

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

Floor Debate
March 17, 2015

[LB10 LB15 LB33 LB128 LB139A LB139 LB197 LB235 LB245 LB268 LB304 LB323 LB324
LB356 LB366A LB366 LB420 LB431 LB439 LB459 LB469 LB494 LB504A LB504 LB591
LB618 LB627 LB633 LR73 LR109 LR116 LR118 LR119]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FORTH-SIXTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR JACKIE PERRY, FIRST CONGREGATIONAL UNITED CHURCH OF CHRIST, NORFOLK, NEBRASKA, SENATOR SCHEER'S DISTRICT. PLEASE RISE.

PASTOR PERRY: (PRAYER OFFERED.)

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

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

SPEAKER HADLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

SPEAKER HADLEY: THANK YOU. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB128, LB245, LB304, LB366, LB366A, LB431, LB439, LB504, LB504A, ALL REPORTED CORRECTLY ENGROSSED. I HAVE TWO APPOINTMENT LETTERS FROM THE GOVERNOR, APPOINTMENTS TO THE STATE EMERGENCY RESPONSE COMMISSION AND THE NEBRASKA OIL AND GAS CONSERVATION COMMISSION. THAT'S ALL THAT I HAD, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 869-871.) [LB128 LB245 LB304 LB366 LB366A LB431 LB439 LB504 LB504A]

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SPEAKER HADLEY: THANK YOU, MR. CLERK. WE WILL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA. MR. CLERK.

CLERK: LB10, WHEN THE LEGISLATURE LEFT THE ISSUE YESTERDAY SENATOR CHAMBERS HAD PENDING AM528 AS AN AMENDMENT TO THE BILL AND OFFERED FA31 AS AN AMENDMENT TO HIS AMENDMENT. THOSE TWO AMENDMENTS ARE PENDING, MR. PRESIDENT. (AM528, LEGISLATIVE JOURNAL PAGE 639; FA31, LEGISLATIVE JOURNAL PAGE 865.) [LB10]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED A COUPLE OF MINUTES TO BRING US UP TO DATE ON THE ORIGINAL BILL. [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. WELL, OUR TIME IS DRAWING RELATIVELY SHORT ON SELECT FILE DEBATE ON LB10. I'LL PROBABLY ONLY GET A COUPLE MORE OPPORTUNITIES TO ADDRESS THE BODY ON THIS MATTER YET THIS MORNING. BUT I DID WANT TO TAKE A MOMENT. I ASSUME THAT SENATOR SCHUMACHER WILL ADDRESS THE BODY CONCERNING A HANDOUT THAT HE PUT FORTH THIS MORNING THAT JUST ARRIVED ON YOUR DESKS. I WON'T STEAL HIS THUNDER, MR. PRESIDENT AND MEMBERS, BUT I WILL MAKE NOTE THAT I'M SURE HE'S GOING TO TALK ABOUT THAT BRIEFLY. IN SHORT, LB10 WOULD SEEK TO RETURN NEBRASKA TO THE WINNER-TAKE-ALL METHOD OF APPORTIONMENT FOR ELECTORAL VOTES AS WE HAD UNTIL 1991. IT'S NOT A COMPLICATED BILL. WE'VE HAD, HOWEVER, A EXTENDED DEBATE STRETCHING OVER A PERIOD OF SEVERAL WEEKS ON THIS ISSUE. I BELIEVE IT'S THE RIGHT THING TO HAVE HAPPEN FOR THE GREAT STATE OF NEBRASKA. THERE, OF COURSE, ARE THOSE WHO DISAGREE AND THAT IS WHY WE ARE HERE THIS MORNING DEBATING THIS ISSUE. I FIRMLY BELIEVE THAT THIS IS THE RIGHT THING FOR NEBRASKA TO DO TO REPRESENT OUR ENTIRE STATE AND TO MAKE ALL ASPECTS OF OUR STATE, 500 MILES WIDE, RELEVANT IN CLOSE PRESIDENTIAL ELECTIONS. LET ME REPEAT THAT: RELEVANT IN CLOSE PRESIDENTIAL ELECTIONS. AND WE ALL KNOW PRESIDENTIAL ELECTIONS ARE GETTING CLOSER AND CLOSER AS TECHNOLOGY IMPROVES. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED ON FA31. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THIS AMENDMENT IS THE ONE THAT WOULD REPLACE EVERYTHING IN LB10. LB10 IS A PIECE OF LEGISLATION WHICH WOULD CHANGE

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THE WAY ELECTORAL VOTES IN NEBRASKA ARE ALLOCATED. BECAUSE I DO NOT THINK NEBRASKA OUGHT TO GO BACK TO THAT SO-CALLED WINNER TAKE ALL, I OFFERED THIS AMENDMENT WHICH IF ADOPTED WOULD TAKE EVERYTHING CURRENTLY IN LB10 OUT. IT WOULD BE REPLACED WITH THE TEXT OF A RESOLUTION DRAFTED AND PRESENTED BY SENATOR EBKE, BUT IT'S NOT PRESENTED AS A RESOLUTION. WHAT IT WOULD DECLARE IS THAT ALL OF THE OTHER STATES IN THIS COUNTRY SHOULD FOLLOW THE LEAD OF NEBRASKA AND MAINE AND ALLOW THEIR ELECTORAL VOTES TO BE SPLIT. WHEN PEOPLE ARE ELECTED TO CONGRESS, THE HOUSE OF REPRESENTATIVES, THERE MUST BE ONE-MEMBER DISTRICTS. SO IF YOU HAVE FIVE CONGRESSPERSONS, THERE MUST BE FIVE INDIVIDUAL DISTRICTS. IN KEEPING WITH THE SO-CALLED ONE PERSON, ONE VOTE RULE, THOSE DISTRICTS MUST BE COMPACT, CONTIGUOUS, AND SUBSTANTIALLY EQUAL IN POPULATION. IF THESE OTHER STATES WOULD FOLLOW WHAT THIS AMENDMENT IS SUGGESTING, WHICHEVER CANDIDATE FOR PRESIDENT GOT MORE VOTES IN A GIVEN DISTRICT, THAT DISTRICT WOULD, IN EFFECT, ELECT AN ELECTOR WHOSE VOTE WOULD BE CAST IN THE ELECTORAL COLLEGE FOR THAT PARTICULAR CANDIDATE FOR PRESIDENCY. THAT IS WHAT THE AMENDMENT WOULD DO. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, FIRST OF ALL, I WOULD LIKE TO TELL YOU THAT FOR A NUMBER OF YEARS I HAD BROUGHT THE POPULAR VOTE COMPACT RESOLUTION TO THE LEGISLATURE. AND LAST YEAR I WAS ASKED TO GIVE A PRESENTATION TO OLLI, THE PROGRAM AT THE UNIVERSITY--MAINLY RETIRED PEOPLE AND OLDER PEOPLE THAT COME FOR EDUCATION--AND TO TALK ABOUT THE POPULAR VOTE. I ORDERED THE BOOKS AND THEY CAME TOO LATE, SO I HAVE A BUNCH OF THESE BOOKS THAT I'M USING RIGHT NOW THAT HAVE NEVER BEEN HANDED OUT. SO IF YOU'D LIKE TO GET ONE, PRESS OR PAGES, WHOMEVER, OR SENATORS, THERE ARE SOME OVER ON THE DESK OVER HERE AND PLEASE COME AND GET ONE AND TAKE IT WITH YOU. IT'S GOT A LOT OF GOOD HISTORY IN IT AND IT'S A WELL-DOCUMENTED BOOK. SO IF YOU'RE WATCHING AND YOU'D LIKE A COPY OF THIS BOOK, CALL MY OFFICE AND WE'LL TRY AND GET YOU A COPY. SO WITH THAT, I'D LIKE TO GO BACK TO TALKING ABOUT NATIONAL POPULAR VOTE. AND I'M SUPPORTING AM528 AND I'M OPPOSING LB10. TALKING ABOUT THE HISTORY YESTERDAY OF THE WAY THE PRESIDENT IS VOTED, THERE WERE A COUPLE TAKE AWAY MESSAGES. FIRST OF ALL, THAT THE U.S. CONSTITUTION GIVES STATES A GREAT DEAL OF LATITUDE ON HOW THEY'RE GOING TO SELECT THE ELECTORS FOR THE PRESIDENT. EARLY ON MANY STATES...IN MANY STATES THE LEGISLATURE

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APPOINTED THE PRESIDENTIAL ELECTORS. SOME STATES...ONLY THREE STATES INITIALLY HAD WINNER TAKE ALL AND SOME DID IT BY DISTRICT AND SO ON AND SO FORTH. SO AGAIN, THE FIRST TAKE AWAY IS THAT THE CONSTITUTION GIVES US A LOT OF FLEXIBILITY. THE SECOND TAKE AWAY, LOOKING AT THE EARLY HISTORY, IS THAT WHEN THE POLITICAL PARTIES GOT INVOLVED, BOTH PARTIES, THE FEDERALIST PARTY AT THAT TIME AND THE REPUBLICAN PARTY, THEY DECIDED THAT IT WAS TO THEIR ADVANTAGE TO SEW UP THE ELECTORAL VOTES FOR THEIR STATES. AND OVER TIME, IT WENT TO WINNER TAKE ALL BECAUSE WHEN A PARTY WOULD DOMINATE GOVERNOR, LEGISLATURE, AND SO ON, THEY TENDED TO GO TO WINNER TAKE ALL TO MAKE SURE THAT THEIR ELECTORS, ALL OF THEIR ELECTORS WENT FOR THE PRESIDENT OF THAT PARTY'S CHOICE. SO IT WAS WHEN THE PARTIES GOT INVOLVED THAT WE STARTED SEEING WINNER TAKE ALL. AND THEN THE ONLY TWO STATES WHO DON'T HAVE WINNER TAKE ALL RIGHT NOW ARE MAINE AND NEBRASKA AND IN EACH CASE, IT'S DONE BY CONGRESSIONAL DISTRICT. AND SO I WANT TO TAKE UP FROM THERE. I WANT TO START TODAY BY TALKING ABOUT WHAT NEBRASKANS THINK ABOUT THE ELECTORAL SYSTEM. AND THIS IS A POLL TAKEN JANUARY 26 AND 27 OF 2011. AND HERE IS THE QUESTION: HOW DO YOU THINK WE SHOULD ELECT THE PRESIDENT? SHOULD IT BE THE CANDIDATE WHO GETS THE MOST VOTES IN ALL 50 STATES OR THE CURRENT ELECTORAL COLLEGE SYSTEM? AND 67 PERCENT OF NEBRASKANS SAID IT SHOULD BE THE CANDIDATE WHO GETS THE MOST VOTES IN ALL 50 STATES. THIRTY-THREE PERCENT LIKED THE CURRENT ELECTORAL COLLEGE SYSTEM IN NEBRASKA WHERE WINNER TAKES ALL. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR HAAR: THANK YOU. SO...AND THIS RESULT IS VERY SIMILAR TO EVERY OTHER STATE IN THE UNION. VOTERS GENERALLY...CITIZENS GENERALLY BELIEVE THAT THE UNITED STATES PRESIDENT SHOULD BE ELECTED BY THE CANDIDATE WHO GETS THE MOST VOTES IN ALL 50 STATES, INCLUDING NEBRASKA. SO ACTUALLY IF WE WANT TO GET AWAY FROM THE PARTISAN POLITICS AND LOOK AT WHAT THE PEOPLE OF NEBRASKA THINK, 67 PERCENT BELIEVE THAT THE CANDIDATE WHO GETS THE MOST VOTES IN ALL 50 STATES SHOULD BE ELECTED AS PRESIDENT. SO NEXT TIME I'M AT THE MIKE, I WANT TO TALK ABOUT THE FOUR ELECTIONS IN WHICH THE PERSON WAS ELECTED PRESIDENT WHO DID NOT GET THE MOST POPULAR VOTES AND... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

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SENATOR HAAR: THANK YOU. [LB10]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED. [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I AM GOING TO TALK A FEW TIMES THIS MORNING AND I'M GOING TO OUTLINE WHY I'M OPPOSED TO FA31 AND WHY I'M OPPOSED TO AM528. I'M GOING TO DRAW THE MEMBERS' ATTENTION TO THE TRANSCRIPTS. AND AS SENATOR CHAMBERS IS FOND OF SAYING, WORDS MATTER, ESPECIALLY WORDS THAT GO INTO THE RECORD. SO I'M GOING TO READ SOME OF SENATOR CHAMBERS' WORDS FROM NOT QUITE TWO YEARS AGO, BACK IN 2013. ONE WOULD BE FROM THE EXEC BOARD COMMITTEE HEARING ON HIS LR155, WHICH WAS IN RESPONSE TO LB613, THE TAX MODERNIZATION STUDY. I'M GOING TO READ A COUPLE OF THINGS THAT SENATOR CHAMBERS SAID. QUOTE, EVERYTHING THAT COULD BE DONE BY WAY OF THAT STATUTE CAN BE DONE BY WAY OF A RESOLUTION. THERE WOULD BE MORE FLEXIBILITY AVAILABLE. HE WENT ON TO SAY, YOU DON'T HAVE TO REPEAL STATUTES, HAVE HEARINGS ON A STATUTE. IT'S CHEAPER AND IT'S CLEANER AND IT'S THE WAY THE LEGISLATURE OUGHT TO CONDUCT HEARINGS AND STUDIES THAT IT INTENDS TO DO. COLLEAGUES...AND THAT'S FINE IF THAT'S WHAT THIS IS, WHICH IS MY BELIEF WHAT IT IS. AND THIS IS A DELAYING TACTIC BY SENATOR CHAMBERS. IT'S ONE HE EMPLOYS OFTEN AS HE CALLS IT EXTENDED DEBATE, FILIBUSTER, WHATEVER YOU WANT TO CALL IT. AND THAT'S FINE. BUT I DID WANT TO DRAW TO THE MEMBERS' ATTENTION THAT THAT'S WHAT THIS IS. AND WHILE SENATOR CHAMBERS CAN SAY THAT THIS IS ABOUT A CLEANER, BETTER WAY TO GO ABOUT WINNER-TAKE-ALL METHOD OF APPORTIONMENT OF ELECTORAL VOTES, WHAT THIS IS REALLY ABOUT IS DELAYING. SO I WANTED TO REMIND SENATOR CHAMBERS THAT WE ARE ON THE RECORD AND THAT WORDS DO MATTER AND THAT I DO HAVE COPIES OF THE WORDS THAT HE HAS QUOTED IN THE PAST. SO YOU CAN HAVE IT ONE WAY, SENATOR CHAMBERS. YOU CAN ALSO HAVE IT THE OTHER WAY. AND THAT'S FINE. THAT IS ALL OUR PREROGATIVE AS MEMBERS OF THIS BODY. I WOULD FURTHER LIKE TO MAKE NOTE, BECAUSE I DON'T SEE SENATOR SCHUMACHER'S LIGHT ON, SO I'M GOING TO GO OVER THIS FOR HIM. YOU HAVE ON YOUR DESK A MEMO FROM THE CHAIRMAN OF THE NEBRASKA REPUBLICAN PARTY, MR. J.L. SPRAY, IN WHICH HE SAYS--AND I'LL QUOTE--THE 2011 RESOLUTION OF THE STATE CENTRAL COMMITTEE WAS A NONBINDING EXPRESSION OF A MAJORITY OF THE MEMBERS OF THAT BODY AS COMPOSED AT THAT TIME, UNQUOTE. NOW THE REASON THAT'S SIGNIFICANT AS SENATOR SCHUMACHER HAS SAID NUMEROUS TIMES ON THE MICROPHONE: I'VE LOOKED IN MY MAILBOX, I'VE LOOKED IN MY E-MAIL, I'VE LISTENED TO MY VOICE MAIL. I HAVE YET TO HEAR

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ANYTHING FROM THE NEBRASKA REPUBLICAN PARTY STATING THAT THIS IS NOT A LITMUS TEST. COLLEAGUES, HERE IS YOUR EVIDENCE. LB10 IS NOT A LITMUS TEST OF CONSERVATIVES OR REPUBLICANS OR ANYONE ELSE. YOU HAVEN'T HEARD ME TWIST YOUR ARM. I HAVEN'T ASKED WHERE YOU'RE AT ON THIS BILL BECAUSE THIS IS UP FOR YOU TO DECIDE. THIS ISSUE CAME BEFORE THE BODY IN 1990. IT WAS PASSED IN 1991. IT HAD BIPARTISAN SUPPORT THEN. IT WAS PURPORTED THAT IT WOULD INCREASE VOTER TURNOUT. AND IN MANY HOURS OF DEBATE AND DAYS ON THE FLOOR, I WOULD CHALLENGE YOU MEMBERS TO RECALL IF YOU'VE HEARD ANYONE OPPOSED TO LB10 STAND UP ON THIS FLOOR AND SAY THAT THE DISTRICT METHOD OF APPORTIONMENT HAS INCREASED VOTER TURNOUT, HAS DONE WHAT IT WAS PURPORTED TO DO. I SUBMIT TO YOU, MEMBERS, IT HAS NOT. ACTUALLY, THE REST OF THE COUNTRY HAS CAUGHT UP TO WHERE NEBRASKA WAS PRIOR TO 1991. WE'RE NOW 31ST IN THE COUNTRY, COLLEAGUES, IN VOTER TURNOUT. I WILL TELL YOU, MY GENERATION NEEDS TO BE INVOLVED... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR McCOY: ...THANK YOU, MR. PRESIDENT...FOR THE FUTURE OF OUR NATION. WE DON'T GET THERE THROUGH THE DISTRICT METHOD OF APPORTIONMENT BY MAKING NEBRASKA IRRELEVANT ON THE NATIONAL STAGE. WE GET THERE BECAUSE ELECTIONS GET CLOSE AND NEBRASKANS GET INVOLVED. MAYBE WE SHOULD GO BACK TO HAVING A PRIMARY LIKE WE HAD PRIOR TO 1968 AND THROUGH 1968 WHEN NEBRASKA WAS RELEVANT ON THE NATIONAL STAGE BECAUSE WE HAD AN EARLY PRIMARY. MAYBE THAT WOULD BE A BETTER WAY TO GO. THIS BILL IS NOT A LITMUS TEST. YOU HAVE YOUR PROOF FOR ANYONE THAT HAD QUESTIONS ABOUT IT. AND I THINK THAT'S IMPORTANT. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I HAVE NO IDEA WHAT SENATOR McCOY WAS TALKING ABOUT AND I DON'T THINK HE DOES EITHER. IF I QUOTE HIM OR ANYBODY ELSE, I GIVE THE CONTEXT IN WHICH THOSE WORDS WERE SPOKEN. HE MENTIONED SOMETHING ABOUT A RESOLUTION AND A NUMBER, I DON'T KNOW WHAT THE RESOLUTION WAS ABOUT. I DON'T KNOW WHAT THE DISCUSSION WAS ABOUT. HE DID NOT BOTHER TO DO THAT. IF YOU WANT TO GO THROUGH TRANSCRIPTS, YOU MIGHT FIND PLACES WHERE I HAVE SAID YOU SHOULD KILL SIX MILLION

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JEWS. BUT IT'S NOT EXPRESSING MY VIEW, I'M QUOTING ADOLF EICHMANN. SO HE COULD EASILY SAY, IF YOU READ WHEN SENATOR CHAMBERS WAS SPEAKING, THESE ARE THE WORDS THAT CAME OUT OF HIS MOUTH. SENATOR McCOY HAS BEEN WRONG SO OFTEN THAT I THINK HE'S VERY SENSITIVE. AND THAT I CAN UNDERSTAND. HE'S STILL SMARTING FROM THE TIME HE WAS RUNNING FOR GOVERNOR AND I POINTED OUT THAT HE GOT THE VAST MAJORITY OF HIS MONEY, CLOSE TO A MILLION DOLLARS, FROM ONE GUY WHO HAD RUN FOR OFFICE AND LOST. HE GAVE SOME MONEY THAT HE HAD RAISED OR GOTTEN FROM SOMEWHERE TO SENATOR McCOY. HE THEN HAD SOME PEOPLE WHO WORKED WITH OR FOR HIM TO ALSO GIVE MONEY TO SENATOR McCOY. MONEY WAS COMING FROM THESE PACs, THESE POLITICAL ACTION COMMITTEES WHERE THE INDIVIDUALS WHO CONTRIBUTED DID NOT HAVE TO GIVE THEIR NAMES. SENATOR McCOY DID NOT WANT THOSE NAMES GIVEN. YET HE IS SUPPORTING A BILL UNDER THE GUISE OF BEING FOR TRANSPARENCY-- WHICH HE DOES NOT BELIEVE IN AND HE DEMONSTRATED IT--TO MAKE PEOPLE ON LOCAL GOVERNING BOARDS CAST VOTES FOR THEIR LEADERS IN PUBLIC; SHEER FOOLISHNESS. IF HE REALLY BELIEVES THAT'S GOING TO IMPROVE THINGS, HE KNOWS NOTHING ABOUT HUMAN NATURE OR HOW THESE BOARDS MUST FUNCTION AFTER THESE LITTLE ELECTIONS TAKE PLACE. THAT IS WHY WE DEFEATED THE ATTEMPT TO REQUIRE PUBLIC VOTES FOR THOSE WHO WOULD GET POSITIONS OF LEADERSHIP IN THE LEGISLATURE. BUT IN KEEPING WITH HIS PARTY'S NARROW-MINDED VIEW, HE WANTS TO TRY TO DO WHATEVER IT IS THEY'RE TRYING TO DO. AND I WON'T EXPLAIN WHY BECAUSE IT IS UNINTELLIGIBLE, MEANING LACKING IN RATIONALITY. SO WHEN SENATOR McCOY WAS GOING TO RUN, I'D SAID, HE'S NOT GOING TO WIN. HE CAN'T WIN. WE WERE HAVING A DISCUSSION ON ANOTHER BILL AND I ASKED SENATOR McCOY, WOULD HE YIELD TO A QUESTION? HE SAID, NO. NO. I ASKED HIM MORE THAN ONCE. NO. WE ROUTINELY YIELD AS A MATTER OF POLITICAL, IF YOU WANT TO CALL IT, PROFESSIONAL, IF YOU WANT TO CALL IT, TRADITIONAL, IF YOU WANT TO CALL IT, COURTESY. I HAVE BEEN IN SOME KNOCK DOWN, DRAGOUT DISCUSSIONS WITH VARIOUS PEOPLE ON THIS FLOOR DOWN THROUGH THE YEARS AND WHENEVER ONE WOULD ASK ME TO YIELD TO A QUESTION, I WOULD ALWAYS DO IT. SENATOR McCOY IS THE ONLY ONE WHO EVER DID THAT. NOW HE'S ARROGATING TO HIMSELF THE RIGHT TO SPEAK FOR RURAL PEOPLE, MENTIONS SCOTTSBLUFF, HOW GOOD IT WOULD BE FOR THEM IF THE LEGISLATURE WENT BACK TO AN ALL OR NOTHING. AN EDITOR OF THE NEWSPAPER IN SCOTTSBLUFF MADE IT CLEAR THAT SENATOR McCOY DID NOT SPEAK FOR HIM, THAT HE DOES NOT BELIEVE--THIS EDITOR--DOES NOT BELIEVE THAT WINNER TAKE ALL... [LB10]

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SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...IS IN ACCORD WITH PRINCIPLES OF DEMOCRACY. WHEN SENATOR McCOY PRETENDS TO SPEAK FOR RURAL PEOPLE, CHECK HIS VOTES ON VARIOUS ISSUES THAT RELATE TO THE WELFARE OF RURAL PEOPLE AND HE'S ALWAYS OR PRACTICALLY ALWAYS ON THE WRONG SIDE. SO IF HE'S GOING TO QUOTE ME, TELL HIM TO SHOW YOU THE PAGE OF THE TRANSCRIPT FROM WHICH HE'S QUOTING SO YOU CAN SEE THE CONTEXT. I NEVER RUN AWAY FROM THE WORDS THAT I UTTERED. I NEVER SAY, I DIDN'T SAY THAT. AND IF I QUOTE SOMEBODY ON THIS FLOOR, I WILL GIVE THE CONTEXT. IN FACT, I GIVE MORE CONTEXT THAN SOMETIMES THE ONE BEING QUOTED CARES TO HAVE. HOW MANY TIMES DID I TELL YOU ALL, WE'RE SPEAKING TO RUN DOWN THE CLOCK? HE THINKS HE GAVE YOU ALL AN AMAZING REVELATION WHEN HE SAID, SENATOR CHAMBERS IS JUST TRYING TO PASS TIME. I TOLD YOU THAT. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: (DOCTOR OF THE DAY INTRODUCED.) SENATOR KEN HAAR, YOU ARE RECOGNIZED. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I, TOO, AM WORKING ON THE CLOCK. BUT I ALSO WANT TO GIVE SOME INFORMATION ABOUT WHERE AMERICANS STAND ON THIS, WHERE NEBRASKANS STAND ON IT, AND I THINK IT'S VERY INFORMATIVE. SO ONCE AGAIN, ON A POLL TAKEN JANUARY 26 AND 27 OF 2011, 67 PERCENT OF NEBRASKANS BELIEVE THAT THE CANDIDATE WHO GETS THE MOST VOTES IN ALL 50 STATES SHOULD BE ELECTED PRESIDENT. SO I WILL START WITH FOUR ELECTIONS WHERE THE PERSON WAS ELECTED AS PRESIDENT WHO DIDN'T GET THE MOST POPULAR VOTES. IN 1824, ONE OF THE FIRST ELECTIONS, ANDREW JACKSON GOT THE MOST POPULAR VOTES AND JOHN QUINCY ADAMS GOT THE MOST ELECTORAL VOTES. AND SO JOHN QUINCY ADAMS WAS ELECTED PRESIDENT. THE DIFFERENCE AT THAT TIME IS ANDREW JACKSON GOT 151,271 VOTES. JOHN QUINCY ADAMS GOT 113,122 VOTES, WITH 38,000...SO THAT ANDREW JACKSON GOT 38,000 MORE POPULAR VOTES BUT JOHN QUINCY ADAMS WAS ELECTED PRESIDENT. IN 1876, SAMUEL TILDEN WAS RUNNING AGAINST RUTHERFORD B. HAYES. AND IN THIS CASE, SAMUEL TILDEN GOT THE MOST POPULAR VOTES AND HAYES WAS ELECTED PRESIDENT. THE COUNTRY HAD GROWN A GREAT DEAL, SO IN THIS CASE,

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TILDEN GOT 4,288,191 POPULAR VOTES, AND HAYES GOT 4,033,497 VOTES. SO SAMUEL TILDEN GOT MORE...254,694 MORE POPULAR VOTES THAN RUTHERFORD B. HAYES BUT HAYES WAS ELECTED PRESIDENT. IN 1888, GROVER CLEVELAND RAN AGAINST BENJAMIN HARRISON. BENJAMIN HARRISON WAS ELECTED WITH ELECTORAL VOTES. GROVER CLEVELAND GOT MORE POPULAR VOTES. GROVER CLEVELAND GOT 5,539,118 VOTES AND BENJAMIN HARRISON GOT 5,449,825 VOTES. SO EVEN THOUGH BENJAMIN HARRISON WAS ELECTED PRESIDENT BY ELECTORAL VOTES, GROVER CLEVELAND GOT 89,293 MORE POPULAR VOTES. IN 2000, WHEN THE DUST HAD SETTLED, AL GORE HAD RECEIVED 50,455,156 VOTES. GEORGE W. BUSH...I'M SORRY. LET ME READ THAT AGAIN. AL GORE HAD RECEIVED MORE POPULAR VOTES, WHEN ALL THE DUST HAD SETTLED, THAN GEORGE W. BUSH. AL GORE RECEIVED 50,992,335 POPULAR VOTES. GEORGE W. BUSH RECEIVED 50,455,156 VOTES. SO EVEN THOUGH AL GORE RECEIVED 537,179 MORE POPULAR VOTES, GEORGE BUSH WAS ELECTED PRESIDENT... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR HAAR: ...THANK YOU...BY ELECTORAL VOTES. SO THIS ISN'T JUST SOMETHING THAT HAPPENED AT THE BEGINNING OF THIS COUNTRY, BUT IT HAPPENED AS LATE AS 2000 AND IT COULD HAPPEN AGAIN AND IT COULD HAPPEN TO EITHER PARTY. SO PARTIES NEED TO GET OUT OF THE WAY AND LET THE PRESIDENT BE ELECTED BY POPULAR VOTE. IT HAPPENED. IT COULD HAPPEN AGAIN. SO HERE ARE THE SHORTCOMINGS OF THE CURRENT SYSTEM. AND, BY THE WAY, ONE OF THE REASONS THAT IT WAS ELECTORAL VOTES AND NOT POPULAR VOTES AT THE BEGINNING OF THE COUNTRY IS, WE DIDN'T HAVE ALL THE MASS COMMUNICATION WE HAVE THAT WE DO NOW. AND SO THE WHOLE THING OF HOW DO YOU ACCUMULATE VOTES REALLY DIDN'T EXIST AT THAT TIME. THAT WAS ONE OF THE REASONS. SO SHORTCOMINGS OF THE CURRENT SYSTEM. AND I THINK I'LL WAIT TO START THIS UNTIL MY NEXT TIME. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR HAAR: THANK YOU. [LB10]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB10]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I HAVE SPOKEN WITH SENATOR HAAR OFF THE FLOOR, KEN HAAR,

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OR OFF THE MIKE. AND I WAS GOING TO ASK HIM A QUESTION OR TWO ABOUT HIS DISCUSSION OF NATIONAL POPULAR VOTE, WHICH TO ME IS THE ULTIMATE WINNER TAKE ALL. WE'RE DEBATING...NO, I'M NOT ASKING A QUESTION AT THIS POINT. BUT WE ARE DEBATING WHETHER OR NOT NEBRASKA SHOULD GO TO A WINNER-TAKE-ALL SYSTEM, WHICH THE OPPONENTS OF TELL US WOULD DEPRIVE A CERTAIN GROUP OF THEIR ABILITY TO HAVE THEIR VOTES REALLY COUNT. IN MY MIND, THE NATIONAL POPULAR VOTE IS THE SAME THING ON STEROIDS. NOT ONE LITTLE DISTRICT OF THE STATE WOULD NOT BE ALLOWED TO HAVE THEIR VOTES COUNT TOWARD PRESIDENT, BUT POSSIBLY THE WHOLE STATE WOULD NOT BE ALLOWED TO HAVE THEIR VOTES COUNT TOWARD PRESIDENT. SO IT APPEARS THAT SENATOR HAAR IS ARGUING TWO DIFFERENT SIDES OF THE SAME QUESTION. BUT WITH THE DISCUSSION THAT'S GOING ON TOWARD THE BACK OF THE ROOM HERE THIS MORNING, I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR McCOY IF HE COULD USE IT. [LB10]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 3:30. [LB10]

SENATOR McCOY: WELL, THANK YOU, SENATOR BLOOMFIELD, I APPRECIATE THAT. IT IS A LITTLE QUIETER IN HERE NOW, WHICH IS NICE. I'LL CONTINUE WITH WHERE I WAS AT ON THIS ISSUE. AGAIN, YOU HEARD SENATOR CHAMBERS AND SENATOR HAAR BOTH GET UP ON THE MICROPHONE A MINUTE AGO, NEITHER ONE REFUTED WHAT I SAID EARLIER. THE DISTRICT METHOD OF APPORTIONMENT HAS NOT BOOSTED VOTER TURNOUT, WHICH WAS THE CHIEF REASON SENATOR SCHIMEK GAVE AND THE OTHER PROPONENTS GAVE IN 1991 FOR PASSING THIS VERY LEGISLATION. BOOSTING VOTER TURNOUT AND THAT IT WAS A TREND AND THAT WE WOULD BE ON THE CUTTING EDGE OF A TREND. WELL, I WOULD SUBMIT TO YOU MEMBERS, MAINE WENT THE WAY OF A DISTRICT METHOD OF APPORTIONMENT IN 1969. WE FOLLOWED SUIT IN 1991. IT HAS NOT BEEN A TREND. IT HASN'T HAPPENED IN ANY OTHER STATE. IT HASN'T EVEN GOTTEN CLOSE IN ANY OTHER STATE. IN FACT, YOU'VE HEARD DISCUSSION ON THE FLOOR FROM SENATOR MURANTE THAT IN OTHER STATES, IT'S ACTUALLY BEEN VEHEMENTLY OPPOSED GOING TO THE DISTRICT METHOD OF APPORTIONMENT BY INDIVIDUAL STATE DEMOCRATIC PARTIES. THAT'S DEFINITELY THE CASE IN THE STATE OF CALIFORNIA, IT'S THE CASE IN THE STATE OF PENNSYLVANIA AND IN A VARIETY OF OTHER STATES. I OPPOSE FA31 AND AM528 BECAUSE IT'S A LEGISLATIVE RESOLUTION, COLLEAGUES, THAT'S IN THE GOVERNMENT AND MILITARY AFFAIRS COMMITTEE AS WE SPEAK AND HAD A PUBLIC HEARING LAST WEDNESDAY. THE GOVERNMENT AND MILITARY AFFAIRS COMMITTEE HASN'T EVEN HAD THE OPPORTUNITY YET TO TAKE ACTION ON THIS LR73, I BELIEVE, THAT SENATOR EBKE BROUGHT THAT SENATOR

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CHAMBERS COSIGNED. WE'RE DEALING WITH AN ISSUE THAT'S IN A STANDING COMMITTEE, MEMBERS. WE'LL HAVE THE OPPORTUNITY TO TAKE ACTION ON THAT RESOLUTION. THIS IS A DELAYING TACTIC BY SENATOR CHAMBERS. [LB10 LR73]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB10]

SENATOR McCOY: AND THAT'S FINE, THAT'S HIS PREROGATIVE. I WOULD REMIND SENATOR CHAMBERS THAT THE SHOE MAY BE ON THE OTHER FOOT AT SOME POINT THIS SESSION AS IT HAS BEEN INCLINED TO DO OVER THE PAST SESSIONS AND HE MAY FIND HIMSELF IN A REVERSE SITUATION AT SOME POINT ON A BILL THAT HE BELIEVES SHOULD COME BEFORE THE LEGISLATIVE BODY. AND THAT ALSO IS THE PREROGATIVE OF MEMBERS OF THE LEGISLATURE. WHATEVER HAPPENS WITH LB10 TODAY, THIS IS NOT A PARTISAN ISSUE. IT WASN'T IN 1991, IT SHOULDN'T BE NOW. I DON'T BELIEVE IT IS. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SENATOR McCOY NEEDS TO PAY MORE ATTENTION TO WHAT GOES ON ON THIS FLOOR AND HE NEEDS TO BE HERE MORE WHEN THINGS ARE GOING ON THIS FLOOR. HE'S GOING TO TRY TO ATTRIBUTE TO ME WHAT OTHER PEOPLE HAVE SAID. NOW, IF HE HAD LISTENED TO ME WHEN I TALK ABOUT DISTRICTS, I ALWAYS START WITH A QUOTE FROM ONE OF THE ADAMSES, THE BODY THAT GOVERNS SHOULD BE A PORTRAITURE IN MINIATURE OF THOSE WHO ARE GOVERNED. HE HASN'T HEARD ME TALK ABOUT INCREASING VOTING. AMERICANS DON'T VOTE. YOU SEE WHAT OREGON DID, BUT HE CANNOT DEAL DIRECTLY WITH ME. YOU CANNOT POUR HIM ON ME. AND IF HE THINKS BY MAKING A VEILED THREAT ABOUT WHAT HE'S GOING TO DO ON MY DEATH PENALTY BILL, HE IS OUT OF HIS MIND IF HE THINKS THAT'S GOING TO DETER ME FROM SAYING WHAT I BELIEVE ON OTHER ISSUES. HE LED A FILIBUSTER AGAINST IT TWO YEARS AGO. HE HAS DONE THAT. HE CANNOT CHANGE. AND HE KNOWS THAT I HAVE SAID FREQUENTLY, DO WHAT YOU WANT WITH MY BILLS. HE BELIEVES IN VOODOO. HE THINKS IF HE KILLS A BILL, HE KILLS ME. THAT SHOWS HOW BACKWARD HE IS. HE JUMPED OFF HIS ARGUMENT. THAT MAN WHO SITS BEHIND ME WHO WOULD NOT YIELD TO A QUESTION BECAUSE HE WAS AFRAID TO ANSWER, STARTED BY TELLING US THAT IF YOU GO BACK TO WINNER TAKE ALL, THESE CANDIDATES WILL CAMPAIGN IN SCOTTSBLUFF. THEY WILL CAMPAIGN IN PLATTSMOUTH. THEN WHEN THE SCOTTSBLUFF MAN TOLD

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HIM, THAT IS SILLY AND IT'S WEAK, HE DOESN'T TALK ABOUT IT ANYMORE, DOES HE? I'M TELLING YOU WHAT HE SAID THIS TIME ON THIS BILL. I WANT YOU TO SEE THE MANNER OF PERSON HE IS. I WANT YOU TO PAY ATTENTION TO HIM. LET HIM READ MY WORDS, HE'LL LEARN SOMETHING IF HE READS ENOUGH OF THEM AND UNDERSTANDS THEM. I'M GLAD HE HAS A FRIEND IN SENATOR BLOOMFIELD, BUT SENATOR BLOOMFIELD NEEDS TO KNOW HE DOESN'T NEED TO HAVE TIME YIELDED. HE CAN TURN ON HIS OWN LIGHT IF HE WANTS TO. SENATOR BLOOMFIELD HAS TO TURN ON THE LIGHT FOR SENATOR McCOY. SENATOR McCOY CAN TURN ON HIS LIGHT, SENATOR BLOOMFIELD. YOU DON'T HAVE TO PROTECT HIM. BUT I KNOW HOW PROTECTIVE YOU ARE TO YOUR FRIENDS WHEN YOU FEEL THEY'RE GETTING THE WORST OF IT. THE WAY I FEEL ABOUT MY FRIENDS IF THEY'RE GETTING THE WORST OF IT, IF THEY STRUCK THE FIRST BLOW, THEY CAN CHOOSE TO DO WHAT THEY WANT TO, BUT THEN THEY ABIDE THE CONSEQUENCES. NOW, THIS THING THAT WE'RE TALKING ABOUT IS ON THE POLITICAL AGENDA OF THE REPUBLICAN PARTY. HE WILL NOT SHOW YOU WHERE I SAID ANYTHING ABOUT INCREASING THE VOTER TURNOUT. I KNOW, HE KNOWS IF HE PAYS ATTENTION TO ANYTHING THAT PEOPLE DON'T VOTE DURING PRIMARIES TO THE SAME EXTENT THEY DO DURING THE GENERAL ELECTION. SO IF YOU WANT A PROPOSAL ON THE BALLOT THAT REQUIRES A MODICUM OF THOUGHT, YOU BRING IT AND HOPE YOU CAN GET IT ON THE PRIMARY BALLOT BECAUSE PEOPLE WHO VOTE IN THE PRIMARY GENERALLY ARE MORE ATTENTIVE TO WHAT IS GOING ON POLITICALLY AND THEY ARE MORE SUSCEPTIBLE TO ARGUMENTS TRYING TO SWAY THEM ONE WAY OR THE OTHER. BUT WHEN YOU HAVE THE GENERAL ELECTION, YOU JUST KNOCK DOWN THE GATE TO THE CORRAL AND HAVE A CATTLE CALL. SENATOR McCOY SHOULD KNOW THAT, BUT HE PROBABLY DOESN'T. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: BUT HE KNOWS IT NOW BECAUSE I HAVE TAUGHT HIM. MY JOB IS TO BE A TEACHER. AND HE CAN TURN ON HIS LIGHT IF HE WANTS TO. I WELCOME JOUSTING WITH MY COLLEAGUES; IRON SHARPENS IRON. BUT IN SOME CASES, IT'S AN UNEVEN CONTEST AND A HOT KNIFE CUTS THROUGH BUTTER. AND THAT'S THE WAY IT GOES. BUT I INTEND TO BE ON THIS FLOOR. I DON'T HIDE IN MY OFFICE. WHEN OTHERS ARE PRESENTING THEIR ARGUMENTS, LOOK OVER HERE AND YOU'LL SEE ME STANDING. I'M LIKE THE TREE PLANTED BY THE WATER. I SHALL NOT BE MOVED. BUT CHECK THE SEATS OF THESE OTHERS WHO DO SO MUCH FAT MOUTHING WHEN THEY'RE PUSHING FOR THE AGENDA OF THE REPUBLICAN PARTY. MISSING--NOT IN ACTION--MISSING FROM

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ACTION. AND WE'RE GOING TO HAVE THE OPPORTUNITY DURING THIS SESSION...
[LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: WHAT DID YOU...TIME? [LB10]

SPEAKER HADLEY: TIME. [LB10]

SENATOR CHAMBERS: OKAY. [LB10]

SPEAKER HADLEY: SENATOR HAAR, YOU'RE RECOGNIZED AND THIS IS YOUR
THIRD TIME. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, AND TEACHER
CHAMBERS. SENATOR BLOOMFIELD DID TALK TO ME EARLIER AND I'M MORE
THAN HAPPY TO DEBATE HIS POINT. I BELIEVE THE ULTIMATE WINNER TAKE ALL
IS A NATIONAL POPULAR ELECTION FOR THE PRESIDENT. AND THAT'S WHAT
VOTERS ALL OVER THE COUNTRY WANT AND THAT'S NOT CHANGED MUCH. IN
1944, A POLL WAS TAKEN AND THE QUESTION WAS ABOUT PUBLIC SUPPORT FOR
NATIONWIDE POPULAR ELECTION OF THE PRESIDENT. IN 1944--I WAS A LITTLE
OVER A YEAR OLD--65 PERCENT OF THE PEOPLE WANTED A NATIONAL POPULAR
ELECTION FOR THE PRESIDENT. IN JANUARY OF 1977, IT WAS 73 PERCENT. AND IN
NOVEMBER OF 1980 IT WAS 67 PERCENT. SO THE FACT THAT NEBRASKA...67
PERCENT OF NEBRASKANS WOULD LIKE ELECTION OF THE PRESIDENT BY
POPULAR VOTE IS NOT SURPRISING. WE'RE VERY MUCH IN TUNE WITH THE REST
OF THE COUNTRY. WHAT GETS IN THE WAY IS POLITICAL PARTIES. IF POLITICAL
PARTIES WOULD GET OUT OF THE WAY, WE WOULD SOON HAVE A SYSTEM IN
THIS COUNTRY WHERE THE PRESIDENT WAS ELECTED BY A POPULAR VOTE. THE
THING I'VE BEEN TALKING ABOUT IS ONE WAY OF DOING IT WITHOUT CHANGING
THE CONSTITUTION. BUT I WANT TO TALK ABOUT THE SHORTCOMINGS OF THE
CURRENT SYSTEM. AND MY ARGUMENT IS THAT GOING BACK TO A WINNER
TAKE ALL IN NEBRASKA IS A STEP BACKWARDS. THE FIRST POINT HERE IS THAT
VOTERS ARE EFFECTIVELY DISENFRANCHISED IN FOUR-FIFTHS OF THE STATES
IN PRESIDENTIAL ELECTIONS. ONE OF THE CONSEQUENCES OF STATEWIDE
WINNER-TAKE-ALL RULE IS...IN OTHER WORDS, AWARDING ALL OF A STATE'S
ELECTORAL VOTES TO THE PRESIDENTIAL CANDIDATE WHO RECEIVES THE
MOST POPULAR VOTES IN EACH SEPARATE STATE IS, THE PRESIDENTIAL
CANDIDATES DO NOT CAMPAIGN IN STATES IN WHICH THEY'RE COMFORTABLY

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AHEAD OR HOPELESSLY BEHIND. AND I'M GOING TO SHOW YOU A LOT OF DATA TO SUPPORT THAT. PRESIDENTIAL CANDIDATES IGNORE SUCH STATES BECAUSE THEY DO NOT RECEIVE ADDITIONAL OR FEWER ELECTORAL VOTES BASED ON THE MARGIN BY WHICH THEY WIN OR LOSE THOSE STATES. AND HERE'S THE RESULT. THE RESULT IS THAT PRESIDENTIAL CANDIDATES CONCENTRATE THEIR PUBLIC APPEARANCES, THEIR ORGANIZATIONAL EFFORTS, THEIR ADVERTISING, THEIR POLLING, AND THEIR POLICY ATTENTION ON STATES WHERE THE OUTCOME OF THE POPULAR VOTE IS NOT A FOREGONE CONCLUSION. IN PRACTICAL POLITICAL TERMS, A VOTE MATTERS IN PRESIDENTIAL POLITICS ONLY IF IT'S CAST IN A CLOSELY DIVIDED BATTLEGROUND STATE. AND I WANT TO GO BACK TO, AGAIN, THE RESULT IS THAT PRESIDENTIAL CANDIDATES CONCENTRATE THEIR PUBLIC APPEARANCES--AND I'M GOING TO SHOW THIS WITH STATISTICS--ORGANIZATIONAL EFFORTS, ADVERTISING, POLLING, AND POLICY ATTENTION ON STATES WHERE THE OUTCOME OF THE POPULAR VOTE IS NOT A FOREGONE CONCLUSION IN THAT STATE. AND AS WE ALL KNOW FROM GOING DOOR TO DOOR, WHEN YOU TALK TO PEOPLE, IT SINKS IN MORE THAN JUST READING A POLL. SO WHEN YOU HAVE PRESIDENTIAL CANDIDATES GOING TO ONLY THOSE STATES THAT ARE CLOSE, THE BATTLEGROUND STATES, THOSE ARE THE STATES THAT GET THE MOST ATTENTION IN THE MIND OF THE PRESIDENTIAL CANDIDATES. BETWEEN 1988 AND 2008, ABOUT TWO-THIRDS OF THE STATES WERE IGNORED BY PRESIDENTIAL CAMPAIGNS. TWO-THIRDS OF THE STATES WERE IGNORED. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR HAAR: FOUR-FIFTHS OF THE STATES WERE IGNORED IN 2012. TWELVE OF THE THIRTEEN LEAST POPULOUS STATES ARE SPECTATOR STATES, INCLUDING SIX THAT HAVE REGULARLY GONE REPUBLICAN: ALASKA, IDAHO, MONTANA, WYOMING, NORTH DAKOTA, AND SOUTH DAKOTA, AND SIX THAT HAVE REGULARLY GONE DEMOCRATIC: HAWAII, VERMONT, MAINE, RHODE ISLAND, DELAWARE, AND THE DISTRICT OF COLUMBIA. THOSE ARE CALLED SPECTATOR STATES BECAUSE THE RESULTS OF THE WINNER TAKE ALL IN THOSE STATES IS A FOREGONE CONCLUSION AND THE CANDIDATES SEE NO REASON OF SPENDING MONEY OR EVEN SHOWING UP IN THOSE STATES. SO THE CURRENT SYSTEM DOES NOT RELIABLY REFLECT THE NATIONAL...THE NATIONWIDE POPULAR VOTE. AND I BELIEVE THAT LB10 IS A STEP BACKWARDS, PUTTING NEBRASKA... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

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SENATOR HAAR: THANK YOU. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED AND THIS IS YOUR CLOSE. [LB10]

SENATOR CHAMBERS: THIS IS WHAT? [LB10]

SPEAKER HADLEY: YOUR CLOSE. [LB10]

SENATOR CHAMBERS: OH, THANK YOU. MEMBERS OF THE LEGISLATURE, THERE IS SOMETHING THAT I HAD IN MIND TO TALK ABOUT THAT IS VERY SERIOUS. IT IS SOMBER. BUT I WAS SIDETRACKED AND DERAILED AS SOMETIMES HAPPENS WHEN A PIECE OF OBSTRUCTION GETS ON THE TRAIN TRACK AND THE TRAIN HITS THAT LITTLE BITTY OBSTRUCTION AND IT JUMPS OFF THE TRACK. I WAS DERAILED. BUT I'M GOING TO COME BACK TO WHAT I INTENDED TO TALK ABOUT. AND I WILL PUT ANOTHER MOTION UP THERE BECAUSE I'M GOING TO GET SAID THIS MORNING WHAT I HAVE IN MIND TO SAY. I HAD MENTIONED THAT FROM TIME TO TIME PEOPLE WHO TALK ABOUT HOW TIRED THEY GET OF ME TALKING ABOUT RACISM AND SLAVERY. I MENTIONED YESTERDAY A LADY WHO HAD BEEN WRITTEN ABOUT IN THE PAPER AND IT WAS SUNDAY'S WORLD-HERALD AND I FOUND THE ARTICLE. THE HEADLINE IS: SURVIVOR BEA--I GUESS IT'S SHORT FOR BEATRICE--B-E-A, KARP, K-A-R-P HAS NO PLANS TO STOP TALKING ABOUT HOLOCAUST. THE ARTICLE IS LONG BUT I WILL READ THE PERTINENT PARTS OF IT. BEA FIRST STOOD INSIDE A CLASSROOM AND TOLD HER STORY WHEN SHE WAS A YOUNG HOUSEWIFE LIVING IN O'NEILL, NEBRASKA. THE YEAR WAS 1963. THE SENSATIONAL TRIAL OF ADOLF EICHMANN, AN ARCHITECT OF THE HOLOCAUST, HAD FOCUSED ATTENTION ON THE MASS EXTERMINATION OF MILLIONS OF JEWS. SO THAT DAY IN O'NEILL, SHE WALKED TO THE FRONT OF THE CLASSROOM AND BEGAN TO TALK. HER VOICE QUAVERED. SHE STARTED TO SOB. QUOTE FROM HER: IT WAS A LONG TIME, SHE SAYS, BEFORE I COULD GET THROUGH A TALK WITHOUT CRYING, UNQUOTE. CONTINUING, SHE KEPT TALKING. SHE TALKED TO AUDITORIUMS FILLED WITH 500 OR 1,000 STUDENTS IN OMAHA. SHE DROVE TO WESTERN NEBRASKA AND WESTERN IOWA AND TALKED TO TINY SCHOOLS TO MAYBE 12 STUDENTS. SOME HISTORY TEACHERS HAD BEA COME EVERY YEAR UNTIL THEY RETIRED AND THEN THE TEACHER WHO REPLACED THE RETIRED TEACHER WOULD HAVE HER COME EVERY YEAR, TOO. SHE HAS NO IDEA HOW MANY TIMES SHE HAS SPOKEN AT SCHOOLS. SOMETIMES IT IS ONCE A MONTH, SOMETIMES 12 TIMES IN A MONTH. SHE HAS DONE THIS PRETTY MUCH NONSTOP FOR 52 YEARS. SHE HAS

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NO PLANS TO STOP. IT'S A FUNNY THING, SHE SAYS, EACH TIME I TALK IT FEELS LIKE SOMEONE IS HELPING ME TO GET THE WORDS TO COME OUT OF MY MOUTH. I USED TO BE SO ANGRY, SHE SAYS. I WAS SO ANGRY THAT IT SHOWED IN MY EYES. AND TALKING, IT HELPED ME SO MUCH. WHEN YOU HAVE EXPERIENCED THINGS, YOUR PEOPLE HAVE EXPERIENCED THINGS, THERE IS AN ANGER, THERE IS AN INDIGNATION, THERE IS A FIRE THAT CANNOT BE QUENCHED AND IN ME, IT WILL NOT BE. NOBODY HAS SAID THAT JEWS SHOULD STOP TALKING ABOUT THE HOLOCAUST. THOSE KINDS OF THINGS SHOULD NOT BE MUFFLED. THEY SHOULD NOT BE PUT UNDER THE RUG. PEOPLE SHOULD NOT BE ALLOWED TO FORGET. AND SLAVERY IS THE SAME THING. IT HAPPENED IN THIS COUNTRY. HOW MUCH TIME DO I HAVE, MR. PRESIDENT? [LB10]

SPEAKER HADLEY: 1:27. [LB10]

SENATOR CHAMBERS: I WILL CONTINUE WHEN MY NEXT MOTION COMES BUT I'M GOING TO TAKE THIS ONE MINUTE. MY JOB IS TO TELL YOU WHAT YOU'RE NOT GOING TO HEAR OTHERWISE. AND IT'S NOT SOMETHING THAT YOU OUGHT TO LIKE. BUT DON'T BEGRUDGE ME THE RIGHT TO SAY WHAT I BELIEVE WHEN YOU ALL WILL STAND UP HERE AND SPEAK FOR BUSINESSES. YOU SPEAK FOR CORPORATIONS, YOU SPEAK FOR THOSE WHO WANT TO BUILD BIG... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...HOG LOTS AND FEEDLOTS IN THE NEIGHBORHOODS WHERE PEOPLE MUST LIVE WHO DON'T HAVE THE POWER TO SPEAK AGAINST THEM. SO THERE WILL BE AN ATTEMPT BY THIS LEGISLATURE TO TAKE THE POWER AWAY FROM PEOPLE IN THOSE AREAS SO THAT BIG PEOPLE WITH A LOT OF MONEY WILL HAVE THE EAR OF THE GOVERNOR WHO WILL APPOINT SOME PEOPLE WHO WILL DETERMINE THAT WHAT THE PEOPLE IN A CERTAIN COUNTY AND THEIR COUNTY BOARD WOULD WANT IS NOT GOING TO BE DONE. THE SHOT WILL BE CALLED FROM THE GOVERNOR'S OFFICE WHICH SENATOR McCOY COULD NOT REACH EXCEPT BY WALKING OVER THERE TO VISIT. AND THAT'S WHAT'S GOING TO HAPPEN IN THIS LEGISLATURE WHERE I HEAR PEOPLE TALK, WHEN IT'S CONVENIENT, ABOUT THIS BEING AN AGRICULTURAL STATE...RURAL PEOPLE. AND WHO CARES ABOUT THE RURAL PEOPLE WHEN IT COMES TO REAL ISSUES? I DO. AND MY RECORD WILL DEMONSTRATE IT. THE BILLS THAT I WILL BRING DEMONSTRATE IT. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I'LL ASK FOR A CALL OF THE HOUSE, BUT THEN I'LL TAKE A MACHINE VOTE. [LB10]

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. [LB10]

CLERK: 18 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB10]

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. [LB10]

SPEAKER HADLEY: SENATOR CAMPBELL, CHECK IN, PLEASE. SENATOR NORDQUIST, SENATOR MORFELD, SENATOR BOLZ, SENATOR HARR, SENATOR SEILER, SENATOR HUGHES, SENATOR GARRETT, THE HOUSE IS UNDER CALL. SENATOR MORFELD, SENATOR NORDQUIST, SENATOR BOLZ, SENATOR GARRETT, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. ALL THOSE IN FAVOR, PLEASE VOTE AYE; OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK? [LB10]

CLERK: 13 AYES, 21 NAYS, MR. PRESIDENT, ON THE AMENDMENT TO THE AMENDMENT. [LB10]

SPEAKER HADLEY: THE FLOOR AMENDMENT FAILS. THE CALL IS RAISED. MR. CLERK. [LB10]

CLERK: MR. PRESIDENT, A FEW ITEMS, IF I MIGHT. YOUR COMMITTEE ON AGRICULTURE CHAIRED BY SENATOR JOHNSON REPORTS LB618 TO GENERAL FILE WITH AMENDMENTS. JUDICIARY CHAIRED BY SENATOR SEILER, LB268, LB459 TO GENERAL FILE WITH AMENDMENTS. NATURAL RESOURCES CHAIRED BY SENATOR SCHILZ, LB469 TO GENERAL FILE WITH AMENDMENTS. BUSINESS AND LABOR CHAIRED BY SENATOR HARR, LB494 TO GENERAL FILE WITH AMENDMENTS. NEW RESOLUTIONS: LR116, SENATOR BURKE HARR; LR117, SENATOR JOHNSON. FINAL COMMITTEE REPORTS: HEALTH AND HUMAN

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SERVICES REPORTS LB235 TO GENERAL FILE WITH AMENDMENTS. THAT'S SIGNED BY SENATOR CAMPBELL. AND A REFERENCE REPORT REFERRING GUBERNATORIAL APPOINTEES TO STANDING COMMITTEE FOR CONFIRMATION HEARING. (LEGISLATIVE JOURNAL PAGES 871-884.) [LB618 LB268 LB459 LB469 LB494 LR116 LR117 LB235]

MR. PRESIDENT, RETURNING TO LB10, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN WITH RESPECT TO FA31. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED ON YOUR RECONSIDERATION MOTION. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE--AND A LOT OF THIS IS FOR THE RECORD--I'M GOING TO READ FROM A FAMOUS OR INFAMOUS SPEECH GIVEN BY SS REICHSFUHRER HEINRICH HIMMLER. AND HE WAS TALKING TO A MEETING OF SS GENERALS IN POSEN ON OCTOBER 4, 1943. AND THIS IS WHAT THAT STALWART OF MORAL RECTITUDE HAD TO SAY: I ALSO WANT TO SPEAK VERY FRANKLY ABOUT AN EXTREMELY IMPORTANT SUBJECT. AMONG OURSELVES, WE WILL DISCUSS IT OPENLY. IN PUBLIC, HOWEVER, WE MUST NEVER MENTION IT. I MEAN THE EVACUATION OF THE JEWS, THE EXTERMINATION OF THE JEWISH PEOPLE. THIS IS SOMETHING THAT IS EASY TO TALK ABOUT. QUOTE, THE JEWISH PEOPLE WILL BE EXTERMINATED, UNQUOTE, SAYS EVERY MEMBER OF THE PARTY. QUOTE, THIS IS CLEAR. THIS IS IN OUR PROGRAM. THE ELIMINATION, THE EXTERMINATION OF THE JEWS. WE WILL DO THIS, UNQUOTE. AND HE CONTINUES: AND THEN THEY COME UP TO YOU, EIGHTY MILLION GOOD GERMANS AND EACH ONE HAS HIS QUOTE DECENT UNQUOTE JEW. NATURALLY, ALL THE REST ARE PIGS BUT THIS PARTICULAR JEW IS FIRST RATE. NOT ONE OF THOSE WHO TALKED THIS WAY HAS SEEN THE BODIES. NOT ONE HAS BEEN ON THE SPOT. MOST OF YOU KNOW WHAT IT IS TO SEE A PILE OF 100 OR 500 OR 1,000 BODIES. TO HAVE STUCK IT OUT AND AT THE SAME TIME, BARRING EXCEPTIONS CAUSED BY HUMAN WEAKNESS TO HAVE REMAINED DECENT. I WANT TO READ THAT AGAIN. TO HAVE STUCK IT OUT, AND AT THE SAME TIME, BARRING EXCEPTIONS CAUSED BY HUMAN WEAKNESS TO HAVE REMAINED DECENT. THIS IS WHAT HAS MADE US TOUGH. THIS IS A GLORIOUS PAGE IN OUR HISTORY WHICH NEVER HAS AND NEVER WILL BE WRITTEN. HE SAID THAT THEY REMAINED DECENT IN SPITE OF ALL OF THESE PILES OF BODIES THEY SAW. THE SS, THE SCHUTZSTAFFEL, WERE THE ELITE GERMAN KILLERS. THE WAFFEN-SS WERE THE WARRIORS. THEIR EMBLEM WAS THE DEATH'S HEAD. AND ADOLF EICHMANN WAS THE ARCHITECT OF WHAT THEY CALLED THE FINAL SOLUTION TO THE JEWISH PROBLEM. THAT PROBLEM

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WOULD BE SOLVED BY ERADICATING EVERY JEW IN EUROPE. THAT WAS THE PROBLEM THAT EUROPE FACED IN THE MINDS OF NAZIS. JEWS IN EUROPE AND BEING A PROBLEM, A SOLUTION HAD TO BE FOUND. AND THE SOLUTION WOULD BE THE EXTERMINATION. I HAVE AN OLD PAPERBACK BOOK. IT'S SIGNET, NONFICTION. TO SHOW HOW OLD IT IS, IT COST AT THAT TIME ONLY 95 CENTS. THE TITLE IS TREBLINKA, BY JEAN-FRANCOIS STEINER. AND IT TALKS ABOUT HOW 600 JEWS CAPTURED A DEATH CAMP AND BURNED IT TO THE GROUND, SOMETHING THAT HAD NEVER BEEN DONE BEFORE. THERE HAD BEEN AN UPRISING IN THE WARSAW GHETTO. AND HAD THAT BEEN THE APPROACH TAKEN BY EVERY JEW IN EUROPE...BUT IT WOULD NOT HAPPEN. NO UNARMED PEOPLE TAKE UP ARMS AGAINST THEIR OPPRESSOR. BUT THE NAZIS HAD TO BRING SOLDIERS FROM OTHER BATTLEFRONTS. THEY HAD TO TURN ARTILLERY ON THIS GHETTO, A CITY WALLED LITERALLY TO KEEP PEOPLE IN. AND THERE WAS A SLAUGHTER. THE PEOPLE IN WARSAW SHOWED NOTHING OTHER THAN THAT SOME, IN THE FACE OF CERTAIN DEATH, WOULD FIGHT FOR FREEDOM OR ONLY THE RIGHT TO DIE WITH DIGNITY IF THAT'S ALL THAT WAS LEFT TO THEM. AND DIE THEY DID. BUT TO TAKE OVER A DEATH CAMP, TO TAKE CONTROL OF A DEATH CAMP AND LEVEL IT AND BURN IT TO THE GROUND WAS SOMETHING NOBODY CONTEMPLATED AND CERTAINLY NOT THOSE POWERFUL NAZIS WHO'S TROD THROUGH EUROPE IN THEIR JACKBOOTS MAKING EVERYTHING YIELD BEFORE THEM. THE TERM "BLITZ" IN FOOTBALL WAS FROM BLITZKRIEG WHEN THEY CAME WITH THE AIRPLANES AND WIPED OUT EVERYTHING...AND THEIR TANK COLUMNS. AND THE UKRAINIANS HAD A LOT TO DO WITH OPERATING BOTH OF THE TREBLINKA CAMPS, TREBLINKA I AND TREBLINKA II. THESE TOUGH NAZIS IN THE EARLY DAYS OF THE EXTERMINATION PROCESS, WOULD LINE JEWS ALONG A TRENCH AND THEY'D WALK UP BEHIND THEM AND SHOOT THEM IN THE BASE OF THE SKULL. BUT THAT BEGAN TO CREATE PROBLEMS FOR THE NAZIS. NOT EVERYBODY WHO WORE THE UNIFORM, NOT EVERYBODY WHO WAS PROUD OF THE DEATH'S HEAD EMBLEM, NOT EVERYBODY WHO HAD THE LETTERS "SS" TATTOOED TO HIS BODY WAS ABLE TO BE TOUGH. AND THEIR PSYCHOLOGIST BEGAN TO TELL THEM THAT WHEN YOU BRING THE EXECUTIONER IN TO SUCH PROXIMITY WITH THE ONE EXECUTED, THERE MAY ON OCCASION BE A HUMAN CONNECTION MADE AND IT'S STARTING TO HAVE A BAD EFFECT ON OUR SOLDIERS WHO HAVE TO CARRY OUT THESE EXECUTIONS, SO THEY HAD TO FIND A DIFFERENT WAY. THEY WOULD PUT THEM IN THE BACK OF HERMETICALLY SEALED VANS AND THEY WOULD PIPE CARBON MONOXIDE INTO THAT COMPARTMENT. AND BY THE TIME THE VAN WENT FROM THE PLACE OF PICKUP TO THE PLACE WHERE THERE WOULD BE A MASS BURIAL, IT WAS CONTEMPLATED THAT EVERYBODY WOULD HAVE BEEN ASPHYXIATED. AND IN MOST CASES, THAT HAPPENED. BUT EVEN THAT BECAME TOO DIFFICULT

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BECAUSE THOSE WHO HAD TO OPEN THE VAN WOULD FIND STACKS OF PEOPLE WHERE IT SEEMED THAT SOME WERE TRYING TO CLIMB ON TOP OF OTHERS TO FIND A WAY TO BREATHE. THERE WAS EXCREMENT. WHEN YOU DIE, YOU LOSE CONTROL OF YOUR BODILY FUNCTIONS JUST AS WHEN THEY USED TO HANG PEOPLE FROM THE...WHEN THEY USED TO HANG PEOPLE, THEY WOULD URINATE AND DEFECATE. WHEN THEY PUT PEOPLE IN THE ELECTRIC CHAIR, THEY PUT ON A VERY THICK PADDING LIKE A DIAPER. AND THEY WOULD PLUG THEIR RECTUM SO THAT EXCREMENT AND URINE WOULD NOT SOAK THE ELECTRIC CHAIR AND CONNECT IT WITH THE HEAT...PRODUCE A VERY FOUL ODOR. THEY LEARNED THAT AS THEY WENT ALONG. IT'S HARD TO KILL PEOPLE ON PURPOSE. SO WHEN THESE NAZIS HAD TO DIG THESE BODIES OUT OF THE VAN, THAT WAS TOO MUCH TROUBLE, SO THEN THEY BEGAN TO MAKE THE JEWS DO IT. THEY MADE THESE PEOPLE DRAG THEIR OWN MEN, WOMEN, AND CHILDREN'S BODIES OUT OF THE BACKS OF THESE MOBILE GAS CHAMBERS. SO THEY HAD TO FIND YET ANOTHER WAY. AND SOMEBODY HIT UPON THE STRATAGEM OF THE GAS CHAMBERS. THEY WOULD MAKE THESE CHAMBERS RESEMBLE SHOWERS, TILES ON THE FLOOR. THE NAZIS WERE VERY THOROUGH. THEY PAID GREAT ATTENTION TO DETAIL. AND, IN FACT, IT WAS THE VERY DETAIL THAT THEY BELIEVED IN THAT MADE POSSIBLE TO CONVICT A LOT OF THEM OF WAR CRIMES... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...BECAUSE THEY WROTE THE FIGURES, THE DATES, EVEN NAMES IN JOURNALS OF WHAT THEY HAD DONE. AND I WILL TALK MORE ABOUT THAT THE NEXT TIME I'M RECOGNIZED. AND THIS IS SOMETHING WHICH AS THE JEWS SAY AS A MANTRA, "NEVER AGAIN." BUT IT WILL HAPPEN AGAIN. IT'S HAPPENING NOW ON A SMALLER SCALE IN DIFFERENT PLACES BECAUSE THE CAPACITY FOR CERTAIN HUMAN BEINGS TO BE EVIL AND TO INFLICT ALMOST UNSPEAKABLE SUFFERING ON OTHERS DID NOT DIE WITH THE NAZIS. THAT VIRUS WAS LOCALIZED IN GERMANY AND ESPECIALLY POLAND WHERE THE DEATH CAMPS WERE, BUT IT DID NOT DIE WHEN THE WAR ENDED. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I STAND IN SUPPORT OF FA31 AND AM528 AND AGAINST LB10 BECAUSE I FEEL THAT, AS HAS BEEN SAID, THE ULTIMATE WINNER TAKE ALL WOULD BE A NATIONAL POPULAR

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VOTE ELECTION. AND THAT'S WHAT THE PEOPLE OF THE UNITED STATES WANT. AND GOING AS NEBRASKA IS NOW, BY DISTRICT, BY CONGRESSIONAL DISTRICT, TO WINNER TAKE ALL I FEEL WOULD BE A BACKWARD STEP, SO I'M OPPOSED TO LB10. AND I WANT TO GO ON TALKING ABOUT ONE SYSTEM THAT...SINCE THE CONSTITUTION IS VERY FLEXIBLE IN TERMS OF ELECTOR IS ONE SYSTEM THAT WOULD GIVE US A NATIONAL POPULAR VOTE EVEN THOUGH WE WOULDN'T HAVE TO CHANGE THE CONSTITUTION. AGAIN, 67 PERCENT OF NEBRASKANS BELIEVE WHEN ASKED THE QUESTION, HOW DO YOU THINK WE SHOULD ELECT THE PRESIDENT? SHOULD IT BE THE CANDIDATE WHO GETS THE MOST VOTES IN ALL 50 STATES OR THE CURRENT ELECTORAL COLLEGE SYSTEM? AND 67 PERCENT OF NEBRASKANS AND THAT SAME SORT OF PERCENT OF ALL AMERICANS WANT ELECTION BY A NATIONAL POPULAR VOTE WITH THE ULTIMATE WINNER TAKE ALL, MEANING THE PERSON WHO GETS THE MOST POPULAR VOTES. AND FOUR TIMES IN AMERICAN HISTORY THE PERSON WHO GOT THE MOST POPULAR VOTE WAS NOT ELECTED PRESIDENT. BUT TO LET YOU KNOW THAT THIS IS NOT JUST A PIPE DREAM, AND MAYBE THE NATIONAL POPULAR VOTES ISN'T THE PERFECT SYSTEM, BUT WHAT IT WILL REQUIRE IS FOR STATES WITH THE TOTAL OF 271...271 OR MORE ELECTORAL VOTES AGREEING TO THIS COMPACT SAYING THAT WHOEVER GETS THE POPULAR VOTE IN THIS COUNTRY WOULD GET THEIR STATE'S ELECTORAL VOTE. AND ACTUALLY IT TAKES, LIKE I SAID, 271, AND ALREADY 165 ELECTORAL VOTES HAVE BEEN SIGNED UP. AND THESE ARE THE STATES...BY THE WAY, JOINING THIS COMPACT COMMITS THE STATE TO THE NEXT PRESIDENTIAL ELECTION AFTER WHICH THEY CAN GET OUT OF THE COMPACT IF THEY DON'T LIKE IT. SO HERE ARE THE 165 ELECTORAL VOTES WHO ALREADY HAVE AGREED TO THIS COMPACT: CALIFORNIA, 55 ELECTORAL VOTES; THE DISTRICT OF COLUMBIA, 3 ELECTORAL VOTES; HAWAII, 4; ILLINOIS, 20; MARYLAND, 10; MASSACHUSETTS, 11; NEW YORK, 14; VERMONT, 3; WASHINGTON STATE, 12; MARYLAND, 10, AND NEW YORK 29. AND RIGHT NOW THERE ARE BILLS IN A NUMBER OF STATE LEGISLATURES. ACTUALLY, THIS TIME IT'S BEING PUSHED IN REPUBLICAN LEGISLATURES TO GET TO THAT 271. AND WHEN THAT REACHES 271 ELECTORAL VOTES, THEN WE WILL ACTUALLY CONSTITUTIONALLY HAVE A NATIONAL POPULAR VOTE. SO 165 ARE ALREADY ON BOARD, WE NEED ANOTHER 105. SO THE PROBLEM WITH THE CURRENT SYSTEM IS THAT VOTERS ARE EFFECTIVELY DISENFRANCHISING FOUR-FIFTHS OF THE STATE. THE RESULT OF PRESIDENTIAL CANDIDATES CONCENTRATE THEIR PUBLIC APPEARANCES, THEIR ORGANIZATIONAL EFFORTS, THEIR ADVERTISING, THEIR POLLING, AND THEIR POLICY ATTENTION ON STATES WHERE THE OUTCOME OF THE POPULAR VOTE IS NOT A FOREGONE CONCLUSION. NOW, THERE... [LB10]

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SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR HAAR: THANK YOU. TWELVE OF THE THIRTEEN LEAST POPULOUS STATES ARE SPECTATOR STATES, MEANING CANDIDATES NEVER BOTHER TO SHOW UP EXCEPT MAYBE FOR FUNDRAISING. AND THOSE INCLUDE THE REPUBLICAN STATES OF: ALASKA, IDAHO, MONTANA, WYOMING, NORTH DAKOTA, AND SOUTH DAKOTA. SIX THAT ARE REGULARLY DEMOCRATIC: HAWAII, VERMONT, MAINE, RHODE ISLAND, DELAWARE, AND THE DISTRICT OF COLUMBIA. THERE ARE TWO STATES AMONG THE LEAST POPULOUS WHERE PRESIDENTIAL CANDIDATES DO SHOW UP. AND ONE OF THEM IS NEBRASKA. BARACK OBAMA SHOWED UP HERE IN 2008 BECAUSE OF OUR DISTRICT SYSTEM. AND, OF COURSE, NEW HAMPSHIRE IS ONE OF THOSE BATTLEGROUNDS STATES AND SO THE CANDIDATES ALWAYS SHOW UP. BUT THE OTHER SMALL STATES ARE JUST SPECTATOR STATES. THEY NEVER GET PRESIDENTIAL CANDIDATES. THEY NEVER GET THE ADVERTISING, THE POLLING, THE PUBLIC APPEARANCES, AND THE ATTENTION TO THE POLICY THAT AFFECTS THEIR STATES. [LB10]

SPEAKER HADLEY: TIME, SENATOR. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB10]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, IT'S AWFUL EASY WHEN WE'RE IN EXTENDED DEBATE TO TUNE OUT A LOT OF WHAT IS BEING SAID. WE'RE ALL SOMEWHAT GUILTY OF THAT, I THINK. AND WE DID THAT JUST A LITTLE BIT AGO, I BELIEVE. IF YOU ACTUALLY GO BACK TO WHAT FA31 TO AM528 WAS, IT IS SOMETHING WE PROBABLY SHOULD HAVE PASSED BUT WE DIDN'T. WE LOOKED AT LB528 AND A LOT OF US VOTED AGAINST IT BECAUSE WE DON'T SUPPORT THAT AMENDMENT. I DON'T SUPPORT THE AMENDMENT. BUT THE FLOOR AMENDMENT WHICH ACTUALLY ON LINE 25 WOULD HAVE INSERTED THE WORD, "THE" SIMPLY MAKES LB528, AGAIN WHICH I OPPOSE, READ BETTER. IT'S AN AMENDMENT THAT SHOULD HAVE BEEN PASSED. WE SHOULD, WHEN WE VOTE, MAYBE PAY ATTENTION IF WE CAN TO WHAT WE'RE VOTING ON. SENATOR CHAMBERS AND I DISAGREE TOTALLY ON THIS AMENDMENT AND ON THIS BILL. BUT WE OUGHT TO WATCH HIS FLOOR AMENDMENTS BECAUSE SOMETIMES HE'LL SLIP IN ONE THAT ACTUALLY NEEDS TO BE APPROVED AND HE HAS DONE THAT HERE. AND SEEING AS HOW SENATOR CHAMBERS APPEARS TO BE IN TROUBLE RIGHT NOW, I'M GOING TO YIELD HIM THE REMAINDER OF MY TIME. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 3:10. [LB10]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, SENATOR BLOOMFIELD AND I HAVE A UNIQUE RELATIONSHIP AND IT WOULD BE HARD FOR PEOPLE TO REALLY UNDERSTAND IT WHO ARE ON THE OUTSIDE, AND IT'S EVEN HARDER FOR SOME PEOPLE ON THE INSIDE. BUT TO SHOW YOU HOW I CAN OPERATE HERE, THIS WORLD IS DIFFERENT FROM ANY OTHER ONE YOU'LL ENCOUNTER. YOU KNOW SENATOR McCOY CANNOT STAND THE SIGHT OF ME. HE CANNOT STAND THE SIGHT OF MY NAME. HE CANNOT SAY "LEGISLATIVE CHAMBERS," HE'LL SAY "LEGISLATIVE MMMM." BUT I WORK WITH SENATOR McCOY. ASK HIM ON GAMBLING, ARE WE JOINED AT THE HIP? NO, FROM THE FOREHEAD TO FOOT, FROM HEAD TO TOE. THAT'S WHAT I CAN DO, BECAUSE I KNOW WHAT I'M HERE FOR. IT'S NOT TO BE FRIENDS, IT'S NOT DELIBERATELY TO MAKE ENEMIES. BUT AS THE ISSUES CHANGE, RELATIONSHIPS, AS FAR AS ON THAT PARTICULAR ISSUE OR ANOTHER, MAY SEEM TO ALTER. BUT BACK TO THIS BOOK I WAS TELLING YOU ALL ABOUT, NOT ONLY DID IT ONLY COST 95 CENTS, THE PAGES ARE YELLOWED. THE INK IS STARTING TO KIND OF BLEND IN WITH THAT YELLOWISH BROWN I GUESS IS WHAT IT MORE LOOKS LIKE. THE COVER IS STARTING TO DISINTEGRATE. BUT I'M GOING TO KEEP THIS BOOK EVEN THOUGH I'M SURE THERE HAS BEEN A REPRINTING, A REISSUING. BUT THIS PARTICULAR BOOK HAS A SPECIAL MEANING. I CLIP ARTICLES TOO, AS SOME PEOPLE MIGHT BE AWARE OF. THIS ONE CAME FROM THE LINCOLN JOURNAL, AUGUST 2, 1993. GERMANY RELEASES EX-TREBLINKA LEADER, BERLIN, ASSOCIATED PRESS. THE NAZI COMMANDANT OF THE FORMER TREBLINKA DEATH CAMP... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...WHERE AS MANY AS 900,000 JEWS WERE TORTURED AND EXECUTED HAS BEEN RELEASED ON PROBATION AFTER ALMOST 30 YEARS BEHIND BARS, A SOURCE SAID SUNDAY. KURT FRANZ, 79, WAS CONVICTED IN 1965 OF WAR CRIMES AND SENTENCED TO LIFE IN PRISON. FRANZ WAS RELEASED ABOUT TWO WEEKS AGO AND IS UNDER CLOSE SUPERVISION BY PROBATION OFFICIALS, ACCORDING TO DIETER LEHNER, L-E-H-N-E-R, AN EXPERT ON WAR CRIMES TRIALS. I'LL STOP HERE, MY TIME IS JUST ABOUT UP. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU, AND I'LL FINISH THIS ARTICLE, ONE MORE PARAGRAPH. EFRAIM ZUROFF OF THE SIMON WIESENTHAL CENTER SAID, FRANZ

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HAD REFERRED TO HIS DAYS AT TREBLINKA AS BEAUTIFUL TIMES. ZUROFF SAID, IT WAS, QUOTE, ABSOLUTELY REVOLTING, UNQUOTE, THAT HE HAD BEEN RELEASED AND IT WAS LIKELY THAT FRANZ WOULD BECOME A HERO FOR NEO-NAZIS IN GERMANY, NOT ONLY IN GERMANY. THERE WAS A NEO-NAZI HERE WHO HAD HIS HEADQUARTERS IN LINCOLN, JUST AS THE HEAD OF THE KU KLUX KLAN HAD HIS HEADQUARTERS IN THE CITY OF LINCOLN. THESE KIND OF THINGS SHOULD NOT BE FORGOTTEN. IT SHOULD NOT BE AS THOUGH THEY WERE FAIRY TALES. THERE ARE PEOPLE WHO DID NOT LIVE DURING THAT TIME, BUT THEIR ANCESTORS DID. THEY HAD GRANDPARENTS WHO PERISHED. THE LADY THAT I READ ABOUT IS STILL ALIVE AND SHE HAPPENS TO BE OLDER THAN I AM BY FIVE YEARS. AND SHE GOES AROUND THE COUNTRY, AS I READ IN THAT ARTICLE. AND SHE TALKS TO GROUPS, PRIMARILY THOSE IN SCHOOL, SO THAT THERE CAN BE A FACE AND WARM BLOOD FLOWING THROUGH A LIVING BODY PRESENTING THE STORY OF WHAT HAPPENED AS ONLY SUCH A PERSON COULD PRESENT IT. THIS ISSUE THAT WE'RE ON NOW MAY SEEM TO HAVE NOTHING TO DO WITH WHAT I'M TALKING ABOUT. BUT ALMOST ANYTHING THAT COMES BEFORE THIS BODY WILL BE CONNECTED TO WHAT MY BACKGROUND IS, MY EXPERIENCES, MY MEMORIES, MY READING, MY EDUCATION, BECAUSE TO ME, LIFE IS LIKE A SEAMLESS WEB OR, IF YOU WANT TO MAKE IT LINEAR, LIKE A CONTINUUM. THERE ARE NOT BREAKS IN LIFE, NOT BREAKS IN THE WEB OR THE CONTINUUM. BUT PEOPLE WILL ARBITRARILY COMPARTMENTALIZE AND SEGMENT SO THAT THEY CAN UNDERSTAND AND GRASP CERTAIN EVENTS THAT ARE TOO MONUMENTAL TO SWALLOW IN ONE INTELLECTUAL GULP AS A HIPPOPOTAMUS CAN SWALLOW AN ENTIRE BASKETFUL OF FRUIT. SO WE TAKE A BIT HERE AND A BIT THERE AND THAT'S CALLED ANALYSIS WHEN YOU BREAK IT DOWN. WHEN YOU THINK YOU UNDERSTAND ALL OF THE PIECES, THEN YOU WANT TO UNDERSTAND THE RELATIONSHIP BETWEEN THE PIECES. AND WHEN YOU UNDERSTAND THE RELATION BETWEEN THE PIECES, THEN YOU PUT IT TOGETHER. AND THAT WORD IS...I'M NOT GOING TO TELL YOU, YOU CAN GOOGLE IT. AND YOU CAN GOOGLE UP THE NAMES OF THE SOME OF THESE FAMOUS NAZIS. SOME OF THE NAMES YOU'D BE FAMILIAR WITH LIKE GEHRING, HIMMLER, KALTENBRUNNER, GOEBBELS, I MENTIONED ADOLF EICHMANN. THOSE ARE NAMES THAT PEOPLE MIGHT BE FAMILIAR WITH. BUT YOU OUGHT TO LOOK UP SOME OF THE OTHERS. AND WHEN THESE NAZIS WERE ON TRIAL, THEIR WORDS CAME BACK TO THEM FROM TRANSCRIPTS THAT THEY, THEMSELVES, HAD CREATED. THEY WANTED THAT RECORD TO BE THERE, BUT THEY DIDN'T EXPECT IT TO BE USED AGAINST THEM IN THAT MANNER. ADOLF EICHMANN HAD STATED THAT HE WOULD LEAP INTO HIS GRAVE LAUGHING, KNOWING HE HAD PRESIDED OVER THE EXTERMINATION OF SIX MILLION JEWS. BUT WHEN THE WAR WAS OVER, HE ESCAPED TO ARGENTINA. HE TOOK THE

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NAME CLEMENT AND WENT UNDERGROUND. I GUESS THE ISRAELI SECRET POLICE WERE THE MOSSAD THEN, BUT WHATEVER THEY WERE CALLED, SPIRITED HIM OUT. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: THEY WATCHED HIS MOVES AND THEY CAPTURED HIM, SEDATED HIM, TOOK HIM ON AN AIRPLANE ON A STRETCHER SAYING HE WAS A SERIOUSLY ILL ISRAELI AND HAD TO BE TAKEN BACK TO ISRAEL. AND THAT'S HOW THEY GOT ADOLF EICHMANN FROM ARGENTINA BACK TO ISRAEL WHERE HE WAS PUT ON TRIAL. AND WHEN HE WAS PUT ON TRIAL, THERE WAS NO LAUGHTER. THERE WAS MORE IN THE NATURE OF THE SQUEAKING AND SQUEALING OF A MOUSE OR A RAT WHO WAS CAUGHT IN A TRAP BUT HAD NOT YET DIED. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, AS I'VE BEEN TALKING ABOUT THIS, POLITICAL CANDIDATES RUNNING FOR...FIRST OF ALL, AGAIN THE ULTIMATE WINNER TAKE ALL IS A NATIONAL ELECTION OF POPULAR VOTE BY THE PRESIDENT AND THAT'S WHAT TWO-THIRDS OF AMERICANS ACROSS THE BOARD WANT. I BELIEVE THAT GOING FROM WINNER TAKE...FROM OUR CURRENT DISTRICT SYSTEM TO WINNER TAKE ALL IS A STEP BACKWARD IN THAT DIRECTION. AND AGAIN, CANDIDATES FOR THE PRESIDENCY FIGURE OUT...THEY FIGURE OUT WHICH STATES THEY DON'T HAVE TO SHOW UP IN BECAUSE IT'S ALREADY A FOREGONE CONCLUSION IN THIS WINNER-TAKE-ALL SYSTEM STATE BY STATE. AND SO THEY LIMIT THEIR PUBLIC APPEARANCES, THEIR ORGANIZATIONAL EFFORTS, THEIR ADVERTISING, THEIR POLLING, AND THEIR POLICY ATTENTION. AND THEY GIVE ALL OF THEIR ATTENTION, INCLUDING THEIR POLICY ATTENTION, TO THE BATTLEGROUNDS STATES. SO HOW DO YOU KNOW THE BATTLEGROUNDS STATES? WELL, YOU FOLLOW THE MONEY, SEE WHERE THE MONEY IS SPENT. SO LET'S GO TO THE 2004 ELECTION. AND I HAVE, AGAIN FROM THIS BOOK, IF YOU'D LIKE TO SEE IT, PLEASE TAKE A BOOK. THE CHART ON PAGE 13 SHOWING THE PER CAPITA SPENDING WHERE 99 PERCENT OF THE ADVERTISING MONEY AT THE HEIGHT OF THE 2004 PRESIDENTIAL CAMPAIGN WAS SPENT IN JUST 17 STATES. AND THIS IS THE...REMEMBER, FIRST OF ALL THAT THE MOST POPULOUS STATES ARE CALIFORNIA, TEXAS, NEW YORK. THEY DON'T EVEN SHOW UP IN THIS LIST OF

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THE 17 RECEIVING 99 PERCENT OF THE ADVERTISING MONEY, AND THESE ARE PER CAPITA AMOUNTS. THE STATE RECEIVING THE MOST PER CAPITA AMOUNT IN ADVERTISING WAS NEW MEXICO, A BATTLEGROUNDS STATE: \$4.45 PER RESIDENT BECAUSE WINNER TAKE ALL, IT'S A BATTLEGROUNDS STATE. THE SECOND IS NEVADA, THE SECOND-HIGHEST SPENDING PER CAPITA WAS NEVADA. OHIO, FLORIDA WAS FOURTH WITH \$4.02 PER CAPITA. NEW HAMPSHIRE, SMALL STATE WITH \$3.73. IOWA COMES IN, IN 2004, WITH \$3.22 PER IOWA CITIZEN WAS SPENT IN ADVERTISING MONEY BECAUSE IOWA IS A BATTLEGROUNDS STATE. PENNSYLVANIA, WISCONSIN, MINNESOTA, SO ON AND SO FORTH. NEW YORK, TEXAS, AND CALIFORNIA DON'T EVEN SHOW UP IN THAT LIST OF 17. NOW WE GO TO WHERE DID CANDIDATES SHOW UP IN THOSE STATES? AGAIN, CANDIDATES FIGURE OUT WHICH STATES BECAUSE OF WINNER TAKE ALL, A VOTE DOESN'T COUNT. ALL IT COUNTS IS IT A RED OR A BLUE STATE. THE 16 STATES RECEIVING 92 PERCENT OF THE CANDIDATE VISITS AT THE HEIGHT OF THE 2004 PRESIDENTIAL CAMPAIGN, FLORIDA GOT 61 CAMPAIGN EVENTS. OHIO GOT 48-- DOES THIS SOUND LIKE THE BATTLEGROUNDS STATES--IOWA, 37; WISCONSIN, 31; PENNSYLVANIA, 23; AND SO ON AND SO FORTH. COLORADO GOT TEN. CALIFORNIA GOT TWO, TWO CAMPAIGN VISITS AT THE HEIGHT OF THE 2004 PRESIDENTIAL CAMPAIGN. AND THAT WAS PROBABLY PRIMARILY A... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR HAAR: ...THOSE ARE FUND-RAISING EVENTS. NEITHER CANDIDATE TENDED TO SHOW UP IN CALIFORNIA OR TEXAS AS CAMPAIGN EVENTS. REPUBLICANS SHOWED UP IN TEXAS TO RAISE MONEY BUT NOT TO TOUCH THE PEOPLE. DEMOCRATS SHOWED UP IN CALIFORNIA TO RAISE MONEY BUT NOT TO TOUCH THE VOTERS BECAUSE WE KNOW THAT CALIFORNIA IS GOING TO BE A BLUE STATE AND TEXAS IS GOING TO BE A RED STATE. SO IF WE GO AHEAD THEN TO THE 2008 ELECTION. FOURTEEN STATES RECEIVED 7 OR MORE OF THE 300 POSTCONVENTION GENERAL ELECTION CAMPAIGN EVENTS IN 2008. AND THIS, OF COURSE, WAS McCAIN VERSUS OBAMA. OHIO GOT 62 EVENTS. FLORIDA GOT 46 EVENTS. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR HAAR: THANK YOU. AGAIN, THE... [LB10]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, SENATOR HAAR HAS TAKEN THE BATON FROM SENATOR EBKE AND IS PROVIDING A LOT OF SPECIFIC, FACTUAL, HISTORICAL BACKGROUND ON THIS ISSUE THAT WE'RE DISCUSSING. SO THERE'S NO NEED FOR ME TO SPEND TIME CHEWING THE SAME CUD, SO TO SPEAK, BUT TO PUT INTO THE RECORD SOME OTHER ITEMS THAT MAY NOT ORDINARILY BE THERE, ESPECIALLY IN A DISCUSSION OF SOMETHING LIKE THIS. WHEN THE ISSUE OF DOMESTIC VIOLENCE SURFACES, IT IS OFTEN SAID THAT CHILDREN DUPLICATE WHAT THEY SEE. AND WHEN THAT VIOLENCE EXTENDS TO THE CHILDREN, THEY SAY CHILDREN REPLICATE THE TREATMENT THEY WERE SUBJECTED TO. SO IF YOU ARE TREATED WITH CRUELTY, YOU TEND TO BE CRUEL. IF YOU WITNESS CRUEL ACTIONS, YOU TEND TO COMMIT CRUEL ACTIONS. AS I BEGAN TO READ AND BECOME AWARE OF WHAT HAPPENED TO BLACK PEOPLE IN THIS COUNTRY, THE TORTURE, YOU THINK WHAT ISIS IS DOING IS BAD? IT WOULD HAVE BEEN PLEASANT TO DIE BY HAVING YOUR HEAD SIMPLY CUT OFF. BUT IF YOU'RE A MAN AND THEY CUT YOUR TESTICLES OFF ONE AT A TIME, THAT'S NOT PLEASANT; THEN THEY CUT YOUR SEX ORGAN OFF WHERE IT JOINS YOUR BODY, THAT'S NOT PLEASANT; WHERE A HOT ROD WILL BE RUN UP YOUR RECTUM IS NOT PLEASANT. THESE ARE THINGS WHICH LIKE THE JOURNALS THAT THE NAZIS KEPT WERE WRITTEN ABOUT THAT WERE DONE TO SLAVES. AND SUPPOSEDLY IT WAS DONE TO ONE TO SERVE AS A WARNING TO OTHERS. SO THEY MUTILATED THEM. AS I SAID, THEY BURNED THEM. AND IT WOULDN'T BE LIKE THE CATHOLICS DID DURING THE INQUISITION WHERE THEY'D BUILD A FIRE, TIE YOU TO A STAKE, AND SET YOU ON FIRE. THEY WOULD LAY OUT BURNING SUBSTANCES AND TIE YOU UP AND THROW YOU INTO THAT FIRE AND COOK YOU SLOWLY--COOK YOU SLOWLY. AND IT SEEMED THAT THE SHRIEKS AND SCREAMS OF AGONY NOT ONLY INFURIATED THE PEOPLE WHO WERE WATCHING, BUT IT SEXUALLY STIMULATED OTHERS WHO WERE THERE. EVERY MANNER OF WICKEDNESS, AS THOSE KIND OF ACTIONS ARE CALLED, WOULD OCCUR AT THESE SLAUGHTERINGS. INSTEAD OF SEEING ALL THOSE THINGS THAT WERE DONE TO US CREATING IN ME A DETERMINATION TO DO THE SAME THING TO THE DESCENDENTS OF THOSE WHO DID THINGS TO MY ANCESTORS, IT HAD THE OPPOSITE EFFECT. BECAUSE IT DID SO MUCH TO ME PSYCHOLOGICALLY, I DIDN'T WANT TO SEE ANYBODY ELSE GO THROUGH THOSE THINGS. I DIDN'T. SO ANY TIME I SAW SOMEBODY BEING GANGED ON, I WOULD HELP THE ONE WHO WAS GANGED ON, AND NATURALLY TWO OF US WOULDN'T WIN. BUT MY MANTRA WAS, WELL, TODAY YOU'VE TWO OF US TO DEAL WITH, AND WE WERE DEALT WITH ON SEVERAL OCCASIONS. BUT AS I LOOK BACK ON IT, I'M GLAD THAT I WAS ONE OF THOSE WHO WAS DEALT WITH RATHER THAN ONE OF THOSE WHO WAS DOING THE DEALING. WHEN I WAS AT LOTHROP

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SCHOOL, THERE MAY HAVE BEEN A DOZEN BLACK CHILDREN, AND I USED TO TAKE UP FOR PEOPLE. THAT'S WHAT IT WAS CALLED WHEN YOU HELPED SOMEBODY WHO WAS MISTREATED. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: AND THERE WAS AN ALBINO KID NAMED DONNIE (PHONETIC) GIBSON. HIS SKIN WAS NOT COMPLETELY WHITE, BUT IT WAS EXTREMELY PALE. AND IF YOU TOUCHED HIM OR POKED HIM THEN YOU'D SEE WHERE THE BLOOD CAME INTO THE PLACE WHERE YOU TOUCHED HIM. HE WAS THAT PALE. HIS HAIR WAS WHITE. HIS EYES WERE PINK, AND THEY MOVED ALL THE TIME. HIS EYES DANCED. AND HE DIDN'T SEE THAT WELL. SO THE WHITE KIDS CALLED HIM "BUNNY RABBIT." I LOOKED AT HIM WHEN THEY CALLED HIM THAT. AND IT WASN'T FUNNY TO HIM. AND IT COULDN'T BE FUNNY TO ME. SO I TOLD THEM, DON'T CALL HIM THAT ANYMORE. AND THEY WOULD PICK AT HIM. MY TIME IS UP, MR. PRESIDENT, THANK YOU. [LB10]

SPEAKER HADLEY: SENATOR HAAR, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I'D LIKE TO CONTINUE WITH MY DISCUSSION OF FACTS. AND IT SHOWS THAT CANDIDATES FIGURE OUT WHICH STATES ARE GOING TO BE RED AND WHICH ARE GOING TO BE BLUE. DON'T BOTHER TO SPEND YOUR TIME OR YOUR EFFORT OR TALKING TO THE PEOPLE IN THOSE RELIABLY RED OR BLUE STATES. JUST SPEND ALL OF YOUR TIME AND EFFORT IN THE BATTLEGROUND STATES. AND IN FACT, I'M BEGINNING... YOU KNOW, I THINK THAT THIS WHOLE THING OF THE POLICY ATTENTION OF TALKING TO THE PEOPLE IS ONE OF THE MOST IMPORTANT THINGS. AND CANDIDATES, PRESIDENTIAL CANDIDATES DON'T BOTHER TO DO THAT IN THE RELIABLY RED OR BLUE STATES WITH WINNER TAKE ALL. SO I'M IN FAVOR OF FA31, AM528 AND OPPOSED TO LB10 BECAUSE I THINK OUR SYSTEM IS ONE STEP BETTER THAN WINNER TAKE ALL. THE BEST, OF COURSE, THE ULTIMATE WINNER TAKE ALL WOULD BE NATIONAL POPULAR VOTE ELECTION. AND GOING BACK TO WINNER TAKE ALL IN NEBRASKA WOULD BE A STEP BACKWARDS. IN THE 2008 PRESIDENTIAL ELECTION, FOLLOW THE MONEY. FOLLOW THE MONEY, FOLLOW THE EVENTS, FOLLOW WHERE THE CANDIDATES GO. SO, IN POSTCONVENTION CAMPAIGN EVENTS IN 2008, OHIO HAD 62 EVENTS; FLORIDA HAD 46; PENNSYLVANIA HAD 40--SOUNDS LIKE THE BATTLEGROUND STATES--VIRGINIA, 23; MISSOURI, 21; COLORADO, 20; NORTH CAROLINA, 15; NEW

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HAMPSHIRE, 12; NEVADA, 12; MICHIGAN, 10; INDIANA, 9; NEW MEXICO, 8; WISCONSIN, 8; IOWA, 7. THIS IS POSTCONVENTION CAMPAIGN EVENTS. AND THOSE CLOSELY DIVIDED BATTLEGROUND STATES ACCOUNTED FOR 97.7 PERCENT OF THE 300 POSTCONVENTION CAMPAIGN EVENTS IN THE 2000 GENERAL ELECTION CAMPAIGN FOR PRESIDENT. HALF OF THE 300 CAMPAIGN EVENTS WERE IN JUST THREE STATES: OHIO, FLORIDA, AND PENNSYLVANIA. AND CALIFORNIA, THE MOST POPULOUS STATE GOT ZERO POSTCONVENTION CAMPAIGN EVENTS, ALTHOUGH OBAMA SHOWED UP THERE TO RAISE MONEY. TEXAS GOT ZERO POSTCONVENTION CAMPAIGN EVENTS, ALTHOUGH McCAIN WENT THERE TO RAISE MONEY AND SO ON. SO IT'S NOT JUST THE AMOUNT OF MONEY THAT'S SPENT IN THE BATTLEGROUND STATE THAT MAKES A DIFFERENCE, IT'S WHERE THEY SHOW UP. AND WHERE THEY SHOW UP AT CAMPAIGN EVENTS, THEY ARE MUCH MORE LIKELY TO MEET THE PEOPLE, TO LEARN ABOUT THE THINGS THAT ARE IMPORTANT TO THE STATES. SO IMAGINE IF PRESIDENTIAL CAMPAIGNS HAD TO SHOW UP IN EVERY STATE, HAD TO SPEND MONEY CAMPAIGNING AND LISTENING TO VOTERS IN EVERY STATE. AND ASSUMING, FOR EXAMPLE, IN THE NEXT CAMPAIGN THAT I WOULD VOTE FOR A DEMOCRAT, JUST ASSUMING FOR A MINUTE, ASSUMING SENATOR BLOOMFIELD WOULD VOTE FOR A REPUBLICAN, ALTHOUGH I DON'T KNOW THAT FOR SURE, HIS VOTE WOULD COUNT, MY VOTE WOULD COUNT BECAUSE WHAT WOULD COUNT IS THE TOTAL POPULAR VOTE, NOT WINNER TAKE ALL. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR HAAR: SO FOLLOW THE MONEY, FOLLOW THE EVENTS AND YOU'LL SEE THAT CAMPAIGNS WITH WINNER TAKE ALL IN MOST STATES, ALL BUT TWO STATES, MEAN THAT THOSE ARE THE PLACES THAT PRESIDENTIAL CAMPAIGNS SHOW UP. THEY SPEND THEIR MONEY. AND THEY TALK TO THE PEOPLE. THEY FIND OUT WHAT'S IMPORTANT IN THOSE STATES. AND WINNER TAKE ALL IS DEFEATING THAT PURPOSE. THANK YOU. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED, AND THIS IS YOUR CLOSE. [LB10]

SENATOR CHAMBERS: OH, MY CLOSING? [LB10]

SPEAKER HADLEY: YES, SIR. [LB10]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, MAYBE I'LL TELL ABOUT DONNIE (PHONETIC) GIBSON IN MORE DETAIL LATER, BUT I MADE PEOPLE LEAVE HIM ALONE. AND NOT ONE OF THOSE CHILDREN IN THE MOB HAD MY COMPLEXION. AND I DIDN'T THINK THAT I WAS TOUGH, BUT I DIDN'T THINK ANYBODY WAS TOUGHER THAN I WAS. AND I WAS NOT AFRAID. AND I WASN'T AFRAID IF THERE WAS ONE OR MANY BECAUSE THEY DIDN'T USE GUNS ON YOU THEN. THEY DIDN'T HAVE KNIVES. WE JUST USED KNUCKLES. AND NOBODY COULD HIT ME HARD ENOUGH TO KNOCK ME OUT, SO I FELT AS LONG AS I WAS NOT KNOCKED OUT, I COULD FIGHT BACK. AND WHEN PEOPLE ARE BULLIES, IF YOU HIT HIM REAL GOOD ONE TIME, THEN YOU OWN HIM FROM THEN ON. BUT BECAUSE THIS ISSUE THAT WE'RE DEBATING IS IMPORTANT, I'M GOING TO GIVE THE REST OF MY TIME TO SENATOR PANSING BROOKS BECAUSE SHE HAS SOMETHING FOR THE RECORD WHICH I THINK IS OF SIGNIFICANCE. [LB10]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE YIELDED 4:05. [LB10]

SENATOR PANSING BROOKS: THANK YOU SO MUCH, MR. PRESIDENT. I WAS JUST DOING SOME...I WAS LOOKING BACK AT PART OF THE DEBATE AND THERE WAS DISCUSSION ABOUT WHAT WAS INTENDED ORIGINALLY IN 1991 WHEN VOTER TAKE ALL WAS FIRST DEBATED, AND I HAVE TESTIMONY FROM SENATOR DIANNA SCHIMEK WHEN SHE WAS SPEAKING, AND I JUST WANT TO READ A LITTLE BIT OF WHAT SHE SAID ON THE FLOOR AT THAT TIME. SHE SAID, "YOU AND I BOTH KNOW THAT FIVE ELECTORAL VOTES IS NOT SIGNIFICANT ENOUGH TO GET MUCH ATTENTION AT ALL FROM THE PRESIDENTIAL CANDIDATES. I THINK WE SHOULD LOOK AT IT FROM THE OTHER ASPECT AND THAT IS FROM THE VOTERS' POINT OF VIEW. WHAT THIS PROGRAM, WHAT THIS BILL WILL DO WILL ALLOW THE VOTERS IN EACH CONGRESSIONAL DISTRICT TO BE REFLECTED AND I DO BELIEVE THAT THAT WILL CREATE SOME ADDED INTEREST AND I DO BELIEVE THAT IT EVEN COULD POSSIBLY INCREASE THE VOTER TURNOUT. MY REASON FOR INTRODUCING IT THOUGH IS NOT FOR VOTER TURNOUT BUT REALLY FOR GIVING A FAIR SYSTEM OF EVALUATING PEOPLE'S AND REFLECTING PEOPLE'S VOTES." SO THAT'S...I JUST WANTED TO GET THAT IN THE RECORD, THAT IT WAS NOT ORIGINALLY CREATED TO...BECAUSE IT WAS DEFINITELY GOING TO INCREASE VOTER TURNOUT. IT ACTUALLY WAS TO...IT WAS TO CREATE A FAIR SYSTEM WHERE PEOPLE'S VOTES WERE REFLECTED. SO NOW I'LL GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, 2:30. [LB10]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. THAT'S GOOD WHEN YOU GO BACK TO THE RECORD. SENATOR McCOY MISSTATED, MISREPRESENTED SENATOR SCHIMEK'S ACTUAL WORDS. SENATOR PANSING BROOKS READ THE TRANSCRIPT OF SENATOR SCHIMEK'S WORDS BECAUSE SENATOR SCHIMEK IS NOT HERE TO DEFEND HERSELF. WE NEED TO BE CAREFUL WHEN WE HEAR PEOPLE TRYING TO TELL US WHAT SOMEBODY SAID YEARS AGO AND THAT PERSON IS NOT HERE. BUT WHEN I REFER TO MYSELF AS DEFENDER OF THE DOWNTRODDEN, IT TOUCHES ON THAT NOTION OF BEING THERE FOR PEOPLE WHO HAVE NO VOICE, TO HELP BE A VOICE, THOSE WHO HAVE NO FRIENDS BUT ARE SET UPON BY THE MOB, TO LET THEM KNOW THEY HAVE ONE FRIEND AND THERE WILL BE AT LEAST TWO. THOSE WHO HAVE NO POWER WILL HAVE SOMEBODY WHO WILL STAND UP TO THOSE WHO HAVE POWER AND DO WHATEVER CAN BE DONE. IS IT A LITTLE? WELL, THAT LITTLE WILL BE DONE. AND ON THIS ISSUE THAT WE'RE DEBATING, THE PUBLIC IS ENTITLED TO KNOW THAT THIS LEGISLATURE BELIEVES THAT VOTES SHOULD NOT BE JUST IDLE, EMPTY GESTURES. THEY SHOULD BE ACTIONS THAT HAVE SOME RELATIONSHIP AND BEARING ON THE OUTCOME OF THAT ELECTION. WHEN YOU HAVE A SYSTEM CREATED LIKE SENATOR McCOY WANTS TO CREATE... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...WHERE PEOPLE CAN GO THROUGH THE FORMALITY OF MARKING A BALLOT, BE SAID TO HAVE VOTED, IT'S FIXED SO THAT THEY'RE VOTING FOR NOBODY. LEAVING THE SYSTEM THE WAY IT IS HAS SERVED NEBRASKA WELL. WHEN THERE WAS AN OPPORTUNITY FOR A CANDIDATE FOR PRESIDENT TO PICK UP THAT ONE ELECTORAL VOTE IN DOUGLAS COUNTY AND ENVIRONS, THAT CANDIDATE CAME TO NEBRASKA. NOT ONLY DID THAT CANDIDATE PICK UP THAT VOTE, THAT CANDIDATE BECAME THE PRESIDENT OF THE UNITED STATES. AND I THINK THAT IS THE FACT THAT HAS CHAGRINED REPUBLICANS MORE THAN ANYTHING ELSE, IN FACT, TO SUCH AN EXTENT THAT AT THE NATIONAL LEVEL, THEY PRETEND THERE'S NO PRESIDENT OF THE UNITED STATES AND THAT INSTEAD THE CONGRESS... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: ...REPRESENTS THIS COUNTRY. MR. PRESIDENT, I WILL ASK FOR A CALL OF THE HOUSE, AND I'LL TAKE A MACHINE VOTE. [LB10]

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SPEAKER HADLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB10]

CLERK: 26 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB10]

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 HOWARD, SENATOR MELLO, WOULD YOU CHECK IN, PLEASE. SENATOR COASH, SENATOR KINTNER, THE HOUSE IS UNDER CALL. THE VOTE IS A MOTION TO RECONSIDER. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO VOTE? RECORD, MR. CLERK. [LB10]

CLERK: 18 AYES, 26 NAYS ON THE MOTION TO RECONSIDER, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: THE MOTION TO RECONSIDER FAILS. MR. CLERK. RAISE THE CALL. [LB10]

CLERK: MR. PRESIDENT, BACK TO CONSIDERATION OF SENATOR CHAMBERS' AM528. (LEGISLATIVE JOURNAL PAGE 639.) [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU WILL HAVE A MINUTE OR TWO, WHICH WILL NOT COUNT, TO GIVE US A BRIEF SUMMARY OF YOUR AMENDMENT. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, THIS AMENDMENT IS THE ONE THAT I ORIGINALLY HAD OFFERED WHERE IT CONVERTS THAT RESOLUTION INTO AN AMENDMENT TO THE BILL. IT WOULD STRIP EVERYTHING OUT OF THIS BILL AND REPLACE IT WITH WHAT AMOUNTS TO AN APPEAL THAT THE OTHER 48 STATES ENGAGED IN THE TYPE OF ALLOTMENT OR ALLOCATION OF ELECTORAL VOTES, THE SAME AS NEBRASKA AND MAINE. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR HAAR, YOU'RE RECOGNIZED. [LB10]

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SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, WHAT I'VE BEEN TRYING TO DEMONSTRATE IS, IF YOU ASSUME THAT THE ULTIMATE WINNER TAKE ALL WOULD BE A NATIONAL ELECTION OF THE POPULAR VOTE, AND THAT'S WHAT MOST AMERICANS WANT, THAT LB10 WOULD BE A STEP BACKWARDS. OUR DISTRICT ELECTION IS BETTER THAN WINNER TAKE ALL. ULTIMATELY IT SHOULD BE EVERY STATE, OF COURSE. BUT IN NEBRASKA, WE DON'T HAVE TO WAIT FOR EVERY OTHER STATE TO GO IN THE RIGHT DIRECTION. WE SHOULD BE WILLING AND COURAGEOUS TO GO IN THE CORRECT DIRECTION ON OUR OWN. AND AS WE'VE SEEN THAT CAMPAIGNS, PRESIDENTIAL CAMPAIGNS QUICKLY FIGURE OUT WHICH ARE THE SOLID RED AND THE SOLID BLUE STATES WHERE WINNER TAKE ALL LETS THEM SAY WAY UP FRONT WHO'S GOING TO GET THE VOTE IN THOSE WINNER-TAKE-ALL STATES. AND THEN THEY DESIGN THEIR PUBLIC APPEARANCES, THEIR ORGANIZATIONAL EFFORTS, THEIR ADVERTISING, THEIR POLLING, AND THEIR POLICY ATTENTION TO ONLY THE BATTLEGROUND STATES. WELL, IN 2012...I'VE TALKED ABOUT 2004 AND 2008. NOW I'M GOING TO TALK ABOUT 2012 PRESIDENTIAL ELECTION. THE NUMBER OF BATTLEGROUND STATES HAS BEEN DECLINING FOR MANY DECADES. AS DETAILED IN FAIRVOTE'S 2008 REPORT ENTITLED THE SHRINKING BATTLEGROUND. THE SHRINKING ACCELERATED IN THE 2012 PRESIDENTIAL ELECTION. NOW THERE'S A REPORT CALLED THE COOK POLITICAL REPORT THAT COMES OUT EVERY YEAR, EVERY ELECTION YEAR. AND IT TALKS ABOUT...IT RATES ON A MONTHLY BASIS WHERE THE BATTLEGROUND STATES ARE. AND AGAIN, THAT'S WHAT THE NEWS MEDIA FOLLOWS BECAUSE THE SOLID RED AND THE SOLID BLUE STATES WITH WINNER TAKE ALL ARE NOT NEWS AT ALL. EVERYBODY KNOWS WHERE THEY'RE GOING TO BE. SO JULY 5, 2012, COOK'S 11 BATTLEGROUND STATES WERE LIKE THIS: LEANING DEMOCRAT WERE MICHIGAN, PENNSYLVANIA, AND WISCONSIN. A TOSSUP WAS CALIFORNIA...COLORADO. CALIFORNIA WAS NOT A TOSSUP; IT'S A BLUE STATE. TOSSUP WAS COLORADO, FLORIDA, IOWA, NEVADA, NEW HAMPSHIRE, OHIO, AND VIRGINIA; AND LEADING REPUBLICAN IN THE 11 BATTLEGROUND STATES WAS NORTH CAROLINA. SO IN JULY 2012, AS REPORTED BY THE WASHINGTON POST IN AN ARTICLE ENTITLED CAMPAIGN ADS FLOOD INTO SWING STATES, OR BATTLEGROUND STATES, FOR A SUMMERTIME BLITZ, THIS IS FROM THE WASHINGTON POST, JULY 2012. QUOTE, VOTERS IN SWING STATES WILL BE DELUGED WITH TENS OF MILLIONS OF DOLLARS IN POLITICAL ADS OVER THE NEXT MONTH AS PART OF AN INTENSIFYING BROADCAST WAR THROUGH THE OLYMPIC GAMES. IN ADDITION TO SPOTS FROM PRESIDENT OBAMA AND REPUBLICAN CHALLENGER MITT ROMNEY, MANY ADS WILL BE AIRED BY INDEPENDENT NONPROFIT GROUPS THAT ARE NOT REQUIRED TO REVEAL WHO IS FUNDING THEM. CROSSROADS GPS, A CONSERVATIVE NONPROFIT GROUP

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COFOUNDED BY FORMER GEORGE W. BUSH ADVISOR KARL ROVE, ANNOUNCED FRIDAY THAT IT WAS PURCHASING--AND THIS IS AGAIN FROM THE WASHINGTON POST--ANNOUNCED FRIDAY IT WAS PURCHASING \$25 MILLION WORTH OF ANTI-OBAMA ADS IN SWING STATES. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR HAAR: THANK YOU. THE CAMPAIGN STARTS TUESDAY AND WILL RUN THROUGH EARLY AUGUST IN NINE SWING STATES: COLORADO, FLORIDA, IOWA, MICHIGAN, NORTH CAROLINA, NEW HAMPSHIRE, NEVADA, OHIO, AND VIRGINIA. THE EXISTENCE...AND ACTUALLY, I'LL STOP RIGHT THERE AND START ON MY NEXT TIME SPEAKING. THANK YOU VERY MUCH. [LB10]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED. [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. SENATOR CHAMBERS, I DID QUOTE SENATOR SCHIMEK CORRECTLY FROM GENERAL FILE DISCUSSION ON MARCH 6, 1991, WHEN I TALKED ABOUT THE CHIEF REASON BEING FOR ORIGINALLY GOING TO THE DISTRICT METHOD OF APPORTIONMENT BEING TO INCREASE VOTER TURNOUT AND ACTIVITY. SO I DID QUOTE HER CORRECTLY. AND IF YOU GO BACK AND LOOK IN THE TRANSCRIPTS, SENATOR CHAMBERS, YOU'LL SEE THAT. I TRY AND MAKE A HABIT OF SPEAKING CORRECTLY WHEN I SPEAK ON THE MICROPHONE, AS DO YOU. SO I WANTED TO MAKE NOTE OF THAT AS WELL. AS THIS WILL PROBABLY BE MY LAST OPPORTUNITY ON THE MICROPHONE ON LB10 TODAY, I WANTED TO JUST BRIEFLY TALK AGAIN ABOUT WHERE WE REALLY ARE WITH THIS BILL. AND, SENATOR CHAMBERS, I NO MORE SPEAK FOR RURAL NEBRASKA THAN YOU DO. YOU'VE BEEN A LONGTIME MEMBER OF THE AGRICULTURE COMMITTEE. I DON'T BELIEVE THAT THERE'S ANY AGRICULTURE THAT I'M AWARE OF IN YOUR LEGISLATIVE DISTRICT. HOWEVER, THERE IS IN MINE. SO I DO REPRESENT AGRICULTURE, NOT EXCLUSIVELY. BUT ALL OF US DO, ALL 49 OF US, WHETHER WE HAVE AGRICULTURE IN OUR DISTRICTS OR NOT. AND I BELIEVE THAT WHEN WE RESPECT AND UPHOLD THE VALUES AND THE IMPORTANCE AND THE VOICE OF RURAL NEBRASKA, BY EXTENSION WE'RE UPHOLDING THE VALUES OF THE ENTIRE STATE OF NEBRASKA BECAUSE OUR STATE IS FOUNDED ON THE BEDROCK OF AGRICULTURE. I CAME FROM AGRICULTURE AS MANY OF YOU HAVE. MANY OF YOU ARE INVOLVED IN AGRICULTURE TODAY. MANY OF YOU HAVE THOSE IN YOUR DISTRICTS WHO ARE INVOLVED IN AGRICULTURE. THIS BILL SAYS WE RESPECT OUR STATE BORDER TO BORDER, ALL FIVE ELECTORAL

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VOTES, NOT JUST ONE. AND IN A CLOSE PRESIDENTIAL ELECTION CYCLE, PRESIDENTIAL CANDIDATES SHOULD TRAVEL OUR ENTIRE STATE, NOT JUST THE SECOND CONGRESSIONAL DISTRICT OF OMAHA AND ONLY CONCERN THEMSELVES WITH PROCURING THE VOTES OF THOSE IN THE SECOND DISTRICT TO GET ONE ELECTORAL VOTE. PRESIDENTIAL CANDIDATES AND CAMPAIGNS SHOULD CAMPAIGN THROUGHOUT NEBRASKA AND RESPECT ALL OF THE RICH DIVERSITY OF ISSUES THAT ARE PRESENT IN OUR STATE, 500 MILES WIDE, BORDER TO BORDER. THAT'S WHAT HAPPENED IN 1968. I TALKED ABOUT THAT NEBRASKA PUBLIC TELEVISION RECENTLY AIRED A SPECIAL, OR I SHOULD SAY LAST YEAR AIRED A SPECIAL CALLED 1968: THE YEAR NEBRASKA MATTERED ON A NATIONAL STAGE. GONE ARE THE DAYS THAT WE WOULD HAVE IN AN EARLIER TIME THAN 1968, PRESIDENT KENNEDY VISITED A THIRD DISTRICT COMMUNITY CAMPAIGNING. I WISH THAT IT WERE THE CASE. BUT TO CONTINUE WITH THE SYSTEM THAT WE'RE NOW IN, COLLEAGUES, MEANS THAT IT WILL PROBABLY NEVER BE THE CASE. WHY NOT ELEVATE OUR FIVE ELECTORAL VOTES TO WHERE 48 OTHER STATES ARE, AND IN A CLOSE ELECTION CYCLE MAKE NEBRASKA MATTER, OUR ENTIRE STATE, NOT JUST OMAHA. THIS LEGISLATURE IS ABOUT MUCH MORE THAN OMAHA. WE TALK ABOUT THAT A LOT. IT'S A VALUABLE PIECE OF OUR STATE. A NUMBER OF US REPRESENT PORTIONS OF OMAHA, BUT NEBRASKA IS MORE THAN OMAHA. OUR ELECTORAL VOTES SHOULD REPRESENT MORE THAN OMAHA. THAT'S WHAT LB10 DOES. THAT'S WHY I'M PASSIONATE ABOUT THIS BILL. THAT'S WHY I BROUGHT IT THREE TIMES. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR McCOY: THAT'S WHY THIS BILL IS NOT A LITMUS TEST BY THE NEBRASKA REPUBLICAN PARTY. WE'RE A PARTY WITH A WIDE DIVERGENCE OF OPINIONS ON CERTAIN ISSUES. THERE'S REALLY ONLY ONE POLITICAL PARTY WHOSE MEMBERS MAY OR MAY NOT MARCH IN LOCK STEP ON THIS BILL AND IT'S NOT THE REPUBLICAN PARTY. THAT'S NOT WHAT THIS ISSUE IS ABOUT. IT'S ABOUT REPRESENTING ALL NEBRASKANS AND PUTTING A PREMIUM ON THE VOTES IN A PRESIDENTIAL ELECTION FOR ALL NEBRASKANS, NOT JUST THOSE IN OMAHA AND SARPY COUNTY. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB10]

CLERK: MR. PRESIDENT, SENATOR McCOY WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB10]

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

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SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE ON LB10. SENATOR McCOY, FOR WHAT PURPOSE DO YOU RISE? [LB10]

SENATOR McCOY: MR. PRESIDENT, I WOULD REQUEST A ROLL CALL VOTE, AFTER A CALL OF THE HOUSE, IN REVERSE ORDER. THANK YOU. [LB10]

SPEAKER HADLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB10]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB10]

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 McCOY, YOU REQUESTED A ROLL CALL VOTE IN REVERSE ORDER, IS THAT CORRECT? MR. CLERK. [LB10]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 885.) 31 AYES, 18 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB10]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS DEFEATED. MR. CLERK. RAISE THE CALL. [LB10]

CLERK: ONE ITEM FOR THE RECORD IF I MIGHT. A NEW RESOLUTION, SENATOR BRASCH OFFERS LR118. THAT WILL BE LAID OVER AT THIS TIME. (LEGISLATIVE JOURNAL PAGE 886.) [LR118]

MR. PRESIDENT, THE NEXT BILL, LB15 WAS A BILL ORIGINALLY INTRODUCED BY SENATOR KRIST. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 8, REFERRED TO THE JUDICIARY COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE JUDICIARY COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM119, LEGISLATIVE JOURNAL PAGE 511.) [LB15]

PRESIDENT FOLEY PRESIDING

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PRESIDENT FOLEY: SENATOR KRIST, YOU'RE WELCOME TO OPEN ON LB15. [LB15]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I WANT TO TALK JUST A BIT ABOUT HOW WE ARRIVED AT THIS PLACE WITH THE SUBJECT MATTER CONTAINED IN LB15. GUARDIANS AD LITEM ARE AN INCREDIBLY IMPORTANT PART OF OUR JUVENILE JUSTICE SYSTEM AND ALL CONNECTIONS WITH JUVENILES IN THE COURT SYSTEM. THAT GUARDIAN AD LITEM IS THE CHILD'S VOICE IN COURT. HE OR SHE HAS THE BEST INTEREST OF THE CHILD INVOLVED NO MATTER WHAT THE CIRCUMSTANCES ARE OF THE CHILD'S INVOLVEMENT WITH THE COURT SYSTEM. THE GUARDIAN AD LITEM HAS A SACRED OATH, REALLY, TO TAKE CARE OF THAT CHILD AND MAKE SURE THAT THE CHILD'S BEST INTERESTS ARE SPOKEN FOR BOTH IN AND OUTSIDE THE COURTROOM. THEY NEED TO MEET WITH THE CHILD AND IN SOME CASES THE GUARDIANS TO ENSURE THAT THE CHILD'S BEST CARE IS AT MIND AND AT HEART. I BECAME INTERESTED IN THE GUARDIAN AD LITEM PROCESS BECAUSE OF AN INTERIM STUDY THIS PAST SUMMER AND THEN IN THE PAST TWO SUMMERS WORKING WITH THE DOUGLAS COUNTY COMMISSIONERS, THE PROCESS OF THE GUARDIAN AD LITEM CONTRACTS. I BECAME AWARE THAT IN DOUGLAS COUNTY, MY COUNTY, CONTRACTS EXTENDED TO SOME LAW FIRMS MAY NOT HAVE BEST SERVED THE INTERESTS OF THE CHILD. I BECAME INVOLVED WITH WHAT I THINK IS THE ACCOUNTABILITY OF THIRD-PARTY CONTRACTS AND HOW WE SPEND TAXPAYERS' DOLLARS AND THE ACCOUNTABILITY FOR WHAT THOSE LAWYERS, WHAT THOSE GUARDIANS AD LITEM WERE DOING IN PREPARATION FOR REPRESENTING THOSE CHILDREN IN COURT. THANKS TO SENATOR CAMPBELL AND OTHERS DURING THE INTERIM STUDY, WE DRILLED DOWN TO FIND THE ROOT CAUSES OF POTENTIALLY THE INACCURACIES AND THE LACK OF REPRESENTATION FOR THOSE CHILDREN. THE COURTS HAVE, SINCE THE LATE 2000s, HAD GUARDIAN AD LITEM GUIDELINES IN PLACE. THESE GUIDELINES WERE JUST THAT. THEY WERE HARDLY ENFORCEABLE, ALTHOUGH THE ETHICS AND MORAL CONDUCT OF THE LAWYER THAT WOULD BE CHARGED WITH THE CARE OF THAT CHILD AS A GUARDIAN AD LITEM, YOU WOULD HAVE HOPED WOULD HAVE MAINTAINED THE GUIDELINES AS THEIR GUIDELINE. IN ORDER TO MAKE SURE THAT THOSE GUIDELINES WERE UNDERSTOOD, I SUBMITTED AND INTRODUCED LB15 WHICH WOULD HAVE PUT THE GUIDELINES THEMSELVES INTO STATUTE. THE COURT HAD AN OPPORTUNITY...THE SUPREME COURT HAD AN OPPORTUNITY TO PUT THOSE GUIDELINES INTO WHAT IS CALLED COURT RULE, SUPREME COURT RULE, WHICH THEN COULD BE ENFORCED IN TERMS OF VIOLATIONS OF A LAWYER AND NONPARTICIPATION AND NONCOMPLIANCE WITH THE GUIDELINES. IN CONVERSATIONS WITH THE CHIEF JUSTICE IN THE FINAL ANALYSIS, HE WANTED

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TO HAVE THOSE GUIDELINES PUT INTO COURT RULE RATHER THAN IN STATUTE. SO THE AMENDMENT THAT THE JUDICIARY COMMITTEE WILL BRING FORWARD THAT SENATOR SEILER WILL TALK TO YOU ABOUT HERE IN JUST A MINUTE DID THAT. THE WHITE COPY OF LB15...THE GREEN COPY OF LB15 AS IT WAS FILED CALLED FOR IT TO GO INTO STATUTE. THAT IS NO LONGER WHERE WE WANT IT TO GO. THE JUSTICE WANTS IT TO GO INTO SUPREME COURT RULE, AND I TOTALLY AGREE THAT IS THE RIGHT PLACE FOR THESE GUIDELINES TO BE PLACED, AS COURT RULE, AND ENFORCED. AND WE HAD A PROBLEM WITH HOW ACCOUNTABLE WE WERE FOR THOSE DOLLARS THAT WERE BEING SPENT. SO ANOTHER PART OF LB15 MAKES SURE THAT WE DEFINE THAT THE TIME A LAWYER SPENDS AS A GUARDIAN AD LITEM WITH A CHILD IS ACCOUNTABLE TO THE TAXPAYERS IN TERMS OF HOW MANY DOLLARS ARE SPENT IN WHAT REGARD. IT CLARIFIES, I THINK, THE BEST CONTRACTING PRINCIPLES, AND WE'VE BEEN VERY CLEAR NOT TO DISRUPT THOSE CONTRACTS, FOR EXAMPLE, THAT ARE IN PLACE IN LANCASTER COUNTY, WHICH ARE MORE THAN ACCOUNTABLE IN ALL WAYS. SO WE'VE BEEN VERY CAREFUL NOT TO DISTURB THOSE CONTRACTS THAT ARE BEING USED VERY EFFECTIVELY. WITH THAT, I WOULD ASK YOU TO LISTEN TO THE TECHNICAL PARTS OF THE AMENDMENT THAT FOLLOWS AND TO SUPPORT BOTH THE AMENDMENT AND LB15. THANK YOU, MR. PRESIDENT. [LB15]

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. [LB15]

SENATOR SEILER: THANK YOU, LIEUTENANT GOVERNOR. MEMBERS OF THE LEGISLATURE, THIS COMMITTEE AMENDMENT WAS VOTED ON 7-1, WITH ONE MEMBER BEING ABSENT. IT'S AM514 TO LB15. IT DOES FIVE THINGS THAT I THINK IS VERY IMPORTANT. FIRST, IT DOES NOT CODIFY THE RULES AND GUIDELINES. THAT'S LEFT UP TO THE NEBRASKA SUPREME COURT. AND WE PUT A DEADLINE IN THERE THAT THOSE GUIDELINES SHALL BE PUT IN PLACE BY JULY 1, 2015. SECOND, THE...AND THIS ALMOST SEEMS IMPOSSIBLE TO BELIEVE THAT IT DOESN'T HAPPEN, BUT WE'VE GOT TO PUT IT IN THE CODIFICATION BECAUSE OF THE FACT THAT THEY'RE NOT DOING IT. WE HEARD TESTIMONY ON THIS VERY ITEM. THE GUARDIAN AD LITEM TO CONSULT WITH THE JUVENILE IN HIS OR HER PLACEMENT WITHIN TWO WEEKS AND REQUIRE SUBSEQUENT CONSULTATIONS EVERY THREE MONTHS INSTEAD OF EVERY SIX MONTHS. AND THE GUARDIANS AD LITEM AREN'T EVEN...WE HAD TESTIMONY THAT THE GUARDIAN AD LITEM HAD NEVER TALKED, NEVER SEEN BY THE YOUTH. SO WE PUT THAT IN THERE.

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AND I THINK THAT WILL HELP CONSIDERABLY. THE THIRD ITEM IS IT REQUIRED THE GUARDIAN AD LITEM TO SUBMIT WRITTEN REPORTS THAT CONTAIN CERTAIN INFORMATION AT DISPOSITION, REVIEW, OR PERMANENCY PLANNING HEARINGS. AND THAT GIVES THE JUDGE AN OPPORTUNITY TO GET A GOOD BACKGROUND FROM THE GUARDIAN AD LITEM AND ALSO MAKES THE RECORD CLEAR WHAT THEY'RE SUPPOSED TO DO. FOURTH, IN MULTI-CASE CONTRACTS WHERE THE GUARDIAN AD LITEM HAS NUMEROUS CASES WITH THE COUNTY AND IS UNDER COUNTY CONTRACT, THEY MUST ALSO SUBMIT A WRITTEN REPORT OF THE TIME THEY SPENT ON THAT CASE AND WHAT THEY WERE DOING SPENDING THAT TIME. IN OTHER WORDS, GIVING AN ITEMIZED REPORT OF THEIR SERVICES. AND LAST, WE ADDED THE EMERGENCY CLAUSE. THE COMMITTEE VOTED SEVEN TO ONE ABSENT. WE'D RECOMMEND THAT THIS AMENDMENT BE PASSED. [LB15]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. (VISITORS INTRODUCED.) DEBATE IS NOW OPEN ON THE COMMITTEE AMENDMENTS TO LB15. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB15]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I STAND IN SUPPORT OF THE JUDICIARY AMENDMENT AS WELL AS LB15, AND I WANT TO THANK SENATOR KRIST. WE HAVE HAD A GREAT NUMBER OF DISCUSSIONS ABOUT GUARDIAN AD LITEM. AND AS HE MENTIONED, I HAD AN INTERIM STUDY THIS PAST SUMMER. AND DUE TO SOME FAMILY HEALTH ISSUES, I HAD TO TURN AND SAID, WOULD YOU PLEASE HELP ME OUT AND FINISH THIS EFFORT? AND I'M VERY GRATEFUL TO SENATOR KRIST, A GOOD FRIEND WHO SAID, OF COURSE, I WILL HELP YOU AND FINISH OUT THE WORK. THE ISSUE OF GUARDIANS AD LITEM GOES BACK A NUMBER OF YEARS, AND THERE HAVE BEEN MANY STUDIES ABOUT WHAT SHOULD BE DONE HERE. IN THE REPORT, LR37 CONDUCTED BY THE HEALTH AND HUMAN SERVICES COMMITTEE IN 2011, AND I HAVE EXTRA COPIES IN MY OFFICE IF ANY OF THE NEW SENATORS WOULD LIKE ONE, IT'S 435 PAGES. BUT IT GIVES YOU REALLY AN EXCELLENT VIEW OF WHAT THE CHILD WELFARE AND CHILD PROTECTION SYSTEM SHOULD BE AND WHAT HAPPENED DURING THE PRIVATIZATION AND MOVING FORWARD. ONE OF THE ISSUES IN THAT REPORT WAS THE FACT THAT MANY COMPLAINTS WERE RECEIVED BY THE COMMITTEE REGARDING GUARDIANS AD LITEM. AND THE COMPLAINTS HAD TO DO WITH THE FACT THAT TOO OFTEN SOME OF THE GUARDIANS AD LITEM WERE NOT EVEN VISITING WITH THE CHILD OR THE YOUTH, WOULD GO TO COURT, LOOK AT THE REPORTS, MAKE A FEW COMMENTS. THAT'S NOT WHAT IS INTENDED IN THE STATUTES. AND IT WAS ONE OF THE ISSUES THAT BECAUSE OF THE GREAT NUMBER OF

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ISSUES THE COMMITTEE HAD TO DEAL WITH IN CHILD WELFARE FROM LR37, IT'S ONE OF THE ISSUES THAT WE LEFT SORT OF ON THE DRAWING BOARD. YOU KNOW YOU NEED TO GET TO IT. SO IN THE PAST COUPLE OF YEARS, WE'VE BEEN MORE SERIOUS ABOUT GETTING TO THE HEART OF THIS ISSUE. WHAT YOU DO NEED TO KNOW IS THAT THERE'S BEEN A GREAT NUMBER OF STUDIES, AND THE MOST RECENT WAS DONE IN 2007 RIGHT BEFORE MY CLASS CAME INTO THE LEGISLATURE, A VERY LENGTHY, A VERY THOROUGH REPORT WITH MANY RECOMMENDATIONS AS TO WHAT SHOULD BE DONE TO IMPROVE THE GUARDIAN AD LITEM SYSTEM. AND I THINK SENATOR KRIST AND THE JUDICIARY COMMITTEE HAVE HIT UPON THE HEART OF THAT REPORT, AND WHAT THEY ARE GIVING YOU IS A VERY SOLID FOUNDATION IN WHICH TO PROCEED. IT IS SO CRITICAL THAT WE HAVE GUARDIANS AD LITEM ACROSS THE STATE. AND AS SENATOR KRIST SAID, WHAT MAY BE THE SYSTEM IN DOUGLAS COUNTY IS NOT THE SYSTEM THAT OPERATES IN LANCASTER COUNTY, OR FROM WHAT I LEARNED FROM TALKING TO JUDGES AND ATTORNEYS IN THE STATE THIS SUMMER, IT'S NOT ALWAYS HOW THE SYSTEM ALSO OPERATES OUT THERE. SO IT'S VERY DIFFICULT TO CRAFT A PIECE OF LEGISLATION THAT REALLY CAN AFFECT THE SYSTEM FROM BORDER TO BORDER. AND I DO BELIEVE THAT LB15 AND THE COMMITTEE AMENDMENT DOES JUST THAT. ONE OF THE MOST IMPORTANT RESPONSIBILITIES OF GOVERNMENT IS TO PROVIDE A CHILD PROTECTION SYSTEM--CHILDREN WHO ARE ABUSED, CHILDREN WHO ARE NEGLECTED, CHILDREN WHO NEED OUR HELP. THIS ISN'T A NICE-TO-HAVE PROGRAM. [LB15]

PRESIDENT FOLEY: ONE MINUTE. [LB15]

SENATOR CAMPBELL: THIS ISN'T ONE HUMAN SERVICE PROGRAM THAT WE'VE GOT TO ADD. THIS IS A CORE RESPONSIBILITY OF GOVERNMENT. CHILDREN DON'T HAVE A VOICE. THEY CAN'T PICK A LEGAL COUNSEL. THEY HAVE TO DEPEND THAT IN THE COURTROOM THE GUARDIAN AD LITEM SPEAKS FOR THEM. THANK YOU TO MY COLLEAGUES FOR THE GREAT WORK ON LB15, AND I WOULD APPRECIATE YOUR YES VOTE. THANK YOU, MR. PRESIDENT. [LB15]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SEILER, YOU'RE WELCOME TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR SEILER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM514, COMMITTEE AMENDMENTS TO LB15. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB15]

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CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE COMMITTEE AMENDMENTS. [LB15]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE IS NOW OPEN ON LB15 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE WELCOME TO CLOSE ON LB15. [LB15]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND I HAD A QUESTION OFF OF THE FLOOR WITH SENATOR BLOOMFIELD THAT I WANTED TO ADDRESS IN MY CLOSING AND THEN SOME THANKS NEED TO BE GIVEN. SENATOR BLOOMFIELD ASKED ME BECAUSE THE FISCAL NOTE DOES REFERENCE THAT SOME ADDITIONAL EXPENSE MAY GO BACK TO THE COUNTY. THAT WAS THE ORIGINAL GREEN COPY THAT WOULD HAVE CHANGED THE CONTRACTING FORMAT. AND THAT PROBABLY WOULD HAVE THROWN SOME MONEY BACK IN THE WAY...OR EXPENSE BACK TO THE WAY OF THE COUNTIES. THAT IS NO LONGER THE CASE WITH THE AMENDMENT THAT SENATOR SEILER BROUGHT FORWARD FROM OUR COMMITTEE. WE HAVE CHANGED IT BACK TO SIMPLY BEING ACCOUNTABLE FOR WHATEVER CONTRACT YOU INTEND TO USE, SO THAT THERE WILL BE NO ADDITIONAL COSTS. I WOULD SUSPECT BETWEEN NOW AND SELECT THE FISCAL NOTE THAT CAME FROM LANCASTER COUNTY AND THAT NOTE SHOULD BE TAKEN OFF. AND I'LL MAKE SURE OUR FISCAL ANALYSTS DO THAT FOR US AND ASSURE US THAT THAT IS THE CASE. BUT I CAN TELL YOU FROM MY OWN EXPERIENCE AND FROM THE DISCUSSIONS THAT THAT SHOULD NO LONGER BE THE CASE WITH THIS ISSUE. AND THEN LASTLY, I WANT TO THANK SENATOR CAMPBELL FOR THE INTERIM STUDY AND FOR BRINGING THIS ISSUE FORWARD. WE WORKED HARD IN 2011 IN LR37 AND PROOF POSITIVE THAT THIS BODY DOES LISTEN AND TAKE ACTION. WE HAVE BEEN SPENDING A LOT OF TIME IN POSTACTION MAKING SURE THAT LR37, THE ISSUES THAT HAVE BEEN FOUND ARE CORRECTED FOR THE FUTURE, NOT JUST OF THE STATE BUT PARTICULARLY OUR KIDS. SO I THANK YOU AND I'D ASK FOR YOUR VOTE ON LB15. AND WE'VE ATTACHED THE E CLAUSE SO THIS IS GOING TO TAKE 30. THANK YOU. [LB15]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATORS, YOU'VE HEARD THE DEBATE IN CLOSING ON LB15. THE QUESTION IS THE ADVANCE OF LB15 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. [LB15]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB15. [LB15]

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PRESIDENT FOLEY: LB15 ADVANCES. RETURNING TO GENERAL FILE, LB139. MR. CLERK. [LB15 LB139]

CLERK: LB139, A BILL BY SENATOR JOHNSON RELATING TO REAL PROPERTY. (READ TITLE.) INTRODUCED ON JANUARY 9, REFERRED TO BANKING, COMMERCE AND INSURANCE COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM119, LEGISLATIVE JOURNAL PAGE 511.) [LB139]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR JOHNSON, YOU'RE WELCOME TO OPEN ON LB139. [LB139]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. LB139 ADDRESSES, AS STATED, A MULTITUDE OF ISSUES CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THE REAL PROPERTY APPRAISER ACT. THE PRIMARY PURPOSE IS TO ELIMINATE INCONSISTENCIES WITHIN THE ACT AND INCONSISTENCIES BETWEEN THE ACT AND THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE, THE USPAP. THE STANDARDS RECOGNIZED BY THE APPRAISAL SUBCOMMITTEE THROUGH TITLE XI OF THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989. IN ADDITION, THIS BILL SEEKS TO PROVIDE CLARITY FOR ADMINISTRATION ISSUES RECENTLY FACED BY THE NEBRASKA REAL PROPERTY APPRAISER BOARD. IT APPEARS THAT THE NEBRASKA REAL PROPERTY APPRAISER BOARD WILL CONTINUE TO HAVE DIFFICULTY ADMINISTERING AND ENCOUNTERING...ENFORCING THE ACT REGARDING THE ISSUES RELATED TO THE CHANGES FOUND IN THIS BILL, THUS, THE NEED FOR PASSAGE OF THIS BILL. THERE IS A COMMITTEE AMENDMENT AS STATED. IT CAME OUT OF COMMITTEE 8-0. I BELIEVE THERE WAS A SECOND AMENDMENT BY SENATOR SCHUMACHER. AND WITHOUT ANY CHANGES TO THAT AMENDMENT, BOTH OF THOSE WOULD BE CONSIDERED FRIENDLY AMENDMENTS TO LB139. THANK YOU, MR. PRESIDENT. [LB139]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE BANKING, COMMERCE, AND INSURANCE COMMITTEE. SENATOR SCHEER, AS CHAIR OF THE COMMITTEE, YOU'RE WELCOME TO OPEN ON THE COMMITTEE AMENDMENTS. [LB139]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. THE COMMITTEE AMENDMENTS ARE TECHNICAL IN NATURE. IN ALL OF THIS BILL, THEY FOCUS

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ONLY ON ONE SECTION OF THE REAL PROPERTY APPRAISER ACT. THAT PARTICULAR SECTION IS 76-2221. AND WHAT IT DOES IS TO ENUMERATE WHO IS NOT SUBJECT TO THE APPRAISER ACT. THE COMMITTEE AMENDMENTS ELIMINATE CHANGES THAT...IN THAT SECTION OTHER THAN THOSE OF A TECHNICAL NATURE. THEY ALSO ELIMINATE THREE DEFINITIONS: AUTOMATED VALUATION MODEL, EMPLOYEE, AND SPECIALIZED KNOWLEDGE THAT ARE APPLICABLE ONLY IN EXISTING OR PROPOSED PROVISIONS IN SECTION 76-2221. WHY ARE WE DOING THIS? IT'S TO ADDRESS OPPOSITION TO A BILL RAISED AT ITS PUBLIC HEARING. THE SECTION OF THE APPRAISER ACT AMENDED BY THE COMMITTEE AMENDS...TOUCHES ON AN EXISTING POINT OF CONTENTION, THAT IS WHERE CIRCUMSTANCES MUST...INDIVIDUAL BE CREDENTIALLED UNDER THE APPRAISER ACT TO RENDER AN OPINION OR AN ESTIMATE ON THE VALUE OF REAL ESTATE. FOR THE PAST FEW YEARS, THE DEBATE HAS FOCUSED ON THE RENDERING OF OPTIONS OF VALUE FOR PURPOSES OF REAL ESTATE TAXATION. HERE'S WHAT'S IMPORTANT. AT THE HEARING, THE OPPOSITION WAS NOT TO THE BILL BUT RATHER THE OPPOSITION WAS EXISTING PROVISIONS OF SECTION 76-2221. THE COMMITTEE CAREFULLY DISCUSSED THIS AND DECIDED THAT IT WOULD NOT...DID NOT WANT TO GRAPPLE WITH THE CHANGES TO THE BILL THAT WERE NOT IN THE NATURE OF THE MATTERS ALREADY PROPERLY RAISED IN THE BILL AS INTRODUCED. THE COMMITTEE CONCLUDED THAT WITH THESE AMENDMENTS THE BILL CAN AND SHOULD MOVE FORWARD CONTAINING ONLY CHANGES WHICH NOBODY EXPRESSED A CONCERN. IN EXECUTIVE SESSION, THE COMMITTEE ALSO INDICATED ITS WISH THAT THE ISSUE OF WHO MUST BE CREDENTIALLED UNDER THE APPRAISER ACT SHOULD BE A SOLE SUBJECT OF A COMPREHENSIVE INTERIM STUDY THAT WOULD INCLUDE THE PARTICIPATION OF ANY INTERESTED PARTY. THOSE ARE THE COMMITTEE'S AMENDMENTS AND ITS INTENTIONS TO CONTINUE EXAMINING THE ISSUES REGARDING APPRAISER CREDENTIALING REQUIREMENTS. I WOULD URGE THE ADOPTION OF THE COMMITTEE AMENDMENTS AND SENATOR SCHUMACHER'S AMENDMENTS THAT FURTHER ALLEVIATE THE PROBLEMS WITH THE APPRAISERS' BILL. WITH THAT, I URGE YOUR SUPPORT. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB139]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. (VISITORS INTRODUCED.) MR. CLERK. [LB139]

CLERK: MR. PRESIDENT, SENATOR SCHUMACHER WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM893. (LEGISLATIVE JOURNAL PAGES 886-887.) [LB139]

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PRESIDENT FOLEY: SENATOR SCHUMACHER, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB139]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR. THIS IS A VERY SIMPLE AMENDMENT. WHAT IT DOES IS IT, FOR ONE YEAR AFTER THE EFFECTIVE DATE OF THE ACT, IT WOULD HAVE A MORATORIUM ACTION ON ENFORCEMENT ACTIONS BY THE REAL ESTATE APPRAISER BOARD INVOLVING MASS APPRAISALS CONDUCTED UNDER THE AUTHORITY OF COUNTY ASSESSORS BY EMPLOYEES OR INDEPENDENT CONTRACTORS. JUST TO GIVE THE BODY A LITTLE BIT OF AN OVERVIEW AND CONTEXT OF THIS, BACK IN THE 1980s, APPARENTLY YOU HAD THE SAVINGS AND LOAN CRISIS, AND SOME OF THAT WAS ATTRIBUTED TO THE FACT THAT LOANS WERE MADE ON PROPERTY THAT WASN'T WORTH WHAT THEY THOUGHT IT WAS WORTH. AND THERE WAS SOME NECESSITY TO BEEF UP THE APPRAISAL STANDARDS SO THAT THE PEOPLE RENDERING THE APPRAISALS HAD SOME CREDENTIALS TO SAY WHAT THEY WERE SAYING. AND THOSE WERE FOCUSED BASICALLY AT PRIVATE TRANSACTIONS: WHEN YOU GOT A MORTGAGE FOR A PIECE OF PROPERTY, WHEN YOU WERE GOING TO BID ON A PIECE OF PROPERTY, WHEN YOU WERE GOING TO HAVE IT VALUATED FOR MAYBE LIKE FEDERAL ESTATE TAX PURPOSES. IT WAS A PRIVATE SECTOR, LET'S LOOK AT THE PROPERTY, LET'S COME UP WITH A NUMBER FOR THIS PARTICULAR PROPERTY, KIND OF DEAL. AND THERE WAS AN APPRAISAL SYSTEM UNDER THE REGULATION OF THE REAL ESTATE APPRAISAL BOARD THAT WAS SET UP TO QUALIFY THE VARIOUS PEOPLE TO RENDER AN OPINION FOR THOSE PURPOSES. AT THE SAME TIME ON A DIFFERENT TRACK, WE HAVE WHAT WE ALL KNOW IS THE APPRAISALS FOR OUR HOUSES AND OUR BUSINESSES FOR TAX PURPOSES. AND THOSE AREN'T FOCUSED AS A PARTICULAR STUDY ON A PARTICULAR PIECE OF PROPERTY, BUT THEY'RE BROAD, GENERAL RULES THAT ARE PAINTED. AND THEN THE COUNTY ASSESSORS, EITHER WITH EMPLOYEES OR HAS BEEN COME TO BE THE PRACTICE PARTICULARLY IN SMALLER COUNTIES WHERE THEY CAN'T AFFORD OR IT WOULD BE AWKWARD OR INEFFICIENT TO HIRE AN EMPLOYEE, THEY'VE CONTRACTED WITH PEOPLE TO GO APPLY THE RULES THAT HAVE BEEN DEVELOPED BY THE ASSESSORS AND THE TAX COMMISSIONER TO COME UP WITH A GUESSTIMATE OF WHAT YOUR PROPERTY IS PROBABLY WORTH. AND THEN IF YOU DON'T LIKE THAT, YOU CAN APPEAL TO THE COUNTY BOARD AND PROBABLY GET TOLD NO, AND THEN OFF TO THE TERC BOARD AS A METHOD OF PROPERTY TAXATION. WELL, THOSE TWO WORLDS CLASH AT TIMES, AND PART OF THE CLASH WAS REFLECTED IN THE ORIGINAL VERSION OF THIS BILL. AND THE CONCLUSION THAT THE BANKING COMMITTEE BASICALLY CAME TO IS, LOOK, THAT'S AN AREA THAT WE NEED TO FURTHER FOCUS ON BEFORE WE

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MAKE ANY DECISION. SO THE BILL WAS TRIMMED BACK TO THOSE THINGS THAT NEEDED TO BE DONE NOW AND DIDN'T FOCUS ON THAT CLASH. AS IT WAS, THE GENERAL THOUGHT WAS THAT EVERYTHING WOULD BE AT A STANDSTILL AS FAR AS TRYING TO...KIND OF A CEASE-FIRE ON THE BATTLEFIELD BETWEEN THE ASSESSORS' OFFICES AND THE APPRAISAL BOARD AND THE PRIVATE APPRAISERS. THE ASSESSORS ARE DISINCLINED TO WANT TO GO THROUGH THE EXPENSE OF THE PRIVATE APPRAISERS, AND THE PRIVATE APPRAISERS, OF COURSE, WOULD LIKE TO HAVE THE ASSESSORS AS CUSTOMERS. SO THAT IS THE NATURE OF THE THING. APPARENTLY ONCE THE BILL MOVED OUT, SOME ASSESSORS BECAME VERY CONCERNED THAT THE APPRAISAL BOARD WOULD TAKE ACTION AGAINST THEM WHO WERE DOING THE APPRAISALS USING CONTRACT PEOPLE RATHER THAN EMPLOYEES. EMPLOYEES ARE NOT COVERED RIGHT NOW, BUT THE CONTRACTORS WOULD BE COVERED. AND ARGUABLY IF THE APPRAISAL BOARD HAD A MIND TO BREAK THE TRUCE AND COMMENCE ENFORCEMENT ACTIONS, THEY MAY ARGUABLY HAVE THE AUTHORITY TO DO IT. SO WHAT THIS PARTICULAR AMENDMENT DOES IS IT SAYS THE TRUCE STAYS IN EFFECT. THERE'S GOING TO BE NO ACTION TAKEN BY THE APPRAISER BOARD TO DISRUPT THE NORMAL FUNCTIONING, THE WAY THEY'VE BEEN DOING IT FOR YEARS, OF THE COUNTY ASSESSORS TO DO MASS APPRAISALS, NO REQUIREMENT...OR AN ENFORCEMENT OF THE REQUIREMENT THAT THEY USE THESE CERTIFIED APPRAISERS TO DO THEIR NORMAL WORK, AND THAT FOR THE NEXT YEAR WHILE THE BANKING COMMITTEE LOOKS AT THIS ISSUE AND TRIES TO SORT OUT THE WISDOM OF IT, ONE WAY OR THE OTHER OR MAYBE REACH A COMPROMISE, THAT IT IS A STATE OF CEASE-FIRE, AND LIFE WILL GO ON, AND I WOULD ENCOURAGE YOUR ADOPTION OF AM893. THANK YOU. [LB139]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. THE DEBATE IS NOW OPEN ON AM893 TO THE COMMITTEE AMENDMENTS TO LB139. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB139]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. AGAIN, I WANT TO THANK EVERYBODY THAT WORKED ON THIS. THIS IS NOT MY CLOSING, BUT I WAS GOING TO SPEAK A LITTLE BIT OF WHAT SENATOR SCHUMACHER HAS OUTLINED. JUST TO BRING YOU UP TO DATE, WE MET THIS MORNING EARLIER WITH MEMBERS OF THE APPRAISAL BOARD, WITH THE COMMITTEE COUNSEL, AND CONFIRMED WITH THE COUNTY OFFICIALS' REPRESENTATIVES. AND WITH THE WAY THE PACKAGE IS PUT TOGETHER RIGHT NOW, EVERYBODY IS ON BOARD. SO AGAIN, I DO SUPPORT THE AMENDMENT, AM893, TO THE AMENDMENT, AM119, AND SUPPORT THE BILL. THANK YOU, MR. PRESIDENT. [LB139]

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PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB139]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR JOHNSON WOULD YIELD TO A QUESTION. [LB139]

SENATOR JOHNSON: YES, I WILL. [LB139]

PRESIDENT FOLEY: SENATOR JOHNSON, WOULD YOU YIELD? [LB139]

SENATOR JOHNSON: YES. [LB139]

SENATOR BLOOMFIELD: THANK YOU, SENATOR JOHNSON. ARE YOU TELLING ME THAT NACO IS NOW ON BOARD? [LB139]

SENATOR JOHNSON: NACO IS NOW ON BOARD. WE JUST VISITED WITH THEM IN THE LOBBY SINCE THE AMENDMENT WAS INTRODUCED BY SENATOR SCHUMACHER. [LB139]

SENATOR BLOOMFIELD: OKAY, THANK YOU. [LB139]

PRESIDENT FOLEY: THANK YOU, SENATORS BLOOMFIELD AND JOHNSON. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SCHUMACHER, YOU'RE WELCOME TO CLOSE ON YOUR AMENDMENT. SENATOR SCHUMACHER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM893 TO THE COMMITTEE AMENDMENTS TO LB139. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB139]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB139]

PRESIDENT FOLEY: AM893 IS ADOPTED. DEBATE IS NOW OPEN ON THE COMMITTEE AMENDMENTS AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SCHEER, YOU'RE WELCOME TO CLOSE. SENATOR SCHEER WAIVES CLOSING ON THE COMMITTEE AMENDMENTS. THE QUESTION IS THE ADOPTION OF AM119, THE COMMITTEE AMENDMENTS, TO LB139. ALL THOSE IN

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FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB139]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB139]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE IS NOW OPEN ON LB139 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR JOHNSON, YOU'RE WELCOME TO CLOSE ON LB139. SENATOR JOHNSON WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB139 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB139]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB139. [LB139]

PRESIDENT FOLEY: LB139 ADVANCES. RETURNING TO GENERAL FILE, LB139A. MR. CLERK. [LB139 LB139A]

CLERK: LB139A BY SENATOR JOHNSON. (READ TITLE.) [LB139A]

PRESIDENT FOLEY: SENATOR JOHNSON, YOU'RE WELCOME TO OPEN ON LB139A. [LB139A]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. ALTHOUGH WE HAVE A MORATORIUM ON PART OF THE ACTION OF THIS BILL, THE PART THAT DEALS WITH THE MAIN BILL IS STILL IN PLACE AND THE NEED FOR THE APPROPRIATION BILL OR THE FISCAL NOTE, IT'S MOSTLY AFFECTING BOARD ACTIVITIES, ENFORCEMENT, AND SOME CLARIFICATION AND MAYBE SOME CHANGE IN THE STIPEND FOR BOARD MEMBERS IN COVERING SOME OF THEIR COSTS. IT IS A CASH FUND. IT'S THEIR OWN CASH FUND, BUT THERE IS THAT FISCAL NOTE. I WOULD ASK FOR SUPPORT OF LB139, AND I WOULD ALSO LIKE TO OFFICIALLY THANK SENATOR SCHEER FOR MAKING LB139 A PRIORITY BILL. THANK YOU. [LB139 LB139A]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. DEBATE IS NOW OPEN ON LB139A. SENATOR KRIST, YOU'RE RECOGNIZED. [LB139A]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT, AND GOOD MORNING AGAIN, COLLEAGUES AND THE STATE OF NEBRASKA. I WAS WONDERING IF SENATOR MELLO WOULD YIELD TO A QUESTION. [LB139A]

PRESIDENT FOLEY: SENATOR MELLO, WOULD YOU YIELD, PLEASE? [LB139A]

SENATOR MELLO: OF COURSE. [LB139A]

SENATOR KRIST: SENATOR MELLO, COULD YOU JUST DESCRIBE TO US THIS ACTION IN TERMS OF THIS A BILL AND WHETHER OR NOT IT COMES FROM GENERAL FUNDS, ETCETERA? [LB139A]

SENATOR MELLO: I WILL DO MY BEST, SENATOR KRIST. LB139A IS THE APPROPRIATIONS BILL. AND IF YOU READ THE LANGUAGE, IT APPROPRIATES ROUGHLY \$20,000 EACH YEAR FROM THE REAL PROPERTY APPRAISER FUND TO THE REAL PROPERTY APPRAISER BOARD. THE REAL PROPERTY APPRAISER BOARD IS A CASH-FUNDED AGENCY. SO THIS BILL AND LB139A DOES NOT HAVE A GENERAL FUND IMPACT. [LB139A]

SENATOR KRIST: THANK YOU SO MUCH. AND AGAIN, COLLEAGUES, WHEN YOU LOOK FOR THE FISCAL NOTE AND READ THROUGH IT, IT CAN BE A BIT CONFUSING. BUT ESSENTIALLY WE'RE TAKING MONEY OUT OF A CASH FUND AND ENABLING THE MONEY THAT'S REQUIRED FOR LB139, SENATOR JOHNSON'S BILL. THANK YOU. [LB139A LB139]

PRESIDENT FOLEY: THANK YOU, SENATORS KRIST AND MELLO. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR JOHNSON, YOU'RE WELCOME TO CLOSE ON LB139A. SENATOR JOHNSON WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB139A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? [LB139A]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB139A. [LB139A]

PRESIDENT FOLEY: LB139A ADVANCES. RETURNING TO GENERAL FILE, LB33. MR. CLERK. [LB139A LB33]

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CLERK: LB33, MR. PRESIDENT, A BILL BY SENATOR MELLO. (READ TITLE.) INTRODUCED ON JANUARY 8 OF THIS YEAR, REFERRED TO THE APPROPRIATIONS COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM525, LEGISLATIVE JOURNAL PAGE 748.) [LB33]

PRESIDENT FOLEY: SENATOR MELLO, YOU'RE WELCOME TO OPEN ON LB33. [LB33]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB33 IS A BILL TO REQUIRE THE LEGISLATIVE FISCAL OFFICE TO PRODUCE AN ANNUAL REPORT ON REVENUE VOLATILITY. STATES AROUND THE COUNTRY LEARNED A PAINFUL LESSON WHEN THE GREAT RECESSION HIT IN 2008. AS THE ECONOMY ENTERED THE WORST ECONOMIC DOWNTURN SINCE THE GREAT DEPRESSION, STATE LEGISLATURES SCRAMBLED TO KEEP THE DOORS OPEN AND THE LIGHTS ON. ALTHOUGH THE NATURE OF NEBRASKA'S ECONOMY AND OUR STRONG CASH RESERVE HELPED BLUNT THE LOCAL EFFECTS OF THE GREAT RECESSION, REVENUES FELL SHARPLY, MAJOR CUTS WERE MADE TO STATE PROGRAMS, AND AN UNPRECEDENTED LEVEL OF FEDERAL STIMULUS SUPPORT PROVIDED NEBRASKA STATE GOVERNMENT WITH ALMOST \$600 MILLION WHICH PROVED NECESSARY TO HELP BALANCE OUR BUDGET. WITH THE RECENT FISCAL DISASTER IN MIND, IT'S IMPERATIVE FOR THE RESPONSIBLE FISCAL POLICY TO SEEK OUT ANY AND ALL INFORMATION THAT COULD BE USEFUL IN MITIGATING NEGATIVE EFFECTS OF A FUTURE ECONOMIC DOWNTURN. THE GREAT RECESSION MAY BE AN EXTREME ECONOMIC DOWNTURN OF A MAGNITUDE THAT MAY NOT HAPPEN AGAIN IN OUR LIFETIMES, BUT WE ARE ALL AWARE THAT THE ECONOMY MOVES IN CYCLES. SOONER OR LATER, THERE WILL BE ANOTHER RECESSION, AND IT'S SAFE TO SAY THAT THE CHALLENGES NEBRASKA WILL FACE IN THE NEXT RECESSION WILL NOT BE MET WITH FEDERAL STIMULUS PROGRAM FUNDING SIMILAR TO WHAT WE SAW IN 2009. THE RESPONSIBILITY WILL FALL SQUARELY TO STATES TO WEATHER THE STORM ON THEIR OWN. AND THE PROVISIONS FOUND IN LB33 ARE A TOOL THAT WILL PROVIDE NEBRASKA'S FISCAL POLICYMAKERS WITH VITAL INFORMATION TO ASSIST IN LONG-TERM FISCAL PLANNING AND PREPARE FOR FUTURE ECONOMIC DOWNTURNS. LB33 INCORPORATES BEST PRACTICES FOR STATE BUDGETING AS IDENTIFIED BY THE PEW CHARITABLE TRUSTS IN THEIR LATEST SERIES OF REPORTS ON REVENUE VOLATILITIES AND CASH RESERVES. UNDER THE BILL, THE LEGISLATIVE FISCAL ANALYSTS WILL PREPARE A REVENUE VOLATILITY REPORT TO BE DELIVERED ALONG WITH THE TAX RATE REVIEW COMMITTEE'S NOVEMBER REPORT IN

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ADVANCE OF NEW BIENNIAL BUDGET REQUIREMENTS. REQUIREMENTS OF THE REPORT INCLUDE AN EVALUATION OF THE TAX BASE AND VOLATILITY OF REVENUE STREAMS, IDENTIFICATION OF PROJECTED CHANGES IN FEDERAL FUNDS COMING TO THE STATE, IDENTIFICATION OF PROJECTED CASH RESERVE BALANCES, AN ANALYSIS OF THE CASH RESERVE RELATIVE TO THE PROJECTED REVENUE VOLATILITY AND POTENTIAL CHANGES IN FEDERAL FUNDING, REVENUE PROJECTIONS FOR THE ENSUING BIENNIUM, AND ANY OTHER RECOMMENDATION THAT THE FISCAL ANALYST DETERMINES ARE NECESSARY TO MAINTAIN HEALTHY FISCAL POLICY RELATIVE TO REVENUE VOLATILITY. THE INFORMATION ACCUMULATED IN THE REVENUE VOLATILITY REPORT WILL BE USED TO HELP GUIDE STATE FISCAL POLICY, NOT JUST IN THE APPROPRIATIONS BUT THE ENTIRE LEGISLATURE, IN A MANNER THAT TAKES REVENUE FLUCTUATIONS INTO ACCOUNT DURING THE POLICYMAKING PROCESS. AT THE HEARING ON LB33, THE PEW CHARITABLE TRUSTS CAME IN TO SUPPORT THE BILL. THERE WERE NO OPPONENTS TO LB33, AND IT ADVANCED OUT OF THE COMMITTEE WITH A UNANIMOUS 9-0 VOTE AND WAS DEEMED AN APPROPRIATIONS COMMITTEE PRIORITY BILL. I'D URGE THE BODY TO ADVANCE LB33 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB33]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE APPROPRIATIONS COMMITTEE. SENATOR MELLO, AS CHAIR OF THE COMMITTEE, YOU'RE WELCOME TO OPEN ON THE COMMITTEE AMENDMENTS. [LB33]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AM525 MAKES A TECHNICAL CHANGE BY STRIKING THE REQUIREMENT IN THE REPORT OUTLINED IN SUBSECTION (2)(e). THE AMENDMENT CLEARS UP ANY CONCERNS THAT MAY EXIST REGARDING THE CONTENTS OF THE REVENUE VOLATILITY REPORT AND ANY APPREHENSION AS TO WHAT IS REQUIRED OF THE LEGISLATIVE FISCAL ANALYST. THIS CHANGE GIVES THE LEGISLATIVE FISCAL ANALYST ADDITIONAL FLEXIBILITY IN CRAFTING THE REPORT AND WILL RETAIN THE OPTION IF THEY SO CHOOSE TO MAKE RECOMMENDATIONS THROUGH SUBSECTION (2)(g). I'D URGE THE BODY TO ADOPT AM525. THANK YOU, MR. PRESIDENT. [LB33]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. DEBATE IS NOW OPEN ON AM525, THE COMMITTEE AMENDMENTS TO LB33. SENATOR McCOY, YOU'RE RECOGNIZED. [LB33]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR MELLO YIELD, PLEASE? [LB33]

PRESIDENT FOLEY: SENATOR MELLO, WOULD YOU YIELD? [LB33]

SENATOR MELLO: OF COURSE. [LB33]

SENATOR McCOY: THANK YOU, SENATOR. I HAVE A GREAT DEAL OF RESPECT FOR YOUR POSITION AS CHAIRMAN OF THE APPROPRIATIONS COMMITTEE AND, IN FACT, YOUR ENTIRE COMMITTEE. I DON'T WANT TO DISMISS, THOUGH, WHAT I BELIEVE TO BE A LITTLE MORE THAN JUST A TECHNICAL CHANGE WITH LB33. AND THIS STRIKES AT THE HEART OF MANY A, I BELIEVE, MANY A PHILOSOPHICAL DISAGREEMENT THAT YOU AND I AND OTHERS IN THE BODY MAY HAVE HAD AT TIMES IN BOTH OF OUR CAREERS HERE IN THE LEGISLATURE. AND THAT WOULD BE WHEN WE HAVE A DISCUSSION OVER WHAT IS THE APPROPRIATE LEVEL OF THE CASH RESERVE. AND AS DRAFTED, LB33 WOULD HAVE ESSENTIALLY REQUIRED UNDER THIS REVENUE VOLATILITY REPORT, A LEVEL FOR WHICH IT WOULD BE RECOMMENDED THAT THE CASH RESERVE WOULD BE KEPT. WAS THAT THE ESSENCE OF THE GREEN COPY OF THE BILL, SENATOR? [LB33]

SENATOR MELLO: THE ESSENCE OF THE GREEN COPY UNDER SUBSECTION (e), I THINK IS WHAT YOU'RE REFERRING TO, SENATOR McCOY, WAS TO HAVE THE FISCAL ANALYST GIVE A RECOMMENDED PROJECTION FOR THE CASH RESERVE BASED ON WHAT WE ARE CURRENTLY SPENDING IN REGARDS TO STATE REVENUE. [LB33]

SENATOR McCOY: WELL, AND, SENATOR, I THINK THE REASON THAT'S IMPORTANT AND THE REASON I WANT THE WHOLE BODY TO NOT JUST VERY QUICKLY MOVE ON PAST THIS AMENDMENT, WHICH, BY THE WAY, I FULLY SUPPORT. AND HAD YOU NOT INTRODUCED THIS AMENDMENT, THIS PERHAPS WOULD HAVE BEEN A PRETTY LONG DISCUSSION OVER THIS BILL. I'M GLAD THAT THE AMENDMENT IS THERE. HOWEVER, I WANT TO MAKE SURE THAT THE BODY REALIZES WHAT, IN ESSENCE, WAS PROPOSED WITH THIS BILL WOULD BE TO THEN--MY WORDS, NOT SENATOR MELLO'S, MAY NOT HAVE BEEN THE INTENTION OF THE BILL--BUT MY PERCEPTION WOULD BE IT WOULD HAVE THEN HANDCUFFED THE BODY BY SAYING THIS IS THE LEVEL TO WHICH THE CASH RESERVE SHOULD BE KEPT, I.E., THIS IS THE AMOUNT OF MONEY NOT AVAILABLE FOR TAX RELIEF FOR NEBRASKANS BECAUSE THAT'S THE ESSENCE

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OF THE ARGUMENT THAT WE'VE HAD OVER THE YEARS. WHEN WE TALK ABOUT USING THE CASH RESERVE, IS IT FOR ONE-TIME FUNDS, IS IT FOR ONGOING OBLIGATIONS? WHEN YOU RECOMMEND A CERTAIN LEVEL OF THE CASH RESERVE WHICH, BY THE WAY, WE'VE NEVER REALLY DONE BEFORE. WE'VE NEVER PUT THAT IN STATUTE, YOU HEAR MANY TIMES, AS SENATOR MELLO KNOWS OUR FINE FOLKS IN THE FISCAL OFFICE WILL SOMETIMES SAY, WELL, YOU KNOW, WE WOULD LIKE TO SEE IT AT 17 PERCENT OR THEREABOUTS. THAT'S NEVER BEEN SOMETHING THAT WE'VE PUT IN STATUTE THAT I'M AWARE OF, AT LEAST. SO I WANT TO BE VERY CLEAR. I'M GLAD THIS AMENDMENT IS HERE. BUT ONGOING, THERE MAY BE A TIME WHEN THOSE OF US FROM MY CLASS AND OTHER CLASSES THAT ARE NOT HERE, WE SHOULD TAKE SPECIAL NOTE OF BILLS SUCH AS THIS TO MAKE CERTAIN THAT WE ARE NOT OBLIGATING A LEGISLATURE TO SAY THERE'S A CERTAIN LEVEL THAT CASH RESERVE HAS TO HOLD IN IT. THEREFORE, THERE'S ONLY A CERTAIN AMOUNT OF TAX RELIEF THAT WE CAN OFFER TO THE PEOPLE OF NEBRASKA. THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR MELLO. [LB33]

PRESIDENT FOLEY: THANK YOU, SENATORS McCOY AND MELLO. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB33]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, NEBRASKA. I GUESS I WILL TAKE CREDIT AND PROBABLY FOR THE RESPONSIBILITY OF SOME OF THE DISCUSSION ON LB33. I WAS COMPLETELY IN SUPPORT OF THAT, BUT I DID RAISE THE QUESTIONS ABOUT HAVING IN POLICY WHAT OUR CASH RESERVE REALLY IS. AND IT LOOKED TO ME LIKE IT WAS GOING TO BE PUTTING IT IN STATUTE THAT WE OUGHT TO HAVE A 17 PERCENT OR A 16.7 PERCENT RESERVE. AND I DID BRING SOME QUESTIONS IN REGARD TO THAT. IT WAS GOING TO BE KIND OF A FLAT DISCUSSION THAT DAY, I REMEMBER, IN APPROPRIATIONS, BUT IT DID RAISE A RED FLAG FOR ME. SO ECHOING WHAT SENATOR McCOY IS TALKING ABOUT, THAT'S EXACTLY WHY I BROUGHT THIS FORTH TO THE APPROPRIATIONS, AND I DO THINK THIS AMENDMENT DOES CLARIFY WHAT MY CONCERNS WERE AT THE TIME. SO I'LL BE SUPPORTING THE AMENDMENT AND THE BILL. THANK YOU, MR. PRESIDENT. [LB33]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR KRIST, YOU'RE RECOGNIZED. [LB33]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AGAIN, GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. A COUPLE OF QUICK

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COMMENTS, DURING OUR SYMPOSIUM, OUR OFF SITE EARLIER IN THE YEAR BEFORE WE CONVENED, I MADE A COMMENT THAT PEOPLE WILL ARGUE ABOUT HOW LARGE OUR TAX...OUR RAINY DAY FUND SHOULD BE OR MIGHT BE, WHETHER IT SHOULD BE A PERCENTAGE OR NOT. BUT I'D LIKE TO ADDRESS THIS JUST IN TERMS OF THE REALITY OF WHERE WE WERE IN 2009, AND I'D LIKE TO HAVE SENATOR MELLO'S HELP DOING THAT IF HE WILL YIELD TO A QUESTION OR TWO. [LB33]

PRESIDENT FOLEY: SENATOR MELLO, WOULD YOU YIELD? [LB33]

SENATOR MELLO: YES. [LB33]

SENATOR KRIST: SO AT THE BEGINNING OF THE DOWNTURN AND WHEN WE REALIZED SPECIAL SESSION WAS GOING TO BE REQUIRED, WE ALL CAME BACK TRYING TO BALANCE THE BUDGET. WE DID SO BY CUTTING TO THE BONE, I HAVE TO BE HONEST, WITH A LOT OF PROGRAMS AND A LOT OF FUNDS. AND WE HAD APPROXIMATELY HOW MUCH IN THE CASH FUND AT THAT POINT? [LB33]

SENATOR MELLO: SENATOR KRIST, I DON'T HAVE THAT EXACT DOLLAR AMOUNT IN FRONT OF ME WITH MY FILES. I DO KNOW THE CASH RESERVE THOUGH, THAT 2009-2010 SESSION WAS ABOVE A 16 PERCENT OF STATE REVENUES. SO THAT WAS KIND OF THE NUMBER THAT WE'VE USED INTERNALLY WITHIN THE APPROPRIATIONS COMMITTEE, IS A NUMBER WHERE WE LIKE TO HAVE THE CASH RESERVE AT. IT WAS CLOSER TO 17 PERCENT WHEN THE RECESSION HIT, AND WE STARTED TO DRAW THAT CASH RESERVE DOWN OVER A FOUR-YEAR PERIOD. [LB33]

SENATOR KRIST: SO, JUST IN TERMS OF ROUND DOLLARS, WE COULD SAY THAT THE CASH RESERVE AT THE POINT THAT WE CAME INTO IT WAS APPROXIMATELY \$700 MILLION, \$650 MILLION TO \$700 MILLION? [LB33]

SENATOR MELLO: IT WAS...SIX YEARS AGO, THE AMOUNT OF REVENUES WERE LOWER THAN WHAT THEY ARE NOW. SO ROUGHLY 16.5 PERCENT SIX YEARS AGO, I THOUGHT THE CASH...I WANT TO BALLPARK THIS. THE CASH RESERVE WAS CLOSER TO \$550 MILLION TO...A DOLLAR AMOUNT, SO TO SPEAK. [LB33]

SENATOR KRIST: OKAY. BALLPARK IS FINE FOR THIS DISCUSSION BECAUSE AT THE END OF THE DAY WHAT I WANT...OR AT THE END OF THIS TIME WHAT I'D

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LIKE TO GET TO IS, HOW MUCH WAS ACTUALLY LEFT AFTER WE MADE ALL OF OUR CUTS. AND I THINK IT WAS MY RECOLLECTION THAT HAD WE NOT HAD THE INFUSION OF THE FEDERAL MONEY THAT SOME WILL CALL "OBAMA MONEY," OUR CASH RESERVE WOULD HAVE BEEN NEAR ZERO, IS THAT CORRECT? [LB33]

SENATOR MELLO: THAT IS CORRECT. [LB33]

SENATOR KRIST: SO, IF THE AMOUNT OF MONEY THAT WE TOOK IN AS A RESULT OF "OBAMA MONEY," THE FEDERAL INFUSION, WAS APPROXIMATELY \$280 MILLION AND THAT'S AGAIN A BALLPARK FIGURE, THAT'S ESSENTIALLY WHERE WE ENDED UP AT THE END OF THE DAY. I DOUBT SERIOUSLY WHETHER WE'RE EVER GOING TO SEE THAT KIND OF INFUSION INTO OUR ECONOMY NO MATTER HOW BAD THINGS GET, AND I'M ONE OF THOSE BELIEVERS, AS I'VE LISTENED TO "PROFESSOR" SCHUMACHER TALK OVER AND OVER AND OVER AGAIN THAT THE VOLATILITY OF THE MARKET BEARS SOME WATCHING AND THAT OUR CASH RESERVE SHOULD NOT AT SOME POINT BE LABELED AS POTENTIAL GIVEBACKS TO THE TAXPAYERS BECAUSE IT IS OUR CONSTITUTIONAL DUTY TO BALANCE THAT BUDGET EVERY BIENNIUM. WHEN WE'RE ABLE TO BALANCE THE BUDGET AT EVERY BIENNIUM AND WE STILL HAVE THE CASH RESERVE TO WEATHER THE STORM THAT WE DID IN 2009, '10, AND '11, I THINK THAT'S AN APPROPRIATE AMOUNT OF MONEY TO TALK ABOUT IN BALLPARK FIGURE. SO I THINK WE SHOULD BE CAREFUL ABOUT THE DISCUSSION, JUST A HAPHAZARD DISCUSSION ABOUT A PERCENTAGE BECAUSE WE HAVE TO LOOK HISTORICALLY AT WHAT WE WERE ABLE TO DO WITH WHAT WE WERE GIVEN AT THAT POINT. THANK YOU, MR. PRESIDENT. [LB33]

PRESIDENT FOLEY: THANK YOU, SENATORS KRIST AND MELLO. (VISITORS INTRODUCED.) DEBATE CONTINUES ON THE COMMITTEE AMENDMENTS AND THE UNDERLYING BILL, LB33. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB33]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I HAD TO TRY TO REMEMBER THE DEBATE ON THIS BILL. WE DIDN'T DEBATE IT TOO MUCH IN COMMITTEE. BUT I GOT TO TELL YOU, I THINK WE OWE SENATOR WATERMEIER A HUGE THANKS FOR THE CATCH HERE TO MAKE SURE THAT WE DIDN'T STICK SOMETHING IN STATUTE THAT WOULD HANDCUFF US IN THE FUTURE. AND THIS WAS SOLELY SENATOR WATERMEIER WHO CAUGHT THIS AND OFFERED THE AMENDMENT. AND THERE WASN'T MUCH DEBATE ON THE AMENDMENT. WE ALL AGREED TO IT. BUT, BOY, IF HE DIDN'T CATCH THAT AND THE REST OF US HAD BEEN SLEEPING, THIS WOULD BE AN ENTIRELY DIFFERENT BILL AND AN

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ENTIRELY DIFFERENT DISCUSSION WE'RE HAVING RIGHT NOW. SO I WANT TO THANK PUBLICLY SENATOR WATERMEIER FOR CATCHING THIS, FOR OFFERING THE AMENDMENT. I WANT TO THANK SENATOR MELLO FOR COMING UP WITH THE BILL. AND I SUPPORT THE AMENDMENT AND I SUPPORT THE BILL AND I ENCOURAGE MY FELLOW SENATORS TO DO LIKEWISE, AND I WILL YIELD THE REMAINDER OF MY TIME TO SENATOR MELLO IF HE'D LIKE IT. [LB33]

PRESIDENT FOLEY: SENATOR MELLO, YOU'VE BEEN YIELDED ABOUT FOUR MINUTES IF YOU CARE TO USE IT. SENATOR MELLO WAIVES THE USE OF THAT TIME. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR MELLO, YOU'RE WELCOME TO CLOSE ON THE COMMITTEE AMENDMENTS TO LB33. [LB33]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. ONCE AGAIN, AM525 STRIKES SUBSECTION (e) OF THE GREEN COPY OF THE BILL. AND I DON'T WANT TO BELABOR A POINT, BUT I WOULD BE REMISS NOT TO PROVIDE ANY COUNTERVAILING POINT OF VIEW THAT SENATOR McCOY HAD RAISED IN THE SENSE OF, YOU KNOW, I THINK A LOT OF TIMES WE IN THE LEGISLATURE THINK THAT WE COME UP WITH GREAT IDEAS ON OUR OWN. AND BELIEVE ME WHEN I SAY THE LANGUAGE YOU HAVE IN FRONT OF YOU WITH LB33 IS NOT SOMETHING THAT I SIMPLY WOKE UP ONE DAY AND DEVELOPED ON MY OWN. IT'S COME FROM BEST PRACTICES BY THE PEW CHARITABLE TRUSTS WHICH I WOULD ARGUE HAS CONSIDERABLE MORE EXPERTISE THAN I DO, THAN ANY MEMBER OF THIS BODY HAS WHEN IT COMES TO EVALUATING OTHER STATES' FISCAL POLICY AS IT RELATES TO THEIR RAINY DAY FUND AND EVALUATING THAT RAINY DAY FUND IN COMPARISON TO WHAT WE SEE AS REVENUE VOLATILITY UPS AND DOWNS DUE TO THE NATURAL CYCLES OF OUR ECONOMY. AND I THINK TO SOME EXTENT I WOULD TAKE...I TAKE A LITTLE...I'M TAKEN A LITTLE BIT ABACK IN THE SENSE OF I DON'T THINK I'VE EVER HEARD ANYBODY IN THIS BODY SAY THAT THEY'VE BEEN HANDCUFFED, SO TO SPEAK, BY HAVING A RECOMMENDATION COME FROM THE LEGISLATIVE FISCAL OFFICE AS I KNOW MANY OF US ON THIS FLOOR HAVE QUESTIONED FISCAL NOTES ON THE FLOOR OF THE LEGISLATURE. AND I WOULD ARGUE A FISCAL NOTE HAS A MUCH BIGGER HANDCUFF THAN A SIMPLE RECOMMENDATION THAT MAY COME FROM THE FISCAL OFFICE IN RELATIONSHIP TO REVENUE VOLATILITY AND/OR PROJECTED FEDERAL SPENDING AND/OR PROJECTED FEDERAL FUNDS. I CAN APPRECIATE THE ISSUE THOUGH, AND SENATOR WATERMEIER DID BRING IT UP IN OUR APPROPRIATIONS COMMITTEE EXECUTIVE SESSION IN THE SENSE OF THE ONE ISSUE AT HAND WAS NOT SO MUCH WHAT THE CASH RESERVE NEEDS TO BE AT. THAT REALLY

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WASN'T THE DEBATE WE HAD. THE DEBATE WAS, UNFORTUNATELY, I THINK, THE IDEOLOGICAL CONCERNS THAT SOME OF US HAD IN REGARDS TO WHAT THE DEFINITION OF "SUSTAIN ESSENTIAL GOVERNMENT OPERATIONS IN THE EVENT OF A RECESSION." THAT WAS SOMETHING THAT I ACKNOWLEDGED THAT THERE ARE SOME OBVIOUSLY THAT TAKE A MUCH MORE PROBABLY STRICT IDEOLOGICAL PERSPECTIVE OF WHAT THEY THINK ARE CORE ESSENTIAL GOVERNMENT FUNCTIONS IN COMPARISON TO WHAT OTHER MEMBERS OF THE BODY MAY HAVE. SOME MEMBERS MAY NOT THINK K-12 EDUCATION FUNDING IS A CORE GOVERNMENT ESSENTIAL FUNCTION. SOME OBVIOUSLY DO AND I WOULD ARGUE IT DOES BECAUSE THE CONSTITUTION SAYS IT DOES. BUT THAT WAS THE ISSUE THAT WAS RAISED IN COMMITTEE REGARDING THE SECTION. AND I ACKNOWLEDGE THE FACT THAT I DIDN'T WANT TO SEE THE LEGISLATURE HAVE A DRAWN-OUT IDEOLOGICAL DEBATE ON A REPORT AND AN ANALYSIS THAT THE FISCAL OFFICE DOES MOST OF IT RIGHT NOW AND IT'S INCLUDED IN OUR ANNUAL BUDGET DOCUMENT THAT WE PROVIDE THE FLOOR WHEN THE APPROPRIATIONS COMMITTEE GIVES THAT BUDGET TO THE ENTIRE BODY TO CONSIDER. THERE ARE COMPONENTS THOUGH THAT PEW RECOMMENDED THAT'S INCLUDED IN THE BILL THAT WE DON'T DO. AND THAT IS ESSENTIALLY WHY WE THOUGHT IT WAS...THE BEST IDEA WAS TO BE ABLE TO INCORPORATE THIS INTO STATUTE, TIE IT TO THE TAX REVIEW COMMITTEE AND BE ABLE TO PROVIDE THIS LEGISLATURE AN ANALYSIS MOVING FORWARD TO TAKE INTO CONSIDERATION. ONCE AGAIN, THE LEGISLATURE AT TIMES HAS A TENDENCY NOT TO TAKE ADVICE FROM A VARIETY OF OUR OWN OFFICES, WHETHER IT'S THE FISCAL OFFICE, THE RESEARCH OFFICE, THE PERFORMANCE AUDIT OFFICE, THE COUNSEL IN GENERAL, OR THE EXEC BOARD. THIS IS SIMPLY, COLLEAGUES, A RECOMMENDED REPORT THAT SHOULD HELP ALL OF US--OR AT LEAST THOSE OF YOU WHO WILL BE COMING BACK IN TWO YEARS--HELP YOU IN REGARDS TO UNDERSTAND THE NATURE OF REVENUE VOLATILITY AS IT IMPACTS THE ECONOMY AND IT HAS AN IMPACT ON THE STATE BUDGET, PARTICULARLY ALSO IN LIGHT OF THE IMPACT FEDERAL FUNDS HAVE ON OUR EXISTING BUDGET PROCESS. WITH THAT, I'D URGE THE BODY TO ADOPT AM525. THANK YOU, MR. PRESIDENT. [LB33]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATORS, YOU'VE THE DEBATE AND CLOSING ON THE COMMITTEE AMENDMENTS, AM525 TO LB33. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENTS. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB33]

CLERK: 39 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB33]

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PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE IS NOW OPEN ON LB33 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MELLO, YOU'RE WELCOME TO CLOSE. SENATOR MELLO WAIVES CLOSING ON LB33. THE QUESTION IS THE ADVANCE OF LB33 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. [LB33]

CLERK: 36 AYES, 0 NAYS ON THE ADVANCEMENT OF LB33. [LB33]

PRESIDENT FOLEY: LB33 ADVANCES. RETURNING TO GENERAL FILE, LB324. MR. CLERK. [LB33 LB324]

CLERK: LB324 IS A BILL BY SENATOR McCOLLISTER. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 15, REFERRED TO THE URBAN AFFAIRS COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM662, LEGISLATIVE JOURNAL PAGE 746.) [LB324]

PRESIDENT FOLEY: SENATOR McCOLLISTER, YOU'RE WELCOME TO OPEN ON LB324. [LB324]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I WANT TO THANK CHAIRWOMAN CRAWFORD AND MY FELLOW MEMBERS OF THE URBAN AFFAIRS COMMITTEE FOR THE UNANIMOUS VOTE TO ADVANCE LB324 TO GENERAL FILE AND TO DESIGNATE THE BILL AS A COMMITTEE PRIORITY THIS YEAR. OPPOSITION TESTIMONY TO THE BILL THAT WAS HEARD IN THE PUBLIC HEARING HAS BEEN RESOLVED IN THE COMMITTEE AMENDMENT SENATOR CRAWFORD WILL OFFER. LB324 WOULD EXPAND THE POWERS OF SANITARY IMPROVEMENT DISTRICTS OR SIDs TO ADD THE AUTHORITY TO MAKE CONTRACTS FOR SOLID WASTE REMOVAL SERVICES. THERE ARE CURRENTLY 325 SIDs IN NEBRASKA. MORE THAN 80 PERCENT OF THEM ARE EITHER IN DOUGLAS OR SARPY COUNTY. AS YOU MAY KNOW, SIDs ARE A FORM OF QUASI-GOVERNMENTAL ENTITY AUTHORIZED BY LEGISLATION DATING BACK TO 1949. APPARENTLY THESE ENTITIES ARE UNIQUE TO NEBRASKA. SIDs ONLY HAVE THE SPECIFIC POWERS GRANTED TO THEM IN STATUTE BY THE LEGISLATURE. SINCE 1949, THE STATUTES THAT PERTAIN TO SIDs HAVE BEEN AMENDED 15 TIMES. MANY OF THESE CHANGES HAVE ADDED TO THE LIST OF ENUMERATED POWERS FOR SIDs. AT FIRST, THESE ENTITIES WERE ONLY INTENDED TO FACILITATE DEVELOPMENT OF SUBURBAN PROPERTY

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BY CREATING A MECHANISM TO FINANCE THE COST OF BUILDING INFRASTRUCTURE SUCH AS ROADS, STREET LIGHTING, WATER AND SEWER LINES. OVER TIME, POWERS GRANTED TO SIDs HAVE BEEN EXPANDED BY ADDING TO THEIR AUTHORITY THE ABILITY TO ESTABLISH AN EMERGENCY MANAGEMENT WARNING SYSTEM, TO CONTRACT FOR POLICE AND SECURITY SERVICES, AND TO CONTRACT FOR ACCESS TO LIBRARIES IN NEIGHBORING CITIES AND VILLAGES. SIDs NOW HAVE A LIST OF APPROXIMATELY 14 ENUMERATED POWERS AS OUTLINED IN SECTION 31-727 OF OUR STATE LAWS. AN SID PAYS FOR THE SERVICES AND IMPROVEMENTS BY ASSESSING A TAX ON THE PROPERTY WITHIN THE DISTRICT. LB324 WOULD INCLUDE PAYMENT FOR SOLID WASTE REMOVAL, ITEMS AMONG THE...ITEMS OF EXPENSE THAT THE TAX ASSESSMENT COVERS. TO SUMMARIZE, THE CURRENT LAW DOES NOT CLEARLY AUTHORIZE AN SID TO ENTER INTO CONTRACT FOR SOLID WASTE REMOVAL SERVICES. LB324 WOULD ADD THAT AUTHORITY TO THE LIST OF ENUMERATED POWERS. THIS NEW AUTHORITY WOULD MAKE IT POSSIBLE FOR AN SID TO OFFER A NEIGHBORHOODWIDE SOLID WASTE REMOVAL SERVICE AND IMPROVE THE QUALITY OF LIFE FOR ITS RESIDENTS. I ASK YOU TO VOTE GREEN FOR LB324. THANK YOU, MR. PRESIDENT. [LB324]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE URBAN AFFAIRS COMMITTEE. SENATOR CRAWFORD, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB324]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THE COMMITTEE AMENDMENT, AM662 IS A WHITE COPY AMENDMENT THAT REPLACES THE BILL. IN ADDITION TO MAKING A CHANGE IN THE UNDERLYING BILL, LB324, THE AMENDMENT INCORPORATES THE PROVISIONS OF TWO ADDITIONAL SID BILLS THAT WERE HEARD BY THE COMMITTEE: LB197 AND LB420. AND WE HAVE A HANDOUT THAT PROVIDES THE BASIC PROVISIONS IN THESE BILLS THAT WE'LL PASS OUT TOMORROW MORNING, BUT IF ANYONE WANTS TO COPY NOW TO LOOK OVER IT BEFORE TOMORROW MORNING, YOU'RE WELCOME TO TAKE ONE. THEY'RE ON MY DESK. FIRST, THE AMENDMENT PROVIDES THAT ANY CONTRACT FOR SOLID WASTE COLLECTION SERVICES ENTERED INTO BY AN SID ON OR AFTER THE EFFECTIVE DATE WOULD BE CANCELED AND VOIDED AS TO ANY PORTIONS OF THE SID THAT GET ANNEXED BY A MUNICIPALITY. SO THIS LANGUAGE ADDRESSES CONCERNS RAISED BY THE CITY OF OMAHA AND THE LEAGUE OF MUNICIPALITIES AT THE COMMITTEE HEARING, THAT CITIES COULD WIND UP PAYING TWICE FOR GARBAGE COLLECTION IF AN SID ENTERED INTO A LONG-TERM GARBAGE

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CONTRACT AND WAS LATER ANNEXED. I ALSO WANT TO ADD INTO THE RECORD THAT AS THE INTENT WHEN WE TALK ABOUT GARBAGE COLLECTION IS TO ALSO ENSURE THAT IT WOULD INCLUDE RECYCLING AS WELL. I JUST WANTED TO MAKE SURE THAT WAS ENTERED INTO THE RECORD. SECOND, THE AMENDMENT INCORPORATES FOR PROVISIONS OF LB197 AS AMENDED BY THE COMMITTEE AND LB420. BOTH BILLS FACED NO OPPOSITION TESTIMONY AT THE COMMITTEE HEARING AND WERE ADVANCED BY URBAN AFFAIRS COMMITTEE ON A 7-0 VOTE. LB197, WHICH WAS INTRODUCED BY SENATOR SCHEER, IS DESIGNED TO ADDRESS ISSUES FACING ORPHAN SIDs, BASICALLY SIDs THAT ARE LOCATED WITHIN AN EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY BUT IN A DIFFERENT COUNTY THAN THAT MUNICIPALITY. THESE CANNOT THEN BE ANNEXED. AS AMENDED BY THE COMMITTEE, THE BILL WOULD PROVIDE ADDITIONAL POWERS TO SIDs WHICH ARE: (1) LOCATED IN A COUNTY WITH A POPULATION UNDER 100,000; (2) LOCATED PREDOMINATELY IN A COUNTY DIFFERENT FROM THE COUNTY OF THE MUNICIPALITY WITHIN WHOSE ETJ THE SID IS LOCATED; (3) UNABLE TO INCORPORATE DUE TO ITS CLOSE PROXIMITY TO A MUNICIPALITY; AND (4) UNABLE TO BE ANNEXED BY THE MUNICIPALITY BECAUSE THE SID IS NOT ADJACENT OR CONTIGUOUS TO THE MUNICIPALITY. ANY ADDITIONAL AUTHORITY UNDER THESE PROVISIONS COULD BE SUBJECT TO BOTH MUNICIPAL AND COUNTY APPROVAL. BOTH MUST APPROVE. THE SECOND BILL INCORPORATED IN THE COMMITTEE STATEMENT WAS LB420, A BILL THAT I INTRODUCED TO ADDRESS THE INFORMATION GAP THAT CURRENTLY EXISTS IN REGARD TO SIDs. SINCE SIDs ARE A TYPE OF POLITICAL SUBDIVISION THAT IS UNIQUE TO NEBRASKA, PEOPLE WHO ARE NEW TO THE STATE OR WHO HAVE NEVER LIVED IN AN SID MAY BE UNAWARE OF THE PRACTICAL EFFECTS OF LIVING IN AN SID. MANY SID RESIDENTS ARE OFTEN UNAWARE THAT WHILE THEIR STREET ADDRESS MIGHT SAY BELLEVUE OR OMAHA, THEY CAN'T ACCESS CITY SERVICES SUCH AS THE PUBLIC LIBRARY ON THE SAME TERMS AS CITY RESIDENTS. SIMILARLY, THE ELECTION OFFICES IN DOUGLAS AND SARPY COUNTY REGULARLY FIELD PHONE CALLS FROM ANGRY SID RESIDENTS WHO DON'T UNDERSTAND THAT SINCE THEY LIVE OUTSIDE THE CITY LIMITS THEY CANNOT VOTE IN MUNICIPAL ELECTIONS. LB420, AS INCORPORATED INTO LB324, WOULD ADDRESS THE INFORMATION GAP BY REQUIRING THAT PRIOR TO THE SALE OF PROPERTY LOCATED WITHIN AN SID, THE SELLER MUST OBTAIN AN ACKNOWLEDGMENT FROM THE PURCHASER THAT THEY UNDERSTAND THE FOLLOWING: (1) THE PROPERTY IS LOCATED WITHIN AN SID; (2) SIDs ARE LOCATED OUTSIDE OF THE CORPORATE LIMITS OF ANY MUNICIPALITY; (3) RESIDENTS OF SIDs ARE NOT ELIGIBLE TO VOTE IN MUNICIPAL ELECTIONS; AND (4) OWNERS OF PROPERTY WITHIN THE SIDs HAVE LIMITED ACCESS TO SERVICES PROVIDED BY THE NEARBY MUNICIPALITIES UNTIL AND

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UNLESS THE PROPERTY IS ANNEXED BY THE MUNICIPALITY. CURRENT LAW REQUIRES THAT SELLERS OF REAL ESTATE LOCATED WITHIN AN SID DISTRIBUTE THE MOST RECENT SID ANNUAL STATEMENT TO THE PURCHASER. AND MANY STANDARD HOME BUYER FORMS INCLUDE AN ACKNOWLEDGMENT THAT THE PURCHASER UNDERSTANDS THAT THE PROPERTY IS LOCATED WITHIN AN SID. WHILE THESE DOCUMENTS ARE GENERALLY HELPFUL TO HOME BUYERS, NEITHER TRULY EXPLAINS THE PRACTICAL EFFECTS OF LIVING IN AN SID. PRIOR TO INTRODUCING LB420, MY OFFICE DID REACH OUT TO THE NEBRASKA REALTORS ASSOCIATION TO TRY TO ENSURE THAT ANY NEW REQUIREMENTS WOULD NOT ADD SIGNIFICANT BURDEN TO THE REAL ESTATE PURCHASE PROCESS. AT THE REALTOR'S SUGGESTION, THE BILL EXPLICITLY STATES THE SID ACKNOWLEDGMENTS MAY BE OBTAINED SEPARATELY FROM THE STANDARD DISCLOSURES REQUIRED BY THE NEBRASKA REAL ESTATE COMMISSION. SINCE MORE THAN 80 PERCENT OF SIDs ARE LOCATED IN EITHER DOUGLAS OR SARPY COUNTY, INCLUDING THESE DISCLOSURES AS PART OF A STATEWIDE FORM COULD POTENTIALLY CAUSE BUYER CONFUSION WHEN THOSE PURCHASING HOMES OUTSIDE OF AN SID WERE TOLD TO IGNORE THOSE PROVISIONS. WHILE THE URBAN AFFAIRS COMMITTEE TYPICALLY HEARS SEVERAL BILLS DEALING WITH SIDs EACH SESSION, THIS YEAR HAS TRULY BEEN THE YEAR OF THE SID IN URBAN AFFAIRS. LB324 WITH AM662 REPRESENTS THE BULK OF THE COMMITTEE'S WORK ON SIDs THIS SESSION. I WOULD ASK FOR YOUR GREEN VOTE TO ADOPT AM662. THANK YOU, MR. PRESIDENT. [LB324 LB197 LB420]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO SIGN HEREBY SIGN LR109. MR. CLERK. [LB324 LR109]

CLERK: MR. PRESIDENT, ENROLLMENT AND REVIEW REPORTS LB627 TO SELECT FILE; A NEW RESOLUTION, SENATOR HILKEMANN, LR119; AN AMENDMENT, SENATOR BURKE HARR TO LB356; SENATOR STINNER TO LB633. NAME ADDS: SENATOR LARSON TO LB591; AND SENATORS SCHEER, KUEHN, FRIESEN, SCHILZ, LARSON, SEILER TO LB323. (LEGISLATIVE JOURNAL PAGES 887-892.) [LB627 LR119 LB356 LB633 LB591 LB323]

SENATOR HANSEN WOULD MOVE TO ADJOURN THE BODY UNTIL WEDNESDAY, MARCH 18, AT 9:00 A.M.

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE ADJOURNED.