: ALL RIGHT, SO YOU WERE IN CHARGE OF HIRING AND FIRING? [LB599]

SENATOR EBKE: YES, I WAS. [LB599]

Floor Debate
April 29, 2015

SENATOR HARR: ALL RIGHT. AND DID YOU HAVE GUIDELINES OF WHAT YOU COULD AND COULD NOT SAY WHEN YOU WERE HIRING AND FIRING INDIVIDUALS? [LB599]

SENATOR EBKE: YES, WE DID, BUT IF YOU ASKED ME EXACTLY WHAT THEY WERE, IT'S BEEN 30 YEARS, SO I PROBABLY WON'T REMEMBER ALL OF THEM. [LB599]

SENATOR HARR: OKAY. DID YOU EVER ASK WHEN YOU WERE INTERVIEWING SOMEONE FOR A JOB, HOW OLD ARE YOU? [LB599]

SENATOR EBKE: WELL, YES, THEY HAD TO PROVIDE US WITH THEIR DRIVER'S LICENSE. [LB599]

SENATOR HARR: AND WHY IS THAT? [LB599]

SENATOR EBKE: BECAUSE WE NEEDED IT FOR THE I-9 FORM, THE IMMIGRATION FORM. [LB599]

SENATOR HARR: SO YOU NEEDED A PIECE OF IDENTIFICATION. YOU DIDN'T NECESSARILY NEED A DRIVER'S LICENSE, YOU NEEDED A PIECE OF IDENTIFICATION. [LB599]

SENATOR EBKE: OR A BIRTH CERTIFICATE. WE NEEDED TO HAVE VERIFICATION THAT THEY WERE LEGAL AGE TO WORK AND THAT THEY LEGAL CITIZENS. [LB599]

SENATOR HARR: OKAY. SO YOU WOULD ASK THEM THAT BEFORE THEY WERE HIRED, LET ME SEE YOUR DRIVER'S LICENSE... [LB599]

SENATOR EBKE: WELL, NO. [LB599]

SENATOR HARR: ...OR WAS IT AFTER THEY'VE BEEN HIRED? [LB599]

SENATOR EBKE: IT WAS AFTER THEY'D BEEN HIRED. [LB599]

Floor Debate
April 29, 2015

SENATOR HARR: OKAY, BECAUSE YOU PROBABLY DON'T WANT TO ASK THEM BEFORE THEY'RE HIRED, CORRECT? [LB599]

SENATOR EBKE: SURE. [LB599]

SENATOR HARR: OKAY. AND DID YOU EVER ASK, HOW MANY KIDS DO YOU HAVE? [LB599]

SENATOR EBKE: NOT THAT I RECALL. IT WAS THIS...LIKE I SAID, IT'S BEEN 30 YEARS AGO, SO...YEAH. [LB599]

SENATOR HARR: OKAY. WELL, LET ME JUST TELL YOU, YOU PROBABLY DIDN'T, BECAUSE IF YOU DID EITHER ONE OF THOSE TWO, IT'S ILLEGAL. YOU CAN'T DO THAT. SO WE HAVE A FEDERAL LAW AND THIS IS MIRRORED OFF THE FEDERAL LAW AND I UNDERSTAND WHAT'S GOING ON. AND IN THE FEDERAL LAW, THERE IS A PROCESS OF HOW YOU JUSTIFY AND VERIFY A PERSON'S AGE. WHAT WE HAVE HERE, FOLKS, IS A LAW WHERE YOU'RE JUST OPENING YOURSELF UP TO LAWSUIT IF IN YOUR INTERVIEW YOU SAY, DO YOU HAVE ANY CHILDREN, BECAUSE IF YOU DON'T HIRE THAT PERSON, THAT PERSON WILL MORE LIKELY THAN NOT SUE YOU. IF YOU SAY YOU DO, YOU MAY BE OFFENDED. YOU MAY HAVE A SUIT THERE, AS WELL. BUT YOU CAN'T ASK THESE QUESTIONS. WE HAVE NO PROCESS FOR IT. THIS IS AGE DISCRIMINATION BECAUSE NO EMPLOYER IS GOING TO WANT THIS. IF YOU HAVE...OR IF THEY DO ASK THESE QUESTIONS, THEY ARE DOING JUST THAT, TAKING ADVANTAGE OF YOUNG CHILDREN WHO DON'T KNOW THE LAW, YOUNG PEOPLE WHO CAN'T VOTE. SO LET'S JUST FORGET ABOUT THEM. YOU KNOW WHAT, WE'RE TEACHING THEM SOMETHING. THE...AND THEN THOSE ARE ALL THE QUESTIONS I HAVE, SENATOR EBKE. THANK YOU. THE RELATIONSHIP BETWEEN AN EMPLOYER AND EMPLOYEE IS MORE THAN JUST WAGES. AND IF YOU THINK IT ISN'T, JUST LOOK AT WHO YOU ARE AND WHERE YOU ARE RIGHT NOW. YOU'RE WORKING FOR \$12,000. YOU'RE NOT DOING IT FOR THE MONEY, FOLKS. BUT THERE ARE PEOPLE OUT THERE THAT DO, WHO DO NEED THE MONEY, WHO CAN'T HAVE THE PRIVILEGE OF SAYING, WELL, GOLLY, I GUESS I'LL TELL THEM I HAVE A KID. I DON'T WANT THEM TO KNOW FOR FEAR, IF I TELL THEM I HAVE A KID, YOU KNOW, THEY MAY NOT HIRE ME. AND IF I TELL THEM I HAVE A KID, THEY'RE GOING TO FOLLOW UP BY, WELL, WHAT'S YOUR DAY-CARE PLAN, HOW ARE YOU GOING TO HANDLE THIS? [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

Floor Debate
April 29, 2015

SENATOR HARR: THANK YOU. THIS IS A GRAY AREA. IT'S A GREAT FEEL GOOD BILL. WE'RE GOING TO TEACH OUR KIDS HOW TO WORK. THERE'S NO DATA THAT SHOWS IT REALLY HAS AN EFFECT. BY THE WAY, YOU WANT A KID WITH A WORK ETHIC...WELL, I'LL COME BACK TO THAT. BUT JUST LET'S TALK ABOUT THE LEGALITY. YOU JUST CAN'T ASK THOSE QUESTIONS, FOLKS. IT'S THAT SIMPLE. YOU JUST CAN'T DO IT. SO HOW ARE WE GOING TO ENFORCE? THIS IS A LAW WITHOUT ENFORCEMENT UNLESS THAT EMPLOYER TURNS AROUND AND VIOLATES THE LAW. NO LAWYER WILL EVER RECOMMEND THEY PAY THIS WAGE. THANK YOU. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR HARR AND SENATOR EBKE. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB599]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. IN MY VERY HAPPY, INDOOR VOICE, I WOULD LIKE TO JUST BRING TO EVERYBODY'S ATTENTION WHAT THE VARIOUS COUNTIES VOTED IN NOVEMBER MERELY SIX MONTHS AGO FOR THE MINIMUM WAGE. AND I HOPE THAT YOU WILL LISTEN CLOSELY BECAUSE I DID NOT LOOK UP WHERE YOU ARE ALL FROM, BUT ONE COUNTY IN PARTICULAR IS OVER 70 PERCENT; THAT'S THURSTON COUNTY AT 72.2 PERCENT. SO AS YOU'RE THINKING ABOUT THIS VERY LIBERAL...WE WERE CALLED THE LIBERAL MOVEMENT TRYING TO PUSH THIS FORWARD. I GUESS WE'RE CALLING THE WHOLE STATE LIBERAL NOW BECAUSE THE STATE VOTED TO PASS THE INCREASE TO THE MINIMUM WAGE. SO LET'S GO FORWARD: ADAMS COUNTY, 56.2 PERCENT;--I'M READING THE COUNTIES THAT PASSED THE MINIMUM WAGE-- BOONE COUNTY, 54.9 PERCENT; BOX BUTTE COUNTY, 62 PERCENT; BOYD COUNTY 50.7 (PERCENT); BROWN COUNTY, 55.2 (PERCENT); BUFFALO COUNTY, 52.5 (PERCENT); BURT COUNTY, 64.8 (PERCENT); BUTLER COUNTY, 56 PERCENT; CASS COUNTY, 57.8 PERCENT; CEDAR COUNTY 56.9 PERCENT; CHEYENNE COUNTY, 58.8 PERCENT; CLAY COUNTY, 51.6 PERCENT; COLFAX COUNTY, 55.9 PERCENT; CUMING COUNTY, 57.4 PERCENT; CUSTER COUNTY, 51.2 PERCENT; DAKOTA COUNTY, 67 PERCENT. PLEASE, PERK UP IF YOU HEAR YOUR COUNTY'S NAME LISTED. DAWES COUNTY, 56.6 PERCENT; DAWSON COUNTY, 56.6 PERCENT; DEUEL COUNTY, 59.6 PERCENT; DIXON COUNTY, 62.7 PERCENT; DODGE COUNTY, 62.3 PERCENT; DOUGLAS COUNTY, 65.1 PERCENT; FILLMORE COUNTY, 55 PERCENT; FRANKLIN COUNTY, 52.9 PERCENT; FRONTIER COUNTY, 52.2 PERCENT; FURNAS COUNTY, 56.5 PERCENT; GAGE COUNTY, 59.6 PERCENT; GARDEN COUNTY, 54.3 PERCENT; GOSPER COUNTY, 55.4 PERCENT; GREELEY COUNTY, 57.5 PERCENT; HALL COUNTY, 58.2 PERCENT; HARLAN COUNTY, 53 PERCENT; HITCHCOCK COUNTY, 52.3 PERCENT; HOLT COUNTY, 52.2 PERCENT; HOOKER COUNTY, 56.4 PERCENT; HOWARD COUNTY, 54.5 PERCENT; JEFFERSON COUNTY, 54.9 PERCENT;

Floor Debate
April 29, 2015

JOHNSON COUNTY, 61.4 PERCENT; KEARNEY COUNTY, 52.9 PERCENT; KEITH COUNTY, 54.5 PERCENT; KIMBALL COUNTY, 58.6 PERCENT; KNOX COUNTY, 57.3 PERCENT; LANCASTER COUNTY, WHERE WE ARE STANDING TODAY, 63.2 PERCENT; LINCOLN COUNTY, 54.3 PERCENT; LOUP COUNTY, 57.6 PERCENT; MADISON COUNTY, 50.4 PERCENT; MERRICK COUNTY, 51.6 PERCENT; MORRILL COUNTY, 51.9 PERCENT; NANCE COUNTY, 60.9 PERCENT; NEMAHA COUNTY, 57.3 PERCENT; OTOE COUNTY, 59.2 PERCENT; PAWNEE COUNTY, 56.5 PERCENT; PERKINS COUNTY, 53.7 PERCENT; PHELPS COUNTY, 51.1 PERCENT; PLATTE COUNTY, 52.6 PERCENT; POLK COUNTY, 50.8 PERCENT; RED WILLOW COUNTY, 50.5 PERCENT; RICHARDSON COUNTY, 64.2 PERCENT; ROCK COUNTY, 52.9 PERCENT; SALINE COUNTY, TO THOSE OF YOU...61.9 PERCENT; SARPY COUNTY, 58.5 PERCENT; SAUNDERS COUNTY, 56.6 PERCENT; SCOTTS BLUFF COUNTY, 58.2 PERCENT; SEWARD COUNTY, 52.9 PERCENT... [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR PANSING BROOKS: THANK YOU...SHERMAN COUNTY, 57.5 PERCENT; SIOUX COUNTY, 50.1 PERCENT; STANTON COUNTY, 50.6 PERCENT; THAYER COUNTY, 52.3 PERCENT; THURSTON COUNTY, THE GRANDDADDY OF THEM ALL, WHOEVER IS FROM THURSTON COUNTY, 72.2 PERCENT. TO BE POLITE, I DID NOT LOOK UP EACH OF YOUR DISTRICTS. SO I DECIDED THAT IS NOT IN GOOD FORM RIGHT NOW, BUT I MIGHT LATER. WASHINGTON COUNTY, 51.8 PERCENT; WAYNE COUNTY, 54.6 PERCENT; WEBSTER COUNTY, 51.6 (PERCENT); WHEELER COUNTY, 50.4 PERCENT; AND YORK COUNTY, 50.9 PERCENT. ALL READ WITHIN FIVE MINUTES. SO THANK YOU, ALL. I HOPE YOU HEARD YOUR COUNTY BECAUSE I'M PRESUMING THAT YOU DID AND... [LB599]

SENATOR WATERMEIER: TIME, SENATOR. [LB599]

SENATOR PANSING BROOKS: ...OBVIOUSLY YOU DON'T WANT TO TURN DOWN WHAT YOUR VOTERS HAVE SAID. THANK YOU VERY MUCH, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR PANSING BROOKS. SENATOR NORDQUIST, YOU ARE RECOGNIZED. [LB599]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT, MEMBERS. THANK YOU, SENATOR PANSING BROOKS, FOR READING THAT. I THINK IT'S IMPORTANT FOR US TO REALIZE WHAT WE'RE DOING HERE, THE PRECEDENT THAT WE'RE SETTING

Floor Debate
April 29, 2015

FOR THE FIRST TIME IN DECADES, CERTAINLY THE FIRST TIME SINCE THE PROVISION HAS BEEN ADDED TO THE CONSTITUTION THAT CREATES A HIGHER THRESHOLD. WE ARE THUMBING OUR NOSES AT THE VOTERS. AND FOR WHATEVER REASON, I KNOW SOME MEMBERS, AS WE JUST DISCUSSED ON THE MIKE, THINK IT'S OUT OF GREED OR OUT OF SELF-INTEREST. I GUESS THERE ARE 311,000 SELF-INTERESTED NEBRASKANS ACCORDING TO SOME MEMBERS OF THIS LEGISLATURE. I THINK IT'S IMPORTANT THAT...SOMEBODY E-MAILED ME MAKING A GOOD POINT WHO SAID, IF THE ARGUMENT IS VOTERS ARE WRONG OR POORLY INFORMED, THEN EVERY SENATOR SHOULD THINK ABOUT THE PEOPLE WHO ELECTED THEM, ESPECIALLY THOSE THAT WERE ELECTED WHEN THE POOR, UNINFORMED VOTER WALKED INTO THE VOTING BOOTH AND CAST THE VOTE FOR INITIATIVE 425. ALL 18 NEW MEMBERS, THE SAME VOTERS WERE VOTING FOR YOU. SO HOWEVER UNINFORMED THEY WERE, HOWEVER GREEDY THEY WERE, WHATEVER THEY WALKED INTO THE VOTING BOOTH WERE, THEY WERE PUSHING THE SAME THING WHEN THEY VOTED FOR YOU IN NOVEMBER. SO THAT'S A GOOD POINT. I DO WANT TO READ A STATEMENT FROM AN INDIVIDUAL WHO HAS WORKED THREE TIMES...WHO WORKS THREE JOBS TO HELP SUPPORT HER FAMILY. DECARA (PHONETIC) IS HER NAME; SHE'S 18 YEARS OLD. SHE SAID, I HAVE WORKED IN A LOT OF FAST...HELLO? HELLO? SORRY. ARE YOU TRYING TO TURN ME DOWN? I CAN NOT SHOUT INTO IT SO MUCH. THANK YOU. SHE SAYS I'VE WORKED IN A LOT OF FAST FOOD AND YOU DO A LOT MORE WORK THAN WHAT YOU GET PAID FOR. THEY ASSUME YOUNGER PEOPLE HAVE MORE ENERGY, SO THEY'RE EXPECTED TO DO MORE ANYWAY. PLUS, WE HAVE TO BALANCE WORK AND SCHOOL. AND IF WE WANT TO DO OUR JOB CORRECTLY, IT'S HARD. WE'RE STILL DOING OUR JOB FLUENTLY, BALANCING SCHOOL, SCHOOL ACTIVITIES, AND WORK. IT'S NOT FAIR TO MAKE LESS JUST BECAUSE WE'RE YOUNGER STUDENTS. I WORK BECAUSE ONCE YOU GET TO A CERTAIN AGE, YOU HAVE TO BE MORE RESPONSIBLE FOR YOURSELF. I WANT TO SUPPORT MY FAMILY THE BEST I CAN TO HELP MY MOM OUT AND TO KEEP HER FROM STRESSING OUT FROM SUPPORTING US. AND YOU NEED MORE MONEY FOR EXTRA THINGS. YOU NEED YOUR OWN MONEY AND WORKING YOUNG PEOPLE HELPS...WORKING YOUNG HELPS GIVE YOU A SENSE OF RESPONSIBILITY AND GETS YOU READY FOR THE REAL WORLD. I FEEL LIKE A STUDENT COULD TAKE THIS BILL THE WRONG WAY AND SAY, I COULD GET PAID MORE IF I WASN'T IN SCHOOL. IF YOU NEED THE MONEY, YOU'RE GOING...YOU'RE WORKING HARD BECAUSE MONEY IS TIGHT. I WORK THREE JOBS TO HELP SUPPORT MY MOTHER WHO IS DISABLED. YOU WANT TO WORK HARD TO MAKE MORE MONEY, AND THAT'S THE POINT OF YOUR EDUCATION. TO BE ABLE TO MAKE MORE MONEY, SOMEONE MIGHT THINK I MIGHT AS WELL DROP OUT OF SCHOOL BECAUSE I'LL MAKE MORE MONEY. IT'S SENDING THE WRONG MESSAGE TO YOUNG PEOPLE.

Floor Debate
April 29, 2015

CERTAINLY YOUNG PEOPLE ARE MAKING THEIR VOICES HEARD ON THIS, BUT UNFORTUNATELY I DON'T THINK THAT MESSAGE IS GETTING THROUGH TO A LOT OF MEMBERS IN THIS BODY BY THE GENERAL FILE DEBATE AND SELECT FILE DEBATE. IT APPEARS THAT MEMBERS OF THIS BODY ARE MORE INTERESTED IN LISTENING TO THE SPECIAL INTEREST LOBBYISTS, WHO AGAIN, YOU KNOW, COME DOWN AND MAYBE TAKE THEM OUT TO LUNCH OR GIVE THEM CAMPAIGN CONTRIBUTIONS. THEY'RE MORE INTERESTED IN DOING THAT THAN LISTENING TO THE 60 PERCENT OF VOTERS WHO SPOKE IN NOVEMBER, LISTENING TO THE...I KNOW I'VE RECEIVED SEVERAL HUNDRED E-MAILS FROM AROUND THE STATE AND I ASSUME THOSE ARE GOING TO EVERYBODY. SO PROBABLY EVERYONE'S CONSTITUENTS HAVE MADE THEIR VOICES HEARD. THEY'RE MORE INTERESTED...SENATORS IN THIS BODY UNFORTUNATELY SEEM... [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR NORDQUIST: ...TO BE MORE INTERESTED IN PUTTING OTHER THINGS AHEAD OF LISTENING TO THE VOTERS WHO SPOKE AND TO YOUNG PEOPLE WHO ARE SAYING THIS IS IMPORTANT TO US, DON'T PASS LB599. I'LL YIELD THE REMAINDER OF MY TIME TO SENATOR HANSEN. [LB599]

SENATOR WATERMEIER: SENATOR HANSEN, YOU'RE YIELDED ONE MINUTE. [LB599]

SENATOR HANSEN: MR. PRESIDENT, THANK YOU. AND THANK YOU, SENATOR NORDQUIST. I WISH TO WITHDRAW MY PENDING RECONSIDER MOTION. [LB599]

SENATOR WATERMEIER: A REQUEST TO WITHDRAW A RECONSIDER MOTION REQUIRES UNANIMOUS CONSENT. IS THERE ANYONE OBJECTING? SEEING NONE, SO REQUESTED. MOVING ON TO DEBATE ON AM1319. THOSE IN THE QUEUE, SENATOR KEN HAAR, SENATOR MORFELD, SENATOR DAVIS. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB599]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, A LITTLE WHILE AGO I ASKED ONE OF THE PAGES IF WOMEN SHOULD BE SATISFIED WITH SMALLER WAGES JUST BECAUSE THEY'RE WOMEN AND...I DIDN'T EVEN TRY TO READ HER LIPS, IT'S TOO DARK IN HERE. BUT SHE SAID...SHE POLITELY SAID NO. BUT I DON'T SEE ANY DIFFERENCE BECAUSE THE EXCUSE FOR THAT WAS ALWAYS, WELL, WOMEN DON'T NEED AS MUCH...AS HIGH A WAGE. OR, GEE, THEIR MAIN RESPONSIBILITY IS STAYING AT HOME AND TAKING CARE OF THE

Floor Debate
April 29, 2015

CHILDREN. IT'S MEN WHO SHOULD, YOU KNOW, MAKE THE HIGHER WAGE BECAUSE THEY HAVE TO SUPPORT THEIR FAMILIES. AND SO IT'S THAT PROCESS OF GETTING INTO...GOING BEYOND THE SIMPLE CONCEPT OF MINIMUM WAGE TO A VERY COMPLEX IDEA OF WHO SHOULD AND WHO SHOULDN'T DESERVE TO MAKE THAT MINIMUM WAGE. AND THIS IS WHERE IT KEEPS GETTING MORE AND MORE COMPLEX. AS I BROUGHT UP EARLIER, WHY SHOULDN'T OLDER, RETIRED PEOPLE WHO DON'T REALLY NEED TO MAKE MORE MONEY BUT THEY JUST LIKE TO STAY BUSY OR THEY'RE JUST MAKING THE MONEY TO GO TO THE MOVIES OR WHATEVER, WHY SHOULDN'T THAT BE PAID LESS IF THEY DON'T REALLY NEED THE MONEY? COULD I HAVE A GAVEL, PLEASE? MR. PRESIDENT, COULD I HAVE A GAVEL? THANK YOU. SO TO ME WE'RE SLIDING BACKWARDS. WE'RE GOING FROM THE IDEA THAT THERE ARE CERTAIN PEOPLE IN OUR SOCIETY, WHETHER IT'S BASED ON GENDER OR AGE OR WHATEVER, THAT DON'T REALLY NEED TO MAKE A MINIMUM WAGE, AND I JUST THINK THAT'S WRONG. I THINK IT'S UNFAIR. I THINK YOUNG PEOPLE UNDERSTAND THAT. I THINK IF WE TRIED TO DO THIS TO OLDER, RETIRED PEOPLE AND THEN WE TRIED TO CREATE OUT ALL THE EXCEPTIONS WHERE MAYBE THEY DO NEED THE MONEY, THEY WOULD UNDERSTAND AS WELL. SO I WOULD GIVE THE REST OF MY TIME TO SENATOR MORFELD SHOULD HE WANT IT. [LB599]

SENATOR WATERMEIER: SENATOR MORFELD, 2 MINUTES, 30 SECONDS AND YOU ARE NEXT IN THE QUEUE AS WELL. [LB599]

SENATOR MORFELD: THANK YOU, SENATOR HAAR. I WANT TO RETURN BACK TO TALKING ABOUT SOME OF THE LEGAL IMPLICATIONS OF ENACTING THIS LAW AND THEN POTENTIALLY PUTTING SMALL BUSINESSES, PROBABLY LITTLE RESOURCES GIVEN THE CONVERSATION THAT WE HAD TONIGHT, GETTING THESE SMALL BUSINESSES AND PUTTING THEM IN SITUATIONS WHERE THEY'LL BE LIABLE WHEN THEY PROBABLY WON'T THINK THAT THEY'LL BE LIABLE, BECAUSE THERE'S A STATE LAW THAT ALLOWS THEM TO DISCRIMINATE IN VIOLATION OF FEDERAL LAW IF THEY DECIDE TO HIRE SOMEBODY UNDER THE AGE OF 19 AND THEN DECIDE NOT TO HIRE SOMEBODY OVER THE AGE OF 40. AND AS I WAS NOTING EARLIER WHEN TALKING ABOUT THE DIFFERENT STANDARDS TO BE ABLE TO QUALIFY FOR A PRIMA FACIE EMPLOYMENT DISCRIMINATION CLAIM BASED ON AGE, THAT THESE CLAIMS CAN BE MADE WITHOUT DIRECT EVIDENCE, THAT THE PREPONDERANCE OF THE EVIDENCE AND THE DIFFERENT CIRCUMSTANCES SURROUNDING THE HIRE OR LACK THEREOF OF AN EMPLOYEE BECAUSE OF AGE CAN ACTUALLY LEAD TO LONG AND COSTLY LITIGATION. [LB599]

Floor Debate
April 29, 2015

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR MORFELD: AND MANY OF THESE EMPLOYERS LIKELY WILL NOT HAVE ATTORNEYS TO TELL THEM THAT, HEY, LISTEN, YES, THERE IS A STATE LAW BUT IT CAN VERY EASILY RUN AFOUL OF FEDERAL LAW. AND YOU CAN BE SUBJECT TO LIABILITY DESPITE THE FACT THAT YOU'RE FOLLOWING A STATE LAW. ONE OF THE CASES THAT IS CURRENTLY PENDING IS ACTUALLY AGAINST A TEXAS ROADHOUSE. AND THE CHAIN--KNOWN FOR ITS...I GUESS IT'S FRONT LINE DANCING STAFF--IS BATTLING A 2011 SUIT FROM THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, OTHERWISE KNOWN AS THE EEOC, THAT ALLEGES THAT THE COMPANY DOES NOT HIRE WORKERS OVER 40. BACKED BY THE POWER OF THE FEDERAL GOVERNMENT, THE EEOC HAS GONE AFTER TEXAS ROADHOUSE BECAUSE THEY ARE HIRING PEOPLE UNDER THE AGE OF 40 AND GIVING PREFERENCE. AND JUST READING FROM THE FACTS OF THAT CASE THE, EEOC FILED THIS 88A LAWSUIT--THAT'S AN AGE DISCRIMINATION CLAIM--ALLEGING THAT THE DEFENDANT, A KENTUCKY-BASED RESTAURANT CHAIN ENGAGED IN A NATIONWIDE PATTERN OR PRACTICE OF AGE DISCRIMINATION IN HIRING HOURLY FRONT-OF-THE-HOUSE EMPLOYEES. [LB599]

SENATOR WATERMEIER: SENATOR, YOU'RE NOW ON YOU THE NEXT FIVE MINUTES. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. SINCE AT LEAST 2007, THE DEFENDANT HAD BEEN DISCRIMINATING AGAINST A CLASS OF APPLICANTS FOR FRONT-OF-THE-HOUSE AND OTHER PUBLIC, VISIBLE POSITIONS, SUCH AS SERVERS, HOSTS, AND BARTENDERS, BY FAILING TO HIRE THEM BECAUSE OF THEIR AGE; 40 YEARS AND OLDER. THE CASE ALLEGES THAT THE DEFENDANT INSTRUCTED ITS MANAGERS TO HIRE YOUNG JOB APPLICANTS--MUCH LIKE SOME OF OUR RURAL GROCERY STORES MIGHT BE IF WE ENACT THIS LAW--AND EMPHASIZED YOUTH WHEN TRAINING MANAGERS ABOUT HIRING EMPLOYEES FOR ITS RESTAURANTS. ALL THE IMAGES OF EMPLOYEES IN ITS TRAINING AND EMPLOYMENT MANUALS ARE OF YOUNG PEOPLE...DEFENDANTS HIRING. OFFICIALS ALSO ALLEGEDLY TOLD OLDER APPLICANTS ACROSS THE NATION THAT THERE ARE YOUNGER PEOPLE HERE WHO CAN GROW WITH THE COMPANY. YOU SEEM OLDER TO BE APPLYING FOR THIS JOB. AND, QUOTE, DO YOU THINK YOU'D FIT IN? WE'RE LOOKING FOR PEOPLE ON THE YOUNGER SIDE, BUT YOU HAVE A LOT OF EXPERIENCE. AND, QUOTE, HOW DO YOU FEEL ABOUT WORKING WITH A YOUNGER PERSON? WELL, THEY WOULDN'T EVEN HAVE TO HIDE THE FACT OR ASK CLOUDED QUESTIONS LIKE THAT UNDER OUR LAW, BECAUSE THEY WOULD BE ABLE TO DISCRIMINATE OPENLY UNDER STATE LAW ANYWAY.

Floor Debate
April 29, 2015

HOWEVER, NOT UNDER FEDERAL LAW. BUT I CAN TELL YOU THAT A LOT OF THESE SMALL BUSINESS OWNERS ARE NOT GOING TO KNOW IT, BUT THIS LEGISLATURE BY PASSING LB599 MAY VERY WELL SEND THE WRONG MESSAGE THAT THEY CAN IN FACT DO THAT, BUT NOT LET THEM KNOW THAT, HEY, LISTEN, YOU CAN'T DO THAT AGAINST PEOPLE WHO ARE 40 YEARS OR OLDER WHEN HIRING YOUNGER PEOPLE FOR PURPOSES OF PAYING THEM A LOWER MINIMUM WAGE. SO IT'S IMPORTANT TO THINK ABOUT THE UNINTENDED CONSEQUENCES OF THIS LEGISLATION AND NOT TO OVERLOOK IT. IT'S ALSO IMPORTANT TO REMEMBER THAT YOUNG PEOPLE OFTEN HAVE MANY EXPENSES THEMSELVES, AS WE'VE DISCUSSED PREVIOUSLY, WHICH IS WHY I WANT TO TALK A LITTLE BIT MORE ABOUT AVERAGE WAGES AND THE COST OF HIGHER EDUCATION. AND BEFORE WE TALK ABOUT THE COST OF HIGHER EDUCATION, I REITERATE SOME OF THE NUMBERS. ACCORDING TO THE U.S. CENSUS, THE MEDIAN HOUSEHOLD INCOME IN NEBRASKA HAS DROPPED IN THE PAST TEN YEARS. IN 2002 TO 2003, THE MEDIAN WAS \$55,000; IT'S ABOUT \$36,000 IN MY DISTRICT, SO THAT'S PRETTY NICE ACTUALLY. IN 2012 TO 2013, THE MEDIAN HOUSEHOLD INCOME WAS \$53,364. NATIONALLY, THE MEDIAN HOUSEHOLD INCOME IN 2002 TO 2003 WAS \$54,889. IN 2012 TO 2013, THE MEDIAN HOUSEHOLD INCOME WAS \$51,849. AND WE HAVE TO REMEMBER, COLLEAGUES, THAT THIS IS JUST THE HOUSEHOLD INCOME FOR MOSTLY ADULTS WHO ARE OUT OF COLLEGE OR ARE PROFESSIONALS. THIS IS JUST SIMPLY THE AVERAGE. AND THAT YOUNGER PEOPLE IN PARTICULAR ARE MAKING LESS. THEY ARE HAVING INCREASING HIGHER EDUCATION COSTS, INCREASING COSTS OF LIVING. AND IN MANY CASES FAMILIES ARE STRUGGLING MORE AND MORE WITH THE HIGHER COST OF HEALTHCARE, WHICH THIS BODY FAILED TO ADDRESS THIS SESSION, WHICH WILL HAVE A LARGE IMPACT ON MY DISTRICT AS WELL. [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR MORFELD: IN ADDITION, I THINK IT'S ALSO IMPORTANT TO START DISCUSSING SOME OF THE ARGUMENTS THAT HAVE BEEN MADE AGAINST THE FACT THAT, WELL, THE PEOPLE HAVE ALREADY OVERWHELMINGLY INCREASED THE MINIMUM WAGE BY BALLOT INITIATIVE. THERE ARE SOME MEMBERS OF THIS BODY THAT I HAVE TALKED TO AND HAVE STATED IN THEIR HOMETOWN NEWSPAPERS THAT, WELL, I'M ALL ABOUT RESPECTING THE WILL OF THE PEOPLE AND THE INITIATIVE PROCESS, BUT, YOU KNOW, THERE'S A DIFFERENCE BETWEEN A CONSTITUTIONAL INITIATIVE PROCESS AND A STATUTORY INITIATIVE PROCESS. AND, ACTUALLY, THAT'S NOT THE CASE. WHEN THE INITIATIVE LAWS WERE PUT INTO PLACE I BELIEVE IN 1919, AND THE CONSTITUTIONAL AMENDMENT WAS PASSED, IT WAS PASSED TO PROVIDE FOR

Floor Debate
April 29, 2015

BOTH CONSTITUTION AND STATUTORY INITIATIVES AT THE SAME TIME. AND SO THE INTENT AT THE TIME WAS THAT...WELL AT THE TIME IT WAS ACTUALLY A BICAMERAL LEGISLATURE. THE INTENT WAS THAT PEOPLE WERE ABLE TO SPEAK THEIR VOICE AND SPEAK THEIR WILL... [LB599]

SENATOR WATERMEIER: TIME, SENATOR. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: SENATOR DAVIS, YOU ARE RECOGNIZED. [LB599]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I'M NOT GOING TO SPEAK VERY LONG, BUT I'VE LISTENED TO THE DISCUSSION ABOUT OUR SMALL TOWN GROCERS AND OUR SMALL TOWN BUSINESSES THAT HAVE BEEN PUT OUT HERE. AND IT REALLY CONCERNS ME, THE I GUESS MISUNDERSTANDING OR OUTRIGHT BLATANT FRAMING OF WHAT THEY'RE LIKE AND WHAT THEY DO AND WHY THEY ARE SUPPORTING A LOWER MINIMUM WAGE FOR TEEN WORKERS. SO I'M GOING TO TALK A LITTLE BIT ABOUT THAT. AND, YES, SENATOR HARR, THERE ARE GROCERY STORES JUST LIKE THERE WERE WHEN YOU WERE A LITTLE KID AND THEY'RE IN EVERY ONE OF THE LITTLE TOWNS IN MY DISTRICT AND I'M NOT TALKING THE BIGGER ONES, I'M TALKING THE HYANNISES, THE MULLENS, THE THEDFORDS, AND THEY ARE ALL BASICALLY STRUGGLING. I JUST GOT OFF MY PHONE WITH MY GROCER THERE JUST A MINUTE AGO. SO THEY'RE GREAT LITTLE BUSINESSES. THEY EMPLOY...MY GROCER IN TOWN EMPLOYS SIX ADULTS. HE DOESN'T HAVE ANY KIDS RIGHT NOW WORKING THERE, BUT HE SAID MY ADULTS ARE PROBABLY GOING TO LEAVE AND I'M GOING TO HAVE TO, YOU KNOW, HIRE THESE KIDS. WHEN I DO THAT, I'M GOING TO HAVE TO WORK AROUND THEIR SCHEDULE BECAUSE THEY PLAY BASKETBALL SO THEY'VE GOT TO BE OFF AT THIS TIME. AND THEN THEY'VE GOT TRACK AND THEY CAN'T WORK THAT WEEKEND. AND THEY'VE GOT TO WORK HERE FOR THE SCHOOL PLAY AND WE NEED TO HAVE THIS TIME OFF. SO THE SCHEDULING IS A BIG DEAL WITH THOSE YOUNG HIGH SCHOOL KIDS. BUT THOSE SMALL TOWN MERCHANTS REALLY WORK HARD TO PROVIDE THOSE JOBS. AND I'VE GOT A GAS STATION THERE IN TOWN THAT'S A VERY INNOVATIVE GAS STATION. IT'S GOT A LOT OF TEAM WORKERS THAT COME IN THERE AND WORK AFTER SCHOOL. AND THE OWNER OF THAT GAS STATION BENDS OVER BACKWARDS TO WORK AROUND THOSE KIDS AND MAKE THEM HAVE A SUCCESSFUL LIFE, A SUCCESSFUL FIRST JOB SO WHEN THEY MOVE ON, THEY HAVE SOMETHING ELSE TO DO. SO THAT'S THE FIRST PART OF WHAT I WANT TO SAY. SECOND PART OF IT IS, WHO IS IT THAT

Floor Debate
April 29, 2015

HELPS OUT AT EVERY ONE OF THOSE SCHOOL FUNCTIONS WHEN THE KIDS COME IN AND THEY NEED A \$50 DONATION FOR THE PROM OR THEY NEED A \$50 DONATION FOR THE SWEETHEART DANCE? IT'S THOSE LOCAL MERCHANTS. SO WE'RE HITTING THEM ALL THE TIME IN THESE SMALL TOWNS AND I REALLY DON'T LIKE TO HEAR THIS TALK FROM SOME PEOPLE ON THE OTHER SIDE OF THIS ISSUE THAT THESE ARE JUST MERCENARY FOLKS THAT ARE OUT TO JUST DESTROY AMERICA, BECAUSE THAT'S NOT THE WAY IT IS. THEY'RE GOOD PEOPLE. I HOPE THAT YOU WILL RECOGNIZE THAT AND GIVE THEM A BREAK. SO MY LOCAL GROCER TOLD ME WITH HIS EMPLOYEES, IF...JUST THE MINIMUM WAGE IS GOING TO COST HIM ABOUT \$15,000 A YEAR. IT MAY NOT SOUND LIKE A WHOLE LOT OF MONEY TO EVERYBODY HERE, BUT IF YOU'RE RUNNING A SMALL TOWN GROCERY WHICH OPERATES ON A VERY, VERY SLIM MARGIN, \$15,000 A YEAR IS MONEY OUT OF HIS POCKET. IT'S NOT MONEY...HE CAN'T RAISE HIS PRICES BECAUSE HE'S GOT COMPETITION IN ALLIANCE 60 MILES AWAY WHERE EVERYBODY GOES ONCE IN A WHILE. SO HE'S JUST OUT THAT MONEY, BECAUSE THERE ISN'T ANY WAY TO GENERATE MORE REVENUE IN A LOT OF OUR SMALL TOWNS. I'VE GOT MORE THAN A DOZEN OF THOSE TOWNS IN MY DISTRICT. THEY STRUGGLE. THEY WORK HARD. THE PEOPLE THAT LIVE THERE ARE GREAT PEOPLE. AND, YOU KNOW, THIS IS WHY I HAVE SUPPORTED THIS BILL IN THE PAST. I'VE HAD LOTS OF E-MAIL FROM THE OPPOSITE SIDE; WAY, WAY MORE PEOPLE THAT THINK IT'S A MISTAKE TO SUPPORT THE BILL. BUT I THINK A LOT ABOUT THESE SMALL TOWN MERCHANTS. IN DOING SO, I HAVE TO STAY WHERE I AM. THANK YOU. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR DAVIS. SENATOR BURKE HARR, YOU ARE RECOGNIZED. [LB599]

SENATOR HARR: THANK YOU. AND THANK YOU TO SENATOR DAVIS FOR THOSE KIND WORDS. YOU KNOW, YOU'RE RIGHT. WE DO HAVE A LOT OF SMALL TOWNS. I TRIED TO INTRODUCE AN AMENDMENT. I WENT TO...AGAIN, PULLING NO PUNCHES, THIS WAS BROUGHT BY THE GROCERS; WE ALL KNOW THAT. AND I WENT TO THEIR LOBBYIST, KATHY SIEFKEN. I SAID, HEY, HOW ABOUT WE LIMIT IT TO THE NUMBER OF EMPLOYEES OR THE SIZE OF THE TOWN. YOU KNOW WHAT SHE TOLD ME? NO. SO YOU CAN'T HAVE IT BOTH WAYS. YOU CAN'T SAY THIS IS FOR THE SMALL TOWNS AND THEN WHEN I OFFER TO BRING AN AMENDMENT TO THAT DEGREE AND THEIR LOBBYIST SAYS, NO, YOU CAN'T HAVE IT BOTH WAYS. SO NOW WE HAVE THIS BILL AND WE HAVE AN AMENDMENT. AGAIN, WE'RE TRYING TO HAVE IT BOTH WAYS. WOULD SENATOR KUEHN BE WILLING TO ANSWER SOME QUESTIONS ABOUT HIS NEW DEFINITION FOR YOUNG STUDENT WORKERS? [LB599]

Floor Debate
April 29, 2015

SENATOR WATERMEIER: SENATOR KUEHN, YIELD TO A QUESTION? [LB599]

SENATOR KUEHN: I CERTAINLY WILL. [LB599]

SENATOR HARR: THANK YOU. NOW YOU CALL...WE HAVE THIS DEFINITION FOR YOUNG STUDENT WORKERS. IN FACT, YOU DON'T HAVE TO BE A STUDENT, DO YOU? [LB599]

SENATOR KUEHN: ACTUALLY, NO, YOU DON'T. SO IT'D BE YOUNG YOUTH WORKER. YEP. [LB599]

SENATOR HARR: OKAY. SO YOU'D BE WILLING TO ENTERTAIN AN AMENDMENT THAT SAYS YOUNG WORKERS, NOT YOUNG STUDENT WORKERS? [LB599]

SENATOR KUEHN: IF THAT SEMANTIC DISTINCTION IN THE BILL IS IMPORTANT, WHY, I GUESS I DON'T SEE I'D PERSONALLY HAVE A PROBLEM WITH IT. [LB599]

SENATOR HARR: OKAY. THAT WAS A YES OR NO? I'M NOT SURE WHAT YOU SAID WAS A YES OR NO. YOU'D BE OPEN TO AN AMENDMENT? [LB599]

SENATOR KUEHN: OPEN, YES. [LB599]

SENATOR HARR: OKAY. SO HERE'S THE SITUATION WE HAVE. SO...AND TELL ME WHO HAS THE BURDEN BECAUSE I'M CONFUSED. SO YOU SAY, IF YOU HAVE A DEPENDENT CHILD, YOU GET TO MAKE MORE MONEY. IS THAT CORRECT? [LB599]

SENATOR KUEHN: YOU WOULD SAY THAT YOU HAVE A DEPENDENT CHILD, YOU WOULD NOT BE ELIGIBLE FOR THE LOWER WAGE IF YOUR EMPLOYER OFFERED IT. [LB599]

SENATOR HARR: SO YOU'D BE ELIGIBLE TO MAKE MORE MONEY, CORRECT? [LB599]

SENATOR KUEHN: BE ELIGIBLE FOR...YOU WOULD BE SUBJECT TO THE EXISTING \$8 MINIMUM WAGE. [LB599]

Floor Debate
April 29, 2015

SENATOR HARR: OKAY. SO THE ANSWER IS YES. NOW THE NEXT QUESTION IS, WHO HAS THE BURDEN OF PROVING THAT CHILD...THAT YOU HAVE A CHILD? [LB599]

SENATOR KUEHN: I WOULD ASSUME THAT WOULD BE THE EMPLOYER. [LB599]

SENATOR HARR: THE WHO? EMPLOYEE? [LB599]

SENATOR KUEHN: THE EMPLOYER. [LB599]

SENATOR HARR: EMPLOYER? AND HOW WOULD AN EMPLOYER PROVE THAT? [LB599]

SENATOR KUEHN: WELL, I DO BELIEVE THAT HAVING A CHILD IS NOT A PROTECTED CLASS. SO WHILE IT MAY NOT BE AN ACCEPTABLE INTERVIEW QUESTION, IT COULD BE I WOULD BELIEVE--ALTHOUGH I AM NOT AN ATTORNEY--LEGALLY ASKED AS ALL OF THE VERIFICATION THAT'S REQUIRED UPON HIRING. SO WHEN SOMEONE IS EMPLOYED, THEY HAVE TO PROVIDE PROOF OF RESIDENCY, SOCIAL SECURITY NUMBER, ALL OF THAT. [LB599]

SENATOR HARR: I'LL LOOK FORWARD TO THE LAW ON THAT THAT SAYS YOU CAN ASK IF YOU HAVE A CHILD OR NOT. I HAVEN'T BEEN ABLE TO FIND ANY. I DON'T THINK YOU CAN, BUT I'LL LOOK FORWARD TO THE LAW ON THAT. BUT THANK YOU. SO THE EMPLOYER HAS THE BURDEN. NOW LET'S GO BACK TO THE FIRST PART WHERE YOU SAY THE PERSON IS 18 YEARS OF AGE OR YOUNGER. WHO HAS THE BURDEN OF PROVING THAT THE PERSON IS YOUNGER? [LB599]

SENATOR KUEHN: WELL, IT WOULD OBVIOUSLY BE PART OF THEIR EMPLOYMENT VERIFICATION THAT INCLUDES THEIR RESIDENCY OR LEGAL STATUS THAT WOULD BE PART OF THEIR VERIFICATION PROCESS UPON EMPLOYMENT. [LB599]

SENATOR HARR: ALL RIGHT. AND DO YOU KNOW IF YOU ARE 18 YEARS OF AGE OR YOUNGER AND YOU ARE UNABLE TO PRESENT THE DOCUMENTS LISTED ABOVE THAT I AM SURE YOU'RE REFERRING TO, DRIVER'S LICENSE, ID CARD ISSUED BY FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY, SCHOOL ID WITH A PHOTOGRAPH--IT DOESN'T HAVE TO HAVE A DATE OF BIRTH--VOTER REGISTRATION, U.S. MILITARY, U.S. MILITARY DEPENDENT ID CARD, U.S. COAST GUARD, MERCHANT MARINER CARD, NATIVE AMERICAN TRIBAL COUNCIL. YOU

Floor Debate
April 29, 2015

CAN ALSO LOOK AT SUCH THINGS AS SCHOOL RECORD OR REPORT CARD, CLINIC, DOCTOR, OR HOSPITAL RECORD, DAY CARE OR NURSERY SCHOOL RECORD. SO THERE ARE A LOT OF THINGS YOU CAN LOOK AT. I'M NOT SURE THEY ALL HAVE A DATE OF BIRTH ON IT, BUT I'LL LET YOU SAY THAT THEY DO. SO LET'S GO ON TO THE NEXT THING. YOUR NEXT AMENDMENT SAYS THAT, DOES NOT HAVE A HIGH SCHOOL DIPLOMA. IS THAT CORRECT? [LB599]

SENATOR KUEHN: CORRECT. [LB599]

SENATOR HARR: OKAY. LET ME ASK YOU A QUESTION. AND I THINK YOU KNOW WHERE THIS IS GOING. WHO HAS THE BURDEN OF PROVING YOU DON'T HAVE A HIGH SCHOOL DIPLOMA? [LB599]

SENATOR KUEHN: THAT WOULD BE THE EMPLOYER. [LB599]

SENATOR HARR: OKAY. [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR HARR: THANK YOU. AND HOW WOULD THEY DETERMINE IF THEY HAVE A HIGH SCHOOL DIPLOMA OR NOT? [LB599]

SENATOR KUEHN: SIMPLY COULD REQUEST A TRANSCRIPT OR A COPY OF THE DIPLOMA. [LB599]

SENATOR HARR: AND IF AN EMPLOYEE REFUSES TO GIVE IT, WHAT WOULD HAPPEN? [LB599]

SENATOR KUEHN: YOU KNOW, THAT'S UP TO THE INDIVIDUAL EMPLOYER/EMPLOYEE. CERTAINLY THE EMPLOYER IS NOT REQUIRED TO PARTICIPATE IN THIS PROGRAM. AND THEY COULD CERTAINLY OFFER THE EMPLOYEE THE HIGHER WAGE IF THEY SO DESIRED. [LB599]

SENATOR HARR: SO IF I'M A 17-YEAR-OLD KID AND, YOU KNOW WHAT, I WANT TO MAKE THAT EXTRA MONEY, AND I SAY, YOU KNOW WHAT, I'M NOT GOING TO TELL YOU WHETHER I HAVE A HIGH SCHOOL DIPLOMA OR NOT, AND WHAT ARE THE RELIEFS THAT THE EMPLOYER HAS? [LB599]

Floor Debate
April 29, 2015

SENATOR KUEHN: THE...PARDON? [LB599]

SENATOR HARR: WHAT RELIEF? [LB599]

SENATOR KUEHN: I'M NOT FOLLOWING YOUR QUESTION. [LB599]

SENATOR HARR: IF I REFUSE...I'M 17-YEAR-OLD KID AND I REFUSE TO TELL YOU IF I HAVE A HIGH SCHOOL DIPLOMA OR NOT, WHAT WOULD YOU DO? WHAT CAN YOU DO? [LB599]

SENATOR KUEHN: THAT IS JUST LIKE ANY OTHER CREDENTIAL THAT YOU MAY BE ASKED FOR ON ANY APPLICATION OR ANY JOB INTERVIEW. YOU DON'T HAVE TO TELL AN EMPLOYER IN AN INTERVIEW YOUR COLLEGE DEGREE, YOUR PROFESSIONAL CERTIFICATIONS, YOUR HIGH SCHOOL DEGREE. YOU DON'T HAVE TO REVEAL ANY OF THAT. [LB599]

SENATOR WATERMEIER: TIME, SENATORS. TIME. THANK YOU, SENATOR HARR, SENATOR KUEHN. SENATOR BURKE HARR, YOU ARE NEXT IN THE QUEUE. [LB599]

SENATOR HARR: THANK YOU. SO I'M CONFUSED. SO YOU THINK I CAN ASK AGE BEFORE I HIRE SOMEBODY? [LB599]

SENATOR WATERMEIER: SENATOR KUEHN? [LB599]

SENATOR HARR: EXCUSE ME. SENATOR KUEHN, WOULD YOU YIELD TO A QUESTION? [LB599]

SENATOR WATERMEIER: SENATOR KUEHN, YIELD? [LB599]

SENATOR KUEHN: I WOULD BE HAPPY TO YIELD TO YOUR QUESTION, SENATOR HARR. [LB599]

SENATOR HARR: YES, OKAY. SORRY ABOUT THAT. I GOT A LITTLE EXCITED. I SHOWED SOME OF THAT PASSION THAT WAS APPARENTLY LACKING EARLIER TODAY... [LB599]

SENATOR KUEHN: THIS IS ALL ABOUT PROTOCOL, SO LET'S KEEP IT... [LB599]

Floor Debate
April 29, 2015

SENATOR HARR: ...AS SOME SAY. SO I AM, I DON'T KNOW, JACK AND JILL. [LB599]

SENATOR WATERMEIER: SENATOR HARR, THIS IS YOUR THIRD TIME ON THIS AMENDMENT. [LB599]

SENATOR HARR: OKAY. THANK YOU. SO I'M JACK AND JILL AND I WANT TO HIRE A PERSON. CAN I ASK THEIR AGE BEFORE I HIRE THEM? [LB599]

SENATOR KUEHN: THAT I DO NOT KNOW. I AM NOT AN ATTORNEY OR AN EMPLOYMENT ATTORNEY. [LB599]

SENATOR HARR: WELL, THIS IS YOUR AMENDMENT. I'M TRYING TO FIGURE OUT HOW THIS WORKS. [LB599]

SENATOR KUEHN: I WOULD ASSUME THEY COULD DO THAT VERIFICATION JUST AS THEY WOULD VERIFY ANY TYPE OF STATUS FOLLOWING EMPLOYMENT TO ENSURE THEIR ELIGIBILITY FOR THE WAGE. [LB599]

SENATOR HARR: OKAY. WELL...OKAY, THANK YOU FOR YOUR TIME. [LB599]

SENATOR KUEHN: THANK YOU. [LB599]

SENATOR HARR: FOLKS, WE HAVE A BILL THAT WE ARE BENDING AND WEAVING AND BOBBING AND DOING WHATEVER ELSE WE THINK WE NEED TO DO TO SAVE OUR SMALL TOWN GROCERIES. I THINK THAT'S THE PURPOSE. AND THAT'S AN ADMIRABLE PURPOSE, BUT LET'S DO IT THE RIGHT WAY. LET'S NOT DO IT IN WAYS THAT, AGAIN, KIND OF EMBARRASS US. SO, YOU KNOW, YOU LOOK AT THE...YOU CAN'T ASK SOMEONE THEIR AGE BEFORE YOU HIRE THEM. I THINK WE ALL AGREE WITH THAT. NOW SENATOR KUEHN SAID ONCE YOU HIRE THEM, YOU CAN ASK THEIR AGE AND YOU PROBABLY CAN, THROUGH...YOU HAVE TO PRESENT ID. AND, YOU KNOW, WE DON'T KNOW WHETHER A SCHOOL RECORD OR A REPORT CARD HAS THEIR DATE OF BIRTH ON IT. I'D BE INTERESTED TO SEE. BUT LET'S JUST ASSUME FOR A SECOND THEY DO, AND YOU FOUND A WAY TO SAY THEY'RE UNDER 18. NOW THE QUESTION BECOMES, HOW DO YOU PROVE THAT PERSON DOESN'T HAVE A HIGH SCHOOL DIPLOMA, BECAUSE THE BURDEN IS ON THE EMPLOYER? AND IF I'M A 17-, 16-YEAR-OLD, I SURE AS HECK AREN'T GOING TO TELL YOU INFORMATION THAT WOULD LEAD TO ME PAYING A DOLLAR LESS AN HOUR. SO THEN THE QUESTION BECOMES DOES AN EMPLOYER

Floor Debate
April 29, 2015

THEN SAY, WELL, JOHNNY, I'LL FIRE YOU. YOU TELL ME THIS OR YOU'RE GONE. YOU TELL ME. AND THESE ARE THE PEOPLE WE'RE TRYING TO HELP? THESE ARE THE GREAT PEOPLE WHO GIVE THE \$50, WHO THREATEN LITTLE KIDS, TELL ME YOUR HIGH SCHOOL. ARE YOU SUSPENDED? IF YOU ARE SUSPENDED, LET ME KNOW OR DO YOU NOT HAVE A DEGREE? I DON'T KNOW THE ANSWER. I MEAN, I DON'T KNOW WHAT HAPPENS TO THAT INDIVIDUAL. AND THEN IT'S UP TO THE EMPLOYER TO FIND OUT IF YOU HAVE A DEPENDENT. WELL, YOU CAN'T ASK THEM DURING A JOB INTERVIEW. WE ALL KNOW THAT. SO NOW YOU HIRE THEM. DO YOU SAY, JOHNNY, PROVE TO ME THAT'S YOUR CHILD. IS THAT WHAT WE'RE ASKING? AND IS IT UP TO JOHNNY TO PROVE IT TO GET THE EXTRA MONEY? THAT DOESN'T SEEM FAIR. THAT DOESN'T SEEM RIGHT. THIS BILL...I UNDERSTAND WHAT SENATOR EBKE IS TRYING TO DO HERE. HECK, I EVEN UNDERSTAND WHAT THE SMALL TOWN GROCERS ARE TRYING TO DO. I JUST THINK WE NEED TO MAYBE GO BACK TO THE DRAWING BOARD AND FIND A BETTER WAY OF DOING THIS. YOU KNOW, I HAVE A LITTLE TIME LEFT. I'M GOING TO SAY, I DO ONE JOB--WE SAY THIS ABOUT BUILDING A WORK ETHIC--I DO ONE JOB. THE PERSON NEXT TO ME DOES THE EXACT SAME JOB, EXCEPT THEY HAVE A HIGH SCHOOL DIPLOMA. NO DIFFERENCE, SAME AGE, SO THEY GET PAID MORE. IS THAT BUILDING A QUALITY WORK ETHIC? I'LL TELL YOU WHAT MY ATTITUDE WOULD BE IF I WERE A 17-YEAR-OLD KID: LET JOHNNY DO IT. LET THAT GUY DO IT. HE'S GETTING PAID MORE THAN I AM. [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR HARR: THE RELATIONSHIP BETWEEN AN EMPLOYER AND EMPLOYEE IS MORE THAN JUST ABOUT DOLLARS AND CENTS. YOU HEARD SENATOR DAVIS SAY THAT. THE RELATIONSHIP BETWEEN...IS MORE IMPORTANT. AND IT IS. WE'RE DOING A LOT OF GOOD THINGS. AND THOSE EMPLOYERS WHO HIRE THESE YOUNG KIDS ARE DOING A GOOD THING AND THEY'RE DOING A SERVICE TO OUR SOCIETY, NO DOUBT ABOUT IT. BUT THEY'RE GETTING SOMETHING IN RETURN. THEY JUST DON'T WANT TO PAY MARKET PRICE FOR IT. THEY WANT TO HAVE AN ARTIFICIALLY LOW MARKET OR LEVEL BECAUSE OF SOMETHING ARBITRARY, A HIGH SCHOOL DIPLOMA, THAT DOESN'T MAKE YOU A BETTER OR WORSE EMPLOYER (SIC). THERE IS ABSOLUTELY NO PROOF THAT A HIGH SCHOOL DIPLOMA MAKES YOU A BETTER OR WORSE PERSON, AND YET THAT'S WHAT WE HAVE SAID. THERE IS ABSOLUTELY NO PROOF THAT HAVING A DEPENDENT CHILD MAKES YOU A BETTER OR A WORSE WORKER, AND YET THAT'S WHAT WE'RE DOING. WE'RE SAYING LET'S EXPLOIT THOSE KIDS THAT DON'T HAVE A HIGH SCHOOL DIPLOMA. WE'RE GOING TO SET THAT FLOOR LOWER. LET'S

Floor Debate
April 29, 2015

EXPLOIT THOSE KIDS THAT DON'T HAVE A CHILD. GREAT FAMILY VALUES THERE. WE'LL PAY THEM LESS. THANK YOU. [LB599]

SENATOR WATERMEIER: TIME, SENATOR. SENATOR HARR, I APOLOGIZE. THAT WAS JUST YOUR SECOND TIME ON THIS AMENDMENT. SEEING NO ONE IN THE QUEUE, SENATOR NORDQUIST, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB599]

SENATOR NORDQUIST: ALL RIGHT. DO I GET A MIKE THIS TIME? THANK YOU, MR. PRESIDENT AND MEMBERS. I THINK SENATOR HARR JUST MADE ALL THE POINTS, THE CONCERNS OF THE DIRECTION WE'RE HEADING BY CREATING AN UNBELIEVABLY COMPLEX PROGRAM THAT WILL SPUR LITIGATION ON THE IMPLEMENTATION OF THIS BY EMPLOYERS. EMPLOYERS AREN'T GOING TO KNOW HOW TO APPLY THIS LAW. THEY AREN'T GOING TO KNOW HOW TO APPROPRIATELY ASK THE KIDS WE'RE TALKING ABOUT HERE THE QUESTIONS THEY NEED TO, TO APPLY THE LAW, APPLY THE AMENDMENTS THAT ARE PENDING. THE BIG CONCERN FOR ME STILL IS THAT IF THE GROCERY STORE HAS TO HIRE SOME PEOPLE AT \$8 AN HOUR, HAS TO--THAT'S THE WHOLE PURPOSE--IF THEY HAVE TO DO THAT BUT WE'RE SAYING YOU CAN'T PAY A TEEN PARENT BELOW \$9 AN HOUR, THEN THE FACT OF THE MATTER IS TEEN PARENTS AREN'T GOING TO GET HIRED. AND THAT IS A DISGUSTING INCENTIVE THAT IS BEING PUT ON LB599. AND I THINK EVERYONE IN THIS BODY WHO SUPPORTS FAMILIES, WHO SUPPORTS LIFE, WHO SUPPORTS HELPING TEEN PARENTS BE SUCCESSFUL, NEEDS TO THINK ABOUT THAT BEFORE THEY VOTE ON THIS. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR NORDQUIST. MEMBERS, YOU'VE HEARD THE CLOSING TO AM1319. THE QUESTION BEFORE YOU IS...THERE'S BEEN A REQUEST FOR A CALL OF THE HOUSE. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB599]

CLERK: 34 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB599]

SENATOR WATERMEIER: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. EVERYONE IS ACCOUNTED FOR. THE QUESTION IS, SHALL THE

Floor Debate
April 29, 2015

AMENDMENT TO LB599 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB599]

CLERK: 26 AYES, 1 NAY ON ADOPTION OF SENATOR NORDQUIST'S AMENDMENT. [LB599]

SENATOR WATERMEIER: THE AMENDMENT IS ADOPTED. PLEASE RAISE THE CALL. MR. CLERK. [LB599]

CLERK: MR. PRESIDENT, SENATOR NORDQUIST WOULD MOVE TO AMEND WITH AM1318. (LEGISLATIVE JOURNAL PAGE 1244.) [LB599]

SENATOR WATERMEIER: SENATOR NORDQUIST, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB599]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. AM1318 MAKES A SIMPLE CHANGE. SO IF WE CONTINUE, IF THE BILL DOES MOVE FORWARD AT \$9 MINIMUM WAGE AND \$8 FOR THE STUDENT, YOUNG STUDENT WORKER PROVISION, THIS AMENDMENT WOULD SIMPLY INDEX THOSE TWO RATES MOVING FORWARD BEGINNING JANUARY 1, 2017, AND EVERY YEAR THEREAFTER. THE REASON I'M DOING THIS, AND MAYBE IT DOESN'T RESONATE WITH SOME PEOPLE, BUT THIS IS WHAT NEBRASKANS WANT. OBVIOUSLY, IT DOESN'T MATTER ON LB599. MANY PEOPLE IN HERE ARE VOTING AGAINST WHAT NEBRASKANS WANT, BUT I AM DISTRIBUTING POLLING INFORMATION FROM LAST APRIL, ABOUT A YEAR AGO, THAT WE BEHIND THE MINIMUM WAGE EFFORT CONDUCTED REGARDING DIFFERENT ASPECTS OF THE MINIMUM WAGE. AND ON THE SECOND PAGE HALFWAY DOWN YOU CAN SEE I HAVE CIRCLED TWO POLLING QUESTIONS. ONE OF THEM SAYS, DO YOU SUPPORT RAISING THE STATE MINIMUM WAGE FROM \$7.25 AN HOUR TO \$9 PER HOUR. AND YOU CAN SEE IN THE FAR RIGHT COLUMN THAT AT THE TIME, A YEAR AGO, 59 PERCENT OF NEBRASKANS SAID THEY FAVOR THAT; 36 PERCENT OPPOSE IT. AND GUESS WHAT WE ENDED UP WITH ON ELECTION DAY? FIFTY-NINE PERCENT. SO I WOULD SAY THE POLLING INFORMATION IS PRETTY ACCURATE. BUT YOU CAN SEE EVEN MUCH MORE POPULAR THAN THAT, AT 67 PERCENT OF NEBRASKANS SAID THEY FAVOR SETTING THE STATE MINIMUM WAGE SO THAT IT WILL ADJUST AUTOMATICALLY WITH INFLATION RATES AND THE COST OF LIVING. SIXTY-SEVEN PERCENT OF NEBRASKANS SUPPORT AM1318 TO INDEX OUR MINIMUM WAGE. COULDN'T BE MUCH MORE CLEAR THAN THAT. IT'S A SIMPLE AMENDMENT AND I WOULD APPRECIATE YOUR SUPPORT. [LB599]

Floor Debate
April 29, 2015

SENATOR WATERMEIER: THANK YOU, SENATOR NORDQUIST. THOSE IN THE QUEUE WISHING TO SPEAK, SENATOR HANSEN, SENATOR CRAWFORD, SENATOR MORFELD. SENATOR HANSEN, YOU ARE RECOGNIZED. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AND I'D LIKE TO THANK SENATOR NORDQUIST FOR BRINGING THIS AMENDMENT. I THINK INDEXING THE MINIMUM WAGE SO THAT IT ADJUSTS FOR THE RISE IN COST OF LIVING, THE RISE IN INFLATION, IS AUTOMATICALLY ADJUSTED IS A VERY IMPORTANT IDEA AND ONE I DEFINITELY SUPPORT. IT SEEMS UNFORTUNATE THAT THE LEGISLATURE HAS BEEN SO HESITANT TO TALK ABOUT THE LIVING WAGE FOR WORKERS OF THE STATE, THE LIVING WAGE FOR OUR CITIZENS. THIS YEAR I HAD A BILL TO INCREASE THE TIPPED MINIMUM WAGE FOR EMPLOYEES. THAT'S SOMETHING THAT GOT SEVERED FROM THE FEDERAL MINIMUM WAGE 22 YEARS AGO NOW AND IT HASN'T CHANGED SINCE. I DO THINK IF WE END UP ADOPTING THE STUDENT MINIMUM WAGE, LIKE I SAID...I BELIEVE I SAID ON GENERAL FILE, WE BETTER REALLY LIKE WHATEVER WE SET IT AT BECAUSE IT'S NOT GOING TO ADJUST. AND I UNDERSTAND NOW WITH THE PREVIOUS AMENDMENTS THAT MIGHT CHANGE. BUT I THINK THAT'S AN OVERALL IMPORTANT THING FOR THE MINIMUM WAGE ITSELF AND ONE THAT'S DEFINITELY VERY MUCH IN LINE WITH THE VOTERS AND HOW THE VOTERS SPOKE LAST FALL. OVERWHELMING SUPPORT, I MEAN, 60 PERCENT SUPPORT. AND THAT'S NOT INCLUDING PROBABLY THE SUPPORT FROM MANY YOUNG PEOPLE WHO ARE INELIGIBLE TO VOTE; IN FACT, THE PEOPLE THIS BILL APPLIES TO. I WOULD IMAGINE WE CAN COUNT A FAIR AND HIGH AMOUNT OF THEM AS SUPPORTERS AS WELL. LET'S DO SOMETHING WE HEARD OVER AND OVER AGAIN FROM THE VOTERS. THEY WANT NEBRASKANS TO MAKE SURE THEY HAVE...ARE PAID FAIR FOR THE LABOR, ARE PAID A MINIMUM WAGE, AND THEY THOUGHT OVERWHELMINGLY, OVERWHELMINGLY THAT \$9 AN HOUR WAS A GOOD START. I DARESAY IF THE BALLOT INITIATIVE PROCESS ALLOWED FOR MORE AND EXCITING PROPOSALS, WE COULD DO A LOT OF THINGS IN FRONT OF THE POPULATION AND THEY WOULD SHOW US THEIR OVERWHELMING SUPPORT AS WELL, SUCH AS INDEXING THE MINIMUM WAGE. I THINK THE LEAST WE CAN DO IS BE HONEST AND SAYS INFLATION HAPPENS, PRICES CHANGE, EVERYBODY ELSE GETS TO ADJUST FOR INFLATION. YOU KNOW, LANDLORDS CAN RAISE THE RENT, CITIES CAN ADJUST TAXES, EMPLOYERS CAN...STORES CAN CHANGE PRICES, EMPLOYERS CAN BUMP MORE PEOPLE DOWN TO MINIMUM WAGE, WHAT HAVE YOU. EMPLOYERS CAN DO HIRING FREEZES AND CEASE RAISES. SO IT SEEMS JUST SIMPLE ENOUGH AND STRAIGHTFORWARD ENOUGH THAT WE WOULD JUST SAY, LOOK, THERE IS A CERTAIN AMOUNT WE DECIDE A SINGLE PERSON'S HOUR OF THEIR EFFORT IS WORTH. THERE'S A CERTAIN AMOUNT WE'VE DECIDED IN

Floor Debate
April 29, 2015

THE CONTEXT OF ALL THE PRICES AND ALL OF THE BILLS AND ALL OF THE RENTS AND EVERYTHING A MEMBER OF SOCIETY HAS TO DEAL WITH, HAS TO PAY, THERE'S A CERTAIN AMOUNT WE JUST VALUE THAT AS. AND WE RECOGNIZE THAT INFLATION IS A CONCEPT THAT EXISTS. AND SO RATHER THAN HAVING TO FIGHT AND GET 33 VOTES AND HOW MANY TENS OF THOUSANDS OF SIGNATURES AND HOW MANY THOUSANDS AND THOUSANDS OF VOTES, WE'LL JUST SAY, LOOK, ONCE AND FOR ALL, WE KNOW INFLATION EXISTS, WE KNOW PEOPLE BOTH DESERVE AND EXPECT AND GREATLY, OVERWHELMINGLY DESIRE A LIVING WAGE. AND SO WE'RE GOING TO SAY WE'RE GOING TO INDEX THE MINIMUM WAGE FOR INFLATION. WE'RE GOING TO MAKE SURE THAT OUR WORKERS ARE TAKEN CARE OF. AND WE'RE GOING TO MAKE SURE THAT THEY'RE PAID A FAIR AND LIVING WAGE. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR HANSEN. SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB599]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD EVENING, COLLEAGUES. ONE OF THE BENEFITS OF BEING A STATE LEGISLATOR IN THIS DAY AND AGE IS THAT WE DO HAVE ACCESS TO A LOT OF INFORMATION AT OUR FINGERTIPS. AND IT'S ALSO THE CASE THAT WE HAVE TWO VERY VIBRANT ASSOCIATIONS OF STATE LEGISLATURES WHO ARE ACTIVELY ENGAGED IN RESEARCH OFTEN, THEY'RE ACTIVELY ENGAGED IN RESEARCH ON ISSUES THAT MATTER TO US. SO WE OBVIOUSLY HAVE OUR OWN VERY ABLE RESEARCH STAFF THAT WE RELY ON, VERY VALUABLE. BUT WE ALSO HAVE ACCESS TO INFORMATION ABOUT WHAT'S HAPPENING IN OTHER STATES BASED ON INFORMATION THAT WE CAN GET FROM CSG AND FROM NCSL. AND SO I RISE IN SUPPORT OF AM1318. I AM NOT IN SUPPORT OF LB599, BUT IF IT WERE TO PASS-- AND AGAIN, ONE OF MY GRAVE CONCERNS IS SEPARATING THAT WAGE--I MEAN, IF IT WERE TO PASS, IT WOULD BE BETTER WITH AM1318 ON IT. I DID JUST SPEND SOME TIME LOOKING AT THE NCSL WEB SITE LOOKING AT INFORMATION THAT I COULD FIND ON WAGE LAWS IN OTHER STATES, BECAUSE I'M SURE WE'RE NOT THE ONLY STATE THAT HAS RURAL GROCERY STORES. SO NCSL ON THEIR WEB SITE HAS A GRID THAT TALKS ABOUT, THAT SHOWS WHAT'S HAPPENING IN OTHER STATES AND WHAT THEIR MINIMUM WAGE LAWS LOOK LIKE AND WHAT THE CONDITIONS OR EXCEPTIONS TO THOSE WOULD BE. AND I DID FIND THAT THERE ARE 15 STATES THAT HAVE INDEXED THEIR MINIMUM WAGE IN SOME WAY TO INFLATION. SO AM1318 IS NOT ONLY A POLICY THAT IS VERY WIDELY SUPPORTED BY OUR CITIZENS OF NEBRASKA, BUT IT'S ALSO A POLICY THAT HAS BEEN IMPLEMENTED IN OTHER STATES. IT'S A POLICY THAT'S EASY TO IMPLEMENT BECAUSE THAT'S A NUMBER WE CAN EASILY FIND AND IT CAN BE

Floor Debate
April 29, 2015

EASILY ADJUSTED IN TERMS OF OUR WAGE. IT DOES NOT ADD ADDITIONAL RESTRICTIONS ON THE EMPLOYER IN TERMS OF FINDING INFORMATION OR PROVING INFORMATION. BUT, COLLEAGUES, WHAT I COULD NOT FIND ON NCSL WEB SITE THAT LAYS OUT AND SUMMARIZES WAGE POLICIES FOR THE STATES, MINIMUM WAGE POLICIES, I COULD NOT FIND ANY AGE EXCEPTIONS. NOR COULD I FIND IN THE CONTINENTAL UNITED STATES ANY INDUSTRY EXCEPTIONS TO THE MINIMUM WAGE LAWS THAT HAD PASSED. NOW, AGAIN, WE HAVE TO RECALL THAT OUR...THE WAGE LAWS OFTEN HAVE EXCEPTIONS FOR FAMILY, EXCEPTIONS FOR AGRICULTURAL WORK, BUT I COULD NOT FIND ANY EXAMPLES OF OTHER STATES WHERE THEY HAD PASSED THIS KIND OF A AGE WAGE RESTRICTION ON THEIR MINIMUM WAGE. I THINK IF YOU'RE LOOKING AT YOUR GADGET, IT'S ALSO INTERESTING TO LOOK AT THE COMMITTEE STATEMENT FOR THIS BILL. IF YOU LOOK AT THE COMMITTEE STATEMENT FOR THIS BILL, YOU'LL NOTICE IT WAS A VERY DIVIDED VOTE COMING OUT OF COMMITTEE, WHICH IS WHY IT'S A VERY DIVISIVE ISSUE ON THE FLOOR AS WELL. THE OTHER THING YOU'LL NOTICE IF YOU LOOK AT THE COMMITTEE STATEMENT IS THERE'S ONLY ONE PROPONENT. AND, COLLEAGUES, ANY TIME I LOOK AT A COMMITTEE STATEMENT AND THERE'S ONLY ONE PERSON, EITHER ONE...ONLY ONE PROPONENT, THAT RAISES A LOT OF QUESTIONS FOR ME. THAT RAISED QUESTIONS FOR ME IN THE BILL WE HAD JUST RECENTLY WHEN THE BANKERS WERE THE ONLY ONES THAT SHOWED UP AS A PROPONENT. IS THIS A SERIOUS ISSUE THAT IMPACTS? [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. ARE THERE NO OTHER ENTITIES THAT FEEL...THAT RECOGNIZE THAT THIS IS A CONCERN THAT THEY'RE GOING TO HAVE? OBVIOUSLY NOT. THE GROCERS WERE THE ONLY ENTITY THAT SHOWED UP AS A PROPONENT. AND I THINK THAT SAYS A GREAT DEAL ABOUT SUPPORT FOR THE BILL. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR CRAWFORD. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. FIRST, I WANT TO ADDRESS SOME ISSUES THAT WERE BROUGHT UP BETWEEN SENATOR BURKE HARR AND SENATOR KUEHN'S EXCHANGE ABOUT SOME OF THE LEGAL ISSUES, AND PARTICULARLY FERPA. FERPA IS THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT. AND THE FAMILY EDUCATION RIGHTS AND PRIVACY ACT IS A

Floor Debate
April 29, 2015

FEDERAL LAW THAT PROTECTS THE PRIVACY OF STUDENT EDUCATION RECORDS. THE LAW APPLIES TO ALL SCHOOLS THAT RECEIVE FUNDS UNDER THE APPLICABLE PROGRAM OF THE US DEPARTMENT OF EDUCATION, WHICH IS A VAST MAJORITY. AND FERPA GIVES PARENTS CERTAIN RIGHTS WITH RESPECT TO THEIR CHILDREN'S EDUCATION RECORDS. THESE RIGHTS TRANSFER TO A STUDENT WHEN HE OR SHE REACHES THE AGE OF 18 OR ATTENDS SCHOOL BEYOND THAT AGE LEVEL. AND GENERALLY SCHOOLS MUST HAVE WRITTEN PERMISSION FROM THE PARENT OR ELIGIBLE STUDENT IN ORDER TO RELEASE ANY INFORMATION FROM A STUDENT'S EDUCATION RECORD. AND IN ORDER TO GET SOME OF THESE RECORDS AS TO WHETHER OR NOT THEY'RE IN SCHOOL, WHICH IS ONE OF THE EXCEPTIONS WAS UNDER LB599, THEY WOULD HAVE TO HAVE THE PARENT'S WRITTEN, EXPRESS PERMISSION. SO IF A STUDENT LIED ABOUT NO LONGER BEING ELIGIBLE AND THE EMPLOYER...OR EXCUSE ME, BEING ENROLLED IN A SCHOOL AND THE EMPLOYER WANTED TO FIND OUT ABOUT THAT, IT WOULDN'T BE AS EASY AS SUGGESTED. IN ADDITION, I APPRECIATED SENATOR DAVIS' COMMENTS ABOUT GROCERS, AND I'M NOT TRYING TO DEMONIZE GROCERS. I WAS A GROCER FOR FIVE YEARS. I WAS FULL TIME FOR TWO YEARS. THEY DO HARD WORK. THEY DO GOOD WORK. I DID THAT WORK. BUT WHAT I AM SAYING IS THAT THIS IS THE WRONG POLICY. SENATOR DAVIS BROUGHT UP SOME GREAT POINTS ABOUT HOW GROCERS ARE, YES, IN FACT, STRUGGLING IN SOME OF THESE RURAL AREAS. AND I UNDERSTAND THAT AND I HAVE ALREADY SAID ON THE FLOOR THAT I AM WILLING TO LOOK AT OTHER ECONOMIC INCENTIVES TO ENSURE THAT THEY'RE SUCCESSFUL THAT DON'T DISCRIMINATE AGAINST YOUNG PEOPLE. AND, IN FACT, SOME OF THESE ECONOMIC INCENTIVES WOULD ACTUALLY BE MORE LUCRATIVE THAN PAYING PEOPLE LESS BASED SOLELY ON THEIR AGE. COLLEAGUES, THIS IS FEEL GOOD LEGISLATION THAT DISCRIMINATES AGAINST A GROUP OF PEOPLE THAT WE SHOULD BE ENCOURAGING TO STAY IN THE STATE, THAT WE SHOULD BE PAYING MORE AND SHOWING THAT THEY ARE VALUED. INSTEAD, WHAT WE'RE TELLING THEM IS THAT THEY'RE LESS VALUED THAN SOMEBODY THAT STARTS AT THE SAME TIME AS THEM SIMPLY BECAUSE OF THEIR AGE. THAT DOESN'T MAKE SENSE. THERE ARE OTHER ECONOMIC INCENTIVE PACKAGES THAT ARE GOING TO BE MUCH MORE HELPFUL AND MUCH LESS DETRIMENTAL TO YOUNG PEOPLE THAT WE CAN BE CONSIDERING. THIS IS NOT THE RIGHT APPROACH. AND IN FACT AS I'VE SAID MANY TIMES BEFORE, I WILL SUPPORT THOSE OTHER APPROACHES AS LONG AS IT DOES NOT DISCRIMINATE AGAINST A GROUP OR A CLASS OF INDIVIDUALS THAT DO NOT HAVE A POLITICAL VOICE AT THE BALLOT BOX, THAT ARE EASY PICKINGS IN TERMS OF A GROUP OF PEOPLE THAT YOU CAN IMPOSE LAWS UPON AND A GROUP OF PEOPLE THAT ARE INCREASINGLY STRAPPED WITH HIGHER EDUCATION DEBT, WITH LOWER WAGES FOR THOSE

Floor Debate
April 29, 2015

THAT DECIDE NOT TO PURSUE HIGHER EDUCATION, AND ALL KINDS OF OTHER FAMILY RESPONSIBILITIES, PARTICULARLY IN MY DISTRICT WHERE 44 PERCENT OF THE YOUTH ARE IN POVERTY. AND I UNDERSTAND IT MIGHT BE DIFFERENT IN YOUR DISTRICTS. IT MAY BE THAT THE STUDENTS THAT...A VAST MAJORITY OF THE STUDENTS IN YOUR DISTRICT, THEIR MONEY THAT THEY MAKE IN THEIR PART-TIME JOB IN HIGH SCHOOL, IT MAY VERY WELL BE MONEY THAT'S SPENT ON THE MOVIES OR EXTRA THINGS OR CLOTHES THAT MAYBE THEY DON'T NEED, BUT IN MY DISTRICT THAT'S NOT THE CASE. AND WHEN I WAS GOING DOOR TO DOOR, I COULD TELL YOU COUNTLESS PEOPLE, COUNTLESS STUDENTS... [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT...THAT WERE HELPING SUPPORT THEIR FAMILY, SOME OF THEM IN TRADITIONAL FAMILIES, SOME OF THEM NONTRADITIONAL FAMILIES, SOME OF THEM BEING TAKEN CARE OF BY THEIR A GRANDPARENTS. IT'S IMPORTANT TO REMEMBER THAT NOT EVERY DISTRICT IS THE SAME AND NOT EVERY FAMILY IS THE SAME, THAT NOT EVERY CIRCUMSTANCE IS THE SAME. WHILE MANY OF OUR KIDS IN THIS BODY MAY BE FORTUNATE NOT TO HAVE TO HELP PROVIDE FOR THEIR FAMILY, THAT MIGHT NOT BE THE CASE FOR EVERY FAMILY THROUGHOUT THE STATE. AND WE NEED TO KEEP IN MIND THERE ARE DIFFERENCES. I ALSO BELIEVE THAT AS AN EMPLOYER MYSELF, THERE IS A MORAL OBLIGATION TO PAY PEOPLE A LIVING WAGE. AND \$9 AN HOUR DOESN'T GO FAR ENOUGH, IN MY OPINION. THAT IS NOT A LIVING WAGE. AND THIS DISCUSSION ABOUT YOUTH BEING INEXPERIENCED OR YOUTH BEING THIS OR YOUTH BEING LAZY... [LB599]

SENATOR WATERMEIER: TIME, SENATOR. [LB599]

SENATOR MORFELD: THANK YOU, MR... [LB599]

SENATOR WATERMEIER: THOSE IN THE QUEUE WISHING TO SPEAK, SENATOR NORDQUIST, SENATOR MURANTE, SENATOR HANSEN, AND SENATOR MORFELD. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB599]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. YOU KNOW, THE ISSUES THAT SENATOR MORFELD AND SENATOR BURKE HARR KEEP BRINGING UP MAKE ME THINK MORE AND MORE THAT WE'RE PASSING A BILL HERE THAT JUST ISN'T ENFORCEABLE AND THE MESSAGE THAT WE COULD

Floor Debate
April 29, 2015

PROBABLY SEND TO OUR TEENAGERS IS IF YOUR EMPLOYER ASKS YOU A QUESTION THAT YOU DON'T WANT TO ANSWER OR ASKS YOU FOR DOCUMENTS YOU DON'T WANT TO PROVIDE, DON'T, AND THEN THEY HAVE TO PAY YOU \$9 AN HOUR. THIS IS AN AMAZINGLY COMPLEX BILL TO SOLVE A SIMPLE SOLUTION. AND, LIKE SENATOR HARR BEFORE THIS BILL WAS EVEN DEBATED, IF THE TRUE ISSUE IS SMALL TOWN GROCERY STORES, BEFORE THIS BILL WAS EVEN DEBATED I HAD CONVERSATIONS WITH SENATOR KUEHN AND SENATOR EBKE ABOUT POTENTIAL COMPRISES THAT WOULDN'T IMPACT THE LABOR MARKET FOR EITHER LARGE BUSINESSES OR IN OUR LARGE COMMUNITIES, BOTH OF WHICH WE PUT FORWARD SOLUTIONS THAT WOULD ADDRESS EITHER OF THOSE. I THINK IT WAS SENATOR CRAWFORD WHO EARLIER MADE THE POINT THAT IF WE ARE CONCERNED ABOUT SMALL TOWN GROCERS, THE THING THAT IS KILLING THEM MORE THAN ANYTHING IS THE WALMARTS OF THE WORLD MOVING IN. AND NOW WALMART HAS ACTUALLY CHANGED THEIR MODEL AND HAS BASICALLY GROCERY STORE STANDALONE STORES. AND THEY, WITH THE WORK FORCES THAT THEY HAVE, THEY'RE GOING TO BE ABLE TO HIRE SIGNIFICANT NUMBERS MORE UNDER THE 25 PERCENT THRESHOLD IN LB599 AT THE LOWER MINIMUM WAGE. SO THEY ARE GOING TO BE ABLE TO HAVE A LARGE WORK FORCE WHERE MAYBE A SMALLER TOWN GROCERY STORE WILL HAVE ONE OR TWO PEOPLE THAT THEY CAN COVER UNDER THE EXEMPTION. SO THE DIFFERENCE IN TERMS OF DOLLARS--AND YOU'D PUT THAT DOLLARS TO WORK THROUGHOUT THE STORE--IT'S NO DOUBT THAT THIS BILL THE WAY IT'S DRAFTED HELPS THE LARGER CHAINS MORE THAN IT DOES THE SMALLER CHAINS. AND THAT'S WHY I THREW OUT THERE THE IDEA THAT WE PUT SOME SORT OF EMPLOYER THRESHOLD IN PLACE WHERE MAYBE LARGE CHAINS AND THE WALMARTS OF THE WORLD THAT HAVE MORE THAN 100 EMPLOYEES WOULD HAVE TO PAY THE FULL MINIMUM WAGE AND THOSE SMALLER STORES COULD PAY A SMALLER MINIMUM WAGE. TO THE AMENDMENT, IT IS ABSOLUTELY CRITICAL THAT OUR MINIMUM WAGE DOESN'T LOSE PURCHASING POWER. AND, YOU KNOW, WE HAVE PEOPLE ON THE FLOOR SAYING THE VOTERS WERE STUPID AND DON'T UNDERSTAND ECONOMICS. BUT THE FACT OF THE MATTER IS THAT THEY DO...THEY DID GET ECONOMICS. THEY GOT THE FACT THAT RESEARCH SHOWED IN NEBRASKA WHETHER YOU'RE AN INDIVIDUAL WORKING FULL TIME, TRYING TO SUPPORT YOURSELF, IT TAKES ABOUT \$9 AN HOUR TO GET BY. IF YOU ARE A TWO-PARENT HOUSEHOLD WITH TWO KIDS, A FAMILY OF FOUR WITH TWO WORKING PARENTS, IT TAKES ABOUT \$9 AN HOUR TO GET BY. IT RANGES A LITTLE BIT...THE RANGE IS A LITTLE WIDE FROM URBAN TO RURAL. BUT NOT MUCH MORE THAN A QUARTER EACH WAY PER HOUR. BUT IT HOVERS AROUND \$9 AN HOUR. IF WE DON'T HAVE A MINIMUM WAGE THAT KEEPS UP WITH INFLATION AT THAT PURCHASING POWER LEVEL, THOSE

Floor Debate
April 29, 2015

FAMILIES TAKE HOME AN AMOUNT THAT GETS SMALLER AND SMALLER AND SMALLER. AND THEN AS WE'VE SEEN WITH THE DISCUSSION WE'VE HAD ON THE MINIMUM WAGE THE LAST FEW YEARS, THE COSTS GET PICKED UP BY NOT THE EMPLOYER--THE EMPLOYER IS NOT DOING THEIR PART--THE WORKER CAN'T MAKE IT SO THEY TURN TO GOVERNMENT PROGRAMS THAT THEN MOVE UP THE COST OF... [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR NORDQUIST: ...THE...SORRY, MOVE UP THE COST THAT THEY HAVE...THE GOVERNMENT PICKS UP THE COST BECAUSE THE WORKER DOESN'T TAKE HOME A CHECK AT THE END OF THE DAY. AND THAT WHOLE PURPOSE OF THE MINIMUM WAGE EFFORT WAS TO ENSURE THAT A 40-HOUR WORKWEEK WAS ENOUGH TO AFFORD THE BASICS: FOOD ON THE TABLE, GAS IN THE CAR, HOUSING, THE BASICS OF LIFE. IF YOU WORK A FULL-TIME JOB, AND MOST NEBRASKANS DO, THAT YOU SHOULD BE ABLE TO MAKE ENDS MEET. AND THAT'S WHY IT'S CRITICAL THAT WE HAVE A MINIMUM WAGE, AS I SAID, THAT CONSTANTLY IN SOME WAY KEEPS UP WITH THE ECONOMY, KEEPS UP WITH THE COST OF THE FOOD ON THE TABLE, THE RENT, WHETHER IT'S IN OMAHA OR RURAL NEBRASKA, AND GAS FOR THE CAR. SO I HOPE THE BODY WILL LOOK AT AM1318 AS A THOUGHTFUL AMENDMENT TO IMPROVE... [LB599]

SENATOR WATERMEIER: TIME, SENATOR. [LB599]

SENATOR NORDQUIST: ...LB599. THANK YOU, MR.... [LB599]

SENATOR WATERMEIER: SENATOR MURANTE, YOU ARE RECOGNIZED. [LB599]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD EVENING. I READ WITH INTEREST THE POLL THAT WAS DISTRIBUTED BY SENATOR NORDQUIST, THE POLL TAKEN EXACTLY...CONCLUDED BEING TAKEN EXACTLY ONE YEAR AGO TODAY. AND ALTHOUGH THE POLL DEALT IN GREAT MEASURE WITH NEBRASKA'S OPINIONS ABOUT THE MINIMUM WAGE, AND THE POLL WHICH IS PURPORTED TO BE AN INDICATOR OF THE SORT OF PUBLIC POLICIES THAT WE OUGHT TO BE PASSING IN THE STATE OF NEBRASKA. THE QUESTION THAT POPPED OUT TO ME THE MOST WAS THE QUESTION LISTED AS QUESTION NUMBER THREE: WHAT PROBLEM FACING THE STATE OF NEBRASKA CONCERNS YOU THE MOST? AND FOR THOSE OF US WHO HAVE COME OFF A CAMPAIGN OR WHO HAVE SPENT A GREAT DEAL OF TIME SPEAKING TO OUR CONSTITUENTS,

Floor Debate
April 29, 2015

WE KNOW THIS INTUITIVELY, BUT WE NOW KNOW SCIENTIFICALLY WITH THE POLL THAT WAS DISTRIBUTED THAT THE NUMBER ONE PROBLEM FACING THE PEOPLE OF NEBRASKA IS OUR TAXES. THAT'S THE NUMBER ONE ISSUE THAT THE PEOPLE OF NEBRASKA ARE WORRIED ABOUT. AND IF I MAY EDITORIALIZE FOR A MOMENT, I VERY MUCH DOUBT THAT WHAT CONCERNS THEM IS THAT THE TAXES IN THIS STATE ARE TOO LOW. SO I WILL TAKE SENATOR NORDQUIST'S ADVICE AND USE THIS POLL TO A CERTAIN EXTENT FOR THE PURPOSES OF RECOMMENDING PUBLIC POLICY IN THE STATE OF NEBRASKA AND SUGGEST THAT THE PEOPLE OF NEBRASKA ARE SAYING LOUD AND CLEAR WHAT WE ALREADY KNOW, THAT OUR WORK HERE ON THE ISSUE OF TAXES IS NOT YET DONE. AND THAT, AS A BARE MINIMUM, WE CERTAINLY SHOULDN'T BE RAISING ANY TAXES AND THAT WE SHOULD CONTINUE TO FOCUS ON THE TAX BILLS, THE VERY GOOD TAX BILLS THAT ARE IN THE REVENUE COMMITTEE AND THAT I SINCERELY HOPE COME OUT. BUT THE PEOPLE OF NEBRASKA ARE SAYING THAT WE ARE IN A VERY DEEP HOLE AND THAT WE NEED TO STOP DIGGING, AND WE ARE GOING TO HAVE AN OPPORTUNITY TO STOP DIGGING VERY SHORTLY. BUT I ENCOURAGE MY COLLEAGUES TO TAKE NOTICE OF THE INFORMATION, THE SCIENTIFIC INFORMATION THAT IS IN FRONT OF YOU, WHAT THE PEOPLE OF NEBRASKA ARE SAYING LOUD AND CLEAR AND THAT THE MOST IMPORTANT ISSUE FACING THE STATE OF NEBRASKA OUGHT TO BE THE MOST IMPORTANT ISSUE FACING THIS STATE LEGISLATURE. AND I ENCOURAGE US TO DO THAT, SOMETHING ON THAT YET THIS YEAR AND AT A BARE MINIMUM DEFEAT ANY EFFORT TO RAISE TAXES IN NEBRASKA BECAUSE THAT IS THE EXACT OPPOSITE OF WHAT THE PEOPLE OF NEBRASKA ARE TELLING US. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR MURANTE. SENATOR HANSEN, YOU ARE RECOGNIZED. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. COLLEAGUES, AS I WAS LOOKING THROUGH SOME OF THE E-MAILS, I HAD PRINTED OFF A FAIR NUMBER OF MESSAGES FROM CONSTITUENTS IN MY DISTRICT AND I WAS GOING OVER AND I READ ONE ALREADY EARLIER. BUT THERE IS KIND OF TWO THOUGHTS I WANT TO GLEAN FROM SOME OF THE OTHER ONES THAT REALLY JUMP OUT. ONE, I HAD A CONSTITUENT ACTUALLY REQUEST THAT I REMIND ALL OF MY COLLEAGUES OF OUR STATE MOTTO: EQUALITY BEFORE THE LAW. AND THEY CALLED UPON US TO CONSIDER WHAT WE ASK PEOPLE TO DO FOR EQUAL WORK. WE'RE NOT ASKING PEOPLE TO BE PAID EQUAL FOR EQUAL WORK. WE'RE CERTAINLY NOT ASKING FOR THAT DISTINCTION TO BE BASED ON MERIT OR PRODUCTIVITY OR COMMISSION OR ANY OTHER THING. JUST KIND OF AN

Floor Debate
April 29, 2015

ARBITRARY DECISION THAT A CERTAIN AGE AND A CERTAIN GROUP OF EDUCATION CAN'T POSSIBLY BE WORTH AS MUCH. WELL, IF WE'RE GOING TO COME UP WITH A CERTAIN VALUE, A CERTAIN VALUE THAT WE VALUE AN HOUR OF WORK AS WE MEASURE IT, YOU KNOW, I CERTAINLY UNDERSTAND WHY, YOU KNOW, YOU'VE GOT THE WORLD'S BEST AT YOUR PROFESSION AND YOU'RE PAID ACCORDINGLY. WELL, YES, THAT'S...THERE'S MERIT, THERE'S PRODUCTIVITY. THERE'S OTHER SUBJECTIVE FACTORS. WHEN WE'RE SAYING HERE'S A LINE, DON'T CROSS IT. THIS IS WHAT WE'VE DECIDED IS THE MINIMUM FOR AN ACCEPTABLE LEVEL TO TREAT PEOPLE. THIS IS THE MINIMUM WAGE WE WANT NEBRASKA...WE'RE GOING TO CARVE OUT AN EXCEPTION SAYING, EXCEPT FOR YOUNG STUDENTS. AND AS THE BILL NOTED, IT DOESN'T NECESSARILY HAVE TO BE STUDENTS ANYMORE. SO IT'S YOUNG PEOPLE WHO AREN'T PARENTS UNDER ITS AMENDED FORM. ANOTHER CONSTITUENT REMINDED US THAT WHEN YOU TREAT TWO GROUPS DIFFERENTLY WITHOUT A RELEVANT DISTINCTION BETWEEN THOSE TWO GROUPS, IT'S DISCRIMINATORY. THAT'S BEEN COVERED A BUNCH. CERTAINLY WE'VE TALKED ABOUT THE PROBLEMS OF ENFORCEMENT AND EMPLOYMENT LAW. WE'VE TALKED ABOUT THE...FRANKLY, AGAIN I'LL GO BACK TO THE POINT OF WE TALKED ABOUT THE POINT THAT IF I WAS AN EMPLOYER I'D BE SCARED TO OFFER THIS AS A WAGE UNDER THE SCENARIO JUST BECAUSE OF ALL OF THE PRESUMPTIONS AND BURDENS THAT WOULD BE PLACED ON ME PRESUMING THAT I WOULD BE KNOWING IT AGAINST A YOUNG PERSON. I'D KNOW THEIR FAMILY STATUS, I'D KNOW THEIR OTHER INFORMATION THAT NORMALLY WOULD NOT BE ASKED ON A JOB INTERVIEW. BUT GETTING BACK TO THE POINT IS, IT'S DISCRIMINATORY BECAUSE WE JUST SIMPLY PRESUME THAT SOMEONE WHO'S UNDER THE AGE OF 18 IS WORTH LESS. AND WE'RE TALKING MINIMUM WAGE JOBS. WE'VE BEEN TALKING ABOUT THE GROCERY INDUSTRY. YOU KNOW, SOMEONE WORKING IN A GROCERY STORE, SOMEONE, A CASHIER OR STOCKER OR WHAT HAVE YOU. WE'RE PRESUMING THAT THEY JUST SIMPLY CANNOT POSSIBLY BE WORTH AS MUCH AS SOMEONE WHO IS OVER THAT. AND THAT'S JUST SOMETHING...THAT'S JUST FOR ME SOMETHING I CAN'T STAND FOR. THERE'S BEEN REFERENCE TO ALL OF THE GROCERS AND DON'T WANT TO DISPARAGE THEIR CHARACTERS DON'T WANT TO HARM SMALL TOWNS. YOU KNOW, I APPRECIATE THAT. I APPRECIATE SMALL EMPLOYERS. YOU KNOW, TALKING ABOUT GROCERY STORES DONATING, WE'VE HAD LOCAL STORES DONATE TO MY NEIGHBORHOOD. I'M ON THE NEIGHBORHOOD BOARD AND WE DO AN ANNUAL EASTER EGG HUNT FOR THE KIDS AND WE'RE LOOKING FOR CANDY TO STUFF THE EGGS WITH. AND, YOU KNOW, A LOT OF OUR SMALL BUSINESSES DO REALLY COME THROUGH FOR US. THEY DO REALLY...ARE THE BACKBONE OF THE DONATIONS, AND I GREATLY APPRECIATE THAT. AT THE SAME TIME, I'VE NOT HEARD FROM ANY OF THOSE

Floor Debate
April 29, 2015

SMALL BUSINESSES TALKING ABOUT NEEDING TO PAY YOUNG WORKERS LESS.
[LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. SO IT'S NOT THAT WE'RE...I JUST WITH THAT AND THE POINT OF FOOD DESERTS, I JUST WANT TO REALLY CLAIM THAT, YOU KNOW, THE INTENT BEHIND THIS BILL, THE GOOD INTENTIONS, I UNDERSTAND AND THOSE ARE THE THINGS I CAN AGREE WITH. I JUST CAN'T AGREE WITH THE LOGICAL JUMP THAT THE WAY TO SOLVE THOSE PROBLEMS IS TO PAY YOUNG PEOPLE LESS. THAT'S JUST SOMETHING I'M NOT COMFORTABLE WITH. DRAWING A LINE IN THE SAND, SAYING YOUNG PEOPLE...WE AS A STATE HAVE DECIDED WHAT AN ACCEPTABLE MINIMUM WAGE IS, WHAT AN ACCEPTABLE START AT A LIVING WAGE IS AND YOU DON'T QUITE QUALIFY. SO THAT IS MY SUMMARY OF MY OPPOSITION TO LB599 AND I'D ASK ALL OF MY COLLEAGUES TO JOIN ME IN OPPOSING IT. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR HANSEN. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. AND AS WE GET CLOSE TO THE END OF THE EVENING HERE IN ABOUT FIVE MINUTES OR SO, I JUST WANT TO REITERATE SOME OF THE REASONS WHY I'M OPPOSED TO LB599 AND THAT I ASK THAT YOU VOTE YES ON THE CLOTURE MOTION. FIRST, THERE'S BEEN A LOT OF STATEMENTS MADE TONIGHT ABOUT YOUNG PEOPLE AND BY SEVERAL DIFFERENT SENATORS HERE AND USING TERMS SUCH AS LAZY OR INEXPERIENCED OR ALL OF THESE OTHER THINGS. AND I WANT TO NOTE THAT, AS A GROCERY MANAGER, I HAD LAZY AND INEXPERIENCED EMPLOYEES THAT WERE OVER THE AGE OF 19 AND I HAD SOME THAT, YES, WERE UNDER THE AGE OF 19. AND WE SHOULDN'T JUST BE CHARACTERIZING A CERTAIN CLASS OF INDIVIDUALS AS MORE LAZY OR LESS EXPERIENCED OR IN ANY OTHER WAY. WE SHOULD BE JUDGING THEM ON THEIR WORK ETHIC, BUT NOT THEIR AGE. THAT IS THE ONLY CHARACTERISTIC THAT WE SHOULD BE JUDGING BY AND WE SHOULDN'T BE MAKING ARBITRARY DISTINCTIONS BASED ON AGE. FIRST, BECAUSE THERE ARE SERIOUS QUESTIONS OF LITIGATION, PARTICULARLY SINCE THIS BILL SEEMS TO BE AIMED AT SMALL BUSINESSES AND GROCERS THAT PROBABLY HAVE LIMITED RESOURCES TO BE ABLE TO BE INFORMED ON THE LEGAL ISSUES AND THE FACT THAT THEY COULD VERY LIKELY IN MANY CASES

Floor Debate
April 29, 2015

BE VIOLATING FEDERAL LAW. THIS IS GOING TO BE A BILL WITH MANY UNINTENDED CONSEQUENCES FOR THE SAME SMALL BUSINESSES AND GROCERS THAT WE'RE SUPPOSEDLY TRYING TO HELP. SECOND, I'M OPPOSED TO THIS BECAUSE THERE ARE BETTER WAYS WHERE WE DON'T HAVE TO DISCRIMINATE AGAINST YOUNG NEBRASKANS TO BE ABLE TO PROVIDE ECONOMIC INCENTIVES FOR CRITICAL INDUSTRIES, WHETHER IN URBAN OR RURAL AREAS, TO BE ABLE TO THRIVE. PAYING CERTAIN PEOPLE LESS IS NOT THE WAY TO GO ABOUT IT. AND AS I SAID EARLIER, IF THAT IS OUR ECONOMIC DEVELOPMENT PLAN FOR RURAL NEBRASKA, WE BETTER REALLY TAKE A LONG, HARD LOOK BECAUSE IF PAYING PEOPLE LESS IS OUR ECONOMIC DEVELOPMENT PLAN IN NEBRASKA, COLLEAGUES, I THINK WE'RE SCREWED. THIS BILL IN ADDITION TO MANY OF THE UNINTENDED CONSEQUENCES LEGALLY FOR THE BUSINESSES THAT WE ARE SUPPOSEDLY TRYING TO HELP ALSO HAS UNINTENDED LEGAL CONSEQUENCES AND UNINTENDED ECONOMIC CONSEQUENCES OR MAYBE INTENDED, I DON'T KNOW, FOR YOUNG PEOPLE. I CAN GO INTO SOME OF MY FINANCES OR SOME OF MY FINANCES WHEN I WAS WORKING IN HIGH SCHOOL, BUT I WON'T BELABOR YOU WITH THOSE FINER POINTS. AND I CERTAINLY WON'T READ FROM 93 DIFFERENT COUNTIES' STATISTICS BECAUSE I KNOW SENATOR MURANTE ESPECIALLY APPRECIATES THAT. BUT THE FACT OF THE MATTER IS NEBRASKANS HAVE VOTED ON THIS ISSUE OVERWHELMINGLY. THEY VOTED 60 PERCENT THAT THEY WANT TO INCREASE THE MINIMUM WAGE. AND IT WASN'T COMPLICATED LANGUAGE. IT WASN'T A BUNCH OF NUANCE IN THIS BALLOT INITIATIVE. IT WAS PRETTY STRAIGHTFORWARD. YOU RAISE THE WAGE FIRST BY \$8 AN HOUR; THEN WE RAISE IT BY \$9 AN HOUR. NEBRASKANS WERE CLEAR IN THEIR INTENT. THEY WERE CLEAR IN THEIR DECISION. [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. AND IF WE ARE GOING TO TRULY FOLLOW THE WILL OF THE PEOPLE, THEN WE SHOULD FOLLOW THE WILL OF NEBRASKANS JUST SIX MONTHS EARLIER. AS EMPLOYERS, I'M A LITTLE BIT SHOCKED THAT AN EMPLOYER, IN PARTICULAR, WOULD GO AFTER THEIR OWN EMPLOYEES TO PAY THEM LESS AS AN ECONOMIC DEVELOPMENT AND INCENTIVE. THAT DOESN'T MAKE ANY SENSE TO ME. I FEEL AS THOUGH AS EMPLOYERS WE HAVE A MORAL OBLIGATION TO PAY OUR EMPLOYEES A LIVING WAGE. ANYTHING LESS HAS CONSEQUENCES NOT ONLY FOR THAT EMPLOYER BUT ALSO OUR SOCIETY AS A WHOLE, BECAUSE THAT INCREASES TO THE NEED FOR INCREASED SOCIAL SERVICES, INCREASED MEDICAL AND HEALTH SERVICES, WHICH WE... [LB599]

Floor Debate
April 29, 2015

SENATOR WATERMEIER: TIME, SENATOR. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB599]

CLERK: MR. PRESIDENT, I DO. SENATOR EBKE WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB599]

SENATOR WATERMEIER: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE AFFORDED TO LB599. SENATOR EBKE, FOR WHAT PURPOSE DO YOU RISE? 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. [LB599]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB599]

SENATOR WATERMEIER: 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. ALL MEMBERS ARE PRESENT. MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK, PLEASE CALL THE ROLL. [LB599]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1332.) 33 AYES, 14 NAYS. [LB599]

SENATOR WATERMEIER: THE MOTION TO INVOKE CLOTURE IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON THE ADOPTION OF THE AMENDMENT TO LB599. AND ALL THOSE IN FAVOR VOTE... [LB599]

CLERK: JUST A SECOND, PLEASE. OKAY. [LB599]

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
April 29, 2015

SENATOR WATERMEIER: MEMBERS, THE NEXT VOTE IS THE ADOPTION OF THE AMENDMENT TO LB599, AM1318 TO LB599. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB599]

CLERK: 10 AYES, 33 NAYS, MR. PRESIDENT, ON ADOPTION OF THE AMENDMENT. [LB599]

SENATOR WATERMEIER: THE AMENDMENT IS NOT ADOPTED. THE NEXT VOTE IS ON THE ADOPTION OF LB599 FOR ADVANCEMENT. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED? RECORD, MR. CLERK. [LB599]

CLERK: 31 AYES, 13 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB599. [LB599]

SENATOR WATERMEIER: THE MOTION IS ADOPTED. LB599 IS ADVANCED. PLEASE RAISE THE CALL. MR. CLERK. [LB599]

CLERK: MR. PRESIDENT, I HAVE SOME ITEMS. FIRST OF ALL, COMMUNICATION FROM THE GOVERNOR (READ RE LB15, LB56, LB152, LB245, LB324, LB413, LB413A, LB415, LB482, LB641.) MR. PRESIDENT, A SECOND COMMUNICATION. (READ RE LB89 AND LB89A.) (LEGISLATIVE JOURNAL PAGES 1333-1334.) [LB15 LB56 LB152 LB245 LB324 LB413 LB413A LB415 LB482 LB641 LB89 LB89A]

MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR BLOOMFIELD WOULD MOVE TO ADJOURN THE BODY UNTIL THURSDAY MORNING, APRIL 30, AT 9:00 A.M.

SENATOR WATERMEIER: MEMBERS, THE PRIORITY MOTION TO ADJOURN UNTIL APRIL 30 AT 9:00 A.M. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED, NAY. WE ARE ADJOURNED.