

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

Floor Debate
March 30, 2016

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS THE REVEREND ADAM WHITE OF UNL LUTHERAN CENTER HERE IN LINCOLN, NEBRASKA, A GUEST OF SENATOR SEILER. PLEASE RISE.

REVEREND WHITE: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, REVEREND WHITE. I CALL TO ORDER THE FIFTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

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

CLERK: I HAVE NO CORRECTIONS.

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

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB889 TO SELECT FILE. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGE 1315.) [LB889]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, 2016 SENATOR PRIORITY BILLS. MR. CLERK.

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CLERK: MR. PRESIDENT, LB821, OFFERED BY SENATOR LARSON. (READ TITLE.) SENATOR LARSON PRESENTED HIS BILL YESTERDAY. COMMITTEE AMENDMENTS WERE OFFERED BY THE BUSINESS AND LABOR COMMITTEE. WHEN THE LEGISLATURE ADJOURNED FOR THE EVENING, SENATOR CHAMBERS HAD PENDING FA110 AS AN AMENDMENT TO THE COMMITTEE AMENDMENTS. (LEGISLATIVE JOURNAL PAGE 1313.) [LB821]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. BEFORE WE PROCEED TO THE SPEAKING QUEUE, SENATOR LARSON AND SENATOR CHAMBERS, PERHAPS YOU SHOULD TAKE A MOMENT EACH TO REFRESH US ON WHERE WE LEFT OFF YESTERDAY. SENATOR LARSON, YOU'RE RECOGNIZED. [LB821]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. LB821, AS AMENDED BY AM2210, WORKS TO PROTECT ALL EMPLOYEES AND THEIR WORKPLACE PRIVACY CONCERNING INTERNET ACCOUNTS. I KNOW WE USE SOCIAL MEDIA FOR EASE, BUT THE CONCEPT IS THIS PROTECTS ALL INTERNET ACCOUNTS AND WILL SAY THAT AN EMPLOYER WILL NOT BE ABLE TO FORCE AN EMPLOYEE TO GIVE OVER THEIR PASSWORDS TO AN INTERNET ACCOUNT, ANY EMPLOYEE THAT IS CLEAR IN OUR DEFINITION OF AN EMPLOYEE OR AN APPLICANT. I KNOW SENATOR CHAMBERS WILL STAND UP, OR HAS STOOD UP LAST NIGHT, AND SAID THAT WE DO NOT PROTECT LGBTQ IN THIS BILL. THAT IS PATENTLY FALSE. OUR DEFINITION OF EMPLOYEE IS ANYONE. AND IF THE COURTS LOOK AT THIS, THEY WILL LOOK AS THE DEFINITION OF AN EMPLOYEE IN RELATION TO THE CONCERNING OF LB821. COLLEAGUES, I'M SORRY THAT THIS IS GOING TO GO AS LONG AS IT IS, OR AS LONG AS IT HAS EVEN. I APPRECIATE YOUR SUPPORT AND I APPRECIATE YOU RECOGNIZING THAT I AM COVERING EVERY PERSON IN LB821. THERE IS NO DISCRIMINATION. WE HAD SENATOR MORFELD, WHO SPONSORED LB586, AND FORMER SENATOR, NOW HEAD OF THE ACLU, DANIELLE CONRAD, WHO IS...ARE VERY BIG SUPPORTERS OF LB821, ALSO DISCUSSED HOW THIS DOES NOT DISCRIMINATE. I WOULD ENCOURAGE YOU TO HOLD TIGHT. I APPRECIATE YOUR SUPPORT AND LET'S MOVE LB821 AND AM2210. THANK YOU. [LB821 LB586]

PRESIDENT FOLEY: THANKS, SENATOR LARSON. (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I WILL NOT TAKE AN ENTIRE MINUTE BECAUSE I'M GOING TO TAKE PLENTY OF OTHER TIME. THIS BILL, IN MY VIEW, DOES NOT PROTECT MEMBERS OF THE LGBT COMMUNITY AND I AM GOING TO WORK THIS BILL OVER TRYING TO PERSUADE MY COLLEAGUES TO

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ACCEPT AN AMENDMENT THAT WILL DO SO. THANK YOU, MR. PRESIDENT.
[LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE IN THE
SPEAKING QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON
FA110. [LB821]

SENATOR CHAMBERS: MR. PRESIDENT, I MISUNDERSTOOD, I THOUGHT YOU SAID
JUST TAKE A MINUTE TO BRING US UP TO WHERE WE ARE. [LB821]

PRESIDENT FOLEY: YES, AND AT THIS POINT, THERE IS NO ONE IN THE QUEUE, SO
YOU MAY SPEAK OR CLOSE AT YOUR DISCRETION. [LB821]

SENATOR CHAMBERS: I WANT TO SPEAK ON MY AMENDMENT. [LB821]

PRESIDENT FOLEY: YOU MAY. [LB821]

SENATOR CHAMBERS: ALL RIGHT, THANK YOU. MR. PRESIDENT, MEMBERS OF
THE LEGISLATURE, I DON'T WANT ANYBODY TO GET ANTSY AND OVERANXIOUS.
GIVE ME MY TIME, PLAY BY THE RULES, AND I'M GOING TO TAKE MY TIME AND
PLAY BY THE RULES. RIGHT NOW, I HAVE AN AMENDMENT THAT IS GOING TO BE
LIKE A PLACEHOLDER. I OFFERED IT LAST NIGHT AND ALL IT WOULD DO IS
STRIKE SECTION 1 OF THE BILL. I WAS NOT AWARE THAT PEOPLE WERE GOING TO
CHICKEN OUT AT 8:00. SO I WAS LINING UP MY DUCKS, SO TO SPEAK, SO THAT WE
COULD GO UNTIL MIDNIGHT, BUT I CAN UNDERSTAND PEOPLE GROWING WEARY.
AFTER ALL, THEY ARE CONSIDERABLY YOUNGER THAN I. SO WE HAVE TO TAKE
THAT INTO CONSIDERATION AND I DON'T HOLD THEIR YOUTH AGAINST THEM. IT
IS THE RESPONSIBILITY OF THE ELDERLY TO SET AN EXAMPLE FOR THE YOUTH.
AND THE FIRST EXAMPLE I WANT TO SET IS ONE OF RELENTLESS PURSUIT OF A
PRINCIPLE. THE SECOND IS TO MAKE SURE THAT I AM PHYSICALLY AND
MENTALLY CAPABLE OF CARRYING THROUGH ON PROMISES THAT I MAKE TO MY
COLLEAGUES. AND IF I PROMISE YOU I'M GOING TO STAY UNTIL MIDNIGHT, I
WANT TO DELIVER ON THAT PROMISE. MAYBE WE'LL HAVE A CHANCE TO SEE IF
TODAY TURNS OUT TO BE ONE OF THOSE DAYS. BUT THIS AMENDMENT THAT'S
UP THERE NOW TO STRIKE SECTION 1 IS A PART OF MY OVERALL STRATEGY ON
THIS BILL. WE HAVE SOMETHING MORE THAN THREE HOURS LEFT BEFORE
SENATOR LARSON CAN MAKE A CLOTURE MOTION. SHOULD WE GO TO CLOTURE
ON THIS BILL? I THINK WE SHOULD NOT. I THINK WE OUGHT TO TRY TO GATHER
OUR WITS ABOUT OURSELVES, THINK RATIONALLY, AND DO WHAT OUGHT TO BE

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DONE, WHICH IS TO MAKE SURE THAT A BILL WHICH PURPORTS TO PROTECT A RIGHT TO PRIVACY OF ALL EMPLOYEES RELATIVE TO CERTAIN INTERNET MATERIAL, MAKE CERTAIN IT DOES WHAT SENATOR LARSON PROFESSES THAT IT DOES. HE IS OFFENDED THAT I SAID YESTERDAY THAT HE IS HOMOPHOBIC BY REFUSING TO ACCEPT THE AMENDMENT THAT I OFFERED WHICH WOULD PROTECT MEMBERS...SOME MEMBERS, BY THE WAY, OF THE LGBT COMMUNITY. AND BECAUSE OF THE WAY THAT AMENDMENT WAS CRAFTED, IT COULD BE CONSIDERED IN AND OF ITSELF TO BE EXCLUSIONARY BECAUSE THE ONLY WORD USED WAS SEXUAL ORIENTATION IN ONE INSTANCE AND GENDER IDENTITY. BUT THOSE WORDS DO NOT COVER THE WATERFRONT. THAT AMENDMENT SHOULD HAVE BEEN CRAFTED TO SAY, LESBIAN, GAY, BISEXUAL, OR TRANSGENDER. SO RECOGNIZING THAT THE AMENDMENT WAS INARTFULLY DRAWN, I'M GOING TO OFFER AN AMENDMENT WHICH IS PROPERLY DRAWN SO THAT IT SAYS WHAT I INDICATE THAT IT SAYS, THAT IT WILL MEAN FROM THE WORDS THEMSELVES WHAT I SAY IT SHOULD MEAN. WHEN I HAD OFFERED THE BILL REPEATEDLY TO OUTLAW DISCRIMINATION BASED ON SEXUAL ORIENTATION, MEMBERS OF THE LGBT COMMUNITY POINTED OUT CORRECTLY THAT THAT TERM, EVEN THOUGH PEOPLE WOULD KNOW IN A POPULAR SENSE WHAT IT REFERS TO, IN THE LAW IT DID NOT SAY ALL THE THINGS NECESSARY TO COVER THE PEOPLE WHO I WAS INTERESTED IN SEEING WOULD BE PROTECTED AGAINST DISCRIMINATION. BUT BEFORE I GET TO THAT, THERE HAS TO COME A SOFTENING-UP PROCESS. SENATOR BLOOMFIELD PAYS CLOSE ATTENTION TO WHAT HAPPENS HERE. I DON'T KNOW IF HE'S PAID CLOSE ATTENTION TO BOXING. THERE ARE SOME FIGHTERS WHO ARE KNOWN AS SLUGGERS. THEY COME OUT RIGHT AWAY AND EXPECT TO LAND HUMONGOUS PUNCHES AND KNOCK SOMEBODY OUT. IF THEY'RE SUCCESSFUL, THEN THEY ARE DECLARED TO BE AWESOME, AWE INSPIRING AND FEROCIOUS. [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. AND, SENATOR CHAMBERS, YOU ARE RECOGNIZED AGAIN. [LB821]

SENATOR CHAMBERS: THANK YOU. AND I WOULDN'T BE OFFENDED IF YOU'D REFER TO ME AS OLD MAN RIVER BECAUSE I DO PLAN TO JUST KEEP ROLLING ALONG. BUT NEVERTHELESS, THERE ARE OTHERS WHO ARE BOXERS, SKILLFUL. THEY RAT, TAT, TAT, TAP, TAP, TAP, SOMETHING LIKE THE RAVEN THAT EDGAR

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ALLEN POE HAD HIS CHARACTER IN THE POEM. HE THOUGHT THAT A PERSON WAS TAP, TAP, TAPPING, BUT IT WAS REALLY JUST A RAVEN. THERE ARE BOXERS WHO FOLLOW THE RAVEN PHILOSOPHY. THEY TAP, TAP, TAP. THEY'RE HERE, THEY'RE THERE. THEY MOVE VERY SWIFTLY AND CAGILY SO THAT THEY ARE NOT OFTEN STRUCK. THERE ARE OTHERS WHO COMBINE THE SKILL OF THE BOXER AND THE POWER OF THE PUNCHER AND THAT INDIVIDUAL WILL SOFTEN UP AN INDIVIDUAL BEFORE APPLYING THE QUIETUS. SO I DECIDED I SHOULD DO SOME SOFTENING UP THIS MORNING. AND IT WOULD MAKE MORE APPEALING THE ACCEPTANCE OF THE AMENDMENT THAT I WILL PROPOSE. AND I DO HAVE MORE THAN ONE. BUT THAT ONE WILL BE THE MAJOR. ON THIS PARTICULAR AMENDMENT, BECAUSE IT WILL TAKE TIME AND IS DESIGNED TO DO SO, I WILL READ WHAT IT WOULD STRIKE. SECTIONS 1 TO 11 OF THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE WORKPLACE PRIVACY ACT. AND I STATED LAST NIGHT, THAT COMMENT, THAT DESIGNATION IS NOT REALLY TRUE. THE WORDS SHOULD BE ADDED TO MAKE IT TRUE WHICH WOULD STATE: FOR CERTAIN PEOPLE AND NOT OTHERS. HOWEVER MANY TIMES SENATOR LARSON STANDS UP AND SAYS THIS BILL PROTECTS EVERYBODY, I DON'T BELIEVE THAT. EMPLOYEES IN NEBRASKA WHO ARE MEMBERS OF THE LGBT COMMUNITY DO NOT HAVE PROTECTION UNDER THE LAW. PASSING A LAW SUCH AS THIS WHICH DOES NOT RECOGNIZE THEM MUST BE INTERPRETED IN LIGHT OF WHAT THE STATE'S POLICY IS WITH REFERENCE TO EMPLOYEES. AND IN THIS STATE, EMPLOYEES WHO ARE LESBIAN, GAY, BISEXUAL, OR TRANSGENDER DON'T EXIST. THEY ARE THE NONPEOPLE. THEY ARE THE INVISIBLE PEOPLE. THEY ARE THE NONHUMAN BEINGS, UNWORTHY OF PROTECTION, AND THEY HAVE NO EMPLOYEE RIGHT WHICH ANY EMPLOYER IS BOUND TO RESPECT UNDER THE SKEWED LAWS OF THE STATE OF NEBRASKA. THERE ARE OTHER STATES WHICH ARE AS HOMOPHOBIC AND BACKWARD AS NEBRASKA, AND THESE ARE STATES WHICH HAVE MORE NOTORIETY BECAUSE THEY'RE LARGER, AND THERE ARE MORE THINGS THAT HAPPEN THERE WHICH INVOLVE PEOPLE OUTSIDE OF THE PAROCHIAL, ALMOST WASTELAND ENVIRONMENT OF NEBRASKA. THERE ARE SPORTING EVENTS WHICH ARE HELD IN SOME OF THOSE STATES. THERE IS A SWIMMING MEET OF SOME KIND OR OTHER WHICH TAKES PLACE IN OMAHA. IT SHOULD BE CALLED TO THE ATTENTION OF THE NCAA AND THESE OTHER OUTFITS THAT NEBRASKA ALSO DISCRIMINATES AGAINST THE LGBT COMMUNITY, THAT IN THE LAWS OF NEBRASKA THESE PEOPLE HAVE BEEN REDUCED TO NONENTITIES. AND IF A STATE LIKE GEORGIA, A STATE LIKE NORTH CAROLINA... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

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SENATOR CHAMBERS: ...WILL BE EXCORIATED AND PLACED ON THE PARIAH LIST, THE SAME SHOULD HAPPEN TO A BIGOTED, INTOLERANT, HOMOPHOBIC STATE SUCH AS NEBRASKA. SO SOMETHING HAS GOT TO BE DONE TO CALL NATIONAL ATTENTION TO WHAT HAPPENS IN THIS STATE WITH REFERENCE TO AN ENTIRE SEGMENT OF THE POPULATION OF THIS STATE. THAT SEGMENT COMPRISES OUR BROTHERS AND SISTERS AND THEY'RE ENTITLED TO BETTER TREATMENT THAN THEY RECEIVE AT THE HANDS OF THIS LEGISLATURE. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (DOCTOR OF THE DAY INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. THIS IS YOUR THIRD OPPORTUNITY, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU. AND, MR. PRESIDENT, THE REASON I'M PROCEEDING IN THE WAY THAT I AM, I'M NOT TALKING TO THE PEOPLE STUMBLING AND FUMBLING AROUND IN THIS CHAMBER. I'M TALKING TO THE PEOPLE WHO ARE WATCHING US, AND YOU KNOW WHY I KNOW THEY'RE WATCHING? I RECEIVED AN INORDINATE NUMBER OF PHONE CALLS ABOUT WHAT HAPPENED NOT ONLY DURING THE DAY, BUT ON INTO THE NIGHT. THERE ARE SOME PEOPLE WHO MISSED THEIR FAVORITE TELEVISION PROGRAMS WATCHING AND LISTENING TO WHAT HAPPENED HERE. SO THOSE ARE THE PEOPLE THAT I'M ADDRESSING, THE PEOPLE WHO HAVE INTELLIGENCE, THE PEOPLE WHO HAVE UNDERSTANDING, THE PEOPLE WHO REJECT RELIGIOUS BIGOTRY, INTOLERANCE, HOMOPHOBIA. SO I'M GOING TO CONTINUE. AND FOR MY PART, ALL I NEED IS TO HAVE THE CAMERAS ROLLING, THE SOUND SYSTEM WORKING, AND THE SEATS HERE CAN BE EMPTY BECAUSE I AM NOT GOING TO CHANGE THE MINDS OF PEOPLE HERE. AND THAT IS NOT WHAT I THINK IS GOING TO BE DONE. BUT THE THING I CAN CONTROL IS HOW LONG I SPEAK AND THE THINGS THAT I SAY. SO I HAVE HERE AN ARTICLE BECAUSE SOME OF THE PEOPLE MAY NOT TAKE THE LINCOLN JOURNAL STAR. IT'S A REPRINT OF AN ASSOCIATED PRESS ITEM. "RALEIGH, N.C.--THE NORTH CAROLINA GOVERNOR'S RACE HAS SUDDENLY BECOME A REFERENDUM ON DISCRIMINATION. REPUBLICAN GOVERNOR PAT McCRORY, SEEKING RE-ELECTION IN WHAT'S ANTICIPATED TO BE ONE OF THE NATION'S MOST HEATED AND EXPENSIVE CAMPAIGNS, IS DOUBLING DOWN ON A SWEEPING LAW HE SIGNED LAST WEEK PREVENTING LOCAL GOVERNMENTS FROM PROTECTING PEOPLE ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY WHEN THEY USE PUBLIC ACCOMMODATIONS SUCH AS HOTELS AND RESTAURANTS. PEOPLE ALSO WOULD HAVE TO USE MULTI-STALL BATHROOMS THAT MATCH THEIR BIRTH CERTIFICATES AT STATE AGENCIES AND PUBLIC SCHOOLS AND UNIVERSITIES.

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ATTORNEY GENERAL ROY COOPER, THE GOVERNOR'S DEMOCRATIC CHALLENGER, ANNOUNCED TUESDAY THAT HIS OFFICE WON'T DEFEND THIS 'NATIONAL EMBARRASSMENT'"--THE STATE OF NEBRASKA IS A NATIONAL EMBARRASSMENT--"AGAINST A FEDERAL LAWSUIT FILED BY TWO TRANSGENDER MEN, A LESBIAN LAW PROFESSOR AND CIVIL RIGHTS GROUPS. 'WE ARE HERE BECAUSE THE GOVERNOR HAS SIGNED STATEWIDE LEGISLATION THAT PUTS DISCRIMINATION INTO THE LAW,' COOPER ANNOUNCED. CITING CRITICISM FROM A GROWING LIST OF MAJOR CORPORATIONS AND SPORTS ORGANIZATIONS, HE SAID: 'IT WILL SET NORTH CAROLINA'S ECONOMY BACK IF WE DON'T REPEAL IT.' McCRORY COMPLAINED THIS WEEK THAT A WELL-COORDINATED NATIONAL CAMPAIGN IS 'DISTORTING THE TRUTH,' AND IN A VIDEO TUESDAY ACCUSED COOPER OF 'INVENTING CONFLICT THAT SIMPLY DOESN'T EXIST,'" WHICH IS WHAT SOME OF MY DISINGENUOUS COLLEAGUES SAY HERE, THERE IS NO DISCRIMINATION AGAINST GAY AND LESBIAN PEOPLE IN NEBRASKA IN EMPLOYMENT, "TO JUSTIFY HIS ARGUMENT TO REFUSE TO DEFEND THE LAW." THERE'S AN ATTORNEY GENERAL THERE UNLIKE THE ONE HERE. THE ONE HERE IS A RELIGIOUS, NARROW-MINDED ZEALOT WHO MISREAD THE LAW TO JUSTIFY DISCRIMINATION AGAINST GAY AND LESBIAN PEOPLE BY AGENCIES THAT RECEIVE STATE MONEY. SO WE NEEDN'T LOOK TO THE GOVERNOR'S OFFICE NOR THE ATTORNEY GENERAL'S OFFICE FOR JUSTICE TO BE DONE TO SOME OF OUR BROTHERS AND SISTERS, OR FOR THEM RATHER. I'M GOING TO ASSUME THAT BURDEN TO THE EXTENT THAT I CAN AND YOU ALL ARE GOING TO HELP ME BY GIVING ME TIME. I PROBABLY WILL NOT BE ABLE TO FINISH THIS ARTICLE, SO I'M GOING TO CONTINUE IT THE NEXT TIME I'M RECOGNIZED. AND BEING WELL AWARE... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...OF THE ATTITUDE IN THE LEGISLATURE WITH REFERENCE TO THIS BILL, THE UNDERLYING BILL I'M TALKING ABOUT NOW, I HAVE NO ILLUSIONS ABOUT THIS AMENDMENT WHICH IS DESIGNED TO STRIKE SECTION 1 BEING ACCEPTED, BUT IT GIVES ME TIME. AND AFTER THAT IS VOTED DOWN, I ALREADY HAVE A MOTION DRAFTED WHICH SAYS RECONSIDER VOTE ON CHAMBERS AMENDMENT. SO, MR. PRESIDENT, IN THE INTEREST OF COLLEGIALLY, WHICH WON'T BE SHOWN MUCH TODAY, I'M GOING TO STOP AT THIS POINT, ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE AND INVOLVE MY COLLEAGUES IN THE ACTIVITIES TAKING PLACE IN THE LEGISLATURE THIS MORNING. THANK YOU. [LB821]

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB821]

CLERK: 23 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB821]

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 KRIST, SULLIVAN, RIEPE, BURKE HARR, HILKEMANN, GROENE, PLEASE CHECK IN. SENATOR PANSING BROOKS, PLEASE CHECK IN. SPEAKER HADLEY. SENATOR BURKE HARR, THE HOUSE IS UNDER CALL. ALL UNEXCUSED SENATORS ARE NOW PRESENT. SENATOR CHAMBERS HAS REQUESTED A ROLL CALL VOTE ON FA110. MR. CLERK, PLEASE CALL THE ROLL. [LB821]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1315-1316.) 2 AYES, 33 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB821]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE AMENDMENT IS NOT ADOPTED. MR. CLERK. I RAISE THE CALL. [LB821]

CLERK: SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR RECONSIDERATION MOTION. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I WILL CONTINUE THAT ARTICLE NOW. THE CEOs...NOW WHAT I READ BEFORE WAS WHERE THE "REPELICAN" GOVERNOR, WHO SIGNED THIS ATROCIOUS PIECE OF LEGISLATION, SAID THAT HIS DEMOCRATIC ATTORNEY GENERAL, WHO SAID HE WILL NOT DEFEND THIS NATIONAL EMBARRASSMENT, WAS JUST CREATING A CONFLICT WHERE THERE WAS NONE. SO THIS PART OF THE ARTICLE MIGHT SHOW WHETHER THE GENERAL IS...WELL, THE ATTORNEY GENERAL IS CORRECT OR THE GOVERNOR. "THE CEOs OF DOZENS OF BIG TECHNOLOGY, BIOTECH AND FINANCIAL COMPANIES SIGNED A LETTER RELEASED TUESDAY BY GAY RIGHTS

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ADVOCATES URGING STATE OFFICIALS TO OVERTURN THE LAW, WHICH THE GOVERNOR SIGNED JUST HOURS AFTER IT WAS INTRODUCED AND APPROVED BY REPUBLICANS IN A SPECIAL SESSION." THE REPUBLICAN PARTY, LIKE THE CHRISTIAN RELIGION, IS QUICKLY OBTAINING THE REPUTATION THAT ITS CONDUCT JUSTIFIES: ONE FOR BIGOTRY, INTOLERANCE, AND HOMOPHOBIA. CONTINUING, QUOTE, DISCRIMINATION IS WRONG...THIS IS FROM THE LETTER BY THE CEOs OF DOZENS OF BIG TECHNOLOGY, BIOTECH AND FINANCIAL COMPANIES. "DISCRIMINATION IS WRONG AND WE BELIEVE IT HAS NO PLACE IN NORTH CAROLINA OR ANYWHERE IN OUR COUNTRY." I'M ADDING THIS. OBVIOUSLY, NEBRASKA IS NOT A PART OF THIS COUNTRY. "AS COMPANIES THAT PRIDE OURSELVES ON BEING INCLUSIVE AND WELCOMING TO ALL, WE STRONGLY URGE YOU AND THE LEADERSHIP OF NORTH CAROLINA'S LEGISLATURE TO REPEAL THIS LAW IN THE UPCOMING LEGISLATIVE SESSION,' READS THE LETTER SIGNED BY IBM CEO VIRGINIA ROMETTY, APPLE HEAD," NOT 'APPLEHEAD' BUT THE HEAD OF APPLE COMPANY, "TIM COOK AND MARK ZUCKERBERG OF FACEBOOK, AMONG OTHERS. THE NORTH CAROLINA VALUES COALITION, FOR ITS PART, SAID HUNDREDS OF BUSINESS OWNERS SUPPORT THE STATE LAW, BUT MANY DON'T WANT TO BE NAMED FOR FEAR OF RETALIATION, A SPOKESWOMAN SAID. BOTH CAMPAIGNS ARE ALREADY USING THE LAW IN FUNDRAISING PLEAS, AND THEIR SUPPORTERS ARE REMINDING THE PUBLIC OF EACH CANDIDATE'S STAND. WITH LITIGATION EXPECTED TO LAST MONTHS DURING THIS PRESIDENTIAL ELECTION YEAR, THE FIGHT IS SURE TO RAGE ON THROUGH NOVEMBER, TOUCHING ON CULTURAL AND ECONOMIC DISPUTES AS WELL AS THE POCKETBOOKS OF THE SWING STATE'S VOTERS," END OF THE ARTICLE. AND I'M TRYING TO BRING NEBRASKA INTO THAT DISCUSSION, SINGLE-HANDEDLY. AND WHETHER THE LEGISLATURE DOES ANYTHING ON THE SIDE OF WHAT IS RIGHT MAKES NO DIFFERENCE. I'M GOING TO CONTINUE THIS EFFORT AND I'VE GOT ENOUGH MATERIAL TO TAKE US TO CLOTURE. SO YOU ALL CAN GO BACK TO YOUR CONFERENCES, YOUR CHATS, AND WHEREVER YOU WERE SPENDING TIME BECAUSE NOW THE BALL IS IN MY COURT AGAIN. AND I ASSURE YOU WHEN TIME COMES FOR A VOTE, I SHALL HAVE YOU SUMMONED. TO CONTINUE WITH WHAT I WAS SAYING, THIS BILL THAT SENATOR LARSON OFFERS IS HOMOPHOBIC AND SO IS HE. I CANNOT UNDERSTAND WHY HE IS SO FEARFUL OF MAKING EXPLICIT THE PROTECTION OF PEOPLE WHO CURRENTLY HAVE NO RECOGNITION UNDER THE LAWS, PERIOD, WHEN IT COMES TO EMPLOYMENT MATTERS. IF HE WAS A PERSON OF INTEGRITY, IF HE WAS A PERSON OF PRINCIPLE, IF HE MEANT HIS BILL TO DO WHAT HE SAYS IT MEANS, HE WOULD MAKE SURE THAT IT SPECIFICALLY AND EXPLICITLY PROTECTS ALL EMPLOYEES. THE WAY THIS BILL IS DRAFTED, IT DOES NOT. HE TELLS US WHAT OTHER PEOPLE OUTSIDE THE LEGISLATURE ARE SAYING. IN A TRIAL, THAT

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WOULD BE CALLED HEARSAY. IT'S THE TALE OF A TALE. HE IS SAYING WHAT OTHERS ALLEGEDLY HAVE SAID. BUT EVEN IF HE COULD GET WHOEVER HE MENTIONED TO PUT IN WRITING WHAT HE CLAIMS THEY SAID, IT WOULD NOT SWAY ME FROM MY POSITION. WHENEVER AN ISSUE WINDS UP IN A COURT, TO SOME PEOPLE IT WILL LOOK LIKE WHAT HAS BEEN CALLED A SLAM DUNK. THERE IS ONLY ONE DIRECTION THE COURT POSSIBLY CAN GO. THE OTHER SIDE SAYS TO THE CONTRARY. THERE IS ANOTHER DIRECTION THE COURT CAN GO AND IT IS MY RESPONSIBILITY TO PRESENT PERSUASIVE ARGUMENTS SO THE COURT WILL BE CONVINCED TO GO IN THE DIRECTION THAT I THINK RATHER THAN THIS SUPPOSED SLAM DUNK DIRECTION. AT THE NATIONAL LEVEL, BECAUSE ONE OF THE WORST JUDGES, ANTONIN SCALIA, BIGOTED, NARROW-MINDED, HATEFUL, DISCRIMINATORY, KICKED THE BUCKET, AND BECAUSE HE KICKED THE BUCKET, THAT BIGOTED, INTOLERANT REPUBLICAN PARTY WHO CONTROL CONGRESS SAID THEY WILL NOT ABIDE BY WHAT THE U.S. CONSTITUTION SAYS THE SENATE, THE CONGRESS, OUGHT TO DO. AND THAT IS TO GIVE ADVICE AND CONSENT WHERE THE NOMINATIONS BY THE PRESIDENT ARE MADE. THEY DON'T HAVE TO AGREE. THEY CAN REJECT ANY PERSON THEY CHOOSE. IT'S SOMETHING LIKE FREEDOM OF SPEECH. IF PEOPLE WHO LOVE AMERICA HAVE TO BE FREE TO TELL ABOUT THEIR GREAT LOVE OF AMERICA, THOSE WHO HATE AMERICA MUST BE GRANTED THAT SAME RIGHT. IT IS NOT A ONE-WAY STREET. IT'S LIKE A TWO-LANE HIGHWAY AND EITHER THE TRAFFIC CAN BE GOING BOTH WAYS OR SOME GOING ONE WAY AND SOME COMING THE OPPOSITE WAY. AND WHEN THERE IS SPEECH THAT PEOPLE DON'T LIKE, IT SHOULD NOT BE BANNED OR SUPPRESSED. IT SHOULD BE COUNTERACTED WITH MORE SPEECH WHICH WOULD BE MORE PERSUASIVE. SO I INTEND TO USE MORE SPEECH TO COUNTERACT THE BIGOTRY, THE HATRED, THE INTOLERANCE, THE HOMOPHOBIA WHICH ARE LOOSE IN THIS LAND AND UNDULY INFLUENTIAL IN THIS LEGISLATURE. A PERSON CANNOT BELIEVE THAT MEMBERS OF THE LGBT COMMUNITY ARE FULL-FLEDGED HUMAN BEINGS WHEN THEY PASS LAWS THAT PROTECT SOME AND NOT ALL. THAT ON ITS FACE IS DISCRIMINATION AND WHEN IT'S A DISCRIMINATION AGAINST PEOPLE, NOT FOR ANYTHING THEY DID BUT FOR WHAT THEY ARE, IT IS THE MOST REPREHENSIBLE TYPE. AND ANY CHURCH THAT HOLDS TO THAT IS LIKE A TEMPLE OF SATAN; ANY LEGISLATURE WHICH HOLDS TO THAT, SAME THING. AND WHEN THEY HAVE THOSE PRAYERS, IT'S A STENCH IN THE NOSE OF WHOEVER THEY SAY THEY'RE PRAYING TO BECAUSE THE ONES THAT THEY ARE DISCRIMINATING AGAINST, SUPPOSEDLY BASED ON THEIR "BIBBLE," WERE ALSO MADE IN THE IMAGE OF THAT CREATOR. AND THAT ONE WHO CAME DOWN HERE IN THE FLESH, SO THEY SAY, WHOM THEY CLAIM TO WORSHIP, WHOM THEY SAY THEY PRAY TO, BUT WHOM THEY DISREGARD, WHOM THEY DISRESPECT, WHOM THEY TREAT IN THEIR CONDUCT LIKE A LIAR

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AND A LUNATIC, HAD TOLD THESE NARROW-MINDED PEOPLE WHEN HIS DISCIPLES, LIKE PEOPLE IN THIS LEGISLATURE, WHO THOUGHT THEY WERE BETTER THAN OTHERS, COULDN'T WAIT FOR FIRE TO BE CALLED DOWN ON PEOPLE'S HEAD, WERE TOLD BY THIS JESUS--THAT WAS HIS NAME--I HAVE OTHER SHEEP WHO ARE NOT OF THIS FOLD. YOU ARE NOT THE ONLY ONES, THERE ARE OTHERS. AND IT'S NOT YOUR JOB TO SAY WHO IS WORTHY AND WHO IS NOT, WHO IS GOOD, WHO IS BAD. YOU LET THE WHEAT GROW WITH THE TARES AND THERE IS SOMEBODY ELSE WHO WILL DO THE SEPARATING AND IT'S NOT YOU. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: YOU'RE TOO NARROW-MINDED. YOU'RE TOO IGNORANT. YOU'RE TOO BIGOTED. YOU'RE TOO HATEFUL. SO YOU JUST GO OUT THERE AND YOU TRY TO MAKE YOURSELF WHAT YOU OUGHT TO BE AND COME CLOSER TO THE MODEL, TO THE STANDARDS SET BY THE ONE YOU CALL YOURSELF FOLLOWING. I'M TRYING TO MAKE YOU ALL DO WHAT YOU SAY YOU BELIEVE IN WHEN YOU SAY THOSE PRAYERS, WHEN YOU GO TO YOUR CHURCHES, WHEN YOU GO WHEREVER YOU GO TO PERFORM WHATEVER YOU CALL IN THE WAY OF WORSHIP. I'M TRYING TO GET YOU TO STRAIGHTEN UP AND FLY RIGHT AND YOU DON'T WANT TO DO IT, SO I HAVE TO TRY TO USE THE METHOD THAT IS AVAILABLE FOR ME. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THERE ARE YOUNG PEOPLE WHO ARE MEMBERS OF THE LGBT COMMUNITY. AND I'M SURE THEY COULD TELL YOU SOME THINGS ABOUT THE KIND OF NEGATIVE TREATMENT THEY RECEIVE. BUT THE ONES WHO INDULGE IN THAT NEGATIVE TREATMENT CAN SAY THEY'RE FOLLOWING THE EXAMPLE SET BY THE LEGISLATURE. THE HATEFULNESS OF THE SENATORS IS REFLECTED ON YOUNG PEOPLE AND WHILE SPEAKING AGAINST BULLYING, THIS LEGISLATURE OUGHT NOT DO THINGS THAT SEPARATE PEOPLE INTO CATEGORIES, ONE OF WHICH IS A CATEGORY WHERE BULLYING IS ACCEPTED. WHEN THE BULLYING IS DONE BY THE LEGISLATURE, BY THE GOVERNOR, BY CHURCHES, THEN HOW ARE YOU GOING TO CONDEMN THE YOUNG PEOPLE? YOU SHOULDN'T. YOU SHOULD BE PROUD OF THEM. YOU SAY YOUR ROLE AND YOUR GOAL IS TO SET AN EXAMPLE AND YOU WANT THEM TO BE LIKE YOU. WELL, WHEN THEY EXPRESS

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THIS HATRED AND INTOLERANCE, THEY'RE BEING EXACTLY LIKE YOU. SO WHAT THEY NEED TO DO IS GO SOMEPLACE OTHER THAN TO YOU AND TO CHURCH TO LEARN HOW THEY OUGHT TO TREAT PEOPLE. AND THEY DON'T NEED PREACHERS. THEY DON'T NEED PRAYER BOOKS. THEY DON'T NEED LEGISLATORS OR ANYBODY ELSE TO TELL THEM THAT. THEY KNOW HOW THEY WANT TO BE TREATED. THEY MIGHT BE AFRAID TO STAND UP FOR WHAT THEY KNOW IS THE RIGHT THING BECAUSE WHEREAS THEY'LL JOIN A GROUP TO ATTACK ONE PERSON, THEY DON'T WANT TO BE THAT ONE PERSON ATTACKED BY THE GROUP. BUT IF SOMEBODY COULD FIND A WAY TO INDIVIDUALIZE THEM IN THEIR THINKING, MAKE THEM FEEL A SENSE OF RESPONSIBILITY AND A DUTY TO ADOPT THE ATTITUDE WHERE THE STRONG BEAR THE INFIRMITIES OF THE WEAK, SOME OF THEM, OR MAYBE ONE OF THEM WILL BE THE FIRST ONE TO SAY: IT'S NOT GOING TO BE LIKE THAT TODAY. THAT ONE PERSON IS NOT GOING TO BE ALONE AGAINST ALL OF YOU. THERE WILL BE AT LEAST TWO TODAY. THEN MAYBE SOMEBODY ELSE WILL SAY, NO, THERE WILL BE THREE. THEN SOMEBODY ELSE MIGHT SAY FOUR. THEN PRETTY SOON, IT'S EVERYBODY ON THIS SIDE AGAINST THE COWARDLY RINGLEADER OVER THERE. AND NOW IT'S ALL AGAINST ONE, BUT NOT TO BULLY, BUT TO PUT THAT PERSON IN HIS OR HER PLACE AND SHOW BY THEIR EXAMPLE HOW WE OUGHT TO TREAT EACH OTHER. AND IF ANYBODY IS TO BE OSTRACIZED, IT SHOULD BE THE ONE WHO TRIES TO FORM A GROUP INTO A MOB WHERE THEY THOUGHTLESSLY, INSENSITIVELY, UNFAIRLY, UNJUSTLY ATTACK ONE PERSON. YOU ALL LIKE TO DEAL IN NUMBERS, BUT I'VE SEEN OTHER INSTANCES WHERE YOU SAY IF SUCH AND SUCH SAVES ONE PERSON, IT'S WORTH IT. THERE SHOULD BE THAT SAME ATTITUDE WITH REFERENCE TO MEMBERS OF THE LGBT COMMUNITY, FAR MORE THAN ONE. AND ONE SHOULD BE ENOUGH. BUT BECAUSE IT TAKES A WHILE TO PENETRATE MINDS THAT ARE CLOSED AND MAYBE THE PENETRATING WILL NEVER OCCUR, I HAVE TO BE LIKE WATER THAT CONTINUES TO DRIP, DRIP, DRIP. WHAT IS HARDER THAN STONE? WHAT IS SOFTER THAN WATER? BUT IF YOU KNOW WHAT THE GRAND CANYON IS, YOU KNOW THAT THAT MAGNIFICENT PANORAMA WAS CARVED BY THE COLORADO RIVER--WATER. IT TOOK A LONG TIME, BUT THE WATER WHICH WAS SO SOFT PREVAILED OVER THE STONE WHICH WAS AND IS SO HARD. AND THE WATER CONTINUES TO FLOW. THE STONE CONTINUES TO BE WORN AWAY. SO THERE ARE LESSONS FOR US IN NATURE IF WE LOOK FOR THEM,... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...IF WE SEE THEM, IF WE LEARN FROM THEM. AND I DON'T SEE WHY IT WOULD BE SO DIFFICULT TO PERSUADE PEOPLE WHO TOOK AN

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OATH WHICH SHOULD INCLUDE LOOKING AFTER THOSE WHO CANNOT TAKE CARE OF THEIR OWN INTERESTS, THROUGH NO FAULT OF THEIR OWN, TO SPEAK UP FOR THOSE PEOPLE, TO STAND UP FOR THOSE PEOPLE, TO ENACT LEGISLATION THAT PROTECTS THOSE PEOPLE. BUT THAT IS NOT GOING TO BE DONE BY THIS LEGISLATURE, SO I'VE JUST GOT TO TAKE TIME, BE DETERMINED ENOUGH TO KEEP PUSHING AND HOPE FOR A BETTER RESULT THAN HAS OCCURRED IN THE PAST. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. AND YOU MAY CONTINUE, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, I WILL TELL YOU THE WAY I LOOKED AT THIS MATTER MANY, MANY YEARS AGO. I, WHEN I WAS YOUNGER, WAS INFECTED BY A VIRUS CALLED RELIGION AND IT WAS A PARTICULARLY AGGRESSIVE, VIRULENT TYPE. IT'S REFERRED TO BY THE GENERAL NAME TODAY OF FUNDAMENTALIST. THE SPECIFIC NAME WAS CHURCH OF GOD IN CHRIST. THEY SAID THAT EVERY WORD IN THE BIBLE WAS LITERALLY TRUE, THAT IT MEANT EXACTLY WHAT IT SAID. SO WHEN GOD TOLD ONE OF THESE GUYS WHO WAS SUPPOSED TO BE WORSHIPING GOD TO GO CAPTURE THESE PEOPLE IN A CERTAIN LOCATION AND KILL EVERYTHING, KILL ALL THE PEOPLE, KILL ALL THE ANIMALS, AND SPREAD SALT SO NOTHING WOULD GROW. BUT, AS HAPPENS, ONE MILITARY MAN WAS GREEDY AND THIS PROPHET REPRESENTING GOD SAID: WAIT A MINUTE, I HEAR A SHEEP. YOU WERE SUPPOSED TO KILL EVERYTHING. WHY DIDN'T YOU KILL THOSE SHEEP TOO? AND IF YOU'RE INTERESTED, GO READ THE STORY FOR YOURSELF, BUT AS YOU GET OLDER THOSE THINGS ARE VERY AMUSING. WHEN YOU'RE VERY YOUNG, THEY'RE SOMETHING ELSE. THEY TROUBLE YOUR MIND. THERE IS A TENDENCY FOR CHILDREN TO BELIEVE WHAT THOSE THEY RESPECT, OR THOSE THEY FEAR, WILL TELL THEM. SO THAT WAS A CHURCH LIKE SOME TODAY THAT HAD MANY CONVERSATIONS OF HELLFIRE, BRIMSTONE, AN ANGRY GOD BURNING PEOPLE FOREVER AND EVER, EVEN LITTLE CHILDREN. AND THAT CAN WEIGH ON THE MIND OF A CHILD. SO I WENT THROUGH ALL OF THAT. I ACTUALLY BELIEVED IT. BUT PAUL HAD DEALT WITH A SITUATION LIKE THAT. HE SAID: WHEN I WAS A CHILD, I THOUGHT AS A CHILD, I BELIEVED AS A CHILD, I BEHAVED AS A CHILD. BUT NOW THAT I'M A MAN, I HAVE PUT AWAY CHILDISH THINGS. BUT THERE ARE SOME PEOPLE MY AGE, CHRONOLOGICALLY, WHO STILL HOLD TO THOSE CHILDISH NOTIONS AND ONE OF THE WORST IS THAT ONE OF BEING HOLIER THAN THOU. YOU CAN SEE PEOPLE SUFFERING AND YOU LOOK DOWN YOUR NOSE, AND THE RELIGIOUS PEOPLE ARE THE ONES WHO COINED THAT HATEFUL EXPRESSION "THERE BUT FOR THE GRACE OF GOD GO I." SO GOD SHOWS HIS

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GRACE TO YOU BY GIVING YOU PLENTY TO EAT AS OPPOSED TO THAT ONE WHO IS ALSO CREATED BY GOD WHO IS STARVING. AND GOD SHOWS GRACE BY BLESSING YOU AND LETTING THAT ONE STARVE. MAYBE THE MESSAGE WAS, YOU WHO HAVE GOT PLENTY SHOULD SERVE...TO SHARE WITH THE ONE THAT DOESN'T HAVE ANY. BUT THAT'S NOT THE WAY THE RELIGIOUS PEOPLE ARE. WHO ON THIS FLOOR IS DISCRIMINATED AGAINST? YOU HAVE FARMERS AND RANCHERS COMING IN HERE AND THEY'RE SOON GOING TO TALK ABOUT ALL THE TAX BREAKS THEY OUGHT TO GET, THAT THEY OUGHT TO BE SUBSIDIZED BY THE REST OF SOCIETY, AND THEY'VE GOT PLENTY RIGHT NOW AND THEY'LL BE TAKEN SERIOUSLY. THEIR ISSUES WILL BE DISCUSSED SERIOUSLY. AND THERE WILL BE PEOPLE ON THIS FLOOR TAKING IT SERIOUSLY TO GIVE TO THOSE WHO ALREADY HAVE. I WON'T BE IN THAT NUMBER. OH, I'LL BE HERE, BUT I'M GOING TO REMIND YOU OF HOW HATEFUL AND INSENSITIVE YOU ARE TO PEOPLE WHO REALLY NEED HELP. I DIDN'T GET TO HEAR ALL THAT WHOEVER WAS UP THERE PRAYING THIS MORNING SAID. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: I TRY TO LISTEN SO I CAN SEE WHAT MESSAGE YOU'RE GIVEN AND THEN THE REST OF THE DAY I CAN WATCH YOU DISREGARD IT AND KICK SAND IN THE FACE OF THE ONE BEING PRAYED TO. PROBABLY NOTHING WAS SAID ABOUT PROVIDING MEDICAL CARE FOR THOSE WHO NEED IT. AND SOMEBODY CAN SAY A SCHOOL BOOK IS MORE IMPORTANT THAN HEALTHCARE FOR PEOPLE WHO ARE ILL. THAT PERSON NEEDS TO READ SOMETHING ABOUT HIS JESUS, AND I'LL GIVE AN EXAMPLE OF ONE OF THE THINGS THAT JESUS DID TO MAKE THAT POINT. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: WAS THAT MY THIRD TIME? [LB821]

PRESIDENT FOLEY: I BELIEVE YOU HAVE ONE MORE OPPORTUNITY, SENATOR, AND YOU ARE RECOGNIZED. [LB821]

SENATOR CHAMBERS: OKAY, I'M GOING TO TELL YOU ALL THIS STORY, MAYBE TWO OF THEM, MAYBE THREE THAT HAVE THE SAME POINT. JESUS WAS IN THE TEMPLE. THERE WAS A GUY WHO HAD A WITHERED HAND. THAT MEANT IT WAS LIKE THE TWO HANDS OF THAT NEWS PERSON THAT DONALD TRUMP RIDICULED, MADE FUN OF, AND THEN BOASTED ABOUT BEING A CHRISTIAN--

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THAT'S WHY I SAY CHRISTIANS ARE HATEFUL--MADE FUN OF HIM. WELL, THERE WAS A MAN LIKE THAT IN THE SYNAGOGUE. AND JESUS SAW HIM. MEN ALWAYS CAME THERE. HE PROBABLY WAS MADE FUN OF BY THE DONALD TRUMP OF HIS DAY. THE PHARISEES, THE RELIGIOUS PEOPLE, THAT'S WHAT THEY WERE CALLED. AND JESUS PUT RIGHT AFTER THEIR NAME, HYPOCRITES, PHARISEES, HYPOCRITES, THEN HE TALKED ABOUT THE SCRIBES, TOO, THE WRITERS--THEY MIGHT HAVE BEEN THE NEWS MEDIA--SCRIBES, PHARISEES, HYPOCRITES. SO JESUS LOOKED AT THIS MAN AND HE LOOKED AT ALL THE PEOPLE AROUND HIM, AND AS HAPPENS TODAY WHEN SOMEBODY HAS A PHYSICAL INFIRMITY, THEY'RE TREATED AS THOUGH THERE'S SOME KIND OF STIGMA ATTACHED TO THEIR CONDITION WHICH THEY DID NOT DO ANYTHING TO BE AFFLICTED WITH. SO WHILE EVERYBODY WAS GIVEN SPACE AND LOOKING OUT OF THE SIDE OF THEIR EYE AS IF TO SAY WHAT'S HE DOING HERE, HE KNOWS HE MAKES US UNCOMFORTABLE WHEN HE COMES HERE, AND SO JESUS SAID, WHAT'S YOUR NAME? HE SAID, I DON'T HAVE A NAME. AND JESUS SAID, EVERYBODY HAS A NAME. I FILL IN WHERE I THINK THERE ARE GAPS. AND HE SAID, WELL, I HAVE NONE. JESUS SAID, WHEN YOU WERE BORN, YOUR PARENTS GAVE YOU A NAME. WHAT WAS THE NAME THEY GAVE YOU? HE SAID, WELL, FROM THE TIME THAT I WAS SMALL, I WAS CALLED SOMETHING OTHER THAN THAT, SO THAT IS NOT MY NAME ANYMORE. I HAVE NO NAME AND I WILL NOT ACCEPT THE NAMES THAT OTHER PEOPLE HAVE GIVEN ME. AND JESUS SAID, WELL, WHAT'S YOUR PROBLEM? HE SAID, IF YOU CAN SEE, YOU KNOW WHAT MY PROBLEM IS. SO JESUS SAID: HOLD ON, PARTNER. WE'RE ON THE SAME SIDE OF THE LEDGER. JUST STRETCH YOUR ARM OUT. AND HE SAID, YOU KNOW I CAN'T DO THAT. ARE YOU HERE TO RIDICULE ME LIKE THESE OTHER RELIGIOUS HYPOCRITES? JESUS SAID, LOOK IN MY EYES. AND HE LOOKED IN JESUS' EYES. AND LIKE THE SCI-FI MOVIES, HE SAW SOMETHING IN HIS EYES THAT HE HAD NEVER SEEN IN EYES BEFORE. AND ALMOST IN A HYPNOTIC TRANCE, WHEN JESUS SAID STRETCH FORTH YOUR ARM, ALMOST OF ITS OWN WILL, HIS ARM STRETCHED FORTH AND IT WAS LIKE THE OTHER ONE. AND HE LOOKED AT IT, AND HE WAS AMAZED. AND HE SAID, MY NAME IS SIMON. JESUS RESTORED HIS PERSONHOOD, HIS SELFHOD AND WHAT WAS MOST IMPORTANT, HIS NAME. AND YOU KNOW WHAT THE RELIGIOUS PEOPLE DID INSTEAD OF BEING HAPPY? THEY CONDEMNED HIM. WHAT ARE YOU DOING, DOING THAT KIND OF THING ON THE SABBATH? AND JESUS PROBABLY SAID, THERE WILL COME A MAN CENTURIES FROM NOW, LONG AFTER YOU HAVE GONE, AND WHEN A QUESTION LIKE THAT IS PUT TO HIM, HE WILL SAY, FOOL, WHAT'S THE MATTER WITH YOU? AND HE'LL BE KNOWN AS MR. T. BUT JESUS TOLD HIM, WHY DO YOU SAY THIS? THEY SAY, WE TOLD YOU IT'S ON THE SABBATH. JESUS SAID, THE SABBATH WAS MADE FOR MAN, NOT MAN FOR THE SABBATH. I TELL THAT PERSON WHO SAID SCHOOL BOOKS ARE MORE

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IMPORTANT THAN THE HEALTH OF CHILDREN, SCHOOL BOOKS ARE MADE FOR CHILDREN... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...NOT CHILDREN FOR SCHOOL BOOKS. IF THE CHILDREN ARE ILL, OF WHAT VALUE ARE THE BOOKS? TALKING ABOUT TAX BREAKS ARE MORE IMPORTANT AND HE'S ABOUT TO BECOME A RICH MAN. BUT HE HAS NO CONCERN, NO COMPASSION FOR THOSE WHO ARE ILL. MAYBE A WOMAN IS PREGNANT. HE'S GOT PLENTY OF MONEY IF IT SHOULD HAPPEN TO HIS WIFE. SO WHY SHOULD HE CARE ABOUT ANYBODY ELSE? AND PEOPLE WHO HAVE SO MUCH CONCERN FOR FETUSES, IF THE FETUS HAPPENS TO BE CARRIED BY A POOR WOMAN, THAT FETUS DOESN'T COUNT--MORE HYPOCRISY. ONE DAY JESUS WAS WALKING WITH HIS DISCIPLES AND IT WAS THE SABBATH AND THEY WERE WALKING THROUGH A FIELD. AND AS I'VE SAID BEFORE, WHEN CROPS WERE HARVESTED IN THOSE DAYS, THEY HAD TO LEAVE SOMETHING IN THE FIELD FOR THOSE WHO HAD NOTHING TO EAT, WHICH CERTAINLY WOULDN'T BE DONE TODAY. [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS, AND YOU ARE RECOGNIZED TO CLOSE ON YOUR RECONSIDERATION MOTION. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THEY WERE WALKING THROUGH THE FIELD AND THEY WERE PICKING UP THE LEAVINGS AND EATING AND SOME OF THESE RELIGIOUS HYPOCRITES LIKE THOSE IN THIS LEGISLATURE SAW THEM AND CONDEMNED JESUS BECAUSE YOUR PEOPLE ARE DOING THIS ON THE SABBATH AND AGAIN JESUS SAID, THE SABBATH WAS MADE FOR MAN, NOT MAN FOR THE SABBATH. THEY SAY, WELL, WE SAW WHAT YOU DID OVER THERE IN THE TEMPLE, THE SYNAGOGUE, YOU DON'T HAVE ANY CONCERN ABOUT GOD ANYWAY. AND JESUS SAID: I'M GOING TO SHOW YOU WHAT KIND OF MAN YOU ARE. WHICH ONE OF YOU WHO HAS AN ASS OR A LAMB WHO FALLS INTO A WELL ON THE SABBATH AND WILL NOT RESCUE HIM? WHEN IT'S YOUR MONEY, THE SABBATH MEANS NOTHING TO YOU, BUT IF SOMEBODY IS GOING TO DO SOMETHING THAT HELPS ANOTHER PERSON WHO NEEDS IT, THEN HERE COMES YOUR RELIGION. IF YOU

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ARE SICK AND YOU'VE GOT MEDICARE, YOU'VE GOT MEDICAL COVERAGE. IF YOUR WIFE IS PREGNANT AND YOU CAN PAY FOR MEDICAL CARE, YOU'RE ALL RIGHT, BUT FOR THE OTHERS, THEY DON'T GET IT, THEY SHOULDN'T HAVE IT AND YOU SHOULDN'T BE CONCERNED ABOUT IT, BUT I AM. AND YOU ALL GET A CHANCE TO SEE WHAT WAS GOING ON IN THOSE DAYS AND WHY THEY CAUGHT JESUS, FRAMED HIM, AND HUNG HIM UP, EXECUTED HIM, WHICH IS WHAT GOVERNOR...THAT GUY OVER THERE IN THE NORTH END, GOVERNOR RICKETTS, WOULD LIKE TO DO. AND WITH ALL OF HIS TALK ABOUT WHAT I SAID, HE WAS TRYING TO VIOLATE THE LAW TO GET DRUGS TO KILL PEOPLE, WANTED TO VIOLATE FEDERAL LAW TO GET DRUGS TO KILL PEOPLE, BUT HE'S AGAINST PEOPLE RECEIVING A PRESCRIPTION FROM A PHYSICIAN WHEN THEY HAVE LESS THAN SIX MONTHS TO LIVE AND ARE GOING THROUGH EXCRUCIATING AGONY. HE'S NOT FOR THEM MAKING THE DECISION, THE CHOICE AS TO HOW THEY WILL LEAVE THIS WORLD. I PUT ALL THIS STUFF TOGETHER AND I LOOK AT ALL OF YOU AND THAT'S WHY I DON'T CARE WHAT ANYBODY HERE SAYS, WHAT ANYBODY HERE THINKS, BECAUSE YOU DON'T EVEN RESPECT THE THINGS YOU SAY YOU BELIEVE IN. YOU DON'T RESPECT GOD. YOU DON'T RESPECT JESUS. YOU DON'T BELIEVE THE BIBLE. YOU DON'T BELIEVE YOUR CHURCH DOCTRINE. YOU PICK AND CHOOSE. THAT'S WHAT THE GOVERNOR SAID. THAT'S WHAT ALL OF YOU SAY. THIS I ACCEPT, THAT I DON'T, AND FOR SOMEBODY ON THE OUTSIDE SAYS NONE OF IT'S WORTH ANYTHING. IT'S LIKE CHITLINS. YOU ALL MAY NOT KNOW WHAT THAT IS. THAT'S HOG GUTS AND THEY...PEOPLE WHO EAT THAT STUFF, THEY CALL THEMSELVES CLEANING IT. THEY TAKE THESE CHITLINS, THESE GUTS, AND THEY TAKE STUFF AND PULL IT OUT OF IT AND THEY MAKE TWO PILES. AND WHAT THEY EAT LOOKS JUST LIKE WHAT THEY THROW AWAY. AND AFTER YOU EAT CHITLINS, YOU SHOULDN'T USE A NAPKIN, YOU OUGHT TO USE SOME NORTHERN TOILET TISSUE. AND THAT'S THE WAY THEY ARE WITH THEIR RELIGION. WHAT THEY KEEP LOOKS JUST LIKE WHAT SHOULD BE FLUSHED DOWN THE TOILET STOOL. IT'S STRICTLY FOR CONVENIENCE. WHEN PUT TO THE TEST, THEY FAIL ALL THE TIME AND THAT SIGNIFIES COWARDICE TOWARD MEN AND BRAVERY TOWARD GOD. YOU DON'T MIND GOD SEEING YOU NOT STAND UP, BUT YOU'RE AFRAID TO STAND UP IN FRONT OF A MERE MAN. AND YOU KNOW HOW WE'RE BOUGHT SOMETIMES: WITH A POLITICAL OFFICE, WITH A POLITICAL CONTRIBUTION, WITH SOMEBODY TELLING US... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...IF YOU COME WORK FOR ME, I'LL MAKE YOU A RICH MAN. SO ALL OF THIS TALK OF PRINCIPLES, VALUES, AND MORALITY REALLY HAVE NO MEANING WHATSOEVER. THE IRONY IS THAT WHAT I BELIEVE, I DO

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BELIEVE, AND I WILL ACT ON IT. NO MATTER WHAT ANYBODY ELSE SAYS, NO MATTER WHAT ANYBODY ELSE DOES, I WILL NOT ACCEPT ANYTHING IN EXCHANGE FOR WHAT I DO BECAUSE I AM NOT FOR SALE. WHAT I DO IS NOT FOR SALE. I DO WHAT I DO BECAUSE IT'S THE RIGHT THING FOR ME TO DO. AND I'M SO HAPPY THAT MY STANDARDS ARE HIGHER THAN THOSE OF THE PEOPLE HERE. MY PERSONAL STANDARDS WILL NOT PERMIT ME TO BE IN THE PRESENCE OF OTHER PEOPLE SUFFERING WITHOUT DOING SOMETHING ABOUT IT, WITHOUT ME TRYING TO DO SOMETHING EVEN TO SHIELD AND PROTECT ANIMALS. [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. MEMBERS, YOU'VE HEARD THE MOTION, THE RECONSIDERATION DEBATE. SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: I WILL ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB821]

PRESIDENT FOLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB821]

CLERK: 18 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB821]

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. SENATOR BOLZ, SENATOR BURKE HARR, SENATOR KEN HAAR, WATERMEIER, HILKEMANN, PLEASE RETURN TO THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR LARSON AND CHAMBERS, PLEASE CHECK IN. SENATORS BURKE HARR, KEN HAAR, AND HILKEMANN, PLEASE RETURN TO THE FLOOR. THE HOUSE IS UNDER CALL. ALL UNEXCUSED SENATORS ARE NOW PRESENT. SENATOR CHAMBERS HAS REQUESTED A ROLL CALL VOTE ON THE RECONSIDERATION MOTION. MR. CLERK, PLEASE CALL THE ROLL. [LB821]

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CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1316-1317.) 1
AYE, 37 NAYS, MR. PRESIDENT, ON THE RECONSIDER. [LB821]

PRESIDENT FOLEY: THE RECONSIDERATION MOTION IS NOT ADOPTED. I RAISE
THE CALL. MR. CLERK, ARE THERE ANY ITEMS FOR THE RECORD? [LB821]

CLERK: NOT AT THIS TIME, MR. PRESIDENT. I DO HAVE ANOTHER AMENDMENT.
SENATOR CHAMBERS WOULD MOVE TO AMEND WITH FA111. (LEGISLATIVE
JOURNAL PAGE 1317.) [LB821]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON
FA111. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE
LEGISLATURE, THIS IS THE ARTFULLY DRAWN VERSION OF THE AMENDMENT
THAT WAS INARTFULLY DRAWN YESTERDAY. ON PAGE 1, LINE 8, AFTER
EMPLOYEE...AND I'LL READ THE LANGUAGE THAT PRECEDES THAT STARTING ON
LINE 6. ADVERSE ACTION MEANS THE DISCHARGE OF AN EMPLOYEE, A THREAT
AGAINST AN EMPLOYEE, OR ANY OTHER FORM OF DISCRIMINATION AGAINST AN
EMPLOYEE, AND I WOULD INSERT "INCLUDING AN EMPLOYEE WHO IS LESBIAN,
GAY, BISEXUAL, OR TRANSGENDER." THEN THE LANGUAGE WOULD CONTINUE,
THAT NEGATIVELY AFFECTS THE EMPLOYEE'S EMPLOYMENT INCLUDING
ACTIONS THAT AFFECT THE EMPLOYEE'S COMPENSATION, WORK LOCATION,
RIGHTS, IMMUNITIES, PROMOTIONS, PRIVILEGES, OR OTHER TERMS AND
CONDITIONS OF EMPLOYMENT. THE WORDS I AM ADDING AFTER THE WORD
"EMPLOYEE" ON LINE 8 ARE THESE, AND THERE WILL BE A COMMA, "INCLUDING
AN EMPLOYEE WHO IS LESBIAN, GAY, BISEXUAL, OR TRANSGENDER." AS I TOLD
YOU, THOSE FIRST FORAYS WERE MY SOFTENING-UP PROCESS. THIS, NOW, IS
WHAT I'M INTERESTED IN HAVING DONE. AND IF THIS IS ACCEPTED, THEN I WILL
LEAVE THIS BILL ALONE. THE UNDERLYING BILL DOESN'T MEAN ANYTHING TO
ME TOO MUCH ONE WAY OR THE OTHER. PEOPLE SHOULD BE WISE ENOUGH TO
PROTECT THAT WHICH IS CONFIDENTIAL IN THEIR OPINION. IF THEY LET IT OUT
OF THEIR CONTROL, IT'S AVAILABLE FOR OTHER PEOPLE TO PROCURE AND
MAKE USE OF NO MATTER WHAT KIND OF LAWS ARE PUT ON THE BOOKS
RELATIVE TO PRIVACY, CONFIDENTIALITY, AND ALL OF THE OTHER TYPES OF
THINGS THAT ARE DESIGNED TO PROTECT PEOPLE FROM THEIR OWN STUPIDITY.
IT IS STUPID FOR SOMEBODY TO MAKE AVAILABLE TO THE WORLD THAT WHICH
IS OF GREAT MEANING AND CONSEQUENCE TO THEM AND WHICH THEY WANT
NOBODY ELSE TO KNOW. IF YOU WATCH THE NEWS, YOU SEE WHERE...I DON'T

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REMEMBER WHETHER IT WAS APPLE OR GOOGLE, THEY ALL RUN TOGETHER IN MY MIND, WOULD NOT UNLOCK, AS THEY CALLED IT, THE TELEPHONE OF THIS PERSON WHO WAS INVOLVED IN THAT SAN BERNARDINO SHOOTING, BUT THE ISRAELIS DID WHAT THE FBI COULD NOT DO. THEY WENT INTO THE TELEPHONE. AND YOU'LL NOTICE THAT WITH ALL OF THE BALLYHOING ABOUT THE PHONE BEING UNLOCKED OR THE INFORMATION BEING AVAILABLE, THEY HAVEN'T GIVEN YOU THAT INFORMATION, HAVE THEY? THEY WANTED THAT BECAUSE THEY SAID THERE WAS A PERIOD OF TIME UNACCOUNTED FOR IN THE MOVINGS OF THIS MAN AND THIS WOMAN WHO ARE THE ONES ALLEGED TO HAVE KILLED THOSE PEOPLE OUT IN CALIFORNIA. THE FBI, HOMELAND SECURITY, OTHER LAW ENFORCEMENT TYPES BECAME OBSESSED WITH THAT MISSING 15 MINUTES, ALMOST LIKE I THINK IT WAS 14 MINUTES THAT WERE ERASED FROM THE NIXON TAPES AND THEY BLAMED ROSE MARY WOODS FOR ACCIDENTALLY ERASING THAT TAPE. AND BECAUSE OF WHERE SHE DESCRIBED THAT SHE WAS SITTING, AND WHERE THE TAPE MACHINE WAS WHEN SHE INADVERTENTLY ERASED IT, SHE WOULD HAVE HAD TO BE TALLER THAN WILT CHAMBERLAIN WHO WAS SEVEN FEET TALL, SHE WOULD HAVE HAD TO HAVE ARMS THREE TIMES AS LONG AS THE AVERAGE PERSON, A LEG TWICE AS LONG, AND THAT FOOT WOULD HAVE BEEN TO HER LEFT AND ALL OF THIS OTHER STRETCHING OF HER BODY AND HER ARMS ON THE OTHER END TO REACH ALL THE WAY OVER AND INADVERTENTLY ERASE THESE 14 MINUTES. EVERYBODY WONDERS WHAT WAS CONTAINED IN THAT FOOTAGE THAT WAS ERASED, AND I IMAGINE NOBODY WILL EVER KNOW. BUT NOW THAT THE AUTHORITIES HAVE THIS INFORMATION, IF THEY DON'T REVEAL IT, I THINK IT'S ONLY BECAUSE THEY'RE EMBARRASSED. THERE'S NOBODY THEY HAVE TO TRY TO PROTECT. IT WILL SHOW THAT IT WAS MUCH ADO ABOUT NOTHING IN GOING TO COURT TO TRY TO COMPEL THIS COMPANY TO DO WHAT THE FBI WANTED IT TO DO. BUT ALL THAT TIES INTO THIS NOTION OF PRIVACY. EVEN THOUGH THE COMPANY WOULD NOT TELL THE GOVERNMENT HOW TO DO THAT, THERE WAS A THIRD PARTY IN ISRAEL WHO KNEW HOW TO DO IT. THERE WAS A CARTOON THAT SAID THEY TURNED IT OVER TO A FIVE-YEAR-OLD CHILD, BUT AT ANY RATE, NOTHING THAT YOU PUT OUT THERE IS SECURE. BUT THIS GIVES PEOPLE THAT SENSE OF SECURITY. AND IT'S WHAT HAS BEEN CALLED A FALSE SENSE OF SECURITY. IN THE ORDINARY COURSE OF ORDINARY AFFAIRS, THIS BILL MIGHT PREVENT A BOSS FROM FINDING OUT CERTAIN INFORMATION THAT A PERSON PUT INTO ONE OF THESE ACCOUNTS, BUT ALL OF THE INFORMATION PROBABLY DOESN'T AMOUNT TO A HILL OF BEANS. I GET CALLS ON A REGULAR BASIS OF PEOPLE WHO FEEL THAT THEIR PHONES ARE BEING TAPPED. AND AS GENTLY AND NONACCUSATORILY AS I CAN, I WILL ASK THEM, WHAT ARE YOU TALKING ABOUT THAT IS SO IMPORTANT ANYBODY OTHER THAN THE ONE YOU'RE TALKING TO WOULD BE

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INTERESTED IN HEARING? AND MAYBE THE ONE YOU'RE TALKING TO IS NOT THAT INTERESTED. WHY, IN OTHER WORDS, WOULD THE GOVERNMENT WANT TO TAP YOUR PHONE AND LISTEN TO WHAT YOU'RE SAYING? WELL, THERE ARE A LOT OF DISTURBED PEOPLE OUT THERE AND THEY FEEL THAT THEY'RE BEING WATCHED. SO DEPENDING ON THE LEVEL OF THE DISTURBANCE THAT THEY'RE CONFRONTING, I WILL BE FRANK WITH THEM OR I WILL HUMOR THEM AND FIND A WAY TO LIFT THEM OUT OF WHAT THEY'RE IN. THERE WAS A LADY WHO CALLED ME, SHE SAID HER TELEVISION HAD BEEN REPAIRED. AND AFTER THAT REPAIRMAN LEFT, SHE KNEW THAT THEY HAD BUGGED HER TELEVISION SET BECAUSE WHEN SHE WOULD GO TO THE STORE, SHE'D HEAR PEOPLE SAYING THINGS THAT SHE HAD TALKED ABOUT AT HOME. SHE WOULD LOOK OUT OF THE CORNER OF HER EYE AND SHE'D SEE PEOPLE WATCHING HER AND AS SOON AS SHE WOULD TURN TO FACE THEM, THEY WOULD LOOK AWAY. SO THESE WERE PROOFS TO HER THAT SOMETHING HAD BEEN DONE TO HER TELEVISION SET. I SAID...AND THIS WAS A FIB, BUT A FIB FOR THE GREATER GOOD IS ALLOWABLE AND IT COULD HAVE BEEN TRUE FOR ALL I KNEW. I SAID, NOW LOOK ON THE FRONT OF YOUR TELEVISION SET, AND JUST ABOUT AN INCH ABOVE THE TABLE IT'S SITTING ON, BUT AT ANY RATE, BETWEEN THE BOTTOM OF YOUR TELEVISION SET AND THE BOTTOM OF THE SCREEN, DO YOU SEE A LITTLE ROUND PIECE OF GLASS? SHE SAID, UM-HUM, AND THAT'S HOW THEY'VE BEEN WATCHING ME. I SAID, I KNOW IT, AND HERE'S HOW WE'RE GOING TO TRICK THEM. YOU JUST GET YOU SOME GUM AND YOU CHEW IT AND AFTER YOU CHEW IT, YOU JUST PUT IT OVER THAT PIECE OF GLASS AND THEY CAN'T SEE YOU ANYMORE. A FEW DAYS LATER, SHE CALLED ME, SHE SAID, SENATOR CHAMBERS, YOU KNOW, THAT WORKED, THEY CAN'T SEE ME ANYMORE. SHE DIDN'T MAKE ME TELL HER HOW TO KEEP THEM FROM HEARING HER BECAUSE SHE THOUGHT THEY SAW HER AND HEARD HER. OTHER PEOPLE HAVE CALLED ME AND TOLD ME THAT THEY...I DON'T KNOW WHY SEVERAL OF THEM, BUT THEY HAD GONE TO CREIGHTON DENTAL CLINIC AND HAD A FILLING PUT IN... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...AND THAT FILLING WAS A RECEIVER AND EVERYTHING THEY SAID WAS PICKED UP BY THAT RECEIVER AND TRANSMITTED. AND ALL I COULD TELL THAT PERSON WAS THAT HE OUGHT TO GO SEE A LAWYER AND SEE IF THE LAWYER COULD FIND THAT THEY'RE VIOLATING SOME KIND OF EAVESDROPPING LAW BECAUSE I WASN'T GOING TO GO TELL HIM TO PULL HIS TEETH OUT OR ANYTHING LIKE THAT. BUT THERE ARE ALL KIND OF THINGS THAT ARE HAPPENING OUT THERE AND IT'S BECAUSE PEOPLE THINK THEY'RE

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BEING WATCHED, THAT THEY'RE BEING LISTENED TO. THIS BILL AT A HIGHER, MORE SOPHISTICATED LEVEL IS A SIMILAR THING. PEOPLE ARE FOOLISH ENOUGH TO PUT THINGS INTO THAT ACCOUNT AND THEY SAY, I DON'T WANT ANYBODY THAT I WORK FOR TO KNOW WHAT'S IN THERE, SO PASS THIS LAW SO THAT AT LEAST ON MY JOB THE BOSS CANNOT EVEN REQUEST THAT I GIVE ACCESS TO THIS MATERIAL. THE BOSS DOESN'T HAVE TO GET IT. THE BOSS DOESN'T HAVE TO ORDER YOU TO DO IT. [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS, AND YOU ARE RECOGNIZED, SENATOR CHAMBERS. [LB821]

SENATOR CHAMBERS: ALL THE BOSS HAS TO DO IS REQUEST IT AND THE BOSS IS IN VIOLATION OF THE LAW. I'D LIKE TO ASK SENATOR LARSON A QUESTION. [LB821]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB821]

SENATOR LARSON: YES. [LB821]

SENATOR CHAMBERS: SENATOR LARSON, A PERSON...IS THERE A PENALTY FOR A BOSS WHO WOULD VIOLATE THIS LAW? [LB821]

SENATOR LARSON: I BELIEVE IT ALLOWS THE PERSON THAT IS VIOLATED AGAINST TO FILE SUIT AND IT WOULD GO TO COURT THEN. [LB821]

SENATOR CHAMBERS: BUT THERE'S NO CRIMINAL PENALTY INVOLVED? [LB821]

SENATOR LARSON: I BELIEVE IT'S ALL CIVIL. [LB821]

SENATOR CHAMBERS: AND IF A PERSON CAN'T GET A LAWYER, THEN THE PERSON IS JUST OUT IN THE COLD, CORRECT? [LB821]

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SENATOR LARSON: I DON'T KNOW WHY A PERSON WOULD NOT BE ABLE TO GET A LAWYER. [LB821]

SENATOR CHAMBERS: HOW MUCH MONEY DO YOU THINK WOULD BE IN A CASE LIKE THIS FOR A LAWYER? [LB821]

SENATOR LARSON: SENATOR CHAMBERS, IF THE INDIVIDUAL WINS, WE PROVIDE ATTORNEY FEES FOR THE INDIVIDUAL THAT IS BRINGING THE SUIT. [LB821]

SENATOR CHAMBERS: AND YOU THINK THAT THE ABILITY TO OBTAIN ATTORNEY FEES WOULD BE SUFFICIENT TO ENTICE A LAWYER TO TAKE A CASE LIKE THIS? [LB821]

SENATOR LARSON: I WOULD IMAGINE IF THE ATTORNEY BELIEVES THAT THE PERSON HAS A GOOD CASE THAT--WE SEE THAT A LOT WITH TRIAL LAWYERS--THEY TAKE A PERCENTAGE OF WHATEVER THE SUIT IS BROUGHT. [LB821]

SENATOR CHAMBERS: SO THEY WOULD TAKE IT ON A CONTINGENT FEE BASIS. [LB821]

SENATOR LARSON: HOWEVER THE LAWYER WANTS TO DO IT. IF THEY WANT TO DO IT WITHOUT A CONTINGENT FEE, THAT'S UP TO THE LAWYERS. WE DON'T PUT THAT IN STATUTE. WE JUST SAY THAT SHOULD THE PLAINTIFF, THE PERSON THAT IS BRINGING THE SUIT WINS, THEY...IT ALLOWS FOR THE DEFENSE, ESSENTIALLY THE DEFENDANT OR THE BUSINESS THAT DID...REQUESTED THE PASSWORDS OR INTERNET ACCOUNTS WOULD HAVE TO PAY THE LEGAL FEES OF THE PLAINTIFF. [LB821]

SENATOR CHAMBERS: AND THIS COULD BOIL DOWN TO A HE SAID, SHE SAID MATTER, COULDN'T IT? THE EMPLOYEE COULD SAY YOU SAID IT, AND THE EMPLOYER COULD SAY, NO, I DIDN'T. [LB821]

SENATOR LARSON: IT COULD. [LB821]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, HOW EFFECTIVE DO YOU THINK THAT IS? HOW MANY TIMES HAVE THERE BEEN LAWYERS WHO'VE SAID, I CAN'T TAKE A CASE LIKE THAT BECAUSE IT'S A HE SAID, SHE SAID, AND WHICH ONE WOULD THE JURY BE MOST LIKELY TO LISTEN

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TO? AND IS IT EVEN WORTH IT? FIRST OF ALL, HOW MANY HOURS WOULD IT TAKE FOR A LAWYER TO DETERMINE ONE WAY OR THE OTHER WHERE THE BOSS MADE THE REQUEST? THE BOSS DOESN'T HAVE TO DEMAND IT. LET ME ASK SENATOR LARSON ANOTHER QUESTION. SENATOR LARSON? [LB821]

SENATOR LARSON: YES. [LB821]

SENATOR CHAMBERS: OKAY. IS IT OKAY FOR ME TO ASK HIM? [LB821]

PRESIDENT FOLEY: YES, YOU MAY, SENATOR. [LB821]

SENATOR CHAMBERS: OKAY. SENATOR LARSON, IF THE EMPLOYER DOES NOT FIRE THIS PERSON, DOES NOT THREATEN THE PERSON, DOES NOT DO ANYTHING THAT NEGATIVELY AFFECTS THE EMPLOYEE'S EMPLOYMENT, DOES NOT CHANGE COMPENSATION, DOES NOT CHANGE WORK LOCATION, INTERFERE WITH ANY RIGHTS, IMMUNITIES, WITH REFERENCE TO PROMOTIONS, PRIVILEGES, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT, WOULD THAT EMPLOYEE STILL HAVE A CAUSE OF ACTION UNDER THIS LAW IF THE BOSS MERELY MADE A REQUEST TO SEE OR HAVE ACCESS TO THIS INFORMATION? [LB821]

SENATOR LARSON: I WOULD SAY SO BECAUSE IN SECTION 3 IT SAYS, NO EMPLOYER SHALL REQUIRE OR REQUEST THAT EMPLOYEE OR APPLICANT TO PROVIDE OR DISCLOSE ANY USER NAME OR PASSWORD OR ANY OTHER RELATED ACCOUNT INFORMATION IN ORDER TO GAIN ACCESS TO THE EMPLOYEE OR APPLICANT'S PERSONAL INTERNET ACCOUNT. [LB821]

SENATOR CHAMBERS: THANK YOU. YOU ANSWERED THE QUESTION WHEN YOU SAID REQUEST. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ALL THE BOSS HAS TO DO IS SAY, YOU'VE GOT THESE ACCOUNTS, WILL YOU LET ME SEE WHAT IS ON THEM? AND THAT IS A VIOLATION OF THE LAW. THAT, ALONE, VIOLATES THE LAW. NO ACTION WHATSOEVER. AND THAT'S WHAT REDUCES IT TO A HE SAID, SHE SAID. THE EMPLOYEE SAID, YOU ASKED, AND THE BOSS SAID, NO, I DIDN'T ASK YOU. I ASKED YOU, DO YOU HAVE ONE OF THOSE ACCOUNTS? WE WERE JUST TALKING. YOU SAID YES, AND THAT ENDED IT. AND THEN THE EMPLOYEE SAID, BUT THEN

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YOU ASKED ME COULD YOU HAVE ACCESS? AND THE BOSS SAID, NO, I DIDN'T. I'M NOT EVEN INTERESTED. WE WERE JUST HAVING A CONVERSATION. AND THAT'S WHAT YOU TAKE TO A LAWYER. IS THE LAWYER GOING TO TAKE THE CASE? THAT'S PROBABLY WHAT A LOT OF THESE THINGS WOULD BOIL DOWN TO. AND A BOSS WOULDN'T BE STUPID ENOUGH TO FIRE SOMEBODY BECAUSE THEY WOULDN'T LET HIM OR HER GO INTO THIS CASE, INTO THESE ACCOUNTS. BUT THIS... [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB821]

SENATOR CHAMBERS: THIS BILL PLAYS INTO PARANOIA AND I WOULD PUT IT INTO QUOTATION MARKS. SENATOR LARSON MADE IT CLEAR, THERE'S BEEN NO CASE OF THIS IN NEBRASKA THAT HE'S AWARE OF. BEFORE I ATTRIBUTE ANYTHING TO HIM, I'D LIKE TO ASK HIM A QUESTION OR TWO FOR THE RECORD. [LB821]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB821]

SENATOR LARSON: YES. [LB821]

SENATOR CHAMBERS: SENATOR LARSON, LET ME POSE THE QUESTION A DIFFERENT WAY. ARE YOU AWARE OF ANY CASE LIKE THIS HAVING HAPPENED IN NEBRASKA? [LB821]

SENATOR LARSON: SPECIFICALLY IN NEBRASKA, NO. [LB821]

SENATOR CHAMBERS: BUT YOU DID SAY, I THINK THAT IT HAS HAPPENED OTHER PLACES, IS THAT CORRECT? [LB821]

SENATOR LARSON: I BELIEVE SO. I CAN TRY TO FIND SOME SPECIFIC CASES IF YOU WOULD LIKE. [LB821]

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SENATOR CHAMBERS: NO, NO, THAT'S ALL I WANT. THANK YOU. MEMBERS OF THE LEGISLATURE, THIS IS ONE OF THOSE BILLS BROUGHT BECAUSE SOMETHING HAPPENED SOMEPLACE ELSE. THESE ARE WHAT I CALL...WHERE'S SENATOR KINTNER? THESE ARE WHAT I CALL, AND I CALLED THEM BEFORE I CAME DOWN HERE, MONKEY SEE, MONKEY DO BILLS. THE LEGISLATURE IS TOLD SOMETHING HAPPENED SOMEWHERE ELSE, SOMEWHERE ELSE THEY DID THIS, THIS LEGISLATURE OUGHT TO DO IT, AND THE LEGISLATURE RUNS AND DOES IT. THAT'S NOT THE WAY TO LEGISLATE. THE BILL DOESN'T MEAN ANYTHING TO ME ONE WAY OR THE OTHER BECAUSE IT'S NOT GOING TO DO ANYTHING, IT DOESN'T MEAN ANYTHING. THERE'S NO NEED FOR IT. NOBODY HAS MADE A COMPLAINT ABOUT IT, BUT IT'S ONE OF THOSE EASY THINGS THAT WILL GIVE SOMEBODY A CHANCE TO INTRODUCE A BILL AND GET IT PASSED. AND THE LEGISLATURE WILL PASS IT. THEN WHY AM I TAKING TIME ON IT LIKE THIS? BECAUSE IT GIVES ME THE OPPORTUNITY TO RAISE AN ISSUE. AND WHAT IS THE ISSUE? THAT EVERY HUMAN BEING SHOULD BE TREATED LIKE A HUMAN BEING WITH DIGNITY AND RESPECT, AND THE GOVERNMENT SHOULD NOT ENACT ANY LAWS THAT ELEVATE SOME PEOPLE ABOVE OTHERS, OR IF YOU WANT TO TAKE IT THE OTHER WAY, REDUCE PEOPLE BELOW THE LEVEL OF EVERYBODY ELSE. SOME PEOPLE ARE COMFORTABLE IF MEMBERS OF THE LGBT COMMUNITY ARE CONSIGNED TO THE SUB-BASEMENT WHERE WATER COMES IN WHEN IT RAINS, SEWERS BACK UP AND THE SEWAGE COMES IN WHERE THEY ARE. VERMIN AND CRITTERS COME DOWN THERE WITH THEM. AND THE MEMBERS OF THIS LEGISLATURE SAY, WELL, THAT'S GOOD ENOUGH FOR THEM. IT DOESN'T HAPPEN TO ME. IT DOESN'T HAPPEN TO MY CHILDREN, AND AS LONG AS I AM SAFE, WARM AND SECURE, LET THE DEVIL TAKE THE HINDMOST AND YOU WILL PASS THIS BILL. BUT IT'S A MEANINGLESS PIECE OF LEGISLATION. I'M GOING TO DISTURB THE DOMESTIC TRANQUILITY OF MY COLLEAGUE, SENATOR McCOLLISTER, AND ASK HIM A QUESTION OR TWO. [LB821]

PRESIDENT FOLEY: SENATOR McCOLLISTER, WOULD YOU YIELD, PLEASE? [LB821]

SENATOR McCOLLISTER: YES, I WILL. [LB821]

SENATOR CHAMBERS: SENATOR McCOLLISTER, I BELIEVE I HEARD YOU SAY THAT YOU AT ONE TIME HIRED PEOPLE, OR DO YOU STILL HAVE A BUSINESS WHERE YOU HIRE PEOPLE? [LB821]

SENATOR McCOLLISTER: AT ONE TIME WE HIRED PEOPLE. I NO LONGER OWN THE BUSINESS. [LB821]

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SENATOR CHAMBERS: WAS THERE AT THE TIME YOU WERE INVOLVED IN THE BUSINESS THIS KIND OF MATERIAL, THESE KINDS OF ACCOUNTS AVAILABLE? IN OTHER WORDS, WAS THE INTERNET OPERATING SOCIAL MEDIA AND ALL SUCH THINGS AS THAT WHILE YOU WERE STILL CONNECTED WITH YOUR BUSINESS? [LB821]

SENATOR McCOLLISTER: YES, WE DID. [LB821]

SENATOR CHAMBERS: WERE YOU INTERESTED IN WHAT YOUR EMPLOYEES HAD PUT ON SOCIAL MEDIA? [LB821]

SENATOR McCOLLISTER: ABSOLUTELY NOT. [LB821]

SENATOR CHAMBERS: DID YOU EVER HAVE AN INCLINATION TO ASK ONE WHAT THEY HAD PUT ON THERE? [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR McCOLLISTER: NO, I WAS JUST GLAD THEY COULD USE THE COMPUTER. NO, WE WEREN'T INTERESTED IN THEIR SOCIAL MEDIA ACCOUNTS. [LB821]

SENATOR CHAMBERS: YOU TOOK YOUR GRATUITOUS SHOT AT ME, YOU'RE RIGHT, I DON'T USE THE GADGET. HAVE ANY OF YOUR COLLEAGUES TALKED ABOUT IT BEING A MATTER WHERE THEY WISHED THEY'D BE ABLE TO FIND OUT WHAT THEIR EMPLOYEES ARE PUTTING INTO THESE PERSONAL ACCOUNTS? [LB821]

SENATOR McCOLLISTER: NONE THAT I KNOW OF, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU. THAT'S ALL I WANTED TO ASK. AND, MR. PRESIDENT, WAS THAT MY THIRD TIME? [LB821]

PRESIDENT FOLEY: NO, IT WAS NOT, SENATOR. YOU HAVE ONE MORE. [LB821]

SENATOR CHAMBERS: OKAY, I REQUEST SO I WON'T GO OVER. THANK YOU. [LB821]

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB821]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. YOU KNOW, ONE OF THE INTERESTING THINGS ABOUT WATCHING SENATOR CHAMBERS PERFORM HERE, IS THAT IF YOU LISTEN TO HIM, EVERY ONCE IN A WHILE HE MAKES A VERY THOUGHT-PROVOKING COMMENT. AND MAYBE THEY'RE COMMENTS HE WANTS TO...THE ELICITATIONS HE WANTS TO HAVE, MAYBE NOT. BUT IT STRIKES ME AS HE TALKS ABOUT THESE HE-SAID, SHE-SAID SITUATIONS THAT IN SOME RESPECTS, IS THIS FACILITATING BUSINESS IN THIS STATE? IF WE CREATE THESE CAUSES OF ACTIONS, THESE POTENTIAL THREATS, NO EMPLOYER WANTS TO HEAR FROM AN EMPLOYEE A THREAT OR IMPLICATION THAT HE COULD GET DRUG INTO A HE-SAID, SHE-SAID SITUATION BECAUSE THAT'S JUST VALUABLE TIME ON EVERYBODY'S PART THAT GOES UP IN SMOKE. AND IF THIS ISN'T AN ISSUE IN NEBRASKA, IF THERE IS NO INDICATION THAT THERE'S A DIRECT PROBLEM WITH THIS, ARE WE MAKING THE STATE LESS BUSINESS FRIENDLY BY PUTTING THESE KINDS OF POTENTIAL THREATS ON BUSINESS EVEN IF THE THREATS ARE JUST HE SAID, SHE SAID, BUT BACKED UP BY A THREAT THAT NOBODY WANTS TO PLAY WITH? AND THAT'S THE POSSIBILITY OF COURT ACTION OR HAVING SOME YOUNG AND AGGRESSIVE ATTORNEY MAKING CLAIMS THAT YOU'VE GOT TO SOMEHOW RESPOND TO, AND MAYBE EVEN HIRE AN ATTORNEY TO RESPOND TO. I'M BEGINNING TO WONDER WHETHER OR NOT, ABSENT ANY SHOWING THAT THERE'S ABUSE BY EMPLOYERS IN NEBRASKA, WHETHER THIS IS A GOOD IDEA. AS I UNDERSTAND SOME OF THESE ACCOUNTS, AND I DON'T PARTICULARLY INVOLVE MYSELF WITH THEM, BUT YOU CAN SEND A REQUEST TO SOMEBODY, WILL YOU BE MY FRIEND, OR CAN I BE PART OF YOUR NETWORK? AND THEN THAT SOMEBODY GETS A CHANCE TO SAY YES OR NO TO ALLOW YOU INTO THEIR INNER CIRCLE OF FRIENDS. SENATOR LARSON, WOULD YOU YIELD TO A QUESTION? [LB821]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB821]

SENATOR LARSON: YES. [LB821]

SENATOR SCHUMACHER: DOES THIS LEGISLATION PREVENT AN EMPLOYER FROM MAKING A REQUEST TO AN EMPLOYEE TO BE THEIR FRIEND OR BE PART OF THEIR NETWORK? [LB821]

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SENATOR LARSON: IT SAYS IF YOU LOOK IN SECTION 3, SUB 3, AND THIS KIND OF GOES TO THE ADVERSE ACTION PART OF THE DEFINITION, IT SAYS, REQUIRE AN EMPLOYEE OR APPLICANT TO ADD ANYONE, INCLUDING THE EMPLOYER, TO A LIST OF CONTACTS ASSOCIATED WITH AN EMPLOYEE'S OR APPLICANT'S PERSONAL INTERNET ACCOUNT, OR REQUIRE OR OTHERWISE COERCE AN EMPLOYEE OR APPLICANT TO CHANGE THE SETTINGS ON AN EMPLOYEE'S OR APPLICANT'S PERSONAL INTERNET ACCOUNT WHICH AFFECTS THE ABILITY OF OTHERS TO VIEW THE CONTENT OF SUCH ACCOUNT. SO IT DOESN'T... [LB821]

SENATOR SCHUMACHER: WELL,... [LB821]

SENATOR LARSON: IT DOESN'T SAY THAT THE EMPLOYER CANNOT FRIEND THEM, IT SAYS THE EMPLOYER CANNOT REQUIRE THAT THEY ACCEPT IT. [LB821]

SENATOR SCHUMACHER: BUT DOESN'T IT SAY THAT YOU CAN'T REQUEST THE PASSWORD OR ACCESS TO THE ACCOUNT? [LB821]

SENATOR LARSON: IT SAYS YOU CANNOT REQUIRE OR REQUEST ACCESS TO THE ACCOUNT. [LB821]

SENATOR SCHUMACHER: OKAY. [LB821]

SENATOR LARSON: BUT THERE'S A DIFFERENCE BETWEEN THE FRIENDING AND REQUIRING THE PASSWORD, SENATOR SCHUMACHER. [LB821]

SENATOR SCHUMACHER: BUT ONCE YOU HAVE ACCESS BECAUSE YOU BECOME A FRIEND OR PART OF THE INNER CIRCLE... [LB821]

SENATOR LARSON: THAT DOESN'T NECESSARILY MEAN THAT YOU HAVE ACCESS. [LB821]

SENATOR SCHUMACHER: BUT, YOU KNOW, I COULD SEE SOMEBODY ARGUING THAT IT MEANS YOU HAVE ACCESS BECAUSE NOW YOU HAVE ACCESS AND YOU CAN SEE THIS PERSON'S INNER CIRCLE OF COMMUNICATION. SO IF YOU REQUEST ACCESS, YOU'RE REQUESTING THAT YOU HAVE ESSENTIALLY THE ABILITY, THE PASSWORD, THE DIGITAL STROKES TO GET INTO THE SYSTEM AT WILL. SO I...I'M NOT SO SURE THAT YOUR LANGUAGE ISN'T OVERLY BROAD IF YOUR INTENT IS THAT YOU ALLOW EMPLOYERS TO REQUEST FRIENDSHIP

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BECAUSE THAT IS THE EQUIVALENT OF A PASSWORD TO THE ACCOUNT. YOU GET TO SEE THE NITTY-GRITTY ON THE INSIDE OF THAT PARTICULAR THING. [LB821]

SENATOR LARSON: I DISAGREE, SENATOR SCHUMACHER. IF YOU UNDERSTAND THE PRIVACY SETTINGS IN A LOT OF THESE INTERNET ACCOUNTS, THAT DOESN'T NECESSARILY...ISN'T NECESSARILY THE CASE. YOU NEED...I WOULD SUGGEST THAT YOU HAVE A BROADER UNDERSTANDING OF THE PRIVACY SETTINGS WITHIN...RELATED WITH INTERNET ACCOUNTS BECAUSE ONE COULD STILL BE A FRIEND AND STILL HAVE MUCH OF EVERYTHING THAT IS ON THAT INTERNET ACCOUNT BLOCKED. SO, IF THEY... [LB821]

SENATOR SCHUMACHER: THANK YOU, SENATOR LARSON. BUT BOTTOM LINE IS, IF I'M AN EMPLOYER AND THIS IS UNCLEAR AND YOU'VE GOT TO KNOW THE INTRICACIES OF INTERNET PRIVACY SETTINGS AND ALL THIS FOR THIS LAW TO MAKE SENSE, AND I'M AN EMPLOYER AND DON'T KNOW THIS AND I DON'T WANT TO HIRE AN ATTORNEY AND I'VE GOT AN EMPLOYEE WHO TURNS SOUR BECAUSE... [LB821]

PRESIDENT FOLEY: TIME, SENATOR. THAT'S TIME, SENATOR. [LB821]

SENATOR SCHUMACHER: THANK YOU. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, THIS IS YOUR THIRD OPPORTUNITY, SENATOR. [LB821]

SENATOR CHAMBERS: YOU SAID THIS WAS MY THIRD TIME? [LB821]

PRESIDENT FOLEY: YES, SENATOR. [LB821]

SENATOR CHAMBERS: OKAY. MEMBERS OF THE LEGISLATURE, ALL THAT IS REQUIRED UNDER THIS BILL IS A REQUEST. THAT'S ALL. SENATOR LARSON WANTS TO JUMP FROM THE REQUEST TO COERCING AND ALL THESE OTHER THINGS, BUT IT'S HIS BILL. HIS IS THE ONE THAT SETS SUCH A LOW THRESHOLD. THE REQUEST WAS MADE. AND EVEN IF THE BOSS MAKES A DEMAND, HOW ARE YOU GOING TO PROVE IT? HOW ARE YOU GOING TO PROVE IT? AND THAT'S WHY I ASKED, WHERE IS THE ENFORCEMENT MECHANISM? IF YOU WERE A LAWYER, MAYBE NOT BEING ONE YOU WOULDN'T UNDERSTAND THAT A LAWYER'S TIME IS ALL THAT HE OR SHE HAS TO SELL, AND THEY SPEAK IN TERMS OF BILLABLE

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HOURS. SOMEBODY IS GOING TO COME TO YOU AND SAY, MY BOSS ASKED ME FOR ACCESS TO MY ACCOUNT AND I WANT TO SUE HIM OR HER. AND THE LAWYER SAYS, DID YOU GIVE ACCESS? AND THE PERSON SAYS NO. THE LAWYER SAYS, THEN WHAT AM I SUPPOSED TO SUE FOR? WELL, HE ASKED ME AND THAT'S WHAT...THE LAW SAYS IF HE ASKS, THEN I CAN SUE HIM. AND HE'D SAY, WELL, PARTNER, YOU GOT TO FIND ANOTHER LAWYER. NO LAWYER IS GOING TO TAKE A FLIMSY CASE LIKE THAT AND THOSE OF YOU WHO ARE NOT TRAINED IN THE LAW KNOW THAT. THERE ARE EVEN FAMILY DISPUTES THAT LAWYERS WILL NOT GET INVOLVED IN BECAUSE ONE PERSON SAYS ONE THING, THE OTHER SAYS SOMETHING ELSE, AND THERE IS NO OBJECTIVE EVIDENCE TO SUPPORT EITHER SIDE. SO PROBABLY WITH THE GUN CULTURE BEING WHAT IT IS HERE, SENATOR BLOOMFIELD, AND THIS IS AN ANALOGY, THE LAWYER MIGHT SAY, WELL, ARE YOU A STUDENT OF HISTORY? AND THE PERSON SAYS, NO. HE'D SAY, WELL,...OR SHE, I'M GOING TO GIVE YOU A LITTLE LESSON IN HISTORY ON HOW YOU CAN SETTLE THIS. THERE WAS A GUY NAMED AARON BURR AND A GUY NAMED ALEXANDER HAMILTON. AND THEY GOT INTO AN ARGUMENT AND ONE WANTED TO GO TO COURT AND THE OTHER ONE DIDN'T. BUT HE SAID, OKAY, IF YOU CAN GET SOMETHING DONE IN COURT, SUE ME. AND NO LAWYER WANTED IT. SO THE ONE WHO COULDN'T GO TO COURT GOT ANGRIER AND ANGRIER, AND THE OTHER ONE LAUGHED AND LAUGHED. AND THE MORE THE ONE LAUGHED, THE ANGRIER THE OTHER ONE GOT AND THEN AN INDIVIDUAL NAMED BLOOMFIELD (PHONETIC) CAME IN AND SAID, THERE'S A WAY TO SOLVE THIS. WE'RE GOING TO GIVE EACH ONE OF YOU A PISTOL AND WE'RE GOING TO LET YOU STAND BACK TO BACK. THEN SOMEBODY IS GOING TO COUNT. AND EACH OF YOU IS GOING TO TAKE FIVE PACES BECAUSE NEITHER OF YOU IS EXPERT WITH A GUN AND YOU PROBABLY WOULD SHOOT SOMEBODY ELSE. WHEN FIVE IS REACHED, THEN YOU TURN AROUND AND FIRE. AND EACH OF YOU CAN HAVE A SECOND, SOMEBODY WHO WILL ADVISE YOU. AND EACH MAN HAD TOO MUCH PRIDE FOR THAT. HE SAID, I'LL DO THIS ON MY OWN. SO THEY COUNTED OFF THE PACES, ONE, TWO, THREE, FOUR, FIVE. BOTH MEN WHIRLED. BANG! A SHOT RANG OUT, AND SOMEBODY BIT THE DUST, NEVER TO BREATHE MORE ON THIS EARTH. AND IF YOU WANT TO FIND OUT WHICH ONE SHOT AND WHICH ONE RECEIVED, YOU CAN GOOGLE THAT. THAT IS THE WAY THESE THINGS WOULD HAVE TO BE RESOLVED. NO COURT IS ABLE TO RESOLVE SOMETHING LIKE THIS, AND NO LAWYER IS GOING TO TAKE IT. THIS IS UNENFORCEABLE. THIS IS MEANINGLESS. AND YOU WANT TO TAKE THIS TIME ON IT, I WILL TAKE THE TIME. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

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SENATOR CHAMBERS: AND SOME LIKE THE UNDERLYING BILL. I TOLD YOU, I DON'T CARE ABOUT IT. IT DOESN'T MAKE ANY DIFFERENCE BECAUSE IT DOESN'T MEAN ANYTHING. I THINK I'M GOING TO AMEND THIS TO SAY THAT IF SOMEBODY RUNS A HERD OF ELEPHANTS THROUGH THIS LEGISLATURE, THEN THAT'S AGAINST THE LAW. AND THEY'LL SAY IT NEVER HAPPENED. I'LL SAY, WELL, THIS NEVER HAPPENED EITHER, BUT YOU NEVER CAN TELL. THERE'S SOMEPLACE SOMEWHERE IN THE WORLD WHERE ELEPHANTS RAN OVER A HOUSE. THIS IS WHY I HAVE TO DO SO MUCH GARBAGEMAN WORK AROUND HERE, STOPPING BAD LEGISLATION. EVEN SENATOR KINTNER RECOGNIZED THAT THERE IS BAD LEGISLATION, BUT HE DOESN'T RECOGNIZE IT WHEN HE SEES IT. I RECOGNIZE IT WHEN I SEE IT. I RECOGNIZE IT WHEN I SMELL IT. [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON FA111. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THIS BILL SMELLS TO HIGH HEAVEN. IT DOESN'T MATTER WHETHER YOU PASS IT OR NOT. THERE IS NO EVIL THAT IT'S GOING TO REMEDY BECAUSE THERE IS NO EVIL OUT THERE THAT IT ADDRESSES. YOU WANT TO CLUTTER UP THE LAW BOOKS. YOU WANT TO SAY YOU VOTED FOR A BILL THAT PROTECTS PEOPLE'S INTERNET ACCOUNTS. NONE HAS EVER MADE A COMPLAINT THAT THEY HAVE A PROBLEM WITH THIS AND YOU'RE GOING TO VOTE TO PASS IT, AND I KNOW YOU WILL. BUT SINCE THIS IS SIMPLEMINDED AND MEANINGLESS, I MAY AS WELL TRY TO BRING SOME VALUE OUT OF IT BY TALKING ABOUT SOMETHING THAT HAS GREAT MEANING APPARENTLY TO ME MORE THAN IT DOES ANYBODY ELSE. IF SLAVERY WERE STILL IN EXISTENCE, ANYTIME THE SUBJECT CAME UP, I WOULD BE THERE SPEAKING AGAINST IT. PEOPLE IN THE LEGISLATURE GET TIRED. AT THE OUTSTART THEY'RE FULL OF ENERGY, BUT IT'S EMOTIONAL ENERGY. AND YOU ARE ENGINEERED IN SUCH A WAY THAT YOU WILL NOT BE ALLOWED TO MAINTAIN THAT HIGH LEVEL OF EMOTIONAL UPSETNESS BECAUSE HORMONES AND OTHER SUBSTANCES WILL BE RELEASED, THE FLIGHT OR FIGHT. ADRENALINE WILL BE RELEASED AND YOU MIGHT JUST EXPLODE. SO AFTER A CERTAIN POINT, YOUR ABILITY TO FEEL IS NUMBED. THE EMOTION SIMMERS DOWN. YOU STILL KNOW WHAT YOU KNOW, YOU STILL THINK WHAT YOU THOUGHT, BUT YOU CANNOT FIND THE WILL TO

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DO ANYTHING ABOUT IT. AND THAT'S THE DIFFERENCE BETWEEN ME AND EVERYBODY ELSE IN THIS LEGISLATURE. YOU HAVE A HEART THAT CONTROLS AND GOVERNS YOU AND IT PRODUCES EMOTIONAL RESPONSES. I USE MY INTELLECT. AND MY INTELLECT IS ALWAYS THERE. AND IT'S NOT BASED ON HOW I FEEL. IT'S BASED ON WHAT I KNOW. AND WHAT I AM CONVINCED MY RESPONSIBILITY IS, WHAT MY DUTY IS, AND WHETHER THERE IS A LOT OF COMPANY ALONG, IT MAKES NO DIFFERENCE BECAUSE IF EVERYBODY SAYS THE SAME THING, AND THAT WHICH IS BEING SAID IS WRONG, IT DOESN'T BECOME RIGHT. AS HITLER SAID, A THOUSAND COWARDS CANNOT PRODUCE ONE BRAVE MAN. A THOUSAND FOOLS CANNOT PRODUCE ONE WISE MAN. YOU CAN LEARN FROM PEOPLE WHO YOU WANT TO DISMISS BECAUSE THEIR PHILOSOPHY OR IDEOLOGY DIFFERS FROM YOURS, BUT OTHERS HAVE BRAINS AND THE ABILITY TO THINK WHO ARE NOT OF YOUR FOLD. JESUS GAVE YOU A TIP, OTHER SHEEP THERE ARE WHO ARE NOT OF THIS FOLD. AND I'M NOT THROUGH, SENATOR HARR/HAAR. I'M LIKE THAT...I DON'T KNOW IF IT WAS JOHN PAUL JONES OR ONE OF THOSE PEOPLE WHO SAID, I HAVE NOT YET BEGUN TO FIGHT. AND IMMEDIATELY ALL THE MEN THROW HIM OVERBOARD AND THEY SAID, THAT'S WHY WE'RE IN THIS TROUBLE, YOU WON'T FIGHT. BUT WHEN THEY HEAR THAT EXPRESSION, THEY GET ALL TEARY EYED BECAUSE THEY'RE TOLD TO BE TEARY EYED. WHEN THAT GUY WITH THE GREEN MOUNTAIN BOYS SAID, I REGRET THAT I ONLY HAVE ONE LIFE TO GIVE FOR MY COUNTRY, EVERYBODY REGRETS THAT THEY ONLY HAVE ONE LIFE TO GIVE FOR ANYTHING. SO THAT'S NOT SAYING ANYTHING EITHER. BUT THEY'RE... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...CLOAKED WITH ALL THIS SENTIMENTALITY. AND WHEN PEOPLE ACT ON THE BASIS OF SENTIMENTALITY, THEY'RE CONTROLLED BY OTHERS WHO KNOW HOW TO STIR UP THEIR EMOTIONS AND SAY RUN AND YOU RUN. THEN WHILE YOU'RE RUNNING, YOU'RE GETTING TIRED, YOU SAY, WELL, WHERE AM I RUNNING TO? BUT YOU'RE TOO EMBARRASSED TO TELL ANYBODY SO YOU KEEP RUNNING UNTIL YOU COME TO A CORNER AND YOU GO AROUND THE CORNER, THEN YOU SIT DOWN AND REST AND KICK YOURSELF FOR SOMEBODY MAKING A FOOL OUT OF YOU. THIS IS A "MAKE A FOOL OUT OF THE LEGISLATURE" BILL. AND I'M TRYING TO SHOW IT TO YOU, BUT I CAN'T GET THROUGH TO YOU BECAUSE NOW YOUR EMOTIONS ARE INVOLVED AND I'VE MADE FUN OF YOU, SO I OWN YOU. MR. PRESIDENT, I'LL ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB821]

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB821]

CLERK: 19 AYES, 1 NAY TO PLACE THE HOUSE UNDER CALL. [LB821]

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 WATERMEIER, MORFELD, STINNER, KINTNER, HADLEY, GLOOR, COOK, PLEASE RETURN TO THE FLOOR AND RECORD YOUR PRESENCE. SENATORS MORFELD AND STINNER. ALL UNEXCUSED SENATORS ARE NOW PRESENT. SENATOR CHAMBERS HAS REQUESTED A ROLL CALL VOTE ON FA111. MR. CLERK, PLEASE CALL THE ROLL. [LB821]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1317-1318.) 1 AYE, 35 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB821]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE FLOOR AMENDMENT IS NOT ADOPTED. I RAISE THE CALL. MR. CLERK. [LB821]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THAT VOTE. [LB821]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR RECONSIDERATION MOTION. [LB821]

SENATOR CHAMBERS: THANK YOU. AND MEMBERS OF THE LEGISLATURE, THE LANGUAGE THAT WAS REJECTED OR NOT VOTED ON WAS THE FOLLOWING: INCLUDING AN EMPLOYEE WHO IS LESBIAN, GAY, BISEXUAL, OR TRANSGENDER. SO THAT'S THE LANGUAGE THAT WAS REJECTED OR THAT PEOPLE WERE NOT VOTING ON. SO, AGAIN, IT'S ONE THING TO BE VERY FORCEFUL IN SAYING YOU DEFEND SOMETHING, THEN ANOTHER THING WHEN REALITY SETS IN AND YOU GET TIRED, YOU LOSE TRACK AND YOU DON'T DO WHAT YOU INDICATED YOU MIGHT DO. BUT I HAVE HERE A RHYME THAT I HANDED OUT TODAY. AND I'M GOING TO READ IT BECAUSE THERE'S AN AFTERTHOUGHT, AND IT HAS TO BE

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READ FIRST. OTHER PEOPLE WON'T KNOW THIS IF I DON'T READ IT. IT'S CALLED "CRUEL CHRISTIAN KING vs. HAPLESS HEATHENISH PEASANT (TABLES TURNED)." THIS IS BY WAY OF SOMETHING LIKE AN INTRODUCTION. "NEVER SHALL ONE TOUCH A DISH BEFORE THE KING IS SERVED; / BREACH THIS ROYAL ETIQUETTE, AND DEATH IS WELL DESERVED. / LACK OF KNOWLEDGE OF THIS LAW SHALL NEVER FORM EXCUSE. / PLEA OF IGNORANCE OF THE LAW SHALL, THEREFORE, BE NO USE." PART I: "OFTEN DID THE KING, FOR JOLLY SPORT, INVITE TO SIT AT TABLE, / PEASANTS FROM THE COUNTRYSIDE; IN EVERY CASE, HE HAD BEEN ABLE / TO ENSNARE BEDAZZLED, SIMPLE SOULS, WITH MOST DELICIOUS DISHES, / EXPERTLY PREPARED TO TEMPT THEIR ROUGH-HEWN, EARTHY PEASANT-WISHES. / ERE THEY CAME, THE KING MADE CERTAIN, HUNGER GRIPPED THEIR BELLIES TIGHTLY: / STERNLY WARNING THEM THAT, 'FIVE DAYS PRIOR, YE SHALL SUP BUT LIGHTLY!' / HUNGER DROVE THOSE TRUSTING, SIMPLE SOULS WHO DID NOT KNOW THE GAME, / TO BEGIN CONSUMING FOOD THE INSTANT THAT THE VIANDS CAME. / ALWAYS WAS THE PEASANTS' FOOD PLACED DOWN BEFORE THE VICIOUS KING'S; / SATISFIED, HE'D LACE HIS FINGERS, LADEN WITH JEWELLED, GOLDEN RINGS. / FLIES, THEY WERE, IN SPIDER'S WEB AND LIKE FLIES, THEY WERE DOOMED TO DEATH. / STALWART, BITTER PEASANTS CURSED THE KING WHILE DRAWING THEIR LAST BREATH." NUMBER II: ENTER THE HEATHENISH PEASANT. "JOHN, THE BEARDED PEASANT SAT, AS OTHER PEASANTS HAD BEFORE HIM; / LOVELY LADIES OF THE COURT BEHAVED AS THOUGH ALL DID ADORE HIM; / STROKING HIS GREAT SHOULDERS, DABBING SCENT INTO HIS MIDNIGHT BEARD-- / PLIED WITH SUCH ATTENTIONS, THERE WAS NOTHING JOHN THE PEASANT FEARED. / SURE--HE'D HEARD THE RUMORS ON WHICH SIMPLE PEASANTS' GOSSIP THRIVED: / MANY PEASANTS VISITED THE KING, BUT NONE OF THEM SURVIVED... / SINCE NO PEASANTS HAD SURVIVED, THE DANGER FACED, WAS NEVER TOLD; / JOHN--BROAD-SHOULDERED, BEARDED JOHN--WAS BRASH AND VENTURESOME AND BOLD. / JOHN WAS NOT THE SORT OF MAN TO DO ANOTHER SLIGHTEST HARM, / HENCE, HE HAD NO INKLING WHEN HE STRETCHED HIS POWERFULLY MUSCLED ARM / TO ITS FULL LENGTH TO RETRIEVE A DISH WHOSE STEAMING, TEMPTING BREATH / WAFTED SWEET AROMAS (WHICH WOULD GUARANTEE HIM CERTAIN DEATH)." PART III: "WHEN, THE LAW, TO HIM WAS TOLD, THE PEASANT MERELY SHRUGGED AND SAID: / 'I SUPPOSE, GREAT KING, THAT I BE NOW A MAN ALREADY DEAD. / 'IF IT MUST BE THUS,' THE PEASANT SIGHED, 'THEN WHAT MUST BE SHALL BE. / 'DIE I SHALL WITHOUT COMPLAINT, GREAT KING, IF YOU BUT GRANT TO ME / 'ONLY ONE SMALL FAVOR.' 'ASK!' THE KING SAID, SMILING; 'AT THIS TIME, / 'I SHALL GRANT WHATE'ER YOU ASK.' THE PEASANT SAID, 'GREAT KING, THE CRIME / 'LAID AGAINST ME? MOST RESPECTFULLY, O KING, I DON'T ADMIT IT-- / 'GIVE TO ME THE EYES OF ANY WHO SHALL SAY I DID COMMIT IT.' / 'AH, WELL SAID! A

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PROMISE IS A PROMISE,' SAID THE SMILING KING; / 'ALL SUCH EYES SHALL BE PLUCKED OUT--BE GRANTED SUCH A TRIFLING THING. / 'COURTIERS! THIS PEASANT MOVED A DISH--WHICH ONE OF YOU ESPIED IT?' / ONE BY ONE, AROUND THE ROOM EACH COURTIER FERVENTLY DENIED IT. / LOVELY LADIES OF THE COURT, NOR SERVANTS, WITNESSED ANY MOVEMENT... / 'SEEMINGLY,' SURMISED THE KING, BEMUSED, 'ALL EYESIGHT NEEDS IMPROVEMENT. / 'NO ONE SAW THIS PEASANT MOVE A DISH? HOW TRULY STRANGE A THING! / 'BLINDNESS MUST, CONTAGIOUS, BE--' (HE COUGHED), 'FOR NEITHER DID YOUR KING!'" IV: "NONE SAW MOVEMENT,' MUSED THE PEASANT, 'WELL, THEN! ALL MUST CLEARLY SEE, / 'I SHOULD KEEP MY LIFE BECAUSE THE CRIME CANNOT BE PROVED AGAINST ME.' / 'WILY PEASANT!' SNAPPED THE KING; 'THE NET IS SHREDDED; NONE SHALL MEND IT. / 'PEASANT, WIT DESERVES REWARD--THE SLAY-THE-PEASANTS SPORT, YOU'VE ENDED.' / AY! TO TRUMP THE KING, IT WAS A TRULY BOLD AND CLEVER THING, / NEVER SINCE THAT DAY, HOWEVER, HAS A PEASANT SUPPED WITH KING." THE AFTERWORD: "EVER SHALL I 'TAKE THE SIDE' OF 'LITTLE ONES' AGAINST THE GREAT; / ALSO, TAKE THE SIDE OF THOSE WHO SUFFER BIGOTRY AND HATE. / FOR IF WE BE TRULY 'KEEPERS' OF OUR SISTER AND OUR BROTHER, / IT IS INESCAPABLE THAT WE MUST LOOK OUT FOR EACH OTHER." AND THAT IS WHAT I BELIEVE. THAT IS WHAT I PRACTICE, AND THAT IS WHAT IS MISSING FROM THE LEGISLATURE. WE SAY THESE THINGS BUT WE DON'T PRACTICE THESE THINGS. THE PRAYERS ARE UTTERED EVERY MORNING, BUT THEY MEAN NOTHING. AND THE ONLY THING THAT MY AMENDMENT DOES IS TO MAKE SURE THAT IF YOU'RE GOING TO PASS THIS NONSENSICAL BILL, YOU SHOULD AT LEAST PUT IN IT WORDS THAT WOULD MAKE IT BE WHAT YOU CLAIM IT'S SUPPOSED TO BE. AND THOSE WORDS WOULD BE THE FOLLOWING: WHEN YOU ARE TALKING ABOUT AN EMPLOYEE, THAT SHOULD INCLUDE AN EMPLOYEE WHO IS LESBIAN, GAY, BISEXUAL, OR TRANSGENDER. FOR ALL OF SENATOR LARSON'S PROTESTATIONS, THIS BILL WILL NOT PROTECT A PRIVACY RIGHT THAT YOU'RE CREATING FOR ALL EMPLOYEES. BUT ONCE AGAIN, IT DOESN'T REALLY MAKE ANY DIFFERENCE BECAUSE THE LAW IS A NONENFORCEABLE PIECE OF TRASH. THAT'S WHAT I CALL IT, TRASH. IT DOES NOT CREATE A RIGHT TO PRIVACY. IT CREATES THE NOTION THAT THE LEGISLATURE HAS DONE SOMETHING VERY IMPORTANT, VERY SERIOUS, SOMETHING THAT CONTRIBUTES TO THE RIGHT TO PRIVACY, BUT THERE'S NOT BEEN ANY INCIDENT OF THIS OCCURRING IN THIS STATE. SENATOR LARSON HAD SAID THAT HE WOULD LOOK UP CASES WHERE IT MAY HAVE OCCURRED IN OTHER STATES, BUT THAT IS NOT NECESSARY. THE LAWS THAT ARE ENACTED HERE ARE ENACTED FOR THE PEOPLE IN THIS STATE. THEY SHOULD BE DIRECTED AT RESOLVING SOMETHING WHICH IS A MATTER THAT SHOULD BE ADDRESSED LEGISLATIVELY. IF YOU CANNOT SHOW ONE EXAMPLE OF

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WHATEVER THIS BILL IS AIMED AT OF HAVING EVER OCCURRED, THERE IS NO PURPOSE FOR THE BILL. BUT AT THIS POINT, I THINK MY CONVERSATION HAS BEEN SUCH THAT IT PUT MY COLLEAGUES IN A POSITION WHERE THEY HAVE TO VOTE FOR A SIMPLE-MINDED, NONSENSICAL BILL. AND I'M GOING TO ASK A QUESTION OF ONE OF MY SENSIBLE COLLEAGUES NAMED SENATOR MATT WILLIAMS, IF HE WILL RESPOND TO A QUESTION. [LB821]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR MATT WILLIAMS, WILL YOU YIELD TO A QUESTION? [LB821]

SENATOR WILLIAMS: YES, I WOULD. [LB821]

SENATOR CHAMBERS: SENATOR, SOMETIMES WE HAVE TO LEAVE THAT WHICH IS BEAUTIFUL AND FACE THE BEAST, HUH? BUT ANYWAY, THERE HAS NEVER BEEN A CASE WHERE THIS WAS INVOLVED IN NEBRASKA. SENATOR McCOLLISTER, WHO IS A BUSINESSMAN, HAS HAD NO DISCUSSION WITH ANY HIS COLLEAGUES WHO EVEN HAVE ANY INTEREST IN THESE ACCOUNTS THAT EMPLOYEES HAD. NOW YOU ARE A BUSINESSMAN, BUT I'M NOT GOING TO ASK THE BUSINESS, THAT'S NOT THE POINT. HAVE YOU EVER HAD AN INTEREST IN KNOWING WHAT YOUR EMPLOYEES HAVE... [LB821]

SPEAKER HADLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...ON THESE SPECIFIED ACCOUNTS? [LB821]

SENATOR WILLIAMS: YES, WE HAVE. [LB821]

SENATOR CHAMBERS: YOU HAVE ASKED THAT YOU GET THIS INFORMATION...HAVE ACCESS TO IT? [LB821]

SENATOR WILLIAMS: NO, WE DID NOT ASK FOR THE INFORMATION. I THOUGHT YOU ASKED IF WE HAD SEEN THINGS ON SOCIAL MEDIA CONCERNING EMPLOYEES OR POTENTIAL EMPLOYEES AND THAT WOULD BE YES. [LB821]

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SENATOR CHAMBERS: NO, HERE'S WHAT I'M ASKING YOU. HAVE YOU AS A BUSINESSMAN BEEN INTERESTED IN OBTAINING WHATEVER EMPLOYEES FOR YOU HAVE ON THESE ACCOUNTS OF THEIRS? [LB821]

SENATOR WILLIAMS: YES. [LB821]

SENATOR CHAMBERS: AND WHAT STEPS WOULD YOU TAKE TO OBTAIN THAT INFORMATION? [LB821]

SENATOR WILLIAMS: WE USUALLY HAVE PEOPLE THAT ARE ASTUTE WITH HANDLING FACEBOOK, PRIMARILY. AND THEY WILL DO A SEARCH TO LOOK AT A PERSON'S FACEBOOK POSTS. WE DO NOT NEED TO GET INFORMATION FROM THEM TO DO THAT AT THIS POINT. [LB821]

SENATOR CHAMBERS: BUT HERE'S WHAT THIS BILL DEALS WITH. ALL THAT THAT'S OUT THERE THAT YOU'RE TALKING ABOUT IS NOT TOUCHED BY THIS BILL. THEY CAN GET THAT. BUT THEY HAVE CERTAIN PRIVATE ACCOUNTS. AND THAT IS WHAT THIS BILL IS TO PROTECT. I'M ASKING YOU... [LB821]

SPEAKER HADLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB821]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON THE RECONSIDERATION MOTION. (VISITORS INTRODUCED.) MR. CLERK, FOR ANNOUNCEMENTS. [LB821]

CLERK: MR. PRESIDENT, A COMMUNICATION FROM THE SPEAKER REGARDING LR547 AND A RESULTING REFERENCE REPORT. NEW RESOLUTIONS: SENATOR BOLZ, LR606; SENATOR COOK, LR607; SENATOR MELLO, LR608, LR609; AND SENATOR STINNER, LR610. THOSE WILL ALL BE LAID OVER AT THIS TIME, MR. PRESIDENT. SENATOR SMITH WOULD LIKE TO PRINT AN AMENDMENT TO LB958. ENROLLMENT AND REVIEW REPORTS LB465, LB465A, LB742, LB837, LB1083, AND LB1083A AS CORRECTLY ENGROSSED. I HAVE A HEARING NOTICE FROM THE EXECUTIVE BOARD AND A NEW A BILL. (READ LB889A BY TITLE FOR THE FIRST TIME.) THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1318-1322.) [LR547 LR606 LR607 LR608 LR609 LR610 LB958 LB465 LB465A LB742 LB837 LB1083 LB1083A LB899A]

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SPEAKER HADLEY: THANK YOU, MR. CLERK. MR. CLERK, THE NEXT ITEM.

CLERK: MR. PRESIDENT, LB959 WAS A BILL INTRODUCED BY SENATOR SULLIVAN AT THE REQUEST OF THE GOVERNOR. (READ TITLE.) INTRODUCED ON JANUARY 14 OF THIS YEAR, REFERRED TO THE EDUCATION COMMITTEE FOR PURPOSES OF CONDUCTING A PUBLIC HEARING. THERE ARE EDUCATION COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM2622, LEGISLATIVE JOURNAL PAGE 1075.) [LB959]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON LB959. [LB959]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. AS WAS INDICATED, LB959 WAS INTRODUCED ON BEHALF OF THE GOVERNOR. BUT I WILL TELL YOU, FROM ITS INTRODUCTION THROUGH THE PUBLIC HEARING AND MUCH DELIBERATION WITHIN THE EDUCATION COMMITTEE, IT HAS CHANGED CONSIDERABLY; IN FACT, IT IS A NEW BILL. AND TO THAT END, I'M NOT GOING TO DWELL ON THE COMPONENTS OF LB959 AS INTRODUCED. I WILL, RATHER, DISCUSS THE COMPONENTS OF THE COMMITTEE AMENDMENT, AS WE HAVE CHANGED THIS BILL, DURING MY INTRODUCTION ON THE COMMITTEE AMENDMENT. SO FOR NOW I WOULD LIKE TO TAKE THIS OPPORTUNITY TO REVIEW WHAT HAS BEEN, QUITE FRANKLY, QUITE A PROCESS THAT IT HAS BROUGHT US TO THIS POINT TODAY. AND AS TIME ALLOWS, IN MY OPENING I WILL DEFER TO SENATOR GLOOR TO OFFER HIS COMMENTS ON THIS PROCESS AS WELL. YOU KNOW, IT ACTUALLY STARTED WAY BACK, MAYBE EVEN BEFORE BUT CERTAINLY IN 2013, WITH THE FORMATION OF THIS TAX MODERNIZATION COMMITTEE. AND I WILL SAY THAT THAT COMMITTEE ACTUALLY GREW OUT OF A BILL THAT WAS INTRODUCED TO REDUCE INCOME TAX RATES. BUT THE TAX MOD COMMITTEE CONDUCTED A SERIES OF MEETINGS, OF WHICH I WAS INVOLVED IN ALL OF THEM, ALL ACROSS THE STATE. AND IN THOSE MEETINGS, WE HEARD THE PREDOMINANT CRY OF CITIZENS WANTING PROPERTY TAX RELIEF. I THINK IT'S WORTH MENTIONING SOME OF THE REASONS BEHIND THAT CRY. WE HAD SEEN FOR SEVERAL YEARS AND CONTINUE TO SEE DRAMATIC INCREASES IN AG LAND VALUES. AND BECAUSE OF HOW WE VALUE AG LAND AND THE STRUCTURES WE PLACE AS TO HOW LOCAL POLITICAL SUBDIVISIONS ACCESS THAT VALUE THROUGH THEIR LEVY AUTHORITY, PEOPLE WHO OWNED AG LAND WERE SEEING DRAMATIC INCREASES IN THEIR PROPERTY TAXES. SO THE TAX MOD COMMITTEE CONDUCTED THOSE HEARINGS, WE DELIBERATED LONG AND HARD, AND ISSUED A REPORT THAT INCLUDED SEVERAL RECOMMENDATIONS. ONE OF

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THOSE RECOMMENDATIONS SPECIFICALLY WAS CONNECTED TO EDUCATION AND IT BASICALLY SAID...THE RECOMMENDATION WAS MORE SUPPORT WAS NEEDED TO...STATE SUPPORT WAS NEEDED TO FUND OUR SCHOOLS TO LESSEN THE RELIANCE ON PROPERTY TAXES TO FUND THEM. WELL, WHAT WAS ACTUALLY DONE WITH THE TOTALITY OF THAT REPORT AND THOSE RECOMMENDATIONS? WELL, SEVERAL PIECES OF LEGISLATION WERE PASSED AND THEY MADE CHANGES IN ALL THREE OF OUR REVENUE SOURCES: INCOME TAXES, SALES TAX, AND PROPERTY TAX. WE ALSO, AS YOU WELL KNOW, WE ADDED ADDITIONAL DOLLARS TO THE PROPERTY TAX CREDIT FUND. BUT THE CRY HAS CONTINUED FOR THIS BODY TO CONTINUE TO WORK ON PROPERTY TAXES. THE CONCERN IS STILL RIPE AND THERE, IT HAS NOT GONE AWAY BECAUSE, IN FACT, PROPERTY VALUES HAVE CONTINUED TO INCREASE. AND THE SITUATION HAS BEEN EXACERBATED WITH A SIGNIFICANT DROP IN AG COMMODITY PRICES AND STILL THOSE PROPERTY TAXES REMAIN HIGH. SO THE GOVERNOR REACHED OUT TO SENATOR GLOOR AS CHAIR OF THE REVENUE COMMITTEE AND MYSELF AS CHAIR OF THE EDUCATION COMMITTEE, AND WE MET WITH HIM AT THE STATE FAIR LAST YEAR AND WE AGREED TO WORK WITH HIM TO ARRIVE AT SOME ALTERNATIVES AND SOLUTIONS TO THIS DILEMMA. AND THAT'S WHAT YOU SEE IN LB959 AS AMENDED, AND THAT'S WHAT YOU WILL SEE IN LB958. IS IT PERFECTION? WELL, HARDLY. ARE THERE SOME SOLUTIONS? PARTLY. SO I HOPE IN THE DEBATE THAT ENSUES YOU WILL LISTEN CAREFULLY TO THE ALTERNATIVES THAT WE ARE RECOMMENDING. BUT FOR RIGHT NOW, I'D WELCOME SENATOR GLOOR TO GIVE HIS TAKE ON WHAT THIS PROCESS HAS BEEN LIKE. THANK YOU, MR. SPEAKER. [LB959 LB958]

SPEAKER HADLEY: SENATOR GLOOR, YOU'RE YIELDED 6:10. [LB959]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SULLIVAN. MEMBERS, I'M GOING TO GO BACK AND TALK A LITTLE BIT ABOUT THE PROCESS THAT SENATOR SULLIVAN MENTIONED, THAT BEING THE STUDY RESOLUTIONS WE DID TOGETHER, LR332 AND LR344. THESE WERE EXECUTIVE SESSIONS. AND, MEMBERS, IT'S IMPORTANT FOR YOU TO RECOGNIZE THE FACT THAT WE...AS THE TWO COMMITTEES CAME TOGETHER IN EXECUTIVE SESSION TO DELIBERATE THE TONS OF INFORMATION--ALMOST LITERALLY TONS OF INFORMATION THAT HAD BEEN MADE AVAILABLE TO US AS A RESULT OF THE TAX MODERNIZATION COMMITTEE AND OUR OWN INFORMATION THAT WE HAVE PULLED FORWARD AND DID AS PART OF THESE STUDY SESSIONS--THESE WERE NOT PUBLIC HEARINGS. THAT WAS DONE WITH THE TAX MODERNIZATION COMMITTEE TRAVELING AROUND THE STATE, TAKING THAT INFORMATION, ADDITIONAL INFORMATION WE HAD, AND DELIBERATING IT. WE DID HAVE ONE

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PUBLIC MEETING. WE HAD INVITED TESTIMONY, AND THEN WE OPENED IN THE AFTERNOON FOR PEOPLE FROM THE PUBLIC TO COME IN AND SPEAK TO US, BUT FOR THE MOST PART WE HAD INVITED SPEAKERS TO EDUCATE US. HOURS AND HOURS AND HOURS OF TIME HAVE GONE INTO THIS. AND, MEMBERS, UNDERSTAND THAT IT INCLUDED EIGHT MEMBERS OF EDUCATION, EIGHT MEMBERS OF REVENUE, THE HEAD OF APPROPRIATIONS, SENATOR MELLO, AND THE SPEAKER. THERE WERE 18 LEGISLATORS INVOLVED IN THIS PROCESS. THAT'S OVER A THIRD OF THE MEMBERSHIP THAT'S BEEN ENGAGED IN THIS, EDUCATING OURSELVES. YOU CAN ACCESS THE INFORMATION THAT WE HAD, BY THE WAY, IN GOING TO THE WEB PAGES OF BOTH THE REVENUE AND THE EDUCATION COMMITTEE. WE BOTH HAVE THAT INFORMATION IN THERE. I SAY THAT ALSO FOR THOSE OF THE PUBLIC WHO ARE LISTENING IN WHO WOULD LIKE TO SEE AND READ SOME OF WHAT WE LOOKED AT AS WE MADE OUR DELIBERATIONS. AS SENATOR SULLIVAN HAS SAID, WE TALKED TO THE GOVERNOR. THE GOVERNOR CAME FORWARD WITH HIS BILLS, LB958 AND LB959. WE'VE WORKED THOSE IN OUR COMMITTEES AND HAVE COME FORWARD WITH THE BILLS YOU'RE GOING HEAR TODAY AND TOMORROW THAT WE THINK ARE A FIT WITH THE DISCUSSIONS THAT WE HAD AND THE DELIBERATIONS WE DID DURING THE FALL. MEMBERS, HERE'S AN ISSUE. THIS IS HARD AND THIS IS GOING TO BE COMPLICATED. IT DOESN'T LEND ITSELF TO SWINGING TO THE FENCES. THERE ARE CONSTITUTIONALITY ISSUES IN THIS. UNIFORM, PROPORTIONATE, SPECIFICALLY, ARE COMPONENTS THAT HAVE TO BE TAKEN INTO CONSIDERATION. REMEMBER THAT OUR DELIBERATIONS AND OUR DEBATE ARE CONSTRAINED BY A NUMBER OF ISSUES. WE CAN'T RESPOND AS QUICKLY AS THE MARKET, WHICH HAS PUT US IN THIS POSITION, CLEARLY, AND THAT'S THE CHALLENGE FOR US WITH LB958 AND LB959. MY PLEA AS PART AND PARCEL OF THAT IS--I'VE SAID IT SINCE LAST YEAR--RESOLVING THIS PROBLEM REQUIRES, AS WE HAVE DONE IN PAST YEARS, CONSISTENT CHANGES, BUNTS AND SINGLES. AND DON'T GET FRUSTRATED DURING THIS DISCUSSION AND DEBATE IF SOMEBODY COMES UP WITH AN AMENDMENT THAT SWINGS TO THE FENCES THAT'S VOTED DOWN. I BELIEVE GOOD POLICY AS RELATES TO THIS VERY COMPLICATED ISSUE REQUIRES BUNTS AND SINGLES AND WOULD ASK FOR YOUR UNDERSTANDING AND PATIENCE AS WE WORK OUR WAY THROUGH THESE VERY COMPLICATED, DIFFICULT ISSUES THE NEXT COUPLE OF DAYS, AND ALSO A RECOGNITION THAT OVER A THIRD OF THIS MEMBERSHIP HAS PUT A LOT OF TIME AND EFFORT INTO GETTING US WHERE WE'RE AT, AT THIS POINT IN TIME. THIS ISSUE HAS BEEN STUDIED VERY THOROUGHLY AND WE'RE GIVING IT OUR BEST SHOT. THANK YOU, MR. PRESIDENT. THANK YOU AGAIN, SENATOR SULLIVAN. [LB959 LR332 LR344 LB958]

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SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN AND SENATOR GLOOR. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SULLIVAN, AS CHAIR OF THE EDUCATION COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB959]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AM2622 IS THE COMMITTEE AMENDMENT TO LB959. AND AS I INDICATED IN MY OPENING, IT IS A DRAMATIC CHANGE FROM HOW LB959 WAS ORIGINALLY INTRODUCED. I WOULD LIKE TO THANK THE EDUCATION COMMITTEE FOR THEIR HARD WORK ON IT BECAUSE WE MET IN NUMEROUS EXECUTIVE SESSIONS TO GET TO THIS POINT. AND THIS AMENDMENT REPRESENTS SOME FEATURES THAT I STEADFASTLY BELIEVE IN, NOT ONLY BECAUSE THEY REPRESENT A SEMBLANCE OF PROPERTY TAX RELIEF, BUT ALSO IN MY MIND, IN MY ESTIMATION, IT'S GOOD EDUCATION POLICY. AS AMENDED UNDER AM2622, THERE ARE TWO MAJOR COMPONENTS. THE FIRST COMPONENT ELIMINATES TWO ELEMENTS OF OUR CURRENT FUNDING FORMULA: THE MINIMUM LEVY ADJUSTMENT AND THE LEVY CRITERIA FOR AVERAGING ADJUSTMENT. THE MINIMUM LEVY ADJUSTMENT IN ITS PRESENT FORM SIMPLY SAYS, IF YOUR GENERAL FUND LEVY IS BELOW 95 CENTS, YOU WILL LOSE STATE AID. WE PROPOSE TO ELIMINATE THIS COMPONENT. THE OTHER COMPONENT TO BE ELIMINATED IS THE LEVY CRITERIA IN AVERAGING ADJUSTMENT. AGAIN, IN ITS PRESENT FORM, SCHOOLS QUALIFY FOR THE ADDITIONAL AID IF THEIR BASIC FUNDING PER FORMULA STUDENT IS LESS THAN THE AVERAGE FOR DISTRICTS WITH 900 OR MORE FORMULA STUDENTS AND THE PERCENTAGE INCREASES AS THEIR LEVY INCREASES. WITH THE AMENDMENT, WE WILL NO LONGER INCLUDE THOSE LEVY INCREASES IN THE QUALIFICATION STANDARDS FOR AVERAGING ADJUSTMENT. COLLEAGUES, WE HAVE HAD CLEAR EVIDENCE FROM SCHOOL BOARD MINUTES AND MEDIA REPORTS THAT SOME SCHOOL DISTRICTS DO IN FACT KEEP THEIR LEVIES AT A HIGHER AMOUNT SO THAT THEY WILL QUALIFY FOR THAT ADDITIONAL AID. AM2622 DOES NOT TAKE AWAY THE STATE AID. IT SIMPLY REMOVES THE EXCUSE TO LEVY AT A CERTAIN AMOUNT TO QUALIFY FOR THAT AID. THE SECOND COMPONENT HAS TO DO WITH A LEVY COMPONENT CALLED QCPUF. NOW, JUST SO YOU UNDERSTAND WHAT THE ACRONYM STANDS FOR, IT'S QUALIFIED CAPITAL PURPOSES UNDERTAKING FUND. IN ITS PRESENT FORM, IT ALLOWS A DISTRICT TO LEVY UP TO 5.2 CENTS ABOVE THE \$1.05 LEVY LIMIT TO DEAL WITH CERTAIN FACILITY ISSUES, SUCH AS THE REMOVAL OF ENVIRONMENTAL HAZARDS LIKE MOLD, AND REDUCTION OR ELIMINATION OF ACCESSIBILITY BARRIERS. AM2622 SIMPLY PUTS SOME LIMITATIONS ON THIS FUND. NEW PROJECTS ARE LIMITED TO LIFE SAFETY CODE VIOLATIONS, ENVIRONMENTAL HAZARDS, ACCESSIBILITY BARRIERS, AND MOLD. IT CANNOT BE USED FOR NEW

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CONSTRUCTION. THERE WOULD BE A 3 CENT LEVY LIMIT FOR NEW PROJECTS WHEN COMBINED WITH EXISTING PROJECTS AND OTHER NEW PROJECTS. AND LEVIES UNDER BOTH THE NEW AND EXISTING PROVISIONS CONTINUE TO BE OUTSIDE THE \$1.05 LEVY LIMIT. I'D LIKE YOU TO REMEMBER AS THE DEBATE STARTS ON THESE COMPONENTS THAT UNDER THESE TWO ELEMENTS OF AM2622 NO DISTRICT LOSES MONEY UNDER THESE PROPOSALS. NO EXISTING PROJECTS YET TO BE FINISHED ARE NEGATIVELY IMPACTED WITH THE CHANGES WE'RE RECOMMENDING ON QCPUF. AND THE FISCAL IMPACT IS ABOUT \$8 MILLION ADDITIONAL STATE AID ADDED TO THE FORMULA. AS I STATED INITIALLY, I TRULY BELIEVE THAT, YES, I'M TRYING TO SEEK SOME ELEMENT OF PROPERTY TAX RELIEF; BUT MORE THAN THAT, I THINK THESE ARE GOOD POLICY RECOMMENDATIONS. WE ELIMINATE DISTRICTS USING THOSE TWO ELEMENTS AS REASONS TO LEVY UP SO THAT WILL CONCEIVABLY RESULT IN SOME PROPERTY TAX RELIEF. SECONDLY, WE SEE SOME ADDITIONAL DOLLARS BEING ADDED TO THE FORMULA. BUT I THINK WITH LB959 AS AMENDED WITH AM2622, WE IMPROVE EDUCATION FUNDING AND ACCOUNTABILITY TO OUR TAXPAYERS. THANK YOU, MR. PRESIDENT. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. MR. CLERK. [LB959]

CLERK: MR. PRESIDENT, THE FIRST AMENDMENT I HAVE TO THE COMMITTEE AMENDMENTS, SENATOR SULLIVAN, AM2771. (LEGISLATIVE JOURNAL PAGE 1298.) [LB959]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB959]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AS I STATED EARLIER, THIS WHOLE THING HAS BEEN A PROCESS. AND ADMITTEDLY, LB959 HAS CHANGED DRAMATICALLY FROM WHEN IT WAS INTRODUCED. AND WE HAVE TRIED TO LISTEN TO CONCERNS EXPRESSED BY THE EDUCATION COMMUNITY AND THAT IS...ONE OF THE CONCERNS HAS TO DO WITH AM2771. AND THERE WAS CONCERN EXPRESSED THAT, AS THE AMENDMENT READ, THAT THERE WERE GOING TO BE LIMITATIONS TO...THEY WEREN'T GOING TO BE ABLE TO INCLUDE IN QCPUF SOME SITUATIONS THAT MAY HAVE EXISTED THAT NEEDED TO BE CORRECTED, BE THEY AN ENVIRONMENTAL HAZARD OR, YOU KNOW, WHATEVER KINDS OF THINGS THAT WE'RE ALLOWING UNDER QCPUF. SO WHAT THIS AMENDMENT DOES IS BASICALLY LOOSENS UP QCPUF A LITTLE. IT LEAVES THE 3-CENT LIMITATION IN LINE, BUT IT REMOVES A SEGMENT OF THE AMENDMENT SO

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THAT IT DOESN'T NECESSARILY...TO QUALIFY FOR A PROJECT UNDER QCPUF, IT DOESN'T NECESSARILY HAVE TO BE AN EMERGENCY. IT COULD HAVE BEEN A 100-YEAR-OLD PROBLEM THAT EXISTED AND THEY JUST DIDN'T KNOW ABOUT IT. SO BASICALLY IT'S NOT CHANGING SIGNIFICANTLY; IT JUST LOOSENS UP SOME OF THE PARAMETERS OF QCPUF. THANK YOU, MR. PRESIDENT. [LB959]

SPEAKER HADLEY: SENATOR HARR, YOU'RE RECOGNIZED. [LB959]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I THINK IT'S IMPORTANT AS WE BEGIN THIS DEBATE, AS WE WILL ON LB959 AND LB1067 AND TOMORROW LB958, THAT WE DO IT IN A SMART AND REASONABLE MANNER. SENATOR SULLIVAN AND SENATOR GLOOR TALKED ABOUT THE LARGE AMOUNT OF WORK THAT HAS GONE INTO THESE TWO BILLS AND THERE IS A LOT OF WORK THAT HAS GONE INTO THESE BILLS. IT IS AT BEST INCREMENTAL CHANGES, AND IT'S NOT WHAT EVERYONE WANTS, IT'S NOT WHAT EVERYONE NEEDS. BUT I THINK IT'S IMPORTANT THAT WE TALK ABOUT, IS THIS A GOOD FIRST STEP? IN REVENUE, WE'VE SPENT A LOT OF TIME TALKING ABOUT WHAT WE WANT OUR TAX POLICY TO LOOK LIKE. I KNOW EDUCATION HAS SPENT AN INORDINATE AMOUNT OF TIME DOING THE SAME. AND SO WHEN WE LOOK AT THIS, I THINK WE NEED TO TAKE A STEP BACK AND LOOK AT WHAT IS BEST PRACTICES AND BEST POLICY FOR THE STATE AND MAYBE TAKE OFF SOME OF OUR GLASSES THAT SAY "URBAN" AND "RURAL" BECAUSE THIS ISN'T AN URBAN OR RURAL ISSUE, THIS IS A NEBRASKA ISSUE, AND WE NEED TO FIND A WAY DO THIS THE NEBRASKA WAY. AND THAT'S WORKING TOGETHER AND TRYING TO FIND OUT WHAT THE BEST PRACTICES ARE AND NOT WHAT SOME OUTSIDE FORCE TELLS US IS THE BEST. IT'S UP TO US IN THIS BODY TO LOOK AT IT AND DETERMINE FOR OURSELVES WHAT IS THE BEST. I'M IN FULL SUPPORT OF AM2771 AND THE UNDERLYING AMENDMENT, AM2622. I LOOK FORWARD TO THE DEBATE WE'LL HAVE TODAY, BUT AS WE HAVE THAT DEBATE, I WOULD ASK THAT YOU LOOK: WHAT IS THE BEST FOR THE TAXPAYERS AND WHAT IS BEST FOR OUR FUTURE TAXPAYERS, OUR CHILDREN? THEY ARE THE GREATEST ASSET WE HAVE IN THIS STATE, AND THEY ARE THE FUTURE TAXPAYERS. THEY'RE THE ONES WHO ARE GOING TO BE PAYING FOR, AT LEAST MINE, SOME OF YOU MAY BE GONE, BUT THEY'LL BE PAYING FOR MY SOCIAL SECURITY, THEY'LL BE PAYING FOR MY MEDICARE. AND I WANT TO MAKE SURE THAT WE KEEP THEM HERE, THAT WE PROVIDE, THE ONES THAT ARE HERE CAN REACH THEIR FULL POTENTIAL, NOT JUST BECAUSE IT'S THE RIGHT THING TO DO BUT ALSO SO WE CAN GET SOME TAX DOLLARS OUT OF THEM, THAT THEY STAY AND THEY PAY. SO I WOULD ASK THAT AS WE GO FORWARD, THAT WE TALK ABOUT THIS IN A REASONABLE AND RATIONAL MATTER. AND I WANT TO THANK AGAIN THE

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CHAIRS, SENATOR GLOOR AND SULLIVAN, FOR TAKING ON WHAT IS SOMETIMES A VERY DIFFICULT ISSUE AND TRYING TO COME UP WITH GOOD COMPROMISES. THANK YOU, MR. SPEAKER. [LB959 LB1067 LB958]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. SENATOR BAKER, YOU ARE RECOGNIZED. [LB959]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I SUPPORT THE PASSAGE OF THE AMENDED, THE AM2622, AND I WANTED TO THANK SENATOR SULLIVAN FOR HER WORK ON THIS BILL AND THE AMENDMENTS. ORIGINALLY, WE LOOKED AT ABOUT SEVEN OR EIGHT DIFFERENT ELEMENTS IN LB959. WE SOUGHT FEEDBACK FROM EVERY SCHOOL DISTRICT IN THE STATE. WE HEARD FROM BOARD MEMBERS AND SUPERINTENDENTS, AND WE FOUND A LINE BETWEEN THINGS THAT MIGHT BE SEEN AS RESTRAINT VERSUS THINGS THAT WOULD ACTUALLY HARM THE ABILITY OF DISTRICTS TO CARRY OUT THEIR MISSION. YOU KNOW, AS SENATOR BURKE HARR JUST SAID, YOU KNOW, OUR YOUNG PEOPLE ARE NOT ONLY OUR BEST HOPE FOR THE FUTURE, THEY'RE OUR ONLY HOPE. WE SETTLED ON THE TWO THAT SENATOR SULLIVAN MENTIONED. YOU KNOW, THE...AND THIS WILL PROVIDE PROPERTY TAX RELIEF FOR SOME DISTRICTS BY ELIMINATING THE MINIMUM LEVY REQUIREMENT AND THE LEVY CRITERIA FOR AVERAGING ADJUSTMENT. UNDER THE STATE AID FORMULA, IT'S NEEDS MINUS RESOURCES EQUALS STATE AID, IN SIMPLE TERMS. THERE MAY BE A FEW SCHOOL DISTRICTS THAT WON'T HAVE TO GO TO 95 CENTS AND STILL BE ABLE TO RECEIVE THE STATE AID THEY'RE QUALIFIED FOR UNDER THE FORMULA OF NEEDS MINUS RESOURCES. THOSE DISTRICTS WOULD BE THOSE IN A SITUATION WHERE THEY HAVE THE ABILITY AND INCLINATION TO BE VERY EFFICIENT, SO IT WOULD SEEM BAD PUBLIC POLICY TO ME TO PENALIZE THOSE DISTRICTS OR, RATHER, PENALIZE THE TAXPAYERS IN THOSE DISTRICTS BY LEVYING MORE THAN IS NECESSARY. IN MY PREVIOUS LIFE AS A SUPERINTENDENT, I FOUND MYSELF, MY DISTRICT IN THAT SITUATION A FEW TIMES WHERE WE WERE OPERATING VERY EFFICIENTLY AND DID NOT NEED TO LEVY THE MINIMUM BUT WE DID BECAUSE TO DO SO WOULD MEAN LOSS OF STATE AID THE NEXT YEAR DOLLAR FOR DOLLAR. WE DIDN'T GO AHEAD AND SPEND IT. CONTRARY TO POPULAR BELIEF, SCHOOL DISTRICTS DON'T SPEND EVERY PENNY THEY GET THEIR HANDS ON. WE PUT IT INTO CASH RESERVE, WHICH HAPPENED TO COME IN PRETTY HANDY AFTER THE 2004 TORNADO. AND THE SAME IS TRUE FOR THE ELIMINATING THE LEVYING CRITERIA FOR AVERAGING ADJUSTMENT. THERE ARE DISTRICTS NOW WHO ARE INCENTIVIZED TO BE UP CLOSE TO \$1.05 IN ORDER TO MAXIMIZE THE STATE AID THAT THEY'RE ELIGIBLE FOR. WITH REGARDS TO THE QCPUF, YOU KNOW, IN THE ORIGINAL

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PROVISION THERE WAS TO BE NO QCPUF. ANYTHING WOULD HAVE TO GO TO A VOTE OF THE PEOPLE. AND AFTER FEEDBACK FROM THE VARIOUS SCHOOL OFFICIALS AND SCHOOL BOARD MEMBERS ALL ACROSS THE STATE, THE THING THAT WE HEARD BACK PROBABLY THE MOST WAS THAT, YOU KNOW, THIS IS PROBABLY NOT A REAL GOOD IDEA BECAUSE EMERGENCIES DO ARISE AND WE NEED THE ABILITY TO REACT TO ENVIRONMENTAL CONCERNS, MOLDY BUILDINGS, AND THOSE KINDS OF THINGS. SO WHAT WE DID, YOU KNOW, AS A COMPROMISE GO TO THE 3 CENT QCPUF AUTHORITY TO CARRY ON PRETTY AS MUCH BEFORE, EXCEPT THAT IT'S RESTRICTED TO EXISTING BUILDINGS AND NOT TO BE USED FOR NEW CONSTRUCTION. WE DID ADD A PROVISION THAT IT COULD BE USED FOR LIFE SAFETY ISSUES. BEFORE IT TALKED IN TERMS OF IT CAN BE USED FOR LIFE SAFETY VIOLATIONS. THERE ARE MANY SCHOOL BUILDINGS IN THIS STATE THAT ARE IN USE THAT ARE NOT ALL THAT NEW. YOU KNOW, UP UNTIL TEN YEARS AGO, IT WASN'T COMMON FOR SCHOOLS TO REQUIRE VISITORS TO BE BUZZED IN AT THE DOOR. NOW ALMOST EVERYBODY HAS GONE TO THAT. YOU LOOK AT THE OLD BUILDINGS. THEY WERE NOT CONSTRUCTED WITH THE OFFICES NEXT TO THE ENTRYWAY. THEY WERE OFTENTIMES IN THE MIDDLE OF THE BUILDING. [LB959]

SPEAKER HADLEY: ONE MINUTE. [LB959]

SENATOR BAKER: SO THERE ARE SOME REVISIONS THESE PEOPLE NEED TO DO TO BE ABLE TO MAXIMIZE SAFETY AND SECURITY FOR THEIR STUDENTS. SO WITH THAT, I CLOSE. I JUST THINK THAT WE REALLY NEED TO PASS THIS AS AMENDED AND I THANK YOU VERY MUCH. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR BAKER. SENATOR DAVIS, YOU ARE RECOGNIZED. [LB959]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I SERVED ON THAT JOINT COMMITTEE LAST SUMMER AND IT WAS EXHAUSTING AND CHALLENGING AND DIFFICULT BECAUSE THE PROBLEM THAT WE HAVE IN NEBRASKA IS A DIFFICULT PROBLEM--NOT ENOUGH PEOPLE, NOBODY TO GENERATE TAX DOLLARS FOR US EXCEPT THE PEOPLE THAT LIVE HERE AND THE LAND THAT WE HAVE. SO IT'S A CHALLENGE AND IT ALWAYS WILL BE INTO THE FUTURE. BUT THIS BILL I THINK IS GOOD POLICY FOR A NUMBER OF REASONS. HAVING SERVED ON A SCHOOL BOARD, I REMEMBER THE DEBATE BACK IN THE DAYS, AND IT'S BEEN A LONG TIME NOW, WHEN WE WERE AN EQUALIZED DISTRICT AND WE TOYED WITH WHETHER OR NOT WE SHOULD GO TO THE MINIMUM LEVY OR NOT. ULTIMATELY

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IN OUR DISTRICT WE JUST... VALUATION INCREASES JUST TOOK US OUT OF IT. BUT IT DOES HAPPEN. AND WHEN TAX DOLLARS ARE TAKEN AS AN INCENTIVE, ESSENTIALLY IT'S NOT A GOOD THING. WE NEED TO HAVE TRANSPARENCY. THIS IS A GOOD WAY TO DO THAT. I THINK IT'S IMPORTANT TO REMIND THE BODY THAT SENATOR SULLIVAN SAID THIS IS ADDITIONAL STATE AID, AND IT IS, IN FACT. BUT IF YOU GO BACK TO THE ORIGINAL FORMULA BACK IN THE EARLY '90s, 20 PERCENT OF ALL THE INCOME TAX GENERATED WITHIN A DISTRICT WAS SUPPOSED TO GO BACK TO THAT DISTRICT. THAT HAS NEVER BEEN THE CASE AND THE FUNDING THAT IS GOING INTO THIS PARTICULAR PIECE IN LARGE PART IS INCOME TAX THAT IS FORFEITED WHEN YOU DROP OUT OF THE MINIMUM LEVY. SO I THINK IT'S GOOD POLICY. I'M GOING TO DO A LITTLE MORE THINKING ON THE QCPUF PIECE, AND I WILL TALK ABOUT THE AVERAGING ADJUSTMENT TOO. TWO YEARS AGO, WHEN I WAS STILL SERVING ON THE EDUCATION COMMITTEE, THIS PARTICULAR ISSUE CAME UP AND I INTRODUCED A BILL BEFORE THE EDUCATION COMMITTEE TO CONSIDER REMOVING THE \$1.05 FOR THE AVERAGING ADJUSTMENT. AND WHILE EVERYBODY WHO TESTIFIED RECOGNIZED THAT THERE WAS TAXATION GOING ON THAT WASN'T NECESSARY, THAT INCENTIVE DROVE THE TESTIFIERS TO SAY, WELL, WE NEED TO GO TO \$1.05 AND WE NEED TO ALL STAY THERE, JUST BECAUSE IT LOOKS BETTER. SO REMOVING IT IS JUST REALLY GOOD POLICY AND IT'S GOING TO SAVE PEOPLE TAX DOLLARS. THAT'S A GOOD THING ALL ACROSS THE STATE. SO I'M VERY MUCH IN SUPPORT OF THAT AND THANK SENATOR SULLIVAN FOR THE AMENDMENTS THAT SHE HAS DRAFTED. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR DAVIS. SENATOR COOK, YOU'RE RECOGNIZED. [LB959]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I RISE WITH SOME QUESTIONS ABOUT THE BILL. I NO LONGER SERVE ON THE EDUCATION COMMITTEE, BUT I'M OBVIOUSLY VERY, VERY INTERESTED IN CHANGES PARTICULARLY AS THEY MIGHT IMPACT FUNDING TO THE STATE'S LARGEST PUBLIC SCHOOL SYSTEM, THE OMAHA PUBLIC SCHOOL DISTRICT, AND IN PARTICULAR SOME REFERENCE THAT IS MADE IN THIS BILL AND IN LB958 TO FUNDING FOR THE COMMUNITY COLLEGES. SO I'M GOING ASK SOME VERY BASIC QUESTIONS AND THEN, AS WE GO ON, MAYBE GET INTO MORE DETAILS. ANOTHER CHALLENGE IS THAT WHEN YOU'RE READING THE BILL, UNLESS YOU HAVE THE STATUTE RIGHT NEXT TO YOU, IT'S NOT...THE LANGUAGE IS NOT RIGHT THERE TO INTERPRET AS YOU UNDERSTAND FROM EVERYBODY ELSE IN HERE WHO HAS READ THE BILL. SO WITH THAT, SENATOR SULLIVAN, WOULD YOU YIELD TO A QUESTION? [LB959 LB958]

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SPEAKER HADLEY: SENATOR SULLIVAN, WILL YOU YIELD? [LB959]

SENATOR SULLIVAN: YES, I WILL. [LB959]

SENATOR COOK: SENATOR SULLIVAN, DOES THIS PROPOSAL, AND I'M REFERRING REALLY MORE TO AM2622, ELIMINATE THE AVERAGING ADJUSTMENT'S EXISTENCE, PERIOD, WITHIN THE STATE FUNDING FORMULA? [LB959]

SENATOR SULLIVAN: NO, IT DOES NOT. [LB959]

SENATOR COOK: WHAT DOES IT DO? [LB959]

SENATOR SULLIVAN: IT ELIMINATES WHAT WE REFER TO AS THE LEVY CRITERIA. SO IN OTHER WORDS, THERE HAD BEEN A CERTAIN PERCENTAGE THAT WOULD BASICALLY INCREASE THAT ADJUSTMENT AS YOUR LEVY WENT UP. SO IF YOU'RE AT A \$1, YOU GET A CERTAIN PERCENTAGE FOR THE ADJUSTMENT; IF YOU WERE AT A \$1.01 OR \$1.02 OR \$1.03 OR \$1.04, IT GOES UP. WE ARE REMOVING THAT LEVY CRITERIA AND SIMPLY PUTTING IT AT THE HIGHER PERCENTAGE. [LB959]

SENATOR COOK: ALL RIGHT, THANK YOU VERY MUCH. I HAVE ANOTHER QUESTION RELATED TO THE STRIKING OF THE LANGUAGE WITH THE COMMUNITY COLLEGE. I THINK IT'S CLEAR, BUT I WANT IT STATED FOR THE RECORD. SENATOR SULLIVAN, WOULD YOU YIELD TO ANOTHER QUESTION? [LB959]

SENATOR SULLIVAN: YES, I WILL. [LB959]

SENATOR COOK: THE LANGUAGE THERE--AND I HAVE IT UP HERE ON MY LAPTOP, SO EXCUSE ME WHILE I AIM IT AT MY FACE--THERE'S SOME LANGUAGE, I BELIEVE IT IS ON PAGE 3 OF THE AMENDMENT, AND IT HAS STRUCK "(3)(a) FOR FISCAL YEARS 2011-12 AND 2012-13, COMMUNITY COLLEGE AREAS MAY LEVY A MAXIMUM OF TEN AND ONE-QUARTER CENTS PER ONE HUNDRED DOLLARS OF TAXABLE VALUATION OF PROPERTY SUBJECT TO THE LEVY FOR OPERATING EXPENDITURES AND MAY ALSO LEVY THE ADDITIONAL LEVIES PROVIDED IN SUBDIVISIONS (1)(b)," ETCETERA, ETCETERA. WHAT IS THAT? IS THAT BECAUSE THAT TIME HAS PASSED IN HISTORY OR YOU'VE GOT SOME OTHER PLANS OR WHAT DOES THAT MEAN? [LB959]

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SENATOR SULLIVAN: IT'S BECAUSE OF HISTORY AND IT'S OBSOLETE LANGUAGE AND IT'S SIMPLY AND MERELY A CLEANUP. [LB959]

SENATOR COOK: ALL RIGHT, THANK YOU VERY MUCH. WITH THAT, I WOULD YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR COOK. (VISITORS INTRODUCED.)
SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB959]

SENATOR SCHNOOR: THANK YOU, MR. SPEAKER. I'D LIKE TO THANK SENATOR SULLIVAN FOR HER WORK THAT SHE'S DONE IN THE EDUCATION COMMUNITY. IT HAS BEEN A CHALLENGING YEAR, AS SENATOR DAVIS HAS POINTED OUT. WE HAD MEETINGS AFTER MEETINGS AFTER MEETINGS--SOME WE WALKED AWAY FROM THAT YOU WONDERED IF WE WERE EVER GOING TO COME TO ANY CONSENSUS OR ANY SOLUTIONS. AND, YOU KNOW, WE HAD A BILL THAT HAD, OH, MAYBE TEN DIFFERENT AREAS IN IT FOR SPENDING CUTS AND WE'VE NARROWED IT DOWN TO TWO. ONE OF THEM, THE MINIMUM LEVY, THAT HAS IMMEDIATE TAX BENEFITS FOR SOME, AND I SAY SOME, NOT EVERY SCHOOL, BUT SOME RURAL COMMUNITIES. IF YOU HAVE...IF YOU CAN LEVY 93 CENTS INSTEAD OF 95 AND STILL GET THE STATE AID, YOU'VE SAVED 2 CENTS IN PROPERTY TAXES; AND THEN YOU STILL GET THE STATE AID ON TOP OF THAT, SO YOU CAN NOW LOWER YOUR PROPERTY TAXES FURTHER BASED ON HOW MUCH STATE AID YOU'RE GETTING. THAT'S SIMPLY WHAT THE MINIMUM LEVY...GETTING RID OF THE MINIMUM LEVY REQUIREMENT DOES. IT'S IMMEDIATE TAX RELIEF BUT, LIKE I SAY, ONLY FOR A SMALL NUMBER OF RURAL SCHOOLS, BUT YET IT'S THEIR QCPUF. AND I DON'T KNOW IF I HEARD ANYBODY SAY THIS, BUT IF ANY SCHOOL IS LEVYING MONEY CURRENTLY ABOVE 3 CENTS, THAT CONTINUES. THEY'RE ALL GRANDFATHERED IN. THEY DON'T HAVE TO CHANGE ANY PROJECTS THAT THEY HAVE ALREADY LEVIED MONEY FOR. IT SIMPLY CHANGES IT FROM 5.2 TO 3, IT NARROWS THE REQUIREMENTS. ONE OF THE MOST IMPORTANT THINGS THAT I ASKED THAT GETS INCLUDED IS THAT QCPUF CANNOT BE USED FOR NEW CONSTRUCTION. WHAT THAT DOES, IT HELPS THESE SCHOOLS WITH THEIR TRANSPARENCY BECAUSE THE FACT OF THE MATTER IS WHAT HAPPENS IS IF YOU HAVE A SCHOOL BOND AND YOU CAN GET A CERTAIN PORTION OF THAT PUT IN QCPUF AND YOU CAN LOWER YOUR BOND BY 1 OR 2 OR 3 CENTS, IT MAKES YOUR BOND MORE SELLABLE. AND THIS ELIMINATES THAT FROM HAPPENING, BUT IT HELPS THESE DISTRICTS BY REALLY FORCING THEM TO BE MORE TRANSPARENT WITH WHAT THEY'RE BONDING. SO WITH THAT, I AM VERY SUPPORTIVE AND I ASK ALL OF YOU TO SUPPORT THIS AS WELL. AND LIKE SENATOR HARR SAID, THIS IS A SMALL

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CHANGE. THIS DOES NOT IN MY VIEW SOLVE OUR PROPERTY TAX DILEMMA BUT IT HELPS. YOU KNOW, WE DIDN'T GET THIS WAY OVERNIGHT WITH THE HIGH PROPERTY TAXES. WE'RE NOT GOING TO FIX IT IN ONE FELL SWOOP. AND THIS IS JUST, LIKE I SAY, ONE SMALL, INCREMENTAL CHANGE. SO ONCE AGAIN, THANK YOU TO SENATOR SULLIVAN BECAUSE THIS HAS BEEN A PRETTY TOUGH BATTLE FOR HER AND THE COMMITTEE AS A WHOLE, BUT SHE'S DONE A GOOD JOB OF LEADERSHIP AND I APPRECIATE IT. THANK YOU. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR SCHNOOR. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB959]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I WANT TO TURN OUR ATTENTION TO A COUPLE OF DIFFERENT POINTS AS SOON AS I TAKE A SECOND TO SAY, YES, LET'S VOTE FOR BOTH OF THESE AMENDMENTS, AS WELL AS THE ORIGINAL LB959--I THINK IT'S EXTREMELY IMPORTANT--AND STAND BEHIND THAT AS FAR AS ONE WHO SERVED ON THE SAME COMMITTEES AS FAR AS THE TAXING ISSUES THAT WE VISITED AROUND THE STATE. BACK IN 1990, WHEN WE WERE--THE LEGISLATURE WAS--LOOKING AT THE TEEOSA FORMULA FOR THE FIRST TIME, 26 YEARS AGO, I WENT BACK TO ONE OF THE LEADERS AT THAT TIME WITH RON WITHEM, NOW AT THE UNIVERSITY BUT AT THAT TIME A MEMBER AND A VERY LEADERSHIP-DIRECTED PERSON WITH OUR LEGISLATURE, AND I ASKED HIM: WHAT ROLE DID THE QUESTION OF POVERTY HAVE; WHEN YOU WENT THROUGH THE CONSTRUCTION OF THE TEEOSA FORMULA, WHERE WAS THAT AS FAR AS DISCUSSION AND IMPACT IN YOUR THINKING ON THE TEEOSA FORMULA? AND RON LOOKED AT ME AND HE SAID, THE WORD NEVER CAME UP. TWENTY-SIX YEARS AGO IN THIS BODY, THE WORD "POVERTY" COULDN'T GET INTO THE FUNDING FORMULA FOR WHAT WE DO IN SCHOOLS. I THINK THAT'S A VERY TELLING ISSUE COMPARED TO WHERE WE ARE TODAY AND WHERE WE ARE WITH OUR FUTURE AS WE LOOK AT POVERTY ISSUES AND THE MAGNITUDE OF THE ISSUES WITHIN THE MIDDLE CLASS, WITHIN OUR SOCIETY AS A WHOLE. SENATOR GLOOR MENTIONED WE'RE GOING TO PUT TOGETHER A LOT OF SINGLES AND DOUBLES AND I THINK THAT'S A GREAT METAPHOR AS FAR AS WHAT WE'RE TRYING TO DO IN THE BILLS THAT WE HAVE HERE BEFORE US. AND I THINK IT'S IN THE RIGHT DIRECTION, AS FAR AS EXAMINING ALL THE PIECES OF WHAT WE'RE LOOKING AT AND WHAT WE WORK WITH. AND I WOULD PLEDGE CONTINUATION OF THE LOOKING AT THE TEEOSA FORMULA OVER THE NEXT COUPLE OF YEARS, ASKING FOR VERY SEVERE SCRUTINY AS FAR AS TIGHTENING THAT DOWN AND UNDERSTANDING THE IMPACT OF EVERY MOVE THAT WE MAKE IN THE TEEOSA FORMULA FOR THE PUBLIC SCHOOLS IN OUR STATE. SO I SEEK YOUR GREEN LIGHT ON SUPPORT OF

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BOTH OF THESE AMENDMENTS AND THE ORIGINAL BILL. I THANK SENATOR SULLIVAN AND THE COMMITTEE AS A WHOLE, AND ALSO SENATOR GLOOR'S COMMITTEE THAT WE WORKED WITH TO GET TO WHERE WE ARE ON THESE POINTS AT THIS POINT IN TIME. AND I THINK WE'RE ON THE...WELL, I KNOW WE'RE ON THE RIGHT ROAD, THE RIGHT DIRECTION, DOING THE RIGHT THINGS. AND THINK, AND AGAIN NOT JUST FOR SWINGING FOR THE RAFTERS EVERY TIME WE WANT TO TRY TO HIT A HOME RUN, BUT THINK IN TERMS OF DOUBLES AND SINGLES THAT WE HAVE TO CONTINUE TO LOOK AT TO MAKE A DIFFERENCE IN OUR TOTAL TAX POLICY, AS WELL AS THE SUPPORT WE HAVE FOR OUR SCHOOLS. THANK YOU, MR. PRESIDENT. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR KOLOWSKI. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB959]

SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER. GOOD MORNING, COLLEAGUES. I WONDER IF SENATOR SULLIVAN WOULD YIELD TO A QUESTION. [LB959]

SPEAKER HADLEY: SENATOR SULLIVAN, WILL YOU YIELD? [LB959]

SENATOR SULLIVAN: YES, I WOULD. [LB959]

SENATOR McCOLLISTER: AS I LOOK THROUGH THE FISCAL NOTE OF THIS BILL, SENATOR, I SEE THERE'S A LOT OF MOVING PARTS. CAN YOU CONFIRM THE FISCAL NOTE ON THIS BILL AFTER THE ADOPTION OF THE AMENDMENTS? [LB959]

SENATOR SULLIVAN: WHAT REMAINS IN AM2622 IS BASICALLY ABOUT \$8.5 MILLION THAT IS DERIVED BY THE ELIMINATION OF THE MINIMUM LEVY ADJUSTMENT. AND JUST A POINT OF INFORMATION, WE DIDN'T... WE HAVE MODELED IT IN THE DEPARTMENT. THE DEPARTMENT HAS MODELED IT FOR US. AND I DIDN'T MAKE COPIES FOR EVERYBODY, BUT IT IS AVAILABLE IF YOU'D LIKE TO TAKE A LOOK AT IT. BUT BOTTOM LINE, THAT'S THE FISCAL IMPACT RIGHT NOW. [LB959]

SENATOR McCOLLISTER: SO IT WOULD BE THE CURRENT AMOUNT IN THE FISCAL NOTE, PLUS ANOTHER \$8 MILLION? [LB959]

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SENATOR SULLIVAN: NO, NO. REMEMBER, THE FISCAL NOTE EXISTS AS LB959 WAS INTRODUCED. SO AS AMENDED, WE'RE LOOKING AT A FISCAL IMPACT OF ABOUT \$8.5 MILLION. [LB959]

SENATOR McCOLLISTER: OKAY, THANK YOU, SENATOR. I YIELD THE BALANCE OF MY TIME. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB959]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I'VE BEEN OFF THE EDUCATION COMMITTEE NOW FOR TWO YEARS AND REALIZE HOW MUCH I'VE FORGOTTEN IN THAT TIME ABOUT THE TEEOSA FORMULA. BUT I HAVE SOME QUESTIONS IN TERMS OF THE TWO--THE MINIMUM LEVY FOR AVERAGING ADJUSTMENT AND THE MINIMUM LEVY ADJUSTMENT. PROBABLY ASK SENATOR SULLIVAN IF SHE'D ANSWER A COUPLE QUESTIONS ON THAT. [LB959]

SPEAKER HADLEY: SENATOR SULLIVAN, WILL YOU YIELD? [LB959]

SENATOR SULLIVAN: YES, I WOULD. [LB959]

SENATOR HAAR: DO YOU HAVE AN AMOUNT FOR THOSE TWO SEPARATELY OR JUST THE ESTIMATE THAT IT'S GOING TO BE \$8.5 MILLION TOTAL? [LB959]

SENATOR SULLIVAN: I DON'T RIGHT OFF OF THE TOP OF MY HEAD, BUT WE CAN GET THAT, SENATOR HAAR. [LB959]

SENATOR HAAR: YEAH, I'D LIKE TO SEE THAT IF I COULD. [LB959]

SENATOR SULLIVAN: SURE. [LB959]

SENATOR HAAR: I'D APPRECIATE THAT. AND WHEN I WAS ON THE EDUCATION COMMITTEE, OF COURSE, WE HAD A BIG FIGHT OVER AVERAGING ADJUSTMENT. IS THIS, WOULD YOU SEE, AS A FIRST STEP TO GETTING RID OF THAT OR IS THIS JUST TWEAKING THAT TO WORK BETTER? [LB959]

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SENATOR SULLIVAN: I TAKE ONE DAY AT A TIME AND THIS SIMPLY TWEAKS IT.
[LB959]

SENATOR HAAR: OKAY, SO YOU DON'T SEE A MOVEMENT IN THIS TO GET RID OF
THE AVERAGING ADJUSTMENT. [LB959]

SENATOR SULLIVAN: NO, WHAT I'M REMOVING IS WHAT I THOUGHT WHAT
SEEMED TO BE AN EXCUSE TO LEVY UP TO CAPTURE SOME ADDITIONAL AID
AND THAT'S REALLY WHAT WE'RE ELIMINATING WITH REMOVING THAT LEVY
CRITERIA. [LB959]

SENATOR HAAR: GOTCHA. THEN DOES IT LIMIT THE ABILITY, FOR EXAMPLE, OF
LINCOLN PUBLIC SCHOOLS IN TERMS OF THEIR LEVY AT ALL? [LB959]

SENATOR SULLIVAN: NO. I'D HAVE TO SAY THAT, IF ANYTHING, IT RETURNS
MORE RESPONSIBILITY AND ABILITY OF THEIR LOCAL BOARD TO MAKE THE
DECISIONS ON WHAT THEY REALLY IN FACT NEED TO LEVY TO SUPPORT THEIR
SCHOOL DISTRICT. [LB959]

SENATOR HAAR: OKAY, THANK YOU VERY MUCH. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR KEN HAAR. SENATOR JOHNSON,
YOU'RE RECOGNIZED. [LB959]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. I WOULD LIKE TO ASK IF
SENATOR SCHNOOR WOULD YIELD TO A QUESTION. [LB959]

SPEAKER HADLEY: SENATOR SCHNOOR, WILL YOU YIELD TO A QUESTION?
[LB959]

SENATOR SCHNOOR: YES. [LB959]

SENATOR JOHNSON: THANK YOU. I'M IN FAVOR OF THE ELIMINATION OF THE
MINIMUM LEVY AND YOU MENTIONED RURAL SCHOOLS AND YOU MENTIONED
SOME WOULD BE AFFECTED DIFFERENTLY THAN OTHERS. IS THIS A DIFFERENCE
BETWEEN A LARGE RURAL SCHOOL AND A SMALL RURAL SCHOOL OR WHAT

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WOULD BE THE DIFFERENCE ON WHY SOME WOULD BENEFIT AND SOME MIGHT NOT? [LB959]

SENATOR SCHNOOR: NO, SIZE IS IMMATERIAL. IT DEPENDS ON HOW MUCH MONEY THEY ARE LEVYING. IF THEY ARE LEVYING 95 CENTS, THAT'S WHO WILL BE AFFECTED OR NOT BE AFFECTED. [LB959]

SENATOR JOHNSON: OKAY, IT'S SIMPLY WHERE THEY'RE AT IN THEIR LEVY LEVEL RIGHT NOW, THAT'S IN... [LB959]

SENATOR SCHNOOR: CORRECT. [LB959]

SENATOR JOHNSON: OKAY, THANK YOU. THAT'S ALL I HAVE. THANK YOU, MR. CHAIRMAN. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR JOHNSON. SENATOR GROENE, YOU'RE RECOGNIZED. [LB959]

SENATOR GROENE: THANK YOU, MR. SPEAKER, PRESIDENT, SENATOR HADLEY--I HAVE THREE NAMES FOR YOU. THIS IS A GOOD BILL FROM WHERE WE STARTED, WHAT WAS...COULD GET AGREEMENT IN THE EDUCATION COMMITTEE. GETTING RID OF THE MINIMUM LEVIES, THAT WAS AN ANTIQUATED RULE BACK WHEN WE HAD 600-700 SCHOOL DISTRICTS AND SOME WERE PLAYING GAMES. BUT NOW WE'RE DOWN TO 245 DISTRICTS, ALL OF A DECENT SIZE, MOSTLY MODERN COMMUNICATIONS. THE COMMUNITY KNOWS WHAT'S GOING ON AT THEIR SCHOOL DISTRICT NOW AND THE MINIMUM LEVIES SERVE NO PURPOSE. QUITE FRANKLY, WHAT IT ALLOWED IS SOME ADMINISTRATORS TO HIDE BEHIND THEM AND SAY WE CANNOT LOWER THE MILL LEVIES BECAUSE WE'LL LOSE SOME STATE AID. THIS ELIMINATES THAT. IT PUTS BETTER MANAGEMENT PRACTICES IN PLACE. THE SCHOOL BOARD NOW CAN PLAY A ROLE IN THE LEVY. YOU KNOW, THE PAST GOVERNOR USED TO KEEP GOING AROUND--AND I ADMIRER HIM, VOTED FOR HIM--BUT TELLING PEOPLE PROPERTY TAXES ARE LOCAL, WHY DO YOU COME TO THE STATE, YOU GO TO YOUR SCHOOL BOARD. WELL, THE REALITY IS, YOU COULD NOT GO TO YOUR SCHOOL BOARD BECAUSE YOU HAD THESE MINIMUM LEVY REQUIREMENTS THAT YOU WOULD LOSE STATE AID IF YOU WENT BELOW THAT. THE SCHOOL BOARD WAS BOUND TO KEEP A CERTAIN LEVY, EVEN IF THEY HAD A GREAT BUSINESS MANAGER AS THEIR ADMINISTRATOR, EVEN IF THEY RAN AN EFFICIENT SCHOOL AND EVERY KID WAS ABOVE AVERAGE--LAKE WOBEGON--AND THEY COULD RUN THEIR SCHOOL

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FOR LESS MONEY. THEY BASICALLY COULDN'T LOWER THEIR LEVY BECAUSE THEY WOULD LOSE THEIR SHARE OF THE STATE AID THAT THEY COULD GET. GETTING RID OF THE LEVY IS A PLUS. THERE ARE SCHOOL DISTRICTS SIT RIGHT ON THE RAZOR'S EDGE BETWEEN EQUALIZATION AND UNEQUALIZED. EVERY YEAR WE HAVE A FEW OF THOSE. THAT WILL "ALLEVE" THEIR...THOSE SCHOOL DISTRICTS' ABILITY TO LOWER THEIR LEVY AND STILL HANG ONTO THAT LAST \$50,000 OF STATE AID, WHICH IS THE ONLY RIGHT THING TO DO. AS FAR AS THE AVERAGING ADJUSTMENT, THERE ARE 21 SCHOOLS THAT SHARED ABOUT \$18 MILLION LAST YEAR. THEY WILL KEEP THAT. BUT THAT LEVY WASN'T 95 CENTS. THAT MINIMUM LEVY WAS \$1.05. LINCOLN PUBLIC SCHOOLS LAST YEAR PUT \$10 MILLION EXTRA INTO RESERVES BECAUSE THEY COULD NOT LOWER THEIR LEVY BELOW \$1.05 OR ELSE THEY'D START LOSING AVERAGING ADJUSTMENT. NOW THAT SCHOOL BOARD CAN TELL THEIR TAXPAYER, YES, LINCOLN IS GROWING, WE GOT MORE PROPERTY TAX BASE, WE CAN LOWER THAT LEVY WITHOUT LOSING STATE AID. NOW WE'RE STARTING TO GET SOME LOCAL CONTROL BACK INTO THE SYSTEM WHERE IT MATTERS TO BE ON THAT SCHOOL BOARD FISCALLY. NOW THE BANKER AND THE BUSINESSMAN CAN RUN FOR THAT SCHOOL BOARD BECAUSE HE CAN CONTROL SOME OF THE COST. HE CAN CONTROL, HELP RUN A MORE EFFICIENT, MORE BETTER-RUN SCHOOL. AS FAR AS THE QCPUF, IT NEEDED TO BE REDEFINED. YOU KNOW, IT CAME OUT OF THE '80s, '70s, WHEN WE HAD ASBESTOS, LEGIONNAIRES' DISEASE, AND WE HAD DUCT WORK PROBLEMS AND SCHOOLS NEEDED MONEY TO ADDRESS THOSE AIR QUALITY CONTROL PROBLEMS. WELL, IT MORPHED INTO A SPECIAL PROJECT. PEOPLE WERE PUTTING IN THERMAL UNDERGROUND... [LB959]

SPEAKER HADLEY: ONE MINUTE. [LB959]

SENATOR GROENE: ...HVAC SYSTEMS AND REMODELING OFFICES, DOING THINGS THAT WERE NOT EVER INTENDED TO BE DONE WITH QCPUF MONEY. AND 3 CENTS IS PLENTY. A LOT OF NEW SCHOOLS HAVE BEEN BUILT SINCE THE '80s, THOSE PROBLEMS HAVE DISAPPEARED. SO IT'S A GOOD BILL, A VERY GOOD BILL, AND I WOULD HOPE THAT EVERYBODY WOULD SUPPORT THE AMENDMENTS AND LB959. AND I'LL TRUMPET WHAT SENATOR SCHNOOR SAID: SENATOR SULLIVAN IS A VERY PATIENT, VERY GOOD LEADER OF THAT COMMITTEE. THANK YOU. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB959]

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SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE TO ALSO THANK SENATOR SULLIVAN FOR HER HARD WORK ON THIS BILL AND WORKING ON TRYING TO IMPROVE OUR FUNDING FORMULA AND THE INCENTIVES THAT UNDERLIE OUR FUNDING FORMULA. AND I SEE THIS AS A PART OF THAT EFFORT. I THINK THAT WE NEED TO RECOGNIZE THE NEED TO MAKE SURE THAT WE'RE DEALING WITH AN ENTIRE PICTURE AS WE CONTINUE TO WORK ON THE BUNTS SINGLES, AS SENATOR GLOOR TALKS ABOUT. SO FROM...I APPRECIATE THE CHANGES IN THE BILL THAT REDUCE AN INCENTIVE FOR SCHOOL DISTRICTS TO INCREASE THEIR LEVY WHEN THEY MAY NOT NEED TO DO SO TO EARN AID, AND I APPRECIATE HOW THAT RETURNS THAT LOCAL CONTROL AND CREATES MORE PRESSURE FOR PROPERTY TAX REDUCTION AT THE LOCAL LEVEL. NOW THE OTHER SIDE OF THAT COIN THOUGH IS THAT DOES THEN REDUCE THE EMPHASIS IN OUR TEEOSA, IT REDUCES THE EMPHASIS ON EQUALIZING IN THE SENSE OF PUSHING THE MONEY WHERE THE NEEDS ARE GREATER. SO I THINK IT'S IMPORTANT THAT IF WE'RE THINKING ABOUT HOW TO MOVE FORWARD, THAT WE'RE BEING ATTENTIVE TO ADDRESSING BOTH OF THOSE ISSUES. IF WE PASS THIS BILL TO PUSH EMPHASIS AWAY FROM ADDRESSING THOSE HIGHER NEEDS, THEN IT'S IMPORTANT THAT WE'RE ALSO LOOKING AT MAKING SURE WE'RE PASSING OTHER BILLS, ESPECIALLY THE BILL COMING NEXT, TO PUSH ATTENTION TO THAT AS WELL. SO WE'RE MOVING FORWARD IN A BALANCED WAY IN TERMS OF TRYING TO MAKE SURE WE'RE CREATING THE RIGHT INCENTIVES WITH OUR POLICIES TO REDUCE PROPERTY TAX PRESSURES, BUT ALSO MAKING SURE WE'RE THINKING CAREFULLY ABOUT HOW WE'RE USING THE LIMITED RESOURCES WE HAVE TO TRY TO MAKE SURE THAT WE'RE SPENDING THEM IN A WAY THAT'S DIRECTING THEM TO THE HIGHEST IMPACT AND THE HIGHEST NEED FOR OUR STUDENTS. SO I AM LISTENING, I AM TENTATIVE SUPPORT FOR LB959. BUT ALSO, TO MOVE FORWARD AND CONTINUE TO SUPPORT IT THROUGH ALL THE ROUNDS, I'LL HAVE TO SEE THAT WE'RE ALSO MOVING FORWARD IN BEING ATTENTIVE TO THOSE NEEDS FOR THOSE HIGHER NEEDS SCHOOLS AND HIGHER NEEDS STUDENTS AS WELL. THANK YOU, MR. PRESIDENT. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR CRAWFORD. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB959]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I HAVE A FEW MORE THINGS. FIRST OF ALL, I FORGOT TO THANK SENATOR SULLIVAN FOR ALL THE WORK THAT SHE'S DONE. AND I'M GLAD THAT COMMITTEE CHAIRS GET TWICE THE PAY THAT ALL THE REST OF US DO. NO, THAT'S NOT THE CASE, FOR THOSE

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WHO ARE WATCHING. FIRST OF ALL, SENATOR SULLIVAN, COULD I ASK YOU A COUPLE MORE QUESTIONS? [LB959]

SPEAKER HADLEY: SENATOR SULLIVAN, WILL YOU YIELD TO A QUESTION? [LB959]

SENATOR SULLIVAN: YES, I WILL. [LB959]

SENATOR HAAR: DOES THIS MEAN WITH THESE CHANGES THAT EVERY SCHOOL DISTRICT WILL GET EQUALIZATION AID? [LB959]

SENATOR SULLIVAN: NO, IT DOES NOT. [LB959]

SENATOR HAAR: WE STILL HAVE THE NEEDS...RESOURCES MINUS NEEDS IN PLACE? [LB959]

SENATOR SULLIVAN: WE DO. UNDER THIS SCENARIO, I THINK WE HAVE ABOUT TWO MORE OF THE NONEQUALIZED SCHOOL DISTRICTS BECOMING EQUALIZED. [LB959]

SENATOR HAAR: OKAY. I WOULD JUST LIKE THOSE NUMBERS, NOT RIGHT NOW BUT SOMETIME, IF YOU COULD GET THAT TO ME. [LB959]

SENATOR SULLIVAN: SURE. [LB959]

SENATOR HAAR: THE OTHER NUMBER I WOULD LIKE, AND BECAUSE IT'S SOMETHING WE TALKED ABOUT A LOT IN MY SIX YEARS, WHAT PERCENT OF THE DISTRICTS THEN WILL BE GETTING EQUALIZATION AID AND WHAT PERCENT OF STUDENTS IN THE NEBRASKA SCHOOL SYSTEM WILL BE GETTING EQUALIZATION AID? BECAUSE THESE ARE THINGS THAT PEOPLE ASK ME AND I JUST WOULD BE CURIOUS ABOUT, SO. [LB959]

SENATOR SULLIVAN: SURE, WE'LL GET YOU THOSE PERCENTAGES. I MEAN, RIGHT OFFHAND, IF YOU ONLY...AND I KNOW YOU DIDN'T PHRASE IT THIS WAY, BUT RIGHT NOW WE'VE GOT ABOUT TWO-THIRDS OF OUR 245 SCHOOL DISTRICTS THAT ARE NONEQUALIZED. BUT ADMITTEDLY, OF THOSE THAT REMAIN AS

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EQUALIZED, YES, THEY DO EDUCATE THE MAJORITY OF THE STUDENTS IN THIS STATE. [LB959]

SENATOR HAAR: OKAY, THANK YOU. AND SO I GUESS THOSE WOULD BE THE QUESTIONS RIGHT NOW. OH, THE OTHER ONE, JUST BECAUSE THIS ALWAYS CAME UP WHEN WE WENT AROUND THE STATE AND SO ON, EVEN THOUGH NOT EVERY DISTRICT GETS EQUALIZATION AID, EVERY DISTRICT GETS EDUCATION MONEY FROM THE STATE, ISN'T THAT CORRECT? [LB959]

SENATOR SULLIVAN: YES. BUT YOU KNOW, THIS YEAR, FOR THE FIRST TIME, WE HAD A FEW DISTRICTS--CAN'T REMEMBER THE EXACT AMOUNT, WELL, PROBABLY SIX OR SEVEN--THAT DID NOT RECEIVE ANY AID AT ALL. I MEAN THEY GOT SPECIAL EDUCATION SUPPORT BUT NOTHING ELSE. [LB959]

SENATOR HAAR: OKAY. I'D ALSO BE INTERESTED IN SOME NUMBERS, NOT TODAY, BUT ON THAT ISSUE. [LB959]

SENATOR SULLIVAN: SURE, WE'LL GET THOSE TO YOU. THANK YOU. [LB959]

SENATOR HAAR: OKAY. AGAIN, THANKS SO MUCH. [LB959]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON YOUR AM2771. [LB959]

SENATOR SULLIVAN: THANK YOU, MR. SPEAKER. AND JUST VERY BRIEFLY, AM2771 SIMPLY LOOSENS UP QCPUF JUST A LITTLE BIT MORE. IT DOESN'T...IT STILL RETAINS THE 3 CENT LIMITATION, BUT MAKES SURE THAT IT ALSO INCLUDES THINGS THAT NOT ONLY ARE EMERGENCIES, BUT THINGS THAT MAY HAVE BEEN AN ENVIRONMENTAL HAZARD OR AN ACCESSIBILITY BARRIER THAT WASN'T EVEN KNOWN TO THE DISTRICT IN THE PAST. SO IT JUST, AGAIN, LOOSENS IT UP A LITTLE BIT AND THAT'S WHAT IT DOES. THANK YOU. [LB959]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADOPTION OF AM2771. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB959]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, TO ADOPT THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB959]

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SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. MR. CLERK. [LB959]

CLERK: SENATOR SULLIVAN WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM2692. (LEGISLATIVE JOURNAL PAGE 1298.) [LB959]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON AM2692. [LB959]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. THIS AMENDMENT REPRESENTS NOT A DISCUSSION THAT WE HAD IN THE EDUCATION COMMITTEE, BUT IN THE PROCESS OF WORKING THROUGH THE AMENDMENT AND MAKING SURE ALL THE DETAILS WERE IN LINE AND WE COVERED ALL THE BASES, WE DISCOVERED THIS. AND IT HAS TO DO WITH TWO BONDS THAT ARE AUTHORIZED BY THE FEDERAL GOVERNMENT. ONE ACTUALLY DATES CLEAR BACK TO 2009, DURING THE GREAT RECESSION, WHEN THERE WERE ARRA BONDS ISSUED BY THE FEDERAL GOVERNMENT. AND THE NEXT ONE IS WHAT'S CALLED QUALIFIED ZONE ACADEMY BONDS, BOTH OF WHICH, AND THE LATTER ACTUALLY ISSUES...WELL, LET ME BACK UP AND SAY, FIRST OF ALL, THE ARRA BONDS, WE THOUGHT THEY HAD ALL BEEN USED BY THIS POINT IN TIME SINCE THEY HAD BEEN ISSUED IN 2009. WITH RESPECT TO THE QUALIFIED ZONE ACADEMY, THE FEDERAL GOVERNMENT WOULD ISSUE ALLOCATIONS ON AN ANNUAL BASIS. WELL, THEY HADN'T ISSUED ANY ALLOCATIONS FOR THE LAST TWO YEARS AND JUST RECENTLY THEN ANNOUNCED THAT THEY WERE ALLOCATING SOME DOLLARS FOR 2015 AND 2016. AND BASICALLY WHAT THIS DOES, IT ALLOWS FOR BONDS TO BE AUTHORIZED AND THEN THE FEDERAL GOVERNMENT PICKS UP THE INTEREST. SO IN SOME RESPECTS, I WOULDN'T HAVE EVEN NEEDED TO HAVE BROUGHT THIS AMENDMENT. BUT AS I SAID, I THINK THAT IN CLARIFYING ALL THE DETAILS OF THE AMENDMENT, MAKING SURE ALL OUR BASES WERE COVERED, STAYING TRUE TO WHAT WE'RE TRYING TO DO WITH QCPUF, WHICH IS LIMIT IT A LITTLE BIT, WITH BOTH OF THESE BONDS THAT ARE AUTHORIZED BY THE FEDERAL GOVERNMENT, DISTRICTS WOULD HAVE TO HAVE A PUBLIC HEARING IN ORDER TO ISSUE THOSE BONDS. IF YOU WERE TO APPROVE THIS AMENDMENT, THESE BONDS WOULD NOT HAVE TO BE TAKEN TO A VOTE OF THE PEOPLE, BUT THEY WOULD STILL NEED TO LIVE WITHIN THE PARAMETERS OF QCPUF AS WE ARE ATTEMPTING TO AMEND IT. SO IT'S NOT A HUGE DEAL BUT, AS I SAID, I THOUGHT IT WAS IMPORTANT TO BRING TO YOUR ATTENTION. BASICALLY, IT BOILS DOWN TO DO YOU WANT THESE BONDS TO HAVE TO GO TO A VOTE OF THE PEOPLE OR DO YOU WANT THEM NOT TO GO TO A VOTE OF THE PEOPLE, WHICH THIS AMENDMENT WOULD DO BUT STILL STAY WITHIN THE

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LIMITATIONS OF QCPUF. THAT IN ESSENCE IS WHAT AM2692 DOES. THANK YOU, MR. PRESIDENT. [LB959]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. (VISITORS INTRODUCED.) SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB959]

SENATOR SCHNOOR: OKAY. (LAUGH) SHE'S LOOKING AT ME. I DIDN'T GET A CHANCE TO TALK TO SENATOR SULLIVAN. I WAS HOPING TO BEFORE I WAS RECOGNIZED HERE TO TALK. I'M NOT SURE IF I'M GOING TO SUPPORT THIS AMENDMENT, BUT BEFORE I CAN SAY SPECIFICALLY I WOULD LIKE TO TALK TO SENATOR SULLIVAN ON THE SIDE AND DISCUSS THIS A LITTLE BIT MORE. [LB959]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB959]

SENATOR SULLIVAN: ALL RIGHT, THANK YOU, MR. PRESIDENT. MAYBE I DIDN'T MAKE MYSELF CLEAR. I WOULD NOT HAVE NEEDED TO HAVE BROUGHT THIS AMENDMENT TO YOU BECAUSE, QUITE FRANKLY, I THINK IT'S PROBABLY APPROPRIATE THAT WHEN THERE ARE PROJECTS THAT, YES, THE FEDERAL GOVERNMENT SAYS, GO AHEAD AND BOND FOR THESE BECAUSE THEN WE'LL PICK UP THE INTEREST, BUT YOU NEED TO HAVE A PUBLIC HEARING AND GET IT APPROVED BY THE TAXPAYERS. WITH THIS AMENDMENT, A DISTRICT WOULD BE ABLE TO DO THAT BOND AND THEY WOULDN'T NEED TO TAKE IT TO A VOTE OF THE PEOPLE BUT STILL, GRANTED, WOULD NEED TO LIVE WITHIN THE LIMITATIONS OF QCPUF AS WE'RE ATTEMPTING TO AMEND IT. SO I'M REALLY NOT IN SUPPORT OF THIS AMENDMENT. I THINK IT'S MORE APPROPRIATE THAT PEOPLE DO GO TO A VOTE...DISTRICTS DO GO TO A VOTE OF THE PEOPLE. EVEN THOUGH THE FEDERAL GOVERNMENT IS PICKING UP THE INTEREST, IT'S STILL THE TAXPAYER, THE LOCAL TAXPAYER, THE PROPERTY TAXPAYER THAT HAS TO FOOT THE BILL. SO VOTING FOR THIS AMENDMENT, WHICH I WILL PROBABLY NOT DO, MEANS THAT THE DISTRICTS WOULD NOT NEED TO TAKE THESE BONDS TO A VOTE OF THE PEOPLE, BUT THEY WOULD STILL NEED TO STAY WITHIN THE LIMITATIONS OF QCPUF AS WE ARE HOPING TO AMEND IT. THANK YOU, MR. PRESIDENT. [LB959]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON AM2692. THE QUESTION FOR THE BODY IS THE ADOPTION OF THE AMENDMENT. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB959]

Transcript Prepared By the Clerk of the Legislature
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CLERK: 2 AYES, 26 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB959]

SPEAKER HADLEY: THE AMENDMENT FAILS. MR. CLERK FOR ANNOUNCEMENTS.
[LB959]

CLERK: MR. PRESIDENT, TWO ITEMS. A REMINDER, THE AGRICULTURE COMMITTEE IS HAVING A CONFIRMATION HEARING AT NOON IN ROOM 1524. AND I HAVE AN AMENDMENT FROM SENATOR CAMPBELL TO BE PRINTED TO LB746A. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1323-1324.) [LB746A]

SPEAKER HADLEY: WE WILL STAND AT EASE UNTIL 12:25. AT THAT POINT IN TIME, WE WILL TAKE UP SENATOR FRIESEN'S AMENDMENT ON THE VERY FIRST THING. [LB959]

EASE

SENATOR COASH PRESIDING

SENATOR COASH: SENATORS, THE AFTERNOON SESSION IS GOING TO RECONVENE. MR. CLERK.

CLERK: MR. PRESIDENT, WITH RESPECT TO LB959 AND THE COMMITTEE AMENDMENTS, SENATOR FRIESEN WOULD MOVE TO AMEND WITH AM2772. (LEGISLATIVE JOURNAL PAGES 1324-1325.) [LB959]

SENATOR COASH: SENATOR FRIESEN, YOU'RE RECOGNIZED TO OPEN ON AM2772.
[LB959]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. BEING AS EVERYONE IS STILL EATING LUNCH, I'LL JUST HAVE TO TALK REAL SLOW AND THEN MAYBE HAVE TO REPEAT MYSELF LATER. SO MAYBE WE CAN GET SOME PEOPLE BACK IN THE CHAMBER BECAUSE I THINK THIS IS A FAIRLY SERIOUS DISCUSSION WE'RE ABOUT TO HAVE. WHAT MY AMENDMENT DOES IS IT AMENDS LB959 BY BASICALLY DISTRIBUTING AN INCREMENTAL AMOUNT OF AID TO SCHOOL SYSTEMS THAT DO NOT CURRENTLY RECEIVE ANY STATE AID, WHICH WOULD BE THE UNEQUALIZED SCHOOLS. THE AMOUNT OF AID DISTRIBUTED FOR SCHOOL SYSTEMS FOR FISCAL YEAR '17-18 WOULD HAVE TO EQUAL AT LEAST \$500 PER

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FORMULA STUDENT. THE AMOUNT INCREASES AN ADDITIONAL \$1,000 EACH YEAR PER FORMULA STUDENT FOR FOUR MORE YEARS. IN SCHOOL FISCAL YEAR '21 AND '22, THE AMOUNT DISTRIBUTED TO THOSE SCHOOL SYSTEMS LEVELS OFF AT \$4,500 PER FORMULA STUDENT EACH YEAR THEREAFTER. AT THE \$500 LEVEL, NEARLY ALL OF THE INCREASE IN STATE AID WOULD FLOW TO THE 170 SCHOOL SYSTEMS THAT CURRENTLY RECEIVE NO EQUALIZATION AID. THE COST OF THE FIRST INCREMENT OF \$500 WOULD HAVE A BUDGET IMPACT OF APPROXIMATELY \$33 MILLION. AND SO I WILL REPEAT MYSELF AND I'VE SAID THIS BEFORE ON THE FLOOR, AND WHEN I'M TALKING ABOUT PROPERTY TAX RELIEF I WANT TO MAKE IT VERY CLEAR THAT MY FOCUS HAS BEEN AND ALWAYS WILL BE ON HOW WE FUND K-12 EDUCATION. I HAVE NOT BEEN UPSET WITH WHAT MY COUNTY LEVIES ME OR WHAT MY NRD HAS LEVIED, BUT I AM CONCERNED HOW WE GO ABOUT FUNDING K-12 EDUCATION. THIS AMENDMENT DOES NOT ADDRESS THE FAIRNESS OF PROPERTY TAX COLLECTED IN FUNDING SCHOOLS AS THIS STATE AID WILL HELP EVERYONE: THE RESIDENTIAL, THE COMMERCIAL, THE AG LANDOWNERS EQUALLY. SO WHEN I TALK ABOUT THE AG PROPERTY PROBLEM THAT WE HAVE OUT HERE NOW IS WHEN I'VE BEEN TRACKING FOUR DIFFERENT PIECES OF AG LAND THAT I'VE OWNED FOR OVER TEN YEARS, SOME OF THEM FOR OVER 20 YEARS, MY PROPERTY TAX CHECK THAT I WRITE HAS GONE UP OVER 180 PERCENT IN THOSE TEN YEARS. THAT'S AVERAGING 18 PERCENT A YEAR. AND I WON'T...I DON'T CARE WHAT THE LEVY IS. I DON'T CARE WHAT THE VALUATION THAT THE COUNTIES PUT ON IT. IT'S THE CHECK I WRITE THAT DETERMINES IF MY TAXES HAVE GONE UP OR NOT. AND I DON'T THINK THERE'S ANY INDUSTRY OR ANY GROUP OR ANY OTHER ENTITY IN THIS STATE THAT HAS SEEN THEIR TAXES AVERAGE THIS KIND OF INCREASE. IT IS UNSUSTAINABLE. AND WHEN WE IN AG HAVE OUR DOWNTURNS IN THE MARKETS LIKE WE ALWAYS DO, WE HAVE GONE THROUGH FIVE TO SIX, SEVEN YEARS OF UNPRECEDENTED GROWTH IN AG INDUSTRY AND IT HAS BEEN GOOD FOR THE ENTIRE STATE. WE HAVE SENT, FOR PROBABLY THE FIRST TIME IN A LONG TIME, MORE DOLLARS TO OUR STATE GOVERNMENT THAN ANYONE ELSE. AND IT'S BEEN A GOOD TIME AND I RECOGNIZE THAT. BUT IT'S A SMALL PICTURE OUT OF MY 40-YEAR CAREER THAT WE'RE SEEING THAT. AND SO WHEN WE LOOK BACK, I THINK WE ALSO NEED TO LOOK BACK AT THE PREVIOUS 35 YEARS OF MY CAREER AND SEE WHERE AG LAND PRICES HAVE GONE AND HOW THE TAXES HAVE AFFECTED HOW EACH ONE OF US OPERATES OUT IN RURAL NEBRASKA. AND WHEN I LOOK AT THE COST OF DOING BUSINESSES THESE DAYS, AND WE ARE SMALL BUSINESSES AND I COMPARE MYSELF TO A SMALL BUSINESS, I WOULD BE WHAT I WOULD CONSIDER AN AVERAGE-SIZED FARMER. AND SO WHEN I LOOK AT WHAT I'M REQUIRED TO DO THESE DAYS, I LOOK AT MY...THE LAND THAT I FARM. I FARM ROUGHLY 1,100 ACRES OF GROUND. I OWN MAYBE 70

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PERCENT OF IT. MY PROPERTY TAX BILL FOR THIS NEXT YEAR IS GOING TO BE \$50,000. AND WE WILL BE OPERATING THE NEXT COUPLE YEARS AT BELOW COST OF PRODUCTION. AND I REALIZE THAT AND SO I'M PREPARED FOR IT. IT'S GOING TO HURT A LITTLE, BUT WE'LL SURVIVE IT. BUT THE YOUNG FARMERS THAT HAVE COME BACK IN THE LAST FIVE TO SIX YEARS, AND I HAVE SOME NEIGHBORS THAT WAY--AND THERE'S MANY OTHERS ACROSS RURAL NEBRASKA THAT HAVE COME BACK BECAUSE OF \$8 CORN THAT WE HAVE SEEN THIS RETURN OF OUR YOUNG PEOPLE--THOSE ARE THE ONES THAT I'M AFRAID ARE NOT GOING TO GET THE OPERATING NOTE FROM THE BANK THIS NEXT SPRING OR NEXT YEAR. WHEN YOU HAVE TAXES ON LAND THAT EXCEED \$100 AN ACRE, THAT WAS ONE OF MY TOP THREE INPUT COSTS OF RAISING A CROP. NO OTHER INDUSTRY IS TAXED THAT HEAVILY. WE WILL ALWAYS GO THROUGH THESE CYCLES. WE'VE BEEN THROUGH THEM BEFORE AND WE'LL GO THROUGH THEM AGAIN. AND NONE OF US KNOWS HOW LONG THIS DOWNTURN WILL LAST OR WHEN WE'LL SEE AN UPTICK IN PRICES. SOMETIMES ALL IT TAKES IS MOTHER NATURE. SOMETIMES OUR EXPORT POLICIES OR THE...THESE DAYS WE ARE IN A WORLD MARKET. WE DEPEND UPON THE ECONOMIES OF CHINA, SOUTH AMERICA, BRAZIL, ARGENTINA, AFRICA. SO WE ARE VERY DEPENDENT ON A WORLD MARKET AND DO NOT CONTROL OUR PRICES. SO WHEN YOU TAKE THE AMOUNT OF PROPERTY TAXES THAT I PAY EACH YEAR WHETHER I MAKE A PROFIT OR NOT AND THEN YOU COMPARE IT TO THE LOCAL CPA THAT MAY LIVE IN TOWN OR A DOCTOR, I WOULD ASSUME AND HOPE THAT THEY'RE MAKING \$150,000 TO \$200,000 A YEAR. THEY LIVE IN A NICE HOUSE AND THEY'LL PAY \$6,000 IN PROPERTY TAXES. AND THEIR INCOME CAN BE VARIABLE BUT FAIRLY STEADY AND SO I WANT TO ADDRESS THE EQUALITY OF HOW WE FUND SCHOOLS. THE COUNTY TAX THAT I PAY, THEY GO TO TAKE CARE OF THE RURAL ROADS AND I UNDERSTAND THERE'S A LOT OF MILES OF ROADS WITH VERY FEW PEOPLE LIVING THERE. I'M OKAY PAYING THAT LEVY. THEY'RE SERVING ME IN THE RURAL AREA. THERE'S A COST TO LIVING IN THE COUNTRY AND I'M WILLING TO ASSUME THAT. I PAY 100 PERCENT OF PROPERTY VALUE ON MY HOUSE AND ON THE COMMERCIAL BINS AND BUILDINGS. I'M OKAY WITH THAT. BUT WHEN WE TALK ABOUT HOW WE TAX AG LAND, THAT'S WHERE I HAVE THE PROBLEM. LAST YEAR THERE WAS A BIG PUSH TO GO FROM 75 (PERCENT) TO 65 (PERCENT) IN THE VALUATION OF AG LAND, AND THE REASON I OPPOSE THAT IS ALL THAT DID WAS PUSH PROPERTY TAX BURDEN OFF ON TO SOME OF THE SMALLER COMMUNITIES THAT HAVE A LOT OF LOW-INCOME HOUSING ON THEM, AND THEY CAN ILL AFFORD TO PAY IT ANY MORE THAN I COULD. SO I DIDN'T THINK THAT WAS FAIR AND I CONTINUED TO OPPOSE IT. I'M GOING TO READ A LETTER THAT I RECEIVED FROM...I THINK IT'S JUST A CONSTITUENT IN THE AREA, BUT HE'S TALKING ABOUT HIS FATHER. AND HE SAYS HIS DAD HAS A 318-

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ACRE FARM. HE'S IN HIS 60s AND HE RENTS THE GROUND OUT. HE'S RETIRED. AND I WILL SAY THAT MOST FARMERS THAT ARE IN THAT RETIREMENT STAGE, MOST OF THEM DID NOT PUT MONEY INTO A 401(k) OR AN IRA. THEY HAVE INVESTED IN LAND. BACK WHEN I WAS IN MY 30s, I NEVER ASSUMED THAT I WOULD BE ABLE TO DRAW ON SOCIAL SECURITY. THEY'VE BEEN TALKING ABOUT THAT SYSTEM GOING BANKRUPT FOR YEARS, SO MY GOAL WAS TO PURCHASE LAND AND THAT WOULD BE MY RETIREMENT ACCOUNT. SO I DIDN'T PUT MONEY INTO A 401(k) OR THOSE TYPES OF THINGS. WE INVEST IN LAND WHICH INVESTED IN OUR BUSINESS. BUT THIS PERSON HERE, HE ONLY OWNS 318 ACRES. THAT WAS HIS RETIREMENT ACCOUNT, AND NOWADAYS WITH CASH RENTS THE WAY THEY ARE, HE WAS...HIS TENANT WAS A YOUNG FARMER WHO NEEDED THE RENT LOWERED SO THAT HE COULD MAKE IT... [LB959]

SENATOR COASH: ONE MINUTE. [LB959]

SENATOR FRIESEN: ...SO THE BANK WOULD GIVE HIM AN OPERATING NOTE. SO HE HAD TO LOWER HIS CASH RENT, WHICH LOWERS HIS RETIREMENT INCOME. SO IT'S JUST...WE HAVE A LOT OF DIFFERENT SITUATIONS OUT IN RURAL NEBRASKA WITH DIFFERENT SCENARIOS FOR MANY DIFFERENT PEOPLE AND WHAT I'M ATTEMPTING TO DO TODAY IS JUST DRAW ATTENTION TO THE FACT OF HOW BIG THE PROBLEM IS. AND YOU'LL SEE WHEN YOU LOOK AT THIS BILL, I DON'T HAVE A FISCAL NOTE, BUT IT'D PROBABLY BE IN THE RANGE OF \$400 MILLION. SO I'M OPEN FOR THE DISCUSSION TODAY AND AT THAT POINT I WILL PULL MY AMENDMENT. BUT I WOULD LIKE TO FURTHER DISCUSS THIS. THANK YOU, MR. PRESIDENT. [LB959]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. MEMBERS, YOU'VE HEARD THE OPENING TO AM2772. THOSE WISHING TO SPEAK: SENATORS BAKER, KINTNER, HUGHES, AND OTHERS. SENATOR BAKER, YOU'RE RECOGNIZED. [LB959]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. WOULD SENATOR FRIESEN YIELD TO A COUPLE QUESTIONS? [LB959]

SENATOR COASH: SENATOR FRIESEN, WILL YOU YIELD? [LB959]

SENATOR FRIESEN: YES, I WOULD. [LB959]

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SENATOR BAKER: SENATOR, I APPRECIATE THE CONVERSATION, AND I UNDERSTAND WHY YOU'RE BRINGING IT UP. WHAT DO YOU SEE AS A SOURCE OF THE MONEY TO FUND THE FOUNDATION TO ALL SCHOOLS ON A PER-PUPIL BASIS? [LB959]

SENATOR FRIESEN: WELL, IF YOU JUST WANT TO BE BRUTALLY TRUTHFUL WITH PEOPLE, IT'S GOING TO BE SOME SORT OF SALES TAX WHETHER WE LOOK AT BROADENING THE BASE OR RAISING THE RATE. WITH ALL THE PUSH TO LOWER INCOME TAXES, I JUST DON'T SEE THAT IT'S GOING TO GO THERE. [LB959]

SENATOR BAKER: THANK YOU. IS YOUR LAND IN THE HEARTLAND SCHOOL DISTRICT, SENATOR? [LB959]

SENATOR FRIESEN: I HAVE LAND IN THREE DIFFERENT SCHOOL DISTRICTS. [LB959]

SENATOR BAKER: YOU HAVE SOME IN AURORA? [LB959]

SENATOR FRIESEN: YES. [LB959]

SENATOR BAKER: IS THERE A DIFFERENCE IN THE TAX RATE OF HEARTLAND AND AURORA? [LB959]

SENATOR FRIESEN: THE DIFFERENCE ISN'T VERY EXTREME BETWEEN THOSE TWO. [LB959]

SENATOR BAKER: OKAY. SO WHAT IS THE LEVY IN HEARTLAND AND IN AURORA? [LB959]

SENATOR FRIESEN: I THINK HEARTLAND WOULD BE AROUND THE LOWER 80 CENT RANGE AND AURORA PROBABLY A LITTLE BIT UNDER THAT IN THE 70-SOME CENT RANGE, BUT DON'T QUOTE ME ON THAT. I DON'T... [LB959]

SENATOR BAKER: OKAY. [LB959]

SENATOR FRIESEN: I DON'T HAVE THEM RIGHT IN FRONT OF ME. [LB959]

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SENATOR BAKER: THAT'S CLOSE ENOUGH. SO DO YOU HAVE ANY LAND IN THE YORK SCHOOL DISTRICT? [LB959]

SENATOR FRIESEN: NO, I DO NOT. [LB959]

SENATOR BAKER: AND THEIR LEVY I BELIEVE IS PROBABLY OVER \$1, DON'T YOU THINK? [LB959]

SENATOR FRIESEN: I BELIEVE THEY'RE AT \$1.05 AND THE LAND THERE PER ACRE EXCEEDS \$100 AN ACRE. [LB959]

SENATOR BAKER: RIGHT, RIGHT. WELL, AGAIN I UNDERSTAND WHERE YOU'RE COMING FROM AND THANKS FOR THE CONVERSATION. AND I KNOW, OBVIOUSLY, WITH THAT FISCAL NOTE THAT IT'S NOT FEASIBLE, BUT APPRECIATE THE CONVERSATION. THANK YOU. [LB959]

SENATOR COASH: THANK YOU, SENATOR BAKER AND SENATOR FRIESEN. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB959]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I APPRECIATE SENATOR FRIESEN FOR PUTTING THIS OUT THERE AND TALKING ABOUT SOME OF THE PROBLEMS THAT RURAL NEBRASKA FACES. YOU KNOW, WE TALK ABOUT TRYING TO TREAT ALL BUSINESS EQUAL: FARM BUSINESSES AND SMALL BUSINESSES IN TOWN AND CITIES. BUT WHEN WE TAX A SMALL BUSINESS, SMALL BUSINESS DOESN'T PAY TAXES. THEY JUST PASS IT ON TO THEIR CUSTOMERS. RAISE THE SALES TAX, DOESN'T MATTER. WE DO A VAT TAX, DOESN'T MATTER. THEY'LL PASS IT ON TO THEIR CUSTOMERS. RAISE THE MINIMUM WAGE, IT WILL JUST JACK UP THE COST OF THE GOODS AND THE CUSTOMERS ARE GOING TO PAY IT. SO BUSINESSES DON'T PAY TAXES, THE CUSTOMERS DO WHICH IS WHY WHEN YOU SAY TAX A CORPORATION, YOU'RE NOT HURTING THE CORPORATION. YOU'RE HURTING THE GUY BUYING THE PRODUCTS. BUT WHEN YOU'RE A FARMER, YES, YOU'RE A BUSINESSMAN. YES, YOU HAVE COSTS. BUT THE DIFFERENCE IS YOU DON'T SET THE PRICE FOR WHAT YOU SELL. AND IF YOU CAN'T SET THE PRICE, YOU CAN'T HANDLE THE COST. SO WHEN THE COSTS KEEP GOING UP ON THESE VALUATIONS WHERE IT'S DOUBLING IN THREE YEARS IN MY DISTRICT, THAT'S A REAL PROBLEM AND THAT'S A HARDSHIP. THERE'S NOT A LOT OF AG BUSINESSMEN RIGHT NOW IN MY DISTRICT WHO DO FARMING THAT ARE MAKING MUCH MONEY RIGHT NOW. AND THEY'LL HAVE YEARS WHEN THEY DO MAKE MONEY. BUT RIGHT NOW, IT'S A

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TOUGH TIME. AND IT'S ONLY MADE WORSE BY THESE VALUATION INCREASES. AND IT'S...WE HAVEN'T SEEN IT VERY MUCH IN RESIDENTIAL. BUT WE'VE SEEN IT QUITE A BIT IN RURAL AREAS. IT'S BEEN VERY TOUGH ON FARMERS. AND WE NEED TO MAKE THEIR BUSINESS VIABLE. THEY DON'T WANT HANDOUTS, BUT THEY CERTAINLY NEED SOME RELIEF BECAUSE THEIR NUMBER ONE COST IS TAXES. THAT'S THEIR NUMBER ONE INPUT IN TERMS OF WHAT'S...OF THE PRICES GOING UP AND THAT'S WHAT'S HURTING THEM IS THE TAXES. AND WE NEED TO BE ADDRESSING THIS IN THE YEARS TO COME. WE'RE WINDING THIS SESSION DOWN AND I THINK SCHOOL DISTRICTS AND TAXPAYERS ALL ACROSS THE STREET (SIC) ARE COUNTING DOWN THE DAYS UNTIL WE LEAVE AND THEY'RE SAFE. BUT WE'VE GOT TO COME BACK AND WE'VE GOT TO ADDRESS THIS. WE'VE GOT TO MAKE OUR NUMBER ONE INDUSTRY HEALTHY AND WE CAN DO IT HERE. IT'S GOT TO BE DONE HERE. NO ONE ELSE IS GOING TO DO IT. IT'S GOING TO BE DONE RIGHT IN THIS CHAMBER. THANK YOU, SENATOR FRIESEN. THANK YOU, MR. PRESIDENT. [LB959]

SENATOR COASH: THANK YOU, SENATOR KINTNER. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB959]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. THANK YOU, SENATOR FRIESEN, FOR BRINGING THIS SO WE CAN HAVE THIS CONVERSATION YET ONE MORE TIME. I DO UNDERSTAND THIS AMENDMENT IS SWINGING FOR THE FENCE, WHICH IS PROBABLY NOT REALISTIC. THE BUNTS AND SINGLES THAT SENATOR GLOOR TALKED ABOUT IS THE WAY WE NEED TO GO ABOUT THIS. COLLEAGUES, THE \$50,000 THAT SENATOR FRIESEN PAYS IN PROPERTY TAX IS A LOT OF MONEY. IF HE WERE IN COLORADO OR KANSAS, THAT BILL WOULD BE \$20,000. THINK OF THE ECONOMIC IMPACT THAT AN ADDITIONAL \$30,000 IN HIS POCKET COULD DO FOR THE LOCAL ECONOMY. THAT'S WHAT WE'RE TALKING ABOUT. WE'RE TAKING ECONOMIC DEVELOPMENT AWAY FROM RURAL NEBRASKA BY HAVING SUCH A HUGE BURDEN ON PROPERTY TAXES. THIS LAST WEEKEND I VISITED WITH A REAL ESTATE AGENT AND HE TOLD ME OF A COUPLE OF DAIRIES THAT HAD LOOKED AT LOCATING IN WESTERN NEBRASKA. AND EVERYTHING WAS GOOD UNTIL THEY GOT TO THE POINT OF HOW MUCH THE PROPERTY TAX WAS GOING TO COST FOR THEM TO OPERATE IN THE STATE OF NEBRASKA AND THAT WAS A DEAL KILLER. THERE WAS ALSO A REGISTERED CATTLE BREEDER THAT WANTED TO RELOCATE TO NEBRASKA FROM MONTANA TO BE CLOSER TO HIS CUSTOMER BASE. AND WHEN HE LOOKED AT THE PROPERTY TAX ISSUE WE HAVE IN NEBRASKA HE SAID, NO WAY. IT'S HURTING NEBRASKA, AND THAT HURTS ALL OF NEBRASKA. IT HURTS LINCOLN AND OMAHA. YESTERDAY I TALKED

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ABOUT...WITH SENATOR CHAMBERS HAVING A TAX ON HIS CUSTOMERS IN HIS BARBERSHOP. THE SAME THING WOULD APPLY TO SENATOR CRAWFORD. IF SHE WAS REQUIRED TO PAY A TAX ON EACH OF HER STUDENTS EVERY YEAR WHETHER THEY GRADUATED OR NOT IS THE SAME THING I'M PAYING ON EVERY SINGLE ONE OF MY ACRES. THE FACT THAT MY ACRES CAN'T FLEE THE STATE IS NOT A GOOD ENOUGH REASON TO HOLD THEM HOSTAGE. ANY OF US IN THIS BODY WHO ARE BUSINESS...HAVE BUSINESSES, IF YOU LOOK AT YOUR CLIENT BASE AND YOU HAD TO PAY A TAX ON EVERY ONE OF THOSE CLIENTS WHETHER THEY CAME TO YOU FOR SERVICES OR NOT, THAT'S THE SAME THING THAT FARMERS ARE BEING REQUIRED TO DO ONLY BECAUSE REAL ESTATE CANNOT FLEE THE STATE. SENATOR FRIESEN INDICATED HIS LAND AND MY LAND ARE OUR RETIREMENT. I'M CERTAINLY NOT GOING TO RELY ON SOCIAL SECURITY FOR MULTIPLE REASONS, SO MY LAND IS MY 401(k). MY LAND IS WHY I WON'T BE LIVING ON THE COUNTY, IF I LIVE THAT LONG. AND ALSO TO DO THIS, BACK TO SENATOR BAKER'S COMMENTS, THERE HAS BEEN AN INCREDIBLE TAX SHIFT ON TO THE BACK OF PROPERTY TAXPAYERS IN THE STATE OF NEBRASKA. I HAD AN E-MAIL THIS MORNING FROM A CONSTITUENT OF MINE COMPLAINING ABOUT GIVING FARMERS ANOTHER TAX BREAK. SO I LOOKED ON-LINE. I LOOKED UP HER HOUSE. IN THE LAST TEN YEARS, THE TAXES ON HER HOUSE HAVE GONE DOWN 12.9 PERCENT; THE TAX SHE PAYS TEN YEARS AGO VERSUS TODAY, DOWN 12.9 PERCENT. [LB959]

SENATOR COASH: ONE MINUTE. [LB959]

SENATOR HUGHES: I LOOKED UP A PARCEL OF MY LAND. THE TAXES I PAY IN THE LAST TEN YEARS HAVE GONE UP 81 PERCENT. THAT'S ALMOST A 100 PERCENT SHIFT. THAT'S WHAT WE'RE DEALING WITH. THAT'S WHY WE'RE ANGRY. THE SHIFT THAT HAS GONE ON TO THE BACK OF THE PROPERTY TAXPAYER NEEDS TO BE MOVED BACK. THANK YOU, SENATOR FRIESEN, FOR BRINGING THIS. THANK YOU, COLLEAGUES. [LB959]

SENATOR COASH: THANK YOU, SENATOR HUGHES. MEMBERS WISHING TO SPEAK: SENATORS SULLIVAN, GROENE, KUEHN, FRIESEN, SCHNOOR, KOLOWSKI, DAVIS, BLOOMFIELD, AND OTHERS. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB959]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I APPRECIATE SENATOR FRIESEN'S AMENDMENT. I ALSO APPRECIATE THE FACT THAT HE'S INDICATED HE'S WILLING TO WITHDRAW IT

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AFTER THIS DISCUSSION BECAUSE I, IN ITS CURRENT STATE, CURRENT PLACE IN THIS PROCESS, I CAN'T SUPPORT IT. BUT CLEARLY, FOLKS, I RECOGNIZE HIS CONCERN AND I THINK SENATOR HUGHES ARTICULATED IT VERY WELL AS WELL. I THINK ALL PROPERTY TAXPAYERS ARE CONCERNED ABOUT THEIR PROPERTY TAXES, BUT WE HAVE SEEN A RATHER EXORBITANT INCREASE IN AG LAND TAXES. IN FACT, OVER THE LAST TEN YEARS ACCORDING TO SOME FIGURES THAT HAVE BEEN SHARED WITH ME, PROPERTY TAXES LEVIED ON AGRICULTURAL LAND HAVE EVEN BEEN BEYOND THAT 81 PERCENT INCREASE THAT SENATOR HUGHES INDICATED--IN SOME CASES, 176 PERCENT INCREASE. GRANTED WE'VE ALSO SEEN INCREASES IN COMMERCIAL PROPERTY TAXES AS WELL AS RESIDENTIAL. BUT I WOULD VENTURE TO GUESS THAT IF WE'D SEEN THOSE DRAMATIC INCREASES IN RESIDENTIAL PROPERTY TAXES, WE WOULD HAVE HAD CONSIDERABLE AMOUNT OF PRESSURE FROM THE RESIDENTIAL HOMEOWNERS COMING HERE WANTING SOME CHANGES AS WELL. AND SENATOR HUGHES'S DESIRE FOR FOUNDATION AID IS NOT LOST ON ME, EVEN THOUGH I DON'T THINK THAT THIS IS THE APPROPRIATE ROUTE TO GO. FOR TWO YEARS NOW I'VE INTRODUCED LEGISLATION THAT WAS BROUGHT BEFORE NOT ONLY EDUCATION BUT REVENUE TO DEVELOP A FORM OF FOUNDATION AID. AND CLEARLY IT CARRIES A BIG PRICE TAG WHEN YOU GO DOWN THAT PATH. THAT'S BEEN PART OF THE PROBLEM, IF YOU REMEMBER MY COMMENTS ABOUT THE TAX MODERNIZATION COMMITTEE'S RECOMMENDATION THAT THERE BE MORE STATE SUPPORT FOR OUR PUBLIC SCHOOLS TO LESSEN THAT RELIANCE ON PROPERTY TAXES. WELL, ONE OF THE BILLS THAT I INTRODUCED LAST YEAR IN REVENUE WOULD HAVE THEN GONE AFTER AN INCREASE IN INCOME TAX RATES TO FUND THAT BECAUSE THAT'S THE REALITY. WHERE DO YOU FIND, AS SENATOR FRIESEN SAID, WHERE DO YOU FIND THAT \$30 MILLION TO TAKE CARE OF THE FOUNDATION AID? AND OF COURSE I ALSO RECOGNIZE THE CHALLENGE OF DEALING WITH FOUNDATION AID. AND SENATOR CRAWFORD HAD MENTIONED IT EARLIER THAT, WELL, HOW DOES IT IMPACT EQUALIZATION? WELL, THAT IS A DISCUSSION THAT I THINK WE NEED TO HAVE. IT PROBABLY WON'T TAKE PLACE THIS YEAR AND AFTER THIS YEAR I'LL BE GONE. BUT WE CAN'T PUT ALL OUR EGGS IN ONE BASKET, SO TO SPEAK, AND BE WHAT I SOMETIMES REFER TO AS EQUALIZATION PURISTS. YES, EQUALIZATION SHOULD BE PART OF OUR FUNDING FORMULA. BUT CURRENTLY WHEN YOU HAVE OVER TWO-THIRDS OF OUR 245 SCHOOL DISTRICTS NOT RECEIVING ANY EQUALIZATION AID, WHAT DOES THAT SAY TO THEM? TAKE CARE OF YOUR SCHOOL DISTRICT TOTALLY ON THE BACKS OF YOUR PROPERTY TAXPAYERS. THE STATE IS NOT GOING TO HAVE A ROLE IN THAT. I DON'T THINK THAT THAT'S QUITE RIGHT. SO I THINK THAT IT IS A DISCUSSION THAT NEEDS TO BE HAD AND WE'LL HAVE A LITTLE BIT OF IT TODAY. AND AS I SAID, I'M GLAD AND I HOPE HE

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FOLLOWS THROUGH WITH WITHDRAWING HIS AMENDMENT BECAUSE RIGHT NOW, WHILE I AM IN SUPPORT OF THE CONCEPT GOING FORWARD, I CAN'T SUPPORT IT AS AN AMENDMENT TO LB959. THANK YOU, MR. PRESIDENT. [LB959]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. SENATOR GROENE, YOU'RE RECOGNIZED. [LB959]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. YOU KNOW, GOT TO THINKING ABOUT THIS WHEN WE DID SENATOR BRASCH'S BILL ABOUT RESIDENTIAL. WE TALK ABOUT THE FARMER. YOU KNOW, WE DID A TAX BREAK FOR...JUST A LITTLE BIT AGO YESTERDAY FOR ARENAS. WE DIDN'T TALK ABOUT THE CONSTRUCTION COMPANY OWNER THAT WAS GOING TO HAVE A JOB BUILDING THE ARENA. WE DIDN'T TALK ABOUT THE HOTEL OWNER WHO WAS GOING TO GET A TAX BREAK BECAUSE HE WAS GOING TO HAVE MORE TICKETS SOLD AT NEARBY ATTRACTION. WE DIDN'T TALK ABOUT ANY OF THOSE COMPANIES. BUT HERE WE TALK ABOUT THE FARMER. WELL, I'M GOING TO TALK ABOUT PRODUCTION AGRICULTURE, THE BIGGEST ECONOMIC DRIVER IN THE STATE OF NEBRASKA. IT IS OUR NUMBER ONE INDUSTRY. SO WHAT DO WE DO FOR PRODUCTION AGRICULTURE TO CREATE JOBS? WE TAX IT AND WE TAX IT AND WE TAX IT BECAUSE IT'S THAT FARMER. WELL, HOW ABOUT THE SCHOOLTEACHER? SHOULD WE START TAXING THEM? LOOK AT ALL THOSE TAX DOLLARS THERE. LET'S GIVE THEM AN EXTRA TAX, THAT GREEDY ADMINISTRATOR. LET'S QUIT NAMING IT BY A FARMER. LET'S TALK ABOUT WHAT IT IS. THIS IS PRODUCTION AGRICULTURE. THIS IS A COST OF PRODUCTION, TAXES. IMAGINE OWNING A TAXI COMPANY AND YOU HAD TO BUY NEW TAXIS TO SURVIVE. FARMER HAS TO GET BIGGER, HE'S GOT TO BUY MORE LAND. BUT THEN WE SAID, ALL RIGHT, WE'RE GOING TO RAISE THE VEHICLE TAXES TO 50 PERCENT. WELL, LET'S SAY IT'S 7 PERCENT OR 8 PERCENT OF YOUR TOTAL INCOME, 10 PERCENT, 20 PERCENT OF YOUR TOTAL INCOME OFFSET BY THAT COST. SO WE'RE GOING TO RAISE IT. WELL, DON'T BUY THAT TAXI. HOW DO YOU STAY IN BUSINESS? THIS IS A PRODUCTION COST FOR AGRICULTURE. THIS ISN'T ABOUT INDIVIDUALS WHO ARE GREEDY OR SOMEBODY PAID TOO MUCH FOR LAND. IT'S PRODUCTION. IT'S THE INPUTS OF THEIR OPERATION IS LAND. WE OVERTAX IT. YOU KNOW, THIS ISN'T A NEW IDEA, WHAT SENATOR FRIESEN. THE ORIGINAL GRAND MASTER PLAN OF TEEOSA WAS WE HAD A 20 PERCENT INCOME TAX ALLOTMENT. THAT WAS FOUNDATION AID. IT WAS NEVER SUPPOSED TO DISAPPEAR. EVERY DISTRICT WAS SUPPOSED TO GET THEIR 20 PERCENT OF THEIR LOCAL INCOME TAX REVENUES. THAT'S WHY WHEN YOU FILE YOUR STATE INCOME TAXES, YOU PUT YOUR SCHOOL DISTRICT IN THE CORNER. THIS ISN'T AN ORIGINAL IDEA. SENATORS WHO PRECEDED US

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UNDERSTOOD THAT WE NEEDED TO HAVE A BASIC FUNDING MECHANISM FOR EDUCATION. BUT WITH CRISIS AFTER CRISIS, WHO GOT HIT? WELL, THE FARMER CAN'T PICK HIS LAND UP AND MOVE, SO WHAT DISAPPEARED? THE FOUNDATION AID. IT'S DOWN TO \$102 MILLION NOW, BACK TO 1991 LEVELS OF HOW MUCH WE PUT IN AT INCOME TAX ALLOTMENT. IT'S THE LAST THING WE LOSE AND THAT'S WHY WE NEED TO GET RID OF THE MINIMUM LEVIES OF LB959, LET'S...\$8-POINT-SOME MILLION, AT LEAST WE'LL GO BACK TO EVERY STUDENT IN THE STATE OF NEBRASKA. THIS IS ALSO NOT ABOUT RURAL SCHOOL DISTRICTS VERSUS URBAN. THIS IS ABOUT CHILDREN. OUR STATE CONSTITUTION SAYS EVERY CHILD SHALL HAVE FREE INSTRUCTION IN OUR PUBLIC SCHOOLS. BUT FOR SOME REASON, A LOT OF US THINK WE OUGHT TO THROW UNDER THE BUS THE CHILDREN THAT LIVE IN RURAL AREAS. IT'S NOT JUST FARMERS OUT THERE. THERE'S PEOPLE TRYING TO RUN GROCERY STORES, BUSINESSES, GAS STATIONS, WORK FOR THE FERTILIZER DEALER. THOSE FOLKS ALSO ARE PAYING PROPERTY TAXES IN THEIR SCHOOL DISTRICT AND THEY'RE GETTING NONE OF THEIR STATE INCOME AND SALES TAXES BACK TO THEM. THIS IS NOT ABOUT FARMERS. THIS IS ABOUT THE BIGGEST INDUSTRY AND A PRODUCTION COST, THAT WE CAN'T BE COMPETITIVE WITH KANSAS AND COLORADO, AS SENATOR HUGHES SAID. SO LET'S LOOK AT IT WHAT IT IS. WE'RE TAXING ONE OF OUR...OUR TOP INDUSTRY, WE'RE OVERTAXING THEM. THAT'S WHAT WE'RE DOING. [LB959]

SENATOR COASH: ONE MINUTE. [LB959]

SENATOR GROENE: WE NEED TO FIX THAT DOWN THE ROAD. WE NEED TO GO BACK TO SOME ORIGINAL IDEAS OF LIKE MAYBE HAVE FOUNDATION AID LIKE THE ORIGINAL TEEOSA FORMULA DID OF 20 PERCENT OF YOUR LOCAL INCOME TAXES. IS THAT SO HARD TO UNDERSTAND? IS THAT SO HARD TO UNDERSTAND THAT AS A STATE, AS A BODY, WE NEED TO SUPPORT THE EDUCATION OF EVERY CHILD IN OUR STATE? I DON'T SEE WHY THAT'S SUCH A PROBLEM. BUT THANK YOU, MR. PRESIDENT, AND SENATOR FRIESEN, FOR BRINGING THIS. [LB959]

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB959]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. I APPRECIATE THE WILLINGNESS OF ALL OF YOU THIS AFTERNOON TO ENGAGE IN THIS DISCUSSION AND PUT SOME COMMENTS INTO THE PUBLIC RECORD WITH REGARD TO THE PROPERTY TAX SITUATION RELATIVE TO AG LAND. BOTH TODAY AND TOMORROW WE WILL BE CONTINUING TO HAVE THIS DISCUSSION IN HOW

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WE FUND SCHOOLS, HOW WE EQUITABLY DISTRIBUTE THAT BURDEN, AND HOW WE ENSURE THAT ULTIMATELY WE HAVE QUALITY EDUCATION FOR OUR CHILDREN AS WELL AS VIABLE AND VIBRANT LOCAL POLITICAL SUBDIVISIONS AND COMMUNITIES, ESPECIALLY IN OUR RURAL AREAS. BUT I WANT TO PUT A FEW NUMBERS TO THIS SINCE WE TEND TO TALK ABOUT IT IN THE ABSTRACT. AND I'M GOING TO START WITH A STORY AND THEN MOVE INTO SOME OF MY OWN PERSONAL EXPERIENCE AND JUST SOME SPECIFIC NUMBERS. SO MY COLLEAGUES WHO MAYBE DON'T OWN AG LAND OR DON'T UNDERSTAND WHAT WE'RE TALKING ABOUT WITH THE SPECIFICS OF THIS BURDEN, ESPECIALLY IF YOU OWN PROPERTY ON OPPOSITE LINES OF SCHOOL DISTRICT BOUNDARIES THAT IS THE SAME EQUIVALENT PROPERTY WITH THE SAME EQUIVALENT PRODUCTION ABILITIES AND UNDERSTAND WHY THIS IS SUCH AN IMPORTANT ISSUE AND ONE THAT WE'RE GOING TO CONTINUE TO TALK ABOUT. FIRST, I'D LIKE TO TELL YOU ABOUT A PIECE OF GROUND THAT MY FAMILY RENTS, HAS RENTED FOR ALMOST 20 YEARS NOW. THE LAND WAS PART OF AN ESTATE AND IS NOW OWNED BY THE HEIRS TO THAT PROPERTY WHO LIVE IN NORTH CAROLINA. THEY'RE NOT NEBRASKA RESIDENTS. THEY DON'T GAIN THE IMMEDIATE BENEFIT OF INVESTMENT IN NEBRASKA SCHOOLS OR POLITICAL SUBDIVISIONS. THEY OWN THE PROPERTY AND THEY PAY THE TAXES. WE RUN COW-CALF PAIRS ON THIS PIECE OF PROPERTY, WHICH IS A SOMEWHAT GRAVELLY, NOT OVERLY PRODUCTIVE PIECE OF LAND. THE RENT IS CALCULATED BASED ON THE CARRYING CAPACITY OF THAT GROUND--SO HOW MANY COW-CALF PAIRS CAN RUN ON IT--USING A FORMULA BASED UPON THE CATTLE FUTURES MARKET OR THE REVENUE THAT MAY BE GENERATED FROM THOSE CATTLE. OVER THE YEARS AS PROPERTY TAXES HAVE INCREASED AND THE BURDEN ON THE OWNERS, THEIR MARGIN FOR INHERITING THAT LAND AFTER THEY PAY THE TAXES AND OBTAIN THE RENT THAT WE PAY FOR RUNNING THOSE PAIRS ON THAT HAS SLOWLY WHITTLED AWAY, WHITTLED AWAY, WHITTLED AWAY. AND THIS LAST NOVEMBER WHEN WE SAT DOWN WITH THE OWNERS TO ESTABLISH THE NEXT YEAR'S RENT AND CONTRACT, WHEN THEY RECEIVED THE PROPERTY TAX STATEMENT DUE TO THE FACT A SCHOOL BOND WENT INTO EFFECT IN MINDEN SCHOOL DISTRICT IN ADDITION TO A HOSPITAL BOND, THE FORMULA THAT WE'VE UTILIZED TO DETERMINE THE RENT PAYMENT ON THAT 320 ACRES OF GRASSLAND FOR 20 YEARS WOULD HAVE MEANT THAT OWNING THE PROPERTY WOULD HAVE COST THEM BASED UPON THE RENT WE PAID AND THEIR PROPERTY TAXES BILL. THE PROPERTY TAXES DUE ON THAT 320 ACRES WOULD HAVE EXCEEDED THE RENTAL REVENUE THEY GAINED ON THAT 320 ACRES OF GRASSLAND. NOW THEY HAD LOTS OF OPTIONS AS PROPERTY OWNERS. THEY COULD HAVE TORE IT UP. THEY COULD HAVE CASH-RENTED IT OUT AS CROP GROUND AND MADE A LOT MORE MONEY, MADE THE MONEY

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THEY NEEDED TO. BUT IT WAS IMPORTANT TO THEM THAT THIS MARGINAL GROUND STAY IN GRASSLAND, THAT IT BE MANAGED ACCORDINGLY. THEY COULD HAVE INCREASED THE NUMBER OF PAIRS THAT WE RAN ON IT. THEY COULD HAVE LOOKED AT IT SHORTSIGHTEDLY. BUT THEY WERE DOING WHAT WAS THE ENVIRONMENTALLY APPROPRIATE THING TO DO FOR THAT PIECE OF GROUND AND THE TAX STRUCTURE PENALIZED THEM. THAT'S A TIME WHEN THE TAX STRUCTURE AND THE TAX SYSTEM ITSELF IS DYSFUNCTIONAL AND IT IS WHY IT IS IN SUCH NEED OF CORRECTION. I HAVE A LANDOWNER IN PHELPS COUNTY WHO IS A CONSTITUENT OF MINE WHO OWNS PROPERTY THAT IS EQUIVALENT ON EITHER SIDES OF THE PROPERTY LINE BETWEEN TWO SCHOOL DISTRICTS. IN HOLDREGE HE PAYS...THE GROUND IN THE HOLDREGE SCHOOL DISTRICT HE PAYS \$88 PER ACRE IN PROPERTY TAXES. ACROSS THE ROAD IN LOOMIS HE PAYS \$44 AN ACRE, 100 PERCENT INCREASE IN HIS PROPERTY TAX BILL JUST BECAUSE OF WHICH SCHOOL DISTRICT HIS PROPERTY IS LOCATED IN. THE SYSTEM IS BROKEN. THE SYSTEM IS NOT WORKING. [LB959]

SENATOR COASH: ONE MINUTE. [LB959]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. AND JUST A QUICK EXAMPLE OF ONE OF MY OWN. I OWN A PIECE OF GROUND WHICH I HAVE PUT BACK INTO AN INTENSIVELY MANAGED GRAZING SYSTEM. AND I WANTED TO SHARE WITH YOU ON THE PROPERTY TAX STATEMENT THAT CAME FROM IT, MY PRIOR YEAR VERSUS THE NEXT YEAR, THE PROPERTY TAX BILL ALONE WENT UP \$1,500 ON THAT PIECE OF PROPERTY. AT THE SAME TIME MY PROFITABILITY ON THAT PIECE OF GROUND, BECAUSE IT'S IN CATTLE, HAS DROPPED DRAMATICALLY. THERE'S NOTHING I CAN DO SHORT OF TEARING IT UP AND CHANGING MY ENTIRE PRODUCTION SYSTEM TO INCREASE MY PRODUCTIVITY AND INCOME ON THAT GROUND, DESPITE THE FACT THAT IN A SINGLE YEAR I SAW ALMOST A 50 PERCENT INCREASE IN THE TAXES PAID ON THAT PARTICULAR PIECE OF GROUND. THE SYSTEM NEEDS DRAMATIC CHANGE. WE'RE STARTING AGAIN, REFERRING TO SENATOR GLOOR'S REFERENCE TO SINGLES AND BUNTS. WE'RE GOING TO CONTINUE TO DO IT, BUT THIS IS GOING TO BE A YEAR-OVER-YEAR PROCESS AND IT'S GOING TO REQUIRE ALL OF US TO LOOK AT LONG-TERM STRUCTURAL SOLUTIONS OVER A PERIOD OF MULTIPLE ATTEMPTS AND MULTIPLE EFFORTS. THIS IS THE FIRST BITE OF THE APPLE AND CERTAINLY NOT THE SOLUTION. I RESPECT SENATOR FRIESEN... [LB959]

SPEAKER HADLEY PRESIDING

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SPEAKER HADLEY: TIME, SENATOR. [LB959]

SENATOR KUEHN: ...FOR BRINGING--THANK YOU--THIS BOLD INITIATIVE AND LOOK FORWARD TO CONTINUING DISCUSSIONS. [LB959]

SPEAKER HADLEY: THOSE IN THE QUEUE: SENATORS FRIESEN, SCHNOOR, DAVIS, BLOOMFIELD, SMITH, AND A LOT MORE. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB959]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WELL, I'M GOING TO GIVE YOU SOME NUMBERS HERE ON...FIRST, I'M GOING TO GIVE YOU SOME STATE VALUES OF PROPERTY TAXES AND THEIR IMPACT ON HOW WE FUND EDUCATION, AND THEN I'M GOING TO GIVE SOME EXAMPLES MAYBE THAT YOU CAN LOOK AT FOR...I'M GOING TO USE HAMILTON COUNTY WHERE I FARM AND ONE OTHER COUNTY IN MY DISTRICT. BUT CURRENTLY SCHOOLS CHARGE 60 PERCENT STATEWIDE, K-12 WOULD BE 60 PERCENT OF THE PROPERTY TAXES COLLECTED. AND SO WHEN WE LOOK AT THE TYPES OF PROPERTY THAT ARE OUT THERE, AG CURRENTLY HAS ABOUT 33.2 PERCENT OF THAT TOTAL PERCENTAGE AND YOU LOOK AT RESIDENTIAL AND THEY'RE ABOUT 44 PERCENT. AND SO I ALSO AM PART OF THE RESIDENTIAL, THE 44 PERCENT AND THE AG PORTION WOULD BE ON TOP OF THAT AT THE 33 PERCENT. AND WHEN WE LOOK AT THE TYPE OF VALUE THAT WE PUT AT IT THEN, YOU'RE LOOKING AT 44 PERCENT OF THE PROPERTY TAXES COLLECTED COME FROM AG, WHEREAS RESIDENTIAL IS ABOUT DOWN TO ABOUT 36 PERCENT. AND THIS IS ON STATEWIDE NUMBERS. WHEN I GET TO HAMILTON COUNTY, SCHOOL DISTRICTS TAKE 68.7 PERCENT OF THE TAX, AND THE PROPERTY VALUE IN AG IS 68.7 (PERCENT) OF HAMILTON COUNTY'S PROPERTY IS AG OR AG RELATED AND THEY ACCOUNT FOR 73.7 PERCENT OF THE DOLLARS RAISED IN PROPERTY TAXES. AND SO WHEN YOU LOOK AT THE DIFFERENT POLITICAL SUBDIVISIONS AND THE AVERAGE ANNUAL RATE INCREASE, LIKE HAMILTON COUNTY IS...IF YOU TAKE A TEN-YEAR AVERAGE, THEY'RE AT 3.96 (PERCENT) INCREASE IN TAXES; CITIES AND VILLAGES HAVE GONE UP 5.33 (PERCENT); EDUCATIONAL SERVICE UNITS, 12.08 PERCENT AVERAGE; COMMUNITY COLLEGE, 14.4 PERCENT; SCHOOL DISTRICTS, 8.15 PERCENT AVERAGE. WHEN YOU LOOK AT THE VALUATION IN HAMILTON COUNTY, THE CUMULATIVE CHANGE FOR THOSE TEN YEARS WAS 335 PERCENT INCREASE IN THE VALUATION. IN THE TAXES LEVIED, THE CUMULATIVE CHANGE IS 188.14 PERCENT ON AG LAND. ON RESIDENTIAL REAL ESTATE, IT IS 9.6 PERCENT. WE'RE SEEING QUITE A DISCREPANCY IN THE NUMBERS. IF I GO UP TO NANCE COUNTY WHICH IS MORE...THEY HAVE MORE DIVERSE AGRICULTURE UP THERE, THERE'S MORE CROPLAND AND THERE'S RANCH LAND, THERE'S A LOT

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OF COW-CALF OPERATIONS, THINGS LIKE THAT. WE LOOK AT NANCE COUNTY WHERE IT'S 63 PERCENT OF THEIR PROPERTY TAXES GO TO SCHOOLS AND THE PROPERTY VALUE IS 79.3 (PERCENT) OF ALL VALUE IS AG AND 82 PERCENT OF THE FUNDS RAISED COME FROM AG. SO WHEN WE LOOK THERE YOU SEE THE CUMULATIVE CHANGE IN NANCE COUNTY IS 305 PERCENT. IT'S AVERAGING 15-SOME PERCENT A YEAR IN VALUATION INCREASE. RESIDENTIAL IS AVERAGING 5.44 PERCENT INCREASE. THE AMOUNT OF PROPERTY TAXES LEVIED, AVERAGE ANNUAL CHANGE OVER THERE IS 9.48 PERCENT FOR AG LAND, 11 PERCENT...NO, 1.09 PERCENT FOR RESIDENTIAL. SO YOU CAN SEE WHAT'S BEEN HAPPENING, AND IT'S THE SHIFT BECAUSE OF THE RAPIDLY RISING PRICES... [LB959]

SPEAKER HADLEY: ONE MINUTE. [LB959]

SENATOR FRIESEN: ...OF AG LAND. AND THERE'S BEEN A DRAMATIC SHIFT AND THAT'S THE REASON WE'RE SEEING THE NUMBERS THAT WE SEE. SO IT'S NOT GOING TO BE A ONE-YEAR SOLUTION. IT IS GOING TO TAKE A LONG-TERM SOLUTION AND WE WANT TO WORK TOGETHER WITH ALL SMALL BUSINESSES. THIS IS GOING TO HAVE TO BE A JOINT PROJECT BECAUSE WE WANT ALL SMALL BUSINESS TO GROW. THOSE ARE THE ONES THAT EMPLOY THE MOST PEOPLE, THAT EMPLOY THE MOST...JOB GROWTH STATEWIDE IS USUALLY IN SMALL INDUSTRY. THANK YOU, MR. PRESIDENT. [LB959]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB959]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. WELL, I SIT ON THE EDUCATION COMMITTEE. I'VE BEEN A SCHOOL BOARD MEMBER, SO I SEE THESE ISSUES FROM BOTH SIDES. OH, THERE MAY BE SOME DISAGREEMENT ON WHAT I'M GOING TO SAY HERE, BUT WE'RE IN THIS PREDICAMENT BECAUSE OF WHAT HAS HAPPENED WITH COMMODITY PRICES, YOU KNOW, SEVERAL YEARS BACK. AND FROM MY VIEWPOINT, \$8 CORN AND \$14 SOYBEANS WERE THE WORST THING THAT'S EVER HAPPENED. YES, WE HAD A COUPLE GOOD YEARS. NOBODY CAN DENY THAT. BUT WE ARE PAYING THE MAN RIGHT NOW, AND THAT MAN HAPPENS TO BE OUR STATE, IN PROPERTY TAXES. SO THAT'S MY VIEW, THAT THIS HAS NOT BEEN GOOD. THIS HAS NOT BEEN GOOD FOR OUR ECONOMY. THIS HAS THROWN US INTO...OH, IT'S THROWN US INTO HAVOC. OUR TEEOSA FORMULA WHICH WAS DESIGNED IN THE '90s BY THIS LEGISLATURE, NOT THIS GROUP, BUT

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THE LEGISLATURE CAME FORTH WITH THAT. IT HAS DONE WHAT IT WAS SUPPOSED TO DO AND THERE ARE DISAGREEMENTS ON THAT. BUT WHEN THIS WAS FORMULATED IN MY AREA, FARMLAND WAS ANYWHERE FROM \$500 TO \$1,000 AN ACRE. NOW FARMLAND VARIES FROM \$5,000 TO \$12,000 AN ACRE. SO THE TEEOSA FORMULA IS STILL DOING WHAT IT'S SUPPOSED TO DO. BUT IT HAS SHIFTED THE BURDEN TREMENDOUSLY ON THE LOCAL PROPERTY OWNERS. SO WE WENT THROUGH THIS PROCESS ALL YEAR IN EDUCATION AND REVENUE, AND THE GENERAL THEME THAT I HEARD THE FOLKS THAT CAME AND TALKED TO US, RURAL FOLKS SAID PROPERTY TAXES ARE TOO HIGH. EDUCATION FOLKS SAID, IT'S NOT OUR FAULT. THAT WAS THE THEME THAT I RECEIVED. AND OUT OF THAT WE HEARD...I HEARD TWO, I DON'T WANT TO SAY SOLUTIONS, BUT TWO POSSIBLE REMEDIES. AND AFTER YOU'VE BEEN HERE IN THIS LEGISLATURE LONG ENOUGH, YOU KNOW WHAT REALLY...WHAT SOUNDS AS A POSSIBILITY OR WHAT MAY SOUND GOOD IN THEORY JUST LITERALLY DOESN'T WORK. WHAT WE HEARD WAS--AND THIS WAS FROM A SCHOLAR FROM THE UNIVERSITY--THROW OUT THE TEEOSA FORMULA AND START OVER. WELL, YEAH, BUT THAT'S NOT QUITE THAT SIMPLE. SO WHEN WE GET BACK TO THIS BILL, LIKE I SPOKE EARLIER, IT'S A SMALL, INCREMENTAL CHANGE. IT'S NOT A...IT DOESN'T FIX THE PROBLEM. IT'S NOT A SOLUTION. IT'S NOT AN ANSWER TO OUR PRAYERS. [LB959]

PRESIDENT FOLEY: ONE MINUTE. [LB959]

SENATOR SCHNOOR: THANK YOU. IT'S ONE, TWO LITTLE FACTORS IN IT. SO THANK YOU TO SENATOR FRIESEN FOR BRINGING THIS TO LIGHT. THERE WILL BE MORE THAN ONE WAY TO SKIN THE CAT, AS THEY SAY. I DON'T ENVISION THAT WE'LL SEE...MAKE ANY MIRACULOUS CHANGE THIS YEAR. NEXT YEAR WE HAVE US AG FOLKS HERE AND I HOPE TO BE BACK HERE AS WELL. WE HAVE A JOB AHEAD OF US TO TRY AND TACKLE THIS AND TRY TO MAKE IT FAIR AND EQUAL FOR EVERYBODY. THANK YOU. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB959]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I'VE ENJOYED LISTENING TO THE DEBATE HERE THIS AFTERNOON ON SENATOR FRIESEN'S AMENDMENT AND APPRECIATE THE FACT THAT WE ARE HAVING THIS OPPORTUNITY TO TALK A LITTLE BIT ABOUT THE PROBLEM. YOU'VE HEARD A LOT OF RURAL SENATORS ADDRESS THE ISSUES. I WANT TO TALK A LITTLE BIT ABOUT A BILL I INTRODUCED A YEAR AGO TO LOOK AT SOME OF THESE CONCERNS AND SOME

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OF THE FACTS AND FIGURES THAT I PUT TOGETHER TO DEMONSTRATE WHY THERE WAS SUCH A BIG PROBLEM. FIRST, LET ME SAY THERE'S 73 DISTRICTS IN THE STATE OF NEBRASKA THAT GET NO AID. THEY GET A LITTLE BIT OF...A VERY SMALL PIECE OF FOUNDATION AID FROM THE BOARD OF EDUCATIONAL LANDS AND FUNDS, BUT THEY GET NO OTHER INCOME TAX REBATE, NO OTHER OPTION MONEY. SO THEY STRICTLY, THOSE 73 DISTRICTS ARE STRICTLY RELYING ON THEIR PROPERTY TAXPAYERS. THAT IS IN LARGELY RURAL PARTS OF THE STATE WHERE THINGS ARE TOUGH. WE HAVE NOTHING ELSE IN A LOT OF RURAL NEBRASKA. WE DON'T HAVE OTHER BUSINESSES TO GENERATE REVENUE, SO WE HAVE TO RELY COMPLETELY ON OUR AGRICULTURAL PRODUCERS. LAST SUMMER WHEN WE WERE HAVING OUR DEBATE WITHIN THE REVENUE AND THE EDUCATION COMMITTEE, I'LL NEVER FORGET THE EXCHANGE THAT TOOK PLACE AND IT WAS BETWEEN SENATOR GROENE AND SENATOR PANSING BROOKS, I BELIEVE. AND WITH NO DISRESPECT TO EITHER OF THEM, BUT SENATOR PANSING BROOKS SAID, WELL, IF YOU BUY A MASERATI, YOU HAVE TO PAY THE TAX ON IT. SENATOR GROENE'S...AND THAT WAS IN REFERENCE TO THE FACT THAT AG VALUATIONS ARE HIGH. AND SENATOR GROENE'S REPLY WAS, THAT'S TRUE, YOU DO, BUT EVERY YEAR AFTER THAT YOU DON'T HAVE TO PAY THE NEW PRICE ALL THE TIME...THE NEW TAX ALL THE TIME. WELL, THAT'S WHAT WE DO WITH THE SYSTEM THAT WE HAVE TODAY. AND I JUST THOUGHT THAT WAS AN INTERESTING WAY OF LOOKING AT IT. SO WHEN I DID LB280 AND I'M NOT...IT WAS THROWN OUT THERE AS, HERE'S A FIX TO THE PROBLEM. AND IT WAS AN IDEA THAT USED A LOCAL OPTION INCOME TAX SURCHARGE IN PLACE OF PROPERTY TAXES AND THERE WERE A COUPLE OF OTHER PIECES TO THAT PUZZLE. I ASKED SENATOR HUGHES AT THE TIME TO PUT SOME DATA TOGETHER FOR ME TO COMPARE OUR PROPERTY TAXES WITHIN NEBRASKA AND OUT OF NEBRASKA. AND I'M GOING TO GO THROUGH THOSE AND THEN I'M GOING TO ASK HIM A COUPLE QUESTIONS. SO THESE ARE PARCELS THAT I HAD PULLED FROM NEIGHBORING STATES AND THIS WAS WYOMING VERSUS NEBRASKA. THESE WERE ESSENTIALLY RIGHT ACROSS THE BORDER FROM EACH OTHER, SO QUITE SIMILAR. NEBRASKA, THE 640 ACRES WERE TAXED AT \$1,771.58. IN WYOMING, THAT WAS 685 ACRES--SO IT WAS ANOTHER 45 ACRES--TAX OF \$624.31, ABOUT THREE TIMES IN NEBRASKA THE TAX THAT WAS IN WYOMING. KANSAS AND NEBRASKA: IN KANSAS WE HAD 312 ACRES AND IN NEBRASKA, 448 ACRES. SO A BIGGER PIECE IN NEBRASKA, BUT THE NEBRASKA TAX WAS \$1,382.72 AND THE KANSAS TAX WAS \$422. SO IF YOU MOVE THAT UP SO IT WOULD BE ABOUT COMPARABLE TO THE 440 ACRES IN NEBRASKA, WE'D PROBABLY BE AROUND \$600--ABOUT HALF. THEN WE HAD A PIECE BETWEEN NEBRASKA AND COLORADO: 128 ACRES IN COLORADO, THE TAX WAS \$391.44. IN NEBRASKA IT WAS 46 ACRES AND THE TAX WAS \$527.38. SO IT WAS A THIRD OF THE LAND,

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ALMOST TWICE AS MUCH IN TAX. SENATOR KINTNER MADE REFERENCE TO THIS EARLIER THAT PEOPLE IN AGRICULTURE ARE COMMODITIES SELLERS. WE'RE NOT PRICE SETTERS. SO WHEN WE HAVE HIGH TAX BILLS, WHAT HAPPENS IS WE DON'T SPEND MONEY IN OUR LOCAL BUSINESSES. WE DON'T GO OUT TO DINNER. WE DON'T BUY NEW CARS. WHO PAYS THE PRICE THERE? OUR SMALL TOWNS. BUSINESSES GO OUT OF BUSINESS AND THE LIKE. SO I WONDER IF SENATOR HUGHES WOULD YIELD TO A FEW QUESTIONS. [LB959 LB280]

PRESIDENT FOLEY: SENATOR HUGHES, WILL YOU YIELD, PLEASE? ONE MINUTE. [LB959]

SENATOR HUGHES: OF COURSE. [LB959]

SENATOR DAVIS: SO, SENATOR HUGHES, WE TALKED ABOUT THE COLORADO-NEBRASKA PIECE AND THE KANSAS-NEBRASKA PIECE AND I THINK THESE WERE FRIENDS OF YOURS. CAN YOU TELL US A LITTLE BIT ABOUT THAT LAND, AND IF YOU CAN GIVE ME AN ESTIMATE OF WHAT THAT MIGHT PRODUCE IN TERMS OF INCOME. [LB959]

SENATOR HUGHES: YES, SENATOR DAVIS, THEY ARE FRIENDS OF MINE. BOTH OF THOSE IN ALL THREE STATES WERE DRYLAND, SO NONIRRIGATED. AND AN AVERAGE PRODUCTION WOULD PROBABLY BE ABOUT 40 BUSHEL OF WHEAT PER ACRE. [LB959]

SENATOR DAVIS: AND WHAT WOULD THAT 40 BUSHEL OF WHEAT PRODUCE IN INCOME, IN GROSS INCOME? [LB959]

SENATOR HUGHES: ONE-HUNDRED AND SIXTY DOLLARS. I SOLD WHEAT YESTERDAY FOR \$4.05, SO I KNOW WHAT THE PRICE OF WHEAT IS. [LB959]

SENATOR DAVIS: SO \$160 WOULD BE THE GROSS. AND THEN WHAT WOULD BE YOUR COST IN THAT? [LB959]

SENATOR HUGHES: I DID A ROUGH CALCULATION OF WHAT IT WOULD COST AND INPUT COSTS FOR THAT \$160 WOULD BE \$173, ABOUT A 10 PERCENT LOSS. [LB959]

SENATOR DAVIS: AND THAT'S BEFORE THE PROPERTY TAXES ARE PAID, CORRECT? [LB959]

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SENATOR HUGHES: I DID FIGURE THE PROPERTY TAX IN THAT. [LB959]

SENATOR DAVIS: YOU DID? [LB959]

PRESIDENT FOLEY: TIME, SENATORS. [LB959]

SENATOR DAVIS: THANK YOU. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS AND SENATOR HUGHES.
SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB959]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. MY BROTHER FARMS IN DAKOTA COUNTY AND DIXON COUNTY. ONE PIECE OF LAND LAYS IN BOTH COUNTIES. THERE'S ABOUT AN \$11 AN ACRE DIFFERENCE IN THE TAX IN LESS THAN AN INCH, SO WE'VE GOT SOME ISSUES AROUND THE STATE. BUT IT'S NOT WITHIN THE STATE ONLY. HIS BROTHER-IN-LAW OWNS A PIECE OF GROUND IN IOWA. IT'S ABOUT \$60 AN ACRE DIFFERENCE IN THE SALES TAX THEY PAY. ON A 1,000-ACRE OPERATION, WHICH HAS BEEN DESCRIBED AS MIDDLE SIZE, THAT'S \$60,000 A YEAR DIFFERENCE BETWEEN A FARMER IN NEBRASKA AND A FARMER IN IOWA. COLLEAGUES, WE'VE GOT A REAL ISSUE. SENATOR BAKER ASKED SENATOR FRIESEN EARLIER HOW HE'D WANT TO MAKE UP SOME OF THAT DIFFERENCE. I'VE HAD AN IDEA FOR YEARS, BUT I CAN'T GET ANY TRACTION WITH IT. SO, SENATOR FRIESEN, I'M GOING TO PASS IT ON TO YOU AND WISH YOU WELL WITH IT. IT'S WHAT I WOULD PROBABLY CALL A PROFESSIONAL TAX. IF YOU HAPPEN TO BE AN ATTORNEY AND YOU HAVE A LAW LICENSE THAT CAN GENERATE YOU, SAY, \$200,000 A YEAR, I THINK A 12 PERCENT, 15 PERCENT TAX ON THAT WOULD BE APPROPRIATE. YOU GET TO PAY THAT EVERY YEAR JUST LIKE THE FARMERS DO. THAT'S ABOUT WHAT IT FIGURES OUT TO IF YOU TAKE AN ACRE OF LAND, THE VALUE OF THE LAND IS BETWEEN 10 PERCENT AND 15 PERCENT EVERY YEAR YOU PAY ON THAT. YOU PUT A LITTLE MONEY INTO A 401(k), YOU DON'T PAY THAT. YOU PUT IT IN AG LAND, YOU DO. SO I'M WONDERING MAYBE A GOOD VETERINARIAN THAT MAKES A COUPLE HUNDRED THOUSAND DOLLARS A YEAR, IF MAYBE THAT VET LICENSE HE WENT TO SCHOOL FOR EIGHT OR TEN YEARS TO GET, OR SIX, WHATEVER THE CASE MAY BE, MAYBE A 10 PERCENT TO 12 PERCENT TAX ON THAT VET LICENSE AND WHAT IT'S WORTH EVERY YEAR WOULD BE APPROPRIATE. I THINK THEN THE PROFESSIONAL COMMUNITY...AND I GO RIGHT ON DOWN TO TEACHER CERTIFICATES. YOU GOT A TEACHER THAT MAKES \$40,000 TO \$50,000 A YEAR, MAYBE THERE SHOULD BE A 10 PERCENT OR 12 PERCENT TAX ON THAT

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CERTIFICATE. CALL IT A PROPERTY TAX. THAT CERTIFICATE IS A PIECE OF PROPERTY. SO THERE LAYS A LOT OF PROPERTY TAX RELIEF. WE JUST NEED TO TAX THE CORRECT KINDS OF PROPERTY. THANK YOU, MR. PRESIDENT. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR SMITH, YOU'RE RECOGNIZED. [LB959]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I WANTED TO STAND IN SUPPORT OF SENATOR FRIESEN'S DISCUSSION THAT HE HAS STARTED HERE THIS AFTERNOON ON PROPERTY TAXES. I CERTAINLY GET IT. SENATOR FRIESEN AND I HAVE HAD A LOT OF CONVERSATIONS ABOUT THE PLIGHT OF BUSINESSES ACROSS THE STATE, AGRICULTURE AND NONAGRICULTURE ALIKE. AND I THINK WE'RE WORKING VERY HARD TO UNDERSTAND EACH OTHER'S PERSPECTIVE BECAUSE WE HAVE A BROADER PROBLEM HERE AND I KNOW THAT'S NOT WHAT THIS PARTICULAR AMENDMENT IS HERE TO DISCUSS. THIS PARTICULAR AMENDMENT IS HERE TO DISCUSS THE PLIGHT OF AGRICULTURE AND THE OVERBURDENING OF THE AGRICULTURAL BUSINESS INDUSTRY WITH PROPERTY TAXES. BUT I DO BELIEVE, AGAIN, WE DO HAVE A BROADER PROBLEM AND I BELIEVE THAT THAT IS SOMETHING THAT SOME OF US IN THIS BODY ARE PLEDGED TO WORK ON OVER THE COMING YEAR TO TWO YEARS TO TRY TO FIND A MORE COMPREHENSIVE APPROACH TO LESSENING THE BURDEN ON BUSINESSES IN OUR STATE. BUT I DID...WANTED TO JUST RISE VERY BRIEFLY. SENATOR KINTNER WAS ON THE MICROPHONE A LITTLE BIT AGO AND HE MADE A COUPLE COMMENTS THAT PERKED UP MY ATTENTION A BIT AND I WANT TO CLARIFY. A COUPLE OF THE COMMENTS THAT WERE MADE WAS THAT BUSINESSES--AND I THINK HE WAS REFERENCING TO NONAGRICULTURAL BUSINESSES--SIMPLY PASS ALONG THE TAXES TO THE CONSUMER, THAT BUSINESSES DON'T PAY TAXES. WE HAVE A COUPLE OF DIFFERENT TYPES OF BUSINESSES IN OUR STATE. WE HAVE INCORPORATED BUSINESSES THAT PAY BECAUSE THEY'RE C CORPS OR S CORPS AND THEY PAY THROUGH THE CORPORATE TAX STRUCTURE. BUT THE MAJORITY OF THE BUSINESSES IN OUR STATE ARE SMALL BUSINESSES AND THEY MAY BE LLCs, SOLE PROPRIETORSHIPS. THEY HAVE A K-1 DISTRIBUTION. AND THEY HAVE TO REPORT THAT INCOME ON THEIR INDIVIDUAL TAX FILINGS AND SO THEY PAY THROUGH THE INDIVIDUAL, THE PERSONAL TAX BRACKETS. SO MOST ASSUREDLY I WILL TELL YOU, BUSINESSES PAY TAXES IN THIS STATE. WHETHER THEY'RE INCORPORATED OR WHERE THEY ARE SOLE PROPRIETORS, LLCs THAT PAY THROUGH THE INDIVIDUAL TAX BRACKETS, THEY PAY TAXES. THEY DO NOT HAVE THE LUXURY OF PASSING ALONG THOSE TAXES TO THE CONSUMER BECAUSE FRANKLY THE ECONOMY IS NOT THAT GREAT RIGHT NOW. IT HASN'T

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BEEN THAT GOOD FOR QUITE SOME TIME. THESE SMALL BUSINESSES ARE IN COMPETITION FOR AN ECONOMY THAT IS NOT EXPANDING. SO THEY ARE NOT PASSING ALONG THOSE TAXES TO THEIR CONSUMERS. THEY'RE ABSORBING THEM. THEIR NET EARNINGS ARE GETTING LESS AND LESS, IF ANY. THEY'RE PROBABLY REPORTING LOSSES IN THEIR BUSINESSES. BUSINESS OWNERS OFTENTIMES ARE THE LAST PEOPLE TO BE PAID. WHAT IS THERE TO INCENT THEM TO EXPAND THEIR BUSINESSES? WHAT ARE WE DOING TO PROVIDE INCENTIVES FOR NEW ENTREPRENEURS AND PEOPLE TO START UP BUSINESSES IN OUR STATE OR TO EXPAND THEIR BUSINESSES? THESE TAXES ARE BURDENSOME. THE COST OF GOVERNMENT IS BURDENSOME AND WE NEED TO LOOK AT THIS A BIT MORE COMPREHENSIVELY. AND AGAIN, I APPLAUD SENATOR FRIESEN FOR STARTING THIS CONVERSATION TODAY. I STAND WITH HIM SHOULDER TO SHOULDER, WHETHER IT'S AGRICULTURE OR NONAGRICULTURE. AND AGAIN, I ASK SENATOR KINTNER TO PERHAPS CLARIFY HIS COMMENTS AS WELL. BUT PLEASE DON'T FALL FOR THAT FALSE ARGUMENT THAT BUSINESSES CAN SIMPLY PASS ALONG THEIR COST TO THE CONSUMER. WE HAD THAT SAME ARGUMENT WHEN WE WERE LOOKING AT INCREASING THE MINIMUM WAGE. [LB959]

PRESIDENT FOLEY: ONE MINUTE. [LB959]

SENATOR SMITH: IN FACT, IT WAS PROBABLY THE SAME ARGUMENT THAT WAS MADE BY THOSE ON THE OTHER SIDE THAT WERE WANTING TO INCREASE THE MINIMUM WAGE. THOSE ARE BURDENS TO BUSINESSES. IT PREVENTS BUSINESSES FROM EXPANDING, FROM CREATING JOBS. AND WE CERTAINLY DON'T NEED ANY MORE BAGGAGE IN THIS ECONOMY THAT IS NOT SERVING US VERY WELL RIGHT NOW. SO I THINK I'M GOING TO CONCLUDE WITH THAT. THANK YOU, COLLEAGUES. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. SENATOR McCOLLISTER. [LB959]

SENATOR McCOLLISTER: THANK YOU, MR. LIEUTENANT GOVERNOR. GOOD AFTERNOON, MEMBERS. I'VE APPRECIATED THIS DISCUSSION ON LB959, THIS OPEN MIKE. AS A CITY DWELLER, I UNDERSTAND THE DISTRESS THAT IS GOING ON IN THE RURAL AREAS. WHETHER YOU USE STATISTICS OR ANECDOTAL INFORMATION, WHAT OUR COLLEAGUES HAVE SAID IS ABSOLUTELY TRUE, ABSOLUTELY TRUE. AND THE OTHER COMPARISONS WITH OTHER STATE (SIC) ARE VERY PAINFUL BECAUSE THE COMPARISONS INDICATE THAT NEBRASKA IS

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A HIGH-TAX STATE WHEN IT COMES TO PROPERTY TAXES. IN MY VISITS TO SENATOR BLOOMFIELD AND ALSO TO SENATOR FRIESEN LAST FALL, WE SAT DOWN TO TALK ABOUT THE PAINFUL EFFECT OF PROPERTY TAXES ON THEIR BUSINESS. AND I KNOW FOR CERTAIN THAT THEY DEPEND ON THAT INCOME FOR THEIR RETIREMENT INCOME, PARTICULARLY SENATOR BLOOMFIELD'S BROTHER. SO THE HIGH PROPERTY TAX HAS INFRINGED ON THAT ABILITY. AS A CITY DWELLER, I RECOGNIZE MY OBLIGATION TO WORK WITH MY RURAL COLLEAGUES ON RESOLVING THIS PROBLEM AS BEST AS WE CAN. BUT BY THE SAME TOKEN, COLLEAGUES, YOU NEED TO LOOK AT OTHER ALTERNATIVES THAT MAY, IN FACT, BRING IN MORE INCOME TO THE FARM AREAS. I PASSED OUT SOME INFORMATION THAT MIGHT DEMONSTRATE SOME OF THE BENEFITS OF WIND DEVELOPMENT IN NEBRASKA. TAKE A LOOK AT THE FIRST DOCUMENT I GAVE YOU: THE ELKHORN RIDGE WINDFARM. AND IT SHOWS SOME OF THE PROPERTY TAXES THAT WOULD COME INTO THE STATE IF WE GOT RID OF SOME OF THE BURDENS THAT WE HAVE WHEN IT COMES TO DEVELOPMENT OF WIND: \$120.6 MILLION (IN) DIRECTLY IMPACTED PROPERTY VALUATIONS MEANS LESSENED PROPERTY TAX BURDEN FOR LOCAL RESIDENTS; NEARLY \$2.1 MILLION IN PROPERTY TAXES COLLECTED DIRECTLY DUE TO THE ADDITION OF THE ELKHORN RIDGE WINDFARM; LED DIRECTLY TO AN 11 PERCENT REDUCTION IN REAL ESTATE PROPERTY TAXES COLLECTED AGAINST AGRICULTURAL LAND AS A PERCENTAGE OF THE TOTAL--A NET SAVINGS OF \$1.11 MILLION; LED DIRECTLY TO A 15 PERCENT REDUCTION IN REAL ESTATE PROPERTY TAXES COLLECTED AGAINST RESIDENTIAL AS A PERCENTAGE OF TOTAL--A NET SAVINGS OF NEARLY \$750,000. THE SECOND DOCUMENT THAT I'LL TALK ABOUT IS LB824, THE FIRST NUMERAL. WIND DEVELOPMENT IN NEBRASKA IS A TARGETED ECONOMIC DEVELOPMENT GOAL. IN FACT, WITHIN THE LAST FIVE YEARS OVER \$1 BILLION HAS BEEN INVESTED IN WIND DEVELOPMENT RESULTING IN \$72 MILLION IN LESS TAXES, 950 JOBS STATEWIDE, \$2.4 MILLION IN ANNUAL LANDOWNER LEASE PAYMENTS TO FARMERS AND RANCHERS, AND \$62 MILLION IN WAGES AND SALARIES. WE NEED TO LOOK AT ALTERNATIVES TO IMPROVE NEBRASKA'S ECONOMY. WE CAN ACTUALLY GROW NEBRASKA'S ECONOMY INSTEAD OF SIMPLY LOOKING AT MOVING TAXES AROUND FROM ONE GROUP TO THE OTHER. WIND DEVELOPMENT CAN MAKE A SIGNIFICANT DIFFERENCE IN NEBRASKA AND IT'S ESTIMATED THAT WE COULD GET ABOUT \$2 BILLION WORTH OF INVESTMENT IN NEBRASKA, \$2 BILLION. SO LET'S NOT DISREGARD THAT AS AN OPPORTUNITY TO REDUCE PROPERTY TAXES IN NEBRASKA. THANK YOU, MR. PRESIDENT. [LB959 LB824]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB959]

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SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I APPRECIATE, TOO, THE DISCUSSION WE'VE HAD, AND IT OPENS UP THE CONCERNS WE HAVE. I'M GOING TO TALK A LITTLE BIT ABOUT THE POLICY, SOME OF THE POLICIES THAT WE HAVE IN PLACE THAT HAVE REALLY BEEN...GONE OUT OF WHACK WITH THE RECENT RISE IN LAND VALUES. I'M GOING TO SPEAK MORE TOMORROW ON THIS. I'VE DRAFTED AN AMENDMENT THAT WILL BE ON LB958 THAT IS A BUNT OR MAYBE A CHANCE MAYBE TO GET TO FIRST BASE. IT MIGHT NOT EVEN GET THAT FAR. BUT WE'RE GOING TO TALK ABOUT IT AGAIN, I'M SURE, AND I'LL SPEND MORE OF MY TIME TALKING ABOUT IT AT THAT POINT. JUST TO TALK A LITTLE BIT ABOUT WHERE I'M GOING WITH THIS, I'VE INTRODUCED A STUDY TO LOOK AT HOW WE DO VALUE AG PROPERTY. RIGHT NOW IT'S ON COMPARABLE SALES, AND THAT'S WHAT'S PUT THIS THING OUT IN A TAILSPIN. WE KEEP HEARING THAT SALES ARE DOWN A LITTLE BIT ON THE VALUE OF LAND AND I CONCUR WITH THAT, MAYBE DOWN 5 PERCENT, 8 PERCENT, SOME OF THOSE. BUT STATEWIDE THE VALUATIONS ARE GOING UP AGAIN THIS YEAR. I RECEIVED AN E-MAIL FROM NOT A CONSTITUENT. WE ARE STATE SENATORS, SO I LISTEN TO EVERYBODY OUT THERE. IN THEIR COUNTY, BROWN COUNTY, AT LEAST ON HIS GROUND, THIS NEXT YEAR IT WILL GO UP 21.5 PERCENT AGAIN AND THAT'S BECAUSE OF A FLAWED FORMULA THAT'S OUT THERE THAT WE NEED TO WORK ON. ALL THESE FIGURES ARE FRESH IN EVERYBODY'S MIND IF YOU'RE IN THE AG SIDE OF IT BECAUSE WE GET NUMBERS EVERY DAY E-MAILED TO US OR MAILED TO US OR PRESENTED TO US WHEN WE GO BACK ABOUT THE PERCENTAGES OF INCREASE AND THE BURDEN THAT'S OUT THERE. SO I'M NOT SURE HOW LONG WE'LL WORK ON THIS PARTICULAR BILL. I AM SUPPORTIVE OF THE EDUCATION PART OF IT AND THE BILL, LB959. I'M OKAY WITH SENATOR FRIESEN'S, BUT WE'LL JUST HAVE TO SEE WHETHER THAT STAYS IN OR MAYBE THAT'S JUST AN ATTEMPT TO MAYBE BE THE BATTER AND COME TO BAT AND I HOPE IT ISN'T A STRIKEOUT SITUATION. I HOPE AT LEAST IT'S A BUNT OR GET TO FIRST BASE AND WE CAN START THE PROCESS. THANK YOU, MR. PRESIDENT. [LB959 LB958]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB959]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD AFTERNOON. YOU KNOW, AND I WANT TO THANK SENATOR FRIESEN FOR BRINGING THIS AMENDMENT TO GET THE...TO CONTINUE THE DISCUSSION OF PROPERTY TAXES: WHAT DO THEY MEAN, HOW DO THEY AFFECT SCHOOLS, AND THINGS LIKE THAT. AND THROUGHOUT MY EIGHT YEARS SERVING HERE IN THE LEGISLATURE, WE'VE BATTLED THIS. IT'S BEEN THE BIGGEST ISSUE SINCE I'VE GOTTEN IN HERE. IT CONTINUES TO BE THE BIGGEST ISSUE. AND I TELL YOU

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WHAT, IT IS ONE OF THE MOST COMPLEX AND DIFFICULT ISSUES THAT WE'VE HAD TO TRY TO DEAL WITH HERE IN THE LEGISLATURE. AND PROPERTY TAXES ARE TOO HIGH. INCOME TAXES ARE TOO HIGH. SALES TAXES ARE TOO HIGH. AND THEY'RE ON TOO MANY THINGS, OR NOT ON ENOUGH, WHICHEVER SIDE OF THAT YOU'RE ON. SO THEN THE REAL QUESTION IS, OKAY, HOW DO WE SOLVE THE PROBLEM, NOT JUST MITIGATE THE ISSUE, BUT HOW DO WE SOLVE THE PROBLEM? AND WITH NEBRASKA BEING A STATE WITH LOW POPULATION AND A STATE THAT IS HIGHLY DEPENDENT ON AGRICULTURE, HOW THEN DO WE SOLVE OUR PROPERTY TAX ISSUE WHERE IT CONTINUES TO GO UP AND UP AND UP BECAUSE COSTS CONTINUE TO GO UP, POPULATION CONTINUES TO DWINDLE IN PLACES, IN RURAL PLACES? AND THAT IN ITSELF IS ANOTHER ONE OF THE HUGE PROBLEMS. SO HOW DO WE FIX THIS BECAUSE TO CUT IT 10 PERCENT IS A HUGE NUMBER AND THEN IF YOU ACTUALLY CUT IT OR IF YOU'RE JUST PUTTING IT IN A SALES...OR INTO A PROPERTY TAX RELIEF FUND, YOU HAVEN'T SOLVED THE PROBLEM. YOU HAVEN'T FIXED THE ISSUE. ONE WAY THAT I KNOW YOU CAN FIX THE ISSUE IS THROUGH GROWTH. ECONOMIC DEVELOPMENT IS HUGE. AND HOW DO YOU GET THAT IN YOUR COMMUNITIES? WELL, YOU HAVE TO BE ACCEPTING OF THE BUSINESSES THAT WANT TO BE WHERE YOU'RE AT AND THEN YOU HAVE TO ENTICE THOSE BUSINESSES TO SHOW UP. YOU HAVE TO HAVE THE PEOPLE FOR THEM TO WORK. IT'S A MUCH BROADER ISSUE THAN, HEY, LET'S JUST FIX THE TAX SITUATION. AND IT'S A LOT HARDER THAN PEOPLE WANT TO THINK IT IS TO ADDRESS. SO IF YOU'RE A SENATOR HERE AND YOU'RE THINKING ABOUT HOW TO START TO ADDRESS THE PROPERTY TAX ISSUE, THE ONE THING THAT WE CAN ALL LOOK AT THAT WE KNOW WILL WORK IS BRINGING ECONOMIC DEVELOPMENT AND ECONOMIC GROWTH TO OUR AREAS. AND THAT ECONOMIC GROWTH WILL BRING DOWN THE TAXES BECAUSE WE MAKE THE PIE BIGGER. GUYS, WE CONTINUE TO LOSE POPULATION IN THE RURAL AREAS LIKE I SEE IT, THEN IT'S GOING TO GET TOUGHER AND TOUGHER TO FIX THIS. SO WHAT KIND OF ASSETS ARE YOU WORKING AT TO PUT IN PLACE? WHAT KIND OF BUSINESSES ARE YOU COURTING AS THESE SMALLER COMMUNITIES IN DIFFERENT PLACES TO START TO ALLEVIATE AND GROW YOUR TAX BASE TO TAKE CARE OF THIS BECAUSE TEACHING KIDS ISN'T GOING TO GET ANY CHEAPER, NOT IN A REAL SENSE. SO WHEN BUSINESSES COME KNOCKING ON THE DOOR, DON'T JUST OUT OF HAND SAY, NO, WE DON'T WANT THAT HERE, BECAUSE YOU DO THAT ENOUGH, YOU DO THAT ENOUGH AND NOBODY WILL COME. [LB959]

PRESIDENT FOLEY: ONE MINUTE. [LB959]

SENATOR SCHILZ: THINK ABOUT THAT. IF YOU KEEP BUSINESSES OUT BECAUSE YOU DON'T LIKE WHAT THEY DO OR HOW THEY'RE FORMED OR HOW THEY DO

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THEIR THING, THEN YOU GET WHAT YOU GET, GUYS. YOU CAN'T FIX ISSUES BY JUST HOPING. AND YOU CAN'T HAVE ECONOMIC DEVELOPMENT THAT'S ABSOLUTELY PERFECT. YOU HAVE TO UNDERSTAND THAT YOU HAVE TO TAKE THOSE BUSINESSES THAT WANT TO BE THERE. AND I DON'T CARE WHERE YOU'RE AT IN THE UNITED STATES OF AMERICA. IF YOU'RE WITHIN A STATE, THERE ARE INCENTIVES FOR EVERY ONE OF THOSE BUSINESS (SIC), WHETHER IT'S ETHANOL, WHETHER IT'S WIND DEVELOPMENT, WHETHER IT'S A PACKING PLANT, WHETHER IT'S A HOG DEVELOPMENT, WHETHER IT'S A FEEDYARD. AND TELL ME THIS, ARE THOSE WORKING? ARE THE PROPERTY TAXES GOING DOWN? [LB959]

PRESIDENT FOLEY: TIME, SENATOR. [LB959]

SENATOR SCHILZ: THANK YOU. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB959]

SENATOR BRASCH: THANK YOU, MR. LIEUTENANT GOVERNOR, AND GOOD AFTERNOON, COLLEAGUES. AND HERE WE GO, A FULL CIRCLE AGAIN, TALKING ABOUT PROPERTY TAXES AND BUSINESSES. AND THIS CONTINUES TO BE AN EXTREMELY DIFFICULT CONVERSATION TO HAVE. I FEEL LIKE I'M TRYING TO EXPLAIN A LANGUAGE TO SOME OF THE URBAN SENATORS. AND BECAUSE I AM A PERSON WHO HAS SPENT MY FIRST 40 YEARS IN CITY LAND AND MY LAST 22 YEARS IN FARMLAND, I FEEL I'M A GOOD PERSON TO EXPLAIN THIS. MOST BUSINESSES, AND IF YOU LIVE IN THE CITY, MOST BUSINESSES ARE PRICE SETTERS. THEIR PRICES ARE SET ACCORDING TO WHAT THE MARKET DICTATES. BUSINESSES HAVE SOME CONTROL. THEY CHOOSE VENDORS. THEY CHOOSE SERVICES. PRICE IS COMPETITIVE THERE. SO MOST BUSINESSES ARE PRICE SETTERS WHO WORK WITH THE MARKET DICTATES. NOW, HOWEVER, IF YOU'RE AN AG PRODUCER, YOU ARE A PRICE TAKER. YOU HAVE TO TAKE WHATEVER PRICE IS OUT THERE AND IT IS BEYOND YOUR CONTROL. IT'S UP TO THE BOARD ON...AND IT'S UP TO THE CLIMATE. IT'S UP TO GLOBAL TRADE. BUT YOU TAKE WHAT PRICE IS THERE. AND THANK GOODNESS WE SAW A FEW GOOD YEARS. ALTHOUGH THEY WERE FLEETING, THEY WERE GOOD YEARS. AND THOSE GOOD YEARS HIT AT THE RIGHT TIME WHETHER YOU LIVE IN THE CITY OR IF YOU LIVE IN THE COUNTRY BECAUSE WHEN MANY OF US WERE HERE IN 2011, 2010, GIVE OR TAKE A FEW YEARS BEFORE AND AFTER, WE WERE IN A RECESSION AND THOSE BUSINESSES ARE BETTER OFF TODAY, AS IS OUR STATE, BECAUSE FARMERS HAD SOME GOOD YEARS. WE CAME HERE WITH A BILLION DOLLAR

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SHORTFALL. WE MADE ENDS MEET AND NOW WE SEE THE MARKET IS CHANGING. BUT WE DON'T HAVE AN OPTION. WE HAVE TO TAKE WHAT'S THERE. WE DON'T...WE AREN'T THE PRICE SETTERS, THAT'S OUT OF OUR HANDS. SMALL BUSINESSES ARE AN ASSET TO RURAL COMMUNITIES, AND RURAL COMMUNITIES ARE AN ASSET TO BUSINESSES. AND WE HAVE TO KEEP THAT IN MIND BUT ALSO REMEMBER THAT FARMERS, NOT ONLY DO THEY PAY PROPERTY TAX AND AG LAND TAX, I JUST DOUBLE CHECKED AT HOME, WE'RE PAYING \$80 AN ACRE. WE OWED A CHECK FOR AROUND \$60,000 IN TAXES, BUT WE ALSO HAD TO WRITE A CHECK FOR INCOME TAX, A CHECK FOR PERSONAL PROPERTY TAX. WE PAY SALES TAXES. WE HAVE TAXES ON TOP OF TAXES. AND BECAUSE THIS IS SO DIFFICULT, I KEEP GOING AROUND IN CIRCLES, HOW CAN I GET EVERYONE TO EXPLAIN? AND I THINK THE ONLY WAY WE'RE GOING TO GET A SENSE OF WORKING TOGETHER IS IF WE PASS SOME BILL THAT ANY TIME THE ASSESSOR INCREASES AG LAND VALUE 20 PERCENT, 30 PERCENT, SO DOES GO OUR BUSINESSES, THE BUSINESS TAXES, THE INCOME TAXES, THE SALES TAXES. YOU KNOW, EVERYTHING GOES UP PROPORTIONATELY BECAUSE THEN I THINK WE'D ALL BE ON THE SAME TEAM AND SAY THIS IS TOO HIGH, TOO HARD, WE CAN'T DO IT. IF WE ALL SEE AN INCREASE, WE WILL WORK TOGETHER TO TURN THINGS AROUND AND NOT JUST SAY ONE OCCUPATION CAN PAY THAT TAX. [LB959]

PRESIDENT FOLEY: ONE MINUTE. [LB959]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. I DO APPLAUD SENATOR SULLIVAN AND THE EDUCATION COMMITTEE FOR WHAT THEY HAVE PUT TOGETHER HERE. IT WAS NOT EASY BRINGING EVERYONE TOGETHER ON THE SAME PAGE AND I KNOW THIS IS A STEP AND THERE'S STILL QUESTIONS THAT REMAIN. BUT, FELLOW COLLEAGUES, GOOD FRIENDS, ALL, DON'T TURN YOUR BACKS ON SOMEONE BECAUSE THE ONLY GOOD TAX IS WHAT SOMEONE ELSE PAYS. THAT'S WRONG. WE NEED TO TURN THIS AROUND. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR STINNER, YOU'RE RECOGNIZED. [LB959]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. I, TOO, STAND TO THANK SENATOR FRIESEN FOR BRINGING THIS LEGISLATION FORTH. IT'S UNIQUE AND CREATIVE AND THAT'S SOME OF THE THINKING THAT WE NEED TO HAVE IN THIS CASE. ALSO, I'D LIKE TO COMMENT THAT I ALSO AGREE WITH SENATOR SCHILZ THAT ECONOMIC DEVELOPMENT IS AN ANSWER. OUT-MIGRATION IS A PROBLEM.

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AND GROWING NEBRASKA IS CERTAINLY SOMETHING THAT I BUY INTO AND IT CERTAINLY RESONATES WITH ME. ONE OF THE THINGS I WILL SAY IS I DO BELIEVE IN POSSIBILITY THINKING: LOOKING AT ALL OF THE OPTIONS AND IDEAS THEN USING CREATIVE THINKING IN ORDER TO CRAFT SOLUTIONS TO PROBLEMS. I ALSO BELIEVE IN THIS LEGISLATURE'S DELIBERATIVE ABILITIES AS IT RELATES TO THIS WHEN TAKEN IN A POSITIVE WAY. SO I THINK WE CAN MOVE FORWARD AND PUT TOGETHER A VERY COMPREHENSIVE PACKAGE AT SOME POINT IN TIME. NOW WE MAY HAVE TO GO INCREMENTALLY, AS SENATOR GLOOR TALKED ABOUT, BUT I THINK WE CAN...WITH THE END RESULT BEING THAT WE STILL MAINTAIN EDUCATION AS OUR NUMBER ONE PRIORITY. AND AS YOU LOOK AT IT IN THE BUDGET, IT IS OUR NUMBER ONE PRIORITY. SO WE DON'T WANT TO DO ANYTHING TO HARM EDUCATION. WE'VE GOT TO CRAFT A NEW WAY OF FUNDING IT. BUT THEN WHEN YOU LOOK AT WHAT'S HAPPENING ON FARMLAND VALUES, WE'RE NOW NUMBER THREE, NUMBER THREE HIGHEST IN THE COUNTRY ON FARMLAND VALUES AS IT RELATES TO PROPERTY TAX. THERE'S SOMETHING WRONG WITH THAT PICTURE. AND IF YOU REALLY KIND OF THINK ABOUT THIS, YOU KIND OF HAVE TO HARKEN BACK TO 2008, 2009 WHEN THE FEDERAL RESERVE DECIDED, INDEPENDENT OF THE FARM COMMUNITY CERTAINLY, THAT IT WAS GOING TO GO TO ZERO INTEREST RATES. ZERO INTEREST RATES OBVIOUSLY STIMULATED THE COMMODITY PRICES WHICH DROVE THE PRICES OF LAND UP AND IT'S BEEN AN ARTIFICIAL SITUATION NOW FOR--IF I CAN DO THE MATH IN MY HEAD--PROBABLY SIX, EIGHT YEARS, WE'VE HAD A PRETTY ARTIFICIAL ENVIRONMENT. AS THEY START TO RAISE INTEREST RATES, WHICH THEY INTEND TO DO, WE MAY SEE A SOFTENING OF COMMODITY PRICES AND CERTAINLY FARMLAND VALUES COULD GO DOWN. BUT FROM THE BANKING SIDE OF THINGS, I LOOKED AT CASH FLOWS FOR A LONG PERIOD OF TIME. I'VE BEEN IN THIS GAME OVER 40 YEARS AND NEVER REALLY PAID ATTENTION TO THAT INPUT COST CALLED PROPERTY TAXES. NOW ALL OF A SUDDEN WHEN I LOOK AT THOSE, THEY'RE THE NUMBER TWO, SOMETIMES NUMBER THREE INPUT COST AS IT RELATES TO FARMING. SO THEY'VE MOVED FROM LIKE \$10 TO \$12 AN ACRE; NOW THEY'RE \$50, \$60, \$70 AN ACRE. SO THERE'S SOMETHING WRONG WITH THAT PICTURE. IT NEEDS TO BE MODIFIED. IT CERTAINLY INHIBITS AGRICULTURE FROM GROWING AND IT INHIBITS THE BOTTOM LINE, ESPECIALLY NOW WITH COMMODITY PRICES OFF 30 PERCENT, 35 PERCENT IS WHAT WE'RE LOOKING AT IN TERMS OF TOTAL INCOME. THIS IS A \$500 MILLION PROBLEM IF YOU WANT TO SHIFT US TO THE MIDDLE FOR ALL PROPERTY TAX. THAT MEANS THE STATE HAS GOT TO BE ABLE TO LOOK TO A REVENUE SOURCE AND I'VE GOT 72 PAGES OF SALES TAX EXEMPTIONS AND WE CONTINUE TO PASS MORE SALES TAX EXEMPTIONS, MOSTLY FOCUSED AT CERTAIN TYPES OF ENDEAVORS. BUT CERTAINLY THERE'S AN OPPORTUNITY

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THERE TO TAKE A LOOK AT SHIFTING THE TAX FROM A PROPERTY TAX TO A SALES TAX BACK TO STATE AID. THAT WOULD BE A FAIRLY COMPREHENSIVE AND LONG-TERM PROJECT, BUT IT CERTAINLY WOULD BE WHAT WE DEFINE AS SOLVING THE PROBLEM, BRINGING US TO THE MIDDLE. IT'S \$500 MILLION PLUS THE \$200 MILLION... [LB959]

PRESIDENT FOLEY: ONE MINUTE. [LB959]

SENATOR STINNER: ...THAT WE'RE THROWING NOW. SO IN ANY EVENT, THOSE ARE SOME OF THE IDEAS. AGAIN, I THANK SENATOR FRIESEN FOR HIS CREATIVITY. IT'S GOING TO TAKE SOME CREATIVE THOUGHTS. IT'S GOING TO TAKE SOME COURAGE. IT'S GOING TO TAKE SOME DIFFERENT THINKING TO GET THIS JOB DONE. SO THANK YOU. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR STINNER. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB959]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, NEBRASKA. I WOULD LIKE TO RISE AND THANK SENATOR FRIESEN FOR INTRODUCING THE BILL. GETTING BACK TO BASICS OF WHAT HE'S TALKING ABOUT ON FOUNDATION OF AID, AND WE'VE HAD THIS DISCUSSION A COUPLE OF YEARS NOW, BUT IT DOES NEED TO COME TO LIGHT AND I DON'T WANT TO REITERATE A LOT ABOUT WHAT WAS SAID HERE EARLIER, BUT ON A TYPICAL FARM AND WHAT I FARM, WENT BACK THROUGH SOME OF THE NUMBERS ON SOMEONE THAT MAY OWN 1,000 ACRES AND I RENT FROM THEM, IN GENERAL, BETWEEN THEIR PROPERTY TAXES AND THEIR INCOME TAXES WITHOUT COUNTING ANY SALES TAX, THEY'RE TAXED 55 PERCENT OF THEIR INCOME EVERY YEAR. THAT WOULD BE LIKE SAYING IF YOU HAD A 401(k), THAT THE STATE WOULD BE TAXING IT AT 1.5 PERCENT TO 1.3 PERCENT PER YEAR WHETHER IT MAKES INCOME OR NOT. THOSE ARE SOME OF THE SPECIFICS THAT WE DEAL WITH, WITH OUR INDUSTRY EVERY DAY. AND I JUST HATE TO REITERATE A LOT ABOUT WHAT WAS SAID TODAY, BUT I JUST NEEDED TO SHARE THAT NUMBER. I THINK WHAT WE REALLY HAVE IN NEBRASKA, AND I'VE DONE A LOT OF RESEARCH IN THE LAST SIX MONTHS OR A YEAR ON THIS AND VISITING WITH OTHER INDIVIDUALS IN THE CAPITOL, WHEN TEEOSA WAS BORN, WHEN TEEOSA WAS BORN IN THE LATE '80s AND THE EARLY '90s, THERE WAS, AS SENATOR GROENE SPOKE ABOUT, FOUNDATION AID IN THAT PACKAGE. IT WAS NEVER FULLY FUNDED WITH THE 20 PERCENT LOCAL INCOME TAX, BUT IT WAS THE IDEA THAT IT NEEDED TO BE THERE. BUT WHAT WAS GOING ON AROUND

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THE COUNTRY WAS FOUNDATION AID WAS BEING CHALLENGED CONSTITUTIONALLY. SO I THINK NEBRASKA GOT SCARED AND JUST BASICALLY BACKED OUT OF IT. BUT THE ARGUMENT NEEDS TO COME BACK TO WHAT IS THE RESPONSIBILITY OF THE STATE OF NEBRASKA TO FUND, TO FINANCE, TO PROVIDE FREE EDUCATION FOR THE K-12 IN THE STATE OF NEBRASKA. YOU KNOW, WE'VE BEEN CHARGED IN THE STATE AND WE'VE HEARD THESE STATISTICS A LOT THAT NEBRASKA IS SO LOW AND SO POORLY FUNDS THEIR LOCAL SCHOOLS. I THINK WE'RE 48th OR 49th IN THE COUNTRY ON HOW WE HAVE STATE FUNDING OF OUR LOCAL SCHOOLS. BUT NO ONE TALKS ABOUT THE TOTAL SPENDING ON OUR SCHOOLS. WE'RE 48th OR 49th IN THE COUNTRY BECAUSE THE PROPERTY TAX IS PICKING UP THAT BURDEN. FOR THOSE OF YOU THAT ARE NOT IN THE BODY TODAY, FOR THOSE OF YOU WATCHING AT HOME, IT WOULD BE INTERESTING FOR YOU TO COME HERE TODAY AND LISTEN BEHIND THE LOBBY GLASS DOORS TODAY. THIS IS THE FIRST DAY I WOULD TELL YOU THAT WE'VE STARTED IN THIS 60-DAY SESSION THAT WE'VE HAD AN HONEST DEBATE BEHIND THE FLOOR...BEHIND THE GLASS. THE PROPERTY TAXES ARE CARRYING THE BURDEN FOR EDUCATION IN THIS STATE. THOSE SERIOUSLY INVOLVED IN EDUCATION ARE WORRIED. THAT LOOKS LIKE A VERY, VERY SAFE WAY TO FUND THEIR SCHOOLS--SAFER THAN STATE FUNDING. THERE'S NO DOUBT ABOUT IT. YOU GO TO A SCHOOL BOARD AND YOU RAISE YOUR LEVY AND NO ONE TALKS ABOUT IT. YOU COME TO THE STATE AND WE ALL HEAR ABOUT IT AND WE FIND OUT ABOUT IT. SENATOR GROENE HAS SAID THIS REPEATEDLY ON THE FLOOR, THAT THE PROPERTY TAXES ARE PICKING UP THE RESPONSIBILITY OF THE STATE OF NEBRASKA. I THINK BACK TO FOUR YEARS AGO WHEN I WAS INTRODUCED TO THE BODY. GOVERNOR HEINEMAN AT THAT TIME INTRODUCED LB405 AND LB406 AND HE WAS RUN OUT OF TOWN. HE WAS RUN OUT OF TOWN FOR THE IDEA OF EXPANDING THE TAX BASE. IN NEBRASKA, WE HAVE MORE SALES TAX EXEMPTIONS THAN WE ACTUALLY COLLECT SALES TAXES ON. HE MAY HAVE VERY WELL BEEN AHEAD OF HIS TIME ON THAT. WE MAY VERY WELL HAVE TO GO BACK TO THAT DISCUSSION BECAUSE THERE'S LOTS OF WAYS THAT WE CAN DO BETTER IN THE STATE OF NEBRASKA. BUT WE HAVEN'T DEFINED IT PROPERLY YET OTHER THAN THE FACT THAT THE STATE OF NEBRASKA IS RELYING ON THE PROPERTY TAX OWNERS OF THIS STATE, NOT JUST AG LAND VALUES,... [LB959]

PRESIDENT FOLEY: ONE MINUTE. [LB959]

SENATOR WATERMEIER: ...RESIDENTIAL, COMMERCIAL, AND AG LAND VALUES. IN MY DISTRICT, I HEAR IT EVERY DAY. BUT WE ARE AVOIDING THE QUESTION, WHO IS RESPONSIBLE TO FUND OUR CHILDREN'S EDUCATION? AND THE BASIC

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IDEA OF A FOUNDATION AID SHOULD BE ABSOLUTELY CRITICAL TO THAT DISCUSSION. I APPLAUD SENATOR FRIESEN FOR BRINGING IT FORWARD. THIS NEEDS TO BE A CRITICAL, INSTRUMENTAL, AND IMPORTANT PART OF THE DISCUSSION WE HAVE IN THE NEXT TWO YEARS. IF IT'S NOT, WE ARE FAILING IN OUR OBLIGATION TO PROVIDE EDUCATION. THANK YOU, MR. PRESIDENT. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB959]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. YOU KNOW, I'VE HEARD TEEOSA FORMULA REFERRED TO ALMOST BIBLICALLY, THAT THIS IS GOSPEL, THAT IT'S THE GREATEST FORMULA EVER INVENTED, AND IT'S EQUALIZATION. IT'S A FORMULA, FOLKS. I'M GOING TO BE SACRILEGIOUS HERE, BUT I THINK IT'S FLAWED. IT'S FLAWED. IT'S A FLAWED FORMULA THAT MIGHT HAVE HAD GREAT INTENTIONS BUT IT'S BEEN AMENDED 20-SOME TIMES. IT WAS SUPPOSED TO PROTECT THE THREE-LEG STOOL WHERE ONE-THIRD PROPERTY TAX, ONE-THIRD SALES TAX, ONE-THIRD INCOME TAXES FUNDED OUR EDUCATION. WELL, IT'S FLAWED. WE'RE PUSHING 60-40, 40-PLUS PERCENT ON PROPERTY TAXES, I'M NOT SURE WHERE THE SPLIT IS ON INCOME AND SALES TAX, BUT WE ALL KNOW INCOME TAX IS MORE THAN SALES TAX IN THE STATE, AS SENATOR WATERMEIER SAID. BUT WE KEEP NICKEL-AND-DIMING THINGS, WE'RE GOING TO PROBABLY PASS LB774 WHERE WE INCREASE THE NUMBER OF SALES TAX EXEMPTIONS IN THIS STATE. WHEN WE HAD OUR JOINT COMMITTEE HEARINGS, WOE AND AWE. WE EXEMPT TOO MUCH FROM SALES TAX. WE JUST...COMPARED TO OTHER STATES, WE JUST DON'T TAX ENOUGH SALES TAX ENTITIES AND THEN WE SAT THERE IN THE SAME BREATH, COMPLAINED ABOUT OUR HIGH PROPERTY AND INCOME TAXES. THAT IS A PLACE WE CAN GO STRAIGHTEN OUT THE FUNDING FOR EDUCATION. I'VE GOT IN FRONT OF ME THE REVENUE DEPARTMENT'S LATEST PROPERTY TAX LEVIED BY LOCAL GOVERNMENTS. FROM '14-15 IT WENT FROM \$2.14 BILLION TO \$2.28 BILLION: \$141 MILLION INCREASE IN SCHOOL DISTRICTS' COLLECTION OF PROPERTY TAXES. FROM '13-14, IT WENT UP \$114 MILLION; \$102 MILLION IN '13; \$80 MILLION IN '12; \$64 MILLION IN '11. THESE HUGE INCREASES BECAUSE OF OUR FORMULA--NEEDS MINUS LOCAL RESOURCES--IS THE REASON WE'RE NOT AT 5 PERCENT OR 6 PERCENT OR MORE BUDGET INCREASES AT THE STATE GENERAL FUND. YOU CAN THANK THE PROPERTY TAXPAYER FOR MAKING US LOOK GOOD WHEN WE CLAIM WE WENT 3.5 PERCENT INCREASE IN BUDGETS. BUT WE ARE STATE SENATORS; WE ARE NOT STATE GOVERNMENT SENATORS WHERE WE BRAG AND TOOT AND WORRY ABOUT OUR BUDGET. THE TAXPAYER LOOKS AT HIS BUDGET, WHICH IS PROPERTY TAXES, SALES TAXES, INCOME TAXES, AND COST OF LIVING. SO WHEN

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WE DUMP IT ON THE PROPERTY TAXPAYER AND PAT OURSELVES ON THE BACK THAT, BOY, WE DID A GREAT JOB WITH THE STATE BUDGET, WE DIDN'T. WE DID NOT DO THE DUTY WE WERE SENT HERE FOR AND THAT IS TO LOOK AFTER TAXPAYER AND THE CITIZENS ON ALL OF THEIR INTERESTS, ON ALL OF THEIR TAXES. SO ANYWAY, I APPLAUD SENATOR FRIESEN FOR BRINGING THIS TO POINT OUT THE HUGE PRODUCTION COST WE ARE PUTTING ON PRODUCTION AGRICULTURE IN THIS STATE. IT IS A COST. IT HARMS THE INDUSTRY AND WE LOOK THE OTHER WAY AS IF SOMEBODY IS GOING TO SELL THEIR FARM AND GO TO VEGAS. WELL, A FARMER DON'T LOOK AT IT THAT WAY. SMALL TOWNS WORRY ABOUT THEIR AG BASE. AND WE TAX AND WE TAX AND WE TAX IT. AND THE FORMULA IS FLAWED. THE FORMULA IS FLAWED. SO THANK YOU, SENATOR FRIESEN, FOR DOING WHAT YOU DID, AND THANK YOU, MR. PRESIDENT, FOR LISTENING, AND EVERYONE. [LB959 LB774]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB959]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I'M JUST NOT GOING TO TAKE MY FULL FIVE MINUTES HERE, BUT SENATOR McCOLLISTER KIND OF BEAT ME TO THE PUNCH BECAUSE WHAT I DID WANT TO SAY WAS WE HAVE TO DO A LOT OF THINGS FOR ECONOMIC DEVELOPMENT IN RURAL NEBRASKA. IT'S REALLY THE SOLUTION. AND WIND DEVELOPMENT IS ONE OF THE OPTIONS THAT NEBRASKA NEEDS TO LOOK AT AND LOOK AT HARD. AND IT ISN'T GOING TO FIX THE PROBLEM ALL ACROSS THE STATE, BUT IT WILL CERTAINLY FIX IT IN CERTAIN PORTIONS OF THE STATE. WE HAVE A VERY SHORT LITTLE WINDOW I THINK OF OPPORTUNITY WITH REGARD TO DEVELOPING OUR RENEWABLE ENERGY RESOURCES IN THE STATE OF NEBRASKA. AND PUTTING IT OFF A YEAR OR TWO OR THREE OR FOUR, IT WILL BE WAY TOO LATE. WE'LL STILL BE BUYING RENEWABLE ENERGY OUT OF KANSAS, OUT OF OKLAHOMA, AND THEY'LL BE HAVING THE PROPERTY TAX RELIEF AND WE WON'T. AND SO AGRICULTURE WILL STILL BE COMPLAINING ABOUT HIGH PROPERTY TAXES AND I HOPE MY COLLEAGUES WHO HAVE TAKEN OPPOSITION TO RENEWABLE ENERGY INDUSTRY WOULD REALLY LOOK AT THAT MORE CAREFULLY ONE MORE TIME. IT'S IMPORTANT. IT'S HAPPENING. IT'S NOT GOING TO GO AWAY. NEBRASKA CAN PARTICIPATE IN IT OR WE CAN LET IT GO. BUT IF WE LET IT GO, IT'S TO OUR DETRIMENT. AS MUCH AS I WISH I COULD SAY I SUPPORT THE IDEA OF THIS FOUNDATION AID PIECE, WE DON'T HAVE THE REVENUE TO DO IT. WE ALL KNOW THAT. I APPRECIATE SENATOR FRIESEN BRINGING THE DISCUSSION BECAUSE IT'S SOMETHING THAT NEEDED TO BE SAID. WHEN WE GET TO THE REVENUE COMMITTEE PIECE OF PROPERTY TAX REFORM AND DISCUSSIONS ABOUT THAT,

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YOU'RE GOING TO HEAR ABOUT THE COMMUNITY COLLEGES, WHY THOSE COMMUNITY COLLEGES WERE POINTED OUT IN THE REVENUE PIECE. AND I'M JUST GOING TO SAY IT AGAIN ONE MORE TIME. AN 8 PERCENT INCREASE IN THE PROPERTY TAX ASKING FROM THE COMMUNITY COLLEGES OVER THE LAST TEN YEARS IS CONFISCATORY AND UNSUSTAINABLE. THAT PART OF THE PICTURE IS WHY WE'RE HERE AND THE FACT THAT THE STATE HAS CONTINUED TO SHOVE OBLIGATIONS DOWN TO THE COUNTIES, LOCAL SCHOOL DISTRICTS, FIRE DISTRICTS, AND EVERYONE ELSE WITHOUT THE FUNDING THAT GOES WITH THEM. SO WHEN YOU DON'T HAVE THE FUNDING BUT YOU'VE GOT THE OBLIGATION, WHAT DO YOU DO? YOU HAVE TO RAISE YOUR PROPERTY TAXES AND THAT'S WHERE WE ARE TODAY. IT'S TIME FOR THE STATE OF NEBRASKA TO STEP UP AND SAY, OKAY, WE RECOGNIZE WE'RE IMPOSING THESE MANDATES ON YOU. NOW IT'S TIME FOR US TO FUND THOSE. THANK YOU. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB959]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. FIRST OF ALL, I WOULD LIKE TO JUST STAND IN SUPPORT OF LB959 AND THE ACCOMPANYING AMENDMENT, AM2622. ELIMINATING THE MINIMUM LEVY, THE AVERAGING ADJUSTMENT, AND THE QCPUF CHANGES ARE ALL BENEFICIAL TO MOST OF THE SCHOOL DISTRICTS IN MY LEGISLATIVE DISTRICT. SO I CERTAINLY SUPPORT THAT. THIS HAS BEEN INTERESTING AND, I WILL ACTUALLY SAY, ENJOYABLE DEBATE THIS AFTERNOON ON THIS ISSUE BECAUSE WE ARE FOCUSING ON SOME VERY IMPORTANT ISSUES THAT WILL BE FACING OUR STATE LONG TERM. I THINK THERE ARE SOME VERY POSITIVE THINGS TO TAKE AWAY FROM THE DEBATE THAT'S BEEN GOING ON. FIRST, THERE IS A TRUE UNDERSTANDING, I BELIEVE, OF NOT ONLY THE OBLIGATION BUT THE REALIZATION THAT INVESTING IN EDUCATION IN OUR STATE IS VITAL. AND THIS LEGISLATURE I THINK TO THE PERSON ACCEPTS THAT RESPONSIBILITY AND WANTS TO DO THAT THE BEST WAY WE POSSIBLY CAN. ALSO, I THINK THERE'S GENERAL ACCEPTANCE OF THE FACT THAT AGRICULTURE IS OUR STATE'S NUMBER ONE INDUSTRY AND WE NEED TO SUPPORT IT IN ANY WAY POSSIBLE AND THEN WE ALSO RECOGNIZE THE LINK BETWEEN THESE TWO COMMENTS: THAT TO DO WHAT WE NEED TO DO TO SUPPORT AGRICULTURE AND TO DO WHAT WE NEED TO DO TO SUPPORT EDUCATION, WE HAVE TO BE CREATIVE IN FINDING NEW AND DIFFERENT WAYS TO FUND THAT NEED. SENATOR FRIESEN HAS BROUGHT A GREAT IDEA OUT OF THE BOX, THINKING A NEW WAY, CHALLENGING US TO NOT ACCEPT THE STATUS QUO. I THINK THAT'S IMPORTANT. YOU KNOW, THE SITUATION HAS CHANGED

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DRASTICALLY OVER THE YEARS SINCE TEEOSA WAS ADOPTED. I HAVE 13 SCHOOL DISTRICTS IN MY LEGISLATIVE DISTRICT. ONLY ONE OF THOSE DISTRICTS, AND IT HAPPENS TO BE A DISTRICT OF HIGH POVERTY AND A HIGH LEVEL OF NON-ENGLISH SPEAKING STUDENTS, THAT'S THE ONLY DISTRICT OUT OF 13 THAT CURRENTLY CONTINUE TO RECEIVE EQUALIZATION AID. WE ALSO HAVE INEQUITIES RIGHT IN ONE OF MY COUNTIES. WE HAVE TWO SCHOOLS THAT SIT APPROXIMATELY EIGHT MILES APART AND IF SENATOR FRIESEN WAS FARMING IN THAT AREA, YOU MIGHT OWN LAND IN BOTH OF THOSE DISTRICTS. THE LEVY IN ONE OF THOSE DISTRICTS IS IN THE MID-50s (CENTS) AND THE OTHER DISTRICT IS \$1.05 ON THE EXACT SAME KIND OF LAND, SO TALKING ABOUT HOW THAT IS BROKEN IS CERTAINLY A FACT. SO HERE WE ARE. WE AREN'T GOING TO SOLVE THIS PROBLEM TODAY, BUT THE DEBATE HAS STARTED. WE ALSO RECOGNIZE HOW IMPORTANT IT IS THAT WE CONTINUE TO GROW OUR STATE. I WAS LOOKING THROUGH ONE OF THE PUBLICATIONS THAT WERE GIVEN TO US AT OUR TRAINING SESSION BACK IN DECEMBER. AND LOOKING AT EDUCATIONAL EXPENDITURES BY COUNTY, THE AVERAGE COUNTY EXPENDITURE PER PUPIL FOR EDUCATION IS \$15,460. AND I THINK AT TIMES THERE ARE PEOPLE, ESPECIALLY URBAN SENATORS, THAT THINKS IT COSTS A LOT MORE TO EDUCATE KIDS IN THE COUNTRY THAN IT DOES IN THE RURAL...LARGER POPULATION SCHOOLS, AND IT DOES TO SOME DEGREE. BUT I'D POINT OUT THAT AVERAGE NUMBER OF \$15,460. IN DAWSON COUNTY WHERE I LIVE, WE SPEND \$11,890 PER STUDENT. ANOTHER SIGNIFICANT CHANGE THAT HAS HAPPENED OVER THE YEARS IS WHAT HAS HAPPENED AND HOW AGRICULTURE HAS CHANGED. THE AVERAGE NUMBER OF EMPLOYEES AS A PERCENTAGE OF THE POPULATION... [LB959]

PRESIDENT FOLEY: ONE MINUTE. [LB959]

SENATOR WILLIAMS: ...BY COUNTY INVOLVED IN AGRICULTURE IS NOW 15.5 PERCENT. AND IN DAWSON COUNTY, AGAIN, THAT NUMBER IS 9.9 PERCENT. SO WHEN WE TALK ABOUT THE IMPORTANCE OF AGRICULTURE, IT'S CLEARLY THE DIRECT FARMER, THE AG PRODUCER. BUT ALL OF THAT SPINS OFF INTO ALL THE OTHER KIDS, THAT 9.9 PERCENT NUMBER. THAT MEANS WHEN YOU GO INTO THAT CLASSROOM AT SCHOOL, APPROXIMATELY 10 PERCENT OF THOSE KIDS ARE FARM KIDS. THE REST OF THOSE KIDS ARE THE SONS AND DAUGHTERS OF OUR OTHER EMPLOYEES IN OUR COMMUNITY. I THINK WE'VE STARTED A GREAT DISCUSSION. I APPLAUD SENATOR FRIESEN FOR BRINGING THIS AND OTHERS FOR THEIR COMMENTS. AND WE WILL NEED TO ADDRESS THIS AS WE MOVE FORWARD. THANK YOU, MR. PRESIDENT. [LB959]

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PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB959]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. AND I RISE IN SUPPORT OF LB959 AND AM2622. I DO HAVE SOME RESERVATIONS WITH IT, HOWEVER, THAT BEING SAID, I THINK THAT SENATOR SULLIVAN HAS BEEN DOING A GREAT JOB TRYING TO FIND SOME MIDDLE GROUND AND SOME COMPROMISE TO MOVE THIS ISSUE FORWARD. I'LL SAY AT THE OUTSET THAT I THINK IN GENERAL I AM HESITANT TO PEG PUBLIC SCHOOLS AS THE PROBLEM BEHIND THE PROPERTY TAX ISSUE. I ASKED IN OUR JOINT EDUCATION AND REVENUE COMMITTEE, AND THEN ALSO IN SEVERAL EDUCATION COMMITTEES, EDUCATION EXECUTIVE SESSIONS ANYWAY, GIVE US AN EXAMPLE OF THE PROBLEM SCHOOL DISTRICT THAT IS OVERSPENDING AND ABUSING THEIR LEVY AUTHORITY AND POWER. I WAS NOT ABLE TO HEAR ONE EXAMPLE OR BE GIVEN ONE EXAMPLE. SO WHEN WE'RE ADDRESSING THE PROBLEM OF PROPERTY TAX AND THE THREE-LEGGED STOOL OF SALES TAX, INCOME, AND PROPERTY TAX, I BELIEVE IT'S A SYSTEMIC PROBLEM, NOT A PUBLIC SCHOOLS PROBLEM. SO THAT'S WHY I HAVE RESERVATIONS WITH THE APPROACH LIKE LB959. THAT BEING SAID, I DO RISE IN SUPPORT OF LB959 AND AM2622 BECAUSE I THINK A LOT OF WORK HAS BEEN DONE TO FIND COMMON GROUND AND COMPROMISE. AND IN THE END, I DON'T THINK IT WILL DRASTICALLY AFFECT SCHOOLS' ABILITIES TO BE EFFECTIVE. GOING BACK TO THE ISSUE OF THIS BEING A BROADER TAX PROBLEM, I HEAR SEVERAL OF MY RURAL COLLEAGUES TALK ABOUT HOW WE HAVE A PROPERTY TAX PROBLEM. AND TO A CERTAIN EXTENT, I AGREE THAT THERE IS AN OVERBURDEN...THERE IS A BIGGER BURDEN OF PROPERTY TAXES ON RURAL FOLKS AND FARMERS IN PARTICULAR THAN IN OTHER AREAS. THAT BEING SAID, SOME OF THE SAME PEOPLE THAT GET UP AND TALK ABOUT THAT ARE NOT WILLING TO LOOK AT OTHER ISSUES THAT WOULD BRING IN INCREASED REVENUE ON THE LOCAL LEVEL AND ON THE STATE LEVEL, LIKE WINDFARMS AND RENEWABLE ENERGY AND SOME OTHER OPPORTUNITIES TO BRING IN ADDITIONAL REVENUE AND INCOME SO THAT WE CAN PROVIDE MORE STATE AID TO PUBLIC SCHOOLS SO THAT WE CAN REDUCE THE BURDEN ON PROPERTY TAXES. THERE HAS TO BE A LITTLE BIT OF GIVE-AND-TAKE, AND I HAVEN'T SEEN A LOT OF GIVE FROM SOME OF MY RURAL COLLEAGUES. IN ADDITION, WE AS A WORK FORCE AND AS A STATE ALSO HAVE TO HAVE COMPETITIVE POLICIES LIKE MY PRIORITY BILL, LB586, IF WE'RE TRULY GOING TO BE MORE COMPETITIVE IN THE NATIONAL AND GLOBAL WORKPLACE. SO THESE ARE ALL THINGS THAT I THINK THAT WE NEED TO START CONSIDERING, PARTICULARLY ON THE REVENUE SIDE. IF WE'RE GOING TO PROVIDE MORE STATE AID TO MORE SCHOOLS, WHICH I'M IN FAVOR OF, WE ARE GOING TO NEED TO GENERATE NEW

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REVENUE STREAMS AND BE ABLE TO COMPETE IN THE 21st CENTURY WITH EMERGING INDUSTRIES IN OTHER FIELDS. THANK YOU, MR. PRESIDENT. [LB959 LB586]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB959]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF BODY, I'LL SAVE MOST OF MY DISCUSSION UNTIL A LATER BILL, BUT I JUST NEED TO GET UP AND TALK A LITTLE BIT ABOUT THE CONCEPT OF GROWING THE TAX BASE. AND SENATOR SCHILZ TALKED ABOUT THAT PASSIONATELY, SENATOR STINNER TALKED ABOUT DON'T ACCEPT THE STATUS QUO AND SO ON. AND PART OF THE SOLUTION TO THIS PROBLEM, ALTHOUGH I DO UNDERSTAND THAT WE HAVE TO KEEP WORKING ON TEEOSA AND PROPERTY TAXES AND SO ON, BUT IS TO GROW OUR TAX BASE. AND IN NEBRASKA, WE HAVE AN OPPORTUNITY FOR FARMING THAT COULD BRING A GREAT DEAL...ALREADY IS BRINGING A GREAT DEAL OF INCOME TO FARMERS. NOW ONLY ABOUT 20 PERCENT OF MY CONSTITUENCY IS RURAL, BUT I'VE SPENT A LOT OF MY YEARS IN THIS LEGISLATURE WORKING ON RURAL FARMING WHICH IS FARMING THE WIND. AND I'D LIKE...THIS COMES...THE FOLLOWING COMES FROM THE NEBRASKA FARMERS UNION AND AS THE END OF 2016, FROM WINDFARMS THAT WILL BE COMPLETE AND OPERATING BY THE END OF 2016, THEY WILL PRODUCE ABOUT 1,324 MEGAWATTS OF WIND. THAT WILL MEAN \$5.2 MILLION OF NEW ANNUAL INCOME FOR NEBRASKA FARMERS AND LANDOWNERS, THAT'S FROM RENTAL; ABOUT \$8.6 MILLION OF NEW LOCAL TAX REVENUES; ABOUT 130 NEW JOBS; AND \$2.3 BILLION OF CAPITAL INVESTMENT. AND THE \$8.6 MILLION IN LOCAL TAX REVENUE IS ANNUALLY. SO IF YOU TAKE THAT AND MULTIPLY IT BY 20, WE'RE TALKING ABOUT ALMOST \$250 MILLION WORTH OF NEW LOCAL PROPERTY TAX REVENUE FROM FARMING THE WIND. SOME OF THE NEAT THING ABOUT FARMING THE WIND, IT DOESN'T DEPEND ON COMMODITY PRICES. WHEN YOU SIGN A CONTRACT, THAT IS A CONTRACT FOR USUALLY 20 YEARS. IT DOESN'T MATTER WHETHER THERE'S A DROUGHT GOING ON OR NOT, THE CONTRACT IS STILL THERE AND IT'S PREDICTABLE. NOW JUST TO SHOW YOU A COUPLE OF THE COUNTIES THAT ALREADY HAVE QUITE A BIT OF WIND DEVELOPMENT AND THIS IS ANNUAL PROPERTY TAX REVENUE: HOLT COUNTY, \$2.6 MILLION PER YEAR; CUSTER COUNTY, \$1 MILLION PER YEAR; KNOX COUNTY, \$800,000 PER YEAR; BOONE COUNTY, \$800,000 PER YEAR; RICHARDSON COUNTY, \$400,000 PER YEAR; JEFFERSON, \$360,000 PER YEAR; AND GAGE COUNTY, \$135,000 PER YEAR. AND WHEN YOU ADD UP JUST FOR THOSE SEVEN COUNTIES, THAT'S ABOUT \$6 MILLION A YEAR IN ANNUAL PROPERTY TAX AND OVER THE 20-YEAR LIFE OF A WIND TURBINE, YOU'RE TALKING ABOUT \$120 MILLION

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WORTH OF PROPERTY TAX REVENUE, ADDITIONAL PROPERTY TAX REVENUE, REVENUE THAT'S GROWING THE TAX BASE. AND SO I LISTEN CAREFULLY TO THE TESTIMONY TODAY. AND I WILL BE ASKING A LOT OF QUESTIONS WHEN IT COMES TO LB824 FOR PEOPLE WHO MIGHT BE OPPOSED TO WIND DEVELOPMENT BUT YET NEED NEW PROPERTY TAX TO GROW THEIR TAX BASE. [LB959 LB824]

PRESIDENT FOLEY: ONE MINUTE. [LB959]

SENATOR HAAR: THANK YOU VERY MUCH. IT'S MUCH LIKE, FOR EXAMPLE, SOUTHWESTERN NEBRASKA HAS OIL WELLS AND GAS WELLS. THAT'S THEIR RESOURCE. CERTAIN PARTS OF NEBRASKA HAVE ENORMOUS WIND POTENTIAL AND SO ON AND SO FORTH. SO WIND IS NOT A SOLUTION EVERYWHERE. OIL AND GAS IS NOT A SOLUTION EVERYWHERE. BUT WE HAVE TO NOT JUST LOOK AT HOW WE'RE SPENDING OUR MONEY, BUT HOW WE CAN GROW OUR TAX BASE. THANK YOU VERY MUCH. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. SENATOR FRIESEN. [LB959]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I'LL JUST MAKE A SHORT COMMENT IN HERE ON THE ECONOMIC DEVELOPMENT OF WIND. AND I GUESS AS A FARMER AND A LANDOWNER, I AM A LITTLE CHOOSY ABOUT HOW I HAVE ECONOMIC DEVELOPMENT AND I WILL NOT BASE ECONOMIC DEVELOPMENT OR MY PERSONAL GAIN ON SOMETHING THAT WILL ONLY HAPPEN BECAUSE THERE ARE FEDERAL TAX CREDITS INVOLVED AND IS NOT EFFICIENT AND, THEREFORE, ECONOMICALLY VIABLE. SO OTHERWISE, WE'VE HAD A GOOD DISCUSSION TODAY. I APPRECIATE EVERYBODY'S COMMENTS. I THINK WE'VE GOT A LONG WAYS TO GO AND IT'S GOING TO TAKE A LOT OF WORK BETWEEN ALL OF US HERE TO COME TO SOME SORT OF REASONABLE SOLUTION. AND I'M JUST GOING TO FINISH UP AND JUST READ A LITTLE ARTICLE HERE ABOUT THE NSEA PRESIDENT NANCY FULTON MADE A COMMENT IN ONE OF HER MAGAZINES, AND I'LL JUST READ THE COMMENTS. "OUR PUBLIC SCHOOL SYSTEM MAY SOON BE HEADED ON THE ROAD TO A DETROIT-LIKE STATUS IF POLICYMAKERS ARE UNABLE TO GRASP THE OBVIOUS AND SOLVE THE PROPERTY TAX CRISIS. THE CRISIS, OF COURSE, IS OUR COLLECTIVE OVERRELIANCE ON PROPERTY TAXES. THE CLEAR AND OBVIOUS SOLUTION IS TO BOOST AID FROM THE STATE TO SUPPORT K-12 SCHOOLS. SADLY, HOWEVER, PROPOSALS TO ENHANCE STATE AID ARE NONEXISTENT. ALREADY STARVED FROM THE TOP--NEBRASKA RANKS 49th IN TOP-DOWN STATE AID TO K-12 SCHOOLS--POLICYMAKERS NOW LOOK TO STARVE SCHOOLS FROM THE BOTTOM UP BY IMPOSING EVEN TIGHTER BUDGET

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RESTRICTIONS ON SCHOOL DISTRICTS AND OTHER LOCAL GOVERNMENTS THAT HAVE HAD BUDGETS BATTERED AND BEATEN OVER THE PAST TEN YEARS. A NEWS CLIPPING THAT CROSSED MY DESK LAST WEEK INDICATED THAT STATE AID TO THE ELM CREEK PUBLIC SCHOOLS FELL FROM \$1.31 MILLION 10 YEARS AGO TO \$46,000 THIS YEAR. YORK RECEIVED \$3.7 MILLION IN 2008-09 AND IS PROJECTED TO RECEIVE \$560,000 NEXT YEAR. BOTH MIGHT BE PROPERTY-RICH DISTRICTS WITH RISING PROPERTY VALUES, BUT YOU SEE THE ISSUE. YEARS AGO, NEBRASKA RELIED ON THE 'THREE-LEGGED STOOL' MODEL FOR TAXES--A ROUGHLY EQUAL SHARE OF REVENUE CAME FROM PROPERTY TAXES, INCOME TAXES AND SALES TAXES. THAT STOOL IS NO LONGER EVENLY BALANCED." WITH THAT, I WISH TO WITHDRAW MY AMENDMENT. THANK YOU, MR. SPEAKER. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. THE AMENDMENT IS WITHDRAWN. DEBATE CONTINUES ON LB959 AND THE COMMITTEE AMENDMENT. SENATOR WATERMEIER. [LB959]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I APPRECIATE SENATOR FRIESEN PULLING THE AMENDMENT. AND I WANTED TO JUST RISE IN SUPPORT, IN HIGH LEVEL OF SUPPORT FOR SENATOR SULLIVAN AND THE HARD WORK THAT SHE'S DONE ON LB959 AND THIS AMENDMENT. THIS IS A GOOD AMENDMENT. WE NEED TO PASS THIS AMENDMENT. BUT THERE ARE TWO POINTS THAT I COULDN'T GET ACROSS IN MY FIVE MINUTES EARLIER AND I WANTED TO KIND OF REBUT A LITTLE BIT ABOUT WHAT SENATOR MORFELD HAD BROUGHT UP ABOUT HE HAD NOT COME ACROSS A DISTRICT THAT HAD DONE SOMETHING INAPPROPRIATE. WELL, HE'S CORRECT. THERE'S NEVER BEEN A SCHOOL DISTRICT THAT'S COME ACROSS AND BEEN FOUND TO DO SOMETHING ILLEGAL AS FAR AS THEIR LEVY LIMIT. THE PROBLEM IS WHEN I MENTIONED EARLIER THAT WHEN TEEOSA WAS BORN IN THE '80s AND '90s, THAT WE CAPPED THE LEVY AT \$1.05 AND WE IGNORED THE VALUATION POTENTIAL INCREASE. THERE MAY HAVE BEEN A DISCUSSION ABOUT IT THAT SAID, WELL, WE'LL JUST ALLOW THE VALUATIONS TO INCREASE A LITTLE BIT, 2 PERCENT TO 4 PERCENT A YEAR, AND THAT WILL JUST TAKE CARE OF THE SCHOOL SPENDING INCREASES. NO ONE WOULD HAVE EVER PREDICTED WHAT WOULD HAPPEN TO ALL OF OUR REAL ESTATE VALUES. SO WE HAVE TWO FLAWS. WE HAVE TWO FLAWS IN THE STATE OF NEBRASKA TO DEBATE. ONE IS THE FLAW IN A SYSTEM IN WHICH WE CAP THE \$1.05 LEVY FOR SCHOOL SPENDING, BUT WE DID NOT CAP THE VALUATION OF THE REAL ESTATE. THE SECOND FLAW IS A BIG-PICTURE FLAW THAT BECAME APPARENT TO ME FOUR YEARS AGO. WE STILL OPERATE ON A STATE THAT TAXES LIKE WE ARE A MANUFACTURING OR AN AGRICULTURAL

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STATE. THAT LEFT A NUMBER OF YEARS AGO. EVEN THOUGH AGRICULTURE IS OUR NUMBER ONE INDUSTRY, WE HAVE TRANSITIONED TO A SERVICE-BASED INDUSTRY, BUT WE ARE NOT TAXING ACCORDINGLY. AND I THINK ALL OF THE DEBATE THAT WE HAD EARLIER IN THIS LAST HOUR AND A HALF, IT WAS VERY HEALTHY. IT WAS GOOD. BUT WE NEED TO BE MINDFUL THAT WE HAVE SEVERAL FATAL FLAWS IN THE STATE OF NEBRASKA. ONE IS THAT WE ARE STILL TAXING INAPPROPRIATELY BECAUSE WE THINK OF IT AS A MANUFACTURING STATE. WE'RE A SERVICE STATE. THE PROBLEM IS THE ONES THAT ARE PROVIDING SERVICES ARE NOT PAYING THE TAXES. THAT'S WHAT LB405 AND LB406 WAS GOING TO DEBATE FOUR YEARS AGO. AND I'M AFRAID WE'RE GOING TO END UP BACK IN THAT DEBATE AND THAT ARGUMENT, WHICH IS PROBABLY FULLY JUSTIFIED. I JUST WANTED TO END ON THAT NOTE. I'M FULLY SUPPORTIVE OF LB959 AND THE AMENDMENT AND I THANK SENATOR SULLIVAN AND I KNOW THAT WAS A LOT OF HARD WORK BEHIND THE EDUCATION COMMITTEE. THANK YOU, MR. PRESIDENT. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB959]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I, TOO, AM FULLY SUPPORTIVE OF LB959 AND AM2622, BUT I HAD MY LIGHT ON BEFORE SENATOR FRIESEN PULLED HIS AMENDMENT. AND THERE'S ANOTHER LITTLE PLACE WE COULD LOOK AT SOME STATE AID TO OUR K-12 SCHOOLS. MY MOMMY USED TO SAY WATCH OUT FOR THE PENNIES, THE DOLLAR IS BIG ENOUGH TO TAKE CARE OF ITSELF. SO IS THE UNIVERSITY OF NEBRASKA. WE FUND IT. I THINK WE'RE THIRD OR FOURTH IN THE NATION AT WHAT WE PUT TO THE UNIVERSITY AND WE'RE 49th IN WHAT WE PUT TO K-12. THERE'S ROOM FOR A LITTLE ADJUSTMENT THERE. THOSE OF YOU WHO WILL BE BACK NEXT YEAR NEED TO WORK ON THAT. THANK YOU, MR. PRESIDENT. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB959]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. JUST A COUPLE OF COMMENTS ON LB959 AND THE UNDERLYING BILLS. FIRST OF ALL, I WANT TO SAY THANK YOU TO EVERYONE WHO HAS WORKED SO HARD ON THIS AND I'M REALLY GLAD WE'RE HAVING THIS DISCUSSION BECAUSE IT'S SUCH A HUGE ISSUE. AS WE'VE ALL TALKED ABOUT AND WE AGREE, AGRICULTURE IS AN EXTREMELY IMPORTANT, CRITICAL

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INDUSTRY TO THE STATE OF NEBRASKA. HOWEVER, WE ALSO HAVE RESIDENTIAL TAXES AND COMMERCIAL TAXES AND THOSE HAVE INCREASED TREMENDOUSLY. FARMLAND, THE TAXES HAVE INCREASED. AND WHY? THE SALES PRICE PER ACRE HAS GONE UP. SO WHEN YOUR SALES PRICE INCREASES, YOUR TAXES INCREASE. THAT'S JUST REAL ESTATE 101. I'VE HAD A NUMBER OF CONVERSATIONS WITH FARMERS AND THOSE IN THE AGRICULTURAL INDUSTRY AND THEY AGREE WITH ME ON THIS. I AM CURRENTLY WORKING--AND THIS IS A PERSONAL STORY--WITH A REAL ESTATE CLIENT WHO HAS MOVED TO OMAHA FROM DENVER, IS THE PRESIDENT, A DIVISION PRESIDENT OF A MAJOR CORPORATION. HE SAID, HERE'S WHAT I WANT. I TOLD HIM EVERYTHING. HE SAID, AND HERE'S WHAT I WANT TO PAY IN TAXES. I SAID, OKAY, LISTEN, I CAN GET YOU YOUR HOUSE AND IN OMAHA YOU'RE GOING TO PAY \$12,000 A YEAR IN TAXES; OR I CAN GET YOU YOUR \$3,000 A YEAR IN TAXES THAT YOU WANT TO PAY AND HERE'S WHERE YOU'RE GOING TO LIVE. WHICH DO YOU WANT? I CAN'T GET YOU BOTH. AND I DON'T KNOW IF ALL OF YOU REALIZE HOW MUCH THE CITY OF OMAHA AND PEOPLE PAY IN RESIDENTIAL REAL ESTATE TAXES THERE. IT'S JUST A THOUGHT. YES, WE NEED TO GROW THE TAX BASE THAT WE'VE TALKED ABOUT AND, YES, WE MAY NEED TO CUT SOME PROGRAMS AND, YES, WE MAY NEED TO SAY NO TO SOME OF THESE THINGS. ADDING PROGRAMS AND SPENDING MORE MONEY IS NOT ALWAYS THE ANSWER. AGAIN, I'M GLAD WE'RE HAVING THIS CONVERSATION. THANK YOU, MR. PRESIDENT. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAIGHEAD. SENATOR BAKER, YOU'RE RECOGNIZED. [LB959]

SENATOR BAKER: QUESTION. [LB959]

PRESIDENT FOLEY: THAT WILL NOT BE NECESSARY, SENATOR. THERE'S NO ONE IN THE QUEUE. SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON AM2622. [LB959]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I CERTAINLY HAVE APPRECIATED THE GOOD DISCUSSION ON ALL THE TOPICS RELATIVE TO LB959 AND AM2622 AND I CERTAINLY HOPE YOU'LL GIVE ME YOUR GREEN VOTE ON THIS AMENDMENT. JUST TO REFRESH YOUR MEMORIES, WITH THE REMOVAL OF THE MINIMUM LEVY ADJUSTMENT AND THE LEVY CRITERIA FOR AVERAGING ADJUSTMENT, NO DISTRICT LOSES MONEY UNDER THESE PROJECTS. AND TO THAT POINT, TO SEE THE IMPACT, WHICH IS ABOUT \$8.5 MILLION PUT INTO THE STATE AID FORMULA, WE'VE HANDED OUT A DOCUMENT THAT SHOWS THE

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IMPACT TO EACH AND EVERY DISTRICT, SO I HOPE THAT WILL BE HELPFUL TO YOU. AS I SAID, THE FISCAL IMPACT IS ABOUT \$8.5 MILLION. AND, YES, A LOT OF IT GOES TO SOME THE SMALLER, RURAL SCHOOL DISTRICTS. BUT AS I SAID, NO ONE LOSES MONEY IN THE PROCESS. AND WITH THE CHANGES THAT WE WOULD BE MAKING TO QCPUF, NO EXISTING PROJECTS YET TO BE FINISHED ARE NEGATIVELY IMPACTED. LB959, IF THIS AMENDMENT IS APPROVED, ACHIEVES SOME SEMBLANCE OF PROPERTY TAX RELIEF AND THAT'S A GOOD THING. IT MAKES SOME ADJUSTMENTS TO THE FORMULA AND SO AT THE END OF THE DAY, I THINK THAT IT REPRESENTS NOT ONLY AN IMPROVEMENT IN HOW WE FUND EDUCATION, BUT ALSO GIVES GOOD ACCOUNTABILITY TO YOUR TAXPAYERS. SO I URGE YOUR GREEN VOTE FOR AM2622. THANK YOU, MR. PRESIDENT. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. MEMBERS, YOU'VE HEARD THE DEBATE AND CLOSING ON AM2622, THE EDUCATION COMMITTEE AMENDMENT. ALL THOSE IN FAVOR OF THE AMENDMENT VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB959]

CLERK: 28 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB959]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. RETURNING NOW TO DEBATE ON LB959 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON LB959. [LB959]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND, COLLEAGUES, THANK YOU VERY MUCH FOR YOUR GREEN VOTE ON THE AMENDMENT. I CERTAINLY HOPE YOU'LL GIVE YOUR GREEN VOTE TO ADVANCE THIS LEGISLATION. AS I SAID WHEN WE FIRST BEGAN THIS DEBATE AT 11:00, THIS HAS BEEN A PROCESS. IT ALSO HAS BEEN A COMPROMISE. WE'VE WORKED WITH THE EDUCATION COMMUNITY. WE'VE TRIED TO RESPOND TO TAXPAYERS. WE'VE ENDED UP WITH, I THINK, A GOOD BILL THAT REPRESENTS SOME RELIEF FOR PROPERTY TAXES AND ALSO GOOD EDUCATION POLICY. AND AS I INDICATED, TOO, THAT SOME OF THE IMPACT, THE MAJOR IMPACT OF THAT \$8.5 MILLION BEING INFUSED INTO OUR FUNDING FORMULA HELPS PREDOMINANTLY SOME OF OUR RURAL SCHOOL DISTRICTS. THE NEXT BILL YOU'RE GOING TO HEAR PERTAINS MOSTLY TO URBAN DISTRICTS, SPECIFICALLY IN OUR METRO AREA. I'LL WELCOME THE DEBATE ON THAT AS WELL, BUT I WILL REMIND ALL OF US, AS I ALWAYS KEEP IN THE BACK OF MY MIND, WHETHER IT WAS THIS BILL OR THE NEXT BILL YOU'LL

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HEAR FROM ME, YES, WE REPRESENT OUR RESPECTIVE DISTRICTS, BUT WE ARE ALSO STATE SENATORS THAT ARE HERE TO MAKE GOOD STATE POLICY. I JUST SIMPLY ASK YOU TO KEEP THAT IN MIND AS WE CONTINUE TO DEBATE ALL OF THESE BILLS. THANK YOU, MR. PRESIDENT. I ASK FOR YOUR GREEN VOTE ON LB959 AS AMENDED. [LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. MEMBERS, YOU'VE HEARD THE DEBATE ON LB959. THE QUESTION IS THE ADVANCE OF THE BILL 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. [LB959]

CLERK: 38 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB959]

PRESIDENT FOLEY: LB959 ADVANCES. CONTINUING WITH THE AGENDA, NEXT BILL, MR. CLERK. [LB959]

CLERK: LB1067 BY SENATOR SULLIVAN. (READ TITLE). INTRODUCED ON JANUARY 20; REFERRED TO THE EDUCATION COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I DO NOT HAVE COMMITTEE AMENDMENTS, MR. PRESIDENT; I DO HAVE OTHER AMENDMENTS TO THE BILL. [LB1067]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON LB1067. [LB1067]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. LB1067 MAKES SUBSTANTIAL CHANGES TO THE ENTITY WE KNOW AS THE LEARNING COMMUNITY. AS ALL OF YOU KNOW, IT WAS CREATED BEFORE ANY OF US, WITH THE EXCEPTION OF ONE INDIVIDUAL IN THIS BODY, WAS IN THE BODY, AND EVEN...WE WEREN'T HERE WHEN IT WAS CREATED. AND EVEN THROUGH WE'VE TALKED ABOUT IT MANY TIMES, THIS IS THE FIRST TIME IN RECENT YEARS THIS BODY HAS DISCUSSED IT, SO SOME BACKGROUND IS NECESSARY. WHATEVER CIRCUMSTANCES, ACTIONS PRECIPITATED THE LEGISLATION THAT CREATED THE LEARNING COMMUNITY IN 2006, I BELIEVE THE INTENT WAS THAT THERE SHOULD BE A MECHANISM FOR ALL THE SCHOOL DISTRICTS IN OUR ONE METROPOLITAN AREA OF OUR STATE TO WORK TOGETHER FOR THE BETTERMENT OF ALL KIDS IN THAT AREA SO THAT WE DIDN'T LEAVE BEHIND A STRUGGLING INNER CITY. ONE OF THOSE MECHANISMS WITHIN THE LEARNING COMMUNITY MODEL WAS, AND STILL IS, THE COMMON LEVY. AGAIN, THE INTENT WITH THAT WAS THAT BY POOLING RESOURCES THERE COULD BE A STRENGTHENING OF THE ENTIRE EDUCATIONAL

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EFFORT IN THAT LARGER COMMUNITY. BUT, OF COURSE, WE'VE SEEN THAT THE COMMON LEVY HAS BECOME MORE OF A WEDGE THAN A TOOL. THERE HAVE ALSO BEEN OTHER COMPONENTS THAT SOME HAVE VIEWED AS MORE BARRIERS THAN HELP TO EDUCATING STUDENTS. BUT A LITTLE LOOK AT WHERE THE LEARNING COMMUNITY IS TODAY. IN SPITE OF THE BARRIERS JUST MENTIONED, THERE ARE MANY GOOD THINGS HAPPENING AS A RESULT OF THE LEARNING COMMUNITY. ELEMENTARY LEARNING CENTERS IN NORTH AND SOUTH OMAHA ARE UP AND RUNNING AND DOING WELL. SUPERINTENDENTS ARE WORKING TOGETHER IN A VARIETY OF COLLABORATIVE WAYS. CURRENTLY, THE LEARNING COMMUNITY HAS THE ABILITY TO LEVY 1.5 CENTS FOR EFFORTS IN EARLY CHILD DEVELOPMENT AND OTHER AREAS, AND THE SUPERINTENDENTS ARE TOTALLY ENGAGED IN THAT EFFORT. THE LEARNING COMMUNITY HAS A STRONG EVALUATION EFFORT TO ACTUALLY SEE WHAT PRACTICES ARE MAKING A SUBSTANTIVE DIFFERENCE IN IMPROVING ACHIEVEMENT AMONG AT-RISK CHILDREN. BOTTOM LINE IS, I WANT ALL OF THESE THINGS TO CONTINUE, WHICH I THINK THEY WILL. BUT HERE ARE THE CHANGES TO THE LEARNING COMMUNITY PROPOSED IN LB1067, WHICH I BELIEVE WILL MAKE THE LEARNING COMMUNITY MORE EFFECTIVE. AND IT SHOULD BE NOTED THAT ALL THE PROPOSALS WOULD TAKE EFFECT IN THE '17-18 SCHOOL YEAR. THE MEASURE, LB1067, WOULD MODIFY PROVISIONS RELATED TO THE LEARNING COMMUNITIES BY REMOVING SCHOOL BOARD MEMBERS FROM LEARNING COMMUNITY COORDINATING COUNCILS AND MODIFYING COUNCIL DUTIES. IT ELIMINATES LEARNING COMMUNITY COMMON LEVIES FOR GENERAL FUNDS OF MEMBER SCHOOL DISTRICTS BEGINNING WITH THE '17-18 SCHOOL YEAR, AND FOR THE SPECIAL BUILDING FUNDS OF MEMBER DISTRICTS AS OF THE EFFECTIVE DATE OF THE ACT. LB1067 PROVIDES LEARNING COMMUNITY TRANSITION AID. IT CONVERTS OPEN ENROLLMENT STUDENTS TO OPTION ENROLLMENT STUDENTS BEGINNING WITH THE '17-18 SCHOOL YEAR. IN THAT REGARD, THE STUDENTS WOULD BE AUTOMATICALLY APPROVED AND WOULD BE CALLED OPEN ENROLLMENT OPTION STUDENTS. OPEN ENROLLMENT OPTION STATUS WOULD ONLY ALLOW FOR THE COMPLETION OF THE GRADES IN THE SCHOOL. STUDENTS WOULD BE ALLOWED ANOTHER CHANCE TO OPTION UNDER THE OPTION PROGRAM. THE AUTOMATIC APPROVAL FOR STUDENTS ATTENDING A FOCUS SCHOOL, FOCUS PROGRAM, OR A MAGNET SCHOOL TO CONTINUE ON A PATHWAY WOULD BE RETAINED. PRIORITIES WOULD BE GIVEN FOR SIBLINGS, STUDENTS WHO HAD BEEN OPEN ENROLLMENT STUDENTS IN THE DISTRICT, STUDENTS CONTRIBUTING TO SOCIOECONOMIC DIVERSITY, AND OTHER STUDENTS IN THE LEARNING COMMUNITY. REMOVING LEARNING COMMUNITY COORDINATING COUNCILS FROM THE REORGANIZATION PROCESS FOR MEMBER SCHOOL DISTRICTS IS ANOTHER COMPONENT OF LB1067. AND FURTHERMORE, IT

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ADDS FOR THE ELEMENT OF A NEW COMMUNITY ACHIEVEMENT PLAN. PARTICIPATION WOULD BE REQUIRED FOR ALL LEARNING COMMUNITY DISTRICTS. AND BY VIRTUE OF THEIR PARTICIPATION, AID WOULD BE PAID TO ALL THE PARTICIPATING DISTRICTS EQUAL TO 5 PERCENT OF THE POVERTY ALLOWANCE. WE WOULD ALSO, UNDER LB1067, ADD A LEARNING COMMUNITY ADMINISTRATOR TO THE ESU COORDINATING COUNCIL AS A NONVOTING MEMBER. COLLEAGUES, THIS, TOO, HAS BEEN A PROCESS IN LB1067. IT'S A PROCESS THAT I'VE BEEN WORKING ON WITH THE MEMBER SUPERINTENDENTS FOR WHAT SEEMS LIKE AN ETERNITY, BUT PROBABLY ABOUT A LITTLE OVER TWO YEARS. THIS ALSO IS THE SECOND YEAR THAT I'VE GIVEN A LEARNING COMMUNITY BILL MY PRIORITY BILL DESIGNATION. THINGS HAVE BEEN CHANGED IN THE PROCESS OF GETTING TO THIS BILL. BUT TO BE CLEAR, AS I SAID IN MY OPENING, WHAT I WANT TO RETAIN IS WHAT I THINK IS THE ORIGINAL PHILOSOPHY OF WHY THE LEARNING COMMUNITY WAS CREATED IN THE FIRST PLACE. AND I THINK THAT'S WHAT YOU SEE IN LB1067, PARTICULARLY WITH RESPECT TO THE COMMUNITY ACHIEVEMENT PLAN WHICH IS A NEW DIMENSION I'M ADDING TO THE LEARNING COMMUNITY. IT MAKES SURE THAT THE MEMBERS OF DISTRICTS OF A LEARNING COMMUNITY CONTINUE TO COMMUNICATE AND TO COLLABORATE FOR THE BETTERMENT OF ALL THE CHILDREN IN THEIR WIDER COMMUNITY. AND FOR DOING THAT AND FOR SUBMITTING AND GETTING A COMMUNITY ACHIEVEMENT PLAN APPROVED, THEY GET ADDITIONAL AID EQUAL TO 5 PERCENT OF THEIR POVERTY ALLOWANCE. AND YOU'RE GOING TO HEAR A LOT ABOUT THE POVERTY ISSUE. YOU'RE GOING TO HEAR ABOUT IT IN THE AMENDMENT THAT COMES AFTER MY INTRODUCTION. BUT I ALSO HAVE ANOTHER AMENDMENT THAT I SINCERELY HOPE WE DO GET TO BECAUSE THAT AMENDMENT ALSO ADDRESSES POVERTY THROUGH AN ADDITIONAL STEP UP IN OUR EXISTING POVERTY ALLOWANCE. I PHILOSOPHICALLY AND VALUEWISE JUST DON'T WANT TO CONTINUE TO GIVE DOLLARS TO POVERTY JUST BECAUSE I THINK DOLLARS SOLVE THE PROBLEM. I DON'T THINK THAT THEY DO. I THINK WE HAVE IN OUR SCHOOL FUNDING FORMULA AND WITH THE POVERTY ALLOWANCE A STRUCTURE THAT RESPONDS TO NEEDS IN POVERTY WITH SOME ACCOUNTABILITY. BUT TO JUST SAY BECAUSE YOU'RE IN A HIGH-POVERTY AREA, WE'RE GOING TO CONTINUE TO GIVE YOU MORE DOLLARS, I HAVE A PROBLEM WITH THAT. BUT ALSO, I REALIZE THAT AS INTRODUCED, LB1067 HAS A SIGNIFICANT FISCAL NOTE, AND I RECOGNIZE THE CONCERN ABOUT THAT AND I'VE TRIED IN THE AMENDMENT THAT I HAVE INTRODUCED, AND THAT I HOPE WE GET TO, WILL DECREASE THAT. PERHAPS IT'S NOT ENOUGH FOR SOME OF YOU, BUT AS I SAID IN MY CLOSING ON LB959, WE'RE TRYING TO CRAFT STATEWIDE POLICY HERE THAT WORKS FOR ALL OF US. WE ARE STEWARDS OF THE TAXPAYER DOLLARS. I'M CONCERNED ABOUT

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THE ACTIONS NOW THAT WE, YES, IN LB959 AND IN THIS, THAT WE'RE ADDING DOLLARS THAT WILL BE PUT INTO THE STATE BUDGET WHEN I'M NOT HERE. I RECOGNIZE THAT AND I'M CONCERNED ABOUT IT. BUT I ALSO RECOGNIZE THAT WE HAVE A RESPONSIBILITY TO RURAL SCHOOL DISTRICTS, TO CHILDREN IN ALL OUR SCHOOL DISTRICTS, WHEREVER THEY RESIDE. AND THE BOTTOM LINE WITH LB1067, AND AS HOW I AM PROPOSING TO AMEND IT ON THE AMENDMENT I HAVE FILED, WHICH I HOPE WE GET TO, SPEAKS TO BOTH OF THOSE: TO TRY TO BE COGNIZANT OF A FISCAL NOTE AND TRYING TO PROVIDE SOME RESTRAINT TO THAT, BUT MAKING SURE THAT WE RETAIN THE VALUES AND THE PHILOSOPHY OF THE LEARNING COMMUNITY CONCEPT THAT WORKS FOR ALL CHILDREN WHEREVER THEY RESIDE IN OUR STATE AND IN THAT METROPOLITAN AREA. THANK YOU, MR. PRESIDENT. [LB1067 LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. MR. CLERK. [LB1067]

CLERK: MR. PRESIDENT, I HAVE A SERIES OF AMENDMENTS TO THE BILL. FIRST, SENATOR KRIST, AM2549. (LEGISLATIVE JOURNAL PAGE 1262.) [LB1067]

PRESIDENT FOLEY: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON AM2549. [LB1067]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES; AND GOOD MORNING, NEBRASKA. AND JUST TO BE CLEAR, THIS IS NOT AN AMENDMENT TO PUT UP FOR DISCUSSION PURPOSES. IT IS A VERY SERIOUS AMENDMENT. BEFORE I START, I WANT TO SAY THAT THE COMMITTEE DID YEOMAN'S WORK GETTING TO A POINT AND DECIDING BETWEEN TWO LEARNING COMMUNITY BILLS THAT WERE IN EDUCATION--SENATOR SULLIVAN'S THAT IS PRIORITIZED AND IS BEFORE YOU, AND SENATOR BAKER'S. NOW I HOPE YOU'RE LISTENING TO THIS DISCUSSION AS A BASELINE BECAUSE I THINK SENATOR SULLIVAN PLACED INTO HER CONCERNS AND HER STATEMENT THE REASON FOR THE LEARNING COMMUNITY AND THE REASON FOR THE CHANGES. ELEVEN SUPERINTENDENTS CAME TO YOU, COLLEAGUES, WITH THE SUPERINTENDENTS' PLAN. THAT PLAN SAID THIS IS WHAT WE THINK IS IMPORTANT. ELEVEN SUPERINTENDENTS AGREED AND PUT A PLAN TOGETHER AND CAME TO YOU AND SAID THIS IS WHAT WE THINK IS IMPORTANT--GET RID OF THE COMMON LEVY AND ADDRESS THE STATEWIDE POVERTY ISSUE. THEY DIDN'T TELL US HOW TO DO IT, BUT THEY SAID IT WAS AN IMPORTANT PART OF THIS STEP. NOW YOU CAN'T GET RID OF THE COMMON LEVY IN THE LEARNING COMMUNITY AND STILL BE TRUE TO THE INITIAL PURPOSE OF THE LEARNING

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COMMUNITY, WHICH IS NOT TO LEAVE YOUR INNER-CITY SCHOOLS BEHIND. THE LARGEST POVERTY IN THE STATE EXISTS IN ONE OF THE DISTRICTS I REPRESENT, OMAHA PUBLIC SCHOOLS. THE LARGEST CONCENTRATION OF POVERTY IN THE STATE IS IN ONE OF MY DISTRICTS. SO IF YOU ELIMINATE THE LEVY, YOU HAVE TO DO SOMETHING TO ACCOMMODATE FOR OPS, AND BY THE WAY, RALSTON, WHICH IS A HUGE POVERTY AREA IN THE METROPOLITAN AREA. YOU CAN'T TAKE AWAY ONE WITHOUT DOING SOMETHING ON THE OTHER SIDE. BUT THESE SUPERINTENDENTS WEREN'T JUST CONCERNED ABOUT THE LEARNING COMMUNITY. THEY CAME TO YOU WITH A PLAN THAT SAID IT'S IMPORTANT THAT WE LOOK AT POVERTY ACROSS THE STATE. SO THIS HAS BEEN CALLED THE KRIST AMENDMENT. AND I WON'T TAKE CREDIT FOR IT BECAUSE THIS IS, ESSENTIALLY, THE SUPERINTENDENTS' PLAN AS IT WAS INITIALLY DRAFTED INTO SENATOR BAKER'S BILL. I DID INCREASE THE MULTIPLIERS FOR POVERTY. AND IF YOU'RE SERIOUS ABOUT POVERTY ACROSS THE STATE, THAT MULTIPLIER IS PROBABLY AT THE TOP OF WHERE IT SHOULD BE. AND THAT, FRIENDS, IS NEGOTIABLE DOWN TO A POINT WHERE WE ARE STILL KEEPING THE POVERTY ACROSS THE STATE ACCOUNTED FOR AND MAKING SOME STRIDES AND STAYING UP WITH POVERTY. I'VE BEEN TOLD BY MY COLLEAGUES YOU CANNOT CONTINUE TO THROW MONEY AT THE ISSUE. SENATOR SULLIVAN JUST SAID THAT WE HAVE TO BE ACCOUNTABLE. THERE'S AN ACCOUNTABLE PROCESS FOR POVERTY, YOU HAVE TO GO THROUGH THE PORTAL. YOU CAN'T JUST SPEND POVERTY MONEY ON ASTROTURF. HAVE CONFIDENCE IN YOUR SUPERINTENDENTS. THEY KNOW HOW TO DISTRIBUTE POVERTY MONEY. THEY KNOW WHO IS AFFECTED BY IT AND THEY KNOW WHERE IT SHOULD BE SPENT. SO THAT PART OF MY AMENDMENT, AM2549, IS EXTREMELY IMPORTANT BECAUSE IT AFFORDS FOR POVERTY AND SOME SOLUTION, SOME MOVEMENT STATEWIDE. WE HAD A DISCUSSION THE OTHER DAY, IF YOU RECALL, ON HOW FAR BEHIND WE ARE WITH SPECIAL EDUCATION FUNDS AND WE CONTINUE TO FALL FURTHER AND FURTHER BEHIND. WE HAVE TO START ACCOMMODATING FOR WHAT IS POVERTY ACROSS THE STATE SOONER OR LATER. AND AGAIN, IF THAT MULTIPLIER IS TOO HIGH AND THE FISCAL NOTE NEEDS TO COME DOWN, LET'S TALK ABOUT IT AND GO FROM THERE. ELIMINATE THE COMMON LEVIES. THERE'S TRANSITION AID INVOLVED, THAT'S STILL INVOLVED WITH MY AMENDMENT. THE BOUNDARIES ARE SECURE. THE COMMUNITY ACHIEVEMENT PLAN, WITH ALL DUE RESPECT TO MY CHAIR, SENATOR SULLIVAN, IS A BAD IDEA. IT'S MORE BUREAUCRACY, IT'S ANOTHER ADMINISTRATOR. WE TAKE THAT \$3.1 MILLION AND WE WRAP IT INTO POVERTY, BECAUSE THE LEARNING COMMUNITY IS GOOD AT HANDLING ITS OWN PROBLEMS INTERNAL TO ITS OWN ORGANIZATION. AND THE FACT THAT THAT STRUCTURE WOULD ALLOW FOR OTHER SUPERINTENDENTS ACROSS THE STATE TO FORM LEARNING

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COMMUNITIES, I DON'T SEE THAT HAPPENING, EVEN THOUGH SENATOR SULLIVAN HAS TOLD ME MANY TIMES SHE'S HAD THAT REQUEST. I THINK THE LEARNING COMMUNITY HAS GOT A BAD NAME; I DON'T KNOW IF ANYBODY WOULD FORM A LEARNING COMMUNITY, IN MY OPINION, AT THIS POINT. MAYBE IN A FEW YEARS, YES; BUT THAT TIME IS NOT NOW. STATEWIDE POVERTY, THE DIFFERENCE, THE DELTA IN THE INCREASE IN FUNDS HAS TO DO WITH THE ENGLISH LANGUAGE PROGRAMS THAT ARE AFFORDED FOR IN MY AMENDMENT AND THE INCREASED MULTIPLIER IN THE POVERTY EQUATION. IT'S GOING TO BE A DEBATE. AND I'VE HEARD OF OTHER AMENDMENTS THAT ARE GOING TO COME. AND I WELCOME THE DEBATE. THE REASON THAT THIS BILL IS ON THE FLOOR IS THAT THIS COMMITTEE, THIS EDUCATION COMMITTEE, LED BY A FEW OF US, PUSHED THIS BILL OUT TO GET THIS DISCUSSION TO HAPPEN. IT DID NOT PUSH THIS BILL OUT BECAUSE IT THOUGHT IT WAS PERFECT. IT IS NOT PERFECT. MY AMENDMENT, IN MY OPINION, MAKES IT BETTER. IT'S EXPENSIVE. BUT ONCE AGAIN, LOOK HOW FAR BEHIND WE ARE IN DIFFERENT PARTS OF OUR EDUCATION SYSTEM. JUST TAKE THE SPECIAL NEEDS AREA AS AN EXAMPLE. WE HAVE TO START MAKING SOME STRIDES. NOW, SENATOR MELLO PROMISED ME HE WOULD BE UP HERE AT SOME POINT DURING THIS CONVERSATION TO TELL US HOW THIS BUDGETARY PROCESS WOULD WORK. BUT IN SHORT, WE ARE SIGNING OURSELVES UP TO PRIORITIZING EDUCATION AND COMING UP WITH THAT MONEY WHEN WE COME BACK HERE IN 2017. SENATOR SULLIVAN IS RIGHT, SHE WON'T BE HERE, BUT I WILL. AND I THINK IT'S TIME THAT WE START PRIORITIZING THE THINGS THAT NEED TO BE PRIORITIZED IN THE STATE AND SPENDING MONEY IN THESE AREAS OF EDUCATION. THANK YOU, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON LB1067 AND AM2569. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB1067]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. I WANT TO THANK SENATOR SULLIVAN FOR BRINGING THIS BILL. THE LEARNING COMMUNITY...I DON'T THINK WE ALL NEED ANOTHER HISTORY ON HOW IT CAME ABOUT. NONE OF US WERE HERE; IT'S HEARSAY. BUT LET ME TELL YOU WHAT IT HAS DONE. IT'S DONE SOME GREAT THINGS FOR THE OMAHA COMMUNITY. AND WHEN I SAY THE OMAHA COMMUNITY, I DON'T MEAN OMAHA PROPER; I MEAN SOUTH SARPY...I MEAN SARPY COUNTY, I MEAN DOUGLAS COUNTY, I MEAN WASHINGTON COUNTY, ACROSS THE STATE, IT'S DONE GREAT THINGS. AND WHAT WE HAVE DONE TO ADDRESS THE ISSUES OF POVERTY HAVE TAUGHT LESSONS TO THOSE SCHOOL DISTRICTS OUTSIDE OF THE OFFICIAL FORMAL LEARNING COMMUNITY. BUT THERE IS A PROBLEM WITH IT. WE

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HAVE...AND THOSE ARE THE...WELL, BASICALLY, 3-CENT LEVY. WE HAVE THE 95-CENT COMMON LEVY. AND I DON'T KNOW IF YOU GUYS HAVE HEARD THIS, BUT AG PROBABLY PAYS TOO MUCH IN PROPERTY TAXES. IT'S BEEN A CONVERSATION RECENTLY. AND THAT'S NO DIFFERENT IN THE LEARNING COMMUNITY THAN IT IS IN GREATER NEBRASKA. WHAT WE FOUND IS THAT TWO SCHOOL DISTRICTS, SOUTH SARPY AND DC WEST, PAY A LARGE PORTION OUT OF, IN ONE SCHOOL DISTRICT, ALMOST 17 PERCENT OF THEIR BUDGET GOES TO THE COMMON LEVY, 17 PERCENT. THAT'S TOO HEAVY OF A BURDEN FOR THOSE TAXPAYERS. YOU TAKE THOSE TWO SCHOOL DISTRICTS OUT AND WHAT DO YOU HAVE? YOU HAVE A LITTLE MONEY BEING SPREAD BETWEEN THE REMAINING NINE SCHOOL DISTRICTS. SO I DON'T THINK GETTING RID OF THE COMMON LEVY IS BAD. I AM FOR IT BECAUSE I DO THINK THE BURDEN IS TOO HEAVY. AND SO WHAT WE HAVE DONE IS WHEN WE GET RID OF THAT COMMON LEVY, THERE IS AN ADDITIONAL COST TO THE STATE OF \$5.5 MILLION. WHAT THAT IS, IS A TRANSFER TO...IF YOU TREAT THE LEARNING COMMUNITY THE SAME AS THE REST OF THE STATE, IT COST \$5.5 (MILLION). THE PURPOSE OF THE LEARNING COMMUNITY WAS NEVER TO PUT A GREATER BURDEN ON THE PROPERTY TAX HOLDER...OR PROPERTY TAXPAYERS, NOR WAS IT TO PUT ON THE AGRICULTURAL PROPERTY TAXPAYERS. THE PURPOSE OF LEARNING COMMUNITY WAS TO SHARE THE BURDEN; AND THIS ISN'T SHARING THE BURDEN. IT'S TRANSFERRING THE BURDEN. SO WE GO BACK AND WE SAY, OKAY, \$5.5 (MILLION), LET'S SHARE THE BURDEN ACROSS THE STATE LIKE WE DO EVERYWHERE ELSE, AND THAT'S A GOOD THING. AND THEN WE...I SAT DOWN WITH THE 11 SUPERINTENDENTS, STARTING LAST NOVEMBER, AND SAID LET'S REALLY WORK ON GETTING SOMETHING DONE THIS YEAR. WE HAVE A GREAT CHAIR OF EDUCATION, SOMEONE WE CAN ALL TRUST AND GET BEHIND; LET'S FIGURE OUT HOW WE CAN GET SOMETHING DONE. AND WHAT ARE THE BEST PRACTICES? HOW DO WE ADDRESS POVERTY? AND HOW DO WE ADDRESS THOSE COSTS TO THE STATE THAT THE STATE SHOULD TAKE CARE OF AND THOSE THAT THE STATE SHOULD NOT? AND WHAT WE CAME UP WITH WAS THE IDEA THAT ONCE YOU HIT 40 PERCENT, AND THIS IS PROVEN BY DATA, ONCE YOU HIT 40 PERCENT FREE AND REDUCED LUNCH, THAT THE COSTS TO EDUCATE THOSE CHILDREN BECOME, IN THAT SCHOOL, BECOME MUCH HIGHER, BECAUSE YOU HAVE TO START ADDING NEW WRAPAROUND SERVICES. AND SO WE LOOKED AT HOW DO WE DO THAT. AND THE QUESTION BECAME, WHAT IS THE RIGHT WAY TO DO IT? DO WE JUST LOOK TO THE LEARNING COMMUNITY? AND THE RESOUNDING ANSWER FROM THE SUPERINTENDENTS OF THE LEARNING COMMUNITY WAS, NO, POVERTY IS STATEWIDE. UNFORTUNATELY, POVERTY IS NOT LIMITED TO THE OMAHA METROPOLITAN AREA; IT IS ACROSS THE STATE. AND SO, JUST LIKE EVERY PIECE OF LEGISLATION, THERE'S COMPROMISE.

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YOU'RE GOING TO HEAR FROM SENATOR SULLIVAN, SHE HAS A COMPROMISE BILL, IT COSTS \$13.5 MILLION; \$5.5 (MILLION) OF THAT IS TO PAY FOR A TRANSFER OF BURDEN... [LB1067]

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR HARR: ...WHICH I THINK WILL BE THE SUBJECT NEXT SESSION, OF EDUCATION FROM PROPERTY TAX TO SALES AND INCOME. YOU HAVE \$3.2 (MILLION) WHICH STAYS WITHIN THE LEARNING COMMUNITY FOR COMMUNITY ACHIEVEMENT PLAN; THEN YOU HAVE AN ADDITIONAL...APPROXIMATELY \$5 MILLION, MAYBE A LITTLE LESS BECAUSE WE'RE DEALING WITH NUMBERS, THAT DEAL WITH STATEWIDE HIGH POVERTY, NOT LIMITED TO THE METROPOLITAN AREA. BELIEVE YOU ME, I WISH IT WERE. FOR YOUR SAKE I WISH IT WAS, BUT IT'S NOT. IT GOES TO THE GERINGS; IT GOES TO THE SOUTH SIOUX; IT GOES TO LEXINGTON; IT GOES TO OUR INDIAN RESERVATIONS; IT GOES ACROSS THE STATE. THAT'S THE PLAN. IT'S A GOOD PLAN. IT'S BASED ON BEST PRACTICES. IT'S WORKING WITH THOSE PEOPLE WHO WORK IN THE FIELD; WHO SEE THIS POVERTY DAY IN AND DAY OUT, WHO SEE WHAT WORKS IN THE LEARNING COMMUNITY AND WHAT DOESN'T. THERE ARE OTHER PARTS TO THIS LEARNING COMMUNITY BILL NO ONE IS EVEN ADDRESSING. THERE IS THE TRANSFER FROM, AND CORRECT ME, I MAY GET IT WRONG... [LB1067]

PRESIDENT FOLEY: TIME, SENATOR. [LB1067]

SENATOR HARR: ...BUT I BELIEVE WE GO FROM OPTION TO OPEN... [LB1067]

PRESIDENT FOLEY: TIME, SENATOR. [LB1067]

SENATOR HARR: EXCUSE ME? [LB1067]

PRESIDENT FOLEY: THAT'S TIME. [LB1067]

SENATOR HARR: OKAY. THANK YOU. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1067]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN THIS ALL STARTED, THERE WERE SEVERAL DISPUTES GOING ON IN THE OMAHA AND SUBURBAN AREA. THERE WAS A LAW ON THE BOOKS THAT SAID IN A METROPOLITAN CITY THERE SHOULD BE ONE SCHOOL DISTRICT. WHEN THE SUPREME COURT RULED...OR THE FEDERAL COURT RULED THAT THE SCHOOLS IN OMAHA WERE SEGREGATED AND BUSING WOULD BE A WAY TO RESOLVE IT, WHITE PEOPLE FLED. AND THAT WAS IN MANY NEWSPAPER ARTICLES, IT WAS CALLED "WHITE FLIGHT." THEY MOVED TO THE SUBURBS, THEY ESTABLISHED DISTRICTS. THEN THE PROBLEM AROSE BECAUSE OPS SAID THAT AS THE TAX BASE WENT WEST, THEN IT BECAME IMPOVERISHED. SO WHAT THEY WERE GOING TO DO IS SEEK ENFORCEMENT OF THAT LAW. AND ALL OF THE BOUNDARIES OF THE CITY OF OMAHA WOULD COMPRISE ONE SCHOOL DISTRICT. WHAT THAT WOULD DO, WHEN IT WAS ENFORCED, IT'S LIKE SEVERAL PEOPLE STANDING IN A CIRCLE AND PART OF THEIR FEET EXTEND WITHIN THAT CIRCLE; AS THE BOUNDARIES OF OMAHA WOULD BE DRAWN, SOME PARTS OF THE SUBURBAN DISTRICTS WOULD HAVE BEEN WITHIN OMAHA AND THEY DIDN'T WANT THAT. SO THERE WAS A DISPUTE ABOUT THAT. THERE WERE BOUNDARY DISPUTES BETWEEN AND AMONG VARIOUS OTHER SCHOOL DISTRICTS. WHEN THE LEARNING COMMUNITY CONCEPT WAS DEvised, THERE WERE A NUMBER OF CONCESSIONS MADE. ONE WAS THAT OMAHA WOULD AGREE TO DO AWAY WITH THAT LAW THAT SAID ONE CITY, ONE SCHOOL DISTRICT. THE SCHOOLS THAT WERE BATTLING BECAUSE OF THEIR BOUNDARIES REACHED AN ACCORD AND HAD THEIR BOUNDARIES STABILIZED AND THEY WOULD HAVE TO WORK TOGETHER AND ONE COULD NOT TAKE ADVANTAGE OF THE OTHER. THE RURAL SCHOOLS WERE LOSING POPULATION, AND IN EXCHANGE FOR SUPPORTING THE LEARNING COMMUNITY CONCEPT, AND SPECIFICALLY AN AMENDMENT THAT I HAD WHICH WOULD HAVE DIVIDED OPS INTO THREE SMALLER DISTRICTS, THEY GOT EITHER \$2 MILLION OR \$3 MILLION. AND NOW U.S. SENATOR...WHAT'S HER NAME? FISCHER. I WAS SEEING WHO WAS PAYING ATTENTION, BECAUSE I KNOW WHEN I TALK PEOPLE GO TO SLEEP. SHE CAME TO ME BECAUSE THERE WERE MEETINGS GOING ON; AND I WOULDN'T GO TO ANY OF THEM BECAUSE I SAID I KNOW WHAT I'M GOING TO INSIST ON. SHE SAID, BUT THEY DON'T WANT TO GIVE THE RURAL PEOPLE ANYTHING AND THE RURAL SCHOOLS ARE GOING TO LOSE MONEY BECAUSE THE STUDENT POPULATION IS GOING DOWN, AND THEY WON'T TALK TO ME, THAT'S WHAT SHE SAID. I SAID, WELL, YOU TELL THEM THAT THEY CAN TALK TO ME THEN AND WE WILL GET FOR YOU \$2 MILLION OR \$3 MILLION, WHATEVER THE AMOUNT WAS. SO WHEN SHE WENT BACK TO THEM, THEY SAID THEY DIDN'T WANT TO TALK TO HER, AND SHE SAID, WELL, MAYBE YOU WANT TO TALK TO SENATOR CHAMBERS THEN BECAUSE HE TOLD ME THAT THIS IS WHAT HE WOULD SUPPORT AND THAT

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WAS DONE. THERE WERE SEVERAL AGREEMENTS MADE ALL AROUND. AND AFTER THE WHITE SUBURBAN DISTRICTS GOT WHAT THEY WANTED, AFTER THE "RURALEES" GOT WHAT THEY WANTED, AND PEOPLE WHO HELPED FORMULATE THE LEARNING COMMUNITY MOVE, THEY RENEGED ON ALL OF THEM, AND NOW THEY'RE TRYING TO ABOLISH THE LEARNING COMMUNITY. THESE SMALL COUNCILS, WHICH WERE SOMETHING LIKE A SCHOOL DISTRICT ELECTED BY SMALL SUBDISTRICTS, THAT WAS TO MAKE SURE THAT THE PEOPLE THROUGHOUT THE LEARNING COMMUNITY AREA WOULD HAVE PEOPLE ON THAT MAIN COUNCIL TO REPRESENT THEIR INTERESTS. IF I UNDERSTAND CORRECTLY WHAT THEY WANT TO DO, THEY WANT TO GET RID OF THAT TOO. AND FROM THE POSITION OF A BLACK PERSON WITH ONE VOTE, I SEE YOU TAKING IT BACK TO THE SAME THING... [LB1067]

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR CHAMBERS: ...WHERE WHITE PEOPLE WILL CONTROL EVERYTHING. LOCAL CONTROL BECAME UGLY WHEN BLACK PEOPLE, LATINOS IN SOUTH OMAHA, AND SOME NATIVE AMERICANS IN BOTH AND OTHER AREAS WOULD HAVE SOME SAY; SUDDENLY LOCAL CONTROL WAS SOMETHING TO BE DONE AWAY WITH BECAUSE THEY CALL THAT SEGREGATION. BUT THE SCHOOL DISTRICT IN OMAHA, ALONG WITH THE CITY, WAS SEGREGATED, ALWAYS HAD BEEN SEGREGATED, IT'S SEGREGATED RIGHT NOW. SO I'M GOING TO LISTEN AS WHITE PEOPLE MAKE THEIR DECISIONS. AND I PROBABLY CAN'T STOP YOU ON THIS BILL, BUT I'M GOING TO BE HERE AFTER SOME OF YOU ARE GONE AND I'LL HAVE FOUR YEARS, AND THAT'S ALL THAT I'M GOING TO SAY BECAUSE YOU ALL ARE GOING TO DO WHATEVER YOU WANT TO DO ANYWAY, AND WHITE PEOPLE WILL BE WHITE PEOPLE, WHITE WILL STICK WITH WHITE, AND WATCH AND SEE AM I NOT TELLING THE TRUTH. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BAKER, YOU'RE RECOGNIZED. [LB1067]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I'M IN SUPPORT OF LB1067, AND WE'RE GOING TO HAVE TO WORK THROUGH SOME AMENDMENTS TODAY, AND PARTICULARLY INVOLVING EXTREME POVERTY. AND YOU KNOW, MY MOTHER TRIED TO TEACH ME IT'S NOT NICE TO CONTRADICT PEOPLE, SO I'M GOING TO AMEND WHAT SENATOR HARR SAID. HE REFERRED TO, WHEN YOU REACH A THRESHOLD OF 40 PERCENT OF STUDENTS AT FREE OR REDUCED-PRICE LUNCHES, THEN YOU'RE IN POVERTY. I THINK THE DIALOGUE HAS BEEN JUST

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WHEN YOUR POPULATION OF STUDENTS ELIGIBLE FOR FREE LUNCHESES REACHES 40 PERCENT OR MORE, THAT'S WHAT IS CONSIDERED TO BE EXTREME POVERTY. YOU KNOW, WITH THE CHANGES IN SOCIETY, PROBABLY MORE THAN HALF OF THE DISTRICTS IN THE STATE HAVE 40 PERCENT OR MORE OF THEIR STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCHESES. WHEN WE TALK JUST ABOUT THE 40 PERCENT ELIGIBLE FOR FREE LUNCHESES, THEN WE'RE DOWN TO ABOUT 31 DISTRICTS, INCLUDING, CERTAINLY, PROBABLY THE LION'S SHARE OF THOSE STUDENTS ARE IN OMAHA PUBLIC SCHOOLS, BUT ALSO RALSTON AND SIOUX CITY AND OTHER PLACES THAT SENATOR HARR MENTIONED. THE CONSENSUS AMONG THE 11 DISTRICTS THAT COMPRISE LEARNING COMMUNITY IS THAT THE COMMON LEVY SHOULD BE TERMINATED. SPRINGFIELD PLATTEVIEW AND DOUGLAS COUNTY WEST HAVE BEEN PARTICULARLY ADVERSELY AFFECTED BY THE COMMON LEVY. IN FACT, THE 11 DISTRICTS BELIEVE THAT THEY HAVE BEEN WORKING TOGETHER PRETTY WELL DESPITE THE COMMON LEVY, NOT BECAUSE OF THE COMMON LEVY. I WOULD LIKE VERY MUCH TO GET LB1067, WITH WHATEVER AMENDMENTS WE CAN AGREE ON, ACROSS THE FINISH LINE THIS YEAR. THIS DOES NOT IMPACT ANY OF THE DISTRICTS IN MY DISTRICT 30, BUT AS SENATOR JOHNSON COMMENTED ON THE PREVIOUS BILL, WE'RE STATE SENATORS, WE'RE NOT DISTRICT SENATORS, SO I'VE WORKED HARD TO DO WHAT I CAN TO ADVANCE THE CAUSE TO GET US TO WHERE WE ARE TODAY. SO LET'S WORK THROUGH THE AMENDMENTS. THIS IS IMPORTANT. THIS IS AS IMPORTANT, IN MY MIND, AS ANYTHING WE'RE DOING HERE THIS YEAR, AND I JUST...I THINK WE NEED TO GET THIS DONE THIS YEAR. THANK YOU, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR BAKER. SENATOR COOK, YOU'RE RECOGNIZED. [LB1067]

SENATOR COOK: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, COLLEAGUES. I RISE IN SUPPORT OF SENATOR KRIST'S AMENDMENT, AM2549, AND ONCE AGAIN, TRYING TO MAKE MY SPEECH AND HAVE IT FALL ON AS MANY EARS AND INTERNALIZED BY AS MANY PEOPLE AS POSSIBLE. I AM A STATE SENATOR REPRESENTING LEGISLATIVE DISTRICT 13 WHICH IS IN THE CITY OF OMAHA, IN THE COUNTY OF DOUGLAS. FORTY PERCENT OF THE STUDENTS...CHILDREN THAT LIVE IN MY DISTRICT LIVE IN POVERTY. I HAVE MAINTAINED AN ONGOING INTEREST IN SUFFICIENT FUNDING, PROGRAMMING, AND, I GUESS, RESPECT FOR THE OMAHA PUBLIC SCHOOL DISTRICT, AS IT IS THE LARGEST SCHOOL DISTRICT IN THE STATE. OF COURSE, I RECOGNIZE I'M A STATE SENATOR. I GUESS AS WE HAVE DISCUSSED THIS AND THE PREVIOUS BILL, I DON'T NECESSARILY SEE THAT SAME DEGREE OF CONSIDERATION FOR THE DISTRICTS AND AUDIENCES, THE AREA OF THE CITY AND COUNTY THAT I REPRESENT AS IS...GOES OUT TO THE

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STORIES THAT WE HEAR ABOUT AGRICULTURE IN THE STATE OF NEBRASKA. THE COMMON LEVY, SOMETHING THAT HAS BEEN THE BONE OF CONTENTION, PARTICULARLY IT APPEARS WITHIN SARPY COUNTY AS PEOPLE SEE IT CATEGORIZED AND ITEMIZED ON THEIR BILL. MY IDEA OF THE CONCEPT OF THE COMMON LEVY IS THAT, INDEED, WE ARE ALL IN THIS TOGETHER. YOU CAN MOVE AWAY FROM PEOPLE THAT DON'T LOOK LIKE YOU, OR PEOPLE WHO DON'T HAVE AS MUCH MONEY AS YOU DO, OR WHO LIVE DIFFERENTLY FROM THE WAY YOU DO, OR PERHAPS SPEAK A DIFFERENT LANGUAGE, BUT BECAUSE WE ARE DOING IT THE NEBRASKA WAY, WE DON'T MOVE AWAY FROM PEOPLE AND SIMPLY ABANDON THE CITY CENTER. IRONICALLY, THE CITY CENTER IS THE THING THAT IS MARKETED WHEN CITIES LIKE OMAHA GO SHOP AROUND THROUGH THE CHAMBERS OF COMMERCE AS WORLD-CLASS CITIES. THEY'RE NOT TALKING ABOUT SELLING GREATER NEBRASKA TO PEOPLE TO MOVE HERE FROM BIG CITIES AND PUT COMPANIES IN DOWNTOWN OMAHA, BUT THAT'S AN ASIDE. THE COMMON LEVY REPRESENTS BUY-IN FROM THE PEOPLE WHO LIVE IN THE SUBURBS. ONCE AGAIN, MOVE AWAY, LIVE HOW YOU WANT TO LIVE, DO WHAT YOU WANT TO DO, BUT YOU DON'T GET TO DRIVE ACROSS CITY STREETS IN OMAHA, THEORETICALLY EMPLOY PEOPLE FROM THE CITY, DRIVE DOWNTOWN, GO TO THE THEATER, THE RESTAURANTS, SCOOT BACK OUT TO THE SUBURBS AND NOT GIVE A GOOD WHATEVER ABOUT THE CHILDREN AND THE FAMILIES IN THE CITY OF OMAHA. IT WAS DIFFICULT FOR ME TO EVEN CONSIDER THE IDEA OF LETTING GO OF THE COMMON LEVY BECAUSE I GUESS LIVING IN NEBRASKA AS LONG AS I HAVE AND LIVING ON THE PLANET AS LONG AS I HAVE, I DON'T THINK THAT THE FUNDING WILL KEEP UP WITH THE LEVEL OF POVERTY, LIMITED ENGLISH PROFICIENCY, MOBILITY, THE OTHER ISSUES THAT ARE PREVALENT WITHIN THE OMAHA PUBLIC SCHOOL DISTRICT. SO IT'S MY LAST YEAR HERE. THE BEST I CAN DO, I GUESS, IS ACCEPT WHAT PEOPLE PUT ON THE TABLE, MAYBE ASSUME A DEGREE OF EARNESTNESS. BUT I DID SORT OF NOTICE SOMETHING THAT SENATOR CHAMBERS ALLUDED TO AND THAT WAS, ONCE THE COMMON LEVY GOT GOING, IT'S IN THAT OLD THEME OF POVERTY, POVERTY, POVERTY EMERGED. WE'VE GOT POVERTY. ONE GENTLEMAN EVEN CAME TO THE COMMITTEE AND STARTED WEEPING OVER THE CHILDREN IN POVERTY IN HIS DISTRICT. OKAY,... [LB1067]

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR COOK: ...WE PROBABLY ALL SHOULD. HERE'S WHAT I NOTICED, AND THIS IS A NARRATIVE THAT HAS EMERGED OVER THE LAST FEW YEARS. IT BECAME NOT ONE CITY, ONE SCHOOL DISTRICT, YOU CAN MOVE WHERE YOU WANT TO, BUT YOU WILL BUY INTO THESE CHILDREN AND FAMILIES, BUT WE'VE

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GOT POVERTY ALL OVER THE STATE, WE NEED TO HAVE SOME OF THAT MONEY, TOO, ONCE AGAIN, TO JUST WATER DOWN THE WHOLE IDEA SO THAT THE CO-OPTED AND THE CHILDREN AND FAMILIES FOR WHOM IT WAS ORIGINALLY INTENDED CAN BE IGNORED OR JUST INCLUDED AT THE RATE AND IN THE TIMING THAT ONE DETERMINES THROUGH THE MAJORITY OF PEOPLE HERE AND THE PEOPLE IN THE STATE OF NEBRASKA DETERMINE. SO I'M VERY RETICENT TO SUPPORT THIS, BECAUSE I'VE JUST OBSERVED THINGS OVER THE LAST FEW YEARS. AND I'M SORRY TO BE SO CYNICAL ABOUT IT, BUT I REALLY DON'T SEE ANY FOLLOW-THROUGH. THANK YOU. [LB1067]

SENATOR COASH PRESIDING

SENATOR COASH: THANK YOU, SENATOR COOK. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB1067]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I APPRECIATED SENATOR COOK'S COMMENTS. I WANT YOU TO KNOW THAT IN THIS WHOLE PROCESS, FOR THE LAST SEVERAL YEARS, I REALLY DIDN'T WANT TO LET LOOSE OF THE COMMON LEVY BECAUSE I DID THINK IT WAS THE GLUE THAT HELD ALL OF THOSE MEMBER SCHOOL DISTRICTS TOGETHER SO THAT THEY DIDN'T WALK AWAY FROM THE ISSUES OF THE INNER CITY. SO THAT'S WHY, CONTRARY TO WHAT SENATOR KRIST SAID, I INTRODUCED THE COMMUNITY ACTION PLAN AS A PART OF LB1067 AND I DON'T THINK IT'S A BAD IDEA. IN FACT, I THINK IT'S...IN MY MIND, IT'S THE ELEMENT THAT KEEPS THOSE SUPERINTENDENTS WORKING TOGETHER. YES, I GET MONEY TALKS. THAT WAS MAYBE WHY THE COMMON LEVY WAS PUT INTO PLACE TO BEGIN WITH. BUT WITH THE COMMUNITY ACHIEVEMENT PLAN, IF THOSE MEMBER SCHOOL DISTRICTS AND THEIR SUPERINTENDENTS AGREE TO PARTICIPATE IN COMING UP WITH A PLAN, THEN THEY'RE GOING TO GET ADDITIONAL AID EQUAL TO 5 PERCENT OF THEIR POVERTY ALLOWANCE. AND A LITTLE BIT ABOUT HOW WE RESPOND TO THE NEEDS OF SCHOOL DISTRICTS WHO HAVE LEVELS OF POVERTY, YOU SHOULD HAVE JUST RECEIVED A HANDOUT THAT SHOWS HOW WE CALCULATE OUR POVERTY ALLOWANCE IN THIS STATE. AND I WILL TELL YOU, IF YOU LOOK AT THAT WITH SOME DEGREE OF DETAIL, YOU WILL SEE THAT WE RESPOND WHEN THERE ARE HIGHER LEVELS OF POVERTY. WE RESPOND WHEN THERE ARE CONCENTRATIONS OF POVERTY. AND I WILL TELL YOU THAT, REALLY, NO OTHER STATE DOES THAT. WE ARE UNIQUE. SO I DON'T FEEL THAT WE ARE, WITH OUR CURRENT FUNDING FORMULA, LEAVING SCHOOL DISTRICTS BEHIND. WE'RE TRYING TO RECOGNIZE THEM. AND FURTHERMORE, IN THE AMENDMENT THAT I HAVE INTRODUCED TO LB1067, IF WE EVER GET TO IT, UNDER THE COMMUNITY

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ACHIEVEMENT PLAN IT RECOGNIZES NOT ONLY SOME ADDITIONAL SUPPORT FOR POVERTY, BUT ALSO FOR ENGLISH LANGUAGE LEARNERS. AND AGAIN, I MIGHT ADD THAT OUR CURRENT FUNDING FORMULA HAS AN LEP...OR LANGUAGE...ENGLISH LANGUAGE LEARNER ALLOWANCE IN IT. AND I THINK THAT IS A MORE APPROPRIATE WAY TO GO WITH THE CURRENT EXISTING POVERTY ALLOWANCE. I THINK IT WAS A YEAR OR SO AGO THAT THE EDUCATION COMMITTEE CONDUCTED AN INTERIM STUDY TRYING TO FIND OUT WHAT'S GOING ON WITH HOW SCHOOLS ARE ADDRESSING THEIR NEEDS FOR POVERTY AND WANTING SOME ADDITIONAL IDEAS OF WHAT COULD BE DONE. AND IT WAS A LITTLE FRUSTRATING BECAUSE WE DIDN'T REALLY GET ANY NEW IDEAS. AND WHAT FRUSTRATES ME ABOUT SENATOR KRIST'S AMENDMENT IS THAT HE PUTS IT IN AS AN ADJUSTMENT TO THE FORMULA. ADMITTEDLY, WHEN WE ADD SOMETHING NEW TO THE FORMULA, IT GOES IN AS AN ADJUSTMENT FOR TWO YEARS SO THAT WE DO ADD NEW DOLLARS. BUT HE WANTS TO RETAIN IT AS A PERMANENT ADJUSTMENT. AND BY THEIR OWN ADMISSION, SOME OF THE BUSINESS OFFICIALS IN THE LEARNING COMMUNITY WHO THOUGHT THAT WAS A GOOD IDEA, THEY SAY THERE WOULD BE NO SPECIAL SUBMISSIONS OR ACCOUNTING REQUIRED BY SCHOOL DISTRICTS IN ORDER TO RECEIVE THE ADDITIONAL FUNDING. COLLEAGUES, DO YOU REALLY WANT THAT? DO YOU WANT TO JUST GIVE MORE MONEY BECAUSE A SCHOOL DISTRICT SAYS WE HAVE MORE POVERTY WITHOUT ANY ACCOUNTING, WITHOUT ANY ACCOUNTABILITY? [LB1067]

SENATOR COASH: ONE MINUTE. [LB1067]

SENATOR SULLIVAN: I REALLY DON'T THINK THAT THAT'S WHAT YOU WANT TO DO. AGAIN, I'VE TRIED MY BEST TO ACCOMMODATE THE CONCERNS. AND I FEEL THAT I HAVE RESPONDED TO THE SUPERINTENDENTS. AND I THINK THE MAJORITY OF THEM DID INDICATE THEIR SUPPORT FOR LB1067. I'VE TRIED TO RESPOND FOR THE CONCERN OVER THE FISCAL NOTE. AND I, LIKE SENATOR BAKER, REALLY DO WANT TO GET SOMETHING ACROSS THE FINISH LINE. SO LET'S CONTINUE TO WORK ON THIS AND HOPE WE CAN DO THAT. THANK YOU, MR. PRESIDENT. [LB1067]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB1067]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I REPRESENT DISTRICT 15 WHICH IS DODGE COUNTY. AND I'LL BE HONEST WITH YOU, BEFORE I GOT HERE

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IN THE LEGISLATURE AND ON THE EDUCATION COMMITTEE, I NEVER EVEN HEARD OF THE LEARNING COMMUNITY, HAD NO IDEA WHAT IT WAS ABOUT. BUT THAT'S HOW THE LEARNING COMMUNITY AFFECTS RURAL NEBRASKA--IT DOESN'T, HAS NO EFFECT ON US AT ALL. SO ANY CHANGES THAT WE MAKE TO THIS, AS A MATTER OF FACT, WILL COST US MORE. THAT DOESN'T MEAN THAT I'M OPPOSED TO THIS. I THINK SOME CHANGES NEED TO BE MADE, IN PARTICULARLY THE COMMON LEVY WHICH HAS A LARGE EFFECT ON DC WEST AND SOUTH SARPY. YOU HEAR A LOT OF TALK ABOUT POVERTY. IRONICALLY, IN THE HEARING...OR NOT IN THE HEARING, IN OUR DEBATES, THE DEBATE ABOUT THE LEARNING COMMUNITY TURNED INTO A DEBATE ABOUT POVERTY. AND IT WAS SAID WE NEED TO FIX POVERTY. WELL, IN MY VIEWPOINT, IT'S NOT THE EDUCATION COMMITTEE'S JOB OR EDUCATORS IN THE STATE OF NEBRASKA, IT'S NOT THEIR JOB TO FIX POVERTY. HOWEVER, WITH A BIG "HOWEVER", THEY DO HAVE TO PROVIDE THAT EDUCATION OR PROVIDE FOR THAT INSTRUCTION FOR THOSE CHILDREN THAT ARE IN POVERTY AND THAT IS A CHALLENGE. OUR CONSTITUTION SAYS PROVIDE FOR THAT INSTRUCTION AGES 5 THROUGH 21 IN THE COMMON SCHOOLS. IT DOESN'T SAY IF THEY'RE NOT IN POVERTY. IT SAYS TO PROVIDE FOR THAT INSTRUCTION. SO THAT DOES COST MORE. BUT LET'S REMEMBER, IF WE GET RID OF THE COMMON LEVY, THAT THOSE DISTRICTS NOW PICK UP MORE TEEOSA MONEY TO OFFSET THAT. LET'S ALSO REMEMBER THAT POVERTY IS STATEWIDE. IT'S NOT JUST IN OMAHA; IT'S NOT JUST IN OPS. RURAL COMMUNITIES SUFFER FROM IT JUST AS BAD. BUT I'LL JUST REMIND YOU, IT'S NOT THE EDUCATOR'S JOB, IT'S NOT THE EDUCATION COMMITTEE'S JOB, IT'S NOT THE DEPARTMENT OF EDUCATION'S JOB TO FIX POVERTY. HOWEVER, IT IS OUR RESPONSIBILITY TO MAKE SURE THAT THOSE CHILDREN THAT LIVE IN POVERTY RECEIVE THAT INSTRUCTION. THANK YOU, SIR. [LB1067]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SENATOR KINTNER, YOU'RE RECOGNIZED. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB1067]

SENATOR KOLOWSKI: THANK YOU, MR. CHAIRMAN. I'D LIKE TO REMIND OUR COLLEAGUES THAT TWO OF US IN THIS CHAMBER WORKED WITH THE LEARNING COMMUNITY IN ITS FIRST YEARS...THE FIRST FOUR YEARS OF ITS EXISTENCE, FROM 2009 WHEN WE WERE SEATED, BOTH SENATOR CHAMBERS AND MYSELF WERE ON THE 12-MEMBER BOARD THAT MADE UP THE LEARNING COMMUNITY'S COORDINATING COUNCIL. WE HAD THE OPPORTUNITY TO WORK TOGETHER THOSE FOUR YEARS, AND THEN THE LAST FOUR YEARS HAVE BEEN DOWN HERE. SO I'VE HAD THE DISTINCT PLEASURE OF WORKING WITH SENATOR CHAMBERS IN TWO DIFFERENT VENUES IN THE LAST EIGHT YEARS, AND IT'S BEEN REMARKABLE, TO SAY THE LEAST. WHEN WE HAVE THE ISSUES WITHIN THE

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LEARNING COMMUNITY LOOKED AT, YOU'VE HEARD OF THE COMMON LEVY BEING MENTIONED AND THE BOUNDARIES WITHIN THE DISTRICTS ALSO BEING SOLIDIFIED AND MENTIONED AS FAR AS TWO MAJOR AREAS OF CONCERN THAT WE WANTED TO TAKE CARE OF. THEY DO FIT INTO THE POVERTY ISSUES IN THE SENSE OF THE COMMON LEVY IS MOVING OVER AS THE SUPERINTENDENTS HAVE ALSO IDENTIFIED AND MOVED ON THE POVERTY ISSUE. AS I TALKED ABOUT IT EARLIER, IN THE 1990 TEEOSA DISCUSSIONS THAT I SHARED WITH YOU, WHERE THE WORD "POVERTY" WASN'T EVEN MENTIONED IN THE STATE FORMULA FOR FUNDING PUBLIC EDUCATION. WE'RE IN A DIFFERENT PLACE, A DIFFERENT TIME, A DIFFERENT MIND-SET, A DIFFERENT UNDERSTANDING. AND THE SUPERINTENDENTS, ALL 11 OF THE SUPERINTENDENTS IN THE LEARNING COMMUNITY ARE UNIFORM IN THEIR THOUGHTS ABOUT WORKING WITH AND DEALING WITH THE FULL RANGE OF STUDENTS THAT WE HAVE AND VERY CONCERNED ABOUT THE ISSUES OF POVERTY FOR ALL CHILDREN, ALL GRADE LEVELS, ALL AGE LEVELS AS THEY GO THROUGH THEIR DISTRICTS. SO WE HAVE COMMONALITY DIFFERENT THAN WE'VE EVER HAD BEFORE, THEN THE CONTENTIOUS TIMES. AND SENATOR CHAMBERS WAS HERE FROM 2004 TO 2008 WHEN A LOT OF THAT DISCUSSION WAS GOING ON, AND HE PLAYED A ROLE IN THE EARLY FORMATION YEARS OF THE THINGS THAT CAME INTO AND WERE PART OF THE LEARNING COMMUNITY AT THAT TIME. THE SUPERINTENDENTS TODAY ARE VERY MUCH CONCENTRATED, AS WE IN OUR EARLY YEARS IN THE LEARNING COMMUNITY BEGAN TO CONCENTRATE WHERE WOULD WE BEST SPEND OUR DOLLARS WITH THE ISSUES THAT WE HAVE THROUGHOUT THE LEARNING COMMUNITY TWO-COUNTY AREA. AND THAT CAME DOWN TO THE ELL--ENGLISH LANGUAGE LEARNERS--EARLY CHILDHOOD EDUCATION, AND THE POVERTY ISSUES. AND THAT'S BEEN THE CONCENTRATION OF THE LEARNING COMMUNITY SINCE THOSE EARLY DAYS. I'LL CONCLUDE AT THIS POINT IN TIME AND COME BACK TO THE MIKE AT LATER TIMES WITH ONE FIGURE THAT I WANT YOU TO THINK ABOUT WHEN YOU THINK OF THE FISCAL NOTE FOR THIS PARTICULAR PROJECT, FOR THIS PARTICULAR BILL THAT WE'RE DEALING WITH. THINK IN TERMS OF THIS, BECAUSE THIS IS THE REALITY: THOSE 11 DISTRICTS LOST \$5.3 MILLION A YEAR COLLECTIVELY FOR THE SEVEN YEARS OF EXISTENCE THAT THE LEARNING COMMUNITY HAS HAD. THAT'S \$37 MILLION THAT THEY LOST FROM THE METRO AREA FOR THE OPERATING OF SCHOOLS IN THOSE 11 DISTRICTS THAT THEY'LL NEVER GET BACK, BECAUSE THE COMMON LEVY WAS IN, BECAUSE A DIFFERENT FORMULA WAS BEING USED THAT TIME WITH THOSE 11 DISTRICTS. SO WHATEVER THE FISCAL NOTE MIGHT BE ON THIS FINAL BILL WHEN WE CONCLUDE THIS PARTICULAR ACTIVITY... [LB1067]

SENATOR COASH: ONE MINUTE. [LB1067]

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SENATOR KOLOWSKI: ...WE WOULD HAVE A \$37 MILLION DEFICIT TO GO AGAINST. IF IT COSTS \$20 MILLION OR \$15 MILLION OR \$10 MILLION, WHATEVER IT MIGHT BE, THE STATE HAS BEEN AHEAD ON THE GAME WITH THESE 11 SCHOOL DISTRICTS OVER THESE LAST SEVEN YEARS. SO I ASK YOU TO THINK ABOUT THAT--\$37 MILLION TO THE GOOD FOR THE STATE VERSUS WHATEVER IT WILL TAKE RIGHT NOW, WHATEVER IS DECIDED BY THIS BODY, TO MAKE THE MOVES WITH THE LEARNING COMMUNITY BILL TO OUR NEXT LEVEL OF OPERATION AND SUCCESS THAT I KNOW THEY WILL HAVE. THANK YOU, MR. PRESIDENT. [LB1067]

SENATOR COASH: THANK YOU, SENATOR KOLOWSKI. MR CLERK, YOU HAVE SOME ITEMS? [LB1067]

CLERK: MR. PRESIDENT, I DO, THANK YOU. AMENDMENT: SENATOR JOHNSON WOULD LIKE TO PRINT ONE TO LB958. SENATOR SULLIVAN, NEW A BILL, LB959A (READ LB959A BY TITLE FOR FIRST TIME). COMMUNICATION FROM THE SPEAKER REGARDING LR601, AND A REFERENCE REPORT REGARDING THAT SAME RESOLUTION, AND A HEARING NOTICE FROM THE EXECUTIVE BOARD. (LEGISLATIVE JOURNAL PAGES 1325-1327.) [LB958 LB959A LR601]

MR. PRESIDENT, A PRIORITY MOTION: SENATOR KRIST WOULD MOVE TO BRACKET LB1067 UNTIL APRIL 20, 2016. [LB1067]

SENATOR COASH: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB1067]

SENATOR KRIST: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, COLLEAGUES, AGAIN, AND GOOD AFTERNOON, NEBRASKA. I WOULD JUST AS SOON BRACKET THIS THING AND LEAVE THE COMMON LEVY IN PLACE AND COME BACK NEXT YEAR WITH A GOOD PLAN THAN CONTINUE TO HAVE THESE LITTLE SIDE PLANS THAT ARE TRYING TO DESTROY THE LEARNING COMMUNITY IN DIFFERENT WAYS AND CHANGE WHAT WE'RE TRYING TO DO. IT IS AT A POINT WHERE WE ARE BACK TO, I DON'T KNOW WHAT THE YEAR WAS, EARLY '90s, SENATOR CHAMBERS, WHEN WE'RE GOING TO REDESIGN AND DO THINGS HERE ON THE FLOOR FOR THE LEARNING COMMUNITY. IT DIDN'T WORK OUT REAL WELL WHEN IT FIRST HAPPENED. IT'S BEEN CHANGED 26 TIMES. TEEOSA FORMULA HAS BEEN CHANGED 26 TIMES, THAT I KNOW OF, IN 28 YEARS. THIS ISN'T FUN AND GAMES, FOLKS. THESE ARE OUR KIDS. AND NOW WE'VE GOT THE GOVERNOR OF THE STATE OF NEBRASKA ON THE DAY THE BILL IS GOING TO BE

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HEARD THAT SAYS, I'M ONLY GOING TO GIVE YOU \$8.9 MILLION. WELL, GUESS WHAT, GOVERNOR, THE LAST TIME YOU SIGNED A CHECK WAS PROBABLY OUT OF YOUR OWN ACCOUNT. WE APPROPRIATE, WE LEGISLATE. HE'S GOING TO TAKE THE OTHER MONEY, I GUESS, AND GIVE IT BACK TO THE AG IN TERMS OF PROPERTY TAX OR COMMERCIAL OR WHATEVER. EIGHT-POINT-NINE MILLION DOLLARS WILL NOT FIX THIS PROBLEM. THAT'S A JOKE. THAT IS A JOKE. AND THERE'S A COUPLE OTHER BILLS COMING UP HERE THAT MEAN A LOT TO A LOT OF PEOPLE. THE LEARNING COMMUNITY IS A SITUATION THAT NEEDS TO BE DEALT WITH. THESE KIND OF DISCUSSIONS SHOULD HAVE HAPPENED IN COMMITTEE; THEY DID NOT. HERE IT IS ON THE FLOOR, BLOWING UP, AND DIFFERENT PEOPLE GOING DIFFERENT DIRECTIONS. AND SOME OF YOU, WHO PROBABLY KNOW VERY LITTLE ABOUT THE SITUATION, WHO ARE WEIGHING IN, \$8.9 MILLION DOESN'T SOLVE ANYTHING. IT DOESN'T TAKE CARE OF SPECIAL ED. IT DOESN'T TAKE CARE OF THE FUNDING ISSUES THAT WE HAVE ON THE TABLE. I'D JUST AS SOON THAT WE SUFFER THROUGH ANOTHER YEAR...ACTUALLY GO BACK TO THE PUREST PLAN THAT THE SUPERINTENDENTS HAVE GIVEN US, THE SUPERINTENDENTS, WHO, BY THE WAY, ARE EDUCATED AND THEY DEAL WITH THIS THING ON A DAILY BASIS, THAN LISTEN TO THIS DRIVEL. AND I'M SURE YOU'RE GOING TO STAND UP AND SAY, HOW DARE YOU SAY THIS IS DRIVEL. BUT YOU KNOW WHAT? IT IS DRIVEL. THE BRACKET MOTION IS UP THERE, AND THEN MY AMENDMENT IS UP THERE. AND THEN SENATOR SULLIVAN HAS ONE. AND THEN I KNOW THERE ARE TWO OTHERS THAT ARE BEING WORKED ON IN DIFFERENT AREAS. SHAME ON US. SHAME ON US FOR NOT PUTTING ENOUGH MONEY IN THE LAST SEVEN YEARS THAT I'VE BEEN HERE INTO EDUCATION SO THAT WE END UP IN THIS SITUATION. SHAME ON ME. SENATOR COOK IS RIGHT. WHEN YOU LIVE IN OMAHA AND YOU SEE WHAT THE OMAHA PUBLIC SCHOOL SYSTEM HAS DONE AND THE ACHIEVEMENT THAT THEY HAVE GONE THROUGH IN TERMS OF THE LEARNING COMMUNITY AND WHAT IT HAS DONE AND WHAT POVERTY DOES TO KIDS--YOU DON'T EAT, YOU DON'T THINK VERY WELL--THE PROGRAMS THAT ARE IN OPS AND PARTICULARLY IN LEARNING COMMUNITY IN OPS HAVE TAKEN A WHOLE-FAMILY APPROACH, AND THE RESULTS HAVE BEEN WONDERFUL. AND THAT'S HAPPENED ALL OVER THE CITY, ALL OVER THE METROPOLITAN AREA. BUT WE DON'T WANT A COMMON LEVY AND WE DON'T WANT TO NEGOTIATE ON ANYTHING ELSE. SENATOR STINNER CAME UP HERE AND VERY POLITELY AND VERY PROFESSIONALLY SAID, YOU KNOW WHAT, IF YOU DO THIS, THERE WILL BE NO MONEY LEFT WHEN WE GET TO THE FLOOR NEXT YEAR. THAT'S GOOD. THEN WE DON'T HAVE TO ARGUE ABOUT PENNY-ANTE STUFF. LET'S CONCENTRATE ON EDUCATION. OR LET'S LOOK AT THE UNIVERSITY BUDGET, WHICH DOES NOT FALL IN OUR CONSTITUTIONAL PARAMETERS. WE'RE GIVING THEM \$500 (MILLION), ALMOST \$600 MILLION A

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YEAR. WHAT WOULD \$250 (MILLION) OR \$300 MILLION OF THAT BUDGET DO FOR K THROUGH 12 OR SPECIAL EDUCATION? AND TO THE ADMINISTRATION I WILL SAY THIS: WE'RE INTO OUR LAST TEN DAYS, NINE DAYS, WHATEVER IT IS, WHERE WERE YOU IN JANUARY? WHERE WERE YOU DURING THE COMMITTEE HEARINGS? WHERE WERE YOU WHEN WE WERE DECIDING HOW TO SPEND THE MONEY? DECIDING THAT \$8.9 (MILLION) WOULD BE DROPPED ON US THE DAY OF THE HEARING? SHAME ON YOU. WE'VE GOT AN EDUCATION MESS, JUST LIKE WE'VE GOT A CORRECTIONS MESS. AND WE DON'T HAVE ENOUGH MONEY TO GO AROUND. SO THE PRIORITIES ARE GOING TO GET TIGHTER AND TIGHTER AND TIGHTER, AND GOD FORBID WE HAVE ANOTHER FISCAL...OR FORECASTING BOARD THAT TAKES US SOUTH AGAIN. THEN WE'LL BE ON THE SCHUMACHER PLAN, NOT HAVING ENOUGH MONEY AT ALL. BRACKET IS UP THERE. I DON'T INTEND TO SAY ANYTHING ELSE ABOUT THIS SUBJECT MATTER. I JUST REALLY BELIEVE WE NEED TO FOCUS IN ON WHERE WE'RE AT. [LB1067]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO THE MOTION TO BRACKET. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB1067]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY. AND, SENATOR CHAMBERS, IF I GET THE HISTORY WRONG, YOU NEED TO TELL ME, BUT WHEN I WAS ON THE EDUCATION COMMITTEE FOR SIX YEARS, WE TALKED ABOUT THE LEARNING COMMUNITY ALMOST EVERY YEAR, AND HERE'S THE WAY IT SOUNDED TO ME. THERE USED TO BE THE LAW--ONE CITY, ONE SCHOOL DISTRICT; AND THAT'S STILL IN PLACE FOR LINCOLN. LINCOLN DOES IT AND IT WORKS WELL. AS LINCOLN GETS BIGGER, THE SCHOOL DISTRICT EXPANDS AS WELL. AND THEN THROUGH WHATEVER HAPPENED, THE WHOLE IDEA OF ONE CITY, ONE SCHOOL DISTRICT WAS TRADED. OMAHA SAID THAT THEY WOULD GIVE UP THAT CONCEPT IN EXCHANGE FOR LETTING THE SURROUNDING SCHOOL DISTRICTS KEEP THEIR BOUNDARIES. AND THE TRADE-OFF THEN WAS THIS COMMON LEVY. SO IS THAT FAIRLY ACCURATE, SENATOR CHAMBERS? HE'S SHAKING HIS HEAD YES. SO WHAT I'M HAVING TROUBLE GETTING AWAY FROM IS, OKAY, ALL OF A SUDDEN WE, YOU KNOW, WE'VE LET THE SCHOOL DISTRICTS HAVE THEIR BOUNDARIES AND SO THEY GOT THAT, THEY STILL HAVE THAT PART, AND NOW WE...THEY'RE ASKING TO DO AWAY WITH THE COMMON LEVY. AND THAT SOUNDS LIKE A DEAL BROKEN TO ME. AND SO UNLESS I CAN BE, YOU KNOW, SHOWN THAT OPS AND SOME OF THE OTHER SCHOOLS WITH VERY HIGH FREE AND REDUCED LUNCH AND SO ON, POVERTY LEVELS, AS LONG AS THEY'RE GOING TO BE HELD HARMLESS AND THAT WE CAN AFFORD IT, I'M NOT WILLING TO LET GO OF THE COMMON LEVY. AND I HAVE SOME STATISTICS HERE. FOR EXAMPLE: OMAHA PUBLIC SCHOOLS, FREE AND REDUCED LUNCH, 73 PERCENT

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OF THE STUDENTS IN OPS; ELKHORN, 6.91. AND THEN WE LOOK AT STATEWIDE: 44 PERCENT OF OUR STUDENTS STATEWIDE ARE ON FREE AND REDUCED LUNCH. TO ME THAT'S AMAZING THAT 44 PERCENT OF THE KIDS IN AN AGRICULTURAL STATE ARE ON FREE AND REDUCED LUNCH, THAT WE HAVE THAT MANY CHILDREN LIVING IN POVERTY. THAT'S WHAT SURPRISES ME A GREAT DEAL. AND THEN IF YOU COMPARE THE AVERAGE HOUSEHOLD INCOME IN OPS IT'S \$45,700; IN ELKHORN IT'S \$96,800, OVER TWICE WHAT IT IS IN OPS. AND SO I GO BACK TO THAT INITIAL AGREEMENT THAT SAID, HEY, WE WANT TO KEEP OUR SCHOOL DISTRICTS WHOLE, AND IN EXCHANGE WE'RE GOING TO GO WITH THE COMMON LEVY. AND NOW THEY WANT TO BACK OUT OF THE COMMON LEVY. AND AGAIN, UNLESS I CAN BE SHOWN THAT THE SCHOOL DISTRICTS, LIKE RALSTON AND OPS, WHICH HAVE VERY HIGH RATES OF POVERTY, UNLESS THEY CAN BE HELD HARMLESS, BECAUSE IT IS ABOUT MONEY, IT IS ABOUT FINANCING THE EDUCATION SYSTEM, I SIMPLY CAN'T SUPPORT LB1067. I DO HAVE A QUESTION FOR SENATOR KRIST. [LB1067]

SENATOR COASH: SENATOR KRIST, WILL YOU YIELD? [LB1067]

SENATOR KRIST: YES. [LB1067]

SENATOR HAAR: OKAY, THE QUESTION IS THIS: I STILL HAVEN'T SEEN NUMBERS CONNECTED WITH THINGS, DO YOU HAVE ANY IDEA ON WHAT YOUR AMENDMENT, AM2549, WOULD COST? [LB1067]

SENATOR KRIST: YES, SIR, I HAVE SOME ROUGH ESTIMATES. [LB1067]

SENATOR COASH: ONE MINUTE. [LB1067]

SENATOR KRIST: HOWEVER, AS YOU KNOW OR MAY NOT KNOW... [LB1067]

SENATOR HAAR: SURE. [LB1067]

SENATOR KRIST: WELL, YOU DO KNOW, YOU WERE PART OF THE EDUCATION COMMITTEE. IT REQUIRES THE EDUCATION TO ACTUALLY MODEL THIS AND BRING IT FORWARD AND FOR OUR OWN FISCAL OFFICE TO WEIGH IN. MY ROUGH ESTIMATE IS IT'S ABOUT \$8.9 MILLION MORE THAN THE FISCAL NOTE THAT SENATOR SULLIVAN HAS FOR HERS. HOWEVER, THAT DOES NOT INCLUDE OR SHOULD BE SUBTRACTED FROM THAT THE \$3 MILLION THAT'S PART OF THE

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COMMUNITY FUND. SO LET'S SAY BETWEEN \$5 (MILLION) AND \$6 MILLION MORE THAN...AND AGAIN, THAT'S A WHOLE STATE POVERTY ISSUE. [LB1067]

SENATOR HAAR: RIGHT. AND I...THAT'S VERY APPEALING TO ME. WHEN YOU LOOK AGAIN AT STATEWIDE, 44 PERCENT OF OUR KIDS GET FREE AND REDUCED LUNCHES--KIND OF A MEASURE OF POVERTY. SO I WILL BE LISTENING, BUT I...IT JUST SEEMS TO ME... [LB1067]

SENATOR COASH: TIME, SENATOR. [LB1067]

SENATOR HAAR: ...ONE SIDE IS KEEPING WHAT THEY'RE GETTING AND THE OTHER SIDE IS GIVING IT UP. THANK YOU VERY MUCH. [LB1067]

SENATOR COASH: THANK YOU, SENATOR HAAR. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB1067]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB1067 AND SENATOR KRIST'S AMENDMENT AND SENATOR SULLIVAN'S AMENDMENT, WHICH I BELIEVE WILL FOLLOW. I'M NOT IN SUPPORT OF BRACKETING THE BILL. I DO HAVE SOME MIXED FEELINGS ABOUT THIS THOUGH. AND AS SOMEBODY WHO ACTUALLY WAS AROUND DURING THE DEBATE AS A LEGISLATIVE PAGE, AND OCCASIONALLY I ACTUALLY LISTENED, BUT THIS BILL, IN PARTICULAR, WAS ONE THAT I REMEMBER LISTENING ABOUT AND LISTENING TO AND HEARING THE DEBATE ON THIS, AND IT WAS A CONTENTIOUS ISSUE THEN, BUT IT WAS SEEN AS A SOLUTION TO SOLVING SOME OF THE DIVIDES WITHIN OMAHA PUBLIC SCHOOLS AND ADDRESSING THE RACIAL INEQUALITY. I ALSO COME AT THIS FROM A POINT OF VIEW OF A PERSON THAT ATTENDED OMAHA PUBLIC SCHOOLS DURING THE TIME THAT WE HAD BUSING. MY MOTHER LIVED ON ABOUT 120th AND DODGE, AND I WENT TO CONESTOGA ELEMENTARY, WHICH I CAN'T REMEMBER THE EXACT LOCATION OF CONESTOGA, BUT IT WASN'T NEAR 120th AND DODGE. AND OVERALL, I THOUGHT IT WAS A GREAT EXPERIENCE FOR ME AS A YOUNG BOY TO BE EXPOSED TO A LOT OF DIFFERENT PEOPLE IN A DIFFERENT NEIGHBORHOOD THAT I WASN'T FAMILIAR WITH AND WHO I OTHERWISE WOULDN'T HAVE MET AND MADE FRIENDS WITH. IT GAVE ME GOOD AND UNIQUE EXPERIENCES. I'VE LEARNED FROM SENATOR CHAMBERS WHY IN 1999 THAT WAS ENDED. I HAVE CONCERNS WITH WHY THAT WAS ENDED AFTER TALKING TO SENATOR CHAMBERS, BUT, AGAIN, THAT WAS 17 YEARS AGO, IT'S COME AND GONE. AND I REMAIN CONCERNED WITH THE ABILITY...WITH OUR ABILITY TO BE ABLE TO MAKE SURE THAT STUDENTS IN POVERTY, BOTH IN

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OMAHA AND THE OMAHA METRO AREA AND ACROSS THE STATE, HAVE THE RESOURCES NECESSARY TO BE ABLE TO OVERCOME SOME OF THE UNIQUE CHALLENGES THAT COME WITH LIVING AND GROWING UP IN POVERTY. I'VE EXPRESSED THIS TO MANY OF MY COLLEAGUES THAT ARE ADAMANT ABOUT GETTING RID OF THE LEARNING COMMUNITY, THAT THIS BODY, PARTICULARLY WITH TERM LIMITS, HAS A SHORT MEMORY. AND MY BIGGEST CONCERN WITH LB1067 IS THAT WE ARE GOING TO HAVE A SHORT MEMORY WHEN IT COMES TO THIS FUNDING; THAT WE WILL NOT MAINTAIN THE FUNDING NECESSARY TO SOLVE SOME OF THE INEQUALITIES THAT EXIST NOT ONLY IN OMAHA BUT ALSO STATEWIDE, WHICH IS WHY I'M IN SUPPORT OF SENATOR KRIST'S AM2549. NOW, IF THERE'S SOME ACCOUNTABILITY MEASURES THAT NEED TO BE INTEGRATED INTO AM2549, I THINK WE NEED TO LOOK INTO THAT. THAT MAY BE A VERY VALID POINT THAT SENATOR SULLIVAN BRINGS UP. I NEED TO LOOK AT AM2549 A LITTLE BIT MORE CLOSELY IN THAT REGARD. AND TO SENATOR SCHNOOR'S POINT--NO, IT'S NOT OUR JOB TO FIX POVERTY, BUT IN ABLE TO...IN ORDER TO BE ABLE TO FULFILL OUR CONSTITUTIONAL MANDATE TO EDUCATE ALL CHILDREN AGES 5 TO 21, WE MUST BE ABLE TO ADAPT TO THE CHALLENGES THAT POVERTY PRESENTS ITSELF. AND THOSE CHALLENGES ARE UNIQUE AND THEY REQUIRE MORE RESOURCES, AND THERE IS NO DENYING THAT. SO WE CANNOT TURN A BLIND EYE TO IT. WITH THAT BEING SAID, I ALSO REALIZE THAT SOME REFORM IS NECESSARY IN THE LEARNING COMMUNITY. AND I BELIEVE LB1067, COMBINED WITH AM2549, ADDRESSES SOME OF THOSE CONCERNS. THAT BEING SAID, COLLEAGUES, I WILL BE HERE LIKELY FOR ANOTHER SIX YEARS, AND I WILL BE VERY WATCHFUL IF THIS BILL PASSES TO ENSURE THAT THE FUNDING REMAINS IN PLACE TO ADDRESS THE PROBLEMS... [LB1067]

SENATOR COASH: ONE MINUTE. [LB1067]

SENATOR MORFELD: ...THAT POVERTY BRINGS TO OUR CHILDREN AND SCHOOLS, AND ENSURING THAT WE COMPLETE OUR CONSTITUTIONAL MANDATE TO PROVIDE A HIGH-QUALITY EDUCATION FOR ALL OF NEBRASKA'S CHILDREN. THANK YOU. [LB1067]

SENATOR COASH: THANK YOU, SENATOR MORFELD. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB1067]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I, TOO, RISE IN SUPPORT OF LB1067 AND SENATOR KRIST'S AMENDMENT, AM2549. I WOULD HOPE THAT THE BILL NOT BE BRACKETED, BUT I JUST WANT TO TALK ABOUT A

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COUPLE OF THINGS. AS WAS MENTIONED, 11 SUPERINTENDENTS AGREED AND SAID TO GET RID OF THE COMMON LEVY AND THEN TO DEAL WITH POVERTY. AND I'M REALLY CONCERNED ABOUT KICKING IT DOWN THE ROAD, ESPECIALLY WITH THE LARGEST CONCENTRATION OF POVERTY IN OMAHA PUBLIC SCHOOLS. THIS DOESN'T...THIS IS A SITUATION WHERE LINCOLN PUBLIC SCHOOLS WOULD NOT QUALIFY. AND OMAHA, AS HAS BEEN SAID, HAS OVER 73 PERCENT WHO ARE IN POVERTY. AND I WOULD JUST SAY THAT I'VE HEARD SOME COMMENTS ABOUT NOT...OF HAVING A SMOKESCREEN, THAT THE SUPERINTENDENTS CAN BUILD UP SOME SORT OF SMOKESCREEN AND NOT REALLY COME CLEAR ON HOW THEY'RE SPENDING THEIR POVERTY DOLLARS. AND I'VE BEEN TALKING TO A NUMBER OF DIFFERENT PEOPLE, AND I JUST...I DON'T THINK THAT'S RIGHT OR POSSIBLE. I GUESS IT'S PROBABLY POSSIBLE, BUT THEN YOU HAVE TO BELIEVE THAT THE SUPERINTENDENTS, AND I KNOW A LOT OF THEM, ARE BASICALLY DUPLICITOUS PEOPLE THAT AREN'T...ARE GOING TO USE SLEIGHT OF HAND TO MISAPPROPRIATE FUNDS. AND I JUST DON'T BELIEVE THAT. I KNOW THAT THE STATE...EACH DISTRICT TURNS IN THEIR POVERTY PLANS TO THE NEBRASKA DEPARTMENT OF EDUCATION, AND THAT THEN THE DISTRICT HAS TO PROVE THAT THEY ARE SPENDING 80 PERCENT OF THE STATE'S DOLLARS ON POVERTY, AND THAT THE DISTRICT MUST THEN SPEND 15 PERCENT OF THEIR OWN MONEY MORE THAN THE STATE PROVIDES. SO, AGAIN, I DON'T AGREE THAT WE'VE GOT SOME SORT OF ISSUE WITH SUPERINTENDENTS NOT COMING FORWARD THOUGHTFULLY OR FORTHRIGHTLY ABOUT THEIR POVERTY. I BELIEVE WE HAVE A HUGE ISSUE. AND WE CANNOT ADOPT THE MARIE ANTOINETTE THEORY OF EDUCATIONAL FUNDING OF LET THEM EAT CAKE. SO AGAIN, THIS IS A HUGE ISSUE FOR OUR STATE TO GET RID OF THE COMMON LEVY AND DEAL WITH THE POVERTY AT SOME POINT IN THE FUTURE. IT JUST DOESN'T MAKE SENSE TO ME. AND I APPRECIATE SENATOR KRIST'S EFFORTS, AND I WILL GIVE HIM THE REST OF MY TIME--I DON'T SEE HIM RIGHT NOW--IF SENATOR KRIST WOULD LIKE THE REST OF MY TIME. [LB1067]

SENATOR COASH: SENATOR KRIST, YOU'VE BEEN YIELDED 2:00. [LB1067]

SENATOR KRIST: THANK YOU FOR YOUR COURTESY, SENATOR PANSING BROOKS. I HAVE SOMETHING HERE THAT I'M GOING TO SEND AROUND TO YOU, IT'S NEBRASKA LEADING THE MIDWEST IN POVERTY GROWTH FOR CHILDREN SIX AND UNDER. THE UNITED STATES AVERAGE FOR ALL UNDER SIX AT 100 PERCENT POVERTY OR BELOW, SINCE 2000 TO 2013, HAS RISEN IN THE UNITED STATES 4 MILLION TO 5.8 MILLION, A GROWTH OF 42 PERCENT. GUESS WHAT IT DID IN NEBRASKA? IT WENT FROM 19,380, BASICALLY INCREASED TO 34,000; THAT'S AN 80 PERCENT INCREASE IN KIDS UNDER SIX IN POVERTY. WE HEARD THIS IN THE

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PLANNING COMMITTEE AS WELL. AGAIN, IN THE UNITED STATES, FOR UNDER SIX, 50 PERCENT POVERTY. THE AVERAGE ACROSS THE UNITED STATES IS 43 PERCENT. WE HAVE SOMETHING TO BE PROUD OF... [LB1067]

SENATOR COASH: ONE MINUTE. [LB1067]

SENATOR KRIST: ...118 PERCENT, 118 PERCENT SINCE 2000; INCREASE FROM 7,000...17,268. YOU SEE WHY I'M SO CONCERNED ABOUT POVERTY AND NOT JUST THE KIDS IN OPS, BUT YOUR KIDS ACROSS THE STATE AS WELL? THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. [LB1067]

SENATOR COASH: SPEAKER HADLEY FOR AN ANNOUNCEMENT. [LB1067]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, TWO OR THREE THINGS: ONE IS THAT I AM PLANNING THAT WE ARE STAYING HERE UNTIL WE FINISH WITH THIS BILL TONIGHT. CLOTURE WILL BE AT 8:21. IF YOU HAVE A REASON NOT TO BE HERE TONIGHT AT 8:21, I WOULD LIKE YOU TO STOP BY AND EXPLAIN IT TO ME. I'LL BE ON THE FLOOR. THIS IS ONE OF THOSE IMPORTANT BILLS WE'VE TALKED ABOUT ALL SESSION LONG. SO WE WILL HAVE...WE WILL STAY IF IT TAKES TO 8:21, IF IT GOES TO A CLOTURE VOTE. IF IT DOESN'T, SO BE IT, WE WILL CERTAINLY QUIT EARLIER. TOMORROW, WE WILL DO FINAL READINGS ON ONE-HALF OF THE CONSENT AGENDA. ON FRIDAY, WE WILL DO THE OTHER HALF OF THE CONSENT AGENDA. TOMORROW, WE WILL START ON THE PROPERTY TAX ISSUES AFTER WE GET DONE WITH THE FINAL READINGS. IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT WHAT I'VE JUST TALKED ABOUT, PLEASE STOP BY AND SEE ME. THANK YOU. [LB1067]

SENATOR COASH: THANK YOU, MR. SPEAKER. SENATOR COOK, YOU'RE RECOGNIZED. [LB1067]

SENATOR COOK: GOOD AFTERNOON AGAIN, COLLEAGUES. I PRESSED MY BUTTON TO CONTINUE TALKING ABOUT AM2549 BEFORE THE BRACKET MOTION WAS PUT UP THERE, AND I'M NOT CERTAIN WHERE I AM ON THAT, I DON'T THINK I WANT TO DO THAT, I THINK WE SHOULD MOVE SOMETHING FORWARD THIS YEAR, ESPECIALLY SINCE PEOPLE HAVE INVESTED A LOT OF TIME. WHAT THAT WILL LOOK LIKE, I GUESS, IS YET TO BE DETERMINED PER OUR DISCUSSION. IN MY FIRST TIME AT THE MICROPHONE, I TRIED TO EXPLAIN AND COMMUNICATE TO THE BODY AND TO THE LISTENERS AND VIEWERS MY RETICENCE IN HAVING THIS CONVERSATION IN GENERAL AND HAVING THIS PROPOSAL BEFORE US IN

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PARTICULAR. AND TO REPEAT THAT, IT IS THAT IT'S MY UNDERSTANDING THAT THE COMMON LEVY WAS BORN OUT OF A COMPROMISE WHICH WILL DISAPPEAR ONCE THESE MEASURES ARE ADOPTED. AND IT IS A COMPROMISE THAT COMES OUT OF A VERY REAL THING, WHICH WE IN POLITE COMPANY DON'T TALK ABOUT, AND THAT IS THE STRUCTURAL RACISM THAT LED TO THE...SENATOR CHAMBERS' INTRODUCTION OF THE VERY CONTROVERSIAL AND INTERNATIONALLY KNOWN AMENDMENT WHICH EVENTUALLY GAVE BIRTH TO THE LEARNING COMMUNITIES. ONCE AGAIN, IT'S TO BE, AT THIS POINT, FULLY RECOGNIZING AND FULLY IN SUPPORT OF FAMILIES LIVING IN POVERTY ACROSS OUR STATE. WHEN I WAS A MEMBER OF THE EDUCATION COMMITTEE, WE HAD TWO, AND I THINK IT WAS THE THIRD OVERALL, TWO INTERIM TRAVELING HEARING SCHEDULES, AND THAT WAS A CONCERN THAT CAME OUT AMONG ALL OF THE PEOPLE THAT ATTENDED THE HEARINGS. ONCE AGAIN, I FOUND IT INTERESTING THAT WHEN THE TOOL CALLED THE LEARNING COMMUNITY, WHICH WAS DRAFTED BECAUSE YOU CAN'T DO SPECIAL LEGISLATION, IT'S DRAFTED IN SUCH A WAY THAT IT COULD BE USED AS A TOOL IN OTHER COMMUNITIES, LET'S SAY IF YOUR HIGH SCHOOL IS SHUTTING DOWN AND YOU WANT TO PUT TOGETHER A LEARNING COMMUNITY, THAT IDEA WAS REALLY POO-POOED, IT WAS LIKE THE THIRD RAIL TO SUGGEST THAT COMMUNITIES IN GREATER NEBRASKA COULD USE THE MODEL OF THE LEARNING COMMUNITY TO ADDRESS ISSUES RELATED TO SCHOOL FUNDING WITH THE LOSS OF POPULATION THAT IS HAPPENING AND WILL CONTINUE TO HAPPEN IN GREATER NEBRASKA. BUT I DIGRESS. THE LEARNING COMMUNITY, AS I SAID, IS AN IMPORTANT SYMBOL TO ME OF BUY-IN FROM THE CITY AT LARGE, OR PEOPLE WHO TAKE ADVANTAGE OF THE FACT THAT THE CITY EXISTS, AT LARGE. AND THE IDEA THAT WE WOULD DISMANTLE IT AND NOT LEAVE ENOUGH CASH, BECAUSE THAT'S... WHERE WE KIND OF BASICALLY ARE HERE, WE'RE LEGISLATORS BUT WE'RE ALSO ALL APPROPRIATORS. TO TAKE CARE OF THE ISSUES BEYOND POVERTY ITSELF--ISSUES RELATED TO LIMITED ENGLISH PROFICIENCY, ISSUES RELATED TO MOBILITY--IS SOMETHING THAT IS VERY HARD TO SWALLOW, ONCE AGAIN, BECAUSE AFTER EIGHT YEARS HERE IN THE BODY AND HOWEVER MANY YEARS ON THE PLANET JUST...AND WITH THE WAY THAT OUR GOVERNOR WILL CHANGE, THE WAY THIS BODY WILL CHANGE VERY SHORTLY, THE MEMORY OF WHAT THE FULL INTENT OF THIS... [LB1067]

SENATOR COASH: ONE MINUTE. [LB1067]

SENATOR COOK: THANK YOU, MR. PRESIDENT. ...AND WHAT WE INTEND...A LOT OF PEOPLE JUMP UP AND SAY, YEAH, WE NEED MORE MONEY FOR PUBLIC EDUCATION. WHO IS GOING TO PUT THE \$500 MILLION OR FIND \$500 MILLION

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WORTH OF REVENUE AND FULLY DEDICATE IT TO PUBLIC EDUCATION? WHO IS GOING TO DO THAT OR GET 24 OTHER PEOPLE TO GO ALONG WITH THAT? SO I'M STILL VERY RETICENT TO LISTEN SOME MORE. I HAVE ALSO FILED AN AMENDMENT, I'M NOT CERTAIN IF WE WILL GET TO THAT TODAY, WHICH...AND APPARENTLY TODAY ENDS AT ABOUT 8:21. I'M PLANNING TO BE HERE. WITH THAT, I WILL YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU. [LB1067]

SENATOR COASH: THANK YOU, SENATOR COOK. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1067]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. FIRST, I'M GOING TO DEFEND THE TAXPAYERS OF THE STATE OF NEBRASKA. YES, WE ARE 49th IN THE NATION IN STATE SUPPORT OF OUR SCHOOLS. BUT HERE'S WHERE THE HEROES STEP IN, THE PROPERTY TAXPAYER. WE'RE 18th IN THE NATION, PER STUDENT, SPENDING ON EDUCATION...18th. OUR COST OF LIVING ISN'T EVEN CLOSE TO 18th; IT'S IN THE BOTTOM 20s AT \$11,579 A STUDENT. NOW YOU SAY IT'S BECAUSE OF THE RURAL. WELL, NORTH DAKOTA IS JUST A LITTLE BIT ABOVE US AT \$11,980 AT 16th. NUMBER ONE IS \$19,818, THAT'S NEW YORK. FIFTY-ONE IS UTAH--\$6,555. THAT'S THE U.S. NEWS REPORT. I THINK THAT'S A PRETTY REPUTABLE ORGANIZATION. WE, THE TAXPAYERS IN NEBRASKA, DO NOT HAVE TO APOLOGIZE FOR HOW WE FUND OUR PUBLIC SCHOOLS. WE STEP FORWARD, ESPECIALLY THE PROPERTY TAXPAYER. HERE'S ANOTHER THING. WE ACT POVERTY, POVERTY, POVERTY, POVERTY. AS SENATOR SULLIVAN SAID, WE WANTED A FEW THAT ACTUALLY PINPOINT POVERTY. WE SPENT LAST YEAR...WELL, THIS YEAR, IN '15-16, WE WERE AT \$125,610,000 FOR POVERTY ALLOWANCE. THIS YEAR WE'RE AT \$140,997,000--POVERTY ALLOWANCE THAT IS SUPPOSED TO BE SPENT BY THE SCHOOLS FOR WHATEVER POVERTY MEANS. I WAS A POOR KID. I'M SURE GLAD NOBODY TOLD ME I WAS AN INFERIOR STUDENT BECAUSE OF POVERTY. BUT APPARENTLY IF YOU'RE A POOR KID, YOU'RE INFERIOR, YOU NEED EXTRA HELP. WE LABEL KIDS. IT'S NOT A GOOD THING. I LOOK AT OPS LAST YEAR. BECAUSE OF A BILL WE PASSED IN EDUCATION, SENATOR COOK MADE IT NOT AS...THE PENALTIES WEREN'T AS HIGH IF YOU FUDGED YOUR NUMBERS AND DIDN'T ACTUALLY COULD PROVE YOU SPENT IT ON POVERTY, EVEN THOUGH YOU PROBABLY DID. SO OMAHA PUBLIC SCHOOLS WENT FROM \$46 MILLION TO \$56 MILLION IN ONE YEAR, A 25 PERCENT IN POVERTY FUNDING...DARN NEAR \$10 MILLION. ANOTHER POVERTY CENTER, GRAND ISLAND, WENT FROM \$4.4 MILLION TO \$9.5 MILLION. WE FUND POVERTY, WHATEVER THAT MEANS. EDUCATION, PUBLIC EDUCATION, SUPPOSED TO BE THE GREAT EQUALIZER, SUPPOSED TO ELIMINATE POVERTY. I'M TOLD OVER AND OVER ON THE

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EDUCATION COMMITTEE THAT POVERTY IS WORSE THAN IT EVER WAS. HAS PUBLIC EDUCATION FAILED OR DO WE JUST HAVE FUNNY DEFINITIONS FOR POVERTY? I WAS THE ONLY MEMBER OF THE EDUCATION COMMITTEE TO VOTE NO ON LB1067 BECAUSE I'M A FISCAL CONSERVATIVE. I KNEW HOW MUCH WE SPENT ON EDUCATION, WE DO A GOOD JOB. TWENTY-ONE MILLION (DOLLARS) WAS TOO MUCH FOR ME. THAT'S WHAT IT COULD AMOUNT TO THE FIRST YEAR, \$17 MILLION THE NEXT YEAR, AND \$10.5 MILLION THEREON. IT'S TOO MUCH. WE NEED TO GET RID OF THE COMMON LEVY; YES, WE DO. EVERYBODY NEEDS TO BE ON THE SAME PLAYING FIELD. I HAPPEN TO BELIEVE, SINCE I CAME DOWN HERE, THE COMMON LEVY...THE LEARNING...THE COMMON LEVY, NOT THE LEARNING COMMUNITY, IS THE ONE HOT-BUTTON ISSUE THAT DIVIDES RURAL AND URBAN IN THIS STATE. WHEN I TALK PROPERTY TAX RELIEF, MY SUBURBAN FRIENDS AROUND OMAHA LOOK AT ME BLANKLY. WE GOT COMMON LEVY. URBAN SENATORS, WE GOT THE COMMON LEVY. LINCOLN SENATORS, THEY'RE OFF THERE ON THEIR OWN... [LB1067]

SENATOR COASH: ONE MINUTE. [LB1067]

SENATOR GROENE: ...WITH GOOD FUNDING AND NOT THAT MUCH POVERTY COMPARABLE, BUT GOOD FOR THEM. BUT THE PROPERTY TAXPAYERS OF NEBRASKA DO NOT NEED TO KEEP THROWING MONEY AT THINGS. IT'S NEW YORK...DOES ANYBODY BELIEVE NEW YORK AT \$19,000 A STUDENT HAS A BETTER EDUCATION AND TREATS THEIR POVERTY KIDS BETTER THAN WE DO? MONEY ISN'T THE ANSWER. IF WE HAVE A PROBLEM, IT IS NOT MONEY. I ASKED ONE OF THE SENATORS IN DEBATE, YOU'RE GOING TO GUARANTEE ME IF WE THROW MORE MONEY AT EDUCATION, WE'RE GOING TO BUY POVERTY AWAY? NO ANSWER. NO, WE JUST NEED MORE MONEY. WELL, WE DID GIVE MORE MONEY FOR POVERTY ALLOWANCE. LET'S FOCUS...AND I HAVE AN AMENDMENT TO THIS WHERE I THINK IF YOU FOCUS ON POVERTY, THROUGH THE LEARNING COMMUNITY, THAT'S THE WAY TO DO IT. JUST DON'T GIVE EVERY ADMINISTRATOR JUST MORE MONEY. IT'S NOT ACCOUNTED FOR. ANOTHER PLAN ON TOP OF A PLAN? YOU'RE TELLING ME WE DON'T HAVE EVERY SCHOOL DISTRICT THAT GOT THAT \$140 MILLION... [LB1067]

SENATOR COASH: TIME, SENATOR. [LB1067]

SENATOR GROENE: THANK YOU. [LB1067]

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SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR BAKER, YOU'RE RECOGNIZED. [LB1067]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I REMEMBER AN EXCHANGE ON THE FLOOR LAST YEAR BETWEEN SENATOR KRIST AND SENATOR GARRETT AND THEY TALKED ABOUT A SHOT ACROSS THE BOW. I'M HOPING THAT'S WHAT SENATOR KRIST'S MOTION IS, IS A SHOT ACROSS THE BOW, BECAUSE I'M NOT READY TO VOTE TO BRACKET THIS THING. I THINK IT WAS A WAKE-UP CALL AND PROBABLY RIGHTFULLY SO. I WANT TO TALK A LITTLE BIT ABOUT POVERTY MONEY AND HOW DO SCHOOLS WORK EFFECTIVELY WITH HIGH-POVERTY STUDENTS AND WITH ENGLISH LANGUAGE LEARNERS. WELL, THE RESEARCH SHOWS ENGLISH LANGUAGE LEARNERS' USE OF TECHNOLOGY IS IMPORTANT. IT'S IMPORTANT FOR PROFESSIONAL DEVELOPMENT OF STAFF, AND WHETHER IT'S TRAINING IN THE RUBY PAYNE METHOD OR WHATEVER, TO KNOW HOW TO INTERACT WITH STUDENTS FROM BACKGROUNDS OF EXTREME POVERTY, SMALLER CLASS SIZES. I'M OF A BELIEF THAT NO MATTER WHICH WAY WE GO ON HOW THE POVERTY IS FUNDED, THERE IS GOING TO BE ACCOUNTABILITY. IT CAN BE BUILT IN. FURTHERMORE, EVERYBODY IS STRIVING TO SUCCEED-- OMAHA PUBLIC SCHOOLS IS; EVERY OTHER DISTRICT. THEY'RE WORKING TO DECREASE THEIR DROPOUT RATE. THEY'RE WORKING TO CLOSE THE ACHIEVEMENT GAP. AND PEOPLE HAVE A HIGH DESIRE TO GET THESE THINGS DONE OR ELSE YOU DON'T LOOK GOOD AS A SCHOOL DISTRICT. SENATOR COOK HAD A BILL LAST YEAR THAT WAS IMPORTANT THAT HELPED REMOVE SOME OF THE PENALTIES IF PEOPLE DIDN'T PROVE THEY DEDICATED THEIR POVERTY FUNDS IN A WAY THAT THEY COULD DEMONSTRATE AND NOT RUN AFOUL OF HARSH PENALTIES. THAT WAS A GOOD MOVE. I WANT TO TALK A LITTLE BIT, TOO, ABOUT THE LEARNING COMMUNITIES AND THE SO-CALLED SUBURBS AROUND THEM. I DON'T THINK EVERYBODY NECESSARILY WANTS TO LIVE IN THE SUBURBS. I THINK PROBABLY THE PEOPLE WHO ARE IN THOSE AREAS AROUND THE CITY OF OMAHA NOW WERE PEOPLE WHO CAME FROM ELSEWHERE. I DON'T THINK THE MAJORITY OF THOSE PEOPLE ARE PEOPLE WHO MOVED OUT OF THE INNER CITY OF OMAHA. I REMEMBER WHEN WESTERN ELECTRIC OPENED IN MILLARD. THAT CREATED A BIG BOOM IN THAT AREA, THAT'S WHERE THAT GROWTH CAME FROM. AS ANY CITY GROWS, AS LINCOLN GROWS, AS OMAHA GROWS, THE SOD LINE MOVES WITH IT. AND I THINK THAT'S WHAT YOU'RE SEEING AS FAR AS FUELING THE GROWTH IN PLACES LIKE GRETNA AND ELKHORN. I DON'T BELIEVE THE MAJORITY OF THOSE PEOPLE THERE ARE PEOPLE WHO FLED INNER-CITY OMAHA. MY YOUNGER SON IS AN ATTORNEY IN ST. PAUL. HIS WIFE CHOSE TO LIVE IN THE INNER CITY. IN FACT, UP AND DOWN THE WHOLE BLOCK, THERE'S PEOPLE A LOT LIKE THEM WHO LIVE

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THERE. MY GRANDSON IS NOW IN THE FIRST GRADE. IN HIS CLASS, HE IS ONE OF FOUR WHITE KIDS. IT'S A GREAT SCHOOL. I'M PROUD OF MY SON AND HIS WIFE FOR LIVING WHERE THEY DO AND ALLOWING MY GRANDSON, AND NEXT YEAR MY GRANDDAUGHTER, TO HAVE THAT KIND OF EXPERIENCE. SENATOR GROENE, POVERTY IS DIFFERENT THAN THE POVERTY THAT YOU HAD. CHANCES ARE YOU DIDN'T GO HUNGRY. CHANCES ARE YOUR PARENTS HAD THE TIME TO BE ABLE TO GUIDE, DIRECT, AND INSTRUCT YOU. MY STAFF STARTED COMING TO ME ABOUT MAYBE 12, 15 YEARS AGO, SAYING THINGS ARE DIFFERENT NOW WITH SOME OF THE KIDS THAT ARE COMING TO SCHOOL. AT FIRST, I THOUGHT, OH, I'VE HEARD THAT BEFORE. YOU KNOW, THINGS ARE NEVER LIKE THE GOOD OLD DAYS. THEN I BECAME CONVINCED IT'S TRUE. EVEN IN THE COMMUNITY THAT MY SCHOOL DISTRICT WAS IN, WHICH WOULD PROBABLY BE DESCRIBED BY SOME AS AFFLUENT, THERE WAS STILL AN ELEMENT OF POVERTY. AND THE STUDENTS COMING TO SCHOOL FROM THOSE HIGH-POVERTY FAMILIES WERE NOT PREPARED IN THE WAY THAT STUDENTS COMING TO THE SCHOOL IN THE PAST HAD BEEN. IT'S DIFFERENT NOW. WE HAVE TO RECOGNIZE THAT. THANK YOU, MR. PRESIDENT. [LB1067]

SENATOR COASH: THANK YOU, SENATOR BAKER. SENATOR BURKE HARR, YOU'RE RECOGNIZED. SENATOR MELLO, YOU'RE RECOGNIZED. SENATOR MURANTE, YOU'RE RECOGNIZED. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1067]

SENATOR CHAMBERS: MR. CHAIRMAN AND MEMBERS OF THE LEGISLATURE, I KNOW HOW NATIVE AMERICANS FEEL AND HOW THEY FELT. I TRUSTED THESE WHITE PEOPLE. I HANDED OUT AN ARTICLE WHICH I KNOW YOU'RE NOT GOING TO READ, BUT IT QUOTES A WHITE MAN WHO LOOKED AT THIS LAW THAT WE'RE TALKING ABOUT, SOME ASPECTS OF IT. HE LIVED IN MILLARD. HE SAID HE IS ALL RIGHT WITH THE LAW BECAUSE IT PROTECTS THE BOUNDARIES OF HIS WHITE DISTRICT AND HIS CHILDREN ARE SAFE FROM BUSING. THAT'S WHAT THE WHITE PEOPLE WERE CONCERNED ABOUT. THEY GOT WHAT THEY WANTED. THESE SUBURBAN SCHOOLS GOT WHAT THEY WANTED. THE DISTRICTS...I THINK BELLEVUE MIGHT HAVE BEEN ONE OF THEM INVOLVED IN SOME DISTRICT BOUNDARY DISPUTE. THEY GOT WHAT THEY WANTED. AND NOW THE WHITE PEOPLE RENEGE. I TELL YOU WHAT I'M GOING TO DO. I'M GOING TO MAKE IT CLEAR THAT I UNDERSTAND AND I DID BEFORE...BITE ME ONCE, BLAME THE DOG; BITE ME TWICE, BLAME ME. I'M GOING TO LET YOU WHITE PEOPLE DO WHAT YOU WANT TO DO. AND I'M GOING TO GO DOWN IN MY OFFICE, I'M NOT COMING BACK UP HERE UNTIL 8:20 OR WHENEVER THE CLOTURE VOTE COMES. I'M GOING TO VOTE AGAINST CLOTURE. I DON'T THINK ANYTHING OUGHT TO BE DONE ON THIS THIS YEAR, BUT I'M GOING TO BE WORKING ON WHAT I INTEND

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TO DO WITH FINAL READING TOMORROW AND THE NEXT DAY AND ON THROUGHOUT THE REST OF THIS SEASON...THIS SESSION. YOU ALL HAVE DONE IT TO ME AND NOW I'M GOING TO DO IT TO YOU. BUT YOU THREW THE FIRST STONE. YOU ALL THREW THE FIRST STONE. AND I'VE WORKED ASSIDUOUSLY WITH SOME OF YOU ON SOME OF YOUR ISSUES. THAT'S OFF THE TABLE NOW. THANK YOU, MR. PRESIDENT. [LB1067]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB1067]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I STAND AGAINST THE BRACKET MOTION. AND TO COMMENTS MADE WHEN IT WAS INTRODUCED, THIS IS NOT DRIVEL. AND TO THE LAST COMMENT THAT WAS MADE, I'VE TRIED TO REACH OUT TO SENATORS IN THE LEARNING COMMUNITY. AND THEY EITHER DIDN'T HAVE TIME TO TALK TO ME OR SAID WE'LL TAKE THE DEBATE TO THE FLOOR. I HAVE WORKED FOR TWO-PLUS YEARS, I'VE WORKED IN GOOD FAITH WITH THE SUPERINTENDENTS, AND I THINK THEY WORKED IN GOOD FAITH AS WELL. AND FOR THE COMMENT TO BE MADE THAT WE DIDN'T SPEND TIME IN EDUCATION COMMITTEE ON THIS, WELL, I INTRODUCED A PRIORITY BILL LAST YEAR IN EDUCATION. AND THEN THE COMMENT WAS MADE BY A SENATOR IN THIS BODY, INTIMATELY INVOLVED IN THE LEARNING COMMUNITY, WELL, LET'S NOT DEAL WITH IT THIS YEAR, YOU NEED TO PUT IT OFF TILL NEXT YEAR. I THINK WE JUST HEARD THAT COMMENT AGAIN. AND FURTHERMORE, AFTER ABOUT THREE MINUTES OF CONVERSATION IN THE EDUCATION COMMITTEE ON THE LEARNING COMMUNITY BILL, THE VERY PERSON WHO INTRODUCED THIS BRACKET MOTION VOTED TO ADVANCE THE BILL OUT OF EDUCATION. I AM NOT DOING THIS ON THE FLY. I HAVE WORKED VERY HARD ON THIS FOR TWO YEARS. AND AS I SAID EARLIER, IT TOOK ME A LONG TIME TO GIVE UP ON THE COMMON LEVY BECAUSE I DID THINK THAT THAT WAS THE ISSUE THAT WAS GOING TO KEEP THESE SUPERINTENDENTS WORKING TOGETHER FOR THE BETTERMENT OF THE INNER CITY. AND THAT'S EXACTLY WHY I THOUGHT THE COMMUNITY ACHIEVEMENT PLAN, PENNED BY SOMEONE THAT WASN'T A GOOD IDEA, THAT IS THE VERY MECHANISM THAT I THINK WILL BE THE GLUE THAT CONTINUES TO HOLD THEM TOGETHER, WORKING FOR THE BETTERMENT OF THE WHOLE RATHER THAN THEIR OWN INDIVIDUAL RESPECTIVE DISTRICTS. I APPRECIATED SENATOR BAKER'S COMMENTS ABOUT HOW SCHOOL DISTRICTS ARE TRYING VERY HARD TO ADDRESS THE NEEDS OF HIGH-POVERTY STUDENTS. AND TO THAT END, KUDOS TO OPS BECAUSE THEY...DR. EVANS HAS WORKED HARD TO TURN THAT DISTRICT AROUND AND RESPOND TO THE DIRE NEEDS IN THAT DISTRICT. BUT I THINK THAT WE HAVE IN OUR STATE FUNDING FORMULA A

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MECHANISM THROUGH THE POVERTY ALLOWANCE AND THE LEP ALLOWANCE THAT DOES JUST THAT, TOO, TO DO AN ADJUSTMENT THAT JUST SAYS, OKAY, FINE, YOU'RE 40 PERCENT ABOVE POVERTY, WE'RE GOING TO GIVE YOU SOME MONEY. AND THE COMMENT KEEPS BEING BROUGHT UP THAT, WELL, WE NEED...WE HAVE SOME DIRE NEEDS IN SPECIAL EDUCATION. WELL, I WOULD AGREE WITH THAT, TOO, AND I'VE WORKED FOR FOUR YEARS NOW TO TRY TO PUT MORE STATE DOLLARS INTO SPECIAL EDUCATION. TO THINK AND TO BE SO SHALLOW AS TO THINK THAT JUST BY PUTTING IN THIS ADJUSTMENT WE'RE GOING TO SOLVE THE NEEDS OF POVERTY STATEWIDE, I THINK THAT'S TOTALLY INACCURATE. SO I COME BACK TO THE CASE IN POINT OF WHAT WE'RE TRYING TO DO WITH LB1067 AND HOW I HAVE WANTED TO AMEND IT WITH THE AMENDMENT THAT I HAVE ON FILE, AND I'M STILL HOPEFUL THAT WE WILL GET TO IT. IT KEEPS THAT COMMUNITY ACHIEVEMENT PLAN, BUT IT DIVERTS SOME MONEY TO DEALING WITH LEP AND SOME DOLLARS TO GO TO POVERTY. NOT ONLY THAT, IT PROVIDES ADDITIONAL DOLLARS IN THE POVERTY ALLOWANCE... [LB1067]

SENATOR COASH: ONE MINUTE. [LB1067]

SENATOR SULLIVAN: ...IF YOU HAVE HIGHER DEGREES OF POVERTY, AND STILL RETAINS THE TRANSITION AID, TAKING THAT FISCAL NOTE DOWN FROM \$17 MILLION TO \$13.5 (MILLION). AND I WILL SAY FROM CONVERSATIONS THAT WE'VE JUST HAD ON THE OTHER SIDE OF THE GLASS, THE COMMENTS THAT WERE MADE THAT THE ULTIMATUM WAS, FROM THE GOVERNOR'S OFFICE, THIS NEEDS TO BE TRIMMED TO \$8.5 MILLION, THAT DID NOT COME FROM THE GOVERNOR'S OFFICE. SO, AGAIN, I STAND IN OPPOSITION TO THE BRACKET MOTION AND GENUINELY HOPE THAT WE CAN GET TO MY AMENDMENT ON LB1067. THANK YOU, MR. PRESIDENT. [LB1067]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. SENATOR SMITH, YOU'RE RECOGNIZED. [LB1067]

SENATOR SMITH: THANK YOU, MR. PRESIDENT; AND GOOD AFTERNOON, COLLEAGUES. IN TERMS OF THE BRACKET MOTION, I THINK THAT THERE'S STILL SOME GOOD THAT CAN COME OF FURTHER DISCUSSION ON THIS BILL, PARTICULARLY IF WE CAN LOOK AT SOME OF THE AMENDMENTS THAT HAVE YET TO APPEAR ON THE BOARD. I DO APPRECIATE SENATOR SULLIVAN BRINGING THIS BILL AND AT LEAST OPENING UP DISCUSSION ON ELIMINATION OF THE COMMON LEVY. BEING A SENATOR FROM SARPY COUNTY, THERE ARE FIVE OF

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US THAT REPRESENT SARPY COUNTY, AND I THINK WE CAN ALL AGREE THAT OUR CONSTITUENTS BELIEVE THAT THE, AT THE VERY LEAST, THE COMMON LEVY NEEDS TO DISAPPEAR. IN MY OPINION, I'VE LOOKED AT THIS LONG AND HARD, THE COMMON LEVY IS NOT ACHIEVING WHAT IT WAS INTENDED TO DO. WE HAVE SOME SCHOOL DISTRICTS THAT ARE SUFFERING TERRIBLY THAT SHOULD NOT BE, THAT ARE LOSING MONEY EACH YEAR. OUR RURAL SCHOOL DISTRICTS AND THE 11 MEMBERS OF THE LEARNING COMMUNITY, SOUTH SARPY SCHOOL DISTRICT, DC WEST ARE LOSERS. YOU HAVE OTHER SCHOOL DISTRICTS THAT MANY WOULD SAY ARE SOME OF THE WEALTHIER SCHOOL DISTRICTS, I KNOW THEY HAVE THEIR PROBLEMS, NONETHELESS, THEY HAVE AREAS OF POVERTY, BUT THEY'RE GAINERS. AND EVEN SOME OF THE SCHOOL DISTRICTS THAT ARE COMPLAINING ABOUT NEEDING MORE POVERTY HAVE BEEN NOT NECESSARILY WINNERS WHEN IT COMES TO THE COMMON LEVY. SO I THINK WE CAN HAVE THIS DISCUSSION ABOUT A BILL TO ELIMINATE THE COMMON LEVY. AND I BELIEVE IT WILL GO A LONG WAY TO HELP THE LEARNING COMMUNITY ACHIEVE WHAT ITS TRUE GOAL IS, AND THAT IS TO HAVE COOPERATION AMONG THE 11 SCHOOL DISTRICTS. THERE ARE BOUNDARY DISPUTES THAT, AMONG THE SCHOOL DISTRICTS AND AMONG CITIES, THAT ARE PLAYING OUT BECAUSE OF THE COMMON LEVY AND WHAT IT'S DOING TO INDIVIDUAL SCHOOL DISTRICTS. SO I APPRECIATE SENATOR SULLIVAN BRINGING THIS. I'D HATE TO SEE IT BRACKETED. IF IT'S BRACKETED, WE'LL COME BACK NEXT YEAR WITH SOMETHING TO ELIMINATE THE COMMON LEVY. AND NEXT YEAR IT MAY NOT BE AS GOOD OF A BILL AS WHAT IS BEFORE US WITH SENATOR SULLIVAN'S, ONCE HOPEFULLY WE CAN ARRIVE AT SOME AMENDMENTS. THERE'S THE DISCUSSION ABOUT THE FISCAL NOTE. AND WHAT WE DO WANT TO DO IS CONTINUE TO HAVE SOME DISCUSSION HERE TO SEE IF WE CAN ARRIVE AT A FISCAL NOTE ON THIS THAT ACCOMMODATES THE ELIMINATION OF THE COMMON LEVY AND STILL PROVIDES SOME MONEY FOR TRANSITION AID AND FOR THE COMMUNITY ACHIEVEMENT PLAN. I UNDERSTAND THAT THERE WILL BE A NEED TO ADDRESS POVERTY. I THINK THAT IS PERFECTLY FINE TO BRING THAT IN A SEPARATE BILL, AND I AM VERY SYMPATHETIC, EMPATHETIC TO HAVING THAT DISCUSSION AND DOING WHAT I CAN DO TO HELP THE COMMUNITIES THAT ARE SUFFERING IN THOSE PARTICULAR AREAS. BUT WE DO NEED TO, I BELIEVE, PURSUE THIS BILL AT THIS MOMENT IN TIME, GET RID OF THE COMMON LEVY. LET'S MOVE BEYOND THIS POINT IN TIME SO WE CAN HAVE THE 11 MEMBERS OF THE LEARNING COMMUNITY HAVE A BETTER RELATIONSHIP, ALLOW THE TAXPAYERS TO KEEP THEIR MONEY, THEIR PROPERTY TAX DOLLARS THAT THEY PAY, ALLOW THEM TO KEEP IT IN THEIR SCHOOL DISTRICTS AND IN THEIR COUNTIES. AND, AGAIN, I THANK SENATOR SULLIVAN FOR BRINGING THIS, AND I HOPE WE CAN CONTINUE TO HAVE THIS DISCUSSION AND WORK THROUGH, PERHAPS, SOME

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AMENDMENTS ON THE FLOOR. LET ME LEAVE MY REMAINING TIME TO SENATOR KOLOWSKI. [LB1067]

SENATOR COASH: SENATOR KOLOWSKI, YOU'RE YIELDED 1:00, AND YOU'RE NEXT IN THE QUEUE. [LB1067]

SENATOR KOLOWSKI: WELL, THANK YOU. I JUST WANT TO ADDRESS ONE ASPECT RIGHT NOW, AND THAT'S THE SUPERINTENDENTS GROUP OF 11 THAT WE WORK WITH IN THE LEARNING COMMUNITY. HAVING BEEN THE CHAIRMAN OF THE LEARNING COMMUNITY FOR THE FIRST THREE YEARS OF ITS EXISTENCE, AS I WORKED WITH SENATOR CHAMBERS IN THAT VENUE, WE HAD A VERY CONTENTIOUS GROUP OF SUPERINTENDENTS, AS THEY HAD GONE THROUGH THE CHANGES IN THE LEARNING COMMUNITY, WITHIN THE OMAHA AREA. WHEN WE HAD MEETINGS IN THOSE EARLY YEARS WITH THAT GROUP, YOU COULD ALMOST FEEL THE ICE IN THE ROOM, IT WAS THAT COLD, AS FAR AS RELATIONSHIPS BETWEEN PEOPLE. SINCE THAT TIME, 9 OF THE 11 SUPERINTENDENTS HAVE CHANGED. THEY ARE AS CENTERED ON AND AS DIRECT TO THE ISSUES WE NEED TO BE DEALING WITH IN EDUCATION TODAY AS ANY GROUP YOU'LL FIND ANYWHERE. THE COMMON VOICE THEY HAVE AND THE WAY THEY'VE COME TOGETHER ON THE ISSUES OF POVERTY, ENGLISH LANGUAGE LEARNERS, AND THE EARLY CHILDHOOD EDUCATION, AND THE RESEARCH THAT HAS BEEN DONE ON THE PROGRAMS THAT THEY HAVE PUT IN PLACE, COULD NOT BE TOPPED BY ANY DISTRICT IN THE METRO AREA OR IN THE STATE OF NEBRASKA. WE HAVE RESULTS. THEY HAVE RESULTS. THE THINGS THEY'VE SET UP WITH FAMILIES, COUNSELORS, TEACHERS, WORKING WITH FAMILIES, WORKING WITH THOSE YOUNG PEOPLE, HAVE HAD TREMENDOUS RESULTS. AND WE NEED TO REMEMBER THAT IN THE CONTEXT OF WHAT THEY'RE ABLE TO DO, HOW THEY'LL BE ABLE TO DO THAT, AND THE BEST OF THAT RESEARCH BEING GLEANED OFF INTO THE DISTRICTS AS THEY APPLY THE BEST OF THAT LEARNING TO THEIR OWN STUDENTS. I JUST LEAVE THAT WITH YOU BECAUSE IT'S SOMETHING YOU DON'T HEAR ABOUT. BUT I SAW AND I WITNESSED AND I HAVE KNOWN THESE PEOPLE FOR OVER THESE YEARS, AND I KNOW WHAT THEY'RE CAPABLE OF AND WHAT WE'RE GETTING AS FAR AS THE LEADERSHIP IN THOSE 11 DISTRICTS. I'LL LEAVE YOU WITH THAT RIGHT NOW. THANK YOU VERY MUCH. [LB1067]

SENATOR COASH: THANK YOU, SENATOR KOLOWSKI. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB1067]

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SENATOR MURANTE: QUESTION. [LB1067]

SENATOR COASH: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1067]

CLERK: 27 AYES, 2 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB1067]

SENATOR COASH: DEBATE DOES CEASE. SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. [LB1067]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AS I SAID WHEN I INTRODUCED THE BRACKET MOTION, MY FACTS ARE MY FACTS. SENATOR SULLIVAN, I DO NOT CONCUR THAT THERE WASN'T A CAP PUT ON BY THE GOVERNOR'S OFFICE, AND THAT CAP WAS \$8.9 (MILLION) AND I KNOW THAT BECAUSE I WAS TOLD THAT. AND I TRUST MY SOURCE. I'D ALSO REMIND THIS BODY THAT WE HEARD FROM SENATOR FRIESEN AN AMENDMENT ON THE PREVIOUS BILL THAT WOULD HAVE TALKED ABOUT FOUNDATION FUNDING. I KNOW FOR A FACT THAT SENATOR SCHEER WANTED TO DO FOUNDATION FUNDING. I KNOW FOR A FACT THE GOVERNOR SAID THAT THERE'S \$40 MILLION, \$20 (MILLION) A YEAR, AND YOU CAN CONFIRM THIS WITH SENATOR SCHEER, THAT WAS AVAILABLE FOR THAT FOUNDATION FUNDING IN '17/'18. I DON'T KNOW WHAT KIND OF GAMES WE'RE PLAYING, BUT I THINK THE POINT IS THAT IF SENATOR JIM SMITH AND OTHERS ARE SERIOUS ABOUT REMOVING THE COMMON LEVY AND DOING SOMETHING SERIOUS ABOUT WHAT WE HAVE GOING ON IN THE LEARNING COMMUNITY RIGHT NOW, THEN YOU'LL VOTE NO ON THE BRACKET MOTION AND WE'LL HAVE AN ACTIVE DISCUSSION ON WHAT REMAINS. WE'LL VOTE MY AMENDMENT IN AND THEN SENATOR SULLIVAN WILL PUT HER AMENDMENT IN AND WE'LL SEE WHERE WE GO FROM THERE. WITHOUT GOING ON THESE SIDE SHOWS OF THE CIRCUS, AND I HOLD TO IT, I STILL THINK THERE WAS A LOT OF DRIVEL BEING DISCUSSED IN TERMS OF OTHER IDEAS THAT POTENTIALLY DIDN'T HAVE A HEARING BEING DISCUSSED AND THROWN INTO THE MIX. SOMETIMES YOU HAVE TO SAY WHAT YOU HAVE TO SAY, AND SOMETIMES YOU LIVE WITH YOUR DECISIONS. THIS IS ONE OF THOSE TIMES FOR ME. YOU'LL DO WHAT YOU NEED TO DO, YOU'LL VOTE THE WAY YOU NEED TO. I KNOW I'M GOING TO VOTE NO ON THE BRACKET MOTION, BUT I WANT TO STAY FOCUSED ON WHAT WE'RE TALKING ABOUT HERE--IT'S THE KIDS. AND IF YOU DON'T WANT TO SOLVE POVERTY STATEWIDE, THEN REDUCE IT TO JUST SOLVING POVERTY THE WAY WE NEED TO IN THE LEARNING COMMUNITY. I DON'T HAVE A PROBLEM WITH THAT. I

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SAID THAT IN MY INTRODUCTION FOR THE AMENDMENT. I ALSO DON'T HAVE A PROBLEM WITH REDUCING THE MULTIPLIERS AND GETTING THE FISCAL NOTE DOWN. THANK YOU, MR. PRESIDENT. [LB1067]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE CLOSING ON THE MOTION TO BRACKET. THE QUESTION BEFORE THE BODY IS, SHALL LB1067 BE BRACKETED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1067]

CLERK: 0 AYES, 38 NAYS, MR. PRESIDENT, TO BRACKET THE BILL. [LB1067]

SENATOR COASH: MOTION FAILS. RETURN TO DISCUSSION ON AM2549. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB1067]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I AM GOING TO, SINCE I MISSED OUT EARLIER TODAY ON FESTIVUS, I'M GOING TO DO MY FESTIVUS SPEECH NOW. WHEN I WAS FIRST APPROACHED ABOUT DOING SOMETHING ABOUT THE LEARNING COMMUNITY, I TALKED TO INDIVIDUALS AND SAID, SHOULD I DO THIS, SHOULDN'T I DO IT? AND ONE OF THE FEARS IS THIS IS AN ACT OF TRUST. AND TRUST SEEMS TO BE SOMETHING THAT UNFORTUNATELY IS LACKING INSIDE THIS BODY RIGHT NOW. NO ONE REALLY QUITE TRUSTS EACH OTHER. AND I SAID, YES, I WILL TAKE A SHOT AT TRUST. AND I SAT DOWN WITH THE LEARNING COMMUNITY SUPERINTENDENTS, AND THIS IS NOT AN AFFRONT ON THE LOBBY. LOBBYISTS ARE PAID TO REPRESENT THE BEST INTERESTS OF THEIR CLIENT. AND I GET THAT. AND THEY DO A VERY GOOD JOB OF IT. THE SUPERINTENDENTS IN THE LEARNING COMMUNITY ARE ALLOWED TO BE A LITTLE BIT MORE BENEVOLENT. THEIR JOB IS THEY ARE EDUCATORS AND THEY REALIZE THAT ACROSS THE STATE THESE ARE ALL OUR KIDS. AND WE HAVE A RESPONSIBILITY TO MAKE SURE WE REPRESENT AND THAT WE EDUCATE ALL THESE CHILDREN, WHETHER THEY COME FROM AN AFFLUENT BACKGROUND OR WHETHER THEY'RE STRAIGHT OFF THE BOAT AND CAN'T EVEN SPEAK ENGLISH AND THEY HAVE NO MONEY. AND BY THE WAY, A NEW IMMIGRANT CHILD WHO CANNOT SPEAK THE LANGUAGE AND PROBABLY DOESN'T HAVE ANY MONEY IS GOING TO BE COMING IN BEHIND. THEY PROBABLY COME FROM A SCHOOL SYSTEM THAT IS NOT AS GOOD AS OURS. THAT'S WHY THEY'RE HERE. THEIR PARENTS WANT THEIR KIDS TO HAVE A BETTER LIFE THAN THEY DO. THEY WOULDN'T LEAVE WHERE THEY WERE IF THAT WEREN'T TRUE. SO WHAT WE HAVE IS A GREAT THING; AND THE LEARNING COMMUNITY IS A GREAT THING. SO I SAT DOWN WITH THE AREA

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SUPERINTENDENTS AND I SAID, LET'S MAKE A DEAL. LET'S TRY TO FIGURE OUT HOW DO WE ADDRESS THE PROBLEMS OF THE LEARNING COMMUNITY WHILE AT THE SAME TIME MAKING SURE THAT WE KEEP THE GOOD PARTS. AND THERE WERE A NUMBER OF MEETINGS. AND THERE WERE MEETINGS WITH THE BUSINESS OFFICES OF THOSE...OF THE LEARNING COMMUNITY SCHOOLS. AND WE SAT DOWN AND TRIED TO FIGURE OUT WHAT IS A GOOD COMPROMISE AND WHAT IS A GOOD DEAL AND HOW DO WE MOVE THIS STATE FORWARD. AND WHAT WE CAME UP WITH IS VERY CLOSE TO WHAT WE'LL BE NEGOTIATING SHORTLY, WHICH IS SENATOR SULLIVAN'S AMENDMENT, AND IT'S A GOOD COMPROMISE. ORIGINALLY, SHE SAID SHE WANTED \$17 MILLION. THAT WAS THE ORIGINAL FISCAL NOTE. AND I HEARD THAT WAS TOO MUCH. AND I PROBABLY MADE A MISTAKE AND I SAID LET'S GO BACK TO WHAT THE SUPERINTENDENTS TALKED ABOUT. AND I NEGOTIATED AGAINST MYSELF WITHOUT CLEARLY DEFINING WHO THE OTHER SIDE IS OR WHAT THEY WERE TRYING TO DO. AND FOR THAT I TAKE A MISTAKE...I TAKE FAULT. WELL, THE MORNING OF, MORNING OF THE DEBATE, I HEAR IT HAS TO BE \$8.5 MILLION. AND I SAY, FINE, HOW DID YOU COME UP WITH THAT NUMBER? VERY SIMPLE. THAT'S WHAT LB959 IS. FOLKS, THIS ISN'T BASED ON BEST PRACTICES. THIS ISN'T BASED ON NEEDS. THIS IS A--WE ARE GOING TO HAVE AN URBAN/RURAL SPLIT. AND THAT IS NOT BEST PRACTICES. THAT IS NOT WHAT IS BEST FOR THE STATE. THAT \$13.5 (MILLION) IS DIVIDED INTO THREE DIFFERENT COMPARTMENTS: \$3.2 (MILLION) OF IT DOES STAY IN THE LEARNING COMMUNITY THROUGH THE COMMUNITY ACTION PLAN. FIVE POINT FIVE (MILLION DOLLARS) OF IT IS WHAT I KEEP HEARING EARLIER IN FESTIVUS WHEN WE WERE CELEBRATING IT EARLIER WHICH IS WE NEED TO GET OFF RELIANCE OF PROPERTY TAX TO PAY FOR EDUCATION AND PUT IT ON SALES AND INCOME. WELL, THAT'S WHAT WE'RE TRYING TO DO. AND THE LAST \$5 (MILLION), THAT IS FOR POVERTY ACROSS THE STATE. THAT HAS ABSOLUTELY NOTHING TO DO WITH URBAN/RURAL. IT HAS EVERYTHING TO DO WITH EXTREME POVERTY. AND WHY DO WE...HOW DO WE DEFINE EXTREME POVERTY? IT'S FROM WHAT WE CAME UP WITH THROUGH READING AND ANALYZING THE DATA, THAT WHEN YOU HIT 40 PERCENT, YOU HIT A THRESHOLD. AND THE COST TO EDUCATE THOSE CHILDREN ARE MORE. THIS IS GOOD, SOLID POLICYMAKING. AND I KNOW THERE ARE SOME WHO SAY, WELL, I CAN'T GIVE YOU MORE THAN I GOT, AND I'LL GIVE YOU AS MUCH, BUT NOT A DIME MORE, AND MY BILL BETTER GO FIRST, AND IF THIS DOESN'T HAPPEN THEN THAT'S NOT GOING TO HAPPEN. LET'S TAKE THESE BILLS ONE BY ONE AND SEE--DO THEY STAND UP? ARE THEY GOOD PUBLIC POLICY? I WAS VERY DISAPPOINTED WHEN SOME PEOPLE I HAD BEEN WORKING WITH ON A \$13.5 (MILLION) ALL OF A SUDDEN SAID, NOPE, \$8.5 (MILLION) IS A BETTER NUMBER. WHY? WELL,

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BECAUSE. AND I CAN'T GET AN ANSWER. AND IT DISHEARTENS ME. I THINK WE'RE ALL HERE FOR A REASON. WE WANT TO... [LB1067 LB959]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: TIME, SENATOR. [LB1067]

SENATOR HARR: TIME? [LB1067]

SPEAKER HADLEY: TIME, SENATOR. YES. [LB1067]

SENATOR HARR: THANK YOU. [LB1067]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. SENATOR KRIST, YOU'RE RECOGNIZED. [LB1067]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. BACK TO THE MATTER AT HAND, AM2549, THE PRINCIPAL DIFFERENCES BETWEEN THIS AND THE UNDERLYING BILL ARE, NUMBER ONE, THE COMMUNITY PLAN GOES AWAY. WE REUSE THAT \$3 MILLION IN TERMS OF POVERTY. AND IT'S POVERTY TRYING TO BE SOLVED AT A HIGHER MULTIPLIER STATEWIDE, NOT JUST IN THE LEARNING COMMUNITY, AS YOU'VE HEARD SENATOR HARR SAY, AND I'VE SAID SEVERAL TIMES. THOSE ARE THE ONLY PRINCIPLE DIFFERENCES IN THE AMENDMENT. AND I'LL SAY IT AGAIN, AM2549 IS THE SUPERINTENDENTS' PLAN THAT THEY BROUGHT TO US IN DECEMBER OF 2014 AND REPRESENTS MOST OF WHAT SENATOR BAKER HAD IN HIS BILL THAT WAS NOT ALLOWED TO COME OUT OF THE COMMITTEE. I WANT TO PUT A COUPLE THINGS ON THE RECORD FOR A CONSTITUENT AND SENATOR HARR RELATED TO THE FESTIVUS EARLIER TODAY, AND I DIDN'T GET A CHANCE TO SAY ANYTHING THERE BECAUSE THE QUESTION...OR THE WITHDRAWAL WAS MADE. THIS IS A GENTLEMAN THAT RESIDES IN MY DISTRICT WHO FARMED LAND IN CUMING AND THURSTON COUNTIES UNTIL HE RETIRED: 160 ACRES IN CUMING COUNTY IN 2006 TAXES, \$3,975, THAT'S \$24.84 PER ACRE; 2015, SAME PIECE OF LAND, \$7,333, \$45.83 PER ACRE, INCREASED ABOUT 184 PERCENT. IN THURSTON COUNTY, HIS OTHER PLOT OF LAND, 2006 TAXES, \$1,853; 2015 TAXES, \$5,757--310 PERCENT INCREASE. THAT, BY THE WAY, IS LAND THAT DID NOT CHANGE HANDS IN THAT PERIOD OF TIME. I'VE SAID THIS FROM THE VERY BEGINNING IN ALL OF THESE DISCUSSIONS WE'VE HAD, WE DEMONIZED EDUCATION TRYING TO GET A BILL THAT WOULD REDUCE THE EDUCATION

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COSTS AND HOPEFULLY LOWER OUR TAXES. EDUCATION SHOULDN'T BE DEMONIZED. THESE GUYS ARE DOING EXACTLY WHAT THEY NEED TO DO FOR OUR KIDS; THEY JUST DON'T HAVE ENOUGH MONEY. AND IN SOME CASES, SOME CONTROL NEEDS TO BE EXPRESSED OR EXERTED, BUT IT'S NOT THE SUPERINTENDENTS. IT'S THE COUNTY COMMISSIONERS. WE'VE GOT AN ASSESSOR PROBLEM IN THIS STATE. HOW DID TWO PIECES OF PROPERTY SIDE BY SIDE WITH ONE PIECE OF PROPERTY IN BETWEEN HAVE A BIDDING WAR ON THE PIECE OF PROPERTY IN BETWEEN, THEY PAY \$12,000 AN ACRE FOR THE PIECE OF PROPERTY IN BETWEEN AND ALL OF A SUDDEN A \$5,000 PER ACRE AND A \$7,000 PER ACRE GOES UP TO \$12,000 AN ACRE? HOW DOES THAT HAPPEN? THAT'S A DAMN ASSESSOR PROBLEM, I'M SORRY. LET'S START THIS WITH A WHITEBOARD AND SAY, YOU KNOW WHAT, IT'S SO MUCH PER ACRE ACROSS THE STATE AND THEN LET'S ADD HOW MUCH MONEY YOU MAKE ON THAT. AND WITH MY HOUSE, I'M NOT MAKING ANY MONEY ON MY HOUSE, I'M JUST LIVING IN IT. BACK TO THE TASK AT HAND, I BELIEVE THAT AM2549 IS A GOOD AMENDMENT TO ADD. AND I WOULD HOPE THAT SENATOR SULLIVAN, BEFORE WE GET TO A VOTE ON AM2559, COULD GIVE US SOME KIND OF A HINT AS TO WHAT HER AMENDMENT ACTUALLY DOES. I MEAN, YOU CAN SIT DOWN AND READ IT AND SEE WHETHER YOU WANT TO PASS BOTH OF THEM, MINE AND THEN HERS, BUT LET'S SEE IF THEY COMPLEMENT EACH OTHER AND WORK THIS OUT TO GET LB1067 WHERE IT NEEDS TO BE. AND IF SHE WOULD LIKE TO TALK ABOUT HER AMENDMENT AT ALL IN...HOW MUCH TIME DO I HAVE LEFT, MR. PRESIDENT? [LB1067]

SPEAKER HADLEY: 1:24. [LB1067]

SENATOR KRIST: I'LL YIELD THE REST OF MY TIME TO SENATOR SULLIVAN IF SHE'D CHOOSE TO USE IT. [LB1067]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE YIELDED 1:20. [LB1067]

SENATOR SULLIVAN: THANK YOU, SENATOR KRIST, FOR THE TIME. AND I WAS A LITTLE DISENGAGED IN YOUR COMMENTS, SO I DIDN'T FOLLOW THEM COMPLETELY. BUT JUST TO REMIND THE BODY ABOUT WHAT I'M TRYING TO DO WITH THE AMENDMENT TO LB1067, I'VE BEEN TALKING A LOT ABOUT THE COMMUNITY ACHIEVEMENT PLAN AS WHAT, IN MY ESTIMATION, IS THE GLUE THAT WOULD CONTINUE TO HOLD THE SUPERINTENDENTS TOGETHER, WORKING TOGETHER, SINCE THE COMMON LEVY GOES AWAY. WHAT I'VE CHANGED IS THAT 2 PERCENT OF THAT IN THE ADDITIONAL AID THAT A DISTRICT WOULD RECEIVE TO COLLABORATE AND PARTICIPATE IN THIS

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COMMUNITY ACHIEVEMENT PLAN, 2 PERCENT WOULD BE THEN FOR THE POVERTY ALLOWANCE INCREASE, AND 2 PERCENT WOULD BE FOR THE LEP ALLOWANCE. THERE WOULD ALSO BE TRANSITION AID RETAINED, EXCEPT THAT IT CHANGES FROM HOW IT WAS ORIGINALLY INTRODUCED IN LB1067. IT WOULD ONLY LAST FOR TWO YEARS AND IN A SMALLER AMOUNT THAN WHAT WAS ORIGINALLY INTRODUCED. AND THEN THE REAL CRUX OF IT IS THE POVERTY ALLOWANCE ADJUSTMENT. I'M CALLING IT ADJUSTMENT BECAUSE THAT WOULD BE NEW DOLLARS THAT WOULD GO INTO THE FUNDING FORMULA FOR THE FIRST TWO YEARS AND THEN GO OUT CONTINUING ON AS A POVERTY ALLOWANCE. AND IT WOULD RECOGNIZE HIGHER DEGREES OF POVERTY. IN OTHER WORDS, RIGHT NOW YOU GET A RAMP UP IF YOU HAVE 35 OR 30 PERCENT OF STUDENTS IN POVERTY. WITH THIS ADDITIONAL STEP UP, IT WOULD RECOGNIZE 40 PERCENT OR MORE STUDENTS IN POVERTY. SO THE BOTTOM LINE ON THAT, THAT AMOUNTS TO ABOUT \$13.5 MILLION IN ADDITIONAL FUNDING. I WILL SAY, YES, IT'S NOT EQUAL TO THE \$8 MILLION. [LB1067]

SPEAKER HADLEY: TIME, SENATOR. [LB1067]

SENATOR SULLIVAN: THANK YOU. [LB1067]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED. [LB1067]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I HAVE BEEN LISTENING TO SOME OF THE DEBATE DOWN IN MY OFFICE AND I APOLOGIZE FOR NOT BEING UP ON THE FLOOR SOONER. AND I WANT TO START OFF FIRST BY THANKING SENATOR SULLIVAN AND SENATOR BAKER FOR INTRODUCING THEIR BILLS TO TRY TO ADDRESS WHAT HAS BEEN SOME ONGOING CONVERSATIONS OVER THE INTERIM IN RESPECT TO THE FUTURE OF THE LEARNING COMMUNITY. AND I DO WANT TO THANK SENATOR BURKE HARR FOR BRINGING IN A NUMBER OF INTERESTED PARTIES OVER THE INTERIM TO SEE WHAT CAN BE DONE TO FIND COMMON GROUND AND TO FIND, HOPEFULLY, A MIDDLE GROUND IN REGARDS TO ADDRESSING REALLY WHAT THE WHOLE PURPOSE AND THE CREATION OF THE LEARNING COMMUNITY WAS AND STILL IS. AND SENATOR CHAMBERS SPOKE A LITTLE BIT ABOUT THIS EARLIER IN THE DEBATE OF HOW THE LEARNING COMMUNITY WAS CREATED. AND THE LEARNING COMMUNITY WAS CREATED BASED OFF A BOUNDARY DISPUTE. IT WAS BASED OFF THE FACT THAT THE CITY OF OMAHA HAD MULTIPLE SCHOOL DISTRICTS WITHIN IT. SENATOR McCOY'S DISTRICT IN ELKHORN, SENATOR KOLOWSKI'S DISTRICT IN MILLARD, SENATOR

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McCOLLISTER'S DISTRICT IN OMAHA WESTSIDE. AND THAT WAS PART OF THE ISSUE OF WHY THE LEARNING COMMUNITY WAS CREATED WAS IF WE WERE GOING TO GET RID OF THE ONE CITY, ONE SCHOOL FIGHT THAT WE WERE GOING TO LOOK AT SOMETHING, DOING SOMETHING DIFFERENT. AND THE TRADE-OFF WAS TO CREATE THIS COMMON LEVY COMPONENT THAT WOULD TRADE INSTABILITY IN THE STATE AID FORMULA FOR MORE STABILITY IN PROPERTY TAXES. AND, ARGUABLY, I THINK RURAL SENATORS CAN AGREE THAT THERE HAS BEEN LESS AID THROUGH THE LEARNING COMMUNITY GOING TO THE DOUGLAS/SARPY COUNTY AREA BECAUSE OF IT. NOW, I KNOW SENATOR SULLIVAN'S LB1067 HAS SOME COMPONENTS OF WHAT SENATOR KRIST WAS TALKING ABOUT, THE SUPERINTENDENT'S PLAN THAT HAS BEEN WORKED ON THE LAST COUPLE OF YEARS. I KNOW TO SOME EXTENT SENATOR KRIST'S AMENDMENT HELPS ADDRESS WHAT I KNOW MY SCHOOL DISTRICT HAS CONCERNS ABOUT, WHICH IS TRADING THE STABILITY OF THE COMMON LEVY AWAY FOR INSTABILITY OF THE TEEOSA FORMULA. BUT I THINK, COLLEAGUES, THIS IS REALLY GOING TO BE THE ISSUE OF THE SESSION, WHAT WE DO ON THIS BILL, LB1067, BECAUSE I KNOW THERE'S DISCUSSIONS THAT WERE HAD ON LB959 AND I KNOW WE'RE GOING TO HAVE IT TOMORROW ON LB958 IN REGARDS TO POTENTIAL FISCAL IMPACTS OF BILLS THAT REALLY TAKE EFFECT NEXT BIENNIUM. I WON'T BE HERE. A NUMBER OF SENATORS WON'T BE HERE NEXT BIENNIUM. AND THESE ARE DECISIONS THAT YOU, AS SENATORS WHO WILL BE HERE, NEED TO REALLY THINK HARD ABOUT BECAUSE THE CHALLENGE WE SEE WHEN IT COMES TO LB1067 IS WE ARE ESSENTIALLY IGNORING THE PAST OF HOW WE GOT HERE AND TRADING IN ESSENTIALLY A SHORT-TERM FIX WITHOUT REALLY HAVING THE TOUGH DISCUSSION. THE FACT IS THIS: SUBURBAN SCHOOL DISTRICTS AND SARPY COUNTY SCHOOL DISTRICTS IN THE LEARNING COMMUNITY HAVE WANTED TO GET RID OF THE COMMON LEVY SINCE IT WAS CREATED. AND THE QUESTION I NEED ANSWERED FOR ME IS, WHY ARE WE GIVING MONEY, WHY ARE WE GIVING TRANSITION AID TO THE SUBURBAN SCHOOL DISTRICTS WHO HAVE WANTED TO GET RID OF THIS COMMON LEVY FOR YEARS? WHY ARE WE BUYING THEM OUT TO GET RID OF SOMETHING THAT THEY WANT? I NEED AN ANSWER TO THAT QUESTION, BECAUSE I KNOW IT'S PART OF THE SUPERINTENDENTS' PLAN BUT I STILL HAVE A TOUGH TIME LOOKING AT THE LATINO FAMILIES IN MY DISTRICT, THE LOW-INCOME FAMILIES IN MY DISTRICT THAT I REPRESENT ONE OF THE HIGHEST POVERTY DISTRICTS IN THE STATE, I HAVE A TOUGH TIME LOOKING AT THEM AND SAYING THAT MY FRIENDS IN THE SUBURBAN DISTRICTS, WE'VE GOT TO PAY THEM TO GET RID OF INSTABILITY FOR OMAHA PUBLIC SCHOOLS. NOW I'M NOT SAYING THAT SENATOR KRIST'S AMENDMENT IS THE SOLE SOLUTION. I KNOW SENATOR SULLIVAN HAS GOT ACTUALLY A PRETTY GOOD COMPROMISED AMENDMENT AS

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WELL. BUT THE SUBURBAN SCHOOL DISTRICTS AND SARPY SCHOOL DISTRICTS WANT TO GET RID OF THIS COMMON LEVY SO BAD, THE TRADE-OFF, COLLEAGUES, IS TO ADDRESS WHAT WE KNOW IS THE HIGH-POVERTY SCHOOL ISSUES. AND SO I'M LOOKING TO LOOK FOR SOME MORE FLOOR DEBATE FROM SENATOR KRIST, SENATOR SULLIVAN, SENATOR SMITH, WHO I KNOW HAS BEEN VERY THOUGHTFUL ON THIS ISSUE... [LB1067 LB959 LB958]

SPEAKER HADLEY: ONE MINUTE. [LB1067]

SENATOR MELLO: ...AND SEE WHAT WE'RE GOING TO DO TO ADDRESS THAT ISSUE, BECAUSE IF WE REALLY WANT TO DO THIS, WE CAN FUND IT NEXT YEAR. THE CHALLENGE IS GOING TO BE LEFT UP TO THE APPROPRIATIONS COMMITTEE AND THE EDUCATION COMMITTEE TO FIGURE THAT OUT. BUT, COLLEAGUES, WE'RE GOING TO HAVE THIS SAME DEBATE AS WE HAD EARLIER ON LB959, WE'RE GOING TO HAVE IT TOMORROW ON LB958. IF THE BODY REALLY WANTS TO SOLVE THIS PROBLEM, WE CAN GET THERE AND WE CAN DO IT. AND I'M NOT SAYING THAT SENATOR KRIST'S AMENDMENT IS THE ONLY SOLUTION, BECAUSE SENATOR SULLIVAN HAS GOT A PRETTY GOOD AMENDMENT IN THE QUEUE AS WELL. BUT LET'S NOT FORGET WHERE WE CAME FROM ON THIS ISSUE. LET'S NOT FORGET WHAT THE REAL ISSUE WAS, HOW THIS WAS CREATED. AND LET'S ASK THE TOUGH QUESTION OF WHY WE ARE TRYING TO BUY OFF THOSE WHO WANT TO GET RID OF THE COMMON LEVY INSTEAD OF REALLY ADDRESSING THE ISSUE OF THE SCHOOL DISTRICT IN THE METROPOLITAN AREA WHO HAS THE HIGHEST POVERTY IN THIS LEARNING COMMUNITY AND WHAT WE CAN DO TO TRY TO ADDRESS THEIR REAL NEEDS AND CONCERNS, KNOWING THAT TEEOSA IS GOING TO CHANGE--AS SENATOR KRIST MENTIONED, 26 OUT OF THE 28 YEARS--IT'S GOING TO LIKELY HAPPEN AGAIN. [LB1067 LB959 LB958]

SPEAKER HADLEY: TIME, SENATOR. [LB1067]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. [LB1067]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB1067]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND I'VE BEEN LISTENING QUITE CLOSELY AND AT TIMES VERY INTENSELY. I HAVE VISITED BRIEFLY WITH SENATOR SULLIVAN. I ALSO VISITED BRIEFLY WITH SENATOR KRIST. AND AS I'VE READ AND RE-READ AND HIGHLIGHTED AND GONE OVER LB1067, A LOT OF IT I

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DO LIKE, I DO LIKE. WHEN I LOOK OVER AM2549 AND FOLLOWING COMMENTS BY SENATOR BURKE HARR ABOUT THE NEED FOR ENGLISH PROFICIENCY AND STUDENT GROWTH AND NEEDS ON THAT, AND HEARD THE COMMENT THAT SENATOR BURKE HARR MADE ABOUT KIDS GETTING OFF THE BOAT, MY TWO OLDER BROTHERS GOT OFF THE BOAT. I WAS BORN HERE. AND THAT SEEMS LIKE ANCIENT TIMES, BUT I RELIVE IT A LITTLE BIT WHEN I GO BACK TO WEST POINT AND I SEE SOME OF OUR YOUNG LATINO IMMIGRANTS COME. AND WHAT WAS TRUE THEN SEEMS TO BE TRUE NOW, IS THAT KIDS ARE GREAT AT LEARNING ENGLISH. THEY LEARN FROM THEIR FRIENDS AND THROUGH MAKING CONNECTIONS. AND THEIR PARENTS, MY PARENTS, WENT TO GRADE SCHOOL AT NIGHT TO LEARN ENGLISH. AND I KNOW THAT IN WEST POINT WHEN WE FIRST HAD IBP AND OTHER INDUSTRIES OPEN, THAT WE HAD THE SCHOOLS AND EVERYONE INVOLVED IN THE FIRST GROUP OF TRAINING. AND THEN THE LATINO COMMUNITY...IT WAS TRAIN THE TRAINER CONCEPT. I DON'T THINK MILLIONS OF DOLLARS OR EVEN THOUSANDS WERE SPENT ON A COMMUNITY WORKING TO HELP OTHERS LEARN, ESPECIALLY ENGLISH, AND ESPECIALLY IN TODAY'S TECHNOLOGY THAT WAS NOT EVEN AVAILABLE BACK IN THE '50s, '60s, WHEN I WENT TO SCHOOL. TODAY I DO USE GOOGLE TRANSLATOR QUITE A BIT WHEN I'M TRAVELING IF I'M TRYING TO COMMUNICATE WITH SOMEONE, WHETHER IT'S IN A CAB OR IN A HOTEL ROOM. WE HAVE ALL KINDS OF WAYS TO LEARN ENGLISH WITHOUT SPENDING A LOT. BUT WHAT DOES CONCERN ME IS THAT SINCE 1992, WE HAVE SPENT OVER 30 PERCENT OF AN INCREASE ON OUR SCHOOLS, 30 PERCENT SINCE 1992. HAS THE SPENDING RESULTED IN BETTER EDUCATION? I KEEP ASKING THAT. AND I ASK THAT BECAUSE IN MY PROFESSIONAL LIFE, I DO RECALL VISITING WITH MANY OTHER STATES WHO SPENT FAR LESS, WHO MADE IT TO THE RACE TO THE TOP. THERE WERE STORIES IN THE WORLD-HERALD AND OTHER ARTICLES ABOUT WHERE NEBRASKA RATED NOT SO WELL OR DIDN'T EVEN MAKE IT IN THE RACE TO THE TOP, BUT WE SPENT 30 PERCENT ON TRYING TO MAKE SCHOOLS BETTER. SO IS IT INCREASING SPENDING? I DON'T THINK SO. AND IN READING SENATOR SULLIVAN'S BILL, I DO LIKE WHAT SHE'S DOING THERE. I DO LIKE THE APPROACH SHE'S TAKING. IF YOU KEEP DOING THINGS THE SAME WAY, YOU GET THE SAME RESULTS. I THINK THAT WE NEED TO MOVE FORWARD IN A DIFFERENT WAY AND NOT SPEND AS MUCH, BECAUSE WE CAN GET RESULTS THROUGH TECHNOLOGY, THROUGH INFORMATION SHARING. AND THIS IS GETTING THERE, IT IS GETTING THERE. [LB1067]

SPEAKER HADLEY: ONE MINUTE. [LB1067]

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SENATOR BRASCH: AND I KNOW IT WAS NICKNAMED FESTIVUS, BUT I DO WANT TO GIVE SENATOR SULLIVAN ACCOLADES. I'VE KNOWN OVER THE LAST TWO YEARS I'VE SEEN HER CHANGE, AND HER INTENSITY, ALL IN A GOOD WAY, BUT HER FOCUS IS TO MAKE SURE EVERY CHILD ACROSS THE STATE GETS A GOOD EDUCATION AND THAT WE DON'T FORGET THAT ALL KIDS ARE IMPORTANT, REGARDLESS IF THEY LIVE IN OGALLALA OR OMAHA OR BANCROFT. BUT THE AMENDMENT I AM NOT GOING TO SUPPORT. I NEED TO KNOW MORE. AND THE OTHER...BEFORE...I WANT TO GIVE THE ESUs IN OUR STATE A SHOUT OUT BECAUSE I HAVE WORKED WITH THEM AND I SEE THAT THEY PROVIDE QUALITY HELP TO OUR DISTRICTS. THANK YOU, MR. SPEAKER. AND THANK YOU, COLLEAGUES. [LB1067]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1067]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I HAVE JUST AGREED WITH SENATOR SULLIVAN TO SWAP THE POSITION OF OUR AMENDMENTS IN THE ORDER. I WAS UNDER THE ASSUMPTION IT WAS COMING UP NEXT--BUT IT DOESN'T SHOW THAT ON THE CHAMBER VIEWER--BECAUSE IT NEEDS TO BE HEARD. WE DIDN'T TALK AS MUCH AS WE SHOULD HAVE EARLIER. AND I'M NOT GOING TO SUPPORT HER AMENDMENT BECAUSE OF THE SAME REASON I DIDN'T SUPPORT THE BILL OUT OF COMMITTEE, BECAUSE OF THE PRICE TAG, NO OTHER REASON. COMMON LEVY NEEDS TO DISAPPEAR. WE ALL NEED TO BE ON THE SAME PLAYING FIELD. THERE IS AN URBAN METRO OMAHA VERSUS 11 DISTRICTS UNDER ONE FUNDING MECHANISM AND 235 OR SO UNDER ANOTHER MECHANISM, WHICH IS STRAIGHT TEEOSA. SO IT REALLY NEEDS TO DISAPPEAR. I'D LIKE TO REMIND EVERYBODY, WE'RE 18th IN THE NATION ON SPENDING PER STUDENT IN A LOW COST OF LIVING STATE. IT ISN'T ABOUT MONEY. THIS BILL ISN'T ABOUT POVERTY. I'M TRYING TO FIGURE OUT WHY THE LEARNING COMMUNITY WAS EVER STARTED. IT WAS SOMETHING ABOUT HUMAN NATURE OR THINKING THE RICH SUBURBAN AREAS HAD ALL THAT PROPERTY AND SOMEHOW BACK TO MONEY SOLVES THE PROBLEM. WELL, IT DIDN'T. AND THE STATEMENT WAS MADE THAT THE LEARNING COMMUNITY TAXPAYERS LOST \$35 MILLION LESS MONEY TO FUND THEIR SCHOOLS THAN OTHERS BECAUSE OF THE LEARNING COMMUNITY. THAT IS COMPLETELY FALSE. YOU CAN THANK AGAIN THE PROPERTY TAXPAYERS OF SARPY COUNTY AND WEST DOUGLAS COUNTY. THE LEARNING COMMUNITY SCHOOLS HAD THE EXACT SAME AMOUNT OF MONEY TO SPEND TOTALLY AS THEY WOULD HAVE HAD IN THE TEEOSA FORMULA, IT WAS JUST THAT THE PROPERTY TAXPAYERS OF SARPY COUNTY, SPRINGFIELD PLATTEVIEW, WEST DOUGLAS COUNTY MADE UP THE DIFFERENCE

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IN PROPERTY TAXES, THAT \$5.5 MILLION, INSTEAD OF STATE AID TO EDUCATION. THE SCHOOLS WERE MADE WHOLE, BUT YOU CAN AGAIN THANK THE PROPERTY TAXPAYERS FOR THAT IN THAT AREA. NOBODY LOST ANY MONEY, IT JUST CAME FROM A DIFFERENT SOURCE. I HAPPEN TO LIKE THE LEARNING COMMUNITY ITSELF, SITTING IN THE EDUCATION, BUT IT'S NO SKIN OFF MY DISTRICT BECAUSE WE'RE NOT PART OF IT. BUT THEY DID SOME GOOD THINGS. THEY FOCUSED ON ONE ISSUE, POVERTY, AND SOME OTHER ISSUES THAT RELATED TO POVERTY. IT WAS DIRECTED TOWARDS IT. AND WHEN YOU START THROWING MONEY AT ADMINISTRATION AND YOU SAY THIS IS FOR THAT AND THIS IS FOR THAT, IT ALL ENDS UP IN THE SAME POT AND NOBODY REALLY KNOWS WHERE IT GOT SPENT. IT GETS SPENT WITH WHATEVER THE EMERGENCY WAS THAT DAY. THAT'S WHY MY AMENDMENT WOULD GIVE MONEY DIRECTLY TO THE LEARNING COMMUNITY AND MAKE THEM FOCUS, WHERE THIS BODY, LEGISLATIVE BODY, COULD MEASURE, COULD CHECK THE PROGRESS TO SEE IF THEIR STUDIES AND WHATEVER THEY...THEIR PROGRAMS WAS WORKING. YOU CAN'T TRACE ANYTHING WHEN YOU JUST GIVE A SCHOOL DISTRICT MORE MONEY. AND TO THEN TELL ME YOU'RE GOING TO HAVE ANOTHER PLAN ON TOP OF A PLAN? YOU'RE TELLING ME THAT THE MONEY WE ALREADY...THE \$140 MILLION WE'VE GIVEN TO SCHOOL DISTRICTS FOR POVERTY ALLOWANCE THEY DON'T HAVE A PLAN? THEY DON'T HAVE A POVERTY PLAN? THEN WHY DID THEY TAKE THE MONEY? THEY JUST TOOK IT BECAUSE THEY HAD KIDS UNDER...THAT HAD FREE LUNCHES? COME ON. I GOT MORE FAITH IN THOSE ADMINISTRATORS. THAT IS WHY I DO NOT LIKE THE COMMUNITY ACHIEVEMENT PLAN. AND I THOUGHT, WELL, IF WE GAVE IT DIRECTLY TO THE LEARNING COMMUNITY WE COULD TRACK IT AND THEY WOULD FOCUS ON ONE ISSUE. THAT'S WHY WE HAVE BRAIN SURGEONS,... [LB1067]

SPEAKER HADLEY: ONE MINUTE. [LB1067]

SENATOR GROENE: ...THAT'S WHY WE HAVE HEART SURGEONS, BECAUSE THEY FOCUS ON ONE ISSUE INSTEAD OF TRYING TO DO IT ALL, TEACHING READING, WRITING, AND POVERTY. BUT ANYWAY, I'M WILLING TO LISTEN TO DEBATE ON SENATOR SULLIVAN'S AMENDMENT. TICKET PRICE STILL TOO HIGH BUT LET'S BRING IT UP, LET'S LOOK AT IT, AND LET'S GET RID...WHAT WE'RE TALKING ABOUT HERE IS THE COMMON LEVY AND GETTING EVERYBODY ON THE PLAYING FIELD. POVERTY CAN BE DONE ANOTHER DAY BECAUSE WE ALREADY...IT'S NOT A NEW ISSUE. IT WILL ALWAYS BE THERE ACCORDING TO THOSE WHO THINK IT'S AN ISSUE. SO THANK YOU. AND LET'S...I SUPPORT LB1067. I'M AGAINST AM2549. AND WE'LL SEE WHAT COMES UP NEXT. [LB1067]

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SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR SMITH, YOU'RE RECOGNIZED. [LB1067]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. GOING WITH SENATOR BURKE HARR'S THEME OF FESTIVUS, I SUPPOSE WE'RE AT THE POINT OF AIRING OF GRIEVANCES AND THEN AT SOME POINT WE'RE GOING TO GET TO THE FEATS OF STRENGTH. I JUST CAN'T WAIT FOR THAT. BUT I DID WANT TO MAKE A CLARIFICATION. THERE IS SENATOR HARR SHOWING OFF HIS MUSCLES RIGHT THERE. SO I DID WANT TO MAKE SOME CLARIFICATIONS THAT THIS IS NOT AN URBAN/RURAL DIVIDE ISSUE IN MY OPINION. UNLESS WE'RE TALKING ABOUT AN URBAN AND RURAL OMAHA OR AN URBAN AND RURAL LEARNING COMMUNITY, I THINK THIS IS REALLY HITTING AT THE 11 MEMBER SCHOOL DISTRICTS THAT HAVE BEEN LIVING UNDER THE LEARNING COMMUNITY AND TRYING TO WORK TO GIVE THEM SOME RELIEF AND TO ELIMINATE THE COMPONENTS OF THE LEARNING COMMUNITY THAT SIMPLY ARE NOT WORKING. AND THEN IN TERMS OF DISCUSSION OF REDUCING THE FISCAL NOTE, IT'S GOING TO COST ABOUT \$5.5 MILLION TO ELIMINATE THE COMMON LEVY. AND THEN EVERYTHING ABOVE THAT, THERE ARE DIFFERENT USES OF THOSE FUNDS AND I THINK THAT'S WHAT A LOT OF THE DISCUSSION IS ABOUT. WE DO HAVE TO HOLD THE PURSE STRINGS RELATIVELY TIGHT. THERE ARE A LOT OF THINGS ON OUR PLATE. AND I KNOW THE APPROPRIATIONS COMMITTEE MEMBERS ARE HAVING DISCUSSIONS ABOUT WHERE THE MONEY IS GOING TO COME FROM IF WE ALLOW THE PRICE TAG OF ELIMINATING THE COMMON LEVY TO RUN UP TOO HIGH. I DO AGREE WITH SENATOR KRIST, THERE ARE ISSUES THAT WE NEED TO ADDRESS IN OUR SCHOOL SYSTEMS. I JUST DO NOT BELIEVE THAT THIS IS THE BILL TO ADDRESS THOSE. THE FISCAL NOTE ON AM2549 AMENDMENT IS ENTIRELY TOO HIGH. I BELIEVE THERE WILL BE SOME AMENDMENTS COMING A LITTLE BIT LATER TO BRING THE FISCAL NOTE DOWN A BIT LOWER. AND SENATOR HARR WAS TALKING ABOUT THAT. THIS IS KIND OF AT THE LAST MINUTE, BUT I WILL TELL YOU THAT THERE HAS BEEN DISCUSSIONS FOR MANY WEEKS NOW THAT I'VE HAD WITH SENATOR SULLIVAN WHERE I HAVE EXPRESSED CONCERN ABOUT THE SIZE OF THE FISCAL NOTE. I AGAIN AM VERY SUPPORTIVE OF THE WORK THAT SENATOR SULLIVAN HAS DONE TO CRAFT THE LANGUAGE IN THIS BILL TO...AND THE MECHANICS OF THE BILL. HOWEVER, THE FISCAL NOTE IS A PROBLEM AND WE NEED TO GET THAT DOWN A BIT LOWER. AND I BELIEVE THAT THERE ARE MEMBERS OF THE LEGISLATURE THAT ARE USING GOOD-FAITH EFFORT TO TRY TO WORK TO GET THE FISCAL NOTE DOWN, TO WORK WITH SENATOR SULLIVAN TO DO THAT, TO HOLD ONTO OTHER COMPONENTS OF THIS BILL. I DO APPRECIATE, I THINK SENATOR GROENE HAS LED THE CHARGE ON THIS. I THINK HE'S GOING TO HAVE AN AMENDMENT DOWN THE PATH A LITTLE BIT, BUT

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THERE MAY BE AN AMENDMENT THAT COMES BEFORE HIS THAT IS WORTH LOOKING AT AS WELL THAT CONTROLS THAT FISCAL NOTE. SO THANK YOU FOR VOTING NO ON THE BRACKET MOTION. I THINK THIS IS GOOD DISCUSSION. AND I'M HOPEFUL THAT BY THE END OF THE EVENING WE WILL BE ABLE TO HAVE A COMPROMISE THAT, YOU KNOW, NOT EVERYONE WILL LOVE, BUT WE WILL DO WHAT IS RIGHT FOR NEBRASKANS AND PARTICULARLY THE NEBRASKANS THAT LIVE IN THE 11 SCHOOL DISTRICTS OF THE LEARNING COMMUNITY. THANK YOU, MR. PRESIDENT. [LB1067]

SPEAKER HADLEY: THANK YOU, SENATOR SMITH. SENATOR MURANTE, YOU'RE... [LB1067]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD AFTERNOON. I RISE IN OPPOSITION TO AM2549, BUT IN SUPPORT OF LB1067. AND I'D LIKE TO THANK SENATOR SULLIVAN AND THE NUMEROUS PEOPLE WHO HAVE HAD CONVERSATIONS ON THIS SUBJECT MATTER NOW FOR A PERIOD OF YEARS ON WHAT WE CAN DO ABOUT THIS. WHEN I WAS FIRST RUNNING FOR OFFICE FOUR YEARS AGO, THE PEOPLE OF GRETNA AND WESTERN SARPY COUNTY MADE IT ABUNDANTLY CLEAR THAT MY TOP PRIORITY WHEN GETTING INTO THIS CHAMBER WAS TO ABOLISH THE LEARNING COMMUNITY IN ITS ENTIRETY. NOW, WHAT SENATOR SULLIVAN PROPOSES IN LB1067 DOESN'T ACCOMPLISH THAT. WHAT IT DOES DO IS RECOGNIZE THAT THE COMMON LEVY AS IT WAS CREATED IN 2007 HAS NOT FUNCTIONED AS IT WAS ANTICIPATED TO FUNCTION. AND AS WE CONTINUE TO SEE PROPOSALS TO BRING THE FISCAL NOTE, THE COST OF THIS BILL DOWN, IT'S IMPORTANT TO NOTE THAT WE'RE DOING THAT IN AN EFFORT TO ACCOMMODATE THE STATE SENATORS IN THIS BODY FROM GREATER NEBRASKA, BECAUSE I UNDERSTAND SOME OF YOU LOOK AT THIS AS NOT YOUR PROBLEM. BUT I CAN TELL YOU THIS IS THE TOP PRIORITY TO THE TAXPAYERS IN MY DISTRICT. AND WE'VE LISTENED AND WE'VE WORKED WITH YOU. AND I THINK THAT AN AMENDMENT WILL BE COMING WHICH ADDRESSES THE CONCERNS THAT HAVE BEEN BROUGHT UP AND IT'S PERFECTLY APPROPRIATE TO HAVE THAT DISCUSSION. AND THAT DISCUSSION WOULD NOT HAVE HAPPENED WITHOUT THE LEADERSHIP OF SENATOR SULLIVAN, BECAUSE WE HAVE COME A LONG WAY OVER A VERY SHORT PERIOD OF TIME, WHERE THE TALKING POINT WAS EVERYTHING IS WORKING JUST FINE, YOU JUST HAVE TO GIVE IT MORE TIME, LET'S JUST SIT BACK AND EVALUATE IT AND LET'S NOT TAKE ANY CORRECTIVE ACTION ON THE LEARNING COMMUNITY. AND NOW WE SEEM TO ACKNOWLEDGE THAT IT'S NOT WORKING PROPERLY, BUT WHAT CAN WE DO TO FIX IT? AND THE COMMON LEVY IS AN UNNECESSARY PART OF THE EQUATION IF THE PRIORITY IS TO GET MONEY TO THE SCHOOLS THAT NEED IT.

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(A) THE COMMON LEVY HASN'T ACCOMPLISHED THAT; AND (B) WE CAN DO IT WITHOUT IT. SO LET'S DO THAT. WE CAN HAVE A GOVERNING STRUCTURE OF THE SCHOOLS IN DOUGLAS AND SARPY COUNTY WHICH COULD BE EMBRACED BY ALL OF THE CITIZENS OF THOSE COUNTIES, WHERE WE DON'T HAVE YEAR AFTER YEAR AFTER YEAR OF FIGHTING AND COMING DOWN HERE WHERE WE ARE PITTING SCHOOL DISTRICT AGAINST SCHOOL DISTRICT. THAT DOESN'T HAVE TO CONTINUE. IT'S UNNECESSARY. AND IF WE ADOPT LB1067, WHAT WE ARE DOING IS ACKNOWLEDGING THAT THE FUNDAMENTAL GOALS OF THE LEARNING COMMUNITY CAN BE ACCOMPLISHED WITHOUT A COMMON LEVY AND WE CAN PRIORITIZE THE KIDS IN DOUGLAS COUNTY WHO NEED THE MONEY THE MOST. NOW ONE THING I WILL ACKNOWLEDGE IS THAT LB1067 DOES NOT SOLVE ALL THE PROBLEMS IN THE WORLD. BY ABOLISHING THE LEARNING COMMUNITY'S COMMON LEVY AND REPLACING IT WITH STATE DOLLARS, WE AREN'T GOING TO END POVERTY IN OMAHA, WE AREN'T GOING TO IMMEDIATELY RAISE TEST SCORES. WHAT WE ARE DOING... [LB1067]

SPEAKER HADLEY: ONE MINUTE. [LB1067]

SENATOR MURANTE: ...IS CREATING PUBLIC POLICY WHICH CAN BE EMBRACED BY ALL THE TAXPAYERS IN DOUGLAS AND SARPY COUNTY SO THAT WE CAN FUNCTION AS ONE COMMUNITY. THAT COULD BE ACCOMPLISHED. WE COULD DO IT TODAY. AND I URGE YOUR SUPPORT OF LB1067. THANK YOU, MR. PRESIDENT. [LB1067]

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE RECOGNIZED. [LB1067]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SULLIVAN WOULD YIELD TO A COUPLE OF QUESTIONS. [LB1067]

SPEAKER HADLEY: SENATOR SULLIVAN, WILL YOU YIELD? [LB1067]

SENATOR SULLIVAN: YES, I WILL. [LB1067]

SENATOR DAVIS: SENATOR SULLIVAN, CAN YOU GIVE US A RATIONALE FOR THIS TRANSITION AID AND WHO THAT GOES TO SPECIFICALLY? [LB1067]

SENATOR SULLIVAN: WELL, MY RATIONALE IS THE ART OF COMPROMISE, WHICH I'VE BEEN DOING A LOT OF. AND IN THE REMOVAL OF THE COMMON LEVY THERE

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ARE SOME DISTRICTS WITHIN THE LEARNING COMMUNITY, SURPRISED YOU MIGHT BE THAT THEY ARE WHO THEY ARE, BUT IN OUR CALCULATIONS THERE ARE ABOUT FIVE DISTRICTS WHO WOULD QUALIFY FOR THIS TRANSITION AID BY VIRTUE OF THE FACT THAT THEY END UP, WHEN THE COMMON LEVY GOES AWAY, LOSING RESOURCES BETWEEN THE NEED CALCULATION AND THEIR PROPERTY TAX BASE. AND SO RIGHT NOW IT APPEARS THAT THE FIVE DISTRICTS ARE, I THINK, ELKHORN, MILLARD, RALSTON, WESTSIDE, AND PAPILLION-LA VISTA. SO IT'S A COMBINATION OF LOSING THOSE RESOURCES AND REALLY NOT HAVING A STRONG COMMERCIAL BASE; IT'S MORE RESIDENTIAL. AND SO WE TRIED TO KEEP THEM WHOLE. THAT WAS WHAT WE DID WITH THIS. [LB1067]

SENATOR DAVIS: AREN'T WE DOING THIS BECAUSE THEY WANT OUT OF THE LEARNING COMMUNITY? [LB1067]

SENATOR SULLIVAN: LIKE I SAID, SENATOR DAVIS, IT WAS PART OF THE COMPROMISE AND WHAT WE ARRIVED AT. [LB1067]

SENATOR DAVIS: I UNDERSTAND. AND HOW MUCH MONEY IS IT, SENATOR SULLIVAN? [LB1067]

SENATOR SULLIVAN: IT AMOUNTS TO ABOUT \$3.6 MILLION. [LB1067]

SENATOR DAVIS: THANK YOU, SENATOR SULLIVAN. COLLEAGUES, DOESN'T THIS BOTHER YOU THAT WE HAVE DISTRICTS THAT WANT OUT OF THE LEARNING COMMUNITY SO BADLY--AND THIS IS A PRIORITY FOR A LOT OF PEOPLE IN HERE--BUT THEY GOT TO HAVE MONEY IN ORDER TO DO IT? IF THEY WANT OUT, LET THEM RAISE THEIR OWN MONEY. WHY ARE WE BAILING OUT DISTRICTS WHO WANT OUT OF THIS LEARNING COMMUNITY? I DON'T UNDERSTAND THAT. YOU KNOW, WE'VE GOT ISSUES AND I THINK SENATOR MELLO MADE A GREAT REFERENCE TO IT. THIS PIECE OF LEARNING COMMUNITY, WHETHER YOU LIKE IT OR NOT, WAS PUT TOGETHER AT THE...IN A COMPROMISE IN THE LEGISLATURE SOME TIME AGO BECAUSE OMAHA WAS THREATENING TO ANNEX THOSE DISTRICTS. AND NOW THEY WANT OUT OF IT BUT THEY WANT US TO TAKE GENERAL FUND DOLLARS AND HELP THEM GET OUT OF IT BY PAYING FOR IT. IF THEY REALLY WANT OUT OF IT THEY CAN LEVY...THEY CAN HAVE AN OVERRIDE ELECTION JUST LIKE ANY OTHER SCHOOL DISTRICT IN THE STATE AND RAISE THE FUNDS THEMSELVES. I THINK THIS IS A BAD PART OF THIS. AND I'M JUST NOT REALLY ENTHUSED ABOUT SUPPORTING THIS BILL AT ALL. BUT THIS TRANSITION AID IS REALLY A STICKING POINT FOR ME. I'M JUST GOING TO

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MAKE ONE OTHER POINT. AND THIS IS OFF THE TOPIC, BUT IT'S JUST PERTINENT TO THIS DISCUSSION. WE'RE TALKING ABOUT RAISING DOLLARS ALL THE TIME IN HERE. OMAHA HAS OVER \$1 BILLION, \$1.5 BILLION IN TIF PROPERTY THAT CAN'T BE TAXED, THAT'S NOT PAYING TAX. LINCOLN, TODAY IN THE PAPER, IF YOU MIGHT NOTICE, A BIG PROJECT GOING IN THAT'S GOING TO BE TIFFED ABOUT 20 PERCENT OF THAT PROPERTY, ABOUT \$8 MILLION IS GOING TO BE OFF THE TAX ROLLS. WHEN ARE WE GOING TO GET SENSIBLE ABOUT TAX CREDITS, TAX REFORMS, TAX EXEMPTIONS, THOSE KIND OF THINGS? WE'RE SHOOTING OURSELVES IN THE FOOT. THANK YOU, MR. PRESIDENT. [LB1067]

SPEAKER HADLEY: THANK YOU, SENATOR DAVIS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB1067]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. WONDER IF SENATOR MURANTE WOULD YIELD TO A PHONE CALL...OR A QUESTION. [LB1067]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION? [LB1067]

SENATOR KRIST: OR A PHONE CALL. [LB1067]

SENATOR MURANTE: YES. [LB1067]

SENATOR KRIST: THANK YOU, SENATOR. WHEN YOU STOOD UP, YOU SAID YOU WERE IN SUPPORT OF LB1067 BUT NOT IN SUPPORT OF AM2549. WHAT SPECIFICALLY BOTHERS YOU ABOUT AM2549? [LB1067]

SENATOR MURANTE: I LIKE SOME OF THE PROPOSALS THAT YOU HAVE IN AM2549, SENATOR KRIST. I THINK THAT THOSE ARE LAUDABLE PUBLIC POLICIES, BUT WHAT WE'RE TALKING ABOUT RIGHT HERE IS ABOLISHING THE COMMON LEVY AND THEN REPLACING THE FUNDING FOR THAT. GOING ABOVE AND BEYOND AND TRYING TO SOLVE ADDITIONAL EDUCATION PROBLEMS, WHILE LAUDABLE, I'M NOT SURE THIS IS THE TIME OR PLACE TO DO THAT. [LB1067]

SENATOR KRIST: OKAY. JUST TO PUT IT ON THE RECORD BETWEEN US, SENATOR, I AM ELIMINATING THE COMMON LEVY IN THAT AMENDMENT. BY THE WAY, THAT'S NOT MY AMENDMENT, THAT'S YOUR SUPERINTENDENTS', YOUR SUPERINTENDENTS AND THE OTHER TEN SUPERINTENDENTS THAT BROUGHT

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THIS PLAN TO US IN DECEMBER 2014, TO BE CLEAR. HOWEVER, LET ME FINISH WITH MY POINT. AM2549 GETS RID OF THE COMMON LEVY BECAUSE IT DOESN'T TOUCH THE ORIGINAL LANGUAGE IN LB1067. AND IT AFFORDS FOR THE ACCOMMODATION OF WHAT THOSE--WHICH IS ESSENTIALLY THE ISSUE, WHICH IS POVERTY IN RALSTON AND IN OPS--BY AFFORDING FOR THAT PART OF IT IN THE LEARNING COMMUNITY. NOW, THE ADDITIONAL PART OF THAT IS POVERTY STATEWIDE. AND I'LL ACCEPT THE COMPLIMENT THAT WE'RE TRYING TO SOLVE AN EDUCATION PROBLEM ABOVE AND BEYOND. SO IF THAT PART OF IT IS CONTENTIOUS, AS I SAID BEFORE, THEN LET'S TAKE THE REST OF THE STATE OUT OF IT. IF WESTERN NEBRASKA...AND I HAVE SHEETS HERE THAT SHOW WHAT EACH DISTRICT MIGHT GLEAN FROM THE POVERTY ADJUSTMENT. BUT IF THAT'S THE CASE, THEN THERE IS SUBSTANTIALLY NO DIFFERENCE BETWEEN THE TWO. THE BIG DIFFERENCE IS THE COMMUNITY PIECE THAT I BELIEVE IS ADDITIONAL BUREAUCRACY AND AN ADDITIONAL ADMINISTRATOR, IS NOT NEEDED IN THE LEARNING COMMUNITY. THAT, TO YOUR POINT OF YOUR CONSTITUENTS, IS EXACTLY WHY THEY WANT TO GET RID OF THINGS, IS THE ABOVE AND BEYOND BUREAUCRACY THAT WOULD EXIST. AND NOW HERE IN LB1067 WE'RE DOING JUST THAT; WE'RE ADDING ANOTHER PIECE. SO I THANK YOU FOR YOUR COMMENTS AND THANK YOU FOR YOUR TIME AND YOUR COURTESY ON THE MIKE. I'LL FINISH UP MY TIME SIMPLY BY ADDRESSING TWO OTHER ISSUES. IF AM2549 IS NOT TO YOUR LIKING AND IF WE GO INTO A FUNDING MECHANISM THAT MAKES OPS AND RALSTON WHOLE AS A RESULT OF LB1067, THAT, COLLEAGUES, IS WHAT WE TRIED TO NEGOTIATE IN COMMITTEE AND THE CHAIR WOULD NOT NEGOTIATE. THERE WAS ONE PLAN AND THAT PLAN CAME FORWARD. THAT'S WHAT PROVOKED ME TO CAPTURE SENATOR BAKER'S BILL IN PART AND PARCEL, WHICH IS THE SUPERINTENDENTS' PLAN, AND PUT IT UP THERE FOR YOUR CONSIDERATION. SO IF YOU DON'T CHOOSE AM2549, LOOK AT THE PIECES AND LET'S MAKE SURE WE MAKE OPS WHOLE. I'LL FINISH MY COMMENTS BY SAYING ONE THING. THE TRANSITION MONEY I BELIEVE IS AN ESSENTIAL PART OF THE LEARNING COMMUNITY TRANSITION FROM ONE FUNDING MECHANISM TO ANOTHER, BECAUSE THOSE SCHOOL DISTRICTS THAT WILL ALSO BE HURT BY THIS TRANSITION ARE THOSE FIVE THAT WERE NAMED BY SENATOR SULLIVAN EARLIER. THANK YOU, MR. PRESIDENT. [LB1067]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB1067]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I JUST WANT TO POINT OUT ONE IMPORTANT ISSUE THAT SENATOR DAVIS TOUCHED ON. I DON'T SEE HIM IN HERE RIGHT NOW. BUT HE WAS ASKING ABOUT THE TRANSITION MONEY AND

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HIS OPPOSITION TO THAT MONEY AS FAR AS THE NUMBER OF DISTRICTS THAT WOULD BE IMPACTED BY THAT. AND I KNOW THE RALSTON, ELKHORN, WESTSIDE, AND MILLARD DISTRICTS WOULD BE IMPACTED BY THAT TRANSITION MONEY. YOU HEARD EARLIER TODAY...I HOPE YOU'RE STRINGING ALL THESE CONVERSATIONS TOGETHER, BECAUSE THERE'S FACTOIDS THAT ARE TRUE FACTOIDS THAT ARE IMPORTANT TO LINK TOGETHER. WHEN YOU HEARD THAT THE TEEOSA FORMULA HAD BEEN CHANGED AND MANIPULATED OVER A NUMBER OF YEARS, LIKE 23 OUT OF THE LAST 26, 27 YEARS, THAT'S TRUE. AND WHEN THAT HAPPENS, SOMETIMES DISTRICTS GET HURT. IT'S NOT AN INTENTIONAL CONSEQUENCE, IT JUST HAPPENS WHEN THINGS GET MOVED AROUND. THE MILLARD DISTRICT, AS AN EXAMPLE, WHEN WE CHANGED FROM HAVING THE TEACHER LONGEVITY PAY AS FAR AS THE ASPECT OF MORE CONTENT HOURS THEY WERE TAKING AND A LONGER SCHOOL DAY, WHICH WAS IN PLACE IN MILLARD, THEY GOT MONEY FOR THAT WHEN THEY MOVED IN THAT DIRECTION. AND THEN A YEAR LATER IT WAS YANKED OUT FROM UNDER THEM AND THEY LOST \$5.8 MILLION IN THEIR BUDGET. THAT'S NOT INCONSEQUENTIAL. THAT WAS A HUGE HIT FOR ONE DISTRICT THAT I KNOW OF. AND OTHERS WERE IMPACTED BY THAT, AS WELL. SO SAYING THEY DON'T NEED IT OR THEY DON'T DESERVE IT OR WHATEVER ELSE, IS THROWING STONES IN THE WRONG DIRECTION WHEN WE HAVE MADE SOME OF THOSE THINGS HAPPEN TO THE DISTRICTS WHICH IS VERY DETRIMENTAL TO THEIR EXISTENCE AND THE QUALITY THEY'VE STOOD FOR. WE NEED TO DO SOME THINGS IN THE FUTURE DIFFERENTLY THAN WE'VE DONE IN THE PAST AND WE'LL WORK ON THAT. BUT AT THIS POINT IN TIME, I'LL ALSO WANT TO SPEAK TO THE ECONOMIC DEVELOPMENT IN SARPY COUNTY AND IN THE METRO AREA OF OMAHA. WE'RE SITTING HINGED ON A GREAT EXPLOSION OF GROWTH THAT CAN TAKE PLACE IN SARPY COUNTY. THE COMMON LEVY NEEDS TO GET SOLVED BUT THE BOUNDARIES ALSO NEED TO GET SOLVED. WHEN WE SEE THAT TAKEN CARE OF, THE DISTRICTS WILL BE ABLE TO DO SOME THINGS AS FAR AS MOVING AND SELLING LAND TO ONE ANOTHER. DEVELOPERS HAVE DESIGNS AND DESIRES TO GET IN AND DO SOME THINGS IN EACH ONE OF THOSE DISTRICTS IN SARPY COUNTY THAT WILL MAKE A HUGE DIFFERENCE IN THE ECONOMIC ASPECT AND FUTURE FORECAST FOR THE METROPOLITAN AREA. IT'S BIGGER THAN JUST US AND EDUCATION HERE TODAY. I HOPE WE CAN BE WISE ENOUGH TO FIND SOLUTIONS TO BLEND SOME THINGS TOGETHER AND FIND SOME DIRECTION THAT WE WOULD LIKE TO GO IN TO GET THIS SOLVED TODAY AND PUT IT TO BED. THANK YOU VERY MUCH. [LB1067]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED. [LB1067]

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SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. WOULD SENATOR MURANTE YIELD TO A QUESTION? [LB1067]

SENATOR MURANTE: YES, I WILL. [LB1067]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD? [LB1067]

SENATOR MURANTE: YES, I WILL. [LB1067]

SENATOR MELLO: SENATOR MURANTE, YOU WERE...EARLIER ON THE MIKE SAID THAT--AND I'LL ASK SENATOR SMITH THE SAME QUESTION--THAT CURRENTLY RIGHT NOW, LB1067, YOU'RE CONCERNED ABOUT THE FISCAL NOTE IN REGARDS TO WHAT WE'RE DOING TO ADDRESS THE ELIMINATION OF THE COMMON LEVY THAT DIRECTLY BENEFITS YOUR LEGISLATIVE DISTRICT. WHAT DOLLAR AMOUNT THEN ARE YOU SUGGESTING THE LEGISLATURE LOOK TO IN REGARDS TO ADDRESSING YOUR CONCERN ABOUT THE FISCAL NOTE AND STILL, AT THE SAME TIME, ADDRESS WHAT YOU SAID EARLIER ON THE MIKE WHICH IS ENSURING THAT MONEY IS GOING TO THE HIGH POVERTY CHILDREN AND STUDENTS IN THE EASTERN PART OF DOUGLAS COUNTY? [LB1067]

SENATOR MURANTE: SURE. I THINK WE CAN ANTICIPATE AN AMENDMENT COMING WHICH I WILL SUPPORT THAT MAKES THE TOTAL FISCAL COST OF THIS DOWN IN THE JUST SOUTH OF \$9 MILLION RANGE THAT SEEMS TO... [LB1067]

SENATOR MELLO: AND HOW, TO SOME EXTENT, DID WE GET TO THAT \$8.5 MILLION RANGE, SO TO SPEAK? [LB1067]

SENATOR MURANTE: SURE. THAT'S A COMBINATION OF BASICALLY POVERTY FUNDING AND TRANSITION AID AND THEN MAKING THE SCHOOL DISTRICTS WHOLE FOR THE FINANCIAL IMPACT OF ABOLISHING THE COMMON LEVY. [LB1067]

SENATOR MELLO: THE COMMON LEVY PER THE FISCAL NOTE, THE COMMON LEVY ELIMINATION IS \$5.5 MILLION. SO YOU'RE SAYING TO ADDRESS THE TRANSITION AID AND THE POVERTY ISSUES, WHERE TRANSITION AID WILL NOT BE GOING OBVIOUSLY TO THE HIGH-POVERTY SCHOOLS AS MUCH AS THE SUBURBAN SCHOOLS, HOW MUCH MONEY THEN WOULD REALLY BE DIRECTED

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TOWARDS THE HIGH-POVERTY SCHOOLS IN WHICH THE LEARNING COMMUNITY WAS CREATED TO ADDRESS? [LB1067]

SENATOR MURANTE: IT'S IN THE MILLIONS OF DOLLARS, SENATOR MELLO, BUT I DON'T HAVE THE EXACT FIGURE IN FRONT OF ME. [LB1067]

SENATOR MELLO: LIKE \$1.5 MILLION MAYBE? [LB1067]

SENATOR MURANTE: I DON'T HAVE THE FIGURES IN FRONT OF ME, BUT I RECALL IT BEING IN THE MILLIONS. [LB1067]

SENATOR MELLO: I CAN APPRECIATE THAT, SENATOR MURANTE. THAT'S ALL I'VE GOT FOR YOU RIGHT NOW. AND I'LL...TO SOME EXTENT SENATOR SMITH IS NOT HERE, SO I WILL GRAB HIM ANOTHER TIME. COLLEAGUES, I'LL BE VERY, VERY CLEAR, PARTICULARLY WITH MY FRIENDS IN SARPY COUNTY WHO I SEE ARE VERY ACTIVELY ON THE FLOOR RIGHT NOW COUNTING VOTES. I KNOW WHAT AMENDMENT IS COMING UP, AND I BELIEVE IT'S SENATOR GROENE'S, THAT TRIES TO MAKE AN ARGUMENT THAT BECAUSE LB959 GAVE \$8.5 MILLION TO RURAL SCHOOL DISTRICTS, WE'RE GOING TO GIVE \$8.5 MILLION TO ADDRESS THE LEARNING COMMUNITY ISSUE. I CAN TELL YOU POINT-BLANK, I WILL FILIBUSTER THIS BILL EVERY ROUND OF DEBATE IF WE'RE GOING TO ADOPT THAT AMENDMENT, BECAUSE THERE'S BEEN TOO MUCH WORK PUT INTO THIS TO THINK THAT WE'RE GOING TO SHORTCHANGE THE ISSUE AT HAND, WHICH IS HIGH-POVERTY STUDENTS IN HIGH-POVERTY SCHOOL DISTRICTS, BECAUSE SUBURBAN, WEALTHIER SCHOOL DISTRICTS WANT TO GET RID OF SOMETHING THEY'VE BEEN TRYING TO DO FOR A DECADE. IT'S NOTHING AGAINST MY FRIENDS IN SARPY COUNTY, BECAUSE I'VE BEEN VERY CLEAR WITH THEM FROM THE GET-GO AS WE'VE HAD THESE DISCUSSIONS, WHICH IS BY ALL MEANS WE CAN FIND A WAY TO GET THERE. BUT IF YOU'RE SIMPLY PULLING A NUMBER OUT OF A HAT SAYING WE WANT \$8.5 MILLION BECAUSE WE DID \$8.5 MILLION FOR LB959, COLLEAGUES, THAT'S NOT GOOD PUBLIC POLICY AND LET'S JUST CALL IT WHAT IT IS. YOU'RE JUST TRYING TO SAY WE'RE GOING TO GIVE A DOLLAR HERE AND A DOLLAR THERE AND HOPEFULLY THE ISSUE GOES AWAY. COLLEAGUES, TO SOME EXTENT I'VE REALLY WANTED TO BE MORE MEASURED IN REGARDS TO GIVING SENATOR SULLIVAN, SENATOR HARR, AND OTHERS WHO HAVE WORKED ON THIS THROUGHOUT THE SESSION A PATHWAY TO CONTINUE THE DIALOGUE MOVING FORWARD. BUT THE REALITY IS, IF WE'RE GOING TO TRY JUST TO GET RID OF THE COMMON LEVY AND WE'RE GOING TO BUY WEALTHY SCHOOL DISTRICTS OFF BY GIVING THEM TRANSITION AID AND GIVE

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\$1.5 MILLION TO OPS AND RALSTON AND SAY, LOOK, WE'VE SOLVED THE PROBLEM, WE'VE GIVEN YOU A LITTLE BIT OF MONEY, COLLEAGUES, I CAN TELL YOU VERY CLEAR, I CAN'T STAND FOR THAT. [LB1067 LB959]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR MELLO: I WON'T STAND FOR THAT. I'LL FILIBUSTER THIS BILL AND OTHER BILLS IF NEED BE, IF THAT'S THE DIRECTION WE WANT TO GO, BECAUSE THAT'S BREAKING THE GOOD FAITH THAT A NUMBER OF SENATORS WHO HAVE WORKED ON THIS BILL TO TRY TO GET TO A SENATOR SULLIVAN AMENDMENT, IT BREAKS THE FAITH WITH EVERYONE WHO'S TRIED TO GIVE UP A LITTLE BIT. AND THAT KIND OF AMENDMENT DOESN'T...NO ONE IS GIVING UP ANYTHING. YOU'RE SIMPLY WRITING A SMALL CHECK IN THE FUTURE AND SAY WE'RE DOING IT TO MATCH WHAT WE DID IN LB959. THAT'S NOT GOOD POLICY, THAT'S TRYING TO HAVE YOUR CAKE AND EAT IT TOO. AND MY ENCOURAGEMENT WOULD BE, IF YOU DON'T LIKE SENATOR KRIST'S AMENDMENT, FINE. LOOK AT SENATOR SULLIVAN'S AMENDMENT, BECAUSE SHE'S TRYING TO BRING THE FISCAL NOTE DOWN AND STILL ADDRESS THE ISSUE AT HAND, WHICH IS THE HIGH-POVERTY SCHOOLS THAT THE LEARNING COMMUNITY WAS CREATED TO ADDRESS IN THE FIRST PLACE. THANK YOU, MR. PRESIDENT. [LB1067 LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB1067]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. IS SENATOR SMITH IN THE CHAMBER TO YIELD TO A QUESTION? [LB1067]

PRESIDENT FOLEY: SENATOR SMITH, WILL YOU YIELD, PLEASE? [LB1067]

SENATOR MORFELD: APPEARS AS THOUGH HE'S DISAPPEARED. WELL, I WAS SITTING DOWN IN MY OFFICE AND EVERYTHING WAS GOING FINE FOR ME UNTIL SENATOR SMITH BROUGHT UP THE FACT THAT HE HAS CONCERNS WITH THE FISCAL NOTE. LAST TIME I CHECKED, WE PUT \$50 MILLION IN INFRASTRUCTURE BANK--THAT'S ON FINAL READING RIGHT NOW--TO PAY FOR ROADS. I SUPPORTED THAT BILL AND I SUPPORTED THE GAS TAX INCREASE LAST YEAR. I MIGHT START THINKING A LITTLE BIT MORE CLOSELY AND LITTLE BIT HARDER ABOUT

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WHETHER I SUPPORT THOSE BILLS, BECAUSE IT APPEARS TO ME AS THOUGH THE PEOPLE THAT ARE BRINGING SOME OF THOSE BILLS WON'T SUPPORT THE SAME TYPE OF FUNDING AND LESS FUNDING TO BE ABLE TO PROVIDE FOR SOME OF THE BASIC NECESSITIES FOR THE PEOPLE THAT BUILD THOSE ROADS IN TERMS OF EDUCATION FOR THEIR CHILDREN AND AFFORDABLE HEALTHCARE. I MAY BE MISTAKEN, BUT I BELIEVE THAT BILL IS UP ON FINAL READING TOMORROW. I MIGHT PULL IT FROM FINAL READING BECAUSE I HAVE A FEW AMENDMENTS. MAYBE I'LL PUT ON A DRUG TESTING REQUIREMENT FOR EVERYBODY THAT RECEIVES THAT KIND OF GOVERNMENT BENEFIT SO THAT, IN SENATOR GROENE'S WORDS, WE CAN JUST HELP SOME PEOPLE. WE CAN HAVE A DISCUSSION ABOUT THAT. WE SHOULD NOT BE NICKEL-AND-DIMING AT THIS POINT. WE HAVE COME TOO FAR, I'VE MADE TOO MANY CONCESSIONS WITH GETTING THIS BILL OUT OF COMMITTEE, AND TOO MANY PROMISES HAVE BEEN MADE TO ME THAT THE DISTRICTS THAT WILL BE AFFECTED WILL BE MADE WHOLE. THAT'S NOT WHAT'S HAPPENING HERE. AND I'LL JOIN SENATOR MELLO IN HIS FILIBUSTER OF THIS BILL ON EVERY ROUND AND STAGE OF DEBATE. COLLEAGUES, THIS IS A REASONABLE COMPROMISE THAT WE HAVE COME TO. SENATOR KRIST'S AMENDMENT, I UNDERSTAND THERE MAY NOT BE THE SUPPORT FOR THAT HERE TODAY. AND I'VE SAID, IF HIS AMENDMENT FAILS, I WILL STILL SUPPORT LB1067 WITH SENATOR SULLIVAN'S AMENDMENT. BUT IF SENATOR MURANTE AND SENATOR SMITH WANT TO START NICKEL-AND-DIMING THIS TO MAKE IT SO THAT THESE DISTRICTS THAT HAVE HIGH NEEDS AREN'T WHOLE, THEN I'LL START NICKEL-AND-DIMING SOME OF THE THINGS THAT THEY ARE IN SUPPORT OF, AND THEN WE CAN FREE UP SOME MONEY FOR SOME OF THESE THINGS THAT THEY ARE SO CONCERNED ABOUT ON THE FISCAL NOTE. COLLEAGUES, IF WE'RE GOING TO DO THIS, WE NEED TO MAKE SURE THAT THESE SCHOOL DISTRICTS ARE MADE WHOLE. AND, IN FACT, MANY OF THE PEOPLE THAT I CARE ABOUT, THAT I AM CONCERNED ABOUT IN THE OMAHA METRO AREA, DON'T FEEL AS THOUGH SENATOR SULLIVAN'S AMENDMENT GOES FAR ENOUGH. AND I'VE CONCEDED IN ORDER TO COMPROMISE AND WORK WITH OTHER PEOPLE AND BE REASONABLE. BUT IF THEY'RE NOT GOING TO BE REASONABLE, I'M NOT GOING TO BE REASONABLE. THANK YOU, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE ON AM2549. [LB1067]

SENATOR KRIST: WHILE I'M CLOSING I'D LIKE A CALL OF THE HOUSE, PLEASE. [LB1067]

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PRESIDENT FOLEY: IT'S BEEN REQUESTED TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1067]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB1067]

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. [LB1067]

SENATOR KRIST: MAY I CONTINUE? [LB1067]

PRESIDENT FOLEY: YOU MAY CONTINUE, SENATOR KRIST. [LB1067]

SENATOR KRIST: SO WHILE WE'RE TRICKLING BACK INTO THE CHAMBER AND BEFORE WE TAKE A VOTE ON AM2549 I WANT TO REITERATE AGAIN, IF YOU WALK OUT THERE IN THE ROTUNDA AND YOU LOOK AT THE 11--I THINK THEY'RE STILL OUT...ALL 11 OF THEM ARE OUT THERE--AND YOU ASK THEM WHAT THEIR PLAN LOOKED LIKE THAT WAS PRESENTED TO US IN DECEMBER OF 2014, THEY WILL TELL YOU THAT THAT AMENDMENT AND THE UNDERLYING LB1067 AND THE CHANGES THAT ARE MADE IS THEIR PLAN. IT WAS SENATOR BAKER'S BILL. THE MULTIPLIERS ARE A LITTLE HIGHER. I UNDERSTAND THAT SENATOR CRAWFORD HAS A BILL COMING UP AND SHE WANTS TO PUT X NUMBER OF MILLION DOLLARS, WHICH IS NOT ENOUGH, SENATOR CRAWFORD, THAT DOESN'T SOLVE THE PROBLEM. BUT WE'VE GOT A CRAWFORD AMENDMENT, WE'VE GOT A SULLIVAN AMENDMENT, AND WE'VE GOT A KRIST AMENDMENT THAT I KNOW OF THAT ARE COMING UP HERE. AND ONCE WE BYPASS AM2549, I PROMISE YOU I WILL BRING BACK THE PIECES IN AM2549 IN LATER DEBATE. I WOULD ASK YOU JUST TO PUT AM2549 ON THERE AND LET'S DEAL WITH LB1067 THEN AS IT EXISTS, LET THE OTHER AMENDMENTS FLOW, AND LET'S TWEAK THIS THING. IF WE HAVE TO REBUILD IT ON THE FLOOR, LET'S DO IT. WHERE ARE WE WITH A QUORUM OR A (INAUDIBLE)? [LB1067]

PRESIDENT FOLEY: WE'RE LACKING SENATOR GLOOR AND SENATOR BURKE HARR. [LB1067]

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SENATOR KRIST: OKAY. I'D LIKE TO WAIT FOR THE TWO OF THEM WHILE THEY'RE COMING BACK IN AND SAY A FEW OTHER THINGS. MY COLLEAGUES, SENATOR MELLO AND SENATOR BURKE HARR AND OTHERS, HAVE BEEN WORKING ON THIS INCESSANTLY THE LAST FEW YEARS. THEY'VE PUT A LOT OF EFFORT INTO THIS, AS I KNOW SENATOR SULLIVAN HAS. THE PROBLEM IS LB1067 THE WAY IT EXISTS RIGHT NOW DOES NOT DO WHAT IT NEEDS TO DO FOR POVERTY IN THE LEARNING COMMUNITY. AND AS I SAID, IF YOU DON'T WANT TO SOLVE...WE HAD A BILL EARLIER THIS YEAR. JUST HAD TO WRITE YOU ALL OUT OF IT AND JUST PUT THE THREE JUDICIAL DISTRICTS--THE 2nd, 3rd, AND THE 4th--IN THERE SO YOU COULD HANDLE YOUR KIDS THE WAY YOU WANTED TO. IF THAT'S WHAT YOU WANT TO DO, THAT'S FINE. I JUST THINK POVERTY IS AN ISSUE ACROSS THE STATE WE SHOULD START PAYING ATTENTION TO NOW. I ASK FOR A ROLL CALL VOTE IN REVERSE ORDER, PLEASE. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. MEMBERS, YOU'VE HEARD THE DEBATE ON AM2549. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. THERE'S BEEN A REQUEST FOR A ROLL CALL IN REVERSE ORDER. MR. CLERK, PLEASE READ THE ROLL. [LB1067]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE PAGES 1327-1328.) 16 AYES, 22 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. AM2549 IS NOT ADOPTED. I RAISE THE CALL. MR. CLERK. ITEMS FOR THE RECORD, MR. CLERK? [LB1067]

CLERK: VERY QUICKLY, MR. PRESIDENT. ENROLLMENT AND REVIEW REPORTS LB835, LB686, LB1098, LB1098A, AND LB1000 TO SELECT FILE. (LEGISLATIVE JOURNAL PAGE 1328.) [LB835 LB686 LB1098 LB1098A LB1000]

MR. PRESIDENT, THE NEXT AMENDMENT I HAVE TO THE BILL IS BY SENATOR SULLIVAN. SENATOR, AM2781. (LEGISLATIVE JOURNAL PAGES 1329-1331.) [LB1067]

PRESIDENT FOLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON AM2781. [LB1067]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. THIS IS THE AMENDMENT THAT I HAVE MADE SEVERAL REFERENCES TO AND IT IS MY ATTEMPT AT THIS

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POINT TO COMPROMISE AND LISTEN TO WHAT I HAVE HEARD IN RESPONSE TO LB1067 AS INTRODUCED. AND IT SPEAKS TO TWO THINGS: ONE, TO TRY TO REIN IN THE FISCAL NOTE; AND SECONDLY, TO RESPOND TO SOME OF THE CONCERNS ABOUT DEALING WITH POVERTY AND HOW WE CAN APPROACH THAT THROUGH OUR CURRENT FUNDING STRUCTURE. I THINK I HANDED OUT A BULLET SHEET A WHILE BACK THAT POINTS OUT ALL OF THE COMPONENTS OF THE AMENDMENT, BUT I'LL GO THROUGH THOSE WITH YOU. AND I SHOULD SAY TO BEGIN WITH, LB1067 STARTED OUT WITH ABOUT A \$17 MILLION PRICE TAG. THIS AMENDMENT BRINGS IT TO ABOUT \$13.5 MILLION. I'VE HEARD IT SAID SEVERAL TIMES NOW, LINKING LB959--WHICH HAD A PRICE TAG OF ABOUT \$8 MILLION--WITH WHAT WE SHOULD TRY TO DO WITH LB1067 AND BRINGING A FISCAL NOTE TO THAT AMOUNT. EARLY ON I SAID I REALLY DON'T WANT THE TWO CONNECTED. THEY SHOULD STAND ON THEIR OWN. WE SHOULD MAKE PUBLIC POLICY ON ITS OWN IN THE TWO INDIVIDUAL BILLS. AND I STILL SAY THAT. BUT IF WE'RE GOING TO GO DOWN THAT PATH, I DON'T SEE HOW WE CAN BE EQUAL IN BOTH OF THEM. IN ONE RESPECT, WE'RE TALKING IN THE LEARNING COMMUNITY AS IT CURRENTLY EXISTS, IT'S BIGGER, THERE'S MORE CHILDREN INVOLVED, SO ONE COULD SAY IT SHOULD BE BIGGER. IT'S NOT QUITE DOUBLE WHAT LB959 WAS AS FAR AS THE FISCAL IMPACT. SO THAT DISCUSSION IS NOT SOMETHING REALLY THAT I LIKE TO SPEND A LOT OF TIME ON. I FEEL THAT WITH THIS AMENDMENT, AM2781, AND THE FISCAL IMPACT OF ABOUT \$3.5 MILLION, I THINK IT DOES SPEAK TO TRYING TO REIN IN THE TOTAL COST, BUT ALSO RETAINING WHAT I THINK ARE VERY IMPORTANT THINGS IN LB1067 AS INTRODUCED. FIRST OF ALL, IT RETAINS THE COMMUNITY ACHIEVEMENT AID, BUT IT CHANGES IT A LITTLE BIT. IN THE ORIGINAL PROPOSAL IT WAS BASED ON 5 PERCENT OF THE POVERTY ALLOWANCE. IN THIS AMENDMENT WE'RE CHANGING IT BECAUSE I HEARD THAT THERE ARE CONCERNS NOT ONLY FOR POVERTY, BUT ENGLISH LANGUAGE LEARNERS. SO NOW THE COMMUNITY ACHIEVEMENT AID IS 2 PERCENT FOR THE POVERTY ALLOWANCE, AND 2 PERCENT FOR THE LEP ALLOWANCE. SECONDLY, IT RETAINS THE TRANSITION AID, BUT IT CHANGES IT AND LIMITS IT. INSTEAD OF PHASING IT OUT OVER THREE YEARS, IT PHASES IT OUT FOR TWO YEARS. AND SO THE CALCULATION WOULD BE IMPROVED TO MORE ACCURATELY REFLECT THE DISTRIBUTION OF THE COMMON LEVY. AND SO IT'S BASED ON 50 PERCENT OF THE TRANSITION DIFFERENCE FOR 2017-18 AND THEN 25 PERCENT FOR 2018-19. AND THIRDLY, IT HAS TO DO WITH THE POVERTY ALLOWANCE ADJUSTMENT. OKAY, I SAY THAT, POVERTY ALLOWANCE ADJUSTMENT, BECAUSE IN THIS SCENARIO, YES, IT IS TREATED AS AN ADJUSTMENT THE FIRST TWO YEARS, BECAUSE WE ARE ADDING NEW DOLLARS INTO THE POVERTY ALLOWANCE. THAT WOULD EQUAL 1.25 PERCENT OF THE STATEWIDE GENERAL FUND OPERATING EXPENDITURES PER FORMULA STUDENT FOR EACH STUDENT

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IN POVERTY ABOVE 40 PERCENT OF THE FORMULA STUDENTS IN THE DISTRICT FOR 2017-18. THEN IN THE 2018-19 SCHOOL YEAR, IT WOULD BE INCREASED FROM THE 1.25 PERCENT TO 2 PERCENT. AND THEN THIRDLY, AS I SAID, FROM THE ADJUSTMENT IT GOES IN THEN AS AN ALLOWANCE. IT'S ADDED TO THE FORMULA NEED CALCULATION TO TRANSITION TO AN INCREASE OF 2 PERCENT IN THE WEIGHTING FOR POVERTY STUDENTS ABOVE 40 PERCENT, BEGINNING IN THE 2019-20 SCHOOL YEAR. SO THAT, IN ESSENCE, ARE THE NEW COMPONENTS THAT I PROPOSE TO BE ADDED VIA AM2781 TO LB1067. AS I SAID, IT LIMITS THE FISCAL NOTE FROM \$17 MILLION TO \$13.5 MILLION. I THINK IN SOME WAYS IT SPEAKS TO WHAT SENATOR KRIST IS SAYING. MAYBE NOT TO THE LEVELS THAT HE WANTED, BUT IT DOES GIVE A POVERTY ADJUSTMENT ALLOWANCE WITHIN THE FORMULA AND IT RECOGNIZES THOSE DISTRICTS WHO HAVE 40 PERCENT OR MORE STUDENTS IN POVERTY. I URGE YOUR ADOPTION OF AM2781. THANK YOU. [LB1067 LB959]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. MR. CLERK. [LB1067]

CLERK: SENATOR CRAWFORD WOULD MOVE TO AMEND SENATOR SULLIVAN'S AMENDMENT, AM2787. (LEGISLATIVE JOURNAL PAGE 1332.) [LB1067]

PRESIDENT FOLEY: SENATOR CRAWFORD, YOU'RE RECOGNIZED TO OPEN ON AM2787. [LB1067]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. WE'VE HAD A WONDERFUL DISCUSSION TODAY ABOUT HOW TO MOVE FORWARD IN ELIMINATING THE COMMON LEVY, TRYING TO MAKE SURE THE MONEY THAT WE'RE SPENDING IN THE LEARNING COMMUNITY IS GOING TO THOSE SCHOOLS AND MAKING SURE THAT WE'RE HOLDING PEOPLE ACCOUNTABLE FOR HOW THAT MONEY IS BEING SPENT AND TRY TO MAKE SURE THAT WE CAN MOVE FORWARD. AND AS I'M SURE WE ALL KNOW, WE WOULD ALL LIKE TO DO MORE, MOST OF US IN THIS ROOM. MANY OF US IN THE ROOM WOULD LIKE TO DO MORE BUT WE DO FACE FISCAL RESTRAINTS. AND SO WHAT WE'RE TRYING TO DO IS KEEP AS CLOSE AS WE CAN TO WHAT CAME OUT OF THE COMMITTEE. AND SO THAT'S OUR EFFORT, TO NOT BE...NOT, YOU KNOW, REDOING THINGS THAT THE COMMITTEE ALREADY DISCUSSED, BUT TO STAY AS CLOSE AS WE CAN TO WHAT CAME OUT OF THE COMMITTEE BUT TO PULL THE FISCAL NOTE DOWN. AND, FRIENDS, I WOULD PREFER TO BE UP AT THE...SULLIVAN'S INITIAL AMENDMENT, THAT'S MY FIRST PREFERENCE. BUT AS I WAS TRYING TO GET VOTES FOR THAT AMENDMENT, I WAS HAVING TROUBLE

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MAKING SURE WE COULD CROSS THE LINE. SO THIS IS AN EFFORT TO PULL THAT FISCAL NOTE DOWN. IT KEEPS THE COMMUNITY ACHIEVEMENT PLAN THAT SENATOR SULLIVAN DEvised AND HAS WORKED VERY HARD TO DEVELOP. IT KEEPS THAT COMMUNITY ACHIEVEMENT PLAN. IT KEEPS BUT CUTS DRASTICALLY THE TRANSITION AID. SO WE DO RECOGNIZE THAT THERE IS AN EFFORT TO MAKE SURE THAT THE SCHOOLS--AND ESPECIALLY THE FIRST YEAR AND JUST A LITTLE BIT IN THE SECOND YEAR AS THEY TRANSITION OUT--BUT TRYING TO GET AS MUCH MONEY IN THOSE COMMUNITY ACHIEVEMENT PLANS AS POSSIBLE. SO THAT'S REALLY...THE AMENDMENT IS PULLING...MAKING SURE THE MONEY IS IN THE COMMUNITY ACHIEVEMENT PLAN AND SOME MONEY STILL IN TRANSITION PLAN. THE PART THAT UNFORTUNATELY DROPS OUT TO GET TO THIS FISCAL NOTE IS THE COMPONENT THAT'S THE ADJUSTMENT, THE POVERTY ADJUSTMENT TO THE FORMULA. AND, AGAIN, I JUST DON'T THINK THAT THAT'S SOMETHING WE CAN GET ACROSS THE FINISH LINE AND I THINK IT'S VERY IMPORTANT TO DO THIS. I WAS VERY SUPPORTIVE OF THE DISCUSSIONS OF MAKING SURE WE ADDRESS HIGH-POVERTY SCHOOLS IN THE FORMULA. AND THAT IS A FIGHT THAT IF I'M BACK HERE I WILL BE ENGAGED IN TO MAKE SURE WE DO THAT. BUT IT IS NOT, UNFORTUNATELY, FRIENDS, GOING TO HAPPEN AS AN AMENDMENT TO LB1067. SO WHAT WE NEED TO DO WITH LB1067 IS ELIMINATE THE COMMON LEVY THAT DOES NOT ADDRESS POVERTY, USE AS MUCH MONEY AS WE ARE ABLE TO, AND DIRECT THAT MONEY TO THOSE COMMUNITY ACHIEVEMENT PLANS TO KEEP THAT DISCUSSION GOING IN THE COMMUNITY AND KEEP THOSE KIDS IN THE COMMUNITY AND KEEP THE SCHOOLS IN THOSE COMMUNITIES ADDRESSING THE CHILDREN IN POVERTY IN ALL OF THOSE SCHOOLS IN THE LEARNING COMMUNITY, STAY FOCUSED ON MAKING SURE WE'RE CONTINUING TO WORK WITH THE LEARNING COMMUNITY. MY AMENDMENT KEEPS ALL OF THE REST OF SULLIVAN'S HARD WORK THAT SHE'S DONE TO NEGOTIATE CHANGES IN THE TRANSPORTATION PLAN AND THE OPTIONAL ENROLLMENT. WE DON'T TOUCH ANY OF THAT. IT REALLY IS JUST BRINGING THE FISCAL NOTE DOWN. THAT'S ALL THAT WE'RE TRYING TO DO WITH THIS AMENDMENT IS TO DO THAT. AND SO I THINK THAT IT'S AN IMPORTANT STEP FOR US TO MAKE TO BE ABLE TO ACCOMPLISH THAT AND BE ABLE TO GET RID OF THE LEARNING COMMUNITY AND MAKE THE OTHER REFORMS THAT SENATOR SULLIVAN HAS WORKED SO HARD WITH THE SUPERINTENDENTS TO MAKE OVER THE INTERIM AND OVER THESE PAST COUPLE OF YEARS. I'VE BEEN SPENDING TIME WITH ALL OF THE...WITH THE SUPERINTENDENTS. I'VE BEEN SPENDING TIME TALKING TO THEM, I'VE BEEN SPENDING TIME TRYING TO WORK ON HOW WE CAN BEST ADDRESS THE SITUATION. THIS IS A VERY IMPORTANT SITUATION TO MY DISTRICT, MY SCHOOLS. IT IS IMPORTANT IN TERMS OF, I THINK, NOT ONLY ADDRESSING THIS

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EDUCATION FUNDING, MAKING SURE THAT WE ARE DIRECTING IT TO THOSE COMMUNITY ACHIEVEMENT PLANS AND MAKING SURE THAT WE ELIMINATE THE COMMON LEVY. AND THEN WE ALLOW THE REST OF THE LEARNING COMMUNITY TO THRIVE, WHICH IS A PART THAT ALL OF US, INCLUDING THE SUBURBAN VOTERS, WE ALL PAY INTO THE PART OF THE COMMON LEVY THAT SUPPORTS THE LEARNING COMMUNITY PROGRAMS THAT ARE IN OUR SCHOOLS. BELLEVUE IS AN EXAMPLE; WE HAVE JUMP START PROGRAMS. AND THE LEARNING COMMUNITY PROGRAMS, THOSE EARLY CHILDHOOD PROGRAMS AND THOSE PROGRAMS THAT WORK WITH PARENTS IN OPS AND IN BELLEVUE, OTHER HIGH-POVERTY STUDENTS, THOSE PROGRAMS THAT THE LEARNING COMMUNITY RUNS CONTINUE. THIS DOES NOT TOUCH THOSE. THAT FUNDING FROM, INCLUDING THE SUBURBAN SCHOOLS, SUBURBAN TAXPAYERS CONTINUE TO HELP FUND THOSE PROGRAMS OF THE LEARNING COMMUNITY THAT ARE FOCUSED ON WORKING WITH THOSE STUDENTS AND WORKING WITH THOSE PARENTS TO MAKE SURE THAT THEY'RE LEARNING AND THRIVING. THAT PART OF THE LEARNING COMMUNITY REMAINS. WHAT WE GET RID OF...AND WHAT WE ARE DOING IS JUST PULLING THE FISCAL NOTE DOWN A LITTLE. WE'RE PULLING THE FISCAL NOTE DOWN TO MAKE SURE THAT WE CAN ACCOMPLISH THIS REFORM, KEEP THE LEARNING COMMUNITY, EARLY CHILDHOOD AND PROGRAMS WITH THE SCHOOLS AND PARENTS GOING THAT ARE GOING, AND MAKE SURE THAT WE CAN ELIMINATE THE COMMON LEVY AND CONTINUE TO MOVE FORWARD WITH CHANGES IN THE FORMULA AND OTHER EFFORTS THAT WE NEED TO DO TO IMPROVE FUNDING FOR SCHOOLS AND SHIFTING THE FUNDING FROM PROPERTY TAX TO SALES AND INCOME TAX. THOSE ARE ALL ISSUES WE HAVE TO DO AND MY AMENDMENT DOESN'T SOLVE ALL THOSE PROBLEMS. IT DOES NOT. WHAT I HOPE THAT MY AMENDMENT DOES IS IT GIVES US A PATH FORWARD FOR THIS BUNT AND SINGLE AND THAT WE CONTINUE TO WORK ON THE LARGER ISSUES OF SCHOOL FUNDING AS WE MOVE FORWARD. THANK YOU, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. DEBATE IS NOW OPEN ON THE PENDING AMENDMENT. SENATOR MELLO, YOU'RE RECOGNIZED. [LB1067]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I'M GOING TO RESPECTFULLY HAVE TO RISE IN STRONG OPPOSITION TO MY FRIEND SENATOR CRAWFORD'S AMENDMENT TO SENATOR SULLIVAN'S BILL BECAUSE, AS I WAS JUST DISCUSSING, IT DOESN'T ACHIEVE ANYTHING MORE THAN GETTING RID OF THE COMMON LEVY. AND I UNDERSTAND THAT THERE ARE SENATORS WHO SIMPLY WANT TO GET RID OF THE COMMON LEVY REGARDLESS OF THE IMPACT IT HAS ON HIGH-POVERTY

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STUDENTS AND HIGH-POVERTY SCHOOLS. AND THE DOLLAR AMOUNT ASSOCIATED WITH THIS HAS SIMPLY BEEN PULLED OUT OF A HAT. THERE'S NO DATA BEHIND HOW WE GET TO \$8.3 MILLION. AND HOW THAT NUMBER GETS PULLED OUT OF A HAT IS BECAUSE THAT'S WHAT THE GOVERNOR SAID HE WOULD SIGN A BILL AT. AND IF THE GOVERNOR IS WILLING TO SIGN A BILL AT THE \$8.3 MILLION, LET'S GIVE HIM A BILL THAT HE'LL SIGN. THAT'S HOW WE GOT THIS NUMBER, COLLEAGUES. I'M VERY APPRECIATIVE THAT GOVERNOR RICKETTS SIGNED OUR BUDGET TODAY. I WILL THANK HIM MULTIPLE TIMES IN REGARDS TO SIGNING THE BUDGET FROM THE APPROPRIATIONS COMMITTEE IN THE LEGISLATURE. BUT IT'S NOT MY JOB AND IT'S NOT OUR JOB TO GIVE HIM A BILL THAT UNDERCUTS POOR CHILDREN SO HE CAN SIGN THE BILL AND SAY HE DID...GOT RID OF THE COMMON LEVY. THAT'S NOT OUR JOB. AND SENATOR CRAWFORD'S AMENDMENT DOES THAT. I DON'T LOVE SENATOR SULLIVAN'S AMENDMENT. I'VE TOLD HER THAT. I DON'T LOVE IT. I THINK IT DOES NOT DO EVERYTHING THAT I WOULD LIKE TO SEE WITH THIS, BUT I'M WILLING TO GO ALONG BETWEEN NOW AND SELECT FILE TO GET PEOPLE IN A ROOM TO TALK MORE ABOUT WHAT WE CAN DO TO GET MORE PEOPLE COMFORTABLE WITH THE LEVEL OF A FISCAL NOTE TO ADDRESS THIS ISSUE. AND I THINK, COLLEAGUES, THAT'S WHAT I'M ASKING EVERYONE TO CONSIDER. SENATOR SULLIVAN'S AMENDMENT IS ABOUT \$13.5 MILLION. I KNOW THERE ARE SOME WHO FEEL THAT'S STILL TOO HIGH. I UNDERSTAND THAT. I DON'T THINK IT DOES ENOUGH BUT I'M WILLING TO COME TO THE TABLE AND SEE WHAT WE CAN DO, BECAUSE IF IT'S AT \$8.3 MILLION, I WILL FILIBUSTER THIS BILL, AND I KNOW OTHERS ON THE FLOOR WILL DO THE SAME, BECAUSE ALL YOU ARE CARING ABOUT IS GETTING RID OF THE COMMON LEVY. AND I'M AFRAID OF WHAT THAT WILL DO LONG TERM TO THE EDUCATION FIGHTS THAT, RURAL SENATORS IN HERE, YOU'RE GOING TO HAVE TO HAVE THIS FIGHT NEXT YEAR. I WON'T BE HERE. BUT THERE WILL BE A LOT OF NEW URBAN SENATORS DOWN HERE WHO PROBABLY WON'T BE LISTENING WITH OPEN EARS, THE WAY I AND OTHERS HAVE, WHEN IT COMES TO FOUNDATION AID. AND SO THIS IS ABOUT THE LONG GAME, COLLEAGUES. SENATOR SULLIVAN HAS TRIED TO MEET SOME OF US HALFWAY IN THIS DEBATE. AND HER AMENDMENT DOESN'T DO EVERYTHING THAT WE WANT. SHE KNOWS THAT. THERE'S COMPONENTS THAT I STILL HAVE A TOUGH TIME SAYING I COULD EVEN LIVE WITH. BUT I'M WILLING TO GO BETWEEN NOW AND SELECT FILE TO LET HER, OTHER SENATORS CONTINUE TO DISCUSS THIS ISSUE TO FIND WHERE WE CAN GET TO A HAPPY MEDIUM THAT WE FEEL ADDRESSES THE ISSUES OF INEQUITY WHEN IT COMES TO FUNDING PUBLIC EDUCATION FOR CHILDREN WHO LIVE IN EXTREME POVERTY. THAT IS THE UNDERLYING ISSUE, COLLEAGUES. IT'S NOT ABOUT EQUALITY, COLLEAGUES. IT'S ABOUT EQUITY, EQUITY FOR CHILDREN WHO LIVE IN

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POVERTY AT A CONSIDERABLY HIGHER LEVEL THAN SUBURBAN SCHOOL DISTRICTS, THAN WEALTHY RURAL SCHOOL DISTRICTS IN DOUGLAS AND SARPY COUNTY. I KNOW THAT EVERYONE DOESN'T LOVE THIS DEBATE. AND, URBAN COLLEAGUES, WE'VE BEEN TALKING OFF THE MIKE. NO DOUBT SOME OF OUR RURAL COLLEAGUES ARE REALIZING WHAT WE WERE PROBABLY GOING THROUGH IN LB176 WHEN RURAL SENATORS WERE HAVING A TUSSELE WITH EACH OTHER, NOT KNOWING WHAT TO DO ON A BILL THAT IMPACTED THE AG INDUSTRY. BUT THIS ISSUE, COLLEAGUES, HAS BEEN GOING ON FOR A DECADE. AND IF YOU'VE GOT PEOPLE WHO ARE SITTING WILLING TO NEGOTIATE, KEEP AN OPEN MIND TO ADDRESS WHAT WE KNOW SARPY COUNTY SENATORS WANT IN REGARDS TO GETTING RID OF THE COMMON LEVY AND METROPOLITAN AREA SENATORS IN INNER-CITY OMAHA WANT, WHICH IS TO ADDRESS POVERTY IN THE HIGHEST POVERTY AREAS OF THE STATE, COLLEAGUES, THE LAST THING WE SHOULD DO IS ADOPT AN AMENDMENT THAT'S GOING TO KILL THIS BILL, BECAUSE WE WILL DO CLOTURE TONIGHT. IT WILL FAIL AND THEN WE DON'T KNOW WHAT'S GOING TO HAPPEN MOVING FORWARD. [LB1067 LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR MELLO: AND THE IMPACT IT COULD HAVE ON THE RURAL EDUCATION DISCUSSION NEXT BIENNIUM WHEN IT COMES TO FOUNDATION AID ONLY COULD SET THIS BODY BACK THAT MUCH FURTHER TO ADDRESS PROPERTY TAX RELIEF THROUGH A FOUNDATION AID COMPONENT. BECAUSE IF YOU CAN'T GET URBAN SENATORS TO COME TO SOME AGREEMENT, WHICH THERE SEEMS TO BE A POSSIBILITY TO DO, I'M AFRAID OF WHAT YOU'LL HAVE TO DEAL WITH IN THE YEARS TO COME. IF GOVERNOR RICKETTS WANTS TO VETO A BILL THAT'S ABOVE \$8.3 MILLION, LET HIM. LET HIM VETO THAT BILL. IT'S NOT OUR JOB TO GIVE HIM A BILL TO HAVE TO SIGN THAT MEETS HIS CRITERIA OF WHAT WE'RE GOING TO DO TO ADDRESS POVERTY KIDS IN HIS CITY. BUT WHAT WE'RE TRYING TO DO, COLLEAGUES, IS TO ADDRESS WHAT WE KNOW IS A CONTENTIOUS ISSUE IN A THOUGHTFUL MANNER AND NOT HAVE TO SEE THIS GO TO A CLOTURE VOTE, WHICH WILL LIKELY LOSE. KEEP AN OPEN MIND ON SENATOR SULLIVAN'S AMENDMENT, LIKE MYSELF AND MANY OTHERS WHO DON'T LOVE IT, BUT WE'RE WILLING TO CONTINUE THE CONVERSATION. THANK YOU, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR KRIST, YOU'RE RECOGNIZED. [LB1067]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON. ACTUALLY, GOOD EVENING, COLLEAGUES, AND GOOD EVENING, NEBRASKA. IF YOUR GOAL IS TO CUT POVERTY MONEY OUT OF A BILL, THEN VOTE FOR CRAWFORD'S AMENDMENT. THAT'S WHERE YOU GIVE IT UP. IF YOU DON'T CARE ABOUT THE KIDS IN RALSTON AND OPS OR THE KIDS ACROSS THE STATE, THEN DO IT, VOTE FOR CRAWFORD'S AMENDMENT, BECAUSE IT TAKES THE POVERTY EQUATION RIGHT OUT OF IT. IS THAT WHAT WE'RE ABOUT? SENATOR CRAWFORD, WOULD YOU YIELD TO A QUESTION? [LB1067]

PRESIDENT FOLEY: SENATOR CRAWFORD, WOULD YOU YIELD, PLEASE? [LB1067]

SENATOR KRIST: WHILE SHE'S COMING TO THE MIKE I WANT TO SAY SOMETHING ON THE RECORD. WHEN WE SAY WE'RE GOING TO FIX SOMETHING AND WE'RE GOING TO BE SERIOUS ABOUT SOMETHING AND WE'RE DEALING WITH THIS BIENNIUM, WE CAN TALK ABOUT THIS BIENNIUM AND WE CAN FIX SOMETHING. BUT WHEN WE'RE TALKING ABOUT DOING SOMETHING WITH TEEOSA OR EDUCATION AND WE STAND ON THE MIKE AND SAY WE'LL FIX IT LATER--WHICH IS A DISCUSSION I'VE HEARD FROM MY COLLEAGUES, MY URBAN COLLEAGUES RIGHT NOW--THAT'S THREE YEARS DOWN THE ROAD. WE'RE GOING TO KICK THIS CAN AGAIN THREE YEARS DOWN THE ROAD. SENATOR CRAWFORD, YIELD TO A QUESTION? [LB1067]

PRESIDENT FOLEY: YES. [LB1067]

SENATOR CRAWFORD: YES, YES. [LB1067]

SENATOR KRIST: SENATOR CRAWFORD, YOU'RE AWARE THAT THIS AMENDMENT TAKES ALL THE POVERTY ADJUSTMENT OUT OF THE LEARNING COMMUNITY, ARE YOU NOT? [LB1067]

SENATOR CRAWFORD: THIS BILL LEAVES THE \$3 MILLION FOR THE COMMUNITY ACHIEVEMENT PLANS THAT THE COMMITTEE DISCUSSED AND VOTED FOR, SO POVERTY FUNDING IS IN THE COMMUNITY ACHIEVEMENT PLAN. [LB1067]

SENATOR KRIST: OKAY, THANK YOU. AND SO WHAT YOU'RE SAYING IS THE COMMUNITY ACHIEVEMENT PLAN, WHICH YOUR CONSTITUENTS WOULD BE HAPPY TO KNOW, ADDS ANOTHER LEVEL OF BUREAUCRACY, ANOTHER ADMINISTRATOR, AND TAKES THAT \$3.1 MILLION AND DIVIDES IT UP, NOT JUST

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IN POVERTY, BUT SPENDING FOR ANOTHER PERSON TO BE. I'M SURE THAT THE FOLKS THAT YOU REPRESENT WANT TO HAVE ANOTHER PERSON IN THE MIX. [LB1067]

SENATOR CRAWFORD: WAS THAT A QUESTION? [LB1067]

SENATOR KRIST: TAKE IT ANY WAY YOU WANT TO. [LB1067]

SENATOR CRAWFORD: WELL, I THINK THAT THEY ARE WILLING TO WORK ON THE COMMUNITY ACHIEVEMENT PLAN IF THAT'S THE WAY THAT WE'RE GOING TO MOVE FORWARD ON ELIMINATING THE COMMON LEVY. [LB1067]

SENATOR KRIST: OKAY, SO, SENATOR CRAWFORD, THANK YOU FOR ACKNOWLEDGING THAT IT IS ONLY \$3.1 MILLION AND IT'S DIVIDED UP BETWEEN A PLAN. AND BY THE WAY, THAT IS THE THING I HATE MOST ABOUT THAT AMENDMENT. BUT I'M WILLING TO WORK WITH SENATOR SULLIVAN BETWEEN NOW AND SELECT FILE TO GET RID OF THAT COMMUNITY ACHIEVEMENT MONEY, GET RID OF THE EXTRA BUREAUCRACY AND OVERHEAD, AND PUT OUR MONEY WHERE OUR MOUTH IS IN TAKING CARE OF OUR KIDS. I CAN'T BELIEVE THAT YOU'RE WORRIED ABOUT A GOVERNOR VETOING A BILL OVER \$4 MILLION OR \$5 MILLION, \$6 MILLION. IF WE GO ABOVE \$8.3 MILLION, HE'S NOT GOING TO SIGN IT. WHAT IS IT, \$9.3 MILLION, HE'S NOT GOING TO SIGN IT; \$10.3 MILLION, HE'S NOT GOING TO SIGN IT; \$13 MILLION? NO, BECAUSE HE MADE A CAMPAIGN PROMISE THAT HE WOULD GET RID OF THE COMMON LEVY, IF NOT THE LEARNING COMMUNITY. HE'S NOT GOING TO VETO A BILL THAT'S WORTH \$15 MILLION IF HE GETS RID OF THE COMMON LEVY. SO LET'S GET SERIOUS ABOUT WHAT WE'RE SPENDING THE MONEY ON. POVERTY HAS TO BE PART OF THIS EQUATION. I WILL STAND WITH MY COLLEAGUES, SENATOR MELLO AND SENATOR HARR, AND WE'LL STAY HERE. WHAT THE TWO VOTES HAVE TOLD US-- MY AMENDMENT AND THE BRACKET AMENDMENT--IS YOU DON'T HAVE CLOTURE VOTES. SO WE'RE GOING TO SIT HERE AND WE'RE GOING TO GO TO CLOTURE. SO IF YOU'RE A VOTE COUNTER, TAKE A LOOK AT IT. THANK YOU, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB1067]

SENATOR HARR: THANK YOU. SENATOR CRAWFORD, DON'T WALK AWAY, I HAVE QUESTIONS FOR YOU. [LB1067]

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PRESIDENT FOLEY: SENATOR CRAWFORD, WOULD YOU YIELD, PLEASE? [LB1067]

SENATOR CRAWFORD: YES. [LB1067]

SENATOR HARR: THANK YOU. YOU'RE FAMILIAR WITH LB1067? [LB1067]

SENATOR CRAWFORD: YES. [LB1067]

SENATOR HARR: OKAY. CAN YOU TELL ME WHAT THE GOVERNANCE PORTION DOES? [LB1067]

SENATOR CRAWFORD: EXCUSE ME? [LB1067]

SENATOR HARR: WHAT DOES THE CHANGE IN GOVERNANCE...WHAT IS THAT? [LB1067]

SENATOR CRAWFORD: SO THERE ARE...I SHOULD HAVE REVIEWED IT BEFORE I SAID YES. THERE ARE CHANGES IN THE NUMBER OF PEOPLE WHO ARE ON THAT LEARNING COMMUNITY COUNCIL. [LB1067]

SENATOR HARR: AND WHY IS THAT THERE? [LB1067]

SENATOR CRAWFORD: I AM NOT SURE ABOUT THAT GOVERNANCE PORTION, BUT MY AMENDMENT DOES NOT CHANGE THE GOVERNANCE PORTION. [LB1067]

SENATOR HARR: OKAY. DO YOU UNDERSTAND THAT THERE IS A CHANGE IN BOUNDARIES? [LB1067]

SENATOR CRAWFORD: I UNDERSTAND THERE'S LANGUAGE IN THE BILL THAT ALLOWS THE BOARDS TO DISCUSS TO CHANGE BOUNDARIES, YES. [LB1067]

SENATOR HARR: AND WHY IS THAT THERE? [LB1067]

SENATOR CRAWFORD: AND MY AMENDMENT DOESN'T CHANGE THAT. MY AMENDMENT DOES NOT CHANGE THE BOUNDARIES. [LB1067]

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SENATOR HARR: DO YOU KNOW WHY THAT IS IN THE BILL? [LB1067]

SENATOR CRAWFORD: I DO KNOW WHY THAT'S IN THE BILL. [LB1067]

SENATOR HARR: OKAY. WHY IS THAT IN THERE? [LB1067]

SENATOR CRAWFORD: THE BOUNDARY LANGUAGE IS IN THE BILL BECAUSE THAT'S AN IMPORTANT PART OF THE PROBLEM WITH THE CURRENT LEARNING COMMUNITY. [LB1067]

SENATOR HARR: FOR WHOM, DOUGLAS OR SARPY COUNTY? [LB1067]

SENATOR CRAWFORD: WELL, DOUGLAS COUNTY DOES NOT WANT US TO GO BACK TO OUR ORIGINAL BOUNDARY LANGUAGE BEFORE THAT ALLOWS CITIES TO INCLUDE SCHOOL DISTRICTS WHEN THEY ANNEX. [LB1067]

SENATOR HARR: SO IS IT FOR DOUGLAS OR SARPY COUNTY, THE BOUNDARY? [LB1067]

SENATOR CRAWFORD: THE BOUNDARY DISCUSSION? MAKING SURE THAT BOTH SCHOOLS HAVE TO AGREE TO A BOUNDARY CHANGE IS GOOD FOR BOTH COUNTIES, BECAUSE I DON'T THINK DOUGLAS COUNTY WANTS DISCUSSIONS OF BOUNDARIES WITHOUT OPS BEING ABLE TO AGREE TO IT EITHER. [LB1067]

SENATOR HARR: OKAY. YOU THINK. OKAY. AND WHAT ABOUT THE OPTION VERSUS OPEN? DO YOU KNOW ABOUT THAT? [LB1067]

SENATOR CRAWFORD: YES. [LB1067]

SENATOR HARR: OKAY, WHAT DO WE HAVE NOW? [LB1067]

SENATOR CRAWFORD: SO WHAT WE HAVE RIGHT NOW IS THE LEARNING COMMUNITY PROVIDED ENROLLMENT OPTIONS THAT ALLOWED... [LB1067]

SENATOR HARR: IS THAT OPEN OR OPTION? [LB1067]

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SENATOR CRAWFORD: SO, THE ORIGINAL, I BELIEVE, WAS OPTION. BUT I MAY HAVE...THEY BOTH START WITH AN "O," ALL RIGHT? SO WHAT WE HAD WAS... [LB1067]

SENATOR HARR: OKAY. NO, OKAY. THAT ANSWERS MY QUESTION. FOLKS, HERE IS THE DEAL. THIS HAS BEEN GOING ON FOR A LONG TIME. THERE ARE FOUR PARTS TO THIS BILL. IT'S NOT JUST THE COMMON LEVY, IT'S A COMPROMISE. THERE ARE PARTS IN HERE THAT ARE HELPFUL TO SARPY COUNTY. RIGHT NOW GROWTH IN SARPY COUNTY IS BEING SLOWED DOWN BECAUSE OF THE BOUNDARY DISPUTES. THERE ARE PARTS IN HERE THAT HELP MILLARD AND WESTSIDE. THERE ARE PARTS IN HERE THAT HELP WITH THE BOUNDARY DISPUTES, THE COMMON LEVY, THE GOVERNANCE. IT'S A COMPROMISE. THAT WAS FOR ANOTHER SCHOOL DISTRICT, THE CHANGE IN GOVERNANCE: MILLARD. YOU CAN'T JUST PULL ONE OUT AND SAY THE BILL IS FINE. I GET IT, YOU DON'T WANT TO SPEND THE MONEY. I DON'T WANT TO SPEND THE MONEY. OPS STILL DOESN'T LIKE THIS COMPROMISE. I GET THAT TOO. BUT WHAT ARE WE GOING TO DO? WE'RE GOING TO MAKE IT WORSE? NO. THAT'S NOT THE RIGHT ATTITUDE. THIS BILL WAS BUILT ON COMPROMISE, ON MAKING THE LEARNING COMMUNITY BETTER. WE ARE GOING TO SAVE THE STATE MONEY ON TRANSPORTATION. NOBODY HAS TALKED ABOUT THAT YET. IT'S \$5.5 MILLION TO \$7 MILLION WE'RE GOING TO SAVE ON TRANSPORTATION TO THE STATE, TO THE STATE, LET ALONE HOW MUCH THE SCHOOL DISTRICTS SAVE. WE'RE GOING TO HAVE ADDITIONAL MONEY FOR OUR SCHOOL DISTRICTS WHEN WE GET TO OPTION PROGRAMMING. NOBODY IS TALKING ABOUT THAT. NOBODY IS TALKING ABOUT THE GOVERNANCE. ALL WE KNOW IS THAT NOBODY LIKES THIS DOLLAR AMOUNT. WHY? WELL, BECAUSE IT'S NOT THE SAME AS LB959. IT'S GOT TO BE THE SAME. WHY? IT'S GOT TO BE THE SAME. WE'VE GOT TO MAKE SURE OUR FRIENDS IN RURAL NEBRASKA AND IN URBAN GET THE SAME. WELL, GUESS WHAT, WE DON'T DO SOMETHING THIS YEAR AND YOU KNOW WHO WE'RE GOING TO HURT? WE HURT RURAL NEBRASKA. WE HURT RURAL DOUGLAS COUNTY AND RURAL SARPY COUNTY. THAT \$5.5 MILLION... [LB1067 LB959]

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR HARR: ...THAT'S OUT OF TEEOSA, WHERE DO YOU THINK THAT'S COMING FROM? THAT'S COMING FROM THE COMMON LEVY. AND YOU LOOK--I SAID IT EARLIER--17 PERCENT OF THE BUDGET, \$3 MILLION, OVER \$3 MILLION, SOUTH SARPY IS PAYING. LET'S DO SOMETHING, FOLKS. YOU WANT TO FIGHT OVER \$5 MILLION, WE CAN COME BACK NEXT YEAR. IN THE MEANTIME, SOUTH SARPY AND DC WEST HAVE SPENT ANOTHER \$5 MILLION IN PROPERTY TAXES.

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THAT'S OUR RURAL FRIENDS. I KEEP HEARING WE NEED TO DO MORE FOR RURAL NEBRASKA; THAT'S WHAT WE'RE TRYING TO DO. THIS IS NOT ABOUT ME FIRST. THIS IS A COMPROMISE BILL. THIS IS ABOUT LOOKING. I CONSTANTLY HEAR MY AMENDMENT DOES THIS, MY AMENDMENT DOES THAT. THIS, I WILL TELL YOU, HURTS THE MOST VULNERABLE IN OUR SOCIETY. IF THAT'S WHAT YOU WANT TO DO, THAT'S GREAT. THOSE AREN'T MY PRIORITIES. MY PRIORITIES ARE TO LOOK AFTER THOSE WHO ARE THE MOST VULNERABLE. MY PRIORITIES ARE TO MAKE SURE THEY HAVE... [LB1067]

PRESIDENT FOLEY: TIME, SENATOR. TIME, SENATOR. [LB1067]

SENATOR HARR: ONE MINUTE? [LB1067]

PRESIDENT FOLEY: NO, THAT WAS TIME, SENATOR. [LB1067]

SENATOR HARR: OH, I DIDN'T HEAR ONE MINUTE. THANK YOU. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR COOK, YOU'RE RECOGNIZED. [LB1067]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD EVENING, COLLEAGUES. I RISE IN OPPOSITION TO SENATOR CRAWFORD'S AM2787. IT IS NOT A BUNT OR A SINGLE, IT IS A STRIKE. AND BY MY COUNT, IT IS STRIKE TWO. I FEEL VERY FORTUNATE THAT THE PEOPLE IN MY DISTRICT ELECTED ME TO COME HERE. THEY BELIEVED ENOUGH IN MY SKILLS AND IN MY SENSIBILITIES AND IN MY VALUES TO ELECT ME TO COME TO REPRESENT THOSE WHO CAN'T AFFORD A LOBBYIST IN THE ROTUNDA, WHO ARE WORKING INSTEAD OF MONITORING THIS ON TELEVISION OR ON THE INTERNET, WHO WANT THE BEST FOR THEIR CHILDREN AND LIVE IN THAT HOPE. THIS AMENDMENT DOES NOT GET US THERE. I STARTED OUT MY TALK EARLIER REMINDING PEOPLE OF WHAT THE REAL PURPOSE OF THE COMMON LEVY WAS, WHICH CONCEPTUALLY IS BUY-IN, GIVING A GOOD GOSH DARN ABOUT WHAT HAPPENS TO SCHOOL CHILDREN IN URBAN EASTERN OMAHA. THAT'S WHAT IT REPRESENTS. THE BOUNDARIES, THE "THIS GUY CAN'T BUY THIS PIECE OF LAND SO HE CAN MAKE MORE MONEY," THAT'S ALL EXTRA. THE "EVERYBODY'S GOT POVERTY," THAT CAME ON AFTER SO THE ISSUE COULD BE OBFUSCATED AND SO THAT A LAWSUIT COULD BE AVOIDED. SO HERE WE ARE. I WANT TO SHARE SOMETHING THAT I CAME ACROSS LAST YEAR WHEN WE WERE TALKING ABOUT SIMILAR ISSUES, BECAUSE WHILE I UNDERSTAND THAT GOVERNANCE IS RUN WITH TAX

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DOLLARS--WHETHER THOSE BE PROPERTY TAX DOLLARS OR SALES TAX DOLLARS OR INCOME TAX DOLLARS, I UNDERSTAND THAT, THAT'S NOT A MYSTERY, EVERYBODY GETS THAT--BUT PEOPLE WHO DO NOT PUT IN AS MUCH DESERVE REPRESENTATION. AM2787 KICKS THOSE FOLKS TO THE CURB, RUNS THEM OVER WITH A BUS, YOU CAN CALL IT A SCHOOL BUS IF YOU WANT TO. I WANT TO SHARE SOMETHING THAT I FOUND LAST YEAR THAT ENCAPSULATES HOW I FEEL THE CONVERSATION HAS GONE TOWARD, I'M PAYING THE BILL, I CALL THE SHOTS, AND AWAY FROM THE CONCEPTS THAT WE STARTED WITH IN THE FOUNDING OF THE UNITED STATES THAT CAME OUT OF THE AGE OF ENLIGHTENMENT AND LEFT ROOM FOR PEOPLE TO BE INCLUDED. "REMEMBER WHEN WE USED TO BE CALLED 'CITIZENS'? THERE WERE LEVELS OF CITIZENSHIP, CERTAINLY, BUT WE WERE CITIZENS NONE-THE-LESS. 'I AM AN AMERICAN CITIZEN' WAS OUR PROUD BOAST. THEN, FOLLOWING WORLD WAR TWO, THE PROSPEROUS DECADES BEGAN AND WE WERE CALLED 'CONSUMERS.' THE AMERICAN CONSUMER WANTS; THE AMERICAN CONSUMER NEEDS--AND CONSUME WE DID. ITEMS THAT WERE ONCE LUXURIES BECAME NECESSITIES AND, UNLIKE OUR GREAT GRANDPARENTS, WE WERE ASHAMED TO HAVE ONLY ONE PAIR OF SHOES OR ONE 'SUNDAY' DRESS. BEING A CONSUMER IS NOT WITHOUT PLEASURE OR COMFORT. YET NOW WE ARE IDENTIFIED BY A BRAND NEW LABEL--ONE THAT FLOODS POLITICAL SPEECH..." CERTAINLY IT HAS HERE THE LAST COUPLE OF DAYS. "...ONE THAT FLOODS POLITICAL SPEECH, PUNDIT THEMES, AND MEDIA HEADLINES. TAXPAYER. IT SEEMS THAT DEFINITION IS ALL WE ARE." [LB1067]

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR COOK: THANK YOU, MR. PRESIDENT. "THE DIFFERENCE BETWEEN UNDERSTANDING ONESELF AS A CITIZEN OR AS A TAXPAYER IS NOT MERELY WIDE; IT IS ANTAGONISTIC. A CITIZEN THINKS PRIMARILY ABOUT HIS/HER COMMUNITY, IS PREOCCUPIED WITH THE SAFETY OF THE NEIGHBORHOOD, THE HEALTH OF THE ELDERLY AND DISABLED, THE (NURTURE AND) WELL-BEING OF THE YOUNG. A TAXPAYER THINKS MOSTLY ABOUT HIS OR HERSELF, ABOUT WHO OR WHAT IS TAXING, THAT IS TO SAY 'TAKING,' HIS HARD-EARNED MONEY TO GIVE TO SOME UNDESERVING BODY OR SOME OTHER DISTANT, WASTEFUL THING." THANK YOU, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1067]

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SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, I'VE STAYED AWAY FROM THE MIKE ON THIS. EVERYBODY KNOWS I'VE BEEN WORKING ON THIS FOR FOUR YEARS. BUT THERE'S JUST A COUPLE THINGS I WANT TO LAY OUT. I WANT TO COOL DOWN THE RHETORIC HERE, JUST TALK ABOUT WHAT WE KNOW. THE FIRST THING WE KNOW IS DOING THIS AMENDMENT, SENATOR CRAWFORD'S AMENDMENT, WE'RE NOT GOING TO HURT POOR KIDS. WE KNOW THAT. WHAT WE WANT TO DO...WHAT WE'VE GOT ON THIS IS WE'RE GOING TO TAKE...GET RID OF THE COMMON LEVY AND THAT'S GOING TO MEAN WE'VE GOT TO PLUG THE HOLE IN TEEOSA NOW. THESE SCHOOLS ARE GOING TO MEAN TEEOSA. SO \$5.375 MILLION A YEAR ARE GOING TO GO TO GREATER OMAHA SCHOOLS. THEN WE HAVE THE TRANSITION AID. THIS IS NOT GOING TO HURT KIDS UNLESS YOU THINK THAT WE PLANNED ON GIVING THESE POOR KIDS \$10 MILLION AND NOW WE'RE ONLY GOING TO GIVE THEM \$5 MILLION, SO WE'VE JUST STOLEN \$5 MILLION FROM THE KIDS. WELL, THAT'S WASHINGTON, D.C., MATH. YOU DON'T PLAN ON AN INCREASE AND THEN COME BACK AND SAY, WELL, WE'RE NOT GETTING OUR INCREASE SO WE'RE HURTING KIDS. THIS IS A FAIR WAY TO DO IT. SOMEONE SAID THAT THE GOVERNOR DREW A LINE IN THE SAND AND SAID WE HAVE TO BE THIS OR WE HAVE TO BE THAT. I HAVEN'T TALKED TO THE GOVERNOR, BUT THAT'S NEWS TO ME. NO ONE HAS TOLD ME WE HAVE TO STAY UNDER A NUMBER, WE HAVE TO DO THIS, WE HAVE TO DO THAT. THE ONLY THING WE HAVE TO DO IS MAKE SURE THAT WE GET RID OF THE COMMON LEVY SO THE MONEY THAT WE TAX IN A SCHOOL DISTRICT GOES TO HELP THE SCHOOLS IN THAT DISTRICT. YOU KNOW, I HAVE A DISTRICT IN MY SCHOOL DISTRICT, DOESN'T EVEN NEED STATE AID. IF WE JUST QUIT ROBBING THE PLATTEVIEW SPRINGFIELD SCHOOL DISTRICT AND JUST LET THEM KEEP THE MONEY THAT THEY LEVY RIGHT NOW FROM PROPERTY TAXES THAT THEY COULD LEVY IF IT WASN'T FOR THE COMMON LEVY, THEY'D BE FINE. THEY DON'T EVEN NEED TEEOSA. THEY JUST NEED US TO BUTT OUT. THEY JUST NEED US TO STOP DOING THIS, STOP TAKING THEIR MONEY AND GIVING IT TO OTHER SCHOOL DISTRICTS. THAT'S ALL THEY ASK. SO, NO, WE'RE NOT HURTING KIDS. TEEOSA WILL KICK IN, WILL PLUG THAT HOLE. AND THIS IS A PRETTY GOOD PLAN. NO ONE GETS WHAT THEY WANT. I DON'T GET EVERYTHING I WANT. NO ONE GETS EVERYTHING THEY WANT, BUT WE'RE MOVING IN THE RIGHT DIRECTION. AND WITH THAT, MR. PRESIDENT, I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR CRAWFORD. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR CRAWFORD, 1:44. [LB1067]

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SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. SO AGAIN I JUST WANT TO TALK A LITTLE BIT ABOUT WHERE THE NUMBERS CAME FROM BECAUSE THAT'S BEEN AN ISSUE. THE IDEA, AGAIN, WAS TO TRY TO HELP GET SOMETHING PASSED THAT WAS AS CLOSE TO THE COMMITTEE DISCUSSION AS POSSIBLE. AND SO WHERE A LITTLE OVER \$8 MILLION COMES FROM IS IT IS THE LITTLE OVER \$5 MILLION THAT WE HAVE TO PAY FOR TO GET RID OF THE COMMON LEVY. THAT'S THE AMOUNT THAT THE COMMON...THE LEARNING COMMUNITY SCHOOLS HAVE BEEN SUBSIDIZING TEEOSA FOR THE PAST SEVERAL YEARS TO THE TUNE OF \$35 MILLION. [LB1067]

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR CRAWFORD: AND THEN...THANK YOU, MR. PRESIDENT. AND THEN THE OTHER \$3 MILLION WAS PULLING AND MODELING OFF OF THE COMMUNITY ACHIEVEMENT PLAN. THE BILL THAT CAME OUT OF COMMITTEE HAD AN ADDITIONAL \$3 MILLION THAT OTHER PEOPLE, OTHER DISTRICTS COULD APPLY FOR TO DEVELOP COMMUNITY ACHIEVEMENT PLANS AND IT HAD SOME TRANSITIONAL AID. AND SO WHAT WE DID IS TRYING TO HAVE SOME TRANSITIONAL AID AT THE BEGINNING, TRYING TO GET TO THAT \$3 MILLION COMMUNITY ACHIEVEMENT PLAN SO IT HAS THOSE COMPONENTS OR THE COMPROMISE THAT CAME OUT OF THE COMMITTEE, BECAUSE IT INCLUDES THOSE PIECES AND THAT'S WHAT WE WERE INCLUDING IS THOSE PIECES. BUT WE CUT TRANSITION AID WAY DOWN BECAUSE WE FELT THAT WAS THE LEAST CRITICAL IN TERMS OF MAKING SURE WE'RE ADDRESSING POVERTY IN SCHOOLS. SO WE HAVE THE SAME ELEMENTS THAT WERE IN THE ORIGINAL PLAN EXCEPT WE DID TAKE OUT THE COMMUNITY ACHIEVEMENT PLAN OPTION FOR OTHER SCHOOLS IN THE STATE. WE KEPT IT ALL FOCUSED ON THE LEARNING COMMUNITY, THE PIECES OF THE COMMITTEE BILL THAT APPLY TO THE LEARNING COMMUNITY AND KEEPING THOSE PIECES IN TO THE EXTENT POSSIBLE, CUTTING DOWN THE TRANSITION MONEY, TO GET US TO A NUMBER. THANK YOU. [LB1067]

PRESIDENT FOLEY: SENATOR, YOU'RE NEXT IN THE QUEUE. YOU MAY CONTINUE. [LB1067]

SENATOR CRAWFORD: OH, THANK YOU. AND SO THAT'S WHERE THAT NUMBER CAME FROM. IT DOES NOT COME OUT OF A HAT. IT IS NOT TRYING TO CONFLICT WITH WHAT THE COMMITTEE IS TRYING TO DO. WHAT WE TALKED...WHAT WE WERE CONCERNED ABOUT IS TRYING TO HELP MAKE SURE THAT WE HAD A BILL

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THAT WAS AS CLOSE TO THE COMMITTEE DISCUSSION AND COMMITTEE AGREEMENT AS POSSIBLE. AND I HAVE BEEN TALKING WITH THE SUPERINTENDENTS, TALKING TO SENATOR SULLIVAN, OVER THE PAST YEARS. SO THIS IS NOT SOMETHING I JUST COOKED UP OR THOUGHT UP OR TALKED TO THE GOVERNOR ABOUT THIS MORNING. I HAVE BEEN ENGAGED IN THE LEARNING COMMUNITY ISSUE AND WE HAVE BEEN WORKING ON THAT AND, AGAIN, OUR EFFORT WAS TO KEEP AS MUCH OF THE BILL THAT CAME OUT OF COMMITTEE AS POSSIBLE. AND WHY DID I DECIDE TO CUT ANY MONEY? THE REASON TO CUT ANY MONEY WAS I KEPT GOING AND TRYING TO GET MY FELLOW SENATORS TO AGREE TO VOTE FOR THE BILL. AND THEY KEPT TELLING ME, THAT'S TOO MUCH, I CAN'T GO THAT FAR. SO THAT'S MY CONCERN, IS MAKING SURE WE HAVE THE VOTES ON THE FLOOR FOR THE BILL. AND THAT'S WHY WE PULLED BACK TO WHERE WE'RE PULLING BACK, IS TO MAKE SURE WE CAN GET PEOPLE AND COMMIT TO THE VOTES. AND THAT'S WHERE THE NUMBER COMES FROM. BUT, AGAIN, REALLY, WHAT THIS IS ABOUT IS ABOUT THE KIDS. AND I WANT TO EMPHASIZE HOW IMPORTANT IT IS THAT WE PASS LB1067 TO PRESERVE ALL OF THE OTHER LEARNING COMMUNITY PROGRAMS THAT HELP OUR KIDS. THOSE OTHER LEARNING COMMUNITY PROGRAMS...FOR EXAMPLE, IN SOUTH OMAHA, WE HAVE A SOUTH OMAHA LEARNING CENTER. AND THEY WORK WITH PARENTS ON LITERACY AND THEY HELP THOSE PARENTS GET READY FOR STUDENT-TEACHER CONFERENCES. I HAD A GREAT TIME WHEN I VISITED THE SOUTH OMAHA LEARNING COMMUNITY CENTER, AND THEY SHOWED ME...AND THEY HAVE ALMOST ALL OF THEIR PARENTS IN THEIR PROGRAM ATTEND THE TEACHER CONFERENCES. SO, THE LEARNING...AND, AGAIN, ALL OF THE SARPY COUNTY TAXPAYERS ARE HELPING TO PAY FOR THOSE LEARNING COMMUNITY PROGRAMS. ALL OF THE SARPY COUNTY TAXPAYERS WILL CONTINUE TO HELP PAYING FOR THOSE LEARNING COMMUNITY PROGRAMS THAT EXIST IN DOUGLAS AND SARPY COUNTY. THAT'S A DIFFERENT PART OF THE LEVY THAT WE PAY. SENATOR SULLIVAN'S BILL DOESN'T KILL THAT. MY AMENDMENT DOESN'T KILL THAT. THAT ACTIVE WORK OF ALL TAXPAYERS IN THE LEARNING COMMUNITY PAYING FOR THESE PROGRAMS TO HELP THOSE KIDS IN POVERTY AND HELP THOSE PARENTS HELP THOSE KIDS IN POVERTY LEARN, THOSE PROGRAMS ALL CONTINUE TO EXIST IF YOU PASS LB1067. IF WE DON'T PASS LB1067, THEN I THINK WE'RE COMING BACK AND, AGAIN, A HIGHER FRUSTRATION WITH THE LEARNING COMMUNITY IN THE DOUGLAS AND SARPY COUNTY AREA, A HIGHER FRUSTRATION WITH PEOPLE JUST WANTING TO BLOW IT UP AND GET RID OF IT. AND SO I THINK IT'S CRITICAL TO PRESERVE THOSE PROGRAMS THAT HELP...DIRECTLY HELP THOSE KIDS IN POVERTY. AND, AGAIN, WE STILL HAVE ENGAGEMENT OF THE SARPY COUNTY TAXPAYERS PAYING FOR THOSE LEARNING COMMUNITY PROGRAMS, LIKE JUMP START AND LIKE THE

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NORTH OMAHA LEARNING CENTER AND THE SOUTH OMAHA LEARNING CENTER. THOSE PROGRAMS ALL EXIST AND EVERYONE IN THE LEARNING COMMUNITY METRO AREA CONTINUES TO PAY FOR THOSE PROGRAMS. WHAT WE'RE GETTING RID OF IS THE COMMON LEVY, WHICH HAS NOT BEEN GOING TO THE KIDS IN POVERTY. AND, FRIENDS, OPS WAS NOT EVEN WINNING WITH THE COMMON LEVY. THEY WERE LOSING MONEY. AND LAST YEAR THEY FINALLY MADE MONEY, THEY MADE \$2 MILLION,... [LB1067]

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR CRAWFORD: ...THANK YOU, MR. PRESIDENT...WHICH IS ABOUT LESS THAN 1 PERCENT OF THEIR BUDGET. RIGHT? SO TO TALK ABOUT HOW WE NEED TO HELP OPS BE WHOLE IS NOT AN ISSUE. WHEN WE'RE MOVING THIS MONEY, WE'RE GOING TO BE HELPING THEM BECAUSE THEY ARE NOT GAINING VERY MUCH FROM THE LEARNING COMMUNITY. HOWEVER, OTHER SCHOOLS ARE BEING HARMED AT A MUCH HIGHER PERCENT. SPRINGFIELD PLATTEVIEW, WHICH IS ALSO IN MY DISTRICT, TAKES ABOUT A 25 PERCENT HIT. AND AGAIN: ONLY \$2 MILLION TO OPS LAST YEAR, LESS THAN 1 PERCENT OF THEIR TOTAL BUDGET. SO LET'S KEEP THE LEARNING COMMUNITY, LET'S PASS LB1067 TO GET RID OF THE COMMON LEVY AND ALSO CREATE THESE COMMUNITY ACHIEVEMENT PLANS, SO THAT WE CAN MAKE SURE THAT WE'RE MAKING SURE THAT THE MONEY WE'RE SPENDING ON POVERTY INSTEAD OF USING THE COMMON LEVY, WHICH DID NOT GO TO POVERTY, MAKING SURE THAT THAT MONEY IS GOING TO CHILDREN IN POVERTY. [LB1067]

PRESIDENT FOLEY: TIME, SENATOR. [LB1067]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATOR SMITH, YOU'RE RECOGNIZED. HE WAIVES THE OPPORTUNITY. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB1067]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD EVENING. IT SOUNDS LIKE THERE'S SOME GOOD, HEALTHY DISCUSSIONS UNDERWAY. AND IN LIGHT OF THAT FACT, I WILL RIVET THOSE FEW MEMBERS WHO ARE LISTENING AND NOT ENGAGED IN THAT DISCUSSION WITH A FLOOR SPEECH. IT'S IMPORTANT TO NOTE SOMETHING ABOUT THE CREATION OF THE LEARNING COMMUNITY, BECAUSE IT WAS STATED ON THE FLOOR THAT WHAT HAPPENED

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WAS IN 2007, OMAHA PUBLIC SCHOOLS WAS GOING TO TAKE OVER ALL OF THE SCHOOL DISTRICTS AND WHAT WE NOW CALL THE LEARNING COMMUNITY AND THEY WERE GOING TO RUN THE SHOW AND THE SCHOOL DISTRICTS, AS THEY EXISTED, WOULD CEASE TO BE. AND THAT'S NOT ENTIRELY ACCURATE. THE TRUTH OF THE MATTER IS, OPS FOUND A STATE LAW WHICH STATED, IF A CITY EXPANDS ITS BOUNDARIES, IF THEY ANNEX TERRITORY, THAT THE SCHOOL DISTRICT EMBODIED WITHIN THAT CITY COULD GROW ALONG THOSE LINES AS WELL. BUT AS MANY OF THE MEMBERS IN THIS BODY KNOW, CITIES CANNOT ANNEX ACROSS COUNTY LINES. SO SARPY COUNTY SCHOOL DISTRICTS WERE NEVER IN DANGER OF BEING ANNEXED INTO OPS. OPS HAD NO JURISDICTION, NO LEGAL AUTHORITY TO TAKE OVER THE SCHOOL DISTRICTS IN SARPY COUNTY. SO BELLEVUE, PAPILLION-LA VISTA, SPRINGFIELD PLATTEVIEW, AND GRETNA WERE NOT IN DANGER OF BEING TAKEN OVER BY OPS. SO THIS TALK THAT YOU'RE HEARING RIGHT NOW THAT THERE WAS A GRAND TRADE-OFF BETWEEN SCHOOL DISTRICTS WOULD KEEP...WOULD CONTINUE TO EXIST AND IN EXCHANGE WE'D FREEZE THE BOUNDARIES AND THERE WOULD BE A COMMON LEVY, THAT'S NOT ENTIRELY ACCURATE. THE TRUTH OF THE MATTER IS, SARPY COUNTY SCHOOL DISTRICTS COULD HAVE CONTINUED...WOULD HAVE CONTINUED TO EXIST WITHOUT THE EXISTENCE OF THE LEARNING COMMUNITY. WHAT THE LEARNING COMMUNITY DID WAS, THERE WERE SOME BOUNDARY DISPUTES WITHIN THE SCHOOL DISTRICTS WITHIN SARPY COUNTY, BELLEVUE AND SPRINGFIELD PLATTEVIEW, IT REMEDIATED THOSE PROGRAMS, BUT IT WASN'T SOME GRAND COMPROMISE WITH OPS. SARPY COUNTY WAS INCLUDED IN THE LEARNING COMMUNITY FOR ONE PURPOSE AND ONE PURPOSE ONLY, THEY WANTED OUR MONEY. I CAN UNDERSTAND THAT, BUT THEY COULDN'T MAKE THE MATH WORK WITHOUT TAKING MONEY OUT OF THE SARPY COUNTY SCHOOL DISTRICTS. SO ABOLISHING THE LEARNING COMMUNITY, ABOLISHING THE COMMON LEVY, ALL THAT DOES, IT DOESN'T RENEGE ANYTHING FROM SARPY COUNTY'S PERSPECTIVE; WE NEVER GOT ANYTHING IN THE FIRST PLACE. WE WERE DRUG KICKING AND SCREAMING, AGAINST OUR WILL, INTO A LEARNING COMMUNITY THAT WE DIDN'T WANT, PAYING TAXES INTO A COMMON LEVY THAT WE DIDN'T SUPPORT EVER EXISTING. WHAT THE COMMON LEVY SAVED WERE SCHOOL DISTRICTS LIKE MILLARD AND WESTSIDE, AND TO A LESSER EXTENT RALSTON IF OMAHA EVER HAD AN INCLINATION TO ANNEX RALSTON. IT ALLOWED THEM TO CONTINUE TO EXIST. SO IT SOUNDS LIKE RIGHT NOW WE'RE KIND OF HAMMERING OUT THE DETAILS. AND IF YOU THINK HAMMERING OUT THE DETAILS ON THIS BILL ON GENERAL FILE AT 5:33 IN THE EVENING IS BAD, YOU SHOULD HAVE SEEN HOW THE LEARNING COMMUNITY WAS ENACTED IN THE FIRST PLACE. THE LEARNING COMMUNITY AS WE KNOW IT WAS DROPPED IN THE DARK OF EVENING AT THE

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LATTER PART OF A SESSION, ON A SELECT FILE AMENDMENT. THAT'S HOW THAT WAS CREATED. AND IT LOOKS LIKE THE HUDDLE IS BREAKING UP, SO WE'LL SEE WHAT EVERYONE CAME UP WITH. [LB1067]

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR MURANTE: AND I URGE EVERYONE WHO IS WORKING SO HARD ON THIS...FIRST OF ALL, AS A CITIZEN OF GRETNA, AS A CITIZEN OF SARPY COUNTY, AS A REPRESENTATIVE OF THOSE PEOPLE, I THANK YOU ALL FOR WORKING SO HARD ON SOMETHING THAT IS SO IMPORTANT TO ALL OF US BUT IT'S NOT A PAROCHIAL ISSUE. THIS IS SOMETHING THAT IMPACTS THE ENTIRE STATE OF NEBRASKA AND I THANK EVERYONE FROM ALL PARTS OF NEBRASKA WHO HAVE TAKEN AN INTEREST IN THIS FROM WORKING SO HARD TO GET SOMETHING DONE. THANK YOU, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1067]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. WHAT I HAVE GATHERED BY ASKING QUESTIONS--WHICH I'M KNOWN TO DO--HOW THIS ALL STARTED, THIS WASN'T ABOUT FUNDING, THIS WASN'T ABOUT POVERTY. THIS WAS ABOUT THIS GREAT THEORY, PROGRESSIVE THEORY OF ONE SCHOOL, ONE COMMUNITY. I HEARD HOW TERRIBLE WHAT HAPPENED TO CHICAGO AND WHAT HAPPENED TO KANSAS CITY, BUT I DIDN'T THINK OMAHA WAS THAT. IT WAS ONE SCHOOL, ONE COMMUNITY, EVERYBODY WAS GOING TO SIT AROUND A CAMPFIRE AND SING SONGS. AS WE CAN SEE, IT DIDN'T HAPPEN. WE GOT A REAL FAMILY FIGHT BETWEEN SUBURBAN AND URBAN SCHOOL DISTRICTS. THAT IS THE REASON THEY DID THIS IS ONE SCHOOL, ONE COMMUNITY. IT FAILED COMPLETELY, HAS NOTHING TO DO ABOUT POVERTY OR ANYTHING LIKE THAT. MAYBE THE LEARNING COMMUNITY PART OF IT WAS SUPPOSED TO ADDRESS POVERTY AND IT'S DONE A LITTLE BIT WITH THEIR 2 CENTS. BUT AS FAR AS THE COMMON LEVY, IT WAS ONE SCHOOL, ONE COMMUNITY. IT'S FAILED. IT'S FAILED. AS FAR AS THE SUPER INTELLIGENT Ph.D.s, 11 SUPERINTENDENTS COMING UP WITH THIS GREAT PLAN TO CURE POVERTY, THEY ALL RUN SCHOOLS NOW, WHY DO THEY HAVE POVERTY IN THEIR SCHOOLS IF THEY ALREADY KNOW THE ANSWER TO IT? THEY DIDN'T DO IT NOW, WHY WOULD THIS PLAN DO IT? AND THEN I TALKED TO A COUPLE OF SUPERINTENDENTS, I SAID, YOU GUYS JUST HAD THIS MASTER PLAN, RIGHT? NO, NO, NOT REALLY. ABOUT NINE OF US WANTED OUT OF THE COMMON LEVY SO BAD WE AGREED WITH TWO OF THEM TO ADD ALL OF THAT

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POVERTY STUFF IN THERE SO THEY WOULD BE UNITED ON A PLAN. SOUNDS LIKE A UNICAMERAL TO ME: COMPROMISING. BUT THIS WAS...I HEARD SENATOR MELLO SAY THIS WAS THE GREAT PH.D., GREATEST EDUCATORS IN THE WORLD PLAN TO SOLVE POVERTY. IT WAS A COMPROMISE, WHERE NINE PEOPLE WERE HELD HOSTAGE AND TWO OF THEM SAID, YOU'RE GOING TO DO THIS WHERE WE CAN EXTORT MORE MONEY TO GET RID OF YOUR COMMON LEVY. LET'S BE HONEST ABOUT IT, THAT'S WHAT'S GOING ON HERE. THERE'S NO GREAT PLAN TO CURE POVERTY. MORE MONEY...GIVE THEM \$150 MILLION NOW FOR POVERTY ASSISTANCE IN THE STATE OF NEBRASKA. IT'S MORE THAN ANY OTHER STATE AROUND US EVEN CONSIDERS DOING. AS FAR AS THE \$8.5 MILLION, \$15 MILLION, \$30 MILLION, YOU PUT A NUMBER ON IT. YOU TELL ME WHAT NUMBER YOU GET AND YOU WILL CURE POVERTY. YOU TELL ME IT. YOU SHOW ME THE STATE THAT'S SPENDING THE MONEY THAT THEY'VE CURED POVERTY. "BOHONK," IT DOESN'T HAPPEN. LEXINGTON SCHOOLS IS A MODEL. THEY GOT A NEW ADMINISTRATOR IN THERE, CAME UP WITH A PROGRAM AND IT'S WORKING. IT'S NOT ABOUT MONEY. MAYBE OMAHA OPS OUGHT TO GO VISIT LEXINGTON. AND IF YOU WANT TO KNOW ABOUT 100-SOME LANGUAGES IN A SMALL TOWN, YOU GO TO LEXINGTON. BUT I DON'T WANT TO SPEND MORE THAN \$8.5 MILLION. AND I'M AN EXPERT. I'M A FINANCIAL EXPERT. I GOT ELECTED TO OFFICE. SO HOW DO YOU KNOW WHAT THE NUMBER IS? THAT'S ALL WE CAN AFFORD IS \$8.5 MILLION. IT'S CALLED COMPROMISE. FIVE POINT FOUR MILLION DOLLARS, WE HAVE TO COME UP WITH. AND I'M TRYING TO FIGURE OUT HOW YOU TAKE AWAY \$5.4 MILLION OF PROPERTY TAX AND YOU GIVE THEM \$5.4 MILLION OF STATE AID AND ALL OF A SUDDEN SOMEBODY LOST MONEY. THAT AIN'T THE MATH I'VE EVER RAN A BUSINESS WITH. WHERE DOES THAT MATH COME FROM? AND IF THE COMMUNITY WAS WORKING, POVERTY SHOULD HAVE BEEN SOLVED. IT'S BEEN SEVEN, EIGHT YEARS, WHATEVER IT'S BEEN. AS IF WE PULL THIS COMMON LEVY, GEE, ALL THE POVERTY IS GOING TO COME BACK. I JUST GOT TOLD IT'S HERE, IT'S HERE TO STAY AND IT'S INCREASING SO THE... [LB1067]

PRESIDENT FOLEY: ONE MINUTE. [LB1067]

SENATOR GROENE: SO THIS WHOLE EXPERIMENT FAILED MISERABLY. YOU'RE AT EACH OTHER'S THROATS. YOU DRUG US RURAL PEOPLE INTO IT...INTO YOUR FAMILY FIGHT. JUST GET RID OF IT. LET'S ALL BE ON THE SAME PLAYING FIELD. LET'S ALL BE IN TEEOSA AGAIN. LET'S ALL BE ONE STATE, ONE FORMULA. DOES THAT MAKE SENSE? THIS IS JUST A FAMILY FEUD AND THEN YOU'RE DRAGGING US INTO IT. I'M WILLING TO HELP YOU GUYS GET RID OF IT. GET RID OF IT. IT SHOULD HAVE BEEN GONE A LONG TIME AGO. THANK YOU. [LB1067]

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PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB1067]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR. I WOULD YIELD MY TIME TO SENATOR CRAWFORD. [LB1067]

PRESIDENT FOLEY: SENATOR CRAWFORD, YOU'VE BEEN YIELDED 5:00. [LB1067]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I AM GOING TO PULL MY AMENDMENT. I HAVE HEARD HERE THAT WE HAVE AGREEMENT TO VOTE ON SENATOR SULLIVAN'S AMENDMENT. IF THAT IS TRUE AND SENATOR SULLIVAN'S AMENDMENT IS SUCCESSFUL, THEN I THINK THAT IS GREAT. AND I BELIEVE THAT I WILL YIELD THE...I WILL PULL MY AMENDMENT AND YIELD THE REST OF MY TIME TO SENATOR SULLIVAN. [LB1067]

PRESIDENT FOLEY: AM2787 HAS BEEN PULLED. YOU CANNOT YIELD THAT TIME, SENATOR. [LB1067]

SENATOR CRAWFORD: OH, OKAY. ALL RIGHT. THEN...SO WE'RE GOING TO PULL THAT AMENDMENT. [LB1067]

PRESIDENT FOLEY: YES, THE AMENDMENT HAS BEEN PULLED. [LB1067]

SENATOR CRAWFORD: THANK YOU. THANK YOU. AND THEN I HOPE THAT WE WILL BE SUCCESSFUL IN PASSING SENATOR SULLIVAN'S AMENDMENT. IF NOT, WE'LL CONTINUE TO COME BACK TO A DISCUSSION AND WE MAY COME BACK TO SOMETHING LIKE THE AMENDMENT I HAD UP THERE BEFORE. THANK YOU. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATOR KRIST, YOU'RE RECOGNIZED. [LB1067]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. THANK YOU FOR PULLING THAT AMENDMENT, SENATOR CRAWFORD, AND THANK YOU TO THE FOLKS WHO HAVE BEEN WORKING ON THE COMPROMISE THAT WE HAVE REACHED. I BELIEVE WHERE WE ARE IS A POINT AT WHICH WE ARE FOCUSING ON THE KIDS, WE'RE FOCUSING ON THE POVERTY EQUATION, WE'RE FOCUSING ON GETTING RID OF THE COMMON LEVY, WE'RE FOCUSING ON THE THINGS THAT ARE IMPORTANT IN

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THE LEARNING COMMUNITY. AND WE CAN MOVE ON, FEELING COMFORTABLE. THE DEVIL IS IN THE DETAILS THOUGH. BETWEEN NOW...IF WE WILL...AND I WILL SUPPORT AM2781 AND THE UNDERLYING LB1067. BETWEEN GENERAL AND SELECT THERE'S GOING TO HAVE TO BE SOME CAREFUL SCULPTING IN TERMS OF HOW THIS MONEY WILL BE DISTRIBUTED PER SOME OF THE HANDSHAKE DEALS THAT HAVE BEEN MADE. WE SHOULD FEEL GOOD ABOUT WHAT WE'VE DONE ON THE FLOOR TODAY, EVEN THOUGH THERE WAS A BIT OF DRAMA, AND I UNDERSTAND SOMETIMES THERE HAS TO BE. PLEASE VOTE YES ON AM2781 AND ON LB1067, AND THEN WE'LL WORK ON THE DETAILS BETWEEN GENERAL AND SELECT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB1067]

SENATOR CRAWFORD: I'LL WAIVE. [LB1067]

PRESIDENT FOLEY: SHE WAIVES THE OPPORTUNITY. SENATOR MURANTE, YOU'RE RECOGNIZED. HE WAIVES THE OPPORTUNITY. SENATOR KINTNER, YOU'RE RECOGNIZED. HE WAIVES THE OPPORTUNITY. SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON AM2781. [LB1067]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND THANK YOU VERY MUCH, COLLEAGUES, FOR NOT ONLY THE DISCUSSION BUT...ON THE MIKE BUT ON THE FLOOR AND ALL AROUND. I WANT YOU TO KNOW ONE THING THAT I HAVE STAYED TRUE TO ALL OF THIS TIME. WHAT I SAY IS WHAT YOU GET WITH ME. I HAVE TRIED TO BE UP-FRONT, I HAVE BEEN WILLING TO COMPROMISE, AND I CONTINUE AND AM WILLING TO DO THAT. SO WITH...WE CAN BE SO FORTUNATE TO APPROVE THIS AMENDMENT AND ADVANCE LB1067, I WILL ASSURE YOU THAT I WILL CONTINUE TO WORK BETWEEN NOW AND SELECT FILE TO CRAFT SOMETHING THAT, AS SENATOR KRIST SAID, DOES THE RIGHT THING BY KIDS, DOES THE RIGHT THING BY THE LEARNING COMMUNITY, AND STAYS TRUE TO MY VALUES AND MY PHILOSOPHY OF WHAT THE LEARNING COMMUNITY IS ALL ABOUT AND, IN SO DOING, SPEAKS TO THE NEEDS OF POVERTY IN SCHOOLS THAT DO HAVE THOSE HIGH NEEDS. SO I URGE YOUR GREEN VOTE FOR AM2781. THANK YOU. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. MEMBERS, YOU'VE HEARD THE DEBATE ON AM2781. THE QUESTION IS THE ADOPTION OF THE AMENDMENT.

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ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1067]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SULLIVAN'S AMENDMENT. [LB1067]

PRESIDENT FOLEY: AM2781 IS ADOPTED. MR. CLERK. [LB1067]

CLERK: SENATOR COOK, AM2493. [LB1067]

SENATOR COOK: (RECORDER MALFUNCTION)...THAT AMENDMENT, MR. PRESIDENT, MR. CLERK. [LB1067]

PRESIDENT FOLEY: THAT AMENDMENT HAS NOW BEEN WITHDRAWN. [LB1067]

CLERK: SENATOR GROENE, AM2778. (LEGISLATIVE JOURNAL PAGES 1332-1333.) [LB1067]

PRESIDENT FOLEY: SENATOR GROENE, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1067]

SENATOR GROENE: THANK YOU. I'LL PROBABLY PULL IT. BUT SINCE WE MADE THIS GREAT COMPROMISE, THERE'S A COUPLE OF BILLS ON A SALES TAX ONE, OF LB774, THE GREAT COMPROMISER. WE CAN PULL THAT THING AND KILL THAT THING SO WE CAN PAY FOR IT WITH THAT SALES TAX BILL. THERE'S ONE ON ARENAS THAT'S \$3 MILLION. IF WE PULL THAT AND DESTROY THAT BILL WHEN IT COMES AROUND, WE'VE JUST PAID FOR THE GREAT COMPROMISE. WE GOT TO PAY FOR IT, FOLKS. SO IF YOU'RE WILLING TO DO THAT IN THE FUTURE, IF YOU'RE GOING TO GIVE MONEY AWAY, LET'S PAY FOR IT TOO. I PULL MY AMENDMENT. [LB1067 LB774]

PRESIDENT FOLEY: AM2778 HAS BEEN WITHDRAWN. MR. CLERK. [LB1067]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: CONTINUING DEBATE, SENATOR SMITH, YOU'RE RECOGNIZED. [LB1067]

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SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND I JUST WANT TO KIND OF GET EVERYONE UP TO SPEED WITH WHAT I KNOW OF IS GOING ON RIGHT NOW. AND THEN I'M GOING TO TURN IT OVER TO SENATOR MELLO AND SEE IF HE CAN MAYBE SHED SOME ADDITIONAL LIGHT ON IT. BUT WE HAVE ADOPTED SENATOR SULLIVAN'S AMENDMENT AND WE WOULD LIKE TO SEE SENATOR SULLIVAN'S BILL ADVANCE TO SELECT. AND BETWEEN NOW AND SELECT FILE WE WANT TO HAVE SOME FURTHER DISCUSSIONS AS TO THE FISCAL NOTE AND ALL THE COMPONENTS OF THAT FISCAL NOTE THAT IS INCLUDED IN SENATOR SULLIVAN'S BILL. I THINK WE'VE HAD SOME GREAT DISCUSSION AND I THINK EVERYONE IS REALLY MINDFUL OF TRYING TO CONTROL THAT FISCAL NOTE AND I REALLY APPRECIATE THAT. I THANK SENATOR SULLIVAN FOR HER EFFORTS TO WORK WITH US AS WELL. THERE IS ABSOLUTELY LIKELY TO BE AN AMENDMENT ON SELECT FILE, AND HOPEFULLY IT WILL BE SOMETHING THAT REFLECTS AN AGREEMENT WITH ALL THE SIDES PRESENT HERE THIS EVENING. AND WITH THAT, I'M GOING TO TURN IT OVER TO SENATOR MELLO. SENATOR MELLO, WOULD YOU LIKE TO HAVE THE REMAINING TIME? [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. SENATOR MELLO, 3:50. [LB1067]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AND A THANK-YOU TO EVERYONE WHO HAVE HAD CONVERSATIONS ON THE FLOOR OVER THE LAST 30 TO 40 MINUTES, SENATORS WHO HAVE PUT AMENDMENTS IN TO SPARK DISCUSSION. SENATOR SMITH IS RIGHT, A NUMBER OF US HAVE GONE OUT AND SPOKE WITH A NUMBER OF SCHOOL DISTRICTS AFFECTED BY LB1067, SENATOR SULLIVAN, AS WELL AS THOSE FROM THE GOVERNOR'S OFFICE, TO MOVE SENATOR SULLIVAN'S BILL AS IT WAS AMENDED TO SELECT FILE. AND SENATOR SMITH IS ABSOLUTELY RIGHT, THE ISSUE BETWEEN GENERAL AND SELECT FILE IS GOING TO BE DISCUSSED AND TO REALLY DIG INTO THE DETAILS IN REGARDS TO HOW THAT FUNDING ASSOCIATED WITH LB1067 WOULD BE DISTRIBUTED, MORE SO THAN ANYTHING ELSE. I THINK THERE'S STILL SOME UNEASINESS, I WOULD SAY IS A GOOD WAY TO SAY IT, IN REGARDS TO THE CURRENT DOLLAR AMOUNT. BUT I THINK FOR THE MOST PART, ENOUGH CALMER HEADS HAVE PREVAILED TO SAY WE'LL MOVE FORWARD AT THE \$13.5 MILLION DOLLARS A YEAR THAT LB1067 SITS NOW, UNDERSTANDING THAT \$5.3 MILLION OF THAT IS AUTOMATICALLY INTEGRATED IN TEEOSA SO WHAT WE'RE REALLY TALKING ABOUT IS ABOUT \$8.2 MILLION TO ADDRESS ISSUES REGARDING POVERTY, SENATOR SULLIVAN'S COMMUNITY ACHIEVEMENT PLAN ISSUE, AS WELL AS CONCERNS REGARDING THE TRANSITION AID COMPONENT. SO MORE IMPORTANTLY, I'D URGE EVERYONE TO ADVANCE LB1067 TO SELECT FILE, KNOWING THERE'S A LOT OF WORK STILL TO

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DO. I APPRECIATE A NUMBER OF RURAL SENATORS WILLING TO ENGAGE AND DISCUSS THIS ISSUE WITH SENATOR SULLIVAN OBVIOUSLY AND SENATOR BAKER AND KRIST WHO LED OFF THIS AFTERNOON. BUT MORE IMPORTANTLY, WE'VE GOT A LOT MORE WORK TO DO TO ACHIEVE WHAT I THINK A NUMBER OF URBAN, SUBURBAN, AND RURAL SENATORS WOULD LIKE TO SEE HAPPEN WITH THIS BILL. THANK YOU, MR. PRESIDENT. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON LB1067. [LB1067]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND THANK YOU, COLLEAGUES, ALL OF YOU, FOR THE APPROVAL OF THE AMENDMENT. AND YOU HAVE MY WORD, MY COMMITMENT, AS I HAVE ALWAYS SAID, TO WORK ON THIS BILL, TO LISTEN TO THE PEOPLE THAT NEED TO WEIGH IN ON THIS AS WE GO FORWARD BETWEEN NOW AND SELECT FILE. I'LL BRING THE NECESSARY SENATORS TOGETHER TO CRAFT SOMETHING THAT WILL MEET THE CONCERNS EXPRESSED AND BRING SOMETHING BACK TO YOU THAT I HOPE WILL RECEIVE YOUR GREEN VOTE. AND I DO ASK FOR YOUR GREEN VOTE NOW ON LB1067. THANK YOU. [LB1067]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. MEMBERS, YOU'VE HEARD THE DEBATE ON LB1067. THE QUESTION IS THE ADVANCE OF THE BILL 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. [LB1067]

CLERK: 40 AYES, 1 NAY, MR. PRESIDENT, ON THE ADVANCEMENT OF LB1067. [LB1067]

PRESIDENT FOLEY: LB1067 ADVANCES. MR. CLERK. [LB1067]

CLERK: LB1067A BY SENATOR SULLIVAN. (READ TITLE.) [LB1067A]

PRESIDENT FOLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON LB1067A. [LB1067A]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. OBVIOUSLY, IF YOU LOOK AT LB1067A IN ITS ORIGINAL FORM, THAT'S NOT SOMETHING YOU WOULD LIKE; IT'S \$17 MILLION. WHAT WE ARE DOWN TO WITH THE AMENDMENT THAT YOU

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PASSED IS \$13.5 MILLION AND YOU WILL SEE AN AMENDED FISCAL NOTE ON SELECT FILE. SO FOR RIGHT NOW, I JUST WOULD SIMPLY ASK THAT YOU VOTE TO ADVANCE THIS AND THEN WE WILL WORK ON IT BETWEEN NOW AND SELECT FILE. THANK YOU, MR. PRESIDENT. [LB1067A]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB1067A 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. [LB1067A]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE A BILL. [LB1067A]

PRESIDENT FOLEY: LB1067A ADVANCES. ITEMS FOR THE RECORD, MR. CLERK? [LB1067A]

CLERK: YES, MR. PRESIDENT. BEFORE WE PROCEED, ENROLLMENT AND REVIEW REPORTS LB884 TO SELECT FILE WITH AMENDMENTS. A COMMUNICATION FROM THE GOVERNOR TO THE CLERK. (READ RE LB83, LB447, LB447A, LB698, LB698A, LB704, LB710, LB730, LB772, LB794, LB817, LB857, LB897, LB906, LB956, LB957, LB981, LB1009, LB1059, LB1081, LB1082, LB1082A, LB1092, AND LB1109.) FURTHER COMMUNICATION. (READ RE LB956 AND LB957.) THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1334-1335.) [LB884 LB83 LB447 LB447A LB698 LB698A LB704 LB710 LB730 LB772 LB794 LB817 LB857 LB897 LB906 LB956 LB957 LB981 LB1009 LB1059 LB1081 LB1082 LB1082A LB1092 LB1109]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. PURSUANT TO THE AGENDA, WE'LL NOW MOVE BACK TO WHERE WE LEFT OFF THIS MORNING. MR. CLERK. [LB821]

CLERK: LB821. SENATOR CHAMBERS HAS PENDING, MR. PRESIDENT, A MOTION TO RECONSIDER THE VOTE ON FA111. [LB821]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. CONTINUING DEBATE ON LB821 AND RELATED AMENDMENTS AND MOTIONS, SENATOR LARSON, YOU'RE RECOGNIZED. [LB821]

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SENATOR LARSON: THANK YOU, MR. PRESIDENT. COLLEAGUES, AN HOUR AND 52 MINUTES, 7:54, IF THAT'S WHAT IT TAKES. I APPRECIATE HAVING BEEN ABLE TO WALK AROUND AND TALK WITH ALL OF YOU. I'D ASK YOU TO HOLD IN THERE. LB821 IS IMPORTANT FOR WORKPLACE PRIVACY. IT DOES COVER EVERYONE. AND AS INTERNET ACCOUNTS CONTINUE TO GROW IN POPULARITY--NOT JUST SOCIAL MEDIA, ALL INTERNET ACCOUNTS--ANYTHING IN THE CLOUD, ANYTHING OF THAT NATURE IS PROTECTED IN LB821, NOT JUST SOCIAL MEDIA. AGAIN, I APPRECIATE THE SUPPORT THAT MANY OF YOU HAVE GIVEN ME. I ASK YOU TO HANG IN THERE FOR AN HOUR AND 51 MINUTES. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, FOR ME WHAT HAPPENED THE LAST FEW HOURS DID NOT HAPPEN. BUT IT GAVE ME SOME THOUGHTS, SOME DETERMINATION. BUT THE BUSINESS AT HAND IS LB821 AND WHAT I HAVE BEEN SAYING REPEATEDLY AND I'LL CONTINUE TO HAMMER AWAY ON THAT. IN THE SAME WAY SOME PEOPLE KEEP TALKING ABOUT SALES TAX, I'M GOING TO LET YOU ALL KNOW WHAT I'M GOING TO DO AS I LISTENED. THESE FARMERS AND RANCHERS HAVE BEEN GETTING FEDERAL SUBSIDIES, AND A LOT OF THAT INFORMATION IS A MATTER OF PUBLIC RECORD, BUT IT HAS NOT BEEN UTILIZED UP HERE. AND IT MIGHT PUT INTO CONTEXT SOME OF THE THINGS SOME OF THESE PEOPLE ARE TALKING ABOUT. AND THE REASON I'M GOING TO BE ABLE TO DO THIS IS NOT BECAUSE I KNOW HOW TO USE THE GADGET. BUT THERE'S A PERSON WHO'S BEEN COLLECTING AND COMPILING THIS INFORMATION AND HAS BECOME PARTICULARLY INCENSED AT SOME OF THE VOTES THAT THESE SENATORS HAVE BEEN GIVING AND THE COMMENTS SOME OF THE SENATORS HAVE BEEN MAKING, ESPECIALLY HOW MUCH PROPERTY TAX THEY PAY WHEN THEY HAVE GOTTEN IN THE LAST FEW YEARS OVER \$1 MILLION IN FEDERAL GOVERNMENT SUBSIDIES. AND THEY CAN INCORPORATE THEMSELVES AND GET PLENTY OF MONEY. SO IF IT WAS AN ORDINARY PERSON TRYING TO MAKE A LIVING OFF THE LAND FROM WHAT WAS PRODUCED, THAT WOULD BE ONE THING. BUT WHEN YOU HAVE TAXPAYERS' MONEY GOING TO SUPPORT FARMERS WHO HAVE GOT PLENTY ANYWAY, IT PUTS THINGS INTO A DIFFERENT CONTEXT. AND WHEN YOU HEAR ALL OF THIS PONTIFICATING ABOUT PROPERTY TAX RELIEF AND PROTECTING THE TAXPAYERS, THERE'S ONE PERSON WHO'S BEEN DOING THAT ALL DAY AND I HAVE YET TO HEAR HIM SAY ANYTHING ABOUT THE HUGE SUBSIDIES THAT FARMERS ARE GETTING. BUT WE'LL HAVE AN OPPORTUNITY TO

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GO THROUGH THOSE THINGS WHEN WE GET TO THOSE TAX BILLS. ON THIS BILL I SAY AGAIN WHAT I'VE BEEN SAYING BEFORE I GET BACK TO THE MAIN ISSUE THAT I'VE DISCUSSED ON THIS BILL. IT'S A DO-NOTHING BILL. IT'S AN UNNECESSARY BILL. WHEN WE LEFT DISCUSSING THE BILL THIS MORNING, I WAS TALKING TO SENATOR WILLIAMS AND I WOULD LIKE TO FIND OUT IF HE WOULD YIELD TO A QUESTION OR TWO. [LB821]

PRESIDENT FOLEY: SENATOR WILLIAMS, WOULD YOU YIELD, PLEASE? [LB821]

SENATOR WILLIAMS: CERTAINLY. [LB821]

SENATOR CHAMBERS: SENATOR WILLIAMS, I DON'T THINK I MADE WHAT I WAS ASKING YOU CLEAR THIS MORNING. ANYTHING THAT ANYBODY PUTS INTO THE PUBLIC DOMAIN IS THERE FOR ANYBODY TO GET AND ANY PRUDENT PERSON WHO'S GOING TO HIRE AN INDIVIDUAL WOULD SEEK THAT INFORMATION IN THE SAME WAY HE OR SHE MIGHT LOOK AT RECOMMENDATIONS THAT ARE GIVEN. AND PEOPLE ARE WARNED CONSTANTLY, DON'T PUT THE WRONG THING ON THE NET BECAUSE IT WILL BE AVAILABLE AND HINDER YOU IN GETTING JOBS. THAT'S NOT WHAT I'M ASKING. THAT'S WHAT A PRUDENT BUSINESSPERSON WOULD DO. WHAT I'M TALKING ABOUT ARE THESE PRIVATE ACCOUNTS WHERE PEOPLE HAVE NOT PUT THIS MATERIAL ON THE WEB, AND THIS BILL IS SAYING THAT AN EMPLOYER COULD NOT INSIST, COULD NOT EVEN REQUEST THAT THESE PRIVATE FILES WHICH WERE NOT PUT ON THE INTERNET WOULD BE MADE AVAILABLE TO THE EMPLOYER. AND MY QUESTION TO YOU WAS, WOULD YOU SEEK TO GET THAT KIND OF INFORMATION FROM AN EMPLOYEE WHICH IS PRIVATE, PERSONAL, AND NOT ON THE WEB? [LB821]

SENATOR WILLIAMS: AS AN EMPLOYER, NO, I WOULD NOT TRY TO GET THAT INFORMATION. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: THANK YOU. AND THAT'S ALL I REALLY WANTED TO ASK YOU BECAUSE SENATOR McCOLLISTER HAD SAID THE SAME THING. I HAVE YET TO HEAR ANY BUSINESSPERSON SAY THAT'S WHAT THEY WANT TO DO. NONE HAS DONE IT IN NEBRASKA. AND IN ADDITION TO THAT, THE BILL DOES PUT A PERSON IN A POSITION TO BE A DISGRUNTLED INDIVIDUAL AND CAN MAKE THE ALLEGATION THAT HE OR SHE WAS FIRED FOR REFUSAL TO GIVE ACCESS TO THIS INFORMATION TO THE BOSS WHO FIRED THAT PERSON. AND IT'S

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INTERESTING THAT SOME OF THE BUSINESSPEOPLE DID NOT PICK THIS UP, BUT MAYBE THE BILL WAS PRESENTED THAT ISSUE DID NOT ARISE. THANK YOU, MR. PRESIDENT. AND BECAUSE WE'VE BEEN A WHILE, WAS THAT MY THIRD TIME ON THIS ONE? [LB821]

PRESIDENT FOLEY: YOU HAVE ONE MORE, SENATOR, IF YOU CARE TO USE IT. [LB821]

SENATOR CHAMBERS: YES, THANK YOU. [LB821]

PRESIDENT FOLEY: AND YOU MAY CONTINUE AT THIS POINT. [LB821]

SENATOR CHAMBERS: AND BACK TO WHAT I'VE BEEN HAMMERING AWAY ON ALONE, PEOPLE WHO BELONG TO THE LGBT COMMUNITY ARE AS DISCRIMINATED AGAINST, ARE AS OPPRESSED, ARE HELD UP TO AS MUCH RIDICULE AND SCORN AND REFERRED TO CONTEMPTUOUSLY BY SOME HIGH-RANKING CHURCH PEOPLE. ALL OF THAT EXISTS TODAY JUST AS IT DID YESTERDAY. BUT WHAT THE PEOPLE WHO WANT TO BE IN THE POSITION TO DO THOSE THINGS AND DEGRADE PEOPLE COUNT ON IS THAT THE PROTECTORS AND DEFENDERS OF THESE SET-UPON PEOPLE WILL GET TIRED OR SAY IT DOESN'T DO ANY GOOD TO FIGHT BECAUSE THE BATTLE IS NOT GOING TO BE WON. SOME THINGS ARE DONE INCREMENTALLY AND THAT'S THE WAY THIS STRUGGLE IS GOING TO BE CARRIED OUT. IN OTHER STATES THERE HAVE BEEN HIGH-RANKING STATE OFFICIALS WHO HAVE SPOKEN OUT AGAINST DISCRIMINATORY LEGISLATION. THEY DID SUCH A JOB IN RALLYING OPPOSITION THAT THE GOVERNOR OF GEORGIA VETOED A BILL...OR HE DIDN'T SIGN IT. ANYWAY, THE ONE IN NORTH CAROLINA MAY HAVE SIGNED IT. A LAWSUIT WAS FILED. THE ATTORNEY GENERAL IS NOT GOING TO DEFEND IT AGAINST THAT LAWSUIT. IN GEORGIA, IT MAY BE WHERE THE GOVERNOR DECIDED NOT TO SIGN IT BECAUSE THE NFL SAID THE SUPER BOWL WOULD NOT BE PLAYED THERE. OTHER LARGE MONEY-DRAWERS HAVE SAID THAT THEY WOULD AVOID GEORGIA. THE WORD HASN'T GOTTEN OUT ABOUT NEBRASKA YET BECAUSE THERE IS SO MUCH LACK OF KNOWLEDGE ABOUT THIS STATE. IT'S THOUGHT MAINLY IN TERMS OF ITS BEING "HICKIFIED," A FLYOVER STATE. THOSE ARE WORDS EVEN USED BY PEOPLE IN NEBRASKA WHO SAID THEY WANT TO CHANGE THAT. BUT A LOT OF PEOPLE ARE NOT AWARE OF THE BIGOTRY, THE HOMOPHOBIA, AND THE OTHER NEGATIVES ABOUT THIS STATE WHICH HAVE ACTUALLY BEEN PUT INTO THEIR LAWS, AND IN ONE INSTANCE, THEIR CONSTITUTION WHERE SAME-SEX MARRIAGE WAS MADE UNLAWFUL BY THE

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CONSTITUTION, BUT THE U.S. SUPREME COURT STRUCK THAT DOWN. SO NEBRASKA DOES NOT HAVE A GOOD RECORD WHEN IT COMES TO TRYING TO VIOLATE THE RIGHTS OF CERTAIN CLASSES AND GROUPS OF PEOPLE AND ASSIGNING THEM TO A LOWER THAN FULLY HUMAN STATUS. THIS BILL THAT SENATOR LARSON HAS BROUGHT IS SOMETHING THAT DEALS WITH THE EMPLOYER-EMPLOYEE RELATIONSHIP AND IT LENDS ITSELF TO ME RAISING THE KIND OF ISSUE THAT I HAVE RAISED, THAT I CONTINUE TO RAISE, AND HAVE EVERY INTENTION OF CONTINUING TO TALK ABOUT FOR THE NEXT TWO HOURS OR SO. IT WILL NOT WEARY ME. IT WILL NOT DISCOURAGE ME. I KNOW HOW DEEP DYED THE BIGOTRY IS IN THIS LEGISLATURE, THE HOMOPHOBIA IS IN THIS LEGISLATURE, THE INTOLERANCE IS IN THIS LEGISLATURE. BUT IT MUST BE COUNTERED AND IT NEEDS TO BE COUNTERED BY SOMEBODY ON THE FLOOR OF THIS LEGISLATURE. AND IF IT FALLS TO ME TO DO IT, I WILL DO IT. IT DOESN'T MAKE ME ANY DIFFERENCE IF IT'S 1 PERSON OR 47 OR 48 OTHERS. THE ISSUES REMAIN THE SAME AND I INTEND TO KEEP RAISING THEM AND I WILL KEEP OFFERING AMENDMENTS TO THIS BILL UNTIL WE GET TO CLOTURE. SENATOR LARSON PROBABLY... [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...HAS THE VOTES HE NEEDS, BUT WE'RE GOING TO DO THIS DANCE ON SELECT FILE ALSO. AND I THINK THE TIME IS GOING TO BE MORE LIMITED WHEN WE GET TO SELECT FILE THAN IT IS TODAY BECAUSE SOME DAYS ARE GOING TO PASS. AND IT WILL PLAY INTO MY HANDS. AND YOU ALL WILL HAVE THE OPPORTUNITY TO SEE IF I'M GOING TO BUCKLE AND FOLD OR IF I WILL GO AHEAD AND USE THE TIME THAT IS PRESENTED TO ME TO FIGHT FOR THESE ISSUES THAT I THINK ARE FAR MORE IMPORTANT THAN SALES TAX, THAN BENEFITS TO BIG FARMERS, BIG RANCHERS, AND ALL THESE OTHER SIDE ISSUES THAT THE BODY AS A WHOLE SHOWS FAR MORE INTEREST IN. BUT MAYBE IT'S EMBARRASSMENT THAT CAUSES THEM TO LOOK THE OTHER WAY, BUT IT'S OF NO MOMENT TO ME. I SHALL DO WHAT I SHALL DO. THANK YOU, MR. PRESIDENT. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. AND, SENATOR CHAMBERS, YOU ARE RECOGNIZED TO MAKE YOUR CLOSING. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THE TERM THE LETTERS LGBT STAND FOR: LESBIAN, GAY, BISEXUAL, TRANSGENDER. THESE ARE DESIGNATIONS OF PEOPLE AND GROUPS

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OF PEOPLE. AND SOME OF THE HOLIER-THAN-THOU, MEDDLESOME, BUSYBODY PEOPLE WHO DON'T HAVE TO GET INVOLVED WITH ANYBODY FEEL IT'S THEIR BOUNDEN DUTY TO INTRUDE INTO THE AFFAIRS OF THESE PEOPLE EVEN TO THE POINT OF SAYING THAT IF THEY ARE DENIED THE OPPORTUNITY TO EARN A LIVING THAT'S PERFECTLY ALL RIGHT IN NEBRASKA. I'M SURPRISED THAT SO MANY CATHOLICS ARE TAKING THE ATTITUDE THEY TAKE BECAUSE I WENT TO A CATHOLIC UNIVERSITY. IT WAS A JESUIT UNIVERSITY. I KNOW WHAT THE JMJ STANDS FOR THAT STUDENTS PUT THEM AT THE TOP OF THEIR PAPERS. I GUESS THAT'S AN INCANTATION TO MAGICALLY MAKE THEM DO WELL ON A TEST-- JESUS, MARY, AND JOSEPH. BUT IT MEANT NO MORE THERE THAN THE PRAYERS THAT ARE UTTERED HERE. BUT ONE THING THAT THE CATHOLIC CHURCH ALWAYS TALKED ABOUT WAS CERTAIN BASIC RIGHTS THAT EVERY PERSON HAD: SHELTER, HEALTH, AN OPPORTUNITY TO EARN A LIVING. BUT WE HAVE CATHOLICS IN HERE WHO SAY BY THEIR VOTES THAT WHEN IT COMES TO RIGHT TO EARN A LIVING CERTAIN GROUPS ARE NOT A PART OF THE HUMAN RACE, THAT THE LAWS WILL CONSIGN THEM NOT TO THE KINGDOM OF THINGDOM BUT EVEN LOWER THAN THAT. THEY ARE NONPERSONS. THEY ARE NO MAN, NO WOMAN UNDER THE LAW OF THIS STATE AND WHEN THE LAW IS CORRUPT IT STANDS UNCORRUPTED AS THE FOUNTAINHEAD OF JUSTICE. BUT WHEN THE FOUNTAINHEAD IS CONTAMINATED, EVERYTHING THAT COMES OUT OF IT IS CONTAMINATED. SO WHEN I HEAR PEOPLE STAND ON THIS FLOOR AND TALK ABOUT EQUITY, TALK ABOUT JUSTICE, TALK ABOUT PROTECTING TAXPAYERS, IT'S JUST SO MUCH GIBBERISH. IT MEANS ABSOLUTELY NOTHING, BUT THEY GET AWAY WITH IT SO THEY CONTINUE TO DO IT. I CANNOT STOP ANYBODY FROM SAYING WHAT THEY WANT TO SAY AND I WOULD NOT WANT TO STOP THEM. I LIKE TO KNOW WHAT THEY ARE, WHERE THEY ARE, AND WHO THEY ARE. AND THE BEST WAY TO DO THAT IS TO PROVOKE THEM INTO SAYING WHAT THEY HAVE IN THEIR WICKED, LITTLE HEARTS. THEN I KNOW HOW TO DEAL WITH THEM. IN THE LEGISLATURE WE HAVE RULES THAT THE BODY ADOPTS BY A MAJORITY VOTE, USUALLY OVERWHELMING. AND I ALWAYS VOTE NO AND I DO IT FOR A REASON. I HAVE NO ROLE TO PLAY IN THE FABRICATION OR FORMULATION OF THESE RULES AND I VOTE AGAINST THEM, BUT I KNOW THAT I AM BOUND BY THEM. AND EVERYTHING I DO IS WITHIN THOSE RULES AND I INTEND TO CONTINUE DOING EXACTLY AND PRECISELY THAT AND I WILL TAKE HOWEVER MUCH TIME THAT I WANT. AND I JUST WANT SOME OF YOU TO PROVOKE ME TO TAKE EVEN MORE TIME THAN I MAY BE INTENDING TO TAKE. [LB821]

PRESIDENT FOLEY: ONE MINUTE. [LB821]

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SENATOR CHAMBERS: BUT I CERTAINLY AM GOING TO TAKE THIS BILL TO CLOTURE NOT ONLY HERE BUT ON SELECT FILE. IT WILL GET THERE. AND THERE ARE OTHER BILLS ON SELECT FILE THAT I INTEND TO TAKE TIME WITH. THERE ARE SOME BILLS ON FINAL READING THAT I INTEND TO TAKE TIME WITH. SUPPOSE WE HAVE 30 BILLS ON FINAL READING AND I TAKE ONLY 15 MINUTES ON EACH BILL. WOULD THAT BE...4 INTO 30 GOES 7 PLUS 2; THAT WOULD BE 7 HOURS TAKING ONLY 15 MINUTES ON EACH OF 30 BILLS, NOT ENOUGH TO KILL ANY ONE OF THEM, BUT IT WOULD BE ENOUGH TO KILL A LOT OF TIME. AND SOME OF THOSE THAT HAVEN'T MADE IT TO FINAL READING YET MAY NOT MAKE IT. SOME OF THOSE WHO ARE TRYING TO GET OFF SELECT FILE MAY NOT MAKE IT AND IT MEANS NOTHING TO ME. THIS SESSION... [LB821]

PRESIDENT FOLEY: TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I WOULD ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. THERE'S BEEN A REQUEST TO PLACE TO HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB821]

CLERK: 23 AYES, 1 NAY, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB821]

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 WATERMEIER, HANSEN, BOLZ, MURANTE, KINTNER, KOLOWSKI, PLEASE CHECK IN. SENATORS BOLZ AND MURANTE, THE HOUSE IS UNDER CALL. ALL UNEXCUSED MEMBERS ARE NOW PRESENT. THE QUESTION BEFORE US IS THE ADOPTION OF THE RECONSIDERATION MOTION. SENATOR CHAMBERS HAS REQUESTED A ROLL CALL VOTE. MR. CLERK, PLEASE CALL THE ROLL. [LB821]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1336.) 2 AYES, 45 NAYS, MR. PRESIDENT, ON THE RECONSIDERATION. [LB821]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE RECONSIDERATION MOTION IS NOT ADOPTED. I RAISE THE CALL. MR. CLERK. [LB821]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO AMEND WITH FA112. (LEGISLATIVE JOURNAL PAGE 1336.) [LB821]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON FA112. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. CLERK, SO THAT I HAVE THIS CORRECT, THIS IS THE ONE WHERE IT STRIKES THE WORDS "FORM OF DISCRIMINATION"? [LB821]

CLERK: YES, SIR. [LB821]

SENATOR CHAMBERS: OH, THANK YOU. MEMBERS OF THE LEGISLATURE, AND THIS IS FOR THE RECORD RATHER THAN THOSE WHO ARE HERE, ON PAGE 1, IN LINE 7, I'M STRIKING SOME SUPERFLUOUS WORDS--THOSE WORDS ARE "FORM OF DISCRIMINATION"--AND SUBSTITUTING THE WORD "ACTING". WHAT REALLY MADE THIS A TARGET FOR WHAT I'M DOING IS THAT SENATOR LARSON, WHO DID NOT DRAFT THIS BILL, WHO IS NOT AWARE OF THE RAMIFICATIONS OF THIS BILL, HAD SOMEBODY JUST COPY LANGUAGE FROM SOMEPLACE ELSE AND THAT LANGUAGE INCLUDED "FORM OF DISCRIMINATION." IT HAS NO PLACE IN THIS BILL. IT SERVES NO PURPOSE. AND FOR THE RECORD I'M GOING TO READ THE LANGUAGE AS IT IS WITH THAT, THEN I'M GOING TO READ THE LANGUAGE WITHOUT IT. YOU SHOULD NOTE HOW MANY SPECIFIC ITEMS ARE LISTED, MORE THAN YOU'LL FIND IN AN ORDINARY STATUTE. BEGINNING AT LINE 6 ON PAGE 1: "ADVERSE ACTION MEANS THE DISCHARGE OF AN EMPLOYEE, A THREAT AGAINST AN EMPLOYEE, OR ANY OTHER FORM OF DISCRIMINATION AGAINST AN EMPLOYEE THAT NEGATIVELY AFFECTS THE EMPLOYEE'S EMPLOYMENT, INCLUDING ACTIONS THAT AFFECT THE EMPLOYEE'S COMPENSATION, WORK LOCATION, RIGHTS, IMMUNITIES, PROMOTIONS, PRIVILEGES, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT." IF THOSE THINGS ARE VIOLATED THEY ARE COVERED BY ORDINARY RULES AND LAWS THAT GOVERN NONRETALIATORY ACTION AGAINST AN EMPLOYEE. HERE'S THE WAY THE PART WOULD READ THAT I'M DEALING WITH: ADVERSE ACTION MEANS THE DISCHARGE OF AN EMPLOYEE, A THREAT AGAINST AN EMPLOYEE, OR ANY OTHER ACT AGAINST AN EMPLOYEE. THESE OTHER THINGS SHOULD NOT BE UNDER THE RUBRIC DISCRIMINATION. SO IT WOULD READ THIS WAY WITH MY

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AMENDMENT: ADVERSE ACTION MEANS THE DISCHARGE OF AN EMPLOYEE, A THREAT AGAINST AN EMPLOYEE, OR ANY OTHER ACT AGAINST AN EMPLOYEE THAT NEGATIVELY AFFECTS THE EMPLOYEE'S EMPLOYMENT AND SO FORTH. WHOEVER PUT THIS TOGETHER DOES NOT UNDERSTAND GRAMMAR OR SYNTAX VERY WELL. THE LANGUAGE THAT FOLLOWS, WHETHER YOU USE DISCRIMINATION OR ACT, IS MODIFIED OR ELABORATED ON BY THE LANGUAGE THAT FOLLOWS AND IT IS AN OVERABUNDANCE OF LANGUAGE FOR WHAT IS INTENDED TO BE ACCOMPLISHED. IF THEY SAID ADVERSE ACTION MEANS THE DISCHARGE OF AN EMPLOYEE, A THREAT AGAINST AN EMPLOYEE, OR ANY OTHER ACT THAT NEGATIVELY AFFECTS THE EMPLOYEE'S EMPLOYMENT, THAT WOULD BE SUFFICIENT. BUT SINCE SENATOR LARSON, IF HE READ THIS HE DIDN'T UNDERSTAND IT, DID NOT SEE THE SURPLUSAGE, AND, THEREFORE, A LOT OF UNNECESSARY LANGUAGE IS IN THIS BILL. SO IF YOU REJECT THIS AMENDMENT, WHICH YOU PROBABLY WILL REFLEXIVELY--I SHOULD HAVE A BELL LIKE PAVLOV AND RING THE BELL AND PRODUCE THE CONDITIONED RESPONSE--THEN I WILL OFFER AN ADDITIONAL AMENDMENT THAT WOULD STRIKE A LOT OF THIS UNNECESSARY SURPLUSAGE. AND IF YOU DON'T ACCEPT THAT AMENDMENT, THEN WHEN WE GET TO SELECT FILE YOU WILL SEE THEM ALL AGAIN. THIS IS AN EASY BILL TO DEAL WITH BECAUSE IT OFFERS SO MANY OPPORTUNITIES TO OFFER WORTHWHILE AMENDMENTS THAT WOULD IMPROVE IT. BUT YOU'RE NOT GOING TO DO THAT BECAUSE YOU'RE LOCKED INTO IT. THE BRAIN TRUST IS AT WORK HERE, VERY INFERIOR LEGISLATION WHEN IT COMES TO THE DRAFTING OF IT. BUT THE BODY WILL GO ALONG WITH IT AND ALL I CAN DO IS CALL ATTENTION TO IT AND MOCK YOU FOR NOT MANIFESTING THE EDUCATIONAL ACUMEN THAT YOU OUGHT TO HAVE FROM HAVING GONE TO SCHOOL. AND HAVING AS LITTLE OF THAT ON YOUR OWN AND FOR YOURSELF, YOU SPENT A GOOD WHILE TODAY TALKING ABOUT EDUCATION FOR CHILDREN WHO ARE NOT GIVEN A FAIR BREAK. WHO ARE YOU TO TALK ABOUT THEIR EDUCATION WHEN YOU DON'T HAVE ANY YOURSELF? THOU THAT SAYEST READ, DOST THOU KNOW HOW TO READ? SOME OF YOU THINK THAT READING CONSISTS ONLY IN PASSING YOUR EYES OVER THE WORDS ON A PAGE, MAYBE EVEN GRASPING WHAT SOME OF THOSE WORDS MEAN. BUT IF THOSE WORDS COMBINE TO PRODUCE A THOUGHT, YOU ARE NOT ABLE TO GRASP THE SIGNIFICANCE OR MEANING OF THAT THOUGHT. AND THIS IS WHAT YOU BRING WHEN YOU GO TO A UNIVERSITY. WHEN PEOPLE LEAVE A HIGH SCHOOL IN AMERICA, THOSE PEOPLE DON'T KNOW HOW TO READ IN THE SENSE OF UNDERSTANDING WHAT THEY READ. IF YOU GIVE THEM A PASSAGE THAT CONTAINS MORE EFFORT-PRODUCING CONTENT THAN WHAT IS IN A NEWSPAPER COLUMN AND YOU LET THEM READ IT AND ASK WHAT IT MEANS, THEY WILL JUST REPEAT IN MAYBE DIFFERENT WORDS WHAT THEY ALREADY READ. IF YOU

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ARE A TEACHER AND YOU TELL THEM THAT IS NOT WHAT IT MEANS, THAT IS WHAT IT SAID, AND THE STUDENT, BEWILDERED BECAUSE THE STUDENT HAS NEVER BEEN CHALLENGED IN THAT WAY, SAYS, WELL, IT JUST MEANS WHAT IT SAYS. BUT THE TEACHER SAID THERE IS SOMETHING THAT THE WORDS MEAN BEYOND WHAT WORDS SAY. WHEN YOU LOOK AT THAT PASSAGE, WHAT DO YOU THINK OF? AND THE STUDENT SAYS, WELL, MOSTLY NOTHING. AND THE TEACHER SAYS, THAT'S WHAT WE'RE GOING TO WORK ON. WE'RE GOING TO TAKE IT A WORD AT THE TIME. WE'RE GOING TO TAKE IT A SENTENCE AT THE TIME. WE'RE GOING TO TAKE IT A PARAGRAPH AT THE TIME. AND WHAT WE'RE GOING TO TEACH YOU FIRST IS TO WRITE A PROPER SENTENCE TO BEGIN A PARAGRAPH WITH. THEN THE OTHER SENTENCES THAT YOU WRITE WILL ELABORATE ON THAT SENTENCE. YOU WOULD NOT SAY, FOR EXAMPLE, YOU SHOULD KEEP YOUR EYE ON THE BALL, YOUR NOSE TO THE GRINDSTONE, YOUR SHOULDER TO THE WHEEL, YOUR FEET IN WATER THAT DOESN'T GO ABOVE YOUR ANKLES, AND FEEL THAT YOU'VE SAID SOMETHING. YOU HAVE A SUBJECT. IF IT'S A PERSON, IT'S THE ACTOR. YOU HAVE A PREDICATE. THE WORD IS A VERB AND IT TRANSMITS ACTION FROM THE ACTOR. AND IF IT GOES SO FAR AS TO SAY WHAT IS TO BE DONE, THEN THE OBJECT OF THAT ACTION IS INCLUDED. AND IF YOU GIVE STUDENTS A STEP-BY-STEP UNDERSTANDING, YOU WOULD BE SURPRISED AT WHAT THEY DO GRASP. THEY HAVE THE MENTALITY. THEY HAVE THE INTELLIGENCE. THEY HAVE THE TOOLS. THEY MERELY NEED TO BE ENCOURAGED AND COACHED INTO HOW TO USE THOSE TOOLS. UNFORTUNATELY, MY COLLEAGUES ON THIS FLOOR ARE NOT AT THAT LEVEL OF COMPREHENSION WHEN IT COMES TO LEGISLATION AND THE BIGGEST FLAW IS THAT THEY DO NOT READ THE BILLS. I WOULD LIKE TO ASK SENATOR GARRETT A QUESTION. [LB821]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD TO A QUESTION? [LB821]

SENATOR GARRETT: YES, I WILL. [LB821]

SENATOR CHAMBERS: SENATOR GARRETT, YOU'VE BEEN VOTING AGAINST AMENDMENTS WHICH MEAN TO ME THAT YOU SUPPORT THIS BILL, SO HERE'S THE QUESTION I WILL ASK YOU. DO YOU SUPPORT THIS BILL? [LB821]

SENATOR GARRETT: YES, I DO. [LB821]

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SENATOR CHAMBERS: HAVE YOU READ THE BILL? [LB821]

SENATOR GARRETT: YES, I HAVE. [LB821]

SENATOR CHAMBERS: HAVE YOU READ ALL OF IT? [LB821]

SENATOR GARRETT: I BELIEVE I HAVE, YES. [LB821]

SPEAKER HADLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: DO YOU UNDERSTAND EVERYTHING THAT'S IN IT? [LB821]

SENATOR GARRETT: YES, I ACTUALLY HAVE REMARKED TO SOME PEOPLE THAT IT'S PROBABLY ONE OF THE BEST BILLS I'VE SEEN. [LB821]

SENATOR CHAMBERS: I ONLY HAVE ONE MINUTE BUT WE WILL CONTINUE THIS WHEN I'M RECOGNIZED AGAIN. AND IF YOU CAN FIND A COPY OF THE BILL, IT'S LB821, SO YOU CAN FOLLOW ALONG WITH ME. AND IT WILL BE THE AMENDMENT, THE COMMITTEE AMENDMENT THAT I'LL ASK YOU ABOUT. [LB821]

SENATOR GARRETT: OKAY. [LB821]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED AND THIS IS YOUR FIRST TIME. [LB821]

SENATOR CHAMBERS: LET MY TIME BE RUNNING. [LB821]

SPEAKER HADLEY: SO ORDERED. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AND, SENATOR GARRETT, CANCEL THOSE ORDERS, AS YOU WERE. HE'S A MILITARY MAN. HE KNOWS WHAT "AS YOU WERE" MEANS. WHATEVER YOU WERE DOING BEFORE SOMETHING WAS STATED, WHEN YOU SAY "AS YOU WERE," JUST GO BACK TO DOING THAT AND EVERYTHING IS ALL RIGHT. MEMBERS OF THE LEGISLATURE, WHEN I'M WORKING ON A BILL LIKE THIS AND I REACH THE POINT WHERE I'M GOING TO OFFER THINGS THAT I THINK WILL IMPROVE THE BILL, IF THOSE THINGS ARE ACCEPTED, THEN FOR THE TIME

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BEING, WHICH MEANS AT THIS STAGE, I WILL LET THE BILL ALONE. BUT I WILL RENEW MY OVERALL STRUGGLE FOR THE AMENDMENTS THAT I'M TRYING TO GET WHEN IT GETS TO SELECT FILE. SO WHAT SENATOR LARSON IS DOING NOW IS CONSULTING WITH HIS CONSULTANTS. AND WHEN THEY GET THROUGH WITH THAT, HE WILL BRING ME A REPORT ON WHAT THEY SAY CAN BE ALLOWED TO BE DONE. [LB821]

SPEAKER HADLEY: SENATOR CHAMBERS, I'M GOING TO RECOGNIZE...CONTINUE, YOU HAVE TWO MINUTES AND...(MICROPHONE MALFUNCTION). [LB821]

SENATOR CHAMBERS: THANK YOU. MR. SPEAKER, DON'T PANIC. THE TIME SHOULD BE MINE TO DO WHAT I THINK I CAN, BUT IF WE'RE NOT ALLOWED TO JUST NEGOTIATE WHILE THE TIME IS GOING, THEN I WON'T DO THAT ANYMORE. BUT I THOUGHT I WAS WITHIN THE RULES AS LONG AS I WAS WITHIN MY FIVE MINUTES. AND WE ARE WORKING TOWARD SOMETHING AND WHEN YOU'RE DELICATELY BALANCED THEN YOU DON'T WANT TO PUSH ONE WAY OR THE OTHER BUT JUST LET THINGS TAKE THEIR COURSE. TODAY, SENATOR LARSON HAS BEEN ACCOMMODATING, NOT ON THE MAIN ISSUE THAT I'VE RAISED BUT ON THIS LANGUAGE THAT I WOULD LIKE TO SEE CHANGED TO IMPROVE THE BILL. NO MATTER HOW MUCH TIME I TAKE ON IT, IT PROBABLY WILL PASS. AND THAT BEING THE CASE, I WOULD LIKE ADD LEAST PART OF IT TO REACH A BETTER STANDARD OR A HIGHER STANDARD OF DRAFTSMANSHIP OR "DRAFTPERSONSHIP." AN AMENDMENT... [LB821]

SPEAKER HADLEY: ONE MINUTE. [LB821]

SENATOR CHAMBERS: ...IS BEING PREPARED. AND WILL I HAVE ANOTHER OPPORTUNITY, MR. SPEAKER? [LB821]

SPEAKER HADLEY: YES. [LB821]

SENATOR CHAMBERS: THEN I'M GOING TO PUT MY LIGHT SO I CAN CONTINUE WHILE THEY WORK. [LB821]

SPEAKER HADLEY: ACTUALLY, SENATOR, SENATOR BLOOMFIELD IS IN THE QUEUE. [LB821]

SENATOR CHAMBERS: OH. [LB821]

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SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB821]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS, WELCOME HOME. YOU ARE NOW DOING WHAT I HAVE ADMIRER ABOUT YOU FOR THE LAST FOUR YEARS. YOU ARE ATTEMPTING WITH YOUR AMENDMENTS TO MAKE THE BILL BETTER. I AGREE WITH YOU ON THIS AMENDMENT WHAT I PRESUME HE'S GOING TO DO BECAUSE SOME OF THAT LANGUAGE IS EXCESS. AND I HAD HOPED YOU WOULD GO THAT ROUTE SOONER THAN YOU DID, BUT I'M PLEASED YOU HAVE GOTTEN THERE. IT JUST TOOK A GOD-AWFUL LONG TIME, SENATOR. AND I'D YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB821]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:19. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. AND IF I COULD WORK ALL BILLS LIKE THIS, IT WOULD BE DIFFERENT. BUT SO MANY PEOPLE BRING BILLS HERE AND THEY HAVE TO GET PERMISSION FROM PEOPLE BEFORE THEY CAN DO ANYTHING. I'VE BEEN WORKING WITH SENATOR McCOLLISTER, BUT HE DOESN'T HAVE THE FINAL WORD ON WHAT CAN BE DONE ON THE BILL SO I HAVE TO PUT THE BILL IN JEOPARDY. AND THAT'S WHAT I HAVE TO WORK WITH. BUT WHEN SOMEBODY INDICATES A WILLINGNESS TO LET THE BILL THAT IS GOING TO PASS ANYWAY, THEN I WOULD OFFER AMENDMENTS TO IMPROVE IT. AND THERE ARE OTHER PLACES WHERE IMPROVEMENTS CAN BE MADE, BUT I TOLD SENATOR LARSON THAT THIS IS THE MOST OBVIOUS AND SIGNIFICANT AREA BECAUSE IT DEFINES SOMETHING THAT YOU CAN SAY IS CRUCIAL AND CRITICAL TO HOW THE BILL OPERATES. BUT EVEN WITH THAT AMENDING, I BELIEVE THAT THE BILL IS UNNECESSARY. I DON'T THINK IT DOES ANYTHING AT ALL AND IT FITS WHAT I CALL THE LORAN SCHMIT MODEL. IT DOESN'T HELP ANYBODY. IT DOESN'T HURT ANYTHING. IT DOESN'T COST ANYTHING. IT DOESN'T DO ANYTHING. BUSINESSES ARE NOT GOING TO DO THAT. BUSINESSES HAVE NOT BEEN DOING IT. AND AS MOST PEOPLE HERE KNOW, I DON'T SCORE HIGH ON THOSE LITTLE CHARTS THEY PUT OUT TO SHOW HOW FOND A PERSON IS OF BUSINESS. I SCORE VERY LOW ALL THE TIME. BUT IN THIS INSTANCE, THIS IS NOT SOMETHING THAT BUSINESSES ARE DOING. AND TO USE A CLICHE, WHICH IS SOMETHING I DON'T LIKE TO DO, IT'S A SOLUTION LOOKING FOR A PROBLEM THAT IT'S NOT GOING TO FIND IN NEBRASKA. MOST OF THE PEOPLE WHO GET HIRED TO WORK ON JOBS ARE SO TRIFLING, THE JOBS THEY'RE GIVEN ARE SO INCONSEQUENTIAL THAT THE PERSON WHO HIRES THEM WOULD HAVE TO STRUGGLE TO CARE ONE IOTA ABOUT WHAT THEY PUT ON THEIR...IN THEIR PRIVATE ACCOUNT. THEY

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WOULDN'T WANT TO READ THE PERSON'S MAIL. THEY WOULDN'T TO EAVESDROP ON A CONVERSATION. THEY HAVE A LIFE. SO IF THERE WAS SOMETHING THAT I SAW BUSINESSES DOING THAT I THOUGHT HURT EMPLOYEES, I WOULD BE ALL OVER THAT. AND WHAT I SEE BUSINESSES DOING THAT HURT EMPLOYEES IS TO DISCRIMINATE AGAINST THEM ON THE BASIS OF THEIR BEING LESBIAN, GAY, BISEXUAL, OR TRANSGENDER. AND ENOUGH PEOPLE ON THIS FLOOR DON'T SEE IT THAT WAY SO I HAVE TO CONTINUE TO HAMMER AND HAMMER AND HAMMER. OR IF THERE ARE PEOPLE WHO ARE GENTLE OF NATURE AND THE EXAMINE OF THE HAMMER IS TOO HARSH, THEN I GO BACK TO THE EXAMPLE OF THE WATER WHICH IS SOFTER THAN MOST THINGS YOU CAN THINK OF BUT IT WILL EVENTUALLY WEAR AWAY ROCK. AND MOST PEOPLE'S HEAD IN HERE IS NOT AS HARD AS ROCK. AND I CAN PROVE THAT RIGHT NOW. SENATOR HILKEMANN PROBABLY THINKS HE'S GOT A PRETTY GOOD SHELL PROTECTING HIS BRAIN BECAUSE HE'S A DOCTOR. BUT HE'S ALSO GOT SENSE ENOUGH TO KNOW THAT STONE IS STRONG THAN BONE AND IF I ASK HIM... [LB821]

SPEAKER HADLEY: ONE MINUTE, AND THEN YOU WILL BE ON ANOTHER TIME, SENATOR. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. IF I CHALLENGE HIM TO GET IN THE POSITION OF SOMEBODY WHO'S GOING TO RUN A RACE AND RUN AS HARD AS HE COULD AND HIT HIS HEAD AGAINST THAT WALL, HE'D SAY, SENATOR CHAMBERS, EITHER YOU'RE CRAZY OR YOU THINK I AM. HE KNOWS STONE IS STRONGER THAN BONE. BUT IF WATER CAN WEAR AWAY ROCK, IF I CONTINUE, CONTINUE LIKE WATER CONTINUALLY DROPPING ON STONE, I MAY MAKE PROGRESS WHERE NOBODY THOUGHT PROGRESS COULD BE MADE BEFORE, AND AS THEY SAY ON STAR TREK, GOING WHERE NO PERSON HAS GONE BEFORE. THEY DON'T KNOW WHAT THEY'LL FIND WHEN THEY GET THERE. BUT SINCE THERE IS SOMETHING BEYOND HERE AND IT'S CALLED THERE, SOMETHING WILL BE THERE BECAUSE IF NOTHING IS THERE, THERE IS NO THERE THERE. THERE EXISTS ONLY IN RELATIONSHIP TO SOMETHING ELSE. AND THE RELATIONSHIP IS THE DIFFERENCE BETWEEN THERE... [LB821]

SPEAKER HADLEY: YOU ARE NOW ON YOUR OWN TIME. [LB821]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT...THE DIFFERENCE BETWEEN THERE AND HERE. SO INSTEAD OF JUST STANDING UP HERE AND SAYING AGAIN AND AGAIN WHAT IT IS THAT I'M MAINLY CONCERNED ABOUT, I WANT TO WORK ON SOMETHING THAT MAY BE OF VALUE. SO I'M GOING TO HAVE AN

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OPPORTUNITY TO READ THIS. MR. PRESIDENT, IF I MAY QUOTE A SCRIPTURE: WELL DONE, MY GOOD AND FAITHFUL SERVANT. THIS IS A WELL-DRAFTED AMENDMENT. AND BECAUSE WE ARE ACTUALLY MOVING TOWARDS SOMETHING, I WILL END MY SPEAKING NOW AND ALLOW SENATOR LARSON TO TAKE OVER FROM HERE. THANK YOU, MR. PRESIDENT. OH, I WITHDRAW MY AMENDMENT. [LB821]

SPEAKER HADLEY: SO ORDERED. MR. CLERK. [LB821]

CLERK: MR. PRESIDENT, SENATOR LARSON WOULD MOVE TO AMEND WITH FA113. (LEGISLATIVE JOURNAL PAGE 1336.) [LB821]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB821]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. FA113 ACTUALLY EXPANDS A LITTLE FARTHER TO WHAT SENATOR CHAMBERS WAS TRYING TO DO IN FA112. AND IN THE SPIRIT OF COMPROMISE AND TO HELP THE BODY MOVE FORWARD AND SAVE TIME, WE...I AGREED TO IT. SO ON PAGE 1 OF THE COMMITTEE AMENDMENT, AM2210, IT STRIKES "FORM OF DISCRIMINATION" AND INSERTS THE WORD "ACT" AS FA112 DID. AND THEN ON LINE 8 THERE WILL BE A PERIOD AFTER "EMPLOYMENT" AND WE STRIKE THE LANGUAGE, EVERYTHING FROM "INCLUDING ACTIONS THAT AFFECT THE EMPLOYEE'S COMPENSATION, WORK LOCATION, RIGHTS, IMMUNITIES, PROMOTIONS, PRIVILEGES, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT." SO IT WILL JUST END AFTER "EMPLOYEE'S EMPLOYMENT." I HAVE...SENATOR CHAMBERS, WILL YOU YIELD TO A QUESTION? [LB821]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB821]

SENATOR CHAMBERS: YES. [LB821]

SENATOR LARSON: SENATOR CHAMBERS, IF WE ADOPT FA113 YOU'LL LET LB...YOU'LL LET AM2210 COME ON AND LB821 MOVE OFF OF GENERAL FILE? [LB821]

SENATOR CHAMBERS: YES. [LB821]

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SENATOR LARSON: THANK YOU, SENATOR CHAMBERS. WE CAN MOVE THEN ON LB821 TONIGHT AND IN AN EFFORT TO SAVE TIME AND WORK ON SOME OTHER THINGS. THANK YOU, MR. PRESIDENT. [LB821]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, YOU ARE RECOGNIZED TO CLOSE ON YOUR FA113, SENATOR LARSON. [LB821]

SENATOR LARSON: ON THE COMPUTER IT SAYS...IT HAS THROUGH THE WORLD "ENROLLMENT". IT SHOULD BE "EMPLOYMENT" ON LINE 11. DO I NEED REDO THE FLOOR AMENDMENT? I KNOW I WROTE THE AMENDMENT RIGHT. IT MIGHT HAVE GOT TYPED IN WRONG. [LB821]

CLERK: THE WORD SHOULD BE WHAT, SENATOR? [LB821]

SENATOR LARSON: EMPLOYMENT, NOT ENROLLMENT. [LB821]

CLERK: WE CAN MODIFY THAT HERE IF YOU'RE OKAY WITH IT. [LB821]

SENATOR LARSON: YEAH, I'M FINE WITH THAT. [LB821]

CLERK: OKAY. [LB821]

SENATOR LARSON: I JUST WANTED TO MAKE SURE IT WAS RIGHT IN THE COMPUTER BECAUSE I WROTE IT RIGHT. [LB821]

CLERK: OKAY. [LB821]

SPEAKER HADLEY: IT'S TAKEN CARE OF. SENATOR LARSON, YOU'RE RECOGNIZED TO CLOSE. SENATOR LARSON WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF FA113. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB821]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR LARSON'S AMENDMENT. [LB821]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB821]

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CLERK: OR BACK TO...I HAVE NOTHING FURTHER ON THE BILL AT THIS TIME, MR. PRESIDENT. [LB821]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE... [LB821]

CLERK: I HAVE NOTHING FURTHER TO THE COMMITTEE AMENDMENTS, I'M SORRY. [LB821]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR HARR, YOU'RE RECOGNIZED TO CLOSE ON THE BUSINESS AND LABOR COMMITTEE AMENDMENTS. [LB821]

SENATOR HARR: THANK YOU, MR. SPEAKER. THANK YOU, SENATOR CHAMBERS, SENATOR LARSON, FOR YOUR HARD WORK ON THIS BILL. I WOULD ASK FOR YOUR SUPPORT ON AM2210. [LB821]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON AM2210. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB821]

CLERK: 42 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB821]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SENATOR LARSON, SEEING NO ONE IN THE QUEUE, YOU'RE RECOGNIZED TO CLOSE ON LB821 FOR ADVANCEMENT. SENATOR LARSON WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB821. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB821]

CLERK: 40 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF THE MOTION TO ADVANCE THE BILL. [LB821]

SPEAKER HADLEY: LB821 ADVANCES. MR. CLERK. [LB821]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR LARSON WOULD MOVE TO ADJOURN THE BODY UNTIL THURSDAY, MARCH 31, AT 9:00 A.M.

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SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. WE ARE ADJOURNED.