

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

Floor Debate  
February 11, 2016

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[LB47 LB176 LB188 LB190 LB221 LB285 LB347 LB410 LB447 LB467 LB516 LB586  
LB671 LB680 LB683 LB689 LB690 LB698 LB701 LB708 LB725 LB748 LB820 LB862  
LB888 LB901 LB954 LB970 LB975 LB1016 LB1046 LB1105 LR429 LR434 LR435]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: (RECORDER MALFUNCTION)...CALL TO ORDER THE TWENTY-FIFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

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

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

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

ASSISTANT CLERK: THERE ARE, MR. PRESIDENT. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB188 TO SELECT FILE. SENATOR KOLTERMAN HAS CHOSEN LB975 AS HIS PRIORITY BILL. I HAVE A REPORT OF REGISTERED LOBBYISTS FOR THE CURRENT WEEK. AND THE VARIOUS AGENCY REPORTS THAT HAVE BEEN FILED ELECTRONICALLY CAN BE LOOKED AT ON THE LEGISLATURE'S WEB SITE. IN ADDITION TO THAT, RETIREMENT COMMITTEE WILL HOLD AN EXECUTIVE SESSION AT NOON IN ROOM 1525. (LEGISLATIVE JOURNAL PAGES 551-552.) [LB188 LB975]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR429. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LR429]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, JUST A COUPLE QUICK NOTES ON PRIORITY BILLS. NEXT THURSDAY AT THE CLOSE OF THE SESSION, ADJOURNMENT, YOU MUST HAVE ANY REQUESTS FOR A SPEAKER PRIORITY FILED; A WEEK FROM TOMORROW, ON FRIDAY, YOU MUST HAVE

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COMMITTEE PRIORITIES AND INDIVIDUAL PRIORITIES FILED BY THE END OF THE WORKDAY--IN ESSENCE, ADJOURNMENT. NOW I WANT TO MAKE IT VERY CLEAR: WHEN YOU ASK FOR PRIORITIES, WHETHER IT'S SPEAKER, COMMITTEE, OR INDIVIDUAL, AND THE BILL IS ON GENERAL FILE, I ASSUME THAT BILL IS READY TO GO, BECAUSE I WILL HAVE TO START SCHEDULING BILLS WITH PRIORITY DESIGNATIONS RIGHT AWAY IF WE'RE GOING TO GET THROUGH WHAT WE HAVE TO DO BETWEEN NOW AND THE 60th DAY. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. MOVING NOW TO THE AGENDA, GENERAL FILE, 2016 COMMITTEE PRIORITY BILLS. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST BILL THIS MORNING LB954 BY SENATOR KRIST. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 14 OF THIS YEAR, REFERRED TO THE EXECUTIVE BOARD, THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB954]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON LB954. [LB954]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. LB954 ADVANCED FROM THE EXECUTIVE BOARD ON AN 8-0 VOTE WITH ONE SENATOR ABSENT DURING THE VOTING. THE BILL CHANGES PROVISIONS RELATING TO ACCESS TO JUVENILE PROBATION RECORDS FOR THE INVESTIGATIONS BY THE INSPECTOR GENERAL OF NEBRASKA CHILD WELFARE. I WANT TO THANK THE MEMBERS OF THE EXECUTIVE BOARD FOR ADVANCING THE BILL. AS COMMITTEE STATEMENT NOTES BOTH THE INSPECTOR GENERAL OF NEBRASKA CHILD WELFARE AND THE COURT ADMINISTRATOR TESTIFIED IN SUPPORT OF THE BILL. THERE WAS NO OPPOSITION. LET ME SAY THAT AGAIN CLEARLY FOR THE RECORD. BOTH THE INSPECTOR GENERAL OF NEBRASKA CHILD WELFARE AND THE COURT ADMINISTRATOR TESTIFIED IN SUPPORT OF THIS BILL. THERE WAS NO OPPOSITION. I DO ALSO WANT TO THANK THE FOLKS WHO HAVE BEEN INVOLVED WITH SIX MONTH'S WORTH OF NEGOTIATION ON THIS PARTICULAR ISSUE. AT THE HEART OF THIS ISSUE IS JUDICIAL INDEPENDENCE AND CONSTITUTIONAL SEPARATION OF POWERS. THERE WERE SEVERAL MEETINGS, AS MANY OF YOU KNOW AND SOME OF YOU PARTICIPATED, REGARDING JUDICIAL BRANCH REFUSING TO PROVIDE THE IG WITH ACCESS TO PROBATION RECORDS. ONE WAS CHAIRED BY THE GOVERNOR OF THE STATE OF NEBRASKA. THE GOVERNOR, CHIEF JUSTICE, THE SPEAKER, AND MANY OF US WERE IN

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THOSE MEETINGS INITIALLY. AND IT WAS DETERMINED THAT THERE WERE TWO COURSES OF ACTION THAT COULD HAPPEN TO SOLVE THESE ISSUES. THE FIRST OPTION WAS TO REMOVE THE JUVENILE PROBATION PROGRAM FROM THE JUDICIAL BRANCH SINCE WE MAY HAVE CREATED JUDICIAL INDEPENDENCE AND SOME CONSTITUTIONAL SEPARATION PROBLEMS. ALTERNATIVELY THE SECOND...CAN I HAVE A GAVEL, PLEASE. (GAVEL) ALTERNATIVELY THE OTHER OPTION WAS TO NEGOTIATE, SIT DOWN, AND COME TO A RESOLUTION, AND THAT IN ESSENCE IS LB954. I WANT TO THANK MY LEGAL COUNSEL, JANICE SATRA; THE OIG, JULIE ROGERS; AND THE ADMINISTRATOR OF THE COURT, COREY STEEL; AND PARTICULARLY THE CHIEF JUSTICE FOR HIS COOPERATION AND SEVERAL OF THE OTHER JUSTICES, I MIGHT ADD. I ALSO WANT TO THANK FOR THE RECORD SENATOR WILLIAMS FOR HIS SUPPORT AND FOR MANY OTHER JUDGES WHO HELPED FRAME THE ARGUMENTS AND REACH THIS CONCLUSION. DURING THE NEGOTIATION PROCESS THE CHANGES MADE BY LB954 WERE DETERMINED TO BE THE BEST COURSE OF ACTION. THIS IS NOT A COURT ORDER BY COURT ORDER INDIVIDUALLY. LET ME EMPHASIZE THAT. THIS IS NOT A COURT ORDER BY ISSUE OR COURT ORDER INDIVIDUALLY. INSTEAD, IT'S A TEMPLATE THAT'S PUT IN PLACE ON THESE CASES SO THAT IF THE OIG HAS A COMPLAINT, HE OR SHE MAY GO BACK AND ASK FOR THESE RECORDS. I'LL READ INTO THE RECORD SOME OF THE TESTIMONY OF THE COURT ADMINISTRATOR ON A LATER TIME IN THE MIKE WHICH I THINK IS IMPORTANT TO THIS EFFORT SO THAT WE UNDERSTAND HOW THE JUDICIAL BRANCH DOES ITS JOB. I'M GOING TO STOP THERE IN MY INTRODUCTION FORMALLY, BUT I AM GOING TO ADD MY OWN PERSONAL COMMENTS. WHEN WE, THIS BRANCH OF GOVERNMENT, DO NOT EXERCISE OUR CONSTITUTIONAL REQUIREMENTS, MANDATES TO LEGISLATE, APPROPRIATE, AND THE MOST IMPORTANT PART FOR ME IS APPLY THE OVERSIGHT OF ALL BRANCHES OF GOVERNMENT THAT IS NECESSARY TO MAINTAIN GOOD GOVERNMENT AND GOOD POLICY AND FISCAL CONTROL, YOU CAN PACK IT UP AND RETURN THAT LEATHER CHAIR TO THE PEOPLE WHO PUT YOU HERE, BECAUSE THERE'S NO REASON FOR YOU TO BE HERE. IF THOSE ARE STRONG STATEMENTS, I HOPE YOU TAKE THEM AS SUCH. IF YOU CONSIDER THEM TO BE STRONG STATEMENTS, I HOPE YOU TAKE THEM AS MUCH. THERE IS NOTHING I FEEL MORE STRONGLY ABOUT THAN THE TRADITIONS OF THIS BODY AND THE RESPONSIBILITY OF THIS BODY TO APPLY OVERSIGHT. WE ARGUABLY HAVE HAD MILLIONS OF DOLLARS OF FINES IMPOSED UPON US FOR NOT DOING BUSINESS CORRECTLY. WE'VE HAD TO FIND MONEY TO COVER THOSE FINES AND TO FUND PROGRAMS AND FOR THE MOST PART IT'S THE OVERSIGHT OF THIS BODY THAT HOLDS GOVERNMENT IN CHECK. THIS IS ANOTHER OF THOSE VERY, VERY IMPORTANT ISSUES. THANK YOU FOR THE OPPORTUNITY TO INTRODUCE LB954. I'M SURE MANY OF YOU WILL HAVE SOME COMMENTS, AND I ALSO WILL

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BE BACK ON THE MIKE READING PART OF THE TESTIMONY FROM THE ADMINISTRATOR OF THE COURT INTO THE RECORD. THANK YOU, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. MR. CLERK. [LB954]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR KRIST WOULD OFFER AM2072 TO LB954. (LEGISLATIVE JOURNAL PAGE 552.) [LB954]

PRESIDENT FOLEY: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON AM2072. [LB954]

SENATOR KRIST: AGAIN, THANK YOU, MR. PRESIDENT. THIS, COLLEAGUES, IS HOW SERIOUS I AM ABOUT GETTING THIS DONE AS SOON AS POSSIBLE. THIS IS AN E CLAUSE. IT'S AN EMERGENCY CLAUSE ADDED TO THIS BILL THAT PUTS IT FROM US AFTER IT COMES OUT OF FINAL READING DIRECT TO THE GOVERNOR'S DESK FOR SIGNATURE TO BECOME LAW IMMEDIATELY. I DON'T FEEL THAT PEOPLE LISTENED OR COMPLIED WITH THE LAWS IN THE PAST FEW YEARS, PARTICULARLY WITH LB347 LAST YEAR, WHICH IS WHY WE'RE IN THE SITUATION WE ARE. THIS E CLAUSE REQUIRES MORE VOTES TO MOVE IT ALONG, BUT IT IS VERY IMPORTANT. PLEASE SUPPORT AM2072 AND THE UNDERLYING LB, LB954. THANK YOU. [LB347 LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. MEMBERS, YOU'VE HEARD THE OPENINGS ON LB954 AND THE AMENDMENT. SENATOR MELLO. YOU'RE RECOGNIZED. [LB954]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I RISE IN SUPPORT OF LB954 AND SENATOR KRIST'S UNDERLYING AMENDMENT, AM2072. AND I RISE MORE TO GIVE SOME CONTEXT AND AN EXPRESSION OF APPRECIATION IN REGARDS TO HOW WE GOT WHERE WE'RE AT TODAY ON LB954. AS MANY OF YOU REMEMBER THROUGH SOME OF OUR DISCUSSIONS OVER THE SUMMER AND FALL AS WELL AS OUR LEGISLATIVE SYMPOSIUM, SENATOR KRIST, SENATOR SEILER, SENATOR CAMPBELL, MYSELF, AND THE SPEAKER HAD ONGOING CONVERSATIONS OVER THE SUMMER WITH A NUMBER OF DIFFERENT STAKEHOLDERS WITH THE JUVENILE JUSTICE PROGRAM THAT'S HOUSED IN THE SUPREME COURT. A NUMBER OF ISSUES HAD AROSE IN REGARDS TO BOTH SENATOR CAMPBELL AND MYSELF DEALING SPECIFICALLY WITH PROVIDERS, THE REIMBURSEMENT RATES, AND TO SOME EXTENT SOME OF

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THE OPERATIONAL INEFFICIENCIES THAT WERE BEING EXPOSED IN RELATIONSHIP TO THE JUVENILE JUSTICE PROGRAM AS A LITTLE BIT OF AN AFTERMATH OF WHAT WE DID LAST BIENNIUM...OR LAST YEAR I SHOULD SAY AS PART OF THE BIENNIAL BUDGET PROCESS. THAT TRANSLATED, AS SENATOR KRIST TALKED A LITTLE BIT ABOUT TO SOME EXTENT, THE ISSUE INVOLVING THE INSPECTOR GENERAL AND THE INSPECTOR GENERAL'S INABILITY TO GET THE DOCUMENTS AND MATERIALS THAT SHE HAD REQUESTED AS PART OF HER INVESTIGATIONS ON BEHALF OF THE LEGISLATURE. THROUGHOUT THE FALL AND THE SUMMER, THERE STARTED TO BE MORE ONGOING DIALOGUES WITH THE LEGISLATIVE BRANCH, THE JUDICIAL BRANCH, AND THEN THE EXECUTIVE BRANCH IN REGARDS TO THE FUTURE OF THE JUVENILE JUSTICE PROGRAM IN RELATIONSHIP TO CONCERNS THAT WERE RAISED BY A NUMBER OF US IN LIGHT OF A LETTER THAT WAS POSED TO THE LEGISLATURE FROM THE JUDICIAL BRANCH IN REGARDS TO WHAT AUTHORITY THE LEGISLATURE ULTIMATELY HAD WHEN IT CAME TO LEGISLATIVE OVERSIGHT OVER PROGRAMS THAT RESIDE IN THE SUPREME COURT OR THE JUDICIARY BRANCH. COMPROMISE, COLLEAGUES, ALWAYS TAKES A LITTLE BIT OF TIME AND TAKES A LITTLE BIT OF HEAT IN REGARDS TO THOSE SIDES WHO ARE TRYING TO FIND MIDDLE GROUND ON WHAT IS A VERY DIFFICULT ISSUE, AND I THINK THE ISSUE WE HAVE FRONT OF US IS A VERY DIFFICULT ISSUE. I THINK IT CUTS TO THE CORE IN REGARDS TO WHAT WE AS A LEGISLATURE HAVE AS OUR LEGISLATIVE AUTHORITY THAT DERIVES FROM THE STATE CONSTITUTION. I THINK IT ALSO CUTS TO THE CORE OF WHAT THE JUDICIAL BRANCH HAS IN REGARDS TO THEIR ABILITY TO PROTECT JUDICIAL INDEPENDENCE. WITH THAT BEING SAID, I KNOW WE EMPOWERED SENATOR KRIST ON BEHALF OF OUR GROUP OF SENATORS TO HELP FIND A COMPROMISE TO HELP ADDRESS WHAT WAS PART OF THE ISSUE OF OUR CONCERNS WHEN IT INVOLVED THE INSPECTOR GENERAL. WE'VE GOT A BILL COMING UP FROM SENATOR WATERMEIER, LB1016, WHICH I WOULD SAY IS THE COMPANION BILL THAT HELPS ADDRESS SOME OF THE LEGISLATURE'S CONCERNS IN REGARDS TO THE LACK OF OVERSIGHT OVER PROGRAMS IN THE JUDICIAL BRANCH, PARTICULARLY JUVENILE JUSTICE BUT ALSO THROUGH THE OFFICE OF PROBATION AND THEN THE OFFICE OF PUBLIC GUARDIAN. I JUST WANT TO THANK PERSONALLY SENATOR KRIST FOR INVESTING AN AWFUL LOT OF TIME, ENERGY, AND JUST A LOT OF STAMINA IN REGARDS TO TRYING TO BRING THE INTERESTED PARTIES TOGETHER BEHIND WHAT WAS A VERY CONTENTIOUS DISCUSSION, A VERY CONTENTIOUS ISSUE WITH THE UNDERSTANDING OF TRYING TO PROTECT BOTH THE LEGISLATURE'S PREROGATIVE WHEN IT COMES TO LEGISLATIVE OVERSIGHT OVER PROGRAMS AND THE LEGISLATURE'S OVERSIGHT WHEN IT COMES TO FISCAL OVERSIGHT-- THAT IS A MAJOR CONCERN OF MINE--BUT ALSO TRYING TO PROTECT JUDICIAL

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INDEPENDENCE WHICH WAS A VERY KEY ISSUE WE HEARD OVER AND OVER AGAIN THROUGHOUT THE SUMMER AND FALL. SO WITH THAT, COLLEAGUES, I URGE THE BODY TO ADOPT THIS COMPROMISE, LB954. AND I JUST WANT TO EXPRESS MY SINCERE APPRECIATION FOR SENATOR KRIST WORKING ON OUR BEHALF TO TRY TO FIND A MIDDLE GROUND TO ADDRESS WHAT WE KNOW IS STILL A VERY CONTENTIOUS ISSUE OF ENSURING THAT THE INSPECTOR GENERAL GETS THE MATERIAL THAT'S NEEDED FOR HER TO BE ABLE TO CARRY OUT HER STATUTORY OBLIGATIONS, BUT ALSO THEN TO BE ABLE TO PREPARE THE LEGISLATURE FOR LB1016 WHICH WILL BE COMING UP NEXT THAT GIVES OUR BRANCH OF GOVERNMENT, THROUGH THE LEGISLATIVE PERFORMANCE AUDIT PROCESS, THE ABILITY TO DO OUR PERFORMANCE AUDIT INVESTIGATION OF THESE CRITICAL PROGRAMS MOVING FORWARD. THANK YOU, MR. PRESIDENT. [LB1016 LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB954]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I, TOO, WANT TO LEND MY THANKS TO SENATOR KRIST WHO HAS SPENT HOURS ON THIS ISSUE. THIS IS AN ISSUE THAT STARTED EARLY LAST SUMMER AND THROUGH THE SPEAKER'S LEADERSHIP OF DRAWING SENATOR SEILER, SENATOR KRIST, SENATOR MELLO, AND I TOGETHER, WE TRIED TO WORK THROUGH WHAT WE THOUGHT WERE SOME OF THE BEST OPTIONS. I'VE BEEN ASKED BY A SENATOR, DO I SUPPORT THIS? MR. PRESIDENT, COULD WE HAVE A GAVEL HERE? (GAVEL) [LB954]

PRESIDENT FOLEY: MEMBERS, PLEASE, PLEASE HOLD THE CONVERSATIONS DOWN, PLEASE. [LB954]

SENATOR CAMPBELL: I'VE BEEN ASKED BY A SENATOR WHETHER I SUPPORT THIS PIECE OF LEGISLATION, AND THE BILL THAT IS TO FOLLOW, AND, YES, I DO. I THINK THAT WE HAVE STRUGGLED IN THE LAST COUPLE OF YEARS WATCHING TWO PARALLEL SYSTEMS: ONE, IN THE JUDICIARY AND, ONE, IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. AND AT TIMES WE HAVE NOT SEEMED TO BE ABLE TO TELL WHAT IS HAPPENING IN EACH OF THOSE PARALLEL SYSTEMS AND HOW THEY INTERSECT, BUT IT IS THE WORK OVER THIS LAST SUMMER OF A GREAT NUMBER OF PEOPLE. AND I WOULD ADD TO THE LIST THAT SENATOR KRIST HAS TALKED ABOUT AND SENATOR MELLO, THE STAFF OF THE JUDICIARY COMMITTEE, MY OWN LEGAL COUNSEL FOR HEALTH AND HUMAN SERVICES, AND THE STAFF CERTAINLY OF SENATOR KRIST AND SENATOR MELLO.

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MANY HOURS WENT INTO TRYING TO DECIPHER WHAT WAS THE BASIS OF THIS ISSUE AND HOW TO MOVE FORWARD. I WOULD LIKE TO INDICATE TO YOU THAT AS WE LOOK INTO THE FUTURE, THE INSPECTOR GENERAL'S ROLE FOR CHILD WELFARE COULD NOT BE MORE IMPORTANT. WE ARE LOOKING AT A...STILL LARGE NUMBERS OF CHILDREN AND YOUTH ON BOTH THE PROBATION SYSTEM AND CHILD WELFARE IN OUT-OF-HOME PLACEMENTS. AND IT HAS BEEN THE VIGILANCE OF THE INSPECTOR GENERAL AND HER INTEGRITY THAT HAS MADE SUCH A DIFFERENCE FOR CHILDREN. I'D ALSO LIKE TO SINGLE OUT JEANNE BRANDNER. JEANNE IS THE DEPUTY PROBATION ADMINISTRATOR--I THINK I'M SAYING THAT--IN CHARGE OF THE JUVENILE PROBATION AREA. AND JEANNE HAS PLEDGED TO SIT DOWN WITH DIRECTOR DOUG WEINBERG AND SEVERAL OF MY STAFF, AND WE WILL BEGIN WORKING ON, HOW DO WE HARMONIZE THE REPORTS THAT WE GET FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ON CASELOADS, WHERE CHILDREN ARE, AND WHAT IS HAPPENING IN THAT SYSTEM WITH COMPANION REPORTS THAT WE WOULD LIKE TO SEE OUT OF THE OFFICE OF JUVENILE PROBATION. AND I REALLY DO WANT TO COMMEND JEANNE WHO STEPPED FORWARD AND SAID, I'M MORE THAN WILLING TO SIT DOWN AND DO THAT. WE ALL WANT TO KNOW WHERE THE CHILDREN AND YOUTH ARE AND HOW THEY'RE BEING SERVED. AND SO I EXPECT BY THE TIME YOU CONVENE NEXT JANUARY, AND WHILE A NUMBER OF US WILL NOT BE HERE, I WILL EXPECT THAT YOU WILL SEE SOME LEGISLATION COMING FORWARD FROM ONE OF THE SENATORS OFF THE HEALTH AND HUMAN SERVICES COMMITTEE THAT WILL AMEND CURRENT STATUTES IN TERMS OF THE REPORTS THAT ARE REQUIRED TO INCLUDE REPORTS FROM THE OFFICE OF PROBATION THAT ARE COMPANION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THAT WILL GO A LONG... [LB954]

PRESIDENT FOLEY: ONE MINUTE. [LB954]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT...THAT WILL GO A LONG WAY TO ENSURE THAT WE DO NOT RUN TWO PARALLEL SYSTEMS THAT DO NOT INTERSECT FOR THE BEST INTEREST OF CHILDREN AND THE STATE. THANK YOU, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MEMBERS, THE COOKIES BEING DISTRIBUTED ON THE FLOOR TODAY ARE IN CELEBRATION OF SENATOR HANSEN'S BIRTHDAY. HAPPY BIRTHDAY, SENATOR HANSEN. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB954]

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SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I'M GOING TO STAND FOR TWO REASONS TODAY. THE FIRST...COULD I HAVE A GAVEL, PLEASE. (GAVEL) I'M STANDING FOR TWO REASONS TODAY. FIRST OF ALL, I WANT TO THANK SENATOR KRIST, SENATOR MELLO, SENATOR CAMPBELL. AND I WAS LIKE WOODY ALLEN, I JUST SHOWED UP. BUT THEIR WORK IN FORGING THIS COMPROMISE, AND ESPECIALLY SENATOR KRIST IN FORGING THIS COMPROMISE SHOWS HOW THIS BODY CAN WORK FOR THE BETTERMENT OF THE PEOPLE OF NEBRASKA. DEMOCRAT, REPUBLICAN, CONSERVATIVE, LIBERAL, WE WORK TOGETHER. THE SECOND REASON I STAND UP TODAY IS THAT I AM JUST GETTING SICK AND TIRED OF PEOPLE IN THIS BODY BASHING THIS BODY. I AM TIRED. I AM REFERRING TO A OP-ED IN THE PLATTSMOUTH JOURNAL THAT LIKENED THIS BODY TO A BUNCH OF MONKEYS. HOW DISRESPECTFUL CAN YOU BE OF THIS BODY TO LIKEN IT TO A BUNCH OF MONKEYS? THERE'S A LOT OF GREAT THINGS THAT GO ON IN THIS BODY. THEY'VE BEEN GOING ON FOR SOMEWHAT AROUND 80 YEARS NOW. WE WORK TOGETHER. WE MAY HAVE DIFFERENCES OF OPINIONS ON BILLS. WE MAY HAVE DISAGREEMENTS, BUT WE MOVE ON TO THE NEXT BILL. SOMETIMES WE WIN. SOMETIMES WE LOSE. BUT YOU KNOW WHAT? THE PEOPLE OF NEBRASKA WIN BECAUSE THEY ELECT THE 49 OF US TO COME DOWN HERE AND DO THEIR JOB, TO DO THEIR BIDDING. AND I'M TIRED OF PEOPLE IN THE BODY TAKING POTSHOTS AT THE BODY. I REALLY AM. IF YOU DON'T LIKE BEING IN THIS BODY, IF YOU DON'T THINK WE'RE DOING THE RIGHT JOB, RESIGN, GET OUT, LEAVE. AS YOU CAN TELL I'M PRETTY UPSET AT THIS, CITATIONS BECAUSE I THINK IT SHOWS COMPLETE DISRESPECT TO THIS BODY. I WORRY THAT WE'VE BECOME MORE AND MORE LIKE WASHINGTON, D.C. AS I SAID EARLIER, WE HAVE A LONG HISTORY OF WORKING TOGETHER AND SOLVING THE PROBLEMS OF THE STATE OF NEBRASKA. I THINK THERE'S NO BETTER EXAMPLE IN THE 50 STATES OF THE UNION THAN WHAT WE DID LAST YEAR WITH THE BUDGET. A REPUBLICAN GOVERNOR AND A DEMOCRATIC CHAIR OF THE APPROPRIATIONS COMMITTEE REACHED AGREEMENT ON A BUDGET WITHOUT AMENDMENTS THAT WAS PASSED BY THIS BODY. GO AROUND TO THE OTHER 49 STATES AND SEE IF THAT HAPPENED. I'LL FINISH UP BY READING THE LAST COMMENT OF THIS OP-ED PIECE THAT LIKENED US TO MONKEYS. THE LAST SENTENCE IS "DISCLAIMER: THIS IS MEANT AS NO DISRESPECT TO MONKEYS." I'M SORRY. IT'S A COMPLETE DISRESPECT TO THIS BODY, AND I'M TIRED OF IT. THANK YOU, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. CONTINUING NOW WITH DEBATE ON LB954 AND THE UNDERLYING AMENDMENT, SENATOR COASH, YOU'RE RECOGNIZED. [LB954]

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SENATOR COASH: THANK YOU, MR. PRESIDENT, GOOD MORNING, COLLEAGUES. I WANT TO BRING OUR DISCUSSION BACK TO THE BILL AT HAND TODAY, LB954. I'LL ECHO THE GRATITUDE FOR SENATOR KRIST AND THOSE WHO WORKED ON THIS. THIS BILL HAS BEEN LABELED AS A NEGOTIATION AND A COMPROMISE. WELL, I DON'T SEE IT THAT WAY. THIS BILL IS THE LEGISLATIVE BRANCH DOING WHAT THE LEGISLATIVE BRANCH DOES, WHICH IS WHAT'S BEST FOR CHILDREN. EVERYTHING WE DO HERE IS TOWARDS THAT END. A COUPLE YEARS AGO MOST OF YOU WERE HERE, SOME OF YOU WERE NOT. WE MADE A TOUGH POLICY DECISION TO MOVE THE CARE OF SOME CHILDREN FROM ONE BRANCH OF GOVERNMENT TO THE OTHER: FROM CHILD WELFARE WHICH IS HHS AND THE EXECUTIVE BRANCH, TO JUVENILE JUSTICE WHICH IS UNDER THE JUDICIAL BRANCH. AT THE TIME I SUPPORTED THAT MOVE. MY CONFIDENCE IN HHS AND THEIR ABILITY TO DO THE RIGHT THING FOR CHILDREN AT THAT TIME WAS SO LOW THAT I THOUGHT, WELL, IT CAN'T BE WORSE. IF WE MOVE SOME OF THESE CHILDREN TO A DIFFERENT BRANCH, WE'LL AT LEAST DO NO WORSE. SO WE MADE THAT POLICY DECISION. NOW, BEFORE ANYBODY THINKS I'M BASHING ON PEOPLE WHO WORK IN CHILD WELFARE, I AM NOT. THEY ARE GOOD PEOPLE, AND THEY TRIED HARD. BUT THE LEADERSHIP THEY HAD WAS ABYSMAL AND I'M HOPEFUL FOR THE NEW LEADERSHIP. ONE OF THE THINGS THAT LB954 DOES IS IT REQUIRES...THIS IS ABOUT REPORTS. THIS IS ABOUT OVERSIGHT. THIS IS ABOUT UNDERSTANDING WHAT OUTCOMES ARE GOING TO HAPPEN FOR CHILDREN. I WILL TELL YOU THIS. WHEN WE HAD THE WHOLE POT OF CHILDREN OVER IN HHS THIS BRANCH NEVER HAD TROUBLE GETTING REPORTS FROM THEM, NEVER HAD TROUBLE. AND WHEN WE STARTED TO ASK FOR REPORTS, AND WHEN I SAY "WE," I MEAN THIS BRANCH OF GOVERNMENT THROUGH AN AGENT OF THIS BRANCH OF GOVERNMENT, THE INSPECTOR GENERAL STARTED TO ASK FOR REPORTS ON WHAT OUTCOMES ARE HAPPENING FOR CHILDREN, WE WERE TOLD, GO GET A COURT ORDER. GET A COURT ORDER, THEN WE'LL GIVE YOU THE INFORMATION. SO SENATOR KRIST BROUGHT A BILL. HE SAID, YOU KNOW WHAT, JUST GIVE US THE INFORMATION. THAT'S THE POLICY. WHEN WE ASK FOR SOMETHING, PLEASE GIVE IT TO US. THE JUDICIAL BRANCH SAID, NO, GET A COURT ORDER. DOES THE COURT HAVE TO GRANT THEM IN LB954? LET ME ASK THE INTRODUCER, SENATOR KRIST, I'M SORRY, WOULD YOU YIELD TO A QUESTION? [LB954]

PRESIDENT FOLEY: SENATOR KRIST, WOULD YOU YIELD, PLEASE? [LB954]

SENATOR COASH: SENATOR KRIST, THIS IS A VERY SIMPLE QUESTION. UNDER LB954 IS THE COURT MANDATED TO GIVE ANY TYPE OF REPORT TO THE INSPECTOR GENERAL? [LB954]

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SENATOR KRIST: SENATOR COASH, THE ANSWER IS NO. AND I WAS GOING TO READ THAT INTO THE RECORD LATER, BUT THE ANSWER IS NO. [LB954]

SENATOR COASH: THANK YOU, SENATOR KRIST. SO THIS IS A "PLEASE." LB954 IS AN "OH, PLEASE, JUDICIAL BRANCH, PLEASE GIVE US WHAT WE NEED." SENATOR HADLEY TALKED ABOUT FEELING DISRESPECTED. I FEEL THAT THIS BODY WAS DISRESPECTED. [LB954]

PRESIDENT FOLEY: ONE MINUTE. [LB954]

SENATOR COASH: THANK YOU, MR. PRESIDENT. NOTHING IN THIS BILL, COLLEAGUES, I WANT YOU TO UNDERSTAND THAT, NOTHING IN LB954 HAS TO BE DONE. WE DON'T HAVE TO PASS THIS BILL. I ENCOURAGE YOU TO PASS IT, BUT WE DON'T HAVE TO PASS IT BECAUSE NOTHING IN LB954 HAS THE FORCE OF LAW. IT'S A "PLEASE." IF THIS BILL GOES FURTHER...HERE'S WHERE I AM, COLLEAGUES. YOU CAN VOTE FOR THIS BILL IF YOU WANT. I'M GOING TO SUPPORT IT. MY SUPPORT, HOWEVER, IS CONTINGENT ON THE BILL FOLLOWING. IF WE CAN'T GET THE FORCE OF A PERFORMANCE AUDIT, WHICH IS THE NEXT BILL, THERE'S NO REASON IN DOING THIS. AND I DO APPRECIATE SENATOR KRIST BRINGING THIS. I APPRECIATE THE EFFORT THAT WAS PUT IN, BUT AT THE END OF THE DAY, COLLEAGUES, THIS BILL DOES NOTHING. IT'S A "PLEASE." COULD WE PLEASE HAVE WHAT WE WANT? WELL, DON'T FORGET, COLLEAGUES, WE HAVE SOMETHING AS WELL. WE CONTROL THE MONEY. [LB954]

PRESIDENT FOLEY: TIME, SENATOR. [LB954]

SENATOR COASH: THANK YOU, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: THANK YOU SENATOR COASH. SENATOR KRIST, YOU'RE RECOGNIZED. [LB954]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. I WANTED TO...IN LIGHT OF SENATOR COASH'S COMMENTS, AND I DO APPRECIATE MY COLLEAGUE, SENATOR COASH. WE'VE HAD MANY CONVERSATIONS ABOUT MANY THINGS, AND HIS HEART HAS ALWAYS BEEN AND WILL ALWAYS BE IN THE RIGHT PLACE, AND THAT'S THE CHILDREN AND THE FAMILIES THAT WE SERVE EXTENSIONALLY THROUGH THIS BODY AND THROUGH THE DEPARTMENT. COLBY COASH IS ONE OF THE GOOD ONES. I JUST WANT TO MAKE SURE THAT YOU UNDERSTAND THAT

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THIS IS A TEMPLATE OR A BLUEPRINT OF TERMINOLOGY THAT GOES IN EVERY ONE OF THESE CASES SO THAT THE COURT ORDER CAN BE EXECUTED WITHOUT A SEPARATE ACTION BY THE IG OR BY ANY COURT. SO INDEED IT IS TRUE, AND MR. STEEL SAID IN HIS TESTIMONY, NO, WE CANNOT COMPEL THE JUDGE SHOULD THERE BE A DIFFERENCE OF OPINION. THAT, COLLEAGUES, INHERENTLY IS JUDICIAL INDEPENDENCE. AND AS MUCH AS I WILL STAND UP HERE AND SAY, YOU NEED TO EXERCISE YOUR CONSTITUTIONAL RESPONSIBILITY TO LEGISLATE, APPROPRIATE, AND APPLY THE OVERSIGHT, JUDICIAL INDEPENDENCE IS VERY, VERY IMPORTANT TO THE JUDICIARY. HOWEVER, THERE NEEDS TO BE A LINE DRAWN IN THE SAND WHEN A JUDGE DOES NOT COMPLY WITH WHAT'S IN LAW, WHAT HAS BEEN SIGNED INTO LAW BY THE GOVERNOR, AND WHAT WILL BE VOTED HERE IN THREE PHASES AND THEN SIGNED IN LAW BY THE GOVERNOR AGAIN, THAT WE WILL HAVE NO CHOICE, NO CHOICE BUT TO USE THE SAME SYSTEM BY WHICH THEY OPERATE TO GET THE INFORMATION THAT WE NEED. I PASSED OUT TWO LETTERS. THE FIRST LETTER WAS THE LETTER FROM THE COURT ADMINISTRATOR THAT SAID WE WILL NOT AND FOR THESE REASONS AND THE CITING OF CASES THAT SUPPORTED THEIR DECISION AS THEY OPINED. THE SECOND LETTER I PASSED OUT WAS SIGNED BY ME. NOW, MOST OF YOU KNOW I DO A GREAT JOB AT FLYING AN AIRPLANE, BUT I'M NOT A LAWYER. SO I SOUGHT OUTSIDE COUNSEL TO LOOK AT EACH ONE OF THOSE CITATIONS AND TO DISPUTE THEM. I HOPE YOU HAD THE OPPORTUNITY TO READ THEM WHEN IT WAS DELIVERED TO YOUR OFFICE, BUT I MADE SURE YOU HAD THEM ON YOUR DESK THIS MORNING. WE ARE ON SOLID GROUND. WE HAVE NEGOTIATED IN THE BEST INTEREST OF THE FAMILIES AND THE CHILDREN OF THIS STATE. WE WILL MOVE FORWARD. BUT I WANT TO ENTER THIS INTO THE LEGISLATIVE RECORD AND INTENT, GIVEN THE FACT THAT THESE STATUTES, THIS LAW, THIS COMPROMISE IS NOT ADHERED TO, THIS BODY, THIS BRANCH WILL LITIGATE TO MAKE SURE THAT WE HAVE THE OVERSIGHT CAPABILITY THAT WE NEED. THAT'S NOT A THREAT. THAT'S FACT. THAT'S A PROMISE. I'VE ASKED SOME OF THE YOUNGER MEMBERS OF THE JUDICIARY COMMITTEE WHO WILL BE HERE LONGER THAN I TO PICK UP WITH JUVENILE JUSTICE AND MOVE FORWARD, BUT I WILL BE HERE THIS SESSION AND TWO MORE YEARS. [LB954]

PRESIDENT FOLEY: ONE MINUTE. [LB954]

SENATOR KRIST: IT IS MY PROMISE THAT I WILL WATCH THESE THINGS HAPPEN. THERE WILL BE OVERSIGHT OR, AGAIN, YOU CAN VACATE YOUR LEATHER CHAIR AND GO HOME BECAUSE THERE'S NO REASON FOR US TO BE HERE. I WANT TO THANK YOU FOR YOUR SUPPORT. I WANT TO THANK A LOT OF PEOPLE FOR HELPING GET US TO THIS POINT. AND I SINCERELY WANT TO THANK SENATOR

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COASH FOR EMPHASIZING ONCE AGAIN WE'RE DOING THIS ON BEHALF OF THE CHILDREN AND THE FAMILIES IN THE STATE OF NEBRASKA. THANK YOU, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB954]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD MORNING. AND I, TOO, WOULD LIKE TO THANK SENATOR KRIST, SENATOR COASH, AND ALL THOSE MANY OTHERS AND THERE ARE MANY OTHERS THAT HAVE WORKED VERY HARD AND TIRELESSLY TO MAKE THIS TRANSITION WORK. I THINK YOU CAN TELL BY SENATOR COASH WHEN IT GOT TO THE POINT WHERE THIS HAPPENED IT WASN'T ONE OF THOSE THINGS WHERE YOU SAT HERE AND SAID, WELL, THIS, MIGHT WORK OR THAT MIGHT WORK. THERE REALLY WASN'T ANY CHOICE. AND SO WE MADE THE MOVE. THAT MOVE REQUIRED A LOT OF THINGS TO CHANGE. A LOT OF SERVICES THAT WOULD BE NEEDED AND WEREN'T THERE IN PLACES, ESPECIALLY IN RURAL NEBRASKA, BUT THE FOLKS AT PROBATION PICKED IT UP. OTHER FOLKS ACROSS THE STATE MAYBE NOT NECESSARILY INVOLVED IN GOVERNMENT STEPPED UP AS WELL, AND ARE STILL STEPPING UP TO HELP MAKE THIS HAPPEN. IT'S ESSENTIAL THAT THIS INFORMATION BE AVAILABLE TO THE FOLKS THAT ARE TRYING TO MAKE THE SYSTEM BETTER. I UNDERSTAND THE NEED TO MAKE SURE THAT EVERYBODY IS PROTECTED. I GET THAT. AND I'M HOPEFUL THAT THIS BILL WILL GIVE EVERYONE THE ADDED INCENTIVE THAT THERE IS TO MAKE SURE AND FIGURE OUT A WAY TO COME TOGETHER TO GET THIS STUFF DONE BECAUSE, YOU KNOW, IN ALL OF THIS AS WE STAND HERE ON THE FLOOR WHAT GETS LOST IS THE FACT THAT THIS IS ABOUT THOSE CHILDREN. THIS IS ABOUT BEING EFFECTIVE IN HELPING THEM MOVE AWAY FROM THE THINGS THAT THEY'RE DEALING WITH. AND I'M TELLING YOU, THE INITIAL RESULTS FROM WHAT WE'VE SEEN TELLS US AND GIVES US THE IDEA THAT IT'S ACTUALLY WORKING. BUT UNLIKE WHAT HAPPENED UNDERNEATH OF HHS, THIS BODY NEEDS TO KNOW THOSE COSTS. THIS BODY NEEDS TO UNDERSTAND THE EFFECTIVENESS OF THE THINGS THAT WE PUT IN MOTION. I WANT TO THANK THOSE FOLKS, SENATOR MELLO, SENATOR HADLEY, SENATOR KRIST, SENATOR COASH, AND OTHERS--IF I MISSED YOU IT'S ONLY BECAUSE I FORGOT--IN HAVING THE RESTRAINT AND THE STRENGTH TO STAY THE COURSE ON THIS AND NOT JUST TAKE THE EASY WAY OUT AND SAY, WELL, WE'LL JUST TRY TO FIGURE SOMETHING ELSE OUT BECAUSE I DON'T THINK THAT...WELL, I THINK THAT WHAT WE'VE DONE HERE HAS THE BEST OPPORTUNITY FOR SUCCESS MOVING FORWARD. SO I WOULD ENCOURAGE ALL THE PARTIES TO COME TOGETHER, FIGURE OUT HOW TO MAKE

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THIS HAPPEN BECAUSE IT IS ABOUT THE CHILDREN. IT'S ABOUT THOSE KIDS OUT THERE THAT NEED THIS HELP DESPERATELY, AND THE FAMILIES THAT ARE EXPECTING AND RELYING UPON THIS GOVERNMENT TO NOT DO THEM WRONG. THANK YOU, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB954]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. WE DID A GOOD THING BY WORKING WITH THE COURT SYSTEM TO TRY TO DEAL WITH SOME OF THE PROBLEMS THAT WE DISCOVERED AS WE LOOKED AT CORRECTIONS AND LOOKED AT PAROLE AND PROBATION. IT WAS A GOOD THING. AND WE KIND OF DID A REALLY GOOD THING BY IMPLEMENTING ONE OF MOST POWERFUL VEHICLES FOR PEACE IN THIS WORLD THAT PROBABLY HAS EVER BEEN INSTITUTED, AND THAT IS A PRINCIPLE CALLED COMITY. WE HAVE POWERFUL FORCES, KINGS WHO HAVE LINES IN THE SAND THAT THEY CAN DRAW AND ARMIES THEY CAN DEPLOY, BUT WHO CHOOSE INSTEAD TO SEE A COMMON GOOD FOR THEIR KINGDOMS AND GET ALONG, C-O-M-I-T-Y, POWERFUL FORCE. AND I THINK GREAT PROGRESS HAS BEEN MADE USING THAT PRINCIPLE OF COMITY IN GETTING ALONG WITH OUR SISTER SOVEREIGN BRANCH OF GOVERNMENT, THE SUPREME COURT, BECAUSE THE POWER OF THE KING IN THIS STATE IS DIVIDED INTO THREE PARTS ACCORDING TO A GENERAL FORMULA THAT THE FOUNDERS LAID IN THE U.S. CONSTITUTION. SO I AM VERY HOPEFUL THAT COMMON SENSE, THAT COMMON GOOD, AND THAT PRINCIPLES OF PEACE AND COMITY CAN RULE THIS PROCESS HERE ON OUT MAKING LINES IN THE SAND AND THREATS AND LETTERS AND POSITIONS ALL UNNECESSARY BECAUSE WHAT WE'RE ATTEMPTING TO DO IS REALLY A GOOD THING. THANK YOU. [LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. (DOCTOR OF THE DAY INTRODUCED.) SENATOR COASH, YOU'RE RECOGNIZED. [LB954]

SENATOR COASH: THANK YOU, MR. PRESIDENT. I WANTED TO GET UP AND RESPOND TO SOMETHING SENATOR KRIST WAS TALKING ABOUT, AND I HOPE YOU DO TAKE THE TIME TO READ THE LETTER THAT HE HAS DISTRIBUTED BECAUSE I WANT YOU TO UNDERSTAND WHAT'S AT STAKE AND WHAT HE HAS TO PUT IN WRITING AND NOW MADE PART OF THE LEGISLATIVE RECORD, THAT LITIGATION IS WHERE IT'S HEADED. WITHOUT COOPERATION, THAT'S WHERE IT'S HEADED. AND I TAKE SENATOR KRIST AT HIS WORD, THAT IF HE'S HERE AND

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THAT'S WHAT'S REQUIRED, THAT'S WHAT HE'LL DO. BUT I DON'T WANT TO...ANYBODY TO MISCONSTRUE MY COMMENTS THAT THE JUDICIAL BRANCH ISN'T DOING A GOOD JOB. SENATOR SCHILZ HAS POINTED OUT IN A VERY SHORT TIME THEY'VE DONE A...THEY'VE GONE LEAPS AND BOUNDS IN OUTCOMES FOR KIDS IN HIS AREA. THEY'RE SHOWING UP. AND I THINK THAT'S TO BE COMMENDED. LET ME LET YOU UNDERSTAND WHAT WE'VE DONE TO THE JUDICIAL BRANCH OVER MY SHORT TIME HERE. WE'VE GROWN IT. WE'VE GIVEN THEM THOUSANDS OF CHILDREN TO NOW HAVE JURISDICTION OVER. A BILL THAT I BROUGHT AND THIS BODY VOTED FOR GAVE THEM THE OFFICE OF PUBLIC GUARDIAN SO THAT VULNERABLE ADULTS AND VULNERABLE ELDERLY FOLKS WILL HAVE SUPPORT THAT THEY NEED. THOSE ARE VOTES OF CONFIDENCE IN THE JUDICIAL BRANCH. THAT'S THIS BRANCH SAYING WE BELIEVE YOU ARE BEST SUITED TO PROVIDE FOR SOME OF THE MOST VULNERABLE IN OUR STATE. BEFORE WE HAD LB954 WHEN IT WAS JUST IN CONCEPT WHAT WE WERE GOING TO TRY TO WORK OUT, IT GOT WORSE BEFORE IT GOT BETTER. AND I WASN'T IN SOME OF THE NEGOTIATIONS WITH THE JUDICIAL BRANCH, SO I'M NOT GOING TO SPEAK TO THEM. THOSE THAT WERE THERE ARE FREE TO DO SO. BUT I KNOW SOME OF THE THINGS THAT WERE TALKED ABOUT BECAUSE THEY LANDED BACK IN MY OFFICE WHEN I HAD PEOPLE FROM THE OFFICE OF PUBLIC GUARDIAN SAYING, HEY, WE LIKE IT WHERE WE ARE. WE DON'T WANT TO MOVE, BUT WE ARE HEARING NOW WE'RE GOING TO GET KICKED OUT. THEN I HAD JUST THIS...RIGHT BEFORE SESSION STARTED DOZENS OF PROBATION OFFICERS FOR ADULTS AND JUVENILE SERVICE WORKERS FOR CHILDREN COMING IN AND SAYING, WE LIKE WHERE WE ARE. PLEASE DON'T MOVE US. I HAD JUDGES TALK TO ME, THE BENCH SAYING WE THINK WE'RE DOING A GOOD JOB. WE DON'T WANT TO MOVE. AND I ASKED WHY ARE...WHY ALL THIS TALK ABOUT YOU MOVING? WHY AM I GETTING LETTERS AND CALLS AND E-MAILS AND PRESSURE TO KEEP WHAT WAS PUT IN THE JUDICIAL BRANCH IN THE JUDICIAL BRANCH? WHY AM I GETTING THOSE CALLS AND WHY ARE YOU SO NERVOUS ABOUT THAT? WELL, IF YOU'RE A PROBATION OFFICER AND YOU'VE BEEN JACKED AROUND AS MUCH AS SOME OF THEM HAVE BEEN IN THE LAST COUPLE OF YEARS, YOU'D BE NERVOUS, TOO, BECAUSE A KID IS A KID, A VULNERABLE PERSON IS A VULNERABLE PERSON. WE KEEP REARRANGING WHO'S IN CHARGE. THEY JUST WANT TO DO THE BEST THAT THEY CAN FOR KIDS AND VULNERABLE PEOPLE. BUT YET WHAT WAS THREATENED WAS IF WE DON'T GET WHAT WE WANT, YOU JUST GOT TO TAKE EVERYTHING BACK. I'VE SEEN MORE MATURE BEHAVIOR OUT OF MY SON'S KINDERGARTEN CLASS. [LB954]

PRESIDENT FOLEY: ONE MINUTE. [LB954]

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SENATOR COASH: BUT THAT WAS WHAT WAS PUT ON THE TABLE. WE DON'T GET WHAT WE WANT, TAKE IT ALL BACK. AND THAT'S NOT THE RIGHT MOVE. THAT'S NOT THE RIGHT POLICY. THE JUDICIAL BRANCH IS THE RIGHT BRANCH TO DO THESE THINGS. THEY'RE DOING A GOOD JOB. THEY HAVE COMPETENT PEOPLE DOING IT. BUT WHEN YOU GET "SENATOR" IN FRONT OF YOUR NAME, A ROBE TO WEAR WHEN YOU GO TO WORK, EGOS CAN GET BIG. AND I AM SO PLEASED THAT COOLER HEADS HAVE PREVAILED. AND THOSE COOLER HEADS HAVE BROUGHT US LB954 AND I HOPE YOU'LL SUPPORT IT. THANK YOU, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB954]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, KNOW THEN THYSELF. KNOWING MYSELF, I WAS NOT GOING TO COME UP HERE DURING THE DISCUSSION ON THIS BILL. I LISTENED TO SENATOR COASH. HE KIND OF OPENED THE DOOR. OTHERS HAVE MADE COMMENTS THAT ARE PERTINENT. BUT WHEN I BECAME AWARE OF A SITUATION WHERE THE LEGISLATURE AND THE COURT WERE AT LOGGERHEADS, I KNEW WHAT MY JOB WAS TO DO. I'M AWARE AS MUCH AS ANYBODY, AND BETTER THAN MOST, OF THE SEPARATION OF POWERS AND THE MEANING OF THAT TERM. BUT I'LL TELL YOU SOMETHING, THE COURT CAN SAY THEY MUST BEHAVE IN A CERTAIN WAY IN CARRYING OUT WHAT THEY BELIEVE THEIR JUDICIAL FUNCTION IS. AND I RETORT, I, AS A MEMBER OF THE LEGISLATIVE BRANCH MUST CARRY OUT MY DUTIES IN THE WAY I THINK THEY SHOULD BE CARRIED OUT. AND ALTHOUGH THE COURT AND I DID NOT HAVE THIS DISCUSSION, IF WE HAD HAD IT AND THE REPRESENTATIVE OF THE COURT SAID, WHATEVER YOU PUT IN LAW, WE THE COURT ARE THE FINAL WORD, AND WE'LL SIMPLY STRIKE IT DOWN. AND I WOULD HAVE RETORTED, AND WE CONTROL THE PURSE STRINGS. YOU STRIKE IT DOWN AND YOU WILL NOT GET ONE RED CENT. AND IF THAT'S THE WAY YOU WANT TO PLAY THE GAME, WE'LL SEE WHO HAS THE LAST WORD. THERE WERE SOME PEOPLE IN THE BODY, I HEARD SENATOR COASH USE THE TERM "COOLER HEADS," WHO WERE AWARE OF MY ATTITUDE AND INFORMED ME THAT THIS MATTER WAS BEING WORKED ON, SO I AGREED VERY RELUCTANTLY TO ALLOW THEM TO WORK AND COME UP WITH THE BEST THING THAT THEY COULD. BUT I BELIEVE IN COVERING THE IRON FIST WITH A VELVET GLOVE SO THAT IF YOU'RE DEALING WITH SOMEBODY WHO IS SENSITIVE, YOU TAKE THAT VELVET GLOVE AND YOU GENTLY STROKE THE CHEEK FOR THE PURPOSE OF SHOWING YOUR INTENT. BUT IF THEY ARE NOT GOING TO RESPOND TO THAT THEN YOU REMOVE THE GLOVE AND YOU SHOW WHAT IT COVERS. FELINES ARE DIFFERENT FROM CANINES BECAUSE THEY CAN RETRACT THEIR CLAWS. AND A FELINE

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UNTROUBLED, UNDISTURBED, UNAGGRESSIVE IN MOOD CAN RUB THAT PAW ACROSS YOUR FACE AND ALL YOU FEEL IS THE PAD AND WHATEVER FUR MIGHT BE OVERLAPPING THAT PAW. BUT IF YOU UPSET THAT FELINE AND THOSE CLAWS ARE EXPOSED, EACH ONE IS LIKE A SMALL, VERY SHARP RAZOR. SO IF YOU DON'T WANT TO BE SCRATCHED, TWO THINGS: DON'T CAUSE THE FELINE TO EXTEND THOSE CLAWS, AND DON'T GET WITHIN STRIKING RANGE. THERE WERE VARIOUS THINGS THE COURT HAD DONE IN THE PAST WITH REFERENCE TO THE BAR EXAM. A STUDENT WHO TOOK THAT EXAM... [LB954]

PRESIDENT FOLEY: ONE MINUTE. [LB954]

SENATOR CHAMBERS: ...WOULD GO IN THERE FULL OF FEAR AND TREMBLING. AND THEY WERE SO AFRAID THAT IF THEY DIDN'T HAVE BOOTS, SENATOR McCOLLISTER, THEY IMMEDIATELY WENT OUT AND BOUGHT A PAIR OF BOOTS SO THAT THEY COULD SHAKE IN THEM WHEN THEY WENT TO TAKE THEIR BAR EXAM. THE QUESTIONS THAT WERE ASKED WOULD NEVER BE MADE PUBLIC. A STUDENT WAS NOT ALLOWED TO SEE HIS OR HER PAPER AFTER THE EXAM HAD BEEN COMPLETED. THERE WAS NO APPEAL IF YOU DID NOT PASS. AND WHEN I SAW THAT, IT WAS MANY YEARS AGO, SENATOR McCOLLISTER, AS BILLY JOEL SAID, WHEN I WORE A YOUNGER MAN'S CLOTHES, BUT I WASN'T GOING TO TAKE THAT FROM THE COURT. SO I SAID, I'LL TELL YOU WHAT, THERE ARE STATUTES IN THE LAW... [LB954]

PRESIDENT FOLEY: TIME, SENATOR. [LB954]

SENATOR CHAMBERS: ...BOOKS RIGHT NOW...DID YOU SAY TIME? [LB954]

PRESIDENT FOLEY: YOUR TIME IS UP, SENATOR, BUT YOU'RE NEXT IN THE QUEUE. YOU MAY CONTINUE. [LB954]

SENATOR CHAMBERS: THANK YOU...WHICH THERE ARE LAWS IN THE BOOKS RIGHT NOW THAT RELATE TO THE PRACTICE OF THE LAW, THE LAWYER'S OATH, DUTIES OF AN ATTORNEY, AND OTHER MATTERS. SO IT'S CLEAR THAT THE COURTS ARE NOT TOTALLY FREE TO DO ANY AND EVERYTHING THEY WANT WITHOUT BEING ACCOUNTABLE TO ANYBODY. NOT EVERYTHING THAT A COURT DOES FALLS WITHIN THAT REALM OF JUDICIAL ACTIVITY WHICH MUST BE LEFT UNTOUCHED BY THE LEGISLATURE. MANY THINGS THEY DO HAVE NO JUDICIAL FUNCTION AS SUCH, PERIOD. BUT, SEE, I READ THE CONSTITUTION, I READ THE LAWS, AND THAT'S WHY I ARGUE THE WAY I DO ON THIS FLOOR, BECAUSE I

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KNOW WHAT I'M TALKING ABOUT AND OTHERS ON THIS FLOOR DON'T. BUT THE COURT KNEW THAT I KNOW WHAT I'M TALKING ABOUT. SO YOU KNOW WHAT THEY DID? AND TERRY CARPENTER WHO WAS HERE IN THOSE DAYS, FROM SCOTTSBLUFF, OWNED A LITTLE PIECE OF LAND LIKE A FIEFDOM KNOWN AS TERRYTOWN. MEMBERS OF THE LEGISLATURE WERE TERRIFIED AND REFERRED TO HIM AS "TERRIBLE TERRY." AND WHEN I CAME DOWN HERE EVERYBODY THOUGHT THERE WOULD BE SPARKS, AND THERE WERE AT FIRST. IRON MET IRON, AND IRON STRIKING IRON IN THE PROPER WAY WILL SHARPEN IRON. AND TERRY CARPENTER AND I BECAME THICKER THAN THIEVES. I DO NOT BELIEVE IN FUNERALS AND CEREMONIES OF THAT KIND BECAUSE WHEN SOMEBODY IS DEAD, THAT WHICH MADE THAT PERSON IS GONE. BUT HERE'S WHAT I DID. TERRY CARPENTER WAS SMITTEN WITH CANCER. AND HE AND I TALKED DURING THAT PERIOD AND HE WANTED ME, I GUESS KNOWING WHAT HIS FAMILY WAS GOING TO DO, TO BE A PALLBEARER. I DON'T EVEN GO TO FUNERALS. BUT HERE WAS THIS WHITE-HAIRED, TERRIBLE WHITE MAN THAT PEOPLE THROUGHOUT THE STATE FEARED IN AND OUT OF GOVERNMENT WHO WANTED ME TO BE A PALLBEARER. AND I AGREED WITH HIM THAT I WOULD DO IT BECAUSE OF THE RESPECT THAT I HAD FOR HIM. AND AFTER HE DIED HE WOULDN'T KNOW WHETHER I HAD DONE IT OR NOT, SO THE ONLY THING I COULD DO TO SHOW RESPECT FOR HIM WAS TO EXPRESS IT WHILE HE WAS ALIVE AND COULD HEAR WHAT I SAID, AND HE WOULDN'T KNOW WHETHER I DID IT OR NOT, BUT HE TOOK ME AT MY WORD. SO I WENT OUT TO SCOTTSBLUFF. HIS WIFE WAS VERY PLEASED THAT I CAME. HIS DAUGHTER, WHO BY THE WAY FOR SOME REASON REMINDED ME OF MY OLDER SISTER, AND OTHER MEMBERS OF THE FAMILY WERE PLEASED THAT I CAME, AND TERRY CARPENTER DID IN DEATH WHAT THE POPE, THE MINISTERS, THE IMAMS COULD NOT DO IN LIFE. HE BROUGHT TOGETHER IN A VERY SMALL SPACE A CATHOLIC, A PROTESTANT, A NOTHING, WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE AND THAT PURPOSE WAS TO CARRY THAT COFFIN FROM POINT A TO POINT B. SO, WHAT AM I GETTING AT? [LB954]

PRESIDENT FOLEY: ONE MINUTE. [LB954]

SENATOR CHAMBERS: THIS MAN BECAME AWARE OF WHAT I HAD DONE WITH REFERENCE TO THE SUPREME COURT, AND HE TALKED ABOUT IT. HE SAID, THAT SENATOR CHAMBERS, IF HE'D JUST SETTLE DOWN, WHICH HE WILL NEVER DO, COULD DO THIS AND THAT AND THE OTHER. HE SAID AND IN FACT HE DID SOMETHING NOBODY HAD EVER DONE AND THAT'S TO MAKE THE SUPREME COURT JUDGES SIT DOWN AT A TABLE AND TALK TO HIM AND THEY GAVE HIM WHAT HE WANTED. THE STUDENTS COULD SEE THEIR PAPER, THE EXAM

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QUESTIONS WERE RELEASED TO THE PUBLIC, AND THEY INSTALLED AN APPEAL PROCESS. THAT'S WHAT I DID. YOU ALL DIDN'T KNOW THAT, AND YOU WOULDN'T CARE IF YOU DID KNOW. YOU DON'T CARE WHAT I SAY NOW. BUT I'M SAYING THIS FOR A PURPOSE, AND THE NEXT TIME I'M RECOGNIZED I WILL TELL WHAT ALL THIS WAS LEADING UP TO. THANK YOU, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU ARE NEXT IN THE QUEUE FOR YOUR THIRD OPPORTUNITY. [LB954]

SENATOR CHAMBERS: THANK YOU. THIS LEGISLATURE HAS LIMITLESS POWER IN A MANNER OF SPEAKING. WHATEVER THE CONSTITUTION DOES NOT PROHIBIT US FROM DOING, THAT IS WHAT WE CAN DO. I'M NOT TALKING ABOUT THE REALM OF FEDERAL LAW, IT'S THE CONSTITUTION, THE LAWS, AND ANY TREATIES ENACTED PURSUANT TO THE CONSTITUTION, BUT STRICTLY AT THE STATE LEVEL. SO WHEN I HEAR THESE PRAYERS EVERY MORNING THAT I HAVE THE TELEVISION ON SO I CAN SEE WHAT TIME WE'RE GOING TO START AND TRY TO BE HERE ON TIME, WHOEVER COMES UP THERE PRAYS FOR THINGS THAT WE CAN DO HERE. YOU DON'T EVEN NEED TO ASK GOD'S INTERVENTION. WE CAN DO IT. THAT'S WHAT MAKES THAT ROUTINE AND CEREMONY MEANINGLESS. WHY WOULD YOU...I SEE SENATOR McCOLLISTER HAS A CUP ON HIS DESK. I DON'T KNOW THAT HE'S GOT COFFEE IN IT OR NOT. BUT LET'S SAY HE HAS COFFEE IN THAT CUP AND HE LIKES TO SIP FROM HIS CUP OF COFFEE. AND SENATOR McCOLLISTER IS NOT A QUADRIPLÉGIC. HE HAS NO PARALYSIS OF ANY KIND. SO HE REARS BACK IN HIS CHAIR, COMFORTABLE AS HE IS NOW WITH ONE LEG SEDATELY CROSSED OVER THE OTHER OBSERVING WHAT IS GOING ON. AND HE LOOKS AT THAT COFFEE CUP AND HE SAYS, OH, GOD, YOU WHO RULE HEAVEN AND EARTH, YOU WHO CREATED THE UNIVERSE AND ALL THAT THEREIN IS, YOU WHO HAVE UNLIMITED POWER, I ASK THAT YOU LIFT THAT CUP OF COFFEE, BRING IT TO MY LIPS, AND POUR A TEPID SWALLOW OF THAT COFFEE INTO MY OPEN MOUTH, AND SITS THERE. EVERYBODY WOULD SAY HE'S LOONY. BUT THAT'S WHAT HAPPENS UP THERE. THOSE PEOPLE ARE NOT PRAYING TO GOD. THEY'RE PRAYING TO THE LEGISLATORS REMINDING YOU AND ME OF WHAT OUR DUTY IS. BUT THEY WON'T GO AS FAR AS I DO AND REMIND US THAT THE POWER IS RIGHT THERE AND YOU INSULT GOD WHEN YOU ASK THOSE KIND OF THINGS WHEN IT'S WITHIN YOUR POWER TO DO IT. THAT BORDERS, IN MY OPINION, ON BLASPHEMY. IT IS IRREVERENT. IT IS DISRESPECTFUL. YOU WERE ALREADY GIVEN WHAT YOU NEEDED. BUT YOU'RE TELLING THAT GOD YOU'RE PRAYING TO, I'M NOT GONNA DO IT AND IF YOU WANT IT DONE, DO IT YOURSELF. THERE WAS A YOUNG GUY WHO WANTED SIR THOMAS MORE TO HAVE SOMEBODY ARRESTED FOR SOME COMMENTS HE MADE, AND THOMAS

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MORE SAID HE WILL NOT BE ARRESTED. HE HAS NOT BROKEN A LAW. AND THE YOUNG MAN SAID, WELL, HE'S BROKEN GOD'S LAW. AND THOMAS MORE SAID, THEN LET GOD ARREST HIM. SO WHY BEG FOR WHAT YOU CAN DO YOURSELF? AND THAT IS TO BRING ME TO THIS POINT. WE DON'T HAVE TO CRAWL ON OUR KNEES BEGGING THE COURT TO DO THAT WHICH WE CAN DEMAND BE DONE. AND AS SENATOR, WHOM I REFER TO AS "PROFESSOR," SCHUMACHER TOUCHED ON, INSTEAD OF HAVING A KNOCK-DOWN, BARE-KNUCKLE BRAWL, WORK IT OUT IF YOU CAN BY WAY OF COMITY, C-O-M-I-T-Y NOT C-O-M-E-D-Y, ALTHOUGH THE LATTER OFTEN APPLIES HERE. BUT IF IT COMES TO A POINT OF SEEING WHO IS THE ALPHA INDIVIDUAL, THEN THAT ISSUE MUST BE RESOLVED. AND IN MY MIND, IT'S NOT RESOLVED IF I'M IN THAT FACE-OFF BACKING UP. BOXING, PRIZEFIGHTING IS A REALM FULL OF EUPHEMISMS. BOXING IS REFERRED TO AS THE SWEET SCIENCE. THE RING, WHICH IS A SQUARE, IS REFERRED TO AS A SQUARE CIRCLE. THEY TALK ABOUT THE RULES OF THE MARQUESS OF QUEENSBERRY. ALL THESE THINGS WHEN IT'S REALLY ONE OF THE BLOODIEST, MOST BARBARIC AND SAVAGE ACTIVITIES ALLOWED LEGALLY TO OCCUR, AND MEN HAVE LITERALLY BEEN BEATEN TO DEATH INSIDE THE RING, BUT IT CONTINUES TO GO. SO WE CAN USE EUPHEMISMS AND BE NICE WHEN BY DOING SO WE DO NOT BETRAY THE LEGISLATURE'S PREROGATIVES AND FAIL TO DO THAT WHICH WE ARE NOT ONLY AUTHORIZED TO DO BUT HAVE A DUTY TO DO. I STAYED OUT OF THE NEGOTIATIONS ON THIS BILL, IF THAT'S WHAT IT'S CALLED. I'M NOT GOING TO HAVE ANY COMMENTS ON THE FLOOR AT THIS TIME ABOUT THE BILL OR ITS CONTENTS. I AGREED TO LEAVE IT ALONE AND I WILL CONTINUE TO LEAVE IT ALONE. BUT IF THINGS DON'T WORK THE WAY... [LB954]

PRESIDENT FOLEY: TIME, SENATOR. [LB954]

SENATOR CHAMBERS: I THINK THEY SHOULD, I'M GOING TO SAY YOU HAD YOUR CHANCE. NOW, I WILL DO WHAT I THINK OUGHT TO BE DONE. THANK YOU, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE ON AM2072. [LB954]

SENATOR KRIST: AGAIN AM2707--THANK YOU, MR. PRESIDENT, I'M SORRY--AM2072 ATTACHES THE EMERGENCY CLAUSE ONTO LB954. AND PROCEDURALLY, TO BE CLEAR, IT TAKES 25 VOTES TO PUT IT AS A PRIORITY...AS AN EMERGENCY CLAUSE, AND IT WILL TAKE 25 VOTES TO MOVE LB954 THROUGH GENERAL AND

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SELECT. BECAUSE IT HAS AN EMERGENCY CLAUSE ON IT, IT WILL TAKE AN ADDITIONAL AMOUNT OF VOTES, AND IT WILL BE SPELLED OUT, IN ORDER FOR THAT BILL TO BE PUT OUT ON FINAL READING. SO ONLY 25, BUT I WOULD ASK YOU ALL TO SUPPORT IT, AND GIVEN THE FOLKS IN THE CHAMBER, I WOULD ASK FOR A CALL OF THE HOUSE, PLEASE. [LB954]

PRESIDENT FOLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. ALL THOSE IN FAVOR OF PLACING THE HOUSE UNDER CALL VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB954]

ASSISTANT CLERK: 26 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: 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 SEILER, SCHNOOR, BRASCH, LARSON, BURKE HARR, WILLIAMS, PLEASE RECORD YOUR PRESENCE. THE HOUSE IS UNDER CALL. SENATORS SEILER AND LARSON, THE HOUSE IS UNDER CALL. SENATOR KRIST, FOR WHAT PURPOSE DO YOU RISE? [LB954]

SENATOR KRIST: WE CAN PROCEED. [LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. MEMBERS YOU'VE HEARD THE DEBATE ON AM2072. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB954]

ASSISTANT CLERK: 44 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE AMENDMENT IS ADOPTED. SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE ON LB954. [LB954]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND I'LL BE BRIEF. AGAIN, IT TAKES 25 TO MOVE IT GENERAL, ON SELECT THAT SAME WAY, AND THEN 30 VOTES BECAUSE NOW WE HAVE AN EMERGENCY CLAUSE ON IT. KEEP THAT IN MIND, PLEASE. AND I ASK YOU FOR A GREEN VOTE ON LB954. [LB954]

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PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. MEMBERS, THE QUESTION IS THE ADVANCE OF LB954 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB954]

ASSISTANT CLERK: 44 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB954]

PRESIDENT FOLEY: LB954 ADVANCES. I RAISE THE CALL. MR. CLERK, ITEMS FOR THE RECORD. [LB954]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. NEW RESOLUTION, LR434 BY SENATOR EBKE, THAT WILL BE LAID OVER; YOUR COMMITTEE ON REVENUE REPORTS LB683, LB689, AND LB888 TO GENERAL FILE, AND LB671 AS INDEFINITELY POSTPONED; YOUR COMMITTEE ON EDUCATION REPORTS LB410 AS INDEFINITELY POSTPONED; A REPORT FROM THE AGRICULTURE COMMITTEE REGARDING APPOINTMENTS TO THE STATE FAIR BOARD; A NOTICE OF HEARING FROM THE RETIREMENT SYSTEMS COMMITTEE AND THE EDUCATION COMMITTEE; IN ADDITION TO THAT, A COMMUNICATION FROM THE UNIVERSITY OF NEBRASKA REGARDING A PROPOSED BOND ISSUE; A NOTICE, THE REFERRAL FOR REFERENCE TO THE APPROPRIATE STANDING COMMITTEE; AND THE EXECUTIVE BOARD REPORTS THAT RESOLUTION, THAT ISSUE TO THE APPROPRIATIONS COMMITTEE. IN ADDITION, GENERAL AFFAIRS REPORTS LB1046, LB748, AND LB1105 TO GENERAL FILE. THAT'S ALL I HAVE AT THIS TIME, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 553-557.) [LR434 LB683 LB689 LB888 LB671 LB410 LB1046 LB748 LB1105]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. RETURNING TO THE AGENDA, LB1016, MR. CLERK. [LB1016]

ASSISTANT CLERK: MR. PRESIDENT, LB1016, INTRODUCED BY SENATOR WATERMEIER. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 19, REFERRED TO THE EXECUTIVE BOARD. IT WAS PLACED ON THE GENERAL FILE BY THE EXECUTIVE BOARD, MR. PRESIDENT, WITH NO COMMITTEE AMENDMENTS. [LB1016]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR WATERMEIER, YOU ARE RECOGNIZED TO OPEN ON LB1016. [LB1016]

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SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, NEBRASKA. IF MY COLLEAGUES ARE LISTENING, I'D LIKE YOU TO KIND OF STAY CLOSE BY HERE SO I DON'T HAVE TO HAVE A CALL OF THE HOUSE AT THE END OF THIS BILL. LB1016 WOULD AMEND THE DEFINITION OF "AGENCY" IN THE LEGISLATIVE PERFORMANCE AUDIT ACT, ADDING THE OFFICE OF PROBATION ADMINISTRATION AND THE OFFICE OF PUBLIC GUARDIAN TO THE LIST OF GOVERNMENTAL UNITS THAT CAN BE SUBJECT TO A PERFORMANCE AUDIT. THIS WOULD BEGIN ON JANUARY 1, 2018. THIS CHANGE WOULD ONLY ALLOW ONLY FOR AUDITS OF THESE TWO JUDICIAL BRANCH OFFICES. IT WOULD NOT MANDATE THAT THEY MUST BE AUDITED. THE PERFORMANCE AUDIT COMMITTEE WOULD STILL HAVE TO SELECT ONE OF THESE OFFICES TO BE THE SUBJECT OF A PERFORMANCE AUDIT. THIS LEGISLATION DOES NOT CHANGE THE PORTION OF THE AGENCY DEFINITION THAT STATES THAT ANY COURT IS NOT AN AGENCY UNDER THAT ACT. SO THE LEGISLATIVE OFFICE WOULD STILL NOT BE ABLE TO DO INDIVIDUAL AUDITS OF COURTS. SIMILAR TO THE DISCUSSION REGARDING LB954, THIS BILL WOULD ALLOW FOR ADDITIONAL LEGISLATIVE OVERSIGHT OF THESE PROGRAMS. THERE ARE OTHER STATE AUDIT OFFICES NATIONWIDE THAT HAVE ACCESS TO SIMILAR JUDICIAL BRANCH PROGRAMS. LB1016 WAS HEARD BEFORE THE EXECUTIVE BOARD ON FEBRUARY 1 AND ADVANCED OUT OF THAT COMMITTEE ON AN 8-0 VOTE WITH NO OPPOSITION TESTIMONY. THANK YOU, MR. PRESIDENT. BUT I WOULD ALSO ADD A LITTLE BIT. I THINK SENATOR COASH HAD GIVEN A PRETTY GOOD DESCRIPTION AND I, TOO, HAD GOTTEN A LOT OF CALLS THIS SUMMER FROM JUDGES, PROBATION OFFICERS. AND I REALLY BECAME INVOLVED IN THIS PROCESS AND I APPRECIATED THOSE CALLS BECAUSE IT ALLOWED ME TO BECOME MORE FOCUSED AND ENGAGED IN WHAT WAS REALLY GOING ON. AND I DECIDED TO TO PURSUE A LITTLE BIT FURTHER AND I HAD CONVERSATIONS AT THE SEPTEMBER, OCTOBER, AND NOVEMBER TIME FRAME WITH SOME OF THOSE IN THE JUDICIAL BRANCH. AND IF YOU ALL REMEMBER, ABOUT THE SAME TIME AS FAR AS THE LEGISLATIVE COUNCIL IS WHEN THINGS KIND OF GOT HOT, AND I STEPPED BACK FROM IT AT THAT POINT IN TIME AND LET THAT PROCESS WORK. AND I REALLY DO APPRECIATE WHAT SENATOR KRIST HAD DONE, SENATOR HADLEY, SENATOR COASH. IT REALLY WAS COOLER HEADS PREVAILING AT THAT TIME. BUT I HAD HEARD THOSE SAME CONCERNS FROM BEHIND THE SCENES THAT, HEY, WE'RE DOING A GOOD JOB. AND LET ME GIVE YOU A LITTLE BIT OF HISTORY, TOO, AS TO WHAT I SAW IN THE LAST THREE OR FOUR YEARS OF THIS BODY AND WHAT WE HAD GONE THROUGH. MR. CHAIRMAN, CAN I HAVE A GAVEL? WHAT I HAD SEEN IN THE LAST COUPLE YEARS WHEN...JUST TO GIVE YOU A LITTLE HISTORY, WAS THE BODY HAD DECIDED TO HAVE A PILOT PROGRAM. WE HAD ONE PILOT PROGRAM OF THE JUVENILE JUSTICE SYSTEM.

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THAT WORKED OUT REALLY WELL, SO LET'S SAY WE EXPANDED THAT. WE WENT TO THREE PILOTS. WELL, RIGHT AS WE WERE IN THE MIDDLE OF THOSE THREE PILOTS IS WHEN WE DECIDED TO DO THE WHOLE STATE. AND TO...IN THE DEFENSE OF THE JUDICIAL BRANCH, THEY BARELY GOT UP TO SPEED ON WHAT THEIR JOB WAS. AND THE REASON THAT IT WAS HARD FOR THE AUDIT...EXCUSE ME, FOR THE BODY TO UNDERSTAND WHAT THEY WERE SPENDING AND HOW IT WAS GOING...WE UNDERSTOOD THE PROGRAMS WERE DOING BETTER AND WE UNDERSTOOD THAT OUTCOMES WERE BETTER. BUT IF YOU THINK ABOUT WHAT HAD REALLY HAPPENED, THEY HAD INHERITED JUST THE GUARDIAN PROGRAM A YEAR BEFORE AND NOW THEY WERE INHERITING THE JUVENILE JUSTICE PROGRAM. THEY WERE TRYING TO DO A LOT OF WORK WITH NEW PEOPLE. AND WHAT HAD HAPPENED INSIDE OF HHS AND THE REASON THINGS WORK SO MUCH BETTER TODAY WAS IN HHS A CASEWORKER WOULD COME ACROSS AN INDIVIDUAL THAT NEEDED HELP AND HE'D TELL THAT PERSON, YOU KNOW WHAT, YOU'RE NOT...YOU DON'T FIT IN MY SILO, I CAN'T COME UP WITH MONEY FOR HIM, AND HE WOULD JUST TURN HIM AWAY. WHEN THIS GOT TURNED OVER TO THE JUDICIAL BRANCH, THAT JUDGE WOULD SAY, NO, THAT'S NOT A GOOD ENOUGH ANSWER FOR ME, YOU GO FIND THE MONEY, YOU GO FIND THE PROGRAMMING. THAT'S WHY IT WAS A LITTLE BIT HARD FOR THEM TO GET THEIR ARMS AROUND WHAT IT WAS COSTING AND THE PROGRAM EFFECTIVENESS. SO I DON'T...I'M NOT HERE TODAY IN DEFENSE OF THE JUDICIAL SYSTEM, BUT JUST PUT A TIME FRAME TO IT AND WHAT HAD ACTUALLY HAPPENED. SO WITH THAT, I APPRECIATE YOUR GREEN VOTE ON THIS BILL. I KNOW THERE'S AN AMENDMENT THAT I JUST NOTICED ON THE GADGET THAT I WILL ADDRESS LATER WHEN THAT COMES UP. THANK YOU, MR. PRESIDENT. [LB1016 LB954]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. MR. CLERK. [LB1016]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR COASH WOULD MOVE TO AMEND WITH FA87. (LEGISLATIVE JOURNAL PAGE 557.) [LB1016]

PRESIDENT FOLEY: SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON FA87. [LB1016]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. FA87 IS A VERY SIMPLE AMENDMENT. IT CHANGES THE OPERATIVE DATE OF LB1016. IN THE GREEN COPY OF THE BILL IT STARTS IN 2018. GIVEN THE DISCUSSION WE HAD ON THE BILL PRIOR TO THIS AND THE URGENCY THAT WE

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GET WHAT WE NEED SO THAT WE CAN MAKE GOOD POLICY DECISIONS, I FELT THAT GIVING THE PERFORMANCE AUDIT COMMITTEE AN EARLIER OPPORTUNITY WOULD BE APPROPRIATE. KEEP IN MIND THAT MY AMENDMENT DOES NOT MANDATE AN AUDIT. IT SIMPLY GIVES THE OPTION TO DO IT EARLIER THAN WHAT WAS INITIALLY IN LB1016. WE'RE EARLY IN THIS YEAR, AND WE'VE GOT TEN MONTHS LEFT OF THIS YEAR. A LOT CAN HAPPEN IN TEN MONTHS. THERE MAY BE SOME THINGS THAT OCCUR IN THE LATER PART OF THIS YEAR THAT WE DON'T KNOW ABOUT TODAY--WISH WE HAD THAT CRYSTAL BALL, BUT WE DON'T--AND WHATEVER THAT MAY OR MAY NOT BE, MAY BE SOMETHING THAT THE PERFORMANCE AUDIT COMMITTEE WOULD LIKE TO PRIORITIZE AND TAKE A LOOK AT NEXT YEAR. THAT WILL BE UP TO THAT COMMITTEE. BUT I FEEL HAVING THAT OPTION EARLIER RATHER THAN LATER IS A SMART POLICY MOVE. AND FOR THAT REASON, I URGE YOU TO ADOPT FA87. THANK YOU, MR. PRESIDENT. [LB1016]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. DEBATE IS NOW OPEN ON LB1016 AND THE UNDERLYING AMENDMENT. SENATOR MELLO, YOU'RE RECOGNIZED. [LB1016]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I ALSO RISE IN SUPPORT OF LB1016 AND I RISE IN SUPPORT OF SENATOR COASH'S FA87. I APPRECIATE HIM BRINGING THIS FORWARD. AS YOU HEARD FROM SENATOR WATERMEIER, I REALLY DO APPRECIATE HIS LEADERSHIP AS THE LEGISLATIVE PERFORMANCE AUDIT CHAIRMAN IN IDENTIFYING THIS AS AN ISSUE WE HAD RAISED IN REGARDS TO OUR WORK OVER THE FALL OF HOW WE CAN TRY TO GET A PERFORMANCE AUDIT DONE ON THIS PROGRAM, BECAUSE THE ISSUE THAT SENATOR CAMPBELL AND MYSELF PRIMARILY, IN REGARDS TO MEETINGS WE HAD WITH PROVIDERS BOTH LAST SESSION AND OVER THE INTERIM, REALLY STEMMED MORE WITH THE OPERATIONAL ASPECTS OF THE OFFICE OF PROBATION IN THE JUVENILE JUSTICE AREA, NOT SO MUCH INDIRECTLY WITH WHAT WE HEARD FROM THE PRIOR BILL IN REGARDS TO THE INSPECTOR GENERAL ISSUE. AND THAT ISSUE, IN REGARDS TO IDENTIFYING HOW THE OPERATIONAL ASPECTS AND PROGRAMMATIC ASPECTS OCCUR DAY IN AND DAY OUT IN THE OFFICE OF PROBATION FOR JUVENILE JUSTICE IS NOT SOMETHING THAT WE CAN GET THROUGH THE TYPICAL APPROPRIATIONS OR FISCAL PROCESS. AND SO THAT IS WHY THIS BILL IS SO CRITICAL, BECAUSE THERE IS ONLY SO MUCH THAT CAN BE REQUESTED THROUGH THE APPROPRIATIONS PROCESS IN REGARDS TO GETTING DETAILED INFORMATION BACK OF MAYBE HOW MONEY WAS SPENT, BUT NOT SO MUCH THE SAME WAY THE PERFORMANCE AUDIT COMMITTEE COULD DO AN AUDIT IN REGARDS TO

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HOW THE PROGRAM IS OPERATING, WHETHER OR NOT THAT PROGRAM IS OPERATING EFFICIENTLY AND EFFECTIVELY, AND WHAT THOSE OUTCOMES COME BACK FROM THAT PROGRAM. THAT'S SOMETHING THAT SEPARATES THE LEGISLATIVE PERFORMANCE AUDIT PROCESS AWAY FROM WHAT A TYPICAL LEGISLATIVE COMMITTEE CAN DO. AND THAT'S WHY THIS BILL, I BELIEVE IT'S SO IMPORTANT MOVING FORWARD TO GIVE THE LEGISLATURE THE TOOL THAT, IF THEY CHOOSE TO MOVE FORWARD AND DO A PERFORMANCE AUDIT ON ANY PROGRAM THAT FALLS WITHIN THE SUPREME COURT, THE OFFICE OF PROBATION, OR THE OFFICE OF PUBLIC GUARDIAN, BEING THE TWO LISTED OUT IN THE BILL, THAT THEY, AGAIN, HAVE THE ABILITY TO GO FIND OUT MORE INFORMATION OUTSIDE OF THE SIMPLE SPREADSHEET AND FISCAL INFORMATION THAT WE GET IN THE APPROPRIATIONS COMMITTEE. SENATOR COASH HAS AN AMENDMENT THAT I SUPPORT BECAUSE IN WORKING WITH SENATOR WATERMEIER, I DEFER TO HIM IN REGARDS TO SEEKING A COMPROMISE ON THE DATE OF WHEN THIS WOULD ACTUALLY BE IMPLEMENTED AND WHEN THE LEGISLATURE COULD CONSIDER DOING A PERFORMANCE AUDIT. HE'S HAD CONVERSATIONS WITH SENATOR COASH AND OTHERS. I THINK MOVING THE DATE UP TO JANUARY 1, 2017, WHILE THE PERFORMANCE AUDIT COMMITTEE LIKELY IS NOT GOING TO BE ABLE TO EVEN DO AN AUDIT FOR THE REMAINDER OF THIS YEAR, TO EVEN START THAT PROCESS, IT AT LEAST ALLOWS THE NEXT LEGISLATURE--THAT BEGINS IN JANUARY 2017--TO HIT THE GROUND RUNNING AND TO BE ABLE TO REQUEST A PERFORMANCE AUDIT IF THEY SO CHOOSE TO WISH...IF THEY SO CHOOSE TO WANT TO REQUEST ONE. AND I THINK THAT JUST ONLY HELPS ENSURE THAT WE'RE PROVIDING OUR LEGISLATIVE OVERSIGHT CAPABILITIES OVER THESE PROGRAMS THAT RIGHT NOW DO NOT HAVE ANY LEGISLATIVE OVERSIGHT. AND THAT, COLLEAGUES, IS THE CRUX OF WHAT THIS BILL IS ABOUT, IS THAT WE HAVE THE ABILITY TO LOOK INTO ANY PROGRAM IN STATE GOVERNMENT, WITH THE EXCEPTION OF WHAT WE HAVE IN THE BILL IN FRONT OF US, THAT THESE TWO PROGRAMS ARE OFF LIMITS TO PRETTY MUCH EVERYTHING. AND, COLLEAGUES, THAT KIND OF TRANSPARENCY IS NOT GOOD AND IT'S NOT GOOD FOR THE BUDGET PROCESS. BUT IT'S NOT GOOD FOR SENATORS WHO WORK ON THESE POLICY ISSUES IN JUDICIARY, IN THE HEALTH AND HUMAN SERVICES COMMITTEE, BECAUSE WITHOUT THE INFORMATION AND THE INDEPENDENT DATA AND AUDIT INFORMATION THAT COMES FROM THE PERFORMANCE AUDIT PROCESS, WE MAY NOT ALWAYS GET THE FULL STORY, WE MAY NOT GET ALL OF THE DATA THAT'S REQUESTED. AND, COLLEAGUES, THAT ONLY HELPS TO STRENGTHEN WHAT WE WANT TO DO AS A LEGISLATURE MOVING FORWARD WHEN IT COMES TO PROVIDING FISCAL OVERSIGHT ON WHERE TAX DOLLARS ARE GOING WHEN IT

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COMES TO THESE PROGRAMS BUT, MORE IMPORTANTLY, THE OUTCOMES THAT COME FROM THESE PROGRAMS MOVING FORWARD. [LB1016]

PRESIDENT FOLEY: ONE MINUTE. [LB1016]

SENATOR MELLO: WITH THAT, MR. PRESIDENT, I URGE THE BODY TO ADOPT FA87 FROM SENATOR COASH AND SUPPORT THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB1016]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB1016]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I, TOO, STAND IN SUPPORT OF THE FA87 BY SENATOR COASH. AND I WOULD LIKE TO JUST CHANGE THE HISTORY A LITTLE BIT THAT SENATOR WATERMEIER TALKED ABOUT. ACTUALLY, THE TRANSITION OF MANY YOUTH TO THE JUVENILE PROBATION CAME PRIOR TO THE PUBLIC GUARDIANSHIP PROGRAM. THE PUBLIC GUARDIANSHIP PROGRAM WAS A BILL OF SENATOR COASH'S, AND THEY ARE JUST NOW GETTING FULLY OPERATIONAL. I STAND IN SUPPORT OF FA87 BECAUSE I HAVE SAID ALL ALONG THAT THE INSPECTOR GENERAL ISSUE IS NOT THE ONLY ISSUE HERE. ONE OF THE REASONS WHY THE DATE SHOULD BE THERE FOR THE LEGISLATURE TO HAVE THE OVERSIGHT IS THAT WHEN WE DID ALL OF THE INVESTIGATIVE REPORTS ON THE CHILD WELFARE SYSTEM, IN 2011 AND '12, THAT PRIVATIZATION EFFORT HAD BEEN IN EXISTENCE A SHORTER AMOUNT OF TIME THAN WHAT THE JUVENILE PROBATION PROGRAM HAS BEEN. BUT WE BEGAN TO SEE SUCH INTENSE PROBLEMS WITH CHILD WELFARE THAT WE CHOSE AT THAT POINT TO DO A LEGISLATIVE RESOLUTION AND AN INVESTIGATION BY THE HEALTH AND HUMAN SERVICES COMMITTEE. I WHOLLY SUPPORT THE PERFORMANCE AUDIT COMMITTEE BEING INVOLVED. THEY WERE INVOLVED IN THE CHILD WELFARE ISSUE. THEY ARE THE RIGHT COMMITTEE TO DO THIS. I FULLY BELIEVE THAT THE OFFICE OF PROBATION IS WORKING DILIGENTLY TO WORK OUT THE SERVICES THAT THEY ARE PROVIDING AND GAINING SERVICES. BUT SHOULD THERE BE A PROBLEM THAT THE LEGISLATURE SEES, IT WOULD HAVE THAT OVERSIGHT THROUGH THE COMMITTEE BY THIS EMPOWERMENT OF THE FLOOR AMENDMENT. IT IS CRITICAL THAT A WATCHFUL EYE ALWAYS BE THERE ON NOT ONLY THE DHHS SYSTEM BUT PROBATION, FOR THE VERY SAME REASONS THAT SENATOR COASH AND I HAVE TALKED ABOUT PROBABLY THE ENTIRE EIGHT YEARS WE'VE BEEN HERE. THE PROTECTION OF CHILDREN IS ONE OF OUR NUMBER ONE RESPONSIBILITIES AND THAT INCLUDES BOTH OF OUR SYSTEMS. I

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APPRECIATE THE PERFORMANCE AUDIT COMMITTEE COMING THROUGH WITH THE UNDERLYING BILL. I THINK THE FLOOR AMENDMENT STRENGTHENS THE BILL. THANK YOU, MR. PRESIDENT. [LB1016]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SENATOR COASH, YOU'RE RECOGNIZED. [LB1016]

SENATOR COASH: THANK YOU, MR. PRESIDENT. I'LL JUST...WOULD SENATOR WATERMEIER YIELD TO A QUESTION? [LB1016]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB1016]

SENATOR WATERMEIER: YES, I WOULD. [LB1016]

SENATOR COASH: THANK YOU, SENATOR WATERMEIER. I WANTED TO HAVE A LITTLE BIT OF DIALOGUE, SINCE THIS IS YOUR BILL THAT I'M AMENDING, AND MAKE SURE YOU HAD A CHANCE TO WEIGH IN. SO LET ME ASK YOU THIS QUESTION: DO YOU SEE A POSSIBLE NEED TO DO A PERFORMANCE AUDIT EARLIER THAN WHAT IS CONTEMPLATED UNDER YOUR ORIGINAL BILL? [LB1016]

SENATOR WATERMEIER: WELL, CERTAINLY, IF THE BODY DECIDED NEXT YEAR THEY WANTED TO DO THAT, AND COULD I JUST SHARE A LITTLE HISTORY ON WHY 2018? [LB1016]

SENATOR COASH: PLEASE. [LB1016]

SENATOR WATERMEIER: THE REASON I HAD PUT THE 2018 IN THERE, IN DISCUSSIONS WITH THE SUPREME COURT AND THOSE INDIVIDUALS AND THEN COMING BACK TO OUR OWN AUDIT OFFICE, IS THAT WE WERE JUST A LITTLE BIT CONCERNED ABOUT ACTUALLY HAVING THE STRUCTURE IN PLACE TO DO IT AND I DIDN'T WANT TO HAVE TO FEEL LIKE WE'D FLY RIGHT INTO IT. BUT HONESTLY, MY INTENTION WAS TO BUILD THAT STRUCTURE NEXT YEAR WITH THE IDEA THAT WE WOULD AUDIT IN '18. BUT WHAT...BY DOING THE OPERATIVE DATE AHEAD A YEAR WILL ACTUALLY BE ABLE TO HELP US TO DO IS THAT WE WILL BE ABLE TO BUILD THAT STRUCTURE WHILE WE'RE ACTUALLY...LIKE WE'RE ACTUALLY DOING AN AUDIT, SO WE'LL HAVE A MORE RELIABLE STRUCTURE IN PLACE NEXT YEAR AND POSSIBLY BY EVEN THE END OF THIS

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YEAR. BUT IT WILL ACTUALLY BE ABLE TO HELP US TO BE MORE READY TO DO AN AUDIT THAT WOULD BE MORE MEANINGFUL BECAUSE THERE'S A LOT OF BASELINE STUFF THAT GOES INVOLVED IN DOING AN AUDIT AND WE JUST DON'T HAVE SOMETHING WE CAN PULL OFF THE SHELF TO SAY, THIS IS HOW AN AUDIT IS GOING TO WORK. WE DO AUDITS IN THIS REGARD, BUT WE DON'T DO IT WHEN IT STARTS CROSSING LINES INTO THE JUDICIAL BRANCH. SO THERE'S GOING TO BE SOME COMMUNICATION ISSUES THAT WILL BE HELPFUL, ACTUALLY, TO BE ABLE TO DO THAT NEXT YEAR. [LB1016]

SENATOR COASH: THANK YOU, SENATOR WATERMEIER. MR. PRESIDENT, ARE THERE ANY OTHER LIGHTS ON? [LB1016]

PRESIDENT FOLEY: NO, SENATOR. [LB1016]

SENATOR COASH: IF IT'S OKAY WITH THE CHAIR, I'LL JUST CONCLUDE WITH A CLOSING. [LB1016]

PRESIDENT FOLEY: VERY GOOD. YOU MAY CONTINUE WITH YOUR CLOSING. [LB1016]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, I APPRECIATE SENATOR WATERMEIER'S COMMENTS ON THE NEED TO IMPLEMENT THIS STRUCTURE. I'M HOPEFUL THAT FA87 WILL ASSIST HIS OFFICE'S EFFORTS IN THAT REGARD. LIKE I SAID EARLIER IN MY OPENING, COLLEAGUES, WE DON'T KNOW IF AN AUDIT IS GOING TO BE NECESSARY. I CAN TELL YOU THAT IN THE CHILD WELFARE WORLD, THINGS MOVE SLOWLY AND CHANGE TAKES TIME. AND ON THE PREVIOUS BILL WE HEARD SOME TESTIMONY FROM SENATOR SCHILZ, FOR EXAMPLE, WHO SAID THAT THE OUTCOMES ARE STARTING TO IMPROVE. AND I'M HOPEFUL FOR THAT AS WELL. AND IT WILL BE INCUMBENT ON THIS LEGISLATURE TO SET IT UP, IN MY OPINION, FOR THE NEXT LEGISLATURE TO BE ABLE TO KEEP THAT MOMENTUM GOING. PART OF THAT MOMENTUM WILL BE LOOKING AT THOSE OUTCOMES, WHETHER IT'S THROUGH A PERFORMANCE AUDIT, THROUGH THE INSPECTOR GENERAL'S REPORT. THIS BODY NEEDS TO KNOW NOT ONLY FOR BUDGETARY REASONS, AS SENATOR MELLO STATED, BUT FOR TRANSPARENCY REASONS. WE WANT.. WE HOPE THINGS ARE GETTING BETTER. WE JUST NEED TO NOW KNOW THAT THEY ARE. AND IF THEY AREN'T, WE NEED TO KNOW WHY, AND PERFORMANCE AUDIT IS PART OF THAT FINDING THAT OUT. AND WITH THAT, MR. PRESIDENT, I WILL ASK MY COLLEAGUES TO VOTE YES ON FA87. THANK YOU, MR. PRESIDENT. [LB1016]

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PRESIDENT FOLEY: THANK YOU, SENATOR COASH. MEMBERS, THE QUESTION IS THE ADOPTION OF FA87. ALL THOSE IN FAVOR OF ADOPTING THE AMENDMENT VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1016]

ASSISTANT CLERK: 26 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT, MR. PRESIDENT. [LB1016]

PRESIDENT FOLEY: FA87 IS ADOPTED. SENATOR WATERMEIER, YOU'RE RECOGNIZED TO CLOSE ON LB1016. [LB1016]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I GUESS I WOULD JUST ASK THOSE IN THE BODY THAT WOULD LIKE TO VOTE ON THIS, AND I WOULD REALLY APPRECIATE EVERYBODY BEING HERE IF YOU COULD, IF YOU'RE IN YOUR OFFICE, TO STEP UPSTAIRS. I WOULD ALSO LIKE TO THANK SENATOR CAMPBELL, SENATOR COASH, SENATOR MELLO, AND SENATOR KRIST PERSONALLY, TOO, BECAUSE I DO KNOW WHAT WENT ON BEHIND THE SCENES IN THAT NEGOTIATION PROCESS. AND YOU KNOW WHAT THE BEST THINGS WAS, IS THE OUTCOME FOR THE KIDS, THE OUTCOME IN THE ADULT PROBATION, AND THE OUTCOME IN THE GUARDIANSHIP IS GOING TO BE BETTER BECAUSE OF THE WORK THAT THEY'VE DONE BEHIND THE SCENES ON THAT. AND I JUST HOPE THAT WE CAN NOW BRING MEASURABLE NUMBERS TO THAT IN THE FUTURE WITH THIS PERFORMANCE AUDIT BILL. SO THANK YOU, MR. PRESIDENT. I WOULD ASK FOR YOUR GREEN VOTE ON LB1016. [LB1016]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. THE QUESTION IS THE ADVANCE (SIC) OF LB1016 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1016]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB1016]

PRESIDENT FOLEY: LB1016 ADVANCES. NEXT BILL ON THE AGENDA, LB970, MR. CLERK. [LB1016 LB970]

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ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB970, SENATOR CHAMBERS HAS MOVED TO INDEFINITELY POSTPONE THE BILL PURSUANT TO RULE 6, SECTION 3(f). [LB970]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. PURSUANT TO RULE 6, PARAGRAPH (f), SENATOR CHAMBERS, YOU'RE RECOGNIZED TO SPEAK TO YOUR MOTION. [LB970]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, WE NEED TO PAY ATTENTION TO THE RULE BOOK, AND I'M GOING TO READ THE RULE FOR THE RECORD. "IN THE EVENT A MOTION TO INDEFINITELY POSTPONE A BILL IS MADE BEFORE THE BILL IS READ ON GENERAL FILE, SUCH MOTION SHALL REQUIRE THE AFFIRMATIVE VOTE OF A MAJORITY OF THE ELECTED MEMBERS. AFTER A MOTION TO INDEFINITELY POSTPONE A BILL HAS BEEN OFFERED, AND THE INTRODUCER OF THE MOTION HAS MADE HIS OR HER OPENING REMARKS ON THE MOTION, THE PRINCIPAL INTRODUCER OF THE BILL SHALL IMMEDIATELY BE PERMITTED TO SPEAK FOR FIVE MINUTES ON SUCH MOTION." MEMBERS OF THE LEGISLATURE, AFTER THE ACRIMONIOUS DEBATE YESTERDAY, WHAT I WOULD HAVE DONE TODAY IF I WAS THE KIND WHO WOULD RUN AND HIDE AND SULK IS LET THIS BILL TAKE UP SIX HOURS, WHICH, IF WE DEAL WITH IT, IT'S GOING TO TAKE. THERE ARE PROVISIONS IN IT WHICH ARE UNCONSTITUTIONAL. WE CAN GET RID OF THIS BILL RIGHT NOW. THIS THAT I'M DOING IS IN ACCORD WITH THE RULES. WE NEED TO BE AWARE OF THE RULES. I HAD SAID THAT AT TIMES I'M TRYING TO SAVE THE LEGISLATURE FROM ITSELF. THIS BILL HAS SO MANY DISPARATE--SOME PEOPLE SAY DISPERIT (PHONETICALLY)-- PARTS TO IT THAT IT WILL TAKE SIX HOURS AND LONGER, EVEN IF THAT EXTENDED DEBATE WERE NOT FOR THE PURPOSE OF KILLING IT. THERE ARE PROVISIONS IN IT WHICH ARE OBVIOUSLY UNCONSTITUTIONAL. ANYBODY WHO WOULD READ IT, OR EVEN READ THE ONE-LINER, WOULD COME TO THAT CONCLUSION. I AM NOT MAKING THIS MOTION BECAUSE I AM UNPREPARED TO TALK THAT BILL TO DEATH. I CAN DO IT ALONE. AND THE REASON I CAN DO IT ALONE, I COULD OFFER AMENDMENTS BY JUST STRIKING PORTIONS OF THE BILL, AND YOU'D HAVE THE OPPORTUNITY TODAY TO SEE IF I COULD INDEED TALK FOR SIX HOURS ON A BILL MYSELF WITHOUT ANY HELP. SO IF YOU WANT TO GIVE ME SIX HOURS, I WILL TAKE THE SIX HOURS. THIS BILL IS NOT GOING ANYWHERE. BUT IF PERCHANCE THE LOBBYISTS PUT SOME OOFLE DUST IN SOME JOHN BARLEYCORN THAT YOU IMBIBED OF--AND BY THE WAY, IF WE HAD SENATORS 18 YEARS OLD THEY COULD NOT ATTEND SOME OF THE LOBBYIST FUNCTIONS BECAUSE THEY CANNOT BE GIVEN ALCOHOL OR A CRIME IS COMMITTED--THAT'S SOMETHING

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THAT HASN'T EVEN BEEN THOUGHT THROUGH. BUT AT ANY RATE, IF YOU WANT TO HEAR ME TALK--AND I ENJOY TALKING ON SUBJECTS LIKE THOSE IN THIS BILL--I WILL DO IT. IF YOU ADOPT THIS MOTION, YOU ARE NOT TAKING A POSITION NECESSARILY AGAINST THE INTRODUCER OF THE BILL. THE SUBJECT IS SUCH THAT IN MY JUDGMENT, AFTER ALL OF THE YEARS I'VE BEEN HERE, WILL NOT GAIN ENOUGH VOTES TO SUPPORT A CLOTURE MOTION. BUT IF THERE WOULD HAPPEN TO BE 33 VOTES TO SHUT ME DOWN AND SHUT ME DOWN ON SELECT AND SHUT ME DOWN ON FINAL, THIS IS ONE OF THOSE SUBJECTS WHICH I DON'T KNOW THE GOVERNOR'S POSITION ON. MAYBE HE WOULD SIGN THE BILL. MAYBE HE WOULDN'T. BUT IF HE DIDN'T, THOSE WHO VOTED FOR CLOTURE WOULD HAVE ENOUGH VOTES TO OVERRIDE THE VETO. BUT IF IT SHOULD BE VETOED, AND IF IT CAME BACK, AND AN ATTEMPT TO OVERRIDE WERE MADE, I WOULD RUN THE CLOCK ON THAT ALSO. SOME PEOPLE WILL SAY THAT WHEN I MAKE THESE COMMENTS I'M THREATENING. IT CAN BE CHARACTERIZED ANY WAY THAT A PERSON CHOOSES TO CHARACTERIZE IT. BUT IF YOU EXAMINE THE MERITS OF WHAT I'M SAYING, YOU WILL SEE THAT THIS IS NOT A THREAT. THIS IS GIVING THE LEGISLATURE THE OPPORTUNITY TO DO TO THIS BILL WHAT ULTIMATELY IS GOING TO BE DONE ANYWAY. IT IS A MOTION LIKE ANY OTHER MOTION. IT CAN BE DEBATED LIKE ANY OTHER MOTION. BUT THE RULE PROTECTS THE INTRODUCER OF THE BILL. SHOULD THAT PERSON NOT BE QUICK ENOUGH TO GET TO HIS OR HER BUTTON TO PUNCH IT, THE RULE REQUIRES THAT THE INTRODUCER OF THE BILL BE THE FIRST ONE UP TO SPEAK ON THE MOTION. THE INTRODUCER CAN ACCEPT THE MOTION; THE INTRODUCER CAN OPPOSE IT. BUT I THINK WHATEVER DEBATE OCCURS IT CAN BE TAKEN AS AN EXAMPLE OF WHAT WILL HAPPEN. AND WHEN WE COME TO A VOTE ON THE MOTION, LET THAT VOTE SERVE AS A TEST. IF THERE ARE NOT 33 VOTES AGAINST THE MOTION, THEN YOU WILL KNOW THAT THIS BILL CANNOT BY WAY OF A CLOTURE MOVE FORWARD. I TOLD YOU HOW MANY DAYS REMAINED, NOT BY SAYING IT BUT LETTING YOU KNOW WE WERE ON THE 24TH DAY, AND YOU WOULD HAVE TO PERFORM A CALCULATION IN MERE ARITHMETIC TO DETERMINE HOW MANY DAYS ARE LEFT. IF YOU DON'T TAKE MY MOTION AND GIVE ME THE REST OF THIS MORNING, THAT'S ANOTHER DAY GONE NOW, ONE LESS DAY REMAINING, PUSHING US CLOSER AND CLOSER TO THE END. DO YOU ALL KNOW HOW YOU CAN DEFINE A SIREN? IT'S A CIRCULAR WHEEL THAT'S PERFORATED, AND YOU EXPEL COMPRESSED AIR OR STEAM AGAINST THAT WHEN IT'S SPINNING FAST. AND WHEN IT SPINS FAST AND THAT STEAM AIR HITS IT, IT EMITS THIS HIGH-PITCHED WAIL THAT EVERYBODY RECOGNIZES AS A SIREN. WELL, I WON'T MAKE THE SOUND OF A SIREN, BUT I WILL CERTAINLY BEHAVE LIKE ONE. LET THE DISCUSSION TAKE PLACE, AND A DECISION CAN BE MADE. A DECISION WILL BE MADE, MAYBE NOT THIS MORNING BECAUSE WE

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MAY NOT GET TO A POINT WHERE A VOTE IS TAKEN. BUT I LAY BEFORE YOU A ROAD THAT HAS A FORK IN IT. WILL YOU TAKE THE ROAD TO THE LEFT AND FALL OVER THE CLIFF OR WILL YOU TAKE THE ROAD TO THE RIGHT WHICH IS THE WAY OF WISDOM? FOR MYSELF, I OFTEN TRAVEL THE ROAD LESS TRAVELED. AND I OFTEN TRAVEL IT ALONE AT THE OUTSET. BUT BEFORE THE END IS REACHED, SOME OF THOSE WHO WERE IN THE QUEUE, AS YOU CALL IT, WITH THE LEMMINGS BECOME AWARE OF WHAT IS GOING ON AND DECIDE THAT OVER THE CLIFF IS NOT WHAT HE OR SHE DESIRES. THEY RETRACE THEIR STEPS, THEY FOLLOW THE PATH LESS TRAVELED, AND WE BEHAVE AS PEOPLE WHO ARE INDEED WISE. NOW LET ME SUM UP WHAT I'M GETTING AT. GAMBLING ON ANY GAME OF CHANCE IS OUTLAWED BY THE CONSTITUTION. THIS BILL IS GAMBLING, PURE AND SIMPLE. IN THE SAME WAY THAT SPORTS BETTING IS ILLEGAL, THIS IS SPORTS BETTING UNDER A DIFFERENT NAME BECAUSE THE OUTCOME, THE DETERMINATION OF WHETHER YOU WIN OR LOSE, IS DETERMINED BY PEOPLE OVER WHOM YOU HAVE NO CONTROL WHOSE CONDUCT YOU CANNOT PREDICT, BECAUSE IT IS BASED ON HOW ACTUAL INDIVIDUALS PERFORM. AND SHOULD ONE OF THOSE INDIVIDUALS GET HURT IN THE GAME, YOU STILL ARE STUCK WITH THAT INDIVIDUAL AND YOU LOSE. THIS IS A GAMBLING BILL. IF YOU FAVOR MORE GAMBLING, EVEN IF YOU PASS THIS BILL... [LB970]

PRESIDENT FOLEY: ONE MINUTE. [LB970]

SENATOR CHAMBERS: ...YOU WON'T GET IT, BECAUSE I ASSURE YOU IT IS UNCONSTITUTIONAL. IF YOU WANT TO ROLL THE DICE, MAKES ME NO DIFFERENCE. AND I STILL, SENATOR HILKEMANN, HAVE SOME PENT-UP ENERGY FROM YESTERDAY BECAUSE WE ENDED THE DEBATE BEFORE I DISSIPATED ALL OF MY ENERGY, SO I'M READY TO GO ON THIS BILL RIGHT NOW. SO IF YOU VOTE DOWN THE MOTION, IT'S NOT DOING ANYTHING TO ME. IT WILL SAVE TIME FOR THE LEGISLATURE. THANK YOU, MR. PRESIDENT. [LB970]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. PURSUANT TO THE RULE, SENATOR LARSON, YOU'RE RECOGNIZED FOR FIVE MINUTES. [LB970]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. YOU KNOW, OFTENTIMES WE HEAR SENATOR CHAMBERS USE THE "WE DON'T WANT TO WASTE TIME," "WE DON'T WANT TO DO THIS, WE DON'T WANT TO DO THAT, AND IF YOU'RE READY TO SPEND SIX HOURS, THEN VOTE AGAINST MY MOTION AND WE'LL TAKE IT." I THINK THAT'S--AS HE'S SHAKING HIS HEAD, THAT'S WHAT HE'S SAYING. WELL,

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COLLEAGUES, THERE'S A LOT OF IMPORTANT THINGS IN LB970 THAT YOU MIGHT NOT QUITE REALIZE. SENATOR CHAMBERS CAN TALK ABOUT THE GAMING ASPECT, BUT LB970--AS I WILL GET INTO MY INTRODUCTION, BUT I'M SPECIFICALLY ADDRESSING HIS IPP MOTION--DOES A LOT OF THINGS, A LOT OF GOOD THINGS FOR NEBRASKA. I THINK WE ALL RECOGNIZE THE BENEFITS THAT KENO HAS BROUGHT OUR LOCAL COMMUNITIES--THE CITY PARKS, THE AMBULANCES, THE POLICE CARS. WE'RE NOT EXPANDING KENO IN LB970-- TECHNICAL CLARIFICATIONS. WE KNOW WHAT PICKLE CARDS GIVE CHARITIES, WHAT THEY DO FOR YOUR LOCAL ROTARY CLUBS AND LIONS CLUBS, GIRL SCOUTS. WE'VE SEEN PICKLE CARD SALES DROP, SO WE'RE JUST CHANGING SOME PERCENTAGES TO HELP PICKLE CARD SALES IN THE STATE OF NEBRASKA. WE'RE NOT EXPANDING THEM. WE'RE NOT MAKING IT EASIER TO BUY THEM. IN LB970 WE BROUGHT IN LB862, WHICH IS DAILY FANTASY SPORTS. THREE HUNDRED THOUSAND NEBRASKANS ENJOY DAILY FANTASY SPORTS. WE DON'T WANT TO MAKE 300,000 NEBRASKANS CRIMINALS. LET'S CLARIFY THE LANGUAGE. LET'S PUT IN THE CONSUMER PROTECTIONS THAT LB970 HAS IN THEM FOR DAILY FANTASY SPORTS. LET'S PUT LICENSING AND REGULATION IN TO GOVERN THIS AND MOVE FORWARD. AND THEN WE ROLLED IN LB820 OF SENATOR HUGHES INTO LB970. AGAIN, WHAT LB820 DOES IS IT SPECIFIES A RAFFLE FOR WEATHER-RELATED EVENTS. I KNOW IN SENATOR JOHNSON'S DISTRICT, THIS IS HAPPENING RIGHT NOW. WE DO NOT WANT TO MAKE THE KIWANIS CLUB IN WAHOO CRIMINALS. I DON'T THINK THEY ARE CRIMINALS RIGHT NOW, BUT A QUICK CLARIFICATION IN STATUTE WOULD ENSURE THAT. SO WE CAN HEAR THIS IS EXPANDED GAMBLING, AND WE WILL HEAR...YOU WILL HEAR THAT FROM GAMBLING WITH THE GOOD LIFE AND A NUMBER OF OTHER PEOPLE. BUT, REALLY, THERE IS NO PART OF LB970 THAT IS EXPANDED GAMBLING WITH THE COMMITTEE AMENDMENT. I CAN RESPECT SENATOR CHAMBERS, BUT WE'RE GOING TO DEFER ON OPINION. THIS IS GOOD FOR CHARITIES. THIS IS GOOD FOR CITIES. THIS IS GOOD FOR LOCAL ORGANIZATIONS. AND THIS IS GOOD FOR 300,000 NEBRASKANS. LB970 IS IMPORTANT, COLLEAGUES. AND IT'S SOMETHING THAT WE HAVE TO MOVE ON. THIS IS SOMETHING THAT WE HAVE TO FIGHT FOR. THIS IS SOMETHING THAT WE SHOULD NOT ROLL OVER ON. SO I CAN APPRECIATE, AS I SAID, THE INDEFINITELY POSTPONE MOTION. AND WE CAN LISTEN TO SENATOR CHAMBERS THREATEN... [LB970 LB862 LB820]

PRESIDENT FOLEY: ONE MINUTE. [LB970]

SENATOR LARSON: ...AND TAKE THE FULL SIX HOURS. THAT'S HIS PREROGATIVE. BUT, COLLEAGUES, RECOGNIZE THIS: WE SEE THIS TACTIC A LOT. AND THESE

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ARE IMPORTANT ISSUES. WE WANT TO HELP OUR LOCAL CHARITIES, OUR LOCAL CITIES, AND PROTECT 300,000 NEBRASKANS. I WOULD URGE YOU TO VOTE NO ON SENATOR CHAMBERS' IPP MOTION, AND LET'S START DEBATING ON WAYS TO PROTECT CONSUMERS IN NEBRASKA, PROTECT 300,000 NEBRASKANS, HELP CITIES, HELP OUR CHARITIES MOVE FORWARD AND CLARIFY LANGUAGE THAT NEEDS TO BE CLARIFIED. THIS IS NOT EXPANDED GAMBLING. THANK YOU, MR. PRESIDENT. [LB970]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB970]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR LARSON A QUESTION OR TWO. [LB970]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB970]

SENATOR LARSON: YES. [LB970]

SENATOR CHAMBERS: SENATOR LARSON, AM I TO UNDERSTAND YOUR WORDS THAT...FROM YOUR WORDS THAT YOU'VE DROPPED THAT ATTEMPT TO LEGALIZE FANTASY FOOTBALL BETTING? HAVE YOU DROPPED THAT OR DOES THAT REMAIN IN THE BILL? [LB970]

SENATOR LARSON: THE DAILY FANTASY SPORTS REMAINS IN THE BILL. [LB970]

SENATOR CHAMBERS: SAY IT AGAIN? [LB970]

SENATOR LARSON: DAILY FANTASY SPORTS, ALL THE DAILY FANTASY SPORTS REMAINS IN THE BILL, SENATOR CHAMBERS. [LB970]

SENATOR CHAMBERS: AND YOU SAY THAT THAT DOES NOT EXPAND GAMBLING? [LB970]

SENATOR LARSON: NO, I DO NOT BELIEVE IT DOES. THERE'S 300,000 NEBRASKANS THAT CURRENTLY... [LB970]

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SENATOR CHAMBERS: THAT'S NOT WHAT I ASKED YOU. YOU CAN DO THAT ON YOUR TIME. [LB970]

SENATOR LARSON: YEAH. [LB970]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, IF IT DOESN'T EXPAND GAMBLING, YOU DON'T NEED IT. YOU DON'T NEED THE LAW AT ALL. YOU CAN DO EVERYTHING THAT IS IN THIS BILL RIGHT NOW. YOU KNOW WHY HE'S BRINGING THE BILL? BECAUSE IT EXPANDS GAMBLING. YOU KNOW WHAT THE LOBBYISTS TOLD HIM? GO IN THERE AND MAKE ERNIE THE ISSUE, AND YOU CAN GET WHAT YOU WANT, BECAUSE YOU SAW WHAT HAPPENED ON THE HIGH SPEED CHASE BILL. BUT WHAT THE LOBBYISTS DON'T UNDERSTAND THAT I DO, NO MATTER HOW ANGRY SOME OF YOU ALL ARE AT ME ON A GIVEN DAY, I KNOW THAT'S NOT GOING TO LAST, BECAUSE YOU ARE MORE INTELLIGENT OVERALL THAN YOU SHOW ON THOSE BILLS THAT I DISAGREE WITH AND YOU AGREE AND YOU GO FOR. BUT THAT'S NOT ALL OF IT. LOOK, IF I WAS UPSET WITH SENATOR WATERMEIER, HE HAD A BILL THIS MORNING. IF I HAD CHOSEN TO JUST TAKE TIME BECAUSE I SAID I'LL TAKE TIME DURING THIS SESSION, WOULDN'T THAT HAVE BEEN THE PERFECT TIME TO DO IT TO SHOW THAT I MEAN WHAT I SAY? BUT I WILL PICK AND CHOOSE. AND NOBODY CORRECTED ME ON WHAT I SAID THE OTHER DAY THAT GENERAL PATTON HAD UTTERED. I SAID GENERAL PATTON UTTERED WHAT HAS BECOME A CLICHE. SOMEBODY ASKED HIM A QUESTION, AND HIS RESPONSE WAS, I SAID, "THAT'S FOR ME TO KNOW AND YOU TO FIND OUT." THAT'S NOT WHAT HE SAID. HE SAID, "THAT'S FOR ME TO KNOW AND YOU TO WONDER ABOUT." THAT'S WHAT PATTON SAID. AND I WAS HOPING SOMEBODY WOULD CORRECT ME AND I WOULD THEN SAY, YOU SAID IT BETTER THAN I COULD HAVE SAID IT. IT'S FOR YOU TO WONDER ABOUT. AND LIFE MUST HAVE SOME WONDER OR IT LOSES ITS ZEST. SENATOR LARSON'S APPROACH LEAVES NO WONDER. THERE IS NO ZEST. AND DO YOU THINK THAT I'M THE KIND OF PERSON, AFTER ALL OF THESE YEARS OF SUFFERING THE SLINGS AND ARROWS OF AN UNKIND FATE, ANGRY LOBBYISTS, ANGRY GOVERNORS WHO ARE VINDICTIVE, THAT SOMEBODY WHO GRADUATED FROM WASHINGTON UNIVERSITY IS GOING TO SAY SOMETHING AND I'M GOING TO SHRIVEL UP AND BLOW AWAY? NOT ON YOUR LIFE. THIS IS ONE OF THOSE ISSUES WHICH IS EXTREMELY IMPORTANT. IT IS NOT PROTECTING THE CITIZENS OF THIS STATE. IT IS UNDERMINING THE HEALTH, THE INTELLECTUAL--YOU ALL LIKE THE TERM "MORAL"--THE MORAL FABRIC OF THE STATE. NOBODY CAN SHOW WHERE ANY FORM OF GAMBLING IMPROVED THE SOCIETY WHERE THAT GAMBLING WAS ALLOWED. THIS IS ONE OF THE... [LB970]

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SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR CHAMBERS: ...MOST PERNICIOUS FORMS BECAUSE IT HAS GROWN AND GROWN AND GROWN AND CONTINUES TO GROW. IT'S ONE OF THOSE WHERE YOU LOSE. YOU PLAY, HOPING TO WIN, AND YOU LOSE AGAIN, AND YOU CONTINUE TO LOSE. THIS IS NOT A GAME OF SKILL WE'RE TALKING ABOUT. IF I HAD THE POWER TO PUT A ROPE AROUND SENATOR BLOOMFIELD'S WRIST--I'LL TAKE SENATOR BLOOMFIELD, HE'S PAYING ATTENTION--AND WHEN HE PUTS IT UP TO HIS CHIN AND I BET...AND HE'S FASTENED DOWN SO HE CAN'T MOVE ANY OTHER PART OF HIS BODY, AND I BET SOMEBODY \$10 THAT I CAN MOVE HIS WRIST, THAT'S NOT GAMBLING BECAUSE I CAN DO THAT. BUT IF HE IS LEFT UNDISTURBED AND I BET SOMEBODY THAT WHEN THAT CLOCK SAYS 10:53 SENATOR BLOOMFIELD WILL MOVE HIS... [LB970]

SPEAKER HADLEY: TIME, SENATOR. [LB970]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB970]

SPEAKER HADLEY: SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB970]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. FIRST, I RISE--I'M WEARING MY RED COAT TODAY. IT'S IN HONOR OF VALENTINE'S DAY, RECOGNIZE THOSE PEOPLE THAT WE WANT TO BE OUR VALENTINE. ALSO SUNDAY IS NEBRASKA WOMEN'S BASKETBALL GAME, SO I'LL BE WEARING RED AGAIN. NOW, ON THE BILL, IF SENATOR LARSON IS HERE, I WOULD LIKE TO ASK HIM A QUESTION IF HE WOULD YIELD. [LB970]

SPEAKER HADLEY: SENATOR LARSON, WILL YOU YIELD TO A QUESTION? [LB970]

SENATOR LARSON: YES. [LB970]

SENATOR JOHNSON: WHILE HE'S COMING TO THE MIKE, I'LL FORM A QUESTION. AS I CAME BACK INTO THE CHAMBER, I HEARD MY NAME MENTIONED IN MY DISTRICT AND TALKED ABOUT AN ORGANIZATION THAT I BELONG TO. I HAPPEN TO BE ON THE BOARD OF THE WAHOO AREA KIWANIS CLUB. WE HAVE A BOARD MEETING THIS NOON, AND I CAN'T PARTICIPATE IN THOSE WHEN I'M IN THE

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SESSION, BUT I WOULD LIKE TO KNOW A LITTLE BIT WHAT HE'S REFERRING TO. [LB970]

SENATOR LARSON: WELL, SENATOR JOHNSON, IT'S MY UNDERSTANDING THAT YOUR--I THINK IT'S THE KIWANIS CLUB--YOU HAVE A CAR IN THE MIDDLE OF THE LAKE ON LAKE WANAHOO RIGHT NOW? [LB970]

SENATOR JOHNSON: THAT'S NOT CORRECT. [LB970]

SENATOR LARSON: OH, WHAT ORGANIZATION IS IT? [LB970]

SENATOR JOHNSON: I DON'T WANT TO PUT THEM UNDERWATER OR UNDER THE BUS, BUT IT HAPPENS TO BE THE LIONS CLUB. [LB970]

SENATOR LARSON: THE LIONS CLUB. WELL, I APOLOGIZE FOR MISSPEAKING WHICH ORGANIZATION IT WAS THEN. [LB970]

SENATOR JOHNSON: AND I BELIEVE THERE'S NO SKILL INVOLVED IN THAT PROCESS. IT'S STRICTLY CHANCE. WHEN THE ICE THAWS ENOUGH, THAT THAT WATER OR THAT CAR SINKS INTO THE LAKE, AND THERE'S PROCEDURES OUT THERE FOR THAT TO BE PULLED OUT RIGHT AWAY. BUT THE RESCUE PEOPLE WANT TO UTILIZE IT AFTERWARDS TO DO SOME TRAINING, SO IT DOES HAVE A DOUBLE VALUE. I JUST WANTED TO MAKE SURE THAT WAS CLEAR ON THE RECORD. THANK YOU. [LB970]

SENATOR LARSON: YEAH. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR JOHNSON. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB970]

SENATOR HILKEMANN: I'M SORRY, MR. SPEAKER. SENATOR...I WONDER IF SENATOR LARSON WOULD ANSWER A QUESTION FOR ME. [LB970]

SPEAKER HADLEY: SENATOR LARSON, WILL YOU YIELD TO A QUESTION? [LB970]

SENATOR LARSON: YES. [LB970]

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SENATOR HILKEMANN: SENATOR, WHERE IS THE FANTASY SPORTS HERE ON THIS LB970? I'VE LOOKED THROUGH THIS BILL. I DON'T SEE ANYTHING ABOUT THE FANTASY GAMBLING ON IT. [LB970]

SENATOR LARSON: IT'S IN THE COMMITTEE AMENDMENT, SENATOR HILKEMANN. [LB970]

SENATOR HILKEMANN: AND WE DON'T HAVE THE COMMITTEE AMENDMENT UP HERE YET? [LB970]

SENATOR LARSON: YOU SHOULD. IT WILL BE ON, WHEN YOU LOOK AT THE BILL, IT WILL BE ON PAGE 23 OF THE COMMITTEE AMENDMENT. IF YOU GO BACK, IF YOU HIT "BACK" ON YOUR INTERNET EXPLORER AND THEN YOU LOOK AT AM2020 ON THE CHAMBERVIEWER AND YOU CLICK ON THAT, YOU'LL GO TO PAGE 23 AND THE FANTASY SPORTS STUFF IS THERE. [LB970]

SENATOR HILKEMANN: OKAY. SO THIS IS...WE'RE LOOKING AT THIS BILL IS THE TRIFECTA THAT I'VE BEEN READING ABOUT. IS THAT CORRECT? [LB970]

SENATOR LARSON: THIS BILL DEALS WITH PICKLES, KENO, FANTASY SPORTS, AND WEATHER-RELATED EVENTS. [LB970]

SENATOR HILKEMANN: SO YOU'RE SORT OF PUTTING IT ALL TOGETHER ON ONE BIG TOSS AND SEE IF YOU WIN. IS THAT WHAT THIS IS ALL ABOUT, SENATOR? [LB970]

SENATOR LARSON: NO, THIS IS A...WE'RE IN A SHORT SESSION, AND THERE ARE A LIMITED NUMBER OF PRIORITIES. AND THE KENO AND PICKLES WERE INTRODUCED AS ONE IN LB970 BY ME, AND LB862 AND LB820--LB862 WAS INTRODUCED BY ME, DIRECTLY RELATING TO FANTASY SPORTS; AND LB820 WAS INTRODUCED BY SENATOR HUGHES. AND OFTENTIMES IT HISTORICALLY, AS I'M SURE YOU'RE WELL AWARE OF, WHEN A COMMITTEE IS HANDLING MULTIPLE ISSUES THAT ARE SIMILAR, THEY'LL DO WHAT'S CALLED A CHRISTMAS TREE. AND THEY'LL TAKE MULTIPLE BILLS AND PUT THEM TOGETHER FOR THE ESSENCE OF TIME, BECAUSE WE HAVE TWO COMMITTEE PRIORITIES, ONE SENATOR PRIORITY EACH, AND 25 SPEAKER PRIORITIES. SO THIS REALLY IS IN ESSENCE A TIME TO ENSURE THAT, YOU KNOW, THESE IMPORTANT ISSUES CAN GET DONE. [LB970 LB862 LB820]

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SENATOR HILKEMANN: OKAY. SO WE HAVE TO, AS IT BOILS DOWN TO, IF WE'RE IN FAVOR OF ONE BUT NOT ALL THREE, WE HAVE TO VOTE AGAINST ALL THREE OF THESE. IS THAT CORRECT? [LB970]

SENATOR LARSON: OR YOU COULD VOTE FOR ALL OF THEM. [LB970]

SENATOR HILKEMANN: OKAY. IT'S A ROLL OF THE DICE, AS I SAY FOR YOU. SECOND QUESTION I WOULD THEN HAVE FOR YOU THEN, SENATOR, IS IN THE KENO BETTING, YOU'RE SAYING THEY CAN NOW USE CREDIT CARDS FOR PUTTING THEIR MONEY DOWN. IS THAT CORRECT? [LB970]

SENATOR LARSON: WITH THE KENO, IT WOULD ALLOW DEBIT AND CREDIT CARDS JUST LIKE...WE'RE FOLLOWING THE SAME PROVISIONS THAT YOU CAN USE WHEN YOU BUY LOTTERY TICKETS, WHICH DIRECTLY BENEFIT THE STATE OF NEBRASKA. WE ARE JUST ESSENTIALLY STREAMLINING AND MAKING EVERY FORM THAT WE HAVE EQUAL. SO WHEN YOU GO BUY THAT POWERBALL TICKET-- I DON'T KNOW IF YOU BOUGHT ONE OF THE \$1.5 BILLION POWERBALL TICKETS-- YOU CAN GET IT WHEN YOU BUY YOUR GAS AND YOUR SODA AND THE POWERBALL TICKET AND PUT IT ALL ON ONE CARD. IT DOESN'T DISTINGUISH WHETHER IT'S A DEBIT OR A CREDIT CARD, SENATOR HILKEMANN. [LB970]

SENATOR HILKEMANN: AT THE PRESENT TIME, IS IT LEGAL IN NEBRASKA TO USE A CREDIT CARD...YOU'RE SAYING IT'S LEGAL IN NEBRASKA TO BUY A POWERBALL CARD WITH A CREDIT CARD? [LB970]

SENATOR LARSON: YES. [LB970]

SENATOR HILKEMANN: SEE, I'M NOT INTO THIS. SO DID YOU HAVE... [LB970]

SENATOR LARSON: WE'RE JUST MAKING THEM ALL THE SAME. [LB970]

SENATOR HILKEMANN: DID YOU HAVE ANY CREDIT CARD COMPANIES THAT CAME IN TO TESTIFY AGAINST THESE BILLS? [LB970]

SENATOR LARSON: NO. I DON'T KNOW IF WE'VE EVER HAD A CREDIT CARD COMPANY IN GENERAL AFFAIRS, SENATOR HILKEMANN. [LB970]

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SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR HILKEMANN: THANK YOU, SENATOR. THANK YOU FOR ANSWERING THOSE QUESTIONS. I'LL YIELD ANY FURTHER TIME TO SENATOR CHAMBERS, IF HE WOULD LIKE IT. [LB970]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 50 SECONDS. [LB970]

SENATOR CHAMBERS: THANK YOU AND I'LL JUST USE THEM WISELY. SENATOR LARSON SAID THIS DOES NOT EXPAND GAMBLING. IT EXPANDS THE WAY A PERSON CAN BE VICTIMIZED. IF YOU HAVE A CARD, EVERYBODY HAS SAID THE PLASTIC DOES NOT SEEM TO BE MONEY. AND WHEN PEOPLE USE A CREDIT CARD, THEY OVERSPEND BECAUSE THEY DON'T HAVE TO COME OUT OF THEIR POCKET. AND THEY KNOW THAT DOWN THE LINE THEY'RE GOING TO HAVE TO PAY, BUT THAT'S NOT ON THEIR MIND WHEN THERE'S SOMETHING THAT REALLY HAS A GREAT ALLURE. AND SENATOR LARSON IS REPRESENTING THOSE INTERESTS WHO WOULD LIKE TO TAKE ADVANTAGE OF THOSE PEOPLE WHO ARE ADDICTED TO GAMBLING ALREADY AND INVOLVE THE DEBIT AND THE CREDIT CARD. THIS IS AN EXPANSION OF GAMBLING, HOWEVER HE WANTS TO SLICE IT. IT COULD BE CALLED BALONEY. THANK YOU, MR. PRESIDENT. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR LARSON, YOU'RE RECOGNIZED. [LB970]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. A FEW THINGS THAT I WANTED TO CLEAR UP JUST FOR CLARIFICATION PURPOSES. WE HAVE THE ARGUMENT OVER AND OVER AGAIN. WE HEAR THIS, IF IT'S ALREADY LEGAL OR 300,000 PEOPLE ARE ALREADY DOING IT--I'M FOCUSING ON THE DAILY FANTASY SPORTS HERE FOR A MINUTE--THEN WHY DO WE NEED TO LEGALIZE IT? THIS IS JUST SPECIAL INTERESTS, YOU KNOW, COMING IN TO SENATOR LARSON AND TELLING HIM WHAT TO DO. FRANKLY, THAT IS NOT THE CASE. WE ARE PUTTING IN STATUTE RULES AND REGULATIONS AND CONSUMER PROTECTIONS TO PROTECT THE 300,000 NEBRASKANS THAT ARE CURRENTLY PLAYING FANTASY SPORTS. WHAT THIS WILL DO WILL GIVE THEM THE CERTAINTY AND SECURITY TO KNOW THAT THEY'RE NOT BEING TAKEN ADVANTAGE OF BY OTHER PLAYERS, NOT ONLY ACROSS THIS COUNTRY BUT INSIDE THE STATE OF NEBRASKA AS WELL, THAT WILL HAVE AMENDMENTS THAT STOP THINGS LIKE AUTOSCRIPING AND AUTODRAFTING THAT KEEPS EVERYBODY ON AN EQUAL PLAYING FIELD. SO YOU ASK WHY DO WE HAVE TO PUT FANTASY SPORTS...IF 300,000 PEOPLE ARE

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ALREADY DOING IT, WHY DO WE NEED TO CODIFY IT? WE CODIFY IT TO PROTECT NEBRASKANS. IF YOU WANT, YOU KNOW, NO RULES AND REGULATIONS, NO CONSUMER PROTECTIONS ON WHAT'S ALREADY HAPPENING, THEN YOU CAN VOTE AGAINST LB970. AND IT WILL ALLOW POSSIBLE COMPANIES TO FRAUDULENTLY TAKE ADVANTAGE OF NEBRASKANS. BUT WITH LB970 AND THE COMMITTEE AMENDMENT, WE ENSURE THAT THAT WILL NOT HAPPEN. WE'RE PROTECTING NEBRASKANS AND PROTECTING THE INTEGRITY OF THE INDUSTRY. SENATOR JOHNSON TALKS ABOUT THERE'S NO SKILL INVOLVED IN THE CAR BEING ON THE LAKE. WELL, SENATOR JOHNSON, YOU ARE CORRECT. BUT TECHNICALLY RAFFLES AND LOTTERIES ARE ALREADY IN THE NEBRASKA CONSTITUTION, AND THAT IS WHAT LB820 WAS, INTRODUCED BY SENATOR HUGHES AND ROLLED INTO LB970. IT HAS NOTHING TO DO WITH LUCK OR SKILL BECAUSE RAFFLES AND LOTTERIES ARE ALREADY IN THE CONSTITUTION. YOU KNOW WHAT? YOU CAN...WE HAVE A STATUTE RIGHT NOW THAT ALLOWS RUBBER DUCKS TO BE PUT IN A RIVER AND FLOATED DOWN THE RIVER AND WHICHEVER DUCK CROSSES FIRST WINS. AND EACH DUCK HAS A LITTLE NUMBER ON IT. THEY DO IT IN OMAHA AND THEY DO IT IN VERDIGRE--KOLACH DAYS. I LOVE KOLACH DAYS. VITAME VAS. COLLEAGUES, THIS IS JUST...LB820 SPECIFICALLY IS JUST...IT'S CONSTITUTIONAL. WE'RE JUST CLARIFYING A PRACTICE THAT IS ALREADY HAPPENING AS DID WHEN THE LEGISLATURE PUT THAT RUBBER DUCKS COULD FLOAT DOWN A RIVER IN 1998 I THINK THEY PUT THAT IN. IT IS A RAFFLE IN WHICH YOU BUY A DAY AND AN HOUR. YOU GET THE RAFFLE TICKET AND THAT HAPPENS. WE ARE CLARIFYING PRACTICES THAT ARE ALREADY HAPPENING. WE'RE NOT EXPANDING. IT'S ALREADY IN THE CONSTITUTION. WE ARE JUST ADDING A DEFINITION. SO, COLLEAGUES, YOU SAY, WELL, WHY DO WE NEED IT IN STATUTE IF IT'S ALREADY LEGAL, IT'S ALREADY HAPPENING? [LB970 LB820]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR LARSON: WE WANT TO PROTECT CONSUMERS. WE WANT TO PROTECT THE LIONS CLUB OR THE KIWANIS CLUB OF WAHOO. WHEN IT COMES TO THE PICKLES AND KENO INDUSTRIES, WE WANT TO ENSURE THAT OUR STATUTES CONTINUE TO KEEP UP WITH TECHNOLOGY. AND WITH PICKLES, WE WANT TO HELP THESE SMALL CHARITIES, THESE SMALL ORGANIZATIONS THAT BENEFIT SENATOR CHAMBERS' DISTRICT. THE BOYS' AND GIRLS' CLUBS, THE ATHLETIC TEAMS THAT RELY ON PICKLES, WE WANT TO HELP CONTINUE TO IMPROVE THOSE. COLLEAGUES, THIS IS IMPORTANT. THIS IS NOT EXPANDED GAMBLING. THERE'S TECHNICAL CHANGES ON KENO AND PICKLES. THERE'S PROTECTING CONSUMERS... [LB970]

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SPEAKER HADLEY: TIME, SENATOR. [LB970]

SENATOR LARSON: THANK YOU. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR LARSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB970]

SENATOR CHAMBERS: THANK YOU. AND IS THIS MY THIRD TIME, MR. PRESIDENT? [LB970]

SPEAKER HADLEY: THIS IS SECOND TIME, SENATOR CHAMBERS. [LB970]

SENATOR CHAMBERS: OH, SECOND, THANK YOU. THEN I'M GOING TO PUT MY LIGHT ON. I'M TRYING TO KEEP TRACK. MEMBERS OF THE LEGISLATURE, I'D LIKE TO ASK SENATOR LARSON A QUESTION. [LB970]

SPEAKER HADLEY: SENATOR LARSON, WILL YOU YIELD TO A QUESTION? [LB970]

SENATOR LARSON: YES. [LB970]

SENATOR CHAMBERS: AND AS HE COMES...HE SAID YES. WHILE HE'S COMING TO HIS DESK, SENATOR LARSON, ARE YOU TRYING TO HOODWINK THIS BODY INTO THINKING THAT YOUR FANTASY SPORTS BETTING IS A RAFFLE? IS THAT WHAT YOU'RE SAYING? [LB970]

SENATOR LARSON: NO. I'M SAYING THAT... [LB970]

SENATOR CHAMBERS: THANK YOU. [LB970]

SENATOR LARSON: OKAY. [LB970]

SENATOR CHAMBERS: NOW, THE NEXT QUESTION. YOU SAY...YOU KEEP DESCRIBING THESE CLUBS AS SMALL CLUBS AND SO FORTH. IS THAT THE LANGUAGE YOU USE TO DESCRIBE THEM--SMALL GROUPS, CHARITABLE GROUPS, AND SO FORTH? [LB970]

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SENATOR LARSON: I THINK THE LAW ALREADY...YOU MEAN THE NONPROFITS THAT BENEFIT FROM PICKLES? [LB970]

SENATOR CHAMBERS: YES. YES. [LB970]

SENATOR LARSON: I THINK IT'S JUST...IN STATUTE IT'S DEFINED AS A NONPROFIT. IT DOESN'T HAVE TO BE SMALL OR BIG. [LB970]

SENATOR CHAMBERS: BUT YOU KEPT USING THE TERM TO DESCRIBE THEM "SMALL," DIDN'T YOU? [LB970]

SENATOR LARSON: I DID. [LB970]

SENATOR CHAMBERS: OKAY. HOW MANY OF THOSE SMALL GROUPS DOES IT TAKE TO ARRIVE AT THE 360,000 FIGURE THAT YOU MENTIONED WILL BE PROTECTED BY THIS BILL? [LB970]

SENATOR LARSON: SENATOR CHAMBERS, I THINK YOU'RE DISCONNECTING DAILY FANTASY SPORTS AND THE PICKLES. [LB970]

SENATOR CHAMBERS: JUST TELL ME HOW YOU GOT THERE. THAT'S WHAT I'M ASKING YOU. [LB970]

SENATOR LARSON: THOSE TWO AREN'T RELATED. [LB970]

SENATOR CHAMBERS: SO WHO COMPRISED THE 360,000? [LB970]

SENATOR LARSON: IT'S 300,000, AND THOSE ARE DAILY FANTASY SPORTS PLAYERS AND THAT DOESN'T... [LB970]

SENATOR CHAMBERS: THANK YOU. [LB970]

SENATOR LARSON: OKAY. [LB970]

SENATOR CHAMBERS: MEMBERS OF THE LEGISLATURE, IF THAT'S WHERE THESE 360,000 PEOPLE ARE THAT HE'S PROTECTING ARE LOCATED, WHY DOES HE KEEP

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TRYING TO TALK TO YOU ALL ABOUT RAFFLES AND THESE OTHER THINGS THAT HE CORRECTLY SAYS ARE ALLOWED BY THE CONSTITUTION? ANYBODY WOULD LIKE TO GET A FREE RIDE ON A BILL THAT A CHAIRMAN IS GOING TO HAVE PRIORITIZED. THESE BILLS THAT HAVE BEEN ROLLED INTO IT, TO USE SENATOR LARSON'S LANGUAGE, WOULD NOT BE PRIORITIZED BY THE INTRODUCER. IF THEY WERE, THE INTRODUCERS WOULD HAVE PRIORITIZED THEM. THESE ARE CALLED SWEETENERS. THESE ARE THE BAIT AND SWITCH-TYPE ACTIVITIES. AND IF YOU WANT TO DISCUSS IN THE WAY WE'RE DISCUSSING NOW FOR SIX HOURS, I HAVE PLENTY THAT I CAN SAY IN THE SIX HOURS. THE REASON I'M LIMITED THIS TIME AROUND IS BECAUSE WE HAVE A MOTION AND I'M RESTRICTED TO SPEAK ONLY TO THAT MOTION. BUT IF OTHER PEOPLE WANT TO GIVE ME TIME, I WILL TAKE IT; BUT I DON'T REALLY NEED IT. HERE'S WHAT WE'RE GOING TO DO. WHEN THAT MOTION COMES UP, WE'RE GOING TO HAVE A TEST VOTE. I DON'T CARE WHAT SENATOR LARSON IS TELLING YOU AND TRYING TO HOODWINK YOU ON. YOU HAVEN'T HEARD SENATOR HUGHES JUMP UP HERE--MAYBE HE'S GETTING READY TO--AND SAY, DO THIS BECAUSE THIS IS A GREAT BILL AND I'M CONNECTED WITH IT AND I AGREE WITH EVERYTHING IN IT, AND I WANT TO ADD MINE TO THIS POT BECAUSE IT'S A GREAT POT AND EVERYTHING IN IT IS GOOD. HE'S SMART. HE'S GOING TO BE QUIET. HE'S GOING TO BLEND IN WITH THE BACKGROUND. NOW YOU LET ME BE TOLD THAT THERE'S A BILL THAT'S GOING TO BE PRIORITIZED AND ONE OF MINE COULD BE ADDED TO IT, I WOULD ADD IT. THAT IS WISE LEGISLATING. SO I DON'T FAULT THOSE PEOPLE WHO ARE TRYING TO HITCH A RIDE. BUT IF YOU HITCH A RIDE ON A SCURVY-LOOKING CRITTER AND YOU'RE A LITTLE FLEA, AND THAT CRITTER IS ON ITS WAY TO BE ASPHYXIATED, THEN YOU GO WHEN THAT WAGON COMES. IF YOU'RE WILLING TO RISK YOUR FATE WITH THAT ONE... [LB970]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR CHAMBERS: ...THEN YOU CAN DO SO. AND I'M NOT JUST TALKING TO SENATOR HUGHES ON THIS. THERE ARE OTHERS APPARENTLY WHO HAVE THEIR BILLS ADDED TO THIS AND THAT COMES DOWN TO PROCESS. IS THIS A WAY TO GET MORE BILLS PRIORITIZED THAN WOULD ORDINARILY HAPPEN? BUT THAT'S A DECISION FOR THE BODY TO MAKE. AND SHOULD THIS MOTION FAIL, THEN THERE ARE WAYS TO SEPARATE OUT THESE INDIVIDUAL ITEMS TO SEE WHETHER YOU WANT THEM, AND YOU WON'T HAVE TO TAKE THE WHOLE PACKAGE WITH THESE SWEETENERS INCLUDED. IF HE'S GOING TO TRY TO SELL THE BILL ON THE BASIS OF LOTTERIES AND RAFFLES, THEN TAKE EVERYTHING ELSE OUT OF THE BILL. THAT'S WHAT CAN BE DONE, AND THAT'S WHAT SOME PEOPLE WILL ATTEMPT TO DO. BUT EVEN THERE, I'M OPPOSED TO THE GAMBLING. AND YOU

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CANNOT MAKE MANURE SMELL GOOD BY SPRINKLING PERFUME ON IT. THAT'S MY VIEW. THE END DOES NOT JUSTIFY THE MEANS, EVEN IF YOU HAVE THESE NONPROFIT GROUPS WHO WANT TO UTILIZE GAMBLING. [LB970]

SPEAKER HADLEY: TIME, SENATOR. [LB970]

SENATOR CHAMBERS: THAT DOESN'T MAKE ME FOR IT. THANK YOU, MR. PRESIDENT. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) THOSE IN THE QUEUE ARE SENATORS BRASCH, HILKEMANN, LARSON, MELLO, AND OTHERS. SENATORS BRASCH, YOU'RE RECOGNIZED. [LB970]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND GOOD MORNING, COLLEAGUES. I STAND IN OPPOSITION TO LB970 AND SUPPORT MO180 TO INDEFINITELY POSTPONE THIS BILL. AT 10:00 IF YOU WOULD WALK PAST THE VERY CROWDED GLASS DOORS, WALK PAST THE LOBBYISTS AND INTO THE ROTUNDA, YOU WOULD SEE A GROUP OF INDIVIDUALS. SEVERAL OF MY CONSTITUENTS HAD TRAVELED TO COME HERE TO OPPOSE THIS BILL. THEY OPPOSE GAMBLING. THE GROUP IS GAMBLING WITH THE GOOD LIFE, AND THEY ARE VERY CONCERNED ABOUT THIS BILL. BUT IF YOU KEEP LOOKING THROUGH THE CROWD, WALK PAST THAT CROWD, YOU WOULD HAVE ALSO SEEN COACH TOM OSBORNE WHO BUILT HIS LEGACY AND HIS CAREER ON HELPING YOUNG NEBRASKANS, NOT JUST THE FOOTBALL TEAM BUT HIS TEAMMATES PROGRAM. IF YOU KEEP LOOKING IN THE CROWD, YOU WOULD HAVE SEEN SOME OF THE SENATORS THAT HAD ONCE SAT HERE BEFORE OPPOSING EXPANDING OF GAMBLING. THERE WERE SOME ATTORNEYS IN THE CROWD, AN IMPLEMENT DEALER, PROBABLY MORE, ONE I KNEW, BUT THERE WERE MANY INDIVIDUALS WHO HAD LOOKED AT THIS, FELT IT WAS NOT GOOD FOR THEIR NEIGHBORS OR THEIR EMPLOYEES. ONE OF THEM WAS ALSO A FORMER BUSINESS OWNER WHO HAD HIRED MANY INDIVIDUALS WHO BUILT LIFETIME CAREERS, AND HE KNEW THE DANGERS OF THOSE LOSING THEIR INCOME ON A CHANCE ON GAMBLING. I HAVE A FOLDER FULL OF MATERIALS IF WE NEED TO TAKE THE SIX HOURS THAT SHOWS THE BATTLES ACROSS THE STATE WITH ATTORNEY GENERAL'S OFFICE, ACROSS--EXCUSE ME--ACROSS THE NATION ON WHY GAMBLING IS NOT A HEALTHY WAY TO BUILD A STRONG ECONOMY. IT'S NOT A SURE WAY FOR ANYONE. THERE'S ARTICLES THERE ABOUT INDIVIDUALS WHO HAD LOST LIFETIME SAVINGS, NOT JUST THEIRS, BUT THOSE THAT BELONG TO SOMEONE ELSE. SO IF YOU'RE NOT FAMILIAR WITH THIS BILL, IF YOU'RE ONE OF OUR NEW

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COLLEAGUES, I'D ENCOURAGE YOU TO WALK PAST THE GLASS DOORS, WALK PAST THE LOBBYISTS. YOU MAY HAVE A CONSTITUENT OR TWO OUT THERE TODAY THAT WANT TO ASK YOU AND ENCOURAGE YOU TO NOT SUPPORT THIS BILL. WE ARE TREADING VERY, VERY DANGEROUSLY INTO DEEP WATERS HERE WHEN IT COMES TO GAMBLING. AND LOOKING AT DEFINITIONS OR LOOKING AT A CHRISTMAS TREE BILL IS ALSO UNWISE TO TAKE UP AN ISSUE THAT COULD CHANGE OUR DIRECTION HERE ON MANY LIVELIHOODS IN THIS STATE. SO ONCE AGAIN, I DO STAND...CALL HOME, TALK TO THOSE THAT YOU REPRESENT AND SEE IF THEY THINK THAT LOST WAGES IS A GOOD WAY TO PROVIDE FOR FAMILIES. SO I HAVE ASKED YOU, AGAIN, TO SUPPORT SENATOR CHAMBERS' MOTION TO INDEFINITELY POSTPONE THIS BILL AND OPPOSE LB970. THANK YOU, COLLEAGUES, AND THANK YOU, MR. SPEAKER. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR KRIST, YOU'RE RECOGNIZED. [LB970]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND AGAIN, GOOD MORNING, NEBRASKA. SENATOR CHAMBERS KIND OF TALKED AROUND THE ISSUE A FEW MINUTES AGO, BUT YOU DO HAVE THE RIGHT, ANY ONE OF YOU, TO PROPOSE THAT THE QUESTION BE DIVIDED. AND I BELIEVE THAT THERE ARE A NUMBER OF QUESTIONS WITHIN THIS PARTICULAR PIECE OF LEGISLATION OR PROPOSED LEGISLATION THAT COULD BE DEBATED INDIVIDUALLY AND COULD BE PASSED INDIVIDUALLY. SEVERAL YEARS AGO, I INTRODUCED AND THE LEGISLATURE PASSED AN INITIATIVE TO SEPARATE THE PROBLEM GAMBLING FOLKS FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' OVERSIGHT IN BEHAVIORAL HEALTH, BECAUSE BEHAVIORAL AND MENTAL HEALTH WAS NOT TREATING THAT MONEY THE WAY I FELT CONSTITUTIONALLY THE REVENUE PRODUCED FROM GAMBLING SHOULD BE SPENT. CONSTITUTION WAS VERY CLEAR THAT A CERTAIN PORTION OF THAT MONEY SHOULD GO DIRECTLY TO PROBLEM GAMBLING. WE REMOVED PROBLEM GAMBLING IN TERMS OF THE OVERSIGHT FROM BEHAVIORAL HEALTH, AND WE PUT IT AS A STAND-ALONE. THEY ARE THEIR OWN COMMITTEE, THEY HAVE THEIR OWN BUDGET, AND THEY'RE DOING A GREAT JOB. THEY HAVE EXPANDED SERVICES THROUGHOUT THE STATE OF NEBRASKA. WE NOW HAVE SERVICES IN CHADRON, SCOTTSBLUFF, KEARNEY THAT WE WOULD HAVE NEVER HAD HAD THEY, THOSE EXPERTS IN PROBLEM GAMBLING AND TREATING PROBLEM GAMBLING, BEEN ALLOWED TO USE THAT MONEY EFFECTIVELY. IN FACT, THOSE SERVICES HAVE BEEN SO GOOD AND SUCH IN DEMAND THAT THEIR CURRENT BUDGET, CONSTITUTIONALLY, THAT MONEY THAT'S PROVIDED TO THEM FOR THAT PURPOSE, IS NOT ENOUGH--SUPPLY AND DEMAND. SO WHAT

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DOES THAT TELL YOU? WE HAVE A LOT OF FOLKS OUT THERE THAT HAVE ADDICTIVE BEHAVIOR. ADDICTIVE BEHAVIOR HAS BEEN THE DEMISE OF CULTURES, OF SOCIETIES, OF CIVILIZATIONS. I WON'T GO INTO ALL THE SPECIFICS IN TERMS OF THE ROMAN EMPIRE, BUT I THINK THAT'S A GOOD EXAMPLE ABOUT HOW ADDICTIVE BEHAVIOR AND OTHER BEHAVIORS COULD BE THE DEMISE OF A CIVILIZATION. MY POINT IS THAT IN MY OTHER LIFE I REALIZE THAT YOU CAN ONLY GROW A BUSINESS SO FAST. IF YOU ADD TOO MANY GATES TO A COMMERCIAL AIRLINE INDUSTRY, IT WILL FALL ON ITS FACE BECAUSE IT WILL NOT BE ABLE TO SUPPORT IT. WELL, HERE WE HAVE THE OPPOSITE WITH PROBLEM GAMBLING. THERE ARE MORE GATES OUT THERE THAT ARE REQUIRED, AND WE DON'T HAVE THE FUNDS TO SUPPORT THEM. SO I'M GOING TO GO ON THE RECORD NOW AS SAYING THAT IF WE GET TO A POINT WHERE THIS PIECE OF LEGISLATION LOOKS LIKE IT'S GOING TO GO FORWARD, THE QUESTION NEEDS TO BE DIVIDED ON THE SUBJECT MATTER WITHIN LB970. AND AT THE POINT WHERE WE WOULD DECIDE THAT FANTASY IS BY ITSELF A STAND-ALONE QUESTION, I WILL INSIST AND I WILL TRY TO CONVINC EACH ONE OF YOU THAT ANY REVENUE THAT COMES FROM FANTASY GOES TO SUPPORT THE PROBLEM GAMBLING EFFORTS IN THIS STATE. AND I WILL NOT MAKE THE ARGUMENT THAT IT'S EITHER A GAME OF CHANCE OR A GAME OF SKILL. MY ARGUMENT WILL BE, IT CREATES ADDICTIVE BEHAVIOR. AND, FOLKS, CHECK OUT THE HIGH SCHOOL AND COLLEGE KIDS AND FIND OUT WHAT THEY'RE DOING ON-LINE. THEY'RE NOT THE ONLY PEOPLE THAT ARE AFFECTED BY THE INDUSTRY, BUT THEY ARE AFFECTED. SO IF WE'RE GOING TO CHARGE \$50,000 OR \$500,000 FOR A LICENSE, EVERY DOLLAR OF THAT MONEY NEEDS TO GO TO PROBLEM GAMBLING TO FIGHT THE ADDICTIVE BEHAVIORS THAT ARE FOSTERED BY THOSE KINDS OF ACTIVITIES. [LB970]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR KRIST: I ASK YOU TO THINK ABOUT...THANK YOU, MR. PRESIDENT. I ASK YOU TO THINK ABOUT WHEN WE EXPAND ANY CAPABILITY, WE DON'T EXPAND GAMBLING. WE EXPAND THE CAPABILITY FOR MORE ADDICTIVE BEHAVIOR TO HAPPEN. I LOVE TO SIT DOWN AND PLAY CARDS. I LOVE EVERY ONCE IN A WHILE LOOK UP AT THAT KENO BOARD AND FEEL LUCKY. BUT I'M REALLY FORTUNATE IN THE FACT THAT THAT'S NOT AN ADDICTIVE BEHAVIOR FOR ME. AND I'M RESPECTFUL OF THOSE WHO HAVE THAT BEHAVIOR, AND I HOPE THEY GET THE HELP THAT THEY NEED. THANK YOU, MR. PRESIDENT. [LB970]

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SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB970]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I WONDER IF SENATOR LARSON WOULD YIELD TO A COUPLE OF QUESTIONS. SENATOR, IF WE DON'T MOVE THIS BILL FORWARD, WILL PEOPLE STILL BE ABLE TO PLAY KENO IN THIS STATE? [LB970]

SENATOR LARSON: YES. [LB970]

SENATOR HILKEMANN: IF WE DON'T MOVE THIS BILL FORWARD, WILL PEOPLE STILL BE ABLE TO PARTICIPATE IN FANTASY FOOTBALL? [LB970]

SENATOR LARSON: YES, BUT WITHOUT THE CONSUMER PROTECTIONS. [LB970]

SENATOR HILKEMANN: SO IF WE DON'T...SO WE CAN CONTINUE THE KENO, WE CAN CONTINUE THE FANTASY FOOTBALL. WHY ARE WE WASTING TIME ON THIS BILL? [LB970]

SENATOR LARSON: BECAUSE WE WANT TO PROTECT NEBRASKANS FROM BEING TAKEN ADVANTAGE OF FROM POSSIBLE FANTASY SPORT REGULATORS THAT MIGHT BE UNSAVORY AND DO PRACTICES THAT AREN'T IN THE BEST INTEREST OF NEBRASKANS. IF WE'RE WORRIED ABOUT NEBRASKANS LOSING THEIR MONEY OR ADDICTIVE GAMING BEHAVIORS, THERE ARE CERTAIN FANTASY SITES THAT ALLOW, YOU KNOW, AUTOSCRIPTS OR AUTODRAFTING. WE'RE READY TO PROHIBIT THAT IN LB970. IF YOU ARE WORRIED ABOUT GAMBLING AND BEING TAKEN ADVANTAGE OF, YOU WANT THE CONSUMER PROTECTIONS THAT WE PUT IN LB970. [LB970]

SENATOR HILKEMANN: NOW, SENATOR, I'M ALSO AWARE THAT WE HAVE SOME OF THE STATES--I KNOW NEW YORK IS ONE THAT I'VE READ ABOUT--THAT ARE NOW STARTING TO PROHIBIT THE FANTASY FOOTBALL. [LB970]

SENATOR LARSON: THAT'S NOT TRUE. [LB970]

SENATOR HILKEMANN: TELL ME MORE ABOUT THAT. [LB970]

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SENATOR LARSON: NEW YORK HAS, FIRST OF ALL, AN ATTORNEY GENERAL'S OPINION THAT HE SAID UNDER THEIR STATE STATUTES HE DID NOT FEEL THAT IT WAS CONSTITUTIONAL OR IT WAS AGAINST STATE STATUTES. THERE'S BEEN A STAY PUT ON WHAT THE STATE OF NEW YORK TRIED TO DO IN ORDER TO STOP FANTASY...DAILY FANTASY SPORTS IN THE STATE OF NEW YORK, AND THAT'S GOING THROUGH THE LEGAL SYSTEM NOW. BUT THAT IS ONLY AN ATTORNEY GENERAL'S OPINION ON THE STATE STATUTES OF THE STATE OF NEW YORK. THE STATE STATUTES OF THE STATE OF NEW YORK AREN'T NECESSARILY THE SAME STATUTES THAT GOVERN THE STATE OF NEBRASKA. SO, YOU KNOW, THESE ARE VERY DIFFERENT THINGS. YOU CAN'T COMPARE APPLES TO ORANGES IN WHICH YOU'RE TRYING TO DO NOW. WE HAVE TO LOOK AT IT AS APPLES TO APPLES. AND NO STATE HAS ACTUALLY RULED FANTASY SPORTS OR DAILY FANTASY SPORTS SITES AS ILLEGAL. THERE'S ONLY BEEN OPINIONS. AND ACTUALLY, THE FEDERAL GOVERNMENT HAS RULED THEM...THERE'S A SPECIFIC CARVE-OUT IN FEDERAL LEGISLATION THAT MAKES DAILY FANTASY SPORTS LEGAL UNDER FEDERAL STATUTE. [LB970]

SENATOR HILKEMANN: SO YOU'RE SAYING THERE ARE NO STATES THAT ARE PROHIBITING FANTASY FOOTBALL AT THIS TIME? [LB970]

SENATOR LARSON: THERE'S ATTORNEYS' GENERAL OPINIONS THAT SAY THAT THEY'RE...THAT THEY COULD BE UNCONSTITUTIONAL AND THEY'RE ALL GOING THROUGH THE COURTS. [LB970]

SENATOR HILKEMANN: SO THE CAT'S ALREADY OUT OF THE BAG. [LB970]

SENATOR LARSON: MEANING? [LB970]

SENATOR HILKEMANN: AS FAR AS THE EXPANSION OF THIS PRACTICE OF FANTASY FOOTBALL. [LB970]

SENATOR LARSON: NO, I DON'T, NO...SENATOR HILKEMANN. I THINK YOU HAVE TO UNDERSTAND THAT DIFFERENT STATES--THAT'S WHY WE AS STATE SENATORS ARE HERE--HAVE DIFFERENT LAWS AND CONSTITUTIONS THAT GOVERN THEM. SO A CERTAIN STATE MIGHT HAVE A CONSTITUTION THAT SAYS X OR STATE STATUTES THAT SAY X, BUT THE NEIGHBORING STATE HAS A CONSTITUTION THAT SAYS Y OR STATE STATUTES THAT SAY Z. SO WHAT MIGHT BE UNCONSTITUTIONAL OR ILLEGAL IN ONE STATE, IF A DIFFERENT STATE HAS DIFFERENT STATE STATUTES, HENCE, YOU KNOW, OUR BEAUTIFUL FORM OF

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GOVERNMENT HERE IN THE UNITED STATES, IT DOESN'T NECESSARILY MEAN THAT IT'S ILLEGAL IN A STATE THAT HAS A CONSTITUTION OF Y. SO IOWA HAS A VERY NARROW VISION OR NARROW VERSION OF DAILY FANTASY OR ESSENTIALLY... [LB970]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR LARSON: ...GAMING IN THEIR CONSTITUTION OR THEIR STATE STATUTES SO IT MIGHT NOT ALLOW THIS. BUT WHEN YOU HAVE MORE OPEN VERSIONS OF STATE STATUTES OR STATE CONSTITUTIONS, IT DOES. SO YOU CAN'T COMPARE APPLES TO ORANGES, AND WHAT YOU ARE TRYING TO DO. [LB970]

SENATOR HILKEMANN: SO AGAIN, I'M NOT...I DON'T...SO IN NEBRASKA THE FANTASY FOOTBALL IS DIFFERENT THAN IT IS IN IOWA. [LB970]

SENATOR LARSON: YES, BECAUSE OF THE DIFFERENT STATE STATUTES AND STATE CONSTITUTION. [LB970]

SENATOR HILKEMANN: INTERESTING. I'M... [LB970]

SENATOR LARSON: HOW IT GETS REGULATED. SO THEY, I MEAN, THAT'S WHY WE HAVE STATE STATUTES. IT'S JUST LIKE, SENATOR HILKEMANN, THE DEATH PENALTY IS ACTUALLY RIGHT NOW BACK ON IN NEBRASKA. BUT IN THE STATE OF NEW YORK, IT'S NOT, AND THAT'S BECAUSE THERE'S DIFFERENT STATE STATUTES. [LB970]

SENATOR HILKEMANN: UNDERSTOOD. THANK YOU. [LB970]

SENATOR LARSON: THANK YOU. [LB970]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR HILKEMANN. SENATOR LARSON, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB970]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AGAIN, COLLEAGUES, I WILL CONTINUE TO URGE THAT WE MOVE ON TO LB970. YES, THERE ARE MANY PROVISIONS IN LB970. WE TOOK LB970, LB862, AND LB820 AND PUT IT INTO ONE

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FOR TIME CONCERNS. IMAGINE, COLLEAGUES, IF WE HADN'T. SENATOR CHAMBERS IS THREATENING SIX HOURS AND FOUR ON SELECT FILE. HAD WE NOT PUT IT IN ONE, YOU WOULD HAVE HAD SIX HOURS ON LB970 AND THEN FOUR. THEN YOU WOULD HAVE SIX HOURS ON LB862 AND ANOTHER FOUR. AND THEN YOU WOULD HAVE HAD ANOTHER SIX HOURS ON LB820 AND ANOTHER FOUR. SO IN REALITY, COLLEAGUES, I THINK SENATOR HUGHES AND I AND THE GENERAL AFFAIRS COMMITTEE IN GENERAL DID YOU A FAVOR BY ROLLING IT INTO ONE. WE'RE SAVING TIME, PRECIOUS TIME. ALSO AS WE MOVE FORWARD, SENATOR CHAMBERS TRIED TO MUDDY UP THE WATERS OF HOW ARE THESE 300...HOW MANY SMALL ORGANIZATIONS DOES IT TAKE TO MAKE UP THESE 300,000 PEOPLE? COLLEAGUES, THEY'RE TWO VERY DISTINCT ISSUES. THE SMALL NONPROFITS THAT ARE BENEFITING ARE DIRECTLY RELATED TO THE PICKLE CARD PORTION OF LB970, WHICH IS ANOTHER INITIAL PART OF THE BILL AS IS THE KENO PART. LB862, WHICH IS THE DAILY FANTASY SPORTS PROVISION, OFFERS NEBRASKA CONSUMERS PROTECTIONS FROM ORGANIZATIONS THAT COULD TAKE ADVANTAGE OF THEM. WE ARE OUTLAWING IN, OR WILL, IN LB970 AUTOSCRIPING AND AUTODRAFTING THAT WILL ALLOW A COMPUTER PROGRAM TO COME IN AND GENERATE ALL THESE DIFFERENT LINEUPS IN FANTASY SPORTS WEB SITES AND MAKE IT TO WHERE THE LITTLE GUY CAN'T WIN. WE WANT TO STOP THAT. WE WANT NEBRASKA CONSUMERS, THE 300,000 NEBRASKANS THAT PLAY THESE DAILY FANTASY SPORTS TO BE PROTECTED FROM ALGORITHMS THAT CAN TAKE ADVANTAGE OF YOU AND TAKE YOUR MONEY. SO THOSE THAT WANT TO SPEAK AGAINST DAILY FANTASY SPORTS, IF THEY'RE DOING IT, LET THEM DO IT. AND YOU'RE WORRIED ABOUT THE LITTLE GUY THAT IS LOSING MONEY, YOU SHOULD REALLY WANT LB862 ROLLED INTO LB970 BECAUSE WE ARE STOPPING VERY INTELLIGENT PEOPLE THAT CAN CREATE AN ALGORITHM FROM CREATING AUTOSCRIPITS. WE WANT TO DO THAT. WE WANT TO PROTECT THE CONSUMERS. AND IF LB970 DOESN'T GO, YOU'RE NOT GOING TO PROTECT THE CONSUMERS. YOU'RE GOING TO MAKE THEM WORSE OFF, SENATOR BRASCH. I HEAR YOU TALK ABOUT WHAT WAS HAPPENING IN THE ROTUNDA AS THOUGH THAT WAS ABOUT LB970. IT IS MY UNDERSTANDING, AND I HAD IT DIRECTLY FROM THE GOVERNOR'S PRO OFFICE THAT THAT PRESS CONFERENCE HAD NOTHING TO DO WITH LB970. AND YOU TALK ABOUT THE PEOPLE THAT HAD EVERYTHING TO DO WITH THE PETITION THAT'S ON THE BALLOT RIGHT NOW OR WILL BE ON THE BALLOT, AND YOU TALK ABOUT THE PEOPLE THAT WERE OPPOSED TO THAT PETITION. WELL, LET'S TALK ABOUT THE PETITION FOR JUST A SECOND. I ALSO SAW A NUMBER OF PEOPLE THAT SUPPORTED THE PETITION THAT IS HAPPENING, HARDWORKING NEBRASKANS THAT WANT AN OPPORTUNITY TO CREATE MORE JOBS, TO PROMOTE OUR

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ECONOMY, TO PROMOTE EDUCATION, AND TO PROMOTE PROPERTY TAX RELIEF.  
[LB970 LB862 LB820]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR LARSON: SO YOU CAN PAINT ONE PICTURE, BUT LET'S NOT FORGET THE OTHER SIDE. LB970 HAS MANY PROVISIONS, YES. AND IF THE QUESTION GETS DIVIDED, WE'LL WORK THROUGH THE DIVISION. THE PICKLES PROMOTE...HELPS NONPROFITS. THE KENO HELPS CITIES AND COUNTIES. DAILY FANTASY SPORTS OFFERS CONSUMER PROTECTIONS TO NEBRASKANS SO THEY DON'T GET TAKEN ADVANTAGE OF. MAYBE YOU WANT NEBRASKANS TO BE TAKEN ADVANTAGE OF. MAYBE YOU WANT THESE AUTOSCRIPTS TO CONTINUE BECAUSE THAT'S WHAT WILL HAPPEN IF WE DON'T PASS THIS. AND THAT'S UNFORTUNATE THAT ANYBODY WOULD STAND UP FOR THAT. AND IT HELPS LOCAL ORGANIZATIONS THAT ARE ALREADY CONDUCTING THESE RAFFLES. THANK YOU, MR. PRESIDENT. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR LARSON. THOSE IN THE QUEUE ARE SENATORS MELLO, HUGHES, HARR, BRASCH, BLOOMFIELD, AND OTHERS. SENATOR MELLO, YOU'RE RECOGNIZED. [LB970]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I RESPECTFULLY RISE IN OPPOSITION TO MY COLLEAGUE, SENATOR CHAMBERS', MOTION TO INDEFINITELY POSTPONE BECAUSE I SUPPORT THE CONCEPT OF US REGULATING FANTASY SPORTS. THERE IS AN ISSUE, I KNOW SENATOR KRIST RAISED IN REGARDS TO WHERE THE GENERAL FUND REVENUE WOULD GO IN REGARDS TO REGULATING THIS INDUSTRY. BUT I THINK OVERALL I THINK THERE WILL NO DOUBT BE DISAGREEMENT IN REGARDS TO SOME WHO THINK THIS IS QUOTE UNQUOTE EXPANDED GAMING OR EXPANDED GAMBLING, WHICH I WOULD MAKE AN ARGUMENT IF YOU'VE EVER PARTICIPATED IN A FANTASY SPORT GAME ON-LINE, YOU CAN EASILY TELL IT'S NOT A GAME OF CHANCE. IT IS A GAME OF SKILL. IT DOES REQUIRE A MASSIVE AMOUNT OF RESEARCH THAT GOES INTO MAKING A DECISION, BUILDING A TEAM, AND MAKING THE DETERMINATION IN REGARDS TO WHO YOU THINK WILL BE GOOD PERFORMERS AND NOT GOOD PERFORMANCE BASED UPON THEIR PAST HISTORY AND WHO THEY'RE PERFORMING AGAINST IN ANY GIVEN DAY. I TALKED WITH SENATOR LARSON. THERE IS A COMPONENT OF THE BILL THAT I DO HAVE A CONCERN ABOUT IN REGARDS TO A ISSUE RELATED TO THE PICKLE CARD COMPONENT THAT HE IS GOING TO WORK WITH ME ON OFF THE MIKE AND

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WE'LL DISCUSS THAT FURTHER. BUT WOULD SENATOR LARSON YIELD TO A QUESTION? [LB970]

SPEAKER HADLEY: SENATOR LARSON, WILL YOU YIELD? [LB970]

SENATOR LARSON: YES. [LB970]

SENATOR MELLO: SENATOR LARSON, I KNOW THAT I'VE HEARD ON THE FLOOR THERE'S SOME CONCERNS IN REGARDS TO A COMPONENT OF THE BILL THAT DEALS WITH KENO IN RELATIONSHIP TO THE UTILIZATION OF CREDIT CARDS AS PART OF THE KENO PROCESS. IS THAT SOMETHING THAT YOU WOULD BE WILLING TO MAYBE JETTISON, SO TO SPEAK, IN REGARDS TO TRYING TO ADDRESS WHAT I KNOW IS THE UNDERLYING ISSUE OF DEALING WITH KENO IS THE STRICT UTILIZATION OF ONLY CASH ONLY? [LB970]

SENATOR LARSON: YEAH. IF SOMEONE WOULD LIKE TO DISCUSS TAKING OUT THE SPECIFIC CREDIT CARD PORTION OF THE KENO PROVISIONS OF LB970 AND LEAVING DEBIT CARDS BECAUSE, IN ESSENCE--AND WE CAN ASK MAYBE SENATOR SULLIVAN THE DIFFERENCE BETWEEN THE CREDIT AND DEBIT CARD-- WITH THE DEBIT CARD YOU HAVE TO HAVE THE MONEY IN THE BANK, IS MY UNDERSTANDING. YOU CANNOT RUN DEBIT CARDS ON CREDIT. SO ESSENTIALLY A DEBIT CARD IS CASH. AND I KNOW...OR MAYBE SENATOR WILLIAMS, ONE OF THE BANKERS I'M SURE CAN ANSWER A GOOD QUESTION BETWEEN DEBIT AND CREDIT CARDS. BUT IF THAT IS SOMETHING THAT ALLEVIATES CONCERNS ABOUT PEOPLE RACKING UP DEBT TO PLAY KENO LIKE THEY ALREADY CAN BUYING POWERBALL TICKETS; BUT IF THAT'S A SPECIFIC PROVISION THAT WE CAN WORK ON, I'M HAPPY TO DISCUSS THAT AND MOVE IT TO JUST DEBIT CARDS BECAUSE, AS I SAID, DEBIT CARDS ARE ESSENTIALLY JUST CASH. [LB970]

SENATOR MELLO: THANK YOU FOR THAT, SENATOR LARSON. AND I'LL LET...I KNOW SOME OF THE SENATORS WHO OPPOSE MAYBE THAT COMPONENT OF YOUR UNDERLYING BILL, I'LL LET THEM ADDRESS THAT WITH YOU. IT WAS JUST SOMETHING THAT WAS RAISED TO ME THAT TO SOME EXTENT THERE'S SOME CONCERN ABOUT THAT COMPONENT. BUT OBVIOUSLY, I THINK MY INTEREST IS MORE ON THE UNDERLYING COMPONENT OF THE REGULATION OF FANTASY SPORTS, PARTICULARLY AS I MENTIONED EARLIER. THE SUPREME COURT HAS RULED THAT...AND THEY RULED BACK IN 2011 THAT THE GAME QUOTE UNQUOTE CALLED BANKSHOT WOULD ONLY BE CONSIDERED GAMBLING IF IT WAS A GAME OF CHANCE. AND I'VE YET TO HEAR ANYONE BE ABLE TO MAKE AN

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ARGUMENT THAT DAILY FANTASY SPORTS, KNOWING THE WORK THAT GOES INTO THIS, IS SIMPLY A GAME OF CHANCE. IT'S NOT FLIPPING A COIN. COLLEAGUES, IT DOES REQUIRE A CONSIDERABLE AMOUNT OF WORK AND A CONSIDERABLE AMOUNT OF RESEARCH TO MAKE WHAT I WOULD SAY IS VERY REASONED, RATIONAL, RESEARCH-BASED DECISIONS IN REGARDS TO WHAT YOU CHOOSE TO DO IN ANY GIVEN GAME THAT'S BEING PLAYED OUT. [LB970]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR MELLO: SO I THINK, COLLEAGUES, TO SOME EXTENT I UNDERSTAND THAT THIS IS AN ONGOING ISSUE. AND IT'S NOTHING THAT I WANT TO BELABOR THAT THERE ARE SOME COLLEAGUES WHO FOR PHILOSOPHICAL REASONS AND MORAL REASONS JUST GENERALLY OPPOSE ANYTHING THAT FEELS OR SMELLS OR LOOKS LIKE WHAT THEY WOULD CONSIDER TO BE EXPANDED GAMBLING OR GAMBLING IN GENERAL. COLLEAGUES, REGULATING A BUSINESS RIGHT NOW THAT RIGHT NOW OVER 300,000 NEBRASKANS ARE UTILIZING ON A REGULAR BASIS THAT IS NOT A GAME OF CHANCE AND IS, IN FACT, A GAME OF SKILL AND BASED ON RESEARCH, COLLEAGUES, I THINK IT'S ONLY WORTHWHILE THAT WE CONSIDER REGULATING AN INDUSTRY LIKE THIS, BECAUSE IF WE CHOOSE NOT TO REGULATE THE INDUSTRY, IT WILL SIMPLY GO ON. AND TO SOME EXTENT, AS YOU HEARD FROM SENATOR KRIST, THERE'S OPPORTUNITY I THINK WITH THE SIMPLE REGULATION THAT WE KNOW NEEDS TO TAKE PLACE THAT WE COULD, ONE, SEE FUNDING BE ABLE TO BE UTILIZED FOR THE COMMISSION ON COMPULSIVE AND PROBLEM GAMBLING EVEN THOUGH I THINK TO SOME EXTENT... [LB970]

SPEAKER HADLEY: TIME, SENATOR. [LB970]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. SENATOR HUGHES, YOU ARE RECOGNIZED. [LB970]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I LOVE MY JOB. I LOVE MY JOB. I LOVE MY JOB. THIS IS VERY INTERESTING. I DO HAVE A DOG IN THIS FIGHT. ONE BILL THAT I BROUGHT FORWARD WAS ROLLED INTO LB970 AS A MATTER OF EXPEDIENCY TO GET IT ON THE FLOOR. I APPRECIATE CHAIRMAN LARSON'S AND THE OTHER MEMBERS OF THE GENERAL AFFAIRS COMMITTEE WILLINGNESS TO DO THAT. I HAVE A BET THAT I'D LIKE TO

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PUT OUT. I HAVE A BET THAT EVERY SINGLE SENATOR ON THE FLOOR, SAVE ONE, HAS BEEN TO A CASINO. ANYBODY WANT TO TAKE ME UP ON THAT BET? THAT'S A PRETTY SAFE BET. PEOPLE LOVE TO GAMBLE. THERE ARE SOME THAT IT'S A PROBLEM FOR. THERE ARE SOME PEOPLE THAT DRIVE TOO FAST THAT'S A PROBLEM FOR. ARE WE GOING TO REGULATE EVERYTHING IN OUR LIVES TO TRY AND SAVE A FEW PEOPLE? WE HAVE PROGRAMS TO HELP THOSE THAT ARE ADDICTED TO GAMBLING, ALCOHOL, CIGARETTES. WE PROBABLY NEED SOME LIKE MYSELF THAT ARE ADDICTED TO FARMING. EVERYTHING IS A CHANCE. EVERYTHING IS A RISK. ALL OF THE DIFFERENT TYPES OF GAMBLING THAT WE ALLOW IN NEBRASKA: WE HAVE SCRATCH TICKETS; WE HAVE PICKLE CARDS; WE HAVE KENO; WE HAVE HORSE RACING; WE HAVE RUBBER DUCK RACES; BINGO; POWER; MEGAMILLIONS; AND RAFFLES. THE FACT THAT EVERY TIME A GAMBLING BILL COMES UP, OH, MY GOD, IT'S EXPANDED GAMBLING. WE GAMBLE. WE DO IT FOR FUN. THE MAJORITY OF THE PEOPLE IN THE STATE OF NEBRASKA SPEND A FEW DOLLARS FOR ENTERTAINMENT ON POWERBALL. THEY GO TO THE BOATS IN IOWA. WE'RE MISSING AN INCREDIBLE AMOUNT OF REVENUE BECAUSE WE DON'T ALLOW GAMBLING IN THE STATE OF NEBRASKA. AND I'M THE FIRST ONE TO COMPLAIN ABOUT PROPERTY TAXES. HOW DO WE GENERATE THE REVENUE FOR PROPERTY TAX RELIEF? THIS IS ONE WAY THAT WE COULD DO IT, NOT SPECIFICALLY THIS BILL, BUT GAMBLING. HUMAN BEHAVIOR, WE'RE NOT GOING TO CHANGE IT. THE MAJORITY OF PEOPLE WILL DO IT RESPONSIBLY. THERE WILL BE A FEW THAT IT WILL BE A PROBLEM FOR, AND THAT'S WHY WE HAVE SOCIAL PROGRAMS. IT'S A VERY INTERESTING, PHILOSOPHICAL DISCUSSION ON SPECIFIC BILLS AND WHETHER WE ARE GOING TO DIVIDE THE QUESTION AND SPLIT OUT FANTASY SPORTS. I DON'T THINK A LOT OF MY COLLEAGUES PROBABLY REALLY UNDERSTAND WHAT FANTASY SPORTS IS. THE FACT THAT THE NATIONAL FOOTBALL LEAGUE HAS SAID IT'S OKAY. MAJOR LEAGUE BASEBALL, WHICH HAS HAD GAMBLING ISSUES IN THE PAST AND ARE VERY, VERY CONCERNED ABOUT GAMBLING ON PROFESSIONAL SPORTS, HAS ENDORSED THIS AS WELL AS OTHER PROFESSIONAL SPORTS. THE FANTASY SPORT PORTION OF THIS BILL THAT WE'RE TALKING ABOUT, THE PROFESSIONS THAT ARE BENEFITING FROM THAT.. [LB970]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR HUGHES: ...BECAUSE OF INCREASED INTEREST, DON'T SEE IT AS A PROBLEM THAT'S GOING TO AFFECT THE OUTCOME OF ANY GAMES. THIS IS ENTERTAINMENT. THIS IS RAISING THE AWARENESS, PEOPLE BECOMING MORE INTERESTED IN WHAT GOES ON IN THE BASEBALL FIELD AND THE FOOTBALL FIELDS AND BASKETBALL. JUST BECAUSE IT CHANGES AND CLARIFIES, NOT

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CHANGE IT, CLARIFIES THE RULES UNDER WHICH WE WANT TO HAVE THE ABILITY TO SPEND OUR ENTERTAINMENT DOLLARS DOES NOT NECESSARILY MAKE IT EXPANDED GAMBLING. THANK YOU, MR. PRESIDENT. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR HUGHES. THOSE IN THE QUEUE: SENATORS BURKE HARR, BRASCH, BLOOMFIELD, SCHILZ, HILKEMANN, AND HUGHES. SENATOR BURKE HARR, YOU'RE RECOGNIZED. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB970]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND THANK YOU ONCE AGAIN, COLLEAGUES. THERE WAS A LOT OF ACTIVITY IN THE ROTUNDA, AND SENATOR LARSON IS CORRECT THAT THE CONFERENCE WAS CALLED FOR THE EFFORTS TO HAVE A CONSTITUTIONAL AMENDMENT THAT ALLOWS CASINOS THAT IS UNDERWAY. MY CONVERSATIONS THIS MORNING DID COVER THIS BILL AS WELL. I DID NOT STAY FOR THE LENGTH, BUT I DID WANT TO PUT ON RECORD THAT THAT IS THE INTENT OF THE PRESS CONFERENCE. BUT I ALSO WANT TO MAKE SURE THAT EVERYONE HERE HAS HAD AN OPPORTUNITY TO VISIT WITH THE INDIVIDUALS THAT ARE OUT THERE THIS MORNING OR HAVE BEEN OUT THERE ON THEIR VIEWS ON THIS BILL, THEIR CONCERNS, THEIR CONCERNS NOT ONLY ABOUT CASINOS, BUT ABOUT FANTASY SPORTS. THE ARTICLES THAT WE'VE COLLECTED ARE NATIONAL ONES AS WELL ON WHAT HAS HAPPENED AND HOW IT IS PERCEIVED ACROSS THE NATION. EVEN AT CASINOS, THEY DON'T ALL SEE IT THE SAME WAY. AND A RECENT ARTICLE IN USA TODAY SPORTS, JANUARY 12, TALKS ABOUT FANTASY SPORTS AND SAYS, OF COURSE, IT'S GAMBLING, QUOTE UNQUOTE SAID JOE ASHER, CEO OF THE SPORTS GAMBLING COMPANY WILLIAM HILL US, OF COURSE IT'S SPORTS BETTING. IT DOESN'T MEAN THAT IT'S SUBJECT NECESSARILY TO THE SAME LAWS. YOU'RE RISKING MONEY ON SOMETHING OF AN UNCERTAIN OUTCOME AND THAT SOUNDS LIKE GAMBLING. IT'S REALLY AN INTERESTING ARTICLE IF YOU GO ON TO READ IT. AND, AGAIN, INDIVIDUALS DO HAVE A CHOICE TO GAMBLE OR NOT GAMBLE. HOWEVER, THERE ARE INDIVIDUALS WHO HAVE ADDICTION DIFFICULTIES, AND THEY HAVE LOST LIVELIHOODS. THEY HAVE LOST EVERYTHING. THEY STEAL MONEY FROM OTHERS. I RAN INTO A YOUNG WOMAN, I THINK IT WAS LAST YEAR, THAT SHE WAS NEW TO A BUSINESS. I'D NOT SEEN HER, AND SHE SAID THE BUSINESS THAT SHE HAD WORKED AT HAD CLOSED BECAUSE THE OWNER HAD GAMBLED AWAY THEIR PROFITS AND PAYROLL. AND SO YOU MEET PEOPLE EVERY DAY THAT, YOU KNOW, DO HAVE PROBLEMS AND SOME ARE PROFESSIONALS. JUST LOOK AROUND AND TALK TO OTHERS. AND I'M NOT ONE TO SAY, WELL, THAT'S NOT MY PROBLEM BECAUSE WHEN SOMEONE IS AFFECTED, WE'RE ALL AFFECTED. AND IN FACT, I BELIEVE IT WAS MAYBE SENATOR BOLZ THAT WENT TO THE ARC

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BANQUET THE OTHER NIGHT, AND HER AND I BOTH WROTE DOWN THE QUOTE WE LIKED: WHEN SOMEONE DOES WELL, WE ALL DO WELL. AND I THINK THAT'S WHY WE'RE HERE IS TO USE EVERY EFFORT POSSIBLE, YOU KNOW, TO LOOK FOR SIGNS THAT ARE PROBLEMATIC. I DID TURN MY LIGHT ON AND HAD MORE INFORMATION TO SHARE, BUT I THINK AT THIS POINT... [LB970]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR BRASCH: ...WE ALL NEED TO, YOU KNOW, LOOK AT THIS AND SEE IT'S NOT GOING TO AFFECT JUST ONE OR TWO, THREE OR FOUR, BUT DOZENS AND DOZENS OF INDIVIDUALS PERHAPS WITH FAMILIES, PERHAPS WITH BUSINESSES. AND THAT'S WHY I'M VERY CONCERNED ON THIS CHRISTMAS TREE TYPE OF BILL WHERE YOU PUT SOMETHING IN THAT MAY HAVE SO MANY UNINTENDED CONSEQUENCES THAT AFFECT US ALL. THANK YOU, MR. SPEAKER, AND THANK YOU, COLLEAGUES. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB970]

SENATOR BLOOMFIELD: THANK YOU, MR. SPEAKER. I'VE BEEN MISSING THE MELLOW TONES OF SENATOR CHAMBERS, SO I WOULD YIELD THE REMAINDER OF MY TIME TO HIM. [LB970]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:48. [LB970]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, JOHNNY. MEMBERS OF THE LEGISLATURE, I'M SURPRISED AT SENATOR MELLO. HE'S SMARTER THAN WHAT WE SAID OR HE KNOWS NOTHING ABOUT GAMBLING, NOTHING ABOUT SPORTS. WHEN YOU PUT THIS TEAM TOGETHER, A PERSON THAT YOU PUT ON THAT TEAM MAY BE INJURED. YOU DON'T CONTROL THAT. YOUR SKILL, WHATEVER IT IS, HAS NOTHING TO DO WITH THAT. A PLAYER THAT YOU HAVE PUT ON YOUR TEAM...AND SENATOR MELLO'S NOT LISTENING. IN SPORTS, IF YOU TACKLE A CERTAIN WAY, YOU USE YOUR HELMET AND HIT SOMEBODY; YOU HIT A PLAYER WHO IS DEFENSELESS. AND IF IT'S A SEVERE ENOUGH VIOLATION, THEY PUT YOU OUT OF THE GAME. YOU DON'T CONTROL THAT. A PLAYER COULD LOSE HIS TEMPER. THE COACH COULD PULL HIM OUT OF THE GAME. HE COULD GET HIT IN SUCH A WAY THAT THEIR CONCUSSION PROTOCOL KICKS IN. AND SENATOR MELLO IS SO NAIVE, HE SHOULDN'T EVEN BET ON THE FLIP OF A COIN, BECAUSE IF HE KNOWS ANYTHING ABOUT

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GAMBLING, THE EXPERTS ON PICKING TEAMS ARE THE LAS VEGAS BOOKMAKERS; AND THEY DON'T GET IT RIGHT. IF ANYBODY'S GOT THE SKILL, WHAT SKILL THERE IS NECESSARY, THEY'VE GOT THE SKILL, YEARS OF EXPERIENCE. AND IF ANYBODY HAS THE COMPUTER PROGRAMS, THEY HAVE GOT ALL OF THAT. IF IT COMES EVEN TO INSIDE INFORMATION, THEY HAVE THAT. IN THE NFL, YOU HAVE TO DISCLOSE THE HEALTH OF YOUR PLAYERS IN ADVANCE. IF SOMEBODY IS INJURED, ARE THEY GOING TO BE OUT OF THE GAME? ARE THEY QUESTIONABLE? ARE THEY LIKELY? BECAUSE GAMBLING IS KNOWN TO BE OUT THERE. AND ONE REASON PROFESSIONAL TEAMS ARE OPPOSED TO GAMBLING IS BECAUSE THE PUBLIC WILL BELIEVE THAT IF THE STAKES ARE HIGH ENOUGH GAMES WILL BE THROWN, GAMES WILL BE FIXED. A KICKER WHO USUALLY MAKES A FIELD GOAL OF 42 YARDS ALL THE TIME AT A CRUCIAL POINT IN THE GAME MISSES IT. AND A WHOLE LOT OF MONEY IS RIDING ON THAT KICK GOING BETWEEN THE GOAL POSTS OR GOING OUTSIDE. THESE PEOPLE TALKING ABOUT GAMBLING DON'T KNOW ANYTHING ABOUT THE BUSINESS OF GAMBLING, THE CHICANERY INVOLVED IN GAMBLING. AND IF SENATOR LARSON IS CONCERNED ABOUT FRAUDULENT ACTIVITY, THAT'S WHAT THE ATTORNEY GENERAL'S OFFICE IS FOR. IF IT HAPPENS AT THE COUNTY LEVEL, THAT'S WHAT THE COUNTY ATTORNEY IS TO DEAL WITH. ALL THIS MISHMASH NONSENSE HE'S TALKING SHOWS NOT ONLY THAT HE DOESN'T KNOW WHAT HE'S TALKING ABOUT, HE BELIEVES YOU DON'T KNOW EITHER. THAT'S WHY HE KEEPS JUMPING TO PICKLES AND THIS OTHER. AT LEAST SENATOR MELLO WAS HONEST ENOUGH TO SAY THAT WHAT HE'S CONCERNED ABOUT AND INTERESTED IN IS THAT FANTASY FOOTBALL. AND FANTASY IS THE RIGHT WORD BECAUSE IF YOU THINK THIS IS SKILL YOU'RE LIVING IN A FANTASY WORLD. IT'S A BARNUM AND BAILEY WORLD JUST AS PHONEY AS IT CAN BE. IT'S ONLY A PAPER MOON FLYING OVER A CARDBOARD SEA. IT'S MAKE BELIEVE. AND IT'S ONE THING FOR PEOPLE TO CHOOSE TO GAMBLE, NO MATTER HOW UNWISE THAT IS. IT'S ANOTHER THING FOR THE STATE TO PUT ITS IMPRIMATUR ON GAMBLING AND SAY THAT IT'S ALL RIGHT, THAT THIS IS SOMETHING THAT BENEFITS SOCIETY. AND WHEN THEY TRY TO DRAW THESE ANALOGIES, THEY DON'T EVEN FIT. MOST PEOPLE AT SOME TIME OR OTHER WILL EXCEED THE SPEED LIMIT ON THE HIGHWAY. [LB970]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR CHAMBERS: THAT'S KNOWN. PEOPLE WHO ARE NOT OLD ENOUGH TO BUY LIQUOR OR DRINK IT ARE GOING TO DO SO. YOU PASS LAWS TO DEAL WITH THE GENERALITY OF THE PUBLIC AND THE SITUATION YOU'RE CONFRONTING. YOU KNOW THAT NO LAW IS GOING TO COMPLETELY STOP ANYTHING. WE'RE

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NOT TALKING ABOUT THOSE THINGS THAT ARE ESSENTIALS TO MAKE A SOCIETY MOVE. WE'RE TALKING ABOUT SOMETHING THAT HAS BEEN SHOWN WHEREVER IT IS ALLOWED TO DEVASTATE PEOPLE. AND IF YOU WATCH THESE TELEVISION PROGRAMS TALKING ABOUT FANTASY FOOTBALL OR BASKETBALL OR BASEBALL, THEY'LL ALWAYS HAVE PEOPLE WHO TELL YOU THE THOUSANDS OF DOLLARS THAT THEY LOST, THAT THEY LOST. HOW DO YOU DETERMINE SKILL? THERE IS NO SKILL. IF WHAT THEY SAY IS TRUE, THEN SPORTS BETTING SHOULD BE LEGAL. BUT THAT IS... [LB970]

SPEAKER HADLEY: TIME, SENATOR. [LB970]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD; AND THANK YOU, SENATOR CHAMBERS. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB970]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. BACK ON THE MERRY-GO-ROUND, AND HERE WE GO AGAIN. SO I JUST SIT HERE AND I THINK ABOUT IT. EXPANDED GAMBLING, EXPANDED GAMBLING SUCH AS KENO, SUCH AS LOTTERY, PICKLE CARDS, THE QUESTION IS, DO WE HAVE THOSE NOW? THE ANSWER IS, YES. SO DOES A LAW THAT CLARIFIES HOW YOU CAN PAY OR WHAT LEGAL TENDER YOU CAN USE TO PURCHASE KENO, LOTTERY, OR PICKLE CARDS, DOES THAT REALLY RISE TO THE LEVEL OF EXPANDING GAMBLING? OR DOES THAT JUST GET US INTO THE 21ST CENTURY WITH HOW PEOPLE PAY FOR STUFF? SO LET'S BE HONEST ABOUT WHAT WE'RE TALKING ABOUT HERE ON THAT LEVEL. NOW THE FANTASY SPORTS SIDE, WE HAVE NO LAWS ABOUT THAT. BUT WE DO KNOW THROUGH THE STUDIES THAT WE'VE DONE THAT 300,000 PEOPLE ARE PLAYING THIS IN NEBRASKA TODAY. THEY ARE DOING IT COMPLETELY LEGALLY TODAY. SO IF WE PUT CLARIFYING LANGUAGE IN, IF WE PUT CONSUMER PROTECTIONS IN, THAT DOESN'T NECESSARILY EXPAND ANYTHING. IT JUST ALLOWS WHAT IS ALREADY ABLE TO OCCUR TO CONTINUE. I HEAR ALL PEOPLE AROUND THIS FLOOR TALK ABOUT, HEY, WE SHOULDN'T REGULATE PEOPLE TOO MUCH. WE NEED TO BACK OFF ON REGULATIONS. THESE MANDATES ON THE PEOPLE AREN'T VERY GOOD. WELL, YOU CAN LOOK AROUND TO THE FEDERAL GOVERNMENT'S DEFINITION OF FANTASY SPORTS. YOU CAN LOOK AROUND TO A NUMBER OF DIFFERENT STATES AND AGS' OPINIONS ON FANTASY SPORTS AND THEY SAY IT'S NOT GAMBLING, JUST LIKE BANKSHOT IS NOT GAMBLING. NOW HERE'S THE PROBLEM THAT WE HAVE. CHANCES ARE IF WE DON'T PASS A BILL LIKE THIS THAT EXPLAINS THIS,

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THAT GIVES CONSUMER PROTECTIONS, THEN QUITE HONESTLY WE COULD END UP IN A LAWSUIT. AND THEN THE STATE OF NEBRASKA HAS TO SPEND PRECIOUS DOLLARS IN A DRAWN OUT LEGAL BATTLE TO SEE WHETHER OR NOT THE PEOPLE OF THE STATE CAN ACTUALLY DO THIS OR NOT. WE HAVE THE ABILITY TODAY TO MAKE SURE THAT NOBODY IS PUT INTO A BAD SITUATION FROM THINGS THEY ARE DOING LEGALLY TODAY. SENATOR HUGHES SAID THERE'S RISKS TO EVERYTHING. AND HIS QUESTION IS LEGITIMATE. I MEAN, I DON'T KNOW ABOUT THE CASINO THING. BUT ANYBODY THAT'S GONE TO A SCHOOL FUND-RAISER OR A HOSPITAL FUND-RAISER OR A PHEASANTS FOREVER FUND-RAISER AND YOU'VE BOUGHT A RAFFLE TICKET OR YOU'VE BOUGHT A HALF AND HALF OR A CHANCE TO WIN SOMETHING ELSE, EVERYBODY'S DONE THAT. AND THAT IS THE TRUEST FORM OF LEGAL GAMBLING HERE IN THE STATE, THE TRUEST FORM. IF YOU LOOK AT THE LETTER OF THE LAW,... [LB970]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR SCHILZ: ...THAT IS ABSOLUTELY GAMBLING. BUT NONE OF YOU ARE GOING TO STAND UP HERE TODAY AND SAY THAT THOSE CHURCHES SHOULDN'T BE ABLE TO DO THAT, THAT THOSE CHARITIES SHOULDN'T BE ABLE TO DO THAT. AND I DON'T DISAGREE. THEY SHOULD BE ABLE TO DO THAT. AND PEOPLE SHOULD BE ABLE TO PLAY FANTASY SPORTS AS THEY SEE FIT, AND WE SHOULD NOT BRING IT UNDER REGULATIONS, GAMBLING REGULATIONS UNDER THE STATE OF NEBRASKA. I'M OPPOSED TO INDEFINITELY POSTPONING THIS BILL. I THINK THERE'S A LOT OF GOOD THINGS IN IT. I THINK WE SHOULD MOVE IT FORWARD. THANK YOU, MR. PRESIDENT. [LB970]

SPEAKER HADLEY: THANK YOU, SENATOR SCHILZ. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB970]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT, I'D LIKE TO YIELD MY TIME TO SENATOR LARSON. [LB970]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 5 MINUTES. [LB970]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I WANT TO COVER A FEW THINGS THAT HAVE BEEN SAID. I DON'T THINK SENATOR CHAMBERS HAS A COMPLETE PICTURE OF WHAT'S HAPPENING. HE CAN PROSELYTIZE ALL HE WANTS THAT I DON'T UNDERSTAND, THAT IT'S THE ATTORNEY GENERAL'S RESPONSIBILITY TO OFFER CONSUMER PROTECTION. WELL, COLLEAGUES, WE

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NEED THE STATUTES TO HAVE THOSE CONSUMER PROTECTIONS FOR THE ATTORNEY GENERAL TO OFFER, TO HAVE A GUIDEBOOK FOR HIM. WE CAN ALL SPOUT NONSENSE, BUT THERE'S THE TRUTH. HE WANTS TO TALK ABOUT HOW THE COMPUTER PROGRAMMERS THAT CAN CREATE THESE AND THE INSIDER KNOWLEDGE FROM THE INDUSTRY THAT GIVE PEOPLE IN DAILY FANTASY SPORTS AN UNFAIR ADVANTAGE. WELL, HAD HE READ THE AMENDMENT TO LB970, WE ARE TRYING TO STOP THOSE THINGS. WE ARE TRYING TO ENSURE THAT THAT DOES NOT HAPPEN. IF YOU DON'T WANT THE LITTLE GUY TO BE TAKEN ADVANTAGE OF, THEN YOU NEED THE CONSUMER PROTECTIONS THAT ARE IN LB970 AND THE COMMITTEE AMENDMENT. THEN WE HEAR HIM TALK ABOUT, WELL, PLAYERS CAN THROW A GAME. WELL, AGAIN, IT SHOWS HIS LACK OF KNOWLEDGE OF FANTASY SPORTS. SENATOR CHAMBERS, WILL YOU YIELD TO A QUESTION? [LB970]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB970]

SENATOR CHAMBERS: YES, I WILL. [LB970]

SENATOR LARSON: SENATOR CHAMBERS, WHEN YOU DO SPORTS BETTING, YOU BET FOR OR AGAINST ONE TEAM OR YOU BET WITH THE LINE. IT'S ONE WHOLE TEAM, CORRECT? [LB970]

SENATOR CHAMBERS: OH, YOU MEAN WHEN... [LB970]

SENATOR LARSON: SPORTS BETTING, WHEN YOU... [LB970]

SENATOR CHAMBERS: WHAT SPORTS BETTING IS BASED ON? [LB970]

SENATOR LARSON: WHEN YOU PLACE A SPORTS BET, YOU EITHER BET WITH ONE TEAM OR AGAINST ONE TEAM, CORRECT, ESSENTIALLY? [LB970]

SENATOR CHAMBERS: YOU LOOK AT THE SPREAD... [LB970]

SENATOR LARSON: YOU LOOK AT THE SPREAD, BUT... [LB970]

SENATOR CHAMBERS: ...AND DETERMINE WHICH ONE IS LIKELY TO FALL WITHIN THE SPREAD. [LB970]

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SENATOR LARSON: BUT YOU'RE PICKING ONE TEAM. [LB970]

SENATOR CHAMBERS: YES, YOU DO. [LB970]

SENATOR LARSON: OKAY. [LB970]

SENATOR CHAMBERS: YOU CAN'T BET...YOU CAN BET BOTH OF THEM IF YOU WANT TO. [LB970]

SENATOR LARSON: WELL, THEN THE BOOKIE IS GOING TO TAKE HIS CUT AND YOU'RE GOING TO...YOU'LL STILL LOSE. [LB970]

SENATOR CHAMBERS: BUT, LOOK, SINCE YOU... [LB970]

SENATOR LARSON: BUT THAT IS EXACTLY WHAT I WANTED TO TOUCH...THANK YOU, SENATOR CHAMBERS. THAT IS EXACTLY IT. [LB970]

SENATOR CHAMBERS: TOUCHE. [LB970]

SENATOR LARSON: YOU BET ONE TEAM. SO WHEN YOU'RE SPORTS BETTING, A KICKER COULD CAUSE SENATOR CHAMBERS TO LOSE HIS SPORTS BET. WITH FANTASY SPORTS, COLLEAGUES, YOU HAVE TO UNDERSTAND THAT YOU ARE COLLECTING A TEAM OF PLAYERS FROM ACROSS AN ENTIRE LEAGUE. YOUR KICKER MIGHT BE WITH THE MIAMI DOLPHINS, BUT YOUR QUARTERBACK MIGHT BE WITH THE NEW ORLEANS SAINTS. AND THAT'S WHAT SENATOR MELLO WAS REFERENCING IN TERMS OF THIS IS A GAME OF SKILL. YOU CAN LOOK AT CONDITIONS. YOU CAN LOOK AT DEFENSES. YOU CAN LOOK AT POINTS PER GAME. YOU CAN LOOK AT PASSING RECORDS. YOU CAN LOOK AT ALL THESE DIFFERENT ASPECTS. AND YOU'RE NOT JUST PICKING ONE TEAM WHERE ONE PLAYER COULD CAUSE YOU TO LOSE THE ENTIRE GAME. YOU'RE PICKING TEN POSSIBLE PLAYERS FROM ACROSS THE LEAGUE FOR SOMETHING TO HAPPEN IN TERMS OF THE FIX IS IN, AS SENATOR CHAMBERS WANTED TO REFERENCE, IS--I WON'T SAY COMPLETELY IMPOSSIBLE,--BUT IT WOULD HAVE TO BE SO SMALL AND SO REMOTE THAT IT JUST COULD NEVER HAPPEN BECAUSE YOU WOULD HAVE TO HAVE TEN PLAYERS OR AT LEAST MULTIPLE PLAYERS ON YOUR TEAM, AND IT WOULD HAVE TO BE DIRECTLY COMING AT YOU, DECIDE TO THROW A GAME... [LB970]

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SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR LARSON: ...OR TO NOT CATCH A BALL. THE CONCEPT IS RIDICULOUS. SO IT SHOWS SENATOR CHAMBERS' LACK OF KNOWLEDGE OF WHAT HE'S ACTUALLY ARGUING AGAINST. SENATOR CHAMBERS, I CAN BRING YOU WHAT A FANTASY SPORTS WEB SITE LOOKS LIKE. I HAVE THE APP ON MY PHONE. AND MOVING WITH THAT TO ADDRESS SENATOR BRASCH, SHE WANTS TO TALK ABOUT PROBLEM GAMBLING. WOULD SENATOR BRASCH YIELD TO A QUESTION? [LB970]

SPEAKER HADLEY: SENATOR BRASCH, WILL YOU YIELD TO A QUESTION? [LB970]

SENATOR BRASCH: YES, I YIELD. [LB970]

SENATOR LARSON: SENATOR BRASCH, HAVE YOU EVER OPENED A DAILY FANTASY SPORTS WEB SITE OR APP? [LB970]

SENATOR BRASCH: NO. [LB970]

SENATOR LARSON: OKAY. DID YOU KNOW THAT THEY...THAT THE DAILY FANTASY SPORTS SITES ALREADY WORK HEAVILY WITH RESPONSIBLE GAMING ADVOCATES AND THE NATIONAL ASSOCIATION... [LB970]

SPEAKER HADLEY: TIME, SENATOR. [LB970]

SENATOR LARSON: THANK YOU. [LB970]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB970]

SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER. AND FOR THE LAST THREE MINUTES OF THE MORNING, GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT TO INDEFINITELY POSTPONE LB970. I'M A MEMBER OF THE COMMITTEE, AND DID NOT VOTE ON THE MOTION TO MOVE THIS FORWARD. WHY DID I DO THAT? WELL, IT INCLUDED THREE BILLS. YOU'VE HEARD FROM SENATOR HUGHES ON HIS PARTICULAR BILL AND THERE'S ALSO A KENO BILL. I COULD ACTUALLY SUPPORT THOSE TWO BILLS, BUT THE FANTASY SPORTS PORTION OF THE STATUTE IS WHAT BOTHERED ME. IT BOTHERED ME FOR TWO REASONS. FIRST

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OFF, IT TENDS TO LEGITIMIZE SOME ACTIVITY THAT MAY, IN FACT, BE ILLEGAL. I KNOW IT'S BEING TESTED THROUGHOUT THE COUNTRY BY MANY COURTS, SO I WOULD HATE TO DO ANYTHING TO PROMOTE THIS ACTIVITY UNTIL WE'RE CERTAIN THAT IT'S LEGAL. AND SECONDLY, IT DOESN'T PROVIDE SUFFICIENT CONSUMER SAFEGUARDS. A GROUP CALLED THE NATIONAL COUNCIL ON PROBLEM GAMBLING HAS SOME SAFEGUARDS THAT FANTASY SPORTS SHOULD PROBABLY INCLUDE. AND UNTIL WE HAVE BETTER CONSUMER SAFEGUARDS IN THE BILL, I CAN'T VOTE FOR IT. SO IN THAT CASE, I WOULD ENCOURAGE YOU TO VOTE TO POSTPONE THIS BILL, LB970. [LB970]

SPEAKER HADLEY: SENATOR SCHILZ: [LB970]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. I GIVE MY TIME TO SENATOR LARSON IF HE WANTS IT. [LB970]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 4:40. [LB970]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. COLLEAGUES, I HAD SENATOR BRASCH UP AT THE MIKE. WILL SENATOR BRASCH YIELD? [LB970]

SPEAKER HADLEY: SENATOR BRASCH, YIELD? [LB970]

SENATOR BRASCH: YES, I YIELD. [LB970]

SENATOR LARSON: THANK YOU, SENATOR BRASCH. ARE YOU FAMILIAR WITH ...YOU SAID YOU HADN'T BEEN ON THE APP OR GONE TO ANY OF THE WEB SITES. ARE YOU FAMILIAR WITH THE WORK THAT THE LARGE DAILY FANTASY SPORTS ORGANIZATIONS ARE DOING WITH THE AMERICAN PROBLEM GAMBLING FUND AND THE FACT THAT ON THE APP THERE YOU CAN ACTUALLY SELF-EXCLUDE OR REPORT A FAMILY MEMBER OR A NUMBER OF OTHER SAFEGUARDS TO ENSURE THAT THOSE THAT MIGHT HAVE AN ISSUE CAN BE HELPED? [LB970]

SENATOR BRASCH: I WAS NOT AWARE OF THAT. [LB970]

SENATOR LARSON: ALL RIGHT. THANK YOU, SENATOR BRASCH. COLLEAGUES, THESE ORGANIZATIONS ARE DOING A LOT ALREADY TO WORK TO PROTECT THE VERY, VERY SMALL AMOUNT OF INDIVIDUALS THAT HAVE A PROBLEM WITH GAMING. THEY'RE DOING IT. AND WE TALK ABOUT THE CONSUMER

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PROTECTIONS, AND SENATOR McCOLLISTER JUST ROSE AND SAID HE'D SUPPORT AN IPP MOTION. WELL, SENATOR McCOLLISTER SITS ON GENERAL AFFAIRS AND HE DIDN'T VOTE FOR THE BILL OUT OF COMMITTEE, AND I CAN UNDERSTAND THAT. AND I KNOW HE HAS SPECIFIC PERSONAL CONNECTIONS WITHIN THE PROBLEM GAMBLING ARENA, AND THAT'S INTERESTING IN AND OF ITSELF. BUT, COLLEAGUES, WE ARE WORKING ON VERY DETAILED CONSUMER PROTECTIONS. THERE'S AN AMENDMENT TO MY COMMITTEE AMENDMENT THAT STOPS AUTOSCRIPTS, THAT STOPS AUTODRAFTING. YOU WILL HAVE AN OPPORTUNITY TO PROTECT NEBRASKANS FROM THESE VERY TECHNICAL AND HIGHLY INTELLIGENT MATHEMATICAL ALGORITHMS THE BIG DAILY FANTASY SPORTS WEB SITES ARE ALREADY PUTTING IN PLACE. THEY'RE NOT ALLOWING THAT. AND WHY ARE THEY NOT ALLOWING THAT? BECAUSE IT IS AN INDUSTRY...A BEST PRACTICE FOR THE INDUSTRY TO NOT, BECAUSE THEY WANT TO PROTECT THE PLAYERS AND THE INTEGRITY OF THE GAMES. WE HEAR ALWAYS, AND I WILL BRING THIS UP AGAIN AND AGAIN, THE CONCEPT OF HOW THIS IS VERY DIFFERENT THAN SPORTS BETTING. IF I HAVE A QUARTERBACK THAT IS FACING THE DENVER BRONCOS' DEFENSE THAT IS JUST GOING TO BE THE LEAGUE MVP AND HAS LIT UP THE REST OF THE LEAGUE ALL YEAR, BUT HE'S PLAYING THE DENVER BRONCOS DEFENSE THIS WEEK, I'M PROBABLY NOT GOING TO PUT HIM IN MY LINEUP; EXAMPLE, CAM NEWTON. YOU MAKE THAT INTELLIGENT DECISION, JUST LIKE WHEN I SEE THAT VOLKSWAGEN IS FACING AN EMISSIONS FIGHT FROM THE EPA AND THE EUROPEAN REGULATORS, IT MIGHT NOT BE A GOOD TIME TO BUY THEIR STOCK. JUST SAYING. [LB970]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR LARSON: COLLEAGUES, THERE ARE SO MANY SIMILARITIES BETWEEN PEOPLE THAT CAN INTELLIGENTLY LOOK AT THE DYNAMICS OF POSSIBILITIES WITH DAILY FANTASY SPORTS AND STOCK INVESTING. I WOULD LOVE TO WALK THROUGH SOME OF IT WITH YOU. YOU KNOW, IT COSTS \$3 OR SOMETIMES AS LITTLE AS 50 CENTS TO ENTER A DAILY FANTASY SPORTS GAME. YET IT APPEARS THAT MOST STOCK INVESTING IS FOR, WELL, MOST OF THE PEOPLE IN THIS BODY--RICH, OLD WHITE MEN. [LB970]

SPEAKER HADLEY: TIME, SENATOR. [LB970]

SENATOR LARSON: THANK YOU. [LB970]

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SPEAKER HADLEY: SENATOR HUGHES, YOU ARE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB970]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I WILL YIELD MY TIME TO SENATOR LARSON, IF HE WOULD LIKE. [LB970]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 4:55. [LB970]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. HOPEFULLY, WE GET TO GO TO LUNCH SOON, GET BACK TO COMMITTEE. WE ARE MOVING FORWARD WITH SOMETHING THAT, AS SENATOR SCHILZ SAID, BRINGS US ON THE KENO SIDE INTO THE 21ST CENTURY. WHEN WE PASSED THE KENO STUFF BACK IN THE LATE '70s, EARLY '80s...I'D HAVE TO ASK SENATOR CHAMBERS TO YIELD TO A QUESTION. [LB970]

SPEAKER HADLEY: CHAMBERS, WILL YOU YIELD? [LB970]

SENATOR CHAMBERS: YES, I WILL. [LB970]

SENATOR LARSON: SENATOR CHAMBERS, DO YOU REMEMBER WHEN...OBVIOUSLY, THE VOTERS LEGALIZED THROUGH THE CONSTITUTION, BUT THEN THERE WERE CERTAIN...ACCOMPANYING LEGISLATION WAS PUT IN BY THE LEGISLATURE. DO YOU REMEMBER WHAT YEAR THAT WAS? [LB970]

SENATOR CHAMBERS: NO, I REALLY DON'T. [LB970]

SENATOR LARSON: DECADE? CAN YOU GIVE ME A DECADE EVEN? [LB970]

SENATOR CHAMBERS: I'M NOT SURE. BUT I WOULD HAVE OPPOSED IT WHENEVER IT CAME, IF THAT'S WHAT YOU WERE ASKING ME. [LB970]

SENATOR LARSON: (LAUGH) NO, I'M NOT ASKING. I WAS JUST LOOKING FOR A DECADE TO TALK ABOUT THE DEBIT AND CREDIT CARD SITUATION, BECAUSE IF IT WAS IN THE '80s, I MEAN, THEY WEREN'T REALLY AROUND THEN. SO I WAS JUST LOOKING...BECAUSE YOU WOULD HAVE BEEN HERE IN THAT TIME SO I JUST... [LB970]

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SENATOR CHAMBERS: I DON'T RECALL. [LB970]

SENATOR LARSON: ALL RIGHT, THANK YOU, SENATOR CHAMBERS. NO OTHER MEMBER WOULD HAVE BEEN HERE. I GUESS, HAD SENATOR ASHFORD STILL BEEN HERE, I COULD HAVE ASKED HIM BUT...OR CONGRESSMAN ASHFORD, EXCUSE ME. WE ARE JUST UPDATING FORMS OF PAYMENT THAT WEREN'T AVAILABLE WHEN WE PUT IN THE STATUTORY AUTHORITY FOR WHAT THE VOTERS DID WITH KENO. WELCOME TO THE 21ST CENTURY. THAT'S NOT EXPANDED GAMBLING. THAT'S CALLED INNOVATION AND TECHNOLOGY. IT'S HARD, BUT WE MOVE. WITH THE PICKLES, THESE ARE NONPROFIT ORGANIZATIONS THAT HAVE SEEN A DRAMATIC DECLINE IN PICKLE CARDS AND WANT SMALL TWEAKS TO MOVE FORWARD TO ENSURE THAT THE BOYS' AND GIRLS' CLUBS OR THE LIONS OR THE "KIWANIAN" OR WHOEVER THEY MAY BE CAN CONTINUE TO PARTICIPATE. ON SENATOR HUGHES' LB820, AGAIN, SOMETHING THAT'S HAPPENING THAT WE'RE JUST CODIFYING IN STATUTE. IN 1998, THE LEGISLATURE CODIFIED RUBBER DUCKS FLOATING DOWN A RIVER, BECAUSE IT WAS HAPPENING IN THE CITY OF OMAHA AND THE VILLAGE OF VERDIGRE. THEY WERE SENDING RUBBER DUCKS DOWN A RIVER. THEY DEFINED IT AND IT WAS A RAFFLE. YOU GOT YOUR DUCK JUST LIKE A RAFFLE TICKET. THEY DUMP THEM ALL INTO THE RIVER AND DOWN SHE FLOATS. THE WINNING DUCK OR THE WINNING COUPLE DUCKS WIN THE RAFFLE. IT'S AS SIMPLE AS THAT. THAT WENT WITHOUT A PROBLEM. NOW WE'RE PUTTING A CAR ON A LAKE AND YOU'RE JUST BUYING A RAFFLE TICKET THAT HAS A DAY AND AN HOUR ON IT AND THIS IS THE END OF THE WORLD OF EXPANDED GAMBLING. IT'S A RAFFLE. LET'S USE SOME COMMON SENSE. AND ON THE DAILY FANTASY SPORTS SIDE OF THIS BILL, 300,000 NEBRASKANS CURRENTLY ENJOY DAILY FANTASY SPORTS. WE WANT TO OFFER... [LB970 LB820]

SPEAKER HADLEY: ONE MINUTE. [LB970]

SENATOR LARSON: ...THOSE INDIVIDUALS THE CONSUMER PROTECTIONS THAT THEY DESERVE SO LARGE ORGANIZATIONS OR SPECIFIC INDIVIDUALS THAT CAN DEVELOP MASSIVE ALGORITHMS CANNOT TAKE ADVANTAGE OF THEM. AND IT FRUSTRATES ME FOR THOSE INDIVIDUALS THAT WANT TO SPEAK AGAINST DAILY FANTASY SPORTS OR THE LEGISLATION THAT WE'RE JUST TRYING TO CODIFY, THAT THEY ARE WILLING TO LET 300,000 NEBRASKANS BE TAKEN ADVANTAGE OF BY A COMPUTER PROGRAM. THAT'S UNFORTUNATE. BUT THE CONCEPT IS IT'S BEEN WRAPPED UP AS THIS IS AN EXPANSION OF GAMBLING AND WE HAVE TO PROTECT PEOPLE FROM THAT EXPANSION BECAUSE YOU KNOW THAT GOVERNMENT IS BETTER FOR THESE PEOPLE, BUT REALLY... [LB970]

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SPEAKER HADLEY: TIME, SENATOR. [LB970]

SENATOR LARSON: THANK YOU. [LB970]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB970]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I JUST THINK WE NEED TO REITERATE. IF WE INDEFINITELY POSTPONE THIS WHOLE THING, IF WE INDEFINITELY POSTPONE THE WHOLE THING, THEN WE LOSE OUT ON ALL THOSE OTHER THINGS THAT WE SAT HERE AND LOOKED AT. I KNOW THERE'S A THING COMING UP NEXT WEEK THAT WE CAN SPLIT THE QUESTION AND DO IT THAT WAY IF WE WANT TO. BUT I THINK THAT WE ARE TO THE POINT WHERE WE NEED TO REALLY THINK ABOUT WHAT WE'RE DOING HERE. AND YOU DON'T THROW THE BABY OUT WITH THE BATHWATER. I CAN UNDERSTAND WHY PEOPLE WON'T LIKE PARTS OF THIS BILL. I UNDERSTAND WHY PEOPLE DON'T LIKE MOST OF THE BILL. BUT THAT DOESN'T MEAN THAT IT DOESN'T NEED TO BE TALKED ABOUT OR THAT IT SHOULD BE SUMMARILY PUSHED ASIDE DEPENDING ON THE MOTION THAT'S TAKEN. SO I WOULD JUST IMPLORER EVERYONE TO ALLOW THIS VOTE AND ALLOW TO LET THIS HAPPEN AND ALLOW THIS TO MOVE ON SO THAT AT LEAST WE CAN TALK ABOUT IT FOR THE REST OF THE TIME THAT WE NEED TO, TO GET EVERYTHING STRAIGHT ON EACH BILL. WE'VE REALLY ONLY TALKED ABOUT ONE ASPECT OF IT SO FAR. WE'VE TOUCHED ON THE OTHERS, BUT ONLY ONE ASPECT. SO, PLEASE, STICK WITH US ON THE IPP MOTION AND VOTE AGAINST IT. AND I WOULD GIVE THE REST OF MY TIME TO SENATOR KRIST. [LB970]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE YIELDED 3:19. [LB970]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND I WON'T SPEAK ON THIS BILL, BUT I'M GOING TO USE THIS OPPORTUNITY TO SET OUR LEGISLATIVE RECORD STRAIGHT. WHEN WE WERE TALKING THIS MORNING ABOUT LB954, I MISSPOKE AND SAID ON FINAL READING IT WOULD TAKE 30 VOTES. I WANT TO CORRECT MYSELF. IT'S 33, 33 IN THE CONSTITUTION AND IT'S REITERATED 33 IN OUR RULES. SO JUST TO SET THE LEGISLATIVE RECORD STRAIGHT, ON LB954 IT WILL TAKE 33 AT THE END. THANK YOU AND THANK YOU FOR YOUR COURTESY, SENATOR SCHILZ AND MR. PRESIDENT. [LB970 LB954]

SPEAKER HADLEY: MR. CLERK. [LB970]

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CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR LARSON, I'M SORRY, SENATOR, IS THIS SENATOR SCHILZ, EXCUSE ME? SENATOR SCHILZ WOULD MOVE TO ADJOURN UNTIL TUESDAY MORNING, FEBRUARY 16, AT 10:00 A.M.

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

CLERK: 28 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. YES, MR. CLERK.

CLERK: MR. PRESIDENT, WHILE THE MEMBERS ARE CHECKING IN, SOME MESSAGES. THE GENERAL AFFAIRS COMMITTEE SELECTED LB1105 AS ONE OF THEIR PRIORITY BILLS; AND SENATOR MORFELD LB586 AS HIS PRIORITY BILL; RETIREMENT SYSTEMS LB447, LB467. NEW RESOLUTION: LR435, SENATOR KOLTERMAN. THAT WILL BE LAID OVER. YOUR COMMITTEE ON REVENUE REPORTS LB725 TO GENERAL FILE WITH AMENDMENTS; HEALTH AND HUMAN SERVICES, LB680, LB690 TO GENERAL FILE; LB516 GENERAL FILE WITH AMENDMENTS; LB698 GENERAL FILE WITH AMENDMENTS; LB701 GENERAL FILE WITH AMENDMENTS; LB708 GENERAL FILE WITH AMENDMENTS; LB901 GENERAL FILE WITH AMENDMENTS. COMMUNICATION FROM THE GOVERNOR (READ RE LB47, LB176, LB190, AND LB285.) CONFIRMATION REPORT FROM HEALTH AND HUMAN SERVICES; (ALSO NOTICE OF HEARING FROM HEALTH AND HUMAN SERVICES); SENATOR HARR AN AMENDMENT TO BE PRINTED TO LB221; SENATOR LARSON TO LB970. THANK YOU, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 558-567.) [LB1105 LB586 LB447 LB467 LR435 LB725 LB680 LB690 LB516 LB698 LB701 LB708 LB901 LB47 LB176 LB190 LB285 LB970 LB221]

SPEAKER HADLEY: SENATOR MURANTE, THE HOUSE IS UNDER CALL IF YOU'D PLEASE RETURN TO THE CHAMBER. SENATOR CHAMBERS, HOW WOULD YOU LIKE TO PROCEED?

SENATOR CHAMBERS: ROLL CALL.

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SPEAKER HADLEY: REGULAR ORDER?

SENATOR CHAMBERS: YES.

SPEAKER HADLEY: THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. THE QUESTION BEFORE YOU IS TO ADJOURN. CALL THE ROLL, MR. CLERK.

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 568.) 25 AYES, 10 NAYS, MR. PRESIDENT, TO ADJOURN.

SPEAKER HADLEY: YOU'VE HEARD...THE MOTION IS ADOPTED. WE ARE ADJOURNED.