

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

Floor Debate
March 04, 2015

[LB10 LB72 LB85 LB128 LB156 LB177 LB200 LB242 LB249 LB310 LB328 LB357
LB361 LB366 LB366A LB378 LB408 LB412 LB413 LB431 LB469 LB504 LB504A
LB540 LR100 LR101 LR102 LR103 LR104 LR105]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THIS THIRTY-EIGHTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR KINTNER. PLEASE RISE.

SENATOR KINTNER: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. I CALL TO ORDER THE THIRTY-EIGHTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

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

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

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

ASSISTANT CLERK: MR. PRESIDENT, THERE ARE. YOUR COMMITTEE ON REVENUE REPORTS LB361 TO GENERAL FILE. AGRICULTURE REPORTS LB85; URBAN AFFAIRS, LB540 TO GENERAL FILE. COMMITTEE ON REVENUE REPORTS LB156, LB200, LB249, AND LB408 ALL TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. A NOTICE OF COMMITTEE HEARING FROM THE GOVERNMENT COMMITTEE FOR WEDNESDAY, MARCH 11. AND I HAVE THREE REPORTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE OF VARIOUS GUBERNATORIAL APPOINTMENTS. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 715-717.) [LB361 LB85 LB540 LB156 LB200 LB249 LB408]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW RESUME THE DEBATE ON LB366. MR. CLERK, IS THERE ANYTHING PENDING ON THE BILL? [LB366]

CLERK: MR. PRESIDENT, LB366, INTRODUCED BY SENATOR PANSING BROOKS.

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(READ TITLE.) BILL WAS READ FOR THE FIRST TIME ON JANUARY 15, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE, REPORTED TO GENERAL FILE. I HAVE NOTHING PENDING ON THE BILL AT THIS TIME. [LB366]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR PANSING BROOKS, IF YOU'D LIKE TO TAKE JUST A COUPLE OF MINUTES TO REFRESH US ON WHERE WE ARE ON THE BILL AND THEN THE DEBATE CAN CONTINUE. [LB366]

SENATOR PANSING BROOKS: OKAY. THANK YOU, MR. LIEUTENANT GOVERNOR. AND GOOD MORNING, FELLOW COLLEAGUES IN THE LEGISLATURE AND NEBRASKA AND DISTRICT 28 IN WHICH WE'RE ALL SITTING. I JUST WANT TO REMIND PEOPLE THAT LB366 IS A BILL THAT RELATES TO THE PERSONAL NEEDS ALLOWANCE UNDER MEDICAID. I KNOW THAT MANY PEOPLE WERE... [LB366]

PRESIDENT FOLEY: EXCUSE ME, SENATOR. MEMBERS, IF YOU'D PLEASE COME TO ORDER. THANK YOU. SENATOR PANSING BROOKS, YOU MAY CONTINUE. [LB366]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH, MR. LIEUTENANT GOVERNOR. I KNOW THAT, AGAIN, THIS BILL RELATES TO THE PERSONAL NEEDS ALLOWANCE UNDER MEDICAID. AND I KNOW THAT SOME PEOPLE HEAR MEDICAID AND IMMEDIATELY ARE QUITE CONCERNED THAT THIS HAS TO DO WITH SOMETHING ABOUT MEDICAID EXPANSION AND THIS DOES NOT HAVE TO DO WITH MEDICAID EXPANSION. WHAT THIS REALLY IS, IS AN INFLATIONARY ADJUSTMENT TO THE AMOUNT OF THE PERSONAL NEEDS ALLOWANCE UNDER MEDICAID. THIS DOES NOT EXPAND ANY PART OF MEDICAID. IT JUST GOES TO \$25 EXTRA TOWARDS THE MONTHLY COST OF PEOPLE'S CARE. AND THAT REDUCTION IN THE PAYMENT GOES INSTEAD TO BE PAID FOR BY MEDICAID. IT'S AN EXPENSE THAT'S SHARED BY THE FEDERAL GOVERNMENT AND THE STATE GOVERNMENT. AGAIN, THIS IS NOT MEDICAID EXPANSION. WE ARE TALKING ABOUT ALLOWING PEOPLE WHO RESIDE IN NURSING HOMES AND OTHER ALTERNATIVE LIVING ARRANGEMENTS TO HAVE SOME PORTION OF THEIR MONTHLY COST PAID BY MEDICAID AND KEEP AN ADDITIONAL \$25 EACH MONTH. THAT'S MONEY THAT THEY HAVE MADE OVER THEIR LIFETIME OR HAVE GOTTEN THROUGH THEIR BENEFITS THAT THEY HAVE EARNED AND THEY ARE ALLOWED...WE ARE SAYING THAT THEY SHOULD BE ALLOWED TO KEEP AN EXTRA \$25 OF THEIR OWN MONEY. SHOULD I...I'M SORRY, I NEED A POINT OF INTEREST. I DON'T KNOW WHETHER TO KEEP BRINGING UP SOME INFORMATION. HOW MUCH TIME DO I HAVE, MR. LIEUTENANT GOVERNOR? [LB366]

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PRESIDENT FOLEY: SENATOR, I THINK THAT'S FINE FOR THIS OPPORTUNITY. IF YOU WANT TO PUNCH YOUR LIGHT, YOU COULD SPEAK AGAIN IF YOU WANTED TO. SENATOR PANSING BROOKS, YOU MAY CONTINUE. [LB366]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH, MR. LIEUTENANT GOVERNOR. [LB366]

PRESIDENT FOLEY: EXCUSE ME, SENATOR. I THINK WE'VE GOT SOMETHING AT THE DESK. MR. CLERK. [LB366]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR COASH WOULD MOVE TO AMEND WITH AM657. (LEGISLATIVE JOURNAL PAGE 717.) [LB366]

PRESIDENT FOLEY: SENATOR COASH, YOU'RE WELCOME TO OPEN ON AM657. [LB366]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. AM657 SIMPLY TAKES THE PERSONAL NEEDS ALLOWANCE FROM \$75--WHICH IS IN LB366--DOWN TO \$60 WHICH IS A \$10 INCREASE, WHICH SHOULD BRING DOWN THE FISCAL NOTE CONSIDERABLY. I HOPE THIS AMENDMENT IS PALATABLE TO THOSE WHO ARE WORRIED ABOUT THE FISCAL IMPACT OF THIS BILL. HERE IS WHAT I WOULD SAY: ALL OF US ARE...I'M GOING TO TRY TO MAKE A COMPARISON HERE. IN THE LEGISLATURE, WE HAVE NOT...WE CONTINUE TO INCREASE JUDGES' SALARIES EVERY COUPLE OF YEARS AND WE DO THAT MODESTLY BECAUSE WE DON'T WANT TO HAVE TO COME BACK IN 20 YEARS AND HAVE A HUGE INCREASE. AND THAT'S KIND OF WHERE WE ENDED UP WITH THE PERSONAL NEEDS ALLOWANCE AND NOT CHANGING IT SINCE 1999. SO WE HAVEN'T KEPT UP. AND HOPEFULLY, WE CAN START TO KEEP UP. COLLEAGUES, \$50 DOESN'T BUY WHAT IT USED TO. IT CERTAINLY DOESN'T BUY WHAT IT BOUGHT IN 1999. SO I WOULD APPRECIATE YOUR SUPPORT ON THIS AMENDMENT. AGAIN, THIS AMENDMENT TAKES THE PERSONAL NEEDS ALLOWANCE FROM \$50 TO \$60 AS OPPOSED TO THE \$75 WHICH IS IN LB366. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR PANSING BROOKS. [LB366]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH, MR. LIEUTENANT GOVERNOR. AGAIN, I AM IN SUPPORT OF SENATOR COASH'S AMENDMENT. WE HAVE TRIED TO TALK TO PEOPLE AND COME UP WITH THE MOST APPROPRIATE WAY TO WORK THIS OUT SO PEOPLE WILL FEEL MORE COMFORTABLE. I DID NOT EXPECT THIS TO TURN INTO A LONG, EXTENDED DEBATE. JUST FOR A COUPLE OF PIECES OF INFORMATION, IN OUR

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SURROUNDING STATES, COLORADO HAS A \$69 PERSONAL ALLOWANCE, PERSONAL NEEDS ALLOWANCE UNDER MEDICAID. IOWA HAS \$52 AND KANSAS HAS \$62. SO JUST TO GET A LITTLE PERSPECTIVE OF WHAT OTHER STATES AROUND US ARE DOING. LAST NIGHT I RECEIVED TWO LETTERS THAT CAME TO ME, ONE FROM THE MAYOR OF DAVID CITY TALKING ABOUT THE FACT THAT--AND DAVID CITY HAS ABOUT 3,000 PEOPLE--AND HE TALKED ABOUT THE FACT THAT HE'S WORKED WITH PEOPLE WITH DEVELOPMENTAL AND INTELLECTUAL DISABILITIES FOR 40 YEARS AND CALLED HIMSELF ONE OF THE MOST CONSERVATIVE PEOPLE HE KNOWS. HE'S ALSO CEO OF AN ORGANIZATION CALLED NORTHSTAR SERVICES AND THEY SERVE PEOPLE WITH INTELLECTUAL DISABILITIES. AND HE WANTED TO PROVIDE A COUPLE OF FACTS, HE SAID. NUMBER ONE, HE'S NOT AWARE OF ANYONE THAT CURRENTLY SMOKES IN THEIR RESIDENTIAL SETTING AND FEW HAVE IN THE PAST. THE NUMBER OF SMOKERS IS INFINITESIMALLY SMALL. HE SAID, QUOTE, THAT IS A RIDICULOUS ARGUMENT. NUMBER TWO, HE TALKED ABOUT THAT THE REALITY IS THAT ALMOST THE WHOLE MEDICAID PAYMENT GOES TO ROOM AND BOARD WITH THE \$50 LEFT FOR ALL THE PERSONAL EXPENSES. AND OF COURSE, THOSE ARE THE DOLLARS, AGAIN, MY FRIENDS, THAT WE HAVE MADE THROUGH OUR LIVES AND THAT'S AN AMOUNT THAT THEY GET TO KEEP OF THEIR OWN MONEY AND NOT PAY INTO MEDICAID SERVICES. SO ANYWAY, HE WENT ON TO...THIS MAYOR OF DAVID CITY WENT ON TO SAY HE'D LIKE TO ASK PEOPLE HOW MANY PAIRS OF SHOES THEY HAVE. HE SAID I KNOW PEOPLE HAVE TO SAVE MULTIPLE MONTHS TO BUY A PAIR OF DRESS SHOES OR A PAIR OF ATHLETIC SHOES. HE ALSO TALKED ABOUT PEOPLE SAY THAT THERE ARE ALWAYS GRANTS FOR THINGS. AND IT'S THE SAME ARGUMENT THAT THERE ARE THAT CORPORATIONS AND PEOPLE ARE OUT THERE TO DONATE TO PEOPLE. HE SAID THE REALITY IS THAT THAT JUST DOESN'T HAPPEN. HE QUOTED MIKE JOHANNIS WHO ALWAYS SAID, PROTECT THE MOST VULNERABLE CITIZENS FIRST. HE SAID THAT AGENCIES LIKE HIS DO NOT STAND TO BENEFIT ONE IOTA FROM THE PASSAGE OF THIS BILL, BUT THE PEOPLE THAT THEY SUPPORT ARE VERY POOR AND NEED SOME PERSONAL ITEMS. FIFTY DOLLARS IS TWO MONTHS TO SAVE FOR A DECENT COAT WITHOUT SPENDING MONEY ON ANYTHING ELSE. YOU CAN'T AFFORD TOOTHPASTE, SOCKS, OR BOW TIES. SO HE THANKED US FOR THINKING ABOUT THAT. I THANK HIM FOR REACHING OUT TO ME LAST NIGHT. MR. LIEUTENANT GOVERNOR, HOW MUCH MORE TIME DO I HAVE? [LB366]

PRESIDENT FOLEY: ONE AND A HALF MINUTES. [LB366]

SENATOR PANSING BROOKS: OKAY. I RECEIVED ONE OTHER LETTER FROM A CONSTITUENT LAST NIGHT AND SHE TALKED ABOUT THE FACT THAT HER...ABOUT THE THINGS THAT HER GRANDMOTHER HAD TO PAY FOR HERSELF OR HAD HER GRANDCHILDREN PAY FOR HER WHEN SHE WAS IN AN

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ASSISTED LIVING FACILITY. AND SHE SAID, MY GRANDMOTHER HAD PLENTY OF MONEY AND PLENTY OF GRANDKIDS TO HELP HER, BUT MANY DO NOT. AND SHE THOUGHT IT MIGHT BE HELPFUL. SO THE PERSONAL ITEMS INCLUDED: BOOKS, MAGAZINES, CROSSWORD PUZZLES... [LB366]

PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR PANSING BROOKS: ...BECAUSE SHE LIKED TO KEEP HER MIND SHARP. SLACKS AND BLOUSES, NIGHTGOWNS AND ROBES BECAUSE SHE LIKED TO DRESS DAY AND NIGHT. APPOINTMENTS AT THE BEAUTY PARLOR BECAUSE, AS SENATOR BAKER POINTED OUT, MANY WOMEN, BECAUSE THEY CANNOT REACH THEIR ARMS UP TO TAKE CARE OF THEIR HAIR, HAVE TO HAVE HELP IN FIXING THEIR HAIR EVERY WEEK. SCENTED LOTION AND BODY POWDER BECAUSE SHE LIKED TO SMELL NICE. STATIONERY AND GREETING CARDS BECAUSE SHE WANTED TO BE ABLE TO REACH OUT AND KEEP IN TOUCH WITH FAMILY AND FRIENDS. AND GIFTS AND WRAPPING PAPER AND THE MONEY FOR SHIPPING OF LETTERS BECAUSE SHE LOVED HER GRANDCHILDREN AND CHILDREN. SO ANYWAY, THIS CONSTITUENT SAID THAT HER GRANDMOTHER WAS 90 AND COULDN'T LIVE ON HER OWN ANYMORE. AND PEOPLE LIKE THAT SHOULD NOT HAVE TO GIVE UP THE DIGNITY AND SENSE OF STILL BEING ALIVE AND CONNECTED TO OTHERS. SO I APPRECIATE THE PEOPLE THAT WROTE AND HELPED TO CLARIFY. AGAIN, THIS IS ABOUT... [LB366]

PRESIDENT FOLEY: TIME, SENATOR. TIME SENATOR. [LB366]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. (DOCTOR OF THE DAY INTRODUCED.) DEBATE CONTINUES ON AM657 TO LB366. SENATOR LARSON. [LB366]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I UNDERSTAND THE CONCEPT OF LB366 AND I UNDERSTAND THAT THERE ARE ISSUES WITH THE POPULATION AND THE LIMIT. AND SENATOR COASH WITH AM657 IS TRYING TO MAKE IT BETTER AND DECREASE THE FISCAL IMPACT. MY CONCERN IS ONE THAT I'VE SEEN BEFORE IN THE BODY, ESPECIALLY IN BUDGET YEARS, AND AS A FORMER MEMBER OF APPROPRIATIONS IS, WE HAVE A LOT OF VERY WELL-MEANING BILLS THAT WE CAN ALL UNDERSTAND AND UNDERSTAND A NEED FOR THAT COSTS SIGNIFICANT OR SOMETIMES INSIGNIFICANT AMOUNT OF MONEY. SO WE SAY, WELL, IT'S MARCH. IT'S EASY TO SEND THEM TO SELECT FILE AND LET THEM SIT BECAUSE THEY HAVE TO SIT UNTIL AFTER THE BUDGET. SO LET'S JUST KICK IT ON NOW AND WE'LL DEAL WITH IT LATER

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BECAUSE THIS IS A GOOD CONCEPT. WHAT'S GOING TO HAPPEN, THOUGH, BECAUSE WE'RE GOING TO CONTINUE THIS PRACTICE OVER AND OVER AND OVER ON ALL OF THESE BILLS THAT HAVE GOOD CONCEPTS THAT WE UNDERSTAND, AND ALL OF A SUDDEN ON SELECT FILE THERE IS GOING TO BE \$100 MILLION, \$120 MILLION SITTING THERE OF SPENDING THAT THE FLOOR WANTS TO SPEND. BUT THE APPROPRIATIONS COMMITTEE WILL HAVE ITS PRIORITIES AND WILL STICK TOUGH AS A COMMITTEE AND THEY'LL DO THEIR WORK. AND THEY DO GREAT WORK IN THE APPROPRIATIONS COMMITTEE AND THEY MIGHT LEAVE THE FLOOR \$40 MILLION TO SPEND IF WE'RE HOPEFUL. SO ALL OF A SUDDEN HERE COMES APRIL, END OF APRIL, MAY, AND WE HAVE TO SIT HERE AND DECIDE WHAT DO WE WANT TO SPEND OUR MONEY ON. AND THAT'S WHEN IT WILL GET REALLY NASTY OUT HERE BECAUSE WE'RE GOING TO HAVE TO DECIDE BETWEEN POSSIBLY BUMPING UP FOSTER CARE RATES, WHICH I THINK NEBRASKA IS SECOND OR THIRD LOWEST IN THE NATION, OR IT INCREASE IN LB366; BOTH OF THEM VERY WORTHY. BUT ALL OF A SUDDEN WHEN THAT GETS TOUGH, ESPECIALLY WHEN WE'RE IN THAT TIME OF SESSION, THINGS GET UGLIER, I'LL SAY, WITH A NUMBER OF DIFFERENT WAYS. AND THERE WILL BE LATE NIGHTS AND IT WILL GET TESTY. IT'S EASY TO PASS THE BUCK TO SELECT FILE, BUT IT'S NOT THE SMART THING TO DO BECAUSE WE KNOW WHAT THAT \$40 MILLION, \$50 MILLION, MAYBE \$30 MILLION, DEPENDING ON WHAT THE APPROPRIATIONS COMMITTEE DOES, WE'RE GOING TO WANT TO FUND TAX RELIEF TO A CERTAIN EXTENT, WE'RE GOING TO WANT TO FUND INCREASE IN FOSTER CARE RATES POSSIBLY, WE'RE GOING TO HAVE TO FUND PRISONS POSSIBLY. THERE IS A LOT OF US THAT HAVE SPENDING BILLS THAT WE ALL THINK ARE EQUALLY WORTHY. [LB366]

PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR LARSON: BUT AT SOME POINT, WE HAVE TO MAKE THE TOUGH DECISIONS NOW OF, WE KNOW THIS ONE PROBABLY WON'T MAKE THE CUT ON SELECT FILE. AND IT'S EASY TO SEND IT ON NOW AND IT LOOKS LIKE WE PROBABLY WILL SEND IT ON NOW, BUT THE ISSUE REMAINS THE SAME. WE'RE GOING TO HAVE THE BACKLOG. ASK YOURSELVES, DO YOU WANT TO MAKE THE EXPEDIENT DECISION NOW FOR THE PAIN AND THE FIGHTING COME APRIL? AND THAT IS WHAT IS GOING TO HAPPEN. I'VE SEEN IT HAPPEN AND IT WILL CONTINUE TO HAPPEN. WE CAN PARSE IT DOWN, REDUCE THE IMPACT, BUT IT WILL HAPPEN AND IT WILL GET UGLY, AND FOR THE 18 NEW ONES IN HERE, BE READY FOR IT. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB366]

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SENATOR GLOOR: GOOD MORNING, MEMBERS. THANK YOU, MR. PRESIDENT. SENATOR LARSON IS CORRECT TO POINT OUT THE CHALLENGES AND THE FACT THAT TOO OFTEN THIS BODY DOESN'T SAY NO. SENATOR MELLO MADE THE SAME GENERAL COMMENT, I BELIEVE, YESTERDAY. OTHERS HAVE OVER THE PAST TWO DAYS. I'M IN SUPPORT OF THE AMENDMENT, I'M IN SUPPORT OF THE UNDERLYING BILL. AND I DIDN'T HEAR SENATOR LARSON MENTION TAX CUTS, ALTHOUGH I KNOW THAT'S IMPORTANT TO HIM ALSO AND CERTAINLY TO ME AS CHAIR OF THE REVENUE COMMITTEE AND TO MEMBERS OF THE REVENUE COMMITTEE AND TO ALL OF YOU, FOR THAT MATTER. SO WE'VE ALL GOT A DOG IN THIS FIGHT AND ARE TRYING TO PARCEL OUT MONIES IN WISE WAYS AND SAYING NO IS ONE OF THE WAYS WE CAN DO THAT. BUT THIS BILL HAS BEEN IN FRONT OF THIS BODY SEVERAL TIMES WHILE I'VE BEEN A MEMBER AND I'VE BEEN SUPPORTIVE. LET ME BE...LET ME REITERATE A POINT SENATOR MELLO MADE YESTERDAY, I BELIEVE. AND THAT IS HOW MUCH MONEY WE SPEND ON MEDICAID LONG-TERM CARE. IT'S A HUGE CHUNK OF OUR BUDGET. THIS BILL IS CURRENTLY PART OF THAT. BUT THE INEFFICIENCIES AND THE WAY WE PAY FOR LONG-TERM CARE IN THIS STATE ARE LEGEND. WE PAY, IN PART, FOR INEFFICIENT OPERATION OF OUR LONG-TERM CARE FACILITIES BECAUSE A PORTION OF THE PAYMENT IS BASED ON COST. WOULDN'T YOU LOVE TO RUN YOUR BUSINESS IF YOU GOT REIMBURSED THE COST OF DOING BUSINESS AS PART OF YOUR REIMBURSEMENT FORMULA, AS PART OF HOW YOU GOT PAID? AND THAT'S THE WAY WE PAY FOR LONG-TERM CARE. WE NEED TO REVAMP OUR LONG-TERM CARE PAYMENT SYSTEM. AND I BELIEVE WE HAVE A GOVERNMENT THAT RIGHT NOW, UNDER THE GUIDANCE OF A GOVERNOR WHO WANTS TO TAKE A BUSINESS APPROACH, WITH A NEW DIRECTOR OF HHS COMING IN WHO WILL TAKE A HARD LOOK AT THIS. THEY NEED TO. THE KIND OF MONEY THAT WE CAN SAVE BY MORE EFFICIENT OPERATION WILL HELP US IMMENSELY DO A NUMBER OF THINGS OUTSIDE PROVIDING GRANDMOTHER MONEY TO BUY BIRTHDAY CARDS FOR HER GRANDKIDS AND GRANDPA A PAIR OF SLIPPERS SO THAT HE HAS SOMETHING ON HIS FEET WHEN HE SHUFFLES INTO THE RESTROOM, WHICH HE DOES NUMEROUS TIMES A DAY. THAT'S WHAT WE'RE TALKING ABOUT HERE. I AM VERY COMFORTABLE WITH THIS BILL AND THE RELATIVELY SMALL AMOUNT OF MONEY WE'RE TALKING ABOUT, BECAUSE I BELIEVE WE ARE GOING TO SIT DOWN FINALLY AND TAKE A HARD LOOK AT THE MEDICAID EXPENDITURES FOR LONG-TERM CARE IN THIS STATE, AND THAT'S WHERE WE NEED TO SPEND OUR TIME. THAT'S WHERE WE NEED TO EXPEND OUR AMMUNITION ON THIS ISSUE. NOT ARGUING ABOUT GRANDMA'S LIPSTICK, GETTING HER HAIR DONE AND GRANDPA'S SLIPPERS. AND THAT'S WHAT THIS DISCUSSION IS RIGHT NOW. WE'RE OKAY MOVING FORWARD WITH THIS. WE CAN HANDLE THIS. IF NOT NOW, WHEN? DO IT NOW. I'M SUPPORTIVE OF THIS BILL. I'M SUPPORTIVE OF THE AMENDMENT, AND WOULD ASK FOR A GREEN VOTE

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FROM YOU ON THESE BILLS. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB366]

SENATOR HILKEMANN: GOOD MORNING, MR. SPEAKER. THANK YOU VERY MUCH. I RISE TO SUPPORT AM657 AND THE UNDERLYING BILL. I THINK ABOUT THIS BILL AND I WANT TO PUT A FACE ON THIS, ON THE PEOPLE THAT THIS AFFECTS. THERE'S A NEWS FLASH COMING RIGHT NOW. AND THAT NEWS FLASH IS, IS THAT ALL OF US, IF WE LIVE LONG ENOUGH, MAY BE FACED WITH THIS SAME SITUATION THAT WE OUTLIVE OUR RESOURCES. AND SO WE MIGHT THINK THAT THESE ARE PEOPLE THAT ARE NE'ER-DO-WELLS, ALL THAT SORT OF THING. THAT'S NOT WHO WE'RE TALKING ABOUT. WE'RE TALKING ABOUT A YOUNG MAN I SEE IN MY PRACTICE WHO HAD AN UNFORTUNATE HEAD INJURY, WILL NEVER BE ABLE TO HAVE THE OPPORTUNITY TO BE PRODUCTIVE IN HIS LIFE. HE WILL FOREVER LIVE AT QLI. THIS IS WHAT HE HAS FOR HIS PERSONAL. THIS IS FOR A YOUNG LADY I WISH ALL OF YOU...SHE'S NOW WITH HER MAKER. SHE WOULD COME IN AND SHE WAS A RESIDENT AT ONE OF THE CENTERS FOR DEVELOPMENTALLY DISABLED. IF EVERYBODY HAD THE WORK ETHIC THAT THIS YOUNG LADY DID, THIS COUNTRY WOULD BE GREAT. BUT UNFORTUNATELY, SHE HAD THE MIND OF ABOUT MAYBE A SEVENTH OR AN EIGHTH GRADER AT THE VERY BEST. THIS IS THE PERSON THAT HAS TO LIVE ON \$50 A MONTH FOR THEIR PERSONAL INCOME. I COULD GO ON WITH OTHER ILLUSTRATIONS, BUT LET'S PUT A FACE ON THESE, THAT THESE ARE...THE BIBLE REFERS TO THE LEAST OF THESE. AND I ALWAYS THINK, THERE BUT BY THE GRACE OF GOD, GO I. THAT'S WHY, IN MY PRACTICE, I ALWAYS HAD ROOM FOR THESE BECAUSE--PARTICULARLY THE DEVELOPMENTALLY DELAYED AND SO FORTH--BECAUSE SOMEDAY YOU WAKE UP, STOCK MARKET IS DOWN 600 POINTS OR YOU LOSE AN EMPLOYEE OR YOU HAVE SOME CASE THAT'S NOT GONE WELL. AND I'D HAVE THESE WONDERFUL PEOPLE COME INTO MY PRACTICE AND THEY WERE JOYFUL FOR THE MOST CASE, THEY WERE WARM. AND I'D SAY, THANK YOU, LORD. I NEEDED THAT PERSON IN MY LIFE TODAY. THIS IS WHO WE'RE TALKING ABOUT. AND WE'RE NOT OUT OF LINE WITH OUR SURROUNDING STATES WITH THIS INCREASE. I THINK THAT IT'S BEEN ALMOST 20 YEARS SINCE THIS PERSONAL...SO LET'S PUT A FACE ON THIS TODAY AND LET'S MOVE THIS AMENDMENT AND LET'S MOVE THE UNDERLYING BILL. THANK YOU VERY MUCH. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB366]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING,

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COLLEAGUES. I'M GOING TO SUPPORT AM657. IT REDUCES THE FISCAL NOTE CONSIDERABLY. I HAVEN'T MADE UP MY MIND COMPLETELY ON LB366 AT THIS POINT, BUT I'M CERTAINLY GOING TO SUPPORT THE AMENDMENT BECAUSE SENATOR HILKEMANN JUST PUT A FACE ON SOME OF THE PEOPLE. LET ME PUT ANOTHER FACE ON. AND I WOULD LIKE SOME OF THE ATTORNEYS IN THE BODY TO MAYBE RESPOND TO THIS. WE HAVE PEOPLE OF SUBSTANTIAL MEANS WHO MANAGE TO GIVE IT AWAY SO THEY CAN GET ON MEDICAID TO GET THIS HELP. THEY PASS IT DOWN TO THEIR CHILDREN BEFORE THEY NEED TO--QUOTE, UNQUOTE--BE ON PUBLIC ASSISTANCE. THERE ARE PEOPLE THAT ABUSE THE MEDICAID SYSTEM BADLY. I THINK WE COULD GO THERE AND FIND THAT ABUSE. I WOULD LIKE AGAIN FOR THE ATTORNEYS TO ADDRESS HOW MANY PEOPLE COME INTO THEM WITH ESTATE PLANNING SO THEY CAN MOVE SOME OF THIS MONEY AROUND AND GET RID OF IT AND HIDE IT SO THAT THEY CAN QUALIFY FOR MEDICAID. ANOTHER THING I WOULD LIKE TO DO IS TO REMEMBER THE FAMILIES. GRANDMA'S IN THE NURSING HOME. DOES THE FAMILY NOT HAVE SOME RESPONSIBILITY TO HELP GRANDMA ALONG A LITTLE BIT? MAYBE SOMEBODY OUGHT TO TAKE HER OUT AND TAKE HER TO THE BEAUTY SHOP IF SHE'S ABLE TO GO OUT. BUT JUST BECAUSE SOMEONE IS IN THAT HOME DOESN'T MEAN THAT SHOULD BE THEIR ONLY LINE OF SUPPORT, PARTICULARLY THOSE THAT HAVE PASSED SO MUCH ON TO THEIR CHILDREN OR GRANDCHILDREN. THIS RESPONSIBILITY DOES NOT ENTIRELY LAY AT THE DOORSTEP OF THE STATE. IF YOU HAVE A LOVED ONE IN ONE OF THESE HOMES, YOU HAVE SOME RESPONSIBILITY YET, TOO. LET'S SEE TO IT THAT THEY'RE TAKEN CARE OF, LET'S NOT LEAVE IT ALL TO MEDICAID. AND IF SENATOR PANSING BROOKS WOULD YIELD TO A QUESTION OR TWO, I'D LIKE TO ASK ONE. [LB366]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD? [LB366]

SENATOR PANSING BROOKS: YES. YES, I'D BE HAPPY TO. [LB366]

SENATOR BLOOMFIELD: THANK YOU, SENATOR PANSING BROOKS. HAVE I MISSTATED ANYTHING IN THAT LITTLE BIT THAT I SAID THERE? DO PEOPLE DO WHAT I JUST SAID? [LB366]

SENATOR PANSING BROOKS: I PRESUME THAT THERE ARE PEOPLE THAT SCAM A SYSTEM. AND I PRESUME THAT THERE ARE PEOPLE WHO TRY TO HIDE ASSETS TO BE ABLE TO HAVE THE STATE PAY FOR IT. BUT IT'S MY UNDERSTANDING THE MAJORITY OF THE PEOPLE ARE IN NEED AND SERIOUS NEED. AND IF YOU THINK THAT FOR ANY REASON MEDICAID AND THE FEDERAL GOVERNMENT AND THE STATE GOVERNMENT JUST ALLOW THESE PAYMENTS TO BE MADE WILLY-NILLY, I THINK YOU WOULD BE QUITE MISTAKEN. AND I THINK IT MIGHT DO SOME GOOD TO SEE HOW YOU DO

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QUALIFY AND SEE THAT THEY ARE NOT JUST ALLOWING PEOPLE WHO MIGHT HAVE MILLIONS OF DOLLARS PASS IT ALL TO THEIR GRANDCHILD AND THEN DEMAND THAT THE STATE TAKE CARE OF THEM. THAT IS NOT A GOOD LIFE. I DON'T KNOW IF YOU'VE BEEN IN ANY OF THOSE FACILITIES. [LB366]

PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR PANSING BROOKS: MY MOTHER, WHO LIVED WITH US THE LAST TEN YEARS OF HER LIFE, DID NOT HAVE TO DO THAT. AND SHE DID NOT PASS ALL OF HER MONEY TO SOME OTHER PERSON IN OUR FAMILY ONLY TO DEMAND THAT THE STATE TAKE CARE OF HER IN WHATEVER LUXURY WE HAD IMAGINED THE STATE TO BE PROVIDING FOR THESE PEOPLE. [LB366]

SENATOR BLOOMFIELD: NO. AND I DON'T IMAGINE IT TO BE A LUXURIOUS LIVING. I KNOW PEOPLE THAT ARE IN THESE HOMES. BUT I ALSO KNOW PEOPLE THAT HAVE PASSED ASSETS DOWN SO THEY CAN GET MEDICAL CARE AND HOUSING FROM MEDICAID. I AGREE WITH YOU, IT'S WRONG WHEN THEY DO THAT. [LB366]

SENATOR PANSING BROOKS: I AGREE WITH YOU, TOO. [LB366]

SENATOR BLOOMFIELD: BUT I ALSO WANTED TO ASK YOU, AND SENATOR SCHNOOR ASKED THE QUESTION YESTERDAY, JUST WHAT ALL YOU HAVE TO DO IN ORDER TO QUALIFY FOR MEDICAID. AND I THINK THAT'S SOMETHING WE NEED TO EXPLORE A LITTLE MORE. [LB366]

SENATOR PANSING BROOKS: OKAY. WELL, DO YOU WANT ME TO ANSWER? [LB366]

SENATOR BLOOMFIELD: LET ME ASK A STEP AT A TIME. [LB366]

SENATOR PANSING BROOKS: OKAY. [LB366]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR BLOOMFIELD AND SENATOR PANSING BROOKS. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB366]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I RISE TO START WITH A QUOTE FROM U.S. SENATOR PATRICK MOYNIHAN WHO SAID, WE'RE ALL ENTITLED TO OUR OWN OPINION. WE'RE JUST NOT, ALL OF US, ENTITLED TO THE FACTS. WE HAVE FACTS THAT WE HAVE TO LIVE WITH. THE FACTS ARE IN A FACILITY, SAY, IF THE COST WAS \$4,000 AND THE INDIVIDUAL WHO, AFTER THEY HAVE SOCIAL SECURITY, THEY HAVE THEIR EARNINGS, THEY HAVE ANY ASSETS AND SO THEY HAVE \$2,000. THAT LEAVES \$2,000 TO

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BE PAID BY SOMEONE. THAT MEANS THAT EITHER THE NURSING HOME IS GOING TO GIVE IT TO THEM FREE OR WE'RE GOING TO PAY FOR IT THROUGH GOVERNMENT AS MEDICAID. FACT IS, WE STEP UP TO THAT AND WE DO PAY FOR THAT \$2,000. OUT OF THE KINDNESS OF OUR HEART, WE ALSO PROVIDE THEM \$50. SO THAT'S NOT THEIR MONEY, THAT'S OUR MONEY AS A STATE. OR WE HAVE TO LOOK AND SAY, WELL, WILL THE NURSING HOME GIVE THEM THE \$50 OR THE ADDED \$25? AND THE FACT OF THE MATTER IS, PROBABLY NOT. I'D ALSO LIKE TO POINT OUT, MR. PRESIDENT, THAT THE FEDERAL GOVERNMENT DOES REQUIRE THAT RESIDENTS BE PROVIDED SUCH THINGS AS SOAP, SHAMPOO, TOILET PAPER, TOOTHBRUSH, TOOTHPASTE, DEODORANT, SANITARY NAPKINS AND DISPOSABLE RAZORS AND OTHER ITEMS. SO IT'S NOT AS IF THEY'RE WITHOUT ANYTHING. I MAY BE ABLE TO SUPPORT AM657. BUT IN THE LONG RUN, THE WHOLE THING JUST IS, UNEQUIVOCALLY, THIS IS STATE MONEY. THIS IS EXPANDED MEDICAID. CALL IT WHAT YOU WILL. THANK YOU. I WOULD LIKE TO YIELD ANY TIME TO SENATOR McCOY IF HE WOULD LIKE TO HAVE IT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. SENATOR McCOY, THERE'S ABOUT 3 MINUTES LEFT IF YOU'D LIKE TO USE IT. [LB366]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR RIEPE. I DON'T KNOW THAT I COULD SAY IT ANY BETTER THAN SENATOR RIEPE JUST DID. THERE ARE ALWAYS, AND I SAID THIS YESTERDAY, THERE'S ALWAYS GOING TO BE A PROGRAM. IN MY TIME IN THE LEGISLATURE I'VE SEEN IT MANY TIMES, THERE'S ALWAYS GOING TO BE A PROGRAM THAT COMES ALONG THAT TUGS AT YOUR HEARTSTRINGS, MAKES YOU THINK, PUTS A HUMAN FACE ON A SITUATION. THAT'S WHAT WE FACE HERE IN THE LEGISLATURE. AND I EMPATHIZE WITH THAT. WE FACE THAT MANY TIMES. THAT'S ALWAYS GOING TO BE THE CASE. I LIKE TO THINK BACK SOMETIMES IN THESE TYPES OF SITUATIONS IN MY FOUR YEARS THAT I SPENT ON THE BANKING, COMMERCE AND INSURANCE COMMITTEE, MY FIRST FOUR YEARS IN THE LEGISLATURE. AND THOSE OF YOU THAT HAVE BEEN ON THAT COMMITTEE OR SERVED ON THAT COMMITTEE WILL KNOW EXACTLY WHAT I'M TALKING ABOUT. WHENEVER YOU HEAR THE HUMAN STORIES, THE PERSONAL STORIES, MANY OF THEM THAT TUG AT YOUR HEARTSTRINGS ABOUT INSURANCE MANDATES AND THE CHALLENGES THAT A LOT OF FOLKS FACE WITH VERY SERIOUS, SOMETIMES MEDICAL CONCERNS THAT THEY WOULD LOVE TO HAVE THEIR INSURANCE CARRIER COVER. BUT GUESS WHAT THAT COMES WITH? OUR COST TO PREMIUMS FOR EVERYONE ELSE. WELL, I GUESS I WOULD DRAW THE ANALOGY HERE THAT THAT'S WHAT COMES AT A COST IN THIS CASE. WE MIGHT SAY IT'S ABOUT, AS SENATOR GLOOR SAID, GRANDPA'S SLIPPERS OR LIPSTICK FOR GRANDMA AND THAT MAY BE TRUE. BUT IT IS STILL, NO MATTER WITH THIS AMENDMENT THAT SENATOR COASH

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BRINGS THIS OR NOT, THIS STILL COMES OUT OF THE GENERAL FUNDS OF THE STATE OF NEBRASKA. IT STILL MEANS THAT THE POT OF MONEY THAT IS AVAILABLE FOR TAX RELIEF TO GROW OUR ECONOMY SO THAT WE HAVE MORE REVENUE COMING INTO STATE GOVERNMENT... [LB366]

PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR McCOY: ...IN ORDER TO DO MORE GOOD IS LESS, IS SMALLER. NO ONE STOOD UP ON A MICROPHONE AND DISAGREED WITH THAT SINCE I SAID THAT OUT OF THE GATE YESTERDAY AFTERNOON, OR YESTERDAY MORNING. AND IT DOESN'T MATTER HOW YOU LOOK AT IT, THIS IS AN EXPANSION OF MEDICAID. WHETHER YOU CAMPAIGNED ON THAT ISSUE, IF YOU'RE NEW IN THE LEGISLATURE, OR WHETHER YOU'RE LIKE ME AND YOU'VE BEEN AROUND HERE AND YOU'VE SEEN IT FROM THE VERY BEGINNING, THE EXPANSION OF MEDICAID. IT IS AN EXPANSION OF MEDICAID. I THINK WE NEED TO THINK VERY LONG AND CAREFULLY ABOUT WHAT WE'RE DOING HERE WITH THIS BILL BECAUSE THIS WILL NOT BE THE LAST TIME, COLLEAGUES, THAT WE ARE IN SUCH A SITUATION AS WE ARE THIS MORNING PONDERING THE MERITS OF A PIECE OF EXPANDED MEDICAID. [LB366]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR McCOY. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB366]

SENATOR JOHNSON: THANK YOU, LIEUTENANT GOVERNOR. SINCE OUR ADJOURNMENT YESTERDAY NOON, I'VE HAD THE OPPORTUNITY TO SPEAK TO TWO ORGANIZATIONS. THE FIRST ORGANIZATION WAS A GROUP OF AG PRODUCERS LAST EVENING, AND THEIR MAIN INTERESTS, OF COURSE, ARE PROPERTY TAX RELIEF, AS MOST OF OUR FOCUS HAS BEEN ON THAT. BUT I ALSO TALKED ABOUT LB366 AND THAT SITUATION. WE DID NOT DISCUSS IT AS A GROUP, BUT AFTERWARDS THEY JUST SAID, BOY, THAT'S SOME TOUGH DECISIONS TO MAKE, LOOKING AT WHAT THEY WANT AND WHAT WE NEED TO DO MAYBE FOR OUR ELDERLY PEOPLE IN RETIREMENT HOMES. THEN THIS MORNING I SPOKE TO A SERVICE ORGANIZATION AT THEIR BREAKFAST MEETING AND THE SAME DISCUSSION A LITTLE BIT, FOCUSED A LITTLE BIT DIFFERENT, NOT QUITE SO MUCH ON THE AG SECTOR. BUT THE SERVICE ORGANIZATIONS, THEY HAVE THE OPPORTUNITY TO PROVIDE SOME OF THESE NEEDS. THERE'S CHURCHES OUT THERE. I THINK WHEN YOU GET INTO ESPECIALLY THE SMALLER COMMUNITIES WHICH HAS MAINLY BEEN MY FOCUS IN MY LIFE, YOU'VE GOT THE ORGANIZATIONS, YOU'VE GOT THE CHURCHES, YOU'VE GOT SERVICE ORGANIZATIONS THAT REALLY, I THINK, WOULD COME TO THE FOREFRONT AND PROVIDE SOME OF THESE THINGS. MAYBE THEY'RE DOING IT SOME RIGHT NOW. BUT TO STEP FORWARD AND COME A LITTLE BIT FURTHER DOWN THE ROAD IN ORDER TO PROVIDING

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MORE OF THESE PERSONAL SUPPLIES I THINK COULD BE ACCOMPLISHED. AM657 PROBABLY BRINGS IT A LITTLE BIT CLOSER, BUT IT IS STILL MONEY. I'M NOT GOING TO GET INTO THE ARGUMENT OF WHETHER THIS IS EXPANSION OF MEDICAID; IT PROBABLY LEANS THAT WAY. BUT RIGHT NOW, I JUST THINK THERE'S OTHER WAYS IN ORDER TO FILL THIS GAP AND I WOULD OPPOSE LB366. AND AT THE RISK OF HAVING MAYBE ON THE OTHER SIDE TO MY NEIGHBOR, BOTH AS DISTRICTS AND NEIGHBORS WHERE WE SIT, I WILL YIELD THE BALANCE OF MY TIME TO SENATOR SCHUMACHER. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR SCHUMACHER, 2:56. [LB366]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR. MEMBERS OF THE BODY, THIS ADDRESSES A VERY INTERESTING ISSUE. WE HAVE SOME MONEY TO GO TO OLD FOLKS--NOW IT'S DOWN TO TEN BUCKS--TO FIX THEIR HAIR, BUY SLIPPERS OR SOCKS OR WHATNOT. AND REALLY PROBABLY IN THE BIG PICTURE OF THINGS, WILL AMOUNT TO LESS THAN A MILLION DOLLARS. ON THE OTHER HAND AS SENATOR LARSON POINTS OUT, A MILLION DOLLARS IS A MILLION DOLLARS AND WE'VE GOT A LOT OF MILLION DOLLARS IDEAS OUT THERE. WE'VE GOT TAX BREAKS FOR HORSES. WE'VE GOT TAX BREAKS FOR ZOOS. WE GOT TAX BREAKS FOR AG SOCIETIES. WE GOT TAX BREAKS FOR PAROCHIAL SCHOOLS. AND THAT'S NOT EVEN TOUCHING WHAT IS BEING REQUESTED OF THE APPROPRIATIONS COMMITTEE. THE PICNIC IS JUST ABOUT TO BEGIN HERE. BUT ENOUGH SAID OF THAT. I WANT TO POINT OUT SOMETHING THAT SENATOR BLOOMFIELD SAID THAT'S VERY, VERY ACCURATE. THIS IS PART OF A BIGGER PICTURE. AND WE HAVE ALSO IN OUR SOCIETY LOTS OF PEOPLE USING WHAT AMOUNTS TO A LOOPHOLE IN THE LAW TO PUT HOUSES, SOMETIMES FARMS INTO VARIOUS ESTATES AND LIFE ESTATES SO THAT WHEN THEY GET INTO A SITUATION WHERE THEY NEED TO GO TO A NURSING HOME, THEY WILL BE ABLE TO LEAVE THE HOUSE, LEAVE THE FARM TO THE KIDS AND HAVE THE STATE PICK UP THE TAB FOR THEIR NURSING HOME ACTIVITIES. SENATOR BLOOMFIELD IS ABSOLUTELY CORRECT ON THAT. THAT'S FAIRLY WIDESPREAD. IT'S A WAY THAT THE SYSTEM IS WORKING. I WOULD POINT OUT, AND IT WILL BE INTERESTING TO SEE IF IT GOES ANYWHERE, THAT IN JUDICIARY COMMITTEE I HAVE A BILL, LB72, THAT DOES SOME OF THE HARD STUFF AND STARTS TO BLOCK THOSE HOLES SO THAT WE MIGHT BE ABLE TO HAVE MONEY FOR THINGS LIKE THIS AND MIGHT BE ABLE TO FUND THIS PROGRAM DOWN THE ROAD. NOT ONLY THIS PROGRAM, BUT THE ENTIRE OLD FOLKS ASSISTANCE PROGRAM DOWN THE ROAD WHEN THINGS ARE REALLY GOING TO GET TIGHT AND A WHOLE BUNCH OF BABY BOOMERS ARE ON IT. SO WHENEVER WE GIVE AWAY SOMETHING HERE, WHENEVER WE FEEL... [LB366 LB72]

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PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR SCHUMACHER: ...GENEROUS, IF WE'RE GOING TO BALANCE THE BUDGET, WE'RE EITHER GOING TO HAVE TO PLUG A LOOPHOLE, CUT AN EXPENSE SOMEPLACE ELSE, OR RAISE A TAX SOMEPLACE ELSE. AND THAT'S THE HARD PART OF THIS JOB. BUT THERE IS SOMETHING IN JUDICIARY COMMITTEE THAT MAY HELP PAY FOR THIS OR OTHER THINGS ALONG THIS NATURE BY BLOCKING SOME REALLY SERIOUS LOOPHOLES. AND I HOPE THAT THAT BILL WOULD GET ADVANCED FROM JUDICIARY COMMITTEE. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB366]

SENATOR CRAIGHEAD: THANK YOU, LIEUTENANT GOVERNOR AND GOOD MORNING, COLLEAGUES. THIS IS A VERY DIFFICULT ISSUE. THIS BILL IS ONE PART OF THE BIG ISSUE. I'M GOING TO GIVE YOU TWO EXAMPLES OF PEOPLE THAT I KNOW AND ONE I KNOW VERY WELL. ONE IS OF A 95-YEAR-OLD MAN. HE WORKED HIS ENTIRE LIFE, HE RAISED HIS FAMILY, HE PAID HIS TAXES. HE WENT THROUGH ALL OF HIS ASSETS. HE'S IN A NURSING HOME. HE DOES GET MEDICAID FOR THIS. AFTER THE BILL FOR THE NURSING HOME IS TAKEN CARE OF, HE HAS \$2 A MONTH LEFT OVER; NO MONEY FOR A HAIRCUT, NO MONEY FOR COOKIES, NO MONEY FOR AN ARBY'S. THAT'S A DIFFICULT SITUATION. THIS IS THE KIND OF PERSON WHO DOES DESERVE OUR TAX DOLLARS. AND AGAIN, IF WE LOOK AT THE BIG PICTURE, LET'S TAKE ANOTHER EXAMPLE AND THIS IS A PERSONAL EXPERIENCE EXAMPLE. TWENTY-YEAR-OLD HEALTHY WOMAN, TWO KIDS OUT OF WEDLOCK, PLANNED OUT-OF-WEDLOCK KIDS. THE BABY DADDY WORKS. HE LIVES WITH MOM, BUT HE CONVENIENTLY HAS ANOTHER ADDRESS. SHE RECEIVES EVERY FEDERAL AND STATE PUBLIC ASSISTANCE THAT'S AVAILABLE. SNAP, MEDICAID, VERY REDUCED HOUSING. SHE SPENDS HER DAYS ON SOCIAL MEDIA DISCUSSING WHY YOU SHOULD NOT CIRCUMCISE BABY BOYS AND WHY BREAST-FEEDING IN PUBLIC IS JUST FINE. SHE WEARS DESIGNER GLASSES AND EATS STEAK. SHE IS YOUNG, HEALTHY, AND ABLE TO WORK. AND SHE'S NOT. NOW, THE 95-YEAR-OLD MAN IS VULNERABLE. HE SHOULD BE TAKEN CARE OF. BUT HE IS VULNERABLE NOT BY CHOICE. THE 20-YEAR-OLD IS VULNERABLE BY CHOICE. THERE'S NO REASON THAT SHE CAN'T GET OUT INTO THE WORLD AND HELP SUPPORT HERSELF. BUT WE MADE THE SYSTEM TOO EASY FOR HER. WE WON'T ALLOW HER TO BE RESPONSIBLE AND MATURE. AS WE LOOK AT THIS ISSUE, WE'RE TALKING ABOUT \$3 MILLION WHICH IN THE SCHEME OF OUR BUDGET IT'S NOT A HUGE AMOUNT. BUT WE'RE GOING TO KEEP TAKING \$3 MILLION AND \$3 MILLION AND \$3 MILLION AND I THINK WHAT WE NEED TO DO

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IS REMEMBER WE NEED TO LOOK AT THE ENTIRE PACKAGE. WE NEED TO MAKE SURE THAT THOSE WHO ARE VULNERABLE AND NEEDY ARE RECEIVING OUR ASSISTANCE, NOT THOSE WHO ARE TAKING ADVANTAGE OF THE SYSTEM. I WILL YIELD THE REST OF MY TIME TO SENATOR COASH. [LB366]

PRESIDENT FOLEY: THANK YOU. SENATOR CRAIGHEAD. SENATOR COASH, 2.5 MINUTES. [LB366]

SENATOR COASH: THANK YOU, MR. PRESIDENT. THANK YOU FOR THE TIME, SENATOR CRAIGHEAD. I WANTED TO JUST RESPOND TO A COUPLE OF THINGS THAT I'VE HEARD. SENATOR PANSING BROOKS WAS RIGHT. I SUPPOSE THERE ARE PEOPLE WHO TAKE ADVANTAGE OF MEDICAID. BUT I HAVE TO TALK TO YOU ABOUT SOME CONSTITUENTS THAT I REPRESENT AND THEY LIVE NOT FAR FROM HERE ON SOUTH STREET AND THEY'RE NOT TAKING ADVANTAGE OF THE SYSTEM. THEY'RE THERE BECAUSE THEY HAVE NOTHING. THEY NEED THE CARE THAT'S PROVIDED TO THEM BY THAT FACILITY, AND THEY WILL LIVE THERE THE REST OF THEIR LIVES BECAUSE THEY'RE UNABLE TO BE INDEPENDENT AND LIVE ON THEIR OWN. AND THEY'RE NOT SCAMMING THE SYSTEM. AND THEY STRUGGLE AND THEY STRUGGLE TO JUST MEET THEIR BASIC NEEDS BECAUSE THEY HAVE TO DO IT WITHIN THE CONFINES OF \$50 A MONTH. SO I WANTED TO GET THAT ON THE RECORD. THE SECOND THING I WANTED TO TALK ABOUT WAS, HOW DO WE GET TO THIS POINT? WE GET TO THE POINT WHERE WE NEED TO DO THIS BECAUSE WE HAVEN'T KEPT UP. AND THAT'S UNFORTUNATE AND IT MAKES IT...IT REMINDS ME OF THE DEBATE WE HAD ON MARRIAGE LICENSES. WHY DID WE...WHY DID IT SEEM LIKE A 300 PERCENT INCREASE? WELL, BECAUSE WE HADN'T TOUCHED IT IN 30 YEARS. [LB366]

PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR COASH: I KNOW, COLLEAGUES--AND I WON'T BE HERE--THAT 10, 15 YEARS DOWN THE ROAD THIS ISSUE WILL COME BACK AGAIN. NONE OF US WILL BE HERE, EXCEPT FOR SENATOR CHAMBERS, I'M SURE. BUT THIS ISSUE WILL COME BACK. AND THINK ABOUT THE PEOPLE WHO WILL COME AFTER US, AND WHAT KIND OF POSITION ARE WE GOING TO PUT THEM IN WHERE THEY WILL BE ASKED TO DO SOMETHING SIMILAR AND IT WILL BE 500 PERCENT BECAUSE WE DIDN'T TAKE A SMALL STEP WHEN WE HAD THE OPPORTUNITY HERE. I UNDERSTAND THE NATURE OF THE OPPOSITION AND HOW THIS IS GOING TO COME UP AGAINST OTHER PRIORITIES. AND THAT'S FINE, THAT'S WHAT WE DO HERE. WE MAKE OUR PRIORITY DECISIONS AND WE'LL ALL DO THAT. BUT WHAT I WOULD ASK MY COLLEAGUES TO REMEMBER OR TO ASK YOURSELVES IS THIS... [LB366]

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PRESIDENT FOLEY: TIME, SENATOR. [LB366]

SENATOR COASH: THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR LARSON, YOU'RE RECOGNIZED. [LB366]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. REAL QUICK BEFORE I REALLY GET INTO IT, WILL SENATOR PANSING BROOKS YIELD TO A QUESTION? [LB366]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD, PLEASE? [LB366]

SENATOR PANSING BROOKS: I'D BE HAPPY TO. [LB366]

SENATOR LARSON: THANK YOU, SENATOR. SENATOR BLOOMFIELD BROUGHT UP AN INTERESTING POINT AND I'D HEARD THAT BEFORE, THE CONCEPT OF INDIVIDUALS RUNNING DOWN ASSETS IN ORDER TO QUALIFY FOR THE PROGRAM. CAN YOU TELL ME, HOW LONG DO YOU HAVE TO WAIT AFTER YOU RUN DOWN YOUR ASSETS BEFORE YOU'RE ELIGIBLE FOR THE MEDICAID PROGRAM? WHAT'S THE LOOKBACK? X YEARS? DO YOU KNOW? [LB366]

SENATOR PANSING BROOKS: I'M SORRY. I'M BEING TOLD IT'S FIVE YEARS. YEAH. [LB366]

SENATOR LARSON: IT'S FIVE YEARS. SO YOU HAVE TO RUN YOUR ASSETS DOWN FIVE YEARS BEFORE THE ELIGIBILITY? [LB366]

SENATOR PANSING BROOKS: YES. [LB366]

SENATOR LARSON: DO YOU THINK THAT SHOULD BE INCREASED IN ORDER TO ENSURE THAT THERE AREN'T THOSE ABUSES OF THE SYSTEM OF THOSE INDIVIDUALS THAT POSSIBLY COULD AFFORD THE LONG-TERM CARE BASED ON THE ASSETS THAT THEY CURRENTLY HAVE SO THAT THEY AREN'T RUNNING THEM DOWN IN ORDER TO DO THAT, SO THERE ISN'T THAT ABUSE OF THE SYSTEM THAT SENATOR BLOOMFIELD TALKED ABOUT? I KNOW SENATOR CRAIGHEAD TALKED ABOUT A DIFFERENT ABUSE OF THE SYSTEM, BUT WHAT ARE YOUR THOUGHTS ON THAT? [LB366]

SENATOR PANSING BROOKS: WELL, I JUST CAN'T IMAGINE. I KNOW THAT MANY PEOPLE IN THIS BODY HAVE SOME ABILITY TO PAY FOR A LOT OF THINGS. AND I CANNOT IMAGINE RUNNING DOWN YOUR ASSETS TO THE

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POINT SO THAT YOU COULD LIVE OFF THE STATE AND LIVE IN POVERTY FOR FIVE YEARS. THAT JUST...MAYBE IT'S HAPPENING TO ONE OR TWO PEOPLE, BUT IN MY DISTRICT, 36 PERCENT OF THE PEOPLE LIVE AT OR BELOW \$25,000 HOUSEHOLD INCOME. [LB366]

SENATOR LARSON: THANK YOU, SENATOR. [LB366]

SENATOR PANSING BROOKS: YOU'RE WELCOME. [LB366]

SENATOR LARSON: YOU KNOW, MAYBE...AND IT IS A VALID CONCERN. MAYBE WE DO NEED TO INCREASE THE LOOKBACK TO ENSURE THAT THESE INSTANCES DON'T HAPPEN. I ACTUALLY HAVE HEARD AND I UNDERSTAND WHY THEY HAPPEN, THE TRANSFERRING OF THE ASSETS EARLY, THE PLANNING TO ENSURE THAT...IN MY AREA OFTENTIMES THEY SAY THAT WE'RE LAND RICH AND CASH POOR. AND THAT'S TRUE, AND IT'S A CONCERN. SENATOR HILKEMANN, I GET IT. AS I STOOD UP THE FIRST TIME, I UNDERSTAND. AND SENATOR COASH TALKS ABOUT A SMALL INCREASE NOW. LET'S PUT A FACE ON IT. MY COMMENTS WERE, YOU MOVE THIS TO SELECT WITH A FACE ON IT, WE'RE GOING TO MOVE...YOU KNOW, YOU USE THAT LOGIC, WE'RE GOING TO CONTINUE TO MOVE THINGS WITH FACES ON IT, WHETHER THAT'S...MAYBE THE APPROPRIATIONS COMMITTEE TAKES CARE OF FOSTER CARE RATES WITHIN THE COMMITTEE. I CAN PUT A FACE ON THAT REAL EASILY. I ASSUME THE APPROPRIATIONS COMMITTEE WILL PUT A FACE ON DEVELOPMENT DD RATES. I ASSUME THE APPROPRIATIONS COMMITTEE WILL PUT A FACE ON THE MEDICAID PERCENTAGE INCREASE. COLLEAGUES, THE APPROPRIATIONS COMMITTEE HAS A LOT OF POWER IF YOU HAVEN'T REALIZED THIS. THEY CAN PUT AN INCREASE ON A LOT OF THINGS THAT GET ROLLED INTO THE BUDGET THAT LIKELY WON'T BE DEBATED HERE ON THE FLOOR AT EXTENSIVE LENGTH. BUT EVERY TIME WE PUT OR THEY PUT A FACE ON ONE OF THOSE THINGS OR WE PUT A FACE ON THIS, THEY'RE ALL FACES THAT ARE CONCERNING AND THAT... [LB366]

PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR LARSON: ...EVERYTHING IS SOMETHING THAT IS WORTHY. I'M NOT SAYING THAT LB366 ISN'T WORTHY. I UNDERSTAND THE CONCEPT. AND SENATOR PANSING BROOKS HAS A VALID POINT, IT HASN'T BEEN RAISED IN HOWEVER LONG, BUT WHAT'S GOING TO HAPPEN IS THERE WILL BE THAT BACKLOG ON SELECT FILE COME MAY. AND WE'RE ALL GOING TO HAVE PRIORITY BILLS THAT ARE TRYING TO GET HEARD. WE'RE GOING TO HAVE A LONG LIST OF SELECT FILE BILLS THAT WE'RE DOING NOW THAT WON'T NEED PRIORITIES UNLESS THE SPEAKER SAYS THAT THESE NEED PRIORITIES TO CONTINUE ON. AND I HAVEN'T TALKED TO HIM ABOUT THAT. MAYBE HE WILL,

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MAYBE HE WON'T, I DON'T KNOW. BUT WE'RE GOING TO HAVE THAT LONG LIST OF SELECT FILE BILLS AND WE'RE GOING TO STRUGGLE AND IT WILL BE UGLY AND NASTY. [LB366]

PRESIDENT FOLEY: TIME, SENATOR. [LB366]

SENATOR LARSON: THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR SCHUMACHER. [LB366]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. IT'S MY INTENTION TO YIELD THE BALANCE OF MY TIME TO SENATOR McCOLLISTER, BUT BRIEFLY, WHEN SENATOR PANSING BROOKS POINTS OUT THAT THERE ARE ONLY A FEW PEOPLE THAT ARE DOING THIS, THAT'S SIMPLY NOT THE CASE. THIS IS FAIRLY WIDESPREAD. YOU USE A COMBINATION OF TRUSTS AND LIFE ESTATES AND YOU MOVE FARMS AND HOUSES AND A GREAT DEAL OF ASSETS TO YOUR CHILDREN IN ORDER TO QUALIFY FOR MEDICAID FIVE YEARS DOWN THE ROAD. I YIELD THE REST OF MY TIME TO SENATOR McCOLLISTER. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR McCOLLISTER, ABOUT 4.5 MINUTES. [LB366]

SENATOR McCOLLISTER: THANK YOU, PRESIDENT. GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF LB366 AND AM657. THE \$10 RATE EMBODIED IN AM657 CORRELATES WELL WITH NEBRASKA'S NEIGHBORING STATES AND IT ALSO REDUCES THE FISCAL IMPACT BY 60 PERCENT. IF YOU LOOK AT THE SHEETS, THAT WOULD REDUCE THE FISCAL IMPACT OF THE BILL DOWN TO \$1.2 MILLION OVER TWO YEARS, WHICH IS CERTAINLY BETTER THAN WE LOOKED AT BEFORE. I SALUTE SENATORS PANSING BROOKS AND COASH FOR INTRODUCING THE BILL AND PROPOSING THE AMENDMENT. I THINK IT'S A THOUGHTFUL COMPROMISE AND IT SPEAKS WELL OF NEBRASKA'S POLITICS AND REPRESENTS NEBRASKA NICE AT ITS BEST. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR McCOLLISTER, YOU ARE NEXT IN THE QUEUE IF YOU WISH TO TAKE THAT TURN. [LB366]

SENATOR McCOLLISTER: I WILL YIELD MY TIME BACK TO SENATOR SCHUMACHER. [LB366]

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PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR SCHUMACHER, ABOUT 5 MINUTES. [LB366]

SENATOR McCOLLISTER: I CALL THE QUESTION, MR. PRESIDENT. [LB366]

SENATOR SCHUMACHER: I DON'T WANT THE TIME IF HE CALLS THE QUESTION. [LB366]

PRESIDENT FOLEY: PURSUANT TO THE RULES, IT'S THE VIEW OF THE CHAIR THAT THERE HAS NOT BEEN SUFFICIENT DEBATE. THERE'S STILL FIVE MORE SENATORS WISHING TO SPEAK SO I'M GOING TO ALLOW THE DEBATE TO CONTINUE. NO. THE MOTION IS OUT OF ORDER. SENATOR BAKER, YOU'RE RECOGNIZED. [LB366]

SENATOR BAKER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I THINK THERE'S A TENDENCY TO RELATE THIS IN SOME WAY TO THE AFFORDABLE CARE ACT. I'D POINT OUT THAT THIS PROVISION FOR THE \$50 PERSONAL EXPENSE ALLOWANCE WAS IN EXISTENCE LONG BEFORE THE AFFORDABLE CARE ACT MADE ITS APPEARANCE. THERE IS A FIVE-YEAR LOOKBACK FOR ELIGIBILITY FOR MEDICARE (SIC), A PERSON COULD NOT HAVE DISPOSED OF ASSETS WITHIN THAT FIVE-YEAR PERIOD. I WOULD FURTHER SUBMIT THAT NO ONE ASPIRES TO END UP IN A CARE FACILITY. I THINK PROBABLY THE TRUSTS THAT SENATOR SCHUMACHER REFERRED TO ARE DONE MORE TO ESCAPE INHERITANCE TAXES THAN IT IS TO PREPARE YOURSELF TO BE ELIGIBLE FOR MEDICAID SOMEDAY. I'M GOING TO SUPPORT AM657 AND UNDERLYING LB366. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR BAKER. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB366]

SENATOR HILKEMANN: THANK YOU VERY MUCH, MR. SPEAKER. JUST A COUPLE OF THINGS. SENATOR BLOOMFIELD, I WANT TO MAKE ONE COMMENT IS, IS THAT YOU MENTIONED WHERE ARE THE FAMILIES IN ALL THIS. AND I CAN TELL YOU THAT A LOT OF THE PEOPLE THAT I SAW HAVE NO FAMILY MEMBERS STILL AROUND TO HELP THEM OUT. SO THIS IS THAT. AND EARLIER ON WHEN THIS...YESTERDAY--AND I TOLD THIS TO SENATOR PANSING BROOKS--I HAD A HARD TIME WITH THIS WHEN WE WERE AT \$75. I'M QUITE COMFORTABLE WITH THE \$60 LAYER IN HERE. I THINK THERE'S A COUPLE THINGS I'D LIKE TO POINT OUT. AND I'M CERTAINLY NOT...WHILE I'VE WORKED WITH LOTS OF MEDICAID PEOPLE OVER MY YEARS AS A PODIATRIST, I THINK THAT THE FIVE-YEAR PERIOD OF TIME, I THINK THAT'S SET BY FEDERAL STATUTE. THIS, WHAT WE'RE TALKING ABOUT, THIS IS AN OPTIONAL THING, VERY MUCH LIKE THERE ARE SERVICES THAT WE CHOOSE TO PROVIDE IN

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THIS STATE THAT WE DON'T ABSOLUTELY HAVE TO HAVE ON OUR MEDICAID. SO THAT'S WHY SOME STATES CAN BE AT \$52. I THINK WE SAW COLORADO IS AT \$68. AND SO THAT'S AN OPTIONAL NUMBER. SO THAT'S A NUMBER THAT WE CAN CHANGE. THE FIVE-YEAR, THAT'S A FEDERAL STATUTE THAT'S INVOLVED IN HERE. AND SENATOR SCHUMACHER, I HAVE...I CAN...I AGREE WITH YOU. THERE ARE A NUMBER OF PEOPLE THAT SWITCH THESE ASSETS AND DO IT FOR THE PURPOSES SO THAT THEY DON'T HAVE TO TAKE CARE OF THEIR FAMILIES WHILE THEY'RE IN THE NURSING HOMES. AND I THINK THAT THAT'S A QUESTION THAT PEOPLE HAVE TO SAY ON OUR OWN MORAL DILEMMA. SO MANY OF THE PEOPLE THAT THIS AFFECTS ARE THERE NOT BY CHOICE. AND SO THERE'S WHY I CAN CONTINUE TO SUPPORT THIS AT THE \$60 LEVEL, AND I THINK WE OUGHT TO MOVE THIS QUESTION FORWARD. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB366]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. AS I SIT HERE AND LISTEN, WE'RE TALKING ABOUT FIVE YEARS HERE, A FEDERAL STATUTE THERE, COLORADO DOES THIS, THIS STATE DOES THAT. IT'S AN AWFUL LOT OF FUN ARRANGING THE DECK CHAIRS ON THE TITANIC. THAT'S NOT WHAT I'M HERE TO DO. YOU KNOW, THE PEOPLE WHO WANT TO SPEND YOUR MONEY IN THIS BODY AND OUTSIDE THIS BODY WANT YOU TO LOOK AT EACH BILL INDIVIDUALLY. AND THEY'RE GOING TO PULL ON YOUR HEARTSTRINGS AND THEY'RE GOING TO TELL YOU, OH, WE JUST NEED TO SPEND JUST A MILLION DOLLARS TO HELP THESE POOR PEOPLE. AND THEN SOME TIME WILL GO BY AND THEY'LL COME UP WITH ANOTHER SCHEME. JUST \$500,000. THESE PEOPLE DIDN'T DO ANYTHING WRONG. THEY REALLY NEED OUR HELP. AND YOU'LL HEAR THAT AND YOUR HEARTSTRINGS WILL GET PULLED. AND THEN IT GOES ON AND ON AND ON AND ON. NOW, I WATCHED THIS MY FIRST TWO YEARS. I WATCHED THIS BODY GO ON A SPENDING SPREE LIKE I NEVER THOUGHT I WOULD SEE IN THIS STATE. WE SPENT...WE INCREASED PAYING 6.3 PERCENT, 7 PERCENT MY SECOND YEAR. I SWALLOWED HARD AND I SUPPORTED 5.2 PERCENT MY FIRST YEAR. YOU FOOLED ME ONCE IN MY FIRST YEAR. I SURE AS HECK DIDN'T SUPPORT THE BUDGET MY SECOND YEAR WHEN THEY TRIED TO...THEY DID SPEND 7 PERCENT. THAT'S WHERE WE'RE GOING. WE'VE GOT \$41 MILLION LEFT. THE UNIVERSITY WANTED \$31 MILLION OF IT YESTERDAY. WE WERE THERE THREE HOURS LISTENING TO THAT AND WE HIT THEM PRETTY HARD ON THAT. AND THEN I SAT THERE TILL 8:00 LAST NIGHT AND I HEARD ONE TESTIFIER AFTER ANOTHER TESTIFIER AFTER ANOTHER TESTIFIER COME UP WITH ANOTHER GOOD IDEA HOW TO SPEND YOUR MONEY. AND THEY COULD SPEND IT BETTER THAN YOU, JUST ASK THEM. AND IT JUST NEVER STOPS. WELL, LET ME TELL YOU, THIS WOULDN'T BE SO BAD, BUT YOU KNOW WHAT? YOU SHOULD HAVE THOUGHT

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ABOUT THAT WHEN YOU SPENT \$5 MILLION TO REGULATE DAY CARE IN MY FIRST SESSION. BY THE WAY, THEY CAME BACK FOR \$2.3 MILLION THIS YEAR AND WE KILLED IT IN APPROPRIATIONS BECAUSE WHEN THEY SAY IT'S GOING TO COST \$5 MILLION, THEY'LL COME BACK FOR MORE. YOU SHOULD HAVE THOUGHT ABOUT THAT BEFORE YOU SPENT \$8 MILLION LAST YEAR TO GET \$25 MILLION FEDERAL DOLLARS. YOU SHOULD HAVE THOUGHT ABOUT THAT. ALL THIS SPENDING HAS A CONSEQUENCE. AND YOU'VE GOT TO PUT IT TOGETHER. MAYBE I DON'T MIND SPENDING SOME MONEY HERE, BUT WHEN YOU ADD IT UP TO ALL THE MILLIONS OF DOLLARS AND ALL THE NEW GOVERNMENT PROGRAMS AND ALL THE BIG EXPANSIONAL GOVERNMENT AND NOW YOU WANT THIS? I KNOW IT'S ONLY A MILLION, BUT YOU KNOW WHAT? READ MY LIPS. NOT ONE MORE DOLLAR. IT STOPS HERE. WE'RE GOING TO RESPECT THE TAXPAYERS. AND I'M GOING TO DO EVERYTHING I CAN TO MOVE TAX RELIEF THROUGH BECAUSE AT THE RATE WE'RE GOING, WE'RE GOING TO GO BACK TO THE TAXPAYERS FOR A THIRD YEAR AND SAY, I'M SORRY. "SHUCKSY" DARN, WE SPENT ALL THE MONEY. MAYBE WE'LL HAVE ANOTHER COMMITTEE TO STUDY TAX RELIEF. AT THE RATE WE'RE GOING, THERE WILL BE NO TAX RELIEF OTHER THAN SOME MONEY THAT THE APPROPRIATIONS HAS PUT INTO THE PROPERTY TAX RELIEF FUND. THERE WILL BE NO RATE REDUCTIONS IN INCOME OR CORPORATE, TAX ON RETIREMENT INCOME, PERSONAL PROPERTY TAX, THERE WILL BE NONE OF THAT AT THE RATE WE'RE GOING IF WE DON'T START SAYING NO. STARTS NOW. STARTS HERE. PEOPLE AT HOME, YOU'VE GOT MY COMMITMENT. WE'RE GOING FOR TAX RELIEF. IT STARTS BY SAYING NO TO THIS. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR SMITH, YOU'RE RECOGNIZED. [LB366]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I THINK THERE'S BEEN A LOT OF GOOD COMMENTS MADE ON THIS AMENDMENT AND THIS BILL AND I'VE BEEN LISTENING VERY CLOSELY. WE'VE HEARD ABOUT PERSONAL RESPONSIBILITY, MEETING THE NEEDS OF THE POOREST, AND BEING FINANCIAL STEWARDS. AND, YOU KNOW, ON PERSONAL RESPONSIBILITY, WE HEARD GOOD COMMENTS COMING FROM SENATOR BLOOMFIELD ABOUT THE RESPONSIBILITIES WE HAVE IN OUR SOCIETY TO TAKE CARE OF THE NEEDIEST AMONG US AND THAT STARTS WITH THE FAMILY. BUT WE ALL KNOW THAT THERE ARE SOME AMONG US, THE DISADVANTAGED, THAT DO NOT HAVE FAMILY AS A SAFETY NET AND DO NOT HAVE THOSE THAT WILL CARE FOR THEM AND HELP THEM. WE HEARD ABOUT MEETING THE NEEDS OF THE POOREST AND SENATOR HILKEMANN DID A FINE JOB OF TALKING ABOUT IN SOME SPECIFICS AND PUTTING A FACE ON IT. BUT SENATOR CRAIGHEAD POINTED OUT THAT IT'S NOT ALWAYS FAIR

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AND THAT WE DO HAVE SOME REAL DEFICIENCIES IN OUR SYSTEM THAT ALLOWS FOR I THINK MAYBE A POOR TERM IS "GAMING THE SYSTEM" TO WHERE THERE IS WASTE, THERE IS GOVERNMENT WASTE. AND HOW CAN WE FIX THAT IN THE LONG RUN? AND THAT IS CERTAINLY SOMETHING WE NEED TO ADDRESS GOING FORWARD. AND THEN WE HEARD THE CONSISTENT MESSAGE OF SENATOR McCOY BEING GOOD FINANCIAL STEWARDS. AND I BELIEVE THAT THAT IS A SINCERE INTEREST AMONG US. WE'RE NOT JUST BEING...SOME OF US ARE NOT JUST SAYING NO TO THE NEEDY, BUT THEY ARE TRYING TO BE THE RESPONSIBLE STEWARDS. AND WE HEARD THE COMMENT MADE ABOUT THIS BEING EXPANDED MEDICAID. I GUESS I DON'T SEE IT AS BEING EXPANDED MEDICAID AS DEFINED IN THE PREVIOUS YEARS IN THE DEBATES ASSOCIATED WITH THE AFFORDABLE CARE ACT. THIS IS, HOWEVER, AN EXPANSION OF EXPENDITURES UNDER MEDICAID AND I DO APPRECIATE SENATOR COASH'S EFFORTS TO REDUCE THE FISCAL NOTE OF THIS BILL. I AM STRONGLY IN SUPPORT OF HIS AM657. I AM, HOWEVER, NOT DECIDED AS TO HOW I'M GOING TO VOTE ON THE UNDERLYING BILL. AND I DO ASK MY COLLEAGUES TO JOIN ME IN SUPPORTING SENATOR COASH'S AMENDMENT. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. SENATOR KRIST. [LB366]

SENATOR KRIST: QUESTION. [LB366]

PRESIDENT FOLEY: SENATOR KRIST, THERE'S ONLY ONE OTHER SENATOR WISHING TO SPEAK. SO I'M GOING TO EXERCISE THE PREROGATIVE OF THE CHAIR AND ALLOW THAT SENATOR TO SPEAK. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB366]

SENATOR GLOOR: QUESTION. [LB366]

PRESIDENT FOLEY: THAT WILL NOT BE NECESSARY, SENATOR. THERE IS NO OTHER SENATORS IN THE QUEUE. SENATOR COASH YOU'RE RECOGNIZED TO CLOSE ON AM657. [LB366]

SENATOR COASH: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES, FOR THE DEBATE. I'M SURE EVERYBODY KNOWS, BUT I'M GOING TO SAY IT FOR THE RECORD: AM657 AMENDS THE INCREASE FROM A \$25 INCREASE, WHICH IS THE ORIGINAL BILL, TO JUST A \$10 INCREASE IN THIS AMENDMENT. THAT'S WHAT THE AMENDMENT DOES. I JUST WANT TO COMPLETE A THOUGHT I HAD AT MY LAST TIME AT THE MIKE. AND I'D LIKE YOU TO ASK YOURSELF THIS QUESTION, COLLEAGUES: IF WE DON'T DO THIS NOW, WHEN WOULD BE A GOOD TIME? WHEN IS A GOOD TIME TO ADJUST FOR INFLATION, FOR LACK OF A BETTER TERM, THE PERSONAL NEEDS ALLOWANCE FOR

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PEOPLE WHO DEPEND ON THIS TO MEET THEIR DAILY NEEDS? IF IT'S NOT TODAY, WHEN WOULD BE A GOOD TIME? WHEN WE HAVE TO DO IT TO AN EVEN GREATER EXTENT DOWN THE ROAD BECAUSE WE HAVE NOT TOUCHED IT IN 20, NOW 30, NOW 40 YEARS, WHEN WOULD BE A GOOD TIME TO DO THIS? IT IS MY CONTENTION THAT THIS IS A GOOD TIME, THAT THIS IS A APPROPRIATE TIME. THIS IS A GOOD BILL. IT'S MODEST, THE AMENDMENT MAKES IT MORE MODEST. AND FOR THAT REASON, I WOULD ASK YOUR SUPPORT ON AM657. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATORS, YOU'VE HEARD THE DEBATE ON AM657. THE QUESTION IS THE ADOPTION OF AM657. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB366]

ASSISTANT CLERK: 36 AYES, 5 NAYS ON THE ADOPTION OF SENATOR COASH'S AMENDMENT. [LB366]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. AM657 IS ADOPTED. DEBATE CONTINUES ON LB366 AS AMENDED. SENATOR LARSON, YOU'RE RECOGNIZED. [LB366]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. WILL SENATOR PANSING BROOKS YIELD TO A QUESTION? [LB366]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD, PLEASE? [LB366]

SENATOR PANSING BROOKS: I'D BE HAPPY TO. [LB366]

SENATOR LARSON: THANK YOU. AT THE MIKE LAST TIME YOU SAID THAT YOU DIDN'T FEEL A LOT OF PEOPLE ABUSED THE...GETTING RID OF THEIR ASSETS. I DISAGREED AND SENATOR SCHUMACHER PIPED UP ON THAT ISSUE AS WELL. WOULD YOU BE OPEN, MAYBE ON SELECT FILE IF THIS DOES ADVANCE, TO INCREASING THE LOOKBACK TO TEN YEARS POSSIBLY? [LB366]

SENATOR PANSING BROOKS: I'D BE OPEN TO DISCUSSING ANY OF THAT. I DO NOT AGREE THAT THERE ARE TONS OF PEOPLE DOING THAT. AND IF THEY ARE, IF THE FARMERS ARE ALL DOING THAT, THEN THE QUESTIONS ABOUT PROPERTY TAXES OUT THERE ARE NOT TRUE AND WE HAVE FAKE POOR INSTEAD OF REAL POOR. [LB366]

SENATOR LARSON: WELL, I THINK THAT...LET'S INCREASE THE LOOKBACK THEN IF THAT'S SOMETHING THAT COULD POSSIBLY DRIVE DOWN THE FISCAL

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IMPACT OF LB366. AND TO MENTION THAT ISSUES OF PROPERTY TAXES AREN'T AN ISSUE IS JUST WRONG AND OUT OF LINE. IF WE WANT TO GO THROUGH THAT, WE CAN CONTINUE DOWN THAT ROAD. BUT COLLEAGUES, AS WE CONTINUE TO MOVE FORWARD AND LB366 GOES TO SELECT FILE, LIKE I'VE SAID BEFORE, THERE WILL COME A TIME IN MAY THAT THIS DECISION WILL--I'M NOT GOING TO SAY HAUNT--BUT YOU'LL WISH IT HADN'T BEEN MADE. AS SENATOR KINTNER SAID, \$40 MILLION, POSSIBLY THE UNIVERSITY WANTING AN EXTRA \$31 MILLION ON TOP OF THE TUITION FREEZE THAT THEY GOT IN THE PREVIOUS BIENNIUM. AND I CAN GO OFF ON THE UNIVERSITY WITH THE LOWEST RETENTION RATES AND THE HIGHEST PER PUPIL SPENDING OF ANY BIG TEN UNIVERSITY AND A NUMBER OF OTHER ISSUES. BUT THAT'S GOING TO CONTINUE TO GO DOWN. THE APPROPRIATIONS COMMITTEE IS GREAT STEWARDS OF THE MONEY. THEY'LL LEAVE AS MUCH AS WE CAN FOR THE FLOOR. BUT IT'S GOING TO GET NASTY AND IT'S A SHORTSIGHTED DECISION. YOU KNOW, SENATOR COASH TALKS ABOUT IT'S A SHORTSIGHTED DECISION NOT TO INCREASE THIS BECAUSE THEN LATER LEGISLATURES HAVE TO INCREASE IT MORE. WELL, I GET THAT ARGUMENT, BUT TO MAKE THAT EASY DECISION NOW, JUST TO LET SOMETHING DIE LATER IS SHORTSIGHTED AS WELL AND WILL BRING MORE PAIN UPON THIS BODY. SO THANK YOU, MR. PRESIDENT. I APPRECIATE IT. AND HAVE A NICE DAY. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR GROENE, YOU'RE RECOGNIZED. [LB366]

SENATOR GROENE: THANK YOU, PRESIDENT. I'M CONFUSED AGAIN BECAUSE I HAVE NOT RECEIVED ONE E-MAIL, ONE PHONE CALL--AND THIS DEBATE HAS BEEN GOING ON TWO DAYS--FROM ANYBODY WORRIED ABOUT GRANDMA HAVING ENOUGH MONEY TO SEND CHRISTMAS CARDS. I HAVEN'T HEARD ANYTHING. I'M ALSO CONFUSED BECAUSE I LIKE TO FOLLOW LAWS BECAUSE WE ARE A COUNTRY OF LAWS. WITHOUT THEM WE DON'T PROTECT OUR FREEDOM. AND WHEN I READ MEDICAID LAWS, IT'S FOR MEDICAL PURPOSES, MEDICAL BILLS. IT'S NOT FOR CHRISTMAS CARDS, NOT FOR BIRTHDAY CARDS, IT'S NOT FOR HAIRCUTS, IT'S NOT FOR SLIPPERS. NOW, IF THAT'S THE WAY YOU RUN GOVERNMENT, TO TAX AND THEN SWITCH, THAT IS WHY PEOPLE DON'T TRUST GOVERNMENT. IF WE'RE GOING TO HAVE A BILL TO INCREASE THE DAILY PAYMENTS TO CARE HOMES, THEN LET'S INCREASE IT. BUT LET'S NOT DO A BAIT AND SWITCH WHERE WE'RE TALKING ABOUT GRANDMA GETTING A HAIRCUT BECAUSE THAT ISN'T THE PURPOSE OF MEDICAID. AND IF WE'RE DOING \$50 ALREADY ON THIS SWITCH, THEN IF THIS BILL COSTS \$3.2 MILLION, WE'RE ALREADY DOING \$6.5 MILLION WITH MEDICAID SWITCH, AND WE'RE GOING TO ADD ANOTHER \$3 MILLION. SO IF YOU BRING ME A BILL THAT SAYS WE ARE GOING TO INCREASE THE DAILY ALLOWANCE THAT WE PAY

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HOMES, I'LL LISTEN TO YOU. BUT IF YOU'RE GOING TO TELL ME I'M GOING TO USE MEDICAID DOLLARS TO BUY BIRTHDAY CARDS AND HAIRCUTS, WHEN I HAVEN'T HEARD FROM ANY OF MY CONSTITUENTS THAT THEY'RE NOT GETTING A HAIRCUT. AND DON'T THINK I HAVEN'T HAD RELATIVES...I'M AT THAT AGE, I WENT THROUGH IT WITH MY PARENTS. WELL, I DIDN'T GO THROUGH IT WITH MY PARENTS, WE TAKE CARE OF OUR OWN. BUT I'VE HAD BACHELOR UNCLES AND AUNTS THAT SPENT A LOT OF TIME IN THE CARE FACILITIES. OF ALL THE TIMES I VISITED THEM, ONE ASKED ME TO BRING HIM A COMB. I BROUGHT HIM A COMB AND THEN I WENT TO HIS HOUSE LATER AND HE HAD ABOUT THREE DOZEN OF THEM. I SHOULD HAVE WENT TO HIS HOUSE FIRST. BUT ANYWAY, THIS IS NOT ABOUT...MEDICAID IS NOT ABOUT HAIRCUTS. LET'S DO LAW THE WAY IT'S SUPPOSED TO BE DONE. IF WE'RE GOING TO INCREASE IT, THE DAILY PAYMENT TO RETIREMENT HOMES, THEN LET'S DO IT. THE FEDERAL LAW SAYS \$30 A DAY. IT DOESN'T SAY ANYTHING ABOUT MIXING IT WITH MEDICAID. DOESN'T SAY ANYTHING. THAT'S THE MINIMUM. SO YOU EITHER HAVE A LAW YOU BRING IT TO \$75 OR \$60 AND THE DAILY ALLOWANCE STAYS THE SAME, OR WE INCREASE THE MEDICAID PER DAY PAYMENT. EITHER/OR, BUT I DON'T WANT TO PAY...YOU SHOW ME A PRESCRIPTION FROM A DOCTOR THAT YOU NEED A COMB, A HAIRCUT, YOUR TOENAILS CUT, AND IT FALLS UNDER MEDICAID PAYMENT, I'LL GO ALONG WITH YOU. BUT RIGHT NOW I LIKE TO FOLLOW LAWS. SO THANK YOU FOR LISTENING AND I'M AGAINST LB366. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR PANSING BROOKS, YOU'RE WELCOME TO CLOSE ON LB366. [LB366]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. AGAIN, THANK YOU, COLLEAGUES, FOR YOUR INTERESTING AND PASSIONATE DEBATE TODAY. I THINK IT'S HEALTHY FOR US TO BE ABLE TO DISCUSS THESE KINDS OF THINGS AND THESE ARE IMPORTANT ISSUES AS SENATOR CRAIGHEAD MENTIONED AND OTHERS HAVE MENTIONED. THEY DO PRESENT DIFFICULT ISSUES. AGAIN, THIS IS BASICALLY AN INFLATIONARY ADJUSTMENT. AS SENATOR SMITH SAID, THIS IS NOT MEDICAID EXPANSION. IT'S AN INCREASE TO THE PERSONAL ALLOWANCE DUE TO INFLATION. WE ARE ALREADY GIVING \$50 PER MONTH AND WE HAVE WORKED TOGETHER TO FIND A COLLABORATION AND A DECISION THAT WE COULD PUT IT DOWN TO \$60. AGAIN, I KNOW THERE ARE SOME PEOPLE WHO MAY BE HIDING ASSETS AND DOING ALL SORTS OF ILLEGAL THINGS OR LEGAL BECAUSE WE HAVE CREATED LAWS TO ALLOW SOME OF THAT TO OCCUR, AND I'D BE HAPPY TO WORK WITH ANYBODY WHO WOULD LIKE TO CHANGE THAT A LITTLE BIT. BUT ANYWAY, WE...MY DISTRICT...AND YOU'LL HEAR THIS TIME AND AGAIN BECAUSE AS I WALKED THOSE 11,000 OR 12,000 DOORS, THERE ARE 36

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PERCENT OF MY DISTRICT THAT WE ARE SITTING IN RIGHT NOW THAT LIVE AT \$25,000 HOUSEHOLD INCOME OR LESS, 36 PERCENT. THEY DON'T HAVE A FARM TO PASS ON TO THEIR GRANDCHILDREN AND TO PLACE IN ASSETS AT SOME POINT WHERE THE STATE CAN'T REACH THEM OR THE FEDERAL GOVERNMENT, WHATEVER. THEY DON'T HAVE HOUSES TO PASS DOWN AND ADDITIONAL VACATION HOMES. THIRTY-SIX PERCENT OF MY DISTRICT THAT GOES FROM 12TH AND 0 TO 70TH AND 0 AND SOUTH, WHERE WE ARE SITTING RIGHT NOW, LIVE AT OR BELOW \$25,000 HOUSEHOLD INCOME. THAT'S IMPORTANT TO ME. THIS IS IMPORTANT TO ME BECAUSE THOSE PEOPLE ARE HURTING AND HAVE REAL NEEDS AND THEY'RE NOT NEEDS THAT THEY'RE MAKING UP. YES, AS SENATOR CRAIGHEAD SAID, THERE ARE SOME PEOPLE WHO ALSO SCAM THE SYSTEM ON THE OTHER END. WE ALL KNOW PEOPLE WHO SCAM WHATEVER SYSTEM THEY CAN. BUT THE BULK OF THE PEOPLE ARE IN NEED AND I WOULD HOPE THAT YOU GO FORWARD WITH THIS. I APPRECIATE WORKING WITH SENATOR COASH AND GETTING THIS TO \$60. SO I WOULD ASK FOR A CALL OF THE HOUSE. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB366]

ASSISTANT CLERK: 33 AYES, 0 NAYS TO GO UNDER CALL. [LB366]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. 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 PANSING BROOKS, FOR WHAT PURPOSE DO YOU RISE? [LB366]

SENATOR PANSING BROOKS: MR. PRESIDENT, I WAS HOPING TO HAVE A ROLL CALL VOTE IN REGULAR ORDER, IF YOU PLEASE. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR. WHEN WE FINISH WITH THE CALL OF THE HOUSE, WE'LL PROCEED IN THAT MANNER. SENATOR DAVIS, CHECK IN, PLEASE. MR. CLERK, ALL SENATORS ARE PRESENT. PLEASE PROCEED TO THE ROLL CALL VOTE. [LB366]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 718.) THE VOTE IS 29 AYES, 12 NAYS, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB366 ADVANCES. THE CALL IS RAISED. RETURNING NOW TO GENERAL FILE, MR. CLERK. [LB366]

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ASSISTANT CLERK: MR. PRESIDENT, NEXT BILL, LB366A BY SENATOR PANSING BROOKS. (READ TITLE.) [LB366A]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, YOU'RE WELCOME TO OPEN ON LB366A. [LB366A]

SENATOR PANSING BROOKS: THIS IS JUST THE APPROPRIATIONS BILL THAT GOES WITH THE BILL YOU JUST VOTED ON, ON LB366. SO THANK YOU. I HOPE YOU'LL VOTE FOR IT. [LB366A LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. DEBATE IS NOW OPEN ON LB366A. SEEING NO SENATORS WISHING TO SPEAK, SENATOR PANSING BROOKS, YOU'RE WELCOME TO CLOSE ON LB366A. SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB366A 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. [LB366A]

ASSISTANT CLERK: 30 AYES, 9 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB366A]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB366A ADVANCES. ITEMS FOR THE RECORD, MR. CLERK. [LB366A]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. YOUR COMMITTEE ON URBAN AFFAIRS REPORTS LB378 TO GENERAL FILE WITH AMENDMENTS. NEW RESOLUTIONS: LR100, LR101, LR102, ALL INTRODUCED BY SENATOR STINNER AND WILL BE LAID OVER. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB10 AND LB431 TO SELECT FILE WITH E&R AMENDMENTS ATTACHED. THAT'S ALL I HAVE. (LEGISLATIVE JOURNAL PAGES 718-720.) [LB378 LR100 LR101 LR102 LB10 LB431]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. RETURNING TO GENERAL FILE.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL IS LB504 INTRODUCED BY SENATOR KRIST. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 21st. IT WAS REFERRED TO THE JUDICIARY COMMITTEE. THE BILL WAS REPORTED TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. (AM291, LEGISLATIVE JOURNAL PAGE 470.) [LB504]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KRIST, YOU'RE WELCOME TO OPEN ON LB504. [LB504]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. LB504 ADVANCED FROM THE JUDICIARY COMMITTEE WITH NO OPPOSITION. NO ONE TESTIFIED EITHER AS AN OPPONENT OR IN THE NEUTRAL CAPACITY AT THE COMMITTEE HEARING LAST MONTH. I WANT TO THANK SENATOR SEILER AND MY FELLOW MEMBERS ON THE JUDICIARY COMMITTEE FOR ADVANCING THIS BILL. UNDER CURRENT LAW, WHEN AN OFFENDER HAS BEEN CONVICTED OF A FELONY, THE COURTS MUST ORDER A PRESENTENCE INVESTIGATION OF THE OFFENDER. THE COURT IS REQUIRED TO GIVE DUE CONSIDERATION TO THE WRITTEN REPORT OF THE INVESTIGATION. COURTS MAY ORDER PRESENTENCE INVESTIGATION IN ANY CASE EXCEPT FOR LOWER-LEVEL MISDEMEANORS OR INFRACTIONS. THE LAW PERMITS INSPECTION OF THE REPORT OR INSPECTION OF THE PARTS BY THE OFFENDER OR HIS OR HER ATTORNEY. THIS INSPECTION GENERALLY OCCURS IN THE COURT CHAMBERS OR IN A PROBATION OFFICE. THE PRESENTENCE INVESTIGATION INCLUDES AN ANALYSIS OF THE CIRCUMSTANCES ATTENDING THE COMMISSION OF THE CRIME, THE OFFENDER'S HISTORY OF DELINQUENCY, PHYSICAL AND MENTAL CONDITION, FAMILY SITUATION AND BACKGROUND, ECONOMIC STATUS, EDUCATION, OCCUPATION, AND PERSONAL HABITS. ALSO INCLUDED ARE CRIMINAL RECORDS, WRITTEN STATEMENTS SUBMITTED TO THE COUNTY ATTORNEY OR PROBATION OFFICE BY THE VICTIM. LB504 IS A SIMPLE BILL IN THAT IT PROVIDES THAT A COPY OF THE PRESENTENCE REPORT OR EXAMINATION SHALL BE PROVIDED TO THE COUNSEL FOR THE DEFENDANT AND THE PROSECUTION AT NO CHARGE AT LEAST SEVEN DAYS IN ADVANCE OF THE SENTENCING HEARING. AND WE WILL DEAL WITH THAT TIME FRAME IN THE AMENDMENT TO FOLLOW THE COMMITTEE AMENDMENT. BECAUSE OF THE AMOUNT OF INFORMATION, IT IS OFTEN DIFFICULT TO REVIEW THE REPORT THOROUGHLY AT ONE POINT IN TIME AND THEN TO DISCUSS THE INFORMATION WITH A CLIENT FROM NOTES TAKEN FROM THE REPORT BECAUSE THE REPORT IS NOT ALLOWED TO LEAVE THE OFFICE OF THE COURTS. THIS BILL WOULD ALLOW THE ATTORNEY ADEQUATE OPPORTUNITY TO REVIEW THE REPORT SO THAT ADDITIONS AND CORRECTIONS TO THE REPORT MAY BE MADE PRIOR TO SENTENCING. THE BILL ALSO ALLOWS THE COURT TO ORDER A REDACTION OF ADDRESSES, TELEPHONE NUMBERS, AND OTHER CONTACT INFORMATION FOR THE VICTIMS OR WITNESSES NAMED IN THE REPORT. THIS PROCESS WOULD OCCUR BY APPLICATION OF COUNSEL, FOR THE PROSECUTION, OR DEFENDANT, AND A SHOWING OF A PREPONDERANCE OF EVIDENCE THAT SUCH REDACTION IS WARRANTED IN THE INTERESTS OF PUBLIC SAFETY. THERE'S A COMMITTEE AMENDMENT, AS I SAID, ON THIS BILL WHICH PROVIDES A DEFENSE COUNSEL OR PROSECUTION SHALL OBTAIN A COPY OF THE REPORT. THIS IS A GOOD CLARIFICATION OF THE BILL AND I'D ASK YOU TO SUPPORT IT. THERE'S ALSO A PERSONAL AMENDMENT THAT I HAVE FOLLOWING THAT AND I WOULD ASK YOU TO

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SUPPORT ALL THREE TODAY. THANK YOU, MR. PRESIDENT. [LB504]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. SENATOR SEILER. [LB504]

SENATOR SEILER: MR. LIEUTENANT GOVERNOR, MEMBERS OF THE UNICAMERAL, LET ME GIVE YOU A LITTLE PERSPECTIVE FROM THE OLD WAY WE USED TO DO THIS. YOU'D COME INTO COURT WITH YOUR CLIENT. YOU'D SIT AT THE COUNSEL TABLE AND A JUDGE WOULD HAND YOU A THREE-INCH PRESENTENCE INVESTIGATION AND HE'D TURN AND SAY, GO OVER THAT WITH YOUR CLIENT. AND HE'D WALK TO HIS DESK, GET UP ON THE BENCH AND SAY, YOU READY YET? I FEARED ALL THE YEARS THAT I DID CRIMINAL DEFENSE WORK THAT THAT WAS INCOMPETENT COUNSEL REPRESENTATION. YOU HAD VERY LITTLE CHANCE TO GO OVER THE REPORT. THIS BILL CURES THAT WITH TWO THINGS. ONE, IT GIVES YOU SEVEN DAYS' NOTICE OR AT LEAST LONGER THAN TEN MINUTES. AND, SECOND, IT ALLOWS FOR ELECTRONICALLY TRANSFERRED. YOU'LL BE ABLE TO SIT AT YOUR DESK AS DEFENSE COUNSEL OR AS PROSECUTOR AND BE ABLE TO CALL UP THE PRESENTENCE INVESTIGATION AND SPEND SOME TIME EXAMINING IT TO SEE WHAT IS IN THERE AND WHAT ISN'T. THEN YOU CAN GO AND VISIT WITH YOUR CLIENT, AND IT'S A MUCH BETTER TERM CALLED JUSTICE THAN THE WAY WE USED TO DO IT. I THINK SENATOR KRIST OUTLINED MOST OF THE OTHER THINGS IN THE AMENDMENT, INCLUDING REDACTION WHICH MAKES SENSE. REDACTION IS TAKING OUT WITNESSES NAMES AND ADDRESSES IN THE EVENT THAT THERE COULD BE A RETALIATION. AND ALSO BY EVIDENCE BEING PRESENTED BY A PREPONDERANCE OF THE EVIDENCE, THE COURT WOULD MAKE THE RULING. WITH THAT, I WOULD RECOMMEND THAT LB504 AND AM291 BE MOVED. THANK YOU. [LB504]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. MR. CLERK. [LB504]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR KRIST WOULD OFFER AM634 TO THE COMMITTEE AMENDMENTS. (LEGISLATIVE JOURNAL PAGE 710.) [LB504]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KRIST, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB504]

SENATOR KRIST: IN DISCUSSING...THANK YOU, MR. PRESIDENT, AND IN DISCUSSING THIS CHANGE WITH THE COURT ADMINISTRATOR, MR. COREY STEEL, WE CAME TO THE CONCLUSION THAT RATHER THAN GOING BACK TO THE TWENTIETH CENTURY, WE WOULD PRESS AHEAD TO THE TWENTY-FIRST

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AND POTENTIALLY TWENTY-SECOND CENTURY AND ACTUALLY DO THIS ELECTRONICALLY. THE COURTS NOW ARE IN THE PROCESS OF LOOKING AT A PORTAL SYSTEM THAT WOULD ALLOW A DEFENSE OR A PROSECUTING ATTORNEY TO ACTUALLY REACH INTO THE JUSTICE SYSTEM, TAP INTO IT IN A READ-ONLY BASIS IN THE PRIVACY OF THEIR OFFICE, AND BE ABLE TO LOOK AT THESE PRESENTENCE HEARING MINUTES AND ALL THAT THEY NEED TO SEARCH FOR. SO, IN ESSENCE, IT'S A PROGRAMMING FEATURE. THE COURT POTENTIALLY WOULD HAVE PEOPLE WHO STILL WANT PAPER COPIES, BUT BY DOING THE INITIAL PROGRAMMING INTO THE PORTAL, WE WOULD CUT DOWN THE COST AS WELL AS EFFICIENCY IN TERMS OF THE OPERATION. THAT'S WHAT THIS AMENDMENT DOES. IT ALLOWS THE COURTS TO DO THINGS ELECTRONICALLY, AND IT...BY THE ORDER OF THE COURT, IT ALSO CHANGES THE NUMBER OF DAYS TO LOCAL JURISDICTION, MEANING THAT IF THE COURTS NORMALLY TAKE THREE DAYS, THEN THEY WOULD HAVE THIS INFORMATION AVAILABLE ON THE PORTAL WITHIN THREE DAYS. IF THE COURT HAS A LOCAL JURISDICTION THAT TAKES TEN DAYS, THEN IT WOULD BE AVAILABLE TEN DAYS PRIOR. RATHER THAN DEFINING A NUMBER, WE WOULD ALLOW THE LOCAL JURISDICTIONS--LOCAL CONTROL, LOCAL CONTROL--TO DO IT IN TERMS OF WHATEVER THE LOCAL JURISDICTION HAS IN PLACE. I THINK IT'S A GOOD AMENDMENT, AND I WOULD ASK YOUR SUPPORT ON AM634 TO THE COMMITTEE AMENDMENT AM291 AND TO THE BILL, LB504. THANK YOU. [LB504]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON LB504 AND PENDING AMENDMENTS. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE WELCOME TO CLOSE. AND SENATOR KRIST WAIVES CLOSING. THE FIRST VOTE IS THE ADOPTION OF AM634 TO THE COMMITTEE AMENDMENTS. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB504]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE ADOPTION OF SENATOR KRIST'S AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB504]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. AM634 IS ADOPTED. SEEING NO SENATORS WISHING TO SPEAK ON THE BILL OR PENDING AMENDMENTS, SENATOR SEILER, YOU'RE WELCOME TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR SEILER WAIVES CLOSING ON THE COMMITTEE AMENDMENTS. THE QUESTION IS THE ADOPTION OF COMMITTEE AMENDMENTS AM291 TO LB504. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB504]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE

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AMENDMENTS. [LB504]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE IS NOW OPEN ON LB504 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE WELCOME TO CLOSE ON LB504. [LB504]

SENATOR KRIST: THANK YOU, COLLEAGUES, FOR YOUR ATTENTION THIS MORNING AND THANK YOU FOR HELPING US MOVE ALONG LB504. [LB504]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. THE QUESTION IS THE ADVANCE OF LB504 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB504]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB504]

PRESIDENT FOLEY: LB504 ADVANCES. RETURNING TO GENERAL FILE, MR. CLERK. [LB504]

ASSISTANT CLERK: MR. PRESIDENT, LB504A, INTRODUCED BY SENATOR KRIST. (READ TITLE.) [LB504A]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KRIST, YOU'RE WELCOME TO OPEN ON LB504A. [LB504A]

SENATOR KRIST: THE A BILL THAT YOU SEE BEFORE YOU RIGHT NOW SHOULD BE LESS BY THE TIME THE LAST AMENDMENT IS CONSIDERED, AND FISCAL HAS ASSURED ME THAT THEY WILL TAKE A GOOD LOOK AT THAT AND YOU'LL SEE IT ON SELECT FILE. I'D ASK FOR YOUR SUPPORT ON LB504A. [LB504A]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON LB504A. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE WELCOME TO CLOSE. SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB504A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB504A]

ASSISTANT CLERK: 26 AYES, 0 NAYS ON THE ADVANCEMENT OF THE A BILL. [LB504A]

PRESIDENT FOLEY: LB504A ADVANCES. [LB504A]

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ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB128, BY SENATOR CHAMBERS. (READ BILL.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 9th, REFERRED TO THE AGRICULTURE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB128]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CHAMBERS, YOU'RE WELCOME TO OPEN ON LB128. [LB128]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS BILL WAS ADVANCED FROM THE AG COMMITTEE ON A 7 TO 0 VOTE, AND ALTHOUGH IT MERELY SAYS THAT IT'S ELIMINATING OR REPEALING THAT PRAIRIE DOG BILL, I WANT THE RECORD TO SHOW WHY I'M OFFERING THIS BILL, AND I WANT TO PUT SOME INFORMATION ABOUT THAT LAW THAT IS TO BE REPEALED INTO THE RECORD. THAT LITTLE ROSTER WHERE WE'RE GIVEN THE OPPORTUNITY TO SELF-DESCRIBE OURSELVES, FOR ME IT SAYS "DEFENDER OF THE DOWNTRODDEN". THIS BILL REFERS TO TWO OF MY CONSTITUENCIES: THE FOUR-LEGGED DOWNTRODDEN AND THE TWO-LEGGED. THE FOUR-LEGGED, OBVIOUSLY, ARE THE PRAIRIE DOGS. BUT BEFORE I GO INTO THAT, I WANT TO TALK ABOUT THE TWO-LEGGED OR THE HUMAN DOWNTRODDEN UNDER THIS BILL. IT IS ONE OF THE MOST INTRUSIVE LAWS ON THE STATUTE BOOKS THAT I HAVE SEEN. IT IS ONE OF THE MOST HEAVYHANDED APPROACHES TO A RELATIVELY INSIGNIFICANT ISSUE THAT I HAVE SEEN. BEFORE I WAS TERM-LIMITED OUT, I WAS ABLE TO STOP THIS KIND OF LEGISLATION FROM GETTING INTO THE LAWBOOKS. ONCE I WAS GONE, IT WAS ENACTED, AND SOME OF THE PEOPLE WHO HAD SUPPORTED IT SAID AS A FAVOR TO THE INTRODUCER WHOSE NAME I'M NOT GIVING BECAUSE THAT'S NOT MY MAIN OBJECTIVE THIS MORNING. FIRST OF ALL, WHEN YOU OWN PROPERTY, YOU DO NOT OWN IT ABSOLUTELY. THERE ARE CIRCUMSTANCES WHERE YOU CAN BE DEPRIVED ENTIRELY OF THAT PROPERTY. ONE SUCH METHODOLOGY IS EMINENT DOMAIN. BUT THE PROPERTY UNDER MOST CIRCUMSTANCES HAS TO BE TAKEN FOR A PUBLIC PURPOSE AND YOU HAVE TO BE ADEQUATELY COMPENSATED. IF I AM A LANDOWNER AND YOU ARE AN ADJACENT LANDOWNER, I CAN DO ON MY PROPERTY WHATEVER THE LAW ALLOWS, BUT I CANNOT DEAL WITH MY PROPERTY IN A WAY THAT HARMS YOURS. THIS BILL IS BASED ON THE NOTION THAT IF PROPERTY OWNER A HAS A COLONY OF PRAIRIE DOGS AND THOSE ANIMALS ENCROACH ON PROPERTY B'S PROPERTY, THE METHOD THAT IS AVAILABLE RIGHT NOW UNDER THE LAW WITHOUT THIS ATROCIOUS PIECE OF LEGISLATION IS AVAILABLE IN THE COURTS. I CAN PRESENT MY INFORMATION TO A COURT. IF THE COURT AGREES WITH ME, THEN IF I'M THE LANDOWNER THAT'S COMPLAINING, THEN THE OFFENDING LANDOWNER HAS

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TO STOP. IF THERE WAS DAMAGE TO MY LAND AS A RESULT OF WHAT THAT PERSON DID, DAMAGES CAN BE OBTAINED. THAT IS THE BEST WAY TO HANDLE THOSE KIND OF MATTERS BECAUSE THE COURT IS CAPABLE OF HANDLING THEM. THIS BILL TAKES A DIFFERENT APPROACH. IF AN ADJACENT OWNER FILES A COMPLAINT WITH THE COUNTY BOARD, THEN THE COUNTY BOARD, BY WHATEVER METHODOLOGY THEY DECIDE TO USE, WILL DETERMINE IF THE PRAIRIE DOGS FROM OWNER A'S LAND HAVE ENCROACHED ON THE LAND OF OWNER B, THEN OWNER A IS TO BE GIVEN NOTICE OF THIS MATTER. THE STATUTE SAYS THERE ARE TWO TYPES OF NOTICE. AND I'M GOING TO TAKE MY TIME. I HAVE MY LIGHT ON. I THINK THIS SHOULD BE IN THE RECORD. GENERAL NOTICE, WHICH WOULD BE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. THERE IS PERSONAL NOTICE WHERE THE INDIVIDUAL LANDOWNER IS TO BE NOTIFIED DIRECTLY. BUT THEN THERE'S A QUIRK IN THIS LAW THAT I'VE SEEN IN NO OTHER LAW WHERE NOTICE IS REQUIRED. EVEN IF YOU DON'T GET THE NOTICE, IF YOU DON'T GET THE GENERAL NOTICE, IF YOU DON'T GET THE SPECIFIC NOTICE, YOU'RE STILL REQUIRED TO COMPLY WITH EVERYTHING IN THIS LAW, WHICH MEANS THAT YOU'VE GOT TO DO SOMETHING ABOUT THE PRAIRIE DOGS. YOU SHOULD BE REQUIRED, IF YOU'RE THE COMPLAINING COUNTY BOARD, TO MAKE SURE THAT THAT INDIVIDUAL GETS NOTICE. IF YOU CANNOT DELIVER IT DIRECTLY TO THE PERSON, THEN YOU MAIL IT TO THE LAST KNOWN ADDRESS SO THAT IN THE RECORD YOU CAN DOCUMENT THAT EVERY REASONABLE EFFORT WAS UNDERTAKEN. THEY DON'T HAVE TO DO THE GENERAL NOTICE. THEY DON'T HAVE TO DO THE INDIVIDUAL NOTICE. BUT IF YOU DO NOT WRITE TO THAT COUNTY BOARD WITHIN A 60-DAY PERIOD, THEN ACTION CAN BE TAKEN AGAINST YOU. IF YOU DIDN'T GET THE NOTICE, HOW DO YOU KNOW? THAT'S ON YOU. BUT HERE'S WHAT CAN BEGIN TO HAPPEN. AFTER THE OBJECTION IS MADE...OH, AND BY THE WAY, A COLONY IS DESCRIBED OR DEFINED AS THE TUNNELS OR BURROWS THAT THE PRAIRIE DOGS MAKE. THESE ANIMALS ARE CALLED KEYSTONE SPECIES BECAUSE THEY PROVIDE HABITAT FOR OTHER ANIMALS AND A FOOD SOURCE FOR OTHER ANIMALS. THESE ANIMALS ARE NATIVE TO NEBRASKA. UNFORTUNATELY--THEN I'M GOING TO GET BACK TO THIS ACTION THAT CAN BE TAKEN AGAINST YOU--THE MODEL FOR THIS HANDLING OF THESE ANIMALS IS BASED ON THE NOXIOUS WEED BILL OR LAW. THE NOXIOUS WEED LAW IS DESIGNED TO ERADICATE INVASIVE SPECIES, THOSE THAT ARE NOT NATIVE TO THIS STATE, THOSE THAT CREATE PROBLEMS, AND THE INTENT IS TO GET RID OF ALL OF THEM, PERIOD, ROOT AND BRANCH. WHEN THAT IS THE APPROACH TAKEN WITH THESE ANIMALS, IT'S PREMISED ON THE IDEA THAT THEY ARE AN INVASIVE SPECIES, WHICH THEY ARE NOT, THAT THEY SHOULD BE TOTALLY ERADICATED, WHICH THEY SHOULDN'T. THE BLACK-FOOTED FERRET IS ON THE ENDANGERED SPECIES LIST. PRAIRIE DOGS PROVIDE A FOOD SOURCE FOR THEM. NOTHING IS TO BE DONE THAT INTERFERES WITH

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THEIR HABITAT. THIS BILL DOES. THERE ARE OTHER WAYS THAT THIS LAW COULD BE ATTACKED. BUT, NEVERTHELESS, THAT IS THE APPROACH THAT'S TAKEN. THE FAVORED METHOD IS POISONING. SINCE THESE ANIMALS PROVIDE A FOOD SOURCE FOR OTHER SPECIES--HAWKS, EAGLES, BURROWING OWLS, OWLS, BADGERS, FOXES--IF THAT ANIMAL ITSELF WAS POISONED AND IT HAPPENS TO BE INGESTED BY ONE OF THESE OTHERS, THERE CAN BE THE SECONDARY POISONING OF THESE OTHER ANIMALS. IT IS NOT ENOUGH TO JUST SPREAD POISON THE ENTIRE LENGTH OF THE FENCE LINE BETWEEN THE TWO PROPERTIES. YOU HAVE TO SPREAD POISON SOME DISTANCE FROM THAT FENCE LINE INTO YOUR PROPERTY. THERE'S NOTHING IN THE LAW THAT SAYS HOW FAR YOU HAVE TO SPREAD IT FROM THE FENCE LINE. THERE IS NO LOWER LIMIT IN TERMS OF HOW MANY OF THESE ANIMALS WOULD HAVE TO ENCROACH ON THE PROPERTY NEXT DOOR. SO CONCEIVABLY ONE ANIMAL COULD TRIGGER ALL THIS THAT I WILL BE DISCUSSING. SO LET'S SAY THAT THE COMPLAINT HAS BEEN MADE. YOU HAVEN'T DONE ALL OF THIS POISONING. YOU DID NOT GET THE NOTICE. THE WHEELS BEGIN TO TURN. YOU HAVE 60 DAYS FROM THE DATE ON THAT NOTICE WHICH YOU DID NOT GET BUT YOU'RE STILL REQUIRED TO COMPLY WITH THE LAW. IF YOU DON'T RESPOND IN THAT 60-DAY PERIOD, EITHER BY ERADICATING THE PROBLEM OR SHOWING THAT YOU HAVE MADE ARRANGEMENTS TO DO SO, THE COUNTY BOARD, WITHOUT DEFINING IN THE STATUTE THE QUALIFICATIONS OF THIS INDIVIDUAL, CAN SEND ANYBODY THEY CHOOSE ONTO YOUR LAND... [LB128]

PRESIDENT FOLEY: ONE MINUTE. [LB128]

SENATOR CHAMBERS: ...UNINVITED, WITHOUT A WARRANT. THEY'RE SUPPOSED TO GIVE YOU 48 HOURS' NOTICE, AND YOU DON'T KNOW WHAT ALL OF THIS IS ABOUT, BUT THAT PERSON COMES ON THE LAND, AND THEN I'M GOING TO JUMP AHEAD SO I WON'T LOSE YOU IN TERMS OF WHAT CAN HAPPEN. YOU HAVE NOT ERADICATED THE PROBLEM. SO THE COST OF THIS PERSON COMING ON YOUR LAND AND DOING WHATEVER HE OR SHE OR THEY DO IS GOING TO BE ASSESSED AGAINST YOU. IF YOU DON'T PAY UP, THEN THAT DEBT BECOMES A LIEN AGAINST YOUR PROPERTY. THIS LIEN IS CERTIFIED TO THE TREASURER AND IT BECOMES A SPECIAL ASSESSMENT, AND IT IS MADE A PART OF THE TAX ON YOUR PROPERTY, AND WHATEVER INTEREST IS CHARGED ON THE TAXES WILL NOW BE CHARGED ON THIS ASSESSMENT THEY MADE AGAINST YOU FOR... [LB128]

PRESIDENT FOLEY: TIME, SENATOR. [LB128]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB128]

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PRESIDENT FOLEY: BUT YOU ARE NEXT IN THE QUEUE. YOU MAY CONTINUE, SENATOR CHAMBERS. [LB128]

SENATOR CHAMBERS: THANK YOU. AND I'LL JUST LEAVE MY LIGHT ON, IF I MAY. THIS LIEN IS AGAINST YOUR PROPERTY, AND WHEN WE GO FURTHER INTO THE ENFORCEMENT MECHANISM, YOU WILL BE FINED \$100 A DAY FOR A TOTAL OF 15 DAYS, WHICH IS A \$1,500 FINE. AFTER THAT, IF YOU HAD NOT DONE WHAT THEY WANT YOU TO DO, THEN THEY NOTIFY THE COUNTY ATTORNEY. THIS IS A DISPUTE BETWEEN NEIGHBORS, REMEMBER. THE COUNTY ATTORNEY IS INVOLVED. IF YOU ARE CONVICTED, YOU WILL BE CONVICTED OF WHAT'S CALLED AN INFRACTION, AND THAT IS A CRIME. THAT FINE IS IMPOSED. IF YOUR PROPERTY BECAUSE OF THIS GOES INTO FORECLOSURE ABOUT SOME PRAIRIE DOGS, THIS IS WHAT THE LAW SAYS: THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT SATISFACTION OF THE OBLIGATION IMPOSED BY THIS SECTION IN WHOLE OR IN PART BY TAX FORECLOSURE PROCEEDINGS. SO EVEN WITH THE PROCEEDINGS TO FORECLOSE, THAT IS NOT SATISFACTION IN WHOLE OR IN PART. SO I DON'T KNOW WHY THEY TAKE IT INTO FORECLOSURE EXCEPT TO DEPRIVE YOU OF YOUR PROPERTY. THE EXPENSES THEN MAY BE COLLECTED BY A LAWSUIT INSTITUTED FOR THAT PURPOSE AS A DEBT TO THE COUNTY OR BY ANY OTHER ADDITIONAL REMEDY OTHERWISE AVAILABLE. YOU WON'T FIND THIS KIND OF MECHANISM OF ENFORCEMENT ANYWHERE IN THE LAW. AND WE'RE TALKING ABOUT PRAIRIE DOGS. THIS IS ONE OF THE WORST PIECES OF LEGISLATION ON THE BOOKS, AND THAT IN AND OF ITSELF SHOULD BE ENOUGH TO WIPE IT OUT. THE COURT IS NOT INVOLVED ANYWHERE. IN MOST STATUTES WHERE SOME ACTION CAN BE TAKEN AGAINST YOU, THERE WILL BE A PROVISIO THAT YOU CAN CHALLENGE IT IN THE DISTRICT COURT. NOTHING ABOUT CHALLENGING THIS AT ALL. SO HERE'S WHAT THE COUNTY BOARD CAN DO. THE COUNTY BOARD OR ANYONE AUTHORIZED BY THE COUNTY BOARD MAY ENTER UPON PROPERTY IN THE COUNTY FOR PURPOSES OF PERFORMING THE DUTIES AND EXERCISING THE POWERS UNDER THIS ACT WITHOUT BEING SUBJECT TO ANY ACTION FOR TRESPASS OR DAMAGES, INCLUDING DAMAGES FOR DESTRUCTION OF GROWING CROPS IF REASONABLE CARE IS EXERCISED AND 48 HOURS' WRITTEN ADVANCE NOTICE OF ENTRANCE IS PROVIDED TO THE PROPERTY OWNER. WHAT IS THIS CARE THAT THEY'RE TALKING ABOUT? YOU ARE GOING TO HAVE TO, AT SOME POINT, INITIATE LEGAL ACTION BECAUSE YOUR PROPERTY HAS BEEN, IN A SENSE, INVADED BY PEOPLE UNINVITED TO SPREAD POISON WITHOUT ANY DIRECTION OR LIMITATIONS IN THE STATUTE. SO THEY COULD SPREAD IT OVER ALL OF YOUR LAND AND SAY WE WANT TO ERADICATE ALL OF THESE PRAIRIE DOGS. AND IF YOU HAVE ONE OF THESE ORGANIC FARMS OF THE KIND THAT ONE OF THE TESTIFIERS CAME AND SPOKE IN BEHALF OF THIS BILL BEFORE THE COMMITTEE ON, IF THERE'S ANY INDICATION OF POISON ON

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YOUR LAND OR OTHER CHEMICALS, YOU ARE NOT AN ORGANIC FARM ANYMORE. HE HAD ESTIMATED HE COULD LOSE UP TO \$400,000 A YEAR IF ANY OF THESE CHEMICALS WOUND UP ON HIS LAND. AND HIS LAND IS NOT THAT WHICH IS BEING ATTACKED. NOW WHEN YOU HAVE THIS KIND OF ACTIVITY, AND PEOPLE CAN COME ON YOUR LAND... [LB128]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB128]

SENATOR CHAMBERS: ...WITHOUT INVITATION, WITHOUT A WARRANT, AND DO DAMAGE, THAT IN A STATE LIKE NEBRASKA NEVER SHOULD HAVE GOTTEN ON THE BOOKS. I OFFERED THIS BILL LAST SESSION, BUT FOR VARIOUS REASONS IT WAS NOT ADVANCED BY THE COMMITTEE, NOT BECAUSE OF OPPOSITION BUT THERE WERE OTHER THINGS THAT WERE IN THE WAY, AND SOME OF THE PEOPLE ON THE COMMITTEE THEN WHO ARE NOT HERE ANY LONGER SAID THAT IF I BROUGHT IT AGAIN THEY WOULD SUPPORT IT. EVEN THOUGH THEY WERE NOT THERE, THE BILL DID COME OUT. I'VE TRIED TO COVER AS MUCH AS I CAN. AND IF YOU HAVE ANY QUESTIONS ABOUT ANY ASPECT OF THE BILL OR WHAT I'M TRYING TO DO AND WHY, I'M MORE THAN WILLING TO ANSWER THEM. THANK YOU, MR. PRESIDENT. [LB128]

SPEAKER HADLEY: SENATOR JOHNSON, YOU'RE RECOGNIZED. SORRY. MR. CLERK. [LB128]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. JUST AN ANNOUNCEMENT THAT HEALTH AND HUMAN SERVICES WILL MEET IN EXECUTIVE SESSION AT 11:00 IN ROOM 2022.

SPEAKER HADLEY: SENATOR JOHNSON, YOU'RE RE-RECOGNIZED. [LB128]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. SENATOR CHAMBERS IS VERY ACCURATE IN ALL THAT HE SAID EXCEPT FOR ONE STATEMENT. LAST WEEK, HE QUESTIONED ME ON A STATEMENT I HAD MADE THAT I MAYBE IMPLIED THAT HE HAD A HEART, AND HE CORRECTED ME ON THAT. BUT I WOULD CORRECT HIM ON ONE POINT THAT HE'S MADE TODAY, AND HE...TALKING ABOUT AN INSIGNIFICANT SITUATION. THERE ARE SITUATIONS IN THE WESTERN PART OF THE STATE ESPECIALLY WHERE THERE ARE AN ABUNDANCE OF PRAIRIE DOGS DOING DAMAGE TO PROPERTY, LOWERING PROPERTY VALUES, AND NEED TO BE CONTROLLED. WE HAVE FOUND OUT--AND I WOULD AGREE WITH THIS--THERE ARE OTHER WAYS IN ORDER TO CONTROL PRAIRIE DOGS ON YOUR OWN PROPERTY. I BELIEVE THERE'S A TRAINING THAT A PERSON CAN TAKE AND BE CERTIFIED IN ORDER TO

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ERADICATE THEM ON THEIR OWN PROPERTY. TO MY KNOWLEDGE, THERE'S ONLY ONE COUNTY THAT HAS OPTED FOR THIS LAW. THIS WOULD BE THE ONLY ONE REALLY AFFECTED BY THE REPEAL OF THIS, THEY'RE THE ONLY ONES INVOLVED. I THINK THERE ARE ALSO TWO COUNTIES THAT HAVE BEEN CONSIDERING IT, BUT IT'S BEEN ON THE BOOKS FOR A WHILE. I DOUBT THAT IT'S GOING TO BE A LANDSLIDE OF OTHERS TRYING TO IMPOSE THIS LAW. PROBABLY TO SOME SURPRISE TO SOME PEOPLE THAT IT WAS SUPPORTED AS HEAVY AS IT WAS, BUT WHEN WE LOOKED AT THE FACTS AND OTHER WAYS OF CONTROLLING PRAIRIE DOGS, DEFINITELY WOULD AGREE THAT THIS LAW IS NOT NECESSARY. THANK YOU, MR. SPEAKER. [LB128]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB128]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I SERVED ON THE AG COMMITTEE FOUR YEARS AGO WHEN THE LAW THAT WE ARE LOOKING AT REPEALING HERE WAS INTRODUCED AND PASSED. I HAD SOME QUESTIONS AT THAT TIME ABOUT PROPERTY RIGHTS. I SHOULD HAVE STOOD MY GROUND A LITTLE FIRMER ON THAT. I DID NOT. I ACTUALLY VOTED FOR THE BILL. THE BILL IS IN NEED OF REPEAL. SENATOR CHAMBERS HAS TAKEN THE LEAD IN DOING THAT. I SUPPORT HIM WHOLEHEARTEDLY IN THAT ATTEMPT, AND I WILL YIELD HIM THE REMAINDER OF MY TIME, AND IF HE NEEDS MORE, ALL HE HAS TO DO IS LET ME KNOW. [LB128]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:15. [LB128]

SENATOR CHAMBERS: THANK YOU, SENATOR BLOOMFIELD. THANK YOU, MR. PRESIDENT. AND I THINK I SHOULD CLARIFY WHAT I MEANT WHEN I SAID AN INSIGNIFICANT ITEM. I DIDN'T MEAN THAT CONTROLLING THE PRAIRIE DOGS IS NOT IMPORTANT TO THOSE WHO HAVE THEM. I MEANT THAT TO HAVE SUCH A HEAVYHANDED ENFORCEMENT MECHANISM, IT SHOULD BE FOR SOMETHING MORE CONSEQUENTIAL THAN CONTROLLING PRAIRIE DOGS. BUT ON THAT SCORE, THERE WERE PEOPLE WHO TESTIFIED ON HOW PRAIRIE DOGS ARE CONTROLLED ON THEIR LAND BECAUSE THEY WANT THEM. THEY SAID THEY'VE BUILT A PERCH ON WHICH BIRDS OF PREY, RAPTORS, WILL LAND, AND THEY'RE LOOKING FOR THE PRAIRIE DOGS, AND THE PRAIRIE DOGS WILL RECEDE OR MOVE AWAY FROM WHERE THAT PERCH IS. AND THAT KEEPS THEM FROM GOING INTO ANYBODY ELSE'S PROPERTY. THEY ALSO TALKED ABOUT BUILDING SOME HEAVY HEDGES OR PLANTING THEM. SINCE PRAIRIE DOGS WANT TO BE ABLE TO SEE AN APPROACHING PREDATOR, THEY WILL MOVE AWAY FROM THOSE HEDGES UNTIL THEY HAVE ENOUGH OPEN LAND TO SEE WHAT IS COMING. REMEMBER THIS: ON YOUR PROPERTY, YOU CAN DO ANYTHING THAT YOU WANT TO WITH THESE ANIMALS. YOU CAN FEED THEM; YOU CAN NAME EACH ONE OF THEM; YOU CAN TAME THEM; OR YOU

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CAN KILL ALL OF THEM ON YOUR PROPERTY. THERE WERE SOME TESTIFIERS WHO MENTIONED DIFFICULTIES THAT HAPPENED BETWEEN NEIGHBORS BECAUSE SOMEBODY WITH A GRIPE WILL FILE ONE OF THESE COMPLAINTS OR CAN DO SO, AND IT CREATES CONFUSION BECAUSE THE PROBLEM IS NOT WHAT THEY SAID, BUT NEVERTHELESS IT CREATES THAT HOSTILITY. BUT THE MAIN DIFFICULTY WITH THE EXISTING LAW THAT WAS MENTIONED IS HAVING OTHERS COME ON YOUR LAND, NO WARRANT, YOU MAY NOT HAVE RECEIVED ANY NOTICE, THERE'S NO REQUIREMENT IN THE LAW THAT THE PEOPLE THE COUNTY BOARD SEND ON YOUR LAND HAVE TO BE TRAINED WITH RESPECT TO ANYTHING. IT'S BAD LAW. IF THERE'S ONE COUNTY THAT HAS MADE USE OF THIS, THERE ARE 92 COUNTIES THAT HAVE NOT. I DON'T THINK TO PLACATE ONE COUNTY WE OUGHT TO HAVE THIS KIND OF OPPRESSIVE LANGUAGE IN THE LAWBOOKS. I DOUBT THAT THE PEOPLE IN THAT ONE COUNTY WOULD WANT SOMEBODY COMING ON THEIR LAND UNINVITED AND THEY HAD NOT EVEN BEEN GIVEN NOTICE THAT THEY WERE IN VIOLATION OF A LAW. MANY PEOPLE ARE NOT AWARE OF SOME OF THE THINGS I READ, THAT THE COUNTY ATTORNEY'S OFFICE CAN BE IMPLICATED IN THIS ENFORCEMENT MECHANISM. SO IF YOU'RE GOING TO AT SOME POINT HAVE THE COURTS INVOLVED, NOT BECAUSE TWO NEIGHBORS HAVE A DISPUTE WHICH IS A CIVIL MATTER, BUT WHERE IT IS CONVERTED INTO A CRIMINAL MATTER, CONVERTED INTO A CRIMINAL MATTER... [LB128]

SPEAKER HADLEY: ONE MINUTE. [LB128]

SENATOR CHAMBERS: ...AND THE COUNTY ATTORNEY IS INVOLVED, THEN YOU TALK ABOUT FINES, NOT THAT HAVE BEEN ESTABLISHED BY A COURT BUT BY VIRTUE OF THIS LAW, OF \$100 A DAY FOR 15 DAYS, WHICH AMOUNTS TO \$1,500 AS A FINE. IF THE MATTER WERE TAKEN TO COURT, ALL OF THE ISSUES COULD BE RESOLVED. A DETERMINATION COULD EVEN BE MADE ON A FACTUAL BASIS EXACTLY WHICH LANDOWNER IS RESPONSIBLE FOR THE PRESENCE OF PRAIRIE DOGS. THEY DO NOT RECOGNIZE BOUNDARIES. I DIDN'T READ ANYTHING IN THE STATUTE WHICH SAYS THAT THE COMPLAINING PERSON WOULD HAVE HIS OR HER LAND EXAMINED TO DETERMINE WHETHER PRAIRIE DOGS ARE THERE ALREADY. THIS IS A BILL THAT HAS AS MANY HOLES AS A PRAIRIE DOG COLONY. [LB128]

SPEAKER HADLEY: TIME, SENATOR. [LB128]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB128]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR DAVIS, YOU'RE RECOGNIZED. [LB128]

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SENATOR DAVIS: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. AND I RISE IN OPPOSITION TO SENATOR CHAMBERS' BILL. I RECOGNIZE THAT THERE ARE SOME PROBLEMS WITH THE LAW, I DO THINK THAT THAT IS TRUE AND THAT THOSE SHOULD BE CORRECTED, BUT LET'S REALLY TALK ABOUT PRAIRIE DOGS. THEY ARE A PEST IN MANY RESPECTS. AND WHEN YOU GET THEM AND YOU GET THEM FROM YOUR NEIGHBOR, IT'S VERY COSTLY FOR YOU TO HAVE TO ERADICATE THEM. I'VE BEEN DEALING WITH THEM A LONG TIME IN MY OWN OPERATION. FIFTY OR FORTY YEARS AGO, WE HAD A LARGE PRAIRIE DOG TOWN THAT WE POISONED. IT TOOK US MANY YEARS TO DO THAT. WHEN THINGS STARTED TO GET DRY IN THE MID-2000s, WE WERE VOID OF PRAIRIE DOGS FOR 30 YEARS. SO THEN ABOUT 2005, WE STARTED GETTING THEM BACK. SO NOW I'VE GOT SEVEN DIFFERENT TOWNS BECAUSE I HAVEN'T POISONED THEM. SO THEY CAME FROM SOMEPLACE. THEY CAME FROM A NEIGHBOR SOMEWHERE. AND I DON'T CARE IF THE NEIGHBOR WANTS TO HAVE THEM ON HIS PLACE, BUT IT SHOULDN'T BE MY RESPONSIBILITY TO HAVE TO GO ALWAYS TO POISON THOSE DOGS, BECAUSE IT'S VERY, VERY COSTLY AND VERY, VERY TIME CONSUMING. SENATOR CHAMBERS TALKED A LITTLE BIT ABOUT THE PERCHES. I RECOGNIZE THAT MAYBE THOSE TOOLS ARE AVAILABLE AND ARE GOOD. I'VE NEVER USED THOSE PERCHES, BUT I DON'T THINK THEY'RE GOING TO DRIVE THEM AWAY BECAUSE I'VE OBSERVED PRAIRIE DOGS FOR MANY, MANY YEARS. A LOT OF PEOPLE LIKE TO SHOOT THEM. WHETHER YOU THINK THAT'S APPROPRIATE OR NOT, I'M NOT GOING TO GO INTO THAT. BUT, YOU KNOW, THERE ARE DOG TOWNS THAT ARE FULL OF BULLET CASINGS THAT STILL HAVE A LOT OF DOGS IN THEM. THESE ANIMALS ARE NOT ENDANGERED. I GUESS I WOULD SAY IF SHERIDAN COUNTY WANTS TO CONTINUE DOING THIS, I THINK IT SHOULD BE THEIR PREROGATIVE TO DO THAT. BUT I DO THINK WE NEED TO ADDRESS THE ISSUES OF ORGANIC FARMING AND THOSE ENTITIES WHO DO HAVE A VERY LEGITIMATE CASE FOR WHY THEY ARE DOING WHAT THEY WANT TO DO. SO WITH THAT, I WOULD JUST STAND IN OPPOSITION TO THE BILL AND ASK THAT IF WE DO NOTHING ELSE THAT WE CONSIDER GRANDFATHERING SHERIDAN COUNTY IN SINCE THEY'RE THE ONES THAT HAVE A PLAN IN PLACE AT THIS POINT. THANK YOU, MR. PRESIDENT. [LB128]

SPEAKER HADLEY: SENATOR FRIESEN. [LB128]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I, TOO, RISE IN OPPOSITION TO THIS BILL. I'M A PROPERTY OWNER, AND WE DON'T HAVE PRAIRIE DOGS IN OUR AREA, BUT I RELATE IT A LITTLE BIT TO THE NOXIOUS WEED PROGRAM AND JUST ON HOW IT PROLIFERATES AND SPREADS INTO YOUR FIELD EVEN THOUGH YOU HAVE NO CONTROL OVER WHAT HAPPENS IN A NEIGHBOR'S FIELD. I DO THINK THERE ARE SOME PROBLEMS WITH THE BILL. I WILL AGREE WITH SENATOR CHAMBERS. AND I ALSO KNOW THAT IF YOU WOULD APPLY

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HIS EXPERTISE, HE COULD FIX THOSE INSTEAD OF JUST ELIMINATING THE PROGRAM. BUT I THINK WHAT THIS PROGRAM HAS DONE IS IT HAS ALLOWED COUNTIES A TOOL TO USE THAT HAS KEPT THEM FROM HAVING TO ACTUALLY GO IN AND DO THIS. THEY CAN USE THIS AS A LEVERAGE TO GET THE PROPERTY OWNER TO PROPERLY GO IN AND CONTROL HIS PRAIRIE DOG POPULATION. I THINK IT'S BEEN USED ONCE IF I WAS...DID MY RESEARCH CORRECTLY, SO IT HAS NOT BEEN USED A LOT. BUT IT IS A TOOL THAT THEY CAN HAVE, THAT THEY CAN URGE THE LANDOWNERS AND THE NEIGHBOR TO WORK OUT SOMETHING AND TO POISON OR DO HOWEVER THEY WANT TO CONTROL SO THAT THEY DON'T...THE COUNTY DOESN'T HAVE TO GO IN. WITHOUT THIS THREAT, NEIGHBORS TYPICALLY, YOU DO NOT WANT TO GO IN AND SUE YOUR NEIGHBOR. THAT'S NOT A...IT'S JUST SOMETHING MOST NEIGHBORS DON'T DO. AND SO USING THE COUNTY COURT METHOD OR TAKING IT TO COURT, IT'S SOMETHING THAT IS VERY RELUCTANT FOR MOST LANDOWNERS TO DO. AND SO I URGE YOU TO SUPPORT KEEPING THIS PROGRAM ALIVE. YES, IT HAS SOME FIXES THAT I THINK WE CAN WORK ON THAT WE CAN MAKE IT A BETTER BILL, BUT HAVING COUNTIES USE THIS TOOL TO...MORE AS LEVERAGE THAN ANYTHING ELSE, I THINK IT'S A VALUABLE TOOL FOR THEM, AND I URGE WE KEEP IT. THANK YOU, MR. PRESIDENT.
[LB128]

SPEAKER HADLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB128]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I, TOO, AM A PROPERTY OWNER AND I, TOO, DO NOT HAVE PRAIRIE DOGS ON MY PROPERTY AT MY HOME. BUT, YOU KNOW, IT'S SOMETHING THAT SENATOR FRIESEN SAID THAT...ONE OF THE REASONS WHY I VOTED FOR THIS BILL OUT OF COMMITTEE, AND THAT IS WE TREAT SOMETHING THAT IS INDIGENOUS TO THIS AREA, THAT WAS HERE LONG BEFORE WE EVER CAME ON THE COAST, AND WE TREAT THEM AS A NOXIOUS WEED. AND NOXIOUS WEEDS ARE INTENDED TO BE USED FOR WEEDS THAT ARE NOT INDIGENOUS TO THIS AREA THAT HAVE COME HERE AND INVADDED OUR AREA AND CAUSED A PROBLEM. I UNDERSTAND THAT PRAIRIE DOGS MAY BE AN INCONVENIENCE TO SOME, BUT THEY WERE HERE BEFORE US, AND THEY'LL BE, GOD WILLING, PROBABLY HERE LONG AFTER WE ARE. THEY SERVE AN ENVIRONMENTAL PURPOSE, NOT ALWAYS CONVENIENT, BUT EFFECTIVE. AND, YOU KNOW, THEIR HOLES ARE USED FOR A NUMBER OF PURPOSES. IT'S A PLACE TO RETAIN RAINWATER. IT'S A PLACE WHERE--AND THIS IS PART OF THE PROBLEM--THE BURROWING OWL COMES IN THERE AFTERWARDS. I UNDERSTAND IT IS AN INCONVENIENCE. BUT IF A LANDOWNER CHOOSES TO HAVE THAT ON THEIR PROPERTY, WE NOW SAY, NO, YOU CAN'T. WE ARE GOING TO COME ON YOUR PROPERTY AGAINST YOUR WILL FOR A PUBLIC PURPOSE. AND WHEN IT'S A NOXIOUS WEED, I UNDERSTAND WHAT THAT

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PUBLIC PURPOSE IS BECAUSE IT'S NOT SOMETHING NATURAL TO THE AREA AND IT'S SOMETHING THAT'S RUINING OUR HABITAT. BUT WHEN YOU DEAL WITH THE PRAIRIE DOG, IT'S SOMETHING THAT IS FROM THIS AREA AND DOES SERVE A PURPOSE. AND I HAVE A CERTAIN PROBLEM OF ALLOWING, YOU KNOW, THIS IS BACK TO, I PRACTICED REAL ESTATE LAW AND THIS IS ABOUT, YOU KNOW, PROPERTY RIGHTS. AND I ALWAYS GET A LITTLE LEERY WHEN WE GIVE UP PROPERTY RIGHTS. AND HERE WE'RE GIVING UP PROPERTY RIGHTS TO THE STATE TO COME IN AND TAKE AND KILL THESE DOGS. AND SO THAT'S WHY I STAND FOR LB128. I'D YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS IF HE'D LIKE IT. [LB128]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 2:50. [LB128]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HARR. MEMBERS OF THE LEGISLATURE, I WAS TRAINED IN THE LAW. WE START IN PROPERTY WITH WILD ANIMALS. WHO OWNS THEM? THE PERSON WHO OWNS THE LAND ON WHICH THE ANIMALS ARE FOUND ARE NOT THE OWNERS OF THAT WILDLIFE. I DON'T HUNT. BUT IF YOU HAVE DEER ON YOUR PROPERTY, THAT DOESN'T MEAN BECAUSE THEY'RE THERE YOU CAN GO OUT AND KILL ANY ONE OF THEM THAT YOU WANT TO WHEREVER YOU PLEASE. THERE ARE NATURALLY OCCURRING ANIMALS IN THIS STATE, AND WHAT FRUSTRATES ME, I WILL HEAR PEOPLE WHO LIVE IN RURAL AREAS, THEY FARM, AND THEY SHOULD UNDERSTAND MORE ABOUT THE ECOLOGY AND NATURE THAN I DO WHO LIVE IN THE CITY. BUT FOXES WHO MIGHT COME FROM SENATOR WILLIAMS' LAND AND KILL MY CHICKENS, SENATOR WILLIAMS CAN'T BE SUED FOR THAT. I SAY BUT THE FOXES, THEY HAVE A DEN OVER THERE, AND THEY CAME OVER AND KILLED MY CHICKENS, SO I WANT TO MAKE SENATOR WILLIAMS PAY. IF YOU DON'T WANT HUNTERS ON YOUR LAND, THEY CANNOT JUST COME ON YOUR LAND AND KILL ANIMALS EVEN IF THEY HAVE A LICENSE. THE HUNTING LICENSE DOES NOT GIVE A PERSON THE RIGHT TO ABROGATE YOUR RIGHTS AS A LANDOWNER. HOW ABOUT ELK? AND DEER? CAN YOU GO OUT ON YOUR LAND AND KILL ANY OF THEM THAT ARE THERE JUST BECAUSE THEY'RE ON YOUR LAND? IF THERE'S A WATER HOLE ON YOUR PROPERTY AND THERE'S A DROUGHT AND THE DEER CLUSTER AROUND THAT WATER HOLE, THEN THEY LEAVE IT AND GO EAT SOMEBODY'S CORN OR WHATEVER ELSE MIGHT BE THERE, CAN THEY SUE THE OWNER OF THE WATER HOLE, AND EVEN HAVE THE COUNTY ATTORNEY... [LB128]

SPEAKER HADLEY: ONE MINUTE. [LB128]

SENATOR CHAMBERS: ...FILE WHAT AMOUNTS TO CRIMINAL CHARGES AND FINE THAT PERSON \$100 A DAY AS LONG AS THOSE DEER ARE OVER THERE?

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THESE PEOPLE WHO OUGHT TO KNOW BETTER DON'T SEEM LIKE IT SOMETIMES WHEN THEY SPEAK. TURKEYS, PHEASANTS, COYOTES, FOXES, MOUNTAIN LIONS. THESE ARE ALL ANIMALS INDIGENOUS TO THIS STATE. AND THE ONE ON WHOSE PROPERTY THEY HAPPEN TO BE ARE NOT MADE LIABLE BECAUSE THOSE ANIMALS GO OTHER PLACES AND DO WHATEVER THEY DO SOMEPLACE ELSE. THANK YOU, MR. PRESIDENT. [LB128]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE NEXT IN THE QUEUE. [LB128]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I THINK, IN FACT, I KNOW, THIS IS A VERY REASONABLE THING THAT I'M DOING. THERE IS NO WAY YOU CAN TAKE THIS BUNGLESOME LAW THAT CURRENTLY IS ON THE BOOKS AND MAKE IT RIGHT OTHER THAN BY REPEALING IT. IF YOU TAKE AWAY THE \$100-A-DAY FINE, THEN THAT TAKES SOME OF THE TEETH OUT. IF YOU TAKE AWAY THE POWER TO PUT A LIEN AGAINST YOUR PROPERTY BECAUSE YOU HAVE PRAIRIE DOGS THAT SOMEBODY ELSE SAYS ARE GOING ON HIS OR HER PROPERTY, THEY WANT TO BE ABLE TO PUT THAT LIEN. THEY WANT TO BE ABLE TO TAKE YOUR PROPERTY INTO FORECLOSURE. WHERE ARE ALL OF THE PEOPLE WHO TALK ABOUT THE INTRUSIVENESS OF GOVERNMENT? IS IT ONLY THE FEDERAL GOVERNMENT? THE FEDERAL GOVERNMENT DOESN'T EVEN BEHAVE THAT WAY. THEY DON'T CHARGE YOU WITH CRIMES. IF THEY WANT YOUR LAND, THAT EMINENT DOMAIN PROCESS IS CIVIL. YOU ARE NOT FINED. THE COUNTY ATTORNEY DOES NOT BRING CHARGES AGAINST YOU. THIS IS WHAT'S IN THIS LAW, AND I DON'T BELIEVE A PERSON OTHER THAN MYSELF HAS ACTUALLY READ THIS LAW. AND WHEN YOU HAVE A LAW THAT'S THIS BAD, THE ONLY THING TO DO IS ERADICATE IT, AND THAT'S WHAT I AM ATTEMPTING TO DO. THANK YOU, MR. PRESIDENT. [LB128]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE RECOGNIZED. [LB128]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I JUST WANTED TO CLEAR ONE THING UP, NOT QUITE RELATED TO THE BILL. BUT YESTERDAY WHEN I SPOKE, I TALKED ABOUT A FISCAL NOTE, AND I SAID A MONKEY WITH A BALL PEN AND A BANANA COULD COME UP WITH A BETTER FISCAL NOTE. AND WHAT THAT LEFT PEOPLE WITH THE IMPRESSION THAT I WAS SAYING THAT OUR FISCAL OFFICE CAN'T DO A FISCAL NOTE RIGHT AND THEY FUMBLERED THAT NOTE. NO. WHEN THEY'RE GIVEN BAD INFORMATION, IT'S TOUGH TO DO A GOOD FISCAL NOTE. AND I DIDN'T MAKE THAT CLEAR THAT IT WAS THE INFORMATION THAT WAS PROVIDED TO THEM THAT I THOUGHT WAS FAULTY, NOT THEIR ANALYSIS OF IT. WHAT THEY GENERALLY COME UP WITH IS A GOLD STANDARD AND I APPRECIATE THE HARD WORK OF EVERYBODY IN OUR FISCAL OFFICE. AND I DIDN'T WANT TO LEAVE THE IMPRESSION THAT I

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THOUGHT OUR FISCAL OFFICE DID LESS THAN A STELLAR JOB. I APPRECIATE WHAT THEY DO AND I WANT TO CLEAR THAT UP. ANY TIME I HAVE REMAINING I'D YIELD TO SENATOR CHAMBERS. [LB128]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:00. [LB128]

SENATOR CHAMBERS: THANK YOU, SENATOR KINTNER, BUT I DON'T KNOW MUCH ELSE THAT I CAN SAY, SO I WILL NOT ACCEPT THE TIME AT THIS POINT, BUT THANK YOU VERY MUCH. [LB128]

SPEAKER HADLEY: SENATOR CHAMBERS, THERE'S NO ONE LEFT IN THE QUEUE. YOU'RE RECOGNIZED TO CLOSE ON LB128. [LB128]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M RECEIVING FROM SOME VERY GOOD-NATURED NEIGHBORS A BIT OF HOUNDING AND HARASSMENT THIS MORNING, BUT I'M NOT GOING TO...NOT YOU, SENATOR FRIESEN, AND I'M NOT GOING TO CALL ANY NAMES AND I WON'T BEAR ANY BLAME. BUT THIS IS ONE OF THOSE BILLS, REMEMBER, IT CAME OUT OF THE AG COMMITTEE, 7 VOTES FOR, NO VOTES IN OPPOSITION. THERE WAS WHAT YOU COULD CALL A FULL-BLOWN HEARING. THERE WERE LANDOWNERS, AND THERE WERE SOME WHO DIDN'T WANT PRAIRIE DOGS OR DIDN'T HAVE PRAIRIE DOGS, OTHERS WHO HAD THEM AND WANTED TO KEEP THEM. IF THERE ARE PROBLEMS BETWEEN NEIGHBORS AND THEY CAN'T BE RESOLVED, I DON'T THINK THE LEGISLATURE SHOULD COME IN WITH A HEAVYHANDED METHODOLOGY SUCH AS THIS. IT STARTS OUT WITH A DISPUTE OVER PRAIRIE DOGS. IT ESCALATES TO THE POINT WHERE SOMEBODY IS FINED \$100 A DAY FOR 15 DAYS. THE COUNTY ATTORNEY'S OFFICE IS NOTIFIED AND CHARGES ARE FILED. A LIEN IS PUT AGAINST THE PROPERTY OF ONE OF THE INDIVIDUALS. THAT LIEN IS ADDED TO THE TAXES AS A SPECIAL ASSESSMENT AGAINST THAT PROPERTY. THEN THERE CAN BE FORECLOSURE PROCEEDINGS. IN A DISPUTE BETWEEN NEIGHBORS, IF THEY WENT TO COURT IN THE FIRST INSTANCE, ALL OF THESE THINGS THAT I'M MENTIONING WOULD NOT OCCUR. THIS IS A VERY INTRUSIVE LAW WHICH SHOULD NOT BE ON THE BOOKS IN ANY SOCIETY THAT CALLS ITSELF DEMOCRATIC AND WHICH RESPECTS PROPERTY RIGHTS. SO I'M ASKING YOU THAT YOU WILL VOTE GREEN ON THIS BILL. AND, MR. PRESIDENT, I WILL ASK FOR A CALL OF THE HOUSE, THEN I'LL TAKE A MACHINE VOTE. [LB128]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB128]

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ASSISTANT CLERK: 27 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT.
[LB128]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER, RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SULLIVAN, SENATOR KRIST, SENATOR KOLOWSKI, SENATOR LARSON, SENATOR GROENE, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR GROENE, SENATOR LARSON, SENATOR KOLOWSKI, SENATOR SULLIVAN, THE HOUSE IS UNDER CALL. SENATOR GROENE, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. THE QUESTION IS THE ADVANCEMENT OF LB128 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO? RECORD, MR. CLERK. [LB128]

ASSISTANT CLERK: 31 AYES, 12 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB128]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK. RAISE THE CALL. [LB128]

ASSISTANT CLERK: MR. PRESIDENT, THANK YOU. SOME ITEMS. NEW RESOLUTIONS: LR103 AND LR104 BY SENATOR DAVIS, AS WELL AS LR105 BY SENATOR CAMPBELL. THOSE WILL BE LAID OVER. SENATOR LINDSTROM HAS DESIGNATED LB469 AS A PRIORITY BILL. YOUR COMMITTEE ON NATURAL RESOURCES REPORTS LB310, LB328, LB412, LB413 TO GENERAL FILE. AND NATURAL RESOURCES ALSO REPORTS ON AN APPOINTMENT TO THE NEBRASKA NATURAL RESOURCES COMMISSION. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 721-724.) [LR103 LR104 LR105 LB469 LB310 LB328 LB412 LB413]

SPEAKER HADLEY: THANK YOU, MR. CLERK. SENATOR STINNER, YOU ARE RECOGNIZED TO OPEN ON LB242. [LB242]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, ON BEHALF OF THE DRY BEAN COMMISSION, DRY BEAN GROWERS... [LB242]

SPEAKER HADLEY: EXCUSE ME, SENATOR STINNER. SENATOR STINNER, EXCUSE ME. THE CLERK NEEDS TO READ THE TITLE TO BE OFFICIAL. WE'LL GIVE YOU YOUR FULL FIVE MINUTES. [LB242]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. LB242, INTRODUCED BY

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SENATOR STINNER. (READ TITLE.) THE BILL WAS REFERRED TO THE AGRICULTURE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM357, LEGISLATIVE JOURNAL PAGE 493.) [LB242]

SPEAKER HADLEY: SENATOR STINNER, YOU'RE RECOGNIZED TO OPEN ON LB242. [LB242]

SENATOR STINNER: THANK YOU, AGAIN, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. ON BEHALF OF THE DRY BEAN COMMISSION AND THE DRY BEAN GROWERS, IT IS MY PRIVILEGE TO PRESENT LB242. DRY, EDIBLE BEANS ARE A VERY IMPORTANT AGRICULTURAL COMMODITY GROWN IN MY DISTRICT AND THE DISTRICTS OF SENATORS SCHILZ, HUGHES, DAVIS, GROENE, AND LARSON. APPROXIMATELY 500 FARMERS AND 15 DIFFERENT PROCESSORS ARE INVOLVED IN THIS INDUSTRY. NEBRASKA RANKS THIRD IN COMMERCIAL DRY BEAN PRODUCTION AND ACCOUNTS FOR 11 PERCENT OF THE U.S. DRY BEAN CROP. NEBRASKA ALSO RANKS NUMBER 1 IN THE PRODUCTION OF GREAT NORTHERN BEANS, NUMBER 2 IN THE PRODUCTION OF PINTOS AND LIGHT RED KIDNEY BEANS. IN 2012, NEBRASKA HARVESTED 2.750 MILLION HUNDREDWEIGHT OF DRY BEANS VALUED AT \$117,700,000. THE MISSION OF THE DRY BEAN COMMISSION IS TO DEVELOP, CARRY OUT, AND PARTICIPATE IN PROGRAMS OF RESEARCH, EDUCATION, MARKET DEVELOPMENT, AND PROMOTION TO ENHANCE THE PROFITABILITY AND EXPAND THE DEMAND AND VALUE OF NEBRASKA-GROWN DRY, EDIBLE BEANS. THE COMMISSION'S MISSION IS FUNDED BY AN ASSESSMENT OR A CHECKOFF ON EACH HUNDRED POUNDS OF BEANS SOLD. TWO-THIRDS OF THE ASSESSMENT IS PAID BY THE PRODUCER AND A THIRD IS PAID BY THE PROCESSOR. IN RECENT MONTHS, THE GROWERS OF DRY BEANS AND THE DRY BEAN GROWERS ASSOCIATION, THE FIRST PURCHASERS OF BEANS AND THE DRY BEAN COMMISSION HAVE DISCUSSED THE POSSIBILITY OF RAISING OR CHANGING THE BEAN CHECKOFF IN ITS PUBLICATIONS AND ITS MEETING. LB242 IS THE OUTCOME OF THOSE MEETINGS AND SURVEYS WITH EACH OF THE STAKEHOLDERS. IN BRIEF, LB242 PROPOSED THE FOLLOWING CHANGES. THE CHECKOFF IS RAISED FROM THE CURRENT MAXIMUM ALLOWED OF 10 CENTS PER HUNDREDWEIGHT TO 15 CENTS PER HUNDREDWEIGHT AS OF AUGUST 1, 2015, WITH THE AUTHORITY FOR THE COMMISSION TO ADJUST THE ASSESSMENT WITHIN A 24-CENT MAXIMUM. IT IS PROPOSED THAT...THE SECOND PURPOSE OF THE BILL WAS TO PROPOSE A REPEAL OF THE REFUNDABILITY PROVISION. THE THIRD WAS IT AMENDS THE LAW REGARDING THE PUBLICATION OF THE ANNUAL REPORTS AND ITS CONTENTS, AND IT AMENDS THE PROVISION OF THE COMMISSION'S CASH FUND AND SPECIFIES RECEIPTS TO BE CREDITED TO THE FUND INCLUDING LICENSE FEES, ROYALTIES, AND REPAYMENTS. THE ASSESSMENT OR CHECKOFF THAT FUNDS THE DRY BEAN COMMISSION'S

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WORK SHOULD BE INCREASED TO OFFSET THE DECLINING PURCHASING POWER OF THE EXISTING CHECKOFF. THE CHECKOFF FUNDS PROVIDE AN EXCELLENT RETURN ON INVESTMENT. UNL RESEARCH CONCLUDED THAT THE PANHANDLE AREA EXTENSION CENTER AT THE UNL CAMPUS ESTIMATED THAT FOR EVERY DOLLAR INVESTED, THERE WAS A \$5.61 RETURN. IN 2012-2013, APPROXIMATELY 48 PERCENT OF THE COMMISSION'S EXPENDITURES SUPPORTED RESEARCH. CHECKOFF FUNDS SUPPORT NATIONAL AND INTERNATIONAL MARKETING AND PROMOTIONAL EFFORTS. IN 2012-13, APPROXIMATELY 38 PERCENT OF THE COMMISSION'S EXPENDITURES WERE ON PROMOTIONS. ACCORDING TO THE U.S. DEPARTMENT OF AGRICULTURE, EVERY DOLLAR INVESTED IN PROMOTIONS PROVIDED \$35 IN ECONOMIC BENEFIT. THE SECOND AND SIGNIFICANT CHANGE PROPOSED IN LB242 WAS TO ELIMINATE THE ABILITY OF A PRODUCER TO OBTAIN A REFUND OF THE CHECKOFF. THE AGRICULTURAL COMMITTEE'S AMENDMENT RETAINS THE ABILITY OF THE PRODUCERS TO OBTAIN THAT. AND I WILL MAKE A STATEMENT THAT I DO NOT LIKE THAT IDEA, BUT I PROBABLY WILL ACCEPT THAT IDEA BECAUSE I THINK A FARMER, FIRST OF ALL, 97 TO 98 PERCENT OF THE FARMERS VOLUNTARILY PARTICIPATE ALREADY. THIS IS REALLY THE ASSOCIATION, A PRODUCT OF THE ASSOCIATION'S WORK, AND I BELIEVE THAT A FARMER THAT DOESN'T WANT TO PRODUCE OR PARTICIPATE IN IT HAS THE ABILITY TO PLANT SOMETHING ELSE. SO THAT'S MY OPINION, AND I THOUGHT I'D INSERT THAT INTO THE PRESENTATION. THE THIRD CHANGE IS INTENDED TO UPDATE REPORTING REQUIREMENTS. THE CHANGE IN THE ANNUAL REPORT AND THE REQUIREMENTS TO COMMUNICATE INFORMATION SHOULD BE CHANGED TO REFLECT THE ABILITY TO PROVIDE INFORMATION ON A WEB SITE WITH INTERNET ACCESS. THE TERM "MAKE AND PUBLISH" HAS BEEN INTERPRETED TO MEAN ACTUALLY PRINTING OF THE REPORT ON PAPER WHICH IS INCREASINGLY EXPENSIVE AND ARCHAIC. LB242 CHANGES THE TERM TO "PREPARE AND MAKE AVAILABLE" TO NOT PRECLUDE ELECTRONIC DISTRIBUTIONS OF THE REPORT. THE CURRENT REQUIREMENT IS TO PROVIDE A SUMMARY OF THE REPORT TO EACH PRODUCERS AND FIRST PURCHASERS IS STILL RETAINED. MORE MODERN TECHNOLOGY ENABLES A PERSON TO ACCESS THE ENTIRE REPORT, THUS AVOIDING THE QUESTION OF WHETHER THE INFORMATION WAS SUMMARIZED CORRECTLY. THE SECOND CHANGE IN THIS SECTION RELATES TO THE REQUIREMENT THAT THE ANNUAL REPORT CONTAIN COMPLEX TEXT OF ALL CONTRACTS. LB242 REQUIRES THAT THE ANNUAL REPORT CONTAIN A DESCRIPTION OF THOSE CONTRACTS. BUT IT ALSO REQUIRES THAT ALL CONTRACTS BE MADE AVAILABLE UPON REQUEST. THIS CHANGE IS CONSISTENT WITH WHAT IS DONE WITH CORN AND WHEAT PROGRAMS. THE CHANGE SIGNIFICANTLY REDUCES THE COST TO PREPARE THE ANNUAL REPORT BUT CONTINUES TO HAVE THE ABILITY TO THE PUBLIC FOR MORE DETAILED INFORMATION UPON REQUEST. THE FOURTH AND FINAL CHANGE IS ALSO CONSISTENT WITH

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CHANGES ALREADY MADE IN OTHER CHECKOFF PROGRAMS, SUCH AS THE CORN AND WHEAT PROGRAM. LB242 INSERTS NEW LANGUAGE THAT THE CASH FUND IS THE PROPER REPOSITORY OF ANY REPAYMENT TO THE FUND INCLUDING LICENSING FEES OR ROYALTIES. THE DRY BEAN COMMISSION IS A MAJOR FUNDER OF RESEARCH, WHICH MAY RESULT IN THE PAYMENT OF LICENSE FEES OR ROYALTIES. THIS CHANGE REMOVES AN UNCERTAINTY IN THE LAW ABOUT HOW THIS REVENUE IS HANDLED. THE DRY BEAN COMMISSION SHOULD HAVE CONTROL OVER WHERE THE RETURN ON ITS INVESTMENT IN RESEARCH IS TO BE INVESTED. THIS CONCLUDES MY EXPLANATION AND PRESENTATION OF LB242. I WOULD URGE YOU TO SUPPORT LB242. THANK YOU. [LB242]

SPEAKER HADLEY: (VISITORS INTRODUCED.) AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE AGRICULTURE COMMITTEE. SENATOR JOHNSON, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB242]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. FIRST OF ALL, I'M GOING TO TALK ABOUT THE SECTION THAT ONE OF THE...THAT THE AMENDMENT AFFECTS. IT BASICALLY STATES, THIS SECTION SETS FORTH THE DUTIES AND AUTHORITIES OF THE DRY BEAN COMMISSION, INCLUDING THAT THE COMMISSION MAY PROHIBIT CHECKOFF FUNDS FROM BEING EXPENDED TO PROMOTE OR OPPOSE ANY CANDIDATE FOR PUBLIC OFFICE OR TO INFLUENCE STATE LEGISLATION, AND ALSO LIMITS EXPENDITURE OF FUNDS TO INFLUENCE FEDERAL REGULATION BUT NO MORE THAN 25 PERCENT OF ITS BUDGET. THE AMENDMENT, AM357, LIMITS THE EXPENDITURE BY...FOR INFLUENCING FEDERAL LEGISLATION, IT REDUCES IT TO 15 PERCENT OF THE COMMISSION'S BUDGET. IT CONFINES SUCH...ANY SUCH EXPENDITURE TO SUPPORT THE COMMISSION'S OBJECTIVE TO MARKET DEVELOPMENT, RESEARCH, AND EDUCATION. SO IT REDUCES IT FROM 25 PERCENT TO 15 PERCENT. THE SECOND PORTION THAT SENATOR STINNER DID COMMENT ABOUT DEALS WITH THE REFUNDABILITY. IT WOULD STRIKE THE SECTION 2-3760 AND WOULD REINSERT THE...RETAIN THE PROVISION OF PERSONS BEING ABLE TO REQUEST A REFUND FOR PROMOTIONAL ASSESS...OF PROFESSIONAL ASSESSMENT. THE REASON THIS CAME BACK IS BECAUSE HOW THE COMMITTEE...HOW THE BOARD IS APPOINTED OR ELECTED, AND THERE'S ALWAYS BEEN SOME QUESTIONS ABOUT REFUNDABILITY IF IT'S AN APPOINTED BOARD. SO THAT'S THE REASONS FOR THE AMENDMENT. THANK YOU. [LB242]

SPEAKER HADLEY: SENATOR LARSON, YOU ARE RECOGNIZED. [LB242]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I'D LIKE TO, FIRST OF ALL,

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THANK SENATOR STINNER FOR HIS RELATIVELY SHORT OPENING COMPARED TO HIS AG COMMITTEE OPENING. (LAUGH) I THINK IT WAS 28 MINUTES, ACTUALLY. SAYING HE'S LAST BECAUSE HE SAW IT. I RISE IN SUPPORT OF LB242 AND AM357. SPECIFICALLY, THE REFUNDABILITY PORTION OF THE COMMITTEE AMENDMENT. I THINK THAT'S VERY IMPORTANT. WHEN WE HAVE APPOINTED BOARDS IN WHICH THE PEOPLE THAT DON'T HAVE AN OPTION TO VOTE THOSE BOARD MEMBERS IN, IT IS VERY IMPORTANT THAT THE PRODUCERS HAVE AN OPPORTUNITY IF THEY DISAGREE WITH WHAT A COMMISSION MAY OR MAY NOT BE DOING, TO VOICE THEIR CONCERN. AND THE ONLY WAY TO VOICE THEIR CONCERN IN AN ISSUE SUCH AS THIS IS THROUGH THE REFUNDABILITY PORTION IF THEY DON'T AGREE WITH WHAT THE DRY BEAN BOARD MAY BE DOING. OBVIOUSLY, I'VE TALKED TO SENATOR STINNER. I'D PREFER AN ELECTED BOARD WITH THE OPTION OF NO REFUNDABILITY. BUT THE ELECTED BOARD, THUS, ISN'T GOING TO HAPPEN IN LB242 OR...HOPEFULLY WE CAN MOVE SOME OF THESE COMMODITY BOARDS TO ELECTED BUT THERE'S ISSUES IN THAT AS WELL. SO BECAUSE THIS BOARD IS APPOINTED, I DO BELIEVE THE PRODUCERS HAVE TO HAVE AN OPTION TO REQUEST THAT REFUND. THE COMMITTEE AMENDMENT DOES THAT. AND I THINK IF MY MIND SERVES ME, I THINK 98 PERCENT ARE PAYING THE CHECKOFF ANYWAY, WHICH IS...SHOWS, I THINK, YOU KNOW, HOW MUCH THE PRODUCERS DO SUPPORT AND VALUE WHAT THE DRY BEAN COMMISSION IS DOING AND HOW WELL THEY'RE DOING. I THINK THAT SPEAKS VOLUMES TO THE COMMISSION. BUT, AT THE SAME TIME, WE DO HAVE TO PROTECT PRODUCERS IN THEIR ABILITY TO VOICE CONCERNS. SO I RISE IN STRONG SUPPORT OF THE UNDERLYING BILL, LB242, AND ASK YOU TO VOTE GREEN ON AM357 AS WELL. THANK YOU. [LB242]

SPEAKER HADLEY: SENATOR HUGHES, YOU'RE RECOGNIZED. [LB242]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I'M RISING TO SUPPORT LB242 BUT I WANT TO OPPOSE THE COMMITTEE AMENDMENTS ON THIS BILL. AS PROBABLY THE ONLY DRY BEAN PRODUCER IN THE BODY TODAY, I WANT TO SHARE SOME INSIGHTS ON JUST EXACTLY WHAT THOSE DOLLARS WILL GO FOR AND, YOU KNOW, WHY WE NEED THE INCREASE. I'VE SPENT A LOT OF TIME ON THE NEBRASKA WHEAT BOARD WHICH IS A CHECKOFF-DRIVEN COMMODITY BOARD. AND I'VE SEEN WHY THOSE DOLLARS ARE SO IMPORTANT. PART OF THE REASON THAT THE FARMERS IN THE BEGINNING IMPOSED CHECKOFFS ON THEMSELVES, AND THAT'S WHAT THIS IS, IS TO PROVIDE OPPORTUNITY DOLLARS TO EDUCATE, TO PROMOTE, AND WORK AT CREATING MORE MARKETS FOR OUR COMMODITIES. AS ON THE WHEAT BOARD, I HAD THE OPPORTUNITY TO SEE NOT ONLY IN THE UNITED STATES, IN NEBRASKA, UNITED STATES, AND AROUND THE WORLD, HOW THOSE DOLLARS CAN BE LEVERAGED WITH FEDERAL DOLLARS TO GET MORE BANG

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FOR THE BUCK. THE DRY BEAN COMMISSION HAS A VERY SMALL BUDGET, \$325,000 TO \$375,000 A YEAR. IT'S NOT A LOT OF MONEY THAT THEY'RE CURRENTLY RECEIVING. THEY'RE ASKING FOR AN INCREASE IN ORDER TO GET A LITTLE...KEEP UP WITH INFLATION, DO MORE THINGS. THE THING THAT WE HAVE WITH EXPORT MARKET PROMOTION IS A LOT OF OTHER COUNTRIES' GOVERNMENTS FUND THEIR EXPORT PROMOTION PRODUCTS. THE UNITED STATES GOVERNMENT DOESN'T DO THAT. THEY OFFER MATCHING FUNDS. SO IF YOU ARE A COMMODITY BOARD AND YOU'RE WILLING TO PUT UP SO MANY DOLLARS, THE FEDERAL GOVERNMENT WILL MATCH THOSE DOLLARS TO PROVIDE OPPORTUNITY FOR INTERNATIONAL MARKETING. THAT'S WHY, PART OF THE REASON WHY THE INCREASE IS SO IMPORTANT, THE UNDERLYING BILL OF LB242 AND THAT'S WHAT IT DOES. I AM GOING TO OPPOSE THE COMMITTEE AMENDMENTS AND WHAT THEY DO, THE REINSTATING OR KEEPING THE REFUNDABILITY. GENERALLY THE PEOPLE WHO ASK FOR REFUNDS IN THE FARMING WORLD ARE THE BIG FARMERS, THE ONES THAT ARE BENEFITING MOST FROM THE PROMOTION ACTIVITIES OF THAT COMMODITY. THEY'RE THE ONES THAT CAN AFFORD TO HAVE THE ACCOUNTANTS THAT WILL FILL OUT THE PAPERWORK TO ASK FOR THOSE DOLLARS. SO IT'S NOT THE LITTLE GUY THAT'S EVER ASKING FOR THOSE REFUNDS BACK. AND IT JUST PROVIDES THE COMMISSION A LOT BETTER OPPORTUNITY TO BUDGET AND PLAN SO THEY KNOW HOW MANY DOLLARS THEY'RE GOING TO HAVE TO WORK WITH. YOU KNOW, IN THE FARMING BUSINESS, YOU NEVER KNOW HOW MUCH YOU'RE GOING TO RAISE, SO IT'S A LITTLE TOUGH TO DO BUDGETING AND PLANNING. BUT THIS IS ONE WAY THAT WE CAN GIVE THE COMMISSION A LITTLE BIT OF CERTAINTY OF WHAT THEIR PRODUCTION OR WHAT THEIR DOLLARS ARE GOING TO NEED TO BE. THE OTHER PIECE OF THE COMMITTEE AMENDMENT IS TAKING THE FEDERAL LOBBY FROM 25 TO 15 PERCENT. IF YOU'RE ON A COMMISSION, YOU UNDERSTAND THAT YOU HAVE FARMERS TO ANSWER TO. AND GENERALLY FARMERS ARE PRETTY CONSERVATIVE. YOU KNOW, FOR SOME OF MY COLLEAGUES THAT MAY BE A BAD WORD, BUT IN WESTERN NEBRASKA WE ARE REALLY CONSERVATIVE. AND THE DRY BEAN PRODUCTION IS IN WESTERN NEBRASKA AND THERE ARE PEOPLE WHO PAY ATTENTION TO HOW THOSE DOLLARS ARE SPENT. AND IF ANY BOARD IS GOING TO SPEND 25 PERCENT OF THEIR BUDGET OR UP TO 25 PERCENT OF THEIR BUDGET ON ANY GIVEN THING, IN THIS CASE FEDERAL LOBBYING, IT'S GOING TO BE PRETTY DOGGONE IMPORTANT. AND WE NEED TO GIVE THEM THAT FLEXIBILITY BECAUSE WE ALL KNOW, I MEAN, THE STATE BUDGET, 50 PERCENT OF OUR MONEY COMES FROM THE FEDERAL GOVERNMENT. YOU KNOW, YOU NEED TO HAVE INPUT IN THAT ARENA. SENATOR LARSON TALKED ABOUT WANTING ELECTED BOARDS RATHER THAN APPOINTED BOARDS. IT'S HARD TO GET PEOPLE TO SERVE. THERE'S NOT A LOT OF PEOPLE OUT IN WESTERN NEBRASKA. THERE'S NOT A LOT OF BEAN FARMERS OUT IN

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WESTERN NEBRASKA. [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR HUGHES: THANK YOU. SO WE NEED TO MAKE SURE THAT WE KEEP THE POOL AS LARGE AS POSSIBLE, AND IF YOU GO TO ELECTION, THAT TAKES MONEY AWAY FROM THE COMMISSION. SOMEBODY HAS GOT TO PAY FOR THOSE ELECTIONS. IT'S JUST A LOT EASIER TO HAVE THE OPPORTUNITY TO HAVE THE GOVERNOR APPOINT PEOPLE WHO ARE TRULY INTERESTED IN DOING THAT. SO WITH THAT, I'LL CLOSE OUT. PLEASE SUPPORT LB242, BUT I DEFINITELY OPPOSE THE COMMITTEE AMENDMENTS. THANK YOU. [LB242]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB242]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I WAS A NO VOTE ON LB242 IN COMMITTEE, IN PART, BECAUSE OF THE SIZE OF THE INCREASE AND IN GREAT PART TO WHAT SENATOR HUGHES JUST ADDRESSED, THE AMENDMENT THAT ALLOWS THE BIG GUYS TO GET THEIR MONEY BACK. SENATOR LARSON AND I ARE BOTH IN OUR FIFTH YEAR DOWN HERE, BUT WE'VE ONLY DISAGREED ABOUT THIS FOR FIVE YEARS NOW. HE IS GENERALLY IN FAVOR OF THE REFUND MECHANISM, AND I AM PRETTY CONSISTENTLY OPPOSED TO IT. I USED TO MILK COWS AS A DAIRYMAN. I WAS NEVER VERY BIG AT IT. I WAS A SMALL PRODUCER. WHEN WE COULD GET A REFUND, MY REFUND WOULDN'T HAVE AMOUNTED TO, LESS THAN \$100. THE GUYS THAT WERE MILKING HUNDREDS OF CATTLE, HUNDREDS OF COWS, GOT A REFUND WORTH GOING AFTER. AND I THINK THAT'S THE SAME THING WE'RE SEEING HERE. I HAVE AN AMENDMENT THAT I KNOW SENATOR HUGHES IS GOING TO OPPOSE ON THE AMOUNT OF THE INCREASE COMING UP WHEN WE GET THROUGH THE...THROUGH THIS AMENDMENT. BUT I AGREE ABSOLUTELY WITH HIM ON THIS. THE COMMITTEE AMENDMENT, AS IT STANDS ALLOWING THE REFUND TO SURVIVE, NEEDS TO NOT BE PASSED. I DON'T HAVE ANY HEARTBURN ABOUT THE POLITICAL PART OF IT EITHER WAY, BUT THE IDEA OF LEAVING THE REFUND FOR THE BIGGER PRODUCERS TO GET BACK NEEDS TO GO AWAY. THANK YOU, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB242]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, AND MEMBERS OF THE BODY, GOOD MORNING. HAVING SERVED ON THE AG COMMITTEE NOW, I THINK THIS IS MY FOURTH YEAR, WE'VE DEALT WITH QUITE A FEW BILLS HAVING TO DEAL WITH CHECKOFFS AND INCREASES IN THE CHECKOFFS AND HOW THOSE SHOULD GO AND WHAT THE BOARD SHOULD LOOK LIKE, HOW THE PROCESS SHOULD BE OF THOSE BOARDS COMING INTO EXISTENCE. AND I CAN SEE

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BOTH SIDES OF THIS ISSUE. I, LIKE SENATOR HUGHES AND SENATOR BLOOMFIELD ON THIS INSTANCE, ON THESE KIND OF COMMODITY CHECKOFFS, I HAVE NOT BEEN IN FAVOR OF REFUNDABILITY. ON THE OTHER SIDE, IF YOU LOOK AT SOME OF THE FEDERAL...IF YOU LOOK AT THE FEDERAL CHECKOFFS, SUCH AS THE BEEF CHECKOFFS, SOYBEAN CHECKOFF, THOSE ARE OPERATED DIFFERENTLY THAN THE STATE LEVEL OF CHECKOFFS, AND THOSE ALL HAVE ELECTED BOARDS AND THOSE DO NOT HAVE REFUNDABILITY. SO I THINK THAT AS YOU LOOK AT THIS, I THINK THERE'S...IT'S OBVIOUSLY A PHILOSOPHICAL DIFFERENCE AS TO HOW WE MOVE FORWARD ON THIS. BUT I DO BELIEVE THE CHECKOFFS DO A JOB THAT IS ABSOLUTELY NEEDED. I BELIEVE THE CHECKOFF DOLLARS ARE NEEDED TO HELP MARKET THE PRODUCT, FIND NEW TECHNOLOGY, FIND NEW WAYS OF UTILIZING THE PRODUCT, AND TO OPEN UP OTHER MARKETS THAT ARE OUT THERE TO BE ABLE TO EXPAND THE OPPORTUNITIES FOR THOSE FOLKS THAT ARE GROWING IT, AND THE CHECKOFF, A CHECKOFF, IS THE BEST WAY THAT I CAN SEE TO DO THAT. SO I'M GOING TO LISTEN INTENTLY, TRY TO FIGURE OUT WHERE I'M AT ON THIS. I WILL SAY THOUGH THAT I BELIEVE THAT LB242 IS NEEDED. I THINK THE INCREASE IN THE CHECKOFF IS NECESSARY, AND I WILL VOTE FOR THE BILL AND WE'LL SEE WHAT HAPPENS HERE ON AM357. THANK YOU, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: IN THE QUEUE ARE SENATOR JOHNSON, SENATOR STINNER, SENATOR LARSON, AND SENATOR SCHNOOR. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB242]

SENATOR JOHNSON: THANK YOU. I WANTED TO SEPARATE SOME THOUGHTS AWAY FROM THE ACTUAL COMMITTEE AMENDMENTS, SO I DID NOT SPEAK TOO MUCH DEALING WITH THE ENTIRETY OF THE BILL, LB242 AND AM357. I TOTALLY SUPPORT CHECKOFF PROGRAMS. A PRODUCER FOR A WHILE, BUT MORE CONNECTED WITH THE ENTITIES THAT PROVIDED THE VEHICLE SO THERE COULD BE CHECKOFFS BEING THE ELEVATOR MANAGERS, AND SO WE DIDN'T COLLECT THOSE FUNDS. I THINK WHAT THE COMMITTEE IS TRYING TO DO IS LOOK AT OTHER CHECKOFF PROGRAMS AND HOW THEY'VE BEEN HANDLED. AND SOME OF THEM...IT USUALLY COMES BACK TO, IS IT AN ELECTED BOARD OR AN APPOINTED BOARD DEALING WITH THAT REFUND. AND I DON'T KNOW IF THAT'S RIGHT OR WRONG, BUT THAT'S BEEN THE THINKING OVER THE YEARS THAT AT LEAST I'VE BEEN ON, ON MY THIRD YEAR ON THE AG COMMITTEE BUT I WAS INVOLVED IN THE INDUSTRY FOR 40 YEARS. I HAVE ASKED MY STAFF, AND IT HAS NOTHING TO DO WITH THIS BILL, BUT YET IT DOES PROVIDE SOME BACKGROUND INFORMATION. I'VE ASKED MY STAFF OR THE COMMITTEE'S STAFF TO CREATE A DATABASE OR A REPORT OF ALL OF THE CHECKOFF PROGRAMS, WHETHER THEY'RE FEDERAL OR WHETHER THEY'RE STATE, HOW THEIR BOARD MAKEUP IS, IF THERE'S

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RESTRICTIONS ON WHAT THEY CAN USE THEIR CHECKOFF FUNDS FOR, AND HOW THE BOARDS ARE ELECTED, IF THAT'S THE CASE. WE'RE TRYING TO GET THAT BECAUSE EVEN THOSE ON THE COMMITTEE, WE ALWAYS HAVE TO ASK QUESTIONS ABOUT THE MAKEUP OF THE STRUCTURE OF THE CHECKOFF. SO I THINK IT WILL BE HELPFUL. WON'T HELP TODAY. WE PROBABLY WON'T NEED IT ANYMORE THIS YEAR. BUT WE'LL HAVE THAT REPORT AVAILABLE TO ALL THE SENATORS SO THAT WE CAN LOOK AT IT WHEN WE START TALKING ABOUT CHECKOFF PROGRAMS AND HOW DOES THIS MATCH UP WITH OTHER CHECKOFF PROGRAMS, AND MAYBE WE CAN FIGURE OUT SOME CONSISTENCY TO WHAT WE'RE ATTEMPTING TO DO AND MAYBE IT'LL ANSWER SOME QUESTIONS FOR SENATORS THAT AREN'T IN THE LOOP OR THE TIGHT LOOP OF HANDLING THE LEGISLATION ON THESE CHECKOFF PROGRAMS. WITH THAT, THAT'S THE BASIS FOR THE REASON TO ALLOW...PUT REFUNDABILITY BACK INTO THE BEAN BILL, AND I THINK IT'S A LITTLE BIT...MAYBE JUST TRYING TO BE ON THE CONSERVATIVE SIDE WITH THAT 15 PERCENT. I DEFINITELY SUPPORT...PERSONALLY, I DEFINITELY SUPPORT THE REFUNDABILITY PART OF IT. I COULD PROBABLY GO EITHER WAY ON THE REDUCTION OF 25 PERCENT TO 15. THANK YOU, MR. SPEAKER. [LB242]

SPEAKER HADLEY: SENATOR STINNER, YOU ARE RECOGNIZED. [LB242]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. I GUESS THERE'S A LOT OF THINGS GOING ON RIGHT NOW. THERE'S A QUESTION RELATIVE TO WHETHER WE SHOULD TAKE AND REDUCE THE UPPER LIMIT AND THEN THE REFUNDABILITY ASPECT. LET ME JUST SAY THIS ABOUT ALL OF THIS. MY NAME MIGHT BE ON THIS BILL, BUT IT'S REALLY THE AG PRODUCERS, THE DRY BEAN PRODUCERS, THE GROWERS' BILL. NOW THE ASSOCIATION, ALONG WITH THE COMMISSION, STARTED THIS PROCESS A YEAR OR BETTER AGO TRYING TO EDUCATE EVERYBODY ASSOCIATED WITH DRY BEAN PRODUCTION AS TO WHERE THE FUND WAS AT. AND THEY PASSED OUT SURVEYS, THEY HAD MEETINGS, THEY'VE CORRESPONDED THROUGH THE BEAN BAG, WHICH IS THEIR PUBLICATION. AND I CAN TELL YOU, LAST SUMMER, DURING THE DRY BEAN DAYS WHICH IS AN EVENT HELD AT THE UNL PANHANDLE CAMPUS, THE AUDITORIUM IS ABOUT AS BIG AS WHAT THE LEGISLATURE IS RIGHT NOW AS FAR AS ROOM IS CONCERNED, IT WAS PACKED FULL OF DRY BEAN PRODUCERS. AND THEY WERE THERE NOT ONLY FOR THE FIELD DAY, BUT THE ASSOCIATION HAD AN HOUR-LONG MEETING TALKING ABOUT WHERE THEY WERE AT WITH THIS FUND, WHAT THE NEEDS WERE, AND 100 PERCENT OF THE PEOPLE THAT SPOKE THAT DAY SAID WE NEED TO FIX THIS FUND. IN FACT, THE CONSENSUS WAS BECAUSE THE FUND HAS BEEN DEPLETED, BECAUSE WE NEED TO HAVE THIS CHANGE, BECAUSE RESOURCES HAVE TO BE DEDICATED TO RESEARCH AND DEVELOPMENT AND MARKET ENHANCEMENTS, THAT WE NEEDED TO HAVE AN EXTRA...WHILE

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AGRICULTURE WAS GOOD, MAYBE WE SHOULD HAVE AN EXTRA ASSESSMENT TO BUILD THEIR OWN RAINY-DAY FUND. SO THEY'RE COMMITTED, AS ARE THE WHEAT GROWERS, AS ARE THE CORN GROWERS, AS ARE THE LIVESTOCK FOLKS, COMMITTED TO RESEARCH AND DEVELOPMENT, COMMITTED TO THEIR INDUSTRY. THEY WANT TO HAVE 100 PERCENT OF THE FOLKS COMMITTED THROUGH THIS REFUNDABILITY SITUATION. THEY WANT TO HAVE 100 PERCENT PARTICIPATION. THEY DON'T WANT TO HAVE SOMEBODY SAYING...AND I WILL TELL YOU THAT IN TALKING TO THE HEAD OF...THE SECRETARY ASSOCIATED WITH THE DRY BEAN ASSOCIATION, SHE INDICATED THAT MOST OF THEM WEREN'T JUST ABSENTEE LANDOWNERS THAT WERE OPTING OUT. SO THESE PEOPLE WANT TO BE INVOLVED. THEY WANT TO SEE THE SUCCESS OF THIS PROGRAM. AND THE OTHER THING THAT I WOULD SUBMIT TO YOU, LET'S USE PROPORTIONALITY. LET'S USE JUDGMENT. THIS 4 CENTS, IF YOU LOOK AT THE FISCAL NOTES, THAT 5 CENTS INCREASE INCREASED THE FUND BY \$40,000. IF YOU DIVIDE 5 INTO 40, THAT IS \$8,000. SO THOSE 4 CENTS FROM 20 TO 24 CENTS IS \$32,000. NOW I'LL SUBMIT TO YOU THAT THE FIRST THING THE COMMITTEE ASKED ME ABOUT AFTER I GAVE MY PRESENTATION, MY CHAMBER OF COMMERCE SPEECH, WAS WHY AREN'T YOU ADVERTISING MORE, WHY DON'T WE KNOW ABOUT THE BENEFITS OF DRY BEANS IN OUR DIET, THAT'S HIGH FIBER, HIGH PROTEIN, LESS CALORIES. WHY DON'T WE KNOW ABOUT THIS? WELL, THE FACT OF THE MATTER IS, WE DON'T HAVE THE MONEY. NOW ANYBODY THAT'S ADVERTISED OR SPENT MONEY ON ADVERTISING KNOWS THAT \$32,000 DOESN'T GO VERY FAR. SO PROPORTIONALITY, THAT'S WHY IT'S THERE. THESE GUYS ARE COMMITTED TO IT, AND THAT'S WHAT THIS BILL IS ALL ABOUT. THANK YOU. [LB242]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED. [LB242]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AGAIN, I RISE IN SUPPORT OF AM357. VERY SUPPORTIVE OF CHECKOFFS. AND WHEN WE LOOK ABOUT THE CONCEPT OF CHECKOFFS AND THE REFUNDABILITY ASPECT OF CHECKOFFS, THE KEY DIFFERENCE THAT WE SEE IN SOME OF THE MANDATORY CHECKOFFS ARE THE ABILITY FOR THE ELECTION OF THOSE THAT ARE SETTING THE CHECKOFF. I KNOW...I BELIEVE THE SUPREME COURT CASE WAS LMA AND THAT DEALT WITH THE BEEF CHECKOFF IF I'M CORRECT. AND IF I'M NOT, I'M SURE I'LL BE CORRECTED. BUT THOSE INDIVIDUALS THAT DECIDE THAT THOSE TOPICS ARE ALL ELECTED. SAME WITH THE SOYBEAN CHECKOFFS. SO THE PEOPLE HAVE THAT ABILITY TO VOICE A FRUSTRATION. NOW TO SAY THAT...AND I'VE HEARD IT ON THE FLOOR, TO SAY THAT IT'S THE BIG GUYS THAT CHOOSE TO TAKE THE REFUND, WE HAVE ANECDOTAL EVIDENCE OF INDIVIDUALS THAT WANT TO SAY THAT. THE EMPIRICAL EVIDENCE, NOT ONLY IN THE STATE OF NEBRASKA, ON THE DRY BEAN BOARD COMMISSION, BUT OTHER CHECKOFF PROGRAMS ACROSS THE COUNTRY,

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AND WE CAN DIVE INTO CORN CHECKOFFS AND THINGS OF THAT NATURE, DOESN'T SUPPORT THAT CASE, THAT IT'S THE BIG GUYS REQUESTING REFUNDS. SOME PEOPLE JUST HAVE A PROBLEM WITH THE CONCEPT OF A CHECKOFF. IT'S ANECDOTAL VERSUS WHAT IS ACTUALLY HAPPENING. THE EMPIRICAL EVIDENCE AND WITH 98 PERCENT PARTICIPATING IN THE DRY BEAN COMMISSION'S CHECKOFF, I THINK IT IS EVIDENT THAT IT'S NOT THE BIG GUYS THAT ARE REQUESTING THE REFUNDS. THERE MAY BE A BIG GUY, BUT THERE COULD BE JUST AS MANY SMALL GUYS. IT IS THAT PRODUCER'S ABILITY TO DISAGREE WITH DECISIONS THAT AN ELECTED...OR A NONELECTED BOARD, AN APPOINTED BOARD, ARE MAKING FOR HIM IN WHICH HE HAD NO SAY ON WHO WAS ON THAT BOARD. SO I SUPPORT AM357 MOVING FORWARD, AND I'D YIELD THE REST OF MY TIME TO SENATOR CHAMBERS. [LB242]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 2:10. [LB242]

SENATOR CHAMBERS: THANK YOU, SENATOR LARSON. THANK YOU, MR. PRESIDENT. I WILL TRY TO SAY THIS IN THAT AMOUNT OF TIME. I NEVER DID LIKE CHECKOFFS IN THE FIRST PLACE. I USED TO OPPOSE THEM. YOU'RE TAKING MONEY FROM PEOPLE AGAINST THEIR WILL BY TELLING THEM YOU KNOW BETTER WHAT'S IN THEIR INTERESTS THAN THEY DO, SO YOU'RE GOING TO TAKE THAT MONEY EVEN THOUGH THEY'RE NOT WILLING TO GIVE IT TO BUY WHAT YOU'RE SELLING. THE NEXT BEST THING WHEN I SAW THAT BATTLE WAS LOST AND THEY WERE GOING TO HAVE CHECKOFFS IS TO SAY THAT IF SOMEBODY HAS THIS MONEY TAKEN AND WANTS TO GET BACK WHAT THEY CONTRIBUTED, THEN THAT TAKES AWAY THE CONCERN I HAVE BECAUSE THE ONLY ONES CONTRIBUTING NOW ARE THE ONES WHO SEE A VALUE IN IT. I SUPPORTED THE COMMITTEE AMENDMENT IN COMMITTEE. I WILL SUPPORT IT NOW. AND I, UNLIKE SENATOR BLOOMFIELD, AM PERSUADED BY...I'M NOT PERSUADED BY WHAT HE SAID. FAIR IS FAIR. AND IF THEY'RE GOING TO EXTORT MONEY FROM ME IN THE FIRST INSTANCE, THEY OUGHT TO SOMEWHAT MAKE IT RIGHT BY GIVING ME BACK THAT WHICH I DIDN'T WANT TO GIVE. IN THIS STATE, THEY WILL NOT COMPEL YOU TO PAY UNION DUES. AND YET THE UNION REPRESENTS EVERYBODY. THE UNION OFTEN OBTAINS BETTER WORKING CONDITIONS. [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR CHAMBERS: BUT, NEVERTHELESS, PEOPLE CANNOT BE COMPELLED TO PAY UNION DUES. WHEN BILLS WERE OFFERED TO TRY TO GET SOMETHING ALONG THAT LINE, SINCE THE UNION HAS TO REPRESENT ALL THESE PEOPLE, THOSE BILLS GO NOWHERE. SO I DON'T SEE A SUBSTANTIAL DIFFERENCE BETWEEN THAT SITUATION AND THIS ONE. IF I

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THOUGHT THAT AN ORGANIZATION WAS DOING GREAT THINGS FOR ME, I'D BE HAPPY TO CONTRIBUTE. BUT FOR WHATEVER REASON, IF I DON'T WANT TO GIVE, I SHOULDN'T HAVE TO. IF THEY WOULD CHANGE IT AND NOT HAVE A CHECKOFF AT ALL AND HAVE A BIG KETTLE AND SAY EVERYBODY WHO WANTS TO GIVE TO THIS ORGANIZATION, PUT MONEY IN THE POT, THAT'S FINE. BUT THAT FAILING, I'M GOING TO SUPPORT THE COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB242]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. THERE'S BEEN A LOT OF QUESTIONS. WHAT IS A CHECKOFF? IT'S MERELY ADVERTISING, MONEY PAID BY THE PRODUCER FOR ADVERTISING TO MARKET THEIR PRODUCT. AND IT'S USUALLY MANAGED BY AN AGENCY. I PAY CHECKOFF MONEY EVERY TIME I SELL CATTLE. IT'S \$1 PER HEAD. SO THERE'S A LOT OF DIFFERENT GROUPS THAT HAVE THEM AND IT'S MERELY FOR ADVERTISING. AS FAR AS THE DRY EDIBLE BEANS GO, YOU KNOW I FARMED FOR 15 YEARS, I COULDN'T EVEN TELL YOU WHAT A DRY EDIBLE BEAN LOOKS LIKE BECAUSE IT'S JUST SOMETHING I'M NOT ACCUSTOMED WITH. BUT I'M GOING TO TRUST SENATOR HUGHES'S JUDGMENT. AND HE ALSO POINTED OUT THAT THESE ARE FARMERS THAT ARE ASKING FOR THE INCREASE. IT'S NOT SOMEBODY MANDATING IT ON THEM. THEY'RE ASKING SO THEY CAN GET MORE ADVERTISING MONEY OUT THERE FOR THEIR PRODUCT. SO I AM GOING TO SUPPORT THE ORIGINAL AMENDMENT AND I WILL NOT BE SUPPORT...EXCUSE ME, I WILL BE SUPPORTING THE BILL AND NOT SUPPORTING THE AMENDMENT BECAUSE I'M TRUSTING SENATOR HUGHES' JUDGMENT BECAUSE HE DOES GROW THAT PRODUCT. SO THAT'S ALL I HAVE, SIR. [LB242]

SPEAKER HADLEY: SENATOR KOLTERMAN, YOU'RE RECOGNIZED AND YOU'RE LAST IN THE QUEUE. [LB242]

SENATOR KOLTERMAN: THANK YOU, PRESIDENT. YOU KNOW, THIS IS AN INTERESTING DILEMMA THAT WE FACE, AND I, TOO, JUST LIKE SENATOR SCHNOOR, RESPECT THE OPINION OF SENATOR HUGHES FROM THE PERSPECTIVE OF HE'S A PRODUCER. HE GROWS THE DRY EDIBLE BEANS, AND SENATOR STINNER COMES FROM AN AREA AND HE'S ALREADY TALKED ABOUT THE VALUE THAT THIS ORGANIZATION OF THE DRY BEAN PRODUCERS HAS. THIS BILL WAS BROUGHT TO THE AGRICULTURE COMMITTEE, WHICH I SIT ON, AND WE ADVANCED IT OUT OF COMMITTEE. AND I AM GOING TO SUPPORT SENATOR STINNER AND THE BILL AS HE BROUGHT IT AND PROBABLY VOTE AGAINST THE AMENDMENT. BUT SOMETHING THAT'S ALWAYS BOTHERED ME AS A PERSON IS, YOU HAVE THESE ORGANIZATIONS THAT KNOW EXACTLY WHAT THEY'RE DOING IN THE INDUSTRY. THEY'RE

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DEALING...EVEN IN THE INSURANCE BUSINESS WE HAVE THE SAME SITUATION. PEOPLE ARE MEMBERS OF AN ORGANIZATION, AND THEN THERE ARE THOSE THAT ARE NOT MEMBERS, AND THE PEOPLE THAT ARE NOT MEMBERS BENEFIT GREATLY FROM THOSE THAT ARE MEMBERS. AND THEY TAKE ADVANTAGE OF IT AND REAP ALL THE REWARDS. IT'S LIKE A TEAM OF HORSES PULLING ALONG A WAGON, CARRYING...DOING ALL THE WORK AND AT THE SAME TIME EVERYBODY'S BENEFIT INCLUDING PEOPLE THAT AREN'T MEMBERS. SO I THINK WE NEED TO SUPPORT THE PRODUCERS. THERE DOESN'T SEEM TO BE A LOT OF OPPOSITION FROM PRODUCERS ON THIS BILL. THEY CAME...THEY BROUGHT IT TO US. THEY THINK IT'S IMPORTANT THAT THEY HAVE THE CHECKOFF. THEY THINK IT'S IMPORTANT THAT IT BE AT THE LEVELS THAT THEY REQUESTED, AND I WOULD ENCOURAGE YOU ALL TO VOTE AGAINST THE AMENDMENT AND SUPPORT SENATOR STINNER AND HIS BILL. THANK YOU. [LB242]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR JOHNSON, YOU'RE RECOGNIZED TO CLOSE ON AM357. [LB242]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. GREAT DISCUSSION. AGAIN, THE FEELING OF THE COMMITTEE AT THE TIME OF THE HEARING WAS TO BE CONSISTENT IN OUR POLICIES OR OUR THINKING ANYWAY, PRIMARILY TOWARDS THE REFUNDABILITY. THAT THIS IS AN APPOINTED BOARD. AND THAT'S BEEN THE WAY THE COMMITTEE HAS ACTED IN THE PAST. THE SECOND ITEM IN THERE, THE 25 PERCENT DOWN TO 15 PERCENT, I DON'T BELIEVE THIS COMMITTEE OR THIS BOARD SPENDS ANYWHERE CLOSE TO 15 PERCENT EVEN FOR FEDERAL, BUT I THINK IT JUST PUT IN KIND OF A TEMPORARY STOPGAP FOR THAT. I STILL SUPPORT THE COMMITTEE AMENDMENT AND I ASK FOR A GREEN VOTE ON THAT. THANK YOU. [LB242]

SPEAKER HADLEY: WE ARE NOW VOTING ON AM357 FROM THE AGRICULTURE COMMITTEE TO LB242. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE; ALL THOSE OPPOSED VOTE NAY. THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB242]

ASSISTANT CLERK: 28 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SCHEER, KEN HAAR, SULLIVAN, SENATOR HANSEN,

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SENATOR PANSING BROOKS, SENATOR MELLO, SENATOR KRIST, SENATOR KOLOWSKI, SENATOR COASH, SENATOR KINTNER, SENATOR GROENE, THE HOUSE IS UNDER CALL. SENATORS HANSEN, SCHEER, SULLIVAN, PANSING BROOKS, KOLOWSKI, KINTNER, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR PANSING BROOKS. SENATOR JOHNSON, YOU MAY ASK FOR A ROLL CALL OR ACCEPT CALL INS. [LB242]

SENATOR JOHNSON: MACHINE VOTE. MACHINE VOTE IS FINE. [LB242]

SPEAKER HADLEY: MACHINE VOTE. WE'VE HAD A MACHINE VOTE, SO IT'S YOU ACCEPT CALL-INS OR A ROLL CALL VOTE. [LB242]

SENATOR JOHNSON: CALL-INS. [LB242]

SPEAKER HADLEY: THE CHAIR IS ACCEPTING CALL-IN VOTES NOW. [LB242]

ASSISTANT CLERK: SENATOR SCHUMACHER VOTING YES. SENATOR COASH VOTING YES. SENATOR BURKE HARR VOTING YES. SENATOR KRIST VOTING YES. SENATOR KOLOWSKI VOTING YES. SENATOR KINTNER HAD VOTED YES. SENATOR LINDSTROM VOTING NO. SENATOR SCHEER VOTING NO. SENATOR PANSING BROOKS VOTING YES. SENATOR SCHEER, I DIDN'T GET YOUR VOTE RECORDED. VOTING NO. THANK YOU. [LB242]

SPEAKER HADLEY: SENATOR LARSON, FOR WHAT REASON DO YOU RISE? [LB242]

SENATOR LARSON: CAN I REQUEST A ROLL CALL VOTE IN REVERSE ORDER OR CAN ONLY THE... [LB242]

SPEAKER HADLEY: YES, YOU CAN. [LB242]

SENATOR LARSON: I'LL REQUEST A ROLL CALL VOTE IN REVERSE ORDER. [LB242]

SPEAKER HADLEY: MR. CLERK. [LB242]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 724-725.) VOTE IS 19 AYES, 18 NAYS, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: RAISE THE CALL. AMENDMENT IS NOT ADOPTED. ITEMS, MR. CLERK. [LB242]

ASSISTANT CLERK: ITEMS, MR. PRESIDENT. YOUR COMMITTEE ON

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

Floor Debate
March 04, 2015

ENROLLMENT AND REVIEW REPORTS LB177 AS CORRECTLY ENGROSSED.
NAME ADDS: SENATOR EBKE TO LB357. (LEGISLATIVE JOURNAL PAGE 725.)
[LB177 LB357]

AND A PRIORITY MOTION. SENATOR HILKEMANN WOULD MOVE TO ADJOURN
UNTIL THURSDAY, MARCH 5, AT 9:00 A.M.

SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED,
NAY. MOTION CARRIES. WE ARE ADJOURNED.