

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

Floor Debate
May 05, 2015

[LB55 LB67 LB72 LB72A LB85 LB104 LB106 LB111 LB121 LB123 LB128 LB138 LB142
LB175 LB206 LB224 LB246 LB253 LB257 LB259A LB277 LB283 LB294 LB317 LB329
LB330 LB334 LB342 LB347 LB348 LB360 LB365 LB389 LB423 LB455 LB456 LB464
LB469A LB469 LB477 LB525 LB538 LB540 LB554 LB566A LB566 LB570 LB575 LB591
LB605 LB607 LB629 LB643 LB656 LB657 LB658 LB659 LB660 LB661 LB662 LB663
LB663A LR22 LR202 LR203 LR204 LR205 LR206 LR207 LR208 LR230 LR231 LR232
LR233 LR234 LR235 LR236 LR237 LR238 LR239 LR240]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: GOOD MORNING, LADIES AND GENTLEMEN, AND WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE SEVENTY-FIFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR CORAL PARMENTER OF THE UNITED METHODIST CHURCH OF CHRIST, WISNER, NEBRASKA, SENATOR BRASCH'S DISTRICT. PLEASE RISE.

PASTOR PARMENTER: (PRAYER OFFERED.)

SENATOR GLOOR: THANK YOU, PASTOR PARMENTER. I CALL TO ORDER THE SEVENTY-FIFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL.

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: RECORD, MR. CLERK.

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

SPEAKER HADLEY: CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NONE.

SPEAKER HADLEY: MESSAGES, REPORTS, AND ANNOUNCEMENTS?

CLERK: YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB658, LB659, LB656, LB657, LB660, LB661, LB662, LB663, LB663A, AND LB554 TO SELECT

Floor Debate
May 05, 2015

FILE, SOME OF WHICH HAVE ENROLLMENT AND REVIEW AMENDMENTS ATTACHED. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1401-1406.) [LB658 LB659 LB656 LB657 LB660 LB661 LB662 LB663 LB663A LB554]

SPEAKER HADLEY: WHILE THE LEGISLATURE IS IN SESSION, CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR202, LR203, LR204, LR205, LR206, LR207, LR208. WE WILL NOW GO TO THE...MR. CLERK, WE WILL PROCEED TO THE CONFIRMATION REPORTS. [LR202 LR203 LR204 LR205 LR206 LR207 LR208]

CLERK: MR. PRESIDENT, THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE REPORTS ON THE APPOINTMENT OF MR. BYRON DIAMOND AS DIRECTOR OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES. (LEGISLATIVE JOURNAL PAGE 1322.)

SPEAKER HADLEY: SENATOR MURANTE, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. ON APRIL 29 THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE VOTED 8 TO 0 IN SUPPORT OF APPOINTING BYRON DIAMOND AS THE NEXT DIRECTOR OF ADMINISTRATIVE SERVICES. MR. DIAMOND GRADUATED FROM COLUMBUS SENIOR HIGH SCHOOL, RECEIVED HIS BACHELOR'S DEGREE IN BUSINESS ADMINISTRATION AND TECHNICAL SERVICES FROM BELLEVUE UNIVERSITY, AND A MASTER'S OF STRATEGIC PLANNING FROM THE UNITED STATES ARMY WAR COLLEGE. HE HAS WORKED IN THE PRIVATE SECTOR FOR THE NATIONAL BANK OF COMMERCE AND CSG SYSTEMS INTERNATIONAL, WHERE HE WORKED IN CUSTOMER SERVICE, I.T. OPERATIONS, BUSINESS OPERATIONS, AND OTHER DUTIES. MR. DIAMOND ENLISTED IN THE NEBRASKA NATIONAL GUARD IN 1986 AND RECENTLY RETIRED AS A COLONEL WITH 28 YEARS OF SERVICE, IN WHICH HE BECAME CHIEF INFORMATION OFFICER FOR THE NEBRASKA MILITARY DEPARTMENT. DURING HIS MILITARY CAREER, HE WAS AWARDED THE BRONZE STAR FOR HIS SERVICE WHILE DEPLOYED TO IRAQ AS THE INSTALLATION MANAGEMENT DIRECTOR FOR THE 657th AREA SUPPORT GROUP. BYRON DIAMOND WAS SUPPORTED UNANIMOUSLY BY THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, AND I URGE YOUR SUPPORT OF HIS CONFIRMATION TODAY. THANK YOU, MR. PRESIDENT.

Floor Debate
May 05, 2015

SPEAKER HADLEY: IS THERE ANY DISCUSSION ON THE REPORT? SEEING NONE, SENATOR MURANTE. SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE MILITARY AND VETERANS AFFAIRS COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 1406-1407.) 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

SPEAKER HADLEY: THE REPORT IS ADOPTED.

CLERK: MR. PRESIDENT, I NOW HAVE A REPORT FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, I HAVE CALDER LYNCH AS DIRECTOR OF THE DIVISION OF MEDICAID AND LONG-TERM CARE IN FRONT OF ME. (LEGISLATIVE JOURNAL PAGE 1355.)

SPEAKER HADLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON THE REPORT.

SENATOR CAMPBELL: MR. CLERK, WOULD YOU REPEAT THE ORDER OF THAT, PLEASE?

CLERK: SENATOR, THE FIRST ONE I HAVE IS THE APPOINTMENT OF CALDER LYNCH AS DIRECTOR OF THE DIVISION OF MEDICAID.

SENATOR CAMPBELL: EXCELLENT. THANK YOU SO MUCH. GOOD MORNING, COLLEAGUES. WE ARE PLEASED TO BRING FORWARD THE NOMINATION OF MR. CALDER LYNCH FOR YOUR CONFIRMATION TODAY. MR. LYNCH IS A VERY KNOWLEDGEABLE GENTLEMAN IN TERMS OF MEDICAID AND WE ARE LOOKING FORWARD TO HIS TAKING A NEW PERSPECTIVE, PERHAPS, OF LOOKING AT OUR MEDICAID PLAN AND WHAT WILL BE NECESSARY. MR. LYNCH'S NOMINATION CAME OUT OF THE HEALTH AND HUMAN SERVICES COMMITTEE ON A 7 TO 0 VOTE. AND WE WOULD URGE YOUR CONFIRMATION OF MR. LYNCH.

SPEAKER HADLEY: IS THERE ANY DISCUSSION ON THE REPORT? SEEING NONE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE REPORT. SENATOR CAMPBELL WAIVES ON CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE HEALTH AND HUMAN SERVICES COMMITTEE. ALL

Floor Debate
May 05, 2015

THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED?
RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 1407.) 34 AYES, 0 NAYS, MR.
PRESIDENT, ON THE ADOPTION OF THE REPORT.

SPEAKER HADLEY: CONFIRMATION REPORT IS ACCEPTED.

CLERK: MR. PRESIDENT, I HAVE A SECOND HEALTH COMMITTEE REPORT
REGARDING THE APPOINTMENT OF COURTNEY PHILLIPS AS THE CHIEF
EXECUTIVE OFFICER OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.
(LEGISLATIVE JOURNAL PAGE 1355.)

SPEAKER HADLEY: SENATOR CAMPBELL, YOU ARE RECOGNIZED, AS CHAIR OF
THE HEALTH AND HUMAN SERVICES COMMITTEE, TO OPEN ON THE REPORT.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. IT IS CERTAINLY WITH
PLEASURE THAT WE BRING FORWARD THE NOMINATION OF MS. COURTNEY
PHILLIPS AS THE CEO OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.
MS. PHILLIPS IS WORKING ON HER Ph.D. SHE HAS A YOUNG SON. SHE HAS AN
ENORMOUS LIST OF TO-DOS AND YET SHE APPEARED BEFORE THE COMMITTEE
WITH WHAT I WOULD HAVE TO SAY IS THE MOST ENERGETIC CAN-DO ATTITUDE
THAT I'VE SEEN OUT OF A DIRECTOR FOR A VERY LONG TIME. I HAVE TO LET
YOU KNOW THAT BEFORE MS. PHILLIPS CAME, I HAD SENT HER SOME E-MAILS
AND THERE WERE TIMES IN WHICH I THOUGHT, NO, DON'T WANT TO PUT THAT IN
THE E-MAIL BECAUSE I WANT HER TO COME. I DIDN'T WANT TO OVERLOAD HER
WITH SO MANY PROBLEMS THAT WE CERTAINLY HAVE SEEN IN THAT
DEPARTMENT. I THINK WHAT WE WILL ALL HAVE TO DO...MR. PRESIDENT, COULD
I HAVE A GAVEL HERE? I WOULD SAY TO THE BODY WHAT WE NEED TO DO NOW
IS WE NEED TO STOP AND STEP BACK AND NOT JUST MAKE THE DEPARTMENT A
USUAL PUNCHING BAG. AND I WOULD HAVE TO SAY, YOU KNOW, I'VE BEEN AS
CRITICAL OF THE DEPARTMENT AS ANYONE IN THIS BODY. BUT IT'S NOW TIME
TO STEP BACK AND LET MS. PHILLIPS HAVE AN OPPORTUNITY TO ASSESS THE
SITUATION AND MAKE THOSE CHANGES THAT SHE FEELS ARE NECESSARY TO
MOVE THAT DEPARTMENT FORWARD. IT'S CERTAINLY IN ALL OF OUR INTERESTS
TO BACK HER AND MAKE SURE THAT HAPPENS. BUT IT CERTAINLY IS IN OUR
INTEREST IN PROTECTING AND SUPPORTING NEBRASKANS WHO NEED HELP. SO I
WHOLEHEARTEDLY ENCOURAGE YOU TO SUPPORT THE NOMINATION OF MS.

Floor Debate
May 05, 2015

COURTNEY PHILLIPS FOR CEO OF THE HEALTH AND HUMAN SERVICES DEPARTMENT. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED.

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. AND GOOD MORNING, NEBRASKA. I'VE BEEN OVERLY VERBALLY CRITICAL OF THE DEPARTMENT IN THE TIME THAT I'VE BEEN HERE BECAUSE, IN MY MIND, THEY DESERVED IT. THEY HAD NOT BEEN SUPPORTING OR HAD SUPPORTED THE ISSUES THAT I THINK ARE IMPORTANT TO THE SERVICE OF THE PEOPLE OF NEBRASKA. THAT ALL CHANGED FOR ME ABOUT TWO MONTHS AGO WHEN I HAD MY FIRST CONVERSATION WITH COURTNEY PHILLIPS. MS. PHILLIPS IS POSITIVE. SHE BRINGS WITH HER A WEALTH OF EXPERIENCE AND SHE HAS AN AMAZING AMOUNT OF ENERGY, GIVEN ALL THE TASKS AT HAND. I ECHO SENATOR CAMPBELL'S WORDS: WE NEED TO STOP USING THE DEPARTMENT AS, IN HER WORDS, A PUNCHING BAG. BUT, MORE IMPORTANTLY, I THINK FROM MY PERSPECTIVE THIS IS A LADY WHO HAS IDENTIFIED HER TASKS AT HAND AND REALLY NEEDS OUR HELP IN TERMS OF THE LEGISLATION, THE APPROPRIATIONS, AND THEN THE HELP OF OVERSIGHT, WHICH IS OUR JOB. WE NEED TO STOP MAKING THE DEPARTMENT'S DECISIONS FOR THEM AND HELP THEM WITH WHATEVER THEY NEED IN TERMS OF LEGISLATION AND APPROPRIATION. I HAD SEVERAL CONVERSATIONS WITH MS. PHILLIPS BEFORE SHE ARRIVED AND ALSO SHARED INFORMATION. AND SURPRISINGLY, WHEN SHE GOT HERE, UNLIKE MANY OF US, SHE HAD ACTUALLY READ LR37, LR22, LR422. IT WAS OBVIOUS THAT SHE HAD ABSORBED THAT INFORMATION AND I REALLY RESPECT THAT ABOUT HER. AND I ASK YOU TO SUPPORT COURTNEY PHILLIPS NOW AND IN HER ENTIRE REIGN HERE IN NEBRASKA. THANK YOU. [LR22]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU ARE RECOGNIZED.

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I JUST WANT TO ALSO STAND AND ECHO THE COMMENTS OF SENATOR CAMPBELL AND SENATOR KRIST, SO I WON'T REPEAT THEM ALL. THEY'VE DONE AN EXCELLENT JOB, I THINK, OF POINTING OUT THE REAL STRENGTHS THAT WE HAVE AND THE EXCITEMENT THAT WE HAVE, MANY OF US SENATORS WHO HAVE BEEN WORKING ON HEALTH AND HUMAN SERVICES ISSUES, THE EXCITEMENT WE HAVE TO BE ABLE TO WORK WITH COURTNEY PHILLIPS AND TO ALSO ECHO HER ENERGY AND HER COMMITMENT AND ALSO HER VERY PROACTIVE LEADERSHIP IN TERMS OF READING THOSE REPORTS BEFORE SHE CAME HERE, COMING TO

Floor Debate
May 05, 2015

MEET WITH US TO TALK ABOUT WHAT WE SAW AS ISSUES IN THE DEPARTMENT, AND HER SHARING HER EXPERIENCES IN MAKING THINGS HAPPEN IN LOUISIANA. AND SO I JUST ECHO THOSE COMMENTS AND AM IN VERY STRONG SUPPORT OF HER CONFIRMATION. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE REPORT. SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE HEALTH AND HUMAN SERVICES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 1407-1408.) 38 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

SPEAKER HADLEY: THE REPORT IS ADOPTED.

CLERK: MR. PRESIDENT, THE NEXT REPORT IS OFFERED BY SENATOR MURANTE, AS CHAIR OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, INVOLVES THE APPOINTMENT OF JOHN HILGERT. EXCUSE ME. SENATOR CAMPBELL OFFERS THE CONFIRMATION REPORT REGARDING THE APPOINTMENT OF JOHN HILGERT AS DIRECTOR OF THE DIVISION OF VETERANS' HOMES, DEPARTMENT OF HEALTH AND HUMAN SERVICES. SORRY, SENATOR. (LEGISLATIVE JOURNAL PAGE 1355.)

SPEAKER HADLEY: SENATOR CAMPBELL, YOU ARE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I WOULD HAVE BEEN JUST AS PLEASED IF SENATOR MURANTE WANTED TO TAKE ON THIS REPORT. COLLEAGUES, MR. HILGERT APPEARED BEFORE THE COMMITTEE AND I THOUGHT DID A FINE JOB IN TERMS OF ANSWERING QUESTIONS THAT WE HAD. ONE OF THE THINGS THAT THE LEGISLATURE NEEDS TO KNOW IS THAT IT'S VERY SELDOM THAT MR. HILGERT APPEARS BEFORE THE HEALTH AND HUMAN SERVICES COMMITTEE IN HIS ROLE AS...WITH THE VETERANS' HOMES. WE DISCUSSED WITH HIM SOME ISSUES THAT WE SAW IN TERMS OF WORK FORCE, PARTICULARLY WORK FORCE NEEDS THAT ARE HAPPENING ACROSS THE BOARD. THEY HAVE HAD A FAIRLY GOOD RUN OF DEFICIENCY-FREE IN THE VETERANS' HOMES. WE ARE BRINGING FORWARD MR. HILGERT'S CONFIRMATION AS A NOMINEE ON A UNANIMOUS VOTE FROM THE HEALTH AND HUMAN SERVICES

Floor Debate
May 05, 2015

COMMITTEE. MR. HILGERT ALSO WEARS TWO HATS IN TERMS OF THE OTHER VETERANS' DUTIES THAT HE IS RESPONSIBLE FOR UNDER THE GOVERNOR. SO WE WOULD ENCOURAGE YOUR CONFIRMATION OF MR. HILGERT. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR GLOOR, YOU ARE RECOGNIZED.

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR CAMPBELL WOULD YIELD FOR SOME QUESTIONS.

SPEAKER HADLEY: SENATOR CAMPBELL, WILL YOU YIELD?

SENATOR CAMPBELL: YES, CERTAINLY.

SENATOR GLOOR: IN YOUR DISCUSSION ON WORK FORCE NEEDS, SENATOR CAMPBELL, DID THAT SPECIFICALLY SPEAK TO SOME OF THE CHALLENGES THAT BOTH THE GRAND ISLAND AND NORFOLK VETERANS' HOMES ARE HAVING WITH MANDATORY OVERTIME HOURS THAT ARE BEING STACKED UP ON TOP OF EMPLOYEES?

SENATOR CAMPBELL: YES, SENATOR GLOOR, WE DID TOUCH ON THAT. AND I ALSO HAD AN OPPORTUNITY TO MENTION THAT TO MS. PHILLIPS, IN HER CONVERSATION WITH ME. I THINK IT'S EXTREMELY IMPORTANT FOR US TO KEEP IN MIND THAT ALL 24/7 FACILITIES IN THIS STATE DEAL WITH WORK FORCE ISSUES. BUT, YES, WE DID BRING THAT UP.

SENATOR GLOOR: GOOD. THANK YOU, SENATOR CAMPBELL. AND, MEMBERS, THE REASON I BRING THIS UP AND HAVE BROUGHT IT UP SEVERAL TIMES ON MIKE, MOST RECENTLY I THINK DURING OUR BUDGET HEARINGS WHEN I BELIEVE JUST A LITTLE OVER A QUARTER MILLION DOLLARS WAS ADDED TO THE BUDGET FOR THE VETERANS' HOMES TO DEAL WITH MANDATORY OVERTIME HOURS BECAUSE OF STAFFING PROBLEMS, THIS IS A SERIOUS ISSUE FOR US. IT'S CLEARLY A CHALLENGE IN HEALTHCARE NOW TO FIND PEOPLE TO WORK IN FACILITIES AND SOME OF THIS MAY BE RELATED TO SALARIES. BUT CERTAINLY IN THE CASE OF GRAND ISLAND, THE CHALLENGE IN GRAND ISLAND IS THAT FACILITY IS GOING TO MOVE WITHIN TWO YEARS. MOST OF THOSE POSITIONS ARE BLUE-COLLAR TYPE POSITIONS. NURSING HOMES DON'T REQUIRE A LOT OF RNS, PHYSICIANS, RESPIRATORY THERAPISTS. THEY REQUIRE

Floor Debate
May 05, 2015

A LOT OF AIDES, MAINTENANCE WORKERS, SUPPORT STAFF. AND THOSE SALARIED POSITIONS ARE HARD TO COME BY IN A LOT OF COMMUNITIES. AND SPECIFICALLY WHEN A FACILITY IS MOVING FROM KEARNEY...OR TO KEARNEY FROM GRAND ISLAND, YOU'RE TALKING ABOUT PEOPLE WHO PERHAPS CAN'T AFFORD TO MOVE OR WON'T BE ABLE TO FIND HOUSING FOR A WHILE AFTER THE MOVE. AND, THEREFORE, THE CHALLENGE IS GOING TO BE HIRING PEOPLE INTO THOSE POSITIONS IN KEARNEY AND KEEPING PEOPLE IN POSITIONS WHEN THEY KNOW THEY'RE SHORT-TIMERS IN A COMMUNITY LIKE GRAND ISLAND. I BRING THIS UP BECAUSE I BROUGHT IT UP DURING THE DISCUSSION ON THE MOVE. AND EVERY TIME I GET A CHANCE, I NEED TO WARN THE DEPARTMENT THAT I BELIEVE THIS PROBLEM, WHICH HAS REARED ITS HEAD SOONER THAN I MIGHT HAVE THOUGHT, IS LIKELY TO GET WORSE, LIKELY TO GET UGLIER, AND THERE NEEDS TO BE SOME FOCUS ON IT. WHEN STAFFING BECOMES A CHALLENGE, WHEN OVERTIME HOURS END UP PILING UP, MISTAKES HAPPEN. AND PATIENTS ARE THE RECIPIENTS OF THOSE MISTAKES. SO IF WE WANT THE BEST CARE FOR OUR VETERANS, AND HEAVEN KNOWS WE TALK ABOUT ALL THE THINGS WE WANT FOR OUR VETERANS, WHO ARE RELATIVELY YOUNG AND HEALTHY AND ABLE TO ARGUE ON THEIR OWN BEHALF, MY COMMENT BEFORE IS IT'S FINE TO BE A VETERAN, JUST DON'T GET TO BE AN OLD VETERAN BECAUSE LESS PEOPLE LOOK OUT FOR YOU. THAT'S OUR RESPONSIBILITY, TOO, AND WE NEED TO MAKE SURE THE DEPARTMENT HAS A FOCUS ON PROVIDING APPROPRIATE STAFFING FOR THOSE ELDERLY VETERANS. SO I APPRECIATE THE FACT THAT IT WAS BROUGHT UP DURING THE CONFIRMATION HEARING AND IT'S SOMETHING THAT WE ALL SHOULD BE PAYING ATTENTION TO AS THE TRANSITION MOVES FORWARD AND AS RELATES TO THE ONGOING STAFFING CHALLENGES IN FACILITIES OTHER THAN GRAND ISLAND'S. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL. SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE HEALTH AND HUMAN SERVICES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 1408-1409.) 38 AYES, 0 NAYS ON ADOPTION OF THE CONFIRMATION REPORT.

SPEAKER HADLEY: THE CONFIRMATION REPORT IS ACCEPTED.

Floor Debate
May 05, 2015

CLERK: MR. PRESIDENT, HEALTH AND HUMAN SERVICES REPORTS ON THE APPOINTMENT OF JOSEPH ASINEO (PHONETICALLY), CHIEF MEDICAL OFFICER. (LEGISLATIVE JOURNAL PAGE 1355.)

SPEAKER HADLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AND I SHOULD SAY, MR. CLERK, IT IS DR. A-SIR-NO (PHONETICALLY) IS THE PRONUNCIATION. DR. ACIERNO APPEARED THE SAME DAY THAT MR. HILGERT DID BEFORE OUR COMMITTEE. AND IT WAS THE SENSE OF THE COMMITTEE AND THE GOVERNOR'S OFFICE THAT WE SHOULD HOLD BOTH MR. HILGERT AND DR. ACIERNO'S CONFIRMATION UNTIL MS. PHILLIPS COULD ARRIVE AND HAVE AN OPPORTUNITY TO MEET THEM AND DISCUSS WITH THEM THEIR JOB AND WHAT THAT LOOKED LIKE. IT WAS PARTICULARLY IMPORTANT I THINK FOR THE HEALTH AND HUMAN SERVICES COMMITTEE FOR MS. PHILLIPS TO HAVE AN OPPORTUNITY TO MEET DR. ACIERNO. DR. ACIERNO HAS BEEN THE ACTING CEO AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. HE IS BOTH A PHYSICIAN AND AN ATTORNEY, WHICH IS AN UNUSUAL COMBINATION OF DEGREES THAT YOU DON'T OFTEN SEE IN PUBLIC SERVICE. YOU MAY SEE IT IN THE PRIVATE SECTOR BUT NOT OFTEN HERE. DR. ACIERNO'S TENURE AND TIME IN DISCUSSING ISSUES WITH THE HEALTH AND HUMAN SERVICES COMMITTEE HAS AT TIMES HAD A MIXED REVIEW ON THE PART OF COMMITTEE MEMBERS. DR. ACIERNO CAN SOMETIMES BE BRUSQUE AND WE HAVE FOUND THAT OFTENTIMES WE HAVE TO KEEP TALKING TO HIM ABOUT AN ISSUE. OTHER TIMES, I HAVE HAD A VERY GOOD RELATIONSHIP IN TALKING TO HIM AND SOLVING PROBLEMS. SO THIS CONFIRMATION CAME OUT OF THE HEALTH AND HUMAN SERVICES COMMITTEE ON A 5...5 VOTES FOR RECOMMENDATION, 0 VOTES OPPOSED, AND 2 VOTES NOT VOTING. SO I WANT TO BE VERY TRUTHFUL WITH YOU IN TERMS OF THERE WAS A LOT OF DISCUSSION IN THE COMMITTEE. THE MAJORITY OF MEMBERS ON THE COMMITTEE FELT THAT WE SHOULD PROCEED AND TO RECOMMEND HIS CONFIRMATION TO YOU, THE LEGISLATURE, TO GIVE MS. PHILLIPS AN OPPORTUNITY TO WORK WITH DR. ACIERNO IN A MORE EXTENDED PERIOD OF TIME. WE ALSO FELT THAT MS. PHILLIPS' ENTHUSIASM AND HER COMMITMENT TO THE DEPARTMENT AND CERTAINLY TO MAKING THINGS WORK WOULD HAVE A VERY POSITIVE INFLUENCE ON ALL THE DIRECTORS. AND I HAVE TO SAY, IN ALL HONESTY, IN THE YEARS THAT I'VE WORKED IN HEALTH AND HUMAN SERVICES, THE PAST SIX, I HAVE NOT ALWAYS FELT THAT THE DIRECTORS HAD THE ABILITY TO DO THEIR JOB AS THEY SAW IT NEEDED TO BE DONE. BUT THE GOVERNOR AND MS. PHILLIPS, I THINK, ARE

Floor Debate
May 05, 2015

COMMITTED TO BRINGING PEOPLE INTO A JOB OPPORTUNITY, LETTING THEM SHOW WHAT THEY CAN DO FOR US IN THE STATE OF NEBRASKA. SO WITH THAT EXPLANATION TO YOU, THE LEGISLATURE, WE WOULD STILL RECOMMEND THE CONFIRMATION OF DR. ACIERNO. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR CRAWFORD, YOU ARE RECOGNIZED.

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE JUST TO EXPLAIN MY "NOT" VOTE IN THE COMMITTEE CONFIRMATION AND ALSO TO TELL YOU, COLLEAGUES, I DO NOT TAKE THAT LIGHTLY. I ALSO AM SO EXCITED THAT WE HAVE COURTNEY PHILLIPS HERE AND I'M VERY EXCITED ABOUT HER LEADERSHIP AND CONFIDENT IN HER LEADERSHIP. AND IN FACT, THAT'S ONE OF THE REASONS I FELT I NEEDED TO BE FRANK IN MY VOTE AND IN MY COMMENTS IS I WANT HER TO HAVE EVERY RESOURCE SHE CAN HAVE IN HER LEADERSHIP. I'M ALSO VERY EXCITED THAT THE GOVERNOR HAS COMMITTED TO NOT MICROMANAGING AND THE GOVERNOR HAS COMMITTED TO ALLOWING THE LEADERS TO LEAD. I'M VERY HAPPY TO HEAR THAT. I'M ALSO VERY PLEASED THAT THE GOVERNOR HAS SAID HE WANTS A CULTURE CHANGE IN THE DEPARTMENT AND WANTS TO SEE CONTINUOUS QUALITY IMPROVEMENT. AND I AM ANXIOUS TO WORK WITH THE GOVERNOR AND LEADERSHIP ON THAT. THIS WAS ONE OF, I THINK, THE TOUGHEST VOTES I HAD TO MAKE THIS YEAR. BUT, COLLEAGUES, WHEN I SEE...I THINK THE COMMITTEE PROCESS IS VERY IMPORTANT. AND WHEN I SEE YOUR GREEN VOTE ON SOMEONE THAT YOU HAVE BEEN WORKING WITH AND YOU HAD A HEARING FOR, I ASSUME THAT MEANS YOU HAVE CONFIDENCE AND THAT I AM TRUSTING YOUR GREEN VOTE ON THAT. AND I JUST DID NOT FEEL THAT I COULD GIVE YOU THAT GREEN VOTE AND CONFIDENCE ON DR. ACIERNO. MY...SENATOR CAMPBELL OUTLINED SOME OF OUR MIXED REACTIONS AND RESPONSES THAT WE HAD IN WORKING WITH DR. ACIERNO. MY GREATEST CONCERN IS A SENSE OF DEFENSIVENESS WHEN PROBLEMS ARE PRESENTED. AND AT THIS TIME, WHEN WE HAVE, YOU KNOW, ENERGETIC AND ENTHUSIASTIC LEADERSHIP AT THE TOP OF HHS, WHEN WE HAVE ENERGIZED OUR HEALTHCARE LEADERS ACROSS THE STATE WITH 20... WITH OUR LR22 AND LR422, AND WE HAVE HEALTHCARE LEADERS AND CONSUMERS ACROSS THE STATE READY TO ROLL UP THEIR SLEEVES AND IMPROVE HEALTH IN THIS STATE, AND WHEN WE HAVE RIGHT NOW A WORLD-RENOWNED, ROCK-STAR PUBLIC HEALTH ADVOCATE IN DR. KHAN AT UNMC, WE HAVE ALL THESE PIECES READY TO ROLL AND READY TO REALLY TACKLE PUBLIC HEALTH ISSUES IN OUR STATE, AND I WANT TO MAKE SURE THAT THE RESPONSE THEY GET IS NOT: THERE IS NO PROBLEM, THERE IS NO PROBLEM, THERE IS NO PROBLEM. AND I'M AFRAID THAT'S TOO OFTEN BEEN THE

Floor Debate
May 05, 2015

RESPONSE WE HAVE RECEIVED WHEN WE'VE TRIED TO TACKLE ISSUES LIKE PRESCRIPTION DRUG MONITORING PROGRAM, LIKE IMPROVING CREDENTIALING FOR OUR MILITARY FOLKS WHO ARE COMING TO OUR STATE, AND SEVERAL...AND ADDRESSING SOME OF OUR ISSUES IN THE HEALTHCARE FIELD IN TERMS OF WHO DOES WHAT. SO OFTEN THE RESPONSE IS, THERE IS NO PROBLEM. AND THAT'S NOT THE KIND OF CULTURE THAT I KNOW THE GOVERNOR WANTS AND THAT'S NOT THE KIND OF LEADERSHIP. AND I DON'T WANT OUR DIRECTOR TO HAVE TO FACE THAT CHALLENGE. AND SO I'M HOPING, JUST BY RAISING THIS ISSUE, THAT THIS WILL BE SOMETHING THAT THEY WON'T HAVE TO FACE AND SO...AND THAT DR. ACIERNO WILL BE A PROACTIVE LEADER IN PUBLIC HEALTH UNDER THE DIRECTORSHIP OF THE GOVERNOR AND UNDER THE DIRECTORSHIP OF COURTNEY PHILLIPS, THAT THIS WILL BE A PROACTIVE WAY AND WE CAN MOVE FORWARD. BUT I JUST FELT I HAD TO EXPRESS SOME RESERVATIONS ABOUT THAT IN TERMS OF MY PAST EXPERIENCE WITH HIM IN HOPES THAT IT WOULD BRING ABOUT A NEW... [LR22]

SPEAKER HADLEY: ONE MINUTE.

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT...A NEW PRODUCTIVE AND PROACTIVE LEADERSHIP IN THE DEPARTMENT. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR HOWARD, YOU ARE RECOGNIZED.

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I RISE TO EXPLAIN MY NOT VOTING IN REGARDS TO DR. ACIERNO, AS WELL, WHICH WAS DIFFICULT FOR ME BECAUSE I REALLY DO RESPECT DR. ACIERNO. HE'S A FELLOW GREAT PLAINS PUBLIC HEALTH INSTITUTE GRADUATE. HOWEVER, WE'VE HAD SOME CHALLENGES OVER THE PAST TWO YEARS AND I THINK THERE ARE SOME AREAS OF PUBLIC HEALTH WHERE WE CAN DO BETTER. SENATOR CRAWFORD MENTIONED PRESCRIPTION DRUG MONITORING, WHICH IS SOMETHING THAT IS PARTICULARLY IMPORTANT TO ME. WE WILL BE THE LAST STATE TO HAVE A PRESCRIPTION DRUG MONITORING PROGRAM, IF WE EVER GET THERE, AND I FEEL LIKE THAT'S SOMETHING THAT DR. ACIERNO SHOULD HAVE CALLED OUR ATTENTION TO SOONER. WE'VE HAD SOME CHALLENGES WITH THE LB407 PROCESS WITH DR. ACIERNO, ESPECIALLY IN REGARDS TO HOME BIRTH. JUST BECAUSE WE MAKE IT ILLEGAL TO HAVE A PROFESSIONAL WITH YOU DURING HOME BIRTH, DOESN'T MEAN THAT HOME BIRTHS GO AWAY. WE HAVE TO DO SOMETHING TO MAKE IT SAFE IN THIS STATE. AND UNFORTUNATELY, DR.

Floor Debate
May 05, 2015

ACIERNO HAS MADE IT MORE DIFFICULT TO DO SO THROUGH THE LB407 PROCESS. I'M HOPING IN THE FUTURE THAT DR. ACIERNO WILL CONSIDER STREAMLINING SEVERAL OF OUR DATABASES SO THAT WE CAN UNDERSTAND THE HEALTH ISSUES OF OUR STATE BETTER. HIS ROLE, IN MY EYES, IS TO TELL US, WHAT ARE THE HEALTH ISSUES THAT WE NEED TO FOCUS ON AS A LEGISLATURE SO THAT WE CAN MAKE NEBRASKA A HEALTHIER STATE? I APPRECIATE THAT MS. PHILLIPS WILL NEED THE CONTINUITY OF DR. ACIERNO'S PRESENCE AND I'M CURIOUS TO SEE HOW DR. ACIERNO'S LEADERSHIP WILL EVOLVE WITH MS. PHILLIPS' GUIDANCE. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED.

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND GOOD MORNING AGAIN, COLLEAGUES. AND GOOD MORNING, NEBRASKA. I WONDER IF SENATOR GARRETT WOULD YIELD TO A QUESTION.

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD?

SENATOR GARRETT: YES, I WILL.

SENATOR KRIST: I NEED ANOTHER MILITARY MEMBER TO MAKE THIS POINT FOR ME, PLEASE, SENATOR GARRETT. WHAT DOES IT MEAN WHEN YOU FIRE A SHOT ACROSS THE BOW?

SENATOR GARRETT: A SHOT ACROSS THE BOW, THAT'S A WARNING THAT THE NEXT SHOT IS GOING TO BE ON TARGET.

SENATOR KRIST: THANK YOU, SENATOR. THIS, INDEED, FOR ME IS A SHOT ACROSS THE BOW. I'VE HAD SOME INTERESTING DEALINGS WITH DR. ACIERNO. I'VE WATCHED HIS EGO AND HIS SARCASM AND HIS DEMEANING ATTITUDE, BOTH IN COMMITTEE AND OUTSIDE OF A COMMITTEE, AND I THINK THAT THE CHIEF MEDICAL OFFICER OF THIS STATE HAS A MUCH BIGGER RESPONSIBILITY TO LOOK OUT FOR THE HEALTH AND WELFARE OF THE STATE. AND IN SENATOR CRAWFORD'S WORDS AND IN SENATOR HOWARD'S WORDS, THAT IS NOT DR. ACIERNO. HE IS NOT PROACTIVE, IN MY OPINION. HE HAS HELD UP PROCESSES THAT PROBABLY COULD HAVE GONE MUCH SMOOTHER. MY EXPERIENCE COMES FROM FIVE YEARS ON THE HEALTH AND HUMAN SERVICES COMMITTEE BEFORE I JUMPED SHIP--I'M SORRY, SENATOR CAMPBELL--ON TO JUDICIARY THIS YEAR.

Floor Debate
May 05, 2015

BUT I'VE SEEN HIM IN ACTION. THERE WILL BE A RED VOTE FOR DR. ACIERNO. AND I, TOO, HOPE THAT THE LEADERSHIP OF COURTNEY PHILLIPS AND THE LEADERSHIP OF THIS GOVERNOR WILL CHANGE THE ATTITUDE IN DR. ACIERNO'S OFFICE TO ONE OF, I WANT TO PROTECT THE HEALTH AND WELL-BEING OF THE CITIZENS OF THIS STATE PROACTIVELY. THAT SHOULD BE HIS NEW MISSION STATEMENT. THANKS FOR LISTENING, COLLEAGUES.

SPEAKER HADLEY: SENATOR GARRETT, YOU ARE RECOGNIZED.

SENATOR GARRETT: THANK YOU, MR. SPEAKER. I RISE SOMEWHAT RELUCTANTLY, BUT I COULDN'T STAY SEATED ANY LONGER. MY OFFICE, WE MET WITH DR. ACIERNO EARLIER THIS YEAR WHEN WE BROUGHT LB643. WE WANTED TO INCORPORATE CONCERNS OF HHS, HEAR THEIR CONCERNS AND LET THEM KNOW WHAT WE WERE DOING AND ASK FOR THEIR INPUT. ESSENTIALLY, THAT INPUT WAS, DON'T GIVE US MORE THAN WE CAN DO QUICKLY, YOU KNOW, GIVE US ENOUGH TIME TO IMPLEMENT THE PROGRAM. SO WE DID THAT AND, LO AND BEHOLD, WHEN WE HAD TESTIMONY BEFORE THE JUDICIARY COMMITTEE, HERE HE COMES AS, YOU KNOW, GIVING TESTIMONY IN OPPOSITION. COLLEAGUES, THAT JUST TIGHTENED MY JAW SO MUCH. HE NEVER SO MUCH AS TALKED TO US AHEAD OF TIME. HE COULD HAVE COME OUT IN A NEUTRAL CAPACITY, BUT HE CAME OUT IN OPPOSITION AND LOOKS ACROSS THE AISLE AND SMIRKS AT ME. ENOUGH. HE'LL GET A RED VOTE FROM ME. THANK YOU, MR. SPEAKER. [LB643]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL, YOU ARE RECOGNIZED TO CLOSE.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'M NOT GOING TO ADD VERY MUCH, BUT I WANT YOU TO KNOW THAT THE FIVE OF US THAT VOTED FOR DR. ACIERNO TO MOVE FORWARD HAVE EVERY CONFIDENCE THAT THIS...HIS RESPONSE WILL TURN AROUND OR CHANGE UNDER MS. PHILLIPS, OR PERHAPS SHE WILL SEE WHAT NEEDS TO BE DONE THERE AND WORK WITH HIM. I WANTED TO COMMENT ONE LAST TIME AND TELL YOU HOW MUCH I APPRECIATE THE TRUTHFULNESS AND HONESTY THAT THE MEMBERS OF THE HEALTH AND HUMAN SERVICES COMMITTEE HAVE. THEY TELL ME WHAT THEY THINK AND I HOPE THAT THEY ALWAYS FEEL COMFORTABLE TO DO THAT. IT'S NOT EASY FOR THESE TWO MEMBERS TO STAND AND MAKE THEIR COMMENTS. AND SO I WANT YOU TO KNOW HOW MUCH I APPRECIATE THAT AND I BACK THEM IN THEIR WILLINGNESS TO STAND AND BE HONEST IN THEIR REMARKS. THANK YOU, MR. PRESIDENT.

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

Floor Debate
May 05, 2015

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE HEALTH AND HUMAN SERVICES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. SENATOR CAMPBELL.

SENATOR CAMPBELL: MR. PRESIDENT, I WOULD LIKE A CALL OF THE HOUSE AND A ROLL CALL VOTE, PLEASE.

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: 40 AYES, 0 NAYS, MR. PRESIDENT, ON THE MOTION TO PLACE THE HOUSE UNDER CALL.

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 SCHEER, MORFELD, BAKER, BURKE HARR, PLEASE RETURN TO THE CHAMBER. SENATOR BAKER, WILL YOU PLEASE CHECK IN. SENATOR CAMPBELL, YOU ASKED FOR A ROLL CALL VOTE IN REGULAR ORDER?

SENATOR CAMPBELL: YES, MR. PRESIDENT. THANK YOU.

SPEAKER HADLEY: MR. CLERK, ROLL CALL VOTE IN REGULAR ORDER.

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1409.) 22 AYES, 15 NAYS ON THE CONFIRMATION REPORT, MR. PRESIDENT.

SPEAKER HADLEY: PURSUANT TO THE RULES OF THE LEGISLATURE, THE REPORT IS NOT ADOPTED. RAISE THE CALL.

CLERK: MR. PRESIDENT, THE NEXT REPORT I HAVE IS FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, INVOLVES THE APPOINTMENT OF BRADLEY RICE AS SUPERINTENDENT OF THE NEBRASKA STATE PATROL. (LEGISLATIVE JOURNAL PAGE 1356.)

Floor Debate
May 05, 2015

SPEAKER HADLEY: SENATOR MURANTE, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. ON APRIL 29 THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE HELD A PUBLIC HEARING ON THE APPOINTMENT OF BRADLEY RICE AS THE NEXT SUPERINTENDENT OF LAW ENFORCEMENT AND PUBLIC SAFETY IN COMMAND OF THE NEBRASKA STATE PATROL. THE COMMITTEE HELD OUR VOTE ON MAY 1 AT WHICH TIME WE UNANIMOUSLY VOTED 8-0 IN FAVOR OF MR. RICE'S APPOINTMENT. MR. RICE JOINED THE NEBRASKA STATE PATROL IN 1981 AND HAS SERVED OUR STATE AS A ROAD TROOPER, A MEMBER OF THE SWAT TEAM, A SERVICE DOG HANDLER, A DEFENSE TACTICS INSTRUCTOR, AND MENTORED YOUNG TROOPERS AS A FIELD SERVICE OFFICER. HE WAS PROMOTED TO CAPTAIN IN COMMAND OF TROOP B IN NORFOLK, NEBRASKA, IN 2002 WHERE HE WAS RESPONSIBLE FOR 56 TROOPERS, 16 CIVILIAN STAFF, AND 23 COUNTIES IN NORTHEAST NEBRASKA. AS COMMANDER, HE OVERSAW SPECIFIC LAW ENFORCEMENT RESPONSES, PATROLLING AND SCHEDULING, SECURITY ASSESSMENTS FOR CRITICAL ASSETS, AND WORKED TO DEVELOP MEANINGFUL RELATIONSHIPS WITH NATIVE AMERICAN NATIONS. HE RETIRED FROM THE NEBRASKA STATE PATROL AFTER SERVING OUR STATE FOR 29 YEARS AND HAS MOST RECENTLY SERVED AS THE COMMUNICATIONS DIRECTOR FOR THE SARPY COUNTY E-911 CENTER. THROUGHOUT THIS CONFIRMATION PROCESS, MR. RICE HAS BEEN UP-FRONT ABOUT RECENT MEDIA STORIES CONCERNING PAST CONVERSATIONS HE HAS HELD. HE HAS ASSURED MEMBERS OF THE COMMITTEE AND ALL NEBRASKANS THAT HE IS FULLY COMMITTED TO ENSURING EQUAL OPPORTUNITY FOR ALL QUALIFIED EMPLOYEES. I KNOW MANY OF YOU HAVE HAD AN OPPORTUNITY TO MEET MR. RICE ON A ONE-ON-ONE BASIS. AS I MENTIONED PREVIOUSLY, BRAD RICE WAS SUPPORTED UNANIMOUSLY BY THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE; AND I URGE YOUR SUPPORT FOR HIS CONFIRMATION TODAY. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR BURKE HARR, YOU ARE RECOGNIZED.

SENATOR HARR: THANK YOU, MR. SPEAKER. SENATOR MURANTE, WOULD YOU YIELD TO SOME QUESTIONS?

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD?

SENATOR MURANTE: YES.

Floor Debate
May 05, 2015

SENATOR HARR: THANK YOU. OBVIOUSLY THIS IS GOING TO BE ONE OF THE MORE CONTROVERSIAL APPOINTMENTS. YOU AGREE WITH THAT?

SENATOR MURANTE: HOPEFULLY NOT AS CONTROVERSIAL AS THE LAST ONE, SENATOR HARR.

SENATOR HARR: OKAY. WELL, LET ME ASK YOU THIS: DID YOU MEET WITH THE PRO OFFICE ABOUT THIS CONFIRMATION?

SENATOR MURANTE: MEET WITH...I REQUESTED INFORMATION IN CONJUNCTION WITH THE CLERK'S OFFICE. BUT I HAVEN'T HAD ANY SORT OF SIT-DOWN MEETINGS WITH THEM, NO.

SENATOR HARR: OKAY. HAVE YOU HAD A SIT-DOWN MEETING WITH ANYONE FROM THE GOVERNOR'S OFFICE OR PRO?

SENATOR MURANTE: I'VE MET WITH BRAD RICE ON A NUMBER OF OCCASIONS, BUT...

SENATOR HARR: OKAY, BUT NOBODY ELSE?

SENATOR MURANTE: LIKE I SAID, I'VE HAD CONVERSATIONS WITH A NUMBER OF THEM REQUESTING INFORMATION ON A LOT OF THE ALLEGATIONS, BUT NO.

SENATOR HARR: CAN YOU GO INTO WHAT THOSE...I GUESS I'M CONFUSED. SO YOU DID MEET WITH THEM, CORRECT, WITH THE PRO OFFICE AND THE GOVERNOR'S OFFICE REGARDING THIS COLONEL?

SENATOR MURANTE: I HAD TELEPHONE CONVERSATIONS WITH PRO, TRYING TO GET ADDITIONAL INFORMATION, AND THEN I MET WITH BRADLEY RICE ON SEVERAL DIFFERENT OCCASIONS.

SENATOR HARR: OKAY. AND I'LL COME BACK TO THAT THEN. I GUESS MIGHT AS WELL JUST GO RIGHT AT IT. HE SAID, YOU KNOW, THERE WAS A QUOTE THAT SAID WOMEN SHOULDN'T BE IN LAW ENFORCEMENT OR SOMETHING TO THAT DEGREE. YOU'D AGREE WITH THAT? HE ADMITTED TO THAT IN THE CONFIRMATION HEARING THAT HE HAD SAID THAT?

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

Floor Debate
May 05, 2015

SENATOR MURANTE: NO, HE DID NOT.

SENATOR HARR: WHAT DID HE SAY? BECAUSE I WATCHED IT AND HE...WELL, THE QUOTE WAS READ TO HIM AND HE SAID IT WAS TAKEN OUT OF CONTEXT.

SENATOR MURANTE: RIGHT.

SENATOR HARR: OKAY. TO ME, THAT MEANS HE SAID IT. HE DIDN'T DENY NOT SAYING IT. HE READ...SOMEONE ASKED, DID YOU SAY THIS, AND HE SAID IT WAS TAKEN OUT OF CONTEXT. YOU AGREE WITH ME THAT INFERS THAT HE ADMITTED HE SAID IT?

SENATOR MURANTE: I DON'T KNOW WHAT IT INFERS, BUT I ASKED HIM THE QUESTION DIRECTLY, BOTH BEFORE THE PUBLIC HEARING AND AFTER, DID YOU SAY THAT, AND HE SAID NO.

SENATOR HARR: OKAY. WELL, VERY INTERESTING. SO HE ADMITTED THAT THAT QUOTE WAS OUT THERE, THOUGH. CORRECT?

SENATOR MURANTE: HE ACKNOWLEDGED THAT SOMEONE STATED THAT HE SAID THAT, YES.

SENATOR HARR: OKAY. AND THEN HE SAID...HE DIDN'T SAY IT WASN'T TRUE. HE SAID IT WAS TAKEN OUT OF CONTEXT. IS THAT CORRECT?

SENATOR MURANTE: HE SAID THAT THE CONVERSATION TOOK PLACE AND HE ACKNOWLEDGES THAT IT DID, THAT HE DID NOT SAY THAT WOMEN SHOULD NOT BE...

SENATOR HARR: HE NEVER SAID HE DID NOT SAY IT. TELL ME IN THE TRANSCRIPT WHERE HE SAID THAT. WHAT HE SAID WAS THAT IT WAS TAKEN OUT OF CONTEXT.

SENATOR MURANTE: CORRECT.

SENATOR HARR: OKAY.

Floor Debate
May 05, 2015

SENATOR MURANTE: AND I FOLLOWED UP WITH HIM BOTH BEFORE AND AFTER AND SAID,...

SENATOR HARR: WELL...

SENATOR MURANTE: ...IS THIS THE QUOTE? AND HE SAID NO.

SENATOR HARR: THAT'S INTERESTING BECAUSE ALL I CAN GO OFF OF, HE DIDN'T COME SEE ME. WE KNEW THIS WAS CONTROVERSIAL. ALL I CAN GO OFF OF IS THE TRANSCRIPT. IN THE TRANSCRIPT, SOMEONE ASKED HIM, DID YOU SAY THIS, AND HE SAID, IT WAS TAKEN OUT OF CONTEXT. SO MY QUESTION IS, SINCE YOU DID TALK TO HIM, HOW IS A CONVERSATION IN WHICH SOMEONE SAYS...IN WHICH THERE WAS A LAWSUIT IN WHICH HE LOST, IN WHICH IT WAS STATED WOMEN SHOULDN'T BE IN LAW ENFORCEMENT, HOW IS THAT COMMENT TAKEN OUT OF CONTEXT? DID HE EXPLAIN HOW IT WAS TAKEN OUT OF CONTEXT?

SENATOR MURANTE: YES, BECAUSE I ASKED HIM THAT QUESTION DIRECTLY, AND TWO THINGS. FIRST OF ALL, HE WAS NOT SUED AND HE DID NOT LOSE. THE STATE PATROL WAS SUED AND THE HIRING PROCESS...HE WAS NOT THE SUPERINTENDENT AT THAT TIME. SO HE DIDN'T LOSE ANYTHING.

SENATOR HARR: I DIDN'T SAY HE LOST. I SAID...OH, SORRY. THERE WAS A LAWSUIT WHERE THE STATE LOST. MY QUESTION IS, HOW WAS THAT TAKEN OUT OF CONTEXT?

SENATOR MURANTE: WHAT HE SAID WAS THAT THERE WAS A CONVERSATION WHICH TOOK PLACE REGARDING QUALIFICATIONS BETWEEN MEN AND WOMEN IN LAW ENFORCEMENT AND THAT THE QUALIFICATIONS AND STANDARDS SHOULD BE THE SAME. HE ACKNOWLEDGES THAT THAT CONVERSATION TOOK PLACE.

SPEAKER HADLEY: ONE MINUTE.

SENATOR MURANTE: WHAT HE IS ARGUING IS THAT THE CONTEXT WAS WHAT THE PERSON WHO TESTIFIED ON THE STAND INFERRED WAS THAT WOMEN SHOULD NOT BE IN LAW ENFORCEMENT. HE DISPUTES EVER SAYING THAT. BUT HE ACKNOWLEDGES HAVING A CONVERSATION...

Floor Debate
May 05, 2015

SENATOR HARR: ALL RIGHT. THANK YOU, I APPRECIATE THAT. FOLKS, WE'RE GOING TO GET INTO THIS IN A LITTLE MORE DETAIL. HERE IS WHAT YOU HAVE IS A GUY WHO, THERE WAS A LAWSUIT, QUESTION WAS ASKED AND HE SAID, YEAH, IT WAS SAID, BUT IT WAS TAKEN OUT OF CONTEXT. AND YOU'VE SEEN HOW SENATOR MURANTE RESPONDED. IT WASN'T, WELL, MOST FORTHRIGHT RESPONSE, IS HOW I'LL STATE IT AT THIS POINT. I'LL HAVE MORE QUESTIONS. I HAVE SOME REAL RESERVATIONS ABOUT THIS. WE NEED TO HOLD LAW ENFORCEMENT TO A HIGH STANDARD. THESE ARE THE PEOPLE WHO PROTECT US, PROTECT THE CONSTITUTION, MORE IMPORTANTLY, AND IF THEY DO NOT BELIEVE ALL PARTS OF THE CONSTITUTION, THEN I GUESS I HAVE A REAL ISSUE.

SPEAKER HADLEY: TIME, SENATOR.

SENATOR HARR: THANK YOU.

SPEAKER HADLEY: SENATOR GLOOR, YOU'RE RECOGNIZED.

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. SORRY, MEMBERS. I NEED TO SHARE A SHORT STORY FROM MY EARLY CAREER IN HOSPITALS THAT FIGURES INTO MY DECISION ON THIS PARTICULAR NOMINEE AND MY VOTE. IT WON'T SURPRISE THE BODY TO KNOW THAT MOST HOSPITALS HAVE A PREDOMINANCE OF WOMEN WHO WORK IN THEM; AND, THEREFORE, DURING MY CAREER, I WAS, IN FACT, BROUGHT UP SHORT A NUMBER OF TIMES IN TERMS OF MY NAIVETE AND INSENSITIVITY IN SPITE OF MYSELF AND MY GOOD INTENTIONS TOWARDS WOMEN IN THE WORK FORCE. BUT EARLY IN MY CAREER, I WAS SITTING DOWN HAVING COFFEE IN THE CAFETERIA OF OUR HOSPITAL AND I WAS IN AN ASSISTANT'S ADMINISTRATIVE ROLE VISITING WITH ONE OF THE MALE DEPARTMENT HEADS AND THERE WERE SIX OR SEVEN OTHER DEPARTMENT HEADS THAT WERE THERE WHO HAPPENED TO ALL BE FEMALE. IT JUST SO HAPPENED THAT WITH THIS OTHER MALE DEPARTMENT HEAD MY THEN WIFE AND HIS WORKED TOGETHER IN A SCHOOL THAT MY WIFE HAD JUST STARTED WORKING IN. AND TO MAKE CONVERSATION, HE SAID, HOW DOES SHE LIKE THE SCHOOL YEAR SO FAR? HOW DOES SHE LIKE THE SCHOOL? AND I SAID FINE. WE VISITED A LITTLE BIT. AND THEN HE SAID OUT OF THE CLEAR BLUE, YOU KNOW, THAT TEACHING IS A GOOD JOB FOR A WOMAN. AND THE OTHER DIRECTORS, AGAIN, ALL FEMALE, WHO WERE CARRYING ON THEIR OWN SIDEBAR CONVERSATIONS, STOPPED TALKING AND FOCUSED ON HIM. AND I KNEW (LAUGH) THAT THERE WAS TROUBLE AND HE KNEW THERE WAS TROUBLE FROM HIS COMMENT BECAUSE HE HAD UNWITTINGLY, I BELIEVE, FALLEN INTO THAT

Floor Debate
May 05, 2015

TRAP OF INSENSITIVITY OF TEACHING, BEING A GOOD JOB FOR WOMEN, FOR WHATEVER REASONS IN HIS MIND, IT WAS A GOOD JOB FOR WOMEN. AND ONE OF THE FEMALE DIRECTORS SAID, AND WHY WOULD THAT BE, TO HIM. AND I STAYED AROUND FOR ABOUT TWO OR THREE MINUTES AND FINALLY LEFT BECAUSE I COULD TELL THERE WAS GOING TO BE A LONG AND LENGTHY DISCUSSION WITH HIM AND A REEDUCATION OF HIM OF HOW INAPPROPRIATE HIS COMMENTS AND HOW DEMEANING THOSE COMMENTS WERE TO WOMEN. HE HAD A GOOD HEART. HE CONTINUED TO WORK AT THE HOSPITAL FOR A LOT OF YEARS AND AS FAR AS I COULD TELL, TREATED WOMEN WITH A GREAT DEGREE OF RESPECT AND APPROPRIATENESS. BUT HE WAS TRAPPED BY HIS OWN BIASES AND TO A CERTAIN EXTENT, IGNORANCE. MAYBE HE REALLY DID BELIEVE THAT IN SOME WAY, SHAPE, OR FORM. BUT I KNOW AFTER THAT MEETING, WATCHING HIM INTERACTING, HE WAS VERY CAREFUL ABOUT WHAT HE SAID. LET HE WHO HAS NOT SINNED CAST THE FIRST STONE. DO PEOPLE LEARN FROM MISTAKES THEY MAKE, COMMENTS THAT MAY OR MAY NOT HAVE BEEN TAKEN OUT OF CONTEXT? I DON'T KNOW FOR A FACT, BUT I WOULD SAY BASED UPON THE VETTING THAT THE COMMITTEE HAS DONE, BASED UPON WHAT I HAVE READ ABOUT THIS GENTLEMAN'S CAREER SINCE THOSE COMMENTS WERE SUPPOSEDLY MADE, HE MAY HAVE WELL FALLEN INTO THAT TRAP, MAY OR MAY NOT HAVE. BUT THERE IS NO REASON FOR ME TO THINK THAT HE WON'T, AS A RESULT OF THIS DISCUSSION AND DEBATE OF THE CONFIRMATION REPORT GOES FORWARD OR NOT, I'M NOT SURE, BUT AS A RESULT OF THAT, HOPEFULLY WILL BE SENSITIZED TO AN EXTENT...

SPEAKER HADLEY: ONE MINUTE.

SENATOR GLOOR: ...THAT MANY OF US ARE NOT YET SENSITIZED. IT REMAINS TO BE SEEN. I WILL GIVE HIM A SECOND CHANCE. I WILL VOTE FOR THIS CONFIRMATION AND HOPE THAT I AM CORRECT IN MY EVALUATION THAT THIS WAS A ONE-TIME, INAPPROPRIATE SOJOURN DOWN THE PATH OF BIAS THAT HE MAY OR MAY NOT HAVE HELD. THANK YOU, MR. PRESIDENT. THANK YOU, MEMBERS.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, TO BE FRANK AT THE OUTSTART, I'M NOT GOING TO VOTE FOR THIS MAN. I TAKE VERY SERIOUSLY THE THINGS THAT HE HAS DONE, SENATOR GLOOR AND SENATOR MURANTE. THIS IS NOT...WE'RE NOT TALKING ABOUT A

Floor Debate
May 05, 2015

CASUAL CONVERSATION WHERE SOMEBODY LET A STATEMENT SLIP THAT WAS BASED ON MISSPEAKING OR INATTENTIVENESS. THIS MAN SERVED ON A PANEL WHERE DECISIONS WERE MADE ABOUT PROMOTIONS. HE TWICE VOTED AGAINST THIS WOMAN TROOPER BEING PROMOTED. HE ADMITTED THAT IN ONE OF THE INSTANCES THE ONE HE VOTED FOR HAD LESS EXPERIENCE AND TIME THAN THE FEMALE OFFICER. I AGREE WITH WHAT SENATOR HARR WAS GETTING AT. SEE, I'M ONE WHO HAD COMMENTS TAKEN OUT OF CONTEXT, BUT I ACKNOWLEDGED THAT I SAID THE WORDS. NEVER DID YOU HEAR ME SAY I DIDN'T SAY THE WORDS. I REPEATED THE WORDS. THIS MAN DID SAY THAT. I READ HIS SWORN TESTIMONY WHERE HE SAID FLATLY HE DID NOT SAY IT. AND THE WAY HE VACILLATED AND YOU SAW HOW SENATOR MURANTE HIMSELF WAS HAVING TROUBLE COVERING UP FOR HIM, WE'RE DEALING WITH DISHONESTY. AND SENATOR GLOOR IS TALKING ABOUT SOMETHING THAT HAS NOTHING TO DO WITH WHAT WE'RE TALKING HERE. THIS IS A MAN WHO EXERCISED SUPERVISORY AUTHORITY OVER THESE TROOPERS. WHEN DOCUMENTATION WAS NEEDED TO SHOW THAT THIS MAN HAD WRITTEN ASSESSMENTS THAT CONTRADICTED THE DECISION HE WAS GOING TO MAKE AS FAR AS A PROMOTION, ALL THOSE DOCUMENTS HAVE BEEN SHREDDED. THEY WERE GONE. SO YOU DIDN'T HAVE THE WRITTEN STATEMENTS OF HIS WITH WHICH TO IMPEACH WHAT HE WAS DOING. THERE WAS A LAWSUIT AND IT WAS BASED ON ACTION THAT THIS MAN HAD TAKEN AS A PART OF THAT PANEL. FOR SENATOR MURANTE TO TRY TO PARSE WORDS IN THE WAY HE'S DOING IT I THINK IS TO TRY TO KEEP HIS COMMITTEE FROM BEING EMBARRASSED, AND I THINK THEY'RE IN THAT POSITION OF GOING ALONG WITH THIS BECAUSE THE GOVERNOR MADE THE APPOINTMENT. I DON'T DO THINGS LIKE THAT WHEN WE'RE TALKING ABOUT A VERY IMPORTANT POSITION. WHEN MR. KENNEY WAS BEFORE THE LEGISLATURE TO BE CONFIRMED AS THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, I GAVE VERY DETAILED REASONS AS TO WHY I WAS OPPOSED TO HIM, WHY I WOULD VOTE AGAINST HIM, I DID VOTE AGAINST HIM. AND THE THINGS THAT I HAD SAID TURNED OUT TO BE TRUE. AND HE WAS EVEN WORSE THAN THE WAY I PORTRAYED HIM. I DIDN'T KNOW HE WOULD SAY, I DON'T HAVE THE LUXURY OF COMPLYING WITH THE LAW. THAT'S WHAT HE WOUND UP SAYING TO JUSTIFY TAKING ACTIONS THAT WERE ILLEGAL. SO NOW WE HAVE A PERSON WHO HAS SO MUCH BAGGAGE HIS NAME COULD BE SAMSONITE. NOT ONLY IN THIS INSTANCE, BUT HE WAS PROSELYTIZING OTHER TROOPERS. WHEN HE WAS A CAPTAIN AND THEY ATTENDED MANDATORY STAFF MEETINGS, HE STARTED THESE STAFF MEETINGS WITH A PRAYER. WELL, THAT IS NOT APPROPRIATE. ALL THE TIME THAT I'VE BEEN IN ANY OFFICIAL SETTING, PRAYERS WERE NOT UTTERED. THE PRAYERS THAT YOU ALL SAY HERE ARE NOT A PART OF THE LEGISLATIVE PROCEEDINGS. THERE'S NO MANDATORY

Floor Debate
May 05, 2015

ATTENDANCE. BUT YOU HAVE TO BE THERE AND THIS MAN IS GOING TO MAKE YOU LISTEN TO PRAYERS AND A COMPLAINT WAS FILED. WHEN ACTION MAY OR MAY NOT HAVE BEEN TAKEN, QUESTIONS WERE ASKED TO SEE IF THERE WAS A RECORD...

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ...OF WHETHER OR NOT HE HAD BEEN DISCIPLINED. WELL, THAT'S WHEN IT BECAME CLEAR THAT HIS RECORDS WOULD HAVE BEEN EXPUNGED AFTER TWO YEARS. SO THE STATE PATROL NOW HAS A POLICY AFTER CERTAIN ASSESSMENTS ARE WRITTEN, THEY'RE SHREDDED. YOU DON'T KEEP IT NOW. THEY'RE LEARNING HOW TO COVER THEIR TRACKS BECAUSE OF THE WAY THEY GOT CAUGHT IN A LAWSUIT. AND I AGREE WITH SENATOR HARR, H-A-R-R, THAT THERE DOES NEED TO BE SOME VERY SERIOUS AND DEEP DISCUSSION OF THIS PROPOSED CONFIRMATION. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATOR SCHUMACHER, KINTNER, BOLZ, BURKE HARR, KEN HAAR, AND OTHERS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED.

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE LEGISLATURE. AS MANY OF YOU KNOW, I SERVED THE PEOPLE OF PLATTE COUNTY FOR EIGHT YEARS AS COUNTY ATTORNEY. AND A COUNTY ATTORNEY GETS TO KNOW THE OFFICERS AND THE PATROL AND THE SHERIFF'S OFFICE AND THE VARIOUS POLICE DEPARTMENTS VERY WELL AND LEARNS FAIRLY QUICKLY WHOSE OPINION HE CAN RELY ON. AND WHEN THIS RICE MATTER STARTED BUBBLING UP EARLIER THIS SESSION, I WAS CONTACTED BY ONE OF THE PEOPLE THAT I WAS PRIVILEGED TO SERVE WITH, WHOSE OPINION MEANS A GREAT DEAL TO ME AND I THINK HER TO BE A VERY STRAIGHT SHOOTER. AND IN FACT, SHE WAS ONE OF THE FIRST FEMALE TROOPERS IN THE NEBRASKA STATE PATROL. AND SHE SAID, BRAD IS OKAY. THE DISTINCT TONE OF THE MESSAGE WAS, OUT OF ALL OF THIS, HE IS A GOOD MAN, HE IS A PERSON WHO CAN BE RELIED UPON, HE IS NOT DISCRIMINATORY AGAINST WOMEN, HE IS OKAY. AND IN A WORLD IN WHICH WE ALL SAY THINGS THAT WE MIGHT WANT TO HAVE WISHED WE BIT OUR TONGUE ON, TO BE OKAY IS GOOD, PARTICULARLY WHEN THAT'S COMING FROM A PERSON WHICH CARRIES A GREAT DEAL OF CREDIBILITY WITH ME AND WOULD CERTAINLY TELL ME IF HE WERE NOT OKAY. AND BECAUSE OF THAT OPINION, I'M GOING TO BE SUPPORTING THIS NOMINATION. AND RECOGNIZING

Floor Debate
May 05, 2015

WE ALL SAY THINGS, DO THINGS WE MIGHT REGRET, BUT IN THE END, IF WE'RE GOOD PEOPLE, WE'RE OKAY. THANK YOU.

SENATOR GLOOR PRESIDING

SENATOR GLOOR: THANK YOU, SENATOR SCHUMACHER. (VISITORS INTRODUCED.) AND, SENATOR KINTNER, YOU ARE NEXT IN THE QUEUE.

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, POLITICS TODAY IS NOT A CLEAN SPORT ANYMORE. THE "GOTCHA" GAME IS ALIVE AND WELL, ESPECIALLY IN ELECTED POLITICS, BUT IN THESE TYPE OF CASES ALSO. HERE WE HAVE A MAN WHO 15 YEARS AGO IN A PRIVATE CONVERSATION SAID SOMETHING THAT OFFENDED SOMEBODY AND HERE WE ARE 15 YEARS LATER, WE'RE SUPPOSED TO SAY NOW, GUY, WE SHOULD HOLD HIM ACCOUNTABLE FOR THAT. I DON'T KNOW WHAT HE SAID. BUT I CERTAINLY KNOW THAT IN 15 YEARS, NO MATTER WHO YOU ARE, NO MATTER WHAT YOUR AGE, YOU GROW. YOU GET BETTER. YOU UNDERSTAND PEOPLE BETTER. YOU GET BETTER AT YOUR JOB. AND I JUST DON'T THINK THAT SOMETHING SOME GUY SAID 15 YEARS AGO, UNLESS YOU CAN TELL ME IT REPRESENTS WHAT HE'S DOING RIGHT TODAY, IS A REASON TO VOTE AGAINST SOMEONE. NOW WE'RE TOLD THAT HE DIDN'T SUPPORT SOMEONE FOR A JOB THAT HAD MORE EXPERIENCE. REALLY? WELL, I'VE GOTTEN JOBS OVER PEOPLE AND I HAD LESS EXPERIENCE BUT I WAS DEEMED THE BETTER CANDIDATE. SO IF I'M NOT SITTING IN THE ROOM AND I'M NOT PART OF THE INTERVIEW PROCESS, I'M NOT GOING TO SECOND GUESS THIS PERSON HAD MORE EXPERIENCE OR THIS PERSON INTERVIEWED BETTER OR THIS PERSON DIDN'T. I MEAN, THAT'S NOT WHAT I'M HERE FOR. I WANT TO KNOW THAT THIS IS A MAN OF INTEGRITY, THAT THIS IS A MAN THAT'S HONEST, THAT THIS IS A MAN THAT UNDERSTANDS HIS JOB. AND FROM EVERYTHING I KNOW, THAT'S BRADLEY RICE. YOU KNOW WHAT? AS A CHRISTIAN, THERE ARE TWO BASIC TENEMENTS (SIC) OF THE CHRISTIAN FAITH--TRUTH AND GRACE. I THINK AT THIS TIME GRACE IS IN ORDER FOR BRADLEY RICE. I THINK THAT I'VE SEEN NOTHING IN HIS RECORDS IN THE LAST FEW YEARS THAT WOULD SAY THAT THIS MAN IS ANYTHING BUT QUALIFIED, THIS IS ANYTHING BUT A GOOD MAN AND AN HONEST MAN. AND I REGRET THAT HE GETS DRAGGED THROUGH THE DIRT HERE LIKE THIS. I DON'T THINK IT'S RIGHT. BUT THAT'S POLITICS TODAY. BY THE WAY, ANYONE IN POLITICS KNOWS IT'S A "GOTCHA" GAME. THAT'S JUST HOW WE PLAY THE GAME NOW. I'M NOT PARTICULARLY PROUD OF BEING IN THAT ARENA, BUT THAT'S WHAT WE'VE GOT AND THAT'S WHAT WE DEAL WITH. I WILL BE VOTING WITH PRIDE AND HAPPILY FOR BRADLEY RICE. THANK YOU, MR. PRESIDENT.

Floor Debate
May 05, 2015

SENATOR GLOOR: THANK YOU, SENATOR KINTNER. SENATOR BOLZ, YOU'RE RECOGNIZED.

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I RISE WITH CONCERNS ABOUT A CANDIDATE WHO WORKED IN A CULTURE WHERE INEQUALITY WAS TOLERATED. AND I WOULD LIKE TO ASK SENATOR MURANTE A QUESTION OR TWO IF HE WOULD YIELD.

SENATOR GLOOR: SENATOR MURANTE, WOULD YOU YIELD?

SENATOR MURANTE: YES.

SENATOR BOLZ: THANK YOU, SENATOR MURANTE. CAN YOU DESCRIBE TO ME THE ACTIONS THAT MR. RICE HAS TAKEN SUBSEQUENT TO THE COURT CASE AND THE CONFLICTS WITH HIS...THE INDIVIDUAL WHO BROUGHT THE COURT CASE. CAN YOU DESCRIBE TO ME THE THINGS THAT HE HAS DONE TO MAKE SURE THAT EVERYONE IS TREATED IN AN EQUAL MANNER AND IMPROVED THESE SITUATIONS UNDER HIS PURVIEW?

SENATOR MURANTE: SURE. WE TALKED ABOUT THAT A LITTLE BIT IN THE PUBLIC HEARING AND A LITTLE BIT MORE OUTSIDE OF IT. I THINK THE FIRST THING, THE FIRST STEP TO FIXING A PROBLEM IS TO ACKNOWLEDGE ONE EXISTS. AND BRAD RICE HAS ACKNOWLEDGED THAT THERE IS A PROBLEM WITHIN THE STATE PATROL, PARTICULARLY WHEN IT COMES TO THE HIRING AND THE PROMOTION OF WOMEN. HE SAID THAT ON THE RECORD AND HE ACKNOWLEDGES THAT A PROBLEM EXISTS. SO I THINK THAT'S AN IMPORTANT FIRST STEP. I ASKED HIM THE QUESTION, OKAY, SO YOU'VE BEEN SUPERINTENDENT INTERIM SINCE EARLY THIS YEAR. WHAT STEPS HAVE YOU TAKEN AND WHAT STEPS DO YOU PLAN ON TAKING GOING FORWARD THAT WILL HELP REMEDY THE PROBLEM? AND HE ALREADY TALKED ABOUT CHANGING RECRUITMENT TACTICS AND BEING MORE INCLUSIVE OF PEOPLE REGARDLESS OF RACE OR GENDER. AND ON TOP OF THAT, ASIDE FROM JUST THE PEOPLE WHO HAVE WORKED WITH HIM EITHER MOST RECENTLY FROM HIS POST IN SARPY COUNTY BUT GOING BACK A LONG WAYS WITHIN THE STATE PATROL AND THE WOMEN WHO WORKED WITH HIM...

SENATOR BOLZ: SENATOR...

Floor Debate
May 05, 2015

SENATOR MURANTE: ...THERE WAS A UNANIMOUS CONSENSUS THAT HE CERTAINLY...THE PEOPLE HE WORKED WITH AND THE PEOPLE FOR WHOM...WHO WORKED FOR HIM THAT HE JUST DIDN'T HAVE THAT MENTALITY.

SENATOR BOLZ: VERY GOOD. TWO MORE QUESTIONS. YOU SAID THAT THE FIRST STEP IS ACKNOWLEDGING THAT YOU HAVE A CHALLENGE. HAS DIRECTOR RICE ACKNOWLEDGED THAT HE IS A PART OF THAT CULTURE? HAS HE TAKEN THAT FIRST STEP?

SENATOR MURANTE: A PART OF THE CULTURE INSOFAR AS THERE'S A PROBLEM IN THE STATE PATROL AND HE WORKS FOR THE STATE PATROL SO I THINK HE WOULD CERTAINLY ACKNOWLEDGE THAT HE HAS A BACKGROUND WITHIN THE STATE PATROL. THERE'S NO DOUBT ABOUT THAT.

SENATOR BOLZ: OKAY. AND YOU REFERENCED THAT HE WAS ADDRESSING THIS PROBLEM BY IMPROVING RECRUITMENT STRATEGIES. CAN YOU BE MORE SPECIFIC?

SENATOR MURANTE: YES. AS I UNDERSTAND IT, I'M NOT A FORMAL EXPERT IN THE RECRUITMENT PROCESS OF NEBRASKA STATE TROOPERS, BUT...I DON'T KNOW IF FAIRS IS THE RIGHT WORD, BUT WHEN THEY WENT OUT RECRUITING CANDIDATES, THERE HAD BEEN...I DON'T WANT TO CAST ASPERSIONS ON PREVIOUS LEADERSHIP...BUT HE HAD ACTIVELY SOUGHT OUT AND ACKNOWLEDGED IN HIS TESTIMONY THAT GENDER WOULD NOT PLAY A ROLE, CERTAINLY A DETERRING ROLE, IN HIS HIRING OR PROMOTIONS, AND THAT HE THINKS THAT HIRING AND PROMOTIONS...HIRING WOMEN IS A GOOD THING IN IMPROVING THOSE STATISTICS, IS SOMETHING THAT HE IS GOING TO STRIVE TO ACHIEVE.

SENATOR BOLZ: WELL, I APPRECIATE THE DIALOGUE, SENATOR MURANTE. I REMAIN CONCERNED THAT WE ARE DISCUSSING AN INDIVIDUAL WHO HAS A HISTORY AND A BACKGROUND OF WORKING WITHIN A CULTURE WHERE INEQUALITY EXISTS. AND I THINK WHEN WE STEP BACK AND LOOK AT THE NATIONAL CONTEXT, THAT IS...

SENATOR GLOOR: ONE MINUTE.

Floor Debate
May 05, 2015

SENATOR BOLZ: ...ESPECIALLY CONCERNING, BECAUSE IN A NATIONAL CONTEXT WHERE WE'RE SEEING SIGNIFICANT CHALLENGES BETWEEN COMMUNITIES OF COLOR, LOW-INCOME COMMUNITIES, PEOPLE OF DIFFERENT TYPES AND LAW ENFORCEMENT, WE NEED MORE THAN OKAY, SENATOR SCHUMACHER. WE NEED SOMEONE WHO IS EXCELLENT AND SOMEONE WHO IS TAKING EXTRAORDINARY AND EXCEPTIONAL STEPS TO MAKE SURE THAT WE ARE DOING THE BEST THAT WE CAN IN AN INCLUSIONARY, COMMUNITY-BASED, SMART, EQUAL MANNER. AND SO I REMAIN QUITE CONCERNED ABOUT THIS PARTICULAR CANDIDATE, AND I HOPE THE DIALOGUE CONTINUES THIS MORNING. THANK YOU, MR. PRESIDENT.

SENATOR GLOOR: THANK YOU, SENATOR BOLZ. (VISITORS INTRODUCED.) CONTINUING WITH FLOOR DEBATE, THE FOLLOWING SENATORS WISH TO BE RECOGNIZED: BURKE HARR, KEN HAAR, SENATORS COOK, BLOOMFIELD, PANSING BROOKS, AND OTHERS. SENATOR BURKE HARR, YOU'RE RECOGNIZED.

SENATOR HARR: THANK YOU, MR. PRESIDENT. SO I GOT A COPY OF THE TRANSCRIPT AND, UNFORTUNATELY, I SENT IT OFF TO MAKE COPIES DURING THIS TIME WHEN I'M...BUT WHAT I CAN DO IS TELL YOU, FIRST OF ALL, WE HAVE A PUBLIC HEARING FOR A REASON, NOT SO THAT QUESTIONS CAN BE ASKED BEFORE AND AFTER OF AN INDIVIDUAL AND THEN THROUGH HEARSAY BROUGHT TOGETHER ON THE FLOOR. THE GOVERNOR'S OFFICE DECLINED TO MAKE RICE AVAILABLE FOR QUESTIONS. IT WAS IN THE PAPER, IF YOU WANT TO LOOK, ON MARCH 22, 2015, "PATROL CHIEF CRITICIZED FOR RELIGION AT WORK" BY JOE DUGGAN. "'SPECULATION ABOUT EXISTENCE OF OLD GRIEVANCES/ COMPLAINTS IS JUST THAT--SPECULATION,' SAID TAYLOR GAGE, SPOKESPERSON FOR GOVERNOR RICKETTS. THE GOVERNOR'S OFFICE DECLINED TO MAKE RICE AVAILABLE FOR QUESTIONS." WELL, YOU KNOW, WOULDN'T HAVE TO BE SPECULATION IF WE COULD TALK TO HIM. WE DID ONCE. NOT ALL OF US GOT A CHANCE TO TALK TO HIM OR ASK HIM QUESTIONS. THERE ARE OLD REPORTS WHICH APPARENTLY WERE SHREDDED. AND I'LL BE HONEST. I DON'T KNOW IF THAT'S IN THE NORMAL COURSE OF BUSINESS OR NOT. POSSIBLY IT IS, POSSIBLY IT IS NOT. BUT I DO HAVE GRAVE CONCERNS. I MEAN WE HAVE...THERE WAS A LAWSUIT. AND AGAIN, RICE SUPERVISED FEMALE TROOPER WHO BROUGHT THE LAWSUIT AGAINST THE STATE PATROL. RICE, ALONG WITH OTHER MALE SUPERVISORS, SERVED ON THE PROMOTIONS BOARD THAT REPEATEDLY PASSED OVER THE FEMALE TROOPER FOR PROMOTION TO LIEUTENANT. SHE WON, FOLKS. SHE WON A FEDERAL JUDGMENT THAT COST THE STATE \$240,000 IN DAMAGES AND ATTORNEY'S FEES. JUST LAST WEEK, SENATOR GROENE WAS SAYING, HEY, WE HAVE THESE CLAIMS BILLS WE GOT TO PAY, WE GOT TO FIND

Floor Debate
May 05, 2015

WAYS SO WE DON'T HAVE TO DO THIS. WELL, HERE WE HAVE A GUY WHO WAS INVOLVED IN A LAWSUIT. AND PART OF THE TESTIMONY IN THAT LAWSUIT WAS THAT HE MADE A STATEMENT REGARDING WHETHER WOMEN SHOULD BE IN LAW ENFORCEMENT OR NOT. AND WHAT DO WE KNOW? WE KNOW HE DOES NOT DISPUTE THAT HE MADE THOSE COMMENTS. THOSE AREN'T MY WORDS. THOSE DEFINITELY AREN'T SENATOR MURANTE'S WORDS. THOSE ARE THE WORDS OF THE SPOKESPERSON FROM THE STATE PATROL. SHE ADMITTED IT. HE, IN HIS TESTIMONY, ADMITS AS MUCH. BUT DEB COLLINS STATES: HE DID NOT DISPUTE A CONVERSATION OCCURRED BUT THAT HIS COMMENTS WERE TAKEN OUT OF CONTEXT. HE SAYS, "I WOULD NOT DISPUTE THAT TESTIMONY, BUT I WOULD SAY THAT I THINK THE INTENT WAS MISUNDERSTOOD." I DON'T KNOW WHAT THAT MEANS. HOW DO YOU...AND THAT WAS IN RESPONSE TO A QUESTION FROM SENATOR MURANTE THAT SAYS: ONE OF YOUR COLLEAGUES SAID TO A COURT AND UNDER OATH THAT YOU HAD TOLD HIM THAT, IN YOUR OPINION, WOMEN WERE NOT, NOT QUALIFIED TO BE IN LAW ENFORCEMENT. AND I WOULD LIKE YOU TO ADDRESS THAT STATEMENT DIRECTLY. AND HE SAID: SO I WOULD NOT DISPUTE THAT TESTIMONY, BUT I WOULD SAY THAT THE INTENT WAS MISUNDERSTOOD, PERIOD. THAT'S THE END OF HIS TESTIMONY. THEN SENATOR MURANTE ASKED ANOTHER QUESTION. BUT WE DON'T KNOW HOW IT WAS TAKEN OUT OF CONTEXT, HOW IT WAS MISUNDERSTOOD.

SENATOR GLOOR: ONE MINUTE.

SENATOR HARR: THAT'S WHAT WE HAVE TO FIND OUT. THAT'S WHY YOU HAVE TO MAKE AN INDIVIDUAL AVAILABLE TO US SO WE CAN FIND OUT. ARE YOU A GOOD PERSON? LET ME SEE YOU. LET ME TOUCH YOUR WOUNDS. CALL ME A DOUBTING THOMAS IF YOU WILL. I DON'T CARE. BUT I WANT TO MAKE SURE IF WE'RE GOING TO PUT SOMEBODY IN CHARGE OF LAW ENFORCEMENT, WHICH IS A GREAT, GREAT RESPONSIBILITY THAT OPENS THE STATE UP TO LARGE AMOUNTS OF LIABILITY, WE BETTER MAKE SURE THAT WE'RE DOING OUR DUTY AS STATE SENATORS SO THAT WHOEVER HEADS UP BUSINESS AND LABOR IN A COUPLE OF YEARS AND HAS A CLAIMS BILL ISN'T SETTLING SOME SORT OF LAWSUIT BECAUSE, I GUARANTEE YOU, THIS WILL BE BROUGHT IN, THE FACT THAT THERE WAS SOME CONTROVERSY IN THE PAST. AND A JURY OR A JUDGE WILL LOOK INTO THAT AND SAY, BOY, MAYBE WE NEED TO PUT SOME MORE DAMAGES ON IT BECAUSE THE STATE WENT IN THERE AND KNEW THIS GUY POSSIBLY WAS A DANGER. I'M...

SENATOR GLOOR: TIME, SENATOR.

Floor Debate
May 05, 2015

SENATOR HARR: THANK YOU.

SENATOR GLOOR: THANK YOU, SENATOR HARR. SENATOR KEN HAAR, YOU'RE RECOGNIZED.

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I WANT TO BEGIN BY SAYING I HAVE VISITED THE SCIENCE CENTER IN AURORA, AND I ABSOLUTELY LOVE IT. SO THANK YOU FOR BEING HERE, STUDENTS. I HAVE SOME QUESTIONS FOR SENATOR MURANTE IF HE WOULD BE AVAILABLE.

SENATOR GLOOR: SENATOR MURANTE, WOULD YOU YIELD?

SENATOR MURANTE: YES.

SENATOR HAAR: OKAY. I HAVE GOT TO ADMIT I DON'T KNOW MUCH ABOUT THIS ISSUE EXCEPT WHAT I'VE READ IN THE NEWS MEDIA. AND ONE OF THE THINGS THAT WAS TALKED ABOUT, THIS IS FROM THE NET REPORT: MURANTE ASKED RICE IF HE COULD HAVE BEEN PUNISHED FOR PROSELYTIZING ON THE JOB. WHAT WAS THE CASE OF PROSELYTIZING ON THE JOB?

SENATOR MURANTE: THERE WAS AN ACCUSATION THAT WHILE HE WAS CAPTAIN IN NORFOLK THAT HE WAS, WELL, PROSELYTIZING. AND I ASKED HIM THE QUESTION: WAS PROSELYTIZING...IS PROSELYTIZING IMPERMISSIBLE FOR A PERSON IN YOUR POSITION IN THE STATE PATROL? HE SAID YES. I ASKED HIM, IF YOU WERE PROSELYTIZING, WOULD YOU HAVE BEEN PUNISHED? HE SAID YES. I ASKED HIM, WERE YOU EVER PUNISHED FOR PROSELYTIZING? AND HE SAID NO.

SENATOR HAAR: THAT SOUNDS KIND OF LIKE A CIRCULAR...NOT FROM YOU, BUT FROM HIM.

SENATOR MURANTE: HOW SO?

SENATOR HAAR: SO ACCORDING TO THIS AGAIN, COULD HE HAVE BEEN PUNISHED FOR PROSELYTIZING, BUT HE SAID HE COULD HAVE BUT HE HAD NOT BEEN. IS THAT THE CASE?

Floor Debate
May 05, 2015

SENATOR MURANTE: YES. HE WAS SAYING IF HE HAD DONE IT HE WOULD HAVE BEEN PUNISHED AND HE WASN'T PUNISHED.

SENATOR HAAR: I SEE. OKAY. DO YOU KNOW WHAT THAT CHARGE HAD BEEN OR PROSELYTIZE...I MEAN THAT CAN BE ALL KINDS OF THINGS.

SENATOR MURANTE: AS FAR AS I KNOW, HE WAS NOT CHARGED WITH ANYTHING.

SENATOR HAAR: OKAY. SO WE DON'T KNOW THE DETAILS OF THAT. WELL, I'M GOING TO VOTE NO ON THIS ONE. AND I DON'T BELIEVE THIS IS A GAME OF "GOTCHA" AT ALL. I BELIEVE THIS IS A GAME OF...NOT A GAME. THIS IS A MATTER OF APPOINTMENT TO A VERY HIGH OFFICE WITHIN STATE GOVERNMENT. AND, YOU KNOW, WE ALL HAVE THOUGHTS THAT WE HAVE NOT...THAT HAVE NOT GOTTEN OUT OF OUR MOUTHS, SOME HAVE THAT WE HAVE WISHED WE COULD RECALL. BUT IN A CASE LIKE THIS, IT'S A VERY HIGH APPOINTMENT. AND IT REALLY...WHEN WE APPOINT SOMEBODY, THAT MEANS THEY REPRESENT US AS WELL. AND I'M AFRAID I HAVE SOME MISGIVINGS, SOME REAL QUESTIONS ABOUT WHAT DID GET OUT OF HIS MOUTH. AND SO I INTEND TO VOTE NO ON THIS PARTICULAR ONE. I WOULD LIKE TO GIVE THE REST OF MY TIME TO SENATOR CHAMBERS IF HE WOULD LIKE IT.

SENATOR GLOOR: TWO MINUTES, SENATOR CHAMBERS.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR. MEMBERS OF THE LEGISLATURE, I'VE LISTENED TO THOSE WHO HAVE TRIED TO DEFEND THIS MAN. SENATOR SCHUMACHER, ALL HE COULD SAY IS HE'S OKAY. AND IN TODAY'S ENVIRONMENT, OKAY IS PRETTY GOOD. WE'RE NOT TALKING ABOUT SOMEBODY WHO'S GOING TO SWEEP UP THE CAPITOL BUILDING. WE'RE TALKING ABOUT SOMEBODY WHO'S GOING TO BE IN CHARGE OF AN AGENCY THAT UP TO NOW HAD BEEN CONSIDERED THE FLAGSHIP OF LAW ENFORCEMENT IN THIS STATE. SENATOR MURANTE HAS TAP DANCED. HE'S NOT ANSWERED QUESTIONS DIRECTLY. THIS MAN HIMSELF DID NOT ANSWER QUESTIONS IN A STRAIGHTFORWARD WAY. THERE WAS A STATEMENT PRODUCED IN COURT FROM FORMER COLONEL, WHO WAS A SUPERINTENDENT, NESBITT, WHO SAID THAT ON THIS PROSELYTIZING OR THE RELIGIOUS ACTIVITIES OF THIS MAN, A COMPLAINT WAS FILED AGAINST HIM. AND HE SAID BASED ON HIS RECOLLECTION IT WAS FOR PUTTING RELIGIOUS LITERATURE IN THE MAILBOXES OF THE TROOPERS. SO HE HAS DONE THINGS THAT WERE NOT

Floor Debate
May 05, 2015

APPROPRIATE. THE SAME WAY THAT I WAS CONCERNED ABOUT THE JUDICIARY YESTERDAY AS AN INSTITUTION, ALTHOUGH I FILE COMPLAINTS AGAINST JUDGES, I DON'T THINK YOU'LL FIND ANYBODY MORE CRITICAL OF LAW ENFORCEMENT AND OFFICERS WHEN THEY'RE WRONG THAN I AM. BUT YOU WILL NOT FIND ANYBODY WHO WILL PLACE A HIGHER DEMAND ON THE STANDARDS THAT OUGHT TO BE THERE AND HOW THEY OUGHT TO BE ENFORCED AND I HAVE FILED COMPLAINTS AGAINST OFFICERS WHO HAVE DONE WHAT I FELT WAS INAPPROPRIATE CONDUCT WITH THE CRIME COMMISSION. AND I'M WORKING ON FIVE MORE RIGHT NOW. AND THAT IS TO PURIFY THE RANKS. PEOPLE LIKE TO SAY YOU HAVE ONE OR TWO BAD APPLES.

SENATOR GLOOR: TIME, SENATOR.

SENATOR CHAMBERS: OH, THANK YOU, MR. PRESIDENT.

SENATOR GLOOR: THANK YOU, SENATOR CHAMBERS. SENATOR COOK, YOU'RE RECOGNIZED.

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I ALSO RISE WITH SOME CONCERNS AND QUESTIONS ABOUT THIS APPOINTMENT. AND THEY ARE INSPIRED BY MY DIRECT EXPERIENCE, NOT SO MUCH AS SOMEONE WHO HAS CALLED UPON THE SERVICES OF LAW ENFORCEMENT, BUT AS SOMEONE WHO'S BEEN EMPLOYED AS A WOMAN AND A MINORITY AND HOW IT IS SO TYPICAL IN MOST CONTEXTS TO QUESTION THE QUALIFICATIONS OF THE PERSON OF COLOR OR THE WOMAN BEFORE YOU ARE WILLING TO ACKNOWLEDGE THAT THERE IS A CULTURE THAT HAS A PREFERENCE FOR USUALLY A MIDDLE-AGED, WHITE, MIDDLE-CLASS MALE OF A STRAIGHT SEXUAL ORIENTATION, USUALLY MARRIED--HAPPILY OR NOT, THAT'S NOT IMPORTANT. SO THAT'S KIND OF A CULTURE THAT EXISTS AND IS WELL ACCEPTED AND IT'S THE THING YOU'RE KIND OF SUPPOSED TO BE. BUT HERE'S THE THING. THE CONSTITUTION, THE PHILOSOPHY, THE THEORIES THAT WENT INTO CREATING THE UNITED STATES OF AMERICA, WHILE THEY ORIGINALLY MIGHT NOT HAVE INCLUDED MY GENDER OR MY RACE, THEY DO NOW. SO WHEN WE'RE LOOKING AT PEOPLE TO PUT IN POSITIONS OF LEADERSHIP AND AUTHORITY, I THINK IT IS VERY IMPORTANT THAT THEY MODEL THAT BEHAVIOR. AND THEY CERTAINLY SHOULD NOT HAVE A RECORD IN ANY SORT OF PROCEEDING--I'M NOT AN ATTORNEY BY TRAINING SO I DON'T THINK YOU CAN CALL IT A REAL LIVE LAWSUIT--BUT THERE WAS A PROCEEDING. SOMEBODY GOT SOME MONEY. HERE'S WHAT I ALSO KNOW FROM MY DIRECT EXPERIENCE.

Floor Debate
May 05, 2015

IF YOU'RE AWARDED SOMETHING AT THE END OF AN ALLEGATION LIKE THIS, IT WAS REALLY REAL. IT WASN'T JUST YOU TRYING TO MAKE TROUBLE OR GET ATTENTION. IT REALLY ACTUALLY HAPPENED TO YOU. AND THE MONEY THAT YOU GOT PROBABLY WASN'T ALL THAT YOU COULD HAVE DESERVED. SO I WANTED TO BRING THAT UP. I THINK IT'S ALSO IMPORTANT FOR US TO SAY WE'RE ABOUT, I DON'T KNOW, 1,500 MILES FROM THE CITY OF BALTIMORE AND WE'RE ALL AWARE OF WHAT'S BEEN GOING ON THERE. IT IS MORE IMPORTANT, I THINK, NOW FOR US TO ENSURE THAT PEOPLE IN LEADERSHIP AND PEOPLE ARE PARTICIPATING IN LAW ENFORCEMENT ARE ACCULTURATED. THE CANDIDATE OR THE NOMINEE TALKED ABOUT TRAINING OR IS ALLEGED TO HAVE TALKED ABOUT HIS CONCERN FOR THE TRAINING OF WOMEN. OKAY, THE TRAINING. MY GUESS IS HE WAS TALKING ABOUT SHOOTING AND ARMOR AND DRIVING THE CAR AND PULLING PEOPLE OVER. TRAINING ALSO INCLUDES SOME SENSITIVITIES AS THEY RELATE TO PEOPLE WHEN YOU ENCOUNTER THEM, ENCOUNTERING THEM WITH RESPECT AND NOT PRESUPPOSING THAT THEY HAVE DONE SOMETHING WRONG. SO I RISE WITH SOME GREAT CONCERNS AND QUESTIONS. I HAVE SPOKEN MANY TIMES, ESPECIALLY ON THE BILL RELATED TO PROPOSING TO LOWER THE MINIMUM WAGE FOR TEENAGERS. THERE'S ALSO SUCH A THING AS INCOME EQUALITY IN THE UNITED STATES. AND WHEN YOU HAVE SOMEONE, AS IS SORT OF EVIDENCED BY THE CASE THAT WE'RE REFERRING TO, WHO'S PART OF A PANEL THAT MAKES A DECISION MORE THAN ONCE NOT TO PROMOTE SOMEBODY, FOLKS, THAT'S WHY MEN STILL HAVE ALL THE MONEY. (LAUGH) THAT'S WHY WOMEN STILL AREN'T BREAKING THROUGH THAT GLASS CEILING AND RISING TO POSITIONS OF EXECUTIVE C-SUITE LEADERSHIP OR BOARD LEADERSHIP ON FOR-PROFIT ORGANIZATIONS. SO YOU CAN'T LOOK AROUND AND WONDER, OH, WELL, HOW COME THERE AREN'T ANY WOMEN OR PEOPLE OF COLOR, BECAUSE THEY DON'T EVER GET THE OPPORTUNITY BECAUSE THEY'RE LOOKING FOR THAT AFOREMENTIONED ICONIC PERSON THAT'S A LEADER, A LEADER LOOKS LIKE SOMETHING.

SENATOR GLOOR: ONE MINUTE.

SENATOR COOK: AND APPARENTLY A LEADER CAN GET AWAY WITH SAYING THINGS AND BE FORGIVEN THOSE THINGS. WOE BETIDE THE WOMAN OR PERSON OF COLOR WHO MAKES A CASUAL REMARK AND HOW THAT MIGHT IMPACT HER OR HIS CAREER. I ALSO WANT TO CITE SOME CURRENT STATISTICS. OF THE STATE OF NEBRASKA STATE TROOPER, 437 SWORN OFFICERS, 26 ARE FEMALE AND 13 ARE MINORITIES. AND I DON'T KNOW IF THERE IS ANY OVERLAP THERE. SO CERTAINLY IF THIS NOMINEE HAS A GOAL OF INCREASING IT, IT WON'T REALLY BE THAT HARD. BUT I WANT US TO THINK ABOUT WHAT OUR

Floor Debate
May 05, 2015

ROLE IS IN THE LEGISLATURE AS WE PUT FORTH POLICY AND AS WE PUT FORTH PEOPLE WHO UPHOLD THE LAW IN THE STATE OF NEBRASKA. WHO ARE THOSE PEOPLE? ARE WE MOVING FORWARD?

SENATOR GLOOR: TIME, SENATOR.

SENATOR COOK: THANK YOU, MR. PRESIDENT.

SENATOR GLOOR: THANK YOU, SENATOR COOK. (VISITORS INTRODUCED.) RETURNING TO DEBATE, SENATOR BLOOMFIELD, YOU'RE RECOGNIZED.

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I SAT ON THE COMMITTEE THAT MOVED THIS NOMINATION FORWARD. I MADE THE MOTION TO MOVE THIS NOMINATION FORWARD. BRAD RICE SERVED AT NORFOLK. HE HAPPENED TO BE THERE IN A LEADERSHIP CAPACITY WHEN THE INFAMOUS BANK ROBBERY WENT DOWN. HE DID HIS JOB WELL. I SEE NO REASON TO THINK HE WON'T DO THIS JOB WELL. I'VE TALKED TO PATROL MEMBERS. I'VE TALKED TO PEOPLE FROM THE NORFOLK AREA. I HAVE FOUND NO DISPARAGING REMARKS ABOUT BRAD RICE. COLLEAGUES, EACH AND EVERY ONE OF US HAS SAID SOMETHING IN OUR PAST THAT WE REGRET. NOT ALL OF US RUSH TO GIVE A NONHEARTFELT APOLOGY. I GET THE DISTINCT FEELING THAT, HAD BRAD RICE STOOD UP WHEN THIS ACCUSATION WAS MADE AND SAID, OH, MY GOD, I APOLOGIZE, WHETHER HE MEANT IT OR NOT, ALL WOULD HAVE BEEN FORGIVEN. THAT'S NOT THE WAY SOCIETY SHOULD OPERATE. I EXPLAINED BEFORE THAT I HAVE RECEIVED THESE TYPES OF APOLOGIES. THEY DON'T MEAN MUCH TO ME. I THINK HIS ACTIONS GOING FORWARD SINCE THAT TIME HAVE SHOWN THAT HE DOES NOT HARBOR THE FEELINGS THAT HE'S ACCUSED OF. SO, COLLEAGUES, I WILL BE SUPPORTING THIS. I HOPE YOU DO TOO. THANK YOU, MR. PRESIDENT.

SENATOR GLOOR: THANK YOU, SENATOR BLOOMFIELD. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED.

SENATOR PANSING BROOKS: THANK YOU VERY MUCH, MR. PRESIDENT. I RISE WITH GREAT CONCERNS ABOUT THIS PERSON THAT WE'RE TRYING TO APPOINT. NUMBER ONE, IT'S BEEN DISCUSSED ABOUT THE FACT THAT WE HAVEN'T MET HIM. HE HASN'T MADE HIMSELF AVAILABLE. AS A NEW STATE SENATOR, A NEW LEGISLATOR, I BLAME MYSELF A LITTLE BIT FOR THIS BECAUSE I DO NOT HAVE...I HAVE NOT HAD A TOTAL UNDERSTANDING AS TO HOW TO ACCESS THE

Floor Debate
May 05, 2015

INFORMATION ON APPOINTMENTS. IT DOESN'T SHOW UP ON THE CHAMBER VIEWER THAT WE HAVE. I COME TO DEPEND ON THAT VIEWER TO BE ABLE TO LOOK AT THINGS AND TRY TO UNDERSTAND WHAT WAS HAPPENING AND HOW THE COMMITTEE VOTED AND WHAT'S GOING ON. SO THIS IS, OF COURSE, ONE OF THE TIMES THAT I HAVE A REAL ISSUE. BEFORE I START EXPRESSING SOME OF MY CURRENT CONCERNS, I AM READING THE TRANSCRIPT RIGHT NOW AND I WOULD LIKE TO SAY THAT SENATOR MURANTE WAS QUITE FORTHRIGHT IN EXPRESSING HIS CONCERNS AND ASKING QUESTIONS ABOUT EACH OF THESE ISSUES. AND I WOULD AT LEAST LIKE TO ACKNOWLEDGE SENATOR MURANTE FOR HIS PERSISTENT QUESTIONING ON THESE ISSUES. HE CONSISTENTLY...ONE OF THE THINGS HE SAID IS, AS YOU KNOW, ONE OF YOUR COLLEAGUES SAID TO A COURT UNDER OATH THAT YOU HAD TOLD HIM THAT IN YOUR OPINION WOMEN WERE NOT QUALIFIED TO BE IN LAW ENFORCEMENT, AND I WOULD LIKE YOU TO ADDRESS THAT STATEMENT DIRECTLY. AGAIN, I WANT TO THANK SENATOR MURANTE FOR DIRECTLY HITTING THAT ISSUE HEAD ON. BRADLEY RICE'S RESPONSE WAS, HE SAID: FIRST I WOULD WANT TO SAY THAT I HAVE COMPLETE CONFIDENCE IN THE EMPLOYEES OF THE STATE PATROL, AND I WOULD SAY ABOUT THIS INCIDENT, IT...WE WERE TALKING ABOUT A VERY SPECIFIC INCIDENT THAT OCCURRED WITHIN AN ALLIED AGENCY. AND IF YOU LOOK AT THE CONTENT AND CONTEXT OF THE CONVERSATION WE WERE HAVING, NOWHERE HAS THE WORD "NO" COME UP YET, BUT WE WERE TALKING SPECIFICALLY ABOUT TRAINING. AS A YOUNG TROOPER, I WAS INVOLVED IN CLOSE-COMBAT SITUATION. AS A RESULT, I WAS...I WOUND UP SPENDING A NIGHT IN A HOSPITAL. AND IT GOES ON TO SAY, I WASN'T READY MENTALLY OR PHYSICALLY. AND IT GOES ON TALKING ABOUT HIS EXPERIENCE AS A TROOPER. AND THEN HE SAYS, SO YOU CAN SEE MENTALLY AND PHYSICALLY PREPAREDNESS MEANS A LOT TO ME. AND THEN IT GOES ON TO SAY, SO THAT MEN AND WOMEN NEED TO BE...HAVE THE SAME TYPE OF TRAINING. REGARDLESS OF GENDER, WE NEED TO BE READY TO GO, SO I WOULD NOT DISPUTE THAT TESTIMONY, BUT I WOULD SAY THAT I THINK THE INTENT WAS MISUNDERSTOOD. SO, SENATOR HARR, YOU ARE CORRECT, HE DID NOT DISPUTE THE TESTIMONY. THE QUESTIONING GOES ON BY SENATOR MURANTE, WHICH I APPRECIATE. HE SAID, AS TO WHETHER LAW ENFORCEMENT IS QUALIFIED OR NOT, WHAT ROLE DOES GENDER PLAY? AND BRADLEY RICE GOES ON TO SAY, AS SUPERINTENDENT OF THE STATE PATROL, REGARDLESS OF GENDER, EVERY INDIVIDUAL HAS TO SUCCESSFULLY COMPLETE THAT RIGOROUS SET OF BACKGROUND INVESTIGATION, SO I WOULD SAY GENDER REALLY DOESN'T MAKE MUCH DIFFERENCE AS LONG AS THEY'RE QUALIFIED CANDIDATES TO ENTER INTO THE STATE PATROL TRAINING ACADEMY. WELL, I DON'T THINK THAT'S A GOOD STANDARD. AND WHAT MATTERS IS TRAINING, HE'S CORRECT.

Floor Debate
May 05, 2015

WHAT MATTERS IS PREPAREDNESS. WHAT MATTERS IS MENTAL ACUMEN. THOSE ARE THE THINGS THAT MATTER AND WE ARE CLEAR. LINCOLN HAS HAD A FEMALE HEAD OF THE SWAT TEAM FOR A NUMBER OF DECADES. SO I WOULD SAY THAT THOSE ARE THINGS THAT WE REALLY NEED TO TAKE CONSIDERATION OF. AND I WOULD ALSO SAY THAT I DON'T KNOW THE TIMING, BUT I FULLY BELIEVE THAT AND I'M GOING TO GIVE THE BENEFIT TO OUR GOVERNOR, BECAUSE KNOWING WHO HE MARRIED AND KNOWING HIS STAND ON A NUMBER OF ISSUES, I DO NOT BELIEVE THAT OUR GOVERNOR HAD KNOWLEDGE OF ALL OF THIS GOING ON...

SENATOR GLOOR: ONE MINUTE.

SENATOR PANSING BROOKS: TIME? OH...BEFORE THIS APPOINTMENT WAS MADE. HE WENT ON TO SAY, SO THERE ARE VARIOUS OTHER THINGS THAT CAN BE TAKEN INTO ACCOUNT, AND TO SPECIFICALLY ANSWER YOUR QUESTION, IN MY OPINION, I DON'T THINK GENDER HAS A ROLE IN THAT. BUT HE DID SAY THAT...AS SENATOR MURANTE WENT ON, SENATOR MURANTE ASKED ABOUT THE ISSUE WITH THE HIRING OF THE LINCOLN POLICE DEPARTMENT MAN THAT WAS FIRED FOR USE OF EXCESSIVE FORCE. AND SENATOR MURANTE WENT ON TO SAY, YOU HAVE BEEN ACCUSED IN DIFFERENT NEWSPAPER ARTICLES OF PROSELYTIZING, I BELIEVE IN NORFOLK, AND I'D LIKE YOU TO ADDRESS THAT. WELL, I AM A MAN OF FAITH. AND MANY OF US ARE PEOPLE OF FAITH, BUT THAT MAKES A DIFFERENCE. AS A LAWYER, I AM NOT PROSELYTIZING TO EACH PERSON THAT I SEE. FAITH PLAYS AN IMPORTANT ROLE IN MY LIFE, AND I DO ATTEND CHURCH REGULARLY, AS MANY OF US DO. I WOULD SAY...

SENATOR GLOOR: TIME, SENATOR.

SENATOR PANSING BROOKS: THANK YOU. I WILL CONTINUE.

SENATOR GLOOR: THANK YOU, SENATOR PANSING BROOKS. SENATORS IN THE QUEUE: CHAMBERS, MURANTE, KEN HAAR, BURKE HARR, GROENE, HANSEN, AND PANSING BROOKS. SENATOR CHAMBERS, YOU'RE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SENATOR BLOOMFIELD AND I GUESS OTHERS WANT TO HANG JUST ON THIS STATEMENT. I'M TALKING ABOUT WHAT THIS MAN DID WHEN HE SERVED ON THIS PANEL. HE TWICE VOTED TO PASS OVER THIS WOMAN. DURING THE YEARS 1999-2005, THE SUPERINTENDENT OF THE STATE PATROL WAS TOM

Floor Debate
May 05, 2015

NESBITT. A STATEMENT WAS PRODUCED IN COURT IN WHICH HE SAID THAT THE EXCUSES GIVEN BY THE PANELISTS FOR NOT PROMOTING THIS FEMALE TROOPER WERE LAME. HE SAID HE WOULD HAVE PROMOTED HER HAD THE INTERVIEW PANEL RECOMMENDED HER. THEY STOPPED HER FROM BEING PRESENTED TO THE COLONEL AT THAT TIME, WHO SAID HE WOULD HAVE PROMOTED HER, THAT THE EXCUSES THEY GAVE WERE LAME. RICE DID THAT TWICE. WHEN IT WENT TO COURT, THERE WERE JURORS SITTING THERE LISTENING, AS WE'RE SUPPOSED TO BE LISTENING, WHEN THE EVIDENCE WAS PRESENTED. RICE HAD SAID, AMONG OTHER THINGS, THAT EVEN IF YOU ARE A GREAT EMPLOYEE, DECISIVE, GREAT DECISION MAKER, LEADER, AND PROBLEM SOLVER, IF YOU HAVE A BAD INTERVIEW, YOU MAY NOT GET PROMOTED. NOW ALL THAT YOU'VE DONE MEANS NOTHING. WELL, WITH ONE OF THESE MALES, HE WOULD SPEND A WHOLE DAY BEFORE THE INTERVIEW GIVING THIS MALE TIPS AND THE MALE GOT RECOMMENDED AND GOT THE PROMOTION. SO I'M TALKING ABOUT THINGS THAT HAPPENED. AFTER THE JURY HEARD ALL THE TESTIMONY, THE EXCUSES, THE VACILLATIONS, THE "HE'S ALL RIGHT," THEY AWARDED THE FEMALE TROOPER THE PROMOTION THAT RICE HELPED HER BE DENIED TWICE, \$20,000 IN BACK PAY...NO, \$70,000 IN BACK WAGES, \$20,000, I BELIEVE, IN DAMAGES, AND THEN THE ATTORNEY WAS GIVEN \$172,000. NOW WHEN YOU HAVE GONE THROUGH A COURT PROCEEDING, THE TESTIMONY WAS TAKEN, THE JURY RULED AGAINST WHAT THAT PANEL ON WHICH BRAD RICE SAT, IT'S IMPOSSIBLE FROM WHERE I SIT TO ACCEPT WHAT SENATOR MURANTE SAYS ABOUT RICE HAD NOTHING TO DO WITH ANY OF THIS, THAT HE DID NOT LOSE ANYTHING. HE ORCHESTRATED THE DENIAL OF THE PROMOTION FOR THIS WOMAN. IT WENT TO COURT AND SHE WON. IN THE YEARS 2004 AND 2005, THERE WERE AFFIRMATIVE ACTION REPORTS ON THE STATE PATROL. ALTHOUGH THE REPORT SAID THAT WOMEN WERE GROSSLY UNDERREPRESENTED, THE PATROL DID NOTHING TO RECTIFY THAT. AND CURRENTLY, WHEN YOU'RE TALKING ABOUT POSITIONS ABOVE THE RANK OF SERGEANT--THERE ARE 121 SUCH POSITIONS, 4 ARE HELD BY WOMEN--THAT'S NOT GOING TO HAPPEN THROUGH HAPPENSTANCE, THROUGH THE ORDINARY COURSE OF EVENTS. FOUR OUT OF 129...121? AND SENATOR MURANTE AND THESE OTHER PEOPLE ARE GOING TO SAY THAT THIS BRADLEY RICE WAS DOING GREAT THINGS? THE VERY FACT THAT WE'RE HAVING THIS KIND OF DISCUSSION AND THE DEFENDERS SUCH AS SENATOR KINTNER HAS TO SAY, WELL, IT'S "GOTCHA" POLITICS, ALL THAT SENATOR SCHUMACHER, THE STRONGEST STATEMENT HE CAN MAKE, DISREGARDING ALL OF THE EVIDENCE THAT WAS PRESENTED, THE LOSS OF THE CASE IN THE COURT, WELL, HE'S OKAY--THAT'S THE STRONGEST THING. SENATOR MURANTE, IN TRYING TO DEFEND AND RATIONALIZE WHAT HE SAID, CANNOT GIVE A DIRECT ANSWER TO SENATOR HARR OR TO SENATOR BOLZ. ALL THAT

Floor Debate
May 05, 2015

SENATOR BLOOMFIELD CAN SAY IS EVERYBODY HAS MADE A STATEMENT THAT THEY DIDN'T LIKE.

SENATOR GLOOR: ONE MINUTE.

SENATOR CHAMBERS: ALL THAT SENATOR GLOOR CAN DO IS NOT SPEAK IN BEHALF OF THIS MAN, BUT TALK ABOUT SOME GUY WHO WORKED AT A HOSPITAL AND MADE A STATEMENT THAT HE SHOULDN'T HAVE MADE. EVERYTHING IS OFF THE POINT. EVERYTHING IS BEATING AROUND THE BUSH. AND THIS MAN IS TO HEAD AN AGENCY WHICH, WHILE HE WAS WORKING THERE IN A SUPERVISORY ROLE, LED THE EFFORT TO DENY A WOMAN A PROMOTION SHE WAS ENTITLED TO ON TWO OCCASIONS AND THE COURT AGREED THAT THEY WERE WRONG. IF THIS LEGISLATURE VOTES TO APPROVE THIS MAN, THEY'RE DOING IT BECAUSE THE GOVERNOR APPOINTED HIM, BUT THEY'RE CERTAINLY NOT DOING IT ON THE BASIS OF THE RECORD. AND NOBODY WHO HAS TRIED TO DEFEND HIM HAS DONE IT IN A STRONG, FORTHRIGHT WAY. THEY SAY, WELL, HE WAS WRONG, HE ADMITS IT. WELL, YEAH, BECAUSE THE COURT SAID HE WAS WRONG, THAT'S WHY HE ADMITTED IT. HE HAD NO CHOICE.

SENATOR GLOOR: TIME, SENATOR.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT.

SENATOR GLOOR: THANK YOU, SENATOR CHAMBERS. SENATOR KEN HAAR, YOU'RE RECOGNIZED.

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I'D LIKE TO GIVE MY TIME TO SENATOR CHAMBERS.

SENATOR GLOOR: SENATOR CHAMBERS, 4:50.

SENATOR CHAMBERS: THANK YOU, SENATOR HAAR. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I HAD ENDED A COMMENT I WAS MAKING ABOUT THE EXCUSE THAT IS MADE WHEN YOU HAVE THESE ROGUE OFFICERS WHO WILL GO SO FAR AS TO SHOOT SOMEBODY IN THE BACK WHO IS FLEEING. NOBODY CAN DENY THAT THAT'S WRONG, BUT THEY TRY TO SMOOTH OVER IT BY SAYING, WELL, YOU ALWAYS HAVE ONE OR TWO BAD APPLES. WELL, THIS MAN BROUGHT A BAD APPLE, KNOWN TO BE A BAD APPLE, ONTO THE FORCE OF

Floor Debate
May 05, 2015

THE STATE PATROL. HE SENT ME A LETTER ACKNOWLEDGING THAT THIS MAN WAS FOUND IN AN INTERNAL INVESTIGATION BY THE LINCOLN POLICE DEPARTMENT TO HAVE USED EXCESSIVE FORCE AGAINST A PERSON WHO OF ALL THINGS WAS INTOXICATED, AND THAT HE WAS DISCIPLINED. I WANT TO TALK FURTHER ABOUT THIS CASE TO THE CHIEF OF POLICE OF LINCOLN, HAVE ADDITIONAL QUESTIONS TO MR. RICE. BUT FOR HIM AS HEAD OF THE STATE PATROL TO APPROVE OF TAKING IN A GUY WHO HAD BEEN FOUND TO HAVE COMMITTED EXCESSIVE FORCE AND AT THE SAME TIME TELL ME IN A LETTER THAT THE STATE PATROL DOESN'T TOLERATE THAT, IT'S A MAN WHO IS DISCONNECTED WITHIN HIMSELF. ON THE ONE HAND, HE CONDEMNS THE USE OF EXCESSIVE FORCE AND SAYS THE STATE PATROL WON'T TOLERATE IT, BUT HE IS WITH THE AGENCY THAT RECRUITED THIS MAN AND HE WAS HEAD OF THE STATE PATROL WHEN HE GRADUATED ON MAY 1 AND WAS MADE A PART OF THE STATE PATROL. I DON'T THINK THE RELIABILITY, THE INTEGRITY, THE CONFIDENCE THAT OUGHT TO ATTACH TO AN INDIVIDUAL BEING PUT IN THIS POSITION ARE FOUND IN THIS PARTICULAR INSTANCE. LAW ENFORCEMENT IS GOING TO BE UNDER THE MICROSCOPE, ESPECIALLY DURING THESE TIMES, AND IT OUGHT TO BE. AND HAD IT BEEN KEPT UNDER THE MICROSCOPE BEFORE THESE EGREGIOUS INCIDENTS OCCURRED, IF THERE HAD NOT BEEN SO MUCH COVERING UP OF WRONGFUL CONDUCT BY OFFICERS, YOU WOULDN'T HAVE SO MANY OF THESE KIND OF OCCURRENCES TAKING PLACE. THE UNIONS ALWAYS, NO MATTER WHAT THE CIRCUMSTANCES, DEFEND THE OFFICER WHO COMMITTED THE WRONGFUL ACT AND WILL SAY NOTHING WRONG WAS DONE. THE OTHER DAY I TOUCHED ON THE SITUATION WHERE THE YOUNG MAN WAS KILLED. AND THAT UNION SAID THE OFFICERS INVOLVED IN THAT DID NOTHING WRONG. THEY HAD NO PROBABLE CAUSE FOR ARREST. THEY DID NOT PUT THE SEAT BELTS ON HIM IN THE VAN. THEY MADE FOUR UNAUTHORIZED STOPS, ONE OF THEM THEY DID NOT ACKNOWLEDGE. THEY DID NOT DO A NUMBER OF THINGS THAT WERE IN DIRECT VIOLATION EVEN OF POLICE PROCEDURES, AND THEN THEY WERE CHARGED WITH VIOLATIONS OF THE LAW. AND THAT BLUE WALL DID NOT SAY, THESE ARE BAD APPLES. THEY CLOSED RANKS AROUND THEM. THEY EMBRACED THEM. THEY ENDORSED WHAT THEY DID AND SAID, YES, THEY DID THESE THINGS, BUT THERE WAS NOTHING WRONG WITH IT, WHICH ACKNOWLEDGES WHAT I HAVE OFTEN SAID, THAT POLICE FEEL THEY HAVE A LICENSE TO DO ANYTHING THAT THEY WANT TO DO. AT A TIME LIKE THIS, WHEN EVERYBODY IS TALKING ABOUT RESTORING OR CREATING TRUST BETWEEN THE POLICE AND THE COMMUNITY, YOU'RE TAKING THIS MAN WHO IS DAMNED BY FAINT PRAISE,...

SENATOR GLOOR: ONE MINUTE.

Floor Debate
May 05, 2015

SENATOR CHAMBERS: ...FAINT PRAISE. NOBODY CAN POINT TO WHAT HE HAS DONE. AS FAR AS WHAT SENATOR BLOOMFIELD SAID ABOUT THIS MAN DOING HIS JOB IN THAT...WHEN THAT BANK ROBBERY OCCURRED IN NORFOLK, THERE WAS NOTHING FOR HIM TO DO. THE THING WAS DONE FOR HIM. BUT NOBODY WANTS TO TALK ABOUT THE CASE OF ARTHUR KIRK, THE FARMER OUT IN CAIRO, WHOM THE STATE PATROL SHOT DEAD ON HIS OWN PROPERTY AND OUGHT NOT TO HAVE DONE THAT. AND THEY HAD TO CHANGE THEIR POLICIES OF THESE STANDOFFS BECAUSE OF MY INTERVENTION, NOT BECAUSE OF WHAT THE STATE PATROL THOUGHT SHOULD BE DONE, NOT BECAUSE OF WHAT THE THEN-GOVERNOR THOUGHT SHOULD BE DONE, BUT I WAS ABLE TO BRING NOTORIETY AND EMBARRASSMENT TO THEM, AND THAT WAS THE STATE PATROL ALSO. THIS IS NOT AN APPOINTMENT THAT OUGHT TO BE CONFIRMED BY THE LEGISLATURE. THANK YOU, MR. PRESIDENT.

SENATOR GLOOR: THANK YOU, SENATOR CHAMBERS. SENATOR BURKE HARR, YOU'RE RECOGNIZED. AND THIS IS YOUR THIRD TIME, SENATOR.

SENATOR HARR: THANK YOU. AND IF SOMEONE WANTS TO GIVE ME SOME TIME, I MIGHT TAKE IT. YOU KNOW, I WANT TO FOLLOW UP ON WHAT SENATOR CHAMBERS SAID. TRUTH, TRUTH AND HONESTY, THOSE ARE THE KEYS. WE CAN'T HAVE LAW ENFORCEMENT WITHOUT THAT. AGAIN, OLD PROSECUTOR, I HAD TO TAKE THE WORD OF THE OFFICER BECAUSE YOU ONLY HAD TWO PEOPLE GENERALLY IN A SITUATION. AND IT IS SO, SO IMPORTANT THAT YOU TRUST WHAT THAT OFFICER HAS TO SAY. IF YOU DON'T TRUST THAT OFFICER, AND THERE WERE SOME WE DIDN'T TRUST, BY THE WAY, IN OPD, YOU LOSE FAITH IN THE SYSTEM AND YOU'RE LESS LIKELY TO GO FORWARD WITH THAT PROSECUTION EVEN IF THAT PERSON WAS GUILTY. AND THAT'S THE KEY HERE, FOLKS. HE MAY BE SEXIST. HE MAY HAVE SAID SOMETHING. IT MAY HAVE BEEN TAKEN OUT OF CONTEXT. I WASN'T THERE. BUT WHAT I CAN TELL YOU IS WHAT'S IN THE OFFICIAL RECORDS. AND WHAT WE HAVE, AND I'LL READ IT TO YOU AND I WANT YOU TO BE A JUDGE OF IT YOURSELF, HE DENIES EVER SAYING A COMMENT WHICH AT HIS CONFIRMATION HEARING HE ADMITTED HE SAID BUT THAT WAS TAKEN OUT OF CONTEXT. AND SO, IF YOU HAVE SOMEONE...AND, LOOK, YOU GOT TO BE CAREFUL. THIS IS A TRICKY SPOT TO BE IN BECAUSE IT'S HARD TO IMPEACH SOMEONE AND IT'S...YOU KNOW, LET ME RESTATE THAT. IT'S HARD TO SHOW SOMEONE WHAT'S LESS THAN HONEST. BUT IT'S FUNNY, I USED THE WORD "IMPEACH" AND ALL OF A SUDDEN IT POPPED IN MY MIND: PRESIDENT BILL CLINTON. WHAT WAS PRESIDENT BILL CLINTON IMPEACHED FOR? WAS IT FOR HAVING AN AFFAIR? NO. THE HOUSE OF REPRESENTATIVES SAID, THAT MAN, THAT PRESIDENT, NO PERSON IS ABOVE THE LAW, AND HE LIED

Floor Debate
May 05, 2015

UNDER OATH AND FOR THAT HE DESERVES TO BE THE SECOND PRESIDENT IN UNITED STATES HISTORY TO EVER BE IMPEACHED. AND SO I'M GOING TO READ YOU THIS CROSS-EXAMINATION OF THEN-CAPTAIN RICE. I WANT YOU TO COMPARE THAT TO WHAT THEN HE SAYS IN HIS HEARING. SO THIS IS...AND I'LL ALSO READ SOME OTHERS. THIS IS FROM MAY 9, 2007, CROSS-EXAMINATION OF THEN-CAPTAIN RICE. QUESTION: CAPTAIN, YOU TESTIFIED THAT GENDER HAD NO BEARING ON YOUR DECISION FOR A PROMOTION REGARDING MS. SCHREIBER. IS THAT TRUE? RICE: YES, SIR. ATTORNEY: DO YOU RECALL CALLING HER A, QUOTE, BIG GIRL, UNQUOTE, IN THE INTERVIEW THAT YOU HAD WITH HER ON SEPTEMBER 1, 2004? YES, SAID RICE. QUESTION: DO YOU ALSO...LET ME ASK IT THIS WAY. IS IT YOUR OPINION THAT WOMEN SHOULD NOT BE IN LAW ENFORCEMENT? RICE: ABSOLUTELY NOT. QUESTION: ISN'T IT TRUE THAT YOU MADE THIS COMMENT PRIOR TO 2004 THAT WOMEN DO NOT BELONG IN LAW ENFORCEMENT? NO, SAYS RICE, NO, SIR. QUESTION: DO YOU RECALL WHEN YOU WERE A LIEUTENANT IN TRAFFIC SERVICES IN OMAHA? YES, SIR, SAID RICE. QUESTION: WHAT TIME FRAME WERE YOU THERE, SIR, AS A LIEUTENANT? ANSWER: 2000 UNTIL MY PROMOTION. QUESTION: DO YOU RECALL BEING A TROOPER, BEING IN TROOP A, IN THE OFFICE HAVING A DISCUSSION WITH ANOTHER INVESTIGATOR TALKING ABOUT THE OMAHA POLICE DEPARTMENT, FEMALE OFFICERS, AND YOU MADE THE STATEMENT THAT FEMALES SHOULD NOT BE IN LAW ENFORCEMENT?

SENATOR GLOOR: ONE MINUTE.

SENATOR HARR: NO--THANK YOU--NO, SIR, I DO NOT RECALL THAT. DO YOU DENY THAT YOU EVER MADE SUCH A STATEMENT? YES. NOW THE PERSON HE HAD THE CONVERSATION WITH IN THE TRIAL OF CARLA SCHREIBER v. STATE PATROL...AND AGAIN, THIS IS MY THIRD TIME, IF I DON'T...IF YOU WANT TO GIVE ME TIME, I'LL TAKE IT. IF NOT, I MIGHT HAVE A RECOMMIT BECAUSE I THINK IT'S IMPORTANT WE GET THIS INTO THE TESTIMONY THAT, IN FACT, WE HAVE WHERE HE DENIES EVER MAKING ANY SORT OF STATEMENT REGARDING MS. SCHREIBER. I'M GOING TO RUN OUT OF TIME. BUT WE HAVE HERE WHERE HE SAYS, I NEVER MADE ANY STATEMENT. AND WHAT YOU'RE GOING TO SEE IS WHAT I SAID EARLIER. HE SAID, OH, I MADE THOSE STATEMENTS BUT THEY WERE TAKEN OUT OF CONTEXT. HE LIED UNDER OATH. WE IMPEACHED A PRESIDENT OVER THAT AND NOW WE'RE GOING TO CONFIRM SOMEONE IN CHARGE OF LAW ENFORCEMENT? I'LL READ YOU THE REST WHEN I GET A CHANCE. THANK YOU, MR. PRESIDENT.

Floor Debate
May 05, 2015

SENATOR GLOOR: THANK YOU, SENATOR HARR. SENATORS IN THE QUEUE: GROENE, HANSEN, PANSING BROOKS, MURANTE, CHAMBERS, BOLZ, AND OTHERS. SENATOR GROENE, YOU ARE RECOGNIZED.

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I SIT ON THE GOVERNMENT AFFAIRS COMMITTEE AND I VOTED FOR CONFIRMATION OF MR. RICE. HE CAME TO MY OFFICE ONE DAY AND I ASKED HIM A LOT OF QUESTIONS. HE LOOKED ME RIGHT IN THE EYE. YOU KNOW, FOLKS, WE'RE TALKING ABOUT AN ORGANIZATION THAT WE'RE PROUD OF IN NEBRASKA, THE STATE PATROL. YOU READ...YOU SEE NATIONALLY ON THE NEWS CHANNELS ABOUT THE PROBLEMS OF OFFICER MISCONDUCT. WE DON'T HAVE THAT PROBLEM IN NEBRASKA. OH, YEAH, WE HAVE THE DOMESTIC VIOLENCE, WHICH ALL HUMANS ARE ADEPT TO DOING, AND THOSE PEOPLE ARE RELEASED FROM THE SERVICE. BUT I CAN'T REMEMBER, MAYBE SENATOR CHAMBERS HAS BEEN AROUND LONGER, WHERE WE DO NOT HAVE A RIGHT TO BE PROUD OF OUR STATE PATROL. MR. RICE HAS BEEN PART OF THAT OVER THE LAST 30 OR 40 YEARS. IT IS A GREAT ORGANIZATION. ANY CONTACT I HAVE HAD WITH THEM, THEY ARE FRIENDLY, CORDIAL, WELL BEHAVED, GOOD PUBLIC SERVANTS. MR. RICE HAS BEEN PART OF THAT OVER THE YEARS. I HEARD THE TESTIMONY FROM MR. RICE. I SAT THERE AND I ASKED A LOT OF QUESTIONS. HE CLARIFIED THE COMMENT. THE WAY I UNDERSTAND IT--CORRECT ME IF YOU WANT, SENATOR HARR--IT WAS ABOUT AN OFFICER OF AN AFFILIATED ORGANIZATION--NONE OF US ASKED WHAT ORGANIZATION THAT WAS; WE DIDN'T WANT TO EMBARRASS; IT COULD HAVE BEEN A COUNTY SHERIFF'S DEPARTMENT; IT COULD HAVE BEEN A SMALL-TOWN DEPARTMENT; IT COULD HAVE BEEN A CITY DEPARTMENT--WHERE A SINGLE OFFICER APPARENTLY DID NOT REACT AS IF THEY WERE WELL TRAINED. NOW HUMAN NATURE MIGHT BE ON THAT INSTANCE TO REFER TO THE SEX OF THAT INDIVIDUAL. THAT'S HUMAN NATURE. BUT THE WAY I UNDERSTAND IT, HE WAS COMMENTING NOT ON A STATE PATROL EMPLOYEE, IT WAS AN AFFILIATED ORGANIZATION. HE DID NOT SAY IT TO THE INDIVIDUAL. HE SAID IT ON A SIDEBAR COMMENT TO ANOTHER INDIVIDUAL. IF EVERYTHING WERE STILL BACK TO ONE MAN'S VIEWPOINT OVER ANOTHER, THERE WAS ONLY ONE WITNESS. THE GOOD BOOK SAYS MAKE SURE YOU GOT TWO WHEN YOU JUDGE A MAN. I HAVE NO DOUBT TALKING TO CAPTAIN RICE, MAJOR RICE, THAT IF HE IS INSTRUCTED BY HIS BOSS, THE GOVERNOR, THAT WE NEED TO RECRUIT FEMALE OFFICERS, HE WILL DO SO, BECAUSE WHEN I ASKED THE PROPONENTS OF MR. RICE, IS THERE ANY EVIDENCE THAT ONCE AN APPLICANT, FEMALE, MALE, OR COLORED, COMES TO THE STATE PATROL AND APPLIES TO BE AN OFFICER, THAT ANYBODY IS DISCRIMINATED AGAINST, NO EVIDENCE. THE PROBLEM IS WE DON'T HAVE ENOUGH APPLICANTS. IS THAT THE STATE PATROL'S PROBLEM?

Floor Debate
May 05, 2015

PROBABLY. I GUESS IN TODAY'S WORLD WE'RE SUPPOSED TO GO GRAB PEOPLE BY THE HAND AND DRAG THEM INTO THE INTERVIEW PROCESS. COULD IT BE THAT WE DON'T PAY AS MUCH IN THE STATE PATROL AND A QUALIFIED FEMALE OFFICER IS WELL RECRUITED AND THEY HAPPEN TO BE IN THE LINCOLN POLICE DEPARTMENT AND THE OMAHA POLICE DEPARTMENT BECAUSE THEY PAY BETTER, THEY'RE AT A PREMIUM? COULD THAT BE A FACTOR?

SENATOR GLOOR: ONE MINUTE.

SENATOR GROENE: MR. RICE IS A GOOD MAN. IF I WENT THROUGH LIFE WITHOUT ANY...MAKING...IN A PUBLIC POSITION AND TO ONLY HAVE ONE PERSON STEP FORWARD AND SAY I SAID SOMETHING, I WOULD BE BLESSED. I WOULD BE BLESSED. NOW IF YOU CAN FIND SOMETHING WRONG WITH THE PRESENT STATE PATROL OVER THE LAST 30 OR 40 YEARS WHEN MR. RICE WAS A PART OF IT, I WILL LISTEN TO YOU. SO I THANK YOU AND I WOULD APPRECIATE THAT YOU AGREE WITH THE EIGHT MEMBERS, THE 8-0 VOTE OF THE GOVERNMENT COMMITTEE, AND APPOINT MR. RICE TO HIS POSITION. THANK YOU.

SENATOR GLOOR: THANK YOU, SENATOR GROENE. SENATOR HANSEN, YOU'RE RECOGNIZED.

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AS WITH SENATOR GROENE, I SERVED ON THE GOVERNMENT, MILITARY AND VETERAN AFFAIRS COMMITTEE THAT HEARD THIS CONFIRMATION HEARING AND WAS ONE OF THE 8-0 VOTES THAT HE JUST REFERENCED TO VOTE IT OUT OF COMMITTEE. AND THAT'S A VOTE THAT FRANKLY GAVE ME A LOT OF HEARTBURN BEFORE, DURING, AND AFTER I CAST IT. AS A FRESHMAN, I THINK I'VE QUICKLY LEARNED THAT CONFIRMATION REPORTS ARE ONE OF THE MORE INTERESTING AND, FRANKLY, CHALLENGING DECISIONS WE'VE HAD TO MAKE. FOR ME PERSONALLY, WITH THIS ONE IN PARTICULAR, IT WAS TRYING TO BALANCE THE INFORMATION PRESENTED TO US AT THE HEARING AND THE INFORMATION THAT WAS AVAILABLE TO US THROUGH ALL OTHER SOURCES, WHETHER THEY'RE CONVERSATIONS, COURT RECORDS, OR WHAT HAVE YOU. AND I TRIED IN THE COMMITTEE VOTE TO LIMIT IT TO WHAT I'D HEARD AT THE HEARING. THERE WAS ONLY ONE OPPOSITION. AND THE OPPOSITION WAS SUGGESTING LARGELY THAT THERE WERE INSTITUTIONAL PROBLEMS WITH THE STATE PATROL, WHICH I DON'T THINK ANYBODY, INCLUDING...ANYBODY HAS BEEN DISPUTING. BUT THE OVERALL TONE WAS THAT IT'S PROBLEMS WITHIN THE DEPARTMENT AND

Floor Debate
May 05, 2015

NOT NECESSARILY ATTRIBUTED TO MR. RICE. THAT BEING SAID, I TOOK THE ALLEGATIONS VERY SERIOUSLY. THE VOTE WAS DELAYED FOR A FEW DAYS, NOT BY MY...NECESSARILY BY MY REQUEST, BUT I'D SAID I WAS IN A TOUGH POSITION, WAS GOING TO VOTE PRESENT, NOT VOTING, IF TASKED TO CONFIRM HIM ON THE SAME DAY AS WE HAD THE HEARING. AND TODAY, AS I'VE BEEN LISTENING TO THE TESTIMONY, AS MORE PERSPECTIVES AND MORE CONVERSATIONS HAVE BEEN HAPPENING, I RECOGNIZE NOW THAT KIND OF MY FRAMEWORK FOR MY VOTE IN COMMITTEE IS NOT SOMETHING I WAS COMFORTABLE WITH. SO TODAY, WHEN WE GET TO THE FINAL VOTE, I'LL BE VOTING PRESENT, NOT VOTING. THAT'S NOT A SPECIFIC INDICTMENT ON MR. RICE. CERTAINLY, FROM A RESUME, HE'S BEEN CAREER LAW ENFORCEMENT. AND I UNDERSTAND THE DIFFICULTIES OF WEIGHING THE FACT THAT MANY OF THESE ALLEGATIONS AND INFORMATION AND QUESTIONS ARE FROM PEOPLE WHO WE HAVEN'T HEARD FROM OR PEOPLE WE CAN'T TALK TO OR WHO HAVEN'T COME FORWARD. AND SO THAT'S MY DIFFICULTY WITH THIS DECISION. THAT'S WHY I'LL BE PRESENT, NOT VOTING. AND WITH THAT, I WOULD YIELD THE BALANCE OF MY TIME TO SENATOR MORFELD.

SENATOR GLOOR: SENATOR MORFELD, 2:35.

SENATOR MORFELD: THANK YOU, MR. PRESIDENT AND SENATOR HANSEN, FOR YIELDING SOME TIME. I'LL MAKE MY COMMENTS VERY BRIEF. FIRST, I DO BELIEVE THAT THIS IS AN APPROPRIATE CONVERSATION TO HAVE ABOUT THE HIGHEST APPOINTED, NONELECTED LAW ENFORCEMENT OFFICER IN OUR STATE. AND SO THESE CONVERSATIONS ABOUT PAST CONDUCT, PAST STATEMENTS, THESE ARE ALL THE THINGS THAT WE NEED TO BE DISCUSSING AND DEBATING. AND CONFIRMATION VOTES SHOULD NOT JUST BE A RUBBER STAMP AND I THINK ALL TOO OFTEN THEY ARE. AND WE TRUST THE COMMITTEE PROCESS, BUT THERE SHOULD BE MORE SCRUTINY ABOUT THOSE RUNNING THE EXECUTIVE BRANCHES OF OUR STATE. AND I'LL HAVE A LITTLE BIT DISCUSSION ON ANOTHER BILL ABOUT ANOTHER EXECUTIVE OFFICER OF OUR STATE WHO WAS ELECTED WHO HAS DECIDED NOT TO ENFORCE THE LAW AS THEY ARE CONSTITUTIONALLY REQUIRED TO DO SO. AND I'M STILL DECIDING WHETHER I'M GOING TO BE A NO VOTE OR A "NOT VOTING" ON THIS CONFIRMATION APPOINTMENT. BUT I DO WANT TO NOTE THAT, YES, ACTIONS DO SPEAK LOUDER THAN WORDS; HOWEVER, WORDS ARE INDICATIVE OF ACTION. AND SO SIMPLY BECAUSE SOMEONE SAID SOMETHING AND THEN WE'RE NOT QUITE SURE THEY ACTED UPON IT DOWN THE ROAD DOES NOT MEAN THAT THAT SHOULD NOT BE INDICATIVE OF HOW WE FEEL A PERSON MAY CONDUCT THEMSELV IN THE OFFICE THAT WE CONFIRM AND THE GOVERNOR APPOINTS.

Floor Debate
May 05, 2015

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: ONE MINUTE.

SENATOR MORFELD: THANK YOU.

SENATOR WATERMEIER: THANK YOU, SENATOR MORFELD. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED.

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I'M RISING AGAIN AGAINST THIS CONFIRMATION. SENATOR GROENE TALKED ABOUT HE HAD NO PROBLEMS WITH MR. RICE WHEN HE MET WITH HIM. I HARKEN BACK TO SENATOR COOK'S COMMENTS. AND OF COURSE, I THINK AS A MAN YOU DON'T RECOGNIZE SOME OF THE COMMENTS ABOUT BEING A WOMAN IN THE FORCE. AND, YOU KNOW, AGAIN, I WOULD WONDER HOW MANY QUESTIONS...TO ME, \$220,000 GIVES ME 220,000 PROBLEMS I HAVE WITH HIS ACTIVITY. SO I JUST...I CAN'T UNDERSTAND IT QUITE. SENATOR GROENE WENT ON TO SAY, ONE MAN'S VIEWPOINT OVER ANOTHER. OF COURSE, THIS IS ALL, OF COURSE, GENDER LANGUAGE, I JUST WANT TO POINT OUT. WHEN I'VE TALKED TO A NUMBER OF YOU, WE ALL TALK ABOUT THE FACT THAT WE WANT ALL PEOPLE TREATED EQUALLY, JUST TREAT EVERYBODY EQUALLY. EXACTLY. EXACTLY. BUT WE HAVE PEOPLE THAT DO NOT TREAT PEOPLE EQUALLY. IT'S VERY CLEAR. WE HAVE CASES YESTERDAY WHERE WE PAID FOR RACIAL DISCRIMINATION. WE HAVE A CASE TODAY WHERE WE'RE PAYING FOR GENDER DISCRIMINATION. DO YOU ALL HEAR THIS? YES, WE WOULD LIKE EVERYBODY TO BE TREATED EQUALLY, TO BE TREATED FAIRLY, TO BE TREATED JUSTLY. BUT AGAIN, WITHOUT LAWS IT DOESN'T HAPPEN. SO, AGAIN, SENATOR GROENE SAID HE WAS A GOOD MAN. TO ME, I THINK WE'RE UNDER THE THREE-STRIKE RULE. HE HAD GENDER ISSUES THAT HAD TO BE DISCUSSED. HE HAD EXCESSIVE FORCE ISSUES THAT HAD TO BE DISCUSSED. AND HE HAS PROSELYTIZING ISSUES THAT HAD TO BE DISCUSSED. AS AN EMPLOYEE OF OUR STATE, THREE STRIKES, IN MY OPINION, AND YOU'RE OUT. I BELIEVE TOTALLY IN SUPPORTING THE GOVERNOR ON THIS. I BELIEVE IN THE IMPORTANCE OF LETTING HIM CREATE HIS TEAM AND CHOOSE HIS TEAM AS HE MOVES FORWARD. BUT I ALSO BELIEVE IN MY HEART THAT GOVERNOR RICKETTS DID NOT HAVE FULL INFORMATION AND FULL KNOWLEDGE OF WHAT HAPPENED. SO ARE WE DOING A BETTER FAVOR TO GOVERNOR RICKETTS BY PASSING ON SOMEBODY WHO HAS THREE STRIKES? OR IS IT BETTER AND THAT WE JUST GO RIGHT AHEAD AND TAKE THESE RECOMMENDATIONS ON FAITH? I DO NOT BELIEVE THAT THE GOVERNOR KNEW

Floor Debate
May 05, 2015

THE THREE STRIKES OF GENDER, EXCESSIVE FORCE, AND PROSELYTIZING AND I DO NOT BELIEVE THAT, IF HE WERE GIVEN THIS APPOINTMENT TODAY, THAT HE WOULD CHOOSE THIS MAN. AND I WANT EACH OF YOU TO THINK IN OUR OWN HEARTS WHETHER WE BELIEVE 100 PERCENT THIS MAN WOULD HAVE BEEN CHOSEN DUE TO WHAT HAS COME FORWARD. WOULD HE BE THE ONE THAT WE WOULD CHOOSE TO HEAD OUR LAW ENFORCEMENT? I WANT TO ALSO POINT OUT THAT SENATOR CRAIGHEAD ASKED SOME QUESTIONS WHICH I THOUGHT WERE IMPORTANT. SENATOR CRAIGHEAD ASKED, HOW MANY PROFESSIONAL EMPLOYEES AND TROOPERS AND UP ARE EMPLOYED BY THE NEBRASKA STATE PATROL, APPROXIMATELY? BRADLEY RICE: THERE ARE 385 SWORN OFFICERS. SENATOR CRAIGHEAD: OKAY, AND HOW MANY OF THESE ARE WOMEN IN UPPER MANAGEMENT? HOW MANY ARE WOMEN IN UPPER MANAGEMENT? RIGHT NOW, WE HAVE ONE CAPTAIN, TWO LIEUTENANTS, AND ONE SERGEANT. SO THEN SENATOR CRAIGHEAD SAID, SO 4 OUT OF 385? BRADLEY RICE: YES, MA'AM. TO ME, THOSE NUMBERS DON'T SEEM RIGHT. I WOULD BET THAT IF I GET SENATOR GROENE ON, MAYBE HE'D JUST SAY, WELL, YOU KNOW, THESE...THE WOMEN AREN'T QUALIFIED THAT ARE OUT THERE.

SENATOR WATERMEIER: ONE MINUTE.

SENATOR PANSING BROOKS: BUT I DON'T BELIEVE HE REALLY BELIEVES THAT. I BELIEVE WE ALL KNOW THAT THERE ARE WOMEN WHO ARE QUALIFIED. THE HEAD OF THE LINCOLN POLICE DEPARTMENT SWAT TEAM WAS A WOMAN FOR DECADES. SO, PLEASE, I THINK WE NEED TO HELP THE GOVERNOR ON THIS APPOINTMENT. I DON'T THINK IT WAS PROPERLY VETTED AND I TRUST HIM TO MAKE BETTER DECISIONS AND I BELIEVE THAT HE HAD SO MANY DECISIONS AT THE BEGINNING AND SO MANY THINGS THAT HE HAD TO DO AND PEOPLE TO PUT IN PLACE. I'M SORRY THAT THAT PREVIOUS VOTE WAS RIGHT BEFORE THIS, BECAUSE I THINK THIS IS VERY IMPORTANT FOR OUR LEGISLATURE TO STAND UP FOR ALL PEOPLE, FOR JUSTICE, FOR EQUITY. AND WE HAVE CLEAR CONFIRMATION OF A LACK OF JUSTICE RIGHT NOW. SO, PLEASE, THIS IS NOT SOMETHING WHERE WE CAN JUST SAY, OH, THE TROOPER SAID HE WAS OKAY.

SENATOR WATERMEIER: TIME, SENATOR.

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT.

Floor Debate
May 05, 2015

SENATOR WATERMEIER: THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR MURANTE, SENATOR CHAMBERS, SENATOR BOLZ, SENATOR KOLOWSKI, AND OTHERS. SENATOR MURANTE, YOU ARE RECOGNIZED.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. I WOULD LIKE TO RESPOND A LITTLE BIT TO SOME OF THE COMMENTS THAT HAVE BEEN MADE ON THE MICROPHONE. AND I'LL START WITH A LITTLE BIT OF WHAT SENATOR PANSING BROOKS HAD JUST SAID BECAUSE I WANT TO GO THROUGH A LITTLE BIT OF THE PROCESS THAT OUR COMMITTEE UNDERTOOK BEFORE EVEN CONDUCTING A PUBLIC HEARING AND THEN TAKING A VOTE ON WHETHER TO CONFIRM BRAD RICE, BECAUSE I BELIEVE THAT THIS IS ONE OF THE MOST THOROUGHLY VETTED CANDIDATES THAT WE HAVE HAD IN THIS LEGISLATURE THIS YEAR. BEFORE WE HAD A PUBLIC HEARING, BRAD RICE MADE HIMSELF AVAILABLE TO EVERY MEMBER OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. AND BEFORE WE SCHEDULED A PUBLIC HEARING AND AFTER THE GOVERNOR HAD APPOINTED BRAD RICE, WE WAITED A LONG TIME BEFORE WE EVEN SCHEDULED THE PUBLIC HEARING SO THAT WE COULD CONTINUE TO ACQUIRE DATA. AND I WORKED WITH THE CLERK'S OFFICE AND I THANK THE CLERK FOR HIS WORK IN ACQUIRING THE INFORMATION. IT WAS GOOD WORK. AND WE PROVIDED THE COMMITTEE MEMBERS WITH EVERY PIECE OF INFORMATION THAT'S BEEN DISCUSSED TODAY. AND THE GOVERNOR KNEW THIS INFORMATION. AND THE GOVERNOR AT THIS MOMENT CAN PULL THIS NOMINATION IF HE WANTED TO. HE IS KEENLY AWARE OF THE ACCUSATIONS THAT ARE BEING MADE AND HE IS PURSUING ANYWAY BECAUSE AFTER CONSIDERATION OF ALL OF THE EVIDENCE, THE GOVERNOR HAS CONCLUDED, AS HAVE I, THAT BRAD RICE MEETS THE STATUTORY QUALIFICATIONS TO BE THE SUPERINTENDENT OF LAW ENFORCEMENT IN THE STATE OF NEBRASKA. THIS WAS NOT A RUBBER STAMP, I CAN ASSURE YOU. AND I'D ENCOURAGE YOU TO READ OVER SOME OF THE NEWSPAPER HEADLINES OF THE LAST COUPLE OF DAYS WHERE THE MEDIA DESCRIBED THE PUBLIC HEARING ON BRAD RICE. IT WAS CALLED A GRILLING. WE GAVE HIM CAREFUL CONSIDERATION AND HE CAME OUT UNANIMOUSLY. SO LET'S TALK A LITTLE BIT ABOUT WHAT HE SAID BECAUSE WHAT SENATOR HARR SAID IS TECHNICALLY CORRECT. IF YOU CONSTRUE WHAT HE SAID IN THE PUBLIC HEARING THE WAY SENATOR HARR CONSTRUES IT, HE COMMITTED PERJURY. BRAD RICE COMMITTED PERJURY. SO I ASK YOU, WHICH IS MORE LIKELY, THAT BRAD RICE OVER A DECADE AGO STOOD BEFORE...STOOD UNDER SWORN TESTIMONY AND LIED, WHEN HE SPOKE TO THE GOVERNOR ABOUT THAT TESTIMONY, LIED TO THE GOVERNOR, WHEN HE SPOKE TO THE MEDIA ABOUT THE MEDIA ABOUT THE TESTIMONY, LIED TO THE MEDIA, AND WHEN HE CAME BEFORE THE

Floor Debate
May 05, 2015

GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE FOR THE FIRST TIME, LET OFF HIS CHEST THAT HE ACTUALLY SAID THOSE WORDS? DOES THAT SEEM LIKELY TO YOU? BECAUSE IT SEEMS THOROUGHLY UNLIKELY TO ME. WHAT HE SAID OVER A DECADE AGO WAS THAT HE ACKNOWLEDGED THAT HE HAD A CONVERSATION WITH THE LIEUTENANT, THAT THAT CONVERSATION WAS REGARDING THE QUALIFICATIONS FOR LAW ENFORCEMENT AND THAT MEN AND WOMEN SHOULD BE HELD TO THE SAME STANDARDS, AND THAT HE NEVER SAID THAT WOMEN SHOULD NOT BE IN LAW ENFORCEMENT. HE SAID THE EXACT, SAME THING IN THE PUBLIC HEARING. AND I'M QUOTING HIM DIRECTLY. AND IF YOU LOOK--I'M QUOTING HIM DIRECTLY--IF YOU LOOK AT THE CONTENT AND THE CONTEXT OF THE CONVERSATION, WE WERE TALKING SPECIFICALLY ABOUT TRAINING. THAT'S WHAT THE MAN SAID. SO I FIND IT ENTIRELY UNLIKELY AND UNREASONABLE TO CONSTRUE THAT, AFTER ALL THIS TIME, HE DECIDED TO COMPLETELY MAKE A 180 AND ACKNOWLEDGE THAT THAT IS WHAT HE SAID. THAT IS INCONSISTENT WITH PRIVATE CONVERSATIONS, WITH PUBLIC CONVERSATIONS,...

SENATOR WATERMEIER: ONE MINUTE.

SENATOR MURANTE: ...WITH SWORN TESTIMONY. HE DENIES EVER SAYING...I NEED TO SAY THIS PUBLICLY AND IT NEEDS BE SAID, EVERY MEMBER NEEDS TO WITH RECOGNIZE THIS, THAT IS NOT A CONCLUSION THAT IS ENTIRELY ONE-SIDED. HE DENIES SAYING THAT WOMEN SHOULD NOT BE IN LAW ENFORCEMENT. I BELIEVE THAT THE TESTIMONY THAT HE GAVE TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE IS CONSISTENT WITH THAT. AND I FIND IT ENTIRELY UNLIKELY THAT HE WOULD CHANGE OVER A DECADE OF RESPONSES IN A PUBLIC HEARING ON A GUBERNATORIAL...ON HIS CONFIRMATION. THAT SEEMS UNLIKELY TO ME. SO I COULD...IN DEFENSE, I CAN UNDERSTAND WHERE SENATOR HARR IS COMING FROM. I CAN SEE HOW ONE COULD CONSTRUE THE WAY THAT SENATOR HARR IS CONSTRUING.

SENATOR WATERMEIER: TIME, SENATOR.

SENATOR MURANTE: BUT THAT'S NOT WHAT HE SAID AND THAT'S NOT WHAT HE MEANT. THANK YOU, MR. PRESIDENT.

SENATOR WATERMEIER: THANK YOU, SENATOR MURANTE. SENATOR CHAMBERS, YOU ARE RECOGNIZED.

Floor Debate
May 05, 2015

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, SENATOR MURANTE AND ALL OF THESE PEOPLE TRYING TO DEFEND THIS MAN KEEP TALKING ABOUT THIS ONE STATEMENT. THEY WON'T DEAL WITH THE THINGS I BROUGHT UP THAT HE DID, THINGS HE DID. HE SERVED ON THIS PANEL AND THERE WERE HIGH RECOMMENDATIONS HE HAD WRITTEN FOR THIS FEMALE TROOPER AS A SERGEANT. WHEN SHE CAME BEFORE HIS PANEL, HE DENIGRATED THE REPORTS THAT HE HAD WRITTEN FAVORING HER. THAT'S WHAT HE DID, THIS LIAR THAT SENATOR MURANTE IS TRYING TO SAY SUDDENLY TOLD THE TRUTH. DO YOU THINK A MAN IS GOING TO SEEK A POSITION AND COME TO MEMBERS OF THIS LEGISLATURE AND PUT HIS WORST FOOT FORWARD? NO, HE'S GOING TO LIE TO THEM, MISLEAD THEM. AND THEY SWALLOWED IT. HE HAS HAD A CHANCE TO WATCH SOME OF THE THINGS THAT GOES ON IN THIS LEGISLATURE AND ESPECIALLY THAT COMMITTEE. IT WAS SHOWN BY EVIDENCE THAT THIS FEMALE TROOPER, MS. SCHREIBER, RECEIVED HIGH JOB PERFORMANCE EVALUATIONS WHILE SHE SERVED AS A SERGEANT WHICH RICE SIGNED OFF ON. HOWEVER, DURING THE PROMOTIONAL PROCESS, RICE DENIGRATED THEIR VALUE. THAT'S NOT JUST A STATEMENT. THAT'S WHAT HE DID. RICE ALSO BROUGHT UP AN UNFOUNDED RUMOR ABOUT HER PERSONAL LIFE AND EXPRESSED CONCERNS ABOUT THE STYLE AND LENGTH OF HER HAIR, ACCORDING TO ONE OF THE OTHER PANELISTS. WHY DIDN'T SENATOR MURANTE TALK ABOUT THAT? WHY DIDN'T ANY OF THE COMMITTEE MEMBERS TALK ABOUT THAT? THEY SAID THE GOVERNOR KNEW THIS. SENATOR MURANTE KNEW IT. HE WON'T TALK ABOUT IT ON THIS FLOOR. HE KNOWS THEY BLUNDERED. THEY'RE DOING WHAT THE GOVERNOR WANTS TO PROTECT THE GOVERNOR AT THE RISK OF UNDERMINING THE MORAL AUTHORITY, AS I WAS SAYING ABOUT THE COURTS, OF THE STATE PATROL. PEOPLE KNOW WHAT WE'RE TALKING ABOUT. THEY KNOW WHAT THIS MAN HAS DONE. AND SENATOR MURANTE KNOWS ALSO, OR MAYBE HE DOESN'T. MAYBE HE DIDN'T HAVE ALL THE INFORMATION HE'S TALKING ABOUT. MAYBE REPORTERS GOT MORE INFORMATION THAN HE GOT, BUT AN UNFOUNDED RUMOR RICE BROUGHT UP ABOUT THIS WOMAN'S PERSONAL LIFE, AND THAT'S WHAT ONE OF THE PANELISTS SAID. AND IT WAS USED TO HURT HER CHANCES FOR PROMOTION. AND THERE WERE ACTUALLY FOUR TIMES WHEN SHE WAS PASSED OVER, NOT JUST TWO. SHE WAS PASSED OVER TWICE. ONE CASE, THE MAN HAD LESS EXPERIENCE. ANOTHER GUY RICE HAD SPENT A WHOLE DAY WITH BEFORE THE INTERVIEW, PREPPING HIM. SHE WAS PASSED OVER, SO SHE FILED A RETALIATION COMPLAINT WITH NEOC. SHE APPLIED FOR LIEUTENANT TWICE MORE AND WAS AGAIN PASSED OVER. SHE WENT TO COURT. THE JURORS LISTENED AND THEY SAID, YEAH, THE STATE PATROL IS WRONG. AND RICE WAS ON THAT PANEL. YOU DON'T HEAR SENATOR MURANTE TALKING ABOUT THE

Floor Debate
May 05, 2015

PANEL. YOU DON'T HEAR SENATOR GROENE TALKING ABOUT THE PANEL. THEY MAKE THESE STATEMENTS TO SMOOTH OVER AND MAKE ALL RIGHT WHAT THEY DID. MY GOOD FRIEND SENATOR BLOOMFIELD TALKS ONLY ABOUT A STATEMENT, BUT I'M GIVING YOU CONDUCT THAT HE ENGAGED IN AND NOT ONE OF THEM HAS TRIED TO SAY THAT WHAT RICE DID IN THOSE INSTANCES WAS RIGHT. THEY DON'T EVEN TOUCH IT BECAUSE THEY KNOW THESE THINGS CONDEMN HIM.

SENATOR WATERMEIER: ONE MINUTE, SENATOR. AND I APOLOGIZE--THIS IS YOUR THIRD TIME.

SENATOR CHAMBERS: ALL RIGHT. BUT IT IS...I DO HAVE A RIGHT TO SPEAK THIS TIME THOUGH?

SENATOR WATERMEIER: THIS IS YOUR THIRD TIME. YOU HAVE ONE MINUTE LEFT.

SENATOR CHAMBERS: OKAY, OKAY, BECAUSE IF I WAS OVER IT, I WOULD JUST STOP RIGHT NOW. BUT AT ANY RATE, THIS IS GOING TO FOLLOW THIS MAN IF YOU APPOINT HIM. HE WANTS TO KEEP A GUY WHO WAS FOUND TO HAVE COMMITTED EXCESSIVE FORCE AGAINST A PRISONER AND HAS HIM ON THE STATE PATROL. AND WHEN BAD THINGS HAPPEN, IT'S A REFLECTION OF THIS GUY THAT THE LEGISLATURE IS BEING ASKED TO APPROVE BECAUSE THE GOVERNOR APPOINTED HIM. AND MY UNDERSTANDING WAS THAT HE WAS RECOMMENDED BY SOMEBODY WHO GOES TO CHURCH WITH HIM AND THAT'S WHY THE GOVERNOR APPOINTED HIM. AND I WANT SOMEBODY TO STAND UP AND HERE AND TELL ME THAT THAT'S NOT TRUE. AND IF THAT'S THE ONLY VETTING THAT THE GOVERNOR DID, SOMETHING IS SERIOUSLY WRONG HERE. STAND UP, SENATOR MURANTE AND THE REST WHO ARE SUPPORTING, AND SHOW THAT THAT'S NOT TRUE. THANK YOU, MR. PRESIDENT.

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR BOLZ, SENATOR KOLOWSKI, SENATOR KEN HAAR, AND SENATOR MORFELD AND OTHERS. SENATOR BOLZ, YOU ARE RECOGNIZED.

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I'D LIKE TO YIELD MY TIME TO SENATOR BURKE HARR.

Floor Debate
May 05, 2015

SENATOR WATERMEIER: SENATOR BURKE HARR, 5:00.

SENATOR HARR: THANK YOU, SENATOR BOLZ. THANK YOU, MR. PRESIDENT. YOU KNOW, AND I'M NOT GOING TO SAY THIS JUST BECAUSE I DON'T WANT TO GET PULLED OVER ON MY WAY HOME, BUT I AM PROUD OF OUR STATE PATROL AND I THINK THEY DO, DO A VERY GOOD JOB--I'LL EVEN SAY A GREAT JOB. I HAVE FRIENDS WHO ARE STATE TROOPERS FROM...THAT I KNOW AND I'VE MET SOME DOWN HERE THAT I CONSIDER GREAT PEOPLE. SO I'M NOT DENIGRATING THE STATE PATROL. I AM PROUD OF OUR STATE PATROL AND IT IS FROM THAT PRIDE THAT I HAVE CONCERNS ABOUT MR. RICE. YOU KNOW, SENATOR GROENE SAID THERE'S BEEN NOTHING TO BESMIRCH THE STATE PATROL THAT HE KNOWS OF. WELL, WE HAVE THIS LAWSUIT WHERE THE STATE PATROL WAS FOUND TO HAVE BEEN DISCRIMINATING IN THEIR PROMOTION OF WOMEN. AND ON THAT PROMOTIONS BOARD WAS MR. RICE. AND THEN WE HAVE SOME TESTIMONY ABOUT HIS STATEMENTS. SENATOR MURANTE SAID HE UNDERSTANDS WHERE I COME FROM AND I APPRECIATE THAT. BUT WOULD THIS GUY LIE TO THE GOVERNOR? I HAVE NO IDEA WHAT THE CONVERSATION WAS BETWEEN THE GOVERNOR AND MR. RICE. I WAS NOT THERE SO I DON'T KNOW. I WOULD ASSUME THIS WAS BROUGHT UP, BUT I HAVE NO IDEA. SO I CAN'T SAY WHETHER HE LIED OR WHETHER HE DIDN'T LIE. I CAN'T SAY WHETHER IT WAS TALKED ABOUT. WE HAVE NO IDEA. ALL WE HAVE IS EVIDENCE, AND THAT'S WHAT WE HAVE TO BASE OUR DECISION ON, IS THE EVIDENCE WE HAVE AVAILABLE TO US TODAY. AND SENATOR MURANTE SAID, WELL, ALL THIS INFORMATION WAS AVAILABLE THAT I HAVE QUOTED AND I WILL CONTINUE TO QUOTE AT THE HEARING, AND THE ANSWER IS, HE IS CORRECT. BUT IT WASN'T BROUGHT BY THE GOVERNOR, WASN'T BROUGHT BY THE GOVERNOR'S OFFICE. IT WAS BROUGHT BY THE ATTORNEY WHO SUCCESSFULLY SUED THE STATE. THE COST IS \$244,000. SO I THINK WE HAVE TO BE VERY CAREFUL AND REALIZE THAT THIS IS COURT DOCUMENTATION. THESE ARE DEPOSITIONS. THESE ARE COURT TRANSCRIPTS. AND I'M GOING TO TALK...REMIND YOU WHAT...WHERE WE LEFT OFF, AND THIS IS THE DEPOSITION, A SWORN STATEMENT BY MR. RICE. AND HE WAS ASKED, DO YOU RECALL BEING TROOPER IN TROOP A IN THE OFFICE AND HAVING DISCUSSION WITH ANOTHER INVESTIGATOR, TALKING ABOUT THE OMAHA POLICE DEPARTMENT FEMALE OFFICERS, AND YOU MADE THE STATEMENT THAT FEMALES SHOULD NOT BE IN LAW ENFORCEMENT? NO, SIR, I DO NOT RECALL THAT, SAID MR. RICE. QUESTION: DO YOU DENY THAT YOU MADE SUCH STATEMENT? UNDER OATH, MR. RICE, THEN-CAPTAIN RICE, SAID, YES, I DENY THAT STATEMENT. OKAY? SO THEN WE GO TO THE TRIAL, AND I'M GOING TO READ YOU TRANSCRIPTS FROM THE TRIAL IN THE UNITED STATES DISTRICT COURT, FEDERAL...UNITED STATES DISTRICT COURT FOR THE DISTRICT

Floor Debate
May 05, 2015

OF NEBRASKA. THIS IS FEDERAL COURT AND THIS IS A PRETRIAL BEFORE THE HONORABLE LAURIE SMITH CAMP, WHO USED TO, AS YOU MAY RECALL, RUN THE CRIMINAL DIVISION OF AG'S OFFICE. AND THIS IS IN REGARDS TO EXAMINATION OF A THOMAS MEOLA WHO WAS A NEBRASKA STATE PATROL CRIMINAL INVESTIGATOR.

SENATOR WATERMEIER: ONE MINUTE.

SENATOR HARR: THANK YOU. AND AGAIN, I PROBABLY NEED MORE TIME. DO YOU KNOW LIEUTENANT RICE, OR, EXCUSE ME, CAPTAIN BRAD RICE? YES, I DO, SAID MEOLA. DO YOU RECALL A CONVERSATION APPROXIMATELY THE YEAR 2000? I RECALL...YES. CAN YOU GIVE THE CIRCUMSTANCES OF THAT CONVERSATION, WHERE IT WAS AND WHO ELSE WAS AROUND IN THE AREA? ANSWER: YES, I WAS DOING DOG TRAINING WITH TWO OTHER CANINE HANDLERS IN THE NEBRASKA STATE PATROL CANINE DIVISION, TROOPER ALAN EBERLE, E-B-E-R-L-E, AND TROOPER STEVE RASGORSHEK, R-A-S-G-O-R-S-H-E-K. THERE HAD BEEN SOME RECENT ANECDOTAL INFORMATION THAT HAD FILTERED DOWN TO US REGARDING AN INCIDENT INVOLVING A FEMALE OFFICER WITH THE OMAHA POLICE DEPARTMENT AND WE WERE HAVING A DISCUSSION IN THE FRONT OF THE TROOP A OFFICE REGARDING THE INCIDENTS. SO, REMEMBER, BEFORE THEY WERE TALKING ABOUT OPD. THIS IS STILL TALKING ABOUT OPD. WE HAVE A LINK. THIS IS THE SAME SET OF CIRCUMSTANCES. WHO WAS HAVING THIS CONVERSATION? PRIMARILY...

SENATOR WATERMEIER: TIME, SENATOR.

SENATOR HARR: THANK YOU.

SENATOR WATERMEIER: THANK YOU, SENATOR HARR AND SENATOR BOLZ. SENATOR KOLOWSKI, YOU ARE RECOGNIZED.

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. AND I'D LIKE TO YIELD MY TIME TO SENATOR HARR, AS WELL. THANK YOU.

SENATOR WATERMEIER: SENATOR HARR, 5:00.

SENATOR HARR: THANK YOU. WHO WAS HAVING THIS DISCUSSION? ANSWER: PRIMARILY, IT WAS MYSELF AND LIEUTENANT RICE. THERE WAS PEOPLE

Floor Debate
May 05, 2015

WANDERING BACK AND FORTH IN THE HALLWAY. TROOPER ALAN EBERLE HAD GONE SOMEWHERE ELSE, ALONG WITH TROOPER STEVE RASGORSHEK. AND HE IS ONE OF THOSE THAT I DO KNOW AND I KNOW HIS FAMILY WELL. THEY'RE A GREAT FAMILY. WOULD YOU RELATE THE CONVERSATION YOU HAD WITH LIEUTENANT RICE, ASKED THE ATTORNEY. THE RESPONSE FROM MEOLA: LIEUTENANT RICE MADE COMMENT THAT HE DIDN'T FEEL FEMALES SHOULD BE IN LAW ENFORCEMENT AND IN HIS WORDS, GENERALLY SPEAKING, WEREN'T MENTALLY DISCIPLINED OR PHYSICALLY UP TO THE TASK. AND DID YOU REPORT THIS TO YOUR COWORKER? WELL, I MEAN, I FIRST BROUGHT IT UP...NOW- LIEUTENANT KONFRST. SHE WAS WIDELY REGARDED AS AN OUTSTANDING TROOPER, WAS AND STILL IS. LIEUTENANT RICE MADE THE COMMENT THAT SHE'S THE EXCEPTION, THAT ANY FEMALE WHO WANTED TO BE IN THE PATROL HAD TO MEET THE SAME PHYSICAL STANDARDS AS MALES THAT'S...AS THE MALES THAT THEY WORK WITH. I THOUGHT THAT WAS JUST A LITTLE UNUSUAL. OKAY? SO HERE'S WHAT WE HAVE, FOLKS. YOU HAVE MR. RICE, LAW ENFORCEMENT, UNDER OATH, WHO UNDERSTANDS THE IMPORTANCE OF NOT LYING, OF TELLING THE TRUTH. THE BASIS OF OUR CRIMINAL CODE, OUR CRIMINAL COURTS, ARE THE TRUTHFULNESS OF THE PEOPLE WHO TESTIFY. AND YOU HAVE HIM SAYING, I DON'T RECALL THAT, I DON'T...NO, I NEVER SAID THAT. DO YOU DENY MAKING THAT STATEMENT? YES. YOU HAVE ANOTHER OFFICER WHO SAID HE MADE THOSE STATEMENTS. AND SO WHAT DO WE HAVE AT THE CONFIRMATION? WE HAVE HIS OWN WORDS: SO I WOULD NOT DISPUTE THAT TESTIMONY, BUT I WOULD SAY THAT IT WAS THE...THAT THE INTENT WAS MISUNDERSTOOD. WELL, I THINK I UNDERSTAND WHAT THE INTENT WAS. YOU HAVE TO...NOW I THINK, HAVING READ THIS TESTIMONY, IS YOU HAVE TO LIVE UP TO THIS CERTAIN LIEUTENANT KONFRST, K-O-N-F-R-S-T. BUT HE DENIES EVER MAKING THE STATEMENT. THEN HE SAYS, I DON'T. AND YOU KNOW, WE ALL SAY THINGS WE PROBABLY SHOULDN'T HAVE. AND ESPECIALLY, TESTIFYING IN THE LEGISLATURE, YOU CAN BE A LITTLE NERVOUS AND YOU MAY SAY THINGS THAT YOU DIDN'T REALLY WANT TO SAY OR DIDN'T MEAN. WELL, WHAT HAPPENS AFTERWARD? YOU HAVE THE SPOKESPERSON FOR THE NEBRASKA STATE PATROL, AND AGAIN, DEB...AND I DON'T HAVE IT RIGHT NOW, BUT SHE SAYS HE DOESN'T DISPUTE THE STATEMENT. HE DOESN'T DISPUTE IT. SO IT'S NOT AS THOUGH HE'S RETRACTING, SAYING, WELL I DIDN'T MEAN THAT, THAT WAS TAKEN OUT OF CONTEXT. FOLKS, LAW ENFORCEMENT, LYING, WE IMPEACHED A PRESIDENT FOR THIS. THE QUESTION IS, IS THIS THE KIND OF PERSON, AS SENATOR GROENE SAYS, THAT WE WANT TO LEAD A STATE PATROL THAT--AND THIS IS WHAT HE SAID--THAT WE CAN ALL BE PROUD OF, THAT WE ALL ARE PROUD OF? I MAKE STATEMENTS I REGRET ALL THE TIME, SOMETIMES

Floor Debate
May 05, 2015

INTENTIONALLY, TRYING TO GET A CHUCKLE--I PROBABLY SHOULDN'T--SOMETIMES IN ANGER, SOMETIMES IN FEAR. BUT I OWN UP TO THEM.

SENATOR WATERMEIER: ONE MINUTE.

SENATOR HARR: AND IT MAY BE A HALFHEARTED APOLOGY, BUT AT LEAST IT'S AN APOLOGY AND I OWN UP TO IT. I DON'T SAY ONE THING UNDER OATH AND THEN, WHEN A JURY FOUND AGAINST THAT, AWARDED \$244,000, LATER SAY, (GROANS)--GOOD LUCK TRANSCRIBING THAT--I REGRET THAT, I DON'T DISPUTE THAT, I DON'T DISPUTE THAT, NEVER, I REGRET IT, BUT I DON'T DISPUTE IT. HOW ABOUT, I REGRET IT. HOW ABOUT, I'M SORRY I SAID THAT, I'VE LEARNED A LOT SINCE 2000. SHOW ME THE GROWTH. SHOW ME HOW YOU'RE GOING TO CHANGE THE FUTURE AND MAKE IT BETTER. WHAT HAVE YOU LEARNED FROM THIS? ALL YOU GET IS, I DON'T DISPUTE I SAID IT EVEN THOUGH BEFORE I SAID I DIDN'T. IS THAT THE PERSON YOU WANT LEADING LAW ENFORCEMENT? IS THAT THE GROWTH YOU WANT? ARE WE GOING FORWARD OR ARE WE GOING BACKWARDS?

SENATOR WATERMEIER: TIME, SENATOR.

SENATOR HARR: THANK YOU.

SENATOR WATERMEIER: THANK YOU, SENATOR HARR AND SENATOR KOLOWSKI. SENATOR KEN HAAR, YOU ARE RECOGNIZED AND THIS IS YOUR THIRD TIME ON THE REPORT.

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I'D LIKE TO ASK SENATOR MURANTE A QUESTION IF I COULD.

SENATOR WATERMEIER: SENATOR MURANTE, WOULD YOU YIELD TO A QUESTION?

SENATOR MURANTE: YES.

SENATOR HAAR: AGAIN GOING BACK TO THE NET ARTICLE, DID HE ACTUALLY SAY HE DIDN'T PROSELYTIZE OR HE WAS...DID HE SAY THAT HE WASN'T CHARGED?

Floor Debate
May 05, 2015

SENATOR MURANTE: WELL, LET ME GET THAT. I ASKED HIM THAT EXACT QUESTION, SO LET'S SEE IF I CAN JUST QUOTE HIS RESPONSE VERBATIM, SINCE WE SEEM TO HAVE A CONTEXT CHALLENGE RIGHT NOW.

SENATOR HAAR: RIGHT, I APPRECIATE IT. THANK YOU.

SENATOR MURANTE: SO THE CONTEXT WAS I ASKED THE QUESTION IN THE PUBLIC HEARING, YOU HAVE BEEN ACCUSED IN DIFFERENT NEWSPAPER ARTICLES OF PROSELYTIZING, I BELIEVE IN NORFOLK, AND I'D LIKE YOU TO ADDRESS THAT CONCERN. HE RESPONDS: WELL, SENATOR, I AM A MAN OF FAITH. FAITH PLAYS AN IMPORTANT ROLE IN MY LIFE AND I DO ATTEND CHURCH REGULARLY. I WOULD SAY THAT I HAVE NOT PROSELYTIZED ON THE JOB AND THAT WHAT I WOULD REQUIRE OF MY EMPLOYEES AND REQUIRE OF MYSELF IS THAT WE SIMPLY FOLLOW THE CONSTITUTION OF THE STATE OF NEBRASKA.

SENATOR HAAR: OKAY, SO HE DID SAY NO AND HE WASN'T JUST DUCKING THE QUESTION. I APPRECIATE THAT. THANK YOU VERY MUCH. AND I'LL GIVE THE REST OF MY TIME THEN TO SENATOR CHAMBERS. THANK YOU VERY MUCH.

SENATOR WATERMEIER: SENATOR CHAMBERS, 3:30.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HAAR. I'M GOING TO READ SOME MORE WHICH THOSE DEFENDERS CONVENIENTLY IGNORE. THIS WAS ESTABLISHED IN COURT, AND YOU TELL ME THIS IS NOT GENDER BASED. ONE OF THE PANELISTS SAID RICE BROUGHT UP AN UNFOUNDED RUMOR ABOUT HER PERSONAL LIFE AND EXPRESSED CONCERNS ABOUT THE STYLE AND LENGTH OF HER HAIR. THAT'S WHAT ONE OF THE PANELISTS SAID. WHY DON'T THE DEFENDERS DEAL WITH THAT? AND THAT'S NOT GENDER BASED? WHAT'S HE GOING TO SAY ABOUT HER HAIR AND AN UNFOUNDED RUMOR ABOUT HER PERSONAL LIFE? AND THIS IS THE HEAD OF THE STATE PATROL AND YOU ALL ARE PRAISING HIM, TALKING ABOUT HE'S THE ONE TO RELY ON. THESE ARE THE THINGS THAT HE DID. HE SAT ON THE PANELS THAT PASSED OVER THIS WOMAN. YOU WON'T TALK ABOUT THAT. HERE'S SOMETHING ELSE: THE HIGH JOB PERFORMANCE EVALUATIONS THAT HE WROTE FOR HER AS A SERGEANT. SHE WAS A SERGEANT. HOWEVER, DURING THE PROMOTIONAL PROCESS, RICE DENIGRATED THEIR VALUE. HE SAID, YEAH, I WROTE IT, BUT IT DOESN'T MEAN ANYTHING. WHERE ARE THE DEFENDERS OF THAT STATEMENT? THAT CAME OUT IN COURT. WHERE ARE THE DEFENDERS OF THAT STATEMENT? THERE ARE NO TWO WAYS TO GO ABOUT IT BUT THEY HIDE

Floor Debate
May 05, 2015

FROM IT. THEY ARE AS SLIPPERY AS THIS MAN, RICE. I WANT ALL THIS IN THE RECORD SO PEOPLE WILL KNOW WHAT WAS BEFORE THESE LEGISLATORS IF THEY VOTE FOR THIS MAN AND WHY THEY DID NOT ADDRESS DIRECTLY THE THINGS I'M CITING THAT WERE ESTABLISHED IN COURT, NOT THAT ONE STATEMENT. THERE WAS A DEPOSITION THAT HE WROTE AND RICE ADMITTED THAT, EVEN IF YOU ARE A GREAT EMPLOYEE, DECISIVE, GREAT DECISION MAKER, LEADER, AND PROBLEM SOLVER, IF YOU HAVE A BAD INTERVIEW, YOU MAY NOT GET PROMOTED. THERE ARE PEOPLE WHO COME BEFORE LEGISLATIVE COMMITTEES AND MENTION THAT THEY'RE NERVOUS.

SENATOR WATERMEIER: ONE MINUTE.

SENATOR CHAMBERS: SO YOU'RE AT THIS INTERVIEW AND, IF YOU DON'T GIVE A GOOD INTERVIEW, YOU CAN FAIL TO BE PROMOTED DESPITE THE FACT THAT ONE OF THOSE JUDGING YOU HAS GIVEN YOU HIGH EVALUATIONS. HOW WOULD THOSE PEOPLE IN THE MILITARY FEEL IF IT WAS DONE LIKE THIS, OR ANYBODY DEALING WITH A JOB SITUATION? THIS MAN SHOULD NOT HAVE BEEN APPOINTED, BUT THE GOVERNOR CHOOSES WHOM HE WANTS TO. HE COULD APPOINT JACK THE RIPPER TO BE THE HEAD MEDICAL OFFICER. BUT YOU SAW WHAT HAPPENED ON THE LAST VOTE WHEN SOMEBODY NOT AS EGREGIOUS AS JACK THE RIPPER WAS INVOLVED. THIS IN A SENSE IS MORE SERIOUS BECAUSE THESE TROOPERS CAN TAKE THE LEAD FROM A MAN LIKE THIS. THEY CAN MAKE DEROGATORY STATEMENTS ABOUT THE LENGTH OF A WOMAN'S HAIR. THEY CAN SPREAD RUMORS THAT ARE UNTRUE ABOUT WOMEN'S PERSONAL LIFE.

SENATOR WATERMEIER: TIME, SENATOR.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT.

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS, SENATOR MURANTE, AND SENATOR HAAR. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR MORFELD, SENATOR EBKE, SENATOR PANSING BROOKS, SENATOR SCHEER, AND SENATOR MURANTE. SENATOR MORFELD, YOU ARE RECOGNIZED.

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I YIELD MY TIME TO SENATOR CHAMBERS.

Floor Debate
May 05, 2015

SENATOR WATERMEIER: SENATOR CHAMBERS, 5:00.

SENATOR CHAMBERS: THANK YOU, SENATOR MORFELD. THANK YOU, MR. PRESIDENT. I WANT TO BELIEVE THAT THE STATE PATROL IS THE FLAGSHIP OF LAW ENFORCEMENT. I HAVE SAID THAT REPEATEDLY AT COMMITTEE HEARINGS. I HAVE HELD THE STATE PATROL UP AS A STANDARD WHEN I'M POINTING OUT HOW FAR SHORT THE OMAHA POLICE DEPARTMENT FALLS TO LET THEM KNOW THAT THE MERE FACT THAT YOU WEAR THE UNIFORM CANNOT BE USED AS AN EXCUSE FOR THE MISCONDUCT OF OMAHA POLICE OFFICERS BECAUSE THE STATE PATROL DOESN'T TOLERATE THAT. SENATOR GROENE SAID MAYBE I KNOW ABOUT THINGS THAT STATE TROOPERS HAVE DONE THAT WERE NOT APPROPRIATE AND THAT'S TRUE. AND I DID FILE A COMPLAINT ABOUT ONE WHO WAS HELPING WITH SOME KIND OF STEPPED-UP LAW ENFORCEMENT IN MY COMMUNITY, SNATCHED A MAN OUT OF HIS CAR, PUT HIM OVER THE HOOD, TREATED HIM LIKE A CRIMINAL, THEN, OOPS, I MADE A MISTAKE, I APPLIED THE WRONG INFORMATION I GOT TO YOU, THE JOKE'S ON ME. AND HERE IS MAN WHO HAD BEEN HUMILIATED. I FORGET WHO THE SUPERINTENDENT WAS THEN, BUT IT WAS DURING THE TIME THAT I WAS TERM LIMITED OUT OF HERE. AND HE WROTE ME BACK AND SAID THAT WHAT THIS TROOPER DID WAS INAPPROPRIATE, THAT HE HAD BEEN DISCIPLINED, BUT HE COULDN'T TELL ME EXACTLY WHAT HAPPENED BECAUSE IT WAS A PERSONNEL MATTER. BUT HAD I NOT FILED A COMPLAINT...AND THERE WAS A LOT OF OUTRAGE IN THE COMMUNITY. BUT IT DOESN'T MEAN ANYTHING TO THESE PEOPLE WHERE WE'RE CONCERNED. SO SOMEBODY HAS GOT TO BE WILLING TO MAKE THE COMPLAINTS. WHEN THE WHITE FARMER WAS KILLED IN CAIRO, NEBRASKA, THAT'S THE WAY THEY PRONOUNCE IT HERE, ARTHUR KIRK WAS HIS NAME. I'M GOING TO GO THROUGH MY FILES--I HAVE SO MANY--AND TRY TO FIND SOME OF THAT MATERIAL AND SHOW YOU ALL WHAT HAPPENED AND THE ROLE THAT I PLAYED AND THE GUILTY ROLE OF STATE PATROL. THESE PEOPLE DO NOT WALK ON WATER. NOT ALL OF THEM DO AS THEY SHOULD. THAT IS WHERE OVERSEERSHIP COMES INTO PLAY. THAT'S WHERE CALLING TO ACCOUNT COMES INTO PLAY. A LAW ENFORCEMENT AGENCY IS A PARAMILITARY ORGANIZATION. THEY HAVE A HIERARCHICAL STRUCTURE OF REGULATION AND SUPERVISION. THEY HAVE RANKINGS THAT PARALLEL MILITARY RANKINGS. EVERYBODY IS SUBJECT TO THE ONE ABOVE AND ABOVE AND ABOVE, AND EVERYBODY BELOW, BELOW, BELOW HAS TO CARRY OUT THOSE DIRECTIVES. AND WHEN THOSE WHO ARE TO CALL PEOPLE TO ACCOUNT WHEN THEY'VE DONE WRONG WILL NOT DO THEIR JOB, THAT UNDERMINES THE INTEGRITY OF THE OPERATION AND IT TAKES AWAY FROM THE INDIVIDUALS THE CONVICTION THAT THEY MUST OBEY THE RULES. THEY'RE GOING TO BE PROTECTED; THE LEADERSHIP IS GOING TO LOOK

Floor Debate
May 05, 2015

THE OTHER WAY. I THINK IT IS INEXCUSABLE FOR A MAN TO RETAIN AS A STATE TROOPER AN INDIVIDUAL FOUND BY A POLICE AGENCY IN AN INTERNAL INVESTIGATION TO HAVE COMMITTED EXCESSIVE FORCE, BUT HE'S GOOD ENOUGH FOR THE STATE PATROL. SO WHAT IS THE NEBRASKA WAY? WELL, YOU'RE OKAY, YOU'RE JUST GOOD ENOUGH, YOU LIED WHEN YOU WERE IN COURT, YOU MADE DISPARAGING COMMENTS ABOUT THE LENGTH OF THIS WOMAN'S HAIR AND THE STYLE SHE WORE IT, YOU SPREAD AN UNFOUNDED RUMOR ABOUT HER PERSONAL LIFE, BUT THAT...BUT YOU'RE OKAY BECAUSE YOU'RE A WHITE MAN AND YOU WERE JUST DEALING WITH A WOMAN. YOU ALL KNOW WHAT THE ATTITUDE IS AND THESE WOMEN AROUND HERE KNOW WHAT THE ATTITUDE IS BECAUSE THEY ENCOUNTER THINGS IN THIS BUILDING.

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: THERE ARE EMPLOYEES WHO HAVE ENCOUNTERED PROBLEMS IN THIS BUILDING, SOMETIMES FROM SENATORS. YOU ALL KNOW THAT THAT'S TRUE. NOBODY CAN PRETEND TO BE SHOCKED. THEN WE'RE COMING TO THE HIGHEST POSITION OF A SWORN OFFICER IN UNIFORM AND WE SAY, WELL, HE'S OKAY. WE FORGET AND OVERLOOK ALL OF THE THINGS HE DID THAT WERE ESTABLISHED BY EVIDENCE TO HAVE BEEN INAPPROPRIATE. BUT THE GOVERNOR SAID THIS IS THE GUY, SO YOU GIVE THE GOVERNOR WHAT HE WANTS. THIS MAN IS NOT A PERSONAL EMPLOYEE OF THE GOVERNOR. HE IS AN EMPLOYEE WHO REPRESENTS LAW ENFORCEMENT THROUGHOUT THIS STATE AND EVERYBODY HAS A STAKE IN THE KIND OF PERSON THAT YOU'RE PUTTING HERE. WOULD RICKETTS HIRE SOMEBODY LIKE THIS TO WORK FOR HIM, PEOPLE WHO HAVE SHOWN SEXISM, DISREGARD FOR WOMEN?

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: MR. CLERK.

CLERK: MR. PRESIDENT, A PRIORITY MOTION. SENATOR BURKE HARR WOULD MOVE TO RECOMMIT THE CONFIRMATION REPORT TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE.

Floor Debate
May 05, 2015

SPEAKER HADLEY: SENATOR HARR, YOU ARE RECOGNIZED TO OPEN ON YOUR RECOMMIT MOTION.

SENATOR HARR: THANK YOU, MR. SPEAKER. YOU KNOW, THIS...WHAT I'VE HAD TO DO THIS MORNING I DO WITH A HEAVY HEART. I ABSOLUTELY HATE IT. I HATE IT. YOU KNOW, WE...IT'S NO FUN TO ATTACK SOMEBODY, ESPECIALLY SOMEONE YOU'VE NEVER MET. I HAVE NO WAY OF KNOWING WHAT'S IN HIS HEART. I DON'T. ALL I CAN GO OFF OF IS THE TESTIMONY GIVEN BY HIMSELF AND OTHERS UNDER OATH AND HIS STATEMENT THAT HE MADE TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS, BUT NOT UNDER OATH. AND I HAVE HEARTBURN AT BEST, AT WORST, ABOUT THIS, PROBABLY AT BEST. IT WORRIES ME. THIS IS LAW ENFORCEMENT. THIS IS THE TOP KAHUNA OF THE STATE THAT HAS...IT'S THE ONLY LAW ENFORCEMENT THAT HAS JURISDICTION OVER THE ENTIRE STATE. HE PLAYS A VERY, VERY IMPORTANT ROLE. THAT'S WHY HE'S GIVEN THE TITLE "COLONEL." AND I DO NOT LIKE TO ATTACK PEOPLE. I WANT TO ENCOURAGE PUBLIC SERVICE AND THIS, THIS DOES NOT ENCOURAGE PUBLIC SERVICE, LET'S BE HONEST. LAW ENFORCEMENT IS DIFFICULT AND THESE INDIVIDUALS ARE OFTEN FORCED TO MAKE SPLIT-SECOND DECISIONS, SOMETIMES ON CAMERA, SOMETIMES OFF CAMERA. AND IT'S REPLAYED OVER AND OVER AND OVER AGAIN IF IT IS ON CAMERA AND IT IS DIFFICULT. AND GOD BLESS THE PEOPLE WHO CHOOSE TO BE OF PUBLIC SERVICE AND TO MAKE THESE...AND TO BE IN LAW ENFORCEMENT. BUT THIS WAS NOT A SPLIT-SECOND DECISION. THIS WAS AN INDIVIDUAL...WAS NOT SAID ON CAMERA EITHER. THE SITUATION WAS NOT SAID ON CAMERA. BUT A JURY HAD A CHANCE TO LOOK IT OVER AND FOUND MEOLA TO BE MORE TRUTHFUL, MAKE THE ARGUMENT THAT POSSIBLY RICE FOUND MEOLA TO BE MORE RELIABLE, SINCE HE NOW SAYS HE DOESN'T DISPUTE THOSE COMMENTS, EVEN THOUGH BEFORE WHEN ASKED IF HE DISPUTED THEM HE SAID, YEAH. WHEN ASKED IF YOU DENY THAT YOU MADE THE STATEMENT, HE SAID YES. BUT WE HAVE A SITUATION--AGAIN, I'VE SAID IT OVER AND OVER AGAIN--WHERE YOU HAVE SOMEONE WHO LIES AND IT'S ON THE RECORD. HOW DO YOU ASK THAT PERSON TO LEAD? HOW DO YOU ASK THEM TO LEAD WHERE YOUR WORD IS YOUR HONOR, YOUR BADGE, AND IT'S IN FRONT OF A JURY? AND PEOPLE ARE CONVICTED AND SENT AWAY FOR LONG PERIODS OF TIME BASED ON SWORN STATEMENTS MADE BY LAW ENFORCEMENT. AND NOW YOU HAVE THE HEAD OF THAT LAW ENFORCEMENT AGENCY WHO FOR ALL INTENTS AND PURPOSES APPEARS TO HAVE LIED UNDER OATH, DOESN'T DISPUTE IT BUT DOESN'T OWN UP TO IT EITHER, AND SAY, WHAT I DID WAS WRONG. HE JUST DOESN'T DISPUTE IT. WHAT DOES THAT SAY FOR OUR LAW ENFORCEMENT? WHAT DOES THAT SAY FOR US? YOU KNOW, IF I'D SEEN SOME REMORSE...HE'S A RELIGIOUS MAN. HE KNOWS HE DID WRONG. AND IF HE

Floor Debate
May 05, 2015

IS AS RELIGIOUS AS HE SAYS HE IS, HE SHOULD OWN UP TO HIS MISTAKES. MAYBE THIS IS A SEXIST TERM, BUT I'LL SAY IT ANYWAY: HE SHOULD MAN UP AND TAKE RESPONSIBILITY. BUT HE HASN'T. HE EVADES IT. YOU KNOW, WHEN I STARTED THIS TODAY, I ASKED SENATOR MURANTE IF HE DENIED THE STATEMENTS. HE SAID, NO, WELL, HMM, KIND OF WISH-WASHED AROUND IT BECAUSE WE KNEW WHAT THE TESTIMONY WAS, WE KNEW WHAT THE STATEMENTS WERE. AS THIS HAS GONE ALONG, IT'S BECOME VERY CLEAR, VERY EVIDENT THAT EVIDENCE WAS PRESENTED TO THE MEMBERS OF THE GOVERNMENT THE DAY OF. I DON'T KNOW IF THIS EVIDENCE WAS EVER GIVEN TO GOVERNOR RICKETTS. I DON'T KNOW IF MR. RICE HAS EVER BEEN ASKED ABOUT THESE STATEMENTS. I KNOW HE HASN'T BY ME. I KNOW THE STATEMENTS ARE; HE HASN'T MADE HIMSELF AVAILABLE. MAYBE WE NEED TO RECOMMIT THIS TO COMMITTEE, GIVE OURSELVES A LITTLE TIME TO DIGEST THE INFORMATION WE HAVE TODAY, AND HAVE A CHANCE TO TALK TO MR. RICE BEFORE WE PUT HIM IN CHARGE OF THE MOST IMPORTANT LAW ENFORCEMENT AGENCY IN THE STATE. I'M NOT ASKING TO KILL IT, JUST ASKING IT TO GO BACK TO COMMITTEE SO THAT WE CAN HAVE SOME OF THESE QUESTIONS ANSWERED. YOU KNOW, WE HAVE THREE ISSUES HERE. I THINK THE MOST IMPORTANT ONE IS HIS TRUTHFULNESS AND HIS HONOR AND INTEGRITY. AND I WANT TO SEE IF HE WILL OWN UP TO MAKING THAT STATEMENT AND TO FIND OUT, IF HE DID MAKE THAT STATEMENT, WHICH, AGAIN, HE DOES NOT DISPUTE, HIS WORDS NOT MINE, WHAT HAS HE LEARNED FROM THAT? HOW HAS HE GROWN AS AN INDIVIDUAL? AND WHAT ACTIONS WILL HE TAKE AS THE HEAD OF THE NEBRASKA STATE PATROL TO MAKE SURE THAT THEY GET THE TRAINING SO THEY ARE MENTALLY READY SO THEY DON'T MAKE THAT KIND OF COMMENT AGAIN? AND THAT COMMENT WASN'T MADE IN THE HEAT OF BATTLE. IT WASN'T MADE IN ANGER. IT WAS MADE IN FRONT OF TWO OR THREE OTHER INDIVIDUALS, POSSIBLY, DEFINITELY ONE: MEOLA. THAT'S ALL I WANT TO KNOW. IT'S NOT A DIFFICULT REQUEST. AND, YOU KNOW, I HAVE HEARD GOOD THINGS ABOUT HIM. THE WORK HE DID IN SARPY COUNTY I HEARD WAS PHENOMENAL. BUT I ALSO THINK HE NEEDS TO OWN UP TO HIS PRIOR STATEMENTS SO THAT WE CAN SEE WHAT REALLY HAPPENED. I THINK IT'S PRETTY APPARENT WHAT HAPPENED. THE QUESTION IS, WHAT HAS HE DONE SINCE THEN? AND SO I'D ASK THAT THIS BE RECOMMITTED. THANK YOU, MR. SPEAKER.

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU ARE RECOGNIZED.

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. FIRST OFF, I RISE WITH COMPLETE DISAPPOINTMENT ABOUT THE COMMENTS THAT SENATOR MURANTE MADE WHICH PLACE OUR GOVERNOR IN WHAT I VIEW AS A BAD

Floor Debate
May 05, 2015

LIGHT. AND I AM REFUSING TO BELIEVE THOSE COMMENTS UNTIL I HEAR IT FROM OUR GOVERNOR'S OWN MOUTH BECAUSE I DO NOT BELIEVE THAT OUR GOVERNOR WOULD STAND IN SUPPORT OF GENDER INEQUITY, OF GENDER DISCRIMINATION. I REFUSE TO BELIEVE THAT ABOUT HIM. AND I BELIEVE THAT IF HE WERE ASKED ABOUT THAT, HE WOULD SAY THAT HE DOES NOT SUPPORT THAT. WE HAVE A CASE HERE WHERE A MAN IS BEING ASKED TO LEAD OUR TOP POLICING FORCE. AND AS A LAWYER, WE ARE TO AVOID EVEN THE APPEARANCE OF IMPROPRIETY, AND I BELIEVE THAT HE IS HELD TO AT LEAST THAT STANDARD, AS WELL. I HAVE CONCERNS. SENATOR BLOOMFIELD TALKED ABOUT THE FACT THAT, IF HE HAD APOLOGIZED, THAT HE WOULD PROBABLY HAVE BEEN FORGIVEN BUT IT REALLY WOULDN'T HAVE MEANT ANYTHING. HE PROBABLY...HE COULD HAVE...OR THAT HE COULD STILL HAVE NOT MEANT IT WITHIN HIS OWN HEART. I BELIEVE THAT APOLOGIES DO PROVIDE A BENEFIT AND I AM IN FAVOR OF APOLOGIES. I BELIEVE THAT APOLOGIES EXPRESS UNDERSTANDING. THEY EXPRESS A KNOWLEDGE THAT WHAT YOU HAVE DONE WAS INCORRECT AND THAT YOU WOULD NOT DO IT AGAIN. THAT'S WHAT APOLOGIES MEAN. AND MAYBE IT WOULDN'T CHANGE HIS HEART OR HIS ACTIONS IN THE FUTURE. MAYBE HE WOULD JUST SAY IT TO SAY IT. BUT IT'S LIKE THE LAWS. I BELIEVE THAT THE LAWS MAY NOT CHANGE PEOPLE'S HEARTS BUT THEY CAN DEFINITELY SHUT MOUTHS. AND I BELIEVE THAT'S WHAT'S NECESSARY IN THIS CASE. MURANTE ASKED SPECIFICALLY ABOUT TESTIMONY UNDER OATH THAT WOMEN WERE NOT QUALIFIED. HIS RESPONSE, AND I QUOTE, WAS, I WOULD NOT DISPUTE THAT TESTIMONY BUT I WOULD SAY THAT I THINK THE INTENT WAS MISUNDERSTOOD. WHAT PART OF THAT IS CONFUSING? WE REPRESENT ALL THE PEOPLE. I HAVE TALKED TO SO MANY OF YOU AND YOU BELIEVE IN EQUITY FOR ALL. I KNOW THAT YOU ALL DO. BUT IN THE FACE OF DISCRIMINATION, IT IS EQUITY FOR SOME. WE HAVE AN ACTUAL CASE WITH ACTUAL COSTS TO OUR STATE AND YET WE HAVE ACTUAL SUPPORT OF DISCRIMINATORY ACTIONS. TO ME, THAT'S VERY DISAPPOINTING. I DON'T GET IT. I DON'T UNDERSTAND IT. AND I STAND IN OPPOSITION TO MY FRIEND SENATOR HARR'S AMENDMENT TO RECOMMIT TO COMMITTEE. SENATOR HARR SAID TO GIVE HIM A CHANCE TO RESPOND. I WOULD SAY THAT HE DID RESPOND. HE HAD A CHANCE TO RESPOND. HE DIDN'T DO IT WELL. NOW PEOPLE CAN PREP HIM AND GET HIM READY. HE SHOULD HAVE BEEN PREPPED FOR THIS. SENATOR MURANTE ASKED, SO HOW WOULD YOU GO ABOUT MAKING THOSE HIRING DECISIONS, SPECIFICALLY, WITH RESPECT TO THE ROLE OF GENDER? WHAT...WHEN YOU HAVE A RECOMMENDATION ON YOUR DESK, WHAT ROLE, IF ANY, DOES GENDER PLAY IN YOUR MIND? THE SPECIFIC ISSUE OF GENDER, WHAT ROLE DOES IT PLAY IN YOUR MIND IN HOW YOU'RE MAKING THAT DECISION?

Floor Debate
May 05, 2015

MR. RICE'S ANSWER? SENATOR, I THINK YOU'RE TALKING ABOUT TWO THINGS. ARE WE TALKING ABOUT HIRING AND PROMOTING...

SPEAKER HADLEY: ONE MINUTE.

SENATOR PANSING BROOKS: ...OR HIRING? OKAY, LET'S ALL THINK. IF YOU'RE ASKED, WHAT ROLE DOES GENDER PLAY IN YOUR MIND WHEN YOU'RE MAKING A DECISION, YOUR RESPONSE RIGHT NOW IS, IT PLAYS NO RESPONSE (SIC), WE LOOK FOR THE MOST QUALIFIED PERSON. HE WANTED TO DETERMINE WHETHER OR NOT SENATOR MURANTE WAS TALKING ABOUT HIRING OR PROMOTING OR FIRING. OH, OKAY, SO THERE IS A DIFFERENCE THERE. HE DIDN'T EVEN GET IT. WHERE WAS THE ANSWER, I BELIEVE IN EQUITY FOR ALL PEOPLE, WE LOOK AT THEIR QUALIFICATIONS, WE LOOK AT WHAT THEY CAN DO TO ENHANCE SAFETY IN OUR STATE, IN OUR COMMUNITIES? WHERE WAS THAT ANSWER? IT WAS NOWHERE IN THE TESTIMONY. I'VE READ THE TESTIMONY. SO AGAIN, I DON'T THINK HE NEEDS ANOTHER CHANCE. HE HAD A WONDERFUL CHANCE. SO IN DUE RESPECT, I ASK THAT WE VOTE AGAINST THE RECOMMIT AND MOVE FORWARD ON THE VOTE.

SPEAKER HADLEY: TIME, SENATOR.

SENATOR PANSING BROOKS: AND I HOPE THAT WE CAN ALL LOOK AT THE FEMALES IN OUR LIVES AND BE ABLE TO STAND UP TO THAT VOTE.

SPEAKER HADLEY: TIME, SENATOR.

SENATOR PANSING BROOKS: THANK YOU SO MUCH, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR MURANTE, YOU'RE RECOGNIZED.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. I RISE IN OPPOSITION TO THE RECOMMIT MOTION AND IN CONTINUED SUPPORT OF THE GOVERNMENT COMMITTEE'S CONFIRMATION REPORT. AND I'LL CONTINUE TO TRY TO ADDRESS A FEW THINGS THAT HAVE BEEN SAID ON THE MICROPHONE. FIRST, THE QUESTION WAS ASKED, WHY WON'T HE JUST OWN IT, WHY WON'T HE JUST APOLOGIZE? BECAUSE HE SAID FOR OVER A DECADE HE NEVER SAID IT. IF HE APOLOGIZED, THAT WOULD BE INCONSISTENT WITH HIS DECADE-PLUS TESTIMONY AND STATEMENTS. AND I FIND IT WHOLLY

Floor Debate
May 05, 2015

INCONSISTENT THAT HE WOULD COME TO THE GOVERNMENT COMMITTEE AND CHANGE HIS STORY THAT HE'S BEEN SAYING CONSISTENTLY FOR OVER A DECADE. THAT DOESN'T MAKE ANY SENSE TO ME. AND I SEE WHERE THEY'RE COMING FROM. BUT AT THE END OF THE DAY YOU HAVE WHERE HE STARTED BY SAYING THAT THE CONTEXT OF THAT CONVERSATION WAS ONE OF TRAINING AND QUALIFICATIONS, WHICH IS EXACTLY WHAT HE SAID UNDER OATH AND I BELIEVE IS CONSISTENT. SO I BELIEVE HE HAS CONSISTENTLY NOW SAID THAT HE NEVER STATED THAT WOMEN SHOULD NOT BE IN LAW ENFORCEMENT AND HIS TESTIMONY TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE IS CONSISTENT WITH THAT. FURTHERMORE, I ASKED HIM THE SPECIFIC QUESTION, IF A RECOMMENDATION ON A PROMOTION WERE SENT TO YOUR DESK AND THERE WERE TWO EQUALLY QUALIFIED CANDIDATES TO RECEIVE THAT PROMOTION, ONE WAS A MALE AND ONE WAS A FEMALE, DOES GENDER PLAY ANY ROLE IN YOUR DECISION? ANSWER: NO. NO EQUIVOCATION, NO HESITATION, THE ANSWER WAS NO. LET'S TALK A LITTLE BIT ABOUT HIS ROLE ON A BOARD, WHICH IS ONE OF INTERVIEWS AND SCORING, BECAUSE IT'S BEEN STATED THAT THERE WAS A LAWSUIT AGAINST BRAD RICE AND THAT'S NOT ENTIRELY ACCURATE. BRAD RICE HAS NEVER BEEN SUED. HE HAS, HOWEVER, ON TWO SEPARATE OCCASIONS, SERVED ON AN INTERVIEW BOARD WHOSE SOLE RESPONSIBILITY IS TO SCORE THE INTERVIEW AND TO SEND A REPORT TO THE COLONEL OF THE STATE PATROL. IT IS THE COLONEL'S RESPONSIBILITY FOR DOING THE HIRING. SO YOU'LL NOTICE THAT THE PERSON WHO IS ULTIMATELY RESPONSIBLE FOR HIRING AND PROMOTIONS IS NOT THE PERSON BEFORE US TODAY BECAUSE BRAD RICE WAS NOT THE COLONEL AT THE TIME. SO TO THE EXTENT THAT THERE IS PUNISHMENT THAT NEEDS TO BE OFFERED, I WOULD SUBMIT TO YOU THAT BRAD RICE IS NOT THE RIGHT PERSON. SO I'LL CONTINUE TO LISTEN TO THE TESTIMONY THAT COMES OUT TODAY. BUT I'D ALSO ENCOURAGE YOU TO TAKE A LOOK AT THE REST OF THE TESTIMONY, NOT JUST BRAD RICE'S, BUT LOOK AT THE REST OF THE PUBLIC HEARING WHERE WE HAD MULTIPLE TESTIFIERS COME UP AND TESTIFY TO BRAD RICE'S INTEGRITY, NUMEROUS WOMEN WHO HAD WORKED WITH HIM WHO HAS NEVER EXPERIENCED ANY KIND OF GENDER DISCRIMINATION BY BRAD RICE. AND I WILL SAY, IN PRIVATE CONVERSATIONS I HAVE RECEIVED SEVERAL PHONE CALLS FROM COLLEAGUES OF HIS WHO HAVE MAINTAINED THE POSITION THAT BRAD RICE IS A PERSON OF UPSTANDING CHARACTER WHO DOES NOT BELIEVE THAT GENDER OUGHT TO PLAY A ROLE IN THE HIRING AND PROMOTION OF STATE TROOPERS. AND EVEN THE OPPONENT WHO CAME BEFORE THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, EVEN THE ONE PERSON WHO CAME TO TESTIFY AGAINST HIM ACKNOWLEDGED THAT BRAD RICE WAS A SUPERLATIVE TROOPER...

Floor Debate
May 05, 2015

SPEAKER HADLEY: ONE MINUTE.

SENATOR MURANTE: ...AND THAT ALTHOUGH THERE ARE INSTITUTIONAL PROBLEMS IN THE STATE PATROL, BRAD RICE OVER THE COURSE OF HIS CAREER HAS DONE A GREAT JOB AS A TROOPER. EVEN THE OPPONENT SAID THAT. SO I WOULD ENCOURAGE YOU, COLLEAGUES, TO VOTE AGAINST THE RECOMMIT MOTION AND IN FAVOR OF THE GOVERNMENT COMMITTEE REPORT. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, MR. RICE SERVED ON A PANEL WHICH PASSED OVER THE FEMALE TROOPER TO RECOMMEND A MALE TROOPER WITH LESS EXPERIENCE. GENDER PLAYED A ROLE. THE COLONEL LOOKS AT PROMOTING ONLY THE ONE REFERRED BY THE PANEL. SENATOR MURANTE GIVES YOU THE IMPRESSION THAT EVERYBODY WHO IS INTERVIEWED BY THE PANEL WILL HAVE THEIR NAME SENT TO THE COLONEL AND THEN THE COLONEL MAKES A CHOICE. COLONEL NESBITT, WHO WAS THE COLONEL AT THAT TIME, SAID THAT, HAD THAT PANEL REFERRED HER, HE WOULD HAVE PROMOTED HER. SO YOU ARE MISTAKEN ON HOW THE PROCESS EVEN WORKS. BUT HERE'S WHAT I LOOK AT. LET'S SAY THAT MR. RICKETTS IS THE CHAIRMAN OF A BOARD AND HE'S LOOKING FOR SOMEBODY WHO IS TO BE MADE THE CEO OF A COMPANY. SO HE TALKS TO THIS PERSON AND HE SAYS, NOW, WHILE YOU WERE AT A MIDLEVEL POSITION, YOU WERE PUTTING RELIGIOUS LITERATURE IN THE MAILBOXES OF ALL THE EMPLOYEES, HAD THEY AGREED TO THAT? HE SAID NO. WELL, YOU HAD MANDATORY STAFF MEETINGS AND YOU OPENED THESE MANDATORY MEETINGS...FIRST OF ALL, WHAT DOES MANDATORY MEAN? WELL, SIR, THAT MEANS THEY HAVE TO BE THERE. AND YOU OPENED THESE MEETINGS THAT WERE MANDATORY WITH PRAYER MEETINGS, IS THAT TRUE? WELL, YES, THAT'S TRUE. NOW THERE WAS AN EMPLOYEE WHO COMPLAINED ABOUT NOT BEING TREATED FAIRLY BY YOU WHEN SHE WAS CONSIDERED FOR PROMOTION. YOU HAD WRITTEN HIGH PERFORMANCE, COMMENDATORY EVALUATIONS FOR HER; THEN, WHEN SHE CAME UP FOR PROMOTION AND YOU WERE ASKED, YOU SAID THAT THOSE RECOMMENDATIONS DIDN'T MEAN ANYTHING. IS THAT TRUE? WELL, YES, IT IS. WELL, LET'S MOVE TO THE NEXT THING. THERE WAS AN UNFOUNDED RUMOR ABOUT HER PERSONAL LIFE AND YOU BROUGHT THAT UP TO OTHER PEOPLE. IS THAT TRUE? WELL, YES, IT'S TRUE. NOW YOU SPENT A DAY BEFORE INTERVIEWS WERE GOING TO BE TAKEN OR GIVEN TO PEOPLE WHO ARE SEEKING A PROMOTION, THERE WAS THIS SAME WOMAN, AND YOU SPENT THE

Floor Debate
May 05, 2015

DAY BEFORE THE INTERVIEWS, THE FULL DAY, PREPPING THE MALE WHO WOUND UP GETTING THE RECOMMENDATION. IS THAT TRUE? WELL, YES, MR. RICKETTS, THAT'S TRUE. DID YOU EXPRESS CONCERN ABOUT THE STYLE AND THE LENGTH OF THIS WOMAN'S HAIR? WELL, YES, MR. RICKETS, I DID. AND YOU WANT TO BE CEO OF THIS COMPANY? WELL, (LAUGH) AMONG FELLOWS, MR. RICKETS, YOU UNDERSTAND HOW THAT...NO. YOU WANT TO BE CEO? WELL, YES, MR. RICKETTS. WELL, LET'S ASK ANOTHER THING. DID THE COMPANY...WAS THE COMPANY SUED BY THIS INDIVIDUAL? WELL, YES, MR. RICKETTS. WAS THE COMPANY SUED IN FEDERAL COURT? YES, MR. RICKETTS. DID THE COMPANY WIN OR LOSE? WELL, THE COMPANY LOST. AND YOU WANT TO BE CEO OF MY COMPANY, OF A COMPANY THAT MY DADDY SWEATED TO BRING INTO EXISTENCE? YOU WANT TO BE THE CEO? HE WOULD NOT PUT SOMEBODY LIKE THIS AS A CEO IN ONE OF HIS COMPANIES, BUT HE IS A POLITICIAN AND HE CARES NOTHING ABOUT THE STATE PATROL. HE DID NOT HAVE THIS MAN VETTED. AND I'M GOING TO SAY AGAIN WHAT WAS TOLD TO ME BY SOMEBODY WHO I BELIEVE WAS IN A POSITION TO KNOW THAT A CHURCH MEMBER OF MR...WHO WENT TO CHURCH WITH MR. "WELL, HE'S OKAY." WHAT'S HIS...WELL, ANYWAY, THE GUY...OH, MR. RICE, RECOMMENDED HIM TO THE GOVERNOR. BUT EVEN IF THAT IS NOT THE WAY HE WAS RECOMMENDED, LOOK AT THE THINGS THAT HE DID. AND SENATOR MURANTE ISN'T BEEN TALKING ABOUT THOSE THINGS, BUT THE NEXT TIME HE TALKS HE OUGHT TO ACKNOWLEDGE THAT THE ONLY ONE THAT THE...

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ...SUPERINTENDENT IS GOING TO GIVE CONSIDERATION TO IS ONE RECOMMENDED BY THIS PANEL AND THE PANEL KNEW IT. THAT'S WHY SUPERINTENDENT NESBITT SAID, HAD THE PANEL RECOMMENDED HER TO ME, I WOULD HAVE PROMOTED HER. AND THE EXCUSES THEY GAVE FOR NOT RECOMMENDING HER WERE LAME. WELL, IF YOU HAVE A PROCESS THAT IS TO BE USED AND THE PROCESS IS THWARTED, THEN YOU GET A BAD RESULT, AND THAT'S WHY WE'RE DOING ALL OF THIS TALKING. AT NO POINT DURING THE TIME I HAVE BEEN IN THE LEGISLATURE, FOUR DECADES, I CAN SAY MORE THAN FOUR DECADES, NEVER HAS THERE BEEN THIS MUCH DISCUSSION ABOUT ANY PROPOSED APPOINTEE. THE FACT THAT ALL OF THIS IS COMING OUT ON THE RECORD ABOUT THIS PERSON AND THE SO-CALLED PRAISE AND SUPPORT THAT IS GIVEN...

SPEAKER HADLEY: TIME, SENATOR.

Floor Debate
May 05, 2015

SENATOR CHAMBERS: YOU SAID TIME? TIME? THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. SENATOR.

SENATOR PANSING BROOKS: QUESTION.

SPEAKER HADLEY: DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: 25 AYES, 2 NAYS TO CEASE DEBATE.

SPEAKER HADLEY: DEBATE DOES CEASE. SENATOR HARR, YOU ARE RECOGNIZED TO CLOSE.

SENATOR HARR: THANK YOU, MR. SPEAKER. THAT WAS A SHORT DEBATE. AND I GET IT. WE'RE ON THE NOONHOUR AND WE HAVE OUR PRIORITIES. BUT THAT DOESN'T TAKE AWAY...AND WE'VE HAD A LOT OF DEBATE ON THIS. IT DOESN'T TAKE AWAY FROM THE UNDERLYING ISSUE AT HAND. WE HAVE AN INDIVIDUAL WHO ACCORDING TO SENATOR MURANTE HAS NEVER BEEN CROSS-EXAMINED HARDER THAN ANYONE ELSE IN HIS COMMITTEE AND THAT MAY BE TRUE. BUT I READ THE TRANSCRIPT AND, YOU KNOW, HIS STATEMENTS WERE ABOUT A HALF HOUR AND THEY DIDN'T REALLY GET AT THE CRUX OF THE ISSUE, WHICH IS, HOW ARE YOU GOING TO CHANGE THINGS IF THERE IS A PROBLEM WITHIN THE SYSTEM? WHAT ARE YOU GOING TO DO TO MAKE THINGS BETTER? HOW IS TOMORROW GOING TO BE BETTER THAN TODAY? WHAT ARE YOU DOING IF WE ONLY HAVE 4 WOMEN OUT OF 385 TROOPERS IN LEADERSHIP? IF I WERE BEING ASKED ABOUT SEXISM, I'D SURE AS HECK WANT TO TALK ABOUT WHAT I AM GOING TO DO, WHAT MY TRUE BELIEFS ARE. YOU KNOW, YOU READ THE REPORT THAT SAYS, IF YOU HAVE TWO APPLICANTS WHO ARE EQUAL, PHYSICALLY AND MENTALLY, HOW DO YOU DETERMINE? HE SAYS SEX WOULDN'T PLAY AN ISSUE. WELL, I MAY BE A TEN-POUND WEAKLING AND MY WIFE MAY BE ABLE TO BENCH MORE THAN I AM, THAN I CAN, BUT THAT'S THE QUESTION, IS, WHAT DOES EQUAL PHYSICALLY MEAN? WHAT DOES EQUAL MENTALLY MEAN? I DON'T KNOW. THAT WAS NEVER REALLY DISCUSSED IN THE CROSS-EXAMINATION OF MR. RICE OR EVEN EXAMINATION OF MR. RICE. I DON'T KNOW WHAT IT MEANS TO BE EQUAL. ARE THERE A DIFFERENT NUMBER OF PULL-UPS AND PUSH-UPS YOU HAVE TO DO FOR A MALE VERSUS A FEMALE? DOES HE THINK THEY NEED

Floor Debate
May 05, 2015

TO BE THE SAME? I DON'T KNOW. WHAT I DO KNOW IS HE MADE SOME STATEMENTS. AND WHEN ASKED ABOUT THOSE STATEMENTS IN A DEPOSITION, HE SAID, I DIDN'T SAY THAT. WELL, THE OTHER PERSON WHO WAS THERE SAID, YES, YES, HE DID SAY THEM. AND LATER HE SAYS, WELL, I DON'T DISPUTE THEM. WHAT DOES THAT MEAN? WHAT IS HE CHANGING? WHAT HAS HE LEARNED? WHY WON'T HE TELL US? WHY IS THE GOVERNOR NOT MAKING HIM AVAILABLE? THAT HAS ALL THE SENSE/SMELL OF A COVER-UP OF SOMEONE YOU MAY NOT HAVE FULLY VETTED. I DON'T KNOW. BUT WHY AREN'T WE ALLOWED TO FULLY VET THIS PERSON? AND THEN WE'RE SUPPOSED TO JUST COME UP HERE...AND I DO GIVE THE GOVERNOR DEFERENCE. I DIDN'T VOTE AGAINST HIS LAST PERSON. I GAVE HIM DEFERENCE TO PICK HIS OWN COMMITTEE. BUT WHEN IT COMES TO THE LARGEST...WELL, THE LAW ENFORCEMENT AGENCY HAS THE LARGEST AREA IN THE STATE THAT IN MANY TOWNS IS THE ONLY LAW ENFORCEMENT AGENCY, WE BETTER BE CAREFUL. WE BETTER MAKE SURE THAT THIS PERSON IS THE RIGHT PERSON. AND ALL I CAN TELL YOU IS WRITTEN STATEMENTS SAY ONE THING, THAT HE WAS LESS THAN TRUTHFUL. HE MAY BE A GREAT GUY. HE'S DONE GREAT WORK IN SARPY COUNTY. BUT WE CAN'T DENY THAT WE DON'T KNOW EVERYTHING WE COULD OR SHOULD KNOW. I'D LIKE TO RECOMMIT IT TO COMMITTEE. I'D LIKE TO HAVE A CHANCE TO SPEAK WITH HIM FIRSTHAND, HOPEFULLY NOT ON THE SIDE OF A ROAD, BUT, NEVERTHELESS, HAVE A CHANCE TO SPEAK WITH HIM ABOUT WHAT HIS TRUE BELIEFS ARE AND FOR HIM TO TELL ME WHAT IS HE GOING TO DO TO MAKE THIS ORGANIZATION BETTER, TO MAKE IT, AS SENATOR GROENE SAID,...

SPEAKER HADLEY: ONE MINUTE.

SENATOR HARR: ...THE PRIDE OF ALL NEBRASKA. YOU KNOW, I KEEP HEARING HE'S JUST GOOD ENOUGH, HE'S A GOOD GUY. WELL, YOU KNOW WHAT, SO WAS BO PELINI, SO WAS CALLAHAN, SO WAS SOLICH. DIDN'T MEAN WE KEPT THEM AROUND, DIDN'T MEAN WE WANTED THEM TO RUN, WHAT WE CONSIDERED THE PRIDE OF ALL NEBRASKA. SO IF THIS TRULY IS THE PRIDE OF ALL NEBRASKA, THE HEAD OF OUR LAW ENFORCEMENT AGENCY, LET'S MAKE SURE HE'S THE BEST. LET'S MAKE SURE THAT IT'S SOMEONE WE CAN BE PROUD OF, SOMEONE THAT WE CAN STAND UP AND PUT OUR ARM AROUND AND SAY, I'M EXCITED THAT I VOTED TO CONFIRM THIS PERSON. RIGHT NOW, I DON'T HAVE ENOUGH INFORMATION. I'D LIKE TO RECOMMIT IT TO COMMITTEE. THANK YOU, MR. SPEAKER.

SPEAKER HADLEY: THE QUESTION BEFORE US IS THE RECOMMIT TO COMMITTEE. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK.

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

Floor Debate
May 05, 2015

CLERK: 6 AYES, 29 NAYS, MR. PRESIDENT, ON THE MOTION TO RECOMMIT.

SPEAKER HADLEY: THE MOTION RECOMMIT TO COMMITTEE IS DEFEATED.
(VISITORS INTRODUCED.) MR. CLERK.

CLERK: MR. PRESIDENT, SOME ITEMS. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB72, LB72A, LB85, LB253, LB317, LB348, LB469, LB469A TO...AS CORRECTLY ENGROSSED. CONFIRMATION...EXCUSE ME, A REFERENCE REPORT REFERRING A GUBERNATORIAL APPOINTEE TO STANDING COMMITTEE FOR CONFIRMATION HEARINGS. NEW RESOLUTIONS: LR230, SENATOR DAVIS; LR231, LR232, LR233, AND LR234, SENATOR...LR233, SENATOR HOWARD; LR234, SENATOR KOLOWSKI; AND LR235, SENATOR KOLOWSKI, SOME CALLING FOR INTERIM STUDIES, OTHERS WILL BE LAID OVER. HEARING NOTICE FOR RETIREMENT SYSTEMS. MR. PRESIDENT, AMENDMENTS TO BE PRINTED: SENATOR MELLO TO LB656, LB657, LB660, LB661, AND LB662. MOTIONS TO BE PRINTED, I HAVE A MOTION WITH RESPECT TO THE INTRODUCTION OF A NEW BILL. IT'S A MOTION TO SUSPEND THE RULES OFFERED BY SENATOR CHAMBERS. THAT WILL BE LAID OVER AT THIS TIME. I HAVE A MOTION TO RECONSIDER A VOTE TAKEN EARLIER TODAY WITH RESPECT TO A CONFIRMATION REPORT. REMINDER: THE AG COMMITTEE WILL HAVE A CONFIRMATION HEARING AT 12:30, MR. PRESIDENT. AND I HAVE A NAME ADD, SENATOR WILLIAMS TO LB591. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1410-1422.) [LB72 LB72A LB85 LB253 LB317 LB348 LB469 LB469A LR230 LR231 LR232 LR233 LR234 LR235 LB656 LB657 LB660 LB661 LB662 LB591]

SPEAKER HADLEY: THE BODY WILL NOW STAND AT EASE AND RETURN AT 12:25.
I WOULD APPRECIATE YOUR RETURN AT 12:25.

EASE

SPEAKER HADLEY: WE WILL START. SEEING NO ONE IN THE QUEUE, SENATOR MURANTE, YOU'RE RECOGNIZED TO CLOSE ON YOUR CONFIRMATION.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AGAIN, I RISE IN SUPPORT OF THE CONFIRMATION OF BRAD RICE. HE IS THE GOVERNOR'S SELECTION AND, AS WAS MENTIONED BEFORE, ALTHOUGH THERE ARE ALLEGATIONS MADE AGAINST MR. RICE, NONE OF THOSE HAVE RESULTED IN ANY SORT OF DISCIPLINARY ACTION. HE'S BEEN INVESTIGATED AND, AT THE END OF THE DAY, HE HAS A STERLING RECORD THAT

Floor Debate
May 05, 2015

HAS EARNED HIM THE SUPPORT OF BOTH THE GOVERNOR AND OF MANY OF HIS COLLEAGUES. AND I'D LIKE TO READ SOME OF THE TESTIMONY THAT WAS PROVIDED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, BECAUSE THOSE WHO SUPPORT BRAD RICE REALLY HAVE NOT HAD THEIR VOICES HEARD IN THIS DEBATE. THE FIRST IS FROM MARILYN GABLE WHO STATED THAT: FOR THE PAST 33.5 YEARS, I'VE WORKED...I'VE BEEN EMPLOYED AT THE SARPY COUNTY 911 CENTER. MY CURRENT DIRECTOR IS...MY CURRENT POSITION IS ACTING DIRECTOR. I BECAME ACQUAINTED WITH BRAD RICE IN THE EARLY 1980s WHEN HE BEGAN HIS CAREER WITH THE SARPY COUNTY STATE PATROL AND I AS SARPY COUNTY DISPATCHER. MOST RECENTLY, I WORKED VERY CLOSELY WITH BRAD WHEN HE WAS HIRED AS THE DIRECTOR OF SARPY COUNTY 911, IN JULY OF 2014, AND HELPED TO GET HIM SETTLED INTO HIS NEW ROLE. HE WAS VERY PERSONABLE, FAIR, APPRECIATIVE AND, MOST OF ALL, VERY APPROACHABLE TO ME AND THE ENTIRE DISPATCH STAFF. HIS POSITIVE ATTITUDE WAS INFECTIOUS. IN THE SHORT TIME HE WAS WITH US, HE BROUGHT THE DEPARTMENT MORALE TO AN ALL-TIME HIGH. TEAMWORK WAS HIS MOTTO AND BRAD MADE SURE ALL EMPLOYEES FELT THAT THEY WERE A VALUABLE PART OF OUR DISPATCH TEAM. HE MADE SURE HE VISITED ALL THE SHIFTS. HE WAS IN THE COMMUNICATIONS CENTER NUMEROUS TIMES DURING THE DAY AND SOMETIMES CAME IN AT 3:00 OR 4:00 IN THE MORNING JUST SO HE COULD SEE THE NIGHT SHIFTS AND MAKE SURE THEY WERE...THEY KNEW THEY WERE AN IMPORTANT PART OF THE TEAM. HE ALSO MADE PERSONAL CONTACT WITH ALL OF OUR RESPONDING AGENCY CHIEFS, SOLICITING FEEDBACK ON THE PERFORMANCE OF OUR STAFF OR ANY TECHNICAL ISSUES THAT THEY MAY HAVE HAD. BRAD TRULY HAS THE BEST INTERESTS OF OUR DEPARTMENT AT HEART. FOR THE FIRST TIME EVER, HE ORGANIZED A DEPARTMENT CHRISTMAS PARTY ON HIS OWN, AND THE ATTENDANCE WAS GREAT. HE WAS A GOOD LISTENER AND MADE GOOD DECISIONS FOR THE DEPARTMENT. HE WAS A JOY TO WORK FOR, AN AWESOME LEADER. AND IN ALL MY YEARS HERE AT SARPY COUNTY WITH NUMEROUS DIRECTORS, I CAN HONESTLY SAY HE WAS THE BEST. I BELIEVE I CAN SPEAK FOR ALL THE DISPATCHERS AND THE EMPLOYEES OF THE SARPY COUNTY 911 CENTER AND ALSO COMMISSIONER JIM WARREN, WHO WAS ALSO IN ATTENDANCE, FROM SARPY COUNTY THAT HE WOULD BE AN AWESOME CANDIDATE FOR THE SUPERINTENDENT OF THE NEBRASKA STATE PATROL. WE WILL MISS HIM BUT WISH HIM THE BEST. THANK YOU. THESE ARE THE PEOPLE WHO KNOW HIM BEST. WE HEARD A LOT OF TESTIMONY OF PEOPLE SAYING VERY COMPARABLE THINGS. THE PEOPLE WHO KNOW HIM BEST FIND HIM TO BE AN ADMIRABLE PERSON, A PERSON OF HIGH CHARACTER, AND A PERSON WHO IS CAPABLE TO LEAD THE NEBRASKA STATE PATROL. THAT IS THE POSITION OF HIS COLLEAGUES. THAT IS THE POSITION OF THE GOVERNOR. THAT IS THE

Floor Debate
May 05, 2015

UNANIMOUS POSITION OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. AND I ENCOURAGE THIS LEGISLATURE TO HEED THE ADVICE OF THOSE WHO KNOW HIM BEST AND CONFIRM BRAD RICE AS SUPERINTENDENT OF THE NEBRASKA STATE PATROL. MR. PRESIDENT, I'D ASK FOR A CALL OF THE HOUSE, PLEASE.

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.

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL.

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 HANSEN, HOWARD, RIEPE, CAMPBELL, NORDQUIST, BAKER, BOLZ, COOK, GLOOR, MELLO, LARSON, KINTNER, COASH, SCHUMACHER, FRIESEN, HILKEMANN, AND GARRETT, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATORS CAMPBELL, NORDQUIST, MELLO, KINTNER, GARRETT, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATORS KINTNER AND MELLO, THE HOUSE IS UNDER CALL. SENATOR KINTNER, THE HOUSE IS UNDER CALL. SENATOR MELLO, WILL YOU PLEASE CHECK IN. SENATOR MURANTE, HOW WOULD YOU LIKE TO PROCEED?

SENATOR MURANTE: WE'LL START WITH A BOARD VOTE, MR. PRESIDENT.

SPEAKER HADLEY: THE QUESTION BEFORE US IS THE ADOPTION OF THE GOVERNMENT COMMITTEE'S CONFIRMATION REPORT. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 1422-1423.) 32 AYES, 7 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

SPEAKER HADLEY: THE CONFIRMATION REPORT IS ADOPTED AND THE CALL IS RAISED. MR. CLERK, WE WILL NOW GO TO THE CONSENT CALENDAR. JUST SO EVERYBODY UNDERSTANDS THE RULES, IF ANY THREE MEMBERS OBJECT TO A BILL BEING CONSIDERED ON CONSENT CALENDAR, PLEASE ADVISE THE CLERK

Floor Debate
May 05, 2015

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 DEBATE OR THE EXPIRATION OF 15 MINUTES, WHICHEVER COMES FIRST, VOTE SHALL BE TAKEN TO ADVANCE THE BILL AND ON ANY PENDING MOTIONS OR AMENDMENTS PURSUANT TO RULE 5, SECTION 6(d). ANY AMENDMENT ADOPTED, OTHER THAN THE STANDING COMMITTEE AMENDMENT, WHICH ADDS NEW SUBJECT MATERIAL TO THE BILL WILL RESULT IN THE BILL NOT BEING SCHEDULED AT THE NEXT STAGE OF DEBATE. MR. CLERK.

CLERK: MR. PRESIDENT, IF I MAY, AGRICULTURE COMMITTEE WILL RESUME THEIR CONFIRMATION HEARING NOW. AGRICULTURE, CONFIRMATION NOW.

SENATOR HANSEN, LB138. I HAVE NO AMENDMENTS TO THE BILL, SENATOR. [LB138]

SPEAKER HADLEY: SENATOR HANSEN. [LB138]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB138 TO E&R FOR ENGROSSING. [LB138]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB138 FOR E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. [LB138]

CLERK: LB55, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB55]

SPEAKER HADLEY: SENATOR HANSEN. [LB55]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB55 TO E&R FOR ENGROSSING. [LB55]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB55 TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. ALL OPPOSED SAY NAY. START AGAIN. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION PASSES. [LB55]

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Floor Debate
May 05, 2015

CLERK: MR. PRESIDENT, LB334. SENATOR, I DO HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER100, LEGISLATIVE JOURNAL PAGE 1330.) [LB334]

SPEAKER HADLEY: SENATOR HANSEN. [LB334]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB334. [LB334]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADOPTION OF THE E&R AMENDMENT. ALL IN FAVOR SIGNIFY BY VOTING...SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB334]

CLERK: I HAVE NOTHING FURTHER, MR. PRESIDENT. [LB334]

SPEAKER HADLEY: SENATOR HANSEN. [LB334]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB334 TO E&R FOR ENGROSSING. [LB334]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB334 TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB334 IS ADVANCED TO E&R FOR ENGROSSING. [LB334]

CLERK: MR. PRESIDENT, LB257. THERE ARE ENROLLMENT AND REVIEW AMENDMENTS, SENATOR. (ER101, LEGISLATIVE JOURNAL PAGE 1330.) [LB257]

SPEAKER HADLEY: SENATOR HANSEN. [LB257]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENT TO LB257. [LB257]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY VOTING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB257]

CLERK: I HAVE NOTHING FURTHER, SENATOR. [LB257]

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Transcriber's Office

Floor Debate
May 05, 2015

SPEAKER HADLEY: SENATOR HANSEN. [LB257]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB257 TO E&R FOR ENGROSSING. [LB257]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB257 TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL IS ADVANCED TO E&R FOR ENGROSSING. [LB257]

CLERK: LB342. SENATOR, I HAVE NO AMENDMENTS. [LB342]

SPEAKER HADLEY: SENATOR HANSEN. [LB342]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB342 TO E&R FOR ENGROSSING. [LB342]

SPEAKER HADLEY: QUESTION IS THE ADVANCEMENT OF THE BILL TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. [LB342]

CLERK: LB456. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB456]

SPEAKER HADLEY: SENATOR HANSEN. [LB456]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB456 TO E&R FOR ENGROSSING. [LB456]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT FOR E&R ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES TO E&R FOR ENGROSSING. [LB456]

CLERK: MR. PRESIDENT, LB464. I HAVE NO AMENDMENTS TO THE BILL, SENATOR. [LB464]

SPEAKER HADLEY: SENATOR HANSEN. [LB464]

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Floor Debate
May 05, 2015

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB464 TO E&R FOR ENGROSSING. [LB464]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB464 TO E&R ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL IS ADVANCED TO E&R ENGROSSING. [LB464]

CLERK: LB104, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB104]

SPEAKER HADLEY: SENATOR HANSEN. [LB104]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB104 TO E&R FOR ENGROSSING. [LB104]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. THE QUESTION IS THE ADVANCEMENT OF LB104 TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL IS ADVANCED TO E&R FOR ENGROSSING. [LB104]

CLERK: LB206, SENATOR. THERE ARE ENROLLMENT AND REVIEW AMENDMENTS. (ER102, LEGISLATIVE JOURNAL PAGE 1338.) [LB206]

SPEAKER HADLEY: SENATOR HANSEN. [LB206]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB206. [LB206]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS TO LB206. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES. SENATOR HANSEN. [LB206]

CLERK: YES, I HAVE NOTHING FURTHER, SENATOR. [LB206]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB206 TO E&R FOR ENGROSSING. [LB206]

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Transcriber's Office

Floor Debate
May 05, 2015

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADVANCE LB206 TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES TO E&R ENGROSSING. [LB206]

CLERK: LB455. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB455]

SPEAKER HADLEY: SENATOR HANSEN. [LB455]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB455 TO E&R FOR ENGROSSING. [LB455]

SPEAKER HADLEY: QUESTION IS THE ADVANCEMENT OF LB455 TO E&R ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES TO E&R ENGROSSING. [LB455]

CLERK: LB123. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB123]

SPEAKER HADLEY: SENATOR HANSEN. [LB123]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB123 TO E&R FOR ENGROSSING. [LB123]

SPEAKER HADLEY: QUESTION IS THE ADVANCEMENT OF LB123 TO E&R ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES TO E&R ENGROSSING. [LB123]

CLERK: LB246. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB246]

SPEAKER HADLEY: SENATOR HANSEN. [LB246]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB246 TO E&R FOR ENGROSSING. [LB246]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB246 TO E&R ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL IS ADVANCED TO E&R ENGROSSING. [LB246]

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Transcriber's Office

Floor Debate
May 05, 2015

CLERK: LB277. SENATOR, THERE ARE ENROLLMENT AND REVIEW AMENDMENTS. (ER103, LEGISLATIVE JOURNAL PAGE 1339.) [LB277]

SPEAKER HADLEY: SENATOR HANSEN. [LB277]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB277. [LB277]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R, ENROLLMENT AND REVIEW. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES. SENATOR HANSEN. [LB277]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB277 TO E&R FOR ENGROSSING. [LB277]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB277 TO E&R ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB277 ADVANCES TO E&R ENGROSSING. [LB277]

CLERK: LB283, SENATOR. I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL. (ER104, LEGISLATIVE JOURNAL PAGE 1339.) [LB283]

SPEAKER HADLEY: SENATOR HANSEN. [LB283]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB283. [LB283]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS TO LB283. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB283]

CLERK: SENATOR BAKER WOULD MOVE TO AMEND WITH AM1535. (LEGISLATIVE JOURNAL PAGES 1424-1427.) [LB283]

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

Floor Debate
May 05, 2015

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I'M INTRODUCING AMENDMENT AM1535 TO LB283. I'D LIKE TO THANK SENATOR SULLIVAN, THE EDUCATION COMMITTEE, LEGAL COUNSEL TAMMY BARRY FOR THEIR GOOD WORK AND HELP WITH THIS AMENDMENT, AND ALSO MY LEGISLATIVE AIDE, JANET ANDERSON, DESERVES CREDIT FOR HER WORK. YESTERDAY, I INTRODUCED AM1476 WHICH DELETED LANGUAGE FROM LB525 REGARDING EMERGENCY MANAGEMENT THAT I THOUGHT DIDN'T GO FAR ENOUGH. IT DID NOT SPECIFICALLY INCLUDE SCHOOL DISTRICTS AND ESUs AS NRDs ELIGIBLE TO APPLY FOR MERCY PROCLAMATION AND IT ONLY COVERED IMMEDIATE ACTION NEEDED TO SECURE THE BUILDING'S FURTHER DAMAGE AND DID NOT INCLUDE THE RECONSTRUCTION. THANKS AGAIN TO SENATOR SULLIVAN, TAMMY BARRY FOR LISTENING TO MY CONCERNS AND FOR THEM CRAFTING AM1535 WITH MY INPUT WHICH TAKES CARE OF THINGS THAT I WANTED TO ACCOMPLISH IN LB283. IT ALSO REMOVES THE CONCERN ABOUT SCHOOL DISTRICTS AND ESUs SURPASSING THEIR LEVY AUTHORITY. I NEVER SAW THE LEVY ISSUES BEING ALL THAT RELEVANT AS TO WHAT I WANTED TO ACCOMPLISH. FIRST OF ALL, TIMEWISE, IT OFFERS NO PRACTICAL SOLUTION. THE ONLY TIME THAT PROPERTY TAXES REQUEST CAN BE SUBMITTED IS OCTOBER. SO YOU HAVE A TORNADO IN MAY. IF YOU WERE TO CERTIFY A TAX REQUEST IN OCTOBER, YOU WOULD NOT RECEIVE, BY AND LARGE, HALF OF THE FUNDS UNTIL APRIL OR MAY, NEARLY A YEAR AFTER THE DISASTER, AND THE SECOND HALF NOT UNTIL THE FOLLOWING AUGUST OR SEPTEMBER. SECONDLY, INSURANCE IS THE KEY. SCHOOL DISTRICTS ARE REQUIRED TO HAVE INSURANCE. IT'S PART OF THE ANNUAL AUDIT. INSURANCE COMPANIES UPDATE THE INSURED VALUES ANNUALLY. AT THE TIME OF THE TORNADO AT NORRIS, WE HAD VERY GOOD INSURANCE. WE'RE IN ALICAP, NEBRASKA ASSOCIATION OF SCHOOL...NEBRASKA ASSOCIATION OF SCHOOL BOARDS WITH THE...BACKED UP BY ALLIANZ. THAT INSURANCE POLICY COVERED ALL ASPECTS, INCLUDING SOME ADDITIONAL COSTS FOR THINGS LIKE REQUIRED CODE UPGRADES. WHENEVER A BUILDING IS MODIFIED OR RECONSTRUCTED, YOU HAVE TO BE CURRENT WITH TODAY'S CODES. AND, FORTUNATELY, THAT WAS COVERED IN OUR INSURANCE POLICIES. SOME DISTRICTS MAY HAVE A LESSER INSURANCE POLICY THAT WOULDN'T HAVE THOSE FEATURES AND THEY MIGHT COME UP A LITTLE BIT SHORT, BUT THERE ARE AVENUES HOW THEY CAN ACCESS FUNDS, YOU KNOW, NOT COVERED BY THEIR INSURANCE POLICY. ONE, THEY MAY HAVE A DEPRECIATION FUND WHICH CAN BE ACCESSED TO REPLACE BUSES AND EQUIPMENT. TWO, THEY MAY HAVE A BUILDING FUND THAT CAN BE USED. AND, THIRDLY, THE SCHOOL DISTRICT'S GENERAL FUND CAN BE AMENDED TO PUT CASH RESERVE INTO THE BUDGET OF EXPENDITURES. GENERAL FUND MONEY CANNOT BE USED FOR BRICKS AND MORTAR BUT IT CAN BE USED FOR BUILDING CONTENTS AND

Floor Debate
May 05, 2015

FURNISHINGS. THEN WHEN BUDGET TIME ROLLED AROUND, THEY COULD INCREASE THE LEVY, SCHOOL DISTRICTS AND THE ESUs, THAT IS, COULD INCREASE THEIR LEVY AT THE REGULAR BUDGET TIME IN THE FALL IF THEY ARE NOT ALREADY AT THE STATUTORY LIMIT. THEY COULD ALSO UTILIZE QCPUF, QUALIFIED CAPITAL PURPOSE UNDERTAKING FUND, 5.2 CENTS PER HUNDRED IF THEY WERE NOT ALREADY UTILIZING THE QCPUF. AND, LASTLY, IF THERE WAS STILL GAPS THEY COULDN'T COVER ANY OTHER WAY, THE LAST-DITCH EFFORT WOULD BE TO SUBMIT A BOND ISSUE QUESTION TO THE VOTERS. SO I AM SUPPORTING AM1535. IT CLARIFIES THE ORIGINAL PROVISIONS REMOVING THE EXPANSION OF BUDGET AUTHORITY FOR SCHOOL DISTRICTS AND SERVICE UNITS. THEY WOULD STILL BE REQUIRED TO SECURE A PROCLAMATION FROM THE COUNTY EMERGENCY AGENCY BEFORE THOSE PROVISIONS WOULD APPLY. THIS AM1535 DOES A GOOD JOB OF CROSS-REFERENCING THE SECTIONS OF THE STATUTES THAT ARE IMPACTED FOR CLARITY WITH REGARDS TO BUDGET AMENDMENTS, BIDDING REQUIREMENTS, AND SCHOOL DISTRICT BUDGET AUTHORITY. THIS AMENDMENT ALSO ADDS AN EMERGENCY CLAUSE ALLOWED TO APPLY IN THE EVENTS OF DISASTERS OCCURRING THIS SPRING OR SUMMER. I THANK YOU FOR YOUR SUPPORT OF LB283 ON GENERAL FILE AND ASK YOU FOR YOUR CONTINUED SUPPORT OF LB283 AS AMENDED BY AM1535. THANK YOU. [LB283 LB525]

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

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AND I JUST STAND IN FULL SUPPORT OF THIS AMENDMENT. AND I THINK IT CLARIFIES AND IMPROVES WHAT THE INTENTIONS WERE BEHIND THIS LEGISLATION AS INTRODUCED BY SENATOR BAKER AND I URGE YOUR GREEN VOTE IN ADVANCEMENT OF THIS BILL. THANK YOU. [LB283]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR BAKER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR BAKER WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM1535. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB283]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR BAKER'S AMENDMENT. [LB283]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB283]

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Transcriber's Office

Floor Debate
May 05, 2015

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB283]

SPEAKER HADLEY: SENATOR HANSEN. [LB283]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB283 TO E&R FOR ENGROSSING. [LB283]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF THE BILL TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. [LB283]

CLERK: LB365, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB365]

SPEAKER HADLEY: SENATOR HANSEN. [LB365]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB365 TO E&R FOR ENGROSSING. [LB365]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB365 TO E&R ENGROSSING. ALL IN FAVOR SIGNIFYING BY SAYING AYE. OPPOSED, NAY. LB365 IS ADVANCED TO E&R FOR ENGROSSING. [LB365]

CLERK: LB570. SENATOR, I HAVE E&R AMENDMENTS PENDING. (ER105, LEGISLATIVE JOURNAL PAGE 1340.) [LB570]

SPEAKER HADLEY: SENATOR HANSEN. [LB570]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB570. [LB570]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OR IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB570]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB570]

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Transcriber's Office

Floor Debate
May 05, 2015

SPEAKER HADLEY: SENATOR MELLO, YOU ARE RECOGNIZED. [LB570]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I WAS WONDERING IF SENATOR BRASCH WOULD YIELD TO A QUICK QUESTION. [LB570]

SPEAKER HADLEY: SENATOR BRASCH, WILL YOU YIELD TO A QUESTION? [LB570]

SENATOR BRASCH: YES, I WILL YIELD. [LB570]

SENATOR MELLO: SENATOR BRASCH, IN REVIEWING LB570 I JUST WANTED TO MAKE SURE THAT IT'S CLEAR ON THE RECORD THAT IT IS NOT YOUR INTENTION FOR ANY OF THE PROVISIONS OF LB570 TO APPLY TO THE CROSSING OF STREETS OR HIGHWAYS THAT MAY BE WITHIN THE BOUNDARIES OF AN EXISTING GOLF COURSE WHILE SOMEONE IS PARTAKING IN A ROUND OF GOLF. IS THAT YOUR INTENT? [LB570]

SENATOR BRASCH: YES, THAT IS MY INTENT. [LB570]

SENATOR MELLO: OKAY. THANK YOU, MR. PRESIDENT. [LB570]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR HANSEN. [LB570]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB570 TO E&R FOR ENGROSSING. [LB570]

SPEAKER HADLEY: THE MOTION IS...OR THE ADVANCEMENT OF THE BILL TO E&R ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. [LB570]

CLERK: LB477. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB477]

SPEAKER HADLEY: SENATOR HANSEN. [LB477]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB477 TO E&R FOR ENGROSSING. [LB477]

Floor Debate
May 05, 2015

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB477 TO E&R ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB477 ADVANCES TO E&R FOR ENGROSSING. [LB477]

CLERK: MR. PRESIDENT, LB423, CONSIDERED YESTERDAY. AT THAT TIME, THE ENROLLMENT AND REVIEW AMENDMENTS WERE ADOPTED. WHEN THE LEGISLATURE LEFT THE ISSUE, SENATOR NORDQUIST HAD PENDING AM1498 AND HAD TO THAT PENDING AM1525. BUT, SENATOR, I UNDERSTAND YOU WISH TO WITHDRAW AM1525 AND OFFER AM1543. [LB423]

SENATOR NORDQUIST: THAT IS CORRECT. [LB423]

CLERK: AM1543, SENATOR. (LEGISLATIVE JOURNAL PAGES 1427-1428.) [LB423]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB423]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. AM1543 IS TRYING TO PULL TOGETHER THE CONCERNS OF A NUMBER OF MEMBERS OF THIS BODY. IT INCLUDES WHAT WE STARTED OUT YESTERDAY'S DISCUSSION WITH WHICH WERE CONCERNS OF SENATOR STINNER AND SENATOR McCOLLISTER. IT INCLUDES A LIMITATION. THAT WOULD BE ON LINES 24 ON PAGE 1 THROUGH LINE 6 ON PAGE 2, AN AGGREGATE LIMITATION OF \$75 MILLION FOR THE PROGRAM. THE SUNSET REMAINS. SO IF FOR SOME REASON THE \$75 MILLION CREDIT IS NOT DISTRIBUTED BEFORE DECEMBER 31, 2021, THEN IF THERE ARE ANY REMAINING CREDITS, THOSE CREDITS WOULD BE LOST. BUT UP UNTIL THAT TIME THERE IS A POT OF \$75 MILLION. SO JUST IN LAYMEN'S TERMS, IF YOU AS A DEVELOPER WERE TO COME IN AND HAVE A PROJECT AND GO TO THE DEPARTMENT OF REVENUE, THEY WOULD SIT DOWN AND ESTIMATE YOUR PRODUCTION POTENTIAL AND THE POTENTIAL CREDIT. SO SAY OVER THE COURSE OF THE TEN YEARS OF PRODUCTION THAT YOU WOULD BE ELIGIBLE FOR THE PRODUCTION TAX CREDIT, YOUR CREDIT WOULD COME TO A TOTAL OF \$5 MILLION, THEN \$5 MILLION IS TAKEN OUT OF THAT \$75 MILLION DOLLAR POT. IT DOES A COUPLE COMPONENTS THAT I HAD BROUGHT FORWARD TO BRING DOWN THE FISCAL IMPACT OF THE BILL. THE FIRST IS TO REDUCE THE KILOWATT HOUR CREDIT FOR THE PRODUCTION TAX CREDIT TO A FLAT 75 CENTS...OR 0.75 OF A CENT, I'M SORRY, 0.75 OF A CENT OVER THE TEN-YEAR PERIOD. WE ALSO ON THE INVESTMENT CREDIT, AND AGAIN YOU GET TO CHOOSE WHETHER YOU WANT THE PRODUCTION CREDIT OR THE INVESTMENT CREDIT, THE

Floor Debate
May 05, 2015

INVESTMENT CREDIT IS LIMITED TO \$1 MILLION RATHER THAN \$2 MILLION. BUT YOU HAVE TO TAKE THAT \$1 MILLION CREDIT OVER A TWO-YEAR PERIOD WITH A MAXIMUM OF \$500,000 A YEAR. THAT WILL HELP PUSH DOWN THE FISCAL NOTE IN THE FIRST COUPLE YEARS AND BRING THE SHORT-TERM COSTS INTO LINE. THE OTHER COMPONENT THAT WE INCLUDED AFTER LOOKING AT THE AMENDMENT THAT SENATOR GROENE HAS PENDING, IN CONVERSATION WITH HIM, HIS CONCERN WAS POTENTIAL PROJECTS THAT ARE OUT THERE, WHETHER KIND OF IN THE NEWS ALREADY. YOU KNOW, ARE THEY GOING TO COME IN AND TAKE ADVANTAGE OF THIS? THE BILL AS IT WAS DRAFTED SAID ONLY PROJECTS THAT START COMMERCIAL OPERATION AFTER THE EFFECTIVE DATE OF THE ACT, SO PROJECTS AS IT WAS INITIALLY DRAFTED COULD BUILD UP TO THAT POINT AND, YOU KNOW, BEGIN COMMERCIAL OPERATION ONCE THE LAW BECOMES EFFECTIVE. YOU KNOW, AND I APPRECIATE HIS CONCERNS. SO THAT'S WHY WE WENT IN AND INCLUDED LANGUAGE NOW THAT SAYS, HAS BEEN APPROVED FOR CONSTRUCTION BY THE POWER REVIEW BOARD ON OR AFTER THE EFFECTIVE DATE OF THE ACT, IF SUBJECT TO THE BOARD'S JURISDICTION, OR IS PLACED INTO COMMERCIAL OPERATION AFTER THE EFFECTIVE...ON OR AFTER THE EFFECTIVE DATE OF THE ACT, IF NOT SUBJECT TO THE BOARD'S JURISDICTION. LARGER PROJECTS ARE SUBJECT TO THE POWER REVIEW BOARD'S JURISDICTION. SO THE PROJECTS, FOR INSTANCE, THE BERKSHIRE PROJECT OR I THINK THERE'S ONE IN TILDEN, THOSE PROJECTS HAVE RECEIVED POWER REVIEW BOARD APPROVAL ALREADY AND THAT'S KIND OF YOUR FIRST STEP IN THE PROCESS OF DEVELOPING A WIND PROJECT. SO THOSE THAT HAVE ALREADY STARTED THAT WOULD NOT BE ELIGIBLE UNDER LB423. SO THIS IS A GOOD-FAITH ATTEMPT TO TRY TO ADDRESS THAT CONCERN. IT CERTAINLY TAKES THOSE BIG PROJECTS THAT ARE ALREADY IN THE PIPELINE TO BE CONSTRUCTED, TAKES THOSE, CLARIFIES THAT THOSE ARE NOT GOING TO BE ELIGIBLE FOR THIS PROJECT. AND, AGAIN, SOME OF THOSE WERE LIKELY NOT GOING TO SEEK THIS CREDIT ANYWAY BECAUSE THE LIMITATIONS OF C-BED ARE FAIRLY RESTRICTIVE. THEY WOULD HAVE TO SPEND 25 PERCENT OF THE INVESTMENT DIRECTLY IN NEBRASKA. AND THIS AMENDS AM1498 WHICH WAS SENATOR WATERMEIER'S CONCERNS ABOUT MAKING SURE THAT THIS ALIGNS WITH THE REVIEW OF OUR NEBRASKA ADVANTAGE TAX BILL THAT HAS BEEN MOVED THROUGH THE LEGISLATURE WHERE WE SET SPECIFIC GOALS AND METRICS TO MEASURE THAT. SO WITH A COMBINATION HERE OF AM1543 TO AM1498 I HOPE WE'VE ADDRESSED THE CONCERNS OF SENATOR McCOLLISTER, SENATOR STINNER, SENATOR WATERMEIER, AND ATTEMPTED TO ADDRESS THE CONCERNS OF SENATOR GROENE, AND I HOPE WE CAN ADOPT THIS AND MOVE FORWARD WITH LB423. THANK YOU, MR. PRESIDENT. [LB423]

Floor Debate
May 05, 2015

SPEAKER HADLEY: SENATOR GROENE, YOU ARE RECOGNIZED. [LB423]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I APPRECIATE SENATOR NORDQUIST. THIS IS WHAT I ENJOY. THIS IS COMPROMISE WITHIN A BILL, NOT TRADING VOTES, AND I REALLY APPRECIATE THIS TYPE OF GOVERNMENT. AND SENATOR NORDQUIST IS WILLING TO WORK, NOT THAT I'M GOING TO SUPPORT LB423 BUT IF IT PASSES IN THE END IT'S MORE PALATABLE. I STILL HAVE CONCERNS WITH THAT PART OF HIS AMENDMENT IN AM1498, AMENDMENT AM1543 TO AM1498 WHERE IT SAYS, "HAS BEEN APPROVED FOR CONSTRUCTION BY THE NEBRASKA POWER REVIEW BOARD ON OR AFTER THE EFFECTIVE DATE OF THIS ACT, IF SUBJECT TO THE BOARD'S JURISDICTION," THEN WE GOT THE BIG "OR" THERE, "OR THAT IS PLACED INTO COMMERCIAL OPERATION ON OR AFTER THE EFFECTIVE DATE OF THIS ACT, IF NOT SUBJECT TO THE BOARD'S JURISDICTION." I VISITED WITH SENATOR NORDQUIST AND HE WAS GOING TO CHECK. HE TOLD ME SMALLER PROJECTS, BUT WHAT'S A SMALLER PROJECT? AND HE WASN'T SURE. I KNOW HE HAS A VAST ARRAY OF KNOWLEDGE BUT EVEN HE CAN'T HOLD ALL OF IT SO HE HAS TO DO A LITTLE RESEARCH. I WILL WAIT FOR HIS REPLY TO WHAT THAT NUMBER IS, WHAT CONSTITUTES A SMALL PROJECT, BECAUSE THAT'S IN THE EYE OF THE BEHOLDER OR IN THE DEFINITION OF THE BEHOLDER. SO WHEN WE RECEIVE THAT WE WILL DECIDE TO PULL OUR AMENDMENT OR CHANGE IT. I HAVE A QUESTION FOR...I HAD A HANDOUT TO YOU, FOLKS. WE HEARD YESTERDAY COMMENTS ABOUT HOW MUCH CHEAPER IOWA IS. AND IF SENATOR HAAR WOULD TAKE A QUESTION, I WOULD... [LB423]

SPEAKER HADLEY: SENATOR HAAR, WILL YOU YIELD? [LB423]

SENATOR HAAR: SENATOR KEN HAAR WILL YIELD, YES. [LB423]

SENATOR GROENE: KEN. THANK YOU, SENATOR KEN HAAR. YESTERDAY, YOU THREW A NUMBER OUT THERE THAT IOWA'S UTILITY BILLS WAS \$38 LESS THAN NEBRASKA'S ON AVERAGE. I'M JUST NOT DOUBTING YOU, BUT YOU DIDN'T QUOTE A SOURCE. WHAT WAS YOUR SOURCE? [LB423]

SENATOR HAAR: MY SOURCE WAS KEN WINSTON WHO WORKS...HE'S THE LOBBYIST FOR THE SIERRA CLUB THAT HAS BEEN WORKING WITH ME ON MANY OF THESE ISSUES. [LB423]

SENATOR GROENE: ALL RIGHT. THANK YOU. I DIDN'T...I ALWAYS LIKE SOURCES. I TELL MY STAFF TO NEVER COME TO ME AND SAY SHE SAID, HE SAID, OR THEY

Floor Debate
May 05, 2015

SAID. I ALWAYS WANT A SOURCE SO I DON'T HAVE TO DEFEND MYSELF LATER. BUT I PASSED THIS CHART OUT. AND THIS CAME, THIS INFORMATION CAME FROM THE LINCOLN...A HANDOUT THAT THE LINCOLN ELECTRIC SYSTEM HAD ON 2014 SURVEY RANKING OF TYPICAL RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL ELECTRICAL BILLS NATIONAL ELECTRIC RATE SURVEY. APPARENTLY LINCOLN ELECTRIC SYSTEM WAS INVOLVED IN IT. AND IF YOU LOOK AT THE FRONT COVER SHEET THERE, AVERAGE BILL PER STATE, RESIDENTIAL: NEBRASKA, \$102; LES, \$94. THEY GOT A LOT TO BRAG ABOUT. IOWA WAS \$111. SO I DON'T KNOW WHERE THE SIERRA CLUB GOT THEIR \$38 LESS A MONTH. ON THE SECOND PAGE, TO BE IN FAIRNESS, THE AVERAGE BILL PER STATE, THOUSAND, INDUSTRIAL, NEBRASKA IS A LITTLE HIGHER, \$28, LES IS \$30, AND IOWA'S IS \$25. SO THIS IS BY A REPUTABLE ORGANIZATION, NOT, AS SENATOR HAAR HAS SAID, THE KOCH BROTHERS HAVE A PURPOSE FOR THEIR STUDIES. I WOULD INCLUDE THE SIERRA CLUB INTO THAT, TOO, FOR ANYTHING THEY CLAIM IS FACT. BUT THAT'S FACT, LINCOLN ELECTRIC SYSTEM FACTS. SO, ANYWAY, I ALSO CHECKED WITH NPPD ABOUT IOWA. WE ARE IN DIFFERENT GROUPS. WE'RE IN THE SOUTHWEST PUBLIC POWER SHARING GROUP. OUR ELECTRICITY NEVER CROSSES THE LINE INTO IOWA; IOWA'S DOESN'T CROSS THE LINE INTO OURS. THEY DON'T AFFECT OUR RATES. THEY HAVE THEIR GROUP WHICH THEY'RE INVOLVED IN, WE HAVE OURS, AND WHEN WE SELL ENERGY IT'S WITHIN THAT GROUP. IF OKLAHOMA, TEXAS HAS A HEAT...OR THEY HAVE A POWER PLANT GO DOWN, WE SELL THEM EXCESS ELECTRICITY, VICE VERSA WHEN MAYBE WHEN OUR IRRIGATION PEAKS ARE HIGH. NORMALLY WE DON'T BUY. NPPD COULDN'T COME UP WITH AN INSTANCE WHERE WE BUY BECAUSE WE HAVE EXCESS PRODUCTION, VERY EFFICIENT PRODUCTION. WE SELL. NOW HAS WIND ENERGY AFFECTED THE NEBRASKA PUBLIC POWER? YES, IT HAS. IT'S THE FACT WITH THE FEDERAL AND THE STATE'S INCENTIVES, IT HAS TAKEN ELECTRICITY, WIND ELECTRICITY... [LB423]

SPEAKER HADLEY: TIME, SENATOR. [LB423]

SENATOR GROENE: THANK YOU. [LB423]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB423]

SENATOR McCOLLISTER: I THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, MEMBERS OF THE BODY. I RISE IN SUPPORT OF LB423 AND THE AMENDMENTS. WHILE THE FISCAL IMPACT IS A LITTLE MORE THAN I WOULD HAVE WANTED AT \$75 MILLION, I RECOGNIZE THIS IS A GOOD COMPROMISE, AND I WANT TO

Floor Debate
May 05, 2015

APPRECIATE THE EFFORTS OF SENATOR STINNER AND CERTAINLY SENATOR NORDQUIST. HE'S A GENTLEMEN AND A SCHOLAR, AND I THINK WE'VE GOT A MUCH BETTER BILL NOW THAT THOSE AMENDMENTS HAVE BEEN ADDED TO THE BILL. SO I RISE IN SUPPORT AND I ENCOURAGE YOU TO VOTE GREEN ON BOTH THE AMENDMENTS AND THE BILL. THANK YOU, MR. PRESIDENT. [LB423]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU ARE RECOGNIZED. [LB423]

SENATOR NORDQUIST: I WAS JUST GOING TO PUT INTO THE RECORD, AND I SHOULD HAVE TOLD SENATOR GROENE WHEN I WAS CHATTING WITH HIM THERE, SO THE POWER REVIEW BOARD, ACCORDING TO ATTORNEY GENERAL OPINION, ONLY PROJECTS OVER 80 MEGAWATTS, SO WE ARE TALKING THE BIG PROJECTS, THE BERKSHIRE PROJECTS, THE SIGNIFICANT POWER PRODUCTION PROJECTS DO HAVE TO GO THROUGH THE POWER REVIEW BOARD PROCESS. THOSE THAT WOULD BE LESS THAN THAT WOULD NOT. SO IT IS ON OR AFTER THE EFFECTIVE DATE OF THE ACT IF THEY BEGIN COMMERCIAL OPERATION. SO THERE ARE, YOU KNOW, COMMUNITY-BASED PROJECTS THAT THERE HAVE OBVIOUSLY BEEN A LOT OF DISCUSSION ABOUT AND PEOPLE WHO ARE ATTEMPTING TO GET THOSE OFF THE GROUND AND, YOU KNOW, WHERE YOU DEFINE CONSTRUCTION AND WHAT CONSTITUTES THAT IS WHERE YOU START TO GET...WHERE YOU DRAW THAT LINE AND HOW YOU CRAFT THE LANGUAGE PERFECTLY GETS DIFFICULT. SO THAT'S WHY, YOU KNOW, THE POWER REVIEW BOARD STAMP OF APPROVAL IS A GOOD, HARD LINE FOR THE BIG PROJECTS, ON OR AFTER FOR COMMERCIAL OPERATION MAKES SENSE FOR THOSE THAT ARE SMALLER. THANK YOU. [LB423]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. SENATOR HAAR WAIVES. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB423]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AS THE BILL GETS A LITTLE BETTER EACH TIME, I COULD GET CLOSE TO SUPPORTING THIS. SENATOR NORDQUIST, WOULD YOU YIELD TO A QUESTION? [LB423]

SENATOR NORDQUIST: YES. [LB423]

SENATOR FRIESEN: IN THE ORIGINAL BILL, YOU HAD TWO OPTIONS WHICH YOU CAN FIGURE A TAX CREDIT. YOU HAD AN OPTION A AND AN OPTION B. [LB423]

Floor Debate
May 05, 2015

SENATOR NORDQUIST: RIGHT. [LB423]

SENATOR FRIESEN: AND YOU STATED AT THAT TIME THAT NO ONE WOULD USE OPTION B BECAUSE OPTION A WAS SO MUCH BETTER. SO I GUESS MY QUESTION IS, WHY DID YOU NOT JUST REMOVE OPTION B, INSTEAD YOU MODIFIED IT? [LB423]

SENATOR NORDQUIST: I DON'T KNOW IF I SAID...I DON'T IF MY VERBATIM WORDS WAS NOBODY. I THINK IT'S VERY LIKELY THAT ONLY A FEW SMALL, MOST LIKELY SOLAR PROJECTS, SMALL DEVELOPMENT PROJECTS ARE GOING TO USE THAT OPTION A, THAT INVESTMENT CREDIT, AND WE'VE EVEN PULLED IT BACK NOW TO A MILLION-DOLLAR CREDIT. SO YOU'RE TALKING ABOUT ONLY, YOU KNOW, A \$3 MILLION DOLLAR INVESTMENT AND YOU'VE MAXED OUT THE CREDIT, SO YOU'RE NOT GOING TO BUY CERTAINLY A LOT OF WIND WITH \$3 MILLION. YOU'D ONLY BE ABLE TO PROBABLY BUY TWO TURBINES WITH THAT INVESTMENT. YOU'RE PROBABLY GOING TO BE VERY SMALL SOLAR PROJECTS THAT WOULD UTILIZE THAT. SO A VAST MAJORITY OF THE FUNDING THAT WE'RE TALKING ABOUT HERE, THE \$75 MILLION DOLLAR CAP IS NOT GOING TO BE UTILIZED UNDER THAT FIRST OPTION. [LB423]

SENATOR FRIESEN: SO, YEAH, YOU'RE BASICALLY SAYING THAT THE SOLAR PEOPLE WILL PROBABLY USE IT BECAUSE THEIR ABILITY TO GENERATE ELECTRICITY VERSUS THE COST WOULD...OPTION B WOULD BE A BETTER OPTION. [LB423]

SENATOR NORDQUIST: YEAH. IF IT'S LONG TERM, YOU KNOW, IF YOU...IT REALLY DEPENDS ON HOW MUCH CAPITAL YOU HAVE UP FRONT, TOO, AND THE FUNDING OF THE PROJECT, IF YOU'RE ABLE TO GET THE CAPITAL UP FRONT OR WHETHER YOU NEED THAT MILLION-DOLLAR INJECTION IN THE FIRST TWO YEARS OR YOU CAN COLLECT IT OVER THE TEN-YEAR PERIOD. SO I THINK THE SIZE OF THE PROJECT AND YOUR FUNDING STATUS WILL DETERMINE WHETHER YOU TAKE THAT FIRST OPTION. [LB423]

SENATOR FRIESEN: OKAY. THANK YOU. THANK YOU, SENATOR NORDQUIST. THANK YOU, MR. PRESIDENT. [LB423]

SPEAKER HADLEY: SENATOR GROENE, YOU ARE RECOGNIZED. [LB423]

Floor Debate
May 05, 2015

SENATOR GROENE: THANK YOU, MR. PRESIDENT. FINISH WHERE I LEFT OFF, IF THE WIND IS PRODUCED IN NEBRASKA OR IF IT'S PRODUCED IN WYOMING, IOWA, DEPENDING WHICH GRID YOU'RE IN, IT FITS IN THE GRID. SO IF YOU'RE AN ENVIRONMENTALIST AND YOU WANT WIND POWER, IF IT'S PRODUCED IN OUR SOUTHWEST POWER AND OKLAHOMA, TEXAS, YOU'VE GOT YOUR WIND POWER. NOW IF YOU'RE ONE OF THE LANDOWNERS WHO WANTS TO MAKE \$8,000 A WINDMILL LEASE AND YOU WANT TO DIP INTO OUR RESERVES AND OUR TAX BASE WITH CREDITS OR IF YOU THINK A VAST BUNCH OF WINDMILLS IN YOUR AREA IS WORTH THE SMALL AMOUNT OF PROPERTY TAX RATIOWISE VERSUS WHAT YOU GET OUT OF THE SAME AMOUNT OF DOLLARS IF IT WAS STRAIGHT-UP PROPERTY TAXES, WELL, I GUESS THEN IT'S BETTER IN NEBRASKA. BUT THE FACT IS THIS, TEN YEARS IS GOING TO GO BY, CREDITS ARE GOING TO DISAPPEAR, AND THEN WIND ENERGY IS GOING TO BE MORE COSTLY. STATES THAT RELIED ON IT ARE GOING TO BE DISREPAIR OF THEIR FOSSIL FUEL PLANTS BECAUSE, REMEMBER, WIND IS ONLY AVAILABLE FOUR OR FIVE HOURS ON A WINDY DAY MOST DAYS IF IT'S WINDY. IT'S AN EXAGGERATION TO SAY THEY'RE 50 PERCENT EFFICIENT. AND I CLARIFIED THAT, 50 PERCENT IS RUNNING IS THAT THEY'RE RUNNING. THAT DOESN'T MEAN THE WIND IS EIGHT MILES AN HOUR AND THEY'RE ONLY PRODUCING AT 30 PERCENT OR IT'S 20 MILES AN HOUR WHERE IT'S PRODUCING FULL. THAT'S GOING TO DISSIPATE, THAT ADVANTAGE OF THAT CHEAP WIND ENERGY. AND IF WE KEEP OUR PUBLIC POWER STRONG WITH THE EXISTING SYSTEM, WE'RE SITTING THERE IN A VERY GOOD POSITION BECAUSE THOSE FOLKS ARE GOING TO HAVE TO BUY ELECTRICITY TO BACK UP THE WIND THAT THEY HAVE THAT'S NOT EFFICIENT. AND IN TEN YEARS FROM NOW, IF WE KEEP OUR PUBLIC POWER STRONG AND DON'T WEAKEN IT, WE'RE IN A GOOD POSITION. THE POINT WAS MADE THAT, BY SENATOR HAAR, I BELIEVE, THAT WE'RE GOING TO PROTECT THE MONOPOLY, WE'RE GOING TO PROTECT AN ANTIQUATED DEAL AND NOT MAKE THEM COMPETITIVE. THAT'S QUITE THE OPPOSITE. I'M NOT TRYING TO PROTECT THEM FROM WIND. I'M TRYING TO PROTECT THEIR ABILITY TO BE EFFICIENT. I'M TRYING TO PROTECT THEIR ABILITY TO BE TOPNOTCH, TO BE TOP OF THE LINE, FULLY AT RUNNING, NOT RUNNING DOWN THE INTERSTATE IN SECOND GEAR AT THE SAME RPM VERSUS ON CRUISE CONTROL. IN THE LONG RUN, WE'RE BETTER OFF RELYING ON WHAT WE HAVE, THE PUBLIC POWER SYSTEM. WE HAVE NO IDEA WHAT THE REQUIREMENTS ARE GOING TO BE. TIME GOES BY, A NEW PRESIDENT WILL STEP IN. WE CAN'T REACT TO THREATS. AND IF IT DOES HAPPEN, WE'RE IN A PRIME POSITION TO HAVE THE NEWEST TECHNOLOGY IN WIND, NOT TO HAVE THE OLDEST, IF OUR PUBLIC POWER SYSTEM DECIDES THAT THAT'S A ROUTE THEY WANT TO TAKE. IT SHOULD NOT BE FOISTED ON THEM. IT SHOULD BE A DECISION MADE BY AN ORGANIZATION THAT HAS SERVED US WELL. THIS IS

Floor Debate
May 05, 2015

FOOLISHNESS. AND I UNDERSTAND WHERE IT'S COMING FROM ON SAVING THE WORLD, AND I WANT TO SAVE IT, TOO, BUT I THINK THERE'S ONE GUY THAT'S ALREADY DONE THAT. BUT, ANYWAY, MY AMENDMENT, I STILL DON'T LIKE THE IDEA THAT IT'S PLACED INTO COMMERCIAL OPERATION ON OR AFTER. I DON'T SEE THE NEED FOR IT. THERE MUST BE A PROJECT OR TWO OUT THERE THAT THEY'VE MOVED SOME DIRT OR THEY'VE STARTED SOME... YOU KNOW, THE ONE THE LADY SENT ME THE LETTER FROM TILDEN. IS THAT ONE... I'M TRYING TO FIGURE OUT WHY THAT NEEDS TO BE IN THERE. I HAVE BEEN TOLD, ONE INSTANCE, THAT THE BURT... [LB423]

SPEAKER HADLEY: ONE MINUTE. [LB423]

SENATOR GROENE: ...COUNTY THING MIGHT BE CONSIDERED ALREADY STARTED. THAT CONCERNS ME. IF IT'S ALREADY STARTED, THEN SOMEBODY RAN SOME NUMBERS AND SAYS IT'S FEASIBLE TO DO. AND THAT'S THE OTHER THING, IF IT'S ALREADY STARTED, THERE'S SOME ACCOUNTING TRICKS. BUT AS LONG AS IT'S STARTED YOU CAN APPLY FOR THE FEDERAL. SO I'D LIKE THAT CLEARED UP. IS THE BURT COUNTY SYSTEM TRYING TO APPLY FOR THE FEDERAL AND DOUBLE-DIP WITH THIS ONE? THAT'S GOING PRETTY DEEP INTO A TAXPAYER'S POCKETBOOK IF THAT'S THE CASE. I WOULD LIKE TO HAVE IT READ, IF WE ENACT THIS LAW, ALL PROJECTS MUST BE APPROVED AFTER THE LAW IS TAKEN INTO EFFECT. ALSO, I DON'T THINK I CAN GET COMPLETELY INTO THIS BUT LOOK AT YOUR GREEN SHEET TODAY, FOLKS, JUST OVER WHAT WE DID YESTERDAY, BACK SIDE. [LB423]

SPEAKER HADLEY: TIME, SENATOR. [LB423]

SENATOR GROENE: THANK YOU. [LB423]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB423]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. GOOD AFTERNOON. AND WE... AND AS WE SIT AND TALK ABOUT THIS, I THINK IT'S IMPORTANT TO UNDERSTAND THAT IN MY WORLD THIS ISN'T ABOUT SAVING ANYTHING. THIS ISN'T ABOUT DOING NECESSARILY ANYTHING FOR THE ENVIRONMENT OR ANYTHING LIKE THAT. THIS IS ABOUT ALLOWING PEOPLE THAT WANT TO TAKE A RISK THE ABILITY TO DO THAT. AND WE CAN LOOK BACK IN HISTORY AND WE CAN SEE TIME AND TIME AGAIN WHERE WE HAVE HELPED AND INCENTIVIZED BRAND-NEW INDUSTRIES TO GET OFF THE GROUND AND

Floor Debate
May 05, 2015

BECOME SUCCESSFUL. AND I JUST LOOK...WHEN YOU TALK ABOUT THE ENERGY SECTOR, I JUST LOOK AT ETHANOL AS ONE OF THOSE. YES, THERE WERE FEDERAL CREDITS. WE EVEN PUT IN STATE CREDITS, AND WE SPENT A LOT OF MONEY GETTING THAT INDUSTRY ESTABLISHED IN NEBRASKA. AND NOW WHAT ARE WE? THIRD? SECOND IN THE NATION? IT'S RAISED THE PRICE OF OUR CORN. IT'S HELPED IN THOSE FASHIONS. WHEN WE START LOOKING AT WHAT GOES ON OUTSIDE OF OUR BORDERS, WE NEED TO UNDERSTAND. AND I JUST HAVE A THING HERE FROM DAVID GARDINER AND ASSOCIATES FROM THEIR POWER FORWARD 2.0 THAT TALKS ABOUT FORTUNE 500 COMPANIES. AND DO YOU REALIZE THAT BECAUSE THOSE FOLKS HAVE SHAREHOLDERS, THEIR SHAREHOLDERS ARE TELLING THEM, WE WANT RENEWABLE ENERGY ON OUR PORTFOLIO, AND THAT IS DICTATING WHERE THEY GO. ASK THE DATA CENTER THAT ENDED UP IN IOWA IF THAT WASN'T A CONSIDERATION OF THEIRS, EITHER NEBRASKA OR IOWA. I THINK YOU'LL SEE THE QUESTION. I MEAN, WHEN WE TALK ABOUT THESE THINGS IT COMES DOWN TO THAT. IF THERE ARE BUSINESSPEOPLE OUT HERE THAT WANT TO TAKE THOSE RISKS, I'M NOT SURE THAT WE SHOULD BE SITTING HERE AS A LEGISLATURE TELLING THEM THEY SHOULDN'T. SO LET'S GET BEYOND WHAT THIS IS AND WHO THIS IS BECAUSE, REMEMBER, MOST OF THESE PROJECTS THAT WE'RE TALKING ABOUT WILL FIT INTO THE PUBLIC POWER STRUCTURE WE HAVE HERE. PUBLIC POWER HAS BEEN CREATING AND PUTTING WIND ON-LINE NOW FOR THE PAST EIGHT YEARS. I MEAN, DID EVERYBODY NOTICE THAT NPPD THE OTHER DAY MADE A MAJOR ANNOUNCEMENT THAT THEY'RE CONVERTING ONE OF THEIR COAL-FIRE STATIONS TO HYDROGEN BURNING? THAT IS IN RESPONSE TO A COUPLE THINGS. ONE OF THE THINGS IS THEY GOT TO FIGURE OUT THIS CO2 THING, BUT THE OTHER THING IS THAT THEY UNDERSTAND THAT THEY NEED TO BECOME MORE FLEXIBLE IN THEIR POWER GENERATION SO THAT THEY CAN BE MORE RESPONSIVE TO THE NEW WAY AND THE NEW OPERATIONS OF WHAT'S GOING ON IN ENERGY AND ENERGY DEVELOPMENT HERE IN THE UNITED STATES. IT'S NOT JUST ABOUT NEBRASKA. NOW WE COULD TRY TO HOLD OURSELVES IN THIS PLACE. WE CAN TRY TO STICK RIGHT WHERE WE ARE, BUT WE NEED TO REMEMBER THAT NOT JUST WITH THIS KIND OF THING, BUT WE HAVE TO BE CAREFUL THAT WHEN THINGS ARE CHANGING THAT WE DON'T JUST STICK OUR HEAD IN THE SAND AND SAY, NO WAY. CHANGE BREEDS OPPORTUNITY, FOLKS. DON'T EVER FORGET THAT. WITHOUT ANY CHANGE, THERE'S NO OPPORTUNITY. NOW CAN CHANGE BE GOOD AND BAD? POSSIBLY. BUT I'M TELLING YOU RIGHT NOW... [LB423]

SPEAKER HADLEY: ONE MINUTE. [LB423]

Floor Debate
May 05, 2015

SENATOR SCHILZ: THANK YOU. RIGHT NOW, EVEN IF THERE IS NO OTHER WIND DEVELOPMENT THAT GOES INTO THE STATE OF NEBRASKA, PUBLIC POWER, NPPD, AND EVERYBODY ELSE ARE GOING TO HAVE THE SAME PROBLEMS AND THEY'RE GOING TO BE EXACERBATED THE FARTHER WE GO OUT BECAUSE WIND DEVELOPMENT IS HAPPENING IN EVERY OTHER STATE. AND IT'S NOT JUST ABOUT NEBRASKA BECAUSE NOW THAT WE'RE IN THE SOUTHWEST POWER POOL, ANY PLACE THAT THERE'S WIND PUT IN OUTSIDE NEBRASKA THAT'S IN THAT FOOTPRINT AFFECTS WHAT OUR PUBLIC POWER ENTITIES CAN SELL THEIR POWER FOR AND WHAT IT COSTS US TO GET OUR POWER. SO WHETHER WE LIKE IT OR NOT, WE'RE IN THIS, AND WE NEED TO FIGURE OUT WAYS TO MAKE OPPORTUNITIES FROM THE HAND WE'VE BEEN DEALT. THANK YOU, MR. PRESIDENT. [LB423]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS WILLIAMS, DAVIS, KEN HAAR, BRASCH, AND OTHERS. SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB423]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. I HAVE BEEN IN FAVOR OF LB423 FROM THE BEGINNING, AND I WOULD LIKE TO THANK SENATOR NORDQUIST FOR BRINGING IT AND RECOGNIZING THAT RENEWABLE ENERGY CREDITS ARE GOOD FOR OUR STATE. I WOULD ALSO LIKE TO THANK SENATOR McCOLLISTER AND STINNER AND OTHERS FOR THE AMENDMENTS WHICH I THINK CLEARLY MAKE THIS A BETTER BILL WITH THE LIMITATIONS, THE SUNSET, AND THE DOLLAR LIMITATIONS ON THE TOP. WE SEEM TO SPEND THE MAJORITY OF OUR TIME, AND RIGHTFULLY SO, TALKING ABOUT HOW THESE RENEWABLE CREDITS COULD BE USED FOR WIND ENERGY. AND THERE ARE CERTAINLY CASES THAT THAT WILL HAPPEN. THERE ARE MANY WIND TOWERS UP THERE ALREADY, AND THERE WILL CERTAINLY BE MORE WITH THE AVAILABLE CREDITS HERE. BUT ALSO LET US NOT FORGET THAT THIS IS AVAILABLE FOR SOLAR USE. I HAVE TWO COMMUNITIES IN MY DISTRICT THAT ARE ON THE VERGE OF MOVING FORWARD WITH SOLAR FACILITIES TO HELP SUPPLY A CONTROLLED ELECTRICAL COST SYSTEM TO OUR COMMUNITIES. AND I WOULD SUGGEST THAT IF THESE TWO COMMUNITIES, WHICH ARE LEXINGTON AND GOTHENBURG, HAVE FIGURED THIS OUT, THERE WILL BE OTHER COMMUNITIES THAT WILL DO THIS INTO THE FUTURE. IN THE CASE OF GOTHENBURG, FOR INSTANCE, THE FACILITY THAT IS BEING PROPOSED WOULD PROVIDE 15 PERCENT OF THE LOCAL USE OF ELECTRICITY. THAT IS SIGNIFICANT WHEN YOU'RE LOOKING AT HOLDING COSTS AND PROVIDING BETTER SERVICE TO YOUR RESIDENTS IN THE COMMUNITY. SO I WILL CLEARLY SUPPORT BOTH OF

Floor Debate
May 05, 2015

THESE AMENDMENTS AND HOPE THAT YOU WILL VOTE GREEN ALSO. THANK YOU. [LB423]

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE RECOGNIZED. [LB423]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I APPRECIATE SENATOR WILLIAMS' COMMENTS AND I WHOLEHEARTEDLY AGREE WITH HIM. I'M A SUPPORTER OF THIS LEGISLATION AND WAS FROM THE BEGINNING. I THINK THE AMENDMENTS HAVE...SENATOR NORDQUIST HAS DONE A LOT OF WORK TO COMPROMISE AND MAKE A BILL THAT WILL BE ACCEPTABLE TO EVERYBODY IN THE BODY, AND I'M STRONGLY IN SUPPORT AND HOPE EVERYONE WILL. BUT I WANT TO REFUTE A FEW THINGS THAT SENATOR GROENE HAD SAID. I THINK IT'S IMPORTANT FOR US TO RECOGNIZE SOME OF THE THINGS THAT HAVE HAPPENED IN THE STATE OF NEBRASKA. HENRY CORDES DID AN ARTICLE IN THE OMAHA WORLD-HERALD ON THE 5th OF APRIL AND TALKED A LOT ABOUT THE CHANGING DYNAMIC AND THE CHANGING STRUCTURE OF THE PUBLIC POWER SITUATION AND RATES, AND I THINK THOSE NEED TO BE TALKED A LITTLE BIT. SO OF THE INDUSTRIAL RATES THAT WERE REFERRED TO EARLIER, IF YOU COMPARE ACROSS THE UNITED STATES AND IN NEBRASKA, OMAHA PUBLIC POWER DISTRICT RATES WERE UP 44 PERCENT. MIDAMERICAN, OVER IN IOWA, WENT UP 3.3 PERCENT. THE U.S. AVERAGE ACTUALLY DECLINED 8.8 PERCENT. LINCOLN ELECTRICAL IS UP 14 PERCENT AND NPPD UP 31.3 PERCENT. SO IF YOU'RE PAYING ATTENTION TO WHAT I'M SAYING AND YOU SEE THE THAT NATIONAL RATES ARE DECLINING FOR INDUSTRIAL POWER WHILE OUR RATES ARE GOING UP, YOU ARE SEEING THAT WE ARE BECOMING UNCOMPETITIVE. SENATOR SCHILZ HAS MADE REFERENCE TO GREEN ENERGY DESIRING TO DEVELOP IN STATES, I MEAN, CORPORATIONS DESIRING TO DEVELOP IN STATES WHICH ARE DEVOTED TO GREEN ENERGY. WE SAW AN EXAMPLE OF THAT WITH THE FACEBOOK DISCUSSION IN KEARNEY SOME YEARS AGO. I THINK THAT THERE ARE OTHER ENTITIES LIKE THAT WHICH WE HAVEN'T HEARD FROM THAT HAVEN'T LOCATED HERE BECAUSE OF OUR RELIANCE ON COAL POWER. SO ONE OF THE DRIVING REASONS WHY WE HAVE SEEN THESE SPIKING RATES IS THAT IN THE REST OF THE COUNTRY THEY ARE RELYING ON NATURAL GAS. WE DON'T HAVE THE ABILITY TO DO THAT HERE. SO NPPD HAS PRETTY MUCH WENT INTO THE NUCLEAR COAL STRUCTURE WITH A LITTLE BIT OF WIND, AND WE DON'T HAVE ANY OTHER TOOL TO USE, SO WHEN COAL PRICES GO UP WE PAY HIGHER RATES. WE NEED TO KEEP OUR COMPETITIVE EDGE. THIS BILL DOES THAT. WE HAVE ECONOMIC DEVELOPMENT OPPORTUNITIES IN RURAL NEBRASKA, SPECIFICALLY IN MY DISTRICT IN CHERRY COUNTY WHERE 400,000 ACRES HAVE BEEN PUT INTO A COOPERATIVE BY RANCHERS THERE WHO ARE VERY MUCH

Floor Debate
May 05, 2015

STRONG SUPPORTERS OF THE DEVELOPMENT OF WIND ENERGY, IN SENATOR SCHILZ'S DISTRICT IN BANNER COUNTY WHICH HAS TREMENDOUS WIND. YOU KNOW, WE DON'T WANT...AND I SAID THIS YESTERDAY BUT I'M GOING TO SAY IT AGAIN, WE CAN'T PUT A MOAT AROUND THE STATE OF NEBRASKA AND SAY WE'RE JUST NOT GOING TO ACCEPT ANY OF THE CHANGES THAT ARE OUT THERE BECAUSE OUR POWER STRUCTURE IS THE BEST IN THE WORLD. WE DON'T REALLY KNOW THAT. WE THINK IT'S BEEN GOOD TO US, BUT THINGS CHANGE, TIMES CHANGE. WE'RE NOW IN A CHANGE MODE. AND SENATOR WILLIAMS MADE REFERENCE TO THE SOLAR INDUSTRY. I THINK THAT'S PROBABLY THE COMING THING. POWER IS CHANGING, AND WE CAN BE AT THE FOREFRONT OF THAT OR WE CAN LAG BEHIND EVERYBODY ELSE. RIGHT NOW WE'RE LAGGING BEHIND EVERY ONE OF OUR NEIGHBORING STATES WHO HAVE ALL INVESTED MORE CREDITS AND DONE MORE TO TRY TO DEVELOP ALTERNATIVE ENERGY THAN ANYONE ELSE. I WAS DRIVING THROUGH NORTHERN IOWA IN 1999, I BELIEVE, AND I'D NEVER SEEN WIND TURBINES BEFORE AND I SAW WIND TURBINES ALL OVER THE PLACE. JOHN HANSEN FROM NEBRASKA FARMERS UNION TALKED ABOUT THE FIRST BILLS THAT EVER TOOK PLACE HERE IN I THINK IT WAS 2005 OR '06. SO WE WERE ALREADY YEARS BEHIND AT THAT POINT. WE'RE STILL DRAGGING OUR FEET IN TRYING TO GET SOMETHING DONE WHEN WE'VE GOT THE POTENTIAL, WE'VE GOT THE NEED. THE ECONOMIC DEVELOPMENT OPPORTUNITIES ARE OUT THERE FOR US. SO GOOD BILL. I WOULD URGE EVERYONE HERE TO SUPPORT IT. IT'S GOOD FOR NEBRASKA. THANK YOU. [LB423]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB423]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I WAIVED A MOMENT AGO BECAUSE I WAS GETTING SOME MORE FIGURES. THIS IS FROM DAVID LEVY WHO WHO'S AN ATTORNEY THAT WORKS WITH MUNICIPALITIES AND ALSO WITH WIND DEVELOPERS. AND KNOX COUNTY GETS ABOUT \$800,000 A YEAR IN PROPERTY TAX. WOW! THAT'S A SMALL AMOUNT, ISN'T IT? I WONDER IF OTHER COUNTIES WOULDN'T LIKE THAT AS WELL. CUSTER COUNTY GETS ABOUT A MILLION DOLLARS A YEAR IN PROPERTY TAX FROM THE WIND DEVELOPMENT IN THEIR COUNTY. BOONE COUNTY GETS ABOUT \$800,000 A YEAR IN PROPERTY TAX RECEIPTS FROM THE WIND DEVELOPMENT IN THEIR COUNTY. SO KNOX, \$800,000; CUSTER, ABOUT A MILLION; BOONE, ABOUT \$800,000. THIS IS IN PROPERTY TAX REVENUE FROM WIND DEVELOPMENT. SO IF WE'RE REALLY CONCERNED, REALLY CONCERNED ABOUT PROPERTY TAX RELIEF, IMAGINE WHAT INFUSING \$800,000 A YEAR OF NEW PROPERTY TAX INTO A COUNTY COULD DO FOR PROPERTY TAX RELIEF? SENATOR GROENE TALKED ABOUT

Floor Debate
May 05, 2015

PROTECT, PROTECT, PROTECT, PROTECTIONISM. WE HAVE TO PROTECT PUBLIC POWER. IT'S GOING TO GO UNDER. WELL, WHAT YOU CAN'T PROTECT THE COAL-FIRED POWER PLANTS FROM, NEBRASKA FROM, IS THE FACT THAT COAL, THE COST OF COAL DOUBLED IN THE LAST, MORE THAN DOUBLED IN THE LAST TEN YEARS AND RAILROADS FIGURED OUT THAT THEY COULD CHARGE MORE FOR TRANSPORTING THE COAL. SO THE COST OF FOSSIL FUELS IS, OF COAL IN PARTICULAR, IS GOING UP AND UP AND UP. AND THE THING THAT REALLY IS HURTING THE MARKETING ABILITY OF THE EXCESS ENERGY RIGHT NOW FOR OPPD AND NPPD IS THE LOW PRICE OF NATURAL GAS. WELL, WE CAN'T PROTECT NEBRASKA PUBLIC POWER FROM THAT EITHER. I MET YESTERDAY WITH A MAN, DAVE MALLECK, WHO IS WORKING WITH VARIOUS COMPANIES WHO ARE DOING DATA STORAGE, AND IT'S A FIELD THAT'S JUST GROWING AND GROWING AND GROWING. THE AMOUNT OF DATA WE'RE STORING EVERY FEW HOURS NOW IS JUST ENORMOUS, AND THEY'RE LOOKING FOR RENEWABLE ENERGY. AND PART OF IT, OF COURSE, THEY LIKE TO SAY WE'RE GOING GREEN, BUT THE MAIN REASON IS ECONOMIC BECAUSE RIGHT NOW, IF YOU BUY WIND POWER OR YOU BUY IT TOMORROW OR THE NEXT DAY, YOU CAN SIGN A CONTRACT AND YOU'LL KNOW EXACTLY WHAT THE COST OF THAT WIND POWER IS GOING TO BE FOR THE NEXT 10 OR 20 YEARS. WITH COAL POWER AND SO ON, THAT'S IMPOSSIBLE BECAUSE THOSE FUEL COSTS ARE CHANGING SO DRAMATICALLY. THE COST OF WIND AND SOLAR, THE COST UP FRONT IS HIGH FOR THE CAPITAL INVESTMENT, BUT AFTER THAT YOU KNOW THE COST OF THE POWER. THE WIND IS FREE. THE SUN IS FREE. AND SO MORE AND MORE WE'RE GOING TO SEE MAJOR CONSUMERS OF ELECTRICITY GOING TO RENEWABLES NOT BECAUSE THEY'RE GREEN BUT BECAUSE IT SAVES THEM MONEY. THEY KNOW EXACTLY HOW MUCH THAT ENERGY IS GOING TO COST FOR THE LONG TIME IN THE FUTURE. I WANT TO BRING UP ANOTHER FACT THAT'S BEEN TALKED ABOUT. YOU KNOW, THE WIND DOESN'T ALWAYS BLOW. THE SUN DOESN'T ALWAYS SHINE. IT MAKES WIND A LOT LESS DEPENDABLE. WELL, THERE'S SOMETHING AS YOU GET INTO THIS FIELD YOU NEED TO KNOW CALLED CAPACITY FACTOR. AND A CAPACITY FACTOR IS WHEN YOU TAKE AND YOU DIVIDE THE OUTPUT OF A PLANT BY WHAT ITS NAMEPLATE CAPACITY, WHICH IS SUPPOSED TO BE WHAT, YOU KNOW, WHAT... [LB423]

SPEAKER HADLEY: ONE MINUTE. [LB423]

SENATOR HAAR: THANK YOU...WHAT YOU GET WHEN YOU'RE OPERATING AT 100 PERCENT CAPACITY. WELL, NOT SURPRISINGLY, THE SOURCE WITH THE HIGHEST CAPACITY FACTOR IS NUCLEAR WHEN IT'S RUNNING. WE'VE SEEN, FOR EXAMPLE, THE FORT CALHOUN PLANT THAT WAS OUT OF...YOU KNOW, IT WAS

Floor Debate
May 05, 2015

SHUT DOWN FOR, I BELIEVE, IT WAS ALMOST A YEAR. SO WHEN THEY'RE RUNNING, NUCLEAR PLANTS ARE 90-95 PERCENT CAPACITY FACTOR. WIND IS APPROACHING 50 PERCENT CAPACITY FACTOR. AND COAL, AND THIS IS FROM THE EPA, THE UNITED STATES ENERGY INFORMATION ADMINISTRATION, THAT RIGHT NOW THE CAPACITY FACTOR OF COAL-FIRED POWER PLANTS IS ABOUT 65 PERCENT. THEY DON'T RUN ALL THE TIME. [LB423]

SPEAKER HADLEY: TIME, SENATOR. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB423]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND GOOD AFTERNOON, COLLEAGUES. I DO RISE IN SUPPORT OF LB423 AND THE UNDERLYING AMENDMENTS. AND I DID WANT TO RISE AND ADDRESS THE 2014 NATIONAL RATE SURVEY HANDOUT THAT SENATOR GROENE DISTRIBUTED. I ALSO PULLED UP THE NEBRASKA OFFICIAL WEB SITE FOR OUR ENERGY OFFICE, AND THEIR FIGURES DO DIFFER THAN THAT OF LES. IN THE SAME YEAR, THEY SHOW THAT THE AVERAGE ELECTRICITY RATE FOR ALL SECTORS IN IOWA IS 8.24 CENTS PER KILOWATT HOUR AND IN NEBRASKA IT IS 8.80 PER KILOWATT HOUR, WHICH WOULD MAKE NEBRASKA 0.56 CENTS HIGHER THAN IOWA ON THAT WEB SITE. SO I DON'T KNOW WHAT THE SOURCES ARE USED, AND LOCATION, BUT THAT INFORMATION DOES DIFFER ACCORDING TO OUR ENERGY OFFICE. AND BURT COUNTY WIND, YES, IT IS DISTRICT 16. WE ARE STATE SENATORS AND REPRESENT THE ENTIRE STATE, BUT THIS IS SO VITAL TO THIS RURAL COUNTY AND THE RURAL COMMUNITIES. THEY'RE LOOKING FOR AN OPPORTUNITY. THEY PUT A LETTER TOGETHER THAT CAME TO THE HEARING ON THIS, AND I WANT TO REMIND EVERYONE, IT'S 22 MEMBERS OF LOCAL FARM FAMILIES, MULTIPLE GENERATIONS, HALF OF THEM UNDER THE AGE 40. THEY HAVE RUN NUMBERS. THEY WANT TO USE LOCAL VENDORS, A SUPPLY CHAIN WHEREVER POSSIBLE. AND THAT INCLUDES USING NEBRASKA-BASED CONSTRUCTION, NEBRASKA EQUITY PARTNERS, AND NEBRASKA BANKING PARTNERS. AND IN BURT COUNTY, THIS IS FROM THEIR LETTER, IT SAYS WE'RE PRIMARILY AN AGRICULTURAL-BASED COMPANY. OUR LIFEBLOOD IS CORN AND CATTLE. HOWEVER, OUR COUNTY HAS GIVEN US BROAD-BASED SUPPORT FOR THIS PROJECT BECAUSE WE RECOGNIZE THE NEED TO CREATE NEW REVENUES HERE AT HOME. NEBRASKANS HAVE WAITED PATIENTLY FOR RENEWABLE ENERGY AND AN INDUSTRY TO DEVELOP WHILE OTHERS HAVE ZOOMED RIGHT BY US. AND THAT'S WHY THEY SUPPORT THIS BILL. THEY WANT TO SEE AN OPPORTUNITY TO OFFSET THE HIGH RISING AG LAND VALUES. THEY ARE LOOKING TO HELP BRING IN NEW REVENUES. AND WHILE MY MEMORY SERVES ME CORRECT, SENATOR GROENE HAS STATED SEVERAL TIMES ON THE FLOOR THAT HE IS NOT IN FAVOR

Floor Debate
May 05, 2015

OF LOWERING ONE PERSON'S TAXES OR ONE CREDIT BUT MUST DO THE SAME FOR ALL. YOU KNOW, I WOULD ALSO STATE AND WOULD LIKE OTHERS TO SAY THAT WE CANNOT RAISE TAXES DISPROPORTIONATELY IN OUR STATE AS WELL. AND THAT'S WHAT WE'RE TRYING TO DO IS ALLEVIATE SOME OF THIS DISPROPORTIONATE GROWTH IN TAXATION, BE IT IN AG LAND OR IN OTHER PROPERTY TAXES, WHEN WE LOOK AT THE NATIONAL RATES THAT WE SEE. I DO ENCOURAGE SUPPORTING THIS. IF THE AMENDMENTS ARE WHAT IS NEEDED TO BRING THIS FORWARD, I ENCOURAGE YOU TO VOTE GREEN. THANK YOU, COLLEAGUES, AND THANK YOU, MR. PRESIDENT, MR. SPEAKER. [LB423]

SPEAKER HADLEY: SENATOR GROENE, YOU ARE RECOGNIZED. [LB142]

SENATOR GROENE: THANK YOU, MR. SPEAKER. ATKINSON PROJECT BY NPPD, THE CUSTER COUNTY PROJECT THAT'S 20 MILES AWAY FROM A PLACE I OWN, THERE'S THE PRAIRIE BREEZE PROJECT UP AT ELGIN, WHICH THE LADY REFERRED TO IN THE LETTER, BERKSHIRE HATHAWAY IS BUILDING A PROJECT UP BY O'NEILL FOR 400 KILOWATT HOURS. THAT'S A THIRD OF WHAT WE CAN DO AT SUTHERLAND, 1 OF THE TOP 50 GENERATORS. AND BY THE WAY, SENATOR SCHILZ, I CHECKED WITH NPPD AND IT'S 1,200 TO 1,300 OUTPUT. WE HAD A DISCUSSION EARLIER THAT IT WAS 1,200 PER GENERATOR. IT'S 1,200 TOTAL KILOWATTS OUT OF SUTHERLAND COAL-FIRED PLANT. POOR, POOR NEBRASKA, WE DON'T HAVE WIND ENERGY. WELL, WHAT'S THIS? WHAT'S THE O'NEILL PROJECT? WHAT'S THE ATKINSON PROJECT? WHAT'S THE PRAIRIE BREEZE PROJECT? WHAT'S THE BURT COUNTY PROJECT, WHERE THEY'VE ALREADY MOVED SOME DIRT IN ANTICIPATION OF BUILDING IT? WIND ENERGY EXISTS IN NEBRASKA. NPPD IS TRYING TO INCORPORATE IT INTO THEIR SYSTEM, WORKING WITH THEM. THE ATKINSON PROJECT IS NPPD'S, WHICH WAS PLANNED WITHIN THE SYSTEM. TO SENATOR SCHILZ'S POINT, THEY WANT TO HAVE THE OPPORTUNITY TO RISK. I'VE NEVER TAKEN A GOVERNMENT PAYMENT IN MY LIFE. IF RISK INCLUDES TAKING A GOVERNMENT PAYMENT, I'VE BEEN IN THE WRONG INDUSTRY. RISK IS RISK. YOU GO TO A BANK, YOU GET A LOAN, YOU...SWEAT OF YOUR BROW, AND IF IT WORKS IT WORKS. YOU DON'T NEED A GOVERNMENT PAYMENT TO DO IT. TO SENATOR BRASCH AND HER TAX STATEMENT, \$75 MILLION, THAT IS AN INCREASE OF MY AND MY CONSTITUENTS' INCOME AND SALES TAX. THAT STUFF DOESN'T GROW ON TREES, A \$75 MILLION TAX CREDIT. REMEMBER, THIS IS NOT A TAX CREDIT ON TAXES THAT THEY GENERATE. THEY CAN SELL IT BECAUSE, I'LL GUARANTEE YOU, THEY'LL RUN THE BOOKS IF THEY DON'T MAKE ANY MONEY. THEY CAN SELL THAT TAX CREDIT TO AN INDIVIDUAL WHO DOES PAY TAXES, AND THEN HE WILL NOT PAY HIS TAXES, OR A CORPORATION WHO DOES PAY TAXES AND THEY WILL USE

Floor Debate
May 05, 2015

THAT CREDIT AT A 15 PERCENT DISCOUNT ON \$100 THAT THEY CAN DEDUCT FROM THEIR TAXES. THIS IS NOT YOUR TYPICAL...AT LEAST THE ZOO IS GOING TO CREATE SOMETHING TO GET THEIR TAX CREDIT. THESE ARE...THAT'S A WHOLE DIFFERENT ANIMAL, TAX CREDITS VERSUS GIVING SOMEBODY THE ABILITY NOT TO PAY THE TAXES ON INCOME THEY GENERATED THEMSELVES. SEVENTY-FIVE MILLION DOLLARS, IF YOU LOOK AT YOUR GREEN SHEET, MONDAY WE STARTED WITH AN EXCESS OF ABOUT \$28 MILLION; AFTER YESTERDAY, ON THE BACK SIDE, WE'RE \$7,549,000 IN THE HOLE OF THE \$58 MILLION THAT THE REVENUE...THE APPROPRIATIONS COMMITTEE WAS SO CHARITABLE TO LET US SPEND ON THE FLOOR HERE. IT'S GONE. SIX POINT NINE MILLION OF IT WAS THE LB423, PLUS THE \$50,000 START-UP. NOW WE HAVEN'T SEEN THE NEWEST FISCAL NOTE ON IT BUT THAT'S WHAT WE KNOW NOW. WIND ENERGY EXISTS IN NEBRASKA. IT'S DOING JUST FINE. NOBODY IS STOPPING ANY BUSINESSPERSON FROM SAYING, I WANT TO BUILD AN ELECTRICAL SOLAR POWER IN ANY COUNTY IN NEBRASKA. NOBODY IS STOPPING THEM. IT'S CALLED FREE ENTERPRISE, FREE MARKETS. WHEN YOU START THROWING TAX CREDITS IN IT AND THEN YOU CALL THAT RISK, I DON'T CALL THAT RISK. ANY BANKER IN HIS RIGHT MIND WOULD GIVE A LOAN... [LB423]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB423]

SENATOR GROENE: ...WOULD GIVE A LOAN TO SOMEBODY WHO SAYS, WELL, I'M GOING TO GET THESE TAX CREDITS. WELL, BANKS OUGHT TO TAKE A LITTLE RISK TOO. AND THAT'S NOT A COMMENT TO SENATOR WILLIAMS' PROFESSION. THAT HAS NOTHING TO DO WITH THAT. I WASN'T TAKING A SHOT ACROSS THE BOW, SENATOR WILLIAMS. YOU HAVE AN HONORABLE PROFESSION. IT'S JUST A POINT I WANT TO MAKE ABOUT FREE MARKETS. THIS IS FOOLISHNESS. WE TALK ABOUT \$60 MILLION. OH, YESTERDAY WE DID A GREAT THING. WE GAVE EVERY...THE SMALL BUSINESSES \$16.8 MILLION CREDIT, AND, BOY, THAT WAS HARD TO DO. THAT WAS PULLING TEETH. WE'RE GIVING AWAY \$16.8 MILLION. AND WE TURN AROUND HERE AND \$75 MILLION IS JUST A GREAT THING. IT'S MONEY LAYING AROUND ON THE FLOOR. EITHER IT GETS SWEEPED UP AND PUT IN THE TRASH OR WE GIVE IT TO THESE WIND ENERGY PEOPLE. THIS IS UNNECESSARY. THIS IS FEEL-GOOD LEGISLATION, AND IT NEEDS TO STOP. WHICH ONE OF YOUR HHS BILLS DO YOU FOLKS WANT TO GIVE UP FOR THIS? [LB423]

SPEAKER HADLEY: TIME, SENATOR. [LB423]

SENATOR GROENE: THANK YOU. [LB423]

Floor Debate
May 05, 2015

SPEAKER HADLEY: AND THAT WAS YOUR THIRD TIME. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB423]

SENATOR WATERMEIER: THANK YOU, MR. SPEAKER, APPRECIATE THAT. GOOD AFTERNOON, NEBRASKA. I'M GOING TO STAND IN OPPOSITION TO LB423. I REMEMBER THE DISCUSSION TWO YEARS AGO, AND IT REALLY HASN'T CHANGED MUCH FOR ME. AND I'LL MAKE THIS REAL QUICK. I DO SUPPORT AM1498. SENATOR NORDQUIST'S OFFICE WAS VERY HELPFUL IN GETTING SOME ISSUES THAT WE HAD WITH SUNSET DATES AND PERFORMANCE AUDIT GOALS AND MEASURES PLACED IN THERE. I THINK WE MADE A GOOD-FAITH EFFORT TO GET SOME OF THAT PLACED INTO THE BILL. AM1543 DOES PUT A CAP ON THE CREDITS. BUT MAKE NO MISTAKE ABOUT IT, WE ARE GOING TO SPEND \$75 MILLION IN TAX CREDITS THAT COULD BE SPENT SOMEWHERE ELSE. AND 100 PERCENT OF THAT TAX CREDIT IS GOING TO BE REDEEMED AND IS GOING TO BE A LIABILITY TO THE STATE. WHEN WE DO OTHER THINGS AS FAR AS TAX INCENTIVES, IT'S A DIFFICULT NUMBER TO COME UP WITH BUT PROBABLY ONLY BETWEEN HALF AND TWO-THIRDS OF THAT NUMBER ACTUALLY COMES BACK TO A LIABILITY TO THE STATE. THIS IS A TOTALLY DIFFERENT WAY TO DO IT. I MEAN IT'S NOTHING NEW AND IT'S LEGAL AND IT'S OKAY, BUT IN THEORY I DON'T LIKE IT. AND IN THEORY THE WIND ENERGY IS AN ENERGY POLICY THAT I SUPPORT THE IDEA OF GETTING WIND ENERGY IN NEBRASKA AND WE'RE PROVEN TO BE THE THIRD STATE THAT HAS THE MOST RESOURCE TO IT, BUT I STRUGGLE WITH THE METHOD OF DOING THIS. SO I'M GOING TO STAND IN OPPOSITION. I'M GOING TO ASK TO VOTE RED ON LB423. I DO SUPPORT BOTH OF THESE AMENDMENTS AND I HAVE TO LOOK AT THE OTHER AMENDMENTS THAT ARE COMING. BUT I WILL SUPPORT AM1543 AND, OBVIOUSLY, AM1498, BECAUSE AM1498 DEALS WITH THE SUNSET DATES AND THE PERFORMANCE AUDIT GOALS AND MEASURES. THANK YOU, MR. PRESIDENT. [LB423]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB423]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I'D LIKE TO COMPLIMENT SENATOR STINNER AND McCOLLISTER AND NORDQUIST ON COMING TO THE \$75 MILLION LIMIT. AT LEAST WE HAVE A STOP-LOSS ON THIS EFFORT TO BECOME INVOLVED IN RENEWABLE ENERGY. BUT, FOLKS, IT'S THE WRONG WAY ENTIRELY. IF WE'RE GOING TO PLAY THE RENEWABLE ENERGY GAME, LET'S NOT GET INTO IT SMALL TIME AFTER THE TRAIN HAS LEFT THE STATION. THERE ARE THREE THINGS OUT THERE THAT HAVE FOR MORE POTENTIAL USE FOR \$75 MILLION IF WE'RE GOING TO SPECULATE IN THE ENERGY BUSINESS, THREE HIGHLY RENEWABLE THINGS TO EXPLORE. THEY MAY

Floor Debate
May 05, 2015

WORK OUT, THEY MAY NOT, BUT A BETTER CHANCE THAN WIND. NUMBER ONE, THINK LOW-ENERGY NUCLEAR REACTIONS. THE EXPERIMENTS NOW HAVE BEEN CONSISTENT OVER THE LAST FEW YEARS. SOMETHING HAPPENS THAT CAUSES SOMETHING, A COMBINATION OF ELEMENTS, TO GLOW RED HOT FOR WEEKS AND NOW MONTHS AT NO WASTE PRODUCTS. WE NEED TO KNOW MORE ABOUT THAT. WE NEED TO HAVE OUR UNIVERSITY AND OUR POWER COMPANIES ENGAGED IN THAT TO SEE IF IT'S REAL AND IT WILL BE A LOT CHEAPER THAN \$75 MILLION TO PLAY WITH. SECONDLY, I'VE SAID THIS OVER AND OVER, IT'S THERE, IT'S PROVEN TECHNOLOGY. THE THORIUM REACTOR WAS DISREGARDED IN THE 1950s BECAUSE IT DIDN'T PRODUCE PLUTONIUM SO WE COULDN'T MAKE BOMBS TO BOMB THE RUSSIANS WITH IT. BUT IT'S HIGHLY EFFECTIVE. INDIA, CHINA LOOKING AT IT. IF WE'VE GOT \$75 MILLION TO BURN, LET'S LOOK AT THAT. AND THE MOST EXCITING THING IS THE LOCKHEED MARTIN EXPERIMENTS AT SKUNK WORKS. THEY ARE A CREDIBLE COMPANY MAKING CLAIMS THAT THEY ARE ON THE VERGE OF A CONTAINABLE FUSION REACTOR WHICH WILL BLOW WIND OUT OF THE PICTURE. THEY REPORTEDLY ARE LOOKING FOR CREDIBLE PARTNERS. WHAT MORE CREDIBLE PARTNER THAN THE STATE OF NEBRASKA, THE UNIVERSITY OF NEBRASKA, AND OUR TWO NUCLEAR POWER COMPANIES? NOW TAKE THIS \$75 MILLION, THROW IT INTO THAT MIX WITH ABOUT A 5 TO 1 MIX OF PRIVATE CAPITAL THAT WE CAN RAISE FROM OUR CASH-RICH INDUSTRIES AND FARMERS IN THIS STATE. TAKE THAT, PUT IT TOGETHER, WE HAVE A HALF A BILLION DOLLARS AND WE MIGHT BECOME A PLAYER. WE SHOULD BE EXPLORING THOSE THINGS. BUT YOU KNOW WHAT HAPPENS IF WE BLOW OUR \$75 MILLION HERE? WE MAY NOT BE ABLE TO PLAY ON THOSE FIELDS BECAUSE WHERE ARE WE GOING TO GET THE NEXT \$75 MILLION? AND THE PEOPLE WHO ARE IN ON THIS \$75 MILLION WILL BE LOBBYING AGAINST ANYTHING THAT WILL MAKE THEIR FACILITIES OBSOLETE. THERE ARE OTHER WAYS TO SPEND \$75 MILLION ON ENERGY, ON RENEWABLE ENERGY, THAN A SMALL-FRY WIND OPERATION THAT IS WAY BEHIND THE POWER CURVE. WE NEED, BEFORE WE COMMIT \$75 MILLION, TO LOOK AT THE OTHER OPTIONS, AND PARTICULARLY, I WANT TO STRESS, LOOK AT THE FEELERS BEING PUT OUT BY LOCKHEED MARTIN. WE COULD BE A PLAYER THERE AND \$75 MILLION COULD PUT US IN THE GAME. THIS IS NOT GOOD POLICY ENERGYWISE. IT'S ROTTEN POLICY TAXWISE. IT MAKES A MIDDLEMAN \$11 MILLION IN 15 PERCENT COMMISSION MONEY. IT IS NOT A GOOD THING. AND IT WILL NOT MAKE NEBRASKA A LEADER OR EVEN A COMPETITOR OR EVEN A PLAYER IN THE RENEWABLE ENERGY WIND GAME. THERE ARE OTHER THINGS THAT CAN PUT US OUT AHEAD AND, IF WE'VE GOT THIS MONEY BURNING A HOLE IN OUR POCKET, WE SHOULD LOOK AT THEM FIRST. THANK YOU. [LB423]

Floor Debate
May 05, 2015

SPEAKER HADLEY: ONE MINUTE. SENATOR KINTNER, YOU'RE RECOGNIZED.
[LB423]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, I WAS SITTING, WATCHING THIS ON TV, AND I COULDN'T TAKE IT ANYMORE. AND IT WAS JUST, HEY, WE NEED TO GIVE THESE TAX CREDITS SO WE CAN HAVE WIND DEVELOPMENT, WIND ENERGY DEVELOPMENT IN OUR STATE. AND AS I LISTENED TO THAT I THOUGHT, WELL, JEEZ, HOW DID EDISON EVER INVENT THE LIGHT BULB WITHOUT A TAX CREDIT? HOW DID FORD COME UP WITH HIS ASSEMBLY PROCESS FOR THE FORD MODEL T WITHOUT A TAX CREDIT? AND FROM ANYTHING I CAN TELL, WIND ENERGY IS EXPENSIVE. AND I GUESS FOR PEOPLE THAT THINK THAT FOSSIL FUELS ARE CAUSING A PROBLEM, MAYBE IT MAKES SENSE TO THEM. I'M NOT ONE OF THOSE PEOPLE. I JUST WANT THE LOWEST POSSIBLE RATES THAT WE CAN POSSIBLY HAVE FOR HOME CONSUMERS AND BUSINESS CONSUMERS AND MANUFACTURING CONSUMERS, AND THAT'S REALLY NOT WIND ENERGY. THAT'S REALLY NOT THE WAY...AT LEAST NOT THE WAY IT IS TODAY. MAYBE SOMEDAY IT WILL BE. WE DON'T HAVE FOR-PROFITS SO WE DON'T GET ALL THE FEDERAL CREDITS. I LISTENED TO THIS VERY CAREFULLY, AND I WAS KIND OF EXCITED AT FIRST WHEN I HEARD ABOUT IT. HEY, WE'RE GOING TO CREATE JOBS AND MAYBE SOME PROPERTY TAXES. THEN I CAME TO MY SENSES. HOLY COW! WE'RE TAKING...WE'RE SUBSIDIZING IT ESSENTIALLY WITH TAXPAYER MONEY TO GET THAT. AND NPPD AND, YOU KNOW, THE PUBLIC POWER DOESN'T REALLY...SOME OF THEM DON'T REALLY WANT IT. IT'S A DISRUPTION FOR THEM TO HAVE TO POWER DOWN WHILE THEY HAVE THE WIND ENERGY, AND WHEN IT GOES DOWN THEY'VE GOT TO POWER BACK UP EITHER THE COAL OR NUCLEAR OR WHATEVER THEY'RE USING. I THINK IF IT MADE SENSE IT WOULD STAND ON ITS OWN. I GOT TO TELL YOU. I'M, TO BE BLUNT, I'M SICK AND TIRED, I'M SICK AND TIRED OF GIVING MONEY TO ALL KIND OF ORGANIZATIONS AND ALL KIND OF GROUPS AND ALL KIND OF COMPANIES AND ALL KIND OF INDUSTRIES, BUT WE DON'T GIVE ANYTHING TO "JOE BAG OF DOUGHNUTS." WE DON'T GIVE ANYTHING TO THE SINGLE MOM WITH TWO KIDS JUST WORKING TO EDUCATE HER KIDS, PROVIDE A GOOD LIFE FOR THEM. WE DON'T GIVE ANYTHING TO JUST REGULAR PEOPLE UNLESS YOU'RE IN SOME SPECIAL INDUSTRY OR HAVE A SPECIAL BUSINESS. I JUST DON'T LIKE THAT. YOU KNOW THE LITTLE GUY, JOE BAG OF DONUTS, HE DOESN'T HAVE A LOBBYIST, HE DOESN'T HAVE ANYONE SHOWING UP FOR HIM. HE JUST HAS TIME TO GO TO WORK, MAYBE CATCH A BALL GAME ON THE WEEKENDS, GO HANG OUT WITH HIS KIDS A LITTLE BIT AND THAT PRETTY MUCH TAKES ALL OF HIS TIME. HE'S THE ONE WE NEED TO BE HELPING, AND WE CAN'T FIGURE A WAY TO DO IT. I'M NOT SUBSIDIZING ANY MORE BUSINESSES. I'M NOT GIVING AWAY

Floor Debate
May 05, 2015

ANY MORE MONEY, AT LEAST WITH MY VOTE I'M NOT. AND I'M TIRED OF US SLAPPING THE TAXPAYERS IN THE FACE WITH THIS STUFF, AND I THINK WE CAN DO BETTER THAN THAT. THANK YOU, MR. PRESIDENT. [LB423]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU ARE RECOGNIZED. [LB423]

SENATOR HAAR: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, ABOUT TWO WEEKS AGO, NPPD, NEBRASKA PUBLIC POWER DISTRICT, ANNOUNCED THAT IT WAS GOING TO...THAT IT HAD FOUND A COMPANY TO COME IN AND PRODUCE CARBON THAT'S USED ALL OVER IN INDUSTRY. THEY TAKE NATURAL GAS AND STRIP OFF THE CARBON AS THEIR PRODUCT AND WHAT ONE OF THE THINGS THAT'S LEFTOVER IS HYDROGEN. HYDROGEN IS A VERY GOOD FUEL. THAT'S GOING TO GO TO POWER PART OF THE HALLAM POWER PLANT. AND THE GOVERNOR SAID, QUOTE, THIS IS A GREAT DAY FOR NEBRASKA AND THE ENVIRONMENT, WHAT A WONDERFUL PROJECT BECAUSE THIS PROJECT WILL CREATE JOBS AND HELP THE ECONOMY. WELL, AND I AGREE WITH IT. I...KUDOS TO NPPD FOR FINDING THIS UNIQUE OPPORTUNITY. HOWEVER, THE PROJECT WILL USE A VARIETY OF STATE INCENTIVES TO BUILD IT. THE ARTICLE REFERS TO STATE TAX CREDITS, STATE JOB TRAINING FUNDS, AND A REDUCED ELECTRIC RATE. AND IF YOU LOOK AT THE POWER INDUSTRY GENERALLY, WITHOUT SUBSIDIES WE'D HAVE NO ELECTRICITY. THE BIGGEST RECIPIENT OF SUBSIDIES IS OIL. AND THEN COMES COAL AND NATURAL GAS AND SO ON. AND MANY OF THOSE ARE BUILT INTO THE TAX CODE. YOU GET TAX INCENTIVES FOR DRILLING AND ALL SORTS OF OTHER THINGS. AND SO TO LOOK AT WIND AND SAY, GEE, WIND OUGHT TO, YOU KNOW, BE ABLE TO COMPETE WITHOUT ANY SUBSIDIES, NONE OF OUR ENERGY COULD EXIST WITHOUT SUBSIDIES. IT WAS BROUGHT UP EARLIER, AND I'M AFRAID SOME OF THE PEOPLE WHO ARE TALKING ABOUT WIND ENERGY DON'T HAVE A LOT OF THE FACTS. BUT THE WIND THAT'S BEING DEVELOPED IN NEBRASKA RIGHT NOW, THE DEVELOPERS TAKE THE RISK. IT'S NOT THE PUBLIC POWER DISTRICT TAKES A RISK. IT'S NOT THE TAXPAYERS. IT'S THE DEVELOPERS. WE KNOW THE COST OF WIND. YOU CAN BUILD A WIND PROJECT TODAY AND KNOW WHAT IT'S GOING TO COST FOR THE NEXT 20 YEARS BECAUSE THE FUEL WILL BE FREE. WITH COAL, COAL IS GOING UP AND UP. IT'S DOUBLED IN THE LAST TEN YEARS AND IT WILL CONTINUE TO DOUBLE. THE MAIN DISTURBANCE TO PUBLIC POWER SELLING INTO THE MARKETPLACE RIGHT NOW IS THE LOW COST OF NATURAL GAS. IT'S NOT WIND AND WE CAN'T CONTROL THAT EITHER. AND I GUESS I'LL JUST SAY THIS, FINALLY, BECAUSE WE COULD TALK FOR HOURS ON THIS, BUT DEVELOPING WIND IN NEBRASKA IS NOT A FREE MARKETPLACE. THERE ARE MANY MORE RESTRICTIONS ON DEVELOPING WIND IN NEBRASKA FOR DEVELOPERS THAN THERE ARE IN ANY

Floor Debate
May 05, 2015

OF THE SURROUNDING STATES, WHICH IS ONE OF THE REASONS THAT KANSAS, OKLAHOMA, IOWA, SOUTH DAKOTA, COLORADO ARE ALL AHEAD OF US IN WIND DEVELOPMENT. WHEREAS WE'RE NUMBER 3 IN WIND POTENTIAL, WE'RE SOMETHING LIKE NUMBER 12 IN TERMS OF WIND DEVELOPMENT. AND WE'RE PASSING UP MILLIONS AND MILLIONS OF DOLLARS IN REAL TAX RELIEF, KNOX COUNTY GETTING ABOUT \$800,000 PER YEAR IN REAL PROPERTY TAX FROM THEIR WIND DEVELOPMENT, CUSTER COUNTY GETTING ABOUT A MILLION DOLLARS A YEAR IN REAL PROPERTY TAX, AND BOONE COUNTY GETTING ABOUT \$800,000 A YEAR IN REAL PROPERTY TAX RELIEF FOR THE PEOPLE THAT LIVE IN THOSE COUNTIES. SO I OF COURSE SUPPORT LB423 AND THANK YOU VERY MUCH FOR YOUR TIME. [LB423]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: THANK YOU, SENATOR HAAR. SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB423]

SENATOR SCHNOOR: THANK YOU, SIR. SENATOR GROENE TALKED EARLIER ABOUT WIND ENERGY, ABOUT HOW THERE IS WIND ENERGY IN THE STATE. AND THERE IS SOME. I WILL ALSO CONTEST WHAT HE SAID, THAT A BUNCH OF THE WIND ENERGY, SENATOR GROENE, IS ALL THE HOT AIR BEING BLOWN AROUND IN THIS ROOM. WE TEND TO HEAR THAT A LOT. BUT I WOULD LIKE TO KNOW IF YOU WOULD...IF SENATOR GROENE WOULD YIELD TO A QUESTION, PLEASE. [LB423]

SENATOR WATERMEIER: SENATOR GROENE, YIELD FOR A QUESTION? [LB423]

SENATOR GROENE: YES, I WILL, MR. PRESIDENT. [LB423]

SENATOR SCHNOOR: SENATOR GROENE, YOU SELL FARM EQUIPMENT FOR A LIVING, CORRECT? [LB423]

SENATOR GROENE: YES. [LB423]

SENATOR SCHNOOR: NOW I DON'T KNOW IF YOU SELL COMBINES, BUT THAT'S THE IDEA I'M GOING TO USE HERE. BUT LET'S ASSUME YOU SELL COMBINES AND I WANT TO BUY ONE FROM YOU. NOW YOU WOULD BE MORE THAN WILLING TO DO THAT I'M SURE BECAUSE THAT'S YOUR BUSINESS. [LB423]

Floor Debate
May 05, 2015

SENATOR GROENE: THAT'S TRUE. [LB423]

SENATOR SCHNOOR: OKAY. [LB423]

SENATOR GROENE: NOT COMBINES, BUT I KNOW WHAT YOU'RE TALKING ABOUT.
[LB423]

SENATOR SCHNOOR: OKAY, NOW... [LB423]

SENATOR GROENE: BUT IF YOU WANTED TO PAY ME ENOUGH, I'D FIND YOU A
COMBINE TO SELL YOU. [LB423]

SENATOR SCHNOOR: OKAY, THAT WILL WORK, AS LONG AS IT'S GREEN.
THE...NOW, WHEN I GET THIS COMBINE, YOU KNOW, IF I USE THIS AT 50 PERCENT
EFFICIENCY, WILL YOU STILL SELL IT TO ME? [LB423]

SENATOR GROENE: THAT'S YOUR BUSINESS. [LB423]

SENATOR SCHNOOR: OKAY. AND IF I WAS ABLE TO SAY, IF I USE THIS AT 50
PERCENT EFFICIENCY I CAN GET A TAX CREDIT FOR IT, I CAN GET A
PRODUCTION TAX CREDIT AND, AT THAT 50 PERCENT EFFICIENCY, FOR EVERY
BUSHEL OF GRAIN I RUN THROUGH THAT, I'M GOING TO GET A REBATE FROM THE
GOVERNMENT, YOU THINK THAT WOULD WORK? [LB423]

SENATOR GROENE: WELL, THAT PROBABLY WOULD WORK IF IT WAS AVAILABLE.
AND I WOULDN'T BLAME YOU FOR TAKING IT. I NEVER BLAME THE INDIVIDUAL
FOR TAKING WHAT FOOLISH GOVERNMENT INDIVIDUALS WILL PASS OUT.
[LB423]

SENATOR SCHNOOR: OKAY. THAT'S HOW I EQUATE THIS IS WE'RE OFFERING
INCENTIVES TO THESE BIG CORPORATIONS FOR A BUSINESS THAT IS 50 PERCENT
EFFICIENT. AND FROM THAT 50 PERCENT EFFICIENCY YOU'RE GOING TO GET A
TAX CREDIT, SO. AND WHAT SENATORS SCHUMACHER SAID, I WOULD AGREE
COMPLETELY THAT THIS IS BAD TAX POLICY. THIS IS...AND THIS IS JUST BAD
BUSINESS POLICY. I CAN'T EVEN THINK OF WHY...I CAN'T UNDERSTAND WHY
WOULD WE EVEN WANT TO PROMOTE THIS. I'D LIKE TO READ A QUOTE FROM
THE PLATTE INSTITUTE, OF WHICH SENATOR McCOLLISTER IS ONE OF THE
FOUNDERS. AND THIS IS WRITTEN BY ONE OF THE GUYS HE SAID THAT HE

Floor Debate
May 05, 2015

HIRED. AND IT SAYS THIS, IT SAYS, LAWMAKERS ARE ADVANCING LEGISLATION TO PROVIDE MILLIONS OF DOLLARS IN TAX BREAKS AND INCENTIVES TO SPECIAL INTERESTS WHILE IGNORING TAXPAYERS AS A WHOLE. MEANWHILE, THE LEGISLATURE IS SITTING ON A REMAINING BALANCE OF NEARLY \$50 MILLION THAT WILL ALMOST CERTAINLY BE SPENT ON GOVERNMENT PROGRAMS, RATHER THAN RETURNED TO NEBRASKA. NOW I'LL ADMIT THAT I DON'T UNDERSTAND THE ENTIRE BUDGETING PROCESS. BUT ACCORDING TO WHAT I DO SEE ON THIS GREEN SHEET, THAT \$50 MILLION DISAPPEARED IN ONE DAY AND WE'RE ALREADY IN THE NEGATIVE. SO OBVIOUSLY THERE'S GOT TO BE SOME NEGOTIATING GOES ON BETWEEN HERE AND DAY 90 AS I UNDERSTAND IT. BUT THAT'S THE IMPRESSION I GUESS WE'RE PRESENTING UPON THE TAXPAYERS OF THIS STATE. AND SO I WILL, AS SENATOR WATERMEIER SAID, YOU KNOW, I, TOO, AM IN SUPPORT OF THESE AMENDMENTS BUT I WILL BE VOTING AGAINST THE BILL. AND I JUST THINK WE JUST NEED TO LOOK AT THIS FROM A VERY SIMPLE, COMMONSENSE POINT OF VIEW, WHICH DOESN'T NECESSARILY APPLY HERE, BUT... [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR SCHNOOR: BUT THIS DOES NOT MAKE GOOD BUSINESS SENSE. THAT'S...IT'S PLAIN AND SIMPLE. WHY WOULD WE OFFER TAX INCENTIVES TO SOMEBODY OR TO A PROJECT THAT'S 50 PERCENT EFFICIENT AND THEN ONLY PAY ON THAT BOTTOM 50 PERCENT? SO I'LL ASK EVERYBODY...I GUESS I'M GOING TO VOTE AGAINST LB423. SO THANK YOU. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHNOOR AND SENATOR GROENE. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR SMITH, SENATOR FRIESEN, AND SENATOR BLOOMFIELD. SENATOR SMITH, YOU ARE RECOGNIZED. [LB423]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. I REALLY APPRECIATE ALL THE COMMENTS THAT I'VE HEARD THIS AFTERNOON, SENATOR KINTNER, SENATOR SCHNOOR, SENATOR GROENE. NOW I'VE SPENT 30 YEARS IN THE ELECTRIC UTILITY INDUSTRY AND HALF OF THOSE WERE IN THE PRIVATE SECTOR AND HALF WERE IN THE PUBLIC SECTOR. AND WE HAVE SOMETHING VERY SPECIAL IN NEBRASKA WITH OUR PUBLIC UTILITIES. BUT I'M AFRAID THAT WE'RE WANTING TO REAP THE BENEFITS OF BEING A PUBLIC POWER STATE WHILE BEHAVING LIKE A PRIVATE SECTOR STATE. AND, YOU KNOW, THE RISK THAT WE'RE TALKING ABOUT, RATHER THAN BEING

Floor Debate
May 05, 2015

ON THE BACK OF THE SHAREHOLDERS, WE'RE WANTING TO PUT THE RISK OF THIS ON THE BACK OF THE TAXPAYER AND THE RATEPAYER IN NEBRASKA. AND THE SUBSIDY THAT WE'RE LOOKING AT HERE IS REALLY A SHIFT. IT'S A SHIFT FROM THE RATEPAYER TO THE TAXPAYER. WE ARE NOT AN INVESTOR-OWNED UTILITY STATE, WE'RE NOT A PRIVATE SECTOR STATE, WE'RE A PUBLIC SECTOR STATE. AND THE PRIVATE SECTOR STATES HAVE A LOT OF RENEWABLE DEVELOPMENT AND IT WORKS WHENEVER THEY RECEIVE FEDERAL TAX CREDITS, WHICH WE DO NOT. AND IT WORKS WHEN THEY HAVE HEAVY-HANDED STATE MANDATES, WHICH WE DO NOT, THANKFULLY. NOW, GRANTED, OUR PUBLIC POWER COMPANIES HAVE SOME SELF-IMPOSED MANDATES OF THEIR OWN THAT THEY'RE GOING TO BE A CERTAIN PERCENTAGE OF RENEWABLES BY A CERTAIN YEAR, AND I THINK WE NEED TO BE WATCHFUL OF THAT BECAUSE SOME OF THAT, FRANKLY, COLLEAGUES, IS NOT A GOOD BUSINESS DECISION FOR THE RATEPAYERS AND THE TAXPAYERS OF NEBRASKA. NEBRASKA WAS ONCE A NET EXPORTER OF ENERGY. AND SELLING THE ADDITIONAL, THE EXCESS POWER THAT WAS GENERATED IN THIS STATE--WE WOULD CALL THAT OFF GRID--TO OTHER STATES WAS VERY COMPETITIVE FOR NEBRASKA AND WE WERE ABLE TO BRING THE REVENUES FROM THOSE OFF-SYSTEM SALES BACK INTO THE COFFERS OF OUR PUBLIC UTILITIES AND WAS ABLE TO OFFSET THE COST TO OUR CONSUMERS HERE IN NEBRASKA. AND THAT WORKED VERY, VERY WELL BUT IN PART CHANGED BECAUSE OF THE FEDERAL TAX CREDITS. FEDERAL TAX CREDITS ALLOWED OUR NEIGHBORING UTILITIES TO CONSTRUCT THE WIND-GENERATING UNITS AND TO DUMP VERY LOW-COST, CHEAP, OFTENTIMES FREE ENERGY ONTO THE MARKETS, DRYING UP THE MARKETS THAT PUBLIC POWER HAD. AND YOU'LL SEE THAT REFLECTED TO SOME DEGREE IN WHAT'S HAPPENING WITH THE RATES IN OUR STATE. THEY'VE BEEN INCREASING DRAMATICALLY OVER THE LAST FEW YEARS IN PART BECAUSE WE HAVE NOT BENEFITED FROM THE OFF-SYSTEM SALES THAT OFFSET THOSE INCREASING RATES. SO WHAT DOES THAT MEAN? IT MEANS WE'RE LOSING OUR COMPETITIVE ADVANTAGE. GO BACK A FEW WEEKS AGO AND YOU SAW THE WORLD-HERALD DID A COUPLE OF VERY NICE ARTICLES IN A SERIES ABOUT THE...LOSING OUR COMPETITIVE ADVANTAGE WITH OUR RATES IN NEBRASKA. YOU KNOW, SENATOR BRASCH WAS UP HERE ON THE MIKE A FEW MINUTES AGO AND SHE TALKED ABOUT HOW IOWA WAS LESS EXPENSIVE THAN NEBRASKA AND PARTLY BECAUSE OF THE SCENARIO I JUST DESCRIBED TO YOU. BUT IN NEBRASKA, YOU KNOW, WE HAVE SEVERAL CLASSES OF CUSTOMERS. WE HAVE RESIDENTIAL, COMMERCIAL, INDUSTRIAL. AND WE'RE LOSING OUR COMPETITIVE ADVANTAGE IN EACH ONE OF THOSE CLASSES OF CUSTOMERS. AND IT'S MAKING IT VERY DIFFICULT FOR US TO ATTRACT THE INDUSTRY THAT WE ONCE WERE ABLE TO ATTRACT WITH OUR LOW ENERGY COST AND IT'S INCREASING THE BURDEN ON

Floor Debate
May 05, 2015

OUR FAMILIES AS THEY SEE THEIR RATES GOING UP AND UP AND UP BECAUSE OF... [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR SMITH: THANK YOU, MR. PRESIDENT...BECAUSE OF POOR...I'M GOING TO SAY POOR BUSINESS DECISIONS THAT OUR PUBLIC POWER COMPANIES ARE MAKING. WE STILL HAVE THE BEST...I WOULD SAY WE HAVE THE BEST SCENARIO IN NEBRASKA BEING A PUBLIC POWER STATE. BUT PUBLIC POWER WORKS WHENEVER WE ARE WATCHFUL. PUBLIC POWER WAS CREATED TO BE RELIABLE, AFFORDABLE, AND ACCOUNTABLE, AND WE'RE LOSING IN EACH ONE OF THOSE AREAS AND WE HAVE TO BE WATCHFUL. WE NEED TO HOLD THEM ACCOUNTABLE TO MAKE WISE BUSINESS DECISIONS. WE DO NOT NEED TO ADD TO THAT BY TRYING TO LEAD POPULAR OPINION. AND, COLLEAGUES, PART OF THIS RENEWABLE DISCUSSION, WE'RE TRYING...SOME ARE TRYING TO LEAD POPULAR OPINION. WE NEED TO RETURN TO THE ROOTS OF PUBLIC POWER IN NEBRASKA: RELIABILITY, ACCOUNTABILITY, AND AFFORDABILITY. THANK YOU, MR. PRESIDENT. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR SMITH. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB423]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SMITH, FOR A VERY ELOQUENT SPEECH ON OUR CURRENT ELECTRICAL SYSTEM IN NEBRASKA. MY BIGGEST PROBLEM HAS ALWAYS BEEN, WHEN I LOOKED AT THE WIND ENERGY, I DO NOT SEE A SUSTAINABLE MODEL THERE. THERE'S A LOT OF OTHER INDUSTRIES IN THE PAST THAT WE HAVE SUBSIDIZED BUT I'VE ALWAYS FELT THAT IN THE END THOSE INDUSTRIES COULD STAND ON THEIR OWN TWO FEET AND MAKE IT WITHOUT TAX CREDITS. THE WIND ENERGY PORTION I DON'T FEEL WILL EVER BE THERE. THAT'S JUST MY PERSONAL OPINION. THE PROBLEM THAT WE, I THINK, HAVE IN NEBRASKA RIGHT NOW IS WE DO NOT HAVE A COMPREHENSIVE ENERGY PLAN. WE DO NOT KNOW WHAT PERCENTAGE OF OUR POWER SHOULD BE RENEWABLE, WHAT SHOULD OUR BASE LOAD BE, WHERE SHOULD WE BE HEADED. WE'RE GOING TO SPEND \$75 MILLION ON SOMETHING THAT CANNOT BE A BASE LOAD GENERATOR AND, YET, DOWN THE ROAD THAT IS WHAT THE EPA, IF THEY DRIVE US OUT OF THE COAL INDUSTRY HERE, IF WE'RE GOING TO SWITCH OUR BASE LOAD TO SOMETHING, THAT'S WHAT WE'RE GOING TO HAVE TO BE TALKING ABOUT. WE NEED A COMPREHENSIVE PLAN THAT DESCRIBES HOW WE'RE GOING TO APPROACH REGULATIONS DOWN THE ROAD,

Floor Debate
May 05, 2015

AND I DON'T THINK THIS IS THE WAY TO START THINGS OFF. I THINK WE SHOULD WAIT AND SEE ONCE WHAT OUR PLAN IS, HOW MUCH, WHAT PERCENTAGE OF OUR POWER SHOULD BE RENEWABLE, WHAT WE'RE GOING TO USE AS THE PEAK POWER GENERATOR, WHETHER IT BE NATURAL GAS OR SOME OTHER SOURCE, AND HOW WE'RE GOING TO REPLACE OUR BASE LOAD DOWN THE ROAD. I'LL YIELD THE REST OF MY TIME TO SENATOR GROENE. THANK YOU, MR. PRESIDENT. [LB423]

SENATOR WATERMEIER: SENATOR GROENE, 3:15. [LB423]

SENATOR GROENE: COUPLE OF COMMENTS. IS SENATOR BRASCH IN THE ROOM? [LB423]

SENATOR WATERMEIER: SENATOR BRASCH, WILL YOU YIELD? [LB423]

SENATOR BRASCH: I WILL YIELD. [LB423]

SENATOR GROENE: I HAVE A QUESTION IF SHE WOULD TAKE IT. [LB423]

SENATOR BRASCH: I WILL YIELD, YES. [LB423]

SENATOR GROENE: THANK YOU. THANK YOU, MR. PRESIDENT. I UNDERSTAND WHERE YOU'RE COMING FROM. YOU'VE GOT LOCAL CONSTITUENTS. I GOT A LOCAL COAL-FIRED PLANT, SO. DO YOU KNOW, HAS THE BURT COUNTY GROUP APPLIED FOR THE FEDERAL TAX CREDIT? [LB423]

SENATOR BRASCH: I DON'T BELIEVE THEY CAN BECAUSE WE ARE A PUBLIC POWER STATE. [LB423]

SENATOR GROENE: WELL, THE O'NEILL PROJECT BY BERKSHIRE HATHAWAY, THEY CAN DO IT, SO I WOULD ASSUME...I WAS JUST WONDERING. MY SOURCES IN THE PUBLIC...IN THE POWER SYSTEM TELL ME THAT THE BERKSHIRE HATHAWAY 400 MEGAWATT ONE WILL QUALIFY FOR IT AND THEY HAVEN'T SHOVELED ANY DIRT YET THAT I KNOW OF. IS SENATOR LARSON HERE TO...HE WOULD KNOW. THAT'S HIS AREA. BUT I'VE HEARD THAT THE BURT COUNTY HAS MADE SOME PREPARATIONS, SO I'M TRYING TO FIGURE OUT. THAT'S A PRETTY GOOD BONUS. WE NEED TO KNOW THAT HERE IF WE'RE GOING TO BE START MAKING...BASICALLY, ON THAT PROJECT IS WHAT WE'RE DECIDING THIS ON.

Floor Debate
May 05, 2015

THEY'VE KIND OF BROUGHT THAT. IF THE BURT COUNTY FOLKS ARE ALREADY IN LINE FOR, LET ME SEE, AN 80 WATT...MEGAWATT, IF THEY TAKE THE FEDERAL WITH 47 WINDMILLS, WE'RE TALKING \$8,059,000 A YEAR TAX CREDIT FOR TEN YEARS. THE STATE WOULD ADD ANOTHER \$3,504,000 FOR TEN YEARS. IF BERKSHIRE HATHAWAY CAN MAKE IT GO ON \$40,296,000 A YEAR FOR TEN YEARS ON 235 WINDMILLS, I WOULD ASSUME BURT COUNTY. BUT I THINK BEFORE WE VOTE ON THIS WE NEED TO FIND THAT OUT. DO WE REALLY NEED TO BE DOUBLE DIPPING? IT SEEMS LIKE THE TWO PROJECTS ARE ON THE SAME PACE OF BEING COMPLETED. [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR GROENE: SO MY ASSUMPTION IS, IF THEY'RE WISE AND THEY'RE GETTING THE RIGHT ADVICE, THEY PROBABLY ARE...HAVE AN APPLICATION IN. AND IF THAT'S THE CASE, FOLKS, LET'S KEEP OUR TAX DOLLARS HERE AND LET'S USE THEM FOR PROPERTY TAX RELIEF AND OTHER ISSUES. BUT THIS PLACE AMAZES ME THAT WE MAKE DECISIONS WITHOUT THE FACTS. I'VE GOTTEN WHERE I AM IN LIFE BY GETTING ALL THE FACTS. AND YOU FIND THAT I SHARE A LOT WITH YOU. I PROBABLY OVERWHELM YOU OR BORE YOU, ONE OF THE TWO. THE FACTS ARE IMPORTANT. THAT'S A BIG FACT. ARE THEY ALREADY IN LINE TO COLLECT \$8,059,000 A YEAR BECAUSE THEY HAVE SHOVELED SOME DIRT? AND WHAT I'VE HEARD THROUGH...WITH THE OBAMA ADMINISTRATION, WHICH IS FINE, THEY'RE GREEN, THAT THE IRS IS VERY LENIENT ON THESE RULES ABOUT WHEN YOU STARTED A PROJECT AND WHEN YOU DIDN'T, BECAUSE THEY WANT MORE AND MORE GREEN. [LB423]

SENATOR WATERMEIER: TIME, SENATOR. [LB423]

SENATOR GROENE: THANK YOU. [LB423]

SENATOR WATERMEIER: : THANK YOU, SENATOR GROENE, SENATOR BRASCH, AND SENATOR FRIESEN. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB423]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. YOU KNOW, NEBRASKA AND NEBRASKANS ARE CLOSELY CONNECTED. IT SEEMS, NO MATTER WHERE YOU GO, YOU START TALK TO SOMEBODY, YOU FIND OUT THAT BOTH OF YOU KNOW THE SAME PERSON SOMEWHERE ALONG THE LINE. OUR POWER IS ALSO INTERCONNECTED. SENATOR HAAR TALKED ABOUT THE COST OF RAIL GOING UP. WELL, THE COST OF RAIL IS GOING UP, TOO, FOR SHIPPING AGRICULTURE

Floor Debate
May 05, 2015

GOODS, NOT JUST COAL, AND THAT'S DUE IN PART BECAUSE WE'RE USING SO MANY TRAINS TO HAUL CRUDE OIL THAT SHOULD BE FLOWING THROUGH A PIPELINE THAT WE HAVE NOT YET BUILT. SO OUR ENERGY RESOURCES ARE INTERCONNECTED. ENVIRONMENTALISTS, AND GOD BLESS THEM, ARE OFTEN THE CAUSE FOR SOME OF OUR PROBLEMS. IF WE HAD THE PIPELINE BUILT, THE RAILWAYS WOULD BE MORE AVAILABLE TO SHIP GRAIN, THEY'D BE MORE AVAILABLE TO SHIP COAL. BUT, NO, THEY'RE HAULING OIL. MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE. [LB423]

SENATOR WATERMEIER: SENATOR GROENE, YOU ARE YIELDED 3:30. [LB423]

SENATOR GROENE: THANK YOU, MR. PRESIDENT AND SENATOR BLOOMFIELD. SENATOR BRASCH AND I ARE TRYING TO FIGURE IT OUT. NOBODY KNOWS EXACTLY WHAT THE BURT COUNTY PROJECT REALLY IS. BUT IT ISN'T OUR MONEY SO...AND WHAT IT...NOW, DON'T GET ME WRONG, THEY'RE GOOD PEOPLE. THEY'RE LOOKING FOR ANOTHER ECONOMIC BASE FOR THEIR COMMUNITY AND FOR THEMSELVES. AND THAT'S WHAT'S GREAT ABOUT THE FREE ENTERPRISE. YOU PUT THE MONEY IN YOUR POCKET WHEN YOU PUT THE SWEAT ON YOUR BROW. BUT I PUT SWEAT ON MY BROW. MY CONSTITUENTS DO TOO. AND MY CONSTITUENTS ARE HARDWORKING BLUE-COLLAR PEOPLE AT THE RAILROAD AND AT THE POWER PLANT. SO WHEN YOU TAX THEM, YOU TAX THEIR LABOR. YOU TAKE A PERCENTAGE OF THEIR LABOR THAT THEY WORKED FOR. AND THEY GET A LITTLE EXCITED WHEN YOU TELL THEM ANOTHER PIE-IN-THE-SKY PROJECT BECAUSE WE FEEL GOOD ABOUT IT, WE DID SOMETHING, \$75 MILLION OVER FOUR OR FIVE YEARS OR WHATEVER IT IS. I THINK THE...SENATOR McCOLLISTER PUTS IT TO 2020 OR SOMETHING. AND FOR WHAT? AND SENATOR FRIESEN MADE A GOOD POINT TO ANSWER MY GOOD FRIEND SENATOR SCHILZ. THE ETHANOL PLANTS AFFECTED A LOT OF PEOPLE, CORN FARMERS, LIVESTOCK FARMERS, SMALL TOWNS, JOBS IN ETHANOL PLANTS. WINDMILLS THAT ARE WIND, I DON'T KNOW WHO OWNS THAT AND WHO SUPPLIES THE WIND AND GETS A FEE FOR THAT, LIKE THE CORN GROWER DID TO THE ETHANOL PLANT. I DON'T KNOW WHEN THE WIND GOES THROUGH THE TURBINE THAT THE AFTER PRODUCT, IF THEY CAN FEED IT TO CATTLE. WE'RE NOT TALKING APPLES AND APPLES HERE. WE'RE TALKING APPLES AND ORANGES. WE'RE TALKING A TAX CREDIT WE GAVE TO THE NUMBER-ONE INDUSTRY, THE NUMBER-ONE TAXPAYING INDUSTRY IN OUR STATE, AND THAT'S AGRICULTURE, ON THE ETHANOL PLANTS. [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

Floor Debate
May 05, 2015

SENATOR GROENE: WIND HARMS OUR PUBLIC POWER DISTRICT BECAUSE IT RENDERS IT INEFFICIENT. IT HELPS NO ONE BUT A FEW INVESTORS. WE DON'T KNOW WHERE THEY'RE AT. AND LIKE THE LADY FROM TILDEN SAID, IT'S USUALLY PUT ON ABSENTEE LANDLORDS' LAND IN MOST CASES. THIS IS NOT A COMPARISON TO ETHANOL, NOT EVEN CLOSE. THIS IS A WASTE OF TAX DOLLARS. WIND EXISTS, ENERGY EXISTS IN THIS STATE. IT'S BEING SLOWLY BUT SURELY COMBINED INTO THE SYSTEM. WE ARE NOT RUSHING IT IN AND THEN TRYING TO FORCE IT INTO THE SYSTEM LIKE OTHER STATES DID. IN TEN YEARS, WHEN THOSE CREDITS ARE GONE, I BELIEVE THOSE OF US WHO OPPOSE THIS WILL BE PROVEN RIGHT. THANK YOU. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR GROENE AND SENATOR BLOOMFIELD. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB423]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I WANT TO BE CLEAR THAT IN DISTRICT 16 WE HAVE MANY FORMS OF ENERGY. IN FORT CALHOUN WE HAVE THE NUCLEAR POWER PLANT. I DO SUPPORT THE NUCLEAR POWER PLANT. WE HAVE COAL. WE HAVE OIL. BY CUMING COUNTY THERE IS THE OLEAN ENERGY. THEY ARE CREATING ENERGY FROM THEIR HOG CONFINEMENT UNIT. I BELIEVE 8,500 HEAD OF HOGS ARE...AND THROUGH METHANE THEY ARE SELLING ENERGY TO THE PUBLIC POWER. IN BURT COUNTY IT'S A 12 MEGAWATT, SIX TURBINES THAT THEY ARE GOING SLOWLY BUT SURELY THROUGH PRIVATE FUNDING. AND IN A PUBLIC POWER STATE, AND BERKSHIRE HATHAWAY I BELIEVE IS BASED OUT OF IOWA, MAYBE SOMETHING IS DIFFERENT, BUT THE ENERGY THAT WE HAVE HERE, WHETHER IT'S WIND TURBINES, IT GOES THROUGH A SEPARATE ENTITY THAT A PUBLIC POWER STATE IS NOT ONE FOR THE FEDERAL CREDITS. BUT I LEARNED MOMENTS AGO THAT THE FEDERAL CREDITS HAVE NOW GONE TO SOLAR ENERGY AND THE WIND FEDERAL CREDIT ENERGY IS NO LONGER AVAILABLE. BUT I DID WANT TO STRESS WHAT I HAD MENTIONED BEFORE ON THE FLOOR IS THAT WE ARE LOOKING TO GROW NEBRASKA, GROW OPPORTUNITIES. AND AGRICULTURE, WE HAVE A PHENOMENAL, UNIQUE INDUSTRY WHERE FOOD WILL BECOME MORE AND MORE IMPORTANT. BUT WE ALSO WANT TO LOOK AT INDUSTRIES THAT COMPLEMENT AGRICULTURE, THAT CAN COME TO OUR MAIN STREETS IN OUR SMALL TOWNS. AND SOME OF THOSE INDUSTRIES WE LEARNED, LIKE GOOGLE OR FACEBOOK, THEY WANT TO GO TO A STATE WHERE RENEWABLE ENERGY IS OFFERED. I HAD READ A LIST THE LAST TIME I STOOD ON THE FLOOR WHERE MICROSOFT, GOOGLE, FACEBOOK, THE FEDERAL GOVERNMENT, OTHERS, CARGILL, THEY ARE LOOKING TO UTILIZE MULTIPLE FORMS OF ENERGY: WIND, SOLAR, METHANE, NATURAL GAS. WE NEED TO EXPAND THIS ENERGY

Floor Debate
May 05, 2015

PORTFOLIO. AND IN BURT COUNTY, A COMMUNITY THAT WE'RE BARELY GETTING HIGH-SPEED BROADBAND, WE'VE MADE HUGE HURDLES IN THE FOUR YEARS THAT I WAS HERE EARLIER WHERE IT'S 30 MINUTES FROM OMAHA BUT YOU CAN'T CONNECT TO HIGH-SPEED ENERGY. WE DO HAVE SOME DIGITAL DIVIDE, GEOGRAPHIC DIVIDE. BUT I THINK WHAT WE CAN DO IS COME TOGETHER AND REALIZE THAT EVERYONE NEEDS ENERGY. AND IF WE HAVE AN OPPORTUNITY TO ATTRACT THE FACEBOOKS AND THE GOOGLES AND MICROSOFTS AND OTHER TECHNOLOGY BUSINESSES TO JUST USE A LITTLE SPACE ON MAIN STREET AND BRING, YOU KNOW, SEVERAL JOBS IN AND WE CAN BE A PART OF NATIONAL AND INTERNATIONAL COMMERCE, IT'S A WORTHWHILE INVESTMENT. IT IS SOMETHING THAT IS WITHIN OUR GRASP. I BELIEVE THAT AS WE SEE MORE AND MORE TECHNOLOGY COMPANIES, I KNOW IN LA VISTA THE YAHOO! COMPANY... [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR BRASCH: ...WAS LOOKING AT RENEWABLE ENERGIES. WE NEED TO BE COMPETITIVE IN MANY WAYS. WE HAVE THE NATURAL RESOURCE OF OUR GREAT PEOPLE AND WHEREWITHAL AND TALENT. WE NEED TO LOOK AT THE PERIPHERALS THAT OTHER COMPANIES MAY WANT TO COME TO NEBRASKA. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR BRASCH. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB423]

SENATOR BLOOMFIELD: THANK YOU, AGAIN, MR. PRESIDENT. COLLEAGUES, I'D INVITE YOU TO TAKE YOUR GADGET AND GOOGLE BIG OX ENERGY, BIG OX, B-I-G O-X, ENERGY. A WEEK AGO FRIDAY WE DID A GROUNDBREAKING IN SOUTH SIOUX FOR BIG OX ENERGY. THEY ARE BUILDING A \$30 MILLION FACILITY IN THE INDUSTRIAL AREA OF SOUTH SIOUX CITY. THEY WILL TAKE WASTE PRODUCTS FROM THE PACKING HOUSE, FROM THE CITY, FROM OTHER INDUSTRIES IN THAT AREA, AND CONVERT IT TO NATURAL GAS. COLLEAGUES, IT DOESN'T MATTER WHETHER THE WIND BLOWS FOR THAT NATURAL GAS TO BE CREATED. IT WILL BE PUT IN THE NATURAL GAS PIPELINE. THERE WILL BE THE EQUIVALENT OF 10 MILLION GALLONS OF DIESEL FUEL A YEAR COMING OUT OF WASTE MATERIAL. THERE ARE BETTER WAYS TO DO THESE THINGS THAN TO BUILD WINDMILLS. COLLEAGUES, TAKE A GOOD LOOK AT THAT STORY. REMEMBER WHAT SENATOR SCHUMACHER SAID ABOUT NUCLEAR AND SEE IF YOU THINK WE REALLY NEED TO GIVE AWAY \$75 MILLION TO DEVELOP A SITE

Floor Debate
May 05, 2015

THAT WORKS WHEN THE WIND BLOWS. AND SENATOR HAAR HAS MENTIONED SEVERAL TIMES THAT IOWA HAS MORE WIND POWER THAN WE DO. I WOULD REMIND HIM, THEY ALSO HAVE MORE POLITICIANS. AND I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE. [LB423]

SENATOR WATERMEIER: SENATOR GROENE, YOU ARE YIELDED 2:50. [LB423]

SENATOR GROENE: THANK YOU, SENATOR BLOOMFIELD, AND THANK YOU, MR. PRESIDENT. DID A LITTLE RESEARCH AND FOUND OUT WHO'S SELLING THE WIND. IT'S NAMED SOME LADY NAMED MARIAH (PHONETIC). AND I DON'T KNOW WHAT SHE'S GETTING FOR IT BUT SHE'S GOT TO BE PRETTY WEALTHY. ANYWAY, I'D LIKE TO REMIND YOU THAT RIGHT NOW WE HAVE THE CAPACITY IN NEBRASKA TO GENERATE 63,000--THAT'S IN THE, EXCUSE ME, IN THE SOUTHWEST PUBLIC POWER SYSTEM--63,604 MEGAWATTS. AND THAT INCLUDES WIND; 11 PERCENT OF THAT IS WIND. AND AT PEAK WE NEED 45,301. I GOT THINKING ABOUT THIS. INSTEAD OF GIVING MONEY TO THE HENRY DOORLY ZOO, WHY DON'T WE GO \$75 MILLION TAX CREDIT TO BUILD MORE ZOOS? BY GOSH, WE'D GET MORE TOURISTS IN NEBRASKA IF WE BUILT MORE ZOOS. THEN YOU'D SAY, WELL, NO, WE'VE GOT ENOUGH ZOOS. WELL, WE...THAT IS THE THEORY YOU'RE OPERATING ON HERE ABOUT ELECTRICAL POWER. YOU'RE TELLING US WE NEED MORE ELECTRICAL POWER WHEN WE'RE 30 TO 40 PERCENT OVER CAPACITY. SO LET'S GO BUILD SOME MORE ZOOS. I THINK THAT WOULD BE A BETTER ROUTE TO GO. WE COULD USE A ZOO SOMEWHERE IN THE CENTRAL PART OF THE STATE. AND THEN WE COULD FIGHT OVER WHO GETS IT-- NORTH PLATTE, GRAND ISLAND, HASTINGS. BUT THAT WOULD CREATE JOBS. THERE WOULD BE MORE ZOOKEEPERS, MORE MANURE TO...FOR SENATOR BLOOMFIELD'S METHANOL PLANT. [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR GROENE: DO YOU KNOW HOW FOOLISH THIS IS? THIS IS ABSOLUTELY FOOLISH THAT WE'RE EVEN THINKING OF DOING THIS WHEN WE HAVE A PROPERTY TAX PROBLEM, WE HAVE AN OVERTAXATION PROBLEM, AND WE'RE THROWING AWAY TAX DOLLARS LIKE IT'S CANDY. AND I'LL ALWAYS GO BACK TO SENATOR GLOOR'S BILL, THE PROPERTY TAX RELIEF FOR SMALL BUSINESSES, WHICH I WILL SUPPORT NEXT TIME. YOU WILL SEE MY YES VOTE BECAUSE THAT IS A TAX CREDIT FOR ALL BUSINESS OWNERS. AND BY THE WAY, IT DOES FAVOR THE EAST AND THE URBAN AREAS OVER AGRICULTURE, NO MATTER WHAT THE...THE PROPERTY TAX RELIEF FUND FAVORS AGRICULTURE. SENATOR

Floor Debate
May 05, 2015

GLOOR'S FAVORS THE SMALL BUSINESSMEN ON MAIN STREET, WHICH I AGREE WITH BECAUSE ONE FARMER...THERE'S ONLY MAYBE 50 FARMERS IN A COUNTY, BUT THERE MIGHT BE 50 SMALL BUSINESSMEN ON A THREE- OR FOUR-BLOCK AREA IN ONE OF OUR COMMUNITIES. SO WE ARGUED ABOUT \$20 MILLION. SENATOR GLOOR APOLOGIZED THAT IT WAS \$40 MILLION. [LB423]

SENATOR WATERMEIER: TIME, SENATOR. [LB423]

SENATOR GROENE: THANK YOU. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR GROENE AND SENATOR BLOOMFIELD. SENATOR NORDQUIST, YOU ARE RECOGNIZED. THERE ARE NO ONE ELSE LISTED IN THE QUEUE. [LB423]

SENATOR NORDQUIST: I WILL TAKE THIS AS MY CLOSING. [LB423]

SENATOR WATERMEIER: YOU MAY GO AHEAD AND CLOSE ON THE AMENDMENT. [LB423]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. AM1543 AGAIN IS IN A SPIRIT OF COMPROMISE. I CERTAINLY WAS ATTEMPTING TO WORK WITH SENATOR GROENE ON HIS LEGITIMATE CONCERNS ON THIS BILL, AND THAT'S WHY WE SUBSTITUTED AND MADE CHANGES IN AM1543. THIS BODY OPERATES ON COMPROMISE MOST OF THE TIME. I DO WANT TO JUST SPEAK TO ONE POINT THAT'S BEEN THROWN AROUND. IF YOU LISTEN TO THE RHETORIC ON THE FLOOR, IT SOUNDS LIKE WE'RE TAKING A PILE OF \$75 MILLION AND JUST THROWING IT OUT WILLY-NILLY TO WHOEVER WANTS IT. THE FACT OF THE MATTER IS, AS SENATOR HADLEY SAID AS CHAIR OF THE REVENUE COMMITTEE AT THE TIME ON LB104, THESE PROJECTS DON'T COME HERE WITHOUT THIS, WHICH MEANS IT ISN'T IN REAL TERMS A NET LOSS TO NEBRASKA. WE DON'T HAVE A PRODUCTION TAX CREDIT IN PLACE. SO IF THERE IS A DEVELOPER LOOKING TO DEVELOP PROJECTS THAT WOULD FIT THIS PARAMETER, THEY'RE GOING TO GO TO ANOTHER STATE--THEY'RE GOING TO GO TO IOWA OR KANSAS OR OKLAHOMA--THAT DOES HAVE THE INCENTIVES IN PLACE. IT ISN'T A PILE OF \$75 MILLION THAT WE'RE TAKING AWAY FROM ANYTHING ELSE. IT IS A NET LOSS TO NEW PROJECTS THAT ARE COMING IN THAT, AGAIN, WOULD NOT COME WITHOUT THE INCENTIVE IN PLACE. THAT'S WHY WE PASS INCENTIVE BILLS, IS TO CREATE THAT CARROT TO BRING THOSE BUSINESSES, THOSE ENTERPRISES INTO NEBRASKA. WE'VE HEARD PLENTY OF TESTIMONY THIS MORNING FROM

Floor Debate
May 05, 2015

SENATOR BRASCH, SENATOR SCHILZ, SENATOR DAVIS, SENATOR WILLIAMS, ABOUT THE POSITIVE IMPACTS OF THIS TO RURAL NEBRASKA. I WOULD APPRECIATE YOUR SUPPORT OF AM1543, WHICH WILL BRING DOWN THE FISCAL IMPACT BOTH IN THE SHORT TERM...THE BIENNIAL AMOUNT WILL COME DOWN FROM OVER \$6 MILLION TO \$3 MILLION. THE LONG-TERM COST, AGAIN, IS A TOTAL OF \$75 MILLION SPREAD OUT OVER A TEN-YEAR PERIOD. THE BILL IS NOW VERY MUCH A MANAGEABLE FISCAL IMPACT THAT, AGAIN, WILL RETURN MILLIONS OF PROPERTY TAX DOLLARS TO NEBRASKA COUNTIES, WILL RETURN MILLIONS IN LAND LEASE PAYMENTS TO NEBRASKANS AND, BECAUSE OF THE C-BED 25 PERCENT REQUIREMENT, MILLIONS AND MILLIONS AND MILLIONS OF DOLLARS DIRECTLY INTO NEBRASKA'S ECONOMY. SO I APPRECIATE YOUR SUPPORT OF AM1543 TO AM1498. THANK YOU. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR NORDQUIST. MEMBERS, YOU'VE HEARD THE CLOSING ON THE AMENDMENT TO THE AMENDMENT. THE QUESTION IS, SHALL THE AM1543 TO AM1498 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED? RECORD, MR. CLERK. [LB423]

CLERK: 31 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT TO THE AMENDMENT. [LB423]

SENATOR WATERMEIER: THE AMENDMENT TO THE AMENDMENT IS ADOPTED. MR. CLERK. [LB423]

CLERK: MR. PRESIDENT, BACK TO AM1498. JUST A SECOND. I'M SORRY, MR. PRESIDENT. MR. PRESIDENT, SENATOR GROENE WOULD MOVE TO AMEND AM1498 WITH AM1521. (LEGISLATIVE JOURNAL PAGE 1375.) [LB423]

SENATOR WATERMEIER: SENATOR GROENE, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE AMENDMENT. [LB423]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. AND, SENATOR NORDQUIST, DON'T JUMP TO CONCLUSIONS. I WILL ACCEPT YOUR AMENDMENT TO FIX THAT PROBLEM, BECAUSE I TRUST YOU WHEN YOU SAY THE ONLY REASON YOU LEFT THAT PORTION IN THERE IS BECAUSE OF A PROBLEM THAT MIGHT OCCUR WITH THE BURT COUNTY PROJECT THAT THEY'VE MOVED A LITTLE DIRT AND SOMEBODY MIGHT INTERPRET THAT WRONG. AM I FOR LB423 AMENDED? NO, NO WAY. BUT I DID TALK TO SENATOR NORDQUIST AND HE COMPROMISED. WE

Floor Debate
May 05, 2015

MADE SOME SAUSAGE INSTEAD OF SLIME. SO I AGREE WITH THAT BUT I STILL HAVE A LITTLE CONCERN AND I...CALL ME SKEPTICAL, BUT I WAS TOLD THEY LEFT THAT PORTION IN, IF I CAN FIND THE BILL, THAT SAYS, "OR THAT IS PLACED INTO COMMERCIAL OPERATION ON OR AFTER THE EFFECTIVE DATE OF THIS ACT, IF NOT SUBJECT TO THE BOARD'S JURISDICTION," IS BECAUSE OF THE BURT COUNTY SITUATION. THIS IS STILL BAD POLICY, STILL BAD...I CAN'T BELIEVE THAT I'M UP HERE ARGUING THIS THING YET BECAUSE IT MAKES NO SENSE. AND AM I GOING TO TAKE IT TO A FILIBUSTER? PROBABLY. I'M HAVING FUN. I HAVEN'T TAKEN A VOTE COUNT. I JUST GOT THIS BELIEF IN COMMON SENSE AND THE GOODWILL OF ELECTED PEOPLE TOWARDS THEIR CONSTITUENTS THAT THEY WON'T SUPPORT THIS. I UNDERSTAND SENATOR NORDQUIST'S WISH TO DO IT. IT IS THE NEWEST THING. WHAT ISN'T NEW ANYMORE? I WAS TALKING TO AN INDIVIDUAL ABOUT ETHANOL PLANTS. THAT WAS A PYRAMID SCHEME THAT WENT WELL IF YOU GOT IN EARLY AND YOU GOT THE CREDITS AND YOU GOT IN AND YOU GOT THE CONTRACTS TO SELL YOUR ETHANOL. YOU MADE DARN GOOD MONEY. I WISH I WOULD HAVE INVESTED IN SOME OF THE EARLIER PLANTS. BUT I'D SEEN THE 1980s WHEN...REMEMBER THE JIMMY CARTER AND THE SHELL...OIL, SHELL, AND ETHANOL PLANTS? WELL, THERE ARE SOME SKELETONS OF ETHANOL PLANTS OUT THERE FROM THE 1980s. BUT THE PEOPLE WHO GOT IN LATE ON THE ETHANOL, AND I COULD NAME A COUPLE OF PLACES IN NEBRASKA, THEY WENT BANKRUPT. THE PLANTS GOT MORE EXPENSIVE. THE PRICE OF ETHANOL WENT DOWN. SO I'M HEARING WE'RE IN THIS LATE, THIS WIND ENERGY, WE'RE IN THERE TOO LATE. WELL, WHAT DOES THAT TELL ME? ANY INVESTMENT IN THE FREE-MARKET SYSTEM, IF YOU GET IN LATE, WATCH OUT, YOU'RE GOING TO GET BURNED. SO I WOULD ADVISE THE STATE OF NEBRASKA NOT TO THROW AWAY \$75 MILLION BECAUSE WE'RE THE ONES THAT'S GOING TO GET BURNED. SOMEBODY IS GOING TO GET THE TAX CREDIT, PUT UP A SHELL OF A BUILDING, AND THEY'RE GOING TO TAKE OFF WITH THE MONEY AND THEY'RE GOING TO GET PAID EVERY TIME THAT WIND TURNS AND THEY'RE GOING TO GET PAID THEIR KILOWATT HOURS. AND WE'RE GOING TO PAY \$75 MILLION FOR ENERGY WE DON'T NEED BECAUSE WE'RE AT OVER CAPACITY NOW. WIND ENERGY IN THE SOUTHWEST POWER POOL IS PREVALENT, 11-12 PERCENT. YOU KNOW, GET TO A POINT ON THE WIND ENERGY, AND I HAVEN'T BEEN TOLD YET BY THE ANALYSIS, IF WIND ENERGY ONLY WORKS FOR CERTAIN HOURS DURING THE DAY, AT WHAT PERCENT OF TOTAL USAGE CAN YOU RELY ON THAT IF IT'S ONLY FROM THE HIGH POINTS OF 2:00 TO 8:00 IN THE AFTERNOON TOWARDS EVENING? WELL, YOU FIGURE WHAT PERCENTAGE OF A DAY THAT IS. SO IF YOU START REACHING THAT SATURATION POINT OF 20 OR 30 PERCENT AND THAT'S ONLY AVAILABLE CERTAIN PARTS OF THE DAY, WHEN DO YOU BECOME SATURATED WITH WIND ENERGY? WHEN DO YOU GET TO THE

Floor Debate
May 05, 2015

POINT WHERE YOU HAVE TO SHUT THE POWER PLANT DOWN COMPLETELY TO ABSORB THE WIND ENERGY AVAILABLE INTO THE SOUTHWEST POWER POOL SYSTEM? AND THEN WE REALLY GOT OPERATING COST THAT YOU'VE GOT TO TURN THEM DOWN SO LOW THAT THEY'RE NOT EFFICIENT AT ALL AND THE COST OF TURNING THEM BACK ON BECOMES TO THE POINT WHERE YOU DON'T EVEN NEED THE WIND ENERGY BECAUSE YOU'VE BURNED THE SAME ELECTRIC POWER AND COST AS YOU DID IF YOU RAN THE POWER PLANT WIDE OPEN. WANTED AN ANALYSIS, TOLD ME IT'S...HE HAD A BETTER ANALOGY THAN I DID ABOUT RUNNING IN SECOND GEAR IN YOUR FIVE-SPEED FROM HERE TO NORTH PLATTE. HE SAID IT'S THE DIFFERENCE BETWEEN CRUISE CONTROL AND USING THE FOOT...FEET ON GAS MILEAGE. IF YOU PUT IT IN CRUISE CONTROL, LIKE YOU CAN EFFICIENTLY OF FOSSIL FUEL OR A NUCLEAR POWER PLANT, THEY'RE VERY EFFICIENT, IF YOU PUT IN THE GAS, LET OFF THE GAS, PUT ON THE GAS, LET OFF THE GAS, THEY BECOME VERY INEFFICIENT. THERE IS NO RATIONAL REASON TO DO THIS AS FAR AS POWER NEEDS IN THE STATE OF NEBRASKA. ECONOMICALLY, IT BENEFITS VERY FEW, ONLY THE LANDOWNER WHO GETS HIS \$8,000 A MONTH OR YEAR FOR PUTTING A WINDMILL ON IT. ONLY THE PERSON WHO...I HEARD MILLIONS AND MILLIONS OF DOLLARS OF INPUTS. TO WHO, SIEMENS, IN OKLAHOMA, OR WHEREVER THOSE WINDMILLS ARE MADE? THAT'S NOT MANUFACTURED HERE. WHAT PERCENTAGE OF THAT PROJECT ACTUALLY, THE MONEY SPENT, IS SPENT IN NEBRASKA? CONSTRUCTION COSTS, SOME SALARIES OF THE CREW. YOU'VE GOT TO BE EXPERIENCED--NOT YOUR LOCAL CONTRACTOR CAN PUT UP A WIND FARM. THOSE CONTRACTORS COME IN, THEY BUILD, AND THEY LEAVE AND THEY GO TO THE NEXT WIND PROJECT IN OKLAHOMA OR KANSAS OR...IT'S KIND OF THE ARGUMENT I HEARD ABOUT A PIPELINE, AGAINST THE PIPELINE, BUT, AH, DEPENDS WHAT SIDE THE FENCE YOU ARE, IF THAT'S ECONOMICS GOOD OR IF IT'S ECONOMICS BAD. I FORGOT ABOUT THAT PIPELINE. THAT'S QUITE A PROPERTY TAX FOR A LOT MORE COUNTIES IF WE BUILD THAT PIPELINE THAN A FEW, COUPLE OF WIND FARMS HERE AND THERE. LIKE I SAID, I WILL WITHDRAW THIS AMENDMENT BECAUSE SENATOR NORDQUIST WORKED WITH ME. IT WAS A FLAW IN THE BILL, I THOUGHT, AND SENATOR NORDQUIST ACKNOWLEDGED THAT. IF IT'S GOING TO PASS, AT LEAST IT'S NOT...GOING TO DO LESS HARM. I GUESS I'M GETTING TO THAT POINT AS A POLITICIAN, TRY TO DO LESS HARM. I THINK DOCTORS USE THAT, RIGHT? MAYBE US POLITICIANS, THAT'S THE POINT WE'RE AT: DO NO HARM. THIS IS HARM TO OUR TAX BASE. THIS IS HARM TO OUR FISCAL NOTE ON OUR STATE BUDGET WITH ABSOLUTELY NO RATIONAL REASON TO DO IT. SO I THANK YOU, MR. PRESIDENT, AND I WITHDRAW MY AMENDMENT. AM1521, IS IT? THANK YOU. [LB423]

Floor Debate
May 05, 2015

SENATOR WATERMEIER: AM1521 IS WITHDRAWN. MR. CLERK. [LB423]

CLERK: MR. PRESIDENT, SENATOR GROENE WOULD MOVE TO AMEND WITH AM1550. (LEGISLATIVE JOURNAL PAGES 1428-1429.) [LB423]

SENATOR WATERMEIER: SENATOR GROENE, TO OPEN ON AM1550. [LB423]

SENATOR GROENE: IF I CAN FIND IT. BEAR WITH ME, MR. PRESIDENT. I WILL FIND IT HERE SOON ENOUGH. WOULD YOU...I FOUND IT. I'M LIKE SENATOR CHAMBERS, I LIKE PAPER INSTEAD OF THE COMPUTER. THIS AMENDMENT, AM1550, IN ORDER TO GET THE PRODUCTION TAX CREDITS, STATE ONES, ALL APPLICANTS WOULD HAVE TO AGREE..."TO BE ELIGIBLE TO CLAIM SUCH CREDITS, SUCH PRODUCERS MUST AGREE TO ABIDE BY THE GUIDELINES FOR WIND ENERGY AND WILDLIFE RESOURCE MANAGEMENT IN NEBRASKA, NOVEMBER 2013 VERSION, AS ESTABLISHED BY THE NEBRASKA WIND AND WILDLIFE WORKING GROUP, AND MUST SUBMIT SUCH AGREEMENT TO THE DEPARTMENT OF REVENUE." I'VE JUST TURNED INTO AN ENVIRONMENTALIST AND I'M SURE SENATOR KEN HAAR WOULD BE IN COMPLETE AGREEMENT WITH THIS AS OUR RESIDENT ENVIRONMENTALIST. THIS WAS RECOMMENDED BY THE NEBRASKA WILDLIFE FEDERATION. THEY'RE NOT OFF THE WALL. THEY JUST LOOK AFTER WILDLIFE IN OUR STATE AND THE CONCERNS FOR OUR WILDLIFE. I LIKE IT TOO. THAT'S WHY AT MY PLACE I'VE GOT A LOT OF WILDLIFE. BUT ANYWAY, SOME OF THE REQUIREMENTS WOULD BE WIND ENERGY AND WILDLIFE GUIDELINES. AND THIS IS FROM THAT REPORT, "GUIDELINES FOR WIND ENERGY AND WILDLIFE RESOURCE MANAGEMENT IN NEBRASKA." THE NEBRASKA WIND AND WILDLIFE WORKING GROUP, IT WAS A CONSORTIUM OF PRIVATE ENTITIES AND NEBRASKA GAME AND PARKS COMMISSION AND WINDFARM OPERATORS. THE PURPOSE OF THESE GUIDELINES IS TO PROVIDE CONSISTENT STATEWIDE GUIDANCE FOR THE DEVELOPMENT OF WIND ENERGY PROJECTS THAT AVOID, MINIMIZE, AND MITIGATE IMPACTS TO WILD ANIMALS AND PLANTS AND THEIR HABITATS IN NEBRASKA. THE GUIDELINES INCLUDE RECOMMENDATIONS FOR: (1) PRECONSTRUCTION SITE ASSESSMENTS; PRACTICES TO AVOID AND MINIMIZE IMPACTS TO WILDLIFE; POSTCONSTRUCTION SURVEYS AND OPERATIONAL MONITORING; MITIGATION FOR PERMANENT HABITAT IMPACTS; AND (5) RESEARCH TO FURTHER ASSESS AND MINIMIZE IMPACTS TO ANIMALS, PLANTS, AND THEIR HABITATS. PRECONSTRUCTION SITE ASSESSMENT: CONSTRUCTION OF THE WIND PROJECT MAY IMPACT WILDLIFE THROUGH DIRECT MORTALITY AND THROUGH THE LOSS OR DEGRADATION OF HABITAT. IT IS, THEREFORE, CRITICAL TO ESTABLISH THE PRESENCE OR ABSENCE OF VARIOUS SPECIES AND IMPORTANT NATURAL COMMUNITIES WELL IN ADVANCE OF CONSTRUCTION

Floor Debate
May 05, 2015

ACTIVITIES. THE PRIMARY PURPOSE OF PRECONSTRUCTION ASSESSMENTS ARE TO: COLLECT INFORMATION SUITABLE FOR PREDICTING THE POTENTIAL IMPACTS OF THE PROJECT ON ANIMAL AND PLANT SPECIES AND THEIR HABITATS; AND (2) DESIGN THE PROJECT LAYOUT--TURBINE AND ROAD LOCATIONS--SO THAT IMPACTS ON BIOLOGICAL RESOURCES ARE AVOIDED AND ARE MINIMIZED. THE SITE-SPECIFIC COMPONENTS AND THE DURATION OF THE ASSESSMENT SHOULD DEPEND ON THE SIZE OF THE PROJECT, AVAILABILITY, QUALITY, AND EXTENT OF THE EXISTING AND APPLICABLE INFORMATION TO THE VICINITY OF THE PROJECT, THE HABITATS POTENTIALLY AFFECTED, THE LIKELIHOOD OF TIMING OF OCCURRENCE OF ENDANGERED, THREATENED, AND OTHER SPECIAL-STATUS SPECIES AT THE SITE, THE MAGNITUDE OF IMPACTS TO THE SPECIES, AND OTHER FACTORS. BEFORE INITIATING ANY SURVEYS, THE PROJECT PROPONENT IS STRONGLY ENCOURAGED TO CONTACT THE NGPC AND THE USFWS TO DISCUSS DETAILS OF SURVEY METHODS AND REVIEW THE CURRENT NATIONAL WIND COORDINATING COLLABORATIVE REPORT, "COMPREHENSIVE GUIDE TO STUDYING WIND ENERGY/WILDLIFE INTERACTIONS." WHO CAN ARGUE WITH THAT? WE GOT TO SAVE OUR WILDLIFE. IT'S WHY WE'RE DOING WIND ENERGY IN THE FIRST PLACE, ISN'T IT, TO SAVE THE PLANET, SAVE OUR WILDLIFE? I DON'T SEE HOW ANYBODY COULD BE AGAINST THIS, SO I WOULD ASK FOR DEBATE AND I WOULD ASK THAT YOU ADOPT AM1550 WHEN WE GET THAT FAR. THANK YOU FOR THE TIME, MR. PRESIDENT. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR GROENE. MEMBERS, YOU'VE HEARD THE OPENING ON AM1550. THOSE IN THE QUEUE WISHING TO SPEAK ARE SENATOR GROENE, SENATOR BRASCH, SENATOR NORDQUIST, AND SENATOR JOHNSON. SENATOR GROENE, WOULD YOU LIKE TO WAIVE YOUR TIME? SENATOR BRASCH, YOU ARE RECOGNIZED. [LB423]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND AGAIN, I SUPPORT LB423 AND NOT AM1550 TO AM1498. THIS IS NO JOKING MATTER. THIS IS VERY SERIOUS. IF WARREN BUFFETT IS INVESTING IN WIND ENERGY FARMS AND BRINGING THAT MONEY INTO NEBRASKA, WHY ARE COLLEAGUES SAYING WE'RE BEHIND THE CURVE? IF WE'RE BEHIND THE CURVE HERE, WHY TAKE MONEY AND LOOK INTO SOMETHING THAT WILL DIVERSIFY NEBRASKA'S ENERGY PORTFOLIO AND MAKE US ATTRACTIVE TO TECHNOLOGY COMPANIES LIKE YAHOO!, GOOGLE, MICROSOFT, WHERE WE CAN HAVE OUR BEAUTIFUL FARMS AND THEN ALSO HAVE OUR MAIN STREETS PROVIDE OPPORTUNITIES FOR OUR STUDENTS WHO ARE GOING OFF TO SCHOOL, WHETHER IT'S VO TECH OR COLLEGE, THAT THEY CAN COME AND HAVE OPPORTUNITIES TO WORK FOR A MAJOR NATIONAL OR

Floor Debate
May 05, 2015

INTERNATIONAL COMPANY THAT CHOOSES TO BE GREEN? WE SEE THAT TREND IS THERE BUT IT IS ALSO WISE TO BE GREEN. I DO RECALL ABOUT...MUST BE FIVE YEARS AGO NOW. I WASN'T ELECTED. BUT I WAS READING THE PAPER AND SAW WHERE FARM BUREAU, KEITH OLSEN, WAS LOOKING AT AND ENCOURAGING NEBRASKA TO USE WIND ENERGY. AND DURING THIS INTERVIEW THEY ASKED HIM WHY AND IT MADE SENSE. HE SAID TO NEBRASKANS, HE SAID, IF WE ARE NOT SITTING AT THE TABLE WITH WIND ENERGY, THEN WE ARE ON THE MENU, FOLKS. AND THAT'S WHAT'S HAPPENING, THAT THE STATES AROUND US ARE MOVING FORWARD AND WE ARE JUST STUCK IN ONE PLACE. YES, WE WANT LOW-COST, EFFICIENT, AND RELIABLE ENERGY. BUT THAT DOES NOT...SHOULD NOT BE THE INHIBITOR TO KEEP US FROM GROWING NATIONALLY. IF WE DO THINGS THE SAME WAY, WE ARE GOING TO GET THE SAME RESULTS. NEBRASKA'S POPULATION IS 1.8 MILLION PEOPLE. IT'S BEEN THAT WAY FOR SO MANY YEARS, JUST SLIGHT INCREASE THE LAST TEN-YEAR CENSUS. AND IF WE WANT TO KEEP PEOPLE HERE, IF WE WANT TO ATTRACT OTHERS FROM OTHER COMPANIES, THEN WE DO NEED TO THINK A LITTLE BROADER. THERE IS A HEADLINE HERE FROM THE JOURNAL STAR ON MAY 11, 2013, AND THE HEADLINE IS, "IOWA BLOWING NEBRASKA AWAY ON WIND POWER." AND IT TALKS ABOUT WIND POWER BEING A VERY TOUCHY SUBJECT AMONG NEBRASKANS AND IT IS. WE CAN SEE THAT HERE ON THE FLOOR TODAY. WE CAN SEE THAT BY THE AMOUNT OF TIME WE HAVE SPENT ON TRYING TO INCORPORATE WIND ENERGY AND SOLAR INTO A BETTER, BROADER, RENEWABLE ENERGY PORTFOLIO. WE ARE TRYING OUR BEST TO BRING THIS FORWARD. THE SECOND HOUSE ARE THE DECISION MAKERS. THEY ARE THE ONES THAT HAVE BROUGHT THIS TO THE LEGISLATURE WANTING US TO INTRODUCE LEGISLATION THAT WOULD BRING RENEWABLES TO NEBRASKA. ANOTHER HEADLINE HERE, THURSDAY, APRIL 30, 2015, AND IT IS THE BERKSHIRE HATHAWAY ENERGY COMPANY. IT ANNOUNCES PLANS FOR THE LARGEST WIND ENERGY DEVELOPMENT IN NEBRASKA. IT TALKS ABOUT THE SUBSIDIARY OF BERKSHIRE HATHAWAY, ENERGY TODAY, ANNOUNCES TO PLAN TO CONSTRUCT A 400 MEGAWATT... [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR BRASCH: ...WIND ENERGY FARM IN HOLT COUNTY, NEBRASKA. I BELIEVE IN INVESTMENT IN ENERGY IN ALL FORMS AND SUPPORTING THOSE WHO WISH TO BE INNOVATORS AND INVEST, THAT THEY CAN RETURN THOSE DOLLARS TO OUR STATE AND LOWER OUR PROPERTY TAXES. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB423]

Floor Debate
May 05, 2015

SENATOR WATERMEIER: THANK YOU, SENATOR BRASCH. SENATOR JOHNSON, YOU ARE RECOGNIZED. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB423]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I DIDN'T VOTE LAST TIME. I WAS OUT FOR MOST OF THE TIME THAT THIS WAS BEING DISCUSSED, SO I'M STILL A LITTLE BIT ON THE FENCE. AND I DO HAVE A QUESTION IF SENATOR GROENE WOULD RESPOND TO A QUESTION. [LB423]

SENATOR WATERMEIER: SENATOR GROENE FOR A QUESTION? [LB423]

SENATOR GROENE: YES, I WOULD RESPOND. THANK YOU. [LB423]

SENATOR JOHNSON: THANK YOU. JUST MORE OF A CLARIFICATION. I'D ALSO RECEIVED THE SAME LETTER THAT YOU DID FROM THE WILDLIFE ASSOCIATION OR FEDERATION, BUT I DON'T HAVE ALL THE MATERIAL UP HERE THAT YOU READ FROM. AND HELP ME OUT A LITTLE BIT. I KNOW THERE'S A PLAN, BUT DO HAVE ANY IDEA HOW MUCH OF THE AREA OR WHAT THE CRITERIA WILL BE, HOW RESTRICTIVE THIS WILL BE TOWARD THE AREAS THAT THEY CAN...THAT YOU COULD BUILD A WIND FARM? [LB423]

SENATOR GROENE: NO, I DO NOT. I KNOW NOW YOU HAVE CERTAIN FLY ROUTES BY FEDERAL LEGISLATION THAT'S OUT THERE TO MAKE SURE WINDMILLS...BECAUSE, YOU KNOW, THEY DO KILL A LOT OF BIRDS. IT WILL BE DECIDED AS TO WHAT THE CRITERIA IS AND, IF IT RATES RIGHT, I GUESS, THEY'LL APPROVE IT. REMEMBER WINDMILL PRODUCTION...WINDMILL PEOPLE, FARM PEOPLE WERE INVOLVED IN THESE GUIDELINES, SO. [LB423]

SENATOR JOHNSON: OKAY. [LB423]

SENATOR GROENE: EVERY ONE WILL, JUST LIKE ANY PROJECT, WILL STAND ON ITS OWN. AND FACTORS WILL BE WEIGHED IN AND THEY WILL APPROVE OR DISAPPROVE. IT'S NO DIFFERENT THAN ANY OTHER ZONING REGULATIONS THAT LIVESTOCK OR ANYBODY ELSE GOES THROUGH. [LB423]

SENATOR JOHNSON: OKAY. THANK YOU. THANK YOU, MR. PRESIDENT. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR JOHNSON AND SENATOR GROENE. SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB423]

Floor Debate
May 05, 2015

SENATOR SCHNOOR: THANK YOU, SIR. WE HEAR A LOT ABOUT, I GUESS, HERE IN THIS FLOOR OF THIS LEGISLATURE, ABOUT HOW IF WE GIVE ALL THESE TAX INCENTIVES THAT THIS IS GOING TO START BUSINESS. WELL, IT MIGHT. IT MIGHT NOT. BUT, YOU KNOW, I'M ALWAYS GOING TO GO BACK TO THE VERY BASICS OF BASIC BUSINESS SENSE THAT WIND ENERGY DOES NOT FIT IN THE BUSINESS SENSE. THERE IS NO WIND ENERGY...OR, EXCUSE ME, THERE'S LIMITED WIND ENERGY IN NEBRASKA BECAUSE THERE ARE NO TAX INCENTIVES. SO BECAUSE THERE ARE NO TAX INCENTIVES OR LIMITED TAX INCENTIVES, THAT SHOULD TELL YOU THAT IT DOESN'T WORK BECAUSE, SIMPLY PUT, A WIND TOWER DOES NOT PRODUCE ENOUGH ENERGY TO CREATE ENOUGH INCOME TO PAY FOR ITSELF BECAUSE IT IS...IT ONLY OPERATES AT 50 PERCENT OF ITS EFFICIENCY. SO THAT ALONE SHOULD TELL US THAT THIS IS BAD BUSINESS AND THIS IS BAD TAX POLICY AND THIS IS A BAD WAY TO BE ENACTING LEGISLATION FOR OUR STATE. SO I GUESS I GOT TO AGREE WITH SENATOR GROENE THAT JUST...YOU KNOW, THIS JUST Baffles ME THAT FOLKS THINK THIS IS A GOOD IDEA. YOU KNOW, AND WE CAN ARGUE THE ENVIRONMENTAL ISSUE AS WELL. YOU KNOW, WE CAN ARGUE THIS STUFF TILL WE'RE BLUE IN THE FACE. AND IT'S KIND OF IRONIC, THE ENVIRONMENTALISTS, THE ENVIRONMENTALIST FOLKS THAT PUSH THIS, YOU KNOW, DON'T HAVE TO LIVE IN THE ENVIRONMENT THAT THESE TOWERS ARE IN. YOU KNOW, EVERYBODY IN THE DIFFERENT CITIES THINKS THIS IS A GREAT IDEA. BUT THE TOWERS AREN'T IN THEIR BACKYARD. NOW I SAID WHEN WE TALKED ABOUT THIS ON GENERAL FILE THAT, YOU KNOW, THE CHANCE OF HAVING A WINDMILL IN MY BACKYARD, YOU KNOW, ON MY FARM ARE FAIRLY REMOTE BECAUSE OBVIOUSLY THE BIG PLACE THEY'RE PUSHING THIS IS OUT IN THE SANDHILLS. YOU KNOW, AND THEN WE CAN TALK ABOUT THAT FOREVER, TOO, WHERE THERE'S NO TRANSMISSION LINES. SO, YOU KNOW, THE REASON THERE'S NO TRANSMISSION LINES IS BECAUSE THERE'S NO PEOPLE THAT LIVE OUT IN THE HILLS. AND, OF COURSE, A LOT OF THE PEOPLE OUT THERE, THEY LIKE IT THAT WAY. AND ALTHOUGH THERE ARE A COUPLE SENATORS HERE THAT...FROM THE SANDHILLS THAT ARE IN FAVOR OF THIS, I JUST...I CAN'T BELIEVE THAT THE RANCHERS WOULD WANT THESE OUT IN THEIR...ON THEIR GROUND. [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR SCHNOOR: THANK YOU. SO WHEN YOU GO TO VOTE ON THIS, THINK ABOUT THIS FROM A BUSINESS STANDPOINT. YOU KNOW, IF YOU HAVE A BUSINESS, YOU KNOW YOU CAN'T BUY YOUR WAY OUT OF DEBT. YOU KNOW, THAT SOUNDS LIKE A STUPID STATEMENT, BUT THERE'S PEOPLE THAT BELIEVE THAT. YOU CAN'T BUY YOUR WAY OUT OF PAYING TAXES. ONCE AGAIN, THAT

Floor Debate
May 05, 2015

SOUNDS LIKE A DUMB STATEMENT, BUT THERE'S PEOPLE THAT BELIEVE THAT. THEY BUY EQUIPMENT AT THE END OF YEAR. THEY GO BORROW MONEY AT THE BANK AND BUY EQUIPMENT TO REDUCE THEIR TAX DEBT. YOU KNOW, IT DOESN'T MAKE ANY SENSE IN THE WAY I DO IT, DO BUSINESS. BUT THAT'S WHY I'D LIKE EVERYBODY TO JUST LOOK AT THIS FROM A VERY BASIC BUSINESS STANDPOINT THAT WIND ENERGY JUST DOESN'T WORK. YOU CAN'T...IT DOESN'T PAY FOR ITSELF, SO THAT ALONE SHOULD TELL US TO VOTE AGAINST THIS.
[LB423]

SENATOR WATERMEIER: TIME, SENATOR. [LB423]

SENATOR SCHNOOR: THANK YOU. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHNOOR. SENATOR EBKE, YOU ARE RECOGNIZED. [LB423]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I HAVEN'T SAID MUCH ABOUT ALL OF THIS. BUT A COUPLE OF WEEKS AGO, SENATOR BAKER AND SENATOR SCHILZ AND SENATOR FRIESEN AND I WERE ABLE TO ATTEND A GRAND OPENING ANNOUNCEMENT DOWN IN HALLAM, DOWN AT THE SHELDON STATION, POWER STATION OWNED BY NPPD. AND WHAT THEY'RE DOING THERE IS INCREDIBLY EXCITING, SO I THOUGHT I MIGHT TELL FOLKS WHO HADN'T HAD AN OPPORTUNITY TO SEE WHAT WAS GOING ON DOWN IN HALLAM ABOUT THEIR PLANS THERE. WE'RE TALKING ABOUT REAL CLEAN ENERGY, FOLKS, THAT'S VERY EFFICIENT. THEY ARE MOVING TO A HYDROGEN-POWERED PLANT OVER THE NEXT COUPLE OF YEARS AND IT'S VERY EXCITING BECAUSE IT'S A TRULY PRIVATE-PUBLIC COOPERATION. AND A COMPANY BY THE NAME OF MONOLITH IS COMING IN AND GOING TO PRODUCE VIA NATURAL GAS WHAT'S KNOWN AS CARBON BLACK. CARBON BLACK I AM THINKING IS WHAT IS MAKING UP A LOT OF THE THINGS THAT WE'VE GOT IN FRONT OF US ON OUR PODIUMS AND ON OUR SPEAKER, ON OUR MICROPHONES, AND PROBABLY EVEN ON OUR NAMEPLATES. AND CARBON BLACK IS PULLED OUT OF NATURAL GAS. CURRENTLY, IT'S USED BASED ON PETROLEUM, AND IT'S A VERY DIRTY PROCESS, BUT THIS MONOLITH CORPORATION IS PULLING IT OUT OF THE NATURAL GAS. AND THE WONDERFUL THING ABOUT THAT IS, ONCE THEY PULL IT OUT OF THE NATURAL GAS, THEN YOU HAVE HYDROGEN LEFT OVER. AND SO ONE OF THE COAL BOILERS AT THE SHELDON POWER STATION IS GOING TO BE CONVERTED OVER TO A HYDROGEN REACTOR. AND WHEN I SAY REACTOR, THAT DOESN'T MEAN THAT IT'S RADIOACTIVE OR ANYTHING LIKE THAT. IT'S JUST WHAT THEY CALL IT. AND IT

Floor Debate
May 05, 2015

WILL BECOME A HYDROGEN REACTOR. AND THE...IT WILL CREATE THE ENERGY. IT WILL TAKE THE PLACE OF THE COAL BURNING DOWN IN HALLAM AT THE SHELDON STATION. AND THE OUTPUT FROM A HYDROGEN REACTOR IS WATER. AND SO THIS IS A GREAT OPPORTUNITY FOR THE PEOPLE OF SOUTHEAST NEBRASKA AND FOR NPPD. IT'S A NEW AND UNIQUE OPPORTUNITY. AND WHAT'S NEAT, WE HEARD ABOUT SENATOR BLOOMFIELD'S...I CAN'T REMEMBER. OX POWER? POWER OX? WHATEVER IT WAS, THE NEW COMPANY THAT USES OTHER WASTE TO PRODUCE METHANE, WHICH IS ESSENTIALLY WHAT THE NATURAL GAS WOULD DO. THERE'S ALL SORTS OF POTENTIAL OUTPUTS OF THE NATURAL GAS THAT COULD GO INTO THIS. I'M EXCITED THAT THIS IS GOING ON. I THINK THIS IS A MUCH MORE RELIABLE FORM OF ENERGY THAN WIND. AND WHAT'S GREAT ABOUT IT IS THAT ALL OF THIS MONOLITH CORPORATION IS GETTING IS I THINK SOMETHING LIKE \$200,000 AND AN ENVIRONMENTAL DEVELOPMENT GRANT. WE AREN'T HAVING TO SUBSIDIZE IT IN ANY OTHER WAY. SO I THINK THAT'S AN IMPORTANT THING TO REMEMBER AS WELL. AND I WOULD BE HAPPY...I DON'T SEE SENATOR GROENE, BUT I WOULD BE HAPPY TO YIELD WHATEVER IS LEFT OF MY TIME TO SENATOR GROENE IF HE CAN USE IT. I'M GOING TO TALK A LITTLE BIT WHILE HE'S MAKING HIS WAY HERE. [LB423]

SENATOR WATERMEIER: SENATOR GROENE, YOU'RE YIELDED 1:30 AND YOU ARE NEXT IN THE QUEUE. [LB423]

SENATOR GROENE: THANK YOU, PRESIDENT AND SENATOR EBKE. I MADE NO FALSE PRETENSES THAT I MIGHT TAKE THIS ALL THE WAY. I WOULD LIKE TO MAKE THAT CLEAR. I AGREED TO ELIMINATE MY FIRST AMENDMENT BECAUSE IT WAS INCORPORATED INTO ANOTHER AMENDMENT BY NO TWISTING OF ARMS OR ANYTHING BY MY PART. WHEN I TRY TO AMEND, I THINK THE PROCESS IS, IF YOU SEE A BAD BILL, YOU TRY TO MAKE IT BETTER. IF IT'S STILL BAD, YOU TRY TO KILL IT. [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR GROENE: BUT IF IT PASSES, AT LEAST IT'S A BETTER BILL. I THINK THAT'S GOOD POLITICS, GOOD GOVERNMENT. AND THAT'S WHAT WE'VE DONE. LITTLE BIT OF COMMENT OF AGRICULTURE, AERIAL APPLICATORS ARE A BIG PART OF THE AG CHEMICAL INDUSTRY. WINDMILLS ARE NOT FRIENDS OF THEIRS. I WOULD VENTURE TO SAY, AERIAL APPLICATORS IN NEBRASKA CREATE AS MUCH WEALTH OF HERBICIDES AND FERTILIZER AS ANY WINDFARM DOES, PROBABLY EMPLOYS 30-40 TIMES MORE FOLKS OVERALL. BUT THEY DO CAUSE A

Floor Debate
May 05, 2015

HAZARD TO...I GOT A SHEET FROM THE NATIONAL AGRICULTURE AVIATION ASSOCIATION OUTLINING SOME OF THE CONCERNS THEY HAVE WITH THOSE WINDMILLS OUT THERE. THE POWER PLANTS ARE BIG ENOUGH, YOU CAN SEE THEM COMING. THEY'RE AIN'T NO FARM GROUND RIGHT AROUND THEM. [LB423]

SENATOR WATERMEIER: TIME, SENATOR. [LB423]

SENATOR GROENE: THANK YOU. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR EBKE AND SENATOR GROENE. SENATOR GROENE, YOU ARE NEXT IN THE QUEUE. [LB423]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I WILL GO BACK TO SOME OF THE DETAILS OF THE WIND ENERGY AND WILDLIFE GUIDELINES TO MAKE SURE PEOPLE THINK THIS ISN'T AN ENVIRONMENTALIST OFF-THE-WALL ORGANIZATION. THAT'S WHERE MY AMENDMENT WILL LEAVE SENATOR JOHNSON ALSO. THESE GUIDELINES ARE NONREGULATORY STATEWIDE RECOMMENDATIONS AND WE WILL BY THIS AMENDMENT MAKE IT REGULATORY THAT THEY HAVE TO AGREE TO THESE TO GET THE...NOW LISTEN, IF THEY DON'T WANT TO TAKE THE FREE MONEY AND PAY...THERE'S A COST TO FREE TAX DOLLARS AND THEY WANT TO BUILD IT ON THEIR OWN, HEY, GO AHEAD, YOU DON'T HAVE TO ABIDE BY THESE RULES. THE AMENDMENT JUST SAYS IF YOU'RE APPLYING FOR THIS TAX INCENTIVE. THESE GUIDELINES ARE NONREGULATORY STATEWIDE RECOMMENDATIONS DESIGNED TO HELP DEVELOPERS ASSESS AND MINIMIZE POTENTIAL ENVIRONMENTAL IMPACTS THAT COULD RESULT FROM DEVELOPMENT OF WIND ENERGY FACILITIES. HOWEVER, NOT ALL THE RECOMMENDATIONS WILL BE APPLICABLE TO ALL WIND ENERGY DEVELOPMENT PROJECTS, WHICH ARE REVIEWED AND DISCUSSED ON A PROJECT-BY-PROJECT BASIS. ADDITIONALLY, SITE-SPECIFIC RECOMMENDATIONS MAY BE MADE THAT ARE NOT INCLUDED IN THIS DOCUMENT. THESE GUIDELINES DO NOT SUPERSEDE SITE-SPECIFIC RECOMMENDATIONS PROVIDED BY THE NEBRASKA GAME AND PARKS COMMISSION AND THE U.S. FISH AND WILDLIFE SERVICE DURING THE ENVIRONMENTAL REVIEW PROCESS. THIS IS A DOCUMENT INTRODUCTION: WIND ENERGY IS A RENEWABLE ENERGY SOURCE FOR WHICH THE POTENTIAL ENVIRONMENTAL IMPACTS OF DEVELOPMENT AND OPERATION NEED TO BE CONSIDERED. IT IS NOT 100 PERCENT GREEN. IT'S GOT A LITTLE LIME COLOR TO IT. WIND ENERGY IS SEEN AS A GREEN ENERGY SOURCE BECAUSE DURING THE OPERATION OF A WIND ENERGY FACILITY THERE ARE NO EMISSIONS OF

Floor Debate
May 05, 2015

GREENHOUSE GASES OR OTHER POLLUTANTS. IN GENERAL, THE CONSERVATION COMMUNITY SUPPORTS DEVELOPMENT OF WIND ENERGY. HOWEVER, NO ENERGY SOURCE HAS YET BEEN FOUND TO BE WITHOUT SOME DEGREE OF ENVIRONMENTAL COST AND WIND ENERGY IS NO EXCEPTION. THE PURPOSE OF THESE GUIDELINES IS TO PROVIDE CONSISTENT STATEWIDE GUIDANCE FOR THE DEVELOPMENT OF WIND ENERGY PROJECTS THAT AVOID, MINIMIZE, AND MITIGATE IMPACTS TO WILDLIFE AND THEIR HABITATS IN NEBRASKA. THAT INCLUDES HUMANS, TOO, I WOULD BELIEVE. IT WOULDN'T IMPACT THEIR HABITATS IN NEBRASKA AND, BY GOLLY, WINDMILLS DO AFFECT OUR HABITATS OUT IN THE RURAL AREAS. I WOULD SURE LIKE TO SEE SOME IN MEMORIAL PARK IN OMAHA AND SOME IN ANTELOPE PARK. AND I DRIVE EVERY DAY ON NORMAL BOULEVARD. A COUPLE ALONG THERE WOULD LOOK NICE, TOO, AMONGST THE BEAUTIFUL TREES. NEBRASKA HAS GREAT WIND ENERGY DEVELOPMENT POTENTIAL. NEBRASKA RANKS THIRD NATIONALLY IN TERMS OF WIND RESOURCES TO GENERATE ELECTRICAL ENERGY, WITH WIND ENERGY POTENTIAL TO PRODUCE MORE THAN 3.5 MILLION GIGAWATTS. CURRENT GOVERNOR AND STATE LEGISLATURE CONSIDER WIND ENERGY DEVELOPMENT IN NEBRASKA A PRIORITY. WITH MUCH OPEN LAND, LOW POPULATION, UNLESS YOU LIVE THERE. HUNDREDS OF SPECIES OF WILDLIFE USE NEBRASKA YEAR-ROUND OR DURING MIGRATION AND BREEDING SEASONS; SEVERAL OF THESE SPECIES AND THEIR HABITAT ARE CONSIDERED AT RISK AND MAY BE MORE SENSITIVE TO DEVELOPMENT. NEBRASKA HAS 14 FEDERALLY AND 27 STATE PLANT AND ANIMAL SPECIES THAT ARE LISTED AS ENDANGERED, AS THREATENED. IT'S TOO BAD THAT A FISCAL CONSERVATIVE IS THE ONE WHO HAD TO THINK ABOUT THIS AND SOME OF THE GREEN MEMBERS OF OUR BODY DIDN'T WANT TO PROTECT WILDLIFE FROM THIS DANGEROUS ENERGY SOURCE. THE NEBRASKA NATURAL LEGACY PROJECT STATE WILDLIFE ACTION PLAN IDENTIFIES AT-RISK SPECIES AND CATEGORIZES THEM IN TIER I AND TIER II. [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR GROENE: BUT ANYWAY, FOLKS, IT'S A VERY WELL THOUGHT-OUT DOCUMENT. IT WAS PUT TOGETHER BY THE CONSORTIUM OF STATE AND FEDERAL AGENCIES, NONGOVERNMENTAL CONSERVATION ORGANIZATION, PUBLIC UTILITIES THAT FORMED TO DEVELOP GUIDANCE FOR WIND ENERGY DEVELOPMENT IN THE STATE. THE WORK...THE GROUP WORKS CLOSELY WITH WIND DEVELOPERS AND CONSULTANTS WHO HAVE DEVELOPED OR ARE LOOKING TO DEVELOP WIND ENERGY IN NEBRASKA. THE GROUP CONSISTS OF REPRESENTATIVES OF THE NEBRASKA ENERGY OFFICE, THE NATURAL

Floor Debate
May 05, 2015

CONSERVATORY (SIC), AUDUBON SOCIETY, NEBRASKA WILDLIFE. I HEARD ONE OF MY FELLOW SENATORS MENTION THE AUDUBON SOCIETY AS AN AUTHORITY ON THIS ISSUE. THEY WERE PART OF THESE REGULATIONS, SO I'M SURE WE'LL GET A VOTE FROM HIM OF APPROVAL ON THIS AMENDMENT. SO THANK YOU, FOLKS, AND KEEP THINKING ABOUT THE BIRDS OUT THERE. WE'VE GOT TO PROTECT THEM. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR GROENE. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR SCHUMACHER, SENATOR KINTNER, SENATOR HUGHES, SENATOR MELLO. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB423]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. SINCE BOTH SIDES OF THIS ARGUMENT HAVE TALKED ABOUT THE WONDERFUL ELECTRIC GENERATION USING HYDROGEN AS A FUEL, I THINK IT IS PROBABLY FAIR, SINCE APPARENTLY WE ARE CONSUMING TIME, THAT WE TALK ABOUT SCIENCE A LITTLE BIT. AND I THINK PROBABLY ON ENERGY ISSUES, WE'RE RAPIDLY PROVING THAT WE ARE ABOUT AS COMPETENT AT TREATING THOSE THINGS AS WE ARE PLAYING PHYSICIAN IN TREATING VARIOUS DISEASES. THERE IS A LAW OF THERMODYNAMICS, ONE OF THE FEW THINGS THAT HAVE RISEN TO THE LEVEL OF BEING CALLED A LAW, IN PHYSICS, CALLED ENTROPY. IT SAYS THAT THERE AIN'T NO FREE LUNCH. THE AMOUNT OF ENERGY IN A SYSTEM IS CONSTANT AND YOU CAN MOVE IT AROUND, BUT YOU CAN'T GET SOMETHING FOR NOTHING. THERE IS A SLIGHT EXCEPTION, MAYBE, IF WE START TALKING IN NUCLEAR LANGUAGE, BUT IN CONVENTIONAL PHYSICS YOU CAN'T GET ANYTHING MORE THAN THE ENERGY YOU PUT INTO IT. SO WHERE DOES THIS WONDERFUL HYDROGEN THAT IS BEING BURNED IN THIS PLANT COME FROM? AND HOW DOES IT GET THERE? HYDROGEN DOES NOT OCCUR FREE IN NATURE. IF IT...IT IS A HIGHLY REACTIVE ELEMENT. AND IF THERE IS SOMEBODY AROUND THAT IT CAN PAIR UP WITH, IT DOES SO VERY RAPIDLY, USUALLY IN THE FORM OF PAIRING UP WITH A LITTLE OXYGEN ATOM AND MAKING H₂O, OR WATER. AND IT TAKES A LOT OF ENERGY TO BREAK THE HYDROGEN GUYS OFF THE OXYGEN MOTHER. SO WHERE DOES THIS HYDROGEN COME FROM IN THIS PROCESS THAT IS BEING BURNED AT THAT POWER PLANT THAT IS BEING REDONE? WELL, YOU HAVE TO START WITH A HYDROCARBON. THAT'S A LITTLE CARBON ATOM TIED ONTO FOUR LITTLE, USUALLY IN METHANE, FOUR LITTLE HYDROGEN ATOMS. AND IF YOU BURN...HEAT THAT CARBON ATOM UP, IN A SITUATION WHERE THERE'S NO OXYGEN, THE HYDROGENS DO PEEL OFF, AFTER YOU APPLY ENOUGH ENERGY, AND BECOME FREE HYDROGEN THAT YOU CAN DO SOMETHING WITH. BUT IT TAKES A WHOLE LOT OF ENERGY THAT HAS TO

Floor Debate
May 05, 2015

COME FROM SOMEWHERE TO BUST THOSE HYDROGENS OFF THAT CARBON ATOM. AND THAT COMES FROM...IT HAS TO COME FROM EITHER NUCLEAR OR, IN THE PRESENT CASE, OFF OF BURNING GOOD OLD CARBON DIOXIDE EMITTING HYDROCARBONS. THERE IS NO FREE LUNCH. SO THE ENERGY, IF YOU TRACE IT BACK, THAT IS BEING USED IN THAT PLANT IS COMING FROM HYDROCARBONS. AND THE FACT A LITTLE BIT IS RECOVERED IN THE HYDROGEN FUME THAT COMES OFF DOES NOT MEAN THAT WE ARE NOT BURNING A WHOLE LOT OF HYDROCARBONS TO GET IT. AND WE ARE PUTTING A WHOLE LOT OF CARBON DIOXIDE INTO THE ATMOSPHERE, BECAUSE WHEN YOU BURN A HYDROCARBON IN THE PRESENCE OF OXYGEN YOU GET CARBON DIOXIDE AND WATER. SO THERE IS NO FREE LUNCH AND NO MAGIC THAT IS HAPPENING WITH THAT HYDROGEN. IT IS A WAY OF CONSUMING A RATHER EXPENSIVELY PRODUCED HYDROGEN. YOU ALSO DO GET THE CARBON BLACK THAT YOU CAN USE FOR OTHER THINGS, IN TIRES AND THINGS LIKE THAT, IN THE PROCESS. AND I GUESS IT'S BETTER TO BURN THE HYDROGEN IN A RECYCLE PROCESS THAN IT IS JUST TO VENT IT OFF INTO THE AIR WHERE IT WILL COMBINE WITH OXYGEN AND MAKE SOME WATER. BUT I DID MENTION SOMETHING ABOUT NUCLEAR. NUCLEAR ENERGY, YOU TAKE A BIT OF MASS, AND WHEN YOU MULTIPLY THAT TIMES THE SPEED OF LIGHT SQUARED, YOU GET A WHOLE LOT OF ENERGY. SO A TEENY, TEENY, TEENY BIT OF MASS, IF YOU CAN SQUEEZE THE NUCLEAR ENERGY OUT OF IT, WILL CONVERT TO ENERGY IN A BIG WAY. [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR SCHUMACHER: THINK OF THAT, THE SPEED OF LIGHT SQUARED. THE SPEED OF LIGHT IS 3 TIMES 10 TO THE 8 METERS PER SECOND. YOU SQUARE THAT, IT'S 9 TIMES 10 TO THE 16--9 AND 16 ZEROS AFTER IT. AND YOU MULTIPLY THAT BY JUST A ITTY-BITTY NUMBER AND THE AMOUNT OF MASS THAT'S CONSUMED IN A NUCLEAR REACTION, WHETHER THAT'S FISSION, FUSION, OR WHAT MIGHT BE THE LENR PROCESS, YOU GET A LOT OF ENERGY AND YOU GET IT, BASICALLY, FOR FREE. AND THAT IS THE POTENTIAL THAT WE ARE LOOKING AT, IF WE PUT OUR EFFORTS INTO BECOMING AHEAD OF THE POWER CURVE INSTEAD OF TRYING TO BE THE LITTLE DOGGY CHASING THE BACK SIDE OF THE POWER CURVE. AT ANY RATE, I WANTED TO CLARIFY IN THE DISCUSSION HERE THAT THE MAGIC AT THE POWER PLANT... [LB423]

SENATOR WATERMEIER: TIME, SENATOR. [LB423]

SENATOR SCHUMACHER: THANK YOU. [LB423]

Floor Debate
May 05, 2015

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB423]

SENATOR KINTNER: WELL THANK YOU, MR. PRESIDENT. GEE, I'M INTERESTED BY ALL THE HYDROGEN TALK I'VE HEARD. AND SO I THOUGHT I MIGHT ASK SENATOR EBKE A FEW QUESTIONS IF SENATOR EBKE WOULD YIELD TO A QUESTION OR TWO. [LB423]

SENATOR WATERMEIER: SENATOR EBKE, YIELD TO A QUESTION? [LB423]

SENATOR EBKE: I WILL. [LB423]

SENATOR KINTNER: OKAY, SINCE YOU ARE FRESH OFF OF THIS GRAND OPENING, I GUESS, OR RIBBON CUTTING, OR WHATEVER IT WAS, OF THE HYDROGEN PLANT, HOW MUCH DOES IT PRODUCE? SO TALK TO ME ABOUT...IN TERMS OF...IF IT WAS A COAL PLANT VERSUS A HYDROGEN PLANT, IS IT...PROMOTE...PRODUCE THE SAME AMOUNT OF ELECTRICITY, MORE OR LESS? [LB423]

SENATOR EBKE: IT WILL PRODUCE THE SAME AMOUNT, AS I UNDERSTAND IT, WHEN IT GETS TO...WHEN IT GETS FULLY UP AND RUNNING, IT WILL PRODUCE THE SAME AMOUNT AS THE CURRENT COAL PLANT PRODUCES. THEY'RE GOING TO SHUT DOWN THEIR COAL PLANT OPERATIONS COMPLETELY. [LB423]

SENATOR KINTNER: AND WHAT WAS THE INVESTMENT IN THIS? [LB423]

SENATOR EBKE: YOU KNOW, I DON'T KNOW EXACTLY. I KNOW THAT WE HAD AN ECONOMIC DEVELOPMENT GRANT AND I DON'T HAVE THE EXACT NUMBERS IN FRONT OF ME, BUT IT SEEMS TO ME THAT THE GOVERNOR MENTIONED AT THE RIBBON CUTTING THAT IT WAS SOMETHING LESS THAN \$200,000. [LB423]

SENATOR KINTNER: MAYBE SENATOR CRAWFORD KNOWS THAT ANSWER. I MAY ASK HER NEXT. WHAT KIND OF TAX CREDITS DO THEY GET FROM THE STATE GOVERNMENT TO DO THIS? [LB423]

SENATOR EBKE: I DON'T KNOW. I WISH I COULD TELL YOU. AS FAR AS I KNOW, NONE, BUT I HONESTLY... [LB423]

Floor Debate
May 05, 2015

SENATOR KINTNER: ARE YOU TRYING TO TELL ME THAT THEY DID THIS ALL ON THEIR OWN, WITH NO TAX CREDITS? [LB423]

SENATOR EBKE: WELL, WHAT YOU HAVE TO REMEMBER IS THAT THE PRIVATE COMPANY WILL MAKE MONEY OFF OF THIS, BECAUSE THEY'LL HAVE A SALABLE PRODUCT. RIGHT NOW, AND MY NUMBERS MAY BE A LITTLE BIT OFF, BUT SOMETHING LIKE...THE UNITED STATES CURRENTLY PRODUCES SOMETHING LIKE 10 PERCENT OF THE CARBON BLACK IN THE COUNTRY. AND CHINA PRODUCES...I'M GOING TO MESS THIS UP, BUT SOMETHING LIKE 25 PERCENT. SO THE IDEA HERE IS THAT WE CAN PRODUCE A HIGHER NUMBER, A HIGHER AMOUNT OF THE CARBON BLACK THAT'S USED AROUND THE WORLD. [LB423]

SENATOR KINTNER: WELL, WERE YOU SHOCKED TO LEARN THAT A COMPANY ON ITS OWN, WITH NO TAXPAYER MONEY, NO TAX CREDIT, ACTUALLY WENT OUT AND CREATED A PROJECT? WERE YOU SHOCKED WHEN YOU SAW THAT? [LB423]

SENATOR EBKE: PRETTY AMAZING, ISN'T IT? [LB423]

SENATOR KINTNER: YES. WOW! UNBELIEVABLE. IS THERE ANYTHING ELSE I SHOULD KNOW ABOUT IT? YOU TOURED IT. I DON'T KNOW. IS THERE ANYTHING ELSE UNIQUE ABOUT THIS? [LB423]

SENATOR EBKE: THERE WASN'T MUCH TO TOUR, BUT IT IS VERY COOL, ALL OF THE THINGS THAT THEY CAN MAKE WITH THIS STUFF, AND I DIDN'T KNOW ANYTHING ABOUT IT. AND FOR QUITE SOME TIME, I HAVE BEEN TELLING PEOPLE THAT, YOU KNOW, YOU MAY NOT LIKE PETROLEUM BUT, YOU KNOW, WE ARE DEPENDENT ON PETROLEUM FOR SO MANY OF THE THINGS THAT WE MAKE. AND THIS CARBON BLACK, WHILE IT IS STILL A CARBON FUEL, IT IS NOT NEARLY...YOU KNOW, WE ALL SAY THAT NATURAL GAS IS A MUCH CLEANER PETROLEUM PRODUCT AND SO THIS...OR A MUCH CLEANER CARBON FUEL, SO THIS IS A REAL STEP UP FOR US. [LB423]

SENATOR KINTNER: HOW MANY EMPLOYEES ARE HIRED DOWN THERE? [LB423]

SENATOR EBKE: WELL, THEY...I THINK THEY SAID ABOUT A HUNDRED WOULD BE THE NUMBER IN THE LONG TERM, THAT WHEN THEY ARE WORKING ON THE CONSTRUCTION, I THINK THERE WAS ANOTHER 200 INVOLVED. [LB423]

Floor Debate
May 05, 2015

SENATOR KINTNER: I'M ASSUMING HYDROGEN WOULD BURN LIKE PROPANE? DO YOU KNOW? [LB423]

SENATOR EBKE: I'M NOT A CHEMIST. [LB423]

SENATOR KINTNER: MAYBE "PROFESSOR" SENATOR SCHUMACHER MAY... [LB423]

SENATOR EBKE: I'M NOT A CHEMIST. [LB423]

SENATOR KINTNER: OKAY, THANK YOU VERY MUCH, SENATOR EBKE. WELL, I THINK THAT KIND OF FLIES IN THE FACE OF WHAT WE'RE TALKING ABOUT RIGHT HERE. SO NOW WE'RE BEING ASKED TO PROVIDE CREDITS FOR A WIND PROJECT, AND THEN WE FIND OUT THAT WE HAVE A MAJOR HYDROGEN PROJECT... [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR KINTNER: ...THAT EMPLOYS WAY MORE THAN ANY WIND PROJECT. AND THEY DID IT WITHOUT A PENNY OF TAX CREDIT AND THEY'RE CREATING JOBS. I THINK THAT'S ABSOLUTELY FASCINATING. AND I THINK THAT THE MEMBERS OF THIS BODY WOULD BE WISE TO REMEMBER WHAT WE JUST HEARD SENATOR EBKE SAY, AND WHAT SENATOR SCHUMACHER SAID BEFORE THAT. THANK YOU, MR. PRESIDENT. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR KINTNER AND SENATOR EBKE. SENATOR HUGHES, YOU ARE RECOGNIZED. [LB423]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I HAVE, ON PURPOSE, NOT WEIGHED IN ON THIS ISSUE. I DON'T MIND WINDMILLS. AND SEVERAL YEARS AGO, AS A MEMBER OF THE NEBRASKA ETHANOL BOARD, I HAD THE OPPORTUNITY TO GO OUT TO NREL, WHICH IS THE NATIONAL ENERGY RESEARCH LAB IN GOLDEN, COLORADO, AND THEY WERE NOT ONLY DOING RESEARCH ON CELLULOSIC ETHANOL BUT ON WIND ENERGY. SO I HAD THE OPPORTUNITY TO BE UP CLOSE TO A LARGE WIND TURBINE, 20, 25 YEARS AGO. THE WHOOP, WHOOP, WHOOP DOESN'T BOTHER ME; THE FLASHING, SYNCHRONIZED RED LIGHTS DON'T BOTHER ME. IN FACT, I HAVE GOT A NICE RIDGE ON MY FARM THAT I WOULD LOVE TO HAVE...BE ABLE TO PLANT WINDMILLS ON. YOU KNOW, AS AN AG PRODUCER, I CAN TAKE HOT, I CAN TAKE COLD, I CAN TAKE WET, AND I CAN TAKE DRY, BUT THE WIND BLOWING IS THE

Floor Debate
May 05, 2015

ONE THING THAT GETS TO ME QUICKER AND WORSE THAN ANYTHING ELSE. AND IF I CAN MAKE MONEY OFF OF THAT WIND BLOWING, I THINK I COULD PROBABLY LIVE WITH IT. SO I'VE HAD THE THOUGHT FOR QUITE A WHILE THAT IF I COULD TAP INTO THE WIND RESOURCE, GENERATE ELECTRICITY OFF OF THAT, I COULD PROBABLY BE A MUCH HAPPIER CAMPER. IF YOU WANT MORE OF SOMETHING, YOU SUBSIDIZE IT; IF YOU WANT LESS OF IT, YOU TAX IT. THE DIRECTION THAT THE FEDERAL GOVERNMENT HAS GONE IS THEY WANT MORE GREEN ENERGY, THEREFORE, THEY HAVE SUBSIDIZED IT TO AN INCREDIBLE EXTENT, NOT ONLY WIND BUT ALSO SOLAR AND I'M SURE SOME OTHER THINGS, ALGAE AND OTHER OPPORTUNITIES THAT PEOPLE HAVE DREAMT UP. BUT, FOR ME, WHEN IT COMES TO THE COST OF POWER, YOU KNOW, THE CONSUMER, THE PERSON PAYING THE BILL, IS THE PERSON THAT WE NEED TO LOOK OUT FOR. AND THE COST TO THE CONSUMER AND THE RELIABILITY ARE THE TWO MAIN THINGS THAT WE NEED TO LOOK AT WHEN TALKING ABOUT ELECTRICITY GENERATION. AND I'LL AGREE WITH SENATOR SCHILZ, THE LANDSCAPE HAS CHANGED, BUT IT HAS NOT CHANGED BECAUSE OF ECONOMIC FACTORS. IT HAS CHANGED BECAUSE OF FEDERAL GOVERNMENT INTERVENTION. THE FEDERAL GOVERNMENT HAS INCENTIVIZED RENEWABLE ENERGY AND, THEREFORE, IT HAS DISTORTED THE MARKET. AND THAT IS THE SAME THING THAT WE'RE TRYING TO DO WITH THIS BILL IS DISTORT THE MARKET. NOW I'M CERTAINLY ALL IN FAVOR OF PROPERTY TAX RELIEF. I CAN'T BELIEVE I WENT THAT LONG WITHOUT SAYING PROPERTY TAX RELIEF. BUT IT WOULD BE PROPERTY TAX RELIEF FOR RURAL AREAS OF NEBRASKA. IT WOULD BE PROPERTY TAX RELIEF FOR DOWNTOWN LINCOLN, DOWNTOWN OMAHA. THE OPPORTUNITY THAT WE HAVE TO CREATE WEALTH COMES FROM THE LAND, THE SEA, AND THE AIR. AND THIS IS AN OPPORTUNITY, CREATE WEALTH, FROM THE AIR. IF WE CAN GENERATE ELECTRICITY FROM THE WIND BLOWING, THAT'S CREATING WEALTH. UNFORTUNATELY, IT'S NOT ECONOMICALLY VIABLE YET. THE OPPORTUNITY FOR INCREASED EFFICIENCY IS THERE AND, HOPEFULLY, THE OPPORTUNITY FOR BATTERY TECHNOLOGY IS THE THING THAT'S GOING TO MAKE WIND AND SOLAR VIABLE AT SOME POINT IN TIME. I APPLAUD LES FOR SAVING THEIR CUSTOMERS \$400 MILLION OVER THE NEXT 20 YEARS ON THEIR ELECTRICITY COSTS. [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR HUGHES: BUT THE WAY THEY DID THAT IS THEY WENT TO OKLAHOMA AND BOUGHT WIND ENERGY. THEY ARE SAVING THEIR CUSTOMERS \$20 MILLION A YEAR BY BUYING SUBSIDIZED WIND ENERGY FROM OKLAHOMA, SUBSIDIZED BY THE U.S. TAXPAYER AND SUBSIDIZED BY THE OKLAHOMA TAXPAYER. THAT IS THE REST OF THE STORY. THAT'S WHAT THEY'RE NOT TELLING YOU. THEY'RE

Floor Debate
May 05, 2015

TELLING YOU, WE SAVED YOU \$400 MILLION, BUT THEY ARE NOT SAYING THAT MOST OF THAT IS TAXPAYER SUBSIDIZED. THE LAST THING THAT I WOULD LIKE TO DISCUSS IS WHY THE FEDERAL GOVERNMENT IS ON THE GLOBAL WARMING...WHY WE ARE AFTER THIS GREEN ENERGY. AND THAT IS BECAUSE OF THE PERCEIVED THREAT OF GLOBAL WARMING. AND I DON'T KNOW THAT THERE IS ANYBODY IN HERE THAT WILL DISAGREE THAT WE DO HAVE GLOBAL WARMING. IT IS WHAT IS CAUSING IT. I THINK THAT'S... [LB423]

SENATOR WATERMEIER: TIME, SENATOR. [LB423]

SENATOR HUGHES: THANK YOU, MR. CHAIRMAN. [LB423]

SENATOR WATERMEIER: (VISITORS INTRODUCED.) THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR MELLO, SENATOR GROENE, SENATOR SCHILZ, AND OTHERS. SENATOR MELLO, YOU ARE RECOGNIZED. [LB423]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I HAVE BEEN FOLLOWING THE DEBATE ON LB423 THIS AFTERNOON, AND I FIND IT IRONIC, SOME OF THE ARGUMENTS THAT HAVE BEEN USED BY THE OPPONENTS OF THIS BILL, PARTICULARLY IN LIGHT OF A VOTE WE TOOK LAST NIGHT ON LB175, SENATOR SCHILZ'S BILL, THAT PROVIDED TAX INCENTIVES TO LIVESTOCK DEVELOPMENT. SENATOR GROENE, SENATOR SCHNOOR, SENATOR EBKE, AND OTHER SENATORS WHO ARE OPPOSING THIS BILL RIGHT NOW DID NOT STAND UP ON THE MIKE LAST NIGHT, DID NOT GIVE ANY INDICATION THAT LB175 DISTORTS THE MARKETPLACE; SAID THAT WE ARE NOT, IN NO WAY, SHAPE, OR FORM, TRYING TO INCENTIVIZE ONE COMPANY OVER ANOTHER. AND THE QUESTION I'VE GOT, COLLEAGUES, IS WHY? WHY IS IT THAT IT'S OKAY IN REGARDS FOR US AS SENATORS TO PRETEND THAT ALL OF US ARE ELECTRICITY GENERATORS OR WORK IN PUBLIC POWER WHEN IT COMES TO LB423, AND THAT WE, OBVIOUSLY, ARE EXPERTS IN REGARDS TO ENERGY GENERATION BUT IN THE SAME VEIN, A NIGHT BEFORE, NOT SAY A SINGLE WORD IN REGARDS TO, I BELIEVE, THE 38 VOTES SENATOR SCHILZ GOT ON LB175? THE AMENDMENT WE HAVE IN FRONT OF US, AM1550, SENATOR GROENE'S AMENDMENT, FLIES IN THE FACE OF EXACTLY EVERYTHING HE SAID ON SENATOR WATERMEIER'S LB106, TALKING ABOUT LOCAL CONTROL AND HAVING THE STATE CREATE SOME KIND OF MATRIX IN REGARDS TO DICTATING COUNTY GOVERNMENTS IN REGARDS TO LIVESTOCK PRODUCTION, YET IN AM1550 NOW HE WANTS THE STATE TO REGARD TO SUPERSEDE COUNTY GOVERNMENTS AND COUNTY ZONING BOARDS IN RESPECT TO RENEWABLE ENERGY DEVELOPMENT. COLLEAGUES, I POINT THIS

Floor Debate
May 05, 2015

OUT, AS WELL AS I REMIND EVERYONE, LB538, THAT'S ON FINAL READING, THAT EXTENDS THE NEBRASKA ADVANTAGE ACT FOR ALL OF THE PROGRAMS THAT, BY THE WAY, HAVE NO CAP, THEY HAVE NO...THEY DO HAVE AN EXTENDED TIME FRAME THAT WE'RE GIVING, BUT THERE IS NO CAP IN REGARD TO THOSE INCENTIVES THAT WE'RE GIVING. AND I HAVE NOT HEARD ANY OF THE OPPONENTS OF THIS BILL TODAY STAND ON GENERAL OR SELECT FILE IN OPPOSITION TO LB538, AND THE QUESTION IS, WHY? WHY IS IT THAT ONE DAY SOMEONE COULD TRY TO MAKE AN ARGUMENT THAT WE ARE DISTORTING THE MARKETPLACE, THAT WE'RE SUBSIDIZING ONE COMPANY AND ONE INDUSTRY OVER ANOTHER, THEN THE NEXT DAY AND NIGHT COMPLETELY SIT SILENT IN REGARDS TO TAX INCENTIVES IN THE SAME NATURE AS IT COMES TO LIVESTOCK DEVELOPMENT OR, FRANKLY, ANY OTHER CORPORATION THAT WOULD QUALIFY UNDER A NEBRASKA ADVANTAGE ACT? COLLEAGUES, THAT'S THE QUESTION I'VE GOT FOR THIS BODY. YOU MAY NOT, GENERALLY, SUPPORT RENEWABLE ENERGY DEVELOPMENT, THAT'S A PHILOSOPHICAL BELIEF YOU CAN HAVE. BUT I'VE HEARD MEMBERS ON THE FLOOR TODAY SAY THIS IS BAD TAX POLICY, THIS IS FAVORING ONE COMPANY OVER ANOTHER, ONE INDUSTRY OVER ANOTHER. COLLEAGUES, WE SELECT AND CREATE TAX POLICY ALL THE TIME TO INCENTIVIZE BEHAVIOR, WHETHER IT'S INCENTIVIZING LIVESTOCK DEVELOPMENT, WHETHER IT'S INCENTIVIZING MANUFACTURING, WHETHER IT'S INCENTIVIZING RENEWABLE ENERGY DEVELOPMENT. AND BY THE WAY, WHILE SOME OF US IN OMAHA AND LINCOLN WOULD LIKE TO SEE MORE RENEWABLE ENERGY DEVELOPMENT, SO TO SPEAK, WE'RE A LITTLE LIMITED IN REGARDS TO OUR WIND CAPACITY; AND THAT'S SCIENCE SAYING THAT, NOT SIMPLY SENATOR GROENE OR MYSELF STANDING AT THE MIKE SAYING THAT. THAT IS WHY THIS BILL IS FOCUSED ON RENEWABLE ENERGY WHICH WOULD INCORPORATE SOLAR ENERGY AS MUCH AS WIND ENERGY. IT APPEARS, COLLEAGUES, THAT WE'RE LIKELY GOING TO TAKE THIS BILL TO A CLOTURE VOTE, WHICH FRUSTRATES ME A LITTLE BIT IN THE SENSE THAT IF THERE WAS A GENUINE CONCERN ABOUT THE PHILOSOPHICAL POLICIES BEHIND THIS BILL, THAT THOSE WHO OPPOSE IT WOULD HAVE DISCUSSED IT A LOT MORE ON GENERAL FILE AND TRIED TO WORK WITH THE PROPONENTS OF THIS BILL TO GET THERE. BUT, APPARENTLY, IT'S WHAT'S NOT GOOD FOR THE GOOSE IS NOT GOOD FOR THE GANDER IN THIS SCENARIO, THAT WE WANT TO SELECTIVELY PICK TAX INCENTIVES FOR LIVESTOCK DEVELOPMENT AND NOT CONSIDER THAT FOR RENEWABLE ENERGY DEVELOPMENT AND IN THE SAME BREATH SAY WE ARE PICKING WINNERS AND LOSERS AND WE ARE NOT GIVING PEOPLE PROPERTY TAX RELIEF. COLLEAGUES, THAT'S A DANGEROUS ARGUMENT TO MAKE,... [LB175 LB106 LB538 LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

Floor Debate
May 05, 2015

SENATOR MELLO: ...VERY DANGEROUS TO MAKE, BECAUSE THESE WORDS ARE RECORDED. EVERY STATEMENT WE MAKE WILL BE USED AGAINST US WHEN WE TRY TO MAKE ANOTHER ARGUMENT. AND THAT'S FINE IF YOU DON'T BELIEVE AND SUPPORT LB423. WE'RE ENTITLED TO OUR OWN OPINIONS AND VOTES, COLLEAGUES. BUT WHEN WE MAKE AN ARGUMENT AND WE MAKE WIDESPREAD ARGUMENTS AND WIDESPREAD STATEMENTS THAT I WOULD MAKE AN ARGUMENT, COLLEAGUES, GOES ABOVE AND BEYOND OUR VOTING RECORDS ON ISSUES, BE CAREFUL, BECAUSE WE'RE ALL RESPONSIBLE NOT JUST TO EACH OTHER, WE'RE GOING TO BE RESPONSIBLE FOR THE WORDS THAT WE SAY. AND WITH LB538 AND LB175, I WILL BE KEEPING A VERY, VERY KEEN EYE IN REGARDS TO THOSE BILLS MOVING FORWARD AND THE VOTES THAT INDIVIDUAL MEMBERS ARE TAKING. THANK YOU, MR. PRESIDENT. [LB538 LB175 LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR MELLO. SENATOR GROENE, YOU ARE RECOGNIZED. [LB423]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. SENATOR MELLO'S ARGUMENTS SOUNDING LOUD AND MADE SOME POINTS, BUT THERE'S A BIG DIFFERENCE BETWEEN LB175. AND BY THE WAY, YOU WILL NOT FIND NOTHING IN TRANSCRIPTS WHERE I STOOD UP AND SAID ANYTHING. I ASKED SENATOR SCHILZ ABOUT IT. HE SAID THERE WAS AN EXISTING PROGRAM AND THERE WAS NO FISCAL NOTE ORIGINALLY. IF THERE IS A FISCAL NOTE ON IT, I WILL VOTE NO ON IT. I WILL GUARANTEE YOU THAT; I HAVE MADE A COMMITMENT--NO ON FISCAL NOTES. THAT SAID, THIS IS NOT COMPARABLE TO THAT EITHER. I LIVE IN THE WEST. I LIVE IN THE RURAL AREAS. I UNDERSTAND SENATOR BRASCH DOES, TOO, AND SHE DOESN'T MIND WINDMILLS. CATTLE YARDS HAVE BEEN THERE, WILL BE THERE. WE FEED THE WORLD. AND THERE IS A DEMAND FOR MORE FOOD. THERE IS NOT A DEMAND FOR MORE ELECTRICAL ENERGY IN THE UNITED STATES OR IN THIS AREA. THERE IS NO COMPARISON TO WHAT WE ARE TALKING ABOUT HERE BETWEEN LB175 AND THIS, A NEW PROGRAM, NOT AN EXISTING PROGRAM, A NEW PROGRAM TO ADD ENERGY TO AN OVERBURDENED SYSTEM ALREADY, AN OVER PRODUCTION SYSTEM ALREADY. WE HAVE NO ENERGY PROBLEM IN NEBRASKA. WE HAVE A TAX PROBLEM IN NEBRASKA. CAN YOU IMAGINE WHAT THE PEOPLE OUT THERE ARE LISTENING TO THIS SAYING? I GET E-MAILS ALL THE TIME: SENATOR GROENE, WHERE'S MY PROPERTY TAX RELIEF? WHERE'S MY TAX RELIEF? I DON'T MIND PAYING TAXES, BUT I'M JUST BEING OVERBURDENED. AND ALL WE TALK ABOUT HERE IS THROWING \$75 MILLION AWAY, ADDING ANOTHER A BILL HERE AND ANOTHER ONE OVER HERE. THANK GOODNESS FOR SENATOR GLOOR. HE CAME WITH A REASONABLE BILL

Floor Debate
May 05, 2015

THAT GAVE SOME PROPERTY TAX RELIEF TO SMALL BUSINESS PEOPLE. IT IS A START, PLAYS NO FAVORITES, DOESN'T PICK WINNERS AND LOSERS. THAT'S THE KIND OF BILL, AFTER ANALYZING IT, I WILL SUPPORT. WE HAVE WRUNG OUR HANDS, SENATOR GLOOR WRUNG HIS HANDS AND ALMOST APOLOGIZED THAT IT WAS OVER \$40 MILLION, GIVING TAX SUPPORT TO SMALL BUSINESS PEOPLE. GIVING TAX SUPPORT TO SMALL BUSINESS PEOPLE, I'LL REPEAT THAT, TAX RELIEF. AND HERE WE GO, \$75 MILLION, OVER A FIVE-YEAR PERIOD, AND WE JUST THINK TAX CREDITS. THEY DON'T EVEN HAVE TO PROVE THEY CREATED INCOME IN THE STATE. THEY CAN JUST SELL THESE TAX CREDITS TO THEIR NEIGHBOR OR TO SOME GUY WHO HAS A HIGH TAX BILL AND HE CAN MAKE 15 PERCENT DISCOUNT ON IT. WONDERFUL THING, ISN'T IT? FOR AN INDUSTRY THAT IS DOING JUST FINE IN NEBRASKA, WE ARE REASONABLE PEOPLE WHO DO NOT RUSH INTO THINGS, THAT, BY THE WAY, IS WHY WE KEEP SOME OF OUR FOOTBALL COACHES LONGER THAN WE SHOULD, BUT THAT IS A WELL WAY TO RUN YOUR LIFE. AND WE ARE SLOWLY INCORPORATING SOME WIND ENERGY INTO OUR SYSTEM THROUGH FREE MARKET PRACTICES AND THROUGH OUR FEDERAL TAX PROGRAMS, WHICH I DISAGREE WITH, BUT WE ARE NOT A DEARTH OF LACK OF WIND ENERGY IN THIS STATE. WE ARE NOT...AND I AM JUST ABSOLUTELY AMAZED AT SOME OF THE NEGATIVITY TOWARDS A PUBLIC POWER DISTRICT. I THOUGHT THE LEFT WAS AGAINST ALL CORPORATIONS BECAUSE THEY WERE GREEDY AND OUT TO TAKE ADVANTAGE OF THE POOR. AND WE GOT A PUBLIC POWER SYSTEM IN THIS STATE, WHICH IS THE ONE EXCEPTION... [LB175 LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR GROENE: ...TO THE RULE, THAT I BELIEVE IS GOOD IN NEBRASKA WITH GOVERNMENT RUNNING THE SYSTEM. AND WE DON'T WANT TO LET THIS PUBLIC POWER SYSTEM RUN OUR POWER. WE WANT TO ENFORCE UPON THEM POWER THEY DIDN'T ASK FOR. THEY DID NOT WORK A SYSTEM TO INCORPORATE INTO THE SYSTEM. THIS IS A NEGATIVE FOR THE TAXPAYER, NEGATIVE FOR OUR POWER SYSTEM, NEGATIVE FOR OUR UTILITY PAYERS, IT WILL BENEFIT A VERY FEW PEOPLE. SO LET'S SAY NO TO THIS. LET'S SEND A MESSAGE TO THE TAXPAYERS--WE ARE DONE WITH NEW GIMMICKS, THAT WE'RE GOING TO SAY NO, WE'RE GOING TO GROW UP, BE SERIOUS, WE'RE GOING TO MANAGE THE BUDGET, AND WE'RE GOING TO KEEP IT TO THAT 3.1 PERCENT THAT WE HAVE BEEN TOLD IS THE... [LB423]

SENATOR WATERMEIER: TIME, SENATOR. [LB423]

Floor Debate
May 05, 2015

SENATOR GROENE: ...SPENDING INCREASE. THANK YOU. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR GROENE. SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB423]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. WHERE TO START? AS WE SIT HERE AND LOOK AROUND AND UNDERSTAND THAT WE NEED PROPERTY TAX RELIEF, I HAVE BEEN IN THIS BODY NOW FOR ALMOST SEVEN YEARS. WHEN I CAME INTO THIS BODY, EVERYBODY, TO A PERSON, TOLD ME, PROPERTY TAX RELIEF, WE NEED IT, WE HAVE TO HAVE IT, WHAT ARE YOU GOING TO DO? WELL, FOR YEARS WE LOOKED AROUND. I INTRODUCED A BILL TO CHANGE HOW WE VALUE OUR GROUND AND SEE IF WE COULD SEPARATE OUT AG LAND FROM PASTURE LAND, FROM IRRIGATED, FROM NONIRRIGATED. THAT DIDN'T WORK. SO WE TRIED THAT. WE'VE TALKED ABOUT CHANGING HOW WE VALUE OUR AG LAND AND SHOULD WE VALUE IT ON PRODUCTION RATHER THAN VALUATION. WE HAVEN'T BEEN ABLE TO GET ANY TRACTION WITH THAT. SO MY NEXT GOAL...AND EVERY...AND YOU'LL SEE THAT ALMOST EVERY BILL I INTRODUCE LOOKS TO GROW THE ECONOMY IN SOME SENSE OR ANOTHER. BECAUSE WHEN YOU GROW THE ECONOMY AND YOU GET PEOPLE TO INVEST, OUT IN THE RURAL AREAS, WITHIN THOSE COUNTIES, IT LEADS TO PROPERTY TAX RELIEF. AND IT IS NOT A SHIFT LIKE THE PROPERTY TAX RELIEF THAT WE GET FROM THE PROPERTY TAX RELIEF FUND. SALES TAX AND INCOME TAX IS GOING TO PAY FOR THAT, GUYS. SO WE ARE TAKING FROM ONE TO GIVE TO THE OTHER. WE ARE PICKING WINNERS AND LOSERS. IF WE WANTED TO DO THAT, WE WOULD SAY, HEY, DON'T GIVE THAT, LET'S JUST GIVE IT BACK TO THE PEOPLE THAT ARE OUT THERE AND BE DONE. NOW LET'S TALK ABOUT MONOLITH AND WHAT THEY ARE DOING IN SHELDON, WHICH I THINK IS AN AWESOME IDEA. I THINK IT LOOKS GREAT. I THINK IT'S INNOVATIVE. I EXTOL NPPD FOR COMING UP WITH THIS AND FINDING THIS OUT. BUT IF YOU DON'T THINK THAT THEY AREN'T TAKING THE SUBSIDIES THAT THE STATE OF NEBRASKA OFFERS, IN NEBRASKA ADVANTAGE AND SUPER ADVANTAGE ALONE...OH, AND LET'S ASK THE QUESTION, AND I DON'T KNOW THIS BUT I DID E-MAIL THEM AND I'LL FIND OUT, DO YOU THINK THAT MAYBE MONOLITH EVER GOT ANY FEDERAL SUBSIDIES FOR WORKING ON NEW TECHNOLOGIES? BECAUSE THEY TOLD US WHEN WE WERE AT THAT UNVEILING THAT THIS WAS A BRAND NEW TECHNOLOGY THAT INCREASED THE EFFICIENCY OF THAT PROCESS BY SOME 50 PERCENT, I'M GUESSING THEY GOT SOME SUBSIDIES SOMEWHERE TO DO THAT. IF THEY ARE SMART BUSINESS PEOPLE, THEY WILL SIGN UP AND TAKE ADVANTAGE OF NEBRASKA ADVANTAGE AND SUPER ADVANTAGE GOING FORWARD. THERE IS NOTHING WRONG WITH THAT. IT IS AVAILABLE. WE DO IT FOR ALL SORTS OF

Floor Debate
May 05, 2015

COMPANIES. SENATOR GROENE, UNION PACIFIC RAILROAD PROBABLY TAKES AS MANY (LB)775 DOLLARS OF NEBRASKA ADVANTAGE AND SUPER ADVANTAGE DOLLARS AS ANYBODY ELSE IN THE STATE. I'M GUESSING THAT HELPS YOUR PROPERTY TAXES IN YOUR DISTRICT, IN YOUR TOWN. SO TO SAY THAT WE CAN BE ALL CLEAN AND NOBODY HAS TO TAKE SUBSIDIES AND NONE OF THIS WORKS, I KNOW FOR A FACT THAT I'VE TAKEN SUBSIDIES ON MY FARM. IF WE COULD START ALL OVER, BRAND NEW, WOULD WE DO THAT? [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR SCHILZ: MAYBE. LET'S TALK ABOUT SOME OTHER SUBSIDIES. I WAS KIND OF HAVING FUN WITH SENATOR KINTNER HERE BEFORE. BUT HECK, EVEN OUR COUNTRY WAS FOUNDED ON SUBSIDIES. DO YOU THINK THAT COLUMBUS WITHOUT THE HELP OF THE QUEEN OF SPAIN WOULD HAVE BEEN ABLE TO COME ON HIS JOURNEY AND FIND THE NEW WORLD? NO. THERE'S BEEN SUBSIDIES EVER SINCE THE BEGINNING OF TIME. THERE'S BEEN TAXES SINCE THE BEGINNING OF TIME. AND IN BUSINESS ANYMORE YOU JUST DON'T SEE THIS HAPPEN WITHOUT SUBSIDIES COMING FROM GOVERNMENTAL ENTITIES. WHETHER WE LIKE IT OR NOT, WHETHER WE AGREE WITH IT OR NOT, IT IS A FACT AND YOU CAN'T GET AWAY FROM IT. I LOOK TO BILLS THAT HELP TO GROW NEBRASKA. I LOOK TO BILLS THAT TAKE THESE DOLLARS AND MAKE THEM WORK FOR NEBRASKANS. PROPERTY TAX RELIEF FROM DEVELOPMENT IS THE RIGHT THING, IT'S THE PROPER THING TO DO. AND WHERE WE CAN HAVE REAL GROWTH, WE SHOULD BE STRIVING FOR THAT. [LB423]

SENATOR WATERMEIER: TIME, SENATOR. [LB423]

SENATOR SCHILZ: THANK YOU. [LB423]

SENATOR WATERMEIER: THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR KEN HAAR, SENATOR HUGHES, SENATOR SCHNOOR, AND OTHERS. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB423]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY. SENATOR KINTNER, I WOULD LIKE TO ASK YOU A QUESTION. [LB423]

SENATOR WATERMEIER: SENATOR KINTNER, WOULD YOU YIELD TO A QUESTION? [LB423]

Floor Debate
May 05, 2015

SENATOR KINTNER: I JUST HAPPEN TO BE AT THE RIGHT PLACE, ABSOLUTELY.
[LB423]

SENATOR HAAR: THANK YOU VERY MUCH. DID YOU KNOW THAT THE PROJECT IN HALLAM INVOLVES STATE TAX CREDITS, STATE JOB TRAINING, AND REDUCED ELECTRIC RATES TO MAKE THAT PROJECT WORK? [LB423]

SENATOR KINTNER: DID NOT. [LB423]

SENATOR HAAR: OKAY, WELL, I MEAN, THAT IS IMPORTANT INFORMATION. I DON'T MEAN TO PUT YOU ON THE SPOT. I SHOULD HAVE JUST ANNOUNCED THAT. BUT SENATOR SCHILZ ALSO TALKED ABOUT THE FACT THAT THE PROJECT IN HALLAM, WHICH IS A VERY GOOD PROJECT, RECEIVED QUITE A NUMBER OF DIFFERENT STATE TAX CREDITS AND SO ON. SO IT WASN'T BUILT SIMPLY ON THE BASIS OF, YOU KNOW, THAT THING IS GOING TO MAKE MONEY FOR SOMEBODY. THE OTHER THING I WANTED TO TALK ABOUT, BRIEFLY, AND I HANDED THIS OUT THE OTHER DAY BUT I THINK WE NEED TO TALK ABOUT IT AGAIN, IS THAT WITHOUT FUEL SUBSIDIES TO ALL PARTS OF THE ENERGY ECONOMY, WE WOULD HAVE NO ELECTRICITY. IF YOU LOOK AT THE CHART I PASSED OUT, THIS IS AN AVERAGE ANNUAL ENERGY SUBSIDY TO VARIOUS PARTS OF THE ENERGY CONTINUUM: OIL AND GAS GETS THE BIGGEST; NUCLEAR, SECOND; BIOFUELS AND RENEWABLES GET THE LEAST. AND JUST TO GO OVER THESE AGAIN TO SHOW YOU THE KIND OF INCENTIVES THAT COAL GETS, THERE'S A TAX POLICY THAT INCLUDES A DEPLETION ALLOWANCE FOR COAL. THE EXPENSES OF EXPLORATION AND DEVELOPMENT COSTS, CAPITAL GAINS TREATMENT OF ROYALTIES ON COAL, EXCLUSION OF INTEREST ON ENERGY FACILITY BONDS, THOSE ARE ALL TAX SUBSIDIES THAT THE COAL INDUSTRY GETS. TERMS OF REGULATION: FEDERAL EXPENDITURES FOR REGULATING MINE HEALTH AND SAFETY AMOUNT TO ANOTHER \$8.1 BILLION. RESEARCH AND DEVELOPMENT: THE COAL INDUSTRY HAS RECEIVED FEDERAL MONEY, TAXPAYER MONEY FOR R&D FUNDING, MUCH OF IT IN DEVELOPING COAL MINES. MARKET ACTIVITY: MARKET ACTIVITY INCENTIVES FOR THE COAL INDUSTRY ARE PAID BY THE FEDERAL GOVERNMENT. GOVERNMENT SERVICES: FEDERAL SUPPORT OF PORTS AND WATERWAYS, PRIMARILY THROUGH THE U.S. ARMY CORPS OF ENGINEERS, ALLOCATED AND PRORATED TO THE COAL INDUSTRY FOR THE TRANSPORTATION OF COAL, THAT IS A FEDERAL SUBSIDY. AND THEN THERE IS SOMETHING CALLED THE BLACK LUNG DISABILITY TRUST FUND WHICH NOW HAS A NEGATIVE BALANCE OF \$9.3 BILLION; THE ABANDONED MINE RECLAMATION FUND, WHICH IS A FEDERAL SUBSIDY. SO WITHOUT SUBSIDIES, FOLKS, I MEAN, WE CAN LOOK AT THIS AND SAY, WELL, YOU KNOW, WIND

Floor Debate
May 05, 2015

ENERGY DEVELOPMENT WOULDN'T HAPPEN WITHOUT SUBSIDIES. NONE OF THESE...WE WOULDN'T HAVE OIL AND GAS, WE WOULDN'T HAVE NUCLEAR, WE WOULDN'T HAVE BIOFUELS LIKE ETHANOL. IT IS A FACT OF LIFE. AND SO YOU MAY AGREE OR DISAGREE WITH LB423. BUT, PLEASE, THERE IS SO MUCH DISINFORMATION GOING ON THAT WE COULD SPEND TEN DAYS GOING OVER THE WHOLE WIND INDUSTRY. BUT YOU NEED TO KNOW THAT IT IS NOT JUST WIND AND SOLAR THAT ARE GETTING GOVERNMENT SUBSIDIES; IT IS EVERY OTHER SOURCE OF ENERGY THAT WE USE ON A REGULAR BASIS AND IN MUCH BIGGER AMOUNTS. [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR HAAR: SO I SUPPORT LB423. I THINK IT IS A GREAT INVESTMENT IN OUR FUTURE AND IT'S NOT PERFECT, BUT I SUPPORT LB423. THANK YOU SO MUCH. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR HAAR. SENATOR HUGHES, YOU ARE RECOGNIZED. [LB423]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WANTED TO FINISH UP A LITTLE BIT. I HAD JUST STARTED ON MY CLIMATE CHANGE ANALOGY. I KNOW THERE IS A LOT OF...I SAW THE UNIVERSITY OF NEBRASKA PAPER THAT SENATOR HAAR PASSED OUT THE OTHER DAY WHERE 97 PERCENT OF SCIENTISTS BELIEVE THAT GLOBAL WARMING IS MAN-CAUSED. I GUESS I'M IN THAT 3 PERCENT. I REMEMBER BACK IN THE EARLY TO MID-'70s, THERE WAS A LOT OF TALK BY THE ACADEMIC COMMUNITY THAT THE WORLD WAS GOING TO RUN OUT OF FOOD. WE WERE ALL GOING TO BE STARVING BY THE '90s OR BY THE YEAR 2000, CERTAINLY. YOU KNOW, THERE WOULD BE MASS STARVATION AROUND THE WORLD, BECAUSE WE COULD ABSOLUTELY NOT RAISE ENOUGH FOOD TO FEED THE POPULATION THAT IS COMING. SO THE ACADEMICS HAVE BEEN WRONG SEVERAL TIMES IN THE PAST. I THINK AS AN INDIVIDUAL WHO MAKES HIS LIVING OUT IN THE COUNTRY, IS NOT SURROUNDED BY BUILDINGS AND TREES, YOU HAVE THE OPPORTUNITY TO SEE MOTHER NATURE AT HER BEST AND HER WORST. AND WHEN YOU ARE OUT IN THE COUNTRY AND YOU HAVE A VISION WHERE YOU CAN SEE FOR MILES AND MILES AND YOU SEE A THUNDERSTORM COMING YOUR WAY, IT TENDS TO MAKE YOU A BIT HUMBLE BECAUSE THE FACT THAT PEOPLE BELIEVE THAT MAN CAN HAVE AN INFLUENCE ON THE GLOBE WEATHER IS PRETTY INTERESTING. ONE OF THE REASONS WHY THE GREEN ENERGY MOVEMENT IS SO POPULAR IS

Floor Debate
May 05, 2015

BECAUSE IT IS A MARKETING TOOL. IF YOU LOOK AT YAHOO AND GOOGLE AND AMAZON, THEY WANT TO BUY GREEN ENERGY. WHY? NOT BECAUSE IT IS ANY DIFFERENT THAN ANYTHING ELSE, NOT BECAUSE IT IS CHEAPER, BUT BECAUSE THEY CAN SELL IT. THEY CAN PUT THAT ON THEIR FLYERS--WE ARE POWERED BY GREEN ENERGY. THE AMERICAN PUBLIC HAS BECOME SO ACCUSTOMED TO LISTENING TO THE ADVERTISING, AND THAT'S WHAT SELLS. THE SAME THING WITH ORGANIC, IF YOU LOOK AT ORGANIC, IT SELLS. WE'VE BEEN ACCUSTOMED TO THINKING THAT ORGANIC IS SOMEHOW BETTER, BECAUSE THAT IS WHAT WE'RE ADVERTISED. THE BEST EXAMPLE OF THAT, THAT I CAN GIVE YOU, IS CHEERIOS. A BOX OF CHEERIOS, THE GENERAL MILLS COMPANY CAME OUT AND SAYS, WE ARE GOING TO START MAKING ORGANIC CHEERIOS. WHY? BECAUSE THEY NEEDED A MID-PRICED BOX OF CEREAL. REGULAR CHEERIOS, PROBABLY, COST \$2 A BOX; ORGANIC CHEERIOS COST \$10 A BOX. THEY WANTED TO BE ABLE TO MARKET SOMETHING IN THAT \$5- TO \$6-A-BOX RANGE. AND BY PUTTING NON-GMO ON THE LABEL, THEY COULD DO THAT. AND WHAT DID THEY DO? THEY SWITCHED FROM BEET SUGAR TO CANE SUGAR; THAT'S THE ONLY THING THEY CHANGED IN THEIR FORMULA BECAUSE SUGAR BEETS ARE A GMO CROP AND SUGAR CANE IS NOT. IT'S THE SAME PRODUCT; THEY JUST INCREASED THEIR PROFIT BY \$2 A BOX AND THERE ARE PEOPLE OUT THERE BUYING IT. WE'RE BEING SOLD A BILL OF GOODS ON THIS GREEN ENERGY. DO WE NEED IT? MAYBE. BUT TECHNOLOGY IS THE THING THAT IS GOING TO GET US THROUGH WHERE WE NEED TO BE IN THE NEXT 20 OR 100 YEARS. THE SAME THING HAPPENED WITH FOOD IN THE '70s... [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

SENATOR HUGHES: ...WHEN THEY TOLD US THAT WE WERE ALL GOING TO BE STARVING BY THE YEAR 2000. YOU KNOW, THE GRAIN PRICES HAVE COLLAPSED, BECAUSE WE HAVE GM CORN, GM SOYBEANS. PRODUCTION IS OUT-PACING DEMAND AND CROPS...AND THE PRICES HAVE COLLAPSED. TECHNOLOGY IS THE THING THAT WILL GET US THERE. AND TECHNOLOGY AND WIND AND SOLAR, AT SOME POINT, WILL BECOME COST-EFFECTIVE. BUT LET'S NOT SUCCUMB TO THE ADVERTISING THAT WE'RE BEING SUBJECTED TO ON GLOBAL WARMING AND GREEN ENERGY. IT IS JUST NOT THERE. THANK YOU, MR. PRESIDENT. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR HUGHES. SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB423]

Floor Debate
May 05, 2015

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I THINK WE'RE ABOUT DONE FINALLY HERE. IT IS ACTUALLY KIND OF HARD TO STAND UP THERE AND REPEAT YOURSELF OVER AND OVER AGAIN. SEEMS LIKE YOU ARE TALKING...(LAUGH) SORRY. SEEMS LIKE YOU'RE TALKING TO A POST. BUT WE HEARD ABOUT PROPERTY TAX RELIEF AND THERE IS NO DOUBT THAT THAT'S BEEN AN ISSUE. I HAVE BEEN SCREAMING THAT, YOU KNOW, NOT NECESSARILY SCREAMING IT, I'VE BEEN BRINGING IT UP SINCE I'VE GOTTEN HERE. SENATOR SCHILZ BROUGHT UP...BROUGHT THAT UP IN HIS EARLIER COMMENTS, AND HIS LB175, MORE OF AN INCENTIVE PROGRAM, I GUESS. AND THEN WE TALKED ABOUT SENATOR...GOSH, I GUESS, WHO WAS IT? SENATOR GLOOR, I THINK, HIS BILL ON PERSONAL PROPERTY TAX, A BIT OF A CREDIT THERE. SO, YES, THERE IS SOME THAT IS GOING ON FOR THE...YOUR AVERAGE TAXPAYER--A SMALL AMOUNT. BUT WHEN WE EQUATE THIS TO PROPERTY TAX RELIEF, THAT IS ANOTHER ITEM THAT I JUST DON'T UNDERSTAND. YES, WHERE THERE IS A WIND TOWER, ARE THEY GOING TO HAVE MORE PROPERTY TAXES? YES. AT THE COST OF \$75 MILLION OF TAXPAYER DOLLARS TO GAIN TAX RELIEF? THAT MAKES NO SENSE TO ME. THAT'S...IN THE SIMPLEST TERMS OF YOUR BASIC FAMILY FINANCING, THAT'S CALLED ROBBING PETER TO PAY PAUL. BUT WE'RE JUST DOING IT, INSTEAD OF WITH \$10 OR \$75, WE'RE DOING IT WITH \$75 MILLION--MAKES NO SENSE TO ME. SO TO CALL THIS PROPERTY TAX RELIEF, I DON'T UNDERSTAND. BUT OBVIOUSLY, THERE'S A LOT OF THINGS THAT I DON'T UNDERSTAND HERE, BECAUSE I'VE BEEN TOLD TIME AND TIME AGAIN I DON'T UNDERSTAND TAX POLICY. SO I GUESS WE'LL SEE, BECAUSE WE'RE GOING TO FIND OUT HERE IN A FEW MINUTES. SENATOR MELLO DID COME BY, TALKED TO ME A LITTLE BIT. HE SAID HE DOESN'T LOVE ME ANYMORE. HE LOVES SENATOR GROENE NOW. SO...AND THAT'S A QUOTE FROM HIM. BUT I HAVE AN ARTICLE HERE FROM FORBES MAGAZINE, BY KEN SILVERSTEIN. I CAN'T SAY THAT I KNOW THE GUY, ALTHOUGH THAT NAME SOUNDS FAMILIAR. HE IS TALKING ABOUT WIND ENERGY AND PROPERTY TAX CREDITS. "WHEN THE BUSINESS GOT STARTED, IT WAS IMPORTANT FOR THE TAX CREDIT TO BE IMPLEMENTED. THE CREDIT RAN FOR SEVERAL YEARS, HAVING A POSITIVE IMPACT." AND THEN IT TALKS IN OTHER AREAS HERE, "A CLEAR LINE EXISTS BETWEEN SOME TRADITIONAL POWER SUPPLIERS AND THOSE WHO BUILD SUSTAINABLE ENERGY FACILITIES." I ALWAYS LIKE THAT WORD "SUSTAINABLE." THAT IS WHAT WE HEAR ABOUT IN OUR ENVIRONMENT. BUT YET WE PROMOTE THINGS THAT ARE NONSUSTAINABLE. IS WIND ENERGY NONSUSTAINABLE OR SUSTAINABLE?
[LB175 LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

Floor Debate
May 05, 2015

SENATOR SCHNOOR: THANK YOU. I GUESS IT DEPENDS WHAT YOU THINK SUSTAINABLE IS. IS THE WIND BLOWING ALL THE TIME? NO, IT'S NOT, SO, THEREFORE, IT IS NOT SUSTAINABLE. I LOOK AT IT, ONCE AGAIN, FROM A BUSINESS STANDPOINT. DOES WIND ENERGY PAY FOR ITSELF? IT DOES NOT. SO IT IS NOT SUSTAINABLE. AND THAT IS WHY THERE IS PROPERTY TAX CREDITS...OR, EXCUSE ME, PRODUCTION TAX CREDITS FACTORED IN, BECAUSE IT IS NOT SUSTAINABLE. BUT THE PUBLIC HAS BEEN, IN MY OPINION, THE PUBLIC HAS BEEN SOLD A BAG OF GOODS THAT THIS WORKS, AND IT DOESN'T. AND THAT'S WHY...I GUESS THAT'S WHY WE'RE STANDING HERE ARGUING THIS. AND YOU KNOW, MYSELF AND SENATOR GROENE, WE JUST... [LB423]

SENATOR WATERMEIER: TIME, SENATOR. [LB423]

SENATOR SCHNOOR: THANK YOU. [LB423]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHNOOR. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB423]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR MELLO, JUST A LITTLE WHILE AGO, CHASTISED THE OPPONENTS OF THIS BILL, PROPOSING IT DURING SELECT FILE. COLLEAGUES, IT WASN'T VERY LONG AGO THAT WE KILLED LB128 AFTER IT SAILED THROUGH COMMITTEE, GENERAL FILE, SELECT FILE, AND WE OPTED TO FIGHT IT ON FINAL READING. AND THAT WAS THE BLACK-TAILED PRAIRIE DOG BILL THAT WE MAY ALL REMEMBER. WE DID THAT IN A TWO-HOUR DEBATE, AFTER IT HAD PASSED ALL THE PREVIOUS ROUNDS. SO, COLLEAGUES, I DON'T NEED TO HEAR THAT THE OPPONENTS TO THIS BILL SHOULD HAVE DONE MORE ON GENERAL. WHAT IS GOOD FOR THE GOOSE IS GOOD FOR THE GANDER. SENATOR SCHUMACHER HAD SOME COMMENTS THAT HE SHARED WITH ME ON SENATOR HAAR'S LATEST GRAPH. I WONDER, SENATOR SCHUMACHER, WOULD YOU YIELD TO A QUESTION? [LB128 LB423]

SENATOR WATERMEIER: SENATOR SCHUMACHER FOR A QUESTION? [LB423]

SENATOR SCHUMACHER: YES, I WILL. [LB423]

SENATOR BLOOMFIELD: SENATOR SCHUMACHER, WOULD YOU BE WILLING TO SHARE WITH THE BODY, QUICKLY, WHAT YOUR COMMENTS TO ME WERE? [LB423]

Floor Debate
May 05, 2015

SENATOR SCHUMACHER: WELL, BASICALLY, THE GRAPH THAT WE HAVE STATES SOME...PURPORTS TO BE FACTS SHOWING THAT OIL AND GAS AT \$4.86, I GUESS THAT'S IN BILLIONS, AND RENEWABLES AT 37 CENTS, AND THAT WOULD INDICATE THAT WE REALLY ARE GENEROUS IN OUR SUBSIDIES FOR OIL AND GAS AND REALLY CHINTZY FOR WIND. BUT WHAT THAT DOESN'T COMPARE IT TO, AND WHAT'S MISSING FROM THE GRAPH, IS HOW MUCH ENERGY WE GET. WE GET A WHOLE LOT MORE ENERGY FROM OIL AND GAS THAN WE GET FROM WIND. AND WHEN YOU BUILD THAT INTO THE CALCULATION, DEPENDING ON WHICH GRAPH AND WHICH NUMBERS YOU LOOK, EVERY ONE OF THEM SHOWS WE SUBSIDIZE WIND FAR, FAR MORE THAN OIL AND GAS. [LB423]

SENATOR BLOOMFIELD: THANK YOU, SENATOR SCHUMACHER. COLLEAGUES, AGAIN, I SAID IT YESTERDAY, EVERYTHING THAT GLITTERS ISN'T GOLD. I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE. [LB423]

SENATOR WATERMEIER: SENATOR GROENE, 2:30. [LB423]

SENATOR GROENE: THANK YOU, SENATOR BLOOMFIELD AND MR. PRESIDENT. YOU WILL FIND THAT I DON'T FIGHT THINGS BECAUSE I DON'T LIKE SOMEBODY'S PERSONALITY. THIS IS PRINCIPLE. I'VE BEEN AROUND TOO LONG AND SEEN PEOPLE GAIN WEALTH BECAUSE OF GOVERNMENT PROGRAMS AND PROMISES ARE MADE THAT IF WE DO IT, PROPERTY TAXES WILL BE GONE. I'VE SEEN IT WITH TAX INCREMENT FINANCING. I'VE NEVER SEEN PROPERTY TAXES GO DOWN. I'VE SEEN PEOPLE PERSONALLY GAIN, TAXES PAID BY OTHER INDIVIDUALS. I HAVE SEEN SOME GOOD PROGRAMS ONCE IN A WHILE WHERE WE NEEDED SOME INVESTMENT. BUT WE DID IT WITH OUR OWN MONEY AND THEN WE GAVE THEM SOME TAX BREAKS. THIS ISN'T THAT, FOLKS. THIS ISN'T THEM CREATING WEALTH, PAYING TAXES, AND WE GIVE THEM A DEDUCTION ON THEIR TAX BREAK. WE ARE GIVING THEM TAX DOLLARS; \$75 MILLION OF TAX DOLLARS THAT OTHER CITIZENS WORKED HARD FOR, THE BLUE-COLLAR WORKER FROM HIS PAYCHECK. WE ARE GIVING A FEW INDIVIDUALS \$75 MILLION OF SOMEBODY ELSE'S TAX DOLLARS. THAT'S A WHOLE DIFFERENT STORY THAN SOMEBODY INVESTING AND THEN WE GIVE THEM A TAX BREAK ON THE WEALTH THEY CREATE FOR SOCIETY. THESE PROGRAMS ARE COMPLETELY DIFFERENT THAN THAT. DON'T CONFUSE THEM. [LB423]

SENATOR WATERMEIER: ONE MINUTE. [LB423]

Floor Debate
May 05, 2015

SENATOR GROENE: I URGE YOU TO VOTE NO ON CLOTURE. LET'S SEND A MESSAGE...THIS GREEN SHEET...WE VOTE NO ON CLOTURE, WE GET BACK TO ABOUT...WE GET UNDER A MILLION BUCKS ON THE REVENUE BILL, SELECT FILE, AND E&R INITIAL. MAYBE A FEW MORE NO VOTES AND WE'LL GET BACK TO POSITIVE...THAT'S AFTER WE SPEND \$58 MILLION, FOLKS; WE'RE STILL \$7 MILLION NOW. FISCAL CONSERVATIVES, 35 OF YOU ARE REGISTERED A CERTAIN WAY POLITICALLY. PART OF THAT DOCTRINE IS FISCAL CONSERVATISM. HARD WORK, YOU CREATE WEALTH, YOU PAY YOUR TAXES, AND YOU BE FAIR TO EVERYONE WHO PAYS TAXES. YOU DO NOT PICK WINNERS AND LOSERS. IT MIGHT BE AN ANTIQUATED BELIEF. IT MIGHT BE A BELIEF THAT IF NEBRASKA COMES BACK TO, WE WILL LEAD THE COUNTRY IN FISCAL GROWTH. [LB423]

SENATOR WATERMEIER: TIME, SENATOR. [LB423]

SENATOR GROENE: THANK YOU. I URGE YOU A "NO" VOTE ON CLOTURE. [LB423]

SENATOR WATERMEIER: (VISITORS INTRODUCED.) MR. CLERK FOR A MOTION. [LB423]

CLERK: SENATOR NORDQUIST WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB423]

SENATOR WATERMEIER: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE AFFORDED TO LB423. SENATOR NORDQUIST, WHY DO YOU RISE? [LB423]

SENATOR NORDQUIST: CAN I GET A CALL OF THE HOUSE? [LB423]

SENATOR WATERMEIER: 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. [LB423]

CLERK: 31 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB423]

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. THE

Floor Debate
May 05, 2015

UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR GARRETT, SENATOR CHAMBERS, SENATOR STINNER, AND SENATOR DAVIS, THE HOUSE IS UNDER CALL. SENATOR DAVIS, SENATOR CHAMBERS, AND SENATOR GARRETT, PLEASE RETURN TO THE CHAMBERS. THE HOUSE IS UNDER CALL. SENATOR GARRETT, THE HOUSE IS UNDER CALL, PLEASE RETURN TO THE CHAMBER. MEMBERS, THE FIRST VOTE IS TO MOTION TO INVOKE CLOTURE. THIS MOTION TAKES 33 VOTES. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. SENATOR NORDQUIST, WHY DO YOU RISE? [LB423]

SENATOR NORDQUIST: COULD I GET A ROLL CALL VOTE, REVERSE ORDER, PLEASE. [LB423]

SENATOR WATERMEIER: THERE'S BEEN A REQUEST FOR ROLL CALL IN REVERSE ORDER. MR. CLERK. [LB423]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1429.) 30 AYES, 12 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB423]

SENATOR WATERMEIER: THE MOTION TO INVOKE CLOTURE IS NOT ADOPTED. MR. CLERK FOR AN ANNOUNCEMENT. RAISE THE CALL. [LB423]

CLERK: MR. PRESIDENT, ITEMS: AGRICULTURE COMMITTEE REPORTS LB389 AS INDEFINITELY POSTPONED. I HAVE CONFIRMATION REPORTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE AND THE AGRICULTURE COMMITTEE. AMENDMENTS TO BE PRINTED: SENATOR KRIST TO LB540, SENATOR CAMPBELL TO LB607. NEW RESOLUTIONS: LR236, LR237, LR238, SENATOR McCOY. AND AN ATTORNEY GENERAL'S OPINION, MR. PRESIDENT, TO SENATOR COASH. THAT'S ALL THAT I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 1429-1442.) [LB389 LB540 LB607 LR236 LR237 LR238]

SENATOR WATERMEIER: MR. CLERK, RETURNING TO GENERAL FILE...EXCUSE ME, SELECT FILE.

CLERK: MR. PRESIDENT, THE NEXT BILL, LB294. SENATOR HANSEN, I DO HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER96, LEGISLATIVE JOURNAL PAGE 1287.) [LB294]

Floor Debate
May 05, 2015

SENATOR WATERMEIER: SENATOR HANSEN FOR A MOTION. [LB294]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB294. [LB294]

SENATOR WATERMEIER: ALL THOSE IN FAVOR OF THE AMENDMENTS SAY AYE. THOSE OPPOSED? THE AMENDMENTS PASS. [LB294]

CLERK: MR. PRESIDENT, THE NEXT...SENATOR SCHEER, I HAVE AM1349, BUT I HAVE A NOTE YOU WISH TO WITHDRAW THAT AMENDMENT. [LB294]

SENATOR SCHEER: YES, PLEASE. [LB294]

SENATOR WATERMEIER: WITHDRAWN. [LB294]

CLERK: MR. PRESIDENT, SENATOR SCHEER WOULD MOVE TO AMEND WITH AM1454. (LEGISLATIVE JOURNAL PAGE 1370.) [LB294]

SENATOR WATERMEIER: SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB294]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I HAD MENTIONED THAT I WOULD BE BRINGING BACK THE EMERGENCY CLAUSE TO ADD ON LB294. I ORIGINALLY HAD FILED THAT. THAT IS THE AMENDMENT THAT WAS WITHDRAWN. FINDING OUT THAT PART OF THE OFFENSES THAT WERE PUT IN LB294 ACTUALLY DON'T EXIST UNTIL LB605 BECOMES LAW, SO WE'VE HAD TO SORT OF SPLIT LB294 AS FAR AS WHAT WILL HAVE THE EMERGENCY CLAUSE AND WHICH WILL NOT. SO ESSENTIALLY, THOSE PORTIONS WILL BE FOLLOWING AND STAY INTACT WITH LB605, AS IT TRAILS. IF LB605 DOES NOT HAPPEN TO PASS, THEN I WOULD HAVE TO PULL IT BACK AT FINAL READING TO CHANGE THE VIOLATIONS AT THAT POINT IN TIME...OR THE OFFENSES AT THAT POINT IN TIME. I WOULD URGE YOUR ADOPTION OF AM1454. THANK YOU, MR. PRESIDENT. [LB294 LB605]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHEER. MEMBERS, YOU'VE HEARD THE OPENING ON AM1454 TO LB294. SENATOR KRIST, YOU ARE RECOGNIZED. [LB294]

Floor Debate
May 05, 2015

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. GOOD AFTERNOON, NEBRASKA. AND I JUST WANTED TO MAKE A FOOT-STOMPER HERE ON WHAT WAS JUST SAID BY SENATOR SCHEER. OUT OF THE JUDICIARY COMMITTEE, THERE ARE A FEW THINGS THAT ARE WOVEN TOGETHER AND CONNECTED, IF YOU WILL, AT THE HIP. THIS IS ONE OF THOSE. AND I THANK SENATOR SCHEER AND LEGAL COUNSELS FOR THEIR ATTENTION IN THIS MATTER. I ALSO THANK SENATOR SCHEER FOR NEGOTIATING ON THE VICTIMS OF TRAFFICKING AND UNDERSTANDING WHAT REALLY IS CORRECT FOR OUR KIDS. THANK YOU FOR THAT, SENATOR SCHEER. WITH THAT, I WOULD URGE YOUR SUPPORT OF AM1454 AND THE UNDERLYING LB294. [LB294]

SENATOR WATERMEIER: THANK YOU, SENATOR KRIST. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB294]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I, TOO, RISE IN SUPPORT OF AM1454 AND THE UNDERLYING BILL, LB294. I WANT TO THANK SENATOR SCHEER FOR HIS LEADERSHIP IN THIS IMPORTANT ISSUE. AND I HAVE MET WITH AND WORKED WITH THE ATTORNEY GENERAL POSITIVELY IN REGARDS TO THIS ISSUE. AND I THINK IT'S REALLY IMPORTANT THAT WE START MAKING A STAND ON BEHALF OF THE PEOPLE WHO ARE EXPERIENCING SEXUAL TRAFFICKING, AND IT'S OUR MODERN-DAY FORM OF SLAVERY. SO THANK YOU, SENATOR SCHEER. I YIELD THE REST OF MY TIME TO SENATOR SCHEER IF HE NEEDS IT. [LB294]

SENATOR WATERMEIER: SENATOR SCHEER WAIVES. SEEING NO ONE IN THE QUEUE, SENATOR SCHEER WAIVES CLOSING ON THE AMENDMENT. THE QUESTION IS, SHALL THE BODY ADOPT AM1454 TO LB294? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED? RECORD, MR. CLERK. [LB294]

CLERK: 31 AYES, 0 NAYS ON ADOPTION OF SENATOR SCHEER'S AMENDMENT. [LB294]

SENATOR WATERMEIER: THE AMENDMENT IS ADOPTED. [LB294]

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB294]

SENATOR WATERMEIER: SENATOR HANSEN FOR A MOTION. [LB294]

Floor Debate
May 05, 2015

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB294 TO E&R FOR ENGROSSING. [LB294]

SENATOR WATERMEIER: THE QUESTION IS THE ADOPTION OF E&R AMENDMENT...EXCUSE ME, LB294 FROM SELECT FILE. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED, NAY. THE BILL DOES ADVANCE. MR. CLERK. [LB294]

CLERK: MR. PRESIDENT, THE NEXT BILL, SELECT FILE, LB566. SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL. (ER98, LEGISLATIVE JOURNAL PAGE 1309.) [LB566]

SENATOR WATERMEIER: SENATOR HANSEN FOR A MOTION. [LB566]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB566. [LB566]

SENATOR WATERMEIER: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE THE E&R AMENDMENTS ON LB566. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED, NAY. THE AMENDMENTS ARE ADOPTED. [LB566]

CLERK: SENATOR COASH WOULD MOVE TO AMEND WITH AM1456. (LEGISLATIVE JOURNAL PAGE 1374.) [LB566]

SENATOR WATERMEIER: SENATOR COASH, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB566]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON. COLLEAGUES, THIS AMENDMENT COMES AT THE SUGGESTION OF THE ENROLLMENT AND REVIEW OFFICE TO CLEAN UP AND CLARIFY SOME WORDS IN THE LANGUAGE OF THE ICWA BILL. ON PAGE 12 OF THE E&R, LINES 11 THROUGH 21, THEY WERE WRITTEN IN A CONFUSING MANNER. SO THIS AMENDMENT REWORDS THE LANGUAGE SO THAT IT HAS BETTER CLARITY. I AGREE WITH THESE CHANGES FROM ENROLLMENT AND REVIEW, AND WOULD ASK FOR YOUR SUPPORT OF THIS AMENDMENT. THANK YOU, MR. PRESIDENT. [LB566]

SENATOR WATERMEIER: THANK YOU, SENATOR COASH. SEEING NO ONE IN THE QUEUE TO SPEAK, SENATOR COASH TO CLOSE. SENATOR COASH WAIVES

Floor Debate
May 05, 2015

CLOSING. MEMBERS, THE QUESTION BEFORE US IS AM1456. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED, NAY. RECORD, MR. CLERK. [LB566]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR COASH'S AMENDMENT. [LB566]

SENATOR WATERMEIER: THE AMENDMENT IS ADOPTED. [LB566]

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB566]

SENATOR WATERMEIER: SENATOR HANSEN FOR A MOTION. [LB566]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB566 TO E&R FOR ENGROSSING. [LB566]

SENATOR WATERMEIER: MEMBERS, THE MOTION IN FRONT OF US IS VOTING LB566 FOR ADVANCEMENT TO FINAL READING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED, NAY. THE MOTION IS ADOPTED. [LB566]

CLERK: MR. PRESIDENT, LB566A. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB566A]

SENATOR WATERMEIER: SENATOR HANSEN FOR A MOTION. [LB566A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB566A TO E&R FOR ENGROSSING. [LB566A]

SENATOR WATERMEIER: MEMBERS, THE QUESTION IS THE ADOPTION OF LB566A FOR ADVANCEMENT. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED, NAY. THE MOTION PASSES. MR. CLERK. [LB566A]

CLERK: FIRST OF ALL, MR. PRESIDENT, WITH RESPECT TO LB575, I HAVE E&R AMENDMENTS. (ER99, LEGISLATIVE JOURNAL PAGE 1309.) [LB575]

SENATOR WATERMEIER: SENATOR HANSEN FOR A MOTION. [LB575]

Floor Debate
May 05, 2015

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB575. [LB575]

SENATOR WATERMEIER: THE QUESTION IS THE ADVANCEMENT OF THE AMENDMENTS TO LB575 FROM E&R ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED, NAY. THE AMENDMENTS ARE ADOPTED. [LB575]

CLERK: MR. PRESIDENT, I DO HAVE AMENDMENTS. I HAVE A PRIORITY MOTION. SENATOR MORFELD WOULD MOVE TO BRACKET THE BILL UNTIL JUNE 5, 2015. [LB575]

SENATOR WATERMEIER: SENATOR MORFELD, YOU ARE RECOGNIZED TO OPEN ON YOUR BRACKET MOTION. [LB575]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. AND, COLLEAGUES, I'LL BE REMOVING THIS BRACKET MOTION AFTER I GET DONE HERE, BUT I DO WANT TO TAKE THE OPPORTUNITY TO TALK ABOUT A SITUATION THAT I'VE BEEN WORKING ON FOR ABOUT SEVEN OR EIGHT YEARS NOW THAT HAS FINALLY COME TO A HEAD WITH THE SECRETARY OF STATE'S OFFICE, OR PERHAPS IT HASN'T AND THAT'S WHY I'M STANDING HERE TODAY. I DO BELIEVE LB575 IS A GOOD BILL. I HAVE INFORMED SENATOR MURANTE OF MY INTENTION HERE BEFORE MOVING FORWARD AND THAT I WOULD REMOVE THIS BRACKET MOTION IMMEDIATELY AFTER ADDRESSING THIS ISSUE, WHICH DOES DEAL WITH ELECTIONS, AS LB575 ALSO DEALS WITH ELECTIONS, AND DEALS WITH SOME CLEANUP LANGUAGE THAT THE SECRETARY OF STATE HAS REQUESTED. AS MANY OF YOU KNOW, I'VE BEEN ADVOCATING FOR ELECTION MODERNIZATION AND REFORM FOR THE LAST EIGHT YEARS BEFORE COMING TO THIS BODY. THAT WAS ONE OF THE REASONS WHY I DECIDED TO RUN FOR ELECTION. AND TO GIVE YOU A BIT OF CONTEXT AS TO THE ISSUE THAT I'LL BE ADDRESSING HERE TODAY, ABOUT EIGHT YEARS AGO I LED A GROUP OF ABOUT 20 NEBRASKA ELECTION OFFICIALS, MOSTLY COUNTY CLERKS WHO ADMINISTER OUR ELECTIONS, TO A FACT-FINDING TRIP TO DES MOINES IN IOWA TO OBSERVE ELECTIONS THERE. AND WE SAW A LOT OF DIFFERENT THINGS, INCLUDING ELECTION DAY REGISTRATION. THERE WASN'T A LOT OF CONSENSUS ON ELECTION DAY REGISTRATION. BUT ONE THING THAT CAME OUT OF THAT TRIP WAS THE NEED FOR COMPREHENSIVE, UP-TO-DATE RESOURCES FOR POLL WORKERS AND, PARTICULARLY, FOR RURAL ELECTION COMMISSIONERS THAT DON'T HAVE ALL OF THE RESOURCES THAT SOME OF THE BIGGER COUNTIES HAVE. IN OUR LARGEST COUNTIES, PARTICULARLY DOUGLAS, LANCASTER, AND

Floor Debate
May 05, 2015

SARPY COUNTY, WE HAVE A FULL-TIME ELECTION COMMISSIONER WITH STAFF AND RESOURCES TO HAVE UP-TO-DATE RESOURCES AND GUIDES FOR THEIR POLL WORKERS AND FOR THEIR ADMINISTRATORS THAT ARE UNDERNEATH THEM. MOST SMALL COUNTIES DO NOT HAVE THESE RESOURCES. IN FACT, ELECTIONS ARE SOMETHING THAT THEY DO MAYBE ONCE EVERY TWO YEARS...OR DEFINITELY ONCE EVERY TWO YEARS, MAYBE A SPECIAL ELECTION IN BETWEEN. AND SO WHAT AROSE OUT OF THIS TRIP WAS A CLEAR NEED FOR UP-TO-DATE, UNIFORM RESOURCES, PARTICULARLY FOR POLL WORKERS AND ALSO ELECTION ADMINISTRATORS. AND SO WE SAT DOWN WITH THE SECRETARY OF STATE IN 2008, AFTER THAT TRIP; REQUESTED THAT HE CREATE SOME OF THESE UNIFORM STANDARDS AND GUIDELINES TO ASSIST THE COUNTIES TO ENSURE THAT WE HAVE ACCURATE AND ALSO WELL-RUN ELECTIONS. AND THEIR OFFICE REFUSED TO CREATE THEM ON THEIR OWN, WHICH WAS FINE. WE WENT TO, I BELIEVE, SENATOR BLOOMFIELD'S PREDECESSOR, BOB GIESE, THEN SENATOR BOB GIESE AT THE TIME, AND HE DECIDED TO INTRODUCE LEGISLATION THAT WOULD REQUIRE THESE GUIDES TO BE CREATED. IT MADE IT OUT OF THE GOVERNMENT COMMITTEE, I BELIEVE UNANIMOUSLY; WENT ON TO THE FLOOR OF THE LEGISLATURE. IT WAS 2008. THE RECESSION WAS GOING ON. THERE WAS A FISCAL NOTE, AND THE BILL WAS KILLED, LIKE MANY OTHER BILLS WITH FISCAL NOTES THAT YEAR. I CAME BACK, MET WITH SENATOR KOLOWSKI BEFORE I WAS A SENATOR ABOUT TWO YEARS AGO. HE SAW THE NEED AS WELL. HE INTRODUCED LEGISLATION. AND THAT LEGISLATION MADE IT OUT OF COMMITTEE UNANIMOUSLY, AND THEN IT WAS PASSED BY THIS BODY UNANIMOUSLY, AND SIGNED INTO LAW BY THE GOVERNOR, REQUIRING THAT THE SECRETARY OF STATE CREATE UNIFORM STANDARDS AND GUIDELINES FOR POLL WORKERS AND PUBLISH THEM. TO DATE, THOSE GUIDELINES HAVE NOT BEEN CREATED. IN 2014, WE SENT LETTERS, SENATOR KOLOWSKI AND I, REQUESTING AN UPDATE ON THE PROMULGATION, THE CREATION OF THESE GUIDELINES, AND THE SECRETARY OF STATE SAID, WELL, THE MATERIALS THAT WE HAVE ON OUR SECURE DATABASE THAT'S ONLY ACCESSIBLE TO ELECTION ADMINISTRATORS SATISFIES. AND I'LL REMIND YOU THAT THESE MATERIALS ARE CERTAIN GUIDES, I MEAN, IT'S ABOUT 15, 20 DIFFERENT DOCUMENTS. IT'S NOTHING THAT'S AVAILABLE FOR THE POLL WORKERS TO ENSURE THAT THEY ARE UP TO DATE AND CAN HAVE A COMPREHENSIVE GUIDE AND RESOURCE FOR THESE ELECTION ADMINISTRATORS AND THESE POLL WORKERS. AND I'LL TELL YOU WHY IT'S SO IMPORTANT, BECAUSE IF ANYBODY IN HERE HAS HAD A CLOSE ELECTION, THE ACCURACY OF WHO GETS A PROVISIONAL BALLOT, WHO DOES NOT GET A PROVISIONAL BALLOT CAN LEAD TO A DIFFERENT OUTCOME IN MANY OF THESE RACES. AND MANY OF THE STATES AROUND US DO HAVE THESE UP-TO-DATE

Floor Debate
May 05, 2015

GUIDES AND RESOURCES FOR THEIR ELECTION ADMINISTRATORS. WHEN I WAS IN OMAHA IN 2012 AS AN ELECTION OBSERVER, ACTUALLY RUNNING THE NONPARTISAN ELECTION OBSERVATION PROGRAM, IT BECAME INCREDIBLY APPARENT THE NEED FOR THESE TYPES OF RESOURCES, BECAUSE AS A POLL WORKER MYSELF, I DID IT ONCE, THEY GIVE YOU TWO HOURS OF TRAINING AND THEN YOU'RE OUT IN THE FIELD. AND THE ELECTION LAW AND THE ELECTION STATUTES ARE HIGHLY COMPLEX, AND YOU'RE NOT ALWAYS ABLE TO GET IN TO THE ELECTION ADMINISTRATOR'S OFFICE ON ELECTION DAY IF YOU HAVE A QUESTION OR THERE'S A CERTAIN CONCERN. AND SO BRINGING IT BACK DOWN TO 2014, WE SENT LETTERS AND INQUIRIES TO THE SECRETARY OF STATE'S OFFICE. THEY TOLD US THAT THEIR CURRENT RESOURCES WERE JUST FINE AND COMPLIED WITH THE STATUTE, WHEN IN FACT THEY DO NOT COMPLY WITH THE STATUTE. AND, IN FACT, WHY WOULD THE LEGISLATURE AND THE GOVERNMENT COMMITTEE PASS OUT A BILL AND THEN PASS IT UNANIMOUSLY IF WE THOUGHT THAT THE CURRENT RESOURCES WERE FINE FOR THE LAST TEN YEARS? IT MAKES NO SENSE WHATSOEVER. AND JUST A MONTH AGO, PERHAPS TWO MONTHS NOW, I ARRANGED A MEETING WITH THE SECRETARY OF STATE TO VOICE MY CONCERNS THAT HE WAS NOT COMPLYING WITH THE LAW AND THAT THESE RESOURCES HAD NOT BEEN CREATED, AS REQUIRED IN STATUTE. AND HIS RESPONSE TO ME WAS SOMEWHAT TELLING: NUMBER ONE, THAT HE WAS OPPOSED TO THIS LEGISLATION FROM THE BEGINNING; HE'S OPPOSED TO IT NOW; AND THAT IN HIS MIND SENATOR KOLOWSKI, SINCE HE'S NOT AN ELECTION EXPERT--HE'S JUST "AN EDUCATOR," IN HIS WORDS--WASN'T REALLY QUALIFIED TO EVEN KNOW WHAT THIS LEGISLATION WAS SUPPOSED TO DO OR THE IMPACT OF IT. NOW, COLLEAGUES, IF WE ALL HAVE TO BE ELECTION EXPERTS IN ORDER TO MAKE ELECTION POLICY AND LAW IN THIS STATE, THEN I DON'T KNOW WHICH ONE OF US ARE QUALIFIED TO DO SO. THE FACT OF THE MATTER IS THAT THIS BODY CREATES THE POLICY. WE ARE THE SUPREME LAWMAKING AUTHORITY IN THIS STATE. AND FOR THE SECRETARY OF STATE TO, NUMBER ONE, COMMENT ABOUT A SENATOR'S ABILITY TO MAKE POLICY, THAT THEY WERE ELECTED TO DO, IS INSULTING TO ME. THE OTHER THING THAT'S INSULTING TO ME IS THAT THIS SECRETARY OF STATE KNOWS EXACTLY WHAT THIS POLICY AND THIS LAW IS SUPPOSED TO DO. I'VE BEEN WORKING ON IT FOR SEVEN OR EIGHT YEARS. I'VE HAD MULTIPLE MEETINGS WITH THEIR OFFICE. IT'S CLEAR IN THE LEGISLATIVE RECORD, IN THE COMMITTEE STATEMENT, IN THE COMMITTEE TESTIMONY, AND IN THE FLOOR TESTIMONY. INTENT MATTERS, BUT NOT ONLY DOES THE INTENT MATTER. THE PLAIN LANGUAGE REQUIRES THE PROMULGATION OF THIS GUIDE AND THESE RESOURCES. AND I'M TELLING YOU RIGHT NOW, IT MAY SEEM LIKE A SMALL MATTER, BUT I'VE GONE AROUND THE STATE, I'VE MET WITH 30 DIFFERENT ELECTION CLERKS IN 30 DIFFERENT

Floor Debate
May 05, 2015

COUNTIES, AND THERE IS A REAL NEED FOR THIS. THE BOTTOM LINE IS THAT THE SECRETARY OF STATE KNOWS THE LAW AND THE INTENT OF THE LAW THAT IT REQUIRES, AND IT'S BEEN MADE CLEAR TIME AFTER TIME AGAIN. AND TO DATE, THE SECRETARY OF STATE HAS NOT CREATED AND PUBLISHED THE GUIDELINES AS REQUIRED BY STATUTE 32-243. TO DATE, THE SECRETARY OF STATE HAS NOT RESPECTED THIS LAWMAKING BODY'S AUTHORITY. AND I WILL CONTINUE TO ADDRESS THE SECRETARY OF STATE'S LACK OF RESPECT FOR THIS LAW AND ANY OTHER EXECUTIVE BRANCH AGENCY THAT DETERMINES THEY ARE ABOVE THE LAW, WHICH WE HAVE SEEN TIME AND TIME AGAIN THESE LAST FEW YEARS. AND TO DATE, THE SECRETARY OF STATE HAS NOT FOLLOWED THE LAW, AND IT IS HIS CONSTITUTIONAL OBLIGATION TO DO SO AND I CALL UPON HIM TO DO THAT. THANK YOU, MR. PRESIDENT. AND I WISH TO WITHDRAW THE BRACKET MOTION. [LB575]

SENATOR WATERMEIER: SO WITHDRAWN. MR. CLERK FOR A MOTION. [LB575]

CLERK: MR. PRESIDENT, SENATOR SCHUMACHER WOULD MOVE TO AMEND, AM1424. (LEGISLATIVE JOURNAL PAGE 1370.) [LB575]

SENATOR WATERMEIER: SENATOR SCHUMACHER, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB575]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. TWO, THREE YEARS AGO WE REDISTRICTED, AND IN THE PROCESS OF REDISTRICTING STANTON COUNTY CAME INTO MY DISTRICT. AND SOON THEREAFTER, I BEGAN RECEIVING CALLS FROM VOTERS IN CENTRAL...IN STANTON COUNTY COMPLAINING THAT THEY DIDN'T KNOW...THEY DID NOT HAVE A WAY TO VOTE IN SECRET ANYMORE. STANTON COUNTY WAS ONE OF THE AREAS THAT DESIGNATED PRECINCTS IN WHICH THE ONLY WAY YOU COULD VOTE WAS BY MAIL-IN BALLOT. AND WHEN THEY SAID THERE WAS NO SECRET VOTING, I ARGUED WITH THEM BECAUSE I REMEMBERED THE DAYS WHEN I WAS IN COLLEGE AND VOTED BY MAIL-IN ABSENTEE, WHERE YOU ASKED FOR A BALLOT AND THEY SENT YOU OUT A BALLOT. AND YOU HAD AN INTERIOR ENVELOPE THAT YOU PUT YOUR BALLOT IN. THAT ENVELOPE HAD NO NAME, NO IDENTIFYING CHARACTERISTICS AT ALL ON IT. AND THEN YOU PUT THAT ENVELOPE INSIDE ANOTHER ENVELOPE WHICH IDENTIFIED YOU AS A VOTER AND MADE SURE THAT THE BALLOT WAS NOT A PHONY OF SOME KIND. AND THEY WERE QUITE EMPHATIC THAT, NO, NO, THAT'S NOT THE WAY IT WAS. WHEN THEY HAD TO VOTE THEY GOT A BALLOT AND THERE WAS NO INTERIOR SLEEVE

Floor Debate
May 05, 2015

OR NO INTERIOR ENVELOPE TO STICK THEIR VOTING IN. AND THEY SAID, NO, NO, NO, NO, YOU DON'T UNDERSTAND; WHEN THE COUNTY ELECTION PEOPLE GET THIS, THEY JUST OPEN UP THE ENVELOPE; OUR NAME IS RIGHT THERE ON THE ENVELOPE AND THERE'S OUR VOTE. AND SO I BEGAN CHECKING INTO IT, AS TO WHAT HAD HAPPENED SINCE I HAD BEEN IN COLLEGE AND VOTED ABSENTEE. FIRST OF ALL, BEFORE I GET INTO THAT, THIS IS WHAT OUR CONSTITUTION SAYS. IT IS A THING THAT WE WERE SWORN TO UPHOLD. "ALL VOTES SHALL BE BY BALLOT OR OTHER MEANS AUTHORIZED BY THE LEGISLATURE WHEREBY THE VOTE AND THE SECRECY OF THE ELECTOR'S VOTE WILL BE PRESERVED." THE SECRET BALLOT--THAT'S OUR OBLIGATION. WELL, WHAT HAPPENED IN THE EARLY 1990s, TWO FORCES BEGAN EMERGING IN OUR VOTING WORLD. ONE WAS AN ATTEMPT TO TRY TO ENCOURAGE MORE PEOPLE TO VOTE, AND SO THE RESTRICTIONS ON ABSENTEE VOTING WERE LIFTED. YOU NO LONGER HAD TO BE AWAY FROM YOUR HOME. YOU COULD CHOOSE TO VOTE BY MAIL. AND THE SECOND THING WAS A DESIRE FOR COST-CUTTING--LET'S CUT THE COST OF ELECTIONS BECAUSE WE GOT A WHOLE LOT BETTER THINGS TO SPEND OUR MONEY ON THAN ELECTIONS. AND TO HAVE POLLING PLACES THAT WERE ADA COMPLIANT, TO HAVE ELECTION WORKERS AT THOSE POLLING PLACES AND ALL THE RIGMAROLE THAT GOES ALONG IN A POLLING SITE ELECTION WAS EXPENSIVE, AND IT COULD BE DONE BETTER IF YOU MAILED IN YOUR BALLOTS. SO THROUGH A SERIES OF LAW CHANGES THAT OCCURRED BETWEEN THE EARLY '90s, 1999 I GUESS IT WAS, AND THE PRESENT TIME, THE REQUIREMENT THAT BALLOTS BE ACCOMPANIED WITH A RETURN ENVELOPE THAT WAS WITHOUT ANY IDENTIFYING CHARACTERISTICS, THOSE WERE REMOVED. AND IT CAME TO PASS THAT WE ALSO BEGAN TO ENCOURAGE TO PROLIFERATE THE NUMBER OF ELECTIONS, THE TYPE OF ELECTIONS IN WHICH MAIL-IN BALLOTS WERE AVAILABLE. AND INDEED, WE WENT SO FAR AS TO SAYING IN SMALLER COUNTIES THERE COULD BE PRECINCTS DESIGNATED, IN FACT, ENTIRE COUNTIES DESIGNATED WHERE THE ONLY WAY YOU COULD VOTE WAS BY MAIL-IN BALLOT, THERE BEING NO POLLING PLACES. SO IN SOME COUNTIES, IN SOME PRECINCTS, IF YOU WERE LUCKY, YOU COULD STILL GO TO THE ELECTION COMMISSIONER AND VOTE OR A POLLING PLACE, BUT OTHERS YOU COULDN'T EVEN DO THAT. THAT REALLY BEGINS TO CREATE A PROBLEM, BECAUSE WE ALSO HAVE NO PENALTIES ON THE ELECTION WORKERS DISCLOSING WHAT THEY SEE, NO PROCEDURES AT ALL TO MAINTAIN THE SECRECY. THEY CAN TAKE YOUR BALLOT AND TAKE A PICTURE OF IT WITH AN iPhone, PUT IT OUT ON THE INTERNET, IF THEY LIKE. MOREOVER THAN THAT, IT HAS A CHILLING EFFECT ON VOTING. ONE OF THE FOLKS FROM STANTON SAID, LOOK IT, I HAVE TO MAKE A DECISION WHETHER OR NOT I WANT TO VOTE OR NOT, BECAUSE I DON'T WANT ANYBODY TO SEE HOW I VOTE. I DON'T VOTE A

Floor Debate
May 05, 2015

STRAIGHT PARTY-LINE BALLOT. I DON'T ALWAYS EVEN VOTE FOR MY RELATIVES. I DON'T WANT THAT KNOWN OR RISK THAT A RELATIVE WHO WORKS IN THE CLERK'S OFFICE MIGHT MENTION THAT TO SOMEBODY, DON'T WANT IT. AND YOU KNOW, THAT VOTER IS ENTITLED TO SECRECY, SHOULDN'T HAVE TO PUT UP WITH IT. SO WHAT'S THE FIX? THE FIX IS VERY SIMPLE. GO BACK TO THE WAY IT WAS. HAVE A SLEEVE OR AN ENVELOPE THAT THE VOTER PUTS HIS BALLOT IN, AND THAT INSIDE THE IDENTIFYING BALLOT. WHEN THEY LOOK AT THE IDENTIFYING BALLOT TO MAKE SURE IT'S OKAY, THEY REMOVE THE SLEEVE. IF IT HAS A NOTCH OR WINDOW ON IT THEY CAN EASILY SEE THE ELECTION-OFFICIAL'S INITIALS, AND IF THAT'S ALL OKAY THEY PUT IT IN THE TO-BE-COUNTED PILE AND DO IT ANONYMOUSLY. IN FACT, THE IDEA OF USING A SLEEVE INSTEAD OF A CLOSED ENVELOPE IS ONE THAT COMES FROM THE COUNTIES WHEN WE WERE PRETTY CLOSE TO HAVING THIS DEAL NEGOTIATED OUT EARLIER YEARS. AND THAT...WE NEVER GOT THAT TO A VOTE ON THE FLOOR IN EARLIER YEARS. I...THIS AMENDMENT WOULD BE GERMANE TO THIS BILL AND WOULD EVEN REQUIRE THE FACT THAT ANOTHER BILL HAD BEEN FILED, AND IT SITS NOW IN GOVERNMENT COMMITTEE, THAT HAS SIMILAR PROVISIONS. THIS IS IMPORTANT BECAUSE LB575 EXPANDS AGAIN THE NUMBER OF ELECTIONS AND THE TYPE OF ELECTIONS IN WHICH A SECRET BALLOT IS NOT AVAILABLE TO THE VOTERS. I THINK MOST OF US, I CERTAINLY DID, FOUND IT INCREDIBLE THAT, IN FACT, THERE IS NO PROVISION FOR SECRECY. WHAT'S THE ARGUMENT AGAINST THIS? IT'S COSTLY. IT WOULD BE MORE WORK ON ELECTION DAY FOR THE ELECTION OFFICIALS TO HAVE TO GO THROUGH AND OPEN AN ENVELOPE AND PULL OUT THE SECRET BALLOT ON THE INSIDE, AND, WELL, WE DON'T PEEK ANYWAY, SO WHY MAKE US GO THROUGH THE EXTRA STEP OF A SECRET BALLOT? AND THE REASON IS BECAUSE OUR CONSTITUTION SAYS SO, AND BECAUSE IT INTERFERES WITH THE FREE EXERCISE OF THE VOTER'S WILL AND THE EXERCISE OF HIS CONSCIENCE NOT TO HAVE THE ASSURANCE THAT THAT BALLOT IS GOING TO BE SECRET. THIS IS AN IMPORTANT AMENDMENT. IT HAS STATEWIDE IMPLICATIONS, PARTICULARLY IF WE'RE GOING TO FOLLOW THE TREND THAT HAS NOW BEEN ESTABLISHED THAT EACH BITE AT THE APPLE, YEAR AFTER YEAR, WE ENCOURAGE, IN FACT, PERMIT MORE AND MORE COUNTIES IN ELECTIONS TO BE CONDUCTED BY VIRTUE OF THE MAIL-IN VOTING. ONE OF THE FOLKS IN STANTON POINTED OUT THAT THE BALLOT ENVELOPE THAT THEY HAVE TO SEND IT BACK IN IS SO FLIMSY THAT YOU CAN HOLD IT UP TO THE LIGHT AND SEE HOW PEOPLE VOTED. THAT'S WRONG. THAT IS A FUNDAMENTAL RIGHT OF OUR SOCIETY TO THE SECRET BALLOT AND TO THE FREEDOM OF ELECTIONS AND THE FREEDOM TO VOTE WITHOUT REPERCUSSIONS OUTSIDE OF THE SANCTITY OF THE VOTING PLACE OR PREMISES. OUR SUPREME COURT HAS SAID, BACK IN 1975 WHEN NO ONE WOULD

Floor Debate
May 05, 2015

HAVE THOUGHT THAT WE WOULD HAVE...BE IN THE POSITION WE ARE AND WHEN, IN FACT, THERE WAS A LAWSUIT WHERE THEY SOUGHT TO THROW OUT BALLOTS BECAUSE A VOTER OR TWO IDENTIFIED THEMSELVES ON THE BALLOT. THE COURT SAID: HOW AN ELECTOR VOTES IS BASIC TO OUR ELECTORAL PROCESS. THE REASONS ARE BASIC. TO IDENTIFY THE BALLOT OF A VOTER AND HOW HE VOTES OPENS THE DOOR TO FRAUD, UNDUE INFLUENCE, AND A HOST OF CORRUPT PRACTICES WHICH COULD IMPROPERLY INFLUENCE AN ELECTION. SECRECY OF THE BALLOT IS SO IMPORTANT A PUBLIC CONSIDERATION THAT IF A CLEAR SHOWING OF THE VOTER'S IDENTITY APPEARS ON THE BALLOT, IT SHOULD BE DISALLOWED REGARDLESS OF WHAT THE VOTER'S INTENT WAS IN IDENTIFYING THE BALLOT. [LB575]

SENATOR WATERMEIER: ONE MINUTE. [LB575]

SENATOR SCHUMACHER: AND HERE WE HAVE A SITUATION WHERE EVERY ONE OF THOSE BALLOTS COMING IN IS OPENED BY SOMEBODY WHO HAS THE CAPACITY, RIGHT THEN AND THERE, TO ASSOCIATE THE NAME OF THE PERSON VOTING WITH THE VOTE. AND THAT CAN'T HELP BUT IMPAIR DEMOCRACY. I ASK YOU TO APPROVE AM1424 AS AN ESSENTIAL COMPONENT OF OUR DEMOCRATIC SYSTEM COMMANDED BY OUR CONSTITUTION. THANK YOU. [LB575]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER. MEMBERS, YOU'VE HEARD THE OPENING ON AM1424. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR MURANTE, SENATOR BRASCH, SENATOR HANSEN, SENATOR KINTNER, AND OTHERS. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB575]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD AFTERNOON. I RISE IN STRONG OPPOSITION TO AM1424 FOR A NUMBER OF REASONS THAT I'M GOING TO OUTLINE. FIRST AND FOREMOST, AS SENATOR SCHUMACHER SUGGESTED, THE HEART OF THIS BILL WAS INTRODUCED, HAD A PUBLIC HEARING, AND THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE CHOSE NOT TO ADVANCE IT. IT IS NOT ON GENERAL FILE; IT IS SITTING IN THE GOVERNMENT COMMITTEE. SO THIS IS A PULL MOTION BY ANOTHER MEANS. I'LL PROBABLY ON MY NEXT TIME ON THE MICROPHONE GET INTO THE MERITS OF WHY THE AMENDMENT ISN'T RIGHT FOR PRIME TIME YET. BUT THIS WILL ESTABLISH A PRECEDENT. BILLS THAT ARE IN COMMITTEE CAN BE PULLED OUT. THAT'S THE PRECEDENT WE'RE ESTABLISHING WITH AM1424. SO I WOULD URGE MY COMMITTEE CHAIRS WHO HAVE BILLS IN THEIR COMMITTEE THAT HAVE POPULAR SUPPORT ON THE FLOOR BUT MAYBE HAVEN'T GOTTEN

Floor Debate
May 05, 2015

OUT YET TO CONSIDER THE PRECEDENT THAT WOULD BE ESTABLISHED BY VOTING FOR AM1424. SECOND, WHEN IT COMES TO THE ESTABLISHMENT OF ELECTION LAW, SERIOUS ELECTION CHANGES IN NEBRASKA, THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE IN YEARS PAST, REGARDLESS OF THE COMMITTEE CHAIR WHERE WE'RE TALKING ABOUT RAY AGUILAR OR BILL AVERY OR DIANNA SCHIMEK, IT DIDN'T MATTER. THE CREATION OF ELECTION LAW WAS A COLLABORATIVE EFFORT. IT WAS A COLLABORATIVE EFFORT BETWEEN THE SECRETARY OF STATE AND THE ELECTION OFFICIALS OF THE STATE OF NEBRASKA TO FIND A WORKABLE SOLUTION. I CANNOT THINK OF AN INSTANCE WHERE SUBSTANTIVE ELECTION POLICY WAS SHOVED DOWN THE THROAT OF THE ELECTION OFFICIALS OF THE STATE OF NEBRASKA, AND THEY HAVE MADE IT LOUD AND CLEAR THAT THEY DO NOT SUPPORT AM1424. IF YOU HAVE NOT RECEIVED E-MAILS IN YOUR E-MAIL BOX YET FROM YOUR ELECTION OFFICIALS, LET ME ASSURE YOU THAT IN THE PUBLIC HEARING, THE NEBRASKA ASSOCIATION OF COUNTY OFFICIALS, ALONG WITH SEVERAL ELECTION COMMISSIONERS AND CLERKS, TESTIFIED AGAINST THE MERITS OF WHAT SENATOR SCHUMACHER IS TALKING ABOUT. NOW THAT'S NOT TO SAY THAT THE PROBLEM THAT SENATOR SCHUMACHER HAS ADDRESSED DOESN'T HAVE SOME MERIT. IT DOES. BUT THIS IS NOT THE PROPER WAY TO GO ABOUT SOLVING IT. AND IF SENATOR SCHUMACHER WOULD LIKE TO WORK WITH THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE IN CONJUNCTION WITH THE SECRETARY OF STATE'S OFFICE AND WITH THE ELECTION OFFICIALS ACROSS THE STATE OF NEBRASKA TO FIND A WORKABLE SOLUTION, I AM HAPPY TO FACILITATE THAT DISCUSSION OVER THE INTERIM. THE GOOD NEWS I HAVE FOR SENATOR SCHUMACHER IS THAT OTHER THAN THE ELECTION BEING HELD TODAY IN THE CITY OF LINCOLN, I'M UNAWARE OF ANY ELECTIONS THAT ARE GOING TO BE HAPPENING BETWEEN NOW AND JANUARY, SO WE HAVE TIME TO FIX THE PROBLEM. SO THAT'S MY COMMITMENT TO SENATOR SCHUMACHER. I WOULD URGE HIM TO WITHDRAW HIS AMENDMENT, TO USE THE INTERIM TO WORK WITH THE COMMITTEE, TO WORK WITH THE ELECTION EXPERTS AROUND THE STATE OF NEBRASKA TO FIND A SOLUTION. BUT I AM ALSO EXTREMELY WORRIED ABOUT ATTACHING SUBSTANTIVE, CONTROVERSIAL, AND POTENTIALLY DANGEROUS PUBLIC POLICY WHICH IS OPPOSED BY THE EXPERTS IN THE FIELD ONTO CHRISTMAS-TREE LEGISLATION, BECAUSE AT THE END OF THE DAY, THE OVERWHELMING MAJORITY OF THE SUBSTANCE IN THIS BILL IS TECHNICAL IN NATURE AND HAS, TO THIS POINT, NOT HAD ANY OPPOSITION FROM ANY MEMBER OF THE LEGISLATURE. I'VE WORKED WITH SENATOR MELLO TO DRAFT AN AMENDMENT WHICH WE WILL BE TALKING ABOUT MOMENTARILY TO TAKE AWAY WHATEVER CONCERNS HE HAS HAD OVER THE GREEN COPY OF THE BILL. [LB575]

Floor Debate
May 05, 2015

SENATOR WATERMEIER: ONE MINUTE. [LB575]

SENATOR MURANTE: AND I THINK THAT'S HOW WE SHOULD PROCEED. BUT AM1424, I WILL REMIND YOU, THE HEART OF IT IS A BILL THAT'S IN THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. OUR COMMITTEE HAS NOT VOTED IT OUT YET AND UNTIL THAT TIME COMES, I SUGGEST THAT WE PUT AM1424 TO BED, AND I URGE YOUR OPPOSITION TO IT. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR WATERMEIER: THANK YOU, SENATOR MURANTE. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB575]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I ALSO STAND IN STRONG OPPOSITION OF AM1424, FOR THE REASONS THAT SENATOR MURANTE JUST STATED. I BELIEVE THERE ARE SEVERAL, EIGHT PRIORITY BILLS STILL IN COMMITTEE. THE SPEAKER HAS TOLD US TWICE NOW. I HAVE A PRIORITY BILL THAT'S STILL IN COMMITTEE THAT I'M NOT TRYING TO BRING OUT HERE ON ANOTHER BILL AS A RIDE-ALONG. I ALSO UNDERSTAND THAT THERE WAS OPPOSITION IN COMMITTEE AT THE TESTIMONY, AT THE PUBLIC TESTIMONY, BUT BECAUSE IT HAS NOT BEEN ADVANCED OUT OF COMMITTEE, THERE AREN'T ANY NOTES OR RECORDS FOR ME TO FOLLOW ALONG THIS, THAT NACO, THE NEBRASKA ASSOCIATION OF COUNTY OFFICIALS, WAS IN OPPOSITION TO THIS BILL AS WELL. I WAS WONDERING IF SENATOR SCHUMACHER WOULD PLEASE YIELD TO A QUESTION. [LB575]

SENATOR WATERMEIER: SENATOR SCHUMACHER FOR A QUESTION? [LB575]

SENATOR SCHUMACHER: YES, I WILL. [LB575]

SENATOR BRASCH: I DO HAVE QUESTIONS ABOUT THE COMMITTEE HEARING BECAUSE WE DO NOT HAVE A PUBLIC RECORD. DID YOU HAVE ANYONE THERE IN SUPPORT OF THE BILL? ANY TESTIFIERS? [LB575]

SENATOR SCHUMACHER: I BELIEVE THE ACLU, AND IT SEEMS TO ME THERE WAS A COUPLE OTHERS THERE. I WENT BACK TO REVENUE COMMITTEE AFTER I INTRODUCED IT, SO I DID NOT TRACE IT. BUT I KNOW THE ACLU SUBMITTED INFORMATION. I THINK IN OPPOSITION, IT WAS ONLY THE COUNTY OFFICIALS. [LB575]

Floor Debate
May 05, 2015

SENATOR BRASCH: VERY GOOD. AGAIN, WE AS YOUR COLLEAGUES HERE, WE DO NOT HAVE ANYTHING IN FRONT OF US TO FOLLOW ON THE SUPPORT, THE OPPOSITION, AND CONCERNS WITH THIS BILL. I DON'T HAVE ANY OTHER QUESTIONS FOR YOU. EACH OF THE COUNTIES IN DISTRICT 16 HAVE WRITTEN ME LETTERS OF CONCERN, CONCERNS ABOUT THE EXPENSE OF PROVIDING THE EXTRA ENVELOPE, FITTING THAT INTO THEIR BUDGET. THEY ARE ALSO STATING THAT THERE IS ABSOLUTELY NO INTEREST IN DOING ANY ADDITIONAL WORK BEYOND WHAT THEY HAVE CURRENTLY WITH THE LOAD. THEY ARE BUSY. ELECTION TIME IS THEIR BUSIEST TIME OF YEAR. WHEN IT GOES TO THE CANVASSING BOARD, THERE'S ALWAYS SOMEONE THERE OF EACH POLITICAL PARTY FOR OVERSIGHT. THERE IS NO INTEREST IN LOOKING AT WHO VOTED HOW OR WHY, AND, FOR THAT REASON, YOU KNOW, AND MANY OTHERS, STATED IN THESE DOCUMENTS I HAVE IN FRONT OF ME, I DO STAND IN OPPOSITION. I WILL YIELD THE REST OF MY TIME TO SENATOR MURANTE. [LB575]

SENATOR WATERMEIER: SENATOR MURANTE, 2:00. [LB575]

SENATOR MURANTE: THANK YOU, SENATOR BRASCH. THANK YOU, MR. PRESIDENT AND COLLEAGUES. I WOULD BE HAPPY TO PROVIDE SENATOR BRASCH WITH THE TRANSCRIPT OF THE PUBLIC HEARING THAT WAS, OF COURSE, OPEN TO THE PUBLIC. IT'S A LITTLE BIT DIFFERENT BECAUSE THAT WAS VOTER ID DAY IN THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, AS SENATOR SCHUMACHER WILL RECALL. AND A COMPONENT OF HIS FIRST BILL HAD SOME VOTER ID ELEMENTS TO IT, SO THERE ARE GOING TO BE SOME PROPONENTS, BUT THE PEOPLE WHO TESTIFIED SPECIFIC TO THIS SUBJECT MATTER WERE OPPOSED TO IT. I DON'T RECALL A SINGLE COUNTY OFFICIAL OR ELECTION OFFICIAL TESTIFYING IN FAVOR OF IT. IF I AM INCORRECT ABOUT THAT, I WILL CORRECT THE RECORD, BUT THAT'S MY UNDERSTANDING AT THIS POINT. SO WITH THAT, I WILL WAIVE THE REMAINDER OF MY TIME. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR WATERMEIER: THANK YOU, SENATOR BRASCH, SENATOR MURANTE, AND SENATOR SCHUMACHER. SENATOR HANSEN, YOU ARE RECOGNIZED. [LB575]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AND IN AN EFFORT TO HELP THE DISCUSSION AS A MEMBER OF THE GOVERNMENT COMMITTEE, I BELIEVE SENATOR SCHUMACHER'S BILL WAS LB121 AND IT WAS...THAT CONTAINED THE SECRET BALLOT ENVELOPS, AND IT WAS HEARD IN CONJUNCTION WITH LB111, WHICH WAS SENATOR...THE VOTER ID BILL. I'M STANDING UP AT THE

Floor Debate
May 05, 2015

MICROPHONE. SENATOR MORFELD'S COMMENTS ABOUT THE SECRETARY OF STATE JUST SPURRED ME TO GET UP AND JUST ADD IN MY OPINION ON THE ISSUE. SERVING THIS YEAR ON THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, ONE OF THE AREAS THAT I FOUND MORE INTRIGUING AND FRANKLY MORE CONTROVERSIAL IN OUR SUBJECT PURVIEW IS ELECTION LAW. AND IT'S BEEN AN AREA THAT, YOU KNOW, CLEARLY CATCHES MY INTEREST, SO MUCH SO THAT I HAD A BILL THIS YEAR ADDRESSING THE COUNTY-TO-COUNTY PORTABILITY OF PROVISIONAL-VOTE BALLOTS AND REGISTRATIONS. IT DIDN'T GET OUT OF GOVERNMENT COMMITTEE. I COULDN'T GET TO FIVE AMONG THE COMMITTEE MEMBERS, NOT NECESSARILY SOUR GRAPES ABOUT THAT. I UNDERSTAND THAT PEOPLE'S OPINIONS AND IDEAS DIFFER, AND WITHOUT A PRIORITY, CONTINUING TO WORK ON IT THIS YEAR WASN'T NECESSARILY THE MOST EFFECTIVE USE OF TIME. HOWEVER, I DO HAVE SOME CONCERNS ABOUT HOW THE SECRETARY OF STATE CONNECTS IN WITH ELECTIONS. I SHARE GREAT CONCERN AT THE REMARKS AND HISTORY SENATOR MORFELD SHARED WITH US A LITTLE WHILE AGO, AND EVEN I KNOW FROM MY EXPERIENCE ON THE COMMITTEE, WE HAD, AND MAYBE THIS WAS A MISTAKEN UNDERSTANDING, BUT AN UNDERSTANDING THE SECRETARY OF STATE WAS GOING TO TESTIFY NEUTRAL ON SOME BILLS THAT HE ENDED UP SENDING SOMEONE FROM HIS OFFICE TO TESTIFY IN OPPOSITION. AND I KNOW THERE'S OTHER INTRODUCERS ON THE FLOOR, IF THEY WANT TO CHIME IN ON THAT THEY'RE WELCOME TO. BUT I KNOW THAT'S THE CASE THAT HAPPENED TO MY BILL. AND THAT WAS REAL DISCONCERTING. YOU KNOW, I UNDERSTAND THE CONCERNS THAT, SOME OF THE CONCERNS THAT WERE EXPRESSED IN TERMS OF ASKING TOO MUCH OF THE OFFICE, YOU KNOW, UNFUNDED MANDATES, INCREASING THEIR WORKLOAD WITHOUT INCREASING THEIR BUDGET. I UNDERSTAND THOSE CONCERNS AND WOULD HAVE BEEN HAPPY TO WORK WITH THEM. HOWEVER, THERE WAS THIS OVERALL SENTIMENT THAT IT WAS KIND OF OUT OF THEIR DUTY, LIKE THEY DON'T HAVE THE OBLIGATION TO HELP MORE PEOPLE VOTE, THEY DON'T HAVE THE OBLIGATION TO HAVE MORE PEOPLE REGISTERED, THEY DON'T HAVE THE OBLIGATION TO HELP DO TURNOUTS. IT WAS WE'RE GOING TO GET THE...AND THIS IS MY CHARACTERIZATION OF KIND OF THE ATTITUDE OF THAT PARTICULAR TESTIMONY OF, THERE'S NOT A LOT OF INCENTIVE FOR US TO REALLY BE COMMITTED, AND SUCH IN THOSE ASPECTS. SO I GUESS I WAS...DIDN'T HAVE A LONG, LENGTHY FLOOR SPEECH PLANNED OUT, BUT I WANTED TO GET UP AND ECHO SENATOR MORFELD'S CONCERNS AND SAY I RECOGNIZE THEM, AND I HAVE AT LEAST ONE MORE YEAR LEFT ON THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, AND I'M GOING TO BE PAYING ATTENTION TO THAT. THANK YOU, MR. PRESIDENT. [LB575 LB121 LB111]

Floor Debate
May 05, 2015

SENATOR WATERMEIER: THANK YOU, SENATOR HANSEN. (VISITORS INTRODUCED.) THOSE IN THE QUEUE WISHING TO SPEAK, SENATOR KINTNER, SENATOR CAMPBELL, SENATOR KRIST, SENATOR PANSING BROOKS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB575]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, I LOOK AT THIS BILL, I'M NOT SURE IF IT'S NECESSARY OR NOT NECESSARY. AND I'M NOT ALL THAT CONCERNED HOW THESE THINGS COME OUT OF COMMITTEE, IF THEY AMENDED IT ON. SENATOR MURANTE HAS A LITTLE MORE CONCERN THAN I DO. BUT IF YOU LOOK AT WHAT WE'VE TALKED ABOUT TODAY, WE'VE TALKED ABOUT ELECTION LAW, AND WE'RE TALKING ABOUT THAT RIGHT NOW, WE'VE TALKED ABOUT TAXES A GOOD BIT OF THE DAY, TAX CREDITS. AND, YOU KNOW, THERE'S TWO ISSUES RIGHT NOW THAT ARE CAPTURING THE ATTENTION OF NEBRASKA AND THE LEGISLATURE, AND THAT'S PROPERTY TAXES, AND, TO SOME IS EXTENT, THE LEARNING COMMUNITY. RECENTLY, THE OMAHA WORLD-HERALD REPORTED THAT OPS HAD A 13.6 PERCENT INCREASE OVER THREE YEARS IN TEACHER SALARIES. NOW I SUPPORT PAYING AND KEEPING GOOD TEACHERS. I DON'T BEGRUDGE ANY TEACHER FOR TAKING WHATEVER MONEY THEY CAN GET. BUT YOU KNOW WHAT? YOU KNOW, I LOOK AT PLATTEVIEW AND THEY'RE TRYING TO SCRAPE TOGETHER 2 OR 3 PERCENT FOR THEIR TEACHERS AT THE TIME THAT THEY'RE LOSING \$2 MILLION A YEAR IN LEARNING COMMUNITY. AND THEN I LOOK AT OPS AND I'M WONDERING IF IT'S REALLY THE RIGHT TIME, ESPECIALLY IN THE LIGHT OF THE OPS REQUEST FOR ADDITIONAL POVERTY DOLLARS FROM THE STATE. AND THEY'VE GOT THEIR HAND OUT FOR MONEY. I'M NOT SURE HOW MUCH THEY NEED, WHAT THEY NEED. WE CAN'T QUITE GET THAT DEFINED. BUT YET I TELL YOU WHAT, YOU KNOW, I THINK I'D LIKE TO REVIEW THE BUDGET OF OPS, THEIR ACTUAL PLANNED INCOME, THEIR EXPENDITURES FOR THE CURRENT AND PROBABLY THE PAST FEW YEARS. MY OFFICE WILL BE CONTACTING OPS. I WANT TO SEE EXACTLY WHAT THEIR POVERTY EFFORTS ARE. I THINK THAT'S THE FIRST STEP IN FINDING OUT WHAT THEY NEED. AND THIS IS ALL PART OF MAKING LEARNING COMMUNITY WORK. BUT, JEEZ, 13 PERCENT INCREASE IN PAY AS THEY CLAIM POVERTY PROBLEMS, THE OPTICS DON'T LOOK REAL GOOD. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR WATERMEIER: THANK YOU, SENATOR KINTNER. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB575]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I CERTAINLY DO RECOGNIZE THAT SENATOR SCHUMACHER IS TRYING TO ARTICULATE FOR US A PROBLEM. BUT IN THIS SITUATION, I THINK SENATOR MURANTE IS CLOSER TO WHAT I

Floor Debate
May 05, 2015

BELIEVE NEEDS TO BE DONE. AND THAT IS YOU NEED TO BRING THE EXPERTS, THE PEOPLE WHO WORK WITH THIS TOGETHER AND SAY, HOW DO WE FIND A SOLUTION. YES, SENATOR SCHUMACHER, IT DOES HAVE TO DO WITH MONEY. ONCE AGAIN, IF SENATOR CRAWFORD WERE HERE, I'M SURE SHE WOULD BE STANDING FORTH AND TALKING ABOUT THE MANDATES THAT WE PUT ON COUNTIES, AND PAYING FOR THOSE MANDATES. I DON'T THINK THAT THE COUNTIES ARE GOING TO OBJECT TO THE POLICY QUESTION THAT SENATOR SCHUMACHER IS RAISING, BUT HOPEFULLY THEY'RE GOING TO BE LOOKING FOR WAYS IN WHICH THEY CAN ADDRESS NOT ONLY THAT POLICY DECISION BUT HOW DO WE DO THIS IN AN EQUITABLE MANNER FOR ALL 93 COUNTIES AND HOW DO WE PAY FOR IT. I THINK SENATOR MURANTE IS ADVISING US A GOOD COURSE. AND THAT IS THAT YOU NEED TO BRING THOSE PEOPLE TOGETHER OVER THE INTERIM. I WOULD ASSUME BECAUSE THIS DISCUSSION IS ON THE RECORD THAT THEN WE CAN EXPECT NEXT YEAR A BILL THAT WOULD ADDRESS THE QUESTION THAT SENATOR SCHUMACHER IS BRINGING FORWARD, BECAUSE HE HAS BROUGHT THIS ISSUE MORE THAN THIS TIME, IN MY MEMORY. SO WHILE I CERTAINLY UNDERSTAND HIS POLICY, I THINK THE SOLUTION THAT SENATOR MURANTE IS PUTTING FORTH IS WORTH OUR LOOK AND SUPPORT. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR WATERMEIER: THANK YOU, SENATOR CAMPBELL. SENATOR KRIST, YOU ARE RECOGNIZED. [LB575]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES AND NEBRASKA. I STAND ONCE MORE, AS I DID YESTERDAY, TO SIMPLY ASK YOU TO OPEN YOUR RULE BOOK AND FIND OUT WHAT THE CORRECT WAY IS TO PULL SOMETHING OUT OF COMMITTEE. IF SENATOR SCHUMACHER WANTS TO DO THAT, I THINK WE SHOULD HAVE THAT DISCUSSION. I WON'T...I WILL ONLY ECHO WHAT I SAID YESTERDAY IN TERMS OF THE PROCESS OF OUR COMMITTEE PROCESS, AND THE RESPECT THAT WE HAVE FOR THE COMMITTEE, UNDERSTANDING, OF COURSE, THAT ALL OF US HAVE HAD ISSUES GETTING SUBJECT MATTER OUT OF COMMITTEE. EVEN I HAVE HAD SOME REAL DIFFICULT TIMES GETTING THINGS OUT OF EDUCATION, OUT OF GOVERNMENT, AND MY HISTORY, I CAN TELL YOU I'VE HAD ISSUES GETTING BILLS OUT OF ALMOST EVERY COMMITTEE, AND THAT'S OKAY. THAT'S OKAY. THAT'S THE COMMITTEE PROCESS THAT WE LIVE BY. SO THINK ABOUT NOT NECESSARILY THE SUBJECT MATTER WE ARE TALKING ABOUT HERE BUT THINK ABOUT THE PROCESS, THE COMMITTEE PROCESS THAT WE WILL VIOLATE. I KNOW SENATOR SCHUMACHER IS PASSIONATE ABOUT THIS, AND I APPLAUD HIS EFFORTS IN THE DIALOGUE, BUT THE CLOCK IS TICKING, AND I HOPE HE PULLS THIS AMENDMENT AND WE

Floor Debate
May 05, 2015

GET ON WITH DISCUSSIONS THAT ARE AT HAND. I KNOW HE'S NOT IN THE QUEUE, SO I WOULD OFFER THE BALANCE OF MY TIME TO SENATOR SCHUMACHER IF HE WOULD LIKE IT. [LB575]

SENATOR WATERMEIER: SENATOR SCHUMACHER, 3:30. [LB575]

SENATOR SCHUMACHER: THANK YOU, SENATOR KRIST. THIS ISSUE IS OUT OF COMMITTEE. WHEN THIS BILL ADVANCED WITH PROVISIONS TO EXPAND THE USE OF MAIL-IN BALLOTS, IT CAME OUT OF COMMITTEE. THERE IS NO RULE THAT WE HAVE THAT SAYS BECAUSE YOU HAVE A RELATED BILL OR BILL WITH SIMILAR LANGUAGE IN COMMITTEE THAT WHEN THE TOPIC MOVES TO THE FLOOR AND A GERMANE AMENDMENT CAN BE MADE ON THE FLOOR THAT YOU, SOMEHOW, LOSE POINTS. IN FACT, SUCH AN INTERPRETATION WOULD BE COUNTERPRODUCTIVE, IN THAT IT WOULD ENCOURAGE YOU NOT TO FILE A BILL WITH RELATED SUBJECT MATTER AND HAVE A FULL HEARING ON IT BUT JUST TO LAY LOW UNTIL THE MATTER CAME UP AND A TOPIC WAS GERMANE. THE ISSUE OF SECRET BALLOT AND THE MAIL-IN BALLOT IS ON THE FLOOR AND LB575 PUT IT THERE. CLEARLY, THIS ISSUE COULD BE RAISED IF THERE WERE NO BILL IN COMMITTEE, BECAUSE IT DEPRIVES PEOPLE OF THE SECRET BALLOT. THIS HAS BEEN BEFORE THE GOVERNMENT COMMITTEE TIME AND TIME AND TIME AGAIN. AND THE OPPOSITION HAS BEEN THE SAME PEOPLE OVER AND OVER AGAIN, THE COUNTY SAYING SECRET BALLOT IS TOO EXPENSIVE, THE SECRETARY OF STATE NOT BEING PARTICULARLY INTERESTED, AND NOW WE'RE SAYING LET'S GO BACK AND NEGOTIATE WITH THESE FOLKS. THE ISSUE IS A VERY SIMPLE ONE: A SECRET BALLOT ENVELOPE OR NOT. THAT'S THE ISSUE. THIS BODY CAN TAKE CARE OF IT. NOW DELAY IT ANOTHER YEAR, WHAT'S GOING TO HAPPEN? THE LAW WON'T GO INTO EFFECT UNTIL AFTER THE PRIMARY, AND THAT THEY WON'T HAVE TIME TO PREPARE UNTIL AFTER THE NEXT GENERAL ELECTION. SO ANOTHER ELECTION CYCLE WITH NO SECRET BALLOT IN NEBRASKA, CONTRARY TO EXPRESS ISSUE IN OUR CONSTITUTION WHERE IT SAYS THAT THE LEGISLATURE IS TO PRESERVE THE SECRET BALLOT, AND THAT DOCUMENT OUTRANKS ANY POSSIBLE RULE OR INTERPRETATION OF A RULE THAT WE MIGHT HAVE. THIS IS A QUESTION OF ECONOMICS. [LB575]

SENATOR WATERMEIER: ONE MINUTE. [LB575]

SENATOR SCHUMACHER: AND THE COUNTIES HAD THAT OBLIGATION TO PROVIDE A SECRET BALLOT, AND IT WAS INCREMENTALLY, TEENY TINY BIT AT A TIME BACKED OFF. WE'RE NOT GIVING OR PUTTING A NEW BURDEN ON THE

Floor Debate
May 05, 2015

COUNTY; WE ARE STOPPING A PROCESS BY WHICH THEY WERE ESCAPING A BURDEN THAT THEY ALREADY HAD. THIS IS A CLEAR-CUT, SIMPLE DECISION FOR THE LEGISLATURE ON A MATTER IN WHICH AN AMENDMENT VERY GERMANE TO THE TOPIC MATTER HAS BEEN RAISED. AND IT IS A PROPER DECISION. I SEEK NO EXTENDED DISCUSSION OR FILIBUSTER, VOTE IT UP OR VOTE IT DOWN, BUT IT'S AN ISSUE THAT DESERVES A VOTE. THANK YOU. [LB575]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER, SENATOR KRIST. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB575]

SENATOR PANSING BROOKS: THANK YOU, JUST TO SAY A COUPLE LITTLE THINGS. SINCE THERE DOES SEEM TO BE SOME GERMANENESS TO ATTACHING THIS AMENDMENT TO SENATOR MURANTE'S LB575, I JUST WANTED TO SAY THAT JUST A LITTLE BIT OF BACKGROUND AND HISTORY BECAUSE I AGREE WITH SENATOR SCHUMACHER. WE HAVE TO DO EVERYTHING WE CAN TO PROTECT THE SECRECY AND THE ABILITY FOR PEOPLE TO VOTE WITHOUT FEELING PRESSURE FROM BOSSES, FROM FRIENDS, FROM NEIGHBORS, FROM ALL SORTS OF PEOPLE. THAT IS OUR LAW, CONSTITUTIONALLY. IT'S THE LAW OF THE NATION. AND I JUST WANTED TO REMIND PEOPLE THAT PRIOR TO 1999, THE ELECTION ACT REFLECTED A PREFERENCE FOR POLLING-PLACE VOTING AND ALLOWED ONLY TWO GROUPS OF VOTERS TO RETURN A BALLOT IN AN ENVELOPE: 1, THOSE VOTING IN SPECIAL ELECTION MAIL-IN BALLOTS THAT WERE INVOLVING ISSUES NOT CANDIDATES; AND, 2, THOSE VOTING ABSENTEE IF THEY MET STATUTORILY ALLOWED REASONS FOR WHY THEY COULDN'T VOTE AT A POLLING PLACE ON THE SPECIFIC ELECTION DAY. I GUESS THE MAIN THING THAT I WANTED TO POINT OUT TO JUST KEEP EVERYBODY THINKING ABOUT THE IMPORTANCE OF THE SECRET BALLOT IS THAT BY ELIMINATING THE SECRECY ENVELOPE, THE LEGISLATURE HAS BASICALLY CREATED TWO CLASSES OF VOTERS: 1, THOSE WHO CAN RETAIN THEIR RIGHT TO A BALLOT BY OPTING TO VOTE AT THE POLLING PLACE; AND, 2, THOSE WHO HAVE NO RIGHT TO A SECRET BALLOT BECAUSE THEY ARE REQUIRED TO VOTE BY MAIL AND RETURN THEIR BALLOT IN THE SAME ENVELOPE THAT SHOWS AND REVEALS THEIR IDENTIFICATION. SO I HOPE YOU WOULD THINK ABOUT THAT. I DON'T SEE GIANT SUPPORT FOR THIS, ALTHOUGH, AGAIN, SENATOR SCHUMACHER HAS POINTED OUT SOMETHING REALLY IMPORTANT TO OUR DEMOCRACY. AND THAT IS THE HISTORIC BASIS OF PEOPLE BEING ABLE TO VOTE WITHOUT FEELING PRESSURE FROM OTHERS, FROM OTHER GROUPS, FROM WORKING...FROM BOSSES, FROM THOSE IN THEIR EMPLOYMENT, FROM FRIENDS, FROM FAMILY. AND THAT IS SOMETHING THAT I HOPE THAT WE WILL ALL HOLD DEAR AND WORK TO

Floor Debate
May 05, 2015

PROTECT IN OUR LEGISLATIVE BODY. AND WITH THAT, I'LL GIVE THE REMAINDER OF MY TIME TO SENATOR SCHUMACHER. [LB575]

SENATOR WATERMEIER: SENATOR SCHUMACHER, 2:40. [LB575]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. THE SECRET BALLOT IS THE MOST PRECIOUS THING THAT WE HAVE. IT IS THE HEART OF OUR DEMOCRACY. IT IS THE ABILITY FOR THE VOTER TO WALK INTO THE BALLOT BOX AND, WITHOUT A PREACHER, A GOVERNMENT OFFICIAL, A SUPERVISOR LOOKING OVER THEIR SHOULDER AND FORGETTING ABOUT WHAT THEY MIGHT HAVE SAID IN THE BAR OR IN THE SOCIAL CLUB, VOTING THEIR CONSCIENCE. THAT CAN'T BE DONE IF THERE IS A REALITY OR EVEN A FEAR OF A REALITY THAT SOMEBODY IS GOING TO SEE YOUR VOTE. AND IT MAKES A MOCKERY OF OUR ELECTION SYSTEM WHEN YOU GO TO THE POLLING PLACE AND YOU GO THROUGH ALL THE SECRECY OF THE METAL CASE AND PUTTING IT IN THE ELECTION BOX AND ALL THE PRETEND THERE WHEN, IF YOU VOTED, AND SOME PEOPLE HAVE NO CHOICE BUT TO VOTE BY MAIL, IT'S JUST ALL JUST TORN OPEN AND LOOKED AT IN THE ELECTION COMMISSIONER'S OFFICE. I WOULD NOT HAVE BROUGHT THIS AMENDMENT WERE I THOUGHT THAT THERE WAS A REASONABLE CHANCE OF NEGOTIATIONS WITH ANYONE. WE'VE BEEN THERE, WE'VE DONE THAT IN DISCUSSIONS, AND THE RESULT IS ALWAYS THE SAME. NOBODY WANTS TO PAY FOR FREE ELECTIONS. NOBODY WANTS TO PAY FOR THAT FREEDOM OF CONSCIENCE TO VOTE. WHO'S GOING TO PICK UP THE BILL? CAN WE GET A THINNER ENVELOPE? [LB575]

SENATOR WATERMEIER: ONE MINUTE. [LB575]

SENATOR SCHUMACHER: MAYBE JUST FOLD IT TOGETHER AND THROW A STAPLE TO IT AND THROW IT IN THE MAIL. THAT MIGHT BE CHEAPER. AT SOME POINT THE COUNTIES HAVE GOT TO ASSUME THEIR OBLIGATION THAT THEY ALWAYS HAD, AND THAT IS THE COST OF CONDUCTING THE ELECTION. IT'S NOT TO SAY THAT THEY CAN'T COME IN ASKING FOR A SUBSIDY, MAYBE REFUNDABLE TAX CREDIT, WHO KNOWS WHAT, BUT RIGHT NOW THE ISSUE IS BEFORE THIS BODY. DO WE OBEY OUR CONSTITUTION AND DO WE RESTORE THE SECRET BALLOT TO ALL NEBRASKANS? IT'S A SIMPLE QUESTION THAT SUPERSEDES ANY PROCEDURAL ISSUE. THANK YOU. [LB575]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB575]

Floor Debate
May 05, 2015

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'VE GOT A COUPLE ISSUES HERE. I DON'T KNOW THAT WE ARE PULLING A BILL OUT OF COMMITTEE HERE, AS SENATOR KRIST HAD MENTIONED. WE'RE PULLING A PORTION OF A BILL, CERTAINLY. BUT THE OTHER PART OF THE BILL DEALT WITH VOTER ID, AS IN A DRIVER'S LICENSE. I WONDER IF SENATOR MURANTE WOULD YIELD TO A QUESTION. [LB575]

SENATOR WATERMEIER: SENATOR MURANTE, YIELD FOR A QUESTION? [LB575]

SENATOR MURANTE: I WOULD. [LB575]

SENATOR BLOOMFIELD: THANK YOU, SENATOR MURANTE. WOULD YOU CONSIDER THIS NECESSARILY PULLING A BILL OUT OF OUR COMMITTEE IF... [LB575]

SENATOR MURANTE: I BELIEVE THAT WHEN IT COMES TO THE RULES OF THE LEGISLATURE, THE STANDARD IS AN AMENDMENT WHICH IS SUBSTANTIALLY SIMILAR TO A BILL IN COMMITTEE, AND I BELIEVE THAT AM1424 WOULD CERTAINLY MEET THAT DEFINITION. [LB575]

SENATOR BLOOMFIELD: EVEN THOUGH THE FIRST PART OF LB121, WHICH IS THIS BILL, DEALT MORE WITH A PHYSICAL ID AT A POLLING PLACE? [LB575 LB121]

SENATOR MURANTE: OH, CERTAINLY, AND I RECALL A PRECEDENT JUST I BELIEVE LAST YEAR WITH A BILL THAT CAME OUT OF THE BUSINESS AND LABOR COMMITTEE WHICH WAS DEEMED TO BE SUBSTANTIALLY SIMILAR, ONE OF THE OLD SCHOOL FIGHTS BETWEEN LAUTENBAUGH AND LATHROP, AND I BELIEVE IT WAS 25 PERCENT OF THAT BILL WAS DEEMED TO BE SUBSTANTIALLY SIMILAR TO THE BILL THAT WAS IN COMMITTEE. [LB575]

SENATOR BLOOMFIELD: OKAY. LET ME ASK ANOTHER QUESTION IF I COULD, AND MAYBE I SHOULD BE ASKING THE CLERK INSTEAD OF YOU. BUT IF ANOTHER MEMBER WERE TO BRING THAT AMENDMENT, JUST TO PUT IN THE SECRECY ENVELOPE, WOULD THAT ALSO APPLY? [LB575]

SENATOR MURANTE: I'M NOT FOLLOWING YOU, SENATOR. IF SOMEONE ELSE WERE TO OFFER WHAT SENATOR SCHUMACHER IS OFFERING? [LB575]

Floor Debate
May 05, 2015

SENATOR BLOOMFIELD: YES. [LB575]

SENATOR MURANTE: THE RULES WOULD BE THE SAME REGARDLESS OF WHICH MEMBER OF THE LEGISLATURE INTRODUCED IT, AS FAR AS I COULD TELL. [LB575]

SENATOR BLOOMFIELD: OKAY. THANK YOU. COLLEAGUES, WE DID NOT VOTE ON THIS IN COMMITTEE. AND I GUESS I'M GOING TO STRUGGLE WITH THIS. I HAVE GREAT RESPECT FOR THE VETERANS AND GOVERNMENT COMMITTEE. BUT I ALSO BELIEVE WE OUGHT TO SUPPLY SECRECY TO OUR VOTERS. AND WE DID DISCUSS THIS A COUPLE OF YEARS AGO TOO. AND SENATOR SCHUMACHER IS RIGHT, THE COUNTIES CAME IN AND SAID IT'S GOING TO COST US TOO MUCH TO PUT THAT ENVELOPE IN THERE IN ADDITIONAL POSTAGE AND THE COST OF THE ENVELOPE. THAT'S WHERE THE SLEEVE IDEA CAME FROM. SO I GUESS I'LL SIT DOWN AND BE QUIET FOR A WHILE AND PONDER THIS, BECAUSE I HATE TO GO AGAINST THE COMMITTEE THAT HAS NOT ACTED ON THIS YET. THANK YOU. [LB575]

SENATOR WATERMEIER: THANK YOU, SENATOR BLOOMFIELD AND SENATOR MURANTE. SEEING NO ONE IN THE QUEUE, SENATOR SCHUMACHER, YOU ARE YIELDED TO...EXCUSE ME, RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB575]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I REALIZE THAT TIME IS PRECIOUS AND, THEREFORE, I DO NOT SEEK ANY EXTENDED DEBATE ON THIS. THE ISSUE IS A SIMPLE ONE. OVER THE LAST 20 YEARS, NOT QUITE THAT, I GUESS, 15 YEARS, SLOWLY, INCREMENTALLY, BILL BY BILL, WE'VE DONE TWO THINGS. WE'VE PRESSURED AND EXPANDED THE USE OF WRITE-IN BALLOTS, AND WE TOOK AWAY THE SECRECY ENVELOPE, SO THAT WHAT WE'RE LEFT WITH NOW IS A GOOD NUMBER OF OUR CITIZENS HAVING NO OPTION BUT TO VOTE IN A BALLOT SUBMITTED WITH NO SECRECY PROVISIONS AT ALL THAT HAS THEIR NAME ON IT. AND WE ARE FORCING THEM TO MAKE A DECISION BETWEEN THEIR RIGHT TO VOTE AND THEIR RIGHT NOT TO HAVE THEIR VOTE KNOWN TO THEIR BANKER WHO MIGHT BE RUNNING FOR ELECTION, TO THEIR UNCLE WHO MIGHT BE RUNNING FOR ELECTION, TO THEIR FRIEND OR THEIR PREACHER WHO MIGHT BE RUNNING FOR ELECTION. WE'VE TAKEN THAT FROM THEM INCREMENTALLY, AND WHAT HAS BEEN THE PRICE TAG? WELL, THE COST OF AN ENVELOPE AND IT WOULD BE A LOT OF WORK, AN INTRANSIGENT RESISTANCE TO ANY CHANGE IN THAT. WE HAVE FOUGHT WARS

Floor Debate
May 05, 2015

FOR THE SECRET RIGHT TO VOTE. WE HAVE PEOPLE WHO ARE VETERANS WHO HAVE GIVEN UP THEIR ARMS AND THEIR LEGS FOR THAT RIGHT. AND, YOU KNOW, IT JUST WOULD BE A LITTLE EXPENSIVE FOR THE COUNTIES. THIS ISSUE IS SIMPLE, IT'S GERMANE TO THIS BILL, IT IS THE KIND OF THING THAT OUR CONSTITUTION REQUIRES. NO IFS, ANDS, OR BUTS ABOUT IT, WE ARE TO PRESCRIBE OR AUTHORIZE A VOTE AND THAT WHERE THE SECRECY OF THE ELECTOR'S VOTE WILL BE PRESERVED. AND WE ARE NOT DOING THAT, AND WE CANNOT LOOK OUR OBLIGATIONS IN THE EYE AND SAY, NO, WE THINK IT MIGHT BE TOO EXPENSIVE TO DO WHAT OUR CONSTITUTION SAYS. THAT'S WRONG. THAT'S WHY I'M NOT BACKING OFF AND I'LL TAKE A VOTE. AND IF IT GOES DOWN, IT GOES DOWN. BUT IF WE CHOOSE TO EXERCISE WHAT THE CONSTITUTION TELLS US TO DO, IT WILL NOT FAIL. WE HAVE THAT OBLIGATION TO OUR BRETHREN WHO NOW FEEL IMPAIRED IN EXERCISING THEIR RIGHT TO VOTE, NOT EVEN GOING TO GET INTO THE VARIOUS LEGAL ISSUES OR LAWSUIT ISSUES. WE HAVE AN OPPORTUNITY TO SOLVE THIS NOW BEFORE IT GETS THAT FAR. AND I ASK YOU TO JUST ASK YOURSELF, DID YOU REALIZE THAT THERE WAS NO LONGER A RIGHT TO VOTE, THAT THE PROCEDURE WAS THAT YOUR BALLOT WAS IDENTIFIED, THAT IF YOU'RE A MEMBER OF THIS PARTY OR THAT PARTY, AND PARTICULARLY IF YOU HAVE SOME FAME OR NOTABILITY, WHAT YOU SAY ON THAT BALLOT IS INFORMATION FOR WHICH THERE IS NO PUBLIC RESTRAINT ON THE DISCLOSURE OF IT. THAT'S WRONG, AND IT'S WRONG FOR US NOT TO CORRECT THE PROBLEM NOW. I ASK FOR YOUR VOTE, AND I ASK FOR A ROLL CALL VOTE, A CALL OF THE HOUSE AND A ROLL CALL VOTE IN REVERSE ORDER. THANK YOU. [LB575]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER. 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. [LB575]

CLERK: 28 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB575]

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. SENATOR COOK, SENATOR SEILER, SENATOR BOLZ, SENATOR HARR, SENATOR McCOLLISTER, SENATOR GROENE, BRASCH, SENATOR SCHILZ, SENATOR LARSON, AND SENATOR KINTNER, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER AND CHECK IN. SENATOR KINTNER, THE HOUSE IS UNDER

Floor Debate
May 05, 2015

CALL. PLEASE RETURN TO THE CHAMBER. PLEASE CALL THE ROLL, BEEN A REQUEST, IN REVERSE ORDER. [LB575]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1442-1443.) 10 AYES, 30 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB575]

SENATOR WATERMEIER: THE AMENDMENT FAILS. MR. CLERK FOR A...RAISE THE CALL. MR. CLERK FOR A MOTION. [LB575]

CLERK: YES, MR. PRESIDENT. SENATOR MURANTE WOULD MOVE TO AMEND WITH AM1510. (LEGISLATIVE JOURNAL PAGE 1370.) [LB575]

SENATOR WATERMEIER: SENATOR MURANTE, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB575]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD EVENING. THIS AMENDMENT MAKES THREE CHANGES TO LB575, AND CAME ABOUT FROM CONVERSATIONS THAT I'VE HAD WITH MEMBERS OF THIS LEGISLATURE SINCE GENERAL FILE AS WELL AS THE SECRETARY OF STATE'S OFFICE AND THE DEPARTMENT OF MOTOR VEHICLES. FIRST, WE'D INSERTED A 30-DAY COOLING-OFF PERIOD BEFORE AN ELECTION COMMISSIONER IN A COUNTY WITH MORE THAN 100,000 INHABITANTS CAN BECOME A CANDIDATE FOR ELECTIVE OFFICE. SECOND, WE CLARIFIED THAT POLL WORKERS WHO CHOOSE TO ALLOCATE THEIR PAY CAN DO SO ONLY TO A 501(c)(3) ORGANIZATION CONTRACTED WITH THE ELECTION COMMISSIONER AND COUNTY CLERK TO RECRUIT POLL WORKERS FOR AN ELECTION. AND, FINALLY, THIS AMENDMENT CORRECTS AN OVERSIGHT FROM LAST YEAR TO ALLOW THE DMV TO FURNISH COMMERCIAL DRIVER'S LICENSE APPLICANTS' SOCIAL SECURITY NUMBERS TO THE SECRETARY OF STATE FOR THE PURPOSES OF THE ELECTION ACT. THIS AMENDMENT IS ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES. I URGE MY COLLEAGUES TO SUPPORT THE AMENDMENT AND CONTINUED SUPPORT OF LB575. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR WATERMEIER: THANK YOU, SENATOR MURANTE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB575]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'VE NEVER BEEN TO NORTH KOREA BUT I FEEL LIKE THAT'S

Floor Debate
May 05, 2015

WHERE I AM. I HAVEN'T BEEN TO ANY OF THE COUNTRIES THAT ARE CALLED TYRANNIES OR PARTS OF THE AXIS OF EVIL, BUT I WATCHED EVIL IN ACTION HERE A FEW MINUTES AGO. I'VE TOLD YOU ALL WHAT A MOCKERY YOUR CONSTITUTION IS WHERE BLACK PEOPLE ARE CONCERNED, BUT I'VE ALSO SAID, AND PEOPLE PROBABLY HAVEN'T PAID ATTENTION TO IT, THAT IN THE BROADER SWEEP OF THINGS, WE AS BLACK PEOPLE ARE SUCH A SMALL MINORITY, WE'RE SMALL FRY. THE ONES WHO TRAMPLE ON THE RIGHT TO VOTE HAVE BIGGER FISH IN MIND. AND THEY GET TO THEIR POINT BY INCREMENTS. THEY MESS OVER US BECAUSE NOBODY CARES. THAT'S THE TOOL-SHARPENING PROCESS AND PHASE WHERE YOU WORK ALL THE BUGS OUT OF THE SYSTEM OF DEPRIVING PEOPLE OF THE RIGHT TO VOTE, SUPPRESSING THE VOTE, AND REPRESSING THE VOTE. THEN YOU MOVE IT A BIT FURTHER. YOU GO TO THOSE AREAS THAT ARE CONSIDERED THE HINTERLANDS, THE BOONDOCKS, THE PLACE WHERE HILLBILLIES OR WHATEVER DEROGATORY TERM IS GOING TO BE APPLIED TO THOSE WHO DON'T LIVE IN METROPOLITAN AREAS, AND YOU TAKE AWAY THE MOST IMPORTANT ASPECT OF VOTING WHICH IS THE SECRET BALLOT. AND THESE SENATORS WILL SIT HERE AND PONTIFICATE ABOUT DEMOCRACY, JUSTICE, AND ALL THE REST OF IT THAT MEANS NOTHING, AND YOU TAKE AWAY THE SECRECY FOR THOSE PEOPLE. AND WHEN YOU USE THE TERM "THOSE PEOPLE," YOU ARE NOW USING IT IN A DEROGATORY, PEJORATIVE WAY AS WHEN APPLIED TO BLACK PEOPLE AND OTHERS OF COLOR WHO ARE REFERRED TO AS THOSE PEOPLE. AND AFTER YOU'VE SUCCEEDED IN DOING THAT, YOU THEN AIM AT THE PARTY WHICH IS NOT IN THE MAJORITY. AND YOU'VE GOT THE TOOLS SHARPENED, YOU'VE GOT THE TECHNIQUES IN PLACE AND THEN YOU BEGIN TO GO AFTER YOUR TRUE TARGET. WHEN WE AS BLACK PEOPLE HAD OUR PHONE LINES TAPPED, HAD OUR CONVERSATIONS MONITORED, PEOPLE SAID WE WERE IMAGINING THINGS AND NOTHING WOULD BE DONE ABOUT IT. THERE WAS NO PLACE FOR US TO GO FOR REDRESS. THEN YOU FIND OUT THAT THE FEDERAL GOVERNMENT NOW IS TAPPING AND MONITORING NOT ONLY SOME PEOPLE'S PHONES, BUT THIS ACTIVITY THAT YOU HAVE RUNNING OVER THE INTERNET. AND THEY KNOW SOMETHING ABOUT EVERYBODY'S BUSINESS IN THIS COUNTRY AND IT'S TOO LATE FOR YOU TO DO ANYTHING ABOUT IT BECAUSE YOU LACK VISION, YOU LACK THE SENSE TO OBSERVE WHAT IS HAPPENING AND DOING SOMETHING ABOUT IT WHEN IT CAN BE NIPPED IN THE BUD. SO NOW LOOK WHAT YOU HAVE WITH WHAT WE HAVE BEEN TOLD BY SENATOR MORFELD. AND I'D LIKE TO ASK HIM A QUESTION OR TWO IF HE'S WILLING TO YIELD. [LB575]

SENATOR KRIST PRESIDING

Floor Debate
May 05, 2015

SENATOR KRIST: SENATOR MORFELD, WILL YOU YIELD? [LB575]

SENATOR MORFELD: YES, I WILL. [LB575]

SENATOR CHAMBERS: SENATOR MORFELD, THIS BILL THAT WAS ENACTED INTO LAW BY ALL PROVISIONS OF LAW HAVING BEEN MET, THE VOTE BEING TAKEN, AND EVERY STEP BEING DONE TO MAKE IT A STATUTE, IS THAT A DISCRETIONARY POWER OR A DISCRETIONARY AUTHORITY GIVEN TO THE SECRETARY OF STATE ABOUT CARRYING OUT THESE FUNCTIONS YOU MENTIONED OR IS IT IN THE STATUTE IN THE FORM OF A MANDATE THAT THE SECRETARY OF STATE "SHALL" DO CERTAIN THINGS? [LB575]

SENATOR MORFELD: SENATOR, IT IS EXPLICIT. IT SAYS THE SECRETARY OF STATE "SHALL." [LB575]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, THAT MAKES THE ACTION WHAT IS CALLED...WELL, I'LL LET SOME OF THE PEOPLE WHO PRACTICE LAW TELL YOU WHAT IT IS. BUT MANDATORY IS ONE WORD. THAT MEANS YOU DO IT THE WAY THE LAW SAYS YOU DO IT. ANOTHER WORD IS DISCRETIONARY. IF IT'S DISCRETIONARY, THAT MEANS THE OFFICIAL ON WHOM THESE DUTIES ARE REPOSED CAN USE HIS OR HER JUDGMENT AND DETERMINE WHETHER OR IF TO DO SOMETHING. BUT THOSE KIND OF ISSUES ARE INTRODUCED BY THE WORD "MAY." "MAY" ALLOWS WIGGLE ROOM. "SHALL" IS MANDATORY. AND WHEN AN OFFICIAL HAS A MANDATORY DUTY AND REFUSES OR FAILS TO CARRY IT OUT, THERE IS A LEGAL REMEDY. IT IS CALLED A WRIT OF MANDAMUS WHERE A COURT WILL ORDER AN OFFICIAL TO DO THAT WHICH THE LAW MAKES A MANDATORY DUTY. THIS SECRETARY OF STATE... [LB575]

SENATOR KRIST: TIME, SENATOR. [LB575]

SENATOR CHAMBERS: DID YOU SAY TIME? [LB575]

SENATOR KRIST: TIME, SIR, YES. [LB575]

SENATOR CHAMBERS: THANK YOU. [LB575]

SENATOR KRIST: AND I APOLOGIZE, I DID NOT GIVE YOU A ONE-MINUTE NOTICE. [LB575]

Floor Debate
May 05, 2015

SENATOR CHAMBERS: THAT'S OKAY. [LB575]

SENATOR KRIST: THOSE STILL WISHING TO SPEAK, SENATOR BURKE HARR, SENATOR MELLO, AND SENATOR CHAMBERS. SENATOR BURKE HARR, YOU ARE RECOGNIZED. [LB575]

SENATOR HARR: THANK YOU, MR. PRESIDENT. I HAVE A QUESTION FOR SENATOR MURANTE. WOULD HE YIELD TO A QUESTION? [LB575]

SENATOR KRIST: SENATOR MURANTE, WILL YOU YIELD? [LB575]

SENATOR MURANTE: I WOULD LOVE TO. I'M BEGINNING TO ENJOY THESE LITTLE EXPERIENCES, SENATOR HARR. [LB575]

SENATOR HARR: AH, WELL, GOOD. AND YOU SEEM TO DO WELL AT THEM. SO THIS AM1510, THIS WAS BROUGHT TO YOU BY WHOM, THESE CHANGES? [LB575]

SENATOR MURANTE: THE ISSUE REGARDING CDL LICENSES AND SHARING THE SIGNATURES, THAT WAS FROM THE DEPARTMENT OF MOTOR VEHICLES TO CONFORM IT WITH THE REGULAR DRIVER'S LICENSES SO THAT THE STANDARD IS THE SAME FOR THE PURPOSES OF ON-LINE VOTER REGISTRATION. WHEN IT CAME TO THE COOLING-OFF PERIOD AND THE 501(c)(3), THAT WAS SENATOR MELLO. [LB575]

SENATOR HARR: SENATOR MELLO? AND WAS THAT PART OF A BILL? [LB575]

SENATOR MURANTE: NOT TO MY KNOWLEDGE, NO. [LB575]

SENATOR HARR: OKAY. WELL, HERE IS MY PROBLEM WITH THIS, FOLKS, IS WE DIDN'T HAVE A PUBLIC HEARING ON THIS. I HAD A BILL, LB224, AND WHAT IT DID WAS TRY TO MAKE OUR STATE STATUTE CONSISTENT WITH SOMETHING CALLED THE U.S. CONSTITUTION. AND HERE IT SITS, LINGERING IN COMMITTEE. IT HASN'T HAD A VOTE. SO YOU OWN PUBLIC PROPERTY AND YOU LIVE NEAR A POLLING PLACE, GUESS WHAT. UNDER NEBRASKA STATUTE, YOU CAN'T HAVE A SIGN ON ELECTION DAY. SOMEBODY CAN COME ON YOUR PERSONAL PROPERTY AND TELL YOU WHAT YOU CAN OR CANNOT SAY, VIOLATING YOUR FIRST AMENDMENT RIGHT. DOES THAT SEEM RIGHT? DOESN'T TO ME. BUT THERE THAT BILL SITS IN COMMITTEE. AND I RESPECT THE COMMITTEE PROCESS. AND SO I

Floor Debate
May 05, 2015

LET IT SIT THERE. I COULD EASILY PUT AN AMENDMENT ON HERE. BUT I SAY, HEY, WE HAD A PUBLIC HEARING ON THIS AND I WILL RESPECT THE COMMITTEE PROCESS. NOW HERE WE HAVE PEOPLE WHO COME IN AND SAY, I'D LIKE TO HAVE THIS ON THE BILL, NO PUBLIC HEARING, NO BILL INTRODUCTION, NO TIME FOR ANYONE TO HAVE COMMENTS ON IT. BUT IT'S OKAY BECAUSE, SEE, SENATOR MURANTE LIKES IT. I HAVE A REAL PROBLEM WITH THAT, FOLKS. WE HAVE A COMMITTEE PROCESS FOR A REASON. NOW MY BILL, IS IT THAT IMPORTANT, LB224? PROBABLY NOT, BECAUSE AT THE END OF THE DAY THE U.S. CONSTITUTION DOES OVERRIDE OUR STATUTES. BUT IT'D BE NICE TO HAVE STATE STATUTES THAT ARE CONSISTENT WITH OUR U.S. CONSTITUTION. AND SO...AND THIS GOES BACK TO MY CORE CONSERVATIVE VALUES. THE FUNDAMENTALS OF OUR SOCIETY IS BASED ON THE RIGHT OF PRIVATE PROPERTY. THAT IS A JURISPRUDENCE UPON WHICH ALL LAW IS BUILT. IT'S CALLED NATURAL LAW IN A SENSE. AND YET MY BILL SITS IN COMMITTEE AND I DON'T HAVE A REASON WHY. I'M GOING TO OPPOSE AM1510 BECAUSE I STAND UP FOR THE COMMITTEE PROCESS THAT SAYS DON'T JUST GLUM THINGS ON, ON SELECT. WHEN IT'S LATE, MAYBE WE'LL SNEAK IT BY. MAYBE NO ONE WILL NOTICE. IT IS A GOOD IDEA. I DON'T HAVE ANY PROBLEM WITH THE UNDERLYING IDEAS OF AM1510. BUT WE HAVE A PROCESS AND WE HAVE A PROCEDURE. AND WE CAN'T GET SLOPPY, FOLKS. WE START GETTING SLOPPY AND WE BECOME A MOCKERY. I HEAR CONSISTENTLY HOW WE HAVE TO MAKE SURE THAT INSIDE THE BODY WE KEEP OUR HONOR AND INTEGRITY. WELL, THIS IS PART OF THAT. THIS MAY NOT HAVE BEEN BROUGHT BY A LOBBYING GROUP... [LB575 LB224]

SENATOR KRIST: ONE MINUTE. [LB575]

SENATOR HARR: THANK YOU...OR A SPECIAL INTEREST, BUT IT'S ABOUT HONORING THE PROCESS AND THE PROCEDURE OF THIS INSTITUTION. THESE IDEAS NEED A PUBLIC HEARING. THEY NEED TO HAVE A CHANCE FOR PEOPLE TO SAY WHETHER THEY LIKE THEM OR NOT. AND SO I'LL BE INTERESTED TO SEE WHAT HAPPENS ON THIS AM1510. IF IT DOES PASS, MAYBE I'LL GO AHEAD AND ADD MY LB224 AS ANOTHER AMENDMENT ONTO LB575 SINCE IT SEEMS THAT MY BILL AT LEAST HAD A PUBLIC HEARING AND HAD A CHANCE FOR PEOPLE TO TALK FOR AND AGAINST IT. THANK YOU, MR. PRESIDENT. [LB575 LB224]

SENATOR KRIST: THANK YOU, SENATOR HARR AND SENATOR MURANTE.
SENATOR MELLO, YOU'RE RECOGNIZED. [LB575]

Floor Debate
May 05, 2015

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I WAS NOT ON THE FLOOR DURING GENERAL FILE ON LB575. AND SENATOR MURANTE, MY UNDERSTANDING WAS, MENTIONED THAT I HAD TWO CONCERNS REGARDING LB575 AND THAT WE HAD SOME TENTATIVE GENERAL AGREEMENTS DURING THAT GENERAL FILE DEBATE IN REGARDS THAT HE WOULD BRING AN AMENDMENT CHANGE TO LB575 THAT ADDRESSED A COUPLE OF MY CONCERNS. IF YOU LOOK AT YOUR COMPUTER AND PULL UP THE AMENDMENT, AM1510, ON THE LAST PAGE OF THE AMENDMENT, THE TWO CHANGES THAT I HAD DISCUSSED WITH SENATOR MURANTE WAS REINSERTING THE TIME FRAME OR CREATING A LONGER TIME FRAME FROM WHEN AN ELECTION COMMISSIONER RESIGNS FROM BEING AN ELECTION COMMISSIONER AND THEN ANNOUNCES THEY'RE GOING TO BE A CANDIDATE FOR PUBLIC OFFICE. ORIGINALLY THAT WAS MOVED FROM SIX MONTHS DOWN TO ESSENTIALLY IMMEDIATELY. IN TALKING WITH SENATOR MURANTE, WE HAD CHANGED THAT ESSENTIALLY I BELIEVE FROM 6 DAYS DOWN TO NOW IT'S IN THE AMENDMENT 30 DAYS. I APPRECIATED IT. THAT WAS A GENERAL COMPROMISE, A CONSENSUS THAT I APPRECIATED. THE LONE OTHER CHANGE WAS, I THOUGHT IT WAS A REALLY GOOD IDEA THAT THE GOVERNMENT COMMITTEE HAD COME UP WITH IN REGARDS TO IF A POLL WORKER WANTS TO DONATE THEIR WAGES FOR THE DAY, IN REGARDS TO THEIR SERVICE AS BEING A POLL WORKER, TO ALLOW THEM TO DESIGNATE WHERE THOSE DONATED WAGES WOULD GO, TO THE COUNTY OR THE ELECTION COMMISSIONER, AND THEN THE COUNTY OR ELECTION COMMISSIONER WOULD DONATE THOSE WAGES TO AN ENTITY. I HAD SOME CONCERNS IN REGARDS TO JUST THE LANGUAGE IN THE BILL THAT LISTED ORGANIZATIONS. I WANTED TO MAKE SURE THAT IT WAS A NONPROFIT OR NOT-FOR-PROFIT ENTITY THAT WOULD BE ABLE TO RECEIVE THESE WAGES, NOT A POLITICAL ENTITY OR POLITICAL ORGANIZATION WHICH ARE NORMALLY 501(c)(6)'S OR 501(c)(7)'S, TO TRY TO TAKE THE POLITICS, QUOTE UNQUOTE, OR CONCERN OF POLITICS OUT OF THAT. AND THEN SENATOR MURANTE ACKNOWLEDGED THAT WAS NOT THEIR INTENT. IT WAS SIMPLY A SMALL OVERSIGHT. AND I APPRECIATED HIS CANDIDNESS AND HIS WILLINGNESS TO INCORPORATE THIS CHANGE. WITH THAT SAID, COLLEAGUES, I THINK THE UNDERLYING BILL, LB575, IS GOOD CLEANUP POLICY. I DO AGREE THOUGH AND HAVE SOME SIMILAR CONCERNS THAT SENATOR MORFELD MENTIONED ON HIS BRACKET MOTION ON LB575, AND I'M GOING TO DIG INTO THAT ISSUE A LITTLE BIT MORE IN REGARDS TO THE KOLOWSKI AMENDMENT THAT WAS ADOPTED LAST BIENNIUM THAT REQUIRES THE SECRETARY OF STATE TO CREATE THIS ELECTION MANUAL. AND IF THIS ELECTION MANUAL HAS NOT BEEN CREATED AS A SEPARATE STANDALONE DOCUMENT, THAT, COLLEAGUES, IS VIOLATING OUR LEGISLATIVE INTENT WHEN WE ADOPTED THAT AMENDMENT. WE DID NOT

Floor Debate
May 05, 2015

SIMPLY ASK THE SECRETARY OF STATE TO COMPILE A VARIETY OF DIFFERENT FORMS AND GIVE A VARIETY OF DIFFERENT FORMS AND INSTRUCTIONS OUT TO ELECTION COMMISSIONERS ACROSS THE STATE OR COUNTY CLERKS. WE SPECIFICALLY ADOPTED AN AMENDMENT THAT THEY WOULD CREATE AND COMPILE AN ELECTION MANUAL. AND SO I'M GOING TO HAVE TO DO A LITTLE OF MY OWN DUE DILIGENCE AFTER HEARING WHAT SENATOR MORFELD SAID ON THE FLOOR TODAY AND HOPEFULLY WE CAN FIND SOME RESOLUTION TO HIS CONCERNS HE RAISED. BUT OTHER THAN THAT, I STAND IN SUPPORT OF AM1510 AND I APPRECIATE SENATOR MURANTE ADDRESSING THE CONCERNS THAT I HAD BROUGHT ON GENERAL FILE TO LB575. THANK YOU, MR. PRESIDENT.
[LB575]

SENATOR KRIST: THANK YOU, SENATOR MELLO. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB575]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I'M GOING TO USE MYSELF AS AN EXAMPLE. LET'S SAY THAT THE MISCONSTRUCTION, DELIBERATE MISREPRESENTATION OF THOSE NOTORIOUS COMMENTS ATTRIBUTED TO ME DURING A COMMITTEE HEARING, WHICH IS MORE DAMAGING TO THE SYSTEM OF LAWS AND GOVERNMENT? MY COMMENTS, TAKE THEM AT THEIR WORST, MERE WORDS, WHICH VIOLATED NO LAW? OR A CONSTITUTIONAL OFFICER IGNORING THE LAW, DISOBEYING THE LAW, BEING A LAWBREAKER? AND WHERE ARE ALL THOSE INDIGNANT VOICES? CERTAINLY NOT HERE. IN FACT, THEY'RE THE ONES WHO'D PROBABLY AGREE THAT THE SECRETARY OF STATE IS ABOVE THE LAW AND HE DOESN'T HAVE TO OBEY THE LAW. WHAT ABOUT THE GOVERNOR? YOU'RE NOT GOING TO SAY THAT THE CONSTITUTION MEANS ANYTHING WHERE THE GOVERNOR IS CONCERNED BECAUSE YOU DON'T READ YOUR CONSTITUTION OR IT DOESN'T MEAN ANYTHING TO YOU. WHITE PAGES WITH BLACK LETTERING PUT THERE BY WHITE PEOPLE AND WHITE PEOPLE SAY IT MEANS NOTHING. SO LET ME READ FROM THE WHITE PEOPLE'S CONSTITUTION, WHICH DOCUMENT WHILE I WAS HERE, BEFORE BEING TERM LIMITED OUT, I TOOK VERY SERIOUSLY. I DID NOT WANT IT CONTAMINATED. I DID NOT WANT IT TRIVIALIZED. I DID NOT WANT IT CLUTTERED WITH TRASH SUCH AS PROTECTING TRAPPING, HUNTING, AND FISHING. THAT IS NOT SUBJECT MATTER FOR A CONSTITUTION, BUT YOU ALL HAVE NO UNDERSTANDING OF THE CONSTITUTION. YOU HAVE NO APPRECIATION FOR THE CONSTITUTION. YOU MISUNDERSTAND A SONG BY PINK FLOYD, "ANOTHER BRICK IN THE WALL". YOU THINK IT'S KIDS SAYING THEY DON'T WANT TO BE EDUCATED. IT'S CHILDREN SAYING THEY DON'T WANT TO BE ABUSED AND MISUSED AND MISTREATED BY TEACHERS. BUT ALL YOU HEAR IS, (SINGING) "WE DON'T WANT... WE DON'T NEED

Floor Debate
May 05, 2015

NO EDUCATION, WE DON'T NEED NO THOUGHT CONTROL". YOU THINK THEY DON'T WANT EDUCATION. (SINGING) "NO DARK SARCASM IN THE CLASSROOM." NOW THEY'RE GIVING YOU THE MESSAGE TO THESE TEACHERS. (SINGING) "TEACHERS, LEAVE THEM KIDS ALONE. HEY! TEACHER, LEAVE THEM KIDS ALONE. ALL IN ALL, IT'S JUST ANOTHER BRICK IN THE WALL." THAT'S ALL THAT IT IS. AND THESE CHILDREN SEE THROUGH IT AND THEY ARE VICTIMIZED BY IT BECAUSE YOU ALL ARE THE ONES WHO NEED EDUCATION. AND IF YOU HAD EDUCATION, YOU COULD READ THESE VERY SIMPLE WORDS IN YOUR CONSTITUTION AND UNDERSTAND THEM. I'M GOING TO READ TO YOU FROM ARTICLE IV, SECTION 6, SUPREME EXECUTIVE POWER. "THE SUPREME EXECUTIVE POWER SHALL BE VESTED IN THE GOVERNOR, WHO SHALL TAKE CARE THAT THE LAWS BE FAITHFULLY EXECUTED AND THE AFFAIRS OF THE STATE EFFICIENTLY AND ECONOMICALLY ADMINISTERED," SHALL TAKE CARE THAT THE LAWS BE FAITHFULLY EXECUTED. HERE IS A LAW THAT IS DISOBEYED BY THE SECRETARY OF STATE. WHERE IS THE INTEREST NOW? WHERE IS SENATOR GROENE? HE TALKS ABOUT EVERYTHING, EVERYTHING THAT'S SUPERFICIAL, EVERYTHING THAT'S A SOUND BITE. BUT WHEN IT COMES TO THE FUNDAMENTALS, THE PRINCIPLES ON WHICH THIS GOVERNMENT SUPPOSEDLY WAS ESTABLISHED, ON WHICH THE SUCCESS OF DEMOCRACY SUPPOSEDLY RESTS, AND HE IS SILENT. [LB575]

SENATOR KRIST: ONE MINUTE. [LB575]

SENATOR CHAMBERS: THERE IS SILENCE THROUGHOUT THE VILLAGE. SENATOR MURANTE HAS A LOT TO SAY. BUT HIS IS POLITICS-TINGED. HE HAS ALREADY ANNOUNCED THAT HE'S PROBABLY GOING TO RUN FOR THE HOUSE OF REPRESENTATIVES. SO AT LEAST HE'S TELLING YOU. AND THAT'S HOW YOU CAN JUDGE AND EVALUATE WHAT HE SAYS AND WHAT HE DOES ON THIS FLOOR. HE IS KOWTOWING TO CERTAIN INTERESTS AND THEY ARE IDENTIFIED AS A PARTY WITH A CAPITAL "R." PEOPLE COME HERE AS NEOPHYTES, AND THEY ARE NOT AWARE OF THE ROUGH-AND-TUMBLE MUSCULAR DEBATE THAT OUGHT TO OCCUR IN A LEGISLATIVE SETTING. SO THEY CRINGE, THEY DRAW UP, AND THEY WON'T ACKNOWLEDGE WHAT IS SLAPPING THEM IN THE FACE. YOU HAVE A SECRETARY OF STATE WHO IS A LAW VIOLATOR, WHO SAYS, THE LAW CAN GO TO HELL AS FAR AS I'M CONCERNED AND DO SOMETHING ABOUT IT IF YOU CAN. [LB575]

SENATOR KRIST: TIME, SENATOR, BUT YOU HAVE...YOU ARE THE NEXT ONE IN THE QUEUE. [LB575]

Floor Debate
May 05, 2015

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND IF I CAN GET SOME TIME I WILL TAKE IT, AND IF I CAN'T GET IT THEN I'LL OFFER SOME MOTIONS. THE ISSUES ARE VERY SERIOUS HERE. I TRIED TO STAY OUT OF IT WHEN SENATOR SCHUMACHER'S BILL WAS UP BECAUSE I THOUGHT THAT YOU ALL WOULD GIVE SIGNIFICANCE TO THE RIGHT TO CAST A PRIVATE BALLOT. YOU ALL WANT THE BALLOTS THAT YOU CAST FOR LEADERSHIP POSITIONS TO BE PRIVATE, DON'T YOU? THAT'S WHAT YOU WANT HERE. BUT THEN WHEN IT COMES TIME FOR THE CITIZENS' SACRED RIGHT, AS I'VE HEARD IT DESCRIBED, TO CAST A SECRET BALLOT, YOU SAY IT DOESN'T MEAN ANYTHING. NO, IT'S NOT GOING TO HAPPEN, NOT AT THE HANDS OF THIS LEGISLATURE. THESE PEOPLE WHO PRETEND THEY CARE ABOUT THE LAW, THEY JOIN ORGANIZATIONS. THEY HAVE PATRIOTIC DAYS. THEY DRESS UP IN PATRIOTIC CLOTHES. THEY SING PATRIOTIC SONGS. THEY TALK ABOUT WHAT PEOPLE IN THE MILITARY HAVE FOUGHT AND DIED FOR WHEN IT'S CONVENIENT. BUT WHEN TIME COMES TO LOOK AT THOSE PRINCIPLES AND APPLY THEM, NOTHING IS IMPORTANT. AND IT IS SHOWN TO BE EXACTLY WHAT IT IS: A LOT OF PIFFLE, A LOT OF POPPYCOCK, A LOT OF RUBBISH. THAT'S WHAT AMERICANA IS ABOUT. THEY GO TO OTHER COUNTRIES TO IMPOSE WHAT THEY CALL DEMOCRACY ON THOSE OTHER COUNTRIES. AND THE PEOPLE IN THOSE COUNTRIES SAY, DO YOU SPELL DEMOCRACY, IS THAT LAST PART SPELLED M-O-C-K-E-R-Y, "DEMOCKERY," IS THAT WHAT YOU'RE TALKING ABOUT? WELL, YOU CERTAINLY ARE EXECUTING THAT IN YOUR OWN COUNTRY, BECAUSE YOU WERE THE ONES WHO LECTURED THE REST OF THE WORLD. YOU'RE THE ONES WHO TALK ABOUT THAT SECRETIVE, TYRANNICAL COUNTRY KNOWN AS NORTH KOREA. AND YOU DON'T ALLOW YOUR CITIZENS TO HAVE A SECRET BALLOT. THEN YOU HAVE A SECRETARY OF STATE WHO DISOBEYS THE LAW. YOU HAVE A GOVERNOR WHO HAS A DUTY IMPOSED ON HIM BY THE CONSTITUTION THAT HE SWORE TO UPHOLD AND HE DOESN'T UPHOLD HIS DUTY. HOW CAN THESE PEOPLE BE RESPECTED? THEN YOU'RE GOING TO TELL PEOPLE WHO HAVE NO JOBS, DISCRIMINATED AGAINST IN HOUSING, EDUCATION, THE POLITICAL PROCESS, THAT THEY OUGHT TO LET COPS KILL THEM AND BE PEACEFUL ABOUT IT. DO YOU KNOW THAT THE DENTIST DOES NOT EXPECT YOU TO SIT PEACEFULLY AND LET THAT DENTIST PULL YOUR TOOTH OUT WITHOUT SOMETHING TO DEADEN THAT PAIN? THE ONLY WAY YOU'RE GOING TO SIT UP THERE AND LET THE DENTIST PEACEFULLY PULL YOUR TOOTH WITH BLOOD RUNNING DOWN YOUR JAW, IS IF SOME NOVOCAINE IS PUT IN THERE SO YOU DON'T FEEL WHAT'S HAPPENING TO YOU. SO THEY THINK THAT WE, PEOPLE OF MY COMPLEXION, HAVE BEEN SO BRAINWASHED, SO DESENSITIZED, SO DEHUMANIZED THAT WE DON'T UNDERSTAND WHAT IS BEING DONE TO US. AND YOU ALL GO ALONG WITH IT. BUT NOW YOU'RE DOING IT TO YOUR OWN. THE SECRETARY OF STATE IS ONE OF

Floor Debate
May 05, 2015

YOU. SO WHAT DO YOU DO? YOU LOOK THE OTHER WAY. BUT IF A KID RUNS WHEN HE SEES A COP, THE COP IS JUSTIFIED IN SHOOTING HIM BECAUSE HE IS THE RIGHT COLOR TO BE SHOT. IF HE HADN'T RUN, THE COP WOULDN'T HAVE BEEN SUSPICIOUS AND WOULDN'T HAVE SHOT HIM DEAD. THEN WHY DON'T YOU DO SOMETHING ABOUT YOUR LAWBREAKING SECRETARY OF STATE, YOUR CONSTITUTION-IGNORING GOVERNOR? YOU WANT TO TALK ABOUT YOUNG PEOPLE... [LB575]

SENATOR KRIST: ONE MINUTE. [LB575]

SENATOR CHAMBERS: ...AND THINGS THAT THEY DO THAT YOU DON'T LIKE. YOU SET THE TONE. YOU ARE THE PARADIGM. YOU ARE THE TEMPLATE FOR THEM WHENEVER THEY DISREGARD ANY RULE OR PRINCIPLE NO MATTER WHO ARTICULATES IT--PARENTS, TEACHERS, OR PREACHERS--BECAUSE YOU DON'T FOLLOW THE LAWS THAT YOU PUT IN PLACE. YOU SWORE AN OATH AND IT MEANS NOTHING. THE SECRETARY OF STATE SWORE AN OATH, AND IT MEANT NOTHING. THE GOVERNOR SWORE AN OATH, AND IT MEANT NOTHING. AND YOU WONDER WHY SOMETIMES IT'S HARD FOR ME TO KEEP THE SCORN OUT OF MY VOICE. YOU'RE SUPPOSED TO BE MY BETTERS, B-E-T-T-E-R-S. YOU'RE SUPPOSED TO SHOW ME THE WAY. YOU ARE THE CIVILIZERS AND I'M THE CIVILIZEE. I'M SUPPOSED TO LEARN FROM YOU HOW TO BE CIVIL. [LB575]

SENATOR KRIST: TIME, SENATOR. [LB575]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB575]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. STILL WISHING TO SPEAK, SENATOR MORFELD, MURANTE, HANSEN. AND THAT WAS YOUR THIRD TIME, SENATOR CHAMBERS, I'M SORRY. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB575]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I WISH TO YIELD MY TIME TO SENATOR CHAMBERS. [LB575]

SENATOR KRIST: SENATOR CHAMBERS, 5:00. [LB575]

SENATOR CHAMBERS: THANK YOU VERY MUCH, SENATOR MORFELD. THANK YOU, MR. PRESIDENT. I DO TAKE SERIOUSLY WHAT YOU ALL PUT IN YOUR

Floor Debate
May 05, 2015

CONSTITUTION EVEN THOUGH YOU DON'T, BECAUSE WHAT I'M ABLE TO DO IS WAVE THAT AT YOU AND SAY THIS IS WHAT YOU TOLD ME YOU BELIEVE. I HAD NO ROLE IN PUTTING THIS THING TOGETHER. WE WERE BEING HELD AS SLAVES. YOUR SO-CALLED FOUNDING FATHERS, SOME OF THEM WERE THE NATURAL FATHERS OF PEOPLE OF MY COMPLEXION. THEY COMMITTED ADULTERY. THEY HAD BABIES ON TEENAGED GIRLS, AS THOMAS JEFFERSON DID WITH "SALLY" HEMINGS. AND, FINALLY, THOSE TWO FAMILIES ARE GETTING TOGETHER NOW. THEY'RE HAVING FAMILY REUNIONS, THE BLACK HEMINGSSES AND THE WHITE THOMAS JEFFERSONS, THEIR DESCENDANTS. AND THERE WAS A TRAVELER FROM ENGLAND WHO WROTE ABOUT WHAT HE SAW WHEN HE WENT TO THESE VARIOUS PLANTATIONS. HE SAID WORDS TO THE EFFECT, AND I'M PARAPHRASING, ALL THESE LITTLE CHILDREN WERE RUNNING AROUND AND THEY LOOKED JUST ALIKE EXCEPT THAT IT'S LIKE BREAD: SOME OF IT'S TOASTED AND IS BROWN, VARYING SHADES, AND THE OTHER SLICES ARE WHITE, BUT IT'S CERTAIN THEY CAME FROM THE SAME LOAF. THE DADDY WAS THE SAME. THESE CHRISTIANS WHO TALKED ABOUT GOD AND ALL MEN BEING CREATED EQUAL, AND DESPOILING PEOPLE OF MY COMPLEXION, RAPING BLACK WOMEN AND LITTLE GIRLS, THAT'S WHAT THE SO-CALLED FOUNDING FATHERS WERE DOING. BUT THEY PUT TOGETHER A CONSTITUTION THAT YOU ALL LIONIZE AND ALL BUT WORSHIP AND YOU DISREGARD IT. IT'S FINE TO LOOK AT, IT'S FINE TO QUOTE, BUT MOST OF YOU HAVE NEVER READ IT FROM COVER TO COVER, ALONG WITH ALL THE AMENDMENTS. THE DECLARATION OF INDEPENDENCE YOU'VE NOT PAID ATTENTION TO, ALTHOUGH YOU MENTION THE WORDS "DECLARATION OF INDEPENDENCE." THE CONSTITUTION OF YOUR OWN STATE, YOU DISREGARD IT. IT WOULDN'T DUE TO HAVE ME TEACH A HISTORY CLASS OR A CIVICS CLASS BECAUSE I WOULD TELL THE CHILDREN MY FIRST RESPONSIBILITY IS TO BE TRUTHFUL TO ALL OF YOU. EVERY TIME I SAY SOMETHING, I BELIEVE IT'S TRUE. AND I WILL GIVE YOU HISTORICAL DOCUMENTATION TO SHOW YOU THAT WHAT I'M SAYING IS TRUE. AND IT'S WHY PEOPLE LIKE ME ARE NOT DESIRED BY YOUR PARENTS TO TEACH YOU HISTORY BECAUSE THEY WANT YOU TO LEARN PROPAGANDA. THEY WANT TO GIVE YOU WORDS LIKE AMERICA AND AMERICAN EXCEPTIONALISM AS THOUGH THERE IS SOME KIND OF DIVINE FIAT FROM WHOEVER THEY SAY THEY WORSHIP WHO GAVE THEM THE RIGHT TO DESPOIL A CONTINENT, TO DESTROY THE ORIGINAL INHABITANTS, TO DRAG OTHER UNOFFENDING PEOPLE THOUSANDS OF MILES OVER THE SEA TO ENSLAVE THEM. THAT WAS TO BE IN THE DECLARATION OF INDEPENDENCE AS A CONDEMNATION AGAINST GEORGE III, BUT THOSE RACIST SLAVEHOLDERS TOLD JEFFERSON AND THE REST OF THEM, THAT WILL NOT BE IN THE DECLARATION OF INDEPENDENCE BECAUSE THAT'S WHAT WE'RE DOING. YOU THINK THESE CHILDREN IN AMERICAN SCHOOLS ARE TAUGHT THAT

Floor Debate
May 05, 2015

AMERICANS HAD THE NERVE TO WANT TO CONDEMN ENGLAND FOR DOING WHAT AMERICA WAS DOING AS NO OTHER COUNTRY HAD DONE BEFORE?
[LB575]

SENATOR KRIST: ONE MINUTE. [LB575]

SENATOR CHAMBERS: THAT LANGUAGE WAS TO BE IN THE DECLARATION OF INDEPENDENCE. BUT IT WAS EXCISED BECAUSE THE HYPOCRITES KNEW THAT THEY WERE HOLDING UP A MIRROR TO THEMSELVES. AND NOW HERE WE ARE IN 2015 AND A DESCENDANT OF THOSE SLAVES, THOSE DEGRADED, DEHUMANIZED PEOPLE, STANDING AMONG THE MASTER RACE, ASKING THEM, WHY? WHY? TELL ME WHY? WHY WILL YOU NOT OBEY YOUR OWN CONSTITUTION? WHY DO YOU NOT OBEY THE LAW THAT YOU PUT IN PLACE? IF YOU'RE NOT GOING TO OBEY IT, WHY DON'T YOU REPEAL IT AND AT LEAST DO AWAY WITH THE VALIDITY OF THE CHARGE OF HYPOCRISY? BUT YOU'RE NOT GOING TO DO IT BECAUSE YOU HAVE NO PRINCIPLES, YOU LACK THE WILL AND THE MORAL RECTITUDE. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB575]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD EVENING. I RISE AGAIN IN SUPPORT OF AM1510 AND LB575 AND I DON'T THINK I EXPRESSED ON THE RECORD SUFFICIENTLY THE APPRECIATION I HAVE FOR THE COLLEAGUES WHO I WORKED WITH TO ESTABLISH THE BILL AS IT CURRENTLY EXISTS OVER THE COURSE OF THE PAST FEW MONTHS, SO I DO WANT TO THANK SENATOR MELLO FOR HIS GOOD WORK. I WORKED WITH SENATOR MORFELD TO A STRONG DEGREE TO MAKE SURE THAT THE BILL WAS IN PROPER FORM, AND SENATOR HANSEN AS WELL. WE WENT ROUND AND ROUND AND MADE SURE THAT A LENGTHY BILL WITH NUMEROUS PROVISIONS HAD ALL THE I'S DOTTED AND THE T'S CROSSED, AND I APPRECIATE YOUR GOOD WORK ON THAT. AND FOLLOWING THE APPRECIATION AND THE LOVEFEST, I WILL YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB575]

SENATOR KRIST: SENATOR CHAMBERS, 4:00. [LB575]

SENATOR CHAMBERS: SENATOR MURANTE, I MEAN IT WHEN I SAY THANK YOU. THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, THE THINGS THAT HAVE BOTHERED ME THE MOST THIS SESSION HAVE BEEN THOSE THINGS

Floor Debate
May 05, 2015

THAT EITHER ATTACKED THE INTEGRITY OF THE LEGISLATURE AS AN INSTITUTION OR A SET OF CIRCUMSTANCES NOW LIKE WE'RE FACING NOW. I'D LIKE TO ASK SENATOR MELLO A QUESTION OR TWO IF HE'S NEARBY. [LB575]

SENATOR KRIST: SENATOR MELLO, WILL YOU YIELD TO A QUESTION FROM SENATOR CHAMBERS? [LB575]

SENATOR MELLO: YES. [LB575]

SENATOR CHAMBERS: SENATOR MELLO, YOU MENTIONED SOME CHANGES THAT WERE MADE IN WHAT IS BEING PROPOSED PURSUANT TO SOME CONCERNS YOU HAD ABOUT THE TIME BETWEEN WHEN AN ELECTION COMMISSIONER LEAVES OFFICE AND RUNS FOR POLITICAL OFFICE. IS THAT TRUE? [LB575]

SENATOR MELLO: THAT IS CORRECT. [LB575]

SENATOR CHAMBERS: DO YOU EXPECT THAT TO BE ADHERED TO? [LB575]

SENATOR MELLO: I EXPECT IT TO BE ADHERED TO BASED ON THE CHANGES THAT SENATOR MURANTE IS PROPOSING IN AM1510 WHICH CHANGES, EXTENDS NOW THE PERIOD FROM WHAT THE ORIGINAL BILL ON GENERAL FILE HAD OF A PERIOD OF 6 DAYS, I BELIEVE, TO 30 DAYS. [LB575]

SENATOR CHAMBERS: IF IT BECOMES LAW, WHY SHOULD AN ELECTION COMMISSIONER ABIDE BY IT? SIMPLY BECAUSE IT'S THE LAW? TELL ME WHY YOU THINK AN ELECTION COMMISSIONER SHOULD FEEL BOUND BY THAT IF THE LEGISLATURE PUTS THAT IN A BILL THAT IS ENACTED INTO LAW. WHY SHOULD AN ELECTION COMMISSIONER FEEL BOUND BY THAT? [LB575]

SENATOR MELLO: WELL, I THINK AN ELECTION COMMISSIONER SHOULD FEEL BOUND BY IT, IN PART, ONE, THE ELECTION COMMISSIONER IS A PUBLIC OFFICIAL AND I BELIEVE THE PRESS AS BEING ONE OF THE, QUOTE UNQUOTE, THIRD HOUSES OF A TRADITIONAL BICAMERAL LEGISLATURE, OR IN OUR CASE COULD BE CONSIDERED ONE OF THE SECOND HOUSES, WOULD BE THE ENTITY THAT WOULD REPORT IF AN ELECTION COMMISSIONER AS A PUBLIC OFFICIAL IS BREAKING THE LAW BY ANNOUNCING FOR PUBLIC OFFICE BEFORE 30 DAY...THE 30-DAY COOLING WINDOW WHICH IS NOW ADOPTED IN AM1510. [LB575]

Floor Debate
May 05, 2015

SENATOR CHAMBERS: BUT I'M ASKING YOU, WHY SHOULD AN ELECTION COMMISSIONER FEEL THAT HE OR SHE IS RESPONSIBLE TO OBEY THAT? ALL IT IS, IS A LAW. [LB575]

SENATOR MELLO: WELL, I'D ASSUME EVERYONE SHOULD FEEL THEY SHOULD FOLLOW THE LAW. AND PARTICULARLY SOMEONE WHO'S GOING TO BE RUNNING FOR PUBLIC OFFICE LIKELY TO CREATE LAWS OR INTERPRET LAWS OR IMPLEMENT LAWS, I'D ASSUME THAT THEY WOULD DO THEIR BEST TO TRY TO FOLLOW THE LAW, PARTICULARLY AS IT RELATES TO RUNNING FOR PUBLIC OFFICE. [LB575]

SENATOR CHAMBERS: HOW ABOUT A PERSON WHO IS HOLDING PUBLIC OFFICE AND HAS LAWS THAT HAVE MANDATED THAT HE CARRY OUT CERTAIN DUTIES AND HE REFUSES TO DO SO? WHY SHOULD HE? WELL, HE'S NOT BEING HELD ACCOUNTABLE. THE MEDIA DON'T SAY ANYTHING ABOUT HIM. THE POLITICAL PARTIES DON'T CRITICIZE HIM. SO WHY DO YOU THINK IT OUGHT TO BE THAT WAY FOR AN ELECTION COMMISSIONER? IS THE ELECTION COMMISSIONER A PERSON, A CREATION OF A LESSER GOD THAN THE GOD THAT CREATED THE DUTY FOR THE SECRETARY OF STATE? [LB575]

SENATOR MELLO: NO. [LB575]

SENATOR CHAMBERS: SO DO YOU THINK THE SECRETARY OF STATE SHOULD OBEY THE LAW? [LB575]

SENATOR MELLO: I THINK THE SECRETARY OF STATE ABSOLUTELY SHOULD OBEY THE LAW. [LB575]

SENATOR KRIST: ONE MINUTE. [LB575]

SENATOR CHAMBERS: DID YOU SAY TIME? OH, AND IF THE SECRETARY OF STATE DOESN'T OBEY THE LAW, THEN WHAT? [LB575]

SENATOR MELLO: I THINK THERE'S A VARIETY OF OPTIONS THAT COULD BE TAKEN AGAINST A PUBLIC OFFICIAL IF THEY'RE VIEWED TO BE VIOLATING THE LAW EITHER, ONE, BY US AS A SITTING SENATOR, OR BY A MEMBER OF THE PUBLIC AT LARGE. [LB575]

Floor Debate
May 05, 2015

SENATOR CHAMBERS: THERE'S A PROVISION OF YOU ALL'S CONSTITUTION THAT SAYS EVERY CIVIL OFFICER IS SUBJECT TO IMPEACHMENT FOR A MISDEMEANOR IN OFFICE OR WHILE SEEKING OFFICE. AND MISDEMEANOR MEANS MUCH MORE THAN SIMPLY A VIOLATION OF THE CRIMINAL LAW WHICH IS OF A LESSER DEGREE THAN A FELONY. FAILING TO CARRY OUT ONE'S DUTIES HAS BEEN DEEMED TO BE A MISDEMEANOR IN OFFICE. SO THE LEGISLATURE HAS A REMEDY AND THAT REMEDY IS IMPEACHMENT. DO YOU THINK A CIVIL OFFICER, SUCH AS THE SECRETARY OF STATE, WHO BLATANTLY DISOBEYS THE LAW OUGHT TO BE IMPEACHED? [LB575]

SENATOR MELLO: I THINK THAT IF A SECRETARY OF STATE IS BLATANTLY DISOBEYING OR BLATANTLY NOT FOLLOWING STATE LAW, I THINK THAT'S A CONSIDERATION THAT PROBABLY A BRANCH OF GOVERNMENT, EITHER OURS OR THE EXECUTIVE OR JUDICIAL BRANCH, SHOULD CONSIDER OR THE PUBLIC AT LARGE. [LB575]

SENATOR CHAMBERS: IF I TAKE VERY... [LB575]

SENATOR KRIST: TIME, SENATORS. [LB575]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB575]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS AND SENATOR MELLO AND SENATOR MURANTE. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB575]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AND I'D LIKE TO THANK CHAIRMAN MURANTE FOR THANKING ME FOR CONTRIBUTING. AND WITH THAT, I WOULD LIKE TO CONTINUE LEARNING ABOUT DEMOCRACY AND I'D YIELD THE BALANCE OF MY TIME TO SENATOR CHAMBERS. [LB575]

SENATOR KRIST: SENATOR CHAMBERS, 4:49. [LB575]

SENATOR CHAMBERS: THANK YOU, SENATOR HANSEN. THANK YOU, MR. PRESIDENT. SENATOR MELLO? SENATOR MELLO, I'M GOING TO ASK YOU ANOTHER QUESTION OR TWO BUT I WILL TALK UNTIL YOU MAKE IT TO YOUR CHAIR. SEE, I RESPECT THESE YOUNG PEOPLE. I DON'T MAKE THEM RUN IN THE WAY YOU ALL DISRESPECT THIS OLD MAN AND MAKE ME RUN DOWN THE HALLS AND RUN UP THE STAIRS FOR A CALL OF THE HOUSE FREQUENTLY. [LB575]

Floor Debate
May 05, 2015

SENATOR KRIST: SENATOR MELLO, WILL YOU YIELD? [LB575]

SENATOR MELLO: OF COURSE. [LB575]

SENATOR CHAMBERS: SENATOR MELLO, IF I TAKE VERY SERIOUSLY THIS CONSTITUTION AND MY DUTIES AS A MEMBER OF THE LEGISLATURE AND I WERE TO DRAFT A RESOLUTION OF IMPEACHMENT AND INTRODUCE IT IN THIS LEGISLATURE, WOULD YOU SUPPORT IT? [LB575]

SENATOR MELLO: I WOULD, FIRST, OBVIOUSLY READ YOUR RESOLUTION AND CONSIDER IT BEFORE I MAKE ANY DECISION, BUT, SENATOR CHAMBERS, IN REGARDS TO GENERAL HYPOTHETICALS, I THINK THAT'S ABOUT AS FAR AS I CAN GO RIGHT NOW. [LB575]

SENATOR CHAMBERS: I UNDERSTAND THAT. SO LET'S NOT MAKE IT THE NEBRASKA LEGISLATURE. LET'S MAKE IT A THEORETICAL LEGISLATURE ON MARS WHERE THEY HAVE A CONSTITUTION SIMILAR TO THIS ONE. AND THE GUY ASKING THE QUESTIONS IS RED WITH POLKA DOT BUMPS AND THE ONES TO WHOM HE'S ASKING THE QUESTIONS IS PURPLE WITH YELLOW POCKMARKS. NOW IF UNDER THAT SYSTEM OF LAW SOMETHING THAT IS THE EQUIVALENT OF IMPEACHMENT EXISTS, AND IF INDEED AN OFFICER WHO UNDER THE CONSTITUTION OF MARS HAS PLACED HIMSELF OR HERSELF WITHIN THE REACH OF THAT IMPEACHMENT PROVISION, AND A MEMBER OF WHATEVER THEY CALL THEIR LEGISLATIVE OR LAWMAKING BODY, WOULD OFFER A RESOLUTION OF IMPEACHMENT, AND IT COULD BE SHOWN BY THE LAW, BY THE CONSTITUTION, THAT THIS OFFICIAL WHO IS THE SUBJECT OF THAT DOCUMENT HAS INDEED VIOLATED THE DUTIES HE OR SHE SWORE TO UPHOLD, NOT WHETHER YOU'D SUPPORT IT OR NOT, IF SOME MEMBER OF THAT BODY FELT STRONGLY ENOUGH THAT SUCH HAD OCCURRED, DO YOU THINK THAT INDIVIDUAL, REGARDLESS OF WHETHER ANYBODY ELSE AGREED AT ALL, SHOULD FEEL AN OBLIGATION TO TAKE THE CORRECTIVE ACTION WHICH UNDER THE CONSTITUTION HAS BEEN MADE AVAILABLE? [LB575]

SENATOR MELLO: SENATOR CHAMBERS, IN THAT VERY UNIQUE AND YET POETIC THEORETICAL SCENARIO, I THINK THAT INDIVIDUAL, WHETHER IT'S THE RED POLKA-DOTTED INDIVIDUAL OR THE YELLOW POCKMARKED INDIVIDUAL, IF THEY FEEL PASSIONATE ENOUGH IN REGARDS TO THE BELIEF THAT THAT CONSTITUTIONAL OFFICER HAS VIOLATED THE CONSTITUTION OF THAT ENTITY, THAT THEY FEEL PASSIONATE ENOUGH THAT THERE SHOULD BE SOME

Floor Debate
May 05, 2015

RAMIFICATION AND/OR PROCEEDINGS TO BEGIN AN IMPEACHMENT PROCESS BASED ON THAT, IF THAT IS WHAT THAT CONSTITUTION SAYS, OF COURSE. I THINK I AND, I WOULD ARGUE, PROBABLY ANY PUBLIC OFFICIAL WOULD AGREE IF THAT INDIVIDUAL FEELS THAT IS...THEY'RE PASSIONATE ABOUT THAT ISSUE AND THAT THEY FEEL THERE IS A LEGITIMATE CASE TO BRING THAT IMPEACHMENT PROCEEDING FORWARD THAT THEY DO THAT. [LB575]

SENATOR CHAMBERS: NOW THERE WAS A BOOK WRITTEN CALLED 1984 AND IT DEALT WITH AN ENTITY OR A FORCE KNOWN AS BIG BROTHER. AND THERE WAS A PASSAGE IN THAT BOOK SAID, IT SAID, THERE WAS TRUTH... [LB575]

SENATOR KRIST: ONE MINUTE. [LB575]

SENATOR CHAMBERS: ...AND THERE WAS UNTRUTH. AND IF YOU CLUNG TO THE TRUTH, EVEN AGAINST THE WHOLE WORLD, YOU WERE NOT MAD. NOW THE ONE WHO FEELS THE OBLIGATION IS THE ONE WHO HAS THE OBLIGATION TO ACT ON IT. WOULDN'T YOU AGREE WITH THAT? [LB575]

SENATOR MELLO: YES. [LB575]

SENATOR CHAMBERS: AND THAT WOULD BE THE CASE IF NOBODY ELSE SAW IT THAT WAY, BECAUSE THIS PERSON LIVES ACCORDING TO HIS OR HER CONSCIENCE, NOT SOMEBODY ELSE'S. CAN YOU AGREE WITH THAT AS A GENERAL PROPOSITION? [LB575]

SENATOR MELLO: I CAN AGREE WITH THAT AS A GENERAL PROPOSITION. [LB575]

SENATOR CHAMBERS: AND EVEN WHEN WE MAKE IT A MATTER OF TAKING SOMETHING TO COURT, NOBODY CAN SAY FOR CERTAIN HOW A CASE IS GOING TO TURN OUT. WOULD YOU AGREE WITH THAT? [LB575]

SENATOR MELLO: YES, I WOULD AGREE WITH THAT. [LB575]

SENATOR CHAMBERS: BUT THAT SHOULD NOT STOP A PERSON WHO HAS A GENUINE CONVICTION FROM TAKING THE STEP THAT HE OR SHE FEELS IS NECESSARY. WOULD YOU AGREE WITH THAT? [LB575]

Floor Debate
May 05, 2015

SENATOR MELLO: THAT IS LEFT UP TO THAT INDIVIDUAL, ABSOLUTELY, SENATOR CHAMBERS, IF THEY FEEL THE PASSION... [LB575]

SENATOR KRIST: TIME, SENATORS. [LB575]

SENATOR MELLO: ...AND THE NEED TO WANT TO MOVE FORWARD IN THAT DIRECTION. [LB575]

SENATOR CHAMBERS: I THINK THE LORD PUT IT ON YOUR HEART TO GIVE ME MY MARCHING ORDERS AND FOR THAT I THANK YOU AND THE LORD, SENATOR MELLO. [LB575]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS AND SENATOR MELLO. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB575]

SENATOR PANSING BROOKS: I RISE TO GIVE MY TIME TO SENATOR CHAMBERS IF HE'D LIKE IT. [LB575]

SENATOR KRIST: SENATOR CHAMBERS, ANOTHER 5:00. [LB575]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. A LOT OF TIMES I DELIBERATELY TRY TO PROVOKE YOU ALL, NOT TO JUST PUT YOU DOWN BUT TO TRY TO MAKE YOU BETTER. YOU KNOW HOW I WANT TO MAKE YOU BETTER? BY THINKING OF THE OBLIGATIONS YOU VOLUNTARILY ASSUMED WHEN YOU RAN FOR AND WON ELECTION TO THIS OFFICE. THE POWER THAT THIS OFFICE HOLDS IS NOT THE ONLY THING YOU SHOULD THINK OF. YOU SHOULD THINK OF ALL THE GOOD THAT YOU CAN DO. AND I WOULDN'T WANT YOU TO BE CYNICAL LIKE A CERTAIN INDIVIDUAL WHO WAS AT A BANQUET AND THEY LOOKED AT THIS GUY AND SAID, WE GOT TO ASK HIM THIS QUESTION. SO HERE WAS THE QUESTION. WHAT DO YOU THINK IS THE GREATEST GOOD? HE, WITHOUT HESITATING, SAID, THE GREATEST GOOD IS THE GOOD THAT BENEFITS THE GREATEST NUMBER. AND WHEN THEY ASKED HIM THE SECOND QUESTION WITHOUT PAUSING, AND WHAT IS THE GREATEST NUMBER? WITHOUT HESITATION HE SAID, NUMBER ONE, AND THAT'S THE WAY A LOT OF PEOPLE FEEL, NUMBER ONE, SELF. BUT IT'S A NOT A BELIEF IN SELF FROM THE STANDPOINT OF SELF-RESPECT. SO I'M NOT GOING TO PROVOKE ANYBODY ON THIS FLOOR INTO ABIDING BY THE CONSTITUTION OR SAYING ANYBODY ELSE SHOULD. SO I WILL UNDERTAKE RESEARCH AND SEE WHETHER

Floor Debate
May 05, 2015

AND WHICH CASES I CAN FIND, WHERE AN ELECTED OFFICIAL WHO KNOWINGLY, INTENTIONALLY, ARROGANTLY, AND CONTEMPTUOUSLY VIOLATED A MANDATE PLACED ON HIM OR HER BY LAW, RENDERS HIMSELF OR HERSELF AMENABLE TO IMPEACHMENT. AND IF I COME TO THE CONCLUSION THAT SUCH IS THE CASE, THEN I WOULD OFFER THE RESOLUTION. AND I WOULD HAVE TO LAY OUT THE ARTICLES AND THE SUPPORTING EVIDENCE FOR EACH ONE OF THOSE ARTICLES, SUBMIT IT TO THE LEGISLATURE. AND IF THE LEGISLATURE AGREES AND I GET 25 VOTES, THEN THAT OFFICIAL IS IMPEACHED. IMPEACHMENT IS NOT REMOVAL FROM OFFICE. IMPEACHMENT IS LIKE AN INDICTMENT OR A COMPLAINT. IT IS THE INDICTMENT THAT IS FILED. AFTER ANY INDICTMENT IS FILED, THE PERSON WHO IS THE SUBJECT OF IT MUST STAND TRIAL. IN NEBRASKA, THERE IS A ONE-HOUSE LEGISLATURE. THERE IS NO SUCH THING AS THE HOUSE FILING THE IMPEACHMENT PAPERS AND THE SENATE HAVING THE TRIAL. SO UNDER NEBRASKA LAW, THE SUPREME COURT WOULD BE WHERE THE TRIAL IS CONDUCTED. AND IF A SUPERMAJORITY, OR FIVE OF THE SEVEN JUDGES, AGREE THAT ANY ONE OR MORE OF THE ARTICLES OF IMPEACHMENT IS OR ARE SUSTAINED, THAT PERSON IS REMOVED FROM OFFICE. IT IS A CIVIL ACTION, NOT A CRIMINAL ACTION. IMPEACHMENT IS NOT DESIGNED TO PUNISH. IT IS DESIGNED TO PURIFY AN OFFICE. [LB575]

SENATOR KRIST: ONE MINUTE. [LB575]

SENATOR CHAMBERS: AND THE PERSON WHO IS IMPEACHED AND CONVICTED BY THE SUPREME COURT CAN NEVER HOLD A PUBLIC OFFICE IN THE STATE AGAIN. THAT PERSON DISQUALIFIES HIMSELF OR HERSELF. AND THAT'S WHAT IMPEACHMENT IS ABOUT. SO HAVING BEEN ENLIGHTENED BY SENATOR MORFELD, I WILL COMMENCE MY RESEARCH AND I HOPE I CAN COMPLETE IT BEFORE THE LEGISLATURE ADJOURNS SINE DIE, BECAUSE THE DOCUMENT WON'T MEAN ANYTHING IF I CANNOT FILE IT WITH THE LEGISLATURE. AND MAYBE THE LEGISLATORS WILL DECIDE THAT NOTHING OUGHT TO BE DONE AND I WILL HAVE DISCHARGED MY DUTY TO THE BEST OF MY ABILITY AND YOU WILL HAVE CHOSEN TO DISAGREE WITH ME, AND THE SECRETARY OF STATE CAN GO ON THUMBING HIS NOSE AT THE LAW,... [LB575]

SENATOR KRIST: TIME, SENATOR. [LB575]

SENATOR CHAMBERS: ...AT THE CONSTITUTION, AND THE LEGISLATURE. DID YOU SAY TIME? [LB575]

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Floor Debate
May 05, 2015

SENATOR KRIST: YES, SIR. [LB575]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB575]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB575]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR CHAMBERS WOULD YIELD TO A QUESTION. [LB575]

SENATOR KRIST: SENATOR CHAMBERS, WILL YOU YIELD? [LB575]

SENATOR CHAMBERS: YES, I WILL. [LB575]

SENATOR BLOOMFIELD: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, DO YOU BEAR ILL WILL TOWARD YELLOW, POCKMARKED MARTIANS? [LB575]

SENATOR CHAMBERS: (LAUGH) NO. I LOVE THEM... [LB575]

SENATOR BLOOMFIELD: OKAY. [LB575]

SENATOR CHAMBERS: ...BECAUSE THEY HAVE A FEMALE VERSION AND THEY ARE TOUGH. [LB575]

SENATOR BLOOMFIELD: I WAS JUST WONDERING. YOU WERE DISCUSSING THEM IN RATHER HARSH TERMS A LITTLE BIT AGO AND I WANTED TO MAKE SURE YOU WEREN'T BEARING ANY ILL WILL. [LB575]

SENATOR CHAMBERS: (LAUGH) NO, I'M GLAD YOU LET ME CLARIFY THE RECORD. [LB575]

SENATOR BLOOMFIELD: MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB575]

SENATOR KRIST: SENATOR CHAMBERS, 4:20. [LB575]

Floor Debate
May 05, 2015

SENATOR CHAMBERS: THANK YOU, SENATOR BLOOMFIELD. THANK YOU, MR. PRESIDENT. SENATOR BLOOMFIELD AND I HAVE A RELATIONSHIP THAT MAY BE DIFFICULT FOR PEOPLE TO GRASP THE SIGNIFICANCE OF, BUT WHEN YOU DEAL WITH THESE KIND OF VERY SERIOUS MATTERS, THAT DOESN'T MEAN THERE CANNOT BE LEVITY. I'M SURE EVERYBODY--WELL, A LOT OF PEOPLE--HAVE GONE TO FUNERALS AND SOMETHING WILL OCCUR TO THAT PERSON THAT MIGHT BE VERY FUNNY AND YOU FEEL AN INCLINATION TO LAUGH JUST BECAUSE YOU KNOW YOU'RE NOT SUPPOSED TO. SO THOSE THINGS HAPPEN AND I THINK, WHEN THE MOOD CAN BE LIGHTENED, THAT'S FINE. ONE OF THE MOST MOROSE, SOLEMN, MELANCHOLY, EVEN TO THE POINT OF BEING DEEMED TO HAVE A MENTAL ILLNESS, INDIVIDUALS IN PUBLIC LIFE IN THIS COUNTRY WAS ABRAHAM LINCOLN. NOBODY KNEW MORE JOKES, MORE STORIES, MORE PARABLES THAN ABRAHAM LINCOLN. AND NO MAN OR WOMAN CARRIED A HEAVIER BURDEN THAN ABRAHAM LINCOLN CARRIED DURING THE TIME THAT HE LIVED AS PRESIDENT. AND WHEN HE WAS SHOT IN THE HEAD, THERE WAS A PERIOD OF HOURS WHEN HE LINGERED. THEY TOOK HIM TO THE...TOOK HIM TO THIS HOUSE. OTHERS HAD BEEN SHOT TOO. AND HE WAS TOO LONG TO LIE IN THE BED, SO THEY HAD HIM AT AN ANGLE. AND THERE WAS AN INDIVIDUAL NAMED GIDEON WELLES WHO WROTE A VERY VIVID AND DETAILED DESCRIPTION OF WHAT OCCURRED IN THAT ROOM, WHAT PRECEDED HIM ARRIVING AT THAT ROOM, AND THE IMPACT THAT ABRAHAM LINCOLN'S DEATH HAD ON PEOPLE, AND ESPECIALLY BLACK PEOPLE. AND ALL OF THESE THINGS WERE DESCRIBED BY GIDEON WELLES. THE WORST THING A GAMBLER CAN DO, OF COURSE, IS TO LAY HIS MONEY ON THE LOSING HORSE. THAT'S WHAT I MIGHT BE DOING. BUT I WOULD BET \$100 AGAINST \$10, WHICH WILL GO TO THE CHARITY OF WHOEVER'S CHOICE, THE CHARITY OF THE WINNER'S CHOICE, THAT NOBODY OTHER THAN I HAS READ THAT ACCOUNT THAT GIDEON WELLES WROTE, MAY NOT EVEN BE AWARE OF THE FACT THAT HE WROTE IT. SOMETIMES HISTORIANS...ALWAYS HISTORIANS WILL FILTER HISTORY, AS THEY WRITE IT, THROUGH THEIR OWN EYES, THROUGH THEIR OWN MIND, THEIR EXPERIENCES, THEIR UPBRINGING, THEIR BIASES, THEIR PREJUDICES, BECAUSE THEY DON'T BECOME TOTALLY INDIFFERENT, TOTALLY IMPARTIAL, TOTALLY OBJECTIVE. THEY ARE WRITING FICTION. THEY WERE NOT THERE. THEY PICK AND CHOOSE WHAT THEY'RE GOING TO PRESENT. [LB575]

SENATOR KRIST: ONE MINUTE. [LB575]

SENATOR CHAMBERS: THEY PRESENT IT IN THE WAY THEY FEEL THEY SHOULD. IT WOULD BEHOOVE PEOPLE WHO ARE TRYING TO GET A NOTION OF WHAT OCCURRED AT A GIVEN TIME WHEN WE WERE NOT THERE TO READ AS MANY

Floor Debate
May 05, 2015

SO-CALLED ORIGINAL SOURCES AS POSSIBLE, EVEN SOME OLD NEWSPAPERS WHERE THE GRAMMAR IS STRANGE, THE SENTENCE CONSTRUCTION IS QUAIN. BUT IF YOU LOOK AT WHAT WAS WRITTEN AT THE TIME, THEY DIDN'T TELL ANY MORE TRUTH THAN NEWSPAPERS' WRITERS DO TODAY. BUT YOU CAN GET A FLAVOR FROM THOSE SOURCES THAT YOU DON'T GET WHEN YOU READ HISTORY BOOKS. SO WHAT I IMMERSE MYSELF IN IS AS MUCH HISTORY AS POSSIBLE. AND AS OLD AS I AM, I WAS LIVING WHEN MUCH OF IT WAS BEING FORGED. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MURANTE, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB575]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. AND AGAIN, MEMBERS, GOOD EVENING. I'D REMIND YOU THAT AM1510 IS A...WHAT I WOULD CHARACTERIZE AS A COMPROMISE AMENDMENT, WORKED ON BY SENATOR MELLO AND THE DEPARTMENT OF MOTOR VEHICLES, WHICH WILL ALLOW EASIER ACCESS TO THE ON-LINE VOTER REGISTRATION FORM SUCH THAT CDL DRIVER'S LICENSES CAN BE MORE EASILY ACCESSIBLE BY THE SECRETARY OF STATE'S OFFICE FOR THE PURPOSES OF VERIFYING SIGNATURES. IT CLARIFIES THE AMOUNT OF TIME NECESSARY FOR THE SO-CALLED COOLING OFF PERIOD FOR THE ELECTION COMMISSIONERS OF NEBRASKA'S TOP THREE COUNTIES IN POPULATION TO RUN FOR A DIFFERENT OFFICE. AND IT ALSO MAKES CLEAR THAT THE ORGANIZATIONS FOR WHICH A POLL WORKER CAN DONATE THEIR SALARIES, SO TO SPEAK, IF THEY SO CHOOSE TO DO SO, MUST BE A 501(c)(3). I THINK THIS A GOOD AMENDMENT THAT WAS WORKED ON OVER AN EXTENDED PERIOD OF TIME AND I ENCOURAGE YOUR SUPPORT OF IT. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR KRIST: THANK YOU, SENATOR MURANTE. YOU'VE HEARD THE CLOSING ON AM1510. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB575]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT. [LB575]

SENATOR KRIST: RETURNING TO DISCUSSION ON LB575, SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB575]

Floor Debate
May 05, 2015

SENATOR HARR: THANK YOU, MR. PRESIDENT. I GUESS I HAVE A QUESTION ON AM1510 THAT I'M NOT SURE WHAT HAPPENED. WOULD SENATOR MURANTE PLEASE YIELD TO A QUESTION? [LB575]

SENATOR KRIST: SENATOR MURANTE, WILL YOU YIELD? [LB575]

SENATOR MURANTE: YES. [LB575]

SENATOR HARR: ALL RIGHT. THANK YOU. SO IF I AM A POLL WORKER AND I CHOOSE TO FOREGO MY PAYMENT AND MAKE A CONTRIBUTION TO A CHARITABLE ORGANIZATION, IF I AM THAT INDIVIDUAL, AM I...I GUESS THE FIRST QUESTION IS, IS THAT INCOME TO ME? [LB575]

SENATOR MURANTE: IS THAT INCOME TO YOU? AS I UNDERSTAND IT...LET ME BACK UP AND KIND OF ANSWER THE QUESTION FROM HOW IT GOT BROUGHT TO MY DESK. AND THEN PERHAPS, AND IF I NEED TO YIELD YOU MORE TIME I'D BE HAPPY TO DO SO, BUT JUST TO GIVE YOU...BY WAY OF BACKGROUND, IT'S...THERE ARE SOME COUNTIES THAT THE INCOME ASSOCIATED WITH BEING A POLL WORKER ON ELECTION DAY...THERE ARE MANY VOLUNTEER POLL WORKERS IN THE STATE OF NEBRASKA. MANY OF THEM BECOME VOLUNTEERS THROUGH SOME SORT OF CHARITABLE ORGANIZATIONS LIKE KIWANIS CLUBS AND ROTARY CLUBS AND THINGS LIKE THAT, AND THAT THEY HAVE ARTICULATED TO THE ELECTION COMMISSIONERS THAT THEY DO NOT WANT TO BE PAID, THAT IT IS A FORM OF VOLUNTEERISM, AND THAT THEY WANT TO DONATE IT TO CHARITY. WHETHER IT'S INCOME REPORTABLE TO THE IRS, THAT'S...I DON'T KNOW THAT OFF THE TOP OF MY HEAD, SENATOR HARR. I CAN LOOK THAT UP FOR YOU THOUGH. [LB575]

SENATOR HARR: YEAH. I MEAN THAT'S INTERESTING. I MEAN, I GUESS, ARE WE SETTING UP INDIVIDUALS? WE GOT TO KNOW WHAT WE ARE PASSING. WE GOT TO KNOW WHAT'S IN THE BILL AND I'M NOT QUITE SURE WHAT IS. IF I...I UNDERSTAND, IF I VOLUNTEER MY TIME, I DON'T HAVE TO PAY TAXES ON THAT. BUT IF I VOLUNTEER MY TIME WITH THE UNDERSTANDING THAT SOMEBODY ELSE IS GOING TO BE PAID, WELL, I THINK THAT'S A DIFFERENT SITUATION BECAUSE YOU ARE BEING COMPENSATED FOR YOUR TIME. IT'S JUST THAT YOU'RE NOT THE RECIPIENT OF IT. AND THE QUESTION IS, WHO IS LIABLE FOR THAT MONEY? AND THEN, IS THERE SOCIAL SECURITY THAT'S RELATED TO THAT? DOES THE COUNTY OWE SOCIAL SECURITY TAX? ARE YOU A CONTRACTOR ON THAT? I DON'T KNOW. AND CAN I...IF I DO VOLUNTEER MY

Floor Debate
May 05, 2015

TIME, I DON'T GET A TAX WRITE-OFF FOR THAT. BUT IF I DONATE MY TIME AND A CONTRIBUTION IS MADE TO A CHARITY, CAN I WRITE OFF, GET A WRITE-OFF FOR THAT? IF YOU KNOW, I GUESS, SENATOR MURANTE, THE LAST ONE: DO YOU KNOW, IF A CONTRIBUTION IS MADE IN MY NAME FOR THE WORK I DID, DO I GET TO HAVE A CHARITABLE WRITE-OFF? [LB575]

SENATOR MURANTE: I HAVE AN INCLINATION BUT, SENATOR HARR, THAT'S NOT MY FIELD OF...TAX LAW IS NOT MY FIELD OF EXPERTISE. SO BEFORE I ANSWER THAT FOR YOU, I WOULD WANT TO CONSULT WITH SOMEONE WHO HAS MORE EXPERTISE IN THE FIELD. [LB575]

SENATOR HARR: OKAY. AND I APPRECIATE THAT AND I APPRECIATE YOUR HONESTY. YOU KNOW, HERE WE ARE. IT'S 6:00. I KNOW WE'RE TIRED AND WE WANT TO GET THIS BILL PASSED. WE PROBABLY WANT TO GET ONE OR TWO MORE DONE. BUT IT THINK WE HAVE TO BE VERY CAREFUL. THIS ISN'T ONE SITUATION WHERE CAN SAY WE'RE GOING TO WORK ON THIS BETWEEN GENERAL AND SELECT. WE'RE ON SELECT. AND SO I THINK IT'S IMPORTANT, BEFORE WE GO TO FINAL, THAT WE HAVE AN ANSWER SO WE KNOW WE CAN GIVE...HAVE A CLEAR RECORD OF WHAT THE LEGISLATIVE INTENT IS SO THAT WHEN COUNTY COMMISSIONERS HAVE A QUESTION, OR ELECTION COMMISSIONERS, DO WE HAVE TO SEND A 1099 TO THAT INDIVIDUAL OR NOT, BECAUSE I THINK IT'S GOING TO BE AN ISSUE. AGAIN, I UNDERSTAND THE PURPOSE BEHIND IT. IT SEEMS LIKE A GOOD IDEA BECAUSE YOU ALREADY HAVE PEOPLE VOLUNTEERING. [LB575]

SENATOR KRIST: ONE MINUTE. [LB575]

SENATOR HARR: BUT I THINK WE ALSO HAVE TO BE VERY CAREFUL AND KNOW WHAT ARE THE RAMIFICATIONS THAT WE DO. SO I'LL LOOK FORWARD TO AN ANSWER FROM SENATOR MURANTE ON THAT. THANK YOU. [LB575]

SENATOR KRIST: THANK YOU, SENATOR HARR AND SENATOR MURANTE. SEEING NO...SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB575]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS IS NOT TO DEBATE THE BILL BUT BECAUSE I WAS SO IMPRESSED BY WHAT GIDEON WELLES WROTE. I HAVE A LOT OF BOOKS THAT I USED TO HAVE DOWN HERE AND I'VE GOT THEM IN BOXES, BOXES, BOXES. BUT I DO HAVE A BOOK THAT I HAVE RETRIEVED AND I'M GOING TO COPY THAT PIECE THAT GIDEON WELLES

Floor Debate
May 05, 2015

WROTE AND I'M GOING TO HAND IT OUT TO MY COLLEAGUES. AND I MIGHT PUT A LITTLE COUPLET PRECEDING IT SO THAT, FOR EVERY DAY, I CAN GIVE YOU SOMETHING THAT RHYMES OR I MIGHT GIVE YOU ANOTHER RHYME. I'D LIKE TO ASK SENATOR WILLIAMS A QUESTION IF HE WOULD YIELD. [LB575]

SENATOR KRIST: SENATOR WILLIAMS, WILL YOU YIELD TO SENATOR CHAMBERS? [LB575]

SENATOR WILLIAMS: CERTAINLY. [LB575]

SENATOR CHAMBERS: SENATOR WILLIAMS, HAVE YOU HEARD A SONG THAT HAS LYRICS SOMETHING LIKE, I WAS WALKING ALONG, MINDING MY BUSINESS, WHEN OUT OF A ROSE-COLORED SKY, WHAM, BAM, ALAKAZAM, AND SO FORTH? HAVE YOU HEARD A SONG SOMETHING LIKE THAT? [LB575]

SENATOR WILLIAMS: I DON'T THINK THE POLICE WROTE THAT SONG. [LB575]

SENATOR CHAMBERS: NO, BUT HAVE YOU HEARD A SONG SOMETHING LIKE...? [LB575]

SENATOR WILLIAMS: YES, I HAVE. [LB575]

SENATOR CHAMBERS: SING ME A COUPLE OF... [LB575]

SENATOR WILLIAMS: YOU WOULD NOT LIKE TO HEAR ME SING TONIGHT. [LB575]

SENATOR CHAMBERS: I WOULD...OKAY. BUT HERE IS WHAT I DO WANT TO ASK YOU: IN ADDITION TO THAT DOCUMENT, WOULD YOU LIKE A RHYME THAT HAS BEEN FORMING IN MY HEAD? AND THEN I REMEMBERED THAT I HAD WRITTEN IT ALREADY WHERE A CAR ESCAPED THE POLICE. THE HEADLINE SAYS, "SINCE YOU MENTIONED THE POLICE." WOULD YOU LIKE A COPY OF THAT RHYME ON YOUR DESK IN THE MORNING? [LB575]

SENATOR WILLIAMS: I WOULD LOVE A COPY, IN PARTICULAR IF IT'S A BLACK CAR. [LB575]

Floor Debate
May 05, 2015

SENATOR CHAMBERS: IT WILL BE. IT WILL BE. SENATOR WILLIAMS AND I HAVE SOME INSIDE AGREEMENTS AND UNDERSTANDINGS IN THE SAME WAY THAT I AND SENATOR BLOOMFIELD... [LB575]

SENATOR WILLIAMS: AND THAT'S BECAUSE YOU'RE A NASCAR FAN, RIGHT,... [LB575]

SENATOR CHAMBERS: YES, BECAUSE OF WHAT YOU GAVE ME. [LB575]

SENATOR WILLIAMS: ...A RACECAR FAN. [LB575]

SENATOR CHAMBERS: YOU GOT THAT RIGHT. BUT, MEMBERS OF THE LEGISLATURE, HERE IS WHAT I WANT TO SAY IN ALL SERIOUSNESS ON THIS BILL, NOT TO CHALLENGE ANYTHING OF IT. BUT THESE ARE THE KIND OF BILLS THAT TRIGGER MY CONCERN TO THE POINT WHERE I'LL SAY SOME THINGS IF ONLY FOR THE RECORD. IF I BRING UP SOME HISTORICAL EVENTS, IT'S NOT STRANGE IF YOU DON'T HAVE FAMILIARITY WITH THEM, BECAUSE YOU READ THINGS OTHER THAN WHAT I READ AND YOU BRING UP THINGS THAT I'M UNAWARE OF. SO WE SHARE WHAT WE KNOW. SENATOR GROENE COMES HERE WITH A HALF A TEACUP OF SOMETHING. I COME HERE WITH HALF A TEACUP OF SOMETHING. WE HAVE A CONTAINER BETWEEN US THAT HOLDS AN ENTIRE CUP. HE POURS IN HIS HALF. I POUR IN MY HALF. NOW WHAT WE HAVE IS FULL BUT IT'S MIXED AND BLENDED, SENATOR FRIESEN, SO WE'VE EACH GAINED. SO WHEN I POUR A HALF A CUP OUT OF THAT, I HAVE THE SAME QUANTITY BUT I HAVE A DIFFERENT QUALITY FROM WHAT IT WAS. SO WE DO LEARN FROM EACH OTHER EVEN WHEN WE DISAGREE. AND SOMETIMES, WHEN WE DISAGREE, WE LEARN EVEN MORE BECAUSE WE PAY CLOSER ATTENTION TRYING TO FORMULATE A RESPONSE OR A COMEBACK. THEN, AS WE CONTINUE TO LISTEN, WE MIGHT SAY LIKE THAT OLD GUY SAID TO PAUL, THE "IMPOSTER." SEE, PAUL WAS A ROMAN CITIZEN. HE HAD UPSET SOME OF THE LEADERS IN THE AREA WHERE HE WAS CARRYING ON, AND SO THEY COMPLAINED TO THE ROMAN AUTHORITIES. AND PAUL SAID, ALL RIGHT, I'M A ROMAN CITIZEN, I APPEAL TO CAESAR. SO HE WAS TALKING TO A FUNCTIONARY. AND THIS MAN SAID, I'VE LISTENED TO YOU, I SEE NO THING THAT YOU HAVE SAID OR DONE THAT REQUIRES ANY ACTION BE TAKEN AGAINST YOU, BUT BECAUSE YOU HAVE APPEALED TO CAESAR,... [LB575]

SENATOR KRIST: ONE MINUTE. [LB575]

Floor Debate
May 05, 2015

SENATOR CHAMBERS: ...I HAVE NO CHOICE BUT TO GO AHEAD AND SEND YOU ON. AND THEN, AS HE THOUGHT ABOUT WHAT PAUL SAID, HE SAID, YOU KNOW SOMETHING, ALMOST, ALMOST BUT NOT QUITE, YOU PERSUADE ME TO BE A CHRISTIAN. AND PAUL SAID, NOT ONLY ALMOST, BUT ENTIRELY SO DO I WISH YOU TO BE AS I AM BUT FOR THESE CHAINS. THAT BOOK IS POETIC. IT IS MYTHOLOGICAL. IT IS (SINGING) ONLY MAKE-BELIEVE, BECAUSE WHAT YOU FIND IN THE BIBLE, WHAT YOU ARE LIABLE TO FIND IN THE BIBLE, (SINGING) IT AIN'T NECESSARILY SO. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB575]

SENATOR HARR: THANK YOU VERY MUCH. I GUESS I HAVE SOME FOLLOW-UP QUESTIONS. AND I HAD A NICE CONVERSATION WITH SENATOR MURANTE OFF THE MIKE AND I WOULD ASK IF HE WOULD YIELD TO A QUESTION. [LB575]

SENATOR KRIST: SENATOR MURANTE, WILL YOU YIELD? [LB575]

SENATOR MURANTE: I WOULD LOVE TO. [LB575]

SENATOR HARR: ALL RIGHT. THANK YOU. NOW, AS I UNDERSTAND IT, YOU HAD A CONVERSATION WITH SECRETARY OF STATE. IS THAT CORRECT? [LB575]

SENATOR MURANTE: MY STAFF HAD CONVERSATION WITH THE SECRETARY OF STATE'S STAFF. [LB575]

SENATOR HARR: OKAY. AND IT'S THE UNDERSTANDING THAT, IN FACT, AN INDIVIDUAL WOULD NOT BE 1099 OR W-2 BUT THAT THE ARGUMENT WOULD BE THAT AN ELECTION COMMISSIONER WOULD SELECT A NONPROFIT AND THAT NONPROFIT WOULD THEN TURN AROUND AND RECRUIT INDIVIDUALS AND THE NONPROFIT WOULD RECEIVE COMPENSATION FOR THE RECRUITMENT. IS THAT CORRECT? [LB575]

SENATOR MURANTE: YES. [LB575]

SENATOR HARR: OKAY. WOULD YOU BE OPEN TO A FRIENDLY AMENDMENT THAT SAYS THAT THE NONPROFIT CANNOT DISCRIMINATE BASED ON SEXUAL ORIENTATION? [LB575]

Floor Debate
May 05, 2015

SENATOR MURANTE: SO WOULD THAT...I'D HAVE TO THINK ABOUT THAT,
SENATOR HARR. [LB575]

SENATOR HARR: OKAY. WELL, I GUESS THAT MAKES THE POINT, FOLKS, IS THAT LOCAL ELECTION COMMISSIONER IS NOW GOING TO BE CHOOSING WHICH NONPROFITS TO GO AFTER. AND SO YOU'RE GOING TO HAVE ELECTION COMMISSIONERS WHO MAY SAY, HEY, I REALLY LIKE ORGANIZATION A AND I'M GOING TO MAKE SURE THAT THEY GET IT. AND YOU MAY HAVE ANOTHER ONE, ORGANIZATION B, WHO SAYS, WE WANT THAT MONEY FOR RECRUITING VOLUNTEERS. AND THAT ELECTION COMMISSIONER IS GOING TO SAY NO. AND IT MAY BE JUST BECAUSE A ASKED FIRST OVER B. OR IT MAY BE BECAUSE B FAVORS OR DOES NOT DISCRIMINATE BASED ON SEXUAL ORIENTATION OR B IS NOT OF THE SAME RELIGION AS A. I THINK WE'RE IN DANGEROUS TERRITORY AND WE'RE...THIS, AGAIN, IT'S WELL INTENDED. I UNDERSTAND WHAT WE'RE TRYING TO DO HERE, FOLKS. BUT I THINK WE HAVE TO BE CAREFUL ABOUT HOW WE DO IT AND WHAT WE'RE DOING AND ARE WE OPENING OURSELVES UP TO SOMETHING WE MAY NOT WANT TO. YOU KNOW, BEFORE, THE CONCERN WAS THAT THEY MAY CHOOSE A POLITICAL PARTY AND THAT WAS A VALID CONCERN. BUT NOW WE HAVE THE QUESTION THAT WE'VE RUN INTO SEVERAL TIMES BEFORE, WHICH IS, DO WE WANT TO REWARD CHARITIES THAT MAY OR MAY NOT GIVE BASED ON THE MEMBERSHIP OR THEIR CAUSE? AND, YOU KNOW, I'VE HEARD IT, I THINK IT'S SENATOR GROENE MIGHT HAVE SAID IT ONCE: WE'RE PICKING WINNERS AND LOSERS. WE'RE PICKING WINNERS AND LOSERS. WELL, FOLKS, GUESS WHAT? WE'RE PICKING WINNERS AND LOSERS. WE DO IT EVERY DAY, I GUESS, IS MY POINT. EVERYTHING WE DO IS PICKING WINNERS AND LOSERS. BUT I HAVE A REAL PROBLEM. I THINK WE MIGHT WANT TO DO...I MIGHT INTRODUCE A FRIENDLY, HOPEFULLY FRIENDLY, AMENDMENT THAT SAYS THAT A CHARITY CANNOT DISCRIMINATE BASED ON SEXUAL ORIENTATION OR IDENTITY. WOULD THAT BE A FRIENDLY AMENDMENT, SENATOR MURANTE? [LB575]

SENATOR MURANTE: SENATOR HARR, I APPRECIATE WHERE YOU'RE GOING WITH IT. BUT THAT GETS INTO A REALM OF A DISCUSSION THAT, TO ME, IS OUTSIDE THE SCOPE OF WHAT I WAS HOPING THIS CLEANUP BILL FROM THE SECRETARY OF STATE WOULD PROVIDE US. TO MY KNOWLEDGE, THE ELECTION COMMISSIONERS HAVE A TOUGH TIME FINDING THE VOLUNTEERS IN SOME OF OUR COUNTIES, ALTHOUGH IN SOME COUNTIES THEY HAVE A REMARKABLY GOOD RECORD OF, LANCASTER COUNTY BEING ONE OF THEM, A REMARKABLY GOOD RECORD OF FINDING VOLUNTEERS. [LB575]

Floor Debate
May 05, 2015

SENATOR KRIST: ONE MINUTE. [LB575]

SENATOR MURANTE: SO MY INCLINATION IS TO SAY NO TO YOUR REQUEST,
SENATOR HARR. [LB575]

SENATOR HARR: ALL RIGHT. SO IT'S NOT A FRIENDLY AMENDMENT. ALL RIGHT.
WELL, I APPRECIATE THAT. THAT'S GOING TO GIVE ME SOMETHING TO THINK
ABOUT. I DO WANT TO GET MOVING, BUT I DO WORRY THAT... YOU KNOW, I DO
CARE ABOUT THAT, YOU KNOW, WHEN WE'RE TALKING ABOUT ELECTIONS, THAT
EVERYONE HAVE AN EQUAL CHANCE. THAT'S WHAT ELECTIONS ARE ABOUT.
AND HERE WE ARE PICKING WINNERS AND LOSERS. SO THANK YOU. [LB575]

SENATOR KRIST: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB575]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY.
WOULD SENATOR MURANTE RESPOND TO A COUPLE QUESTIONS? [LB575]

SENATOR KRIST: SENATOR MURANTE, WILL YOU YIELD? [LB575]

SENATOR MURANTE: YES. [LB575]

SENATOR SCHUMACHER: SENATOR MURANTE, DO ELECTION OFFICIALS NOW
CONTRACT WITH ORGANIZATIONS TO RECRUIT ELECTION WORKERS? [LB575]

SENATOR MURANTE: I KNOW THAT THEY USE ORGANIZATIONS SUCH AS THE
LEAGUE OF WOMEN VOTERS FOR THE PURPOSES OF RECRUITING ELECTION
WORKERS. WHETHER THERE IS A CONTRACT IN PLACE IS BEYOND MY SCOPE,
BUT I DO KNOW THAT THEY WORK CLOSELY WITH A LOT OF DIFFERENT
ORGANIZATIONS. [LB575]

SENATOR SCHUMACHER: OKAY. DO THEY PAY THOSE ORGANIZATIONS? [LB575]

SENATOR MURANTE: THE ORGANIZATIONS THEMSELVES, NO. THAT'S REALLY
WHAT THE BILL IS TRYING TO ACCOMPLISH. [LB575]

SENATOR SCHUMACHER: SO, UNDER THE BILL, CONCEIVABLY, AN ELECTION
COMMISSIONER OF ONE PARTICULAR POLITICAL PARTY COULD DESIGNATE THAT

Floor Debate
May 05, 2015

POLITICAL PARTY AS AN OUTFIT ORGANIZED OR AUTHORIZED TO RECRUIT WORKERS AND USE THIS MECHANISM TO FUNNEL MONEY TO THEM. [LB575]

SENATOR MURANTE: THAT WAS THE CONCERN WHICH WAS CONVEYED TO ME BY SENATOR MELLO, WHICH WAS ADDRESSED WITH THE AMENDMENT, WHICH WE...WITH...WHICH WE JUST ADOPTED, WHICH WAS TO MAKE THE ORGANIZATIONS EXCLUSIVE TO 501(c)(3)s. [LB575]

SENATOR SCHUMACHER: SO THAT WOULD BE CHURCHES? [LB575]

SENATOR MURANTE: I DON'T BELIEVE A CHURCH IS A 501(c)(3). [LB575]

SENATOR SCHUMACHER: WELL, OR ANOTHER...CHARITABLE ORGANIZATIONS. [LB575]

SENATOR MURANTE: OPTIMISTS, ROTARIES ARE THE MOST LIKELY EXAMPLES, THE LEAGUE OF WOMEN VOTERS. THOSE ARE...I SHOULDN'T SAY MOST LIKELY. THOSE ARE THE MOST COMMON EXAMPLES OF THE POLITICALLY ACTIVE GROUPS WHICH GET INVOLVED WITH ELECTION WORKERS RIGHT NOW. [LB575]

SENATOR SCHUMACHER: THANK YOU, SENATOR MURANTE. AND THANK YOU FOR THE CLARIFICATION. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER AND SENATOR MURANTE. SENATOR MURANTE, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. SORRY. MY MISTAKE. WE'RE ON SELECT. SENATOR HANSEN FOR A MOTION. [LB575]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB575 TO E&R FOR ENGROSSING. [LB575]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. MR. CLERK. [LB575]

ASSISTANT CLERK: MR. PRESIDENT, NEXT BILL, LB629. THE E&R AMENDMENTS HAVE BEEN ADOPTED. NO, I'M SORRY. NO, THEY HAVE NOT BEEN ADOPTED. (ER91, LEGISLATIVE JOURNAL PAGE 1239.) [LB629]

Floor Debate
May 05, 2015

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB629]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB629. [LB629]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB629]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR MELLO WOULD OFFER AM1344, BUT I HAVE A NOTE HE WISHES TO WITHDRAW. [LB629]

SENATOR KRIST: WITHOUT OBJECTION. [LB629]

ASSISTANT CLERK: SECOND AMENDMENT FROM SENATOR MELLO, AM1448, ALSO A NOTE TO WITHDRAW, SENATOR. [LB629]

SENATOR MELLO: YES. [LB629]

SENATOR KRIST: WITHOUT OBJECTION. [LB629]

ASSISTANT CLERK: IN THAT CASE, MR. PRESIDENT, SENATOR MELLO OFFERS AM1528. (LEGISLATIVE JOURNAL PAGE 1389.) [LB629]

SENATOR KRIST: SENATOR MELLO, YOU ARE RECOGNIZED. [LB629]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AS A REMINDER, LB629 IS A BILL THAT WOULD CREATE A RESPONSIBLE REGULATORY FRAMEWORK FOR TRANSPORTATION NETWORK COMPANIES, TNCs, BETTER KNOWN AS UBER AND LYFT, TO OPERATE LAWFULLY IN THE STATE OF NEBRASKA. THERE HAS BEEN NUMEROUS MEETINGS AND DISCUSSIONS SINCE LB629 WAS HEARD ON GENERAL FILE, AND THE RESULT OF THOSE CONVERSATIONS AND DIALOGUES IS WHAT YOU SEE IN FRONT OF YOU WITH AM1528. THIS VERY EXTREMELY NEGOTIATED AMENDMENT HAS BEEN AGREED UPON BY ALL INTERESTED PARTIES AND IN PART DUE TO THE LEADERSHIP OF SENATOR SMITH AND SENATOR LINDSTROM IN HELPING BRING ALL OF THE INTERESTED PARTIES TO THE TABLE AS WE DISCUSSED WE WOULD DO ON GENERAL FILE. THE MAIN COMPONENTS IN AM1528 IS A COMPROMISE BETWEEN

Floor Debate
May 05, 2015

THE BANKING INDUSTRY AND THE TNCs. IT WILL ENSURE THAT INDEPENDENT CONTRACTORS WHO USE A VEHICLE WITH A LIEN AGAINST IT IN CONNECTION WITH A TRANSPORTATION NETWORK COMPANY, WILL BE REQUIRED TO NOTIFY THE LIENHOLDER OF THEIR INTENTIONS. THIS WILL START WITH A SEPARATE DISCLOSURE FROM THE TRANSPORTATION NETWORK COMPANY TO THE DRIVER THAT STATES THAT THEY MUST CONTACT THEIR LIENHOLDER AND CANNOT BEGIN DRIVING FOR THE TNC FOR SEVEN DAYS AFTER THEY HAVE MADE SUCH CONTACT. I HAVE WORKED WITH THE PUBLIC SERVICE COMMISSION, THEIR STAFF AND COMMISSIONERS AND HAVE AGREED...THEY HAVE AGREED TO CREATE A STANDARDIZED FORM AND TO PROMULGATE RULES AND REGULATIONS THAT WILL ENSURE THE DRIVER HAS INDEED ATTEMPTED TO CONTACT THE LIENHOLDER. COLLEAGUES, I WANT TO MAKE IT CLEAR A COUPLE POINTS IN THIS PROCESS. IN OUR DISCUSSIONS WITH REPRESENTATIVES FROM THE BANKING INDUSTRY, UBER, AND THE PUBLIC SERVICE COMMISSION, IT IS OUR INTENT THAT A DRIVER SHOULD DO THE FOLLOWING: THE DRIVER SHOULD BE GIVEN, SEPARATELY ACKNOWLEDGED, A DISCLOSURE FROM THE TRANSPORTATION NETWORK COMPANY THAT STATES THAT THEY ARE REQUIRED TO CONTACT THEIR LIENHOLDER AND THAT THEY MAY DO SO THROUGH THE PUBLIC SERVICE COMMISSION. THE DRIVER WILL THEN CONTACT THE PUBLIC SERVICE COMMISSION TO OBTAIN A LIENHOLDER VERIFICATION FORM. THE SEVEN-DAY WAITING PERIOD WILL BEGIN WHEN THE DRIVER HAS SENT THE LIENHOLDER VERIFICATION, THE VERIFICATION FORM TO THEIR LIENHOLDER. ONCE THE SEVEN DAYS HAVE PASSED, THE DRIVER THEN IS FREE TO START DRIVING FOR THE TRANSPORTATION NETWORK COMPANY. LASTLY, THE DRIVER SHOULD PROVIDE THE PUBLIC SERVICE COMMISSION A COPY OF THEIR COMPLETED LIENHOLDER NOTIFICATION FORM, ALONG WITH A FORM OF PROOF THAT THE FORM HAS BEEN SENT. IN OUR DISCUSSIONS, IT WAS DECIDED THAT THE PUBLIC SERVICE COMMISSION WILL ADOPT RULES AND REGULATIONS AS HOW TO VERIFY THE FORM HAS BEEN SENT. THIS WAS DONE SO THAT THE PUBLIC SERVICE COMMISSION CAN CHANGE AND ADAPT AS NEW TECHNOLOGIES BECOME AVAILABLE. ALSO INCLUDED IN AM1528 IS SOME CLEANUP LANGUAGE THAT CREATES A DISTINCTION BETWEEN TRANSPORTATION NETWORK COMPANIES AND OTHER SIMILAR SERVICES, SUCH AS CAR POOLING OR VAN POOLING. ADDITIONALLY, THE MINIMUM INSURANCE REQUIREMENTS FOR TRANSPORTATION NETWORK COMPANIES HAS BEEN INCREASED FROM \$500,000 TO \$1 MILLION. THIS INCREASE MEETS THE NATIONAL STANDARD AND IS IN LINE WITH THE COVERAGE THAT TRANSPORTATION NETWORK COMPANIES ALREADY CARRY ACROSS THE COUNTRY. COLLEAGUES, AM1528 REPRESENTS THE FINAL PIECE OF LB629 IN MONTHS OF VERY DIFFICULT NEGOTIATIONS BETWEEN ALL OF THE INTERESTED PARTIES, AS WELL AS WITH

Floor Debate
May 05, 2015

THE ASSISTANCE OF SENATOR SMITH, SENATOR LINDSTROM, AND HIS LEGAL COUNSEL, MIKE HYBL. IT'S ALWAYS BEEN MY INTENT WITH THE INTRODUCTION OF LB629 TO CREATE A RESPONSIBLE REGULATORY FRAMEWORK FOR TRANSPORTATION NETWORK COMPANIES THAT ENSURES PUBLIC SAFETY, PROTECTS DRIVERS FOR THESE COMPANIES, WHILE SHOWING THAT NEBRASKA IS FRIENDLY TO INNOVATION AND OPEN TO NEW TECHNOLOGIES. I CAN'T REMIND THE BODY ENOUGH TO RECOLLECT THE DIALOGUE WE HAD ON GENERAL FILE, THE AMENDMENT THAT WE HAD DISCUSSED ON GENERAL FILE FROM SENATOR LINDSTROM, AND ARGUABLY THE COMPROMISE THAT SENATOR SMITH, SENATOR LINDSTROM, AND MYSELF PROMISED THE BODY WE WOULD COME BACK WITH IN REGARDS TO BEING ABLE TO PROVIDE THIS BILL A PATHWAY FORWARD THAT WAS NEGOTIATED AND COMPROMISED AND WOULD MITIGATE THE OPPOSITION. I CAN'T SAY ENOUGH IN REGARDS TO HOW DIFFICULT THIS PROCESS HAS BEEN AND HOW GRATEFUL I AM FOR SENATOR SMITH AS THE CHAIR OF THE TRANSPORTATION COMMITTEE OF INVOLVING HIMSELF AND HIS LEGAL COUNSEL TO HELP US MITIGATE SOME OF THE CONCERNS AND BRING EVERYONE AROUND THE TABLE BETWEEN GENERAL AND SELECT AS WELL AS SENATOR LINDSTROM IN REGARD TO TRYING TO PROVIDE A PERSPECTIVE IN REGARDS FROM THE BANKING, INSURANCE, COMMERCE COMMITTEE IN RESPECTS TO THE ISSUES THAT WERE RAISED ON GENERAL FILE REGARDING NOTIFYING LIENHOLDERS WHEN A DRIVER HAS A LIEN ON THEIR VEHICLE. I'M GRATEFUL FOR THEIR ASSISTANCE AND THEIR SUPPORT BUT ALSO I'D BE REMISS NOT TO THANK MY LEGISLATIVE AIDE, ELIZABETH HERTZLER, WHO'S BEEN WORKING ON THIS ISSUE NOW FOR MONTHS. AND IT'S BEEN A VERY LONG, DIFFICULT PROCESS AND I THINK ALL OF US CAN ATTEST AS SENATORS WE'RE ONLY ABLE TO DO SO MUCH IN OUR OWN ABILITIES AND NOT HAVING THE CAPABLE LEADERSHIP AND DEDICATION OF OUR STAFF WOULD REALLY LIMIT OUR CAPABILITIES AS SENATORS. AND I JUST WANT TO EXPRESS MY GRATITUDE TO HER IN REGARDS TO MANY LONG, SOMETIMES ARDUOUS CONVERSATIONS AND MEETINGS ON THIS VERY DIFFICULT ISSUE, AND I'M GLAD THAT WE WERE ABLE TO WORK THROUGH A LOT OF THE CHALLENGES THAT HAVE BEEN BROUGHT FORWARD OVER THE LAST EIGHT MONTHS. WITH THAT, COLLEAGUES, I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE AND WOULD URGE THE BODY TO ADOPT THIS COMPROMISED AMENDMENT, AM1528. THANK YOU, MR. PRESIDENT. [LB629]

SENATOR KRIST: MR. CLERK FOR AN ANNOUNCEMENT. [LB629]

ASSISTANT CLERK: MR. PRESIDENT, THE GOVERNMENT COMMITTEE WILL HOLD AN EXECUTIVE SESSION UNDER THE SOUTH BALCONY NOW.

Floor Debate
May 05, 2015

SENATOR KRIST: YOU'VE HEARD THE OPENING TO AM1528. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB629]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR MELLO A QUESTION OR TWO. [LB629]

SENATOR KRIST: SENATOR MELLO, WILL YOU YIELD? [LB629]

SENATOR MELLO: YES. [LB629]

SENATOR CHAMBERS: SENATOR MELLO, DID I UNDERSTAND YOU CORRECTLY WHEN I THINK I HEARD YOU SAY THIS WAS SOME OF THE HARDEST NEGOTIATING THAT YOU HAD BEEN A PARTY TO? [LB629]

SENATOR MELLO: ABSOLUTELY. BY FAR IN MY SEVEN YEARS, IT WAS...THIS HAS BEEN THE MOST DIFFICULT BILL AND DIFFICULT PROCESS I HAVE WORKED THROUGH. I WOULD SAY IT'S AS DIFFICULT IF NOT MORE DIFFICULT THAN WHAT WE HAVE EXPERIENCED WITH SOME OF THE BUDGETS IN RECENT YEARS. [LB629]

SENATOR CHAMBERS: AND IT COVERED HOW LONG A PERIOD ROUGHLY? [LB629]

SENATOR MELLO: ROUGHLY NOW ABOUT NINE MONTHS. [LB629]

SENATOR CHAMBERS: AND YOU'RE GIVING BIRTH NOW TO...(LAUGHTER) JUST KIDDING. AND WHEN YOU SAID THE INTERESTED PARTIES, YOU MEANT BY THAT ALL OF THOSE WHO MAY HAVE EXPRESSED SOME OPPOSITION TO ONE PART OR THE OTHER. BUT YOU'VE MANAGED TO MELD ALL OF THESE DIFFERING GROUPS AND INDIVIDUALS INTO AGREEMENT ON THE AMENDMENT THAT'S BEFORE US NOW, IS THAT WHAT I'M UNDERSTANDING YOU TO SAY? [LB629]

SENATOR MELLO: I WOULD SAY IT WAS A TEAM EFFORT WITH THIS AMENDMENT WITH SENATOR SMITH, SENATOR LINDSTROM, AND MYSELF WITH THIS SPECIFIC AMENDMENT, BUT, YES, COLLECTIVELY WE'VE BEEN ABLE TO DO THAT WITH THIS LANGUAGE. [LB629]

Floor Debate
May 05, 2015

SENATOR CHAMBERS: RIGHT. I SHOULD HAVE SAID COLLECTIVELY. WELL, IF YOU WERE ABLE TO TAKE ALL THIS...SOME PEOPLE SAY DIS-PAR-ATE (PHONETICALLY) BUT I LIKE TO PRONOUNCE THE WORD DIS-PAR-ATE (PHONETICALLY). I LIKE TO PUT THE EMPHASIS ON THE SECOND SYLLABLE. IF YOU COULD TAKE ALL THOSE DISPARATE GROUPS AND INDIVIDUALS WHO HAD COMPETING INTERESTS NOT JUST OF A PHILOSOPHICAL NATURE, BUT EVEN OF A FINANCIAL NATURE, WHICH REALLY GETS DOWN TO WHERE PEOPLE LIVE AND COULD BRING SOME KIND OF HARMONY OUT OF THAT, HOW DIFFICULT SHOULD IT BE FOR YOU AND I TO COME TO AN UNDERSTANDING ABOUT THAT \$6? \$6. THAT'S MY QUESTION. IT SHOULDN'T BE ANYTHING COMPARED TO THAT WHICH YOU'VE DONE ALREADY OVER A SIX-MONTH PERIOD, SHOULD IT? [LB629]

SENATOR MELLO: SENATOR CHAMBERS, AS I POLITELY EXPRESSED MYSELF YESTERDAY TO YOU THAT OF COURSE I WILL BE WAITING TO SIT DOWN WITH YOU AND SENATOR NORDQUIST AND SCHUMACHER TO DISCUSS THAT \$6 FEE ON PRETRIAL DIVERSION AS WELL AS LOOKING AT THAT UNIFORMITY IN REGARDS TO PRETRIAL DIVERSION FEES ACROSS THE STATE ISSUED BY COUNTIES. AND I THINK OBVIOUSLY FINDING COMPROMISE ON AN ISSUE LIKE THAT, MY HOPE WOULD BE IT WOULD BE MUCH EASIER THAN THE COMPROMISES WE HAD TO FORGE ON AM1528 AND LB629. [LB629]

SENATOR CHAMBERS: I AGREE. JUST GIVE ME WHAT I WANT AND YOU'LL BE RID OF ME. THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR MELLO. [LB629]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS AND SENATOR MELLO. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB629]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. FIRST, I WANT TO THANK SENATOR SMITH, SENATOR MELLO, AND EVERYBODY ELSE THAT WAS INVOLVED IN THIS. I KNOW THAT THEY'VE BEEN WORKING ON THIS FOR A LITTLE BIT OVER A YEAR NOW. AND I WANT TO CONGRATULATE THEM ON THIS BECAUSE THIS IS A, AS I SAID IN EARLIER DEBATE ON THIS BILL, A VERY IMPORTANT BILL PARTICULARLY FOR MY DISTRICT THAT HAS A LOT OF YOUNG DRIVERS AND THE UNIVERSITY IN MY DISTRICT. I ALSO WANT TO POINT OUT THAT UNLIKE THE TAXICAB COMPANIES, AND SOME OF THE OTHER PUBLIC TRANSPORTATION OPTIONS THAT ARE REGULATED BY THE PUBLIC SERVICE COMMISSION, WE HAVE SET FORTH HERE A FAIRLY SPECIFIC FRAMEWORK FOR TNCs TO BE REGULATED BY. AND I WANT TO NOTE THAT FOR THE RECORD BECAUSE THERE WERE SOME CONCERNS LAST TIME THAT WE WERE ALMOST OVERREGULATING

Floor Debate
May 05, 2015

THIS EMERGING TRANSPORTATION SOURCE, THIS EMERGING TECHNOLOGY, AND THAT WE HERE HAVE REALLY CREATED A GOOD STATUTORY FRAMEWORK FOR TNCs TO THRIVE AND MOVE FORWARD. SO THANK YOU. [LB629]

SENATOR KRIST: THANK YOU, SENATOR MORFELD. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE. [LB629]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'LL BE BRIEF. ONCE AGAIN, THIS HAS BEEN A HIGHLY NEGOTIATED, COMPROMISED AMENDMENT BETWEEN THE INTERESTED PARTIES THAT WE DISCUSSED ON GENERAL FILE OF THE TNCs, THE BANKING INDUSTRY, AND THEN THE PUBLIC SERVICE COMMISSION, AS WELL AS THE INSURANCE INDUSTRY. I'M GRATEFUL ONCE AGAIN FOR THE LEADERSHIP FROM SENATOR SMITH, SENATOR LINDSTROM, IN REGARDS TO HELPING US FORGE THIS COMPROMISE. AND IT'S BEEN A LONG...AS SENATOR CHAMBERS SAID, IT'S BEEN A LONG NINE MONTHS BUT I THINK WHAT WE'RE PRODUCING WITH AM1528 IS A NEBRASKA WAY, QUOTE UNQUOTE, OF HOW WE ARE TRYING TO SOLVE SOME ISSUES REGARDING TNC REGULATION. AND I'D URGE THE BODY TO ADOPT THE AMENDMENT AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB629]

SENATOR KRIST: YOU'VE HEARD THE CLOSING ON AM1528. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB629]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT. [LB629]

SENATOR KRIST: AMENDMENT IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB629]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB629 TO E&R FOR ENGROSSING. [LB629]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB629]

ASSISTANT CLERK: MR. PRESIDENT, LB360, THERE ARE E&R AMENDMENTS. (ER90, LEGISLATIVE JOURNAL PAGE 1271.) [LB360]

Floor Debate
May 05, 2015

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB360]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB360. [LB360]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB360]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT AMENDMENT I HAVE, SENATOR JOHNSON, AM1478, WITH A NOTE YOU WISH TO WITHDRAW. [LB360]

SENATOR JOHNSON: CORRECT. [LB360]

ASSISTANT CLERK: IN THAT CASE, SENATOR JOHNSON WOULD OFFER AM1520. (LEGISLATIVE JOURNAL PAGE 1375.) [LB360]

SENATOR KRIST: SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB360]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. AM1520 CLEANS UP A FEW ITEMS THAT WE FOUND AS WE MERGED FOUR BILLS INTO THE ONE BILL. MOST OF THE CORRECTIONS WERE TAKEN CARE OF BY THE E&R AMENDMENTS, BUT WE SAW SOME AREAS THAT NEEDED TO BE DEVELOPED A LITTLE BIT MORE. IT IS A CLEANUP BILL, A COUPLE THINGS TO POINT OUT IN THE CLEANUP. ITEM 1 IN THE AMENDMENT INSERTS A NEW SECTION AMENDING 54-632, PERTAINING TO THE PROCESS OF SERVING NOTICE OF VIOLATIONS OF THE ACT AND THE PROCEDURES FOR HEARING AND APPEAL. THE AMENDMENTS INSERT HARMONIZING REVISIONS TO CHANGES ELSEWHERE IN THE ACT, AND THAT'S, MORE OR LESS, CHANGING SOME WORDS. ON GENERAL FILE, ADOPTION OF AM1151 ADDED A PER-ANIMAL FEE OF \$2 PER ANIMAL FOR THE ANNUAL FEE OF COMMERCIAL LICENSEES. ITEMS 6 (SIC) AND 7 OF AM1520 ADOPTS THIS PORTION OF THE MANUAL FEE...ANNUAL FEE THAT IS CONSISTENT WITH THE CHANGE WHEN WE CHANGED THE LICENSE TO A NONLAPSING LICENSE, AS PROVIDED IN THE UNDERLYING BILL. ADDITIONALLY, THE AMENDMENT MAKES IT CLEAR IN SECTION 21 THAT, IN THE EVENT THE DIRECTOR ASSIGNS A SPECIAL INVESTIGATOR UPON A BELIEF THAT INHUMANE CONDITIONS EXIST IN A REGULATED FACILITY RISE TO THE LEVEL OF CRIMINAL ANIMAL CRUELTY, THAT THE ASSIGNMENT AND ANY EXERCISE OF LAW ENFORCEMENT AUTHORITIES EXERCISED BY THE SPECIAL INVESTIGATOR SHALL BE IN COOPERATION AND

Floor Debate
May 05, 2015

COORDINATE WITH THE APPROPRIATE LAW ENFORCEMENT PROFESSIONALS AND AUTHORITIES. THE DEPARTMENT LACKS DIRECT AUTHORITY TO PROSECUTE CRIMINAL ANIMAL CRUELTY AND, THUS, WOULD RELY ON COUNTY AND CITY ATTORNEYS TO CARRY OUT THE PROSECUTING ACTIVITY. IT WOULD BE NECESSARY AND, THUS, WE ANTICIPATE THAT AN INITIATIVE OF THE DIRECTOR OF AGRICULTURE WOULD BE AUTHORIZED UNDER SECTION 21, WOULD ONLY BE UNDERTAKEN AFTER THE FIRST CONSULTING WITH LOCAL ENTITIES AND WORKING IN CONCERT IN CARRYING OUT THE NECESSARY INVESTIGATION AND IMPOUNDMENT AND RELOCATION OF ANIMALS. IN SECTION 5 WE HAVE ADDED CLARIFICATION TO THE JUDICIAL PROCESS FOR DISPOSITION OF SEIZED ANIMALS PROVIDED IN THAT SECTION THAT APPLY ONLY TO ANIMALS SEIZED UNDER...PURSUANT TO 28-1006 AND 28-1012. THESE ARE THE PROVISIONS THAT AUTHORIZE A LAW ENFORCEMENT OFFICER TO OBTAIN A WARRANT TO INVESTIGATE, CARE FOR, OR IMPOUND ANIMALS INVOLVED IN A VIOLATION OF A CRIMINAL...PROVISIONS AGAINST ANIMALS FIGHTING, CRUEL NEGLECT, AND MISTREATMENT. THE AMENDMENT IS INTENDED TO AVOID INTERPRETATION THAT SECTION 5 APPLIES TO NONCRIMINAL PROVISIONS AND WOULD NOT INTERFERE WITH LOCAL ORDINANCES REGARDING IN THE CASE OF, LET'S SAY, A STRAY DOG. THE COMMERCIAL DOG AND CAT ACT, IF THERE ARE LESS THAN FOUR DOGS BY AN INDIVIDUAL, WOULD NOT BE COVERED...ARE NOT COVERED BY THE COMMERCIAL DOG AND CAT ACT. THE REMAINDER OF THE PROVISIONS ARE FOR CLARITY AND CONSISTENCY. I WOULD MOVE THE ADOPTION OF AM1520. [LB360]

SENATOR KRIST: YOU'VE HEARD THE INTRODUCTION OF AM1520. FLOOR IS OPEN FOR DEBATE. SENATOR JOHNSON, YOU'RE THE ONLY ONE IN THE QUEUE. DO YOU WANT TO MAKE THIS YOUR CLOSING AS WELL? [LB360]

SENATOR JOHNSON: NO, I WAS GOING TO SPEAK TO IT. [LB360]

SENATOR KRIST: OKAY. ALL RIGHT, GO AHEAD. [LB360]

SENATOR JOHNSON: I'LL WAIT. [LB360]

SENATOR KRIST: SEEING NO ONE ELSE IN THE QUEUE, SENATOR JOHNSON, YOU'RE RECOGNIZED TO CLOSE. [LB360]

SENATOR JOHNSON: IT'S A CLARIFICATION. WHAT WE HAVE DONE IN THIS TIME PERIOD BETWEEN THE FIRST OF JANUARY UNTIL NOW, WE HAVE WORKED

Floor Debate
May 05, 2015

SEVERAL TIMES WITH THE DEPARTMENTS INVOLVED IN THIS: THE DEPARTMENT OF AG, THE NEBRASKA HUMANE SOCIETY, LICENSED RESCUE FACILITIES INCLUDING HEARTS UNITED FOR ANIMALS, COUNTY ATTORNEYS, COUNTY SHERIFF, ATTORNEY GENERAL. WE HAD CORRESPONDENCE WITH AKC AND THE NEBRASKA BREEDERS. WE'VE ALSO HAD CORRESPONDENCE WITH LINCOLN CITY ATTORNEY. I KNOW YOU'VE HAD A LOT OF E-MAILS, PROBABLY SOME LETTERS, ON BOTH SIDES OF THIS. HEARTS UNITED SAY WE'RE NOT GOING FAR ENOUGH. MY FEELING IS WE PROBABLY WILL NEVER GET THEM TOTALLY SATISFIED. ON THE OTHER SIDE, WE HAVE THE COMMERCIAL BREEDERS THAT SAY WE'RE GOING TOO FAR. THE LAST TIME WE HAD OUR MEETING INVOLVING THIS GROUP OF PEOPLE THAT MET WITH US, EVERYBODY WAS COMFORTABLE WITH THE POSITION WE HAD TAKEN. AS THE MEETING WAS...AS I LEFT THE MEETING, HEARTS UNITED SAID, WELL, WISH WE COULD GO FURTHER. I UNDERSTAND THEIR POSITION, BUT THIS IS WHERE WE...I FEEL AND THE COMMITTEE FEELS, ALL OF THE PEOPLE REPRESENTED IN THAT MEETING FEEL THIS IS CENTER GROUND, AND WE NEED TO STICK TO THAT. THAT'S MY CLOSING. THANK YOU, MR. PRESIDENT. [LB360]

SENATOR KRIST: THANK YOU, SENATOR JOHNSON. YOU HEARD THE CLOSING ON AM1520. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB360]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT. [LB360]

SENATOR KRIST: AMENDMENT IS ADOPTED. [LB360]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT AMENDMENT, FROM SENATOR DAVIS, AM1518. (LEGISLATIVE JOURNAL PAGE 1379.) [LB360]

SENATOR KRIST: SENATOR DAVIS, YOU'RE RECOGNIZED. [LB360]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. GOOD EVENING, COLLEAGUES. I AM INTRODUCING AM1518 TO LB360. LB360 WILL STRENGTHEN NEBRASKA'S STANDARDS FOR DOG BREEDING FACILITIES. AM1518'S CHANGES ARE NECESSARY ADDITIONS TO THE BILL, GIVING QUANTITATIVE TOOLS TO INSPECTORS TO PROTECT ANIMALS IN BREEDING FACILITIES. THE MODIFICATIONS ARE NOT THREATS TO ANY LEGITIMATE DOG BREEDER. I AM

Floor Debate
May 05, 2015

HANDING OUT PHOTOS TAKEN IN NEBRASKA'S PUPPY MILLS, MOST TAKEN BY INSPECTORS. WHILE THESE PICTURES ARE NOT EASY TO LOOK AT, THEY DEMONSTRATE WHY REGULATION IS NEEDED. STANDARDS OF CARE FOR CONFINED ANIMALS MUST BE HIGH AND MUST BE ENFORCEABLE. DOGS CONFINED TO CAGES CANNOT FIND FOOD AND WATER ON THEIR OWN AND RELY ON THEIR OWNERS TO SHIELD THEM FROM THE ELEMENTS. IN SO MANY CASES, THESE BASIC OBLIGATIONS ARE IGNORED, JUST AS THE NEED FOR A CLEAN PLACE TO LIE DOWN, AWAY FROM PILES OF FECES AND URINE, ARE...AS SHOWN IN THE PICTURES, WAS NOT A PRIORITY FOR THESE BREEDERS. WHILE WE ALL ADORE A CUTE PUPPY, MANY DO NOT REALIZE THE NIGHTMARISH CONDITIONS SURROUNDING THE PUPPY'S ORIGINS. TINY WIRE CAGES, STACKED TWO OR THREE HIGH, IN WHICH THE DOG ON TOP WILL URINATE OR DEFECATE ON DOGS TAKEN BELOW ARE NOT UNCOMMON IN THE WORST ENVIRONMENTS. THOSE MOTHER DOGS SERVE ONLY ONE PURPOSE: TO BREED AND REBREED. THEY DO NOT KNOW LOVE, EXERCISE AND, OFTEN, BASIC NUTRITIONAL NEEDS. ELIMINATION OF THESE TYPES OF OPERATIONS SHOULD BE ONE OF OUR PRIMARY GOALS AS A STATE. THE FIRST LANGUAGE MODIFICATION OF AM1518 ADDS THE WORD "INJURIES, ILLNESSES, OR CONDITIONS" TO THE LANGUAGE IN LB360 AND STRIKES THE WORD "ACUTE" BEFORE THE WORD "INJURY." I WOULD ASK THAT YOU EXAMINE THE IMAGE OF BORIS, A PUPPY RECENTLY ACQUIRED BY HEARTS UNITED FOR ANIMALS, ALONG WITH HIS 11 SIBLINGS WHO ALL SUFFERED A HERNIA. AN UNTREATED CONDITION LIKE BORIS'S SHOULD BE REPORTABLE AND REMOVAL AN OPTION. BUT SINCE THIS IS A CONDITION, IT WOULD NOT CURRENTLY JUSTIFY THOSE ACTIONS EVEN UNDER LB360. ON OUR RANCH, ANYTHING BORN WITH SIMILAR CONDITIONS WAS ALWAYS TAKEN TO THE VETERINARIAN IMMEDIATELY. WHILE WE OFTEN FAILED TO SAVE THE ANIMAL, WE WERE NOT WILLING TO LET THEM SUFFER TO AVOID FEES ASSOCIATED WITH VET CARE, WHICH WASN'T THE CASE WITH BORIS, WHO WAS BORN THAT WAY AND THE PICTURE WAS TAKEN SEVERAL WEEKS LATER. SECOND, I HAVE ADDED THE NEED FOR A CONTINUOUS SUPPLY OF POTABLE WATER. WHY IS THIS NEEDED? BECAUSE IT ISN'T BEING PROVIDED TODAY IN SOME KENNELS AND THE LANGUAGE IN LB360 LEAVES A GRAY AREA WHICH SHOULD BE ADDRESSED. I HAVE DOCUMENTATION ATTACHED TO THIS PACKET FROM VETERINARIANS ABOUT THE NECESSITY OF SUFFICIENT WATER FOR A DOG, ESPECIALLY ONE WHO IS PREGNANT AND NURSING PUPPIES. INDIVIDUAL DOG BREEDERS WON'T NEED TO INSTALL EXPENSIVE WATER SYSTEMS WITH LIVE WATER. A PLASTIC BUCKET ATTACHED TO THE WALL OR THE CAGE, SO THAT IT CANNOT BE UPSET BY THE DOG, IS SUFFICIENT, COMBINED WITH AN OWNER WHO CHECKS THE WATER IN THE BUCKET MORE THAN TWICE PER DAY. THE NEED FOR WATER AMONG ANIMALS VARIES SIGNIFICANTLY WITH THE AIR

Floor Debate
May 05, 2015

TEMPERATURE. BUT WHILE LB360 RECOGNIZES THE NEED FOR WATER AND REQUIRES A STANDARD OF CARE WHICH AVOIDS SEVERE DEHYDRATION, IT CAN BE DIFFICULT FOR AN INSPECTOR TO EVALUATE WHEN MAKING AN ON-SITE VISIT. THE AMENDMENT WILL SIMPLIFY THE PROCESS. IF THERE IS WATER IN THEIR CONTAINER, THEN ONE CAN ASSUME THE DOG IS NOT DEHYDRATED. CONTRAST THAT WITH A STATEMENT BY THE OWNER THAT THE ANIMAL HAD, HAD WATER IN THE MORNING, OR WILL BE WATERED IN THE EVENING WHEN THE INSPECTOR ISN'T THERE TO CHECK WHETHER...THE ACCURACY OF THAT STATEMENT. FURTHER, IT IS IMPORTANT THAT THEIR WATER BE CLEAN AND FRESH, WHICH ARE EASILY QUANTIFIED BY OBSERVATION OF THE INSPECTOR. AM1518 ADDRESSES THE NEED FOR CAGE CLEANLINESS WHERE ANIMALS SPEND 24 HOURS PER DAY, OFTEN WITH A LITTER OF PUPPIES. PICTURES INCLUDED HERE DEMONSTRATE WHY CLEANLINESS MUST BE ADDRESSED. LB360 CALLS FOR EGREGIOUS SITUATIONS, WHERE A DOG OR A CAT CANNOT AVOID WALKING, LYING, OR STANDING IN FECES, TO BE RECTIFIED. LANGUAGE IN LB360 IS VAGUE AND COULD PERMIT UNETHICAL BREEDERS TO AVOID REGULATION BY CHALLENGING THE TERM "EGREGIOUS." AM1518 QUANTIFIES THE LANGUAGE BY REQUIRING THE PUPPY MILL TO AVOID MORE THAN 12 HOURS OF URINE AND FECES ACCUMULATION, WHICH IS REASONABLE CONSIDERING THE CONFINED NATURE OF THESE DOGS AND PUPPIES. AM1518 ALSO ADDRESSES THE ISSUE OF TEMPERATURE. THE AMENDMENT STRIKES A PORTION OF THE LANGUAGE WHICH IMPLIES THE ANIMALS CAN BE ACCLIMATED TO THE TEMPERATURE. IT COULD BE ARGUED THAT A DOG WAS ACCLIMATED TO THE TEMPERATURE ALTHOUGH IT DIED DUE TO HYPOTHERMIA. THIS LANGUAGE MUST BE REMOVED TO STATE THAT THE LEGISLATURE WILL NOT TOLERATE ABUSING ANIMALS BY DENYING THEM THE BASIC RIGHTS OF SHELTER. WHILE WE ALL LIKE TO BRAG ABOUT NEBRASKA'S UNEMPLOYMENT RATE OR ITS NUMBER-ONE RANKING ON CATTLE ON FEED, NEBRASKA RANKS AS THE THIRD-WORST STATE FOR BREEDING DOGS, WITH 12 OF THE 100 WORST BREEDERS NATIONALLY RESIDING IN NEBRASKA, ACCORDING TO A 2014 POLL. FIRST PLACE, MISSOURI, HAD RECENTLY DONE AN EXTENSIVE REVISION OF ITS LAWS TO CRACK DOWN ON BREEDERS IN THAT STATE. IT IS TIME FOR NEBRASKA TO DO THE SAME. I ASK THAT YOU SUPPORT AM1518 AND THE UNDERLYING BILL, LB360. I'D BE GLAD TO ANSWER ANY QUESTIONS BUT ONE POINT I WOULD LIKE TO MAKE. WE HAVE HEARD REFERENCES THAT PERHAPS WE'RE NOT...WE'VE GONE FAR ENOUGH. MISSOURI'S REGULATIONS, AND MISSOURI WAS THE WORST, GO QUITE A BIT FURTHER THAN MY AMENDMENT IN TERMS OF WHAT IT REQUIRES IN WATER AND SHELTER. SO I THINK THIS IS A REASONABLE AMENDMENT. I THINK IF YOU LOOK THROUGH THE PHOTOGRAPHS YOU'LL UNDERSTAND WHY THIS AMENDMENT IS BEING INTRODUCED. I SUPPORT THE UNDERLYING BILL 100

Floor Debate
May 05, 2015

PERCENT, BUT I THINK WE CAN STRENGTHEN IT AND TAKE NEBRASKA TO A NEW LEVEL IN TERMS OF HOW WE TREAT OUR ANIMALS. THANK YOU, MR. PRESIDENT. [LB360]

SENATOR KRIST: THANK YOU, SENATOR DAVIS. YOU'VE HEARD THE OPENING TO AM1518. THOSE WISHING TO SPEAK: SENATOR JOHNSON, KOLTERMAN, LARSON, AND CHAMBERS. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB360]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I KNOW YOU'VE BEEN HANDED SOME PICTURES AND THEY'RE PICTURES THAT HAVE BEEN USED IN THE PAST. THIS HAS NOT GONE INTO EFFECT YET. THE HUMANE SOCIETY OF NEBRASKA, NOT HSUS, HUMANE SOCIETY OF NEBRASKA AND THEIR TESTIMONY AT THE HEARING INDICATED THAT THE DEPARTMENT OF AGRICULTURE HAS CHANGED THEIR ATTITUDE, HAS CHANGED THEIR CULTURE--I KNOW THERE IS STILL SOME QUESTION OUT THERE WHETHER THAT'S HAPPENING OR NOT--BUT TO BE PROACTIVE ON SOME OF THE THINGS THAT THEY HAVE DONE SINCE WE STARTED THIS PROCESS. I WANT TO COMMENT. THERE'S A SET OF FEDERAL REGULATIONS. NEBRASKA...OR THE ANIMAL WELFARE ACT AND ANIMAL WELFARE REGULATIONS THAT WAS UPDATED BY THE USDA IN NOVEMBER 2013, THAT COVERS THE SUBJECTS, SOME OF THE SUBJECTS AT LEAST, THAT ARE COVERED HERE. I'LL READ THOSE FIRST, NOT EVERY WORD, NOT TO TAKE IT OUT OF CONTEXT EITHER, BUT IN THEIR FEDERAL REGULATIONS SAYS THE DOGS AND CATS MUST BE FED AT LEAST ONCE EACH DAY, EXCEPT AS OTHERWISE MIGHT BE REQUIRED TO PROVIDE ADEQUATE VETERINARY CARE. THE FOOD MUST BE UNCONTAMINATED, WHOLESOME, PALATABLE, AND AT A SUFFICIENT AMOUNT AND NUTRIENT VALUE TO MAINTAIN THE NORMAL CONDITION AND WEIGHT OF THE ANIMAL. THE DIET MUST BE APPROPRIATE FOR THE INDIVIDUAL ANIMAL'S AGE AND CONDITION. IT TALKS ABOUT THE FOOD RECEPTACLES. IT TALKS ABOUT WHERE THEY ARE TO BE LOCATED, THE TYPE OF RECEPTACLE. GOES TO WATERING: IF POTABLE WATER IS NOT CONTINUALLY AVAILABLE TO THE DOGS AND CATS IT MUST BE OFFERED TO THE DOGS AND CATS AS OFTEN AS NECESSARY TO ENSURE THEIR HEALTH AND WELL-BEING. THE LICENSED INSPECTOR, CERTIFIED VETERINARIAN-TYPE PERSON WILL BE ABLE TO TELL WHETHER THAT ANIMAL IS DEHYDRATED. CAN'T ALWAYS TELL THAT BY IF THERE'S WATER IN THE PAN OR NOT. THOSE ARE...THOSE ARE THE FEDERAL REGULATIONS. IN DECEMBER OF 2014, SIX MONTHS AGO, THE STATE OF NEBRASKA UPDATED THE REGULATIONS DEALING WITH COMMERCIAL DOG AND CAT ACT. IT TALKS ABOUT ADEQUATE WATER AND FOOD: ALL DOGS AND CATS SHALL BE PROVIDED WITH FOOD AT LEAST ONE TIME PER DAY EXCEPT AS OTHERWISE DIRECTED BY THE ATTENDING VETERINARIAN. SUCH FOOD SHALL

Floor Debate
May 05, 2015

BE FRESH, WHOLESOME, PALATABLE--SAME THING IT SAYS IN THE FEDERAL. WATER SHALL BE CONTINUALLY AVAILABLE TO EACH DOG OR CAT OR MUST AT LEAST BE OFFERED TO THE DOGS AND CATS AS OFTEN AS NECESSARY TO ENSURE THAT THEIR HEALTH AND SAFETY...BUT NEVER LESS THAN TWICE PER DAY FOR AT LEAST ONE HOUR EACH TIME UNLESS RESTRICTED BY THE ATTENDING VETERINARIAN. THE DEPARTMENT OF AGRICULTURE IS TAKING A PROACTIVE MOVE IN ORDER TO FIX THIS PROBLEM. AGAIN, IT'S IN REGULATIONS. IT'S GOING TO BE HARD FOR ANYBODY TO PROVE--ANOTHER POINT THAT I DIDN'T ADDRESS--WHAT THE TEMPERATURE HAS BEEN AT ALL TIMES. I THINK THE VETERINARIAN, THE LICENSED INSPECTOR WILL BE ABLE TO DETERMINE THAT, AS THEY CAN NOW. THEY WOULD BE APPROVED TO BE ABLE TO TOUCH THE DOG WHERE THE INSPECTORS IN THE PAST WERE NOT. I THINK THIS PERSON WILL BE...THIS PERSON WILL BE CERTIFIED TO BE ABLE TO MAKE AN EVALUATION OF THE CONDITION OF THIS ANIMAL. THEY'LL BE ABLE TO TOUCH THE ANIMAL. [LB360]

SENATOR KRIST: ONE MINUTE. [LB360]

SENATOR JOHNSON: THEY'LL BE ABLE TO HANDLE THE ANIMAL. THEY'LL BE ABLE TO TEST THE ANIMAL. THAT'S NEVER BEEN IN THE REGULATION BEFORE. WE'VE COME A LONG WAYS. THE DIRECTOR OF AGRICULTURE KNOWS THAT HE IS...THEY ARE BEING WATCHED. THEY KNOW THE RESPONSIBILITY THEY HAVE BY WHAT THEY WERE TOLD, NOT ONLY IN THE CONFIRMATION HEARING BUT IN THE ACTUAL HEARING THAT WE HAD. I'LL HAVE MORE AS WE GO ALONG. THANK YOU, MR. PRESIDENT. [LB360]

SENATOR KRIST: THANK YOU, SENATOR JOHNSON. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB360]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS BILL HAS BEEN VETTED THOROUGHLY THROUGH THE COMMITTEE PROCESS. WHEN WE STARTED THIS PROCESS, IT REALLY CAME OUT OF...WELL, THE BILL WAS BROUGHT EARLY ON, BUT WE REALLY TALKED THOROUGHLY ABOUT IT WHEN WE WERE APPROVING GREG IBACH AS THE DIRECTOR OF AGRICULTURE. AND WE HEARD LOUD AND CLEAR IN HIS HEARING THAT A WEAKNESS OF HIS DEPARTMENT WAS THE CAT AND DOG ENFORCEMENT. AND SO, AS WE DELIBERATED ON THIS BILL, WE PAID CAREFUL ATTENTION TO THE FACT THAT HE DIDN'T HAVE ENOUGH HELP. SO BECAUSE OF THIS BILL, WE'RE ABLE TO GIVE HIM ONE MORE ENFORCEMENT OFFICER. AND WE'VE WORKED VERY HARD AT

Floor Debate
May 05, 2015

PUTTING TEETH INTO THIS BILL THAT WILL GET TO THE PROBLEM OF THE PUPPY MILLS AND THE PEOPLE THAT TREAT THEIR ANIMALS INHUMANE. IT HAS BEEN A MERGER OF FOUR BILLS, AND SO IT'S TAKEN A LOT OF HARD WORK AND A LOT OF NEGOTIATIONS. SO, AS OF JUST BEFORE WE BROUGHT IT TO GENERAL FILE, TO GIVE YOU AN IDEA OF HOW THIS HAS BEEN WORKED ON, THE COUNTY ATTORNEYS ASSOCIATION AND THE SHERIFFS' ASSOCIATION WERE INVOLVED IN THE NEGOTIATIONS BECAUSE THEY NEED TO HAVE A VOICE AND THEY NEED TO KNOW HOW THIS BILL WAS GOING TO BE WRITTEN. THE NEBRASKA HUMANE SOCIETY ACTUALLY BROUGHT PART OF THIS BILL TO US ABOUT THE CRUELTY TO ANIMALS. HEARTS UNITED WAS INVOLVED ALL THE WAY THROUGH. THE DEPARTMENT OF AGRICULTURE HAD THEIR LEGAL COUNSEL AND THEY WERE INVOLVED. THE BREEDERS, WE LISTENED TO THE BREEDERS OFF AND ON THROUGHOUT THE PROCESS. AND THEN, FINALLY, THE CITY OF LINCOLN EVEN HAD THEIR LEGAL COUNSEL HERE TO TALK ABOUT THIS, THE PROBLEMS THAT EXISTED. WE KNOW AND THEY...ALL THESE PEOPLE THAT I JUST MENTIONED SIGNED OFF ON THIS BILL AND SAID, HEY, IT MEETS OUR APPROVAL. NOW WE WILL TELL YOU THAT HEARTS UNITED DIDN'T THINK IT WENT FAR ENOUGH, BUT THEY WERE WILLING TO SIGN OFF ON THIS. NOW THEY'RE MAKING AN END RUN AND TRYING TO GET US TO TIGHTEN IT UP EVEN MORE AFTER WE HAD ALL AGREED TO THE PROCESS AND WHAT WE'RE LOOKING FOR. THERE'S NOTHING WRONG WITH BRINGING AN AMENDMENT LIKE THIS, BUT THE AMENDMENT GOES WAY TOO FAR. WE HAVE DONE ALL WE CAN TO LISTEN TO THE PEOPLE, THE PEOPLE THAT ARE DEALING WITH THE ISSUES IN THE FIELD, THE HUMANE SOCIETY. EVERYBODY WAS FINE WITH THIS AND NOW THIS IS COMING AT US. IF WE START GOING INTO THE WEEDS ON ISSUES LIKE WATER AND TEMPERATURE AND FOOD, WHERE IS THAT GOING TO LEAD US NEXT TIME? ARE WE GOING TO BE COMING BACK HERE NEXT YEAR WITH ANIMAL CRUELTY FOR LIVESTOCK? IS THAT NEXT? I WOULD ASK YOU THAT YOU VOTE THIS AMENDMENT DOWN, LET US MOVE FORWARD. LET'S PASS THIS LEGISLATION. WE KNOW IT'S GOING TO NEED TO BE TWEAKED AS WE...IN THE FUTURE YEARS. WE'RE PAYING VERY CLOSE ATTENTION TO THIS. AND I WOULD JUST ASK THAT YOU VOTE RED ON AM1518 AND VOTE GREEN ON LB360. AND WITH THAT, I WOULD ALLOCATE THE REST OF MY TIME TO SENATOR LARSON. [LB360]

SENATOR KRIST: SENATOR LARSON, 1:30. [LB360]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. WILL SENATOR DAVIS YIELD TO A QUESTION? [LB360]

Floor Debate
May 05, 2015

SENATOR KRIST: SENATOR DAVIS, WILL YOU YIELD TO A QUESTION, PLEASE?
[LB360]

SENATOR DAVIS: YES. [LB360]

SENATOR LARSON: THANK YOU, SENATOR DAVIS. I WAS READING THROUGH
YOUR AMENDMENT AND A FEW THINGS POPPED OUT TO ME. AND I KNOW
YOU'RE...YOU HAVE A HISTORY OF BEING A CATTLE PRODUCER, CORRECT?
[LB360]

SENATOR DAVIS: I DO. [LB360]

SENATOR LARSON: IF YOU HAD A CALF WITH PINK EYE, WHAT WOULD YOU DO?
[LB360]

SENATOR DAVIS: I WOULD TREAT THE CALF. [LB360]

SENATOR LARSON: YOU WOULD TREAT THE CALF. ALL RIGHT. IF YOU...WOULD
THAT BE CONSIDERED AN ILLNESS, YOU THINK? [LB360]

SENATOR DAVIS: I WOULD. [LB360]

SENATOR JOHNSON: I WOULD. AND YOU WOULD PROBABLY TREAT THE CALF
PERSONALLY THOUGH, WOULDN'T YOU? [LB360]

SENATOR KRIST: ONE MINUTE. [LB360]

SENATOR DAVIS: I PROBABLY WOULD. [LB360]

SENATOR LARSON: PROBABLY. IF YOU HAD A...MAYBE IF YOU HAD A CALF THAT
HAD A LITTLE BIT OF A RUNNY NOSE, WHAT WOULD YOU DO? [LB360]

SENATOR DAVIS: SENATOR LARSON, THAT DEPENDS ON THE SITUATION, BUT I
WOULD TREAT THE CALF BY EITHER TREATING IT MYSELF OR TAKING IT TO THE
LOCAL VETERINARIAN. [LB360]

Floor Debate
May 05, 2015

SENATOR LARSON: TREAT IT YOURSELF OR TAKE IT TO THE LOCAL VETERINARIAN. AND I UNDERSTAND WHAT YOU'RE TRYING TO DO IN TERMS OF MAKING IT MORE STRICT. I GUESS THE POINT THAT I'M GETTING TO IS THE FACT THAT I THINK YOUR AMENDMENT GOES A STEP TOO FAR WHEN YOU JUST DEFINE ILLNESS BECAUSE, FRANKLY, I WOULD DEFINE PINK EYE AS AN ILLNESS. AND YOU AND I BOTH KNOW THAT PINK EYE IS FAIRLY COMMON... [LB360]

SENATOR DAVIS: IT'S A... [LB360]

SENATOR LARSON: ...AMONG OUR LIVESTOCK ANIMALS... [LB360]

SENATOR DAVIS: IT'S A CONTAGIOUS... [LB360]

SENATOR LARSON: ...WHEN SOMETHING LIKE THAT HAPPENS. AND WE SHOULD HAVE THAT OPPORTUNITY... [LB360]

SENATOR KRIST: TIME, SENATORS. [LB360]

SENATOR LARSON: THANK YOU. [LB360]

SENATOR KRIST: AND, SENATOR LARSON, YOU'RE NEXT IN THE QUEUE. [LB360]

SENATOR LARSON: THANK YOU. AND I WILL CONTINUE. AND I UNDERSTAND THAT THIS DOESN'T AFFECT PRODUCTION AND LIVESTOCK, BUT IT COMES BACK TO MY POINT WHEN WE ARE REGULATING COMMERCIAL DOG AND CAT OWNERS THAT...WHAT IS GOING TO BE CONSTRUED AS AN ILLNESS THAT HAS TO BE TAKEN TO THE VET? IS IT GOING TO BE A DOG IS LIMPING? IS IT GOING TO BE A PINK EYE THAT THE OWNER COULD TAKE CARE OF THEMSELVES, OR AN ANTIBIOTIC? AND I GUESS MY POINT TO THAT IS, IS AS PRODUCTION...AS SOMEONE THAT...AS YOU AND I BOTH, YOU HAVE HAD CATTLE AND MY FAMILY HAS CATTLE AND HORSES, YOU DON'T TAKE EVERYTHING TO THE VET ALL THE TIME. AND I THINK THAT'S WHY THE AGRICULTURE COMMITTEE, WHEN THEY TALKED ABOUT ACUTE INJURIES LIKE THE ONES THAT WE SEE IN THE PICTURES, YES, NEED TO BE TAKEN TO THE VETERINARIAN. BUT JUST TO HEAR THE WORD "INJURY" I THINK IS OVERSTEPPING AND OVERLY BROAD BECAUSE A LOT OF THINGS CAN BE CONSTRUED AS AN INJURY OR AN ILLNESS. AND FRANKLY, I HEARD YOU MENTION MISSOURI AND I'M A LITTLE SURPRISED YOU USED THAT EXAMPLE, FRANKLY, IN TERMS OF THEIR REGULATIONS. I DON'T KNOW IF YOU

Floor Debate
May 05, 2015

KNOW HOW THOSE REGULATIONS CAME IN TO BE, BUT A MAJORITY OF THEM CAME THROUGH WHAT WAS CALLED "PROP B." I GUESS, WILL SENATOR DAVIS YIELD TO ANOTHER QUESTION? [LB360]

SENATOR KRIST: SENATOR DAVIS, WILL YOU YIELD? [LB360]

SENATOR DAVIS: I WILL. [LB360]

SENATOR LARSON: ARE YOU FAMILIAR WITH PROP B IN MISSOURI? [LB360]

SENATOR DAVIS: SENATOR LARSON, WHAT I HAVE HERE IS CURRENT LEGISLATION, BROUGHT BECAUSE I BELIEVE... [LB360]

SENATOR LARSON: CURRENT...BUT IT... [LB360]

SENATOR DAVIS: ABOUT FOUR YEARS AGO, WASN'T IT? [LB360]

SENATOR LARSON: BUT EXACTLY. PROP B CAME THROUGH IN 2010 AND IT SET THE GUIDELINES. AND THE LEGISLATURE HAD TO FOLLOW WHAT PROP B MANDATED, THROUGH THE VOTE OF THE PEOPLE, DO. AND I REMEMBER THIS DISTINCTLY BECAUSE IT WAS COMING THROUGH RIGHT BEFORE I DEALT WITH THE HORSE PROCESSING ISSUE. BUT ARE YOU FAMILIAR WITH PROP B IN AND OF ITSELF? [LB360]

SENATOR DAVIS: I'M NOT FAMILIAR WITH ALL OF THE DETAILS OF IT. I'VE CERTAINLY BEEN AWARE OF IT. [LB360]

SENATOR LARSON: WELL, PROP B ESSENTIALLY WAS A MULTIMILLION DOLLAR CAMPAIGN FUNDED BY THE HSUS...BY HSUS THAT WAS RAN IN THE STATE OF MISSOURI. THERE ARE 97 COUNTIES IN THE STATE OF MISSOURI. DO YOU WANT TO VENTURE TO GUESS HOW MANY COUNTIES PROP B WON IN? [LB360]

SENATOR DAVIS: I HAVE NO IDEA, SENATOR LARSON. [LB360]

SENATOR LARSON: THREE, 3 OUT OF THE 97 COUNTIES, AND IT STILL WON ON THE BALLOT. IT WAS DEFEATED IN 94 DIFFERENT COUNTIES. IT WON IN THREE AND CARRIED THE BALLOT WITH I WANT TO SAY 51 OR 52 PERCENT OF THE

Floor Debate
May 05, 2015

VOTE. THESE ARE THE THREATS THAT WE FACE. THOSE THREATS ARE REAL. THEY'RE SERIOUS. AND IF WE WANT TO PUT JUST EVERY SINGLE INJURY OR ILLNESS IN LB360, WE'RE TAKING...WALKING DOWN THOSE SAME STEPS. I THINK RESPONSIBLE COMMERCIAL BREEDERS SHOULD HAVE THE ABILITY TO TREAT THEIR ANIMALS, AS YOU AND I DO AS RESPONSIBLE LIVESTOCK OWNERS, IN AN EFFECTIVE WAY. NOW WE BOTH KNOW WHEN WE...ONE OF OUR ANIMALS HAVE AN ACUTE INJURY, WE WILL TAKE THEM TO THE VET. THAT IS WHAT WE DO BECAUSE WE UNDERSTAND THAT THEY NEED TO GO TO THE VET. [LB360]

SENATOR KRIST: ONE MINUTE. [LB360]

SENATOR LARSON: AND IF OUR ANIMALS AREN'T HEALTHY, THEY'RE NOT GOING TO PRODUCE. AND I WOULD VENTURE TO GUESS MANY CAT AND DOG OWNERS AND COMMERCIAL BREEDERS FEEL THE SAME WAY. NOW, JUST LIKE IN OUR INDUSTRY, SENATOR DAVIS, THERE ARE, AT TIMES, BAD ACTORS. BUT THAT DOES NOT MEAN WE SHOULD SPOIL IT FOR THE REST OF EVERYONE ELSE. WE NEED TO HAVE THE REGULATORY FRAMEWORK TO CRACK DOWN ON THOSE BAD ACTORS, BUT WE DO NOT CREATE THINGS, LIKE AM1518 IS DOING, WITH OVERHARSH AND OVERBURDENSOME REGULATIONS ON GOOD PRODUCERS. WE HAVE TO BE CONTINUE TO BE SMART. AND AS I SAID, YOU SAY THIS ISN'T AS BAD AS WHAT THE LEGISLATURE IN MISSOURI DID, THEY DID IT BECAUSE THEY WERE FORCED TO. [LB360]

SENATOR KRIST: TIME, SENATOR. [LB360]

SENATOR LARSON: THANK YOU. [LB360]

SENATOR KRIST: THANK YOU, SENATOR LARSON AND SENATOR DAVIS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB360]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WITH ALL DUE RESPECT TO SENATOR LARSON AND OTHER PEOPLE WHO TALK ABOUT LIVESTOCK, THESE PET ANIMALS ARE NOT LIVESTOCK. PEOPLE GET PET OR COMPANION ANIMALS AND THEY WANT TO MAINTAIN THEM ALIVE AS LONG AS POSSIBLE. YOU RAISE LIVESTOCK WITH THE INTENT OF KILLING IT. THAT'S THE ULTIMATE GOAL. LET ME ASK SENATOR LARSON A QUESTION OR TWO BEFORE IT SEEMS LIKE I'M VENTURING OFF INTO SOMETHING WHERE I HAVE NO BUSINESS GOING. [LB360]

Floor Debate
May 05, 2015

SENATOR KRIST: SENATOR LARSON, WILL YOU YIELD TO A QUESTION? [LB360]

SENATOR LARSON: YES. [LB360]

SENATOR CHAMBERS: SENATOR LARSON, WHAT IS THE ULTIMATE DESTINATION OF LIVESTOCK? [LB360]

SENATOR LARSON: THE...IN STATUTE? I'M... [LB360]

SENATOR CHAMBERS: THE SLAUGHTERHOUSE, ISN'T IT? YOU DON'T RAISE THEM JUST TO KEEP THEM ALIVE AND ON YOUR PLACE AS LONG AS YOU CAN, DO YOU? [LB360]

SENATOR LARSON: WELL, I WOULD RAISE A HORSE TO KEEP THEM AS LONG AS I CAN, BUT I ALSO DON'T HAVE A PROBLEM WITH SENDING THAT HORSE TO THE PROCESSING FACILITY. [LB360]

SENATOR CHAMBERS: IS THE HORSE...EXCUSE ME. [LB360]

SENATOR LARSON: BUT I THINK THAT JUST TO SAY SOMETHING IS LIVESTOCK MEANS THAT IT HAS TO GO TO THE SLAUGHTERING FACILITY ISN'T QUITE CORRECT, BUT MANY WOULD...MAY CONSTRUE THAT. BUT I CONSIDER HORSES LIVESTOCK. [LB360]

SENATOR CHAMBERS: WELL, LET ME ASK IT LIKE THIS. [LB360]

SENATOR LARSON: YEAH. [LB360]

SENATOR CHAMBERS: FOR THOSE WHO RAISE LIVESTOCK, WHAT DO THEY DEEM TO BE INCLUDED IN THAT DESIGNATION? I DON'T MEAN WHERE YOU CAN SAY ANY LIVING THING THAT... [LB360]

SENATOR LARSON: NO. [LB360]

SENATOR CHAMBERS: ...HAS FOUR FEET AND SO FORTH. WHAT DO MOST PEOPLE UNDERSTAND THAT TERM TO MEAN? [LB360]

Floor Debate
May 05, 2015

SENATOR LARSON: I WOULD THINK YOU'D CONSIDER THAT HORSES, COWS, PIGS, GOATS, CHICKENS. [LB360]

SENATOR CHAMBERS: OKAY. DO YOU THINK THEY ARE RAISED FOR THE SAME PURPOSE THAT PEOPLE OBTAIN PET OR COMPANION ANIMALS? [LB360]

SENATOR LARSON: NOT IN THE UNITED STATES. [LB360]

SENATOR CHAMBERS: RIGHT. [LB360]

SENATOR LARSON: MAYBE ELSEWHERE. [LB360]

SENATOR CHAMBERS: AND THAT'S ALL THAT I WANT TO ASK YOU. MEMBERS OF THE LEGISLATURE, WE'RE TALKING ABOUT TWO ENTIRELY DIFFERENT SITUATIONS. THIS ONE WOMAN, WHO HAD WHAT THE JUDGE CALLED AN ANIMAL "AUSCHWITZ," WAS DEFENDED BY HER LAWYER WITH THE ARGUMENT THAT THESE ANIMALS ARE LIVESTOCK, MEANING THAT IN NEBRASKA IT'S ALL RIGHT TO MISTREAT LIVESTOCK IN THE WAY THESE DOGS AND CATS WERE BEING MISTREATED. IT WAS NOT REALLY A DEFENSE OF WHAT THIS WOMAN WAS DOING; IT WAS AN INDICTMENT AGAINST THESE PEOPLE WHO RAISE LIVESTOCK IN NEBRASKA. THIS LAWYER WAS KNOWLEDGEABLE. HE MADE THE ARGUMENTS. I PROBABLY AM MORE SENSITIVE TO LIVING THINGS THAN MANY PEOPLE WHO RAISE LIVESTOCK. MAYBE I'M NOT. BUT IT DOESN'T SEEM UNREASONABLE FOR ME WHEN WE'RE TALKING ABOUT PET ANIMALS OR COMPANION ANIMALS TO HAVE WATER CONTINUOUSLY AVAILABLE. HOW MUCH IS IT GOING TO COST TO HAVE WATER IN A CLEAN, NONPOROUS CONTAINER? HOW...THESE ARE PET ANIMALS THAT YOU'RE TALKING ABOUT. AND WHEN THESE BREEDERS ARE ALLOWED TO LOOK AT THEM THE SAME WAY THEY WOULD LIVESTOCK, WHICH, BY AND LARGE, ARE ANIMALS RAISED TO GO TO THE SLAUGHTERHOUSE, THEN IT SHOWS THAT ALL THEY WANT TO DO IS KEEP THEM ALIVE LONG ENOUGH, WITH THE APPEARANCE OF HEALTH, TO DUMP THEM IN A PET STORE OR TO SOMEBODY WHO IS GOING TO HUSTLE THEM AND HAS NO CONCERN WHATSOEVER FOR THEIR WELFARE. I'M ONE OF THOSE PEOPLE WHO HAS NO CARE ABOUT PEOPLE SAYING THAT MY CONCERN FOR ANIMALS GOES TOO DEEP. I DIDN'T CREATE THESE ANIMALS. THE ONES PEOPLE WORSHIP CREATED THESE ANIMALS. AND THE CATHOLIC CHURCH HAS A POPE WHO BELIEVES THAT ANIMALS, AND THERE ARE MANY PRIESTS IN THE CATHOLIC CHURCH WHO BELIEVE THAT ANIMALS DO, IN FACT, HAVE RIGHTS,... [LB360]

Floor Debate
May 05, 2015

SENATOR KRIST: ONE MINUTE. [LB360]

SENATOR CHAMBERS: ...THAT THERE IS A STANDARD OF TREATMENT BELOW WHICH NONE OF THEM SHOULD FALL. AND THEY ACTUALLY HAVE CEREMONIES WHERE THEY BLESS THESE ANIMALS. YOU DON'T GO AND BLESS SOMEBODY'S CAR, BLESS THEIR SIDEWALK, BLESS THEIR HOUSE. THESE ARE LIVING, SENTIENT BEINGS WHO ARE WHERE THEY ARE AND WHAT THEY ARE BECAUSE OF THE INTERVENTION OF HUMAN BEINGS WHO TOOK THEM OUT OF A WILD STATE, BRED THEM, AND, BY SO DOING, CREATED A LOT OF AILMENTS THAT THESE ANIMALS HAVE WHICH THEIR FOREBEARS IN THE WILD NEVER HAD-- BONES THAT DON'T FIT, JOINTS THAT WEAR OUT, ALL KINDS OF THINGS-- BECAUSE THEY'RE HANDLED AS THOUGH THEY'RE OBJECTS, NOT LIVING BEINGS. AND I'M GOING TO SUPPORT SENATOR DAVIS' AMENDMENT. THANK YOU, MR. PRESIDENT. [LB360]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. MR. CLERK, ANY ANNOUNCEMENTS? [LB360]

ASSISTANT CLERK: MR. PRESIDENT, THANK YOU. NEW BILL, LB259A. (READ LB259A BY TITLE FOR THE FIRST TIME.) LR239 BY SENATOR MELLO WOULD PROPOSE AN INTERIM STUDY, ALONG WITH LR240 BY THE URBAN AFFAIRS COMMITTEE, ALSO INTERIM STUDY. I HAVE MOTIONS TO LB67 FROM SENATOR NORDQUIST TO BE PRINTED. AMENDMENTS TO BE PRINTED: SENATOR HANSEN TO LB67; MELLO TO LB657; SENATOR LARSON TO LB330; SENATOR SCHILZ TO LB329; SENATOR DAVIS TO LB330; SENATOR KOLTERMAN TO LB330; SENATOR GLOOR TO LB643; SENATOR KRIST TO LB347. (LEGISLATIVE JOURNAL PAGES 1444-1453.) [LB259A LR239 LR240 LB67 LB330 LB329 LB643 LB657 LB347]

AND A PRIORITY MOTION, SENATOR KEN HAAR WOULD MOVE TO ADJOURN UNTIL WEDNESDAY, MAY 6, 9:00 A.M.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. WE ARE ADJOURNED UNTIL 9:00 TOMORROW MORNING.