

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

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May 06, 2015

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SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE SEVENTY-SIXTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. (MICROPHONE MALFUNCTION)...IS DR. CURT DODD, WESTSIDE CHURCH, OMAHA, NEBRASKA, SENATOR McCOY'S DISTRICT. PLEASE RISE.

DR. DODD: (PRAYER OFFERED.)

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

CLERK: QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NONE.

SPEAKER HADLEY: MESSAGES, REPORTS, ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, I HAVE NEITHER MESSAGES, REPORTS, NOR ANNOUNCEMENTS AT THIS TIME.

SPEAKER HADLEY: WE WILL START WITH THE FIRST ITEM ON THE AGENDA, THE LEGISLATIVE CONFIRMATION REPORTS. MR. CLERK.

CLERK: MR. PRESIDENT, SENATOR MELLO WOULD MOVE TO RECONSIDER THE VOTE TAKEN YESTERDAY WITH RESPECT TO THE CONFIRMATION COMMITTEE

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REPORT REGARDING THE APPOINTMENT OF DR. JOSEPH ACIERNO, CHIEF MEDICAL OFFICER.

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO...ON YOUR RECONSIDER MOTION.

SENATOR MELLO: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I RISE THIS MORNING TO ASK THE BODY TO TAKE A RECONSIDERATION MOTION, AND I DON'T DO THAT LIGHTLY, IN RESPECTS TO YESTERDAY'S FLOOR DEBATE, IN RESPECTS TO DR. DR. ACIERNO'S CONFIRMATION. I HAD TALKED TO A NUMBER OF THE MEMBERS OF THE HEALTH AND HUMAN SERVICES COMMITTEE IN RESPECTS TO MY OWN MISGIVINGS IN REGARDS TO DR. ACIERNO, IN REGARDS TO INTERACTIONS THAT I HAD WITH HIM UNDER THE PREVIOUS ADMINISTRATION AND SOMETIMES THE DIFFICULTY THAT I HAD IN RESPECT TO SOME APPROPRIATIONS COMMITTEE MATTERS BETWEEN DR. ACIERNO, AS THE HEAD OF THE DIVISION OF PUBLIC HEALTH, AND MY OFFICE IN RESPECTS TO FOLLOWING LEGISLATIVE INTENT FROM THE APPROPRIATIONS COMMITTEE AND, ULTIMATELY, THE LEGISLATURE WHEN WE PASSED THE LAST TWO...THE BIENNIAL BUDGET AND THE ADJUSTMENT TO THE BIENNIAL BUDGET. AND IN TALKING WITH THOSE MEMBERS, I HAD ASKED SOME FEEDBACK OF THEIR OWN AND THEY'VE APPROACHED ME AS WELL IN THE SENSE THAT THEY HAD SOME VERY SIMILAR MISGIVINGS IN REGARDS TO DEALING WITH DR. ACIERNO. AND THROUGH THAT PROCESS, I HAD STARTED TO WEIGH WHETHER OR NOT THOSE MISGIVINGS WERE BASED ON THE PREVIOUS ADMINISTRATION'S DIRECTIONS TO DR. ACIERNO AND WHETHER OR NOT IT WAS REALLY HIS JOB AS A POLITICAL APPOINTEE, AS THE CHIEF MEDICAL OFFICER AND THE DIRECTOR OF THE DIVISION OF PUBLIC HEALTH, IF HE WAS CARRYING OUT THE WILL OF THE PREVIOUS ADMINISTRATION IN REGARDS TO THE ACTIONS THAT HE WAS TAKING. I HAD TO TAKE A STEP BACK AND RECONSIDER THAT MYSELF IN REGARDS TO LISTENING TO SOME OF THE FLOOR DEBATE YESTERDAY IN RESPECTS TO WHETHER OR NOT I WAS BEING...WHETHER OR NOT I WAS FULFILLING WHAT I THOUGHT IS MY STANDARD PRACTICE IN THIS BODY, WHICH IS TRYING TO GIVE PEOPLE THE BENEFIT OF THE DOUBT. AND IN A SENSE, THAT HEARING SOME OF THE CONCERNS THAT SENATOR CRAWFORD RAISED, SENATOR GARRETT RAISED, AND SENATOR KRIST RAISED, I CHOSE NOT TO VOTE YESTERDAY ON DR. ACIERNO'S CONFIRMATION. AND IN THAT PROCESS, I DIDN'T BELIEVE OR DIDN'T THINK THAT HE WOULD NOT BE CONFIRMED. I FULLY ASSUMED THAT HE WOULD HAVE 25 VOTES TO BE CONFIRMED. AND I JUST DIDN'T HAVE THE STRONG PASSION TO STAND UP AND OPPOSE HIS NOMINATION OR HIS CONFIRMATION, I SHOULD SAY, IN PART BECAUSE I SPOKE

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WITH SENATOR CAMPBELL AND TALKED WITH HER A LITTLE BIT IN REGARDS TO WHERE HER THOUGHTS WERE IN REGARDS TO DR. ACIERNO'S CONFIRMATION. AND I THINK, LIKE MOST MEMBERS ON THE BODY, IN THIS BODY, WE TRY TO GIVE SOME DEFERENCE TO COMMITTEES, COMMITTEE DECISIONS. AND ARGUABLY, WE TALK TO COMMITTEE CHAIRS IN REGARDS TO WHERE THEY THINK ULTIMATELY THE DICE MAY BE CAST, SO TO SPEAK, AS A CONFIRMATION COMES THROUGH A COMMITTEE OR A LEGISLATIVE BILL COMES THROUGH THE COMMITTEE. AND AFTER SPEAKING WITH SENATOR CAMPBELL BOTH YESTERDAY ON THE FLOOR, PRIOR TO THE VOTE, AS WELL AS SPEAKING WITH SENATOR CAMPBELL AND SENATOR GLOOR AFTER THE VOTE, I FELT IT WAS BEST THAT WE AS A BODY TAKE A STEP BACK AND RECONSIDER THE VOTE WE TOOK. I'M NOT SAYING THAT DR. ACIERNO, COLLEAGUES, HAS BEEN A ROLE MODEL OF A POLITICAL APPOINTEE OR A CABINET SECRETARY UNDER THE HEINEMAN ADMINISTRATION. BUT I DO KNOW, IN REGARDS TO TALKING WITH SENATOR KRIST, SENATOR CAMPBELL, AND OTHERS, IN REGARDS TO HAVE HAD MUCH CLOSER INTERACTIONS WITH OUR NEW HHS CEO, COURTNEY PHILLIPS, AS WELL AS CONVERSATIONS WITH THE GOVERNOR'S OFFICE, I FEEL THERE IS A SENSE OF RESPONSIBILITY WE SHOULD CONSIDER OF GIVING A BENEFIT OF THE DOUBT TO THE NEW CEO, COURTNEY PHILLIPS, IN THE SENSE THAT IF DR. ACIERNO IS CONFIRMED AND DOES NOT FOLLOW THROUGH WITH WHAT I HEARD YESTERDAY WERE THE WARNING SHOTS FIRED BY COLLEAGUES OF OURS ON THE FLOOR IN REGARDS TO HOW HIS BEHAVIOR NEEDS TO CHANGE AND HOW HIS INTERACTIONS WITH THE LEGISLATURE NEEDS TO CHANGE, I FEEL CONFIDENT IN REGARDS TO THE CONVERSATIONS I HAD YESTERDAY THAT THIS NEW CEO WILL SIMPLY REMOVE DR. ACIERNO AND/OR THE GOVERNOR WILL REMOVE DR. ACIERNO AS THE CHIEF MEDICAL OFFICER AND AS THE DIRECTOR OF PUBLIC HEALTH BECAUSE I'VE HAD THIS FEELING, COLLEAGUES, SINCE THE START OF THE YEAR THAT WE'VE SEEN A BREATH OF FRESH AIR IN REGARDS TO A NEW ADMINISTRATION. I'LL BE THE FIRST TO SAY, I DON'T AGREE WITH THE NEW ADMINISTRATION ON EVERY ISSUE AND LIKELY WILL HAVE SOME DISAGREEMENTS WHEN THE BUDGET COMES THROUGH OUR BODY AND GETS PRESENTED TO THE GOVERNOR. AND THERE MAY BE VETO OVERRIDES THAT COME FROM THAT. BUT THERE IS A BREATH OF FRESH AIR, COLLEAGUES, IN REGARDS TO AT LEAST THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE FOCUS THAT THIS NEW ADMINISTRATION WANTS TO PLACE ON THIS DEPARTMENT TO FIX A LOT OF THE WRONGS THAT US SENIOR MEMBERS HAVE SEEN AND LIVED WITH OVER THE LAST FIVE TO SEVEN YEARS. AND IF DR. ACIERNO HAS BEEN PART OF THOSE WRONGS, COLLEAGUES, I STAND IN FRONT OF YOU ASKING TO TAKE A STEP BACK AND RECONSIDER WHAT WE DID BECAUSE I BELIEVE THE NEW LEADERSHIP IN THIS DEPARTMENT IS GOING TO

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TRY TO CORRECT THOSE WRONGS. AND IF FOR WHATEVER REASON DR. ACIERNO CONTINUES TO STAND TO BE PART OF THAT ROADBLOCK, SO TO SPEAK, TO THE REFORMS THAT ALL OF US HAVE BEEN ASKING FOR AND HAVE BEEN TALKING ABOUT AND CLAMORING FOR OVER THE LAST FEW YEARS, I HAVE NO DOUBT THAT HE WOULD BE REMOVED BY THE NEW...EITHER THE CEO OR THE NEW GOVERNOR. AND SO I'D ASK THE BODY TO STRONGLY RECONSIDER THE CONFIRMATION VOTE WE TOOK YESTERDAY ON DR. ACIERNO. MY MISGIVINGS STILL DO NOT GO AWAY, COLLEAGUES, AND I WILL BE VERY CANDID WITH EACH AND EVERY ONE OF YOU. BUT I THINK GIVING THE BENEFIT OF THE DOUBT THAT THERE IS A NEW ADMINISTRATION THAT WOULD BE ENACTING A NEW AGENDA AND, ARGUABLY, A NEW WAY OF CONDUCTING BUSINESS WITH THIS LEGISLATURE AND ESPECIALLY WITHIN THAT DEPARTMENT OF HEALTH AND HUMAN SERVICES, I'M, FOR ONE, WILLING TO GIVE DR. ACIERNO THE BENEFIT OF THE DOUBT OF OPERATING UNDER THIS NEW CULTURE AND UNDER THIS NEW PARADIGM MOVING FORWARD. WITH THAT, I'D URGE YOU TO VOTE YES ON THE RECONSIDERATION MOTION. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: THOSE IN THE QUEUE: SENATORS CAMPBELL, BAKER, CHAMBERS, KRIST, AND OTHERS. SENATOR CAMPBELL, YOU'RE RECOGNIZED.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I CERTAINLY, WHOLEHEARTEDLY SUPPORT SENATOR MELLO IN HIS EFFORT ON A MOTION TO RECONSIDER. AND I APPRECIATED VERY MUCH HIS WILLINGNESS TO SPEAK WITH ME BEFORE AND GATHER SOME THOUGHTS, AND I KNOW THAT HE PROBABLY TALKED TO SOME OF THE OTHER MEMBERS, AND PARTICULARLY OUR CONVERSATIONS FOLLOWING THE VOTE YESTERDAY. I MADE A COMMENT TO SOMEONE AND I THINK MY STAFF SAID IT MIGHT HAVE BEEN IN THE PAPER. I FELT THAT WHAT HAPPENED YESTERDAY WAS A MOMENT IN TIME. I DIDN'T PERCEIVE THAT THERE WAS A GROUP OF PEOPLE GOING AROUND TRYING TO GATHER NEGATIVE VOTES WITH REGARD TO DR. ACIERNO'S APPOINTMENT. BUT IT WAS A MOMENT IN TIME AND NOW WE ARE AT A POINT WHERE WE NEED TO REVIEW THAT MOMENT IN TIME AND WE NEED TO SAY, DID WE MAKE THE CORRECT DECISION OR IS IT A DECISION THAT WE OUGHT TO AT LEAST RECONSIDER AND THINK ABOUT? IN TALKING TO YOU YESTERDAY ABOUT DR. ACIERNO'S NOMINATION, I SPENT QUITE A BIT OF TIME TRYING TO GIVE YOU SORT OF THE WHOLE PICTURE BEHIND THE COMMITTEE. I'M A BIG BELIEVER THAT NO CHAIRMAN SHOULD JAM DOWN THE THROATS OF ITS MEMBERS A VOTE. AND I CERTAINLY SUPPORTED MY TWO COLLEAGUES WHO WISHED TO BE NONVOTING. AND I TRIED TO BE FAIR AND BALANCED IN MY DISCUSSION WITH YOU. AND PERHAPS I NEGLECTED TO GIVE YOU SOME IDEA OF WHAT THIS

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POSITION ENTAILS AND A COUPLE OF COMMENTS ABOUT DR. ACIERNO FROM HIS OWN TESTIMONY BEFORE THE COMMITTEE. THE CHIEF MEDICAL OFFICER'S JOB DESCRIPTION OR LISTING OF DUTIES IS THAT THE CHIEF MEDICAL OFFICER AND DIRECTOR MUST BE A LICENSED PHYSICIAN IN THE STATE OF NEBRASKA. THE CHIEF MEDICAL OFFICER DIRECTLY SUPERVISES TWO DEPUTIES AND THE PHYSICIAN ADVISES THE CHIEF EXECUTIVE OFFICER AND THE GOVERNOR AND APPROPRIATE STAFF ON HEALTH POLICY; DEVELOPS, IMPLEMENTS, AND COORDINATES PUBLIC POLICY SERVICES AND POLICY; IS RESPONSIBLE FOR THE OVERVIEW OF APPROXIMATELY \$168 MILLION IN THAT BUDGET, OF WHICH 60 PERCENT ARE FEDERAL FUNDS, 30 PERCENT ARE CASH FUNDS, AND 10 PERCENT ARE GENERAL FUNDS. ONE OF THE MAJOR RESPONSIBILITIES OF THE DIVISION OF PUBLIC HEALTH IS FOR THE LICENSURE AND DISCIPLINE OF HEALTHCARE FACILITIES AND PRACTITIONERS THROUGHOUT THE STATE, AND THAT IS A CRITICAL RESPONSIBILITY OF THAT POSITION. IN DR. ACIERNO'S TESTIMONY, AND I HAVE HIS TESTIMONY HERE IF ANY OF YOU WANT TO TAKE A LOOK AT IT, HE CONCLUDED HIS REMARKS AND HE SPENT A TIME TALKING TO US ABOUT SOME OF THE POLICY. AND WHEN HE APPEARED BEFORE US HAD BEEN THE EBOLA ISSUE, SO QUITE A BIT OF HIS TESTIMONY HAD TO DO WITH HOW HE PERCEIVED THE STATE'S RESPONSE TO THAT ISSUE. BUT IN HIS CLOSING REMARKS, HE INDICATED THAT BEFORE BECOMING DIRECTOR AND CHIEF MEDICAL OFFICER, IN MARCH OF 2013, HE HAD SERVED AS DEPUTY CHIEF MEDICAL OFFICER SINCE 2007 AND WAS LEGAL COUNSEL TO THE DEPARTMENT PRIOR TO THAT BECAUSE, AS I MENTIONED YESTERDAY, DR. ACIERNO HAS A LAW DEGREE. HE SAID, AND I QUOTE, I'M A PHYSICIAN...

SPEAKER HADLEY: ONE MINUTE.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I'M A PHYSICIAN AND A LAWYER. THIS COMBINATION MAKES ME WELL SUITED FOR THE WORK I DO AT DHHS, WHICH IS BOTH COMMUNITY HEALTH AND REGULATORY SIDES. I RECEIVED MY MEDICAL DEGREE AND LAW DEGREE, AS WELL AS MY UNDERGRADUATE DEGREES, FROM CREIGHTON UNIVERSITY. I WAS AN EMERGENCY DEPARTMENT PHYSICIAN WHILE ATTENDING LAW SCHOOL AND LATER PRACTICED MEDICAL LEGAL LAW IN LOS ANGELES AND OMAHA BEFORE JOINING THE DEPARTMENT. DR. ACIERNO HAS THE CREDENTIALS TO DO THIS JOB AND I'M WILLING TO GIVE MISS PHILLIPS THE OPPORTUNITY TO WORK WITH HIM AND TO MAKE HER OWN JUDGMENTS AND ALLOW THE GOVERNOR ALSO TO MAKE THOSE JUDGMENTS. THANK YOU, MR. PRESIDENT.

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SPEAKER HADLEY: THOSE IN THE QUEUE INCLUDE SENATORS BAKER, CHAMBERS, KRIST, BLOOMFIELD, RIEPE, AND OTHERS. SENATOR BAKER, YOU'RE RECOGNIZED.

SENATOR BAKER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I ADD MY VOICE OF SUPPORT FOR SENATOR MELLO'S REQUEST TO RECONSIDER THE CONFIRMATION OF DR. ACIERNO. IT'S A NEW DAY IN HEALTH AND HUMAN SERVICES. WE NEED TO TRUST AND SUPPORT COURTNEY PHILLIPS WHO THE PURPOSE OF THE PERSON AT THE TOP OF AN ORGANIZATION SETS THE TONE FOR THE ENTIRE ORGANIZATION. MAYBE WE SHOULD HIT THE RESET BUTTON AND FOCUS FORWARD. THAT WAS MY THINKING WHEN I VOTED FOR CONFIRMATION YESTERDAY AND WHY I WILL VOTE FOR CONFIRMATION AGAIN TODAY. THANK YOU.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WANT TO START BY SAYING I AM USING AN ANALOGY, TO BEGIN WITH, TO ANOTHER SITUATION. IT RELATES TO NAZI WAR CRIMINALS. I'M NOT SAYING THIS MAN IS A NAZI; I'M NOT SAYING THE GOVERNOR. BUT THAT WAS THE SITUATION THAT LED TO THAT PLEA: I WAS FOLLOWING ORDERS. EVERYBODY IS AWARE OF THAT. HOW MANY OF THOSE NAZI WAR CRIMINALS WERE LET OFF BY LEGITIMATELY SAYING, I WAS FOLLOWING ORDERS? THEY WERE. BUT AMERICA DID NOT EXCUSE THEM. AMERICA MADE SURE THAT THEY WERE HANGED. EVERY MAN WHEN HE IS CAUGHT, EVERY WOMAN WHEN SHE IS CAUGHT, EVERY CHILD WHEN HE OR SHE IS CAUGHT WILL SAY, I'M SORRY, I'LL DO BETTER NEXT TIME. IF YOU HAVE SOMEBODY SO WEAK THAT HIS DUTY AS A MEDICAL PROFESSIONAL IS GOING TO BE SUBVERTED BY THE DICTATES OF A POLITICIAN IS NOT WORTHY OF ALL THESE SALTWATER TEARS THAT I'M HEARING. WHAT I THINK OUGHT TO BE DONE, SINCE THE LEGISLATURE IS BECOMING SO MICKEY MOUSE, SO SPINELESS, SO WILLING TO ROLL OVER AND SWALLOW SPIT, YOU OUGHT TO GO TO ARTICLE IV, SECTION 10 OF THE CONSTITUTION AND ELIMINATE THE WORDS "SHALL" ...WELL, THE WORDS TO BE ELIMINATED: WITH THE APPROVAL OF A MAJORITY OF THE LEGISLATURE. THE PRECEDING WORDS ARE: THE GOVERNOR SHALL APPOINT WITH THE APPROVAL OF A MAJORITY OF THE LEGISLATURE. THIS LEGISLATURE IS SO WEAK, IT'S NOT CARRYING OUT THAT DUTY. IF YOU'RE GOING TO GIVE THE GOVERNOR EVERYBODY HE OR SHE APPOINTS, STOP PUTTING THAT SHAM INTO THE CONSTITUTION. THOSE ARE THE ISSUES THAT I'VE BEEN RAISING AND I'M GOING TO CONTINUE DOING IT. I KNOW WHY I VOTED AGAINST HIM. IF HE'S GOING TO

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FOLLOW WHAT A POLITICIAN TOLD HIM TO DO, WHAT'S TO STOP HIM FROM FOLLOWING WHAT THIS POLITICIAN TELLS HIM TO DO? AND NOW SENATOR MELLO AND THE REST OF US ARE BEING ASKED TO PUT THAT RESPONSIBILITY ON A YOUNG BLACK FEMALE TO REMOVE HIM. SHE'S NOT GOING TO REMOVE SOMEBODY THAT THE GOVERNOR APPOINTED. THE GOVERNOR APPOINTED...WHO WAS THAT RECENT HEAD OF THE...

_____ : WINTERER.

SENATOR CHAMBERS: WHO?

_____ : KERRY WINTERER.

SENATOR CHAMBERS: NO, THE ONE WHO WAS HEAD OF THE CORRECTIONS DEPARTMENT.

_____ : FRAKES.

SENATOR CHAMBERS: KERRY? TERRY?

_____ : SCOTT FRAKES.

SENATOR CHAMBERS: NO, NO, THE ONE BEFORE HIM.

_____ : KENNEY.

SENATOR CHAMBERS: KENNEY. I'M...SEE? FLUNK THAT EASY TEST. KENNEY WAS APPOINTED BY THE GOVERNOR OVER MY STRENUOUS OBJECTION. THE SENATORS CAME TO ME AFTERWARD AND SAID, WELL, HE WANTED HIM. THEN WHEN IT WAS SHOWN THAT KENNEY VIOLATED THE LAW AND SAID HE DID NOT HAVE THE PRIVILEGE OF GOING ALONG WITH THE LAW AND I ASKED THE GOVERNOR TO REMOVE HIM, HE SAID, NO, NO, HE WASN'T GOING TO REMOVE ANYBODY. WITH THE SCANDAL THAT HAD BEEN BROKEN AND WITH THAT SO FRESHLY IN OUR MINDS, WE'RE BEING ASKED TODAY TO FORGET THAT IN THE INTEREST OF COMITY, C-O-M-I-T-Y NOT C-O-M-E-D-Y, ALTHOUGH I WOULD SAY C-O-M-E-D-Y, A COMEDY OF ERRORS. THIS LEGISLATURE IS GUTLESS. IT IS UNWORTHY OF BEING CALLED A REPRESENTATIVE OF THE PEOPLE. HOW MANY

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OF YOU ARE GOING TO STAND ON THIS FLOOR AND SAY THAT YOU'RE GOING TO CHANGE YOUR VOTE BECAUSE YOU BRAINLESSLY VOTED YESTERDAY WITHOUT THINKING, WITHOUT HAVING A REASON? YOU JUST DID IT. AND HAVING DONE IT ONCE, IT'S EASY TO DO IT AGAIN TODAY,...

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ...NOW JUST AS BRAINLESSLY GO ALONG? SENATOR MELLO FOLLOWED THE PATH THAT WAS CONDEMNED IN THE BIBLE. I WOULD THAT YOU BE HOT OR COLD. I DON'T WANT YOU TO BE LUKEWARM AND NOT VOTE BECAUSE, IF YOU'RE LUKEWARM, I WILL SPEW YOU OUT OF MY MOUTH, SAYS THE BIBLE, REPRESENTING WHAT JESUS AND GOD WERE SUGGESTING. SO HE CHOSE NOT TO VOTE. WE HAVE THE RIGHT TO DO THAT. BUT NOW THAT THE NONVOTER WHO COULDN'T MAKE UP HIS MIND ONE WAY OR THE OTHER WANTS US TO CHANGE BECAUSE NOW HE HAS MADE UP HIS MIND. AND NOW THAT HE HAS MADE UP HIS MIND, THOSE OF US WHO HAVE THOUGHT THROUGH OUR POSITION AND MADE UP OUR MIND YESTERDAY ARE TOLD TO COME AND TAKE THE POSITION OF THE ONE WHO IS LUKEWARM AND DO A 360. I'M GOING TO TALK ON THIS SOME MORE. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED.

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. I WAS RESOLVED YESTERDAY TO DO WHAT I DID. I WILL NOT CHANGE MY VOTE. MY VOTE IS STILL NO. BUT I WANT YOU TO THINK ABOUT SOMETHING FOR JUST A MINUTE. I THINK MANY OF YOU HAVE HEARD FROM THE ADMINISTRATION. THEY'VE TALKED TO YOU ABOUT YOUR VOTE. THAT'S FINE. IF YOU FEEL THAT YOU NEED TO CHANGE YOUR VOTE, IT WILL BE A MATTER OF RECORD AND WE'LL SEE WHETHER YOU VOTE YES OR NO. YOUR CHOICE. I'M NOT GOING TO TRY TO CONVINCE ANYBODY TODAY TO DO ANYTHING. I AM GOING TO SAY THIS BECAUSE IT NEEDS TO GO ON THE RECORD. IF ANY PART OF THE ADMINISTRATION SAID THAT WE DID NOT COMMUNICATE OUR CONCERNS TO THEM, YOU SHOULD TAKE TWO STEPS BACK AND ASK THEM, REALLY? YOU DIDN'T HEAR FROM KRIST IN DECEMBER, IN JANUARY? YOU DIDN'T HEAR HIM SAY THERE ARE MEMBERS THAT YOU NEED TO LOOK AT IN THE ADMINISTRATION THAT ARE THE RESULT OF CSG AND LR424 THAT DO NOT BELONG IN POSITIONS OF LEADERSHIP IN THIS STATE AND SHOULD NOT BE RECONFIRMED AND SHOULD BE REMOVED? READ LR424, I SAID. YOU DIDN'T HEAR HIM SAY HERE ARE THE LIST OF FIVE OR SIX PEOPLE THAT ARE IN THE

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DEPARTMENT OF HEALTH AND HUMAN SERVICES WHO SHOULD NOT BE BROUGHT BACK TO THIS FLOOR FOR CONFIRMATION BECAUSE I WILL FIGHT IT AND I WILL MAKE SURE THAT YOU UNDERSTAND? WHEN THE ADMINISTRATION AT ANY LEVEL SAYS THAT WE'RE NOT COMMUNICATING WITH THEM, I WANT TO YOU THINK ABOUT SOMETHING: THAT'S WHILE WE'RE HERE. WE'RE HERE AND THOSE OF YOU WHO HAVE BEEN HERE IN THIS BODY FOR A WHILE UNDERSTAND. WE ARE HERE SIX MONTHS OUT OF THE YEAR. THE OTHER SIX MONTHS, LISTEN TO WHAT THE ADMINISTRATION SAYS ABOUT YOU AS A BODY BECAUSE, IF THE SAME THINGS ARE GOING TO HAPPEN IN THIS INTERIM PERIOD THAT HAVE HAPPENED IN THE LAST 6, 10, 16 YEARS, THAT WILL BE AN INDICATION WE'RE BACK ON THAT TRACK. AND I DON'T WANT TO BE BACK ON THAT TRACK. I HAVE TOLD THE GOVERNOR ON A NUMBER OF OCCASIONS, I WANT TO MAKE YOU SUCCEED, I WANT YOU TO SUCCEED. WE NEED A GOVERNOR WHO WILL SUCCEED. I'VE COMMUNICATED WITH THE ADMINISTRATION AS MUCH AS I POSSIBLY CAN. THEY KNEW THEY HAD AN ISSUE. THEY KNEW THEY HAD THE PROBLEM. AGAIN, I'M NOT LOBBYING FOR ANY OF YOU TO CHANGE YOUR VOTES. YOU VOTE THE WAY YOU THINK YOU NEED TO. BUT I WILL SAY ONE OTHER THING. IF WE ARE MEASURING THIS INDIVIDUAL AGAINST HIS PAST PERFORMANCE, WHY DIDN'T WE SEE A MARKED DIFFERENCE WHEN HE BECAME THE ACTING DIRECTOR, THE ACTING CEO FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES? IT WAS BUSINESS AS NORMAL. IT WAS CHARACTER AS NORMAL. OH, THERE I GO TRYING TO CONVINCING YOU OF SOMETHING, HUH? MY VOTE WILL CONTINUE TO BE NO, NOT BECAUSE I DON'T LIKE THE GOVERNOR AND I DON'T WANT HIM TO SUCCEED, BUT I DON'T THINK MS. PHILLIPS NEEDS THIS ANCHOR ON HER BOAT. THANK YOU.

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR BLOOMFIELD.

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I'LL BE THE FIRST TO RISE AND REVERSE MY VOTE. I WELCOME THE SLINGS AND ARROWS FROM SENATOR CHAMBERS AND OTHERS THAT WILL COME MY WAY. AND I DO THIS WITH SOME HESITATION. BUT AFTER THE VOTE YESTERDAY, I SPOKE WITH SENATOR CAMPBELL, SENATOR GLOOR, SENATOR CRAWFORD, SENATOR KRIST, AND OTHERS ABOUT THIS NOMINATION. I VOTED NO YESTERDAY BECAUSE OF EXPERIENCE I HAD, NOT PERSONALLY WITH THE DOCTOR BUT IN HEALTH AND HUMAN SERVICES WHERE I SERVED THE FIRST TWO YEARS I WAS HERE. THE MAN IS ARROGANT. HOPEFULLY, THE VOTE THAT HE RECEIVED YESTERDAY WILL TONE THAT DOWN A LITTLE BIT. SENATOR CAMPBELL TOLD ME THAT SHE FEELS THERE WILL BE A DIFFERENCE GOING

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FORWARD BECAUSE OF THE STRENGTH OF COURTNEY PHILLIPS. I'VE MET MISS PHILLIPS ONE TIME, VERY BRIEFLY, SO I DON'T HAVE A GOOD FEEL OF HER STRENGTHS. I KNOW SENATOR CAMPBELL HAS WORKED WITH HER A LOT. SO SAY WHAT YOU WILL ABOUT ME TURNING A 180 OR A 360. I'M GOING TO DO IT AND I WILL BE A YES VOTE THIS TIME AROUND. WHAT YOU DO IS UP TO YOU. I'M NOT GOING TO ATTEMPT TO PERSUADE ANYBODY, BUT THAT'S WHERE I'M AT. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR RIEPE, YOU'RE RECOGNIZED.

SENATOR RIEPE: MR. PRESIDENT, FELLOW SENATORS AND NEBRASKANS, THANK YOU FOR THIS OPPORTUNITY. I SERVE AS A MEMBER OF THE HEALTH AND HUMAN SERVICES COMMITTEE. I'M ONE OF EIGHT ON THAT. THE CREDENTIALS AND EXPERIENCE OF DR. ACIERNO ARE EXCEPTIONAL. THEREFORE, HE CLEARLY IS QUALIFIED AS THE CHIEF MEDICAL OFFICER. HOWEVER, I WOULD LIKE TO NOTE THAT DR. ACIERNO HAS BEEN SERVING AS BOTH THE CHIEF MEDICAL OFFICER AND ACTING CEO OF DHHS. THIS HAS NOT BEEN AN EASY TASK AND I CAN IDENTIFY WITH DR. ACIERNO. WHILE THE CHIEF OPERATING OFFICER AT BERGAN MERCY HOSPITAL IN OMAHA, I ALSO SERVED AS THE INTERIM CHIEF EXECUTIVE OFFICER FOR A 14-MONTH PERIOD OF TIME. I ASSURE YOU THAT CARRYING BOTH DUTIES OF BOTH JOBS IS NOT AN EASY TASK. I WANT TO...I'M GOING TO PLAY THE ADMINISTRATOR CARD HERE. A LITTLE OVER 30 YEARS OF HAVING WORKED WITH MANY PHYSICIANS, I CAN ASSURE YOU, AS YOU KNOW, THEY'RE VERY BRIGHT AND THEY'RE NOT WITHOUT OPINIONS AND I OFTEN MEAN VERY STRONG OPINIONS. THESE STRONG PERSONALITIES CAN AT TIMES BE PERCEIVED AS A BIT ALOOF AND STRONG WILLED. AND AS WE HAVE HEARD TODAY, DR. ACIERNO AT TIMES HAS BEEN PERCEIVED AS SOMEWHAT ALOOF AND STRONG WILLED. BUT I WANT TO TELL YOU THAT THAT'S NOT BEEN MY EXPERIENCE. DR. ACIERNO HAS BEEN GOOD TO WORK WITH AND IS HELPFUL IN EXPLAINING ANSWERS TO ANY QUESTIONS THAT I'VE HAD IN ONE-ON-ONE MEETINGS OR WITHIN COMMITTEE MEETINGS. THE DHHS COMMITTEE INTERVIEWED DR. ACIERNO AND VOTED HIM OUT OF COMMITTEE ON A 5-0 VOTE, 2 NOT VOTING. AGAIN, THAT WAS FIVE FOR, ZERO VOTING TO...NO ONE VOTED AGAINST HIM, AND TWO WERE NOT VOTING. THE...FURTHER, NO ONE APPEARED YESTERDAY AT THE HEARING TO TESTIFY AGAINST THE CONFIRMATION OF DR. ACIERNO'S APPOINTMENT. THEY WERE NOT VOTING, IF YOU WILL. THERE WERE...WE HAVE A NEW GOVERNOR. THIS IS HIS CHOICE. WE HAVE A NEW CEO IN COURTNEY PHILLIPS. WE HAVE A NEW DIRECTOR OF MEDICAID AND LONG-TERM CARE. WE HAVE A NUMBER OF ISSUES WITHIN HHS. WE NEED OUR ENERGY TO GO FORWARD. WE NEED THIS TEAM. WE DON'T NEED TO SPEND THE

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NEXT YEAR IN TERMS OF GOING THROUGH MORE RECRUITMENT. I DO BELIEVE THAT THE GOVERNOR IS COMMITTED ENOUGH TO COURTNEY PHILLIPS THAT, IF SHE WOULD GO TO HIM AND SAY THERE IS AN ISSUE AND IT'S NOT A MEMBER ON MY TEAM THAT I WANT TO PLAY, I THINK THE GOVERNOR IN HIS GOOD JUDGMENT, AS A BUSINESS PERSON AS WELL, WOULD KNOW THAT HE IS FORCED THEN WITH A CHOICE. I APOLOGIZE FOR MY DELAY IN NOT SPEAKING BEFORE ABOUT DR. ACIERNO. BUT I AM NOW AND I SUPPORT THE CONFIRMATION OF DR. ACIERNO AND ASK THAT YOU GIVE HIM A GREEN LIGHT AND THAT WE CAN GET ON IN ADDRESSING THE ISSUES OF HHS. WE KNOW THERE ARE MANY AND WE HAVE A BIG TASK AHEAD OF US. THANK YOU.

SPEAKER HADLEY: SENATOR GARRETT, YOU ARE RECOGNIZED.

SENATOR GARRETT: THANK YOU, MR. SPEAKER. I ROSE YESTERDAY AND SAID, SOMEWHAT RELUCTANTLY, THAT I WOULD NOT BE VOTING FOR DR. ACIERNO BASED ON MY LIMITED EXPERIENCE WITH HIM WHICH WAS HE REALLY MANAGED TO GET MY IRE UP AND I FELT I WASN'T TREATED IN A PROFESSIONAL MANNER. AND, LO AND BEHOLD, YOU KNOW, THINKING BACK, WHEN SENATOR CAMPBELL GAVE HER INTRODUCTORY REMARKS YESTERDAY, IT WAS...YOU KNOW, IN THE MILITARY WE USED TO SAY, CONDEMNING BY FAINT PRAISE. AND IF YOU REALLY LISTENED TO HER TESTIMONY, IT WAS...THAT KIND OF HAD ME RAISE AN EYEBROW. AND THE FACT THAT SENATORS CRAWFORD AND SENATOR HOWARD WERE PRESENT AND NOT VOTING, WE ALL KNOW THAT PRESENT AND NOT VOTING IS A POLITE NO. AND THOSE TWO LADIES, I KNOW THEM PRETTY WELL. YOU KNOW, I THINK IT SPEAKS VOLUMES WHEN THEY WERE PRESENT AND NOT VOTING. AND THEN, COLLEAGUES, A LOT OF YOU GOT UP AND YOU SHARED YOUR OWN PERSONAL EXPERIENCES WITH DR. ACIERNO AND IT JUST REINFORCED HOW I FELT. LEADERSHIP IS A TOUGH THING. HHS HAS BEEN BROKE FOR A WHILE AND IT ALL STARTS AT THE TOP. I'M NOT AFRAID TO MAKE DECISIONS, HARD DECISIONS, BEING A PRESIDENT AND CEO OF A COMPANY, BEING A COMMANDER IN THE MILITARY. WHEN I WAS IN KOREA, I WAS AN INTEL GROUP COMMANDER. I FIRED A SQUADRON COMMANDER, A LIEUTENANT COLONEL. I KILLED HIS CAREER. I FINISHED HIM THEN AND THERE. BUT IT NEEDED TO BE DONE. TWO MONTHS LATER, I FIRED THE SENIOR ENLISTED GUY, THE CHIEF MASTER SERGEANT OF THAT SAME SQUADRON, THE SUPERINTENDENT. IT NEEDED TO BE DONE. NOT AFRAID TO MAKE HARD DECISIONS AND I'M TELLING YOU, COLLEAGUES, THE EXPERIENCE OF EVERYONE IN HERE WITH DR. ACIERNO UP TO THIS POINT, HOW YOU THINK HE'S GOING TO CHANGE HIS SPOTS JUST BECAUSE WE HAVE A NEW ADMINISTRATION AND NEW DIRECTOR OF HHS, I THINK YOU'RE SADLY MISTAKEN. THIS MAN HAS

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BEEN AROUND FOR A WHILE. HE'S ESTABLISHED HIS BONA FIDES; HE'S SHOWN WHAT HE IS. IT'S INTERESTING. I'VE GOTTEN SOME E-MAILS FROM SOME FOLKS. I GOT AN E-MAIL HERE FROM ONE DOCTOR AND I'LL READ IT TO YOU. IT SAYS, PLEASE VOTE TO UPHOLD THE UNICAMERAL'S REJECTION OF THE REAPPOINTMENT OF THE CHIEF MEDICAL OFFICER ON THE MOTION TO RECONSIDER. MANY OF US WHO ARE FAMILIAR WITH THE RECENT HISTORY OF HEALTHCARE IN NEBRASKA WERE SURPRISED AND DISAPPOINTED AT HIS RENOMINATION, AND WE ARE INSPIRED BY THE UNICAMERAL'S RESOLVE TO CORRECT THE PROBLEMS IN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT HAVE BEEN ACCUMULATING FOR SOME TEN YEARS. ACIERNO IS ONE OF THEM. HE HAS BEEN A REGRESSIVE SUPPORTER OF PAROCHIAL SPECIAL INTERESTS AND DISMISSIVE OF THE NEED FOR CHANGE IN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES. PLEASE HOLD FIRM IN THE MOTION TO...ON THE MOTION TO RECONSIDER. AND THIS IS FROM A DOCTOR. LADIES AND GENTLEMEN, I THINK WE...I'VE MET WITH COURTNEY PHILLIPS. I'M VERY IMPRESSED WITH HER AS THE NEW DIRECTOR OF HHS. I THINK SHE'S GOING TO DO A GREAT JOB. BUT WE'RE HAMSTRINGING HER WITH DR. ACIERNO. I THINK SENATOR CHAMBERS IS EXACTLY RIGHT. YOU'RE PUTTING A LOT OF RESPONSIBILITY ON HER TO FIRE, YOU KNOW, A GUBERNATORIAL APPOINTEE. SHE'S NOT GOING TO DO IT, YOU KNOW, AND WE CAN'T JUST KEEP KICKING THE CAN DOWN THE ROAD. WE NEED TO TAKE ACTION. WE NEED TO TAKE IT NOW. I'M STANDING FIRM ON MY NO VOTE AND I YIELD ANY OTHER TIME I HAVE TO SENATOR CHAMBERS.

SPEAKER HADLEY: SENATOR CHAMBERS, 1:30.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR GARRETT. MEMBERS OF THE LEGISLATURE, THIS MAN'S NAME SHOULD NOT BE ACIERNO. IT SHOULD BE ACERBIC. HE RESPECTS SENATOR RIEPE, SO HE TALKS TO HIM CIVILLY. BUT HE DOESN'T RESPECT MEMBERS OF THIS LEGISLATURE, SO THAT'S WHEN HE SHOWS WHAT HE REALLY IS: I WILL SAY WHAT I WANT TO SAY TO YOU, I'LL DO WHAT I WANT TO DO TO YOU, AND YOU CAN'T DO ANYTHING ABOUT IT; I'M GOING TO SPIT ON THE FLOOR AND YOU LICK IT UP. AND THAT'S WHAT'S BEING DONE. IF THESE MEMBERS OF THE LEGISLATURE... YOU SEE THIS? THIS IS A BOOT. WHEN YOU SEE A BOOT, LICK IT. AND YOU DO IT. AND YOU WONDER WHY PEOPLE DON'T RESPECT US. THOSE OF YOU WHO MET WITH THE COUNTY ATTORNEYS, YOU SEE WHY THEY TELL YOU ONE THING, THEN PUT SOMETHING ELSE IN THE NEWSPAPER. THE ATTORNEY GENERAL HAS NO RESPECT FOR THIS BODY. I DO AND I DON'T CARE WHAT ANY OF YOU THINK OR SAY ABOUT ME. THE INSTITUTION TRANSCENDS ALL OF US COLLECTIVELY AND

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ME INDIVIDUALLY. BUT I HAVE A RESPONSIBILITY AND I SEE THE LEGISLATURE BEHAVING IN A WAY THAT IS INAPPROPRIATE. AND I WON'T GO BEYOND MY ONE MINUTE. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR KOLTERMAN, YOU ARE RECOGNIZED.

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I WAS IN ALL THE HEARINGS AND I DON'T HAVE A LOT OF EXPERIENCE WITH DR. ACIERNO. PROBABLY ALL THE HEARINGS THAT WE HAD THROUGH HEALTH AND HUMAN SERVICES IS REALLY MY ONLY EXPERIENCE WITH HIM. I DID VOTE TO BRING HIM OUT. I VOTED FOR HIM YESTERDAY. I APPRECIATE SENATOR MELLO BRINGING THIS BACK FOR RECONSIDERATION. I THINK I OWE YOU AN APOLOGY, TO THE BODY, SIMPLY BECAUSE I DID NOT TALK IN FAVOR OF HIM YESTERDAY BECAUSE I DIDN'T THINK IT WAS GOING TO BE AN ISSUE LIKE IT HAS BEEN. I SHARE MANY OF THE SAME CONCERNS THAT SENATOR CAMPBELL, SENATOR RIEPE HAVE SHARED. HE...MY EXPERIENCE WITH DR. ACIERNO HAS BEEN THAT HE...WHEN I FIRST MET HIM, IN ALL MY EXPERIENCES, HE IS THE CHIEF OPERATING OFFICER OF HHS AND HE WAS ALSO THE CHIEF MEDICAL DIRECTOR. THAT'S A LOT TO ASK OF A PERSON, AS SENATOR RIEPE HAS ALREADY INDICATED, THAT THERE'S NO WONDER THAT HE COULDN'T GET THINGS DONE. AND I DON'T HAVE ANY EXPERIENCE PRIOR IT THAT, BUT I WOULD HOPE...I THINK HE WAS OVERLOADED. I'M NOT ALIBIING FOR THE INDIVIDUAL. HE IS SOMEWHAT ARROGANT. THAT'S KIND OF WHERE I HAD MY CONCERNS. SO I WOULD HOPE THAT YOU WOULD VOTE TO RECONSIDER AND ALSO...I CAN'T ASK...IT'S UP TO YOU TO CHANGE YOUR MINDS. BUT I THINK HE DESERVES A CHANCE. I THINK HE'S GOT A NEW ADMINISTRATION TO WORK WITH. I THINK HE WILL DO THE JOB AND I'D APPRECIATE A GREEN, GREEN VOTE. AND SENATOR KINTNER HAS ASKED FOR A FEW MINUTES OF TIME REMAINING FROM ME, SO I'D YIELD IT TO HIM.

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE YIELDED 3:11.

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, I'VE HEARD THAT THIS NOMINEE IS ARROGANT, DISMISSIVE. WELL, THAT SOUNDS LIKE HALF OF THIS BODY AT TIMES. I KNOW I...THIS BODY CAN BE VERY ARROGANT AT TIMES. IF THAT'S THE STANDARD, WE'RE IN TROUBLE. I'M...I...WHEN I LOOK AT...I DON'T KNOW THIS GENTLEMAN, THIS DOCTOR. I'VE SEEN HIM TALK AND MAYBE I'VE SAID HI TO HIM, BUT I'VE NEVER HAD A CONVERSATION WITH HIM. WHAT I'M LOOKING FOR IS INTEGRITY, HONESTY, MAKE SURE HE HASN'T DONE ANYTHING WRONG, HE HASN'T BROKEN ANY LAWS, HE'S IN GOOD STANDING

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PROFESSIONALLY, AND HE MEETS THOSE STANDARDS EASILY. IF HE HAS A BAD PERSONALITY, THAT'S GOVERNOR RICKETTS' PROBLEM AND HE CAN DEAL WITH THAT. HE WANTS TO PUT A TEAM TOGETHER. HE WANTS TO REFORM HHS. HE'S GOT SOME BIG PLANS AND I'M HERE TO WORK WITH HIM TO DO HIS PLANS. WE MAY NOT ALWAYS AGREE, BUT I'M WILLING TO GIVE HIM THE PERSONNEL HE WANTS TO DO THOSE PLANS. SO UNLESS YOU CAN SHOW ME MALFEASANCE OR A PROBLEM, I JUST DON'T THINK ARROGANCE IS A REASON TO REJECT SOMEONE. SO I FULLY SUPPORT THIS NOMINEE. I WANT TO MAKE SURE THE GOVERNOR HAS WHAT HE NEEDS TO GET DONE WHAT WE'RE ALL TRYING TO DO TOGETHER AND I URGE MY COLLEAGUES TO SUPPORT THIS NOMINEE. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR BRASCH, YOU ARE RECOGNIZED.

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND GOOD MORNING, COLLEAGUES. I RISE TO SUPPORT THE RECONSIDERATION. AND UNTIL TWO DAYS AGO, I DID NOT HAVE ANY INTERACTION WITH DR. ACIERNO. HOWEVER, WE HAD TO CALL A SPECIAL MEETING WITH DR. ACIERNO, WITH THE NEW DIRECTOR, COURTNEY, WITH THE GOVERNOR, WITH SEVERAL ENTITIES WITHIN HEALTH AND HUMAN SERVICES, WITHIN THE DEPARTMENT OF LABOR, WITH AN ATTORNEY, AND WITH AN AGENT FROM A NURSING HOME CONSULTING COMPANY. WE HAVE A CRISIS WHERE FOUR NURSING HOMES HAVE SUDDENLY FOUND THAT THEIR COMPANY WAS NO LONGER GOING TO BE IN BUSINESS. THEY ONLY GAVE 30 DAYS' NOTICE. AND LYONS IS IN MY DISTRICT. THAT'S ONE OF THE NURSING HOMES AFFECTED. THE OTHER THREE ARE IN SENATOR DAVIS' DISTRICT, EDGAR, EXETER, AND AINSWORTH. WHAT IS IMPORTANT HERE TO KNOW IS THAT THESE INDIVIDUALS ARE BEING LOOKED AFTER WITH OVERSIGHT PROMPTLY AS REQUESTED FROM HEALTH AND HUMAN SERVICES. THEY HAVE SENT INDIVIDUALS THERE. THEY'RE PROVIDING OVERSIGHT AND CARE. THEY'RE BEING RESPONSIVE. AT THAT MEETING WE HAD ASKED FOR A Q-AND-A SHEET ON WHAT CAN WE TELL THE FAMILIES AFFECTED. WHAT CAN WE TELL THE COMMUNITIES THAT ARE BEING AFFECTED BY THE CLOSING HERE? WHAT CAN WE DO TO ENSURE THAT--MANY OF THESE INDIVIDUALS, THEY'RE IN A FACILITY BECAUSE OF MEMORY CARE, BECAUSE OF THEIR FRAIL CONDITION-- THAT THESE MOVES DO NOT HURT THEM PHYSICALLY, EMOTIONALLY? AND MY EXPERIENCE AND THAT OF THOSE IN THIS ROOM IS THEY ARE LOOKING TO HELP RESOLVE THAT. I HAD ALSO ASKED THE QUESTION ABOUT, YOUR HOURS ARE 8:00 TO 5:00, HOW CAN THESE PEOPLE, WHO WORK ALL DAY, WITH PARENTS IN THESE FACILITIES, OR FAMILY, FIND HELP? THEY HAVE NOW GIVEN EXTENDED OFFICE HOURS. THEY HAVE INCLUDED A WEEKEND PHONE NUMBER. THE

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INFORMATION SHEET, THE FLIER WAS MADE AVAILABLE AS PROMISED, DELIVERED ON TIME. I BELIEVE THAT'S A GOOD SIGN OF THE NEW DIRECTOR, OF THE RESPONSIBILITY OF THOSE. AND DR. ACIERNO WAS AT THIS MEETING. THEY HAVE COMMITTED TO EVERYTHING THAT WE HAD ASKED FOR TO ENSURE THAT THE WELL-BEING BE TAKEN CARE OF. THE NEXT ACTION ITEM IS THERE ARE STAFF THERE THAT HAVE GONE UNPAID BECAUSE THIS NURSING HOME HOLDING COMPANY HAS LEFT, IS LEAVING THE STATE. AND I HAVE BEEN ON A CHAIN OF E-MAILS AND PHONE CALLS, AS HAS MY STAFF, SENATOR DAVIS AND HIS STAFF, WITH EVERYONE TO ENSURE THAT INDIVIDUALS ARE PAID, THAT THEY CAN PUT GAS IN THEIR TANK, THAT THEY CAN GO BUY THEIR GROCERIES, THAT THEY CAN PROCEED IN THEIR DAILY LIVES, AND THAT THE IMPACT OF LOST WAGES OR MOVING FORWARD THIS NURSING HOME THAT PROVIDED SUCH A VALUABLE SERVICE AND IS NEEDED TO HELP INDIVIDUALS ON DAILY TASKS. IT'S A PLACE FOR THEM FOR SOCIALLY, FOR THEIR WELL-BEING, FOR THEIR HEALTH, FOR THEIR 24/7/365 CARE.

SPEAKER HADLEY: ONE MINUTE.

SENATOR BRASCH: IF THERE HAS BEEN A GAP, I BELIEVE THEY HAVE FILLED IT. THEY HAVE NOT STOPPED COMMUNICATING WITH OUR OFFICES AT THIS POINT. AGAIN, I AM ASKING YOU TO VOTE GREEN. IF THERE ARE PERSONNEL PROBLEMS, LET THEM HANDLE THAT MOVING FORWARD. THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, I FEEL LIKE THAT YOUNG GUY WHO WAS WITH THOSE OLDER PEOPLE TALKING TO JOB AND TELLING HIM HE MUST HAVE DONE SOMETHING WRONG OR GOD WOULDN'T HAVE BEEN PUNISHING HIM. THEN THE YOUNG GUY SAID, NOW I'M NOT YOUNG. HE SAID, IF I SAT SILENT ANY LONGER, I WOULD BURST. I'VE LISTENED TO ALL OF YOU. IN AGE, THERE IS NOT KNOWLEDGE. IN GRAY HAIR, THERE IS NOT WISDOM. MEMBERS OF THE LEGISLATURE, AGAINST MY AWARENESS, I BECAME AN ADVOCATE OF AND FOR THIS LEGISLATURE AS AN INSTITUTION. AND I SEE PEOPLE IN...TRYING TO SUCK UP TO THE GOVERNOR, ABDICATING THE RESPONSIBILITY WE HAVE TO THIS INSTITUTION. THE GOVERNOR DOESN'T RESPECT YOU ALL ENOUGH TO NOT VETO YOUR BILLS. NOW, BECAUSE YOU HAD A BASIS FOR IT AND REJECTED A MAN, FULFILLING OUR CONSTITUTIONAL DUTY, THAT MAN TELLS YOU, TURN AROUND, AND YOU DO IT. YOU'RE WEAK.

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THESE PEOPLE KNOW HOW TO FIND THE WEAK POINTS IN THIS LEGISLATIVE BODY AND THEY EXPLOIT IT, JUST LIKE WATER WILL FIND THE LOWEST PLACE AND THE OPENING AND FIND ITS WAY OUT. WATER SEEKS ITS LEVEL AND FINDS IT. MEMBERS OF THE LEGISLATURE, SENATOR KINTNER STANDS UP HERE RATTLING ON ABOUT IF SOMEBODY IS ARROGANT THEN WE'RE IN TROUBLE. FIRST OF ALL, NOT ONE OF US RUNS AN AGENCY. NOT ONE OF US HAS BEEN APPOINTED TO DEAL WITH THE PUBLIC, TO DEAL WITH OTHER ENTITIES, TO DEAL WITH ALL OF THESE EMPLOYEES, AND TO DEAL WITH THE LEGISLATURE. HE DOESN'T EVEN UNDERSTAND THE ROLE THAT THAT MAN PLAYS AND CANNOT UNDERSTAND WHAT OUR ROLE IS AS INDIVIDUAL LEGISLATORS. HE MIGHT ROLL OVER FOR THE GOVERNOR, BUT HE HAS A REASON TO. HIS FAMILY IS WORKING WITH THE GOVERNOR. SO WHAT DO YOU EXPECT? YOU ALL KNOW IT. WHY CAN IT NOT BE SAID? BECAUSE YOU'RE AFRAID. I'M GOING TO TELL YOU LIKE FRANKLIN ROOSEVELT TOLD YOU, YOU HAVE NOTHING TO FEAR BUT FEAR SELF. BUT WHEN FEAR TAKES HOLD, IT MULTIPLIES ITSELF. COURAGE NEVER MAKES COWARDS INTO COURAGEOUS PEOPLE. BUT BEING SURROUNDED BY FEAR CAN CAUSE ORDINARILY COURAGEOUS PEOPLE TO HAVE DOUBTS ABOUT WHETHER THEY OUGHT TO PROCEED. SENATOR BRASCH MEANS WELL, SO I'M NOT GOING TO TAKE ISSUE WITH ANYTHING SHE SAID. BUT I'LL TELL YOU THIS: YOU ALL PUT THESE PEOPLE IN THESE POSITIONS, THEN WHEN THE MESS COMES UP, WHO HAS TO CLEAN IT UP? SENATOR CAMPBELL COMES HERE AND ASKS US FOR STUDY COMMITTEES. OTHER CHAIRS DO IT TO CLEAN UP MESS DONE BY GOVERNORS' APPOINTEES THAT YOU ALL SUPPORT AND SAY, WE HAVE NO RIGHT TO CARRY OUT THE CONSTITUTIONAL DUTY WE HAVE BECAUSE WE DON'T WANT TO OFFEND A GOVERNOR WHO IS GOING TO DUMP GARBAGE ON THE LEGISLATURE. WE'RE GOING TO CLEAN IT UP AND THEN BE AFRAID TO STAND UP AND SAY NO MORE DUMPING. WE DID THE RIGHT THING YESTERDAY. BUT YOU'RE COWARDS. YEAH, THAT'S WHAT I SAID AND I MEAN IT BECAUSE YOU'RE NOT CHANGING BECAUSE YOU KNOW SOMETHING TODAY YOU DIDN'T KNOW YESTERDAY. YOU ALL ARE CHANGING BECAUSE THE GOVERNOR OR SOMEBODY HE SENT GOT TO YOU. SO GO AHEAD AND DO WHAT HE TELLS YOU TO DO AND I'M GOING TO SAY WHAT I THINK I HAVE TO SAY. I KNOW WHAT THAT OTHER GOVERNOR WHO MADE APPOINTMENTS THAT YOU ALL APPROVED OF. AND THERE WAS A BLACK WOMAN WHO WAS HEAD OF THE PAROLE BOARD. SHE WOULD NOT AGREE...

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ...TO RELEASE A LOT OF VIOLENT CRIMINALS TO DEAL WITH OVERCROWDING AND THE GOVERNOR PRESSURED HER INTO RESIGNING

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EARLY, GOVERNOR HEINEMAN. THAT'S THE WAY THEY OPERATE. AND THIS WAS A BLACK WOMAN. YOU ALL DON'T CARE ABOUT PEOPLE OF MY COMPLEXION. SO YOU'RE GOING TO PUT ON THIS YOUNG BLACK WOMAN THE MESS THAT WE OUGHT TO KEEP FROM HAVING IN THE FIRST PLACE. PREVENTION IS BETTER THAN CURE. BUT YOU KNOW WHAT? YOU'D LIKE TO SEE HER IN A BANDANNA, IN A BIG, RED, POLKA-DOT DRESS AND CALL HER AUNT JEMIMA. AND YOU SHOULD BE ON YOUR KNEES WITH A SCRUB BRUSH AND WASH THESE WHITE PEOPLE'S FLOORS, WASH THEIR CLOTHES, CHANGE THE MESSY DIAPERS OF THEIR BABIES, BECAUSE ALL YOU'RE FIT FOR IS TO CLEAN UP THE MESS THAT WHITE PEOPLE LEAVE. AND THEY ARE ABLE TO PREVENT IT; BUT THEY HAVE SO LITTLE RESPECT FOR YOU, THEY'RE GOING TO DUMP IT ON YOU. THEN THEY'RE GOING TO WALK OUT OF HERE WITH THEIR CHEST STUCK OUT, THEIR HEADS...

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: ...HIGH. YES, MR. PRESIDENT.

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

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, YOU MAY ALL REMEMBER A COMEDIAN BY THE NAME OF FLIP WILSON. AND HE WAS FAMOUS FOR HIS STATEMENT, THE DEVIL MADE ME DO IT. AND I JUST HAVE TO GET UP AND SAY, YOU KNOW, I'VE HEARD SENATOR MELLO AND SO ON AND, UNFORTUNATELY, I'M GOING TO CONTINUE MY NO VOTE BECAUSE I DON'T HAVE RESPECT FOR LEADERSHIP...FOR PEOPLE IN LEADERSHIP WHEN THEY HAVE TO MAKE EXCUSES FOR THEIR BAD BEHAVIOR. AND WE'VE CERTAINLY HAD...HEARD EXAMPLES OF BAD BEHAVIOR AND I THINK PEOPLE IN A LEADERSHIP POSITION IN A MAJOR AGENCY WHO ARE ARROGANT AND DISMISSIVE ARE IN A POSITION, AN IMPORTANT POSITION, OF LEADERSHIP. THERE IS ANOTHER RHETORICAL EXPRESSION AND I'M GOING TO QUOTE HERE FROM WIKIPEDIA. LIPSTICK ON A PIG: TO PUT "LIPSTICK ON A PIG" IS A RHETORICAL EXPRESSION USED TO CONVEY THE MESSAGE THAT MAKING SUPERFICIAL OR COSMETIC CHANGES IS A FUTILE ATTEMPT TO DISGUISE THE TRUE NATURE OF A PRODUCT. AND AGAIN, I BELIEVE THAT PEOPLE WHO ACCEPT NOT ONLY THE RESPONSIBILITY BUT THE PAY OF A LEADERSHIP POSITION HAVE TO TAKE RESPONSIBILITY FOR THEIR ACTIONS. AND IF THEY DON'T LIKE THE DIRECTION THEY'RE GETTING FROM THEIR SUPERIOR, THEN THEY OUGHT TO QUIT OR THEY OUGHT TO MAKE THAT CHANGE. SO I JUST DON'T ACCEPT THE FACT, THE DEVIL MADE ME DO IT. I THINK WE HAVE TO JUDGE PEOPLE BY THEIR BEHAVIOR. AND I THINK, IN THIS CASE,

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THE BEHAVIOR OF THIS PERSON HAS BEEN SOMETHING THAT WE SHOULDN'T APPROVE, AT LEAST THAT I CAN'T APPROVE OF. I CAN'T REMEMBER AN EXAMPLE OF WHERE I'VE...YOU KNOW, I'VE MADE SOME BAD DECISIONS, I'M SURE, AND SO ON. BUT I'VE NEVER MADE THE EXCUSE THAT I'VE BEEN FORCED INTO A CHOICE. I'VE NEVER MADE THE EXCUSE THAT THE DEVIL MADE ME DO IT. AND I THINK THAT SHOWS A LACK OF LEADERSHIP AND WE SHOULD VOTE NO ON THIS APPOINTMENT. I'D GIVE THE REST OF MY TIME TO SENATOR CHAMBERS.

SPEAKER HADLEY: SENATOR CHAMBERS, 2:25.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HAAR. AND I DON'T KNOW IF THE OTHERS WILL GIVE ME TIME. BUT I'M GOING TO FIND A WAY FOR THE REST OF THIS DAY TO SAY WHAT I HAVE ON MY MIND. THE REASON BLACK WOMEN ARE NOT RESPECTED IS BECAUSE BLACK MEN WILL NOT STAND UP AND PROTECT THEM. I AM NOT THAT KIND OF A MAN. I AM A MAN! AND YOU'RE NOT GOING TO DISRESPECT BLACK WOMEN IN MY PRESENCE WITHOUT ME TRYING TO STOP YOU. I'VE TRIED TO SPEAK UP FOR WHITE WOMEN. WHEN EXON WAS THE GOVERNOR, HE HAD A PERSON WORKING FOR HIM AND THERE WAS A WHITE WOMAN WHO WORKED FOR THIS INDIVIDUAL. I WON'T CALL HIS NAME BECAUSE HE HAS FAMILY MEMBERS STILL LIVING. SHE CAME TO MY OFFICE WITH HER BLOUSE DISHEVELED, BUTTONED WRONG, AND SHE WAS SWEATING. SHE WAS PALE. AND I DIDN'T EVEN KNOW HER. I SAID, WHAT HAPPENED TO YOU? SHE SAID, SENATOR CHAMBERS, CAN I COME IN YOUR OFFICE? TEARS IN HER...I SAID, YEAH, COME IN HERE. WHAT'S THE MATTER WITH YOU? IS SOMEBODY CHASING YOU? THEN SHE EXPLAINED TO ME THAT THIS EMPLOYEE OF GOVERNOR EXON HAD GRABBED HER AND FELT ON HER AND TRIED TO TAKE HER BLOUSE OFF. I SAID, WELL, WHY DON'T YOU GO TO THE GOVERNOR? SHE SAID, WELL, THE GOVERNOR HIRED HIM. I SAID, WELL, LOOK AT ALL THESE WHITE PEOPLE AROUND HERE,...

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ...BECAUSE THEY WERE EVEN MORE BLATANTLY RACIST THAN YOU ALL ARE NOW, SOME OF YOU. SHE SAID, BECAUSE I THOUGHT YOU WERE THE ONE WHO WOULD HELP ME. SO YOU KNOW WHAT I TOLD HER? WE'RE GOING TO PUT MY JACKET AROUND YOU AND I'M GOING TO WALK YOU THROUGH THESE HALLS AND WE'RE GOING TO GO TO THE GOVERNOR'S OFFICE AND, SO THAT YOU WON'T BE SEEN, WE'LL GO THROUGH THE BACK DOOR AND I'M GOING TO CONFRONT EXON ABOUT THIS. NO WOMAN SHOULD HAVE TO BE

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DEALT WITH IN THIS MANNER. AND THE MAN WAS DEALT WITH. A WHITE WOMAN HAD TO COME TO A BLACK MAN BECAUSE SHE KNEW THAT I'D STAND UP AND I DID. AND I'LL CONTINUE TO DO THAT. AND WHEN I SPEAK AGAIN, I'M GOING TO TELL YOU ABOUT SOME OF THE THINGS THAT HAPPENED IN THIS LEGISLATURE. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR GROENE, YOU ARE RECOGNIZED.

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I MISSED THE VOTE YESTERDAY MORNING. I HAD SOME THINGS TO TAKE CARE OF AND I THOUGHT, WELL, IT WAS AN EASY MORNING. AS A ROOKIE, I THOUGHT AFFIRMATIONS OF CANDIDATES THAT WENT THROUGH COMMITTEES USUALLY JUST GOT AFFIRMED. I FOUND OUT DIFFERENTLY. THERE IS EXCEPTION TO EVERY RULE. I WOULD HAVE VOTED FOR MR. ACIERNO. I'VE ONLY HAD ONE CONTACT WITH HIM. I WENT TO HIM FOR INFORMATION ON MEDICAL ISSUES ON A DEBATE WE HAD EARLIER IN THE SESSION. I TRIED TO STAND THERE, LIKE MOST POLITICIANS DID, AND TRIED TO CONVINCHE HIM OF WHY I WAS CORRECT. HE DIDN'T CARE. HE WAS A BUREAUCRAT. I WANTED INFORMATION. HE GOT ME THE INFORMATION. AND I THOUGHT LATER, I SAID, I LIKE THIS GUY. HE DIDN'T TAKE A SIDE. HE DIDN'T AGREE WITH ME. HE DIDN'T TRY TO BE MY FRIEND. HE GOT ME THE INFORMATION. I LIKE THIS GUY, NOT AS MY BEST FRIEND, BUT AS A PUBLIC OFFICIAL. YOU KNOW, WE VOTE THREE TIMES ON BILLS, WE DON'T DO ON AFFIRMATIONS, BECAUSE THERE'S A CHANCE THAT YOU MIGHT LEARN MORE KNOWLEDGE AND YOU MIGHT DECIDE TO CHANGE YOUR VOTE. I'VE DONE IT A COUPLE TIMES. I'VE HEARD PEOPLE JUMP ME AND SAY, WHY DID YOU CHANGE YOUR VOTE? THAT'S WHY WE VOTE ON THINGS THREE TIMES, BECAUSE WE FIND MORE INFORMATION. MY MIND IS NOT CHANGED ON MR. ACIERNO. ANOTHER REASON IS, I WOULD THINK DIRECTOR PHILLIPS IS USED TO MANAGING THINGS. AND ONE THING YOU DO WHEN YOU COMING INTO A NEW POSITION, YOU MAKE SURE YOU KEEP SOME INSTITUTIONAL KNOWLEDGE AROUND. YOU MIGHT CUT AND BURN AND GET RID OF THE BAD WOOD IN A...BUT YOU KEEP SOME INSTITUTIONAL AROUND SO THAT YOU CAN MAKE THE RIGHT DECISIONS. MR. ACIERNO HAS HELD THE POSITION AS DIRECTOR. HE'S BEEN THE CHIEF MEDICAL. WHAT A BETTER POSITION TO KEEP AROUND FOR HER TO GAIN KNOWLEDGE OF PAST BAD MANAGEMENT, PAST GOOD MANAGEMENT? HE SHOULD STAY AROUND BECAUSE SHE NEEDS THAT PAST INSTITUTIONAL KNOWLEDGE TO GO TO, TO MAKE THE RIGHT DECISIONS. SO I WILL VOTE FOR MR. ACIERNO. I'M NOT IMPRESSED BY HIS LAW DEGREE, HIS DOCTOR DEGREE. HE MIGHT HAVE STAYED IN A HOLIDAY IN TOO. I ALWAYS JUDGE A MAN OR AN INDIVIDUAL OR A WOMAN ON YOUR ACTIONS AND YOUR

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PRODUCTIVITY AND HE HAS NOT SHOWN THAT HE DOES NOT DO HIS JOB EFFECTIVELY AND EFFICIENTLY. SO I WILL VOTE FOR HIM. THANK YOU FOR THE TIME, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED AND THIS IS YOUR THIRD TIME.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. SENATOR GROENE JUST GOT HERE AND THAT'S A PROBLEM WITH NEW PEOPLE UNDER TERM LIMITS. WITH ALL THE MESS AT HHS, HE THINKS EVERYBODY HAS DONE THEIR JOB ALL RIGHT BECAUSE THE GUY TALKED NICE TO HIM. YOU ALL CAN DO WHAT YOU WANT TO AND YOU'RE GOING TO DO IT ANYWAY. BUT I'M GOING TO FORCE THIS LEGISLATURE TO CONFRONT SOME ISSUES. AND IF I FALL OUT WITH EVERYBODY, IT DOESN'T MATTER BECAUSE THERE ARE SOME OF YOU WHO WILL COME UP AND TELL ME HOW GLAD YOU ARE I DO WHAT I DO. BUT I'M NOT THE ONLY ONE WITH A VOICE. SO WHAT I'M GOING TO DO, AND I'M NOT GOING TO BE SUCCESSFUL, I'M GOING TO HAVE BILL DRAFTER DRAFT A CONSTITUTIONAL AMENDMENT AND IT WILL PUT ON THE BALLOT A VOTE OF THE PEOPLE TO STRIKE THOSE WORDS FROM THE CONSTITUTION THAT RELATES TO THE GOVERNOR MAKING APPOINTEE APPOINTMENTS WITH THE APPROVAL OF THE LEGISLATURE. AND I'M GOING TO OFFER IT. I'D HAVE TO SUSPEND THE RULES. I'M GOING TO MAKE A MOTION WHEN I PUT IT UP THERE TO SUSPEND THE RULES. THEN WE'RE GOING TO HAVE A DISCUSSION ON THE DUTY OF THE LEGISLATURE AND THE RESPONSIBILITY OF THE LEGISLATURE. THERE IS NO WAY I CAN DO IT IN A SETTING SUCH AS THIS. SO I'VE GOT TO CONTROL THE SITUATION. AND I DON'T WANT TO BE AT CROSS-PURPOSES WITH THE SPEAKER. I DON'T WANT TO BE AT CROSS-PURPOSES WITH ANYBODY. BUT I DON'T OWE ANYTHING TO THE SPEAKER. HE DOESN'T OWN ME, I DON'T WORK FOR HIM, AND HE KNOWS THAT. I KNOW WE HAVE A FEW DAYS LEFT IN THE LEGISLATURE IN THIS SESSION. THERE ARE THINGS I WANT. BUT THERE IS SOMETHING MORE IMPORTANT THAN THAT TO ME. IT'S OBVIOUSLY NOT IMPORTANT TO THE REST OF YOU. SO WHEN YOU MEET WITH THESE COUNTY ATTORNEYS AND THEY MAKE AGREEMENTS WITH YOU, THEN THEY CUT THE LEGS OUT FROM UNDER YOU, YOU'RE ASKING FOR IT. WHEN THE ATTORNEY GENERAL MISLEADS YOU, YOU'RE ASKING FOR IT. HE SENDS SOME PAPER AROUND HERE AND SAYS THAT THE COST TO THE STATE IS NEGLIGIBLE ON ISSUES SURROUNDING THE DEATH PENALTY. WELL, I CONSIDER AN ISSUE SURROUNDING THE DEATH PENALTY THOSE SIX PEOPLE WHO PLEADED GUILTY TO CRIMES THEY DIDN'T COMMIT, FIVE OF THEM DID, AND IT COST THE STATE \$2 MILLION. AND WHY DID THEY PLEAD? BECAUSE OF THE THREAT BY A COUNTY

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ATTORNEY AND PRESSURE BY LAW ENFORCEMENT PEOPLE THAT, YOU'LL GO TO THE ELECTRIC CHAIR. THE ATTORNEY GENERAL HAS UNDERCUT SOME OF THE MEMBERS ON VARIOUS BILLS. HE HAS SENT AROUND INFORMATION WHICH WAS NOT WHAT IT SEEMED TO BE ON ITS FACE. THEY DON'T HAVE ANY RESPECT FOR THE LEGISLATURE. AND WERE I NOT A MEMBER OF IT, I WOULDN'T CARE ABOUT IT. I'D BE CONCERNED THAT THE LAWMAKING BODY IS SO SUPINE AND UNWILLING TO DO ITS JOB. BUT IF I BECAME A LOBBYIST, I'D BE GLAD TO HAVE YOU JUST THE WAY YOU ARE. JUST PUT SOME PRESSURE ON YOU AND YOU WILL FOLD. YOU WOULD BE A LOBBYIST'S DREAM. AND THE GOVERNOR HAS INDICATED THAT HE DOESN'T LIKE THE WAY THE LEGISLATURE OPERATES AND THAT'S HIS PRIVILEGE. HE SHOULDN'T LIKE THE WAY WE OPERATE. THERE IS A DESIGNED TENSION BETWEEN AND AMONG THE THREE BRANCHES OF GOVERNMENT. THE TERM IS "CHECKS AND BALANCES." BUT HERE'S THE THING: WE WRITE THE CHECKS AND WE BALANCE THE BOOKS. BUT YOU ARE THE ONES WHO ARE AFRAID. YOU ARE THE ONES WHO ARE AFRAID. THIS LEGISLATURE SHOULD COMPORT ITSELF IN SUCH A WAY THAT NO MEMBER OF ANY BRANCH, NO EMPLOYEE OF ANY AGENCY WOULD SHOW THE KIND OF DISRESPECT AND DISREGARD FOR THIS BODY WHICH IS SHOWN. SENATOR GROENE JUST GOT HERE. SO AUTHORITATIVELY HE SAYS THE MAN HAS DONE HIS JOB. THEN WHY ARE YOU TALKING ABOUT ALL THESE THINGS...

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ...THAT HAVE TO BE DONE TO STRAIGHTEN OUT WHAT'S HAPPENING WITH HHS? THE LEGISLATURE IS DUMPING ON A YOUNG BLACK WOMAN. NOW OTHER PEOPLE HAVE GOTTEN POSITIONS AND THEY COME AND TALK TO ME. NOBODY HAS TO TALK TO ME. I THINK SHE WAS TOLD TO AVOID ME. AND I WON'T SEEK HER OUT BECAUSE, BELIEVE IT OR NOT, THERE ARE BLACK PEOPLE WHO ARE AFRAID TO HAVE ANY KNOWN CONTACT OR ASSOCIATION WITH ME BECAUSE OF THE ATTITUDE THEY KNOW THESE WHITE PEOPLE HAVE. AND SOMETIMES THEY'RE GIVEN INSTRUCTIONS: DON'T GET INVOLVED WITH THAT CHAMBERS. I WOULDN'T KNOW HER IF I SAW HER. BUT SHE'S MY SISTER. AND I FEEL SORRY FOR HER. AND I WATCH ALL OF THESE PEOPLE IN HERE SAYING LET HER DO, AS ONE, WHAT YOU WON'T DO. AND YOU ALL KNOW GOOD AND WELL SHE'S NOT GOING TO...

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: ...FIRE ANYBODY. THANK YOU, MR. PRESIDENT.

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

SENATOR GARRETT: THANK YOU, MR. SPEAKER. COLLEAGUES, I JUST COULDN'T LET SOMETHING GO UNSAID. TECHNICAL COMPETENCE DOES NOT EQUAL LEADERSHIP. I SAY IT AGAIN: TECHNICAL COMPETENCE DOES NOT EQUAL LEADERSHIP. WE NEED LEADERSHIP. HHS IS TOO IMPORTANT. THE CHIEF MEDICAL OFFICER POSITION IS TOO IMPORTANT. I DON'T CARE HOW MANY DEGREES YOU'VE GOT. WE NEED LEADERSHIP. I YIELD THE REST OF MY TIME TO SENATOR CHAMBERS.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:30.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR GARRETT. MEMBERS OF THE LEGISLATURE, THERE ARE PEOPLE WHO SAY THAT GENERAL DOUGLAS MacARTHUR WAS GREAT AND ALL THE OTHER THINGS. BUT A GUY, CALLED "GIVE 'EM HELL, HARRY," DIDN'T AGREE. I THINK HE'S THE ONE, ISN'T HE, WHO TOLD MR. MacARTHUR THAT AS FAR AS HE'S CONCERNED, YOU'RE JUST A MAN AND YOU'RE NOT IN CHARGE ANYMORE. AND THERE WERE PEOPLE WHO WERE VERY OFFENDED AT THAT ORIGINALLY. THEN, AS EVENTS UNFOLDED, THEY FOUND OUT THAT MacARTHUR WAS ARROGANT, HE WAS ALL OF THE NEGATIVES THAT A GENERAL SHOULD NOT HAVE. AND HARRY TRUMAN, UNLIKE YOU ALL, WAS NOT AFRAID TO DO WHAT HE AS COMMANDER IN CHIEF HAD THE POWER TO DO. THE LEGISLATIVE PROCESS IS BEING UNDERMINED. AND YOU ALL ARE CONTRIBUTING TO THE UNDERMINING. I'VE BEEN ASKED WHEN I CRITICIZE POLICE, WHAT DO I FEEL ABOUT BLACK POLICE OFFICERS? I SAID, WHEN THEY DO WHAT THESE WHITE COPS DO, I FEEL MORE BITTERNESS TOWARD THEM BECAUSE THEY'RE TRAITORS. IN WAR, YOU, ACCORDING TO THE LAWS OF WAR, ALTHOUGH PEOPLE DISOBEY THOSE, YOU ARE NOT ALLOWED UNDER THE LAW OF WAR TO KILL BY EXECUTION PRISONERS OF WAR. YOU CAN'T LINE THEM UP AND KILL THEM AND BE BEHAVING LAWFULLY. BUT YOU CAN EXECUTE YOUR TRAITORS AND IT'S EXPECTED THAT THAT WILL HAPPEN. SO WHEN WE HAVE TRAITORS, I FEEL GREATER BITTERNESS TOWARD THEM. AND THAT'S WHY I FEEL MORE HOSTILITY TOWARD WHAT LEGISLATORS DO THAN I DO LOBBYISTS. THEY'RE PAID TO DO WHAT THEY DO. AND THEY'RE DOING IT WELL BECAUSE THEY MAKE YOU ALL KNUCKLE UNDER. WHY, AMONG THE JEWS IN THE DEATH CAMPS AND THE CONCENTRATION CAMPS, THEY HAD INDIVIDUALS, THEY WERE JEWS, CALLED "KAPOS." AND THEIR JOB WAS TO KEEP ALL THE OTHER JEWS IN LINE AND IN ORDER. AND IN EXCHANGE FOR THAT, THEY LIVED A LITTLE WHILE LONGER. THAT'S NOT A SURPRISE. SOME PEOPLE

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ASK, WELL, WHY WOULD THEY DO THAT? YOU ALL WON'T EVEN STAND UP WHEN NOTHING IS AT STAKE OTHER THAN UPSETTING A GOVERNOR. AND YOU WONDER WHY SOMEBODY IS NOT GOING TO GIVE UP A FEW MORE MINUTES OF LIFE, A FEW MORE DAYS OF LIFE, WITH THAT DESPERATE HOPE THAT MAYBE SOMETHING WILL HAPPEN AND ALL OF THIS WILL END. THERE WAS A GUY WHO HAD SHAVED ONE OF THE WORST PEOPLE. YOU CAN GOOGLE HIM. I'M NOT GOING TO TELL YOU THE NAMES OF ALL THESE PEOPLE. HE WAS A NAZI IN A DEATH CAMP. THIS GUY SHAVED HIM AND PEOPLE ASKED HIM WHY HE DIDN'T TAKE THE OPPORTUNITY TO SLIT HIS THROAT, THIS GUY'S THROAT. AND HIS NAME IS SPELLED H-O-S-S, BUT IT'S NOT PRONOUNCED HOSS (PHONETICALLY). SOME PEOPLE SPELL IT H-O-E-S, WITH TWO DOTS OVER THE "O." BUT AT ANY RATE, HE SAID, I HAD THOUGHTS ABOUT THAT, BUT IF I KILLED HIM, THIS KILLING WILL NOT STOP. I KNOW WHAT WOULD HAPPEN TO ME AND, BEYOND THAT, THERE WOULD BE OTHER HORRIBLE THINGS THAT WOULD HAPPEN TO EVERYBODY ELSE IN THIS CAMP. SO HE DIDN'T DO IT AND THERE ARE PEOPLE WHO CONDEMN HIM. BUT THOSE WHO ARE NOT IN THAT PRESSURE COOKER ARE AFRAID TO STAND UP AND EVEN SPEAK AND SAY WHAT THEY KNOW THEY OUGHT TO SAY. YOU ALL ARE AFRAID TO STAND UP AND DO WHAT YOU OUGHT TO DO.

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: THEY'RE NOT GOING TO TAKE YOUR JOB. DID YOU SAY TIME?

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: THANK YOU. ALL THAT WE NEED TO DO IS OUR JOB. I HAVEN'T HEARD ANYBODY STAND UP HERE AND SAY THAT THEY SUDDENLY HAD THIS GREAT REVELATION. IT'S CLEAR FROM WHAT ALL OF THEM SAY THAT THE GOVERNOR'S OFFICE HAS BEEN BUSY AND WHAT THE GOVERNOR WANTS IS MORE IMPORTANT THAN WHAT THE LEGISLATURE OUGHT TO DO. I CANNOT MAKE YOU DO ANYTHING. I CAN ONLY BE RESPONSIBLE FOR MY CONDUCT. BUT I'M GOING TO CRITICIZE AND I'M GOING TO CONDEMN AND I'M GOING TO FIND WAYS WITHIN THE CONTEXT OF OUR RULES TO MAKE SURE THAT I HAVE THE OPPORTUNITY TO DISCUSS THESE ISSUES FURTHER. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR HILKEMANN, YOU'RE RECOGNIZED.

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SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. AS ONE OF THOSE ARROGANT PEOPLE, PHYSICIANS, I THOUGHT I WOULD SPEAK JUST A LITTLE BIT ABOUT THIS. I AM GOING TO SUPPORT THE MOVE TO RECONSIDER. YESTERDAY I CHOSE TO NOT VOTE ON THIS SITUATION. I WAS HAVING A WONDERFUL CONVERSATION WITH ANOTHER MEMBER OF OUR BODY ABOUT PROPERTY TAX RELIEF AND WE WERE SO ENGROSSED IN THAT. I CAME BACK IN AND WE NEEDED TO MAKE THIS DECISION QUICKLY ON THIS AND I LOOKED AT SOME OF THE MEMBERS THAT WERE HERE AND THAT WERE ON THAT COMMITTEE THAT WERE ALSO CHOOSING NOT TO VOTE ON IT. I HAVE TO SAY THAT AS...AND AFTER I GOT DONE I THOUGHT, YOU KNOW, I DON'T...I DIDN'T DO A VERY GOOD JOB AT THAT POINT. AND SO I'M GLAD WE HAVE A SECOND CHANCE. I HAVE TO SAY, I'M PROBABLY ONE OF THE ONLY MEMBERS OF THIS BODY WHO HAS WORKED WITH PREVIOUS MEDICAL DIRECTORS FROM HHS. GOING BACK TO A NAME THAT SOME OF YOU MAY REMEMBER, HENRY SMITH, AND GREGG WRIGHT, WHO WERE ALSO MEMBERS OF THE...WHO WERE OUR MEDICAL DIRECTORS IN THE PAST. THAT WAS IN MY YEARS WHEN I WAS ON THE STATE BOARD OF HEALTH. AND THERE IS SITUATIONS WHEN WE'RE TALKING ABOUT INSTITUTIONAL AND PHYSICIANS THAT ARE IN THESE TYPE POSITIONS. I DO THINK THAT THEY TAKE ON DIFFERENT PERSONALITIES BECAUSE IT'S A VERY TOUGH TYPE OF JOB. AND I'M GLAD WE HAVE A SECOND CHANCE AND I WILL BE VOTING FOR THE MOVE TO RECONSIDER. AND I WILL BE ALSO VOTING FOR THE CONFIRMATION OF DR. ACIERNO. THANK YOU.

SPEAKER HADLEY: SENATOR RIEPE, YOU'RE RECOGNIZED.

SENATOR RIEPE: MR. PRESIDENT, MEMBERS OF THIS CHAMBER AND NEBRASKANS, I WANTED TO CORRECT A NOTE THAT I HAD MADE IN MY EARLIER REMARKS AND THAT IS THAT NO ONE, NOT ONE PERSON SHOWED UP TO TESTIFY AGAINST DR. ACIERNO DURING HIS HEARING WITH HHS, NOT ONE PERSON. AND I THINK PEOPLE NEED TO UNDERSTAND THAT TO EXPRESS THEIR OUTRAGE AT THIS POINT IN TIME SEEMS A LITTLE DISINGENUOUS TO ME. THANK YOU.

SPEAKER HADLEY: SENATOR HOWARD, YOU ARE RECOGNIZED.

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

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:50.

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HOWARD. AND I DON'T KNOW WHETHER SENATOR RIEPE WAS TALKING ABOUT MEMBERS OF THE LEGISLATURE EXPRESSING OUTRAGE NOW. I DON'T GO TO CONFIRMATION HEARINGS BEFORE LEGISLATIVE COMMITTEES. A LOT OF PEOPLE DON'T. MAYBE, BEING NEW, YOU'RE UNAWARE OF THAT. BUT THERE ARE A LOT OF THINGS THAT PEOPLE DON'T SAY OR DON'T DO PRIOR TO THE ISSUE BECOMING AN ISSUE ON THE FLOOR OF THE LEGISLATURE. BUT AT WHATEVER TIME I DECIDE I'M GOING TO EXPRESS WHAT I HAVE TO SAY, I'M GOING TO DO IT AND I'M GOING TO SAY IT. I HAVE WATCHED MY COLLEAGUES DISRESPECTED AND DISREGARDED. IF IT'S DONE ON AN INDIVIDUAL BASIS, IT'S UP TO THAT INDIVIDUAL TO SPEAK FOR OR STAND UP FOR HIMSELF OR HERSELF. BUT IF IT HAPPENS IN MY PRESENCE, THEN I WILL SAY SOMETHING, AS I HAVE DONE ON OCCASION. BUT WHEN I SEE THE LEGISLATURE AS AN INSTITUTION TURNING OVER ITS RESPONSIBILITIES TO THE OTHER BRANCHES OF GOVERNMENT, THEN I'M GOING TO TAKE THAT AS A PERSONAL SLIGHT TO ME. WE ARE A BODY BECAUSE TOGETHER WE FORM A COLLECTIVE. THAT DOESN'T MEAN WE LOSE OUR INDIVIDUALITY. WHEN ANTS OPERATE, THEY ARE SO MUCH IN UNISON THAT SOME PEOPLE, EVEN NATURALISTS, CONSIDER THEM AN ORGANISM, THAT THE WAY THESE ANTS FUNCTION THEY COMPRISE AN ORGANISM, EVEN THOUGH IT IS COMPOSED OF INDIVIDUAL ANTS. I AM NOT SO UPSET WITH THIS MAN BECAUSE HE'S NOT THAT MUCH DIFFERENT FROM OTHER PEOPLE WHO HAVE THESE POSITIONS AROUND HERE. BUT I'M UPSET WITH WHAT THE LEGISLATURE IS DOING. YOU COULD NOT STAND FOR 24 HOURS WITH WHAT WE DID. NOW IF...THOSE WHO SUPPORTED THE MAN ARE JUST DOING WHAT THEY DID ANYWAY. BUT THERE ARE OTHERS WHO DIDN'T SUPPORT HIM AND I'M GOING TO GIVE THEM THE BENEFIT OF THE DOUBT AND SAY THEY JUST FOLLOWED THE LEADER. THEY WERE LIKE LEMMINGS AND MONKEY SEE, MONKEY DO. AND NOW THEY SEE SOMETHING ELSE, SO THEY'LL DO SOMETHING ELSE. AND THAT'S WHAT CAN BE DONE IN THIS LEGISLATURE AND THAT'S WHY I SAY IT'S KNOCK-DOWN-DRAG-OUT, RIP-ROARING, NO HOLDS BARRED, AS FAR AS I'M CONCERNED. AND IF YOU ALL WANT TO TRY TO MAKE IT TEA AND TOAST BECAUSE IT'S SOMETHING YOU HAVE THE VOTES ON, YOU CAN DO THAT. AND IT'S MY JOB TO RESIST IT IF I DISAGREE. BUT I THINK I WOULD BE DISINGENUOUS IF I HAD THIS DISAGREEMENT AND I WOULDN'T SAY ANYTHING, THEN I'D BE GRUMBLING AROUND THESE HALLS AND PULLING PEOPLE ASIDE AND SAYING HOW UPSET I AM. THAT WOULD BE THE TIME TO SAY, WELL, THE OPPORTUNITY EXISTED FOR YOU TO EXPRESS THAT WHEN IT MIGHT HAVE MADE A DIFFERENCE, AND YOU DIDN'T DO IT SO I DON'T WANT TO HEAR IT NOW. BUT I DON'T DO THAT TO YOU ALL BECAUSE I KNOW HOW WEAK PEOPLE ARE. I KNOW HOW FICKLE PEOPLE ARE AND THAT'S WHY I QUOTE ABOUT MYSELF WHAT WAS

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QUOTED ABOUT JESUS. HE HAD NO NEED THAT ANYBODY SPEAK TO HIM OF MAN FOR HE KNEW WHAT WAS IN MAN. IF I KNOW WHAT'S IN YOU, WHY SHOULD I LOOK FOR SOMETHING OTHER THAN WHAT'S THERE? BUT I CAN TRY TO PERSUADE YOU THAT YOU'RE WORTHY OF SOMETHING BETTER THAN WHAT YOU'RE GIVING IN TO AND YOU OUGHT TO...

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ...ACT IN ACCORD WITH THAT WHICH IS BETTER. THAT'S WHAT YOU'RE GOING TO HAVE TO LIVE WITH. THIS MOMENT MIGHT SEEM UNBEARABLE BUT IT IS BEARABLE. YOU'RE GOING TO SURVIVE IT. YOU'RE GOING TO LIVE THROUGH IT. BUT WHAT ARE YOU GOING TO BE WHEN YOU COME OUT ON THE OTHER SIDE OF IT? WHAT ARE YOU GOING TO BE WHEN YOU DEAL WITH OTHER PEOPLE ON OTHER ISSUES? THIS WILL BE REMEMBERED. AND IF WE ARE TO SET A STANDARD, IF YOU WANT A GUIDE, IT'S BEST FOR YOU TO DECIDE THAT NOBODY, INCLUDING ME, NOBODY IS WHAT HE OR SHE APPEARS TO BE. NOBODY BELIEVES, IN TRUTH, WHAT HE OR SHE PROFESSES TO BELIEVE. NOBODY HAS ANY PRINCIPLES THAT GUIDE HIM OR HER. THEN YOU'RE SAFE. YOU KEEP YOUR GUARD UP. YOU DON'T TRUST ANYBODY. AND YOU GENUINELY LIVE IN THE MOMENT.

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON YOUR RECONSIDER MOTION.

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I WOULD BE REMISS NOT TO SAY THAT A GOOD AMOUNT OF WHAT SENATOR CHAMBERS HAD SAID THIS MORNING I WOULD NORMALLY, IN EVERY SCENARIO, AGREE WITH IN THE SENSE THAT MY BELIEF IN...STRONG BELIEFS IN THIS BRANCH OF GOVERNMENT, IN THIS INSTITUTION, TO CONTINUE OUR INDEPENDENCE IN REGARDS TO TAKING OUR CONFIRMATION RESPONSIBILITY VERY SERIOUSLY, THAT WE SHOULD NEVER YIELD TO ANOTHER BRANCH OF GOVERNMENT IN RESPECTS TO FULFILLING OUR DUTIES. I CAN'T AGREE WITH HIM MORE. AND HE KNOWS THAT AND WE'VE TALKED ABOUT THAT, THAT THERE IS THAT STRONG SENSE OF TRYING TO ENSURE OUR INTEGRITY OF OUR INDEPENDENT BRANCH OF GOVERNMENT IS CONTINUED MOVING FORWARD. I

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ALSO HAVE TO SAY THOUGH THAT THE MOTION I PROVIDE THIS BODY ON THE RECONSIDERATION MOTION IS IN PART BECAUSE YESTERDAY THERE WAS WELL OVER A DOZEN OF US WHO DID NOT VOTE FOR A VARIETY OF REASONS. AND MY HOPE IS THAT THOSE OF US WHO DIDN'T VOTE ON THIS CONFIRMATION WILL TAKE A STEP BACK AND RECONSIDER WHY WE DIDN'T VOTE. AND IN TALKING WITH CHAIRWOMAN CAMPBELL, I CAME TO THE CLARIFICATION IN MY OWN MIND OF WHY I WANTED TO BRING THIS MOTION FORWARD AND WHY I THINK I NEED TO DEVOTE TO CONFIRM DR. ACIERNO. IT'S NOT AN INDICATION, AT ALL, IN REGARDS TO WHETHER OR NOT YOU CHOSE TO VOTE FOR OR AGAINST THE CONFIRMATION. WE ALL HAVE THAT INDIVIDUAL RIGHT AND WE ALL HAVE THAT INDIVIDUAL CRITERIA THAT WE USE TO JUDGE A YEA OR NAY VOTE. I'M SIMPLY ASKING THE BODY, AT LEAST THOSE WHO VOTED FOR THE CONFIRMATION, ARGUABLY, THOSE WHO CHOSE NOT TO VOTE ON THE CONFIRMATION, TO RECONSIDER, BECAUSE I HAVE THE BELIEF THAT THE NEW CULTURE IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS CHANGING. THE LEADERSHIP HAS PROMISED CHANGE AND HAS ALREADY STARTED TO IMPLEMENT THAT CHANGE, AND THAT IF THIS SECRETARY OR DIRECTOR, CHIEF MEDICAL OFFICER OR DIVISION DIRECTOR CHOOSES NOT TO CHANGE WITH THAT CULTURE, WITH A CONFIRMATION, THAT DR. ACIERNO WILL BE ASKED TO LEAVE. AND THAT'S THE BELIEF AND ASSURANCE I'VE GOTTEN FROM MY COLLEAGUES, AS WELL AS FROM THE EXECUTIVE BRANCH, BECAUSE THE BELIEF AND THE STRONG BELIEF OF CHANGE IN THIS CULTURE IS CRITICAL, NOT JUST FOR US AS A STATE GOVERNMENT, AS A BRANCH OF GOVERNMENT, OR BOTH BRANCHES OF GOVERNMENT, BUT BECAUSE IT'S WHAT TAXPAYERS WANT. THEY WANT A NEW DEPARTMENT OF HEALTH AND HUMAN SERVICES. THEY WANT A MORE RESPONSIVE DEPARTMENT OF HEALTH AND HUMAN SERVICES. AND THEY WANT A MORE COMPASSIONATE AND INNOVATIVE DEPARTMENT OF HEALTH AND HUMAN SERVICES. AND I THINK WITH THE NEW LEADERSHIP THAT'S BEING BROUGHT IN, WE WILL HOPEFULLY SEE THAT. AND IF WE DON'T SEE THAT WITH THIS APPOINTEE, THIS APPOINTEE WILL BE ASKED TO LEAVE. SO WITH THAT, I'D URGE THE BODY TO KINDLY RECONSIDER THE VOTE WE TOOK YESTERDAY SO WE CAN CONTINUE THE DEBATE ON DR. ACIERNO'S CONFIRMATION. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE RECONSIDERATION MOTION. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. A ROLL CALL VOTE HAS BEEN ASKED FOR. MR. CLERK. SENATOR MELLO.

SENATOR MELLO: MR. PRESIDENT, I'D LIKE TO ASK FOR A CALL OF THE HOUSE.

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SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: 40 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 McCOLLISTER, BOLZ, McCOY, AND DAVIS, PLEASE RETURN TO THE CHAMBER. SENATOR DAVIS. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK.

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1455-1456.) 33 AYES, 7 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER.

SPEAKER HADLEY: THE MOTION TO RECONSIDER PASSES. I WILL RAISE THE CALL. MR. CLERK.

CLERK: MR. PRESIDENT, BEFORE WE PROCEED, A FEW ITEMS. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB468, LB259, LB480, LB525, LB175 TO SELECT FILE, SOME HAVING ENROLLMENT AND REVIEW AMENDMENTS. AMENDMENTS TO BE PRINTED, SENATOR COASH TO LB268. HEARING NOTICE FROM THE BUSINESS AND LABOR COMMITTEE REGARDING A GUBERNATORIAL APPOINTEE. RESOLUTIONS: LR241, SENATOR DAVIS; LR242, SENATOR COASH. (LEGISLATIVE JOURNAL PAGES 1456-1459.) [LB468 LB259 LB480 LB525 LB175 LB268 LR241 LR242]

MR. PRESIDENT, THE LEGISLATURE IS BACK TO CONSIDERATION OF THE CONFIRMATION REPORT AS OFFERED BY THE HEALTH AND HUMAN SERVICES COMMITTEE REGARDING THE APPOINTMENT OF DR. JOSEPH ACIERNO. (LEGISLATIVE JOURNAL PAGE 1355.)

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

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SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I WILL NOT ADD VERY MUCH TO MY COMMENTS EARLIER WITH REGARD TO THE JOB DESCRIPTION FOR THIS POSITION, AS WELL AS DR. ACIERNO'S COMMENTS WHEN HE TESTIFIED. FIVE OF US ON THE COMMITTEE FELT THAT WE SHOULD GO FORWARD WITH THE CONFIRMATION TO THE FLOOR. I CERTAINLY WILL STAY WITH MY VOTE OF YES TO CONFIRM DR. ACIERNO. I HAVE HAD SEVERAL CONVERSATIONS WITH THE CEO, COURTNEY PHILLIPS. AND SEVERAL OF YOU HAVE COME UP TO ME AND SAID, DO YOU BELIEVE THAT IF A PROBLEM ARISES MS. PHILLIPS WILL BE ABLE, WILLING TO TAKE CARE OF THAT PROBLEM AND EITHER ASK FOR THAT RESIGNATION OR GO TO THE GOVERNOR AND WITHDRAW THE SUPPORT FOR DR. ACIERNO AT THAT TIME? AND IT IS WITHOUT RESERVATION THAT I SAY TO YOU I HAVE EVERY CONFIDENCE THAT MS. PHILLIPS WILL BE PUTTING HER TEAM TOGETHER, SETTING A DIRECTION, AND HAVING VERY HIGH EXPECTATIONS FOR THE DIRECTORS. AND IF THEY DO NOT MEET THOSE EXPECTATIONS, I DO NOT THINK SHE WILL HESITATE TO TAKE ACTION. AND SO I WOULD ASK THAT WE GO FORWARD WITH THE CONFIRMATION OF DR. ACIERNO. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR CRAWFORD, YOU ARE RECOGNIZED.

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I WASN'T REALLY PLANNING TO SPEAK, BUT I DID JUST WANT TO INDICATE MY RESPECT FOR SENATOR CAMPBELL'S LEADERSHIP, AND I APPRECIATE HER CAREFUL HANDLING OF THIS ISSUE. AND I HAVE CONFIDENCE IN HER ABILITY TO WORK WITH LEADERSHIP ON TOUGH ISSUES LIKE THIS. AND I JUST REALLY APPRECIATE HER WILLINGNESS TO WORK WITH THOSE OF US WHO HAD SOME CONCERNS AND TO TRY TO MAKE SURE THAT WE HAD A RIGOROUS DISCUSSION AND TOOK TIME ON THIS. I JUST WANTED TO SAY FOR THE RECORD, IN CASE THERE ARE PEOPLE SAYING THAT NO ONE IN THE LEGISLATURE EXPRESSED CONCERNS, THAT THERE WERE SOME OF US WHO VISITED PERSONALLY WITH THE GOVERNOR IN JANUARY TO EXPRESS SOME CONCERNS, AND THAT WHEN THERE WERE CONCERNS ON THE COMMITTEE, THE COMMITTEE DELAYED THE VOTE AND ASKED FOR A DELAY IN THE VOTE. AND I BELIEVE A GOVERNOR SHOULD UNDERSTAND WHAT THAT MEANS. AND SO I JUST WANTED TO PUT THAT ON THE RECORD. I EXPECT THE CONFIRMATION TO GO THROUGH. AND I WILL, AS A MEMBER OF THE HEALTH AND HUMAN SERVICES COMMITTEE, WORK WITH DR. ACIERNO ON ISSUES. YOU KNOW, IF HE IS CONFIRMED, I WILL WORK WITH HIM, AS A FAITHFUL COMMITTEE MEMBER. AND I ABSOLUTELY WILL WORK WITH SENATOR CAMPBELL TO ADDRESS ANY OF THE ISSUES THAT WE FACE IN HEALTH AND HUMAN SERVICES. THANK YOU, MR. PRESIDENT.

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SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'D LIKE TO ASK SENATOR CAMPBELL A QUESTION OR TWO.

SPEAKER HADLEY: SENATOR CAMPBELL, WILL YOU YIELD?

SENATOR CAMPBELL: YES, CERTAINLY.

SENATOR CHAMBERS: SENATOR CAMPBELL, WHO IS THE NEW DIRECTOR OF HHS?

SENATOR CAMPBELL: THE CEO IS MS. COURTNEY PHILLIPS.

SENATOR CHAMBERS: AND IS THIS DOCTOR HER SUBORDINATE OR HER BOSS?

SENATOR CAMPBELL: HER SUBORDINATE. SHE WOULD HAVE THE RESPONSIBILITY OF THE DIRECTORS.

SENATOR CHAMBERS: WHO IS THE DIRECTOR'S BOSS?

SENATOR CAMPBELL: THE CEO OF HEALTH AND HUMAN SERVICES SERVES AT THE PLEASURE OF THE GOVERNOR.

SENATOR CHAMBERS: WHO IS HER BOSS? WHO SAYS GO AND SHE GOES? WHO SAYS COME AND SHE COMES? WHO HAS THAT AUTHORITY?

SENATOR CAMPBELL: I'M SORRY, SENATOR CHAMBERS. I DIDN'T MEAN TO HESITATE ON YOUR QUESTIONS. THAT WOULD BE THE GOVERNOR.

SENATOR CHAMBERS: WHO IS APPOINTING THIS MAN WHO IS BEFORE US TODAY?

SENATOR CAMPBELL: THE GOVERNOR.

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SENATOR CHAMBERS: IF THERE'S A DISAGREEMENT BETWEEN THE DIRECTOR AND THE GOVERNOR, WHO'S GOING TO PREVAIL?

SENATOR CAMPBELL: THE GOVERNOR.

SENATOR CHAMBERS: IF THE GOVERNOR'S WILL IS KNOWN, DO YOU THINK THE DIRECTOR IS GOING TO ACT CONTRARY TO THAT WILL?

SENATOR CAMPBELL: SENATOR CHAMBERS, IN MY CONVERSATIONS WITH MS. PHILLIPS AND WITH THE GOVERNOR, BECAUSE SENATOR CRAWFORD IS CORRECT, WE KEPT IN COMMUNICATION WITH THE GOVERNOR AS WE WENT THROUGH THIS PROCESS, I SENSE AN ASSURANCE. AND THIS IS ONLY MY SENSE OF ASSURANCE, SENATOR CHAMBERS, OKAY? BUT MY SENSE IS THAT IF A PROBLEM AROSE OR A PERFORMANCE WAS NOT LIVING UP TO EXPECTATIONS, THAT MS. PHILLIPS AND THE GOVERNOR WOULD TAKE ACTION.

SENATOR CHAMBERS: WHAT KIND OF ACTION WILL THEY TAKE?

SENATOR CAMPBELL: WELL,...

SENATOR CHAMBERS: DID THEY TELL YOU WHAT KIND OF ACTION THEY WOULD TAKE?

SENATOR CAMPBELL: NO, THEY DID NOT, SENATOR CHAMBERS.

SENATOR CHAMBERS: THEY COULD JUST TELL HIM, DON'T DO THAT ANYMORE, AND THAT'S ACTION, ISN'T IT?

SENATOR CAMPBELL: IT IS, SENATOR CHAMBERS. BUT I THINK, IF YOU DON'T MIND MY ADDING, I THINK WHAT WE'RE TALKING HERE IS SERIOUS...SERIOUSLY NOT LIVING UP TO THE EXPECTATIONS THAT MIGHT BE SET FOR THAT DIRECTOR. I THINK WE'RE TALKING ABOUT MORE SERIOUS...OF A SERIOUS NATURE.

SENATOR CHAMBERS: THAT'S ALL I WILL ASK YOU. THANK YOU, SENATOR CAMPBELL. AND I HAVE UTMOST RESPECT FOR MY COLLEAGUE. I'M NOT GOING TO GRILL HER. BUT I CAN BE REALISTIC. THE GOVERNOR IS GOING TO HAVE HIS WAY, JUST LIKE HE DID WITH THE DEPARTMENT OF CORRECTIONS. AND THAT

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YOUNG BLACK WOMAN IS NOT GOING TO FIRE ANYBODY. I KNOW THAT AND YOU ALL KNOW IT. AND THAT'S WHAT WE, AS BLACK PEOPLE, GET TIRED OF HEARING, THE VACILLATION, THE PRETENSE THAT SOMEBODY WHO IS THE GOVERNOR'S SUBORDINATE IS GOING TO TAKE A POSITION CONTRARY TO THAT OF THE GOVERNOR. NOW, ESTHER CASMER, THE FORMER HEAD OF THE PAROLE BOARD, TOOK A POSITION CONTRARY TO THE FORMER GOVERNOR AND HE PRESSURED HER INTO RESIGNING EARLY. THAT'S WHAT THEY DO. AND ON THIS FLOOR, YOU ALL WANT TO PLAY LIKE YOU DON'T UNDERSTAND IT. THAT'S WHY I GET SO IRRITATED. THAT'S WHY I GET FRUSTRATED. BUT I'LL TELL YOU WHAT. WHEN I LEAVE HERE I JUST FLUSH IT OUT OF MY MIND. I GO ON DOING THE OTHER THINGS THAT I HAVE TO DO. BUT WHILE I'M HERE, I'M GOING WORK AS HARD AS I CAN ON THESE ISSUES AND WE'RE GOING TO STAY ON THEM. I DIDN'T BRING THE RECONSIDERATION MOTION; SENATOR MELLO DID. THE GOVERNOR WANTED IT. AND SOME OF YOU ALL WANTED IT. SO AFTER YOU GET WHAT YOU WANT AND YOU BRING IT HERE, DON'T EXPECT ME TO GO ALONG WITH WHAT YOU WANT. I'M GOING TO DO WHAT I WANT.

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: YOU THINK BECAUSE MORE OF YOU WANT SOMETHING THAN I ALONE THAT THAT MULTIPLIES EXPONENTIALLY EACH ONE OF YOUR RIGHT TO HAVE YOUR WAY AND YOU CAN DICTATE TO ME. AND YOU DON'T LIKE WHAT I DO AND YOU DON'T LIKE WHAT I SAY, SO I SHOULD STOP DOING IT AND I SHOULD STOP SAYING IT. I WANT TO BE VERY DIRECT. NO, NO, NO, THAT'S NOT GOING TO HAPPEN. AND I'M GOING TO PUT A MOTION UP THERE WHICH WILL BE VOTED DOWN. I WON'T VOTE. AND I'LL MOVE TO RECONSIDER. THEN WHEN YOU ALL HAVE YOUR FINAL VOTE, I WON'T VOTE AND I'LL MOVE TO RECONSIDER THAT VOTE, AND WE'LL TAKE WHATEVER TIME IT TAKES. BUT I WANT TO ASSURE THE SPEAKER THAT THIS DOESN'T CARRY OVER TO THE CONSENT CALENDAR. THAT'S AN ENTIRELY DIFFERENT MATTER. SEE, IN THE PAST, I'VE BEEN VINDICTIVE THAT EVERY BILL ON CONSENT IS ENTITLED TO BE VOTED ON, NO MATTER WHAT. BUT I CAN CARRY...

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: ...EVERY ONE OF THOSE TO 15 MINUTES. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: MR. CLERK.

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CLERK: MR. PRESIDENT, I DO HAVE A MOTION. SENATOR CHAMBERS WOULD MOVE TO RECOMMIT THE CONFIRMATION REPORT, AS PREPARED BY THE HEALTH AND HUMAN SERVICES COMMITTEE, BACK TO THE COMMITTEE.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR RECOMMIT MOTION.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. SEND IT BACK, SCHEDULE A HEARING, AND I'LL COME TO THE HEARING. AND I'LL SAY AT THE HEARING THE TYPES OF THINGS THAT I'M SAYING HERE. THAT MAN MAY BE CONSIDERED THE CATALYST, BUT IT'S MORE THAN JUST THE CATALYST. I SEE THE LEGISLATURE FOLDING UNDER PRESSURE THAT IS NOT EVEN THAT GREAT. THE GOVERNOR SAID, I WANT THIS. AND YOU ALL SAID, YES, SIR, MR. GOVERNOR, I'LL GIVE IT TO YOU. I'VE SAID BEFORE, HE WAS SPOILED AS A CHILD AND HE'S SPOILED AS AN ADULT, AND HE FEELS THAT HE CAN DO TO THE LEGISLATURE WHAT HE COULD DO TO EMPLOYEES IN HIS DADDY'S BUSINESSES. AND YOU ALL DON'T WANT TO OFFEND HIM, SO YOU GO ALONG. BUT IF HE DOESN'T LIKE YOUR BILL, HE'LL VETO IT. HE DOESN'T...THERE'S NO RECIPROCITY. SO WHAT I THINK WE OUGHT TO DO IS SEND THIS BACK TO COMMITTEE AND LET US RECONSIDER THE ENTIRE PACKAGE. LET'S START IT ALL OVER AGAIN. LET IT GO BACK TO THE HEALTH AND HUMAN SERVICES COMMITTEE. AND LET US SEE WHO WILL OR WILL NOT SHOW UP IN OPPOSITION? BUT THAT WOULDN'T MAKE ANY DIFFERENCE TO HOW...AS FAR AS HOW YOU ALL ARE GOING TO VOTE ON WHAT THE GOVERNOR WANTS. THERE COULD HAVE BEEN 30 PEOPLE IN OPPOSITION AND 1 IN FAVOR, AND THE COMMITTEE WOULD HAVE VOTED HIS NOMINATION TO THE FLOOR. IF YOU HAD THE SAME SCENARIO, FOR THE SAKE OF THIS DISCUSSION, WHERE BECAUSE OF ALL THE OPPOSITION EXPRESSED AND THE LEGITIMATE CONCERNS DISCLOSED THERE WOULD NOT BE ENOUGH VOTES TO APPROVE THE NOMINATION, IT WOULDN'T HAVE BEEN CONFIRMED. AND SUCH BEING THE CASE, THE GOVERNOR WOULD FIND SOMEBODY AND SAY, GO OVER THERE AND TELL THOSE MICE THEY DIDN'T DO WHAT THEY WERE SUPPOSED TO DO AND YOU WANT TO GIVE THEM A CHANCE TO THINK ABOUT IT AGAIN, AND SOMEBODY WOULD MAKE THE MOTION. AND WE WOULD BE GOING THROUGH WHAT WE'RE GOING THROUGH NOW. AND BECAUSE THERE HAD BEEN A LOT OF OPPOSITION, THE ARGUMENT COULDN'T BE MADE THAT THERE WAS OPPOSITION. SO THEN THEY JUMP TO THE OLD STANDBY THAT THOSE WHO ARE GOING TO FOLD WILL ALWAYS GIVE: WELL, THE GOVERNOR IS ENTITLED TO PUT HIS TEAM TOGETHER. BROTHERS AND SISTERS, FRIENDS, ENEMIES, NEUTRALS, THIS IS NOT A TEAM WE'RE TALKING ABOUT. THIS IS NOT THE CHICAGO CUBS. WE ARE TALKING ABOUT GOVERNMENT. AND THE PEOPLE WHO STAFF THESE

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AGENCIES ARE APPOINTED BY THE GOVERNOR, BUT THEY DON'T BELONG TO THE GOVERNOR. AND IF YOU ALL WOULD READ THE CONSTITUTION, YOU'D SEE THAT THE GOVERNOR COULD NOT JUST FIRE THESE PEOPLE BECAUSE HE OR SHE WANTS TO. THE GOVERNOR MAY, WITH CAUSE, AFTER A PUBLIC HEARING. THE GOVERNOR DOES NOT HAVE COMPLETE UNFETTERED AUTHORITY IN THIS REGARD. HOW MANY OF YOU ALL READ THE CONSTITUTION TO SEE IT? YOU THINK BECAUSE THE GOVERNOR HIRED SOMEBODY, THE GOVERNOR CAN FIRE THE PERSON. IF THERE IS WHAT THE GOVERNOR CONSIDERS CAUSE AND THE GOVERNOR HAS A PUBLIC HEARING, THEN THE GOVERNOR CAN DO THE FIRING. AND IF THE INDIVIDUAL FIRED FEELS THAT THERE WAS NOT CAUSE AND IT'S SOMETHING THE CONSTITUTION REQUIRED, THAT WOULD CREATE A CAUSE OF ACTION IN COURT FOR THE PERSON WHO WAS FIRED. AND THE GOVERNOR WOULD HAVE TO ESTABLISH TO THE SATISFACTION OF A COURT THAT SUFFICIENT CAUSE EXISTED TO JUSTIFY THE TERMINATION OF THIS INDIVIDUAL. HOW MANY OF YOU ALL KNEW THAT? HOW MANY OF YOU EVEN CARED? YOU DON'T READ. YOU DON'T HAVE TO BECAUSE YOU'VE ALWAYS GOT THE NUMBERS. YOU'RE USED TO HAVING THE NUMBERS. THAT'S WHAT WHITE PRIVILEGE MEANS. YOU DON'T HAVE NO KNOW WHAT YOUR CONSTITUTION SAYS. YOU DON'T HAVE TO OBEY YOUR CONSTITUTION BECAUSE YOU'VE GOT THE NUMBERS. AND WHO'S GOING TO CHALLENGE YOU? AND TO WHOM IS THE CHALLENGE GOING TO BE MADE? PEOPLE WHO LOOK JUST LIKE YOU. POOR, POOR PITIFUL ME. I READ THE LAWS. THIS IS IN THE DAYS OF THE OLD WILD WEST, AND JESSE JAMES ROBBED MY BANK. IT'S A LITTLE BANK, NOT MUCH MONEY, BECAUSE POOR PEOPLE OF MY COMPLEXION PUT THEIR FEW PENNIES TOGETHER AND THEY PUT IT IN THE BANK WHERE THEY THINK IT WILL BE SAFE. AND JESSE JAMES COMES THERE AND ROBS THAT BANK AND HE TAKES ALL OF THE MONEY. SO I'M GOING TO GO TO THE SHERIFF AND MAKE MY COMPLAINT. AND, SENATOR KOLTERMAN, GUESS WHO I SEE WITH HIS HAT COCKED TO ONE SIDE, SHERIFF'S BADGE ON, AND GOT A BIG PISTOL ON EACH ONE OF HIS HIPS. GUESS WHO I SEE. FRANK JAMES. AND I SAY, WELL, SHERIFF JAMES, I HAVE A COMPLAINT TO MAKE. AND SHERIFF FRANK JAMES SAYS, WELL, I'M THE SHERIFF SO WHO DO YOU WANT TO COMPLAIN AGAINST? I SAY, WELL, A FELLOW NAMED JESSE JAMES. HE SAID, OH, MY BROTHER, MY BROTHER JESSE; HE'S MY FAVORITE BROTHER. JESSIE WORKS IN BANKING. HE ALSO WORKS ON THE RAILROAD. SO WHAT IS THIS COMPLAINT YOU WANT TO FILE ON MY BROTHER JESSE? POOR, POOR, PITIFUL, NAIVE ME, I FEEL THAT I'VE GOT TO FILE THIS COMPLAINT. SO I SAY, WELL, I'M GOING TO MAKE OUT THIS COMPLAINT WHERE YOUR BROTHER CAME IN AND PUT A GUN ON MY TELLER AND TOOK ALL THE MONEY. AND SO FRANK IS WRITING. HE SAID, OKAY, I'VE GOT YOUR COMPLAINT. NOW WHAT DO YOU EXPECT ME TO DO WITH IT? I SAY, WELL,

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SHERIFF, I THINK THAT THERE OUGHT TO BE A TRIAL. HE SAID, OH, YEAH, THERE'S SURE SUPPOSED TO BE A TRIAL. AND I SUPPOSE YOU'D LIKE TO HAVE A JURY TRIAL, RIGHT? I SAY, WELL, SHERIFF, THAT'S NOT FOR ME TO DETERMINE. THAT'S FOR THE DEFENDANT TO DETERMINE, BECAUSE THE DEFENDANT CAN AGREE TO HAVE IT TRIED BY A JUDGE WITHOUT A JURY. OH, YOU'RE ONE OF THEM SMART ONES, HUH? YOU KNOW THE LAW, DON'T YOU? WELL, I'M GOING TO ASK JESSE IF HE WANTS TO HAVE A JURY, BECAUSE THAT'S WHAT THIS SMART ONE SAID. THAT'S THE WAY THE LAW SHOULD BE APPLIED. ARE YOU BY ANY CHANCE A LAWYER? AND I SAY, NO, SHERIFF, I'M NOT A LAWYER. WELL, HOW COME YOU TO KNOW ALL OF THESE THINGS ABOUT THE LAW? I'D SAY, WELL, SHERIFF, I'VE BEEN UNFORTUNATE ENOUGH TO HAVE HAD A CHARGE OR TWO BROUGHT AGAINST ME. AND BECAUSE I THOUGHT THE JUDGE WOULD BE UNFAIR BUT I LOOKED AROUND THE COURTHOUSE AND THERE WERE SOME PEOPLE WHO HAD SIMILAR PROBLEMS THAT I HAD AND I WAS TOLD THAT I HAD A RIGHT TO HAVE 12 OF THEM SIT UP HERE AND DECIDE WHETHER THE THING I'M ACCUSED OF IS GOING TO BE CONSIDERED TRUE OR FALSE, AND THEY LOOKED LIKE PEOPLE WHO WOULD TRY TO DO THE RIGHT THING. SO, JUDGE, I THINK I WANT THESE PEOPLE TO SIT UP HERE AND HELP YOU MAKE A JUDGMENT. AND FRANK JAMES WOULD SAY, AND WHAT DID THOSE PEOPLE DECIDE? WELL, SHERIFF JAMES, THEY DECIDED THAT I DIDN'T DO IT AND THEY LET ME GO. OH, THEY LET YOU GO? I SAY, YES. AND FRANK WOULD SAY, WELL, HOW DID THEY LET YOU KNOW THAT THEY WERE GOING TO LET YOU GO? I SAID, WELL, SHERIFF JAMES, THE JUDGE SAID TURN HIM LOOSE, AND THEY TURNED ME LOOSE. SO I EXPECT THAT SINCE JESSE IS YOUR BROTHER, YOU'LL GIVE HIM THE SAME OPPORTUNITY THAT I HAD TO DECIDE IF HE WANTS WHOEVER THEY ARE TO SIT UP THERE AND DECIDE WHETHER THEY'RE GOING TO FIND THAT HE TOOK MY MONEY WHEN HE SHOULDN'T HAVE, OR IF THEY OUGHT TO TURN HIM LOOSE. AND SO SHERIFF FRANK JAMES SAYS, I'M GOING TO TALK TO JESSE; IN FACT, THERE HE IS RIGHT NOW. AND HE'S ABOUT AS FAR FROM ME AS SENATOR McCOLLISTER IS.

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: BUT UNLIKE SENATOR McCOLLISTER, JESSE IS WATCHING ALL THIS WITH A SMIRK. AND FRANK SAYS, JESSE, COME OVER HERE. SO JESSE COMES OVER, SMILING. HE SAYS, JESSE, YOU'RE MY BROTHER BUT I'M THE SHERIFF, AND A SERIOUS COMPLAINT WAS MADE AGAINST YOU. SO BEING THE SHERIFF, JESSE SAYS, I KNOW WHAT YOU GOT TO DO. PUT THE HANDS OUT AND SAYS, PUT THE CUFFS ON ME, BROTHER FRANK. AND BROTHER FRANK LOOKS AT ME AND SAYS SEE, WE BELIEVE IN THE LAW AROUND HERE, EVEN IF MY

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BROTHER IS THE ACCUSED WRONGDOER. OKAY, NOW, JESSE, I WANT YOU TO GO OVER THERE TO THE BANK...TO THE JAIL. YOU KNOW WHERE THE KEY IS. YOU TAKE THE KEY AND OPEN THAT DOOR OF THAT CELL AND YOU GET IN THE CELL AND YOU CLOSE THE DOOR. AND HERE'S THE KEY TO YOUR HANDCUFFS. AND WHEN YOU'RE SAFELY LOCKED UP IN THE CELL, THEN YOU TAKE THOSE HANDCUFFS OFF AND TOSS THEM OUT HERE. AND BY THAT TIME, I'M BEGINNING TO HAVE SECOND THOUGHTS, SHOULD I HAVE COME?

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT.

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

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I AGAIN RISE IN SUPPORT OF DR. ACIERNO. BUT I WOULD LIKE TO SAY THAT IN THE SHORT PERIOD OF TIME I'VE BEEN HERE, I SERVE ON SEVERAL COMMITTEES, BUT TWO COMMITTEES I SERVE ON, ONE IS AGRICULTURE AND ONE IS HEALTH AND HUMAN SERVICES. AND WE HAD CONTROVERSIAL CANDIDATES IN BOTH OF THOSE. AS AN EXAMPLE, EARLIER IN THE SESSION WE WERE ASKED TO APPROVE GREG IBACH AS DIRECTOR OF AGRICULTURE. AND I LISTENED TO THAT TESTIMONY IN THAT COMMITTEE, JUST LIKE I DID IN HEALTH AND HUMAN SERVICES, AND I MADE THE DECISION THAT GREG IBACH, WHILE HE HAD NOT...OR HIS TEAM HAD NOT ACTED IN A PRUDENT MANNER WHEN IT CAME TO ANIMAL CATS AND DOGS, HE DESERVED AN OPPORTUNITY TO CONTINUE ON. AND HE DID PROMISE US THAT HE WOULD WORK ON THAT. AND IN ADDITION TO THAT, WE AS A LEGISLATURE ARE NOW WORKING ON BILLS TO HELP HIM. BUT I HAVE A...I WOULD LIKE...I WAS WONDERING IF SENATOR CHAMBERS WOULD YIELD TO A COUPLE OF QUESTIONS, BECAUSE I WANTED TO...

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD?

SENATOR CHAMBERS: CERTAINLY.

SENATOR KOLTERMAN: THANK YOU, SENATOR CHAMBERS. WHEN WE DID...WHEN WE DID THE HEARING FOR GREG IBACH, YOU WERE THERE. AND I BELIEVE YOU INDICATED, CORRECT ME IF I'M WRONG, BUT I THINK YOU

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INDICATED THAT YOU WOULD NOT SUPPORT HIM ON THE FLOOR. AND I DON'T BELIEVE YOU VOTED FOR HIM COMING OUT OF COMMITTEE. WOULD THAT BE CORRECT?

SENATOR CHAMBERS: THAT'S CORRECT.

SENATOR KOLTERMAN: BUT AS WE LISTENED TO HIS TESTIMONY AND AS WE ASKED HIM QUESTIONS, I BELIEVE YOU INDICATED THAT YOU WOULD LIKE THE OPPORTUNITY TO WORK CLOSELY WITH HIM TO CORRECT THE ILLS THAT HAD BEEN THERE IN AGRICULTURE COMMITTEE AND THE DEPARTMENT OF AGRICULTURE. WOULD THAT BE A CORRECT STATEMENT?

SENATOR CHAMBERS: A POINT WAS REACHED WHERE I DID SAY WORDS TO THAT EFFECT.

SENATOR KOLTERMAN: THANK YOU. WELL, I'D JUST LIKE TO DRAW THE PARALLEL HERE TO THIS SAME TYPE OF SITUATION. FORTUNATELY, I GOT TO SIT IN ON BOTH HEARINGS, BOTH AGRICULTURE AND HEALTH AND HUMAN SERVICES. AND I PLEDGED TO DR. ACIERNO THAT SAME EFFECT, THAT I WOULD WORK WITH HIM IF HE WOULD WORK TO CHANGE HIS ATTITUDE AND THE WAY HE DID THINGS. SO I WOULD HOPE THAT YOU WOULD...I KNOW YOU'RE NOT GOING TO HAVE A CHANGE OF HEART, BUT YOU WOULD UNDERSTAND. I UNDERSTOOD WHERE YOU WERE COMING FROM. I WOULD HOPE YOU WOULD UNDERSTAND WHERE WE'RE COMING FROM AS A BODY AND WE COULD PUT THIS BEHIND US AND GIVE HIM THE OPPORTUNITY THAT YOU'RE WILLING TO GIVE GREG IBACH, EVEN THOUGH YOU DIDN'T SUPPORT HIM, AND MOVE FORWARD. THANK YOU, SENATOR CHAMBERS. AND I WOULD YIELD THE REST OF MY TIME TO SENATOR CHAMBERS.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 2:00.

SENATOR CHAMBERS: THANK YOU, SENATOR KOLTERMAN. THANK YOU, MR. PRESIDENT. AND SINCE I'M ON SENATOR KOLTERMAN'S TIME, I'M GOING TO ADDRESS WHAT HE BROUGHT UP. AND THEN I'LL CONTINUE MY STORY ON MY OWN TIME. THE STAKES WERE NOT AS HIGH AND THEY WERE NOT THE SAME WITH SOMEBODY WHO'S HEAD OF THE DEPARTMENT OF AGRICULTURE. AND THERE WERE WAYS TO BRING PRESSURE TO BEAR ON HIM WHICH ARE NOT GOING TO EXIST WITH THIS SITUATION. WE WERE NOT SAYING THAT WE ARE PUTTING IBACH IN A POSITION WHERE HE'S GOING TO BE A MILLSTONE AROUND

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SOMEBODY ELSE'S NECK. HE WAS GOING TO BE THE ONE IN CHARGE AND EVERYTHING WAS ON HIM. WHAT I'VE HEARD PEOPLE SAYING HERE IS THAT WE'RE LOOKING TO THIS YOUNG BLACK WOMAN TO CLEAN UP THE MESS...

SPEAKER HADLEY: ONE MINUTE, SENATOR.

SENATOR CHAMBERS: ...THAT MAY BE CREATED BY WHAT THE LEGISLATURE IS ABOUT TO DO. AND NOBODY HAS BEEN ABLE TO SAY THAT THIS MAN IS NOT GOING TO DO WHAT HE HAS DONE IN THE PAST. THEY ARE NAIVE. BECAUSE WHEN THEY CAUGHT HIM WITH THE GOODS THEY ASKED HIM, WILL YOU DO THIS ANYMORE? AND HE SAID, NO, I WON'T DO IT ANYMORE. SO THEY SAID, HE TOLD ME THAT HE'S NOT GOING TO DO IT ANYMORE SO THAT MEANS HE WON'T DO IT. ANYBODY WHO'S CAUGHT AND FACING THE MUSIC IS GOING TO SING A DIFFERENT TUNE. SO WHATEVER HE WOULD SAY WHEN HE'S MEETING WITH INDIVIDUAL SENATORS IS GOING TO BE DIFFERENT FROM WHAT HE WOULD DO ORDINARILY, BECAUSE THERE'S SOMETHING HE WANTS TO GET TO HIM. SO I'M NOT SATISFIED THAT HE'S GOING TO DO THE RIGHT THING. AND I'M ALSO NOT SATISFIED THAT THE SENATORS WILL BACK UP WHAT THEY'RE SUGGESTING ABOUT TRYING TO GET HIM OUT OF THERE IF THINGS DON'T GO THE WAY THEY SHOULD. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR CRAWFORD, YOU'RE RECOGNIZED.

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I STAND IN ADAMANT OPPOSITION TO THE RECOMMIT TO COMMITTEE MOTION. I APPRECIATE SENATOR CHAMBERS' CONCERN ABOUT CONCERNS THAT HE HAS RAISED. BUT I REALLY FEEL THAT WE HAVE HAD VERY EXQUISITE LEADERSHIP FROM SENATOR CAMPBELL IN WORKING THROUGH THIS DIFFICULT ISSUE. AND USUALLY WHEN YOU RECOMMIT SOMETHING TO A COMMITTEE IT'S BECAUSE YOU FEEL LIKE THE COMMITTEE NEEDS TO LOOK AT IT AGAIN OR NEEDS TO ADDRESS IT IN A DIFFERENT WAY. AND I REALLY FEEL THAT SENATOR CAMPBELL HAS DONE WHAT AN EXCELLENT LEGISLATIVE LEADER SHOULD DO IN THIS SITUATION. SHE HAS LISTENED TO CONCERNS OF SOME MEMBERS. SHE HAS WORKED AND COMMUNICATED TO THE GOVERNOR, COME BACK AND RECOGNIZED THAT WE NEEDED A COMMITTEE VOTE, AND HAS REPRESENTED THAT COMMITTEE VOTE VERY ABLY ON THE FLOOR. AND I SEE NO REASON TO RECOMMIT THIS TO COMMITTEE. I BELIEVE OUR CONCERNS HAVE BEEN ADDRESSED. THE SHOT ACROSS THE BOW HAS BEEN EXECUTED. AND THAT THERE ARE...AS A MEMBER OF THE HEALTH AND HUMAN SERVICES COMMITTEE, I AM READY AND WILLING

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TO WORK WITH SENATOR CAMPBELL TO MOVE FORWARD AND MAKE SURE THAT WE HAVE A VIBRANT PUBLIC...DIVISION OF PUBLIC HEALTH. AND I KNOW THAT WITH HER ABLE LEADERSHIP WE WILL MAKE SURE THAT WE'RE MOVING FORWARD IN A PROACTIVE WAY. AND AS A PLEDGE OF MY CONFIDENCE IN SENATOR CAMPBELL'S LEADERSHIP AND IN THE MESSAGE THAT WE HAVE ALREADY SENT, I'M GOING TO CHANGE...I'M GOING TO VOTE GREEN WHEN WE GET TO THIS VOTE, NOT BECAUSE THE GOVERNOR ASKED ME TO--I WAS PROBABLY ONE OF THE FEW PEOPLE HE DIDN'T CALL YESTERDAY--NOT BECAUSE HE ASKED ME TO BUT OUT OF RESPECT FOR COMMITTEE LEADERSHIP AND THE COMMITTEE, THE HEALTH AND HUMAN SERVICES COMMITTEE, AND THAT DECISION OF THE COMMITTEE TO MOVE FORWARD AND MY PLEDGE TO SENATOR CAMPBELL TO WORK HARD MOVING FORWARD TO MAKE SURE WE HAVE A PRODUCTIVE RELATIONSHIP AND MY COMMITMENT TO THE CEO, TOO, THAT I WANT TO WORK WITH HER IN MOVING FORWARD AND HAVING A GOOD, POSITIVE RELATIONSHIP. AND I WANT TO WORK WITH DR. ACIERNO ON HAVING A POSITIVE, PROACTIVE RELATIONSHIP, AND I'M WILLING TO DO THAT AND I'M GOING TO SHOW THAT WITH A GREEN VOTE, AND SO I...ON THE CONFIRMATION. BUT I URGE YOU TO VOTE NO, A RED VOTE, ON RECOMMITTING IT TO THE COMMITTEE. THE COMMITTEE HAS DELIBERATED. THE COMMITTEE CHAIR HAS SHOWN GREAT LEADERSHIP. AND THIS IS A MATTER FOR THE FLOOR AND I THINK THAT WE NEED TO GET TO A VOTE ON IT AND MOVE ON TO OUR OTHER BUSINESS. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK THE LADY IN RED A QUESTION OR TWO.

SPEAKER HADLEY: SENATOR CRAWFORD, WOULD YOU YIELD?

SENATOR CRAWFORD: YES.

SENATOR CHAMBERS: SENATOR CRAWFORD, APPARENTLY YOU AND MAYBE OTHERS ARE CONSIDERING THIS A REFERENDUM ON SENATOR CAMPBELL'S LEADERSHIP. IS THAT CORRECT?

SENATOR CRAWFORD: I CONSIDER A RECOMMIT MOTION TO BE ONE THAT SUGGESTS THE LEADER SHOULD GO BACK AND TRY AGAIN.

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SENATOR CHAMBERS: WELL, FORGET THIS MOTION. IT'S NOT GOING ANYWHERE. UNLIKE A BILL, YOU CANNOT AMEND THIS CONFIRMATION REPORT. SO THIS, IT'S THE ONLY KIND OF MOTION I COULD MAKE TO GET THE OPPORTUNITY TO SPEAK. I MEAN THIS WHOLE DISCUSSION OF CONFIRMING THIS MAN, YOU DON'T SEE IT AS DEALING WITH HIM AND HIS MERIT BUT RATHER A REFERENDUM ON SENATOR CAMPBELL'S LEADERSHIP.

SENATOR CRAWFORD: NO. NO, I DO NOT.

SENATOR CHAMBERS: THEN WHY DO YOU HAVE TO VOTE AS A CONFIRMATION OR AFFIRMATION OF HER LEADERSHIP? I'M JUST GOING BY WHAT YOU SAID.

SENATOR CRAWFORD: SURE, I APPRECIATE WHAT YOU SAID. I THINK THAT WHEN WE HAVE VOTES, THERE ARE TIMES WHEN YOUR VOTE CAN MAKE A DIFFERENCE TO THE OUTCOME. AND IN THAT CASE, WHEN YOUR VOTE IS GOING TO MAKE A DIFFERENCE TO THE OUTCOME, IT'S CRITICAL THAT YOUR VOTE REFLECT THE SUBSTANCE AT HAND. THERE ARE OTHER INSTANCES, AND I BELIEVE THAT WILL BE THE INSTANCE IN A FEW MINUTES, WHERE MY VOTE WILL NOT MAKE A DIFFERENCE TO THE OUTCOME. AND SO MY VOTE HAS ANOTHER PURPOSE AND IN THIS CASE I AM EXPRESSING ON THE MIKE WHAT MY PURPOSE OF MY GREEN VOTE IS IN THIS CASE, WHICH IS TO PLEDGE MY COMMITMENT TO WORK WITH THE COMMITTEE, AS A MEMBER OF THAT COMMITTEE, AND TO WORK WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE BEST OF MY ABILITY IN MY ROLE AS AN ELECTED OFFICIAL HERE TO SERVE, TO PASS LAWS, AND CONDUCT OVERSIGHT.

SENATOR CHAMBERS: BUT, SENATOR, ISN'T IT TRUE THAT YOU COULD CONTINUE TO VOTE YOUR CONVICTION AND STILL DO EVERYTHING YOU MENTIONED IN TERMS OF WORKING WITH THE COMMITTEE? AND WHEN THIS MAN IS CONFIRMED, WHICH WE KNOW HE WILL BE, YOU'LL WORK WITH HIM BECAUSE HE'S ALL YOU GOT TO WORK WITH. SO YOU COULD DO ALL THAT ANYWAY. BUT YOU'RE DECIDING...LET ME ASK YOU THIS. HAVE YOU CHANGED YOUR OPINION ABOUT THIS MAN FROM WHAT IT WAS YESTERDAY WHEN YOU VOTED NO? OR DID YOU?

SENATOR CRAWFORD: YESTERDAY I WAS "NOT VOTING" TO EXPRESS MY CAUTION AND CONCERN THAT I COULD NOT, IN GOOD CONSCIENCE, VOTE GREEN TO SAY, YES, EVERYTHING IS FINE.

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SENATOR CHAMBERS: SO NOW YOUR CONSCIENCE HAS BEEN ASSUAGED, SOOTHED, AND YOU CAN NOW VOTE YES. IS THAT CORRECT?

SENATOR CRAWFORD: IT IS, AGAIN, AS I SAID.

SENATOR CHAMBERS: IN OTHER WORDS, INSTEAD OF IT BEING JACK THE RIPPER, IT'S NOW A NEUROSURGEON THAT YOU'RE VOTING FOR?

SENATOR CRAWFORD: NO, I BELIEVE I EXPRESSED WHAT I INTEND MY GREEN VOTE TO MEAN.

SENATOR CHAMBERS: THANK YOU. THAT'S ALL I WOULD ASK YOU. MEMBERS OF THE LEGISLATURE, EVERYBODY IS GOING TO DO WHAT THEY THINK THEY SHOULD DO FOR WHATEVER REASON, AND THEY DON'T HAVE TO ACCOUNT TO ME OR ANYBODY ELSE. BUT I WILL ASK QUESTIONS BECAUSE I'M INTERESTED IN WHY PEOPLE DO WHAT THEY DO. WHEN IBACH GOT HIS POSITION THEN I WILL WORK WITH HIM AND ON HIM. BUT I DON'T BELIEVE HE'S GOING TO DO THE RIGHT THING LEFT ALONE. WHEN KENNEY WAS NAMED HEAD OF THE DEPARTMENT OF CORRECTIONS, I SAID, NOW THAT THAT'S WHERE HE IS, I WANT HIM TO SUCCEED. FOR HIM TO SUCCEED WOULD MEAN HE'S GOING TO DO THE RIGHT THING, AND I WANT THE RIGHT THING DONE. AND IF HE'S TRYING TO DO THE RIGHT THING AND I'M FOR THE RIGHT THING, WE CAN WORK TOGETHER. HOWEVER, BACK TO MY STORY.

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: AM I ON MY OWN TIME, MR. PRESIDENT?

SPEAKER HADLEY: YES, YOU ARE.

SENATOR CHAMBERS: AND IS THIS MY SECOND TIME?

SPEAKER HADLEY: THAT'S CORRECT.

SENATOR CHAMBERS: OKAY. I WON'T BE ABLE TO FINISH MY STORY THIS TIME BUT I'LL BE ABLE TO FINISH IT NEXT TIME. WE'RE AT THE POINT WHERE JESSE JAMES HAS BEEN ALLOWED, IN HANDCUFFS, TO GO INTO THE CELL, UNLOCK

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THE DOOR, BECAUSE THE KEY WAS AVAILABLE, LOCK IT BACK, TAKE THE HANDCUFFS OFF, BECAUSE FRANK GAVE HIM THE KEY, AND THROW THE HANDCUFFS OUT ON THE FLOOR. AND THAT'S WHERE I LEFT THE STORY AND I'LL TAKE IT UP WHEN I'M RECOGNIZED.

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. YOU HAVE THIS TIME AND THEN YOUR CLOSING.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. SO HERE I AM, MY LITTLE BANK HAS BEEN ROBBED. NOW SENATOR WILLIAMS AND SENATOR STINNER WOULDN'T HAVE TO WORRY ABOUT JESSE ROBBING THEIR BANK BECAUSE THEY WOULDN'T OPEN A BANK IN THE LOCATION WHERE I OPENED MINE. I HAD NO CHOICE. THEY'D BE WAY OUT EAST SOMEWHERE. SO HERE I AM WATCHING ALL THIS AND MY CONFIDENCE LEVEL IS LOWERING AND LOWERING. BUT AT LEAST THERE WILL BE A TRIAL. AND MAYBE THERE WILL BE SOME PEOPLE IN THIS TOWN WHO WOULD UNDERSTAND HOW HARD I AND MY PEOPLE WORKED, BECAUSE WE DID A LOT OF IT FOR THEM FOR THE FEW PENNIES THAT WE GOT. AND MAYBE THEY WILL AGREE THAT MAYBE JESSE OUGHT TO GO GET A JOB INSTEAD OF TAKING THIS HARD-EARNED MONEY. SO I HAVE NO CHOICE OTHER THAN TO HOPE FOR THE BEST. AND AS I'M WALKING AWAY, THE SHERIFF SAYS, OH, BY THE WAY, THERE'S SOMETHING YOU NEED TO KNOW. I SAID, WHAT'S THAT, SHERIFF? HE SAID, WELL, IN THIS TOWN WE HAVE DIFFERENT KINDS OF LAWS. AND RIGHT HERE, I'M ABOUT TO BREAK INTO A COLD SWEAT. HE SAYS, BUT BEFORE YOU JUMP TO A CONCLUSION, HERE'S WHAT THE LAW IS HERE. HOW MANY PEOPLE DID YOU SAY WERE SITTING IN THAT JURY BOX WHERE YOU WERE? I SAID, 12, SHERIFF. HE SAID, WELL, HERE THE PERSON CAN DECIDE HOW MANY WILL BE IN THE JURY BOX BUT THERE HAVE TO BE AT LEAST FOUR. SO JESSE CAN CHOOSE TO HAVE 4 OR 40. WHAT DO YOU THINK ABOUT THAT? I SAY, WELL, SHERIFF, IT DOESN'T MATTER WHAT I THINK; THAT'S THE WAY THE LAW IS. I CAME TO YOU BECAUSE YOU ARE THE LAW AND WHATEVER THE LAW SAYS IS WHAT GOES. SO HE SAYS, WELL, I'LL TELL YOU WHAT. I'VE READ A LITTLE BIT ABOUT LAW BOOKS, BUT I DON'T KNOW EVERYTHING IN IT. BUT IT SAYS JUSTICE DELAYED IS JUSTICE DENIED. AND MY BROTHER JESSE HAS THE RIGHT TO HAVE JUSTICE EXPEDITIOUSLY...YOU KNOW WHAT THAT WORD MEANS, DON'T YOU? I SAY, I GUESS IT MEANS THAT YOU WON'T WASTE ANY TIME. HE SAID, THAT'S GOOD ENOUGH. I'M GOING TO ASK JESSE WHEN HE WANTS TO GO TO TRIAL. YOU CAN COME WITH ME IF YOU WANT TO SO YOU CAN SEE EVERYTHING. SO I WALK WITH SHERIFF FRANK JAMES. WE ENTERED THIS LITTLE DUSTY JAIL, LOOKS LIKE NOBODY HAS BEEN IN IT. I CAN SEE JESSE'S FOOTPRINTS IN THE DUST, GOING TO THE CELL DOOR. AND THE SHERIFF LOOKS AT ME. HE SAYS, I DON'T

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EVEN KNOW YOUR NAME. WHAT'S YOUR NAME, BOY? AND THEN I KNOW WHAT I'M IN, BECAUSE I'M OLD ENOUGH TO BE FRANK'S FATHER AND THE SHERIFF IS GOING TO CALL ME "BOY." SO I DON'T ANSWER. HE SAID, BOY, DON'T YOU HEAR ME TALKING TO YOU? SO I'M AT THAT POINT WHERE GALILEO WAS WHEN HE WAS NOT GOING TO SAY THAT THE SUN MOVES AROUND THE EARTH. SO I'D LOOK AROUND. I'D SAY, SHERIFF, ALL I SEE IS THREE PEOPLE HERE AND EVERY ONE OF THEM IS A MAN. SO I DON'T KNOW WHERE THIS BOY IS THAT YOU'RE TALKING TO. THEN HE SAYS, YOU KNOW WHAT, I LIKE YOU, LIKE SENATOR GROENE SAID HE TALKED TO THE DR. ASERBIK (PHONETICALLY) AND SAID HE LIKED HIM. BUT I DON'T REALLY FEEL THAT FRANK LIKES ME. I KNOW JESSE DOESN'T, BECAUSE HE ROBBED ME. AND FRANK SAYS, LOOK AT JESSE, HE LIKES YOU TOO; HE'S SMILING.

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: I SAID, NO, SHERIFF, HE'S NOT SMILING. HE'S GOT A LOOK ON HIS FACE BUT IT'S FROM THE TEETH OUT AND WE CALL THAT SOMETHING ELSE. BUT WE'RE HERE TO FIND OUT WHEN JESSE IS GOING TO STAND TRIAL. SO HE SAYS, JESSE, WHEN DO YOU WANT TO GO TO TRIAL? AND JESSE SAYS, I WANT TO GO TO TRIAL RIGHT NOW. SO SHERIFF SAYS, WELL, JESSE, YOU KNOW YOU'RE A PRISONER SO I GOT TO PUT THE CUFFS BACK ON YOU. WE'RE GOING TO TAKE YOU OVER TO THE COURTHOUSE AND WE'RE GOING TO CALL THE JUDGE AND HAVE THIS MATTER SETTLED. SO WE GET TO THE COURTHOUSE. THERE'S SHERIFF FRANK JAMES. THERE'S DEFENDANT JESSE JAMES. THEY OPEN THE DOOR AND HE SAYS, YOU'RE GOING TO HAVE FOUR PEOPLE IN THE JURY BOX AND GUESS WHO THEY ARE--THE DALTON BROTHERS. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: NO ONE ELSE IN THE QUEUE. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR RECOMMIT TO COMMITTEE MOTION.

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THAT'S THE WAY I FEEL WHEN I'M OPERATING IN THIS LEGISLATURE. I'M TO COMPLAIN ABOUT FRANK JAMES TO JESSE JAMES AND THE JURY WHO'S GOING TO HEAR THE COMPLAINT COMPRISES THE DALTON BROTHERS. BUT ONCE IN THE SITUATION, I'VE GOT TO DO THE BEST THAT I CAN. FOR AS LONG AS I CAN. SINCE SENATOR CRAWFORD IS GOING TO...I DIDN'T SAY SENATOR CRAWFISH! I CAN READ MINDS IN HERE, SENATOR FRIESEN. I SAID WHAT I MEANT, JUST LIKE SHE SAID SHE'S VOTING THE WAY SHE IS FOR THE REASON THAT SHE GAVE. I KNOW

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HOW TO PRONOUNCE HER NAME. SINCE I SEE SENATOR CRAWFORD COMING TO TERMS WITH THIS ISSUE, I KNOW THAT OTHERS CERTAINLY WILL BECAUSE SHE WAS KIND OF THE FLAGSHIP, THE CAPTAIN OF THE FLAGSHIP. AND WHEN THAT SHIP STRIKES SAIL AND I SEE THE FLAG UNDER WHICH IT USUALLY GOES STRUCK, AND THEN ANOTHER FLAG RUNS UP AND IT'S THE JOLLY ROGER-- THAT'S THE SKULL AND THE CROSS BONES--THEN I KNOW THAT IT'S JUST A MATTER OF TIME BEFORE I WALK THE PLANK. WE HAVE BEEN ON THIS A LONG TIME. AND I'M NOT GOING TO HAVE THE MATTER RESOLVED IN THE WAY THAT I'D LIKE TO SEE IT RESOLVED. SO I'M NOT GOING TO TAKE AS MUCH TIME AS I ORDINARILY WOULD, BUT I GOT TO GET ONE MORE SHOT AT THIS WHOLE THING. SO WHEN YOU VOTE DOWN MY RECOMMIT MOTION, THEN I'M GOING TO MOVE TO RECONSIDER THAT. AND THEN I WILL NOT OFFER ANY MORE MOTIONS ON THAT. YOU WILL THEN VOTE TO CONFIRM, WHICH YOU WILL DO, AND I WON'T VOTE. AND THEN I'LL HAVE THE CHANCE TO DO WHAT SENATOR MELLO TAUGHT ME HOW TO DO. I WILL MOVE TO RECONSIDER THE VOTE TAKEN ON THE CONFIRMATION. I WOULD LIKE TO ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. AND I KNOW THAT THE VOTES ON CONFIRMATION WILL AUTOMATICALLY BE IN THE JOURNAL, BUT I'M GOING ASK FOR A ROLL CALL VOTE ON THE REST OF THE VOTES THAT WE HAVE ON THIS PARTICULAR SUBJECT. AND THE SPEAKER KNOWS THAT I'M AS GOOD AS MY WORD WHEN I TELL HIM THIS HAS NOTHING TO DO WITH THE UPCOMING CONSENT CALENDAR. IN FACT, SINCE IT'S BY CONSENT, I WOULD ASK UNANIMOUS CONSENT TO MOVE ALL OF THOSE BILLS WITH ONE VOTE. AND IT'S BEEN DONE BEFORE, ONE TIME. AND GUESS WHO MADE THE SUCCESSFUL MOTION? RIGHT. RIGHT. I CERTAINLY DID. I THINK, THEREFORE I AM. THANK YOU, MR. PRESIDENT.

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. THE VOTE... YOU NEED TO CANCEL THE VOTE, MR. CLERK?

CLERK: MR. PRESIDENT, I'M SORRY, I DID. I JUST CANCELED THAT VOTE. SO THE MOTION BEFORE THE BODY IS THE CALL OF THE HOUSE.

SPEAKER HADLEY: WE ARE VOTING NOW ON THE CALL OF THE HOUSE. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: 38 AYES, 1 NAY, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL.

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SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SULLIVAN, NORDQUIST, KUEHN. SENATOR NORDQUIST, THE HOUSE IS UNDER CALL. HOW DO YOU WISH TO PROCEED, SENATOR CHAMBERS?

SENATOR CHAMBERS: ROLL CALL VOTE.

SPEAKER HADLEY: REGULAR ORDER?

SENATOR CHAMBERS: YES.

SPEAKER HADLEY: BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK.

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1459.) 2 AYES, 40 NAYS, MR. PRESIDENT, ON THE MOTION TO RECOMMIT.

SPEAKER HADLEY: THE MOTION TO RECOMMIT FAILS. WE ARE BACK TO DISCUSSION OF THE CONFIRMATION REPORT. MR. CLERK. RAISE THE CALL.

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN WITH RESPECT TO COMMITTING TO COMMITTEE.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR RECONSIDERATION MOTION.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN I MAKE A PROMISE, I'LL KEEP IT. HAD I NOT PROMISED TO RECONSIDER THIS, I WOULDN'T DO IT. BUT YOU WOULDN'T THINK THAT MUCH OF ME IF I DIDN'T KEEP MY PROMISE. AND BECAUSE SOME OF YOU MAY WANT TO OCCUPY YOURSELF WITH OTHER THAN LISTENING TO WHAT I HAVE TO SAY, I'M GOING TO PASS SOMETHING AROUND. AND THIS IS THE CAPTION. COLLEAGUES, THIS IS THE PIECE BY GIDEON WELLES, PARENTHESES, MENTIONED YESTERDAY, THAT I FOUND TO BE QUITE ARRESTING. I PROMISED TO SHARE IT WITH YOU. QUOTING LINCOLN, "THE PROMISE BEING MADE, MUST BE KEPT." AND THIS IS WHAT GIDEON WELLES WROTE ABOUT THE DEATH OF

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ABRAHAM LINCOLN. SO I'M GOING TO HAVE THESE COPIES PASSED OUT BECAUSE I HAD WAGERED THAT NOBODY OTHER THAN MYSELF HAD READ THIS. IF YOU'RE EVER IN A SETTING WHERE SOMEBODY TALKS ABOUT THIS PIECE BY GIDEON WELLES AND MAKES THE STATEMENT THAT I MADE, YOU CAN RAISE YOUR HAND AND SAY, BUT I HAVE READ IT, IF YOU CHOOSE TO READ IT. AND I LEFT A WORD OUT OF THAT STATEMENT BY LINCOLN BECAUSE I DON'T KNOW THAT ANYBODY WOULD CATCH IT. BUT HE DIDN'T SAY THE PROMISE BEING MADE MUST BE KEPT. HE SAID THE PROMISE, HAVING BEEN MADE, MUST BE KEPT. OR MAYBE HE DIDN'T SAY IT LIKE THAT. MAYBE HE SAID IT THE WAY I WROTE IT. BUT DO YOU KNOW THE CONTEXT IN WHICH THAT STATEMENT WAS UTTERED? I DIDN'T KNOW, BY THE WAY, THAT I'D BE ABLE TO TIE IN TO THE DISCUSSION THAT WE'RE HAVING TODAY ON SENATOR MELLO'S UNDERLYING MOTION THAT BROUGHT US TO WHERE WE ARE A COMMENT ABOUT THAT STATEMENT THAT LINCOLN MADE. HE HAD ISSUED THE EMANCIPATION PROCLAMATION. A GUY WROTE TO HIM AND WAS VERY UPSET ABOUT IT. AND LINCOLN, IN THE WAY THAT ONLY LINCOLN KNEW HOW TO DO, GAVE A VERY SUCCINCT ARGUMENT USING SHORT, CLEAR, CRISP SENTENCES. BUT HE HAD POINTED OUT THAT ALL OF HIS COMMANDERS IN THE FIELD WANTED THE EMANCIPATION PROCLAMATION AND SUPPORTED IT BECAUSE THAT ENABLED THEM TO HAVE BLACK TROOPS. AND THERE WERE COMMANDERS WHO PRAISED WHAT THESE TROOPS HAD DONE. AND LINCOLN ALONG THE WAY HAD SAID, IF WE GIVE UP EVERY PIECE OF GROUND THAT THESE BLACK TROOPS HAVE WON FOR US, EVERY PIECE OF GROUND THAT THEY NOW HOLD FOR US, WE CAN GIVE UP THE CONFLICT BECAUSE WE'LL LOSE IT IN TWO MONTHS. THEY'D LOSE THE CIVIL WAR. BLACK PEOPLE PROVIDED THE BALANCE OF POWER. READ WHAT LINCOLN HIMSELF SAID. SO LINCOLN WENT ON TO SAY: I DON'T KNOW WHY YOU, AS A WHITE MAN, WOULD BE UPSET ABOUT THE BLACK MAN FIGHTING. YOU SAID YOU'D NEVER FIGHT FOR A BLACK MAN. WELL, IT SEEMS LIKE THE BLACK MAN IS WILLING TO FIGHT FOR YOU. BUT IF THAT DOESN'T SWAY YOU, FOR EVERY SLOT FILLED BY A BLACK MAN, THAT'S ONE LESS WHITE MAN THAT HAS TO FIGHT FOR THE UNION. THAT OUGHT TO SATISFY YOU. HE SAID THAT ALL PEOPLE ACT ON MOTIVE, INCLUDING BLACK MEN. HE SAID A PROMISE WAS MADE THAT IF THEY WOULD FIGHT FOR THE UNION THEY WOULD GET THEIR FREEDOM. THE PROMISE, HAVING BEEN MADE, MUST BE KEPT. AND HE SAID THERE ARE THOSE WHO ARE BLACK WHO WILL REMEMBER HOW THEY, WITH STEADY HAND AND CLEAR EYE, FOUGHT FOR THIS UNION, AND THERE ARE OTHERS WHO ARE WHITE WILL HAVE TO LIVE WITH WHAT THEY HAD DONE IN TRAITOROUSLY TRYING TO DESTROY THIS UNION. HOW MANY OF YOU ALL HAD HEARD THOSE KIND OF COMMENTS FROM LINCOLN, ESPECIALLY PROVIDING THE BALANCE OF POWER IN THE CIVIL WAR? THERE ARE WHITE PEOPLE ON THIS

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FLOOR WHO WOULD SAY THAT AIN'T TRUE BECAUSE THEY DON'T WANT IT TO BE TRUE, AND THEY ARE IGNORANT OF THEIR OWN HISTORY. BUT I HAVE TO KNOW OURS. AND THERE STILL IS A CARRYOVER FROM SLAVERY. THAT'S WHY WE CAN BE SHOT DOWN IN BROAD DAYLIGHT, UNARMED, IN THE BACK, AND NOTHING IS DONE ABOUT IT BECAUSE THE POLICE NOW FILL THE ROLE THAT THE KU KLUX KLAN FILLED. AND WHAT I TOLD YOU ABOUT COMPLAINING ABOUT JESSE JAMES TO FRANK JAMES AND THE JURY IS THE DALTON BROTHERS, THAT'S WHAT HAPPENS WHEN WE GO TO COURT. WE KNOW THE LAW IS NOT THERE FOR US. BUT AS I'VE SAID ON MANY OCCASIONS HERE, FOR BLACK PEOPLE, IT AIN'T MUCH BUT IT'S ALL THAT WE'VE GOT. IT MAY BE THE SLENDEREST OF REEDS, R-E-E-D-S, BUT WE HAVE NO CHOICE. SO ANYTHING I CAN DO TO STRENGTHEN THE LAW, THE ADMINISTRATION OF JUSTICE NO MATTER BY HOW SMALL AN AMOUNT, THAT BRINGS US THAT MUCH CLOSER TO BEING ABLE TO HAVE SOME MODICUM OF JUSTICE. DO I THINK THERE WILL EVER BE JUSTICE FOR BLACK PEOPLE IN THIS COUNTRY? NOT AS LONG AS WHITE PEOPLE ARE HERE AND WHITE PEOPLE ARE IN CONTROL, AND YOU ALL KNOW IT TOO. IF YOU LISTENED TO NPR THIS MORNING, YOU WOULD HAVE HEARD SOMETHING WHICH, HAD I TOLD YOU WITHOUT IT BEING ON, YOU WOULDN'T HAVE BELIEVED IT. BUT GEORGE ROMNEY WAS THE FATHER OF MITT ROMNEY, AND HE WAS THE SECRETARY OF HOUSING, I DON'T KNOW IF IT WAS CALLED HOUSING AND URBAN DEVELOPMENT AT THAT TIME, UNDER NIXON. AND HE IS THE ONE WHO SAID THAT THE FEDERAL GOVERNMENT HAS PUT A WHITE NOOSE AROUND THE NECK OF THE BLACK COMMUNITY AND THE GOVERNMENT SHOULD UNTIE THAT NOOSE. THAT'S WHAT A WHITE MAN SAID. AND IF I SAY IT, YOU WANT TO GET ANGRY AT ME. THE WHITE MAN KNEW WHAT WHITE MEN HAD DONE. HE KNOWS HIS BROTHERS EVEN BETTER THAN I DO BECAUSE HE'S ONE OF THEM. AND THEY, UNDER NIXON, UNDOID EVERYTHING HE DID IN TRYING TO ENFORCE THIS NOTION OF DEMOCRACY, WITHHOLDING MONEY, SOME OF IT INVOLVED BALTIMORE. NIXON GOT RID OF ROMNEY AND NOBODY WHO CAME AFTER HIM EVER TRIED TO DO ANYTHING LIKE THAT AGAIN. AND YOU ALL THINK I OUGHT TO FEEL ABOUT EVERYTHING LIKE YOU FEEL. YOU'RE FREE. YOU'VE ALWAYS BEEN FREE. AND YOU THINK THAT I, WHO HAVE NEVER BEEN FREE, SHOULD SEE THINGS THE WAY YOU SEE THEM. YOU WERE NOT ENSLAVED IN THIS COUNTRY. MY PEOPLE WERE. AND WE STILL SUFFER THE RAVAGES OF IT. AND EVERY TIME AN UNARMED BLACK PERSON IS SHOT DOWN OR KILLED BY THIS POLICE, THESE POLICE, YOUR POLICE, THE ONES YOU ALL PRAISE, THE ONES YOU HASHTAG AND "SUPPORT BLUE," THEY'RE NOT THE FRIENDS OF BLACK PEOPLE. AND IF THERE WERE PEOPLE DOING THIS TO JEWS AND THE JEWS SAID, THEY ARE LIKE NAZIS, YOU WOULDN'T SAY, THE JEWS SHOULDN'T SAY THAT. YOU'D JOIN THEM;

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YOU'D SAY, THEY CERTAINLY ARE AND THEY SHOULDN'T DO THAT. AND THAT'S WHAT I CONTEND WITH. BUT I HAVE TO BE SANE.

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: I CAN'T DO LIKE THAT WHITE GUY WHO HAD ORANGE HAIR WHEN HE DID IT OUT IN DENVER AND PICK UP A GUN AND GO TO A MOVIE HOUSE AND SHOOT AS MANY PEOPLE AS I CAN. FIRST OF ALL, WHAT GOOD WOULD THAT DO ME? HOW IS THAT GOING TO ADVANCE THE CAUSE THAT I'M INTERESTED IN? AND YOU'LL MISUNDERSTAND THIS STATEMENT, BUT IF I KILL A THOUSAND WHITE PEOPLE, THERE ARE ENOUGH OTHER WHITE PEOPLE WHO ARE GOING TO DO THE SAME THING. SO I HAVEN'T DONE ANYTHING EXCEPT DEPRIVE SOME FAMILY MEMBERS OF SOMEBODY WHO MEANT SOMETHING TO THEM. THAT'S WASTED EFFORT, WASTED TIME, AND A WASTED LIFE OF MINE. THAT'S NOT WHAT I WOULD DO. WHEN I WORKED AT THE POST OFFICE, WOUND UP GETTING FIRED FOR INSUBORDINATION BECAUSE ONE OF THOSE WHITE GUYS CALLED ME "BOY" AND I WOULDN'T ACCEPT IT. AND I DID SWING AT HIM, BUT HE MOVED WITH ALACRITY AND THERE WAS NO CONTACT. AND I WAS FIRED. AND THERE WERE BLACK PEOPLE WHO TALKED TO ME...

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED.

SENATOR CHAMBERS: THEY SAID, ERNIE, THERE'S NO WHITE MAN DOWN THERE WHO WOULDN'T TAKE A HIT ON THE JAW FROM YOU; THEN THEY'D BE THROUGH WITH YOU. YOU'RE IN JAIL. HIS JAW IS GOING TO GET WELL, I DON'T CARE HOW HARD YOU HIT HIM, SO YOU'RE LUCKY YOU DIDN'T HIT HIM, AND THAT'S FOOLISH. AND THEY WERE RIGHT. I LET MY ANGER OVERRULE MY INTELLIGENCE AND I BEHAVED LIKE AN UNINTELLIGENT PERSON. HOWEVER, I'M NOT GOING TO LET ANYBODY WALK ON ME. AND WHEN I HEAR THESE WHITE PEOPLE AND READ THE THINGS THESE WHITE PEOPLE SAY, IT EXPLAINS WHY I WON'T EVEN DISCUSS THESE ISSUES WITH THEM. THEY DON'T KNOW ENOUGH FOR ME TO DISCUSS ANYTHING WITH THEM. AND WHAT'S THE PURPOSE? WHAT'S THE POINT, EVEN IN THIS LEGISLATURE? I'M TALKING TO PEOPLE OUTSIDE OF THIS LEGISLATURE. I GOT A CALL FROM A WOMAN OUT IN CALIFORNIA AND SHE COMMENTED ON SOMETHING THAT I JUST SAID. I SAID, HOW DO YOU KNOW

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THAT? I DON'T USE THE GADGET. SHE SAID, WELL, I GOT THAT ON MY SMART PHONE. AND I SAID, DO YOU MEAN ALL THESE LITTLE THINGS THAT I SEE ON TELEVISION? SHE SAID, YES, I WATCH WHAT THE LEGISLATURE DOES ON THIS. NOW SHE WAS NOT A PERSON BORN IN NEBRASKA. BUT SHE WAS IN THE AIR FORCE AND SHE WAS STATIONED AT OFFUTT, AND I WAS A HERO TO THE BLACK AIRMEN AND WOMEN, BECAUSE THEY HAD A BANQUET OUT THERE, THE BLACK SERVICE PEOPLE, AND THEY INVITED ME TO BE THE KEYNOTE SPEAKER. AND I WENT. AND THE GENERAL WAS SUPPOSED TO COME, UNTIL HE FOUND OUT THAT I WAS THE KEYNOTE SPEAKER, AND HE DIDN'T COME. SO HE SENT A COLONEL. AND WHEN I FOUND OUT WHAT HAD HAPPENED, I SAID DURING MY TALK THAT I DON'T BELIEVE IN DISRESPECTING PEOPLE. HOWEVER, WHEN YOUR GENERAL DOES WHAT HE DID, THEN THIS POOR MAN THAT HE SENT TO TAKE HIS PLACE MIGHT BE A BIRD COLONEL TO HIM BUT TO ME HE'S JUST A JIVE TURKEY. AND HE TURNED AS RED AS LITTLE RED RIDING HOOD OR LITTLE ORPHAN ANNIE'S DRESS. THOSE ARE THE KIND OF SITUATIONS WE'RE PUT IN. AND SOME OF THOSE PEOPLE WHO WERE THERE I WOULD NEVER KNOW IF I SAW. I DON'T KNOW IF I'D RECOGNIZE ANY OF THEM. BUT THE WOMAN WHO MADE THAT PHONE CALL TO ME WAS AT THAT GATHERING AND THAT'S WHAT MADE HER START PAYING ATTENTION TO WHAT HAPPENS IN THE LEGISLATURE. SO I'M TALKING TO ALL THOSE PEOPLE OUT THERE, AND I'M SURE SOME OF THEM ARE INTELLIGENT. I'M SURE SOME OF THEM HAVE READ HISTORY. I'M SURE SOME OF THEM UNDERSTAND. AND I WANT THEM TO KNOW THAT THERE IS AT LEAST ONE BLACK MAN IN A WHITE LEGISLATURE WHO'S NOT GOING TO BE COWED AND INTIMIDATED INTO PRETENDING THAT EVERYTHING IS ALL RIGHT, LET THE WHITE PEOPLE DO EVERYTHING THEY WANT TO DO BECAUSE THEY HAVE THE VOTES AND THAT'S THE WAY IT GOES. THAT'S THE RULE AND I KNEW IT WHEN I CAME HERE, BUT I'M NOT GOING TO BE DAUNTED BY IT. I'M GOING TO DO WHAT I CAN WITHIN THE CONSTRAINTS PLACED UPON ME BEING 1 OUT OF 49. AND IF THERE'S SOMEBODY ELSE OUT THERE WHO FEELS ALONE, YOU'RE NOT REALLY ALONE IF YOU BELIEVE IN YOURSELF. YOU'VE ALWAYS GOT AT LEAST ONE OTHER FRIEND. THAT FRIEND IS DOWN INSIDE OF YOU BUT YOU'VE ALWAYS GOT AT LEAST THAT FRIEND. AND YOU BE TRUE TO THAT FRIEND AND THAT FRIEND WILL BE TRUE TO YOU. AND WHEN YOU'RE NEVER ALONE, THERE'S NO REASON FOR YOU TO FEAR ANYTHING OR ANYBODY. SO, AS I DO THESE THINGS THAT I DO, THERE'S FAR MORE IMPLICATED THAN WHETHER OR NOT THIS DOCTOR GETS THE POSITION YOU ALL WANT TO GIVE HIM, BECAUSE HE'S GOING TO GET IT. AND I KNEW WHEN SENATOR MELLO...

SPEAKER HADLEY: ONE MINUTE.

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SENATOR CHAMBERS: ...ROLLED OVER THAT HE'D BE SUCCESSFUL. HE'D MOVE TO RECONSIDER. YOU ALL WOULD RECONSIDER. YOU'D CHANGE AND YOU'D GIVE HIM WHAT HE WANTS. THAT'S THE WAY THE WHITE SYSTEM WORKS. THAT'S THE WAY IT HAS ALWAYS WORKED. THAT'S WHY WE CAN SAY THINGS MIGHT CHANGE, BUT THERE'S NEVER ANY PROGRESS BECAUSE THEY HAVE A SECOND THOUGHT AND SAY, WAIT A MINUTE, THAT WASN'T THE THING TO DO. AND THEY GO BACK ON IT. AND THERE'S A DIFFERENCE BETWEEN CHANGE AND PROGRESS. AND THERE ARE NUMEROUS CHANGES, BUT FOR US THERE IS NO PROGRESS. I'M BATTLING THE SAME THINGS IN 2015 THAT I WAS BATTLING WHEN I WORE A YOUNGER MAN'S CLOTHES. I'M GOING TO BRING YOU ALL ARTICLES FROM TIME TO TIME TO SHOW YOU THE THINGS THAT I WAS DOING, HOW THE WINDOWS IN THE BARBERSHOP WHERE I WORKED WERE SHOT OUT AND THE CAR DESCRIBED WAS AN UNMARKED POLICE CAR. AND YOU KNOW WHAT THE FBI'S CONCLUSION WAS? YEAH, THE WINDOW WAS SHOT OUT, WE HAVE EVIDENCE THAT IT WAS PROBABLY AN UNMARKED POLICE CAR, BUT THERE'S NO EVIDENCE THAT THE ATTEMPT WAS TO DEPRIVE HIM OF HIS CONSTITUTIONAL RIGHTS.

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: YOU SAID TIME?

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED AND...

SENATOR CHAMBERS: THANK YOU.

SPEAKER HADLEY: ...YOU HAVE A CLOSE AFTER THIS.

SENATOR CHAMBERS: THANK YOU. SO THAT'S WHAT THE FBI CONCLUDED. SOMEBODY IN AN UNMARKED POLICE CAR SHOOTS OUT THE WINDOWS OF THE BARBERSHOP WHERE I WORK--FORTUNATELY, NOBODY WAS THERE--BUT THAT DID NOT CONSTITUTE AN ATTEMPT TO DEPRIVE US OF OUR CIVIL RIGHTS. SO THERE WOULD BE NO FEDERAL INVESTIGATION. BUT YOU KNOW WHAT? IF SOME...TWO YOUNG PEOPLE ARE TALKING AND ONE SAYS, YOU KNOW, I THINK ISIS HAS GOT A POINT, AND THE OTHER ONE SAYS, YEAH, I THINK SO, LET'S SELL SOME ALUMINUM CANS AND GET THEM SOME MONEY, AND SOMEBODY HEARS IT, THEY'LL BE ARRESTED. AND THEY'LL BE CHARGED WITH A FEDERAL CRIME FOR WORDS. AND OUR WINDOWS CAN BE SHOT OUT, AS BLACK PEOPLE, AND THERE'S NOTHING TO BE DONE ABOUT IT. THAT'S WHAT I MEAN ABOUT GOING TO FRANK...JESSE JAMES TO COMPLAIN ABOUT FRANK JAMES. YOU ALL

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COULDN'T TAKE THIS. LOOK HOW UPSET AND OFFENDED YOU ALL GET WHEN I JUST TALK. YOU'RE IN AN UPROAR BECAUSE I SAY MY ISIS IS THE POLICE. YOU ALL HAVE HEARD THINGS LIKE THAT. YOU'VE MADE COMPARISONS. THERE ARE JEWS WHO COMPARE THINGS THAT HAPPEN TO THEM TODAY TO THE NAZIS AND NOBODY GETS UPSET. AND THE ONLY REASON THE MEDIA HERE DID ANYTHING--IS WHY I LOSE RESPECT FOR THEM--THEY HEARD SOMETHING ON FOX NEWS AND IT CAME HERE FROM SOMEPLACE ELSE. SO NOW HERE THEY COME RUNNING LIKE THIS IS SOME KIND OF A STORY. YOU KNOW WHAT THEY DID NOT PRINT, ANY OF THEM? WHERE I DESCRIBE THESE THINGS THAT HAPPEN, THAT WE OUGHT TO DO THIS. AND THEN I SAID, BUT YOU KNOW GOOD AND WELL I COULDN'T GET AWAY WITH THAT. IT WAS CLEAR WHAT I MEANT. AND THE PEOPLE IN NEBRASKA KNEW, BUT THEY GOT THEIR MARCHING ORDERS FROM THE TOP KU KLUX KLAN OUTFIT IN THE COUNTRY, WHICH IS FOX NEWS. WHEN I CONSIDER THE SOURCE AND I HEAR PEOPLE...SEE PEOPLE JUMPING UP LIKE THOSE LITTLE GOPHERS THAT THEY HIT ON THE HEAD WITH THESE MALLETS, THAT'S WHY I DON'T PAY MUCH ATTENTION TO THAT. IT'S WHY I'LL STAY HERE AND LISTEN TO IT AND NOT WALK OUT. I WANT THE RECORD TO BE THERE BECAUSE IT WILL LIVE FOREVER AND SHOW HOW THEY TALKED AND WHAT THEY SAID. AND THEN TO SHOW THAT ACCORDING TO THEIR STANDARDS HOW I'M MUCH BIGGER THAN ALL OF THEM BECAUSE I DON'T EVEN HOLD IT AGAINST THEM. I STILL WORK WITH THEM. I STILL HELP THEM BECAUSE I KNOW WHAT I'M DEALING WITH. IF I'M AROUND A BUNCH OF CRICKETS, YOU THINK I'M SHOCKED WHEN THEY CHIRP? THAT'S WHAT CRICKETS DO. IF I KNOW WHAT I'M DEALING WITH, WHY SHOULD I BE SURPRISED? AND I KNOW WHAT I'M DEALING WITH. AND ALMOST AS IF TO FULFILL WHAT I HAD SAID, ALL THESE SHOOTINGS BY WHITE COPS OF UNARMED BLACK MEN, THEN IN BALTIMORE YOU HAVE THREE BLACK COPS INVOLVED ALSO. AND AS I STATED, I FEEL WORSE SENTIMENTS TOWARD THEM THAN I DO THE WHITE PEOPLE. THE WHITE PEOPLE ARE DOING WHAT THEY'RE EXPECTED TO DO. AND THESE UNCLE TOMS AND AUNT JEMIMAS, WHICH IS WHAT WE CALL THEM, ARE LIKE THE KAPOS, WHO WERE JEWS WHO WORKED WITH THE NAZIS AS COLLABORATORS IN HANDLING THE OTHER JEWS WHO WERE IN THE CONCENTRATION CAMPS AND THE DEATH CAMPS. YOU ALWAYS FEEL HARDER TOWARDS YOUR OWN WHEN THEY TURN AGAINST YOU. BUT THE IRONY, BLACK PEOPLE WERE NOT UP IN ARMS. SOME OF THEM SAID, IS THAT ALL YOU SAID? THAT'S WHAT THESE WHITE PEOPLE ARE UPSET ABOUT? I WOULDN'T KNOW AN ISIS IF I SAW ONE. BUT I KNOW WHAT A COP IS.

SPEAKER HADLEY: ONE MINUTE.

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SENATOR CHAMBERS: AND THEY DON'T COME OVER HERE TALKING ABOUT WE'RE GOING TO PROTECT AND SERVE YOU, AND THEN SHOOT YOU IN THE BACK LIKE THESE WHITE COPS AND THESE IGNORANT BLACK ONES, IF THEY DO IT. MY COLLEAGUES ON THE JUDICIARY COMMITTEE HEARD ME CRITICIZE BLACK COPS--ONE FROM THE SHERIFF'S DEPARTMENT, ONE FROM OPD--BECAUSE OF THE ROLE THEY LET THOSE WHITE PEOPLE PUT THEM IN. I CRITICIZED THEM AT THE HEARING. NO MEDIA SAID ANYTHING ABOUT THAT. THEY PICK AND CHOOSE BECAUSE THEY'RE WHITE. THEIR NEWSPAPERS ARE OF, BY, AND FOR WHITE PEOPLE. AND THAT'S WHY THEY RUN THAT MESS AGAINST US. WE KNOW IT, AND YOU DON'T WANT TO HEAR IT. AND YOU DON'T HAVE TO HEAR IT, BUT IT'S GOING TO BE A MATTER OF RECORD. AND I AM HAVING THAT TRANSCRIPT PUT IN BETWEEN THOSE SHEETS...

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: ...OF PLASTIC. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: AND YOU ARE RECOGNIZED TO CLOSE ON YOUR MOTION TO RECONSIDER.

SENATOR CHAMBERS: THANK YOU. AND I'M RUNNING OUT OF OPPORTUNITIES TO SPEAK. BUT LIKE I THINK IT WAS AL GREEN SAID, (SINGING) LET'S JUST BE GLAD WE'VE HAD THIS TIME TO SPEND TOGETHER. I'M GLAD. ARE YOU GLAD? (LAUGH) SENATOR BLOOMFIELD, I HAVE TO BE HONEST. I'M HAVING FUN THIS MORNING. THIS IS WHAT MAKES AMERICA GREAT. WHERE ELSE, SENATOR MELLO? NO PLACE LIKE AMERICA AND NO PLACE LIKE NEBRASKA. (SINGING) THERE IS NO PLACE LIKE NEBRASKA. BUT YOU DON'T WANT TO KNOW WHY THERE'S NO PLACE LIKE NEBRASKA. YOU JUST TAKE WHAT'S SAID AND YOU THINK THAT IT MEANS SOMETHING GOOD, AND THAT'S WHY THERE'S NO PLACE LIKE NEBRASKA, BECAUSE YOU DON'T GET IT. BUT BACK TO WHAT I WAS SAYING, I'M GOING TO KEEP DOING WHAT I CAN IN MY LITTLE WAY TO TRY TO HELP GET US, BY THAT I MEANT PEOPLE OF MY COMPLEXION AND PEOPLE OF YOUR COMPLEXION WHO ARE POOR THAT YOU DON'T CARE ABOUT, SOME KIND OF JUSTICE IN THIS STATE--ONE OF THE HARDEST PLACES TO WORK BECAUSE THERE IS SO MUCH IGNORANCE, SO MUCH, I SHOULD CALL IT, INVINCIBLE IGNORANCE, INCAPABLE OF BEING OVERCOME. NO MATTER HOW MANY FACTS YOU PRESENT, NO MATTER HOW MUCH INFORMATION YOU PRESENT, THE IGNORANCE REMAINS INTACT. THE PREJUDICE, BRED OF IGNORANCE, REMAINS INTACT. THE HATRED THAT IS THE OUTGROWTH OF THE PREJUDICE REMAINS

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INTACT. AND THEN YOU ALL WANT TO PLAY LIKE THESE COPS SHOULD NOT BE CRITICIZED BY ANYBODY ELSE AND THEN, AS I WAS GOING TO SAY, ALMOST BY WAY OF THE FULFILLMENT OF WHAT WAS NOT A PROPHECY BUT A STATEMENT OF A FACT WHICH ALL BLACK PEOPLE ARE AWARE OF, THESE SHOOTINGS IN THE BACK OF UNARMED PEOPLE. AND BECAUSE THE EYES OF THE WORLD SAW IT, AND THAT'S THE ONLY REASON, THESE COPS WERE CHARGED WITH CRIMES. WILL THEY BE CONVICTED? I HAVE NO WAY OF KNOWING. BUT IF THEY HAVE THE DALTON BROTHERS SITTING IN THE JURY BOX, IT WOULD BE JUST LIKE THE JIM CROW ERA WHEN NO MATTER WHAT A WHITE MAN WAS ACCUSED OF HAVING DONE TO A BLACK PERSON, WHETHER IT'S LITTLE CHILDREN BLOWN UP IN A CHURCH WORSHIPING A WHITE JESUS AND A WHITE GOD, NOTHING IS GOING TO HAPPEN. THEY'LL LAUGH. THEY ALWAYS WIN. BUT IS IT A WIN IN THE LONG RUN? DID THE ISLAMIC STATE HAVE ANYTHING TO DO WITH THAT SHOOTING THAT OCCURRED IN TEXAS WHERE THEY HAD A CONTEST TO RIDICULE THE PROPHET MUHAMMAD? ISLAMIC STATE SAYS THEY DID. WHAT DIFFERENCE DOES IT MAKE WHAT LABEL A PERSON WEARS IF A PERSON IS GOING TO DO THOSE KIND OF THINGS? IF THEY SAID THEY'RE MEMBERS OF THE KU KLUX KLAN, WHAT DIFFERENCE WOULD IT MAKE? IF THEY SAID THEY'RE AMERICAN NAZI PARTY, WHAT DIFFERENCE DOES IT MAKE? THAT ORANGE-HAIRED GUY OUT IN DENVER DIDN'T SAY HE BELONGED TO ANY ORGANIZATION, BUT LOOK WHAT HE DID. AND THEN I SAY THAT THE ONES WHO TERRIFY OUR COMMUNITY, THE ONE WHO SHOTS US DEAD IN THE BACK GIVE ME MORE TO FEAR THAN I'D EVER HAVE TO FEAR FROM ISIS. THEN THERE'S THE UPROAR. YOU'D THINK I TOOK A GUN AND SHOT UP ALL THOSE PEOPLE IN THAT MOVIE HOUSE, WOULDN'T YOU? YOU'D THINK I SET THE BOMB IN BOSTON, WOULDN'T YOU?

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: THAT'S THE KIND OF IGNORANCE THAT I DEAL WITH AROUND HERE. YOU ALL PARTICIPATED IN IT. YOU ALL SAID WHAT YOU HAD TO SAY, BECAUSE SOMEBODY CRACKED THE WHIP AND TOLD YOU TO DO IT. AND SENATOR McCOY LED YOU ALL RIGHT OUT OF THE WILDERNESS INTO THE SWAMP, AND YOU FOLLOWED. HE EVEN SAID WHEN HE STARTED, BECAUSE THEY GOT THE STORY WRONG ON FOX, THAT I ATTACKED VETERANS, AND VETERANS DIDN'T EVEN COME UP IN THE DISCUSSION. AND I TOLD HIM, SHOW ME WHERE THAT WAS SAID. HE NEVER BROUGHT IT UP AGAIN. AND YOU ALL DIDN'T CATCH ON TO THAT. THEY SAY ANYTHING HERE, AND YOU ALL FOLLOW. SO I HAVE TO FIGHT YOU, AND I WILL. MR. PRESIDENT, I'VE BEEN OVERCOME BY A FEELING OF COMPASSION AT THIS SECOND, SO I'M GOING TO WITHDRAW THAT MOTION. BUT

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I MIGHT HAVE ANOTHER ONE BEFORE WE GET OFF THIS SUBJECT. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: (VISITORS INTRODUCED.) NO OBJECTIONS TO THE WITHDRAWAL. SEEING NO ONE IN THE QUEUE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON YOUR CONFIRMATION REPORT.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AND I HAVE APPRECIATED VERY MUCH THE COLLEAGUES THAT HAVE STOPPED BY MY DESK TO ASK QUESTIONS OR TO MAKE COMMENTS TO ME. I'M GOING TO USE THIS CLOSING AS A TEACHING MOMENT, AS SENATOR CHAMBERS WOULD SAY, BECAUSE I'VE BEEN ASKED THIS QUESTION: WELL, IF A NOMINATION IS NEGATIVELY VOTED UPON IN A COMMITTEE, WHAT HAPPENS? SO IF THE VOTE HAD BEEN 0 TO 7, IT WOULD STILL HAVE COME TO THE FLOOR OF THE LEGISLATURE. SO THE COMMITTEE DOES NOT NECESSARILY STOP...IT DOESN'T STOP AT THAT DOOR. IT'S ALWAYS HERE IN THE BODY OF THE LEGISLATURE. THE MOTION WOULD HAVE BEEN DIFFERENT. AND THANK YOU, DICK, FOR HELPING ME MAKE SURE I WAS GIVING THE RIGHT ANSWER. THE MOTION WOULD HAVE BEEN FROM THE COMMITTEE TO REJECT BECAUSE THERE WOULD HAVE BEEN A NEGATIVE VOTE OUT OF THE COMMITTEE, A NEGATIVE MAJORITY, I SHOULD SAY. SO THAT IS HOW THE PROCESS WOULD WORK IF WE GO THROUGH THIS AGAIN. AND FOR ALL THE FRESHMEN, YOU MAY DO THAT. THAT MAY HAPPEN TO YOU. SO I THOUGHT I WOULD USE THE TEACHING MOMENT TO ANSWER THAT QUESTION. I'VE APPRECIATED THE DISCUSSION. AND, MR. PRESIDENT, I THINK WE'RE READY TO MOVE ON TO THE VOTE. THANK YOU VERY MUCH.

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 SCHNOOR, SULLIVAN, DAVIS, SCHILZ, KINTNER, SCHUMACHER, AND GARRETT, THE HOUSE IS UNDER CALL. SENATOR SULLIVAN, SENATOR

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GARRETT, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, YOU ASKED FOR A ROLL CALL VOTE IN REGULAR ORDER?

SENATOR CHAMBERS: YES.

SPEAKER HADLEY: MR. CLERK.

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1460.) 34 AYES, 6 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE REPORT.

SPEAKER HADLEY: THE CONFIRMATION REPORT IS ADOPTED. I WILL RAISE THE CALL. MR. CLERK.

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION TO RECONSIDER.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. ONCE AGAIN, I'M DELIVERING ON MY PROMISE. I'M GOING TO SHOW YOU ALL HOW WELL I CAN TAKE IT. I'M GOING TO BRING THAT TRANSCRIPT IN HERE OF WHAT YOU ALL SAID AGAINST ME AND ABOUT ME, AND I'M GOING TO READ IT. I'M GOING TO READ WHAT YOU SAID ABOUT ME TO SHOW YOU THE KIND OF MAN THAT I AM, THAT IT WILL BE DONE TWICE. AND ALSO THERE IS AN ARTICLE I'M GOING TO HAND AROUND WITH PARTICULAR EMPHASIS TO SENATOR KINTNER AND SENATOR SCHNOOR. I HANDED AROUND THE TESTIMONY THAT THE SISTER OF THE LITTLE BOY KILLED BY MICHAEL RYAN SO THAT YOU ALL WOULD SEE HOW UPSETTING IT IS TO HER FAMILY AND HER EVERY TIME POLITICIANS EXPLOIT THIS SITUATION. SENATOR SCHNOOR DIDN'T KNOW HER FROM ADAM'S HOUSE CAT, NOR DID SENATOR KINTNER, AND THEY DIDN'T CARE. THEY WANTED TO GO THROUGH THE GORY DETAILS. AND SENATOR SCHNOOR WOULD SAY, THIS IS NASTY. AND THIS WOMAN WAS SUFFERING THROUGH IT. AND SHE WROTE A LETTER ABOUT IT. BUT I GAVE YOU ALL HER TESTIMONY. AND YOU ALL THINK YOU MAKE POINTS BY THE KIND OF VULGARIZATION OF A FAMILY VICTIMIZED BY MURDER, AND YOU WENT ON AND ON AND ON. I DON'T KNOW WHO LAID YOUR STRATEGY OUT FOR YOU. AND I'M GOING TO SHOW YOU HOW IT MADE THIS WOMAN FEEL AND HOW SHE HOPES NO FAMILY HAS TO GO THROUGH

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WHAT YOU ALL ARE PUTTING HER AND HER FAMILY THROUGH. AND YOU PRETEND THAT IT'S BECAUSE YOU'RE SO RIGHTEOUS, THAT YOU'RE TRYING TO DO SOMETHING THAT HELPS SOCIETY. SO YOU USE PEOPLE WHO, JUST WHEN THEY THINK THEY'VE GOT A SCAB GROWING OVER THAT WOUND, YOU RIP IT OPEN AGAIN SO YOU CAN STAND UP AND SAY, THIS IS NASTY. AND YOU WENT ON AND ON AND ON. AND I AM GOING TO MAKE COPIES OF HER LETTER AND HAND IT AROUND. THE IRONY IS THAT HER LETTER WAS IN THE LINCOLN JOURNAL STAR, AND THAT SAME DAY THERE WAS A LETTER IN THE PUBLIC PULSE OF THE OMAHA WORLD-HERALD TELLING HOW IRREPARABLY BROKEN THE DEATH PENALTY IS AND THEY OUGHT TO DO AWAY WITH IT. BUT THEY DIDN'T MENTION THE BARBARIC THINGS SAID ON THIS FLOOR TO TORMENT THE FAMILIES, STILL TRYING, AFTER ALL THESE YEAR YEARS, TO GET WHAT HAPPENED ALL THOSE YEARS AGO OUT OF THEIR MIND. AND YOU ALL REMIND THEM AGAIN AND AGAIN AND AGAIN. FOR WHAT PURPOSE? TO MAKE SOME KIND OF POINT AND PRETEND YOU CARE ABOUT VICTIMS. THAT'S WHAT I JUDGE PEOPLE BY, NOT THEIR PROTESTATIONS OF RIGHTEOUSNESS AND INDIGNATION. AND I'M GOING TO SEE, WHEN THAT BILL COMES UP, IF WE GO THROUGH THE SAME THING AGAIN. AND I WANT TO TELL YOU ALL SOMETHING. THAT BILL MEANS SOMETHING TO ME. TRYING TO GET NEBRASKA OUT OF THE KILLING BUSINESS MEANS SOMETHING TO ME. BUT IF YOU KILL THE BILL, IT DOESN'T KILL ME. YOU ALL SHAKE AND SHUDDER IF THERE'S SOMETHING THAT MEANS SOMETHING TO YOU AND YOU THINK THAT YOU'RE NOT GOING TO GET IT THROUGH THIS LEGISLATURE. THIS LEGISLATURE, DESPITE HOW HARD I WORK, IS NEITHER MY LIFE NOR MY WIFE. SO I'M GOING TO DO WHAT I THINK NEEDS TO BE DONE AND I'M GOING TO SAY WHAT I BELIEVE NEEDS TO BE SAID. WHAT DID YOUR...THE ONE YOU ALL WORSHIP SAY WHEN HE COULD HAVE DEFENDED HIMSELF WHEN HE WAS ON TRIAL? AS A LAMB BEFORE HER SHEARERS IS DUMB, SO HE OPENETH NOT HIS MOUTH. BUT HIS ATTITUDE WAS ONE THAT SAID DO YOUR WORST. AND IT TURNS OUT TO BE PRETTY PUNY, PITIFUL STUFF. HERE WE ARE, SUPPOSEDLY, THEORETICALLY, THE BEST OF SOCIETY, MAKING LAWS THAT GOVERN OTHER PEOPLE, SHOWING BY OUR EXAMPLE WHAT IT MEANS TO BE OUR BROTHER AND OUR SISTER'S KEEPER. AND WE WILL SAY, WHEN TIME COMES TO KILL, COST IS NO MATTER. IF IT COSTS \$3 MILLION TO TRY TO KILL SOMEBODY AND YOU STILL CAN'T DO IT, WE NEED THAT BECAUSE SOMEBODY IN MY TOWN GOT KILLED. THEN WE TALK ABOUT PROVIDING MEDICAL CARE FOR THE SICK AND SUDDENLY PRICE IS EVERYTHING. THOSE THINGS THAT CAN CONTRIBUTE TO THE HEALTH OF THE BODY POLITIC ARE TOO EXPENSIVE. BUT THOSE THINGS THAT WOULD APPEAL TO THE BASES OF INSTINCTS, NO AMOUNT OF MONEY IS TOO MUCH TO SPEND FOR THAT. "KNOW THE COST OF EVERYTHING AND THE VALUE OF NOTHING." I'M QUOTING. THAT'S THIS

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LEGISLATURE. AND THE WONDERFUL THING ABOUT THIS HIGH-TECH EQUIPMENT, I COULD BE THE ONLY ONE ON THIS FLOOR AND MY AUDIENCE WOULD BE GREATER THAN ANY AUDIENCE I'VE EVER TALKED TO IN MY LIFE. AND WHAT YOU ALL DON'T KNOW, I'VE BEEN TO SOME OF THE MOST EXCLUSIVE UNIVERSITIES TO GIVE LECTURES, AND THEY PAID FOR ME TO COME. THEY PAID MY TRANSPORTATION AND PAID ME TO TALK TO THEM. AND I THINK SOME OF THEM CAME AWAY SURPRISED BECAUSE A BLACK MAN--I WAS CONSIDERABLY YOUNGER THEN--COULD PUT TEN WORDS TOGETHER AND MAKE SENSE. ALL THOSE YEARS MY EYES WERE OPEN. I WAS WATCHING. I WAS LISTENING. I WAS PAYING ATTENTION. I READ ALL THE NEWSPAPERS I COULD GET MY HANDS ON. I READ MAGAZINES. I READ HISTORY BOOKS, BECAUSE I WANTED TO FIND OUT WHAT IS THAT PATHOLOGICAL VIRUS THAT INFECTS WHITE PEOPLE IN AMERICA TO MAKE THEM SO HATEFUL, SO VICIOUS THAT THEY WILL GO WITH MOBS AND STAND AROUND A SCHOOL WHERE LITTLE GIRLS AND LITTLE BOYS, KINDERGARTEN AND 1ST GRADE, ALL THEY WANT TO DO IS GO TO SCHOOL, AND THESE PEOPLE SCREAM AT THEM. THEY CALL THEM RACIAL SLURS OF EVERY VARIETY. THEY THROW STONES AND BRICKS AND ROTTEN FRUIT AT THEM, AT LITTLE BITTY CHILDREN, CHRISTIANS DOING IT IN AMERICA. AND NOBODY, TO MY KNOWLEDGE, HAS BEEN ABLE TO IDENTIFY AND ERADICATE THAT VIRUS AND IT CONTINUES TO GROW AND WILL ALWAYS BE HERE. I HAD MENTIONED THE OTHER DAY WHAT I HEARD ON THE RADIO ABOUT SEPSIS AND HOW THE DOCTORS DON'T KNOW PRECISELY WHAT CAUSES IT AND THEY CERTAINLY CANNOT ERADICATE IT. BUT THEY DON'T STOP TRYING. YOU NEVER KNOW WHEN YOU MIGHT STUMBLE ON SOMETHING. PENICILLIN WAS DISCOVERED BY ACCIDENT. NOBEL DISCOVERED DYNAMITE BY ACCIDENT. NITROGLYCERIN IS VERY UNSTABLE, HIGHLY EXPLOSIVE, VERY DANGEROUS. HE WAS FIDDLING AROUND WITH SOME AND IT DROPPED AND HE BRACED HIMSELF FOR THE EXPLOSION THAT NEVER CAME, AND HE WONDERED WHY. HAD THE LORD REACHED DOWN AND WORKED A MIRACLE? SO HE LOOKED WHERE IT SHOULD HAVE FALLEN AND IT HAD FALLEN IN A WASTEBASKET WHERE THERE WAS SOME SHREDDED PAPER. AND GAVE HIM THE IDEA...

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ...THAT THIS SUBSTANCE COULD BE HANDLED IN A WAY THAT WOULD KEEP IT FROM EXPLODING IN A VERY RANDOM, UNPREDICTABLE MANNER. AND VOILA--DYNAMITE, BY ACCIDENT. I COULD TELL YOU ALL A FIB ABOUT HOW...THIS IS NOT A FIB BUT IT'S HOW PENICILLIN WAS DISCOVERED. YOU ALL KNOW IT'S A MOLD. SENATOR CRAWFORD, SINCE IT'S ALMOST ONLY YOU AND ME HERE--THERE ARE A FEW OTHERS--THERE WAS THIS FORGETFUL

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PROFESSOR. THEY'RE ALWAYS FORGETFUL. SO WHAT HE DID, HE WAS GOING TO GO GIVE A TALK AND HE DIDN'T CARE HOW HE DRESSED--SOMETHING LIKE ME. BUT AT LEAST I KNOW WHETHER I GOT A COAT ON OR NOT. WELL, HE WAS TRYING TO DRESS HIMSELF UP THE BEST HE COULD. HIS WIFE GOT A TIE THAT MATCHED HIS SHIRT, MORE OR LESS; PUT THE TIE ON HIM. THEN HE KNEW HE WAS SUPPOSED TO WEAR A...

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: ...A BOUTONNIERE... YOU SAID TIME? OKAY.

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU ARE RECOGNIZED.

SENATOR McCOLLISTER: THANK YOU, COLLEAGUES, AND, FOR ANOTHER SIX MINUTES, GOOD MORNING. I CAME TO THIS DISCUSSION YESTERDAY WITH A FAIRLY OPEN MIND. BUT SOME OF THE COMMENTS I HEARD ABOUT THIS NOMINATION CONCERNED ME, SO I VOTED "NOT VOTING" YESTERDAY CONCERNING THIS NOMINATION. BUT SINCE THAT OCCURRED, I'VE BEEN RECEIVING SOME E-MAILS ABOUT THIS GENTLEMAN THAT ARE CONCERNING TO ME. SO I WONDERED IF SENATOR CAMPBELL WOULD YIELD FOR A FEW QUESTIONS.

SPEAKER HADLEY: SENATOR CAMPBELL, WILL YOU YIELD?

SENATOR CAMPBELL: CERTAINLY.

SENATOR McCOLLISTER: IT'S COME TO MY ATTENTION THAT DR. ACIERNO HAS BEEN OBSTRUCTIVE ABOUT, BEHAVED, WITH NEW STANDARDS AND HE IS PERSONALLY DELAYING PROPOSED CHANGES TO PSYCHOLOGY LICENSURE REGULATIONS BECAUSE OF HIS PERSONAL AGENDAS. CAN YOU GIVE ME A BACKGROUND ON THAT, THAT MIGHT CAUSE THE PSYCHOLOGISTS TO MAKE THAT ASSERTION?

SENATOR CAMPBELL: MR. PRESIDENT, I AM GOING TO GO AHEAD. IT'S DIFFICULT FOR ME TO ANSWER THIS QUESTION ONLY BECAUSE THE ISSUE PREDATES ME. THIS WAS AN ISSUE THAT ACTUALLY I THINK MIGHT HAVE BEEN HANDLED BY DR. SCHAEFER, WHO WAS THE CHIEF MEDICAL OFFICER PRIOR TO DR. ACIERNO. DR. ACIERNO WAS THE DEPUTY. I'M NOT SURE HOW FAR BACK IT GOES. WHEN I

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FIRST CAME ON THE HEALTH AND HUMAN SERVICES COMMITTEE, DR. SCHAEFER HAD A BRIEF DISCUSSION WITH ME. TO ANSWER YOU IN ANY DEPTH, I'M SORRY, SENATOR McCOLLISTER, I CAN'T, BUT I KNOW THAT THE ISSUE IS STILL THERE. AND THE FACT THAT YOU HAVE RAISED THE ISSUE IS ONE THAT I CERTAINLY WILL COMMUNICATE TO MS. PHILLIPS AND DR. ACIERNO. I KNOW THAT THE PSYCHOLOGISTS IN THE STATE HAVE BEEN VERY CONCERNED ABOUT NOT MOVING FORWARD, BUT IT GOES BACK A LONG PERIOD OF TIME AND I REALLY DON'T HAVE THE BACKGROUND TO ANSWER YOUR QUESTION THE WAY I WOULD HOPE TO.

SENATOR McCOLLISTER: WELL, THANK YOU VERY MUCH, SENATOR. THE SECOND PSYCHOLOGIST INDICATED THAT DR. ACIERNO HAD BEEN A SIGNIFICANT OBSTACLE TO GETTING A REVISION OF PSYCHOLOGY REGULATIONS APPROVED IN THE LAST FIVE YEARS. SO THAT WOULD CERTAINLY BE WITHIN THE TIME PERIOD THAT YOU'RE AWARE OF. AND SO ARE YOU AWARE THERE'S BEEN...HE HAS SOME PERSONAL AGENDA THAT WOULD PREVENT THESE NEW REGULATIONS FROM BEING APPROVED?

SENATOR CAMPBELL: I'M NOT AWARE OF THAT PERSONAL AGENDA BECAUSE MY CONVERSATIONS ON THE ISSUES GO BACK TO WHEN I FIRST CAME IN THE LEGISLATURE AND A BRIEF CONVERSATION WITH DR. SCHAEFER. I KNOW THAT THE ISSUE HAS BEEN OUT THERE BUT, QUITE HONESTLY, SENATOR McCOLLISTER, I HAVEN'T LOOKED AT THIS ISSUE FOR A PERIOD OF YEARS. SO I JUST FEEL REALLY REMISS THAT I CAN'T ANSWER YOUR QUESTION.

SENATOR McCOLLISTER: WOULD THESE REGULATIONS THAT ARE UNDER CONSIDERATION BE UNDER THE PURVIEW OF THE...OF YOUR COMMITTEE?

SENATOR CAMPBELL: WELL, THE REGULATIONS WOULD BE REVIEWED BY THE DEPARTMENT AND THEN REVIEWED BY THE GOVERNOR AND THE ATTORNEY GENERAL. AND THEN THE GOVERNOR SIGNS THEM IN. I DON'T KNOW THAT THE HEALTH AND HUMAN SERVICES COMMITTEE HAS EVER HAD A HEARING ON THESE. BUT AGAIN, FROM THE HISTORY STANDPOINT, PERHAPS YEARS AGO THEY DID.

SENATOR McCOLLISTER: OKAY. WELL, THANK YOU VERY MUCH, SENATOR. I YIELD THE BALANCE OF MY TIME TO SENATOR CHAMBERS IF HE CARES FOR IT.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE YIELDED 1:20.

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR McCOLLISTER. I BELIEVE THAT IF WE TOOK THE TIME ON THIS AND USED IT PRODUCTIVELY, WE WOULD FIND REASONS NOT TO CONFIRM. BUT YOUR MINDS WERE MADE UP TO VOTE TO CONFIRM, NOT ON FACTS, NOT ON THIS MAN'S HISTORY, NOT ON HIS DEMONSTRATED LACK OF LEADERSHIP, NOT ON THE AFFIRMATIVE OBSTRUCTIONISM BY THIS MAN, BUT BECAUSE THE GOVERNOR TOLD YOU TO CHANGE YOUR VOTE. THAT'S WHY I WOULDN'T EVEN TRY TO LAY FACTS OUT. THAT IS NOT WHAT THIS VOTE IS ABOUT AND THAT'S WHY I'M DOING WHAT I'M DOING. AND I THINK WHAT YOU ALL ARE DOING UNDERMINES OUR PROCESS MORE THAN ANYTHING I'M DOING, BECAUSE I'M DOING EVERYTHING I'M DOING IN AN EFFORT TO STOP THIS KIND OF MISUSE AND ABUSE OF THE LEGISLATURE BY OUTSIDERS, ESPECIALLY IN A BRANCH THAT IS COUNTER TO WHAT THIS BRANCH, THE LEGISLATIVE BRANCH, IS ABOUT. BUT I'M GOING TO GO BACK TO MY STORY. THIS PROFESSOR WAS ABSENTMINDED, BASED ON THE STEREOTYPE, AND HE REALLY WAS. HE KNEW HE SHOULD HAVE A BOUTONNIERE IN HIS BUTTONHOLE OR A WHITE HANDKERCHIEF IN HIS POCKET, BUT HE GOT MIXED UP..

SPEAKER HADLEY: TIME, SENATOR. MR. CLERK.

CLERK: MR. PRESIDENT, SOME ITEMS: ENROLLMENT AND REVIEW REPORTS LB55, LB104, LB123, LB138, LB206, LB246, LB257, LB277, LB283, LB334, LB342, LB365, LB455, LB456, LB464, LB477, AND LB570 AS CORRECTLY ENGROSSED. HEARING NOTICES: CONFIRMATION HEARING NOTICES FROM THE JUDICIARY COMMITTEE, GENERAL AFFAIRS COMMITTEE, TRANSPORTATION COMMITTEE. RETIREMENT SYSTEMS OFFERS A STUDY RESOLUTION, THAT WILL BE REFERRED TO THE BOARD (RE LR243). MR. PRESIDENT, A REMINDER: THE EXEC BOARD WILL MEET AT NOON IN ROOM 2102. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1461-1463.) [LB55 LB104 LB123 LB138 LB206 LB246 LB257 LB277 LB283 LB334 LB342 LB365 LB455 LB456 LB464 LB477 LB570 LR243]

SPEAKER HADLEY: THE BODY WILL STAND AT EASE AND WE WILL RETURN AT 12:20.

EASE

SPEAKER HADLEY: THE LEGISLATURE IS READY TO COME TO ORDER. SENATOR CHAMBERS, YOU ARE RECOGNIZED.

Transcript Prepared By the Clerk of the Legislature
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SENATOR CHAMBERS: FOR WHAT? (LAUGHTER) WHAT ARE WE DOING?

SPEAKER HADLEY: YOU ARE RECOGNIZED TO CLOSE ON YOUR RECONSIDERATION MOTION.

SENATOR CHAMBERS: AND THE RECONSIDERATION MOTION...ALL RIGHT, WELL, I WILL CLOSE. I THOUGHT I HAD WITHDRAWN THE...MAYBE I HAD DONE THAT ON A DIFFERENT MOTION.

SPEAKER HADLEY: THAT'S CORRECT, SENATOR.

SENATOR CHAMBERS: OKAY.

CLERK: YOU'RE RECONSIDERING THE ADOPTION OF THE REPORT.

SENATOR CHAMBERS: THAT'S RIGHT. NOW I'M WITH YOU. THANK YOU. AND THIS WOULD BE MY...I HAD SPOKEN THREE TIMES ON IT, MR. CHAIRMAN, ALREADY?

SPEAKER HADLEY: NO, YOU'VE HAD YOUR OPENING. YOU'VE SPOKEN ONCE ON IT.

SENATOR CHAMBERS: SO THEN I CAN SPEAK ON IT WITHOUT CLOSING.

SPEAKER HADLEY: THAT'S CORRECT, YOU CAN SPEAK ON IT.

SENATOR CHAMBERS: THANK YOU.

SPEAKER HADLEY: YOU CAN SPEAK TWICE MORE, ONE OF THEM WILL BE YOUR CLOSE.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I TAKE ADVANTAGE OF EVERY ONE OF THESE OPPORTUNITIES, EVEN THOUGH IT'S VIRTUALLY A TOMB IN HERE, BECAUSE THERE ARE OTHER PEOPLE OUTSIDE THE CHAMBER WHO WILL WATCH WHAT WE DO AND WONDER WHY NOBODY IS IN HERE, WHY VIRTUALLY NOBODY IS HERE. BUT THE LEGISLATURE, FOR THOSE WHO MIGHT BE WATCHING AND NOT UNDERSTAND, IS ON A DIFFERENT TYPE OF SCHEDULE WHERE WE DON'T TAKE ONE AND ONE-HALF HOUR OFF, WHICH SOME PEOPLE

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CALL A LUNCH HOUR, THEN COME BACK AT 1:30. WE'RE GOING STRAIGHT THROUGH THAT PERIOD UNTIL 7:00. AND THERE ARE SENATORS WHO ARE AT...WHATEVER THEY DO FOR THAT 20 MINUTES THAT WE STAND AT EASE. AND THAT'S WHY I'M BACK HERE SPEAKING TO A VIRTUALLY EMPTY CHAMBER. BUT I WANT SOME THINGS SAID FOR THE RECORD. WHAT I HAD INDICATED IS THAT MY INTENTION IS TO GET THE TRANSCRIPT OF ALL THOSE THINGS THAT PEOPLE SAID AGAINST AND ABOUT ME BEFORE ALL THESE POLICE SHOOTINGS OCCURRED THAT CONFIRMED NOT ONLY WHAT I SAID, BUT MADE IT CLEAR THAT I HAD NOT EVEN PAINTED A PICTURE AS STARK AS THE REALITY. AND SINCE PEOPLE SAID THOSE THINGS OPENLY AND NOTORIOUSLY AND THEY WERE AGAINST ME, I'M THE PERFECT ONE TO READ THOSE THINGS INTO THE RECORD AGAIN. I HAVEN'T DECIDED EXACTLY WHEN I WILL DO IT. AND I HAVEN'T DECIDED WHETHER I WILL DO IT THE WHOLE TRANSCRIPT DURING ONE SESSION, ONE DAY OF THE LEGISLATURE, OR KIND OF SPREAD IT OUT. BECAUSE SOMETIMES WHEN YOU ARE CONSUMING FOOD, IT COULD BE TOO RICH TO FILL UP ON IT, SO YOU TAKE A BIT NOW AND A BIT LATER. BUT I AM GOING TO SAY EVEN TO THIS EMPTY CHAMBER WHAT I FEEL IS WRONG OR UNDESIRABLE ABOUT WHAT THE LEGISLATURE IS DOING. NOBODY SHOULD FIND WHAT I'M DOING TO BE UNUSUAL BECAUSE CLINT EASTWOOD TALKED TO AN EMPTY CHAIR. AND CLINT EASTWOOD IS FAMOUS, BUT HE WASN'T NEARLY AS ENGAGING AS I AM. IN FACT, THEY HAD OFF IN THE WINGS A SHOT WITH A CAMERA THAT PEOPLE WEREN'T SUPPOSED TO SEE AND THERE WERE TWO GUYS STANDING THERE, BIG GUYS, BIGGER THAN SENATOR KINTNER, WITH WHITE JACKETS ON. AND ONE OF THEM HAD A NET, A NET THAT WAS LARGE ENOUGH TO COVER A HUMAN BEING ABOUT THE SIZE OF CLINT EASTWOOD. THE OTHER ONE HAD ONE OF THOSE JACKETS THAT DOESN'T BUTTON OR ZIP IN THE FRONT. IN FACT, IT DOESN'T HAVE BUTTONS AT ALL, BUT IT HAS SOME VERY STRONG, CORD-LIKE BELTS HANGING ALONG AND DOWN THE SIDE. AND I GUESS ONCE THE PERSON PUTS HIS OR HER ARMS THROUGH THOSE SLEEVES, THEN THEY PULL THOSE STRAPS TIGHT AND TIE THEM UP IN THE BACK. AND I WAS CURIOUS ABOUT WHAT ALL THIS MEANT AND WHAT WOULD THEY DO WITH A PERSON SO ATTIRE. I WAS TOLD THAT THEY TAKE THEM TO A ROOM THAT'S LIKE THE INSIDE OF A MATTRESS. AND I SAY, WELL, WHAT DOES THAT MEAN? THEY SAID, WELL, THE CEILING HAS HEAVY PADDING, ALL THE WALLS HAVE HEAVY PADDING, AND THE FLOOR HAS HEAVY PADDING. I SAID WHY IS THAT? THEY SAID YOU DON'T WANT TO KNOW. SO I DIDN'T ASK ANY MORE QUESTIONS. BUT I AM SIMILARLY SITUATED TO WHAT CLINT EASTWOOD WAS EXCEPT I'M NOT TALKING TO AN EMPTY CHAIR. THERE ARE SOME OF THE SENATORS WHO ARE FILTERING BACK. THIS IS AN EXAMPLE OF OCCURRENCES THAT PEOPLE WHO ARE NOT MEMBERS OF THE LEGISLATURE MAY NOT UNDERSTAND.

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SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: THERE'S A LOT THAT GOES ON IN THE LEGISLATURE AND BY WAY OF LEGISLATIVE PROCESS WHICH WILL BE UNDERSTOOD ONLY BY THOSE WHO ARE PART OF IT. THERE ARE DYNAMICS THAT ARE IN OPERATION ALL THE TIME, WHETHER WE ARE FORMALLY AND OFFICIALLY IN SESSION OR NOT. THERE ARE INTERACTIONS BETWEEN AND AMONG THE SENATORS, BETWEEN THE SENATORS AND OTHERS WHO ARE NOT LEGISLATORS, BUT THERE ARE SUBJECT MATTERS THAT ARE OF KEEN INTEREST TO THOSE SENATORS AND THE ONES INTENDING TO TALK TO THEM. AND I WILL CONTINUE MY SPEAKING...

SPEAKER HADLEY: TIME, SENATOR. YOU'RE RECOGNIZED. AND THE NEXT TIME WILL BE YOUR CLOSE.

SENATOR CHAMBERS: YOU MEAN THIS TIME NOW, CORRECT?

SPEAKER HADLEY: NO. NO, SIR. YOU WILL HAVE ONE MORE.

SENATOR CHAMBERS: OH, I HAVE THIS TIME AND THEN NEXT ONE.

SPEAKER HADLEY: THAT'S CORRECT.

SENATOR CHAMBERS: THANK YOU. I'D LIKE TO ASK SENATOR KOLTERMAN A QUESTION IF HE WOULD YIELD.

SPEAKER HADLEY: SENATOR KOLTERMAN, WILL YOU YIELD?

SENATOR KOLTERMAN: OF COURSE, I WOULD.

SENATOR CHAMBERS: SENATOR KOLTERMAN, AS YOU WERE MAKING YOUR WAY OUT OF HERE, WHAT WAS THE REMARK YOU MADE?

SENATOR KOLTERMAN: I THOUGHT THAT WAS YOUR CLOSE.

SENATOR CHAMBERS: NOW WAS THAT A HOPE OR EXPRESSING YOUR GENUINE OPINION OR A COMBINATION OF THE TWO?

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SENATOR KOLTERMAN: ALL OF THE ABOVE.

SENATOR CHAMBERS: THANK YOU VERY MUCH. YOU'RE FREE TO LEAVE NOW, WHATEVER YOU WERE GOING TO DO. MEMBERS OF THE LEGISLATURE, THERE ARE TIMES WHEN IT SEEMS THAT WE'RE NOT AS SERIOUS AS WE OUGHT TO BE AND OTHER TIMES WHEN WE SEEM TO BE MORE SERIOUS THAN WE OUGHT TO BE. BUT I WOULD TALK TO A GROVE OF TREES ABOUT THIS SUBJECT, IF THAT WAS WHAT I HAD TO DO. I'M GOING TO INDICATE WHY I THINK IT'S SO IMPORTANT FOR MEMBERS OF THE LEGISLATURE TO TAKE SERIOUSLY WHAT IT IS THAT WE DO. FIRST OF ALL, I'VE MENTIONED REPEATEDLY THESE PRAYERS THAT I THINK ARE UTTERED IN VAIN. WERE I RELIGIOUS PERSON, THE TERM THAT I WOULD APPLY WOULD BE SACRILEGE OR BLASPHEMING. AND I WOULD DO THAT BECAUSE THESE KIND OF INCANTATIONS ARE SUPPOSEDLY ADDRESSED TO A SUPREME BEING, AND THAT BEING SUPPOSEDLY IS RESPECTED. WHEN THINGS ARE SAID AND ADDRESSED TO THAT BEING WHICH OBVIOUSLY ARE INSULTING, THAT IS BLASPHEMOUS, THAT IS SACRILEGIOUS. AND FOR PEOPLE WHO CLAIM TO BELIEVE IN THIS SUPREME BEING, WHO APPARENTLY ARE FAMILIAR WITH WHAT THAT SUPREME BEING REQUIRES OF ITS CREATURES WHO HAVE BEEN CREATED BY THAT SUPREME BEING, AND THE WORDS HURLED INTO THE FACE OF THAT SUPREME BEING CAN BE NOTHING BUT INSULTING, IF THAT SUPREME BEING HAS ANY INTELLIGENCE, SINCE WE ARE TOLD BY THOSE WHO SUPPOSEDLY BELIEVE IN THIS SUPREME BEING THAT WE ARE MADE IN ITS IMAGE--ITS, HER, THEIR IMAGE--WE DEEM OURSELVES TO POSSESS INTELLIGENCE. THAT WHICH MADE US, IF SUCH A THING HAPPENED, WOULD HAVE TO HAVE AT LEAST WHAT WE HAVE BECAUSE A THING CAN GIVE ONLY THAT WHICH IT HAS. IT CANNOT GIVE THAT WHICH IT DOESN'T HAVE. SO IF WE INDEED WERE CREATED, THAT WHICH CREATED US HAD TO HAVE AT LEAST AS MUCH INTELLIGENCE AS WE'VE GOT. AND THAT'S NOT SAYING VERY MUCH. BUT IT AT LEAST MEANS THAT WE UNDERSTAND WHAT WE SAY. WE UNDERSTAND WHAT WORDS MEAN THAT WE UTTER. AND TO ASK THIS BEING TO DO WHAT THAT BEING HAS DIRECTED US TO DO CAN ONLY BE INSULTING BECAUSE IT MEANS YOU ARE NOT PAYING ATTENTION. IF YOU'VE PAID ATTENTION, YOU'RE GOING TO DISREGARD WHAT YOU WERE TOLD. AND NOT ONLY ARE YOU GOING TO DISREGARD IT, YOU'RE GOING TO TELL THAT SO-CALLED SUPREME BEING I DON'T CARE WHAT YOU SAID, I WANT YOU TO KNOW THAT I KNOW WHAT YOU SAID. I WANT YOU TO KNOW THAT I DON'T CARE WHAT YOU SAID. AND FURTHERMORE, I'M GOING TO TELL YOU TO DO WHAT YOU TOLD ME TO DO. NOW YOU PUT THAT IN YOUR PIPE AND SMOKE IT, IF YOU SMOKE. THAT'S WHAT ALL THESE SO-CALLED PRAYERS ARE ABOUT. EVERYTHING SAID DURING THESE SO-CALLED PRAYERS, EVERY...

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SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ...REQUEST THAT IS MADE EMBRACES SOMETHING THAT THE PEOPLE MAKING THE REQUEST CAN DO. THOSE PEOPLE WHO ARE INVITED TO COME IN HERE AND UTTER THESE INCANTATIONS ARE NOT PLAYING TO A SUPREME BEING. THEY ARE TALKING TO AND PREACHING TO AND SPEAKING FOR THE BENEFIT OF THE TWO OR THREE PEOPLE WHO ARE IN HERE. AND, IN FACT, AS FEW AS THERE ARE IN HERE, MY AUDIENCE IS BIGGER THAN WHAT THOSE PREACHERS HAVE WHEN THEY COME IN HERE. AND THEY GET CARRIED AWAY. THEY SHOULD KNOW THAT LEVITY AND BREVITY SHOULD BE THE WATCHWORD, BUT THEY DON'T PAY ATTENTION TO EITHER ONE. NOW THERE IS LEVITY WHEN YOU LOOK AT HOW THEY ARE BEING MOCKED AND DON'T HAVE SENSE ENOUGH TO SEE IT. NOBODY IS HERE TO LISTEN TO THEM. AND THEN THEY GO ON AND ON AND ON, EVEN IN CONGRESS...

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: AND YOU ARE RECOGNIZED TO CLOSE ON YOUR RECONSIDERATION MOTION.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MY COLLEAGUES ARE NOT HERE TO HEAR THIS. BUT I WAS TALKING ABOUT THIS CONTEST BETWEEN THE WORSHIPERS OF BAAL, WHO IS A GOD, AND THE WORSHIPERS OF JEHOVAH WHO ALSO IS A GOD. AND BAAL AND GOD WERE SITTING IN THIS HUGE WHEREVER THEY SIT BECAUSE THEY'RE BOTH BIG, THEY HAVE TO BE, AND WATCHING THEIR WORSHIPERS CARRY ON. AND THIS IS WHAT IMPRESSED ME. THEY SAID THAT THE GOD THAT ANSWERS BY FIRE IS THE REAL GOD. SO THE PROPHETS OF BAAL WERE GIVEN THE FLOOR FIRST AND THEY CUT THEMSELVES AND THEY CRIED OUT AND THEY WENT THROUGH ALL OF THEIR INCANTATIONS AND NOTHING WAS HAPPENING. THE ALTAR WAS NOT CONSUMED. THE SACRIFICE ON THE ALTAR WAS NOT CONSUMED. THE WATER IN THE TRENCH THAT HAD BEEN DUG AROUND THE ALTAR LIKE A MINIATURE MOAT AND FILLED WITH WATER WAS NOT CONSUMED. SO YOU KNOW WHAT THEY BEGAN TO DO? THEY BEGAN TO MOCK. THEY SAID, WHERE IS YOUR GOD? COULD IT BE THAT HE IS ASLEEP? COULD IT BE THAT HE IS ON A LONG JOURNEY? COULD IT BE THAT HE IS HARD OF HEARING? WHERE IS YOUR GOD? WHY DOES HE NOT ANSWER? THAT'S IN THE BIBLE. THAT'S WHAT YOU ARE SUPPOSED TO DO WHEN PEOPLE ARE WORSHIPING

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A FALSE GOD. AND NOTHING HAPPENED. SO AFTER THEIR TIME RAN OUT AND AS THE SPEAKER WILL TELL ME WHEN MY TIME IS UP, "TIME," THEY HAD TO STAND ASIDE AND LET THESE PEOPLE WHO SAID THEY WORSHIP THE REAL GOD. AND BEFORE I RUN OUT OF TIME, I WANT TO TELL YOU THAT FIRE DID COME DOWN. IT BURNED UP EVERYTHING, JUST AS YOU ALL ARE GOING TO BURN UP IN THE LAST DAYS. SO THEY SAID THE GOD THAT ANSWERED BY FIRE IS GOD. SO YOU KNOW WHAT I SAY WHEN YOU ALL ARE GIVING THOSE PRAYERS, SENATOR BLOOMFIELD? WHERE IS YOUR GOD? I'M QUOTING THE BIBLE. IS HE ON A LONG JOURNEY? IS HE HARD OF HEARING? IS HE ASLEEP? IS HE ON VACATION? NOW THAT'S IN YOUR BIBLE. IF THOSE ARE THE MOCKING THINGS SAID TO THE ONES WHO SAY THEY HAVE A GOD AND THEIR GOD DOESN'T ANSWER, ISN'T IT FAIR FOR ME TO SAY THAT ABOUT THE ONES WHO WORSHIP THAT GOD, WHO WROTE THE BIBLE ACCORDING TO THEM? YES, IT IS. SO WHEN YOU ALL PRAY IN THE MORNING, I ASK, WHERE IS YOUR GOD? DOES HE HAVE SUCH A SHORT ATTENTION SPAN THAT IT DOESN'T EVEN LAST FOR THE PERIOD THAT WE'RE HERE IN THE LEGISLATURE? WHERE IS YOUR COMPASSION? WHY DOESN'T HE PUT COMPASSION IN YOU THAT YOU ASK FOR? WHY DOESN'T HE GIVE YOU THE UNDERSTANDING YOU ASK FOR? WHY DOESN'T HE GIVE YOU ANYTHING? AND YET YOU DO IT DAY AFTER DAY AFTER DAY. SO WHAT I'M GOING TO GET THAT SCRIPTURE AND I'M GOING TO MAKE COPIES OF IT AND I'M GOING TO GIVE A COPY TO EVERY ONE OF MY COLLEAGUES ON THIS FLOOR AS I HAND THINGS OUT AND SAY THIS IS WHAT I GIVE TO YOU WHEN I WATCH YOU PRAY TO YOUR GOD. I'M TAKING WHAT THE BIBLE SAYS OUGHT TO BE DIRECTED TO THOSE WHO HAVE A GOD THAT THEY PRAY FOR AND THAT GOD DOES NOT ANSWER. HOW ARE YOU GOING TO GET ANGRY AT ME WHEN I'M USING YOUR BIBLE? YOU SHOULD BE HAPPY THAT I'VE BEEN CONVERTED TO THE BIBLE. SENATOR WILLIAMS SITTING THERE TRYING TO ACT LIKE HE'S NOT PAYING ATTENTION. I KNOW HE PAYS ATTENTION. HE DOESN'T MISS ANYTHING. SO WHERE DOES THAT LEAVE US? IT LEAVES ME SPEAKING TO A VIRTUALLY EMPTY CHAMBER SAYING THINGS THAT EVERYBODY KNOWS IS TRUE BUT WHICH THEY SHUDDER TO HEAR ME SAY BECAUSE IT'S A TRUTH THEY DON'T WANT TO HEAR. AND THEY WANT ME TO WORSHIP THAT WHICH THEY DON'T EVEN BELIEVE IN THAT THEY CLAIM TO WORSHIP.

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ONE MINUTE. ONE MINUTE, AND FOR ALL WE KNOW, THE WORLD MAY COME TO AN END. SENATOR HAAR, H-A-A-R, STROLLING DOWN THE AISLE, MAY NOT MAKE IT TO HIS SEAT--WELL, HE MADE IT TO HIS SEAT BUT FOR PURPOSES OF THE ARGUMENT--HE MAY NOT HAVE MADE IT TO HIS SEAT BEFORE

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THE WORLD CAME TO AN END. AND WHAT WOULD ALL THIS MEAN THEN? NOTHING. WE WOULDN'T EVEN KNOW. MAYBE THAT'S WHY THE BOOK SAID LET THE DEAD BURY THE DEAD. IT MAKES AS MUCH SENSE AS ANYTHING ELSE IN THERE, AND IT'S AS NONSENSICAL AS ANYTHING ELSE IN THERE. SO HAVING HAD THIS OPPORTUNITY TO CARRY ON MY SOLILOQUY, I HAVE GIVEN MYSELF A TASK.

SPEAKER HADLEY: TIME, SENATOR.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND I WILL ASK FOR A CALL OF THE HOUSE.

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: 19 AYES, 1 NAY, 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. SENATOR MORFELD, HOWARD, BOLZ, PANSING BROOKS, NORDQUIST, COOK, GLOOR, McCOY, MURANTE, HUGHES, AND GROENE. SENATOR MURANTE, SENATOR GLOOR, SENATOR PANSING BROOKS, SENATOR NORDQUIST, SENATOR HOWARD, THE HOUSE IS UNDER CALL. SENATOR PANSING BROOKS, THE HOUSE IS UNDER CALL. SENATOR PANSING BROOKS, THE HOUSE IS UNDER CALL. THE QUESTION BEFORE THE BODY IS THE RECONSIDERATION MOTION. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY.

SENATOR CHAMBERS: (MICROPHONE MALFUNCTION)...CALL VOTE.

SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK.

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1463.) 3 AYES, 36 NAYS, MR. PRESIDENT.

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SPEAKER HADLEY: THE MOTION TO RECONSIDER FAILS. I WILL RAISE THE CALL.

SENATOR COASH PRESIDING

SENATOR COASH: MR. CLERK, WE'LL MOVE TO THE NEXT ITEM ON THE AGENDA.

CLERK: SENATOR HANSEN, LB375, I HAVE NO AMENDMENTS TO THE BILL. [LB375]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB375]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB375 TO E&R FOR ENGROSSING. [LB375]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB375 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB375]

CLERK: LB515, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB515]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB515]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB515 TO E&R FOR ENGROSSING. [LB515]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB515 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB515]

CLERK: LB513, SENATOR, DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER106, LEGISLATIVE JOURNAL PAGE 1340.) [LB513]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB513]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB513. [LB513]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB513]

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CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB513]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB513]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB513 TO E&R FOR ENGROSSING. [LB513]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB513 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB513]

CLERK: LB640, SENATOR. I HAVE NO AMENDMENTS. [LB640]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB640]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB640 TO E&R FOR ENGROSSING. [LB640]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB640 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB640]

CLERK: LB291, SENATOR, THERE ARE E&R AMENDMENTS. (ER107, LEGISLATIVE JOURNAL PAGE 1341.) [LB291]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB291]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB291. [LB291]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB291]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB291]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB291]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB291 TO E&R FOR ENGROSSING. [LB291]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB291 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB291]

CLERK: LB408, SENATOR, THERE ARE E&R AMENDMENTS. (ER108, LEGISLATIVE JOURNAL PAGE 1342.) [LB408]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB408]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB408. [LB408]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB408]

CLERK: NOTHING FURTHER, SENATOR. [LB408]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB408]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB408 TO E&R FOR ENGROSSING. [LB408]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB408 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB408]

CLERK: LB310, SENATOR, DOES HAVE E&R AMENDMENTS. (ER109, LEGISLATIVE JOURNAL PAGE 1342.) [LB310]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB310]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB310. [LB310]

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SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB310]

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB310]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB310]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB310 TO E&R FOR ENGROSSING. [LB310]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB310 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB310]

CLERK: LB412, SENATOR, DOES HAVE E&R AMENDMENTS. (ER110, LEGISLATIVE JOURNAL PAGE 1342.) [LB412]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB412]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB412. [LB412]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB412]

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB412]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB412]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB412 TO E&R FOR ENGROSSING. [LB412]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB412 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB412]

CLERK: LB479. NO AMENDMENTS, SENATOR. [LB479]

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SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB479]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB479 TO E&R FOR ENGROSSING. [LB479]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB479 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB479]

CLERK: MR. PRESIDENT, LB296 DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER111, LEGISLATIVE JOURNAL PAGE 1342.) [LB296]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB296]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB296. [LB296]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB296]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB296]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB296]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB296 TO E&R FOR ENGROSSING. [LB296]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB296 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB296]

CLERK: MR. PRESIDENT, LB424. I HAVE NO AMENDMENTS TO THE BILL, SENATOR. [LB424]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB424]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB424 TO E&R FOR ENGROSSING. [LB424]

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SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB424 DOES ADVANCE. NEXT ITEM. [LB424]

CLERK: LB287 DOES HAVE E&R AMENDMENTS. (ER112, LEGISLATIVE JOURNAL PAGE 1343.) [LB287]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB287]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB287. [LB287]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB287]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB287]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB287]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB287 TO E&R FOR ENGROSSING. [LB287]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB287 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB287]

CLERK: LB541, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB541]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB541]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB541 TO E&R FOR ENGROSSING. [LB541]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB541 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB541]

CLERK: LB195, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB195]

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SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB195]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB195 TO E&R FOR ENGROSSING. [LB195]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB195 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB195]

CLERK: LB511, SENATOR, I HAVE NO AMENDMENTS. [LB511]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB511]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB511 TO E&R FOR ENGROSSING. [LB511]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB511 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB511]

CLERK: LB422, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB422]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB422]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB422 TO E&R FOR ENGROSSING. [LB422]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB422 DOES ADVANCE. WE'LL NOW MOVE ON TO SELECT FILE BUDGET BILLS. MR. CLERK. [LB422]

CLERK: MR. PRESIDENT, FIRST BILL, LB658; SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB658]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB658]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB658 TO E&R FOR ENGROSSING. [LB658]

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

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SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB658 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB658]

CLERK: LB659, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB659]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB659]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB659 TO E&R FOR ENGROSSING. [LB659]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB659 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB659]

CLERK: MR. PRESIDENT, LB656. I DO HAVE E&R AMENDMENTS, FIRST OF ALL, SENATOR. (ER113, LEGISLATIVE JOURNAL PAGE 1401.) [LB656]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB656]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB656. [LB656]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB656]

CLERK: SENATOR MELLO WOULD MOVE TO AMEND WITH AM1501. (LEGISLATIVE JOURNAL PAGE 1415.) [LB656]

SENATOR COASH: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON AM1501. [LB656]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AM1501 TO LB656 IS THE FIRST OF A SERIES OF AMENDMENTS THAT REPRESENT THE APPROPRIATIONS COMMITTEE'S RECOMMENDATIONS FOR SELECT FILE BUDGET ADJUSTMENTS. BEFORE WE GET INTO THE SPECIFICS OF AM1501, I WANT TO GIVE EVERYONE A BRIEF OVERVIEW OF THE COMMITTEE'S RECOMMENDATIONS. BUT AS YOU KNOW, THE NEBRASKA ECONOMIC

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FORECASTING ADVISORY BOARD MET WHILE WE WERE DEBATING THE STATE BUDGET ON GENERAL FILE. AND AS A RESULT OF THEIR ACTIONS, THE OFFICIAL REVENUE PROJECTIONS WERE REVISED UPWARD OVER THE BIENNIUM. IN THE CURRENT FISCAL YEAR OF '14-15, REVENUE PROJECTIONS INCREASED BY \$12 MILLION AND, BY LAW, ANY ADDITIONAL REVENUE THAT THE STATE RECEIVES ABOVE PREVIOUS PROJECTIONS WILL GO DIRECTLY TO THE CASH RESERVE FUND. FOR THE TWO FISCAL YEARS ENCOMPASSED IN THE MAINLINE BUDGET THAT WE'RE DISCUSSING TODAY, THE FORECASTING BOARD REVISED THEIR REVENUE PROJECTIONS UPWARD BY A TOTAL OF \$10 MILLION OVER THE BIENNIUM. WITH THE AUTOMATIC MINIMAL RESERVE TRANSFER OF 3 PERCENT, THE LEGISLATURE IS LEFT WITH AN ADDITIONAL \$9.7 MILLION OF PROJECTED REVENUE. THE COMMITTEE'S SELECT FILE ADJUSTMENT RECOMMENDATIONS FALL WITHIN THE ADDITIONAL PROJECTED AMOUNT. THE LARGEST ITEM THE COMMITTEE INCLUDED IN THE ADJUSTMENT THAT I BELIEVE MEMBERS OF THE BODY HAVE EXPRESSED MOST INTEREST IN IS AN INCREASE OF THE APPROPRIATIONS TO THE PROPERTY TAX CREDIT CASH FUND OF \$8 MILLION OVER THE BIENNIUM. THIS ACCOUNTS FOR THE MAJORITY OF THE ADDITIONAL PROJECTED REVENUE AS ESTABLISHED BY THE FORECASTING BOARD. THE APPROPRIATIONS COMMITTEE FELT THIS WAS A RESPONSIBLE AND SUSTAINABLE INCREASE IN DIRECT PROPERTY TAX RELIEF. THE OTHER SIGNIFICANT ITEM THE APPROPRIATIONS COMMITTEE ADDRESSED IN THESE AMENDMENTS DEALS WITH THE STATE CAPITOL HEATING, VENTILATION, AND AIR CONDITIONING PROJECT. THE CAPITOL HVAC PROJECT WAS AUTHORIZED IN THE 2014 MIDBIENNIAL BUDGET ADJUSTMENT. SINCE THAT TIME, WE CAN NOW LOOK TO AN OFFICIAL PROGRAM STATEMENT AND SEE THAT THERE ARE SEVERAL CONSIDERATIONS THAT HAVE BEEN INCLUDED IN THE PROJECT THAT WILL RESULT IN HIGHER COSTS. WE NOW HAVE THE OPPORTUNITY TO INVEST IN A GEOTHERMAL PLANT TO PROVIDE MORE EFFICIENT, MORE INDEPENDENT, AND MORE RELIABLE ENERGY TO THE STATE CAPITOL FACILITY. THE RETURNS ON THIS INVESTMENT WILL RESULT IN ENERGY COST SAVINGS OVER THE NEXT 20 YEARS, WHICH ARE NOT INCLUDED IN THE PROGRAM STATEMENT BUT I WILL GO INTO FURTHER DETAIL ON FUTURE BILLS. OTHER CONSIDERATIONS INCLUDED IN THE PROGRAM STATEMENT THAT WILL BRING A HIGHER COST BUT ARE RESPONSIBLE AND PRACTICAL ADDITIONS TO THE OVERALL PROJECT INCLUDE ITEMS SUCH AS WINDOW RESTORATION, THE MOVING AND RENTAL COSTS OF MOVING SEGMENTS OF THE STATE CAPITOL ACROSS THE STREET INTO THE FORMER ASSURITY LIFE BUILDING. THE COMMITTEE ALSO INCLUDED FUNDING FOR TWO ITEMS UNDER THE OFFICE OF THE GOVERNOR THAT WERE NOT INCLUDED IN THE COMMITTEE'S ORIGINAL RECOMMENDATIONS. THE FIRST IS A SMALL INCREASE IN THE PERSONAL SERVICE LIMITATION FOR THE OFFICE

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OF THE GOVERNOR. AND THE SECOND IS FUNDING IN THE DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE NEBRASKA DEVELOPING YOUTH TALENT PILOT PROGRAM. I WILL SPEAK FURTHER ON THESE ISSUES WHEN WE GET TO THE MAINLINE BUDGET BILL, LB657. THE FINAL ITEMS I WOULD LIKE TO MENTION HERE IS AN ADJUSTMENT TO THE CIVIC AND CONVENTION CENTER FINANCING FUND, WHICH I'LL ALSO DISCUSS DURING THE INTRODUCTION OF LB657, AND AN APPROPRIATION TO THE NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION AND REVISED LANGUAGE RELATED TO THE ORAL HEALTH TRAINING AND SERVICES FUND THAT I WILL DISCUSS FURTHER WHEN I GET ON LB661. THE WORK OF THE COMMITTEE, THE LEGISLATIVE FISCAL OFFICE, AND THE POSITIVE REVENUE PROJECTIONS OF THE NEBRASKA ECONOMIC FORECASTING BOARD HAVE PLACED THE LEGISLATURE IN A FISCAL POSITION THAT, IF YOU WERE TO TALK TO MOST PEOPLE AT THIS TIME LAST WEEK, WE WERE NOT EXPECTING TO BE IN. IF ALL OF THE RECOMMENDATIONS BROUGHT TO THE LEGISLATURE BY THE APPROPRIATIONS COMMITTEE ARE ADOPTED, THERE WILL STILL BE AVAILABLE ROUGHLY \$49.5 MILLION FOR APPROPRIATIONS OR REVENUE-RELATED BILLS, WHICH IS COMPARABLE TO THE AMOUNT THAT WE EXPECTED TO LEAVE FOR THE FLOOR WHEN WE MADE OUR INITIAL RECOMMENDATION IN FEBRUARY AND AGAIN IN APRIL. I WOULD LIKE TO THANK THE MEMBERS OF THE APPROPRIATIONS COMMITTEE, THE LEGISLATIVE FISCAL STAFF FOR THEIR WORK ON THE BUDGET THIS YEAR. I'D ALSO LIKE TO THANK...A PERSONAL THANK-YOU TO MY LEGISLATIVE STAFF IN MY OFFICE--THE COMMITTEE CLERK, RACHEL MEIER; THE RESEARCH ANALYST, ANTHONY CIRCO; AND MY LEGISLATIVE AIDE, ELIZABETH HERTZLER--FOR A CONTINUAL, ONGOING, ABOVE AND BEYOND THE WORKLOAD THAT I'VE ASKED THEM TO DO. WHILE IT MAY NOT BE DIRECTLY RELATED TO MY OTHER BILLS THAT I BRING FORWARD, THEY HAVE BEEN OF INVALUABLE HELP TO THE APPROPRIATIONS COMMITTEE THROUGHOUT THIS PROCESS. RETURNING TO THE BILL BEFORE US, LB656, LB656 IS THE DEFICIT APPROPRIATIONS BILL WHICH APPROPRIATES FUNDS FOR THE CURRENT FISCAL YEAR. AM1501 INCLUDES DEFICIT APPROPRIATIONS TO THE NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION. ON APRIL 9, NET'S TELEVISION ANTENNA AT KTNE IN ALLIANCE FELL FROM ITS TOWER. THE CAUSE OF THIS FAILURE IS UNKNOWN AT THIS TIME AND AN INVESTIGATION IS CURRENTLY UNDERWAY. NET HAS REQUESTED FUNDS TO RESTORE THE LOSS OF TELEVISION SERVICE IN THE PANHANDLE AREA OF THE STATE. THE COMMITTEE INCLUDED \$385,000 FOR THIS PROJECT. HOWEVER, ALSO INCLUDED IS INTENT LANGUAGE STATING THAT, IF NET RECEIVES ANY INSURANCE SETTLEMENT OR PAYMENT DUE TO MANUFACTURER LIABILITY, THE APPROPRIATION WILL BE RETURNED TO THE GENERAL FUND. I'D URGE THE BODY TO ADOPT AM1501 AND

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ADVANCE LB656 TO FINAL READING. THANK YOU, MR. PRESIDENT. [LB656 LB657 LB661]

SENATOR COASH: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE OPENING TO AM1501. THE FLOOR IS NOW OPEN FOR DISCUSSION. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB656]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR MELLO A QUESTION. [LB656]

SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB656]

SENATOR MELLO: YES. [LB656]

SENATOR CHAMBERS: SENATOR MELLO, IN ALL OF YOUR DISCUSSION, YOU SAID THAT, AMONG OTHER THINGS, THIS AMENDMENT WOULD HELP MAKE AVAILABLE A MORE INDEPENDENT, RELIABLE SOURCE OF HEATING AND COOLING. WAS A STATEMENT LIKE THAT MADE? [LB656]

SENATOR MELLO: THAT IS CORRECT. [LB656]

SENATOR CHAMBERS: WHEN YOU USED THE WORDS "MORE INDEPENDENT AND RELIABLE," DID YOU MEAN MORE INDEPENDENT AND RELIABLE AS WE ARE IN THE WAY THAT WE ARE, BY CHANCE? [LB656]

SENATOR MELLO: I WAS REFERRING MORE SO TO THE RELIABILITY OF THE ENERGY GENERATION ITSELF AND THE INDEPENDENCE OF IT IN THE SENSE THAT THE STATE CAPITOL WOULD OVERSEE THE ENERGY GENERATION IN COMPARISON TO THE NU CORP, WHICH IS THE ENERGY-GENERATING CORPORATION BASED OUT OF THE UNIVERSITY SYSTEM. [LB656]

SENATOR CHAMBERS: BUT IF THAT SYSTEM WERE AS INDEPENDENT AND RELIABLE IN DOING WHAT IT IS DESIGNED TO DO, IF IT WAS NO MORE INDEPENDENT AND RELIABLE IN ITS REALM AS WE HAVE BEEN INDEPENDENT AND RELIABLE IN OURS, DO YOU THINK THAT SYSTEM WOULD BE FUNCTIONING IN THE MOST DESIRABLE MANNER? [LB656]

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SENATOR MELLO: THAT WAS A VERY DIFFICULT QUESTION, SENATOR CHAMBERS, TO UNDERSTAND. I GUESS I WILL SAY...I WILL GIVE YOU A TENTATIVE YES IN THE SENSE THAT I KNOW, I THINK, YOU'RE REFERRING TO THE RELIABILITY AND INDEPENDENCE OF THE ENERGY SYSTEM THAT WE ARE GOING TO BE CONSIDERING AS PART OF THE NEW HVAC SYSTEM AND THE NEED FOR THAT INDEPENDENT SYSTEM. [LB656]

SENATOR CHAMBERS: I'M ALL RIGHT WITH THAT SYSTEM. WHAT I'M TRYING TO FIND OUT BY WAY OF ANALOGY, IF YOU KNOW HOW WE FUNCTION AS A LEGISLATURE,... [LB656]

SENATOR MELLO: CORRECT. [LB656]

SENATOR CHAMBERS: ...IF THAT SYSTEM IN CARRYING OUT ITS FUNCTIONS IS NO MORE RELIABLE IN CARRYING OUT ITS FUNCTION THAN WE AS A LEGISLATURE ARE RELIABLE AND INDEPENDENT IN CARRYING OUT OURS, WILL THAT SYSTEM BE FUNCTIONING IN THE WAY THAT IS DESIRED? [LB656]

SENATOR MELLO: YES. [LB656]

SENATOR CHAMBERS: SO THEN YOU THINK THE LEGISLATURE IS BEHAVING IN AS INDEPENDENT AND RELIABLE A MANNER AS THAT SYSTEM, FUNCTIONING AS IT SHOULD, WOULD BE THE SAME? [LB656]

SENATOR MELLO: SENATOR CHAMBERS, IN MY SEVEN YEARS IN THE LEGISLATURE, I THINK THE LEGISLATURE MOST TIMES HAVE EXPRESSED THAT RELIABILITY TO INDEPENDENCE. BUT, YES, THERE HAS BEEN AT TIMES...THE LEGISLATURE MAYBE CONCEDED ITS INDEPENDENCE TO THE EXECUTIVE BRANCH ON OCCASIONAL ISSUES. [LB656]

SENATOR CHAMBERS: WELL STATED, YOUNG MAN. THANK YOU, MR. PRESIDENT. [LB656]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS AND SENATOR MELLO. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB656]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR MELLO WOULD YIELD TO A QUESTION. [LB656]

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SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB656]

SENATOR MELLO: OF COURSE. [LB656]

SENATOR BLOOMFIELD: THANK YOU, SENATOR MELLO. AND I SHOULD HAVE ASKED YOU THIS OFF MIKE BEFOREHAND BUT I DIDN'T. AS I READ THIS, THE MONEY TO ESTABLISH THE NEW HEATING SYSTEM WILL BE PRIMARILY TAKEN OUT OF OUR RAINY DAY FUND OVER A PERIOD OF FOUR OR FIVE YEARS. IS THAT CORRECT? [LB656]

SENATOR MELLO: THE NEW APPROPRIATION THAT WILL BE NEEDED FOR THE CAPITOL HVAC SYSTEM ROUGHLY--AND I'VE GOT SOME DOCUMENTS, SENATOR BLOOMFIELD, I'LL PASS OUT ON...WHEN WE GET TO THE CASH RESERVE BILL--THE ROUGHLY \$28 MILLION OVER THE NEXT NINE YEARS OF ADDITIONAL FUNDING THAT'S NEEDED FOR THE NEW, I WOULD SAY, CHANGES MADE TO THE PROGRAM STATEMENT OF THE CAPITOL HVAC SYSTEM. WE AS AN APPROPRIATIONS COMMITTEE HAD DECIDED TO APPROPRIATE THAT ADDITIONAL \$28 MILLION OVER THAT NINE-YEAR PERIOD OUT OF THE CASH RESERVE. [LB656]

SENATOR BLOOMFIELD: OKAY, SENATOR MELLO. AND I WILL TALK TO YOU ABOUT THIS BETWEEN SELECT HERE AND FINAL READING. BUT IT'S BEEN MY UNDERSTANDING IN THE PAST THAT WE ONLY DO ONE-TIME ITEMS OUT OF THAT CASH RESERVE. I AM VERY HESITANT ABOUT GOING TO APPROPRIATING NINE YEARS IN ADVANCE OUT OF THE CASH RESERVE THAT WE DON'T KNOW IF IT WILL BE THERE OR NOT. I SAID I SHOULD HAVE BROUGHT THIS TO YOU BEFOREHAND. I WILL TALK TO YOU BETWEEN NOW AND FINAL, AND I WILL YIELD YOU THE REMAINDER OF MY TIME IF YOU'D LIKE TO RESPOND TO IT AT ALL AT THIS POINT, AT YOUR WILL, SIR. [LB656]

SENATOR COASH: SENATOR MELLO, YOU'VE BEEN YIELDED 3:00. [LB656]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AND THANK YOU, SENATOR BLOOMFIELD. THAT ISSUE IS NOT LOST ON MYSELF OR OTHER MEMBERS OF THE APPROPRIATIONS COMMITTEE. AND THE REALITY IS WE COULD HAVE GIVEN THE BODY AN ENTIRE RECOMMENDATION OF SIMPLY TRANSFERRING \$28 MILLION THIS BIENNIUM FROM THE CASH RESERVE TO THE NEBRASKA CAPITAL CONSTRUCTION FUND. THAT IS SIMPLY A DECISION THAT IN THE SENSE OF EVERY LEGISLATURE, EVERY

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TWO YEARS, WE CAN'T BIND FUTURE LEGISLATURES, SO TO SPEAK, IN REGARDS TO APPROPRIATIONS-RELATED MATTERS. SO WHILE WE ARE DECIDING TO APPROPRIATE \$7 MILLION THIS BIENNIUM TO THE CASH RESERVE, THE FIRST QUARTER PERCENTAGE, SO TO SPEAK, OR FIRST 25 PERCENT OF THAT ADDITIONAL \$28 MILLION, THE LEGISLATURE TWO YEARS FROM NOW CAN CHOOSE TO APPROPRIATE THE REMAINING AMOUNT IF THEY WANT FROM THE CASH RESERVE. OR THEY CAN CHOOSE NOT TO APPROPRIATE THAT, SO TO SPEAK, AND THEY CAN USE IT FROM GENERAL FUNDS, CASH FUNDS, HOWEVER THE LEGISLATURE CHOOSES TO DO THAT. THAT'S A DECISION THAT EVERY LEGISLATURE, EVERY TWO YEARS, GETS TO MAKE THAT DECISION BASED ON THE THOUGHT THAT WE CAN'T BIND THE HANDS OF FUTURE LEGISLATURES, THE SAME REASON, AND I'LL USE THE ANALOGY THAT'S IN THE EXISTING BUDGET. THIS YEAR'S APPROPRIATIONS COMMITTEE HAD TO REAFFIRM THE CAPITAL CONSTRUCTION APPROPRIATION THAT WE MADE LAST YEAR TO THE CAPITOL HVAC SYSTEM. SO EVERY TWO YEARS THE APPROPRIATIONS COMMITTEE AND, ARGUABLY, THE WHOLE LEGISLATURE THROUGH THE APPROPRIATIONS PROCESS HAS TO CONFIRM AND REAFFIRM THAT APPROPRIATION. SO THE CONCERN IS, IF WE SAY IN THE NEXT SEVEN YEARS WE'RE GOING TO APPROPRIATE AN ADDITIONAL \$21 MILLION FROM THE CASH RESERVE, COLLEAGUES, THAT CAN BE CHANGED TWO YEARS FROM NOW AND THAT, ALL OF IT, CAN BE APPROPRIATED ON ONE FELL SWOOP OR YOU CAN CHANGE THE FUNDING SOURCE IF THAT'S WHAT YOU CHOOSE TO DO. I WILL NOT BE HERE, BUT THE LEGISLATURE HAS THAT AUTHORITY EVERY TWO YEARS. AND SO WHAT WE HAD DONE WITH OUR RECOMMENDATION IS TO... [LB656]

SENATOR COASH: ONE MINUTE. [LB656]

SENATOR MELLO: ...LAY OUT A PATHWAY FOR THE LEGISLATURE AND OUR...AND THE EXECUTIVE BRANCH MOVING FORWARD THAT, WITH THIS ADDITIONAL \$28 MILLION COST THAT WAS NOT PART OF WHAT WE PASSED LAST YEAR, WE ARE GOING TO USE THE CASH RESERVE TO FUND THAT. WE, INSTEAD, SPREAD OUT THE PAYMENTS OF THAT CASH RESERVE, AND IT'S STILL ONE-TIME USE. IT'S NOT USED FOR ANYTHING ELSE EXCEPT THAT PROJECT. WE SIMPLY SPREAD OUT THE TRANSFERS OVER THE COURSE OF EIGHT YEARS, INSTEAD OF ONE YEAR. THAT ESSENTIALLY WAS THE DECISION THE APPROPRIATIONS COMMITTEE MADE. IT'S STILL ONE-TIME IN NATURE. IT'S STILL...FOR A CAPITAL CONSTRUCTION PROJECT EXCLUSIVELY, WE SIMPLY EXPANDED THAT TIME OF TRANSFER IN COMPARISON TO SIMPLY APPROPRIATING THE ENTIRE \$28 MILLION IN ONE SINGLE TRANSFER THIS BIENNIUM. HOPEFULLY, THAT ANSWERS SENATOR BLOOMFIELD'S QUESTION. IT'S NOT SOMETHING WE DIDN'T CONSIDER, BUT I STILL FEEL OUR

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DECISION KEEPS THE FAITH IN REGARDS TO THE UNDERLYING POLICY THAT WE USE THE CASH RESERVE FOR ONE-TIME... [LB656]

SENATOR COASH: TIME, SENATOR. [LB656]

SENATOR MELLO: ...PROJECTS IN NATURE. THANK YOU, MR. PRESIDENT. [LB656]

SENATOR COASH: THANK YOU, SENATOR MELLO, SENATOR BLOOMFIELD. SENATOR KRIST, YOU'RE RECOGNIZED. [LB656]

SENATOR KRIST: I'LL BE BRIEF ON THIS AND SPEAK AGAIN ON THE NEXT FEW BUDGET BILLS. ALTHOUGH NOT A PART OF APPROPRIATIONS, I'VE BEEN INVOLVED WITH, AS MANY OF YOU KNOW, THE HVAC QUESTION IN TERMS OF SEQUENCING US IN AND OUT OF THE BUILDING TO PROVIDE FOR CONSTRUCTION...FREE ZONES FOR CONSTRUCTION TO CONTINUE. THAT INCREASE IN THE BUDGET OBVIOUSLY CAME FROM THE EXECUTIVE BRANCH IN TALKING TO MR. RIPLEY. AND THEN OUR OWN LARRY BARE IS INVOLVED WITH THAT PROCESS TRYING TO MAKE SURE THAT WE HOLD THE LINE. SO AGAIN, I'LL SPEAK TO THE DOLLARS AND CENTS AS WE GET INTO LB660, LB660 AND OTHERS. BUT I JUST WANT TO REMIND THE BODY--AND SENATOR BLOOMFIELD'S QUESTION COULDN'T HAVE COME AT A MORE OPPORTUNE TIME--THERE WAS A PERIOD OF TIME WHEN OUR PREDECESSORS MADE SOME REALLY BIG DECISIONS ABOUT THE RESURFACING, THE REHABILITATION TO THE OUTSIDE OF THIS GREAT BUILDING, THIS THE PEOPLE'S BUILDING. THEY TOOK THOSE PROGRAMS VERY SERIOUSLY IN TERMS OF THE RESTORATION AND IT TOOK IN THE NEIGHBORHOOD OF 11 YEARS TO DO THAT. SO THE DISCUSSION HAS TO GO ON BETWEEN THE BRANCHES--HOW SERIOUS ARE WE ABOUT TAKING CARE OF THIS BUILDING AND CONTINUING TO TAKE CARE OF IT IN TERMS OF PREVENTATIVE MAINTENANCE AND MAKING IT MORE ECONOMICAL? AND THIS PROJECT THAT WE'RE UNDERTAKING WITH HVAC, IF IT IS AS ROBUST AS WE HOPE IT WILL BE IN THE GEOTHERMAL AREA, WILL BE AN INCREDIBLE SAVINGS LONG TERM TO THIS STATE. IF YOU THINK THAT THIS SYSTEM, AS INEFFICIENT AS IT IS, HAS BEEN IN EXISTENCE IN SOME SEMBLANCE FOR 50-SOME YEARS, THINK ABOUT THAT NEW SYSTEM AND WHAT IT MEANS IN TERMS OF INVESTMENT LONG TERM. I THINK THE APPROPRIATIONS COMMITTEE DID A WONDERFUL THING IN SPREADING OUT THOSE TRANSFERS, AND AGAIN REEMPHASIZING WHAT SENATOR MELLO SAID, BECAUSE WE HAD TO MAKE THE LAST FEW DECISIONS ON THAT 11-YEAR PERIOD DURING MY TENURE IN TERMS OF MAKING SURE THAT THAT MONEY WAS STILL AVAILABLE TO COMPLETE THE

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OUTSIDE RESTORATION OF THIS GREAT BUILDING. IT WILL BE UP TO YOU, FRESHMEN, AS YOU FINISH YOUR EIGHTH YEAR, SEVEN-YEAR-PLUS OR EIGHT YEARS IN OFFICE, TO MAKE SURE THAT YOU CONTINUE WITH THAT PROJECT AND CONTINUE TO SUPPORT IT IN THE WAYS THAT IT NEEDS TO BE SUPPORTED. AND AS A MATTER OF WARNING, YOU ALL KNOW WHAT HAPPENS WHEN YOU TAKE AN OLD HOUSE APART AND YOU TAKE SOMETHING DOWN OFF A WALL. YOU NEVER KNOW WHAT'S BEHIND THAT WALL. SO THERE MAY BE SOME TIMES IN THE FUTURE WHERE WE'RE GOING TO HAVE TO PONY UP AND MAKE SURE WE'RE TAKING CARE OF THIS GREAT BUILDING. AND I, FOR ONE, WILL BE THERE WITH A YES VOTE, AS LONG AS THOSE COSTS ARE REASONABLE AND AS LONG AS WE HAVE PEOPLE WHO ARE LOOKING OUT FOR THOSE CONSTRUCTION COSTS TO BE AS EFFICIENT AND ECONOMICALLY APPLIED AS POSSIBLE. THANK YOU FOR YOUR ATTENTION. [LB656 LB660]

SENATOR COASH: THANK YOU, SENATOR KRIST. SENATOR GROENE, YOU ARE RECOGNIZED. [LB656]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. THE WAY I UNDERSTOOD, WE STARTED THIS PROJECT A COUPLE YEARS AGO ON THE HEATING/AIR CONDITIONING. I HAD HEARD RUMORS OF NUMBERS JUST SHORT OF \$80 MILLION AND NOW I BELIEVE IT'S \$110 MILLION. COULD...SENATOR MELLO, WOULD YOU ANSWER A COUPLE QUESTIONS? [LB656]

SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB656]

SENATOR MELLO: YES. [LB656]

SENATOR GROENE: IS THAT RIGHT? IT WAS ORIGINALLY AROUND \$80 MILLION ESTIMATE? WHAT DID THE PROJECT START AND WHAT IS IT NOW? [LB656]

SENATOR MELLO: SENATOR GROENE, THE APPROPRIATIONS COMMITTEE RECOMMENDED LAST YEAR AND THE LEGISLATURE ADOPTED AND ULTIMATELY OVERRODE A GOVERNOR'S VETO ON THE APPROPRIATION OF \$77.7 MILLION OVER AN 11-YEAR, ESSENTIALLY, 11-YEAR PERIOD FOR THE PROJECT. THE INCREASE, BASED ON COST ADJUSTMENTS, AS WELL AS THE NEW ADDITION OF A GEOTHERMAL HEAT PUMP SYSTEM TO PRODUCE, EXCLUSIVELY PRODUCE, ENERGY TO THE STATE CAPITOL SO THAT WE CAN NO LONGER USE THE UNIVERSITY OF NEBRASKA'S NU CORP ENERGY SYSTEM, RAISES THAT COST TO \$106 MILLION OVER THE 11-YEAR LIFE OF THE PROJECT. [LB656]

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SENATOR GROENE: EXCUSE ME. HAVE WE PICKED A CONTRACTOR? IS...NOW, WITH THESE NEW ESTIMATES AND STUFF, ARE WE GOING TO BE PUTTING THIS OUT FOR CONTRACT? [LB656]

SENATOR MELLO: AS FAR AS I KNOW, THE CAPITOL COMMISSION, WHICH WILL OVERSEE ALL BIDDING REGARDING THIS PROJECT, LAST SUMMER AND FALL THEY HAD SELECTED AN ENGINEERING FIRM AND AN ARCHITECTURAL FIRM. THAT WAS THE FIRST STEP IN THE PROCESS OF THIS CAPITOL HVAC REPLACEMENT SYSTEM PROJECT. FROM THERE, THE CAPITOL COMMISSION WILL PUT OUT TO BID GENERAL CONTRACTORS, SUBCONTRACTORS, OF THE LIKE. THEY WILL LIKELY START THAT PROCESS SOMETIME EARLY THIS SUMMER. [LB656]

SENATOR GROENE: IS THIS AN EXPENSIVE ENDEAVOR BECAUSE WE'RE TAKING INTO A FACTOR WE WANT TO KEEP THE HISTORIC FEEL TO THE OFFICES AND THE BUILDINGS? AND ARE WE GOING TO TRY TO REMOVE PARTS OF THE WALLS AND STUFF AND THEN PUT THE ORIGINAL BACK? IS THAT PART OF THE REASON IT'S SO EXPENSIVE? [LB656]

SENATOR MELLO: I WOULD SAY THE PROJECTED COST INCREASE, SENATOR GROENE, AND I WAS GOING TO PASS OUT SOME MATERIALS WHEN WE GET ON THE CASH RESERVE BILL BUT I CAN START TO DISCUSS IT NOW, PART OF THE INCREASED COSTS REALLY GOES TO, YES, PART OF IT GOES TO THE ARCHITECTURAL COSTS IN REGARDS TO DEALING WITH THE UNIQUELY HISTORIC BUILDING WHICH IS THE CAPITOL. THERE IS INCREASED COST WITH THE HVAC AND ELECTRICAL SYSTEM COMPONENTS, THE LIFE AND SAFETY EMERGENCY GENERATION COMPONENT. THERE'S A, YOU KNOW, A SIZABLE INCREASE IN THE WINDOW RESTORATION, AS WELL, AN INCREASE IN THE CONTINGENCY FUND. BUT PROBABLY SOME OF THE OTHER DRIVING-FORCE COSTS WERE THE PURCHASING OF THE LAND THAT'S NEEDED, THE GEOTHERMAL HEAT PUMP SYSTEM THAT'S GOING TO BE PLACED IN A PARKING LOT CATTY-CORNER TO THE CAPITOL, AS WELL AS THE INCREASED COSTS OF MOVING AGENCIES OUT OF THE STATE CAPITOL AND RELOCATING THEM, AS WELL AS THOSE RELOCATION COSTS. [LB656]

SENATOR GROENE: THANK YOU. SWITCH GEARS. I HANDED OUT THREE HANDOUTS. I LIKE NUMBERS, AS YOU FOLKS KNOW. AND THIS IS NO CRITICISM OF THE APPROPRIATIONS COMMITTEE. THEY ARE ALL GOOD MEN. THEY

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FOLLOW THE RULES. BUT I LOOK AT NUMBERS DIFFERENTLY WITH MY EXPERIENCE. (LAUGHTER) WE WERE... [LB656]

SENATOR KOLTERMAN: THERE'S A WOMAN ON THAT. [LB656]

SENATOR HILKEMANN: KATE BOLZ IS ON IT ALSO. IT'S NOT ALL MEN. [LB656]

SENATOR GROENE: SORRY. I'LL TRY TO BE POLITICALLY CORRECT. I ALWAYS LOOK AT EVERYBODY AT EQUAL, SO IT DOESN'T CONCERN ME AS TO THE WORK OF WHO YOU ARE. I FIGURE THE WORK IS EQUAL THAT IS DONE. SO I APOLOGIZE, KATE. THE EIGHT MEN AND THE ONE LADY, I APPRECIATE THE WORK THEY DID. MY NUMBERS, I...WE'VE HEARD 3.1 PERCENT AND IT'S THE THIRD LOWEST OVER THE LAST 30 YEARS, LAST 15 ANNUAL (SIC) BUDGETS. THESE ARE SOME NUMBERS AS I GO THROUGH THEM AS I USE MORE TIME. [LB656]

SENATOR COASH: ONE MINUTE. [LB656]

SENATOR GROENE: BUT THE FIRST ONE, TOP SHEET, SHOWS YOU 3.1 IS PROPOSED. IF WE ENACT THE A BILLS, IF WE USE THE \$50 MILLION A BILLS, WE'RE AT 3.7. NOW WE'VE MOVED UP TO FOURTH...TO FIFTH HIGHEST OF THE LAST 15 BUDGETS. AND OF COURSE, I DON'T BELIEVE IN CASH FUNDS. I TALKED TO SOME OF THE EMPLOYEES OF THE FISCAL OFFICE WHAT WAS DONE OVER THE YEARS. FISCAL CASH FUNDS NORMALLY WERE TRANSFERRED INTO THE GENERAL FUND AND SPENT. THAT TRADITION CHANGED WHEN THEY DID THE WASTE DUMP SETTLEMENT WITH ARKANSAS AND THE OTHER "KAN" STATES BECAUSE WE BACKED OUT OF THAT AGREEMENT \$100-SOME MILLION. THAT'S WHEN IT STARTED BECOMING ACCEPTABLE--THAT WAS IN THE EARLY 2000s--TO START SAYING CASH FUNDS WEREN'T TAX DOLLARS AND THEY WEREN'T PART OF THE BUDGET. I STILL BELIEVE THEY ARE. IF YOU THROW THE MEDICAL FINE, WE'RE AT 3.93. IF YOU USE THE REPUBLICAN RIVER, WE'RE UP TO 4 PERCENT. THE MEDICAL CENTER TRAINING FACILITY... [LB656]

SENATOR COASH: TIME, SENATOR. [LB656]

SENATOR GROENE: ALL RIGHT. THANK YOU. I'LL FINISH. [LB656]

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR MELLO, YOU'RE RECOGNIZED. [LB656]

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SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I WANT TO LET SENATOR GROENE TALK A LITTLE BIT ABOUT HIS HANDOUT. WE TALKED A LITTLE BIT BEFORE, AND I APPRECIATED SENATOR GROENE COMING UP AND EXPLAINING TO ME THAT HE WANTED TO TALK A LITTLE BIT ABOUT HIS INTERPRETATION IN RESPECTS TO WHAT HE BELIEVES SPENDING GROWTH LOOKS LIKE IN REGARDS TO HOW HE CLASSIFIES OR HOW HE MAKES A DETERMINATION OF WHAT SHOULD BE OR SHOULD NOT BE CONSIDERED. AND AS I SAID ON GENERAL FILE, COLLEAGUES, THAT'S A DECISION THAT WAS MADE WELL BEFORE I CAME TO THE LEGISLATURE AND WELL, OBVIOUSLY, BEFORE I BECAME CHAIR OF THE APPROPRIATIONS COMMITTEE. AND I DON'T WANT TO SPEND THE AFTERNOON REFUTING AND DEBATING SENATOR GROENE IN REGARDS TO HIS INTERPRETATION AND HIS CREATION OF HIS OWN BUDGET NUMBERS BECAUSE, ARGUABLY, WHAT WE USE IS WHAT THE LEGISLATIVE FISCAL OFFICE PRODUCES, THE SAME PROCESS THEY HAVE BEEN USING FOR A VERY LONG TIME, WELL IN ADVANCE OF MY TIME IN PUBLIC LIFE. AND SO I DON'T WANT TO GET INTO AN EXTENDED, LONG DEBATE ABOUT THAT. I DO KNOW SENATOR GROENE WANTS TO TALK ABOUT IT AND I'LL YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE. [LB656]

SENATOR COASH: SENATOR GROENE, YOU'VE BEEN YIELDED 4:00 AND YOU'RE NEXT IN THE QUEUE. [LB656]

SENATOR GROENE: THANK YOU, SENATOR MELLO. AND SENATOR MELLO AND I DID TALK. IN NO WAY AM I CASTIGATING ANY ACCUSATIONS ON APPROPRIATIONS COMMITTEE. THEY DID WHAT THEY DID AND THEY'VE DONE A GOOD JOB. BUT TO ME, I'VE GOT TO EXPLAIN TO THE TAXPAYERS THAT THE MONEY WAS ACTUALLY SPENT. IF IT'S SPENT, IT'S SPENT. IT'S...IF THOSE TAX DOLLARS CAME IN AND THEN THEY WENT OUT AS APPROPRIATIONS AND SPENDING, THEN THEY'RE SPENT AND THEY SHOULD BE PART OF...AS WE EXPLAIN TO THE TAXPAYERS WHAT WE DID HERE. WHEN YOU THROW IN THE CREIGHTON...THE UNMC TRAINING--I'LL PICK UP WHERE I LEFT OFF--WE'RE UP TO 4.3 PERCENT. YOU THROW IN THE CREIGHTON DENTAL COLLEGE, YOU'RE UP TO 4.39. PROPERTY TAX CREDIT, YOU'RE UP TO 5.83. I TALKED TO THE FISCAL OFFICE WHEN THIS WAS FIRST DONE. IT WAS NOT THAT LONG AGO: 2007-08 IS THE FIRST YEAR WE DID IT. IT WAS AN APPROPRIATIONS BILL. THAT'S HOW IT WAS DONE AND IT WAS GOING TO BE FOR TWO YEARS. AND NOW IT'S BECAME (SIC) A LINE ITEM IN OUR BUDGET. IT IS MONEY SPENT, TAXES COLLECTED THIS YEAR AND EXPENDED THIS YEAR, BUT THEY'RE LEFT OUT. PROPERTY TAX CREDIT--AND I STARTED FROM THE ZERO BASE OF...THAT OF LAST YEAR, NOT CONSIDERED THE \$140 MILLION THAT'S PUT IN, JUST WHAT'S PUT IN NOW--IT'S

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5.83. THE EXTRA ONE...EXTRA 4.85 WE'RE PLANNING ON DOING, THAT PUTS US TO 5.94. THAT'S A PRETTY GOOD-SIZED INCREASE, FOLKS, REALLY LARGE INCREASE OF SPENDING. THE OTHER POINT I WANTED TO MAKE, THIS BUDGET, YOU CAN THANK IT FOR WHERE IT'S GOING TO BE. IF YOU SAY IT'S 3.72 AT THE END OF THE DAY WITH A BILLS--AND THAT'S ACCORDING TO FISCAL OFFICE--YOU CAN THANK THE PROPERTY TAXPAYER. WE DID NOTHING. IT'S BECAUSE OF TEEOSA AID TO EDUCATION IS AT 2.3. IT'S BECAUSE THE PROPERTY TAXPAYER HAS PUMPED SO MUCH MONEY INTO THE RESOURCES OF THE TEEOSA FORMULA THAT TEEOSA IS AT 2.3. NOW YOU SAY, WELL, THAT'S JUST ONE NUMBER, BUT IT'S 25 PERCENT OF THE BUDGET. IF YOU KNOW ANYTHING ABOUT MATH, PERCENTAGES LIE BECAUSE, IF YOU'VE GOT A \$10 MILLION LINE ITEM IN THE BUDGET AND IT GOES UP 40 PERCENT, IT WOULDN'T AFFECT THAT BOTTOM LINE OVER THE BUDGET BY A TENTH OF A PERCENT. BUT WHEN YOU GOT ONE THAT'S A BILLION DOLLARS AND YOU CAN HAVE IT AT 2.3, YOU CAN THANK THE PROPERTY TAXPAYERS MORE THAN YOU CAN...YOU CITIZENS OUT THERE THAN YOU CAN THE SENATORS IN THIS LEGISLATURE IF WE KEEP THIS SPENDING DOWN. AND TO REMIND YOU, THIS TEEOSA FORMULA IS SO OUT OF CONTROL, PROPERTY TAXES HAVE SKYROCKETED. IF THEY EVER LEVEL OFF, AND THEY WILL, YOU WILL SEE 8, 10, 12 PERCENT INCREASES IN TEEOSA BECAUSE IT'S RESOURCES MINUS FORMULA. [LB656]

SENATOR COASH: ONE MINUTE. [LB656]

SENATOR GROENE: AND WHEN YOU'RE PUMPING THAT MUCH PROPERTY TAXES IN AND YOU'RE ONLY AT 2.3 PERCENT AND YOU'RE STILL AT 2.3 PERCENT, WE GOT A PROBLEM. AND WHOEVER IS GOING TO BE APPROPRIATIONS COMMITTEE CHAIR AND ON APPROPRIATIONS COMMITTEE WHEN THAT HITS, THAT'S GOING TO BE INTERESTING. BUT THE REASON WE CAN EVEN CLAIM WE'RE REASONABLE ON THIS BUDGET IS BECAUSE OF TEEOSA. PROPERTY TAXPAYERS-- THAT'S WHAT AFFECTS IT. I'VE GOT TWO MORE PAGES AND AS WE GO THROUGH THE BILL HERE I WILL ADDRESS THEM IF YOU BEAR WITH ME. BUT RIGHT NOW, REMEMBER, YOU SPEND ALL THE A BILLS, YOU'RE AT 3.72, NOT 3.1. I'VE LOOKED AT ALL THE NUMBERS ON THE LAST PAGE. I DON'T KNOW WHERE...3.1 WAS PUT INTO THE FINAL BUDGET AND IT IS THIRD. IT'S ACTUALLY NOT THIRD WHEN YOU LOOK AT PREVIOUS APPROPRIATION NUMBERS. BUT PLANNED, ASSUMED, VERSUS REALITY...BUT WHAT'S TROUBLING IS 3.1 WILL STICK INTO YOUR HEAD, WILL STICK INTO THE TAXPAYER'S HEAD, WILL BE THE HEADLINES. AND THE LAST DAY WE GO HOME AND WE'RE DONE, THAT'S THE NUMBER THAT WILL STICK INTO THEIR HEAD AND THE REALITY WILL NOT BE 3.1. IT'LL BE CLOSER TO 4 PERCENT. SO THAT'S WHAT I WANT TO INFORM THE TAXPAYERS ON. AND

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THANK YOU, MR. PRESIDENT AND MR. MELLO, FOR SHARING TIME, SENATOR MELLO. [LB656]

SENATOR COASH: THANK YOU, SENATOR GROENE AND SENATOR MELLO. SEEING NO OTHER LIGHTS ON, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON AM1501. [LB656]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, AM1501 IS THE APPROPRIATIONS COMMITTEE RECOMMENDATION FOR THE SELECT FILE ADJUSTMENTS TO THE DEFICIT BILL, THE MAIN COMPONENT BEING A \$385,000 APPROPRIATION TO THE NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION TO REPLACE A FAULTY ANTENNA THAT FELL IN ALLIANCE TO ENSURE THAT THE PANHANDLE PART OF THE STATE CONTINUES TO BE ABLE TO GET AND RECEIVE NET COVERAGE, THE HOPE BEING THAT...THE BELIEF THAT IT'S A MANUFACTURER LIABILITY IN REGARDS TO THIS ANTENNA, THAT ANY INSURANCE FUNDING THAT DOES COME BACK FROM AN INSURANCE COMPANY BASED ON THE MANUFACTURER LIABILITY WILL BE REDIRECTED TO THE GENERAL FUND. WITH THAT, I'D URGE THE BODY TO ADOPT AM1501. THANK YOU, MR. PRESIDENT. [LB656]

SENATOR COASH: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE CLOSING TO AM1501. THE QUESTION BEFORE THE BODY IS, SHALL AM1501 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB656]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF AM1501. [LB656]

SENATOR COASH: AM1501 IS ADOPTED. [LB656]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER ON THE BILL. [LB656]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB656]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB656 TO E&R FOR ENGROSSING. [LB656]

Transcript Prepared By the Clerk of the Legislature
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SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB656 DOES ADVANCE. ITEMS, MR. CLERK? [LB656]

ASSISTANT CLERK: MR. PRESIDENT, THANK YOU. AN AMENDMENT TO BE PRINTED BY SENATOR CRAWFORD TO LB295. AND AN APPOINTMENT LETTER FROM THE GOVERNOR REGARDING J. RUSSELL DERR TO THE PUBLIC EMPLOYEES RETIREMENT BOARD. THAT'S ALL THAT I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGE 1465-1467.) [LB295]

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

ASSISTANT CLERK: MR. PRESIDENT, NEXT BILL, LB657. THERE ARE E&R AMENDMENTS. (ER114, LEGISLATIVE JOURNAL PAGE 1401.) [LB657]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB657]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB657. [LB657]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB657]

ASSISTANT CLERK: THE FIRST AMENDMENT I HAVE IS AM1508 FROM SENATOR MELLO, BUT I HAVE A NOTE TO WITHDRAW. [LB657]

SENATOR MELLO: CORRECT. [LB657]

ASSISTANT CLERK: IN THAT CASE, SENATOR MELLO WOULD OFFER AM1566. (LEGISLATIVE JOURNAL PAGE 1449.) [LB657]

SENATOR COASH: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON AM1566. [LB657]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AM1566 REPRESENTS THE APPROPRIATIONS COMMITTEE'S RECOMMENDATIONS FOR SELECT FILE AMENDMENTS TO LB657, BETTER KNOWN AS THE MAINLINE

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BUDGET BILL. AS YOU WILL REMEMBER, LB657 IS A MAINLINE BILL THAT APPROPRIATES FUNDS FOR FISCAL YEARS 2015-16 AND 2016-17. THE MAIN ITEM IN AM1566 IS THE INCREASE TO THE PROPERTY TAX CREDIT PROGRAM. AS I MENTIONED IN MY OPENING ON SELECT FILE ON THE PREVIOUS BILL, LB656, THE COMMITTEE HAS PROPOSED A RESPONSIBLE AND SUSTAINABLE INCREASE IN THIS FUND OF \$8 MILLION FOR THE BIENNIUM BRINGING THE TOTAL AMOUNT OF DIRECT PROPERTY TAX RELIEF TO \$408 MILLION OVER THE NEXT TWO YEARS. OTHER ITEMS INCLUDED IN THESE RECOMMENDATIONS ARE A CHANGE TO THE CIVIC AND CONVENTION CENTER FINANCING FUND AND TWO OF THE GOVERNOR'S INITIATIVES MENTIONED EARLIER IN MY OPENING ON LB656. UNDER THE COMMITTEE'S PROPOSAL, THE CIVIC AND COMMUNITY CENTER FINANCING FUND AMENDS THE CASH FUND TRANSFER TO THE NEBRASKA MAIN STREET PROGRAM FROM AN ONGOING TRANSFER TO A TWO-YEAR GENERAL FUND TRANSFER. ADDITIONALLY, THE PROPOSAL INCLUDES AN INCREASE IN THE CASH FUND TRANSFER TO THE STATE COLLEGES SPORTS FACILITIES CASH FUND FROM \$250,000 TO \$300,000 ANNUALLY. ALSO INCLUDED IN AM1566 IS THE ADDITION OF ITEMS AT THE RECOMMENDATION OF THE GOVERNOR. THE FIRST IS A SMALL INCREASE IN PERSONAL SERVICE LIMITATION FOR THE OFFICE OF THE GOVERNOR OF \$6,300 IN FISCAL YEAR 2015-16 AND \$11,805 IN FISCAL YEARS 2016-17. THIS IS NOT AN INCREASE IN FUNDING, COLLEAGUES, BUT SIMPLY AN INCREASE IN THE ABILITY IN THE OFFICE TO USE CURRENTLY APPROPRIATED FUNDS FOR PERSONNEL COSTS. THE OTHER ITEM IS THE GOVERNOR'S INITIATIVE CALLED THE NEBRASKA DEVELOPING YOUTH TALENT INITIATIVE. THE COMMITTEE INCLUDED \$250,000 PER FISCAL YEAR FOR THIS PILOT PROJECT RELATED TO YOUTH EMPLOYABILITY IN CAREER VOCATIONAL EDUCATION. THE INITIATIVE WILL PILOT A PUBLIC-PRIVATE PARTNERSHIP WITH SCHOOL DISTRICTS AND BUSINESSES TO ASSIST IN SPECIFIC CAREER-LEARNING OPPORTUNITIES IN MANUFACTURING AND TECHNOLOGY SECTORS FOR STUDENTS IN THE 7TH AND 8TH GRADE. THESE RECOMMENDATIONS WERE CAREFULLY CONSIDERED BY THE COMMITTEE AND I URGE THE BODY TO ADOPT AM1566 AND ADVANCE LB657 TO FINAL READING. THANK YOU, MR. PRESIDENT. [LB657 LB656]

SENATOR COASH: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE OPENING ON AM1566. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE. SENATOR MELLO WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM1566 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB657]

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ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT, MR. PRESIDENT. [LB657]

SENATOR COASH: AM1566 IS ADOPTED. NEXT ITEM, MR. CLERK. [LB657]

ASSISTANT CLERK: SENATOR SULLIVAN WOULD MOVE TO AMEND WITH AM1567. (LEGISLATIVE JOURNAL PAGE 1468.) [LB657]

SENATOR COASH: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON AM1567. [LB657]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. WHAT THIS AMENDMENT DOES IS SIMPLY REMOVE THE APPROPRIATION OF \$500,000 FOR EACH YEAR OF THE NEXT BIENNIUM FROM THE MASTER TEACHER PROGRAM TO SPECIAL EDUCATION FUNDING. FIRST OF ALL, I WANT TO SAY, I AM ALL FOR FINDING WAYS TO RECOGNIZE AND REWARD AND SUPPORT GOOD TEACHERS IN NEBRASKA. AND WE HAVE A LOT OF THEM AND I APPLAUD THEM AND I WILL WORK ALWAYS IN THIS POSITION TO DO WHAT I CAN TO SUPPORT THEM. I'M ALSO CONCERNED IN MY ROLE AS CHAIR OF THE EDUCATION COMMITTEE THAT I FEEL THAT PART OF MY RESPONSIBILITY IS TO BE A LITTLE BIT OF A WATCHDOG TO MAKE SURE THAT WE ARE PUTTING OUR DOLLARS...EDUCATION DOLLARS IN PRIORITIES THAT WE THINK ARE IMPORTANT IN THIS STATE. THE MASTER TEACHER PROGRAM WENT INTO LAW IN 2000. IT HAS NEVER RECEIVED ANY FUNDING UNTIL THIS CURRENT RECOMMENDATION FROM THE APPROPRIATIONS COMMITTEE. AND I SHOULD SAY, JUST TO BACK UP A BIT, I DO THANK THE APPROPRIATIONS COMMITTEE FOR ALL THE HARD WORK THEY'VE DONE AND I RECOGNIZE AND VALUE THE WORK THAT THEY ARE PRESENTING TO US. AND TO THAT END, BY THE TIME I'M DONE WITH MY COMMENTS, I MAY TALK MYSELF OUT OF THIS AMENDMENT AND WITHDRAW IT. BUT BY THE SAME TOKEN, IT'S PART OF MY RESPONSIBILITY TO REMIND US OF WHAT SOME OF THE EDUCATIONAL PRIORITIES ARE THAT WE SHOULD BE PUTTING FUNDING BEHIND. AND ONE OF THEM, WHICH IS WHY I'M RECOMMENDING WITH THIS AMENDMENT THAT WE MOVE THE MONEY OUT OF THE MASTER TEACHER PROGRAM AND PUT IT INTO SPECIAL EDUCATION BECAUSE THAT IS ONE OF THE PRIORITIES THAT EVERY SINGLE SCHOOL DISTRICT IN THIS STATE HAS TO DEAL WITH. AND WHEN I VISIT SCHOOLS, WHEN I TALK TO ADMINISTRATORS, WHEN I TALK TO TEACHERS, SPECIAL EDUCATION AND DEALING WITH ALL OF THOSE CHALLENGES THAT GO WITH THAT IS ONE OF THE THINGS THAT I HEAR A LOT. SO WHEN I LOOKED AT THE APPROPRIATION

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FOR SPECIAL EDUCATION, I WAS ALSO CONCERNED WITH THAT AS WELL. FOR THIS BIENNIUM, WE WERE OPERATING WITH A 5 PERCENT INCREASE EACH YEAR FOR SPECIAL EDUCATION. IN THIS PROPOSED BUDGET, THE INCREASE IS ONLY 2.5 PERCENT PER YEAR. SO THAT CONCERNS ME BECAUSE, NOT TO GO INTO A GREAT AMOUNT OF DETAIL WITH HOW WE DO THE APPROPRIATION AND THE SUPPORT FOR SPECIAL EDUCATION WITH SCHOOL DISTRICTS, WHEN THAT AMOUNT IS NOT INCREASED ENOUGH THEN THE REIMBURSEMENT THAT SCHOOL DISTRICTS HAVE TO OPERATE WITH GOES DOWN. A NUMBER OF YEARS AGO, PROBABLY IN THE MID TO LATE '90s, THE REIMBURSEMENT RATE FOR SCHOOL DISTRICTS FOR SPECIAL EDUCATION WAS OVER 90 PERCENT. THAT HAS FALLEN TO IN THE MID 50s (PERCENT). WE WERE OPERATING, SLOWLY GOING UP TO ABOUT A, I THINK, ABOUT A 57 PERCENT REIMBURSEMENT RATE IN 2013-14. THE ESTIMATE RIGHT NOW IS 56 PERCENT. AND WITH THIS APPROPRIATION OF 2.5 PERCENT INCREASE EACH YEAR, WE'D BE SLIDING BACK DOWN TO JUST BARELY OVER 50 PERCENT REIMBURSEMENT FOR SCHOOL DISTRICTS. THAT'S WHY I THOUGHT IT WAS IMPORTANT TO BRING THIS TO OUR ATTENTION, BECAUSE WE KNOW, AS I INDICATED, THAT SPECIAL EDUCATION CHALLENGES, SPECIAL EDUCATION FUNDING IS SOMETHING THAT EVERY SCHOOL DISTRICT HAS TO DEAL WITH. AND FOR WHATEVER REASON, I HEAR CONTINUALLY THERE ARE MORE AND MORE CHILDREN BEING IDENTIFIED FOR SPECIAL EDUCATION. WHY IS THAT? WELL, IT COULD BE THERE'S GREATER AWARENESS OF ALL THE THINGS THAT QUALIFY FOR SPECIAL EDUCATION, MORE SPECIFIC IDENTIFICATION OF THESE STUDENTS, AND CERTAINLY THE INCREASING COST FOR ADDRESSING THE NEEDS OF THESE STUDENTS, BUT IT IS OUR RESPONSIBILITY. AND SO THAT BRINGS ME TO WHY I MADE THE DECISION THAT I DID. HERE WE ARE FUNDING A PROGRAM THAT, YES, IT'S BEEN IN STATUTE, BUT I WILL ALSO SAY, THE EDUCATION COMMITTEE DID NOT HAVE AN OPPORTUNITY TO REVIEW THAT PROGRAM. THIS IS SOMETHING THAT WENT RIGHT TO THE APPROPRIATIONS COMMITTEE'S DECISION MAKING. IT'S NOT BEEN A PROGRAM EVER FUNDED. I DON'T KNOW WHY IT WAS IDENTIFIED AS A PRIORITY. AND I'M TELLING YOU THAT SPECIAL EDUCATION AND THE NEEDS THAT GO ALONG WITH IT IS A PRIORITY FOR OUR STATE AND FOR ALL SCHOOL DISTRICTS. SO, THEREIN LIES MY DILEMMA. BUT I THOUGHT, TOO, IN MY DUE DILIGENCE AS CHAIR OF THE EDUCATION COMMITTEE, THAT IT WAS IMPORTANT FOR ME TO BRING THIS TO YOUR ATTENTION AND TO MAKE THIS OFFER. AND I GUESS RIGHT NOW I WILL CLOSE WITH THAT AND JUST SIMPLY SEE IF THERE IS ANYONE ELSE THAT WOULD LIKE TO MAKE SOME COMMENTS ON IT AND THEN WE'LL GO FORWARD. THANK YOU, MR. PRESIDENT. [LB657]

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SENATOR COASH: THANK YOU, SENATOR SULLIVAN. MEMBERS, YOU'VE HEARD THE OPENING TO AM1566. THOSE WISHING TO SPEAK: SENATORS MELLO, BOLZ, BAKER, KOLOWSKI, AND OTHERS. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB657]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT, AND I APPRECIATE THE OPPORTUNITY TO DISCUSS THE MASTER TEACHER PROGRAM, AS WELL AS SPECIAL EDUCATION NEEDS. AND I AGREE WITH SENATOR SULLIVAN, THESE ARE VERY IMPORTANT TOPICS AND PRIORITIES FOR OUR VISION FOR EDUCATION AND OUR PRIORITIES IN THE BUDGET. EDUCATION QUALITY, ESPECIALLY FOR STUDENTS WITH CHALLENGES SUCH AS DEVELOPMENTAL DISABILITIES OR LEARNING DISABILITIES, ARE AN IMPORTANT PART OF THIS DISCUSSION AS WELL. I WANT TO TELL THE BODY JUST A LITTLE BIT ABOUT THE MASTER TEACHER PROGRAM. SENATOR SULLIVAN IS RIGHT. THE BILL WAS PUT INTO STATUTE IN THE YEAR 2000 AND IT ALSO WAS CREATED...IT CREATED A TASK FORCE WHICH UNANIMOUSLY SUPPORTED THE MASTER TEACHER PROGRAM. THE BILL CAME TO ME AFTER DISCUSSIONS IN THE EDUCATION COMMUNITY. THIS WASN'T A BILL THAT SENATOR BOLZ CAME UP WITH. THIS WAS A BILL THAT FOLKS IN THE EDUCATION FIELD THOUGHT IT WAS TIME TO REVISIT AND TIME TO FUND. IT IS AN INITIATIVE THAT ADDRESSES QUALITY, EXCELLENCE, AND STUDENT ACHIEVEMENT. IT WORKS THIS WAY. A TEACHER CHOOSES AN AREA OF CERTIFICATION. THAT TEACHER WORKS WITH THE NATIONAL BOARD TO MEET THEIR NATIONAL STANDARDS AND GOES THROUGH A SERIES OF PROCESSES TO PROVE THEIR EXPERTISE IN THAT PARTICULAR FIELD TO PRODUCE A PORTFOLIO THAT ILLUSTRATES THEIR EXCELLENCE. THE TEACHER MUST EXHIBIT THESE PROFICIENCIES IN THEIR SUBJECT AREAS AND IT IS A CHALLENGING PROCESS. IT'S CONSIDERED A GOLD STANDARD FOR A LOT OF PEOPLE IN EDUCATION. BUT MORE THAN THAT, THE IDEA OF PROMOTING EXCELLENCE IN TEACHING IS IMPORTANT. THE JOURNAL OF EDUCATION POLICY ANALYSIS REPORTS THAT QUANTITATIVE ANALYSIS INDICATE THAT THE MEASURE OF TEACHER PREPAREDNESS AND CERTIFICATION ARE BY FAR THE STRONGEST CORRELATES WITH STUDENT ACHIEVEMENT. FURTHER, IT'S BEEN EVALUATED, STUDIED, AND PROVEN BY THE AMERICAN EDUCATION FINANCE ASSOCIATION THAT TEACHER QUALITY AND NATIONAL BOARD CERTIFICATION MOVED THE DIAL FOR STUDENT ACHIEVEMENT. AND LET ME TELL YOU, AS AN APPROPRIATIONS COMMITTEE MEMBER, PERFORMANCE, ACHIEVEMENT, AND OUTCOMES WERE AMONG THE PRIORITIES WE HEARD ABOUT IN THIS AGENCY HEARING. ONE OF THE MOST CONSISTENT THEMES WAS OUTCOMES AND EFFECTIVENESS. AND WE DID OTHER THINGS TO TRY TO RESPOND TO THIS NEED, INCLUDING PUTTING IN A TEACHER-PRINCIPAL EFFECTIVENESS ADMINISTRATOR, INCREASING FUNDING FOR A STATE ASSESSMENT SYSTEM, AS

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WELL AS FUNDING THE MASTER TEACHER PROGRAM. AND I WOULD ADD THAT THIS IDEA, THIS CONCEPT ECHOES WHAT I READ ABOUT IN THE EDUCATION COMMITTEE'S VISIONING REPORT, A REPORT THAT INCLUDED AMONG THEIR PRINCIPLES HIGH EXPECTATIONS FOR TEACHERS AND STUDENTS AND COMMUNITIES. AND I THINK THIS IS A WONDERFUL OPPORTUNITY TO RAISE EXPECTATIONS AND ENSURE THAT WE'RE CREATING QUALITY. MOREOVER, I THINK THAT WE CAN USE THIS PROGRAM TO INCREASE QUALITY SPECIFICALLY FOR STUDENTS WHO NEED SPECIAL EDUCATION. SOME OF THE CERTIFICATIONS THAT ONE CAN GET THROUGH THE NATIONAL... THROUGH THE MASTER TEACHER PROGRAM ARE CERTIFICATIONS IN COUNSELING, SPECIAL EDUCATION, AND ENGLISH AS A SECOND LANGUAGE. SO, THIS IS ANOTHER WAY TO MOVE THE DIAL IN TERMS OF SERVING OUR SPECIAL EDUCATION POPULATION BECAUSE WE CAN BUILD EXPERTISE FOR SERVING SOME OF THE MOST CHALLENGING STUDENTS IN OUR SCHOOL SYSTEMS. I SHARE SENATOR SULLIVAN'S CONCERN ABOUT ADEQUATELY FUNDING SPECIAL EDUCATION, BUT I STAND AGAINST THIS AMENDMENT BECAUSE I DON'T THINK IT'S AN EITHER/OR CONVERSATION. I THINK IT'S A BOTH/AND CONVERSATION. WE BOTH NEED MORE RESOURCES FOR EDUCATION, SPECIAL EDUCATION, AND WE NEED TO ENSURE QUALITY. THE ADDITION OF THE DOLLARS WE'RE DISCUSSING... [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR BOLZ: ...WILL MOVE US FROM A 2.5 PERCENT INCREASE TO A 2.73 PERCENT INCREASE. AND I WOULD ARGUE THAT THE MASTER TEACHER PROGRAM IS MORE VALUABLE IN TERMS OF IMPROVING OUR QUALITY AND IMPROVING OUR ABILITY TO HAVE TEACHERS THAT CAN RESPOND TO THESE NEEDS. I'M COMMITTED TO WORKING WITH THE EDUCATION COMMITTEE TO CONTINUING THESE DISCUSSIONS. IN FACT, I BROUGHT A BILL TO THE EDUCATION COMMITTEE THIS YEAR THAT WOULD INCREASE SOME FLEXIBILITY FOR BEHAVIORAL AND MENTAL HEALTH NEEDS, WHICH IS A PART OF THIS PICTURE. I DON'T THINK, COLLEAGUES, THAT QUESTIONING OURSELVES ABOUT THE MASTER TEACHER PROGRAM IS THE RIGHT SOLUTION. I THINK THERE ARE BIGGER, BETTER, STRONGER, SMARTER SOLUTIONS OUT THERE. AND I JUST ENCOURAGE YOU TO INCLUDE QUALITY IN YOUR ANALYSIS OF HOW WE SHOULD PRIORITIZE OUR EDUCATION FUNDS. THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR BOLZ. SENATOR MELLO, YOU'RE RECOGNIZED. [LB657]

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SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I HAVE TO RESPECTFULLY RISE IN OPPOSITION TO SENATOR SULLIVAN'S AMENDMENT, AM1567, NOT BECAUSE MYSELF OR THE OTHER MEMBERS OF THE APPROPRIATIONS COMMITTEE DON'T BELIEVE IN WANTING TO APPROPRIATE MORE FUNDING FOR SPECIAL EDUCATION, BUT AS SENATOR BOLZ JUST LAID OUT WHAT I BELIEVE IS AN EXTREMELY CONVINCING ARGUMENT OF WHAT WE'VE HEARD ON THIS FLOOR OVER THE LAST FEW YEARS IN RESPECTS TO THE QUALITY AND EXPECTATIONS OF EDUCATORS IN REGARDS TO BEING THE BEST THAT THEY CAN BE IN THE CLASSROOM, AND WHAT WE HAVE IN FRONT OF US WITH THE MASTER TEACHING PROGRAM. THE PROGRAM WAS CREATED IN 2000 BASED ON LB1399. IT'S IN OUR EXISTING STATUTES. YOU CAN LOOK AT IT AND REVIEW IT, BUT ESSENTIALLY THIS PROGRAM WAS CREATED BASED OFF OF A LEGISLATIVE STUDY THAT WAS STATUTORILY CREATED THAT LOOKED TO TRY TO ADDRESS THE INEQUITIES IN TEACHER SALARIES ACROSS THE STATE, AND HOW NEBRASKA WAS ONE OF THE WORST RANKING STATES IN THE COUNTRY IN RESPECTS TO TEACHER SALARIES. WHAT THE LEGISLATURE DECIDED TO DO IN 2000 WAS CREATE THE MASTER TEACHING PROGRAM BASED ON AN EDUCATION COMMITTEE RECOMMENDATION TO PROVIDE A VENUE TO INCENTIVIZE EDUCATORS TO BECOME CERTIFIED BY THE NATIONAL BOARD. AND THE RESEARCH SHOWS THAT CERTIFICATIONS OR NATIONAL BOARD CERTIFICATION SHOWS A SIGNIFICANT INCREASE IN TEST SCORES IN EDUCATIONAL OUTCOMES BY THOSE EDUCATORS WITH THIS CERTIFICATION. UNFORTUNATELY, WHEN THE PROGRAM WAS CREATED, THE STATE WAS STARTING TO GO THROUGH WHAT WE KNOW WAS ABOUT A THREE-YEAR ECONOMIC DOWNTURN. WE'VE NOT ONLY BEEN UNABLE TO FUND THIS PROGRAM AFTER THEY CREATED IT, BUT ARGUABLY, THEY HAD TO MAKE MULTIPLE CUTS TO EDUCATION IN THE YEARS 2001, 2002, AND 2003. I WAS MADE AWARE OF THIS PROGRAM LAST SUMMER. AFTER WE AS A LEGISLATURE HAD CONSIDERABLE AMOUNT OF DEBATE OVER THE LAST TWO YEARS ON EDUCATION REFORM AND I HAD TEACHERS IN MY SCHOOL DISTRICT RAISE THIS ISSUE TO ME OF, WHY ISN'T THE LEGISLATURE APPROPRIATING MONEY TO INCENTIVIZE TEACHERS TO BECOME NATIONALLY BOARD CERTIFIED? BECAUSE THE CURRENT EXCELLENCE IN TEACHING FUND THAT IS CURRENTLY BEING FUNDED OUT OF THE LOTTERY DOLLARS, YOU CANNOT QUALIFY TO BECOME A NATIONALLY BOARD CERTIFICATION THROUGH THAT LOTTERY-FUNDED PROGRAM. THESE ARE TEACHERS ESSENTIALLY PAYING OUT OF THEIR POCKETS TO RECEIVE THIS NATIONAL ACCREDITATION TO BECOME EXPERTS IN THEIR CURRICULUM AREA. AND SO SENATOR BOLZ, WHEN SHE BROUGHT THIS BILL TO THE APPROPRIATIONS COMMITTEE...AND JUST AS A SIDE NOTE. THE REASON IT CAME TO THE APPROPRIATIONS COMMITTEE WAS THIS IS NOT A NEW PROGRAM. WHILE IT MAY NOT HAVE BEEN FUNDED FOR A

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VARIETY OF REASONS THAT MAY OR MAY NOT BE BECAUSE MOST LEGISLATORS IN THIS BODY, BESIDES SENATOR CHAMBERS, WERE NOT IN THIS BODY WHEN THE BILL WAS CREATED. THE BILL WAS REFERENCED TO THE APPROPRIATIONS COMMITTEE BECAUSE IT WAS SIMPLY AN APPROPRIATIONS BILL. WE GET HEALTHCARE BILLS ALL THE TIME REFERENCED TO US THAT INVOLVE HEALTHCARE POLICY BECAUSE WHAT WE'RE DOING IS APPROPRIATING MONEY TO EXISTING PROGRAMS OR EXISTING INITIATIVES. THIS IS AN EXISTING EDUCATION INITIATIVE THAT, GOOD OR BAD, HAS NOT RECEIVED FUNDING. AND I WOULD REMIND THE BODY, WE HAVE TALKED A LITTLE BIT ABOUT THIS OVER THE LAST FEW YEARS ABOUT WANTING TO FUND NEW PILOT INITIATIVES REGARDING EDUCATION POLICIES, AND THIS IS ONE THAT'S CURRENTLY ALREADY IN STATUTE. IT JUST HASN'T RECEIVED THE FUNDING AND THAT'S SOMETHING THAT I CAN'T SPECIFICALLY SPEAK TO BECAUSE IT WAS DONE WELL IN ADVANCE OF ME COMING IN THE LEGISLATURE. BUT I DON'T...I WANT TO REMIND EVERYONE, I DO THIS RESPECTFULLY BECAUSE I KNOW SENATOR SULLIVAN, AS THE EDUCATION COMMITTEE CHAIR, KEEPS A MINDFUL EYE IN REGARDS TO WHAT APPROPRIATIONS COME OUT OF THE BUDGET THAT AFFECT EDUCATION. AND WE WORKED ON A BILL LAST YEAR THAT GAVE THE COMMITTEE MORE FLEXIBILITY AND THE LEGISLATURE MORE FLEXIBILITY TO APPROPRIATE MORE MONEY... [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR MELLO: ...IN CERTAIN TIMES WHEN NEEDED TO THE SPECIAL EDUCATION AID PORTION OF OUR K-12 FUNDING FORMULA. I THINK WHAT THE COMMITTEE DID WAS RESPONSIBLE. IT WAS 2.5 PERCENT INCREASE, WHICH IS SLIGHTLY MORE THAN OUR AVERAGE INCREASE IN SPECIAL EDUCATION AID, AND WHAT WE DID WITH SENATOR BOLZ'S LB185 WAS THAT WE MADE A SMALL PILOT APPROPRIATION TO SEE IF WHAT THE RESEARCH SHOWS US ACROSS THE COUNTRY CAN HAVE EVEN A BIGGER IMPACT IN NEBRASKA AND START TO ADDRESS THE ACADEMIC ACHIEVEMENT GAPS THAT WE KNOW EXIST IN SCHOOL DISTRICTS ACROSS OUR STATE BY ENCOURAGING AND INCENTIVIZING TEACHERS TO RECEIVE THIS NATIONAL BOARD CERTIFICATION. GOOD PEOPLE CAN DISAGREE ON THIS POLICY. GOOD PEOPLE CAN DISAGREE ON THIS AMENDMENT. BUT I THINK WHAT THE APPROPRIATIONS COMMITTEE DID WAS TRY TO BALANCE BOTH. AND I THINK, WITH THAT, I'D URGE THE BODY TO VOTE AGAINST AM1567. THANK YOU, MR. PRESIDENT. [LB657 LB185]

SENATOR COASH: THANK YOU, SENATOR MELLO. SENATOR BAKER, YOU'RE RECOGNIZED. [LB657]

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SENATOR BAKER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I'VE HAD SOME EXPERIENCE WITH THE MASTER TEACHER PROGRAMS. I THINK MAYBE WE HAD THE FIRST ONE IN THE STATE OR, IF NOT THE FIRST, ONE OF THE VERY FIRST IN THE PROGRAM. HAPPENED TO BE INDUSTRIAL TECHNOLOGY TEACHER. SO, I OBSERVED AS THAT TEACHER WORKED THROUGH THE PROCESS OF RECEIVING THAT NATIONAL CERTIFICATION. I SAT ON THE MANAGEMENT SIDE OF THE NEGOTIATIONS TABLE. I BROUGHT UP THE IDEA OF PROVIDING A STIPEND FOR ANY TEACHER WHO RECEIVED THAT NATIONAL CERTIFICATION AND THE TEACHER ASSOCIATION AGREED WITH IT, SO WE DID. AND OFF THE TOP OF MY HEAD, I CAN'T TELL YOU HOW MUCH IT WAS, BUT IT WAS A THOUSAND DOLLARS PER YEAR OR MORE, AND I THINK THOSE NATIONAL CERTIFICATIONS LAST FOR TEN YEARS, THEN THEY HAVE TO BE RENEWED. I DON'T KNOW WHAT OTHER DISTRICTS DID. I SUSPECT WE WEREN'T THE ONLY ONE TO SAY, HEY, WE'RE GOING TO VALUE THE NATIONAL CERTIFICATION AND WE'RE GOING TO PAY EXTRA FOR IT. I CAN SUPPORT THE AMENDMENT BECAUSE THE SPECIAL ED FUNDING IS SOMETHING THAT IT'S ALWAYS NEEDED. AS SENATOR SULLIVAN SAID, THAT'S SOMETHING THAT EVERY SCHOOL DISTRICT IN THE STATE DEALS WITH. IT'S HEAVILY REGULATED. YOU KNOW, YOU CANNOT REALLY ESCAPE THE MANDATES AND THE REQUIREMENTS PROVIDING SPECIAL EDUCATION PROGRAMS. I WAS DILIGENT IN MY DISTRICTS TO MAKE SURE THAT SPECIAL ED WASN'T JUST A DUMPING GROUNDS FOR STUDENTS WE HAD FAILED TO GET THE JOB DONE AND TEACH THEM HOW TO READ AND OTHER BASIC SKILLS. SO, WE KEPT OUR SPECIAL ED PROGRAM AS LEAN AS POSSIBLE. BUT EVEN SO, SPECIAL ED HAS NEVER BEEN FULLY FUNDED. YOU KNOW, MY FIRST YEAR AS A SUPERINTENDENT WAS 1974. THAT WAS THE YEAR THAT THE PUBLIC LAW 94-142 WAS ENACTED; THE FIRST YEAR THAT SCHOOL DISTRICTS IN THIS COUNTRY WERE REQUIRED TO PROVIDE SERVICES SPECIFICALLY FOR SPECIAL ED STUDENTS. SO I LIVED WITH THAT THROUGHOUT MY WHOLE CAREER. I SUPPORT IT. WE DO GOOD THINGS. IN THIS CASE, I BELIEVE ALL THINGS CONSIDERED, THE \$500,000 WOULD PROBABLY BE BETTER USED GOING TOWARDS SPECIAL ED. THANK YOU. [LB657]

SENATOR COASH: THANK YOU, SENATOR BAKER. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB657]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. THANK YOU FOR THE COMMENTS FROM EVERYONE WHO SPOKE BEFORE ME. I APPRECIATE WHERE THEY'RE COMING FROM AND I'M STANDING IN SUPPORT OF THIS AMENDMENT. I THINK SENATOR SULLIVAN IS RIGHT ON TARGET AS PER THE COMMENTS WE JUST HEARD FROM SENATOR BAKER, YET I'M ALSO VERY MUCH IN FAVOR OF THE

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PROGRAM. FROM 2000 TO THIS PARTICULAR DATE, WE'VE LET 15 YEARS GO BY AND HAVE NOT PUT MONEY IN THIS PROGRAM. I WAS IN THE MIDDLE OF MY 15 YEARS AS THE PRINCIPAL OF MILLARD WEST HIGH SCHOOL WHEN THIS WAS PASSED. AND WE HAVE FAILED TO BACK IT WITH THE MONEY IN SUPPORT OF THE TEACHERS OF NEBRASKA, BECAUSE WHAT YOU HEARD ABOUT NATIONAL BOARD CERTIFICATION TEACHERS IS VERY TRUE. THE RESEARCH IS INDISPUTABLE AS FAR AS THE IMPACT OF A HIGHLY SKILLED CREDENTIALING PROGRAM SUCH AS THIS. I'M VERY FAMILIAR WITH THE NATIONAL BOARD CERTIFIED TEACHERS PROGRAM. I SERVE ON A BOARD OF GOVERNORS OF AN EDUCATIONAL FOUNDATION WITH THE EXECUTIVE DIRECTOR OF THAT ORGANIZATION, DR. RON THORPE. SO I'M VERY FAMILIAR WITH WHAT THEY DO, HOW THEY DO IT, AND THE TEACHERS WE'VE HAD, AN EXAMPLE...FOR EXAMPLE, IN THE MILLARD PUBLIC SCHOOLS OVER THE YEAR, WHICH YOU SEE ON A SHEET THAT HAS BEEN INCLUDED ON THIS MASTER TEACHER PROGRAM ACT. SO I SUPPORT WHERE SENATOR SULLIVAN IS COMING FROM FOR THE SAME REASONS SENATOR BAKER HAD MENTIONED AS FAR AS OUR NEED FOR MONEY IN SPECIAL EDUCATION, BUT WE ALSO NEED THE MONEY IN POVERTY. WE NEED THE MONEY IN ENGLISH LANGUAGE LEARNERS. WE HAVE A LOT OF NEEDS AND WE HAVE A LOT OF OPPORTUNITIES IN OUR NEAR FUTURE TO DISCUSS THE POSSIBILITIES OF THE FUNDING THAT WE'LL NEED TO SECURE IN ORDER TO PUT TOGETHER A NEW AND NEWLY DEFINED AND EXPANDED EDUCATIONAL SYSTEM AS WE'RE REEXAMINING WHAT WE'RE ALL ABOUT IN NEBRASKA AND WHERE WE MIGHT BE GOING. SO AGAIN, I STAND IN SUPPORT OF THIS AMENDMENT FOR THE DIRECTION OF MONEY GOING INTO SPECIAL EDUCATION, BUT I ALSO STAND IN SUPPORT OF A FULLY QUALIFIED AND SUPPORTED FINANCIALLY MASTER TEACHER PROGRAM ACT IN OUR FUTURE THAT WE COULD PUT TOGETHER AND MAKE PROUD FOR THE STATE OF NEBRASKA. WE'RE NOT ABOUT JUST BEING AVERAGE. WE'RE NOT JUST ABOUT BEING JUST GOOD ENOUGH. WE'RE BETTER THAN THAT. AND WE NEED TO DO THE THINGS THAT WE NEED TO DO IN OUR CLASSROOMS WITH OUR TEACHERS IN PREPARATION FOR THE EDUCATION OF THEIR FUTURE. THANK YOU VERY MUCH. [LB657]

SENATOR COASH: THANK YOU, SENATOR KOLOWSKI. SENATOR GROENE, YOU'RE RECOGNIZED. [LB657]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I STAND IN SUPPORT OF AM1567. I'M GOING TO TAKE SENATOR MELLO'S WORD FOR IT THAT THIS PROGRAM, MASTER TEACHER, STARTED IN 2000, AND SENATOR KOLOWSKI AGREED TO THAT. I LOOKED AT TEEOSA SPENDING ON 47. IN 2000 WE WERE SPENDING \$549 MILLION ON TEEOSA. I WOULD SAY STUDENT POPULATION HAS MAYBE GONE UP

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10 PERCENT BECAUSE I KNOW OVER THE LAST TEN YEARS IT WENT UP 6 (PERCENT). INTO THIS BUDGET WE'LL BE AT \$956 MILLION. WE'LL BE OVER A BILLION THE NEXT BIENNIUM BUDGET. THAT'S A 75 PERCENT INCREASE. THIS ISN'T 2000 ANYMORE. AS SENATOR MELLO SAID, BACK THEN WE TEACHERS WERE PAID LESS THAN THE FAMILY INCOME...AVERAGE FAMILY INCOME ACROSS THE UNITED STATES. THAT'S NOT SO ANYMORE. YOU LOOK AT YOUR LOCAL SCHOOL DISTRICT. THE TOP END IS PROBABLY AROUND \$70,000, \$80,000 OF THE PAY SCALE. MEDIAN IS IN THE MID-FIFTIES, PROBABLY AROUND \$50,000. THEY'RE PAID WELL COMPARED TO PEOPLE ACROSS THE UNITED STATES AND STATE OF NEBRASKA. I MEAN, ONE FAMILY, ONE SALARY IS MORE THAN THE AVERAGE FAMILY INCOME. NOT SAYING THAT'S GOOD OR BAD. I'M JUST SAYING THIS ISN'T THE YEAR 2000 ANYMORE. I'VE ALWAYS WONDERED, YOU KNOW, WHEN I HEAR THINGS LIKE HIGH SCHOOL...COLLEGE GRADUATES MAKE MORE MONEY THAN HIGH SCHOOL GRADUATES. MASTER TEACHERS ARE BETTER THAN THE NORM. I ALWAYS WONDERED WHAT CAME FIRST. WAS THE PERSON'S WORK ETHIC, THEIR ABILITY TO FINISH WHAT THEY START INGRAINED IN THEM THAT THEY FINISH COLLEGE THAT THEY MAKE MORE MONEY, OR IS IT BECAUSE THEY GOT THE COLLEGE DEGREE? IT'S THE SAME WITH THE MASTER'S TEACHER. THAT TEACHER THAT'S GOT THAT PIECE OF PAPER IS A GREAT TEACHER IN THE FIRST PLACE. THEY LOVE WHAT THEY DO. THEY HAVE A WORK ETHIC. DOES THAT PIECE OF PAPER MAKE THEM BETTER? PROBABLY NOT. THEY'RE PROBABLY AT THE TOP OF THE PAY SCALE ALREADY BECAUSE THEY'RE DRIVEN PEOPLE, PROBABLY MAKING THAT \$75,000 TO \$80,000. HERE'S ANOTHER SYMBOLIC LAW THAT WE PASSED. THAT REMINDS ME, THIS GIVES ME A REMINDER WHY I'M NEVER GOING TO VOTE. I SAY NEVER, BUT I'M GOING TO PROBABLY SWALLOW MY WORDS ON A BILLS HERE SOMEDAY. BUT WHEN SOMEBODY COMES TO YOU AND SAY THERE'S NO FUNDING, THERE'S NO A BILL, I JUST WANT TO GET THIS PROGRAM STARTED. WHY DO YOU WANT TO GET THAT PROGRAM STARTED? BECAUSE YOU'RE OUT OF THE COMMITTEE PROCESS. NOW ALL YOU HAVE TO DO IN THE FUTURE IS GO DIRECTLY TO APPROPRIATIONS COMMITTEE. MAYBE WE OUGHT TO LOOK IN EDUCATION COMMITTEE TO REMOVE THIS PROGRAM BECAUSE WE GOT ALONG JUST FINE WITHOUT IT FOR 15 YEARS. AND I AGREE WITH SENATOR SULLIVAN. I DON'T KNOW EXACTLY IN A LOCAL SCHOOL DISTRICT WHERE ALL THE FUNDINGS COME, BUT I KNOW I HEARD A SUPERINTENDENT THE OTHER DAY SAY THEY HAD TO HIRE TWO NEW TEACHERS IN SPECIAL ED AND EACH OF THEM HANDLED ONE STUDENT. NOW, IS THAT RIGHT? THE RULES ARE THERE. THEY HAVE TO FOLLOW THEM. THAT'S WHERE THE LOCAL BUDGETS NEED MORE MONEY IS SPECIAL ED BECAUSE THEY'RE FORCED TO DO THESE THINGS, PROBABLY FOR THE BETTER. I DON'T KNOW, BUT THAT'S WHERE THEY NEED FUNDING. THE MASTER TEACHER WILL GET ALONG

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JUST FINE. WE DIDN'T ASK...THE EDUCATION COMMITTEE DIDN'T ASK FOR THIS TO BE FUNDED THIS YEAR, SO I'M NOT SURE WHERE THE REQUEST CAME FROM. IF I'VE GOT A LITTLE TIME SINCE WE'RE ON LB657, LAST...ON GENERAL FILE I BROUGHT UP THE ISSUE OF CLAYTON YEUTTER, CHAIR AT THE AG DEPARTMENT OF...COLLEGE OF AGRICULTURE. TALKED TO SENATOR KUEHN AND SENATOR MELLO, CALLED THE UNIVERSITY BECAUSE I HAD SOME QUESTIONS. DID MR. YEUTTER ACTUALLY DEMAND THAT HIS...OR REQUEST THAT HIS DONATION BE MATCHED BY THE...I SHOULDN'T SAY UNIVERSITY, THE UNIVERSITY DON'T MATCH ANYTHING, THE TAXPAYER DOES, BY THE TAXPAYER? [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR GROENE: AND I HAD A CONVERSATION WITH MR. YEUTTER BECAUSE I COULDN'T GET A STRAIGHT ANSWER FROM THE ADMINISTRATION AT THE UNIVERSITY. CLAYTON YEUTTER CALLED ME UP AFTER WE HAD REQUESTED. GREAT MAN, FOLKS. SHOULD BE PROUD THAT THAT MAN IS A NATIVE NEBRASKAN. HE'S REALLY ADAMANT ABOUT THIS PROGRAM, REALLY BELIEVES IT WILL DO GOOD. AND HE ISN'T...HAS ILLNESSES AND HE HIMSELF, HE TOLD ME, IS GOING TO GO OUT AND TRY TO FUND-RAISE FROM SOME OF THE LARGE CORPORATIONS INVOLVED IN TRADE, THE CARGILLS, AND THE PEAVEYS AND THE BIG GRAIN COMPANIES. SO, I STAND IN SUPPORT OF THE \$2.5 MILLION. DON'T LIKE IT. I WISH WE JUST FUNDED IT, BECAUSE YOU KNOW HOW THESE CHAIRS WORK. WE PUT A WHOLE BUNCH OF MONEY THERE AND IT JUST SITS THERE AND GETS MOLDY AND THEN WE COLLECT...AND IT OPERATES OFF THE INTEREST. BUT I GUESS THAT'S, IN ACADEMIA, THAT'S HOW THINGS WORK. I WISH THE REST OF US COULD WORK OFF MONEY LIKE THAT. BUT ANYWAY, THANK YOU. [LB657]

SENATOR COASH: TIME, SENATOR. THANK YOU, SENATOR GROENE. SENATOR KRIST FOR AN ANNOUNCEMENT. [LB657]

SENATOR KRIST: THANK YOU, MR. PRESIDENT, COLLEAGUES, AND AGAIN, GOOD AFTERNOON, NEBRASKA. I'M SURE YOU'LL FORGET THIS, BUT I HOPE YOUR STAFFS ARE LISTENING BECAUSE THEY'LL TAKE CARE OF YOU. THE REMINDER IS THE DEADLINE IS NEXT THURSDAY, MAY 14, PRIOR TO ADJOURNMENT FOR OUR STUDY RESOLUTIONS, SO IF YOU WANT SOMETHING IN. AND THE CLERK HAS SUGGESTED THAT IT NOT BE RIGHT AT CLOSE OF BUSINESS. THEY'D LIKE TO HAVE IT AS EARLY AS POSSIBLE DURING THE DAY. STANDING COMMITTEES MAY INTRODUCE ONE ADDITIONAL STUDY RESOLUTION PRIOR TO ADJOURNMENT

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SINE DIE. THAT WOULD BE THE LAST DAY BEFORE THEY KICK US ALL OUT OF HERE. STUDY RESOLUTIONS ARE REFERRED TO COMMITTEE WITH SUBJECT MATTER JURISDICTIONS. EVEN IF YOUR RESOLUTION STATES ANOTHER COMMITTEE IS REQUESTED, IT WILL GO TO THE JURISDICTION...THE COMMITTEE OF JURISDICTION. AND WE TRY TO STAY AWAY, I'M ASKING YOU TO STAY AWAY, I'M BEGGING YOU TO STAY AWAY FROM TRYING TO PUT IT IN...REFER IT TO TWO DIFFERENT COMMITTEES. GIVE US A RESOLUTION THAT GOES TO ONE COMMITTEE SO THAT WE DON'T HAVE TO JUMP THROUGH HOOPS. AGAIN, DEADLINE, NEXT THURSDAY, MAY 14, PRIOR TO ADJOURNMENT AS EARLY AS YOU CAN ON THE 14th WOULD BE APPRECIATED, WITH THE STANDING COMMITTEES INTRODUCING ONE ADDITIONAL STUDY RESOLUTION PRIOR TO SINE DIE. THANKS FOR YOUR ATTENTION.

SENATOR COASH: THANKS, SENATOR KRIST. RETURNING TO DISCUSSION ON AM1567, THOSE WISHING TO SPEAK: SENATORS KOLTERMAN, KEN HAAR, SCHEER, MELLO, AND OTHERS. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB657]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I WAS WONDERING IF SENATOR SULLIVAN WOULD YIELD TO A COUPLE OF QUESTIONS. [LB657]

SENATOR COASH: SENATOR SULLIVAN, WILL YOU YIELD? [LB657]

SENATOR SULLIVAN: YES, I WILL. [LB657]

SENATOR KOLTERMAN: THANK YOU, SENATOR. IT'S BEEN A WHILE SINCE I SERVED ON OUR LOCAL BOARD OF EDUCATION. I DID SERVE TWO TERMS THERE. AND AS WE WERE TALKING ABOUT OR LOOKING AT FUNDING OF SPECIAL EDUCATION, THERE WERE TWO PARTS TO THAT. SOME OF IT CAME FROM THE FEDERAL GOVERNMENT. I'M SURE IT CAME THROUGH THE UNIVERSITY...OR THROUGH THE UNICAMERAL. AND THEN THE OTHER PART CAME FROM GENERAL FUNDS OR HOW IT WAS APPROPRIATED THROUGH TEEOSA AND GENERAL FUNDS, PROPERTY TAXES. CAN YOU TELL ME, HAS THE FUNDING FROM THE FEDERAL GOVERNMENT FOR SPECIAL EDUCATION CHANGED CONSIDERABLY OVER THE LAST FOUR, FIVE YEARS? [LB657]

SENATOR SULLIVAN: OH, ABSOLUTELY. AND THAT'S PART OF THE PROBLEM WHY WE'VE HAD TO RAMP IT UP AT THE STATE LEVEL BECAUSE THERE HAS BEEN A SIGNIFICANT DECREASE IN THE SUPPORT THAT'S COME FROM THE FEDERAL

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GOVERNMENT FOR SPECIAL EDUCATION. AND THE REALITY IS THE NEEDS HAVE NOT GONE AWAY. [LB657]

SENATOR KOLTERMAN: DO YOU KNOW WHAT PERCENTAGE WE GET FROM THE FEDERAL GOVERNMENT AT THIS STAGE? [LB657]

SENATOR SULLIVAN: I DON'T KNOW THAT OFF THE TOP OF MY HEAD, BUT MY LEGAL COUNSEL IS RIGHT HERE, SO WE'LL GET THAT INFORMATION FOR YOU. [LB657]

SENATOR KOLTERMAN: ALL RIGHT, THANK YOU. [LB657]

SENATOR SULLIVAN: YES. [LB657]

SENATOR KOLTERMAN: AND I APPRECIATE THAT. THAT'S REALLY THE ONLY QUESTION I HAVE. BUT THAT BRINGS ME TO WHAT I WANT TO SAY NEXT. I'M STRUGGLING WITH THIS BECAUSE I SEE THE NEED FOR MASTER TEACHERS. I'VE ALWAYS BEEN A PROPONENT OF HAVING GOOD, QUALITY TEACHERS. AND WE DO HAVE THOSE, EVEN THOUGH THEY'RE MAYBE NOT MASTER TEACHERS. BUT AT THE SAME TIME, I WANT PEOPLE TO REMEMBER WHAT YOU'RE GOING TO HEAR HERE. WHEN THE FEDERAL GOVERNMENT PROMISES TO SEND US MONEY, IT DOESN'T MATTER WHETHER IT'S FOR SPECIAL EDUCATION, IT DOESN'T MATTER WHETHER IT'S FOR HEALTH AND HUMAN SERVICES, IT DOESN'T MATTER WHAT IT'S FOR, IT'S NOT RELIABLE. IT'S OUR MONEY COMING BACK TO US, BUT IT'S GETTING LESS AND LESS ON AN ANNUAL BASIS. AND SO AS WE TALK ABOUT THIS AND WE HAVE TO FUND MORE OF THIS FROM OUR OWN GENERAL FUNDS OR TEEOSA OR WHEREVER IT COMES FROM, JUST REMEMBER THERE'S NOT...THERE'S NOT A POT AT THE END OF THE RAINBOW FROM THE FEDERAL GOVERNMENT JUST THROWING MONEY AT US. SO, I'M ANXIOUS TO HEAR WHAT PERCENTAGE IT IS, BUT I WOULD ENCOURAGE YOU TO THINK THROUGH THAT. I APPRECIATE WHERE SENATOR SULLIVAN IS COMING FROM, BUT I DON'T KNOW IF I'M GOING TO SUPPORT THIS YET OR NOT. THANK YOU. [LB657]

SENATOR COASH: THANK YOU, SENATOR KOLTERMAN. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB657]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I STAND IN OPPOSITION TO AM1567. OBVIOUSLY, SPECIAL ED IS AN IMPORTANT NEED IN OUR

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SCHOOLS, BUT THIS PARTICULAR ITEM, A MASTER TEACHER PROGRAM, IS SOMETHING I REALLY THINK WE SHOULD FUND. WE SHOULD GIVE IT A CHANCE IN NEBRASKA. NOW, THE POINT IS, IT DOES WORK. ALL OVER THE COUNTRY THERE IS RESEARCH SHOWING THAT...WELL, THERE'S REALLY KIND OF TWO FACTORS. THE FIRST ONE IN TERMS OF SOCIETY IS POVERTY. POVERTY MAKES A HUGE DIFFERENCE IN THE ACHIEVEMENT OF STUDENTS. BUT THEN THE SECOND FACTOR THAT HELPS OVERRIDE THAT FIRST ONE IS THE QUALITY OF TEACHERS. GOOD TEACHERS MAKE SO MUCH DIFFERENCE IN THE CLASSROOM. AND WE HEARD IN THE TESTIMONY IN THE APPROPRIATIONS COMMITTEE, WE HEARD FROM SOME OF THE TEACHERS WHO HAD GONE THROUGH THIS PROGRAM ON THEIR OWN DIME AND THAT'S REAL COMMITMENT BECAUSE THE PROGRAM DOES COST MONEY AND TEACHERS ARE NOT THE BEST PAID PUBLIC SERVANTS. THEY'RE SOME OF THE MOST IMPORTANT PUBLIC SERVANTS, BUT NOT THE BEST PAID. AND SO, IT'S A REAL REACH FOR TEACHERS TO GO THROUGH THIS PROGRAM. IN THE MASTER TEACHER PROGRAM, THERE IS PEER REVIEW. TEACHERS WORKING TO LOOK AT OTHER TEACHERS, TO HELP OTHER TEACHERS IMPROVE THEIR TEACHING, AND AGAIN, THAT COSTS SOME MONEY AND IT WORKS. IT WORKS. WE'VE ALL TALKED ABOUT PROGRAMS. THIS ISN'T SOME KIND OF PILOT THAT MAYBE IT WILL WORK AND MAYBE IT WON'T WORK. IT WORKS. AND I THINK IT DESERVES TO BE FUNDED AND SO I STAND IN SUPPORT OF LB657. OBVIOUSLY, I OPPOSE AM1567, AND I'M ONE OF THOSE, IF WE HAD THE MONEY, I'D PUT A LOT MORE MONEY INTO EDUCATION GENERALLY AND ONE OF MY GOALS WOULD BE THAT SOME DAY WE SPEND MORE ON PRESCHOOL THAN WE DO ON PRISONS. THANK YOU VERY MUCH. [LB657]

SENATOR COASH: THANK YOU, SENATOR KEN HAAR. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB657]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF AM1567. I THINK IT'S IMPORTANT, BUT MY CONTEXT IS SOMEWHAT DIFFERENT IN RELATIONSHIP TO MY OPPOSITION TO WHAT IS IN THE BILL...INTO THE BUDGET ITSELF. THE MASTER TEACHER PROGRAM MAY BE A FINE PROGRAM, BUT I WANT YOU TO LISTEN TO SOMETHING. THIS IS VERY IMPORTANT, TO THE EXTENT OF HOW WE FUND EDUCATION. THIS PROGRAM WILL NOW FUND LOCAL TEACHERS FROM THE STATE. LET ME REPEAT THAT. TEACHERS WILL BE, NOW BEING PAID FROM THE STATE, NOT YOUR LOCAL DISTRICT. THAT IS A HUGE DIFFERENCE. THAT IS A BIG DIFFERENCE TO WHAT WE'RE DOING RIGHT NOW. OVER THE PAST YEARS, TEACHERS HAVE BEEN COMPENSATED FOR ADVANCED DEGREES AND SO FORTH THROUGH BOTH THEIR LOCAL TEACHER SCHEDULE, AS WELL AS THEY WERE FUNDED ON TEEOSA. THEY WERE NEVER FUNDED INDIVIDUALLY FROM

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THE STATE OF NEBRASKA. THAT IS A CHANGE. IF WE WANT TO START FUNDING TEACHERS FROM THE GENERAL FUND, THAT'S A FAIR QUESTION, BUT LET'S HAVE THAT DISCUSSION. LET'S NOT GO AT IT INCREMENTALLY. THIS MAY BE A VERY GOOD PROGRAM. IT MAY DEVELOP FINE TEACHERS. IT IS A VERY SMALL PROGRAM. RIGHT NOW, THERE ARE ONLY 113 TEACHERS OF OVER 28,000 IN THE STATE OF NEBRASKA THAT WOULD EVER QUALIFY FOR THIS. EVEN IF THEY WERE ABLE TO PUT MORE, EVEN IF THEY WERE ABLE TO DOUBLE IT NEXT YEAR, AT THE END OF THE YEAR, THE EXCESS FUNDS ARE DISTRIBUTED ON AN EQUIVALENT BASIS TO EACH, PROPORTIONATE BASIS, TO EACH ONE OF THE TEACHERS DIRECTLY FROM THE STATE. THAT IS STATE FUNDING OF OUR SCHOOLS, OF THE SCHOOL TEACHERS. I DON'T THINK THAT'S SOMETHING THE STATE WANTS TO GET INTO. IF WE DO, FINE, BUT KNOW THAT GOING INTO IT. THIS IS A CHANGE OF HOW WE'RE FUNDING IT. OVER THE YEARS WE HAVE FUNDED MASTER TEACHERS. WE HAVE FUNDED OTHER THINGS, BUT THEY HAVE BEEN THROUGH A FUNDING SOURCE, MORE APPROPRIATELY, TEEOSA, NOT FROM THE STATE TO THE INDIVIDUAL TEACHER. IF YOU WANT TO DO SOMETHING LIKE THAT, LET'S FIND A WAY TO PROVIDE THE FUNDS TO LOCAL DISTRICTS TO HELP TEACHERS FUND THEMSELVES INTO THESE PROGRAMS, IF WE'RE REALLY SERIOUS ABOUT IT. LET'S NOT MAKE IT A PROGRAM THAT ONLY IS AVAILABLE IN THE LARGER COMMUNITIES. THAT'S ALL THOSE TEACHERS RIGHT NOW ALMOST EXCLUSIVELY ARE FROM LARGE DISTRICTS. IN ORDER FOR THEM TO AFFORD IT, WE NEED TO GET THE MONEY TO LOCAL DISTRICTS SO THAT THEY CAN AFFORD TO PROVIDE THAT MONEY FOR THOSE TEACHERS TO PARTICIPATE IN THIS PROGRAM. I'M NOT BEING DEROGATORY OF THE PROGRAM, BUT IT'S HOW WE GO ABOUT FUNDING IT AND IF EDUCATION, IF THE COSTS OF TEACHERS SHOULD BE ON A LOCAL BASIS OR A STATE BASIS. THIS IS SOMETHING WE ARE DOING RIGHT NOW WITH THIS APPROPRIATION. SO I WANT YOU TO STOP AND THINK ABOUT WHAT WE'RE DOING. THIS MONEY IS BETTER SPENT IN THE SPECIAL ED AS SENATOR SULLIVAN HAS PORTRAYED. IF WE WANT TO GET INTO THE MASTER TEACHER'S PROGRAM, LET'S FIND A WAY TO FUND THAT SO THAT ALL DISTRICTS, ALL TEACHERS HAVE THE SAME ABILITY TO PARTICIPATE IN IT. THAT'S NOT THE CASE RIGHT NOW. [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR SCHEER: AND IF WE'RE GOING TO PROVIDE FUNDING FOR THAT, ONCE IT'S ACCOMPLISHED, IF WE'RE GOING TO BONUS TEACHERS OR GIVE THEM SOME TYPE OF A COMPENSATION FOR BEING AT THAT LEVEL, LET'S MAKE SURE THAT WE'RE DOING THAT WITH STATE FUNDS GOING TO LOCAL DISTRICTS TO BE COMPENSATED LOCALLY, NOT FROM THE STATE. WE ARE CHANGING THE

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FUNDING SOURCE OF TEACHERS BY DOING THIS. I JUST WANT YOU TO REALIZE THAT. THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR SCHEER. SENATOR MELLO, YOU'RE RECOGNIZED. [LB657]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'M GOING TO HAVE TO RESPECTFULLY AGREE TO DISAGREE WITH MY COLLEAGUE, SENATOR SCHEER, IN THE SENSE THAT, COLLEAGUES, THIS IS NOT NEW POLICY. THIS WAS A POLICY STUDIED EXTENSIVELY BY THE LEGISLATURE IN THE LATE '90s, EARLY 2000s. AND WHAT SENATOR SCHEER JUST SAID IS THAT WE'VE GOT TO FIND A WAY TO FUND THE MASTER TEACHER PROGRAM IN THE CERTIFICATION PROCESS, WHICH IS WHAT WE'VE DONE. THE REALITY IS THAT IT'S \$3,500 TO APPLY TO GO THROUGH A MASTER CERTIFICATION. AND WHAT WE HEARD IS THAT WHEN A TEACHER DOES NOT PASS ALL COMPONENTS OF THAT CERTIFICATION, THEY'VE GOT TO PAY MORE TO BE ABLE TO QUALIFY AND PASS THE PARTS THAT THEY DID NOT, WHICH AVERAGES OUT TO BE ABOUT \$5,000 PER CERTIFICATION. WE'VE APPROPRIATED ENOUGH FUNDING FOR 100 NEW CERTIFICATIONS, THAT ANY TEACHER IN THE STATE CAN APPLY TO DO, BUT THEY HAVE TO FIRST APPLY TO START GOING THROUGH THE MASTER TEACHER CERTIFICATION PROCESS. AND THE REALITY IS, WHEN THE LEGISLATURE CREATED THIS PROGRAM THEY DID IT IN A JOINT FASHION WITH THE EXCELLENCE IN TEACHING PROGRAM, WHICH IS A LOAN FORGIVENESS PROGRAM. SO TO SAY THAT THIS IS NEW GROUND OR NEW TERRITORY, COLLEAGUES, I JUST DON'T BUY THAT BECAUSE THE LEGISLATURE CREATED THIS PROGRAM AND THE EXCELLENCE IN TEACHING PROGRAM, WHICH BOTH USED GENERAL FUND DOLLARS TO FUND THE CONCEPTS OF ENCOURAGING MORE EDUCATION AND MORE CERTIFICATIONS FOR OUR PUBLIC SCHOOL EDUCATORS. AND THIS, ARGUABLY, WITH THE MASTER TEACHER CERTIFICATION IS A MORE DIFFICULT CERTIFICATION PROCESS, WHICH IS WHY THEY ADDED THE COMPONENT WHICH IS IF THERE IS ANY FUNDING LEFT OVER AFTER WE FUNDED ALL OF THE CERTIFICATION REIMBURSEMENT COSTS, ALL CERTIFIED TEACHERS, MASTER TEACHERS, WOULD BE ABLE TO SPLIT WHATEVER MONEY IS LEFT IN THE APPROPRIATION. THERE IS A REASON WHY THE APPROPRIATIONS COMMITTEE LOWERED THE ACTUAL APPROPRIATION AMOUNT BECAUSE THAT WAS NOT OUR INTENT. OUR INTENT WAS WE WANT TO GET 100 NEW MASTER CERTIFIED TEACHERS FROM THIS APPROPRIATION AND RESTART THE CONVERSATION THAT THE LEGISLATURE HAD STARTED TO HAVE OVER THE LAST COUPLE YEARS OF EXPECTING MORE FROM OUR EDUCATION COMMUNITY, OF EXPECTING MORE QUALITY IN OUR EDUCATION COMMUNITY WHEN IT CAME

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TO THE HIGH EXPECTATIONS WE SET FOR EDUCATORS. COLLEAGUES, THIS IS A PROCESS TO BE ABLE TO BEGIN TO DO THAT. IN A LITTLE BACK HISTORY, WHEN THIS PROGRAM WAS CREATED IN 2000, THE LEGISLATURE WAS GIVEN A CHOICE ESSENTIALLY OF FUNDING THE MASTER TEACHING PROGRAM OR THE EXCELLENCE IN TEACHING PROGRAM, BECAUSE THEN-GOVERNOR JOHANNNS SAID, I WILL VETO ONE OF THE FUNDINGS; YOU, THE LEGISLATURE, PICK WHICH ONE YOU WANT TO FUND. THEY PICKED THE EXCELLENCE IN TEACHING, AND GOVERNOR JOHANNNS VETOED IT ANYWAY. THE LEGISLATURE OVERRODE GOVERNOR JOHANNNS TO PROVIDE THE FUNDING FOR THE EXCELLENCE IN TEACHING PROGRAM WITH THE UNDERSTANDING THAT THEN CHAIRWOMAN ARDYCE BOHLKE WAS GOING TO BRING A BILL BACK TO FUND THE MASTER TEACHING PROGRAM AND 9/11 CAME ALONG. AND AS ANYONE CAN READ THE HISTORY, THE STATE WENT THROUGH A VERY TUMULTUOUS TIME FROM 2001 TO 2003, THUS THE FUNDING TO THE MASTER TEACHER PROGRAM NEVER APPEARED. COLLEAGUES, THE ISSUE HERE IS, THIS IS A PILOT PROJECT THAT WE HAD HEARD ABOUT IN LB519 EARLIER THIS SESSION, WHICH I SUPPORTED AND A NUMBER OF SENATORS SUPPORTED OF PROVIDING FUNDING SO THAT THE DEPARTMENT OF EDUCATION COULD FUND PILOT INITIATIVES. WE'VE GOT ONE HERE THAT WE'VE DECIDED NEEDS FUNDING BECAUSE THE LEGISLATURE HAS ALREADY VETTED THIS PROJECT. IT'S NOT SOMETHING, QUOTE UNQUOTE, NEW AND INNOVATIVE. IT'S A PROVEN MODEL TO INCREASE ACADEMIC ACHIEVEMENT, WHETHER YOU'RE IN KIMBALL, WHETHER YOU'RE IN GRAND ISLAND, WHETHER YOU'RE IN KEARNEY, ARAPAHOE OR LEXINGTON,... [LB657 LB519]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR MELLO: ...SCOTTSBLUFF OR SIDNEY. THESE ARE ALL COMMUNITIES, BY THE WAY, WITH MASTER TEACHER CERTIFIED EDUCATORS. IT'S NOT SIMPLY DOUGLAS AND SARPY COUNTY THAT SOLELY HAVE ALL OF THESE EDUCATORS. THERE ARE STATEWIDE...A STATEWIDE PRESENCE OF TEACHERS WANTING TO GET THIS CERTIFICATION. I CAN RESPECT WHOLEHEARTEDLY MY FRIENDS AND COLLEAGUES ON THE EDUCATION COMMITTEE WHO WANT TO SEE MORE MONEY PUT IN EDUCATION. I JOIN YOU. BUT I DON'T THINK YOU HAVE TO TAKE AWAY FUNDING FROM A PILOT, QUOTE UNQUOTE, PROJECT THAT THE LEGISLATURE HAS VETTED 15 YEARS AGO AND HAD SUPPORT TO BE CREATED, BUT FOR WHATEVER REASON, DUE TO TERM LIMITS AND ECONOMIC TIMES, WAS NEVER FUNDED AND ARGUABLY WAS FORGOTTEN ABOUT. I THINK, COLLEAGUES, WHAT WE'VE DONE IN THE COMMITTEE IS A RESPONSIBLE WAY TO

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START TO INCENTIVIZE THIS KIND OF BOARD CERTIFICATION MOVING FORWARD.
[LB657]

SENATOR COASH: TIME, SENATOR. [LB657]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: SENATOR GROENE, YOU'RE RECOGNIZED. [LB657]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. AS I SAID, I HAD THAT PASSED...THAT HANDOUT AND I'VE ALREADY GOTTEN IN A DISPUTE WITH THE FISCAL OFFICE ON SOME OF MY NUMBERS, BUT IT'S VIEWPOINTS, AND...BUT ON PAGE 2, JUST OUT OF CURIOSITY, WE HEAR TAXPAYERS SAYING, GOVERNMENT IS OUT OF CONTROL. IT'S GETTING TOO BIG. SO A GOOD MEASURE ALWAYS IS INFLATION AND POPULATION GROWTH. SO, WE PUT A CHART TOGETHER ON...WE GOT IT FROM THE CENSUS BUREAU NUMBERS. AND IF YOU LOOK AT THE CHART, WE STARTED AT 2001, WENT DOWN AND YOU CAN LOOK AT THE NUMBERS. BUT THE TOTAL POPULATION AND INFLATION RATE IS IN THE SECOND TO LAST COLUMN, YEARLY. AND IN THE LAST COLUMN IS THE FINAL BUDGET PERCENT CHANGE YEARLY. AND THE INTERESTING ONE IS ON THE BOTTOM. INFLATION AND POPULATION OVER THAT TIME PERIOD HAS BEEN 2.3 PERCENT, BASICALLY. SPENDING HAS INCREASED BY AN AVERAGE OF 3.8 PERCENT. ANYBODY WHO KNOWS NUMBERS, YOU SAY, WELL, THAT'S NOT A HUGE DIFFERENCE, BUT IT'S QUITE A BIT. BUT COMPOUND A BANK ACCOUNT OR CD AT 2.3 PERCENT VERSUS 3.8 PERCENT AND YOU'LL FIND OUT HOW THINGS GROW AND HOW THAT SPREAD WIDENS QUICKLY. IT'S GOVERNMENT OUT OF CONTROL. WE'RE GROWING FASTER THAN WHAT PEOPLE ARE EARNING. I DON'T HAVE THE EARNING RATES, BUT I'LL GUARANTEE YOU OVER THAT TIME WE ALL KNOW WAGES HAVE BEEN STAGNANT. INFLATION HAS GONE UP. WAGES, I BET YOU, HASN'T AVERAGED 2.3 PERCENT FOR THE AVERAGE WORKER OVER THAT PERIOD, BUT WE'RE SPENDING 3.8 PERCENT FASTER, SO. I'M A FISCAL CONSERVATIVE AND THAT'S WHY I CAME HERE. I WANT TO CONTROL GOVERNMENT. AND IF YOU WANT TO LOWER TAXES, YOU START BY CONTROLLING SPENDING: \$50,000 HERE, \$1 MILLION THERE, A COUPLE MILLION THERE, \$10 MILLION HERE, \$25 MILLION TO THE UNMC, \$8 MILLION TO CREIGHTON--DON'T SPEND IT. GIVE IT BACK. CUT THE RATES. LOOK AT SENATOR SMITH'S BILL IN THE FUTURE, SOMETHING LIKE THAT, ON THE INCOME TAX TABLES. WE'VE INDEXED IT... YOU GUYS INDEXED IT. I HEARD THAT AND I AGREE THAT WAS A GREAT MOVE THAT YOU DID ON THE TAX TABLES, BUT SPENDING IS SPENDING AND WE GOT TO SLOW IT DOWN. WE'RE STANDING HERE

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ARGUING ABOUT \$500,000 AND THAT'S STILL A LOT OF MONEY TO ME AND TO SENATORS DEBATING IT, BUT WHY EVEN SPEND IT? WHY EVEN SPEND IT? JUST PUT IT BACK IN THE GENERAL FUND AND LET'S START CUTTING TAXES AND GET THIS THING UNDER CONTROL. AND LET'S NOT CREATE ANY MORE MASTER TEACHER PROGRAMS OR ALL THIS FEEL-GOOD STUFF THAT'S A LITTLE BIT OUTSIDE OF THE REGULAR PROGRAMS OF TEEOSA AND STUFF, AND YOU'D BE SURPRISED HOW FAST THAT WE'D BE HEROES OUT THERE AND PEOPLE WOULD SAY, THERE'S SOME PEOPLE DOWN THERE ACTUALLY KNOW WHAT THEY'RE DOING AND THEY'RE CONTROLLING THE BUDGET. ON THE LAST PAGE IS COMPILED, WITH THE HELP OF THE FISCAL OFFICE, THAT 30 YEARS. WE WENT BACK TO 30 YEARS BECAUSE WE WERE TOLD OUR BUDGET IS THE THIRD LOWEST IN 30 YEARS. AND WE'VE BEEN TOLD THAT THE 3.1 PERCENT THERE AT THE BOTTOM IN THE MIDDLE COLUMN... [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR GROENE: ...WAS THE THIRD LOWEST. BUT IT, IN REALITY, IT'S NOT EVEN THE THIRD LOWEST IN THE PROPOSED BUDGETS SINCE '95. THEY DIDN'T HAVE THE PROPOSED BUDGET NUMBERS BACK PAST '95. AND THEN IF YOU GO OVER ON THE LAST COLUMN, IF WE JUST SETTLE FOR THE 3.7 PERCENT, WE'LL PROBABLY END UP WITH, HAVE TO...HOPEFULLY, I'M WRONG. I WANT TO BE WRONG. I WANT NOT US TO SPEND THAT EXTRA \$50 MILLION. BUT AT 3.7, WE'D BE SIXTH OR SEVENTH OVER THE LAST 30 YEARS. THAT'S JUST REALITY. AND IF YOU, THROUGH TEEOSA, AT WHAT IT'S NORMALLY BEEN SPENDING AT, WE WOULDN'T BE AT SIX TO SEVEN. WE'D BE OVER THE HALFWAY POINT, BUT...AND THAT'S ALL OF US. THAT'S 49 OF US. THAT'S NOT JUST THE NINE SENATORS ON THE APPROPRIATIONS COMMITTEE. WE ALL SHARE THE SAME RESPONSIBILITY, CONTROL SPENDING. THEY'RE JUST THE PRELIMINARY. THEY'RE THE ONES THAT DO ALL THE HARD WORK AND PUT IT TOGETHER AND SCRATCH THEIR HEAD AND PUT NUMBERS TOGETHER AND COME UP FOR SOME REASON, \$500,000 OUT OF NOWHERE AND PUT IT IN A FUND THAT HASN'T BEEN FUNDED FOR 20 YEARS. BUT IT'S ALL OF US AND WE NEED TO TAKE RESPONSIBILITY TO CONTROL SPENDING. [LB657]

SENATOR COASH: TIME, SENATOR. [LB657]

SENATOR GROENE: THANK YOU. [LB657]

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SENATOR COASH: THANK YOU, SENATOR GROENE. THOSE WISHING TO SPEAK: SENATORS BOLZ, SCHEER, MORFELD, BAKER, AND OTHERS. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB657]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I JUST WANT TO CLARIFY A FEW ITEMS AND ADD A FEW PIECES OF INFORMATION TO OUR DIALOGUE HERE. I THOUGHT IT MIGHT BE USEFUL FOR THE BODY TO HEAR THE CURRENT STATUTE AS IT RELATES TO ACHIEVING THIS CREDENTIALING, THIS CERTIFICATION. IN ORDER TO ACHIEVE THE CERTIFICATION, AN INDIVIDUAL MUST DOCUMENT PRACTICE THROUGH CLASSROOM OBSERVATION, MUST PRODUCE VIDEOTAPES AND OTHER PRODUCTS, MUST DO A STRUCTURED INTERVIEW WITH WELL-TRAINED TEACHERS, MUST IMPLEMENT SIMULATION EXERCISES COMPLETED AT ASSESSMENT CENTERS APPROVED BY THE CREDENTIALING ORGANIZATION, AND MUCH MORE. SO, COLLEAGUES, WHEN WE ASK OURSELVES QUESTIONS, AND WE SHOULD, ABOUT WHETHER OR NOT THIS PROGRAM HAS EFFICACY, I THINK THE OTHER STATES WHO ARE IMPLEMENTING THIS PROGRAM WOULD SAY MOST CERTAINLY, THE NATIONAL BOARD WOULD SAY MOST CERTAINLY, AND COLLEAGUES, THE RESEARCH AND THE DATA AND THE ANALYSIS WOULD ALSO SAY MOST CERTAINLY. I ALSO WANT TO HIGHLIGHT FOR THE BODY SOME OF THE RESEARCH THAT WE FOUND REGARDING THE COST OF TEACHER ATTRITION. WHEN WE LOSE GOOD TEACHERS, THERE IS A COST TO OUR STUDENTS AND OUR CLASSROOMS, BUT THERE'S ALSO A FISCAL COST. AND THESE NUMBERS ARE A LITTLE BIT OUTDATED, BUT THE NUMBERS THAT I HAVE FROM 2009-2010 SAY THAT THE COST OF ATTRITION OF TEACHERS IN NEBRASKA IS ESTIMATED AT \$13 MILLION. SO, COLLEAGUES, I WOULD ARGUE THAT WE NEED TO TAKE ACTION TO INCENTIVIZE GOOD TEACHERS TO KEEP TEACHING IN OUR NEBRASKA CLASSROOMS, AND TO HELP THEM USE THEIR SKILLS AND THEIR GIFTS IN A WAY THAT REALLY MAKES SENSE. I ALSO WANT TO CLEAR UP JUST A COUPLE OF PIECES OF INFORMATION AND DIALOGUE THAT I HEARD ON THE FLOOR. ONE THING I HEARD WAS THAT THERE ARE MASTER TEACHERS WHO ARE CONCENTRATED IN THE URBAN AREAS. AND, COLLEAGUES, I WOULD ARGUE THAT ADDITIONAL FUNDING FOR THE MASTER TEACHER PROGRAM WOULD SPREAD THESE OPPORTUNITIES OUT TO THE RURAL AREAS. THE COMMUNITIES IN WHICH WE DON'T HAVE MASTER TEACHERS MAY ALSO BE COMMUNITIES IN WHICH IT'S DIFFICULT TO PURSUE A MASTER'S DEGREE. CERTAINLY, OUR MASTER'S DEGREE PROGRAMS ARE IN THE BIGGER COMMUNITIES AND THIS KIND OF INITIATIVE IS A TEACHER TO NATIONAL BOARD INITIATIVE. SO THIS PERSON COULD GO AT THEIR OWN PACE, PURSUE THEIR OWN GOALS AND PRIORITIES, AND DO IT IN A WAY THAT ALLOWS THEM TO TAKE IT AT THEIR OWN PACE SO THAT THEY CAN EARN THE CERTIFICATION

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THAT REALLY DOES MOVE THE DIAL IN TERMS OF STUDENT OUTCOMES. AND I THINK WE ARE SEEING CHALLENGES IN ADDRESSING THE STUDENT ACHIEVEMENT GAP. TWO AREAS THAT HAVE BEEN STUDIED IN PARTICULAR RELATED TO THE MASTER TEACHING PROGRAM ARE THAT THEY HAVE BEEN PROVEN TO MOVE THE DIAL IN MATH AND READING OUTCOMES. AND WE ALL KNOW SOME THINGS ABOUT MATH AND READING. ONE OF THE THINGS THAT WE KNOW IS THAT IF A YOUNG PERSON ISN'T ABLE TO READ FOR COMPREHENSION BY 3RD GRADE THAT THAT KID FALLS BEHIND, BECAUSE YOU MOVE FROM READING TO UNDERSTAND HOW TO READ, TO READING FOR COMPREHENSION. AND ONE OF THE CERTIFICATIONS THAT I THINK HAS GREAT VALUE IS THE EARLY LEARNING CERTIFICATION AND SOME OF THE READING SPECIALTY CERTIFICATIONS. SO, COLLEAGUES, I AM OPEN TO QUESTIONS. THERE IS A FACT SHEET COMING AROUND AND I REALLY WOULD ASK YOU TO THINK ABOUT AND QUESTION WHAT THE ROLE OF THE STATE IS AND WHAT WE CAN DO THROUGH THIS PROGRAM. I THINK THERE IS AN APPROPRIATE ROLE OF THE STATE OF NEBRASKA TO TRY TO INCENTIVIZE QUALITY AND TRY TO TAKE OUR EXPECTATIONS TO THE NEXT LEVEL. SO, I APPRECIATE THE ONGOING DIALOGUE. I APPRECIATE THE THOUGHTFUL CONVERSATIONS THAT HAVE BEEN HAD AND I AGAIN ENCOURAGE YOU TO OPPOSE AM1567 AND CONTINUE TO SUPPORT FUNDING THE MASTER TEACHER PROGRAM FOR ITS BENEFITS TO STUDENT OUTCOME, EDUCATIONAL QUALITY, AND... [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR BOLZ: ...BENEFITS TO COMMUNITIES AND STUDENTS WHO HAVE PARTICULAR LEARNING CHALLENGES. THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR BOLZ. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB657]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I WANT YOU TO LISTEN AGAIN BECAUSE WHAT WE'RE TALKING ABOUT IS A VERY SMALL GROUP OF TEACHERS, AND THIS IS NO DISRESPECT TO SENATOR BOLZ. I KNOW SHE IS VERY PASSIONATE ABOUT THIS. THERE ARE 113 RIGHT NOW IN THE STATE OF NEBRASKA. THE PROGRAM HAS BEEN AVAILABLE SINCE 2000. IF WE DO 100 A YEAR, WHICH SHE SAID SHE THINKS SHE CAN INCREASE IT, DOUBLE IT, 100 A YEAR, IN A DECADE WE WOULD HAVE 1,000 MORE TEACHERS THAT MAY BE QUALIFIED OUT OF APPROXIMATELY 30,000 TEACHERS. THIS ISN'T SCALABLE. IF WE WANT TO DO SOMETHING TO HELP KIDS, IF WE WANT TO DO SOMETHING TO

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HELP EDUCATION, LET'S DO IT, BUT THIS ISN'T IT. AS SENATOR GROENE SAID, THIS IS NOT A LARGE POT OF MONEY. THIS IS A SMALLER POT OF MONEY. BUT I WILL TELL YOU, IT WILL AFFECT MORE THAN 100 KIDS. IF WE REALLY WANT TO IMPROVE TEACHING, THEN LET LOCAL DISTRICTS WORK ON THAT TO IMPROVE TEACHERS. REMEMBER, TEACHERS MOVE ALONG A SCHEDULE. AS THEY GET MORE EDUCATION AND THEIR LEVELS GO UP, THEY MOVE ON THE SALARY SCHEDULE. THEY ARE COMPENSATED FOR TAKING MORE EDUCATION. I'M NOT TRYING TO DISMISS THAT, BUT THIS PAYS THEM TO DO THAT. AND THEN THEY GET PAID, ONCE THEY'VE DONE IT, FOR THE REST OF THEIR LIVES. AND THEN THE STATE ON TOP OF THAT IS THEN GOING TO BONUS THEM AND THAT'S WHERE MY CONCERN COMES FROM BECAUSE THEN THE MONEY IS COMING DIRECTLY FROM THE STATE OF NEBRASKA, NOT A LOCAL DISTRICT BUT THE STATE OF NEBRASKA. IF WE WANT BETTER TEACHERS, LET'S GET BETTER TEACHERS. IF YOU WANT TO TRY TO IMPROVE EDUCATION, LET'S DO THAT. BUT THIS PARTICULAR PROGRAM, THE WAY IT IS SET UP, IS NOT THE WAY TO DO IT. IT AFFECTS WAY TOO FEW OF TEACHERS THAT IS SCALABLE FOR THE STATE OF NEBRASKA. IF WE WANT SOMETHING, LET'S ENCOURAGE TEACHERS TO MOVE AND GET ADDITIONAL EDUCATION, BUT MORE IMPORTANTLY, LET'S MAKE SURE THOSE TEACHERS GET THE EDUCATION THAT WE WANT THEM TO HAVE IN THEIR AREAS OF EXPERTISE. WE HAVE A NUMBER OF PLACES THAT WILL MOVE YOU ALONG A SCHEDULE BY JUST TAKING MORE HOURS. DOES IT REALLY HELP IF YOU'RE A MATH TEACHER IF YOU TAKE HOURS IN ADMINISTRATIVE STUDIES? IF YOU'RE A MATH TEACHER, WE OUGHT TO WANT YOU TO PROVE YOUR EDUCATION IN MATH. IF YOU WANT TO GO INTO ADMINISTRATION THAT'S FINE, BUT THAT DOESN'T HELP THE CHILD IN YOUR MATH CLASS. THAT HELPS YOU TO GET TO A BIGGER AND A BETTER POSITION THAT PAYS YOU MORE DOLLARS. EDUCATION IS A DIFFERENT BEAST. IF WE WANT TO HELP TEACHERS, LET'S HELP ALL THE TEACHERS, NOT 100 A YEAR. WE WOULDN'T THINK TWICE ABOUT DOING SOMETHING FOR A GROUP OF 28,000, ALMOST 30,000 PEOPLE, AND WE'RE ONLY GOING TO AFFECT 100 AND WE THINK THAT'S A GREAT DEAL? WE CAN DO BETTER. THIS ISN'T THE RIGHT PROGRAM FOR THESE MONIES. THESE MONIES SHOULD GO BACK TO SPECIAL ED. THOSE KIDS NEED THAT MONEY. NO ONE IS GOING TO BE OUT THERE ASKING FOR THEM TO GET MORE MONEY. STOP AND THINK ABOUT IT. THE TEACHERS CAN SPEAK FOR THEMSELVES. ADMINISTRATORS CAN SPEAK FOR THEMSELVES. SPECIAL ED KIDS, NOT SO MUCH. SCHOOL DISTRICTS HAVE BEEN UNDERFUNDED FOR YEARS. THE FEDERAL GOVERNMENT HAS NEVER... [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

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SENATOR SCHEER: ...FULFILLED ITS OBLIGATION IN RELATIONSHIP TO SPECIAL ED FUNDING, AND NOW WE'RE GOING TO TAKE SOME AWAY. PLEASE, THINK VERY LONG AND HARD WHAT WE'RE DOING HERE. PLEASE SUPPORT AM1567. THANK YOU. [LB657]

SENATOR COASH: THANK YOU, SENATOR SCHEER. THOSE WISHING TO SPEAK: SENATORS MORFELD, BAKER, LARSON, HILKEMANN, AND OTHERS. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB657]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO AM1567 AS A MEMBER OF THE EDUCATION COMMITTEE. AS WAS NOTED EARLIER BY SENATOR MELLO, THE REASON WHY THIS DIDN'T COME THROUGH THE EDUCATION COMMITTEE IS BECAUSE IT'S AN EXISTING PROGRAM. NOW, THAT BEING SAID, IT'S AN EXISTING PROGRAM THAT HAS LIED DORMANT FOR A WHILE, BUT NONETHELESS IT'S AN EXISTING PROGRAM AND ALL OF US HAVE THE OPPORTUNITY AND THE RIGHT TO ASK FOR AN APPROPRIATION FOR AN EXISTING PROGRAM THAT GOES TO THE APPROPRIATIONS COMMITTEE. SO, I DON'T THINK THAT THERE IS ANYTHING AFOOT IN THAT REGARD. AND ALSO, I DON'T THINK THIS NEEDS TO BE ONE OR THE OTHER. IT DOESN'T NEED TO BE PROVIDING FUNDING FOR SPECIAL EDUCATION, OR NOT PROVIDING FUNDING FOR EDUCATION, AND NOT PROVIDING FOR FUNDING TO HAVE MASTER TEACHERS THAT ARE SKILLED AND ABLE TO PROVIDE EXCELLENT EDUCATION AND QUALITY INSTRUCTION TO PROBABLY YOUTH THAT ARE IN SPECIAL EDUCATION PROGRAMS. IF SPECIAL EDUCATION NEEDS MORE FUNDING, THEN WE SHOULD LOOK AT WHERE WE CAN GET THAT MORE FUNDING OR MAKE A SPECIAL APPROPRIATION TO IT. THIS ISN'T YOU'RE EITHER IN SUPPORT OF SPECIAL EDUCATION OR YOU'RE NOT IN SUPPORT OF SPECIAL EDUCATION. WE CAN PROVIDE FUNDING FOR BOTH IF THERE IS MERIT FOR PROVIDING FUNDING FOR BOTH. IN ADDITION, IF THE APPROPRIATION IS TOO SMALL, AS SENATOR SCHEER SUGGESTS, AND IT'S NOT SCALABLE, WELL, I THINK EVERYTHING IS SCALABLE. IF WE THINK THAT IT IS AN IMPORTANT PROGRAM AND THAT WE NEED TO HAVE MASTER TEACHERS, THEN WE CAN PROVIDE MORE FUNDING TO HAVE MASTER TEACHERS. SIMPLY BECAUSE SOMEBODY BELIEVES THAT IT'S NOT AFFECTING ENOUGH TEACHERS DOESN'T MEAN THAT WE SHOULDN'T GO AND PROVIDE THE RESOURCES FOR FEWER TEACHERS IF THAT'S WHAT THE FUNDING ALLOWS AND IT'S A WORTHWHILE PROGRAM. I THINK IT'S ALSO IMPORTANT TO NOTE THAT THERE'S ALL KINDS OF OTHER PROGRAMS WHERE PEOPLE, IN ORDER TO BETTER THEIR EDUCATION AND BETTER THEMSELVES, RECEIVE FUNDING DIRECTLY FROM THE STATE. ONE EXAMPLE IS THE NOG FUNDING, NEBRASKA OPPORTUNITY GRANT FUNDING, THAT WE PUT IN \$10

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MILLION FROM THE LOTTERY FUNDS THIS SESSION. THAT FUNDING GOES THROUGH THE COORDINATING COMMISSION, WHICH IS ESSENTIALLY AN AGENCY OF THE STATE, AND IT FOLLOWS THE STUDENT. THIS IS NO DIFFERENT, EXCEPT FOR THESE ARE TEACHERS THAT ARE...HAVE ALREADY RECEIVED THEIR EDUCATION, ARE CERTIFIED AND TRYING TO FURTHER THEIR EDUCATION SO THEY CAN PROVIDE EVEN BETTER QUALITY EDUCATION THROUGH K-12 STUDENTS. SO WHILE I AM IN SUPPORT OF PROVIDING MORE FUNDING FOR SPECIAL EDUCATION, I'M ALSO IN SUPPORT OF ENSURING THAT WE HAVE TEACHERS THAT ARE WELL-TRAINED, QUALIFIED, AND HAVE THE INCENTIVES NECESSARY TO BE ABLE TO GO OUT AND RECEIVE THAT TRAINING. AND I KNOW A LOT OF TEACHERS, MANY OF THEM ARE MY FRIENDS, THEY'RE NOT MAKING A LOT OF MONEY. AND GRANTED, YES, THEY GO UP THE PAY SCALE, BUT THE PAY SCALE WASN'T VERY BIG TO BEGIN WITH. AND SO, I ALSO KNOW THAT NEBRASKA HAS A PROBLEM WITH SOMETIMES RECRUITING CERTAIN TYPES OF TEACHERS, PARTICULARLY OUT WEST, IN FACT, IN SOME URBAN AREAS AS WELL. SO I RISE IN OPPOSITION TO THE AMENDMENT, AND THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR MORFELD. SENATOR BAKER, YOU'RE RECOGNIZED. [LB657]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. TWO THINGS: ONE, DON'T CONFUSE THE MASTER TEACHER PROGRAM AND NATIONAL CERTIFICATION WITH A MASTER'S DEGREE OR SOMETHING THAT MOVES YOU ACROSS THE SALARY SCHEDULE. AS I SAID, WE DECIDED TO PAY PEOPLE OUTSIDE BECAUSE THAT DOESN'T FALL ANYWHERE ON THE SALARY SCHEDULE. SO DON'T CONFUSE THE TWO. IT'S NOT ABOUT FURTHER TRAINING. IT'S ABOUT DOCUMENTING WHAT YOU'RE NOW DOING. THE SECOND THING IS OFF TOPIC A LITTLE BIT, BUT I NEED TO SUGGEST TO MY COLLEAGUE, SENATOR GROENE, THAT ON HIS PAGE 2 HE NEEDS ANOTHER COLUMN. THERE SHOULD BE A COLUMN IN THERE THAT SAYS MANDATES--FEDERAL MANDATES, YOU KNOW, WHETHER THAT BE SPECIAL ED OR ANY OTHER FEDERAL PROGRAM THAT HAVE BEEN INSERTED, DROPPED UPON SCHOOL DISTRICTS; AND THE OTHER FORM OF MANDATES WOULD BE THINGS THAT ORIGINATED RIGHT HERE IN THIS LEGISLATIVE CHAMBER THAT SCHOOLS ARE REQUIRED TO DO AND RECEIVE NO FURTHER FUNDING TO DO THEM. THANK YOU. [LB657]

SENATOR COASH: THANK YOU, SENATOR BAKER. SENATOR LARSON, YOU'RE RECOGNIZED. [LB657]

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SENATOR LARSON: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO AM1567. I'VE STOOD ON THIS MIKE PROBABLY FOR MANY OF YOU WOULD CALL AN EXCESSIVE AMOUNT OF TIME THIS YEAR TALKING ABOUT EDUCATION. PART OF THAT TIME HAS BEEN SPENT ON THINGS LIKE CHARTER SCHOOLS AND OTHER PARTS OF THAT TIME HAVE BEEN SPENT ON TEACHER CERTIFICATION AND TEACHER QUALITY. IF WE WANT TO CONTINUE TO INCENTIVIZE TEACHERS TO GET BETTER, AND I WANT TO CONTINUE TO WORK TO INCENTIVIZE THINGS LIKE TEACH FOR AMERICA, THINGS OF THIS NATURE ARE VERY BENEFICIAL TO NEBRASKA, AN EDUCATION WITHIN NEBRASKA. I UNDERSTAND THERE IS SOME WORRY THAT IT'S A GENERAL FUND APPROPRIATION INSTEAD OF COMING OUT OF TEEOSA. WELL, FRANKLY, MY SCHOOL DISTRICTS RECEIVE HARDLY ANYTHING OUT OF TEEOSA ANYWAY. I THINK I'LL HAVE...I HAVE ONE EQUALIZED SCHOOL DISTRICT NOW AND THAT'S GOING AWAY. SO, IF I HAVE ANY HOPE OF ANY OF MY SCHOOL DISTRICTS BECOMING EQUALIZED AGAIN, THIS COMING OUT OF TEEOSA JUST LOWERS THE POT OF MONEY THAT WOULD BE AVAILABLE FOR THEM UNDER THE CURRENT FORMULA, OR EVEN IF THERE IS A SMALL TWEAK. SO I DON'T NECESSARILY HAVE A PROBLEM WITH IT COMING OUT OF GENERAL FUNDS. IF WE WANT TO CONTINUE TO INCENTIVIZE TEACHERS TO GET BETTER, WE HAVE TO DO THINGS LIKE SENATOR MELLO AND THE APPROPRIATIONS COMMITTEE DID. AND TO TAKE IT OUT AND TELL THESE TEACHERS, WE DON'T WANT TO HELP YOU GET BETTER OR IMPROVE YOURSELF IS WRONG, BECAUSE I DO WANT TO HELP THEM GET BETTER. I DO WANT THEM TO HELP MAKE THEM...HOW DO I WANT TO SAY THIS...HELP WITH THEIR CAREER DEVELOPMENT. BECAUSE WHEN YOU HELP THE EDUCATOR'S CAREER DEVELOPMENT, THAT WILL CONTINUE TO HELP THE CHILDREN. COLLEAGUES, I WILL STAND UP ON EDUCATION ISSUES, PROBABLY A FEW MORE TIMES THIS YEAR, MIGHT SPEND A FEW MORE HOURS ON ONE THING OR ANOTHER, AT ONE TIME OR ANOTHER, BUT THIS IS ACTUALLY VERY IMPORTANT. DO WE WANT TO INCENTIVIZE TEACHERS TO GET BETTER, OR TELL THEM, NAH, WE REALLY DON'T CARE IF YOU PURSUE PROFESSIONAL DEVELOPMENT, BECAUSE THAT'S WHAT'S GOING TO HAPPEN IF WE ADOPT AM1567. I LOOK AT THIS AND I WONDER WHY WE WOULD DO SOMETHING OF THAT NATURE, WHY WE WOULD SEND THAT MESSAGE TO TEACHERS ACROSS THE STATE OF NEBRASKA. IT DOES NOT MAKE SENSE. AND IF WE WANT TO CONTINUE TO IMPROVE OUR EDUCATIONAL SYSTEM AND HAVE EDUCATIONAL REFORM, WE NEED THINGS SUCH AS THIS TO ACTUALLY WORK TO DO IT. AND I WILL CONTINUE TO FIGHT FOR THINGS LIKE TEACH FOR AMERICA AND CHARTER SCHOOLS AS WELL BECAUSE THIS,... [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

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SENATOR LARSON: ...WHAT THE APPROPRIATIONS COMMITTEE DID, IS BY NO MEANS A SILVER BULLET, NOR IS THINGS LIKE TEACH FOR AMERICA OR CHARTER SCHOOLS, BUT TOGETHER THEY CAN HELP TRULY BREAK THE CYCLE OF POVERTY AND BEGIN TO WORK TO BREAK THE CYCLE OF POVERTY THAT WE SEE IN THE STATE OF NEBRASKA. I OFTENTIMES TALK THAT IT'S NOT ABOUT THROWING MONEY AT THE PROBLEM TO FAILING SCHOOL DISTRICTS THAT'S GOING TO SOLVE THE PROBLEM, IT'S ABOUT CREATING A BETTER EDUCATIONAL SYSTEM; NOT JUST SAYING HERE, HERE IS MORE MONEY, OR SAYING, HEY, YOU'RE A "NEEDS IMPROVEMENT" SCHOOL DISTRICT, BUT WE'RE ONLY GOING TO HELP THREE OF YOU. WE HAVE AN OPPORTUNITY TO SEND A MESSAGE TO TEACHERS THAT WE WANT THEM TO BE BETTER, THAT WE WANT THEM TO PURSUE CAREER DEVELOPMENT. LET US SEND THAT MESSAGE. LET'S NOT SEND THE MESSAGE THAT WE DON'T WANT YOU TO GET BETTER. THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR LARSON. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB657]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. JUST A COUPLE OF THINGS DURING THE CONVERSATION HERE THAT I'D LIKE TO POINT OUT. THIS WHOLE PROGRAM IS ABOUT EXCELLENCE AND WE NEED TO STRIVE FOR EXCELLENCE IN EDUCATION. WE NEED TO STRIVE FOR EXCELLENCE IN EVERYTHING THAT WE DO HERE IN NEBRASKA. ONE OF THE THINGS I DID HEAR THAT...TWO THINGS THAT I'D LIKE TO POINT OUT. IT WAS REFERRED TO THAT THIS IS A BIG SCHOOL DISTRICT PROGRAM. THAT'S A BIG CHECK MARK. THIS IS A TEACHER PROGRAM FOR TEACHERS ACROSS THE STATE OF NEBRASKA. THESE TEACHERS WILL APPLY FOR THIS PROGRAM TO BE INCLUDED SO WE CAN HAVE MASTER TEACHERS IN ARTHUR, NEBRASKA, IF THEY WANT TO TAKE THE TRAINING. AND AS I UNDERSTAND THIS PROGRAM IS THAT THEY CAN DO A LOT OF THIS ON-LINE, AS WELL AS DOING SOME OF THE...GOING TO SOME OF THOSE AREAS. SO THIS IS NOT STRICTLY A BIG SCHOOL PROGRAM BECAUSE, FRANKLY, A LOT OF THE BIGGER DISTRICTS, SINCE I HAPPEN TO REPRESENT THREE OF THOSE SCHOOL DISTRICTS--ELKHORN, MILLARD, AND OPS--THEY DO HAVE A LOT OF MORE PROGRAMS MAYBE FOR TEACHER ENRICHMENT THAN SOME OF THE OTHERS. THIS IS A GREAT OPPORTUNITY FOR OUTSTATE NEBRASKA TEACHERS. AND THE OTHER THING, I'D LIKE TO...THE NUMBER WAS THROWN OUT HERE OF HIGH-END TEACHERS, \$70,000 TO \$80,000. WELL, THAT'S POSSIBLY TRUE. I DID DO SOME ON-LINE CHECKING. THE AVERAGE TEACHER IN OMAHA, NEBRASKA, IS AT ABOUT THE \$50,000 LEVEL; IN LINCOLN IT'S ABOUT \$46,000. I CONFIRMED THOSE JUST BACK THERE. NSEA SAID THAT'S PROBABLY ABOUT ACCURATE. IT'S HARD

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TO...WHO PUTS THE DATA TOGETHER. SO I WOULD MAINTAIN THAT WE ARE NOT OVERPAYING OUR TEACHERS. AND I THINK THIS IS A GOOD PROGRAM FOR TEACHERS OF THE ENTIRE STATE OF NEBRASKA. THANK YOU. [LB657]

SENATOR COASH: THANK YOU, SENATOR HILKEMANN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB657]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I'D LIKE TO FOLLOW UP A LITTLE BIT ON WHAT SENATOR SCHEER SAID, YOU KNOW, ABOUT THE PAY INCREASES FOLLOWING THE SALARY SCHEDULE. AND I ALSO DO UNDERSTAND WHERE I THINK IT WAS SENATOR BAKER TALKED ABOUT TO NOT CONFUSE THOSE TWO. YOU KNOW, THERE'S ALWAYS A TALK ABOUT HOW TEACHERS ARE UNDERPAID, OVERWORKED AND UNDERPAID. AND TO A CERTAIN DEGREE, I AGREE WITH THAT, ESPECIALLY THE ONES JUST OUT OF SCHOOL, JUST GETTING STARTED. BUT...AND I DO LOOK AT THE IMPORTANCE. I DO FEEL IT'S IMPORTANT TO HAVE QUALITY TEACHERS. THEY DO HAVE STANDARDS THEY HAVE TO MEET ALREADY. SO, YOU KNOW, TO MEET THIS...WITH THIS PROGRAM, THIS MASTER TEACHER PROGRAM, YOU KNOW, IT'S NOT A BAD DEAL. BUT I GUESS I HAVE TO AGREE WITH KATE...OR EXCUSE ME, SENATOR SULLIVAN, TO FOCUS THIS MONEY ON EDUCATION, FOCUS THIS MONEY ON THE KIDS. YES, WE NEED THE QUALITY TEACHERS. YES, EVERYBODY WANTS TO MAKE MORE MONEY BECAUSE THE COST OF LIVING HAS ALWAYS INCREASED, ALWAYS INCREASES. EVERYTHING IS GETTING EXPENSIVE. EDUCATION, IN GENERAL, IS GETTING EXPENSIVE. WHEN WE TALK ABOUT THE TEACHERS' PAY, LET'S NOT FORGET TO FACTOR IN THE BENEFITS THAT GO ALONG WITH THAT, AND THOSE VARY FROM SCHOOL TO SCHOOL. IT'S BASED ON YOUR NEGOTIATED AGREEMENT. I CAN'T SPEAK FOR WHAT HAPPENS IN OMAHA OR ANY OTHER SCHOOL, FOR THAT MATTER. I CAN ONLY SPEAK FOR WHAT HAPPENS IN THE SCRIBNER-SNYDER WHERE I WAS THE BOARD PRESIDENT AND WHERE ALL TEACHERS GET FULL BENEFITS PAID BY THE SCHOOL. IF YOU'RE A SINGLE TEACHER, YOU GET SINGLE COVERAGE. IF YOU'RE A MARRIED TEACHER, YOU GET FULL FAMILY COVERAGE, 100 PERCENT PAID FOR BY THE SCHOOL, WHICH I BELIEVE EQUATES TO AROUND \$1,300 A MONTH THAT DOES NOT COME OUT OF YOUR POCKET. SO THAT IS FACTORED IN...HAS TO BE FACTORED IN AND LOOKED AT AS WELL. I BELIEVE SENATOR EBKE WAS SAYING THAT IN CRETE IT'S THE SAME THING, FULL FAMILY BENEFITS. SO WHEN YOU FACTOR IN ALL THOSE ASPECTS, TEACHERS ARE PAID WELL, AT LEAST IN MY DISTRICT, AND THAT'S MY OPINION. I CANNOT SPEAK FOR WHAT HAPPENS IN OMAHA OR ANY OTHER DISTRICT, BUT, YOU KNOW, WE HAVE QUALITY TEACHERS AT SCRIBNER-SNYDER. WE MADE SURE WE WERE HIRING THE RIGHT PEOPLE FOR THE RIGHT JOB. AND THEN DEPENDING ON

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THEIR PAST EXPERIENCE IS WHERE THEY WENT IN THE PAY SCALE AND THEY ARE PAID FOR THEIR EDUCATION. THEY ARE PAID WELL FOR THE EXTRA WORK THAT THEY DO. WE CAN ARGUE UNTIL WE'RE BLUE IN THE FACE THAT THEY'RE NEVER PAID ENOUGH, AND IN SOME INSTANCES I AGREE WITH THAT. BUT WHEN WE'RE TALKING ABOUT THE PAY OF TEACHERS AND THE QUALITY OF TEACHERS, YOU KNOW, THEY ALL HAVE STANDARDS THEY HAVE TO MEET AND, ULTIMATELY, IT'S UP TO THE MANAGEMENT OF MAKING SURE THAT THOSE STANDARDS ARE MET, SO. [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR SCHNOOR: THANK YOU, SIR. I'M NOT IN DISAGREEMENT WITH THIS MASTER TEACHER PROGRAM. I JUST THINK SENATOR SULLIVAN HAS A GOOD IDEA TO GET THIS BACK, DIRECTLY INVOLVED WITH EDUCATION OF OUR YOUTH. SO THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SENATOR STINNER, YOU'RE RECOGNIZED. [LB657]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. I RISE TODAY OPPOSED TO AM1567 AND I AM SPEAKING ON BEHALF OF THE MASTER TEACHER PROGRAM. AND I THINK THAT SENATOR BOLZ AND MELLO KIND OF REFERENCED IN 2000 THE LEGISLATIVE HISTORY AND RECOMMENDATIONS OF THE COMMITTEE AND IT WAS OVERWHELMING SUPPORT FOR THIS PROGRAM. I RAN INTO THE PROGRAM WHEN I WAS ON THE GERING SCHOOL BOARD AND WE WERE LOOKING AT TEST SCORES. WE WERE LOOKING AT TRYING TO IMPROVE OUR READING PROGRAM, OUR MATH PROGRAM, AND RAN INTO THIS MASTER TEACHER PROGRAM. AND ONE OR TWO OF OUR TEACHERS WERE INVOLVED IN IT. I THOUGHT IT WAS A SILVER BULLET FOR US TO HAVE TEACHERS THAT WERE WILLING TO INVEST THAT TYPE OF TIME, THAT TYPE OF EFFORT INTO IMPROVING THEMSELVES, AND THE OUTCOME WAS THAT THEY WERE MASTER TEACHERS. AND WHEN THEY CAME OUT OF THE PROGRAM, OBVIOUSLY, THEY SPREAD THE WORD AND THEY HELPED OTHER TEACHERS ADVANCE THAT. BUT I DO WANT TO TAKE TIME TO READ SOMETHING TO YOU THAT CAME TO MY ATTENTION, IT'S "MATH EDUCATION BY THE NUMBERS," AND IT'S IN YOUR CURRENT STATE LEGISLATOR'S MAGAZINE. AND IT CAUGHT MY EYE BECAUSE IT REALLY KIND OF TALKS ABOUT INVESTING IN A DIFFERENT WAY, AND THAT'S INVESTING IN TEACHERS. FORTY-TWO PERCENT OF THE AMERICAN 4TH GRADERS WHO SCORED...42 PERCENT OF THE AMERICAN 4TH GRADERS SCORED

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PROFICIENT IN MATHEMATICS; 35 PERCENT OF THE AMERICAN 8TH GRADERS WHO SCORED PROFICIENT OR BETTER IN MATHEMATICS; 49 PERCENT, MIDDLE AND HIGH SCHOOL...HIGH-INCOME, MIDDLE AND HIGH-INCOME 8TH GRADERS PROFICIENT IN MATH; 20 PERCENT, PORTION OF LOW-INCOME 8TH GRADERS PROFICIENT IN MATH; 51 PERCENT, PORTION OF STUDENTS AT OR ABOVE 200 PERCENT OF THE POVERTY LINE ENROLLED IN KINDERGARTEN; 26 PERCENT OF STUDENTS LIVING BELOW POVERTY LINE ENROLLED IN KINDERGARTEN. SO WE'RE NOT DOING WELL IN MATH. I CAN TELL YOU THAT READING IS ABOUT THE SAME WAY. I TRULY BELIEVE THAT THIS PROGRAM, MASTER TEACHER PROGRAM, AND INVESTING IN THE MASTER TEACHER PROGRAM, BRINGING US FROM THIRD TO LAST IN THE NATION AND MOVING US TO THE MIDDLE OF THE PACK WILL HELP IN SOME OF THESE EDUCATIONAL NUMBERS. SO I HIGHLY SUPPORT IT. I WOULD ASK THAT YOU WOULD VOTE AGAINST AM1567, AND I WOULD YIELD THE REST OF MY TIME TO SENATOR BOLZ, IF SHE NEEDS IT. I DON'T SEE HER, SO SENATOR McCOLLISTER. [LB657]

SENATOR COASH: SENATOR McCOLLISTER, YOU'VE BEEN YIELDED 2:00 AND YOU'RE NEXT IN THE QUEUE. [LB657]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR STINNER, FOR THE BALANCE OF YOUR TIME. DURING MY TIME AT THE PLATTE INSTITUTE, WE STUDIED TEACHER SELECTION AND ACHIEVEMENT. IN FACT, WE WROTE A PAPER ON THE TOPIC. AND THERE IS CLEARLY A BODY OF RESEARCH TO SUPPORT THE NOTION THAT INVESTING IN TEACHERS, IN SOME OF THEIR CONTINUING EDUCATION, IS WELL WORTH THE MONEY. IF WE TRULY WANT TO MOVE STUDENT ACHIEVEMENT UP THE SCALE, I THINK THIS IS PERHAPS THE WAY TO DO IT. AND SO I WOULD ALSO RISE IN SUPPORT OF LB657 AND AGAINST THE AMENDMENT, AM1567. THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR STINNER. [LB657]

SENATOR COASH: SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB657]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I JUST WANTED TO...LISTENING TO THE LAST FEW MINUTES OF CONVERSATION, I WANT TO COME BACK TO A PIECE THAT SENATOR SCHEER HAD MENTIONED AND OTHERS. IF WE SIMPLY WANT A PR EVENT, WE HAVE THIS BILL. WE COULD LOOK AT WHAT WE'RE DOING WITH THIS PARTICULAR BILL AS FAR AS LB657 IS CONCERNED, AND SAY, AREN'T WE GREAT. WE PUT SOME MONEY INTO THIS AND LET'S GET ON TO THE NEXT ISSUES. IF YOU WANT A SUSTAINABLE TOPIC AND IMPACT OVER

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TIME, THIS IS GOING TO TAKE A YEARLY EXPENDITURE THAT WE HAVE TO DEDICATE OURSELVES TO, TO GET MORE TEACHERS INTO THE FUND TO BE ABLE TO GET MORE TRAINED AND INTO OUR CLASSROOMS ACROSS THE STATE THAT IT WILL HAVE AN IMPACT OVER TIME. HOW WILL WE DO THIS? THE GOVERNOR HAS SPOKEN ABOUT A NUMBER OF DIFFERENT WAYS OF PUBLIC-PRIVATE FINANCING THAT THINGS COULD HAPPEN AND WE'VE GOT THE WHEREWITHAL WITHIN OUR STATE THAT THOSE WITH DEEPER POCKETS COULD BE BENEFACTORS TO PROGRAMS LIKE THE NATIONAL BOARD CERTIFICATION PROGRAM. SO WE HAVE TO HAVE A MIND-SET, THOUGH, THAT THIS IS LONGITUDINAL. THIS IS LIKE THE WATER SUSTAINABILITY STUDY. IS IT DONE IN FIVE YEARS? IS IT DONE IN TEN YEARS? IS IT GOING TO BE A 20-YEAR SPAN? YES. IT NEVER GOES AWAY. WE HAVE TO DO SOMETHING EVERY YEAR TO MAINTAIN AND GAIN UPON THE EVENT AND THE SYSTEM THAT WE WANT IN PLACE. SO, PLEASE, HAVE A LONG-TERM VIEW ON THIS. AND I DO SUPPORT THE NATIONAL BOARD CERTIFIED TEACHERS PROGRAM, BUT OUR DIRECTION IN THIS HAS TO BE CLARIFIED BETTER THAN IT HAS BEEN THUS FAR. THANK YOU VERY MUCH. [LB657]

SENATOR COASH: THANK YOU, SENATOR KOLOWSKI. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB657]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I WASN'T GOING TO SPEAK ON THIS, BUT I KIND OF THOUGHT MAYBE I OUGHT TO AS WE APPROACH A VOTE. I'M GOING TO SUPPORT AM1567. AS SENATOR SCHEER SAID, WE ALWAYS HAVE THE SPECIAL NEEDS KIDS AND WE NEVER GIVE THEM ENOUGH MONEY. I HEARD SENATOR KOLTERMAN EARLIER MENTION THE FUNDING WE WERE SUPPOSED TO GET FROM THE FEDERAL GOVERNMENT THAT'S GONE AWAY. IT WAS SUPPOSED TO BE 90 PERCENT WHEN IT STARTED. I THINK IT'S SOMEWHERE AROUND 40 OR 50 PERCENT NOW. COLLEAGUES, IF WE HAVE MONEY FOR A PROGRAM, THESE SPECIAL NEEDS KIDS IS WHERE IT SHOULD BE GOING. THEY HAVE ENOUGH CHALLENGES IN LIFE WITHOUT US NOT PROVIDING FUNDING FOR THEM. AND, MR. PRESIDENT, I DON'T KNOW IF SENATOR SCHEER COULD USE ANY MORE TIME, BUT I'D YIELD HIM THE REMAINDER OF MINE. [LB657]

SENATOR COASH: SENATOR SCHEER, 4:00. [LB657]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. YOU KNOW, IT IS IMPORTANT THAT WE HAVE HIGH-QUALITY,

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COMPETENT TEACHERS. AND BY VOTING FOR AM1567, YOU ARE NOT VOTING AGAINST HIGH-QUALITY, COMPETENT TEACHERS. WE'RE TALKING ABOUT A \$500,000 BLOCK OF FUNDING AND THE BEST USE OF THOSE MONIES. TEACHERS RIGHT NOW HAVE THE AVAILABILITY TO MOVE ALONG A SCHEDULE. IF THIS PROGRAM IS IMPORTANT, THEN WE OUGHT TO FIND A WAY TO MAKE IT A BROADER PERSPECTIVE THAN WHAT WE'VE GOT HERE. IT BOTHERS ME THAT THIS WAS TO THE APPROPRIATIONS COMMITTEE, NOT THE EDUCATION COMMITTEE. I UNDERSTAND IT WAS A MONEY REQUEST, BUT IT ALSO WAS EDUCATIONAL ATTAINMENT. IT WAS TO GET CERTIFIED. THOSE NORMALLY GO THROUGH AN EDUCATION COMMITTEE. HAVING SAID THAT, IT WAS ROUTED THE WAY IT WAS ROUTED AND I'M NOT GOING TO ARGUE ABOUT THAT, BUT I DO THINK IT COULD HAVE JUST AS EASILY GONE TO THE EDUCATION. SENATOR MELLO'S CORRECT. IT WAS DISCUSSED IN 1998-99. FOLKS, IT'S 2015. AS SENATOR MORFELD SAID, IT LAID DORMANT FOR A WHILE. MY GOSH, IT SURE DID, 15 YEARS. SO FOR THEM TO COME UP...FOR SENATOR BOLZ OR MELLO TO SAY, WE'RE JUST STARTING TO GET IT GOING, NO ONE EVEN KNEW IT EXISTED. AND IF IT HADN'T BEEN BROUGHT UP BY SENATOR SULLIVAN, NONE OF US WOULD BE HAVING THIS DISCUSSION RIGHT NOW. HOW MANY OTHER THINGS ARE OUT THERE? I HAD MADE THE COMMENT OFF THE MIKE TO SENATOR SULLIVAN, GEE, MAYBE I SHOULD GO FIND SOMETHING THAT WAS APPROVED IN 1847 BUT WAS NEVER FUNDED AND BRING IT BACK. WELL, YOU KNOW, IT'S JUST BEEN DORMANT FOR A LITTLE WHILE. IF IT'S A PROGRAM THAT HASN'T EXISTED AND HASN'T BEEN APPROVED BY THIS LEGISLATURE, OR REAFFIRMED, THEN I THINK WE OUGHT TO HAVE MORE OF A DISCUSSION THAN JUST SIMPLY SAYING THIS WAS A FINANCIAL REQUEST. THIS BODY NEVER SAID THAT WAS THE ULTIMATE USE OF THOSE DOLLARS. THE EDUCATION COMMITTEE NEVER STATED THAT THIS IS WHAT THEY WANTED TO DO WITH THOSE DOLLARS. IT DIDN'T COME TO THE EDUCATION COMMITTEE. I THINK THE BEST USE OF THIS IS FOR SPECIAL ED. IF WE TRULY WANT TO UTILIZE THIS PROGRAM, THEN LET'S BRING IT BACK TO EDUCATION COMMITTEE. LET'S FIND A WAY THAT WE CAN HAVE EVERY DISTRICT PARTICIPATE IN THAT. IF THE STATE WANTS TO FUND IT THROUGH THOSE DISTRICTS... [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR SCHEER: ...I THINK THAT'S GREAT. THANK YOU, MR. PRESIDENT. I THINK THAT'S GREAT, BUT THAT'S HOW IT SHOULD HAPPEN. IT SHOULD BE FUNDED THROUGH LOCAL DISTRICTS, NOT VIA THE STATE DIRECTLY TO TEACHERS. THAT IS DIFFERENT. THE STATE DOESN'T PAY EVERY TEACHER THAT GETS A MASTER'S IN THE STATE. LOCAL SCHOOL DISTRICTS COMPENSATE THEM FOR THAT. AND

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DO THEY GET COMPENSATED MORE THAN THEY DO WHEN THEY HAVE A BACHELOR'S? ABSOLUTELY, AND THEY SHOULD. I'M NOT ARGUING WITH SCHEDULES, BUT THAT HAPPENS ON A LOCAL SCHOOL DISTRICT BASIS. AND, YES, TEEOSA COMES INTO SCHOOL DISTRICTS, BUT IT'S DEPOSITED IN THE SCHOOL DISTRICT, NOT THE INDIVIDUAL TEACHER. THERE IS A DIFFERENCE WITH WHAT WE'RE DOING HERE. IF WE WANT TO IMPROVE EDUCATION, I'M ALL FOR THAT. I'M A GREAT EDUCATION GUY. IF WE WANT TO HELP TEACHERS, LET'S HELP THEM. THIS ISN'T THE MODE; THIS ISN'T THE WAY. THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR SCHEER. SENATOR MELLO, YOU'RE RECOGNIZED. [LB657]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. THIS IS MY LAST TIME, AS I BELIEVE I'M THE LAST ONE IN THE QUEUE BEFORE SENATOR SULLIVAN WILL CLOSE. I WILL REITERATE, MY GOOD FRIEND, SENATOR SCHEER, A VARIETY OF COMMITTEES TOUCH UPON A VARIETY OF POLICIES AND NOT EVERY POLICY THAT MENTIONS A WORD THAT INVOLVES THAT COMMITTEE SHOULD GO TO THAT COMMITTEE. AS I SAID BEFORE, THERE WERE TWO CASH RESERVE FUND BILLS THAT DID NOT COME TO THE APPROPRIATIONS COMMITTEE, UNLIKE THE OTHER 99.9 PERCENT OF BILLS THAT COME TO OUR COMMITTEE BECAUSE THEY WERE TAX BILLS. AND THE TAX BILLS UTILIZE THE CASH RESERVE FUND. SENATOR BOLZ'S LB185 WAS A PURE AND SIMPLE APPROPRIATIONS BILL. AND IF THE EDUCATION COMMITTEE WANTS TO STUDY THE EFFICACY OF THE MASTER TEACHING CONCEPT, THAT'S A DECISION THE EDUCATION COMMITTEE CAN DECIDE TO DO OVER THE INTERIM. IF THEY WANT TO DO A BILL TO ELIMINATE THAT STATUTE, THAT'S FULL WITHIN THEIR RIGHT COME NEXT YEAR. BUT WHAT WE HAVE IN FRONT OF US IS THE LONE REAL INITIATIVE TO ACKNOWLEDGE THAT WE WANT TO SEE IMPROVED QUALITY IN OUR EDUCATION SYSTEM WHEN IT COMES TO TEACHERS. LB519 DOES A PITTANCE IN REGARDS TO WHAT IT USED TO DO FOR THE EXCELLENCE IN TEACHING PROGRAM, COLLEAGUES. IT WAS DETERMINED BY THE EDUCATION COMMITTEE AND BY THIS ENTIRE FLOOR THAT THE EXCELLENCE IN TEACHING PROGRAM WAS NOT GOING TO BE AS BIG OF A PRIORITY AS INNOVATIVE GRANTS THAT WOULD BE GIVEN OUT BY THE DEPARTMENT OF EDUCATION. I TRUSTED SENATOR SULLIVAN AND I SUPPORT THE BILL. I SUPPORT THE CONCEPT. WHAT WE HAVE IN FRONT OF US IS WHAT THE APPROPRIATIONS COMMITTEE DECIDED, WHICH WAS WE WERE GOING TO DO A PILOT FUNDING FOR THE MASTER TEACHER PROGRAM BECAUSE IT IS SHOWING THAT THE LEGISLATURE AND THE STATE SUPPORTS INCREASING THE QUALITY OF EDUCATORS ACROSS THE STATE.

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IT SENDS A DIFFERENT MESSAGE THAN WHAT I WOULD ARGUE OUR CURRENT TEEOSA FORMULA GIVES, WHICH WERE SIMPLY GIVING AN INCREASE IN ALLOWANCE AT THE LOCAL LEVEL THROUGH TEEOSA BASED ON MASTER'S DEGREE IN COMPARISON TO A COMPETENCY BASE IN A SUBJECT MATTER, WHICH IS WHAT YOU SEE FROM THE NATIONAL BOARD CERTIFICATION PROCESS. AND, COLLEAGUES, WE'RE SIMPLY TRYING TO CATCH UP WHERE WE'VE SEEN A NUMBER OF OTHER STATES JUMP AHEAD OF US. STATES LIKE NORTH CAROLINA HAVE TENS OF THOUSANDS OF TEACHERS THAT HAVE BEEN NATIONALLY CERTIFIED IN THEIR AREA OF EXPERTISE: MATH, SCIENCE, READING, ENGLISH. WE TALK ABOUT WANTING TO INCREASE EDUCATIONAL OUTCOMES, BUT YET THIS IS A SMALL APPROPRIATION BASED ON AN IDEA THAT WAS VETTED, YES, 15 YEARS AGO, BUT THAT IDEA DOESN'T CHANGE SIMPLY BECAUSE IT WAS 15 YEARS AGO WHEN IT WAS DEVELOPED AND PASSED BY THE LEGISLATURE. IF THAT'S THE CASE, WE SHOULD BE REVISITING EVERY SINGLE PROGRAM THAT WAS CREATED PRIOR TO OUR EXISTENCE IN THIS LEGISLATURE BECAUSE MAYBE THEY HAD AN EXPIRATION DATE, AND MAYBE WE SHOULD GET RID OF EVERYTHING SIMPLY BECAUSE WE HAVEN'T PAID A LOT OF ATTENTION TO IT. COLLEAGUES, THAT'S NOT A GOOD ARGUMENT. WE KNOW THAT'S NOT A GOOD ARGUMENT. AND I THINK GOOD PEOPLE CAN DISAGREE IN REGARDS TO WHAT WE TRY TO DO WITH THIS SMALL APPROPRIATION, BUT I THINK IT'S ACKNOWLEDGING THAT WE HAVE A LONG WAY TO GO IN REGARDS TO TRYING TO INCENTIVIZE MORE CERTIFICATIONS, MORE SUBJECT MATTER EXPERTISE, AND IMPROVE THE QUALITY OF EDUCATORS ACROSS THE STATE. AND, YES, MAYBE ONLY 100 MORE CERTIFICATIONS WE WILL GET FROM A MASTER TEACHER CERTIFICATION WITH THIS APPROPRIATION EACH YEAR IN THE NEXT COUPLE OF YEARS, BUT, COLLEAGUES, IT'S A START. AND I'LL REMIND YOU, IT'S THE SIMILAR MESSAGE THAT THE EDUCATION COMMITTEE SOLD ME ON REGARDS TO LB519, IN REGARDS TO APPROPRIATING \$2.7 MILLION FOR EXACTLY THESE KIND OF INNOVATIVE CONCEPTS AND PROGRAMS TO IMPROVE EDUCATIONAL OUTCOMES. IT'S THE SAME ARGUMENT THAT I SUPPORTED ON THAT BILL AS ALL OF US MOSTLY DID. [LB657 LB185 LB519]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR MELLO: I DON'T BELIEVE THERE WAS A NEGATIVE VOTE AGAINST IT. AND THAT'S ESSENTIALLY WHAT WE DID IN THE BUDGET. VOTING AGAINST AM1567 DOES NOT MEAN YOU DON'T SUPPORT SPECIAL EDUCATION FUNDING BECAUSE I KNOW ALL 49 OF US CAN SIGN A LETTER TO OUR FEDERAL DELEGATION ASKING THEM EVERY SINGLE YEAR, FULLY FUND SPECIAL EDUCATION FUNDING, AND I'VE YET TO SEE A LETTER ON THAT. I'VE YET TO SEE

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ANYONE STAND ON THIS FLOOR AND DEMAND OUR U.S. SENATORS AND CONGRESS REPRESENTATIVES TO FULLY FUND SPECIAL EDUCATION. THAT'S ANOTHER VENUE AND OPPORTUNITY WE'VE GOT. IF IT'S THAT BIG OF A PRIORITY, THEN WE NEED TO DO THAT. BUT WE'RE NOT TAKING FUNDING AWAY FROM SPECIAL EDUCATION STUDENTS WITH THIS AMENDMENT, COLLEAGUES. WE APPROPRIATED A 2.5 PERCENT AVERAGE INCREASE, WHICH IS STILL ABOVE AVERAGE OF WHAT WE PROVIDE IN SPECIAL EDUCATION FUNDING. AND I IMAGINE IT WILL BE A DISCUSSION WE HAVE MOVING FORWARD. COLLEAGUES, I URGE THE BODY TO TAKE A STEP BACK, REALIZE... [LB657]

SENATOR COASH: TIME, SENATOR. [LB657]

SENATOR MELLO: ...THIS IS A PILOT PROJECT AND URGE YOU TO VOTE AGAINST AM1567. THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR MELLO. SEEING NO OTHER LIGHTS ON, SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON AM1567. [LB657]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AND I WANT TO UNDERSCORE WHAT I SAID IN MY INITIAL REMARKS IN MY INTRODUCTION. I VALUE TEACHERS. I AM PROUD OF OUR TEACHERS HERE IN NEBRASKA AND I THANK THEM FOR ALL THE HARD WORK. IF WE WANT TO SEE MOVEMENT ON CLOSING THE ACHIEVEMENT GAP, ON MAKING SURE ALL CHILDREN IN OUR PUBLIC SCHOOLS ARE SUCCESSFUL, ONE THING WE KNOW FOR SURE, IF WE PUT IN THAT CLASSROOM A HIGHLY QUALIFIED TEACHER WITH A CARING, SUPPORTIVE ATTITUDE, AND WE GIVE THAT TEACHER ADEQUATE SUPPORT, NOT JUST IN TERMS OF MONEY BUT ALL THE OTHER TOOLS HE OR SHE NEEDS, THEN WE ARE GOING TO HAVE SUCCESS. SO I WANT TO DO, AND AM DETERMINED TO DO, ALL I CAN TO MOVE US IN THAT DIRECTION. AND I'M GLAD THAT WE ARE CONTINUING TO DESIGNATE IN THE LOTTERY FUNDS SUPPORT FOR THE EXCELLENCE IN TEACHING ACT SO WE CAN PROVIDE LOAN FORGIVENESS FOR STUDENTS ENTERING THE TEACHING PROFESSION AND THOSE THAT ARE IN THE TEACHING PROFESSION, AND A NEW ADDITION WITH THOSE FUNDS TO SUPPORT SPECIAL ENDORSEMENTS IN SHORTAGE OR HIGH-NEED AREAS. SO WE'VE HEARD THAT THERE IS VALUE TO BE PUT ON TEACHER IMPROVEMENT. YOU'VE HEARD THAT LOCAL BOARDS CAN MAKE THAT DECISION BY REWARDING TEACHERS WHO ARE GETTING THAT MASTER TEACHER DESIGNATION. WE'VE HEARD, OBVIOUSLY, THE RESEARCH SUPPORTS THE FACT THAT QUALITY TEACHERS MAKE A DIFFERENCE. I WILL ADD, THOUGH, TO THAT END THAT WITH RESPECT

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TO THE NATIONAL TEACHER CERTIFICATION, THE RESEARCH IS A LITTLE CONFLICTED, NOT REALIZING OR KNOWING FOR SURE IS IT THE MASTER, IS IT THE NATIONAL TEACHER CERTIFICATION DESIGNATION THAT RAMPS THEM UP AND MAKES THE MORE POSITIVE OUTCOMES, OR IS THAT TEACHER EVEN BEFORE HE OR SHE GOES THROUGH THAT PROGRAM, MORE MOTIVATED TO BECOME A BETTER TEACHER? AND I WOULD ALSO...THIS YOU MAY NOT REALIZE, THAT IN THE DEPARTMENT OF EDUCATION'S BUDGET THAT HOPEFULLY WE WILL APPROVE IN THIS BUDGET, THERE IS FUNDING IN THERE FOR A NEW POSITION CALLED THE EFFECTIVE EDUCATOR POSITION. AND THIS INDIVIDUAL IS GOING TO BE LOOKING FOR WAYS THAT WE CAN HELP ALL TEACHERS IN THIS STATE IMPROVE THEIR SKILLS. AND I REALLY APPRECIATED THIS DISCUSSION THAT WE'VE HAD THIS AFTERNOON BECAUSE IT ALSO UNDERSCORES THE IMPORTANCE OF TEACHER DEVELOPMENT AND IMPROVEMENT. IT UNDERSCORES THE VALUE OF THE MASTER TEACHER PROGRAM, AND IT GIVES A SHOUT OUT TO THE EDUCATION COMMITTEE THAT THIS IS SOMETHING THAT WE NEED TO CONTINUE TO LOOK AT. BUT HERE I AM WITH AM1567. WE HAVE CHOICES TO MAKE IN THIS BODY. WE HAVE TO THINK ABOUT THOSE CHOICES IN TERMS OF PRIORITIES. AND I STILL COME BACK TO WHY I INTRODUCED THIS AMENDMENT AND WHY I WANT THESE DOLLARS TO BE REDIRECTED TO SPECIAL EDUCATION. SENATOR KOLTERMAN ASKED THE QUESTION ORIGINALLY AND I DIDN'T GIVE HIM A FINITE ANSWER AND I STILL CAN'T OTHER THAN TO SAY WHEN WE WENT THROUGH THE GREAT RECESSION AND HAD OUR ARRA FUNDING COME INTO THE STATE, A PORTION OF THOSE DOLLARS DID GO DIRECTLY TO SCHOOL DISTRICTS FOR SPECIAL EDUCATION SUPPORT. BUT UNDER THE CURRENT SCENARIOS, MOST OF THE FEDERAL DOLLARS THAT COME INTO OUR STATE FOR SPECIAL EDUCATION FLOW ESPECIALLY TO EARLY CHILDHOOD PRE-K PROGRAMS. SO WHEN WE LOOK AT FUNDING FOR K-12 PROGRAMS IN SPECIAL EDUCATION, IT IS DONE ON THE BACKS OF THE STATE SUPPORT THAT WE PROVIDE AND LOCAL DISTRICTS. AND I WILL REMIND YOU WHAT I SAID IN MY INTRODUCTORY REMARKS, THAT REIMBURSEMENT THAT WE PROVIDE DISTRICTS FOR SPECIAL EDUCATION FUNDING IS GOING DOWN. IT'S NOW GOING TO BE, AT AN ESTIMATE, AROUND 52 PERCENT. [LB657]

SENATOR COASH: ONE MINUTE. [LB657]

SENATOR SULLIVAN: SO I REMAIN, AS I SAID, APPRECIATIVE OF THE CONVERSATION THAT WE'VE HAD. I STAND WITH THIS AMENDMENT BECAUSE IT'S ONE OF THE THINGS THAT I THINK WAS MY DUE DILIGENCE AS EDUCATION CHAIR TO WATCH OVER HOW WE ARE SPENDING OUR EDUCATIONAL DOLLARS AND THE PRIORITIES THAT WE SET. AND I SIMPLY SAY THAT I THINK THESE

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DOLLARS, ALTHOUGH THEY MAY BE SMALL, CAN BE ADDED TO THE SPECIAL EDUCATION APPROPRIATION TO CONTINUE TO HELP ALL SCHOOL DISTRICTS IN THOSE EDUCATIONAL CHALLENGES. THANK YOU, MR. PRESIDENT. AND I WOULD LIKE...WELL, MAYBE I DON'T NEED A CALL OF THE HOUSE. THANK YOU. [LB657]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. MEMBERS, THE QUESTION BEFORE THE BODY IS, SHALL AM1567 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. SENATOR SULLIVAN. [LB657]

SENATOR SULLIVAN: YES, MR. PRESIDENT, I WOULD REQUEST A CALL OF THE HOUSE. [LB657]

SENATOR COASH: 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. [LB657]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB657]

SENATOR COASH: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR CRAIGHEAD, PLEASE CHECK IN. SENATOR CRAWFORD, PLEASE CHECK IN. SENATORS SCHILZ, JOHNSON, GARRETT, AND HADLEY, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATOR MURANTE, PLEASE RETURN TO CHAMBER AND RECORD YOUR PRESENCE. SENATORS MURANTE, JOHNSON, AND GARRETT. ALL MEMBERS ARE ACCOUNTED FOR. THERE HAS BEEN A REQUEST FOR ROLL CALL VOTE ON THE ADOPTION OF AM1567. MR. CLERK, PLEASE READ THE ROLL. [LB657]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1468-1469.) 20 AYES, 16 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB657]

SENATOR COASH: AM1567 IS NOT ADOPTED. RAISE THE CALL. [LB657]

CLERK: MR. PRESIDENT, SENATOR SCHEER WOULD MOVE TO AMEND WITH FA62. (LEGISLATIVE JOURNAL PAGE 1469.) [LB657]

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SENATOR COASH: SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON FA62.
[LB657]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. A REAL SIMPLE AMENDMENT, MY FELLOW SENATORS, WON'T TAKE A LOT OF DISCUSSION, I DON'T SUPPOSE. YOU EITHER DIDN'T LIKE THE IDEA OR YOU WERE AFRAID THAT IT WAS GOING TO GO TOO FAR. THE AMENDMENT IS VERY SIMPLE. IF THIS IS A PILOT PROGRAM, WE'LL MAKE IT A PILOT PROGRAM. IT LASTS FOR THE TWO YEARS OF THIS FUNDING CYCLE. IF IT IS WORTHWHILE, THEN WE CAN REAUTHORIZE IT IN TWO YEARS. IF THEY CAN'T PROVE THAT IT'S BEEN SUCCESSFUL, IT GOES AWAY. IT IS A PRETTY SIMPLE SUGGESTION. IF IT IS WORTHWHILE, IT STAYS; IF IT DOESN'T, WE DON'T HAVE TO DO ANYTHING AND IT DIES. IF THERE IS A BETTER USE, WE CAN FIND WAYS TO UTILIZE THOSE DOLLARS. THAT'S IT, THAT'S THE OPENING. THAT'S THE SUM AND SUBSTANCE OF THE AMENDMENT. IT'S TWO-YEAR SUNSET; IT IS EITHER REAUTHORIZED OR NOT. THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR SCHEER. MEMBERS, YOU'VE HEARD THE OPENING TO FA62. (VISITORS INTRODUCED.) THOSE WISHING TO SPEAK ON FA62: SENATOR BOLZ AND MELLO AND OTHERS. SENATOR BOLZ, YOU ARE RECOGNIZED. [LB657]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO FA62. AND ONE OF THE REASONS I RISE IN OPPOSITION IS THAT I WOULD ARGUE THAT WE ALREADY HAVE SHOWN THE EFFICACY OF THIS KIND OF INITIATIVE, NOT ONLY HERE IN NEBRASKA BUT ALL ACROSS THE COUNTRY. LET ME GIVE YOU SOME EXAMPLES. WASHINGTON STATE SAYS THE BOARD CERTIFIED TEACHERS ARE MORE EFFECTIVE THAN NONCERTIFIED TEACHERS WITH SIMILAR EXPERIENCES. CHICAGO AND KENTUCKY: WE HAVE FOUND EVIDENCE THAT NATIONAL BOARD CERTIFICATION IS AN EFFECTIVE SIGNAL OF TEACHER QUALITY, BASED ON STUDENT TEST SCORES. I'VE GOT RESEARCH FROM LOS ANGELES; GWINNETT COUNTY, GEORGIA; HILLSBOROUGH, FLORIDA; AND CHARLOTTE; LOS ANGELES; NORTH CAROLINA; ARIZONA; AND MIAMI-DADE COUNTY. I THINK THAT THIS IS A PROGRAM THAT HAS ALREADY ILLUSTRATED THAT IT HAS REAL VALUE IN THE CLASSROOM BY PROVIDING TEACHERS WITH REAL SKILLS TO BETTER FUND...SORRY, TO BETTER TEACH IN THEIR CLASSROOMS, PARTICULARLY FOR THE STUDENTS THAT WE HAVE ALL EXPRESSED CONCERNS ABOUT, STUDENTS WITH SPECIAL NEEDS. SO I WON'T BELABOR THE POINT. I THINK YOU HAVE HEARD LOUD AND CLEAR MY POSITION IS IN SUPPORT OF THIS INITIATIVE AND I BELIEVE IN IT WHOLEHEARTEDLY. I WOULD JUST REITERATE TO YOU, COLLEAGUES, THAT THIS KIND OF APPROACH

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HAS BEEN PILOTED; IT HAS BEEN PILOTED ALL ACROSS THE NATION. IT HAS PROVEN TO BE EFFECTIVE. AND I THINK IT IS TIME FOR NEBRASKA TO RECOGNIZE THAT AND MOVE FORWARD WITH THIS KIND OF WORK THAT IMPROVES TEACHER QUALITY, IMPROVES STUDENT OUTCOMES. THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR BOLZ. SENATOR MELLO, YOU ARE RECOGNIZED. [LB657]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I AM IN A UNIQUE POSITION BECAUSE I CAN APPRECIATE WHERE SENATOR SCHEER IS COMING FROM. BUT I, RESPECTFULLY, RISE IN OPPOSITION BECAUSE THIS, ESSENTIALLY, IS THE BUDGET PROCESS AS WE KNOW IT NOW. TWO YEARS FROM NOW, WE CAN'T BIND A FUTURE LEGISLATURE IN REGARDS TO WHAT THEY ARE APPROPRIATING MONEY FOR. AND THE REALITY IS TWO YEARS FROM NOW I'M ASSUMING THE SIX RETURNING MEMBERS OF THE APPROPRIATIONS COMMITTEE AND THREE NEW MEMBERS OF THE COMMITTEE WILL MAKE A DETERMINATION AND GIVE THIS BODY AN OPTION OF WHETHER OR NOT THEY THINK THE APPROPRIATION NEEDS TO CONTINUE, BE INCREASED, OR ELIMINATED. AND SO TO SOME EXTENT, I CAN SEE WHERE SENATOR SCHEER IS COMING AT IN REGARDS TO WANTING TO PUT, I WOULD SAY, KIND OF AN ARTIFICIAL TIME LINE ON THE APPROPRIATION. BUT OUR PROCESS NATURALLY DOES THAT WHERE IT GOES THROUGH A REVIEW PROCESS WHERE TWO YEARS FROM NOW THE LEGISLATURE WILL MAKE A DETERMINATION FIRST THROUGH THE COMMITTEE PROCESS, THEN THROUGH THE FLOOR, WHETHER OR NOT WE WANT TO CONTINUE THE APPROPRIATION. SO I WOULD MAKE THE ARGUMENT, OUR NATURAL BUDGET PROCESS ALLOWS US TO NOT DO THIS EVERY TWO YEARS. THUS, THE FLOOR AMENDMENT I WOULD SAY IS A LITTLE REDUNDANT. YES, I GUESS TO SOME EXTENT YOU COULD MAKE AN ARGUMENT THAT IT IS GIVING THE INTENT OF THIS LEGISLATURE THAT TWO YEARS FROM NOW THAT YOU START OFF, IN THEORY, SAYING WE WON'T APPROPRIATE ANY MONEY, BUT, ARGUABLY, THE COMMITTEE CAN SIMPLY MAKE THAT DECISION SINCE IT IS ALREADY GOING TO BE IN STATUTE. THERE IS A HISTORY WITH THE APPROPRIATION AND WE DON'T NEED A BILL TO BE ABLE TO APPROPRIATE THE FUNDING. AND SIMPLY A MEMBER CAN SAY WE'RE GOING TO KEEP APPROPRIATING THIS FUNDING. IT WILL GET REVIEWED TWO YEARS FROM NOW, REGARDLESS. BUT I JUST THINK TO SOME EXTENT THE FLOOR AMENDMENT IS REDUNDANT IN THAT NATURE, BECAUSE EVERY APPROPRIATION, PARTICULARLY RECENT APPROPRIATIONS GO THROUGH AN EVEN MORE RIGOROUS PROCESS IN REGARDS TO WHAT WE APPROPRIATED TWO YEARS AGO, FOUR YEARS AGO. AND

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THAT WOULD CONTINUE WITH WHAT THE APPROPRIATIONS COMMITTEE IS RECOMMENDING IN LB657 WITH THE COMMITTEE TWO YEARS FROM NOW. SO WITH THAT, I'LL...I APPRECIATE WHERE SENATOR SCHEER IS GOING WITH THIS. BUT IT IS, ARGUABLY, THE EXISTING PROCESS AS WE HAVE NOW AND I'M GOING TO HAVE TO, RESPECTFULLY, OPPOSE FA62. [LB657]

SENATOR COASH: THANK YOU, SENATOR MELLO. SENATOR SCHEER, YOU ARE RECOGNIZED. [LB657]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. WITH RESPECT TO SENATOR MELLO, THERE IS A DIFFERENCE. THIS IS NOT ARTIFICIAL. IF IT SUNSETS IN TWO YEARS, SOMEONE HAS TO INTRODUCE A BILL TO REAUTHORIZE IT. IT IS NOT AUTOMATIC. IT DOESN'T NECESSARILY JUST BE REVIEWED BY THE APPROPRIATIONS. SOMEONE HAS TO BRING THE BILL AND IT HAS TO BE REAUTHORIZED IF IT IS SUNSETTED. YES, IT MAY BE REVIEWED BY THE APPROPRIATIONS, BUT IT CAN GO IN AND WE MAY NEVER SEE IT AGAIN, BECAUSE IT WILL BE COMBINED WITH OTHER FUNDS WITHIN THE GENERAL FUND. I THINK THIS IS IMPORTANT. IT IS A PILOT. YOU DON'T CALL SOMETHING A PILOT THAT YOU PLAN ON MAKING CONTINUOUS. THAT IS AN ONGOING PROGRAM. THIS WAS INTRODUCED AS A PILOT. MORE IMPORTANTLY, WE SHOULD REVIEW THIS. I DON'T CARE IF IT WORKED IN GEORGIA. I DON'T CARE IF IT'S WORKED IN DELAWARE. IS IT GOING TO WORK IN NEBRASKA? ARE WE GOING TO SEE ADDITIONAL TEACHERS UTILIZING THIS? WE HAVE 113 THAT HAVE USED IT, HAVE GOT THIS DESIGNATION, SINCE 2000. WE'RE HOPING FOR IMPROVEMENT. MY CONCERN IS, IS ALL THE ADDITIONAL TEACHERS THAT ARE GOING TO BE BROUGHT INTO THIS PROGRAM, ARE THEY GOING TO COME FROM THE METROPOLITAN AREA? OR ARE THEY, INDEED, GOING TO COME FROM OUTSTATE NEBRASKA AS WELL? I THINK THAT IT...BY MAKING IT A PILOT, WE HAVE TO MAKE SURE THAT IT IS JUSTIFIED THAT IT CONTINUES TO BE IN EXISTENCE; THAT GEOGRAPHICALLY THE PEOPLE THAT ARE PARTICIPATING IS FROM ALL ACROSS THE STATE OF NEBRASKA, AS WAS PROPOSED BY SENATOR BOLZ. I THINK IT IS IMPORTANT THAT IT WAS INTRODUCED TO DO A MULTITUDE OF THINGS. I THINK IT SHOULD BE HELD ACCOUNTABLE TO MAKE SURE THAT IT IS DOING THOSE MULTITUDE OF THINGS. THERE IS NOTHING WRONG WITH HOLDING THINGS ACCOUNTABLE. THIS IS A NEW PROGRAM. IT MAY HAVE BEEN ON THE BOOKS FOR THE LAST 17 YEARS, BUT IT WAS NEVER UTILIZED. SO IF WE ARE GOING TO UTILIZE IT, LET'S MAKE SURE IT DOES WHAT WE ANTICIPATE IT TO DO. IF IT DOES, I'LL HAVE A GREEN VOTE FOR IT IN TWO YEARS FROM NOW. WELL, POSSIBLY, I MAY NOT BE HERE IN TWO YEARS, I GUESS; BEING A LITTLE PRESUMPTUOUS. BUT HAVING SAID THAT, AT LEAST WE WILL KNOW IF THE

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SYSTEM IS WORKING. THERE IS NOTHING WRONG WITH THAT. IF IT IS A PILOT, WHICH IT WAS INTRODUCED AS, THEN A PILOT SHOULD HAVE SOME TIME LIMIT PUT ON IT AND WE SHOULD EXPECT SOME TYPE OF RESULTS. THAT IS AS SIMPLE AS I CAN PUT IT. THANK YOU, MR. PRESIDENT. [LB657]

SENATOR COASH: THANK YOU, SENATOR SCHEER. THOSE STILL WISHING TO SPEAK: SENATORS BURKE HARR, KEN HAAR, MELLO, AND OTHERS. SENATOR BURKE HARR, YOU ARE RECOGNIZED. [LB657]

SENATOR HARR: THANK YOU, MR. PRESIDENT. YOU KNOW, WHEN I HIT MY LIGHT I WAS GOING TO MAKE THE POINT THAT SENATOR SCHEER DID. WITH ALL DUE RESPECT TO THE CHAIR OF APPROPRIATIONS, I THOUGHT HIS EXPLANATION WAS A BIT DISINGENUOUS BECAUSE OF THE WAY THAT WE DO, DO THE BUDGET PROCESS. IT IS DIFFERENT IF THERE IS A SUNSET VERSUS A NON-SUNSET AND HOW WE LOOK AT IT. AND THE ARGUMENT THAT WE'LL LOOK AT IT AND DECIDE WHETHER IT IS WORTHY OR NOT IS INTERESTING INsofar AS THE LEGISLATURE HAS LOOKED AT IT FOR 15 YEARS AND DECIDED IT WASN'T WORTH FUNDING. AND I HEAR THERE IS A STUDY, I HAVEN'T HEARD A CITE TO THE STUDY, AND I'LL ASK SENATOR BOLZ OFF THE RECORD OR OFF THE MIKE WHAT THAT IS AND WHERE IT IS AND WHAT ARE THOSE FINDINGS. I HAVE SOME PERSONAL EXPERIENCE WITH THIS, AND SO I FIND IT INTERESTING. BUT I WILL SUPPORT FA62. THANK YOU. [LB657]

SENATOR COASH: SENATOR MELLO, YOU ARE RECOGNIZED. [LB657]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'LL FIRST ADDRESS THE ISSUE, TO SOME EXTENT, SENATOR SCHEER JUST MENTIONED. YOU DO NOT HAVE TO HAVE A BILL INTRODUCED EVERY TWO YEARS TO FUND SOMETHING THAT IS EXISTING IN STATUTE. I DIDN'T HAVE TO HAVE A BILL INTRODUCED TO THE COMMITTEE TO APPROPRIATE ANY MONEY TO SPECIAL EDUCATION AID. THAT WAS PURELY A DECISION WE GET TO MAKE, BECAUSE IT IS EXISTING STATUTE. SAME WAY GOES WITH THE MASTER TEACHING PROGRAM. SENATOR BOLZ INTRODUCED A BILL BECAUSE SHE WANTED TO HIGHLIGHT IT AT A PUBLIC HEARING, BUT SHE COULD HAVE MADE AN ARGUMENT WITHIN OUR EXEC SESSIONS THAT WE'VE HAD OVER THE LAST FOUR MONTHS TO SAY: I THINK THIS IS A PROGRAM I WANT TO BRING TO THE ATTENTION TO THE COMMITTEE; IT IS EXISTING STATUTE AND I THINK WE SHOULD APPROPRIATE MONEY TO IT. SO FIRST OFF, YOU DON'T HAVE TO ALWAYS INTRODUCE A BILL. THAT IS THE OPTION THAT MOST SENATORS TAKE BECAUSE

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THEY ARE ABLE TO HIGHLIGHT THE SUPPORT FOR A PROGRAM OR AN APPROPRIATION WHICH IS USUALLY A GREAT WAY TO BUILD YOUR CASE. AND TO SOME RESPECT WHAT SENATOR HARR SAID IS PARTIALLY CORRECT. WE WILL REVIEW THIS TWO YEARS FROM NOW, AS WE WOULD WITH ANY APPROPRIATION. THE ONE DIFFERENCE IS IF YOU ADOPT FA62, THE OUT-YEAR BIENNIUM WILL NOT INCLUDE THE APPROPRIATION. THAT IS THE REALITY OF WHAT THIS AMENDMENT DOES. IT DOESN'T MEAN THAT THE COMMITTEE WON'T CONSIDER IT; IT DOESN'T MEAN THE COMMITTEE CAN'T JUST SIMPLY APPROPRIATE MONEY TO IT MOVING FORWARD. AND I THINK AS SENATOR SCHEER WANTS SOME RESEARCH ON IT OR EXPERIENCE, THAT IS SOMETHING THAT WE CAN CONSIDER INCLUDING SOME INTENT LANGUAGE IN REGARDS TO ASKING THE DEPARTMENT OF EDUCATION TO PROVIDE AN UPDATE IN REGARDS TO HOW THE APPROPRIATION IS BEING SPENT; THE NUMBER OF CERTIFICATIONS THAT WE'RE GOING TO GET. THAT KIND OF EVALUATION SHOULD PROBABLY BE NEEDED MORE ON EVERY PROGRAM THAT COMES OUT OF THE DEPARTMENT OF EDUCATION OR INVOLVES INNOVATION DOLLARS OR ANY GENERAL FUND DOLLARS IF IT IS PROGRAM IN NATURE--PILOT OR NOT PILOT. BUT I THINK TO SOME EXTENT TO SAY THAT WE'RE NOT GOING TO REVIEW IT, I DO TAKE SOME WORDS WITH MY GOOD FRIEND, SENATOR HARR, THAT IT'S SIMPLY NOT THE CASE, COLLEAGUES. THE ONE CHANGE YOU WOULD SEE WITH FA62 AND THE ONLY CHANGE IS THAT YOU DON'T SEE IT COUNT IN THE OUT YEAR. THAT DOESN'T MEAN IT WON'T BE DISCUSSED OR BROUGHT UP. AND FOR ALL WE KNOW, THE DEPARTMENT OF EDUCATION COULD ARGUABLY MAKE IT PART OF THEIR ONGOING BUDGET REQUESTS. SO IT BRING A DIFFERENT LIGHT FROM AN AGENCY PERSPECTIVE, OUTSIDE OF A SENATOR BRINGING AN APPROPRIATIONS BILL. I THINK IF THIS IS A DESIRE THE BODY WANTS TO GO, IT'S A DESIRE THE BODY WANTS TO GO. I THINK THE APPROPRIATIONS COMMITTEE DOES ITS JOB AND DOES ITS DUE DILIGENCE IN REVIEWING APPROPRIATIONS, AND WHETHER OR NOT WE CONTINUE TO GIVE APPROPRIATIONS, WE ELIMINATE THEM, OR REDUCE THEM OR INCREASE THEM BASED ON WHERE WE SEE SUCCESS OR FAILURE. I CAN APPRECIATE WHAT SENATOR SCHEER WANTS TO DO HERE, BUT I STILL HAVE TO, RESPECTFULLY, OPPOSE FA62. THANK YOU, MR. PRESIDENT. [LB657]

SENATOR MURANTE PRESIDING

SENATOR MURANTE: THANK YOU, SENATOR MELLO. SENATOR KEN HAAR, YOU ARE RECOGNIZED. [LB657]

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SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I OPPOSE FA62 AND SUPPORT LB657, OF COURSE. THIS IS NOT A BRAND NEW PROGRAM. WE HEARD FROM TEACHERS WHO ARE GOING THROUGH THIS ON THEIR OWN DIME; AND IT IS VERY, VERY EXPENSIVE. SOMETHING LIKE \$5,000, I BELIEVE, TO GO...AND IT TAKES A NUMBER OF YEARS. AND THE REASON THAT IS THE CASE IS THAT OVER THAT TIME THE TEACHER HAS TO INTERACT WITH PEERS, NOT NECESSARILY IN THEIR OWN SCHOOL BUT WITH PEERS ACROSS THE COUNTRY WHO VIEW LESSON PLANS AND TAPINGS AND SO ON AND SO FORTH. AND SO, YOU KNOW, IF YOU LOOK AT ANY OTHER PROFESSION LIKE SCIENTIST OR DOCTOR OR WHATEVER, THERE IS A GREAT DEAL OF INTERACTION BETWEEN COLLEAGUES AND THEY HELP EACH OTHER GROW. WITH TEACHERS, AND I WAS ONE FOR 20 YEARS, BECAUSE OF THE CLASS SCHEDULE, YOU PRETTY MUCH COME IN, IN THE MORNING AND YOU GO TO YOUR CLASS AND YOU MEET WITH KIDS. YOU ARE ON YOUR OWN. AND AS A RESULT OF THAT, MANY TEACHERS WHO COME INTO THE SYSTEM DON'T STAY. BUT THIS IS A PROVEN PROGRAM WORKING WITH PEERS. IT'S A COLLABORATIVE PROGRAM AMONG TEACHERS TO IMPROVE THE QUALITY OF TEACHING. AND I WOULD ARGUE THAT THIS IS ON THE SAME PAR WITH GETTING MORE COURSEWORK. JUST BECAUSE I GO TO CLASSES AND, FOR EXAMPLE, GET MORE SCIENCE IN MY BACKGROUND DOESN'T NECESSARILY MAKE ME A BETTER TEACHER. IT MIGHT, AND HOPEFULLY IT DOES. BUT THIS IS A PROGRAM THAT ACTUALLY WORKS ON TEACHING SKILLS, NOT SO MUCH SUBJECT MATTER. AND I THINK WE'D ALL AGREE THAT SUBJECT MATTER IS NOT WHAT MAKES A GOOD TEACHER. IT'S PART OF THEIR TOOLBOX, PART OF THEIR TOOL KIT. BUT HOW TEACHERS TEACH IN THE CLASSROOM, THOSE KINDS OF SKILLS ARE REALLY WHAT MAKES A TEACHER EFFECTIVE OR NOT EFFECTIVE. THIS IS A PROGRAM THAT HAS BEEN SHOWN ACROSS THE COUNTRY TO WORK. IT IS BEING USED IN NEBRASKA. IT IS JUST THAT IT IS ON TEACHERS' OWN DIME. THIS WOULD GIVE THEM SOME SUPPORT, SOME RECOGNITION, SOME INCENTIVE FOR GOING THROUGH THIS PROGRAM. I SPENT A LOT OF TIME LOOKING AT SOME OF THE BEST EDUCATION SYSTEMS IN THE WORLD. AND THE TOP ONE RIGHT NOW, IN TERMS OF TEACHERS' SCORES, IS FINLAND. AND THERE ARE A LOT OF REASONS. THEY HAVE A MORE HOMOGENOUS POPULATION AND THOSE KINDS OF THINGS. BUT IN THE TOP SCORING COUNTRIES, NOT JUST FINLAND BUT OTHER COUNTRIES, TEACHERS HAVE...ARE GIVEN THE TIME TO WORK WITH EACH OTHER, TO WORK WITH...SO THEY CAN DEAL WITH COMMON STUDENTS THAT THEY HAVE; SO THEY CAN SHARE LESSON PLANS; SO THAT THEY CAN CRITIQUE EACH OTHER. WHEN I WAS A TEACHER, IF SOMEBODY WALKED INTO MY CLASSROOM, LIKE A PRINCIPAL OR ANOTHER TEACHER, IT WAS, YOU KNOW, OMG, WHAT ARE THEY DOING HERE? AM I GOING TO BE EVALUATED? IT WAS KIND OF A SCARY EXPERIENCE BECAUSE I WASN'T USED TO IT. IN THE TOP...IN

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THE TOP PERFORMING SCHOOL SYSTEMS IN THIS WORLD, TEACHERS GO INTO EACH OTHER'S CLASSROOMS; THEY SPEND TIME TOGETHER AND IT IS NOT THREATENING. IT IS A GROWTH PROCESS. THE MASTER TEACHER PROGRAM IS A GROWTH PROCESS WHERE TEACHERS COLLABORATE WITH OTHER TEACHERS TO IMPROVE THEIR TEACHING SKILLS. IT IS NOT A PILOT; IT WORKS, AND I THINK THE FUNDING SHOULD STAY... [LB657]

SENATOR MURANTE: ONE MINUTE. [LB657]

SENATOR HAAR: ...RIGHT WHERE IT IS. THANK YOU VERY MUCH. [LB657]

SENATOR MURANTE: THANK YOU, SENATOR HAAR. SENATOR GROENE, YOU ARE RECOGNIZED. [LB657]

SENATOR GROENE: THANK YOU, MR. SPEAKER. I SUPPORT FA62 BY SENATOR SCHEER. I THINK THERE WAS A BILL IN THIS...WHERE THEY WERE GOING TO, TWO YEARS AGO, WHERE THEY WERE GOING TO MAKE SURE THAT EVERY 3RD GRADER WAS ABLE TO READ OR YOU COULDN'T PASS THEM FORWARD. AND LOCAL SCHOOL DISTRICTS DIDN'T LIKE THE IDEA; THIS BODY WAS DICTATING TO THEM WHAT THEY SHOULD DO. WELL, I DON'T UNDERSTAND WHY LOCAL SCHOOL DISTRICTS OR SCHOOL BOARDS WOULD LIKE THIS BODY DECIDING WHICH ONE OF THEIR TEACHERS MERITED MORE PAY OVER THE TOP OF THE ONES THAT ARE ALREADY IN THEIR PAY SCALE THAT THEY NEGOTIATE WITH THEIR UNION. GREAT IDEALS, AGAIN. MY EXPERIENCE, WE ALL GO BACK TO OUR PERSONAL EXPERIENCE, THE BEST TEACHERS WERE THE ONES THAT LOVED WHAT THEY DID. I'VE ALWAYS SAID TEACHING IS HARD WORK. THE PROBLEM IS TO DO IT RIGHT; THE REPETITIVENESS OF IT, 2 PLUS 2; TO TEACH THEM WHAT A VERB AND A NOUN IS. TOO MANY WHO GET BORED DOING THAT AND WANT TO SKIP OVER THAT AND GO TO OTHER ISSUES, BUT THE BEST ONES KNOW THAT THAT IS WHAT IT TAKES AND YOU DON'T GOT TO GIVE THEM A SPECIAL CERTIFICATE. IT COMES NATURAL TO THEM. THEY KNOW HOW TO TEACH. BUT IT GOES BACK TO SENATOR SCHEER'S POINT--THEY NEGOTIATE LOCALLY. MOST SCHOOLS, OUR LARGER ONES, HAVE FOUNDATIONS. THEY REWARD TEACHERS WITH GRANTS, THE ONES THAT THEY IDENTIFY LOCALLY WHO ARE ABOVE AVERAGE. LET LOCAL BE LOCAL. WE CAN'T EVEN GET SOME OF THE THINGS STRAIGHT IN THIS BODY, LET ALONE START THINKING THAT WE'RE EXPERTS ON EDUCATION AND PICK WINNERS AND LOSERS AGAIN WITH WHO WE CHOOSE BECAUSE THEY PASSED A TEST. ONCE THEY ARE INTO THIS TEACHING PROFESSION, TESTS ARE MEANINGLESS, LEVELS OF EDUCATION ARE

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MEANINGLESS, WE ALL KNOW LOCALLY WHO THE BEST TEACHERS ARE--THE ONES THAT WORK HARD, BECAUSE IT IS HARD WORK TO BE A GOOD ONE. SO I AGREE WITH SENATOR SCHEER. LET'S JUST ELIMINATE...WE DIDN'T EVEN KNOW IT EXISTED. IT HAS BEEN AROUND SINCE 2000, HASN'T BEEN FUNDED, AND ALL OF A SUDDEN NOW IT'S GOING TO MAKE A DIFFERENCE. APPARENTLY 20 YEARS, A LOT OF LEGISLATURES BEFORE US DIDN'T THINK IT WAS NECESSARY. LET'S SUPPORT SENATOR SCHEER; FUND IT FOR TWO YEARS. I DON'T EVEN WANT TO DO THAT. I AGREE WITH SENATOR SULLIVAN. IF EDUCATION IS LOCAL, LET'S KEEP IT LOCAL. LOCAL PEOPLE KNOW WHO THEIR BEST TEACHERS ARE; LOCAL PEOPLE CAN DECIDE HOW TO REWARD THEM. THANK YOU. [LB657]

SENATOR MURANTE: THANK YOU, SENATOR GROENE. SENATOR BOLZ, YOU ARE RECOGNIZED. SENATOR BOLZ WAIVES. SENATOR SCHEER, YOU ARE RECOGNIZED. [LB657]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I RISE TO WITHDRAW FA62. SENATOR BOLZ AND I HAVE TALKED OFF THE MIKE AND HAVE REACHED AN AGREEMENT. PERHAPS TWO YEARS IS TOO SHORT A PERIOD OF TIME. IT DOESN'T, LITERALLY, DOESN'T GIVE ENOUGH TIME FOR ANYONE TO BE ABLE TO GET THROUGH THE PROGRAM TO ADEQUATELY, PROBABLY, DETERMINE IF IT IS SUCCESSFUL OR NOT. WE LOOKED AT TRYING TO TIME IT WITH SOMETHING THAT WOULD MAKE OTHER FUNDS AVAILABLE FOR IT IF IT WAS SUCCESSFUL. WE LOOKED AT THE TIME FRAME OF THE LOTTERY FUNDS COMING BACK UP THAT SENATOR SULLIVAN HAS INTRODUCED THE USAGE EARLIER IN THE SESSION. SO I BELIEVE WE WILL COME BACK NEXT YEAR, AS PART OF SENATOR BOLZ'S AGREEMENT. WE'LL BE INTRODUCING A SUNSET OF IT FOR FOUR YEARS AS OF NEXT YEAR WHICH WILL THEN COINCIDE WITH THE LOTTERY FUNDS. SO IF INDEED WE CONTINUE TO UTILIZE THIS, PERHAPS WE CAN FIND OTHER SOURCES FOR FUNDING OUTSIDE OF THE GENERAL FUND. SO WITH THAT, I WOULD REQUEST THAT FA62 BE REMOVED. THANK YOU. [LB657]

SENATOR MURANTE: THANK YOU, SENATOR SCHEER. FA62 IS WITHDRAWN. [LB657]

CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER ON THE BILL. [LB657]

SENATOR MURANTE: WE RETURN TO DISCUSSION ON LB657. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB657]

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SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. SENATOR SCHEER'S AMENDMENT PROMPTED ME TO MAKE THESE COMMENTS REGARDING OUR APPROPRIATIONS AND BUDGET PROCESS. APART FROM MAYBE THE \$50 MILLION THAT SEEMS TO SHOW UP EVERY YEAR FOR, I THINK THE WORD IS, FOR THE FLOOR TO DIVIDE AMONG PROGRAMS, THE BULK OF US WHO ARE NOT ON THE APPROPRIATIONS COMMITTEE HAVE VERY LITTLE INPUT INTO THE BUDGET, NOR ARE WE IN MUCH OF A POSITION TO GIVE AN INTELLIGENT DISCUSSION TO MANY OF THE ISSUES. AND A LOT OF THE THINGS THAT ARE IN THERE THAT ARE RENEWED YEAR AFTER YEAR, WE HAVE NO WAY OF GETTING A HANDLE ON. WE TRUST THE APPROPRIATIONS COMMITTEE TO LISTEN TO THE VARIOUS CASES OF THE VARIOUS AGENCIES AND COME UP WITH THE DECISION. AND MOST OFTEN, I WOULD GUESS, I'VE NEVER BEEN ON THAT COMMITTEE, THE DECISION IS PROBABLY PRETTY MUCH UNANIMOUS. BUT THERE ARE TIMES WHEN IT HAS TO BE NOT UNANIMOUS. WHERE THERE HAS TO BE TWO SIDES OF AN ISSUE DEBATED THERE. AND THE PRACTICE THAT, APPARENTLY, HAS COME TO PASS OVER THE YEARS, THAT ONCE THE APPROPRIATIONS COMMITTEE COMES UP WITH A BUDGET, EVERY MEMBER OF THAT COMMITTEE SUPPORTS THE BUDGET, DOESN'T SHARE THE INTERNAL DEBATE WITH US, AND WE MAY MAKE ANOTHER CONCLUSION THAT IS DIFFERENT FROM THE APPROPRIATIONS COMMITTEE AND THAT IS PART OF OUR RESPONSIBILITY TO MAKE THAT FINAL DECISION RATHER THAN JUST A RUBBER STAMP. THE FACT THAT THERE IS DISAGREEMENT ON A LINE ITEM OR AN AREA OF THE BUDGET WITHIN THE COMMITTEE IS A RED FLAG TO THE REST OF US THAT IT DESERVES BROADER REVIEW. AND, YES, IT MAY IMPINGE UPON SOME OF THE POWER OF THE APPROPRIATIONS COMMITTEE TO START HIGHLIGHTING THIS ISSUE. WE NO LONGER HAVE A LONGSTANDING APPROPRIATIONS COMMITTEE, AND THE CONSTANT CHURN OF NEW PEOPLE AND INEXPERIENCE WITH THE VARIOUS LINE ITEMS ARE SUCH THAT IT MAY CALL UPON ALL OF US TO PUT OUR COMMON SENSE TOGETHER TO COME UP WITH SOME OF THE ANSWERS ON THOSE CONTROVERSIAL ITEMS. SO I THINK THAT THE GIST THAT SENATOR SCHEER'S WITHDRAWN AMENDMENT POINTS OUT IS GOOD. THAT SHOULD NOT BE THE KIND OF DECISION THAT IS SUMMARILY MADE ON THE APPROPRIATION COMMITTEE AND THEN THE MEMBERS OF THE APPROPRIATIONS COMMITTEE FUNCTIONALLY BARRED FROM DISCUSSING IT WITH THE REST OF US ON THE FLOOR AND BEFORE THE PUBLIC...WHERE THE PUBLIC CAN WEIGH IN TOO. I THINK IT IS A FLAW IN OUR PROCEDURES. I THINK THAT OTHER COMMITTEES ARE OF A POSITION THAT IF THERE IS DISAGREEMENT, THAT DISAGREEMENT IS OKAY TO BRING TO THE FLOOR. AND WHEN WE ARE DEALING WITH THE REAL JUICE, AS SENATOR CHAMBERS POINTS OUT, THE REAL MONEY AND REAL

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BUDGET, WE DO NOT HAVE BENEFIT OF THOSE RED FLAGS. AND I THINK IT IS SOMETHING WE SHOULD ALL BE CONSCIOUS OF. THANK YOU. [LB657]

SENATOR MURANTE: THANK YOU, SENATOR SCHUMACHER. SEEING NO ONE ELSE IN THE QUEUE, SENATOR HANSEN FOR A MOTION. [LB657]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB657 TO E&R FOR ENGROSSING. [LB657]

SENATOR MURANTE: THE QUESTION IS THE ADVANCEMENT OF LB657. ALL THOSE IN FAVOR SAY AYE. ALL OPPOSED SAY NAY. IT IS ADVANCED. ITEMS FOR THE RECORD, MR. CLERK? [LB657]

CLERK: MR. PRESIDENT, THANK YOU. YOUR COMMITTEE ON GOVERNMENT REPORTS LR35 TO GENERAL FILE; REFERENCE REPORT; RESOLUTIONS: SENATOR BURKE HARR, LR244, LR245, LR246, ALL CALLING FOR INTERIM STUDY; LR247 IS BY SENATOR KEN HAAR, INTERIM STUDY AS WELL. THAT'S ALL THAT I HAVE. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1469-1471.) [LR35 LR244 LR245 LR246 LR247]

SENATOR MURANTE: NEXT ITEM, MR. CLERK.

CLERK: MR. PRESIDENT, LB660. I DO HAVE E&R AMENDMENTS, FIRST OF ALL, SENATOR. (ER116, LEGISLATIVE JOURNAL PAGE 1402.) [LB660]

SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. [LB660]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB660. [LB660]

SENATOR MURANTE: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. ALL OPPOSED SAY NAY. THEY ARE ADOPTED. [LB660]

CLERK: SENATOR MELLO WOULD MOVE TO AMEND WITH AM1502. (LEGISLATIVE JOURNAL PAGE 1419.) [LB660]

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SENATOR MURANTE: SENATOR MELLO, YOU ARE RECOGNIZED TO OPEN ON AM1502. [LB660]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, AM1502 REPRESENTS THE APPROPRIATIONS COMMITTEE'S RECOMMENDATIONS FOR SELECT FILE AMENDMENTS TO LB660. AS A REMINDER, LB660 IS THE CAPITAL CONSTRUCTION BILL WHICH REAFFIRMS PREVIOUS APPROPRIATIONS FOR CONSTRUCTION PROJECTS AND APPROPRIATES FUNDS FOR NEW PROJECTS. THIS AMENDMENT CONTAINS THE APPROPRIATE TRANSFERS FOR THE STATE COLLEGES SPORT FACILITIES CASH FUND AND THE LEGISLATIVE INTENT FOR THE STATE CAPITOL HVAC PROJECT IMPROVEMENTS THAT I DISCUSSED ON THE PREVIOUS BILLS, LB656. I'D URGE THE BODY TO ADOPT AM1502 AND ADVANCE LB660 TO FINAL READING. THANK YOU, MR. PRESIDENT. [LB660 LB656]

SENATOR MURANTE: THANK YOU, SENATOR MELLO. IS THERE ANYONE IN THE QUEUE WISHING TO DISCUSS AM1502? SEEING NONE, SENATOR MELLO WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM1502. ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB660]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB660]

SENATOR MURANTE: THE AMENDMENT IS ADOPTED. [LB660]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB660]

SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. [LB660]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB660 TO E&R FOR ENGROSSING. [LB660]

SENATOR MURANTE: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB660. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. IT IS ADVANCED. NEXT ITEM. [LB660]

CLERK: MR. PRESIDENT, LB661. I HAVE E&R AMENDMENTS FIRST OF ALL, SENATOR. (ER117, LEGISLATIVE JOURNAL PAGE 1402.) [LB661]

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SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. [LB661]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB661. [LB661]

SENATOR MURANTE: THE QUESTION BEFORE THE BODY IS THE ADOPTION OF THE E&R AMENDMENTS. ALL THOSE IN FAVOR VOTE AYE...SAY AYE. OPPOSED SAY NAY. THEY ARE ADOPTED. [LB661]

CLERK: MR. PRESIDENT, SENATOR McCOY, I HAVE AM...I'M SORRY, SENATOR CHAMBERS HAS THE FIRST AMENDMENT, MR. PRESIDENT, AM1434. [LB661]

SENATOR MURANTE: SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN ON AM1434. [LB661]

SENATOR CHAMBERS: MR. PRESIDENT...MR. PRESIDENT, I WOULD LIKE TO DROP THAT TO THE BOTTOM OF THE LIST OF AMENDMENTS FOR THE PRESENT. [LB661]

SENATOR MURANTE: NEXT ITEM, MR. CLERK. [LB661]

CLERK: SENATOR McCOY, I HAVE AM1488 WITH A NOTE THAT YOU WISH TO WITHDRAW, SENATOR. [LB661]

SENATOR McCOY: THAT'S CORRECT, MR. CLERK. [LB661]

CLERK: MR. PRESIDENT, THE NEXT AMENDMENT IS BY SENATOR MELLO, AM1506. (LEGISLATIVE JOURNAL PAGE 1419.) [LB661]

SENATOR MURANTE: SENATOR MELLO, YOU ARE RECOGNIZED TO OPEN ON AM1506. [LB661]

SENATOR MELLO: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, AM1506 IS THE APPROPRIATIONS COMMITTEE'S RECOMMENDATION FOR SELECT FILE AMENDMENTS TO LB661. LB661 IS THE FUNDS TRANSFER BILL WHICH AUTHORIZES THE VARIOUS TRANSFERS BETWEEN CASH FUNDS AND THE GENERAL FUND. THE AMENDMENT INCLUDES THE TRANSFER FROM THE GENERAL FUND TO THE PROPERTY TAX CREDIT FUND,

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TRANSFERS RELATED TO THE CIVIC AND COMMUNITY CENTER FINANCING FUND, AND THE NEW LANGUAGE FOR THE ORAL HEALTH TRAINING AND SERVICES FUND. AS YOU WILL RECALL, LAST WEEK AFTER EXTENSIVE DEBATE, THE BODY ADOPTED SOME COMPROMISE LANGUAGE DEVELOPED BY SENATOR PANSING BROOKS AND SENATOR SCHILZ, McCOY AND OTHERS, RELATED TO THE 8 MILLION DOLLAR APPROPRIATION TO THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION TO CONTRACT FOR DENTAL SERVICES THROUGH THE NEWLY CREATED ORAL HEALTH TRAINING AND SERVICES FUND. IN THE LAST WEEK MY OFFICE HAS WORKED WITH THE LEGISLATIVE FISCAL OFFICE, THE SENATORS SCHILZ AND PANSING BROOKS, SCHUMACHER AND OTHERS TO REACH AN AGREEMENT ON HOW THE FUNDS WOULD BE ALLOCATED AND THE TERMS THAT THE APPLICANTS MUST AGREE TO. THE RESULTING AGREEMENT PROVIDES CLARITY TO THE FUND ALLOCATION PROCESS BETWEEN MULTIPLE APPLICANTS. ALSO INCLUDED IS LANGUAGE STATING THAT THE APPLICANTS FOR THE CONTRACT SERVICES MUST AGREE TO PROVIDE DISCOUNTED OR CHARITABLE ORAL HEALTH SERVICES FOR AT LEAST TEN YEARS. ADDITIONALLY, THE PROPOSAL MUST INCLUDE A PLAN TO PROVIDE TRAINING TO STUDENTS TO AGREE TO PRACTICE DENTISTRY FOR AT LEAST FIVE YEARS IN A SHORTAGE AREA AS DESIGNATED BY THE NEBRASKA RURAL HEALTH ADVISORY COMMISSION. THE OTHER ADDED COMPONENT IS IN RESPECTS TO THE APPLICATION FOR THESE FUNDS. WE INCLUDED A DATE OF JANUARY 1, 2017 AS THE CUTOFF DATE FOR THE APPLICATION OF THESE FUNDS TO ENSURE THAT THE FUNDING WOULD BEGIN...OR THE PROCESS WOULD BEGIN AND END WITHIN THIS CURRENT BIENNIUM THAT WE'RE PROPOSING UNDER LB661. I'D LIKE TO THANK THOSE SENATORS FOR THEIR WORK, BOTH ON GENERAL FILE IN TRYING TO FIND A COMPROMISE TO OPEN UP THIS FUNDING TO ENSURE THAT THE FUNDING IS AVAILABLE TO BOTH COLLEGE OF...COLLEGES AND SCHOOLS OF DENTISTRY TO APPLY FOR THE FUNDING, AND WORK ON THIS COMPROMISE FOR THIS IMPORTANT PUBLIC HEALTH ISSUE. WITH THAT, I'D URGE THE BODY TO ADOPT AM1506 AND ADVANCE LB661 TO FINAL READING. THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR MELLO. (VISITORS INTRODUCED.)
SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB661]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. COLLEAGUES, I AM RISING TO THANK SENATOR MELLO, SENATOR SCHILZ, SENATOR McCOY, THE FISCAL OFFICE, AND THE BILL DRAFTERS FOR HELPING TO WORK ON THIS AMENDMENT. JUST AS A REMINDER, ARTICLE VII, SECTION 11, OF OUR NEBRASKA CONSTITUTION, PROHIBITS APPROPRIATIONS OF PUBLIC FUNDS THAT

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SHALL BE MADE...IT SAYS APPROPRIATION OF PUBLIC FUNDS SHALL NOT BE MADE TO ANY SCHOOL OR INSTITUTION OF LEARNING NOT OWNED OR EXCLUSIVELY CONTROLLED BY THE STATE OR A POLITICAL SUBDIVISION THEREOF. IT GOES ON TO TALK ABOUT THE ABILITY TO CONTRACT FOR SERVICES AND, IN FACT, OUR NEBRASKA SUPREME COURT HAS ALSO RULED THAT IN A CASE WHERE THERE IS HIGH NEED, SUCH AS THE CANCER RESEARCH, THERE IS AN ABILITY FOR THE LEGISLATURE THAT IF THEY DETERMINE THAT THERE IS A HIGH NEED, SUCH AS DENTAL CARE IN CERTAIN AREAS, THAT THE STATE MAY THEN CONTRACT WITH A PRIVATE INSTITUTION TO HELP FULFILL THAT NEED. AGAIN, WE HAD AN ISSUE BECAUSE IT WAS ONLY GOING TO PRIVATE SCHOOLS AND DID NOT ALLOW THE UNIVERSITY OF NEBRASKA DENTAL SCHOOL, OUR PUBLIC EDUCATION, TO BE ABLE TO ALSO APPLY FOR THOSE FUNDS. SO IT WAS VERY...A GOOD PROCESS WHERE WE FOUND SOME COMMON GROUND. AND I APPRECIATE THE FACT THAT SO MANY PEOPLE WORKED HARD TO MAKE SURE THAT ALL OF OUR DENTAL COLLEGES MIGHT BE ABLE TO APPLY FOR THESE FUNDS. I WOULD LIKE TO ASK SENATOR MELLO A QUESTION, IF I COULD, PLEASE. [LB661]

SENATOR MURANTE: SENATOR MELLO, WILL YOU YIELD? [LB661]

SENATOR MELLO: YES. [LB661]

SENATOR PANSING BROOKS: ONE THING I JUST WANTED TO ASK ON THE RECORD, IN THE DISCUSSION ABOUT BEING DISCOUNTED FOR AT LEAST TEN YEARS, CAN YOU EXPLAIN THAT TO ME JUST A BIT BECAUSE THAT WAS SOMETHING THAT I DIDN'T QUITE...? I WASN'T PART OF THAT DISCUSSION. [LB661]

SENATOR MELLO: PART OF THE CRITERIA FOR ANY ENTITY THAT APPLIES FOR IT IS TO PROVIDE CHARITABLE OR DISCOUNTED ORAL HEALTH SERVICES. AND THE ISSUE THAT WAS RAISED ON GENERAL FILE AND THE DISCUSSION ON THIS APPROPRIATION WAS THE TIME FRAME OF HOW LONG DOES THIS ENTITY THAT APPLIES FOR THESE MATCHING FUNDS, HOW LONG DO THEY HAVE TO CONTINUE TO PROVIDE THIS DISCOUNTED OR CHARITABLE ORAL HEALTH SERVICES. IN CONVERSATIONS, TEN YEARS WAS SOMETHING THE APPROPRIATIONS COMMITTEE HAD DISCUSSED INITIALLY. WE DID NOT INCLUDE IN THE ORIGINAL AMENDMENT, WE THREW THAT OUT IN REGARDS TO CONVERSATIONS OF INTERESTED PARTIES ON WHAT A TIME FRAME SHOULD BE, SO TO SPEAK, TO RECEIVE THIS FUNDING. SO THE TEN-YEAR IS THE KIND OF THE MINIMUM, SO TO SPEAK, THAT AN ENTITY THAT APPLIES FOR THIS FUNDING HAS TO COMMIT TO

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PROVIDE THIS DISCOUNTED OR CHARITABLE HEALTH SERVICE, ORAL HEALTH SERVICES, FOR A MINIMUM OF TEN YEARS TO RECEIVE THESE MATCHING FUNDS. [LB661]

SENATOR PANSING BROOKS: OKAY. AND WHO WOULD BE DETERMINING WHETHER OR NOT THAT TEN-YEAR TIME FRAME HAD BEEN MET? [LB661]

SENATOR MELLO: THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION STILL IS THE RESPONSIBLE ENTITY IN RESPECTS TO MANAGING AND OVERSEEING THIS CONTRACT, ONCE THEY WOULD, SO TO SPEAK, LET THE CONTRACTOR BID OR ACCEPT THE CONTRACT APPLICATIONS MOVING FORWARD. [LB661]

SENATOR PANSING BROOKS: OKAY. AND SO IS IT THE COORDINATING COMMISSION THAT ALSO WOULD DETERMINE WHETHER OR NOT THE DISCOUNTED TEN-YEAR TIME PERIOD HAD BEEN MET, IS THAT CORRECT? [LB661]

SENATOR MELLO: YES. CORRECT. [LB661]

SENATOR PANSING BROOKS: AND DOES IT HAVE ANYTHING TO DO WITH THE PAST AMOUNT OF TIME FOR WHICH THE DISCOUNTED...IS THERE ANYTHING ABOUT THAT TEN-YEAR TIME LIMIT THAT REPLIES OR REFERS TO TIME PRIOR TO RIGHT NOW FOR PRESENTING AND PROVIDING THOSE DISCOUNTED SERVICES? [LB661]

SENATOR MELLO: NO. IT DOES NOT...IT JUST SIMPLY SAYS TO...PART OF THE ESSENTIAL CONTRACT OF GETTING IT MOVING FORWARD... [LB661]

SENATOR MURANTE: ONE MINUTE. [LB661]

SENATOR MELLO: ...IS THE COMMITMENT IN THE CONTRACT THAT YOU HAVE TO PROVIDE THESE CHARITABLE AND DISCOUNTED ORAL HEALTH SERVICES FOR A MINIMUM OF TEN YEARS FROM THE MOMENT THAT YOU ESSENTIALLY GET AWARDED THE CONTRACT. SO IT'S NOTHING IN RESPECTS TO WHAT YOU'VE DONE PREVIOUS TO THE CONTRACT. IT'S THE FORWARD COMMITMENT THAT THE ENTITY WOULD BE MAKING. [LB661]

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SENATOR PANSING BROOKS: OKAY. THANK YOU, SENATOR MELLO. AGAIN, I THINK IT'S WONDERFUL TO BE ABLE TO HAVE ALL OF OUR DENTAL COLLEGES BE ABLE TO HELP PROVIDE, IF THERE IS A SPECIFIC NEED ANYWHERE IN THE STATE, BE IT IN OMAHA OR THE WESTERN PART OF THE STATE OR LINCOLN. I BELIEVE IT'S IMPORTANT THAT ALL OF OUR COLLEGES BE ABLE TO...BOTH THE PRIVATE AND PUBLIC COLLEGES BE ABLE TO PROVIDE AND BE ABLE TO SUPPLY SERVICES FOR THAT NEED. THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR PANSING BROOKS AND SENATOR MELLO. NEXT IN THE QUEUE: SENATORS COOK, CAMPBELL, AND McCOY. SENATOR COOK, YOU ARE RECOGNIZED. [LB661]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I RISE IN OPPOSITION TO AM1506 FOR A NUMBER OF REASONS. FIRST, I SHOULD ANNOUNCE THAT IT DOESN'T REALLY CAUSE ME ANY SURPRISE THAT EVEN THOUGH I WAS QUITE VOCAL AND WENT ON FOR MORE THAN I USUALLY DO ABOUT MY OPPOSITION TO A PRIVATE ECUMENICAL UNIVERSITY BEING ELIGIBLE FOR PUBLIC FUNDS, WHEN IT CAME DOWN TO THE CONVERSATIONS AND THE NEGOTIATION FOR THE AMENDMENT THAT YOU SEE BEFORE YOU, MY OFFICE WAS NOT CONTACTED. I WAS NOT CONTACTED. SO, EVEN THOUGH WHEN SENATOR MELLO WENT DOWN THE LIST OF SENATORS WHO WOULD BE INCLUDED, MY NAME WAS USED. SO, FOR THE RECORD, FOR THE HISTORICAL RECORD, FOR EVERYBODY HERE, THAT NEVER HAPPENED. BUT IT'S AN INTERESTING REPEAT OF RECENT HISTORY WHICH FUELS MY OPPOSITION TO THIS APPROPRIATION AT ALL, WHETHER IT'S \$8 MILLION OR A PORTION OF \$8 MILLION, WHETHER OR NOT BE FOR A PUBLIC PERSON. I NEVER STOOD UP AND ARGUED THAT CREIGHTON UNIVERSITY WAS NOT HAVING DENTAL STUDENTS OFFER HELP TO UNDERSERVED COMMUNITIES OR SAID ANYTHING AGAINST...THE UNIVERSITY IS A FINE INSTITUTION OF HIGHER LEARNING. HERE'S MY CHALLENGE, ONE OF MY CHALLENGES WITH THE UNIVERSITY. WHEN THE DECISION WAS MADE OR ANNOUNCED THAT THE HOSPITAL WAS CLOSING, HOSPITAL FORMERLY KNOWN AS ST. JOSEPH'S-CREIGHTON MEDICAL CENTER, WHATEVER YOU WANT TO CALL IT, THERE WAS AN OSTENSIBLE, LET'S SAY, INPUT SESSION THAT THEORETICALLY INCLUDED INPUT FROM THE NEIGHBORHOOD RESIDENTS. NOW, FOR THOSE OF YOU WHO DO NOT KNOW OMAHA VERY WELL, CREIGHTON SITS RIGHT ON THE CUSP, THEY CALL IT NORTH DOWNTOWN NOW, BUT IT USED TO JUST BE NORTH OMAHA, WHICH CAN SOMETIMES BE A EUPHEMISM FOR THE AFRICAN-AMERICAN COMMUNITY. OMAHA IS QUITE A SEGREGATED CITY. AND THE WAY THIS WAS HANDLED WAS THAT THEY CHERRY-PICKED, FOR LACK OF A BETTER WAY TO

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DESCRIBE IT, CERTAIN PEOPLE WHO WOULD JUST RUBBER STAMP THE DECISION THAT HAD ALREADY BEEN MADE ABOUT REMOVING THE HOSPITAL SERVICES. SO, REALLY, THE PROCESS THAT WENT INTO MAKING THIS AMENDMENT DID NOT INCLUDE ANY OF THE POINTS THAT I BROUGHT TO FORE IN MY ARGUMENT. ONCE AGAIN, AND ESPECIALLY IN SENATOR MELLO'S PRESENTATION, HE FRAMED IT UP LIKE THE WHOLE ARGUMENT AGAINST FUNDING CREIGHTON WAS THAT IT WAS EXCLUSIVE TO CREIGHTON. MY ARGUMENT INCLUDED A HISTORY OF USING THE UNDERSERVED, PRIMARILY AFRICAN-AMERICAN NEIGHBORHOOD AS, LET'S SAY, A TALKING POINT WHEN IT COMES TO WHY THEY'RE OFFERING THESE SERVICES, AND HOW WONDERFUL THEY ARE BECAUSE THEY DO THESE THINGS. AND, BOY, IF ONLY WE HAD MORE MONEY TO DO IT, WE COULD DO GREAT THINGS. THAT IS NOT FACTORED AT ALL INTO THIS AMENDMENT. BUT ONCE AGAIN, IT'S PAR FOR THE COURSE. THE ARGUMENTS THAT ARE MADE, WHICH ARE LEGITIMATE ARGUMENTS IN THE CONTEXT OF THE HISTORY OF THIS UNIVERSITY AND ORGANIZATIONS LIKE IT, THESE ARGUMENTS FALL ON DEAF EARS. AND EVEN FOLKS WHO IN THEORY ARE INCLINED TO INCLUDE YOU IN CONVERSATIONS, DON'T WHEN IT BOILS DOWN TO IT. FOLKS FEEL LIKE THEY'RE DOING JUST AS GOOD A JOB... [LB661]

SENATOR MURANTE: ONE MINUTE. [LB661]

SENATOR COOK: ...SPEAKING FOR YOU. THAT'S ANOTHER ONE OF MY ISSUES WITH THIS AMENDMENT AND WITH THIS PROPOSAL. IT'S ALMOST AS THOUGH I'M... YOU'RE SUPPOSED TO JUST BE, SIT DOWN, BE GRATEFUL, WE'RE HELPING YOUR PEOPLE. THEY'RE THE UNDERSERVED. NO CONVERSATION TO THE FACT OF, WHY THEY'RE HISTORICALLY UNDERSERVED OR WHY THE AREA IS SEGREGATED. AND THE DEGREE TO WHICH THAT INSTITUTION MAY OR MAY NOT HAVE CONTRIBUTED TO OR MAY, WHEN IT MOVES ITS HOSPITAL, CONTRIBUTE TO THOSE PATHOLOGIES. SO, I'M NOT IN SUPPORT OF AM1506. I WILL COME BACK WITH SOME QUESTIONS. CERTAINLY, AT THIS POINT, PEOPLE THINK THE ISSUE IS RESOLVED. I AM OF A DIFFERENT MIND. BUT, ONCE AGAIN, I'M NOT SURPRISED. THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR COOK. SENATOR CAMPBELL, YOU ARE RECOGNIZED. [LB661]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. THIS IS AN OPPORTUNITY FOR ME TO TALK TO YOU A LITTLE BIT ABOUT THE WORLD HEALTH ADVISORY COMMISSION. SENATOR MELLO REFERRED TO THAT AS THE COMMISSION THAT

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TAKES A LOOK AT THE SHORTAGE AREAS IN THE STATE. HOPEFULLY, THIS SESSION, WE WILL GET TO LB196, AND YOU CAN LOOK ON YOUR COMPUTERS AT LB196 AND I WOULD ENCOURAGE YOU TO, BECAUSE IT WOULD GIVE YOU SOME IDEA OF HOW THIS IS STRUCTURED. THE LEGISLATURE A NUMBER OF YEARS AGO ESTABLISHED THE WORLD HEALTH SYSTEMS AND PROFESSIONAL INCENTIVE ACT. AND THE PURPOSE OF THE ACT WAS TO INCENTIVIZE PEOPLE TO PRACTICE IN RURAL PARTS OF NEBRASKA. IT HAS BEEN THE AVENUE THAT WE HAVE USED TO BRING MEDICAL PROFESSIONS, PROFESSIONALS TO PARTS OF THE STATE WHERE THERE IS A SHORTAGE. AND IN STATUTE IT'S VERY SPECIFIC ABOUT WHICH OF THE PROFESSIONS WILL BE ADDRESSED IN SHORTAGES. SO, WHEN SENATOR MELLO SAYS THEY WILL BE MAKING A DETERMINATION, THAT IS BECAUSE WE REQUIRE THAT BY STATUTE. ONE OF THE RESPONSIBILITIES OF THEIRS IS ALSO TO TAKE A LOOK AND PROVIDE A STUDENT LOAN AND STUDENT REPAYMENT PROGRAMS. SO, AS WE TAKE A LOOK AT THE AMENDMENT THAT SENATOR MELLO HAS, AND AS WE'RE GOING TO PRACTICE IT, MY ASSUMPTION IS THERE'S GOING TO BE SOME COORDINATION BETWEEN WHAT IS GOING TO HAPPEN WITH THE SCHOLARSHIP WITHIN THIS AMENDMENT AND THE SCHOLARSHIP PROGRAM IN THE WORLD HEALTH ADVISORY COMMISSION. AND FOR ALL OF THE SENATORS WHO REPRESENT RURAL PARTS OF NEBRASKA, WHAT YOU NEED TO KNOW IS THAT THE WORLD HEALTH ADVISORY COMMISSION ALSO NEEDS FUNDS. IT HAS COMMITTED TO STUDENTS THE ENTIRE AMOUNT THAT HAS BEEN ALLOCATED TO THEM AND THEY HAVE A WAITING LIST. SO I DO NOT WANT TO SEE THAT THIS PROGRAM BE DEVELOPED OVER ON THIS SIDE FOR \$250,000, AND THERE'S NOT REALLY SOME COORDINATION HERE, BECAUSE ONE OF THE SHORTAGE AREAS THAT THEY HAVE PROVIDED SCHOLARSHIPS AND LOAN REPAYMENTS TO, HAVE BEEN IN DENTISTRY. AND SINCE THE YEAR 2000, THERE HAS NOT BEEN A STUDENT FROM CREIGHTON APPLY FOR EITHER PROGRAM. SO, FROM MY PERSPECTIVE, IT'S GOOD TO HOPEFULLY SEE THAT WE WILL HAVE SOME STUDENTS FROM CREIGHTON APPLY AND BE WILLING TO PRACTICE IN THE RURAL PART OF NEBRASKA. SO, IF SENATOR MELLO WOULD LIKE THE REST OF THE TIME TO RESPOND TO HOW WILL THESE BE COORDINATED, THAT MIGHT BE HELPFUL. THANK YOU, MR. PRESIDENT. [LB661 LB196]

SENATOR MURANTE: THANK YOU, SENATOR CAMPBELL. SENATOR MELLO, YOU ARE YIELDED 1:45. [LB661]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AND THANK YOU, SENATOR CAMPBELL. AND, COLLEAGUES, I WANT TO APOLOGIZE TO SENATOR COOK IF THERE WAS A MISUNDERSTANDING THAT I

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MADE ON GENERAL FILE. I KNOW SENATOR COOK OPPOSED THE ORIGINAL APPROPRIATION ON GENERAL FILE, VOTED AGAINST IT ON GENERAL FILE, AND THE COMPROMISE LANGUAGE THAT WAS DEVELOPED WAS NOT DONE BY ME, IT WAS...THIS WAS SENATOR SCHILZ'S ORIGINAL BILL. AND SENATOR PANSING BROOKS HAD WORKED WITH SENATOR SCHILZ, TAKING COMMENTS THAT SENATOR McCOY MADE, SENATOR SCHUMACHER MADE, CHAMBERS, COOK, AND OTHER MEMBERS WHO MADE COMMENTS ON THE FLOOR REGARDING THE PROPOSAL, THAT THEY TOOK THE LANGUAGE TO KIND OF CLARIFY IT UP, SO TO SPEAK, ON GENERAL FILE. [LB661]

SENATOR MURANTE: ONE MINUTE. [LB661]

SENATOR MELLO: THE AMENDMENT THAT I PROVIDED, AM1506, IS THE ENTIRE APPROPRIATIONS COMMITTEE AMENDMENT AND WHAT THE LONE TWO REAL CHANGES WE MADE WAS PUTTING THE TEN-YEAR CONTRACT TIME FRAME AS A MINIMUM, SO TO SPEAK, THAT ANYONE WHO ENTERS INTO THIS REQUEST IS A MINIMUM TEN YEARS AND THEN THEY'VE GOT TO APPLY FOR THAT FUNDING BY JANUARY 1, 2017. THERE IS THAT ADDED COMPONENT THAT SENATOR CAMPBELL JUST SAID IN REGARDS TO CLARIFYING THAT THEY...THE PLAN THAT THEY PUT FORWARD TO APPLY FOR THE FUNDING ALSO HAS TO SHOW IN RESPECTS THAT THEY'RE TRYING TO PROVIDE TRAINING FOR DENTAL STUDENTS TO GO PRACTICE IN THE AREAS THAT THE RURAL HEALTH...NEBRASKA RURAL HEALTH ADVISORY COMMISSION HAS DESIGNATED. SO, THOSE ARE REALLY KIND OF CLEANUP LANGUAGE MORE THAN ANYTHING ELSE. IT WASN'T, I WOULD SAY, SOME NEW COMPROMISE THAT WAS DEVELOPED. IT WAS MORE CLARIFYING WHAT WE HEARD ON GENERAL FILE BETWEEN PANSING BROOKS AND SENATOR SCHILZ, WHO WERE THE ONES WHO CAME UP WITH THE INITIAL LANGUAGE. I APOLOGIZE IF THERE WAS ANY INDICATION... [LB661]

SENATOR MURANTE: TIME. [LB661]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR MELLO. SENATOR McCOY, YOU ARE RECOGNIZED. [LB661]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, MEMBERS. I RISE IN SUPPORT OF AM1506. AS HAS BEEN TALKED ABOUT, I WAS INVOLVED IN THE DISCUSSIONS ON THE DENTAL PROGRAM AND THE FUNDING FOR IT AND HOW THAT WOULD BE

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SET UP WITH BOTH THE UNIVERSITY OF NEBRASKA SYSTEM AND ALSO ANY OTHER PRIVATE COLLEGE OR UNIVERSITY THAT HAS A DENTAL SCHOOL WOULD BE ABLE TO POTENTIALLY ACCESS THESE FUNDS. I THINK THAT'S AN APPROPRIATE USE OF TAXPAYER DOLLARS WHEN WE'RE DEALING IN THIS ARENA. I ALSO RISE IN SUPPORT OF THE PORTION OF THIS AMENDMENT THAT DEALS WITH PUTTING AN ADDITIONAL \$4 MILLION A YEAR OVER THE COURSE OF THIS BIENNIUM INTO THE PROPERTY TAX CREDIT RELIEF FUND OUT OF THE ADDITIONAL FUNDS THAT THE ECONOMIC FORECASTING BOARD RECOMMENDED THAT WOULD BE AVAILABLE. I HAD, AS YOU NOTICED AT THE BEGINNING OF THIS DISCUSSION, I HAD AN AMENDMENT TO THAT EFFECT PREPARED FOR GENERAL FILE BECAUSE BY THE TIME, AS ALL OF US RECALL FROM LAST WEEK'S DEBATE, BY THE TIME WE GOT TO THE DISCUSSION ON LB661 ON GENERAL FILE, IT WAS ABOUT THIS TIME OF THE AFTERNOON LAST WEEK, AND ENOUGH...THE ECONOMIC FORECASTING BOARD HAD CONCLUDED THEIR MEETING AND WE KNEW WHAT THE RESULT WAS. OUT OF RESPECT TO THE APPROPRIATIONS COMMITTEE AND THE PROCESS IN WHICH THEY DELIBERATE, IN CONVERSATIONS WITH CHAIRMAN SENATOR MELLO AND I, I ELECTED TO FILE THAT AMENDMENT TO SELECT FILE, AND BELIEVED FIRMLY THAT THE APPROPRIATIONS COMMITTEE WOULD LIKELY CHOOSE TO DO THIS OF THEIR OWN VOLITION, WHICH THEY DID, AND I APPRECIATE, AND THEN I WAS HAPPY TO WITHDRAW MY AMENDMENT. I THINK THAT'S A PRUDENT COURSE OF ACTION. THESE WERE FUNDS WE DIDN'T KNOW WE WERE GOING TO HAVE AND, QUITE TRUTHFULLY, I THINK ALL OF US ARE PROBABLY FAIRLY THANKFUL THAT WE ENDED UP ON THE PLUS SIDE OF THINGS RATHER THAN HAVING TO TRY TO FIGURE OUT WHERE IN THE BUDGET WE WERE GOING TO PATCH A SIGNIFICANT HOLE, WHICH WAS, AS SENATOR MELLO SAID EARLIER TODAY, WHERE WE EASILY COULD HAVE ENDED UP. I THINK THE RIGHT PLACE TO PUT THESE FUNDS ARE IN THE PROPERTY TAX CREDIT RELIEF FUND. IT'S...SOME WOULD SAY, WELL, IT'S ONLY ANOTHER \$4 MILLION A YEAR. I THINK, THOUGH, THAT'S A...FROM A POLICY STANDPOINT, A FAIRLY SUBSTANTIAL STEP THAT THE APPROPRIATIONS COMMITTEE AND HOPEFULLY THE LEGISLATURE, MAJORITY OF THE LEGISLATURE WILL AGREE THAT THAT IS AN APPROPRIATE PLACE TO PARK THESE RESOURCES--BACK TO THE TAXPAYERS THAT DESERVE THIS--RATHER THAN JUST INTO THE CASH RESERVE; THAT IT'S AT ITS HIGHEST LEVEL IT'S EVER BEEN. SO, I FULLY AND WHOLEHEARTEDLY SUPPORT THAT EFFORT, AND WILL VOTE FOR THE AMENDMENT AND THE UNDERLYING BUDGET BILL, LB661. THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR McCOY. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB661]

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SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE JUST TO SAY TO THE BODY THAT AS WE WERE RACING THROUGH AND TRYING TO MAKE THE DECISIONS ON THE AMENDMENT TO BE BROUGHT BEFORE YOU TODAY, I REGRET THAT IN THE FLUX AND HURRY OF IT THERE WAS NO INTENTION, AT LEAST ON MY PART OR ANYBODY WITH WHOM I SPOKE, TO EXCLUDE ANYBODY WITHIN THE DISCUSSION. AND I THINK I WAS MORE LIKE A NOISY GONG OR A...I JUST SORT OF KEPT AT PEOPLE AND SAID, OKAY, WHAT'S GOING ON. MY GOAL WAS TO MAKE SURE THAT WE WERE NOT GIVING MONEY ONLY TO PRIVATE SCHOOLS. I UNDERSTOOD THAT SENATOR COOK HAD ANOTHER GOAL FOR WHICH I THOUGHT SHE WAS ALSO LOBBY...OR NOT LOBBYING BUT ARGUING AND HOPING TO GET INSERTED. AND I REGRET THE FACT THAT I DIDN'T DO A BETTER JOB MAKING SURE THAT ALL THE VOICES WERE HEARD AND REPRESENTED WITHIN THIS AMENDMENT. THAT BEING SAID, I'M SORRY ABOUT THAT ALSO. I FEEL THAT IN THE RACE TO GET THINGS PREPARED AND CREATED, WE WERE ALL ADVOCATING FOR CERTAIN PORTIONS, ALL OF WHICH SEEMED GOOD TO ME, AND I JUST HOPE THAT SENATOR COOK CAN UNDERSTAND THAT AT LEAST IT WAS NOT MY INTENTION TO EXCLUDE OR NOT BRING HER INTO ANY OF THE DISCUSSIONS. AND NOW, I WOULD LIKE TO YIELD THE REST OF MY TIME TO SENATOR COOK. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR PANSING BROOKS. SENATOR COOK, YOU HAVE BEEN YIELDED 3:20. [LB661]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR PANSING BROOKS. I ACCEPT YOUR APOLOGY. THAT IS NOT WHAT I MEANT, THOUGH. IT CERTAINLY IS MY...APPARENTLY MY RESPONSIBILITY EVEN THOUGH MY NAME IS LISTED AMONG THE PEOPLE THAT WOULD BE CONSULTED FOR THE AMENDMENT, I GUESS, TO STALK THE WRITERS OF THE BILL TO ENSURE THAT THEY FOLLOW THROUGH ON THAT. AND I MADE AN ASSUMPTION AND I'VE DONE IT MY WHOLE LIFE AND IT WAS A FALSE ASSUMPTION THAT WHEN IT CAME DOWN, TIME TO BE INCLUSIVE, THAT PEOPLE WOULD FOLLOW THROUGH WITH BEING INCLUSIVE. AND THEY'RE NOT, SO THEY DON'T, SO A LESSON LEARNED OVER AGAIN. GOING BACK TO MY ORIGINAL ARGUMENT, AS A REFRESHER, BECAUSE I THINK WE'RE KIND OF ON A BUNNY TRAIL, IF YOU READ THE AMENDMENT AND THE PRESENTER OF THE AMENDMENT SUGGESTS TO YOU OR TELLS YOU, REPRESENTS THIS AMENDMENT AS THE REASON AND THAT EVERYTHING IS TAKEN CARE OF, OR REPRESENTS A SATISFYING COMPROMISE, IT DOES NOT. IN FACT, TO MY MIND, IT DOES NOT REPRESENT A SIGNIFICANT PORTION OF THE CONVERSATION THAT WE HAD WHEN THIS WAS INTRODUCED. MY PRIMARY POINT, THE PRIMARY POINT I TRIED TO MAKE WAS THAT, IS THAT

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CREIGHTON UNIVERSITY IS A WELL-FUNDED PRIVATE INSTITUTION THAT IS ALREADY DELIVERING THESE SERVICES TO THE UNDERSERVED COMMUNITY, WHETHER THEY BE THE ONES THAT ARE NEARBY ON THE NEAR NORTH SIDE OR PEOPLE FROM ALL OVER THE CITY WHO CANNOT AFFORD TO ACCESS DENTAL SERVICES. THEY'RE ALREADY THERE. THEY'RE ALREADY, ACCORDING TO THE PUBLIC RELATIONS PIECE IN THE OMAHA WORLD-HERALD, THEY'RE ALREADY IN THE FUND-RAISING STAGES FOR THIS PROJECT. AND WHAT I DIDN'T UNDERSTAND IS THAT IN THIS ENVIRONMENT, WHEN AT THE TIME SENATOR CAMPBELL'S PROPOSAL TO INCREASE ADC HAD BEEN VETOED--FOLKS GETTING \$293 A MONTH FOREVER--IN AN ENVIRONMENT WHERE THAT PHENOMENON EXISTS WE'VE GOT \$8 MILLION OUT OF THE CASH RESERVE, OUR CASH RESERVE, NOT A TANF RESERVE, \$8 MILLION OUT OF A CASH RESERVE TO GIVE TO AN ORGANIZATION WHICH, FROM MY INTERPRETATION OF THE FINANCIAL STATEMENT, HAD \$360 MILLION IN MONEY THAT COULD BE CONSIDERED A CORPUS,... [LB661]

SENATOR MURANTE: ONE MINUTE. [LB661]

SENATOR COOK: ...A CORPUS--SO A BODY OF MONEY WHICH, BY MY CALCULATIONS, I COULD DROP INTO MY OWN CREDIT UNION CHECKING ACCOUNT AND HAVE \$8 MILLION BY THE END OF THE YEAR. AND MY CHECKING ACCOUNT GETS MAYBE ABOUT 1.5 PERCENT. SO THAT WAS MY POINT. THAT POINT IS NOT REFLECTED THERE. AND AGAIN, A MISUNDERSTANDING? NO, NOT REALLY. (LAUGH) I DON'T THINK IT WAS A MISUNDERSTANDING. I DON'T SAY THAT IT WAS INTENTIONAL OR MEANSPIRITED, BUT IT WAS NOT A MISUNDERSTANDING. I THINK IT IS, AGAIN, THOUGH, YET ANOTHER EXAMPLE OF...THE BEST WORD I CAN COME UP WITH LESS THAN A MINUTE TO DESCRIBE IT IS A DISMISSIVE ATTITUDE AND THE...IT'S NOT SO MUCH THE POLICIES, WHETHER THEY BE FROM CREIGHTON... [LB661]

SENATOR MURANTE: TIME. [LB661]

SENATOR COOK: THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: SENATOR COOK, YOU ARE NEXT IN THE QUEUE AND YOU ARE RECOGNIZED. [LB661]

SENATOR COOK: THANK YOU, MR. PRESIDENT. NOT SO MUCH THE POLICIES IN PLACE, BUT THE PRACTICES OF THE ORGANIZATION, THE PRACTICES THAT

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CERTAINLY RECOGNIZED AN UNDERSERVED POPULATION, BUT CERTAINLY NOT IN DECISION MAKING, LEADERSHIP, CERTAINLY NOT EVEN WHAT COULD BE REMOTELY RECOGNIZED AS TRUE COMMUNITY ENGAGEMENT WHEN IT COMES TO ENORMOUS DECISIONS THAT ARE EXTREMELY IMPACTFUL IN A COMMUNITY THAT IS ALREADY SUFFERING FROM LACK OF EMPLOYMENT OPPORTUNITIES OR UNDEREMPLOYMENT, HISTORIC DEVALUATION OF THE PERSONAL PROPERTY WHICH THEY DO HAPPEN TO OWN AND HANG ON TO. MUCH OF THE PROPERTY IN THE AREA IS EITHER OWNED BY CHURCHES, MY OWN CHURCH. PILGRIM BAPTIST CHURCH HAS HUNG ON TO THEIR PROPERTY. MANY PEOPLE HAVE COME AFTER IT RECENTLY, INCLUDING CREIGHTON UNIVERSITY, BUT THEY HOLD ON TO IT. SO IT IS A...IT IS A SYSTEM, SYSTEMIC BEHAVIOR, NOT BRAND NEW, NOT UNIQUE TO THIS BODY, NOT UNIQUE TO THE PRACTICES, WHETHER THEY BE OF THE APPROPRIATIONS COMMITTEE, BUT JUST THE DECISION MAKING PROCESS THAT LEAVES OUT OR MINIMIZES THE VALIDITY OF INPUT WHEN IT COMES TO CRAFTING POLICY, PROCEDURES, PRACTICES, RULES, AND REGULATIONS. WE TALKED ABOUT THAT FOR THREE HOURS THIS MORNING, MADE ARGUMENTS ON BOTH SIDES. IS IT THE PERSON OR IS IT THE ETHOS OF THE ORGANIZATION? SO, I WOULD LIKE TO ASK SENATOR MELLO A QUESTION, IF HE WOULD YIELD. [LB661]

SENATOR MURANTE: SENATOR MELLO, WILL YOU YIELD TO A QUESTION? [LB661]

SENATOR MELLO: OF COURSE. [LB661]

SENATOR COOK: THANK YOU, SENATOR MELLO. DID YOU HEAR WHAT I JUST SAID? [LB661]

SENATOR MELLO: I DID, SENATOR COOK. [LB661]

SENATOR COOK: AND WHAT DID YOU UNDERSTAND ME TO COMMUNICATE DURING THAT? [LB661]

SENATOR MELLO: I UNDERSTAND, SENATOR COOK, THAT YOU ARE...YOU FEEL THAT THERE HAS BEEN A DISMISSIVENESS IN REGARDS TO YOUR FEEDBACK OR YOUR INPUT ON AN APPROPRIATION REQUEST THAT YOU OPPOSE, AND I, ONCE AGAIN, I OFFERED AN APOLOGY TO YOU ON THE MIKE, NO LESS THAN TEN MINUTES AGO. I TOOK FROM THE CONVERSATIONS ON THE FLOOR DEBATE YOU GAVE ON GENERAL FILE THAT YOU ADAMANTLY OPPOSE ANY APPROPRIATION THAT WOULD GO TO A PRIVATE ENTITY. AND SO I FEEL THAT'S STILL YOUR POSITION RIGHT NOW. WHAT I JUST HEARD YOU SAY IS THAT YOU DO NOT

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SUPPORT SEEING CREIGHTON UNIVERSITY GET AN APPROPRIATION UNDER AM1506, EVEN THOUGH... [LB661]

SENATOR COOK: THANK YOU, AND THAT IS TRUE. [LB661]

SENATOR MELLO: OKAY. [LB661]

SENATOR COOK: WHAT I WANT TO RESPOND TO IS THAT IT IS NOT JUST SENATOR COOK'S SOUR GRAPES, LOOKING FOR MORE MEETINGS TO GO TO. SHE'S GOT PLENTY OF MEETINGS TO GO TO, ESPECIALLY THIS TIME OF YEAR. BUT WHAT IT REPRESENTS ARE THE SINCERE...IS THE SINCERE PERSPECTIVE OF MANY OF MY CONSTITUENTS THAT HAVE EXPRESSED THIS TO ME BEFORE THIS EVEN CAME UP AS A POSSIBILITY FOR AN APPROPRIATION, PEOPLE WHO HAVE BEEN WORKING FOR DECADES WITHIN THE IMPACTED AREA SURROUNDING MY COMMUNITY. SO WHAT I DON'T WANT US TO WALK AWAY WITH IS THAT, OH, TANYA IS ANGRY SO WE'D BETTER APOLOGIZE AND WE BETTER MAKE SURE THAT WE MAKE A SPECIAL EFFORT. NO, YOU DON'T NEED TO DO THAT. I'M ACCUSTOMED TO A CERTAIN AMOUNT OF AGGRESSIVENESS IN GETTING THINGS ACCOMPLISHED. THESE ARE REAL CONCERNS AS IT RELATES TO PEOPLE WHO HAVE WORKED FOR THE UNIVERSITY AND, MOST IMPORTANTLY, WHY ARE WE GIVING \$8 MILLION FROM OUR CASH RESERVES TO AN ORGANIZATION... [LB661]

SENATOR MURANTE: ONE MINUTE. [LB661]

SENATOR COOK: THANK YOU, MR. PRESIDENT...WHO HAS MORE THAN ENOUGH MONEY TO FUND DIRECTLY, TO FUND-RAISE FROM A FUND-RAISING BASE THAT IS ACROSS THE UNITED STATES AND ACROSS THE WORLD? WHY ARE WE DOING THIS? AS I SAID IN THE LAST ROUND OF DEBATE, I AM PLEASED THAT IT IS NOW INCLUSIVE AND THAT IT IS THEORETICALLY TRULY COMPETITIVE AMONG NONPROFITS AND FEDERALLY QUALIFIED HEALTH CENTERS AND INCLUDES DENTAL STUDENTS FROM THE UNIVERSITY. BUT OTHER THAN THAT, I WOULD YIELD THE BALANCE OF MY TIME TO THE CHAIR. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR COOK. SENATOR GROENE, YOU ARE RECOGNIZED. [LB661]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I FIRST HAD MIXED EMOTIONS. I LOVE CREIGHTON UNIVERSITY. I LOVE PRIVATE COLLEGES. I LOVE PRIVATE

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ENTERPRISE. I DON'T WANT TO SEE CREIGHTON UNIVERSITY TAKE THE BAIT. I WANT THEM INDEPENDENT FROM GOVERNMENT AS BEST...MOST THEY CAN BE. WE NEED THAT OTHER SIDE OF THE EQUATION TO COMPARE TO THE PUBLIC SCHOOLS. AND I'VE SEEN IT TOO OFTEN. ONCE A PRIVATE ENTITY TAKES OR A PRIVATE ORGANIZATION TAKES GOVERNMENT MONEY, THEY BECOME A CHEERLEADER FOR GOVERNMENT. WE NEED TO KEEP THAT LINE SEPARATE. I DO NOT LIKE THIS PROGRAM. I LOVE CREIGHTON UNIVERSITY. I WISH I'D OF HAD THE MONEY TO GO THERE, BUT I DIDN'T. I'VE LOOKED AT THIS, THE INFORMATION ON THIS, AND I'VE GOT A QUESTION FOR SENATOR MELLO, IF HE WOULD TAKE IT. [LB661]

SENATOR MURANTE: SENATOR MELLO. [LB661]

SENATOR GROENE: EXPLAIN TO ME, SIR... [LB661]

SENATOR MURANTE: SENATOR MELLO IS NOT IN THE CHAMBER, SENATOR GROENE. [LB661]

SENATOR GROENE: ALL RIGHT. I WILL SPEAK TO THE BODY THEN, AND MAYBE HE WILL HEAR MY QUESTION AND MAYBE SOME OTHER MEMBER OF THE APPROPRIATIONS COMMITTEE CAN HELP ME OUT. I THOUGHT THE PLACE FOR THE APPROPRIATIONS COMMITTEE WAS TO FUND EXISTING PROGRAMS. I DIDN'T THINK IT WAS IN THEIR PURVEY (SIC) TO CREATE A PROGRAM. I WOULD HAVE THOUGHT THAT PROGRAM WOULD COME THROUGH HHS OR EDUCATION OR SOMETHING. AND THEN ALL APPROPRIATIONS DOES IS, LIKE THEY TALKED ABOUT THE MASTER TEACHER PROGRAM, THIS PROGRAM IS HERE, WE FUND IT. BUT WHEN YOU READ THE LANGUAGE OF THIS, IF I UNDERSTAND IT RIGHT, THEY'RE CREATING A PROGRAM. I UNDERSTAND EVERYTHING THAT'S UNDERLINED IN A BILL IS NEW: THE LEGISLATURE FINDS THAT THE AVAILABILITY AND ACCESSIBILITY OF QUALITY, AFFORDABLE ORAL HEALTHCARE FOR ALL RESIDENTS OF THE STATE OF NEBRASKA IS A MATTER OF PUBLIC CONCERN AND REPRESENTS COMPELLING NEED AFFECTING THE GENERAL WELFARE OF ALL RESIDENTS; DEVELOPMENT AND SUSTAINABILITY OF A SKILLED WORK FORCE...IT GOES ON AND ON. ACCORDING TO RESEARCH SPONSORED BY THE OFFICE OF ORAL HEALTH, AND IT PRETTY MUCH QUOTES A STUDY, THAT THEY'RE GOING TO CREATE THIS...THIS FUND. I WOULD THINK THERE WOULD BE JUST A LINE ITEM FROM THE APPROPRIATIONS COMMITTEE THAT SAYS THERE'S A FUND FOR RURAL POVERTY HEALTHCARE, AND WE'RE GOING TO PUT \$8 MILLION INTO IT. HOW DOES THE APPROPRIATIONS

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COMMITTEE HAVE THE ABILITY TO CREATE A PROGRAM AND THEN FUND IT WITHOUT GOING THROUGH ANY OTHER COMMITTEE? AM I WRONG? I'M A ROOKIE HERE, BUT AM I LOOKING AT THIS WRONG? SENATOR MELLO, WOULD YOU EXPLAIN TO ME, IF I'M SEEING THIS WRONG? [LB661]

SENATOR MURANTE: SENATOR MELLO, WOULD YOU YIELD? [LB661]

SENATOR MELLO: I WILL. SENATOR GROENE, HEARING YOUR QUESTION, AND I THOUGHT I DISCUSSED THIS ON GENERAL FILE AS WELL, 99.9 PERCENT OF BILLS THAT GET INTRODUCED THAT INVOLVE THE CASH RESERVE AND SEEK TO APPROPRIATE MONEY FROM THE CASH RESERVE GET REFERENCED TO THE APPROPRIATIONS COMMITTEE. SENATOR SCHUMACHER, FOR AN EXAMPLE, HAD A BILL THAT CREATED AN ECONOMIC DEVELOPMENT AUTHORITY THAT UTILIZED A ONE-TIME APPROPRIATION FROM THE CASH RESERVE. HE'S INTRODUCED THE BILL TWICE NOW. LAST YEAR IT CAME TO THE APPROPRIATIONS COMMITTEE AND THIS YEAR. THE SAME GOES WITH SENATOR SCHILZ'S LB584 WHICH CREATED A ONE-TIME APPROPRIATION TO AN INITIALLY...THE GREEN COPY OF THE BILL WAS A ONE-TIME APPROPRIATION TO A GRANT PROGRAM THAT WAS BEING CREATED. HE WAS UTILIZING THE CASH RESERVE, WHICH AS I MENTIONED ON A PREVIOUS AMENDMENT, EVERY CASH RESERVE BILL COMES TO THE APPROPRIATIONS COMMITTEE. [LB661 LB584]

SENATOR GROENE: EXCUSE ME. EXCUSE ME. WHO WILL DOLE OUT THIS MONEY? WHO WILL, WHEN THE APPLICATION COMES IN, WHO WILL APPROVE THE APPLICATION... [LB661]

SENATOR MURANTE: ONE MINUTE. [LB661]

SENATOR GROENE: ...AND WHO WILL DOLE THE MONEY OUT? [LB661]

SENATOR MELLO: THE INTENT LANGUAGE IN THE FUND TRANSFER BILL SHOWS THAT THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION IS THE ENTITY THAT'S THE CASH FUND IS LOCATED IN. [LB661]

SENATOR GROENE: THANK YOU. THANK YOU. THANK YOU. WELL, I WOULD HAVE THOUGHT IF THE COORDINATION COMMISSION AND ANY PROGRAMS UNDER IT USUALLY GO THROUGH THE EDUCATION COMMITTEE. I THINK SOMETHING IS WRONG HERE. BUT ANYWAY, I DON'T LIKE IT, AND I'LL TALK FURTHER ON IT. I

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CHECKED WITH CREIGHTON UNIVERSITY: 2 TO 3 PERCENT OF THEIR TOTAL APPLICANTS ARE NEBRASKANS, 12 TO 15 PERCENT ARE NATIVE NEBRASKANS. I'M PROUD. THIS IS A NATIONAL COLLEGE, AND WE NEED TO BE PROUD OF IT. IT'S AS GOOD AS THE BEST AS FAR AS PRIVATE UNIVERSITIES. IN THE LAST FIVE GRADUATING CLASSES, ONLY 38 DENTISTS STAYED IN NEBRASKA OUT OF, WHAT, 300, 500, OR 400, AROUND THERE, 38 STAYED IN NEBRASKA; 27 CREIGHTON DENTAL GRADUATES WENT TO PUBLIC HEALTH WORK FORCE. THEY DON'T... [LB661]

SENATOR MURANTE: TIME. [LB661]

SENATOR GROENE: THANK YOU. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR GROENE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB661]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I AM OPPOSED TO ANY MONEY GOING TO A PRIVATE INSTITUTION, AND ESPECIALLY ONE THAT IS SECTARIAN. THIS IS WHAT PEOPLE FIGHT AND DIE ABOUT IN THE MIDDLE EAST AND OTHER PLACES. THERE SHOULD BE A SHARP LINE OF DEMARCATION, IN FACT, A WALL BETWEEN CHURCH AND STATE. WHAT SENATOR MELLO DID GIVE ME WAS DOCUMENTATION OF THE FACT THAT CREIGHTON DOES, IN FACT, HAVE A POLICY AGAINST DISCRIMINATION BASED ON SEXUAL ORIENTATION, AND THEY MENTION A HOST OF OTHER REASONS WHY THEY DO NOT DISCRIMINATE, WHICH COULD BE BASED ON THE FACT THAT THEY MAKE A BROAD APPEAL. THEY SPREAD A WIDE NET. AND IF THEY WERE SHOWING THEMSELVES TO BE THAT BACKWARD, THEY WOULD NOT HAVE THE APPEAL THAT THEY HAVE, THE REACH THAT THEY HAVE MANIFESTED. BUT AS I LISTEN TO THIS DISCUSSION, I THINK BACK ON THINGS THAT I WAS SAYING THIS MORNING, WHEN PEOPLE DIDN'T WANT TO HEAR IT, THEY DIDN'T WANT TO LISTEN. NOW, THERE WERE TWO MEN, BLACK, WHO WERE RECOGNIZED BY WHITE PEOPLE AS BEING A PART OF WHAT WAS CALLED THE CIVIL RIGHTS STRUGGLE: MALCOLM X, WHO WAS ON THE INFRARED END OF THE SPECTRUM WHEN IT CAME TO ANGER, INDIGNATION, NONCOMPROMISE; ON THE OTHER END WAS MARTIN LUTHER KING, ULTRAVIOLET, WILLING TO LET PEOPLE SLAP HIM, ABUSE HIS CHILDREN, ABUSE HIS WIFE, JUST AS LONG AS THEY WERE WHITE AND IT WAS BEING DONE IN THE INTEREST OF GETTING ALONG WITH WHITE PEOPLE. BOTH OF THEM LIE MOLDERING IN THE GRAVE. BOTH OF THEM WERE CONDEMNED BY WHITE

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PEOPLE. MALCOLM X WAS THE ONE THAT WHITE PEOPLE FEARED BECAUSE HE TALKED THE LANGUAGE WHITE PEOPLE UNDERSTOOD. IF YOU COME AFTER ME WITH A GUN, THEN I WILL DEFEND MYSELF WITH A GUN. I BELIEVE IN SELF-DEFENSE. THAT'S WHAT HE SAID. WHITE PEOPLE DIDN'T LIKE IT. THEY CALLED HIS VIOLENCE. BUT WHEN WHITE PEOPLE DID THE SAME THING, THAT WAS THEIR SECOND AMENDMENT RIGHT. THAT'S THE WAY THE SAME THINGS ARE LABELED DIFFERENTLY DEPENDING UPON WHO IS DOING IT. HERE'S MARTIN LUTHER KING WHOSE PHILOSOPHY SAID, IF I HAVE A RAVENING BEAST, I CAN TAKE AWAY THAT BEAST'S LOVE OF RED MEAT BY FEEDING IT ALL THE RED MEAT THAT IT CAN EAT. IN OTHER WORDS, HE THOUGHT THAT WE WOULD WEAR OUT WHITE PEOPLE'S HATRED OF US BEFORE THEY WORE OUT OUR HEADS; THAT THEY WOULD FEEL GUILTY ABOUT PUTTING KNOTS ON OUR HEAD, ABOUT TERRORIZING AND BRUTALIZING OUR LITTLE CHILDREN, BLOWING THEM UP IN CHURCHES. AND YOU SEE WHAT IT GOT HIM. HE GOT A NOBEL PEACE PRIZE BECAUSE HE WAS WHAT THE FOIL THEY USED TO WARD OFF MALCOLM X. HAD THERE BEEN NO MALCOLM X, THERE WOULD NOT HAVE BEEN A MARTIN LUTHER KING, WHOM WHITE PEOPLE LIONIZED. THEY ALWAYS PLAY ONE AGAINST THE OTHER. IN THE EARLY DAYS, W. E. B. DU BOIS, OR DUBOYS (PHONETICALLY) AS THEY SAY, WHO WAS VERY FORCEFUL IN PUSHING FOR THE RIGHTS OF BLACK PEOPLE, AND BOOKER T. WASHINGTON ON THE OTHER SIDE WHO SAID WE CAN BE AS UNITED AS FINGERS IN A FIST OR SOMETHING, BUT AS... [LB661]

SENATOR MURANTE: ONE MINUTE. [LB661]

SENATOR CHAMBERS: ...SEPARATE AS FINGERS ON THE HAND WHEN IT COMES TO SOCIAL EQUALITY...SOME NONSENSE. SO WHITE PEOPLE HAVE ALWAYS SET ONE AGAINST THE OTHER. AND I'M GOING TO TURN ON MY LIGHT AGAIN BECAUSE I LIKE TO BRING THESE MESSAGES HOME. WHEN JESUS GAVE A PARABLE, HE WOULD LAY IT OUT, THEN HE WOULD EXPLAIN IT TO PEOPLE IF HE WANTED THEM TO UNDERSTAND. AND I WANT THIS UNDERSTOOD, SO I'M GOING TO PUT MY...OH, MY LIGHT IS ALREADY ON, SO I WILL STOP NOW, MR. PRESIDENT, UNTIL I'M RECOGNIZED. THANK YOU. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR CHAMBERS. SENATOR COOK, YOU ARE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB661]

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SENATOR COOK: YES, THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON AGAIN, COLLEAGUES. I HAVE SOME QUESTIONS FOR SENATOR SCHILZ, IF HE WOULD TAKE THEM. [LB661]

SENATOR MURANTE: SENATOR SCHILZ, WOULD YOU YIELD? [LB661]

SENATOR SCHILZ: YES, I WILL. [LB661]

SENATOR COOK: THANK YOU, SENATOR. I AM HEARKENING BACK TO THE ORIGINAL BILL PROPOSAL, WHICH AS I RECALL WAS FOR \$16.2 MILLION AND HAD SOME PROPOSALS, SOME PARTS THAT ARE NO LONGER PART OF IT. IS THERE A SPECIFIC PROHIBITION FOR THE USE OF THESE GRANT FUNDS FOR PURPOSES OF CONSTRUCTION? [LB661]

SENATOR SCHILZ: AS I UNDERSTAND IT, THIS WILL BE USED NOT FOR CONSTRUCTION BUT FOR SERVICES AND EQUIPMENT, IF I UNDERSTAND IT CORRECTLY. [LB661]

SENATOR COOK: OKAY, THANK YOU. AND THAT...BUT THE CONSTRUCTION PART WAS TAKEN OUT OF THE ORIGINAL BILL, SO THAT'S GONE FOREVER. [LB661]

SENATOR SCHILZ: THAT'S CORRECT. [LB661]

SENATOR COOK: AND I SUPPOSE THERE'S A WAY, SINCE WE ARE GIVEN...THIS IS RATHER A HYPOTHETICAL, AND SO HOW WILL WE KNOW THAT WE'RE GIVING IT AND THAT IT'S BEEN UTILIZED NOT FOR CONSTRUCTION? IS THAT BUILT INTO THE APPLICATION PROCESS? [LB661]

SENATOR SCHILZ: I WOULD GUESS THAT WHAT WOULD HAPPEN IS, I DON'T BELIEVE IT WOULD BE THE APPLICATION PROCESS, BUT WHAT I WOULD THINK IS THAT THE COORDINATING COMMISSION, WHEN THEY COME UP WITH THE RULES AND REGS, WILL HAVE THOSE REQUIREMENTS BUILT INTO THOSE. [LB661]

SENATOR COOK: OKAY, SO YOU'RE RELYING ON THE RULES AND REGS AS THEY'LL BE PROMULGATED FROM...IN THIS CASE, THE AGENCY, THE POSTSECONDARY COORDINATING COMMISSION. [LB661]

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SENATOR SCHILZ: AS FAR AS I UNDERSTAND IT, THAT'S LOGICALLY THE WAY I WOULD SEE IT. IF IT'S DIFFERENT, SOMEBODY CAN TELL ME AND I'LL CORRECT MYSELF. [LB661]

SENATOR COOK: ALL RIGHT. THANK YOU. AND I HAVE ANOTHER QUESTION, THANK YOU VERY MUCH, IF YOU WOULD YIELD. IT'S A DIFFERENT QUESTION, SO I FEEL LIKE I SHOULD ASK PERMISSION AGAIN. IS THAT OKAY? [LB661]

SENATOR SCHILZ: SURE. [LB661]

SENATOR MURANTE: SENATOR SCHILZ, WOULD YOU CONTINUE TO YIELD? [LB661]

SENATOR SCHILZ: I WILL. [LB661]

SENATOR COOK: GREAT. THANK YOU VERY MUCH, MR. PRESIDENT. THANK YOU, SENATOR SCHILZ. I'VE BEEN A BIG SUPPORTER AND PROPONENT OF THE SERVICES OF FEDERALLY QUALIFIED HEALTH CENTERS IN OMAHA, NORTH AND SOUTH, AND ACROSS THE STATE. AND IN YOUR VISION WITH THIS BILL, TO WHAT EXTENT DO THESE GRANTS UTILIZE OR...I WOULD HOPE MAXIMIZE THOSE FEDERALLY QUALIFIED HEALTH CENTERS AS IT RELATES TO PREVENTATIVE DENTAL CARE? [LB661]

SENATOR SCHILZ: YOU KNOW, SENATOR COOK, THAT'S A GOOD QUESTION. I DON'T KNOW FOR SURE, BUT I THINK THAT WITHIN...YOU KNOW WHAT, I'D BETTER NOT ANSWER. I'LL FIND OUT AND LET YOU KNOW. [LB661]

SENATOR COOK: ALL RIGHT. THANK YOU VERY MUCH. AND TO THE REST OF THE BODY, THIS IS ANOTHER CONCERN, UNIQUE FROM THE ONES THAT I HAVE SHARED WITH YOU. AS I'VE SAID BEFORE, I'M A VERY STRONG PROPONENT OF THE SERVICES THAT ARE AVAILABLE TO OUR UNDERSERVED, NONINSURED, THROUGH THE FEDERALLY QUALIFIED HEALTH CENTERS WHICH, WHILE THEY'RE NOT AS SPREAD ACROSS THE STATE AS WE MIGHT LIKE, DO AT LEAST EXIST STATEWIDE. AND WHEN YOU LOOK AT THE BILL PROPOSAL, EVEN IN ITS CURRENT FORM, QUESTIONS ARISE IN MY MIND AS TO THE GRANT APPLICATION. WHAT IS REQUIRED OF THE PARTNERSHIP THAT IS DESCRIBED WITHIN THE GRANT APPLICATION? I WOULD IMAGINE IN A BEST-CASE SCENARIO, AN AGENCY LIKE THE CHARLES DREW HEALTH CENTER IN NORTH

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OMAHA WOULD BE LISTED AMONG THE PARTNERS, BUT WHAT DOES THAT PARTNERSHIP LOOK LIKE? WHAT I WOULD HOPE WOULD NOT HAPPEN, AND WOULD EXIST IN MY WORST IMAGINATION IS THAT, OKAY, QUICK, SIGN THIS PIECE OF PAPER, YOU'RE OUR PARTNER, CHARLES DREW HEALTH CENTER IN THE OMAHA PUBLIC SCHOOL DISTRICT, AND THEN THE OPPORTUNITY TO REALLY MAXIMIZE... [LB661]

SENATOR MURANTE: ONE MINUTE. [LB661]

SENATOR COOK: THANK YOU, MR. PRESIDENT...MAXIMIZE SERVICE TO THE UNDERSERVED AND UNINSURED WOULD GO BY THE WAYSIDE WHILE THE WHATEVER, CREIGHTON, WHO IS IN CHARGE, LET'S FACE IT, DOES WHAT IT WANTS TO DO IN TERMS OF THE SERVICES RELATED TO THE EDUCATION OF THEIR DENTAL STUDENTS. SO WITH THAT, I WOULD YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: AND THANK YOU, SENATOR COOK. SENATOR MELLO, YOU ARE RECOGNIZED. [LB661]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I JUST WANTED TO POINT OUT A COUPLE OF CLARIFICATIONS IN REGARDS TO SOME OF THE DIALOGUE THIS AFTERNOON ON THE FLOOR. THE LANGUAGE THAT THE ORIGINAL COMMITTEE PROPOSAL THAT WAS ORIGINALLY PART OF LB661 HAD A NUMBER OF CRITERIA THAT WAS STRICKEN ON GENERAL FILE BASED ON THE CONVERSATIONS THAT WERE BEING HAD ON THE FLOOR IN REGARDS TO ENSURING THAT THE CRITERIA WAS NOT OVERLY RESTRICTIVE THAT WOULD GIVE BENEFIT TO SIMPLY ONE INSTITUTION OR ANOTHER. PART OF THAT WAS WE DID ORIGINALLY HAVE SOME LANGUAGE REQUIRING A PLAN THAT WAS GOING TO BE SUBMITTED THAT HAD REQUIRED THEM TO HAVE A PARTNERSHIP WITH A PUBLIC SCHOOL DISTRICT OR A FEDERALLY QUALIFIED HEALTH CENTER. THAT LANGUAGE WAS STRICKEN IN REGARDS TO TRYING TO ENSURE THAT WE WEREN'T GOING TO PUT TOO MANY RESTRICTIONS IN REGARDS TO THE PLAN THAT WOULD BE SUBMITTED BY EITHER A UNIVERSITY, UNIVERSITY OF NEBRASKA MEDICAL CENTER LINCOLN CAMPUS OR CREIGHTON UNIVERSITY, WITH THE TWO ENTITIES THAT HAD DENTAL SCHOOLS. THAT LANGUAGE WAS TAKEN OUT OF THE ORIGINAL...THE ORIGINAL APPROPRIATIONS COMMITTEE PROPOSAL. WE STRUCK THAT REQUIREMENT AS WELL AS A NUMBER OF OTHER REQUIREMENTS AND SIMPLY PUT THE BASIC REQUIREMENTS THAT IT HAD TO BE A COLLEGE OF DENTISTRY OR SCHOOL OF

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DENTISTRY AS WELL AS THAT THEY HAD TO PROVIDE A FOUR-TO-ONE MATCH IN REGARDS TO PRIVATE FUNDS TO PUBLIC FUNDS. THOSE WERE THE TWO MAIN REQUIREMENTS THAT WE KEPT IN, AS WELL AS IF MORE THAN ONE ENTITY APPLIED FOR THE FUNDING, THAT THE FUNDING WOULD BE PRORATED BASED ON IF BOTH ENTITIES APPLIED FOR FUNDING AND BOTH HAD MET, SO TO SPEAK, THE FOUR-TO-ONE MATCH EQUALLY, THAT THE MONEY WOULD BE DISPERSED EQUALLY AND/OR WOULD BE PRORATED BASED ON THEIR FOUR-TO-ONE MATCH REQUIREMENTS. WITH THE LANGUAGE THAT WE HAVE IN AM1506, THE SIMPLE ADDITIONS WE MADE TO THAT LANGUAGE WAS BASED ON HOW LONG THAT CONTRACT WAS INTENDED TO BE, AS WELL AS WHEN THAT CONTRACT MUST BE APPLIED FOR. SO, I JUST WANTED TO PROVIDE THAT GENERAL LITTLE BIT OF A CLARIFICATION IN THAT RESPECT. AND, COLLEAGUES, COMING FROM OMAHA, I WILL NEVER DISMISS SENATOR COOK'S CONCERNS OR SENATOR CHAMBERS' CONCERNS IN RESPECTS TO COMMUNITIES THEY REPRESENT WHO HAVE MORE THAN LEGITIMATE CONCERNS AND MORE THAN LEGITIMATE ARGUMENTS IN REGARDS TO ISSUES SURROUNDING CHALLENGES AT THE CHI OR ALEGENT CREIGHTON MEDICAL FACILITY OFF...ESSENTIALLY OFF 30th, NEAR 30th AND CALIFORNIA IN NORTH...DOWNTOWN NORTH OMAHA. COLLEAGUES, I WILL NEVER STAND ON THIS FLOOR AND DISMISS THOSE LEGITIMATE CONCERNS. I HAVE HEARD THEM FROM SENATOR COOK MULTIPLE TIMES OUTSIDE OF THE LEGISLATURE, OFF THE MIKE BEFORE THE SESSION STARTED, AS WELL AS OTHER COMMUNITY GROUPS. I HAVE HEARD THOSE SIMILAR CONCERNS IN SOUTH OMAHA, IN THE SENSE THAT THERE'S A NUMBER OF CONSTITUENTS OF MINE AND SENATOR NORDQUIST'S WHO ALSO UTILIZE THAT FACILITY AS WELL ON THE EASTERN PART OF THE CITY. AND I JUST WANT TO MAKE SURE I CLARIFY THAT IN THE SENSE THAT I WOULD NEVER WANT TO BE DISMISSIVE IN REGARDS TO WHAT I'VE HEARD, NOT ONLY FROM MY CONSTITUENTS BUT HEARD FROM SENATOR COOK OFF THE MIKE MULTIPLE TIMES IN REGARDS TO MORE THAN LEGITIMATE CONCERNS THAT SHE'S RAISED AND HER CONSTITUENTS RAISE REGARDING THE CLOSURE AND THE CHALLENGES REGARDING THAT FACILITY MOVING FORWARD. I DO JUST WANT TO...I DO WANT TO REITERATE WHAT I EXPLAINED EARLIER ON THE MIKE THAT I CAN ONLY OFFER THAT APOLOGY TO SENATOR COOK. I KNOW SENATOR COOK OPPOSES THE OUTRIGHT APPROPRIATION, AND I KNOW THAT SHE DOESN'T SUPPORT US APPROPRIATING THE FUNDING THAT WOULD GO TO A PRIVATE ENTITY TO PROVIDE THE ORAL HEALTH SERVICES, CHARITABLE OR REDUCED COST. I MEAN, I HEARD HER SAY THAT NOW GENERAL AND SELECT FILE AND, COLLEAGUES, THAT'S NOT BEING DISMISSIVE OF HER. THAT'S HER POINT OF VIEW THAT I UNDERSTAND AND I ACCEPT. AND SENATOR CHAMBERS REITERATED HIS POINT OF VIEW, WHICH IS SIMILAR. HE JUST SAID IN HIS TIME SPEAKING ON THE MIKE THAT HE DOESN'T

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SUPPORT THAT APPROPRIATION EITHER. MOST OF THE LANGUAGE COMPROMISE, THOUGH, THAT WAS GENERATED WAS NOT DONE BY ME. IT WAS DONE BY SENATOR PANSING BROOKS AND SENATOR SCHILZ WITH OTHER SENATORS WHO WERE TALKING ON GENERAL FILE, WHO CHIMED IN, IN REGARD TO THEIR CONVERSATIONS SIMPLY TO STRIKE MOST OF THE LANGUAGE IN THE UNDERLYING APPROPRIATIONS RECOMMENDATION THAT MADE IT LOOK LIKE IT WAS RESTRICTIVE TOWARDS ONE INSTITUTION OR ANOTHER. THAT WAS AN AGREEMENT THAT I DIDN'T FORGE. THAT WAS AN AGREEMENT THAT WAS FORGED AMONGST SENATOR PANSING BROOKS AND SENATOR SCHILZ, SINCE IT WAS SENATOR SCHILZ'S BILL THAT HE INTRODUCED. AND SENATOR PANSING BROOKS HAD KIND OF WORKED WITH THE UNIVERSITY IN REGARDS TO GETTING SOME LANGUAGE IDEAS IN REGARDS TO ENSURING THAT THIS FOLLOWED A VERY SIMILAR APPROPRIATION PATH, SO TO SPEAK, THAT THE CANCER AND BIOMEDICAL RESEARCH APPROPRIATION IS AVAILABLE... [LB661]

SENATOR MURANTE: TIME. [LB661]

SENATOR MELLO: ...THAT BOTH CREIGHTON AND THE UNIVERSITY BOTH RECEIVE UNDER THAT EXISTING APPROPRIATION. THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR MELLO. THOSE STILL WISHING TO SPEAK: SENATORS GROENE, CHAMBERS, SCHILZ, AND PANSING BROOKS. SENATOR GROENE, YOU ARE RECOGNIZED. [LB661]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I WILL AGAIN PRAISE CREIGHTON UNIVERSITY. THEY ARE A SHINING STAR IN OUR STATE. I WANT THEM TO REMAIN A SHINING EXAMPLE TO OUR PUBLIC INSTITUTIONS OF WHAT THEY COULD BE. I JUST DON'T WANT THEM TO BE CONTAMINATED WITH GOVERNMENT MONEY. I REALIZE THERE PROBABLY IS. SO, I DO NOT SUPPORT THIS. YOU KNOW, CHRISTIAN ORGANIZATIONS, ISN'T THAT ONE OF THEIR MISSIONS TO TAKE CARE OF THE POOR? SHOULD I INTRODUCE LEGISLATION IN THE FUTURE THAT WE HAVE A FUND FOR CHURCH FOOD PANTRIES? MY AIDE, ONE OF MY AIDES GREW UP IN GERMANY. HIS FATHER WAS A...HE'S AN AMERICAN CITIZEN. HIS FATHER WAS A MISSIONARY. AND HE WAS TELLING ME ONE DAY HOW IN GERMANY, THE FEDERATION OF GERMANY, THEY ACTUALLY HAVE A PAYROLL TAX. IF YOU BELONG TO A CERTAIN CHURCH, YOU'VE GOT TO LABEL IT, AND YOU ARE TAXED, AND THEN THAT CHURCH GETS YOUR MONEY. I DON'T WANT TO CROSS THAT LINE. I MEAN, THAT'S WHERE WE'RE GOING HERE.

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WHY ARE WE GIVING MONEY TO A CHRISTIAN CHURCH, I MEAN A CHRISTIAN ORGANIZATION? I DON'T UNDERSTAND IT. I DO, AND I DON'T. I GOT THE NUMBERS...THE LAST SIX YEARS, THERE WAS 503 GRADUATES OF THE CREIGHTON DENTAL SCHOOL, 38 STAYED IN THE STATE OF NEBRASKA AFTER GRADUATING. THAT'S 7.5 PERCENT. I DON'T UNDERSTAND WHY WE'RE APPROACHING THIS ORGANIZATION TO HELP WITH RURAL HEALTH IN NEBRASKA. I ALSO GOT SOME NUMBERS HERE. YOU KNOW, NUMBERS LIE AND STATISTICS AND PERCENTAGES REALLY PUT GOOD ADJECTIVES ON THE LIAR. BUT IN THIS BILL IT SAYS 20 PERCENT OF THE 93 COUNTIES HAVE NO DENTIST. OH, MY GOSH, NO DENTIST IN...WHAT WOULD THAT BE, 20 PERCENT? EIGHTEEN TO TWENTY COUNTIES HAVE NO DENTIST. EIGHTY-TWO COUNTIES ARE SHORTAGE AREAS IN PEDIATRIC DENTISTRY, AS DESIGNED BY THE NEBRASKA RURAL HEALTH ADVISORY COMMISSION. I'VE GOT THE LIST OF POPULATIONS OF COUNTIES IN THE STATE OF NEBRASKA. TWELVE OF THEM HAVE LESS THAN 1,000 PEOPLE IN THEM. I CALLED AN INDIVIDUAL I KNOW WELL WHO IS A GRADUATE OF CREIGHTON DENTAL SCHOOL, AND I ASKED HIM, WHEN YOU STARTED YOUR PRACTICE, WHICH HE DID IN A RURAL AREA. HE SAID USUALLY YOU LOOK FOR A POPULATION BASE OF 25,000 THAT YOU CAN DRAW FROM, THE FOOTPRINT. I'VE LIVED IN RURAL AREAS, I STILL DO. WHEN YOU LIVE THERE, YOU EXPECT TO DRIVE TO A DOCTOR. NOW, LET'S READ BETWEEN THE LINES HERE. THIS ASSUMES THESE POOR FOLKS DON'T HAVE A DENTIST. IT DOESN'T SAY THAT. DOESN'T SAY THEY GET IN THEIR VEHICLES AND DRIVE 35 MILES OR 40 MILES TO VALENTINE OR NORTH PLATTE OR SCOTTSBLUFF TO GO TO A DENTIST. IT'S PART OF LIFE. THEY GO THAT FAR TO PICK UP CATTLE FEED FOR THEIR ANIMALS. SO, BUT THE FOLKS IN URBAN NEBRASKA SAY, OH, MY GOSH, LOOK AT THIS; THESE 20 COUNTIES DON'T HAVE A DENTIST. WE LIVE WITH THAT OUT THERE. WE'VE LIVED WITH IT ALL OUR LIVES IN RURAL AREAS. ANOTHER FIVE COUNTIES HAVE LESS THAN 2,000 PEOPLE, AND WE CAN GO DOWN THE LIST. OVER HALF OF THE COUNTIES HAVE LESS THAN 6,000 PEOPLE. THAT'S LIFE IN NEBRASKA. WE DON'T NEED YOU LOOKING OVER OUR SHOULDER AND GIVING US DENTAL CARE, ESPECIALLY FROM A PRIVATE ORGANIZATION, WHICH I GREATLY ADMIRE. I'VE GOT TO KEEP REPEATING THAT SO SOMEBODY DON'T THINK I DON'T LIKE CREIGHTON. I LOVE THEM. BUT THIS ISN'T THE PLACE FOR GOVERNMENT INTERACTION WITH A PRIVATE ORGANIZATION. AND WE ALL KNOW THIS ALL STARTED OUT, WE WERE GOING TO HELP THEM BUILD A DENTAL SCHOOL. NOW, ALL OF A SUDDEN, WE'RE SUPPOSED TO BELIEVE JUST BECAUSE SOMEBODY GOT UPSET, WE'RE GOING TO GIVE THEM MONEY AND THEY'RE GOING TO DRAW UP A PLAN... [LB661]

SENATOR MURANTE: ONE MINUTE. [LB661]

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SENATOR GROENE: ...AND IT'S GOING TO BE FOR RURAL NEBRASKA. WHICH OF THOSE 38 DENTISTS, OR OUT OF 83 SAY 4 OR 5 OF THEM STAY IN NEBRASKA, ARE YOU GOING TO TALK IN TO GO TO HYANNIS, NEBRASKA? YOU'RE NOT. THIS IS ABOUT BUILDING A DENTAL SCHOOL. THE LAST THING I'LL SAY IS THAT INDIVIDUAL WHO HAS BEEN VERY SUCCESSFUL IN HIS DENTAL PRACTICE, HE SAID, MIKE, WHEN THEY SEND THAT LETTER OUT TO THE ALUMNI OF THE DENTAL SCHOOL, MONEY WILL COME FLOWING IN. THEY ARE LOYAL TO THEIR COLLEGE. I DON'T KNOW WHERE THIS THING CAME FROM. THERE MIGHT HAVE BEEN ONE OR TWO GRADUATES OF THE DENTAL COLLEGE AT CREIGHTON GOT ALL FIRED UP, BUT I'LL BET YOU IF YOU SURVEYED THEIR ALUMNI, MOST OF THEM WOULD BE AGAINST THIS. THANK YOU. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR GROENE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB661]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. SENATOR GROENE IS SOUNDING LIKE I SOUND WHEN I'M TALKING ABOUT THE PROBLEMS THAT PEOPLE IN THE RURAL AREAS ENCOUNTER BECAUSE THEIR INTERESTS ARE NOT LOOKED AFTER. SENATOR GROENE, I TRY TO MAKE YOU ALL UNDERSTAND. HE'S BUSY, SO I'LL SAY IT TO THE WORLD. PEOPLE IN THIS LEGISLATURE DON'T CARE ABOUT RURAL PEOPLE. RURAL PEOPLE ARE LIKE THE SHIBBOLETH. THAT IS SOMETHING YOU CONJURE BY. WHEN YOU WANT TO MAKE THE RUBES LIKE SENATOR GROENE COME YOUR WAY, YOU SAY I'M CONCERNED ABOUT RURAL PEOPLE, RURAL HEALTH. BUT IF IT COSTS SOMETHING, DON'T TALK TO ME. WHO'S LISTENING TO SENATOR GROENE NOW? SENATOR GROENE IS WALKING WITH UNSHOD FEET ON HOLY GROUND, ALIAS OR OTHERWISE KNOWN AS OR ALSO KNOWN AS CREIGHTON UNIVERSITY. WHATEVER CREIGHTON WANTS. CREIGHTON IS LIKE LOLA. WHATEVER CREIGHTON WANTS, CREIGHTON GETS FROM THIS LEGISLATURE. THEY DON'T NEED THIS MONEY, BUT THEY'RE TAKING IT FROM OTHER PROGRAMS. BUT WHAT DO YOU ALL CARE? I'M TALKING ABOUT A \$6 FEE THAT YOU CAN'T FIND MONEY FOR, YOU CANNOT MAKE UP FOR THAT FOR THE JUDGES' PENSION, WHICH IS AN OBLIGATION OF THE STATE DIRECTLY. BUT YOU CAN FIND \$8 MILLION TO GIVE TO CREIGHTON UNIVERSITY. AND YOU'RE GOING TO TELL ME THAT'S NOT HYPOCRISY WITH A CAPITAL H, IN FACT, ALL UPPERCASE LETTERS IN IT? CREIGHTON IS LAUGHING AT YOU. THEY'VE GOT MORE THAN YOU COULD EVER THINK OF HAVING AT YOUR DISPOSAL AS A STATE TO DO WITH AS YOU PLEASE. SO YOU'RE GOING TO COME AND TAKE THIS AMOUNT OF MONEY THAT COULD DO SOME GOOD IN AREAS WHERE THE STATE HAS A DIRECT OBLIGATION, AND GIVE IT WHERE IT'S NOT NEEDED. BUT I'M GOING TO GO BACK TO WHAT I WAS SAYING EARLIER. LET'S...I WAS TALKING

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ABOUT MALCOLM X AND MARTIN LUTHER KING. LET'S PUT ME IN THE ROLE OF MALCOLM X. I HEARD SOMEBODY DESCRIBE THE WAY SENATOR COOK EXPRESSES HERSELF, QUIET, UNDER CONTROL, AND SHE POSES NO THREAT. HERE'S CHAMBERS, SOMETIMES HE'LL POUND THIS PIECE OF WOOD, SOMETIMES HE'LL RAISE HIS VOICE. BUT WHAT DIFFERENCE DOES IT MAKE? SENATOR COOK GETS IGNORED. SENATOR COOK IS A ZERO, AIN'T TRYING TO BE NO HERO, THAT ZERO IS TOO LOW TO SEE. THE DIFFERENCE BETWEEN SENATOR COOK AND ME IS VAST IN MANY WAYS. WE DON'T SEE EYE TO EYE ON EVERYTHING. THE BLACK PEOPLE ARE NOT MONOLITHIC. BUT WHEN IT COMES TO TREATMENT, LIKE TWO PEAS IN A POD, IT'S THE SAME. YOU ARE NOT NEEDED OR WANTED WHEN THE DECISIONS ARE BEING MADE. HOW ARE YOU GOING TO BE CALLED A DINER WHEN YOU SIT AT THE TABLE AND YOUR PLATE DOESN'T HAVE ANYTHING ON IT? IF SENATOR GROENE WAS HERE I'D ASK HIM THIS QUESTION. I SEE HIM COMING. SENATOR GROENE, WOULD YOU YIELD? [LB661]

SENATOR MURANTE: SENATOR GROENE, WOULD YOU YIELD? [LB661]

SENATOR GROENE: YES, I WILL, MR. PRESIDENT. [LB661]

SENATOR CHAMBERS: LET'S SAY THAT I HAVE A HICKORY STICK AND... [LB661]

SENATOR MURANTE: ONE MINUTE. [LB661]

SENATOR CHAMBERS: ...SENATOR HILKEMANN HAS A HICKORY STICK. AND SENATOR HILKEMANN, IN SPINNING, HITS YOU UPSIDE THE HEAD AND PUTS A KNOT ON YOUR HEAD ACCIDENTALLY. NOW, I DON'T LIKE YOU SO I TAKE MY HICKORY STICK AND I HIT YOU ON PURPOSE AND PUT A KNOT ON THE OTHER SIDE OF YOUR HEAD. DOES THE ONE THAT WAS PUT THERE ACCIDENTALLY HURT LESS BECAUSE IT WAS BY ACCIDENT? [LB661]

SENATOR GROENE: NO, SIR. [LB661]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, WHETHER YOU ALL IGNORE US ON PURPOSE OR BY ACCIDENT, IT'S ALL THE SAME. AND BECAUSE IT HAPPENS SO MUCH, WE ATTRIBUTE IT TO WHAT WE HAVE COME TO EXPERIENCE AND BASE OUR CONCLUSIONS ON. WE ARE IGNORED BECAUSE WE DO NOT COUNT. YOU KNOW HOW I GET NOTICE AROUND HERE? IF I'M GOING TO BE WHAT THEY CALL AN OBSTRUCTIONIST. OTHERWISE, THEY DON'T PAY

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ATTENTION TO ME. BUT THEY'RE GOING TO WHEN I THINK IT'S NECESSARY.
[LB661]

SENATOR MURANTE: TIME. [LB661]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR CHAMBERS. SPEAKER HADLEY FOR AN ANNOUNCEMENT. [LB661]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I WANTED TO GIVE YOU JUST A QUICK OVERVIEW OF WHAT WE'RE GOING TO DO TOMORROW. WE'RE GOING TO START OUT AT 9:00 WITH SENATOR CHAMBERS' MOTION TO SUSPEND THE RULES AND INTRODUCE A BILL AT THIS POINT IN TIME IN THE YEAR. AND THE BILL HAS TO DO WITH THE WELL WATER AND THE WELLS AND THE FRACKING. WE WILL DO THAT FROM 9:00 TO 10:00. AT 10:00, THE BILL IS EITHER INTRODUCED OR IT GOES AWAY. SO THE DISCUSSION WILL END AT 10:00 ON THAT. WE WILL THEN GO TO FINAL READING, AND WE WILL HAVE FINAL READINGS PROBABLY FOR AT LEAST TWO TO THREE HOURS. AND THEN, IF TIME IS PERMITTING, WE WILL GO TO WHERE WE LEAVE OFF ON THE AGENDA TODAY AND HOPE TO BE DONE BETWEEN...BEFORE 2:00 TOMORROW SO WE CAN HAVE THE LONG WEEKEND. I HAVE TO SAY THAT I HOPE WE CAN WRAP UP THE BUDGET AND THE CLAIMS BILLS THIS...TODAY YET AND MOVE ON TO SOME OF THE ITEMS ON THE LIST THAT WE HAVE. THANK YOU, MR. PRESIDENT.

SENATOR MURANTE: THANK YOU, SPEAKER HADLEY. (VISITORS INTRODUCED.) SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB661]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. I JUST WANTED TO STAND UP BECAUSE I TOLD SENATOR COOK THAT I'D FIND OUT SOME INFORMATION. AND ON THE FIRST THING I NEED TO SAY THAT THE LEGISLATIVE...AS FAR AS MAKING SURE THAT THE MONEY IS GOING TO WHERE IT'S SUPPOSED TO GO AND THAT IT'S ITEMIZED AND EVERYTHING LIKE THAT, THAT'S UNDER LEGISLATIVE REPORTING THAT'S IN THE BILL THAT WILL COME BACK. AND I WOULD GUESS THAT THAT'S TAKEN CARE OF IN THE MANNER THAT THAT NORMALLY IS, WHATEVER THAT MIGHT BE. AND THEN ON THE OTHER SIDE, I KNOW IT WAS ALWAYS THE INTENT WHEN THE BILL WAS WRITTEN FIRST THAT EACH...THAT WHOEVER WOULD COME UP WITH THIS AND BE QUALIFIED TO HAVE THIS WOULD WORK WITH THE FEDERAL HEALTH CLINICS AND THINGS LIKE THAT,

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WHERE THEY ARE AND WHERE AVAILABLE, TO DO THE THINGS THAT...THE INTENT OF THE BILL. AND WITH THAT, I WOULD LIKE TO GIVE THE REST OF MY TIME TO SENATOR DAVIS. [LB661]

SENATOR MURANTE: SENATOR DAVIS, YOU HAVE BEEN YIELDED 4:00. [LB661]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I JUST WANT TO CORRECT A FEW OF THE MISCONCEPTIONS THAT I THINK SENATOR GROENE HAS PUT OUT ABOUT RURAL NEBRASKA. AND I THINK IT'S IMPORTANT THAT PEOPLE IN HERE UNDERSTAND AND LISTEN TO WHAT I'M TRYING TO SAY HERE, BECAUSE WE DO HAVE SHORTAGES. AND THOSE SHORTAGES, AND I SAID THIS ON GENERAL, THOSE SHORTAGES ARE NOT JUST IN THE HYANNISES, THE STAPLETONS, OR THOSE COMMUNITIES. THOSE SHORTAGES ARE IN OUR BIGGER COMMUNITIES IN WESTERN NEBRASKA: ALLIANCE, CHADRON, GORDON, AINSWORTH IN MY DISTRICT, AND IN MANY OF THE OTHER PARTS OF THE STATE. SO, YOU KNOW, I THINK IT'S DISINGENUOUS TO SAY WE DON'T HAVE A PROBLEM. WE DO. WE NEED HELP OUT THERE. CREIGHTON HAS A DENTIST IN ALLIANCE, IN VALENTINE, RIGHT NOW, AND THAT DENTIST IS WORKING IN MULLEN. FIRST TIME THEY'VE HAD ANYBODY THERE FOR A LONG, LONG TIME. THAT'S A GOOD THING BECAUSE MULLEN HAS A NURSING HOME IN IT AND IT'S GOT PEOPLE WHO REALLY CAN'T TRAVEL THE 80 MILES TO VALENTINE. YES, I AGREE WITH SENATOR GROENE, WE ARE USED TO TRAVEL. WE DO IT ALL THE TIME AND WE DO IT FOR OUR MEDICAL CARE VERY, VERY OFTEN. BUT WE TRAVEL FROM OUR LITTLE TOWNS. WE'LL GO TO NORTH PLATTE. WE'LL GO TO OGALLALA, WHERE SENATOR SCHILZ IS FROM. IN MY DISTRICT, WE GO TO ALLIANCE FOR THOSE SERVICES. OTHER PEOPLE GO TO CHADRON. SO IF WE CAN'T GET THOSE DENTISTS IN THOSE COMMUNITIES, WHERE ARE WE GOING TO HAVE TO GO? AND THIS IS WHY I'M SUPPORTING THIS. CREIGHTON HAS GOT A GREAT DENTAL PROGRAM, A TOPNOTCH PROGRAM IN THIS STATE. WE CAN MAKE THIS PARTNERSHIP WITH THEM, WHICH WILL BE GOOD FOR THE STATE OF NEBRASKA AND GOOD FOR CREIGHTON, AND WE ALL WIN WITH THAT KIND OF A DEAL. SO, YOU KNOW, I WOULD CERTAINLY APPRECIATE YOUR SUPPORT ON THE BILL. I THINK IT'S A VERY GOOD AMENDMENT. THANK YOU. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR DAVIS AND SENATOR SCHILZ. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB661]

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SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I JUST WANTED TO ASK SENATOR MELLO A QUESTION IF HE'S AVAILABLE. [LB661]

SENATOR MURANTE: SENATOR MELLO, WOULD YOU YIELD TO A QUESTION? [LB661]

SENATOR MELLO: OF COURSE I WOULD. [LB661]

SENATOR PANSING BROOKS: THANK YOU, SENATOR MELLO. I JUST WANTED TO GET ON THE RECORD THAT FOR SURE THAT...I KNOW THAT THERE ARE A FEW PLACES WITHIN THE WHOLE APPROPRIATIONS BUDGET THAT THIS APPROPRIATION IS DISCUSSED OR HIGHLIGHTED, AND SO I JUST WANT TO MAKE SURE THAT BY THESE CHANGES THAT WE'VE MADE IN...WITH THIS AMENDMENT TODAY, EVERYTHING ELSE WILL FOLLOW SUIT AND WE STILL HAVE THE ABILITY OF BOTH THE UNIVERSITY OF NEBRASKA AND CREIGHTON TO APPLY FOR THIS FOUR-TO-ONE MATCH. [LB661]

SENATOR MELLO: GREAT QUESTION, SENATOR PANSING BROOKS. AND, YES, THE UNDERLYING POLICY LANGUAGE ASSOCIATED WITH THE APPROPRIATION IS IN THE BILL WE HAVE IN FRONT OF US, LB661. THERE IS OTHER DISCUSSION OR, I SHOULD SAY, OTHER LANGUAGE IN OTHER BUDGET BILLS THAT ALSO TOUCH UPON THE ORAL HEALTH TRAINING AND SERVICES FUND. IN THE MAINLINE BUDGET BILL, FOR EXAMPLE, THERE IS A LINE ITEM DISCUSSING THAT AS WELL. THAT DOES NOT CHANGE BASED ON MOST OF THE DISAGREEMENT AND MOST OF THE COMPROMISE. AND DISCUSSIONS HAVE BEEN AROUND THE LANGUAGE OF WHO CAN APPLY, WHAT ARE THE REQUIREMENTS FOR APPLYING. THAT IS ALL LOCATED WITHIN LB661. ANYTHING THAT WE DO IN REGARDS TO THE ACTUAL OTHER APPROPRIATIONS IN THE OTHER BILLS HAVE NOT BEEN CHANGED. THEY'RE FINE. THEY WERE SIMPLY CARRYING THROUGH THE APPROPRIATION OF THE \$8 MILLION. THE REAL MEAT, SO TO SPEAK, THE REAL MEAT ON THE BONE THAT WE'RE TRYING TO CHEW OUR WAY THROUGH IS ON LB661 WHICH, BASED ON THE LANGUAGE YOU AND SENATOR SCHILZ DID ON GENERAL FILE, IN SOME OF THIS CLEANUP LANGUAGE THAT WE HAVE, AND THE COMMITTEE AMENDMENT, AM1506, THAT IS THE, SO TO SPEAK, REALLY THE PINNACLE OF REALLY WHAT WE'RE DISCUSSING. [LB661]

SENATOR PANSING BROOKS: OKAY, WONDERFUL. THANK YOU, SENATOR MELLO. ALSO, YOU JUST USED THE WORD "MOST." WHAT WAS...WHY DID YOU USE THAT WORD? [LB661]

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SENATOR MELLO: I COULD HAVE JUST SAID ALL OF THE MEAT ON THE BONES IS ON LB661. THERE IS LANGUAGE THAT JUST...I WANT TO JUST CLARIFY, THERE IS LANGUAGE THAT DISCUSSES THE ORAL HEALTH TRAINING SERVICES FUND IN THE OTHER MAINLINE BILL. THAT JUST IS CARRYING THROUGH THE APPROPRIATIONS AND I CARE SHARE WITH THAT...SHOW THAT...POINT THAT LANGUAGE OUT OFF THE MIKE IF YOU'D LIKE. BUT ALL OF THE DETERMINATION OF HOW THE MONEY IS...HOW THE MONEY, THE GRANT OR, I SHOULD SAY, THE CONTRACT IS LAID OUT, THAT'S CARRIED ALL OUT IN LB661. THAT'S NOT CARRIED OUT IN ANY OTHER BILL IN REGARDS TO THE COORDINATING COMMISSION MAKING A DETERMINATION, UTILIZING CRITERIA, WHAT THE CRITERIA THE DENTAL SCHOOL OR COLLEGE HAS TO SUBMIT TO, SO TO SPEAK, IN TERMS OF THE CONTRACTS. THAT'S ALL LAID OUT IN LB661, AS WELL AS WITH AM1506. I'LL CLARIFY THAT. THAT'S MAYBE MY BAD OF USING THE WORD "MOST." I SHOULD HAVE JUST SAID "ALL." [LB661]

SENATOR PANSING BROOKS: OKAY, THANK YOU. SO I JUST WANT TO CLARIFY THAT THE INTENT OF ALL OF THE UNDERLYING BILLS THAT ALL RELATE TO EACH OTHER, AND WHAT WE HAVE DONE, WILL ALLOW BOTH DENTAL COLLEGES TO APPLY FOR THIS FOUR-TO-ONE MATCHING GRANT. [LB661]

SENATOR MELLO: YOU ARE ABSOLUTELY CORRECT. [LB661]

SENATOR PANSING BROOKS: OKAY. THANK YOU SO MUCH. I YIELD THE REST OF MY TIME TO SENATOR MELLO IF YOU NEED IT. NO. THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR PANSING BROOKS AND SENATOR MELLO. SENATOR CHAMBERS, YOU ARE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB661]

SENATOR CHAMBERS: YES, THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I THINK I'VE MADE CLEAR MY OBJECTION TO CREIGHTON GETTING THIS MONEY, TO THE WHOLE SCHEME THAT HAD TO BE PUT TOGETHER TO LAUNDER THAT MONEY THROUGH THAT POSTSECONDARY EDUCATION COMMISSION OR WHATEVER IT'S CALLED. YOU ARE LAUNDERING MONEY. YOU'RE PLAYING A SHELL GAME. YOU'RE RUNNING A SCHEME ON THE PUBLIC TO GIVE MONEY WHERE IT'S NOT NEEDED. IT WOULD BE AS FOOLISH AS GOING UP TO WARREN BUFFETT AND SAYING, WARREN, I'VE GOT \$10,000, HERE. WELL, HE'LL ACCEPT IT AND THEN LAUGH AT YOU. SO CREIGHTON HAS PLENTY OF

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MONEY. SOMEBODY SAID YOU CAN GET IT OUT OF THE LEGISLATURE BECAUSE THEY'LL GIVE CREIGHTON ANYTHING THAT CREIGHTON WANTS, FOR WHATEVER REASON. AND THIS IS DEMONSTRATING IT. WE ARE CORRUPTING A PROCESS BY BUILDING A LAUNDROMAT. YOU HAVE TURNED THAT POSTSECONDARY EDUCATION COMMISSION, OR WHATEVER IT'S CALLED, INTO A LAUNDROMAT. ITS JOB IS TO LAUNDER MONEY, TO TAKE THAT WHICH IS UNCLEAN AND TRYING TO MAKE A CLEAN THING OUT OF IT. IT CANNOT BRING A CLEAN THING OUT OF AN UNCLEAN THING, BUT ALL YOU NEED IS THE APPEARANCE OF IT. AND YOU'RE TRYING TO FIND A WAY TO FUNNEL THAT MONEY TO CREIGHTON, WHERE IT'S NOT NEEDED, WHERE IT SHOULD NOT GO, AND OTHER PROGRAMS GO BEGGING. WHAT I DO WANT TO SAY, BASED ON WHAT SPEAKER HADLEY INDICATED ABOUT TOMORROW, THIS BILL THAT I HAVE RELATIVE TO THE WASTE MATERIAL THAT COMES FROM FRACKING, HE GIVES ME ONE HOUR, FROM 9:00 TO 10:00, THEN THE BILL GOES AWAY. I'VE HAD A BILL GO AWAY: MY PRAIRIE DOG BILL. I'M NOT GOING TO LET IT HAPPEN AGAIN. WE DON'T NEED THE FULL HOUR. ALL I'M GOING TO DO IS MOVE TO SUSPEND THE RULES TO ALLOW THE INTRODUCTION OF THE BILL WHICH OCCURS PAST THE TEN-DAY DEADLINE. I HAVE 30 COSPONSORS SO WE CAN SUSPEND THE RULES. IT'S NOT TO BE A DEBATE ON THE OIL AND GAS COMMISSION, NOT A DEBATE ON FRACKING AND THE POSSIBILITY OF CONTAMINATING THE AQUIFER AND GROUNDWATER, OR STARTING EARTHQUAKES AS OCCURS IN OKLAHOMA. THAT WILL COME AT A DIFFERENT TIME ON A DIFFERENT DAY. THE REAL EFFECT OF THE BILL THAT I'M OFFERING WILL BE EXPLAINED TOMORROW IN MORE DETAIL, BUT I WANT TO MAKE IT CLEAR WE'RE NOT GOING TO GO PAST THAT 10:00 DEADLINE. THAT IS THE WAY IT SHOULD GO. I'VE TALKED TO THE SPEAKER, I'VE TALKED TO SENATOR SCHILZ AND, TO BE QUITE FRANK, HE'S OFFERING MORE TIME THAN I THINK IS NECESSARY. BACK TO THIS MATTER, I HAVE AN AMENDMENT PENDING THAT WOULD STRIKE THE LANGUAGE THAT WOULD DO AWAY WITH THIS ENTIRE AMOUNT, AND THAT'S NOT GOING ANYWHERE. I TOOK PLENTY OF TIME THIS MORNING TO TALK ABOUT OTHER ISSUES OF CONCERN TO ME IN TERMS OF HOW THE LEGISLATURE IS ALLOWING ITSELF TO BE A PUSHOVER. I'M NOT GOING TO PUT THAT INFORMATION ON ONE OF THOSE LOOPS AND TAKE IT THROUGH EVERY TIME AN ISSUE COMES UP THAT I DON'T LIKE. THE RECORD IS CLEAR, IF ANYBODY LOOKS AT IT, ON THIS MATTER THAT I'M OPPOSED TO ANY OF THIS MONEY EVEN BEING POTENTIALLY AVAILABLE FOR CREIGHTON. ALL I COULD DO IS REPEAT THAT AGAIN AND AGAIN, WHICH I'M NOT GOING TO DO. I'VE SAID ALL THAT I NEED TO SAY ON THIS BILL. BUT THERE MAY BE MORE THAT I WANT TO SAY. HOWEVER, WHEN I LOOK AT SENATOR McCOLLISTER,... [LB661]

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SENATOR MURANTE: ONE MINUTE. [LB661]

SENATOR CHAMBERS: ...AND I UNDERSTAND THAT HE IS TAKING VERY SERIOUSLY HIS JOB AND MAYBE MY TAKING THIS TIME INTERFERES WITH THAT, THAT MAY PROVOKE ME INTO TAKING EVEN MORE TIME. OR IT MIGHT CAUSE ME TO SAY THAT ENOUGH HAS BEEN SAID BY ME. SO I MAY HAVE ONE MORE COMMENT TO MAKE WHEN WE GET TO THE BILL ITSELF. BUT AS BAD AS THIS BILL IS, I THINK THIS AMENDMENT, NOT MINE, THIS IS NOT MINE THAT I'M TALKING ABOUT, IT NEEDS TO BE ADDED TO THE BILL TO MAKE A BAD BILL LESS BAD. IT WON'T MAKE IT GOOD. IT WILL MAKE IT TOLERABLE. SOME OF YOU ALL DON'T KNOW WHAT CHITTERLINGS ARE: SICKENING. WHEN THE CLEAN THEM, WHAT THEY KEEP LOOKS LIKE WHAT THEY THROW AWAY. THEY SMELL HORRENDOUS. BUT CHITTERLINGS WITHOUT THE SMELL IS BETTER THAN CHITTERLINGS WITH THE SMELL. THIS MIGHT MITIGATE THE SMELL SOMEWHAT OF THIS BILL. THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR CHAMBERS. SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB661]

SENATOR SCHNOOR: THANK YOU, SIR. SENATOR CHAMBERS, YOU'RE TALKING ABOUT SAYING ENOUGH. YOU SAID ENOUGH AT 9:30 THIS MORNING ALREADY. SO HOPEFULLY THAT DOESN'T PROMPT YOU TO TALK MORE. I HAVEN'T TALKED ABOUT THIS AT ALL YET THIS AFTERNOON, NEARING EARLY EVENING. I KNOW SENATOR MELLO HAS DONE SOME WORK WITH THE ATTORNEY GENERAL THAT THEY FEEL THAT THIS IS PERFECTLY LEGAL. I STILL DISAGREE WITH IT. I JUST THINK AS WE GET INTO THE NEXT BILL, LB662, I THINK THIS MONEY SHOULD GO BACK TO THE TAXPAYERS. I AM GOING TO VOTE IN FAVOR OF THIS AMENDMENT BECAUSE, YOU KNOW, THERE'S ANOTHER LINE IN HERE THAT HAS BEEN DISCUSSED VERY LITTLE ABOUT THE PROPERTY TAX CREDIT RELIEF, WHICH MORE HAS GONE BACK TO THAT, WHICH IS IN THIS AMENDMENT. SO I'M IN A TOUGH POSITION OF VOTING FOR AN AMENDMENT THAT HAS ISSUES THAT ARE NEAR AND DEAR TO ME, AND THEN ANOTHER ISSUE THAT I DON'T LIKE. BUT I AM GOING TO VOTE FOR THE AMENDMENT. I DID LIKE SENATOR CHAMBERS' AMENDMENT THAT HE WILL LIKELY NOT PROPOSE, BUT TO HAVE THE DENTAL PART STRICKEN FROM IT. YOU KNOW, AND I THINK WE BOTH AGREE THAT THAT WOULDN'T PASS ANYWAY, BUT I GUESS I THOUGHT IT WAS A GOOD IDEA AND I WAS GOING TO VOTE FOR THAT. BUT WE'LL SEE IF HE'S EVEN GOING TO SUBMIT IT. BUT...SO I GUESS I JUST WANTED TO GET IT ON RECORD THAT I AM NOT IN FAVOR OF THIS MONEY GOING TO CREIGHTON IN WHATEVER AVENUE THAT THE WORDING HAS BEEN CHOSEN. I THINK IT'S NOT THE BEST WAY TO DO BUSINESS.

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HOWEVER, I AM VOTING FOR THE AMENDMENT BECAUSE IT DOES INCREASE PROPERTY TAX RELIEF IN ANOTHER ISSUE THAT'S LISTED. THANK YOU, SIR. [LB661 LB662]

SENATOR MURANTE: THANK YOU, SENATOR SCHNOOR. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MELLO, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB661]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. SENATOR SCHNOOR JUST GAVE A PRETTY GOOD SEGUE IN REGARDS TO THE REMINDER OF THE OTHER CHANGES IN AM1506, THE MAIN CHANGES BEING TRANSFERS FROM THE GENERAL FUND TO THE PROPERTY TAX CREDIT FUND, TRANSFERS RELATING TO THE CIVIC AND COMMUNITY CENTER FINANCING FUND, AND CLEANING UP THE LANGUAGE REGARDING THE ORAL HEALTH TRAINING AND SERVICES FUND IN RESPECTS TO ADDING THE MINIMUM TEN-YEAR REQUIREMENT FOR A CONTRACT, AS WELL AS REQUIRING THE CONTRACTS BE APPLIED FOR BY JANUARY 1, 2017. ONCE AGAIN, I APPRECIATE THE ONGOING DEBATE WE HAD. I KNOW THAT MOST OF THE DEBATE ON LB661 REVOLVED AROUND THE ORAL HEALTH TRAINING SERVICES FUND. AND IF THERE'S FURTHER DEBATE, I LOOK FORWARD TO THAT. I'D URGE THE BODY TO ADOPT AM1506. THANK YOU, MR. PRESIDENT. [LB661]

SENATOR MURANTE: THANK YOU, SENATOR MELLO. MEMBERS, THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM1506. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB661]

CLERK: 30 AYES, 2 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB661]

SENATOR MURANTE: THE AMENDMENT IS ADOPTED. NEXT ITEM. [LB661]

CLERK: SENATOR CHAMBERS, AM1434. [LB661]

SENATOR MURANTE: SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB661]

SENATOR CHAMBERS: I WOULD LIKE TO WITHDRAW THAT AMENDMENT, MR. PRESIDENT. [LB661]

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SENATOR MURANTE: THE AMENDMENT IS WITHDRAWN. [LB661]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB661]

SENATOR MURANTE: SENATOR HANSEN, YOU ARE RECOGNIZED FOR A MOTION. [LB661]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB661 TO E&R FOR ENGROSSING. [LB661]

SENATOR MURANTE: MEMBERS, THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB661 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. IT DOES ADVANCE. NEXT ITEM. [LB661]

CLERK: MR. PRESIDENT, LB662. I HAVE NO E&Rs. THE FIRST AMENDMENT I HAVE TO THE BILL, SENATOR CHAMBERS, I HAVE AM1435. [LB662]

SENATOR MURANTE: SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB662]

SENATOR CHAMBERS: I WILL WITHDRAW THAT AMENDMENT. [LB662]

SENATOR MURANTE: IT IS WITHDRAWN. [LB662]

CLERK: SENATOR MELLO WOULD MOVE TO AMEND, AM1538. (LEGISLATIVE JOURNAL PAGE 1421.) [LB662]

SENATOR MURANTE: SENATOR MELLO, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB662]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, AM1538 IS THE APPROPRIATIONS COMMITTEE RECOMMENDATION FOR SELECT FILE AMENDMENTS TO LB662, THE CASH RESERVE FUND TRANSFER BILL. THE ONLY ITEM IN THIS AMENDMENT IS THE AUTHORIZATION OF THE CASH RESERVE TRANSFERS TO THE NEBRASKA CAPITAL CONSTRUCTION FUND RELATED TO THE ENERGY EFFICIENCY IMPROVEMENTS TO THE CAPITOL HVAC PROJECT I MENTIONED ON MY OPENING IN LB656. I'D URGE THE BODY TO ADOPT

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AM1538 AND ADVANCE LB662 TO FINAL READING. THANK YOU, MR. PRESIDENT.
[LB662 LB656]

SENATOR MURANTE: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE OPENING ON AM1538. IS THERE ANYONE WISHING TO SPEAK? SEEING NONE, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE. SENATOR MELLO WAIVES CLOSING. MEMBERS, THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM1538. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB662]

CLERK: 30 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB662]

SENATOR MURANTE: THE AMENDMENT IS ADOPTED. [LB662]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB662]

SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB662]

SENATOR SCHNOOR: THANK YOU. REAL QUICK, YOU KNOW, WE VOTED TWICE ON THIS ON GENERAL FILE FOR AMENDMENTS. I THOUGHT THIS MONEY SHOULD GET PUT BACK INTO THE...GO BACK TO THE TAXPAYERS. YOU KNOW, I'M NOT AMENDING IT ANY FURTHER, BUT I JUST WANT THAT NOTED AGAIN THAT I THINK THIS MONEY NEEDS TO GO BACK TO THE TAXPAYERS. SO THANK YOU, SIR. [LB662]

SENATOR MURANTE: THANK YOU, SENATOR SCHNOOR. SENATOR HANSEN FOR A MOTION. [LB662]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB662 TO E&R FOR ENGROSSING. [LB662]

SENATOR MURANTE: MEMBERS, THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB662. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. IT DOES ADVANCE. NEXT ITEM. [LB662]

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CLERK: LB663, MR. PRESIDENT. SENATOR, I HAVE NO AMENDMENTS TO THE BILL.
[LB663]

SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. [LB663]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB663 TO E&R
FOR ENGROSSING. [LB663]

SENATOR MURANTE: SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB663]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE
LEGISLATURE, IS SENATOR HADLEY IN THE ROOM? [LB663]

SENATOR MURANTE: SPEAKER HADLEY, WOULD YOU YIELD TO A QUESTION?
[LB663]

SPEAKER HADLEY: I THINK HE LEFT, BUT, YES, I AM. (LAUGHTER) [LB663]

SENATOR CHAMBERS: SPEAKER HADLEY? [LB663]

SPEAKER HADLEY: YES. [LB663]

SENATOR CHAMBERS: THIS BILL RELATES TO SALARIES FOR JUDGES. IS THAT
TRUE? [LB663]

SPEAKER HADLEY: THAT'S CORRECT. [LB663]

SENATOR CHAMBERS: DO YOU THINK THEY'RE WORTHY OF A SALARY
INCREASE? [LB663]

SPEAKER HADLEY: VERY MUCH. [LB663]

SENATOR CHAMBERS: DO YOU THINK THEY'D BE WORTHY OF AN INCREASE
GREATER THAN THE ONE THAT WE HAVE IN THE BILL, IF YOU HAD IT YOUR WAY?
[LB663]

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SPEAKER HADLEY: NO. [LB663]

SENATOR CHAMBERS: SO THEN IF I OFFER MY AMENDMENT, YOU'D VOTE AGAINST IT? [LB663]

SPEAKER HADLEY: WHAT IS YOUR AMENDMENT? [LB663]

SENATOR CHAMBERS: TO GIVE THE JUDGES A HIGHER INCREASE. [LB663]

SPEAKER HADLEY: I WOULD VOTE AGAINST IT. [LB663]

SENATOR CHAMBERS: IF THE INCREASE IS .00001, WOULD YOU GO FOR THAT? [LB663]

SPEAKER HADLEY: NO. [LB663]

SENATOR CHAMBERS: NOT EVEN ON PRINCIPLE? [LB663]

SPEAKER HADLEY: NOT EVEN ON PRINCIPLE. [LB663]

SENATOR CHAMBERS: YOU MAY TAKE YOUR SEAT OR WHATEVER YOU WANT TO DO. I'M THROUGH ASKING YOU QUESTIONS. MEMBERS OF THE LEGISLATURE, THERE ARE THOSE OF US WHO HAVE HAD CONFLICTS WITH AND CRITICISMS OF JUDGES, BUT I HAVE NOT FELT IT TO BE APPROPRIATE TO CUT THEIR SALARY OR DO ANYTHING THAT WOULD IMPEDE THEIR ABILITY TO DO WHAT IT IS THEY DO. I'VE SAID REPEATEDLY THAT WHEN IMPORTANT WORK IS BEING DONE, AND ESSENTIAL WORK IN THIS SOCIETY WHERE THE VALUE OF SOMETHING IS OFTEN JUDGED IN TERMS OF HOW MUCH COMPENSATION THE PERSON RECEIVES WHO DOES IT, WE SHOULD ANNEX TO THESE OFFICES A SALARY COMMENSURATE WITH THE WORK THEY DO, THE VALUE IT HAS TO SOCIETY. SO THIS SALARY INCREASE CERTAINLY SHOULD BE AGREED TO. AND SINCE NOBODY ELSE HAS STOOD UP, THERE'S NOT GOING TO BE ANY OPPOSITION. BUT I JUST WANTED TO SHOW THOSE PEOPLE WHO MIGHT THINK THAT THE SPEAKER IS A SPENDTHRIFT, IF HE'S PROFLIGATE, PROFLIGATE, HOWEVER YOU PRONOUNCE THAT, THAT HE CERTAINLY IS NOT. I DON'T THINK, OFF THE TOP OF HIS HEAD, SENATOR, I WOULD CALL HIM "PROFESSOR" SCHUMACHER COULD TELL ME HOW MUCH .0000001 AS AN INCREASE OVER WHAT THESE JUDGES ARE GETTING WOULD AMOUNT TO. BUT SPEAKER HADLEY SAID NO, SO I'M GOING TO BOW TO HIS

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STINGINESS TODAY. BUT I WANT THE JUDGES TO KNOW THAT I WAS TRYING TO NEGOTIATE AN ADDITIONAL BIT OF INCOME FOR THEM, AND THAT'S ALL THAT I HAVE TO SAY ON THIS BILL. I HOPE YOU ALL WILL VOTE FOR IT. THANK YOU, MR. PRESIDENT. [LB663]

SENATOR MURANTE: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB663]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS, YOU ARE MISTAKEN. I DO OPPOSE THIS. I OPPOSED IT ON GENERAL FILE. THEY HAVE GOTTEN FAR GREATER RAISES OVER THE LAST FEW YEARS THAN HAVE THE REST OF THE FOLKS IN GOVERNMENT IN NEBRASKA. IF I REMEMBER MY NUMBERS RIGHT, THEY'VE GOTTEN SOMETHING LIKE 14.5 PERCENT. ALL OUR STAFF IN HERE HAS GOTTEN 8 PERCENT OR 8.5 PERCENT. THERE WILL BE ONE RED LIGHT ON THIS VOTE. THANK YOU, MR. PRESIDENT. [LB663]

SENATOR MURANTE: THANK YOU, SENATOR BLOOMFIELD. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB663]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR BLOOMFIELD A QUESTION, IF HE WOULD YIELD. [LB663]

SENATOR MURANTE: SENATOR BLOOMFIELD, WOULD YOU YIELD? [LB663]

SENATOR BLOOMFIELD: YES, SIR. [LB663]

SENATOR CHAMBERS: SENATOR BLOOMFIELD, WHO SETS THE SALARY INCREASE FOR OUR EMPLOYEES? WHO DETERMINES THAT? [LB663]

SENATOR BLOOMFIELD: IT COMES FROM HERE. [LB663]

SENATOR CHAMBERS: ARE YOU A MEMBER OF THIS BODY? [LB663]

SENATOR BLOOMFIELD: I AM. [LB663]

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SENATOR CHAMBERS: DO YOU THINK THEY SHOULD GET A LARGER INCREASE?
[LB663]

SENATOR BLOOMFIELD: I THINK THEY SHOULD GET AT LEAST THE SAME
INCREASE THAT THE JUDGES DO. [LB663]

SENATOR CHAMBERS: ARE YOU WILLING TO PROPOSE AN AMENDMENT TO THAT
EFFECT? [LB663]

SENATOR BLOOMFIELD: NOT AT THIS POINT. WE'VE COME TOO FAR THIS YEAR.
[LB663]

SENATOR CHAMBERS: SO YOU DON'T WANT TO PUT OUR MONEY WHERE YOUR
PRINCIPLES ARE? (LAUGHTER) IT'S NEVER TOO... [LB663]

SENATOR BLOOMFIELD: I DON'T WANT TO SPEND THE PEOPLE OF NEBRASKA'S
MONEY ANY FURTHER THAN WE HAVE THIS YEAR. ANYTHING I CAN DO TO
REDUCE OUR BUDGET THIS YEAR AT THIS POINT, I WILL DO, AND THAT WOULD
INCLUDE REMOVING THIS PAY RAISE FOR THE JUDGES. [LB663]

SENATOR CHAMBERS: WELL, WOULD YOU WANT TO CUT OUR EMPLOYEES'
SALARIES SINCE YOU'LL DO ANYTHING WHEREVER YOU CAN... [LB663]

SENATOR BLOOMFIELD: NO. [LB663]

SENATOR CHAMBERS: OH, SO YOU DON'T WANT TO GO THAT FAR TO INTRODUCE
IT. [LB663]

SENATOR BLOOMFIELD: NOT AT THIS POINT IN THE SESSION. [LB663]

SENATOR CHAMBERS: OH, I SEE, I SEE, FLEXIBLE. THANK YOU, SENATOR
BLOOMFIELD. [LB663]

SENATOR BLOOMFIELD: YOU'RE ENTIRELY WELCOME, SIR. [LB663]

SENATOR CHAMBERS: THERE WAS A GUY CALLED PLASTIC MAN. HE COULD
STRETCH FROM HERE TO CHINA. SO SENATOR BLOOMFIELD'S ECONOMICS ARE

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LIKE PLASTIC MAN. MEMBERS OF THE LEGISLATURE, IN THE PAST I'VE FOUGHT HARD TO GET OUR EMPLOYEES SIGNIFICANT SALARY INCREASES. THE LEGISLATURE DOES TRAVEL CHEAP. AND I'M NOT GOING TO OFFER AN AMENDMENT AT THIS TIME. THAT WOULD BE IMPRACTICAL. BUT IF WE THINK THAT THE EMPLOYEES WHO WORK FOR US ARE UNDERPAID, THEN WE CAN REMEDY THAT. IF YOU FEEL THAT WHAT THEY ARE RECEIVING IS ADEQUATE, THEN IT SHOULDN'T BE COMPARED TO WHAT SOMEBODY ELSE IS GETTING. I RESPECT THE PEOPLE WHO WORK FOR THE LEGISLATURE, BUT THE WORK THAT THEY DO, WHEREAS, ALL LABOR IS HONORABLE, IT'S NOT IN THE SAME LEAGUE AS THE WORK THAT A JUDGE DOES. SOCIETY DOES NOT VALUE WHAT OUR EMPLOYEES ARE DOING THE WAY THEY VALUE WHAT JUDGES DO. WE DON'T EVEN VALUE IT TO THAT EXTENT. BETWEEN TWO THINGS DISPARATE IN NATURE, THERE CAN BE NO COMPARISON. BUT I WANTED TO JUST GET THAT POINT OUT THERE, THAT IF WE COMPARE THE RATE OF INCREASE OF SALARY FOR OUR EMPLOYEES TO THAT OF ANY OTHER CATEGORY OF EMPLOYEES, THEN WE CAN REMEDY THAT WHENEVER WE CHOOSE. AND IF AND WHEN THAT EFFORT IS MADE, YOU'LL HAVE AT LEAST ONE PERSON VOTING WITH YOU. I WAS THE ONE WHO KEPT INSISTING THAT WHEN THESE WEEKENDS COME AND THERE'S GOING TO BE SOME KIND OF HOLIDAY, OUR STAFF SHOULD GET WHAT IS CALLED THAT LONG WEEKEND. AND MANY TIMES WHEN WE'RE NOT IN SESSION, I COME DOWN HERE ANYWAY. I DON'T GET PAID OVERTIME. I DON'T EVEN MAKE THE \$5.73 AN HOUR THAT WE MAKE WHEN OUR SALARY, PALTRY AS IT IS, IS BROKEN DOWN TO AN HOURLY RATE. I KNOW THAT THE LEGISLATURE IS GOING TO TRAVEL CHEAP, BUT THAT DOESN'T MEAN THAT EVERYBODY SHOULD DO SO. I'D LIKE TO ASK SENATOR BLOOMFIELD ANOTHER QUESTION SINCE I'VE EMBARKED ON THIS DISCUSSION, AND I'M NOT GOING TO DRAG IT OUT. [LB663]

SENATOR MURANTE: SENATOR BLOOMFIELD, WOULD YOU YIELD? [LB663]

SENATOR BLOOMFIELD: ABSOLUTELY. [LB663]

SENATOR CHAMBERS: SENATOR BLOOMFIELD, DO YOU THINK WHAT JUDGES DO IS IMPORTANT? [LB663]

SENATOR BLOOMFIELD: YES. [LB663]

SENATOR CHAMBERS: DO YOU THINK IT'S IMPORTANT TO HAVE A JUDICIAL SYSTEM? [LB663]

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SENATOR BLOOMFIELD: YES. [LB663]

SENATOR CHAMBERS: DO YOU THINK THAT SYSTEM SHOULD RECEIVE THE COMPENSATION AND THE FINANCIAL SUPPORT NECESSARY TO ALLOW IT TO OPERATE AT THE LEVEL AND IN THE MANNER THAT BENEFITS SOCIETY THE MOST? [LB663]

SENATOR MURANTE: ONE MINUTE. [LB663]

SENATOR CHAMBERS: YES OR NO? THEN WE CAN ARGUE ABOUT WHAT THAT AMOUNT IS. [LB663]

SENATOR BLOOMFIELD: THAT IS THE DECISION AS WHAT THAT AMOUNT SHOULD BE, AND I AM PLEASED TO SEE THAT YOU'RE GOING TO JOIN ME NEXT YEAR WHEN I INTRODUCE A BILL TO REDUCE THE JUDGES' SALARIES BECAUSE THAT WAY WE CAN MAKE IT EQUAL. [LB663]

SENATOR CHAMBERS: NO, NO. NO, NO, TO RAISE IT IN OUR EMPLOYEES. THAT'S THE WAY I DO. I BELIEVE IN UP, UPWARD, EVER UPWARD. THAT'S ALL I HAVE. THANK YOU, MR. PRESIDENT, THANK YOU, SENATOR BLOOMFIELD. [LB663]

SENATOR MURANTE: THANK YOU, SENATOR CHAMBERS. MEMBERS, YOU'VE HEARD THE MOTION BY SENATOR HANSEN TO ADVANCE LB663 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. IT DOES ADVANCE. NEXT ITEM. [LB663]

CLERK: LB663A. SENATOR HANSEN, I HAVE NO AMENDMENTS TO THE BILL. [LB663A]

SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. [LB663A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB663A TO E&R FOR ENGROSSING. [LB663A]

SENATOR MURANTE: MEMBERS, THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB663A TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. IT DOES ADVANCE. NEXT ITEM. [LB663A]

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CLERK: MR. PRESIDENT, LB554. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER115, LEGISLATIVE JOURNAL PAGE 1402.) [LB554]

SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. [LB554]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB554. [LB554]

SENATOR MURANTE: MEMBERS, THE QUESTION BEFORE THE BODY IS THE ADOPTION OF THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. THEY ARE ADOPTED. [LB554]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB554]

SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. [LB554]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB554 TO E&R FOR ENGROSSING. [LB554]

SENATOR MURANTE: MEMBERS, THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB554 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. IT DOES ADVANCE. NEXT ITEM. [LB554]

CLERK: MR. PRESIDENT, LB360 WAS DISCUSSED LAST EVENING BY THE LEGISLATURE. E&R AMENDMENTS, AS WELL AS AN AMENDMENT BY SENATOR JOHNSON, WERE ADOPTED. SENATOR DAVIS HAD OFFERED AM1518. I UNDERSTAND, SENATOR, YOU WISH TO WITHDRAW THAT AMENDMENT. SENATOR DAVIS WOULD MOVE TO AMEND THE BILL WITH AM1574. (LEGISLATIVE JOURNAL PAGE 1473.) [LB360]

SENATOR MURANTE: SENATOR DAVIS, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB360]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. WE STARTED THIS DISCUSSION IN HERE LAST NIGHT TO ADDRESS SOME CHANGES TO THE BILL THAT I THOUGHT WERE APPROPRIATE. WE HEARD SOME DISCUSSION FROM THE MEMBERS OF THE

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COMMITTEE, AND I HAVE VISITED WITH THEM TODAY. I WONDER IF SENATOR JOHNSON WOULD YIELD TO A FEW QUESTIONS. [LB360]

SENATOR MURANTE: SENATOR JOHNSON, WOULD YOU YIELD? [LB360]

SENATOR JOHNSON: YES, I WILL. [LB360]

SENATOR DAVIS: SO, SENATOR JOHNSON, YOU AND I HAVE WORKED THROUGH SOME...I GUESS I WOULD SAY, OUR DISAGREEMENTS, AND AT THIS POINT YOU ARE WILLING TO SUPPORT THE AMENDMENT AS PROPOSED? [LB360]

SENATOR JOHNSON: YES, I SUPPORT THE AMENDMENT AS PROPOSED. I DO HAVE A COUPLE OF COMMENTS ON IT, BUT WE'LL SEE HOW IT GOES. I DO SUPPORT THE WORK WE'VE DONE. [LB360]

SENATOR DAVIS: THANK YOU, SENATOR JOHNSON. I THINK THAT THE CHANGES THAT WE ARE MAKING HERE ARE MODEST, BUT THEY'RE SIGNIFICANT IN TERMS OF HOW WE ARE GOING TO REGULATE. I HAVE TO SAY HONESTLY AND FRANKLY I HAVE NOT HAD A LOT OF CONFIDENCE IN THE ENFORCEMENT THAT'S BEEN IN PLACE BEFORE, WHICH IS WHY I THINK IT'S IMPORTANT TO HAVE SOME OF THESE CHANGES LISTED IN THE STATUTES. WITH THAT SAID, I WONDER IF SENATOR KUEHN WOULD YIELD TO A FEW QUESTIONS. [LB360]

SENATOR MURANTE: SENATOR KUEHN, WOULD YOU YIELD? [LB360]

SENATOR KUEHN: YES, I WILL, THANK YOU. [LB360]

SENATOR DAVIS: SO, SENATOR KUEHN, YOU'RE A VETERINARIAN AND YOU HAVE WORKED IN CASES, IN SOME CASES WHERE CONFISCATION TOOK PLACE. IS THAT CORRECT? [LB360]

SENATOR KUEHN: YES, I HAVE. [LB360]

SENATOR DAVIS: AND YOU AND I TALKED EARLIER ABOUT ISSUES OF WATER AND SOME OF THOSE TYPES OF NECESSARY THINGS THAT CAN MAINTAIN LIFE. CAN YOU ADDRESS A LITTLE BIT OF THAT, WHAT WE MEAN BY REGULAR

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WATER? WE CHANGED THE WORD TO REGULAR WATER HERE IN THIS AMENDMENT. [LB360]

SENATOR KUEHN: YEAH, I SURE CAN. THANK YOU, SENATOR DAVIS, FOR BEING WILLING TO WORK WITH US ON MAKING SURE THE LANGUAGE WAS THAT WHICH IS ENFORCEABLE AND REALLY REPRESENTS WHAT WE'RE HOPING HERE, AND THAT IS TO ENSURE THAT ANIMALS HAVE ACCESS ON A REGULAR BASIS TO CLEAN WATER; THAT WE ARE CREATING NOT A DEFINITION IN STATUTE WHICH CREATES ADDITIONAL COMPLICATIONS, AS SOME OF THE ORIGINAL LANGUAGE. AND I TRULY BELIEVE THIS LANGUAGE ENSURES THAT THE ANIMALS WILL BE...HAVE ACCESS TO ADEQUATE WATER AND ALL THAT THEY NEED TO HAVE A QUALITY OF LIFE. [LB360]

SENATOR DAVIS: THANK YOU, SENATOR KUEHN. ONE OTHER THING THAT WE TALKED ABOUT BETWEEN YOU AND ME AND SENATOR JOHNSON WAS A CHANGE IN THE WORD "INJURY." I HAD ADDED IN MY LANGUAGE, INJURY, CONDITION, AND ILLNESS. YOU MADE THE RECOMMENDATION THAT WE MIGHT ADOPT JUST THE WORD "ILLNESS." CAN YOU ELABORATE ON WHY WE DID THAT? [LB360]

SENATOR KUEHN: YES, CERTAINLY. I THINK WHEN IT COMES TO TRYING TO DEAL WITH ESPECIALLY AND IN A LEGAL PROCEEDING WHAT DEFINES DISTINGUISHING DIFFERENCES BETWEEN AN ILLNESS, AN INJURY, OR A CONDITION, THAT AN ILLNESS, BY DEFINITION, REPRESENTS AN ABSENCE OF HEALTH AND IS ALL ENCOMPASSING. SO, IT DOESN'T NECESSARILY MEAN AN INJURY, WHICH WOULD IMPLY SORT OF PHYSICAL TRAUMA OR A CONDITION WHICH CAN BECOME SOMEWHAT OF AN AMBIGUOUS TERM, WHICH CAN BE ARGUED IN A POTENTIAL ENFORCEMENT SITUATION. SO, BOTH MEDICALLY AND LEGALLY, THE TERM "ILLNESS" ENCOMPASSES ALL THOSE ISSUES THAT ARE IN ABSENCE OF HEALTH, EITHER ACUTELY OR CHRONICALLY, AND TAKES CARE OF THAT WHICH WE NEED TO ADDRESS IN THIS BILL. [LB360]

SENATOR DAVIS: THANK YOU, SENATOR KUEHN. SO WHAT WE'VE DONE IN THE BILL, THERE'S STILL FOUR CHANGES IN IT. WE TALK ABOUT SANITARY CONDITIONS AND THE COMPROMISE THAT WE CAME TO WAS THAT THE CAGES REALLY NEED TO BE CLEANED ONCE A DAY. I THINK THAT'S PRETTY REASONABLE. IF AN ANIMAL IS, YOU KNOW, IN A CONFINED SPACE, IT JUST MAKES SENSE THAT THE CAGE BE CLEANED AT LEAST ONCE A DAY. SO WE HAVE AGREED ON THAT. SO THE LANGUAGE WAS CHANGED TO MAINTAIN HOUSING FACILITIES AND PRIMARY ENCLOSURES IN A SANITARY CONDITION WITH NOT

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MORE THAN 24 HOURS' ACCUMULATION OF URINE AND FECES. AND WE TALKED ABOUT THE WATER. I MADE REFERENCE TO THAT EARLIER AND THE ILLNESS. SO, I THINK THAT'S BASICALLY IT. I WANT TO SAY ONE OTHER THING. I UNDERSTAND THERE HAS BEEN A RUMOR THAT THIS LANGUAGE CAME FROM THE HUMANE SOCIETY OF THE UNITED STATES. THAT'S ABSOLUTELY NOT TRUE. I DON'T WORK WITH THE HUMANE SOCIETY OF THE UNITED STATES, ALTHOUGH THEY DID TESTIFY IN SUPPORT OF LB360, AS I RECALL. BUT THIS CAME FROM MY OWN CONCERNS ABOUT NOT HAVING ENOUGH STATUTORY LANGUAGE WHICH WOULD GIVE THE DEPARTMENT DIRECTION AS TO HOW TO DEAL WITH ISSUES LIKE THIS. IF YOU HAVE GRAY AREAS IN THE LAW, YOU HAVE PLACES WHERE CONTENTION AND DISPUTE CAN TAKE PLACE. SO, I'M TRYING TO MAKE IT CLEAR HERE. WITH THAT, I WOULD URGE YOU TO SUPPORT THE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR DAVIS. SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB360]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD AFTERNOON. AND I WAS JUST SITTING HERE, LOOKING AT THE AMENDMENT THAT WE TALKED ABOUT, MAKING SURE THAT WE UNDERSTAND, YOU KNOW, WHAT EACH OF THESE TERMS MEAN. AND SO IF SENATOR DAVIS WOULDN'T MIND, I WOULD LIKE TO ASK HIM A COUPLE QUESTIONS. [LB360]

SENATOR MURANTE: SENATOR DAVIS, WOULD YOU YIELD? [LB360]

SENATOR DAVIS: CERTAINLY. [LB360]

SENATOR SCHILZ: THANK YOU, SENATOR DAVIS. WHEN I SIT HERE AND LOOK AT THIS, WAS THERE...WAS THERE A REASON THAT YOU PUT IN HERE "WITH NOT MORE THAN 24 HOURS OF FECES AND URINE ACCUMULATION"? MY QUESTION WOULD BE THAT...HOW DO WE KNOW WHAT IS THAT MUCH ACCUMULATION? [LB360]

SENATOR DAVIS: I THINK THAT GIVES THE INSPECTOR THE OPPORTUNITY TO KIND OF ANTICIPATE AND JUDGE WHAT PROBABLY WOULD NORMALLY BE THERE. YOU KNOW, IF YOU'VE SEEN THE PICTURES THAT I PASSED OUT, SENATOR SCHILZ, YOU'LL NOTE THAT THERE ARE PILES AND PILES, WHICH IS OBVIOUSLY MORE THAN A DAY. YOU KNOW, THERE WAS LANGUAGE ALREADY IN THE BILL THAT DEALT WITH THAT, BUT WE THOUGHT THAT THIS WOULD SORT OF DRILL

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DOWN AND NARROW IT DOWN SO IT WOULD GIVE THE INSPECTOR A FRAMEWORK WITHIN WHICH TO MAKE THE DECISION. [LB360]

SENATOR SCHILZ: AND WHEN YOU SAY THAT, I SUPPOSE THAT THE DEPARTMENT OF AG WILL COME UP WITH SOME RULES OR SOME GUIDELINES OR SOME PROCEDURES THAT YOU'LL HAVE TO DO TO SHOW THAT YOU'VE DONE THIS CLEANING EVERY 24 HOURS? [LB360]

SENATOR DAVIS: WELL, I WOULDN'T THINK SO, SENATOR SCHILZ. I WOULD THINK THE INSPECTOR, IF THE INSPECTOR GOES INTO THE KENNEL AND SEES THAT THERE ARE 25 DOGS WITH PILES OF FECES IN THE CAGE, HE'LL PROBABLY SAY, YOU NEED TO CLEAN THOSE CAGES UP, I'LL BE BACK IN TEN DAYS TO MAKE SURE THAT YOU'RE FOLLOWING PROCEDURE AND HERE'S WHAT IT IS, YOU NEED TO CLEAN THEM ONCE A DAY. [LB360]

SENATOR SCHILZ: OKAY. THANK YOU. AND THEN ONCE AGAIN, IT'S THE SAME KIND OF QUESTION. WHEN WE SAY "A REGULAR SUPPLY OF POTABLE WATER," I MEAN, ARE WE...I'M CONFUSED WITH THAT BECAUSE, I MEAN, I'M GOING TO BRING IN CATTLE ON THIS. THERE'S...AND I KNOW THIS ISN'T ABOUT CATTLE, BUT A "REGULAR" SUPPLY FOR THEM MAY BE THAT THEY GET TO DRINK ONCE A DAY BECAUSE THAT'S A LOT OF HOW THEY DO. AND I WAS JUST WONDERING IF THERE WAS ANY OF THE SAME...I HAVE SOME OF THE SAME CONCERNS WITH "A REGULAR SUPPLY" AND WHAT THAT ACTUALLY MEANS. [LB360]

SENATOR DAVIS: WELL, I THINK "A REGULAR SUPPLY" OF WATER, IN MY UNDERSTANDING OF THE WORD, THAT WAS A RECOMMENDATION THAT CAME FROM RICK LEONARD, THE LEGAL COUNSEL (SIC). WE HAD CONTINUOUS SUPPLY OF WATER AND THERE WAS SOME FEAR THAT THAT IMPLIED NEED FOR LIVE WATER. THAT WAS NEVER MY INTENT, BUT MY INTENT WAS TO BE SURE THAT THERE WAS ADEQUATE WATER WITHIN THOSE CAGES SO THOSE ANIMALS HAD WATER AVAILABLE TO THEM SO THEY COULD MAINTAIN THEIR HEALTH AND THE LIVES OF THEIR PUPPIES. [LB360]

SENATOR SCHILZ: OKAY. THANK YOU, SENATOR DAVIS. [LB360]

SENATOR DAVIS: THANK YOU. [LB360]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. [LB360]

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SENATOR MURANTE: THANK YOU, SENATOR SCHILZ. SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB360]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND GOOD EVENING, COLLEAGUES. I HAVE A FEW QUESTIONS I'D LIKE TO ASK, AND MAY I START WITH SENATOR DAVIS, PLEASE? [LB360]

SENATOR MURANTE: SENATOR DAVIS, WOULD YOU YIELD? [LB360]

SENATOR DAVIS: I WILL. [LB360]

SENATOR McCOLLISTER: THE QUESTION IS, HAVE YOU EVER HEARD OF A GROUP CALLED THE AMERICAN KENNEL CLUB? [LB360]

SENATOR DAVIS: YES, I HAVE, SENATOR McCOLLISTER. [LB360]

SENATOR McCOLLISTER: ARE YOU AWARE THAT THEY DON'T SUPPORT THIS BILL OR THE AMENDMENT? [LB360]

SENATOR DAVIS: I HAVE AN E-MAIL FROM THEM HERE, YES, I DO. [LB360]

SENATOR McCOLLISTER: WOULD YOU CARE TO REACT TO THE CONTENTS OF THE E-MAIL? I KNOW IT TALKS ABOUT PROPERTY RIGHTS AND DUE PROCESS. [LB360]

SENATOR DAVIS: WELL, YOU KNOW, THEIR CONCERN IS THE SEIZURE OF THE DOGS. IF AN INSPECTOR GOES IN, LOOKS AT THE KENNELS, SAYS THERE'S A PROBLEM, HE'LL COME BACK TO THE DEPARTMENT, TELL THE DEPARTMENT WHAT'S GOING ON. THEN THE DEPARTMENT WILL PROBABLY CONTACT THE COUNTY OFFICIALS. AND IF THE ANIMALS ARE IN GRAVE DANGER, THERE'S SOME SEIZURE THAT CAN TAKE PLACE, AND SO I THINK THAT'S WHAT THEIR CONCERNS ARE. BUT, HONESTLY, YOU KNOW, THE ANIMALS PROBABLY NEED SOME PROTECTION AT THAT POINT BECAUSE THEIR LIVES MAY BE AT RISK. I THINK WHAT WE'RE DOING HERE IS NOT GOING TO IMPACT ANYBODY WHO IS OPERATING A GOOD KENNEL WITH SOUND PRACTICES, AND THAT'S WHAT 90 PERCENT OF THOSE KENNELS IN NEBRASKA ARE. IT'S THE TROUBLESOME KENNELS THAT WE NEED TO REGULATE. [LB360]

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SENATOR McCOLLISTER: HOW MANY KENNELS, IN YOUR KNOWLEDGE, CURRENTLY OPERATE IN THIS FASHION AND HOW MANY WOULD BE NEGLIGENT OR IN SOME WAY HAVE TO CHANGE THEIR OPERATIONS TO COMPLY WITH THIS AMENDMENT? [LB360]

SENATOR DAVIS: YOU KNOW, SENATOR McCOLLISTER, I MIGHT DEFER THAT QUESTION TO SENATOR JOHNSON. I THINK HE HAS SOME INFORMATION ABOUT SOME OF THE PRIOR PROBLEMS THAT WERE HERE IN THE STATE. AND I THINK BECAUSE OF DISCUSSIONS THAT HAVE TAKEN PLACE OVER THE LAST SEVERAL MONTHS, MANY OF THOSE PEOPLE ARE OUT OF BUSINESS. BUT I THINK MAYBE HE MIGHT BE ABLE TO ANSWER THAT QUESTION BETTER THAN I COULD. [LB360]

SENATOR McCOLLISTER: YEAH, THANK YOU, SENATOR DAVIS. I HAVE SOME MORE QUESTIONS. MAY I ASK SENATOR KUEHN TO YIELD? [LB360]

SENATOR MURANTE: SENATOR KUEHN, WOULD YOU YIELD? [LB360]

SENATOR KUEHN: YES, I WILL. [LB360]

SENATOR McCOLLISTER: I'LL ASK THAT QUESTION OF YOU, SIR. HOW MANY KENNELS WILL BE DEFICIENT IN THIS WAY AND HAVE TO MAKE MAJOR CHANGES AS A RESULT OF THIS AMENDMENT? [LB360]

SENATOR KUEHN: IN MY EXPERIENCE, AND OBVIOUSLY I HAVEN'T BEEN AROUND TO EVERY KENNEL IN THE STATE, THE VAST MAJORITY OF THE KENNELS HAVE NO ISSUES WITH COMPLYING WITH THESE. THAT WAS ONE OF MY CONCERNS AND WHY I APPRECIATE SENATOR DAVIS WORKING WITH ME TO MAKE SURE THE LANGUAGE WAS CLEAR. THE INTENTION AND THE PURPOSE OF THIS LEGISLATION IS TO PROVIDE ZERO TOLERANCE FOR THE BAD ACTORS IN THIS INDUSTRY WHILE NOT ENSNARING UNINTENTIONALLY AND CREATING A BURDEN FOR THOSE WHO ARE RESPONSIBLY RAISING AND BREEDING COMMERCIAL DOGS. THE LANGUAGE, I THINK, WITH REGARD TO THE WATER, WHICH SENATOR SCHILZ INQUIRED, I THINK IS INCLUSIVE OF ACCEPTED COMMON, STANDARD PRACTICE THAT IS HUMANE. AND I THINK THE ISSUES WITH REGARD TO ADDRESSING THE MEDICAL CONDITIONS AND OTHERS ARE WELL WITHIN STANDARD INDUSTRY PRACTICE. [LB360]

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SENATOR McCOLLISTER: THANK YOU, SENATOR KUEHN. WOULD SENATOR JOHNSON YIELD FOR A QUESTION? [LB360]

SENATOR MURANTE: SENATOR JOHNSON, WOULD YOU YIELD? [LB360]

SENATOR JOHNSON: YES, I WILL. [LB360]

SENATOR McCOLLISTER: ARE YOU IN SUPPORT OF THIS AMENDMENT, SIR? [LB360]

SENATOR JOHNSON: THE AMENDMENT HAS COME A LONG WAY SINCE YESTERDAY. IF IT MOVES FORWARD, I CAN SUPPORT IT. I DO HAVE SOME CONCERNS IF IT GOES, IN SOME CASES, WHETHER IT SHOULD BE IN STATUTES OR WHETHER IT SHOULD BE IN REGULATION. [LB360]

SENATOR McCOLLISTER: DO YOU FEEL THAT THIS AMENDMENT WILL BE BURDENSOME TO GOOD OPERATIONS WHO CONDUCT THEMSELVES IN A PROPER WAY? [LB360]

SENATOR JOHNSON: NOT TO GOOD OPERATIONS, IF WE CAN DEFINE "GOOD" AS THOSE THAT TAKE CARE OF THEIR ANIMALS IN A PROPER WAY. NO, IT SHOULD NOT BE DETRIMENTAL TO THEM. [LB360]

SENATOR McCOLLISTER: WELL, THANK YOU VERY MUCH, SENATOR. AND I YIELD THE BALANCE OF MY TIME TO THE CHAIR. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR McCOLLISTER. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB360]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I HAVE A COUPLE OF CONCERNS WITH THE LANGUAGE AS WE'VE CREATED IT NOW WHERE WE SAID THAT AN INJURY COULD BE COVERED UNDER ILLNESS. I WONDER IF SENATOR JOHNSON WOULD YIELD TO A QUESTION. [LB360]

SENATOR MURANTE: SENATOR JOHNSON, WOULD YOU YIELD? [LB360]

SENATOR JOHNSON: YES, I WILL. [LB360]

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SENATOR BLOOMFIELD: SENATOR JOHNSON, WE ALL KNOW THAT ANY ANIMAL, FROM THE HUMAN SPECIES DOWN TO A DOG OR A CAT, IF THEY BREAK A LEG OR INJURE THEMSELVES IN SOME WAY, IT MAY NOT HEAL PROPERLY. THE ANIMAL MAY CREATE A LIMP. IS THAT LIMP ALL OF A SUDDEN NOW SOMETHING THAT WE HAVE TO BE CONSIDERING AS AN ILLNESS, AND WE HAVE TO GO TO THE VET EVERY DAY BECAUSE THE DOG IS LIMPING? [LB360]

SENATOR JOHNSON: IF IT'S HEALED, IF IT HAS NOT BEEN INSPECTED OR IF IT'S HEALED AND THERE'S A LIMP, I WOULD SAY THAT'S A RESULT OF THAT INCIDENT, BUT I DON'T BELIEVE THAT PARTICULAR ANIMAL WILL HAVE TO BE MONITORED OTHER THAN CHECKED OVER BY A VET ONCE TO MAKE SURE THAT IT'S STRONG ENOUGH. [LB360]

SENATOR BLOOMFIELD: OKAY. THANK YOU. MR. PRESIDENT, I'D LIKE TO ASK SENATOR KUEHN THAT SAME QUESTION, IF HE WOULD YIELD. [LB360]

SENATOR MURANTE: SENATOR KUEHN, WOULD YOU YIELD? [LB360]

SENATOR KUEHN: YES, I WILL. [LB360]

SENATOR BLOOMFIELD: SENATOR KUEHN, WOULD YOU ANSWER THAT SAME QUESTION AS TO WHETHER OR NOT THAT INJURY IS, IN FACT, AN ILLNESS THAT WE HAVE TO LOOK AT ALL THE TIME? [LB360]

SENATOR KUEHN: NO, WE WOULD NOT, AND THAT'S WHY I THINK THE LANGUAGE "ILLNESS" IS SO IMPORTANT. SO MEDICALLY SPEAKING, ILLNESS IS AN ABSENCE OF HEALTH. SO WHAT MAY BE HEALTHY FOR ME MAY BE DIFFERENT THAN HEALTHY FOR YOU. I HAVE A SCAR. THAT CERTAINLY MAY...IS THE RESULT OF A PREVIOUS ILLNESS, BUT IS NOT CONSTITUTE AN ILLNESS FOR ME CURRENTLY. SO, HEALTH, BY DEFINITION, IS WHAT IS NORMAL FOR THAT INDIVIDUAL. SO A HEALED FRACTURE, AN OLD SCAR, THOSE DON'T REPRESENT AN ILLNESS IN THE MEDICAL DEFINITION AND, THEREFORE, WOULD NOT COME UNDER THIS STATUTE. [LB360]

SENATOR BLOOMFIELD: THANK YOU. MR. PRESIDENT, I WANTED TO GET THAT ON THE RECORD AND I SEE SENATOR CHAMBERS PACING BACK THERE LIKE HE'S WANTING TO SAY SOMETHING, SO I WILL YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB360]

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SENATOR MURANTE: SENATOR CHAMBERS, YOU'RE YIELDED 2:40. [LB360]

SENATOR CHAMBERS: THANK YOU, SENATOR BLOOMFIELD. THANK YOU, MR. PRESIDENT. THE DISCUSSION HAS BEEN VERY ENLIGHTENING. I THINK IT HAS BEEN RIGHT ON POINT. ALL THE QUESTIONS ASKED WERE ANSWERED DIRECTLY WITHOUT ANY ATTEMPT TO EVADE, SO THERE IS NOTHING I COULD ADD. BUT THANK YOU, SENATOR BLOOMFIELD, FOR GIVING ME THE OPPORTUNITY. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR CHAMBERS. SENATOR KUEHN, YOU ARE RECOGNIZED. [LB360]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THANK YOU, MEMBERS OF THE BODY. I DO WANT TO TAKE JUST A FEW MOMENTS TO ADDRESS JUST A FEW ITEMS WHICH WE'VE ALREADY DISCUSSED HERE, AND I APPRECIATE ENGAGING IN THE CONVERSATION WITH MY COLLEAGUES HERE THIS EVENING. I DO THINK THAT THIS...THERE'S A FEW THINGS I WANT TO MAKE SURE WE'RE CLEAR ON WITH REGARD TO THIS AMENDMENT AND WHAT THIS BILL IS DOING. THIS BILL DOES TWO THINGS. ONE, IT INCREASES THE ABILITY TO IDENTIFY AND ELIMINATE THE BAD ACTORS IN THE COMMERCIAL DOG-BREEDING INDUSTRY. THAT SHOULD BE OUR MAJOR GOAL AND OBJECTIVE IN THIS LEGISLATION. IN MY OPINION, ONE PUPPY MILL IS ONE TOO MANY. THERE IS NO EXCUSE OR JUSTIFICATION FOR ALLOWING BAD OPERATORS TO CONTINUE TO DO BUSINESS IN THE STATE OF NEBRASKA. THESE ARE LIVING ANIMALS. THESE ARE...WE HAVE A COMMITMENT AND A RESPONSIBILITY TO OUR COMPANION ANIMALS TO ENSURE THAT THEY'RE TREATED HUMANELY. THE SECOND THING THAT THIS BILL DOES FOR ME IS IT REPRESENTS VALUE TO THE GOOD ACTORS, TO THOSE WHO ARE ACTING IN A HUMANE AND A RESPONSIBLE FASHION. IT GIVES OUR BREEDERS, IT GIVES OUR KENNELS, IT GIVES OUR SHELTERS AN OPPORTUNITY TO DEMONSTRATE THEIR VALUE AND THAT THEY ARE IN COMPLIANCE WITH THE LAW, THAT THEY ARE PRACTICING HUMANE STANDARDS, AND THAT THEY ARE TREATING THEIR ANIMALS WITH RESPECT. SO, WHILE CERTAINLY IT HAS ITS PUNITIVE ELEMENT, IT ALSO BRINGS A VALUE TO THOSE BREEDERS WHO THEN HAVE ADDITIONAL MARKET VALUE BY KNOWING THAT BEING CERTIFIED AND INSPECTED BY THE STATE OF NEBRASKA CARRIES WITH IT SIGNIFICANT WEIGHT. THE OTHER THING I DO WANT TO MAKE SURE THAT I'M ALSO CLEAR ABOUT IS THAT THIS IS WITH REGARD TO OUR PETS AND OUR COMPANION ANIMALS. AND OUR COMPANION ANIMALS AND THE STANDARDS TO WHICH WE BRING THEM INTO OUR HOMES AND OUR FAMILIES CERTAINLY HAVE A SOMEWHAT DIFFERENT AND UNIQUE STANDARD THAN OTHER SPECIES AND THAT WHICH WE MAY CONSIDER LIVESTOCK OR THOSE THAT ARE PRODUCED AS

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PART OF OUR AGRICULTURAL OPERATIONS. AND I WANT TO MAKE CLEAR THAT IS NOT THE INTENT OF THIS BILL OR OF THIS AMENDMENT OR ANY OF THE DISCUSSION THAT WE'VE HAD SO FAR TO HAVE THAT APPLY TO OUR LIVESTOCK. RUMINANTS, OTHER MONOGASTRICS OR EQUIDS HAVE VERY DIFFERENT PHYSIOLOGIC CONDITIONS THAN DO DOGS AND CATS. THEY'RE IN VERY DIFFERENT CIRCUMSTANCES THAN WHAT WE'RE TALKING ABOUT AND ADDRESSING IN THESE COMMERCIAL DOG AND CAT OPERATIONS. SO, I WANT TO BE CRYSTAL-CLEAR ON THE FLOOR AND ON THE RECORD THAT THIS IN NO WAY AFFECTS OR REGULATES HOW WE DEAL WITH COMMERCIAL LIVESTOCK AND LIVESTOCK PRODUCTION IN THE STATE; THAT WE'RE LOOKING SPECIFICALLY AT COMMERCIAL CAT AND DOG BREEDERS, KENNEL SITUATIONS THAT MEET THE STATUTORY DEFINITION AS OUTLINED IN THIS STATUTE; AND THAT WE'RE ADDRESSING AND ENSURING THAT THOSE ANIMALS ARE CARED FOR IN A HUMANE FASHION AND RECEIVE THE CARE TO WHICH THEY DESERVE. SO, WITH THAT, I APPRECIATE THE WORK OF EVERYONE THAT'S BEEN INVOLVED. THIS HAS BEEN A LONG PROCESS WITH THE NUMBER OF BILLS THAT HAVE GONE THROUGH THE AGRICULTURE COMMITTEE. A NUMBER OF PEOPLE ON THE FLOOR HAVE ENGAGED. THERE'S BEEN A LOT OF STAKEHOLDERS. AND I THINK WE HAVE ARRIVED AT A GOOD COMPROMISE AND GOOD LANGUAGE WHICH IS GOING TO ACHIEVE WHAT WE WANT IT TO IN TERMS OF ANIMAL PROTECTION AND NOT MAKING NEBRASKA A SAFE HAVEN FOR THESE PUPPY MILLS, WHILE AT THE SAME TIME, NOT CREATING AN UNDUE BURDEN TO OUR GOOD ACTORS AND OUR RESPONSIBLE PET BREEDERS. SO WITH THAT, I ENCOURAGE YOUR SUPPORT ON THE UNDERLYING BILL AND AM1574. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR KUEHN. THOSE STILL WISHING TO SPEAK: SENATORS KOLTERMAN, WATERMEIER, HUGHES, SCHILZ, AND DAVIS. SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB360]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. COLLEAGUES, I...IN ANSWER TO SENATOR McCOLLISTER'S QUESTION ABOUT WILL THIS BE AN ADDED BURDEN TO OUR GOOD KENNEL OWNERS, IN MY OPINION, WE HAVE WORKED HARD TO REPRESENT THEM WELL IN THE REGULAR BILL, LB360. WE DID ASK FOR INPUT FROM THEM, AND MANY OF THEM ARE MEMBERS OF THE AMERICAN KENNEL ASSOCIATION. HOWEVER, I PERSONALLY BELIEVE, HAVING WORKED ON THIS, THAT THIS AMENDMENT, WHILE I LIKE THE CONCEPT AND I APPRECIATE SENATOR DAVIS WORKING WITH SENATOR JOHNSON ON THIS AMENDMENT, I STILL THINK IT GOES A LITTLE BIT TOO FAR, IN MY OPINION, AND ALSO WORKING WITH SENATOR KUEHN. I THINK WHAT WE HAD ACCOMPLISHED EARLY ON WAS A GOOD BILL. MY MAIN CONCERN IS...AND

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BELIEVE ME, I'M A DOG LOVER. I'VE HAD A DOG MY ENTIRE LIFE. UNFORTUNATELY, MY LAST DOG DIED A YEAR AGO. BUT I THINK WHAT CONCERNS ME THE MOST IS, AS WE START TALKING ABOUT ANIMAL WELFARE AND ANIMAL CRUELTY, WE REALLY WANT TO GET TO THE BAD ACTORS. AND I DON'T WANT TO GO SO FAR THAT WE'RE MICROMANAGING THE CURRENT KENNEL OWNERS, THE GOOD KENNEL OWNERS THAT ARE DOING A GOOD JOB. AND I THINK SOME OF THE ISSUES THAT WE'RE TALKING ABOUT HERE ARE REALLY EMBEDDED IN STATUTE, IN OUR CURRENT LAW THAT WE'VE GOT PRODUCED UP THERE IN LB360. IF THE...AND I KNOW THERE'S SOME QUESTION ABOUT WHETHER OR NOT WE CAN RELY ON THE DEPARTMENT OF AGRICULTURE BECAUSE THEY HAVE NOT DONE THEIR JOB IN MANY PEOPLE'S MINDS UNTIL NOW. BUT I BELIEVE THAT DIRECTOR IBACH AND HIS TEAM, IF WE GIVE THEM THE RESOURCES WHICH WE DO IN THIS BILL TO DO THEIR JOB, IF THE REGULATIONS NEED TO BE TIGHTENED, I BELIEVE THEY WILL COME TO US AND ASK US TO TIGHTEN THOSE REGULATIONS. I JUST DON'T KNOW THAT THIS ALL NEEDS TO BE SPELLED OUT AS SPECIFICALLY AS IT IS IN THIS AMENDMENT IN STATUTE. I DON'T DISAGREE WITH ANYTHING THAT'S THERE. I JUST THINK WE'RE GOING A LITTLE BIT TOO FAR IN STATUTE. THERE WILL BE SOME QUESTIONS ABOUT THAT. THE ONES BEHIND ME ARE PROBABLY GOING TO TALK ABOUT THAT. BUT THERE'S A MAJOR DIFFERENCE BETWEEN STATUTE AND REGULATION. SO, WHILE I SUPPORT LB360 AND IN THEORY I SUPPORT MANY OF THE ASPECTS OF AM1574 THAT SENATOR DAVIS HAS BROUGHT, I'M STILL NOT CONVINCED THAT WE NEED IT. I STILL THINK MAYBE IT GOES A LITTLE BIT TOO FAR. THANK YOU. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR KOLTERMAN. SENATOR WATERMEIER, YOU ARE RECOGNIZED. [LB360]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. GOOD EVENING, NEBRASKA. I REALLY APPRECIATE THE EFFORT THAT WAS GONE ON FROM THIS ISSUE AND IT REALLY STARTED ABOUT A YEAR AGO IN MY OWN DISTRICT WITH A LOT OF CALLS THAT I GOT FROM THE...I'D SAY THE ABUSIVE MANNER IN WHICH THE PUPPY MILLS WERE BEING OPERATED. AND IT'S GOOD THAT WE'RE GOING TO ELIMINATE PUPPY MILLS AND JUST STANDARD AND GO BACK TO PRACTICE THAT THESE ARE BREEDERS AND THEY'RE A BUSINESS. BUT I WONDER IF SENATOR JOHNSON WOULD YIELD TO A QUESTION. AND WHILE HE'S PREPARING THERE, I APPRECIATE THE COMMENTS THAT SENATOR KOLTERMAN HAD AND I UNDERSTAND THIS IS SO MANY BILLS THAT HAVE COME TOGETHER, BUT MAYBE SENATOR JOHNSON AND I COULD HAVE A DIALOGUE HERE THAT

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WOULD MAYBE HELP THE REST OF THE BODY AND NEBRASKA UNDERSTAND WHERE WE'RE GOING. SO WOULD SENATOR JOHNSON YIELD? [LB360]

SENATOR MURANTE: SENATOR JOHNSON, WOULD YOU YIELD? [LB360]

SENATOR JOHNSON: YES, I WILL. [LB360]

SENATOR WATERMEIER: SENATOR JOHNSON, KIND OF PARAPHRASE FOR ME, ROUGHLY, WHERE WE WERE AT A YEAR AGO, AND THEN THE TRAIN WRECK THAT YOU RAN INTO DURING DIRECTOR IBACH'S CONFIRMATION HEARING, AND WHAT LB360 DID AT THAT POINT IN TIME. CAN YOU KIND OF PARAPHRASE WHAT WE HAD BEFORE AND WHERE LB360 TOOK US? [LB360]

SENATOR JOHNSON: OKAY. WE'VE HAD THE COMMERCIAL DOG AND CAT ACT FOR SEVERAL YEARS. THE DEPARTMENT OF AGRICULTURE WAS CHALLENGED THROUGH LEGISLATION TO DO INSPECTIONS ON LICENSED FACILITIES. THAT INCLUDES DOG BREEDERS, IT INCLUDES KENNELS, IT INCLUDES RESCUE FACILITIES, BOARDING HOUSES, PET STORES. ALL OF THEM ARE INCLUDED IN THIS. THEY WOULD DO INSPECTIONS, AND THEY WOULD NOT TRY AND PUT THEM OUT OF BUSINESS. THAT WAS NOT THEIR MISSION BY LEGISLATION. IT WAS TO TRY AND IMPROVE THEIR FACILITY. SO THEY WOULD GO DO INSPECTIONS AND CITE WHAT WAS WRONG, GO BACK. THAT MIGHT BE CLEANED UP, AND THAT WOULD BE THE WAY IT WAS HANDLED. I WILL ALSO SAY THAT IT WAS PROBABLY DONE IN A LITTLE MORE OF A LAX MANNER THAN PROBABLY WHAT WE WOULD HAVE HOPED FOR. NOW WHAT LB360 DOES, IT PUTS ANOTHER PROCESS IN THERE WHERE WITH FUNDING, WHICH IS CASH FUND, WITH SOME FEES THAT WE WOULD INCORPORATE THROUGH FUNDING FROM THE DOG BREEDERS AND DOG OWNERS, TO EMPLOY A TRAINED INSPECTOR, TRAINED...NOT AN INSPECTOR, BUT A TRAINED INDIVIDUAL THAT WOULD BE ABLE TO ACT ON BEHALF OF THE DEPARTMENT OF AGRICULTURE THAT WOULD BE A TRAINED VETERINARY SPECIALIST THAT COULD GO OUT AND EVALUATE THE ANIMALS. IF THAT PERSON AND THE INSPECTOR FELT THERE WAS A NEED TO MOVE FORWARD, THIS BILL SETS UP THE PROCESS WHERE THEY WOULD GO, IN COOPERATION WITH THE COUNTY ATTORNEY, THE COUNTY SHERIFF, TO SEE IF WE FEEL THERE IS WARRANT FOR CRIMINAL ACTION. THE DEPARTMENT OF AGRICULTURE HAS NO AUTHORITY TO DO CRIMINAL ACTION. HERE IT PUTS A HAND-OFF FROM THE DEPARTMENT OF AG TO THE JUDICIARY SIDE OF IT. AND THEN THEY CAN TAKE IT THROUGH THE PROCESS OF A WARRANT. THEY CAN TAKE IT THROUGH THE PROCESS OF SEVEN DAYS TO FILE WITH THE COURT. THE

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COURT NEEDS TO ACT WITHIN TEN DAYS, AND THEN THERE'S A PERIOD OF AT LEAST 30 DAYS FOR AN APPEAL TO BE PRESENTED AND MOVE THROUGH THAT WHICH IS THE DUE PROCESS. THE ANIMALS IN THIS CASE DO NOT HAVE TO BE TAKEN AWAY FROM THE PROPERTY. THAT WAS ONE OF THE CONCERNS BEFORE. THERE WAS A STOP ACTION. THE ANIMALS COULD BE, IN FACT, LOCKED INTO THAT POSITION UNLESS THERE'S ANIMALS THAT NEED TO BE TAKEN CARE OF RIGHT AWAY. THEY COULD BE MOVED TO ANOTHER FACILITY IF THE FACILITIES SIMPLY DO NOT SUPPORT THEM STAYING THERE. AND THEN... [LB360]

SENATOR MURANTE: ONE MINUTE. [LB360]

SENATOR JOHNSON: ...THAT WOULD BE TURNED OVER TO THE...A RESCUE TO HANDLE THOSE, TO TAKE CARE OF THOSE ANIMALS FOR A PERIOD OF TIME. I'M RUNNING OUT. I DON'T KNOW IF YOU GOT ANY MORE. [LB360]

SENATOR WATERMEIER: YEAH, I'M GOING TO INTERRUPT YOU. THANK YOU. THAT'S A GOOD PARAPHRASE. I APPRECIATE THAT AND WHAT YOU'VE... [LB360]

SENATOR JOHNSON: A LONG ONE. [LB360]

SENATOR WATERMEIER: ...WALKED ME THROUGH THERE A LITTLE BIT. I THINK FOR NEBRASKA AND THE BODY, I THINK I'M GOING TO BE OPPOSED TO AM1574. AND LET ME PARAPHRASE A LITTLE BIT WHAT SENATOR JOHNSON HAD JUST MENTIONED THERE TOO. IN MY DISTRICT WHAT WAS FRUSTRATING FOR SOME OF THE PEOPLE LOOKING IN FROM THE OUTSIDE WAS, THEY WOULD DO AN INSPECTION AND THEN NOT HAVE MONEY, NOT HAVE THE PEOPLE, NOT HAVE THE INSPECTORS TO COME BACK FOR THAT SECOND ONE, AND BASICALLY ANNOUNCE WHEN THEY WERE GOING TO COME BACK FOR THAT SECOND INSPECTION. WELL, THINGS WOULD BE CLEANED UP OR THEY WOULD LOOK A LOT BETTER. I THINK WHAT WE'VE DONE, AND IF I HAD TIME I WOULD ASK SENATOR JOHNSON, BUT I THINK IF WE HAD 100 PERCENT OF BREEDERS, WHICH WOULD FALL...PUPPY MILLS WOULD FALL UNDERNEATH THAT, BEFORE LB360, AND AFTER LB360 WE'RE GOING TO HAVE 90 PERCENT OR 80 PERCENT LEFTOVER, WE'VE ELIMINATED THE BAD ONES, WHICH I'VE HEARD OTHER PEOPLE DESCRIBE ON THE FLOOR. I THINK WHAT WE'RE DOING NOW IS JUST A LITTLE BIT OF AN OVERREACH FOR ME. [LB360]

SENATOR MURANTE: TIME. [LB360]

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SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR WATERMEIER. SENATOR HUGHES, YOU ARE RECOGNIZED. [LB360]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WAS I WONDERING IF SENATOR DAVIS WOULD YIELD TO A QUESTION. [LB360]

SENATOR MURANTE: SENATOR DAVIS, WOULD YOU YIELD? [LB360]

SENATOR DAVIS: CERTAINLY. [LB360]

SENATOR HUGHES: SENATOR DAVIS, NOT HAVING BEEN TO YOUR HOUSE BUT HAVING VISITED WITH YOU AND YOUR WIFE, MY UNDERSTANDING IS YOU HAVE SEVERAL CATS IN YOUR HOUSE. IS THAT CORRECT? [LB360]

SENATOR DAVIS: WE DO. [LB360]

SENATOR HUGHES: LOOKING AT THIS AMENDMENT, IT DOES PERTAIN TO DOGS AND CATS, AND THEY CANNOT HAVE MORE THAN 24 HOURS' WORTH OF URINE OR FECES IN THEIR CAGE. DON'T MOST CATS HAVE LITTER BOXES IN THEIR CAGES? WOULD YOU...HAVING NEVER BEEN TO A CAT-BREEDING FACILITY, OR A CAT MILL, IF YOU WILL, HOW DO THEY HANDLE TAKING CARE OF THAT? [LB360]

SENATOR DAVIS: YOU KNOW, SENATOR HUGHES, ALL MY CATS ARE CATS THAT CAME FROM OUR BARN, SO I CAN'T REALLY ANSWER THAT QUESTION FOR YOU. BUT I'LL TELL YOU WHAT WE DO WITH OUR CATS IN OUR HOUSE. WE CLEAN THE LITTER BOX FOUR OR FIVE TIMES A DAY. [LB360]

SENATOR HUGHES: OKAY. THANK YOU. I GUESS THE...I'VE GOT A COUPLE CONSTITUENTS WHO DO RAISE PUREBRED PUPPIES, BUT I DO NOT HAVE ANYBODY WHO IS A CAT BREEDER. AND TO ME IT LOOKS LIKE THE...WITH A CAT AND A LITTER BOX, YOU KNOW, PROBABLY IS A BIT OF OVERKILL THAT WE'D HAVE TO CLEAN THAT LITTER BOX EVERY SINGLE DAY FOR ONE CAT IN A CAGE. YOU KNOW, THIS IS ONE OF THE THINGS THAT, YOU KNOW, WE NEED TO BE VERY CAREFUL OF, THAT WE DON'T CREATE REGULATIONS AND STATUTES THAT ARE TOO RESTRICTIVE THAT HAVE UNINTENDED CONSEQUENCES. I GUESS, I WOULD

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LIKE TO SEE A CHANGE IN THAT LANGUAGE BEFORE I CAN VOTE FOR AM1574. I CERTAINLY AM, YOU KNOW, A PET LOVER, DOGS AND CATS, NO QUESTION ABOUT THAT. I WAS WONDERING IF SENATOR JOHNSON WOULD YIELD TO A QUESTION, PLEASE. [LB360]

SENATOR MURANTE: SENATOR JOHNSON, WOULD YOU YIELD? [LB360]

SENATOR JOHNSON: YES. [LB360]

SENATOR HUGHES: SENATOR JOHNSON, IS THIS LB360 AND AM1574 DEAL STRICTLY WITH CATS AND DOGS AND NO OTHER ANIMALS? WOULD THAT BE A FAIR STATEMENT? [LB360]

SENATOR JOHNSON: CORRECT, JUST CATS AND DOGS. [LB360]

SENATOR HUGHES: OKAY, THANK YOU. SO, FROM THAT ANSWER AND CERTAINLY WOULD BE MY INTENT THAT THIS LEGISLATION WOULD NOT HAVE AN IMPACT ON ANY TYPE OF OTHER LIVESTOCK BEING PRODUCED IN THE STATE OF NEBRASKA, THAT SPECIFICALLY, YOU KNOW, CATTLE, HOGS, HORSES, SHEEP, LLAMAS, YOU KNOW, YOU GO DOWN THE LIST. THIS LEGISLATION WOULD ONLY PERTAIN TO CATS AND DOGS. [LB360]

SENATOR JOHNSON: THAT IS CORRECT. AND WE HAVE TRIED TO MAKE SURE THAT WE HAVE A SEPARATION BETWEEN THE LARGE ANIMAL REGULATIONS AND CRUELTY AND ABUSE AWAY FROM...TOTALLY SEPARATED FROM CAT AND DOG ACT. [LB360]

SENATOR HUGHES: OKAY. THANK YOU, SENATOR JOHNSON. I GUESS I AM OPPOSED TO AM1574. I THINK WE ARE BEING TOO RESTRICTIVE. WE CERTAINLY WANT TO MAKE SURE WE ELIMINATE THE BAD APPLES IN OUR CAT AND DOG-BREEDING FACILITIES, BUT THERE ARE SOME THINGS, I THINK, THAT WE AS A BODY ARE TRYING TO OVERREACH, TRYING TO...SOMEWHAT OF A KNEE-JERK REACTION TO A PROBLEM THAT I THINK WE'VE HAD IN THE PAST. AND I THINK WE'VE GOT...I THINK LB360 HAS DONE A GOOD JOB OF ADDRESSING THOSE ISSUES, GIVING THE DEPARTMENT OF AGRICULTURE THE TOOLS THAT THEY NEED AND THE REINFORCEMENT FROM THIS BODY TO THEM THAT THIS IS AN AREA THAT THEY NEED TO PAY MORE ATTENTION TO. THANK YOU. [LB360]

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SENATOR MURANTE: THANK YOU, SENATOR HUGHES. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB360]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, I ALWAYS...I'VE BEEN ON THE AGRICULTURE COMMITTEE ON AND OFF AND CHAIRED IT, AND WE'VE DEALT WITH THESE ISSUES BEFORE AND SOME OF THE SAME ISSUES THAT WE'RE TALKING ABOUT HERE. I TEND TO BE REALLY LEERY OF LANGUAGE IN THERE THAT GIVES FOLKS THE IDEA...ESPECIALLY WHEN WE PUT IT INTO STATUTE. I LIKE BRIGHT LINES IN MY LEGISLATION TO MAKE SURE THAT PEOPLE UNDERSTAND WHERE THAT'S AT, THAT PROSECUTORS UNDERSTAND WHERE THAT'S AT, AND THAT THE PEOPLE THAT HAVE TO LIVE BY THOSE LAWS UNDERSTAND WHERE THAT'S AT. AND, YOU KNOW, I THINK IT MAY STILL BE JUST A LITTLE BIT TOO WIDE OPEN. I KNOW THERE'S BEEN GOOD WORK DONE, AND I KNOW IT'S MOVING IN THE RIGHT DIRECTION, BUT I THINK THAT WE NEED TO MAKE DARN SURE THAT WE AREN'T...THAT WE AREN'T DOING SOME THINGS HERE THAT COULD BE SUBJECTIVE WHEN PEOPLE LOOK AT IT. SO, I'M GOING TO CONTINUE TO LISTEN, BUT I THINK THERE MAY BE BETTER WAYS TO DO THIS THAN PUTTING IT IN STATUTE, MAYBE THROUGH RULES AND REGS OR SOMETHING LIKE THAT TO SATISFY WHAT SENATOR DAVIS AND SENATOR JOHNSON ARE TRYING TO GET TO. THANK YOU, MR. PRESIDENT. AND IF SENATOR DAVIS WOULD LIKE MY TIME, HE CAN HAVE IT. [LB360]

SENATOR MURANTE: SENATOR DAVIS, YOU HAVE BEEN YIELDED 3:20. [LB360]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. SO, I JUST WANT TO REPLY TO A COUPLE OF THE THINGS THAT HAVE BEEN SAID. I UNDERSTAND THAT SENATOR KOLTERMAN BELIEVES THAT THERE WAS BUY-IN. I THINK THERE WAS SUPPORT FROM PEOPLE, BUT AT THE LAST MEETING THAT WAS HELD, WHICH I SAT IN ON, I SAID, YOU KNOW, I'M REALLY NOT SATISFIED WITH THE DEFINITIONS ON WATER, BECAUSE WATER IS A VERY IMPORTANT PART OF KEEPING PEOPLE HYDRATED. COUPLE OF THINGS THAT I THINK NEED TO BE SAID ABOUT THAT. IF YOU'VE GOT A BOWL OF WATER THAT'S IN A PEN AND IT GETS UPSET, THAT DOG ISN'T GOING TO GET WATER. THERE ARE WAYS YOU CAN TAKE CARE OF THAT. WE DON'T NEED LIVE WATER, BUT WE NEED TO HAVE REGULAR WATER SO THAT AN INSPECTOR CAN WALK IN, WALK AROUND THE PENS, AND SEE THAT THERE IS WATER IN A BUCKET OF SOME KIND THAT'S ATTACHED TO THE WALL OR SOME PERMANENT STRUCTURE SO IT CAN'T BE KNOCKED OVER AND THE PERSON CAN'T SAY THAT. SENATOR SCHILZ MADE REFERENCE TO SOME SUBJECTIVE THINGS, AND THAT'S ONE OF THE THINGS THAT I THINK IS A LITTLE BIT WRONG WITH THE INITIAL UNDERLYING BILL, IS THAT IT'S A LITTLE BIT TOO SUBJECTIVE

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AND THAT WE NEED TO QUANTIFY SOME OF THE REQUIREMENTS THAT WE EXPECT THESE DOG BREEDERS TO HAVE. YOU KNOW, AND TO SENATOR HUGHES'S QUESTION ABOUT THE CATS, IT'S A GOOD QUESTION. I'M NOT SURE HOW COMMERCIAL CATS ARE PRODUCED. MY MAIN FOCUS WITH THIS IS KENNELS, DOGS, WHICH MAY BE STACKED TWO OR THREE CAGES HIGH, AND THE CAGES ARE FULL OF FECES. THAT'S HAPPENED IN THE PAST. I'M VERY HAPPY THAT THERE HAS BEEN A LOT OF WORK DONE TO TRY TO STOP THAT BEHAVIOR, BUT, YOU KNOW, THAT'S ONLY COME ABOUT BECAUSE THERE'S OUTRAGE OUT THERE THAT IT'S BEEN NEGLECTED FOR SO LONG. SO WHAT I'M TRYING TO DO HERE WITH THIS LANGUAGE IS BUILD A CASE SO THAT AN INSPECTOR CAN GO IN AND IDENTIFY A PROBLEM, TAKE THAT PROBLEM BACK TO THE DEPARTMENT, AND THEN TO THE COUNTY IF IT HAS TO GO THAT FAR. MOST OF THE TIME WHAT'S GOING TO HAPPEN IS THE INSPECTOR IS GOING TO GO IN THERE AND SAY, LOOK, I'M SORRY, YOU'RE NOT FOLLOWING THE STATUTES, THE RULES, AND THE REGULATIONS HERE WITH REGARD TO THE LAW AND YOU NEED TO CORRECT YOUR PROBLEM. AND IF IT'S A GOOD BREEDER, THEY'RE GOING TO DO THAT BECAUSE THAT'S WHAT THEIR BUSINESS IS. IF IT'S A BAD BREEDER, THEN WE NEED TO GET THEM OUT OF BUSINESS, PURE AND SIMPLE. I THINK THAT MY AMENDMENT STRENGTHENS THE LAW. [LB360]

SENATOR MURANTE: ONE MINUTE. [LB360]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I THINK IT GIVES VERY CLEAR DIRECTION TO THE DEPARTMENT AS TO HOW TO GO ABOUT ENFORCING THE LAW. IT CAME WITH A LOT OF THOUGHT AND A LOT OF WORK, A LOT OF DISCUSSION WITH RICK LEONARD DOWNSTAIRS, WITH SENATOR JOHNSON TO TRY TO BUILD SOMETHING THAT WOULD BE GOOD PUBLIC POLICY. SO, I THINK THAT'S WHAT THIS IS. AND I'LL WAIVE THE REST OF MY TIME. I THINK I'M NEXT IN THE QUEUE. I WILL PASS THAT UP AND I'LL WAIT UNTIL CLOSING. THANK YOU. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR DAVIS. SENATOR WATERMEIER, YOU ARE RECOGNIZED. [LB360]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I JUST WANT TO FINISH UP WITH SENATOR JOHNSON'S FIVE-MINUTE PARAPHRASING THERE. I DON'T HAVE ANOTHER QUESTION FOR YOU. IF I WERE TO END MY DISCUSSION ON THAT, WHAT I THINK WE'VE DONE WITH LB360, IF WE HAD X NUMBER OF BREEDERS IN THE STATE, SAY WE HAD 1,000 OR 500, AND I THINK WE ELIMINATED 20 PERCENT

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OF THEM, IF WE HAD 500, WE'RE DOWN TO 400, I'M NOT SURE WHAT AM1574 IS GOING TO DO FOR ME. I ALWAYS TRY TO QUANTIFY SOMETHING AND I DON'T THINK WE'RE GOING TO GET RID OF ANY MORE BAD APPLES WITH IT. ALL WE'RE GOING TO DO IS PUT SOMETHING IN STATUTE THAT IS GOING TO HAVE TO COME FROM THE DEPARTMENT OF AGRICULTURE OR COULD COME FROM THE DEPARTMENT OF AGRICULTURE IN PROMULGATING RULES AND REGULATIONS. I APPRECIATE ALL THE WORK BEHIND THE SCENES WITH SENATOR KUEHN AND SENATOR DAVIS. I REALLY DO, THEY'RE IN THE INDUSTRY. THEY DO THAT. BUT I'VE ALSO SEEN ENOUGH OVERREACH AND THIS IS WHERE I STRUGGLE WITH THIS BILL. SO QUANTIFYING IT, I DON'T SEE US GAINING ANYTHING. WE WILL MAKE IT TOUGHER, NO DOUBT ABOUT IT, BUT THAT'S WHY I'M GOING TO VOTE AGAINST AM1574 BUT BE IN 100 PERCENT SUPPORT OF LB360. THANK YOU, MR. PRESIDENT. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR WATERMEIER. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB360]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I SEE THE CONCERN THAT WE HAVE HERE IS, A LOT OF PEOPLE LIKE WHAT'S IN IT, BUT DON'T LIKE WHERE WE'RE PUTTING IT. SENATOR DAVIS AND I HAVE DISCUSSED THIS. I DISCUSSED IT WITH HIM YESTERDAY. I HAD CONCERNS ABOUT IT, AND A LOT OF PEOPLE...SOME PEOPLE ON THE FLOOR EXPRESSED THE SAME THING AS WE TALKED ABOUT IT. SO, I THINK PEOPLE LIKE WHAT'S IN THE AMENDMENT, BUT, AGAIN, DON'T LIKE WHERE IT'S GOING. I WOULD LIKE TO ASK IF SENATOR DAVIS WOULD YIELD TO A QUESTION. I ASKED IF SENATOR DAVIS WOULD YIELD TO A QUESTION. [LB360]

SENATOR MURANTE: SENATOR DAVIS, WOULD YOU YIELD? [LB360]

SENATOR DAVIS: I WILL. [LB360]

SENATOR JOHNSON: SENATOR DAVIS, YOU AND I HAVE TALKED A LITTLE BIT ABOUT THIS, AND I'VE EXPRESSED MY FEELINGS. I'M NOT TRYING TO CHANGE IT THAT MUCH, BUT IF AM1574 WOULD END UP BEING DEFEATED, I WOULD TAKE THE LANGUAGE THAT IS IN AM1574, BECAUSE I THINK WE HAVE PUT TOGETHER GOOD LANGUAGE, AND I WOULD SEE THAT IT IS PUT INTO THE REGULATIONS AND MAKE SURE THAT IT IS FOLLOWED THROUGH. WOULD YOU WANT TO COMMENT ON THAT? [LB360]

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SENATOR DAVIS: SENATOR JOHNSON, I WOULD CERTAINLY APPRECIATE IT IF YOU WERE TO DO THAT. I THINK THAT WOULD BE GOOD FOR THE DOGS IN THE STATE AND GOOD FOR THE CATS IN THE STATE, AND GOOD FOR THE PUPPY INDUSTRY, ACTUALLY. I THINK IT SHOULD BE IN STATUTE BECAUSE THEN IT'S JUST AS CLEAR AS CAN BE AS TO WHAT WE EXPECT. WE MAKE POLICY HERE. THIS IS ONE WAY TO DO THAT TO PROTECT THESE ANIMALS. SO, WHILE I WOULD SUPPORT THAT, I WOULD LIKE TO SEE THE AMENDMENT MOVE FORWARD. [LB360]

SENATOR JOHNSON: THANK YOU. I WILL OFFER THIS AS MAYBE...TO THE BODY. I WOULD SAY THAT IF YOU VOTE THIS...IF YOU VOTE AM1574 UP OR GREEN, THAT MEANS YOU BELIEVE IT SHOULD BE IN THE STATUTE. IF YOU VOTE IT DOWN, THEN WE WILL WORK TO PUT IT...YOU DON'T WANT IT IN THE STATUTE, YOU WANT IT IN THE REGULATIONS, AND WE WILL WORK TO PUT IT IN THE REGULATIONS. THAT'S THE WAY I SEE THE VOTE BEING HANDLED. THANK YOU, MR. PRESIDENT. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR JOHNSON. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB360]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, WE HAVE MEDICAID, WE HAVE MEDICARE. I FEAR WITH AM1574 WE MAY BE APPROACHING "ROVERCARE." (LAUGHTER) I DO NOT SUPPORT THIS AMENDMENT. BUT THAT SHOULD BE NO BIG SURPRISE. I DIDN'T SUPPORT THE BILL. THANK YOU, MR. PRESIDENT. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR BLOOMFIELD. SEEING NO ONE ELSE IN THE QUEUE, SENATOR...EXCUSE ME, SENATOR HUGHES, YOU ARE RECOGNIZED. [LB360]

SENATOR HUGHES: THANK YOU, MR. CHAIRMAN. AS THE ONLY PERSON THAT GOT UP AND TALKED ABOUT THE CATS TODAY, EVERYBODY ELSE FOCUSED ON THE DOGS, WE SHOULD HAVE "MEDICAT," ALONG WITH "ROVERCARE." THANK YOU, MR. CHAIRMAN. [LB360]

SENATOR MURANTE: THANK YOU, SENATOR HUGHES. SENATOR DAVIS, SEEING NO ONE ELSE IN THE QUEUE, YOU ARE RECOGNIZED TO CLOSE ON AM1574. [LB360]

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SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I THINK THIS HAS BEEN A GOOD DISCUSSION TODAY. LET ME MAKE IT CRYSTAL-CLEAR THAT I'M A FIRM SUPPORTER OF THE BILL. I THINK IT'S VERY GOOD PUBLIC POLICY. I'M TRYING TO MAKE IT A LITTLE BETTER, A LITTLE STRONGER, PARTLY BECAUSE I'VE OBSERVED WHAT'S HAPPENED IN THE PAST WITH THE DEPARTMENT OF AGRICULTURE, AND I DIDN'T CARE FOR THE WAY IT WAS HANDLED. SOME OF YOU WILL REMEMBER A FEW YEARS AGO WHEN I WAS DEALING WITH AN ISSUE IN SENECA, NEBRASKA, WHICH HAD A GROUP OF SIX HORSES CONFINED TO A VERY SMALL AREA. WE SENT PHOTOGRAPHS OF THOSE HORSES STANDING IN ABOUT TWO AND A HALF, TWO FEET OF MUD. AT THE TIME I LOOKED AT IT, THERE WASN'T ANY FEED IN THE PICTURE. THEY WANTED US TO DO SOMETHING ABOUT IT. SO WE STARTED LOOKING INTO WHAT WE COULD DO ABOUT IT AND IT TURNS OUT, YOU KNOW, WELL, YOU NEED TO DID THIS, AND YOU NEED TO DO THIS, AND IT'S A CITY THING, IT'S NOT A COUNTY THING, SO WHO'S GOING TO DO THE INSPECTION. IT WAS PASS THE BUCK, PASS THE BUCK, PASS THE BUCK. IN THE MEANTIME THEN, ONE OF THE HORSES KICKED ONE OF THE OTHER HORSES AND DIED. SO, WE ENDED UP WITH THE SHERIFF GOING OUT TO LOOK AT THE HORSES AND THE SHERIFF WAS CONCERNED AND, WELL, I DON'T THINK THAT...I DON'T SEE ANYTHING I CAN DO THERE. GOT BACK TO ME. WE ASKED A VET TO GO OUT AND LOOK, SO WE NEEDED A VET'S OPINION. THE VET SAID, WELL, YOU KNOW, I DON'T THINK THE HORSES ARE BEING VERY WELL CARED FOR THERE BECAUSE THE PEN IS WAY TOO SMALL, BUT, YOU KNOW, THEY'VE GOT FEED. SO IT WAS A LITTLE BIT...AND I'M NOT SAYING THAT PEOPLE WERE PASSING THE BUCK. I DON'T THINK THE LEGISLATION, THE STATUTES WERE CLEAR ENOUGH OR THE RULES AND REGS WERE CLEAR ENOUGH FOR ANYBODY TO REALLY ENFORCE THAT RULE. WELL, YOU KNOW WHAT THE LONG AND THE SHORT OF THAT DISCUSSION WAS. THE COMMUNITY OF SENECA, WHICH HAD RULES ON THE BOOKS FOR YEARS ABOUT KEEPING LIVESTOCK WITHIN THE CONFINES OF THE COMMUNITY, STARTED ENFORCING THEIR RULES. AND SO, YOU KNOW, WHEN YOU ENFORCE THE LAWS, THEN YOU HAVE TO ENFORCE THEM AGAINST EVERYONE. SO, PEOPLE WERE UPSET ABOUT THAT SO MUCH THEY DISINCORPORATED THE COMMUNITY. BUT IT DIDN'T AFFECT THE...THE HORSES WERE STILL THE PROBLEM BECAUSE THEY WERE CONFINED IN A PEN THAT WAS TOO SMALL, AND THE PEOPLE WHO ARE TRUE FRIENDS OF ANIMALS RECOGNIZED THAT THERE WAS A BIG PROBLEM THERE, AND THEY TRIED TO DO SOMETHING ABOUT IT. SAME THING CAN BE SAID ABOUT THESE DOG AND PUPPY MILLS. THIS LEGISLATION WOULDN'T HAVE EVEN COME ABOUT IF THERE WASN'T OUTRAGE AND ANGER AT WHAT WAS GOING ON. AND YOU GUYS LOOK AT THE PICTURES. I'M GOING TO TALK ABOUT A COUPLE OF THESE THINGS BEFORE WE CLOSE THAT I THINK ARE IMPORTANT TO TALK ABOUT AND

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ADDRESS. SO I'VE SENT THIS PICTURE OF LITTLE BORIS, THE PUPPY, AROUND WHO HAS THE HERNIA. SO HE WAS...THIS IS JUST...THIS IS SINCE JANUARY THAT THIS HAS HAPPENED. SO THAT PARTICULAR PUPPY WAS 1 OF 11 PUPPIES BORN WITH THOSE HERNIAS, STILL THERE IN THE MILL. AND THEY WERE FINALLY BROUGHT TO HEARTS UNITED FOR ANIMALS WHO TOOK THEM OVER. NOTHING HAD BEEN DONE. THEY NEVER HAD THEIR SHOTS OR ANYTHING ELSE, BUT THAT PUPPY IS DRAGGING AROUND HIS INTERNAL ORGANS IN THAT HERNIA. THAT IS AN...THAT'S AN ILLNESS, THAT'S NOT AN INJURY. AN INJURY IS SOMETHING ELSE. AN INJURY IS A BROKEN LEG, A BROKEN JAW. THOSE THINGS ARE BAD ENOUGH. BUT WE NEED A WAY FOR AN INSPECTOR TO GO IN AND SAY, MY GOSH, LOOK AT THESE DOGS, THEY'RE...THESE DOGS HAVE HERNIAS, OR THESE DOGS ARE OBVIOUSLY VERY SICK. YOU NEED TO TAKE THEM TO THE VET. SO, I THINK THAT'S IMPORTANT LANGUAGE THAT NEEDS TO BE IN STATUTE. I REALLY, REALLY DO. AND I THINK WE NEED TO BE ABLE TO DEFINE HOW AN ANIMAL IS GOING TO HAVE WATER. THAT IT CAN BE AN EXPECTATION THAT THAT ANIMAL IS GOING TO GET WATER BECAUSE I'M NOT SURE THAT ANYBODY IS GOING TO LOOK AT THE STATUTE AND SAY, WELL, YOU KNOW, IT'S A GRAY AREA, I CAN'T REALLY REPORT YOU, BECAUSE, YOU KNOW, THE LANGUAGE ISN'T CLEAR ENOUGH. WE'RE SAYING IT'S REGULAR WATER. WHY NOT? WHAT'S WRONG WITH REGULAR WATER? EVERYONE NEEDS IT. YOU NEED IT. SENATOR KOLTERMAN NEEDS IT. I NEED IT. ANIMALS NEED IT TOO. YOU CAN'T IGNORE IT. [LB360]

SENATOR MURANTE: ONE MINUTE. [LB360]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. SO, IF YOU PUT A SMALL PAN OF WATER IN FOR YOUR PREGNANT DOG AND SHE'S JUST EATING, SHE'S NOT GOING TO DRINK A WHOLE LOT OF WATER, BUT MAYBE THE WATER GETS KNOCKED OVER AND SHE DOESN'T GET WATER AGAIN UNTIL THAT EVENING. YOU KNOW, SHE'S RELYING ON SOMEBODY TO DO THE JOB, AND THAT SOMEBODY ISN'T DOING THE JOB. WHAT WE'RE DOING WITH THIS AMENDMENT AND WITH THIS BILL IS WE'RE SAYING, YOU'RE GOING TO HAVE TO DO THIS JOB OR YOU'RE NOT GOING TO BE IN BUSINESS, AND THAT'S IMPORTANT. YOU KNOW, WE ARE, RIGHT NOW, I THINK THE THIRD OR FOURTH IN TERMS OF OUR REPUTATION IN THE NATION, THE THIRD OR FOURTH WORST STATE FOR PUPPY MILLS. I'M VERY PROUD OF SENATOR JOHNSON AND THE AG COMMITTEE FOR PUTTING THIS BILL TOGETHER AND BRINGING IT FORWARD, BUT I THINK THIS AMENDMENT WILL MAKE IT A LOT BETTER. WITH THAT SAID, I WOULD URGE YOUR GREEN VOTE ON THE AMENDMENT AND THE PASSAGE OF THE BILL TOO. THANK YOU, MR. PRESIDENT. [LB360]

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SENATOR MURANTE: THANK YOU, SENATOR DAVIS. 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 PLEASE, MR. CLERK. [LB360]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB360]

SENATOR MURANTE: THE HOUSE IS UNDER CALL. MEMBERS, PLEASE RECORD YOUR PRESENCE. ALL MEMBERS 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 MELLO, COOK, KRIST, HADLEY, BURKE HARR, HILKEMANN, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SPEAKER HADLEY, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATOR DAVIS, HOW WOULD YOU LIKE TO PROCEED? [LB360]

SENATOR DAVIS: ROLL CALL VOTE IN REVERSE ORDER, PLEASE. [LB360]

SENATOR MURANTE: WE'VE HAD A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK, PLEASE CALL THE ROLL. [LB360]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1473-1474.) 22 AYES, 19 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB360]

SENATOR MURANTE: THE AMENDMENT IS NOT ADOPTED. I RAISE THE CALL. [LB360]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB360]

SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. [LB360]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB360 TO E&R FOR ENGROSSING. [LB360]

SENATOR MURANTE: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. LB360 IS ADVANCED. NEXT ITEM. [LB360]

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CLERK: MR. PRESIDENT, THE...LB360A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB360A]

SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. [LB360A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB360A TO E&R FOR ENGROSSING. [LB360A]

SENATOR MURANTE: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. IT DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB360A]

CLERK: MR. PRESIDENT, THE NEXT BILL IS LB330. SENATOR, THERE ARE E&R AMENDMENTS, FIRST OF ALL, PLEASE. (ER92, LEGISLATIVE JOURNAL PAGE 1271.) [LB330]

SENATOR MURANTE: SENATOR HANSEN FOR A MOTION. [LB330]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB330. [LB330]

SENATOR MURANTE: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. THE AMENDMENTS ARE ADOPTED. [LB330]

CLERK: MR. PRESIDENT, SENATOR LARSON HAD AM101. SENATOR, I HAVE A NOTE THAT YOU WISH TO WITHDRAW AM101 AND OFFER AS A SUBSTITUTE AM1479. (LEGISLATIVE JOURNAL PAGE 1446.) [LB330]

SENATOR LARSON: YES, SIR. [LB330]

SENATOR MURANTE: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. EXCUSE ME. ARE THERE ANY OBJECTIONS TO THE SUBSTITUTION? SEEING NONE, SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB330]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. THIS AMENDMENT IS FAIRLY SIMPLE, MAKES A FEW OF THE FOLLOWING CHANGES AFTER OUR GENERAL FILE

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DEBATE. BECAUSE THERE'S AN EMERGENCY CLAUSE, THERE WAS A CONCERN, BY DEFINING HARD CIDER AS A BEER, THAT THERE WOULD NEED TO BE SOME TIME TO ENSURE THE INDUSTRY WOULD BE ABLE TO COME IN COMPLIANCE WITH THE BILL. THEREFORE, THE AMENDMENT CONTAINS AN OPERATIVE DATE FOR THE HARD CIDER PORTION OF LB330 TO BE JULY 1, 2015. WITH THE BANNING OF POWDERED ALCOHOL NOW CONTAINED IN THE BILL, THERE WAS CONCERN BY THE DISTRIBUTORS THAT HAVING THE MERE POSSESSION AS A CRIMINAL ACT WOULD PUT THEM AT RISK SINCE MANUFACTURERS OFTEN THROW IN SAMPLES OF NEW PRODUCTS WHEN SHIPPING TO DISTRIBUTORS. SINCE POWDERED ALCOHOL IS NOT ILLEGAL ACROSS THE COUNTRY, A MANUFACTURER COULD LEGALLY SEND A SAMPLE TO AN UNSUSPECTING DISTRIBUTOR OR RETAILER, FOR THAT MATTER, IN NEBRASKA WHO WOULD THEN FIND THEMSELVES IN VIOLATION OF THE LIQUOR CONTROL ACT. THIS AMENDMENT WOULD REQUIRE THAT THERE BE INTENT TO SELL ON PART OF THE PERSON IN NEBRASKA. AND LASTLY, SINCE THERE WERE MANY COMPONENTS OF LB330, IT SEEMED PRUDENT TO INCLUDE A SEVERABILITY CLAUSE IN CASE ANY PORTION OF THIS BILL WERE TO BE FOUND UNCONSTITUTIONAL. THEREFORE, A SEVERABILITY CLAUSE WAS INCLUDED TO MAKE IT CLEAR TO THE COURT THAT THE LEGISLATIVE INTENT WAS TO PRESERVE THE REST OF THE BILL, IF POSSIBLE. THANK YOU, MR. PRESIDENT. [LB330]

SENATOR MURANTE: THANK YOU, SENATOR LARSON. MR. CLERK. [LB330]

CLERK: MR. PRESIDENT, SENATOR KOLTERMAN WOULD MOVE TO AMEND SENATOR LARSON'S AMENDMENT WITH AM1558. (LEGISLATIVE JOURNAL PAGE 1449.) [LB330]

SENATOR MURANTE: SENATOR KOLTERMAN, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB330]

SENATOR KOLTERMAN: THANK YOU VERY MUCH, MR. PRESIDENT. COLLEAGUES, THE AMENDMENT THAT WAS BROUGHT TO YOU BY SENATOR LARSON, I ASKED THEM TO HELP ME CLEAN UP THE BAN THAT WE TALKED ABOUT AS IT PERTAINED TO POWDERED ALCOHOL. THEY DID CHANGE THEIR WORDING, BUT IT DIDN'T TAKE OUT THE POSSIBILITY OF HAVING POSSESSION OF IT. AND SO, WHAT MY AMENDMENT REALLY DOES, IT SAYS THAT YOU CANNOT SELL OR POSSESS, AND HIS AMENDMENT ALSO ADDED THE SEVERABILITY CLAUSE WHICH NEEDS TO BE IN THERE. MY CONCERN...AND I'VE TALKED TO THE LIQUOR

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WHOLESALERS AND DISTRIBUTORS ABOUT THIS, AND THEIR CONCERN HAS BEEN THAT A LOT OF TIMES THE LIQUOR COMPANIES WILL JUST SEND THEM A CASE OF LIQUOR. THEY DIDN'T ORDER IT, IT JUST SHOWS UP ON THEIR DOORSTEP. IF THEY GET A CASE OF POWDERED ALCOHOL AND A LIQUOR CONTROL COMMISSIONER HAPPENED TO BE THERE, THEY WOULD BE IN POSSESSION. IT'S NOT INTENDED TO PENALIZE THE RETAILERS. SO, THE WORDING THAT I'VE GOT IN MY AMENDMENT JUST SAYS YOU CAN'T SELL OR USE WITH THE INTENT TO DISTRIBUTE. SO, WE CLEAN THAT UP, BUT THOSE THAT WANT TO USE OR KEEP OR POSSESS THIS, I DON'T WANT TO GO THAT DIRECTION. I WANT TO OUTHRIGHT BAN IT OTHER THAN TO CLEAN IT UP SO THAT WE AREN'T PENALIZING LEGITIMATE PEOPLE THAT MIGHT END UP GETTING SOME. THE QUESTION HAS BEEN RAISED, WHAT ABOUT PEOPLE THAT ARE TRAVELING THROUGH NEBRASKA IF THEY'VE GOT SOME IN THEIR SUITCASE AND THEY GET STOPPED, IT'S NOT THEIR INTENT TO SELL. I THINK IN THAT PARTICULAR CASE YOU HAVE TO LET THE DISCRETION OF THE POLICE OFFICER DEAL WITH THAT. I'M NOT TRYING TO HARM PEOPLE THAT ARE TRAVELING THROUGH. I'M NOT TRYING TO DO ANYTHING THAT'S GOING TO HURT THE BUSINESSES, LEGITIMATE BUSINESSES, BUT I DO NOT...I'D PREFER THAT WE JUST OUTHRIGHT BAN IT. BUT THIS IS AN ATTEMPT TO CLEAN IT UP, SO I'D ENCOURAGE YOU TO VOTE FOR MY AMENDMENT. THANK YOU. [LB330]

SENATOR MURANTE: THANK YOU, SENATOR KOLTERMAN. SENATOR CHAMBERS. [LB330]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M GOING TO FOLLOW SENATOR KOLTERMAN'S LEAD. I'M NOT GOING TO GO ALONG WITH SENATOR LARSON. WE'RE NOT CHILDREN. IF SOMEBODY WINDS UP WITH SOMETHING THEY SHOULDN'T HAVE, LET THEM FLUSH IT DOWN THE STOOL. LET THEM NOTIFY THE LIQUOR COMMISSION OF THESE PROBLEMS THEY'RE TALKING ABOUT. BUT IF SENATOR LARSON AND WHOEVER THOSE PEOPLE ARE THAT HE'S WORKING WITH WANT TO MAKE THE JOCKEY BIGGER THAN THE HORSE, THEN THAT'S WHAT THEY CAN DO. I'VE LET THIS BILL ALONE WHEN THERE ARE PARTS OF IT I DON'T LIKE. AND I DON'T KNOW IF HE'S GOT 33 VOTES AND THAT'S NOT AN IDLE THREAT. I'VE LAID OFF THIS BILL. IT'S NOT CONTROVERSIAL NOW, BUT IF HE WANTS TO MAKE IT THAT WAY, I'VE EVEN HAD SENATORS COME TO ME AND TELL ME THAT THEY DON'T WANT TO GO FOR ALL THESE KIND OF THINGS THAT ARE HAPPENING. THE LIQUOR INDUSTRY IS ONE OF THE MOST HIGHLY REGULATED INDUSTRIES BECAUSE THERE IS MORE CHICANERY THERE, THE DAMAGE THAT IT CAN DO. SO YOU ALL CAN LISTEN TO THESE NICE TALKS IF YOU WANT TO AND ACT LIKE YOU'RE A CHILD WHO DOESN'T UNDERSTAND

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WHAT'S GOING ON. WE'RE ALL ADULTS. WE KNOW ALL THESE PEOPLE IN THE LIQUOR INDUSTRY ARE ADULTS TOO. AND WHEN THEY COME UP WITH THESE COCK AND BULL, OFF-THE-WALL KIND OF EXAMPLES OF HOW SOMEBODY WHO HAS BEEN IN THE BUSINESS FOR 1,000 YEARS IS GOING TO WIND UP WITH SOMETHING THAT'S ILLEGAL AND HE DOESN'T KNOW WHAT TO DO ABOUT IT, CALL THE LIQUOR COMMISSION AND TELL THEM, COME GET IT. BUT I'M NOT GOING TO GO THROUGH ALL OF THAT. AND I'M NOT GOING TO HAVE TO RAISE MY VOICE, BUT I'M GOING TO START DRAFTING MY AMENDMENTS AND MY MOTIONS. NOW, THE BILL CAN BE SALVAGED. SENATOR KOLTERMAN IS WORKING WITH THEM BEYOND WHAT I WOULD DO, BUT IT'S NOT MY BILL. BUT I'VE LEFT THINGS ALONE AND SENATOR LARSON WAS HERE LAST YEAR AND HE'S AWARE OF THINGS THAT ARE IN THIS BILL NOW THAT I OPPOSED STRENUOUSLY LAST YEAR. ONCE WE GOT THE POWDERED ALCOHOL OUT, I LEFT THE BILL ALONE, JUST LIKE I SAID. BUT IF THEY WANT TO RENEW HOSTILITIES, THEN I'M UP TO IT. AND WE ONLY HAVE AN HOUR TO DO TONIGHT. THAT WOULD BE...I COULD DO THAT STANDING ON MY HEAD. THEN WE HAVE OTHER THINGS WE'RE GOING TO DEAL WITH AND PEOPLE CAN DETERMINE HOW MUCH TIME THEY WANT TO SPEND ON A BILL THAT BENEFITS THE LIQUOR COMMISSION, NOT THE LIQUOR COMMISSION THE LIQUOR INDUSTRY. SO I'M SUPPORTING SENATOR KOLTERMAN'S AMENDMENT AND I'M NOT GOING TO HAVE A LOT TO SAY UNTIL I SEE WHAT DIRECTION SENATOR LARSON IS GOING TO LET THE LIQUOR INDUSTRY PUSH HIM INTO DOING WITH HIS BILL. THANK YOU, MR. PRESIDENT. [LB330]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR LARSON. [LB330]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I'LL JUST BE QUICK, HOPEFULLY. THE AMENDMENT THAT I OFFERED, AM1479, CORRECTED...IT WILL STILL BAN THE SELLING OF POWDERED ALCOHOL IN THE STATE OF NEBRASKA. IT WILL NOT...NO RETAILER WILL BE ABLE TO SELL IT. I HAVE CONCERNS, AGAIN, WHEN IT COMES TO THE POSSESSION SIDE OF IT IN THE SENSE OF IF THIS PRODUCT IS BOUGHT LEGALLY IN ONE STATE AND YOU ARE TRAVELING THROUGH THE STATE OR ANYTHING OF THAT NATURE AND YOU COME BACK INTO THE STATE, YOU ARE NOW ESSENTIALLY A CRIMINAL. AND, OBVIOUSLY, WHEN WE'RE TALKING ABOUT SOMETHING THAT I UNDERSTAND THAT SENATOR CHAMBERS BELIEVES THAT ALCOHOL IS VERY DANGEROUS, BUT AT THE SAME TIME, IT IS NOT CLASSIFIED IN FEDERAL REGULATIONS OR FEDERAL LAW OR STATE LAW ANYWHERE NEAR NARCOTICS OR ANY OF THOSE PRODUCTS. WE

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WILL SEE SENATOR GARRETT'S MEDICAL MARIJUANA BILL COME UP VERY SOON AND, OBVIOUSLY, I CAN UNDERSTAND THE POINT WHEN PEOPLE SAY THEY CAN BUY MARIJUANA LEGALLY IN COLORADO AND WHEN THEY COME INTO NEBRASKA, IT IS ILLEGAL AND WE CRIMINALIZE IT, IF YOU GET CAUGHT WITH IT. BUT LIKE I SAID, I THINK THAT THERE IS A LITTLE BIT OF A DIFFERENCE THERE IN THE SENSE THAT IT'S ILLEGAL ON THE FEDERAL LEVEL. THIS IS A LEGAL PRODUCT ON THE FEDERAL LEVEL. OTHER STATES HAVE IT LEGAL AND CERTAIN STATES ARE BANNING IT. SO, THERE WILL BE NO SELLING OF POWDERED ALCOHOL UNDER MY AM1479. WE WON'T HAVE TO WORRY ABOUT IT BEING ON THE SHELVES OR AVAILABLE TO NEBRASKA KIDS BECAUSE WE ARE BANNING THE SALE. I HOPE WE CAN BE QUICK ON THIS. YOU KNOW, I KNOW SENATOR CHAMBERS DOESN'T WANT TO TALK A LOT TONIGHT AND I HOPE HE DOESN'T HAVE TO. BUT I DO OPPOSE AM1558 BECAUSE I THINK WE RUN INTO SOME REALLY TRICKY ISSUES WHEN YOU START TALKING ABOUT POSSESSION AND USE, AND DEFINING WHETHER OR NOT SOMEONE MEANT TO USE, OR DIDN'T MEAN TO USE, AND WHAT KIND OF EVIDENCE THAT THE COURTS WOULD NEED TO PROVE THAT THERE WAS GOING TO BE USE. I THINK WE'RE GOING TO REALLY ROLL DOWN A SLIPPERY SLOPE. JUST AS A QUICK ANECDOTE, RIGHT AFTER GENERAL FILE DEBATE, I LISTENED TO AN NPR ARTICLE ON POWDERED ALCOHOL ACTUALLY, AND ONE OF THE REASONS THAT PEOPLE WERE CONCERNED ABOUT IT, OR WHATNOT, WAS THAT THE CONCEPT OF, YOU KNOW, THEY DON'T MIX IT WITH THE RIGHT AMOUNT OF WATER, THEY CAN SNORT IT OR ANYTHING, THINGS OF THAT NATURE. AND SURPRISINGLY, THE NPR JOURNALIST TRIED TO SNORT POWDERED ALCOHOL JUST TO SEE WHAT IT WAS LIKE AND SAID IT WAS LIKE SHARDS OF GLASS RUNNING THROUGH THE NOSE. NOTHING LIKE ANYTHING ELSE HE HAD EVER SNORTED. I DON'T KNOW WHAT ELSE THERE WAS, BUT I GUESS IT WASN'T A PLEASANT EXPERIENCE. SO, I DON'T THINK THAT'S PROBABLY GOING TO BE AN OPTION FOR MOST PEOPLE JUDGING BY THE RADIOCAST THAT I HEARD. AS I SAID, OPPOSE AM1558, BUT I UNDERSTAND AND HOPEFULLY IT CAN COME TO A VOTE RATHER QUICKLY AND WE CAN MOVE THROUGH THIS AGENDA, AND I APPRECIATE YOUR TIME, MR. PRESIDENT. THANK YOU. [LB330]

SENATOR SCHEER: THANK YOU, SENATOR LARSON. SENATOR PANSING BROOKS. [LB330]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO ALL THIS. AGAIN, I'VE TALKED TO YOU BEFORE ABOUT THE FACT THAT I WAS APPROACHED BY MY 18-YEAR-OLD DAUGHTER AND THE EXPRESSION OF CONCERN OUT OF THE MOUTHS OF BABES ABOUT, GOSH, WHAT HAPPENS WHEN

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I GO TO A PARTY AND SOMEBODY SPRINKLES THAT INTO SOME DRINK? AND, YOU KNOW, I'VE HAD SOME CONVERSATIONS AROUND WITH MEMBERS OF THIS BODY AND SOMEBODY SAID, WELL, YOU KNOW, IT'S LIKE PROHIBITION. IF YOU DON'T HAVE THIS, THEN, YOU KNOW, THEY'RE GOING TO BE TRYING TO CREATE THIS AND USE IT SECRETLY. WELL, NO MATTER WHAT, THIS IS A...THIS IS JUST A BOONDOGGLE FOR UNDERAGE DRINKING AND FOR PEOPLE WHO WANT TO HIDE THE ALCOHOL FROM THEIR PARENTS, WHO WANT TO BRING IT INTO THE SCHOOLS. THERE HAVE ALREADY BEEN PUBLICATIONS THAT ARE COMING OUT FROM THE SCHOOLS. I...ONE OF THE THINGS THAT I JUST READ TALKED ABOUT THAT PALCOHOL IS AN ALCOHOLIC BEVERAGE IN POWDERED FORM. IT'S FREEZE-DRIED AND SOLD IN AIRTIGHT PACKAGES. IT'S ADVERTISED AS A CONVENIENT, LIGHTWEIGHT PACKET OF POWDER THAT YOU CAN CARRY WITH YOU ANYWHERE. ALL YOU HAVE TO DO IS ADD WATER OR ANOTHER BEVERAGE. PALCOHOL WEIGHS ABOUT AN OUNCE AND IS SMALL ENOUGH TO FIT INTO ANY POCKET. IT'S AVAILABLE IN VODKA AND RUM VARIETIES AS WELL AS ENTICING DRINKERS WITH OTHER PREMIXED COCKTAIL FLAVORS SUCH AS POWDER RITA, WHICH IS A MARGARITA FLAVOR. CAN I GET A GAVEL, MR. PRESIDENT? THANK YOU. SORRY, I CAN'T HEAR VERY WELL,...COSMOPOLITAN, LEMON DROP, AND MOJITO. THE MAKERS OF PALCOHOL SAY THEY'RE ALSO EXPERIMENTING WITH SPRINKLING THE POWDER ON FOOD. SO, AGAIN, I WOULD JUST SAY WE'RE GOING FROM A MAJOR CONCERN AT OUR UNIVERSITY AND AT ALL OF OUR SCHOOLS AND COLLEGES AND THAT CONCERN IS BINGE DRINKING. AND I THINK WHAT WE'RE GOING TO NOW IS BINGE SPRINKLING. I THINK THAT WE'VE JUST HEARD FROM SENATOR LARSON THAT WE, GOSH, YOU KNOW, PEOPLE THAT ARE COMING INTO OUR STATE AREN'T GOING TO WANT TO COME HERE BECAUSE THEY'RE GOING TO HAVE IT IN THEIR BAGS. OH, MY GOSH. THINK OF...WE'RE TALKING ABOUT COLORADO? WHAT ELSE DO THEY TRY TO BRING INTO THE STATE THAT EVERYBODY IS ALL WORRIED ABOUT? I MEAN, THERE ARE LAWS. OUR LAW ENFORCEMENT OFFICERS UPHOLD THOSE LAWS AND PEOPLE ARE EXPECTED TO KNOW THE LAWS OF THE STATES THEY ENTER AND THEY ARE AT RISK WITH SOMETHING LIKE THIS WHEN THEY BRING IT IN. THEY MAY ASSUME THAT RISK IF THEY CHOOSE, BUT AGAIN, THE DISCUSSION THAT SNORTING IT IS LIKE SHARDS OF GLASS. AGAIN, I DON'T THINK IT'S VERY DIFFICULT TO MAKE THE GRANULES A LITTLE FINER FOR SNORTING PURPOSES OR WHATEVER HAPPENS. I THINK THAT THIS IS TRULY A DANGEROUS ROAD TO GO DOWN. IN THIS ARTICLE THAT I WAS READING TOO, THAT CAME OUT FROM THE SCHOOLS, THEY SAID USING TOO LITTLE WATER COULD CREATE A SHOT WITH DANGEROUS CONCENTRATIONS OF ALCOHOL. HELLO? EVERYBODY CAN...IMAGINE WHAT THE COLLEGE AND HIGH SCHOOL KIDS ARE GOING TO DO WITH THIS. THINK OF THE DANGER. AND, YES, PEOPLE ARE EXPERIMENTING WITH ALCOHOL AT THOSE

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AGES AND TRYING TO FIGURE OUT WHAT WE'RE GOING TO DO ABOUT EXPLAINING THIS AND TRYING TO TEACH ABOUT IT. I THINK IT'S A SERIOUS HEALTH RISK. I THINK IT'S VERY DANGEROUS. MOTHERS AGAINST DRUNK DRIVERS HAS COME OUT AND EXPRESSED THEIR CONCERN ABOUT THE ABILITY... [LB330]

SENATOR SCHEER: ONE MINUTE. [LB330]

SENATOR PANSING BROOKS: ...FOR THIS TO BE TAKEN SO EASILY, AND TO BE ABLE TO TAKE IT INTO PLACES UNDETECTED. I GENERALLY DON'T FEEL AS IF I'M SO UPTIGHT, THAT ON THINGS LIKE THIS THAT I WOULD NORMALLY CARE, BUT WE HAVE LOTS OF ISSUES WITH THE DATE RAPE DRUG, AND NOW I THINK THIS IS SOMETHING THAT COULD ACTUALLY ENHANCE THAT. AND I AM IN FAVOR OF PROTECTING YOUNG PEOPLE, BOTH FROM THEIR OWN BAD DECISIONS AND FROM THE BAD DECISIONS OF OTHERS. SO, I HOPE YOU WILL VOTE AGAINST ALL OF THIS. THANK YOU, MR. PRESIDENT. [LB330]

SENATOR SCHEER: THANK YOU, SENATOR PANSING BROOKS. IN THE QUEUE, SENATOR SCHUMACHER, KOLTERMAN, BLOOMFIELD, CRAWFORD, AND COASH. SENATOR SCHUMACHER. [LB330]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I HAVE AN AMENDMENT THAT I FILED THAT DIRECTLY DEALS WITH SOME OF THESE ISSUES, ONLY FROM ANOTHER PERSPECTIVE. I THINK WE'VE GOT A BIT OF HYSTERIA GOING. THIS IS ALCOHOL. ALCOHOL. NOW, SO FAR WHAT THE BODY HAS DONE WITHOUT A BILL, WITHOUT A HEARING, AND WITHOUT THE SUPPORT OF A MAJORITY OF MEMBERS OF THE GOVERNING COMMITTEE, WE PASSED A PIECE OF LEGISLATION THAT OUTLAWS ALCOHOL THAT'S BEEN ABSORBED INTO TINY BEADS AND THAT CAN BE RELIQUIFIED BY IMMERSING WITH WATER. WE'VE HEARD HOW WE'RE GOING TO SPRINKLE IT ON FOOD AND THAT'S GOING TO CREATE A BIG PROBLEM. HENRY SPILLER, DIRECTOR OF THE CENTRAL OHIO POISON CENTER NATIONWIDE CHILDREN'S HOSPITAL, SAYS, IF YOU PUT IT IN YOUR MOUTH, IT WILL CREATE A BURNING SENSATION AND IT WILL FORM A GEL-LIKE SUBSTANCE WHEN IT COMES IN CONTACT WITH THE MOISTURE. IT GETS GUMMY AND NASTY PRETTY QUICKLY, AND WHOEVER IS DOING THAT WILL BE PRETTY UNHAPPY. HERE'S THE DEAL. THE AMENDMENT THAT WE PASSED SAID EVEN ADULTS SHALL NOT POSSESS, PURCHASE, SELL, OR OFFER TO SELL, OR USE POWDERED ALCOHOL. ALCOHOL. WE HAVE MADE IT ILLEGAL FOR ADULTS TO POSSESS OR USE IT. MY AMENDMENT DOES NOT ADDRESS THE SALE,

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THE PURCHASING, OR THE OFFER TO SELLING. FINE, MAKE THAT ILLEGAL. BUT WE HAVE A GREAT DEAL OF MONEY EXPENDED TO TRY TO PROMOTE THE STATE AS BEING PROGRESSIVE, AS BEING FUN, AND I THINK THE WORD IN THE COMMERCIAL IS "NICE." OKAY. SOME STATES WILL MAKE THIS ILLEGAL. SOME STATES WILL LEGALIZE IT, REGULATE IT, AND TAX IT. PEOPLE ARE GOING TO CARRY THIS IN THEIR LUGGAGE IF THEY'RE BUSINESS PEOPLE, COMING INTO OUR STATE TO DO BUSINESS, TO CONVENTIONS, TO ROADSTER DEMONSTRATIONS OR OLD CAR, ANTIQUE CAR PLACES. ALL KINDS OF THINGS WE INVITE PEOPLE IN AND THEY WILL INNOCENTLY HAVE IT IN THEIR LUGGAGE. THEY WILL BE PASSING THROUGH OUR STATES, MAYBE WEARING THEIR MOTORCYCLE HELMETS. THEY WILL HAVE NO PRACTICAL NOTICE UNLESS WE PUT UP BIG SIGNS--WELCOME TO NEBRASKA, POWDERED ALCOHOL ILLEGAL-- THAT THEY'RE DOING ANYTHING ILLEGAL. SENATOR KOLTERMAN SAYS, WELL, I'D JUST AS SOON HAVE THE OFFICER ON THE STREET MAKE THAT DECISION. THAT'S NOT THE OFFICER ON THE STREET'S JOB. THAT INVITES DISCRIMINATORY ENFORCEMENT BY PEOPLE BASED UPON ANY NUMBER OF CRITERIA. IT INVITES ILLEGAL SEARCHES, IS PROBABLY, SINCE IT'S SO NASTY, WILL BE DETECTABLE BY A POLICE DOG. IT INVITES PEOPLE WHO ARE TRAVELING THROUGH OUR STATE OR COMING HERE TO BE ARRESTED. AND THEN, THIS IS A CLASS III MISDEMEANOR. YOU CAN'T JUST PAY THE TICKET. YOU GOT TO GO TO COURT, COME BACK TO THE STATE THREE WEEKS, A MONTH LATER FOR A COURT APPEARANCE, MAYBE FOR A SENTENCING. SENTENCING: POSSIBLE \$500 FINE, 90 DAYS IN JAIL. NEBRASKA NICE, HERE WE GO. WHAT WE NEED TO DO IS SAY, FINE, WE'LL MAKE THE SALE AND DISTRIBUTION OF IT IN NEBRASKA ILLEGAL, BUT THE POSSESSION BY AN ADULT OR THE USE BY AN ADULT IN THIS STATE IS OKAY. AND THERE'S NO REASON UNDER THE SUN IT SHOULD NOT BE OKAY. AND IF WE WANT TO ENCOURAGE TOURISM TO OUR STATE, IF WE WANT TO ENCOURAGE A FRIENDLY IMAGE TO OUR STATE, IF WE WANT TO AVOID HAVING PEOPLE BAD-MOUTHING OUR STATE BECAUSE THEY'RE NOT GOING TO WANT TO POST BOND, BE EMBARRASSED IN FRONT OF THEIR CHILDREN... [LB330]

SENATOR SCHEER: ONE MINUTE. [LB330]

SENATOR SCHUMACHER: ...BECAUSE THEY GOT IT IN THEIR LUGGAGE AND TAKE IT...AND THEY'RE PASSING THROUGH OUR STATE TO ANOTHER STATE WHERE IT'S LEGAL, OR ON AMTRAK, OR A BUS, OR AN AIRLINE. MAKING THIS ILLEGAL FOR THE POSSESSION BY AN ADULT IS NOT GOOD PUBLIC POLICY, AND IT WILL DO OUR TOURISM INDUSTRY AND BAD PR FOR THE STATE. WE DON'T WANT TO SELL IT HERE, FINE. IF WE DON'T WANT LIQUOR DISTRIBUTORS TO HAVE IT, FINE. BUT

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POSSESSION BY AN ADULT WITH DISCRETIONARY ENFORCEMENT BY POLICEMEN IS NOT THE WAY TO APPROACH THIS PROBLEM. THANK YOU. [LB330]

SENATOR SCHEER: THANK YOU, SENATOR SCHUMACHER. SENATOR KOLTERMAN. [LB330]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I WANT TO...FIRST OF ALL, I WANT TO RESPOND TO WHAT SENATOR SCHUMACHER JUST SAID. I DON'T THINK IT'S GOOD POLICY FOR US TO REGULATE. I'M NOT A PROPONENT OF REGULATING...GOVERNMENT REGULATIONS. BUT IF YOU LOOK AT PRECEDENT, THERE'S A LOT OF THINGS THAT WE HAVE BANNED IN THIS STATE, THAT PEOPLE TRAVELING THROUGH THE STATE COULD RUN INTO THE SAME EXPERIENCE. LET'S TALK ABOUT MARIJUANA. WE'RE TALKING ABOUT LEGALIZING MEDICAL MARIJUANA, BUT THERE'S A LOT OF RECREATIONAL MARIJUANA THAT PASSES DOWN I-80 ON A CONSTANT BASIS. AND WE BAN THAT IN THE STATE OF NEBRASKA. WE HAVE RULES AND REGULATIONS ABOUT THAT. SO, I THINK THAT'S KIND OF A...AND MAYBE BECAUSE WE DON'T HAVE THAT, WE'RE NOT NEBRASKA NICE EITHER. I THINK THAT'S KIND OF A BAD ARGUMENT. ON THE OTHER HAND, THIS HAS ALREADY BEEN BANNED IN SIX STATES, LADIES AND GENTLEMEN. AND IT'S BEING LOOKED AT BEING BANNED IN 23 ADDITIONAL STATES. I HAVE WORKED WITH THE BEVERAGE RETAILERS. I'VE TALKED TO PEOPLE THAT WORK WITH THE NEBRASKA ALCOHOL COMMISSION. THEY'D JUST AS SOON NOT HAVE TO DEAL WITH THIS. SO, WHAT MY AMENDMENT REALLY INTENDS TO DO...AND AS FAR AS BEING A MISDEMEANOR, I'LL WORK ON THAT. IF IT'S TOO HARSH, I'M OPEN TO SUGGESTIONS THERE. BUT I'VE GOT TO HAVE SOME HELP FROM MY COMMITTEE CHAIR AND MY COMMITTEE LEGAL COUNSEL IF WE'RE GOING TO DO THAT. WHAT MY AMENDMENT REALLY DOES, IT JUST SAYS...IT TAKES OUT THE WORD "POSSESS" THAT WAS IN THE ORIGINAL, OR USE, AND IT PUTS "POSSESS WITH INTENT TO SELL OR USE." I DON'T WANT TO HAVE EVEN ADULTS BE ABLE TO USE THIS STUFF. IF THEY'RE GOING TO COME THROUGH THE STATE AND POSSESS IT, THEY RUN THE SAME RISK WITH THAT THAT THEY DO WITH MARIJUANA OR ANY OTHER BANNED SUBSTANCE THAT WE HAVE. THAT'S A CHALLENGE THAT WE FACE. SO...AND I'M COMPLETELY IF FAVOR OF AM1479 IF WE AMEND IT THIS WAY. AND I KNOW THERE'S ANOTHER AMENDMENT COMING, ACTUALLY THERE'S SEVERAL AMENDMENTS COMING YET TO THIS BILL. BUT WE CAN'T APPROVE AM1479, IN MY OPINION, UNLESS WE APPROVE THIS. THANK YOU. [LB330]

SENATOR SCHEER: THANK YOU, SENATOR KOLTERMAN. SENATOR BLOOMFIELD. [LB330]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THESE ARE WORDS PEOPLE THOUGHT THEY WOULD NEVER HEAR COME OUT OF MY MOUTH. I'M IN TOTAL AGREEMENT WITH SENATOR PANSING BROOKS. (LAUGHTER) COLLEAGUES, I THOUGHT WE MADE IT CLEAR ON GENERAL FILE WHAT THE BODY THOUGHT OF THIS PRODUCT. IT SHOULD BE BANNED. IT MAY BE LEGAL IN OTHER STATES. SOME FIREWORKS THAT ARE LEGAL IN OTHER STATES ARE NOT LEGAL HERE. YOU CAN'T BRING THEM IN. IT'S UNFORTUNATE, I THINK YOU OUGHT TO BE ABLE TO USE A HALF A STICK OF DYNAMITE IF YOU WANT TO, AS LONG AS YOU'RE AN ADULT. BUT WE CAN'T. THIS IS A DANGEROUS SUBSTANCE. IT SHOULD NOT, IN MY MIND, BE ALLOWED IN THE STATE OF NEBRASKA. IF IT IS SENT IN BY MISTAKE, THE RETAIL LIQUOR PEOPLE KNOW HOW TO GET RID OF IT WITHOUT KEEPING IT SITTING AROUND FOR THREE OR FOUR DAYS IN FEAR OF THE CONTROL COMMISSION COMING IN. SO, I WILL NOT BE SUPPORTING EITHER ONE OF THOSE AMENDMENTS AND I HOPE YOU DON'T EITHER. AND IF SENATOR CHAMBERS CHOOSES TO TAKE THIS FOUR HOURS, I'LL CERTAINLY SUPPORT HIM IN ANY WAY I CAN. AND TOWARD THAT AIM, I WOULD YIELD HIM MY TIME NOW IF HE WISHES TO SPEAK. [LB330]

SENATOR SCHEER: SENATOR CHAMBERS, YOU'VE BEEN YIELDED 3:10. [LB330]

SENATOR CHAMBERS: THANK YOU, SENATOR BLOOMFIELD, MR. PRESIDENT. I HAD SAID I'M GOING TO WATCH AND SEE HOW THINGS WORK AND I WILL. THE BEST THING MIGHT BE JUST KILL THE BILL AND LEAVE EVERYTHING WHERE IT IS RIGHT NOW, THEN OVER THE INTERIM, LET ALL THESE PEOPLE GET TOGETHER AND DECIDE WHAT IT IS THEY REALLY WANT IN TERMS OF SOME KIND OF...WHATEVER THE MAIN AIM OF THIS BILL IS TO DO WITH THE LIQUOR INDUSTRY. I'VE NEVER BEEN IN FAVOR OF LIQUOR. AND PEOPLE CAN SAY ALL THEY WANT TO, THAT YOU OUGHT TO LET ADULTS DO THIS AND THAT. BUT WHENEVER ADULTS DO SOMETHING THAT IS HARMFUL, IT FINDS ITS WAY TO THE CHILDREN. ADULTS GET PRESCRIPTION DRUGS THAT HAVE WOUND UP IN THE HANDS OF THEIR CHILDREN TO SUCH AN EXTENT THAT IT'S AN EPIDEMIC AND CHILDREN ARE DYING FROM OVERDOSES OF PRESCRIPTION DRUGS. IT'S JUST DOPE. IT'S JUST A NICE WORD FOR IT BECAUSE ADULTS WANT TO DO IT. IF I WERE NOT CONVINCED THAT THIS IS SOMETHING THAT CAN BE VERY HARMFUL, I WOULD HAVE JUST LEFT IT ALONE LIKE I DID THE REST OF THE BILL. I'VE NEVER TRIED TO GET WHAT AMOUNTS TO PROHIBITION IN THIS STATE, BUT THEY CAN GET ALL THE LIQUID ALCOHOL THEY WANT. ISN'T THAT ENOUGH? IF THEY WANT TO DRINK A FIFTH, LET THEM GO AHEAD AND DO IT. IF THEY WANT TO DRINK A QUART, LET THEM DRINK IT UNTIL THEY CAN'T DRINK ANYMORE. THEY CAN GET ALL OF THE LIQUOR THEY WANT. THEY CAN GET AS DRUNK AS A

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SKUNK ON WHAT THEY CAN GET RIGHT NOW. THERE ARE PEOPLE WHO WANT TO PUT THIS INTO THE STATE SO THAT IT'S AVAILABLE TO CHILDREN. THAT'S WHY THEY WANT TO FLAVOR SOME OF THESE OTHER ALCOHOLIC BEVERAGES BECAUSE THEY MARKET THEM TO REACH STUDENTS AND ESPECIALLY FEMALES. AND THEY MAKE IT CLEAR WITH THEIR ADVERTISING. AND SOME PEOPLE, BECAUSE THEY'RE BEHOLDEN TO THE LIQUOR INDUSTRY, WILL GO ALONG WITH ANYTHING THAT HAPPENS. I SEE YOUNG SENATOR MORFELD WALKING BY WHO JUST GOT SOME LEGISLATION WHERE IF PEOPLE ARE HAVING A PROBLEM WITH LIQUOR, THEY CAN MAKE A REPORT AND NOT HAVE TO GO TO JAIL OR SOMETHING LIKE THAT. [LB330]

SENATOR SCHEER: ONE MINUTE. [LB330]

SENATOR CHAMBERS: BUT IT SHOWS THE KIND OF PROBLEM THAT EXISTS RIGHT NOW, AND NOBODY CAN ADDRESS IT. NOT SENATOR SCHUMACHER, NOT SENATOR LARSON, NOT ANY PEOPLE WHO WANT TO ALLOW LIQUOR TO FLOW FREELY THROUGHOUT ALL ASPECTS OF THE SOCIETY. THEY DON'T KNOW HOW TO KEEP IT OUT OF THE HANDS OF CHILDREN AND THEY KNOW THEY DON'T. BUT AS I STATED, I'M GOING TO JUST SEE HOW THINGS SHAKE OUT AND I USED THE TIME THAT SENATOR BLOOMFIELD GAVE ME BECAUSE I DON'T WANT HIM TO THINK I'M NOT APPRECIATIVE OF THAT FACT. THANK YOU, MR. PRESIDENT. [LB330]

SENATOR SCHEER: THANK YOU, SENATOR BLOOMFIELD AND SENATOR CHAMBERS. IN THE QUEUE: SENATOR CRAWFORD, COASH, BRASCH, HANSEN, AND McCOY. SENATOR CRAWFORD. [LB330]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE...I'M GOING TO SUPPORT SENATOR KOLTERMAN'S AMENDMENT, AM1558, JUST IN CASE AM1479 PASSES. BUT FRANKLY, IN MY MIND, THE ARGUMENT FOR AM1479 THAT HAD BEEN MADE JUST DO NOT SEEM TO PASS THE COMMON-SENSE TEST. DISTRIBUTORS HAVE COMPUTERS AND SMART PEOPLE WHO WORK THERE. I JUST CANNOT BUY THAT THEY CAN'T FIGURE OUT WHICH STATES TO SEND SAMPLES OF POWDER ALCOHOL AND WHICH STATES NOT TO SEND THESE SAMPLES. IF WE WERE THE ONLY STATE IN THE UNION DOING THIS, THEN MAYBE I COULD UNDERSTAND THE ARGUMENT. BUT THERE ARE MULTIPLE STATES ALREADY BANNING IT AND MORE STATES IN LINE TO BAN IT. IF THE DISTRIBUTORS DON'T HAVE THIS IN THEIR ALGORITHM, THEY BETTER GET IT IN THERE. SO, I JUST DON'T THINK THAT ARGUMENT PASSES THE SMELL TEST. AND

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ALSO I WAS THINKING ALONG THE SAME LINES AS SENATOR BLOOMFIELD. WE HAVE THE SAME ISSUE WITH FIREWORKS. THERE ARE SOME FIREWORKS THAT ARE ALLOWED IN MISSOURI, SOME DIFFERENT SET OF FIREWORKS THAT ARE ALLOWED IN NEBRASKA. A DIFFERENT SET OF FIREWORKS THAT ARE ALLOWED IN IOWA. WE BAN HAVING THOSE FIREWORKS THAT AREN'T ALLOWED IN OUR STATE. GRANTED, THERE ARE PROBABLY PEOPLE WHO BRING THEM IN, YOU KNOW, AND BREAK THE LAW. WE CAN'T MAKE...WE CAN'T KEEP ANY LAW BREAKING FROM HAPPENING, BUT WE STILL HAVE THE LAW. WE DON'T SAY, OH, WE CAN'T BAN BOTTLE ROCKETS BECAUSE SOMEBODY MIGHT BRING THEM IN FROM MISSOURI AND THEN THEY MIGHT NOT WANT TO EVER COME HERE AND THEY MIGHT NOT THINK WE'RE NEBRASKA NICE BECAUSE WE DIDN'T LET THEM HAVE BOTTLE ROCKETS. SO, WE DO THAT WITH FIREWORKS ALREADY AND FIREWORK DISTRIBUTORS FIGURE OUT WHICH KINDS OF FIREWORKS TO SEND TO DIFFERENT STATES. I AM CONFIDENT THAT ALCOHOL DISTRIBUTORS CAN FIGURE OUT WHICH KINDS OF ALCOHOL TO SEND TO DIFFERENT STATES AND CANNOT SEND POWDER ALCOHOL TO THOSE STATES THAT DON'T ALLOW IT. AND AGAIN, I JUST DON'T THINK THAT THE ARGUMENTS THAT WE NEED TO ALLOW THIS BECAUSE THE ARGUMENTS THAT HAVE BEEN MADE ON AM1479 JUST DON'T THINK THEY PASS THAT COMMON-SENSE TEST. AS OTHERS HAVE STATED, THERE WAS A STRONG SENSE IN GENERAL FILE THAT WE WANTED TO NOT HAVE THIS IN OUR STATE AND I THINK IT'S ENTIRELY POSSIBLE FOR US TO HAVE THOSE LAWS AND ENFORCE THEM. THANK YOU, MR. PRESIDENT. [LB330]

SENATOR SCHEER: THANK YOU, SENATOR CRAWFORD. SENATOR COASH. [LB330]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS BILL IS STARTING TO TAKE ON WATER THAT IS UNNECESSARY. LET ME TRY TO BRING YOU BACK TO THE BEGINNING BECAUSE PEOPLE ON THIS FLOOR THROUGH THEIR COMMENTS, IT'S BEEN CLEAR TO ME, DON'T EVEN REMEMBER WHAT WE DID TO THIS BILL ON GENERAL FILE. AND WHAT WE'RE ABOUT READY TO DO WITH IT WITH THESE AMENDMENTS. SO, LET ME JUST GIVE YOU A LITTLE TIME LINE HERE. LB330, AS INTRODUCED, GAVE THE LIQUOR COMMISSION THE AUTHORITY TO BAN THE PRODUCT. THAT WASN'T GOOD ENOUGH. SENATOR KOLTERMAN BROUGHT AN AMENDMENT ON GENERAL FILE THAT SAID IT IS NOT UP TO THE LIQUOR CONTROL COMMISSION, IT IS UP TO THE LEGISLATURE, AND HE BANNED THE SALE OF THE PRODUCT. AND BECAUSE HE BANNED THE SALE OF IT, THERE IS NO WAY THAT A DISTRIBUTOR OR RETAILER, AT RISK OF LOSING THEIR LICENSE, WILL EVER PUT THIS PRODUCT ON THE SHELVES. THAT IS ALREADY PART OF LB330. OKAY? ALREADY PART OF LB330, THE SALE OF IT IS BANNED. NOW, WHAT YOU'VE GOT IN FRONT OF YOU WITH AM1558 IS

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CRIMINALIZING IN THE SAME WAY YOU SELL SOMETHING, THE POSSESSION OF IT. AND LET ME GIVE YOU A COMPARISON HERE. DO WE TREAT DRUG DEALERS THE SAME AS DRUG USERS? WE DO NOT. A PERSON WHO SELLS DRUGS IS CRIMINALIZED DIFFERENTLY THAN A PERSON WHO USES DRUGS. BUT IF WE ADOPT AM1558, WE ARE CRIMINALIZING THE USE OF A PRODUCT THAT MAY BE OBTAINED LEGALLY IN ANOTHER STATE IN THE SAME WAY THAT WE WOULD PENALIZE A RETAILER FOR SELLING IT. AM1479 HAS A PENALTY FOR SALE WHICH IS A CLASS I MISDEMEANOR, WHICH MEANS YOU CAN GET UP TO A YEAR IN JAIL FOR DOING THAT. AND THAT'S APPROPRIATE FOR A RETAILER, A DISTRIBUTOR WHO SAYS, I DON'T CARE WHAT YOU SAY, LEGISLATURE, I'M GOING TO PUT IT ON THE SHELVES ANYWAY. BUT IF WE ADOPT AM1558, THE ADULT WHO BUYS THIS IN A DIFFERENT STATE, GETS CAUGHT WITH IT, IS TREATED THE SAME AS THAT RETAILER AND FACES UP TO A YEAR IN PRISON AS WELL. THAT IS NOT THE POLICY I WANT TO SEE. AM1558 IS HARDER ON THIS PRODUCT THAN WE ARE ON MARIJUANA. WOULD SENATOR MORFELD YIELD TO A QUESTION? [LB330]

SENATOR SCHEER: SENATOR MORFELD, WILL YOU YIELD? [LB330]

SENATOR MORFELD: YES, I WILL. [LB330]

SENATOR COASH: THANK YOU, SENATOR MORFELD. I LOOKED AT YOU, YOU'RE AN ATTORNEY. FRESH OUT OF LAW SCHOOL. GO PUT YOUR CRIMINAL LAW HAT ON. HOW MANY TIMES DOES SOMEBODY HAVE TO GET CAUGHT WITH MARIJUANA BEFORE THEY GET A CLASS I MISDEMEANOR? [LB330]

SENATOR MORFELD: WELL, IF THEY GET CAUGHT, THREE...FOR A CLASS I MISDEMEANOR? WELL, IF THEY GET CAUGHT THREE TIMES WITH AN OUNCE OF MARIJUANA, IT'S ONLY A CLASS IIIA MISDEMEANOR. [LB330]

SENATOR COASH: OKAY. SO, DID YOU HEAR WHAT HE SAID, COLLEAGUES? YOU GET CAUGHT WITH MARIJUANA THREE TIMES IN OUR STATE AND YOU'RE NOT EVEN SNIFFING THE KIND OF PENALTY YOU GET CAUGHT WITH THIS LEGAL PRODUCT, ONE TIME. IT DOESN'T MAKE SENSE. SENATOR KOLTERMAN WANTED TO BAN THE SALE OF THIS PRODUCT. WE DID THAT ON GENERAL FILE. WE ARE NOW ADDING BANNING THE USE OF THE PRODUCT IN THE SAME WAY THAT WE ARE BANNING THE SALE. THIS ISN'T HOW I THINK WE OUGHT TO DO THINGS. [LB330]

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SENATOR SCHEER: ONE MINUTE. [LB330]

SENATOR COASH: THANK YOU, MR. PRESIDENT. IF WE GOT PAST THIS AND WE COULD GET TO SENATOR SCHUMACHER'S AMENDMENT, WHICH SAYS THE POSSESSION OF THIS PRODUCT, ALTHOUGH YOU COULD NEVER BUY IT HERE BECAUSE WE'VE ALREADY ESTABLISHED THAT WITH LB330, IS OKAY IF YOU'RE AN ADULT. BUT IF YOU GET CAUGHT WITH IT AND YOU'RE NOT AN ADULT, IT'S THE SAME AS GETTING CAUGHT WITH A SIX-PACK OF BEER AND THAT'S APPROPRIATE. OUR LAWS COVER THAT. BUT I WANT COLLEAGUES TO UNDERSTAND WHAT AM1558 DOES. IT DOESN'T BAN THE SALE. WE DID THAT ALREADY. WE'RE JUST CRIMINALIZING THE POSSESSION AT THE SAME LEVEL AND I THINK THAT'S A DANGEROUS PRECEDENT. IT'S THE REASON I CAN'T SUPPORT AM1558, AND IF IT WERE ADOPTED, I THINK WE OUGHT TO PULL AM1479 DOWN. AND I AGREE WITH SENATOR CRAWFORD AND OTHERS WHO SAID IF A DISTRIBUTOR GETS THIS PRODUCT, THEY KNOW HOW TO GET RID OF IT. [LB330]

SENATOR SCHEER: TIME, SENATOR. [LB330]

SENATOR COASH: THANK YOU, MR. PRESIDENT. [LB330]

SENATOR SCHEER: THANK YOU, SENATOR MORFELD AND SENATOR COASH. SENATOR BRASCH. [LB330]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I'M SURPRISED WE ARE BACK TO THIS PLACE ONCE MORE, ESPECIALLY WITH RUNNING OUT OF DAYLIGHT FOR THIS SESSION. I WANT TO REITERATE A FEW THINGS I MENTIONED ON THE FLOOR WHEN WE HEARD THIS EARLIER. IN 2015, THIS YEAR, 77 BILLS HAVE BEEN INTRODUCED IN 39 STATES. THE BILLS INTRODUCED ARE TO PROHIBIT THIS. THIRTY-NINE STATES WANT TO KNOW HOW TO STOP POWDERED ALCOHOL IN THEIR STATES. AND THERE HAVE BEEN ONLY FIVE BILLS ISSUED TO STUDY IT. AND THE STATES THAT ARE PERMITTING IT ARE ONLY 13 STATES. THIRTY-NINE STATES, THERE ARE 55 BILLS TO PROHIBIT IT. AND HERE WE ARE TRYING TO FIND OUT A WAY THAT WE CAN TWEAK THIS HERE OR THERE, HOW CAN WE BRING IT IN SO IT'S NOT GOING TO HARM OUR YOUTH? WELL, IT'S GOING TO HARM PEOPLE. THAT'S WHY STATES WANT TO PROHIBIT IT. IT'S DANGEROUS. IT'S UNSAFE. THERE IS GREAT POTENTIAL FOR HARM FOR LIVES AND HEALTH. WE'VE HEARD HOW IT CAN BE ADDED TO EXISTING ALCOHOL. IT CAN BE ADDED TO FOOD. PEOPLE, REGARDLESS IF IT'S SHARDS OR

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NOT, THEY WILL TRY TO SNIFF IT. THIS IS A DANGEROUS FORM OF ALCOHOL. THERE'S ENOUGH PROBLEMS WITH ALCOHOL, LET ALONE TO FIND A WAY TO HAVE IT ENTER INTO THE HANDS OF MINORS. WE HAVE ENOUGH TO WORRY ABOUT. WE HEAR ALMOST DAILY ON THE NEWS ABOUT YOUTH BEING ADMITTED TO EMERGENCY ROOMS BECAUSE OF THE USE OF K2, WHICH THEY ARE FINDING IN SHOPS BEING SOLD AS POTPOURRI. WE DON'T NEED TO ADD ONE MORE CONCERN TO PARENTS, TO YOUTH IN THE FORM OF HOW THEY CAN HARM THEIR SELF INTENTIONALLY OR UNINTENTIONALLY. AND AS FOR THE CLASS I MISDEMEANOR, I THINK WE NEED A PENALTY WITH GREATER TEETH IN IT FOR ANYONE ATTEMPTING TO SELL IT OR TO USE IT IN OUR STATE. THIS SHOULD NOT BE A STATE FRIENDLY TO ALCOHOL THAT IS BEING STUDIED ONLY IN FIVE STATES AND PROHIBITED POTENTIALLY IN 55 STATES. THE CONCLUSION IS THAT IT'S OVERWHELMING THAT THIS IS NOT SOMETHING THAT NEBRASKA WANTS TO BE HAVING ON OUR SHELVES, OR FOR THAT FACT, EVEN A DISCUSSION IN THIS LEGISLATURE. SO, COLLEAGUES, I WILL NOT SUPPORT THE AMENDMENTS. THOUGHT WE'D BEEN HERE BEFORE. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB330]

SENATOR SCHEER: THANK YOU, SENATOR BRASCH. SENATOR HANSEN. [LB330]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I SUPPOSE IT'S GOOD THAT I FOLLOWED SENATOR BRASCH. I WAS LOOKING AT THE NCSL HAS A LIST OF ALL THE POWDERED ALCOHOL LEGISLATION AND I DON'T HAVE A FINAL NUMBER, BUT I WAS COMING UP WITH DRASTICALLY DIFFERENT NUMBERS OF THE STATES THAT HAVE ALREADY BANNED IT AND THE STATES THAT ARE LOOKING TO DO DIFFERENT THINGS, INCLUDING SOME, JUST FLIPPING THROUGH, SOME THAT ARE JUST REGULATING IT. BUT, CERTAINLY, THAT'S A POLICY DISTINCTION WE, AS THE STATE OF NEBRASKA, CAN MAKE. I THINK THE COMPARISON TO SUCH A THING AS FIREWORKS IS APT. THAT IS SOMETHING WE AS A STATE CAN DECIDE WE DON'T WANT HERE. I WAS COMFORTABLE AS A MEMBER OF THE GENERAL AFFAIRS COMMITTEE LEAVING THAT DISTINCTION UP TO, AT LEAST FOR THE MOMENT, FOR THE LIQUOR CONTROL COMMISSION. CONSIDERING THERE IS, I WOULD VENTURE, VIRTUALLY NO ONE IN THE STATE OF NEBRASKA WHO HAS EVER ACTUALLY EVEN SEEN OR TOUCHED OR HANDLED POWDERED ALCOHOL TO DATE CONSIDERING IT'S BEEN LEGAL ON THE FEDERAL LEVEL FOR ALL OF TWO, THREE WEEKS. THAT BEING SAID, ADD ME TO A RISING VOICE OF CONCERN ABOUT HOW HARSH THE PENALTY IS, OR POTENTIALLY CAN BE FOR USE AND POSSESSION. WE'RE TALKING WITH THE INTENT OF, WE WANT TO PROTECT OUR YOUTH FROM THIS. WE WANT TO, YOU KNOW, TALKING ABOUT THE RISKS OF ALCOHOL ON OUR YOUTH, AND CERTAINLY THERE'S, YOU KNOW,

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AN INCIDENT THAT HAPPENED ON THE BOUNDARY ON SENATOR MORFELD'S AND I's (SIC) DISTRICTS LAST YEAR THAT REALLY BRINGS THAT TO HOME WHERE THERE WAS AN ALCOHOL-RELATED FATALITY, ALCOHOL OVERDOSE. AND SO, I DEFINITELY APPRECIATE THAT CONCERN. I APPRECIATE THE CONCERN TO OUTRIGHT BAN IT AND NOT ALLOW IT IN THE STATE. BUT AS WE'VE POINTED OUT, CURRENTLY WE HAVE THE POTENTIAL OR AT LEAST TALKING OR IT'S BEEN SUGGESTED THAT POSSESSING THIS IS HARSHER THAN POSSESSING MARIJUANA, SOMETHING THAT IS LEGAL AT THE FEDERAL LEVEL. AND I GUESS I RISE AS A YOUNG PERSON, AND WE'RE TALKING ABOUT PROTECTING OUR YOUTH, PROTECTING OUR YOUNG PEOPLE. WELL, THERE'S THE POTENTIAL HERE THAT IF IT REMAINS A CLASS I PENALTY FOR SIMPLE POSSESSION, THAT WE'RE GOING TO BE HARMING OUR YOUNG PEOPLE IN THE SENSE OF A YOUNG PERSON WHO POSSESSES IT IS ALL OF A SUDDEN GOING TO HAVE A CRIMINAL RECORD. THEY'RE GOING TO HAVE TO DROP OUT OF SCHOOL TO SERVE A YEAR IN JAIL. THEY'RE GOING TO BE ON PROBATION. THEY'RE GOING TO...ALL SORTS OF DIFFERENT THINGS THAT ARE THE WORST-CASE SCENARIO YOU CAN HAVE, WORST-CASE SCENARIO YOU CAN HAVE AS A YOUNG PERSON. SO, I WAS TRYING TO GET MY OWN VIEWS ON THIS STRAIGHT. I KNOW WE TALKED ABOUT IT AND GONE DIFFERENT WAYS IN THE GENERAL AFFAIRS BEFORE DECIDING TO GIVE THE AUTHORITY TO REGULATE IT TO THE LIQUOR CONTROL COMMISSION, WHICH I THINK IT'S BEEN SAID, BUT I WANT TO POINT OUT THAT, IN FACT, IF LB330 DOESN'T GO THROUGH, IT'S MY INTERPRETATION THAT IT WILL BE LEGAL IN NEBRASKA BECAUSE THE LIQUOR CONTROL COMMISSION DOESN'T HAVE THE AUTHORITY TO REGULATE ANYTHING OTHER THAN, I BELIEVE, VAPOR AND LIQUID ALCOHOL. SO, OBVIOUSLY WE NEED TO DEAL WITH IT IN SOME WAY. WITH THAT BEING SAID, I WOULD CERTAINLY LOOK TO HAVE A LIGHTER PENALTY OF SOME KIND FOR POSSESSION, ESPECIALLY IF WE'RE CONCERNED ABOUT OUR YOUTH. LET'S BE CONCERNED ABOUT ESPECIALLY IN THE SCHEME OF ALL OF OUR CRIMINAL JUSTICE REINVESTMENT AND ANALYZING PENALTIES, AND ANALYZING WHAT WE SEND PEOPLE TO JAIL FOR, LET'S LOOK AT IT HERE. AND WITH THAT, I WOULD YIELD THE BALANCE OF MY TIME TO SENATOR MORFELD IF HE COULD USE IT. [LB330]

SENATOR SCHEER: SENATOR MORFELD, YOU HAVE 1:10. [LB330]

SENATOR MORFELD: THANK YOU, SENATOR HANSEN. I'LL MAKE THIS FAIRLY BRIEF, BUT I SHARE THE SAME CONCERNS, PARTICULARLY ABOUT THE LEVEL OF PENALTY. IF A PERSON WERE TO BE CAUGHT WITH THIS POSSESSION, PARTICULARLY SINCE... [LB330]

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SENATOR SCHEER: ONE MINUTE. [LB330]

SENATOR MORFELD: ...IN MY DISTRICT, WHICH INCLUDES STUDENTS FROM LITERALLY ALL OVER THE COUNTRY, THEY MAY INADVERTENTLY BRING SOME OF THIS INTO THE STATE, WHICH IS LEGAL IN MANY OTHER STATES, AND GET CAUGHT WITH IT AND THEN HAVE TO SPEND UP TO A YEAR IN JAIL, WHICH I DO NOT THINK THE CRIME OR THE PUNISHMENT FITS THE CRIME. SO, IN THAT REGARD, I KNOW THAT SENATOR KOLTERMAN IS WILLING TO WORK WITH ME TO HAVE AN OUTLINE OF CRIMINAL PUNISHMENT FOR THIS, PER SE, THAT WOULD BE A LOT MORE REASONABLE AND LIKELY IN LINE WITH OUR CRIMINAL PUNISHMENTS FOR MARIJUANA POSSESSION. BUT I DO BELIEVE THAT UP TO A YEAR FOR POSSESSION OF THE SUBSTANCE IS, QUITE FRANKLY, OUTRAGEOUS, AND I'M GLAD THAT SENATOR KOLTERMAN IS WILLING TO WORK WITH ME ON MAKING THE PUNISHMENT FIT THE CRIME. THAT BEING SAID, I'M NOT QUITE SURE WHERE I STAND ON AM1558, BUT I'M CERTAINLY OPPOSED. [LB330]

SENATOR SCHEER: TIME, SENATOR. [LB330]

SENATOR MORFELD: THANK YOU. [LB330]

SENATOR SCHEER: THANK YOU, SENATORS MORFELD AND HANSEN. SENATOR McCOY. [LB330]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN SUPPORT OF SENATOR KOLTERMAN'S AMENDMENT THIS EVENING. I BELIEVE THAT POWDERED ALCOHOL IS A PUBLIC SAFETY RISK TO NOT JUST THE YOUNG PEOPLE OF OUR STATE, BUT CERTAINLY ALL CITIZENS. BUT I RISE TO TAKE A COUPLE OF MINUTES THIS EVENING TO TALK ABOUT ANOTHER PUBLIC SAFETY RISK. SOME OF YOU MAY HAVE NOTICED ON YOUR PHONES SOMETHING THAT OCCURRED IN OMAHA JUST IN THE LAST 90 MINUTES. AND THAT IS THAT...AND I'M GOING TO TALK ABOUT WHY I THINK THIS IS IMPORTANT IN REFERENCE TO A BILL THAT WE HAD IN TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE A LITTLE EARLIER THIS SESSION. AN ADULT MOUNTAIN LION WAS SHOT AND KILLED OUTSIDE PROJECT HARMONY AT 120TH AND Q STREETS IN OMAHA ABOUT 5:00 THIS EVENING IN A HOSTILE POSITION OUTSIDE A BUILDING FULL OF CHILDREN. THIS IS WHY, MEMBERS, I OPPOSED A BILL BY SENATOR CHAMBERS THAT SOUGHT TO CREATE A MOUNTAIN...IT STARTED OUT TO BE A LICENSE PLATE HONORING THE PROTECTION OF MOUNTAIN LIONS, THEN IT MOVED TO THE CONSERVATION OF MOUNTAIN LIONS. AND IF YOU PULL UP THE

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COMMITTEE STATEMENT ON THE BILL, YOU'LL FIND ON LB474 THAT I WAS THE LONE NO VOTE ON THIS LEGISLATION MOVING OUT OF COMMITTEE. THIS ISN'T THE FIRST TIME THAT I'VE DISAGREED WITH SENATOR CHAMBERS ON MOUNTAIN LIONS. IT'S HAPPENED A NUMBER OF TIMES. FOR THOSE OF YOU THAT ARE NEW IN THE BODY, THIS ISSUE HAS NOT GONE AWAY. IT'S LINGERED FOR A NUMBER OF YEARS, A NUMBER OF SESSIONS. SENATOR CHAMBERS ALSO HAD ANOTHER BILL THAT I BELIEVE IT'S STILL IN COMMITTEE, IN THE NATURAL RESOURCES COMMITTEE, TO END OR BAN OUR GAME AND PARKS COMMISSION FROM AUTHORIZING A HUNTING SEASON FOR MOUNTAIN LIONS. THESE ARE ANIMALS CREATED BY OUR CREATOR, IN MY OPINION, BUT THEY ARE PREDATORS. LET'S NOT MISTAKE IT. AND IF YOU LOOK AT THE PICTURES FROM THIS EVENING, YOU WILL SEE JUST HOW SCARY THIS HAD TO HAVE BEEN FOR ANYONE THAT WAS IN THIS BUILDING. I THINK THAT'S WHY SENATOR CHAMBERS IS WRONG ON THIS ISSUE. THAT'S WHY I THINK THE LEGISLATURE WAS RIGHT ON THIS ISSUE BACK A NUMBER OF YEARS AGO AND I WAS ONE OF THE VOTES AT THE TIME THAT AUTHORIZED THE ORIGINAL HUNTING SEASON ON MOUNTAIN LIONS. AND IT HAD BEEN SAID, WELL, YOU KNOW, THIS IS JUST SOMETHING THAT WESTERN NEBRASKA...THIS IS SOMETHING THAT REALLY ONLY AFFECTS SENATOR DAVIS' DISTRICT. IT'S REALLY ONLY AN ISSUE IN THE PINE RIDGE. THAT'S JUST NOT THE CASE. THIS IS A REAL AND SERIOUS ISSUE. IT'S A PUBLIC SAFETY FACTOR, A PUBLIC SAFETY CONCERN. AND DON'T USE MY WORDS. THAT'S THE WORDS OF MARK LANGAN WITH NEBRASKA HUMANE SOCIETY AS QUOTED IN THE WORLD-HERALD TONIGHT. I RISE ON THIS BILL BECAUSE WE'RE TALKING ABOUT A PUBLIC SAFETY CONCERN AND BECAUSE THIS ISSUE ONLY HAPPENED AN HOUR AND 45 MINUTES AGO. BUT I'M NOT GOING TO LET LOOSE OF THIS ISSUE FOR AS LONG AS I AM IN THIS BODY. AND THERE ARE OTHERS, I KNOW, THAT FEEL THAT SAME WAY. THANK YOU, MR. PRESIDENT. [LB330 LB474]

SENATOR SCHEER: THANK YOU, SENATOR McCOY. SENATOR LARSON. [LB330]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I THINK, YOU KNOW, SENATOR COASH BROUGHT UP SOME GREAT POINTS. NO, WE ARE STILL BANNING THE SELLING OF POWDERED ALCOHOL IN AM1479. IT WILL NOT BE AVAILABLE ON THE SHELVES TO CHILDREN IN THE STATE OF NEBRASKA IN AM1479. SENATOR CRAWFORD TRIED TO BRING OUT THAT SHE'S CALLED THEM DISTRIBUTORS, BUT THEY'RE ACTUALLY MANUFACTURERS ACROSS THE COUNTRY THAT SEND THESE OUT IN TERMS OF SAMPLES TO DISTRIBUTORS IN THIS STATE THAT THEY SHOULD KNOW WHO TO SEND IT TO. FRANKLY, SENATOR CRAWFORD, THAT'S NOT THEIR RESPONSIBILITY. AND WHY WOULD THEY REALLY CARE IF THEY'RE

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THE ONES THAT ARE SENDING IT OUT, THEY'RE NOT THE ONES THAT ARE GOING TO BE IN TROUBLE. IT'S THE DISTRIBUTOR OR THE RETAILER THAT RECEIVES THAT BOX, AND IF THE LIQUOR CONTROL COMMISSION IS THERE AT THAT TIME, THEY ARE THEN IN POSSESSION AND LOSE THEIR LICENSE. THAT IS UNACCEPTABLE. IT'S NOT NEBRASKA BUSINESSES MAKING THE CHOICE TO HAVE IT. IT'S PEOPLE FROM OUTSIDE THE STATE THAT COULD BE SENDING THEM. ALSO I HEARD SENATOR BRASCH SAY SHE WANTED STRICTER PENALTIES ON POWDERED ALCOHOL. I DON'T KNOW WHAT A YEAR IN JAIL FOR JUST THE MERE POSSESSION, HOW THAT IS NOT POSSIBLY STRICT ENOUGH. YOU WOULD ACTUALLY HAVE TO BE CAUGHT WITH MARIJUANA I THINK OVER 20 TIMES TO REACH THAT UNDER SENATOR BRASCH'S SCENARIO, 20 TIMES WITH MARIJUANA TO JUST HAVE THIS SUBSTANCE ONCE, A SUBSTANCE THAT IS LEGAL ACROSS THE COUNTRY. COLLEAGUES, THAT'S RIDICULOUS. AND SENATOR COASH ACTUALLY MISSPOKE A LITTLE BIT UNDER SENATOR KOLTERMAN'S AMENDMENT THAT WAS ADOPTED ON GENERAL FILE. TECHNICALLY, RETAILERS AND DISTRIBUTORS ARE ONLY SUBJECT TO A CLASS III MISDEMEANOR. A CLASS III MISDEMEANOR WOULD ONLY ACTUALLY HAVE THEM LOSE THEIR LICENSE. BUT IF YOU POSSESS OR USE IT, YOU'D BE GUILTY OF A CLASS I MISDEMEANOR, WHICH IS THAT POSSIBILITY OF A YEAR IN JAIL. SO, UNDER SENATOR KOLTERMAN'S AMENDMENT, IT IS ACTUALLY PENALIZED LESS TO SELL IT THAN JUST POSSESS IT. I WARNED SENATOR KOLTERMAN ABOUT THAT ON GENERAL FILE ON THE MIKE. AND THEN I AGAIN WARNED IN BETWEEN GENERAL AND SELECT ABOUT THE HARSHNESS OF THE PENALTY, YET HE DID NOT WANT TO HEAR IT. COLLEAGUES, THIS IS RIDICULOUS TO THINK THAT YOU WOULD HAVE TO BE CAUGHT WITH MARIJUANA OVER 20 TIMES TO EVEN GET INTO THE SAME LEAGUE OF GETTING CAUGHT WITH POWDERED ALCOHOL ONCE. I WARNED THE BODY ON GENERAL FILE OF THESE PENALTIES. I'VE TOLD YOU WHAT WAS GOING TO HAPPEN IN THAT AMENDMENT, AND FINALLY, IT SEEMS TO BE CLICKING THAT THIS IS UNACCEPTABLE. [LB330]

SENATOR SCHEER: ONE MINUTE. [LB330]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. [LB330]

SENATOR SCHEER: THANK YOU, SENATOR LARSON. MR. CLERK. [LB330]

CLERK: MR. PRESIDENT, AN AMENDMENT FROM SENATOR GLOOR TO LB643. I HAVE A MOTION WITH RESPECT TO LB423 FROM SENATOR LARSON. AND

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SENATOR CAMPBELL OFFERS LR248, A STUDY RESOLUTION. (LEGISLATIVE JOURNAL PAGES 1474-1476.) [LB643 LB423 LR248]

MR. PRESIDENT, SENATOR BLOOMFIELD WOULD MOVE TO ADJOURN THE BODY UNTIL THURSDAY, MAY 7, AT 9:00 A.M.

SENATOR SCHEER: THANK YOU, MR. CLERK. THE HOUSE HAS HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. ANY OPPOSED SAY NAY. WE ARE ADJOURNED.