

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

Floor Debate  
February 17, 2015

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[LB40 LB43 LB109 LB111 LB114 LB118 LB139A LB149 LB155 LB157 LB159 LB164  
LB167 LB168 LB179 LB198 LB207 LB219 LB220 LB220A LB247 LB280 LB350 LB439  
LB504A LB586 LB614 LR56 LR57]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE TWENTY-SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR EBKE. PLEASE RISE.

SENATOR EBKE: (PRAYER OFFERED.)

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

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

SPEAKER HADLEY: MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS IT EXAMINED AND ENGROSSED LB40 AND FIND IT CORRECTLY ENGROSSED, LB43, LB109, LB118, LB149, LB157, LB159, LB168, LB198, LB219, LB220, LB220A, LB247, ALL REPORTED CORRECTLY ENGROSSED. IN ADDITION, MR. PRESIDENT, I HAVE RECEIVED ENROLLMENT AND REVIEW REPORT REPORTING LB167 TO SELECT FILE WITH ENROLLMENT AND REVIEW AMENDMENTS ATTACHED. JUDICIARY COMMITTEE REPORTS LB586 TO GENERAL FILE WITH AMENDMENTS. NEW RESOLUTIONS, SENATOR KRIST, LR56, LR57, BOTH WILL BE LAID OVER. APPOINTMENT LETTERS FROM THE GOVERNOR, TWO APPOINTMENTS; AND AN APPOINTMENT FROM SENATOR SEILER, AS CHAIR OF JUDICIARY, TO THE NEBRASKA CHILDREN'S COMMISSION. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 519-524.) [LB40 LB43 LB109 LB118 LB149 LB157 LB159 LB168 LB198 LB219 LB220 LB220A LB247 LB167 LB586 LR56 LR57]

SPEAKER HADLEY: ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NONE.

SPEAKER HADLEY: MR. CLERK, WE WILL PROCEED TO GENERAL FILE, LB155. [LB155]

Floor Debate  
February 17, 2015

---

CLERK: LB155 IS A BILL BY SENATOR WILLIAMS. (READ TITLE.) INTRODUCED ON JANUARY 9, REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE, ADVANCED TO GENERAL FILE. I DO HAVE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM180, LEGISLATIVE JOURNAL PAGE 413.) [LB155]

SPEAKER HADLEY: SENATOR WILLIAMS, YOU'RE RECOGNIZED TO OPEN ON LB155. [LB155]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, SENATORS. LB155 AND THE AMENDMENTS, AM180, DO FOUR PRIMARY THINGS TO FINE-TUNE SOME BANKING LAW, FOUR THINGS THAT ARE SMALL IN NATURE BUT ARE VERY IMPORTANT. OUTSIDE THE HEARING ROOM DURING THE BANKING COMMITTEE MEETINGS, I HAD A CONVERSATION WITH SENATOR SCHUMACHER. AND SENATOR SCHUMACHER MENTIONED TO ME THAT THE TWO PRIMARY REASONS AND MOST OVERUSED REASONS THAT BILLS ARE INTRODUCED IS BECAUSE THEY CREATE TRANSPARENCY OR THEY CREATE ECONOMIC DEVELOPMENT. AND I WOULD LIKE SENATOR SCHUMACHER AND ALL THE OTHER SENATORS TO KNOW THAT THIS BILL, LB155, DOES NOT ADDRESS EITHER OF THOSE ISSUES. SO YOU FEEL BETTER, RIGHT, SENATOR? THANK YOU. THE FIRST FINE-TUNING AMOUNT THAT COMES WITH LB155 IS LOOKING AT THE CURRENT STATUTE IN ITS RELATIONSHIP TO CHARTERING A NEW BANK AND THE CAPITAL REQUIRED FOR CHARTERING A NEW BANK. AND UNDER THE CURRENT LAW, THE REQUIREMENT IS \$75,000 OR 70 PERCENT OF THE AMOUNT OF THE CAPITAL STOCK. BUT THE CURRENT LEGISLATION ALSO INCLUDES THE FACT THAT YOU ARE REQUIRED TO HAVE MORE CAPITAL STOCK DEPENDING ON THE SIZE OF THE COMMUNITY IN WHICH THE CHARTER IS GOING BE LOCATED. AND IN THIS DAY AND AGE, IT MAKES A GREAT DEAL MORE SENSE TO HAVE CAPITAL RELATE TO THE SIZE OF THE INSTITUTION RATHER THAN THE SIZE OF THE COMMUNITY IN WHICH THE INSTITUTION IS LOCATED. SO LB155, ALONG WITH AM180, WOULD CHANGE THE CAPITAL REQUIREMENT. IT WOULD ELIMINATE THE POPULATION PORTION INTO THE COMMUNITY IN WHICH THE CHARTER IS LOCATED, AND IT WOULD ALSO BRING INTO FACT THAT TO CHARTER A NEW BANK, THE AMOUNT OF CAPITAL SHOULD COINCIDE WITH WHAT IS REQUIRED AS THE MINIMUM AMOUNT OF CAPITAL BY THE FDIC, THE FEDERAL DEPOSIT INSURANCE CORPORATION. SO THAT'S THE FIRST THING. THE SECOND PORTION OF BANKING LAW THAT IS CORRECTED WITH LB155 IS THE PUBLICATION REQUIREMENT. UNDER CURRENT LAW, IF AN INSTITUTION WANTS TO REDUCE THEIR PAID-IN CAPITAL STOCK, IT REQUIRES A TWO-THIRDS VOTE OF THEIR SHAREHOLDERS AND PERMISSION OF THE STATE DEPARTMENT OF BANKING, AND ALSO HAS A PUBLICATION REQUIREMENT OF PUBLISHING FOUR TIMES IN YOUR LOCAL NEWSPAPER.

Floor Debate  
February 17, 2015

---

LB155 REMOVED THE PUBLICATION REQUIREMENT ENTIRELY, WHICH I THINK IS TOTALLY APPROPRIATE, BUT AM180 IS A MINOR CORRECTION TO THAT SO THAT IT REDUCES THE PUBLICATION REQUIREMENT ACTUALLY FROM FOUR TIMES IN YOUR LOCAL PAPER TO TWO TIMES IN THE LOCAL PAPER. THE THIRD THING THAT LB155 ADDRESSES IS CASHING CHECKS AT PAR OR FOR FACE VALUE. UNDER CURRENT NEBRASKA LAW, BANKS ARE REQUIRED TO CASH CHECKS AT PAR OR FACE VALUE. THIS HAS BEEN INTERPRETED TO BE THOSE SITUATIONS WHERE BANKS ARE EXCHANGING CHECKS IN THE PAYMENT PROCESS, THAT THERE IS NO CHARGE OR FEES ASSOCIATED WITH ANY OF THAT. THOSE THINGS ARE DONE AT PAR. LB155 WOULD CLARIFY THAT POSITION SO THAT CASHING CHECKS AT PAR ONLY APPLIES TO BETWEEN BANK TRANSACTIONS. THIS ALLOWS THEN A BANK TO CHARGE A MODEST FEE FOR THE SITUATION IF THEY HAVE A CUSTOMER OR NONCUSTOMER COME IN TO THE TELLER COUNTER AND WANT TO ACTUALLY PHYSICALLY PRESENT A CHECK FOR PAYMENT. SO IT CORRECTS THAT. THE FOURTH THING HAS TO DO WITH REIMBURSEMENT DURING THE DISCOVERY PHASE OF CIVIL CASES. RIGHT NOW, BANKS IN OUR STATE ARE BEING CONTACTED BY LAWYERS TO PROVIDE PHYSICAL EVIDENCE OF CERTAIN KINDS OF BANK TRANSACTIONS TO...DURING THE DISCOVERY PROCESS OF CIVIL CASES. CURRENT STATUTES ARE INTERPRETED THAT THE ONLY REIMBURSEMENT FOR FINANCIAL INSTITUTIONS IS THE COST OF THE COPIES THEMSELVES THAT ARE PRESENTED. LB155 WOULD AMEND THIS SO THAT THE DESCRIPTION IS, A BANK WOULD BE ABLE TO RECOVER ITS ACTUAL COST. THIS PORTION OF LB155 WAS ORIGINALLY OBJECTED TO BY THE STATE BAR ASSOCIATION. WE WORKED WITH THE STATE BAR ASSOCIATION, AND AM180 TAKES CARE OF USING THE DEFINITION THAT THEY ARE USED TO USING IN NEBRASKA STATUTE WHICH DESCRIBES IN DETAIL WHAT IS INCLUDED IN ACTUAL COSTS. THOSE...YOU KNOW, NOT ONLY THE COST OF THE COPIES THEMSELVES, BUT ALSO THE TIME INVOLVED, THE RESEARCH NECESSARY TO PROVIDE THIS INFORMATION TO THE ATTORNEYS. THOSE ARE THE FOUR THINGS: CAPITAL, THE PUBLICATION REQUIREMENTS, CASHING CHECKS AT PAR, AND THE REIMBURSEMENT FOR DISCOVERY COSTS IN CIVIL CASES. THOSE ARE THE ITEMS COVERED BY LB155. YOU WILL HEAR FROM SENATOR SCHEER CONCERNING AM180, WHICH ARE THE COMMITTEE AMENDMENTS, AND I WOULD CERTAINLY ENCOURAGE ALL SENATORS TO ENDORSE AM180 AND THEN PASS LB155 ON TO SELECT FILE. THANK YOU, MR. PRESIDENT.  
[LB155]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE BANKING, COMMERCE AND INSURANCE COMMITTEE. SENATOR SCHEER, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB155]

Floor Debate  
February 17, 2015

---

SENATOR SCHEER: THANK YOU, MR. SPEAKER. LB155 AMENDS FOUR SECTIONS OF STATUTE RELATING TO THE STATE-CHARTERED BANKS. THE COMMITTEE AMENDMENTS CHANGE THE AMENDMENTS IN THREE OF THE FOUR SECTIONS. FIRST, IN SECTION 1 OF THE BILL AS INTRODUCED, IT ELIMINATES THE REQUIREMENT THAT AN APPLICANT FOR A STATE BANK CHARTER SHALL HAVE A MINIMUM PAID-UP CAPITAL IN SPECIFIC AMOUNTS CATEGORIZED BY THE POPULATION OF THE VILLAGE, CITY, OR COUNTY OF THE LOCATION. THE COMMITTEE AMENDMENT LEAVES THOSE REQUIREMENTS AS STRICKEN BUT ADDS A REQUIREMENT THAT A STATE BANK CHARTER SHALL NOT BE ISSUED UNLESS THE APPLICANT HAS PAID-UP CAPITAL IN THE AMOUNT NOT LESS THAN THE AMOUNT NECESSARY FOR A NEWLY CHARTERED BANK TO OBTAIN FEDERAL DEPOSIT INSURANCE CORPORATION COVERAGE. SECTION 2, SECONDLY, AS INTRODUCED, ELIMINATES A REQUIREMENT THAT A NOTICE CONTAINING A STATEMENT OF ANY PROPOSED REDUCTION OF PAID-IN CAPITAL STOCK SHALL BE PUBLISHED FOR FOUR WEEKS IN A NEWSPAPER IN GENERAL CIRCULATION WHERE THE BANK IS LOCATED. THE COMMITTEE AMENDMENTS REINSTATE THIS PUBLICATION REQUIREMENT BUT REDUCE THE NUMBER OF PUBLICATIONS FROM FOUR TO TWO. THIRD, SECTION 4 OF THIS BILL AS INTRODUCED, AMENDS THE REQUIREMENTS FOR A PERSON, PARTY, AGENCY OR ORGANIZATION REQUESTING DISCLOSURE OF RECORDS OR INFORMATION FROM A CORPORATE ENTITY OR FINANCIAL INSTITUTION TO PAY COSTS OF PROVIDING RECORDS OR INFORMATION. THE COMMITTEE AMENDMENTS PROVIDE THAT THE REQUESTING PERSON, PARTY, AGENCY, OR ORGANIZATION SHALL PAY THE ACTUAL COSTS OF PROVIDING RECORDS OR INFORMATION. THE COMMITTEE AMENDMENTS THEN DEFINE WHAT ARE ACTUAL COSTS OF PROVIDING INFORMATION OR RECORDS AS THEY REGARD: (i) SEARCH AND PROCESSING FEES; (ii) REPRODUCTION COSTS; AND (iii) TRANSPORTATION COSTS. THE INCLUSION OF THE NEW DEFINITION OF ACTUAL COSTS HAS CAUSED THE NEBRASKA STATE BAR ASSOCIATION TO DROP ITS OPPOSITION TO THIS BILL. THOSE ARE THE COMMITTEE AMENDMENTS TO LB155. I WOULD URGE THEIR ADOPTION AND ADVANCEMENT OF THE AMENDED BILL. THANK YOU, MR. SPEAKER. [LB155]

SPEAKER HADLEY: (DOCTOR OF THE DAY INTRODUCED.) IS THERE ANYONE THAT WISHES TO SPEAK ON THE COMMITTEE AMENDMENT TO LB155? SEEING NONE, SENATOR SCHEER. SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB155 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB155]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB155]

Floor Debate  
February 17, 2015

---

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB155 TO E&R INITIAL? SENATOR WILLIAMS, YOU ARE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF THE BILL. [LB155]

SENATOR WILLIAMS: (MICROPHONE MALFUNCTION)...A QUESTION. THERE WE GO. THANK YOU, MR. PRESIDENT. WE HAVE BEEN ASKED ONE SIMPLE QUESTION THAT I WANTED TO ADD A LITTLE COLOR TO, AND THAT'S THE CASHING CHECKS AT PAR. I THINK WE UNDERSTAND THE TRANSACTIONS BETWEEN BANKS CLEARING CHECKS AND ALL THAT. THE QUESTION IS, IF A CUSTOMER WALKS IN TO A BANK, MY BANK, FOR INSTANCE, AND HAS A CHECK DRAWN ON SOMEONE ELSE, AND THEY WANT TO CASH THAT CHECK, WE PROBABLY WON'T DO THAT TO START WITH BECAUSE WE DON'T KNOW IF THAT CHECK IS GOOD. NOW IF WE HAVE THE REVERSE SITUATION OF THAT, THAT THE PERSON WRITING THE CHECK IS A CUSTOMER OF OUR BANK, AND THE PERSON COMING IN TO CASH THE CHECK IS EITHER A CUSTOMER OF OUR BANK, WE WOULD TYPICALLY ASK THEM TO JUST DEPOSIT THAT CHECK. THAT'S WHAT THEY WILL DO. BUT IF THEY ARE NOT A CUSTOMER OF OURS, THEN WE ARE TAKING...THE BANKING INDUSTRY IS TAKING THE RISK OF IDENTIFICATION OF THAT PERSON. AND SO MOST BANKS ARE CHARGING A MODEST FEE OF \$1 TO \$2 FOR DOING THAT TRANSACTION. THE ALTERNATIVE TO DOING THAT TRANSACTION IS SIMPLY NOT CASHING THE CHECK AT ALL. AND WITHOUT THIS MODEST FEE THERE, I THINK THAT'S THE SITUATION THAT WOULD HAPPEN. AGAIN, THIS BILL ADDRESSES CAPITAL, THE PUBLICATION, THE CHECK...CASHING CHECKS AT PAR, AND THE REIMBURSEMENT, AND I WOULD ENCOURAGE PEOPLE TO VOTE IN FAVOR. THIS WAS UNANIMOUSLY REPORTED OUT OF COMMITTEE WITH ONE MEMBER BEING ABSENT THAT DAY. THANK YOU, MR. PRESIDENT. [LB155]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB155 TO E&R INITIAL. ALL IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE THAT VOTED THAT WISH TO? RECORD, MR. CLERK. [LB155]

CLERK: 39 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB155. [LB155]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, WE WILL RETURN TO GENERAL FILE WITH LB439. [LB155 LB439]

CLERK: LB439 BY SENATOR MORFELD. (READ TITLE.) IT WAS INTRODUCED ON JANUARY 20 OF THIS YEAR, REFERRED TO THE GENERAL AFFAIRS COMMITTEE, ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB439]

Floor Debate  
February 17, 2015

---

SPEAKER HADLEY: SENATOR MORFELD, YOU'RE RECOGNIZED TO OPEN ON LB439. [LB439]

SENATOR MORFELD: MR. SPEAKER, I RISE TO URGE YOUR FAVORABLE CONSIDERATION OF LB439. I INTRODUCED LB439 FOR A NUMBER OF REASONS: NUMBER ONE, ON BEHALF OF THE WORK OF THE ASSOCIATION OF STUDENTS OF THE UNIVERSITY OF NEBRASKA HAS DONE STATEWIDE ON THIS ISSUE FOR THE PAST YEAR; NUMBER TWO, IN RESPONSE TO THE RECENT TRAGIC EVENTS DUE TO ALCOHOL POISONING IN LINCOLN; AND NUMBER THREE, THE REALIZATION THAT WE MUST PUT THE SAFETY OF AND PROVIDE OPPORTUNITIES FOR OUR YOUTH TO SEEK CRITICAL MEDICAL ATTENTION WHEN IT IS NEEDED. THE IMMUNITY ONLY APPLIES TO THE MINOR IN POSSESSION OF ALCOHOL AND NO OTHER OFFENSE. LB439 PUTS THE SAFETY OF YOUNG NEBRASKANS FIRST WHILE ENSURING ACCOUNTABILITY OF OUR YOUTH. THIS LEGISLATION IS SUPPORTED BY THE LINCOLN POLICE DEPARTMENT, UNIVERSITY OF NEBRASKA-LINCOLN, UNIVERSITY OF NEBRASKA INTERIM PRESIDENT JIM LINDER, NEBRASKA MEDICAL ASSOCIATION, LANCASTER COUNTY MEDICAL ASSOCIATION, AND MANY OTHER GROUPS. LB439 GRANTS LIMITED LEGAL IMMUNITY TO MINORS SEEKING HELP FOR THEMSELVES OR SOMEONE ELSE IN NEED OF IMMEDIATE MEDICAL ATTENTION DUE TO ALCOHOL POISONING. THE LAW WILL ONLY APPLY TO THOSE WHO ARE: ONE, INTOXICATED; NUMBER TWO, CALL FOR MEDICAL ASSISTANCE; AND NUMBER THREE, STAY ON THE SCENE AND COOPERATE FULLY WITH LAW ENFORCEMENT WHEN MEDICAL ATTENTION ARRIVES. INCREASINGLY THESE DAYS, GETTING A MINOR IN POSSESSION AND OTHER INFRACTIONS ARE TAKEN INTO CONSIDERATION WHEN DECISIONS ARE MADE ON ACCEPTANCE TO LAW ENFORCEMENT TRAINING, MEDICAL SCHOOL, LAW SCHOOL, AND OTHER PROFESSIONAL FIELDS WHICH OFTEN MAKES INTOXICATED MINORS HESITANT TO GET THEM OR THEIR FRIENDS IN TROUBLE WHEN THEY ARE IN NEED OF SERIOUS MEDICAL ATTENTION. TRAGIC ACCIDENTAL DEATHS CAN BE AVOIDED BY POLICIES SUCH AS THESE, AND NEBRASKA WOULD JOIN 21 OTHER STATES WITH SIMILAR LAWS IF LB439 IS PASSED. THE LAW WOULD ONLY APPLY TO THE ISSUANCE OF A MINOR IN POSSESSION AND WOULD NOT PROVIDE ANY PROTECTION OF ANY OTHER ACTS OF SEXUAL VIOLENCE, CAUSING OR THREATENING PHYSICAL HARM, DAMAGE, USE OF FAKE IDENTIFICATION, PROCURING FOR A MINOR, OR HARASSMENT AND HAZING. NONE OF THESE THINGS ARE COVERED UNDER THIS LAW. AGAIN, THIS LEGISLATION WAS SUPPORTED BY THE CITY OF LINCOLN POLICE DEPARTMENT, UNIVERSITY OF NEBRASKA INTERIM PRESIDENT JIM LINDER, THE UNIVERSITY OF NEBRASKA-LINCOLN, NEBRASKA AND LANCASTER COUNTY MEDICAL ASSOCIATIONS, AND SEVERAL OTHER INSTITUTIONS. IF THE PASSAGE OF

Floor Debate  
February 17, 2015

---

THIS BILL CAN SAVE ONE LIFE AND ENCOURAGE ONE PERSON TO MAKE THE CALL FOR MEDICAL ASSISTANCE WHEN IT IS NEEDED, THEN IT WILL BE WORTH IT. THANK YOU. [LB439]

SPEAKER HADLEY: (VISITORS INTRODUCED.) YOU'VE HEARD THE OPENING OF LB439. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB439]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THIS PAST SUMMER, I HAD THE OPPORTUNITY TO ATTEND THE NATIONAL COUNCIL OF STATE LEGISLATURES, NCSL, IN MINNEAPOLIS AND A GREAT NUMBER OF YOU ALSO ATTENDED THAT CONFERENCE. ONE OF THE SESSIONS THAT WAS IN THE HEALTH AND HUMAN SERVICES AREA DEALT WITH THIS BILL. A STATE SENATOR FROM GEORGIA AND A MOTHER OF A COLLEGE STUDENT WHO HAD DIED STARTED OFF THE PANEL DISCUSSION ON HOW IMPORTANT THE GOOD SAMARITAN BILL IS FOR OUR YOUNG PEOPLE. I HAD NOT HEARD ABOUT THIS BILL BEFORE NOR ANY OF THE INFORMATION BEHIND IT. BUT AFTER LISTENING TO THE PANEL, I WAS CERTAINLY CONVINCED THAT WE NEED TO TAKE THIS STEP TO PROTECT YOUNG PEOPLE AS THEY ATTEND COLLEGE. AND THEN THIS FALL, A GROUP OF STUDENT LEADERS FROM THE UNIVERSITY VISITED WITH ME AND I WAS VERY IMPRESSED WITH THEIR WORK WITH SENATOR MORFELD AND ALSO HOW NARROWLY THEY HAD PUT THIS BILL TOGETHER AND GAINED THE SUPPORT OF THE UNIVERSITY LEADERSHIP. IT IS SO CRITICAL THAT IF YOU HAVE REASON TO BELIEVE AT ANY AGE THAT SOMEONE HAS HAD TOO MUCH TO DRINK, THAT YOU NOT LEAVE THEM ALONE. AND WHILE THIS IS PREACHED OVER AND OVER AGAIN, SO OFTEN YOUNG PEOPLE FEEL THAT THEY CANNOT STAY WITH THAT PERSON NOR TAKE THEM TO THE HOSPITAL NOR CALL 911 BECAUSE OF THE PENALTIES THAT THEY WOULD INCUR. I WOULD HOPE THAT YOU GIVE SERIOUS CONSIDERATION TO THE BILL THAT SENATOR MORFELD HAS BROUGHT FORWARD. IT IS A CRITICAL BILL AND IT WILL SAVE LIVES. THANK YOU, MR. PRESIDENT. [LB439]

SPEAKER HADLEY: SENATOR LARSON, YOU ARE RECOGNIZED. [LB439]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I RISE TODAY IN SUPPORT OF LB439. WE HEARD THIS IN COMMITTEE, IN THE GENERAL AFFAIRS COMMITTEE. AND IT WAS A GOOD HEARING. AND IT'S UNDERSTANDABLE. THERE'S AN ISSUE HAPPENING AT THE UNIVERSITY, A SERIOUS ISSUE. AND THIS IS A GOOD FIRST STEP IN SOLVING WHAT'S HAPPENING WHEN IT COMES TO ALCOHOL ON THAT CAMPUS. THE UNIVERSITY, FOR THE LAST FEW YEARS, HAS TRIED THE PROHIBITION MODEL AND IT HAS FAILED. IT HAS LED TO PUSHING STUDENTS OFF CAMPUS INTO MORE DANGEROUS SITUATIONS. IT HAS PUSHED KIDS INTO NEIGHBORHOODS, SENATOR MORFELD'S

Floor Debate  
February 17, 2015

---

NEIGHBORHOODS, CAUSING MORE PROBLEMS THERE. THIS CAUSED ISSUES IN THE DOWNTOWN. THE UNIVERSITY IS BEHIND THE TIMES. THESE STUDENTS ARE IN COLLEGE. THEY NEED TO BE EDUCATED ON HOW TO USE ALCOHOL PROPERLY, WHETHER THEY'RE 21 OR 18. IT'S GOING TO HAPPEN. TO TURN YOUR NOSE AND TRY THE ABSTINENCE-ONLY OR THE PROHIBITION MODEL WILL NOT WORK ANY LONGER. SOMETHING HAS TO CHANGE ON THAT CAMPUS. AND IF THE REGENTS AREN'T GOING TO DO IT, IT MIGHT BE US NEXT YEAR. KIDS ARE DYING AND THAT'S NOT OKAY. WE HAVE TO UNDERSTAND. AND WE HAVE TO DO SOME THINGS COMMON SENSE WHEN IT COMES TO PROTECTING WHAT'S GOING TO HAPPEN. LET'S PROVIDE THE EDUCATION. LET'S CREATE A SAFE ENVIRONMENT FOR WHAT WE ALL KNOW IS GOING TO HAPPEN. AND ANYBODY IN THIS BODY THAT DOESN'T THINK THAT THESE KIDS AREN'T GOING TO GO FIND A WAY...WELL, I CAN'T EVEN COME UP WITH THE LACK OF COMMON SENSE THERE. LIKE I SAID, I SUPPORT LB439. I THINK IT IS A GOOD FIRST STEP. BUT THIS IS A FIRST STEP TO OUR UNIVERSITY SYSTEM. AND IT OPENS OUR EYES TO WHAT IS HAPPENING. WE NEED TO MOVE FORWARD. WE NEED TO TALK TO THE UNIVERSITY, LET THEM KNOW THAT THEIR POLICY OF NO ALCOHOL ON CAMPUS IS FAILING AND CAUSING MORE PROBLEMS THAN IT HAS EVER...THAN IT WAS PUT IN TO SOLVE. IT IS A COMPLETE DISASTER. THANK YOU, MR. PRESIDENT. [LB439]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB439]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I JUST HAVE A FEW QUESTIONS FOR SENATOR MORFELD IF HE WOULD YIELD. [LB439]

SPEAKER HADLEY: SENATOR MORFELD, WILL YOU YIELD? [LB439]

SENATOR MORFELD: I WILL. I WILL YIELD. [LB439]

SENATOR SULLIVAN: THANK YOU, SENATOR. I APPRECIATE YOU INTRODUCING THIS LEGISLATION BECAUSE I DO THINK IT'S IMPORTANT BUT JUST NEED SOME CLARIFICATION FOR MY OWN COMFORT LEVEL AND UNDERSTANDING. FIRST OF ALL, DEFINE...WHAT ARE THEY BEING GRANTED IMMUNITY FROM? [LB439]

SENATOR MORFELD: THEY WILL ONLY BE GRANTED IMMUNITY FROM THE MINOR IN POSSESSION CHARGE. [LB439]

SENATOR SULLIVAN: OKAY. [LB439]

SENATOR MORFELD: NOTHING ELSE. [LB439]



Floor Debate  
February 17, 2015

---

SENATOR SULLIVAN: ALL RIGHT. AND THEN CAN YOU SORT OF PAINT A SCENARIO FOR ME, BECAUSE TYPICALLY IN THESE SITUATIONS THERE IS OFTEN MORE THAN ONE OTHER PERSON PRESENT, NOT ONLY THE INDIVIDUAL THAT MIGHT HAVE OVERINDULGED BUT MAYBE A FRIEND BUT ALSO SOME OTHER FRIENDS. SO DO YOU ANTICIPATE A DISCUSSION, IF YOU WILL, OF WHO MAKES THE CALL OR...? BECAUSE UNDER THIS LEGISLATION, THERE IS ONLY ONE PERSON, RIGHT, THAT'S GRANTED THAT IMMUNITY. [LB439]

SENATOR MORFELD: WELL, IT WOULD BE THAT ONE PERSON WHO MAKES THE CALL AND COOPERATES WITH THE POLICE AND THE INDIVIDUAL RECEIVING THE MEDICAL ATTENTION. SO AS I THINK A LOT OF US CAN IMAGINE, THERE'S OFTEN MANY PEOPLE AT THESE HOMES WHERE ALCOHOL IS BEING CONSUMED, AND THERE LIKELY WILL HAVE TO BE A DISCUSSION OF WHO MAKES THE CALL AND WHO DECIDES TO STAY WITH THAT INDIVIDUAL UNTIL MEDICAL EMERGENCY OFFICIALS ARRIVE ALONG WITH THE POLICE DEPARTMENT. [LB439]

SENATOR SULLIVAN: THAT'S MY ONLY CONCERN ABOUT THIS LEGISLATION, THAT I THOUGHT PERHAPS WE MIGHT BE LIMITING IT TOO MUCH BECAUSE AS I SAID, OFTENTIMES THERE IS MORE THAN ONE INDIVIDUAL INVOLVED IN THIS SITUATION. AND SO DOES IT BECOME A RACE TO THE PHONE? OR WORST CASE SCENARIO, DO THEY RACE AWAY AND NOT MAKE THE CALL AT ALL? I THINK WE NEED TO KEEP IN MIND THAT WHAT WE'RE AFTER MORE THAN ANYTHING IS TO MAKE SURE THAT THE PERSON IN HARM'S WAY IS GIVEN THE MEDICAL TREATMENT THAT THEY NEED. SO I'M STILL A LITTLE UNCOMFORTABLE WITH THE FACT THAT IT IS JUST LIMITED TO THE ONE PERSON. YES, IF YOU CAST A WIDER NET, IT WOULD REQUIRE MORE PEOPLE TO STAY ON THE SCENE, MORE PEOPLE TO COOPERATE WITH LAW ENFORCEMENT, ULTIMATELY PERHAPS MAKE THE CASE MORE COMPLICATED. BUT THEN AGAIN, I'M A LITTLE CONCERNED THAT BY JUST LIMITING IT TO ONE PERSON, WE MIGHT STILL NOT BE ACCOMPLISHING WHAT WE WANT IN THAT IT'S THE MEDICAL SAFETY OF THE PERSON INVOLVED. THANK YOU, MR. PRESIDENT. [LB439]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB439]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. THIS BILL IS COMMON SENSE. WE DO WHAT WE CAN TO KEEP YOUNG PEOPLE FROM ALCOHOL. BUT WE ALL KNOW THE REALITY OF LIFE AND WE KNOW THAT THESE CIRCUMSTANCES ARISE. THIS THING CAN SAVE LIVES. I DO SHARE SENATOR SULLIVAN'S CONCERN THAT IT IS TOO NARROW AND

Floor Debate  
February 17, 2015

---

MAY COMPLICATE THINGS AT THE SCENE. AND PERHAPS, IF WE ADVANCE THIS BILL, BETWEEN NOW AND SELECT FILE SOME OF THOSE ISSUES SHOULD BE ADDRESSED, BECAUSE YOU SHOULDN'T HAVE, IF YOU HAVE TEN YOUNG PEOPLE THERE, SOME TYPE OF A MIND GAME AS TO WHO GETS TO STAY AND WHO GETS TO GO. THAT WOULD BE COUNTERPRODUCTIVE. AND THIS PROBABLY NEEDS TO BE TWEAKED TO SOME KIND OF A SITUATIONAL ACKNOWLEDGMENT OF WHAT'S GOING ON. I DO HAVE A CONCERN. IT'S A FINE LEGAL POINT CONCERN. THE CRIME STILL SEEMS TO BE THERE. I MEAN YOU'RE STILL GUILTY OF MIP BUT THERE IS NO PENALTY. BUT YOU'RE STILL GUILTY OF A CRIME THAT DOESN'T HAVE A PENALTY. AND THAT CRIME, IF SOME PROSECUTOR OR UNDER SOME QUIRK DECIDED TO PUSH THE CRIME OF MINOR IN POSSESSION, EVEN THOUGH THERE'S NO PENALTY, IT WOULD STILL APPEAR ON YOUR RECORD. SO I THINK THAT'S AN ADDITIONAL TWEAK THAT NEEDS TO BE MADE CLEAR, THAT THIS IS AN IMMUNITY FROM THE CRIME RATHER THAN A PENALTY OF ZERO. THANK YOU. [LB439]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED. ALSO IN THE QUEUE ARE SENATOR MORFELD AND SENATOR KOLOWSKI. [LB439]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. AND I WANT TO THANK SENATOR MORFELD FOR BRINGING THIS UP BECAUSE THIS IS AN ISSUE THAT'S BEEN OUT THERE FOR A WHILE, ALTHOUGH IT'S EASY TO IGNORE AND IT'S EASY TO NOT TAKE IT SERIOUSLY. BUT I HAD A SITUATION COME UP THAT MADE ME TAKE IT VERY SERIOUSLY AND VERY PERSONAL. AND I WANT TO EXPLAIN TO FOLKS WHY THIS BILL SHOULD BE JUST A FIRST STEP AS FAR AS WE LOOK AT THIS STUFF. THE POLICIES THAT THE UNIVERSITY HAS IN PLACE IS PUSHING THESE KINDS OF THINGS OUT INTO THE NEIGHBORHOODS, OUT IN PLACES WHERE THEY CAN'T BE CONTROLLED, AND OUT WHERE GREATER MISCHIEF HAPPENS AND OCCURS--THEFTS, ROBBERIES, MAJOR ASSAULTS. AND IT HAPPENED JUST THE OTHER WEEK ON NORTH 16th STREET. MY SON, WHO'S 21, WAS HAVING A PARTY. AND IT WAS GETTING LATE IN THE EVENING, ABOUT 1:30, AND HE DECIDED HE WANTED TO GO TO BED. SO HE TOLD EVERYBODY, HEY, TIME TO LEAVE. MOST EVERYBODY LEFT BUT THERE WERE ABOUT SIX INDIVIDUALS THERE. THOSE INDIVIDUALS DECIDED THEY WEREN'T GOING TO LEAVE. MY SON REPEATEDLY TOLD THEM, HEY, I'M TIRED, I'M GOING TO GO TO BED. WELL, ONE THING LED TO ANOTHER AND HE ENDED UP ON THE FRONT LAWN IN AN ALL-OUT FIGHT WITH THOSE INDIVIDUALS. AND I DON'T KNOW IF ANY OF YOU KNOW MY SON, BUT HE'S ABOUT 6'4", 270 POUNDS, AND HE DOESN'T GIVE UP EASY AND HE DIDN'T GIVE UP THEN. BY THE TIME IT WAS ALL DONE AND THEY'D ALL LEFT, HE HAD A BROKEN NOSE, A BROKEN EYE ORBITAL, A BROKEN CLAVICLE, AND A CAVED-IN SINUS THAT REQUIRED SURGERY THE NEXT DAY. THAT'S WHEN HE CALLED US ON THE PHONE AND HE SAYS, HEY,

Floor Debate  
February 17, 2015

---

DO YOU THINK I SHOULD GO TO THE HOSPITAL? WE SAID, YEAH, YOU SHOULD PROBABLY GO TO THE HOSPITAL, PROBABLY A GOOD IDEA. SO HE WAS IN THE HOSPITAL FOR TWO DAYS. SO I CONTEND AND I BELIEVE THAT IF THE UNIVERSITY WAS MORE THOUGHTFUL ON THEIR POLICY ON ALCOHOL, THESE PARTIES WOULDN'T BE GETTING OFF CAMPUS. THEY WOULD BE MORE CONTROLLED. KIDS WOULDN'T BE IN SITUATIONS WHERE IT TURNS INTO A FREE-FOR-ALL. THEY WOULD LEARN HOW TO CONTROL NOT JUST THEMSELVES BUT THE SITUATIONS THAT THEY PUT THEMSELVES IN. AND I THINK WE WOULD SEE MUCH FEWER PROBLEMS. SO I ASK THE UNIVERSITY TO SERIOUSLY TAKE A LOOK AT THEIR POLICIES, UNDERSTAND WHAT THEY'RE DOING, AND MAKE THOSE CHANGES. AND I COMMEND SENATOR MORFELD FOR STEPPING UP AND LEADING ON THIS ISSUE. AND I'M GOING TO SUPPORT THIS BILL AND I'LL SUPPORT ANYTHING ELSE THAT HELPS TO MOVE THE UNIVERSITY IN THE RIGHT DIRECTION. THANK YOU VERY MUCH. [LB439]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR MORFELD, YOU'RE RECOGNIZED. [LB439]

SENATOR MORFELD: I WANT TO THANK ALL THE MEMBERS FOR THE GOOD COMMENTS ON THIS BILL. IN REGARD TO THE NUMBER OF PEOPLE THAT ARE PROVIDED IMMUNITY AND THEN ALSO IN REGARD TO MAKING SURE THAT THE PENALTY LANGUAGE IS CLEARED UP, AS SENATOR SCHUMACHER SUGGESTED, I'M MORE THAN HAPPY TO WORK WITH PEOPLE BETWEEN GENERAL AND SELECT FILE ON AN AMENDMENT. THAT BEING SAID, OBVIOUSLY THESE ARE THINGS THAT WE'RE GOING TO HAVE TO LOOK INTO JUST A LITTLE BIT DEEPER WITH THE PENALTY. RIGHT NOW, THE LANGUAGE CURRENTLY SAYS, THERE SHALL BE NO PENALTY IMPOSED IN THIS SECTION IF THE PERSON DOES THOSE THREE DIFFERENT THINGS: CALLS FOR MEDICAL ATTENTION, STAYS ON THE SCENE, COOPERATES WITH POLICE. BUT WE CAN CHECK WITH LEGAL COUNSEL AND MAKE SURE THAT THAT WOULD EXEMPT THEM FROM THE ACTUAL CHARGE. THANK YOU. [LB439]

SPEAKER HADLEY: SENATOR KOLOWSKI, YOU ARE RECOGNIZED. [LB439]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. GOOD MORNING, NEBRASKA. I WANT TO SUPPORT LB439 AND THANK SENATOR MORFELD FOR THIS BILL AND FOR THE THINGS WE'VE TALKED ABOUT HERE THIS MORNING. THE IMPORTANT ISSUE--IT SAVES LIVES. IN MY PAST, I WAS A THREE-YEAR RESIDENT COUNSELOR IN COLLEGE WORKING WITH FRESHMEN AS THEY CAME IN, AND A 41-YEAR CAREER IN PUBLIC EDUCATION, MOSTLY WITH HIGH SCHOOL STUDENTS. I THINK AN ISSUE WE NEED TO THINK ABOUT ASIDE FROM THE PENALTIES WITH THE LAW AND THINK IN TERMS OF HIGH SCHOOL STUDENTS, NOT JUST COLLEGE STUDENTS IN THIS SITUATION. BECAUSE

Floor Debate  
February 17, 2015

---

THESE THINGS HAPPEN THERE ALSO, AS EVERY COMMUNITY KNOWS. THERE MAY NOT BE A PENALTY WITH THE LAW FOR SOMEONE WHO CALLS IN, BUT THERE MAY BE A PENALTY WITH THEIR SCHOOLS. ELIGIBILITY FOR SPORTS AND OTHER ACTIVITIES COULD BE JEOPARDIZED BY A PERSON CALLING IN. AND I DON'T THINK IT'S ONE OF THOSE ISSUES THAT WE'D LIKE TO SEE HAPPEN OR WANT TO SEE HAPPEN, BUT WHEN THE NEWS DOES GET BACK AND THE STORY IS WRITTEN AS TO WHAT TOOK PLACE AT THOSE VARIOUS PARTIES OR GET-TOGETHERS, THERE COULD BE CONSEQUENCES BACK INTO A PUBLIC HIGH SCHOOL. I SAY THAT ONLY AS A WHAT-IF FOR THE FUTURE. SENATOR MORFELD, IT'S ONE OF THOSE ISSUES THAT MIGHT BE ALIVE AND WELL AS WE PURSUE THE COMPLETION OF THIS BILL. THANK YOU VERY MUCH. [LB439]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR MORFELD, YOU'RE RECOGNIZED TO CLOSE ON LB439. [LB439]

SENATOR MORFELD: AGAIN, I WANT TO THANK EVERYBODY FOR THEIR COMMENTS TODAY. I'M MORE THAN WILLING TO WORK WITH SENATORS SULLIVAN AND SCHUMACHER ON SOME THINGS IN BETWEEN GENERAL AND SELECT FILE. BUT I BELIEVE THIS IS GOOD POLICY. AND IF WE CAN SAVE ONE LIFE, I THINK THAT THIS BILL WILL BE WORTH IT. THANK YOU, AND I URGE YOUR FAVORABLE CONSIDERATION OF LB439. [LB439]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB439 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO VOTE? MR. CLERK, RECORD. [LB439]

CLERK: 40 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB439. [LB439]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, RETURNING TO GENERAL FILE, LB179. [LB439 LB179]

CLERK: LB179, A BILL BY SENATOR BRASCH. (READ TITLE.) INTRODUCED ON JANUARY 12 OF THIS YEAR, REFERRED TO THE GENERAL AFFAIRS COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM237, LEGISLATIVE JOURNAL PAGE 434.) [LB179]

SPEAKER HADLEY: SENATOR BRASCH, YOU ARE RECOGNIZED TO OPEN ON LB179. [LB179]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND GOOD MORNING,

Floor Debate  
February 17, 2015

---

MEMBERS OF THE LEGISLATURE. LB179 PROVIDES FOR CONTINUING EDUCATION HOURS FOR APPRENTICE ELECTRICIANS. THIS TREATS APPRENTICE ELECTRICIANS EQUALLY WITH OTHERS IN THE INDUSTRY REGARDING CONTINUING EDUCATION HOURS. ULTIMATELY, THE CONTINUING EDUCATION WOULD EXPOSE THE ELECTRICIAN APPRENTICES TO THE NATIONAL ELECTRICAL CODE BOOK OF WHICH THEY RECEIVE VERY LITTLE EXPOSURE WHILE WORKING IN THE FIELD. EXPOSURE TO THE CODE BOOK WOULD PROVIDE THESE APPRENTICES WITH MORE KNOWLEDGE REGARDING SAFE PRACTICES AND A SYSTEM IN VOCATIONAL ADVANCEMENT WITHIN THEIR FIELD. IN THE ELECTRICAL INDUSTRY, THERE ARE BASICALLY THREE LEVELS OF ELECTRICIANS. THE FIRST IS APPRENTICE, THE SECOND IS JOURNEYMAN, AND THE THIRD IS A CONTRACTOR. ALL OF THESE ELECTRICIANS ARE REGISTERED WITH THE NEBRASKA STATE ELECTRICAL DIVISION. CURRENTLY, UNDER STATUTE, ONLY JOURNEYMEN AND CONTRACTOR ELECTRICIANS ARE REQUIRED TO TAKE 12 HOURS OF CONTINUING EDUCATION; HOWEVER, APPRENTICE ELECTRICIANS ARE NOT. FROM DISCUSSIONS WITH RANDY ANDERSON, THE EXECUTIVE DIRECTOR OF THE NEBRASKA STATE ELECTRICAL DIVISION, IT SEEMS TO BE APPRENTICE ELECTRICIANS WERE UNINTENTIONALLY LEFT OUT OF THE CONTINUING EDUCATION HOURS WHEN THE STATUTORY PROVISIONS WERE ORIGINALLY CREATED. THIS BILL WILL ADDRESS THE OVERSIGHT AND BRING APPRENTICES INTO THE CONTINUING EDUCATION HOURS THAT OTHERS IN THE INDUSTRY MUST FULFILL. IF AN ELECTRICIAN, AN APPRENTICE ELECTRICIAN, CHOOSES TO ADVANCE IN HIS OR HER CAREER AND RISE TO THE LEVEL OF A JOURNEYMAN, THEY MUST WORK FOR FOUR YEARS WITH A MINIMUM OF 8,000 HOURS UNDER A LICENSED ELECTRICIAN. ADDITIONALLY, THEY MUST PASS A TEST TO BECOME A JOURNEYMAN ELECTRICIAN. AN ESSENTIAL PART OF THE ADVANCEMENT TEST IS KNOWLEDGE AND UNDERSTANDING OF THE NATIONAL ELECTRICAL CODE BOOK, WHICH IS A REGIONALLY ADOPTED STANDARD FOR ELECTRICIANS. TYPICALLY, AND UNFORTUNATELY, APPRENTICE ELECTRICIANS WHO SIT FOR THE EXAM DO SO WITH VERY LITTLE EXPOSURE TO THE CODE BOOK. THIS HAS RESULTED IN A LARGE NUMBER OF APPRENTICES WHO FAIL THE EXAM MANY TIMES. IN FACT, THE NEBRASKA STATE ELECTRICAL DIVISION RECORDS SHOW THAT NEARLY 50 PERCENT OF APPRENTICES HAVE FAILED THE EXAM DURING THE FIVE-YEAR PERIOD BETWEEN 2007 AND 2012. LB179 WOULD PROVIDE 12 CONTINUING EDUCATION HOURS, WHICH IS THE SAME AMOUNT THAT THE JOURNEYMAN AND THE ELECTRICAL CONTRACTORS TAKE OVER A TWO-YEAR PERIOD. A MINIMUM OF SIX OF THESE HOURS WOULD BE SPENT STUDYING THE CODE BOOK, WHILE THE OTHER HOURS MAY BE SPENT IN OTHER SUBJECT AREAS OR IN FURTHER STUDY OF THE CODE BOOK. THIS EDUCATIONAL EXPERIENCE WOULD ENSURE APPRENTICES ARE FAMILIAR WITH THE CODE BOOK, WHICH CONTINUALLY CHANGES WITH THE NUMEROUS

Floor Debate  
February 17, 2015

---

UPDATES IN ELECTRICAL TECHNOLOGY. IT WOULD FACILITATE THE LEARNING OF SAFE PRACTICES AND TECHNIQUES AMONG OUR YOUNG AND ASPIRING ELECTRICIANS, AND IT WOULD ALSO HELP APPRENTICES TO PASS THEIR JOURNEYMAN'S EXAM, WHICH IS A CRUCIAL STEP FOR THEIR VOCATIONAL ADVANCEMENT. COLLEAGUES, I DO ENCOURAGE YOU TO SUPPORT LB179 AND HELP THE APPRENTICE ELECTRICIANS WHO CHOOSE TO ADVANCE TO JOURNEYMAN WITH THEIR CONTINUING EDUCATION NEEDS. THANK YOU, MR. SPEAKER. [LB179]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE GENERAL AFFAIRS COMMITTEE. SENATOR LARSON, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB179]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AM237 IS A RELATIVELY SIMPLE AMENDMENT. THERE WAS A CLERICAL DRAFTING ERROR IN THE ORIGINAL BILL OF LB179. SO WHAT AM237 DOES IS IT TAKES THE CLERICAL ERROR THAT SAID THERE WOULD BE A "REDUCTION" OF TIME NEEDED TO WORK IF THEY DIDN'T COMPLETE THE CONTINUATION AND MAKES THAT "REDUCTION" TO AN "INCREASE" OF REQUIRED WORK EXPERIENCE THEY NEED IN ORDER TO QUALIFY TO JOURNEYMAN IF THEY DO NOT COMPLETE THE CONTINUING EDUCATION INSTEAD OF A REDUCTION OF TIME NEEDED TO WORK. LIKE I SAID, IT'S A RATHER SIMPLE, CLERICAL...OR DRAFTING ERROR THAT WE ARE FIXING IN AM237. AND I'D ENCOURAGE YOUR SUPPORT ON AM237 AND LB179. THANK YOU. [LB179]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR GROENE, YOU'RE RECOGNIZED. [LB179]

SENATOR GROENE: THANK YOU. MR. PRESIDENT. I HAD CALLS OF CONCERN FROM SOME OF MY CONSTITUENTS ON SENATOR BRASCH'S LB179, BUT SHE CLEARED IT UP. IN NORTH PLATTE, THE RAILROAD, THE UNION PACIFIC RAILROAD, THE BIGGEST RAIL YARD IN...CLASSIFICATION RAIL YARD IN THE WORLD, RIGHT NOW THEY'RE OFFERING \$40 AN HOUR FOR ELECTRICIANS. THEY CAN'T FIND CANDIDATES. THEY'RE WILLING TO LET THEM WORK HALF DAYS AND THEY'RE WILLING TO PAY FOR THEIR EDUCATION AT THE COMMUNITY COLLEGE, WITH THE OTHER HALF A DAY TO CONTINUE THEIR...BECOME ELECTRICIANS OR JOURNEYMEN. THERE'S A SHORTAGE OF SKILLED LABORERS OUT THERE AND I WAS CONCERNED THAT MAYBE THIS WOULD PUT ANOTHER KINK IN THAT, THEIR ABILITY TO DO THAT. ALSO LOCAL ELECTRICIANS HAVE CALLED ME AND SAID THEY WERE CONCERNED THAT THEY WERE HAVING A HARD TIME HIRING YOUNG MEN OR YOUNG WOMEN WHO WANTED TO BE ELECTRICIANS. THEY'RE JUST APPRENTICES. AND APPRENTICES, THE WAY I UNDERSTAND IT, ARE JUST BASICALLY THE

Floor Debate  
February 17, 2015

---

LABORERS THAT WORK WITH THE ELECTRICIANS. AND IT WAS A CONCERN THAT SOME FOLKS JUST WANT TO BE AN APPRENTICE. THEY NEVER WANT TO GO ON TO BE A JOURNEYMAN OR A FULL-FLEDGED ELECTRICIAN. AND THERE WAS CONCERN THAT THIS MIGHT HINDER THAT. BUT SENATOR BRASCH AND HER AIDE HAVE ALLEVIATED THOSE CONCERNS THAT I'VE HAD AND SOME OF THE PEOPLE WORKING IN ELECTRICAL BUSINESSES. SO I FULLY SUPPORT SENATOR BRASCH BECAUSE SHE CLEARED IT UP, AND A LITTLE EDUCATION DOESN'T HURT. THANK YOU. [LB179]

SPEAKER HADLEY: IS THERE ANYONE ELSE WHO WISHES TO SPEAK ON THE AMENDMENT TO LB179? SEEING NONE, SENATOR LARSON, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR LARSON WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB179 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED THAT WISH TO? MR. CLERK, RECORD. [LB179]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB17...OR ON ADOPTION OF COMMITTEE AMENDMENTS TO LB179. [LB179]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB179 TO E&R INITIAL CONTINUES. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB179]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND I APPRECIATE SENATOR GROENE ADDRESS...RAISING THE ISSUE ABOUT WORK FORCE CONCERNS, AND I APPRECIATE THAT HE HAD TALKED TO SENATOR BRASCH AND HAD THOSE CONCERNS RELIEVED. SO I JUST ASKED SENATOR BRASCH IF SHE WILL YIELD TO A QUESTION JUST SO WE HAVE THAT ON THE RECORD FOR ALL OF US TO UNDERSTAND HOW THIS BILL IS STRUCTURED IN A WAY SO AS NOT TO CREATE ADDITIONAL CONCERNS FOR OUR SKILLED WORK FORCE. SO IF SENATOR BRASCH WOULD YIELD TO A QUESTION, PLEASE. [LB179]

SPEAKER HADLEY: SENATOR BRASCH, WILL YOU YIELD? [LB179]

SENATOR BRASCH: I YIELD. [LB179]

SENATOR CRAWFORD: SO YOU JUST HAVE HEARD THE QUESTION. I JUST WONDERED IF YOU WOULD, ON THE RECORD AND FOR ALL OF US, SORT OF SHARE HOW THIS BILL WILL NOT REALLY BE A BARRIER IN TERMS OF THE NEED TO MAKE SURE THAT WE HAVE SKILLED WORK FORCE AND THAT IF PEOPLE WANT TO REMAIN APPRENTICES THAT THEY CAN REMAIN APPRENTICES WITHOUT UNDUE BURDEN. [LB179]

Floor Debate  
February 17, 2015

---

SENATOR BRASCH: THANK YOU, SENATOR CRAWFORD. THAT'S AN EXCELLENT QUESTION. AND AS A RULE, SENATOR, YOU KNOW, WE WANT TO ENSURE THAT OPPORTUNITIES FOR YOUNG APPRENTICES CONTINUE. AND THIS IS AN OPTION FOR AN APPRENTICE TO TAKE AN EXAM TO BE A JOURNEYMAN, TO READ THE CODE BOOK AND TO LEARN ABOUT ALL OF THE SAFETY REQUIREMENTS. THEY CAN CONTINUE INDEFINITELY AS A APPRENTICE. MOST OF THE EMPLOYERS, I'VE BEEN TOLD, ACTUALLY ENCOURAGE THEIR APPRENTICES TO SIT FOR THE EXAM. OFTEN THESE FEES ARE PAID BY THE EMPLOYERS. IF THEY DECIDE THAT THEY DO WANT TO TAKE THE EXAM AFTER COMPLETING THEIR JOURNEYMANSHIP AND NEEDING ADDITIONAL HOURS OF STUDY, THEY CAN STILL PUT IN, I THINK, AN EXTRA 500 HOURS OF STUDY AND ATTEMPT TO TAKE THE EXAM JUST WITH FIELDWORK. DURING THE FIELDWORK, THEY ARE NOT ALLOWED THE TIME, IN MOST CASES, TO STUDY THE CODE BOOK. IT WOULD BE FOR SAFETY AND ALSO POTENTIAL ADVANCEMENT. [LB179]

SENATOR CRAWFORD: THANK YOU, I APPRECIATE THAT. THANK YOU, MR. PRESIDENT. [LB179]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR BRASCH, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF THE BILL. SENATOR BRASCH WAIVES. THE QUESTION IS THE ADVANCEMENT OF LB179 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB179]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB179. [LB179]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, RETURNING TO GENERAL FILE, LB164. [LB179 LB164]

CLERK: LB164 INTRODUCED BY SENATOR FRIESEN. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 12 OF THIS YEAR, REFERRED TO THE NATURAL RESOURCES COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB164]

SPEAKER HADLEY: SENATOR FRIESEN, YOU'RE RECOGNIZED TO OPEN ON LB164. [LB164]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES AND GUESTS. LB164 WOULD ALLOW THE NATURAL RESOURCES



Floor Debate  
February 17, 2015

---

DISTRICTS TO ADOPT A BIENNIAL BUDGET. THE LEGISLATION WILL IMPROVE LONG-TERM PLANNING FOR THE NRDs AND IT WILL ALLOW THEM TO PLAN TWO YEARS OUT TO PROVIDE MORE CERTAINTY TO TAXPAYERS. CURRENTLY THERE ARE A PERIOD OF BUDGET UNCERTAINTY BETWEEN THE BEGINNING OF THE FISCAL YEAR ON JULY 1, AND THE AVAILABILITY OF THE VALUATIONS ON AUGUST 20, AND THE FILING DEADLINE OF SEPTEMBER 20 WHEN THE DISTRICT IS EXPENDING FUNDS BASED UPON A YET-TO-BE APPROVED BUDGET. THIS TIME PERIOD IS IMPORTANT SINCE IT IS A PRIME CONSTRUCTION SEASON. WITH THE BIENNIAL BUDGET, THIS UNCERTAINTY WILL BE PARTIALLY ALLEVIATED AT LEAST IN THE SECOND YEAR OF THE BIENNIUM. FURTHER PROJECTS UNDERTAKEN BY NATURAL RESOURCES DISTRICTS ARE OFTEN MULTIYEAR PROJECTS. OFTEN THE FUNDING FROM GRANTS AND OTHER SOURCES ARE MULTIYEAR. A BIENNIAL BUDGET WOULD ASSIST IN PROJECT AND FISCAL PLANNING. BIENNIAL BUDGETING IS ALLOWED FOR CITIES AND VILLAGES, AND CURRENTLY OUR ARE NATURAL RESOURCES DISTRICTS CAN ONLY ADOPT AN ANNUAL BUDGET. SO WITH THIS, I ASK FOR YOUR SUPPORT ON LB164, THANK YOU, MR. PRESIDENT. [LB164]

SPEAKER HADLEY: SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB164]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I STAND IN SUPPORT OF THIS BILL, LB164, AND IT GIVES NATURAL RESOURCES CENTERS ANOTHER TOOL IN THEIR TOOL BOX. THEY DON'T HAVE TO TAKE IT, BUT IF IT DOES FIT 1 OF THE 23 NATURAL RESOURCES DISTRICTS IN OUR STATE BETTER THAN OTHERS, THEY HAVE THE OPPORTUNITY TO DO THAT AND IT COULD BE VERY USEFUL FOR THEM. THANK YOU VERY MUCH. [LB164]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB164]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR FRIESEN A QUESTION OR TWO IF HE WOULD YIELD. [LB164]

SPEAKER HADLEY: SENATOR FRIESEN, WILL YOU YIELD? [LB164]

SENATOR FRIESEN: YES, I WOULD. [LB164]

SENATOR CHAMBERS: SENATOR FRIESEN, IS THIS THE FIRST BILL YOU'VE HAD A CHANCE TO PRESENT ON THE FLOOR OF YOUR OWN? [LB164]

SENATOR FRIESEN: I BELIEVE IT IS. [LB164]

Floor Debate  
February 17, 2015

---

SENATOR CHAMBERS: SENATOR FRIESEN, YOUR NAME COULD BE SPELLED DIFFERENT WAYS. ONE WAY THAT WOULD SPELL IT WOULD INDICATE A VERY COLD TEMPERATURE, WOULD YOU AGREE? [LB164]

SENATOR FRIESEN: WELL, THAT WOULD BE TRUE. [LB164]

SENATOR CHAMBERS: AND TODAY YOU BROUGHT WEATHER THAT GOES ALONG WITH YOUR NAME, WOULD YOU AGREE? [LB164]

SENATOR FRIESEN: I WOULD AGREE AND I'M ENJOYING EVERY MINUTE OF IT. [LB164]

SENATOR CHAMBERS: NOW, I'M GOING TO...I'M LEARNING. I'M GOING TO ASK YOU A QUESTION THAT'S SOMEWHAT SERIOUS NOW. HOW ARE MEMBERS OF THIS BOARD SELECTED? ARE THEY VOTED FOR...THE NRD? [LB164]

SENATOR FRIESEN: YES, YOU'RE ELECTED BY...IN THE NRD I WAS FAMILIAR WITH, WE WERE ELECTED BY SUBDISTRICTS. [LB164]

SENATOR CHAMBERS: BY SUBDISTRICTS? SO THEN YOU HAVE AN AMOUNT OF TERRITORY THAT THIS NRD ADDRESSES AND EVERYBODY WITHIN THAT TERRITORY IS ALLOWED TO VOTE FOR THE MEMBERS OF THIS BOARD. [LB164]

SENATOR FRIESEN: THAT'S CORRECT. YOU HAVE TO LIVE IN THE SUBDISTRICT BUT EVERYBODY IN THE DISTRICT GETS TO VOTE ON YOUR POSITION. [LB164]

SENATOR CHAMBERS: AND WHAT IS A SUBDISTRICT? [LB164]

SENATOR FRIESEN: THE SUBDISTRICT IS JUST DIVIDED UP INTO A...THEY TRY TO GET THE AREA CONSISTENT WITH THE SIZE OF THE DISTRICT. [LB164]

SENATOR CHAMBERS: AND IS THE PURPOSE OF THAT TO MAKE SURE THAT ALL OF THOSE WHO MIGHT BE AFFECTED BY THIS GOVERNING BOARD WILL HAVE SOMETHING TO SAY ABOUT WHO'S GOING TO SERVE ON THAT BOARD? [LB164]

SENATOR FRIESEN: YES, THAT WOULD BE TRUE. [LB164]

SENATOR CHAMBERS: I THINK IT MAY HAVE BEEN JOHN ADAMS, BUT IT'S BEEN A LONG TIME AGO SINCE HE AND I HAD THIS CONVERSATION, BUT IF I RECOLLECT, HE SAID THAT ANY GOVERNING ENTITY SHOULD BE A PORTRAITURE IN MINIATURE OF THOSE TO BE GOVERNED. WOULD YOU GO

Floor Debate  
February 17, 2015

---

ALONG WITH THAT OBSERVATION THAT HE MADE THOSE MANY DECADES AGO? [LB164]

SENATOR FRIESEN: WELL, IN THE CASE OF THE NRDs, I'M NOT SURE IF I WOULD TOTALLY AGREE WITH THAT STATEMENT BECAUSE YOU'RE DEALING MORE WITH THE NATURAL RESOURCES OF THE DISTRICT AND IT'S MORE OF A TERRITORY WHICH YOU'RE REPRESENTING. [LB164]

SENATOR CHAMBERS: BUT THE CONCEPT OF ALL OF THOSE WHO ARE GOING TO BE AFFECTED HAVING A VOTE, IF THE BOARD IS TO BE DETERMINED BY WAY OF VOTING, THE DISTRICT SYSTEM IS PROBABLY THE FAIREST MEANS BY WHICH YOU CAN DO THAT? [LB164]

SENATOR FRIESEN: YES. [LB164]

SENATOR CHAMBERS: THAT'S ALL THAT I HAVE. THANK YOU, SENATOR FRIESEN. YOU'RE A VERY WARM-NATURED INDIVIDUAL DESPITE YOUR MISLEADING NAME. [LB164]

SPEAKER HADLEY: IS THERE ANYONE ELSE WHO WISHES TO SPEAK ON LB164? SEEING NONE, SENATOR FRIESEN, YOU'RE RECOGNIZED TO CLOSE ON LB164. [LB164]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS WILL JUST SIMPLIFY THE PROCESS FOR NRDs. THE TIME SPENT NOW CREATING BUDGETS EVERY YEAR TAKES UP VALUABLE TIME THAT COULD BE BETTER SERVED WORKING WITH THE PROGRAMS OF THE DISTRICT, AND I THINK THIS WOULD JUST...IT GIVES THE DISTRICTS A TOOL TO USE TO DO A BETTER FINANCIAL PLANNING AS FAR AS TAXES AND OTHER PROGRAMS THAT ARE AVAILABLE. AND ESPECIALLY WITH SOME OF THE FUNDS NOW COMING IN WITH THE WATER RESOURCES ACT THAT ARE FINALLY BEING FUNDED PROPERLY, I THINK THIS GIVES AN OPPORTUNITY FOR A GOOD...A GOOD BUDGET. THANK YOU VERY MUCH, MR. PRESIDENT. [LB164]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB164 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB164]

CLERK: 40 AYES, 0 NAYS ON THE ADVANCEMENT OF LB164. [LB164]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, RETURNING TO GENERAL FILE, LB207. [LB164 LB207]

Floor Debate  
February 17, 2015

---

CLERK: LB207 BY SENATOR SCHILZ. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 13, REFERRED TO THE NATURAL RESOURCES COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM194, LEGISLATIVE JOURNAL PAGE 438.) [LB207]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON LB207. [LB207]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS. LB207 WOULD RAISE THE CAP ON PENALTIES FOR VIOLATION OF THE NEBRASKA CHEMIGATION ACT. AND CHEMIGATION IS DEFINED IN THE CHEMIGATION ACT AS "ANY PROCESS WHEREBY CHEMICALS ARE APPLIED TO LAND OR CROPS IN OR WITH WATER THROUGH AN ONFARM IRRIGATION DISTRIBUTION SYSTEM." THE PURPOSE OF THE CHEMIGATION ACT IS FOR THE PROTECTION OF WATER SOURCES FROM CONTAMINATION BY FERTILIZERS OR PESTICIDES APPLIED THROUGH IRRIGATION SYSTEMS. THE ACT IS ADMINISTERED BY THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE 23 NATURAL RESOURCES DISTRICTS. THE DEPARTMENT OF ECONOMIC (SIC) QUALITY CREATES STATEWIDE REGULATIONS, COORDINATES THE CHEMIGATION PROGRAM, AND ISSUES CHEMIGATION APPLICATOR CERTIFICATIONS. THE NRDs ARE RESPONSIBLE FOR INSPECTING AND PERMITTING SPECIFIC SAFETY EQUIPMENT THAT MUST BE INSTALLED ON IRRIGATION SYSTEMS, RECEIVE PERMIT APPLICATIONS AND FEES, AND ISSUE CHEMIGATION SITE PERMITS. THE REGULATIONS CREATED BY BOTH THE DEQ AND THE NRDs APPLY WHERE THE WATER IS...WHETHER THE WATER IS FROM A SURFACE WATER SOURCE SUCH AS A STREAM OR CANAL, OR GROUNDWATER FROM AN IRRIGATION WELL. VIOLATIONS OF THE ACT OCCUR WHEN SOMEONE OPERATES AN UNREGISTERED CHEMIGATION SITE, FAILS TO RENEW PERMITS, OR FAILS INSPECTIONS. ISSUING CITATIONS FOR VIOLATIONS OF AN ACT IS TIME-CONSUMING AND COSTLY FOR THE NRDs, AND THE PENALTIES THAT ARE OFTEN IMPOSED BY A COURT HAVE BEEN MINIMAL AND HAVE FAILED TO DETER THOSE DETERMINED TO VIOLATE THE ACT. THIS BILL WOULD CHANGE THE PENALTIES FOR VIOLATIONS OF THE ACT TO MATCH THOSE UNDER THE NEBRASKA GROUNDWATER MANAGEMENT AND PROTECTION ACT. CIVIL PENALTIES WOULD BE AT LEAST \$1,000 BUT NOT MORE THAN \$5,000 EACH DAY A VIOLATION OCCURS. AND CLARIFICATIONS WERE MADE IN THE COMMITTEE AMENDMENT THAT I WILL OPEN ON NEXT. THANK YOU VERY MUCH, MR. PRESIDENT. [LB207]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE NATURAL RESOURCES COMMITTEE. SENATOR SCHILZ, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB207]

Floor Debate  
February 17, 2015

---

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. THE COMMITTEE AMENDMENT IS AM194 AND THE COMMITTEE AMENDMENT CAPS THE CIVIL PENALTY FOR A FIRST VIOLATION AT \$1,000 PER DAY FOR EACH SITE WHERE A VIOLATION OCCURS. FOR SUBSEQUENT VIOLATIONS, THE PENALTY RANGE REMAINS \$1,000 TO \$5,000 EACH DAY AND AT EACH SITE WHERE A VIOLATION OCCURS. THIS IS TO ACKNOWLEDGE THAT ONE MAY UNINTENTIONALLY VIOLATE THE ACT, IN WHICH CASE THE PENALTY SHOULD NOT BE AS HARSH. THIS ALSO ACKNOWLEDGES THAT THERE MAY BE MULTIPLE SITES WHERE AN IRRIGATOR COULD BE CHEMIGATING IN VIOLATION OF THE ACT AND SHOULD BE RESPONSIBLE FOR EACH INDIVIDUAL SITE, BECAUSE THE SEPARATE PERMITS ARE REQUIRED FOR CHEMIGATION INJECTION PIVOTS. THANK YOU VERY MUCH, MR. PRESIDENT. AND I WOULD APPRECIATE EVERYONE'S SUPPORT ON BOTH THE AMENDMENT AND THE UNDERLYING BILL. THANK YOU. [LB207]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB207]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I WOULD ENCOURAGE EVERYONE TO SUPPORT THIS BILL AS A FARMER AND A CHEMIGATOR MYSELF, KNOWING THAT 99 PERCENT OF THE INDIVIDUALS OUT THERE WILL FOLLOW THE RULES AND WILL DO THINGS PROPERLY. THIS JUST PROVIDES A LITTLE BIT INCENTIVE FOR THOSE WHO LOOK FOR THE LOOPHOLE IN THE LAW AND THOUGHT IT WAS CHEAPER JUST TO PAY THE FINE RATHER THAN TO DO WHAT WAS RIGHT. I DON'T THINK THERE'S EVER BEEN A SPILL OR A CONTAMINATION ISSUE BECAUSE OF THIS, BUT WE DON'T NEED A FIRST TIME. I THINK THIS BILL WILL PROPERLY INCENTIVIZE THOSE WHO HAVE SKIRTED THE LAW TO FINALLY LOOK AT IT AS THOUGH SOMETHING THEY REALLY NEED TO DO AND THEY SHOULD DO. SO I URGE YOUR SUPPORT. THANK YOU, MR. PRESIDENT. [LB207]

SPEAKER HADLEY: ANYONE ELSE WHO WISHES TO SPEAK ON THE COMMITTEE AMENDMENTS? SEEING NONE, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB207 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB207]

CLERK: 35 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB207]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB207 TO E&R INITIAL? SEEING NO ONE IN THE QUEUE, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF

Floor Debate  
February 17, 2015

---

THE BILL. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB207 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB207]

CLERK: 41 AYES, 0 NAYS ON THE ADVANCEMENT OF LB207. [LB207]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, RETURNING TO GENERAL FILE, LB111. [LB207 LB111]

CLERK: LB111, INTRODUCED BY SENATOR LARSON. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED, MR. PRESIDENT. (AM233, LEGISLATIVE JOURNAL PAGE 442.) [LB111]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON LB111. [LB111]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS OF THE LEGISLATURE. MY SECOND TIME ON THE MIKE, PROBABLY NOT MY LAST TODAY. LB111 WOULD REQUIRE PERSONS CASTING BALLOTS TO PROVIDE A GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION BEFORE VOTING AT THEIR VOTING PLACE. THE LANGUAGE IN LB111 FOLLOWS THE LAW THAT WAS UPHELD BY THE UNITED STATES SUPREME COURT IN 2008, CRAWFORD V. MARION COUNTY ELECTION BOARD, 553 U.S. 181. IN THAT DECISION, JUSTICE JOHN PAUL STEVENS IN THE MAJORITY OPINION WROTE, "THE APPLICATION OF THE STATUTE TO THE VAST MAJORITY OF INDIANA VOTERS IS AMPLY JUSTIFIED BY THE VALID INTEREST IN PROTECTING 'THE INTEGRITY AND RELIABILITY OF THE ELECTORAL PROCESS.'" THE RELEVANT BURDENS HERE THAT...ARE IMPOSED ON ELIGIBLE VOTERS WHO LACK VOTER IDENTIFICATION CARDS THAT COMPLY. BECAUSE INDIANA'S CARDS ARE FREE, THE INCONVENIENCE OF GOING TO THE BUREAU OF MOTOR VEHICLES GATHERING REQUIRED DOCUMENTS AND POSING FOR A PHOTOGRAPH DOES NOT QUALIFY AS A SUBSTANTIAL BURDEN ON MOST VOTERS' RIGHT TO VOTE OR REPRESENT A SIGNIFICANT INCREASE OVER THE USUAL BURDENS OF VOTING. ACCORDING TO THE NATIONAL CONFERENCE OF STATE LEGISLATURES, 34 STATES HAVE PASSED VOTER ID LAWS, 16 STATES PASSED LAWS THAT REQUEST OR REQUIRE VOTERS TO PROVIDE A PHOTO ID. AN ADDITIONAL 16 STATES' LAWS REQUIRE ID BUT NOT NECESSARILY ONE WITH A PHOTOGRAPH. NEBRASKA IS NOT CONSIDERED IN 1 OF THE 34 STATES IN EITHER CATEGORY. VOTER ID IS A KEY RECOMMENDATION FROM THE COMMISSION OF THE FEDERAL ELECTION REFORM, COCHAIRER BY

Floor Debate  
February 17, 2015

---

FORMER PRESIDENT JIMMY CARTER AND FORMER U.S. SECRETARY OF STATE JAMES BAKER, IN THE 2005 REPORT TITLED, "BUILDING CONFIDENCE IN U.S. ELECTIONS." VOTER ID IS STRONGLY SUPPORTED BY OUR NEBRASKA CONSTITUENTS. A JULY 2010 CALTECH MIT STUDYING...EXAMINING SUPPORT FOR ELECTION REFORM IN THE UNITED STATES REPORTED 79 PERCENT OF NEBRASKANS SUPPORTED REQUIRING AN ID. NO OTHER REFORM MEASURE EVEN CAME CLOSE. THE OTHERS: INTERNET VOTING, 24 PERCENT; VOTE BY MAIL, 14 PERCENT; AUTOMATIC REGISTRATION, 36 PERCENT; ELECTION DAY REGISTRATION, 37 PERCENT; ELECTION DAY HOLIDAY, 50 PERCENT; AND AN ELECTION DAY WEEKEND, 38 PERCENT. RESPONSES WERE SIMILAR NATIONALLY WITH 75 PERCENT OF AMERICANS SUPPORTING A REQUIREMENT OF ID. THE NEED FOR THIS BILL IS CLEAR. IN 2012, A REPORT BY THE PEW CENTER ON STATES FOUND 24 MILLION U.S. VOTER REGISTRATIONS, OR 1 OUT OF EVERY 8, WERE NO LONGER VALID OR SIGNIFICANTLY INACCURATE. THE REPORT ALSO FOUND 1.8 MILLION DEAD PEOPLE LISTED AS VOTERS AND 2.75 MILLION PEOPLE REGISTERED IN MORE THAN ONE STATE. LB111 PERMITS FREE IDs FOR THOSE THAT ARE INDIGENT. AND I THINK THE COMMITTEE AMENDMENT ACTUALLY CHANGES THAT TO FREE IDs FOR ANYONE THAT DOESN'T HAVE ONE. THE DEPARTMENT OF MOTOR VEHICLES WOULD OFFER A STATE IDENTIFICATION CARD AT NO COST TO PEOPLE WHO WISH TO OBTAIN ID FOR PURPOSES OF VOTING UNDER THE ELECTION ACT. I WOULD NOTE THAT 98 PERCENT OF REGISTERED VOTERS IN NEBRASKA ALREADY POSSESS A NEBRASKA DRIVER'S LICENSE OR STATE ID CARD. SIMILAR TO OTHER VOTER ID LAWS ACROSS THE COUNTRY, VOTERS CASTING BALLOTS IN ELECTIONS HELD BY MAIL OR WHO VOTE EARLY WOULD NOT BE REQUIRED TO PROVIDE A GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION UNLESS IT WAS THEIR FIRST TIME VOTING AND DID NOT PROVIDE PROPER ID WHEN REGISTERING. LB111 PERMITS A PERSON WHO DOES NOT PRESENT IDENTIFICATION AT THE POLLS TO STILL CAST A PROVISIONAL BALLOT. ALL THESE PROVISIONS ENSURE EVERYONE'S RIGHT TO VOTE IS PROTECTED. BRIEFLY, ON THE FISCAL NOTE, IT IS CLEAR THAT IT IS HIGHLY UNLIKELY THAT ALL 26,000 PEOPLE WHO DO NOT POSSESS AN ID ARE... EXCUSE ME...THE GOVERNMENT WILL PROVIDE THAT ID FOR ANYBODY THAT WANTS ONE. TO CLOSE, I AGAIN EMPHASIZE THAT WE MUST PROTECT THE INTEGRITY AND RELIABILITY OF OUR ELECTORAL PROCESS. THE COMMISSION ON FEDERAL ELECTION REFORM RECOMMENDED ASKING FOR PHOTO ID AT THE POLLING PLACE. THE U.S. SUPREME COURT RULED THAT WE HAVE A LEGITIMATE STATE INTEREST IN PREVENTING VOTER FRAUD, MODERNIZING ELECTIONS, AND SAFEGUARDING VOTER CONFIDENCE, AND OUR CONSTITUENTS OVERWHELMINGLY SUPPORT VOTER ID IN POLL AFTER POLL. THANK YOU, MR. PRESIDENT. [LB111]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM

Floor Debate  
February 17, 2015

---

THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. SENATOR MURANTE, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB111]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, GOOD MORNING. SENATOR LARSON ABLY DESCRIBED WHAT LB111 INTENDS TO DO. THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE HEARD THE BILL AND ADDED A FEW PROVISIONS TO ENSURE THE EASE OF VOTING FOR ALL NEBRASKANS. IN ADDITION TO THE PROVISIONS OF LB111, WE ARE ADDING, AS ACCEPTABLE FORMS OF IDENTIFICATION, DOCUMENTS ISSUED BY AN OFFICIAL INDIAN TRIBE IN THE UNITED STATES. WE ARE ALSO ALLOWING PEOPLE TO USE THEIR VOTER REGISTRATION CARDS AS SUFFICIENT IDENTIFICATION AS TO THEIR...AS TO WHO THEY ARE. AND FINALLY, THE GREEN COPY OF LB111 PROVIDED THAT IF A PERSON WANTED A FREE GOVERNMENT IDENTIFICATION, THEY WOULD HAVE TO DEMONSTRATE THAT THEY WERE INDIGENT, AND FOLLOWING THE PUBLIC HEARING, IT WAS DEEMED BETTER PUBLIC POLICY TO JUST SAY ANYONE WHO WANTS A PHOTO IDENTIFICATION FOR ANY REASON CAN GET ONE FOR FREE, AND THAT WILL HELP ALLEVIATE THE BURDEN, TO THE EXTENT THAT THERE IS ANY, IMPOSED BY LB111. SO THAT DESCRIBES A LITTLE BIT ABOUT WHAT THE GOVERNMENT COMMITTEE AMENDMENT DOES. I THINK IT'S IMPORTANT. I'VE GONE THROUGH PUBLIC HEARINGS NOW ON VOTER IDENTIFICATION A NUMBER OF TIMES AND FOR A NUMBER OF YEARS, NOT JUST AS A MEMBER OF THIS LEGISLATURE BUT ALSO AS A STAFFER BEFORE THAT. AND I HAVE TO SAY THAT MY OBSERVATION OF THE PUBLIC HEARING ON THIS BILL WAS THAT IT WAS EXTREMELY THOUGHTFUL. BOTH THE PROPONENTS AND OPPONENTS STATED THEIR OPINIONS IN A VERY FACT-BASED UNEMOTIONAL WAY. I THINK THEY BROUGHT...BOTH SIDES BROUGHT VERY IMPORTANT ISSUES TO THE TABLE. AND I CAN ASSURE YOU IN CONVERSATIONS WITH SENATOR LARSON, AND I CAN CERTAINLY SPEAK FOR MYSELF, THAT IT IS OUR INTENTION TO DRAFT A BILL WHICH DOES NOT ALIENATE A SINGLE VOTER IN THIS STATE, WHICH DOES NOT DETER A SINGLE PERSON FROM VOTING, BUT ALSO ENSURES THAT EVERYONE WHO IS VOTING IN NEBRASKA IS WHO THEY SAY...WHO THEY PURPORT TO BE, AND THAT THEY LIVE WHERE THEY SAY THEY LIVE. THOSE ARE TWO INTERESTS WHICH MAY APPEAR TO BE IN CONFLICT WITH EACH OTHER. I DON'T BELIEVE THAT THEY ARE. I BELIEVE THAT WE CAN AT THE SAME TIME HAVE A MODEST VOTER IDENTIFICATION LAW, WHICH IS WHAT THIS IS. THIS IS NOT ONE OF THE STRICTEST VOTER ID LAWS IN THE COUNTRY. BUT IT IS IMPORTANT TO KNOW, AND WE TALK ABOUT IT ON THE GOVERNMENT COMMITTEE A LOT, IT'S NOT SUFFICIENT TO SIMPLY HAVE SYSTEMS OF GOVERNMENT WHICH WORK. WE NEED TO HAVE SYSTEMS OF GOVERNMENT WHICH PEOPLE BELIEVE WORK. AND THERE IS A LACK OF CONFIDENCE IN THE ELECTORAL SYSTEM



Floor Debate  
February 17, 2015

---

THAT WE HAVE NOW. THERE JUST IS. WE SAW IT IN THE PUBLIC HEARING. WE'VE SEEN IT ON SOCIAL MEDIA. ANYONE WHO OPENS THEIR E-MAIL BOX, YOU HEAR ABOUT IT. THERE IS A LACK OF CONFIDENCE IN THE ELECTORAL SYSTEM THAT WE HAVE RIGHT NOW. THIS ADDS A BIT OF PROTECTION WITH, IN MY VIEW, NOT IMPOSING ANY BURDENS ON THE VOTERS OF NEBRASKA. BECAUSE AT THE END OF THE DAY, I GENUINELY DO NOT BELIEVE THAT A SINGLE VOTER WILL BE TURNED AWAY FROM THE POLLS IF LB111 PASSES. WE HAVE TOO MANY SAFEGUARDS AND TOO MANY FALLBACKS IN THE BILL. I WOULDN'T SUPPORT LB111 IF I BELIEVED IT DID. SO I ENCOURAGE YOUR SUPPORT OF THE COMMITTEE AMENDMENTS, YOUR SUPPORT OF LB111. I APPRECIATE THAT THERE ARE GOING TO BE MEMBERS ON THIS FLOOR WHO HAVE CONCERNS ABOUT LEGITIMATE VOTERS BEING TURNED AWAY FROM THE POLLS. IF THERE IS A WAY TO ALLEVIATE THOSE CONCERNS, IF THERE ARE...THERE'S A WAY TO CONSTRUCT THIS BILL SUCH THAT YOU WOULD BE SATISFIED THAT NO ONE, NO LEGITIMATE VOTER, WILL BE TURNED AWAY FROM THE POLLS, I WOULD ENCOURAGE YOU TO TALK TO ME OR TALK TO SENATOR LARSON BECAUSE WE ARE RECEPTIVE TO THE IDEAS OF THE MEMBERS OF THIS LEGISLATURE AND TO THE PUBLIC. I THINK THIS COMMITTEE AMENDMENT REFLECTS A PORTION OF THAT. BUT OUR COMMITMENT IS TO ENSURE THAT EVERYONE WHO SHOWS UP TO VOTE IN AN ELECTION IN THE STATE OF NEBRASKA, THAT THEY ARE WHO THEY SAY THEY ARE, THAT THEY LIVE WHERE THEY SAY THEY LIVE, WHILE AT THE SAME TIME ENSURING THAT EVERY LEGITIMATE NEBRASKAN HAS THE RIGHT TO VOTE. I BELIEVE WE'RE DOING THAT WITH LB111. I ENCOURAGE YOUR SUPPORT OF IT. THANK YOU, MR. PRESIDENT. [LB111]

SPEAKER HADLEY: MR. CLERK. [LB111]

CLERK: MR. PRESIDENT, I DO HAVE AMENDMENTS, A SERIES OF AMENDMENTS, TO THE COMMITTEE AMENDMENTS. HOWEVER, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO BRACKET LB111 UNTIL APRIL 15 OF 2015. [LB111]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB111]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AS DEMONSTRATED ON AN EARLIER BILL, A NUMBER OF PRIORITY MOTIONS EXISTS. BUT THAT'S NOT THE APPROACH I'M TAKING RIGHT NOW. I THINK THERE SHOULD BE SOME DISCUSSION TO SHOW HOW TREACHEROUS, HOW DISINGENUOUS, HOW RACIST THIS WHOLE THING IS. I DON'T CARE WHAT SENATOR LARSON SAYS. I DON'T CARE WHAT SENATOR MURANTE SAYS. AND SINCE HIS NAME ENDS IN A VOWEL, HE SHOULD

Floor Debate  
February 17, 2015

---

UNDERSTAND WHAT DISCRIMINATION, BASED ON WHAT YOU ARE, IS. HE SHOULD UNDERSTAND THAT. BUT SOMETIMES PEOPLE WHO HAVE BEEN DISCRIMINATED AGAINST, INSTEAD OF USING THAT AS A BASIS TO FIGHT AGAINST ALL DISCRIMINATION, WILL TURN INTO WHAT THEIR OWN PEOPLE REFER TO AS A TURNCOAT. THEY TRY TO CHEESE UP TO THOSE WHO ARE DISCRIMINATING AND EVEN GET...BECOME A PART OF THE MACHINE. NOW SENATOR MURANTE, AND EVERYBODY ELSE WHO'S INTERESTED IN ELECTIONS, KNOWS THAT IN 2012 A "REPELICAN"...A REPUBLICAN, WHO WAS IN CHARGE OF CONDUCTING THE ELECTIONS IN DOUGLAS COUNTY, CLOSED 166 POLLING PLACES PRIMARILY IN THE DISTRICT WHERE BLACK PEOPLE AND POOR PEOPLE LIVE. IT WAS ONE OF THE WORST THINGS THAT HAD BEEN DONE. AND YET NONE OF THESE PEOPLE WHO TALK ABOUT BEING SO CONCERNED HAD ANYTHING TO SAY, AND THEY HAVE NOT BROUGHT THAT UP. SO I WOULD LIKE TO ASK SENATOR MURANTE A QUESTION SINCE HE IS CHAIRMAN OF THE COMMITTEE THAT SENT THIS BILL OUT HERE AND HE STRONGLY SUPPORTS IT. [LB111]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION? [LB111]

SENATOR MURANTE: I WILL. [LB111]

SENATOR CHAMBERS: HOW MANY CONVICTIONS OF VOTER FRAUD, SENATOR MURANTE, WERE PRESENTED TO THE COMMITTEE DURING THE HEARING ON THIS BILL? [LB111]

SENATOR MURANTE: NONE WERE PRESENTED TO THE COMMITTEE. [LB111]

SENATOR CHAMBERS: THANK YOU. SENATOR GROENE IS GONE. BUT I WISH...OH, HERE HE COMES. I'D LIKE TO ASK SENATOR GROENE A QUESTION OR TWO IF HE WOULD YIELD AND HE IS ON THE WAY. [LB111]

SPEAKER HADLEY: SENATOR GROENE, WILL YOU YIELD TO A QUESTION? [LB111]

SENATOR GROENE: YES, I WILL, MR. PRESIDENT. [LB111]

SENATOR CHAMBERS: SENATOR GROENE, THE OTHER DAY YOU LED WHAT SOME PEOPLE CALLED A FILIBUSTER, BUT I CALL THOSE ACTIVITIES EXTENDED DEBATE, AGAINST A MENINGITIS VACCINATION BILL. IS THAT CORRECT? [LB111]

SENATOR GROENE: EXTENDED DEBATE IS CORRECT BECAUSE ACTUALLY

Floor Debate  
February 17, 2015

---

SENATOR KRIST HAD ALREADY WORKED OUT A DEAL WHERE WE WERE GOING TO COMPROMISE ON AN AMENDMENT. AND AT THE END OF THE DAY, WE HOPED SOMETHING WAS PASSED, BUT IT DID NOT HAPPEN. [LB111]

SENATOR CHAMBERS: YOUR MAJOR ARGUMENT, IF I REMEMBER, WAS THAT NO CONFIRMED CASES OF MENINGITIS HAD OCCURRED IN NEBRASKA. IS THAT TRUE OR FALSE? [LB111]

SENATOR GROENE: ACCORDING TO THE CDC IN NEBRASKA, DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE YEAR 2014, NO CASES HAD OCCURRED. [LB111]

SENATOR CHAMBERS: AND YOU HAD INDICATED THAT THERE HAVING BEEN NO CASES, A BILL THAT WOULD MANDATE SUCH VACCINATIONS WOULD NOT BE A LOGICAL OR APPROPRIATE THING FOR THE LEGISLATURE TO DO. WAS THAT YOUR POSITION OR HAVE I MISSTATED IT? [LB111]

SENATOR GROENE: MISSTATED IT A LITTLE BIT. MY POSITION WAS THAT WE HAVE A PUBLIC-PRIVATE WORKING RELATIONSHIP BETWEEN PRIVATE MEDICAL DOCTORS AND PUBLIC HEALTH...COUNTY PUBLIC HEALTH CLINICS THAT IS DOING A VERY GOOD JOB. IT'S ACTUALLY A GOOD EXAMPLE HOW PUBLIC-PRIVATE CAN WORK TOGETHER WITHOUT MANDATES. [LB111]

SENATOR CHAMBERS: LET ME SEE IF I CAN STATE SOMETHING CORRECTLY. YOU WERE OF THE OPINION THAT NO COMPELLING REASON HAD BEEN SHOWN FOR A BILL OF THAT KIND SINCE, DURING THAT PERIOD YOU WERE LOOKING AT, THERE HAD BEEN NO CASES CONFIRMED OF THE DISEASE FOR WHICH THE VACCINATION WOULD BE MANDATED. IS THAT CORRECT? [LB111]

SENATOR GROENE: YOU BEAT ME IN CHESS. YOU'RE TWO MOVES AHEAD, BUT I CAUGHT UP WITH YOU, WHERE YOU'RE GOING WITH THIS. YES. [LB111]

SENATOR CHAMBERS: SENATOR, I KNEW YOU WOULD CATCH ON. THAT'S WHY I WANTED TO ASK A FEW QUESTIONS. BUT FOR OUR COLLEAGUES WHO MAY BE A STEP OR TWO BEHIND YOU, WHERE AM I GOING WITH THIS, IN YOUR OPINION? [LB111]

SENATOR GROENE: YOU WERE GOING TO MAKE THE COMMENT THAT THERE IS NO CORRUPTION GOING ON IN ELECTIONS, THERE'S NOBODY...WE HAVE NO PROOF THAT ANYBODY IS VOTING ILLEGALLY IN THE STATE OF NEBRASKA, AND YOU'RE GOING TO SAY THERE'S NO NEED FOR A MANDATE. AM I RIGHT, SIR? [LB111]

Floor Debate  
February 17, 2015

---

SENATOR CHAMBERS: YOU ARE ABSOLUTELY CORRECT. AND THAT'S ALL THAT I WILL ASK YOU. AND I WILL LEAVE THE MOTION UP THERE LONG ENOUGH SO IF PEOPLE WANT TO RESPOND, THEY'LL HAVE THE OPPORTUNITY. BUT ON MY TIME, I WANT TO GET SOME THINGS SAID. THESE CONSERVATIVES HAVE VERY FLEXIBLE PRINCIPLES. THERE IS NO RIGHT MORE TREASURED IN A DEMOCRACY THAN A RIGHT TO VOTE. NEBRASKA WAS DENIED ENTRY INTO THE UNION BY TWO PRESIDENTIAL VETOES CAST BY THEN-PRESIDENT JOHNSON--AFTER ABRAHAM LINCOLN--NOT LYNDON B. JOHNSON. AND IT WAS BECAUSE THE CONSTITUTION OF NEBRASKA FAILED TO GUARANTEE THE FRANCHISE TO AFRICAN-AMERICANS. WHEN NEBRASKA FINALLY GOT AROUND TO DOING THAT, THEY WERE GRANTED ADMISSION TO THE UNION. NOW, IN 2015, I HAVE THE DESCENDANTS OF THOSE RACISTS TRYING TO SUPPRESS THE VOTE OF THE DESCENDENTS OF THOSE BLACK PEOPLE WHEN NEBRASKA WAS SEEKING ADMISSION TO THE UNION. AND I DON'T TAKE KINDLY TO THAT. NOBODY ON THIS FLOOR BELONGS TO ANY GROUP THAT HAS BEEN DISCRIMINATED AGAINST FOR SO LONG, OR IN SUCH A VICIOUS MANNER, AS BLACK PEOPLE HAVE EXPERIENCED. HOW IN THE WORLD AM I GOING TO COME HERE AND BE HAPPY-GO-LUCKY WHEN I KNOW WHAT HAS HAPPENED AND I KNOW WHAT'S BEING ATTEMPTED NOW? THEN I LISTEN TO ALL THE SUGAR COATING, ALL THE OUTRIGHT DISHONEST STATEMENTS THAT ARE MADE TO JUSTIFY SOMETHING WHEN WE ALL KNOW WHAT THE PURPOSE IS. ALL OF THESE CONSERVATIVES SAY, DON'T PUT MANDATES OUT THERE THAT COST MONEY. HERE IS ONE OF THE WORST PRACTICES THAT COULD BE IMPOSED ON WHAT WHITE PEOPLE USE TO REFER TO AS A FREE PEOPLE. BUT BLACK PEOPLE, WHEN IT COMES TO THE WAY WE'RE TREATED, HAVE NEVER BEEN COMPLETELY FREE, HAVE NEVER BEEN GRANTED FULL PERSONHOOD EVEN, NOT EVEN CONSIDERED MEMBERS OF THE HUMAN FAMILY. AND SOME OF YOU ALL HERE AND IN THIS STATE THINK I OUGHT NOT TO BE VERY, VERY ANGRY ABOUT IT. YOU ALL GET UPSET ABOUT TAXES. AND YET, INSULTS AGAINST THE VERY PERSONHOOD OF MY PEOPLE ARE CONSTANTLY HURLED MY DIRECTION, AND YET I BEHAVE IN A RESTRAINED, CIVILIZED, NONVIOLENT MANNER. REVOLUTIONS HAVE BEEN FOUGHT FOR LESS. AND THESE PEOPLE IN THIS LEGISLATURE ARE GOING TO STAND ON THIS FLOOR AND SAY WITH A STRAIGHT FACE, THEY'RE WORRIED ABOUT VOTER FRAUD. THAT'S A LIE. THAT IS AN OUTRIGHT LIE BECAUSE THERE HAS BEEN NO VOTER FRAUD IN THIS STATE. THEY'RE FOLLOWING AN AGENDA WHOSE PURPOSE IS TO SUPPRESS THE VOTE OF BLACK PEOPLE AND SENATOR MURANTE KNOWS IT. EVERYBODY ON THIS FLOOR KNOWS IT, BUT YOU'LL DENY IT. AND YOU'LL PRETEND IT'S SOMETHING OTHER THAN WHAT IT IS. I CANNOT MAKE YOU DO THE RIGHT THING, THE JESUS YOU WORSHIP CAN'T EVEN DO THAT, BUT I CAN AT LEAST EXPOSE IT. I CAN TRY TO MAKE IT AS DIFFICULT AS I POSSIBLY CAN. SO, HOW DO I BEGIN, BROTHERS AND SISTERS, AND AS FORMER SENATOR...A FORMER

Floor Debate  
February 17, 2015

---

SENATOR--I WON'T CALL HIS NAME BECAUSE I'M GOING TO QUOTE HIM AND I DON'T WANT HIM TO BE SMIRCHED--WOULD ALWAYS BEGIN BY SAYING, MR. PRESIDENT AND FRIENDS ALL. HE KNEW EVERYBODY ON THIS FLOOR WAS NOT HIS FRIEND AND I CERTAINLY KNOW THAT. [LB111]

SPEAKER HADLEY: ONE MINUTE. [LB111]

SENATOR CHAMBERS: THERE SHOULD BE SOME DISCUSSION. BUT REMEMBER THIS. I KNOW FROM READING, I KNOW FROM WHAT HAPPENED TO MY PARENTS, AND I KNOW FROM WHAT HAPPENED TO ME THAT THIS IS NOT A FREE COUNTRY. IT IS NOT THE LAND OF THE FREE OR THE HOME OF THE BRAVE. IT IS NOT ACCEPTED AS A FACT THAT ALL MEN WERE CREATED EQUAL, THAT THERE ARE CERTAIN UNALIENABLE RIGHTS. THAT'S NOT TRUE IN THIS COUNTRY. WHY DO THESE PEOPLE THAT I DESCRIBE AS RACIST ATTACK THE RIGHT TO VOTE? BECAUSE THEY KNOW VOTING IS A NONVIOLENT WAY TO BRING ABOUT CHANGES. SO IN THE SOUTH, THEY MURDERED PEOPLE OF MY COMPLEXION WHO SIMPLY WANTED TO REGISTER TO VOTE. [LB111]

SPEAKER HADLEY: TIME, SENATOR. [LB111]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB111]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE NORDQUIST, HANSEN, KRIST, GROENE, MORFELD, AND OTHERS. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB111]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. SENATOR MURANTE SAID THAT THE CONCERN, THE REASON FOR BRINGING THIS BILL MAY BE...AND I DON'T WANT TO MISQUOTE HIM AND HE CAN CORRECT IT LATER, BUT IT ISN'T MAYBE TO ADDRESS FRAUD, BUT IT'S TO INSTILL SOME PUBLIC TRUST OR CONFIDENCE THAT THERE'S A ISSUE WITH THAT RIGHT NOW. AND I DON'T COMPLETELY DISAGREE WITH THAT. I DO THINK, THOUGH, THAT MAYBE NOT IN THIS STATE BUT NATIONALLY THERE CERTAINLY HAVE BEEN POLITICAL LEADERS WHO HAVE SOWN THE SEEDS OF THAT DISTRUST ABOUT OUR ELECTIONS WHEN, QUITE FRANKLY, THE EVIDENCE ISN'T THERE. AND IN DOING RESEARCH I CAME ACROSS A COURT DECISION FROM THE SEVENTH CIRCUIT, IT WAS ACTUALLY A DISSENTING OPINION, FROM OCTOBER. BUT IT WAS WRITTEN BY A MEMBER OF THE APPELLATE COURT IN THE SEVENTH CIRCUIT THAT WAS APPOINTED BY RONALD REAGAN. AND THAT OPINION LAYS OUT SOME OF THE BEST ARGUMENTS I THINK AGAINST THIS. BUT HE STARTS BY SAYING, QUITE FRANKLY, SOME OF THE EVIDENCE OF VOTER IMPERSONATION FRAUD IS

Floor Debate  
February 17, 2015

---

DOWNRIGHT GOOFY, IF NOT PARANOID. SUPPORTERS OF THE NEW ID LAWS ARE HARD-PRESSED TO COME UP WITH LARGE NUMBERS OF CASES IN WHICH SOMEONE TRIED TO VOTE UNDER FELONY...UNDER FALSE IDENTITY. A STUDY OF OVER 2,000 ALLEGED CASES CONDUCTED BY NEWS21 JOURNALISM CONSORTIUM FOUND THAT SINCE 2000, THERE HAVE BEEN ONLY TEN CASES OF IN-PERSON VOTER FRAUD THAT COULD HAVE BEEN PREVENTED BY PHOTO ID LAWS, 1 OUT OF 146 MILLION REGISTERED VOTERS. THIS IS A RATIO OF 1 CASE OF VOTER FRAUD FOR EVERY 14.6 MILLION ELIGIBLE VOTERS, MORE THAN A DOZEN TIMES LESS LIKELY THAN BEING STRUCK BY LIGHTNING. AND THIS IS A POINT I MADE LAST TIME WHEN THIS BILL WAS ON THE FLOOR. AND I WANT TO READ HIS WORDS BECAUSE I THINK IT REALLY DRIVES HOME THAT POINT, BECAUSE IT REALLY GETS TO COMMON SENSE. AND THINK, VOTING IS A LOW-REWARD ACTIVITY FOR ANY GIVEN INDIVIDUAL FOR HE OR SHE KNOWS THAT ELECTIONS ARE NOT DECIDED BY ONE VOTE. WHEN THE REWARDS FOR AN ACTIVITY ARE LOW, GIVEN THE MODEST COST OF ENGAGING IN IT, IS A POTENT DANGER. THINK, TOO, OF THE RISKS OF POLITICIANS ORCHESTRATING A MASSIVE CAMPAIGN OF VOTER IMPERSONATION FRAUD SINCE ONLY A MASSIVE CAMPAIGN WILL INCREASE A CANDIDATE'S VOTE TOTAL BY ENOUGH TO SWING ALL BUT THE CLOSEST ELECTIONS, AND MASSIVE ELECTION FRAUD COULD RESULT IN HEAVY PUNISHMENT OF ORCHESTRATORS. BESIDES THE RISK TO THE POLITICIANS THINK OF HOW MUCH IT WOULD COST TO ORCHESTRATE AN EFFECTIVE VOTER IMPERSONATION FRAUD GIVEN THE NUMBER OF VOTERS WHO MUST BE BRIBED IN THE AMOUNT GENEROUS ENOUGH TO OVERCOME THEIR FEARS OF BEING DETECTED IF DETECTION IS PROSECUTED. WOULD SENATOR MURANTE YIELD TO A QUESTION? [LB111]

SPEAKER HADLEY: SENATOR MURANTE, WOULD YOU YIELD? [LB111]

SENATOR MURANTE: I WOULD. [LB111]

SENATOR NORDQUIST: SENATOR MURANTE, WHAT IS THE PENALTY FOR VOTER IMPERSONATION FRAUD IN NEBRASKA? [LB111]

SENATOR MURANTE: I BELIEVE THE TESTIMONY IN THE COMMITTEE SUGGESTED, I THINK IT WAS A CLASS IV MISDEMEANOR IF MEMORY SERVES, BUT I WOULD HAVE TO DOUBLE-CHECK THAT. [LB111]

SENATOR NORDQUIST: THANK YOU. YEAH, AND JUST DOING A LOOK IN THE BILL, THAT APPEARS TO BE THE CURRENT PENALTY IN STATE LAW, CLASS IV, WHICH IS PUNISHABLE BY UP TO FIVE YEARS IN PRISON AND A \$10,000 FINE. SO YOU WERE THINKING...THERE ARE PEOPLE OUT THERE WHO THINK THAT ONE VOTER IS GOING TO RISK A \$10,000 FINE AND FIVE YEARS IN PRISON

Floor Debate  
February 17, 2015

---

THAT THEIR ONE VOTE MAY TURN AN ELECTION? OR THERE'S A POLITICIAN OUT THERE WHO IS BOLD ENOUGH TO TRY TO ORCHESTRATE THAT WITH THAT PENALTY HANGING OVER THEM? JUDGE POSNOR'S WORDS ABOUT GOOFY AND PARANOID MAY BE RIGHT BECAUSE THAT'S THE LEVEL THAT WE'RE TALKING ABOUT HERE. AND WHEN WE TALK ABOUT THE... [LB111]

SPEAKER HADLEY: ONE MINUTE. [LB111]

SENATOR NORDQUIST: ...SEEDS OF DISTRUST THAT HAVE BEEN SOWN, THERE'S BEEN SO MUCH MISINFORMATION. I GET E-MAILS ALL THE TIME ABOUT, YOU NEED AN ID FOR THIS, YOU NEED AN ID FOR THAT. FIRST OF ALL, BOARDING A PLANE AND GETTING YOUR PRESCRIPTIONS ARE NOT CONSTITUTIONAL RIGHTS, BUT LET'S JUST CLARIFY THAT. FROM THE TSA, FROM THEIR WEB SITE, WE UNDERSTAND THAT PASSENGERS OCCASIONALLY ARRIVE AT THE AIRPORT WITHOUT AN ID BECAUSE OF LOSING OR INADVERTENTLY LEAVING AT HOME WITH IT. IF THIS HAPPENS, YOU DO NOT NECESSARILY MEAN YOU WON'T BE ALLOWED TO FLY. IF YOU ARE WILLING TO PROVIDE ADDITIONAL INFORMATION, WE HAVE THE ABILITY TO CONFIRM YOUR IDENTITY SO YOU CAN REACH YOUR FLIGHT. YOU DON'T NEED A PHOTO IDENTIFICATION TO FLY. CDC, WE ARE NOT 1 OF THE 22 STATES THAT REQUIRES PHOTO IDENTIFICATION TO GET A PRESCRIPTION. AND ONE LAST THING, AND I MAY NOT HAVE ENOUGH TIME ON IT, PUTTING A VOTER ID...A VOTER IDENTIFICATION CARD, AS THE COMMITTEE AMENDMENT DOES, THAT IS SIMPLY... [LB111]

SPEAKER HADLEY: TIME, SENATOR. [LB111]

SENATOR NORDQUIST: THANK YOU. [LB111]

SPEAKER HADLEY: SENATOR HANSEN. [LB111]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE TO SPEAK AGAINST THIS BILL. AS I'M SURE EVERYONE WILL HAVE NOTED FROM THE COMMITTEE STATEMENT, I WAS A MEMBER OF THE GOVERNMENT COMMITTEE AND THE LONE NO VOTE AGAINST IT. I WANTED TO JUST GET UP AND TAKE A MINUTE TO EXPLAIN MY RATIONALE FOR VOTING AGAINST IT COMING OUT OF COMMITTEE BEFORE IT REACHED THE FLOOR. BUT FRANKLY, SENATOR CHAMBERS QUESTIONING SENATOR MURANTE COVERED MY STRONGEST ISSUE, IS THERE SIMPLY HAS NOT BEEN ANY EVIDENCE IN NEBRASKA OR, FRANKLY, ANYWHERE OF IN-PERSON VOTER IMPERSONATION VOTER FRAUD. THERE JUST HASN'T BEEN ANY EVIDENCE OF ANYTHING THIS BILL WOULD BE DESIGNED TO PREVENT. YOU KNOW, SOMETIMES WE HEAR NUMBERS ABOUT, YOU KNOW, IT WAS BROUGHT UP IN COMMITTEE, TWO HAVE ALREADY BEEN

Floor Debate  
February 17, 2015

---

BROUGHT UP HERE TODAY ABOUT THE NUMBER OF PEOPLE WHO ARE REGISTERED IN MULTIPLE STATES OR SOMETHING LIKE THAT. THIS BILL DOES NOT ADDRESS THAT. THAT IS NOT SOMETHING THEY DO. PROVIDED THEY HAVE VALID ID IN EITHER STATE, THEY CAN STILL VOTE IN BOTH STATES, NOT THAT THERE'S ANY EVIDENCE OF ANYBODY DOING THAT. EVERY TIME WE HAVE A PIECE OF INFORMATION LIKE THIS REFERENCED, IT SEEMS OVER AND OVER AGAIN WHEN WE HAVE THIS BIG SCARY NUMBER OF HOW MANY DECEASED VOTERS ARE ON OUR ROLLS, OR HOW MANY PEOPLE ARE REGISTERED IN MULTIPLE STATES, THAT JUST SEEMS LIKE A CLERICAL BACKLOG ON THE COUNTY CLERK AND THE ELECTION COMMISSIONER'S PERSPECTIVES RATHER THAN SOME ACTUALLY CONSTRUED AS EVIDENCE OF MASSIVE OR, REALLY, ANY LEVEL OF VOTER FRAUD AND VOTER IMPERSONATION. SO THAT'S MY VERY QUICK SUMMARY. AND WITH THAT, I BELIEVE SENATOR MORFELD HAS SOME POINTS HE WOULD LIKE TO MAKE, SO I WOULD YIELD HIM THE REMAINDER OF MY TIME. [LB111]

SPEAKER HADLEY: SENATOR MORFELD, YOU ARE YIELDED 3:25. [LB111]

SENATOR MORFELD: THANK YOU, SENATOR HANSEN. I RISE TODAY IN OPPOSITION TO LB111. AND AS A VOTING RIGHTS ATTORNEY, THERE WILL BE MANY POINTS THAT I MAKE ON THE FLOOR ABOUT THIS BILL OVER THE NEXT DAY OR TWO. THE FIRST ONE IS THAT THIS IS A FUNDAMENTAL CONSTITUTIONAL RIGHT. AND NOT ONLY THAT, IT IS 1 OF THE MOST STRINGENT FUNDAMENTAL CONSTITUTIONAL RIGHTS IN OUR NEBRASKA CONSTITUTION IN ALL OF THE 50 STATES. WHEN THERE IS A FUNDAMENTAL CONSTITUTIONAL RIGHT, IN ORDER TO INFRINGE UPON THAT RIGHT THE STATE MUST HAVE A COMPELLING INTEREST. AND IN ORDER TO HAVE A COMPELLING INTEREST, THERE MUST BE AN ACTUAL IDENTIFIABLE PROBLEM, NOT JUST A PERCEIVED ONE. NOW, MANY PEOPLE TODAY AND IN THE DAYS THAT FOLLOW WILL TALK ABOUT HOW WHEN YOU GO TO THE SUPERMARKET OR WHEN YOU GO TO THE BANK TO CASH A CHECK YOU NEED AN ID. WHEN YOU BOARD AN AIRPLANE YOU NEED AN ID. WHEN YOU BUY ALCOHOL YOU NEED AN ID. WHEN YOU GO AND TRY TO GET A PERMIT TO PURCHASE A FIREARM YOU NEED AN ID. BUT HERE'S THE DEAL. BOARDING AN AIRPLANE, NOT A CONSTITUTIONAL RIGHT. AND THERE IS A COMPELLING STATE INTEREST TO REQUIRE PEOPLE TO SHOW AN ID BEFORE BOARDING AN AIRPLANE. WE WERE VICIOUSLY ATTACKED ON SEPTEMBER 11, 2001. THERE IS AN IDENTIFIABLE COMPELLING STATE INTEREST TO ENSURE THAT PEOPLE ARE WHO THEY SAY THEY ARE TO GET ON THAT PLANE. WHEN PEOPLE GO AND BUY ALCOHOL AND SHOW AN ID, THAT ID IS A DIFFERENT ID THAN WHAT IS REQUIRED IN THIS BILL. THIS BILL REQUIRES AN ID THAT HAS BOTH NOT ONLY AN UNEXPIRED ID BUT ALSO A CURRENT REGISTERED ADDRESS, SOMETHING THAT ONE OF THE LARGEST VOTING BLOCS IN MY DISTRICT



Floor Debate  
February 17, 2015

---

DOESN'T HAVE, BECAUSE THEY'RE UNDER THE AGE OF 24 AND MOVE AROUND A LOT. WHEN YOU'RE GOING AND GETTING A PRESCRIPTION DRUG, THEY REQUIRE YOU TO HAVE AN ID. GETTING PRESCRIPTION DRUGS, NOT A CONSTITUTIONAL FUNDAMENTAL RIGHT. AND THERE IS A COMPELLING STATE INTEREST BECAUSE THERE IS A PRESCRIPTION DRUG ABUSE PROBLEM IN THIS COUNTRY THAT IS WELL-DOCUMENTED. VOTER IMPERSONATION FRAUD, NO EVIDENCE OF IT. A LOT OF PEOPLE WILL BRING UP, OH, THERE IS, YOU KNOW, 20 CASES OF VOTER FRAUD HERE OR 20 CASES OF VOTER FRAUD THERE. BUT IF YOU DIG DOWN INTO THOSE FACTS, YOU WILL FIND THAT IT IS NOT VOTER IMPERSONATION FRAUD,... [LB111]

SPEAKER HADLEY: ONE MINUTE. [LB111]

SENATOR MORFELD: ...THAT IT IS ACTUALLY SOME KIND OF OTHER FRAUD THAT THIS BILL DOESN'T ACTUALLY ADDRESS. WE ARE ADDRESSING A NONEXISTENT PROBLEM. AND NOT ONLY THAT, WE ARE IMPOSING ON A FUNDAMENTAL CONSTITUTIONAL RIGHT. AND AFTER SEVERAL HEARINGS, SEVERAL DAYS OF FLOOR DEBATE ABOUT MAKING SURE THAT WE DON'T IMPOSE BURDENSOME GOVERNMENTAL REGULATIONS ON PEOPLE THAT DON'T WANT THEM, I FIND IT ODD THAT WE'RE SITTING HERE TODAY DEBATING A BILL THAT HINDERS A FUNDAMENTAL AND EXPLICIT CONSTITUTIONAL RIGHT WITH ABSOLUTELY NO EVIDENCE OF A PROBLEM. I ASK THAT YOU OPPOSE LB111 AND ALL THE AMENDMENTS TO IT. THANK YOU. [LB111]

SPEAKER HADLEY: SENATOR KRIST. [LB111]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I'D LIKE TO ASK SENATOR MURANTE A COUPLE QUESTIONS IF HE WILL YIELD. [LB111]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION? [LB111]

SENATOR MURANTE: SURE. [LB111]

SENATOR KRIST: JUST TO DRILL DOWN, THE FISCAL NOTE SURPRISES ME BECAUSE IT SEEMS TO ME THAT BY CATEGORY, IF I'M READING THE BILL CORRECTLY AND I WANT YOU TO CORRECT ME IF I'M WRONG, IF I'M AN INDIGENT OR I'M A PERSON WHO CANNOT AFFORD AND I WANT TO VOTE AND I WANT A STATE ID, I WOULD GO INTO A DMV AND ASK FOR A PHOTO ID TO BE GIVEN. IS THAT CORRECT? COULD YOU DO THAT? [LB111]

Floor Debate  
February 17, 2015

---

SENATOR MURANTE: IN THE GREEN COPY, YES. [LB111]

SENATOR KRIST: OKAY. AND IN THE AMENDMENT, THE COMMITTEE AMENDMENT, COULD YOU EXPLAIN TO ME HOW THAT MIGHT OR MIGHT NOT HAPPEN? [LB111]

SENATOR MURANTE: WHAT THE COMMITTEE AMENDMENT DOES IS, INSTEAD OF HAVING THE INDIGENCY STANDARD WHERE A PERSON WOULD EITHER HAVE TO CLAIM THAT THEY WERE, THE GREEN COPY DIDN'T REALLY DEFINE WHAT INDIGENT WAS. SO WHAT THE COMMITTEE DECIDED TO DO WAS STRIKE THE LANGUAGE ENTIRELY AND JUST ANYONE CAN GET THE FREE ID FOR ANY REASON THEY WANT. [LB111]

SENATOR KRIST: OKAY. SO BECAUSE I HAVE SOME PERSONAL KNOWLEDGE OF THIS, MY DAUGHTER, WHO IS SPECIAL NEEDS, CANNOT DRIVE. SHE'LL NEVER BE ABLE TO DRIVE. SO WE CHOSE TO GO IN AND GET HER A STATE ID FOR A NUMBER OF REASONS. IT WORKS VERY WELL BOARDING AIRPLANES, ETCETERA. AND THERE IS A COST. I THINK IT'S \$17. I DON'T WANT TO BE QUOTED ON THE MIKE, BUT IT'S NOT INSIGNIFICANT. SO IN ESSENCE WHAT WE'RE DOING IS SAYING ANYONE WHO WANTS A STATE ID CAN WALK IN AND GET A STATE ID. IS THAT CORRECT? [LB111]

SENATOR MURANTE: YES. [LB111]

SENATOR KRIST: OKAY. SO, IN FACT, THE FISCAL NOTE DOES NOT REFLECT THE COMMITTEE AMENDMENT. AND IT WOULD SEEM TO ME THAT IF THERE ARE X NUMBER OF PEOPLE IN THE STATE, WHICH OUR FISCAL OFFICE ALWAYS ACCOUNTS FOR, SOMETIMES THE WORST CASE, SOMETIMES THE MIDDLE OF THE ROAD CASE, BUT THE FISCAL NOTE, I GUESS WITH THE PASSAGE OF THE COMMITTEE AMENDMENT AND WITH THE PASSAGE OR MOVING FORWARD ON GENERAL, SHOULD REFLECT ANYONE IS ELIGIBLE FOR A FREE STATE ID. IS THAT CORRECT? [LB111]

SENATOR MURANTE: YES. THE FISCAL NOTE WILL BE UPDATED IF THE AMENDMENT GETS ATTACHED AND THE BILL ADVANCES. [LB111]

SENATOR KRIST: OKAY. WELL, MY DAUGHTER WILL BE EXCITED THAT SHE DOESN'T HAVE TO PAY FOR IT NEXT TIME. THE OTHER THING IS, I NOTE ON YOUR COMMITTEE AMENDMENT THAT...CURIOUS, THE KANSAS SECRETARY OF STATE, KRIS KOBACH, I THINK, IF I'M PRONOUNCING THAT CORRECTLY, CAME UP TO TESTIFY AS A PROPONENT. AND ON THE OPPONENT LIST OR THE...ON THE PROPONENT OR OPPONENT LIST, I DON'T SEE OUR OWN SECRETARY OF STATE WEIGHING IN. AM I MISSING SOMETHING OR DID HE

Floor Debate  
February 17, 2015

---

COME TO TESTIFY? [LB111]

SENATOR MURANTE: THE SECRETARY OF STATE SENT A LETTER, BUT DID NOT COME IN AND TESTIFY. [LB111]

SENATOR KRIST: OKAY. COULD YOU...IS THAT LETTER AVAILABLE TO US? CAN YOU POTENTIALLY PASS THAT OUT? [LB111]

SENATOR MURANTE: SURE. [LB111]

SENATOR KRIST: OKAY. THANK YOU, SENATOR MURANTE. THAT ANSWERS MY TWO QUESTIONS. YOU KNOW, WHAT I HEARD IN THE PAST FEW DAYS--AND I DON'T WANT TO GO BACKWARDS, FOLKS, I WANT TO GO FORWARDS--IS THAT WE'RE ALWAYS CONCERNED WITH MANDATES AND WITH THE COST OF DOING BUSINESS. SO I WOULD ASK YOU BEFORE YOU CONSIDER THAT EVERYONE WHO DOESN'T HAVE A STATE ID CAN WALK INTO ANY DMV AND GET A STATE ID, THERE IS GOING TO BE SOME SIGNIFICANT COST HERE, I WOULD PRESUME. SO I WOULD HOPE THAT YOU KEEP AN OPEN MIND TO KNOW THAT WHEN THAT FISCAL NOTE COMES UP, THIS FISCAL NOTE DOES NOT REFLECT THE COMMITTEE AMENDMENT. AND WHEN IT FINALLY COMES, WE'RE GOING TO SEE THAT THERE IS GOING TO BE A COST THAT WE SHOULD AND BETTER CONSIDER. [LB111]

SPEAKER HADLEY: ONE MINUTE. [LB111]

SENATOR KRIST: AND I LOOK FORWARD TO SEEING THE LETTER FROM THE SECRETARY OF STATE. THANK YOU, MR. PRESIDENT. [LB111]

SPEAKER HADLEY: THOSE IN THE QUEUE: SENATOR GROENE, SENATOR MORFELD, SENATOR SCHNOOR, SENATOR CRAWFORD, AND OTHERS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB111]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. YOU KNOW, WE ARE A TRANSIENT SOCIETY AND IT IS GETTING TO BE MORE AND MORE. WE MOVE FROM STATE TO STATE, TOWN TO TOWN. INTERNATIONALLY WE GET PEOPLE COMING AND GOING. SOMETIMES WE DON'T EVEN KNOW WHO OUR NEIGHBORS ARE. I DON'T SEE ANY REASON WHY...I'VE BEEN READING, OF COURSE, AND A LOT OF FOLKS WHO VOTE ILLEGALLY DON'T EVEN KNOW THEY SHOULDN'T BECAUSE THEY DON'T KNOW ABOUT THE REQUIREMENTS OF BEING A CITIZEN, HOW LONG THEY HAVE TO LIVE HERE. WE REALLY NEED TO TAKE A STEP BACK AND SAY, WHAT'S WRONG WITH BEING PROUD OF BEING AN AMERICAN AND SHOWING AN ID? YOU KNOW, NOT ALL ELECTIONS ARE NATIONAL. EVERYBODY WORRIES ABOUT THE PRESIDENT. I WORRY LESS

Floor Debate  
February 17, 2015

---

ABOUT THAT, BECAUSE I'VE COME TO REALIZE THERE AIN'T A LOT OF DIFFERENCE BETWEEN THEM, THAN WHO IS ON MY SCHOOL BOARD, WHO IS ON MY COUNTY COMMISSIONER, WHO IS MY CITY COUNCILMAN, WHO IS ON THE NRD, WHO IS ON THE HOSPITAL BOARD. AND THOSE ELECTIONS ARE WON, TWO, THREE, FIVE VOTES IN SMALLER TOWNS. I REALLY DON'T WANT PEOPLE VOTING BECAUSE THEIR PASSION IS ABOUT WHO THE PRESIDENT OF THE UNITED STATES IS, AND THEY DECIDE TO, WHATEVER REASON, MAKE SURE THEY VOTE AND THEY'RE AFFECTING THESE ELECTIONS, THE LOCAL ELECTIONS. ALL POLITICS IS LOCAL. SO THERE IS MORE INVOLVED HERE THAN WHO IS GOING TO BE THE NEXT PRESIDENT OF THE UNITED STATES. WE ARE A FEDERATION OF STATES. WE ARE...I THOUGHT WE WERE STILL A COUNTRY OF LOCAL CONTROL AND LOCAL GOVERNMENTS, AND ELECTIONS MAKE A DIFFERENCE. AND TO SAY THERE HAS BEEN NO FRAUD, OUR BALLOTS ARE SECRET. ONCE THEY'RE IN THEIR BOX, THERE IS ABSOLUTELY NO PROOF OR NO WAY TO FIGURE OUT IF FRAUD TOOK PLACE, ABSOLUTELY NONE. AND WE'VE HAD INSTANCES NATIONWIDE, THE AL FRANKEN RACE IN MINNESOTA IN 2008, THERE WAS PRECINCTS WHERE MORE PEOPLE VOTED THAN WERE REGISTERED VOTERS. AND DO I EVEN HAVE TO MENTION CHICAGO POLITICS BACK TO THE 1960S? THINGS SPREAD, FOLKS. THINGS CHANGE OVER TIME. AND MAYBE GETTING READY FOR IT, HAVING THINGS IN PLACE SO THAT PEOPLE UNDERSTAND THAT'S NOT GOING TO HAPPEN HERE. CHICAGO ISN'T GOING TO HAPPEN HERE. THE TWIN CITIES ELECTION OF 2008 IS NOT GOING TO HAPPEN HERE. WE'RE READY FOR IT. WE ARE HONEST PEOPLE, AND WE'RE NOT AFRAID TO SAY WE'RE AN AMERICAN AND WE'RE NOT AFRAID TO PROVE IT. SO I SEE NOTHING WRONG WITH THIS. I LIVED IN COLORADO FOR EIGHT YEARS IN MY CAREER. I HAD TO SHOW REGISTRATION OUT THERE. THERE WAS NO HARM. I DIDN'T EVEN REALIZE I DID IT. I JUST TOOK IT FOR GRANTED. SOMEBODY TOLD ME, DID YOU KNOW WHEN YOU LIVED OUT THERE YOU WERE SHOWING REGISTRATION? I'M SURE I DID I BECAUSE I VOTED. BUT ANYWAY, DON'T MAKE MORE OUT OF THIS THAN WHAT YOU ARE. SOMETIMES YOU DO THINGS FOR THE FUTURE, FOR YOUR KIDS AND YOUR GRANDKIDS, TO MAKE SURE WE HAVE THINGS IN PLACE SO WE HEAD OFF PROBLEMS. SO THANK YOU, SPEAKER, AND I APPRECIATE IT. [LB111]

SPEAKER HADLEY: SENATOR MORFELD. [LB111]

SENATOR MORFELD: THERE WAS A FEW THINGS THAT WAS SAID IN THE OPENING ON LB111 THAT I'D LIKE TO ADDRESS. FIRST, THAT THIS IS A...THE STATEMENT THAT THIS IS A CONSTITUTIONAL BILL CRAFTED TO ENSURE THAT IT FOLLOWS THE CRAWFORD DECISION IN THE 2000S, WHICH WAS THE SEMINAL DECISION THE SUPREME COURT RULED ON THE INDIANA LAW THAT SAID THAT VOTER ID IN SOME INSTANCES CAN BE CONSTITUTIONAL. THAT

Floor Debate  
February 17, 2015

---

BEING SAID, THERE ARE SEVERAL KEY DIFFERENCES IN THAT OPINION. FIRST, INDIANA DOES NOT HAVE AN EXPLICIT PROTECTION OF THE RIGHT TO VOTE. IN NEBRASKA, WE DO. AND IT IS ONE OF THE STRONGEST RIGHTS TO VOTE ENSHRINED IN THE CONSTITUTION IN ALL OF THE 50 STATES. ARTICLE I, SECTION 22, "ELECTIONS TO BE FREE. ALL ELECTIONS SHALL BE FREE; AND THERE SHALL BE NO HINDRANCE OR IMPEDIMENT TO THE RIGHT OF A QUALIFIED VOTER TO EXERCISE THE ELECTIVE FRANCHISE." THAT'S THE FIRST DIFFERENCE BETWEEN CRAWFORD AND WHAT IS IN THIS BILL, IS THAT WE HAVE A STRINGENT CONSTITUTIONAL PROTECTION OF THE RIGHT TO VOTE. AND IN ORDER TO HINDER A CONSTITUTIONAL RIGHT THAT IS SO EXPLICIT THERE MUST BE A COMPELLING STATE INTEREST. AGAIN, THERE IS NO COMPELLING STATE INTEREST HERE. SENATOR GROENE BRINGS UP THE ELECTION IN MINNESOTA, AND HOW MORE BALLOTS WERE CAST THAN PEOPLE THAT WERE REGISTERED. WELL, THAT'S BECAUSE THEY HAVE ELECTION DAY REGISTRATION IN MINNESOTA AND PEOPLE, PARTICULARLY STUDENTS WHO MOVE INTO THE DISTRICT, AS LONG AS THEY SHOW SOME KIND OF PROOF OF RESIDENCY WHICH IS NOT AN ID BUT, RATHER, A UTILITY BILL, BANK STATEMENT, SOMETHING LIKE THAT, THEY'RE ABLE TO REGISTER TO VOTE. THAT'S WHY THERE'S MORE PEOPLE THAT VOTED IN THE ELECTION THAN WERE REGISTERED IN THAT DISTRICT, NOT BECAUSE THERE WAS VOTER FRAUD BUT BECAUSE THEY HAVE A DIFFERENT ELECTION SYSTEM. SECOND, WE ALSO HAVE TO NOTE THAT IN CRAWFORD THE COURT OF APPEALS, THE UNITED STATES COURT OF APPEALS THAT FORWARDED THAT ON, THAT DECISION, ON TO THE SUPREME COURT AND THE SUPREME COURT AFFIRMED IT, THEY MADE CLEAR THAT THE REASON WHY THEY WERE AFFIRMING THIS, WAS BECAUSE THERE WAS ACTUAL MONEY IN THE BUDGET FOR THAT BILL FOR EDUCATION. IF YOU LOOK AT THE FISCAL NOTE HERE, THERE IS ZERO DOLLARS FOR EDUCATION OF NEBRASKA VOTERS THAT THEY'RE GOING TO BE REQUIRED TO SHOW SOME KIND OF IDENTIFICATION BEFORE THEY VOTE NEXT TIME. SO WE'RE CHANGE...WE'RE MAKING PERHAPS ONE OF THE LARGEST CHANGES IN OUR ELECTION ACT FOR INDIVIDUAL VOTERS IN OUR HISTORY OF THE STATE, BUT WE'RE NOT GOING TO TELL ANYBODY ABOUT IT, AND WE'RE NOT GOING TO APPROPRIATE ANY MONEY TO LET PEOPLE KNOW WHAT'S REQUIRED TO DO THAT. THAT'S THE DIFFERENCE BETWEEN CRAWFORD AND THIS BILL, IS NUMBER ONE, THERE IS NO MONEY FOR EDUCATION. NUMBER TWO, WE HAVE A STRINGENT CONSTITUTIONAL PROTECTION OF THE RIGHT TO VOTE IN OUR OWN STATE CONSTITUTION THAT INDIANA DOES NOT HAVE. IT SHOULD ALSO BE NOTED THAT SENATOR GROENE BROUGHT UP HE HAD TO SHOW HIS REGISTRATION BEFORE VOTING IN COLORADO. A LOT OF THINGS THAT PEOPLE WON'T...ONE OF THE THINGS THAT PEOPLE WON'T TALK ABOUT, OR THEY'RE NOT TALKING ABOUT ON THE FLOOR TODAY, IS THAT FOR FIRST-TIME REGISTRANTS IN THE STATE OF NEBRASKA, OR ANY STATE IN THE UNION, YOU'RE ALREADY

Floor Debate  
February 17, 2015

---

REQUIRED TO SHOW SOME KIND OF PROOF OF RESIDENCY OR IDENTIFICATION IF YOU ARE A FIRST-TIME REGISTERED VOTER IN THE STATE, AND YOU DON'T PROVIDE EITHER A SOCIAL SECURITY NUMBER OR A COPY OF YOUR DRIVER'S LICENSE. SO FOR THOSE INDIVIDUALS THAT ARE REGISTERING FOR THE FIRST TIME, FEDERAL LAW ALREADY REQUIRES THAT YOU HAVE SOME KIND OF VERIFICATION AND CONFIRMATION. SEVERAL PEOPLE HAVE ALSO BROUGHT UP POTENTIALLY PEOPLE WHO ARE ILLEGAL COMING AND VOTING AND REGISTERING AND NOT EVEN KNOWING THAT THEY CAN'T REGISTER AND VOTE. WELL, FIRST OFF, THE ONLY CASES THAT WE'VE SEEN OF THAT, VOTER IDENTIFICATION WOULDN'T ACTUALLY HAVE STOPPED THOSE INDIVIDUALS BECAUSE THEY'RE ACTUAL LEGAL RESIDENTS OF THE UNITED STATES. AND THERE ARE CANADIAN RESIDENTS IN IOWA WHO THOUGHT THAT THEY COULD VOTE IN ONLY LOCAL ELECTIONS... [LB111]

SPEAKER HADLEY: ONE MINUTE. [LB111]

SENATOR MORFELD: ...BECAUSE IN CANADA, SOME PEOPLE THAT ARE ACTUAL RESIDENTS, LEGAL RESIDENTS BUT NOT CITIZENS OF THE COUNTRY, CAN VOTE IN LOCAL ELECTIONS. VOTER IDENTIFICATION WOULDN'T HAVE STOPPED THOSE PEOPLE. EDUCATION WOULD HAVE. SOME PEOPLE ALSO BRING UP THE FEAR THAT ILLEGAL ALIENS WILL REGISTER AND VOTE. WELL, I TELL YOU WHAT, FOR SOMEBODY THAT'S TRYING TO LAY LOW AND NOT GET CAUGHT BY THE FEDERAL GOVERNMENT, THE LAST THING THAT THEY ARE GOING TO DO IS SIGN UP FOR A GOVERNMENT DATABASE THAT IS CROSS-LISTED WITH SEVERAL OTHER DATABASES. THE FACT OF THE MATTER IS, AND WHAT THIS COMES DOWN TO, IS THAT THERE IS NO EVIDENCE OF VOTER IMPERSONATION THAT THIS BILL WOULD SOLVE EITHER IN THE STATE OF NEBRASKA OR IN ANY MEASURABLE SENSE NATIONWIDE. AND WE SHOULD NOT BE TRAMPLING WITH UNNECESSARY GOVERNMENT REGULATION ON A FUNDAMENTAL CONSTITUTIONAL RIGHT THAT WE HOLD DEAR HERE IN NEBRASKA. THANK YOU. [LB111]

SPEAKER HADLEY: SENATOR SCHNOOR. [LB111]

SENATOR SCHNOOR: THANK YOU, MR. SPEAKER. WELL, OBVIOUSLY WE'VE GOT ANOTHER CONTROVERSIAL BILL IN FRONT OF US. MY EXPERIENCE WITH VOTING HAS BEEN IN A SMALL TOWN WHERE EVERYBODY KNOWS WHO YOU ARE AND IT'S HARD TO COMMIT, OR JUST ABOUT IMPOSSIBLE TO COMMIT, ANY VOTER FRAUD. THE REST OF MY EXPERIENCE IS WITH THROUGH ABSENTEE BALLOTS IN THE MILITARY. SO, THERE YOU FILL IT OUT AND YOU SEND IT IN. WE HEAR A LOT AND WE'VE HEARD A LOT THIS MORNING ABOUT DISCRIMINATION. IT'S AN UNFORTUNATE FACT OF LIFE THAT PEOPLE ARE DISCRIMINATED AGAINST. THAT'S THE EVIL EVERYBODY HAS IN THEM THAT

Floor Debate  
February 17, 2015

---

WILL PROBABLY NEVER GO AWAY. AND I DON'T KNOW IF WE CAN EVER STOP IT, BUT DISCRIMINATION IS A FACT. ONE THING I WANT TO POINT OUT THAT HAS NEVER BEEN TALKED ABOUT IS A PROVISIONAL BALLOT THAT ANYBODY CAN FILL OUT IF THEIR RESIDENCY IS IN QUESTION. AND WHAT THAT DOES IS, IT'S THE SAME BALLOT AS EVERYBODY ELSE. IT...I THINK IT GOES IN...LITERALLY GOES INTO A DIFFERENT BOX AND THAT ELECTION COMMISSIONER THEN LOOKS AT IT AND VALIDATES YOUR RESIDENCY OF THAT PARTICULAR DISTRICT OF WHETHER OR NOT THAT VOTE CAN BE ACCEPTED. SO, WITH THAT IN MIND, YOU KNOW, I SEE THAT THERE IS NO WAY ANY INDIVIDUAL CAN BE DISCRIMINATED AGAINST BASED ON HIS RESIDENCY BECAUSE ANYBODY CAN FILL OUT A BALLOT, YOU KNOW, WHETHER IT'S THE...WHETHER YOU'RE SIGNING YOUR NAME ON THE DOTTED LINE OR A PROVISIONAL BALLOT. SO I JUST WANTED TO ADD THAT TO THE MANY ARGUMENTS THAT WE'RE GOING TO HEAR FOR THE NEXT PROBABLY SEVERAL DAYS ON THIS ISSUE. SO THAT'S ALL, SIR. [LB111]

SPEAKER HADLEY: MR. CLERK. [LB111]

CLERK: MR. PRESIDENT, NEW A BILLS. (READ LB504A AND LB139A BY TITLE FOR THE FIRST TIME.) HAVE AN ATTORNEY GENERAL'S OPINION ADDRESSED TO SENATOR DAVIS (RE LB280). NAME ADDS: SENATOR KINTNER WOULD LIKE TO ADD HIS NAME TO LB350; SENATOR KRIST WOULD LIKE TO REMOVE HIS NAME FROM LB614 AND FROM LB114. (LEGISLATIVE JOURNAL PAGES 525-530.) [LB504A LB139A LB280 LB350 LB614 LB114]

AND SENATOR BURKE HARR HAS A PRIORITY MOTION. HE WOULD MOVE TO ADJOURN UNTIL WEDNESDAY MORNING, FEBRUARY 18, AT 9:00 A.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADJOURN. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES.